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Classical Concepts in Contemporary India

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The Living Tradition of Indian Philosophy in Contemporary India

The image of India has recently shifted from "a country of stagnation and poverty" to "a country of great power" as a result of its growing economic strength.

India has realizedthis remarkable economic development primarily because of its relatively stable"democratic" politics. What interests us is that the norms and morals that maintain theIndian economy and politics reflect traditional Indian thought and philosophicalconcepts such as *Satya* (truth), *Dharma* (morality or duty), and *Ahiṃsā* (nonviolence),which have been formed during India's long history.

Our project attempts to integrate the knowledge and materials on Indian philosophy and Buddhism accumulated during the 370-year history of Ryukoku University with the newfindings of contemporary India studies, focusing on the "Living Tradition of IndianPhilosophy in Contemporary India". To that end, we opened the Center for the Study of Contemporary India (RINDAS), in collaboration with the National Institutes for the Humanities, for five years from April of 2010 through March of 2014.

Unit 1 Politics, Economy and Philosophy of Contemporary India

Unit 2 Social Movements in Modern India Across Borders

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Preface

Imagine a contemporary polity (or society) to be a wonderfully complex machine, with a dizzying array of gears of varying sizes, variously interconnected to one another. Imagine these gears to be individuals, important texts, communities of people, religious groups, local institutions, regional polities, and governmental agencies, as well as abstract concepts and practices such as caste, democracy, freedom, justice, modernity, secularism, and the state. It is important to recognize that these gears are "agentive, in the sense that they have the capacity to affect each other, either individually or in cooperation with others. Their "teeth" may be specific features of these various people, groups, institutions, and ideas. How the gears themselves fit together is impossible to know for sure, especially since their arrangements are historically sensitive i.e. in different times and places the gears fit together differently and do different things. What I am interested in today is how some of these gears (and teeth) came to be the way they are in the complex machine of contemporary India—how were they formed in history, who was involved in their formation, how were they arranged and how did this affect the functioning of the machine, what kinds of agents were involved in their realignments, how were new gears formed? To answer these questions we must rethink the discipline of Indian intellectual history, or so I will argue here. I would also like to suggest that pursuing such questions (and their answers) may be a productive way for members of the RINDAS project to collaborate with one another.

Introduction

It is a simple truism to claim that in contemporary societies the past is both present and future. It is "present" in the sense that histories, memories, and inherited conceptual vocabularies remain a part of contemporary cultural, intellectual, political, and social life, even if they are often hidden from view. To understand the present thus requires that we study the past and, more importantly, learn how to notice its *constitutive* presence. The past is also "future" in the sense that in contemporary societies, histories, memories, and vocabularies are "complex agents" that have a capacity to act effectively upon the world through their interrelationships with other agents such as citizens, institutions, political leaders, and even texts.[1] It is this capacity to act effectively upon the present and thereby remake it that allows us to see the past as having a role in making the future. To understand the present thus requires that we also attend to the past's *agentive* role in future-making.

In my remarks here, I want to consider some of the ways in which the history, memory, and vocabulary of classical Indian philosophy is present, in both its *constitutive* and *agentive* senses, in contemporary India.[2] I will do

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[1] See Inden 1990: 22-33 and Inden 2000: 3-28.

[2] By "classical Indian philosophy", I simply mean philosophical work produced in classical Sanskrit.

so by presenting a critical survey of some recent work in which concepts of significance to classical South Asian intellectuals have been appealed to by contemporary theorists for contemporary purposes. By suggesting some specific ways in which those of us who study Indian philosophy can contribute to this work, I hope to contribute to the remarkable RINDAS initiative to study the "Living Traditions of Indian Philosophy in Contemporary India".

My paper is divided into four unequal sections. In section 1, I try and explain why concepts of significance to classical Indian philosophers may be relevant for thinking about contemporary India, centuries after they have ceased to be at the center of philosophical discussion (and despite the rupture of colonialism and the transformations brought about by the modern nation state). In section 2, I outline three related approaches to studying such concepts, in order to argue, at least implicitly, that we need to turn to the discipline of intellectual history. Throughout these two sections, I want to highlight the importance of thinking theoretically. In section 3, I present two "case studies" to show how scholars of Indian philosophy can contribute to scholarship on contemporary India. The first case study considers the modern concept of freedom to show how the history, memory, and vocabulary of Indian philosophy are "constitutive" of the present. The second considers the "agentive" possibilities of the past, by considering modern democracy, secularism, and identity. In section 4, I introduce a number of underappreciated resources for thinking further about the relationship between pre-modern knowledge-systems and socio-political issues of contemporary significance. As a whole, this essay is "synthetic," in that it primarily draws upon work that has already been done so ably by others.[3]

1. The Persistence of the Past

Broad theoretical models about the nature of caste, democracy, freedom, justice, modernity, rights, secularism, society, and the state often structure they way many social scientists think about contemporary India. The concepts that are at the center of these models, and the broader habits of mind that are indexed to them, are not only operative in the minds of scholars but also in the minds of contemporary Indians themselves, though often in very different ways. In almost every case, these concepts were developed in close conversation with specifically Euro-American intellectual history and philosophy and then refined through careful studies of Euro-American history. It is widely assumed that these concepts and the social and political theories they animate are nearly universal and so applicable to India, even though it is readily acknowledged that India's history is different. It is further assumed that using them to interpret and understand contemporary India is not fundamentally different from how they can be used to interpret and understand Europe or America. Despite their provenance, the concepts of modern social and political theory are assumed to share a global semantics.

Many of the modern concepts that are now fundamental to social and political theory, however, are external to India's own intellectual and philosophical history. This is due to the still underappreciated fact that in India there was not a tradition of social and political philosophy in the Euro-American sense until relatively late in history. This is not to say that there was not an interest in social and political issues or that there was not a tradition of thinking about them. Rather, what I want to convey is the simple fact that while there were obviously works of epistemology, metaphysics, and philosophy of language written by Indian philosophers, and in the Euro-American sense of these disciplines, there were essentially no such works of social and political philosophy, or ethics. Despite this absence, however, there were rich and long standing traditions of thinking about *artha*, *dharma, nīti*, *rājya*, *varṇa,* and *vyavahāra*. What there was not was a tradition of social and political philosophy. For the most part, the concepts

[3] The work that I am drawing upon can be found in the bibliography to this essay.

that we take for granted in modern social and political theory arrived in India with European colonialism. But these concepts did not arrive into an intellectual vacuum nor did they simply replace existing concepts. Rather, these new concepts were translated into the intellectually rich but importantly different intellectual worlds of Colonial India. In the process, they were transformed, through a complex combination of understanding, misunderstanding, modification, resistance, and accommodation. It is through this complex process of conceptual transformation that the concepts that came to be important for thinking about contemporary India e.g., freedom, also became "Indian." And it is through a similar process that Indian concepts such as *dharma, varṇa* and *jāti* became "modern" in the form of concepts such as "caste." The reason why concepts of significance to classical Indian philosophers can be relevant for thinking about contemporary India, centuries after they ceased to be at the center of philosophical discussion and despite the rupture of colonialism and the transformations brought about by the modern nation state, is because they are often deeply embedded in the structure of the modern concepts that we now take to be internal to contemporary Indian socio-political life. To understand exactly how this is so is one of the many, if not most significant, challenges for those of us who are interested in studying the "Living Traditions of Indian Philosophy in Contemporary India."

2. Intellectual History

Studying the histories of concepts is extremely challenging. There are not only a wide variety of approaches that one can take in studying them but also a variety of interests that one can have in trying to do so. By way of an introduction, consider the following three approaches and interests, which I will call *descriptive*, *contextual*, and *actionable*. It is unfortunate that students of Indian philosophy—and especially those of us who are committed to a broadly philological approach to its history—rarely attend to methodological issues in the history of philosophy or intellectual history.[4] Becoming more cognizant of historical methods is a relatively simple and, in my view, effective way for us to learn how to better collaborate with our colleagues who study contemporary issues in Indian studies and vice versa. Such collaborations are never easy, but as I hope to suggest in this essay, they can be intellectually productive. It is for this reason that I turn to a brief discussion of *descriptive, contextual*, and *actionable* approaches and interests in studying the history, memory, and vocabulary of Indian philosophy in contemporary India.

A *descriptive* approach to the history of concepts might begin by identifying contemporary concepts that were also of significance to philosophers in India's past. Any number of such concepts come to mind: *ahiṃsā*, *dharma*, *karma*, *rasa*, and *varṇa*—to name but a few. Once identified, a scholar might then focus on their role in specific communities or study when, how, and to what ends these concepts are appealed to in specific discursive contexts and to which social and political practices they are related. Such an approach recognizes, rightly in my view, that inherited conceptual vocabularies are often embedded in and animate the ways we think about ourselves, and our relation to the past and future. What interests scholars who take such an approach is often a "thick description" of the place of these concepts in a network of circumstances, expectations, intentions, motivations, and actions.[5] Of less interest are the concepts themselves, their diachronic histories, or their significance to scholars. This is not to suggest that such descriptions are not important for understanding contemporary India. They are indispensible. Imagine, for example, just how illuminating a "thick description" of *ahiṃsā, dharma,* or *varṇa* in contemporary Indian politics might be (and how difficult it would be to produce). Such work, however, is less for a student of

[4] There are, of course, notable exceptions. See, for example, Pollock 2008a and Pollock 2009.

[5] Ryle 1968 and Geertz 1973. Also see Greenblatt 1997.

Indian philosophy than it is for a contemporary social scientist or cultural historian.[6] It is, therefore, not the approach that I have chosen to highlight in this essay.

There are three slightly different *contextual* approaches to studying the history of concepts that it is helpful to distinguish between. In contrast to the *descriptive* (or perhaps "cultural") approach that I outlined above, contextual approaches are committed to a broadly historical, and often diachronic, analysis of concepts and ideas. *Linguistic contextualism* is the view that concepts—and particularly those operative in political theory—can be understood by situating them in specifically linguistic contexts. Biographical, cultural, social, or political contexts are viewed as derivative, and secondary at best. Linguistic contextualists deny both that philosophically significant concepts are mere epiphenomena of these other contexts and that such concepts are trans-historical constituents of perennial philosophical conversations.[7]

Hard linguistic-contextualists, such as the historian J. A. G. Pocock, argue that concepts derive their meanings from shared forms of discourse or linguistic paradigms which "give authors the intentions that they have" and paradigmatically "prescribe what [an author] might say and how he might say it."[8] To study concepts in this way requires that we identify, and very carefully attend to, the varieties of contemporary 'language,' 'vocabulary,' and 'idioms' that constitute the paradigmatic linguistic contexts of their occurrence. Once identified and attended to it becomes possible to read off the semantic possibilities of a concept from this paradigm. According to this view, it is the internally complex paradigm that is shared by authors that determines conceptual meaning. The intentions of the authors themselves and the illocutionary force of their utterances are of relatively less importance. It is attention to the paradigms that enables us to understand what could be conveyed by contemporaneous authors and texts. Each paradigmatic contexts is, importantly, taken to be both a token of the political, social, and historical context in which it is situated and a defining feature of them. Since these paradigms contain traces of their history, they can also provide us with insight into a variety of changes over time.

In contrast, soft-contextualists, such as the historian Quentin Skinner, argue that concepts of philosophical significance should be understood by attending to their meanings in specific texts—usually classical philosophical texts.[9] These texts are assumed to be composed by individual authors, for particular audiences, and for identifiable reasons. To understand the semantic range of a concept requires that we study both the broader linguistic context of how, why, and to what ends that concept was used in contemporaneous texts—an exercise that is said to reveal the range of meanings available to the particular author in whose use of the concept we are most interested—and the narrow linguistic context of that author's own works, which is said to help us determine just what he meant and meant to do in using it. What we are after is an understanding of what a particular author intends to convey through his use of a particular concept and what he hopes to accomplish in doing so.

The historical concepts in which Skinner (and Pocock too) are most interested are the "moral and political concepts that are used nowadays to construct and appraise our world." According to Skinner, it is through linguistic contextualism that "we may be able to uncover when and why certain concepts initially came to be formulated, how they may subsequently have been put to radically different uses, how they may have eventually become confused in the process, and how they came to bequeath to us the often complex and contradictory understandings we now

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[6] Cf. New Historicism. See Greenblatt 1997, and the references contained therein.

[7] See Bevir 2009

[8] Pocock 1972: 25.

[9] See Skinner 1969 and Skinner 2002.

confront."[10] To understand contemporary concepts of philosophical significance thus requires that we study their histories.

In contrast to both forms of linguistic contextualism is a form of contextualism called *Conceptual History*, which is often associated with the work of the historian Reihnart Koselleck.[11] Koselleck's work focuses on the meaning of individual concepts that have been central to the operation of modern political and social practices e.g., marriage, revolution, state, utopia, etc. All concepts have, according to Koselleck, "an internal temporal structure such that while they belong to a present—and may have a polemic element directed at the present—they also have prognostic element directed at the future and a nostalgic element directed at the past."[12] Concepts can provide a view back on the past and towards the future. Koselleck's approach suggests that historians try to establish the meaning of concepts and the linguistic structures in which they are embedded by studying changes in their relations to specific political and social practices over time. To study this, historians need to consider not just theoretical works, as Skinner and Pocock emphasize, but also journals, newspapers, and political speeches: sources that can reveal the relations between these concepts and socio-political events. The task for a conceptual historian then is to study diachronic transformations in conceptual structures as they are related to contemporaneous socio-political practices.

An *actionable* approach to studying the history, memory, and vocabulary of Indian philosophy in contemporary India is compatible with the *descriptive* and *contextual* approaches outlined above and, in fact, presupposes them.[13] What distinguishes this approach to the history of concepts is less the approach itself than the interests that one has in studying them. An actionable approach recognizes that descriptive and contextual histories of concepts can demonstrate the existence of alternative possibilities for conceiving of and organizing socio-political life and practices. In embracing this possibility, studying the history of concepts can become an exercise in "actionable history"—that is, "an attempt to produce (accurate) statements about past events that can inform the conduct of present practices."[14] It is because the history, memory, and vocabulary of specific concepts is present in contemporary life that the concepts and their histories can, in principle, be mobilized as agents for change. It is also possible, however, to appeal to history in such a way that concepts that were of philosophical significance in the past but are no longer so can be recovered, and thus be made present again in a way that will allows their agentive capacities to be activated and effective. The agentive capacities of these concepts does not, of course, always lead to improved contemporary practices. What is important is just the possibility that they can impact them.

3. Two Case Studies

Freedom

It is quite clear that in India there was not a tradition of systematic theoretical reflection on concepts such as "freedom" as there was in Europe until well into the Colonial period. Although it was not a concept of theoretical importance to Indian philosophers themselves, it is clear that there was a long history of ideas of freedom that were themselves agentive, even in the domain of politics.[15] Since freedom is a practical concept—that is, a concept embedded in and animated by cultural, social, and political practices, an understanding of its history requires

[10] Skinner 2002.

[11] See Koselleck 2004.

[12] Koselleck 2004.

[13] Pollock 2006.

[14] Pollock 2006: 400. Also see Bennett 1990, which is Pollock's source.

[15] Kaviraj 2002:99

attending to practical contexts as well as intellectual ones. Thus, we should not think that concepts such as "freedom" were (or even could be) translated into Indian intellectual life in any simple and straightforward way. Rather, these new practical concepts had to be interpreted and related to a range of existing pre-modern concepts and cultural, social, and political practices. We should keep in mind that there was remarkable diversity in such practices, as regional social and political cultures were often radically different.[16] Understanding the intellectual history of modern freedom in India thus requires that we understand how modern freedom came to be woven into the fabric(s) of modern Indian cultural, intellectual, social, and political life. There isn't a pre-modern concept of freedom whose history in modern India we simply need to understand. Rather, what we need to understand is how, why, and to what ends the modern concept of freedom was created in history. Those of us who are interested in the contemporary significance of pre-modern Indian intellectual practices and ways of thinking must, I think, learn how to understand the intellectual history of such modern concepts.

In a remarkable essay, "Ideas of Freedom in Modern India," the intellectual historian and political theorist Sudipta Kaviraj suggests an approach for writing a broadly contextualist history of modern freedom in India.[17] Kaviraj interprets freedom both as the "liberty of individuals to choose their lives" and "the freedom of social groups like castes and the nation to follow what they regard as their 'destiny'."[18] He says there are three successive steps to writing the intellectual history of such concepts in Colonial contexts:[19] The first is "to ask if there were similar concepts in pre-colonial intellectual traditions. Or were there ideas sufficiently similar, so that these could form an indigenous substratum of thinking on which modern Western ideas could be grafted." The first step requires that we identify relevant concepts in pre-modern intellectual traditions and, if possible, understand how they were taken to relate to socio-political practices. This effort at identification and understanding is supposed to reveal the contours of the local conceptual space into which modern Western concepts were inserted. Kaviraj's second step is to "establish the precise form in which a particular European concept enters the discourses of Colonial India: after all, concepts like freedom or property or law differed a great deal in their particular semantic connotation, theoretical inflection, and institutional purchase between distinctive European traditions. It is, therefore, important to understand precisely which particular concept is introduced, or indeed, if it is a single or homogenous one at all."[20] Finally, Kaviraj suggests that we must look at "how the presence of each concept affects the practical and conceptual shape of the other. Often the traditional concept, discredited, displaced, or undermined by the modern European one, continues a shadowy existence of subterraneous influence, subtly refracting the meanings of the modern terms."[21] It is in learning to detect and then understand this somewhat hidden influence that we may be able to learn about the contemporary significance of pre-modern Indian philosophical thinking. In what follows, I will focus on just the first of Kaviraj's three steps, though students of philosophy have much to contribute to the other two as well.

As a relevant pre-modern conceptual space in which to explore the history of these concepts, Kaviraj turns to the text-traditions of *Arthaśāstra* and *Dharmaśāstra*, recognizing that it is in these text-traditions that issues of significance to social and political theory are most readily apparent.[22] Although a more detailed, nuanced, and

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[16] Kaviraj 2002: 287 n. 18.

[17] Kaviraj 2002.

[18] Kaviraj 2002: 98.

[19] Kaviraj 2002: 100-101.

[20] Kaviraj 2002: 100

[21] Kaviraj 2002: 100

[22] On the basis of remarks by Patañjalī (middle of the 2nd century BCE) and Kātyāyana (who is dated to the post-Mauryan

historically grounded account is desperately needed, what emerges from a diachronic study of these text-traditions is that the conceptual spaces created by them are ones in which the modern concept of freedom is not, and perhaps cannot be, pre-figured.

As an autonomous knowledge system, *Dharmaśāstra* seems to have emerged in the first half of the third-century BCE.[23] The term "*dharma*" itself appears to be a neologism invented by the poets of the *Ṛgveda*, as it has no cognates in any Indo-European language, including Avestan. Moreover, neither the term itself nor the concepts it came to express are prominent in the *brāhmaṇas* or *upaniṣads*, where it is used primarily in royal and not ritual contexts. In fact, as Patrick Olivelle has argued, the semantics of the term "*dharma*" as it appears in *Dharmaśāstra* is probably due to its adoption by newly emerging ascetic movements such as Buddhism, as early as the fourth and fifth-centuries BCE, and its incorporation into the imperial ideology of the Mauryan empire in the middle of the third-century BCE. Olivelle proposes that "once *dharma* had become a central concept in the religious discourse of Buddhism and once it had penetrated the general vocabulary of ethics, especially through its adoption by the Maurya emperors, certainly by Aśoka and possibly also by his predecessors," Brahmanical intellectuals had little choice but to define their own way of life in terms of *dharma*.[24]

Both the term and the knowledge system itself were transformed through the *Mānavadharmaśāstra,* which provided a general template for all subsequent work in the *Dharmaśāstra* knowledge-system.[25] This text ushered in a number of important, if not fundamental, changes. Earlier works of *Dharmaśāstra*, for example, presented themselves as scholastic works, where disagreement and debate were prominent. In contrast, through its frame story, the *Mānavadharmaśāstra* presents itself as a theological work in which Manu, the son of the Creator, makes authoritative statements through his pupil Bhrgu. Another new feature of the text is its inclusion of a systematic discussion of "liberation" (*mokṣa*), the first in a work of *Dharmaśāstra*.[26] What may be most important for our purposes, however, is its integration of *Arthaśāstra* into *Dharmaśāstra* through a systematic inclusion of topics pertaining to kings and the extent of their administrative, juridical, legislative, and punitive powers.[27]

The *Mānavadharmaśāstra* itself is a text filled with anxiety about the socio-political status of Brahmins. What the text seeks to do is both re-establish what it sees as the fact of Brahmanical privilege and recreate the special relationship between Brahmins and kings that the text sees as being beneficial to both, and seems to think is under threat. Although there were clearly important and substantive innovations in subsequent works of *Dharmaśāstra,* their numerous commentaries, and the new genres that emerged in the medieval and early modern periods, the conceptual logic of the *Mānavadharmaśāstra* is broadly shared throughout the history of the knowledge-system, which extends well into the Colonial period. The text thus provides a useful place to begin exploring *Dharmaśāstra*-in-general and the historically significant concepts that could have contributed to the conceptual space into which even the modern concept of freedom was introduced, over a 1000 years later.

One way to approach *Dharmaśāstra* is to conceive of it as representing the shared socio-legal vision that

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reforms) there are very good reasons to suppose that the genre of *Dharmaśātra* belongs to the first half of the 3rd century BCE. See Olivelle 2010: 32-38.

[23] This section is based, primarily, on Davis 2010a and Olivelle 2010.

[24] Olivelle 2010: 31-32.

[25] For an edition and translation of this text see Olivelle 2005.

[26] Although the term is mentioned by Vasiṣtha, it becomes a topic of sustained analysis in Manu. See, for example, VDhŚ 10.20, 23; 20.20 and MDhŚ 1.114; 6.35-7; and chapter 12. These references come from Olivelle 2010:41-42.

[27] For more on this see Olivelle 2012a and Olivelle and McClish 2012b.

unites a variegated group of local social and legal systems, each of which has its own rules and procedures of law.[28] Its animating concept is the normative principle of caste and life-stages (*varṇāśramadharma*). The paradigmatic institutional context in which this is conceived is the household (and not the state), even though the scope of *Dharmaśāstra* clearly extends to other mid-level "corporate groups" such as castes, guilds, monastic communities, royal courts, temples, etc. *Dharmaśāstra* develops a structured set of rules for these "corporate groups" and their members. It is not legislation at the level of a polity. As with the household, each group has its own set of rules, which are established by the members themselves. It is the corporate bodies that are responsible for these rules, and for their interpretation and enforcement, even though it is often the case that a ruler is conceived as being the ultimate adjudicator of disagreements between and within them. Reflected in the rules of *Dharmaśāstra*, and created by them, is a vision of society and a system of values through which this vision is justified. As a knowledge-system, *Dharmaśāstra* presents a way of thinking about socially determined identities, duties, responsibilities, and obligations. It deals with an imagined and constructed world that is related to lived reality through interpretation, akin to the way in which social theory is related to social life or a constitution is related to legislation and the working out of that legislation in society. There are two (perhaps surprising) features of this idealized world of *Dharmaśāstra* that are particularly relevant to a history of modern freedom.

The first is that the detailed system of rules in *Dharmaśāstra* works quite deliberately to eliminate choice in the context of ordinary life. It does so by setting out, in great detail, responsibilities, privileges, and obligations for different classes of individuals in a way that progressively eliminates the choices that an individual has. The goal of *Dharmaśāstra* is, in a sense, to define, restrict, and determine normative social conduct—a goal that is opposed to individual liberty in the modern sense, which, as I mentioned above, is one dimension of the concept of modern freedom. If this is correct, it might be the impossibility of modern freedom in ordinary life that is central to the conceptual and practical vision offered by *Dharmaśāstra.*

It might be objected, however, that there are two features of *Dharmaśāstra* that work against my view—the fact that *Dharmaśāstra* creates a conceptual space for renunciants and that it allows for liberation.[29] It is true that the principle of stages of life (*āśrama*), which by the time of the *Mānavadharmaśāstra* had became temporally ordered, allows for the life-stage of a renunciant i.e., a person who is free from the household. Yet, the freedom of a renunciant does not seem to pre-figure the modern concept of individual liberty, which requires freedom within society and freedom of social action. A renunciant is entirely outside the social world and so is merely free from society. He is not in any way free within society. Similarly, the concept of "liberation" as discussed in *Dharmaśāstra* does not pre-figure the modern concept of freedom in any meaningful way either. After all, liberation is not conceived of as freedom within a social world, rather it is freedom from the cycle of rebirth—a freedom which itself requires adherence to the rules of *Dharmaśāstra*. Therefore, the modern concept of freedom, which requires individual liberty, does not seem to be pre-figured in *Dharmaśāstra.* On the contrary, *Dharmaśāstra* seems to eliminate such liberties by eliminating freedom within a social world.

The second feature of the idealized world of *Dharmaśāstra* that is relevant to a history of freedom has to do with the "corporate groups" that I referred to above.[30] While the household is the paradigmatic social group in *Dharmaśāstra*, a wide variety of other social groups to which individuals belonged and to which they were responsible are also central to it. What is important to note is the nature of these groups. Corporate groups are

[28] Davis 2008:225.

[29] See Davis 2010a. Also see Kaviraj 2002.

[30] This is discussed to great effect in Davis 2010a and Davis 2010b.

communities of individuals who themselves belong to multiple communities, each of which is situated within the ordinary socio-political world. The internal relationships between members of these groups is imagined on the model of the household, in the sense that they are richly textured but defined by the groups themselves. These are not communities that are based on choice but rather on identity. Importantly, what is not evident in how these groups are conceived is any abstract field of relations in which all of these groups or all of one's individual identities is imagined. There is, it seems, no pre-figuring of abstract concepts such as modern "society" or "nation" or for that matter, "citizen". The modern notion of freedom, understood in terms of the "the freedom of social groups like castes and the nation to follow what they regard as their 'destiny'" is, it seems, also a concept that does not appear to be pre-figured in *Dharmaśāstra*.

The context into which the modern concept of freedom was inserted, however, is not defined exclusively by *Dharmaśāstra.* It is, in fact, far richer, as there are two major sources of theory and practice that I have not yet mentioned (and there are likely others as well).[31] The two that I have in mind are Persian conceptions of governance and Islamicate socio-political ideas, both of which informed the self-conception and socio-political practices of the Delhi Sultanate in the 13th century and the Mughals in the 16th. The introduction of Persian as an administrative language had a profound and lasting impact on pre-modern socio-political theory and practice in India and it must be taken into account. It is the weaving of Persian and Islamicate practical concepts into the socio-political fabric of pre-modern India that will define, along with *Dharmaśāstra*, the pre-modern context into which the modern concept of freedom was inserted. To do good intellectual history we must understand the theoretical and practical impact of Persianate and Islamicate practical concepts. What attention to these concepts reveals is a new conception of the relations between administrative, social, and political practices. This new conception seems to allow, for the first time, aspects of *Dharmaśāstra* to be taken up by more state-based institutions. The most prominent examples of this may be the arrogation of long-standing administrative arrangements, taxations practices, and personal law to more state-based institutions. This process of arrogation, which is evident in the Delhi Sultanate, seems to have initiated a process that was later followed by the Marathas and Mughals.[32] It is into this conceptual world that the modern concept of freedom was inserted.

In presenting this first case study, I wanted to illustrate how pre-modern intellectual practices such as *Dharmaśāstra* could be constitutive of modern concepts such as freedom, even when the modern concept is not pre-figured in pre-modernity. I also wanted to show how, if such concepts are so constitutive, we might go about understanding their histories. My suggestion is that we do this through contextual intellectual history. My second case study illustrates a very different approach to studying the history, memory, and vocabulary of Indian philosophy in contemporary India.

Democracy and Secularism

It is not just concepts but also broad theoretical frameworks that are central to how contemporary India is interpreted and understood. One such framework is that of modern democracy which, in the Indian context, is often linked to theories of secularism and socio-political identity, two issues to which a great deal of attention has been recently given. As with concepts such as freedom, the challenges of applying theoretical frameworks developed in one historical complex to another have been widely acknowledged. As a result, a number of scholars have begun to rework these frameworks in order to make them more adequate to the contemporary contexts they are supposed to

[31] For example, vernacular traditions.

[32] See Davis 2010a, and the references contained therein.

help explain. Some of them have even done so by pursuing intellectual histories of the concepts that are central to them.[33] What enables these theorists to rework these frameworks through such histories is the constitutive ways in which practical concepts from the past are embedded in contemporary life and yet are not adequately captured by contemporary theory. Making relevant adjustments to our understanding of these concepts is therefore thought to have both theoretical and practical significance.

It is clear that as a cultural, social, and political practice democracy is central to contemporary Indian life and national self-understanding. A number of philosophers and political theorists—most notably the American philosopher John Rawls—have argued that central to modern democracy is a practical concept—the concept of public reasoning and rationality, which requires citizens to be able to justify their political decisions to one another using publicly available values and standards.[34] Amartya Sen, in particular, has written extensively about this in reference to contemporary India. In fact, he has argued that it is because India has such a rich "dialogic tradition" and philosophical commitment to argumentation that it has such deep democratic instincts and character.[35] Sen links this tradition of argumentation to modern Indian secularism and argues further that it is a constitutive feature of modern Indian socio-political identity. The reach of these traditions of reasoning extends, according to Sen, even to matters of equality, justice, and poverty. Sen's claim is not that this tradition is unique to India. On the contrary, he argues that traditions of public reasoning are "parts of the global roots of democracy" that can be "traced to the tradition of public discussion that received much encouragement in India and China (and also Japan, Korea, and elsewhere), from the dialogic commitment of Buddhist organizations."[36] Although this tradition is not unique to India, there is an Indian tradition of argumentation that Sen claims is crucial for modern Indian democracy, secularism, and identity. It is a constitutive and potentially agentive feature in contemporary socio-political life. To understand modern Indian socio-political life it is helpful, if not necessary, he suggests, to understand this tradition of argumentation. Although Sen does not choose to do so, one way of developing this understanding would be to write a diachronic, contextual intellectual history of argumentation in India, similar to what Kaviraj suggests we do for modern freedom. For Sen, however, attending to India's traditions of argumentation is vitally important for somewhat different reasons, and he therefore adopts a very different approach from that of Kaviraj. Sen suggests that understanding Indian traditions of argumentation can help us correct two pervasive misconceptions that continue to adversely impact contemporary India. Furthermore, it will enable the recovery of intellectual resources that are potentially important for India's future. What is emphasized by Sen is what I have called the *actionable* possibilities of studying the past.

The first misconception to which Sen draws our attention is the view that democracy and secularism are core "Western values" and not "Indian values," which many think do not have traditions of democracy or secularism at their core. One problem with this view—and there are many—is that it supports the notion that democracy and secularism are somehow unnatural in India, thus setting up false contrasts with the West that subtly inform a variety of contemporary practices and theories. Among these contrasts are claims about the unique role of reason in Euro-American social and political history. Since the kind of reasoning necessary for democratic politics and a secular society is external to Indian intellectual history itself, the West is often thought to have a distinctive claim on democracy and secularism. Consider, for example, secularism.

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[33] See Bhargav 2010

[34] Warner 2006.

[35] Sen 2005.

[36] Sen 2005: 182

A distinguished group of contemporary intellectuals including T.N. Madan, Ashish Nandy, and Partha Chatterjee have argued that the conceptual and normative structure of modern Indian secularism is flawed because it is linked to a flawed (Western) modernist project that is itself based on a mistaken view of rationality, the nature of religion, and the importance of community identity.[37] Ashish Nandy has concluded that "to accept the ideology of secularism is to accept the ideologies of progress and modernity as the new justification of domination, and the use of violence to achieve and sustain ideologies as the new opiates of the masses."[38] This attitude has what Sen considers to be an adverse affect on contemporary India, since it promotes an intellectual skepticism about secularism in India, a secularism which Sen takes to be a public good. According to Sen, this skepticism is based, in part, on misunderstanding India's past, including its intellectual history. One way to effectively respond to such views, therefore, is to look back on Indian intellectual history to correct the errors that support this skepticism. And this is just what Sen chooses to do in his critique, which he approaches in two rather different ways. One strategy is to cite examples of pre-modern forms of Indian secularism—his favorite examples are Aśoka and Akbar—to counter claims that modern secularism is unnatural to India and merely a Western import.[39] Central to Sen's account of these pre-modern traditions of Indian secularism is his view that they are very closely related to and supported by Indian traditions of argumentation.[40] In recognizing and maintaining India's own internal history of public reasoning, Sen further strategizes that it will be easier to defend, institute, preserve, and understand secularism in contemporary India.[41]

The second misconception to which Sen draws our attention is the internal logic of *Hindutva,* which is based on a particular view of what it means to be authentically "Indian." To advocate for and justify Hindu privilege in modern India, *Hindutva* activists require a view of Indian history that enables them to claim that India has always been (and therefore should remain) a culturally, intellectually, and statistically Hindu polity. According to Sen, this deeply flawed view of Indian history and identity is incompatible with Indian traditions of argument and their deep connections to Indian democracy, secularism, and identity-theory. Attending to these traditions of argument reveals, he suggests, an internal diversity, tolerance, and capacious sense of identity that is a central part of India's past and embedded in India's own secular traditions. This pre-modern sense of identity, in being India's own, can have an agentive role in contemporary India.

What is entirely missing from Sen's discussion, however, is any mention of the most important figures, texts, or ideas of the dialogic tradition itself. Nāgārjuna is the only Buddhist philosopher to whom Sen refers by name, though he discusses Indian Buddhist traditions of reasoning in numerous places and refers favorably to the intellectual climate at the monastic and educational complex of Nālanda. The historically more significant and relevant Buddhist epistemological tradition is not mentioned at all. Neither does he mention a single Nyāya intellectual nor the numerous Nyāya texts in which the dialogic tradition is the main focus, even into the late pre-modern and early modern periods. While Cārvāka and Lokāyata are mentioned (over a dozen times), Jayarāśi and his *Tattvopaplavasiṃha* are cited, and the relevant "materialist" chapter of Mādhava's *Sarvadarśanasaṃgraha* is referred to, their contributions to the dialogic tradition itself are not discussed.[42] At the heart of Sen's argument

[37] See, for example, Nandy 1985 and Madam 1987.

[38] Nandy 1988: pp. 188, 192 and Nandy 1985. Also see Madan 1987.

[39] Sen 2005:287-288.

[40] Sen 2005:288-289, where he discusses Akbar and Aśoka's attitudes towards "tolerant multiculturalism".

[41] Sen 2005: 13

[42] For more on these texts see Franco 1987 and Cowell 1882. For more on Cārvāka and Lokāyata, see the references in Sen 2005.

then is the important but simple fact that India has a long tradition of argumentation and an assumed theoretical connection between it and the social-political practices of secularism and identity. A more detailed engagement with the specific philosophical content of this dialogic tradition and a richer account of its relationship to socio-political practices in pre-modern India is, however, necessary for Sen's argument to succeed.

For Sen, it is clear that Indian intellectual history and philosophy are important for contemporary social and political life. His focus, however, is not on the precise ways in which concepts of significance to classical Indian philosophers are *constitutive* of contemporary Indian socio-political practices. Rather, he is interested in arguing against visions of India's past that compromise modern democratic and secular practice. Such an argument does not require detailed diachronic histories of practical concepts such as public reasoning—though such histories would be relevant. What is required are specific historical and philosophical counter-examples to these visions. India's long dialogic tradition is the philosophical counter-example that Sen takes to be most relevant, as he thinks it is closely linked to the historical examples that he cites. What is important about Sen's approach is that it recognizes that aspects of India's philosophical past can be *recovered* for contemporary purposes. For this recovery to be successful—that is, for these recovered historical examples, concepts, and intellectual practices to be *agentive*—they must be meaningfully "Indian."

4. Resources

Thus far, I have discussed a variety of approaches that could be used to study the history, memory, and vocabulary of Indian philosophy in contemporary India. These approaches are characterized by the kinds of history writing they commend and the academic interests that they serve. I then presented two case studies. In the first, I discussed aspects of Sudipata Kaviraj's intellectual history of freedom in India. As Kaviraj shows, this internally complex concept was created through Indian intellectual history and now is constitutive of contemporary Indian socio-political practices in a manner that is directly indebted to concepts of philosophical significance in the past. In the second, I discussed Amartya Sen's appeal to Indian traditions of argumentation. Sen refers to these traditions in order to show that the democratic practices they support are incompatible with visions of contemporary India that present Indian secularism as unnatural and allow for a more parochial sense of Indian identity. These two case studies are not the only such examples, nor do they exhaust the ways in which the living traditions of Indian philosophy can be studied or identify all of the resources that can be used to do so. In the final section of this paper, I want to discuss, very briefly, a few of these other resources. Unlike the case studies discussed above, which attempt show how two contemporary scholars make use of Indian philosophical history, my discussion in this section is meant to suggest that this practice is not new and that in the past Indian intellectuals did something similar.

In my view, *Dharmaśāstra* is perhaps the most important source for legal, moral, and socio-political discourse in Sanskrit. Yet, it is almost completely neglected by students of Indian philosophy, who, I am sure, are put off by its radical departure from more familiar arguments, topics, and modes of argumentation. For understanding issues of relevance to socio-political thought in pre-modern India, however, *Dharmaśāstra* is indispensible. It is, to some extent, the *Abhidharma* of Indian social and political thought. There are three sets of texts that are related to *Dharmaśāstra* or are subgenres of it that I want to draw our attention to here.

The first set is a remarkable series of texts produced from the 14th-17th centuries by a group of philosophers whom I will refer to as the New Epistemologists (*Navyanaiyāyikas*).[43] These texts were devoted to topics related to

[43] This section is based on Kroll 2010a and Kroll 2010b. For more on these texts see the references contained therein.

property, ownership, inheritance, gifting, debts, marriage, and expiation. What is so fascinating about these texts is that they clearly show that New Epistemologists believed that philosophical reasoning could be applied to a wide-range of socio-legal issues in *Dharmaśāstra*, and that it could be a source of *dharma* itself, provided that it was not incompatible with Veda. What is especially novel about their approach is their relative lack of attention to existing work in *Dharmaśāstra*, and their sense that more free-wheeling socio-legal judgments based on philosophical reasoning could be of greater authority.

As an introduction to these texts, briefly consider the Nyāya discussion of *svatva*. *Svatva* is a Sanskrit term that refers to the relationship between an owner and the property that he owns.[44] The new epistemologists were interested in the semantics of terms like "property" and "owner" because they felt it was not possible to understand the rules of *Dharmaśāstra* on ownership without a clear understanding of the semantics of the relevant terms. These intellectuals were not interested in the role of property and ownership in legal practice. Rather, they were interested in the pre-legal understanding of these terms that made it possible for people to understand and therefore comply with the relevant laws and ritual precepts. More specifically, they wanted to know: What is the semantics of *svatva*? What is its ontology? Is it a fundamental kind of thing in the world (*padārtha*)? How does one know that one is correct about what it is? To answer these questions, the New Epistemologists turned to traditional *Nyāya* modes of analysis and reasoning. It must also be mentioned that even though this topic never became incorporated into the well-known "handbooks" of the Nyāya knowledge system, it occupied the attention of some of the most important New Epistemologists from the 14th-17th centuries, including Gaṅgeśa's son, Vardhamāna Upādhyāya, who seems to have initiated this discussion, Vācaspati Miśra II, Bhagiratha Ṭhakkura, Raghunātha Śiromaṇi, Rāmabhadra Sarvabhauma, Raghudeva Nyāyālaṃkāra, Jayarāma Nyāyapañcānana, Yośovijaya Upadhyāya, the author of the anonymous *Svatvarahasya*, and Gokulanātha Upādhyāya, with whose contribution the discussion of *svatva* seems to have come to a close.

The Nyāya discussion of ownership is not the only such socio-legal topic to which unprecedented attention was given in this time period. There are, for example, unstudied texts by many of these same individuals on topics such as the efficacy of ritual action, the benefits of dying in Benares, the nature of devotion to Viṣṇu, and the existence of heaven.[45] What the existence of these texts reveals is the undeniable relevance of the technical work of New Epistemologists to broadly socio-religious questions. It is, however, perplexing (and frustrating) that so few examples like this exist and that we have so little information on how this work influenced practices "on the ground". Yet, despite the paucity of such examples, what can be discerned from the material that we have is the conceptual connections that the New Epistemologists took there to be between their technical work and broader themes of socio-legal relevance. It is this conceptual logic that has yet to be understood and which, in my view, is of vital importance.

The second set of texts that I would like to mention is an equally remarkable series of texts from the 12th-17th century on the *dharma* of Śūdras.[46] These texts are a subgenre of an essentially new type of *Dharmaśāstra* text that became prominent in this time period—the great *dharma*-compendia (or encyclopedias, *Dharmanibandha*s) of late pre-modern India. Included in this group of texts are both free-standing independent compositions on the *dharma* of Śūdras, such as the *Śūdrācāraśiromaṇi* of Kṛṣṇa Śeṣa, *Śūdrakamalākara* of the great Kamalākarabhaṭṭa, and the *Śūdradharmoddyota* of Dinakarabhaṭṭa and his son Gāgabhaṭṭa. Many of the longer *dharma*-compendia also

[44] This is the topic of Kroll 2010a.

[45] See Patil 2011 for a discussion of some of this material.

[46] This section is based on Benke 2010 and Vajpeyi 2004.

included chapters specifically on the *dharma* of Śūdras. These texts self-consciously reflect upon three fundamental questions of philosophical significance: (1) What is *varṇa*?; (2) What is Śūdra-*varṇa* and how do you know who has it?; and (3) What is Śūdra-*dharma*? For our purposes, what is important about these (50 or so texts) is their clear relevance to socio-political theory and practice. What these texts seem to do is define a place for Śūdras within the socio-political world of *Dharmaśāstra* and create, through philosophical argument, the identity of communities.

As an illustration of this, it may be helpful to briefly consider the career of one of the most interesting writers of such texts, Gāgabhaṭṭa.[47] Gāgabhaṭṭa was a remarkable man. He wrote texts on the *dharma* of kings, the *dharma* of a class of scribes known as Kāyasthas, the resolution of caste disputes, and a famous text on the *dharma* of *Śūdras*. He also wrote a fascinating scholastic work in Mīmāṃsā called the Bhāṭṭacintāmaṇi. There is no question that Gāgabhaṭṭa was a philosopher, jurist, and perhaps even social theorist. What Gāgabhaṭṭa is most famous for is his role in the royal coronation of the Marāṭhā warlord, Śivaji Bhosaḷe, in 1674. Through creating a new work, the *Śriśivarājābhiṣekaprayoga*—A Manual for the Consecration of the Royal Śiva, Gāgabhaṭṭa argued for and created a new genealogy for Śivāji that identified him as a "lapsed" *Kṣatrīya*. He then identified a series of ritual procedures that once followed would enable Śivāji to claim *Kṣatrīya*-status "once again," thus making him eligible to have a royal consecration ritual performed for him. What this single example shows is that there was a complex relationship between the normative and prescriptive discourse of *Dharmaśāstra* and real-world politics in which Sanskrit philosophers had a role to play.

The final set of texts that I want to mention is a disparate set of writing, primarily by 17th century Indian intellectuals. These texts take the form of inscriptions, letters, colonial and missionary reports, and formal documents that convey judicial decisions.[48] These latter texts are called "*Vyavasthāpatra*s" or "*Nirṇayapatras*" and it is with these that I would like to begin. These "Letters of Judgment" or "Letters of Decision" are individual legal judgments that often contain a rationale for the legal decision that was made. These individual pronouncements, and the broader discourse about judicial procedure of which they are a part, are taken to be a means for creating, fixing, and conveying knowledge of what *dharma* is.[49] Furthermore, their authority is directly indexed to a ruler, who is the final arbiter (or source of jurisdiction and ultimate authority) in such matters.[50] While the documents themselves are individual judgments, there is a textual-genre of juridical procedure more generally. Examples of such texts include the *Vyavahāranirṇaya*, *Vyavahāramāla,* and the *Vyavahārasaukhya*.

As an example of an individual judgment, consider the work of the little known, but clearly important, 17th century New Epistemologist, Raghudeva (Nyāyālaṃkāra) Bhaṭṭācārya. Raghudeva was a student of Harirāma Tarkavāgīśa and a contemporary of Gadādhara Bhaṭṭācārya.[51] He was undoubtedly a talented scholar. He is credited with writing at least 35 works on Nyāya, Dharmaśāstra, and Alaṃkāraśāstra. What is important for our purposes is Anantalal Thakur's recollection that Raghudeva signed a "deed of settlement" in 1657. It is likely that this deed refers to the famous Letter of Decision of 1657, which was signed by at least 70 Paṇḍits of Benares. This *Nirṇayapatra* was an inquiry by intellectuals from Mahārāṣṭra, Kārṇāṭaka, Koṅka, Drāvīḍa, and Tailaṇga into whether a group of so-called *Devarṣi* Brāhmins resident in Benares were in fact Brahmins. Signatory number 9 of this *nirṇayapatra* was Raghudeva. Other important 17th century intellectuals were also signatories, including the

[47] Gāgabhaṭṭa is the central figure in Vajpeyi 2004.

[48] See, for example, Sen and Mishra 1951.

[49] Davis 2010a:111

[50] Davis 2010a: 122

[51] See Prajapati 2008.

Dharmaśāstrin Nīlakaṇṭhabhaṭṭa (number 3), the *Mīmāṃsaka*s Gāgabhaṭṭa (number 22) and Khaṇḍadeva (number 47), and the *Naiyāyika* Jayarāma Nyāyapañcānana (number 68). Another such document from 1750 mentions that 133 Paṇḍits from various regions were similarly canvassed by Śrīmān Rājādhirāja Vallabhadeva. What these two examples suggest is a seemingly unprecedented level of socio-political engagement by very serious Indian philosophers.[52]

Other documents too are similarly suggestive. A famous but telling example is the biography of Kavīndrācārya Sarasvatī. When, in the 1630s, this scholar was able to persuade Shah Jahan to rescind the poll-tax (*jirzya*) imposed on pilgrims travelling to Varanasi and Prayaga, a *festschrift* was created in his honor. This text, the *Kavīndracandrodaya* (Moonrise of Kavīndra) is made up of poems of praise by poets from across Eastern India. In addition to this *festschrift*, there are also lesser known examples. Consider, for example, an interesting volume of 25 Sanskrit documents written between the years 1778 and 1855. This collection of documents includes remarks by nearly 300 *Paṇḍits* of Banaras testifying to the benevolence of Warren Hastings, who was then awaiting trial in England; an expression of thanks from the priests of the temple of Jagannath at Puri to Lord Wellesley for freeing the city from Marāṭhā control and encouraging pilgrimage; and several legal decisions on the question of inheritance.[53]

What all of these texts suggest is that that collective action on the part of serious Indian philosophers into the socio-political arena was possible. Even though there was not a systematic tradition of socio-political theory, there clearly was socio-political thought and socio-political engagement, even in the 17th century. How these patterns of engagement related to patterns in the 18th and 19th century is, as yet, unstudied.

Conclusion

To study the history, memory, and vocabulary of Indian philosophy in contemporary India is not easy. What I have tried to show here, however, is that writing such histories is not only possible, but also desirable. I have tried to suggest further that what is needed is a contextual intellectual history of concepts that are relevant to modern socio-political theory and practice. I have also argued that both *constitutive* and *agentive* approaches and interests are important. Finally, I have indicated that there are a wide range of understudied or underappreciated resources of direct relevance to such work. The RINDAS project is, in my view, a very important part of the future of South Asian Studies, and I am grateful for the opportunity to learn from the work that is being done in the project—work to which I hope to have contributed.

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[52] It may be productive to consider whether this was made possible by practical concepts drawn from Persian administrative vocabulary.

[53] See Sastry 1921.

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