

Cultures of Power, Continental Bureaucratic Empires, and South Asian History

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Introduction

The state is central to historical experience. As the dominant form of human political organization, the state performs the essential functions of establishing and sustaining order and collecting taxes. Every state must maintain order and collect taxes with reasonable effectiveness or else it fails and anarchy ensues. Of all forms of the state the continental bureaucratic empire is the most widespread and for much of history was also the most successful.

In continental bureaucratic empires the rulers either exercised universal proprietorship over the land and moveable assets or aspired to do so and was hostile to the free accumulation of private property. In this sense, the entire country was the personal estate of the ruler. Many of these empires grew too large, populous, and complex, for the ruler and his leading warriors, who monopolized armed force and controlled food production, to manage directly. Expansion concentrated wealth in the ruler's hands and made it possible for him to sustain further territorial expansions and indulge in his aesthetic sense. The ruler, of course, did not want to share power with the local leaders by his conquests. displaced. It was in this context that in the fourth and third millennia BC a class of servants that exercised sovereignty in the ruler's name across the administrative subunits of the empire emerged. Although the details of this class varied from one continental bureaucratic empire to another but the essential features were the same nearly everywhere.

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Most important was that the servants of the state derived their powers from the sovereign at the centre and enforced his proprietorship over the country. The effectiveness with which they executed their master's orders determined their merit in the eyes of a wise ruler. The recruitment, promotion, and transfers, of these servants was subject to the ruler's will though, in many continental bureaucratic empires a First Minister, Royal Council, or Grand Vizier, handled routine work. The lives, property, and honour, of the servants of the state were at the mercy of the ruler. Disobedience and inefficiency often entailed catastrophic consequences and so long as the ruler was competent his servants reacted to his demands with servility and an inordinate desire to please. Since the ruler considered the entire land his personal estate, his demands were often arbitrary and entailed the dispossession, enslavement, coercion, or liquidation, of many of his subjects. In this manner the arbitrary power of the ruler over his servants translated into the arbitrary power of the state over society.

A monopoly of armed force, universal proprietorship, and a ruling class of servants, was complemented by a state religion or ideology. Again, while the details of this ideocratic complex varied, the basic features remained more or less constant. The ruler was regarded as either divinity incarnate or as a reflection of divinity. The official priesthood and intelligentsia held their positions at the ruler's pleasure. Their pay, privileges, and terms of service depended upon the ruler's will. Their principal task was to project the pronouncements and actions of their ruler as sublime and infallible manifestations of the divine will.¹ Consequently, opposition to the ruler was both treason and sacrilege. Often the judicial officers of continental bureaucratic empires were recruited from the priestly class. The abject dependence of this class upon the ruler safeguarded his arbitrary power, provided legitimacy, and brought a modicum of predictability to the administration of justice. The theoretic emphasis on order, obedience, and tradition, combined with the reality of routine excess and arbitrariness, promoted an atmosphere of intellectual rigidity and moral flexibility. Occasionally a radical despot or religious movement would change the state religion or ideology without, however, altering the ideocratic orientation of state power. In this event, after a brief period, the new belief system would either be reduced to the status of the old having changed only the rhetoric of power, or, a

1. "The religious traits associated with kingship in a variety of global cultures are of course common, but none more so than the belief in the monarch as mediator between the social order and a higher cosmic superhuman reality." W. M. Spellman, *Monarchies: 1000-2000* (London: Reaktion Books, 2001), p.13.

competent conservative ruler would succeed and restore the old beliefs. In any case the ideocratic nature of the continental bureaucratic empire remained essentially unchanged.²

The total sum of relations produced by the operation of continental bureaucratic empires produced an arbitrary and ideocratic culture of power. The term “culture of power” refers to the behavioural patterns manifested by the ruling class in the exercise of state power and the reactions of the ruled. Cultures of power do, of course, vary, but in all continental bureaucratic empires their inherent propensity is towards extreme arbitrariness that proceeds from the nature of the state itself. Arbitrariness, centralization, and ideological delusions, are reinforced by historical experience and broad environmental conditions.

The great weakness of continental bureaucratic empires is their over-dependence on the quality of the central executive. Prolonged exposure to arbitrary rule produces failed societies characterized by atomization, apathy, fatalism, mutual distrust, risk-aversion and extreme greed. These societies are servile when the state is strong and ungovernable when the state is weak. Since the prevalent culture of power causes both the ruler and his servants to see the country as their personal estate, as soon as the former weakens the latter carve out personal estates for themselves accelerating movement towards anarchy. When a new ruler emerges the same pattern rapidly manifests itself, and the petty bureaucratic estates are fused by violence and conspiracy into a single grand estate.

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2. The experience of the Arabs during their imperial period under the Umayyad (660-750) and Abbasid (750-1258) dynasties is a case in point. In both cases the Arabs adopted the administrative practices and techniques of the continental bureaucratic empires they had defeated in war. By the mid-700s the Arab Empire had “developed an impressive bureaucracy unlike any contemporary state in the Christian West...” The “staff of salaried professional clerks (*kuttabs*)” were responsible for maintaining “records of income and expenditure and lists of those who served in the army and their rates of pay. Furthermore, the clerks who worked in the offices (*diwans*) were all laymen...” This “bureaucracy expanded even as the frontiers of the empire contracted, and by the beginning of the tenth century, against a background of chaos and disintegration, one of the clerks, Qudama ibn Ja’far (d. 948), produced a manual of administration which described the whole apparatus in exhaustive detail.” Hugh Kennedy, *The Court of the Caliphs: When Baghdad Ruled the Muslim World* (London: Phoenix, 2005), p.35. The pillars of Abbasid power were the salaried military and civilian bureaucracy, much as had been the case with the Umayyads. Indeed, Abbasid rule “looked very much like the Umayyad one it replaced, but with different people in charge.” *Ibid.*, p.21. Of course, the Umayyad state structure and culture of power were inherited or borrowed from the continental bureaucratic Sassanid Persian and Byzantine empires.

Continental Bureaucratic Empires and the Culture of Power of the Subcontinent: Ancient India

The probability is that the Indus Valley civilization was a continental bureaucratic empire.³ The broad environmental conditions conducive to the emergence of hydraulic civilizations along the Nile and in Mesopotamia are found in the Indus region – aridity, plains bounded by natural obstacles such as mountains, deserts, and plateaus, and a ready source of fresh water that doubled as a communications system. The exploitation of this environment required the capacity to mobilize and organize labour on a large scale, a food distribution system, and a strong central authority. By 2250 BC this central authority appears to have exercised effective control over the hydraulic heartland of the Indus River Valley and exerted influence through commerce and diplomacy as far as the Oxus and northern India. Communications within the core territories of the Punjab and Sindh were waterborne. Larger than its contemporaries in Egypt and Mesopotamia, the Indus Valley civilization manifests several signs of centralization.

The most important is the Indus civilization's urban development. Distributed over an area that stretched from Gujarat to the Punjab, the cities displayed a striking degree of uniformity. Each city drew upon an agricultural hinterland for food and resources. The production and distribution of these certainly involved scribal intervention on the Egyptian pattern. The regimentation, orderliness, and size of the cities also point to the existence of a powerful central authority that operated through a class of appointed servants. These bureaucrats were presumably responsible for managing the agricultural cycle, maintaining order, collecting taxes, and supervising large-scale construction activities, especially fortifications, baths, and granaries. The economic and social status of the bureaucracy corresponded to its power and privileges. The ruler of what is sometimes described as a Harappan⁴ Empire, was possibly legitimated by a homogenizing religion or ideology. Until, however, the writings of the Indus Valley civilization are

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3. A thought provoking piece of theorization is found in Aitzaz Ahsan's work on Pakistani national identity. Seeking to identify the causes of the Indus Valley civilization's extraordinarily static and uniform nature combined with the absence of architectural evidence of royalty, he contends that probably "Fundamentalist priests and dogma held sway over the Indus cities. While they ruled, there was no initiative, no science, no invention." Aitzaz Ahsan, *The Indus Saga and the Making of Pakistan* (Lahore: Nehr Ghar Publications, 2001), p.30.
 4. Located at the centre of the Indus Valley civilization, Harappa, is one of the most important cities.

deciphered, we must confine ourselves to the statement that it was probably a continental bureaucratic empire that manifested substantially the same ideocratic and arbitrary culture of power as its contemporaries.

For the Aryan period evidence is more forthcoming. In the sixth century BC continental bureaucratic empires emerged in the Ganges river valley. Able to mobilize resources and manpower more effectively than tribal republics or petty chiefdoms, the continental bureaucratic empire outfought other less centralized and arbitrary forms of the state. By the fourth century BC the Nanda dynasty had brought much of the northern plain under its control and fielded an army two hundred thousand strong. In or around 320 BC the Nandas were overthrown by their former army chief, Chandragupta Maurya, his wily councillor, Kautilya, and other elements disaffected by Nanda oppression and harshness.

It is to Kautilya that posterity owes a remarkable and holistic account of the exercise of state power in Ancient India.⁵ At the heart of the absolutist *Arthashastra* State was the ruler who was advised “A king can protect his kingdom only when he himself is protected from persons near him, particularly his wives and children.”⁶ No moral relationships could exist in this culture of power. Princes, compared to crabs, vipers, and fighting rams, are a great danger to the ruler and thus “It is better to kill them quietly if they are found wanting in affection.”⁷ Queens and other members of the royal household are to be kept perpetually under surveillance by spies.⁸ All with access to the king were considered covetous of his throne. This was perfectly understandable as the king was often a usurper and his arbitrary powers generated immense fear, resentment, and greed amongst his subordinates. As long as the king, who was “the embodiment of the state,” employed “without hesitation, the methods of secret punishment” against real or perceived enemies, the calculus of fear and greed produced servility.⁹ The instant the royal

5. Kautilya, *The Arthashastra*, trans. L.N. Rangaraja (New Delhi: Penguin Books, 1992); Kautilya, *Arthashastra* trans. R. Shamasastri's (Bangalore: Government Press, 1915); and B.P. Sinha, *Readings in Kautilya's Arthashastra* (New Delhi: Agam Publishers, 1976), are versions of Ancient India's compendium on statecraft. Kautilya was the Prime Minister to Chandragupta Maurya, the founder of the Maurya Empire, about 320 BC.

6. Kautilya, *The Arthashastra*, trans. Rangaraja, p.154.

7. *Ibid.*

8. *Ibid.*

9. *Ibid.*, pp.157-158.

resolve or capability to inflict punishment was perceived, accurately or inaccurately, to falter, the same calculus produced rebellion.

The Mauryan ruler was the universal proprietor. The ordinary cultivator paid rent to the imperial treasury. The servants of the ruler were paid cash salaries and granted lands as revenue assignments. The official priesthood and other recipients of imperial largesse also received revenue assignments in land. Land was held by cultivators so long as they paid taxes and by imperial servants during their period of employment. The ruler owned or controlled hydraulic infrastructure, settled villages as insular caste-bound units, and maintained an excellent network of royal highways complete with state-owned caravanserais. Merchants laboured under the perpetual threat of confiscation, their trade regulated, their organizations subservient to the state, and their profits and prices fixed by bureaucrats.

The management of the sprawling Mauryan estate, which at its height stretched from Bihar to the Oxus, necessitated its division into administrative subunits. The smallest unit was the village. Ten villages made a sub-district. Twenty sub-districts (two hundred villages), made a district. Two districts (four hundred villages) constituted a division. Finally, two divisions (eight hundred villages) made a province. Cities were organized into four divisions further divided into multiple wards. At the centre, some three dozen ministries and departments performed functions as diverse as the maintenance of order, tax collection, regulating trade and industry, espionage, prostitution, and enforcing "detailed regulations for washermen."¹⁰ Every task was entrusted to a salaried bureaucratic hierarchy whose members were recruited, promoted, transferred, or liquidated at the ruler's will. Kautilya warns aspirants to official posts, "Service under a King has been compared to living in a fire. A fire may burn a part of one's body and, at its worst, all of it; but a King may either confer prosperity or may have the whole family; including wives and children killed."¹¹ Consequently, a "wise" officer makes "self-protection his first and foremost concern."¹² This goal was best achieved through complete obedience in action, word, emotion, and thought, for the royal presence in the form of spies was everywhere sensitive to the slightest indications of dissent.

The effectiveness and grandeur of the state depended upon the intellect and work ethic of the ruler and his appointed servants. Of every

10. *Ibid.*, p.246.

11. *Ibid.*, p.205.

12. *Ibid.*

twenty-four hours, the ruler was to spend separate ninety-minute periods to review reports on defence and finances, grant audiences, receive revenue and make official appointments, draft correspondence and consult with spies, inspect military forces, confer with his defence chiefs, manage secret agents, discuss matters of state with senior officers and appoint spies, respectively. In addition to these twelve hours of regular work, an additional six hours were devoted to secret deliberations and security related matters. The ruler who stood at the heart of the *Arthasastra* bureaucratic machine was supposed to work eighteen hours a day and so set an example for his servants to follow.

It was in the ruler's own interest that his servants, absolute servility assumed, were recruited, transferred, and promoted on merit. Candidates for public office underwent tests of *dharma* (morality and law), *artha* (finance and worldly affairs), *kama* (recreation and aesthetics), and courage. A candidate who excelled at every test was appointed a palace official. Those that excelled at morality and law received judicial, police, and district management postings. Demonstration of superior excellence in *artha* netted appointments in the financial administration. Success in recreation and aesthetics secured postings in the recreational establishment responsible for managing brothels, training musicians, and the like. Excelling at the test of courage was the path to the ruler's personal bodyguard and intelligence service. Candidates that failed every test retained hope, if the ruler so wished, of appointments in the departments of mines, forestry, elephants, or workshops.

Salaries ranged from forty-eight thousand *panas* (silver pieces) a year for the royal councillors, guru, priest, defence chief, crown prince, queen, and queen mother, to four thousand to twelve thousand *panas* a year for the bureaucratic middle order that comprised, among others, governors, auditors, and comptrollers, to three thousand to five hundred *panas* for a lower order that included district officers, brothel managers, local spies, and village headmen. Between the apex and the middle order was a grade of high palace officials paid twenty-four thousand *panas* a year. Beneath the officer grades subsisted an amorphous mass of petty clerks, runners, peons, and menial workers, all paid small but regular cash salaries. The civilian side of the apparatus was complemented by a vast standing military establishment estimated as at much as six hundred thousand strong, organized on the same bureaucratic principles, and paid regular salaries.

Controlling this leviathan was no easy task. It was to sustain the state machinery that extensive economic controls had to be introduced lest the cost of living undermine the purchasing power of public sector

salaries and encourage officers to abuse their authority. A system of regular correspondence between the palace and the districts combined with royal inspections enhanced the ruler's control of his servants. The most effective instruments of royal control were spies. Royal agents installed in covers as varied as senior officers, inn keepers, wandering ascetics, and poison specialists disguised as cooks in the households of royal servants, reported to the king and his senior officers. The objective of the pervasive intelligence apparatus was not to prevent corruption. This was recognized as impossible given the size and complexity of the Mauryan Empire. Rather the aim was instilling in the hearts and minds of royal servants fear of their master's omniscience and omnipotence. In so doing, corruption (that is stealing from the sovereign) would be reduced and any adverse impact on the ruler's writ minimized.

The ideocratic complex of the Kautilyan continental bureaucratic empire comprised the familiar combination of an official religious establishment and a bureaucratic intelligentsia. The ruler assumed the mantle of divine sanction and thus tongues that committed sacrilege and treason by speaking ill of him were to be ripped from their indiscreet owners' mouths. Religious ceremonial imbued the ruler and his servants with an aura of cosmic significance, as did the employment of *pandits* (learned Brahmins) in the judicial service. In the districts and cities holy men, gurus, and tricksters, all on the royal payroll, projected the ruler's infallibility and divine attributes, and worked with spies, who found out and secretly punished the dissatisfied. When the last of the great Mauryan rulers, Ashoka, converted from Hinduism to Buddhism, the state religion also changed. However, while the rhetoric of the state changed, the structure of the ideocratic complex did not – a Buddhist bureaucratic intelligentsia and official priesthood were created. The ideocratic complex continued to reflect the use of the ruler's arbitrary powers for self-justification and self-aggrandizement. The hollowness of Ashoka's proclaimed pacifism and Buddhism is evidenced by the sequence of events:

...the greatest of the Mauryan emperors, felt remorse and adopted Buddhism *after* he had bloodily 'pacified' most of the subcontinent stretching up into Afghanistan, and was ensconced as the unchallenged *chakravartin* (the supreme hegemon), in other words, he renounced violence only *after* he had done away with all conceivable threats to himself and his realm.¹³

13. Bharat Karnad, *Nuclear Weapons and Indian Security: The Realist Foundations of Strategy* (New Delhi: Macmillan, 2002), p.325. In this groundbreaking and informative work, Karnad demolishes most popular notions of Hindu-Indian

After the disintegration of the Mauryan Empire in the second century BC the subcontinent broke up into numerous kingdoms and principalities each governed on the principles of the Kautilyan continental bureaucratic empire. In the fourth century AD another great continental bureaucratic empire under the Gupta dynasty emerged. A series of wars brought much of the subcontinent under Gupta rule by the fifth century. The core of this empire was the old Maurya heartland. Its capital, Pataliputra, was the old Maurya capital. The Gupta rulers proclaimed themselves god-kings, exercised universal proprietorship, and brought the country under the direct rule of their appointed servants distributed across the administrative subunits of the empire. The key figure was the *visayapati* (district officer), who controlled rights in land and performed executive and judicial functions. Village headmen were official nominees and the state undertook extensive hydraulic projects to increase yields from agriculture and settle new villages on an insular caste basis. The state monopolized armed force, mobilized labour on a vast scale, minted currency in gold, and possessed an official priesthood and bureaucratic intelligentsia that mythologized the past, preached the virtues of obedience, and projected the ruler as a divine, infallible, being. After the Gupta Empire fragmented in the sixth century the new states that emerged modelled themselves on the same pattern regardless of size. From the smallest Rajput principality to medium-sized successor kingdoms, the same combination of universal proprietorship, militarism, reliance on appointed servants, and divine sanction, prevailed.

The continental bureaucratic empires of Ancient India manifested an ideocratic and arbitrary culture of power similar in many respects to continental bureaucratic empires in other parts of the world. The country was the personal estate of the ruler. The micro-management of this estate was entrusted to a complex and vast bureaucracy subject to the ruler's arbitrary will. An official priesthood and bureaucratic intelligentsia, both dependent on the ruler's favour for pay and privileges furnished the illusion of legitimacy. All wealth, status, and honour flowed from the ruler's will and could, therefore, be arbitrarily withdrawn. An extensive network of reporters, agents, and spies, kept the ruler informed and silently visited retribution upon those guilty of thinking, speaking, or acting, against the *chakravartin*. A numerous military establishment

pacifism, and Gandhian and Nehruvian idealism. One of the lessons that can be drawn from Karnad's work is that a remarkably large section of the Indian ruling class, due to its intellectual and moral limitations, came to believe its own lies and consequently, placed severe constraints on the Indian "will to power" and pursuit of national interests.

organized on bureaucratic principles stood at ready to restore order, respond to emergencies, expand territorial frontiers, and punish rebellious tributaries.

Society was deliberately atomized by the state into sub-political, insular, caste-based units placed in direct contact with officers representing the overwhelming powers of the central state. Society responded with servility when the state was strong, or rebellion when the state was perceived as weak. Successful rebellion, however, led to anarchy and the rise of warlords and petty tyrants more arbitrary, capricious, and unenlightened. Indian society simply lacked adequate horizontal or vertical power associations capable of creating an organic political order when the external force of the imperial state dissipated. After many centuries of breakdown, an apathetic and brutalized society was, once again, brought under the direction of a *chakravartin*. The new order, however, was basically a replica of the old and endured only so long as the intellectual and moral qualities of the rulers remained high. This, however, was often the product of luck or circumstance and if the war of succession that often followed the death of a ruler failed to produce a competent heir, the state would fail and society would be left at the mercy of master-less, fragmenting, arbitrary, and remorselessly selfish, bureaucratic instruments. Kautilya warned that in the absence of a *chakravartin*, there was a real danger of a foreign invader successfully conquering the subcontinent and establishing an empire of his own. Six centuries after the fall of the Guptas, the Turks invaded a subcontinent convulsed by conflict and were established as the supreme hegemony by the mid-thirteenth century.

Continental Bureaucratic Empires and the Culture of Power of the Subcontinent: The Delhi Sultanate 1206-1526¹⁴

The Turks were a tribal people on the margins of civilization that came into West Asia and North Africa as military slaves of the Arab Empire. In the mid-800s the Abbasid ruler, Mu'tasim, established an

14. The term "Sultanate" is a bit misleading. The Delhi Sultanate was a succession of dynastic states that rose and fell between 1206 and 1526. The Turkish dynasties were the Shamsids (Slave Dynasty), Ghiyathids, Khaljis, Tughluqs and account for the years 1206-1412. The Turco-Afghan dynasty of the Sayyids and the Afghan dynasty of the Lodhis account for the years 1412-1526. Most of these dynasties had only one great ruler under whom the Delhi Sultanate exercised effective control of the Indo-Gangetic plain and penetrated the Deccan. The total period of effective central authority for the Delhi Sultanate is about a century and a half. However, the maximum total period of continuous, effective, rule from a single centre is about sixty years (1325-1388).

imperial guard “a few thousand strong but tough, disciplined and devoted to their master” comprising only Turks.¹⁵ By the late-800s century AD the Turks established themselves as the ruling class of a fragmenting Arab Empire.¹⁶ Like the Arabs before their imperial ascension, the Turks had no experience of ruling a bureaucratic state. Like the Arabs, once the Turks acquired power they quickly absorbed the ideocratic and arbitrary cultures of power of the continental bureaucratic empires that fell under their sway. At a more formal level this transition meant the adoption and practice of Ancient Persian conceptions of statecraft. It is perhaps no coincidence that the Turks identified more readily with Ancient Persian precepts rather than those maintained by their former Arab masters. At any rate the significance of Turkish assimilation into the Persian culture of power was that before they ventured into the subcontinent they, like the states of the subcontinent, exercised power in the ideocratic and arbitrary manner common to continental bureaucratic empires.

The core organizational principle of the Delhi Sultanate was the universal proprietorship of the sovereign. The test of a sultan’s strength was his ability to enforce his universal proprietorship. Ghiyathudin Balban, through a policy of terror and confiscation, brought his fellow slaves under control. Allaudin Khalji confiscated the properties of his predecessors’ servants, converted their revenue assignments or *iqtas* into crown land, and “resumed all private property,” inclusive of charitable endowments and lands granted as gifts.¹⁷ Similar acts of mass-confiscation characterized the reigns of later sultans. The inherited insularity, apathy, and atomization of Indian society helped the sultans establish their arbitrary rule. Village headmen became the sultan’s highway watchmen, were forbidden from possessing arms or horses, kept in a sub-political role, and subject to beatings and confiscations. Property in capital was similarly under the ruler’s control. Leading merchants were compelled to live in the vicinity of the capital. A network of market superintendents, reporters, and spies regulated prices and profits, with violators punished mercilessly with torture and confiscation. The sultan

15. Kennedy, *The Court of the Caliphs*, p.214.

16. Mu’tasim then moved the capital from Baghdad to Samarra: “The new regime was established in Samarra, and the new army and the bureaucracy were moved there. Mu’tasim was now master in his own capital, surrounded by the troops who owed everything to him. Baghdad with its turbulent inhabitants and vigorous commercial life, was well out of the way. He could not have realized how this isolation in the middle of his troops would make Samarra a prison and ultimately a death trap for his successors.” *Ibid.*

17. Peter Jackson, *The Delhi Sultanate: A Political and Military History* (Cambridge: Cambridge University Press, 1999), p.241.

owned his own manufacturing establishments that converted taxpayers' money into luxuries, such as robes of honour (hundreds of thousands of which were doled out each year) to handicrafts, luxuries, and weapons. Merchants required official permits, licences, and passports, and existed at the sufferance of the sultan and his servants.

The sheer size of the Delhi Sultanate meant the ruler had to rely upon appointed servants to do his bidding. These servants, be they judges, tax collectors, military governors, or city magistrates, were granted *iqta*'s, or transferable revenue assignments in land, in exchange for their services. The central government comprised a royal council, ministries for revenue, local administrations and communications, war, and markets, plus departments for justice, agriculture, river navigation, canals, land clearance, subsidies, and the navy. The sultanate was divided into provinces, divisions, districts, villages, and urban areas, each administered through a hierarchy of appointed servants or local notables dependent on the sultan's favour.

Like Achaemenid Persia, the Delhi Sultanate made extensive use of slaves to fill administrative and military posts. Indeed, the first sultans were slaves themselves. In the early thirteenth century the sultan owned about fifty thousand slaves. By the late fourteenth century the sultan owned nearly two hundred thousand slaves. In addition to these slaves thousands of migrants from Persia, Central Asia, and the Arab world poured into the subcontinent seeking employment in the sultan's service. It was not uncommon for half or more of a sultan's high officials to have been born outside the subcontinent. Within the subcontinent, the sultans sometimes elevated people of meager background to high offices. Slaves, being the property of the sultan, were often imported from abroad and also of humble origins, and so owed everything to their master. Moreover, as the slaves were equal to each other they sought to preserve that equality even if it entailed perpetuating their own servitude. Foreigners, often well educated and from families with traditions of state service, were driven into the subcontinent by the Mongol advance or lured by the prospect of enrichment. Either way, they depended on the sultan for survival in their adopted home. The elevation of lower class or caste locals similarly guaranteed their dependence upon the ruler as it alienated them from their own groups and antagonized those with better pedigree. The greatest advantage of this system was that the sultan's arbitrary power, if wielded effectively, could rapidly and without encumbrance operate through a bureaucratic elite that was talented, hardworking, and unquestioningly obedient. The greatest disadvantage was that the bureaucratic class was highly heterogeneous, atomized,

lacked moral relationships, and, in the absence of a strong ruler capable of inspiring fear, simply fell apart into thousands of rival petty estates.

In order to maintain control of his estate the sultans had two formidable weapons at their disposal – the army and spies. As with the Mauryas, the size of the Delhi Sultanate’s armies under competent rulers is estimated between three hundred thousand and six hundred thousand. Even if we accept the lower estimate, the cost of maintaining such a large standing armed force on fixed salaries placed immense strain on the economy. Like the Mauryas, the sultans used a combination of economic controls and regulations to keep prices and shortages in check. Unlike the Mauryas, the sultans did not appoint a permanent army chief and, instead, performed that role personally. Repeated failures of dynastic succession meant the territories of the Delhi Sultanate had to be re-conquered every two generations. When not engaged in re-conquest, the army expanded the frontiers of the sultanate and quelled internal rebellions.

Spies and reporters were used for a diverse range of functions. The most important was providing the sultan with an independent source of information. Regular reports coordinated by the postmaster general, were delivered through an impressive courier-relay system.¹⁸ Ibn Battuta recounts how at Multan his party stopped for a routine inspection by “officials of the intelligence service...”¹⁹ Normally, the journey from Multan to Delhi took “fifty days march but when the intelligence officers write to the sultan...the letter reaches him in five days by the postal service.”²⁰ Besides regular reports, spies were employed in the households of the sultan’s closest relations and senior-most officers, given undercover assignments in the administration and military, investigated the full extent of officers’ assets, pried into household

18. This system, of Ancient Persian origin, was extensively employed by the Arab imperial states. The second Abbasid ruler, Mansur, “...relied heavily on an organization called the *barid*. This is usually translated as ‘post’, but though it did carry official correspondence its remit ran much wider. The agents of the *barid* operated in every city and district a sort of alternative government structure, reporting directly to the caliphs on the behaviour of the governor, the *qadi* or judge and such mundane but important matters as the movement of prices of essential commodities.” Kennedy, *The Court of the Caliphs*, p.15. When Harun al-Rashid, the Abbasid ruler immortalized in the *Arabian Nights*, died in 809 at Tus, some 1900 kilometers from the capital, Baghdad, the news was transmitted through the *barid* and arrived at the imperial palace in eleven or twelve days. *Ibid.*, p.85.

19. Ibn Battuta, *Travels in Asia and Africa 1325-54* (London: Routledge and Keagan Paul, 1929; reprint Lahore: Services Book Club, 1985), p.181.

20. *Ibid.*

expenses of ordinary subjects, watched markets, and even wandered as beggars and mendicants. There prevailed an “atmosphere of perpetual suspicion and distrust” in which “spies and reporters poked their noses into everyone’s private business.”²¹

The Delhi Sultanate was an eminently ideocratic enterprise. The ruler styled himself the Shadow of God and disobedience to him was equated with disobedience to Him. The punishment for speaking against the sultan was death. An official priesthood and bureaucratic intelligentsia paid from public funds and grants land, dispersed across a country with an overwhelming Hindu majority, and so abjectly dependent upon the sultan, provided him with adulation and the illusion of legitimacy. From the class of Muslim clerics and scholars were drawn the judicial officers (*qazis*) responsible for settling disputes unrelated to the administration. The sultan appointed the *qazis* and their decisions could be appealed to the sultan who changed, countermanded, or confirmed them as he saw fit. The sultan personally dispensed justice, as did his governors, according to their caprice. Many sultans pursued a policy of destroying Hindu temples and converting them into mosques, albeit with varied zeal. The idea was to humiliate the gods of the Hindus and so demonstrate that divinity was on the side of the sultans and their loyal servants. Elaborate and lavish court ceremonial, on the Ancient Persian pattern, complete with prostration and ground kissing, dramatized the distance between the ruler and his subjects, “was highly artificial and reveals anything but a virile and healthy environment.”²² By the mid-fourteenth century, Sufi orders were brought under the patronage and control of the state.

The Delhi Sultanate was a continental bureaucratic empire that periodically rivalled in extent and powers its Gupta and Maurya predecessors. The sultan was the universal proprietor, sanctioned by divinity, and operated through a hierarchy of slaves and servants. So long as the sultan was intelligent enough to wield the instruments at his disposal effectively his arbitrary sway prevailed. As soon as the ruler proved incompetent or indecisive he would be overthrown. If the period of disorder did not quickly produce a competent successor the “central administration,” which “was practically the only unifying force in the

21. K.A. Nizami, ed., *Politics and Society During the Early Medieval Period: Collected Works of Professor Mohammed Habib*, Vol.2 (New Delhi: Peoples Publishing House, 1981), pp.369-370.

22. K.M. Ashraf, *Life and Conditions of the People of Hindustan* (New Delhi: Munshiram Manoharlal, 1959), p.77.

country,”²³ collapsed and anarchy ensued. The sultan ruled only so long as he was successful:

...one little disaster, once chance defeat, and the whole fabric of the state broke down. Under such a scheme of government, the masses of people, already living in intellectual isolation, became ever more indifferent to the fortunes of their monarch and the political destiny of their kingdom.²⁴

The culture of power of the Delhi Sultanate manifested the same arbitrariness, bureaucratization, militarism, lack of trust within the ruling class, ideocratic delusion, perpetual surveillance, and contempt for private property as the *Arthashastra* State. The differences were in the formal organization of the state, the dominant idiom, lifestyle, and rhetoric used by the rulers to convince themselves and others of their perfection. Like the Hindu rulers the sultans ultimately failed to heed Kautilya's warning of the presence of great outsiders. In 1526, a force of Chingezid Turks and disaffected Afghans under the leadership of Babur, including blood relatives of the incumbent sultan whose pharonic pretensions dwarfed his capabilities, defeated the decaying Delhi Sultanate. This inaugurated the Timurid, or, as it is more popularly known, the Mughal, empire.²⁵

Continental Bureaucratic Empires and the Culture of Power of the Subcontinent: The Timurid (Mughal) Empire 1526-1707

It took till 1560 for the Timurid Empire to emerge as the largest and most powerful of about twenty states in the subcontinent. From 1564 to 1591 the Indo-Gangetic plain was brought under Timurid rule and by the first decade of the seventeenth century the empire pressed with some success into the Deccan and peninsular India. When Akbar the Great (1556-1605) died, the Timurid Empire stretched from Kabul to Bengal and from Kashmir to the Deccan. Akbar's three great successors, Jahangir, Shahjahan, and Aurungzeb, provided a century of strong government.

In the classical tradition of continental bureaucratic empires the basic principle of the Timurid dominion was that the entire country was

23. *Ibid.*, p.2.

24. *Ibid.*, p.36.

25. Babur was a descendent of Amir Timur, who led the second wave of Mongol invasions. These invasions, in the late fourteenth and early fifteenth centuries, devastated the Muslim world. In 1398-99, the Timurid armies conquered and sacked Delhi, a blow from which the sultanate, then undergoing dynastic failure, never truly recovered. After Timur's death in 1405, his empire disintegrated into hundreds of petty despotisms.

considered the personal estate of the ruler.²⁶ The sheer size of the estate meant that if the ruler wished to manage it without sharing power he would have to rely upon an imperial bureaucracy distributed across administrative subunits. These subunits, in the early 1600s comprised twelve provinces, one hundred divisions, and about three thousand districts. The imperial bureaucracy of the Timurids were known as *mansabdars* or office holders, and the system through which they were recruited, promoted, transferred, and remunerated, was known as *mansabdari*.²⁷ The *mansabdars* were organized into a hierarchy of grades starting at twenty and going up to seven or ten thousand. Remuneration consisted of salaries and revenue assignments in land or *jagirs*. Given the rank of the officer, he maintained a specified number of heavy cavalry.

The wealth and privileges of this warrior-bureaucratic elite were almost without parallel. In 1647, when the annual revenue of the empire stood at two hundred and twenty million rupees, the four hundred and forty-five *mansabdars* of grade five hundred and above accounted for sixty-one per cent of total revenue, while the sixty-eight princes and nobles at the top accounted for some thirty-seven per cent of total revenues.²⁸ When Yamin al-Daulah, a prominent provincial noble based in Lahore, died in November 1641 and imperial officers took account of his possessions, his estate was assessed at twenty-five million rupees²⁹ and included, among others, three million rupees in jewels, twelve and a half million rupees in cash, and three million rupees in jewels.³⁰ At that time, the Safavid Shah of Iran had an annual income of twenty-four million rupees.³¹ Great wealth was also the source of great insecurity for the emperor constituted "himself the heir of all the *Omrachs*, or lords, and

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26. During the reign of Humayun (1530-1556) the Timurid's experimented with sharing different provinces amongst the royal princes instead of plunging into a fratricidal civil war. The consequences for the Timurid dominion were almost fatal as dissension between the brothers crippled the state and led to humiliation and exile at the hands of the Afghan Sher Shah Suri (1540-1545). Ultimately, Humayun had to defeat his brothers and lead a re-conquest of northern India, which was, at the time of his death in 1556, still far from complete.
27. See, Abul Fazl Allami, *A'in-i-Akbari*, trans. H. Blochmann (Calcutta: Calcutta Madrassah, 1873; reprint, (Lahore: Sang-e-Meel Publications, 2003).
28. Irfan Habib, *Essays in Indian History: Towards a Marxist Perspective* (New Delhi: Tulika, 1995), p.27.
29. Standard silver currency units.
30. Inayat Khan, *Shahjahan-nama*, trans. A.R. Fuller, eds., W. Begley and Z.A. Desai (Delhi: Oxford University Press, 1990), p.282.
31. *Ibid.*, p.232.

likewise of the *Mansabdars*, or inferior lords, who are in his pay.”³² When an officer fell from royal favour or died his possessions were seized by the emperor’s agents and confiscated. This practice was the logical outcome of the ruler being the “...proprietor of every acre of land in the kingdom, excepting, perhaps, some houses and gardens which he sometimes permits his subjects to buy, sell, and otherwise dispense of, among themselves.”³³ As transfers were frequent, and confiscation assumed, imperial officers extorted “as much as they could from the peasantry without any concern for the economic future of the areas temporarily under their control.”³⁴ Manucci, another European visitor, notes of Aurungzeb that “He seizes everything left by his generals, officers, and other officials at their death, in spite of having declared that he makes no claim on the goods of defunct persons...under the pretext that they are his officers and in debt to the crown, he lays hold of everything.”³⁵

Local notables, such as *zamindars*, *chaudaris*, and even Rajput princes, were confirmed in their possession of land, served either as *mansabdars* or under the direction of imperial officers and could be expropriated if they misbehaved. Merchants operated under numerous restrictions, were subject to arbitrary confiscation, and city magistrates appointed guild leaders. To protect themselves and secure better terms, many merchants sought the patronage of imperial officers in exchange for sharing profits. This protection racket was a lucrative source of illegal income for the warrior-bureaucratic ruling class who abused its powers to amass great trading fortunes.³⁶

Controlling imperial servants and through them the country was no easy task notwithstanding the apathy and atomization of society. The Timurids relied principally on their military machine to maintain order and collect taxes, one of the advantages of the *mansabdari* system being that it allowed for the dispersal and flexible use of military power. The

32. François Bernier, *Travels in the Mogul Empire: AD 1656-1668*, trans. Irving Brock, revised and improved edition, Archibald Constable (London: Archibald Constable and Company, 1891; reprint, Karachi: Indus Publications, n.d.), p.204.

33. *Ibid.*

34. Tapan Raychaudhry and Irfan Habib, eds., *The Cambridge Economic History of India*, Vol.1, c1200 to c1750 (Cambridge: Cambridge University Press, 1982), p.173.

35. Athar Ali, *The Mughal Nobility Under Aurungzeb* (New Delhi: Asia Publishing House, 1970), p.66.

36. Pp.155-156.

size of the military establishment is, however, open to question. If we go by Abu'l Fazl's figures, the total numerical strength of the military, including the heavy cavalry, musketeers, royal guard, and auxiliaries maintained by local notables, comes to an incredible four million four hundred thousand.³⁷ Based upon these figures and the total revenue demands of the Timurid Empire, which amounted to between one-third and half of Gross National Product, as many as twenty-six million people may have depended directly and indirectly upon the military for their livelihood.³⁸ In the royal stables, for instance, there were seventeen categories of servants.³⁹ Another estimate is that by the mid-seventeenth century the total number of paid soldiers was about one million.⁴⁰ Of these soldiers the emperor kept enough of the best troops in his own hands and those of the royal princes, and retained the most important *mansabdars* at the imperial court. The general trend was that so long as the emperor was strong rebellions by local notables, imperial servants, or disgruntled peasants, were crushed. Logic and a measure of enlightened self-interest dictated that the Timurid warrior-bureaucratic elite unite against their arbitrary overlord and gain a measure of personal and collective security.

This eventuality was prevented by the heterogeneous and alien nature of a ruling class that comprised Turks, Mongols, Uzbeks, Persians, Arabs, Rajputs, Marathas, a smattering of Indian Muslims and a few exceptional Hindus. Many of the imperial officers were of humble or obscure origins, had been raised quite suddenly to high office, and were thus completely dependent on royal favour. Many were foreigners and lacked knowledge of local conditions. Even after experience was acquired the system of regular transfers combined with the imperial bureaucracy's preference for living in the cities and sending agents and soldiers to collect revenue from *jagirs*, a process that can be described ineloquently by effectively as absentee-parasitic-bureaucratic-

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37. Writes Abul Fazl, "A large number are worthy but poor; they receive the means of keeping a horse, and have lands assigned to themselves, without being obliged to mark their horses with the imperial brand. Turanis and Persians get 25 *Rupees*; and Hindustanis, 20 *R*. If employed to collect the revenue, they get 15 *R*. Such troopers are called Barawadi." Abul Fazl Allami, *A'in-i-Akbari*, *op.cit.*, p.225.
38. Raychaudhry, *The Cambridge Economic History of India*, Vol 1, c1200 to c1750, 179. The total revenues are estimated at 130 million rupees under Akbar, 220 million rupees under Shahjahan, and 380 million rupees during the later half of Aurungzeb's reign.
39. *Ibid.*, p.181.
40. Abraham Eraly, *The Last Spring: The Lives and Times of the Great Mughals* (New Delhi: Viking, 1997), p.815.

landlordism, ensured that the rulers remained strangers. Intense rivalries between ethnic and religious groups meant that the rebellion or disobedience of one noble, or group, provided others the opportunity to gain their master's favour at the upstart's expense. Even a moderately intelligent ruler could manipulate the calculus of fear and greed to keep his demographically diverse apparatus in line. However much the imperial servants feared their master, they knew that if one of their own seized power he would assert his universal proprietorship and redistribute assets amongst his favourites.

In 1560, for instance, when word got out that Akbar was upset with his guardian and tutor, Bairam Khan, "all men turned their backs upon him and their faces towards the Emperor" in "the hope of receiving dignities and *jagirs* suitable to their condition."⁴¹ About twenty years later, Akbar, having raised Khawja Mansur, a former clerk in the imperial perfumery department, to the post of *diwan* (revenue minister),⁴² threw him in jail upon receiving complaints of his pettiness and obstructionism.⁴³ After a while, Akbar relented and restored Khwaja Mansur to his ministerial post. Soon, letters fell into Akbar's hands indicating Khwaja Mansur was disloyal. His anger fanned by nobles dissatisfied with Khwaja Mansur, Akbar ordered his arrest and execution, which were immediately carried out. After the execution, Akbar decided to have his "confidential servants" investigate the letters, which were subsequently proved to be forgeries.⁴⁴ Akbar "regretted the execution."⁴⁵

Another vital instrument of control were these "confidential servants" or reporters, spies, informants, and secret operatives. Each district had its news writer whose duty was to report everything of note that occurred in a district. At the centre, fourteen "zealous, experienced, and impartial" imperial secretaries summarized reports, prepared accounts, handled routine correspondence, and performed other vital

41. Nizam al-Din Ahmad, *Tabakat-i-Akbari*, trans. Sir H.M. Elliot (n.p. 1871 reprint; Lahore: Sind Sagar Academy, 1975), Book I, p.86.

42. At the provincial level two officers of equal importance, the provincial revenue ministers and provincial governors, headed the financial administration and order apparatus, respectively. Both officers were often rivals and reported upon each other to the emperor.

43. Nizam al-Din Ahmad, *Tabakat-i-Akbari*, Book II, p.89.

44. *Ibid.*, p.96.

45. *Ibid.*

paper work.⁴⁶ Away from the emperor's watchful eye, in the provinces and districts, the news-writers often opted for "disgraceful collusion" with local officers.⁴⁷ One can imagine that diligent reporters were unpopular with the local governors and given the latter's military powers, exposed to considerable risks.

Spies and informers were thus necessary for providing the emperor with more reliable information. These agents were deployed to check the household expenditures of royal subjects, infiltrate the harem of nobles and report political and personal information, spy on the royal princes, check accounts, investigate cases, prevent rebellions or at least provide early warning, and report on military efficiency. The postmaster general acted as the head of the formal and informal system of correspondence carried by a courier-relay system. To be on the safe side, the Timurids employed spies to spy on other spies, known as *harkaras*. Pervasive suspicion meant ordinary subjects and state servants resorted to concealment and theft as and when possible. The former lived in studied indigence and buried their valuables in the ground and in wells. The latter spent lavishly and secretly hoarded ill-gotten wealth knowing that sooner or later it would be investigated and the emperor would confiscate the uncovered amount. So, the logic was, to steal so much that even if most assets were confiscated enough was left to maintain the family until another one of them became an imperial servant. Given the Timurid preference for fair-skinned foreigners, however, chances of imperial employment declined with each succeeding generation.

The ideocratic complex of the Timurid Empire consisted of an official priesthood and a bureaucratic intelligentsia. The state paid subsidies to religious establishments, regular stipends to religious scholars, and employed the Muslim priestly class as judges much as the Delhi Sultanate did. The ruler was divinely sanctioned and so to oppose him was blasphemous and treasonous. Although great attention has been paid to Akbar's infallibility decree and creation of a royal religious cult based on emperor and sun worship (*Din-i-Ilahi*), taking imperial rhetoric seriously obscures the underlying arbitrary power of the sovereign. There was nothing new in the infallibility decree extracted as it was from a servile, cynical, and worldly official priesthood. Since ancient times the rulers of the subcontinent assumed the mantle of infallibility. The

46. "Keeping records is an excellent thing for a government; it is even necessary for every rank of society. Though a trace of this office may have existed in ancient times, its higher objects were but recognized in the present reign." Abu'l Fazl Allami, *A'in-i-Akbari*, trans. H. Blochmann, *op.cit.*, p.245.

47. Bernier, *Travels in the Mogul Empire: AD 1656-1668*, p.231.

creation of a new religious cult or legitimating ideology was also not without precedent. Alauddin Khalji and Muhammed bin Tughluq contemplated founding religions. In ancient times, Ashoka changed the official religion, which subsequently alternated between Buddhism and Hinduism, depending on the ruler's personal inclination. That Akbar chose not to spread his religious cult beyond the military and bureaucratic elite does not alter the fact that, ultimately, it was his choice.

Akbar's successors drifted towards an increasingly orthodox ideocratic complex characterized by the wanton desecration of hundreds of Hindu temples, the culmination of this process reached under the last great ruler, Aurungzeb. Aurungzeb, like his predecessors, used religion for political ends and to cloak himself in an aura of divinity and infallibility. Part of this policy was to employ religious scholars and judges, normally at the base of the Timurid power pyramid, in financial and administrative posts. This led the lay nobles to bemoan the emperor's reliance on abjectly servile "hypocritical mystics and empty-headed scholars."⁴⁸ Much like the consultants and development experts that clog the arteries and numb the minds of continental bureaucratic empires in the developing world today, "these men are selling their knowledge and manners for the company of kings" and "to rely on them was," and is, "neither in accordance with the divinely prescribed path, nor suited to the ways of the world."⁴⁹ Indeed, "these men are robbers in every way" and "(As the saying is), the finances are given over to the Qazi and the Qazi is satisfied only with bribes."⁵⁰ Lavish court ceremonial involved the circulation of tens of millions of rupees of gifts every year, and emphasized the ruler's universal proprietorship even as it legitimized bribery.⁵¹

Society's response to the Timurid imperial machine was even greater insularity and apathy. As the Timurid Empire extracted more resources out of a stagnant economic base in pursuit of military glory and

48. Athar Ali, *The Mughal Nobility Under Aurungzeb*, *op.cit.*, p.99.

49. *Ibid.*

50. *Ibid.*

51. "In *Asia*, the great are never approached empty-handed. When I had the honour to kiss the garment of the great Mogol *Aurung-zebe* (Ornament of the Throne), I presented him with eight *roupies*, as a mark of respect; and I offered a knife-case, a fork and a pen-knife mounted in amber to the illustrious *Fazal-Khan*...a Minister charged with the weightiest concerns...on whose decision depended the amount of my salary as a physician." Bernier, *Travels in the Mogul Empire: AD 1656-1668*, *op.cit.*, p.200.

monumental extravagance, flight, concealment, and rebellions became more common. By the 1670s and 1680s there were indications that order in the vicinity of Delhi and Agra had begun to break down. The atomization of society meant that when the external force holding the country together waned the results were anarchy, bloodshed, and spiralling arbitrariness and confusion. The end came swiftly for the Timurid Empire. After Aurungzeb's death in 1707 the succession of competent rulers failed. Wars of succession and dislocation at the centre caused fragmentation, spread anarchy, and invited foreign invasions. By 1721 the central government ceased to be effective. In the 1730s and 1740s local officers carved out kingdoms for themselves. In 1764, the last vestiges of Timurid power vanished with the British victory at Buxar. The dynasty survived as British lackeys until 1857 though its effective power barely encompassed the palace grounds at Delhi.

The Timurid continental bureaucratic empire is matched only by the Mauryas in terms of territorial extent and centralization. The rulers of this empire were the servants of the emperor, organized into a bureaucratic hierarchy recruited, transferred, and liquidated at the ruler's will. The ruler was also the universal proprietor and legitimized by his preferred interpretation of divinity. The bureaucratic classes also served as the academic elite while scholars and priests depended on imperial patronage. Within the Timurid omni-estate all wealth, status, and position, emanated from the favour of the ruler and his servants. To keep his flocks and shepherds in line, the emperor employed military coercion and espionage on a vast scale. The Timurid Empire, as its megalithic textual remains indicate, was essentially a government that operated by correspondence, remote decision, and, so long as the ruler was capable, outward respect for complex bureaucratic routine.

The arbitrary powers of the sovereign preempted moral relationships from developing within the ruling family. The emperors' brothers, sons, and relations, repeatedly revolted. Akbar's son and successor, Jahangir, revolted and had Abu'l Fazl murdered. Jahangir's son, Khusrau, revolted against his father, but failed, was imprisoned, and three hundred of his partisans were impaled outside Lahore. Shahjahan's third son, Aurungzeb, who, in a series of campaigns, defeated and killed his fellow royal princes, imprisoned the aging emperor. Imprisonment and exile were the fates of Aurungzeb's own sons. In 1707, upon Aurungzeb's death, a war of succession failed to produce a competent ruler capable of living for several decades, the heterogeneous and conspiratorial nature of the imperial warrior-bureaucracy combined with the apathy of the ruled, caused the empire to fragment into hundreds of petty bureaucratic estates, exponentially increasing the levels of arbitrariness,

mismanagement, corruption, and insecurity. Eventually, out of the maelstrom of wars of Timurid succession a new power willing and able to unify the subcontinent emerged.

This new power was Britain, or, more precisely, the British East India Company. The British, possessed a culture of power anomalous even by European standards, that found formal expression in the State of Laws. After the British conquest of Bengal in 1757 it remained to be seen if the British culture of power so admired by Enlightenment thinkers such as Voltaire and Montesquieu, could reform the ideocratic and arbitrary culture of power of the subcontinent. The State of Laws and the continental bureaucratic empire were set to confront each other. Far more was at stake in this struggle than the future of India or the validity of philosophical liberalism. At stake was the idea of the alterability of the human condition in relation to the exercise of state power so central to the Enlightenment and the Revolution. After thousands of years history was about to offer a choice.

The Anglo-Saxon Anomaly and the State of Laws

The environmental setting in which the State of Laws evolved was relatively poor, isolated, and, quite literally, at the margins of civilization. Britain lacked agricultural resources, and it was not until the Roman conquest of the first century AD that civilization reached its shores. Till the Roman withdrawal three centuries later, Britain was governed as an imperial province. After the barbarian invasions of the fourth and fifth centuries, which brought the Anglo-Saxons to Britain from Germany, the island was overrun and descended into chaos. It took more than four centuries and the threat of Viking attack for the Anglo-Saxon nobles to appreciate the necessity of some form of central leadership. Under Alfred the Great (871-899) the country was governed with the advice and consent of the *witena gemot* (council of the wise) and the *folkmoot* (semiannual gathering of freemen).

The successful Norman invasion of England in 1066 resulted in the establishment of military feudalism and a strong monarchy. The Norman rulers dispersed the Anglo-Saxon aristocracy and replaced it with nobles from Normandy. These nobles were considered tenants by the ruler and owed him military service which, if not properly fulfilled, could result in the confiscation of their lands. An important feature of the Norman system that militated against the ruler's universal proprietorship was that the estates were normally held for life and were inherited by the eldest son. The Norman nobility also maintained order, dispensed justice, and collected taxes, from their estates. Over time, the Norman nobility developed a strong proprietary interest, made long-term investments in

developing trading centres and towns on their own initiative, secured a local power base, and, through marriage and enculturation, ceased to think of themselves as foreigners. Royal focus, distracted by continental entanglements ranging from relations with the French monarchy to the Crusades, failed to accurately fathom the growing power of what soon became an Anglo-Norman aristocracy.

The attempts made at circumventing the power of the aristocracy by rulers like Henry II (1154-1189) actually decreased their arbitrary powers over the long-term. For example, Henry II constituted royal courts that administered the Common Law assisted by juries of twelve freemen. His objective was to draw litigants away from the manorial courts. The Common Law judiciary, however, became one of the champions of a limited monarchy. Later attempts to manipulate judicial power in order to enhance royal control, such as the Nottingham Declaration, the High Commission, and the Court of the Star Chamber, ended in defeat for the monarch. Indeed, royal efforts to use the judiciary were an admission of executive weakness and indicated the absence of centralized means of administrative control.

If circumvention proved futile confrontation brought disaster. Practically all attempts by the executive to impose centralized control failed and actually provoked important groups to establish autonomous institutions, most famously the Lords and the Commons, to deter further efforts. In 1215, for instance, King John tried to compel his nobles to join a royal expedition to re-conquer Normandy, which was lost to France in 1204. In order to finance the expedition King John vigorously collected taxes, imposed fines, and abused his powers of escheat and wardship. He also relied on favourites from Normandy and raised a mercenary army which, complemented by feudal levies, was to invade Normandy. The aristocracy, wary of the king's grasping and arbitrary ways, and fearful of what might happen if the army were turned upon them, rebelled. They managed to catch the king off-guard and extracted from him the Great Charter (*Magna Charta*) of 1215.

This charter limited the powers of kings in important areas. The king could not interfere in property-related matters. The appointment of local officials was formally entrusted to the local governments dominated by the aristocracy. Free subjects could not be arbitrarily thrown in jail and had the right to trial by jury. Additional taxes and customs could not be levied on towns and cities and their privileges and exemptions were confirmed. The king could not demand additional funds beyond those derived from the royal lands without the consent of the lords and the higher clergy. Mercenaries were to be disbanded and

foreign favourites sent home. The state, in other words, was not the personal estate of the ruler. Lawful opposition was possible, even expected, should the king try to govern the country as his personal estate. The law “was an independent power,” an autonomous institution, to which the ruler was accountable.⁵²

Between 1215 and 1688, the monarchy, Church, Lords, Commons, and judiciary, were engaged in a complex struggle for power. While the alignment of these institutions changed, broadly speaking, the parliamentary and judicial institutions overcame the executive and ecclesiastical combination. At a cognitive level the State of Laws rested on the twin realizations that “There is no liberty, if the judiciary power be not separated from the legislative and executive”⁵³ and “If the legislative power was to settle the subsidies, not from year to year, but forever, it would run the risk of losing its liberty, because the executive power would no longer be dependant.”⁵⁴

Our survey thus far has indicated that the broad direction of historical development favoured the emergence of continental bureaucratic empires. Variations in organization, sources of power, and social responses reflected differences in degree. The main characteristics were, and are, nearly everywhere the same. A fundamentally different form of the state and with it a very different culture of power did emerge on the margins of the world. This state was the State of Laws. This culture of power of this State of Laws was characterized by the existence of lawful and effective means of defying the sovereign, the prevalence of autonomous institutions, the rule of law, and private property. The soil in which this anomaly grew was England and, eventually, her overseas dominions of settlement. Alexis de Tocqueville, a contemporary of the Marquis de Custine⁵⁵ who travelled in the opposite direction to the United States found,

52. Simon Schama, *A History of Britain: At the Edge of the World? 3000 BC-AD 1603* (London: BBC Worldwide Ltd., 2000), p.162.

53. Charles de Secondat, *The Spirit of Laws* (New York: Prometheus Books, 2002), p.152.

54. *Ibid.*, p.160.

55. “Tocqueville, believing the strength of American democracy to lie in its local institutions, travelled almost exclusively in the provinces, greatly neglected the organs of the central authority, visited Washington only briefly, towards the end of his journey, and with only perfunctory interest. Custine, coming to a country where power was centralized as nowhere else in the Christian world, quite properly and naturally confined his attention largely to the capital city, the court, and the central apparatus of government.” George F. Kennan, *The Marquis de Custine and his ‘Russia in 1839’* (London: Hutchinson, 1972), p.19.

The English colonies – and that was one of the main reasons for their prosperity – have always enjoyed more internal freedom and political independence than those of other nations; nowhere was this principle of liberty applied more completely than in the states of New England.⁵⁶

... All the general principles on which modern constitutions rest, principles which most Europeans in the seventeenth century scarcely understood and whose dominance in Great Britain was then far from complete, are recognized and given authority by the laws of New England; the participation of the people in public affairs, the free voting of taxes, the responsibility of government officials, individual freedom, and trial by jury – all these things were established without question and with practical effect.⁵⁷

Each of the “laws” and “mores” identified by de Tocqueville were brought over from England. In England, however, aristocratic and class privileges placed limits on the representative principle. In the dominions of settlement where no such feudal undergrowth existed the result was faster movement towards greater representation and self-government. It was not until the twentieth century that England made the final transition from aristocratic liberalism to representative democracy as practised in its dominions of settlement.

Practically all notions of constitutionalism, civil liberties, and the rule of law, are derived from the historical experience of governance of the English and their progeny. Through the medium of the British Empire aspects of the State of Laws were exported to many parts of the world. British prosperity and military superiority were admired and envied by many in the bureaucratic states of continental Europe. Some of these continental bureaucratic empires attempted sincerely but with limited success, like France and liberal-conservative Italy in the nineteenth century, to incorporate some of the habits and practices associated with the State of Laws. Others, like Bismarck’s Germany, were cynical and created a representative façade to obscure despotism. Some states, like Russia, openly held the State of Laws in contempt and resisted all attempts to share power with the czar. One of the greatest challenges to the State of Laws as a historical phenomenon came in 1757 with the advent of the British Empire in India after the East India Company defeated the Nawab of Bengal at the Battle of Plassey and established indirect rule through puppets. India, however, had long been

56. Alexis de Tocqueville, *Democracy in America*, trans. George Lawrence, ed., J.P. Mayer (New York: Harper Collins, 2000), p.39.

57. *Ibid.*, p.43.

governed by continental bureaucratic empires and was too densely populated to become a dominion of settlement.

Continental Bureaucratic Empires and the Culture of Power of the Subcontinent: The British Empire in India 1757-1947

As the ascent of the British Empire in India through craft and coercion to supremacy has already been dealt with exhaustively in other sources, we limit our survey to those indicators most relevant to the continental bureaucratic empires and their ideocratic and arbitrary cultures of power. It was not inevitable that the remorselessly avaricious rule of the East India Company in Bengal would be brought under parliamentary regulation. The constitutional problem with such intervention, the horror stories and enriched “nabobs” emanating from Bengal aside, was that the Company was a chartered body. Consequently, the Company had a lawful sphere of autonomy ceded to it by the sovereign that could not be arbitrarily interfered with. Even as evidence mounted of criminal incompetence and rampant corruption between the conquest of Bengal in 1757 and the first regulation acts a generation later, the Company’s chartered status protected it. The British State of Laws was full of chartered bodies such as the hundreds of privately owned turnpike trusts that built and operated the country’s road system to the City of London. Parliamentary power and legitimacy originated in the Great Charter of 1215 that was reissued thirty-eight times. An attack on the lawful autonomy of the Company would rouse other chartered bodies to rally to its defence to protect a legal principle from which, arguably, their liberties and that of the country at large, were derived. Fortunately for the Company’s Indian subjects, the costs of fighting wars combined with manifest administrative ineptitude, brought the Company to the verge of bankruptcy. In 1772, the Company’s liabilities, at nine million pounds, far outweighed its assets, estimated at five million pounds. Parliamentary intervention took place in the context of the Company’s request for public funds to avert collapse. In exchange for a bail-out, the government received regulatory powers that created a governor-general, a council of officials appointed by the British cabinet, and a reduction of the annual dividend from eight to six percent.

Under the new framework Warren Hastings, a company official with decades of experience in India, became the first governor-general (1774-1785). Hastings, an aspiring *chakravartin*, was

primarily concerned with making the Indian tradition of arbitrary rule effective and expanding the Company's territories. Like other Indian rulers, he amassed a considerable personal fortune, patronized scholars, and used whatever means necessary, including extortion, to maximize his powers. His relationship with his council was, at best, ambivalent, and very often hostile. With the Supreme Court at Calcutta, constituted by the Bengal Judicature Act of 1781, and initially headed by his class fellow and friend, Justice Impey, Hastings had a better relationship. Hastings's tenure was important in two respects as far as the culture of power is concerned.⁵⁸ The first was that after Hastings the post of governor-general went almost exclusively to British aristocrats and reflected the realization that continental bureaucratic empires can only be governed from the "palace" — the "counting house" mentality being utterly ill suited.⁵⁹ The second was Hastings's impeachment trial, which lasted nine years.

On April 4, 1786, Hastings was charged with "sundry high crimes and misdemeanours."⁶⁰ If convicted, Hastings faced the death penalty. On May 1, Hastings began his defence by asserting, only as an arbitrary ruler could, that his decisions were "invariably regulated by truth, justice, and good faith" when the logical choice was to plead necessity of state and show some contrition.⁶¹ On July 1, 1787, Edmund Burke, the leader of the campaign against Hastings, thundered: "I impeach him in the name of the people of India, whose laws, rights, and liberties he has subverted, whose properties he has destroyed, whose country he has laid waste and desolate."⁶² Burke's impassioned plea on behalf of a collective ("The people of India")

58. Hastings's own motto may as well have been "When in India, do as the Indians do."

59. In 1895, Winston Churchill, on his first visit to the United States was struck by the superior quality of communications in New York as compared to a rather unimpressive currency: "The communication of New York is due to private enterprise while the state is responsible for currency: and hence I came to the conclusion that the first class men of America are in the counting houses and the less brilliant ones in the government." Martin Gilbert, *Churchill: A Life* (London: Minerva, 1990), p.57. In continental bureaucratic empires, which account for the overwhelming preponderance of human historical experience, the equation between the "palace" and the "counting house" was precisely the opposite."

60. Conor Cruise O'Brien, *The Great Melody* (London: Minerva, 1993), p.351.

61. *Ibid.*, p.354.

62. *Ibid.*, p.376.

that did not exist, and of “rights” and “laws” and “liberties” that had no indigenous variant in India, must not obscure the “nuggets of truth” in the accusations or the deeper implications of this “hyperbole.”⁶³ The accusations were based on Hastings’s arbitrary exercise of power and established the earthly accountability of the supreme executive. That such arbitrariness and excess were the norm in India did not matter. It was in principle wrong and every English officer of the Company was responsible for upholding the state morality of the British State of Laws whilst in India.

Actually doing so was the task of Hastings’s liberal-aristocratic successor, Lord Cornwallis (1785-1793). A product of the Enlightenment, Cornwallis believed that operating an efficient despotism on indigenous principles was morally and politically unacceptable as “The principle of despotic government is subject to a continued corruption, because it is even in its nature corrupt.”⁶⁴ For Cornwallis “the essence of the problem was to limit government power and so prevent its abuse.”⁶⁵ The judicial powers of the boards of revenue and collectors were taken away. The sovereign ended his universal proprietorship and vested it in the local landlords, or *zamindars* in the hope that an aristocracy would gradually emerge. In each district of Bengal the district judge was given control of the police and received greater status and pay than the collector. The armed retainers of the *zamindars* were disbanded and Indians removed from offices of importance. Officers were discouraged from accepting presents and, if they were ever placed in a situation where they couldn’t refuse, the gift was made over to the public treasury, and examples were made of corrupt officers. Cornwallis made it clear through word and deed that he did not see the country as his personal estate and that the government machinery and servants of the state were beholden to the law. To make the law more effective and clear, Cornwallis began the process of codification.⁶⁶ Cornwallis’s successors, Sir John Shore (1793-1798) and Lord Wellesley (1798-1805), continued along the classical liberal trajectory by expanding

63. Jeremy Bernstein, *Dawning of the Raj: The Life and Trial of Warren Hastings* (London: Aurora Press Ltd., 2000), p.166.

64. Montesquieu, *The Spirit of Laws*, p.115.

65. Eric Stokes, *The English Utilitarians and India* (New Delhi: Oxford University Press, 1982), p.4.

66. The Cornwallis Code of 1793.

the scope of property rights, leaving dispute settlement to the judicial power, and limiting the executive function to the bare minimum required to effectively maintain order and collect taxes.

The Cornwallis system did not work as planned. The judicial power was too slow, alien, and expensive to be the central element of the administration. By 1824, there were nearly one hundred and twenty-four thousand cases in arrears in Bengal alone.⁶⁷ The *zamindars*, deprived of their coercive powers, relied on loans to finance their indolent and lavish lifestyles. When they were unable to repay the loans, their lands were auctioned. The result was the emergence of a new class of absentee-merchant-landlords based in Calcutta who, much as the parasitic Turco-Persian *zamindars* they dispossessed, did little to improve agriculture. Territorial and demographic expansion placed immense strain on a system that was structurally deliberative. By 1815, the British Empire in India had forty million subjects. Forty years later, it had about one hundred and fifty million.

In opposition to the Cornwallis programme emerged the Munro school.⁶⁸ Munro and his supporters critiqued the Cornwallis system on two major points. The first concerned the transfer of proprietorship from the state to the *zamindars*. This had proved ineffective, if not counterproductive, because the *zamindars* could not shake off their cultural hangover from the Timurid period. Research into the tax records of Indian states annexed by the British indicated that in many places the earliest known revenue settlements were made with peasants and villages. It also made sense that villagers and kinship groups, provided a predictable arrangement, would make a greater effort to improve their lot than *zamindars* accustomed to a life of extortion and ease. Thus, the state should transfer property rights to peasants or villages and settle revenue with them directly. The second line of criticism addressed the role of the executive function in continental bureaucratic empires. The Cornwallis system relied on judicial power to settle disputes. While Montesquieu would have applauded this decision as a vital step towards a State of Laws, the Munro school argued in favour of making the executive function superior to the judicial. This was necessary because over centuries Indians had become accustomed to arbitrary rule through appointed

67. Stokes, *The English Utilitarians and India*, *op.cit.*, p.152.

68. Thomas Munro, a collector, and later governor of the Madras Presidency.

servants. The number of disputes and the difficulty of applying standards of proof meant that the Cornwallis system bred inertia, confusion, and diluted the effectiveness of the state. It also raised the cost of securing justice and was unintelligible to the vast mass of rural society.

Eventually, the views of the Munro school prevailed. Starting in 1829, India was reconstituted as a hierarchy of administrative subunits (provinces, divisions, districts, sub-districts) ruled through a hierarchy of collector-magistrates with supervisory powers over the police (commissioners). Each district was small enough to be personally inspected by its commissioner. The commissioners acted in the classical generalist tradition of other continental bureaucratic empires and directed nearly all the activities of the British Empire in India. They were also the academic elite of the empire and expected to engage in substantial abstract and practical thinking in relation to the state. Their salaries and privileges, though laughable by Timurid standards, were, in absolute terms, enough to secure an upper middle-class living in Britain. The thousand to one thousand five hundred members of the Indian Civil Service (ICS) were the functional equivalent of the Timurid Empire's five hundred senior-most *mansabdars*.

Unlike the cosmetic differences between the pre-British continental bureaucratic empires, important features of the British State of Laws and culture of power seeped into the British Empire in India. The organs of the state, be they the civil service, police, customs, or the forestry department, were constituted under laws that could not be arbitrarily changed. Second, the recruitment, transfers, promotions, and discipline, of public servants were merit oriented and conducted autonomously of the sovereign. Thus the officers were not the personal servants of the governor-general and could lawfully oppose, and campaign against, approved policy provided they did so through reasoned argument. Third, the cohesion and *esprit de corps* of the state service was remarkable when compared to the atomized and self-seeking nature of earlier bureaucratic elites.

Comparable developments took place in the relationship between the armed forces and the sovereign. Since ancient times, the military was an intensely political institution. The officers were

the personal servants or slaves of the ruler. Should the ruler show any weakness, he would be confronted with insurrection and rebellion. There was no theoretical or practical distinction between the civil and military power. The idea that men with weapons should obey unarmed servants of the law, which is the essential distinction between the rule of force and the rule of law, would have elicited nothing but contempt from pre-British rulers. Many rulers rose from the military to supreme power and thus it was simultaneously the deadliest instrument of arbitrary power and the greatest source of danger to the ruler. Their unique culture of power informed the British response to the same danger faced by rulers of continental bureaucratic empires for millennia. The solution was to insulate the military from politics and quite literally create a parallel political dimension within which the recruitment, transfers, promotions, and discipline of officers and enlisted men would take place through an autonomous institutional process.

The ideocratic complex of the British Empire in India also manifested substantial differences from earlier empires. The most obvious was the freedom to criticize the rulers. The most important was the secularism of the state. There was a bureaucratic intelligentsia but there was no official priesthood. Individual members of the apparatus did patronize Christianity and missionaries, but the consistent effort of the state was to place as much distance between itself and religion as possible. The experience of the 1857 uprising by units of the Bengal army, which was fuelled by belief in a Christian missionary conspiracy, drove this particular point home. By the 1880s, "most British officers had reverted to the habit of their predecessors of the 1820s in regarding missionaries as, at best; absurd; at worst subversive."⁶⁹ After 1857, as advised by prominent Indians, such as Sir Syed Ahmad Khan, the founder of Muslim modernism in India, some aspects of Indian court culture, such as *durbars*, and the distribution of prizes and honours, were revived.⁷⁰ On the whole, British India was

69. Niall Ferguson, *Empire: How Britain Made the Modern World* (London: Allen Lane the Penguin Press, 2003), p.155.

70. David Cannadine, *Ornamentalism: How the British Saw Their Empire* (New York: Oxford University Press, 2001), pp.89-90.

remarkably devoid of the kind of ideocratic complex and behaviour characteristic of other continental bureaucratic empires.

Self-government and the institutions required to sustain it were in many respects the great project of the British Empire in India and the ultimate test of the exportability of the British State of Laws. The process began in the early nineteenth century in Calcutta, Madras, and Bombay. From 1850 to 1893 steady progress was made in local government institutions. The first four decades of the twentieth century saw the extension of the representative principle to the centre and the provinces in British India and the Indianization of the civil service and military officer corps. Although the Second World War brought the British Empire to a premature end, in India it left a legacy different in important respects from previous empires. The country was no longer the personal estate of the sovereign. The officers of the state, military and civil, were not personal servants of the ruler. The state was secular and almost anti-ideological in its ethos and laws. Representative institutions and a culture of constitutionalism and lawful opposition were in place, albeit in an underdeveloped form at the centre. India and Pakistan had a choice between continuing along the path of legal democracy and building upon the institutions and habits bequeathed by the British or reversion to ideocratic arbitrary rule.

Conclusion

In the preceding survey of the nature of state power in the subcontinent several important features merit recapitulation. First, the dominant form of the state in the subcontinent was the continental bureaucratic empire. Second, the culture of power of continental bureaucratic empires whether ruled by Hindus, Turks, or Europeans, exhibited high levels of arbitrariness. Third, under British rule serious and sustained efforts were made to reform the nature of the state in the subcontinent. The motivation for such reform came from the contradiction between the British experience of the state at home and the almost antithetical reality found in India. This, in turn, evolved into a gradual movement towards the establishment of a State of Laws in India that, however, incorporated many features of the continental bureaucratic empire.

The objective of this synthesis was to establish a state that could achieve and sustain effective constitutional government along representative lines on a continental scale.⁷¹ It is to this effort more than anything else that the fact of Indian constitutional government owes its survival to the present day.

71. For a comparative perspective, see Larry Siedentop, *Democracy in Europe* (London: Allen Lane the Penguin Press, 2000). Particularly relevant is Chapter I "Democratic Liberty on a Continental Scale?", pp.1-24.