

FROM NON-POSSESSION TO NON-STEALING

Cleavages In Theory & Practice

The following analysis of the concepts of Non-Possession and Non-Stealing in Jaina Philosophy aims at pointing out the cleavages in theory and practice that have crept in.

Most of the religious tenets in the world have been keen on mitigating the evils of economic inequality in their own way. It is in this context that the idea of non-possession or *aparigraha* has been greatly emphasised by Jainism as a preventive voluntary measure to check the concentration of wealth in a few hands. The entire idea of non-possession is akin to the establishment of a socialistic pattern of society in a true voluntary spirit. If one were to use a sort of mathematical jargon the non-possession comes out to be a kind of communism minus violence. If the world had taken to this voluntary solution to reduce economic inequalities, which was suggested 2,500 years ago, then the more violent solutions like Marxism and Communism would never have sprouted, as they did in the 19th and 20th Centuries.

Apparent Paradox

In simple terms the meaning of non-possession is that one should have no more than "necessary". Moreover, the possession of wealth beyond a certain minimum is dangerous to the holy. One should divert his surplus either to the temple or to some welfare institution so that the society at large may be benefitted. Precisely at this very point we meet with an apparent contradiction, which is often used as a cudgel against Jainism by its detractors, that in spite of the view of non-possession, which aims at limiting the worldly belongings and more particularly the wealth, the rich people have always formed a major part of the Jaina community.

At the very outset it should be kept in mind that the idea of

non-possession and the affluence or the riches are no sworn enemies of each other. Apropos, it would be better to understand the meaning of "possessing no more than necessary". In this connection it may be noted that the acquisition of considerable wealth was in no way forbidden by Jainism. Only the striving after wealth and attachment to riches was pronounced an evil. This was rather similar to the ascetic Protestantism of the West. 'Joy in possession' (parigraha) was the objectionable thing but not possession or gain in itself.

Non-possession in the absolute sense is presumed to be applicable only in case of the monk clergy. The lay followers are supposed to follow the atomic vows of non-possession. Jainism has tried to prescribe some rules in its modern interpretation which form the vow of non-possession. They are as follows : not to possess anything more than the normal quota, not to accept bribes, not to offer money to secure votes, not to prolong the treatment of a patient out of greed, not to demand nor accept bride money, not to offer dowry.

Voluntary Character

The actual imposition of a limit on one's wealth, however, is to be done voluntarily. I have not come across any specific limit that has to be put in order to observe the vow of non-possession. Even in my discussions with some of the leading Jaina scholars as well as monks and nuns I was told that the character of the vow of non-possession is voluntary and it is bound to vary from person to person.

In order to dispel the doubts with respect to the vow of a-parigraha we can further dilate upon the dualistic nature of Jainism. People often confuse Jainism with absolute relinquishment which is a blantant misinterpretation of the religion. In real sense, the great vow of non-possession is followed to the extreme end by the monks and nuns alone. A Jaina priest has the minimum belongings

when compared with his counterpart from any other religion of the world. The Pope lives in all splendour; a Hindu Mathādhiṣā is free to possess any amount of wealth but a Jaina monk is supposed to possess nothing as his own.

Had this been the case with the laity too, the entire Jaina Community would have been turned into a vast group of mendicants. However, a lay follower has nothing to do with this extensive application of the vow. He is simply required to put a voluntary limit on his property, taking into his capacity. It is impractical to think of an entrepreneur or a worthy businessman limiting his possessions to a measly little sum of a few thousands. If his qualities permitted him to expand his business he could defer the limit because it is to be done voluntarily. Mrs. Stevenson in her *Heart of Jainism* quotes an ordinary Jaina lay follower who, on being asked to show his voluntary limit on wealth, desired to possess no more than Rs. 50,000 and to give away the surplus.

However, the voluntary character of the vow of non-possession doesn't mean that its non-observance is also permitted by the religion. If a lay follower does not abide himself by the commandment of non-possession then he certainly contributes to the widening gap between theory and practice of religion which has become too glaring a characteristic of the present day Jaina community.

Yawning Gap ;

In an attempt to ascertain the extent of observance of non-possession and non-stealing by the lay followers of the Jaina community I had conducted a micro-study that involved randomly picked up respondents from as far flung areas as Belgaon and Indore, Bombay and Delhi, centres where Jaina population is chiefly concentrated.

Of all these respondents selected for the purpose of my study on actual observance of non-possession 77 per cent replied that they had at least come across the idea of aparigraha at one stage or eh

other. It explains that 23% respondents had not even heard about the religious commandment of non-possession mentioned anywhere. All these respondents were born in Jaina families and therefore I chose not to elaborate the idea of non-possession to them because in general sense every one is familiar with it.

The second question in succession was that whether those who had heard about the vow of non-possession really practised it in their everyday life? Only 20 per cent respondents replied that they were practising aparigraha. Well, what was the form and extent of their observance was the next query. Replies that were given to this question were mostly vague or confused, or both. Some of them replied that they had taken a vow not to consume more than 5 or 10 articles in their meals. Evidently, they were confusing non-possession with the idea of wantlessness.

None of these respondents who replied in affirmative as to the practising of aparigraha mentioned any specific limit on their incomes or properties nor did they say that they had ever experienced any surplus on account of the vow of aparigraha. Quite a few of my respondents were wealthy businessmen and even well-known industrial tycoons. Except sporadic donations and charities even they didn't feel that they had any surplus on which they could put some specific limit. In this way the survey only reaffirms the commonly held view that aparigraha is observed by the Jaina Community more in its breach than in its compliance.

It appears that most of the respondents interviewed were using their savings or profits or surpluses, if they had any, for furthering their investments or meeting social obligations. This inference is based on the strongly positive attitudes of these respondents towards saving and investment. To the query that whether Jainism inhibited investment, as many as 95 per cent respondents replied in 'no'. A chunk of 34 per cent respondents had even felt that owing to the religious restrictions imposed by Jainism on consumption they were

able to save more. Similarly, Jainas are a profit minded class was also confirmed by the 96 per cent respondents who replied that earning of profits was fully justified act and Jainism is not at all antagonistic to reasonable profit making.

Obviously, the survey has pointed out that the Jainas are more keen on making money than to part with it. This is the case with every one and Jainas are no exception to the rule. Trusteeship and social justice may take care of themselves.

The second important commandment for the lay followers from economic point of view is the vow of non-stealing. The quintessence of this vow lies in the prohibition of all sorts of dishonesty. The modern interpretation of non-stealing forbids adulteration, perjury, bribery, smuggling, profiteering, black marketing, misappropriation of public money and any such evil practice or foul play.

The results of the survey reveal that 67 per cent respondents had ever heard about the commandment of non-stealing at one time or the other. The residual of 33 per cent respondents did not hear about it. Another 19 per cent respondents dropped when it came to practising the vow, leaving only 48 per cent in the field. The replies given by these 48 per cent respondents, with respect to the extent to which they observed non-stealing, were equally vague. Perhaps this must be the *raison d'être* for so many adulterators, hoarderers and such like people found in the Jaina community now-a-days.

However, there is no intention to generalise these conclusions on the entire Jaina community but they do indicate the most commonly observed gap between the theory and practice of religious codes. Thus, the data cited above have only corroborated what is generally surmised and stated. These data factually expose the sanctimony of an apparently austere and steadfast community,

All these atomic vows for the lay followers refer and lead to the goal of economic cleanliness. The life of a lay follower is crowded with economic responsibilities and worldly commitments. This is precisely the reason why he needs direction at every turn. Under these circumstances the need to lay greater stress on the observance part of non-stealing and non-possession can hardly be over emphasised.

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JUSTICE AS A LAWYER'S CONCERN

The word "justice" plays a conspicuous role in political slogans and is bandied about in petty quarrels. In most contexts of its occurrence, it does little more than add emotional fuel to disputes; the intellectual value of its use appears to be frequently negligible. Thus there is no wonder that lawyers are reluctant to address themselves to the problem of justice and participate in its treatment only hesitantly, or not at all. Legal studies and actual experiences gained in legal practice tend to create the impression of the worthlessness of the ideas in the name of which political passions, social unrest, and personal animosities are kindled. The popular conceptions of justice, and politicians' high-sounding platitudes about it, are even despised by lawyers as being incompatible with the moral integrity of the legal profession. Moreover, lawyers seem to feel that preoccupation with the problems of justice shakes the basis of their vocation; for every scrutiny of the issues of justice sets in doubt the assumptions on which their work rests and subjects their way of reasoning, that is, the legal method, to challenge or to critique from which they can derive little benefit for their work. A special reason why most lawyers avoid entering into the problem of justice is that the here requisite theorising leads to the esoterics of moral and political philosophy, in which realm they feel incompetent¹.

Yet, in a certain kind or on a certain level of their activity, lawyers cannot stay aloof from dealing with issues of justice. Legal reforms, which require also lawyers' services, are often actuated by considerations of justice. The words "justice" and "just" occur in legal instruments and in courts' decisions and have a specific meaning in them which lawyers must ascertain. Expressions such as "administration of justice", "natural justice", "with just cause" and "without just excuse" are phrases of legal significance. They cannot be safely replaced with expressions in which "law"