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THE PORTRAIT OF OUR TIME

SYNOPSIS

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*uddhared atmana'tmanam Na'tmanam avasadayet
atmai'va hy atmano bandhuratmai'va ripur atmanah.
The Bhagavad-Gita (VI. 5)*

[Let a man lift himself by himself; let him not degrade himself; for the Self alone is the friend of the self and the Self alone is the enemy of the self.¹]

Introduction

I must confess at the outset that my reflections in this Chapter are coloured by my perception of the morbid realities of these recent years which I have witnessed with anguish, and suffered with gnawing dismay. I had read during my college days Bertrand Russell's *Autobiography*. Its Chapter 8, on 'The First War', begins with a sentence that often comes to my mind. He wrote: "The period from 1910 to 1914 was a time of transition. My life before 1910 and my life after 1914 were as sharply separated as Faust's life before and after he met Mephistopheles." Mephistopheles is the Devil in the Faustian literature. The crafty Devil could cast its spell to enmesh even the most learned Faust. Goethe's *Faust* is a great work in the world literature. He knew economics and management. He had worked for sometime as the legal and financial expert in the court of Weimer. Through this allegory, Goethe expressed the dilemma of our modern industrial society. This story helps us comprehend the world in which we live, and helps us to get ready to respond to its challenges.

When I think of the state of my country's affairs, I find that even before the 1990s, there was a growing *affaire d'amour* between the Government and the Big Business. Dr. Faustus had sold his soul to the wily Mephistopheles for acquiring

knowledge to acquire the cornucopia of riches. His craze for enjoying that 'lovely moment' (*verweile doch, du bist so schön*), which the Devil had promised, is matched only by the passion with which the neoliberals of our times work for acquiring the cornucopia of riches pursued with unbridled greed.

This Chapter is divided in Segments 'A' to 'D'. **Segment 'A'**: ('Towards Corporatocracy') deals with the evolution of the Western political thought, and highlights the enthronement of 'corporations' that has brought about an era of 'corruptions'; **Segment 'B'**: ('When Greed is Good') deals with 'Capitalism, Corporate *imperium*, & Corruption' as these go together; **Segment 'C'**: ('Bound upon the Wheel of Fire') portrays our plight, and reflects on the wheel of fire on which most of us are hopelessly bound; and **Segment 'D'** is this Chapter's short 'Conclusion' that might grip you for long.

SEGMENT 'A': Towards Corporatocracy:

(i) An Overview of the Western Political Thought

We all are caught in the seamless web of history, and all our ideas and institutions grow, break and bend in the flux we call 'history'. Reflecting on the ways of the world, as we have witnessed in modern times, I recall the insightful words of Professor H.A.L. Fisher. In the Preface to his *History of Europe*, which I had read as an undergraduate student at C. M. College, Fisher had written:

"Men wiser and more learned than I have discerned in History a plot, a rhythm, a predetermined pattern.. These harmonies are concealed from me. I can see only one emergency upon another as wave follows upon wave; only one great fact, with respect to which, since it is unique, there can be no generalizations; only one safe rule for the historian: that he should recognize in the development of human destinies the play of the contingent and the unforeseen."

Nothing is pre-determined. We reap only the consequences of what we think, what we do, and how we synergize them in life, and what sort of symbiotic relationship we establish between the ways of the world and the cause of Justice. Fisher rightly believes that the consequences of deeds done always interact to shape the course of history: 'history' tells us the story of our deeds. Our tragic traits and moral imagination interact to shape life, whether it be of an individual, or of a nation, or of mankind.

In my assessment, in the West, 'thoughts' are shaped by the operative socio-political realities, and by the dominant assumptions they generate. The most dominant strand in the thinking of the West is 'property'. The most influential amongst all the political thinkers, was Locke who believed: 'The great and chief end of men uniting in the commonwealths, and putting themselves under government, is the preservation of their property.....' It is not surprising that his ideas shaped the framing of the U.S. Constitution. One of the makers of that Constitution, Alexander Hamilton, called the common people the 'great beast'! Locke could shed crocodile tears for the poor, but did everything only to aggravate inequality, and increase the sufferings of the common people (see Chapter 21 at p. 290). He thought as our neoliberals think: 'To some extent, civilization is furthered by social injustice'. I have discussed, in Chapter 24 of this Memoir, some of the fundamental ideas which have shaped the Western worldview.

With this prefatory comment, I move to reflect on the leading ideas of some of the most distinguished thinkers of the West. What I have said about Locke is a prelude to the main structures in the Western thought. Such structures provide habitation and name to the different trajectories of thoughts in political economy wherein different drivers and vectors work only to achieve the common end which none noticed so insightfully as did Karl Marx. In the preface to his *Contribution to the Critique of Political Economy*, he portrayed the vital drivers, and core determiners: his words deserve to be read: to quote—

“The sum total of these relations of production constitutes the economic structure of society, the real foundation, on which rises a legal and political superstructure, and to which correspond definite forms of social consciousness. The mode of production in material life determines the general character of the social, political, and intellectual processes of life. It is not the consciousness of men which determines their existence; it is on the contrary their social existence which determines their consciousness.”

In the Western thinking, there was a phase when ‘government’ was considered God’s bequest to a sovereign who was accountable to God alone. For quite long, the kings and emperors were considered divine appointees with inherent right to command obedience of all in their realm. But such ideas are now broomed into the dustbin of history. But myths do persist. In the U.K. the ‘legal position still continues: “In the contemplation of the law the Sovereign is always present in the court....”’²

The history of the Western political thought, after the Renaissance and the Reformation, has, to say in the words of T.S. Eliot “many cunning passages, contrived corridors”. I think it worthwhile to discern the following distinct streams of thoughts dominant in different phases of the modern Western history:

- (i) the phase of Hobbes (1588-1679):
- (ii) the phase of Locke (1632 -1704):
- (iii) the phase of the neoliberals (in this phase of market-driven Globalisation):
and
- (iv) the post-modern phase when the corporations rule the world: the era of *Pax Mercatus* that works to establish *Corporatocracy*.

We may consider (i) to (iii) the modernist ideas, and (iv) the post-modernist thought.

All the aforementioned Western thinkers built their core ideas on the ‘Idea of Contract’. Though the idea of ‘contract’ predates the Romans, it was harnessed most to crystallize, and to buttress, ‘property’ rights during the era of the Church domination. It supported the idea that the humans of the City of Man must respect the obligations to the City of God. The ‘corporatic’ structure of the Church drew on the idea of ‘contract’ not only to stabilize its paradigm, but also to teach the kings and princes all around to bear good faith allegiance to the Church. They succeeded in making the R.C. Church the greatest of all the capitalists in the Western history. To promote its objectives, it was allowed to build the most

impregnable corporate structure which, as I would show later, became the model for the MNCs of our times! In passing, it is worthwhile to mention that whilst Hobbes, and Locke, remained preoccupied with the idea of 'contract' mostly in the domestic realm, Vitoria, Gentili, Grotius, Pufendorf, Wolff, Vattel, and others carried this idea to build the foundation stone of International Law by coining the concept of *Pacta sunt servanda* (agreements must be kept). The doctrine of 'contract', history shows, serves the Devil and the saints; it has served tyranny and also democracy! Time alone would show how it serves 'corporations' and its mentors, and how it impacts on our 'democracy' and the constitution that people have given to themselves.

Here I intend to reflect, with utmost brevity, on the ideas of Hobbes and Locke which have been skillfully made grist to the mill by the later thinkers. They have provided the intellectual substructure to the present-day neoliberal assumptions for building the post-modernist power-structure.

(i) *The ideas of Hobbes (1588-1679)* :

It came to be believed that the political power to receive obedience emanated from some assumed 'contract' between the groups of the people to which the sovereign was not a party. The power once given, could not be taken back. The sovereign had no obligations to the people: he had only rights and powers. This led to the tyranny of the absolute rulers. Those amongst us, who want to subjugate our Constitution through treaties, like the Bilateral Investment Treaties (BITs) and the WTO Treaty, cannot have an authority in support of their cause more powerful than the great Hobbes. Once the present-day 'Leviathan' signs a treaty at the International Plane, the constitutional organs are coerced to implement them (I would revisit the point in Chapter 30). Thomas Hobbes, in his *Leviathan*, considered Judicature an organ of the State (*civitas*). He did not refer to legislature as at that time it was not an organ of the State. In his "*The Law of Free Monarchies*", James I, drew on Hobbes, and held that judiciary and executive powers inhered in the King himself as he was God's vice-regent on the earth. Those, who want to subjugate 'democracy' and 'constitution' by subjecting them to the international obligations, find treaties effective device to delude people, to disarm people, and to deceive people. All those who had helped that 'Leviathan' then, are round the corner even now to help the 'Corporatocracy' emerge triumphant.

I would invite you all to see for yourself the allegorical frontispiece to *Leviathan* in which Hobbes articulated his ideas. I saw it at p. 194 of *The Oxford Illustrated History of English Literature*, edited by Pat Rogers. It shows that everything that matters is under the sovereign's absolute authority: all the organs of the state, all the institutions in all the realms, all the rights and obligations, and all the rest. Things happen only because the Leviathan permits! "The ruler, literally made up out of the bodies of his subjects, appears beneath a text from the Vulgate (Job I:24), "There is no power on earth which can be compared to him." I wish my readers see the frontispiece of the book on the internet to catch its allegorical import. *Leviathan* must remain in our mind when we reflect on the creeping 'corporatocracy' advancing through stealth and deceit. I have already said a lot about this in Chapter 26 ('The Realm of Darkness : The Triumph of Corporatocracy').

(ii) The ideas of Locke (1632 -1704):

Great advancement towards democracy was manifest in the ideas of John Locke (1632 -1704). He believed that the sovereign was himself a party to the 'contract': hence he too was subject to the obligations which emanated from the 'contract'. The objective to be pursued through the 'contract' was to promote 'public good'. Locke had great impact on the framers of the US Constitution. But this sort of 'democracy' was chiefly for the propertied people (for the Western view in 'democracy' see Chapter 22 pp. 316-318). His doctrine 'is limited by the view (implied rather than expressed) that those who have no property are not to be reckoned as citizens.' Locke declares that: 'The supreme power cannot take from any man any part of his property without his own consent.' I have reflected on his ideas at several other places in this Memoir (please see the 'Index').

(iii) The ideas of the neoliberals:

But the neoliberal thinking of our days has fundamentally altered the Lockean perspective by altering the content and reach of 'contract' apropos the powers of the State, and by re-determining the measure and incidence of obligations on people and government. In my assessment, this neoliberal paradigm contemplates, and assumes, a tripartite agreement involving three parties: the State represented by the government, the people that constitutes a political society, and the Big Business acting through the senate of investors and other corporate formations.

Our professional friends have innovated to make a corporation crawl from a country to country, from land to water via space as if it were a centipede with many segments each with a pair of legs. So great is the 'corporate creativity' that even God and Devil must be all amazed. I have said something about it in Chapter 26 of the Memoir. If we want the world to remain safe, we should permit only such structures which can be operated only on the mandatory terms of full accountability. As the 'corporations' do not have conscience, they cannot hear the knocking at the door warning them against their advancing doom.

After setting up structures to subjugate the political realm to the economic realm, they went in to utilize the 'International Realm' to subjugate the 'domestic space' of the nation states making their 'political and economic realms' servile to the wishes and edicts of the institutions and operators set in the foreign lands with roots in the realm said to be regulated only by international law. [What has happened reminds me of the story of the two worlds so well expressed in the 'The Star Trek about which I have written at p. 400 of this Memoir].

They are trying to build these two worlds with the help of three things:

- (a) the infinite potentialities of the corporate structuring that can break all barriers hitherto created by the nation states;
- (b) the possibilities to shape International Law, by creating through 'Treaty-terms' binding obligations to subjugate all the organs of the State to the obligations and responsibilities under the coercive acts of various institutions set up at the international level; and

- (c) the creation of a band of valiant corporate loyalists who can make the governments work for the corporate interests by extracting more and more concessions from the governments.

The subordination of the 'nation states' to the operators of the international economic realm is almost complete. We know that without existence of 'strong and vibrant 'nation states', 'democracy' cannot survive. The jurisprudence, developed by the international bodies like the DSB of the WTO and the International Arbitral Tribunals, considers the following norms binding on the states:

- * "The right to seek access to international adjudication must be respected and cannot be constrained by an order of the national court. Nor can a state plead its national law in defence of an act that is inconsistent with its international obligations." [Art. 3 of the International Law Commission; Art. 27 of the Vienna Convention on the Law of Treaties (VCLT)]
- * "Internal law may not be invoked to justify a failure to perform a treaty." (VCLT, Art. 27)

All the above mentioned protocols contemplate the existence of compliant government, servile people, imperious 'corporations', and extractive capitalists in numerous garbs. It is interesting to note how our Government works Janus-faced: placating the common people through strong democratic pretensions and pro-people shibboleths, yet pandering to the interests of the 'corporatocracy', and its protégées, beneficiaries and mentors incessantly working, on land, on waves, in the space, to build an exploitative and extractive tyranny. This sinister industry goes on round the clock. The reality of our days are graphically stated by Joseph Stiglitz thus:

"There is one overriding problem: the well-being of the resource-rich developing countries depends on how much they get for their resources; the well-being of the rich corporations of the advanced industrial nations depends on how little they pay for them. This is the natural and inevitable conflict that we have identified at the center of the paradox of plenty. Where will the people of the developed countries and their governments stand? In support of the few in those countries who own and run the rich corporations, or in support of the billions in the developing nations whose well-being, in some cases, whose very survival, is at stake?." Joseph Stiglitz, *Making Globalization Work* p. 159

(ii) When the Republic comes on the edge

Shortly before his death, President Abraham Lincoln (1809-1865), the 16th President of the United States, expressed, on 21st November 1864, his apprehension about the future of his Republic:

"I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. . . . Corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavour to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the Republic is destroyed."

What he said with agony has already overtaken the USA. Noam Chomsky has perceptively written in his *Failed States* (at p. 238):

‘One predictable result has been a “new, higher level of corruption.” Corruption includes extensive gerrymandering to prevent competition for seats in the House, the most democratic of government institutions and therefore the most worrisome.... More generally, there have been “profound” effects on “the way the country is governed..... Not only is legislation increasingly skewed to benefit the richest interests, but Congress itself has been changed,” becoming a “transactional institution,” geared to implementing the pro-business policies of the increasingly powerful state.’

You can notice at work in our country the triple *entente* of ‘corporation’, ‘corruption’ and ‘democratic and moral deficit’ incessantly at work. Many in power deserve a painful verdict: ‘You are one of those that will not serve God if devil bid you’ (Shakespeare, *Othello* I.i.108). The apparition, the advancing silhouette which had made great Lincoln worried in the very nascent years of the American Republic, has become alarmingly gruesome in our days when we see our institutions caught in its octopus-grip as all our watchers appear etherized (should I borrow T. S. Eliot’s words): “Like a patient etherized upon a table”.

(iii) **When crooks shake hands**

‘A government which robs Peter to pay Paul can always depend on the support of Paul.’ — George Bernard Shaw (1856-1950)

The aforementioned entente operates in accordance with its well known grammar. How the dialectics works amongst the criminals and fraudsters is best explained by G.K. Chesterton in his essay on Voltaire. I would quote a few lines from G.K. Chesterton on which you can reflect to find out how graphically they reveal the murk and maladies we see so rampant all around us: to quote Chesterton—

“All Christian history began with that great social occasion when Pilate and Herod shook hands. Hitherto, as everybody knew in Society circles, they had hardly been on speaking terms. Something led them to seek each other’s support, a vague sense of social crisis, though very little was happening except the execution of an ordinary batch of criminals. The two rulers were reconciled on the very day when one of these convicts was crucified. That is what many people mean by Peace, and the substitution of a reign of Love for one of Hatred. Whether or not there is honour among thieves, there is always a certain social interdependence and solidarity among murderers; and those sixteenth-century ruffians who conspired to assassinate Riccio or Darnley were always very careful to put their names, and especially each other’s names, to what they called a ‘band’, so that at the worst they might all hang together.”

“It sometimes seems to me that history is dominated and determined by these evil friendships. As all Christian history begins with the happy reconciliation of Herod and Pilate, so all modern history, in the

recent revolutionary sense, begins with that strange friendship which ended in a quarrel, as the first quarrel had ended in a friendship”

To help you understand what Chesterton has written, I must tell you something about the allusions made in his text. The Supreme Jewish Tribunal was against Jesus as he had worked with a messianic zeal to change the corrupt political and economic system of his day. Pontius Pilate was the Roman governor of Judea who had ordered the crucifixion of Jesus. He had sinned in many ways, and was disliked in Judea. His sin visited him when he killed himself on orders from Emperor Caligula in 39 AD. Pilate obtained the consent of the ruler Herod Antipas. Pilate and Herod were not good friends. In the eyes of the common people both were derelicts. Herod had divorced his wife, and married Herodias, his brother’s wife. This act annoyed his Jewish subjects. These two bands of criminals, earlier not on very good terms, became friends as their crimes imparted them lessons in practical prudence to come close as it is good even for crooks to come together to meet their common enemy. The allusions to Riccio or Darnley are richly revealing. They were criminals trying to evade the consequences of their deeds.

It seems to me that our greed-driven neoliberal world is fast illustrating the establishment of a cordial bond between the present-day Pilates and the present-day Herods. It is our misfortune that we see in our great Republic how camaraderie amongst the crooks is so frequently crafted with success. It is said, in the Republican Rome, the Chief Justice Verres, who was the governor of Sicily also, had looted his country as he was sure to get out of embarrassment, if ever caught resorting to corruption. He used to sell “all his decisions, and he plundered the farmers of their crops, keeping the proceeds for himself.” “Asked if he did not fear judgment when he returned to Rome, he replied that he intended to use two-thirds of his wealth to bribe the lawyers and judges, and that the third which remained would be quite sufficient to make him rich for life.” How close he went to what the Republican lobbyist who said, to quote Chomsky (*Failed States* p.237): ‘The expectation is that corruption will be “undetected and unenforced,” unless it becomes so extreme that it harms business interests.’ Most persons we see around believe that they would escape the wrath of law by just spending something to please the watchers of the public cause.

SEGMENT ‘B’: When Greed is considered Good

Capitalism, Corporate *imperium* and Corruption go together

You can’t run a government solely on a business basis.... Government should be human. It should have a heart. —Herbert H. Lehman.

(i) The Black Magic of Capitalism

Chapters 20 to 24 of my Memoir highlight the *Entente Cordiale* of three sinister forces: the greed-driven Capitalism, Corporate *imperium*, and Corruption. I touch this topic in my Memoir because I have seen this noxious triumvirate reigning in our country to our utter dismay; and because I had occasions to watch how stealthy this Axis of Evil is when it operates. I do not intend to take a historical overview of ‘capitalism’, too big a topic for this tiny Chapter. I would

consider it here as it appears in the present-day context. It is 'the market-driven capitalism' choreographed in this phase of Economic Globalisation. Its most dominant feature has been succinctly drawn up thus in the *Encyclopedia Britannica* (Vol. 17 p. 908):

"A market society is not, consequently, merely a society coordinated by markets. It is, of necessity, a social order with a distinctive structure of laws and privileges." [italics supplied]

The prime actors in this market-coordinated society are the 'corporations'. The MNCs and TNCs are 'boundary-blind', and possess infinite 'boundary-defying ability': thus the 'nation states' are transcended, and ignored. These powerful corporations can locate their operations anywhere on the planet, and can be without loyalty, or gratefulness, towards any place, or society of humans living under any specific cultural ethos. They work against the creation of conditions conducive to 'democracy'. Their inevitable consequences have been captured, with precision and perspicacity, by some of our most eminent thinkers (*viz.* Geza Feketekuty, Robert L. Heilbroner, and Noam Chomsky).

I had examined in my *Judicial Role in Globalised Economy* (first published in 2005) how the tsunami of economic globalization subordinated the 'political realm' to the 'economic realm' making the 'state' itself a 'sponsored' institution, sponsored by the vested and dominant interests which the Big Business promotes and protects. This evidences corporate *imperium* which, in the end, establishes the Rule of the Market (*Pax Mercatus*). I have touched this topic in Chapter 24 of this Memoir.

It is worthwhile to contrast this market-coordinated worldview with our Hindu worldview in which life is considered as *yajna* (यज्ञ : sacrifice). In my assessment, nowhere in the world, humanity expressed its worldview with greater profundity and sublimity than what was done in the *Bhagavad-Gita* (III. 9-11): its *shloka* 9 that is rendered into English thus:

'Save work done as and for a sacrifice, this world is in bondage to work. Therefore, O son of Kunti (Arjuna), do thy work as a sacrifice, becoming free from all attachment.'

Here *Yajna* means "any self-sacrificing work undertaken in a spirit of Self-dedication, for the blessings of all." To conceive 'human life' as *yajna* is the greatest monument of human intelligence. We must develop the excellence of skill, and must work hard to earn wealth and protect it, but always for the weal of all. We are amazed observing the moral degradation of the West-dominated society of our day: all running after wealth alone. How it operates is best described in the *Bhagavad-Gita* itself: see Chapter II *shlokas* 62 and 63 the import of which can be thus stated in English:

Propensities of the flesh lead to consumerism (the objects of senses); and further the strong desires to acquire and possess such commodities more and more. Such desires beget 'anger'; when it is evoked but obstructed, it begets *sammoha* (bewilderment, loss of focus of what is right). Bewilderment is sure to cause loss of memory that makes one indifferent to the lessons that history teaches; when it happens, one's

intelligence stands destroyed. And once there is the loss of 'intelligence', one's sense of propriety is gone; and then one perishes.

Our tradition never rejected wealth, or condemned it. I brought this fact to my reader's notice in Chapter 20 of the Memoir (at p. 270) by stressing on the following two principles:

- ◆ "Krishna held in the *Bhagavad-Gita* that 'property' acquired merely for acquisitiveness and greed is clearly a sinister 'THEFT'."
- ◆ Krishna insists that the acquisition of 'property' must not be greed-driven, and society must not be acquisitive, unmindful to the harm it inflicts on the earth and its environment.

When I reflect on the culture of the acquisitive society that the neoliberal capitalist thinkers are trying to build with passion, I notice some pronounced features, a few of which I summarize with utmost brevity.

(1). The neoliberals delude humanity towards some *El Dorado*. They say: let the wealth be created in the market by, and for, the MNCs and the mega-rich creatures so that, later on, even *aam aadmi* can be helped. It is trumpeted with passion that high GDP helps this to happen. They call this "trickle-down theory". This theory illustrates (as John F. Kennedy once noticed it) the phenomenon unfolding how "a rising tide floats all boats". It is, in effect, what John Kenneth Galbraith had called a "horse and sparrow theory": if you feed enough oats to the horse, some will pass through to feed the sparrows. My reader may read the story I have mentioned in Chapter 26 (pp. 433-435) of this Memoir, to decide if that sort of 'trickle-down' benefits would ever entitle ordinary persons to live with dignity. You need not get amazed at my morbid apprehensions. The days are not far when the promoters of the neoliberal paradigm would tell the poor to live only on fodder (if even that remains available after scams like the Fodder Scam discussed in the Chapter 12 of this Memoir). Experts would be hired to convince people that the cattle feed, if consumed, would provide the *aam-aadmi* (common man) more calories than what they needed to survive. (Perhaps, the IMF-WTO-minted counterfeit coins in high circulation would find nothing wrong in that!)

(2) What they say reminds me of a story I had read in the *Mahabharata* ('Striparva', Chapter 6) explaining, through metaphors, the world we all live in. It tells us what this 'trickle-down effect' is all about. It says that someone journeying through a deep and dark forest fell into a deep well he could not see as it was covered with rich grass and saplings. It happened that much before he could fall down on the well's bottom, he was caught, while on way down, in the labyrinthine tendrils, and he stood turned upside down. He saw a terrifying elephant waiting at the brim above, and a snake hissing down below with its hood spread. He saw some honeycombs wherefrom honey 'trickled down' delighting him as he saw the prospect of satisfying his great desires with lovely honey! Greed builds a rainbow of delight which many chase, but all in vain. He wistfully craved for wealth; and in the process perished.

(3) The learned neoliberal experts tell us to wait, and wait, and wait till great wealth accumulates with 'the substantial people'. They feel that a little of that

wealth can trickle down to the common people someday. I have often wondered: will these billionaires be ever satisfied with their billions, or trillions? My study and reflection tell me: they will never be satisfied with their treasures. Centuries back, our ancestors had wisely observed in the *Sri Harivamsa Purana* (the 'Harivamsha Parva', Chapt. 30):

न जातु कामः कामानामुपभोगेन शाम्यति, हविषा कृष्णवर्त्मव भूय एवाभिवर्धते
यत् पृथिव्यां व्रीहियवं हिरण्यं पशवः स्त्रियः, नालमेकस्य तत सर्वमिति पश्यन् मुह्यति

[Not all the wealth, not all the women can ever satisfy the lusty urge of a single man. Hence the right thing is to control desires as they have no end. Desires increase more and more when enjoyed with lust and attachment. They increase as do the flame of fire when ghee is poured on it. When desires wax untrammelled, one can never be at peace.]

Greed is never satisfied, it feeds on itself, it deludes men to never-never land where cascading desires become limitless. This is the humanity's tragic trait that Alfred Russel Wallace, a British naturalist and biologist, had once noted with great concern: his perception is well known as the Wallace Syndrome (see Chapter 20 pp. 266-267).

(4) The greed-driven 'capitalism' leads to the worldview that fosters a "philosophy of futility" and "lack of purpose in life," that promotes voyeurism, hedonism and consumerism bereft of all ethical and moral considerations. The portrait of that world, and the plight of 'democracy' in that sort of world, have been drawn up by Noam Chomsky in his various books some of which I have referred in Chapter 24 of my Memoir. The carpet-bombing by the greed-driven capitalism has produced a worldview that can never produce a great work of art or literature. Intellectual development would suffer because the moral and ethical faculties of humanity would shrink, the sense of empathy and the faculty of the esemplastic (creatively unifying) power (the power to shape disparate things into a unified and integrated whole), would decline, and the human brain would tend to develop only in those areas which can supply things needed by 'market'. Under such a worldview, family, and social solidarity, would also suffer. People would be driven to think that children and relations, culture and countries, the Constitution and the *Gita*, are all commodities on the counters for trade governed by the present-day multilateral trade regime. By advancing on such a thought-process for long, the humans would themselves get commodified. Even sense and sensibility of people would become polluted, and the strong propaganda, engineered by the hirelings and harlots, would rip people off all their finer virtues which are the 'human-specifics' of the *Homo sapiens*: inherent goodness, imagination, social inter-dependence and solidarity, moral vision and aesthetic sensibility. And if we tread on this dreaded path for long, the world would be driven to commit suicide, unless before that, our collective death-wish leads us to destruction. We can read the sub-text of our times: the world is creating conditions for wars and destruction more devastating than what humanity has yet seen. I fear, when such sad moments overtake us, we would see a new set of *dramatis personae* enacting a morbid melodrama of waste in our world. In the past, the imperialists had brought devastations on the suffering souls world over with the help of the big corporations. In the times to come, I apprehend, we

would witness the big corporations, or the mega corporate consortia, waging wars using governments as the willing instruments for their ends, with the rest of humanity either willing participants in the crimes against the world, or as mere hapless onlookers counting the advancing footfalls of collective Doom. I am not painting a picture of dread, or doom. Chomsky expresses his worrisome apprehensions in his *Hegemony and Survival* (at p.139) thus:

“Deluged by such propaganda from infancy, people may then accept their meaningless and subordinate lives and forget ridiculous ideas about managing their own affairs. They may abandon their fate to corporate managers and the PR industry and, in the political realm, to the self-described “intelligent minorities” who serve and administer power.”

(5) It can be noticed that most of the assumptions of the greed-driven capitalism are founded on economic fundamentalism. It is also worth noting that the technique of cognition that the ‘think tanks’ of ‘capitalism’ adopt, is unscientific. Scientific method is to draw conclusions from critically observed facts and factors, mostly on the predominance of probability. This process must be done with detachment, and humility. It is always essential to remain ready to modify its technique and assumptions in the light of the realities which emerge from moment to moment. The tragic trait of the economists working for ‘capitalism’ is that they “choose their assumptions to fit their conclusions”, and try to convince people, through ‘computer simulations’, the economic benefits of the structures they build without taking into account the immanent Uncertainty Factor that operates in all the spheres of thoughts and actions. This is the consequence of the fact that our technology has not been able to factorize MAN. Man is still an indeterminate equation. The tragic trait of the corporate capitalism is its failure to realize that its structure, and also assumptions, might break to pieces, as had happened to the image in Nebuchadnezzar’s dream: Daniel describes the image with rich suggestions—

“The image’s head was of fine gold, his breast and his arms of silver, his belly and thighs of brass, his legs of iron, his feet part of iron and part of clay.”

(6) I had called the model of exploitative capitalism as ‘the Taj Mahal Economy’ about which I have written in Chapter 25. On the deceptiveness of ‘reforms’, which are the refrains of the neoliberal capitalists, I had written in an article:

“The word ‘reform’ has continued since its dim past as a hallucinatory word more mysterious than the utterances of the three witches in *Macbeth* which made Macbeth hear what he wished to hear.”

The effect of the neoliberal reforms is, to quote Chomsky, the creation of a “virtual Senate” of investors and lenders who can exercise “veto power” over government decisions by threat of capital flight, attacks on currency, and other means.

When Mammon Reigns

That is the most perfect government under which a wrong to the humblest is an affront to all. —Solon.

We notice a craze in our country to entrust our destiny to the 'eminent' economists. We fail to realize that 'economics' is not the sacred *shastra* that the name *arthashastra* suggests to us. *Arthashastra* is the sacred and profound work of a great master teaching us just and fair ways of earning, and managing wealth for the benefit of people. 'Real benefits' and 'common weal' are the constant loadstones guiding all the pursuits in that realm. 'Economics' is much different. The *Encyclopedia Britannica* rightly says: "the appearance of capitalism give rise to the discipline now called economics." It becomes worse if a particular person has been trained, or brainwashed by the IMF or the WTO, or if there is objective evidence demonstrating that he has interiorized the thesis dear to the economists pursuing the neoliberal paradigm. We should carefully evaluate a person for the high constitutional post only after measuring his commitment to the mission of our Constitution. Further, to say out of context: the most learned persons who seem to matter these days, remind me of what Bhartrihari had said:

बोद्धारो मत्सर-ग्रस्ताः प्रभवः स्मय-दूषिताः
अबोधोपहताः चान्ये जीर्णम् अङ्गे सुभाषितम्

[The learned are wrenched with envy, the lords overbrim with hubris, and the rest are caught in ignorance. High ideals and things of beauty become stale only to perish in mind itself.]

It is dangerous to give wide powers to the technocrats. I have touched this point at p. 322 of this Memoir saying "This phenomenon is engineered by the global economic interests. We cannot entrust the technocrats to run our socio-economic system which is sure to shape our cultural values, even our aesthetic sense." Difficult though it is to devise a system which can provide us competent persons with high moral wherewithal, and high commitment to public weal, we owe this as a non-shifting duty to ourselves and our God to work for that.

History has told us several times what happens in an unjust society that allows GREED to become its guiding loadstone. The Hellenic society, affluent in the material wealth for some to gloat, and many to sob and suffer, had reaped the sad consequences of collective misdeeds and indifference (see p. 390). Even after noticing the high technological fast changes adding much to our GDP, we are in bad times. The need of the hour is for us to set our priorities right, and to cultivate humility realizing that all fundamentalist assumptions, religious or economic, might go wrong, and become harmful.

(ii) 'Corporatocracy' rules the world

"In the corporate economies of the contemporary West, the market is a passive institution. The active institution is the corporation ... an inherently narrow and short-sighted organization The corporation has evolved to serve the interests of whoever controls it, at the expense of whomever does not." —William M. Dugger [Quoted by David Korten in *When Corporations Rule the World* p. 173]

I advise my readers to keep Chapter 26 ('The Realm of Darkness: The Triumph of Corporatocracy) of this Memoir in their mind. They can read for more information and critical comments Chapter 9 ('A Corporation cannot be an

impervious coverlet of gross abuse'), and Chapter 10 ('Fraud unravels everything') of my book *Judicial Role in Globalised Economy*, the full text of which is now put on my website : www.shivakantjha.org

“‘Corporation’ had been created as a commercial vehicle. It emerged in the early 17th century as an institution for international trade; but became an engine of imperialism”. It was never conceived to be an impregnable and impervious coverlet of gross abuse, but it has become that. Writing about the invisible empire of America, Pandit Nehru had aptly said in *Glimpses of World History* (at p. 570): “This latest kind of empire does not annex even the land; it only annexes the wealth or the wealth-producing elements in the country. “ The Supreme Court of the USA held, in *Dartmouth College v. Woodward* [17 U.S. Reports 518 (1819)], that the ‘corporation’ is “... capable of acting... like one immortal being”. And over years later, this immortal being was endowed with the rights of the human beings. Its effect has been, what Abraham Lincoln had said in the pregnant words I have already quoted above. The corporate pressures and persuasions led to devise the mechanism of control over the organs of the state. It is interesting to see how an artificial creature, without conscience, got judicially recognized as a living being. The process of this strange transformation is well captured by Noam Chomsky, in his *Failed States* (at p. 207): to quote what he has written in the context of the USA —

“The political system that is the subject of these critiques bears some resemblance to the initial design, though the framers would surely have been appalled by many subsequent developments, in particular the radical judicial activism that granted rights of persons to “collectivist legal entities” (corporations), rights extended far beyond those of persons of flesh and blood in recent international economic arrangements (mislabelled “free trade agreements”).”

In the Introduction to my *Judicial Role in Globalised Economy* (2005), I had observed:

“The Chicago University and the Yale Law School are the centres for the study of law and economics wherein economics dominates legal discourse. *Homo juridicus* is becoming *homo economicus*. Public policy of the State is manipulated to come to terms with the ideas of the mainstream neoclassical economics.”

I failed to appreciate our Hon’ble Supreme Court’s recent judgement in the *Vodafone Case*³ where the Hon’ble Court justified the corporate structuring done in the *Vodafone Case* by quoting Pope Innocent IV. Under the rubric ‘International Tax Aspects of Holding Structures’, the Hon’ble Court held that the International Tax Aspects of Holding Structures, and the operational pattern of the holding Structure of the MNC, were designed in the light of the ideas of the 13th century Pope Innocent IV, and the 19th century decision of the House of Lords in *Salomon v. Salomon* (1897) A.C. 22. This sort of view helps the emergence of corporate *imperium*. I had seen the neoliberals of the USA trying hard to make the MNCs more important than the nation states. The professionals, like those huddled together at the Uglard House in the Cayman Islands, or at the Cathedral Square of Mauritius, and at other dark places, have provided systems un-

der which ‘corporations’ are hatched in thousands, and made to order. The Rogue Finance and their corporate vehicles resort to the creation of the labyrinthine corporate structures to operate through fog and mist on this planet. True, they tread on the lines that Pope Innocent III and IV prescribed for the Church out to build up its own *imperium*. I had cautioned against accepting this view in the First Edition of my Memoir (Chapter 25 at pp. 424-427). I had felt that if a MNC is structured on that model, it would become an imperious instrument of darkness to wreck our democracy, and all the values, which we believe, give legitimate content to it. We all know how an early MNC, the South Sea Company, committed worst frauds, and entrapped many great politicians in power to serve its illegitimate and fraudulent interests. Its deeds are discussed felicitously in Charles Mackey’s Extraordinary *Popular Delusions* (1841). The summary of the plot of this book, illustrating technique of mega frauds in certain financial/money manias can be read in Chapter 25 of this Memoir. The crooks and fraudsters of all the later times have scripted their nefarious ways on that model. The East India Company that ruled our country for long, was equally corrupt, and fraudulent. Our world knows no technique of deception the prototype of which cannot be found in their ways.

The MNCs, and their experts, consider ‘corporations’ virtually mystical and magical structures, which can be erected on the waves, in the thin air, in the ethereal space choosing their span of life, and the points of their birth, and also of their death. They had once reminded me of the monsters, Sund and Upsund portrayed in our classical literature (see p.438 of this Memoir). The pleaders for ‘corporations’ and ‘corporate *imperium*’ drew their light from the ideas in *Mystici Corporis*, (translated into English as ‘The Mystical Body’) on which Pope Innocent had founded his view. The Church was the mystical body of Christ in the City of God; and the ‘corporation’ became a foil to the R.C. Church in the City of Man, this world of ours!

It is baffling to find how in many crucial situations, even our courts become unmindful of ‘historical perspective’ that recognizes ‘Time’ as the most important distinguishing factor (see also Chapter 28) forgetting the well-known idea that “each generation has an enormous power of shaping its own law” (see Chapter 26 p.439). We have seen how the judicial reasoning in the *Vodafone* Case treaded in the light of the ideas of Pope Innocent IV; we had also seen earlier how in *Maganbhai v. Union*⁴ our Supreme Court relied on *The Parlement of Belge* [(1879) 4 PD 129] in support of its view as to our Executive Government’s treaty-making power without appreciating that such powers are wholly anachronistic as TIME has unfolded new realities. The Court should have appreciated that our Constitution has much widened the range and reach of the constitutionally and legally recognized rights. Though *Parlement of Belge* was decided in the 19th century, it is founded, in effect, on the idea that prevailed in 1686, only 2 years earlier to 1688 when the Glorious Revolution brought about the overthrow of King James II of England. None pointed out to the Court, that the view in *The Parlement of Belge* reflected the political philosophy of the time when the view of Thomas Hobbes (1588 –1679) prevailed. Whilst interpreting law, our judiciary must hear with care the gallops and trots of history, and realize that a law becomes a fossil if it remains attached to the dead past.

The second halves of the 19th century and the 20th century have witnessed strange conspiratorial innovations in structuring 'corporations'. The corporate lawyers and the beneficiaries of the corporations have cast their spell on all realms. They build the impervious 'corporate shell' so that none can know what is being done inside the shell. They have innovated in many other ways to strengthen their powers. They have created the inscrutable financial products in which the Rogue Finance deals, and have created other devices to escape 'taxation' by fragmenting a 'property' into two parts (it can be even more than two): "one, the physical assets of the corporation, operated by its managers; the other, the claim of investors to a share in profits generated by such operation." They have turned 'corporations' into a bundle of rights: one set of rights with the owners of the value that shares represent, and the other set with the owners owning the underlying assets that give value to such 'shares'. Peter d'Errico, who discussed the assertiveness and dominance of 'corporations' in the USA, observed with perceptiveness:

"The doctrine of full-fledged corporate personality in legal discourse coincided with the historical separation of finance capital from industrial management. Two types of property were presented by an emerging fragmentation of corporate political economy: one, the physical assets of the corporation, operated by its managers; the other, the claim of investors to a share in profits generated by such operation."

Korten aptly observes: "Not surprisingly, the history of corporate-government relations since that day [the history goes back to the 16th century when certain privileges were given through corporate charters granted] has been one of continuing pressure by corporate interests to expand corporate rights *and to limit corporate obligations*." (italics supplied). It was natural in the USA where politics is the "shadow cast on society by big business". The aggressive emergence of 'corporations' in the USA led many thinkers of the West to formulate theories to prove that 'corporate entities exist prior to, and independent of, 'state'. It is even said that as the manifestation of 'group life', it is the 'corporation' that provides the *raison d'etre* for the 'state'. Some experts even went to say that as the human beings, and the 'corporations' are 'persons' only because law considers them the bearers of rights and duties, there exists basically no difference between humans and 'corporations'! And from this follows inevitably that 'corporations' are entitled to human rights no less than the human beings.

This fragmentation has been used as a device to promote what I consider fraud causing wrongful gain to some, and wrongful loss to the others. I submit with great humility that I failed to appreciate the *Vodafone* judgement in which our Hon'ble Supreme Court, considered this sort of 'fragmentation' of corporate political economy permissible under our jurisprudence. In fact, this became the main reason for holding that *Vodafone* was not chargeable to capital gains in India. I have discussed that judgment in my articles which you can read on www.shivakantjha.org. It is submitted that our Supreme Court failed to frustrate the device adopted to cause wrongful loss to our country, and wrongful

gains to the non-residents operating from the secret jurisdictions and tax havens. There is some wisdom in what Alvin Toffler said in *Power Shift* (at p. 253):

“Few seem to have considered that if we change the structure of business and leave government unchanged, we create a gaping organizational mismatch that could damage both. An advanced economy requires constant interaction between the two. Thus, like a long-married couple, government and business eventually must take on some of each other’s characteristics. If one is restructured, we should expect corresponding changes in the other.”

Corporations are interested only in profits, and contrive the systems which ensure such pursuits. The corporations always work to transform a ‘nation state’ into a ‘sponsored state’. This is the inevitable outcome of an *entente* between the government and the Big Business. When this happens, ‘a symbiotic relationship’ between the state and the corporation’ gets established. The corporate structures, involving a split between the power of the shareholders and the professional managers, have produced detrimental psychological effect on the functioning of ‘democracy’: see Chapter 26, p. 426. As the ‘corporations’ do not possess human consciousness, they have no compunction in doing things even so unfair as these:

- ◆ to dispose of their toxic wastes in poor countries, because poor people have both ‘shorter life spans and less earning potential than wealthy people’;
- ◆ to commit all noxious acts to the detriment of humans believing that it is ‘a moral duty of the rich countries to export their pollution to poor countries because this provides poor people with economic opportunities of which they would otherwise be deprived.’

I have told you with anguish how our Government betrayed the just claims of the sufferers of the Bhopal Gas-leak disaster, even after assuring them that the Government would play the role of *parens patriae* for their benefit (see p. 328). It was the betrayal of trust reposed in the government by the suffering souls. Like eternal Peter Pan, the government, under the spell of the corporate *imperium*, is accustomed not to learn from experience. The way we are going ahead establishing nuclear plants in our country, shows that we are carefree about the gruesome tragedies awaiting us. History tells us that the power-wielders have strong, but often most unworthy reasons, to work without responsibility — ‘the prerogative of the harlot throughout the ages’.

(iii) ‘Capitalism’ and ‘Corruption’ go together

I do not intend to write a chronicle of corruptions, but I have felt, on good reasons, that ‘corporations’ and ‘capitalism’ need ‘corruption’ to promote their ends: to establish the *imperium* of corporatocracy at the wreck of democracy. This apprehension is based on a close study of the realities we see these days.

G.B. Shaw said in his *The Revolutionist’s Handbook*: ‘What experience and history teach is this— that people and governments never have learnt anything from history, or acted on principles deduced from it.’ My reflections on human affairs have led me to think that whilst the politicians do not learn from history,

the economists, and their foster children, the corporations, learn a lot from history but in wrong way, and for wrong reasons! The economic imperialists learnt from history that the forces of patriotism must be countered so that the founts of inspiration for revolutionary actions in the 'target societies or nations' must get dry. They have dragged all values to market for sale, and they have established the corporate canon of faith that whatever helps market is to be promoted, whatever hinders must be dispensed with. The political realms of our democracies have not learnt how to develop law, and establish an effective mechanism to save our society from the greedy corporations trying to catch all institutions under their octopus-grip, and also how to discipline the High Finance operating from tax havens and secrecy jurisdictions (see Chapter 26 p.412-416). The corporate imperialists have learnt from their experience that the most effective magic wand to achieve all, legitimate or illegitimate ends, is 'money power'.

We know how Jesus had worked against the corruptions in the society he lived in. He was a political rebel that worked against the money-changers of Jerusalem. If Jesus would come amidst us, he would surely fight against the ills of our Stock-Market. The *Exodus* said (23:8): "Don't take a bribe, because a bribe blinds the clear-sighted and subverts the cause of those who are in the right." I feel if the great Jesus comes amidst us, he would find no difference between that Pilate, and the most of those who control our destiny in this world.

I have told you in Chapter 21 how rampant corruptions destroyed the political institutions that the great Roman Republic had built, because the people of Rome could not keep the constitutionally established institutions under their effective vigilance. It amazes us most how the R.C. Church, which carried the holy mission of the Lord, itself became corrupt by turning into "banks in which the pious, speculating on eternal rewards, in exchange for cash receive drafts on the hereafter." Those eager to go to heaven could buy from the Church 'indulgences for the remission of sins of every kind' as that authority had been granted to it by St. Peter and his successors enabling it to exercise 'the privilege of dispensing to the faithful an inexhaustible treasury of merit.' 'Some were allured to pay for rebuilding St Peter's; some were bidden to pay for the crusades on the assurance of 'the everlasting bliss of heaven'. "Usurping the prerogative assumed only to belong to the Almighty, the banker Pope claimed not only to remit the temporal penalties for sin but even to expunge the sin itself."

In order to evaluate the dreams which the present-day neoliberal capitalists sell to the poor of the world, it is good to remember how the rainbow used to be painted by the Church in the mind of the people of those locust-eaten years. When 'the scandal was afoot in a great money-raising campaign for the new St. Peter's, the people were deceived with dreams painted by persons like the Dominican preacher, John Tetzl. A contemporary is said to have written:

"It is incredible what this ignorant and impudent friar gave out. He said that if they contributed readily and bought grace and indulgence, all the hills of St. Annaburg would become pure massive silver, which so soon as the coin rang in the chest, the soul for whom the money was paid would go straightway to heaven."

Consider for a moment the assurance that we get from the leaders of this market-driven globalisation of our days. Peter Watson says—

“Regarding racial discrimination, Friedman took the long-term view, arguing that throughout history capitalism and free markets had been the friend of minority groups, whether those groups were blacks, Jews, or Protestants in predominantly Catholic countries. He therefore thought that, given time, free markets would help emancipate America’s blacks. He argued that legislation for integration was no more and no less ethical than legislation for segregation.”

But two things happened which helped expose the deception that the then Church practised on people. We are driven to believe that God has many ways to correct the humans. Two events made the castle of fraud crumble: the first was the isolated and cumulative effects of the Renaissance and the Reformation; the second was the assertions of intellectuals who somehow had succeeded in saving their souls, persons like the great Dutch scholar Erasmus, who published in 1519 his *The Praise of Folly*, “of which it has been said that ‘the Jokes of Erasmus did the Pope more harm than the anger of Luther’”. Folly, he wrote, is the chief source of happiness. It rules the world, and particularly the Church.”

I do not want to reflect on things further because the pattern that you have noticed till the end of the medieval Western world, continues in the Western history to our modern times. There were instances of kings taking and giving bribes; there were instances of Prime Ministers who stooped low for favours; and there were years when ‘the way to Parliament often led through the pigsty.’ It is amazing to see how many bribe-takers and corrupt crooks hoisted themselves as benefactors to the society to which they belonged: Robert Clive, who amassed huge wealth through massive corruptions in India, justified his acts as a noble service to Britain. Warren Hastings, whose maxi-bribes and mini-morality were well-known in India, felt that his corruptions were to be ignored by the authorities in England as he had done good service to the British administration in India. No punitive actions were taken against them as the crooks had become close friends. Please recall the story that Chesterton had narrated, and I have quoted above.

But I must draw your attention to the two great corporations which must have been built on Pope Innocent’s ideas, the ideas which provide model for all the MNCs and TNCs of later times. These two great corporations were: the East India Company (founded in 1600), and the South Sea Company (founded in 1711). I have mentioned at several places in my Memoir, the ignoble deeds of the East India Company that ruled over us (see: Chapters 24 and 26). The South Sea Company produced a set of manias to swindle people, and, thus, brought to perfection the technique of deception. The scandal showed how bribery helped the corporations to win over the government of the day, and how it helped evade Parliamentary vigilance on public acts. Most investors of the Company were ruined. What the Prime Minister Robert Walpole did, is well described thus highlighting his depravity:

“Parliament demanded an inquiry, thus raising the possibility that members of the government and the royal family would be openly

implicated in financial scandal. He used his influence in the Commons to blunt the parliamentary inquiry and managed gradually to restore financial confidence." [*Encyclopaedia Britannica* says (Vol. 29 p. 66)]

Robert Walpole, generally credited with being the country's first Prime Minister, presided over a ministry so steeped in bribery, chicanery, electoral malpractice and gerrymandering that he became known as the 'Grand Corruptor.' I am sure you would be baffled on seeing the painting of the "CORRUPT LEGISLATION", (done in 1896 by Elihu Vedder) to which I have already made reference in Chapter 22 (at p. 330)

The trends of 'corruptions' have increased over the recent years. I am convinced that my initial perception that 'capitalism, corporations, and corruptions go together' is sound. Abraham Lincoln was right in apprehending the end of the republican polity in his country. Perhaps India is seen trying hard to excel the USA in this unworthy skill. The USA has a lot of power and a lot of wealth so the evil consequences can be kept under carpet. This shock-absorbing capacity, this ability to divert attention to other stage-managed issues, is the exclusive privileges only of the super-rich and hegemonic powers.

(iv) 'Corruptions' in our country

"The most odious of all oppressions are those which mask as justice." Jackson, J.

'Corruptions' have become endemic in our Indian society. At various places in my Memoir, I have referred to them: [see at pages 133-139, 143-153, 154-177, 178-187, 235-236, 299-306 and 422-430].

Prof. Arun Kumar is right in saying: "Illegality in India today touches almost every economic activity. It is both systemic and systematic." There are countless scams and scandals in our country. I need not mention them as they have been widely discussed in the media, and at diverse public fora. It is distressing to read the observations of Francis Fukuyama in his *The Origins of Political Order* (p. 6):

"Nonetheless, Indian democracy, like sausage making, looks less appealing the closer one gets to the process. Nearly one-third of Indian legislators, for example, are under some form of criminal indictment, some for serious crimes like murder and Indian politicians often practice an overt form of patronage politics, in which votes are traded for political favours."

But his ideas add nothing to our knowledge because we know the morbidity and sordidness of our systems full well. The real problem is: what should be done to remedy the ills?

Our reflections on the morbidity of our public life should strengthen our resolve to act against 'corruptions' by taking steps including the following two steps:

- (a) to set up a strong and effective Lokpal with a comprehensive jurisdiction over the acts of those who perform public acts, and whose acts affect public wealth and resources; and
- (b) to restructure our political systems in order to make them more accountable and transparent to our people, and more responsive to our needs. The author believes that this can only be done if our Parliament works, and works well, as this institution alone can remedy the evils which are rampant in our polity and governance. It is with this hope that I have reflected on our 'Parliament at work' in Chapters 22 and 30 of this Memoir.

SEGMENT 'C': Bound upon the Wheel of Fire

“A society of sheep must in time beget a government of wolves.”
— Bertrand de Jouvenel

The *Mahabharata* tells us a very suggestive story. The Kauravas and the Pandavas had assembled in the battle-field of Kurukshetra. All efforts for peace and amity had failed. Yudhisthira, the eldest amongst the Pandavas, made a last-ditch effort for peace. But his 'hope' faltered. Yet he went to pay respect in order to get blessings before the inevitable was accepted, and the war began. He cast aside his arms, and moved in silence towards the Kaurava forces. Seeing him going thus, Arjuna rushed to be with him. Krishna too accompanied them. Whilst all others were at a loss to understand what all this drama meant in the battle-field, Krishna could well understand the purpose for which Yudhisthira was going. Krishna told Arjuna and his other brothers that Yudhisthira was going to seek permission to wage war from most respected Bhishma, Dronacharya, Kripacharya and Shalya. If Bhishma, would have revolted against Duryodhana, the destructive Mahabharata War could have been avoided. On meeting Bhishma, he sought, with utmost humility, the permission to wage a war against him, and his blessings to rise to the occasion. Bhishma appreciated his supplication, and gladly granted him the permission he sought. He blessed him to emerge victorious as his cause was righteous. Then Bhishma explained his reasons why he could not prevent Duryodhana by effectively opposing him. What he said, deserves deep reflections. He said:

अर्थस्य पुरुषो दासो दासस्त्वर्थो न कस्यचित्। इति सत्यं महाराज, बद्धोऽस्म्यर्थेन कौरवैः।

[Men are the slaves of wealth, and, for that reason, they have no freedom but to obey their masters. As I had enjoyed the Kauravas' patronage and wealth, and as I was bound by my words to support the Kauravas, I had no option but to be on their side.]

When Yudhisthira sought blessings from the other three venerated persons, they blessed him wishing his victory as his cause was just, but explained to him the reasons which had prevented them from opposing the gross injustice done to the Pandavas. If they would have asserted for the just cause, Bharata would have escaped the horrendous and most destructive war. They, like Bhishma, suffered anguish, but felt wholly helpless.

I must tell you the remorse that wrenched Bhishma when he was nearing death on the bed of the spikes of arrows in the battle field of the Mahabharata. It

is said that Yudhisthira called on him to learn the lessons of *Rajdharmā*, as he was the greatest authority even on this subject. Bhishma realised his own tragic trait best described by the poet 'Dinkar' in these words drenched in remorseful tears, stated with utmost candour:

कर पाता यदि मुक्त हृदय को मस्तक के शासन से, उतर पकड़ता बांह दलित की मंत्री के आसन से,
राज-द्रोह की ध्वजा उठाकर कहीं प्रचार होता, न्याय-पक्षलेकर दुर्योधन की ललकारा होता;
स्यात सुयोधन भीत उठाता पग कुछ अधिक संभल के, भारतभूमि पड़ती न स्यात, संगर में आगे चल के।

[Could I then free myself from the thralldom of my self-assumed obligations to the tyrannous government I served, and could I assert for the cause of Justice, perhaps Duryodhana could not have gone that far to pursue his unjust objectives; and this great Bharat could have escaped the devastation that the War brought for this great nation to groan with agony for long.]

But how can this capacity to speak for truth and public weal be cultivated when we see all around untruth prevailing helping the greedy to reap rich harvest of wrongful gains. It seems *Satyameva Jayate* survives only to the extent that the liars alone know the truth which they shroud with stealth and deception. The words of Hannah Arendt come to mind: "The trouble with lying and deceiving is that their efficiency depends entirely upon a clear notion of the truth that the liar and deceiver wishes to hide." We see all around us tremendous corporate and collective efforts to create systems under which public weal suffers slings from the masqueraders and deceivers of all sorts. But this plight of humanity has been wrought only because we have not equipped ourselves to be on the side of 'Satya' and 'Dharma' by perceiving our *Kartavya* to do our duty. We must not fear 'Darkness' as it has no existence; it terrorizes us because we have not put Light on. Once the Sun shines, Darkness vanishes. For this to happen, we must know what has caused our present morbid plight, and also what can help us to save ourselves. It will be a terrible agony to allow our country to sob, like humiliated Draupadi, in some sort of the Kaurava Sabha of the present-day pretenders and deceivers.

Let that Sun shine so that darkness goes. The story of Icarus is enlightening. This great hero of the Greek mythology could not successfully escape from Crete on his wings as these melted under the Sun. Let us not move towards the day when the cockroaches would become the sole survivors on this beautiful planet, and would have sufficient reasons to cast a verdict that God had erred creating men with the full freedom to become great or mean, divine or devilish, *devik* or *asuric*. It would be the gloomiest of all moments when we shall have no option but to confess before our Lord, or Conscience: we were born to bear witness to Light through our ideas and actions, but we spent all our times remaining witness to human follies by groping in darkness contrived by lust, greed, and wrath.

What a piece of work is a man! Mind goes to the great Karna's dream

The 'Udyoga Parva' of the *Mahabharata* (Ch 143) tells us a suggestive story. After his failure in dissuading Duryodhana from dragging humanity to a most destructive war, Krishna found an opportunity to converse with Karna. He felt, Duryodhana would not proceed on the destructive course if Karna shifted his

loyalty towards the Pandavas. But Karna stuck to his loyalty to Duryodhana. When Krishna expressed his apprehensions, Karna told him about his dream he had seen. He had seen Yudhisthira sitting comfortably on the huge heap of dry bones (अस्थि संचयमारूढ), enjoying his repast of sweet food (घृतपायसम्, *kheer*).

When I see the present-day wielders of powers, and their co-partners enjoying sweet food on the dry bones of the suffering millions, I feel that there are good reasons to believe that some cataclysmic Mahabharata is not far off. When we build our gold castles in the tax havens, secret jurisdiction or cyberspace, when we degrade environment to pursue our limitless greed, when our demonic zeal invites, with maddening pace, our collective doom, aren't we seated on the heap of dry bones, seeing the chimerical dance of delight with our brain mortgaged to the present day followers of Mephistopheles. The story of Faust is the story of modern man in this brave world⁵: abundantly ambitious but abysmally foolish. But whatever the infernal magician of extractive capitalism may say, in the end it is यतो धर्मस्ततो जय (victory is where dharma prevails). This is what we HOPE.

SEGMENT 'D': CONCLUSION

"Don't cry, I'm sorry to have deceived you so much, but that's how life is."
Vladimir Nebokov, *Lolita*

I am not bothered whether my ideas, set forth in my Memoir, are appreciated, or rejected, or worse still, are simply ignored treating them mere buzz of a busybody. I would not be the first to be so weighed, and so dumped for stating, with utmost good faith, decoding what I see written on the walls. After having written the great *Mahabharata*, the great Vyasa had an iron in his soul. He said: "I keep shouting to caution, but none listens to me." If we remain merely as the collaborators with the criminals, or even as fence sitters, the day is not far when some Vyasa would console us too in the words once used to console Yudhisthira. The great Rishi asked him to see for himself what the Supreme (we may call it God, Destiny, Time, or our own Karma) had wrought: पश्य कालस्य पर्ययम् (see, what Time has done). The greatest irony in human history is the fact that Duryodhana did not hear Krishna, but followed a nefarious crook, Shakuni! Again कालस्य पर्ययम् !!

I had begun this Chapter with the words of Lord Krishna: we are our own friends, we are our own foes. I would underscore this idea by quoting, at the end of this Chapter, the holy and inspiring words from the Holy *Quran*:

इन्लाहो ला युग्य् यरो मा बिकौ मिन्।

हत्ता युग्य् यरो वा बिन क्तसे हुमा।

"Almighty God will not change the condition of any people unless they bring about a change in themselves"

It is interesting to note that in providing us this most important instruction, the *Bhagavad-Gita* and the *Quran* strike the same note, say the same thing. In my assessment, the quoted words constitute the profoundest piece of wisdom that mankind has received to understand the very grammar of human existence.

THE PORTRAIT OF OUR TIME

NOTES AND REFERENCES

1. Translated by Dr. Radhakrishnan.
2. O. Hood Phillips' *Constitutional and Administrative Law* 7th ed 371.
3. *Vodafone International Holdings v. Union of India & Anr (2012) 6 SCC 613.*
4. AIR 1969 SC 783.
5. Shiva Kant Jha, 'Let us play Columbus to explore the regions of Darkness on our good Earth: The Cayman Islands; The Virgin Islands; The Bahamas; Mauritius'
<http://www.shivakantjha.org/openfile.php?filename=nutshell/nutshell-11.htm>