

**EXTRAORDINARY CIRCUMSTANCES: A STUDY OF PAD
AND PADDHARMA IN EARLY INDIAN LITERARY
TRADITIONS
(C. 6TH CENTURY BCE TO 3RD CENTURY CE)**

Thesis submitted to the Jawaharlal Nehru University in partial fulfillment of the
requirement for the award of the degree of

DOCTOR OF PHILOSOPHY

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DECLARATION

I declare that the thesis entitled “**Extraordinary Circumstances: A Study of *Āpad* and *Āpaddharma* in Early Indian Literary Traditions (c. 6th Century BCE to 3rd Century CE)**” submitted by me in partial fulfillment of the requirement for the award of the degree of **Doctor of Philosophy** is my original work and has not been submitted for the award of any degree of this or any other university.

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ABBREVIATIONS

AB	<i>Aitareya Br hma a</i>
AN	<i>Anguttara Nik ya</i>
AV	<i>Atharva Veda</i>
A	<i>Artha stra</i>
ĀDS	<i>Āpastamba Dharmas tra</i>
BDS	<i>Baudh yana Dharmas tra</i>
CV	<i>Cullavagga</i>
GDS	<i>Gautama Dharmas tra</i>
KB	<i>Kau taki Br hma a</i>
MN	<i>Majjhima Nikaya</i>
MS	<i>Manusm ti</i>
MV	<i>Mah vagga</i>
Mbh	<i>Mah bh rata</i>
PU	<i>Pra na Upani ad</i>
RV	<i>g Veda</i>
R m	<i>R m ya a</i>
SB	<i>atapatha Br hma a</i>
SN	<i>Samyutta Nik ya</i>

Chapter 1: Introduction

1.1. Introducing the Theme

The expression “*necessitas legem non habet*” or “necessity knows no law” is widely used in judicial and legal proceedings in contemporary India to explain the concept of exceptions to norms. This Latin maxim also testifies that the concept of legal exceptions can be traced to older times as established principle in the Roman legal system. In the ancient Indian context, a similar concept is indicated in the normative literature by the legal injunction called *paddharma*. *paddharma* was a category of law designed for *extreme* situations. Normally, such situations were characterized by radically irregular circumstances, typically involving catastrophic consequences and therefore required departures from the established legal, social or moral standards.

This thesis aims to study the history of injunction, *paddharma*, from its origins in the *Manusm ti* to its maturity in *Mah bh rata*. The study also seeks to trace its background prior to the *Manusm ti* in order to trace the older roots of the concept and also seeks to historically situate its development within the context of the early historic period.

1.2. Historiography of *paddharma*

paddharma remained a relatively neglected area of study until an organized treatment of the subject was initiated by Wendy Doniger in the introduction to

the translation of the *Law Codes of Manu*¹ in the early 1990s. Discussions on *paddharma* had earlier remained confined either to incidental references within broader discussions on *dharma* or as simple examples of legal immunities i.e. exceptions to general rules. Doniger, on the other hand, has made some crucial observations with regard to the nature of the law code of Manu and has argued that it is the idea of *paddharma* that is the integral doctrine which provides a logical coherence and consistency to the law code. Doniger cites a few instances of apparently conflicting statements in the text to show how the concept of *paddharma* was expressed through them. She cites the instances when Manu says that a married woman may cohabit with her brother-in-law when her husband fails to produce a male heir (MS 9.56-63), or anyone can kill a priest thoroughly versed in the *Vedas* if he is found attacking with a weapon in hand (MS 8.350-51). These statements may seem apparently conflicting given the ideal that a woman can cohabit only with her husband or that a *br hma a* should not be killed under any circumstances as it incurs the gravest sin called '*brahmahaty*'. Doniger says that it is not difficult to make sense of these contradictions for the simple reason that these have been permitted in cases of extreme emergency and that Manu also recommends that such actions should be undertaken with a spirit of complete detachment.

According to Doniger, the Sanskrit term *pad* may be translated as 'in extremity'. Besides *pad*, other terms as *anaya* (adversity), *rti* (distress), and

¹ Wendy Doniger and Brian K. Smith (tr.), *The Laws of Manu*, Penguin Books India, New Delhi, 1991. Doniger has also discussed her ideas on *paddharma* in a separate article published subsequently. For details see, Wendy Doniger, "Rationalizing the Irrational Other: "Orientalism" and the Laws of Manu", in *New Literary History*, Vol. 23, No1, Versions of Otherness (Winter, 1992), pp. 25-43.

ksudh (near starvation) are “loophole concepts”². She uses these terms to mean that through these, Manu reverses the ideal order that he so meticulously creates. She observes that *paddharma* is a deconstruction of Manu’s own construction.

Doniger says that *paddharma* is the “subtext”³ within the “central text” which is created consciously by Manu in acknowledgment of the difficulty in following the central text rigidly in every situation. According to her, *paddharma* is the bottom-line of realism in Hindu law.⁴ Analogically, she explains that every knot tied in one verse is untied in another verse, just as Penelope in Homer’s *Odyssey* carefully unwove at night what she had woven in the day.⁵ The contradiction in Manu is thus a philosophy of action in exceptional situation which constitutes a distinct and rational doctrine propounded by the text.

Explaining the norms of *paddharma*, Doniger negated the popularly prevalent western notion that the *Manusm ti* is a contradictory and inconsistent text. Her interest in the subject of *paddharma* was expressed primarily through two major concerns – first was her quest for an alternative perspective that explained early Indian rationality in the making of a legal philosophy and second was to neutralize the Western prejudice against *Manusm ti* as ‘inconsistent’ and ‘contradictory’. She considers this presupposition to be “the wrong sort of ‘Orientalism’⁶ which is “based upon an arrogant Western

² *Ibid*, p. liii

³ Wendy Doniger, “Rationalizing the Irrational Other: “Orientalism” and the Laws of Manu”, in *New Literary History*, Vol. 23, No1, Versions of Otherness (Winter, 1992), p. 37

⁴ *Ibid*, p. 36

⁵ *Ibid*, p.37

⁶ Wendy Doniger and Brian K. Smith (tr.), *The Laws of Manu*, Penguin Books India, New Delhi, 1991, p. x

assumption that ‘Orientals’ are radically alien even in their basic cognitive processes, that unlike us, they do not recognize or understand contradictions when they encounter or generate them.”⁷

She has also argued that in dealing with a foreign text, it is essential to be sensitive to its geographic location and the historic context of its composition. She shows how the final recension of Manu was a synthesis of divergent traditions and a coherent resolution of the Vedic and post Vedic (as well as non-Vedic) ideals. Brian K. Smith⁸ suggests in another section of the introduction as to how Manu synchronically organized the opposing forces of Vedic and non-Vedic ideals through the illustration of violence/ vegetarianism and non-violence/ non-vegetarianism found in the text at the same time.

Thus, given the context within which Manu is historically placed and the purpose of composition of this text, he is bound to give an impression of inconsistency at some places. Thus, it is important to be sensitive to the contexts and purpose to realize that the contradictions in *Manusm ti* might not have been without meaning.

Though Doniger’s focus was not directly on the analysis of *paddharma* as a category of law, she treats the subject in a meaningful way to provide an insight into the structure of the *Manusm ti* as a logical legal compendium. It is important to note that Doniger places the formulation of *paddharma* in the final recension. The final recension of the text is said to have emerged with the incorporation of the Vedic, post-Vedic and non-Vedic attributes.

⁷ *Ibid*, pp. xliv-xlv

⁸ *Ibid*, p. xxx

Discussion on *paddharma* was revived among scholars with the publication of the translation of the Critical Edition of the *ntiparvan*, the twelfth book of the *Mah bh rata*, by James L. Fitzgerald in 2004.⁹ The *ntiparvan*, which contains the *paddharmaparvan* (the second of the three sub-sections of the text), highlights interesting aspects of the notion of *paddharma*. Fitzgerald's translation shifted the focus of discussion from the *Manusm ti* to the *Mah bh rata*.

A landmark contribution in the study of the *paddharmaparvan* was made by Adam Bowles in his book “*Dharma, Disorder and the Political in the Mahabharata: the paddharmaparvan of the ntiparvan of the Mah bh rata*,” published in 2007. Bowles principally studies the content of the *Āpaddharmaparvan* and discusses how the *Mah bh rata*, through its didactic section, participates in the ideological discussions of its times.

Addressing the debate on the narrative-didactic components of the *Mah bh rata*, Bowles argues that since the *Mah bh rata*, as distinguished from the *Bh rata* cycle, includes both narrative and didactic materials, it would be meaningful to look at the text as a combination of different narrative and *stric* genres. This combination, he says, has produced a unique text which participates in its own hermeneutic on a variety of discursive levels.¹⁰

Bowles observes that the *Āpaddharmaparvan* is a unit that consists of distinctly dissimilar texts, which have been compiled to form one single cohesive unit. The diversity of the texts is expressed in their “polygeneric

⁹ James. L. Fitzgerald (tr.), *The Mah bh rata*, vol.7, The Book of Peace, University of Chicago Press, Chicago, 2004

¹⁰Adam Bowles, *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mah bh rata*, Brill, Leiden. Boston, 2007, p. 35

characteristics”¹¹ as he puts it. However, the texts are juxtaposed in a specific way to produce coherence and consistency. He approaches the *Āpaddharmaparvan* essentially as a literary composition and looks at the *parvan* at two levels- firstly, he identifies the poetic tools that are employed to make it a cohesive unit and the secondly by exploring of the meanings of the compositions. He places the central ideas of the text within the overall intellectual framework of the time period.

Bowles divides the 39 chapters of the *Āpaddharmaparvan* (numbering 129 to 167 of the *ntiparvan* in the Critical Edition of the epic) into 28 recognizable semantic units which he lists in the form of four tables. These divisions are done on the basis of the topic under discussion and how shifts occur as the text moves from one topic to another. This formal analysis is a major part of his argument since he sees the framing and interlocutory part of the *parvan* as playing an important part in establishing its cohesiveness.

The concept has been treated in the second chapter of his book where he discusses the issue of ‘distress’ in the *Dharmas tras*, the *Dharma stras* and the *Artha stra*. He discusses the textual genealogy of the concept as denoted by the term *pad* and other related terms. In the subsequent chapter, he explains the other key term, *dharma*. These two chapters are particularly interesting because they trace the history of the term from the earliest literature and point out that the compound ‘*paddharma*’, first appeared in the *Manusm ti* and the *Mah bh rata*. He demonstrates how the coining of the term was an outcome of the rising significance of the concept of *dharma*.

¹¹ *Ibid*, p. 3

Adam Bowles' work could be said as laying the foundation for further study of the subject. His book is the most detailed study of the topic so far and therefore is of immense significance for any study on the topic. His focus is however confined to the *ntiparvan* alone where he attempts to prove that the *Āpaddharmaparvan* should be seen as a functional part of the epic.

Arti Dhand in her book titled "*Woman as Fire, Woman as Sage: Sexual Ideology in the Mah bh rata*," published in 2008, addresses the question of *paddharma* in one of her chapters. Her work deals entirely with the study of women characters in the epic and it is within this framework that she studies *paddharma* and its relation to women.

She suggests that the *Mah bh rata* was jointly inspired by two separate traditions of religious practices, one ascetic or *niv tti* and the other domestic or *prav tti*, and that the text consciously tries to synthesize the values of the two.¹² Therefore, she argues that the epic's sexual ideology is also based on these two religious premises of *prav tti dharma* and *niv tti dharma*.

She argues that since *paddharma* represents deviations from the prevailing norms, it is primarily related to *prav tti dharma*. She looks for conditions that are supposed to constitute distress specifically for women and the deviations that are permissible for them in distress. She points out that women in general are considered to be the key contributors in the breakdown of the society in the *kaliyuga*. However, it is prescribed that women may take refuge in *paddharma* when the condition of distress involves procreation (*niyoga*) and

¹² Arti Dhand- *Woman as Fire, Woman as Sage: Sexual Ideology in the Mah bh rata* , State University of New York Press, Albany, 2008, p.55

secondly when *pativrat dharma* is at stake.¹³ While the former is explicitly mentioned in the text, the latter is only implied. She illustrates her point by discussing some of the women characters and narratives where conditions of distress are evident.

Even though Dhand's work highlights only the gendered dimension related to the concept, forms a significant part of the historiography on *paddharma*. She takes up the concept of *niyoga* for a detailed discussion in the context of *paddharma* which is one of the most prominent manifestations of the concept. Moreover, she broadens the scope of her work by discussing women in general in the overall discourse of crisis.

Ashok Chousalkar, in his article titled "The Concept of *Āpaddharma* and the Moral Dilemmas of Politics"¹⁴, published in 2009, attempts to identify the conflict between politics and morality within Brahmanical theoretical framework. He also confines his study to the *Āpaddharmaparvan* and asserts that the concept primarily belongs to the realm of political philosophy.

Chousalkar summarizes the discussion between Yudhi hira and Bhīma in the *Āpaddharmaparvan* and focuses on Yudhi hira as an individual in relation to the state. He chooses three stories from the *parvan* – the story of P lita and Lomas, the story of Brahmadata and P j ni and the story of Kaninka and king Shatrumtapa- which narrate the varieties of difficult situations that a king has to face and the essentially immoral ways they adopt to overcome those

¹³ *Ibid*, p. 185

¹⁴ Ashok Chousalkar, "The Concept of *Āpaddharma* and the Moral Dilemmas of Politics", in TRS Sharma (ed.) *Reflections and Variations on the Mahābhārata*, Sahitya Akademi, New Delhi, 2009

situations. These narratives directly relate to the questions of morality and the conduct of an individual as a functionary of the state. He shows that a character such as Yudhi hira, who is committed to morality and truth even at the cost of his survival, is bewildered when he has to choose between his personal moral course of action and the conduct required of him as a king.

Chousalkar's core argument is that despite the theorization of *paddharma* as a separate political ideology, it failed to make politics essentially non-violent and a contest for fair conduct. He characterizes politics as the domain of violence and immorality and argues that the *Mah bh rata* realizes the limits of politics because unethical conduct remains its intrinsic feature in some form or the other. According to him, even the conceptualization of *paddharma* is merely an immoral action with a moral consequence. He argues that "in this struggle, good succeeds but taking recourse to immoral actions, thus sullyng its moral character."¹⁵ Therefore, he feels that the *Mah bh rata* or the *Bhagavad G t* could not provide a "civilized method of resolving conflicts between good and evil."¹⁶ Hence, the *ntiparvan* which seeks to resolve Yudhi hira's dilemma of political action ultimately fails to do so.

Chousalkar's argument does add a significant dimension to the understanding of *paddharma* as a political doctrine that is unable to resolve the moral dilemmas of politics as a whole.

The latest contribution to the topic has been made by Satya P. Agarwal in his work titled *Āpad-Dharma in the Mah bh rata: How to Face Calamities at Personal, State and Global Levels*, published in 2010. Agarwal studies

¹⁵ *Ibid*, p. 131

¹⁶ *Ibid*, p. 131

paddharma from a different perspective and for a specified purpose. He understands the concept as a peace- making mechanism.

In the preface of his book, he presents a hypothetical dialogue between two imaginary scholars of ancient India who argue their respective positions regarding the right kind of *dharma* that can protect society from collapse. The dialogue takes place between a Vedic Scholar who is a traditional defender of *Var ramadharmā*, referred to as Scholar V and a scholar making a case for *pad* referred to as Scholar A. Scholar A says that the traditional *Var ramadharmā* does not adequately protect the society from collapse especially in the event of any external attack. Therefore, the traditional *dharma* can only be called ‘peace-time’ *dharma*. So, the tradition should also consider preaching *paddharma* a legitimate part of *dharma*.

Agarwal divides his book into three parts, all of which are based on stories from the *Mah bh rata* and not confined to the *ntiparvan* alone. He narrates the stories which talk about the message of peace and *paddharma*. He discusses the stories like that of Gautami and Arjunaka, the story of a non-violent scholar who won over a violent monster, the story of a mouse who protected himself from three enemies, the stories of Savitri and akuntal . He takes these narratives as illustrating *paddharma* in some form or the other, but he does not explain the principle behind nor does he demonstrate how his central contention that *paddharma* is the *dharma* to be espoused during war.

It is evident from the above discussion that the studies undertaken on the subject yielded valuable inferences. Scholars have taken up specific themes to understand the functioning of the concept. While Doniger has tried to

understand *paddharma* as a legal mechanism and how the idea gives a coherent structure to the law code of Manu, Adam Bowles looks at the coherence of the *Āpaddharmaparvan* and how the section is a functional part of the *ntiparvan* by highlighting the deliberate attempts of the authors of the *Mah bh rata* to weave the assorted *paddharma* narratives into a classified sub section within the *ntiparvan*.

Additionally, what is also important to note is that Bowles observes that the notion of *dharma* is very intricately connected to the idea and conceptualization of the compound term *paddharma*. He devotes an entire chapter on the discussion on *dharma*, tracing its origin from the Vedic times to the composition of the *Dharma stras* and the *Mah bh rata*. The idea behind his discussion on *dharma* is that it explains the coming together of the two simple terms (*pad* and *dharma*) to form the compound and also provides the context for its emergence as a concept. He suggests that the act of joining the term *dharma* grants legitimacy to the transgressions implied within the concept. He observes, “While on the one hand *paddharma* denotes behavior that is some way exceptional, on the other it also suggests that this behavior is in some way legitimate.”¹⁷ Moreover, he also suggests that the coining of the term was an outcome of the rising significance of the word *dharma* which led to the broadening of its application. He also suggests that the importance of the word became so central that it “became a standard practice to accommodate a set of ideas to the concept of *dharma*.”¹⁸

¹⁷ Adam Bowles, *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mah bh rata*, Brill, Leiden. Boston, 2007, p. 81

¹⁸ *Ibid*, p.82

Bowles distinguishes between two usages of *dharmā*- ‘conservative brahmanic’ and ‘ascetic’¹⁹ He suggests that the ‘conservative brahmanic’ concept of *varṇa dharma* was articulated in the *Dharma śāstra* literature and the universal ethic articulated by the renunciatory traditions: Buddhism, Jainism, and the Aśoka edicts.

1.3. Historiography of *Dharma*

It is evident from Adam Bowles’ discussion is that in order to understand *paddharma* as a concept, one must consider *dharmā* as one of the key terms in the history of early Indian ideologies and concepts. The concept of *paddharma* therefore needs to be understood in association with as well as within the larger framework of the concept of *dharmā*. This section gives a brief overview of the historiography of *dharmā* to understand how scholars have highlighted the centrality of *dharmā* in ancient Indian history and also how it is essential to understand the varied meanings and aspects of the concept of *dharmā*.

Dharma is probably one of the most exhaustively discussed and debated subjects among scholars of Indian literary history. This has produced a rich corpus of writings on the subject which can be traced from the beginning of the 19th century. The writings on *dharmā* in this period prominently identified it as “Hindu Law”. Studies on the *dharmā* began in India fairly as a part of the larger historical exercise during the colonial period in India. The initial thoughts and investigations on early Indian jurisprudence and specifically

¹⁹ *Ibid*, p. 82

Hindu Law emerged apparently with the western scholarship and its notion of law and simultaneously and more significantly as a part of the major colonial requirement to administer the Hindus. However, specifically academic, systematic and objective writings on Indian legal History started when the scholars of jurisprudence and historians of law besides trying to trace the historical roots of Indian legal consciousness and its antiquity also began debating if the concept of “*dharma*” can be considered as a formal system of rules usually enforced through a set of institutions that gives it the force of law and thereby government of the society through those institutions.

Considering the fact that *dharma* crucially defined the ancient Indian civilization, it has been a subject of serious research ever since the emergence of organized study of Indian history. The initial years of study on *dharma* revolved around an attempt to define and translate the term. Studies soon revealed the degree of difficulty in translating the term with scholars’ often labeling *dharma* as ‘untranslatable’. However, it was realized that since the meaning of the term *dharma* gets highly altered based on context, genre of text or religious tradition, it cannot be rendered into any exact equivalent. In other words, the word *dharma* is used in a variety of meanings, for example, just as *dharma* may correctly translate into law or justice, it may equally be correct to translate it into morality, virtue, teaching, justice, sacrifice, nature, foundation, and religion and so on. Therefore, it has been a long time since the broad semantic range of *dharma* has been recognized by scholars.

Further studies introduced fresh insights by shifting the focus to explain the validity *dharma* as a legal concept. Scholars began debating on the extent to

which *dharma* could qualify as 'law' and how far the Dharma śtras could be considered as 'codified legal texts'. Scholars like Robert Lingat²⁰, Duncan Derrett²¹, Werner Menski²² and A.D. Mathur²³ are considered important contributors in this discussion.

Lingat was one of the first to initiate a systematic discussion on the subject. Though he denied *dharma* to be positive law because of absence of any formal legislation preceding the codification of the dharma śtras, he believes that *dharma* can still qualify as law since it bound individuals within their respective rules. Moreover, within the practical realm it is through *dharma* that justice was also dispensed. Duncan M. Derrett, advanced the study of *dharma* to demonstrate the role of the dharma śtra texts in practice in resolving disputes in reality. Several of his articles give an interesting account of the actual application of the dharma norms texts in resolving long standing disputes.

Contrary to the previous assumptions of *dharma* qualifying as law, Menski argued that ancient India was not controlled by a uniform system of law. He argues that since in a large part of the India law prevailed as customs and hence unwritten, Hindu law should never be reconstructed totally by merely looking at the śāstric or written texts alone. He also eschews legal uniformity

²⁰ Robert Lingat, *The Classical Law of India*, Munshiram Manoharlal Publishers Pvt Ltd, 1993

²¹ J.Duncan Derrett, "Two Inscriptions Concerning the Status of Kammalas and the Application of Dharma śtra" in *Essays in Classical and Modern Hindu Law*, Vol 1, Leiden E. J. Brill, 1976

²² Werner Menski, *Hindu law: Beyond Tradition and Modernity*, Oxford University Press, New Delhi, 2003

²³ Ashutosh Dayal Mathur, *Medieval Hindu Law: Historical Evolution and Enlightened Rebellion*, Oxford University Press, 2007

in traditional Hindu legal system considering the absence of a strong political center for most of Indian history. Mathur also does not accept *dharma* as law; instead he considers *vyavahāra* to be what can be called as law. He argues that *dharma* sets the outer limit of law as well as forms its core in the sense that *dharma* subsumes and propounds the philosophical notions such as the concepts of justice, equity or good conscience. In this way *dharma*, he says, can certainly be taken to form the basis of law and forward the very purpose of the formation of law but it cannot be understood as equivalent of law.

Another important contribution in the study of *dharma* came with a series of reflections on the historical background in which the *Dharmaśāstra* literature was produced. Wendy Doniger²⁴ and Patrick Olivelle²⁵ in their translations of the *Manusmṛiti* have studied the prevailing historical conditions in which the text was written. Doniger explains the composition of Manu within a deep socio-political crisis which came with the decline of the Vedic Brahmanic ideals because of the rise of the heterodox cults in India. Manu emerged as a major revaluation of the old Vedic customs which incorporated several significant changes to render flexibility to orthodox Brahmanism and ensure its survival. Olivelle argues on similar lines but particularly asserts the emphatic Buddhist presence in the society and a resultant decline of the *brāhmaṇas* for the composition of the text. Their studies are important because they explain the remarkable evolution in the nature and meaning of *dharma*

²⁴ Wendy Doniger and Brian K. Smith (tr.), *The Laws of Manu*, Penguin Books, 1990

²⁵ Patrick Olivelle (tr.), *Manu's Code of Law: A Critical Edition and Translation of the Mānava Dharmaśāstra*, Oxford University Press, New Delhi, 2004

with the emergence of this genre of literature and hence add another dimension to our understanding of *dharma*.

The edited volume titled “*Dharma: Studies in its Semantic, Cultural and Religious History*”, by Patrick Olivelle²⁶ serves as another significant contribution in the study of *dharma* both in terms of methodology and fresh insights into the subject. The book allows one to believe that despite years of scholarly engagement with the subject, there remains a tremendous scope to understand the term and the concept.

From the brief overview above, what appears is that though the broad semantic range of the word *dharma* was identified by scholars but no attempt was made to explain the various historical processes through which the word acquired those meanings and definitions. The present collection of essays crucially contributes in this direction by attempting to explain the evolution of the term and hence the expansion in the meaning of the word.

As an edited volume, it contains a multitude of contributors, covers a fairly long time period and uses a wide range of textual material. The essays seek to identify the junctures at which *dharma* goes through an innovation and alteration in meaning and definition. Each essay contributes towards adding an additional dimension to the meaning and usage of the term.

Further, the overview also indicates that studies on *dharma* were focused on the Brahmanical sources in general and *Dharma śāstra* literature in particular. The present collection is pioneering in the sense that texts from various

²⁶ Patrick Olivelle (ed.), *Dharma: Studies in its Semantic, Cultural and Religious History*, Motilal Banarsidass Publishers Private Limited, Delhi, 2009

traditions like Brahmanical, Buddhist and Jain are juxtaposed and examined instead of studying any particular text in isolation. This method comes from the assumption of the scholars that different socio-political, religious or philosophical traditions influence each other since they are in constant dialogue with each other. Both negation and acceptance of each other's worldview has an impact on the way terms acquire different understandings which in turn leads to the semantic development of the term. Olivelle in his essay observes that "it is important to recognize that words do not exist in a vacuum; they are used by individuals and groups that have their own histories and interests and that change the meanings of words as they use them."²⁷ Thus, the book gives unique insights as to how traditions select terms from the prevailing vocabulary of the society and use them in conventional ways as well as redefine them in entirely newer ways.

Paul Horsch's essay entitled "From Creation Myth to World Law"²⁸ serves as a useful starting point since he starts from the earliest literary texts. He uses the Vedic literature, the *Br hmanas* and the *Upani ads* to trace the origin of *dharman* (*dharma*) and the subsequent changes in its meaning up to the emergence of Buddhism. He begins by explaining the etymological meaning of *dharman*, which is *dh* and which means 'to hold', 'to support' or 'to maintain'. Unlike Grabmann, who had rendered about 20 meanings of *dharman* in the *g Veda*, Horsch suggests that in the *g Veda*, the root meaning of *dh* survived entirely in the older passages and is unnecessary to

²⁷ Patrick Olivelle (ed.), *Dharma: Studies in its Semantic, Cultural and Religious History*, Motilal Banarsidass Publishers Private Limited, Delhi, 2009, p. 85

²⁸ Paul Horsch, "From Creation Myth to World Law" in Patrick Olivelle (ed.), *Dharma: Studies in its Semantic, Cultural and Religious History*, Motilal Banarsidass Publishers Private Limited, Delhi, 2009,

expand the semantic range of *dharman* at this stage. He observes that at the earliest stage, *dharman* was used in the context of a mythical cosmic act in which the cosmos came into being when the Vedic gods like Indra and Varu a separated the sky and the earth and provided 'support' to the sky so that it does not fall down. In the next stage the sense of *dharman* transforms to indicate a continuous act of 'supporting' so that cosmic stability can be incessantly maintained. Subsequently, *dharman* transforms into an independent and autonomous force which indicated the 'maintenance' of cosmic and social order.

A profound transformation in meaning occurs at the next stage when *dharman* is detached from the mythical action and the notion enters the human social level where human beings are expected to participate in the maintenance of the cosmos by performing the cultic ceremonies such as the fire sacrifices. Horsch suggests that it is at this stage that *dharman* becomes 'world law'. This meaning of *dharman* becomes more profound in the Later Vedas and the term changes from *dharman* to *dharma* in the *Atharva Veda*. Since the Br hmana era, *dharma* changes into various duties and rights of individuals and castes. Horsch suggests that it is the Later Vedic meaning 'world law' that Buddhism uses to explain that conformity to laws of world events leads to liberation or salvation. Further the Buddhists also elevated this rendering of *dharma* to a divine/ theistic platform.

The essay by Joel P. Brereton titled ‘*Dharman* in the *gveda*’²⁹. Unlike Horsch, Brereton only focuses on the *gveda* as his source and analyses the passages in which the term *dharman* occurs, either independently or in compounds like *satyadharman*, *dharmavant*, *dharmak t*. Out of the sixty three times that the term occurs in the *gveda*, Brereton observes an increasing frequency in the younger layers which suggests that *dharman* was a developing terminology. Unlike Horsch, he concludes that there is very little change in the meaning of *dharman*. He believes that it is unnecessary to inflate the semantic range of *dharman* to support, uphold or maintain. Instead, he suggests that it is reasonable to use the term ‘foundation’ to account for its usage in most cases.

Patrick Olivelle’s ‘The Semantic History of *Dharma*: The Middle and Late Vedic Periods’³⁰, as the title suggests, deals with the texts of the mid and late Vedic periods. He studied the selected *Yajur Vedic Sa hit s*, the *Br hma as*, the *Āra yakas*, the *Upani ads*, the *rautas tras* and the *G has tras*. He suggests that considering the centrality that *dharma* attains during the said period, one would expect an increase in the frequency and semantic range of the term in these literature. On the contrary, he observes that both its frequency as well as its semantic range decreases in the Later Vedic literature. He shows that *dharma* acquired a specialized meaning during this period within the Brahmanical literature and it was this specialized rendering that was adopted

²⁹ Joel P. Brereton, “*Dharman* in the *gveda*”, in Patrick Olivelle (ed.), *Dharma: Studies in its Semantic, Cultural and Religious History*, Motilal Banarsidass Publishers Private Limited, Delhi, 2009

³⁰ Patrick Olivelle, “Semantic History of *Dharma*: Middle and Late Vedic Periods”, in Patrick Olivelle (ed.), *Dharma: Studies in its Semantic, Cultural and Religious History*, Motilal Banarsidass Publishers Private Limited, Delhi, 2009

by the Buddhists and the Mauryan king Ashoka. After their adoption, they expand the semantic range of *dharma* by defining the term in a variety of ways. This expanded notion of *dharma* is subsequently adopted and incorporated within the later Brahmanical literature. The specialized meaning that *dharma* acquires within the Later Vedic corpus related majorly to the king, royal sacrifices and several other royal symbols. Olivelle points out that in the *Yajurvedic Samhitas* a clear connection is drawn between *dharma* and Varuna within important ritual contexts such as *rjasuya* and *avamedha* sacrifices. Moreover, royal power or *karta* as well as judicial spheres are also intimately connected to *dharma*. Olivelle suggests that it is this specialized *dharma* that Buddha borrows from traditional Brahmanical notions and articulates his religious ideology. Subsequent to this adoption, *dharma* becomes a part of the religious vocabulary and becomes more ethicized and righteous. This semantic development of the term is further strengthened by Ashoka who associated *dharma* with several other concepts such as morality, virtue, non-violent etc. An inflated understanding of *dharma* is finally adopted by Brahmanical religion leading to the emergence of the corpus of *Dharmasūtra* and *Dharmashastra* literature.

The essay by Rupert Gethin titled “He Who Sees *Dhamma* Sees *Dhammas*: *Dhamma* in Early Buddhism”³¹ is essentially an understanding of the meanings of *dharma* that developed internally within Early Buddhism. He examines the early Buddhist literature like the *Nikayas* and early *Abhidhamma* texts. He identifies six different meanings of *dhamma* which can be identified

³¹ Rupert Gethin titled “He Who Sees *Dhamma* Sees *Dhammas*: *Dhamma* in Early Buddhism” in Patrick Olivelle (ed.), *Dharma: Studies in its Semantic, Cultural and Religious History*, Motilal Banarsidass Publishers Private Limited, Delhi, 2009

in these texts. They are: the 'teaching' of the Buddha, 'good conduct' in general but specifically the conduct prescribed by the Buddha, the truth realized by following the Buddhist path, particular nature or quality, the underlying natural law or order and the basic mental or physical state or thing. Gethin observes that the basic Brahmanical and Buddhist understanding of *dharma* are similar since both describe nature of reality and also controls the actions of individuals. However, a development in the meaning of *dhamma* is comprehended when it describes the process of Buddha's way of contemplation, meditation and experience. Therefore, the Buddhist notion of *dhamma* based on basic mental and physical quality which is also called the Buddhist theory of *dhammas* is the specific addition to the meaning of *dharma* within the early Buddhist literature.

"*Dharma in Jainism- A Preliminary Survey*"³² by Olle Qvarnstrom, studies the meanings of *dharma* in the Jain tradition. The author says that the most frequent use of the term is in the sense of Jain teachings which as evidenced in the early canonical Sanskrit texts *Āc rangas tra* and *S trak t ngas tra*. Gradually, within the tradition *dharma* began assuming additional meanings. The *Tattv rthas tra* of Um sv ti and *Pravacanas ra* of Kundakunda written between 150- 350 AD, designate ten constituents of righteous behavior as *dharma*. These texts also emphasize on adopting a particular state of mind to be able to practice moral conduct. Olle suggests that such development in the meaning of *dharma* within Jain tradition was taking place because of the maturity into Jainism as a religion. He also says that the contemporary

³² Olle Qvarnstrom, "*Dharma in Jainism- A Preliminary Survey*"³² in Patrick Olivelle (ed.), *Dharma: Studies in its Semantic, Cultural and Religious History*, Motilal Banarsidass Publishers Private Limited, Delhi, 2009

Brahmanical religion and culture expressed in the *Dharma stra* influenced the Jain understanding of *dharma*.

Richard W. Lariviere's "*Dharma stra*, Custom, 'Real Law' and 'Apocryphal' *Sm tis*"³³ is a significant contribution not only in the present volume but also within the larger debate on the validity of *dharma* as law and the *Dharma stras* as law codes. Lariviere in this essay argues against Lingat's and Derrett's understandings of *dharma* in the *Dharma stras*. He contends that *Dharma stras* should be understood as representing a record of local customs and traditional standards of behavior instead of conventional and western concept of law. To him, *dharma* and *Dharma stra* fit in more particularly as sources of law. He objects to Derrett's opinion that *Dharma stra* is not positive law and instead argues that these texts qualify as positive legal treatise because their provisions are based on normative values and are enforced by a properly constituted authority. He cites the verse from *N radasm ti* which tells us that the king is obliged to enforce even the customs of the heretics. This citation qualifies Lariviere's understanding of *dharma* as localized or specific customs and the *Dharma stras* as representing positive laws. He explains *dharma* as a record of local customs in the background of brahmanization of several geographic areas and tribes. Therefore, no matter how far the *sm tis* did not approve of any customary practices had to incorporate within the text so as to facilitate uniformity and better administration.

³³Richard W. Lariviere, "Dharma stra, Custom, 'Real Law' and 'Apocryphal' *Sm tis*" in Patrick Olivelle (ed.), *Dharma: Studies in its Semantic, Cultural and Religious History*, Motilal Banarsidass Publishers Private Limited, Delhi, 2009

John Brockington's "The Concept of *Dharma* in the *R m ya a*"³⁴ studies the evolution of meanings of *dharma* in the epic *R m ya a*. Brockington, had previously argued that the *V lm ki R m ya a* developed into its received form in five stages which can be discerned from the linguistic analysis of the text. In this essay, he tries to identify the semantic development in the meaning of *dharma* on the basis on his five- stage theory. He observes that out of the 1100 occurrences of the term in the text, the second stage of development of the epic shows the highest frequency. In the first stage, the meaning of *dharma* is closer to the Vedic understanding of the word while in the second stage the emphasis shifts to religious matters and *dharma* is understood in terms of ethical behavior. In majority of the occurrences, it denotes morality, virtue, family, personal duties, *r jadharma*, duties of caste etc.

"*Dharma* and its Translation in the *Mah bh rata*"³⁵ by James L. Fitzgerald summarizes the meanings in which *dharma* can be understood in the *ntiparvan* of the *Mah bh rata*. Rather than translating the word differently in different contexts, he preferred to understand the underlying concept of *dharma* and accordingly categorize the term into three meanings. The first meaning of the term, which he calls the 'the Basic Theme of *dharma*' signifies normative action that is beneficial to the agent after death. This usage refers to the actions of the agents such as performance of sacrifices, generating offspring, hospitality to guests, honoring the *Veda*, pilgrimage etc. The second

³⁴ John Brockington, "The Concept of *Dharma* in the *R m ya a*"³⁴ in Patrick Olivelle (ed.), *Dharma: Studies in its Semantic, Cultural and Religious History*, Motilal Banarsidass Publishers Private Limited, Delhi, 2009

³⁵ James L. Fitzgerald, "*Dharma* and its Translation in the *Mah bh rata*" in Patrick Olivelle (ed.), *Dharma: Studies in its Semantic, Cultural and Religious History*, Motilal Banarsidass Publishers Private Limited, Delhi, 2009

sense denotes the 'ethical quality' of some action, for example, rightness, goodness, the quality of correctness, justice etc. The third usage of the term falls in the category of *s dh ra a dharma* which means the inner qualities (*gu as*) of a person which includes attributes such as virtue, generosity, kindness, honesty etc.

1.4. Discussion of the Primary Sources

The Primary Sources selected for the study include both Brahmanical and Buddhist texts. The Brahmanical texts include the *Manusm ti*, the two epics *R m ya a* and *Mah bh rata*. The Buddhist text includes the P li *Vinayapi aka* of the *Therav da* tradition. The study also seeks to use additional primary materials which include the *g Veda Sa hit*, *Atharva Veda Sa hit*, *Kau taki Br hma a*, *Aitareya Br hma a*, *atapatha Br hma a*, the *Artha stra*, the *Dharmas tras* of *pastamba*, *Gautama*, *Baudh yana* and *Vasi ha*. Additional primary materials of the Buddhist tradition include sections of the *Suttapi aka* like the *Digha Nik ya*, *Samyutta Nik ya*, *Majjhima Nik ya* and *Anguttara Nik ya*. The use of the primary materials shall be discussed in the section on Methodology and Chapterization.

The *Manusm ti*

The *Manusm ti*, also known as the *M navadharmas tra* is one of the earliest and the most important ancient treatise belonging to the *Dharma stra* tradition. The text introduces itself as a discourse given by Manu to a group of sages who request him to tell them the laws of the various classes of people. The text primarily defines the proper conduct (*dharma*) of the *var as* and *j tis*

within the Brahmanical religious and legal tradition. It is instructional in character and lays down prescriptions and prohibitions which outline the ideal way of living life. Doniger calls it a text which has, “an encompassing representation of life in the world- how it is and how it should be lived”³⁶ She states that it is about *dharma*, which subsumes the English concept of “‘religion’, ‘duty’, ‘law’, ‘right’, ‘justice’, ‘practice’ and ‘principle’.”³⁷ Pollock suggests that the *Manusm ti* articulates for us the practical cultural knowledge, mastery of which makes one competent member of the culture.³⁸

The *Manusm ti* has had a long and glorious history. The text is historically one of the most authoritative, acknowledged, commented and translated among the ancient and medieval law codes. The eminent position and authority of Manu is clearly established by his successor B haspati who ascribes Manu the highest position in the field of law making by declaring that any text contradicting Manu has no validity. Apart from B haspati, other authors of the *stric* tradition like Yaj valkya and V tsy yana highly acknowledge the authority of Manu which has made Olivelle rightly comment that “compliments are most meaningful when they are given by one’s peers.”³⁹ According to Olivelle, Manu can be considered a pioneer who established standards for the composition of the texts of the *Dharma stra* tradition because the later authors drew inspiration from Manu and also responded to his work. He says that Manu was “certainly at the back of their minds and perhaps in front of their eyes as they tried to both emulate it and to surpass

³⁶ Wendy Doniger and Brian Smith (tr.), *The Laws of Manu*, Penguin Classics, Calcutta, 1991, p. xvii

³⁷ *Ibid*, xvii

³⁸ Sheldon Pollock, “The Theory of Practice and the Practice of Theory in Indian Intellectual History”, *JAOS*, Vol. 105,3, 1985, p. 500

³⁹ Patrick Olivelle, (tr.), *Manu's Code of Law: A Critical Edition and Translation of the M nava-Dharma stra*, Oxford University Press, New Delhi, 2006, p.1

it.”⁴⁰ Moreover, the *Manusm ti* has nine extant commentaries which is the highest number among the *Dhama stric* texts and is also by far the most cited *Dharma stra* in the medieval *Nibandhas*.⁴¹

The authority Manu did not remain confined to the Indian sub continent. It travelled to the Buddhist countries of Southeast Asia like Burma and Thailand where their mythical first king Mah sammata is identified as Manu and their law code is ascribed to him.⁴² It is very interesting to note that while other *dharma* texts have their authorships associated to the *br hma as*, the authorship of *Manusm ti* is ascribed to a king who is ideally a *k atriya*.

The rediscovery of Manu during the colonial period in India opened a new chapter in its history. The *Manusm ti* was the first text of *Dharma stra* tradition to be translated by the colonialists. In 1794, the text was first translated in English by Sir William Jones and was followed by a series of translations in other languages. The English translation was followed by its German translation in 1797 by Huttner.⁴³ After about hundred years, another translation by Buhler was published in 1886. Many scholars considered the importance of the traditional commentaries on Manu, and translations of the text along with the commentaries were made like G. Jha, in 1920, called *Manusm ti* with *Bh sy of Medh tithi* and *Manu stravivara a* by Derrett in 1975. The *Manusm ti* continues to be translated even in the contemporary

⁴⁰ *Ibid*, p.69

⁴¹ *Ibid*, p.1

⁴² *Ibid*, p.1

⁴³ Doniger and Smith, *op. cit.* p. xix

times. Some of the recent translations are by Doniger and Smith published in 1991, and the first Critical Edition by Patrick Olivelle in 2004.

Reference to *Manusm ti* as Law Code to an extent is the result of the colonial understanding and promotion of the text for the political use. However, even the post colonial scholars continued to understand the text as the most important law book of India. Derrett considered the text as the “greatest achievement in the field of jurisprudence”⁴⁴ In 1770s, under Warren Hastings, governmental purposes provided impetus in the production of Oriental knowledge.⁴⁵ His judicial plan of 1772 resolved to adhere to laws in ‘*Shaster* with respect to Gentoos’ and ‘Koran with respect to Mahometans.’⁴⁶ Rocher points out that the decision to found Hindu law on Sanskrit *stras* was to have Hindu laws defined by Brahmanical laws.

Assigning an exact date to the composition of the text is difficult and scholars have tried to ascribe its compilation over a period of time. The earliest date ascribed is the second century BCE to second century CE.⁴⁷ P.V. Kane places the *Manusm ti* between second century BCE to fourth century CE⁴⁸ According to Olivelle, the text is supposed to have been compiled between first century BCE and second/third century CE.⁴⁹

⁴⁴ See ‘Introduction’ in J.D.M Derrett, *Manu stravivara a*, 2 vols, Wiesbaden, 1975

⁴⁵ Rosan Rocher, ‘British Orientalism in the Eighteenth Century’, *Orientalism and the Postcolonial Predicament: Perspectives on South Asia*, Beckenridge, Carol A. and Petervan der Veer, ed. University of Pennsylvania Press, 1994, Philadelphia, pp. 220-221

⁴⁶ Quoted in Bijay Kishore Acharya, *Codification in British India*, Calcutta, 1914, p.153. Also see, Rosane Rocher, ‘British Orientalism in the Eighteenth Century’, p. 220

⁴⁷ G.Buhler, *The Laws of Manu*, Motilal Banarsidas, Delhi, 1964 [1886], p. cxvii

⁴⁸ P.V. Kane, *History of Dharma stas*, Bhandarkar Oriental Research Institute, Poona, 1968, p. 330

⁴⁹ Patrick Olivelle, (tr.), *Manu's Code of Law: A Critical Edition and Translation of the M nava-Dharma stra*, Oxford University Press, New Delhi, 2006, pp. 22-25

Apart from the *dharma* tradition, the *Manusm ti* is the first *Dharma s tra* to have incorporated the *artha* tradition i.e. enumeration of measures to be taken by the king for effective administration. According to Olivelle, the scholars of *Dharma s tras* drew upon maxims and previous scholarships. He points out that compositions of these texts did not happen as an unconscious and gradual accumulation at different hands and different times, rather these texts were authored by individuals with authorial intent. The structure of the text, particular positions in law and morality, disagreement with other experts are signs of that. According to Olivelle, “.... they had particular social, economic and political axes to grind.”⁵⁰ The changes in the meaning and connotations in which the terms like *dharma* and *artha*, thus, are not accidental.

An interesting debate revolves around the authorship and title of the text. As far as the title of the text is concerned, it has led to a number of conjectures and hypothetical explanations. According to P. V. Kane, a general ambiguity revolves around the title of *Manu* because he can be taken both as an individual as well as human beings in general as the word *Manu* occurs several times and in various compounds like ‘*Manujatah*’ or ‘*Manupritasah*’.⁵¹ So given the fact that *Manu* may also mean *m nava* in general, *Manu* as a king, there has been a difficulty in researching the true origin of the text. Lingat in his chapter on *Manusm ti* discusses the very initial hypothetical conjectures being undertaken by scholars. Max Muller in 1859 in his *A History of Ancient Sanskrit literature* suggested that the *Manusm ti* was a refashioning of an ancient *Dharmas tra* originally attached to the *kalpa s tra* of the

⁵⁰ *Ibid*, p. 6

⁵¹ P.V. Kane, *History of Dharmasastras: Ancient and Medieval Religions and Civil Law in India*, Vol 1, Bhandarkar Oriental Research Institute, Poona, 1930

Maitrayanias devoted to the study of the Black *Yajur Veda*. The existence of such a school is attested by tradition which attributes the composition of *rauta* and *grhya sutras* to the *carya* Manu. Max Muller concluded the existence of the *M nava dharmas tra* completing the *rauta* and *g hya s tras* of the *M nava* School. However, the later discovery of the ritual manual of *Manava* School contradicted Muller's hypothesis. Though Lingat does believe that the *Manusm ti* was not a part of the *M nava* School but he observes that the name of Manu is attached to the treatise in order to attach a halo of antiquity. He observes that the name of Manu was attached to the treatise because, as we have seen, it completed the teaching of the sutras with the aid of precepts attributed to the first lawgiver.

With regard to the authorship of Manu, Wendy Doniger remarks that the *Manusm ti* conceals a pun in its title. Though she agrees that the text may be ascribed to someone called Manu because in naming it Manu's laws, it clearly means differentiating from the laws of others like Yajnavalkya, yet she cautions that all the names of the lawgivers are mythological and the word *M nava* also means "the wise man", it may also mean the laws of the "human race".⁵²

Patrick Olivelle⁵³ comes up with an interesting analysis regarding the title. In trying to solve the ambiguity prevailing with regard to the title of the text, he resolves it with the analysis of it by looking at the political conditions of the age. He says that the name of Manu is an astute choice and gives a political

⁵² Wendy Doniger and Brian Smith (tr.), *The Laws of Manu*, Penguin Classics, Calcutta, 1991, p. xxxiv

⁵³ Patrick Olivelle, (tr.), *Manu's Code of Law: A Critical Edition and Translation of the M nava-Dharma tra*, Oxford University Press, New Delhi, 2006, pp. 22-28

reason behind the selection of the name. He says that numerous legal maxims were ascribed to Manu who must have been regarded as an ancient lawgiver. Not only that, Manu is regarded not only as the first human being but also the first king according one popular tradition. He explains that with the rise of the large kingdoms in North India during the around the 1st millennium B.C, the significance of royalty with regard to the various aspects of social life appears to have increased. In religion, leaders of new sects and ascetic communities were given royal pedigrees, including the Buddha and the Mah vira. Numerous doctrines were ascribed to the kings who were not Brahmins. Historically, the rise of the Maurya Empire and the overwhelming presence of A oka and his imperial reforms must have loomed large and therefore, a treatise on *dharma* with universal application making it more authoritative by connecting it with not only the sage but also the first king does not come as a surprise. The historical and political reason for the writing of the text makes this ascription all the more significant. His hypothesis is important and conclusive in the sense that he does not ascribe the text to be to someone named Manu but ascribes a historical and political reason for the naming of the text.

With regard to the multiplicity of authorship of the text too scholars have been debating since quite a long time. The traditional unanimity is certainly regarding the fact that the composition of the *Manusm ti* was a gradual process in the hands of anonymous and successive compilers. The normal view that goes regarding this is that there were proverbial and legal maxims, principally composed in the *loka* meter outside the fixed texts which happened to get

composed as an unconscious and gradual accumulation at the hands of different authors at different times to reach the present form.

Lingat too regards *Manu* to be the work of several authors and several additions and editions. However, he differs from the previous views only in the sense that he considers the most celebrated division of the eighteen *margas* to have been introduced all at once though he agrees that the foundational text is difficult to be found.

Olivelle gives an interesting analysis of the topic. While he agrees to the earlier views that the *Manusm ti* did draw upon the prevalent proverbial legal maxims but the text was authored by a single individual who gave the text a uniform and single structure. He says that the structure of the text is subtle and becomes apparent only on deep observation. He goes on to argue that there is a distinct innovation in the writing of *Manu* which supports his argument on single authorship. This he says is because of two reasons. Firstly, *Manu*'s composition in verse of syllabic *loka* meter and secondly, his text is put within a narrative structure in a dialogue between an exalted being in the role of a teacher and others desiring to learn.

The Mah bh rata

The uniqueness of the text as the longest poem in the world and its encyclopedic nature has attracted many scholars. Several questions that scholars have been trying to answer are about the authorship of the text and its origin and growth into such an enormous volume.

John Brockington,⁵⁴ in his book titled *The Sanskrit Epics*, has made a very useful chronological survey of the epic studies. The history of the study of the *Mah bh rata* goes back to late 18th century when a series of translations of the various parts of the text, particularly into English and other European languages, began. The first published English translation of any part of the *Mah bh rata* was by Charles Wilkins, which came out in 1784.⁵⁵ A series of translations of the various parts of the text followed. A significant progress in the epic studies was made with the publication of the first complete edition of the *Mah bh rata* in Calcutta between 1834 and 1839. The Bombay edition followed in 1862-63.⁵⁶

The publication of the Calcutta and the Bombay editions shifted the focus to a series of textual research on the epic. Christian Lassen was the first scholar to conduct a systematic study of the text. His aim was to reconstruct Indian geography, ethnology and pre- Buddhist history from the epics. In the process, he also examined the textual history of the *Mah bh rata* and suggested that the didactic passages are interpolations while the original form of the epic was pre- Buddhist. He concluded that the recitation of Ugra ravas to aunaka was the second of the three recensions of the poem that should be dated to 460 or 400 B.C.⁵⁷

Albrecht Weber looked for the origins of the epic in the Vedic hymns of praise of the heroes or patrons and argued that long epic songs were sung on the occasion of sacrificial feasts. He stressed that the *Mah bh rata* actually

⁵⁴ John Brockington, “*The History of Epic Studies*” In *The Sanskrit Epics*. Leiden: Brill, 1998, pp. 41-81

⁵⁵ *Ibid*, p. 42.

⁵⁶ *Ibid*, p. 42

⁵⁷ *Ibid*, p. 43

reflected a battle between the Āryan people and established the Vedic elements underlying the epic view of the world by emphasizing the central position of *yajna* or sacrifice throughout the epic.⁵⁸

The arguments of Joseph Dalhmann in the 1890s led to significant progress in the epic studies. He rejected the view that the *Mah bh rata* consisted of an original saga and that the later additions were extraneous to and inconsistent with the original material. He saw the text as the work of single author who combined the earlier myths, law books and teachings into a single whole. Therefore, the epic belongs to a single stratum. He argued that it symbolically presented conflict between good and evil and to understanding of the complex teaching of the Dharma śtras. He concludes that the *Mah bh rata* presents itself as a unified work in which there are two elements- the narrative and the epic⁵⁹, which have been welded together by one single author. His method is known as the synthetic theory. Others such as Sylvian Levi adopted a similar method and argued that the religious and moral message is the central theme around which the poet elaborated the epic narrative.

E.Washburn Hopkins rejected Dalhmann's synthetic theory and took an analytical approach to examine the process of growth of the *Mah bh rata*. He speaks of the four stages of the growth of the *Mah bh rata* extending from 400 B.C to 400 A.D. Hopkins analyzed the text on the basis of disparities in language, style and meter between various parts of the epic. At its earliest stage, it was a compilation of laws in which the Pāavas were not heroes and Kāa was not a demi-god. The subsequent stages were that of the

⁵⁸ *Ibid*, p. 44

⁵⁹ R.N. Dandekar, "The *Mah bh rata: Origin and Growth*," University of Ceylon Review 12.2, 1954, p. 68

Mah bh rata tale with the Pāṇavas as heroes, of didactic interpolations, and of later additions. Hopkins' approach was a significant advancement which created a strong ground for proper research on the textual structure of the text.

R.N. Dandekar in his "The *Mah bh rata*: Origin and Growth,"⁶⁰ argues that the beginnings of the *Mah bh rata* can be traced to a period when the Vedic *Sa hit s* had not yet come into existence. According to him, the *Mah bh rata* is the culmination of a long process, and traces its origin from cultural and literary perspectives. He says that the beginnings of ancient Indian literature are characterized by two distinct literary traditions- the *s uta* tradition and the *mantra* tradition⁶¹. Both were initially oral traditions that eventually got crystallized into texts.

Dandekar says that the *Bh rata* war was an event of great magnitude and thus numerous ballads and songs were produced by the bards around the event leading to its crystallization into the written form of *Jaya*. This was the first literary form of the epic belonging to the *suta* tradition. In course of time, the redactors, who were followers of Kṛṣṇa, added many legendary elements, like the *Bhagavad Gītā*, upon the historical elements leading to the transformation of the historical poem *Jaya* into the epic *Bh rata*. Gradually, in the final stage, large amount of materials relating to brahmanical learning and culture got introduced to the epic and the heroes came to be represented as defenders of brahmanic faith. This is the process that he calls the *br hmanisation* of the

⁶⁰ R.N. Dandekar, "The *Mah bh rata*: Origin and Growth," University of Ceylon Review 12.2, 1954, pp. 65-85.

⁶¹ *Ibid*, p. 72

epic, which resulted in a change in the nature of the epic. The process led to the transformation of *Bh rata* into *Mah bh rata*.⁶²

Since there are several editions of the text of the *Mah bh rata*, manuscripts of the text can be found all over India. Because of the large variations amongst these manuscripts, a critical edition⁶³ of the text was prepared by a panel of scholars led by V.S.Sukthankar. The panel of scholars studied the manuscripts and prepared a text containing the verses which are least likely to be of later origin or regional interpolations. Manuscripts were first classified into Northern and Southern recensions and then into versions based on the script used. Ideally those verses which occurred in both the recensions were included into the text. The coming of the Critical Edition of the text marks a significant event in the study of early Indian texts; the majority of studies done on the *Mah bh rata* are now based upon it.

Madhav Deshpande, in his article, "Interpreting the *Mah bh rata*"⁶⁴, says that the received text of the *Mah bh rata* itself proclaims that there are three tellings of the story. The text called *Jaya* was composed by Vy sa and was taught to his disciples, including Vai amp yana. Vai amp yana later narrated the story at Janamejaya's snake-sacrificial ritual. Hearing his narration during the royal ceremony, Ugra ravas narrated the story to aunaka in the Naimi a forest. Deshpande argues that though the account of the transmission of the text is mythical, it provides useful indication about how the text of the *Mah bh rata* expanded into its present form.

⁶² *Ibid*, p. 73

⁶³ *Mah bh rata*, (ed.) V.S.Sukthankar et al., 19 vols., B.O.R.I., Poona, 1933-59.

⁶⁴ Madhav M. Deshpande, "Interpreting the *Mah bh rata*" in T.S. Rukmani (ed.), *The Mah bh rata: What is not here is nowhere else*, Munshiram Manoharlal, 2005, pp.3-16

He explains that it is the current purposes of the narrators, their patrons, and audiences that shape the form of a narrative. For instance, the inherited *Jaya* needed to serve the purpose of Janmejaya in the sense that he would be interested in Vyasa's narrative of victory of the Pandavas by righteous means and also to know the various feats of his ancestors. Similarly, a complete change in the narrative frame can be identified with the shift to the *Naimiśa* forest, where the story is recounted by Ugrasravas at the hermitage of the sage Muni Vaisampayana and a group of sages.

Since the *Naimiśa* forest retelling served the needs of the *brahmana* renouncers, the story naturally expanded to include brahmanical elements, thereby transforming the *Bharata* to the *Mahabharata*. Therefore, Deshpande establishes that it is not the characters of the story that dictates the form of the narrative act. The characters and the plots are simply the tools which are fashioned explicitly to serve the needs of the more concrete factors namely, the narrator, the patron and the audience.⁶⁵

Thus, it can be seen that previous studies on the epic attempt to understand the probable origin of the core story, its authors, the socio-cultural background and the process of the enlargement of the epic to its present size. Most importantly, one of the concerns of the scholars has been to separate the younger and the older layers of the epic, thereby making a clear distinction between the narrative core of the epic which is the fratricidal war and the didactic portions consisting of the post-war books of *Aranya* and *Anuśana* parvans. In separating the layers, the basic assumption made was that the didactic corpus is a set of extraneous material added to the epic core. For instance,

⁶⁵ *Ibid*, p. 9

Brockington asserts that the *nti* and *Anus sana parvans* are important for understanding the development of Hinduism but have little to do with the epic proper.⁶⁶

However, in recent times, the view that the didactic corpus has a separate origin and composition has been challenged and there have been renewed efforts to research the relationship of the *Mah bh rata*'s didactic corpus with that of the core narrative. James Fitzgerald, in the introduction to his translation of the *ntiparvan*, observes with regard to the scholarship on the *Mah bh rata* that "what is sorely lacking is an orientation to the *ntiparvan* as a deliberate literary and intellectual construction, as a functioning part of the *Mah bh rata*, serving some of the agendas of those people responsible for the epic."⁶⁷ He considers the didactic parts of the *P* and *Anu sanaparvan* to be constitutive parts of the *Mah bh rata* and attempts to prove the structural and thematic coherence that exists between the narrative and didactic parts of the text. Fitzgerald claims that the *Mah bh rata* in its present form contained both the narrative and with the didactic material with unity and coherence. He argues that post-war books of instruction unfold the narrative of the *Mah bh rata* because they represent the "cooling down" of Yudhi hira who is dangerously overheated through his anguish and grief at the events of the war.⁶⁸

Adam Bowles supports Fitzgerald's view and suggests that the *Mah bh rata* has always included both the narrative and didactic material because the text

⁶⁶Adam Bowles, *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mah bh rata*, Brill, Leiden. Boston, 2007, p. 29

⁶⁷ James. L. Fitzgerald (tr.), *The Mah bh rata*, vol.7, The Book of Peace, University of Chicago Press, Chicago, 2004, p. 80.

⁶⁸ *Ibid*, pp.95-100

has been the result of a combination of different narrative and didactic genres that has produced a unique 'text', which participates in its own hermeneutic on a variety of discursive levels.⁶⁹ In his study of the *Āpaddharmaparvan* of the *ntiparvan*, he has attempted to prove that it is an important unit that occupies a unique and integral position in the *Mahābhārata*.

From what has been discussed so far it is evident that the studies on the *Mahābhārata* relate to various aspects of the structure of the text. Rather than separating the didactic and the narrative portions, it is necessary to consider them as a single and unified whole. Just as Fitzgerald has established that the didactic portions participate in the unfolding of the narrative.

The argument of the Fitzgerald can be further stretched that the didactic corpus also participates in the progression of the story towards a logical conclusion thereby providing a specific format to the text for it to qualify as a narrative.

The story of the *Mahābhārata*, in its core, is about the actions of the rival camps-the Pāndavas and the Kauravas- leading to the fatal war of *Kurukṣetra*, but the *Mahābhārata*, in its entire form, is also about the consequences of those actions. In other words, the narrative portion of the *Mahābhārata* is about events and actions while the didactic portions are about introspection and consequences of those actions. Therefore, though the didactic portions were added at a relatively later date, the addition cannot be considered extraneous because the authors were deeply conscious about a logical conclusion of the story which dispensed judgments to the characters according to their actions. In this sense, the didactic corpus not only tells a great deal about

⁶⁹ Adam Bowles, *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mahābhārata*, Brill, Leiden. Boston, 2007, p. 35

the history of ideas, but also about the story and characters of the *Mah bh rata* itself. It is in this sense that the *Mah bh rata* should be considered as a unified text where the didactic portion contributes to the development of the plot towards an end. Therefore, in this study, the *Mah bh rata* shall be considered as a unified text.

The *dharma* literature is normative in nature which was fundamental in organizing the actions, thoughts and beliefs of early Indian brahmanical society. In theory, they affirm how things ought to be done and which actions are right or wrong. In other words, they put forward a particular preferred standard according to which actions of the individuals are controlled and evaluated. They were the concrete ideas and fixed code of conduct that was considered authoritative and hence an integral part of early Indian societies.

The epic *Mah bh rata*, on the other hand, is a narrative, which is a literary formulation unfolding a sequence of events. It is one of the modes of communicating about the everyday lives. The normative and the narrative literature work as complementary to each other since the narratives put the normative ideals into everyday contexts which help us understand the probable implications of the ideals and assess the social reaction and practicability of the ideal visions.

Moreover, the period of composition of some of the major law-codes are coextensive with that of the *Mah bh rata*. Though the period of composition of the *Mah bh rata* is uncertain, yet the scholars have agreed that the codification of the text primarily belongs to the first four centuries of the

Christian era⁷⁰. The Brahmanical attempt at reorganization of the society is reflected in the law-codes. However, with the growing complexity of the social structure, it was also necessary to convey the ideas of *dharma* to the common people in a simple language through the composition of popular literature such as the epics.

The R m ya a

The Sanskrit *R m ya a* is traditionally ascribed to the ancient Indian sage V lmiki. The original version in Sanskrit known as the *V lmiki R m ya a*, dates to approximately the 5th to 4th century BCE.⁷¹ The *R m ya a*, like the *Mah bh rata* forms an important part of the early Indian *sm ti* literature since the narrative is highly oriented towards a normative code of conduct by most of its central characters. The title of the text, *R m ya a*, is usually translated as R ma's journey. R ma, the hero of the epic is portrayed as the most ideal personality who is seen as following the norms of the Brahmanical society to its core by playing the roles of an ideal son, husband, brother and a king. Hence, like the *Mah bh rata*, the *R m ya a* too presents the teachings of early Indian Brahmanical tradition in the form of narratives and allegories which are also weaved with philosophical and devotional aspects.

Compared to the *Mah bh rata*, the *R m ya a* is a shorter narrative consisting of 24,000 verses and divided into seven books called *k as*. Verses in the *R m ya a* are written in the *anustubh* meter.

⁷⁰ James L. Fitzgerald, "Mah bh rata", in *The Hindu World*, (ed.), Mittal, Sushil. And Thursby, Gene., Routledge, New York, 2004, pp. 52.

⁷¹ Robert P. Goldman (tr.) *The R m ya a of V lm ki: An Epic of Ancient India: B lak a*, Princeton University Press. 1990, p. 29

Scholars are mostly unanimous with regard to the fact that the poem is the work of a single poet, the sage V Imiki. While it is often viewed as a primarily devotional text, the *Vai āva* elements appear to be later additions to the text since the core narrative of lacks statements of Rama's divinity, and identifications of Rama with Vi āu are rare and subdued even in the later parts of the text.⁷² There is general consensus that books two to six form the oldest portion of the epic while the first book *B la Kanda* and the last the *Uttara K āda* are later additions.⁷³

The *Vinaya Pi āka*

The *Vinayapi āka* is one of the three parts that constitutes the *Tipi āka* (Sanskrit *Tripi āka*). The *Tipi āka*, which literally means “three baskets” (P li ti, "three," + *Pi āka*, "baskets"), is the collection of three major books that form the doctrinal foundation of Early Buddhism. The *Vinayapi āka*, the *Suttapi āka* and the *Abhidhammapi āka* collectively constitute the *Tipi āka* which is also referred to as the P li Canon because of the language in which the corpus of texts was originally scripted. The *Tipi āka*, according to the Buddhist tradition was expounded by Gautama Buddha after his Enlightenment but was classified and systematized by some of his distinguished disciples shortly after his death (*parinibb āna*). The *Tipi āka* was carefully compiled under different specialized sections; the discourses intended for the *bhikkhus/ bhikkhunis*, along with the lay disciples are compiled in the *Suttapi āka*, while the abstract philosophy of the Buddhist faith is expounded in the *Abhidhammapi āka* and the rules concerning the

⁷² Robert P. Goldman tr. *The R m ya ā of V Im ki: an epic of ancient India. B lak ā*, Princeton University Press. 1990, p. 45

⁷³ Robert P. Goldman, *The Ramayana of Valmiki: An Epic of Ancient India* p. 15-16

conduct of the *bhikkhus* and *bhikkhunis* within the Buddhist *Saṅgha* is laid down in the *Vinayapi āka*.

Shortly after the death of the Buddha, his close disciple, Mahākassapa, fearing the decay of the organization of the *Saṅgha* and decline of the teachings of the Master proposed a meeting of the *bhikkhus* to agree upon the Buddha's teachings. This led to the "First Council"⁷⁴ where the *Suttapi āka* and the *Vinayapi āka* were compiled; the *Abhidhammapi āka* was probably compiled later.

The First Council, according to tradition led to the first codification of both the *Vinayapi āka* and the *Suttapi āka*. The doctrines (organized into scriptures) formed the *Suttapi āka* and the rules of monastic discipline were organized to form the *Vinayapi āka*. At this stage, the discourses were transmitted orally instead of being written down. It often occurs that *Udāka* recited the *Suttapi āka* while *Upālī* recited the *Vinayapi āka*. According to Hirakawa, the First Council collected only short prose passages or verses explaining the central doctrines, and those verses were expanded into *suttas* over the next century.⁷⁵

The *Vinayapi āka* is made up of rules of discipline laid down for the conduct of the *bhikkhus* and *bhikkhunis* who are ordained monks and nuns of the

⁷⁴ The term *saṅgati* which means "to chant together" is used for such a type of meeting where the *bhikkhus* assemble to chant the teachings they memorized. There is a debate among scholars regarding the historicity of the First Buddhist Council. However, Buddhist literature clearly mentions that a meeting involving a huge following of monks was held in Rājagaha shortly after the Buddha died.

⁷⁵ Akira Hirakawa, *History of Indian Buddhism*, vol. 1, 1974, English translation University of Hawai'i Press, p.69

Buddhist organized community, the *Sa gha*. These rules embody injunctions of the Buddha on modes of conduct and restraints on physical, verbal and mental actions. They deal with transgression of discipline and with various categories of restraints and admonitions in accordance with the offence. The term *Vinaya* is thus used as a code of conduct for the monks and nuns of the *Sa gha*. This is a word derived from Sanskrit root 'vi' and 'ni' which means 'to lead', 'to guide', and 'to train',⁷⁶

Vinaya is a code of discipline having a unique status. According to the text, the *Vinaya* was enumerated first at the earliest Buddhist Council at R jag ha immediately after the Buddha's death. The first act of the initiate of the Buddhist Order was to learn the rules of *Vinaya*.

The *Therav da Vinayapi aka* is divided into three books: the *Suttavibha ga*, *Khandhaka* and the *Pariv ra*. The *Khandhaka* consists of two divisions called the *Mah vagga* and the *Cullavagga*. The *Suttavibha ga* is the first book of the *Therav da Vinaya* which is a commentary on the *P timokkha Sutta*. The *P timokkha Sutta* contains the precepts or rules (*sikkh pada*) laid down for the *Bhikkhus* and *Bhikkhunis* who are expected to follow them after being formally ordained within the Buddhist *Sa gha*. There are 227 rules for the *bhikkhus* while 311 for the *bhikkhunis*. The *Suttavibha ga* signifies the explanation of the expositions of the *P timokkha suttas*. In the *Vinayapi aka*, the *P timokkha Sutta* does not have any separate existence; the *Suttavibha ga* includes it and further elaborates each rule in great detail. The text includes the information relating to the circumstances that led to the formulation of a rule;

⁷⁶ Durga N. Bhagvat, *Early Buddhist Jurisprudence: The Analysis of the Vinaya Laws*, Oriental Book Agency, 1939, p. 14

along with each rule, there is a story leading up to it; the penalty for breaking it; a commentary defining it word by word; and stories of deviation from it.

Of the five parts of the *Vinayapi aka*, according to Rhys Davids and Oldenberg, the oldest portion was the *P timokkha* and is considered the nucleus around which the other portions of the *Vinaya* were formed.⁷⁷ The *P timokkha* lists the transgressions against the rules of the *Sa gha* and discusses the corresponding atonements. From a speech of *nanda* it is told that Buddha had not appointed anyone of his disciples as his successor nor gave him the supreme authority, but despite that the *Sa gha* would continue to prosper because the Buddha has given the *Sikkh padas* and the *P timokkha*.

The *P timokkha Sutta* has two parts- the *Bhikkhu P timokkha* and the *Bhikkhuni P timokkha*. The *Bhikkhu P timokkha* consists of eight sections: *P r jika*, *Sa gh disesa*, *Aniyata*, *Nissaggiya*, *P cittiya*, *P tidesaniya*, *Sekhiya* and *Adhikara a samatha*. A total of 227 rules are there in the *P timokkha*. Originally, the *P timokkha* is said to have had 152 rules, which were later extended to 227. The *P timokkha* rules are said to be recited by the *bhikkhus* on *Uposatha* days which was a ceremony held every fortnight within the *Sa gha*. The *P timokkha Sutta* has several versions with minor differences in the number of rules. For instance, in Sanskrit *Pr timok a S tra*, there are 263 rules while the Tibetan has 258 rules. The offences laid down in the *P timokkha* are arranged according to their seriousness. The *Sutta* opens with the *P r jika*, which is most serious offence resulting in the expulsion of the offender from the *Sa gha*; the next in gravity is the *Sa gh disesa* which may

⁷⁷ T.W. Rhys Davids and Hermann Oldenberg, (tr.), *The Vinaya Texts*, Part I, *Sacred Book of the East*, vol XIII, Motilal Banarsidass, Delhi, 1881, p. vi

bring in temporary suspension of the offender; the third section is the *Aniyata* which refers to two cases which need circumstantial evidence to ascertain the offence; the fourth section is the *Nissaggiya- P cittiya*, thirty in number, discusses the confiscation of various kinds of material that a *bhikkhu* may have wrongfully acquired; the fifth section contains ninety two offences called *P cittiya* requiring a formal expiation of offence; sixth section, four in number, requires confession of the guilt; seventh section called *Sekhiya* are the seventy five instructions that a *bhikkhu* needs to remember in his conduct of daily life; the eighth section *Adhikara samatha* or settling of disputes within the *Sa gha*; it lists seven offences

The second division of the *Vinayapi aka* is the *Khandhaka* which literally means chapters. It is divided into two parts: the *Mah vagga* and the *Cullavagga*. The *Mah vagga* contains ten chapters while the *Cullavagga* consists of twelve. These sections collectively discuss about acts and functions of the *Sa gha* (*Sa ghakamma*); the ways in which the *Sa gha* is to be managed, organized and administered.

P riv ra is the last section of the *Vinayapi aka* which serves as a manual or digest for didactic purposes. Scholars give it a later date, some suggesting it may be even later than the Fourth Council in Ceylon during which the Pali Canon was written down from oral tradition. According to I. B. Horner, “this work is in fact a very much later composition, and probably the work of a Ceylonese Thera”⁷⁸

⁷⁸ I.B. Horner (tr.), *Book of the Discipline*, vol. VI, Luzac and Co. Ltd, London, 1966p. ix

I.B. Horner remarks, “whatever the exact meaning or meanings of *dhamma* may have been at one stage in the history of Early Buddhism or at another, it is a fair enough description to say that *dhamma* concerned the inner life of Gotama’s followers, their conscience, their mental training and outlook and later, stood for the body of teaching they were to believe and follow; and that *Vinaya* was the discipline governing and regulating the outward life of the monks and nuns who had entered the monastic Orders, the foundation of which is attributed to Gotama.”⁷⁹

Clue to the chronology of the *Vinayapi aka* is given in the account of the Council of Ves li in the 12th *Khandaka* of the *Cullavagga*. Oldenberg and Rhys Davids place the *Vinayapi aka* in the middle of 4th century BCE. The traditional date given for the 2nd council is 100/110 years after the death of the Buddha on the basis of which the date of the final compilation should be fixed sometime in the first half of the 4th century BC.⁸⁰ The mention of *Vinayasamukasa* in the Minor Rock Edict of Bairat version of A oka corroborates the above supposition as it is probably suggesting *Vinaya* as a complete book. The fact the *Vinaya* mentions the two councils and has nothing to say about the third council also suggests that the book was complete before that time.⁸¹ The *Cullavagga* informs us that how after the death of the Buddha a council was held under Mah kassapa, who asked Up li questions on *Vinaya* relating to different transgressions which included the matter, the occasion, the individuals concerned, the principle rules and other rules about them. Up li

⁷⁹ I.B. Horner (tr.), *Book of the Discipline*, vol. I, Luzac and Co. Ltd, London, 1949, p. vii

⁸⁰ T.W. Rhys Davids and Hermann Oldenberg, (tr.), *The Vinaya Texts*, Part I, *Sacred Book of the East*, vol XIII, Motilal Banarsidass, Delhi, 1881, p. xviii

⁸¹ *Ibid*, p. xviii- xx

answered the questions which were finally agreed upon by the assembly and settled. This according to tradition was the first codification of the *Vinaya*.

Different versions of the *Vinayapi aka* are available. There are seven full *Vinayas* available today. Besides the *Vinaya* of the *Therav da* school and the Tibetan translation of the *Vinaya* of the *M lasarv stiv dins*, five Chinese translations of complete *Vinayas* are extant. In addition, some Sanskrit *Vinaya* literatures have also been found. *Vinaya* texts of others schools are available in their Chinese or Tibetan translations. The other versions of the *Vinaya* texts available are: *Sarv stiv da*, *M lasarv stiv da*, *Dharmaguptaka*, *Mah sa ghika K syapiya* and *Sammat ya*.⁸²

1.5. Research Questions

The following are the questions with which the present research has been undertaken:

- What does *paddharma* mean? What are its essential attributes?
- What does the term *pat/ pad* mean? What is its history? Did the term have an unchanging meaning throughout centuries or did it evolve over time? Did the meaning differ according to the different genres of texts?
- Is the term *pat/ pad* an equivalent for crisis as is usually translated? How far is the meaning of the term different from other terms employed for crisis in Ancient India?
- What role does the term *pat/ pad* play in defining the characteristics attributed to the notion of *paddharma*?

⁸² Akira Hirakawa, *History of Indian Buddhism*, vol. 1, 1974, English translation University of Hawai'i Press, p.69- 76

- Can the notion of *paddharma* be understood in isolation? What role did Buddhism play in the emergence of the concept?
- How was the concept of *paddharma* applied in the early Indian historical context? What conditions were considered critical for Brahmanism and Buddhism to allow deviations from prescribed codes of conduct?
- How is the concept represented in the normative codes and the epics in terms of transgressing the *var adharm*a norms? What were the situations when *var a* roles were permitted to be transgressed?
- How the conventional *var a* hierarchy is disturbed by opening up the boundaries of interaction between *var as*?
- Can *paddharma* be considered a doctrine that altered and transformed the character of the law code of Manu by attributing a new purpose to the text?
- Considering the fact that the rigidity and ritual extravagance of the later Vedic period also goes a long way to explain the decline of Brahmanism, can the doctrine of *paddharma* be considered a theory that endowed Brahmanism with the scope to introduce and incorporate ritual as well as social simplicity within their tradition? In other words, can *paddharma* be considered the theory that granted flexibility to Brahmanism?
- How power relations between the rulers and the ruled get altered during an emergency?
- What are the situations that assume priority that leads to granting of legitimacy to deviant actions?
- How is crisis visualized in the context of women?

1.6. Chapterization, Objectives and Methodology

Based on the research questions the thesis will be divided into four thematic chapters along with an introduction and a conclusion. The following section discusses the aims of the four thematic chapters along with the methodology and primary sources used.

The first thematic chapter is titled, “ *pad* and *paddharma*: Meanings and Transformations”. The aim of this chapter is to study the origin and evolving meaning of the terms *pad/ pat* and *paddharma*. The first objective is to locate the term *pad/ pat* in Sanskrit texts of the Vedic period and the primary sources used in this section include the *Sa hit s*, *Br hma as* and *Upani ads* (*g Veda* and *Atharva Veda Sa hit* , *Kau taki*, *Aitareya*, *atapatha Br hma as* and *Pra na Upani ad*) to explore the literal meanings of the word as well as the sense underlying their contexts of use. The purpose is to examine whether the term was used in the sense of crisis in the earliest Sanskrit literature or had a different meaning. The second objective is to explore the representation of the word in the Sanskrit texts of the early historic period like the *Dharmas tras*, the *Artha stra*, the *Dharmas tras*, *Dharma stras*, the *R m ya a* and the *Mah bh rata*, to see how the meaning of the term gets transformed overtime to acquire the meaning of crisis. Other terms employed for crisis like *anaya*, *arti*, and *ksudh* , *k cchra*, *vyasana* will also be explored to see if these terms were used synonymously with *pad* or were these terms analytically separable from the usage of *pad*. The third objective is to explore the *P li Vinayapi aka* to locate the term *patti* which means ecclesiastical offence and bring out the significant variation in the

meaning of the term. The purpose of this chapter is to demonstrate the reasons for selecting the term *pad/ pat* to explain the concept of *paddharma* and the various characteristics attributed with the notion. The additional primary sources to be used in this section include the *Anguttara Nik ya* of the *Suttapi aka*.

The second thematic chapter is titled, “Crisis and Exceptions in Monastic Buddhism: A Study of the *Vinayapi aka*.” The objective of this chapter is to study the *Vinayapi aka* of *Therav da* Buddhism as the representative normative text of monastic Buddhism. The aim is to explore what constituted crisis for the Buddhist tradition and to understand the circumstances that they considered critical enough to allow deviation from normative code of conduct. The objective is to explore if a parallel provision like the Brahmanical *paddharma* could be found in the Buddhist monastic tradition. The purpose is to explore the two traditions in dialogue with each other and to see how far the traditions influenced each other in terms of the understanding and dealing with crisis. Besides the *Vinayapi aka*, this chapter will include the *Digha Nik ya*, *Samyutta Nik ya*, *Majjhima Nik ya* wherever necessary.

The third thematic chapter is titled, “*paddharma* in the *Mah bh rata* I: *Var adharm*a and *R jadharm*a.” The objective of this chapter is to study the process of further crystallization of the concept *paddharma* by an exploration of a variety of narratives found in the *Mah bh rata*. The *Mah bh rata* exhibits the penultimate stage in the complete formulation of the concept of *paddharma*. Studies undertaken so far have remained largely confined to the didactic portions of the text with special focus on the *paddharmaparvan*. The

objective in the chapter is to expand the focus to the narrative portions of the epic because the concept is not only cited frequently throughout the text, but is also recommended and followed by some of the major characters of the epic. One of the objectives is also to bring out the role of *paddharma* in building up of the narrative portions of the epic. The chapter aims to draw out those references that revolve around the application of *paddharma* norms with specific reference to *var adharma* and *r jadharma*.

The fourth thematic chapter is titled, “ *paddharma* in the *Mah bh rata* II: *Str dharm*a.” The aim of this chapter is twofold: first, it aims to address the application of *paddharma* norms surrounding the women characters in the *Mah bh rata*; what constituted crisis for women and how were they recommended to address the crisis. Second, the chapter aims to understand how far women were used as means to avert a critical situation. Practices such as *niyoga* shall be analysed in this context.

Chapter 2: *Āpad* and *Āpaddharma*: Meanings and Transformations

2.1. Introduction

Āpaddharma was added in the Brahmanical law codes to introduce an autonomous category of law specifically designed for a situation of crisis. In case of a crisis the provisions of *āpaddharma* substituted for laws that operate during normal circumstances and those provisions allowed transgression of rules followed during normal times. It was a new term and a new concept in the Brahmanical literature. The compound term *āpaddharma* was used for the first time in the *Manusmṛti* and its use proliferated enormously in the *Mahābhārata* to the extent that a separate section called *Āpaddharmaparvan* got incorporated in the *Śāntiparvan* to articulate an acceptable definition and usage of the provision. The term became extremely important in the early historic literature essentially because a specific set of ideas were expressed through the term.

The formation of terms compounded with *dharma* has been considered an important development in the Early Historical period by scholars like B. D. Chattopadhyaya and Adam Bowles. B. D. Chattopadhyaya observes that “all through the pre- Gupta early historical phase, the notion of *dharma*, in

whatever form, remained embedded in the theory of the state.”¹ Therefore, the state recognized and maintained several autonomous segments in the society which were constituted as *grāmadharma*, *śreṇīdharmā*, *kuladharmā*, *nigamadharmā* etc.² Besides providing legitimacy to the autonomous segments, the term *dharma* also granted legitimacy to various newly constituted ideas during the early historic period. One may place the coining of the compound term *āpaddharma* within a similar context where it received the recognition of the state as an autonomous category of norms. Adam Bowles observes that the key term in the compound term *āpaddharma* is the word *dharma* because it indicates legitimacy to the ideas that the concept implies and therefore joining of the two separate terms *āpad* and *dharma* helps in expressing the intended ideas of the provision. He states that “while on the one hand *āpaddharma* denotes behavior that is in some way exceptional, on the other it also suggests that this behavior is in some way legitimate. This sense of legitimacy is carried by the word *dharma*.”³ He explains the widening of the meaning of *dharma* over centuries starting from the Vedic literature up to the *Mahābhārata* so as to trace its development into a fundamental concept in the Brahmanical tradition and states that the coining of *āpaddharma* was “an outcome of the rising significance of the word *dharma*”⁴. Hence, the use of *dharma* served the purpose of providing the required legitimacy to a code of conduct normally considered a deviation and also advanced it as an independent category of law.

¹ Brajadulal Chattopadhyaya, *Studying Early India: Archaeology, Texts and Historical Issues*, Permanent Black, New Delhi, 200, p. 142

² *Ibid*, p. 142

³ Adam Bowles, *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mahābhārata*, Brill, Leiden. Boston, 2007, p. 81

⁴ *Ibid*, p. 82

The concept of *āpaddharma* is made up of several constituent parts such as: firstly, it indicates a condition of adversity or crisis; secondly, it is a transgression because it violates a prescribed norm and thirdly, it is a legal injunction because it is accepted by the law codes as legitimate course of action. It may be said that transgressing a normative precept is as much a part of the definition of *āpaddharma* as is the existence of a crisis. For instance, if a person gets into a crisis but does not transgress a norm to come out of the crisis, he may not be considered to have followed the provision of *āpaddharma*. Similarly, transgressing a law in the absence of crisis would mean a sin (*adharmā*) and not qualify as *āpaddharma* provision. In a nutshell, *āpaddharma* presumes the violation of law in the context of a crisis. Therefore, while the joining of the two terms- *āpad* and *dharma*- explain *āpaddharma* as a set of injunctions bearing the legitimate force of law, it only partly explains the attributes of the concept. In order to understand *āpaddharma* more adequately, it is essential to study the function of the term *āpad* which plays an important role in explaining the attributes of the provision of *āpaddharma*.

Āpaddharma does not occur in any literary account prior to the *Manusmṛiti* either in the form of a compound or as a notion indicative of a legal category. Interestingly, the term *āpad* or *āpat* was not new in Brahmanical literature. The term frequently occurs in the early historical literature and is usually translated by scholars as ‘distress’⁵, ‘in extremity’⁶ or ‘adversity.’⁷ Even in

⁵ G. Buhler (tr.), *The Laws of Manu*, The Sacred Books of the East, Vol. 25, Oxford University Press, Oxford, 1886

⁶ Wendy Doniger and Brian K. Smith (tr.), *The Laws of Manu*, Penguin Books India, New Delhi, 1991.

contemporary usage, *āpat* is frequently used to mean contingency or emergency. For instance, we are familiar with modern expressions such as *āpatkālin khidki* or *āpatkālin dwār* to refer to emergency exits. However, it must be stated at the outset that the original meaning of *āpat* was radically different from the meaning it acquired over time and particularly during the early historic phase.

This chapter attempts to explore the meaning/s of the term *āpad* or *āpat* in the early Indian textual tradition and trace its evolving connotations over time beginning from the pre- śāstric⁸ literary accounts up to the compilation of the *śāstras* and the epics.⁹ The aim is to explore the function of the term *āpat* in defining the attributes of *āpaddharma* and in the process to suggest that though it is reasonably correct to translate *āpat* as distress or adversity, but this translated equivalent is restrictive in nature since it fails to capture the intended meaning and character of the term. It is important to distinguish *āpat* from other terms employed for adversity or distress like *krcchra*, *anaya*, *ārti*, *vyāsana* etc. In drawing out the distinction, I would like to suggest that a more appropriate understanding of the term would be to translate it as an ‘anticipated crisis’ which can be prevented. Moreover, I would like to point out that the characteristics attributed with the notion of *āpaddharma* are borne by the term *āpat*.

⁷ Patrick Olivelle (tr.), *Manu’s Code of Law: A Critical Edition and Translation of the Mānava Dharmaśāstra*, Oxford University Press, New Delhi, 2004

⁸ The term pre-śāstric tradition is usually applied to connote the literary tradition that includes the Vedic corpus up to the literature of the period 3rd- 2nd centuries BCE.

An attempt would be made to locate the term *āpat* in the oldest Indian literature i.e. the Vedic corpus and trace its eventual development into the provision of *āpaddharma*. The chapter would also bring in the Buddhist texts to discuss its influence in shaping the meaning of the term. In other words, the chapter would focus on the dialogue between the Brahmanical and Buddhist traditions in determining the semantic progression of the term.

The chapter proceeds broadly in three sections. The first section studies the Sanskrit texts of the early and later Vedic period viz., the Saṃhitās, Brāhmaṇas and Upaniṣads to explore the literal meanings of *āpat/ āpad* as well as the sense underlying their contexts of use. The purpose is to study the origins of the term in the earliest Sanskrit literature. The second section studies the texts of the Buddhist *Tipiṭaka* to explore terms such as *āpatti*, *āpajjeyyā*, *āpajjati* and bring out the changes in the meaning of the term. The third section explores the Brahmanical law codes and the epics to study how the meaning of the term gets further transformed and gradually leads to the formulation of the concept of *āpaddharma*. Translations by various authors have been used in this chapter. The translation used for all the verses have been mentioned in the footnotes. The chapter does not follow the traditionally ascribed textual chronology; the sections are ordered according to the evolution in the meaning of the term *āpat/ āpad*.

2.2. *Āpat/ Āpad* in the Vedic Literature

The term *āpad/ āpat* occur in rare but important contexts in the Vedic literature such as the *Samhitās, Brāhmaṇas and Upaniṣads*. The earliest reference to the term is found in the *Ṛg Veda Samhitā* and its original meaning is determined etymologically from the root *pat* which means “fall”¹⁰. The reference occurring in the *Ṛg Veda Samhitā* expresses the basic sense of its root meaning as an act of ‘descending from above’ or ‘moving downward.’

“*ā vidyunmadbhir marutah svarkai rathebhīr yāta ṛṣtimādbhir ashvaparna ih ā varṣiṣṭhayā na iṣā vayo nāpaptata sumāyāh!*” [RV I. 88. 8]

“Come, Maruts, with your brilliant, light moving, well-weaponed, steed-harnessed, chariots.
Doers of good deeds, descend, like birds, (and bring us) abundant food.”¹¹

The above hymn is addressed to the Maruts where they are praised for their power to bring rain on earth for the wellbeing and prosperity of the worshippers. The term *āpapata* is used in the context of inviting the Maruts to ‘descend’ or ‘fall’ on earth in the form of rain and be the cause for the production of abundant food.

The term is found in several passages of the *Atharva Veda Samhitā* where references to the term are made in the sense of ‘falling’. However, the context in which the term is used largely determines its meaning. The use of the term in the *Atharva Veda* is particularly associated with prayers to alter adverse

¹⁰ W.D. Whitney, *The Roots, the Verb-Forms and Primary Derivatives of the Sanskrit Language*, Leipzig, 1885, p. 94

¹¹ H.H. Wilson (tr.), *Ṛig Veda Sanhita*, 2nd Edition, London, 1866.

situations faced by warriors in the battlefield. The *Ariṣṭa Kśayaṇa Sūkta*, *Śatruparājaya Sūkta* and the *Vijayaprāptī Sūkta* are some instances. The *Ariṣṭa Kśayaṇa Sūkta* is an incantation used to dispel an impending misfortune which is believed to be predicted by the appearance of ominous birds like an owl or a dove/ pigeon. These birds are supposed to be the messengers of Nirṛti and Yama, the Vedic deities of death and destruction and their unexpected appearance is considered inauspicious. Through the *Ariṣṭa Kśayaṇa Sūkta* the deities are appealed not to send their inauspicious flying messengers to the battlefield where the warriors are fighting a battle; instead, it is prayed that may their appearance bestow good luck upon the warriors in their endeavor. It is in this context that the word *āpapatyāt* is used to mean the flying down of the birds. The function of the term *āpapatyāt* is to convey the coming of the birds with good luck which would prevent misfortune for the warriors.

“*avairahatyāyedadamāpapatyāt suvīrtāyā idamā sasadāt*” [AV VI. 29.3]

“Oft may it fly to us to save our heroes from slaughter, oft perch here to bring fair offspring,”¹²

The *Śatruparājaya sūkta* uses the word twice. The *sūkta*, as the title suggests, is a hymn to destroy an enemy; within this context it is prayed that may the hostile opponent ‘fall into’ an unfavourable situation in the sense that may the opponent become weak, fatigued and starve to death. Similarly, in another *mantra* of the same *sūkta*, it is prayed that may the weapons ‘fall from’ the hands of the enemy so that they become incapable of fighting. Likewise, the *Vijayaprāptī Sūkta*, which is a charm to achieve victory against an enemy, uses

¹² T.H. Griffith (tr.), *Hymns of the Atharva Veda*, Sacred Books of the East, Vol. 42, 1895- 96

the term to mean that with the help of a spell the enemy has been made to ‘fall into’ the fire. The following passages illustrate the point:

“*mṛtyoraṣmāpaddantām kśudham sedi vadham bhayam!*
Indraśravākśujālābhyām śarva senāmam hatam” [AV VIII.8.18]

“Into the (snare of) death they shall fall, into hunger, exhaustion, slaughter, and fear! O Indra and Sarva, do ye with trap and net slay yonder army”¹³

“*āvāpaddantāmeṣāmāyudhāni mā śakanpratidhā miṣum*” [AV VIII.8.20]

“May their weapons fall from their (hands), may they be unable to lay the arrow on (the bow)! And then (our) arrows shall smite them, badly frightened, in their vital members.”¹⁴

“*Yam vayam mṛgayāmahe tam vadhai stṛṇvāmahai*
vyātte parameṣṭino brahmaṇāpīpādam tam” [AV X.5.42]

“Whom we hunt, him will we lay low with deadly weapons; by our spell (*brāhmaṇ*) have we made him fall into the opened mouth of the most exalted one”¹⁵

The above references indicate that the occurrence of the term is specific; its use is confined to the context of imprecatory prayers or spells which are directed towards the destruction of an enemy and thereby preventing calamities on one’s own army.

In the references found in the *Brāhmaṇas* and *Upaniṣads*, the meaning of *āpat* continues to remain closely connected with ‘falling’. However, there is a significant alteration in the contexts in which the term is used. The *Brāhmaṇas* viz., *Aitareya*, *Kauṣītaki* and *Śatapatha*, use the term in a ritual

¹³ Maurice Bloomfield (tr.), *Hymns of the Atharva Veda*, Sacred Books of the East, Vol. 42, 1897

¹⁴ Maurice Bloomfield (tr.), *Hymns of the Atharva Veda*, Sacred Books of the East, Vol. 42, 1897

¹⁵ W.D. Whitney (tr.), *Atharva-Veda-Samhitā*, Harvard Oriental Series, 7-8, Motilal Banarsidass, 1971 [1905]

context where the ‘fall’ (*āpat*) is the result of a failure to follow a prescribed procedure for conducting a religious rite. Based on the context in which the term is used, it may be interpreted as a ‘ritual transgression’ which has a consequence. For instance, the *Aitareya Brāhmaṇa* mentions that an officiating priest must begin the chanting of the *Aśvin Śāstra* by addressing Agni particularly as the *hotṛ*, or the lord of the household. If the priest does not follow this rule and address Agni with any other epithet, he may ‘fall’ into the fire and be engulfed by it. The passage further states that he who addresses Agni in the prescribed way becomes free of danger and attain a long life.

agnimāpatsyatīti [AB IV. XVII. I]

“If a *Shashtra* is commenced by repeatedly mentioning *Agni*, fire, the *Hotar* will (ultimately) fall into the fire and (be burnt by it)”¹⁶

Similarly, the *Kauṣītaki Brāhmaṇa* while explaining the supreme importance of a sacrificial offering states that a sacrificer is indebted to the deities and must present an offering during the sacrifice to be released from the debt. The sacrificer himself ‘falls into’ the jaws of Agni and Soma as a victim if he does not give an offering for sacrifice. It is further elaborated that the object offered metaphorically represents the sacrificer himself and hence should never eat the oblation which might mean that he is eating himself.

“He who is consecrated falls into the jaws of Agni and Soma”¹⁷ [KB X.3]

The *Śatapatha Brāhmaṇa* refers to the term twice. The first reference is found in a ritual context when Bṛhaspati Āṅgīrasa explains the importance of

¹⁶ Martin Haug (tr.), *The Aitareya Brahmanam of the Rig Veda*, Vol. 1, Government Central Book Depot, Bombay, 1863

¹⁷ A.B. Keith, (tr.), *Rigveda Brāhmaṇas: the Aitareya and Kauṣītaki Brāhmaṇas of the Rigveda*, Motilal Banarsidass, Delhi 1971 [1920]

maintaining purity during a sacrifice. He states that the purity can be preserved by not touching the oblations and the fire altar before the sacrificial grass is spread out. In this context, he cautions that even if an impurity ‘falls’ on the oblation and the altar, it should be removed only at a specified stage, that is, during the spreading of the sacrificial grass, and not before that.

“If before the spreading of the sacrificial grass, anything were to fall on it, let him only remove it at the time when he spreads the sacrificial grass.”¹⁸ [ŚB 1.2.5.26]

In another reference, Indra states that one may ‘fall into’ a trouble or may falter even after the establishment of a fire altar.

“āpato ath havāaiśwarāgni chitvā kinchiddorit havālito!” [ŚB 9.5.2.1]

“After building the fire altar, one is still apt to get into trouble or stumble”¹⁹

The *Praśna Upaniṣad* offers an interesting shift in the context in which the term is used. The ‘fall’ may not be physical; it may also be mental when it is associated with ‘falling’ into an erroneous belief. In the text, *prāṇa* (breath) is praised as the supreme power that supports the human body and life. While discussing the pre eminence of *prāṇa* over other senses of the body, the passage states that possessing any alternative notion on the subject may be misleading. Hence it is considered a ‘fall into delusion’.

“mā mohamāpaddata!” [PU II.2]

“To them *Prāṇa*, the chief most said: ‘Do not fall into delusion. I alone, dividing myself into five parts, support this body and uphold it.’”²⁰

¹⁸ J. Eggeling, (tr.), *The Śatapatha Brāhmaṇa, according to the text of the Mādhyandhin school*, Part I, Sacred Books of the East, vol. XII, Motilal Banarsidass, Delhi, 1963 [1882]

¹⁹ J. Eggeling, (tr.), *The Śatapatha Brāhmaṇa, according to the text of the Mādhyandhin school*, Part IV, Sacred Books of the East, vol. XLIII, Motilal Banarsidass, Delhi, 1963 [1897]

From a discussion of the Vedic references so far, it may be inferred that the term *āpat* or *āpad* primarily corresponded to its etymology in the Vedic accounts and literally meant an act of ‘falling’. Since the texts applied the term in a variety of contexts, it offered a highly nuanced interpretation of its original meaning. It may be said that the placing of the term in certain contexts gave it a meaning which went beyond its original root meaning. For instance, the earliest references attached a connotation of good luck and fortune to the term as is evident from the examples of Maruts being invited to fall as rain to shower well being upon the worshippers. A variant interpretation emerges when the *Atharva Veda* employs the term to mean collapse or ruin of an adversary. The *Atharva Vedic* connotation of destruction continues in the *Brāhmaṇas*. Its use, however, is shifted to the ritual domain where it meant destruction of anyone who does not follow the prescribed procedure for conducting religious rituals. It may mean that a ritual transgression may lead to a destruction or ruin.

One may conclude that *āpat* conformed to its original root meaning of ‘falling’ in the Vedic literature and appeared with two distinct connotations - the *Atharva Vedic* connotation and the Brāhmaṇic connotation. The *Atharva Vedic* connotation related to falling into an unfavorable or a threatening condition; the Brāhmaṇic connotation correlated with some form of ritual transgression. Both the connotations are important to understand the subsequent development of the term which will become evident in the following sections.

²⁰ S. Sarvanand., (tr.), *Praśna Upaniṣad*, The Ramakrishna Math, Mylapore, Madras, 1922

2.3. *Āpatti* in Buddhism: Exploring the Pāli Canon

The Buddhist *Tipiṭaka* is a valuable source to study the further expansion of the term *āpat*. Terms like *āpatti*, *apāpata* [*apa+ ā+ pata*], *āpanna*, *āpajjhati*, *āpajjeyya* are etymologically derived from the root *pat* (*ā+pat*²¹) and are used frequently throughout the Pāli canon. Because of the etymological connection with *āpat*, it would be useful to explore the links between the terms so as to examine how the meaning of *āpat* was broadened in the post Vedic literature.

Derived from the root *pat*, terms like *apāpata*, *āpanno*, *āpajjhati*, *āpajjeyya* closely follow its root meaning and are used in the sense of ‘falling’ in the Buddhist accounts. The contexts in which the terms are used are invariably related to forbidden actions committed by a *bhikkhu* or a *bhikkhuni*. Therefore, while the literal meaning of the terms was ‘falling’ or ‘to fall’, the term’s function was to express the idea of falling into a transgressive act. For instance, the *Āpattibhayavagga* of the *Anguttara Nikāya* (*Suttapiṭaka*) use the words to mean falling into any category of transgression like *Pārājikā*, *Samghādisesa*, *Pācittiya* and *Pāṭidesanīya*.

“*anāpanno vā pārājikaṃ dhammaṃ na āpajjissati āpanno vā pārājikaṃ dhammaṃ yathādhammaṃ paṭikarissati.*” [AN 4. 242]

“I will not fall to a grave offence, that I have not yet fallen and I will do the suitable remedy for the offence I have already fallen to, according to the Teaching.”²²

²¹ T.W. Rhys Davids and W. Stede, *Pāli- English Dictionary*, AES (reprint 2nd edition.), New Delhi, 2004

²² F.L. Woodward (tr.), *The Book of the Gradual Sayings, Anguttara Nikaya*, Pali Text Society, Oxford, 2001 [1934]

A similar expression is repeated in case of all the other categories like the *Samghādisesa*, *Pācittiya* and *Pāṭidesanīya*. The above reference indicates that terms following *āpat* were used in the Buddhist accounts frequently in the sense of falling into a transgression

Interestingly, these references resonate with the interpretation of *āpat* found in the Vedic *Brāhmaṇas* and several important parallels may be drawn between the Brahmanical and Buddhist traditions. It may be said that the Brāhmanic connotation of *āpat* as ‘ritual transgression’ was probably borrowed by the early Buddhists but was transformed to mean falling into any of the categories of offences mentioned in the *Vinayaṭīka*. Since, rituals played a subordinate role in early Buddhism, applying the term *āpat* to mean a ritual transgression, like that of the *Brāhmaṇas*, could not have been the intention of the early Buddhists. Instead, the terms were employed within a non ritual context to designate the transgression of norms laid down by the Buddha in the form of his teachings and training for the *bhikkhus* and *bhikkhunis*.

In Buddhism, norms laid out in the *Vinayaṭīka* played an authoritative role and practicing them according to their exact formulation prescribed by Buddha was of utmost importance for the adherents of the sect in order to realize their goals of ascetic life. The *Sikkhānisamsasuttaṃ* of the *Āpattibhayavagga* repeatedly emphasize this point and underlines that *bhikkhus* and *bhikkhunis* must consistently conform to the rules laid down without break and without defects.

“*tathā tathā so tassā sikkhāya akhṇḍakārī hoti
acchiddakārī asabalakārī akammāsakārī samādāya sikkhati sikkhāpadesu.*”
[AN 4. 243]

“One whose deeds are consistent, congruous, not shady, not spotted. By undertaking them he trains himself in the precepts of that training.”²³

Further stressing the importance of following the precepts, the *Āpattibhayasuttaṃ*, of the *Āpattibhayavagga* explains the consequences of not abiding by them. The *Āpattibhayasuttaṃ* cautions the *bhikkhus* and *bhikkhunis* about the punishments to be meted out to those who fail to abide by the prescribed norms. The *sutta* states that just as the king convicts an offender in his territory according to the severity of the offence committed by him, a member of the *Samgha* too is judged and punished according to the offence committed by him. Hence, those who witness the punishment being dispensed to an offender, they are also terrified by it and as a result vow not to commit such an offence or in case they do, it must be confessed and expiated adequately before an action is taken against the offender. Thus, falling into any category of offence is certainly not without consequence.

From the above discussion, the proximity of the terms with the Brāhmaṇas can be clearly determined. Just as the *Aitareya*, *Kauṣītaki* and *Śatapatha Brāhmaṇas* use the term *āpat* in the ritual context to mean that a ritual transgression may have a destructive consequence, similarly the Buddhists use the term to mean that a transgression of precepts may also have a consequence in the form of a punishment. The comparison suggests that precepts were accorded the same status in Buddhism as rites and rituals were accorded in the Vedic tradition. Therefore, not following the prescribed procedure was considered transgression in some form and had a destructive consequence.

²³ F.L. Woodward (tr.), *The Book of the Gradual Sayings, Anguttara Nikaya*, Pali Text Society, Oxford, 2001 [1934]

The practice of borrowing terms from the Brahmanical religious vocabulary was common among the heretical sects. Davids and Oldenberg remark about the time period of the emergence of Buddhism that “at that time a stream of scholastic and legal ideas which emanated from earlier Brahmanism was flowing in full force through the religious circles. A rich phraseology of sacred and ecclesiastical expressions, an armoury of technical terms in philosophy and in theology (still preserved in the *Brāhmaṇas* and *Upaniṣads*), had been developed and made ready for use of the Buddhists, the Jainas and other reforming schools.”²⁴ Not only terms, even the prevalent Brahmanical ritual practices and customs were adopted by the newly emerging sects. For example, as Davids and Oldenberg point out that “Vedic ceremonies of the *Darśapuraṇmāsa* sacrifice, and of the feast or sacred day (*Upavasatha*) connected with it are known to have been very old, and the custom of celebrating these days would naturally be handed on from the *brāhmaṇas* to the different *Samaṇas*, and be modified and simplified by them, in accordance with their creeds and their views of religious duty.”²⁵

Two interrelated aspects emerge in the meaning and usage of *āpat* from Buddhist literature. Firstly, the original meaning of *āpat* which means ‘falling’ survives very clearly in the Buddhist scriptures. Secondly, the context of the term’s usage in Buddhist literature is primarily in the context of a transgression of precept. The context is transgression of precepts while the meaning still remaining the same, i.e to fall.

²⁴ T.W. Rhys Davids and Hermann Oldenberg, (tr.), *The Vinaya Texts*, Part I, Sacred Book of the East, vol XIII, Motilal Banarsidass Publishers, Delhi, 1881, p. vii

²⁵ *Ibid*, p. vi

However, it is interesting to note that *āpat* simultaneously evolves into a new meaning when the term began to be used as *āpatti*. *Āpatti* means ‘an ecclesiastical offence’ in Buddhist scriptures and is understood as transgression of the ‘*sikkhāpadāni*’ or norms laid down in the *Vinayapiṭaka*. In other words, any member of the *Samgha* acting against the precepts laid down by the Buddha is considered *āpatti*. In the *Cullavagga*, *āpatti* appears in various compounds to mean various types of offences. For instance, offences are classified into two groups: *Garukāpatti* (also known as *Adesanāgāmini āpatti* or *Duṭṭullāpatti*) which means major offence and the remaining are said to be grouped under *Lahukāpatti* (also known as *Desanāgāmini āpatti* or *aduṭṭulāpatti*) which are minor offences. Therefore, derived from the same root *pat*, *āpatti* distances itself from its original meaning of falling and stabilizes to mean an offence.

Scholars like Biswadeb Mukherjee²⁶, however, draw our attention to the fact that *āpatti* has a fixed connotation in the early phase of Buddhism and may not mean all kinds of offences. He points out that *āpatti* means only minor ecclesiastical offences which could be atoned for by either an expiation or a confession. He draws our attention to the fact that the *lahukāpatti* and *āpatti* are used interchangeably, suggesting that *āpatti* is that class of offence which is different from the seven major offences enlisted in the *Vinayapiṭaka*.

However, it must be pointed out that by the time of the final codification of the *Theravada Vinaya*, all the categories of offences began to be identified as

²⁶ Biswadeb Mukherjee, “Schismatic Matters and the Early Buddhist Literature,” *Journal of Research Visva- Bharati*, Vol I, Part I, Visva- Bharati, Santiniketan, 1976-77, pp. 81- 98

āpatti. This is evident from the passages in the *Pārivāra*²⁷ section of the *Vinayaṭṭakā* which uses the term *āpatti* compounded with all the major as well as minor offences. The generic use of the term is evident in the *Pārivāra* section of the *Vinayaṭṭakā*.

The following passage may illustrate the point:

“kati āpattiyo, kati āpattikhandhā, kati vinītavatthūni, kati agāravā, kati gārava, kati vinītavatthūni, kati vipattiyo, kati āpattisamuttānā, kati anuvādamulāni, kati sāraṇiyā dhammā, kati bhedakaravattuni, katiadhikaraṇani, kati samathā

pañca āpattiyo, pañca āpattikhandhā, pañca vinītavatthūni, satta āpattiyo, satta āpattikhandhā, cha agāravā, cha gārava, cha vinītavatthūni, catasso vipattiyo, cha āpattisamuttānā, cha anuvādamulāni, cha sāraṇiyā dhammā, aṭṭārasa bhedakaravattuni, cattari adhikaraṇani, satta samathā

tattha katamā pañca āpattiyo. pārājikāpatti samghādisesāpatti pāciyyiyāpatti, pātidēsaniyāpatti, dukkatāpatti, imā pañca āpattiyo.” [Parivāra IV. 1.1- 2]

“How many offences, how many classes of offence, how many matters is one trained in, how many disrespects, how many respects, how many matters is one trained in, how many failings-away, how many origins of offences, how many roots of disputes, how many roots of censure, how many things to be remembered, how many matters making for schism, how many legal questions, how many deciding

Five offences, five classes of offence, five matters that are trained in, seven offences, seven classes of offence, seven matters that are trained in, six disrespects, six respects, six matters that are trained in, four failings-away, six origins of offences, six roots of disputes, six roots of censure, six things to be remembered, eighteen matters making for schism, four legal questions, seven decidings.

Herein what are the five offences? An offence involving Defeat, an offence requiring a Formal Meeting of the Order, an offence of Expiation, an offence to be confessed, an offence of wrong-doing-these are the five offences. Herein, what are the five classes of offence.”²⁸

²⁷ The *Parivāra* is dated even later than the Fourth Council held at Sri Lanka during which the Pāli Canon was written down from an oral tradition. I.B. Horner ascribes the composition of the *Parivāra* to a Sri Lankan *Therā* in the form of a manual for didactic purposes.

²⁸ I. B. Horner (tr.) *The Book of Discipline, Vol. VI (Parivāra)*, Luzac and Company Ltd, London, 1966

Āpatti was central in monastic Buddhism. The *Suttavibhaṅga* of the *Vinayaṭīka*, which is a commentary on the *Pātimokkha*, revolves around the subject of *āpatti*; it elaborates what is an offence (*āpatti*) and what is not an offence (*anāpatti*). In other words, determining the nature of a transgression and awarding a suitable punishment for it is the concern of the *Suttavibhaṅga*. The *Suttavibhaṅga* deals in detail with each offence which helps us to understand the attributes of *āpatti*, thereby highlighting the Buddhist method of dispensing justice to the monastic community.

The *Suttavibhaṅga* portrays an image that an offence (*āpatti*) may be committed under compulsion of circumstances, mental states or may be done either unknowingly or unintentionally. Hence, an action against the offender must be taken according to the conditions under which the offence was committed. In other words, the condition under which an offence is committed is almost always the deciding factor in determining the nature of punishment to be given to a guilty *bhikkhu*. Therefore, the punishment for a *Pārājika* offence, which is normally a complete dissociation of a guilty *bhikkhu* from the *Samgha* (*pārājiko hoti asaṃvāso 'ti*), may also be decided by a confession (*dukkata*), an expiation (*pācittiya*) or a complete exemption from the punishment (*anāpatti*). The *Suttavibhaṅga* describes a range of conditions under which a *bhikkhu* shall not be considered guilty of the offence committed by him. For example, a *bhikkhu* is not held guilty if he is unaware that he is committing an offence (*anāpatti bhikkhu ajānatassā ti*); if a *bhikkhu* does not consent to a transgressive act (*anāpatti bhikkhu asādiyantassā ti*) and the transgressive act is forced by others on a *bhikkhu* without his consent.

An important aspect of Buddhist jurisprudence was the tradition of assuming that there may be situations when offences may be committed accidentally, unknowingly or without intention. Therefore, situations are regarded important before pronouncing a judgment. It is a common expression found in the *Vinayaṭṭaka* which shows the Buddha asking the guilty *bhikkhu* under what conditions did he commit the offence.

Another remarkable dimension of the Buddhist legal code was that each rule ends with an exception to the rule which is called *anāpatti*. *Anāpatti* may be understood as a no offence clause which means that an offence committed by a *bhikkhu* shall not be considered an offence and no action against the offender shall be taken under certain conditions. They are: if a *bhikkhu* breaks a *Pātimokkha* rule committed when he is unaware, has not agreed to, is mad, is in severe pain or he is a novice.

“*anāpatti, ajānantassa, asādiyantassa, ummattakassa, khittacittassa, vedanāṭṭassa, ādikammikassāti.*”

“If one is ignorant, if one has not agreed, if one is mad, unhinged, afflicted with pain, or a beginner, there is no offence.”²⁹

With the rapid growth of Buddhism and the development of the *Samgha* as an organized body, monastic norms became crucial in its functioning. As a result, the *Vinayaṭṭaka* attained an authoritative position³⁰ which could be directly applied for the administration of the *Samgha* because not only did the text lay down the normative precepts to be followed by the community but also contained norms to resolve disputes and disagreements within the community.

²⁹ I. B. Horner (tr.) *The Book of Discipline*, Vol. I, Luzac and Company Ltd, London, 1938

³⁰ Dhammanandā Bhikkhunī (Chatsumarn Kabilsingh), “Institutional Authority: A Buddhist Perspective”, *Buddhist-Christian Studies*, Vol. 30 (2010), pp. 147-157

It is within this context that terms like *āpatti* and *anāpatti* began to attain significance in the monastic life of the Buddhist community. Several accounts in the *Vinayapiṭaka* mention that *āpatti* may be a potential cause of schism within the *Samgha* if the nature of an offence remains undetermined. The *Cullavagga* IV mentions that a legal dispute relating to *āpatti* may arise if an *āpatti* is considered an *anāpatti* or a *Garukāpatti* (major offence) is considered a *Lahukāpatti* (minor offence).

The above discussion suggests that as one enters the Buddhist tradition, one encounters a profound change in the meaning of *āpat*. As discussed earlier, the Buddhists borrowed the Brāhmaṇic interpretation of the term *āpat* as ‘falling into a ritual transgression’ and used it in the monastic context to mean ‘falling into a transgression of precepts’ of the *Vinayapiṭaka*. Eventually, with the prominent use of the term *āpatti* within Buddhist monastic life, the term stabilizes to mean an offence or a transgression. An important dimension is thereby added to the understanding of the term *āpat*: it now also means a transgressive act. Moreover, for the first time, the term separates itself from its original root meaning of “fall”.

Besides with the meaning stabilizing as offence, certain attributes are also added to the term by the Buddhists which shaped the definition of *āpatti*. Among the defining attributes of *āpatti*, two of its attributes are particularly significant. First, *āpatti* carries the understanding that an offence is context based and hence the penalty or punishment is decided according to the condition in which the offence is incurred. Second, *āpatti* also provides for a total exemption from punishment under certain situations. It is this definition and understanding of *āpatti* which has a significant contribution in the gradual

development of the meaning of *āpat* and the eventual formulation of *āpaddharma* which has its first occurrence in the *Manusmṛiti* and final crystallization in the *Mahābhārata*.

2.4. *Āpat/Āpad* and *Āpaddharma* in the Brahmanical Law Codes and the Epics

This section discusses the further development of the term *āpat/ āpad* in the early historic Brahmanical literature which includes the *Rāmāyaṇa*, Kauṭilyā's *Arthasāstra*, the *Dharmasūtras* and *Dharmasāstras*, and the *Mahābhārata*.

i. *Āpat/ Āpad* in the *Rāmāyaṇa*³¹

If the Brahmanical Sanskrit tradition is observed in isolation, one can see the *Atharva* Vedic connotation of *āpat* distinctly continuing in the *Rāmāyaṇa*. *Āpat* remains close to its original meaning of 'falling' and continues to be used in the context of falling into critical and threatening situations. Like the *Atharva* Vedic references, *āpat* is primarily used in two contexts. Firstly, in the context of an armed combat and secondly, in the context of apprehending an incoming calamity.

Āpat is uniquely associated with battles in the *Rāmāyaṇa*. It is used to refer to the fall of an enemy during a conflict which leads to death or an utmost possibility of death. The text is replete with references illustrating such contexts. For instance,

³¹ M. N. Dutt (tr.), *The Ramayana*, 5 vols., Deva Press, Calcutta, 1891, 1893, 1894, has been used for the study and translation of the verses unless otherwise mentioned.

“āpatantīm tu tām dr̥ṣtvā Agastyayo bhagvān ṛṣiḥ”[Rām 1.25.11]

“Enraged Tāḍakā rushed to fall upon the sage Agastya intending to devour him.”

“tām mr̥tyupāśapratimām āpatantīm mahābalaḥ”[Rām 3.18.18]

“Mighty Rāma checked the advance of Śūrpanakhā who was rushing to fall upon Sītā like the noose of death”

“tam āpatantam bāṇaughaiś chittvā rāmaḥ pratāpavān”[Rām 3.30.19]

“In the absence of a weapon Khara uprooted a śāla tree and aimed at Rāma; as it was descending to fall upon Rāma, he cut it off by means of a multitude of shafts”

“tam vañcayāno rājendram āpatantam nirīkṣya vai”[Rām 3.44.3]

“The golden deer disappeared out of fear on seeing Rāma coming down on him”

“pūrvam āpatitah krodhāt sa tvām āhvayate yudhi”[Rām 4.15.10]

“Praising the might of her husband Vālī, Tāra reminds him that earlier his brother Sugrīva in anger came falling upon him for a fight but eventually got defeated by him.”

The *Rāmāyaṇa* uses *āpat* frequently in the passages where enemies are overpowered during a battle. It also means falling dead after a combat. For instance,

tām āpatantīm vegena vikrāntām aśanīm iva. [Rām 1.25.14]

“Rāma shot an arrow at Tāḍakā’s chest and she feel down dead”

Similarly, Rāma and Lakṣmaṇa, while protecting the sacrifice of sage Viśvāmitra, got into a battle with Mārīca and Subāhu. Using the *Āgneya astra*, Rāma kills Subāhū who falls down dead on being struck by the *astra* (*subāhu urasi cikṣepa sa viddaḥ pra āpatat bhuvī* [Rām 1.30.22]). Seeing Dushana fallen on the ground and dead in battle Rāma is applauded by all (*dr̥ṣṭvaivāpatatas tāms tu rāghavaḥ sāyakaiḥ śitaiḥ* [Rām 3.26.16]).

Continuing the *Atharva* Vedic pattern, *āpat* is also associated with premonition of a calamity particularly suggested by inauspicious signs. This is evident on many occasions. For instance, Daśaratha hastily decides to coronate Rāma as his heir citing the various inauspicious astrological omens and bad dreams indicating his death.

Daśaratha says,

“api cādyāśubhān rāma swapne paśyāmi dāruṇān sanighārtā divolkā c paratīha mahāsvnā! avaṣṭabdham c me Rāma nakśatraṃ dāruṇaigṛhaiḥ āvedayanti daivagyāvaḥ suryāṅgārkarāhubhī! prāyeṇa hi nimittānādṛśānām samudbhava rājā hi mṛtyum āpnoti ghorām vāpadam ṛcchati!” [Rām 2.4.17-19]

“O Raghava, tonight I have dreamt inauspicious dreams. Stars with tremendous sounds shoot by day, accompanied with thunder-claps. The astrologers say that the star of my life hath been invaded by those terrible planets, the Sun, Mars, and Rāhu. It generally happens that when such signs manifest themselves, the king cometh by a terrible calamity, and may meet with death itself. Therefore, O Raghava, my thoughts change, be thou installed (in the kingdom), for fickle is the mind of all creatures.”

In another instance, Rāma perceives inauspicious omens before the beginning of his battle with Khara, the brother of Śūrpaṅkhā. Rāma tells Lakṣmaṇa that he is worried to see his right hand throbbing repeatedly which indicates a defeat in the hands of the enemy. As in other references, here too a premonition of an impending calamity is clearly underlined, but the additional point that Rāma emphasizes here is that preventive actions must be taken for an imminent danger if an ominous sign is perceived. Therefore, he orders Lakṣmaṇa to take Sītā to a safer place and be vigilant with his arrows ready for an attack.

Rāma says,

“*anāgata vidhānam tu kartavyam śubham ichahtā
āpadam śaṅkamānena puruṣeṇa vipaścītā*”[Rām 2.24.11]

“A considerate person, who wisheth for his welfare, apprehending peril,
should prevent disaster ere it arrives.”

The most significant aspect of *āpat* emerges in Rāma’s suggestions of preventive measures that must be taken on perceiving ominous signs as warnings. However, warnings do not remain confined to the supernatural omens; they may also come as warnings from well wishing associates. This is evident from Mārīca’s prior warning to Rāvaṇa of the consequences that he may face if he gets into conflict with Rāma. Hence, he warns Rāvaṇa against abducting Sītā. He narrates Rāma’s irrefutable strength as a young warrior when he was protecting the sacrifice of Viśvāmitra.

“*tat mayā vāryamāṇaḥ tvam yadi Rāmeṇa vighraḥ
kariṣyasi āpadam ghorāṃ kṣipraṃ prāpya naśiṣyasi*”[Rām 2.38.23]

“It is for this that I do prevent thee; thou shalt be overwhelmed with calamities
and meet with destruction if dost thou engage in battle with him.”

The references in the *Rāmāyaṇa* indicate that the term had specific association with armed struggles and particularly meant the destruction and death met of by warriors. This is evident from the analogy applied by Kauśalyā where she compares an overpowering grief or sorrow to be the greatest enemy and that falling in sorrow is more destructive and unbearable than falling in the hands of an enemy. She says,

“*śayam āpatitah soḍhum praharo ripuhastataḥ soḍhum āpatitah śokaḥ
susūkṣmo 'pi na śakyate*”[Rām2.56.13]

“There is no enemy like sorrow. One can, falling down bear heating from an enemy; but one cannot falling down bear ever so little sorrow”

ii. *Āpat/ Āpad* in Kauṭilya’s *Arthaśāstra*³²

The *Arthaśāstra* is an important text to understand the further development of the term *āpat*. Within the Brahmanical tradition, the term distances itself from its etymological meaning of ‘falling’ and acquires a new and independent meaning. The newly acquired meaning can be understood as an ‘impending misfortune’ or an ‘anticipated crisis’.

The evolved meaning of the term was probably an outgrowth of the *Atharva* Vedic connotation which also continues in the *Rāmāyaṇa*. As discussed earlier, the *Atharva* Vedic passages as well as the *Rāmāyaṇa* refer to *āpat* primarily in the context of destruction or fall during battles and in the context of premonition of misfortunes. Considering the fact that Kauṭilya was primarily concerned with the safeguard of the king and the state, falling into adverse situations during battles was naturally regarded as a misfortune and as the author was concerned with the welfare of the state and the king; Kauṭilya discussed strategies to prevent such occurrences. *Āpat* is therefore not merely

³² R. Shamasastri, (tr.), *Kautilya’s Arthasastra*, SreeRaghuvēer Printing Press, Mysore, 1951 [1915] has been used for the study and translation of the verses unless otherwise mentioned.

seen as a crisis but a crisis that should be apprehended and therefore must be controlled by all possible means. For instance, Kauṭilya mentions that among the various qualities present in a royal priest, one of the important qualities is his ability to prevent calamities through the performance of *Atharva* Vedic rites. In the passage, the meaning of *āpadām* clearly conveys an imminent danger or an apprehension of a calamity.

“*purohitam uditoditakulaśīlaṃ sāṅge vede daive nimitte daṇḍanītyāṃ cābhivinītam āpadām daivamānuṣṅhām atharvabhir upāyaiśca pratikartāraṃ kurvīta*” [AŚ 1,9, 9.1]

“Him whose family and character are highly spoken of, who is educated in the Vedas and the six aṅgas, is skilful in reading portents, providential or accidental, is well versed in the science of government, and who is obedient and who can prevent calamities, providential or human, by performing such expiatory rites as prescribed in the *Atharva Veda*, the king shall employ as High Priest.”

Other references in the *Arthaśāstra* demonstrate that any situation of crisis emerging out of either an external attack by an enemy or a natural calamity is denoted by the term *āpad*. *Āpad* is called ‘*daivamānuṣṅhām*’ [AŚ 1.9,9.1] – providential or human. The term is employed in those contexts where a strategy to prevent unforeseen crises are discussed. For instance, in the section on the construction of forts, it is mentioned that in anticipation of a crisis the king must have his treasury (*kośa*) at the centre of his kingdom which is surrounded by forts on all sides and is considered the most secure location of the kingdom. Similarly, the term *āpadartham* is used to mean the fund preserved in anticipation of a financial crisis. It is also recommended to

construct a secure building to contain enough treasure to be used during a crisis. The following passages illustrate the point:

“*teṣāṃ nadīparvatadurgam janapadārakṣasthānam dhānvanavanadurgam aṭavīsthānam āpadyapasāro vā*” [AŚ 2,3, 2.1]

“Or having no refuge in times of danger, the king may have his fortified capital as the seat of his treasury.”

“*janapadānte dhruvanidhim āpadartham abhityaktaiḥ kārayet*” [AŚ 2,5, 4.1]

“He may employ outcaste men to build at the extreme boundary of the kingdom a palatial mansion to hold substantial treasure against dangers and calamities.”

According to the *Arthaśāstra*, critical situations are to be anticipated and measures must be taken to prevent them. Thus, *āpad* in the *Arthaśāstra* is an independent term and in essence means an ‘unforeseen crisis’ or an ‘imminent danger’. An important aspect of *āpad* in the text is that it was used fundamentally in connection with the state’s policy where an anticipation of a critical situation is considered the responsibility of the king and his ministers and appropriate measures to prevent them are taken in advance.

The usage of the term must be differentiated from other terms which were employed to denote crisis or distress like *vyāsana* and *kṛcchra*. While *vyāsana* and *kṛcchra* are terms employed for crisis or distress, *āpad* denotes a crisis that is anticipated and could be overcome through either Vedic spells or through state strategy. Thus, the meaning of *āpad* in *Arthaśāstra* is an interesting convergence of premonition and prevention.

The *Arthaśāstra* rendered a stable meaning to *āpat* which became crucial in the formulation of the notion of *āpaddharma*. *Āpat* began to have a qualified and specific connotation. Prediction of a crisis and preventing it became the

key aspects of the term. These aspects of the term continue in the texts of the *dharma* tradition viz., the *Dharmasūtras* and the *Dharmasāstras*. The meaning of ‘an unforeseen crisis’ is preserved, however, within a changed context. The context of an ‘impending danger’ shifts from the state perspective as found in the *Arthasāstra* to the context of the four varṇas into which the society was segmented in the normative literature.

iii. *Āpat/ Āpad* in the *Dharmasūtras*³³

The *Dharmasūtras* of Āpastamba, Gautama, Baudhāyana and Vasiṣṭha discuss *āpat/āpad* in the context of preventing an unforeseen crisis that may emerge due to the lack of livelihood for the brāhmaṇas or may endanger the performance of essential ritual practices. The subject of the *Dharmasūtras* is to instruct individuals in their conduct, i.e. *dharma*, based on *varṇa* and their forms of livelihood (*vṛtti*). However, since the rules for the *brāhmaṇa varṇa* in particular were more highlighted in the *sūtras*, the discussion of *āpad* was also dealt in the same pattern with primary attention on the *brāhmaṇas* and activities relating to them.

For instance, Baudhāyana, while dealing with injunctions relating to ritual bathing and libations, instructs the twice-born *varṇas* to offer water to the ‘gods, sages and ancestors’ upon waking up in the morning. But he instructs that the water that is confined in tanks, wells or dams should not be used for

³³ P. Olivelle, (tr.), *Dharmasūtra Parallels: Containing the Dharmasūtras of Āpastamba, Gautama, Baudhāyana, and Vasiṣṭha*, Motilal Banarsidass Publishers, Delhi, 2005, has been used for the translation of the Sanskrit verses of the *Dharmasūtras* unless otherwise mentioned.

this purpose because it is assumed that the person who constructed the embankment shall obtain the merit of the offering. Subsequently, however, this rule is relaxed because in a time of distress (*āpat*) water can be taken from any accessible place. The priority to perform the libations is distinctly given precedence over the problems of where one accesses the water. Therefore, the anticipated crisis is clearly the possibility of non-performance of the rituals. Therefore the norm is relaxed so that the ritual of libation may thrive.

*tasmātparkṛtānsetunupāśch parivarjayediti! Athāpyudāharanti! Udṛtiya vāpi
tṛṇpindākyurdāpatsu no sadā! Niruddhāsu tu
mṛttipandānkupātrinvyaghantāstheti! [BDS 2.5-7]*

“Let them not use water that is confined, for then the builder of the dam will obtain a share of that offering. Therefore, let him avoid dams and well built by others. Now, they also quote, : “Or else after taking out three lumps of mud, he may use confined water in a time of adversity but not regularly; from a well he should take out three lumps of mud, as well as three potfuls of water.”

Similarly, Gautama says that if there is a crisis one should recite the rules of conduct mentally.

“manasā vā tatsamagramācāramanupālayedāpatkalpa”! [GDS 9.67]

“The rule for times of adversity is that he should observe all the rules of conduct mentally.”

In the *Dharmasūtras* of Āpastamba, Baudhāyana and Vasiṣṭha, *āpat* is discussed occasionally and in those contexts when any particular injunction is relaxed. The *Dharmasūtra* of Gautama is however, an exception in this regard because all the norms being relaxed are collectively discussed under one category called *āpatkalpa*. Adam Bowles says that the Gautama *Dharmasūtra* could be considered to be a significant moment in the treatment of the problem

of distress since *āpatkalpa* can be considered to be a conceptualization anticipating the notion of *āpaddharma*.³⁴

The other context in which *āpat* is discussed is when a *brāhmaṇa* is unable to earn his livelihood according to the prescribed norms. In anticipation of such a condition, the prescribed norms of livelihood are relaxed and a *brāhmaṇa* is allowed to switch his occupation. He is allowed to earn through *vaiśya* or *kṣatriya* mode of living, i.e., through trade or picking up arms. Moreover, he is allowed to be taught by a non- *brāhmaṇa* (a *kṣatriya* or a *vaiśya*) in case there is an absence of a teacher.

“*āpatkalpo brāhmaoasyābrāhmṇād vidyopayogat! Anugamanau śuśrūsā ! samāpte brāhmaṇo guruḥ ! yājanānādhyāpanapratigrahaḥ sarveṣm ! pūrvaḥ pūrvo guruḥ ! tadalābhe kṣatravṛttiḥ! tadalābhe vaiśyavṛtth ! tasyāpaṇyam! gandharasakṛtānnaśāṇa saumājīnāni!raktanirṇikte vāsasī!kṣīram savikāram!mūlaphalapuupauuadhamadhūmāṣatṛṇadakāpathyāni!paśvaś cahiṃsāsāmyoge! puruśavaśākumārivehataś ca nityam! bhūmivrihiyāvyāvauabhadhenvanaouhadcaik! niyamas tu!rasānāṃ rasah ! paśūnāṃ ca !na lavaṇakṛtānnayoḥ! tilānāṃ ca! samenāmena tu pakvasya saupratyarthē| sarvathā vṛttir aśaktāv aśaudreṇa ! tad apy eke prāṇasaṃśaye ! tadvarṇasaaukar bhakuyaniyamas tu!prāṇasaṃśaye brāhmaṇo 'pi śaṣtram ādadita! rājanyo vaiśyakarma !” [GDS 7.1-26]*

“These are the rules for times of adversity. A *brāhmaṇ* may receive vedic instruction from non-*brāhmaṇ*. He should walk behind and obey him. When the study has finished, the *brāhmaṇ* becomes the more honourable of the two. He may officiate at sacrifices for, teach, and accept gifts from people of all classes; each preceding livelihood being more honourable. When these livelihoods are impossible, then one may adopt the livelihood of a *kṣatriya*. When these are impossible, then he may adopt the livelihood of a *vaiśya*. He should not

have trade in the following goods : perfumes, seasonings, prepared food, sesame seeds, hemp and linen, skins, garments dyed red or washed, milk and milk products, roots, fruits, flowers, medicines, honey, meat, grass, water, poisons, and animals for slaughter and, under any circumstances, human beings, barren cows, heifers and pregnant cows. According to some, one may also not trade in land, rice, barley, goats, sheep, horses, bulls, milch-cows and oxen. One is restricted to bartering condiments for condiments and animals for animals; but not salt, prepared food or sesame seeds. One may, however, exchange uncooked food for an equal amount of cooked food for immediate use. When none of this is possible, one may sustain himself by any livelihood

³⁴ Adam Bowles, *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mahābhārata*, Brill, Leiden. Boston, 2007, p.40

except that of a *sūdra* ; even that some permit when there is danger to his life; but, even then one is not allowed to mix with that class or eat forbidden food. When there is danger to his life, even a *brāhmaṇ* may use arms, and a *kṣatriya* may resort to the livelihood of a *vaiśya*.”

The additional attribute of *āpad* in the *Dharmasūtras* is the notion of relaxing the prescribed norms in case there is an apprehension of a critical condition. The *Dharmasūtras* appropriate the term *āpat* to suggest an anticipated crisis for a *brāhmaṇa* and it is managed through a temporary abrogation of a set of rules prescribed for the *brāhmaṇa*. Therefore, the most important crisis that is foreseen in case of a *brāhmaṇa* is a lack of a livelihood that may emerge from strictly following the normative modes of living. Hence, in anticipation, such a restriction is relaxed. The idea of crisis that we get from the *sūtras* is intricately related to socio-religious aspects. Within the socio religious sphere, the *brāhmaṇa* was of prime significance along with the ritual performances of the twice born classes. From the perspective of the texts, the preservation of the *brāhmaṇa varṇa* as a social category seemed to be of ultimate significance. Hence, any threat to the *brāhmaṇa* was assumed to lead to social and religious instability leading to a situation of distress or crisis. Since the prime purpose of the *āpad* injunctions were to control such situations, clauses were made so that the factors of utmost importance could be maintained and preserved. Therefore, rules were laid down in a manner that the *brāhmaṇa varṇa* along with the ritual injunctions could be upheld.

iv. *Āpat/ Āpad* and *Āpaddharma* in the *Dharmaśāstras*³⁵

With the emergence of the *Dharmaśāstra* tradition in the early centuries of the Common Era, the use of the term *āpad* becomes more pronounced. The meaning of the term evolves into an organized and well defined concept which leads to the formulation of *āpaddharma* - a category of law designed in anticipation of a crisis. The *Manusmṛti* is an important moment in the history of *āpad* and *āpaddharma*. The text not only uses the compound term *āpaddharma* for the first time but also treats the subject elaborately and defines it most carefully.

The previous understanding of *āpad* as an ‘unforeseen crisis’ is maintained and the tradition of relaxing norms under such situations is retained. However, there is an increase in the number of rules entering the fold of *āpaddharma*.

Patrick Olivelle, in his translation of the text, says that the text can be divided into four distinct categories based on the subjects being discussed. They are: the creation of the world, sources of *dharma*, *dharma* of the four social classes and law of *karma*, rebirth, and final liberation. Among the various subjects dealt by Manu, Olivelle observes, the *dharma* for the four social classes has been dealt most extensively and comprehensively. This section has two major sub divisions, the first is called *dharmavidhi* (rules relating to *dharma*) and the second is called *prāyaścittavidhi* (rules relating to penance). The first subdivision *dharmavidhi* is further divided into two subsections called *anāpadi*

³⁵ P. Olivelle, Patrick, (tr.) *Manu's Code of Law: A Critical Edition and translation of Mānava-Dharmaśāstra*, New Delhi: Oxford University Press, 2007 [2004] has been used in this and the subsequent chapters for the translation of the Sanskrit verses unless otherwise mentioned.

karmavidhi (rules of action in normal times) and *āpadi karmavidhi* (rules of action of abnormal times). It is within the latter subsection that *āpaddharma* norms are expressly dealt by Manu. By incorporating the norms of *āpaddharma* as a part of *dharmavidhi*, the *Manusmṛti* acknowledges *āpaddharma* as an autonomous and legitimate category of law. Manu also says that if the rules are followed properly by all the classes, they may attain the ultimate level of existence.

“*ete caturṇām varṇānām āpaddharmāḥ prakīrtitāḥ!*” [MS 10.130]

“I have described above the Laws for the four classes during times of adversity; when they are properly followed, people attain the highest state.”

Its legitimacy is further emphasized by Manu by referring to the fact that it was a unanimous decision of the gods and the great *brāhmaṇas* to create a substitute for laws to be followed during a crisis.

“*viśvaiścha devaiḥ sādhyaiścha brāhamaṇaiścha mahārśhibhiḥ
āpatsu maraṇād bhītair vidheḥ pratinidhiḥ kṛtaḥ!*” [MS 11.29]

“All the gods, the Sadhyas and the great Brahmin sages, afraid of death during times of adversity, created a substitute for the rule.”

The most crucial defining feature of *āpaddharma* was the importance of saving the self- most commonly from death. While there could be circumstances when several important aspects are at stake, but the ultimate is the self. By protecting the self one is in a position to protect everything else. Manu explains through a relative comparison,

“*āpadartham dhanam rakṣed dārān rakṣed dhanair api!*” [MS 7.213]

“a man should save his wealth for a time of adversity, save his wife even at the cost of his wealth, and always save himself even at the cost of his wife and wealth.”

The formulation of the laws of crisis continued to essentially revolve around the *varṇa* norms in the *Manusmṛti*. Since the text dealt with all the four *varṇas* more comprehensively unlike the earlier texts, it was also reflected in the pattern in which *āpaddharma* norms were devised. The most significant expansion in the treatment of the subject was the extension of *āpaddharma* to include all the four *varṇas* of the society.

“*kṣatriyo bāhuvīryeṇa tared āpadam ātmanaḥ
dhanen vaiśya śūdrau tu jap humair dvijātam!*” [MS 11.34]

“A *kṣatriya* overcomes his adversities by the power of his arms, a *vaiśya* and a *śūdra* by means of his wealth; and a Brahmin by means of soft recitation and sacrifices.”

Evidently, one of the forms of crises predicted by the text was the inability of the four *varṇas* to function within the limits of *varṇadharmā*. Therefore, norms of *āpaddharma* were prescribed which were aimed at anticipating the failure to function within the limits of *varṇadharmā*. In order to preserve the social orders in situations of crisis, it required framing the laws outside the standard norms of livelihood and social conduct. Thus, the law of crisis emerged as an offshoot of the laws of normal times which could also be called exceptions to the general laws.

<i>Varṇa</i>	Means of livelihood in normal times <i>(anāpadi karmavidhi)</i>	Means of livelihood in abnormal times <i>(āpadi karmavidhi)</i>
<i>brāhmaṇa</i>	Teaching and studying, offering sacrifices and officiating at sacrifices, giving and accepting gifts.	Can take up the occupation of a <i>kṣatriya</i> and <i>vaiśya</i> , but never a <i>śūdra</i> . By teaching, officiating at the sacrifices of, and accepting gifts from anybody including a <i>śūdra</i> .
<i>Kṣatriya</i>	Use of arms and weapons	Can live by any means but never by the occupation of the superior <i>varṇa</i> .
<i>vaiśya</i>	Trade, animal husbandry and agriculture.	Can live by occupation of as <i>śūdra</i> i.e. by serving the upper <i>varṇas</i> .
<i>śūdra</i>	Serving all the higher <i>varṇas</i> .	Can live by the activity of the artisans.

The centrality of the term *āpad* in the *Manusmṛti* can be observed by the fact that Manu uses the term “*anāpadi*” to indicate a condition of normalcy; one may also translate the term as an “absence of crisis”. Manu’s use of the term

may suggest that he relates a normal and stable condition with the absence of a crisis. Hence, one can identify the growing significance of the term *āpad* and *āpaddharma* not only in the *Manusmṛti* but also in the overall context of early India.

The *śāstras* continue to be concerned with the *brāhmaṇas* in the context of *āpad*. The *brāhmaṇa* is not only allowed to shift to an alternate occupation in crisis but also allowed to extend his activities within his specified *varṇadharmā*. In normal circumstances, a *brāhmaṇa* is distinguished from the *śūdras* by limiting his interaction with them. Rules are imposed upon him especially through the restrictions on accepting food and gifts from *śūdras*, consuming forbidden food meant for them and officiating at sacrifices for them. However, this major rule is relaxed when the *brāhmaṇa* falls in a crisis. He is allowed to accept food from anybody including a *śūdra*, may consume any forbidden food and offer sacrifices for them. *Manusmṛti* permits a *brāhmaṇa* to broaden the scope of sustaining himself by performing the functions pertaining to his own *varṇa* which included, teaching or sacrificing for anybody including a *śūdra* or accepting gifts from anybody. Manu states,

“vaiśyavṛttim anātiṣṭan brāhmaṇaḥ sve pathi sthitaḥ! Avṛttikarṣitaḥ sīdanna idaṃ dharmam samāchareta! Sarvataha pratigrhyād brāhmaṇas tva anayaṃ gataḥ! Pavitram duṣyati ityeda dharmato na upapaddate! Na adhyāpanād yājanād vā garhitād vā pratigrhāt! Doṣo bhavati viprāṇam jvalam ambu samāhite!” [MS 10.101-103]

“A Brahmin firmly committed to his way of life and unwilling to follow the Vaiśya occupations may pursue the following law when he is languishing through lack of livelihood. A Brahmin who has fallen on hard times may accept gifts from anybody; that something pure can be sullied is impossible according to the Law. By teaching, officiating at the sacrifices of, and accepting gifts from despicable individuals, Brahmins do not incur any sin, for they are like fire and water.”

Deprivation of food or hunger in general is considered a matter of grave crisis.

Manu says,

“*jīviātayayam āpanno yo nnam atti tatas tataḥ*” [MS 10.104]

“When someone facing death eats the food given by anyone at all, he remains unsullied by sin as the sky by mud”

Examples of brāhmaṇas deprived of food are specifically mentioned. For example, various ascetics, in extreme case of poverty and starvation either accepted gifts or forbidden items of food from the lowest orders of the society without incurring any sin. Sage Ajīgarta killed his son to eat him without incurring a sin; Vāmadeva and Viśvāmītra accepted forbidden food from forbidden classes because of extreme hunger; Bharadvāja accepted gift of cows from a carpenter, called Bṛbu. [MS 10.105-108] ³⁶ A *brāhmaṇa snātaka* is advised even to forsake a king if he refuses to assist him in crisis especially when he is deprived of food or without a livelihood. Manu states, “When Brahmin bath graduates are in dire straits and want wares or money, they should petition the king; if he refuses to give, they ought to abandon him.” [MS 10.112] ³⁷

Besides the crisis relating to the problem of livelihood, the other important critical situation dealt in the *Manusmṛti* relates to the system of *niyoga*. *Niyoga* is the appointment of a wife or a widow to procreate a son through

³⁶ *Ajīgartaḥ sūtam hantum upāsarpad bubhukṣītaḥ! Na aliptayat pāpeṇ kṣutpratīkāram ācaran! Śvamaṃsam icchanna ārto attumdharmā adharmavicakṣṇaḥ! Prāṇāṇam pratirakṣārtham vāmadevo na liptavān! Bharadvājaḥ kṣudhārtas tu sa putro vijen vane! Bahivargāḥ pratijagrāḥ vṛghos takṣaṇo mahātapāḥ! Kṣudhārtas ca antum abhyāgād Viśvāmītraḥ śvajādhnim! Caṇḍālahastād ādāya dharmā adharmavicakṣaṇaḥ!*

³⁷ *Śīla uncham apyādadīta vipro a jivan yatas tataḥ! Pratiḡhāt śīlaḥ sreyāṅs tato apyunchaḥ praśasyete!*

intercourse with an appointed male.³⁸ The practice is undertaken if a woman's husband is unable to beget a male progeny or has died before impregnating his wife. The son born out of *niyoga* is called *kṣetraja* and is considered legitimate like a natural son of the father who is the owner of the wife or widow (*kṣetrin/kṣetrika*). The appointed male known as the *bījin/ niyogin* is merely the begetter of the offspring and holds no right over the progeny.³⁹ The importance of a son in ancient Indian society is unmistakable. The *Manusmṛti* considers procreation of a son as a need and a duty. It is supported in the text through various ritual and social discourses. Rules relating to *piṇḍa dāna*, pious obligation to pay the debts of the father, duty of a man to beget a son to repay the debt to the *pitṛs* and many other such provisions were woven to strengthen the significance of a son in the established social order. Therefore, absence of a son was naturally of serious implications which justified the need of the system of *niyoga* in search for alternative methods to procreate a son.

The earliest references to practices like *niyoga* are found in the *Ṛg* and *Atharva Veda*. According to Smita Sahgal, "*niyoga* was institutionalized in societies of pastoralists and early farmers. The term received its formalization much later but practices akin to it could be cited right from the days of the social set up reflected in the *Riksamhita*."⁴⁰ Therefore, while the system dates to the early Vedic times, it enters the fold of *āpaddharma* in the *Manusmṛti*. The absence of a son is considered a crisis and hence the practice of *niyoga* as a management of the crisis gets newly articulated within the framework of

³⁸ P.V. Kane, *History of Dharmasāstra*, Vol. II, Part I, Bhandarkar Oriental Research Institute, Poona, 1974, p. 599

³⁹ *Ibid*, p. 599

⁴⁰ Smita Sahgal, "*Niyoga* [Levirate]: Conflict Resolution to Bruised Masculinity in Early India," *International Journal of Social Science and Humanity*, Vol. 6, No. 4, April 2012

āpaddharma. Manu discusses the rules of *niyoga* by stating that there are norms for women who have fallen in crisis. Manu states, “I have described to you above the relative importance of seed and the womb. Next I shall explain the Law pertaining to women during a time of adversity.” [MS 9.26]

“*devarād vā sapiṇḍād vā striyā samyav niyuktayā! prajā īpsitā adhiganatavyā santānasya parikśaye!*” [MS 9.59]

“If the line is about to die out, a wife who is duly appointed may obtain a desired progeny through a brother- in- law or a relative belonging to the same ancestry”

One of the most essential aspects of *āpaddharma* was the concomitant transgression of norms. The relaxation of norms which was allowed by the *Manusmṛti* not only amounted to a deviation from the principle rules of conduct but also invalidates the established system of law. Doniger aptly observes that “*āpaddharma* is the deconstruction of Manu’s own construction.”⁴¹ This feature of the law naturally had implications; it disrupted the *varṇa* order and the ethics of marriage. Manu appears to be aware of the consequences and his anxiety is unmistakable. In order to control the implications, every *āpaddharma* norm is appended with clauses which limit its implementation only to specific situations of crisis. Following *āpaddharma* norms are thus considered *adharmā* if not followed according to prescriptions. Manu states that there is no reward for following *āpaddharma* when one follows it in the form of a principle rule.

⁴¹ Wendy Doniger and Brian K. Smith (trans.), *The Laws of Manu*, Penguin Books India, New Delhi, 1991, p. liii

“āpatkalpena yo dharmam kurute 'nāpadi dvijaḥ! prabhuḥ prathamakalpasya yo anukalpena vartate nā sāmparayikaṃ tasya du marter viddate falam! [MS 11. 28; 11. 30]

“When during a normal time, a twice born follows the law according to the mode for time of adversity, he will not receive its reward after death- that is indisputable. When someone, though able to follow the principle mode, yet lives according to secondary mode, that fool will obtain no reward after death.”

Moreover, specific care is to be taken while performing the practice of *niyoga*. Neither should the practice be indulged out of lust nor without necessity. Anyone indulging in *niyoga* outside what is prescribed shall lose their caste. Manu states that “except in a time of adversity, if an older brother has sex with his younger brother’s wife or a younger brother with his older brother’s wife, they become outcastes, even if they have been duly authorized.”[MS 9.58]

In order to maintain the *varṇa* hierarchy especially that of the *brāhmaṇas*, *āpaddharma* norms were devised to restrict any upward movement in the *varṇa* hierarchy even during a crisis which is evident from the fact that a *brāhmaṇa* is allowed to take up *kṣatriya* and *vaiśya* mode of occupation but none of the lower *varṇas* was allowed to take up the superior modes of living even during a crisis. Manu says that a king may confiscate or exile a person who takes up a superior mode of earning during a crisis. Manu states in the context of a *kṣatriya*, *vaiśya* and *śūdra* that,

*“jived eten rājanyaḥ sarveṇ apyanayaṃ gataḥ!
na tva eva jayāmsiṃ vṛttim abhimanyate karhi chit!
yo lobhad adhamo jātyā jived utkrta karmabhiḥ!
tam rāja nirdhanaṃ kṛtvā kṣipram eva pravāsayet!
vaiśyo a jīvan svadharmeṇ svavṛtṭyā api vartyayeta!
anācharanna kāryāṇi nivarteta cha śaktimān!
aśknuvansam tu suśruṣām śūdraḥ kartum kartu dvijanmanām!
putra dārātyayām prāpto jiveta kāruk karmabhiḥ!”*
[MS 10. 95, 96, 98, 99]

“A *kṣatriya* who has fallen on hard times may earn his living by all the above means but under no circumstances should even think of living by a superior occupation. If a man of inferior birth out of greed lives by the activities specific to his superiors, the king shall confiscate all the property and promptly send him into exile. When a *vaiśya* is unable to sustain himself through a law proper to him, he may live by the occupation of even a *śūdra*, refraining, however, from forbidden acts; and should discontinue when he is able. When a *śūdra* is unable to enter into the service of twice born men and is faced with the loss of his sons and wife, he may earn a living by the activities of artisans—that is the activities of artisans and various kinds of crafts the practice of which best serves the twice born”

The discussion on the *dharma* literature suggests that the term *āpad* preserved the *Atharva Veda- Arthaśāstra* connotation of ‘unforeseen crisis’ or an ‘impending danger’. As a simultaneous development, through the concept of *āpaddharma*, these texts also incorporated the Brāhmanic- Buddhist connotation of ‘transgression of precepts’ within its understanding. Therefore, the Brahmanical normative definition of *āpaddharma* was a convergence of the two connotations. However, the new dimension added to the concept by the normative literature was the granting of legitimacy to the act of transgressing the precepts. Moreover, the Buddhist understanding of *āpatti* (a transgression) as context-based, which may also lead to a total exemption from punishment, is integrated within the concept of *āpaddharma*.

v. *Āpat/Āpad* and *Āpaddharma* in the *Mahābhārata*⁴²

The *Mahābhārata* is the next stage in the development of the concept of *āpaddharma*. The text is significant because *āpaddharma* is not only cited throughout the text but also receives a narrative platform to explain and define the concept more distinctly. It is interesting to note that *āpaddharma* is not only cited often in the text but is also recommended and followed by some of the major characters in the narrative. The most elaborate treatment of *āpaddharma*, however, is found in the *Āpaddharmaparvan*, a subsection of the *Śāntiparvan*, which is the twelfth book of the *Mahābhārata*.

The *Śāntiparvan* narrates the series of events that happen after the conclusion of the war of Kurukṣetra and before the crowning of Yudhiṣṭhira as the king of Hastināpura. The *parva* begins with Yudhiṣṭhira's disillusionment with the duties of *kṣatriyas* which he considers cruel and characterized with violence and force. Hence wishes to renounce the throne and adopt an ascetic mode of life. The *parva* proceeds towards Yudhiṣṭhira's agreement to accept the role of the king of Hastināpura after being convinced by his family, prominent brāhmaṇas and Bhīṣma. The *parva* primarily revolves around the conversation between Yudhiṣṭhira and Bhīṣma, who counsels him in detail about the duties of a ruler. The *Śāntiparvan* serves as a didactic section with its primary objective of instructing on *dharma* with a special focus on *rājadharmā* (laws

⁴² J. Fitzgerald, (tr.), *The Mahābhārata*, vol.7, Chicago University Press, Chicago, 2004 has been used for the translation of Sanskrit verses of Book 12 of the *Mahābhārata*. K.M. Ganguli, (tr.), *The Mahabharata of Krishna-Dwaipayana Vyasa Translated into English Prose from the Original Sanskrit Text*, 19 vols, Munshiram Manoharlal, New Delhi, 1973-1975 has been used in this and the subsequent chapters for the translation of the Sanskrit verses of Books 1-11, 13-18 of the *Mahābhārata*.

or duties of the kings). The *Āpaddharmaparvan* is an extension of the *Rājadharmaparvan* and it is within the context of discussing the duties of the kings that *āpaddharma* is also discussed highlighting the code of conduct for kings during crisis.

The *Mahābhārata* furnishes an appropriate definition of *āpaddharma* and renders a mature ground to provide a philosophy of *āpaddharma*. The focus of the text is to re-conceptualize the meaning of law and legality from various perspectives and in the process, the concept of *āpaddharma* is used to redefine the purpose and function of *dharma*. In other words, the creation of a discourse on *āpaddharma* was to construct a new notion of *dharma* which was separate from the canonical understanding of *dharma*. It was designed with a twofold purpose - firstly as an act which is motivated towards preservation or sustenance and secondly as an act which facilitates desired outcomes. In an attempt at this redefinition, *āpaddharma* acknowledges the limits of codified norms to address every type of situations and hence provides an acceptable alternative outside the prevalent understanding of *dharma*. The prime proponents of *āpaddharma* in the text are Kṛṣṇa and Bhīṣma, who are repeatedly seen to explicate its definition as an ideology of existence and self-preservation. Through the ideals of *āpaddharma*, the root *dhṛ* which means to 'uphold' or 'sustain' is reinforced. Thus, *dharma* does not merely mean rigid observance of scriptural laws and acknowledges the fact that if following the scriptures cannot serve its purpose, one should discard those in favor of another set of rules so that the ultimate intent of *dharma* can be upheld. That is why both Bhīṣma and Kṛṣṇa consider *dharma* to be subtle and difficult to grasp. It is only through proper reflection and intelligence that one understands

the correct course of action rather than rigid observance of norms. Bhīṣma in the *Āpaddharmaparvan* clearly states that intelligence is more important than Law and that one cannot attain sustenance by strictly following Law.

“*prākoṣaḥ procyate dharmo buddhirdharmādgarīyasī dharmam prāpya
nyāyavṛttimbalīyānna vindati* ” [Mbh 12.128.14]

“Law is said to need treasure first of all. Intelligence is more important than Law. And he who is not very strong does not find proper sustenance just by adhering to Law.”

Apart from Bhīṣma, Kṛṣṇa also emphasizes the limits of codified norms and the significance of critical judgment. For instance, Kṛṣṇa, in the *Karṇaparvan*, rebukes Arjuna for having resolved to kill his elder brother Yudhiṣṭhira who asked him to abandon his *gāṇḍīva* which failed to serve him to kill Karṇa in the battle. Arjuna replies that he had sworn to kill anyone who asks him to give up his *Gāṇḍīva* and by killing his brother he would uphold his vow. Arjuna says, “I would cut off the head of that man who would tell me ‘Give thy Gandiva to another person.’ Even this is my secret vow. Those words have been spoken by this king, O thou of immeasurable prowess, in thy presence, O Govinda! I dare not forgive them. I will for that slay this king who himself fears the slightest falling from virtue. Slaying this best of men, I will keep my vow. It is for this that I have drawn the sword, O delighter of the Yadus.” [Mbh 8.68] Severely criticizing this promised act, Kṛṣṇa tells Arjuna that he is misinterpreting his action of keeping his vow as a virtue and in the process is going to execute the most sinful act of killing a righteous man who does not deserve to be killed for the offence he committed. He says, “In consequence of that vow thou art now, from folly, desirous of perpetrating a sinful act. Why, O Partha, dost thou rush towards thy reverend superior for slaying him, without

having resolved the exceedingly subtle course of morality that is, again, difficult of being understood?" [Mbh 8.69]

Kṛṣṇa further states that one must be able to discriminate between what is true and what is not and should not commit a sin just by trying to uphold what is apparently true but is a wrong action. One must therefore exercise one's judgement and may consider taking recourse to falsehood if it yields the right outcome. Further, he explains those situations when one may transgress the scriptural norms. Kṛṣṇa's states, "one who speaks truth is righteous. There is nothing higher than truth. Behold, however, truth as practised is exceedingly difficult to be understood as regards its essential attributes. Truth may be unutterable, and even falsehood may be utterable where falsehood would become truth and truth would become falsehood. In a situation of peril to life and in marriage, falsehood becomes utterable. In a situation involving the loss of one's entire property, falsehood becomes utterable. On an occasion of marriage, or of enjoying a woman, or when life is in danger, or when one's entire property is about to be taken away, or for the sake of a Brahmana, falsehood may be uttered. These five kinds of falsehood have been declared to be sinless. On these occasions falsehood would become truth and truth would become falsehood. He is a fool that practises truth without knowing the difference between truth and falsehood. One is said to be conversant with morality when one is able to distinguish between truth and falsehood." [Mbh 8.69]

Supporting his arguments, Kṛṣṇa cites the story of the famous sage Kauṣika who acquired demerit by speaking the truth which was not the right thing to do

in the situation he faced. The story recounts that Kauśika once took a vow of telling the truth throughout his life. One day a group of bandits were chasing some travelers with the intention of killing them. Kauśika was sitting nearby and saw the travelers pass by who requested him not to show the bandits the way they fled. Soon the bandits arrived and, knowing that the sage would not lie, asked him about the way the travelers took and Kauśika told them the truth. As a result the travelers were caught and killed.⁴³ Kṛṣṇa says that Kauśika did not attain heaven because he did not do what was right for him in the context and his adherence to truth at the wrong time and place led to the loss of innocent lives. He states that following the rules of *āpaddharma*, Kauśika could have withdrawn his vow of telling the truth for the moment which would have been the right thing to do.

Interestingly, Kṛṣṇa also suggests Arjuna to withdraw his vow without incurring any guilt. However, in case, he wishes to execute his vow of killing Yudhiṣṭhira for insulting his possession of *Gāṇḍiva*, he may do so by addressing him once with disrespect which would kill him symbolically. Kṛṣṇa explains, “Thy vow also, O Arjuna, should be kept. Listen now to my counsels that will be agreeable to thee, to counsels in consequence of which Yudhishtira without being actually deprived of life may yet be dead. As long as one that is deserving of respect continues to receive respect, one is said to live in the world of men. When, however, such a person meets with disrespect, he is spoken of as one that is dead though alive. This king hath always been respected by thee and by Bhima and the twins, as also by all heroes and all persons in the world that are venerable for years. In some trifle then show him

⁴³ B.K.Matilal (ed.), “*Moral Dilemmas in the Mahābhārata*”, Motilal Banarasi Dass, 1989, p. 9

disrespect. Therefore, O Partha, address this Yudhishtira as 'thou' when his usual form of address is 'your honour.' A superior, O Bharata, by being addressed as 'thou,' is killed though not deprived of life.”

One is reminded of an episode in this context of a similar suggestion offered by the queen Satyavatī to Bhīṣma in the *Ādiparvan* of the *Mahābhārata*. In the context of the dynastic crisis that confronted the Kuru family with the premature death of the intended successor of the *Bharata* dynasty, Vicitravīrya, without ensuring the future of his ancestral line through the birth of an heir to the throne. Before the family proceeded towards a complete disintegration, Satyavatī tried to seek the assistance of Bhīṣma, the elder half-brother of Vichitravīrya, to ensure a dynastic survival by fathering sons on Vicitravīrya’s wives by appealing to the special law functioning in such situations called *niyoga*. Bhīṣma characterized *niyoga* as high *dharma* but had to refuse Satyavatī’s approach on the grounds of his earlier vow of celibacy. In response, Satyavatī says that such a crisis justifies the invocation of *āpaddharma* which permits him to recant his words for the sake of carrying forward the lineage.

The examples cited above suggest an important development in the definition of *āpaddharma*. The text propounds *āpaddharma* as that space where the course of action is not decided by scriptures but according to one’s judgement of right and wrong action which is determined by one’s intent behind a course of action. Bhīṣma in the *Āpaddharmaparvan* expresses that “One type of action is what is done for the sake of a good object, another type is to counter what is opposed, and another is what is done for the sake of an evil object- that

is the complete characterization of purposes. Thus may a sharp-witted king use his intelligence well to make a decisive judgment of what should be done.”

[Mbh 12.128.38]

The most interesting development that can be observed in the *Mahābhārata* is the extension of *āpaddharma* in newer directions. The first important development is the incorporation of the king’s crisis within the fold of *āpaddharma*. Unlike the *Manusmṛti*, which is primarily concerned with preserving the *brāhmaṇa*, the *Āpaddharmaparvan* revolves around upholding the kingdom and the *kṣatriya* especially in the capacity of a king. A *brāhmaṇa* is mentioned only as a standard for evaluating the legitimacy of the unlawful action that one is required to undertake during a critical situation. This is clear from Bhīṣma’s statement, “one who is in distress may live by what is not in accordance with the Laws. Indeed this is seen even among Brahmins, when their proper livelihood has dried up. So what doubt could there be for a *kṣatriya*? [Mbh 12.128.24]

Āpaddharma redefines the function of *dharma* as an act which preserves an individual or a kingdom from destruction. In an attempt to survive difficult times, one may act in a way that is most suitable and may go beyond or against the prescribed rules of conduct. Bhīṣma says that, “one must not cause his own ruin. A ruined man can accomplish no Lawful deed, nor do anything for himself or any other by any and all means, that is clear.” [Mbh 12.128.19]

Within this discourse, Bhīṣma particularly focuses on the building up of treasury (*kośa*). Treasury is considered central for a king and is considered a mode of livelihood for him. A lack of sufficient treasure is the greatest crisis

because finance maintains the machinery of the state and protects it from both internal and external threats. Therefore, in case of a financial stress, it is recommended to raise the finance through harsher means. Bhīṣma says, “a treasury cannot be gathered without tormenting others in this world. How could an army be? The king would gather no guilt for causing torment for these purposes.” [Mbh 12.128.35]

2.5. Conclusion

The attempt in this chapter has been to study the origin of the term *āpat/āpad* and provide an account of the series of developments that take place over time leading to the making up of the concept of *āpaddharma*. *Āpat* is an uncommon term in Vedic literature and is far- removed from its early historic usage. The Vedic records indicate that it was used in the form of the verb of ‘to fall’. In the Vedic period, the term was used in the various senses of falling. However, the contexts in which the act of falling was used was either related to falling into an undesirable, tragic or ominous conditions (*Atharva* Vedic connotation) or falling into some form of ritual transgression (*Brāhmaṇic* connotation). Within the Brahmanical tradition the *Atharva* Vedic connotation of *āpat* continued for a considerable period as evident from the references found in the *Rāmāyaṇa* and the *Arthaśāstra*. *Āpat*’s usage in the context of warriors fighting in battle is unmistakable since the act of falling usually indicated the fall of the warriors during a battle; the fall is either predicted through supernatural signs or is actual. The characters in the *Rāmāyaṇa* like Rāma, Lakṣmaṇa or Sugrīva are always seen as defeating the enemy who fall during

the combat. Rāma is also seen as predicting a fall in the battle by observing inauspicious omens and immediately acts to prevent the defeat.

The *Arthaśāstra* visualizes the fall or defeat as a dangerous condition for the king and the state and uses the term *āpat* independently to indicate a crisis, a crisis which must be prevented. Hence, the text employs the term in those contexts of unforeseen crises which may befall in the form of an attack by an enemy state. The *Arthaśāstra*, however, extends the application of *āpat* to include any type of crisis befalling a kingdom which includes natural calamities like flood, famine or drought. Such calamities, he suggests, must be apprehended in advance and the state must be prepared to face them at any time.

The aspects of prediction of a crisis and its prevention are important dimensions of *āpat*. This feature continues in the *Dharmasūtras* and the *Dharmaśāstras* where the term is applied in the context of anticipating and preventing the dangers to the upholding of Brahmanical rituals, the livelihood of the social classes or the continuation of family structure. The features of *āpat* make it suitable to articulate what the provision of *āpaddharma* seeks to achieve. The primary motive of the provision was to prevent a crisis which was the core feature of the term *āpat*.

The influence of Buddhism also needs to be considered for understanding the final semantic development of the term *āpat* and the formulation of *āpaddharma*. As a parallel tradition, the Buddhists used terms like *āpatti*, *apāpata*, *āpanna*, *āpajjhati*, *āpajjeyya* to indicate falling into any particular category of transgression of precepts laid down by the Buddha. The term

āpatti in particular assumed the meaning of transgression of precepts in monastic Buddhism. This aspect seems to have affected the understanding of *āpaddharma* since Manu primarily viewed the *āpaddharma* norms as transgression of precepts but allowed it in anticipation of a crisis.

Āpaddharma was particularly a Brahmanical construct in which flexibility of norms was the essential feature. The ideas propounded through *āpaddharma* suggest an attempt to ascribe the quality of adaptability to Brahmanical normative system. This aspect was probably incorporated in acknowledgement of the efficacy of the flexibility of Buddhism. Wendy Doniger rightly points out that *āpaddharma* is the ‘subtext’⁴⁴ within the ‘central text’ which is created consciously by Manu in acknowledgment of the difficulty in following the central text rigidly in every situation. I would like to argue that while the ‘central text’ remained fundamentally Brahmanical, the ‘subtext’ integrated the heterodox normative elements. This is evident from the fact that some of the essential attributes of *āpaddharma* share the elements of *āpatti* of Buddhism. For instance, *āpaddharma*, like *āpatti*, allowed for total exemption from punishment for certain offences under certain circumstances thereby making offence a context-based action. In some sense, one can extend what Olivelle says about the *āśrama* system to *Āpaddharma*- “Clearly the authors of the system operated within that linguistic world and shared that vocabulary,

⁴⁴ Wendy Doniger, “Rationalizing the Irrational Other: “Orientalism” and the Laws of Manu”, in *New Literary History*, Vol. 23, No1, Versions of Otherness (Winter, 1992), p. 37

even when they stretched the meaning of the term in new and significant directions.”⁴⁵

Regardless of etymological origins, the word *āpat* encompassed a range of meanings which are not easily captured in translated English usages. Therefore, there may be merit in reconsidering how terms are translated and how there exists a relationship between terms and the notions they represent.

⁴⁵ Patrick Olivelle, *The Āśrama System: The History and Hermeneutics of a Religious Institution*, Oxford University Press, USA, p. 8

Chapter 3: Crisis and Exceptions in Monastic

Buddhism: A Study of the *Vinayapi aka*¹

3.1. Introduction

Patrick Olivelle, while discussing the semantic history of *dharma*, remarked that “words do not exist in vacuum; they are used by individuals and groups that have their own histories and interests and that change the meanings of words as they use them.” The historical analysis of the term *pat/ pad* and the development of *paddharma*, as discussed in the previous chapter reaffirm his statement. The semantic evolution of *pad* and *paddharma* testifies that Brahmanism and Buddhism, despite being competing traditions, were largely influenced by each other. This is evident from the fact that both the traditions used the word *pat* and altered its meaning according to their respective requirements. Therefore, adoption and transformation of terms was a simultaneous process.

The limited frequency of the term *pat/ pad* in the Vedic literature and its restrained usage in fixed contexts imply that the term was not central in this period. It assumed greater significance in terms of its increased reference when it gradually evolved into the notion of *paddharma*. *paddharma* was essentially a *Dharma stric* conception; it began with the *Manusm ti* and was

¹ T.W. Rhys Davids and Hermann Oldenberg, (tr.), *The Vinaya Texts*, Parts I, II and III, Sacred Book of the East, vols XIII, XVII, XX, Motilal Banarsidass Publishers, Delhi, 1881- 1885, have been used for the translation of the *P timokkha*, *Mah vagga* and *Cullavagga* sections of the P li *Vinayapi aka*. I. B. Horner (tr.), *The Book of the Discipline*, vols. I-VI, Luzac and Co. Ltd, London, 1949-1966, have been used for the translation of the *Suttavibha ga* and the *Pariv ra* sections of the *Vinayapi aka*.

expanded thereafter by the *Mah bh rata* and the later texts of the *Dharma stra* tradition. The *Manusm ti* is particularly consequential because of the important transition in the meaning that takes place in the text. The crucial development was the introduction of *paddharma* as a provision in which a transgression of a prescribed norm is allowed as a means of resolving an anticipated crisis. It is through the *paddharma* norms that exceptions to prescribed rules are incorporated in the *Manusm ti*.

Scholars like Wendy Doniger, Brian Smith and Patrick Olivelle have demonstrated the profound impact of heterodox traditions, especially Buddhism, in re-shaping the Brahmanical world view represented through the *Manusm ti*. Doniger says, “Manu is a pivotal text of the dominant form of Hinduism as it emerged historically and at least in part in reaction to its religious and ideological predecessors and competitors.”² This chapter seeks to understand the integration of *paddharma* in Brahmanism as an attempt to incorporate specific characteristics of Buddhist law code. In order to understand the influence of Buddhism on Brahmanical law codes, it is essential to examine the nature of the Buddhist legal system. In this chapter, the Buddhist normative tradition as exemplified through the *Vinayapi aka* of *Therav da* Buddhism shall be explored in order to understand the characteristics of the text. The chapter will focus on questions such as how Buddhism perceives and deals with crisis? Is there a parallel provision, similar to *paddharma*, in Buddhism where departures from prescribed norms are allowed as a way to deal with crises?

²Wendy Doniger and Brian K. Smith (tr.), *The Laws of Manu*, Penguin Books India, New Delhi, 1991, p.. xvii

3.2. Buddhist Perception of Crisis

It is essential to begin with Buddhist perception of crisis in order to understand how they sought to resolve it. The Buddhist philosophy begins with an assumption that the world is in crisis. The notion of *dukkha*, usually translated as suffering or pain, formed the starting point of the teachings of the Buddha; identifying the origin of *dukkha* and its destruction formed his goal. Walter Liebenthal says that “Buddha was an existentialist in the sense that he started with the discovery of a crisis which is *dukkha*.”³ The Buddha is said to have acknowledged that all that he preached in his life was about *dukkha* and the termination of *dukkha*. According to the *alagadd pamasutta* of the *Majjhima Nikaya*, the Buddha in the context of discussing the increasing misinterpretation of his doctrine says, “Bhikkhus, both formerly and now what I teach is suffering and the cessation of suffering.”[MN I.140]⁴Rupert Gettin considers this statement as central to Buddhism because he regards it as “expressing the basic orientation of Buddhism for all times and all places.”⁵

The notions of the ‘four noble truths’ (*cattariariyasaccani*) and the ‘chain of causation’ (*paiccasamuppada*) are fundamental concepts of Buddhism surrounding the notion of *dukkha*. The four noble truths talk about the truths of the nature of *dukkha*, the nature of its cause, the nature of its cessation and the nature of the path leading to its cessation. The first truth according to the Buddha was the existence of *dukkha* where existence itself is identified with *dukkha*. Simultaneously, the chain of causation describes the origin and causes

³Walter Liebenthal, “Existentialism and Buddhism”, *The Visva-Bharati Quarterly*, Vol.22, No.4, Spring, 1957, p. 302

⁴Bhikkhu Nanamoli (tr.), *The Middle Length Discourses of the Buddha*, Buddhist Publication Society, Sri Lanka, 1995

⁵Rupert Gettin, *The Foundations of Buddhism*, Oxford University Press, Oxford, 1998 p. 59

of *dukkha*. Keith remarks that “the chain of causation is essentially an explanation of misery.”⁶This is evident from the *Mah skhandaka* of the *Mah vagga* which begins with the story of Buddha’s Enlightenment and narrates his central understanding of *dukkha* and how there is a release from it.

“*avijj paccay sa kh ra, sa kh rapaccay viggā ,
viggā apaccay n marupa , n marupapaccay sal yatana ,
sal yatanpaccay fasso, fassapaccay vedanā , vedanā paccay ta h ,
ta h paccay up dā , up dā npaccay bhavo, bhavapaccay j ti,
j tipaccay jar mara amsokaparidevadukkhdomanassupā yā sambhavanti-
evametassakevalassaadukkhakkhandhassasamudayohoti!*” [MV I.I.2]

“From Ignorance spring the *sa kh ras*, from the *sa kh ras* spring Consciousness, from Consciousness spring Name and Form, from Name and Form spring the six Provinces (of the six sense), from the six Provinces springs Contact, from Contact springs Sensation, from Sensation springs Thirst (or Desire), from Thirst springs Attachment, from Attachment springs Existence, from Existence springs Birth, from Birth springs old Age, and death, grief, lamentation suffering, dejection and despair. Such is the origination of this whole mass of suffering.”⁷

Keith opines that the chain of causation recognizes the distinguishing marks of non-self. He says that “the five constituents of the empirical individual, material form, perception, feelings, dispositions, and intellect, are each declared not to be the self; they are admitted to be unenduring and therefore misery is predicated of them. Whatever is impermanent is misery.”⁸

It is therefore evident that *dukkha* forms the basis on which the Buddhist doctrine was formulated. Gethin thinks that the term *dukkha* is more nuanced in meaning than it is usually rendered. He states, “literally ‘pain’ or ‘anguish’, in its religious and philosophical contexts *du kha* is, however, suggestive of an

⁶A. Berriedale Keith, *Buddhist Philosophy in India and Ceylon*, Oxford University Press, Oxford, 1923, p. 112

⁷T.W. Rhys Davids and Hermann Oldenberg, (tr.), *The Vinaya Texts*, Part I, Sacred Book of the East, vol XIII, Motilal Banarsidass Publishers, Delhi, 1881

⁸A. Berriedale Keith, *Buddhist Philosophy in India and Ceylon*, Oxford University Press, Oxford, 1923, p. 57

underlying sense of 'unsatisfactoriness' or 'unease' that must ultimately mar even our experience of happiness.”⁹ According to Gerald James Larson¹⁰, the usual English translation of the term *dukkha* as pain, frustration or suffering is inadequate. He suggests that the term encompasses a range of meanings not adequately explained in translations. He draws our attention to the derivation of the term from *dus* meaning ‘bad’ or ‘badly’, and *kha* meaning ‘cavity’ or ‘hole’. Larson says that the “word is then taken to mean someone who has a badly functioning axle-hole, that is to say, some-one whose chariot or cart is not working properly.”¹¹

In the earliest stage of Buddhism, the term *dukkha* may have denoted aspects of a malfunctioning society which the Buddha sought to control. He extended a possible solution to end it through his proposed doctrine. The Buddhist philosophy, therefore, presumes the existence of crisis in the world and undertakes the task of resolving the crisis through the doctrine of Buddhism.

The Buddhist philosophy surrounding the notion of *dukkha* probably represented the historical reality of the period. The historical background of the emergence of Buddhism in the 6th century BCE is usually considered a turning point in the history of early India. There occurred a rapid change in the socio-political, religious and economic conditions with the emergence of state societies (*mah janapadas*), urban centres, consolidation of stratified societies, and change in religious ideologies with the emergence of heterodox sects in this period. These factors collectively resulted into the creation of a complex

⁹*Ibid*, p. 61

¹⁰Gerald James Larson, “The relation between ‘action’ and ‘suffering’ in Asian philosophy”, *Philosophy of East and West*, Vol. 34, No. 4 (Oct., 1984), pp. 351-356

¹¹*Ibid*, p. 351

society. The creation of powerful states led to constant conflicts and wars for establishing hegemony. There was a trend towards centralisation of power in the hands of a monarch. The economic progress in this period with the greater exploitation of natural resources and growth of trade led to the development of money economy. A new class of wealthy merchants emerged; their increasing wealth led to intense conflict with the kings or the political class. According to A. K. Warder, “unprecedented wealth followed its own laws of circulation, and the states tried to control it by legislation.”¹² Warder further states that, “in this society most people found their freedom seriously and increasingly restricted, their property and their lives insecure, the future uncertain and probably worse than the past.”¹³ A break from the previous political and economic structure gave rise to a general atmosphere of anxiety which largely affected the society resulting into disorder. Therefore, one may perceive that Buddhism emerged out of a crisis; the crisis primarily being complexities of a new era having characteristics which were unfamiliar.

There was an apprehension about breaking the structure of the past. This changing structure provided a fertile ground for the emergence of heterodox traditions which believed the undesirability of the social and materialistic ambitions leading to the greater emphasis on renunciation. The background in which Buddhism emerged was indeed in the context of a crisis which lends support to the reality of the Buddhist philosophy relating human existence to *dukkha*. Warder rightly points out that, “Buddha and other philosophers of the time looked elsewhere for a solution, not primarily in society but in the first place away from it. In effect they contracted out of society in order to preserve

¹² A. K. Warder, *Indian Buddhism*, Motilal Banarsidass Publishers, Delhi, 2000, p. 29

¹³ *Ibid*, p. 29

their freedom; they abandoned the quest for wealth and power and sought peace of mind and spiritual experiences. Only from an independent vantage point could they hope as they certainly did hope to exercise any influence on the society they had left, to infuse into it better ideals than money and violence.”¹⁴

Materialism and getting entangled in the excesses of social relationships are considered the greatest form of crisis in Buddhism. The *Mah vagga* mentions the story of Yasa which is an example to explain what the Buddha perceived as a crisis. The narrative goes that Yasa, who was the son of a rich merchant (*se hi*), had three palaces. He used to be engrossed in pleasures of various kinds. One day Yasa, surrounded by his female attendant musicians, fell asleep sooner than usual; and after him his attendants also fell asleep. Yasa woke up sooner than usual and found his female attendants in unusual state; one had her lute leaning against her arm-pit; one had her tabor leaning against her neck; one had her drum leaning against her arm-pit; one had dishevelled hair; one had saliva flowing from her mouth; and they were muttering in their sleep. This made him feel as if he has fallen upon a cemetery. His mind became tired of worldly pleasures. He uttered, 'Alas! what distress; alas! what danger!' (“*upadduta vata, bho, upassa ta ti*”) and left to meet the Buddha. The Buddha eventually calmed his disturbed mind by saying 'Here is no distress, Yasa, here is no danger!' (“*ida kho, yasa, anupadduta , isa anupassa ta* ”) and gave him discourse on *dhamma*. [MV I. 7. 1-8]

¹⁴*Ibid*, p. 30

The story of Yasa accounts for what the *Vinaya* considers a distress which needs to be immediately addressed. The extreme materiality of life is portrayed as the real danger while a life of abandonment of material desires is a life of peace and tranquillity. The solution of coming out of that danger is, hence, to decide in favour of homelessness. The Buddha propounded the Middle Path which recommended the prevention of extremes. The Buddha is said to have addressed the bhikkhus saying that “there are two extremes, O Bhikkhus, which who has given up the world, ought to avoid. What are these two extremes? A life given to pleasures and lusts; this is degrading, sensual, vulgar, ignoble, and profitless; and a life given to mortifications: this is painful, ignoble and profitless. By avoiding these two extremes, O Bhikkhus, the Tath gata has gained the knowledge of the Middle Path which leads to insight, which leads to wisdom, which conduces to calm, to knowledge, to the Sambodhi, to Nirvāna.”[MV 1.6.17]

3.3. Crisis in Buddhism

Buddhism emerged out of a general perception that suffering, pain and misery essentially characterise human existence and the Buddha is said to have begun his journey towards enlightenment with the objective of destroying *dukkha*. The solution suggested by him principally revolved around addressing the chief cause of *dukkha* and eventually controlling its emergence through complete mastery over the senses. Therefore, a trained and disciplined way of life preceded an authoritative belief system in early Buddhism. According to Louis de la Vallee Poussin, the most important thing in Buddhism is “not

dogma but practice.”¹⁵.Sukumar Dutt draws our attention to the fact that “the passages of the early scriptures show that the faith and message delivered to the disciples and first monks were not regarded as doctrinal system but as a way of life or self culture”¹⁶

The basic foundations of Buddhism, thus, rested upon the principles of ascetic life which included practices such as compulsory celibacy, non-materialism, non-violence, and truthfulness. A departure from any of these cardinal principles by a *bhikkhu* led to the *p r jik* offence, which led to the expulsion of the *bhikkhu* from the community. Scholars have associated the term *p r jik* with the meaning of ‘defeat’, a defeat in an attempt towards realizing the ascetic goal. Rhys Davids and Oldenberg rightly say that the word *p r jik* “really means ‘involving defeat’. This may mean specifically defeat in the struggle with M ra the Evil One; but more probably defeat in the effort to accomplish the object for which the Bhikkhu entered the Order, in the effort to reach the ‘supreme goal’ of Arhatship”¹⁷ Monastic Buddhism was centred on the individual, their experiences and achievements as a *bhikkhu* or a *bhikkhuni*. Deviation of any of the foundational norms resulted in an expulsion from the community and hence was considered a crisis at an individual level.

The Buddhist *Sa gha* depended on laity, which comprised various sections of the society including members of ordinary households, rich merchants or a patron state, for their sustenance. The relationship of the Buddhist Order with the lay devotees was of mutual benefit which was maintained with utmost

¹⁵Cited in John Clifford Holt, “Ritual Expression in *VinayaPi aka: A Prolegomenon*”, *History of Religion*, Vol 18, No. 1, Aug, 1978 p. 42

¹⁶Sukumar Dutt, *Buddhist Monks and Monasteries of India*, George Allen & Unwin, London, 1962, p. 22

¹⁷T.W. Rhys Davids and Hermann Oldenberg (tr.), *Vinaya Texts*, The Sacred Books of the East, Vol. 13, Part I Oxford University Press, Oxford, 1880, p.3

concern and purity. Any disturbance in the relation of the Order with its lay devotees was considered a major threat to its existence. While the *Sa gha* depended on the laity for basic needs like food and clothes, the laity considered that their service to the *Sa gha* or individual *bhikkhus* or *bhikkhunis* would bring spiritual merit. Holt says that the “significance of adhering to discipline is twofold. Not only does discipline further the spiritual pursuit of an individual bhikkhu and confirm the special status of the Sa gha as the spiritual elite and successor to the Buddha in matters of spiritual authority, but also provides laity with an opportunity to gain merit for their own quests to gain a better rebirth.”¹⁸ Upholding the foundational principles of the faith and maintaining ascetic discipline by the *bhikkhus* and *bhikkhunis* was of supreme concern to the *Sa gha* to preserve the belief of the laity.

Maintaining the distinguishing attributes of the *Sa gha* and its members was therefore important to continue the source of sustenance. The Buddhist renouncers consciously cultivated attributes which distinguished them from ordinary people. Uma Chakravarti explains how the renouncer and the householder were opposed to each other because they “represented two parallel modes of existence in the heterodox tradition”¹⁹ and in maintaining the distinction, the Buddhist renouncers (*rama a* or the *parivr jaka*) required to break the rules that applied to the householders (*g hastha*) and had to avoid Vedic practices. Moreover, they had to strictly follow the monastic code of conduct which was clearly laid out in the *Vinayapi aka*. Norms concerning the alms-round and teaching of *dhamma* to the laity, explained in the *Sekhiya*

¹⁸ John Clifford Holt, “Ritual Expression in the *Vinayapi aka*: A Prolegomenon” *History of Religions*, Vol. 18, No. 1 (Aug., 1978), p. 52

¹⁹ Uma Chakravarti, “Renouncer and Householder in Early Buddhism,” *Social Analysis: The International Journal of Social and Cultural Practice*, No. 13 (May1983), p. 72

dhamma section of the *P timokkha*, indicate that the *bhikkhus* had to behave in a specified manner. An analysis of the *Sekhiya dhamma* indicates how the *bhikkhus* had to be trained in behaviour in order to enjoy the good-will of the laity and a breach of the norms of conduct might offend their faith leading to the loss of sustenance for the *Sa gha*. The *Chhabaggiya bhikkhus* (group of six monks) are repeatedly seen as breaking the discipline and the laity is seen to criticize their behaviour saying "how can these recluses, sons of the Sakyans, dress with their inner robe hanging down. . . [or] sit down lolling about. . . [or] laugh a great laugh. . . just like householders who enjoy the pleasures of the senses." The Buddha is seen to immediately address the lapses in the behaviour of the *bhikkhus* saying that such misconduct is unworthy of renunciators (*sama akan*) and that such misconduct shall "not be for the benefit of non-believers, nor for an increase in the number of believers."

The *Suttavibha ga* is replete with references to the breach of norms of discipline by *bhikkhus* and *bhikkhunis*. Buddha is shown as rebuking them and repeating the importance of ascetic lifestyle. Buddha emphasizes on receiving alms in moderation and control of indulgence and greed. Excessive behaviour is seen as objectionable and may lead to the loss of livelihood for the *Sa gha*. This is represented in the story of the *bhikkhuni* Thullanand who is shown as indulgent and greedy. The story goes that on a certain occasion a lay follower offered to distribute garlic to *bhikkhunis*. Thullanand , being greedy, took away all of it. She was criticized for her conduct and her misconduct was reported to the Buddha. The Buddha rebuked her and recounted the story of her life prior to becoming a *bhikkhuni*. He said, "formerly, monks, the nun Thullanand was the wife of a certain brahmin and there were three daughters,

Nanda, Nandavati, Sundarinanda. Then, monks, that brahmin, having passed away, was born in the womb of a certain goose and his feathers were made all of gold. He gave a feather one by one to these. Then, monks, the nun Thullanand , saying: ‘This goose is giving us a feather one by one,’ having taken hold of that king of the geese, plucked him. His feathers, on growing again, turned out white. So at that time, monks, the nun Thullanand lost the gold through too much greed; now she will lose the garlic.”²⁰

The Buddha further stated,

“One should be pleased with what is received, for
too much greed is bad.
By taking hold of the king of the geese, one may
lose the gold.”²¹

This story indicates that the Buddhists were particular in not offending the lay followers for the benefit of the *Sa gha* since they were dependent on them for their material needs. The laity is shown to be vigilant of the behaviour of the renunciators and is seen to criticize if they are found to be improper. This fact can be demonstrated further by an analysis of two important rituals of the *Sa gha* the *Pav ra* and *Ka hina* which provide a sense of the predominant role that the laity plays in retaining their faith on the *Sa gha* and its decision to confer the material requirements on the *Sa gha*.

The *Pav ra* is held at the end of the *vassa* season in the form of a ceremony in which *bhikkhus* remove offences that may have been committed during the *vassa*. Each *bhikkhu* is examined with regard to his purity of conduct. The laity

²⁰I.B. Horner (tr.), *The Book of Discipline Suttavibha ga*, Vol.3 , Pali Text Society, Luzac and Company Ltd, London, 1969, p. 244

²¹*Ibid.* p. 244

and other *bhikkhus* play a role in checking the behaviour of an individual bhikkhu in the *Pavāra*. Once the *Saṅgha* is declared as collectively pure in the course of the *Pavāra*, the *Kāhina* ceremony follows in which the laity distributes clothes to the *Saṅgha*. Clifford Holt rightly observes that “with regard to ritual expression within the *Vinayapi āka* reflect the high premium placed upon the importance of adhering to the prescriptions of discipline that are traditionally attributed to the Buddha. The religious ethos of the Vinaya is characterized by a judicious concern for the individual *bhikkhu*, the *bhikkhusaṅgha*, and the lay supporters of the community. From the perspective of the early Buddhist followers, adherence to discipline and participation in the ritual life of the community enabled a structure of relationships to be sustained.”²²

An account of pacifying a patron king by the Buddha is mentioned in the *Mahāvagga*. King Bimbisāra is said to have pointed out to the Buddha about the lapses which follow from the Ordination of people serving as war soldiers. The Buddha immediately alters the norms of Ordination. He decides that people of the royal services shall never be conferred an Ordination by the Order.²³

The anxiety of the Buddhist Order with regard to maintaining the source of sustenance is clear from the *Vinayapi āka*. A troubled relationship between the patrons and the Order is considered a threat to their existence and hence every possible step is taken to maintain a peaceful relationship.

²² John Clifford Holt, “Ritual Expression in the *Vinayapi āka*: A Prolegomenon” *History of Religions*, Vol. 18, No. 1 (Aug., 1978), p. 53

²³T.W. Rhys Davids and Hermann Oldenberg (tr.), *Vinaya Texts*, The Sacred Books of the East, Vol. 13, Part I Oxford University Press, Oxford, 1880, pp. 194- 195

3.4. The *Vinayapi aka*: A Flexible text.

Scholars have attributed the spread of Buddhism to its extreme flexibility and its ability to evolve over time and space. While G.S.P. Misra attributes the widespread acceptance of Buddhism across countries and cultures to the adaptability of the *Vinaya* rules,²⁴ Akira Hirakawa highlights its doctrinal flexibility.²⁵ The *Vinayapi aka* is a rich source to understand the characteristic flexibility of Buddhism. This section attempts to show how the *Vinayapi aka* is integrative as a text and in what ways exceptions, alterations and allowances are provided in the text that respond to various circumstances which essentially highlight how the text as well as Buddhism itself retained their flexibility.

Buddha's inherent flexible nature is well represented in the story of his refusal to accept Devadatta's request for introduction of five rules of hard life for the *bhikkhus*. The *Suttavibha ga, Sa gha disesa* X²⁶ narrates that Devadatta, who was himself a *bhikkhu*, approached four other *bhikkhus*, Kok lika, Ka amorakatissaka, the son of lady Kha , and Samuddadatta. He proposed to them the splitting of the *Sa gha*. On being asked how they might carry out this intention, Devadatta suggested that he and his four compatriots would approach the Buddha and ask him to institute five *dhuta* practices that shall be mandatory for all the members of the *Sa gha*, saying "Lord, the lord in many ways speaks in praise of desiring little, of being contented, of expunging (evil), of being punctilious, of what is gracious, of decrease (of the obstructions), of

²⁴ G.S.P. Misra, *The Age of Vinaya*, Munshiram Manoharlal, Dehi, 1972, p. 82

²⁵ Akira Hirakawa, *A History of Indian Buddhism*, University of Hawaii Press, Hawaii, 1990, p. 5

²⁶ I.B. Horner (tr.), *The Book of Discipline, Suttavibha ga*, Vol. 1, Pali Text Society, Luzac and Company Ltd, London, 1938, pp. 296-297

putting forth energy. Lord, these five items are conducive in many ways to desiring little, to contentment. They are: [1] It were good, lord, if the monks for as long as life lasted, should be forest dwellers; whoever should betake himself to the neighbourhood of a village, sin would besmirch him. [2] For as long as life lasts let them be beggars for alms; whoever should accept an invitation, sin would besmirch him. [3] For as long as life lasts let them be wearers of robes taken from the dust heap; whoever should accept a robe given by a householder, sin would besmirch him. [4] For as long as life lasts let them live at the foot of a tree; whoever should go undercover, sin would besmirch him [5] For as long as life lasts let them not eat fish and flesh; whoever should eat fish and flesh, sin would besmirch him.”²⁷

Devadatta then explained that the Buddha would not allow these strict austerities that would give them the scope to win over the laymen by means of these five items. This would ensure that they create a schism of the *Saṅgha* on the basis of this proposed mode of conduct. As anticipated, the Buddha refused. His remark on the proposal is interesting because it clearly exemplified the Buddha’s quality as a leader who was the most flexible with his followers of his times. He says, “Enough Devadatta, whoever wishes, let him be a forest-dweller; whoever wishes, let him dwell in the neighbourhood of a village; whoever wishes, let him be a beggar for alms; whoever wishes, let him wear rags taken from the dust-heap; whoever wishes, let him accept a householder's robes. For eight months, Devadatta, lodging at the foot of a tree is permitted by me (i.e., during the rains). Fish and flesh are pure in respect of

²⁷I.B. Horner (tr.), *The Book of Discipline Suttavibhāṅga*, Vol.1 , Pali Text Society, Luzac and Company Ltd, London, p. 276- 277

three points; if they are not seen, heard or suspected (to have been killed for him). The Buddha, in effect, will allow Devadatta's austerities as optional practices for *bhikkhus*, but will not make them compulsory on all and certainly not 'for as long as life lasts.'²⁸

The *Vinayapi aka* is a text which is open to amendments. The *Suttavibha ga* in particular portrays the text's capacity to adjust to the varied requirements of circumstances and needs. The *Cullavagga* [CV XI. 1; XI. 1.7] informs us that after the death of the Buddha a council was held under Mah kassapa, who asked Up li questions relating to different rules laid down by the Buddha. Mah kassapa's questions included not only the subject of the rule, but also where it was first promulgated and the individuals concerned with it. This is the pattern of questioning which was followed for all the rules that Up li was asked to answer.

The subsequent paragraph proclaims that Up li answered what was the 'principal rule'²⁹ (*pa atti*) and the 'sub-rule' (*anupa atti*). Though the sub-rule is not mentioned in the dialogue between Mah kassapa and Up li, what is interesting is that the principal rules coexist with the sub-rules which may have been added later on. The *Suttavibha ga*, which elaborates on each rule of the *Vinaya*, explains the fact that a principal rule (*pa atti*) is a primary prohibition or an act that a *bhikkhu* has to refrain from, while a sub-rule (*anupa atti*) is an extension of the primary prohibition (or the principal rule)

²⁸I.B. Horner (tr.), *The Book of Discipline Suttavibha ga*, Vol.1 , Pali Text Society, Luzac and Company Ltd, London, 1949, p. 276-277

²⁹Rhys Davids and Oldenberg translate the terms *pa atti* and *anupa atti* as principal rule and sub- rule respectively. T.W. Rhys Davids and Hermann Oldenberg (tr.), *Vinaya Texts*, The Sacred Books of the East, Vol. 13, Part I Oxford University Press, Oxford, 1880, p. 374

to include several other similar cases. However, both the rules have an equal effect because the penalty of violation is the same. For instance, the first *P r jika* states the *pa atti* that “whatever monk should indulge in sexual intercourse is one who is defeated; he is no longer in communion” and goes on to state the *anupa atti* that “whatever monk should indulge in sexual intercourse even with an animal, is one who is defeated; he is no longer in communion.”³⁰

The *Suttavibha ga* continues to offer several similar circumstances which get included within the fold of *anupa atti*. For instance, the text narrates a variety of conditions in which the *bhikkhus* may commit the offence of sexual intercourse compelled by circumstances but, despite that, they do not incur the punishment because in some cases it is imperative to take into account the intention of the *bhikkhu* committing the offence. If he intends to commit the offence, it will be considered punishable offence. This indicates how the text is leaving space for amendments so that several qualifications may be attached to the primary rule already in existence without compromising its overriding force. The *anupa atti* may be described as what Horner calls “the auxiliary material surrounding each rule.”³¹ She says that “there is a softening influence at work; the auxiliary material tends to counteract any great stringency, inexpediency, or lack of clarity on the side of *sikkh pada* as first framed may have erred.”³²

³⁰ I.B. Horner (tr.), *The Book of Discipline Suttavibha ga*, Vol.1 , Pali Text Society, Luzac and Company Ltd, London, p. 21

³¹ I.B. Horner (tr.), *The Book of Discipline Suttavibha ga*, Vol.2 , Pali Text Society, Luzac and Company Ltd, London, p. x

³² *Ibid*, p. xi

The fact that the *Vinaya* leaves scope for continuous improvement and alteration of the rules is evident from many examples. Horner observes that the rules in the *Nissaggiya P cittiya* section of the *Suttavibha ga* have been altered as many as six times, four times in accordance with circumstances that had not been foreseen when it was first set forth (Rule numbers I, II, XIV, XXI) and twice when close adherence to the rule as first drafted is shown to result in occurrences so unsuitable as to provoke complaints and criticism (Rule numbers V and VI)³³

3.5. Exceptions in Buddhism

The *pa atti* (principle rule) and the *anupa atti* (sub-rule) of the *Vinayapi aka* provided for a space for the changes in norms to be made in course of time and according to requirement. Exceptions were allowed to the primary rules particularly when a deliberate act of omission was required due to adverse conditions. Instances include danger to the *Sa gha* or an individual *bhikkhu* or *bhikkhuni* from natural calamities, external attacks, lack of food, illness and geographical compulsions.

The *Mah vagga* informs us that the Buddha, on the suggestion of King Bimbisara, prescribed the meeting of the *Sa gha* on the eighth, fourteenth and fifteenth day of every month³⁴ which was called the *Uposatha* day. The *Uposatha* over time became an extensive monastic ceremony which got extended to include the chanting of the *P timokkha* by the *bhikkhus*. Over time, several regulations came to be prescribed by the Buddha with regard to

³³*Ibid*, p. ix

³⁴ Rhys Davida and Oldenber (tr.), *Vinaya Texts*, Sacred Books of the East, Vol. XIII, Oxford University Press, Oxford, 1880, p.240

the *Uposatha*. The *Uposatha* rules were strict and the *bhikkhus* were advised to follow the regulations without laxity. In usual course, the *Uposatha* assembly had to be attended by all the *bhikkhus* present within the *s m* and recite the full *P timokkha*. However, the strict rules of the assembly were relaxed in cases of unavoidable circumstances. In cases of any danger, partial *Uposatha* was allowed and an abridged version of the *P timokkha* could be recited. The *Mah vagga* states, “At that time a certain residence of a *bhikkhu* in the Kosala country was menaced on the day of the *Uposatha* by savage people. The *bhikkhus* were not able to recite the *P timokkha* in its full extent. They told this thing to the Blessed One. ‘I allow you, in the case of danger to recite the *P timokkha* abridged’”³⁵ The Buddha also listed the types of dangers when the *P timokkha* may be recited abridged. The cases of dangers are danger from kings, robbers, fire, water, human beings, non-human beings, danger of life and danger against chastity.³⁶

The view of the Buddha with regard to the monastic rules was very liberal and flexible. Expediencies were granted even for the rigid monastic regulations. Relaxations were also extended to other ceremonies of the *Sa gha*. For instance, a list of conditions was declared liable of causing danger and risk to the *bhikkhus* entering *vassa*. In such cases *vassa* could be forsaken altogether. The *Mah vagga* mentions that, “at that time the *Bhikkhus* of a certain district in Kosala country who had entered upon *Vassa*, were troubled by beasts of prey; the beasts carried them off and killed them. They told this thing to the Blessed One. In case of danger, O *Bhikkhus*, the *Bhikkhus* who have entered upon *Vassa*, are troubled by beasts of prey, and the beasts carry them off an

³⁵*Ibid*, p. 261

³⁶*Ibid*, p. 261

kill them: this is to be considered as a case of danger and they ought to leave that residence. They are not guilty of interruption of Vassa.”³⁷ Several other conditions are mentioned as cases of danger like entering upon *vassa* at a place infested by snakes, troubled by demons or robbers, and destroyed by fire and water.³⁸

Similarly, the procedure for the *Pav ra* could be shortened. “In case, O Bhikkhus, in a certain district arises danger from kings, danger from robbers, danger from fire, danger from water, danger from non-human beings, danger from beasts of prey, danger from creeping things, danger of life, danger against chastity. Now, if those Bhikkhus think: “Here is danger for our chastity. If the Sa gha performs Pav ra when this danger for chastity will arise”, let a learned Bhikkhu proclaim that the Sa gha hold Pav ra with the twofold formula, or with the onefold formula, or by common declaration of all the Bhikkhus who have kept Vassa together.”³⁹

Sickness of individual *bhikkhus* is also considered a situation when temporary relaxation of disciplinary norms is allowed. Prohibitions pertaining to clothing, eating and attendance of Sa gha rituals are relaxed in case a *bhikkhu* is found ill. Sickness allows most exceptions to norms. For instance, according to the *Nissaggiya p citty*, “when the robes have been settled, after taking up of the *Ka hina* by the *bhikkhu*, if a *bhikkhu* be without his three robes, even for a single night, unless with the permission of the *bhikkhus*- that is a *p cittiya* offence involving forfeiture.”⁴⁰ The *Suttavibha ga* narrates the story of an

³⁷*Ibid*, p. 313

³⁸*Ibid*, p. 313

³⁹*Ibid*, p. 340

⁴⁰*Ibid*, p. 19

exception to this rule which was allowed in case of a sick *bhikkhu*. We are told that a *bhikkhu* fell ill and his relatives requested the *Sa gha* for the permission to nurse him during this time. The ill *bhikkhu* was unable to carry his robes along; so he decided against going out of the *Sa gha*, careful not to break the rule. This situation became the reason for the enactment of the complete relaxation of the norm and Buddha appends a clause stating that when a *bhikkhu* was sick, he was allowed to be physically separated from his robes.

Similarly, adjustments were made for a sick *bhikkhu* during the *Uposatha* ceremony. A sick *bhikkhu* may declare his *p risuddhi* by authorizing a fellow *bhikkhu*⁴¹ or the *Uposatha* may be held in the proximity of the *bhikkhu*. It is said that if a sick *bhikkhu* is unable to attend the *Uposatha* assembly, then let him be taken on his bed or chair. In case his movement makes his sickness worse or there is a possibility that he may die, let the *Sa gha* go there and hold *Uposatha* there.⁴²

There is another provision called *an patti* in the *Vinayapi aka* when exceptions to the principle rule are made. The principle rule which begins with a firm commandment on all the types of offences is entirely relaxed under the *an patti* clause. In other words, an *an patti* is a no-offence clause. A fixed formula is repeated at the end of most *sikkh pada* which says, “If one is ignorant, if one has not agreed, if one is mad, unhinged, afflicted with pain, or a beginner, there is no offence.”

⁴¹*Ibid*, p. 274

⁴²*Ibid*, p. 275

3.6. Conclusion

A discussion of the *Vinayapi aka* highlights that Buddhism as an emerging faith was more acceptable to the society at large because of the inherent flexibility of its founder, the Buddha, and the norms he laid down for the Order. The general structure of the *Vinayapi aka* reflects its essential flexibility due to the fact that the text incorporated a space for changes in the normative structure where exceptions and alterations could be added according to requirements of time and space. This attribute of the text brings it close to the features of the provision of *paddharma* where transgressions are allowed in cases of emergency. It is probably the pattern of Buddhist normative structure that influenced the older Brahmanical normative structure which led to the formulation of *paddharma* as a separate category of norms.

Chapter 4: *paddharma* in the *Mah bh rata* I:

Var adharna and *R jadharma*

4.1. Introduction

The discussion on *dharma* literature of the Brahmanical tradition as well as the *Vinayapi aka* of the Buddhist tradition in the previous chapters show how these traditions acknowledged the fact that there were circumstances when it was difficult to follow the standard norms that were being laid down in the respective law codes. Hence, not adhering to the codified norms was not regarded as transgressions; the dynamics of immediate situations were assumed to have varied and therefore it required deviant ways of managing those situations. This chapter seeks to shift its focus to the epic *Mah bh rata* to understand how the text deals with the subject of *paddharma*. The *Mah bh rata* treats the concept of *paddharma* in great detail. The text not only has a separate section ascribed to the concept called the *paddharmaparvan* but also has numerous narratives throughout the text relating to the concept. *paddharma* is not only cited often, but also recommended and followed by some of the major characters of the *Mah bh rata*; so much so, that some of the crucial events of the narrative are placed around its application. This chapter deals with how the concept is represented in the text with special focus on *var adharna* and *r jadharma*.

Though the law codes referred to *paddharma* on many occasions pertaining to general difficult situations, but what is apparent is that a separate theorization of *paddharma* is found only in the context of a lack of means to earn a living. Though *paddharma* in itself was the recognition of the practical realities of life, the law codes were concerned exclusively with the theoretical possibilities of crisis. The normative tradition does not provide us with the actual instances and the various ways the provisions of *paddharma* were applied. In order to acquire an actual understanding of the concept, the attempt in this section would be to inquire into the epic *Mah bh rata*, which is one of the representative texts of the narrative tradition of early India.

The *Mah bh rata* can be considered to be the richest mine for the exploration of *pad* and *paddharma* because it contains the greatest variety of situations concerning distress and its management. The central theme of the text which is a dynastic struggle between the Kauravas and the P^{and}avas, is itself situated within crisis at various levels. Moreover, the *Mah bh rata* corpus composed of several layers of narratives also revolve around complex crisis scenarios. However, in essence, I believe, the text is about efforts towards survival and endurance against all probable threats- which is also the central aim of the provision of *paddharma*.

From the discussion of the *dharma* literature it appeared that the conception of *paddharma* mainly revolved around procuring a means of livelihood for the *var as* in times of distress. Primarily, it centered on transgressing norms of *var a* during lack of livelihood.

The aim of the present section is to find how the concept is represented in the epic in terms of transgressing the *var adharna* norms, what were the situations that needed switching *var a* roles. Were the norms transgressed only in cases of absence of means of livelihood? Moreover, I would also look at what were the probable consequences of such actions. It is also to inquire as to how the epic is oriented towards the *stric* viewpoint with regard to the *paddharma* norms.

4.2. *Var adharna* in Crisis

Crisis has several dimensions in the text. The events and characters are frequently portrayed as confronting critical circumstances when breaking the norms is shown to be the only way of dealing with those circumstances. The *Mah bh rata*, just as the *dharma* literature, is also particularly concerned with the *br hma a var a* in matters concerning *pad*. A diverse range of narratives are found in the epic that points towards the various concerns that the writers had about *br hma as* falling in crisis, their actions during such phases as well as their consequences. Both narrative and didactic portions talk about various episodes relating to *br hma as* in crisis.

i. Perception of Br hma as Livelihood in the Mah bh rata.

In the Brahmanical literary tradition, the *br hma a var a* is considered the most venerable among the *var as* because of both their birth and functions. However, the epic has a strong view about the *br hma as* with regard to their functions and occupations. The general perception about them is that a *br hma a* is to be honored not by his noble birth alone, but by his conduct,

duties and functions. The *R jadharmaparvan* clearly states that the most revered are those *br hma as* who are dedicated to their *var adharm* and other normative modes of conduct.

There is repeated emphasis on the *br hma a* taking the right profession. In the *R jadharmaparvan*, Bh ma makes a clear distinction between good and bad *br hma as* depending on the functions that they perform. Any deviation from the *var a* functions are treated with contempt and made liable to state action. Bh ma expressly points out that *br hma as* not following their *dharma* should not be tolerated and actions should be taken against such *br hma as*. Bh ma expresses his contempt by saying, “as with dogs, so with Brahmins: one’s basic character is manifested through one’s actions. A Brahmin engaged in improper work is not worthy of respect. They say that one who refuses to devote himself to his proper work is not to be trusted.”[Mbh XII. 65. 10-12]

This point is further made clear when Yudhi hira asks about the proper and improper works of the *br hma a var a* and how they are to be treated for doing the wrong and right kind of work. Bh ma in his reply mentions about various occupations that distinguishes the grades of *br hma as*. His response is interesting as he specifies a hierarchy in terms of the modes of living. He says, “Those men who manifest perfectly the marks of learning, who look to the Vedic texts on every matter, are the equivalent of Brahma, king, and they are celebrated as “Brahmins.” Those who are perfectly accomplished as ritual priests or teachers and carry out their proper works are Gods among Brahmins. Those who serve as priests, court priests, advisors or finance managers, king are equivalent among Brahmins of k atriya. Those who mount horses,

chariots or elephants or serve as foot soldiers are equivalent among Brahmins of Vai ya. Those vile ones who have forsaken the work, who are Brahmins in name alone are equivalent among Brahmins of dharma, king” [Mbh. XII.77.2-6] Thus, it is fairly evident from Bhishma’s description that a *br hma a*’s status is assessed according to his mode of livelihood. His position is shown to diminish according to the type of work he engages in.

The above discussion makes it clear that the state as well as the society in general were strictly vigilant about a *br hma a*’s mode of living. Deviant ways of earning a livelihood was either considered legal transgression amounting to crime leading to state action or social transgression tantamount to violation of social norms leading to decline in position.

ii. The King’s Responsibility

Interestingly, however, it is also mentioned that the king is responsible about the state of conditions under which such transgressions are made by the *br hma as*. Bhishma states that the king should take the responsibility to reform the deviant *br hma as* by providing them adequate means of support. This indicates that the possible reason perceived regarding the deviation from *br hma a dharma* was their inability to sustain their lives by following *var a* norms that led them to take up alternate forms of living. Bhishma’s statement in this regard is significant. He says,

“The king is the owner of the wealth of those who are non-brahmins, and of those who do the wrong work.” The king must never overlook those Brahmins who do the wrong work. The king who wishes to promote law must stop them and allot them a means of support. In the kingdom where the Brahmin

becomes a thief, people who know of it regard the offense to be the king's. King, those who know Law say, "If a Brahmin who knows the Veda, or one who has completed Vedic education, becomes a thief because of penury, he should be supported by the king." If, O scorcher of your enemies, after he has acquired the means to subsist, he should not reform, then he and his kin should be banished from that country. [Mbh XII 77.11-15]

It is evident that the text is concerned about the dismantling of the social order of *var as* as a result of deviation from appropriate conduct and occupation of the *br hma as*. That is because the overall maintenance of the *var a* order depended on the *br hma as* to a large extent. Therefore, the preservation of the *var a* pattern is made the duty of the king. He is obliged to maintain by either assisting deviating *br hma as* through support or by punishing them in case they do not rectify their means.

iii. *Dro a's Crisis*

In this context, it would be appropriate to take up the particular example of Dro c rya. The character of Dro a finds a prominent place in the *Mah bh rata*. He was the *guru* or teacher of weaponry of the royal princes—the *Kauravas* and the *Pavas*.

However, his early life, recounted in the *Ādiparvan*¹, narrates his extreme state of poverty because of lack of livelihood. He is introduced as the son of the great *br hma a* Bharadv ja and learned in the *Vedas* and their branches.

¹ The Calcutta Edition gives a greater detail on the episode of Dro a, which is absent in the Critical Edition.

Despite that, he could not secure a means of subsistence for himself and his family comprising of his wife Krip and son A vatth man.

Hence, learning that the *Bh rgava* R ma J madagnya was giving away his wealth to the *br hma as*, Dro a approached him with the desire of wealth. Unfortunately, by that time R ma J madagnya had given away all his wealth to other *br hma as* and thus decided to impart his knowledge of combat to Dro a.

Thereafter, in search of a means of subsistence², Dro a went to the kingdom of his erstwhile friend Drupada³, the king of the Northern *P nc las*, with whom he had studied during childhood.⁴ However, Drupada declined his friendship and refused to support him. This leads Dro a to take up arms as a means of livelihood by being the preceptor of the *P avas* and the *Kauravas*.

² The Calcutta Edition of the *Mah bh rata* elaborates the state of poverty faced by Dro a due to lack of means of living. Dro a recounts the story of his abject poverty to Bh ma. Here is an example of his description. "*And it so happened that one day the child A vatthaman observing some rich men's sons drink milk, began to cry. At this I was so beside myself that I lost all knowledge of the point of the compass. Instead of asking him who had only a few kine (so that if he gave me one, he would no longer be able to perform his sacrifices and thus sustain a loss of virtue), I was desirous of obtaining a cow from one who had many, and for that I wandered from country to country. But my wanderings proved unsuccessful, for I failed to obtain a milch cow. After I had come back unsuccessful, some of my son's playmates gave him water mixed with powdered rice. Drinking this, the poor boy, was deceived into the belief that he had taken milk, and began to dance in joy, saying, 'O, I have taken milk. I have taken milk!' Beholding him dance with joy amid these playmates smiling at his simplicity, I was exceedingly touched. Hearing also the derisive speeches of busy-bodies who said, 'Fie upon the indigent Drona, who strives not to earn wealth, whose son drinking water mixed with powdered rice mistaketh it for milk and danceth with joy.*"

³ The Calcutta Edition of the *Mah bh rata* elaborates the state of poverty that faced by Dro a due to the lack of means of living. Dro a recounts the story of his abject poverty to Bh ma who finally supports him by choosing him the teacher of the *Kauravas* and the *P avas*.

⁴ According to the Calcutta Edition, Drupada promised his allegiance to Dro a when he is enthroned as the king. Dro a narrates Drupada's promise, O Bh ma, he used to tell me, 'O Drona, I am the favorite child of my illustrious father. When the king installeth me as monarch of the *P nc las*, the kingdom shall be thine. O friend, this, indeed, is my solemn promise. My dominion, wealth and happiness, shall all be dependent on thee.'

The narrative of Droṇa appropriately represents a *brāhmaṇa* in acute economic crisis due to the lack of means to earn a living. Droṇa's taking up weaponry is an example of the application of the *paddharma* norms. His action is consistent with the *paddharma* injunctions found in the *dharma śtras* that permits a *brāhmaṇa* to take the *kātriya* mode of livelihood in times of adversity.

It is also important to analyze the resultant impact of Droṇa's transgression on his position as a *brāhmaṇa*. Though he is profoundly honored as a *guru* and an invincible warrior, Droṇa's position as a *brāhmaṇa* seemed to have suffered. This fact is evident from Vyāsa's statement to Yudhiṣṭhira in the *ntiparvan*.

The *ntiparvan* opens with Yudhiṣṭhira's dejection about the consequences of the battle of Kurukṣetra and the unethical actions committed during the battle. Yudhiṣṭhira, who blames himself for being instrumental in the killing of Droṇa, says that his action has also amounted to the sin of *brahmahatyā*. To this, Vyāsa responds, "Now when these deeds are done, for whatever reasons, they do not taint the men doing them. Hear this! If a man kills in a war a Brahmin master of the Veda, who has picked up a weapon and attacks him and tries to kill him, he is not thereby a Brahmin slayer." [Mbh XII.35.16-17]

Vyāsa confirms to the law codes in his explanation of justifying Yudhiṣṭhira's apprehension about *brahmahatyā*. As the previous discussion had established that Manu states that without hesitation one may kill anyone who attacks him with a weapon in hand- whoever the person may be, a priest, the *guru*, a

woman or a child. Therefore, though, Dro a was a learned *br hma a* as well as his *guru*, his killing was a part of the *paddharma* norm.

Besides this explanation, the sage also chose to justify Yudhi hira's action by pointing out Dro a's improper conduct and behavior as a *br hma a* is also a reason why his slaying should not be considered a *brahmahaty* . He comments,

Moreover, son of Kunti, there is a formula that is recited in the Vedas on this; I declare this to you, "Should one kill a Brahmin who has fallen away from his proper livelihood and is trying to kill him, he would not thereby become a Brahmin slayer- one's own rage meets the other's rage." [Mbh XII. 35.19]

Vy sa's emphasis on a *br hma a* deviating from the proper means of livelihood probably indicates about Dro a's early life and also implies the consequent decline in status. Perhaps Vy sa intended to mean that Dro a should not be considered a righteous *br hma a* because he did not uphold his own *var a* functions by taking up *k atriya dharma*. Hence, his killing does not amount to the sin of *brahmahaty* . Though, the *diparvan* narrates that poverty forced Dro a to accept an alternative mode of subsistence, which was legitimate to do in case of an occupational crisis, but it is possible that the text points towards his degraded status because he did not revert back to his proper *var a* functions after his crisis was over.

iv. *Vi v mitra's Crisis*

The epic also discusses other cases of *br hma as* who enter into crisis due to a variety of factors relating to lack of food or livelihood. The case of the sage Vi v mitra, who was driven by starvation to the point of consuming dog meat, is recounted in detail in the *paddharmaparvan* of the *ntiparvan* [Mbh XII. 139.11-90] This episode is known in other Indian textual traditions including the *Manusm ti* where this example is cited to demonstrate that *br hma as* do not commit a sin if they accept food from people considered low born or eat forbidden food when they are suffering a distress.

The narrative of Vi v mitra is reiterated in the *paddharmaparvan* in the form of a dialogue between the sage and a dog-meat eating *Ca la*. The narrative goes that once a dreadful drought had overtaken the earth for twelve years. Consequently, it interrupted the normal way of life of the people in various ways. *Dharma* became weak and *br hma as* had to abandon their observances. This severe condition also struck the great sage Vi v mitra, who wandered around in desperate state of starvation. After unsuccessfully searching and begging for food, the sage saw dog meat hanging in the house of a *Ca la* and, in desperation, resolved to steal it while the *Ca la* was asleep. However, unfortunately, the *Ca la* woke up and was shocked to see the eminent sage stealing the dog meat. Thereafter, the sage and the *Ca la* engaged in a long debate on *dharma* and the justification of the sage's act of theft and consumption of forbidden food. While the *Ca la* was convinced that the sage was unjustified in his actions, Vi v mitra argued that circumstances sometimes justify the actions and what he was doing was not

improper because he was driven by a crisis. He said that his performance of an impure act can be later purified through austerities. Eventually, Vi v mitra performed penances when the crisis was over and was purified thereafter.

In the story Vi v mitra argues strongly for the legitimacy of the mechanism of *paddharma* and also affirms that he will not be degraded in the *var a* hierarchy or considered reprehensible because of his action.⁵

The story of Vi v mitra and other similar stories are found in the *Mah bh rata* on many occasions. Such narratives are also recurrent examples in the *Dharma stras*. The strong emphasis on *br hma a*'s starvation and acceptance of forbidden food are highly suggestive of the kind of crises that the *br hma as* usually faced. The following example shall further clarify the type of crisis faced by them.

The other interesting example in this connection is the story of the ungrateful Gautama *br hma a*. This story is also recounted in the *paddharmaparvan*. [Mbh. XII. 162.30-50, 163. 1-25, 164. 1-27, 165.1-32, 166.1-25]

The narrative goes that a *br hma a* of *Gautama* lineage (*gotra*) trying to survive in the face of adversity in the absence of livelihood enters a village with desire of begging. Here he encounters a wealthy barbarian. Though he was a *br hma a*, he was devoid of any learning of the *Vedas*. The barbarian who knew the laws of the social orders offered refuge to the *br hma a* by giving him shelter and alms to survive for a year together with a *dra* woman

⁵ Several parallel stories are recounted in the text about sages resorting to unorthodox means to come out of crisis conditions. For example, the story of the seven sages is told in the *Anu sanaparvan*, who are shown wandering in the wilderness in a state of desperate starvation, unable to procure food in drought and famine. With them, they have the body of king *aibya*'s son, who had been given to them as *daksin*, but had died. The seven eminent *br hma as* in sheer desperation take recourse in *paddharma* and resolve to eat the body.

This led Gautama out of the situation of distress but despite this he did not discontinue his stay with the barbarian even after being fit to earn a livelihood for himself. Instead, living among the barbarians he picked up their ways of life and lent a hand in the affairs of the barbarian household. He took great efforts to master archery, and became skilled in it to kill geese and other animals.

Then the story takes a new turn when another pious *br hma a* learned in the *Vedas* visits the village and encounters with Gautama. He was dismayed to see the way Gautama lived and abused him for failing in his *br hma ic* duties. He insisted that he leave the village. Admitting his fault, Gautama left the village and joined the company of merchants along the way. However, all of them meet with another disaster and get killed, except Gautama who manages to escape. Thus, leaving his previous lifestyle leads him to fall in another precarious situation in the lack of a living.

However he kept traveling and landed up in a pleasant landscape under the refuge of the king of the cranes called *N ja gha* (also called *R jadharman*). The story proceeds with Gautama being treated to the best of the ability of the Crane who again helps the *br hma a* to come out of distress, not only by helping him survive with food but also helping him arrange for his future means of livelihood by sending him to one of his friends who was the *R k asa* king, *Vir p k a*.

Vir p k a helped Gautama acquire riches, after knowing about his lineage and also as a favor to *R jadharman*. With the riches Gautama decided to leave the place of *R jadharman*. Gautama, however, thought that he might again fall in

distress due to lack of food when he starts his journey. This enticed him to kill the Crane R jadharmā deceitfully to acquire its meat when he needs. However, he could not escape the consequences of his actions because Vir p k a soon caught Gautama and killed him.

Later, R jadharmā was brought back to life miraculously by her mother Surabhi, as was Gautama revived by Indra at the behest of R jadharmā. Finally, Gautama was sent back to the barbarian household where he continued to live. After his death he was later cast to hell.

The narrative of Gautama is significant from many perspectives. By pointing out Gautama's vulnerable condition the story reiterates the threats that the *br hma as* faced. Gautama is shown without a means of livelihood that even leaves him starving. Such a condition leads him to take up an unorthodox way of life.

Moreover, by pointing out the frequency of Gautama crisis, he is shown to fall in distress as soon as his means of support was withdrawn. This is evident from the fact that situations turn adverse for Gautama as soon as the support given to him by the barbarian is withdrawn. He is again shown to look for means to sustain himself that takes him to the Crane R jadharmā. The Crane not only brings him out of his immediate distress but also tries to arrange his future course of livelihood by sending him to the *R ksasa* king for support.

The story brings back the same problem of starvation when it highlights Gautama's perception of an impending threat to his life once he begins wandering again. This leads him to repeat another unethical and unorthodox action of killing the Crane for food to ensure his own survival.

Another significant attribute of the story is that Gautama is treated with contempt because of his actions even though he committed all the acts according to the norms of *paddharma*. The *stras* as well as the *Mah bh rata* expressly supports that *br hma as* may commit unethical actions during crisis, which is evident from the narratives of *Vi v mitra* and *Ca la* and the story of the seven sages in crisis. The difference in treatment may have been perhaps due to the fact that Gautama did not qualify to take recourse in the norms of *paddharma*. That was because he failed to observe the duties of his *var a* and did not possess the necessary attributes of a *br hma a*. The absence of scriptural learning (*Vedic* learning as mentioned in the story) points towards the fact that Gautama had no means to sustain himself even in normal circumstances. This means that Gautama would have no scope to return back to his normal mode of livelihood and may take perpetual refuge in the laws of crisis. We know from the *stras* and *Mah bh rata* that *paddharma* is a temporary provision and living by its norms means disgracing its rules. Probably, that is the reason that the other sages who possess the qualities of *br hma as* and live according to their specified means of livelihood in normal times are supported in taking recourse in the norms of *paddharma*.

Thus it can be observed from the above discussion of the law codes and the epic that there are two major types of crises faced by the *br hma a var a*. They are economic crisis due lack of means of livelihood and lack of food. It is primarily because of these two situations that the *br hma as* generally transgress their specified norms and adopt unorthodox means to survive.

It is evident from the crisis of Droṇa that *br hma as* suffered a lack of means to earn a livelihood. In such cases according to Bhīṣma's explanation, it is the duty of the king to support *br hma as* who fall out of their specified professions. In case of Droṇa, king Drupada denied supporting Droṇa that forced him into poverty and resulted into taking up *k atriya-dharma*.

Moreover, it is seen that there is a repeated emphasis on *br hma as* falling in distress because of starvation that often push them to the extent of being cannibalistic (like the consumption of Kaikeya's son as food) or consume any forbidden food. Moreover, they can also accept the food or gifts from people belonging to any *varṇa*, including *śūdras* or other low-born classes. It is possible that such legal allowances were addressed to the *br hma as* who were engaged in austerities or dwelled in hermitages. The most likely cases of distress in case of these *br hma as* were lack of food especially during extreme situations such as natural calamities like famine or drought.

These are the two circumstances that are expressly acknowledged as distress situations for a *br hma a*. The *paddharmaparvan*, which systematically presents the theme of *paddharma*, includes narratives relating to these two conditions while discussing a *br hma a* in crisis. In other words, these are two conditions when a *br hma a* is allowed to transgress the norms of his *varṇa* in order to meet the immediate situation of crisis.

v. *The Bhīṣma*

The previous discussion established how the epic represents the concept of *paddharma* in the context of economic crisis and other adversities relating to the survival of the *br hma as*. However, the epic also comprises of other

types of adversities that the *br hma as* faced which lead to the transgression of their *var a* norms. Some of the episodes of the *Bh rgava br hma as* are representative of such transgressions due to crisis. This section attempts to look at some narratives in this connection.

The *Mah bh rata* is replete with *Bh rgava* myths. The *Bh gus* or the *Bh rgavas* as represented in the epic are a family of *br hma a* sages or priests who are said to be the descendants of the great *i Bh gu*.

The *bh gus* and the *bh rgava* myths are important to the *Mah bh rata* for various reasons. One of the reasons is that the *bh rgava* legends are predominant throughout the epic. In this connection, V.S. Sukthankar⁶, observes that ‘taking a collective view of the *Bh rgava* references in the Great Epic, we cannot avoid the conclusion that the *Bh rgava* heroes occupy a surprisingly large portion of the canvas- which is said to depict the *Bh rata* war- filling up as they do much of the available space of the background.’ Their predominance also led Sukthankar to posit his famous theory that the epic went through a thorough revision at the hands of the *Bh rgava* redactors.

The other remarkable fact about the *Bh rgavas* is that they are shown as participating in unorthodox practices that go against the normative behavior of their *var a*. The very fact of *br hma as* engaging in *k atriya* functions is a major transgression of *br hma a dharma*. This feature particularly makes them stand out from the conventional representation of the *br hma as* in the epic as well as other literary corpuses of early India. Regarding their distinguishing features, Robert Goldman points out, “the central concerns of

⁶ V.S.Sukthankar, “Bh gus and the Bh rata: a text Historical Study,” *Critical Studies in the Mah bh rata*, V.S.Sukthankar Memorial Edition Committee, Poona, 1944, p.283

the *Bh gus* appear from the mythology to have included death, violence, sorcery, confusion and violation of class roles or *var ramadharna*, intermarriage with other *var as* or *var asa kara* and open hostility to the gods themselves.”⁷

In the present context, what is interesting to note is that since the *Bh rgavas* emerge as a fairly homogeneous community of *br hma as* who performed the duties of *k atriya*s, their aberrant behavior is also justified with the help of a set narratives.

The first narrative significant in the context is the tale of Aurva. The narrative of Aurva has been recounted in the *Aurvop khy na* of the *Ādiparvan*. The story goes that there was a king named K tav rya who was a liberal patron of his priests of the *Bh rgava* race. The *Bh rgavas* prospered because of the king’s generosity in bestowing gifts and riches. However, situations changed after the death of K tav rya. A time came when the king’s descendants became impoverished and were in need of wealth. Knowing the affluence of the *Bh gus*, these *k atriya*s approached the *Bh rgavas* for wealth. Realizing danger from the *k atriya*s, some of the *Bh rgavas* buried their wealth underground while others distributed them to other *br hma as*.

Unfortunately, the hidden wealth of the *bh rgavas* was discovered by the impoverished *k atriya*s, and in desperate exasperation they killed all the *Bh gus*, not even sparing the unborn children in the womb. However, one of the *bh rgava* women concealed her unborn child in her thigh, to perpetuate the race of her husband. In due course of time, the embryo split and the child born

⁷ Robert Goldman, *Gods, Priests and and Warriors, The Bh gus of the Mah bh rata*, Columbia, University Press, New York, 1977, p. 5

from its mother's thigh glowed with such splendor that it blinded the *k atriya* persecutors. From being produced from the thigh (*ru*), the child received the name of Aurva.

The *k atriya*s being blinded requested the *br hma* a woman to restore their sight. The woman told them that the son born of her thigh is responsible for their plight because of his desires to take revenge on them for the slaying of his ancestors. Therefore, he is the only one who could help them. Thereafter, on being requested by the *k atriya*s, Aurva was appeased and restored their sight.

However, Aurva, who was also learned in scriptures and performed severe austerities, was inclined towards the destruction of the world of the *k atriya*s. Observing Aurva's aim towards the enormous slaughter, his *Bh rgava* ancestors appeared to convince him against his proposed action. To this Aurva responded that: "The promise that I pronounced in my anger, fathers, the promise that I would destroy all the worlds, shall not be belied! For I cannot live a man whose wrath and oath are of no consequence. Unless it is diverted, my anger will burn me as the fire burs the drilling block. The man who will appease that anger that has arisen in him for a good cause is unable properly to safeguard the Three Goals. For the punisher of the unlearned is the savior of the learned. Kings who want to conquer heaven employ their fury in a just cause. When I was yet unborn and yet lodged in my mother's thigh, I heard the outcry of my mothers at the massacre of the *Bh gus* down to the children in the womb, by those degenerate barons, was condoned by the worlds and the Immortals within them, then anger entered me. And indeed! My mothers with

their heavy wombs, and my fathers, found no recourse from their danger in the three worlds. [Mbh I.171.1-7]

However, desiring the welfare of the world, his *Bh rgava* ancestors ultimately convinced him to cast the fire of his anger into the waters. Thus Aurva was placated and deviated from his intentions of destroying the world.

The above legend clearly narrates the crisis suffered by the *Bh gus* because of the assault by the descendants of K tav rya. The striking feature of the story is that the *Bh gus* are represented as a clan of priestly *br hma as* which shows that the clan initially followed their legitimate *var a* roles by working as priests for the royal household of K tav rya. But they entered into a state of crisis because they were defenseless against the armed *k atriya s* who slaughtered their entire lineage. This situation of intense distress leads to Aurva's anger, who finally resolves to destroy the lineage of K tav rya.

Though he is convinced against such an action by his *bh rgava* ancestors, Aurva's justification for his anger is significant to note. He argues that his anger is for the right cause because it is motivated towards preserving the social order by punishing the bad and protecting the good. His speech clearly indicates the onset of a faulty social order where the *k atriya s* instead of being the protectors of society, especially the *br hma as*, have become a threat to their existence. Hence if he does not act accordingly, the society would be in danger from sin and disorder. Thus, the tale of Aurva points towards a condition that justifies transgression of *var a* norms in order to uphold order.

The narrative can be considered foundational not only because it establishes the famous *bh rgava-k atriya* conflict, but also establishes a strong reason for

the *bh rgavas* to take up violent means to the cause of upholding order. Aurva's resolve to take up violent means may be considered a legitimate action if we consider Bh ma's affirmation that a *br hma a* may take up arms under different situations. Bh ma says that circumstances can transform an unlawful act into lawful when even *br hma as* may be allowed to commit acts beyond their *var adharmā*. In this context, he states that a *br hma a* may take up weapons in response to several crises. He says, "There are three occasions when a Brahmin taking up weapons is not spoiled: to save himself; because there is something wrong with the Orders of society; or because of the constraints of a difficult situation. [Mbh XII. 79. 34]

However, Aurva does not take up violent means because of being dissuaded by his ancestors. Violent means is ultimately taken up by R ma J madagnya, another *bh rgava* of his lineage. The other story important in this connection is that of R ma J madagnya, who is a well known figure in the literary tradition of early India. The narratives concerning him predominate particularly because it is repeated on several important occasions which include the myths surrounding his birth to his taking up of weapons.

The story about R ma, recounted in the *Vanaparvan* [Mbh III.116.1-29] says that the *bh rgava* R ma was born to the great *bh rgava* sage Jamadagni and Re uk and was the youngest of their five sons. It is said that R ma was that most devoted son of his father. He is said to have cut off his mother Renuk 's head on his father's order- an act that all his brothers declined to perform.

Once the king K rtav rya, the lord of *An pa* visited the hermitage of Jamadagni, when all his sons were absent. The king was duly respected and

honored by the sage and his wife. However, the king, enamored by his martial pride behaved violently and by force took away a calf from the hermitage. Jamadagni informed R ma of this event upon his return, who was then seized with anger because of the king's actions. Consequently, R ma pursued K rtav rya and overcame him in battle.

R ma's actions, in turn, enraged K rtav rya's kinsmen who took revenge on R ma by killing his father Jamadagni when he was alone and defenseless in his hermitage. Seeing his father dead, R ma lamented and said: "It is my fault that K rtav rya's lowly and mindless heirs have killed you with their arrows, father, like a deer in the forest! How did a death like this befit you, father, always Law-minded and traveling the path of the strict, without guilt to any creature? What evil have they not wrought who with their hundreds of sharp arrows killed you, an aged, unresisting, man, abiding by your austerities? And what will they not say to their companions and friends after shamelessly murdering a lone Law-minded man who offered no resistance?" [Mbh III.117.1-4]

Thus, R ma grasped the weapons and swore to massacre the entire race of the *k atriya*s. He killed the sons of K rtav rya and also terminated all the clans of the *k atriya*s twenty one times.

It is apparent from the above narrative that the killing of the sage Jamadagni is similar to that described in the Aurva episode. The death is again caused by apparently unprovoked violence of the *k atriya*s. The cycle of violence and revenge takes place in two stages. In the first, K rtav rya forcibly robs Jamadagni's calf from his hermitage that leads R ma to pursue the king and

kill him. In the second stage, Jamadagni is killed by the descendents of K rtav rya that finally leads R ma to exterminate the entire race of the *k atriya*s.

These two narratives are representative of the continued threat of the *br hma as* by the ruling class that repeatedly force them into difficult circumstances.

It is evident from the words of R ma that his father Jamadagni was a virtuous and non-violent *br hma a* strictly devoted to his own *dharma*. However, he was mistreated by the *k atriya*s, captured defenseless and finally killed by them. This leads R ma to pick up weapons in retaliation against those warriors.

Thus we see that the *bh rgava br hma as* adopt unorthodox means to resolve their crisis. They transgress their *var adharma* and adopt *k atriya*dharma as a means of either defense or revenge. In the story of R ma the transgression becomes more explicit and expressed in the epic because he ultimately assumes weapons and applies them against the *k atriya*s.

From the above discussion two reasons for the *bh rgavas* taking up of arms can be discerned. Firstly, they were motivated by personal or their community's survival and secondly, the *bh rgavas* repeatedly emphasize that it was also directed towards the preservation of the social orders.

In both the narratives cited above, the speakers point out the general tendency of lawlessness in the society, particularly among the *k atriya*s. The normative relations among the *var as* are said to depend on each *var a* discharging their

specified functions. Among the *var as*, the *k atriya*s are authorized to rule, protect and uphold the good, and above all honor and support the *br hma as*. However, this *k atriya* order is portrayed to have been disrupted in the epic due to which the *br hma as* had to take up arms and stabilize the order. Thus it is made evident in the narrative that the *bh rgavas* deviance from *var adharma* was motivated by the stability of the social order.

From the discussion in this section we see the diverse situations of crisis that the *br hma as* faced due to which they had to transgress their *var adharma* in order to ensure survival. A *br hma a*'s lack of conditions to earn a living and his conditions of lack of food are the most recurrent themes in the epic in the context of *paddharma*. However, the most striking theme that emerges outside the didactic portions in this connection is that *br hma as* transgress *var a* norms in the background of different types of crisis. They are mostly seen to assume *k atriyaadharma* during such circumstances. The episode of Dro a and the *bh rgavas*, especially R ma are exemplary in this regard. While Dro a is shown as taking up *k atriyaadharma* because of his economic distress and lack of means to live, R ma takes up *k atriyaadharma* because of his personal as well as social crisis.

Thus, we see that *paddharma* norms are applied in different ways throughout the epic. Fundamentally, it signifies that *var adharma* should not be followed to the detriment of one's survival or damage to social order.

vi. *Yudhi hira's Renunciation as a Crisis*

Yudhi hira says,

“Damn the k atra way! Damn the power of the mighty chest! Damn the unforgiving stubbornness that brought to this disaster! Good are the tolerance, self control, sincerity, harmonious disposition, unselfishness, harmlessness, and truthful speech that are the constant traits of those who dwell in the forests. But we, because of our greed and our confusion, were proud and stubbornly arrogant. We have been brought to this condition by our desire to possess the trifling kingdom. But now that we have seen our kinsmen who pursued the prize lying dead upon the ground, no one could make us rejoice at being king, not even being the king of all the three worlds.” [Mbh XII.7.5-10]

The *ntiparvan* begins with these words. Yudhi hira at this moment in the narrative is surrounded by his family members and sages after the battle. His words appropriately convey the fact that besides being intensely grieved by the consequences of the war, he is disillusioned with the violence of *k atriyaadharma*. He was disturbed because he bore the burden of all the cruel actions and the consequences of the war as his own. He tried to resolve his dilemma by deciding to renounce his kingdom and retire to the forest to live as an ascetic.

In this context, a brief reference to *paddharma* is made by Bh ma who equates his decision of renunciation to an action of a king who has fallen in distress. He says, “Renunciation should be made at a time of great distress, by one who is overcome by old age, or one who has been cheated by his enemies”; so it is decreed. Thus, those who are sophisticated do not recognize

renunciation here, and those of subtle insight judge it to be a transgression of Law. How is it that you have come to hold it as your ideal? That you have taken refuge in it? [Mbh XII.10.18-20]

From Bh ma's statement, it is clear that renunciation is not an acknowledged norm for a *k atriya* and hence in normal circumstances it is considered a transgression. However, a king is allowed to choose renunciation only in a situation of distress which happens when he has either become old or is overtaken by his adversaries. It is evident that Bh ma does not consider Yudhi hira's situation to be a crisis because it does not qualify as a practical adversity. He points out how Yudhi hira's behavior is not agreeable to that of a *k atriya* since renunciation for a jubilant king is considered to go against the scriptural lawful duty of kings.

Another reference to *paddharma* is made in the context of the king Sa vara a. In the *Ādiparvan*, Janmejaya desires to know who were chosen rulers of the line of Pur ū from Vai amp yana. Narrating the stories of those kings, *Vai amp yana* recounted story of king Sa vara a [Mbh I.89.32-36]. The story goes that when the king Sa vara a Ārk a was ruling as a king, a great disaster overtook his kingdom and its people. The kingdom was torn by plagues and hit by famine, pestilence, drought and disease. At the same time, the rival forces of the Bh ratas, the *P nc las* also overtook them. The king of the *P nc las* marched out against them and defeated king Sa vara a in battle. Then the king, in panic fled the kingdom with his wife, sons, ministers and friends to settle in the woodlands of the river Indus.

Thereafter, the sage Vasishtha visited the king and became his priest. Both the king and the sage endeavored to regain the lost kingdom and ultimately won back the throne.

This episode illustrates a king in a grave crisis and shows how he copes with the situation by taking recourse in *paddharma* and escaping from the battlefield. For a king, who is a *katriya*, withdrawing from the battlefield is considered to be against the standards of his *varadharmas*. However, in a crisis as described, such a conduct is permissible since in this context the survival of the king is considered to be the most important factor. The rationale behind the action is that by ensuring his survival, a king shall be left with a chance to win back his kingdom when he is capable enough. Therefore, withdrawing to the woodlands is considered acceptable in the adverse conditions suffered by the king in this story.

The episode of Savara affirms Bhishma's position about *paddharma*. What is apparent from the examples cited above is that renunciation is generally considered to be the action considered to be the *paddharma* for the *Katriyas*. Renunciation in case of *katriyas* may mean giving up power, duties and obligation as a king that he is allowed to do only under extraordinary circumstances. In the epic, a *katriya* is never portrayed as being in crisis because of lack of livelihood like the *brahmanas*.

4.3. *Rajadharma* in Crisis

In the Brahmanical tradition, the concept of *rajadharma* is fundamental as it renders an underlying structure to the Brahmanical society. The term

r jadhama may literally refer to the duties or rules of the king, but the concept also includes the entire system of politics, governance and statecraft of early India.

The importance of the concept is reflected in the Brahmanical literature, both normative and narrative, which contains significant details about the theory and practice of politics. A narrative text such as the *Mah bh rata* is an appropriate example in this regard. Scholars consider the *Mah bh rata* to be one of the major texts on *Hindu* political theory. That is both because its plot mainly revolves around a political theme and also contains voluminous didactic material that covers a wide range of early Indian conceptions of ideal socio-political life.

In its conception, *r jadhama* is the broad framework within which the duties of the king as a functionary of the state are laid down. It is a set of fixed rules to be followed and executed by the king towards the specified object of maintaining an organized social order. The religious and legal authorities fixed the functions of the king and hence, he had a customary mode of operation and behavior expressed through the norms of *r jadhama*; any infringement of those norms implied violation of *r jadhama* that amounted to sin.

The above explanation approximately defines *r jadhama* according to the standard norms. However, an intricate situation emerged when adhering to those norms of *r jadhama* were rendered impossible due to circumstances beyond the control of the king. In order to manage such unprecedented events, the practical mechanism of *paddharma* was simultaneously devised to provide guidelines for such situations.

In the context of *r jadharma*, *pad* or crisis can be understood as those situations where there exists a perception of threat to the king and the institution of kingship. Hence, *paddharma* as presented in the literary tradition in this context is a set of norms that are to be followed when the doctrinally specified norms of the king are not possible to follow because of circumstantial difficulties. They are those recommended ways of overcoming crisis that may require transgression of the normative rules of *r jadharma*. In such situations the king is permitted to employ unethical means in order to avert a possible crisis.

In this section, I attempt to look at the nature of crisis faced by the king and the institution of kingship and what are the recommended ways of overcoming those crises. I intend to look at the concept of *paddharma* as a political category that also forms a part of the overall principles of early Indian statecraft and governance.

i. The purpose of Law, the King and the Institution of Kingship

Previously in the *R jadharma* parvan, Bhīma had emphasized the significance of *dharma* and appropriate forms of behavior to be undertaken in terms of *dharma*. The notion of proper conduct is stressed in every sphere of society, which included the king and institutions connected to him. With the help of various narratives, Bhīma establishes both the purpose and importance of the king in the society. He says that the necessity of kingship was to prevent the strong from destroying the weak. “Should there be no king in the world, says Bhīma, no one to wield the royal rod of force upon the earth, then the stronger

would roast the weaker upon spits, like spits, like fish. We have learned that peoples without king have vanished in the past, devouring each other, the way fishes in the water eat the smaller ones.” [Mbh XII. 67.16-17] Hence, the requirement of the king was to bring out society from the condition of disorder, which is identified as the condition of *matsyanya* or the ‘logic of fishes’ and establish social order and preserve the society through proper protection.

At the same time, he also points out that kingship necessitates a legitimate form of violence in the form of wielding the rod of punishment called *daśa*. In this context, Bhīṣma relates the episode of the appointment of Manu as the king by Brahmā to enforce law in the society who initially recoiled from taking up kingship because of the violence involved in it. However, he finally took up kingship when the people then made a pact with him to pay him, assist him militarily and to give a quarter of merit of their Lawful deeds. With their help, Manu then subdued the wicked and enforced law. [Mbh XII.67.20-24]

Moreover, Bhīṣma also points out that people in general feel secure when they are guarded by the king because the normal functioning of the various activities of the society are not disrupted due to his presence and protection. [Mbh XII.30]. He says that in the absence of the king, ‘agriculture would not succeed, the Vedas would not exist, sacrifices would not be done, and there would be no marriages.’ [Mbh XII.68.20-25]

Therefore, it is evident that through the illustrations and instructions Bhīṣma establishes the legitimacy of the king’s violence through punishment as a part of the process of kingship. Benoy Kumar Sarkar rightly points out that the

dharma is an essential doctrine in the theory of the state, which has its foundation in the doctrine of *daṁa*. He argues that *dharma* is created by the state by its sanction of *daṁa* and hence there is no *dharma* when there is no state. He says, “*dharma* appears as *matsyany ya* disappears, and *dharma* ceases to exist with the extinction of the state.”⁸

ii. *The Conduct of the King*

Bhīma connects the motive of the king’s appointment and his function as the authority of *daṁa* with the general well-being of the people. Simultaneously, Bhīma also illustrates how the king’s personal conduct is important in the purpose of his appointment. He argues that *daṁa*’s legitimacy is also associated with its effective handling by the king. A king should always be upright in the use of his authority and must never use it severely or for any improper reason. A king’s general policy in the kingdom should be somewhere between being lenient and harsh. Bhīma says, “the king who is always gentle will be ignored in all things. But the world trembles at a king who is harsh. So behave in both ways.” [Mbh XII.56.21] Therefore, the rod of punishment, which is the king’s authority, should let him administer in a way that his subjects or ministers might neither fear him nor take his presence for granted or ignore him.

Bhīma focuses on the king’s righteousness because his balanced conduct towards his subjects preserves both his power as well as preserves the society. He remarks,

⁸ Benoy Kumar Sarkar, “The Theory of Property, Law, and Social Order in Hindu Political Philosophy,” *International Journal of Ethics*, Vol. 30, No. 3 (Apr., 1920), p. 314

“The king who desires Merit should be devoted to the welfare of his subjects and govern them according to place, according to time, and according to capability. Since the king wants what is best for his subjects and for himself, he should make everything in the country function in accordance with the Good Law.” [Mbh XII 89.2-4]

“A wise man protects him and so does the heroic warrior, the rich man, and the landlord who is lawful; so too the ascetic who is truthful and insightful. Therefore, king, be friendly toward all these, and maintain your truthfulness, your rectitude, your temper, and your kindness. So shall you obtain your army, your treasury, your allies and your land.” [Mbh XII.89.26-28]

As discussed previously in Chapter 2, Bh ma introduced *paddharma* as an independent branch of law that are different from conventional laws. He expressly makes a distinction between the two by saying that there is one Law for those who are fully able and another Law for those who are in difficult straits. [Mbh XII.128] He identifies *paddharma* as ‘secondary’ form of law that can be practiced only when the practice of the primary form of Law is not possible. The following sections discuss the various types of crisis faced by the kingdom and what are the recommended means to cope with those crises.

iii. The King in Crisis

One of the prominent themes developed in the *Āpaddharmaparvan* in the context of *pad* relates to the *ko a* or the king’s treasury. Apart from highlighting the king’s role during a financial crisis, Bh ma consistently argues the importance of riches and the treasury from the beginning of the *parvan*.

It is interesting to note Bhīma's general thrust on the significance of treasury because it indicates that the king enters a state of crisis as well as loses his identity as a king in the absence of a healthy treasury. It is repeatedly emphasized that a poor king is a weak king and he can become mighty through riches. Therefore, he repeatedly relates kingship with riches and wealth. He says,

“On this those who know past times relate this definitive statement on deeds. Law and Riches are plain and clear to a discerning *katriya* and the two of them should never be separated.” [Mbh XII.132.1-2]

His words demonstrate that a king is recognized because of his wealth and hence his individuality is inseparable from affluence. In another context Bhīma remarks that loss of wealth is equal to death for a king.

“For one who lives the high life, losing his splendid riches is like dying.” [Mbh XII. 131.5]

The central position taken by Bhīma is that a king cannot function without a proper treasury as several aspects of a kingdom depend upon wealth. He relates the importance of treasury for the pursuance of *dharma* and for the assurance of a secure kingdom through an army. These are the two justifications given by Bhīma for the legitimate acquisition of wealth.

He establishes that treasury and army possess a mutual relationship. The raising of the army helps in the security of the kingdom while raising an army itself requires treasury.

“How can the king who has no army have a treasury and how can he who has no treasury have an army? How can he who has no army have a kingdom, and how can he who is not a king have Royal Splendor?” [Mbh XII.131.3-4]

Moreover, Bhīma also emphasizes that treasury should be acquired in order to preserve the performance of the ritual sacrifices. He establishes that the wealth of the barbarians and the people who are not engaged in sacrificial worship should be channelized towards those who execute the sacred acts of sacrifices. In this context it is important to quote the words of Bhīma who relates an ancient prose to Yudhiṣṭhira regarding the generation of treasury.

“The wealth of those who regularly worship the Gods with the sacrificial rites should never be taken, for that wealth is the property of the Gods. The *katriya* should take from the barbarians, and from those who do not perform rites. *atriyas* are to protect people and to consume them, *Bhṛata*. For wealth in this world really does belong to the *katriya* and not to any other. That wealth should be for his army or for the rites of sacrificial worship. Having harvested inedible plants, people cook them and they are edible. The men who know the *Vedas* say when someone does not worship Gods, or ancestors, or mortals with offerings, his having wealth is pointless. The king who follows the Law should take that substance, for when it is like that, it does not please the heavenly worlds; it is not royal treasure, king. Having taken those not piously observant, he presents it to those that are piously observant. Having made himself into a bridge, I judge him to be a man who knows Law.” [Mbh XII.134.1-5]

Thus, it is evident from the discussion of Bhīma that the overall functioning of a kingdom expressed through the social and religious order largely depends upon the wealth of the kingdom. A lack of treasury means the dismantling of

the entire socio-religious order of the kingdom. Hence it is one of the most important duties of the king to procure and maintain a treasury.

Moreover, it is interesting to note that because of the fundamental importance of treasury, Bhīma justifies several violent and unethical means to acquire it and ensure its maintenance. He argues that treasury cannot be procured by being entirely non-violent and that a king should acquire it with the necessary violence. It is emphasized that the idea of protection and procuring treasury is not possible without having done some harm and the harm is justified keeping in mind that the larger motive of the king is the well being of the members of the state. Hence, the king would acquire no guilt for having raised his army and treasury through any means when it is required or it is obscured by anyone.

He says that when the “king’s treasury runs down, his army dwindles away. The king should make his treasury multiply fruitfully, the way one uses water in arid tracts. Doing this is Law for now; when the time is right, then he should be kind.”[Mbh XII.128.12-14]

This indicates that in times of a financial distress, the king is allowed to be oppressive in order to ensure sufficient treasury. On the contrary in the normal times a king is required to use lenient measures while accumulating wealth. In the *Rajadharma-parvan*, while discussing the general policy for procuring wealth, Bhīma instructed that a king should always be lawful and avoid unnecessary brutality. King should be steadfast but docile in his accumulation of wealth. Bhisma says,

“He should suck the milk from the country, lest he leave the honey to the “bees” that wander in and out. Let him milk the cow with the calf in mind and not bruise her teats. Let him suck the country gently, like a leech. He should

take what he takes as a tigress picks up her cub, firmly, so it does not fall, but without biting it.” [Mbh XII.89.4-6]

Bhīma uses a number of interesting examples to justify the accumulation of wealth in times of financial crisis. We saw in the previous chapter that in times of distress the *Dharma śāstra* tradition relaxes the rules that impose restrictions on the kinds of food a *brāhmaṇa* can eat, and on the people for whom he may offer sacrifices. Bhīma uses this provision to rationalize the means that can be taken by a king when his means of sustenance is threatened. He says,

“Upon the complete shutting off all sustenance, *Bhūrata*, whom should the *kātriya* not take wealth, apart from the property of ascetics and *brāhmins*? As a *brāhmin* who is sinking into ruin may officiate at the sacrificial worship even of someone forbidden to offer sacrifices, and may even eat forbidden foods, so this is permissible, no doubt of it.” [Mbh XII. 128.20-21]

Bhīma emphasizes with a similar example that the king in need of treasury may have to use unlawful means because the process of accumulating resources may need killing of people who obstruct the procedure. This indicates some form of oppression and inflicting pain on people due to the harshness of the process.

“I will state a comparison that will illuminate the basic reality of Lawful Deeds. They cut down the slaughter-post used in the rite for the sake of the rite. There are some trees nearby that hinder that task, and certainly they cut them down too; and these too, falling, knock other trees down. Similarly, O scorcher of your foes, I see no success in accumulating the great treasury without killing those men who would obstruct it.” [Mbh XII.128.40-43]

It is evident from the foregoing discussion that the idea of *pad* in the context of overall economy and finance has two basic points. First, how to avoid a financial distress and second, what is to be done when there is an actual material distress.

Through his repeated appeals regarding the procurement of treasury, Bhāma tries to emphasize the dangers that come with worsening economic conditions. He points out that a kingdom can be thrown into a crisis due to the lack of sufficient wealth. He emphatically asserts that a decline in treasury leads to the decline in kingship and hence it is the foremost duty of the king to prevent such a condition. Hence, if the king wants to be out of crisis, he must strive to procure a treasury and maintain it. Through various justifications of the treasury's connection with the other essential aspects of the kingdom, he affirms that a king is allowed to go to the extent of violence in his collection of treasury. The king has to take care of the fact that he never suffers ruin because of lack of wealth.

Secondly, he discusses the king's role in the context of the kingdom being in a condition of financial crisis in real terms. In such situations of complete drying up of resources, probably the degree of the harshness of the king may be increased which may require appropriating wealth from anyone apart from a pious *br hma a* and also use violence for the purpose.

Similarly, Bhāma deals with various other crises relating to the internal affairs of the kingdom. His general advice regarding handling the domestic affairs is that avoiding a crisis situation is the best way to deal with it. Hence he emphasizes the use of proper judgment of situations according to which the

king should use his strength and authority. He recounts some interesting stories to prove his point.

The first story significant in this context is the tale of the barbarian king named K pavya. The story can be summarized as:

There was a ruler of the *Ni das* called K pavya who was wise, heroic, educated and kind. He was a follower of the *br hma a* precepts and followed the *k atriya* code of conduct. He knew his territory well, had expert knowledge about all the species and was well versed in the Laws of all the beings. He also honored his aged, blind parents and protected the *br hma as* who lived in the forest. Because of his righteous mode of conduct, he was chosen the king by many lawless and ruthless barbarians. As a result of choosing him the king and following him faithfully, the barbarians ultimately prospered by departing from their evil ways of life and conduct.[Mbh XII. 133.1-25]

Through the story of K pavya, Bh ma explains how an ideal king might never fall in a distress situation if he has the correct way of administering the kingdom and follows the right way of living. In the story K pavya is shown as an upright leader because he had proper knowledge about different species of the animals and men dwelling in his territory, protected those whom he was supposed to protect- his blind parents, the righteous *br hma as*, and also honored the learned traditions.

Moreover, what is interesting is that he is described to be a perfect wielder of *daṅḍā* or the rod of punishment. After becoming the king of the barbarians, K pavya while laying down rules for the kingdom says,

“Our army will attack any who will not remit to us as they are able. The rod of punishment has been ordained for the purpose of education, not for the sake of inflicting corporal punishment- that is the settled conclusion. Corporal punishment is taught by tradition to be Lawful for those who harm educated people.” [Mbh XII.133.21-23]

There are some who make their living by damaging the country; for that reason, they are likened to worms upon a corpse. [Mbh XII. 133.24]

The previous section illustrates how a king is allowed to intensify the use of his strength to even include violence if someone becomes an obstruction to the procurement of treasury. K pavya is depicted as a king who has the perfect judgment of using force against the subjects who offer resistance to the proper functioning of the kingdom or destroy the kingdom in any way. Bh ma focuses on certain aspects of K pavya as a ruler. He is described both as a kind and harsh ruler depending upon the context.

The other story relevant in this context is the “tale of three fishes” that Bh ma recounts to instruct Yudhi hira about preventing an impending danger by being swift in action. The story goes that in a pond there lived three *akula* fishes that became friends. One of these fish had an expert sense of right time or occasion (knew the proper time to act), another was far-sighted and the third was dilatory and laid-back in his actions. Once they came into a distress when some fishermen decided to drain the entire pond. Seeing the danger, the one who was far-sighted suggested that they quickly leave the pond, while the one

who had proper sense of time suggested that he would act as soon as the when the right time comes. The one that was dilatory said that there is no need to rush at this moment. The wise far-sighted fish escaped immediately while the other two were caught. The fish that knew the right time to act exerted himself and escaped somehow but the dilatory fish got captured and killed. [Mbh XII.135.1-25] The story is about different responses to a given adversity. Bhīma suggests that understanding the danger and prudent action is the best way to get rid of danger. The story may be valuable for a king who should not be laid back in his attitude with regard to any impending catastrophe in his kingdom that might lead him to a difficult situation. He should not take more time than necessary and should act immediately in case of a dangerous situation.

Another dimension discussed by Bhīma in the *paddharmaparvan* relates to the rules pertaining to the king in relation to an external opposing force. He discusses the various laws that relate to a kingdom competing for survival against a stronger force and how such a critical situation determines the behavior of the king.

Yudhishthira questions Bhīma from the perspective of a weak king. His concerns revolve around the actions of the king when he is surrounded by enemies, how to face and overcome a strong enemy and how to recognize an ally and an enemy. He discusses how the identification of threat and danger, perception of enemy and ally are crucial to understand a situation and thus engage in action. Bhīma mainly uses various interesting fables to instruct him regarding the different aspects of managing such situations.

Bhīma advocates the importance of concluding treaties with his enemies. He counsels making peace with a threatening enemy even by giving up territories and possessions to him if necessary. He says that in situations when the invader is stronger than the king, surrendering and foregoing everything is the best thing to do. He also says that if required, a king may even forsake his kingdom and flee from the battlefield.

Bhīma justifies that by making peace or abandoning the kingdom, the king saves the king from either getting killed or being captured by his enemies. By staying alive, the king is left with a scope to recover his throne and possessions in future. In order to avoid a chance that he may be captured or killed, he should immediately conclude treaties with his enemies and negotiate even at the loss of territories or at the cost of restrictions being imposed on him if he considers that he is not fit to fight these enemies at that point of time. If a stronger invader seeks conquest Unlawfully, or is bent upon doing evil, then the king should engage him in peace treaty, even one with restrictions on himself. [Mbh XII.129.6] For even while this situation prevails, as long as he is alive, he may regain his possessions.[Mbh XII 129.8] He should preserve himself from captivity, for what sympathy will he find amidst his enemy's wealth? He must never give himself up, should that be a possibility.[Mbh XII.129.11-12]

Therefore, *paddharma* in this context may be considered as the policy of averting the consequences of a greater magnitude so as to honor the survival of the king.

Bhishma takes the help of several narratives to explain the various dimensions of a sound foreign policy. The stories used by him mostly revolve around unorthodox and unethical elements of statecraft which need to be employed by the king in order to safeguard his life along with the integrity of his kingdom.

The tale of Palita and Loma has been recounted in the *paddharmaparvan*.

[Mbh XII.136.19-194] The story mainly focuses on strategies of friendship and enmity. The story can be summarized as:

Beneath a large banyan tree lived a wise mouse called Palita and in its branches lived a cat named Loma. A *Caṭala* used to lay traps at the base of the tree every night and once Loma got caught inside the trap. The mouse Palita was delighted to see his enemy Loma trapped and he roamed around freely until he saw his other enemies, a mongoose and an owl nearby. Palita got frightened and did not know what to do. Then he decided that the best thing to do at this moment was to use the cat as his ally. The mouse gave a speech that argued for their cooperation in saving each other. The cat made similar speech, urging the mouse to act immediately to free him. The mouse proposed that he wanted protection from the mongoose and the owl, and he promised to gnaw through the cat's bonds. The cat welcomed the mouse, and the mouse curled up and slept next to the cat.

The mongoose and the owl left. The mouse then slowly gnawed the cords of the trap. The cat tried to hurry the mouse to cut the cord before the *Caṭala* arrived, but the mouse argued that the cat would be a threat to him if he cuts the cord too soon. But he promised to cut the trap as soon as the *Caṭala* arrives. When the trapper arrived at dawn, the mouse quickly freed the cat.

The cat rushed up the tree in terror and the mouse went inside the hole. Hence, the cat was saved.

The cat then began to persuade the mouse that they were true friends and that he presented no danger to the mouse. The mouse responded with a long lecture on self-interest and cooperation, arguing that one does not have permanent friends, nor permanent enemies. He suggested that the cat was now being deceitful. He and the cat had been friends for a limited time and purpose, but now they are enemies again because when the cat gets hungry, he would consider the mouse as his food. The mouse argued that distrust is the best policy in practical affairs. Hence, the mouse did not accept the cat's friendship and left.

This story is trying to look at a situation of simultaneous distress and taking advantage of such a situation. The mouse is weaker than the cat and the cat is weaker than the *Ca la*. When the cat is threatened by the *Ca la*, his relative strength declines and the cat's distress leaves the mouse in an advantageous position. Though his strength does not decline to the extent of losing the ability of killing his weaker enemy, the mouse, but the mouse that is a learned entity tries to help the cat in seeing a better condition by not killing him. The mouse is left in a better situation because he has the scope to contribute to the welfare of his enemy at such an hour. This entire situation leaves the space for a negotiation where the mouse can at least save himself from the cat by his friendship and also avert the dangers posed by the other enemies like the Owl and the Mongoose by being under the shelter of the cat. The mouse basically deals with multiple threats at the same time with the help of a sound policy.

However, when both the parties are out of their respective dangers, the mouse changes its policies and breaks the friendship with the cat because now it treats the cat as a stronger enemy who would attack the weaker enemy whenever the need arises. He had acquired a friendship when he needed to be saved from other enemies. The reason why he breaks the alliance is again to serve his own interest that he survives against the stronger enemy which is the cat now out of any danger. He says that “I am the food and you are the one who eats, you will eat me when you are hungry.”[Mbh XII.139.160] So, he reasons that instead of being eaten up by him just by continuing his alliance, he better breaks it to meet the ultimate end that he survives. So the story talks about the importance of critical cognizance. Need is the primary for both friendship and enmity since different causes operate at different circumstances.

Bhīma counsels the necessity of a king’s allying himself with his enemies sometimes, and sometimes alienating his friends in the interest of gaining his ends.

Bhīma says,

“Let him make war even with those who wish him well, and let him make alliance even with his enemies, but Bhīrata, his life must always be protected. The man who never makes an alliance with his enemies is not a very wise man. He shall never gain goal or any rewards, but he who makes alliance with his enemies and opposes his friends, having perceived the appropriate fit of interests, find tremendous rewards.” [Mbh XII.136.15-17]

So, with the help of this useful narrative, Bhīma tries to instruct Yudhishthira about art of diplomacy and how and in what manner one has to bring a situation in his favor at the hour of need. The king needs to be completely

vigilant and should make an alliance with a friend or an enemy depending on what fits the time. Diplomatically handling situations not only helps one to come out of a contingent situation but also helps one not to fall into a danger. This shows the practical policy of association and dissociation.

Bhishma reiterates a traditional verse:

“Having made an alliance with an enemy more powerful than oneself for a common end, one should be fully attentive and behave with cunning; and having accomplished his goal, he should not trust the other.

Therefore, one should protect one’s his own life in all circumstances; everything- goods, progeny, and so on- is good only for one who is alive”[Mbh XII.136.185-186]

Bhishma recounts the conversation between the king Dritrashtra, the king of the Sauvras and the famous sage Bharadvaja [Mbh XII.138. 5-70] regarding the practical policies of the king who wants to become successful in his engagement with his enemies. The king and the sage engage in a long conversation but the dialogue does not have a specific context or event that struck the conversation. Instead, the sage gives the king several fragmented pieces of advice.

Sage Bharadvaja gives valuable details of the conduct of a king while dealing with his potential enemies. He says that a king adept in statecraft would withdraw his alliance when his purpose is achieved and therefore an intelligent king should keep in mind that just as he treats other kings as enemies, he too shall be treated an enemy so it would not be a wise option to trust any enemy

who has the potential to lead him in distress. By treating the enemy with trust he may fall into a crisis.

Having made an alliance in some business involving a rival, he should not trust him. The savvy king would withdraw from that alliance immediately when the business has been done. [Mbh XII. 138.15-16]

At the same time, he also talked about building the enemy's trust with the help of pretentious speech, vow of friendship, gifts and conciliation. But just as the trust is built up, a suitable advantage of his enemy's trust should be taken by taking over the enemy and ending his integrity. Bharadv ja at this point says that just as the right time arrives, a king should smash that enemy just as he would smash a clay pot against a rock.[Mbh XII. 138.19] However, at the same time he suggests that a king should ever distrust his enemy and be suspicious of his actions.

He should propitiate his enemy with conciliation, seeming to be a friend. But should always be worried about him, as of a serpent that has entered his house.[Mbh XII.138.17] Overall the enemy should be dealt by policy of deception which includes pretentious behavior and speech. The sage says that a king should be polite with his words but his heart should be like a razor.[Mbh XII.138.14]

Moreover, the sage also describes the extensive use of secret agents and spies in the enemy's kingdom as tools of the conquering policies of the state. Other means such as creating dissension among enemy camps, or deceptively captivating the enemy king are also described as a part of the policy.

Thus it is evident that the conversation between the king and the sage explicitly acknowledges the unethical means to deal with an opposing force.

The dialogue establishes usually unapproved standards of social behavior such as deceit, immortality, mistrust, manipulation, pretention to be a part of practical policy of survival.

In the case of dealing with external threats too Bhīma seems to have a dual purpose. He teaches Yudhishthira the art of diplomacy which would both help the king from falling into a distressful condition as well to come out from a distress.

The overall idea that comes from the discussion is that the ultimate crisis for a king as considered by Bhīma is the loss of his own life and his captivation. He tries to project emphatically that considering these two extreme crises a king should do anything as not to fall into a situation that might lead to the loss of his life or his captivation in the enemy's kingdom. He considers it important that the king survives and also does not get captive because getting killed or captured leaves the king without any scope to recover or strike back or come back to proper functioning. Hence, the king is recommended and justified in taking any unethical means to avoid falling prey to the enemy.

4.4. Conclusion

A discussion of the numerous narratives found in the *Mahābhārata* suggests that *paddharma* certainly became a popular category of law in the society. A significant increase in the number of narratives surrounding *paddharma* not only indicates its rising importance but also suggests a declining socio-political condition of the Brahmanical society which the authors of the text were seeking to control. A wider application of the *paddharma* norms and a greater number of situations of crisis requiring relaxation of norms is distinctly

discernable. The cases of Dro a and the *Bh rgavas* are classic examples of *br hma as* being in critical situations as a result of non performance of the traditional roles of *k atriya* kings or an extreme step being taken by the kings against the *br hma as* in particular. Situations of threat involving either lack of livelihood or an external attack probably by the ruling class is represented as situations of crisis which justified a deviation from *br hmana's* code of conduct in order to survive. Similarly, *paddharma* norms are extended, for the first time, in the context of the preservation of the king and his kingdom.

Chapter 5: *paddharma* in the *Mah bh rata* II:

Str dharm

5.1. Introduction

The *Mah bh rata* is an important text to understand the role of women in the early Indian society. The text is usually considered unique from the perspective of representing strong female characters. They are often considered strong because of their descriptions as unconventional women, primarily characterized by their effortless departures from traditional roles as ideal women. This chapter seeks to understand how far the norms of *paddharma* were applicable to women and under what circumstances were they allowed to legitimately transgress the norms of *str dharm*. What constituted crisis for women and how were they recommended to deal with them? The chapter also aims to address how far women were exploited to avert critical situations concerning men.

5.2. *Str dharm*: Women in Normative Tradition

The normative tradition stipulated women's role in the society in the form of prescribed rules of ideal conduct and behavior that centrally revolved around her disposition to yield to the authority of men. It is explicitly acknowledged in the *Dharma stras*, especially the *Manusm ti* that a female whether she is a child, a young woman, or an old lady- should never carry out any task

independently. As a child she must remain under her father's control, as a young woman under her husband's; and when her husband is dead, under sons. She must never seek to live independently. She must never want to separate herself from her father, husband or sons; for by separating herself from them, a woman brings disgrace on both families. [MS V. 147-149]. Evidently, this denial of individuality and independent existence arranged the man-woman relationship in a hierarchy with women being subordinated by their male counterpart. In the context of the *Manusm ti*, Kumkum Roy observes that "the secondary status accorded to women in this text becomes apparent from the fact that they were denied sacraments with recitation of sacred texts and were sought to be controlled by men throughout their lives."¹

An extensive ideology was also articulated, enjoining the devotion of women to their husbands through *pativrata dharma* or the duties of an ideal, chaste wife. Her chastity depended on the purity of thought, speech and sexual allegiance to her husband. By following the *pativrata dharma*, a woman was said to achieve her goals in both spiritual and material spheres. On the contrary, any conduct outside the specified womanly behavior was greatly demeaned. It was stipulated that "a woman, who controls her mind, speech, and body and is never unfaithful to her husband, attains the world of her husband, and virtuous people call her 'good woman'. By being unfaithful to her husband, on the other hand, a woman becomes disgraced in the world, takes birth in a jackal's womb, and is afflicted with evil diseases." [MS IX. 29-30] Moreover, a woman was expected to be committed to her husband and concerned about him even after his death. Manu says that 'the man to whom

¹ Kumkum Roy, *Defining the Household: Some Aspects of Prescription and Practice in Early India*, *Social Scientist*, Vol. 22, No. 1/2 (Jan- Feb., 1994) p. 14

her father or, with her father's consent, her brother gives her away- she should obey him when he is alive and not be unfaithful to him when he is dead. [MS V. 151]

In fact, the *Dharmastras* elaborate on the types of women on the basis of their behavior, devotion to their husband and allegiance to their familial roles. Based on that, the *stras* primarily refer to two categories of women- *s dhv* , who are considered virtuous possessing the ideal traditional attributes and *svairi* , who are described as promiscuous women, entirely unorthodox in their behavior. [MS IX. 29]

Besides the gradation of value assigned to a woman's conduct, elaborate rules were laid down concerning her reproductive and domestic functions. According to the *Manusm ti*, "women were created to bear children and men to extend the line" [MS IX.96]. It is declared that, "good fortune smiles incessantly on a family where the husband always finds delight in his wife, and the wife in her husband. For, if the wife does not sparkle, she does not arouse her husband. And if the husband is not aroused, there will be no offspring. When the wife sparkles, so does the entire household; but when she ceases to sparkle, so does the entire household." [MS III. 60-62].

Thus, household was the designated place for women's activity in society where she is ascribed the role of sustenance of the household and procreation for the continuation of patrilineage. It is apparent that attributes such as submissiveness, restraint and acceptance of dependence were considered essential dimensions of *str dharma*.

Given the dominant *pativrata* ideology and procreation for patrilineage, violating the sexual codes of married life was considered adultery. It was also looked upon as a grave offense. Not only female but even male sexuality was subject to control. Adulterous unions invited punishment for the culprits and also disregard to the children born out of those relationships. It is stipulated that “when men violate the wives of others, the king should disfigure their bodies with punishments that inspire terror and then execute them; for such violations give rise to the mixing of social classes among people, creating deviation from the Law that tears out the very root and leads to destruction of everything.” [MS VIII. 352-353] Various other injunctions were laid down that criminalized adulterous relationships. [MS III. 174, VIII. 356-359, VIII. 371-386, XI. 177-178].

The reason for severe provisions regarding adultery can be explained in terms of anxiety to prevent or control *var asa kara*. A patriarchal *brahmanical* society concerned with the purity of patrilineage and caste was bound to treat adultery as a sin. Thus, we find that the authors of the *Dharmastras* were “obsessively concerned with the upper caste women’s sexuality, be it a wife or a widow.”²

Moreover, the *Dharmastras* governed both male and female sexualities by enforcing stringent rules on marriage and sexual activities. While endogamy was highly preferred, exogamy was accommodated only in the form of *anuloma* unions (hypergamy). *Pratiloma* unions (hypogamy) were vehemently opposed. According to the *Manusmṛiti*, “A man who defiles a virgin against her

² Shalini Shah, Women and the Notion of Karma in the Dharmaśāstrīya Discourse, *The Indian Historical Review*, Vol. XXXIII, No 2 (July 2006), p. 11

will merit immediate execution. When a man of equal status defiles a willing virgin, however, he is not subject to execution. No fine should be imposed on a virgin who falls in love with a man superior to herself; but if she makes love to a man inferior to herself, she should be put under restraint and confined to her house. When a man of inferior status makes love to a superior woman, however, her merits execution; if he makes love to a woman of equal status, he should pay a bride price if her father so desires.” [MS VIII. 364-366]

Most provisions concerning women relate to governing their sexuality. Probably, subordination of women as well as customizing their behavior was essential to maintain an order in the society. This was important because the *var a* system formed a social hierarchy that had to be sustained through heredity. Since *var asa kara* had to be avoided in every possible way, extraordinary care was taken to govern sexuality. Uma Chakravarty points out that “in this case the purity of the caste would have been compromised as caste status was perceived as being contingent upon the purity of women in Brahmanical patriarchy.”³

The foregoing discussion highlights the acceptable aspects of sexuality according to the *Dharma stras*. The *stras* neatly point out the permissions and prohibitions regarding sexual behavior in society. An ideal order in terms of sexuality could be maintained only by containing *var asa kara* in general and *pratiloma* unions in particular. That was executed, at least in theory, by subordinating upper class female sexuality and lower caste male sexuality. By

³ Uma Chakravarty, “Conceptualizing Brahmanical Patriarchy in Early India: Gender, Caste, Class and State”, *Economic and Political Weekly*, Vol. 28, No. 14 (Apr. 3, 1993), pp. 579-585

controlling sexuality and ideal of gender relations through several means, the early Indian sexual ethics were laid down.

5.3. *Str dharma* in Crisis

The discussion so far centers around the conventional norms concerning women. Since *paddharma* represents deviations from the prevailing norms, it necessitates abrogation of social conventions. The important question in this context is what constitutes crisis for a woman and what deviations from the norms are permissible to her in such condition?

It is interesting to note that though distress *of* women is comparatively less theorized,⁴ there are numerous instances of women being excused for deviating from ideals of *str dharma* in the Brahmanical literature. It can be observed that transgression of standard norms of behavior is allowed for women under several circumstances. The most explicitly acknowledged deviation for women relates to a situation of crisis involving procreation. Women may act in unorthodox ways when she is deprived of progeny, particularly a son. At another level, a woman can transgress the usual norms under the command of the men controlling her life, like her father or her husband.

Early Indian society is known to place a high regard for progeny. In the *dharma* texts as well as the *Mah bh rata*, this is a subject of serious concern which is evident through the numerous clauses and episodes relating to

⁴ Arti Dhand, *Woman as Fire, Woman as Sage; Sexual Ideology in the Mah bh rata*, State University of New York Press, Albany, p. 184

progeny. However, a male child was inarguably deemed more desirable than females because of their genealogical, economic and ritual significance.

Procreation was considered both a need and a duty and was supported in the texts through various ritual and social discourses. Rules relating to *pitṛadhāna*, pious obligation to pay the debts of the father, duty of a man to beget a son to repay the debt to the *pitṛs* and many other such provisions were woven to strengthen the significance of a son in the established social order. To illustrate this we can also take the example of the provision whereby the son was seen as taking over all the debts (both temporal and spiritual) of his father and thus liberating him from the cycle of births and deaths.

For instance, the *Manusmṛiti* says that “Through a son a man gains the worlds; through a son’s son he obtains eternal life; but through the son’s grandson he attains the crest of the sun. The Self-existent One himself has called him “son” (*putra*) because he rescues (*tr*) his father from the hell named *Put*.” [MS IX. 137-138]

Similarly, in the *Mahābhārata*, we have several references to the significance of a male progeny. For instance, we have the example of *ṛṣi* Agastya who meets his ancestors hanging upside- down in a cave because they were not propitiated through birth of an offspring from him. Agastya asked his forefathers, ‘what is your object, sirs?’ ‘Offspring!’ replied the scholars of the Brahman. They said to him, ‘we are your own ancestors and have ended in this cave, hanging down because of want of progeny. If you, Agastya, were to beget a sublime child, we would be released from this hell and you, son, would attain to the goal!’ [Mbh I. 94] Similarly, the *Ādiparvan* recounts the story of

the sage Mandapala who is debarred from heaven because he does not have an offspring. [Mbh I.220].

Thus, it is evident that every individual was enjoined by scriptures to have a natural son (*aurasa putra*) and not having one constituted a serious crisis. The established order of property, religion and society would be subverted through the absence of sons. This situation probably justified measures that could be undertaken to acquire sons by other means. One of the means to acquire a son was through an appeal to *paddharma* called *niyoga*, in which unorthodox sexual relations were permitted for the purpose of procuring a male offspring.

Niyoga, as discussed earlier, is the appointment of a wife or widow to procreate a son through intercourse with an appointed male.⁵ The practice is undertaken if a woman's husband is unable to beget a progeny or has died before impregnating his wife. The son born out of *niyoga* is called *ketrāja* and is considered legitimate like a natural son of the father who is the owner of the wife or widow (*ketrin/ ketrīka*). The appointed male known as the *bjin/ niyogin* is merely the begetter of the offspring and holds no right over the progeny.⁶

Niyoga is a recognized practice in the *Mahābhārata*. The epic has numerous examples of the practice with the help of which the major characters of the story like Dharma, Paṇḍu, Vidura, and the five Pāṇavas were born. The epic gives numerous details about the practice with the help of various narratives recounted by its characters on various occasions.

⁵ P.V. Kane, *History of Dharmaśāstra*, vol. II, pt. I, Bhandarkar Oriental Research Institute, Poona, 1974, p. 599

⁶ *Ibid*, p. 599

The first detailed discussion about the practice is found in the *Ādiparvan*, when Satyavat, greatly concerned about the continuity of the *Bharata* dynasty, explicates its rules to Bhīma and requests him to beget sons on Ambikā and Ambalīkā, the wives of his brother Vicitravīrya. Satyavat says that “my mighty son was your brother, and he was very dear to you. A boy still, he went to heaven, leaving no sons, bull among men. Your brother’s queens, the good daughters of the king of the Kāśis, both lovely and in the bloom of their youth, are yearning for sons, Bhīrata! Beget children on them, so that our line may continue, beget them at my behest, lord. Pray carry out the Law that applies here.” [Mbh I. 97.1] Satyavat points out several essential features of the custom.

The appointed man for the purpose of *niyoga* had to be, as a rule, the brother-in-law (brother of the husband) of the wife or the widow. But in his absence, a *sapīṭha*, *sagotra*, *sapravara* could be appointed. According to Manu, “if the line is about to die out, a wife who is duly appointed may obtain the desired progeny through a brother-in-law or a relative belonging to the same ancestry.” [MS IX. 59]

Bhīma, however, declined his mother’s request on account of his prior vow of celibacy. However, he further discussed the legal injunctions relating to the custom in order to suggest other ways to carry out the practice. Since he was unable to father children on the widows of Vicitravīrya, he suggested Satyavat to appoint a *brāhmaṇa* for the purpose. In this context, Bhīma reiterates the *Dharmaśāstra* recommendation that if either the brother-in-law or anyone

from a common ancestry or caste was not available, a *br hma a* can be appointed to beget a son on the wife or the widow.⁷

Bh ma supported his advice by relating the narratives of *br hma a* sages who helped the *k atriya*s and kings to beget progenies on their wives and widows. He thereby proves the legitimacy of appointing *br hma as* to procure sons, a practice that had been followed by many eminent sages in the past and has the support of Law.

He relates how the *br hma as* begot sons on the *k atriya* women each time after R ma, the son of Jamadagni, massacred the *k atriya*s. Bh ma recounts, “twenty one times did the great spirited Bh rgava with his various weaponry empty the earth of barons. But then once more all the baronesses everywhere gave birth to children by brahmins of stern spirits. “The son is his who took the hand,” so it is decided in the *Vedas*. The women kept their minds on the Law as they lay with the brahmins and now in all the world the resurgence of the barons is an obvious fact.’ [Mbh I. 98.1]

Bh ma also recounts the story of the blind sage D rghatamas who was invited by king Balin to father children on his wife, Sude . The story goes that D rghatamas, the son of Utathya, was blind due to Brhaspati’s curse. He had fathered sons who were cruel to him because he was blind and old and consequently abandoned him. In course of time, the king Balin who recognized him as a *br hma a* and chose him to beget sons on his wife.

⁷ According to P.V. Kane, the *Vī usm ti* contains an innovation which is not found in the *s tras* of Gautama and Vasi ha viz the ‘*k etraja* is one who is procreated on an appointed wife or widow by a *sapi a* of the husband or by a *br hma a*. [VS XV. 3] P. V. Kane, *History of Dharma stra*, vol. II, pt. I, Bhandarkar Oriental Research Institute, Poona, 1974, p. 603

However, his wife Sude , finding him blind and old, did not have an encounter with him and instead sent her nurse for the purpose. Consequently, the woman gave birth to eleven sons. When Balin saw them, he claimed them to be his legitimate sons. However, the sage intervened and told Balin that they could not be his sons because they were begotten by a serf woman and not by Sude . D rghatamas exclaimed that, “your queen Sude found me both blind and old and foolishly gave me to her nurse.” The king then pacified the sage and finally procured a son from him. [Mbh I.98.17–32].

This story is important from the perspective of claim on and legitimacy of the sons born out of the process of *niyoga*. The *Dharma stras* emphasize that the son born out of *niyoga* shall be considered legitimate only if the rules are strictly followed. The son of an unappointed woman cannot be recognized as legitimate successor or inheritor of the father’s property, nor can he carry forward the patrilineage. According to the *Manusm ti*, ‘when an unappointed woman obtains a son either through her brother-in-law or someone else, that son, born through lust, is not entitled to the estate, he is said to have been wrongly begotten.’ [MS IX. 147] In the narrative, D rghatamas points out explicitly that the sons born of him and the serf woman cannot be considered the sons of the king Balin because they were not begotten on his wife who was the appointed woman and hence the king cannot lay his claim on the sons.

Another interesting aspect of the narrative recounted by Bh ma was the incident that takes place before the birth of D rghatamas. The story goes that Utathya, the father of D rghatamas, had a younger brother called B haspati, the

priest of the Gods. B haspati lusted after Utathya's wife Mamat and approached her. Mamat, however, told him that she had already conceived a son from her connection with his elder brother, Utathya and that, therefore, he should not then seek to approach her. Mamat said, "I am with child by your elder brother, stop! And right here in my womb this child of Utathya's has learned the Veda and its six branches, my lord B haspati. Now you will spill your seeds in vain." Despite her warnings B haspati, unable to control his desire for her, became intimate with her. In this moment, the child in womb said, "*Bho*, little uncle, there is no room here for two! You have wasted your seed, and I was here first." [Mbh I. 98.6-15]

The episode is brief but significant because through the words of Mamat as well as the unborn child in the womb, the illegitimacy of B haspati's conduct was made clear. Any lustful affair with the wife of a brother is severely condemned by the Brahmanical literature. The *dharma* texts permit the engagement between a woman and her brother-in-law under extremely stringent terms. Manu stipulates that "If, on the contrary, the appointed couple disregard the rules and behave lustfully with one another, both becomes outcastes, he as the molester of a daughter-in-law and she as the violator of an elder's bed." [MS IX. 63]

After the long discussion on various examples and the rules of the practice with Bh ma, Satyavat commands her two widowed daughters-in-law to rescue the Bh rata clan from extinction by assenting to *niyoga* with her pre-marital son, the famous sage Vy sa which leads to the birth of D tar tra, P u and Vidura.

The other detailed discussion on *niyoga* takes place between Pānu and his wife Kuntī when Pānu, who was deeply distressed because of the lack of a son, requests his wife to beget sons by following the practice. In the course of his conversation with her, Pānu convinces her through the stories of various kings who took recourse to *niyoga* to overcome their distress of childless state. For example, he takes up the example of Śradāyini, who chose an accomplished *brāhmaṇa* to give birth to sons on the command of her husband. [Mbh I.111.35]. Similarly, he also recounts the story of Bhadrakīvatī, the wife of king Vyuṭīva, who longed for sons after the death of her husband and gave birth to sons after a hidden divine voice permitted her to procure sons. [Mbh I.112.30]. He also recounted the example of king Kalmāpadasaudasī, who procured his son Amaka from his wife Madayanti and the sage Vasiṣṭha. [Mbh I.113.21-24]

It is apparent that one of the most compelling factors that justified the departure from standard sexual norms, especially for women, was the desire for sons. To prevent a contingency occasioned by the lack of a son, the *Dharma śāstras* designed the custom of *niyoga* which the epic acknowledges and applies it when required.

Most of the narratives demonstrate that the crisis is that of the husband or his family. *Niyoga* was permitted because the lack of a son made a man ritually incomplete or endangered his patrilineage. A woman is merely a *kṛtā*, the field of the husband, who neither had the choice to decline the appointed man nor to choose one. In all the narratives either the husband or the elders grant the permission or make the choice. In the case of the *niyoga* union of the wives

of Vicitrav rya, Satyavat takes the decision regarding the appointment. Ambik and Amb lik are shown as passive instruments who are not allowed to even decline the sage out of an aversion. When Satyavat asked Vy sa after his engagement with Ambik , if a son shall be born to her, Vy sa replied that since she had closed her eyes out of fear, she shall have a blind son. Vy sa exclaims that “because of his mother’s defect of virtue, he shall be born blind.” [Mbh I.100.10] The similar incidence takes place with Amb lik , who turns pale after seeing Vy sa. Vy sa said to her that “since you paled when you saw my ugliness, you shall have a son of a sickly pallor, and so his name shall be P u, the Pale, woman of the lovely face.” [Mbh I.100.15]

Vy sa’s curses may be explained in terms of the *stric* regulation which says that a woman must be actuated by no lust but only by a sense of duty and the lack of the princesses’ indifference to Vy sa’s ugliness led to the curse.⁸

However, the same norm does not seem to apply on the appointed male. During the third encounter when Vy sa instead of Ambik meets the slave woman sent by her, out of his satisfaction for her services, Vy sa gives him boons which include the birth of an illustrious son.

When the seer came, the woman rose to meet him and greeted him; and with his consent lay with him and served him with all honor. The seer waxed content with the pleasure of love he found with her, and he spent all night with her as she pleased him. When he rose, he said to her, “You shall cease to be a slave. There is a child come to your belly, my lovely, an illustrious man-

⁸ In fact, the *Dharma stra* authors in order to obstruct the practice as a pleasure union stipulate that “the appointed man should smear himself with ghee, approach the widow at night in silence, and beget a single son, never a second.” [MS IX. 60]

child who shall be mindful of the Law and become sagacious man in the world.” Thus was born Vidura, son of Kṛpā Dvaipāyana, the immeasurably sage brother of Dhṛtarāṣṭra and Pāṇḍu. [Mbh I. 100.25-29]

It is clear that a separate sexual ideology was formulated in order to control a crisis and prevent the disruption of social order due to the absence of a male progeny. In consonance with the usual tendency of Brahmanical literature, which was to control the lives of individual, thereby controlling the order, *niyoga* was also formulated as an organized and well-defined theory with certain defined principles and strict specifications. Even though the provisions of relaxing the sexual norms were explicitly granted, the ideal social order was not compromised.

While legitimizing sexual freedom there was always the danger that *varas* will become indistinguishable and consequently the order of the social world that is dependent on the separation of the *varas* shall be compromised. This was prevented at two levels; firstly by strongly preferring the brother-in-law as the appointed male, or someone belonging to the same ancestry or caste in his absence. This ruled out the possibility of *varasakara*. Secondly, if there was an absence of all the preferred choices of male appointment, then a *brhmas* was favored. The preference given to *brhmas* for *niyoga* is strongly supported by the *Mahabharata* as is clear from the narratives cited above. Preference given to *brhmas* was probably accorded so as to prevent every possibility of *pratiloma* unions, which the Brahmanical world was so vehemently opposed to. Therefore, the precincts of blood relations (through

sapī a, *sagotra* etc) of *var a* were imposed for a *niyoga* to confer legitimacy and hence maintain the dynamics of social relationships.

It is evident from the discussion on *niyoga* as to how the normal boundaries of sexual purity of the wife or the widow are disregarded by subverting conservative sexual conduct. The other situation in which a woman's departure from usual norms of conduct is condoned is when either her father or her husband is under some compulsion or threat. The *Mah bh rata* contains a wide range of narratives, in which a woman confronts undesirable situations and has to take recourse to unconventional practices under the command of her father or husband. The stories of *Ogh vat* and *M dhav* are classic examples in this regard.

The story of *Ogh vat* is recounted in the *Sudar anop khyanam* [Mbh XIII.2] of the *Anu sanaparvan*. In this episode, the son of Agni, *Sudar ana* has taken a vow of unstinted hospitality to whoever visits him as a guest.

Sudar ana instructs his wife *Ogh vat* : “Do thou never act contrary to (the wishes of) those that seek our hospitality. Thou shouldst make no scruple about the means by which guests are to be welcomed, even if thou have to offer thy own person. O beautiful one, this vow is always present in the mind, since for householders, there is no higher virtue than hospitality accorded to guests. Do thou always bear this in mind without ever doubting it, if my words be any authority with thee. O sinless and blessed one, if thou hast any faith in me, do thou never disregard a guest whether I be at thy side or at a distance from thee!” [Mbh XIII, II. 41-45] To his command *Ogh vat* agrees and

replies, “I shall leave nothing undone of what thou commandest me” [Mbh XIII, II. 46]

After this conversation, Sudar ana leaves to fetch firewood. Meanwhile, when he was away, M tyu, in the guise of a *br hma a* visits the hermitage and seeks hospitality. He says, ‘O beautiful lady, if thou hast any faith in the virtue of hospitality as prescribed for householders, then I would request thee to extend the rites of hospitality to me to-day.’ [Mbh XIII, II. 49]

On seeing the *br hma a*, Ogh vat , offered him a seat and water to wash his feet and asked him what she could do for him. The *br hma a* said, “My business is with thy person, O blessed one. Do thou act accordingly without any hesitation in thy mind. If the duties prescribed for householders be acceptable to thee, do thou, O princess, gratify me by offering up thy person to me.” [Mbh XIII, II.53]

At this point, Ogh vat offered him other gifts, but the *br hma a* did not ask for any other gift apart from the offer of her own person. Seeing him resolved, Ogh vat , remembering the directions which had been given to her by her husband, and remembering his desire of acquiring the virtue of householders, she agreed to offer herself to the *br hma a*.

Meanwhile, Sudar ana, having collected firewood, returned and called out Ogh vat but receives no answer because she became speechless out of shame and impurity. Then the *br hma a* replied, “Do thou learn, O son of P vaka, that a Brahma a guest has arrived, and though tempted by this thy wife with diverse other offers of welcome, I have, O best of Brahma as, desired only her person, and this fair-faced lady is engaged in welcoming me with due rites.

Thou art at liberty to do whatever thou thinkest to be suitable to this occasion.”

[Mbh XIII, Section II.64-65]

To this Sudar ana replied, “Do thou enjoy thyself, O Brahma a. It is a great pleasure to me. A householder obtains the highest merit by honoring a guest. It is said by the learned that, as regards the householder, there is no higher merit than what results unto him from a guest departing from his house after having been duly honored by him. My life, my wife, and whatever other worldly possessions I have, are all dedicated to the use of my guests.” [Mbh XIII, II. 68-71]

In the end, the visitor turns out to be Dharma, who praises Sudar ana and his wife for their respective virtuous actions and offers them his blessings.

The story is an example of a woman transgressing sexual norms of *pativrat dharma* by engaging in adultery. However, her action is given legitimacy by the fact that she has acted under the command of her husband as well as to honor his vow which could have been jeopardized if she had not agreed to the act. Since her concern is clearly for the welfare of her husband, her departure from the ideal norms of *pativrata* is supported and acclaimed.

The narrative of M dhav , which is told in the *Udyoga Parvan*, is another example of departure from the usual sexual code prescribed for women. The story goes that G lava, a *br hma a*, is asked by his *guru*, the sage Vi v mitra, to give him eight hundred horses of a special and rare variety as fee. G lava, however, does not possess any of these horses and in his effort to search for the horses, approaches the king Yay ti for help. King Yay ti, who was also does not possess those horses, offers his maiden daughter, M dhav , instead. In

this context, the words of king Yay ti are significant. He says, “Blessed is my life today, and the race also in which I am born, hath, indeed, been blessed today. This very province also of mine hath equally been blessed by thee, O sinless Tarkshya. There is one thing, however, O friend, that I desire to say unto thee, and that is, I am not so rich now as thou thinkest, for my wealth hath suffered a great diminution. I cannot, however, O ranger of the skies, make thy advent here a fruitless one. Nor can I venture to frustrate the hopes entertained by this regenerate *Rishi*. I shall, therefore, give him that which will accomplish his purpose. If one having come for alms, returneth disappointed, he may consume the (host’s) race. O son of Vinat , it is said that there is no act more sinful than that of saying, 'I have nothing'--and thus destroying the hope of one that cometh, saying, 'Give.' The disappointed man whose hopes have been killed and his object not accomplished, can destroy the sons and grandsons of the person that faileth to do him good. Therefore, O G lava, take thou this daughter of mine, this perpetrator of four families. In beauty, she resembleth a daughter of the celestials. She is capable of prompting every virtue. Indeed, owing to her beauty, she is always solicited (at my hands) by gods and men, and *Asuras*. Let alone twice four hundred steeds each with a black ear, the kings of the earth will give away their whole kingdoms as her dower. Take thou, therefore, this daughter of mine, named M dhav .” [Mbh V 119- 122]

G lava then gave M dhav to four different men in marriage, including Vi v mitra, for producing a son each in exchange for horses for his *guru*.

M dhav is married four times and bears four sons to each of them. With the birth of each son, her marriage is presumably dissolved, and she becomes a

virgin and enters into a new one. Her unorthodox action, like Ogh vat , is again honored in the text. That is because she offers herself for the sake of her father and on his command. She honors her father's compulsion to save his generations from the curse of the *br hma a*, and hence incurs no sin for her actions.

Shalini Shah observes that M dhav is a classic example of women as property. Her father Yay ti gives her away to G lava, and is brutally honest about the reason that prompted him to give M dhav to G lava- so that his sons and grandsons are not destroyed as a result of the curse of a dissatisfied mendicant. For their well being, it seems daughter could be sacrificed. M dhav in this entire transaction is an object and does not have a subjective status, as an object, she is a property, an instrument in social relations created by those with rights over her.⁹

Both the stories cited above illustrate that the controlling authority over women is either her father or her husband. Honoring their words or saving them from an impending adversity is deemed to be one of her duties, for which she is also allowed to break the norms of standard behavior.

5.4. Women as Tools to Avert Crisis.

The *Mah bh rata* predominantly employs women for averting crises. Not only is their sexuality employed on the human plane, they are also prominently utilized in the godly world. The epic is full of stories about women who were used as a means by which some act was accomplished. There are a number of

⁹ Shalini Shah, *The Making of Womanhood: Gender Relations in the Mah bh rata*, Manohar, 1995, p. 29

narratives about celestial females, such as Menak , Urva i and Tilottam , who were employed by gods like Indra and Brahm to avert individual crises. In fact, the celestial females emerge as a fairly homogeneous category, controlled by gods to perform tasks for them in order eliminate an impending crisis.

The story of the beautiful *apsar* Tilottam , who is appointed to help the gods to kill the *Asura* brothers Sunda and Upasunda, is recounted in the *Ādiparvan*. The story states that Sunda and Upasunda were two inseparable *Asura* brothers, who were born in the lineage of the famous *Asura* Hira yaka ipu. They possessed great strength and prowess. Once they decided to conquer the universe. They underwent consecration and practiced severe austerities. Watchful of their severe austerities, the gods try to obstruct them in various ways so their austerities are rendered fruitless. However, the Gods' wizardry fails to distract them. Finally, the brothers ask for the boon of immortality from Brahm . Brahm denies them immortality but grant them immunity from everyone except each other. Having received the boon, they decide to conquer the earth by massacring the *br hma as* and *k atriya s*.

On this occasion, seers plead with Brahm to stop the brothers by some means. Brahm then summons Vi vakarman to make a perfect woman. Brahm commanda Vi vakarman, "create a beautiful woman who can be bidden."
[Mbh I. 203.12]

Thereafter, Vi vakarman collects all the jewels of the world and creates Tilottam . Brahm orders her to seduce and estrange Sunda and Upasunda. He commands, 'Go to the *Asuras* Sunda and Upasunda, Tilottam , and seduce them, my dear, with your biddable beauty. Act to such purpose that as soon as

see you a quarrel arises between the two over you and your perfect body.’

[Mbh I. 203.18]

On being commanded, Tilottam appears before the brothers who fall in love with her and each demands her for himself. They start fighting over her and ultimately kill each other thereby accomplishing the task assigned to her by the gods.

Similar story about Menak and Vi v mitra is recounted in the *Ādiparvan* by akuntal to Du anta. She recounts that Menak was employed by lord Indra to obviate Vi v mitra from the path of severe austerities which was a threat to Indra’s position. akuntal states that, “Fearful lest the ascetic, whose puissance has been set ablaze by his austerities, would topple him from his throne, the Sacker of Cities therefore spoke to Menak . “Menak , you are distinguished in divine talents of the *Apsar s*. Take my welfare to heart, beautiful woman, and do so as I ask you, listen. That great ascetic Vi v mitra, who possesses the splendor of the sun, has been performing awesome austerities that make my mind tremble. Menak of the pretty waist, Vi v mitra is your burden. This unassailable man of honed spirit is engaged in dreadful austerities and lest he topple me from my throne, go to him and seduce him. Obstruct his asceticism, do me the ultimate favor! Seduce him with your beauty, youth, sweetness, fondling, smiles and flatteries, my buxom girl, and turn him away from his austerities!” [Mbh I.65.20-25]

The stories further reinforce the explicit use of female sexuality by gods to divert various categories of crises. In another instance, after the churning of the ocean, when the D navas were fighting to acquire the Exilir of

Immortality, Lord N r ya a himself assumed the shape of a beautiful woman so as to deceive the D navas and distract them from the *am ta*. The *Ādiparvan* recounts that, “when they saw this great marvel, a loud outcry for the Exilir went up from the D navas, who screeched ‘It is mine!’ But Lord N r ya a, employed his bewitching wizardry and assumed the wondrous shape of a woman; then he joined the D navas. Their minds bewitched, they gave that woman the Exilir, both D navas and Daityas did, for their hearts went out to her.” [Mbh I.16.40]

In the story of Tilottam , her sexuality is created and nurtured skillfully to be expended on the worthy cause of stabilizing the world. Similar course is taken by N r ya a to protect the world from the D navas. At the same time, in the story of Menak and Vi v mitra, Indra caters to his personal distress by utilizing Menak ’s sexual prowess.

5.5. Conclusion

From the foregoing discussion, it is apparent that the Brahmanical literature does not have a separate discourse for women as a category in crisis. They feature in the ideologies of crisis more as an instrument to avert an impending crisis. It is women’s procreative function and her sexuality that are employed for larger purposes of preventing the occurrence of an adverse situation. Her sexuality and sexual services as demonstrated by the narratives of Ogh vat and M dhav are also used to serve the larger causes. In the context of M dhav ’s narrative, Shalini Shah remarks that “she is not exchanged as inalienable gift in marriage but is treated as a disposable property by men in her life who alienate her or her reproductive capacity and sexuality at

will.”¹⁰ She further says that “continuously in the process of being alienated or disposed, M dhav lands up being totally alienated from the male ordered world where from a person she became only a *womb on rent*.”¹¹

Even in the case of the practice of *niyoga*, which is the most explicit theorization of transgression, the female reproductive system was used in unorthodox ways to prevent a larger crisis. The woman’s sexual agency is expressly used for the sake of her husband; her procreative function is enlisted specifically for the perpetuation of the male ritual sphere. Personal maternal fulfillment may be a bonus, but it is not a motivating factor.¹²

All the above mentioned women’s behavior is unconventional because it represents drastic departures from the ideal of gender relations and womanly conduct. Though woman’s distress is not particularly theorized but it is interesting to note that her sexuality itself poses a threat to her as well as becomes the means to overcome the threat. For instance, in case of Ogh vat , her sexuality obstructs her from being a *pativrat* which she desperately wants to be, but at the same time it is her sexuality that becomes the means to be one.

Similarly, even in the encounter between Satyavat and sage Par ara, she is confounded in the dilemma of action. Her story of pre marital engagement with Par ara is recounted by herself in the *Ādiparvan*. She says that “while I was ferrying him across the Yamun , the great hermit came up to me and, possessed by love, spoke to many sweet things with great gentleness. Equally

¹⁰ Shalini Shah, *The Making of Womanhood: Gender Relations in the Mah bh rata*, Manohar, 1995, p. 29

¹¹ *Ibid*, p. 30

¹² Arti Dhand, *Woman as Fire, Woman as Sage; Sexual Ideology in the Mah bh rata*, State University of New York Press, Albany, 2008, p. 188

fearful of his curse and of my father, and showered with boons that are not easily come by, I could not reject him. He overpowered and mastered me with his virility, right there on the boat, after covering the open spaces with darkness. Before that time I had a strong odor of fish- loathsome. He took it away, the hermit, and gave me a pure fragrance. He also told me that when I had delivered my child on an island in the river, I would still be a virgin.”

[Mbh I. 99.1-10]

Her sexuality poses a threat to her which she wants to protect but is also concerned about being cursed by the sage if she does not comply. At the same time, she is also worried about the reaction of her own father at her action under whose protection she lives presently. Her fears lead Parāra to grant her the boon of virginity after the birth of a son; a promise that finally leads her to engage in the act with the sage.

A persistent yearning for restoration of virginity after each sexual encounter in most narratives probably indicates its significance without which the future of the woman might be endangered. Perhaps this was propagated in order to make her sexuality more functional. Other discourses about a woman’s purity were propagated. For example, both the *Dharma śtras* as well as the *Mahābhārata* hold that though a woman transgresses, her menstruation is the mark of an all encompassing purity unique to woman. ‘Women are automatically cleansed by their menstrual course, like a utensil scoured with ashes.’[Mbh XII. 36.25.27]. Thus, women’s adultery may be more easily forgiven. Shalini Shah says that “it was essentially woman’s procreative role

which was at the root of many *Dharma striya* writers taking a lenient view of female adultery.”¹³

Thus, under the larger patriarchal set up, women’s crisis related to their sexuality in many ways. They were expected to protect the integrity of their sexuality and for this purpose were also guarded by the protection of men throughout their life. But their vulnerability centered on the fact that the protection could be withdrawn according to circumstances by those men who guard her sexuality. Catherine Mackinnon’s statement seems to be appropriate in this context. According to her, “sexuality is to feminism what work is to Marxism; that which is most one’s own, yet the most taken away”¹⁴

¹³ Shalini Shah, “Women and the Notion of *Karma* in the *Dharma striya* Discourse,” *The Indian Historical Review*, Vol. XXXIII, No 2 (July 2006), p. 12

¹⁴ Cited in Shalini Shah, “Women and the Notion of *Karma* in the *Dharma striya* Discourse”, *The Indian Historical Review*, Vol. XXXIII, No 2 (July 2006), p. 2

Chapter 6: Conclusion

6.1. Contextualizing *paddharma*

The literary accounts of the early historic period is replete with references of crisis; this is particularly evident from the narratives of destruction and devastation predominant in the descriptions of the *kali yuga*. According to Brahmanical imagination *kali yuga* represented that stage of human existence where a complete disintegration of the universe is lurking. The notion of the four *yugas* became a significant feature in the early historic accounts describing the qualities of different *yugas*. According to the literary accounts, cosmic time is cyclic in nature and is divided into four *yugas* (translated as ages). Each cycle begins with the creation of the universe and ends with its destruction; to be followed by a new beginning of the cycle. The ages appear successively, beginning with the *k ta yuga* followed by the *tret* , *dw para*, and *kali yugas*. The *k ta yuga*, which symbolized the creation of the universe, also represented an age of high morality and the foundation of an ideal socio-political order. However, with the passing of each *yuga* there is a ‘progressive degeneration’ of morality and the ideals of socio-political organization established in the beginning and the *kali yuga* represents the penultimate stage characterised by an all encompassing disorder, distress and chaos.

The characteristic attributes of *kali* age includes widespread lawlessness, non performance of religious rites and assigned class functions, deviation from established normative code of conduct, rapid intermixing of *var as* (*var asa kara*), influence of heretical sects and rise of non-*k atriya* rulers. A vivid narration of such an age is found in the epics, the *Sm tis*, and the *Pur as*. By contextualizing the data on the metaphorical *kali* age along with epigraphic and archaeological evidences, scholars have come up with interesting results which indicate a historic situation of crisis prevailing in the 3rd and 4th centuries CE. Historians such as R.S. Sharma have used the *kali* age references to argue that these descriptions mark a crucial change in the structure of the Indian society so much so that he states that “seen in totality, the *kali* crisis of the late 3rd and 4th centuries acted as a catalyst for the feudalization of Indian society.”¹ He points out that the social crisis started “between the fall of the Ku a power and the rise of the Gupta Empire in North India.”² R.C. Hazra dates the earliest *kali* age descriptions to the 3rd and early 4th centuries; second set of descriptions to the 8th century and the third to the 10th century CE.³

It is important to note is that the most elaborate descriptions of *paddharma* norms are found in the *ntiparvan* of the *Mah bh rata*, which also, simultaneously contains the earliest representation of *kali* age crisis. The time period of the *ntiparvan* roughly belongs to 3rd and early 5th centuries CE. Therefore, one may safely assume that the concept of *paddharma* may have

¹ R.S. Sharma, *Early Medieval Indian Society: A Study in Feudalisation*, Orient BlackSwan, Rpr., 2011, Kolkata, p. 76

² *Ibid.* p. 68

³ R. C. Hazra, *Studies in the Puranic Records on Hindu Rites and Customs*, 2nd edn, Motilal Banarsidass, Delhi, 1975, pp. 216-17

emerged in its most elaborate form along with the earliest *kali* passages. A rapid change in the socio political, religious and economic structures with the emergence of state societies, urban centres, consolidation of stratified societies, and change in religious ideologies with the emergence of heretical sects during the early historic period may have resulted in the creation of narratives suffused with imaginations of apocalyptic events. In anticipation of catastrophic ruin, the authors probably created a space for existence through the norms of *paddharma*.

The concept of managing necessity or critical situations was not unknown to earlier periods; however, they never generalized the management of crisis as a concept. Therefore, *paddharma* essentially had its roots in the law codes and the didactic corpus which provided an organized philosophy of action. It was recognized that extreme cases constitute a distinct normative category; the distinctness stemming from the exceptionality of the circumstances. Additionally, it was also emphasized that there is a moral distinction between an otherwise equivalent act of transgressions and an act necessitated by extreme circumstances. The crucial point being the fact that what allows a transgression of fundamental norms is solely the necessity of avoiding catastrophe.

6.2. *paddharma*: A Historical Necessity?

In this thesis, we have tried to focus on various aspects of *pad* and *paddharma*. We discussed the genesis of the term *pat/ pat* and its usage in the earliest literary accounts and how a dialogue between the Buddhist and the Brahmanical worlds led to the eventual shaping of the term. We discussed how

the Buddhist notions of crisis and their methods of handling them by relaxing various norms were adopted by the Brahmanical society.

paddharma was essentially a Brahmanical invention. Its formulation of was the result of several types of crises faced by the Brahmanical world. While it is safe to argue that the Brahmanical society was largely influenced by Buddhism, it is also important to notice that the emergence of Buddhism itself led to crisis for Brahmanism. Literary evidences suggest that it is probable that certain norms were created as well as relaxed by the orthodox Brahmanical world as a result of the crisis faced by the emerging heterodox traditions, especially Buddhism.

For instance, the orthodox Brahmanical world seems to have been disturbed due to the emerging heretical sects with specific focus on the notions of asceticism, celibacy and homelessness. This naturally broke the traditional social structure of the Brahmanical household. The departure of male members from household towards celibate asceticism not only led to the loss of sons from the current household, but also threatened the procreation of sons for future generations. This led to an acute crisis to the Brahmanical society. A reference from the *Mah vagga* reflects the popular discontent of the laymen regarding the Buddha being so strongly instrumental in converting the young population into celibate asceticism.

“At that time many distinguished young Magadha noblemen led a religious life under the direction of the Blessed One. The people were annoyed, murmured and became angry saying, ‘the rama a Gotama causes fathers to beget no sons; the Srama a Gotama causes wives to become widows; rama a Gotama

causes families to become extinct.’ Now he has ordained one thousand Jatilas, and he has ordained these two hundred and fifty paribb jakas who were followers of Sanjaya, and these many distinguished noblemen are now leading a religious life under the direction of the Sama a Gotama.” [MV I, 24, 5]

The orthodox Brahmanical society seemed dissatisfied and restless with regard to the breaking household structure particularly due to the need for sons. Celibacy and renunciation are specifically looked down upon in the Brahmanical texts like the *Manusm ti* and the *Mah bh rata*. The *Mah bh rata* particularly emphasizes on the procreation of sons even to the extent of breaking traditional norms of sexual ethics. For instance, Satyavat asks Bh ma to break his oath of celibacy in order to procreate son from the queens of Vicitravirya. She tries to convince Bh ma to withdraw his oath temporarily by invoking norms of *paddharma*. On failing to convince him, she takes a further step by inviting his son, a *br hma a*, K a Dvaip yana Vy sa to procreate a son for the dying lineage of the Kurus.

The practice of *niyoga* can be seen from the perspective of the vacuum created by the ascetic trend of the society of the time period. Though the practice of *Niyoga* can be traced to older times, the idea of incorporating the practice within the fold of *paddharma* was an important move in this period. It is also possible that the rules of the practice were extended in this period by incorporating the practice of inviting *br hma as* in case no one from the immediate family was available.

The narrative of Sudinna found in the *Vinayapi aka* further establishes the disillusionment and crisis created by the lack of progeny. The story goes that a householder named Sudinna wished to become a celibate after listening to the discourse of the Buddha. His parents did not consent saying, “Formerly we had no child and we prayed just to have you. You are our only child, beloved and thought much of. Even if you were dead we [would] not keep away from you. How could we separate from you when you are [still] alive? There is much wealth in your home, gold, silver, treasures, you can do meritorious acts as you wish and enjoy pleasure in the present. What is the use of going forth and taking away what we affectionately aspired for, [namely having a son]?” Repeated insistence could not stop Sudinna. On one occasion Sudinna returned to his parents for alms, his parents again insisted saying, “Although you are our son, through disobeying us and undertaking the path you have now become one of the Sakyan clan. What more is there to say? Only that your ancestorsBs lineage maintained by men of the same family will cease. According to royal statute, when succession is discontinued, the wealth is lost to the government. We are finished. Do you not know that our only remaining wish is for you to continue the lineage? Think about it. That is all we have to say.” On hearing about the lack of progeny in the family and visualizing the crisis that may overcome because of that, Sudinna accepted their command and engaged with his wife for the sake of procreation. [SV, I. 5, 1-11]

Sudinna sees this act as a primary duty towards his family which is shown to be in acute state of crisis without a progeny to inherit family wealth. More than an act of pleasure, it was seen as a duty towards a dying family lineage, with property and material possessions. An heir was seen as a practical necessity.

The above discussion primarily situated the emergence of *paddharma* within a situation of utmost necessity. The Brahmanical society was facing an emergency which had to be controlled and norms such as those of *niyoga* may be one among the many which could be seen as an example.

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