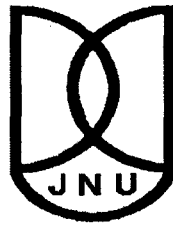# *ĀPADDHARMA* IN THE *MAHĀBHĀRATA*

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

MASTER OF PHILOSOPHY

TANNI MOITRA

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DECLARATION

I, TANNI MOITRA, declare that the dissertation entitled *"ĀPADDHARMA* IN THE *MAHĀBHĀRATA"* is my bona fide work and may be placed before the examiners for evaluation.

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Dedicated
To
Maa and Papa

ACKNOWLEDGEMENTS

CERTIFICATE

This is to certify that this dissertation entitled, "*Āpaddharma* in the *Mahābhārata*" submitted in partial fulfilment of the requirements for the award of the degree of Master of Philosophy has not been previously submitted for any other degree of this University or any other university and is my original work.

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We recommend that this dissertation may be placed before the examiners for evaluation.

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CONTENTS

ABBREVIATIONS

ĀDP..Āpaddharmaparvan

AP..Anuśāsanaparvan

ĀDhS..Āpastamba Dharmasūtra

BDhS..Baudhāyana Dharmasūtra

BP..Bṛhaspati Smṛti

CE..The Mahābhārata Critical Edition

GDhS..Gautama Dharmasūtra

Mbh..Mahābhārata

MS..Manusmṛti; Mānava Dharmaśāstra

NS..Nārada Smṛti

RDP..Rājadharmaparvan

ŚP..Śāntiparvan

VS..Viṣṇu Smṛti

YS..Yājñyavalkya Smṛti

INTRODUCTION

Introduction to the Theme

While tracing the history of the Bharata race, the *Ādiparvan* talks about the birth and early life of the Kuru princes. The book recounts the story of the dynastic crisis that confronted the Kuru family with the premature death of the intended Bharata successor Vicitravīrya, the son of Satyavatī, without ensuring the future of his ancestral line through the birth of an heir to the throne. Before the family proceeds towards a complete disintegration, Satyavatī seeks 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*. [Mbh I. 97.21]

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 contends that such a crisis justifies the invocation of *āpaddharma* which permits him to recant his words for the sake of carrying forward the lineage. Though she failed to persuade Bhīṣma to break his oath of celibacy yet the dynastic crisis was averted with the assistance of her eldest son, Kṛṣṇa Dvaipāyana Vyāsa, who she appointed to beget sons on the widows of Vicitravīrya by an appeal to the tradition of *niyoga*. This arrangement leads to the birth of Paṇḍu, Dhṛtarāṣtra and Vidura thereby saving the dynasty from the crisis.

A similar crisis reoccurs in the next generation and the Pāṇḍavas are born through the same mechanism. These adversities are treated by taking recourse to *niyoga* which falls under the domain of *āpaddharma* - a category of law designed for a situation of distress substituting for laws that operate in normal circumstances.

Later in the narrative, in the war of Kurukṣetra, Bhīma kills Duryodhana by hitting him below the navel, which was a violation of the rules of war. In the *Strīparvan*,

Gāndhārī reproaches Bhīma's foul blow and laments the loss of her son by deceit. But Bhīma justifies himself on the ground of self-protection against a superior enemy and as revenge against Duryodhana for Draupadī's disgrace.[1] Bhīma's deceit was unethical indeed but not unlawful, since under the circumstances he faced in the battlefield, he was justified in resorting to *āpaddharma* to take care of the ultimate necessity that he survives.

In the *Śāntiparvan* (henceforth, SP) Yudhiṣṭhira asks Bhīṣma to explain how a man can stay virtuous in the midst of truth and falsehood particularly when he resolves to do the 'right' with regard to the two. Bhīṣma replies that the idea of truth is very complex and is difficult to understand. He admits that speaking the truth is undoubtedly one of the most virtuous acts but at the same time he explains that there can be situations when falsehood can be considered as higher than truth and one has to discriminate between right and wrong in a given situation.

Bhīṣma illustrates this by citing the story of sage Kauśika, 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.[2] Kṛṣṇa says that Kauśika did not reach 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.

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[1] Kunjunni Raja discusses this episode in the article "A Note on Moral Dilemmas" in the context of explaining that in the Indian literature as well as in real life, the problem that confront people in different situations are not based upon right or wrong, between *dharma* and *adharma* but on the conflict between different and often opposing duties. K. Kunjunni Raja, "A Note on Moral Dilemmas" in B.K.Matilal (ed), *Moral Dilemmas in the Mahābhārata*, Motilalal Banarsidass, Delhi, 1989, p. 50

[2] B.K.Matilal, "Moral Dilemmas", in B.K.Matilal (ed) *Moral Dilemmas in the Mahābhārata*, Motilalal Banarsidass, Delhi, 1989, p. 9

Bowles says that the epic should not be considered as only a heroic narrative and thereby concentrates only on the core story of the fratricidal war. The didactic portions should be considered as contributing distinctly to the text. The major part of the book demonstrates how the ĀDP was a careful construction revolving around the framing and framed elements. The employment of the poetic devices and narrative strategies indicates a redactorial agency deeply conscious of the *parvan's* position in the ŚP and the *Mahābhārata*.

Adam Bowles' book is the most detailed study of the topic so far and therefore is of immense significance for my work. His focus is however confined to the ŚP alone where he attempts to prove that the ĀDP 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 Mahābhārata*, published in 2008, addresses the question of *āpaddharma* in one of her chapters. The book deals entirely with the study of women in the epic. It is within this framework that she studies *āpaddharma* and its relation to women.

She proposes that the *Mahābhārata* was jointly inspired by two separate traditions of religious practices, one ascetic or *nivṛtti* and the other domestic or pravṛtti, and that the text consciously tries to synthesize the values of the two.[14]Therefore, she argues that the epic's sexual ideology is also based on these two religious premises of *pravṛtti dharma* and *nivṛtti dharma*.

She says that since *āpaddharma* represents deviations from the prevailing norms, it is primarily related to *pravṛtti 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 āpaddharma when the condition of distress involves procreation (*niyoga*) and secondly when *pativratā dharma* is at stake.[15] While the former is explicitly

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[14] Arti Dhand- *Woman as Fire, Woman as Sage: Sexual Ideology in the Mahābhārata* , State University of New York Press, Albany, 2008, p. 55
[15] *Ibid*, p. 185

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.

Dhand's work, though it refers to only one aspect of the concept, forms a significant part of the historiography on *āpaddharma*. She takes up the concept of *niyoga* for detailed discussion in the context of *āpaddharma* 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"[16], attempts to look at the conflict between politics and morality. He takes a look at the ĀDP of the ŚP of the *Mahābhārata* and asserts that the concept primarily belongs to political philosophy. Chousalkar summarizes the discussion between Yudhiṣṭhira and Bhīṣma and focuses of Yudhiṣṭhira as an individual in relation to the state. He chooses to pick three stories from the *parvan* – the story of Pālita and Lomas, the story of Brahmadatta and Pūjāni 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 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 Yudhiṣṭhira, 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 the head of the state.

Chousalkar argues that the discussion in the ĀDP reflects the pre Kautilyan *Arthaśāstra* tradition. However, Kautilya did not discuss the theoretical aspects of crisis and the moral issues involved in the discharge of the duties of the king which Bhīṣma attempts to do in the ŚP. The ĀDP also represents the old *Arthaśāstra* principle of political morality in the sense that both the texts agree that the individual right of self preservation should receive precedence over his duties as a king.

Chousalkar's core argument is that despite the theorization of *āpaddharma* as a separate political ideology, it failed to make politics essentially non-violent and a contest for fair

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[16] 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

conduct. He characterizes politics as the domain of violence and immorality and that the text *Mahābhārata* realizes the limits of politics because unethical conduct remains its intrinsic feature in some form or the other. Even the conceptualization of āpaddharma is merely an immoral action with a moral consequence. He argues that "in this struggle, good succeeds but taking recourse to immoral actions, thus sullying its moral character."[17] Therefore, he feels that the *Mahābhārata* or the *Bhagavad Gītā* could not provide a "civilized method of resolving conflicts between good and evil."[18] Hence, the ŚP which seeks to resolve Yudhiṣṭhira's dilemma of political action ultimately fails to do so.

Chousalkar's argument does add a significant dimension to the understanding of *āpaddharma* as a political doctrine that is unable to resolve the moral dilemmas of politics as a whole. However, the author does not clearly state the reasons why he calls *āpaddharma* a 'pre-Kautilyan' concept.

The latest contribution to the scholarship on *āpaddharma* has been made by Satya P. Agarwal in his work titled *Āpad-Dharma in the Mahābhārata: How to Face Calamities at Personal, State and Global Levels*[19], published in 2010. Agarwal studies *āpaddharma* 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 (or a traditional defender of *Varṇāśramadharma*) referred to as Scholar V and a scholar making a case for *āpad* referred to as Scholar A. Scholar A says that the traditional *Varṇāśramadharma* 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 *āpaddharma* a legitimate part of *dharma.*

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[17] *Ibid*, p. 131
[18] *Ibid*, p.131
[19] Satya P. Agarwal, *Apad-Dharma in The Mahabharata; How to Face Calamities at Personal, State and Global Levels*, New Age Books, New Delhi, 2010

Agarwal divides his book into three parts, all of which are based on stories from the *Mahābhārata*. He narrates the stories which talk about the message of peace and āpaddharma. 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 Śakuntalā. He takes these narratives as illustrating āpaddharma in some form or the other, but he does not explain the principle behind nor does he demonstrate how his central contention that *āpaddharma* is the *dharma* to be espoused during war.

Thus, we observe that the scholarship on *āpaddharma* has remained confined more or less to the study of the didactic portions of the *Mahābhārata* with special reference to the ĀDP of the ŚP. However, the examples of *āpaddharma* narratives cited above show that such narratives are not limited to the didactic portions alone. They are dispersed throughout the text of *Mahābhārata*. So, an attempt would be made to analyze the concept in the didactic portions as well as the narrative sections, thereby broadening the scope of the study.

Therefore, in this study, the primary source would comprise both the narrative and didactic portions of the epic *Mahābhārata* and would include the *Ādiparvan*, the *Sabhāparvan*, the *Vanaparvan*, the *Virātaparvan* and the *Udyogaparvan* and the two post-war didactic *parvans* i.e. the *Śāntiparvan* and the *Anuśāsanaparvan* (henceforth, AP).

III

Primary Source: *The Mahābhārata*

No study of the *Mahābhārata* can ignore the long history of research on the text over three centuries. 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,[20] 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 *Mahābhārata* 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 *Mahābhārata* was by Charles Wilkins, which came out in 1784.[21] 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 *Mahābhārata* in Calcutta between 1834 and 1839. The Bombay edition followed in 1862-63.[22]

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 *Mahābhārata* and suggested that the didactic passages are interpolations while the original form of the epic was pre- Buddhist. He concluded that the recitation of Ugraśravas to Śaunaka was the second of the three recensions of the poem that should be dated to 460 or 400 B.C.[23]

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 *Mahābhārata* actually 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 *yajña* or sacrifice throughout the epic.[24]

Soren Sorensen, in 1883, argued that the earliest form of the epic was a secular saga composed by a single author which is indicated by the unity of the main plot, absence of contradictions, repetitions and digressions. He established that the epic in its earliest form had about 8000 stanzas into which other sections were grafted at a later date.[25] His

[20] John Brockington, *The Sanskrit Epics*. Leiden: Brill, 1998, pp. 41-81
[21] *Ibid*, p. 42.
[22] *Ibid*, p. 42
[23] *Ibid*, p. 43
[24] *Ibid*, p. 44
[25] *Ibid*, p. 44

argument that the earliest form of the text was a warrior saga is accepted widely among scholars.

The 'theory of inversion' of Adolf Holtzmann added a new horizon to the discussions on the origin of the epic. According to him, the Kauravas were the original heroes of the epic with Karṇa as the main protagonist. The composer of this version was a Buddhist with Śaiva tendencies.[26] However, later redactors of the poem were Vaiṣṇava *brāhmaṇas* who revised the poem and changed the whole story locating Kṛṣṇa at the centre and exalting the position of the Paṇḍavas as heroes. He extends the final revision of the poem to as late as 900 A.D.[27] which expanded the narrative to include the didactic corpora.

The arguments of Joseph Dalhmann in the 1890s led to significant progress in the epic studies. He rejected the view that the *Mahābhārata* 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 dharmaśāstras. He concludes that the *Mahābhārata* presents itself as a unified work in which there are two elements- the narrative and the epic, 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 Dahlmann's synthetic theory and took an analytical approach to examine the process of growth of the *Mahābhārata*. He speaks of the four stages of the growth of the *Mahābhārata* 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 lays in which the Pāṇḍavas were not heroes and Kṛṣṇa was not a demi-god. The subsequent stages were that of the *Mahābhārata* tale with the Pāṇḍavas as heroes, of didactic interpolations, and of later

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[26] *Ibid*, p. 45
[27] *Ibid*, p. 45

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 *Mahābhārata*: Origin and Growth,"[28] argues that the beginnings of the *Mahābhārata* can be traced to a period when the Vedic Saṃhitās had not yet come into existence. According to him, the *Mahābhārata* 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 *sūta* tradition and the *mantra* tradition. Both were initially oral traditions that eventually got crystallized into texts. While the *sūta* tradition was concerned with secular matters relating to the deeds of the human heroes and kings, the *mantra* tradition was related to religion, thought and practice and consisted of prayers and incantations of the Vedic people. Both the literary traditions were growing side by side, but the *mantra* tradition was given a fixed literary form earlier than the *sūta* tradition

He says that the *Bhārata* 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 *Bhārata*. 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 *brāhmanisation* of the epic, which resulted in a change in the nature of the epic. The process led to the transformation of *Bhārata* into *Mahābhārata*.

Since there are several editions of the text of the *Mahābhārata*, manuscripts of the text can be found all over India. Because of the large variations amongst these manuscripts, a critical edition[29] 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

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[28] R.N. Dandekar, "*The Mahābhārata: Origin and Growth,*" University of Ceylon Review 12.2, 1954, pp. 65–85.

[29] *Mahābhārata*, (ed.) V.S.Sukthankar et al., 19 vols., B.O.R.I., Poona, 1933-59.

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 *Mahābhārata* are now based upon it.

Madhav M. Deshpande in his article "Interpreting the *Mahābhārata*"[30] presents an interesting approach towards the interpretation of the epic. Deshpande says that the received text of the *Mahābhārata* itself proclaims that there are three tellings of the story. The text called *Jaya* was composed by Vyāsa and was taught to his disciples, including Vaiśampāyana. Vaiśampāyana later narrated the story at Janamejaya's snake-sacrificial ritual. Hearing his narration during the royal ceremony, Ugraśravas narrated the story to Śaunaka in the Naimiṣa 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 *Mahābhārata* expanded into its present form.

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 Vyāsa'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 *Naimiṣa* forest, where the story is recounted by Ugraśravas at the hermitage of the sage Śaunaka and a group of sages.

Since the *Naimiṣa* forest retelling served the needs of the *brāhmaṇa* renouncers, the story naturally expanded to include brāhmanical elements, thereby transforming the *Bhārata* to the *Mahābhārata*. 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.[31]

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[30] Madhav M, Deshpande, "Interpreting the Mahābhārata, in T.S. Rukmani (ed.) *The Mahabharata: What is Not Here is Nowhere Else*, Munshiram Manoharlal, New Delhi, 2005.

[31] *Ibid*, p. 9

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 *Śānti* and *Anuśāsana* 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, Brockington asserts that the *Śānti* and *Anuśāsana parvans* are important for understanding the development of Hinduism but have little to do with the epic proper.[32]

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 *Mahābhārata*'s didactic corpora with that of the core narrative. James Fitzgerald, in the introduction to his translation of the ŚP, observes with regard to the scholarship on the *Mahābhārata* that "what is sorely lacking is an orientation to the *Śāntiparvan* as a deliberate literary and intellectual construction, as a functioning part of the *Mahābhārata*, serving some of the agendas of those people responsible for the epic."[33] He considers the didactic parts of the ŚP and Anuśāsana parvans to be constitutive parts of the *Mahābhārata* and attempts to prove the structural and thematic coherence that exists between the narrative and didactic parts of the text. Fitzgerald claims that the *Mahābhārata* in its present form contained both the narrative and with the didactic material which unity and coherence. He argues that post-war books of instruction unfold the narrative of the *Mahābhārata* because they represent the "cooling down" of Yudhiṣṭhira who is dangerously overheated through his anguish and grief at the events of the war.[34]

Adam Bowles supports Fitzgerald's view and suggests that the *Mahābhārata* has always included both the narrative and didactic material because the text has been the result of a

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[32] Adam Bowles, *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mahābhārata*, Brill, Leiden. Boston, 2007, p. 29

[33] *The Mahābhārata*, Vol. 7, *"The Book of Peace"*, Part One, Edited and translated by J.L. Fitzgerald, The University of Chicago Press, Chicago and London, 2004, p. 80.

[34] *Ibid*, pp.95-100

combination of different narrative and śāstric genres that has produced a unique 'text', which participates in its own hermeneutic on a variety of discursive levels.[35] In his study of the ĀDP of the ŚP, 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, his view can be further stretched to argue 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 Pāṇḍavas 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 their actions. In this sense, the didactic corpus not only tells a great deal about the history of ideas, but also about the story and characters of the *Mahābhārata* itself. It is in this sense that the *Mahābhārata* 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 *Mahābhārata* shall be considered as a unified text.

Since the present study revolves around the understanding of one of the branches of law, it is imperative to understand how the concept has been defined and theorized in the law codes of ancient India. Therefore, besides the epic, the dharmaśāstras shall also be included in the study which would include the *Manusmṛti* (200 B.C. to 200 A.D.), the

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

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Yājñyavalkya Smṛti, the *Viṣṇu Smṛti* (100 A.D. to 300 A.D.), the *Nārada Smṛti* (100 A.D. to 400 A.D.), and the *Bṛhaspati Smṛti*[36]

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 *Mahābhārata*, 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 *Mahābhārata*. Though the period of composition of the *Mahābhārata* is uncertain, yet the scholars have agreed that the codification of the text primarily belongs to the first four centuries of the Christian era[37]. 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.

IV

Objectives and Chapterisation.

The *Mahābhārata* provides a bulk of evidence on the application of the concept of *āpaddharma* and the dilemmas arising out of them. The characters not only face a variety

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[36] Periods of these texts as according to P.V. Kane, *History of Dharmaśāstra*, vol. II, pt. I, Bhandarkar Oriental Research Institute, Poona, 1974, pp. xi-xii.
[37] James L. Fitzgerald, "Mahābhārata", in *The Hindu World*, (ed.), Mittal, Sushil. And Thursby, Gene., Routledge, New York, 2004, pp. 52.

of exigency but also take various attempts to overcome them in diverse ways. The reason for selecting a narrative such as the *Mahābhārata* is thus justified.

Our attempt will be to locate the diverse elements of distress in the narrative, such as identifying the events, the actors and the actions taken to tackle the situations. Not all the components of crisis have similar implications, consequences and judgments, so it would also be interesting to analyze these aspects to acquire a better understanding of the concept.

The dissertation has been divided into three chapters. The first chapter, titled *varṇadharma* will deal with the application of *āpaddharma* in terms of the brahmanical social structure of early India as depicted in the legal codes. The chapter will focus on what were traditionally sanctioned as crisis in the law codes in terms of the social location of an individual. The positions of the various *Smṛtis* will be presented to bring out the similarities and differences among them.

This chapter will also focus on how the *Mahābhārata* is oriented towards the śāstric view point. While there are some sections in the text which talk about śāstric prescriptions, the text itself has a separate section on *āpaddharma*, which is a part of the ŚP. The epic agrees with and differs from the *smṛtis* in crucial ways. This chapter intends to bring out those similarities and differences.

The second chapter, titled *Rājadharma,* will discuss the various conditions of crisis that the king faced as the head of the state. The didactic portions will be the focus of this chapter because these not only discuss statecraft in general but also deal with the proper conduct of the king (*rājadharma*) in both normal and abnormal times. The chapter will focus on the categories of crisis of the state and how power relations between the rulers and the ruled change during an emergency.

The third chapter will focus on *āpaddharma* with regard to gender and sexuality. The chapter will focus on what constitutes crisis for women as a gender category and what are the recommended ways of with the crisis. Moreover, the chapter will also discuss the ways in which women were used as tools to prevent the occurrence of major crises in society.

CHAPTER ONE

VARṆADHARMA

1. Introduction
2. The Laws of Crisis in the Brahmanical Law Codes
3. *Varṇadharma* in Crisis in the *Mahābhārata*

CHAPTER ONE

VARṆADHARMA

1.
Introduction

In the early Indian context, one of the fundamental concepts of the *brāhmanical* tradition was the *varṇa* system. *Varṇa* refers to the classification of the society into four recognizable and homogeneous groups comprising of the *brāhmaṇa, kṣatriya, vaiśya* and *śūdra*. This division was fixed in function and hierarchy by cosmic, religious and legal sanction. Hence, in the early Indian society, an individual had a customary mode of operation and behavior expressed through the norms of *varṇa* called *varṇadharma*. In its conception, *varṇadharma* was the broad framework within which the duties of individuals and their mode of conduct were laid down according to their *varṇa* affiliation. *Varṇa* was determined by birth and was maintained by distinguishing the *varṇas* from each other through endogamy and occupational practices (*vṛtti*). Any encroachment into the sphere of activity of the other *varṇas* or intermarriage among *varṇas* implied violation of the natural order set by the religious and legal authorities and was tantamount to a sin or crime.

The above structure based on an ideal standard more or less defined the early Indian society in theory. However, a complex scenario emerged when this ideal structure could not be maintained due to conditions and events beyond human control leading to situations when the specified functions of the *varṇas* were rendered inoperable and ineffective. In order to manage such unprecedented events, the practical mechanism of *āpaddharma* was simultaneously devised to provide guidelines for such situations.

Āpaddharma, as presented in the law codes is a set of norms that are to be followed when the doctrinally specified norms of occupation and conduct are not possible to follow because of circumstantial difficulties. It is the situation when the rules of normal times need to be violated in order to deal with the immediate contingent situation.

2.

The Laws of Crisis in the Brahmanical Law Codes

a) The Dharmasūtras

The compound term 'āpaddharma' probably appeared for the first time in the *Manusmṛti* and the *Mahābhārata*[38]. However, the ideas relating to distress or *āpad* can be dated back to earlier texts. The earliest treatment of the concept of *āpad* or the problem of distress is found in the dharmasūtras, which are the earliest extant of the normative precepts of the dharmaśāstra tradition.

The dharmasūtras instructed 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[39] in the *sūtras*, the problem of distress was also dealt in the same pattern with primary attention on the *brāhmaṇa*.

Though *āpaddharma* did not appear as a properly defined and mature theme in the dharmasūtras yet a specific pattern can be discerned from the references to *āpad* that are made in these texts on diverse occasions. These texts incidentally discuss the problem of distress in the context of discussing other subjects. Generally, the injunctions on *āpad* are appended to the main clauses by adding a situation when the main clause could be relaxed. For example, Āpastamba, while discussing that a *brāhmaṇa* should always be preferred as a teacher (*ācārya*) also adds that in times of distress a *brāhmaṇa* may choose a *kṣatriya* or a *vaiśya* as a teacher.[40]

However, the Gautama Dharmasūtra (henceforth, GDhS) is an exception among sūtras because of its relatively systematic treatment of *āpad*. That is because he collects the rules concerning distress under a coherent section called '*āpatkalpa*' or 'rules for the time of

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[38] Adam Bowles- *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mahābhārata,* Brill, Leiden. Boston, 2007, p. 2

[39] Patrick Olivelle suggests "the Brahmin is the *implied* subject of most rules of the Dharmasūtras. The principle appears to be that when no class is explicitly mentioned or when the subject is referred to by a pronoun, then a rule refers to a Brahmin." Cited in Adam Bowles- *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mahābhārata,* Brill, Leiden. Boston, 2007, p. 38

[40] It is declared in the Smṛtis that a *Brāhmaṇa* alone should be chosen as teacher (or spiritual guide) In times of distress a Brāhmaṇa may study under a Kṣatriya or Vaiśya[ĀDhS-II.4.25]
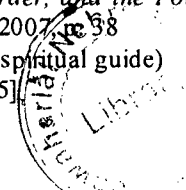
distress.' Adam Bowles says that the GDhS could be considered to be a significant moment in the treatment of the problem of distress since *āpatkalpa* can be considered to be a conceptualization anticipating the notion of *āpaddharma*.[41]

With regard to the switching of occupations during crisis, the dharmasūtras approve that a *brāhmaṇa* may officiate at sacrifices for, teach, and accept gifts from people of all the *varṇas*. But when these livelihoods are impossible, then he may adopt the livelihood of a *kṣatriya* or a *vaiśya*. These alternate forms of occupations are only mentioned for the *brāhmaṇa* except that Gautama attaches an additional clause for a *kṣatriya* according to which he is allowed to adopt the *vaiśya* mode of living in a crisis situation. [*G*.DhS VII.26]

There are other instances of *āpad* mentioned in these texts. For example, the authors approve of a *brāhmaṇa* receiving Vedic instruction from a *non-brāhmaṇa* in adversity. The crisis pointed out in the clause is probably the absence of a *brāhmaṇa* teacher that leads another *brāhmaṇa* to approach a *non-brāhmaṇa* for Vedic instruction. It is interesting to note that when considered within the *varṇadharma* context, a *kṣatriya* or a *vaiśya* giving Vedic instruction means a transgression of their respective *varṇadharma* norms because teaching is the prime reserve of the *brāhmaṇa varṇa*. However, what appears is that education for the *brāhmaṇas* is majorly emphasized and its absence is considered a distress. This explains why a brāhmaṇa's lack of Vedic education outweighs the problem of transgression of *varṇadharma* for the other *varṇas*.

Similarly, Āpastamba says that a student must pay his teacher once the period of instruction in the *Veda* is over. The fee should 'normally' be obtained 'righteously', but 'in distress' he may take it from an *Ugra* or *śūdra* [ĀDhS- 1.7.19] In this clause both the livelihood of the teacher who is a *brāhmaṇa* is again given priority.

Baudhāyana, while dealing with injunctions pertaining 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 the purpose because it is assumed that the person who constructed the embankment shall get the merit of the offering. Subsequently, however, this rule is relaxed because in a time of distress, water can be taken from any accessible

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

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place. [BDhS II.5.5-7] The priority to maintain the libations is distinctly given precedence over the problems of where one accesses the water.

In the sūtras, *a brāhmaṇa* is distinguished from the *śūdras* by limiting his interaction with them. The rules are imposed upon him especially through the restrictions on accepting[42] food from them as well as consuming forbidden food meant for them. However, this major rule is relaxed when the *brāhmaṇa* falls in a crisis and is allowed to accept food from anybody including a *śūdra* or may consume any forbidden food. Crisis in such cases are when he is acutely deprived of food.

The idea of crisis that we get from the sūtras is intricately related to socio-religious aspects. Apparently, within the socio religious sphere, the *brāhmaṇa* is of prime significance along with the ritual performances of the twice born classes. From the perspective of the texts, the maintenance 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 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.

b) The Dharmaśāstras

With the emergence of the textual corpus of the dharmaśāstra tradition, the notion of *āpad* also evolved into a more organized and well-defined theme. That the problem of distress received a systematic treatment in these texts is evident from the manner in which references to *āpad* are made which is now marked by complexity and richness of detail. Apart from a visible increase in the number of rules being relaxed for adverse situations, many new features were added to the śāstras concerning distress.

The first elaborate treatment of the subject can be noticed particularly in the Law Code of Manu, which is considered to be the most authoritative among the texts of the dharmaśāstra tradition. Patrick Olivelle, in his translation of the *Mānava Dharmaśāstra*,

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[42] A *brāhmaṇa's* acceptance of food or gift is restricted to the twice born classes in normal situations.

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 karmavidhi* (rules of action in normal times) and *āpadi karmavidhi* (rules of action of abnormal times).[43] It is within the latter subsection that *āpaddharma* norms are expressly dealt by Manu. Besides the *Manusmṛti*, the *Nāradasmṛti* also has a separate section on *āpaddharma* called 'Means of Livelihood for a *Brāhmaṇa* in Times of Distress'. However, Nārada only confines himself to the rules for the *brāhmaṇa varṇa* as the stated topic of the chapter suggests.

The core of the *varṇadharma* norms was to secure means of subsistence pertaining to all the sections of the society. All the *varṇas* were assigned specific activities in order to sustain them. It is evident from Manu's explanation of the significance of the *Veda* for a *brāhmaṇa*, Manu explicitly mentions that the *Veda* is the treasure for a *brāhmaṇa*. He relates a mythical antecedent that "Vedic knowledge came up to the Brahmin and said, 'I am your treasure. Guard me! Do not hand me over to a malcontent. I shall thus become supremely strong. A man you know to be honest, restrained and chaste- only, to such a Brahmin should you disclose me, as to a vigilant guardian of your treasure. If however, a man learns the *Veda* without permission by listening to someone who is reciting it, he is guilty of stealing the *Veda* and will go to hell." [MS II. 114-116]

By using the term treasure, Manu probably indicates that the *Veda* is of high material value to a *brāhmaṇa* since it ensures a mode of living for him. The clause also shows how a *brāhmaṇa* must be responsible about carefully preserving his mode of subsistence from any unworthy encroachment. Such rules were similarly applied for other *varṇas* with regard to their respective source of livelihood. So, it is apparent that *varṇadharma* premises were probably fixed rigidly so as to avoid intrusion into the sphere of activity of

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[43] Patrick Olivelle, (trans.), *Manu's Code of Law: A Critical Edition and Translation of the Mānava-Dharmaśāstra*, Oxford University Press, New Delhi, 2006, p. 8

other classes which would also mean encroaching on means by which the classes earn their living.

The structure of the dharmaśāstra texts continued to revolve around *varṇa* norms but since these texts 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. Therefore, the most significant expansion in the treatment of the subject in these texts is the extension of the distress norms to include all the four *varṇas* of the society.

The table below shall clearly bring out the formulation of *āpaddharma* according to the *Manusmṛti*.

TABLE ONE[44]

Varṇa	Means of livelihood in normal times *(anāpadi karmavidhi)*	Means of livelihood in abnormal times *(āpadi karmavidhi)*
Brāhmaṇa	Teaching and studying, offering sacrifices and officiating at sacrifices, giving and accepting gifts.	Can take up the occupation of a *kṣatriya* and *vaiśya*, but never a *Śūdra*. By teaching, officiating at the sacrifices of, and accepting gifts from anybody including a *Śūdra*.[45]
Kṣatriya	Use of arms and weapons	Can live by any means but never by the occupation of the superior *varṇa*.
Vaiśya	Trade, animal husbandry and agriculture.	Can live by occupation of a *Śūdra* i.e. by serving the upper *varṇas*.
Śūdra	Serving all the higher *varṇas*.	Can live by the activity of the artisans.[46]

[44] [MS X. 74-100]
[45] [MS X. 101-103]
[46] According to the Viṣṇu Smṛti, Śūdras may live by working as artisans even in normal times.

It is evident from the above table that in the early Indian society, one of the most significant forms of crises was probably believed to be the inability to function within the limits of *varṇadharma*. Considering the fact that the specified norms of livelihood was difficult to follow, *āpaddharma* was envisaged in a manner which extended the boundaries of *varṇadharma*, so that the scope of activity for livelihood could be broadened to ensure survival when the rules of normal times or the conventional laws failed to achieve the purpose for which they were devised at the first place. Thus, the law of crisis evolved as an offshoot of the laws for normal times which could also be called exceptions to the general laws. Therefore, *āpaddharma*, in the context of *varṇadharma* was therefore, the formulation of laws that aimed at preserving the social orders from being ruined through a lack of livelihood.

Evidently, the brahmanical law codes continue to be concerned with the *brāhmaṇas* in the context of *āpad*. The table shows that the *brāhmaṇa* is not only allowed to shift to an alternate occupation in distress but is also allowed to extend the scope of activities within the domain of his own *varṇa*. Śāstras permit a *brāhmaṇa* to teach, sacrifice or accept gifts from anyone including a *Śūdra*.[47].

In this context, Manu gives the examples of various ascetic sages who in extreme case of poverty and starvation either accepted gifts or forbidden food from forbidden people of the society without suffering any sin or decline in status for the action. Manu takes the example of sages like Viśvāmitra, Vāmadeva or Bharadvāja, who accepted forbidden food or gifts from forbidden classes in extremity. Moreover, Manu also cites the examples of sages who even acted most undesirably by killing his son for food.[MS X.104-108]

In the subsequent clauses, Manu, quite contradictorily, introduces certain limits to following the *āpad* injunctions. He says that "a sin committed by teaching or officiating at a sacrifice is removed by soft recitation and oblations, but a sin incurred by accepting gifts is removed only by discarding it and performing ascetic toil." [MS X. 111] He further emphasizes that "a brahmin without a livelihood may even glean or pick single grains from

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[47] Manu states, "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." [MS X. 102-103]

anywhere; gleaning is superior to accepting gifts, and picking single grains is even superior to that"[MS X.112]

These clauses are contrary to the relaxation permitted previously. Probably by these clauses, Manu discourages a *brāhmana's* interaction with the lower classes as far as possible.

With regard to taking up alternate professions, a *brāhmana* was allowed to take up the livelihood of a *ksatriya* and *vaiśya*. But in this sphere also, *brāhmanas* are greatly discouraged. If in case they do take up alternate occupations, they are recommended to give up as soon as the distress is over. This is evident from the injunctions of Nārada who says that "When a Brāhmana has lived through the times of distress, with the wealth acquired by following the occupations of a Kṣatriya, he must perform a penance and relinquish the occupations of a Kṣatriya. When, however, a Brahman takes delight in those occupations and persists in them, he is declared a *Kāndaprishtha* (professional soldier) and must be expelled from society, because he has swerved from the path of duty."[NS. IV. 59-60]

With regard to *vaiśya* occupation for *brāhmana*, the śāstras say that they may trade during distress. However, in this case also, the texts have reservations regarding the commodities that a *brāhmana* was allowed to trade. The texts list a whole range of items that a *brāhmana* is never permitted to sell even if he is in a distress. Moreover, Manu and other śāstras also command that a *brāhmana* (also a *kṣatriya*) must also refrain from lending money on interest during distress. In this context, Nārada explicitly states that usury is to be practiced by a *Vaiśya* in distress but never a *brāhmana*. "A Vaiśya is at liberty to get over a period of distress by practicing usury. A Brahman must never resort to usury, not even in the extremity of distress." [NS. VII.111]

All the dharmaśāstras also strongly disprove of a *brāhmana* taking up the occupation of the *Śūdras* during distress. While discussing the proper livelihood of *brāhmana*, Manu says that 'service' (which is the duty of a *Śūdra*) is called the "dog's life" (*śvavritti*); therefore he should avoid it altogether.[MS IV.6] According to the *Nāradasmṛti*, "At no time must a Brahman follow the occupations of a man of vile caste, or a vile man the

occupations of a Brahman. In either case, expulsion from caste would be the immediate consequence."[NS IV.57]

From the above discussion it is apparent that even though the dharmaśāstras permit deviant conduct for the *brāhmaṇas* in times of distress, the urge for deviation is best restrained. It indicates the anxiety of the authors who probably apprehended the subversion of social order if such norms are not stringently regulated. The apprehension was not merely with regard to the *brāhmaṇas*, but also for other *varṇas*. For instance, Manu, while stating the *āpaddharma* for a *kṣatriya* mentions that, "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."[MS X.96]

This indicates that the authors were anxious about a probable intermingling of *varṇadharma*. Probably, this explains the reason why the mechanism of *āpaddharma* was also organized in a strict hierarchy, evident from the fact that the *brāhmaṇas* were allowed to take up *kṣatriya* and *vaiśya* duties but none of the lower *varṇas* were allowed to take up the superior modes of living even during an adversity. This conventional form of social organization was maintained so that the integrity of the *varṇa* structure could be sustained even during a critical situation.

As mentioned above, the śāstras do not conform of *brāhmaṇa* doing the job of *Śūdra* or vice versa. However, Nārada introduces an interesting clause in this regard, which is exclusive to his Smṛti. He says that "For neither of them are such occupations permitted as are either far above or far below their own rank. Those two occupations are lawful for them which lie between these two extremes; for they are common to all (castes)." [NS IV.58]

The above clause is interesting in the sense that by his statement he probably means that the occupations of a *kṣatriya* and a *vaiśya* are common to all the castes. This leaves the scope to imagine that probably even the *śūdras* (also the *vaiśyas*) might have had the chances of performing the duties of the higher *varṇas* during distress.

Another important dimension of *āpaddharma* is that, by definition, it is a temporary relaxation of norms that ceases to operate once the distress condition is over. The *śāstras* emphasize that the person in distress must forgo the mode of livelihood when he is able to

resume his specified normal mode of occupation. As mentioned earlier, Nārada expressly mentions that when a *brāhmaṇa* is out of a distress he must renounce his *kṣatriya* occupation or else he is declared a professional soldier and also expelled from the society for not reverting back to his normal duties.

What seems apparent from the handling of the subject is that the authors of the dharmaśāstras were grappling with two major concerns regarding *āpaddharma* norms. One was the possibility of the various castes to deliberately switch occupation of the other castes, while the other was the probability of continuing with the crisis mode of living even when the condition is over. Therefore, we find a repeated emphasis in the śāstras about the ideal modes of living for all the castes and certain derogatory terms attached to occupations and people when they do not follow their assigned duties in the right order. For example Viṣṇu says that

> What has been acquired by the mode of livelihood of their own caste, by members of any caste, is called 'white.'
>
> What has been acquired by the mode of livelihood of the caste next below in order to their own, is called 'mottled.'
>
> What has been acquired by the mode of livelihood of a caste by two or more degrees lower than their own, is called 'black.' [VS LVIII.6-8]

Thus, we see the various ways that the law codes deal with the concept of *āpad* and *āpaddharma*. *Āpaddharma*, in the context of *varṇadharma* was the accommodation of the situations that were outside the purview of the ideal standard created by the authors of the law codes. However, what is worth emphasizing at this point is that despite deviating from the standard norms, the essential structure and orientation of the law codes were retained.

There are two factors that link *āpaddharma* to the general structure of the law codes. First is the hierarchical ordering of the functions at several levels, which was probably aimed at maintaining the dynamics of social relationship similar to that of the normal times thereby preserving the overall social order. As Bowles, in this context rightly points out that, by allowing people to perform duties proper to *varṇas* other than their own, there is always

the danger that *brāhmaṇas* will become indistinguishable from other classes (and, of course, vice versa), and consequently the order of the social world (and, so, the universe) that is immanent in the separation of the *varṇas*.[48]

Second was the various demarcations and stringent limitations associated with the *āpaddharma* norms. *Āpaddharma* norms in themselves were exceptions to the general law. However, at the same time there were limits set to those exceptional provisions. Such exceptions were evident in the fact that a *brāhmaṇa*'s interaction with the *śūdras* and other lower classes were highly stringent even in times of distress. A *brāhmaṇa* is allowed to interact with them but could never take up their occupation even in cases of extreme distress. Another interesting similar exception was that though a *brāhmaṇa* in distress was permitted to trade but, he was instructed to abstain from selling a range of commodities.[49] What appears from the excluded items of trade was that either the commodities had some religious or ritual significance or were generally considered impure and inferior for a *brāhmaṇa* to deal in. It is probable that these limits were set to the exceptional provisions to maintain and reinstate the original principle which was fundamental to the social order.

The authors did not compromise the main purpose that governed the framing of the *dharma* literature while composing crisis rules. *Dharma* was considered to be the most influential control over man and his action which, at least in theory, helped in the maintenance of order on the human plane and prevented the instability of the social world as a whole. Hence, *āpaddharma* had to be composed in a pattern that it might respond to that end in the larger context. Therefore, though purpose of composition of *āpaddharma* was only to assist the various social orders to exist within a complex scenario of distress, yet efforts were taken by authors to strike a balance between the Laws of normal and abnormal times.

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[48] Adam Bowles- *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mahābhārata,* Brill, Leiden. Boston, 2007, p.47

[49] Some examples of such items are: milk, sour milk, clarified butter, honey, beeswax, lac, pungent condiments, spirituous liquor, meat, boiled rice, sesamum, linen, the juice of the Soma plant, flowers, fruit, precious stones, men, poison, weapons, water, garments, silk, skins, bone, blankets made of the hair of the mountain-goat, animals whose foot is not cloven, earthen pots, buttermilk, etc.

3.

Varṇadharma in Crisis in the *Mahābhārata*

The discussion on *dharma* literature shows how the concept of *āpaddharma* has been represented in the normative tradition of early India. What is clear from the treatment of the concept is that the authors of the tradition acknowledged the fact that there were circumstances when it was difficult to follow the standard norms that were being laid down in the law codes. Hence, not adhering to the codified norms was not regarded as transgressions as the dynamics of the immediate situations were assumed to have varied. Though *āpaddharma* 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 as to when transgressing the norms was considered necessary and how the various ways the provision of *āpaddharma* was applied. In order to acquire an actual understanding of the concept, the attempt in this section would be to inquire into the epic *Mahābhārata*, which is one of the representative texts of the narrative tradition of early India.

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

The aim of the present section is find how the concept is represented in the epic in terms of transgressing the *varṇadharma* norms and what were the situations that needed switching *varṇa* roles. It is to question if the *varṇa* norms were transgressed only in cases of absence of means of livelihood or were there other reasons for transgressing them? Moreover, the section would also look at what were the probable consequences of such actions.

Brāhmaṇa in crisis.

The *Mahābhārata*, just as the *dharma* literature, is also particularly concerned with the *brāhmaṇa varṇa* in matters concerning *āpad*. A diverse range of narratives are found in the epic that points towards the various concerns that the writers had about *brāhmaṇas* falling

in distress, their actions during such phases as well as their consequences. Both narrative and didactic portions talk about various episodes relating to *brāhmaṇas* in crisis.

General perception about brāhmaṇas' livelihood in the epic.

In the brahmanical literary tradition, the *brāhmaṇa varṇa* is considered the most venerable among the *varṇas* because of both their birth and functions. However, the epic has a strong view about the *brāhmaṇas* with regard to their functions and occupations. The general perception about them is that a *brāhmaṇa* is to be honored not by his noble birth alone, but by his conduct, duties and functions. The RDP clearly states that the most revered are those *brāhmaṇas* who are dedicated to their *varṇadharma* and other normative modes of conduct.

There is repeated emphasis on the *brāhmaṇa* taking the right profession. In the *Rājadharmaparvan* (henceforth, RDP), Bhīṣma makes a clear distinction between good and bad *brāhmaṇas* depending on the functions that they perform. Any deviation from the *varṇa* functions are treated with contempt and made liable to state action. Bhīṣma expressly points out that *brāhmaṇas* not following their *dharma* should not be tolerated and actions should be taken against such *brāhmaṇas*. Bhīṣma 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 Yudhiṣṭhira asks about the proper and improper works of the *brāhmaṇa varṇa* and how they are to be treated for doing the wrong and right kind of work. Bhīṣma in his reply mentions about various occupations that distinguishes the grades of *brāhmaṇas*. 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 kṣatriyas. Those who mount horses, chariots or elephants or serve as foot soldiers are equivalent among Brahmins of Vaiśya. Those vile ones who have forsaken the work, who are Brahmins in name alone are equivalent among Brahmins of Śūdra, king" [Mbh. XII.77.2-6]

Thus, it is fairly evident from Bhīṣma's description that a *brāhmaṇa'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 *brāhmaṇa'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.

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 *brāhmaṇas*. Bhīṣma states that the king should take the responsibility to reform the deviant *brāhmaṇas* by providing them adequate means of support. This indicates that the possible reason perceived regarding the deviation from *brāhmaṇa dharma* was their inability to sustain their lives by following *varṇa* norms that led them to take up alternate forms of living.

Bhīsma'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 thus evident that the text is concerned about the dismantling of the social order of *varṇas* as a result of deviation from appropriate conduct and occupation of the *brāhmaṇas*. That is because the overall maintenance of the *varṇa* order depended on the *brāhmaṇas* to a large extent. Bowles rightly expresses in a similar context that the *brāhmaṇa* is 'the paradigm through which the health of the broader social world is measured.'[50] Therefore, the preservation of the *varṇa* pattern is made the duty of the king. He is obliged to maintain by either assisting deviating *brāhmaṇas* through support or by punishing them in case they do not rectify their means.

Droṇa's Crisis as an example.

In this context, it would be appropriate to take up the particular example of Droṇācārya and his deviation from *brāhmaṇa dharma* in crisis. The character of Droṇa finds a prominent place in the *Mahābhārata*. He was the *guru* or teacher of weaponry of the royal princes- the Kauravas and the Pāṇḍavas.

However, his early life, recounted in the *Ādiparvan*[51], narrates his extreme state of poverty because of lack of livelihood. He is introduced as the son of the great *brāhmaṇa* Bharadvāja and learned in the *Vedas* and their branches. Despite that, he could not secure a means of subsistence for himself and his family comprising of his wife Kṛpī and son Aśvatthāman.

Hence, learning that the *Bhārgava* Rāma Jāmadagnya was giving away his wealth to the *brāhmaṇas*, Droṇa approached him with the desire of wealth. Unfortunately, by that time Rāma Jāmadagnya had given away all his wealth to other *brāhmaṇas* and thus decided to impart his knowledge of combat to Droṇa.

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[50] Adam Bowles, *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mahābhārata,* Brill, Leiden. Boston, 2007, p. 43

[51] The *Mahābhārata* Edition, translated by K.M.Ganguli gives a greater detail on the episode of Droṇa, which is absent in the Critical Edition.

Thereafter, in search of a means of subsistence[52], Droṇa went to the kingdom of his erstwhile friend Drupada[53], the king of the Northern *Pañcālas*, with whom he had studied during childhood.[54] However, Drupada declined his friendship and refused to support him. This leads Droṇa to take up arms as a means of livelihood by being the preceptor of the Pāṇḍavas and the Kauravas.

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 *āpaddharma* norms. His action is consistent with the *āpaddharma* injunctions found in the dharmaśāstras that permits a *brāhmaṇa* to take the *kṣatriya* mode of livelihood in times of adversity.

It is also important 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 ŚP.

The ŚP opens with Yudhiṣṭhira's dejection about the consequences of the battle of Kurukṣetra and the unethical actions committed during the battle. Yudhiṣṭhira, who blames

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[52] "And it so happened that one day the child Aśvatthaman 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. [Mbh I. SECTION CXXXIII]. The *Mahābhārata* Of Krishna-Dwaipayana Vyasa BOOK 1, Adi Parva, Translated into English Prose from the Original Sanskrit Text By Kisari Mohan Ganguli, [1883-1896]

[53] The Calcutta Edition of the *Mahābhārata* elaborates the state of poverty that faced by Droṇa due to the lack of means of living. Droṇa recounts the story of his abject poverty to Bhīṣma who finally supports him by choosing him the teacher of the Kauravas and the Pāṇḍavas. [Mbh I. SECTION CXXXIV]

[54] According to the Calcutta Edition, Drupada promised his allegiance to Droṇa when he is enthroned as the king. Droṇa narrates Drupada's promise, O Bhīṣma, 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 *Pañcālas*, the kingdom shall be thine. O friend, this, indeed, is my solemn promise. My dominion, wealth and happiness, shall all be dependent on thee.'[Mbh I. SECTION CXXXIII]

himself for being instrumental in the killing of Droṇācārya, 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, Droṇa was a learned *brāhmaṇa* as well as his *guru*, his killing was a part of the *āpaddharma* norm.

Besides this explanation, the sage also chose to justify Yudhiṣṭhira's action by pointing out Droṇa's improper conduct and behavior as a *brāhmaṇa* is also a reason why his slaying should not be considered a *brahmahatyā*. 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]

Vyāsa's emphasis on a *brāhmaṇa* deviating from the proper means of livelihood probably indicates about Droṇa's early life and also implies the consequent decline in status. Perhaps Vyāsa intended to mean that Droṇa should not be considered a righteous *brāhmaṇa* because he did not uphold his own *varṇa* functions by taking up *kṣatriyadharma*. Hence, his killing does not amount to the sin of *brahmahatyā*. Though, the *Ādiparvan* narrates that poverty forced Droṇa 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 *varṇa* functions after his crisis was over. One is reminded of Nārada's statement, pointed out earlier, that a *brāhmaṇa* should give up the functions of a *kṣatriya* once he has lived

through the time of distress. He is otherwise declared a professional soldier (*Kāndaprishtha)* and expelled from the society.

Other examples of *brāhmaṇas* in crisis.

The *Mahābhārata* also discusses other cases of *brāhmaṇas* who enter into crisis due to a variety of factors relating to lack of food or livelihood. The case of the sage Viśvāmitra, who was driven by starvation to the point of consuming dog meat, is recounted in detail in the ĀDP of the ŚP.[Mbh XII. 139.11-90] This episode is known in other Indian textual traditions including the *Manusmṛti* where this example is cited to demonstrate that *brāhmaṇas* 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 Viśvāmitra is reiterated in the ĀDP in the form of a dialogue between the sage and a dog-meat eating *Candāla*. 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 *brāhmaṇas* had to abandon their observances. This severe condition also struck the great sage Viśvāmitra, 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 *Candāla* and, in desperation, resolved to steal it while the *Candāla* was asleep. However, unfortunately, the *Candāla* woke up and was shocked to see the eminent sage stealing the dog meat. Thereafter, the sage and the *Candāla* engaged in a long debate on *dharma* and the justification of the sage's act of theft and consumption of forbidden food. While the *Candāla* was convinced that the sage was unjustified in his actions, Viśvāmitra 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, Viśvāmitra performed penances when the crisis was over and was purified thereafter.

In the story Viśvāmitra argues strongly for the legitimacy of the mechanism of *āpaddharma* and also affirms that he will not be degraded in the *varṇa* hierarchy or considered reprehensible because of his action.[55]

The story of Viśvāmitra and other similar stories are found in the *Mahābhārata* on many occasions. Such narratives are also recurrent examples in the dharmaśāstras. The strong emphasis on *brāhmaṇa's* starvation and acceptance of forbidden food are highly suggestive of the kind of crises that the *brāhmaṇas* 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 *brāhmaṇa*. This story is also recounted in the ĀDP. [Mbh. XII. 162.30-50, 163. 1-25, 164. 1-27, 165.1-32, 166.1-25]

The narrative goes that a *brāhmaṇa* 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 *brāhmaṇa*, he was devoid of any learning of the *Vedas*. The barbarian who knew the laws of the social orders offered refuge to the *brāhmaṇa* by giving him shelter and alms to survive for a year together with a *śūdra* woman. 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 *brāhmaṇa* 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 *brahmanic* 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

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[55] 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 *Anuśāsanaparvan*, 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 Śaibya's son, who had been given to them as *dakṣinā*, but had died. The seven eminent *brāhmaṇas* in sheer desperation take recourse in *āpaddharma* and resolve to eat the body.

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 Nāḍījaṅgha (also called Rājadharman). The story proceeds with Gautama being treated to the best of the ability of the Crane who again helps the *brāhmaṇa* 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 Rākṣasa king, Virūpākṣa.

Virūpākṣa helped Gautama acquire riches, after knowing about his lineage and also as a favor to Rājadharman. With the riches Gautama decided to leave the place of Rājadharman. 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 Rājadharman deceitfully to acquire its meat when he needs. However, he could not escape the consequences of his actions because Virūpākṣa soon caught Gautama and killed him.

Later, Rājadharman was brought back to life miraculously by her mother Surabhi, as was Gautama revived by Indra at the behest of Rājadharman. 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 *brāhmaṇas* 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 Rājadharman. 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 *Rāksasa* 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 *āpaddharma*. The śāstras as well as the *Mahābhārata* expressly supports that *brāhmaṇas* may commit unethical actions during crisis, which is evident from the narratives of Viśvāmitra and *Caṇḍāla* 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 *āpaddharma*. That was because he failed to observe the duties of his *varṇa* and did not possess the necessary attributes of a *brāhmaṇa*. 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 *śāstras* and *Mahābhārata* that *āpaddharma* 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 *brāhmaṇas* and live according to their specified means of livelihood in normal times are supported in taking recourse in the norms of *āpaddharma*.

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 *brāhmaṇa varṇa*. They are economic crisis due lack of means of livelihood and lack of food. It is primarily because of these two situations that the *brāhmaṇas* generally transgress their specified norms and adopt unorthodox means to survive.

It is evident from the crisis of Droṇa that *brāhmaṇas* 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 *brāhmaṇas* 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 *kṣatriyadharma*.

Moreover, it is seen that there is a repeated emphasis on *brāhmaṇas* falling in distress because of starvation that often push them to the extent of being cannibalistic (like the consumption of Śaibya'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 *brāhmaṇas* who were engaged in austerities or dwelled in hermitages. The most likely cases of distress in case of these *brāhmaṇas* 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 *brāhmaṇa*. The *Āpaddharmaparvan*, which systematically presents the theme of *āpaddharma*, includes narratives relating to these two conditions while discussing a *brāhmaṇa* in crisis. In other words, these are two conditions when a *brāhmaṇa* is allowed to transgress the norms of his *varṇa* in order to meet the immediate situation of crisis.

The *Bhārgavas*

The previous discussion established how the epic represents the concept of *āpaddharma* in the context of economic crisis and other adversities relating to the survival of the *brāhmaṇas*. However, the epic also comprises of other types of adversities that the brāhmaṇas faced which lead to the transgression of their *varṇa* norms. Some of the episodes of the *Bhārgava* brāhmaṇas are representative of such transgressions due to crisis. This section attempts to look at some narratives in this connection.

The *Mahābhārata* is replete with *Bhārgava* myths. The *Bhṛgus* or the *Bhārgavas* as represented in the epic are a family of *brāhmaṇa* sages or priests who are said to be the descendants of the great *ṛṣi* Bhṛgu.

The *bhṛgus* and the *bhārgava* myths are important to the *Mahābhārata* for various reasons. One of the reasons is that the *bhārgava* legends are predominant throughout the epic. In

this connection, V.S. Sukthankar[56] observes that "taking a collective view of the *Bhārgava* references in the Great Epic, we cannot avoid the conclusion that the *Bhārgava* heroes occupy a surprisingly large portion of the canvas- which is said to depict the *Bhārata* war- filling up as they do much of the available space of the background." Their predominance also led Sukhthankar to posit his famous theory that the epic went through a thorough revision at the hands of the *Bhārgava* redactors.

The other remarkable fact about the *Bhārgavas* is that they are shown as participating in unorthodox practices that go against the normative behavior of their *varṇa*. The very fact of *brāhmaṇas* engaging in *kṣatriya* functions is a major transgression of *brāhmaṇa dharma*. This feature particularly makes them stand out from the conventional representation of the *brāhmaṇas* in the epic as well as other literary corpuses of early India. Regarding their distinguishing features, Robert Goldman points out, "the central concerns of the *Bhṛgus* appear from the mythology to have included death, violence, sorcery, confusion and violation of class roles or *Varṇāśramadharma*, intermarriage with other *varṇas* or *varṇasaṃkara* and open hostility to the gods themselves."[57]

In the present context, what is interesting to note is that since the *Bhārgavas* emerge as a fairly homogeneous community of *brāhmaṇas* who performed the duties of *kṣatriyas,* 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 *Aurvopākhyāna* of the *Ādiparvan*. The story goes that there was a king named Kṛtavīrya who was a liberal patron of his priests of the *Bhārgava* race. The *Bhārgavas* prospered because of the king's generosity in bestowing gifts and riches. However, situations changed after the death of Kṛtavīrya. A time came when the king's descendants became impoverished and were in need of wealth. Knowing the affluence of the *Bhṛgus*, these *kṣatriyas* approached the *Bhārgavas* for wealth. Realizing danger from the *kṣatriyas*, some of the *Bhārgavas* buried their wealth underground while others distributed them to other *brāhmaṇas*.

[56] V.S.Sukthankar, "Bhṛgus and the Bhārata: a text Historical Study," *Critical Studies in the Mahābhārata*, V.S.Sukthankar Memorial Edition Committee, Poona, 1944, p.283
[57] Robert P. Goldman, *Gods, Priests, and Warriors, The Bhṛgus of the Mahābhārata*, Columbia, University Press, New York, 1977, p. 5

Unfortunately, the hidden wealth of the *bhārgavas* was discovered by the impoverished *kṣatriyas*, and in desperate exasperation they killed all the *Bhṛgus*, not even sparing the unborn children in the womb. However, one of the *bhārgava* 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 from its mother's thigh glowed with such splendor that it blinded the *kṣatriya* persecutors. From being produced from the thigh (*ūru*), the child received the name of Aurva.

The *kṣatriyas* being blinded requested the *brāhmaṇa* 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 *kṣatriyas*, 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 *kṣatriyas*. Observing Aurva's aim towards the enormous slaughter, his *Bhārgava* 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 Bhṛgus 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 *Bhārgava* 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.

of his lineage. Sukthankar points out that the Aurva legend finally develops into the creation of the figure of the *bhārgava* Rāma[58], the foremost of the weapon bearers who single handedly annihilated the *kṣatriyas* twenty one times.

Therefore the other story important in this connection is that of Rāma Jāmadagnya, 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 Rāma, recounted in the *Vanaparvan* [Mbh III.116.1-29] says that the *bhārgava* Rāma was born to the great *bhārgava* sage Jamadagni and Reṇukā and was the youngest of their five sons. It is said that Rāma was that most devoted son of his father. He is said to have cut off his mother Renukā's head on his father's order- an act that all his brothers declined to perform.

Once the king Kārtavīrya, the lord of *Anūpa* 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 Rāma of this event upon his return, who was then seized with anger because of the king's actions. Consequently, Rāma pursued Kārtavīrya and overcame him in battle.

Rāma's actions, in turn, enraged Kārtavīrya's kinsmen who took revenge on Rāma by killing his father Jamadagni when he was alone and defenseless in his hermitage. Seeing his father dead, Rāma lamented and said:

It is my fault that Kārtavīrya'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

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[58] V.S.Sukthankar, "Bhṛgus and the Bhārata: a text Historical Study," *Critical Studies in the Mahābhārata*, V.S.Sukthankar Memorial Edition Committee, Poona, 1944, p. 291

friends after shamelessly murdering a lone Law-minded man who offered no resistance? [Mbh III.117.1-4]

Thus, Rāma grasped the weapons and swore to massacre the entire race of the *kṣatriyas*. He killed the sons of Kārtavīrya and also terminated all the clans of the *kṣatriyas* 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 *kṣatriyas*. The cycle of violence and revenge takes place in two stages. In the first, Kārtavīrya forcibly robs Jamadagni's calf from his hermitage that leads Rāma to pursue the king and kill him. In the second stage, Jamadagni is killed by the descendents of Kārtavīrya that finally leads Rāma to exterminate the entire race of the *kṣatriyas*.

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

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

Thus we see that the *bhārgava brāhmaṇas* adopt unorthodox means to resolve their crisis. They transgress their *varṇadharma* and adopt *kṣatriyadharma* as a means of either defense or revenge. In the story of Rāma the transgression becomes more explicit and expressed in the epic because he ultimately assumes weapons and applies them against the *kṣatriyas*.

From the above discussion two reasons for the *bhārgavas* taking up of arms can be discerned. Firstly, they were motivated by personal or their community's survival and secondly, the *bhārgavas* 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 *kṣatriyas*. The normative relations among the *varṇas* are said to depend on each *varṇa* discharging their specified functions. Among the *varṇas*, the *kṣatriyas* are authorized to rule, protect and uphold the good, and

above all honor and support the *brāhmaṇas*. However, this *kṣatriya* order is portrayed to have been disrupted in the epic due to which the *brāhmaṇas* had to take up arms and stabilize the order. Thus it is made evident in the narrative that the *bhārgavas* deviance from *varṇadharma* was motivated by the stability of the social order.

From the discussion in this section we see the diverse situations of crisis that the *brāhmaṇas* faced due to which they had to transgress their *varṇadharma* in order to ensure survival. A *brāhmaṇa'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 *āpaddharma*. However, the most striking theme that emerges outside the didactic portions in this connection is that *brāhmaṇas* transgress *varṇa* norms in the background of different types of crisis. They are mostly seen to assume *kṣatriyadharma* during such circumstances. The episode of Droṇa and the *bhārgavas*, especially Rāma are exemplary in this regard. While Droṇa is shown as taking up *kṣatriyadharma* because of his economic distress and lack of means to live, Rāma takes up *kṣatriyadharma* because of his personal as well as social crisis.

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

Kṣatriyas in Crisis

Yudhiṣṭhira's renunciation as a crisis

Yudhiṣṭhira says,

"Damn the kṣatra 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 ŚP begins with these words. Yudhiṣṭhira 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 *kṣatriyadharma*. 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 *āpaddharma* is made by Bhīma 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 Bhīma's statement, it is clear that renunciation is not an acknowledged norm for a *kṣatriya* and hence in normal circumstances it is considered a transgression. However, a king is allowed to choose renunciation only in a situation of distress[59] which happens when he has either become old or is overtaken by his adversaries. It is evident that Bhīma does not consider Yudhiṣṭhira's situation to be a crisis because it does not qualify as a practical adversity. He points out how Yudhiṣṭhira's behavior is not agreeable to that of a *kṣatriya* since renunciation for a jubilant king is considered to go against the scriptural lawful duty of kings.

Another reference to *āpaddharma* is made in the context of the king Saṃvaraṇa. In the *Ādiparvan*, Janmejaya desires to know who were chosen rulers of the line of Purū from Vaiśampāyana. Narrating the stories of those kings, *Vaiśampāyana* recounted story of king Saṃvaraṇa [Mbh I.89.32-36]. The story goes that when the king Saṃvaraṇa Ārkṣa 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 Bhāratas, the *Pāñcālas* also overtook them. The king of the *Pāñcālas*

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[59] Renunciation is certainly considered to be a method to surpass a difficult situation. It is evident from its references in the text on other occasions. In the *Ādiparvan*, after the death of Pāṇḍu, Vyāsa suggests Satyavatī to

marched out against them and defeated king Saṃvaraṇa 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 Vasiṣṭha 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 *āpaddharma* and escaping from the battlefield. For a king, who is a *kṣatriya*, withdrawing from the battlefield is considered to be against the standards of his *varṇadharma*. 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 Saṃvaraṇa affirms Bhīma's position about *āpaddharma*. What is apparent from the examples cited above is that renunciation is generally considered to be the action considered to be the *āpaddharma* for the *kṣatriyas*. Renunciation in case of *kṣatriyas* 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 *kṣatriya* is never portrayed as being in crisis because of lack of livelihood like the *brāhmaṇas*.

CHAPTER TWO

RĀJADHARMA

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CHAPTER TWO

RĀJADHARMA

1.

Introduction

In the brahmanical tradition, the concept of *rājadharma* is fundamental as it renders an underlying structure to the brahmanical society. The term *rājadharma* may literally refer to the entire system of governance and statecraft in early India, but the concept also includes the duties or rules for the king. In other words, it is the broad framework within which the duties of the king as a functionary of the state are laid down. 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 *rājadharma*; any infringement of these norms implied violation of *rājadharma* which was regarded as sin.

It is a set of fixed rules to be followed and executed by the king for the specified object of maintaining an organized social order. The above explanation approximately defines *rājadharma* according to the standard norms.

However, an intricate situation emerged when adhering to the norms of *rājadharma* was rendered impossible due to circumstances beyond the control of the king. In order to manage such crucial events, the practical mechanism of *āpaddharma* was simultaneously devised to provide guidelines for such situations.

The importance of the concept is reflected in the brahmanical literature, both normative and narrative, which contains important details about the theory and practice of politics. A narrative text such as the *Mahābhārata* is an appropriate example in this regard. Scholars consider the *Mahābhārata* 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[60] that covers a wide range of early Indian conceptions of ideal socio-political life.

In the context of *rājadharma*, *āpad* or crisis can be understood as those situations where there exists a perception of threat to the king or to the institution of kingship. Hence *āpaddharma* as represented in the literary tradition is a set of norms that are to be followed when the doctrinally specified norms for 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 *rājadharma*. In such situations the king is permitted to employ unethical means to avert a possible crisis.

This chapter seeks to take a look at the nature of crisis faced by king and the institution of kingship and analyze *āpaddharma* in the scheme and philosophy of statecraft and governance.

2.

The purpose of Law, the king and the institution of kingship

In the RDP, Bhīṣma elaborates upon the significance of *dharma* and appropriate forms of behavior to be undertaken by all the sections of the society. Proper conduct is stressed in every sphere of society, which included the king and institutions connected to him. With the help of various narratives, Bhīṣma establishes both the purpose and importance of the king in the society through which his duties and rules of conduct are laid down.

Bhīṣma says that the necessity of kingship was to prevent the strong from destroying the weak. "Should there be no king in the world", says Bhīṣma, "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 for the king was for bringing out the society from the condition of disorder,

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[60] The ŚP and the AP are usually considered to be the didactic portions of the *Mahābhārata*. J.L.Fitzgerald, the translator of the CE of the ŚP observes that "the book of peace and the book of instructions in combination form the canonical library of Hinduism", J.L.Fitzgerald transl., *The Mahabharata*, Vol. 7, "*The Book of Peace*", Part One, The University of Chicago Press, Chicago and London, 2004, p. 79

which is identified as the condition of *matsyanyāya* or the 'logic of fishes' and to establish social order and preserve the society through proper protection.

At the same time, he points out that kingship necessitates a legitimate form of violence in the form of wielding the rod of punishment called *daṇḍa*. In this context, Bhīṣma relates the episode of the appointment of Manu as the king by Brahmā to enforce law in the society who had initially recoiled from taking up kingship because of the violence involved in it. However, he finally took up kingship when the people 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]

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]

Through these illustrations, Bhīṣma establishes the legitimacy of king's violence which is administered through the mechanism of *daṇḍa*. He establishes its legitimacy by approving it as a part of the king's duty. 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 *daṇḍa*. He argues that *dharma* is created by the state by its sanction of *daṇḍa* and hence there is no *dharma* when there is no state. He says, "*dharma* appears as *matsyanyāya* disappears, and *dharma* ceases to exist with the extinction of the state."[61]

3.

The conduct of the king discussed in the *Rājadharmaparvan*

Bhīṣma thus connects the motive of the king's appointment and his functions as the administrator of *daṇḍa* with the general well-being of the people. Simultaneously, Bhīṣma

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[61] 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

also illustrates how the king's personal conduct is important for the purpose of his appointment. He argues that *danda'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. Bhīṣma 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.

Bhīṣma emphasizes upon on the king's righteousness because his balanced conduct towards his subjects preserves his power as well as the society. He remarks,

> "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]

4.

Āpaddharma: the doctrine

From the foregoing discussion it is clear that there was an attempt towards governing an organized society based on specified rules of *dharma*. The king was required to faithfully execute the laws and follow them himself because he is both the upholder of law as well as subject to law.

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* The King

However there is also a set of rules stated by Bhīṣma in his discourse on *āpaddharma* that departs from the fixed framework discussed by him. We have seen in the previous chapter that a distinct theory of *āpaddharma* was discussed in the context of *varṇadharma* in the dharmaśāstras, especially the *Manusmṛti*, in which the fixity of the *varṇa* norms were relaxed in a crisis situation. However, unlike the case of *varṇadharma*, the dharmaśāstras do not contain a separate characterization of *āpaddharma* rules relating to the king, even though, ideas relating to crisis are dealt incidentally while discussing the various political strategies.

The *Mahābhārata* is valuable in this regard since its didactic parts, especially the ŚP, not only discuss statecraft in general but also deal with the proper conduct of the king in both normal and abnormal times. The conduct of the king in abnormal times or a period of crisis is separately discussed in the ĀDP.

In the following section, the rules of *āpaddharma* relating to *rājadharma* as found in the ĀDP shall be discussed.

Yudhisthira says,

> "O *Bhārata*, what course is there for a king whose allies have forsaken him, who has many enemies, whose treasury is completely exhausted, whose army is inferior, whose aides and ministers are corrupt, whose secrets have been spilled in every direction; whose rule is slipping from his grasp while he sees no other course; who has been attacked by a circle of enemy states that is strong while he is weak; whose country is in disarray, who does not understand place and time; for whom conciliation of his enemies is impractical, and dividing them too, because he is pressed too hard; for whom life too is untenable because of his practical situation? What would best be done in this case?"[Mbh XII.128.1-5]

This question by Yudhiṣṭhira introduces the subject of *āpaddharma* at the end of the RDP. His question suggests that he is indicating a difficult situation for a kingdom because of several forms of crisis faced by the king and his institution. He describes a situation when

all the essential elements as well as the conditions that ensure a proper functioning of a state are threatened. In other words, there is a crisis endangering the life of the king and his kingdom.

In the process of answering Yudhiṣṭhira, Bhīṣma gives a valuable introduction about *āpaddharma* by explaining the various aspects and defining characteristics of the concept.

Bhīṣma explains that there are circumstances when conventional laws do not help in purposes for which they are devised. The highest purpose of law is not possible to maintain if the king or the elements of his authority are in crisis. Therefore, for such situations, the laws of emergency have been formulated in which the standard norms of *rājadharma* are suspended in the interest of self-preservation of the king or the preservation of the kingdom. These laws have been devised for situations when self-preservation or saving the kingdom in danger, are of the priority.

Bhīṣma advocates dismissal of the usual rules of the king because he believes that ruining the kingdom by a scrupulous adherence to conventional norms, is like losing the law itself. Thus he recommends recourse to *āpaddharma* where "One who is not very strong, does not find proper sustenance just by adhering to Law"[Mbh XII.128. 14]

Moreover, he emphasizes that during an emergency a king may need to act in extralegal fashion in order to promote the ultimate aim of defending the kingdom or restoring the social order. Therefore, in order to ensure the ultimate objective, the king may require to take unlawful means to attain the objective. Bhīṣma says that "tradition teaches that during times of distress even what is Unlawful may have the attributes of Law."[Mbh XII.128.15] In this context he explains that a person in a dire emergency seeks an outlet by any means available to him including an unlawful path.

> What is not a proper exit for someone hard pressed? What is a wrong path for one whose desire is extinguished? A man hard pressed escapes, but not through the door.[Mbh XII.128.22]

Advocating the use of such means he further remarks that *āpaddharma* may be an undesirable way of acting but people having a complete understanding of law shall follow

it because it ultimately leads to the welfare of the people and the kingdom whose results are visible only after following the path.

> "A way of acting may seem unsuitable to a man who lacks full understanding of it$^=$; but the way that seems unsuitable because of a lack of understanding may actually produce well-being".[Mbh XII.128.10]

> With every course of action, there can be conclusive evaluation of it only after one has traversed it.[Mbh XII.128.8]

Thus Bhīṣma introduces *āpaddharma* as an independent branch of law that is 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 *āpaddharma* as a 'secondary' form of law that can be practiced only when the practice of the primary form of Law is not possible.

> "If one cannot survive upon any other way of life, then whatever way of life he does use to survive is consistent with his particular Lawful Duty; if one submits to the primary form of the Law, he may subsist by its secondary form. One who is in distress may live by what is not in accordance with the Laws."[Mbh XII.128.21-23]

Bhīṣma explains the rationality of the doctrine of *āpaddharma* by pointing out that the most urgent need of an individual is to prevent himself from destruction as his existence is important for the functioning of the world through performance of various lawful deeds. Hence he should take up any means during a crisis that may ensure his endurance. Bhīṣma emphasizes that the means taken by a distressed individual may not be the right path but his taking the wrong path is justified because it saves the other larger ends.

> One must not cause his own ruin. A ruined man can accomplish no Lawful Deed, nor do anything for himself or any other. He should try to save himself by any and all means, that is clear. The clear indication of this, son, is the keen understanding of Law on the part of those who know Law. Thus says the Holy Learning.[Mbh XII. 128.16-18]

$^=$ Law

After explaining the aspects of *āpaddharma*, Bhīṣma specifically mentions the *kṣatriya* code of conduct during a period of crisis. With regard to *rājadharma*, the recommended way of action for the king is to over exercise his authority. In case of the king, Bhisma affirms, "there is exertion and survival in the *kṣatra*, from the power of their strong arms"[Mbh XII. 128.19] It can be seen that there is no shift in his duties from his own proper *varṇa* conduct to another, as the *brāhmaṇas*. Bhīṣma encourages the king to use means to safeguard himself from a critical situation by intensifying his authority. A heightened authority saves a king from a situation of crisis.

Thus, we see that several dimensions of the *āpaddharma* have been highlighted by Bhīṣma. The basic idea that is conveyed by the notion is that the king should value the ultimate purpose of Law that is to protect people and preserve social order. In doing so, he is allowed to depart from the prescriptions of law or sometimes act against the usual rules of *rājadharma*. In other words, he recommended one not to sacrifice the end to the means and to use the authority of his strength to meet authentic emergencies.

Since Bhīṣma recommends an extralegal resort to raw political force during crisis for the king, he also shows his concern about its responsible use as well as recognizes its proper limitations. He repeatedly emphasizes upon the use of proper judgment and intelligence as regards its application because though *āpaddharma* may be beneficial for a particular time and context, yet the precedent is pernicious, for if the practice of disregarding the laws for good objects is established, they may be disregarded under such pretext for evil purposes.

> 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 done for the sake of an evil object- that is a complete characterization of purposes. Thus may a sharp-witted king use his intelligence well to make decisive judgment of what should be done.[Mbh XII. 128. 38-39]

Therefore, he suggests that the king should have a proper perception of emergency and judgment if the life of the kingdom is truly at stake; otherwise the fidelity towards the cause of using the emergency provisions is compromised by taking refuge in absolute power.

It is probably because of the expedient nature of *āpaddharma* that Bhīṣma initially expresses his apathy towards these laws. He confesses that he could not bear to talk about these rules that are 'subtle' and 'obscure'.

"O bull of the *Bharatas*, do not question me too much about Law that is obscure. Were I not asked about it, I could not bear to ask about this Law, Yudhiṣṭhira."[Mbh XII. 128.5]

Law is more subtle than speech, O bull of the *Bharatas*, and more subtle than thought.[Mbh XII. 128.6]

In this context Adam Bowles says that the fact that Bhīṣma cannot speak about the questions of Yudhiṣṭhira emphasizes the "secretive and dangerous nature of the knowledge, and the necessity for only appropriate people to know it; and in as much as Yudhiṣṭhira knows to ask the question, this suggests he has enough insight into the problems that provoke it, and the sophistication to deal with its implications."[62]

Another dimension of *āpaddharma* is its association with dilemmas of political and moral actions. As a political philosophy, *āpaddharma* or political crisis raises conflict of purpose between the need for survival, which is the most urgent of objectives, and the commitment towards the conventional rules and the welfare of the kingdom that is the highest of purposes.

Thus we see that contingency or emergency is accommodated through the doctrine of *āpaddharma* as a separate political philosophy. The significance of the *Mahābhārata* in this regard lies in the fact that it contains certain explicit provisions for a kingdom in crisis in the form of the provisions laid out in the ĀDP. The following sections will discuss the various types of crisis faced by the kingdom and what are the recommended means to cope with those crises.

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[62] Adam Bowles, *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mahābhārata*, Brill, Leiden. Boston, 2007, p. 196

5.

Management of Crisis

From Bhīṣma's instructions about laws of crisis for the king, several categories of laws can be discerned. They mainly relate to the general management of the kingdom, management of finance and management of external crisis, which relate to handling an enemy state. The following section is an attempt to discuss these categories of crisis and their management in detail.

a) Financial Crisis

One of the prominent themes developed in the ĀDP in the context of *āpad* relates to the *kośa* or the king's treasury. Apart from highlighting the king's role during a financial crisis, Bhīṣma consistently talks about the importance of riches and the treasury from the beginning of the *parvan*.

It is interesting to note Bhīṣma'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 *kṣatriya* 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 Bhīṣma 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 life of a king

The central position taken by Bhīṣma 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 Bhīṣma 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, Bhīṣma 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 Bhīṣma 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 *kṣatriya* should take from the barbarians, and from those who do not perform rites. *Kṣatriyas* are to protect people and to consume them, *Bhārata*. For wealth in this world really does belong to the *kṣatriya* 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 Bhīṣma 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, Bhīṣma 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 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 RDP, while discussing the general policy for procuring wealth, Bhīṣma 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]

Bhīṣma 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 dharmaśāstra 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. Bhīṣma 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, *Bhārata*, whom should the *kṣatriya* not take wealth, apart from the property of ascetics and *brahmins*? As a *brahmin* 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]

Bhīṣma 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 *āpad* 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, Bhīṣma 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 *brāhmaṇa* and also use violence for the purpose.

b) Domestic Crisis

Similarly, Bhīṣma 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 Kāpavya. The story can be summarized as:

There was a ruler of the *Niṣādas* called Kāpavya who was wise, heroic, educated and kind. He was a follower of the *brāhmaṇa* precepts and followed the *kṣatriya* 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 *brāhmaṇas* 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 Kāpavya, Bhīṣma 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 Kāpavya 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 *brāhmaṇas*, and also honored the learned traditions.

Moreover, what is interesting is that he is described to be a perfect wielder of *daṇḍa* or the rod of punishment. After becoming the king of the barbarians, Kāpavya 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. Kāpavya 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. Bhīṣma focuses on certain aspects of Kāpavya as a ruler. He is described both as a kind and harsh ruler depending upon the context. Hence, his story is proper as an example of righteous rule as well as

The other story relevant in this context is the 'tale of three fishes' that Bhīṣma recounts to instruct Yudhiṣṭhira about preventing an impending danger by being swift in action. The story goes that in a pond there lived three *śakula* 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. Bhīṣma 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.

c) External Crisis

Another dimension discussed by Bhīṣma in the ĀDP 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.

Yudhiṣṭhira questions Bhīṣma 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. Bhīṣma mainly uses various interesting fables to instruct him regarding the different aspects of managing such situations.

i) Negotiations

Bhīṣma 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.

Bhīṣma 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, *āpaddharma* 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.

Bhīṣma 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.

ii) **Palita and Lomaśa**

The tale of Palita and Lomaśa has been recounted in the ĀDP. [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 Lomaśa. A *Caṇḍāla* used to lay traps at the base of the tree every night and once Lomaśa got caught inside the trap. The mouse Palita was delighted to see his enemy Lomaśa 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 *Caṇḍāla* 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 *Caṇḍāla* 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 *Caṇḍāla*. When the cat is threatened by the *Caṇḍāla*, 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.

Bhīṣma 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.

Bhīṣma says,

> "Let him make war even with those who wish him well, and let him make alliance even with his enemies, but Bhārata, 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, Bhīṣma tries to instruct Yudhiṣṭhira 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.

Bhīṣma 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]

iii) The king Śatruṃtapa and the Seer Bharadvāja. [Mbh XII.138. 5-70]

Bhīṣma recounts the conversation between the king Śatruṃtapa, the king of the Sauvīras and the famous sage Bharadvāja 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 Bharadvāja 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. Bharadvāja 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 Bhīṣma seems to have a dual purpose. He teaches Yudhiṣthira 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 Bhīṣma 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.

6.

Āpaddharma: Significance in the narrative of *Mahābhārata*

The previous section establishes the significance of the concept of *āpaddharma* in the overall didactic discourse of the *Mahābhārata*. The fact of its inclusion in the didactic

corpus as an exclusive section indicates its importance within the overall intellectual traditions of the period as suggested by Adam Bowles. He says, "in my view, the ĀDP responds to specific concerns emerging in Indian intellectual traditions associated with social and political behaviour and, furthermore, to how these concerns are heightened by, explored and mirrored in, the *Mahābhārata* narrative."[63] Bowles in his book focused majorly on the ĀDP with the purpose of explaining its integrity as a cohesive unit and its importance in the unfolding of the didactic narrative of the ŚP. His work has brought up the major issues like questioning the requirement of the ĀDP in the overall narrative of the *Mahābhārata* or the reasons for its inclusion as a separate unit in the epic.

From the viewpoint of the inclusion of the concept in the didactic section of the ŚP, its importance cannot be denied. However, it is also essential to regard the explicit references to *āpaddharma* in the ŚP outside the didactic context. The ŚP can be divided into two parts- one which is the continuation of the narrative plot of the epic and the other which is the later didactic interpolation.[64]The subject is taken up by the sage Dvaipāyana Vyāsa at the beginning of the ŚP which is a continuation of the narrative of the epic. He takes up the subject while he counsels Yudhiṣṭhira against renunciation and tries to convince him to take up the throne of Hastināpura.

The ŚP, is the post war part of the *Mahābhārata*, where the family of the *Pāṇḍavas* pours the funeral waters for their relatives and allies who died in the battle of Kurukṣetra. The Book begins with Yudhiṣṭhira's retrospections. He is drawn aside from the celebrations of victory of the *Pāṇḍavas* in the battle. Implicit in his reaction is his admission of his weakness in the face of temptation. He grieves his inability to be either rational or restrained that led to brutal deaths, betrayals and deceptions in the battle.

Considering Yudhiṣṭhira's usual disposition towards the path of righteousness and morality or *dharma*, the actions during the battle certainly appear contrary. He cannot make a

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[63] Adam Bowles, *Dharma, Disorder, and the Political in Ancient India: The Āpaddharmaparvan of the Mahābhārata*, Brill, Leiden. Boston, 2007, p.10

[64] In this context, it is important to mention the argument placed by Muneo Tokunaga. Tokunaga, in his article "Discourse as a *śokāpanodana*" suggests that various instances prove that *Bhīṣma's* lecture in the ŚP was a later interpolation and that the section was completely absent in the *Mahābhārata* as we have it now. Previously, in the article *"Udakakriya and the Santi Parvan"* he had suggested that only the first forty five chapters of the ŚP, which he called *"Śānti* opening", belongs to the *Mahābhārata* attributed to *Vyāsa* and the rest is a later addition. Muneo Tokunaga, "Discourse as a *śokāpanodana*" in Robert P.Goldman and Muneo Tokunaga (ed), *Epic Undertakings*, Motilal Banarsidass Pvt Ltd, Delhi, 2009

judgment of his actions he engaged in and his current wish is to be released of them to attain peace. Thus he resolves to renounce kingship and go to the forest and live as an ascetic.

In this context, the conversations that take place between him and his brothers and wife were aimed at stabilizing his mind and convince him to take up his function as a king. In fact, the purpose of the ŚP is considered to be efforts towards the calming of Yudhiṣṭhira's agitated mind.[65]

Yudhiṣṭhira, at this point is burning with guilt over the deaths he has caused during the war. He blames himself for the death of many of his kinsmen and the interruption of his ancestral line. He laments at length the fall of Bhīṣma, his lie to Droṇa, the killing of Karṇa and Abhimanyu. He is in a condition of complete disillusionment with the *kṣatriya* ethos in general that lead him to judge that all his violent and unethical actions were because of being a *kṣatriya*, whom he considered inherently violent. He praises the peaceful and harmless lifestyle of ascetics as opposed to his own lifestyle and hence decides to renounce kingship and settled mode of life to take up the life of a wandering mendicant.

After the failed attempts of his brothers and wife to convince him against his decision of renunciation, Vyāsa engages with him in a conversation. Vyāsa explains to him about the different ways to understand responsibility for actions. He sharply distinguishes the ethical ideals for *brāhmaṇas* from those of the *kṣatriyas* and explains that by doing the respective duties of the *varṇa* in actuality helps one to achieve perfection and purity. He says that even the ascetic *brāhmaṇas* can commit crime and are not out of the fold of law and king's action. He goes on to praise the *kṣatriyas* wielding the rod of punishment which should not be considered condemnable because following *kṣatra* law is a purificatory process for a king just as it is for the person being punished. He narrates the story of the two *brāhmaṇa*

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[65] Fitzgerald, the translator of the CE of the ŚP, argues that the most significant function of the ŚP is the "cooling process" of Yudhiṣṭhira. He derives the verbal root of *śoka* (derived from *suc* or *socati* which means burning or blazing with heat) which was a part of an old and important complex of ideas that played a role in the *Vedic* fire ritual and the ritual process by which it was cooled down or brought to rest was known by the term *śānti*. He says that when Yudhiṣṭhira vowed to withdraw to the forest, he was in a state of *śoka*, meaning that he was dangerously over heated which needed to be cooled down and the ŚP in essence is the grand process to cool him down. J.L.Fitzgerald transl., *The Mahabharata*, Vol. 7, *"The Book of Peace"*, Part One, The University of Chicago Press, Chicago and London, 2004, p. 95

brothers Śaṅkha and Likhita and the king Sudyumna to explain his point.[66] Therefore, Yudhiṣṭhira should not lament for having followed his *kṣatriya dharma* during the war and should continue to follow his *varṇadharma*.

Further, he explains that so far as the evils that he has incurred by causing deaths of those mentioned he cannot be held responsible because he acted in adverse circumstances. He elaborates that one can be pushed into situations in which people are so distraught or stricken by circumstance that they are led to performing acts ordinarily considered grossly reprehensible. Actions committed during such conditions fall out of any judgment of sin or crime. In this context, the following verse of Vyāsa is significant. He says,

> You will get free of the evil you incurred king, because of the motive you had prior to acting- either you acted to effect a rescue by killing these men, or you did it because it was the duty of kings. You feel horror now, right? So, you shall perform expiation. You certainly will not go to your ruin for having done the deeds that are typical of ignoble men. [Mbh XII. 36.45-46]

What can be observed from the sequence of events is that Yudhiṣṭhira's dilemma was two-fold: firstly, he is agitated by the nature of the *kṣatra* law which he thinks is inherently violent and thereby universally immoral. Secondly, he is concerned about his personal sins that he committed during the battle by telling lies and killing his relatives, teachers and *brāhmaṇas*. Both of his dilemmas are addressed by Vyāsa and through their discussion his troubled mind gets ultimately pacified.

Yudhiṣṭhira's dialogue with Vyāsa should be considered significant because a clear change in his mind can be recognized in the process of the conversation that finally leads him to forgo his decision to renounce and take up the throne of Hastināpura. Therefore, it is also

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[66] The story goes that Śaṅkha and Likhita, who were two brothers and virtuous ascetics. One day when Śaṅkha happened to step out of his hermitage, *Likhita* came in to his brother's place and shook a tree and ate a fruit without his brother's permission. When Śaṅkha came back and saw him eating the fruit, he gets angry and denounced him as a thief and asked him to go to the king immediately to own his guilt. *Likhita* abides by the instruction and reaches the court of Sudyumna to own his guilt of theft and asks the king to punish him for his actions. The king, however, knowing Likhita's pious mode of existence does not want to punish him but on the strong insistence of Likhita that he be surely punished for the act, the king decides to cut off his hands. *Likhita* comes back to Śaṅkha in great pain and is told by Śaṅkha that "I am not angry with you, O knower of Law, and you do not offend me. You violated Law, so you made atonement." Later in the story, with the help of Śaṅkha's pious asceticism, Likhita's hands reappear. At this point Likhita asks his brother as to why he did not purify him before if he could have done it. Śaṅkha then said, "I had to act this way; I was not the one to inflict punishment upon you. The king has been purified by this, and so have his ancestors, and you have been too. [Mbh XII. 24.2-30]

apparent that the notion of *āpaddharma*, to a large extent, has a narrative requirement within the epic in the sense that it helps in the further development of the story. It contributes in the unfolding of events towards Yudhiṣṭhira's final pacification. It is only after Vyāsa's assurances about the significance of *kṣatriyadharma* and that his past unethical actions were consistent with *dharma* (by the norms of *āpaddharma*) that he decides in favor ascending to the throne.

Yudhiṣṭhira's concern with righteous conduct is evident throughout the epic. He is recognized as the son of *Dharma* (*Dharmaputra*) in the epic and portrayed as a character who ever consistent in his righteous conduct. Hence, his concern about his *adharmic* actions during the war is understandable. Therefore, he gets pacified when it is explained that his actions are not *adharmic* and can be justified by the legal mechanism of *āpaddharma*. It can also be said that probably, the ŚP reinforces the legitimacy of *āpaddharma* by bringing the concept into the narrative through the character of Yudhiṣṭhira. This proves that the ŚP plays a functioning part in the text, with *āpaddharma* as one of its contributing components.

CHAPTER THREE

STRĪDHARMA

3.1 Introduction

3.2 *Strīdharma*

3.3 Sexual Ethics

3.4 *Strīdharma* in Crisis

3.5 Women used as tools to avert Crisis

CHAPTER THREE

STRĪDHARMA

1.

Introduction

In the brahmanical tradition, *strīdharma* may be referred to as the ideals and norms set out for women. They are those duties and code of conducts that are to be followed by women as an element of organized society. Similar to other aspects of the society, *strīdharma* was also laid down by the religious and legal authorities. They strictly specified women's behavior and any violation of those specifications resulted in these transgression of *strīdharma*.

The ideologies of distress as they are embedded within *varṇadharma* and *rājadharma*, referring to the rules of castes and the state respectively during crisis have already been seen in the previous chapters. In this chapter, I would like to highlight *strīdharma* as another broad category of *dharma* formulated within the framework of *āpaddharma*. *Āpaddharma,* as we know, refers to the *dharma* of difficult times- times when the limits of ordinary life are stretched to the point where individuals are forced into unorthodox or unconventional actions to save themselves.

This chapter seeks to discuss what has been described in the early Indian brāhmanical tradition as *āpad* or crisis in the context of *strīdharma*. It is an exploration of how the laws and regulations applicable to women during ordinary times may be abrogated in extraordinary circumstances. The chapter will focus on *āpaddharma* with regard to gender and female sexuality and will highlight what constitutes crisis for women as a gender category and what are the permissible deviations from norms that are allowed for them. The chapter shall also explore the ways in which women were employed in order to prevent the occurrence of major crises.

2.

Strīdharma

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 dharmaśāstras 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 _Manusmṛti_, 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 [MS II.66] and were sought to be controlled by men throughout their lives."[67]

An extensive ideology was also articulated, enjoining the devotion of women to their husbands through _pativratādharma_ 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 _pativratādharma_, 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 her father or, with her father's

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[67] 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

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 dharmaśāstras 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 śāstras primarily refer to two categories of women- *sādhvī*, who are considered virtuous possessing the ideal traditional attributes [MS IX. 29] and *svairiṇī*, who are described as promiscuous women, entirely unorthodox in their behavior. [NS XII. 50-54]

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 *Manusmṛti*, "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 *strīdharma*.

3.

Sexual Ethics

Given the dominant *pativratā* 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 *varṇasaṃkara*. 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 *dharmaśāstriya* writers were obsessively concerned with the upper caste womens' sexuality, be it a wife or a widow.[68]

Moreover, the dharmaśāstras 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 *Manusmṛti*, "A man who defiles a virgin against her 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 *varṇa* system formed a social hierarchy that had to be sustained through heredity. [MS III. 14-19] Since miscegenation (*varṇasaṃkara*) 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

[68] Shalini Shah, Women and the Notion of Kāma in the Dharmaśāstriya Discourse, *The Indian Historical Review*, Vol. XXXIII, No 2 (July 2006), p. 11

would have been compromised as caste status was perceived as being contingent upon the purity of women in brahmanical patriarchy."[69]

The foregoing discussion highlights the acceptable aspects of sexuality according to the dharmaśāstras. The śāstras 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 *varṇasaṃkara* 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 controlling sexuality and ideal of gender relations through several means, the early Indian sexual ethics were laid down.

4.

Strīdharma in Crisis

The discussion so far centres on the conventional norms concerning women. Since *āpaddharma* represents deviations from the prevailing norms, it necessitates abrogation of social conventions. The important question in this context is what constitutes distress 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,[70] there are numerous instances of women being excused for deviating from ideals of *strīdharma* in the *brāhmanical* 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 distress 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.

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[69] 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
[70] Arti Dhand, *Woman as Fire, Woman as Sage; Sexual Ideology in the Mahābhārata*, State University of New York Press, Albany, p. 184

Niyoga

Early Indian society is known to place a high regard for progeny. In the *dharma* texts as well as the *Mahābhārata*, this is a subject of serious concern which is evident through the numerous clauses and episodes relating to 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 *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. 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 *Manusmṛti* 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 (*trā*) his father from the hell named Put." [MS IX. 137-138]

Similarly, 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 you 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 Mandapāla 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 *āpaddharma* called *niyoga*, in which unorthodox sexual relations were permitted for the purpose of procuring a male offspring.

Niyoga is the appointment of a wife or widow to procreate a son through intercourse with an appointed male.[71] 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 *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.[72]

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 Dhṛtarāṣṭra, Paṇḍu, Vidura, and the five Pāṇḍavas were born. The epic gives numerous details about the practice with the help of various narratives recounted by its characters on various occasions.

The first detailed discussion about the practice is found in the *Ādiparvan*, when Satyavatī, greatly concerned about the continuity of the *Bharata* dynasty, explicates its rules to Bhīṣma and requests him to beget sons on Ambikā and Ambālikā, the wives of his brother Vicitravīrya. Satyavatī 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, Bhārata! 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]

Satyavatī 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 *sapiṇḍa*, *sagotra*, *sapravara* could be appointed.

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[71] P.V. Kane, *History of Dharmaśāstra*, vol. II, pt. I, Bhandarkar Oriental Research Institute, Poona, 1974, p. 599
[72] *Ibid*, p. 599

"(On failure of a brother-in-law she may obtain offspring) by (cohabiting with) a-Sapiṇḍa, a Sagotra, a Samānapravara, or one who belongs to the same caste." [GDhS XVIII. 6]

"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]

Bhīṣma, 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 Satyavatī to appoint a *brāhmaṇa* for the purpose. In this context, Bhīṣma reiterates the dharmaśāstra recommendation that if either the brother-in-law or anyone from a common ancestry or caste was not available, a *brāhmaṇa* can be appointed to beget a son on the wife or the widow.[73]

Bhīṣma supported his advice by relating the narratives of *brāhmaṇa* sages who helped the *kṣatriyas* and kings to beget progenies on their wives and widows. He thereby proves the legitimacy of appointing *brāhmaṇas* 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 *brāhmaṇas* begot sons on the *kṣatriya* women each time after Rāma, the son of Jamadagni, massacred the *kṣatriyas*. Bhīṣma recounts, "twenty one times did the great spirited *Bhārgava* 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]

Bhīṣma also recounts the story of the blind sage Dīrghatamas who was invited by king Balin to father children on his wife, Sudeṣṇā. The story goes that Dīrghatamas, the son of Utathya, was blind due to Brhaspati's curse. He had fathered sons who were cruel to him

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[73] According to P.V. Kane, the *Viṣṇusmṛti* contains an innovation which is not found in the *sūtras* of Gautama and Vasiṣṭha viz the 'kṣetraja* is one who is procreated on an appointed wife or widow by a *sapiṇḍa* of the husband or by a *brāhmaṇa*.[VS XV. 3] P. V. Kane, *History of Dharmaśāstra*, vol. II, pt. I, Bhandarkar Oriental Research Institute, Poona, 1974, p. 603

because he was blind and old and consequently abandoned him. In course of time, the king Balin who recognized him as a *brāhmaṇa* and chose him to beget sons on his wife. However, his wife Sudeṣṇā, 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 Sudeṣṇā. Dīrghatamas exclaimed that, 'your queen Sudeṣṇā 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 dharmaśāstras 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 *Manusmṛti*, "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, Dīrghatamas 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 Bhīṣma was the incident that takes place before the birth of Dīrghatamas. The story goes that Utathya, the father of Dīrghatamas, had a younger brother called Bṛhaspati, the priest of the Gods. Bṛhaspati lusted after Utathya's wife Mamatā and approached her. Mamatā, 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. Mamatā 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 Bṛhaspati. Now you will spill your seeds in vain." Despite her warnings Bṛhaspati, unable to control his desire for her, became intimate with her. In this moment, the child in womb said, "*Bhoḥ*, 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 Mamatā as well as the unborn child in the womb, the illegitimacy of Bṛhaspati's conduct was made clear. Any lustful affair with the wife of a brother is severely condemned by the brāhmanical 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 Bhīṣma, Satyavatī commands her two widowed daughters-in-law to rescue the Bhārata clan from extinction by assenting to *niyoga* with her pre-marital son, the famous sage Vyāsa which leads to the birth of Dṛtarāṣtra, Pāṇḍu and Vidura.

The other detailed discussion on *niyoga* takes place between Pāṇḍu and his wife Kuntī when Pāṇḍu, 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, Pāṇḍu 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 Śaradaṇḍāyinī, 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 Bhadrā Kākṣīvatī, the wife of king Vyuṣitāśva, 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 Kalmāṣapāda Saudasā, who procured his son Aśmaka from his wife Madayantī 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 *dharmaśāstras* 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 *kṣetra*, 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.[74] In the case of the *niyoga* union of the wives of Vicitravīrya, Satyavatī takes the decision regarding the appointment. Ambikā and Ambālikā are shown as passive instruments who are not allowed to even decline the sage out of an aversion. When Satyavatī asked Vyāsa after his engagement with Ambikā, if a son shall be born to her, Vyāsa replied that since she had closed her eyes out of fear, she shall have a blind son. Vyāsa 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 Ambālikā, who turns pale after seeing Vyāsa. Vyāsa 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 Pāṇḍu, the Pale, woman of the lovely face." [Mbh I.100.15]

Vyāsa's curses may be explained in terms of the śāstric 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 Vyāsa's ugliness led to the curse.[75]

However, the same norm does not seem to apply on the appointed male. During the third encounter when Vyāsa instead of Ambikā meets the slave woman sent by her, out of his satisfaction for her services, Vyāsa 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 pleasured 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-child who shall be mindful of the Law and become sagacious man in the world.' Thus was born Vidura, son of Kṛṣṇa Dvaipāyana, the immeasurably sage brother of Dhṛtarāṣṭra and Pāṇḍu." [Mbh I. 100.25-29]

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[74] Gautama says, 'let her obtain the permission of her *Gurus*, and let her have intercourse during the proper season only.' [GDhS XVIII.5].
* The son to be born of Ambikā
[75] In fact, the *dharmaśāstra* 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]

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 *varnas* will become indistinguishable and consequently the order of the social world that is dependent on the separation of the *varnas* 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 *varnasamkara*. Secondly, if there was an absence of all the preferred choices of male appointment, then a *brāhmana* was favored. The preference given to *brāhmanas* for *niyoga* is strongly supported by the *Mahābhārata* as is clear from the narratives cited above. Preference given to *brāhmanas* 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 *sapinda*, *sagotra* etc) of *varna* 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 *Mahābhārata* 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 Oghāvatī and Mādhavī are classic examples in this regard.

Oghāvatī

The story of Oghāvatī is recounted in the *Sudarśanopākhyanam* [Mbh XIII.2] of the *Anuśāsanaparvan*. In this episode, the son of Agni, Sudarśana has taken a vow of unstinted hospitality to whoever visits him as a guest.

Sudarśana instructs his wife Oghāvatī: "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, SECTION II. 41-45]

To his command Oghāvatī agrees and replies, "I shall leave nothing undone of what thou commandest me." [Mbh XIII, SECTION II. 46]

After this conversation, Sudarśana leaves to fetch firewood. Meanwhile, when he was away, Mṛtyu, in the guise of a *brāhmaṇa* 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, SECTION II. 49]

On seeing the *hrāhmaṇa*, Oghāvatī, offered him a seat and water to wash his feet and asked him what she could do for him. The brāhmaṇa 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, SECTION II.53]

At this point, Oghāvatī offered him other gifts, but the *brāhmaṇa* did not ask for any other gift apart from the offer of her own person. Seeing him resolved, Oghāvatī, 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 *brāhmaṇa*.

Meanwhile, Sudarśana, having collected firewood, returned and called out Oghāvatī but receives no answer because she became speechless out of shame and impurity. Then the *brāhmaṇa* replied, "Do thou learn, O son of Pāvaka, that a Brahmaṇa guest has arrived, and though tempted by this thy wife with diverse other offers of welcome, I have, O best of Brahmaṇas, 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 Sudarśana replied, "Do thou enjoy thyself, O Brahmaṇa. 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, SECTION II. 68-71]

In the end, the visitor turns out to be Dharma, who praises Sudarśana 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 *pativratādharma* 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.

Mādhavī

The narrative of Mādhavī, which is told in the *Udyogaparvan,* is another example of departure from the usual sexual code prescribed for women. The story goes that Gālava, a *brāhmaṇa*, is asked by his *guru*, the sage Viśvāmitra, to give him eight hundred horses of a special and rare variety as fee. Gālava, however, does not possess any of these horses and in his effort to search for the horses, approaches the king Yayāti for help. King Yayāti, who was also does not possess those horses, offers his maiden daughter, Mādhavī, instead. In this context, the words of king Yayāti 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 Vinatā, 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 Gālava, 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 Mādhavī.' [Mbh V, SECTION 2]

Gālava then gave Mādhavī to four different men in marriage, including Viśvāmitra, for producing a son each in exchange for horses for his *guru*.

Mādhavī 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 Oghāvatī, 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 *brāhmaṇa*, and hence incurs no sin for her actions.

Shalini Shah observes that Mādhavī is a classic example of women as property. Her father Yayāti gives her away to Gālava, and is brutally honest about the reason that prompted him to give Mādhavī to Gālava- 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. Mādhavī 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.[76]

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.

Women used as tools to avert Crisis

The *Mahābhārata* 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 narratives about celestial females, such as Menakā, Urvaśi and Tilottamā, who were employed by gods like Indra and Brahmā 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.

Tilottamā

The story of the beautiful *apsarā* Tilottamā, 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* Hiraṇyakaśipu. 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 Brahmā. Brahmā

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[76] Shalini Shah, *The Making of Womanhood: Gender Relations in the Mahābhārata*, Manohar, 1995, p. 29

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 *brāhmaṇas* and *kṣatriyas*.

On this ocassion, seers plead with Brahmā to stop the brothers by some means. Brahmā then summons Viśvakarman to make a perfect woman. Brahmā commanda Viśvakarman, 'create a beautiful woman who can be bidden' [Mbh I. 203.12]

Thereafter, Viśvakarman collects all the jewels of the world and creates Tilottamā. Brahmā orders her to seduce and estrange Sunda and Upasunda. He commands, 'Go to the *Asuras* Sunda and Upasunda, Tilottamā, 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, Tilottamā 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.

Menakā

Similar story about Menakā and Viśvāmitra is recounted in the *Ādiparvan* by Śakuntalā to Duḥṣanta. She recounts that Menakā was employed by lord Indra to obviate Viśvāmitra from the path of severe austerities which was a threat to Indra's position. Śakuntalā 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 Menakā. "Menakā, you are distinguished in divine talents of the *Apsarās*. Take my welfare to heart, beautiful woman, and do so as I ask you, listen. That great ascetic Viśvāmitra, who possesses the splendor of the sun, has been performing awesome austerities that make my mind tremble. Menakā of the pretty waist, Viśvāmitra 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!' [MS 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 Dānavas were fighting to acquire the Exilir of Immortality, Lord Nārāyaṇa himself assumed the shape of a beautiful woman so as to deceive the Dānavas and distract them from the *amṛta*. The Ādiparvan recounts that, 'when they saw this great marvel, a loud outcry for the Exilir went up from the Dānavas, who screeched "It is mine!" But Lord Nārāyaṇa, employed his bewitching wizardry and assumed the wondrous shape of a woman; then he joined the Dānavas. Their minds bewitched, they gave that woman the Exilir, both Dānavas and Daityas did, for their hearts went out to her.' [Mbh I.16.40]

In the story of Tilottamā, her sexuality is created and nurtured skillfully to be expended on the worthy cause of stabilizing the world. Similar course is taken by Nārāyaṇa to protect the world from the Dānavas. At the same time, in the story of Menakā and Viśvāmitra, Indra caters to his personal distress by utilizing Menakā's sexual prowess.

From the foregoing discussion, it is apparent that the brāhmanical 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 Oghāvatī and Mādhavī are also used to serve the larger causes. In the context of Mādhavī'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."[77] She further says that "continuously in the process of being alienated or disposed, Mādhavī lands up being totally alienated from the male ordered world where from a person she became only a *womb on rent.*"[78]

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

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[77] Shalini Shah, *The Making of Womanhood: Gender Relations in the Mahābhārata*, Manohar, 1995, p. 29
[78] *Ibid*, p. 30

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.[79]

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 Oghāvatī, her sexuality obstructs her from being a *pativratā* 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 Satyavatī and sage Parāśara, she is confounded in the dilemma of action. Her story of pre marital engagement with Parāśara is recounted by herself in the *Ādiparvan*. She says that 'while I was ferrying him across the Yamunā, the great hermit came up to me and, possessed by love, spoke to many sweet things with great gentleness. Equally 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 Parāśara 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

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[79] Arti Dhand, *Woman as Fire, Woman as Sage; Sexual Ideology in the Mahābhārata*, State University of New York Press, Albany, 2008, p. 188

functional. Other discourses about a woman's purity were propagated. For example, both the *dharmaśāstras* as well as the Mbh 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 *Dharmaśāstra* writers taking a lenient view of female adultery."[80]

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"[81]

[80] Shalini Shah, Women and the Notion of Kāma in the Dharmaśāstriya Discourse, *The Indian Historical Review*, Vol. XXXIII, No 2 (July 2006), p. 12
[81] Cited in Shalini Shah, Women and the Notion of Kāma in the Dharmaśāstriya Discourse, *The Indian Historical Review*, Vol. XXXIII, No 2 (July 2006), p. 2

CONCLUSION

In this dissertation, we have tried to focus on the theoretical as well as practical aspects of the concept of *āpaddharma*. In the first chapter, we discussed the firmly constructed normative aspect of *āpaddharma* in the context of *varṇadharma* and their practical application in the *Mahābhārata*. The study suggests that the theory of *āpaddharma* probably originated in the dharmasūtras, and by the period of the dharmaśāstras and the *Mahābhārata*, had acquired a systematic structure. In the dharmasūtras, the notion of *āpad* appears in the context of the socio-religious aspects of the society which are expressed primarily at two levels. Firstly, the standard norms are relaxed for the *brāhmaṇas* who are considered to be the upholders of the overall social order. At another level, norms are relaxed in case of any threat to the performance of ritual functions.

One of the aspects of the development of the concept in the dharmaśāstras was its recognition in these texts as a separate branch of norms discussed in an exclusive segment known as *āpadi karmavidhi* which denotes means of livelihood for the four *varṇas* during crisis. Even though the primary focus remained on managing the livelihood of *brāhmaṇas*, norms were devised to incorporate all the four *varṇas* within the fold of *āpaddharma*. Moreover, the concept was accommodated within the overarching framework of *varṇadharma* by retaining the hierarchical structure of the *varṇas* even during a situation of crisis. This reflects a conscious attempt of the authors of the *dharma* texts towards the expansion and consolidation of the idea.

In the *Mahābhārata*, we find several narrative representations of the concept of *āpaddharma* both in the narrative as well as didactic sections. We can observe that even the *Mahābhārata* is predominantly concerned with the *brāhmaṇa varṇa* as is evident from the examples of Droṇācārya, sage Viśvāmitra, the Gautama *brāhmaṇa* and the *bhārgavas*. The epic points out the various types of crises a *brāhmaṇa* was likely to face when he needed to take recourse in the norms of *āpaddharma*. The primary forms of crisis that *brāhmaṇas* faced related to lack of means of sustenance and lack of food due to which they had to transgress the ideal norms of *varṇa*.

While the text legitimizes such transgressions during a crisis, it also indicates the possible repercussions of not following the norms of *āpaddharma* as recommended. For instance, we observed that Droṇa suffered a visible decline in status as a *brāhmaṇa* because he continued to live by the *kṣatriya* code of conduct even after having lived through the times of distress which is vociferously condemned by the law codes in every possible way.

At the same time, the epic also strongly disapproves of Gautama *brāhmaṇa* for repeatedly taking shelter in *āpaddharma* by transgressing *varṇa* norms and also performing unethical actions. The narrative focuses on Gautama being an uneducated *brāhmaṇa* and hence being reproached for taking refuge in *āpaddharma* norms. Probably the text does not support Gautama for his actions because he was uneducated in the *Vedas* and hence lacked the attributes of a conventional *brāhmaṇa* he could hardly ever acquire the ability to live by the norms of his *varṇadharma*.

Further, we observed that the *bhārgavas* transgressed their *varṇa* norms by taking up weapons, which is a *kṣatriya* code of conduct. The *bhārgavas* are consistently represented as aberrant *brāhmaṇas* who performed duties outside the *varṇa* norms. However, the text represents the *bhārgavas* quite favorably by justifying their deviation from norms because of crisis. Through the narratives of Aurva and Rāma Jāmadagnya, the *bhārgavas* are shown to have originated in the background of a crisis occasioned by the repeated assault by the *kṣatriyas*. It is indicated in the text that initial efforts were taken by the *bhārgavas* to abstain from violence despite being threatened. This can be inferred from the Aurva episode where he is strongly dissuaded by his ancestors to refrain from taking arms and violence. But ultimately the sacred code of conduct of the *brāhmaṇas* had to be compromised by Rāma so that the endangered *brāhmaṇas* could be protected.

In the second chapter, we have discussed the further evolution of the concept of *āpaddharma* that can be discerned from its treatment in the *Mahābhārata* in the ĀDP. It can be observed that the ĀDP primarily highlights a king and his institution in crisis and the ways in which he can overcome various critical situations. We saw that the crisis of a king principally related to financial, domestic and external crises that required deviation from the standard rules of *rājadharma*. During these situations, a king is recommended to take recourse to *āpaddharma* and perform actions outside the standard norms.

It can be observed that *āpaddharma* for kings related to the effective wielding of political power which could be done by employing force and punishment (*daṇḍa*). For instance, a king was recommended to treat his subjects harshly in case he fell in a critical situation due to a shortfall in his treasury. In other words, a king was made capable of decisive action by freeing him from any restraints of powers that would normally apply because it defended law at a larger and integral level.

Moreover, a king was permitted to employ any unethical means to deal with external threat that endangered his personal survival or the survival of the kingdom. In case of danger from an enemy state, a neighboring kingdom or war, a king was recommended to protect his own life on the understanding that by saving himself from being killed, he shall at least leave a scope to acquire his kingdom when he is able.

In the third chapter, we discussed *strīdharma* in the context of a crisis. We observed the various ways in which women transgressed their standard code of conduct and sexual ethics during crisis. We have seen that the law codes as well the *Mahābhārata* discuss the practice of *niyoga* as one of the major forms of *āpaddharma* that needed deviation on the part of the women, but was considered legitimate because of the serious nature of the crisis created by the lack of a male offspring. However, we also observed that the birth of a male child was more a requirement of men because of his spiritual and temporal liabilities and women were employed to attend to the emergency.

Moreover, we also observed that besides women's procreative capabilities, their sexuality was also used the men to avert various types of crises which are evident from the stories of Mādhavī and Oghāvatī. Their stories indicate that their sexuality and procreative abilities were used by the men who had the authority over them including father and husband.

There are other stories about female sexuality which was used even by the divinities to prevent many crises at personal as well as higher levels. For instance, we saw how Tilottamā was created in order to prevent an instability in the world and Menakā was delegated by Indra to obviate Viśvāmitra from austerities so that his position can remain secure.

The study of women thus indicates that their subordination was extended even in the context of crisis. They were subdued by their male counterparts in undesirable ways to serve their interests.

Thus, we observe that distress or crisis is an experience which signifies that all is not well with the world. It may mean major instability in various spheres that may subvert the normal order of the society, economy or polity. *Āpaddharma* was devised with the intention of preserving the existing order in every walk of life.

The discussion so far has shown the diverse circumstances under which the legal provision of *āpaddharma* becomes functional. The chapters have brought out some of its crucial aspects. Firstly, *āpaddharma* is a provision which is meant to be followed when a social entity, either an individual or a social or political institution, faces a crisis. Secondly, it necessarily deviates from the laws prevailing in the normal times. In other words, it is a condition when *adharma* becomes legal or not following *dharma* is recommended. Thirdly, despite deviation, *āpaddharma* is a legitimate conduct because it is a 'law' which is encouraged and advocated by religious and legal authorities. The factor that lends legitimacy to the *adharmic* action is the presence of a crisis. So, following *adharma* in the absence of a crisis does not qualify to be *āpaddharma* and hence cannot be considered legitimate. Thus, the combination of crisis (*āpad*) and *adharma* gives structure to the definition of *āpaddharma*.

Another evident aspect of the notion is that all instances of *āpaddharma* involve a moral conflict. B.K.Matilal, describes dilemmas to be "irreconcilable alternatives" where the actual choice "becomes either irrational or is based upon grounds other than moral"[82] He explains that dilemmas arise when a moral agent is committed to two or more moral obligations, but circumstances are such that an obligation to do 'x' cannot be fulfilled without violating an obligation to do 'y'.

However, an agent in a situation of *āpad* has to choose between equally unfavorable options, where the performance of 'x' (as in *dharma*) does not resolve the crisis and the performance of 'y' amounts to committing *adharma*. Hence, there always exists a dichotomy between the governing value and the immediate necessity for survival.

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[82] Bimal Krishna Matilal, *The Moral Dilemmas in the Mahābhārata*, Motilal Banarsidass, Delhi, 1989, p. 6

Nevertheless, the ancient law codes preferred to resolve the dilemma even before it could arise by legitimizing *adharmic* action in crisis through the provision of *āpaddharma*. The incorporation of *dharma* within the term '*āpaddharma*' signified the acknowledgement of the ultimate aim of *dharma* which was to preserve every aspect of the world as conceived by the *brāhmaṇas*. Our discussion so far has helped in approximately identifying what the concept of *āpaddharma* was intended to accomplish as 'legitimate.' At a larger level, the law was an attempt to enunciate the purpose of existence, whether it is a matter of personal survival, dynastic survival or the survival of the ethical element in mankind as a whole. Through the ideals of *āpaddharma* the root *dhṛ*, which means to 'uphold' or 'sustain' is appropriately justified. Thus, *dharma* does not merely mean rigid observance of laws. It acknowledges the fact that if following the laws operative in the normal circumstances, which itself was intended to preserve the existing brahmanical order, 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. Brahmanism was therefore, not merely a *varṇa* ideology or a political ideology; it was an ideology of existence and preservation.

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