There is an interesting ambiguity that marks any discussion on war in much of modern political theory. While it is acknowledged that war entails enormous human suffering, considerable latitude is conceded for moral judgements about the right to wage war, on the grounds that the suffering imposed upon self and others due to war, is an unfortunate necessity for the future good of a national community. The legality (as distinct from the legitimacy) of modern wars is directly tied to the notion of contractual violence, such that state entities are granted the right to declare war and to conduct it within the constraints (in theory if not in practice) of agreed covenants that place restrictions on what is justifiable violence in war and against whom it may be directed. In theory the state wages war on behalf of the political community, but as Michel Serres (1995) pointed out in his philosophical reflections on this theme in his book, *The Natural Contract*, not everyone has the right or the means to become a legal subject and hence to be seen as part of this contract. More specifically, Serres’s meditation on the devastating impact of war on the environment raised the question of how human beings should regard the rights of nature within such a contractual theory of war. In reply to the objection that nature did not have hands to sign such a contract, he pointed out that the same criticism had earlier been (pointlessly) levied against the social contract, given that there was no particular date or place at which we could say that the social contract had been signed. In this article I argue that Serres’s concerns are profoundly reflected in the register of mythology in the Mahabharata, the great Sanskrit epic that depicts the war of Kurukshetra in North India waged over eighteen days between two related princely lineages, the Kauravas and the Pandavas. With more than 20,000 lines of verse, the epic has many compositional layers and is thought to have grown through accretions from stories dating back to the 8th or 9th centuries BCE to a text that reached its present form during the Gupta Empire in the 4th century. The epic has been a source of literary compositions, popular theatre, ritual performances, film, and even teledramas, and hence has the texture of a living text.
rather than of one to be confined to scholarly archives (Fitzgerald 2004). My interest in this paper is to show how those who are excluded from the political community – women and animals, as well as the earth itself – come to have a place in the mythological imagining of warfare.

While the connection between sovereignty and the monopoly over violence is the dominant theme of any story of sovereignty, we may treat the epic war of Mahabharata as educating us in a different kind of story in which one mode through which men seek their way out of cycles of violence is to join their own destiny to that of creatures lower than the human being. The scene of sovereign violence thus turns out to be one of vulnerability, in which to be in the grip of violence is also to be in danger of losing the self. I argue that the voice of the woman appears as the voice of interrogation, so that one might read the Ramayana and Mahabharata epics as an argument with the gods (Das 1998). At the overt level of the story, the war is about justice, vengeance and the display of heroic virtues, but within the story itself we find an alternative perspective – that of the earth which is tired of the violence and destruction waged by warrior lineages and thus leads the war to an end in which these lineages will be destroyed. On the significance of this war, the great Indologist and mythographer, Alexander Piatigorsky (2005) writes of the scene in which Arjuna, the warrior hero, having surveyed the enemies in the battlefield wants to put down his weapons because he can see all his kin – fathers, uncles, elders, cousins – on the opposite side and says that he would rather live the life of a beggar than kill his kinsmen. Among other arguments put to him by Krishna, the god, for his obligation to fight, is the importance of this war which is like no other. According to Piatigorsky:

He (Krishna) also said that the battle on the field of Kurus was not a simple battle, one of many, but the greatest battle that marked the end of the previous (dvāpara) and the beginning of the next (kali) period of time (yuga) – the period of history proper, so to speak, and that all other battles and wars to come would be no more than superfluous and senseless imitations of the one which is witnessed (and by implication designed) by Him, the Highest Witness, Self of all Selves (paramātman), Person of all Persons (puruṣottama), the Highest God (2005, p. 4).

As we shall see the alternative perspectives on the war are then nothing less than an acknowledgement that gods are not to be trusted to take humans out of the violence of warfare, although from Krishna’s own perspective there is an unstoppable inexorable logic that makes this war inevitable for it introduces man into the time of history (Piatigorsky 2005).

Before I come to the scenes that I intend to analyze, a brief comment on the complementary relationship between the two great epics, Ramayana and Mahabharata, on the topic of warfare may be in order here. Sheldon Pollock (2007, p. 34) describes the complementarities of the two traditions in the following terms:

The works are, in a fundamental way, complementary. [...] Both poems relate a struggle over succession to the throne, leading to the degradation of the princess and the
political power she represents and (before or after that) the exile of the protagonists, war, return, and recovery of the throne. But here, too, the complementarities are telling. Most important is the agon itself; the ‘Rāmayana’ is a tale of ‘othering,’ the enemy is non-human, even demonic, and the war takes place in an unfamiliar, faraway world; the ‘Mahabharata’ is a tale of ‘brothering,’ the enemy are kinsmen – indeed, as the protagonists say, almost their own selves – and the war takes place at home.

I begin with two fundamental observations on the story of the war depicted in the Mahabharata. First, I contend that a strong theme of the epic is to show that even the tragedy of great events such as epic warfare is contained in the everyday. Second, the epic dramatizes ‘the moral’ as the point at which we are placed in the grip of uncertainty – in the text this uncertainty hangs over the everyday as the female voice emerges in the interrogation of various male characters, and even of Krishna, the god, who is present at every scene of violence and is held responsible for not stopping the war when it was in his power to do so.

**War, the Scene of Violence and the Loss of Self**

I propose to develop my argument around the theme of the loss of self as an essential corollary of warfare. My argument does not rely on the plot, characters or narration in the Mahabharata, for the text itself uses multiple frames, embedding stories within stories, making it impossible to give a linear account of either the story or the identity of the characters portrayed (see Hiltebeitel 2001). My strategy of description, then, is to bring certain scenes in the text into sharp focus and treat them as scenes of instruction in which different voices are in tension with each other, dramatizing the different perspectives on the events that are before us.

On the story I can do no better than give Doniger’s (2009, p. 263) ironic summary:

The five sons of King Pandu, called the Pandavas, were fathered by gods [...] all five of them married Draupadi. When Yudhishthira lost the kingdom to his cousins in a game of dice, the Pandavas and Draupadi went into exile for twelve years, at the end of which, with the help of their cousin the incarnate god Krishna, who befriended the Pandavas and whose counsel to Arjuna in the battlefield of Kurukshetra is the Bhagavad Gita, they regained their kingdom through a cataclysmic battle in which almost everyone on both sides was killed.

Of course the bare bones of the story tell us nothing (as Doniger’s ironic condensation shows) about the texture of the text or its place in moral argumentation and the making of Indian sensibilities. I will therefore turn to two kinds of scenes¹ – the first I call the scene of the loss of self as the individual comes within the force field of violence and the second, I call scene of instruction, in which

¹. This is a very small selection of scenes – a fuller description would take a monograph – but see, especially, Hitlebeitel (2001).
the virtue of non-cruelty is offered as a way out of violence, enunciated through animal stories that stand for the voice of nature as it becomes part of moral reflection. It is of the utmost importance that the value of non-cruelty is advocated precisely at a juncture in which violence or some form of violent death has taken place in the course of war. It is as if non-cruelty, defined simply as a desire not to injure others, is seen as a realistic starting point for imagining how humans may make their way out of the cycles of violence unleashed by the desires of the heroic warrior clans. Otherwise stated, one might define anrishansya or non-cruelty as a mode of being that recreates the theme of non-violence but in a minor key that humanizes the impersonal force of both violence and blind adherence to a morality of rules conceptualized as dharma.

### The Dice Game

Let us begin by placing ourselves in the public assembly of the Kaurava King where a dice game is in progress. Having lost everything else, Yudhishthira has wagered Draupadi, the wife he shares with his brothers, and has lost the wager. An usher is sent to bring her to the public assembly. But she presents him with a cascade of questions of which the most important is ‘Go to the game. Having gone, ask Yudhishthira in the sabha (assembly), which did you lose first, yourself or me?’ As Hiltebeitel interprets this question, the term atmanam could be translated as yourself but also as ‘the self’. Behind the legal question then as to whether one who has already lost himself can wager another or whether the wife is the property of the husband, lurks the philosophical question, were you in possession of your self when you entered the contract? In the sabha the question will snowball reducing the most learned to utter silence.

Meanwhile, Draupadi, having been dragged to the assembly now stands in a completely dishevelled condition in public before all the assembled kings, who include her elders. ‘In a single garment, a waistcloth below, weeping, having her period, having come to the sabha, she came before her father-in-law.’ Here she is insulted, called a whore for having five husbands by none other than Karna, who unknown to himself is the eldest of the Pandava brothers; invited to sit on the bare thigh of Dushasana, a younger brother of Duryodhana; and yet, the elders assembled do nothing. She now cries out to Krishna, the divine lord who is also her cousin. Her words rebound with her lament not only against her husbands but also against all the men assembled there. ‘I have five husbands rivalling the prowess of the celestials, but they are powerless to prevent my humiliation. This assembly is filled with men of great fame, invincible warriors and Brahmans learned in the scriptures, but none has shown the power to prevent this injustice.’

When Draupadi again asks if Yudhishthira had lost himself before wagering her, she gets no response. Vidura, the youngest uncle of both the Kauravas and

2. It is impossible to describe the pathos of the term – ekavastra – the single cloth worn by a menstruating woman who expects to be completely veiled from the outside world. The reference to her father-in-law compels us to recognize that the person presiding over the assembly was none other than the old king Dhritarashtra who stood in a relation of surrogate father to her five husbands.
the Pandavas and an incarnation of Dharma cursed to be born from a Shudra woman, is the only one who urges for an answer to be given. No one, however, dares to answer and Dushasana begins to drag Draupadi to the inner chambers. Challenged by the questions of Draupadi, Bhishma, the eldest patriarch, can only say that the course of dharma is subtle and that only Yudhishthira, the most learned in the ways of dharma, would be able to answer her question. As readers we are astonished that the same Yudhishthira who is able to answer the subtlest of questions on righteousness is now reduced to silence. The crisis is temporarily resolved by the intervention of the blind king Dhirtrashtra, but not before terrible oaths of revenge have been uttered and the destruction of the entire Kuru race has been predicted in keeping with the inexorable logic of insult and vengeance.

We learn at least two important lessons from this episode. First, Dharma, the deity incarnate of righteousness and the dispenser of justice meted out according to one’s past actions and on which the stability of the earth rests, becomes mute in the face of a question posed by a woman. Draupadi’s unanswered question hovers in the background of the text and though she is saved from the ignominy of standing naked in the full court of men, a cycle of violence has been let loose. According to popular lore in many parts of India, on the night she was dragged before the assembly, no Brahmin household offered the evening worship that brings the turbulence of the day to a peaceful rest. Later, an inconsolably wailing Draupadi tells Krishna: ‘I have no husbands, no sons, no relations. I have no brothers, no father. And I do not have even you, Madhusudana.’ It would seem that a public debating forum on the righteousness or otherwise of moral conduct fails in the presence of violence that is simultaneously public and intimate. Even though the war will be won, the self and all forms of relatedness will become frayed, if not lost.

In the course of this story we also learn that within the mythical logic, Draupadi (whose other names Panchali and Yagyaseni point to her dark origin as we shall see in a moment) is but the instrument of the will of gods, born to ensure the complete destruction of the Kurus and the Panchals, the two powerful Kshatriya lineages whose incessant warfare has made the earth tired. Her name, Panchali, signifies her birth in the lineage of the Panchals and refers to another story within this rich tapestry of stories. The essential elements of that story are as follows. Drona, a Brahmin and Drupada, a Kshatriya and the future Panchala king, are childhood friends. However, a terrible enmity develops between them and Drupada is humiliated in battle by Drona. Burning with the fire of vengeance, Drupada performs a fire-sacrifice with the help of two priests in order to ritually produce a son for himself who will kill Drona and avenge his defeat. A mighty son is born from the sacrificial fire but without any intention on the part

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3. Dharma is a polyvalent term meaning both righteousness and law. As a proper name Dharma is envisaged as an incarnate deity who is responsible for keeping a strict account of the good and bad actions of each person. The common name for this deity is Yama, also known as the god of death. Shudra refers to the lowest stratum in the fourfold hierarchy of priests, warriors, householders, and servants.
of the sacrificers and initially unnoticed by anyone, a beautiful girl is also born from the sacrificial altar.

What is the meaning of this birth, a residue of the sacrifice – a clear acknowledgement that the human king may have had one kind of purpose (wreaking vengeance on his enemy) in performing the fire sacrifice, but that the gods used that very moment for setting into motion a different kind of violence? The text tells us that as soon as she was born, a disembodied, heavenly voice announced that Krishna (another name for Draupadi referring to her dark associations as mentioned earlier) will, in time, accomplish the work of gods, leading the Kshatriyas to their destruction. Indeed, the prediction comes true in the course of the great battle, but it is clear that though the gods intervene and the human purpose of the rite is exceeded by another purpose, none of this provides a way out of the cycles of violence. How might one then return to the human scale again? It is here that the stories existing on the borders of the text, as echoes and commentaries on the war and cycles of violence – the side shadows as it were – come to life. But let us wait a little longer before we turn to these stories.

The Hesitation of Arjuna

The second scene I consider is the famous battle scene in which Arjuna is standing on the battlefield and refusing to go into a battle that will result in the death of his kin. Krishna advises him that violence is not only necessary but that in the broader scheme of things, it is not violence. I cannot go into the literature on the philosophy of action to which notions of violence and war in the Bhagavad Gita have contributed, but I note that the text brings fully to light how non-violence, which Krishna propagates as the highest dharma, is enmeshed with violence. There is also a difference between how Arjuna is consoled as he faces future actions and is about to wage violence and how Yudhishthira is consoled as he faces the old king Dhritarashtra and his wife Gandhari, who have lost all their sons after the battle. In the latter event even though the scene is that of reconciliation, dark residues of anger remain, for even as Yudhishthira touches Gandahri’s feet, his nails go black from the anger that is transmitted from Gandhari’s body to his. Further, it is not Krishna, the god, who can speak of non-cruelty to either Arjuna or Yudhishthira since he stands accused of encouraging the war. Even contemporary Indian literature retains this sense of the unjustness that was committed not only by the Kauravas but also by Krishna. If Draupadi’s voice showed dharma to have been silenced in the scene of sexual violence that we witnessed earlier, it is Gandhari, the mother of the Kauravas who has lived her married life in voluntary blindness, whose grief leads to her cursing of Krishna. In Alok Bhalla’s lovely translation of the Hindi play, Andha Yug (Bharati 2010), we can hear her rage against Krishna:

What have you done Krishna! What have you done!
If you wanted [...] You could have stopped the war [...] You may be a god [...] You may be omnipotent
Whoever you are [...]  
I curse you and I curse all your kinsmen.

Krishna accepts the curse, which then leads to the complete extinction of his lineage while he himself is killed like a wild animal in his old age. What is haunting, though, is Bharati’s depiction of what Krishna has taken upon himself in this terrible war. He says:

In this terrible war of eighteen days,  
I am the only one who died a million times.  
Every time a soldier was struck down.  
Every time a soldier fell on the ground.  
It was I who was struck down,  
It was I who was wounded,  
It was I who fell to the ground.  
[...]

It seems that in order to get out of the cycle of violence of war, it is not the divine voice but the human voice or one on a scale even lower than the human that will have to be recovered.

Non-cruelty or the Humanization of Dharma

In explaining the concept of non-cruelty Mukund Lath (2009) asks us to look for its meaning in the actions of various characters in the Mahabharata since the word does not seem to carry much importance outside of the epic. In Lath’s words,

Literally the word anrhamsyā means the state, the attitude, of not being nrhamsyā. The word nrhamsyā is common enough in Sanskrit literature; it literally means one who injures man, from which other meanings follow such as mischievous, noxious, cruel, base, vile, malicious. Anrhamsyā would then mean an attitude where such qualities are absent. But the word has more than a negative connotation; it signifies good-will, a fellow feeling, a deep sense of the other. A word that occurs often with anrhamsyā, therefore, is anukrosha, to cry with another, to feel another’s pain. All these meanings are brought out in the stories’ (p. 84).

I do not have the space to visit all the stories that would be relevant here. Let me briefly allude to the moment when in reply to a question posed by a divine being (Yaksha, who turns out to be the Dharma himself), Yudhishthira answers that non-cruelty is the highest dharma. This is the same Yudhishthira whose actions in the dice game, as we saw, had led to the unleashing of a cycle of violence. However, more importantly his actions showed that any learned public discourse on right and wrong becomes impossible for one whose self is lost. So, is the modality of non-cruelty as a way of being in the world what Yudhishthira arrives at,
learning this virtue only after his silence in the assembly? Would it be possible to say that non-cruelty lowers his sights from Dharma with a capital D to dharma in a lower key, as a possible means of recovering his lost self?

**Humanizing Dharma**

The different stories through which a human scale or at any rate a scale lower than that of the gods may be found to speak about non-cruelty do not parse out the concept into different parts – rather they allow us to circle around the concept so that a swarm of ideas are generated around it. The first such idea is that of breaking the rigid law-like regularity of the relation between karma or action and its fruits, or consequences, in order to humanize the force of dharma. The second is the exploration of the meaning of togetherness and the third, I suggest, is the obligation of a writer towards his (by extension her) character – thus not simply how you are in the world but also how you imagine others might live in the world. A common thread uniting these ideas is that non-cruelty is generated from within the scene of intimacy and is hence perhaps to be distinguished from compassion as an impersonal virtue to be extended to all beings.

The story about the humanization of the relentless force of karma goes as follows. It is told in the text through the device of explaining how Vidura, the youngest uncle of the Kauravas and Pandavas, who was none other than Dharma, the god of righteousness and whom we met earlier at the assembly of the Kaurava kings when he urged everyone there to respond to Draupadi’s question, had come to be born of a lower-caste Shudra woman. A great Brahmin ascetic, Mandavya, was performing strict austerities in his hermitage when a bunch of thieves hid their loot there. Pursued by the royal guards they were caught and the loot was found in the hermitage. Mandavya could not answer any questions since he was bound by a vow of silence during his austerities and was then mistakenly condemned by the king to be strung on a stake. Mandavya was released by the king when he (the king) overheard two birds discussing what bad karmas the innocent Mandavya might have committed in his past life for which he was now being punished. However, the stake could not be fully released from his body. After his death Mandavya questioned the god Dharma as to why he was punished. He learnt about a childhood prank he had played on some flying insects in his last life. Enraged that he was punished for a childhood prank, the ascetic cursed Dharma to be born of a Shudra woman. He also established that henceforth the laws of karma would not apply to childhood deeds. Hiltebeitel (2001) summarizes the import of this story, saying that the impersonal Dharma, God of righteousness and of death, is ‘humanized’ here by having to undergo birth in human form. More importantly, the frailties of humans are acknowledged so that we are not held responsible for actions we may have committed as children. For Hiltebeitel, Dharma learns ‘compassion.’ This may be true but for me the relentless force of an impersonal logic of action and consequences is softened by the modality of non-cruelty that acknowledges and prepares the ground for positing that violence cannot be mitigated by a rational mode of ar-
argumentation but rather by accepting the power of intimacy through which we are called to inhabit the world with the other. This is what emerges in the animal stories that follow.

The scene of the first story is the evening when Bhishma, the eldest of the lineage is lying on the battle field, mortally wounded, and the two warring sides have come there to listen to his parting words. Yudhishthira asks Bhishma to explain the meaning of non-cruelty. Bhishma tells this through the story of the parrot and the tree. A fowler from the famed city of Kashi went hunting antelopes but mistakenly lodged a poisonous arrow in a tree. The tree withered and died and all the birds left it to find nests in other trees but one parrot remained. It too began to wither with the tree. Indra, the lord of heaven was amazed at the capacity of the parrot to take happiness and suffering as one and the same. He asked, how can a bird experience anrishansya (non-cruelty) – is that not impossible for animals? He goes disguised as a Brahmin and tries to persuade the parrot to leave for a tree with leafy foliage and fruits. The parrot says that he was born in the tree, growing up in and receiving protection from it and so out of non-cruelty and sympathy, he will not leave it. Indra then restores both tree and parrot to health.

Contrasting the qualities of non-violence and non-cruelty, Hiltebeitel (2001, p. 213) interprets this story as saying ‘While ahimsa tightens the great chain of beings, anrishamsya softens it with a cry for a human creature-feeling across the great divides.’ Dalmiya, interpreting the same story sees it as parable of the relational. ‘Just as experience of relationality is not rule bound, the relationality itself is also not contractual. The parrot was born in that particular tree and found itself in a context that it did not actively choose’ (Dalmiya 2001, p. 297). In both Hiltebeitei and Dalmiya, the force of a concept such as non-cruelty comes from the fact that a particular disposition is generated through the experience of togetherness – if the parrot had gone to a different tree no one would have termed it as ‘betrayal.’

The second scene, regarded as the iconic moment showing the virtue of non-cruelty, is that of the final journey of the Pandavas with Draupadi. Since only those who are free of any sin can ascend into heaven in bodily form, everyone except Yudhishthira gets eliminated along the way. Yudhishthira continues along the path with a stray dog who had attached himself to the group. Indra, the lord of heaven, comes in his chariot to take Yudhishthira to heaven but on condition that he abandon the dog. Yudhishthira is not swayed by any argument in favour of abandoning the dog and is accused of becoming snared by moha (attachment) to a dog when he was able to renounce everything else – love of kingdom, love of wife, love of brothers. In the end, the dog is revealed to be none other than Dharma, his father, who is subjecting him to a final test. Yudhishthira passes this test since he has developed the qualities of non-cruelty and sympathy.

How is one to understand the two features of these animal stories that are displayed here? First, the quality of non-cruelty is displayed across species and at moments when it is not given through language or through appeals to distant moral concepts such as ‘obligation’ or ‘rule-following’ but through a sense of to-
getherness that has developed by the sheer contingency of having been brought together – the fated circumstances of togetherness. Second, it is from within a scene of intimacy that dispositions toward non-cruelty develop.

We must recall the two women, Draupadi and Gandhari who became the causes for the destruction of the kshatiyas and of Krishna’s dynasty, respectively, thus ending the cruelty of the warrior clans. From the ashes of the heroic project of the warrior castes, emerges the possibility that there is another kind of intimacy between men and women, humans and animals that can offer a non-cruel way of inhabiting the earth. The Mahabharata names it non-cruelty. We could view the epic itself as an argument with gods rather than a resolution of the question as to who is the legal subject in the contract to wage war. The Mahabharata enacts this argument through a proliferation of figures, both minor and major. It reminds us that the stirring message about the necessity for war, given by Krishna in the battlefield must one day come full circle when war ends with the grieving prince, Yudhishtihira, who seeks not incentives to wage war, but consolation – for when all has been destroyed what is left for the prince to take pleasure in?

I conclude this meditation on the critique of war in the mythic register with some of Freud’s observations about war that resonate with the sense that victories in war are blighted by a sense of the criminality inherent in the taking of life. For the Mahabharata this life includes the life of the non-humans that the earth sustains.

When the furious struggle of the present war has been decided, each one of the victorious fighters will return home joyfully to his wife and children, unchecked and undisturbed by the thoughts of the enemies he has killed whether at close quarters or at long range. It is worthy of note that the primitive races, which still survive in the world [...] act differently in this respect, or did until they came under the influence of our civilization. Savages [...] are far from being remorseless murderers; when they return victorious from the warpath they may not set foot in their villages or touch their wives till they have atoned for the murders they committed in war by penances, which are often long and tedious (Freud 1915 [1993]).

References
