



INTERNATIONAL LAW  
JOURNAL

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**WHITE BLACK  
LEGAL LAW  
JOURNAL**  
**ISSN: 2581-  
8503**

**Peer - Reviewed & Refereed Journal**

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **THE RULERS OF MAHABHARATA AND THEIR ALIKENESS TO JURISPRUDENTIAL SCHOOLS OF THOUGHT: POSTIVE AND NEGATIVE IMPACT TO THE WORLD**

AUTHORED BY - DR. KAVYA CHANDEL

## **ABSTRACT**

The Mahabharata is an oldest epic of Ancient India. The Rulers in Mahabharata ruled Hastinapur and was known for their reign worldwide. The Historicity of Kurukshetra war is complex that has led to several interpretations. During the reign of Dhritarashtra it was observed that he did not possess the sense of righteousness in his decisions. His thrust of his desires were endless. We have seen the same traits in his son Duryodhana as much of the affairs of the estate was managed by him.

The Austin's Analytical sense of an ideal King and a person in authoritative position must be dominant. He firmly believed that Command is the only way of ensuring stability in the society. He has overseen and overlooked customs. It was very similar to Dhritarashtra's ruling his Kingdom and his ideologies as a King. He also believed in Ruthlessness and was a believer of attaining Dominance by threat. He was not a believer of sovereignty neither believed in attaining tranquility. Whereas, Duguit's theory and his beliefs were very similar to Yudhishtira's beliefs both believed in mankind and attaining social solidarity and spreading peace in the society.

**Keywords Mahabharata, King, Dhritarashtra, Society, Ruling**

## **Introduction**

The ancient Epic of Mahabharata revolves around the two branches of family i.e Kauravas and Pandavas. Shantanu who was the King of Hastinapur got married to Ganga. Ganga gave birth to two sons. The story of Mahabharata revolved around these two sons and The Vedas is considered as the main source where an Individual can acknowledge and learn more about Mahabharata and Kuru Kingdom. The Vedic sources is considered to be the major source for



knowing and understanding more about the Kuru Kingdom. The Kuru Kingdom has a deep historical backround owing to its utmost sense. The Kuru King Dushyanta and his wife Shakuntala gave birth to Bharata. Today India i.e Bharat owes its origin and significance of its name from Mahabharata. Bharat was the First Kuru King was Bharat. The Rice and Wheat were the main crops of Kuru Dynasty. The Kingdom of the Kuru was ruled by the guidance of Purohit and the Village Headman. The Kuru Kingdom was settled near Ganga.<sup>1</sup>

Hastinapur gave birth to many Kings who ruled their Kingdoms religiously. The Research paper deals with the Philosophical Ideologies of the Kings of Hastinapur and setting the comparison with Jurisprudential schools of Thought.<sup>2</sup>

Jurisprudence as a subject demands the hypothetical Investigation of Law. It also empasises upon the Philosophy of Law. However, Modern day Jurisprudence started in the 18<sup>th</sup> century. There are five schools of Jurisprudence which is available in Jurisprudence i.e Philosophical, Historical, Realist, Sociological and Analytical. The Researcher has set the comparison of these schools with the Rulers of Mahabharata. The comparison is set in terms of their beliefs and their Ideologies towards building an Ideal state.<sup>3</sup>

### 1.1 Dhritarashtra and his Kingdom

Dhritarashtra was the eldest son of Kuru clan. He was given the opportunity to become the King and rule his Kingdom. The Laws infact barred a disabled person to become a 'King'. Dhritarashtra had a deep inclination towards his son. His actions as a King was not righteous. Once such Incident was Draupadi's Stripping of Clothes by Dushasan after losing the game of Dias. where his silence killed the Integrity and Dignity in him. He did not stood up for what was 'Right'. He blindly loved his sons and he supported and motivated his son in every wrong venture. He considered himself superior. He blatantly ignored the concept of 'Dharma'. The definition of 'Dharma' was never in his dictionary. However, there was another nerve shackling incident that has taken place in the Mahabharata was the burning of Lakshagriha. The palace

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<sup>1</sup> The Mahabharata of Vyasa, available at chrome extension://efaidnbmnnnibpcajpcglclefindmkaj/https://ia600200.us.archive.org/14/items/TheMahabharataOfKris hna-dwaipayanaVyasa/MahabharataOfVyasa-EnglishTranslationByKMGanguli.pdf Last accessed on 14-02-2024

<sup>2</sup> Pattanaik, Devdutt "JAYA: AN ILLUSTRATED RETELLING OF THE MAHABHARATA" 16<sup>th</sup> August 2010

<sup>3</sup> Main Kingdoms of Ancient India as described in the Epics, available at <https://www.sanskritimagazine.com/main-kingdoms-of-ancient-india-as-described-in-the-epics/> Last accessed on 14-03-2024



was made up of Lacquer where he plotted the dead bed for all Pandavas and their Mother Kunti but fortunately they were safely rescued. There are many instances in Mahabharata where his actions were brutal and Covetous.<sup>4</sup>

## 1.2 Yudhishtira and his Kingdom

Yudhishtira the eldest brother of Pandavas has brutally Honest behaviour towards the worldly affairs. If we tend to analyze his behavioural patterns and various instances of Mahabharata we will find out that he can easily give up worldly affairs for his Brothers. His Honest and strong sense of Integrity was always Imbedded in his system. He always believed and stood by Dharma.

After the war the Eldest brother of Pandavas made a decision that he shall renounce all worldly affairs. He decided that neither he may grant any command neither He will give any Judgement. Lord Krishna as the Philosopher and the guide of Pandavas that as a King and as the Eldest Brother of Pandavas you must not run away from the duties. You must follow the path of Dharma – ‘ You must not be overly indulgent in your feelings’.

Lord Krishna was the one who always showed him the clear picture and answered all his ambiguities and equivocal thoughts reasonably and Intellectually. Lord Krishna always showed him the Path of Dharma and Righteousness.<sup>5</sup>

## 1.3 Parikshit and his Kingdom

After the Rule of Yudhistir and his abode to Heaven. Eventually, the Hastinapur Kingdom was commanded and Ruled by the son of Arjuna as all the sons of Pandavas went to Abode and were Martyred in war for their Family. Their willingness and deep audacity to commit sacred sacrifices for the Family and Kingdom was Honorable. Janmjeya the son of Parikshit had once had a striking conversation.

One day Parikshit with a deep sense of dismay return back to his Kingdom Janmjeyas observed his petrifying silence and asked him what bothers you Father then he narrated his Incident to

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<sup>4</sup> Mahabharat Dhritarashtra — The Story of the Pandavas and Kauravas, available at <https://historicalhuman.medium.com/mahabharat-dhritarashtra-the-story-of-the-pandavas-and-kauravas-c109959768f> Last accessed on 12-02-2024

<sup>5</sup> The story of Yudhishtira, available at [https://www.mahabharataonline.com/stories/mahabharata\\_character.php?id=59](https://www.mahabharataonline.com/stories/mahabharata_character.php?id=59) Last accessed on 15-02-2024

his son. He informed him that when he visited to a Rishis place He warmly greeted but the Rishi did not responded him back. He out of Rage thrown and draped Rishi a dead serpent on his shoulders. Mhabharata is known for its divinely magical stories. One such story was that how Parikshit went to Abode. Janmjeya did utmost effort to save the life of his father He locked him in a tall tower room and escaped from the world. On the seventh day of his escape the mighty King was exacerbated when the worm in his food turned into Takshak and immediately transformed into Takshak (Naga) before he could invite anyone for rescue the snake. The King was dead.<sup>6</sup>

After this Incident we can trace down that he was extremely scared when he got to know that his death was near to him He and his son Janmjeya did utmost effort to save his Life. Parikshit's end phase of life and his Abode to Heaven was the result of his Narcissism. If at all his behaviour towards Rishu was polite enough then he would certainly been not cursed and He would have been certainly been alive.

#### **1.4 Janmjeya As a King**

Janmjeya was in a deep state of shock and got grief- stricken by the death of his Father. He outrageously, performed Yagna to kill all snakes. He showcased his sense of immaturity. As a King how could he hold a deep sense of Vengeance in his actions. He with the help of Priests performed Yagna to kill snakes. The huge Bonfire was build to summon all the sankes. His actions reflected in his actions. It can observed by this Incident that Janmjeya as a King was emotional and could be deeply swayed in his emotions. As a King he forgot his duty towards hi Kingdom and what was righteous towards his Kingdom. His actions were immature that can easily tell that the King could be misguided.<sup>7</sup>

#### **2.1 Comparative Study of Dhritarashtra with the Analytical School of Thought**

Dhritarashtra the King of Kuru clan did not believed in any Morality. There has been various Instances mentioned previously in this Research Paper where his individuality as a King emerged Like a 'Monarch' who firmly believed what his sons wanting him to believed. He lacked in every sense the sense of Transparency and He was way very partial in his Judgements as a King. We can draw an analogy that Dhritarashtra as a King was very Biased and according

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<sup>6</sup> Krishnakosh, available at <https://en.krishnakosh.org/krishna/Parikshit> Last accessed on 14-03-2024

<sup>7</sup> Janmjeya, available at <https://www.vyasaonline.com/encyclopedia/janamejaya/>  
Last accessed on 14-03-2024

to him 'Law is a Command of Sovereign' what is said is said. Even if its unethical immoral or doesnot meet the Societal norms and standards.<sup>8</sup>

However, if we tend to set the comparison between Austin and Dhritasrashtra ideologies. The perspective of Austin and Dhritarashtra was ver much alike. Both Believed that 'Law is a command of Sovereign'. They believed that King is Supreme and King can do no wrong. The Laws made and executed by the King was considered Supreme in nature.

Austin and Dhritrashtra both distinguished Law from Morality. They both considered Law and Morality are different from each other. There has been several instances shared by the Researcher where Dhritarashtra in Mahabharata has outrageously opposed 'Dharma'. His actions were remorseful and painful for his Kingdom. He could not set any example for his Kingdom.<sup>9</sup>

Austin has distinguished Law from Morality into two different parts i.e Divine Law and Human Law. The Demerit of Austin's theory was that he ignored customs. We can see the similar sense of thought and belief embedded with Dhritarashtra because he also ignored customs where he blindly wanted his eldest son 'Duryodhana' to win the battle and rule Hastinapur ignoring all rights and obligations towards Pandavas and their eldest brother 'Yudhishtira'. He never wanted 'Yudhishtira' to succeed the throne.

Firstly, Dhritarashtra and Austin they both believed in Sanctions and commands as the only way to induce obedience. There has been recorded and witnessed Incidents in the Mythological records that Dhritarashtra considered himself as supreme. He ignored the sense of Morality in his actions and Judgements. The Austin's ideologies and beliefs also ignored Morality. The sense of understanding what is correct, moral and ethical remained unaccomplished by both of them.<sup>10</sup>

## **2.2 Comparative Study of Yudhishtira and his Kingdom with Sociological School of Thought**

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<sup>8</sup> Analytical School of Jurisprudence, available at <https://blog.ipleaders.in/analytical-school-of-jurisprudence/> Last accessed on 14-03-2024

<sup>9</sup> *Ibid*

<sup>10</sup> Analytical School of Jurisprudence, available at <https://www.legalserviceindia.com/legal/article-5691-analytical-school-of-jurisprudence.html> Last accessed on 12-03-2024



Yudhishtira believed in 'Dharma'. He was not only empathetic towards his Family and Kuru clan but he was equivalently sensitive and empathetically inclined towards his Kingdom. For him his Kingdom was his first priority. He believed in sacrificing his desires and all worldly pleasures for his kingdom. He has got a strong sense of Integrity, Dignity and 'Righteousness'. Yudhishtira as a Brother and also a King was extremely Logical and Reasonable. His views towards his Kingdom was based upon intellectuality and Insightfulness. 'Yudhishtira' as a King firmly believed and thought about welfare of his Kingdom.

Whereas, the sociological school of thought also believed in Divinities and Logicality. The sociological school of Thought also believed for the welfare of Kingdom.

Firstly, If I set to compare the very First Jurist of Sociological thought i.e Roscoe Pound with the Eldest brother of Pandavas 'Yudhishtira' Both believed in satisfying the maximum of wants with a minimum of friction. 'Yudhishtira' also believed in imparting and seeking happiness. His notions were very much alike Roscoe Pound that they firmly believed in doing welfare for the society.<sup>11</sup>

According to Roscoe Pound there are various facets of personality such as Physical Integrity, Reputation, and Freedom of conscience. Both Roscoe Pound and 'Yudhishtira' were the believers of these facets or notions.

Secondly, the second Jurist of Sociological school of thought believed in Social Solidarity. Social Solidarity connotes the interpretation of 'gratefulness of Society'. 'Yudhishtira' always believed in 'Dharma' and he stayed on the path of 'Dharma' He has always given credits to the society for its gratefulness. His Kingdom was his family. He did many sacred sacrifices for his Kingdom.

Firstly, Duguit has given a deep sense of admiration and importance towards the concept of Society. The dependency towards his society is also called 'Social Solidarity'. The harmonious environment and maintaining peace and Tranquility in his Kingdom was also first and foremost concern of 'Yudhishtira'.

Both 'Yudhishtira' and 'Duguit' advocated Peace and Solidarity. They were peace givers.

The sense of calmness and Righteousness in their ideologies prevailed in them.

Immanuel Kant and 'Yudhishtira' both believed in making the state as 'Universal Law State' Immanuel Kant believed in the free and fair will of individuals to validate the Legislation. This means that he firmly believed in the will of the people and welfare of the State. The same kind

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<sup>11</sup> Sociological School of Jurisprudence, available at <https://blog.ipleaders.in/sociological-school-of-jurisprudence/> Last accessed on 13-04-2024

of approach was with the Eldest son of Kuru clan 'Yudhishtira' who always believed and considered Society and welfare of Humanity and mankind as the foremost target to achieve the state of Utopia in any Kingdom. If people of any kingdom are contended it is Just because how structurally and Ethically the Kingdom is Ruled. 'Yudhishtira' has always been on the path of 'Dharma' and 'Righteousness'. He always thought about the welfare of the People.<sup>12</sup>

### **2.3 Comparative Study of Parikshit and Janmjeya and his Kingdom with Realist School of Thought (Jermoe Frank)**

Jerome Frank has elucidated about the Father-Son Relationship. He has connected that uncertainties in regard to Father-Son relationship in context to Law. Jerome Frank was the most important Philosopher of Realist school. For example, Like a Son can seek protection from his Father similarly an Individual can seek protection from Law. The similar Father-Son Relationship was clearly reflected between Parikshit and Janmjeya. But Infact, In Mahabharata Janmjeya as a son has granted protection to his Father by completely storing him tower room. The Father-son relationship was very beautifully reflected between Janmjeya and Parikshit. They were both concerned about each others safety.<sup>13</sup>

Firstly, Immaneul Kant is also one of the most Important Philosopher of Realist school. He did not mentioned and considered customs as an Important source. Infact, If a Researcher set to draw and comparison between Emmanuel Kant and Janmjeya then they both ignored the customs. For an instance, if we trace down the Incident where he conducted Yagna to summon and kill all snakes. His action to perform Yagna was a sheer reflection of his Vengeance and Revengeful nature. He did not believe on the ground of practical approach. Both Emmanuel and Janmjeya ignored all aspects of oldest traditions. In earlier times, Takshak ( Naga) was worshipped and all the creatures were given abundant respect and care. But the Janmjeya's revengeful action of performing Yagna to kill all snakes is a clear evidence that he ignored the old Traditions and Customs.<sup>14</sup>

## **Conclusion**

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<sup>12</sup> Sociological School of Jurisprudence, available at <https://legalvidhiya.com/sociological-school-of-jurisprudence/> Last accessed on 14-02-2024

<sup>13</sup> Realist school of Thought, available at [https://www.e-ir.info/2011/08/17/the-realist-school-of-thought-an-analysis/#google\\_vignette](https://www.e-ir.info/2011/08/17/the-realist-school-of-thought-an-analysis/#google_vignette) Last accessed on 13-02-2024

<sup>14</sup> The Realist school of Jurisprudence, available at <https://lawbhoomi.com/the-realist-school-of-jurisprudence/> Last accessed on 14-03-2024

The Researcher has focused on setting the comparison of the Most Audacious Rulers of Mahabharata with the Jurisprudential schools of Thought. Every school of thought has its own way of describing about the State. The Jurists of every school of thought have significantly laid the importance of State and its affairs. King Dhritrashtra's way of leading the affairs of the State was very much alike Austin (who is a Jurist of Analytical School of Thought). They both believed and relied upon that 'Law is the command of the Sovereign'. They have not considered welfare of the Society as an important concern for Living and Leading the Life. The approach of Dhritrashtra was considerably biased and The approach of Austin towards the State is based upon the 'Monarchy' and even Dhritrashtra's ideal understanding of his Kingdom is based upon the Blindness. The Blindness was not only the physical blindness but the Blindness was also in thoughts. Dhritrashtra always believed that 'He is Supreme and King can do no wrong'.<sup>15</sup>

Eventually, The Researcher has set the comparison of **Yudhishtira and his Kingdom with Sociological School of Thought**. King 'Yudhishtira' was a firm believer of 'Dharma' His behaviour towards his Kingdom was based upon sound Intellectuality and strong Ethical values. King 'Yudhishtira' was a strong believer of 'Dharma'. The Sociological School of thought very likely believed in welfare of the People and humanity.

According to the first Jurist of Sociological school of thought i.e Roscoe Pound who firmly believed in spreading of the happiness by giving the maximum of happiness. They both believed in the facets of Physical Integrity, Freedom of Conscience and Reputation.

However, the Researcher has also compared Parikshit and Janmejaya with Realist school of Thought. The Relationship between Father and Son was embodied and reflected by Jerome Frank who is a Jurist of Realist school of Thought. According to him A son can look for the protection under the umbrella of his Father. The very similar beautiful relationship was reflected between Janmejaya and Parikshit.

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<sup>15</sup> *ibid*



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