This is the published version


Available from Deakin Research Online

http://hdl.handle.net/10536/DRO/DU:30006990

Reproduced with the kind permission of the copyright owner

Copyright: 2007, Taylor and Francis
1

DISMANTLING NORMATIVITY IN INDIAN ETHICS – FROM VEDIC ALTARITY TO THE GĪTĀ’S ALTERITY*

Purushottama Bilimoria

This chapter begins with moral thinking in early India – the Vedic period – and the normative ethics that was developed then, in fledgling fashion, largely on the imperatives of a ritual cosmology and its aligned rites discourse. In due course of time, as perspectives changed, moral dilemmas and antinomies and irresoluble conflicts came to the surface – with other shifts occurring in the fabric of society. Vedic norms came increasingly into question, undermining the erstwhile normative structuration, confidence, violence, and power that this kind of formative moral plank – supposed to embody the originary and founding insights of Indian ethics and law – made possible or sanctioned. The chapter analyzes the rethinking and deconstruction of this transcendental framework during the classical period – when the Epics and the Bhagavad-Gītā emerged with a stronger social and self-reflexive conscience. The legacy of this period and the texts/textuality therefrom have left a large gap in the more logocentrically grounded Indian ethics – with which philosophers, jurists, ethicists, and political thinkers are still grappling.

I In the beginning . . . without beginning

I begin with the oft-cited platitude that the early Indian people – perhaps like human beings everywhere in their practical moral judgments – placed on the side of the “good” such values as happiness, health, survival, progeny, pleasure, calmness, friendship, knowledge, and truth. On the side of the “bad” were, more or less, their opposites or disvalues: misery or suffering, sickness and injury, death, barrenness, pain, anger, enmity, ignorance or error, and untruth. These positive and negative qualities are universalized, in principle at least, for all sentient beings, for it was felt that the highest
good is possible when the whole world (gods included) can enjoy the good things that the cosmos has to offer. The *sumnum bonum*, however, expresses itself in the total harmony or homology of the cosmic and natural order characterized as *rta*: this highest good is the *telos*, the creative purpose and motivation that underpins human behavior. The prescribed pattern of social and moral order is thus conceived as a correlate – the perfect correspondence of the natural order. This is the totality of the ordered course of things, and therefore speaks, linguistically, i.e. in speech (*vācyā*), to the truth of being or reality (*sat*) and hence underwrites the “Law” (or the “natural law”), transcendentally (*Rg Veda* I.123.9; IV.51.5; V.8; X.300.1.2). The preeminent authority for this ontology that grounds the concomitant ethics is the Vedas. Their contents are simply “seen” or “heard” (*śrutī*); the “revealed” speech is authorless, for “in the beginning there was neither being (*sat*) nor non-being (*asat*),” and yet “Vāc (Speech) the first-born of Truth (*satya*) spoke forth.” (Here, it is to be noted, the usual Judeo-Christian idea of a God to whom the source of the scriptures is owed is lacking or absent.) Conversely, the principles inscribed in the Vedas are embodied in the gods (the polymorphic pantheon of deities, immortal benign spirits or angelic beings, demonic counterparts as remnants of the first failed sacrifices) who serve as models and exemplary icons for human conduct. But the gods themselves are not in any deep ontological sense the “Other” either, for they are considered, via one preeminent hermeneutic reading of the chants or invocatory hymns (*mantras*), as emergently effervescent light-beings of pure mantric-effect. The quasi-divine beings, not lacking in consciousness or intentionality, but not necessarily representing transcendental conscience (a Heideggerean requirement) either, are therefore predisposed to being internalized or rendered as superintending agencies who will by dint of the operative autonomous law safeguard, for a deferred delivery, the *āpūrva* or the efficacious traces of the rites of sacrifice performed on the *āltar-ity* of fire as decreed. The authority then rests centrally with the texts or the linguistic “*auctor*” with an episteme that recedes into immemorial traditions of the hoary past (or of no-time, perhaps).

How far, though, this trope of “authority” unpacks in real moral terms, and impacts on the social lives of people, are issues that cannot be taken up fully in this short treatment, but are taken up in forthcoming work entitled *Indian Ethics, Classical and Contemporary* (Ashgate). Nevertheless, there are certain larger schemata and their structural impacts that are picked up in later traditions – including Buddhist critiques of the Brāhmanical morality and its excesses – that we need to consider.

Here a particular principle of social ordering is adopted (probably introduced into India by the Aryans around 2000 BCE), according to which society is organized into a fourfold (but originally threefold) functional division or “class” scheme, called *varṇa* (literally, “colour” or “category”). These are, with their respective preserves, namely, *brāhmaṇa* (brahmin), for
DISMANTLING NORMATIVITY IN INDIAN ETHICS

religious and educational tasks; kṣatriya, for sovereign and defence tasks; vaiśya, for agriculture and economic tasks; and śūdra, for menial tasks. (One is reminded here of Plato's "stations-of-life" division.) Overall, the sources of power get distributed evenly at different places, and ideally differences in function need not entail differences in interests, rights, and privileges; but the outcome in practice shows otherwise. A system of sub-divisions or "castes" (jāti) further proliferates in the class functions, gradually turning varṇa into a discriminatory, hereditary-based institution. In any event, the brahmins certainly enjoy the better end of the system and they wield enormous power. A life-affirming but rigidly casuistic morality develops. In Max Weber's judgment, the Vedas "do not contain a rational ethic" – if such an ethic did exist anywhere that far back (Weber, 1958, 261, 337)!

Vedic authority becomes normative in the later periods also; the Vedas are invoked as the source of ethics. To be noted is one other important institution, where three morally significant concepts emerge, namely, āśrama, dharma, and karma (or karman), culminating in the ethical concept of puruṣārthas – kingdom of ends – all of which are central to classical Hindu ethics. But before giving an overview of these concepts, one further point awaits mentioning.

In this Vedic ethical system one's actions are consistent with that which promotes the good so perceived, and one should desist from doing that which promotes or stimulates the bad so that the rta is not unduly disturbed. An act is therefore right if it conforms to this general principle, and an act is wrong if it contravene it (and so is anṛta, or dis-order) (Rg Veda X.87.11; X.125.5). Since to do what is right safeguards the good of all qua rta (the factual/descriptive order), it is assumed that it is more or less obligatory to do or perform the right acts (the "ought" or moral/prescriptive order). This convergence of the cosmic and the moral orders is universally commended in due course in the all-embracing appellation of dharma (from its earlier sense of "religious ordinances and fixed principles") (Rg Veda IV.53.3; VII.89.5).

The "right" or rightness is simply identified with "rite": it is formalized, taking in varying contexts (i.e. the obligation that is derived from a value, say, survival of the race, becomes the sui generic value itself; e.g., sacrifice, regardless of what is offered in the act). Rite now comes to possess an intrinsic moral worth and it becomes the defining normative frame of just about every moral value valorized.

Thereafter rite tends to assume, as it were, an imperious power all of its own, and people forget the original motivation or rationale underlying the imperative. Herein lies the originary violence in this ethical tradition, for laws are taken advantage of by the nobles (āryas), who form themselves into an elite and dictate the terms of priestly and ritual performatives. It loses its heteronomous imperative. Rites become increasingly pursued by individual wills for egoistic ends, optatively, and are adjudged in respect of their utility.
One group claims knowledge and therefore privilege over others in accordance with the (prescribed) rites, their correct performance, utility, and so on. This leads to the establishment of differential duties and moral codes for the elite and major groups or "classes" in society. Each "class" constitutes a needful functional unit in the larger complex. The stages or lifecycles an individual goes through may entail distinct or differently arranged moral rules, roles, and goals or values for the group or sub-group he or she belongs to. Likewise for kings and rulers, with added responsibilities and privileges. Differentia are superimposed on the organic unity of nature. A kind of oblique distributive justice is assumed, and in time the question of moral choice is categorically left out: one either does it or one does not, and enjoys the rewards or suffers the consequences thereof. Herein lie the rudiments of the idea of karma, which we develop later.

What counts as ethics, then, is largely the normative preoccupations; the justification is usually that this is the "divine" ordering of things (in the sense of locating the order in some transcendental plenum or law, depicted in the imageless and, later, iconic gods, not necessarily in an absolute or supremely existent being, as God). This is akin to the ancient, especially the Stoics', conception of Natural Law in the Western tradition. This may also provide a basis for belief in the absoluteness of the moral law from which the rules and norms are supposed to have been derived. But virtually no attempt is made, until perhaps much later, or elsewhere in the broad tradition, at self-reflexively analyzing the logic of the ethical concepts and reasoning used. Indeed, questions such as: "What do we mean when we say of an action that it is morally right (or morally wrong)?" can hardly be said to have attracted the kind of critical attention afforded in (meta-)ethical thinking in recent times.

That is not to say, however, that genuine issues, concerns, and paradoxes of ethical relevance are not raised, even if they are couched in religious, mystical, or mythological ideas or terms. To give an illustration: Scriptures proscribe injury to creatures and meat-eating, but a priest would wrong the gods if he did not partake of the remains of a certain ritual animal sacrifice. With the gods wronged, rta can not be maintained: what then should he do (Kane, 1968–9, vol. I.i, 1–3)? It also follows that meat-eating is not unambiguously decried in the Scriptures, as more recent studies have attempted to show. However, that qualification or thinking over paradoxical scenarios merely is not sufficient by itself, for exceptions do not constitute the weight and strength of much of the moral norms that govern the daily lives and affairs of the people. Despite the persistence of the ritualistic Weltanschauung, texts from across the counter-traditions (śramaṇa), such as the Jaina and the more deconstructive Buddhist, are evocative of certain more humanistic virtues and ethical ideals, such as being truthful (satya), giving (dāna), restraint (dama), austerities (tapas), affection and gratitude, fidelity, forgiveness, non-thieving, non-cheating, giving others their just desert (justice),
avoiding injury or *himsā* to all creatures, and being responsive to the guest/stranger. As the gods of the Veda,² who portray these ideals, recede from people's consciousness, they are encouraged to take more responsibility upon themselves, and transform these ideals into virtues, habits, and dispositions, with corresponding moral “objects” in the world. Old ethical problems achieve new meaning. Thus the question of whether the princely god Indra should slay the obstructive demon Vṛtra becomes a question for the king: should he vanquish the ascetics who stand in the way of his sovereignty (O'Flaherty, 1985, 177–99, 192)?

What we have presented here is, admittedly, a sweeping account that essentially covers the very early period (c. 1800–800 BCE) during which time the Brāhmanical tradition grew and flourished, but not without its own deeper uncertainties. The Vedic bards had deep insights into and knowledge of moral and spiritual goods *qua the desirable goods*; however, they were largely at sea as to what the procedural rules for just distribution and a social order without the encumbrances of a hieratic structure that embeds iniquitous arrangements would be like. They had some, albeit inarticulate and ill-defined inkling of this grounding vision. Nevertheless, the picture just sketched provides a general framework within which we can continue to see how moral consciousness, certain ethical concepts, and various, albeit conflicting, moral schemes are questioned, developed further, and articulated in later periods, which may collectively be identified as the “Hindu” tradition. (For this account we shall have to use more Sanskrit terms, as their exact English equivalents, and the converse, are wanting.)

II Historicization of the moral

In time, this faith in the “divinely” or transcendentally prescribed normative framework came under considerable scrutiny. Indian thinkers in the classical period, like their counterparts elsewhere, recognized morality’s pervasiveness throughout human life and culture, and the need for stability in this area; however, they did not shy away from enquiry into the foundations of morality, the meaning of “right” and “wrong” or “good” and “bad.” Reflecting upon the meanings or applications of these judgments has been their way of putting theory, if *theory* it is, into practice. This is also a meta-ethical concern, but with a difference. In much of Indian philosophy, one does not witness moral thinkers starting with discursive, critical theory, or theoretical reflection on first principles, axiomatic propositions, intuition, emotive judgments, and so on. Rather they begin with the practices that are embedded or grounded in all human cognitive and, perhaps, aesthetic efforts. Over time these practices may come to be embodied in a tradition, in comprehensive doctrines, or articulated in texts foreshadowed by, and prefiguring, other texts. Initially the adherents seem not to be too disposed toward asking questions about their own beginnings - historical or conceptual³ - but they
are nevertheless aware of the heterogeneity of their rules, principles, practices, and the challenges presented in the moral dilemmas, antinomies, ethical quiddities, vagueness, and uncertainties threatening to destabilize the very grounds and presuppositions of their moral belief. Hence the subsequent hermeneutic and critical exegesis and deconstruction of these practices via texts yield variant interpretations, alternative models of ethics, and also departures in protocols or laws in the sense of practical wisdom (akin to Aristotle's *phrōnēsis*), as we shall see occur down through the history of Indian ethics as we progress through this chapter.

In the latter case, detached thinking about morality – as in science and logic – seems to be less important than *living* precariously by the rules and principles one believes in, or which are part of the community's repertoire into which an individual has been born, educated, and raised. One does not live by *theory* alone, if one lives by theory at all. Spinoza reminded the West of its first "calling" to ethics in this regard, and his method was not one dictated by science but by the human imaginary of natural reason and the full range of human interests, desires, feelings, and passions. More recently, Levinas has argued for the primacy of ethics over ontology (as ontotheology) and metaphysics, where ethics is defined as a concrete response to – *the face of* – the other. As Diane Moira Duncan (2001, 26) put it: "Ethics begins when one becomes accused (that is, called into question) by the singular and exceptional appearance of the face (a particular *face*) as the *enigma among phenomena*." And deconstruction underpins the ethics of *alterity*. There is indeed evidence that something of this "interruption" and shift had begun to occur within the corpus – or in some part thereof – of the Vedas themselves. The Vedas are not as homogeneous as the Orientalists in the nineteenth century and their mimics in the twentieth century had assumed. If certain norms are not questioned and extended to embrace elements of *differance* to at least contend with the heteronymous will and with the heterogeneity of the surrounding culture that stare their composers in their face, some indeed are. There is thus some space for variation, or at least a variant self-understanding, that permits the Vedic sensibility to turn its gaze as it were from the heavens or the gods to the human fellow closer in their personal and social space.

Laurie Patton picks out one such insight and articulates this, drawing on the Levinasian vocabulary of *alterity*. In her paper, "Stranger's fire: a Levinasian approach to Vedic ethics" (2006), Patton begins by briefly tracing the recent move away from the absolute and toward the contextual and situational in the study of Hindu ethics. Recent studies of the Veda have focused on the "other," but more exclusively on the non-Aryan other, rather than on the "other" who makes moral obligations on the self. She thus turns to read Vedic passages as Levinas has read the Talmud. She reviews the basics of the Vedic world in terms of the better-known ārya/dāsa, or noble/slave, āryalāṁārya, Aryan/non-Aryan dominance. More significantly, following
Levinas, Patton goes on to look at Vedic ideas of "face" (mukha and related phrases) and the face that makes a claim upon one's attention, as well as "presence" and "being in the presence" of someone ("prati," and related words). She ends by examining the notions of the moral obligations of the Vedic guest, or stranger (attī) at the threshold. Patton is right: there is obviously complexity in the idea of the Vedic "other"; while the Vedic attitude expresses the kind of "annihilation" of the other that we see in the Aryan/non-Aryan discourse, it also contains the very basic understanding that strangers can have a kind of infinite moral claim upon the Vedic self, and that this claim can structure certain ethical understandings in the Vedic world.

This act of being present to the guest, or stranger, is also connected with the idea of the "gift" (dāna), of giving; there is the "gifting" by way of sacrifice (yajña) to the gods, to the cosmos, to the "act of gift" itself (the non-transitive gifting: the sacrifice sacrificing itself in sacrifice in the primordial creation of the cosmos and gods also from non-existence). But the conceptual finesse of the idea of the "gift" (dāna) had to await a more thoroughgoing deconstruction of the dominant features of the normative Vedic framework that continued to privilege a certain class (caste) and its ordained agency ahead of all else and of the larger other (Heim, 2006). This articulation, although by no means its total rectification or reform, had to await the emergence of the medieval texts of the Dharmaśāstras, where a further connection is made between the act of giving, making the "gift," and the spontaneity of virtuous performance which is not mediated by some principle ("ought I or ought I not do this?").

III The dharma of ethics and the ethics of dharma

Now I wish to demonstrate how the gradual process of the deconstruction and reconstruction of the normative Vedic moral framework undermines the latter and heralds in new – even if not a patently radical – conception of the framing Grund or grounding framework of ethics. It occurs in this instance – or perhaps a better of showing it is – through three heteronymous ethical concepts that have never remained as absolute as the preeminent Vedic imperative norms had. And these concepts foreshadow the trajectory for all future and post-ethical thinking in Indian classical as much as in the contemporary milieu (just as "divine law", duty, utility, rights, alterity, vagueness, virtue, etc. have tended to become in Western/modern ethical thinking). These concepts are the ubiquitous dharma, karma, and puruṣārtha, and their relative topoi or place and ousia in the discourse of freedom (mokṣa). We start with dharma.

"Dharma," it is to be noted, is an all-embracing concept and is perhaps unique to Indian thought. But the term is also rather diffuse as it has many and varying meanings, ranging from "ordinance, usage, duty, right, justice,
morality, virtue, religion, good works, function or characteristics” to “norm,” “righteousness,” “truth” and “law,” beside much else (Kane, 1968–9, vol. I.i, 1–3).

The word is derived from the Sanskrit root dhr, meaning to form, uphold, support, maintain, sustain, to hold together. It certainly connotes the idea of that which maintains, gives order and cohesion to any given reality, and ultimately to nature, society, and the individual. As will be noticed, dharma takes over from the organic unity trope enshrined in rta and shifts more towards the human and earthly dimension. In this respect it parallels Hegel’s idea of Sittlichkeit (the actual ethical order that regulates the conduct of the individual, family, civil life, and state) more than it does Kant’s ideal conception of the Moral Law, which is more individualistic, legalistic, and absolutist, and could even be said to place value on self-regarding over the other.

Law writers such as Kautilya and Manu bring the notion of dharma even more down to earth by devising a comprehensive system of social and moral regulations for each of the different groups, sub-groups (caste, rulers, etc.) within the Hindu social system, as well as specifying certain universal duties incumbent on all. Vocational niches, duties, norms, and even punishments are differently arranged for different groups, and the roles and requirements also vary in the different āsrama stages for the different groups. Thus, while a wife of a “twice-born” (the three higher classes) may take part in a Vedic rite, a śūdra would be risking punishment if he so much as hears the Vedas recited – to say nothing of those who fall outside the caste structure (caṇḍalas), and other aliens (Manusmṛti, II.16, 67; X.127).

More often than not, though, dharma is invoked as though it were an utterly objective possibility, but there is no theory of moral realism that would cover over the perspectivism of the heteronymous. In fact, it merely gives an overall form to a system of positive law and regulations of individuals and of groups, the specific contents of which are determined by various different factors, among which the voice of tradition, convention or custom, and the conscience of the learned, might be predominant. Dharma then provides a frame that, as it were, could flick through different pictures of what is ethically proper or desirable at any one time. What gives coherence to the conception itself is perhaps its coveted appeal to the need to preserve the organic unity of being, to “make” justice where fairness is due, and to minimize the burden of karma, if not also to free the individual from its encumbrances. But what do we understand by the term karma, which is even rather popular nowadays outside India? It is important to consider this concept next as here the burden of heteronymity weighs even more onerously on the dead-weight of the traditional normativity, for in the Bhagavad-Gītā especially it serves to ground a damning critique of faith in the pure and simple causal efficacy of prescribed rites: the moral ramifications of any action – be it a conduct, thought, or a rite – are not exempt from the autonomous law of karma.
The basic idea behind karma is that every conscious act (cognitive, speech, etc.) and volitional action (physical, psychical, etc.) an individual engages in generates causal conditions for more than the immediately visible effect, such that the net effect, $N$, of an action $X$ may manifest itself at a later time $t_1$, or perhaps its traces ($\text{vasanas}$) get distributed over time $t_2$. Action $X$ may combine the residual effects of action $Y$ to generate a compounded, or even a reduced, effect in some future moment. And this in turn becomes a critical determinant of another action, $Z$, or a state of affairs pertaining to that particular individual (perhaps even a collective). The effect of $Z$ might be pleasurable ($\text{sukha}$) or it might be painful and induce suffering ($\text{duhkha}$), but this is the retribution entailed in the causal network that is itself an inexorable manifestation of dharma.

This linkage of dharma and karma has the following consequences: there are no “accidents of birth” determining social inequities; mobility within one lifetime is however not rigidly excluded; one has one’s dharma, both as endowment and as a social role. One either accumulates an improvement in karma aiming towards a better life, here and hereafter, or one tries to sunder the Gordian knot and opt to step off once and for all from the circus of cyclic existence or samsara, as this condition is known in Indian religious thought. But this is not achieved as simply as it is willed. Indeed, this freedom is placed as the fourth and the most difficult of goals in the fourfold, categorical ends or $\text{puru\'\text{s}ar\text{\^{t}}thas}$, literally, “the ends sought by human beings,” and that too not without fulfillment of each of the preceding ends. Again, while this axiology is a reconstruction from the Dharmas\text{\^{a}}stra period, in intent it also serves to destabilize the monolithic Vedic preoccupation with sacrifice as an external act within certain prescribed and confined performatives.

$\text{Puru\'\text{s}ar\text{\^{t}}tha}$ inscribes the idea that there are four avenues or goals as the “kingdom of ends” of volitional pursuits in life which are of intrinsic value, namely: $\text{artha}$, material interests; $\text{k\^{a}ma}$, pleasure and affective fulfillment; dharma, again, social and individual duties; and $\text{mok\^{s}a}$, liberation or gradual detachment from the cares of the three preceding goals of life. They may or may not be continuous with each other, though one goal might prove to be of instrumental value for achieving another, as is often thought of dharma in connection with $\text{mok\^{s}a}$. But $\text{mok\^{s}a}$ – liberation – is a fortiori the plenum of freedom without which dharma as morality – along with the “ethical ends” of $\text{artha}$ and $\text{k\^{a}ma}$ – is all but baseless, or mere means, i.e. utility, to some instrumentally conceived end. Still, an ascending scale might well be admitted; and the determination of the relative status of each category could lead to the next; but $\text{mok\^{s}a}$ as freedom in this sense is a presupposition, the pre-theoretic possibility, more than an “end” in the cumulative sense, as is often thought. This contention, however, is the subject of much vigorous debate in Indian philosophy.

What is significant is that the above conception of human ends provides a distinct backdrop for the detailed working out of the rules, conduct, and
guidelines in respect of the institutions of varṇa (caste) and āśrama (life cycles), inasmuch as any individual will want to strive towards achieving the best in terms of these ends within the limits of his or her temperament, circumstances, status, and so on. Sometimes it is a question of balance; at other times it is a question of which interests or preferences take priority over which. For example, a twice-born in the third stage might consider that he has discharged his social obligations (dharma), so that his remaining interest (even challenge) is to edge towards liberation, by becoming a full-time ascetic. As to what he should do and what he should not do in pursuit of this end, this is left entirely to his own determination, for which he relies on his meditative and cognitive insights. His dharma is the correlate of his innate constitution, of which he alone is the master: thus an inward-attentive praxis is the source of the principles for his ethic. Here, it may be observed, the gap between intuition and ethics is very nearly closed over. This is another salient feature of Indian ethics.

Mokṣa, construed as absolute inner freedom, appears to be the only natural right one has any claim to, for it is an a priori or transcendental right; but again it is not achieved without prior fulfillment of duties and obligations implied in the preceding stages of the life-cycle. These may comprise obligations towards offspring and kin as well as the performance of obligatory rites prescribed in the dharma manuals, in terms of what is owed (or in old English “ought”) to them for their contributions towards the continuing welfare of human beings, indeed the other. In addition, one has the obligation of making gifts (dāna) and offering libations (homa). Duties and obligations, in this cosmic perspective, are what make the world go round. What is significant here is the recognition of the presence of the other and the heteronymous responsibilities this entails. The ends, especially artha, kāma, and dharma, have a distributive – rather than a threatening or coercively retributive – impulse: one engages in commerce with the other, within defined rules; one partakes of pleasure in the company or union of the other, and one’s duties are intentionally in relation to the other (one may have to consider oneself as an-other as well, and be mindful therefore of the duties towards oneself or the ramifications of its neglect in regard to the other).

The king, too, has certain obligations toward the other, namely, to protect the citizens and their interests and to do right by them. Whether the law-makers who laid down these particular regal obligations had in their mind the correlative “rights” of citizens (as distinct from their interests) remains a matter of interpretation. For, if dharma sets the limits and constraints on the action of citizens and kings alike, then one cannot say that obligations are entailed by the corresponding rights of others. And reciprocally, certain rights are granted to the citizens in order to protect the people against the king’s Machiavellian tyranny.

One may nevertheless ask, how is it that the brahmin continued to claim or appropriate certain rights with respect to the performance of rituals? In
consonance with Vedic teachings, rituals had to be performed in certain prescribed ways for them to be binding and effective. But this is a procedural requirement, i.e. the claim is that whoever is qualified should perform this according to the rules. It is therefore an impersonal entitlement, although later texts, as we saw, fixed the brahmin as the most qualified agent for the task. And this entitlement soon becomes a matter of inheritance. For the law-makers like Kautilya and Manu, the varṇas (vocational groupings or “castes”) are arranged in a descending order and it is this scale that determines the claimable entitlements, privileges, and obligations, as well as punishments and violations, encumbent upon each member of the group.

IV The Bhagavad-Gītā’s interruption

The strong positive and exclusivist rights, however, that were reserved for the upper caste under this arrangement, are severely undermined as we move further into the epic period where the Mahābhārata, especially, and the Bhagavad-Gītā (Gītā, for short, and BG for textual reference), which is one of its major books, reigns in a damning critique of not only the normative caste order but also the moral imperatives of rites and sacrifices that had as yet not been unseated - even through the Dharmaśāstra period. The central core-legend of this encyclopedic all-purpose collection is the family feud, culminating in a battle on the plains of Kurukṣetra (near Hāstinapura, north of present-day Delhi) between the Kūravas (led by Duryodhana and Bhīṣma), and the Pāṇḍavas (led by Yudhiṣṭhira, the rival heir-apparent, and Arjuna).

Every attempt to resolve the conflict and to avert the battle had dismally failed. It was not as though all the parties involved had unanimously agreed to go to war; throughout the episode there was a great deal of resistance, and anxieties were expressed about the consequences of war, for in war there are no victors and much carnage is brought about, and those for whom the war is waged usually get slain or wounded anyway. This “mystique force of law” qua dharma is born of an epistemic violence as in jusnaturalism (the tradition following the radicalization of the founding Grecoid “rule of law” Gewalt, droit, in Judeo-Christian theology (Derrida, 1990)). Dharma in the Epic even has a personal incarnation: in Prince Yudhiṣṭhira, the head of the Pāṇḍava brothers who are on the verge of a battle with their half-brothers, the Kūravas, who claim to being the true heirs of their clan’s fiefdom. If the king of Dharma-incarnate succeeds in the battle, despite the portentous sacrifices entailed, then a renewed era of social harmony could be reined in, a new order of dharma. Intriguingly, the symbol of “sacrifice” here is transposed from the erstwhile Vedic ritual act to the context of war as a way of extirpating/deconstructing a declining moral order (adharma), and replenishing it with a new social order. In Madeleine Biardeau’s reading, as Julian Woods translates this for us, the dispute over the throne is the culmination
of a social malaise originating in the progressive breakdown of the traditional functional relationship between the two upper (and dominant) caste groups, the brahmins and kṣatriyas, the two pillars of epic society (Woods, 2001, 10). This amounts to a progressive reversal of the natural order of things down the generation. The Bhagavad-Gītā underscores the disputation and the pending collapse of the moral order in the form of a dialogue on the eve of the battle, the “great sacrifice” (which is another way in which, following Biardeau, the Mahābhārata has been read).

The multivalent nature of the Gītā makes it difficult, however, to reduce its core thesis to a simple proposition. Nevertheless, it is clear that there is a decisive reexamination and trans-evaluation of the preceding tradition from the perspective of its less stable (conceptual and social) concerns. The Brāhmanical tradition that hitherto had a strong hold over life and its organizational aspects (the moral order of things) in India for many centuries had increasingly come under question, if not under direct attack, from all sorts of adverse or heterodox tendencies within and outside Indian society. Asceticism, yoga, renunciation of social life-forms, and various kinds of esoteric practices had begun to emerge, and these posed challenges to the Brāhmanical orthodox system. Buddhism and Jainism created conditions, in large part, for these tendencies to emerge and flourish.

There were already internal tensions also, for ritualism and the promises it made (i.e. that sacrificial performance that results in obtaining spiritual and material favors from the gods) led to disenchantment of one sort or another, particularly on the part of those who were, by virtue of their caste status, deprived of the privilege of performing sacrifices or having them performed for them. The ascetic orders among the brahmins were late in developing (closer to the Christian era) and even then the orthodoxy of the orthodoxy, represented by the Mīmāṁsā, or school of ritual exegetes (hermeneutics), held out against the movement. Some of the orders were atheistic (like the Mīmāṁsā itself), or at least decidedly non-theistic (like the Buddhist and Jain heterodoxy).

The institution of renunciation (saṃnyāsa, or self-banishment in ascetic reclusivity), based on the rejection of the social order and the affirmation of a more individualistic life-form, further undermines the orthodox Brāhmanic hegemony of the normative. Yoga served better the purpose of ascetic renunciation than the ritualistic orthodoxy, although the philosophical Upanishads, with their metaphysical logocentrism, had already absorbed much of the spiritual elements of yoga (meditation, contemplation, askesis, asceticism, or self-abnegation). However, the Upanishads could not reconcile themselves with the prevailing popular religious practices, such as worship (puja) of the myriad of iconic and mythological gods or even God outside the Vedic ritual-sacrificial context (even if only symbolically – given that the Vedic gods were uniconic and did not themselves appeal to the popular mythological imaginary as happened later, in the Purānic (medieval)
and post-epic traditions (particularly in the imagery of Rāma, Krishna, the monkey-god Hanumān, and so on). The Upanishads further could not tolerate involvement in all kinds of activities despite caste and class structures. Various sects adopted differing practices and principles, and these caused further embarrassment to the orthodoxy. But there emerged deeper structural disquiet and questioning, and also interpolations of Vedic values. More significantly, the exclusion of the other entailed in the monism and detached morality of the Upanishads surfaces in the epic ethics; this is taken to a new epistemological and a-theologic critique, in particular, in the Bhagavad-Gītā.

The post-Vedic tradition had vexed equivocation over the imperative to act and to abandon action altogether in consonance with the emerging culture of yoga, with its proclivity towards sannyāsa (renunciation) and asceticism (qua śramaṇa). When one sacrifices, one performs a certain act; however, in the actual “gifting” of elements (requisite ingredients) into the sacrificial pit aimed towards the heavens or the gods, one is also abandoning one’s claim and invested interest in the material accoutrements devoured as it were by the etheric emergence of the mantra-evoked god or gods. However, which of the two moments counts as the true act of sacrifice? If, to turn to an example much discussed in postmodern literature, death is a “gift,” then surely the giving up of one’s attachment to life and living (perhaps for the other/the Other/Infinity) counts as the true act of sacrifice here, not the actual physical or clinical act of dying. Later exegetical tradition derived too rigid a nuance from the signifier of yajña (sacrifice), rendering it simply as the act of “giving up,” or abandoning, which may well result also in non-action (as when we say “I have sacrificed my work for some needed rest”).

The term that might have been more specific and appropriate for the actual gesture of abandoning, renouncing, the ingredients from one’s hands into the altar, namely, tyāga, came in the deconstructive Indian epic-ethics to signify abandonment, or rather more technically renunciation (sāmnyāsa) of all involvement in action. This hermeneutical shift is all but complete by the time of the Bhagavad-Gītā.

However, Arjuna is perplexed over a statement made by Krishna, the speaking Avatāra in the epic, that seems to exhort both the Vedic injunction to act (kuru karma) and to abandon action (tyāga karma). Which one does he really favor, and which of the two is truly beneficial? As would be expected, Krishna is clearly in favor of karma – even though he tags the suffix “yoga” to it, hence karmayoga – in contradiction to karmasāmnyāsa, which itself is to be abandoned, or put under epoché (BG 2.39). As Woods notes:

This change of emphasis has to do with the reversal of Upaniṣadic values brought about by the bhakti [devotional movements] attempt to extend the prospect of salvation to all (including women) . . . The action advocated by Kṛṣṇa is no longer undertaken for the
toward a “single-minded motivational purpose” (vyavasāyātmikā buddhir ekeha, BG 2.41). Thus, for the Bhagavad-Gītā, as for the Mīmāṃsā, the right­ful discharge of dharma entails the performance of certain duties; but these duties need not be seen in any absolute sense as in the rite-based prerogative. The categorical imperative or the stricter reading of Vedic injunctions as mandatory that we find underwritten in the Mīmāṃsā exegesis is considerably weakened in the Bhagavad-Gītā’s discourse of nīskāma karma, or disinterested action, for such a class of voluntary actions is still of a type intended variously to purify the mind (sattvaśuddhi), to please the gods (iśvaraprīti), and, most importantly, to contribute to the welfare of all beings (lokasamgraha). In other words, the context is one of deconstruction of the orthopraxy and a decisive move towards the enigma of alterity. This enigma takes two forms or has two “faces,” that of the human and that of the Infinite as well, as we have described earlier, bringing in the strong context of bhakti or devotion. These heteronymous actions are not on a par with prescriptive rites of the Vedic acts, but they stem from one’s own svadharma, or the self’s involvement in all modes of welfare, one’s own and others’.

Now the notion of svadharma, which in the Bhagavad-Gītā receives a gallant endorsement, on the face of it might appear to be somewhat akin to Kant’s notion of moral autonomy. However, the Bhagavad-Gītā’s notion, while it forms the basis of moral action, is not an abstract consequence that results from its critical method, but is a quasi-subjective category referring to the innate characteristics of the individual, which she has according to her nature, here termed svabhāva (self-nature).

In a sense the above combines both a formal and a material function. Svadharma tells one that one ought to do what one ought to do with regard to whatever is true to one’s nature (svabhāva); and this is formal, as Krishna pronounces: “Better one’s duty (though) imperfect, than another’s well­performed” (BG 3.35). But the content of this duty with regard to what is one’s nature is promptly specified by the Bhagavad-Gītā in terms, not of the psychological properties of the individual but, rather, of the empirically determined social placement or status of the individual. In other words, svadharma is ascertained by reference to the normative rules of that society, and that may be, as is certainly the case here, the particular class division and its incumbent duties and obligations. Hence one’s svadharma is determined within the web of the dharma–karma dynamic, that is to say, the prescribed role in the interrelated network known as dharma. And one does this without regard to consequences or rewards, that is to say, in a spirit of detachment by renouncing the fruits of the action. Surely again, the Kantian maxim, “duty for duty’s sake” rings true here as well, but the difference is precisely in the way in which these duties are determined and legitimated. (Kant, in the final analysis, resorts to utilitarian considerations, the BhagavadGītā to a transcendental telos; in fact, it would be better restated, again, as “duty for dharma’s sake.”)
Dismantling Normativity in Indian Ethics

The Gītā, however, is not bound simply to the discourse of duties, for the idea of adhikāra (entitlement or intentional agency) had already opened up other possibilities and claims that might run counter to the "rites ethic" it attempts to rescue, albeit in a broader context of socially beneficial action. In this regard the Gītā presents an interesting variance on the nuance attached to adhikāra in its own rather deceptive and delicate use of the term. I do not wish the treatment that follows on adhikāra to be seen as a preoccupation with the apparent cognate notion of "rights" (in the modern Western sense), but rather for its use in the Indian context to undermine traditional grounding of norms on a very determined and deterministic founding where the heteronomous will was subjected more to the whims (and/or approval) of the gods than on the freedom-presupposed self-nature of the individual agent. And this I do by focusing on a very important verse in the Gītā (2.47): karmanya evadhikārāraste mā phaleṣu kadācana, which we believe is best read as: "You have entitlement indeed to actions, never though to the results (fruits or expected rewards)." There is a shift from the need to perform and carry out actions as a matter of "law" to the intentionality in the motivation toward such an action, or non-action, which is matter of conscience. Arjuna here is being told that since he (Arjuna) belongs to the warrior group, his adhikāra is to the act (which a warrior performs), and he has no claim on the results that may or may not follow. He is further told, by implication, that he has no entitlement not to do the act that has to be done; that is to say, he has no right to desist from what is (by his self-nature) encumbent upon him as a kṣatriya or member of the warrior caste.

While it may appear that the Gītā is confusing the locution of duties with that of rights (understood as entitlements, let us concede), the move is deliberate, because the author(s) here is attempting to introduce the idea of "negative entitlements," which effectively states that no one, including oneself, can rightfully interfere with what is one's due or desert by virtue of the law (of dharma). Thus, if action Z is one's due, then so be it; this is one's entitlement and nothing should be permitted to erode its fulfillment. By shifting the focus from results or fruits to action, the weight of the entitlement is also shown to fall rather on the side of action than on the side of the fruit. The Gītā problematizes the direction in which the latter leads to antinomies rather than a contribution to dharma. That is to say, one's motivation to act in the interest of desired consequences can lead to conflicts between desire and the purpose or end to be fulfilled in undertaking the act. Thus if one's incentive to work or research is basically to collect the pay-check at the end of each fortnight, then this is not really fulfilling the call of duty in respect of the larger interest, goals, and incentives to make a contribution to the field and to knowledge.

The Gītā is far from explicit in defending dharma, for dharma's sake, or at least it does wish to respect the autonomy of the individual and uphold the discourse of freedom (mokṣa) above that of unmitigated duty. And so it
PURUSHOTTAMA BILIMORIA

attacks the persistent ritualistic and ascetic discourse for its own deconstructive ends. And the Gītā also wants to disabuse people of the false idea that they have any entitlement to the fruits of action anyway – which is the reason for asking Arjuna to renounce the fruits (phala-tyāga) and not the other way round. This notion of tyāga is not directly borrowed, as generally said, from the samnyāsin (renouncer) tradition, but in a qualified sense from the philosophical Mīmāṃsā, which stressed the giving up of (or abandoning from one’s own hand) the dravya or substances (such as soma) used in the sacrifice. The alternative discourse of renunciation which the Gītā wants to legitimate would gain greater strength from the locution of adhikāra which the Mīmāṃsā had got going than it would through any borrowings from the samnyāsa direction. But scholars and commentators, especially of the Vedanta-bhakti scholastic ilk, have concentrated far too exclusively on tyāga (which does not appear in this verse) rather than on adhikāra. Still, one can see that the metaphysical instability of much of the Vedic normative framework becomes tropes for deconstruction and erasure in the Gītā; and thus the circumspection began in the Dharmaśāstras is continued in a deeper, more philosophical and self-critical way. Without such a self-reflexive process a tradition simply cannot move forward in its ethical advancement.

We would venture to suggest that the Bhagavad-Gītā came very close to opening up the earlier notion of adhikāra towards a notion of rights (for whatever it is worth) in the Brāhmanical context (for it certainly stretches the erstwhile concept of entitlements beyond the scope intended in earlier texts). It draws its guiding impetus from Mīmāṃsā hermeneutics (or nyāya) and seeks to apply it beyond the framework of sacrificial and religious rites to the broader context of social dharma (and in war scenarios also). But beyond this it could not go, for good historical reasons. The Gītā would have to accept the fundamental idea that all persons are born equal and that nature does not endow differential markings on the individual which immediately translate into social differentiations. It does, though, concede another kind of adhikāra to all people (one presumes) in the art of bhakti or devotion, for Krishna promises to pay heed to whomsoever comes to him with a flower, a leaf, water, and a mind fixed on him alone, etc. But this overture towards a more universal adhikāra is constrained in the social context by the overbearing weight of varṇāśrama-dharma (“caste” structure) and an orthodoxy that could barely face reconciling itself with the challenges of the incipient individualism inherent in the systems of yoga-asceticism and Buddhism (through its denial of the caste structure if not of atman also). Thus the response of the Gītā is restrained and calculated; it merely suggests the possibility of a discourse of universal human rights (manava-sarvādhi-keśa) but does not develop it.

It is on the basis of the heteronymous freedom of will recognized and underscored in the Gītā that the later bhakti sants (bards or “saints”), especially Kabīr, Raī Dās and Tukarām, Guru Nānak (the founder of Sikhism),
Mīrābāī, and Narshi Mehta appealed to some notion of universality on the issue of the eligibility to devotional practice. This more humanistic strain helped to cut across caste and gender barriers and overcome the prejudices or prerogatives of the “twice-born.” Just as for the Buddha a brāhmaṇa (brahmin) is one who is noble by disposition rather than by birth, for the medieval sants anyone who gives herself to Hari (the Lord) has the adhikāra to devotion and will undoubtedly find Him (Kabīr, 1951, 41–2). Kabīr added further momentum to this universality by proclaiming that (i) the real sanctum sanctorum is not in the enclosure of the temple, or by the Gaṅgā (the Ganges River), or in Dvāraka (Krishna’s legendary home), as most pandits would have people believe, but it is in the heart (ḥṛdaya) of each individual, and (ii) there is no difference between the Īśvara (Godhead) of the Hindu and Allāh of the Muslim. By implication and in principle the Muslim has as much adhikāra as the brahmin has, and vice versa.

This is the juncture where Gandhi’s social philosophy made its pivotal contribution. His immense sensitivity to the disadvantaged, the minorities, the “untouchables” (in the surviving caste ordering, in which he included and extended his support to the African American struggle in North America as well), and to women, would not have been possible had the traditional normative framework not been interrupted and the ethically significant circle expanded. Gandhi relied heavily on the Gītā to extend his political strategies to those excluded from the hegemonic order. And for this he almost forged an alternative reading of the text, shifting it out of the historical and warfare genre to one of allegorical and intensely moral teachings (Jordens, 1986, 89–90; cf. Woods, 2001, 9–10). Dharma to him no longer sufficed as the arid concept of the ritualistic and legalistic normative that privileged one class or caste over another, but rather a social praxis in which an individual exercised and cultivated certain virtuous dispositions in relation precisely to the other.

Just as Levinas drew his inspiration from Martin Buber’s “I–Thou” ethic-theology, Gandhi also found Buber’s other-regarding teachings to be exemplary and a corrective to modernity’s fetish with strident individualism (Dalton, 1993, 228). While in his early reading of the Gītā, Gandhi thought warfare to be consistent with the dharma normative inasmuch as a warrior must follow through his caste duties in an act of selfless own-dharma (svadharma), later on he shifted his position to give preeminence to the principle of nonviolence (ahimsā) as a key derivation from the now more transcendentalized understanding of dharma. Dharma is not just about rites, privileges, duties, laws, prohibitions (hence exclusions), but has the heteronomous character of both preparing the grounds through praxis of positive virtues (observances, vows, non-injury, satyāgraha or truth-making, and self-regulative restraints) and enabling a more empathic and compassionate and empowering disposition towards the other. The latter inexorably led him to articulate a discourse of rights reciprocal to duties: hence “the brown
men’s rights over the colonial masters’ exclusivistic privileges,” and the rights of all citizens as equal to each other. Gandhi inspired and unleashed a whole nationalist movement and struggle for India’s – and of much of the colonized world’s – freedom from Europe’s “raw othering” of the non-European based on the seemingly simple teachings of the Gita on dharma. He shifted the paradigm from the scholastic–dogmatic normativity of bygone centuries to a more (already) post-Enlightenment recognition of the broader moral responsibility that subjects have towards the other qua subjects. And here one is ready at hand with a “gift” of oneself in face of the other, and not as a means to some further individualistic or corporate or communal ends (in the sense of divisive community identity politics).

Here the project of injecting sensitivity to the ethic of “alterity” in modern Indian philosophy comes full circle – from Vedic dāna (the “gift of sacrifice”) to adhikāra, which finds its way into the Indian Constitution as well under the section on the Fundamental [Bill of Human/Moral] Rights; but the project has only just begun: the modern Indian intelligentsia, its agents in the media, and much of neo-colonialism’s secularized middle-class beneficiaries, alas, have deferred or foreclosed this challenge in deference to the creation of a “Hindutva” state first and foremost, based on medieval proclivity towards the normative, at the exclusion as much of theory as of the “other” – be that the Muslim, or women, or the disadvantaged from the “lower” rungs of caste and ranks in the politics of caste. There is, however, reason to feel hopeful – as long as hard deconstructive thinking on ethics goes on, in India, in modern Indian law, in Indian and comparative philosophy, and in the minds of people with some power and position in the global context.

Notes

* This chapter is dedicated to conversations between Renuka Shama and William Edglass, and myself somewhat on the margins. I wish to express gratitude to Professor Youru Wang and Chris John Zvokel for assisting with the final editing.

1 For further discussion and a hermeneutic-linguistic basis of the philosophical thesis underpinning the claim, see Bilimoria, 1998, 315–19.

2 Some vague anticipations are inscribed in the modular of the gods – but perhaps too early for human beings – in the Rg Veda II.28.11; V.85.5; X.10.4; X.113.4; X.117. Cf. Kane, 1986–9, vol. I, i, 4.

3 See Mohanty, 1995, 8.

4 Duncan, here, is drawing from Levinas in his “Enigma and Phenomena”; see Levinas, 1996, 65ff.

5 The Mahabharata, itself a monumental epic work, comprising some 100,000 stanzas, is said to be the longest single poem produced in human history (in that respect compares with Homer’s The Iliad and Ulysses). As the paramount epic in the tradition, it includes a vast number of legends, accounts of cosmogony (beginnings of the universe), theogony, mystico-religious and philosophical speculations, as well as tracts on law, jurisprudence, and the duties of the warrior caste.
DISMANTLING NORMATIVITY IN INDIAN ETHICS

(kṣatriya) vis-à-vis other castes groups, and principally the royal-kingly caste. The text is usually taken to indicate the greater narrative of the episodes of the Bhāratas (a legendary patriarch of what could have been ancient India). The composition and compilation of the epic probably began around the sixth or seventh century BCE and was completed around 200 BCE, in which period the the Bhagavad-Gītā seems to have been introduced. Although the authorship is attributed to Vyāsa, a legendary figure (like Manu), it is believed that the work is a result of several hands, with various interpolations and redactions and parallel recensions evolving in subsequent periods. The translations for the Bhagavad-Gītā verses cited in this chapter, whether by Sargeant, Woods, or the author, are all based on the Critical Edition issued from the Bhandarkar Oriental Institute as The Mahābhārata for the First Time Critically Edited, 1933–66.

6 See Woods, 2001, 10, 71, 73.
7 Martin Buber and J.L. Magnes, Two Letters to Gandhi, April 1939, cited in Dalton, 1993, 228. See also Gandhi’s exchanges with other Jews, which Dalton discusses on pp. 134–8.
8 Kant specifically refers to the native peoples in various parts of the world who have not as yet been embraced by or entered or evolved into the Enlightenment’s Reason, as the “raw man”: they presumably eat “raw,” and think in the “raw.” See Bilimoria, 2002.