
KRISHNA AS MEDIATOR: A CRITICAL ANALYSIS

Dakshita Upadhyay, Chanakya National Law University

Manil Raj, Chanakya National Law University

“To mediate is a divine function.” - Justice T.S. Thakur¹

INTRODUCTION TO MEDIATION IN MAHABHARTA

Even before the realm of Alternative Dispute Resolution became a tenet of law as we know it in our current legislation, prior to the codification of civil procedure laws and mediation rules, the most exemplary case of mediational peace in the annals of civilized society existed in the rich culture of ancient India itself. In the revered words of the great epic of India, the ‘Mahabharata’, there occurs a situation of unmitigated import: a pending civil war that endangered not merely the crown of Hastinapura but the moral tenets of an entire epoch itself. And into this maelstrom of kinship came Krishna ;neither as a sovereign, nor as a warrior, but as a mediary of peace itself. His effort at mediating a peace settlement between the ‘Pandavas’ and ‘Kauravas’ is perhaps the first, and most thought-provoking, case of mediational literature in all of recorded human history. An epic such as the Mahabharata portrays not just the war, but the kaleidoscope of diplomatic failures and all the weaknesses of humanity. In the Udyoga Parva, for instance, the peace mission of Krishna itself speaks of the sagacity of reconciliation, soaring above the petty politics of war and addressing itself to the sense and path of destiny itself. **“Conflict in the epic leads not just to the disruption of order but also preserves the ideal of exploring all avenues of peace prior to the outbreak of war.”** This ages-old tradition of peace itself finds its roots in the Indian tradition of conflict resolution predating Indian law in Indian villages in panchayats or in peace missions of the yuga. In recent years, Indian scholars and judges have relied on this mythic precedent to develop a philosophical basis for mediation. It has been noticed that even present-day mediation as a phenomenon is more than a mere transplant of a foreign institution and has its roots in “unplundered wealth” of indigenous jurisprudence, which is embedded in texts such as Mahabharata and Ramayana.

¹ T.S. Thakur, Chief Justice of India, Keynote Address at the Asia Pacific International Mediation Summit: Mediation - The Call of the Hour (Feb. 13, 2015).

This approach is significant in recognizing Krishna's attempt at mediation as a philosophical basis for conflict resolution and can often lift it out of its devotional or religious importance and place it within a philosophical framework of conflict resolution. The historical aspect of Krishna's peace mission equally highlights the timeless struggles that every age faces: the struggle between ego and reason, between memory and politics, between ideal aim and less than ideal result. Although structured models of mediation, such as the Mediation Act of 2023, clearly explain the mechanism and the right that exists within a contemporary mediation process, the Mahabharata provides access to something much more profound, i.e., they provide a prototype of a mediation practice that is spiritual imperative. Thus, the current article beckons the reader to cross a bridge of ages. The article starts by introducing the concepts and theories of mediation, further discussing the context of the dispute in the Mahabharata, analyzing Krishna's offer of the mediation and reaction of Duryodhana, digging deeper into the cause of the failure of the mediation attempt in spite of the noble intentions behind the action, and concluding by reflecting on the influence of a failed attempt at bringing peace on the human understanding of conflict, justice, and peace. Krishna's mediation, no matter how idealistic, misguided, and complex, presents itself as a precious tool to analyze through the wisdom of the ages the challenges of resolving a dispute in the absence of the sword.

NAVIGATING MEDIATION FROM KRISHNA'S ROLE

Mediation is a process of alternative dispute resolution, whereby parties attempt to reach an amicable settlement of their dispute with the assistance of a third person referred to as a mediator, who does not have the authority to impose a settlement upon the parties to the dispute. The mediator's job is to listen to both parties and guide them to reach a mutually acceptable solution. Mediators may convene a joint meeting or can meet with the disputed parties together or separately and can suggest possible solutions, provide options to compromise, or provide suggestions and guidance, but they cannot enforce their views or try to solve the dispute by force. The role of the parties in mediation is not to convince the mediator but to suggest a common solution that is acceptable to both parties. According to section 3(h) of the Mediation Act, 2023, mediation, where parties try to reach a harmonious determination of their dispute with the help of a third person called the mediator, does not possess the power to force a settlement upon the parties.

Krishna acted as a mediator between Kauravas and Pandavas, he aligns almost perfectly with

the modern concept of mediation - his conduct, remarkable precision, true the ethical architecture gives an epitome of an ideal mediator. His every step, every action mirrored unwavering commitment to dialogue over domination. He employed persuasion through moral reasoning, intellectual clarity and emotional intelligence rather than pressure or authority embodying the core principles of mediation. In the Bhagavad Gita, Krishna proclaims -

“समोऽहसर्वभूतेषु न मे द्वेष्योऽस्ति न प्रियः”²

“I stand equal toward all beings; none are mine to hate, none mine to favor.”

This line elaborates the ethical neutrality that forms the basic of credible mediation.

There is a striking irony – the failure of Krishna’s mediation actually deepens its credibility. Mediation depends more upon the willingness of the parties involved than on the skills of the mediator. Even today’s jurisprudence has recognized that if the parties are acting in bad faith, no degree of professional mediation could resolve the conflict.

“यद्यदाचरति श्रेष्ठस्तत्तदेवेतरो जनः”³

“The conduct of the exemplary becomes the path the world follows.”

This shloka explains that even while anticipating resistance and denial, he still attempted reconciliation, just for a moral act.

Section 4 of the Mediation Act, 2023 mandates a written mediation agreement to ensure clarity, consent and certainty in modern dispute resolution.⁴ But Krishna’s mediation in the Mahabharata operated without any formal framework, written consent or procedural safeguards. Yet, the essence remained the same voluntary participation, dialogue, and pursuit of peace. This shows that modern mediation law does not invent new values but formalize age old principles long before legal recognition.

In the case of **Moti Ram(D) Tr.Lrs.& Anr vs Ashok Kumar & Anr**⁵, SC held that mediation proceedings are private and confidential. Discussion during mediation cannot be disclosed and the mediator must report to the court only the outcome either a verified settlement or a

² The Bhagavad Gita 9:29.

³ The Bhagavad Gita 3:21.

⁴ The Mediation Act, 2023, § 4.

⁵ *Moti Ram (D) Tr. LRs v. Ashok Kumar*, (2011) 1 S.C.C. 466 (India).

statement that mediation is failed. No details of the process are to be shared. This principle is closely reflected in Krishna's role as a mediator. Despite his great influence Krishna did not disclose the private discussion of the Kaurava court and only conveyed that peace was refused. This comparison shows that while modern mediation depends on statutory rules to ensure confidentiality Krishna followed the same principle naturally and with dignity.

THE SCRUTINY OF THE CONFLICT

Prima facie, the dispute seems pretty simple, family dispute over land and property, a kingdom was lost, it was demanded back, one party refused, war happened, case closed. Except, it was not just a land dispute but instead it was fueled by insecurity, ego, and a deep fear of revenge.

The Kuru dynasty, which traced its lineage to King Bharata, gave rise to two princes: one is Dhritrashtra, and one is Pandu. Although Dhritrashtra was the elder brother and the rightful heir to the throne but he was blind since birth and therefore considered unfit to rule. As a result, the younger brother Pandu was crowned king. However, Pandu passed away at a young age, leaving behind his two wives, Kunti and Madri, and five sons. Yudhishtira, Bhima, and Arjuna were born to Kunti, while Nakula and Sahadeva were born to Madri. Following Pandu's untimely death, Dhritrashtra assumed the Kingship temporarily, as there was no option at that time. The one hundred sons of Dhritrashtra are known as the Kauravas, and the five sons of Pandu, the Pandavas, were raised together. They received the same education and military training under the guidance of Guru Dronacharya. From an early age, Duryodhana, the eldest son of Dhritrashtra, harboured deep jealousy and hostility towards the Pandavas and treated them as rivals.

Yudhishtira, being the eldest among the Pandavas, was also senior to all the Kaurava brothers. Despite this, Dhritrashtra desired that his own son Duryodhana should ascend the throne. Driven by greed and insecurity, Duryodhana repeatedly conspired to eliminate the Pandavas, but each attempt failed as fate and righteousness seemed to protect them. In another attempt to destroy his cousins, Duryodhana invited the Pandavas to participate in a game of dice. Unaware of the deceit involved, the Pandavas accepted the challenge. The game was manipulated by Shakuni, Duryodhana's maternal uncle, resulting in the Pandavas losing their wealth, their kingdoms, and even their wife, Draupadi. In a shameful act, Duryodhana ordered his brother Dushasana to humiliate Draupadi publicly by disrobing her in the royal court. In that moment of extreme distress, Draupadi sought divine help, and Lord Krishna protected her honour by

making her garment endless, thus saving her dignity before the assembly. As per the condition of the dice game, the Pandavas were forced to spend 12 years in exile and an additional year living in disguise. It was also agreed that if they were discovered during their incognito period, the entire punishment would be repeated. The Pandavas completed both their exile and the year of concealment without violating the terms. After fulfilling the condition, the Pandavas returned to Hastinapur and demanded the restoration of their kingdom, Indraprastha, as promised. However, Duryodhana, who effectively controlled the kingdom, arrogantly refused to even a portion of it. This refusal marked the beginning of the open conflict between the Kauravas and the Pandavas, eventually leading to the great war of history.

Looking at the dispute from this angle, it becomes very human instead of a divine mystery. It is the story of a conflict where dialogue, solutions, mediators, all existed but ego was bigger than all of them.

THE LAST CHANCE FOR PEACE

Krishna, with utmost humility and strictly following all diplomatic norms, approached King Dhritarashtra and urged him to return Indraprastha to the Pandavas in order to prevent war and restore peace. He reminded the king that the Pandavas were the sons of his own younger brother, Pandu, and therefore equally deserving of his affection, care, and justice. Krishna emphasized that any form of injustice towards them would be morally wrong and would ultimately lead to destruction. However, instead of King Dhritarashtra responding, it was his arrogant son Duryodhana who reacted sharply. He categorically rejected the idea of returning Indraprastha and arrogantly asked Krishna whether he had any alternative proposal to offer. At this point, Krishna shifted his role from that of a mediator to a conciliator. He presented another proposal suggesting that if the king was unwilling to return Indraprastha, he should at least grant the Pandavas five villages – Avishthala, Vrikasthala, Makandi, Varanavata, and one additional village of their choice. Krishna assured that the Pandavas, being peace-loving by nature, would accept even this minimal settlement, thereby averting a devastating war. Once again Duryodhana responded with hostility and outrightly rejected the proposal. In his arrogance, he declared that he would not give the Pandavas even land equal to the tip of a needle. He further insisted that the Pandavas must return to exile for another 12 years, alleging that they had failed to complete the required period of exile and incognito as stipulated in the condition of the dice game. Duryodhana deliberately questioned the legitimacy of their

completed term in order to deny their rightful claim.

This obstinate and irrational behaviour of Duryodhana aptly reflects the ancient saying:

“सर्वस्यौषधमस्ति शास्त्रनविहतं मूर्खस्य नास्त्यौषधम्”⁶

(Means there is a remedy for everything, except foolishness.)

The situation worsened when Duryodhana, blinded by pride and power, even attempted to arrest Krishna an act symbolizing the peak of his arrogance and moral downfall. This entire episode has been powerfully and poetically captured by the renowned Hindi poet Shri Ramdhari Singh Dinkar in his famous poem “Krishna ki Chetawani”⁷, included in the third sarg of *Rashmirathi*. Through this poem, Dinkar masterfully narrates the sequence of events from Krishna’s sincere efforts at mediation, his transformation into a warning voice of righteousness, and finally his prophetic caution to Duryodhana about the catastrophic consequences of war when the latter orders his guards to arrest Krishna.

WHY DID THE DIALOGUE COLLAPSE?

However, it is the easiest thing to blame the failure of Krishna's mediation attempt squarely on the ego of Duryodhana, although it is a simplistic and unsatisfactory analysis. The failure of the mediation attempt is not simply a function of the arrogance of a single individual, but a failure on a deeper structural plane, which is the failure to provide the necessary conditions to make mediation even possible. This particular case reveals the most fundamental lesson in dispute resolution: mediation fails not because there is a lack of effort, but because there is a lack of intent.

The single most basic component of mediation is intent. Even mediators of impeccable calibre would be reduced to little more than an observational commentator in its absence. This fact became abundantly clear in Krishna’s experiences at Hastinapuri. The Kauravas and Duryodhana among them never showed up in good faith. Their engagement in this process lacked depth and motivation. Duryodhana’s appearance in court was symbolic and not well-meaning, at best, a demonstration of power politics. However, this shortcoming of mediation

⁶ Bhartṛhari, *Niti-Shatakam* v. 11.

⁷ Ramdhari Singh ‘Dinkar’, *Rashmirathi* canto 3 (1952).

has now been recognized by mediation theory: its very existence hangs on consent. It ceases as soon as consent becomes nominal. The Kauravas never really accepted Krishna as such and always saw the emotions of Krishna as siding with the Pandavas. In mediation, perceived bias is as prejudicial as bias because the lack of trust is the thin edge of the wedge on which successful communication is made. As soon as the lack of trust develops, the words spoken and the proposals made become suspect. Timing made the whole process even more cumbersome. Krishna could intervene only after a lot of escalation had taken place into a matter of land dispute. What had started off with a territory would eventually include offence, hurt pride, and unattained anger. Timing is an effective tool for handling a conflict when done before identities are set in concrete form through hardened positions. Krishna could intervene only after that point, when egos had converted into morals.

THE QUESTION OF NEUTRALITY

This question is pivotal as it turns out to be the basis of the debate, was Krishna actually biased towards Pandavas? It may sound simple, but the answer has many layers. Actually, the very reason this debate exists is Krishna's position in Mahabharata. To say the least, it is complicated. Seeing from one side, he seems to be a peaceful mediator trying to choose peace over war. But from the other side, he seems very closely connected to one of the parties. This definitely draws everybody's attention. People start raising eyebrows mainly because Krishna spent an ample amount of time with the Pandavas, he was related to Kunti and Subhadra and even supported Pandavas a lot at many instances. This point of view derives its strength from the popular belief that Krishna was emotionally aligned with Pandavas. Naturally, it does look suspicious because when someone advises you, guides you and protects you, others would obviously wonder whether neutrality is still possible. However, Krishna's conduct during mediation itself negates this allegation of bias—his refusal to accept hospitality at Duryodhana's palace, his decision of residing at Vidura's place. Krishna's this act conveyed the most powerful message, i.e., must avoid even the aspect of favouritism because it is also crucial that justice done to be seen. But again, as stated, this situation is not a cakewalk as it seems. For example, Krishna did not intervene in the wicked and evil game of dice, he let Pandavas complete their exile according to the arrangement without any interference, he did not magically rescue them from their fate, something you don't expect a biased person to do so. It was only later, when after the exile, Pandavas were not given their territory, Krishna stepped into the shoes of a mediator. Now, he could have acted biased towards Pandavas and proven his loyalty but instead

what did he ask for? Not the full kingdom, not some grand justice, just five villages. Five. Five villages for the five princes who were humiliated, disrespected and thrown out of their own country. And to everyone's surprise, Pandavas agreed to this proposal. This arrangement sounds like it was more in benefit to Kauravas than Pandavas. Judicial observations in *M.R. Krishna Murthi v, New India Assurance Co*⁸, Ltd observe Krishna's mediation attempt as an ethical precedent to modern dispute resolution, reinforcing that the mediation requires both actual and perceived impartiality. This discussion leaves us with numerous questions-was Krishna compensating for his closeness to the Pandavas, to prove neutrality or to avoid war at any cost? His declaration in the Gita.

“I envy no one, nor am I partial to anyone,”⁹

acts as a point of debate between those who see him as an epitome of mediator and those who see him as a strategist. Now, this leaves us with numerous questions – Maybe Krishna was the most competent mediator but failed due to complications of the case? Maybe when mediator is an actor in the story, neutrality becomes a mere illusion? Or maybe Krishna's mediation is left to interpretation to establish that moral complexity was the main point. If there was a one word answer available to this question, would we be here debating Krishna's role as a mediator, even thousands of years later?

REDEFINING KRISHNA'S MEDIATION

Though Krishna's efforts were ethically spectacular, they reveal several voids that help us explain why that process was destined to fail. The core issue was the absence of consent. Modern mediation relies on the fundamental of party autonomy, that is, both parties must Voluntarily agree to the mediator and trust the process. Krishna took up the role of mediator himself due to moral urgency rather than being jointly appointed by the parties as mediation demands. That is the reason Kauravas never trusted Krishna as he was perceived belonging to Pandavas' side due to political and emotional reasons. Well, in such cases, neutrality becomes theoretical. Also, there was no proper structure of the mediation process, rather Krishna attempted mediation in the court full of political hierarchy, peer pressure and performative arrogance killing the very essence of mediation, i.e., to speak without intimidation. A more constructive method would have been to bring both parties to a table in a neutral environment,

⁸ *M.R. Krishna Murthi v. New India Assurance Co. Ltd.*, (2020) 15 S.C.C. 493 (India).

⁹ The Bhagavad Gita 9:29.

distant from any power structure, with respected elders to facilitate the communication. What happened looked more like a pageant rather than a dialogue. To add on, Krishna took the matter in his hand alone, he spoke alone rather than identifying the voices of influential stakeholders like Bhishma and Drona which could have created ample pressure on Duryodhana. Krishna missed the opportunity of inclusive participation which could have changed the course of mediation. The most salient missed strategic chance was of Karna. Duryodhana was heavily confident of Karna and his whole ego relied upon Karna's honesty towards him. Krishna knew Karna's identity from the very beginning. Had he conducted an honest, confidential and well timed conversation between Karna and Kunti, Karna's loyalty could have been reshaped which would have fractured Duryodhana's rigidity and confidence, allowing him to consider mediation. Krishna should also have indulged in a longer process of mediation, involving confidence building, shuttle diplomacy and incremental agreements rather than expecting a single visit and persuasive speech to do the magic. None of the points aforementioned diminishes Krishna's ethical stature. Its purpose is to strike a critical truth that good intentions do not equate to good process. And this is the most human lesson we could learn. Even Krishna's brilliance could not bypass the procedural demands of effective conflict resolution.

SOCIETAL IMPACT OF KRISHNA'S MEDIATION

Krishna's attempt at mediation failed but it changed the trajectory of moral, philosophical and civilizational outcome of the war. First and foremost, the ultimate victory in the Mahabharata was that of dharma over adharma. The Kauravas, who consistently refused to act in accordance with righteousness, were decisively defeated. Almost all of them, along with those who supported and fought on their side, lost their lives. With the triumph of the Pandavas, the rule of dharma was restored and righteousness was re-established. Secondly, the world was gifted the Bhagavad Gita, a timeless text often regarded as a "manual of life". Its teachings transcend boundaries of caste, creed, religion, faith, and nationality, offering guidance to all humanity on how to live with purpose, duty, and moral clarity. Thirdly, the Kurukshetra war imparted a crucial lesson to mankind that those who refuse to resolve conflicts through peaceful means, such as mediation or conciliation, due to ego, arrogance, overconfidence in victory, or a tendency to undermine the opposing side, often face disastrous consequences. The fate of the Kauravas stands as a powerful reminder of the cost of rejecting dialogue and peaceful dispute resolution. Lastly, lord Krishna exemplified the essential qualities of an effective mediator. He demonstrated impartially, excellent communication skills and the ability to listen patiently. He

possessed deep insight and the capacity to think beyond conventional boundaries. His conduct reflected patience, dignity, respect for all parties, trustworthiness, and a positive outlook and unwavering confidence, qualities that remain relevant and instructive for anyone seeking to become a successful mediator, even in the modern world.

CONCLUSION

Krishna's mediation in the Mahabharata stands as an early model of peaceful conflict resolution. Its failure shows that mediation cannot succeed without genuine intent and consent of the parties. Krishna upheld dialogue dignity and restraint yet ego mistrust and lack of good faith led to the collapse of peace efforts. This episode closely reflects modern mediation principle now recognised under the Mediation Act 2023. It shows that mediation is not merely a legal process but a value based practice rooted in voluntary participation and good faith. this article also reveals an important critique that even the most capable mediator cannot succeed without the proper structure timing and trust. This teaches that moral authority alone cannot substitute procedural fairness. Ultimately the Mahabharata warns that rejection of dialogue leads to destruction while sincere attempts at peace uphold justice and dharma. Krishna's mediation may have failed but it succeeded in leaving behind the timeless lessons for law society and conflict resolution.

REFERENCES

1. Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India), available at <https://egazette.gov.in/WriteReadData/2023/248775.pdf>.
2. K.P. Adithi, *Lord Krishna: The Peace Ambassador and the Mediator*, Nat'l L.U. & Jud. Acad., Assam (2020), <https://nluassam.ac.in/docs/pub/Krishna-and-mediation.pdf>.
3. Shrutika Pandey, *E-Justice in India*, 1 Int'l J.L. Mgmt. & Humans. 1 (2017), <https://oaji.net/articles/2017/1330-1495700129.pdf>.
4. G.N. Devy, *Lord Krishna as Mediator in the Mahabharata War*, Frontline, Aug. 18, 2023, <https://frontline.thehindu.com/society/satire-lord-krishna-as-mediator-in-the-mahabharata-war/article67209377.ece>.
5. Sanjana Jha, *Divided by Conflict, United by Thought: Lord Krishna, Indian Courts, and the Call for Mediation*, YCM India (Oct. 21, 2020), <https://ycmindia.org/divided-by-conflict-united-by-thought-lord-krishna-indian-courts-and-the-call-for-mediation/>.
6. Pradyuman Sharma & Shailja Singh, *The Importance of Mediation as an Alternative Dispute Resolution Method*, ResearchGate (Feb. 2025), https://www.researchgate.net/publication/389390725_Paper_Title_The_Importance_of_Mediation_as_an_Alternative_Dispute_Resolution_Method.
7. Subhajit Bhui, *The Failure of Krishna's Diplomatic Mission: A Study of the "Bhagavata-Yana Parva" of Mahabharata*, 16 Criterion: Int'l J. Eng. 1 (2025), <https://www.the-criterion.com/V16/n4/202504087.pdf>.
8. Dr. Justice S. Muralidhar, *Mediation in India: A Historical Perspective*, ABAP J., July-Sept. 2020, at 1, https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_d42187a88e4d41ec822c74f222346215.pdf.
9. Shalini Singh et al., *Mediation: An Alternative Method of Dispute Resolution in the Health-Care Sector*, 12 J. Fam. Med. & Primary Care 599 (2023).
10. Robert A. Creo, *Mediation 2007: The Intersection of High Tech and High Touch*, 7 Pepp. Disp. Resol. L.J. 273 (2007), <https://digitalcommons.pepperdine.edu/drlj/vol7/iss2/7/>.

11. *Conflict Resolution and the Gita*, GitaWisdom.
12. Shruti Das, *A Cultural Mediation of Mahabharata with Special Reference to Lord Krishna Influence in Mahabharata*, 3 Int'l J. Advt. Eng'g & Mgmt. 950 (2021).
13. N.R. Gopal, *Krishna's Crucial Role in the Mahabharata: A Divine Catalyst*, 8 Creative Launcher, no. 5, 2023, at 12, 12–23.