<table>
<thead>
<tr>
<th>Title</th>
<th>Once again on the Forms of Oath in Classical India (II): in Connection with the Relationship between the Inst., Dat. And Acc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Author(s)</td>
<td>YAGI, Toru</td>
</tr>
<tr>
<td>Citation</td>
<td>ZINBUN (2003), 36(2): 61-86</td>
</tr>
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<td>Issue Date</td>
<td>2003-03</td>
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<td>Departmental Bulletin Paper</td>
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<td>Textversion</td>
<td>publisher</td>
</tr>
</tbody>
</table>
Once again on the Forms of Oath in Classical India (II) : in Connection with the Relationship between the Inst., Dat. and Acc.

Toru YAGI

From Vedic times onwards, people resorted to such divine means of proof as an oath (sапа́tha-)\(^1\) or an ordeal (dивyа-\(^2\) not only in lawsuits but also in other situations. A person used the oath in order to dispel suspicion and prove his or her innocence when suspected of being guilty of such bad conduct as cannibalism\(^3\), theft\(^4\) or unfaithfulness\(^5\), or in order to declare his or her resolution concerning future commitment to revenge\(^6\), loyalty\(^7\), an alliance\(^8\) or the like. The latter type of oath is equivalent to a kind of promise (pratijñā-/pratiśrava-\(^9\)). The ordeal\(^10\) was also resorted to when the authenticity of a person’s claim to be a Brahmin\(^11\) was challenged or someone was suspected of theft\(^12\). Thus the oath concerns either the past, the present or the future as the case may be, while the ordeal refers only to the past or to present status depending on the past. In either case, the crucial point is that both the oath and the ordeal are a means of last resort, by which the judgement of a god is called forth on the truth or the falsehood of a statement, as


\(^2\) Kane pp.361-378, Pendse pp.94-185 and Appendix II, Lariviere (1981) and DhK pp.443-525.

\(^3\) RV 7.104.15 (= AV 8.4.15).

\(^4\) For example, Mbh 13.95.56-69, 70-71, 72-74; 13.96.16-41. See Hara (1987) and Klein-Terrada pp.28-36, p.60, ll.1-5.

\(^5\) For example, Mbh 3.75.7-9; 3.275.23-24; 5.172.14-15;R 7.88.9-11.

\(^6\) For example, Mbh 2.61.43-46; 2.63.13-14; 2.68.21-22.

\(^7\) For example, Mbh 8.50.34. See Hopkins p.333, ll.31-32; p.334, ll.13-14.

\(^8\) KAS Ś 7.17.7.

\(^9\) Hopkins pp.317-318.

\(^10\) ŚB 11.2.7.33.

\(^11\) TāṇḍyaB 14.6.6.

\(^12\) ChU 6.16.1-2.
a request for the testimony of the god as true witness. As Lariviere has pertinently pointed out: "So the intervention by the gods to determine the truth of a statement (i.e. daivapramāṇa) seems even to have been a part of the procedure of accepting testimony from a witness (one of the types of mānuṣa-pramāṇa)."\(^{13}\) It is therefore appropriate that both the oath (mainly the former type of oath) and the ordeal should be incorporated into the judicial system\(^ {14}\) and established as legal procedures\(^ {15}\).

The declarations can be classified into three different types of the oath\(^ {16}\). In this paper, reconsidering the relationship between them, I would like to show that they signify one and the same gesture as an action of swearing in spite of the difference in manner of expression, and to clarify as far as possible the relationship between the instrumental, the dative and the accusative\(^ {17}\).

I. Three types of declaration

i. Type I: (Declaration I+) Declaration II.

["A is (, oh interlocutor Z,) B."] "I would incur (, oh god Y,) the loss or the receipt of (a guarantee) X if A were not B."

Here Declaration I consists of either denial of a charge or a suspicion, or resolution concerning a future undertaking. Declaration II is the oath itself, which is nothing else but a conditional curse laid on an oath-taker by himself\(^ {18}\). Type I is a verbal declaration including neither the root ṣap- "to swear" nor the roots ā-labh-/sprś- "to touch". This corresponds to the definition of an oath given by Medhātithi, which runs:

\[
nunu ca yady aham evam kuryāṁ tad idam anि�ṣtam āpnuyāṁ iti saṁkirtanakriyā ṣapathāḥ (Manubhāṣya ad MS 8.113).
\]

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\(^{13}\) Lariviere (1981) p.6.

\(^{14}\) ṁPdhS II.11.29.6; II.5.11.3; GauDhS 2.4.12.

\(^{15}\) MS 8.109-116; YS 2.95-113.

\(^{16}\) I have tried to sketch out the relationship between them in my paper “Notes on the Forms of Oath in Classical India”, Professor Lakshman Sarup Centenary Volume (forthcoming). The oath by drinking consecrated water (kośa-), which occurs in the Rājatarangini (or KSS 119.39) and has been fully investigated by Kölver, is set aside.

\(^{17}\) The demonstrations or the explanations, which are necessary but omitted here, will be given in my paper “Once again on the Forms of Oath in Classical India (I) : in Connection with Kātyāyana’s vt.8 “ṣapa upalambhane” on Pāṇini 1.3.21”, Professor George Cardona Felicitation Volume.

\(^{18}\) Hopkins p.330, Lüders p.658 etc.and Hara (1979) pp.231-251, (1991) p.51. The present study especially owes much to the works of these scholars.
Once again on the Forms of Oath in Classical India (II)

“The oath is a verbal declaration: if I should have done so, I would incur this undesirable (aniṣṭa) (result).” (Hara 1991, p.51)

This type of definition¹⁹ is largely adopted by jurists (dharmaśāstrin). The typical examples of Type I are as follows:

\[ \text{adyā} \text{ murīya yādī yātudhāno āsmi, yādī vāyus tatāpa pāruṣasya (RV 7.104.15).} \]

“So may I die this day if I have harassed any man’s life or if I be a demon.” (Griffith p.100)

\[ \text{ayaṃ carati loke } \text{ 'smin bhūtasūṣkṣi sadāgathih, eṣa muñcatu me prāṇān yadi pāpaṃ carāmy aham (Mbh 3.75.7).} \]

“The ever-restless wind that courses through the world, spying on all creatures, shall rid me of my life if I have done any wrong.” (van Buitenen p.360)

The latter example shows more clearly that the oath is a conditional curse laid on an oath-taker by himself, though the former is not substantially different from the latter because the former can be paraphrased, for example, as follows:

“\text{adyendra atmānaṃ hantu}” “Indra shall kill my own self today” or “\text{adya tvam, indra, atmānaṃ jahi}” “Oh Indra, kill my own self today”.

Therefore, it would be better to formulate Type I as the following:

[“A is (, oh interlocutor Z,) B.”] “(Oh you god Y,) bring me the loss or the receipt of X if “A is B” were false.”

In addition, by using the root śap- “to curse”, we could paraphrase the above-mentioned examples as follows:

Type Ia: \[ \text{adya (indreṇa) atmānaṃ (=me jīvitaṃ) śape yadi yātudhāno 'smi.} \]

“Today (by means of Indra) I curse my own self (=life) if I am a sorcerer.”

\[ \text{sadāgatīnaḥ me prāṇāḥ śape yadi pāpaṃ carāmy aham.} \]

“By means of the wind god I curse my vital breaths (=life) if I (=Damayantī) have done any wrong (such as unfaithfulness).”

TORU YAGI

Type Ib°°: adya (indrena) atmanā (=me jīvitena ca) atmānaṁ śape yadi yatudhāno 'smi. “Today (by means of Indra and) by means of my own self (=life) I curse my own self if I am a sorcerer.”

sadaga tinā me prāṇaiś cātmānaṁ śape yadi pāpaṁ caraṁy aham. “By means of the wind god and by means of my vital breaths (=life) I curse my own self if I have done any wrong.”

These paraphrases would convince us of the propriety of the definition above. Other examples, which are classified according to the items of X, are as follows:

A: (The loss of the oath-taker’s) life
āyus:- AiB 8.15 (see Lüders p.657, note 3); prāṇān: Mbh 3.75. 8-9; 3.275.23-24.

B: (The loss of the oath-taker’s) identity
kṣatriya:- Mbh 3.154.26; Dāmodara: BālaC 3.11; Yaugandharāyaṇa: PratijnāY 1.16; 3.9.

C: (The loss of the oath-taker’s) possessions in a broad sense
C°: human beings
prajā:- AiB 8.15.

C°°: possessions
loka:- AiB 8.15.

C°°°-1: (The loss of the probability of going to) Heaven (due to C°°°-2)
Mbh 2.61.45; 2.63.14; 2.68.21; 7.51.24; 9.20.20.

°°° The examples of Type Ib are the following:
buddhēḥyaḥ śataśaḥ śape yadi punaḥ kutaṁśi kapālinī-piṇottuṅga-kucāvagūhanābhavaḥ prāptaḥ pramododayaḥ(Prabodha 3.18),
savāmī bāṇhathāṇeṇa jai idāśi kadā vi diṭṭhāpavvā (Ratnāvalī Act 2, see Hara 1991 p.58).
savāmī devīe caraṇeṇī jai kassa vi purado paśeṃi (Ratnāvalī Act 3).
dhanyāsi ya kathayaśi priyasaṃgane ’pi visrabdhacajukasatāṁi ratantareṣu, nīvaṁ prati praṃśhitte tu kare priyaṇa sakhyah śāpāmi yadi kimcid api smarāmi (Subhāṣitaratnakośa 574, Kavyaprakāśa 4.61, Sāhityadarpana p.109, Śūrīgadharapaddhati 3746, Alamkārasaṃgraha p.29, Kavyapradipa p.102, Durghaṇottī on P.1.3.21, Durgādāsa on Vopādeva 868, Šabdakaustubha p.68, Tatvabodhini onŚK 2688, Nāgeśa on P.1.3.21 vt.8, Laghuśabdendushekhara, Part II, p.676).
Once again on the Forms of Oath in Classical India (II)

C^3^-2: (The loss of the oath-taker’s) merits
ištāpūrta-/sukṛta: AiB 8.15; janmasukṛta: Pañca T p.235, ll.21-22;

E^1: (The receipt of the probability of going to) Hell (due to E^2)
Mbh 7.16.29-34; 7 51.25-36.

E^2: (The receipt of various) demerits such as sin, crime, vice, dishonour,
impurity and the like.
Mbh 13.95.56-74; 13.96.16-41: R 2.69.14-28; Skanda P 6.32.68-80;
Puṣkara M 11.50-63; Ambacora J 344,169-172; Bhisa J 488,77-90.

In Type I, it is usual that Declaration I, which we may well expect, is not
expressed explicitly, but implied by Declaration II. This could be comparable,
I presume, with the English expression “I could fly if I were a bird”, which
implies “I am not a bird, therefore I cannot fly”.

ii. Type II: Declaration I+Inst.+(Dat./Voc.)+sap “to swear”.
“A is (, oh interlocutor Z,) B.” “By (a god Y as true witness
and by a guarantee) X I swear (to you).”

Here the interlocutor expected to appear in Declaration I is put in the
vocative or often omitted in Declaration I, or is transferred to a main clause,
which substantially corresponds to Declaration II in Type I and in which he
is put in the dative and/or vocative or omitted. On the other hand, a god
to be invoked in Declaration II in Type I, where he is put in the nominative
(and/or vocative) or omitted, may well be expected but is in fact usually
omitted. The typical examples are:

“ātmanā bhrāṭṛbhiś cāhaṁ dharmeṇa suktena ca
iṣṭena ca śape, rājan” “sūdayisyāmi rākṣasam” (Mbh 3.154.44).
“O king, by my own self (ātman), by my brothers (bhrāṭṛ),
by meritorious action (dharma), by good deeds (sukṛta) and by my
oblations (iṣṭa), I swear, I shall slay this Rākṣasa.” (Ḥara 1991 p.52)
bharatenātmanā cāhaṁ śape te, manujādhīpa, yathā nānyena tuṣyeyam
ṛte rāmaṇivīrāsanāt (R Vol.2 App.I No.9 1.74=Kumbhakonam
2.12.49).
“By (my own son) Bharata and by my own self I swear to you,
oh king, that I will not be pleased with anything other than the
banishment of (the crown prince) Rāma.”

65
TORU YAGI

Other examples are the following:

A: life

ātmāna (R Vol.2 App.I No.9 1.74; Mbh 3.154.44; Vol 9 1412*; Ürubh 1.64)

jīvitena (Mbh 12.136.126; ātmajīvitanirdiṣṭena śaphathena Pratijñā Y1.6 prose)

pādehiḥ (Mṛcch 1.30 prose where Śakāra swears to Vasantasenā; 8.37 prose where Śakāra swears to Viṣa)

B: identity

bānḥattāṇeṇa (Ratnāvalī 2.42 prose; bānḥasuttaṇa in another edition; bānḥaṇṇeṇa Mṛcch 5.39 prose, see Hara 1991 p.58)

C: possessions in a broad sense

C1: human beings

putra- (putraḥ R 2.42.20; Rāmeṇa Vol.2 200*; Bharatena Vol.2 App.I No.9 1.74; putrābhyaṁ Mbh 7.131.6; sutaiḥ 7.125.24)

bhrāty- (tribhīr bhrāṭṛbhiḥ R Vol.6 App.I No.9 1.31; bhrāṭṛbhiḥ Mbh 3.154.44; Bhīmena Yāmābhyaṁ 8.50.19)

C2: possessions

śaṣṭreṇa (Mbh 6.102.68 v.l.)

dhanaṣa (R 2.18.13)

mūlaphalena (R 5.34.36)

vāhanāyuddhaiḥ (MS 8.113; NS 1.181; vāhanaśastrāṇi NS 2.20; BS 8.33)

go-bīja-kāṇcanaiḥ (MS 8.113; NS 1.181; -rajatāni NS 2 20; -kanakāni BS 8.33)

C3-1: Heaven (due to C3-2)

svarga-lokena (R 7.97.6 v.l.; -bhogena v.l.)

vīralokaiḥ (Ürubh 1.64)

C3-2: merits

sattvema (R Vol.2 378*; 2.18.13; 821*; 831*; 2.45.4; 7.97.6; Mbh 6.102.68; 7.53.37; Vol.9 1412*; 8.50.18; 9.29.19; 9.42.29; saccena Svapna 4.3 prose; trisattvema PañcaT pp.61-62; MS 8.113; NS 1.181; satyaṁ NS 20.2; BS 8.33 v.l.; ŚukraN 737 cited in Pendse p.290)

sukṛṭena (R 2.10.19; Vol.2 831*; Mbh Vol.1 612*; 3.154.44; 6.102.
Once again on the Forms of Oath in Classical India (II)

68; 7.131.6; MS 8.256; sukṛtāṇi NS 20.2)
isṭena (R 2.18.13; Mbh 3.154.44; 7.131.6)
isṭā-pūrtena (Mbh 7.125.24; 7.131.14; 9.29.10)
dattena (R 2.18.13; dattāṇi NS 20.2)
kṣatradharmeṇa (R 1.57.8)
cāritreṇa (R 6.104.6)
japena (Mbh 9.29.19)
tapasā (Mbh Vol.9 1412*)
dānena (Mbh 9.29.19)
dharmena (Mbh 3.154.44)
vīryena (Mbh 7.125.24)

C¹: pleasure
bhāvānurakta-vanitā-surataih (Ghaṭakarpara, Lüders p.670)

D¹: (The loss of) something, which does not belong to the oath-taker but which is desirable for him.
tvaṭprasādena (Mbh 8 50.18)
sakhyaṇa (Mbh 6.102.68)
mountains (Dardara-, Malaya-, Vindhya-, Meru-, Mandara-R 5.34.36)

D²: human beings, who do not belong to the oath-taker but who are not only dear to him but also superior, inferior or equal to him.
Vāsudevena (Mbh Vol. 10 678*: Arjuna swears to Yudhiṣṭhira)
Kṛṣṇacarāṇāiḥ (Mbh 7.131.14: Sātyaki to Somadatta)
**tvaṭpādena (Mbh 8.50.18 v.l.: Arjuna to Yudhiṣṭhira)
**tvaṭyā (Mbh 12.138.185 ed. Kumbhakonam: Lomaśa the cat to Palita the mouse)
**padbhyaṁ tasya (MārkP 21.92)
**bhavatā (Ūrūbh 1.64 : Aśvatthāman to King Duryodhana)
candaṇaa savāṁi tuvja **hiaṇa (Mrčch 6.11: Viraka to Candanaka)
ajjake šavāṁi bhāvaśśa **śiśaṁ (Acc.!) attaṇakehiṁ pādehiṁ (Mrčch 1.30 prose: Śakāra to Vasantasena)
śavāṁi bhāvaśśa **śiśaṁ (Acc.!) attaṇakelekehiṁ pādehiṁ (Mrčch 8.37 prose: Śakāra to Viṭa)
savāṁi devie **caraṇeheī (Ratnāvalī Act 3 Intro: Madanikā to Kāñ-< canamālā)

E²: demerits
saraṇaḥ pātakaiḥ (MS 8.113; NS 1.181)
TORU YAGI

With regard to the items marked with two astersks, their function must be carefully investigated. By the way, *Mbh* 9.64.34-35, where the root vad- “to declare”, not the root šap-, is construed with satya-, iṣṭāpūrta-, dāna-, dharma- and sukṛta-, is substantially an oath.

iii. Type III: Declaration I +Acc.+ā-labh-/sprṣ- “to touch”\(^{21}\)

“A is (, oh interlocutor Z,) B.” “I touch (, that is, swear on, a god Y and a guarantee) X.”

Here the interlocutor expected to appear in Declaration I is put in the vocative or omitted in Declaration I, or is transferred to a main clause, which substantially corresponds to Declaration II in Type I and in which he is put in the vocative or omitted. On the other hand, a god expected to be invoked in Declaration II is usually omitted. The typical examples are:

\[\begin{align*}
yathā, śālvapate, nāṇyaṁ naraṁ dhyāmi katham ca\; tvām ṛte, puruṣavyāghra, tathā mūrdhānam ālabhe (Mbh 5.172.14).
\end{align*}\]

As “I (=Ambā) have never thought of, oh king of Śalvas, any other man than you, oh man(as brave as a)-tiger”, therefore (, that is, in witness of the truth of my declaration) I touch my head (=I swear on my head).

\[\begin{align*}
nāhatvā vinivarte 'ham karṇam adya raṇājīrāt iti satyena te pādau sprṣāmi, jagatipate (Mbh 8.50.34).
\end{align*}\]

“If I do not slay Karṇa today (=Arjuna) will not return from the battle-field”, because of (, that is, in witness of) the truth (of my declaration) I touch your feet, oh king (=Yudhiṣṭhira) (=I swear on your feet).

Other examples are the following:

A: life
\[\begin{align*}
ātmānam (Mbh 3.281.98; 5.172.15; 13.2.71; 14.80.15; 15.6.12)
mūrdhānam (Mbh 5.172.14)
\end{align*}\]

C: possessions in a broad sense

C\(^{1}\): human beings
\[\begin{align*}
putra-dārasya śirāṃsi (MS 8.114; BS 8.33; putrādīmadekam KS 420; putrādīnimśi ŚukraN 737 cited in Pendse p.290)
putra-dārādi-sapathān (Hārīta cited in Pendse p.287)
\end{align*}\]

\(^{21}\) Add para-mṛṣ- (MahāsutaJ 537,403) and ā-dā- (MahāsitaJ 51).
Once again on the Forms of Oath in Classical India (II)

C²: possessions
ayudham (RVol.2 455*; 2112* 1.8; 3.26.3; Vol.3 504* 1.22; MBh 1.205.29; 3.15.10; 3.240.39; 7.123.16; 7.160.12; 8.50.19)
atha śātrasya (karman- P.2.3.65 in connection with sam sprśan) vipro 'pi śāstrasyāpi ca kṣatriyāḥ (SkandaP 1.2.44.11ab, cited in Pendse p.291)
gadām (MBh 5.73.14)
asi-/satti- (śastrī-) (MahāsutaJ 537, 403)
haggā- (khadga-) (MahāsilāJ 51)
dhanāṇi (ŚukraN 737 cited in Pendse p.290)
tila- (ViS 9.6) rajata- (ViS 9.7) suvarṇa- (ViS 9.8)
hastiskandha-aśvaprṣṭha-rathopastha-śastra-ratna-bīja-gandha-rasa-suvṛṣa-hiranyāṇi (KAŚ 7.17.7)
hiranyā- (Vasiṣṭha cited in DhK p.243)

D²: human beings, who do not belong to the oath-taker but who are not only dear to him but also superior to him.
bhartcaraṇān sprṣtvā...sāpathaḥ (KSS 119.37)
māṭaraṇ ṽiṭaḥ (SkandaP 1.2.44.12, cited in Pendse p.291)

F: items** the function of which must be carefully investigated.
**te/tava pādau (RVol.2 455*; 677*; MBh 3.75.6)
**te pādapanikajasparśena (Kād p.294)

W: items which function as a witness, not as a guarantee.
śucīḥ pādau ravaḥ sprṣet (SkandaP 1.2.44.10, cited in Pendse p.291)
māṃ (one of the epithets of Lakṣmī according to, for example, the Abhidhānaratnamālā 1.31) sam sprśaṁs tathā vaisyaḥ śūdraḥ svaguruḥ eva ca (SkandaP 1.2.44. 11cd, cited in Pendse p.291)
agny-udaka-sīlā-prākāraloṣṭa- (KAŚ 7.17.7)
devatā-pitr-pādāḥ (NS 20.2)
deva-brāhmaṇa-pādāḥ (BS 8.33)
pūjya (SkandaP 1.2.44.12, cited in Pendse p.291)
pūjya-pādān (ŚukraN 737 cited in Pendse p.290)
śūdraṁ dūrā-karaṇ śāpayet (ViS 9.5)
sīroddhṛtamahī-karaṇa (ViS 9.9)
brāhmaṇaṁ sitoddhṛtamahī-karaṇa eva śāpayet (ViS 9.17)
gośakrd-darbhān (Vasiṣṭha cited in DhK p.243)
puspa-, pādalamabhana (Hārīta cited in DhK p.442)
II. The relationship between Type I, II and III

i. The relationship between Type I and II

The comparison of Type II with Type III shows that Type II is equivalent to Type III. This means that “Inst.+śap-” (“to swear by Y and by X”) corresponds to “Acc.+ā-labh-/sprē-” (“to touch Y and X”), in other words, that “to touch Y and X” implies “to swear on Y and X”. When the root śap- means “to curse”, we call it śap¹-. On the other hand, when it means “to swear”, we call it śap²-. The relationship between Type I and II are as follows:

Type I: (“pāpana ca rāmyy aham”) “ayaṃ carati loke 'smin bhūtasākṣī sadāgatiḥ esa muñcatu me prāṇāṇ yadi pāpana rāmyy aham”

= Type Ia: ("pāpana ca rāmyy aham") “sadāgatinā me prāṇāṇ śap¹ e
yadi pāpana rāmyy aham”
“By means of the wind god I curse my vital breaths if I have done any wrong.”

= Type Ib: (“pāpana ca rāmyy aham”) “sadāgatinā me prāṇaiś cātmānaṃ śap¹ e yadi pāpana rāmyy aham”
“By means of the wind god and by means of my vital breaths I curse my own self if I have done any wrong.”

= Type II: “pāpana ca rāmyy aham” “sadāgatinā me prāṇaiś ca śap² e”
“I have not done any wrong.” “By the wind god and by my vital breaths I swear.”

From these, we get the following well-known equation:
śap²- “to swear” =śap¹- “to curse”+ātmānaṃ+yadī...
= “to curse one’s own self on a given condition”

ii. The generalization of Type I, II and III

Even if an interlocutor Z to whom one swears is referred to, the situation is the same if we set aside detailed grammatical discussion. Type I, II and III are generalized as follows:

Type I: (“A is, oh Z, B.”) “I would incur the loss or the receipt of X brought by Y if A were not B.”

= (“A is, oh Z, B.”) “Oh you Y, bring me the loss or the receipt of X if A were not B.”
Once again on the Forms of Oath in Classical India (II)

= \(\text{"A is, oh Z, B."} \) \("Y-\dot{a} X-\dot{a}m \text{\textit{\textsuperscript{1}sp\text{\textsuperscript{1}}e yadi..."}\)

\("\text{By means of Y I curse X if...}"

= \(\text{"A is, oh Z, B."
\("Y-\dot{a} X-\dot{a} \text{c\textsuperscript{a}t\textsuperscript{m\text{\textsuperscript{a}n\textsuperscript{a}m \text{\textit{\textsuperscript{1}sp\text{\textsuperscript{1}}e yadi..."}\)

\("\text{By means of Y and by means of X I curse my own self if...}"

Type II: \("A is, oh Z, B."
\("Y-\dot{a} X-\dot{a} \text{ca Z-} \text{e \text{\textit{\textsuperscript{2}sp\text{\textsuperscript{2}}e}"

\("\text{By Y and by X I swear to Z.}"

Type III: \("A is, oh Z, B."
\("Y-\dot{a}m X-\dot{a}m \text{ca sp\text{\textsuperscript{s\text{\textsuperscript{s}}a\text{\textsuperscript{a}m\text{\textsuperscript{a}i\text{\textsuperscript{a}l\text{\textsuperscript{a}b\text{\textsuperscript{a}h\text{e}\text{\textsuperscript{a}}"

\("\text{I touch, that is, swear on) Y and X.}"

Thus, Type I, II and III are all equivalent. This means that they signify “one and the same gesture as an action of swearing”, that is, “the action of touching Y and X” in spite of the difference in manner of expression. As M. Hara has pertinently pointed out in a series of his works\(^{22}\), X is, in most of cases, a substance or something regarded as a substance. Therefore, it is touchable, disposable and transferable. When an oath-taker swears, for example, by the truth (\textit{satya-}), it is a “merit-substance” called “the truth” and accumulated in his body, which results from “the truth” and assures him of going to Heaven after death. With regard to Type II, the expression “By Y (as true witness) I swear” is usual in the European oath, while the expression “By X (as a guarantee) I swear” is so in the Indian oath, as has already been pointed out by learned scholars\(^{23}\). And Type III shows that, in the context of the oath, “to touch” is either “to touch Y” or “to touch X”. “To touch X” implies “to lay a curse on X”, in other words, “to offer X insecurity”. On the other hand, “to touch Y” implies “to make obeisance to Y as true witness”, as has been pointed out by Hopkins\(^{24}\). But the trouble is that there are some cases in which it is not easy to ascertain whether Z functions as a mere interlocutor, as a guarantee X, as a witness Y or as a witness and interlocutor, when an oath-taker touches the feet of Z.

III. The function of a person put in the Inst., Dat. or Acc.

As we have seen above, Y, put in the instrumental in Type II or in the accusative in Type III, functions as a witness, while X, put in the instrumental


\(^{24}\) 24 Hopkins p.333.
in Type II or in the accusative in Type III, functions as a guarantee. And Z, put in the dative in Type II, functions as an interlocutor.

i. Consideration from the point of view of Vyākaraṇa

The following points are a well-known fact:

1. The root शप- (dh.1.1049 or 4.59 “शपा अक्रोषे”, svaritē) is an ubhayapadin “root which takes the active ending or the middle ending as the case may be” (P.1.3.72).

2. It takes a direct object (sakarmaka-).

P.1.3.72 “svarīta-इ-िठ कर्त्त्रभिप्राये क्रियाभाले (ात्मनेपदाम.12)” prescribes: (The middle ending is introduced) after (a root) which has as index a svarīta “(nasalized) vowel with the circumflex accent” or ī when the result of an action (denoted by the root) is intended for an agent (of the action). The root शप- put in the middle voice has been interpreted as denoting “to curse one’s own self/sich verfluchen, that is, to swear/gesenben”, which is of course not erroneous as a conclusion, but is not exact in the sense that the process of arriving at the conclusion is omitted. Given that the word अक्रोषा- in dh.1.1049 or 4.59 is synonymous with the word शपा- “curse, that is, the action of cursing”25, P.1.3.72 only prescribes, in the case of the root शप- “to curse”, that “शप1e (I curse)” is equivalent to “ात्मने (P.1.4.32) शप1e (I curse for my own sake)”. That is to say, people say “शप1e (I curse)” instead of taking the trouble to say “ात्मने शप1e (I curse for my own sake)”. It never prescribes that “शप1e (I curse)” is equivalent to “ात्मानं (P.1.4.49) शप1e (I curse my own self)”. Then, whom do I curse, because the root शप-takes a direct object? For my own sake (ात्मने), I curse (शप1e) my own self (ात्मानम) or someone/something else (param) as the case may be. This results in the following equation:

\[
\begin{align*}
\text{शप1e (P.1.3.72):} & \quad (\text{atmane (P.1.4.32)) शप1e:} \\
\text{I curse (on condition that} & \quad \text{I curse (for my own sake).} \\
\text{the result of the action of cursing} & \quad \text{If the action of cursing is finally} \\
\text{is intended for myself).} & \quad \text{directed to X, not to myself, then,} \\
\end{align*}
\]

\[
\begin{align*}
\text{= (atmane Y-ā X-िष) शप1e:} & \quad \text{I} \\
\text{curse (X by means of Y for my} & \quad \text{own sake).} \\
\text{If the action of cursing is finally} & \quad \text{If the action of cursing is finally} \\
\end{align*}
\]

25 See, for example, the Abhidhānaratnamālā 1.149a “शपा अक्रोषा अक्षेपाह”. 

72
Once again on the Forms of Oath in Classical India (II)

directed to myself, not to X, then,

= (ātmāne Y-ā X-ā ca ātmānam)

sap\textsuperscript{1}e: I curse (my own self by means of Y and by means of X for my own sake).

If we generalize these, then,

= (ātmāne Y-ā X-ā cātmānam) \(\text{sap}\textsuperscript{1}e:\)

I curse (my own self by means of Y and by means of X for my own sake).

[In the case of the active voice, read parasmai (P.1.4.32) for ātmāne and \(\text{sap}\textsuperscript{1}āmi\) (P.1.3.78) for \(\text{sap}\textsuperscript{1}e\).]

This holds good for the oath (\(\text{sap}\textsuperscript{2}atha\)-), when we take into account the equation mentioned at the end of II.i.

The only difficulty is a case in which the root \(\text{sap}\textsuperscript{1}-\) “to curse” is put in the middle voice and is construed with an interlocutor Z such as te (you) put in the dative, for P.1.3.72 shows that, when \(\text{sap}\textsuperscript{1}-\) put in the middle voice is construed with a person put in the dative, the very person is a curser/oath-taker himself, not the interlocutor Z such as te (you). Pāṇini has got over the difficulty by formulating P.1.4.34 “\(\text{slāgha-hnu}-\text{sthā-}\text{sapām jñīpsamānah}\) (sampradānam 32)” which defines a specified type of indirect object as follows: With reference to the roots \(\text{slāgh}-, \text{hnu}-, \text{sthā-}\) and \(\text{sap}-,\)

“one to whom (something/someone) is being desired (by the agent) to be made known” (by the action denoted by each root) is (technically called) an indirect object. As for Kātyāyana, taking P.1.4.34 into account, he has taken the trouble to formulate vt.8 “\(\text{sapa upalambhane}\)” [(The middle ending is introduced not only after the root \(\text{krīḍ-}\) preceded by \(\text{anu-},\) etc., but also) after the root \(\text{sap-}\) (only when this is used) in the sense of \(\text{upalambhane}\).

on P.1.3.21 “\(\text{krīḍo 'nu-saṁ-paribhyās ca (ātmānapadām 12, āṇaḥ 20)}\)” [which prescribes: (The middle ending is introduced) after the root \(\text{krīḍ-}\) (dh.1.373 “\(\text{krīḍv vihare},\) udāttet P.1.3.78) (only when this is) preceded by \(\text{anu-},\text{etc.}\) (, blocking P.1.3.78.)) in order to point out explicitly Pāṇini’s ulterior motive for the formulation of P.1.4.34. A detailed discussion on these points is omitted here.

In short, the root \(\text{sap-}\) “to curse” is put in the middle voice, in Pāṇini’s opinion, according to P.1.3.72 in spite of P.1.3.78, only when the root implies “the action of making (someone) know (the agent’s own intention)” \(\text{[jñāpana}\)
-, which corresponds to prakāśana- “the action of making (the agent’s own intention) clear (to someone)” in P.1.3.23] by the action of cursing the agent’s own self on a given condition, and even if the result of the action “jñāpana-/prakāśana-” implied by the root is not intended for the agent. In Kātyāyana’s opinion, the root sap- is put in the middle voice according to vt.8, not to P.1.3.72, in spite of P.1.3.78, only when the root implies the action “upalambhana-” by the action of cursing the agent’s own self on a given condition, and even if the result of the action “upalambhana-” implied by the root is not intended for the agent. Thus, the root sap- put in the middle voice is legally construed with the interlocutor Z such as te (you) according to P.1.4.34, not to P.1.4.32.

ii. The interpretation of the word upalambhana- by the Kāśikā

The meaning of the word upalambhana- in vt.8 “śapa upalambhane” is a particularized one of the registered general meaning of the word ākrośa- in dh.1.1049 or 4.59 “śapa ākrośe”, in other words, the meaning “upalambhana” is included, as the particular, in the meaning “ākrośa/śāpa”. The former is not equal to the latter, nor independent of the latter. The former does not include the latter, either. The demonstration is omitted here. In any case, I think that both Kātyāyana and Patañjali interpret the word upalambhana- as denoting “the action of making (someone) perceive/understand”. On the line of Muni-traya, Kaiyata and Nāgeśa interpret the word as (implying) prakāśana- “the action of manifesting/making clear”. On the other hand, the Kāśikā interprets the word upalambhana- as “vācā śarīrasparśanam (the action of touching a body with a declaration)”. This means the following:

śapatha-(oath, the action of swearing)=upalambhana= vācā śarīrasparśana-.

Therefore, the expression devadattāya sap²ate “He swears to Devadatta (that A is B)” cited as an example is equivalent to devadattāṃ spṛṣati/ālabhate (“A is B,”) He touches (the feet of) Devadatta’. Thus, the definition of an oath given by the Kāśikā, which is followed by Jinendrabuddhi, Haradatta and Bhaṭṭojī, perfectly corresponds to Type III. It is not certain whether the Kāśikā regards the word upalambhana- as synonymous with sparsana-/ālambhana- “the action of touching” or as denoting “the action of making (someone) perceive/understand”. But I presume that the former alternative is implausible because it amounts to the absurdity that the root sap²- “to swear” denotes also “to touch” to be denoted by the roots spṛṣ-/ā-
Therefore I believe that the Kaśika also interprets the root śap2- "to swear" as implying upalambhana- "the action of making (someone) perceive/understand" by the action of swearing. And "the action of making (someone) perceive/understand" takes the form of "the action of touching a body with a declaration". This reflects, I believe, "the way of swearing" prevalent in those days. In any case, the crucial point is that "Dat. + śap-" in Type II is equivalent to "Acc. + sprśi-/ā-labh-" in Type III. For example, "Z-e śap2 e' " (I swear to Z (that A is B).] is equivalent to "Z-am sprśāmi/ālabhe" [("A is B.") I touch the (feet of) Z].

iii. The explanation of an oath by Nāgęśa

śapatir nānārthaḥ. asty ākrośe, devadattam śapatīti, nindatīyaarthah. asti tattvavedanapūrvakam tatpratyāyanāyā brahmaṇādeḥ kvacid dhaśādīnā śaśīatsparśarūpe mānasasparsārūpe vā śapate, yathā vipraih śape, kṣātraḥarmaṇa śāpa ityādau. itītā tu karmano 'pi karaṇatvavivakṣayā. asti prakāśane, devadattāya śapate, kathayātity-arthaḥ. tatra svaritettvāt Siddhe 'kartrabhīpṛāyaṛtham idaṃ. tad api prakāśanartha eva.

(Or, the root śap-) is (used) in the (particularized) sense of action of swearing, which, preceded by a declaration (by an oath-taker) of a fact, takes the form of action of touching (such an object as) a Brahmin, etc., on a certain part (of his body) with a hand, etc., directly or in the mind in order to convince (an interlocutor to whom he swears) of the very fact as in, among others, (such an expression as) "vipraih śape (By Brahmins I swear)" or "ksātraḥarmaṇa śape (By the duty of the warrior class I swear)". [Therefore, according to the present definition of an oath, we may well expect such an expression as "viprān sprśāmi", i.e., '("A is B.") I touch Brahmins (directly).' or "ksātraḥarmaṇ sprśāmi", i.e., '("A is B.") I touch the duty of the warrior class (in my mind).'] But (, in the above-quoted expressions,) the third case ending (expressing the instrument of the realization of an action denoted by a root) is (used) because one desires to express that the direct object (, expressed by the second case ending, of the action of swearing—here this action of swearing takes the form of action of touching denoted

26 In the Dhiitupāṭha, the meaning "to touch" is not given to the root śap-. Only Yāska gives the meaning "to touch" to the root śap- in the Nirukta 3.21 "śeṣaḥ śapateḥ sprśatikarmaṇāḥ", which means that the word śeṣa- "the male organ" (is derived) from the root śap- (which denotes) "the action of touching".
TORU YAGI

by the root *spṛś-*) is also the instrument (of the realization of the action of swearing denoted by the root *sap-*)

Nägeśa’s explanation of an oath perfectly corresponds to the definition of an oath given by the Kāśikā. The crucial point is that “Inst.+śap-” in Type II is equivalent to “Acc.+spṛś-/*ā-labh-” in Type III. For example, *viprajñ śap²e*

“By Brahmins I swear (that A is B.)” is equivalent to *vipra conspir/ālahbe*

“(A is B,)” I touch (, that is, swear on, the feet of) Brahmins.’

iv. Hopkins’ remarks

It is necessary to list as many items as possible, to analyse them in connection with the relationship between an oath-taker, an interlocutor and someone by/on whom the oath-taker swears, and to ascertain their function in order to clarify the peculiarity of the Indian oath. As is often pointed out, these items generally fulfill the function of a wager or a guarantee (in a broad sense, including personal security). And a god as a third person as it were, not the interlocutor to whom the oath-taker swears, disposes of the guarantee if the oath has turned out false, which is fundamentally different from a gamble or the contract with regard to, for example, a housing loan. As we have already seen, Type I, II and III are substantially equivalent in spite of the difference in manner of expression, and so “that (Y or X) by which one swears” in Type II corresponds to “that (Y or X) which one touches, that is, swears on” in Type III. When the oath-taker touches his own self, the question what part of his body to touch generally depends on the superiority or inferiority in the social rank of the oath-taker and the interlocutor, that is, the superiority or inferiority according to the caste or according to the relationship of lord and vassal, of husband and wife, of parent and child or the like in the case of the same caste. The same also holds good when the oath-taker touches the interlocutor or someone else. Generally speaking, if the oath-taker is inferior to the interlocutor or someone else, he touches either his own head or the feet of the interlocutor or of someone else. If he is superior, he touches (either his own feet or) the head of someone else.

Firstly, according to Hopkins, ‘to “touch the feet (of Z)” is to “make obeisance (to Z)” ’ (p.333), which seems to me that Z is a person who functions as if he were a god, such as our witness Y (not our guarantee X) in Type III, while ‘ to “swear by the feet (of Z)” is to swear by the person (Z)” (p.334), which assures me that Z is our guarantee X in Type II, if I dare to

27 See Hopkins p.328, ll.6-10.
Once again on the Forms of Oath in Classical India (II)

distort what he remarks (p.331, l.7-p.335, l.6). The latter case holds good, for instance, in the example "सापे हर्म कृष्णार्कार निष्टापुर्तेना cāi' va ha" (Mbh 7.131.14) cited by him, where Kṛṣṇa functions (, or Kṛṣṇa and Arjuna function), without doubt, as a guarantee X who holds joint and several liability for the declaration of the oath-taker Sātyaki. However, this is equivalent to "अलब्धे हर्म कृष्णार्कार निष्टापुर्तानि caiva ha". From my distortion it follows that Kṛṣṇa functions as a witness Y like a god (who has the power of life and death over Sātyaki and to whom, therefore, he makes obeisance), while the very same Kṛṣṇa functions as a guarantee X. In other words, in the former expression, it is a god that would dispose of both the life of Sātyaki’s beloved lord Kṛṣṇa and his īṣṭāpūrta, while, in the latter, it is Sātyaki’s beloved lord Kṛṣṇa that would dispose of his īṣṭāpūrta. This is absurd because Kṛṣṇa functions as a guarantee X, not as a witness Y nor as an interlocutor. Kṛṣṇa could not dispose of Sātyaki’s īṣṭāpūrta, for he is not a god, but a human being. Kṛṣṇa is not an interlocutor, for the interlocutor to whom Sātyaki swears is a detestable enemy Somadatta.

If, not when an oath-taker swears by the feet (of Z), but only when he touches the feet (of Z), Z functions as a witness Y, what becomes of “the husbands (of Svayaṁprabhā etc.)” in KSS 119.37 “ātrārthe bhartṛcaraṇān sprṣṭvā manmantrasamānvido svaṇm理财bdāyāh śapathair antarasthā bha¬vantu naḥ”? Here Svayaṁprabhā’s husband, among others, functions, without doubt, as a guarantee X not as a witness Y nor as an interlocutor, for the interlocutor to whom she will be made to swear is (either a king’s minister as an observer or) King Merudhvaja himself. It is true that Hopkins’ interpretation with regard to the significances expressed by the action of touching is correct and convincing, but he should have explained the fact that there is a certain case in which “to touch the feet (of Z)” is “to lay a curse on the feet (of Z)”, that is, “to swear by the feet (of Z)

Secondly, such an expression as “देवता-पित्र-पादाः” or “देव-ध्राम्म्यना¬पादाः” occurs in the later Law Books, where a deity/god the feet of whom are touched by an oath-taker (in the mind or directly in the case of an image of a deity/god) functions, without doubt, as a witness Y. If Z the feet of whom the oath-taker touches functions not as a witness Y but as a guarantee X just like a weapon (āyudha-) touched by Arjuna (Mbh 8.50.19) or her own head (mûrdhan-) touched by Ambā (Mbh 5.172.14), Hopkins should have explained why the function of Z differs from that of a deity/god though the action of touching the feet is the same.

Arjuna swears on the feet of his elder brother, King Yudhiṣṭhira, that he
will not return from the battle-field if he does not slay Karṇa today (adya) (Mbh 8.50.34). Yudhiṣṭhīra may be dear to Arjuna, just as Prince Rāma is so to his father, King Daśaratha. To Arjuna, the life of King Yudhiṣṭhīra may be even more important than his own life, just as, to King Daśaratha, the life of Rāma is so. To mortgage the life of such a superior interlocutor as Yudhiṣṭhīra to the interlocutor himself without his consent may convince him of the truth of the oath-taker’s declaration. But, in the present case, Yudhiṣṭhīra himself could verify Arjuna’s declaration in a day as if he were a god as true witness, just as, in the case of a gamble, a gambler himself can verify the declaration of the other on the spot. And Yudhiṣṭhīra himself could dispose of his grace (“tava prasādena” Mbh 8.50.18) without the intervention of a god, just as, in a gamble, a winner can dispose of the wager of a loser without the intervention of a third person.

Thirdly, if the crucial point of Hopkins’ remarks lies in this that to “touch the feet (of Z)” is to “make obeisance (to Z)”, it follows that Z the feet of whom the oath-taker touches functions as the interlocutor, just as Yudhiṣṭhīra really does so in Mbh 8.50.18 “te sāpe (I=Arjuna swear to you =Yudhiṣṭhīra)”. This is obvious from his remarks: {It is clear that touching the feet is thus an attestation in the form of submission. The speaker who touches another’s feet deprecates. He risks by accompanying oath, whatever he may hope from the hearer’s favor, just as Arjuna swears “by thy grace” while touching the emperor’s feet, meaning that on failure to fulfill his oath he will expect to lose the royal favor.} (p.334) But, even in this case, Hopkins should have explained that Svayaṁprabhā’s husband Trailokyamālin, King of the Daityas, whose feet are to be touched by her, functions as a guarantee X not as an interlocutor while King Yudhiṣṭhīra, whose feet are touched by Arjuna, functions as an interlocutor not as a guarantee X.

In order to clear up the above-mentioned distortions, Hopkins should have paid more attention both to the difference of the function and to the fact that Type I, II and III are substantially equivalent. Z whose feet are touched by the oath-taker functions as an interlocutor (like Yudhiṣṭhīra) or as a guarantee X (like Kṛṣṇa or Trailokyamālin) as the case may be. What matters is whether the feet touched by the oath-taker belong (to the oath-taker himself,) to someone else (such as a witness Y or a guarantee X) by/on whom he swears, or to the interlocutor to whom he swears. Thus, the crucial point of Hopkins’ remarks lies in this that he has pertinently pointed out that Z is, in Type III, touched by the oath-taker even in the case of Z’s being the interlocutor, who is, in Type II, put in the dative. This corresponds perfectly
Once again on the Forms of Oath in Classical India (II)

to the interpretation by, among others, Haradatta. According to him, Type II “yudhiṣṭhirāya śape (I swear to Yudhiṣṭhira)” is equivalent to Type III “tvatpādau śṛṣṭāmi (I touch your feet)”. On the other hand, according to Nāgeśa, Type III is equivalent to Type II “yudhiṣṭhirinena śape (By Yudhiṣṭhira I swear)”. Then, what function does Yudhiṣṭhira fulfill? A clue to the present problem lies, I believe, in the following points.

1. agny-udaka-sitā-prakāraloṣṭa...alebhire (KAŚ 7.17.7) pādau raveh/mām (SkandaP 1.2.44.10-11)
2. devatā-pitr-pādāḥ (NS 20.2) deva-brāhmaṇa-pādāḥ (BS 8.33) pūjya-pādān (ŚukraN 737 cited in Pendse p.290) śudrayādvā-karaṃśāpayet (ViŚ 9.5) sīroddhrtamahi-karam (ViŚ 9.9) sitoddhrtamahi-karam (ViŚ 9.17)
3. “buddhebhyaḥ śataśaḥśape yadi punaḥ kutrāpi kapālinī-pīnottuṅga-kucāväghana-bhavaḥ prāptaḥ pramododayaḥ” (Prabodha 3.18)
4. The occurrence of such an expression as “śape tvāya(I swear by you)” (Mbh 12.138.185, ed. Kumbhakonam) or “bhavatā śapāmi (By your Highness I swear)” (Urubh 1.64) is remarkable in spite of Hopkins’ remarks {...but, as against the Comm., besides the questionable grammar, the idiom te śape meaning “swear to thee” is common...} (p.328)

IV. Conclusion

From the discussion on Type I, II and III, the following points are clear.

1. The intervention of a god Y as true witness is fundamentally indispensable.
2. Logically a god Y as true witness is put in the nominative (in Type I), in the instrumental (in Type II) or in the accusative (in Type III).
3. It is true that a god Y is seldom referred to, but there are a few cases in which he is explicitly mentioned.

Type I:

sadāgatiḥ (Mbh 3.75.7) tigmaṇśuḥ (Mbh 3.75.8) candramāḥ (Mbh 3.75.9) mātariśvā sadāgatiḥ (Mbh 3.275.23) agni rāpas ākāśāṃ pṛthivi vāyur (Mbh 3.275.24)
Type II:  
    \textit{varuneṇa} (only in Gorresio 5.34.8)

Type III:  
    \textit{agny-udaka-sitā-prākāraoloṣta-} \textbf{(KAS 7.17.7)}  
    \textit{pādau raveh/mām} \textbf{(SkandaP 1.2.44.10-11)}  
    \textit{devatā-pitṛ-pādāḥ} \textbf{(NS 20.2)}  
    \textit{deva-brāhmaṇa-pādāḥ} \textbf{(BS 8.33)}

4. One/that whom/which an oath-taker touches, that is, swears on, is  
either a god \(Y\) as true witness or a guarantee \(X\).

Haradatta’s interpretation shows:

5. An interlocutor \(Z\) put in the dative (in Type II) is also touched by the  
oath-taker, just as (the feet of) Yudhīśṭhīra is touched by Arjuna in \textit{Mbh} 8.50.34 (cf. 8.50.18).  
This reveals that a guarantee \(X\) including, of course, personal security  
is not put in the dative (in Type II), for it is totally absurd for the  
oath-taker to swear to the guarantee \(X\): \(A\) is, oh guarantee \(X, B\).  
In the case of Yudhīśṭhīra, does he function as a mere interlocutor the  
feet of whom Arjuna swears on? In the above-cited \textit{Prabodha} 3.18, Buddhas,  
who are such divine beings as a god \(Y\), are put in the dative.  

\begin{quote}
\textit{“buddhebhyaḥ śataśah śape (=ātmane X-ā ātmānam śap\textsuperscript{1}e) yadi punah  
kutrāpi kapalini-pīnottuṅga-kucāvagūhana-bhavaḥ prāptah pramododayaḥ”}
\end{quote}

This is equivalent to:

\begin{quote}
\textit{“buddhebhyaḥ śataśah (X-ā) śap\textsuperscript{2}e na kutrāpi kapalini-pīnottuṅga-  
kucāvagūhana-bhavaḥ prāptah pramododayaḥ”}\textsuperscript{28}
\end{quote}

This is also equivalent both to:

\begin{quote}
\textit{“buddhaḥ śataśah (X-ā) śap\textsuperscript{2}e na kutrāpi kapalini-pīnottuṅga-  
kucāvagūhana-bhavaḥ prāptah pramododayaḥ”}
\end{quote}

and to:

\begin{quote}
\textit{“buddh(apād)ān śataśahsprśāmi/ālabhe na kutrāpi kapalini-pīnottuṅga-  
kucāvagūhana-bhavaḥ prāptah pramododayaḥ”}
\end{quote}

\textsuperscript{28} If \(X\) is not referred to as in this example, we had better think that \(X\) is the life of an  
oath-taker and that \(X\) is omitted because of a truism, taking into consideration the  
fundamental idea of the oath “Selbstverfluchung zum Tode für den Fall der Unwahrheit  
der Aussage” (Lüders p.658).
This means that “By Buddhas I swear” is equivalent not only to “I swear to Buddhas” but also to “I swear on Buddhas”. Clearly Buddhas function not only as interlocutors but also as witnesses. Here the oath-taker directly requests Buddhas to bear witness that A is B. The same holds good, I believe, in the case of a human being. That is to say, only when a human being the feet of whom are touched by an oath-taker is an interlocutor to whom the oath-taker swears, this human being functions not only as the interlocutor but also as the witness. The function of witness, originally belonging to a god in Heaven, is transferred to a human being (such as a king or a Brahmin, who is comparable to a god) on Earth. Generally speaking, unlike a god, this human being does not know whether the declaration “A is B” is true or not, but he functions as if he were a god who has the power of life and death over the oath-taker when the oath has turned out false. Thus, Yudhiṣṭhira functions not only as the interlocutor but also as the witness. Likewise, the expression “vipraḥ śape (By Brahmins I swear)” cited by Nāgeśa is equivalent not only to “vīpṛ (apād)ān śṛṣṭāmi (I touch the feet of Brahmins)” but also to “vīpreḥbhyaḥ śape (I swear to Brahmins)”. Brahmins function not only as interlocutors but also as witnesses. On the other hand, the duty of the warrior class (kṣātradharma-) in the expression “kṣātradharmena śape (By the duty of the warrior class I swear)” functions, of course, as the guarantee, not as the witness nor as the interlocutor. It is absurd for the oath-taker to swear to the duty of the warrior class: “A is, oh duty of the warrior class, B.”

In conclusion, I think, against Hopkins’ remarks (p.328, ll.6-10), that the notion “By a witness Y I swear” exists even in the Indian oath, whether Y is a divine being (such as Varuṇa in G. 5.34.8) or a human being (such as Vipra in the above example).29

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TORU YAGI

ABBREVIATIONS

Acc.: Accusative
MārkP: Mārkandeyapurāṇa
AiB: Aitareyabrāhmaṇa
Mbh: Mahābhārata
AmbacoraJ: Ambacorajātaka
Mrčch: Mrčchakaṭikā
ĀnĀSS: Ānandāśrama Sanskrit Series
MS: Manusmṛti
AV: Atharvaveda
NS: Nārasasmṛti
ĀpDhS: Āpastambhiyadharmasūtra
PaṅcaT: Paṅcatantra
BālaC: Bālacarita
Prabodha: Prabodhacandrodaya
BS: Brhaspatismṛti
PraṭijñāY: Praṭijñāyaugandharāyaṇa
BhisaJ: Bhisajātaka
PuṣkaraM: Puṣkaramāhātmya
ChU: Chāndogypopanishad
R: Rāmāyaṇa
Dat.: Dative
RV: Rgveda
dh.: dhātupāṭha (in Böhtlingk)

ŠB: Šatapathabrāhmaṇa
DhK: Dharmakośa
ŚukraN: Śukraniti
GauDhS: Gautamadharmasūtra
SK: Siddhāntakaumudī
HOS: Harvard Oriental Series
SkandaP: Skandapurāṇa
Inst.: Instrumental
Śvapna: Śvapnavāsavadatta
KAŚ: Kauṭiliyārthaśāstra
TāṇḍyaB: Tāṇḍyabrāhmaṇa
Kād: Kādambarī
Ūrubh: Īrubaṅga
KS: Kātyāyanasmṛti
ViŚ: Viśnusmṛti
KSS: Kashi Sanskrit Series or
Kāṭhasaritsaṅgara
Voc.: Vocative
vt.: vārttika
MahāsilaJ: Mahāsīlavyajātaka
YS: Yājñavalkyasmṛti
MahāsutaJ: Mahāsutasomajātaka

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