<table>
<thead>
<tr>
<th>項目</th>
<th>内容</th>
</tr>
</thead>
<tbody>
<tr>
<td>タイトル</td>
<td>風上アサリの研究: 古代日本の文化と歴史 の歴史的背景における風上アサリの役割</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 (śapatha-)¹ or an ordeal (divya-)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 cannibalism³, theft⁴ or unfaithfulness⁵, or in order to declare his or her resolution concerning future commitment to revenge⁶, loyalty⁷, an alliance⁸ or the like. The latter type of oath is equivalent to a kind of promise (pratijñā-/pratiśrava-)⁹. The ordeal¹⁰ was also resorted to when the authenticity of a person’s claim to be a Brahmin¹¹ was challenged or someone was suspected of theft¹². 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 KĀŚ 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).” It is therefore appropriate that both the oath (mainly the former type of oath) and the ordeal should be incorporated into the judicial system and established as legal procedures.

The declarations can be classified into three different types of the oath. 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.

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. Type I is a verbal declaration including neither the root śap- “to swear” nor the roots ā-labh-/sprś- “to touch”. This corresponds to the definition of an oath given by Medhātithi, which runs:

\[ \text{nunu ca yady aham evam kuryām tad idam anīṣṭam āpnyām iti saṃkirtanakriyā śapathaḥ} \] (Manubhāṣya ad MS 8.113.)

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14 ApDhŚ II.11.29.6; II.5.11.3; GauDhŚ 2.4.12.
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 Rājataranī (or KSS 119.39) and has been fully investigated by Köbler, 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 “śapa upalambhane” on Pāṇini 1.3.21”, Professor George Cardona Felicitation Volume.
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:

\[ \text{adyā murīya yādī yātudhāno āsmi, yādī váyūs tatāpa púruṣasya} (RV 7.104.15). “So may I die this day if I have harassed any man’s life or if I be a demon.” (Griffith p.100) \]

\[ \text{ayaṃ carati loke ’śmin bhūtasāksi sadāgatiḥ, eṣa muṇcatu me prāṇān yadi pāpaṃ carāmy ahām} (Mbh 3.75.7). “The ever-restless wind that courses through the world, spying on all creatures, shall rid me of my life if I have done any wrong.” (van Buitenen p.360) \]

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:

\[ \text{“adyendra ātmānāṃ hantu” “Indra shall kill my own self today”} \]

or \[ \text{“adya tvam, indra, ātmānāṃ jahi” “Oh Indra, kill my own self today”}. \]

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  śop- “to curse”, we could paraphrase the above-mentioned examples as follows:

Type Ia: \[ \text{adya (indrena) ātmānāṃ (=me jīvitaṃ) śape yadi yātudhānō ’śmi.} \]

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

\[ \text{sadāgatinā me prāṇān śape yadi pāpaṃ carāmy ahām.} \]

“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\textsuperscript{20}: \textit{adīya (indrenā) ātmanā (=me jīvitena ca) ātmānāṁ śape yady yātudhāno 'smi.} “Today (by means of Indra and) by means of my own self (=life) I curse my own self if I am a sorcerer.”

\textit{sadāgatinā me prāṇaiś cātmānāṁ śape yadi pāpaṁ hariṁ 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
\begin{itemize}
  \item \textit{āyus-}: \textit{AiB} 8.15 (see Lüders p.657, note 3); \textit{prāṇān}: \textit{Mbh} 3.75. 8-9; 3.275.23-24.
\end{itemize}

B: (The loss of the oath-taker’s) identity
\begin{itemize}
  \item \textit{kṣatriya-}: \textit{Mbh} 3.154.26; Dāmodara: \textit{BālaC} 3.11; Yaugandharāyaṇa: \textit{PratijnāY} 1.16; 3.9.
\end{itemize}

C: (The loss of the oath-taker’s) possessions in a broad sense
\begin{itemize}
  \item \textit{C\textsuperscript{1}}: human beings
    \begin{itemize}
      \item \textit{prājā-}: \textit{AiB} 8.15.
    \end{itemize}
  \item \textit{C\textsuperscript{2}}: possessions
    \begin{itemize}
      \item \textit{loka-}: \textit{AiB} 8.15.
    \end{itemize}
  \item \textit{C\textsuperscript{3}}: (The loss of the probability of going to) Heaven (due to C\textsuperscript{3-2})
    \begin{itemize}
      \item \textit{Mbh} 2.61.45; 2.63.14; 2.68.21; 7.51.24; 9.20.20.
    \end{itemize}
\end{itemize}

\textsuperscript{20} The examples of Type Ib are the following:
\begin{itemize}
  \item \textit{buddhebhyaḥ śataśaḥ śape yadi punaḥ kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prājītaḥ pramododayaḥ} (Prabodha 3.18).
  \item \textit{savāmi bāṇhattrāṇaṇa jai dīsi kadā vi diṭṭhapuvvā} (Ratnāvalī Act 2, see Hara 1991 p.58).
  \item \textit{savāmi devī carāṇehīn jai kassa vi purado paśemi} (Ratnāvalī Act 3).
  \item \textit{dhanyāśi ya kathaya priyasangame 'pi visrabdhaçattukaśatāni ratatnteresu, nivin prati prāṇhaite tu kare priyeṇa sakhyāḥ śapāmi yadi kincid api smarāmi} (Subhāṣitaratnakośa 574, Kāvyaprakāśa 4.61, Sāhityadarpana p.109, Śrīṇāgarārapadhatī 3746, Alamkārasaṅgraḥa p.29, Kāvyapraddhā p.102, Durghaṭavṛtti on P.1.3.21, Durgādāsa on Vopadeva 868, Sañdakaustubha p.68, Tattvabodhinī on SK 2688, Nāgḍa on P.1.3.21 vt.8, Laghusabdenduśekhara, Part II, p.676).
\end{itemize}
Once again on the Forms of Oath in Classical India (II)

C3–2: (The loss of the oath-taker’s merits)

\(\text{istāpūrta-}/\text{sukṛta-}: \text{AiB} 8.15; \text{janmasukṛta-}: \text{PāṇcaT} \text{p}.235, \text{l}.21-22;
\text{(tapaścaryāyāḥ) phala-}: \text{R} 7.96.20 (ed. Kumbhakonam)).

E1: (The receipt of the probability of going to) Hell (due to E2)

\(\text{Mbh} 7.16.29-34; 751.25-36.

E2: (The receipt of various) demerits such as sin, crime, vice, dishonour, impurity and the like.

\(\text{Mbh} 13.95.56-74; 13.96.14-28; \text{SkandaP} 6.32.68-80;
\text{PuṣkaraM} 11.50-63; \text{AmbacoraJ} 344.169-172; \text{BhisaJ} 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.) + ṣap “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 bhrātybhīs cāhaṁ dharmeṇa sukrtena ca
iṣṭena ca ṣape, rājan “sūdayiṣyāmi rākṣasam” (Mbh 3.154.44).

“O king, by my own self (ātman), by my brothers (bhrāty), by meritorious action (dharma), by good deeds (sukṛta) and by my oblations (iṣṭa), I swear, I shall slay this Rākṣasa.” (Ḥara 1991 p.52)

bharatenaṭmanā cāhaṁ ṣape te, manujādhipa, yathā nānyena tuse-yam ṛte rāmavīvāsanāt (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
Other examples are the following:

A: life

\( \text{ātmā} \) (\text{R Vol.2 App.I No.9 1.74; \textit{Mbh} 3.154.44; Vol 9 1412*; \textit{Úrughh} 1.64)

\( \text{jīvita} \) (\textit{Mbh} 12.136.126; \text{ātmaji}vitanirdi\textit{ṣ}eṇa \textit{ṣ}apathena \textit{Prati}jñ\text{ā}Y 1.6 prose)

\( \text{pādehi} \) (\textit{Mr}cch 1.30 prose where Śakāra swears to Vasantasenā; 8.37 prose where Śakāra swears to Viṭā)

B: identity

\( \text{bāṇhaṭṭaṇeṇa} \) (\textit{Ratnāvalī} 2.42 prose; \textit{bāṇha}ṣutteṇa in another edition; \textit{bāṇhaṭṭeṇa} \textit{Mr}cch 5.39 prose, see Hara 1991 p.58)

C: possessions in a broad sense

C\(^1\): human beings

\( \text{putra-} \) (\text{putra}h \textit{R} 2.42.20; \textit{Rāmeṇa} Vol.2 200*; \textit{Bhara}ṭena Vol.2 App.I No.9 1.74; \textit{putrābhya}m \textit{Mbh} 7.131.6; \textit{suta}i\text{ī} 7.125.24)

\( \text{bhrāt}r- \) (\text{tribhir} bhrāṭrbi\text{ī}h \textit{R} Vol.6 App.I No.9 1.31; bhrāṭrbi\text{ī}h \textit{Mbh} 3.154.44; \textit{Bhīmēṇa} \textit{Yamābhya}m 8.50.19)

C\(^2\): possessions

\( \text{sās}treṇa \)

(\textit{Mbh} 6.102.68 v.l.)

\( \text{dhānuṣa} \) (\textit{R} 2.18.13)

\( \text{mūlaphalena} \) (\textit{R} 5.34.36)

\( \text{vāhā}ṇaṭyaudhaiḥ} \) (\textit{MS} 8.113; \textit{NS} 1.181; vāhāṇaṣastrāṇi \textit{NS} 2.20; \textit{BS} 8.33)

\( \text{go-bāja-kāṅcana}iḥ} \) (\textit{MS} 8.113; \textit{NS} 1.181; -rajatāni \textit{NS} 2 20; -kanakāni \textit{BS} 8.33)

C\(^3-1\): Heaven (due to C\(^3-2\))

\( \text{sva}γalokena} \) (\textit{R} 7.97.6 v.l.; -bhogenā v.l.)

\( \text{vīrālōkai}ḥ} \) (\textit{Úrughh} 1.64)

C\(^3-2\): merits

\( \text{satya}ṇa} \) (\textit{R} Vol.2 378*; 2.18.13; 821*; 831*; 2.45.4; 7.97.6; \textit{Mbh} 6.102.68; 7.53.37; Vol.9 1412*; 8.50.18; 9.29.19; 9.42.29; saccena \textit{Sva}nā 4.3 prose; \textit{trisatya}ṇa \textit{Pa}ṅcaT pp.61-62; \textit{MS} 8.113; \textit{NS} 1.181; satyaṇa} \textit{NS} 20.2; \textit{BS} 8.33 v.l.; \textit{Śukra}N 737 cited in \textit{Pend}se p.290)

\( \text{sukṛt}eṇa} \) (\textit{R} 2.10.19; Vol.2 831*; \textit{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; sukṛtaṇi NS 20.2
iṣṭena (R 2.18.13; Mbh 3.154.44; 7.131.6)
iṣṭā-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)
dharmene (Mbh 3.154.44)
vīryena (Mbh 7.125.24)

C4: pleasure
bhāvānu rakta-vanitā-surataih (Ghaṭakarṇaṇa, 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)
sakhyena (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 Yuddhiṣṭhira)
Kṛṣṇacaranaṇaih (Mbh 7.131.14: Sātyaki to Somadatta)
**tvaṭpādena (Mbh 8.50.18 v.l.: Arjuna to Yuddhiṣṭhira)
**tvaṭyā (Mbh 12.138.185 ed. Kumbhakonam: Lōmaśa the cat to Palita the mouse)
**pabdhyāṁ tasya (MārkP 21.92)
**bhavatā (Ūrūh 1.64: Aśvatthāman to King Duryodhana)
candaṇṇa savāmi tuvja **hiaṇa (Mṛcch 6.11: Viraka to Candanaka)
ajjuke savāmi bhāvaśṣa **śīṣaṇ (Acc.!) attaṇakehiṁ pādehiṁ (Mṛcch 1.30 prose: Śakāra to Vasantasenā)
savāmi bhāvaśṣa **śīṣaṇ (Acc.!) attaṇakeleighiṁ pādehiṁ (Mṛcch 8.37 prose: Śakāra to Viṭa)
savāmi devie **caraṇehiṁ (Ratnāvali Act 3 Intro: Madanikā to Kāṇcamalā)

E2: demerits
sarvaiḥ pātakaṁ (MS 8.113; NS 1.181)

67
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-, īṣṭāpūrta-, 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:

\[ yathā, śālvapate, nānyam naram dhyāmi katham ca na \]

tvām ṛte, puruṣaśāyāghra, tathā mūrdhāṇam ālabhe (Mbh 5.172.14).

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).

\[ nāhatvā vinivarte 'ham karnaṁ adya raṣājirāt iti satyena te pādau sprṣāmi, jagatipate (Mbh 8.50.34). \]

“If I do not slay Karna 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
ātmānam (Mbh 3.281.98; 5.172.15; 13.2.71; 14.80.15; 15.6.12)
mūrdhāṇam (Mbh 5.172.14)

C: possessions in a broad sense

C1: human beings
putra-dārasya śirāṃsi (MS 8.114; BS 8.33; putrādimastakam KS 420; putrādīnāṃ śirāṃsi ŚukraN 737 cited in Pendse p.290)
putra-dārādi-śapathān (Hārīta cited in Pendse p.287)

21 Add parā-mṛṣ- (MahāsūtaJ 537,403) and ā-dā- (MahāsiṭaJ 51).

68
C^2: possessions

\textit{āyudham} (R Vol. 2 455*; 2112* 1.8; 3.26.3; Vol.3 504* 1.22; \textit{Mbh} 1.205.29; 3.15.10; 3.240.39; 7.123.16; 7.160.12; 8.50.19)

\textit{atha śāstrasya} (\textit{karman-} P.2.3.65 in connection with \textit{samśprśan}) \textit{vipro 'pi śāstrasyaśi ca kṣatriyaḥ} (\textit{SkandaP} 1.2.44.11ab, cited in Pendse p.291)

\textit{gadām} (\textit{Mbh} 5.73.14)

\textit{āsi-}/\textit{satti-} (\textit{śastrī-}) (MahāsūtaJ 537, 403)

\textit{khagga-} (\textit{khadga-}) (MahāsūlaJ 51)

\textit{dhananā} (\textit{ŚukraN} 737 cited in Pendse p.290)

\textit{tila-} (\textit{ViŚ} 9.6) \textit{rajata-} (\textit{ViŚ} 9.7) \textit{suvarṇa-} (\textit{ViŚ} 9.8)

\textit{hastiskandha-aśvaprśtha-rathopastha-śastra-ratnabūja-gandha-rasa-suvarṇa-hiraṇyani} (\textit{KAŚ} 7.17.7)

\textit{hiraṇyka-} (\textit{Vasiśtha} cited in \textit{DhK} p.243)

D^2: human beings, who do not belong to the oath-taker but who are not only dear to him but also superior to him.

\textit{bhartṛcaranaṇa sṛṣṭvā...sāpathaḥ} (KSS 119.37)

\textit{mātaraṇ pitaram} (\textit{SkandaP} 1.2.44.12, cited in Pendse p.291)

F: items** the function of which must be carefully investigated.

**te/tava pādau (R Vol. 2 455*; 677*; \textit{Mbh} 3.75.6)

**te pādapanikajasparśena (Kād p.294)

W: items which function as a witness, not as a guarantee.

\textit{sucīḥ pādau ravaḥ sṛṣṭet} (\textit{SkandaP} 1.2.44.10, cited in Pendse p.291)

\textit{maṁ} (one of the epithets of Lakṣmī according to, for example, the \textit{Abhidhānaratnamala} 1.31) \textit{samśprśams tathā vaisyaḥ śūdraḥ svagurum eva ca} (\textit{SkandaP} 1.2.44. 11cd, cited in Pendse p.291)

\textit{agny-uduśa-sīlā-prākārāloṣṭa-} (\textit{KAŚ} 7.17.7)

\textit{devatā-pitr-pādāḥ} (NS 20.2)

\textit{deva-brāhmaṇa-pādāḥ} (BS 8.33)

\textit{pūjyam} (\textit{SkandaP} 1.2.44.12, cited in Pendse p.291)

\textit{pūjya-pādān} (\textit{ŚukraN} 737 cited in Pendse p.290)

\textit{śūdraṁ dūṛa-karaṁ śapayet} (\textit{ViŚ} 9.5)

\textit{sīroddhṛtamahi-karam} (\textit{ViŚ} 9.9)

\textit{brāhmaṇaṁ sītoddhṛtamahi-karam eva śapayet} (\textit{ViŚ} 9.17)

\textit{gośakrād-darbhān} (\textit{Vasiśtha} cited in \textit{DhK} p.243)

\textit{puspa-}, \textit{pādalamabhana} (\textit{Hārīta} cited in \textit{DhK} p.442)

69
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.+šap-” (“to swear by Y and by X”) corresponds to “Acc.+ā-labh-/spré-” (“to touch Y and X”), in other words, that “to touch Y and X” implies “to swear on Y and X”. When the root šap- means “to curse”, we call it šap1-. On the other hand, when it means “to swear”, we call it šap2-. The relationship between Type I and II are as follows:

Type I: (“pāpaṁ na carāmy ahām”) “ayaṁ carati loke ’smin bhūtasākṣi sadāgatiḥ esa muñcatu me prāṇāṁ yadi pāpaṁ carāmy ahām”

= Type Ia: (“pāpaṁ na carāmy ahām”) “sadāgatinā me prāṇāṁ šap1e yadi pāpaṁ carāmy ahām”

“By means of the wind god I curse my vital breaths if I have done any wrong.”

= Type Ib: (“pāpaṁ na carāmy ahām”) “sadāgatinā me prāṇaiś cātmānamśap1e yadi pāpaṁ carāmy ahām”

“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: “pāpaṁ na carāmy ahām” “sadāgatinā me prāṇaiś ca šap2e”

“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” = šap1- “to curse”+ātmānam+yaḍi...

= “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)

= ("A is, oh Z, B.") "Y-ā X-an metal sap\(^1\)e yadi...")
   "By means of Y I curse X if..."
= ("A is, oh Z, B.") "Y-ā X-ā cātmānam sap\(^1\)e yadi...")
   "By means of Y and by means of X I curse my own self if..."

Type II: “A is oh Z, B.” “Y-ā X-ā ca Z-e sap\(^2\)e”
   “By Y and by X I swear to Z.”
Type III: “A is oh Z, B.” “Y-ām X-an metal ca sprśāmi/ālabhe”
   “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\(^\text{22}\), 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 (satyā-), 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\(^\text{23}\). 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\(^\text{24}\). 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


\(^{24}\) 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 ꧕骓- (dh.1.1049 or 4.59  ffmpeg “ffmpeg”), svaritē) is an ubhaya-padin “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 “svarita-ิน itaḥ kartrabhīpṛyāyē kriyāphale (ātmānepadam 12)” prescribes: (The middle ending is introduced) after (a root) which has as index a svarita “(nasalized) vowel with the circumflex accent” or ṇ when the result of an action (denoted by the root) is intended for an agent (of the action). The root ᵃ骓- put in the middle voice has been interpreted as denoting “to curse one’s own self/sich verfluchen, that is, to swear/geloben”, 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 ṭकरोś- in dh.1.1049 or 4.59 is synonymous with the word ᵃ骓 “curse, that is, the action of cursing”25, P.1.3.72 only prescribes, in the case of the root ᵃ骓- “to curse”, that ᵃ骓₁e (I curse) is equivalent to “ātmānē (P.1.4.32) ᵃ骓₁e (I curse for my own sake)”. That is to say, people say “ᵃ骓₁e (I curse)” instead of taking the trouble to say “ātmānē ᵃ骓₁e (I curse for my own sake)”. It never prescribes that ᵃ骓₁e (I curse) is equivalent to “ātmānāṃ (P.1.4.49) ᵃ骓₁e (I curse my own self)”. Then, whom do I curse, because the root ᵃ骓-takes a direct object? For my own sake (ātmānē), I curse (ᵃ骓₁e) my own self (ātmānāṃ) or someone/something else (param) as the case may be. This results in the following equation:

\[
\text{ᵃ骓₁e (P.1.3.72):} \quad \begin{align*}
\text{I curse (on condition that} & \\
\text{the result of the action of cursing} & \\
\text{is intended for myself).} & = (\text{ātmānā (P.1.4.32)) ᵃ骓₁e:} \\
\text{I curse (for my own sake).} & \quad \quad \quad \text{If the action of cursing is finally} \\
\text{directed to X, not to myself, then,} & \\
\text{ᵃ骓₁e (Y-ा X-ा) ᵃ骓₁e: I} & \\
\text{curse (X by means of Y for my} & \\
\text{own sake).} & \quad \quad \quad \text{If the action of cursing is finally} \\
\end{align*}
\]

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25 See, for example, the Abhidhānaratnamālā 1.149a “ˢᵃᵖᵃ ṭकरोś ṭके朴实”.

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

directed to myself, not to X, then,
\[ = (\text{ātmāne } Y-ā X-ā ca ātmānaṃ) \]
\[ \text{ṣap}^1 \text{e}: \text{I curse (my own self by means of } Y \text{ and by means of } X \text{ for my own sake).} \]
If we generalize these, then,
\[ = (\text{ātmāne } Y-ā X-ā cātmānaṃ) \text{ṣap}^1 \text{e}: \]
\[ \text{I curse (my own self by means of } Y \text{ and by means of } X \text{ for my own sake).} \]
[In the case of the active voice, read parasmai (P.1.4.32) for ātmāne and \text{ṣap}^1 \text{āmi (P.1.3.78) for } \text{ṣap}^1 \text{e}.]

This holds good for the oath (\text{ṣap}^2 \text{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{ṣap}^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{ṣap}^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 “ślāgha-hnu-sthā-ṣapām jñīpsyamānāh (sampradānam 32)” which defines a specified type of indirect object as follows: With reference to the roots ślāgh-, hnu-, sthā- and \text{ṣap}-, “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 “ṣapa upalambhane” [(The middle ending is introduced not only after the root krīḍ- preceded by anu-, etc., but also after the root \text{ṣap}- (only when this is used) in the sense of upalambhana.] on P.1.3.21 “krīḍo ‘nu-sam-parableśa ca (ātmanepadam 12, āṇāḥ 20)” [which prescribes: (The middle ending is introduced) after the root krīḍ- (dh.1.373 “krīḍy vihare”, udāttet P.1.3.78) (, only when this is) preceded by anu-, 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{ṣap}- “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)” [jñāpana
The meaning of the word *upalambhana-* in vt.8 “sapa upalambhane” is a particularized one of the registered general meaning of the word *ākrośa-* in dh.1.1049 or 4.59 “sapa ākrośe”, in other words, the meaning “upalambhana” is included, as the particular, in the meaning “ākrośa/sāpā”. 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 Nāgēśa interpret the word as (implying) *prakāśana-* “the action of manifesting/making clear”. On the other hand, the Kāśikā interprets the word *upalambhana-* as “vācā śārirasparśanaam (the action of touching a body with a declaration)”. This means the following:

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

Therefore, the expression *devadattāya šap²ate* “He swears to Devadatta (that A is B)” cited as an example is equivalent to *devadattaṃ sprṣati/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 Bhaṭṭoṭi, 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 śap²- “to swear” denotes also “to touch” to be denoted by the roots *sprṣ-/ā-
Therefore I believe that the Kāśīkā 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.+spṛś-/ā-labh-” in Type III. For example, “Z-e śap² e” [I swear to Z (that A is B).] is equivalent to “Z-am spṛśāmi/ālabhe” ([“(A is B,)”] I touch (the feet of) Z).

iii. The explanation of an oath by Nāgēśa
śapatir nānārthaḥ. asty ākrośe, devadattam śapatīti, nindatītyartham. asti tattvāvedanapūrvakam tatpratyāyanāya brāhmaṇādeṣ kvacid dhashādīnaṁ sāyātsparśārūpe mānasasparśārūpe vā śapate, yathā vipraih śape, ksātraḥdarmaneṣa śapa ītyādau. tītīyā tu karmoṇe ‘pi karaṇatvaavivāksayā. asti prakāśane, devadattayā śapate, kathātyārtham. tatra svaritettvāt siddhe ‘kartrabhāparyārtham idam. tad api prakāśanārtham 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 “ksātraḥdarmaneṣa 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 “vipraḥūn spṛśāmi ”, i.e., ‘(“A is B,”) I touch Brahmins (directly).’ or “ksātraḥdarmaneṣ spṛśāmi”, 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 Dhātupāṭha, 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 “ṣepāḥ śapateḥ spṛṣātikarmāṇaḥ”, which means that the word śepa- “the male organ” (is derived) from the root śap- (which denotes) “the action of touching”.
by the root *spṛś-*) is also the instrument (of the realization of the action of swearing denoted by the root *śap-*)

Nāgeśa’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-/*-alabh-” in Type III. For example, vipraiḥ śapṛṣaṁ “By Brahmans I swear (that A is B.)” is equivalent to viprāṁ spṛṣāmi/alabhhe ‘(“A is B,”) I touch (, that is, swear on, the feet of) Brahmans.’

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\(^\text{27}\), 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 “sape ḫam Kṛṣṇacaraṇāṁ īṣṭāpūrtena 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 Śātyaki. However, this is equivalent to “ālabhe ḫam kṛṣṇacaraṇān īṣṭāpūrtanā 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 Śātyaki 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 Śātyaki’s beloved lord Kṛṣṇa and his īṣṭāpūrtta, while, in the latter, it is Śātyaki’s beloved lord Kṛṣṇa that would dispose of his īṣṭāpūrtta. This is absurd because Kṛṣṇa functions as a guarantee X, not as a witness Y nor as an interlocutor. Kṛṣṇa could not dispose of Śātyaki’s īṣṭāpūrtta, for he is not a god, but a human being. Kṛṣṇa is not an interlocutor, for the interlocutor to whom Śātyaki 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 “atrārthe bhartṛcaraṇāṁ sprṣṭvā manmantrasaṁśiḥdau svayaṁprabhādyāḥ sapathair antarasthā bha-vantu nah”? 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 “devatā-pitr-pādāḥ” or “deva-brāhmaṇa-pādāḥ” 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 (mūrdhan-) 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
TORU YAGI

will not return from the battle-field if he does not slay Karṇa today (*adya*) (*Mbh* 8.50.34). Yudhiṣṭhira may be dear to Arjuna, just as Prince Rāma is so to his father, King Daśaratha. To Arjuna, the life of King Yudhiṣṭhira 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 Yudhiṣṭhira to the interlocutor himself without his consent may convince him of the truth of the oath-taker’s declaration. But, in the present case, Yudhiṣṭhira 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 Yudhiṣṭhira 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 Yudhiṣṭhira really does so in *Mbh* 8.50.18 “*te śape* (=Arjuna swear to you =Yudhiṣṭhira)”. 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 Svayamprabhā’s husband Trailokyaśālaṁ, King of the Daityas, whose feet are to be touched by her, functions as a guarantee X not as an interlocutor while King Yudhiṣṭhira, 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 Yudhiṣṭhira) or as a guarantee X (like Kṛṣṇa or Trailokyaśālaṁ) 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

78
to the interpretation by, among others, Haradatta. According to him, Type II “yudhiṣṭhirāya śape (I swear to Yudhiṣṭhira)” is equivalent to Type III “tvatpādau śrīśāmī (I touch your feet)”. On the other hand, according to Nagęsa, Type III is equivalent to Type II “yudhiṣṭhirēṇa 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-sītā-prākārulaṣṭa ...ālebhire* (KAŚ 7.17.7)
   pādau raveḥ/mām (SkandaP 1.2.44.10-11)
2. *devatā-pitṛ-pādāḥ* (NS 20.2)
   deva-brāhmaṇa-pādāḥ (BS 8.33)
   pūjya-pādān (ŚukraN 737 cited in Pendse p.290)
   śudrāṃdūrvā-karaṃsāpayet (ViŚ 9.5)
   sīroddhṛtamaḥi-karam (ViŚ 9.9)
   sīroddhṛtamahi-karam (ViŚ 9.17)
3. “*buddhebhyaḥ śataśaḥśape yadi punaḥ kutrāpi kapālinī-śīnottuṅga-
   kucāvaḥghana-bhavah prāptah pramodorayah” (Prabodha 3.18)
4. The occurrence of such an expression as “śape tvayā(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 gram-
   mar, 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 indis-
   pensable.
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)
candraṁāḥ (Mbh 3.75.9)
mātariśvā sadāgatiḥ (Mbh 3.275.23)
agnir āpas ākāśaṁ pṛthivī vāyur (Mbh 3.275.24)
Type II:  
\textit{varuneṇa} (only in Gorresio 5.34.8)

Type III:  
\textit{agny-udaka-sitā-prākāraloṣṭa-} \textit{(KAS} 7.17.7)  
\textit{pādau raveḥ/mām} \textit{(SkandaP} 1.2.44.10-11)  
\textit{devatā-pitṛ-pādāḥ} \textit{(NS} 20.2)  
\textit{deva-brāhmaṇa-pādāḥ} \textit{(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) Yudhiṣṭhira 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 Yudhiṣṭhira, does he function as a mere interlocutor the feet of whom Arjuna swears on? In the above-cited \textit{Prabodha} 3.18, Buddhās, who are such divine beings as a god Y, are put in the dative.

\textit{“buddhebhyah} śataśāh śape(=ātmane X-ā ātmānaṃ śap¹ e) yadi punaḥ kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptāḥ pramododayaḥ”

This is equivalent to:

\textit{“buddhebhyah} śataśāh (X-ā) śap² e na kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptāḥ pramododayaḥ”\textsuperscript{28}.

This is also equivalent both to:

\textit{“buddhaiḥ} śataśāh (X-ā) śap² e na kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptāḥ pramododayaḥ”

and to:

\textit{“buddh(apād)ān} śataśaḥsprśāmi/ālabhe na kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptāḥ pramododayaḥ”.

\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” (Läders p.658).

80
Once again on the Forms of Oath in Classical India (II)

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, Yudhīṣṭhīra functions not only as the interlocutor but also as the witness. Likewise, the expression “vipraḥ śape (By Brahmins I swear)” cited by Nāgęśa is equivalent not only to “vipr(ā)pādāṁ spṛśāmi (I touch the feet of Brahmins)” but also to “viprebhyāḥ 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 (kṣātraḥdharmaḥ) in the expression “ksātradharmeṇa 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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29 This paper was read on the occasion of the Xth World Sanskrit Conference, Bangalore, 1997. I would like to express my deepest gratitude to Prof. Minoru Hara (Emeritus Professor of the University of Tokyo), who has had the kindness to permit me to make use of all the primary sources that he has collected, and has encouraged me to pursue the present study. To him I would like to dedicate this humble paper as a token of my sincere thanks and respect. I also owe this study to the financial aid given both by the Mitsubishi Foundation and by Osaka Gakuin University. I am most grateful both to the Chairman of the Board of Directors of the Foundation and to the President of the University, Prof. Dr. Yoshiyasu Shirai.
TORU YAGI

ABBREVIATIONS

Acc.: Accusative
MärkP: Mārkandeyapurāṇa
AiB: Aitareyabrāhmaṇa
Mbḥ: Mahābhārata
AmbcoraJ: Ambacorajātaka
Mrčch: Mrčchakatikā
ĀnĀSS: Ānandāśrama Sanskrit Series
MS: Manusmṛti
AV: Atharvaveda
NS: Naradasmṛti
ĀpDhS: Āpastamb(ī)adharmasutra
PaṇcaT: Paṇcatantra
BālaC: Bālacarita
Prabodha: Prabodhacandrodaya
BS: Brhaspatismṛti
PratijñāY: Pratijñāyaugandharāyaṇa
BhisaJ: Bhisajātaka
PuṣkaraM: Puṣkaramāhātmya
ChU: Chāndogypoaniṣad
R: Rāmāyaṇa
Dat.: Dative
RV: Ṛgveda
dh.: dhātupāṭha (in Böhtlingk)

SB: Śatapathabrāhmaṇa
DhK: Dharmakośa
ŚukraN: Śukraniti
GauDhS: Gautamadharmasutra
SK: Śiddhāntakaumudi
HOS: Harvard Oriental Series
SkandaP: Skandapurāṇa
Inst.: Instrumental
Śvapna: Śvapnavāsavadatta
KAŚ: Kauṭiliyārthaśāstra
TāṇḍyaB: Tāṇḍyabrāhmaṇa
Kād: Kādambarī
Ūrūbh: Īrūbhāṅga
KS: Kātyāyanasmṛti
ViŚ: Viśnusmrīti
KSS: Kashi Sanskrit Series or
Kathāsritisāgara
Voc.: Vocative
vt.: vārttika
MahāsilāJ: Mahāsilavajātaka
YS: Yājñavalkyasmrīti
MahāsutaJ: Mahāsutasomajātaka

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82
Once again on the Forms of Oath in Classical India (II)

11. Bhisajyātaka, see Fausbøll Vol. IV.
12. Bālacarita, see Bhāsanāṭakacākram.
18. Ḡaṭakarparsa, see Lüders.
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53. *Mahāśutasomajātaka*, see Fausbøll Vol. V.
Once again on the Forms of Oath in Classical India (II)


60. P. Peterson, Śāṅgadharapaddhati, Delhi, 1987.


63. Pratijñāyaugandharāyana, see Bhāsanāṭakacakram.


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81. Urubhaṅga, see Bhāsanāṭakacakram.
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