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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 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.
\(^8\) 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 manuṣa-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 āp- “to swear” nor the roots ā-labh-/sprś- “to touch”. This corresponds to the definition of an oath given by Medhātithi, which runs:

nanu ca yady aham evam kuryāṁ tad ānīṣtam āpṇuyāṁ
iti saṃkirtanakriyā śapathaḥ (Manubhāṣya ad MS 8.113).

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14 ĀpDhŚ 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 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 “śapa upalambhane” on Pāṇini 1.3.21”, Professor George Cardona Felicitation Volume.
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“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:

\[ adyā mūrīya yādī yātudhāno āsmi, yādī vāyus tatāpa pūrṣasya (RV 7.104.15). \]

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

\[ ayaṃ carati loke ’smin bhūtasākṣi sadāgatiḥ, eṣa muṇcatu me prānān yadi pāpaṃ carāmy aham (Mbh 3.75.7). \]

“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:

“adyendra ātmānaṃ hantu ” “Indra shall kill my own self today”
or “adya tvam, indra, ātmānaṃ 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 8ap- “to curse”, we could paraphrase the above-mentioned examples as follows:

Type Ia: \[ adya (indrena) ātmānaṃ (=me jīvitaṃ) śape yadi yātudhāno ’smi. \]

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

\[ sadāgatinā me prānāṇ śape yadi pāpaṃ carāmy aham. \]

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

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Type Ib²⁰: *adya (indrena) ātmanā (=me jīvitena ca) ātmānāṃ śape
yadi 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.”

*sadagatīnā me prānaiś cātmānāṃ śape yadi pāpan ca rāmy 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); *prānān*: Mbh 3.75. 8-9;

B: (The loss of the oath-taker’s) identity

*kṣatriya*: Mbh 3.154.26; Dāmodara: Bāla C 3.11; Yaugandharāyaṇa:
PratijnāY 1.16; 3.9.

C: (The loss of the oath-taker’s) possessions in a broad sense

C¹: human beings

*priyā*: AiB 8.15.

C²: possessions

*lōka*: AiB 8.15.

C³−¹: (The loss of the probability of going to) Heaven (due to C³−²)
Mbh 2.61.45; 2.63.14; 2.68.21; 7.51.24; 9.20.20.

²⁰ The examples of Type Ib are the following:

*buddhebhyaḥ śataśaḥ śape yadi punaḥ katrāpi kapālinī-piṇottuṅga-kucāvagūhana-
bhavaḥ prāptah pramododayah* (Prabodha 3.18).

*savāmi bārhattaṇeṇa jai iḍiṣi kadā vi diṭṭhapuvvā* (Ratnāvalī Act 2, see Hara 1991 p.58).

*savāmi deviḥ caraṇeṇa jai kassa vi purado paśeṇa* (Ratnāvalī Act 3).

*dhānyaiḥ yā kathayasi priyaṃgaṃgame ‘pi visrabdhacāṭukaśatāni rātantareṇu, niviṃ prati
praṇaḥte tu kare priyeṇa sakhyāḥ śaṇāmi yadi kincid api śmarāmi* (Subhāṣitaratnakoṣa
574, Kāvyaprakāśa 4.61, Sāhityadārpana p.109, Sūrīṇḍharapaddhati 3746,
Alamkārasaṅgraha p.29, Kāvyaprādīpa p.102, Durghaṭavṛtti on P.1.3.21, Durgādāsa
on Vopadeva 868, Śabdakastubha p.68, Tatvabodhinī on SK 2688, Nāgaśa on P.1.3.21
vt.8, Laghuśabdenduśekhara, Part II, p.676).

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C3—2: (The loss of the oath-taker’s merits
istāpūrta-sukṛta-: AiB 8.15; janmasukṛta-: PañcaT p.235, ll.21-22;

E1: (The receipt of the probability of going to) Hell (due to E2)
Mbh 7.16.29-34; 7 51.25-36.

E2: (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; SkandaP 6.32.68-80;
PuṣkaraM 11.50-63; AmbacoraJ 344,169-172; 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.)+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:

“atmanā bhrātṛbhiś cāhaṁ dharmena sukṛtena ca
iṣṭena ca śape, rājā” “sūdayiṣyāmi rakṣasam” (Mbh 3.154.44).
“O king, by my own self (atman), by my brothers (bhrātṛ),
by meritorious action (dharma), by good deeds (sukṛta) and by my
oblations (iṣṭa), I swear, I shall slay this Rākṣasa.” (Hara 1991 p.52)
bharateneatmanā cāhaṁ śape te, manujādhīpa, yathā nānyena tūṣye-
yam rte rāmaḥvivāsanāt (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.”

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Other examples are the following:

A: life
  ātmāna (R Vol.2 App.I No.9 1.74; Mbh 3.154.44; Vol 9 1412*; Ūrubh 1.64)
  jīvita (Mbh 12.136.126; ātmajīvitanirdiṣṭena śapathena Pratijñā Y 1.6 prose)
  pādehiḥ (Mṛchch 1.30 prose where Śakāra swears to Vasantasena; 8.37 prose where Śakāra swears to Viṣṇa)

B: identity
  baṃhataṇeṇa (Ratnāvalī 2.42 prose; baṃhasuttaṇa in another edition; baṃhaṇṇena Mṛchch 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; putrābhyaṃ Mbh 7.131.6; sutaiḥ 7.125.24)
  bhrāty- (tribhira bhrātyāḥ R Vol.6 App.I No.9 1.31; bhrātyāḥ Mbh 3.154.44; Bhīmena Yamābhyaṃ 8.50.19)

C²: possessions
  śaṣtreṇa (Mbh 6.102.68 v.l.)
  dhanuṣā (R 2.18.13)
  mūlapalena (R 5.34.36)
  vāhanāyudhaḥ (MS 8.113; NS 1.181; vāhanaśastrāṇi NS 2.20; BS 8.33)
  go-bīṣa-kāñcanaiḥ (MS 8.113; NS 1.181; -rajatāni NS 2 20; -kanakāni BS 8.33)

C³-¹: Heaven (due to C³-²)
  svaṁgalokena (R 7.97.6 v.l.; -bhogena v.l.)
  vīralokaiḥ (Ūrubh 1.64)

C³-²: merits
  satya (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; saṃcaya Svaṁpa 4.3 prose; trisatya NaṁcaT pp.61-62; MS 8.113; NS 1.181; satyaś NaNS 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.
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68; 7.131.6; MS 8.256; suktāna 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; dattāni NS 20.2)
kṣatradharmena (R 1.57.8)
cāритrenā (R 6.104.6)
jaṇena (Mbh 9.29.19)
tapasa (Mbh Vol.9 1412*)
dānena (Mbh 9.29.19)
dharmena (Mbh 3.154.44)
vīryena (Mbh 7.125.24)

C4: 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.
tvātprasadēna (Mbh 8 50.18)
sakhyena (Mbh 6.102.68)
mountains (Dardara-, Malaya-, Vindhya-, Merv-, 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 Yudhīśthira)
Kṛṣṇacaranaṁ (Mbh 7.131.14: Sātyaki to Somadatta)
**tvātpādena (Mbh 8.50.18 v.l.: Arjuna to Yudhīśthira)
**tvaya (Mbh 12.138.185 ed. Kumbhakonam: Lomaśa the cat to Palita the mouse)
**padbhyaṁ tasya (MārkP 21.92)
**bhavatā (Ūrubh 1.64 : Aśvatthāman to King Duryodhana)
candaṇaṁ savāmi tvajja **hiaṇa (Mrchch 6.11: Viraka to Candanaka)
ajjuke savāmi bhāvaṣṭa **śīṣaṁ (Acc.!) attaṇakehiṁ pādehiṁ (Mrchch 1.30 prose: Śakāra to Vasantasena)
savāmi bhāvaṣṭa **śīṣaṁ (Acc.!) attaṇakelakehiṁ pādehiṁ (Mrchch 8.37 prose: Śakāra to Viṭa)
savāmi devie **caraṇe hiṁ (Ratnāvali Act 3 Intro: Madanikā to Kāñ-canamālā)

E2: demerits
sarvaiṁ pātakaiṁ (MS 8.113; NS 1.181)

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With regard to the items marked with two asterisks, their function must be carefully investigated. By the way, *Mbh* 9.64.34-35, where the root *vad*—"to declare", not the root *śap*—, is construed with *satya*—, *iṣṭāpurta*—, *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:

\[
yathā, śālvapate, nānyaṁ naraṁ dhyāmi kathāṁ cana
tvām ṛte, puruṣavṛghra, tathā mūrdhānam ālabhe (Mbh 5.172.14).
\]
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).

\[
nāhatvā vinivarte ṭham karṇam adya raṇājirāt
iti satyena te pādau sprṣāmi, jagatipate (Mbh 8.50.34).
\]
"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

ātmānām (Mbh 3.281.98; 5.172.15; 13.2.71; 14.80.15; 15.6.12)
mūrdhānam (Mbh 5.172.14)

C: possessions in a broad sense

C\(^{1}\): human beings

*putra-dāraśya śirāṃsi* (MS 8.114; BS 8.33; putrādinaṃ *śirāṃsi* ŚukraN 737 cited in Pendse p.290)
*putra-dāraśi-śapathaṃ* (Hārīta cited in Pendse p.287)

\(^{21}\) Add *parā-mṛṣ*— (*MahāsūtaJ* 537,403) and *ā-dā*— (*MahāsūtaJ* 51).
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C²: possessions
\[ \text{āyuḍham (R Vol.2 455*; 2112* 1.8; 3.26.3; Vol.3 504* 1.22; Mbh 1.205.29; 3.15.10; 3.240.39; 7.123.16; 7.160.12; 8.50.19)} \]
\[ \text{atha śāstrasya (karman- P.2.3.65 in connection with sāṃsṛṣaṇ) vipro} \]
\[ \text{′pi śastrasya/pi ca kṣatriyaḥ (SkandaP 1.2.44.11ab, cited in Pendse p.291)} \]
\[ \text{gadām (Mbh 5.73.14)} \]
\[ \text{āsī-/sattī- (śaṣṭri-) (MahāsutaJ 537, 403)} \]
\[ \text{khaggα- (khadga-) (MahāsīlaJ 51)} \]
\[ \text{dhanāνi (ŚukraN 737 cited in Pendse p.290)} \]
\[ \text{tīlα- (ViS 9.6) rājata- (ViS 9.7) svarṇα- (ViS 9.8)} \]
\[ \text{hastiskandha-aśvaprṣṭha-rathopastha-śastra-ratna-bīja-gandha-rasa-} \]
\[ \text{svarna-hiraṇyaṇi (KAŚ 7.17.7)} \]
\[ \text{hiraṇya- (Vasiśṭha cited in DhK p.243)} \]

D²: human beings, who do not belong to the oath-taker but who are not only dear to him but also superior to him.
\[ \text{bhartṛcaraṇān sprṣṭvā...śapathaiḥ (KŚS 119.37)} \]
\[ \text{mātaraṇ pitaraṇ (SkandaP 1.2.44.12, cited in Pendse p.291)} \]

F: items** the function of which must be carefully investigated.
\[ **te/tava pādaṇ (R Vol.2 455*; 677*; Mbh 3.75.6) \]
\[ **te pādaṇapikajāsparseṇa (Kād p.294) \]

W: items which function as a witness, not as a guarantee.
\[ \text{sucih pādaṇu raviḥ sprṣet (SkandaP 1.2.44.10, cited in Pendse p.291)} \]
\[ \text{mām (one of the epithets of Lakṣmī according to, for example, the} \]
\[ \text{Abhidhānaratnamālā 1.31) sāṃsṛṣaṇs tathā vaiśyāḥ śūdraḥ svaguru-} \]
\[ \text{rum eva ca (SkandaP 1.2.44. 11cd, cited in Pendse p.291)} \]
\[ \text{agny-udako-sīlā-prākārałoṣṭa- (KAŚ 7.17.7)} \]
\[ \text{devatā-pitr-pāḍāḥ (NS 20.2)} \]
\[ \text{deva-brāhmaṇa-pāḍāḥ (BS 8.33)} \]
\[ \text{pūjyaṃ (SkandaP 1.2.44.12, cited in Pendse p.291)} \]
\[ \text{pūjya-pādaṇ (ŚukraN 737 cited in Pendse p.290)} \]
\[ \text{śūdraṇi dura-kaṇaṃ śaṇayet (ViS 9.5)} \]
\[ \text{siroddhrtamahī-karaṇa (ViS 9.9)} \]
\[ \text{brāhmaṇaṇi sitoddhrtamahī-karaṇa eva śaṇayet (ViS 9.17)} \]
\[ \text{gośakrd-darbhāṇ (Vasiśṭha cited in DhK p.243)} \]
\[ \text{puspa-, pādaalambhana (Hārīta cited in DhK p.442)} \]
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.+šap-” (“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 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 muṇcatu me prāṇān yadi pāpaṁ carāmy ahām” (=šap₂ atha-)

= Type Ia: (“pāpaṁ na carāmy ahām”) “sadāgatinā me prāṇān šap₁ e 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 cātmānaṁ šap₁ e 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 šap₂ 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:
šap₂- “to swear” =šap₁- “to curse” +ātmānaṁ+yadi...
= “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.”

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= ("A is, oh Z, B.") "Y-ā X-ぁ サン ស sap^1 e yadi..."
   "By means of Y I curse X if..."

= ("A is, oh Z, B.") "Y-ā X-ぁ caṭmānām ស 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-ぁ ca ざ Z-e sap^2 e"
   "By Y and by X I swear to Z."

Type III: “A is, oh Z, B.” "Y-ぁ X-ぁ ca ぁ srśāmi/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, 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 (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. 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. 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

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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 ṣap- (dh.1.1049 or 4.59 “ṣapa ākroṣē, svarite”) is an ubhayapa- “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 (sakaraka-).

P.1.3.72 “svarita-ī-itaḥ kartrabhīprāye 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 ī when the result of an action (denoted by the root) is intended for an agent (of the action). The root ṣap- put in the middle voice has been interpreted as denoting “to curse one’s own self/sich verfluchen, that is, to swear/geloßen”, 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 ākroṣa- in dh.1.1049 or 4.59 is synonymous with the word ṣa- “curse, that is, the action of cursing”25, P.1.3.72 only prescribes, in the case of the root ṣap- “to curse”, that “ṣap1e (I curse)” is equivalent to “ātmane (P.1.4.32) ṣap1e (I curse for my own sake)”. That is to say, people say “ṣap1e (I curse)” instead of taking the trouble to say “ātmāne ṣap1e (I curse for my own sake)”. It never prescribes that “ṣap1e (I curse)” is equivalent to “ātmānena (P.1.4.49) ṣap1e (I curse my own self)”. Then, whom do I curse, because the root ṣap-takes a direct object? For my own sake (ātmane), I curse (ṣap1e) my own self (ātmānena) or someone/something else (param) as the case may be. This results in the following equation:

\[ \text{ṣap}^1 \text{e (P.1.3.72):} \]
\[= (\text{ātmane (P.1.4.32)}) \text{ṣap}^1 \text{e:} \]
I curse (on condition that the result of the action of cursing is intended for myself).

\[ (\text{ātmāne (P.1.4.32)}) \text{ṣap}^1 \text{e:} \]
I curse (for my own sake).
If the action of cursing is finally directed to X, not to myself, then,

\[= (\text{ātmāne Y-ā X-aman}) \text{ṣap}^1 \text{e:} \]
I curse (X by means of Y for my own sake).
If the action of cursing is finally

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25 See, for example, the Abhidhānaratnamālā 1.149a “ṣāpa ākroṣā ākṣepaḥ”.

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directed to myself, not to X, then,

\( = (\text{ātmāne } Y-\text{ā } X-\text{ā ca } \text{ātmānam}) \)

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

If we generalize these, then,

\( = (\text{ātmāne } Y-\text{ā } X-\text{ā cātmāna)} \) \( \text{śap}^1 \text{e}: \)

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 \( \text{parasmai} \) (P.1.4.32) for \( \text{ātmāne} \) and \( \text{śap}^1 \text{āmi} \) (P.1.3.78) for \( \text{śap}^1 \text{e} \).

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

The only difficulty is a case in which the root \( \text{śap}^1 \) “to curse” is put in the middle voice and is construed with an interlocutor \( Z \) such as \( \text{te} \) (you) put in the dative, for P.1.3.72 shows that, when \( \text{śap}^1 \) - 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 \( \text{te} \) (you). Pāṇini has got over the difficulty by formulating P.1.4.34 “\( \text{śāgha-hnūri-sthā-śapām jñīpsyamānāh} \) (sampradānam 32)” which defines a specified type of indirect object as follows: With reference to the roots \( \text{śāgh}-, \text{hnū}-, \text{sthā-} \) and \( \text{śap}- \), “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 “\( \text{śapa upalambhane} \)” [(The middle ending is introduced not only after the root \( \text{krīḍ}- \) preceded by \( \text{anu} \), etc., but also) after the root \( \text{śap}- \), only when this is used] in the sense of \( \text{upalambhane} \) on P.1.3.21 “\( \text{krīḍo } \text{nu-saṁ-paribhyās ca (ātmane padam 12, ānāḥ 20)} \)” [which prescribes: (The middle ending is introduced) after the root \( \text{krīḍ}- \) (dh.1.373 “\( \text{krīḍr vihāre} \), udāttet P.1.3.78) (, only when this is) preceded by \( \text{anu} \), 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 \( \text{śap-} \) “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)” [\( \text{jñāpana} \)
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-, 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 *śap*- 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 “upalambha-” by the action of cursing the agent’s own self on a given condition, and even if the result of the action “upalambha-” implied by the root is not intended for the agent. Thus, the root *śap*- 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 *upalambha-* by the Kāśikā

The meaning of the word *upalambha-* 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 “upalambha” 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 *upalambha-* as denoting “the action of making (someone) perceive/understand”. On the line of Muni-traya, Kātyāta and Nāgeśa interpret the word as (implying) *prakāśana-* “the action of manifesting/making clear”. On the other hand, the Kāśikā interprets the word *upalambha-* as “vācā śārirasparśanam (the action of touching a body with a declaration)”. This means the following:

*śapatha-* (oath, the action of swearing) = *upalambha-*= vācā śārirasparśanam.-

Therefore, the expression *devadattaśa* *śapatoire* “He swears to Devadatta (that A is B)” cited as an example is equivalent to *devadattaṃ sprśati/ālabbate* (“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 Bhaṭṭoṣi, perfectly corresponds to Type III. It is not certain whether the Kāśikā regards the word *upalambha-* as synonymous with *sparsana-*/ālambha-* “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 *śap*- “to swear” denotes also “to touch” to be denoted by the roots *sprś-*/ā-
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labh. Therefore, I believe that the Kaśikā also interprets the root šap2- "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. + šap-" in Type II is equivalent to "Acc. + sprś-/ā-labh-" in Type III. For example, "Z-e šap2 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 nānārthah. asty ākrośe, devadattaṃ śapatīti, nindatītyarthah. asti tattvavedanaapūrvakaṃ tatpratyāyanāya brāhmaṇaḥ kvacid dhastrāsāntānā sākṣātsparśarūpe mānasasparśarūpe vā sāpathe, yathā vipraiḥ śape, kṣātraḥ harbmeṇa šaṇa ityādu. itītāv tu karnaṇo 'pi karaṇatva-vivakṣayā. asti prakāśane, devadattāya śapate, kathayaśtyarthāh. tatra svaritettvāt siddhe 'kartrabhiprāyārtham idaṃ. tad api prakāśānārtha eva.

(Or, the root šap- ) 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) "vipraiḥ śape (By Brahmins I swear)” or "kṣātraḥ harbmeṇa śaṇa (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 “vipraṅ sprśāmi “, i.e., ‘("A is B,"") I touch Brahmins (directly).’ or “kṣātraḥ harbmeṇ 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

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26 In the Dhiitupātha, the meaning "to touch" is not given to the root šap-. Only Yāska gives the meaning "to touch" to the root šap- in the Nirukta 3.21 “sēpah šapateḥ sprśātikarmanah", which means that the word sēpa- "the male organ" (is derived) from the root šap- (which denotes) "the action of touching".
by the root *spa*- is also the instrument (of the realization of the action of swearing denoted by the root *sap*).

Nāgęśa’s explanation of an oath perfectly corresponds to the definition of an oath given by the *Kāśikā*. The crucial point is that “Inst.+ *sap*-” in Type II is equivalent to “Acc.+ *spṛś-*/ā-labh-” in Type III. For example, *viprāḥ ṣap* 2 e “By Brahmans I swear (that A is B.)” is equivalent to *vīprān spṛśāmi/ālabhe* ‘(“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 some one 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 27, if I dare to

27 See Hopkins p.328, ll.6-10.
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distort what he remarks (p.331, 1.7-p.335, 1.6). The latter case holds good, for instance, in the example “śape ṭhaṁ Kṛṣṇacaraṇāṁr 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 Sātyaki. However, this is equivalent to “ālabhe ṭhaṁ kṛṣṇacaraṇāṁ īṣṭāpūrtan 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 Svayamprabhā etc.)” in KSS 119.37 “atrārthe bhartṛcaraṇāṁ sprṣṭवā manmantrasamāndhau svayaṁprabhādyāṁ ṣapathair antaratāthā bha-vantu nāḥ”? Here Svayamprabhā’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
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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 sape* (I=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 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 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 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
to the interpretation by, among others, Haradatta. According to him, Type II “yudhiṣṭhirāya sāpe” (I swear to Yudhiṣṭhira)” is equivalent to Type III “tvatpādau spṛṣāmi” (I touch your feet). On the other hand, according to Nāgēśa, Type III is equivalent to Type II “yudhiṣṭhireṇa sāpe” (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-prākāraoloṣta ...ālebhire (KAŚ 7.17.7)
   pādau rāveḥ/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)
   śudrāṃdūrva-karaṃsāpayet (ViŚ 9.5)
   sīroddhrtamahi-karam (ViŚ 9.9)
   sīroddhrtamahi-karam (ViŚ 9.17)
3. “buddhebhyaḥ śataśāhśape yadi punaḥ kutrāpi kapālini-pīnottuṅga-
   kucāvagihana-bhavah prāptaḥ pramododayah” (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 sapāmi (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-
   pensible.
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:

\[ \begin{align*}
\text{sadāgatiḥ} & \text{ (Mbh 3.75.7)} \\
\text{tigmaṅśuḥ} & \text{ (Mbh 3.75.8)} \\
\text{candramāḥ} & \text{ (Mbh 3.75.9)} \\
\text{mātariśvā sadāgatiḥ} & \text{ (Mbh 3.275.23)} \\
\text{agnir āpas ākāśaṃ prthivi vāyur} & \text{ (Mbh 3.275.24)}
\end{align*} \]
Type II:
varuneṇa (only in Gorresio 5.34.8)

Type III:
agny-udaka-sītā-prākāraloṣṭa- (KAS 7.17.7)
pādau ravaḥ/mām (SkandaP 1.2.44.10-11)
devatā-pitr-pādah (NS 20.2)
deva-brāhmaṇa-pādah (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) Yudhīṣṭhira is touched by Arjuna in 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 Yudhīṣṭhira, does he function as a mere interlocutor the feet of whom Arjuna swears on? In the above-cited Prabodha 3.18, Buddhas, who are such divine beings as a god Y, are put in the dative.

“buddhebhyaḥ šatasaḥ śape (=ātmate X-ā ātmānaṃ śap1e) yadi punah kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ”

This is equivalent to:

“buddhebhyaḥ šatasaḥ (X-ā) śap2e na kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ”28.

This is also equivalent both to:

“buddhaiḥ šatasaḥ (X-ā) śap2e na kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ”

and to:

“buddh(apād)ān śatasaḥspṛśāmi/ālabhe na kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ”.

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” (Lāders p.658).
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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, Yudhishthira functions not only as the interlocutor but also as the witness. Likewise, the expression "vipraḥ śape (By Brahmns I swear)" cited by Nāgęśa is equivalent not only to "vipraḥ(apād)ān sprśāmi (I touch the feet of Brahmins)" but also to "vipreabhyaḥ śape (I swear to Brahmins)". Brahmns function not only as interlocutors but also as witnesses. On the other hand, the duty of the warrior class (kṣatradharmā-) in the expression "kṣatradharmeṇa 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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ABBRÉVIATIONS

Acc.: Accusative
MārkP: Mārkandeyapurāṇa
AiB: Aitareyabrāhmaṇa
Mbh: Mahābhārata
AmbacoraJ: Ambacorajātaka
Mṛcch: Mṛcchakatikā
ĀnĀSS: Ānandāśrama Sanskrit Series
MS: Manusmṛti
AV: Atharvaveda
NS: Nāradasmṛti
ĀpDhs: Āpastāṃbhīya dharmaṣṭra
PāṇiCaT: Pāṇiṣṭha-panḍita
BālaC: Bāla-carita
Prabodha: Prabodhacandrodaya
BS: Bhāsptasmaṃśī
PratijāY: Pratijñāyaugandharāyaṇa
BhisaJ: Bhisajātaka
PuṣkaraM: Puṣkarmāhātmya
ChU: Chāndogypaṇiṣad
R: Rāmāyaṇa
Dat.: Dative
RV: Rgveda
dh.: dhātupātha (in Böhtlingk)

SB: Śatapathabrāhmaṇa
DhK: Dharmakośa
ŚukraN: Śukranāti
GauDhS: Gautamadharmasūtra
SK: Siddhāntakaumudi
HOS: Harvard Oriental Series
SkandaP: Skandapurāṇa
Inst.: Instrumental
Śvapna: Śvapnavāsavadatta
KAŚ: Kautūliyārthaśāstra
ṬaṇḍyaB: Tāṇḍyaabrāhmaṇa
Kād: Kādambarī
Ūrubh: Ŭrubhaṅga
KS: Kātyāyanaṃśī
t: Viṣṇusmṛti
KSS: Kashi Sanskrit Series or
Kāthāsarītsāgara
Voc.: Vocative
vt.: vārttika
MahāśilaJ: Mahāśilavajātaka
YS: Yājñavalkyasmṛti
MahāsutaJ: Mahāsutasomajātaka

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