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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

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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. KAŚ 7.17.7.
10. ŚB 11.2.7.33.
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)."\(^\text{13}\) It is therefore appropriate that both the oath (mainly the former type of oath) and the ordeal should be incorporated into the judicial system\(^\text{14}\) and established as legal procedures\(^\text{15}\).

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

**I. Three types of declaration**

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

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

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

\[\begin{align*}
nanu ca yady aham evam kuryaṁ tad idam anīṣṭam āpnyāṁ \\
iti saṁkirtanakriyā ṣapathāḥ (Manubhāṣya ad MS 8.113).
\end{align*}\]

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

\(^{14}\) ṛPdhŚ II.11.29.6; II.5.11.3; GaudhŚ 2.4.12.

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

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

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

\(^{18}\) Hopkins p.330, Lüders p.658 etc. and Hara (1979) pp.231-251, (1991) p.51. The present study especially owes much to the works of these scholars.
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“The oath is a verbal declaration: if I should have done so, I would incur this undesirable (aniśṭa) (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 murīya yādi yāṭudhāno āsmi, yādi vāyus tatāpa pūruṣasya (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)

ayanī carati loke ’smin bhūtasākṣi sadāgatih, eṣa muñcatu me prānān yadi pāpaṁ 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 ātmānāṁ hantu” “Indra shall kill my own self today” or “adya tvam, indra, ātmānāṁ 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 ṣap- “to curse”, we could paraphrase the above-mentioned examples as follows:

Type Ia: adya (indreṇa) ātmānāṁ (=me jīvitaṁ) ṣape yadi yāṭudhāno ’smi.

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

sadāgatinā me prānāṁ ṣape yadi pāpaṁ 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 Ib: \( \text{adya (indreṇa) ātmanā (}=\text{me jīvitena ca}) \text{ ātmānāṁ śape yadi yātudhāno 'smi.} \) “Today (by means of Indra and) by means of my own self (=life) I curse my own self if I am a sorcerer.”

\( \text{sadāgatīnā me prāṇaiś cātmānāṁ śape yadi pāpaṁ caraṁy aham.} \) “By means of the wind god and by means of my vital breaths (=life) I curse my own self if I have done any wrong.”

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

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

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

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

C\(^1\): human beings
\( \text{prajā-: AiB 8.15.} \)

C\(^2\): possessions
\( \text{loka-: AiB 8.15.} \)

C\(^3\)-1: (The loss of the probability of going to) Heaven (due to C\(^3\)-2)
\( \text{Mbh 2.61.45; 2.63.14; 2.68.21; 7.51.24; 9.20.20.} \)

The examples of Type Ib are the following:
\( \text{buddhebhyaḥ śatasāḥ śape yadi punaḥ kutrūpi kapālini-pīnottuṅga-kucāvagūhana-bhavaḥ prājptah pramododayaḥ(Prabodha 3.18).} \)
\( \text{savāmi bāṇhattenena jai idisi kadā vi diṭṭhapuvvā (Ratnāvalī Act 2, see Hara 1991 p.58).} \)
\( \text{savāmi devi caranehiṃ jai kassa vi purado paśemi (Ratnāvalī Act 3).} \)
\( \text{dhanyāsī ya kathayasi priyasaṅgame 'pi visrabdhacātukaśatāni rataνteṣu, nīvīṃ prati praṇihite tu kare priyeṇa sakhyāḥ śapāmi yadi kimcid api smarāmi (Subhāṣitaratnakoṣa 574, Kāvyaprakāṣa 4.61, Sāhityadarpana p.109, Sūrṇagadharapaddhati 3746, Ālamkārasaṅgraha p.29, Kāvyapradīpa p.102, Durgāṭvaṛtti on P.1.3.21, Durgādāsa on Vopadeva 868, Śabdakaustubha p.68, Tattvabodhinī onŚK 2688, Nāgėśa on P.1.3.21 vt.8, Laghusabdenduśekhara, Part II, p.676).} \)

20 The examples of Type Ib are the following:
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C3-2: (The loss of the oath-taker’s) merits

\( \text{ɪståpùrta-} / \text{su}k\text{rta-}: \ AïB 8.15; \text{janmasukrta-}: \ P\text{a}n\text{c}aT \ p.235, \ ll.21-22; \\
\text{tapaścaryāyāḥ} \ phala-: \ R 7.96.20 \ (\text{ed. Kumbhakonam}). \)

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.

\( \text{Mbh} \ 13.95.56-74; \ 13.96.16-41; \ R 2.69.14-28; \ SkandaP \ 6.32.68-80; \\
\text{PuṣkaraM} \ 11.50-63; \ \text{AmbacoraJ} \ 344,169-172; \ \text{BhisaJ} \ 488,77-90. \)

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.)+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:

“\( \text{ātmanā} \ \text{bhrāṭṛbhīś} \ \text{cāhaṁ} \ \text{dharmeṇa} \ \text{su}k\text{rtena} \ \text{ca} \\
\text{iśtena} \ \text{ca} \ \text{śape}, \ \text{rājan}” “\text{sūdayiśyāmi} \ \text{rakṣasam}” (\text{Mbh} 3.154.44).”

“O king, by my own self (\text{ātman}), by my brothers (\text{bhrāṭṛ}),
by meritorious action (\text{dharma}), by good deeds (\text{sukrta}) and by my
oblations (\text{iṣṭa}), I swear, I shall slay this Rākṣasa.” (\text{Hāra 1991 p.52})

\( \text{bharatena}t\text{ātmanā} \ \text{cāhaṁ} \ \text{śape te}, \ \text{manujādhipa}, \ \text{yathā} \ \text{nāṇyena} \ \text{tuṣye-} \\
\text{yam} \ \text{ṛte} \ \text{rāmavivāsanāt} \ (R \ \text{Vol.2} \ \text{App.I No.9} \ 1.74=\text{Kumbhakonam} \\
2.12.49). \)

“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.1 No.9 1.74; Bh. 3.154.44; Vol 9 1412*; Ûrubh 1.64)
   jīveśā (Mbh 12.136.126; ātmajīveśāniśapathena PratijñāY1.6 prose)
   pādehiṁ (Mṛcch 1.30 prose where Śakāra swears to Vasantasenā; 8.37 prose where Śakāra swears to Viṭā)

B: identity
   banhhattāṇeṇa (Ratnvālī 2.42 prose; bānhasũteṇa in another edition; banhānṇeṇa Mṛcch 5.39 prose, see Hara 1991 p.58)

C: possessions in a broad sense

C¹: human beings
   putra- (putraṁ R 2.42.20; Rāmeṇa Vol.2 200*; Bharatena Vol.2 App.1 No.9 1.74; putrābhyaṁ Mbh 7.131.6; sutaṁ 7.125.24)
   bhrāṭr- (tribhir bhrāṭrbiṁ R Vol.6 App.1 No.9 1.31; bhrāṭrbiṁ Mbh 3.154.44; Bhīmena Yamābhhyām 8.50.19)

C²: possessions
   śastreṇa
      (Mbh 6.102.68 v.l.)
   dhanusā (R 2.18.13)
   mūlaphalena (R 5.34.36)
   vāhanājūdhaiḥ (MS 8.113; NS 1.181; vāhanaśastrāṇi NS 2.20; BS 8.33)
   go-bīja-kāṇcanaiḥ (MS 8.113; NS 1.181; -rajatāni NS 2 20; -kanakāni BS 8.33)

C³⁻¹: Heaven (due to C³⁻²)
   svargalokena (R 7.97.6 v.l.; -bhogenā v.l.)
   vīrālokaiḥ (Ûrubh 1.64)

C³⁻²: merits
   satyena (R Vol.2 378*; 2.18.13; 821*; 831*; 2.45.4; 7.97.6; Bh. 6.102.68; 7.53.37; Vol.9 1412*; 8.50.18; 9.29.19; 9.42.29; saccena Śvapna 4.3 prose; trisatyena PañcāT pp.61-62; MS 8.113; NS 1.181; satyaṁ NS 20.2; BS 8.33 v.l.; SukraN 737 cited in Pendse p.290)
   sukṛtena (R 2.10.19; Vol.2 831*; Bh. Vol.1 612*; 3.154.44; 6.102.
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68; 7.131.6; MS 8.256; sukṛtāṇī 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)
kṣatradharmaṇa (R 1.57.8)
cāritisena (R 6.104.6)
japena (Mbh 9.29.19)
tapasā (Mbh Vol.9 1412*)
dānenā (Mbh 9.29.19)
dharmena (Mbh 3.154.44)
vīryena (Mbh 7.125.24)

C4: pleasure
bhāvänu-rakta-vanitā-surataiḥ (Ghaṭakarpara, Lüders p.670)

D1: (The loss of) something, which does not belong to the oath-taker but which is desirable for him.
tvaprasādena (Mbh 8 50.18)
sakhyaṇa (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 Yudhiṣṭhira)
Kṛṣṇacaranaṇaiḥ (Mbh 7.131.14: Sātyaki to Somadatta)
**tvapādena (Mbh 8.50.18 v.l.: Arjuna to Yudhiṣṭhira)
**tvaya (Mbh 12.138.185 ed. Kumbhakonam: Lomaśa the cat to Palita the mouse)
**padbhyaṁ tasya (MärkP 21.92)
**bhavatā (Urubh 1.64 : Aśvatthāman to King Duryodhana)
candaṇaṁ saṁvāṁ tuvja **hiaṇa (Mṛcch 6.11: Viraka to Candana)
ajjukė saṁvāṁ bhāvaśṣa **śiṣaṁ (Acc.!) attaṇakehiṁ pādehiṁ (Mṛcch 1.30 prose: Śakāra to Vasantasena)
śaṁvāṁ bhāvaśṣa **śiṣaṁ (Acc.!) attaṇakelehiṁ pādehiṁ (Mṛcch 8.37 prose: Śakāra to Viṭa)
saṁvāṁ deive **caraṇehiṁ (Ratnāvalī Act 3 Intro: Madanikā to Kāna-canamālā)

E2: demerits
sarvaṁ pataκaṁ (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 šap-, is construed with satya-, iṣṭāpūrta-, dāna-, dharma- and sukṛta-, is substantially an oath.

iii. Type III: Declaration I +Acc.+ā-labh-/sprṣ- “to touch”

“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:

\[\text{yathā, śālvapate, nānyaṁ naraṁ dhyāmi kathām cana}\]
\[\text{tvāṁ āte, puruśavyāghra, tathā mūrdhānam ālabhe (Mbh 5.172.14).}\]

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).

\[\text{nāhaṭvā vinivarte 'haṁ karnam adya raṇājiṛat}\]
\[\text{iti satyena te pādau sprṣāmi, jagatipate (Mbh 8.50.34).}\]

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

Other examples are the following:

A: life
\[\text{ātmānām (Mbh 3.281.98; 5.172.15; 13.2.71; 14.80.15; 15.6.12)}\]
\[\text{mūrdhānam (Mbh 5.172.14)}\]

C: possessions in a broad sense

C¹: human beings
\[\text{putra-dārasya śīrāṃsi (MS 8.114; BS 8.33; putrādīmastakam KS 420; putrādīnāṃ śīrāṃsi ŚukraN 737 cited in Pendse p.290)}\]
\[\text{putra-dārādi-śapathān (Hārīta cited in Pendse p.287)}\]

21 Add para-mṛṣ- (MahāsutaJ 537,403) and ā-dā- (MahāsitaJ 51).
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C^2: possessions

āyudham (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)

atha śāstrasya (karman- P.2.3.65 in connection with sanśprśan) vipro 'pi śāstrasāpya ca kṣatriyaḥ (SkandaP 1.2.44.11ab, cited in Pendse p.291)
gadām (Mbh 5.73.14)

asi-/sattī- (śāstrī-) (MahāsūtaJ 537, 403)
khaṅga- (khaḍga-) (MahāsilāJ 51)
dhanāṁ (ŚukraN 737 cited in Pendse p.290)
tila- (Viś 9.6) rajaṭa- (Viś 9.7) suvarṇa- (Viś 9.8)
hastiskandha-aśvaprśtha-rathopastha-śastra-ratna-bīja-gandha-rasa-

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.

bhartṛcaraṇan spr̄ṭvā...sāpathāḥ (KŚS 119.37)
mātaraṁ pitarāṁ (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*; Mbh 3.75.6)

**te pādayaṇikajasparśena (Kād p.294)

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

sucīḥ pādau rāveḥ spr̄śet (SkandaP 1.2.44.10, cited in Pendse p.291)
māṁ (one of the epithets of Lakhṣīma according to, for example, the Abhidhānaaratnamālā 1.31) sanśprśāṁs tathā vaisāyāḥ śūdraḥ svagurum eva ca (SkandaP 1.2.44. 11cd, cited in Pendse p.291)

agny-udaka-sīlā-prākāraloṣṭa- (KAS 7.17.7)

devatā-pitṛ- pādāḥ (NS 20.2)

deva-brāhmaṇa-pādāḥ (BS 8.33)

pūjyaṁ (SkandaP 1.2.44.12, cited in Pendse p.291)
pūjya-pādān (ŚukraN 737 cited in Pendse p.290)

śūdraṁ dūrvā-karaṇā śāpayet (Viś 9.5)

siroddhārtamahi-karam (Viś 9.9)
brāhmaṇaṁ sītodhdhārtamahi-karam eva śāpayet (Viś 9.17)

gośakrd-darbhān (Vasiṣṭha cited in DhK p.243)
puspa-, pādalambhana (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.+sap-” (“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 *sap-* means “to curse”, we call it *sap*<sup>1</sup>. On the other hand, when it means “to swear”, we call it *sap*<sup>2</sup>. The relationship between Type I and II are as follows:

Type I: (“pāpaṃ na carāmy aham”) “ayaṃ carati loke ’smin bhūtasākṣī sadāgatiḥ eṣa muñcatu me prāṇaṇ yadi pāpaṃ carāmy aham” (=*sap*<sup>2</sup>atha-)

= Type Ia: (“pāpaṃ na carāmy aham”) “sadāgatinā me prāṇaṇi ā lip<sup>1</sup>e yadi pāpaṃ carāmy aham”

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

= Type Ib: (“pāpaṃ na carāmy aham”) “sadāgatinā me prāṇaiś cātmānaṃ ā lip<sup>1</sup>e yadi pāpaṃi carāmy aham”

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

= Type II: “pāpaṃ na carāmy aham” “sadāgatinā me prāṇaiś ca ā lip<sup>2</sup>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:

*sap*<sup>2</sup>- “to swear” =*sap*<sup>1</sup>- “to curse” +ātmānaṃ+yaḍī...

= “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-aṁ śaṇ 1 e yadi...”
“By means of Y I curse X if...”

(“A is, oh Z, B.”) “Y-ā X-ā cātmānaṁ śaṇ 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 śaṇ 2 e”
“By Y and by X I swear to Z.”

Type III: “A is, oh Z, B.” “Y-aṁ X-aṁ ca sprāśami/alabhe”
“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 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 śap- (dh.1.1049 or 4.59 “śapa ākroṣe”, svaritēt) is an ubhayapa- 

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-ṅ-itāḥ kartrabhiprāye kriyāphale (ātmānapadam 12)” pre-

scribes: (The middle ending is introduced) after (a root) which has as index a 

svarita “(nasalized) vowel with the circumflex accent” or ū when the result 
of an action (denoted by the root) is intended for an agent (of the action). 
The root śap- 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 ākroṣa-
in dh.1.1049 or 4.59 is synonymous with the word śāpa- “curse, that is, the 
action of cursing”25, P.1.3.72 only prescribes, in the case of the root śap- “to 
curse”, that “śap¹e (I curse)” is equivalent to “ātmāne (P.1.4.32) śap¹e (I 
curse for my own sake)”. That is to say, people say “śap¹e (I curse)” instead 
of taking the trouble to say “ātmāne śap¹e (I curse for my own sake)”. It 
never prescribes that “śap¹e (I curse)” is equivalent to “ātmānāṁ (P.1.4.49) 
śap¹e (I curse my own self)”. Then, whom do I curse, because the root śap-
takes a direct object? For my own sake (ātmāne), I curse (śap¹e) my own 
self (ātmānāṁ) or someone/something else (param) as the case may be. This 
results in the following equation:

śap¹e (P.1.3.72):
I curse (on condition that 
the result of the action of cursing 
is intended for myself).

=(ātmāne (P.1.4.32)) śap¹e:
I curse (for my own sake).
If the action of cursing is finally 
directed to X, not to myself, then,

=(ātmāne Y-ā X-an) śap¹e: I 
curse (X by means of Y for my 
own sake).
If the action of cursing is finally

25 See, for example, the Abhidhānaratnamālā 1.149a “śāpa ākroṣa ākṣepāḥ”.

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directed to myself, not to X, then,

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

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

If we generalize these, then,

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

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

This holds good for the oath (\(\text{ sap}^{2} \text{ atha}-\)) when we take into account the equation mentioned at the end of II.1.

The only difficulty is a case in which the root \(\text{ sap}^{1}-\) “to curse” is put in the middle voice and is construed with an interlocutor Z such as \(\text{ te} (\text{ you})\) put in the dative, for P.1.3.72 shows that, when \(\text{ sap}^{1}-\) 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 \(\text{ te} (\text{ you})\). Pāṇini has got over the difficulty by formulating P.1.4.34 “\(\text{ślāgha-} \text{ hnu-} \text{ sthā-} \text{ sapām jnīpsyamānah (sampradānam 32)}\)” which defines a specified type of indirect object as follows: With reference to the roots \(\text{ ślāgh-}, \text{ hnu-}, \text{ sthā-} \text{ and } \text{ sap-},\) “one to whom (something/someone) is being desired (by the agent) to be made known” (by the action denoted by each root) is (technically called) an indirect object. As for Kātyāyana, taking P.1.4.34 into account, he has taken the trouble to formulate vt.8 “\(\text{ sapā upalambhane }\)” [(The middle ending is introduced not only after the root \(\text{ krīḍ-} \text{ preceded by anu-, etc., but also)}\) after the root \(\text{ sap-} (\text{, only when this is used})\) in the sense of upalambhana.] on P.1.3.21 “\(\text{ krīḍo 'nu-saṃ-} \text{ paribhyāsa ca (ātmānepadam 12, ānąḥ 20)}\)” [which prescribes: (The middle ending is introduced) after the root \(\text{ krīḍ-} \text{ (dh.1.373 “krīḍ} \text{ vihāre”, udātteti 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{ sap-} \text{ “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 “jnāpāna-/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 “upalambhana-” by the action of cursing the agent’s own self on a given condition, and even if the result of the action “upalambhana-” implied by the root is not intended for the agent. Thus, the root 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 upalambhana- by the Kāśikā

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

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

Therefore, the expression devadattāya śaṣate “He swears to Devadatta (that A is B)” cited as an example is equivalent to devadattāṁ sprśati/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 Bhaṭṭoṛi, perfectly corresponds to Type III. It is not certain whether the Kāśikā regards the word upalambhana- as synonymous with sparsanam/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 śaṣ- “to swear” denotes also “to touch” to be denoted by the roots sprś-/ā-
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labh-26. Therefore, I believe that the Kāśikā also interprets the root śap- 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.+sprś-/ā-labh-” in Type III. For example, “Z-e śap²e” [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 Nāgęsa

śapatir nānārthah. asty ākrośe, devadattam śapatīti, nindatītyarthaḥ. asti tattvavedanapūrvakaṃ tatpratyāyanayā brahmanaḍeḥ kvacid dhaṭadindāśaṃgaṭprasāraṇaṃ mānasaspāraṇaṃ vā śapate, yathā viprāh śape, kṣātraḥharmemaṇa śāpa ityādau. tītīya tu karmāṇo ‘pi karaṇatvavivāksayā. asti prakāśane, devadattāya śapate, kathayatītyarthaḥ. tatra svaritettvāt siddhe ‘kartrabhāpīryārtham idam. tad api prakāśanārtha 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) “viprāh śape (By Brahmins I swear)” or “kṣātraḥharmemaṇa 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 “vipraḥ śaṃ śat śat śaṃ” , i.e., ‘(“A is B,”) I touch Brahmins (directly).’ or “ksātraḥharmemaṇ sprśāmi”, i.e., ‘(“A is B,”) I touch the duty of the warrior class (in my mind).’] But (, in the above-quoted expressions,) the third case ending (expressing the instrument of the realization of an action denoted by a root) is (used) because one desires to express that the direct object (, expressed by the second case ending, of the action of swearing— here this action of swearing takes the form of action of touching denoted

26 In the Dhātupātha, 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 “śepah śapateḥ sprśatikarmaṇah”, which means that the word śepa- “the male organ” (is derived) from the root śap- (which denotes) “the action of touching”.

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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-/ā-labh-” in Type III. For example, vipraih śapṛe “By Brahmans I swear (that A is B.)” is equivalent to viprān 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 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 II27, if I dare to

\[27 \text{See Hopkins p.328, ll.6-10.}\]
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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 ḫaṁ Kṛṣṇacaranaṁ 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 “ālabbe ḫaṁ kṛṣṇacaranaṁ 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 Sātyaki and to whom, therefore, he makes obeisance), while the very same Kṛṣṇa functions as a guarantee X. In other words, in the former expression, it is a god that would dispose of both the life of Sātyaki’s beloved lord Kṛṣṇa and his īṣṭāpūrta, while, in the latter, it is Sātyaki’s beloved lord Kṛṣṇa that would dispose of his īṣṭāpūrta. This is absurd because Kṛṣṇa functions as a guarantee X, not as a witness Y nor as an interlocutor. Kṛṣṇa could not dispose of Sātyaki’s īṣṭāpūrta, for he is not a god, but a human being. Kṛṣṇa is not an interlocutor, for the interlocutor to whom Sātyaki swears is a detestable enemy Somadatta.

If, not when an oath-taker swears by the feet (of Z), but only when he touches the feet (of Z), Z functions as a witness Y, what becomes of “the husbands (of Svayaṁprabhā etc.)” in KSS 119.37 “atrārthe bhartṛcaraṇān sprṣṭvā manmantriśaṁmīdhau svayaṁprabhādyāḥ śapaṭā vra Antarasthā bha-vantu naḥ”? Here Svayaṁprabhā’s husband, among others, functions, without doubt, as a guarantee X not as a witness Y nor as an interlocutor, for the interlocutor to whom she will be made to swear is (either a king’s minister as an observer or) King Merudhvaśa 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-brāhmaṇapādāḥ” 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
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 ṣape (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 Svayamprabhā’s husband Trailokyaṁalinaṁ, 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 Trailokyaṁalina) 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
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to the interpretation by, among others, Haradatta. According to him, Type II “yudhiṣṭhirāya śape (I swear to Yudhiṣṭhira)” is equivalent to Type III “tvatpādau spṛśāmi (I touch your feet)”. On the other hand, according to Nāgęśa, Type III is equivalent to Type II “yudhiṣṭhirāṇa 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. āgnī-yudaka-sitā-prakārañcakṣa...śelebhire (KAŚ 7.17.7)
   pādau raveḥ/māṁ (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)
   śūdra-māṃvā-karaṃsāpayet (ViŚ 9.5)
   sīrodhdṛtamahi-karam (ViŚ 9.9)
   sīrodhdṛtamahi-karam (ViŚ 9.17)
3. “buddhebhyāḥ śataśaḥśape yadi puraḥ kutrāpi kapālīnī-pūnttuaṅga-
   kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ” (Prabodha 3.18)
4. The occurrence of such an expression as “śape tvāyāḥ(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-
   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)
tigmānśuḥ (Mbh 3.75.8)
candraṁāḥ (Mbh 3.75.9)
māṭariśvā sadāgatiḥ (Mbh 3.275.23)
agnir āpas ākāśaṁ pṛthivī vāyuḥ (Mbh 3.275.24)

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Type II:
varunaṇa (only in Gorresio 5.34.8)

Type III:
agny-udaka-sitā-prākāraloṣṭa- (KAŚ 7.17.7)
pādauvśaṇa/mām (SkandaP 1.2.44.10-11)
devatā-pītṛ-ṝdāḥ (NS 20.2)
deva-brāhmaṇa-pādāḥ (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 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 Prabodha 3.18, Buddhas, who are such divine beings as a god Y, are put in the dative.

“buddhebhyaḥ śataśāḥ śape (=ātmane X-ā ātmāṇam ṣap¹e) yadi punaḥ kutrāpi kapālini-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ”

This is equivalent to:

“buddhebhyaḥ śataśāḥ (X-ā) ṣap²e na kutrāpi kapālini-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ”

This is also equivalent both to:

“budhhaḥ śataśaḥ (X-ā) ṣap²e na kutrāpi kapālini-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ”

and to:

“budh(apād)ān śataśaḥsprṣāmi/ālabhe na kutrāpi kapālini-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ”.

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28 If X is not referred to as in this example, we had better think that X is the life of an oath-taker and that X is omitted because of a truism, taking into consideration the fundamental idea of the oath “Selbstverfluchung zum Tode für den Fall der Unwahrheit der Aussage” (Lüders p.658).
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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, Yudhiṣṭhirā functions not only as the interlocutor but also as the witness. Likewise, the expression “vīprāḥ śāpe (By Brahmins I swear)” cited by Nāgeśa is equivalent not only to “vīpr(ā)pādāḥ śṛṣṭāmi (I touch the feet of Brahmins)” but also to “vīprēbhyaḥ śāpe (I swear to Brahmins)”. Brahmins function not only as interlocutors but also as witnesses. On the other hand, the duty of the warrior class (kṣātradharma-) in the expression “kṣātradharmaṇa śāpe (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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ABBREVIATIONS

Acc.: Accusative
MærkP: Mærkandeyapurāṇa
AiB: Aitareyabrāhmaṇa
Mbḥ: Mahābhārata
AmbacoraJ: Ambacorajātaka
Mrcch: Mrcchakatikā
ĀnĀSS: Ānandāśrama Sanskrit Series
MS: Manusmṛti
AV: Atharvaveda
NS: Nāradasmṛti
ĀpDhS: Āpastamba(īy)adharmasūtra
PaṇcaT: Paṇcatantra
BālaC: Bālakarita
Prabodha: Prabodhacandrodaya
BS: Brhaspatismṛti
PratijñāY: Pratijñāyaugandharāyaṇa
BhisaJ: Bhisajātaka
PuśkaraM: Puṣkaramāhātmya
ChU: Chāndogyopaniṣad
R: Rāmāyaṇa
Dat.: Dative
RV: Rgveda
dh.: dhātupāṭha (in Böhtlingk)

ŚB: Śatapathabrāhmaṇa
Dhk: Dharmakośa
ŚukraN: Śukraniti
GauDhS: Gautamadharmasūtra
SK: Siddhāntakaumudi
HOS: Harvard Oriental Series
SkandaP: Skandapurāṇa
Inst.: Instrumental
Śvapna: Śvapnavāsavadatta
KAŚ: Kauṭiliyārthaśāstra
TāṇḍyaB: Tāṇḍyabrāhmaṇa
Kād.: Kādambarī
Ürubh.: Ürubhaṅga
KS: Kātyāyanasmṛti
VīŚ: Viśnusmṛti
KSS: Kashi Sanskrit Series or
Kathāsaritsāgara
Voc.: Vocative
vt.: vārttika
MahāśilaJ: Mahāśilavajātaka
YS: Yājñavalkyasmṛti
MahāsutaJ: Mahāsutasomajātaka

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63. *Pratijñāyaugandharāyaṇa*, see Bhāsanāṭakacakram.
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80. *Śvapnavaśavadatta*, see Bhāsanāṭakacakram.
81. *Urubhaṅga*, see Bhāsanāṭakacakram.
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