

FUTILE AND FALSE REJOINDERS, SOPHISTICAL ARGUMENTS
AND EARLY INDIAN LOGIC

In the investigations, studies, lectures or panels at conferences focusing on the phenomenon of what is called Indian logic – and I do not want to rehash the discussion about the appropriateness of this designation – the main emphasis in the last decades has been attached to such topics as the structure and function of the logical reason (*hetu*), the conditions of the validity of the reason such as the *trairūpya* theory or even particles employed in its definitions, the logical or ontological relations of the proving property and its consequence regarding such terms as *avinābhāva*, *vyāpti*, *pratibandha*, *sādhyaśādhanabhāva* or *svābhāvikasambandha*, the question of the implications of the fallacies of the reason (*hetvābhāsa*), the function of examples in Indian logic etc. Less emphasis has been given to the early system of proof in the dialectical traditions and its function in the development of the logical traditions, with the exception of YUICHI KAJIYAMA's article on the authorship of the **Upāyahṛdaya*¹ or CLAUS OETKE's investigations on the matter.²

Even less attention has been directed toward the interpretation of the early dialectical traditions, although they represent one of the starting points of the reflections on logic in India. Let me, therefore, direct the attention to one special problem in early dialectics which has not been hitherto adequately dealt with: the problem of the so-called *jāti*s.

The term '*jāti*' as a category in the dialectical tradition occurs, as far as we know, for the first time in the *Nyāyasūtra* within the definition of the hostile forms of debate. It is claimed by the *Nyāyasūtra* that friendly debates (*vāda*) are carried out by the opponents taking up opposite positions (*pakṣapratipakṣaparigraha*) which are established by the five members of proof (*avayavopapanna*) respectively and are not contradictory to the respective doctrines (*siddhāntāviruddha*) and that they consist in the establishment of their respective thesis and the refutation of the counterthesis based upon the means of knowledge and reasoning (*pramāṇatarkasādhanopālabha*).³ The hostile forms of debate, namely, disputation (*jalpa*) and eristic wrangles (*vitandā*) are carried out by proving and refuting with the same attributes as the

friendly debates (*vāda*) with the addition of quibbling or equivocation (*chala*), *jāti*s and points of defeat (*nigrahassthāna*).⁴

Of these three additional methods of debate employed in *jalpa* and *vitandā*, quibbling and *jāti* have been called “tricks” or “tricky devices” in debate.⁵ Undoubtedly ‘quibbling’ (*chala*)⁶ has a tricky character because it is based on equivocation and is used to disconcert and confuse the opponent in the course of debate. The clarification of the issue as to whether the nature of *jāti* is also merely a tricky one in the early texts, is the aim of this paper.

The translation of the term *jāti*, or rather its interpretation in the context of debate by various notable scholars such as GAṄGANATHA JHA, RANDLE, SOLOMON, MATILAL, etc. as a “futile, illegitimate or false rejoinder”, “sophistical argument or refutation”, “false or unwarranted parity of reasoning” and the like,⁷ gives the concept a character of incorrectness and sophistry. This generally believed negative connotation of the term is probably one of the reasons that have made the *jāti*s unattractive for further logical investigation. Because the term has been principally understood as nothing but another sophisticated dialectical instrument for defeating the opponent in debate, it has only been dealt with in general representations of the dialectical traditions.

These opinions and interpretations are not mere inventions of the scholars of the 20th century, but also have a solid basis in the early Indian tradition. One of the earliest documented sources on the topic, Vasubandhu’s *Vādaividhāna*, gives a categorisation of debate (*kathā*), which is different from that of the Nyāya. Vasubandhu accepts, unlike the Nyāya tradition, only one form of debate⁸ which is made up of proof (*sādhana*) and refutation (*dūṣaṇa*), literally “pointing out of faults”, and their respective fallacious forms, namely the fallacies of proof (*sādhanābhāsa*) and the fallacies of refutation (*dūṣaṇābhāsa*).⁹ Within the refutation (*dūṣaṇa*)¹⁰ which seems to contain the points of defeat (*nigrahassthāna*) supported by Vasubandhu, one of the subordinated failures in debate, which could be pointed out in the opponent’s presentation, is called *uttaradoṣa*, deficiency of retort. This failure most probably covers, at least in FRAUWALLNERS opinion,¹¹ the kinds of rejoinders that are called *jāti* in the Nyāya tradition. Thoughts in this direction can already be traced earlier in the *Tarkaśāstra* in which, according to TUCCI’s re-translation from the Chinese, the *jāti*s are called *khaṇḍana*, refutation, literally “destroying [the opponent’s position]”. These refutations are subdivided again in exactly the same way as in the *Vādaividhāna*, into a reversed (*viparītakhaṇḍana*), an untrue (*asatkhaṇḍana*) and a contradictory refutation (*viruddhakhaṇḍana*).

According to this view, these dialectical means are nothing but points of defeat (*nigrahassthāna*).¹² On the basis of such an interpretation of these faulty refutations, it is plausible that they are not explicitly mentioned in the list of points of defeat by the *Tarkaśāstra*,¹³ because their implied faultiness already counts as points of defeat in a debate.

But if we go a step further back in the history of early Indian dialectics, we arrive at another stage of awareness of this problem. The *Nyāyasūtra*, at least in the definitions of its first book, accepts the *jāti*s as valid means of dialectical refutation as can be seen in the definition of disputation (*jalpa*) and of eristic wrangles (*vitandā*) mentioned above. Furthermore, in the earlier Buddhist manual **Upāyahṛdaya* (*fang-pien hsin-lun*),¹⁴ which I am not going to discuss here in detail, we find, in contrast to the other Buddhist sources mentioned before, twenty of these refutations¹⁵ defined as valid refutations of syllogistic arguments.¹⁶ In TUCCI's re-translation into Sanskrit from the Chinese translation of the lost original, these refutations are simply called *dūṣaṇa*, the pointing out of flaws in the argumentation of the opponent.¹⁷

The further investigation aims to elucidate the function of the category of *jāti* mentioned as one of the main 16 categories (*padārtha*) of the *Nyāyasūtras*,¹⁸ and to answer the question why the *Nyāyasūtra*, assuming that these refutations are false, did not recognize the individual *jāti*s as implying deficient arguments as points of defeat, as the *Tarkaśāstra* did.

To begin with, let us look at the general definition of *jāti* in the first book of the *Nyāyasūtra*: "A *jāti* is an objection (*pratyavasthāna*) by means of similarity (*sādharmya*) and dissimilarity (*vaidharmya*)."¹⁹ There is no further information about the notion except that there are many *jāti*s and points of defeat (*nigrahassthāna*)²⁰ because of the variety of possibilities to object to an argument or to defeat the opponent.²¹ Without any knowledge of the actual use of the *jāti*s in the first chapter of the fifth book of the *Nyāyasūtra* or in other relevant sources, one would have to ask: What is the target of such an 'objection'?

The objection must refer to the reason as defined in the *Nyāyasūtra*, because it is defined as the proving factor of the instance to be proved, which obtains its validity from the similarity (*sādharmya*) and/or the dissimilarity (*vaidharmya*) to the exemplification (*udāharana*),²² i.e. the positive and/or negative example (*dr̥ṣṭānta*) exemplifying both properties under consideration,²³ namely the property to be proved (*sādhya*) and the proving property (*sādhana*, e.g. *hetu*) and their relation to one another. The object of the *jāti* should be that instance on which the conclusiveness of the reason is based and its relation to the instance to be

proved which is stated in the fourth member of proof, e.g. the application (*upanaya*).²⁴ The underlying problem of these three members of proof is the ascertainment of their validity by similarity and dissimilarity, which seems to be the target of the attack of a *jāti*. More generally worded: the objection is directed against the method of proof as a whole, because it attacks its most delicate part, the validity of the concomitance and its ascertainment by means of similarity and dissimilarity, which is not determined in the definition section of the *Nyāyasūtra* and, therefore, is open for criticism.

In this connection, I consciously differentiate between the definition sections of the first book and the fifth book of the *Nyāyasūtras* because there are good reasons for the assumption that these two books as a whole, apart from some additional later *Sūtras*, do **not** form the basis of the original manual of debate on which the *Nyāyasūtras* are grounded, the contrary of which has been propounded by such eminent scholars such as RUBEN, TUCCI and FRAUWALLNER.²⁵ It has been shown recently by a text-critical study of A. MEUTHRATH based on formal criteria, that it is rather book 1.1 and 1.2 with the addition of book 5.2, which form a reconstructable unity, whereas book 5.1, containing mainly the *jātis*, is most probably a later insertion.²⁶ In addition to the formal criteria of MEUTHRATH, there are also plausible reasons for this assumption based on its contents.

Before entering a discussion on individual *jātis* in the *Nyāyasūtras*, I would like to point to Vātsyāyana's commentary on the *Sūtra*'s definition of the *jāti*. In this passage, among other explanations, Vātsyāyana tries to give an etymological explication of the term *jāti*, literally meaning 'birth', 'production', 'genus', 'family', 'character of a species' etc. He obviously traces the term back to the root $\sqrt{\text{jan}}$, 'to be born or to arise', 'to come into existence' etc. by saying: "The directly following consequence (*prasaṅga*), which arises when a reason (*hetu*) has been brought forward [in a debate], is a *jāti*. And this 'directly following consequence' is an objection (*pratyavasthāna*), [i.e.] a rejection (*upālabha*), a negation (*pratiṣedha*) by means of similarity or dissimilarity. In case that, [according to NSū 1.1.34], the reason (*hetu*) [put forward] is that which proves the [property] to be proved because of its similarity to the example (*udāharaṇa*), [the *jāti*] is the objection to this [reason] by means of its dissimilarity to the example. In case that, [according to NSū 1.1.35], the reason [put forward] is that which proves the [property] to be proved [in the instance to be proved] because of its dissimilarity to the example, [the *jāti*] is the objection to this [reason] by means of its similarity to the example. That [objection] which comes into existence,

because it originates in opposition [to the argument], is the *jāti*.”²⁷ If we can rely on the *Nyāyabhāṣya*’s text, which seems to represent an ancient point of view, and, if the interpretation of this passage is correct, the *jāti* could be understood as a proof-like statement which argues against the original argumentation by a reversal of the basic instrument of proof, i.e. the concomitance of two properties in the example. Moreover, Vātsyāyana’s interpretation seems to allow the assumption that a *jāti*, more or less necessarily, follows an argument brought forward in a debate.

As a matter of fact, this passage has an still earlier parallel in most likely the oldest version of a manual on Indian dialectic transmitted to us, namely in the *Vimānasthāna* of the *Carakasamhitā*.²⁸ Although the term *jāti* does not occur in Caraka’s enumeration and definition of 44 relevant topics of the course of debate (*vādamārgapada*),²⁹ which deal to a certain extent with the same topics as the first and last chapters of the *Nyāyasūtra*, the concept of the *Nyāyasūtra*’s *jāti* is contained in the definition of the term “rejoinder” (*uttara*): “A rejoinder (*uttara*) is a statement by means of dissimilarity (*vaidharmya*) when the argument (*hetu*) is brought forward by means of similarity (*sādharmya*), or a statement by means of similarity when the argument is brought forward by means of dissimilarity . . . This is a rejoinder with reversal [of arguments].”³⁰

The context in which this rejoinder is dealt with in the *Carakasamhitā* exhibits the position in the debate in which it is actually utilized: The definition of *uttara* directly follows the definitions of proposition (*pratijñā*),³¹ proof (*sthāpanā*),³² counter proof (*pratiṣṭhāpanā*) and the characterizations of the other four members of proof. It is obviously a kind of rejoinder to an argumentation put forward,³³ but not in the sense of counter proof, which is, according to the *Carakasamhitā*, nothing but the proof of the counterproposition propounding exactly the contrary of the thesis and is correctly established by another set of the same proof members.³⁴

If one looks at Caraka’s example for this kind of rejoinder, it does not have the character of something illegitimate, unsound, or futile. The argument brought forward in the rejoinder points at a deficiency in the example of the original argument by adducing dissimilar examples that would prove the opposite of the proposition: “As for example, if one [disputant] says: ‘The pathological change of bodily conditions is similar to its causes, because there is a similarity to cold-feeling diseases with its causes, [namely] the contact with ice or cold air,’ the other would answer: ‘The pathological change of bodily conditions is

dissimilar to its causes, as for example in the case of inflammation in the limbs of the body, of burning and heat sensations, or gangrene, there is a dissimilarity to its causes, [namely] the contact with ice or cold air’.”³⁵

Since Caraka’s presentation of *sthāpanā* and *pratiṣṭhāpanā* as a situation of counterbalancing arguments does not seem to indicate that truth is guaranteed by a logical proof, this situation in the debate is open to scrutiny as to whether the propositions which are exemplified by the reason, the example, and the application are valid. The result is a rejoinder which points out a possible negative concomitance when the argument is based on a positive concomitance and vice versa: A “directly following consequence (*prasaṅga*), which arises when a reason (*hetu*) has been brought forward [in a debate]”, as Vātsyāyana has put it.³⁶

After having been utilized by certain, most probably Buddhist circles to refute doctrinal teachings, such as the doctrine of the existence of the Ātman or of its eternity as can be seen in the *Upāyaḥṛdaya, or to refute the validity of proof in general, such kinds of rejoinders were categorized according to their respective argumentative structure, and ways to invalidate them were looked for. It would be extremely unlikely if the order of events were the opposite. The detailed explanations of the attacks against the proving system that form the first chapter of book five of the Nyāyasūtra are the historical testimony that the early logicians were reacting to the use of the *jātis*.

Some of the *jātis* may have the touch of tricky or futile rejoinders, such as in the *varṇyasama* (the “equally [possible rejoinder] by that which must be demonstrated”) and the *avarṇyasama* (the “equally [possible rejoinder] by that which must not to be demonstrated”), in which the opponent claims that under the presupposition of the similarity of the instance to be proved to the example, the example must also be proved, or the contraposition, the instance to be proved must also not be proved.³⁷ But still, the question of the example’s relevance is warrantable, since it is legitimate to doubt its validity for proving the instance to be proved.

On the other hand, in the examples of the two basic kinds of rejoinders mentioned by Vātsyāyana,³⁸ namely *sādharmyasama* (the “equally [possible rejoinder] by means of similarity”) and *vaidharmyasama* (the “equally [possible rejoinder] by means of dissimilarity”), the general question is raised as to whether the reason, the example and the application prove the object to be proved or, if, when another set of arguments is employed, it can also prove the exact contrary.

The opponent in this discussion, subsequent to his formulation of the respective *jāti*, argues that there is no decisive reason (*viśeṣahetu*) for the correctness of the proponent's argumentation as opposed to his argumentation, which would correctly prove the contrary of the former proposition.³⁹ The question of the *jātivādin* would indicate that his rejoinder is in no way unsound, but rather hits the nail on the head. Vātsyāyana's examples for these two basic *jātis* clearly show the structure of these rejoinders and how the opponent challenges the validity of the proponent's argumentation. First Vātsyāyana adduces the respective original argument of a proponent in two ways, namely in form of a proof that is stated by means of similarity, and one stated by means of dissimilarity, and the corresponding argumentations of the opponent.

The example given by Vātsyāyana for a proponent's proof stated by means of similarity runs thus:

Thesis: The Ātman has motion

Reason: Because [the Ātman as] a substance is endowed with properties that are cause for motion

Example: A substance as a lump of earth which is endowed with properties that are cause for motion has motion

Application: And thus is the Ātman

Conclusion: Therefore it has motion.

The corresponding argument of the opponent's proof in the form of a *sādharmyasama* then would be according to Vātsyāyana:

Thesis: The Ātman does not have motion

Reason: Because [the Ātman as] a ubiquitous substance has no motion

Example: The ether is ubiquitous and it has no motion

Application: And thus is the Ātman

Conclusion: Therefore it has no motion.

The structure of this counterbalancing argument together with the three other forms of these *jātis* mentioned, may be seen in the following chart:

<i>sādharmyasama</i> ⁴⁰		
	<i>sādharmyeṇa sthāpanā</i> (proponent)	<i>sādharmyasama</i> (opponent)
<i>pratijñā</i>	<i>kriyāvān ātmā</i>	<i>niṣkriya ātmā</i>
<i>hetu</i>	<i>dravyasya kriyāhetuḥyogāt</i>	<i>vibhuno dravyasya niṣkriyatvāt</i>
<i>udāharaṇa</i>	<i>dravyam loṣṭaḥ kriyāhetuḥyogā- yuktaḥ kriyāvān</i>	<i>vibhu cākāśam niṣkriyam ca</i>
<i>upanaya</i>	<i>tathā cātmā</i>	<i>tathā cātmā</i>
<i>nigamanam</i>	<i>tasmāt kriyāvān</i>	<i>tasmān niṣkriyaḥ</i>

	<i>vaidharmyeṇa sthāpanā</i> (proponent)	<i>sādharmyasama</i> (opponent)
<i>pratijñā</i>	<i>niṣkriya ātmā</i>	<i>kriyāvān ātmā</i>
<i>hetu</i>	<i>vibhutvāt</i>	<i>dravyasya kriyāhetuḥyogāt</i>
<i>udāharaṇa</i>	<i>kriyāvad dravyam avibhu drṣṭam, yathā loṣṭaḥ</i>	<i>kriyāvān loṣṭaḥ kriyāhetuḥyogā- yukto drṣṭaḥ</i>
<i>upanaya</i>	<i>na ca tathātmā</i>	<i>tathā cātmā</i>
<i>nigamanam</i>	<i>tasmān niṣkriya</i>	<i>tasmāt kriyāvān</i>

<i>vaidharmyasama</i> ⁴¹		
	<i>sādharmyeṇa sthāpanā</i> (proponent)	<i>vaidharmyasama</i> (opponent)
<i>pratijñā</i>	<i>kriyāvān ātmā</i>	<i>niṣkriya ātmā</i>
<i>hetu</i>	<i>dravyasya kriyāhetuḥyogāt</i>	<i>vibhutvāt</i>
<i>udāharaṇa</i>	<i>dravyam loṣṭaḥ kriyāhetuḥyogā- yuktaḥ kriyāvān</i>	<i>kriyāhetuḥyogayukto loṣṭaḥ paricchinno drṣṭaḥ</i>
<i>upanaya</i>	<i>tathā cātmā</i>	<i>na ca tathātmā</i>
<i>nigamanam</i>	<i>tasmāt kriyāvān</i>	<i>tasmān na loṣṭavat kriyāvān</i>

	<i>vaidharmyeṇa sthāpanā</i> (proponent)	<i>vaidharmyasama</i> (opponent)
<i>pratijñā</i>	<i>niṣkriya ātmā</i>	<i>kriyāvān ātmā</i>
<i>hetu</i>	<i>vibhutvāt</i>	<i>dravyasya kriyāhetuḥyogāt</i>
<i>udāharaṇa</i>	<i>kriyāvad dravyam avibhu drṣṭam, yathā loṣṭaḥ</i>	<i>niṣkriyam dravyam ākāśam kriyāhetuḥyogarahitam drṣṭam</i>
<i>upanaya</i>	<i>na ca tathātmā</i>	<i>na tathātmā</i>
<i>nigamanam</i>	<i>tasmān niṣkriya</i>	<i>tasmāt na niṣkriya</i>

We do not know actually whether Vātsyāyana's examples for these *jāti*s are those that were known to the author of the first chapter of the fifth book of the *Nyāyasūtra*s. But there are no reasons to doubt their authenticity.

Nonetheless, these examples clearly exhibit that these *jāti*s are in no way futile or unsound, but question the validity of proof in the early dialectic tradition.⁴² The argumentation of the opponent also does not entail any point of defeat (*nigrahassthāna*) as categorized by the *Nyāyasūtra*. Other ways to invalidate such kinds of arguments by dialectical means had to be looked for. But an investigation into the *Nyāyasūtra*'s response to the *jāti*s and a categorization of all the individual *jāti*s handed down in the *Nyāyasūtra*s would go beyond the scope of this paper. In addition, a detailed study of the intrinsic structure of all the *jāti*s, either grouped or individual, would be a necessary task for future investigations into early Indian logic.

The subordinate objective of this study was to show that the interpretation of the *jāti*s merely as “futile, illegitimate or false rejoinder”, “sophistical argument or refutation”, “false or unwarranted parity of reasoning” and the like,⁴³ can, at least for the early period of Indian logic, not be perpetuated. Quite contrary to this view, it seems that these rejoinders were a stimulating reason for further development regarding the justification of the logical connection between the proving property and the property to be proved, and its applicability to the object of proof.

NOTES

¹ Cf. KAJIYAMA 1991.

² Cf. OETKE 1994; OETKE 1996.

³ Cf. NSū 1.2.1: *pramāṇatarkasādhānopālambhaḥ siddhāntāviruddhaḥ pañcāvayavopapannaḥ pakṣapratipakṣaparigraho vādaḥ*.

⁴ Cf. NSū 1.2.2f: *yathoktopapannaś chala-jātinigrahassthānasādhānopālambho jalpaḥ sa pratipakṣasthāpanāhīno vitaṇḍā*.

⁵ Cf. e.g. SOLOMON 1976 p. 135; MATILAL 1998 p. 60.

⁶ The *Carakasamhitā* (cf. CarS vim 8.56) and the **Upāyahr̥daya* (cf. UH 14.21f) support two forms of *chala*: verbal quibble (*vākchala*) and generalising quibble (*sāmānyacchala*), the *Nyāyasūtra* (cf. NSū 1.2.10–17) supports in addition the figurative quibble (*upacārachala*) as a third variety.

⁷ Cf. JHA 1915 pp. 471ff: “Futile rejoinder”; RANDLE 1930 pp. 341ff: “Sophistical argument”; SOLOMON obviously follows JHA in her translation, cf. SOLOMON 1976 pp. 135 and 144ff; MATILAL 1998 pp. 47f: “Illegitimate rejoinder”, pp. 60ff: “False rejoinder” and “Sophistical refutation”; MATILAL 1985 pp. 13f: “False or unwarranted parity of reasoning”, p. 56: “Sophistry”, cf. also MATILAL 1987 pp. 57f. In the German indological tradition, RUBEN and FRAUWALLNER translate *jāti* as “Falscher Einwand”. Cf. RUBEN 1928 p. 18 and FRAUWALLNER 1984 pp. 81ff.

⁸ Cf. Vasubandhu's *Vādaividhāna* as reported in Uddyotakara's *Nyāyavārttika*: *eka evāyam kathāmārgaḥ*. NV 354,13f; cf. FRAUWALLNER 1982 p. 479, fragment 2.

⁹ Cf. Vasubandhu's *Vādaividhāna*: *tadartham vacanam ity etad api kila caturvidhavāk-yajñāpanārtham uktam, sādhanam sādhanābhāso dūṣaṇam dūṣaṇābhāsaś ca sampat-syata iti*. NV 355,6-8; for the identification of the fragment cf. FRAUWALLNER 1982 p. 480, fragment 3f.

¹⁰ Cf. *dūṣaṇāni nyūnatāvayavottaradoṣāksepabhāvodbhāvanāni. ebhir hy asau parapakṣo dūṣyate*. Quoted in NV 1160,10f; cf. also NV 279,12f. Cf. FRAUWALLNER 1982 p. 479, fragment 9.

¹¹ Cf. FRAUWALLNER 1982 p. 733: "[Die Widerlegung (*dūṣaṇam*) besteht darin, daß man zeigt, ... daß eine Entgegnung falsch ist (*uttaradoṣaḥ*) ... Eine Entgegnung ist falsch, wenn sie verkehrt, unrichtig oder widersprechend ist."

¹² Cf. TS 12,2-4: (*śāstram āha*) *khaṇḍanasya trividhadoṣāpattiḥ. viparītakhaṇḍanam asatkhaṇḍanam viruddhakhaṇḍanaṇ ceti. yadi khaṇḍanam etat trividhadoṣopetaṁ tadā nigrasthānam*.

¹³ The *Tarkaśāstra* supports according to Tucci's retranslation 22 points of defeat which seem to be more or less identical with those mentioned in the *Nyāyasūtra*. Cf. TS 33,2ff.

¹⁴ Cf. UH_c.

¹⁵ Cf. UH 26,7-9: *eṣāṁ viṁśatividhānāṁ sāro dvividhaḥ. vaidharmyam sādharmyaṁ ca. sajātīyatvāt sādharmyam vijātīyatvād vaidharmyam. arthasya hi tat samāśrayatvāt te viṁśatidharmān vyāpnuvataḥ*.

¹⁶ Cf. KAJIYAMA 1991 p. 109: "Chap. IV deals with twenty kinds of *prasaṅgas* regarded as valid arguments for refuting permanency of *ātman*, ..." Cf. also p. 113: "As we have seen above, *prasaṅgas* in the *Upāyahrdaya* are considered to be valid arguments by the author, ... Many of them are condemned by the *Nyāyasūtra* to be futile rejoinders."

¹⁷ Cf. UH 26,2ff.

¹⁸ NSū 1.1.1: *pramāṇaprameyasamśayaprayojanadr̥ṣṭāntasiddhāntāvayavatarkanirṇaya-vādājālpavitāṇḍāhetvābhāsacchalajātīnigrasthānānāṁ tattvajñānān niḥśreyasādhi-gamaḥ*.

¹⁹ NSū 1.2.18: *sādharmyavaidharmyābhyāṁ pratyavasthānam jātīḥ*.

²⁰ Cf. NSū 1.2.19: "Misunderstanding and not understanding are a point of defeat." *vipratipattir apratipattis ca nigrasthānam*.

²¹ Cf. NSū 1.2.20: "Because there are [different] possibilities of [objecting by means of similarity or dissimilarity and of misunderstanding or not understanding] there are many *jātis* and points of defeat." *tadvikalpāj jātīnigrasthānabahutvam*.

²² Cf. NSū 1.1.34f: "The reason (*hetu*) is that which proves the [property] to be proved [in the instance to be proved] (*sādhyā*) because of its similarity to the exemplification. In the same way [it proves the property to be proved in the instance to be proved] because of its dissimilarity [to the negative exemplification]." *udāharaṇasādharmyāt sādhyasādhanam hetuḥ. tathā vaidharmyāt*.

²³ Cf. NSū 1.1.36f: "The exemplification (*udāharaṇa*) is an example (*dr̥ṣṭānta*) which possesses, because of its similarity to the [instance] to be proved [insofar as it too has the proving property], the [property to be proved] of that [instance]; or [exemplification] is opposite in that's opposite case." *sādhyasādharmyāt taddharmabhāvi dr̥ṣṭānta udāharaṇam. tadviparyayād vā viparītam*.

²⁴ Cf. NSū 1.1.38: "The application (*upanaya*) is the conclusive determination of the [instance] to be proved dependent on [both forms of] the exemplification (*udāharaṇa*) expressed by 'it is so' and/or 'it is not so' respectively." *udāharaṇāpekṣas tatheti na tatheti vā sādhyasyopanayaḥ*.

²⁵ The widespread idea that these two books as a whole form the basis of the original manual of debate is e.g. supported by RUBEN 1928 p. 218, fn. 291; TUCCI 1929 pp. xxviii; RANDLE 1930 p. 342f; FRAUWALLNER GIPh II p. 321, fn. 78; OBERHAMMER 1963 p. 70.

²⁶ Cf. MEUTHRATH 1996 pp. 232ff.

²⁷ NBh 401,8–402,5: *prayukte hi hetau yaḥ prasaṅgo jāyate sa <sā NBh₁> jātiḥ. sa ca prasaṅgaḥ sādharṃyavaidharṃyābhyāṃ pratyavasthānam upāmbhaḥ pratiśedha iti. udāharaṇasādharṃyāt sādhyasādhanaṃ hetur ity asyodāharaṇavaidharṃyeṇa pratyavasthānam, udāharaṇavaidharṃyāt <tathā udā° NBh₁> sādhyasādhanaṃ hetur ity asyodāharaṇasādharṃyeṇa pratyavasthānam. pratyānīkabhāvāj jāyamāno 'rtho jātir iti.*

²⁸ CarS vim 8.

²⁹ Cf. CarS vim 8.27 in PRETS 2000 pp. 335ff.

³⁰ CarS vim 8.36: *uttaraṃ nāma sādharṃyopadiṣṭe hetau vaidharṃyavacanāṃ, vaidharṃyopadiṣṭe vā hetau sādharṃyavacanāṃ. ... etat saviparyayam uttaram.*

³¹ CarS vim 8.30: “The proposition is the communication of the [object] to be proved. As for example: *puruṣa* is eternal.” *pratiññā nāma sādhyavacanāṃ; yathā – nityaḥ puruṣa iti.* Cf. NSū 1.1.33: *sādhyānirdeśaḥ pratiññā.*

³² CarS vim 8.31: “proof (*sthāpanā*) is the proof (or establishment) of exactly that proposition by means of reason (*hetu*), example (*drṣṭānta*), application (*upanaya*), and conclusion (*nigamana*).” *sthāpanā nāma tasyā eva pratiññāyā hetuḥ drṣṭāntopānayanigamanaiḥ sthāpanā.*

³³ CarS vim 8.31: “*puruṣa* is eternal, is the proposition; the reason: because it is not produced; the example: like the ether; the application: and just as the ether is not produced, and is eternal, so is the *puruṣa*; the conclusion: therefore it is eternal.” *nityaḥ puruṣa iti pratiññā, hetuḥ – akṛtakatvād iti, drṣṭāntaḥ – yathākāśam iti, upanayaḥ – yathā cākṛtakam ākāśam tac ca nityam tathā puruṣa iti, nigamanam – tasmān nitya iti.*

³⁴ CarS vim 8.32: “Counter-proof (*pratiśṭhāpanā*) is the proof (or establishment) of exactly the contrary of the proposition (*pratiññā*) of the opponent. For example: *puruṣa* is non-eternal, is the proposition; the reason: because it is perceptible by the senses; the example: as the pot; the application: and just as the pot is perceptible and is non-eternal, so is the [*puruṣa*]; the conclusion: therefore it is non-eternal.” *pratiśṭhāpanā nāma yā tasyā eva parapratiññāyā viparītārthasthāpanā. yathā – anityaḥ puruṣa iti pratiññā; hetuḥ – aindriyakatvād iti; drṣṭāntaḥ – yathā ghaṭa iti, upanayo – yathā ghaṭa aindriyakaḥ sa cānityaḥ, tathā cāyam iti; nigamanam – tasmād anitya iti.* Together with the *sthāpanā*, this is clearly a situation of counterbalancing arguments. Both of the argumentations seem to be at least formally correct. It is highly probable that at least for the *Carakasamhitā*, the function of a proof is not to guarantee truth, but a means to justify propositions. Cf. PRETS 2000 pp. 340ff.

³⁵ CarS vim 8.36: *yathā hetusadharmāṇo vikārāḥ, śūtakasya hi vyādher hetubhiḥ sādharṃyam himaśiśiravātasamsparsāḥ, iti bruvataḥ paro brūyāt – hetuvidharmāṇo vikārāḥ, yathā śarīrāvayavānāṃ dāhaṣṇyakothaprapacane hetuvaidharṃyam himaśiśiravātasamsparsā iti.*

³⁶ Cf. fn. 27.

³⁷ Cf. NBh 2010 3,f: *khyāpanīyo varṇyo viparyayād avarṇyaḥ. tāv etau sādhyadrṣṭāntadharmāu viparyasyato varṇyāvarṇyasamau bhavataḥ.*

³⁸ Cf. Vātsyāyana's introduction to the *sādharṃyasama*-Sūtra: “An objection by means of similarity which does [basically] not differ from the reason of the [object] proof is the [rejoinder called] *sādharṃyasama*” (NBh 2002,2f: *sādharṃyeṇa pratyavasthānam aviśiṣyamāṇam sthāpanāhetutaḥ sādharṃyasamaḥ*).

³⁹ NBh 2006,3f: *na cāsti viśeṣahetuḥ kriyāvatsādharmyāt kriyāvatā bhavitavyam, na punar akriyasādharmyāt (niṣkriyā° NBh₁) niṣkriyēti. viśeṣahetvabhāvāt sādharma-samāḥ pratiśedho bhavati.* Cf. also NBh 2006,5f; 2006,10f and 2007,3f.

⁴⁰ NBh 2005,6–2006,1: *kriyāvān ātmā, dravyasya kriyāhetuḥyogāt, dravyam loṣṭaḥ kriyāhetuḥyuktāḥ kriyāvān, tathā cātmā tasmāt kriyāvān iti. evam upasamhṛte paraḥ sādharmaṇaiva pratyavatiṣṭhate niṣkriyā ātmā, (NBh₁ adds vibhutvāt) vibhuno dravyasya niṣkriyatvāt. vibhu cākāśam niṣkriyam ca, tathā cātmā, tasmān niṣkriyā iti ... (NBh 2006,7f:) niṣkriyā ātmā, vibhutvāt, kriyāvad dravyam avibhu dṛṣṭam yathā loṣṭaḥ, na ca tathātmā, tasmān niṣkriyā iti ... (NBh 2007,1f:) atha sādharmaṇasamāḥ kriyāvān loṣṭaḥ kriyāhetuḥyukto dṛṣṭaḥ, tathā cātmā, tasmāt kriyāvān iti.*

⁴¹ NBh 2005, 6-8: *kriyāvān ātmā, dravyasya kriyāhetuḥyogāt, dravyam loṣṭaḥ kriyāhetuḥyuktāḥ kriyāvān, tathā cātmā, tasmāt kriyāvān iti ... (NBh 2006,4f:) atha vaidharmaṇasamāḥ. kriyāhetuḥyukto loṣṭaḥ paricchinno dṛṣṭaḥ, na ca tathātmā, tasmān na loṣṭavat kriyāvān iti ... (NBh 2006,7–9:) niṣkriyā ātmā, vibhutvāt, kriyāvad dravyam avibhu dṛṣṭam yathā loṣṭaḥ, na ca tathātmā, tasmān niṣkriyā iti. vaidharmaṇa pratyavasthānam, niṣkriyam dravyam ākāśam kriyāhetuḥnarahitam dṛṣṭam, na ca tathātmā, tasmān na niṣkriyā iti.*

⁴² Another *jāti* also fits about the same requirements of the *sādharmya*- and the *vaidharmaṇasama*, namely the *prakaraṇasama-jāti*, the structure of which has been interpreted according to Dignāga as the “contradictory-non-deviating” (*viruddhāvyabhicārin*) fallacy of a reason. The structure of this *jāti* is as follows:

	<i>prakaraṇasama</i>	
<i>pratijñā</i>	<i>anityaḥ śabdaḥ</i>	<i>nityaḥ śabdaḥ</i>
<i>hetu</i>	<i>prayatnānantarīyakatvād</i>	<i>śrāvaṇatvāt</i>
<i>dṛṣṭānta</i>	<i>ghaṭavad</i>	<i>śabdatvavad</i>

NBh 2027,3–5: One [disputant] propounds the thesis: ‘Sound is non-eternal because it [originates] directly preceded by an effort, like a pot,’ and the second [disputant] propounds the counterthesis on the basis of similarity to eternal [things]: ‘Sound is eternal because it is audible, like soundness.’” *anityaḥ śabdaḥ prayatnānantarīyakatvād ghaṭavad ity ekaḥ pakṣam pravarttayati. dvitīyaś ca nityasādharmyāt pratipakṣam pravarttayati – nityaḥ śabdaḥ śrāvaṇatvāt, śabdatvavad iti.*

	<i>viruddhāvyabhicārin</i>	
<i>pratijñā</i>	<i>anityaḥ śabdaḥ</i>	<i>nityaḥ śabdaḥ</i>
<i>hetu</i>	<i>kṛtakatvād</i>	<i>śrāvaṇatvāt</i>
<i>dṛṣṭānta</i>	<i>ghaṭavad</i>	<i>śabdatvavad</i>

NPr 4,21–5,1: “A *viruddhāvyabhicārin* is for instance: Sound is non-eternal, because it is produced, like a pot; sound is eternal, because it is audible, like soundness.” *viruddhāvyabhicārī yathā, anityaḥ śabdaḥ kṛtakatvād ghaṭavad. nityaḥ śabdaḥ śrāvaṇatvāt śabdatvavad iti.*

⁴³ Cf. fn. 7.

ABBREVIATIONS

(A) Primary Sources

- UH *Upāyahr̥daya: in TUCCI 1929.
- UH_c *Upāyahr̥daya: *fang-pien hsin-lun*, Taishō 1632, Vol.32, 23b–28c.
- CarS Carakasamhitā: The Charakasamhitā of Agniveśa. Revised by Charaka and Dṛidhabala. With the Āyurveda-Dīpikā Commentary of Chakrapāṇidatta. Ed. by V.J. Trikamji. Bombay ⁴1981.
- TŚ Tarkaśāstra: in TUCCI 1929.
- NBh Nyāyabhāṣya: Nyāyadarśanam. With Vātsyāyana's Bhāṣya, Uddyotakara's Vārttika, Vācaspati Miśra's Tātparyāṭikā and Viśvanātha's Vṛtti. (Chapter I, Section I). Crit. Ed. with Notes by Taranatha Nyaya-Tarkatirtha and (Chapters I.ii–V) by Amarendramohan Tarkatirtha. Vol. II, Crit. Ed. with Notes by Amarendramohan Tarkatirtha and Hemantakumar Tarkatirtha. Calcutta 1936, 1944. (*Calcutta Sanskrit Series* 18, 29).
- NBh₁ Nyāyabhāṣya: Gautamiyanyāyadarśana with Bhāṣya of Vātsyāyana. Ed. by Anantalal Thakur. New Delhi 1997. (*Nyāyacaturgranthikā* Vol.I).
- NV Nyāyavārttika: in NBh.
- NV₁ Nyāyavārttika: Nyāyabhāṣyavārttika of Bhāradvāja Uddyotakara. Ed. by Anantalal Thakur. New Delhi 1997. (*Nyāyacaturgranthikā* Vol. II).
- NSū Nyāyasūtra: Die Nyāyasūtra's. Text, Übersetzung, Erläuterung und Glossar von W. Ruben, Leipzig 1928.
- vim Vimānasthāna: in CarS.

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