

ERNST PRETS

PARLEY, REASON AND REJOINDER*

In a previous paper on the topic of argument and rejoinder in the context of debate, I attempted to demonstrate that the interpretation of the term rejoinder (*jāti*) as ‘futile, illegitimate or false rejoinder’, ‘sophistical argument or refutation’, ‘false or unwarranted parity of reasoning’ and the like by various notable scholars of the 20th century,¹ can not be sustained, at least for the early period of Indian dialectic and logic. Quite contrary to this interpretation, it seems that these rejoinders spurred 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.

As a follow-up to the previous paper I would like to illustrate the inquiring nature of most of these rejoinders according to their theoretical use which allows us a glimpse at their practical use in actual debates. As a challenge of the debaters’ mutually contradictory proofs,² the *jāti*s were necessary and essential parts of debating in the early period of Indian dialectic.

After some introductory thoughts on debates in general, this paper will focus mainly on the so-called *ṣaṭ-pakṣī-rūpa-kathā-ābhāsa*³ or simply *ṣaṭ-pakṣī*⁴ of the *Nyāya-sūtra*, a ‘discussion’ in six steps, the second of which consists in a *jāti*—according to the *Nyāya-bhāṣya* the *kārya-samā*⁵. The *ṣaṭ-pakṣī* has been dealt with by various scholars,⁶ but—under the presupposition of the futility of the *jāti*s—only with regard to its fruitlessness without considering the role of the *jāti* in this argumentation. Additionally to the analysis of the *ṣaṭ-pakṣī*, the paper will contrast briefly a comparable section of the Buddhist **Upāya-hṛdaya*⁷.

The description of friendly debate (*saṁdhāya-sambhāṣā* or *anuloma-sambhāṣā*) in the *Caraka-saṁhitā*⁸ conveys a picture of pleasant discussions of scientific questions or problems by learned fellow scholars in the spirit of co-operation.⁹ Similarly in the *Nyāya-sūtra*, friendly debates (*saṁvāda*) serve the purpose of acquisition and study of scientific or religious knowledge among teachers, students or fellow students.¹⁰ According to the definitions of the *Nyāya-sūtra*, the contentious forms of debate, namely disputation (*jalpā*) and wrangle (*viṭaṇḍā*),¹¹ do not have the purpose of knowledge acquisition, but serve the purpose of preserving

and defending the true ideas of one's own school as expressed in the *Nyāya-sūtra*.

'The purpose of disputation and wrangle is the protection of the ascertainment of truth, just as thorns or branches are used for the protection of the seedlings.'¹²

The overall objective of such kinds of discussion is the victory in the debate, even by the use of tricky means such as quibbling or equivocation (*chala*), rejoinders (*jāti*) and points of defeat (*nigraha-ssthāna*).¹³

Although we know 'all' the theoretical directives and rules of debates, and, at least in the *Caraka-samhitā* there are examples of proof (*sthāpanā*) and counterproof (*pratiṣṭhāpanā*),¹⁴ there are explanations and examples¹⁵ of equivocation (*chala*),¹⁶ a list of definitions of points of defeat (*nigraha-ssthāna*)¹⁷ and rejoinders (*jāti*)¹⁸ in the *Nyāya-sūtra*, and descriptions of proofs by means of similarity (*sādharmya*) and dissimilarity (*vaidharmya*) in the *Nyāya-bhāṣya*,¹⁹ we do not have an example of the actual performance of debates. We can only theoretically guess that in disputations after the correct and faultless presentation of proof and counterproof, the question is raised as to whether the assumptions which are expressed by the reason (*hetu*), the example (*dṛṣṭānta* or *udāharaṇa*), and the application (*upanaya*) are valid, most probably by means of rejoinders. This kind of scenario is supported by the context in which the term 'rejoinder' (*uttara*)²⁰ is dealt with in the *Caraka-samhitā*. The definition of *uttara* directly follows the definitions of proposition (*pratijñā*),²¹ proof (*sthāpanā*),²² counterproof (*pratiṣṭhāpanā*) and the characterisations of the supported four members of proof. Moreover, Pakṣilasvāmin Vātsyāyana's commentary on the *Nyāya-sūtra*'s definition of *jāti* also allows the conjecture that the rejoinder follows the argument brought forward in a debate more or less directly:

'The consequence directly following (*prasaṅga*), which arises when a reason (*hetu*) has been brought forward [in a debate], is a *jāti*. And this directly following consequence (*prasaṅga*) is an objection (*pratīvasthāna*), [i.e.] a criticism (*upālambha*), a negation (*pratiśedha*) by means of similarity or dissimilarity.'²³

However, we cannot imagine actual debates based only on these theoretical directives and indications. I was always puzzled by the idea of how actual debates would have progressed if each opponent in a debate were to bring forward a correct and faultless presentation of proof and counterproof. What would be the next step in the discussion, if there were

no faults in the argumentation (*hetv-ābhāsa*) of the proponent or the opponent and no point of defeat (*nigraha-sthāna*) to be pointed out? How could the assembly (*sabha*) decide which of the positions was correct and how could a discussion arise if not by means of rejoinders (*jāti*)? Therefore, the question must be raised as to whether the assumptions which are expressed by reason, example, and application²⁴ are valid in contentious debates. MATILAL who called the contentious debate according to GANERI and TIWARI ‘bad debate’²⁵, sees the dialectical means such as equivocation, rejoinders or points of defeat, as illegitimate means of debate when he states:

‘If, however, the opponent’s reason is flawless, the debater would not gain anything by using a futile rejoinder. By using such illegitimate means he only makes himself vulnerable to defeat. Thus no debater in their right mind would make use of such false means.’²⁶

As stated above, no example of carrying out proper debating has survived in the early period, but another report of a debate situation is portrayed at the end of the section of rejoinders in book five of the *Nyāya-sūtra*. It contains at least four arguments of a controversial debate²⁷ in which both proponents are blamed to make faults. Therefore, this debate situation has been interpreted as fruitless.²⁸ Vātsyāyana, in his commentary, called it simply the *ṣaṭ-pakṣī* debate, the debate of six positions or a debate in six steps²⁹ and Vācaspati adds that it was brought forward by the author of the *Nyāya-sūtra* for the benefit of students in order to show them what kind of argumentation to avoid.³⁰

After the enumeration, definition and rejection of the 24 *jāti*s in NS 5.1.1–38, directly following the rejection of the last *jāti*, namely the *kārya-sama* (the ‘equally [possible rejoinder] by means of the effect’), the first chapter of book five is concluded by five *sūtras* which obviously belong to the context of the *jāti*s, but seemingly do not refer to an individual one. Rather they refer to all *jāti*s as indicated in NS 5.1.40 and interpreted in the *Nyāya-bhāṣya*³¹:

‘[39] The same fault [as in our argumentation occurs] in the objection (*pratishedha*) too. [40] In this very way [a dialectical reply is possible] with regard to all kinds [of rejoinders]. [41] The same fault as the fault of the objection is in [your] re-objection (*vipratishedha*) to the objection. [42] Drawing the consequence that the same fault is in the re-objection to the objection, [we arrive at the point of defeat] ‘admission of the opponent’s position’ (*matānujñā*)³² in so far as the objection, including its fault, is accepted. [43] If the formulation of the reason [of the re-objection of the first objection] with regard to assumption of the possible [faultiness] based on determination that one’s own position is characterised [as faulty],

it is the same fault (i.e. *matāmujñā*), because the fault in the opponent's position is accepted.³³

Even though Vātsyāyana is of the opinion that a riposte as in NS 5.1.39 is applicable to all sorts of *jātiś* when there is no argument for the distinction (*viśeṣa-hetu*) between the validity or non-validity of the two reasons either in the arraigned proof or in the rejoinder,³⁴ he demonstrates the argumentation on the basis of the *kārya-sama*. According to Vātsyāyana, the *Nyāya-sūtra*'s riposte would be the third step of the six positions' argumentation. It must be assumed that one of the disputants, the *sādhana-vādin*, i.e. the disputant establishing his proposition by proof, has claimed that sound is non-eternal because its origin is directly preceded by an effort, as in the case of the production of a pot. His opponent in the debate, the *dūṣaṇa-vādin*, who tries to refute the argument by a rejoinder, retorts on the basis of the *kārya-sama* that the *sādhana-vādin*'s argument is not conclusive because one could, by the same token, argue that sound is eternal. Because of the diverse character of various effort's products, sound, directly preceded by an effort, can just as well be manifested³⁵ and not produced, and therefore it would be eternal.³⁶

Provided that Vātsyāyana's interpretation is correct, the argumentation of this discussion has the following structure:

STEP 1 (*sādhana-vādin* = A), *sthāpanā*.

Sound is non-eternal because it comes into being directly preceded by an effort, like a pot.

STEP 2 (*dūṣaṇa-vādin* = B), NS 5.1.37, *kārya-sama*, *pratiṣedha*.

B argues against the proof of A stating that it is inconclusive. Because of the diverse character of products of efforts, sound that is directly preceded by an effort can also be manifested and not produced, and therefore it could just as well be eternal.

STEP 3 (A), NS 5.1.39, *vipratiṣedha*.

A replies that the fault of inconclusiveness which has been brought forward by B against the proof (STEP 1) also holds good for the objection (*pratiṣedha*, STEP 2).

STEP 4 (B), NS 5.1.41:

B counters that the same fault as the fault of the objection (*pratiṣedha*, STEP 2) is in A's re-objection (*vipratiṣedha*, STEP 3).

STEP 5 (A), NS 5.1.42:

A now counters that the reproach of B in STEP 4, in which he stated that STEP 3 would embody the same fault as the fault of his objection in STEP 2, is the point of defeat 'admission of the opponent's position' (*matāmujñā*), in so far as the objection, including its faultiness, is accepted.

STEP 6 (B), NS 5.1.43:

In reply, B states that STEP 3 of A already entails the ‘admission of the opponent’s position’ (*matānyijñā*), since he accepted in STEP 3 the argument of STEP 2, which was directed against the proof.

The whole discussion is without any positive result. Neither of the two disputants has argued convincingly during the course of the debate. Provided that the reason of the *sādhana-vādin* really is inconclusive (*anaikāntika*) as the *dūṣaṇa-vādin* criticises, he should have pointed out the fallacy of the reason (*hetv-ābhāsa*). The *sādhana-vādin* on the other hand should have rejected the rejoinder by presenting a reason for the distinction (*viśeṣa-hetu*) between validity or non-validity of the reason, a decisive reason, and proving its soundness. Since he was not able to reject the rejoinder in a proper manner, he took refuge in replying that the argument of the *dūṣaṇa-vādin* is not better than his own and therefore accepts the opponent’s position, which counts as a point of defeat.³⁷ The *dūṣaṇa-vādin*, on his part, should have indicated this point of defeat, whereby he would have won the dispute, but he returns the faulty argument and is therefore by no means better than his counterpart. Not until the last two steps do both disputants realise their situation and try with hindsight to save their already lost positions.

Vātsyāyana elaborately discusses every step by analysing the respective faultiness of both disputants and, at the end, summarises that both positions must remain unproved because of their poorly conducted argumentation: The first and the second position are equally inconclusive (*anaikāntika*), since neither of the disputants adduces a decisive reason for their respective positions. The positions three and four accept, respectively, the opponent’s opinion and are therefore points of defeat. Positions five and six are nothing but the point of defeat ‘repetition’ (*punar-ukta*)³⁸ because they contain nothing in addition to the positions three and four. Moreover, according to his analysis, positions three and five are already nothing but unwarranted repetitions of their preceding positions.³⁹

In a concluding statement with regard to the *śat-pakṣī* debate, Vātsyāyana sums up the essential cause of this fruitless debate in which both disputants lose face and neither can demonstrate their position properly:

‘When does a [debate in the form of a] *śat-pakṣī* take place? When [a disputant] proceeds [in a debate] in the following manner: “The same fault [in the objected argumentation occurs] in the objection too,”⁴⁰ then neither position is established. When, however, the third position [answering the rejoinder of the opponent] proceeds in the [following] way: “Even though the effect [of an effort] could be something else (namely manifestation of

sound and not origination), [its] reason cannot be an effort, because, [in that case], causes must exist for its non-apprehension,"⁴¹ then the first position (i.e. the *sthāpanā*) is established, because a decisive argument is brought forward, in so far as sound comes into existence directly preceded by an effort, and not that it becomes manifested, and a *śat-pakṣī* does not take place.⁴²

Apparently, the Buddhist **Upāya-hṛdaya* (*fāng-pien hsin-lun*)⁴³ also contains a kind of debate in the form of a *śat-pakṣī*.⁴⁴ In contrast to the Nyāya tradition, one of the disputants comes out of this debate as the clear winner, namely the *dūṣaṇa-vādin*, the disputant who has brought forward the rejoinder against the propounded proof. However, this is not astonishing since, in contrast to other Buddhist sources,⁴⁵ this early Buddhist manual accepts twenty rejoinders⁴⁶ to be valid refutations of syllogistic arguments.⁴⁷ In TUCCI's re-translation of the **Upāya-hṛdaya* into Sanskrit from the Chinese translation of the lost original, these refutations are called *dūṣaṇa*, the pointing out of flaws in the argumentation of the opponent.⁴⁸

I will only give a brief summary of this discussion according to TUCCI's re-translation since I am not able to read the Chinese original.⁴⁹ The *sādhana-vādin* (in TUCCI's translation simply *vādin*) in the **Upāya-hṛdaya* argues that (STEP 1) the Ātman is eternal because it is not produced. In support of his thesis he adduces a dissimilar example (*vaidharmya-dṛṣṭānta*), namely things like pots which are non-eternal because they are produced. The *dūṣaṇa-vādin* counters (STEP 2) with the *saṁśaya-sama* argument, which only gives rise to doubt⁵⁰ whether the Ātman is eternal or not. In reply, the *sādhana-vādin* states that (STEP 3) such kind of faultiness based on doubt may be applied to every case of metaphysical proofs. The *dūṣaṇa-vādin* rejects the *sādhana-vādin*'s position (STEP 4) by pointing to the fact that the examples should remove doubts with regard to the proposition, but this is not the case in the *sādhana-vādin*'s dissimilar example, and therefore the point of defeat abandonment of the subject (*artha-hāni*). Moreover, the argument of the *sādhana-vādin* in STEP 3 is to be understood as being an 'admission of the opponent's position' (*matānujñā*).⁵¹ If, subsequently, the *sādhana-vādin* (STEP 5) were to retreat to his previous position, the *dūṣaṇa-vādin* would accuse him of the point of defeat 'repetition' (*punar-ukta*). The sixth and last position in this discussion should be ignored because the fifth position's fault is so obvious and moreover, would lead to the point of defeat repetition (*punar-ukta*) of the *dūṣaṇa-vādin* which clearly should be avoided.⁵²

The parallel to the *śat-pakṣī* of the *Nyāya-sūtra* is obvious. The discussion not only consists of, at least theoretically, six steps in both

treatises, but also the basic structure is the same. There is a proof at the beginning which is countered by a rejoinder. The most striking parallel is the *sādhana-vādin*'s non-defensible position in step three in which he is not able to reject the rejoinder by presenting a decisive reason. Since he is not able to object to the rejoinder in a proper manner, he takes refuge in a general accusing reply. The most striking difference, in contrast to the Nyāya position, is that the *dūṣaṇa-vādin* emerges victorious, which clearly is the intention of the **Upāya-hṛdaya*.

Historically seen, it seems that, as in the case of the other *jāti*s, these kinds of argumentations were utilised by certain Buddhist circles to refute doctrinal teachings of the Brahmanical logicians, or at least to refute the validity of their proof of entities such as the Ātman or of its eternity. Provided that this assumption is correct, the report of such a discussion could be a historical report of the structure of the Buddhist opponents' argument. But the *Nyāya-sūtra*'s real intention seems to be the mutual faultiness of both.

Nonetheless, the *śaṭ-pakṣī* discussion in the *Nyāya-sūtra* as well as in the **Upāya-hṛdaya* gives us at least a glimpse at the practical use of a *jāti* in a theoretical debate. This kind of construed and flawed discussion and Vātsyāyana's interpretation thereof clearly show that it is not the rejoinder *kārya-sama*, or *saṁśaya-sama* in the **Upāya-hṛdaya*, that is the illegitimate means unsuccessfully used in the debate, but rather the answer of the *sādhana-vādin* and his inability to counter his questioned position. The *jāti* challenges the position put forward by the *sādhana-vādin*, who should have specified his argument by presenting a reason for the distinction (*viśeṣa-hetu*) between the validity or non-validity of the two reasons either in the arraigned proof or in the rejoinder.

NOTES

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¹ Cf. PRETS (2001: 553 n. 7), JHA (1915: 471 ff.): 'Futile rejoinder'; RANDLE (1930: 341 ff.): 'Sophistical argument'; SOLOMON obviously follows JHA in her translation, cf. SOLOMON (1976: 135 and 144 ff.); MATILAL (1998: 47 f.): 'Illegitimate rejoinder', MATILAL (1998: 60 ff.): 'False rejoinder' and 'Sophistical refutation'; MATILAL (1985: 13 f.): 'False or unwarranted parity of reasoning', MATILAL (1985: 56): 'Sophistry', cf. also MATILAL (1987: 57 f.). In the German Indological tradition, RUBEN and FRAUWALLNER translate *jāti* as 'falscher Einwand'. Cf. RUBEN (1928: 18) and FRAUWALLNER (1984: 81 ff.).

² Cf. e.g. the definition of *pratiṣṭhāpanā* in the *Caraka-saṃhitā*. ‘Counter-proof is the proof of exactly the contrary of the opponent’s proposition’—*pratiṣṭhāpanā nāma yā tasyā eva para-pratijñāyā viparītārtha-sthāpanā* (CarS vi 8.32). Cf. also the *Nyāya-bhāṣya* on *pakṣa* and *pratipakṣa* in the formal debate (*vāda*): ‘Thesis and counterthesis are two [mutually] contradictory properties which are related to one and the same substratum because they are oppositions, [as for example]: the Ātman exists [and]: the Ātman does not exist. Two contradictory [properties] related to two different substrata are not thesis and counterthesis, as for example; the Ātman is eternal [and]: knowledge is not eternal.’—*ekādāhikarāṇa-sthau viruddhau dharmau pakṣa-pratipakṣau pratyānyika-bhāvāt. asty ātmā nāsty ātmēti. nānādāhikarāṇa-sthau viruddhau na pakṣa-pratipakṣau. yathā nitya ātmā anitya buddhir iti* (NBh 39.7–9).

³ This term is used by A. THAKUR as the heading for the paragraph on this form of fruitless debate in NBh 304.12, NV 516.4 etc.

⁴ Cf. NBh 308.2 ff.; NV 516.6 and 517.13 and 15; NVTṬ 668.8 and 670.3.

⁵ Cf. NS 5.1.37 below, n. 35.

⁶ Cf. e.g. VIDYĀBHÜṢAṆA (1920: 82 ff.); RUBEN (1928: 143 ff.); RANDLE (1930: 368 ff.); SOLOMON (1976: 350 f.); MEUTHRATH (1996: 221 ff.).

⁷ Cf. TUCCI (1929: 22, Notes on UH).

⁸ Cf. CarS vi 8.17.

⁹ Cf. TSPH (1: 61); cf. also KANG (1998: 59 ff.).

¹⁰ Cf. NS 4.2.46 f. (NS₁ 4.2.47 f.): *jñāna-grahanābhyāsaś tad-vidyais ca saha saṃvādam. tam śiṣya-guru-sabrahmacāri-viśiṣṭa-śreya ’rthibhir anasūyibhir abhyupeyāt*. Cf. also NBh 280.12–14: *tad-vidyais ca saha saṃvāda iti prajñā-paripākārtham. paripākaś tu saṃśaya-cchedanam avijñātārtha-bodho ’dhyavasitābhyānujñānam iti samayāvādam saṃvādam*.

¹¹ Cf. NS 1.2.2 f.

¹² NS 4.2.49: *tattvādhyavasāya-samirakṣaṇārtham jalpa-vitaṇḍe bīja-praroha-samirakṣaṇārtham kaṇṭaka-sākhā-varaṇavat*.

¹³ According to the *Nyāya-sūtra*, *vāda* is carried out by taking up opposing positions which are established by each of the opponents using the five members of proof, are not contradictory to their respective doctrines and consist in the establishment of their respective theses and the refutation of the counterthesis based on the means of knowledge and reasoning. *jalpa* is carried out by proving and refuting using the same elements as in *vāda* with the addition of equivocations, rejoinders and points of defeat. In a wrangle (*vitaṇḍā*) one disputant establishes his position as in *vāda*, the opponent—contrary to *vāda* and *jalpa*—does not establish his own position but only refutes his opponent’s position. Cf. NS 1.2.1–3: *pramāṇa-tarka-sāadhanōpālambham siddhāntāviruddham pañcāvayavōpapannam pakṣa-pratipakṣa-parigraho vādam. yathōktōpapannas’ chala-jāti-nigraha-sthāna-sāadhanōpālambho jalpam. sa pratipakṣa-sthāpanā-hīno vitaṇḍā*. In an introductory passage on the ‘parley of specialists’ (*tad-vidyā-sambhāṣā*, cf., CarS vi 8.15 f.), the *Caraka-saṃhitā* distinguishes the section on debate (*sambhāṣā-vidhi*) between two sub-forms, namely the ‘friendly parley’ (*sandhāya-sambhāṣā* or *anuloma-sambhāṣā*) and the ‘hostile parley’ (*vigraha-sambhāṣā*). *Vāda*—contrary to the *Nyāya-sūtra*—is a contentious form of debate and *jalpa* and *vitaṇḍā* are its two subdivisions (cf. CarS vi 8.28: *sa* [scil. *vāda*] *ca dvividham saṅgrahēṇa—jalpam, vitaṇḍā ca*), not separate forms. Cf. ROTH (1872), KANG (1998) and PRETS (2000).

¹⁴ Cf. CarS vi 8.31 f. in PRETS (2000).

¹⁵ Cf. NBh 47.8 ff.; there are no examples of *chala* in the *Nyāya-sūtra*.

¹⁶ Cf. NS 1.2.10 ff.; cf. also CarS vi 8.56 for definitions and examples.

¹⁷ Cf. NS 5.2.; cf. also CarS vi 8.65.

¹⁸ Cf. NS 5.1.

¹⁹ Cf. NBh 34.12 ff.

²⁰ Cf. CarS vi 8.36: 'A rejoinder (*uttara*) is a statement of dissimilarity (*vaidharmya*) when the argument (*hetu*) is brought forward by means of similarity (*sādharmya*), or a statement of similarity when the argument is brought forward by means of dissimilarity.' *uttaram nāma sādharmyōpadiṣṭe* <CarS₁ vā> *hetau vaidharmya-vacanam, vaidharmyōpadiṣṭe vā hetau sādharmya-vacanam.*

²¹ Cf. CarS vi 8.30.

²² Cf. CarS vi 8.31 f.

²³ NBh 51.11 f.: *pratyukte hi hetau yaḥ prasaṅgo jāyate sā* <sa NBh₁> *jātiḥ. sa ca prasaṅgaḥ sādharmya-vaidharmyābhyām pratyavasthānam upālambhaḥ pratiśedha iti.*

²⁴ Cf. PRETS (2000: 376 ff.).

²⁵ MATILAL (1998: 47 ff.).

²⁶ MATILAL (1998: 50).

²⁷ NS 5.1.39–43.

²⁸ Cf. n. 6.

²⁹ NBh 308.1 f. and 7.

³⁰ NVTṬ 668.7–10: *yadi punar vādy api jāti-vādinam prati sādhanābhāṣena pratyavatiṣṭheta, tataḥ ṣaṭ-pakṣyām satyām na tattva-nirṇayāvasānā kathā bhaved iti śiṣya-hitaḥ sūtra-kāraḥ samādhānābhāṣa-vādinam prati ṣaṭ-pakṣim avatūrayati pratiśedho 'pi samāno doṣaḥ* [= NS 5.1.39].

³¹ Cf. fn. 34.

³² Cf. NS 5.2.20: *sva-pakṣa-doṣābhyupagamāt para-pakṣe doṣa-prasaṅgo matānujñā.*

³³ NS 5.1.39–43: *pratiśedhe 'pi samāno doṣam. sarvatrāivam. pratiśedha-vipratiśedhe pratiśedha-doṣavad doṣam. pratiśedham sadoṣam abhyupetya pratiśedha-vipratiśedhe samāno-doṣa-prasaṅgo matānujñā. sva-pakṣa-lakṣaṇāpekṣōpapatty-upasamhāre hetu-nirdeśe para-pakṣa-doṣābhyupagamāt samāno doṣaḥ.*

³⁴ Cf. NBh 305.7 f.: *sarveṣu sādharmya-vaidharmya-samaprabhṛtiṣu* <sādharmya-prabhṛtiṣu NBh₁> *pratiśedha-hetuṣu yatra yatrāviśeṣaś codyate* <°śeṣo dṛśyate NBh₁> *tatra tatrōbhayaḥ pakṣayoḥ samatvam* <samatv NBh₁> *prasajyata iti.*

³⁵ Cf. NS 5.1.37: *prayatna-kāryānekatvāt kārya-samaḥ.*

³⁶ Cf. NBh 305.12–306.1: *tatrānityaḥ śabdaḥ prayatnānantariyakatvād iti sādhanā-vādināḥ sthāpanā prathamāḥ pakṣaḥ. prayatna-kāryānekatvāt kārya-sama iti dūṣaṇa-vādināḥ pratiśedha-hetunā dvitīyaḥ pakṣaḥ. sa ca pratiśedha ity ucyate. tasyāśya pratiśedhe 'pi samāno doṣa iti tṛtīyaḥ pakṣo vipratiśedha ucyate. tasmin pratiśedha-vipratiśedhe 'pi samāno doṣo 'naikāntikatvam caturthaḥ pakṣaḥ.*

³⁷ Cf. NS 5.2.20: *svapakṣa-doṣābhyupagamāt para-pakṣe doṣa-prasaṅgo matānujñā.*

³⁸ Cf. NS 5.2.14 f.: *śabdārthayoḥ punar-vacanam punar-uktam anyatrānuvādāt. arthād āpannasya sva-śabdena punar-vacanam.*

³⁹ Cf. NBh 307.10–308.2: *tatra khalu sthāpanā-hetu-vādināḥ prathama-tṛtīya-pañcama-pakṣaḥ. pratiśedha-hetu-vādinō dvitīya-caturtha-ṣaṣṭha-pakṣaḥ. teṣāṃ sādhv-asādhutāyām mīmāṃsyamānāyām caturtha-ṣaṣṭhāyor arthāviśeṣāt punar-ukta-doṣa-prasaṅgaḥ. caturtha-pakṣe samāno-doṣatvam parasyōcyate—pratiśedha-vipratiśedhe pratiśedha-doṣavad doṣa iti. ṣaṣṭhe 'pi para-pakṣa-doṣābhyupagamāt samāno doṣa iti samāno-doṣatvam evōcyate, nārtha-viśeṣaḥ kaścīd iti. samānaḥ tṛtīya-pañcamāyayoḥ punar-ukta-doṣa-prasaṅgaḥ. tṛtīya-pakṣe 'pi pratiśedhe 'pi samāno doṣa iti samāno-doṣatvam* <samānatvam NBh₁> *abhyupagamyate. pañcame 'pi pakṣe* <pañcama-pakṣe 'pi NBh₁> *pratiśedha-vipratiśedhe samāno doṣa-prasaṅgo 'bhyupagamyate. nārtha-viśeṣaḥ kaścīd ucyata iti. tatra pañcama-ṣaṣṭha-pakṣāyor arthāviśeṣāt punar-ukta-doṣa-prasaṅgaḥ* <punar-ukta-doṣaḥ NBh₁>. *tṛtīya-caturthāyor matānujñā. prathama-dvītīyāyor viśeṣa-hetv-abhāva iti tathā ca* <NBh₁ om. *tathā ca*> *ṣaṭ-pakṣyām ubhāyor asiddhiḥ* <asiddhaḥ NBh₁>.

⁴⁰ NS 5.1.39.

⁴¹ NS 5.1.38.

⁴² NBh 308.2–7: *kadā śaṭ-pakṣī? yadā <NBh₁ : yadā śaṭ-pakṣī tadā NBh> pratiśedhe 'pi samāno doṣa ity evaṃ pravarttate, tadōbhayoḥ pakṣayor asiddhiḥ. yadā tu kūr्याnyatve prayatnāhetutvam anupalabdhi-kūraṇōpapatter ity anena tṛtīya-pakṣo yujyate tadā viśeṣa-hetu-vacanāt prayatnānantaram ātma-lābhaḥ śabdasya nābhivvyaktir iti siddhaḥ prathama-pakṣo na śaṭ-pakṣī pravarttata iti.*

⁴³ Cf. UH_c.

⁴⁴ In YAMAGUCHI's translation of the *Vigraha-vyāvartanī* from the Tibetan (pp. 62 f., fn. 2), the idea that a comparative structure of argumentation is also to be found in Nāgārjuna's *Vigraha-vyāvartanī* (cf. VVy 43.17 f.: *evaṃ śaṭ-koṭiko vādaḥ prasaktaḥ*) has been already rejected by BHATTACHARYA (1978: 96 f.). The passage consists of a refutation of Nāgārjuna's voidness of all things which is carried out evidently by one and the same opponent in a set of six argumentative steps without any dialogue.

⁴⁵ Cf. e.g. TS 12.2–4: (*śāstram āha*) *khaṇḍanasya tri-vidha-doṣāpattim. viparīta-khaṇḍanam asat-khaṇḍanam viruddha-khaṇḍanaṃ cēti. yadi khaṇḍanam etat tri-vidha-doṣōpetam tadā nigrāha-ssthānam*. In Vasubandhu's *Vāda-vidhāna*, these refutations are subdivided in exactly the same way into a reversed (*viparīta-khaṇḍana*), an untrue (*asat-khaṇḍana*) and a contradictory refutation (*viruddha-khaṇḍana*). Also according to this view, these dialectical means are nothing but points of defeat (*nigrāha-ssthāna*). Cf. FRAUWALLNER (1982: 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.'

⁴⁶ Cf. UH 26.7–9: *eṣāṃ viṃśati-vidhānāṃ sāro dvi-vidhaḥ. vaidharmyaṃ sādharmaṃ ca. sajātīyatvāt sādharmaṃ vijātīyatvād vaidharmyam. arthasya hi tat samāśrayatvāt te viṃśatidharmān vyāpnuvataḥ*.

⁴⁷ Cf. KAJIYAMA (1991: 109): 'Chap. IV deals with twenty kinds of *prasaṅgas* regarded as valid arguments for refuting permanency of *ātman*, ...'. Cf. also KAJIYAMA (1991: 113): 'As we have seen above, *prasaṅgas* in the *Upāya-hṛdaya* are considered to be valid arguments by the author ... Many of them are condemned by the *Nyāyasūtra* to be futile rejoinders.'

⁴⁸ Cf. UH 26.2 ff.

⁴⁹ Let me in this place cordially thank Mr. Shinya Moriyama, presently at the Institute of South Asian, Tibetan and Buddhist Studies of the University of Vienna, who was so kind to review TUCCI's Sanskrit translation with the Chinese thoroughly.

⁵⁰ Cf. UH 29.19–21: *ātmanaḥ sad-bhāvavan nityatānīyatā. laukikānāṃ samisāya-sambhavo nityo 'nityo vēti. etat samisāya-samam*.

⁵¹ The *dūṣaṇa-vādin* does not explicitly mention the point of defeat *matānujñā*, but gives its example, which is later found—partly modified—in the *Nyāya-vārttika* (cf. NV 528.10–12: *bhavānis' cauraḥ puruṣatvād iti, sa taṃ prati brūyāt—bhavān apīti. so 'bhyupagamya doṣaṃ parapakṣe 'bhyanuñātīti nigrhīto vedītavyaḥ*). Cf. also Cakrapāṇidatta's *Āyur-veda-dīpikā* in its commentary on the respective paragraph of the *Caraka-saṃhitā* (cf. CarS vim 8.62: *abhyanuññā nāma sā ya iṣṭāniṣṭābhyupagamaḥ*) which seems to give the same example as the **Upāya-hṛdaya* (ĀDī 272a,11–14: *bhavān caura ity ukte sva-doṣam aparihṛtya vacanam bhavān api caura iti. etad dhi vacanam svīyam aniṣṭam cauratvam parasya ceṣṭam cauratvam abhyanuñātīti*).

⁵² Cf. UH 24.12–25.17: *nanv ātmā nityo 'nityo vā*.

(1) *ātmā 'kṛtakatvān nityaḥ, ghaṭādīs tu kṛtakatvād anityaḥ*.

- (2) *atra dūṣaṇam. akṛtakatvād ātmā nitya iti cet tad ayuktam. kasmāt. puruṣāṇām saṁśaya-janakatvāt. yady akṛtakatvān nitya evātmēti tadā nityo 'nitya vēti saṁśayasya sambhavam <°syāsambhavam>. saṁśaya-janakatvād doṣaḥ.*
- (3) *vādī. iyaṁ doṣāpattir na mamāivāpi tu sarveṣāṁ eva vādināṁ yathā śabdo nityo 'mūrtatvāt. atītaḥ kāyo 'sity eva pūrva-nivāsānusmaraṇād ity-ādī pratijñā pūrvavat saṁśayam utpādayatīti. tasmāt sarvatrāiva doṣāpattiḥ.*
- (4) *atra dūṣaṇam. dṛṣṭānta eva saṁśayam nirdhārayati. bhavatām tūdāhrto dṛṣṭānto mama saṁśayam utpādayati tasmād asiddho 'yaṁ dṛṣṭāntaḥ. dṛṣṭānte 'siddhe 'rīta-hāniḥ. tad eva nigrāha-sthānam.*
yat punar bhavatōktam sarveṣāṁ eva doṣāpattir na tu mamāivēty eṣa sva-doṣa eva na tu para-doṣaḥ. kuta iti cet. yathā kaścid abhiyukta ātmānam aprakāśya sarva eva taskarā iti vadet tadāśau puruṣa ātmānam api taskaram manyata iti jñeyam. bhavān api tathā tasmān nigrāhyah.
- (5) *idānīm yadi bhavān ātmānam prakāśayitum icchuḥ <hicchu UH> pūrva-yuktim atikramya punar vaktum icchen nūnam bahu-doṣāpattiṁ syāt. bhavataḥ prathamāḥ pakṣo dvitīyena [pakṣeṇa] dūṣitaḥ. tṛtīyaś cārtho mayā dūṣitaḥ. pañcamena doṣāvadhim icchan pūrvam nātikrāmed ataḥ bhavato 'nityaḥ pakṣaḥ punar-uktaḥ bhavet. punar-uktaḥ ca nigrāha-sthānam.*
nanv anyujyāḥ ṣaṣṭho 'pi? atrōcyate. siddhas tāvat pañcamasya doṣaḥ. tat katham ṣaṣṭho 'nuyujyāḥ. asmin hi pratyukte pūrva-doṣa-tulyatā. anyoyoktuḥ sadoṣatve pratipakṣeṇa tūṣṇīm-bhavitavyam.
aparaṁ ca. ṣaṣṭhasya doṣaḥ pañcamenāparyanuyujyāḥ. kuta iti cet. pañcamenāiva hy eṣa ṣaṣṭho 'nuyuktaḥ. ato 'yaṁ svayam eva sadoṣaḥ katham taṁ dūṣayet. evaṁ sad-dharma-vadaḥ.

BIBLIOGRAPHY

Primary Sources

- ĀDī = Cakrapāṇidatta: *Āyur-veda-dīpikā*. See: CarS.
- CarS = *Caraka-saṁhitā. The Charakasamhitā of Agniveśa*. Revised by Charaka and Dṛidhabala. With the *Āyurveda-Dīpikā* Commentary of Chakrapāṇidatta. Edited by V.J. Trikamji. Bombay⁴ 1981.
- NBh = Vātsyāyana Pakṣilasvāmin: *Nyāya-bhāṣya. Gautamīyanyāyadarśana with Bhāṣya of Vātsyāyana*. Edited by Anantalal Thakur. *Nyāya-catur-granthikā* Vol. I, Indian Council of Philosophical Research, New Delhi 1997.
- NBh₁ = Vātsyāyana Pakṣilasvāmin: *Nyāya-bhāṣya. Nyāya-darśanam with Vātsyāyana's Bhāṣya, Uddyotakara's Vārttika, Vācaspati Miśra's Tātparyatīkā and Viśvanātha's Vṛtti* (Chapter I, Section I). Critically Edited with Notes by Taranatha Nyaya-Tarkatirtha and (Chapters I.ii–V) by Amarendramohan Tarkatirtha. Vol. II, Critically Edited with Notes by Amarendramohan Tarkatirtha and Hemantakumar Tarkatirtha. *Calcutta Sanskrit Series* 18, 29, Calcutta 1936, 1944.
- NS = Akṣapāda Gautama: *Nyāya-sūtra*. See: RUBEN (1928).
- NS₁ = Akṣapāda Gautama: *Nyāya-sūtra*. See: NBh₁.

- NV = Uddyotakara: *Nyāya-vārttika. Nyāyabhāṣyavārttika of Bhāradvāja Uddyotakara*. Edited by Anantalal Thakur. *Nyāya-catur-granthikā* Vol. II, Indian Council of Philosophical Research, New Delhi 1997.
- NVTṬ = Vācaspatimiśra: *Nyāya-vārttika-tātparyā-ṭikā. Nyāyavārttika-tātparyāṭikā of Vācaspatimiśra*. Edited by Anantalal Thakur. *Nyāya-catur-granthikā* Vol. III, Indian Council of Philosophical Research, New Delhi 1996.
- TŚ = *Tarka-sāstra*. See: TUCCI (1929).
- UH = **Upāya-hṛdaya*. See: TUCCI (1929).
- UH_c = **Upāya-hṛdaya. Fang-pien hsin-lun*, Taishō 1632, Vol.32, 23b–28c.
- vi = *Vimāna-sthāna*. in CarS.
- VVy = *Vigraha-vyāvartanī*. See: BHATTACHARYA (1978).

Secondary Sources

- BHATTACHARYA 1978 = Bhattacharya, Kamaleswar: *The Dialectical Method of Nāgārjuna. Vīgrahavyāvartanī. Forth Ed. (Revised and Enlarged). Translated from the Original Sanskrit with Introduction and Notes by Text critically ed. by E.H. Johnston and Arnold Kunst*. Motilal Banarsidass Publishers, Delhi 1998. [First edition: 1978].
- FRAUWALLNER 1984 = Frauwallner, Erich: *Nachgelassene Werke I. Aufsätze, Beiträge, Skizzen*. Hrsg. Ernst Steinkellner. Wien 1984.
- JHA 1915 = Jha, Gaṅganātha: *The Nyāyasūtras of Gautama. With Vātsāyana's Bhāṣya and Uddyotakara's Vārttika. Translated into English*. Vol. I, Allahabad 1915. [Reprinted: Kyoto 1983].
- KAJIYAMA 1991 = Kajiyama, Yuichi: 'On the Authorship of the *Upāya-hṛdaya*.' In: Steinkellner, Ernst (ed.): *Studies in the Buddhist Epistemological Tradition—Proceedings of the Second International Dharmakīrti Conference, Vienna, June 11–16, 1989*. Österreichische Akademie der Wissenschaften, philosophisch-historische Klasse, Denkschriften, 222. Band; Verlag der Österreichischen Akademie der Wissenschaften, Wien 1991: 107–117.
- KANG 1998 = Kang, Sung Yong: *Zur altindischen Tradition der Debatte gemäß der medizinischen Überlieferung. Übersetzung und ideengeschichtliche Untersuchung von Caraka-saṃhitā Vi.8.15–28*. Wissenschaftliche Hausarbeit zur Erlangung des akademischen Grades eines Magister Artium der Universität Hamburg. Hamburg 1998.
- MATILAL 1985 = Matilal, Bimal Krishna: *Logic, Language and Reality. Indian Philosophy and Contemporary Issues*. Delhi 1985.
- MATILAL 1987 = Matilal, Bimal Krishna: 'Debate and Dialectic in Ancient India.' In: *Philosophical Essays. Professor Anantalal Thakur Felicitation Volume*. Calcutta 1987.
- MATILAL 1998 = Matilal, Bimal Krishna: *The Character of Logic in India*. Edited by Jonardon Ganeri and Heeraman Tiwari. State University of New York Press, SUNY, Albany 1998.

- MEUTHRATH 1996 = Meuthrath, Annette: *Untersuchungen zur Kompositionsgeschichte der Nyāyasūtras*. Würzburg 1996.
- PRETS 2000 = Prets, Ernst: 'Theories of Debate, Proof and Counter-Proof in the Early Indian Dialectical Tradition.' In: Balcerowicz, Piotr & Mejer, Marek (eds.): *'On Understanding Other Cultures' — Proceedings of the International Conference on Sanskrit and Related Studies to Commemorate the Centenary of the Birth of Stanisław Schayer (1899–1941)*. Warsaw University, Poland, October 7–10, 1999. *Studia Indologica* 7, Warszawa 2000: 369–382.
- PRETS 2001 = Prets, Ernst: 'Futile and False Rejoinders, Sophistical Arguments and Early Indian Logic.' *Journal of Indian Philosophy* 29 (2001) 545–558.
- RANDLE 1930 = Randle, H.N.: *Indian Logic in the Early Schools. A Study of the Nyāyadarsana in its relation to the Early Logic of Other Schools*. Oxford 1930. [Reprinted: New Delhi 1976].
- RUBEN 1928 = Ruben, Walter: *Die Nyāyasūtra's*. Text, Übersetzung, Erläuterung und Glossar. Leipzig 1928.
- SOLOMON 1976 = Solomon, Esther A.: *Indian Dialectics: Methods of Philosophical Discussion*. 2 vols. B. J. Institute of Learning and Research, *Research Series* 70, Ahmedabad 1976.
- TSPHI 1991 = Oberhammer, Gerhard; Prets, Ernst; Prandstetter, Joachim: *Terminologie der frühen philosophischen Scholastik in Indien. Ein Begriffswörterbuch zur altindischen Dialektik, Erkenntnislehre und Methodologie*. Band 1: A-I Herausgegeben von Gerhard Oberhammer. Österreichische Akademie der Wissenschaften, Philosophisch-Historische Klasse, Denkschriften, 248. *Beiträge zur Kultur- und Geistesgeschichte* 17. Wien 1991.
- TUCCI 1929 = Tucci, Giuseppe: *Pre-Diinnāga Buddhist Texts on Logic from Chinese Sources*. Translated with an Introduction, Notes and Indices. Oriental Institute, *Gaekwad's Oriental Series* 49, Baroda 1929.
- VIDYĀBHŪṢAṆA 1920 = Vidyābhūṣaṇa, Satis Chandra: *A History of Indian Logic (Ancient, Mediaeval and Modern Schools)*. Delhi ³1978. [First edition: Calcutta 1920].
- YAMAGUCHI 1929 = Yamaguchi, Susumu: 'Traité de Nāgārjuna: Pour écarter les vaines discussions [*Vigrahavyāvartanī*].' *Journal Asiatique* (Juillet-Septembre 1929) 1–86.