THE WARRIOR TAKING TO FLIGHT IN FEAR
SOME REMARKS ON MANU 7.94 AND 95
(Beiträge zur Kenntnis der indischen Kultur-
und Religionsgeschichte III)

0. While examining materials on the "laws of battle"\(^1\), in
the course of a study of the ideas about the right to kill in self-
defence in ancient and mediaeval India, I chanced upon the verses
Manu 7.94 and 95 and these have arrested my attention for quite
some time now. For they are not only highly interesting in them-
selves, but invite closer inspection also because in commentaries
on them we find an explicit reference to a philosophical author.
A further consideration of no little importance is that these verses
involve the problem of "transfer of merit" which has been a
concern of quite a number of colleagues in recent years.

1. The verses at issue run thus:

\[\text{yas tu bhītaḥ parāvṛttah samgrāme hanyate paraik} /\]
\[\text{bhātur yad duśkṛtaṁ kimci tat sarvam pratipadyate // 94 //}\]
\[\text{yac cāsyā suktṛtaṁ kimci adītṛtham upārjitaṁ /}\]
\[\text{bhātīd āt sarvam ādatta parāvṛttahatasya tu // 95 //}.

These are statements apparently so simple and clear that one
should not expect anybody to be in doubt as to their meaning and
reject e.g. Bühler's rendering:\(^2\):

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1. This is the term used by E. W. Hopkins, *The Social and Military Position of the Ruling Caste in Ancient India as Represented by the Sanskrit Epic*, in *JAOS, 13* (1889), p. 227 ff., cf. also fn. 9.

« But the (kshatriya) who is slain in battle, while he turns back in fear, takes upon himself all the sin of his master, whatever (it may be) »:

« And whatever merit (a man) who is slain in flight may have gained for the next (world), all that his master takes ».

Though in the absence of a critical edition of the Manusmṛti which fully deserves this designation it is not possible to say anything definite about the transmission of the two verses, it seems that there is just one variant to be taken note of, as stated by Jolly*, viz. (parvṛttaḥ) ca at the end of 7.95, attested in manuscripts containing the mūla text together with Medhātithi's and Govindarāja's commentaries. And this ca looks, to be sure, very much like the original reading, whereas su may well be explained as having originated in order to remove an apparent redundancy; but be that as it may, the meaning as such is practically not affected at all by this textual difference.

1.1. To the author of the anukramaṇī verses 1.111 ff. M. 7.94 and 95, if they were at all known to him, form an integral part of the general subject of the seventh adhyāya, viz. the exposition of « the whole duty of a king » (cf. rājṛṣaḥ ca dharman ākhilaṃ at 1.114 c); and, to quote a rather modern example, Laxmanashastri

3. J. D. M. DE LERBI, Bhāruci's Commentary on the Manusmṛti. (The Manusāstra-Viṣvanātha, Books 6-12). ... Vol. II: The Translation and Notes, Heidelberg, 1975, p. 61 renders them thus: « But he who is frightened, turns back and is slain by the enemy in war, acquires all the evil that may have been done by his master ». « And as for the merit which the man who was slain after turning his back had won with a view to the next world his master has taken all that from him ».

4. Mānava Dharmaśāstra. The Code of Manu ... critically edited ..., London, 1887, p. 309. DERBERT, Bhāruci's Commentary ..., Vol. I: The Text, Heidelberg, 1975, p. 67 fn. 2 notes a reading ihāḥ ... instead of upājitam but he justly adds a question mark to it, since it is not even definite whether this has at all to be regarded as a variant. In addition, the Dharmakosa (cf. fn. 7) IV, Pt. 5, p. 2779, fn. 2 and p. 2780 fn. 1 mentions the following variants: sarvam tat and yat kṣimt dusṣrītam bharturḥ for 7.94, and yad asya as well as (bhartṛ) ca tat samādatte for 7.95; but almost all of them are just transpositions caused most probably by an inaccurate memory.

5. Note that this is also the reading followed by the Nityamayūkha (cf. fn. 11). As for the scholastic interpretation of the various ca cf. Sarvajñanārāyaṇa on 7.95.

6. This term is applied to them e.g. by Medhātithi (on 1.111).

Joshi similarly failed to see any reason for not subsuming the two verses under the heading of dharmayuddha — which in its turn is a subsection of his long chapter on yātrā, « the march of an army ».

But inspite of the fact that the term dharmayuddha has not yet been studied comprehensively there is every likelihood that it does not refer to the duties a warrior has to fulfill towards his master; and it is evidently an important element of these latter duties which is dealt with in M. 7.94 and 95. This distinction was, however, felt and adequately taken into account e.g. by the author of the Nityamayūkha, Nilakanṭha Bhaṭṭa; for he introduces his quotation of the two verses under discussion with the remark: palāyane dosam āha manuḥ, whereas the matter Manu has in mind according to him in the verses 7.91 - 93, which he quotes a little later, is « those not to be killed [in battle】 (avadyān āha manuḥ: 105.29).


8. Note that systematically this is distinguished from yāna, one of the group of the śāḍgayaà dealt with in Pt. 4 of Vol. IV of the Dharmanākṣatra (p. 2051 ff). If there is a terminological distinction between the two expressions, it would seem to be a later development; for at any rate at Mbh. 12.69.65-66 we find yātrā instead of yāna in an enumeration of the individual members of the śāḍgayaà, and at M. 7.182 the syntagma yātrām yā refers to the expression yāna, and yā, of the preceding verse.

9. Cf. also the term yodhadharma used at M. 7.98 und suyuddha at Kauṭilya AS 10.3.30 (cf. fn. 71).

10. In Bhaṭṭa Lakṣmīdhara's Kṛtyakalpataru the two groups of verses, i.e. M. 7.91-93, on the one hand, and 7.94 and 95, on the other, are quoted not only separately, but clearly also in different systematic contexts (see vol. XI of the edition in « Gaekwad's Oriental Series », No. L. Baroda, 1943, p. 133 and 135 respectively). Similar observations can be made in the Vīramitrodāya (Rājanitiprakāśa, in « Chaukhamba Sanskrit Series », 221, p. 406 and 408).

11. Nīti Māyūkha ... ed. by Mahadeva Gangadhar Bakre and Vyanakatesha Ramachandira Lele, Bombay 1921. (Note that this edition together with the other parts of the text has been reprinted under the title Bhagavatāhādāraka, Vrajaśivan Prachyabhārati Granthamala 9, 2 Vols., Delhi, 1985). The reference to this text is found in G. Jaya, Manusmṛti, Notes, Pt. II: Explanatory, Calcutta, 1924, p. 457.


13. It should be noted that M. 7.90 is not quoted together with them in the Kṛtyakalpataru and the Vīramitrodāya, the main reason most probably being that this latter verse mentions certain types of weapons not to be used in a battle.
But even if the two groups of verses in this part of the 7th adhyāya, viz. 90-93, on the one hand, and 94 together with 95, on the other, are in this manner — and, I think, quite justly — kept apart from each other, one cannot fail to observe and duly admit that the person responsible for juxtaposing them originally or later, as the case may be, had a remarkably good feeling for what can be put together. For the transition from enumerating «those not to be killed in battle» to pointing out the rather unpleasant consequences a warrior has to take on himself if he «turns back in fear» on the battlefield, seems in fact to be quite smooth, especially as the keyword parāvṛttta is mentioned already in verse 93. It appears almost natural that immediately after referring along with others to «one who has turned back» in battle and has to be spared like the others, attention is now focussed on this particular type of combatant, although not any longer with regard to the manner in which he should be treated by the other warriors, but with a clear shift of perspective to his own conduct and its unavoidable consequences.

On the other hand, M. 7.93 and 94 f. stand in contrast with, nay even in contradiction to each other: According to the former a parāvṛttta «is not to be killed» — that is to say, saves his skin — whereas the latter two verses deal with the consequences a parāvṛttta has to reckon with if he «is slain by the enemy in battle» (sangrāme hanyate paraśī). One feels hence tempted to object: If a parāvṛttta is not to be killed and is therefore in fact also

not killed, the question of what happens to him when he is killed should not at all arise! But there is a reply to this objection and it is one which suggests itself quite naturally at that: In some cases, and they are rare, a parāvṛttta actually may be killed inspite of the dharma rule according to which his life has to be spared; and it is to account for these cases that verses 94 and 95 are taught. — However, this could hardly pass for a convincing explanation, and this for various reasons: Firstly, one expects that, if not only then at least also, something is said about the consequences which this flagrant infringement of the laws of dharmanvayuddha cannot but have. Secondly, a question one cannot but put oneself remains unanswered, viz. whether a parāvṛttta if he is in fact not killed in most cases really gets away with his mean conduct. And, thirdly, one could at least think of arguing along the following lines against a hypothetical common author of M. 7.93 and 94/95: If according to him the killing of a parāvṛttta brings the master an advantage and a disadvantage to the parāvṛttta killed, then some sort of a «discount» should also be given to a person who is a parāvṛttta and though still avadhya is nevertheless slain — in case, of course, that we assume that his action is considered not to remain without consequences for him.

What these deliberations ultimately lead to is the view, if it is not arrived at even earlier, that what forms the subject of M. 7.93 — and the verses preceding it — are but rules about an ideal, humane and chivalrous soldierly conduct, i.e. normative prescriptions (as in fact most of the material contained in Dharmāśāstra texts), whereas M. 94 and 95 refer to the real world, to what does really happen in many cases to a warrior «who turns back in fear», viz. that he is killed, and this not only in India and not only in the times of the wars of the two Epics. And this difference is after

14. nāyudhāyasana-prāptam nārām nātiparikṣatam / na bhitam na parāvṛttam satam dharman amanusmaranam// [scil. hanyat].
15. Cf. Nandana on 7.94: ayodhyasya parāvṛttasya doṣam āha / bhuta iti / (bhartēś svāminah).
all also clearly expressed in the text itself, viz. by the opposition between the optative or rather prohibitive 20 (na ca hanyāt), governing all the accusatives from 7.91 to 93, and the indicative forms in verses 94 and 95.

It is therefore no overstatement to speak of a gulf between the two groups of verses which is in fact not easily bridged: 7.91-93 are addressed to the ideal warrior who observes the 'laws of battle' and does not hence attack those who are traditionally considered to be avadhyā, including the parāvytta; in contrast to this what is stated in 7.94 and 95 exclusively refers to a warrior «who turns back in fear», but it starts from the fact that he is killed in battle and it is restricted to the description of the 'metaphysical' consequences of his misdeed. What is at issue in the former group of verses is the warning not to disregard warrior ethics, whereas the latter is solely concerned with the loyalty a warrior owes to his master and with the consequences if he does not behave as he ought to. The ideal warrior is directly and expressly warned, but the statement of 7.94 and 95 contains a warning only indirectly and implicitly in that it intimates that if a warrior wants to avoid such consequences he should be loyal come what may. The admonitory aim, clearly discernible in 7.94 and 95 too, then is common to both the groups; but this feature is not only quite an abstract one, but also one generally to be expected in a work of this class.

1.2. In turning now to the commentators of the Manusmṛti 21, it is Medhātithi (= Medh.) who will be given preference here and not because of his relative priority in time, but for other reasons which will presently become clear. His Manuḥṣaṇya on 7.94 runs thus (IV 76.23-28) 22: naivam mantavyam 'parāvytto yadi hanyate

20. Cf. the discussion in Medhātithi's Bhāṣya on 7.93 about the status of this and the preceding verses leading to the conclusion: purusārtha pratiseṣahāḥ 'na kalāhāṃ bhaksaya' itiḥār / tathā hi na ho mukhyāṭhāvatītthā tiḥāvattā /.

21. Of the nine commentators whose works are available in print it is only Rāmacandra who does not say anything on the two verses under discussion. As for the remaining eight, for obvious reasons I cannot deal with the explanations given by all of them.

22. Reference is (here and in the following) to the (new) edition of J. H. Dave, Manu-Smṛti with Nine Commentaries ... IV (Part 1: Adhyāya 7), Bombay, 1985. As a rule the text is reproduced exactly as printed there in order to allow the reader to form for himself a clear idea of the deplorably poor quality of the work done by Mr. Dave who seems to have copied earlier editions without rhyme or reason. Quite in contradistinction, it is worth the trouble to look for a verse of Manu's in the Dharmakosa because the text of at least the more important commentaries is given there, too, yet evidently by an editor who has tried hard to understand each and every word of them. In the present case, e.g. the misleading comma after tadda and the daṇḍa after duṣkṛtam iti are quite correctly absent in the Dharmakosa, the puzzling sandhi duṣkṛtyahatas is justly dissolved for the sake of clarity and a daṇḍa is added after dasārayati, as is proper.

23. G. Jha’s translation of this sentence (Manusmṛti. The Laws of Manu with the Bhāṣya of Medhātithi, Vol. III, pt. 1, Calcutta, 1924, p. 343) is entirely off the point in that he fell a prey to the sandhi duṣkṛtyahatas: «It should not be thought that 'if the man is killed after having turned back he does not die after having committed a sinful deed'; (because the offence lies in his having turned back)». Apart from that, however, it is quite correct so that I accept it by and large.
declares himself so openly a follower of this particular, rigorously individualistic, conception of *karma* has on the other hand the advantage of giving the modern philologist a still better handle against him; for it becomes thus quite easy to reject his interpretation of the two verses as evidently dictated by heavy prejudices, not to speak of Medh.’s incapacity to admit, even in theory, the possibility that the idea expressed in them belongs to another ambiance (with which he is perhaps not really familiar) or to another age.

Nonetheless, Medh. is not the only one among the commentators who wants us to believe that M. 7.94 and 95 are nothing but *artha-vādasas*.

1.3. Thus Bāruci, too, is obviously of the same opinion, although this can only be inferred from the little that is preserved of his explanations on these verses, in particular from the term *nindā* used by him which is, however, revealing enough (67.6 - 8):

> rājīto ‘nyasyāpi daṇḍa-puruṣasya paraśrītasya nindā sloka-dvayenoktā, yuktā ca tan-nindā yad-artham asau hriyate tad akurvan pratyapr[et eva].

This is translated by Derrett thus:

> In these two verses a depression is uttered against a man who turns his back, including any members of the forces even apart from the king himself. This depression is proper. He was taken for a particular purpose, he has failed to perform this and certainly sins thereby. This is, no doubt, a fairly correct rendering; there is, however, one point where I disagree: I find it revealing that English past tense forms are used to translate the present forms of the Sanskrit; the conclusion suggested by this observation cannot but be that *hriyate* in the text as received is corrupt and that it has to be emended

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and [2] amuṣṭratha ‘syeti vāmuṣṭratham vyadhikaraṇo bahuvrithit gamakatvāt pravojakatvāc ca /

25. The edition referred to is, of course, Derrett’s (cf. fn. 3 and 4) — which one would have liked to indicate the number of the adhyāya and verse above the type page. — The text as given in Dave’s Manu-Smṛti (cf. fn. 22) is apparently taken from the MS. itself and Derrett’s edition has been ignored by him much to his disadvantage.


27. The reservation is due to the fact that *api* has also been misunderstood; this part should rather be rendered: «against a member of the forces who turns his back, even if it is somebody other than the king». 
he is killed in battle by the enemy, all the evil that may have been done by [his] master. What is intended in this [verse] is not more than that evil arises for him (i.e. the person who turns back) [from his cowardly conduct]. [For], in the other case (i.e. if the verse were to be taken literally) the absence of [any] demerit [for the parāvṛtta] would be the consequence [of this proposition], if the master were [himself] somehow free from sin. And [what is suggested in this verse is also] not an atonement [performed] by the master on his part by which he [would] free himself from the evil [done by himself, and, to be sure, this interpretation would suggest itself if what is said in the verse were to be taken literally]. Since the expression ‘master’ (lit. ‘one who maintains’) is used [in the verse], the offence of turning back etc. certainly [pertains] to a minister also, [and] not only to the king under discussion [in the present context of the Manusmṛti] ».

The explicatory phrase pāpaṃ tasya bhavati is not explicit enough for us to decide already at first sight what precisely Gov. has in mind; and, to be sure, his remark on 7.95 lacks even more in clarity 31. The subsequent clause, however, viz. etāvad atra vivākṣitam, seems to indicate that what is said in 7.94 is according to Gov. nothing more than that the offence of turning back in battle — naturally — entails some duṣkṛta for the warrior who commits it. The question immediately suggesting itself, viz. why this duṣkṛta is given the attribute bhartuḥ, is significantly ignored by him 32, though in the last sentence he himself refers to this

31. For it reads thus: y a d i t / a s a c a p a rāmukhakhatasya yat kiṅcit parakārtham arjitaṃ asta t a s a r p a b h a r h a v a t i .

32. According to Rāghavānanda ( / b h a r t uḥ astraḥbhāranyogasya vānyasya yat pāpaḥ t a t p a r a m u k h a t a k ṛ ṇ k h a n b h a v e d i t i G o v i n d a rājā / ...) Gov. takes bhartṛ to mean one who is able to carry weapons. But there is nothing in Gov.’s commentary on 7.94 (or 95) which would support this view, on the contrary, what Gov. says on the expression bhartṛ (see § 1.4) clearly precludes such an interpretation. In fact it is quite impossible to find even a part of the view which Rāghavānanda ascribes to Gov. in the latter’s text itself, e.g. that what M. 7.94 is about is the punishment of those who inspite of the corresponding ‘law of battle’ kill an enemy who has taken to flight. The matter was (unnecessarily) further obfuscated by Burnell and Hopkins (The Ordinance of Manu, London, 1884, p. 160 fn. 1) as is rightly pointed out by G. Jhr, op. cit., loc. cit. (cf. fn. 11).
expression. Instead what he does is to put forward an argument of the prasāṅga type; that is to say, he confines himself to pointing out an — allegedly — absurd implication the verse would have if it were taken in its literal sense and hence to mean that the duṣkṛta which a parāvṛtta necessarily acquires by his disloyal act really is that previously done and accumulated by his master which is now only transferred to him. And it should be noted that this argument is valid for the second verse (7.95), too 33, with regard to which it could equally well be pointed out that the master would in a similar manner come off empty-handed, as it were, if the parāvṛtta happened not to have accumulated any merit at all. Though the exact wording of this sentence remains uncertain, the argument as such can, I think, be grasped quite distinctly, especially since it is repeated in substance by Sarvajñānārāśya 34.

The situation is a little different in the case of the sentence immediately following upon it, i.e. that in which the expression priyāśicitta occurs. In all probability what is said in it amounts to the additional argument that it is not conceivable either that a «master» should be freed from his own duṣkṛta by the «turning back» of one of his warriors or that he can free himself of his demerit only if he performs the necessary atonement. In any case this much seems to be sufficiently clear: Gov. continues here to adduce reasons against a literal interpretation of M. 7.94! Taken together his remarks hardly leave any doubt that it is this view that he endeavours to show to be untenable. What he apparently has in mind in rejecting a literal interpretation is the first of «the three essential conditions generally accepted by the later Ālaṃkārika's» for assuming a lakṣaṇa, viz. «the inapplicability

33. Though Gov. does not bring it forward in his commentary on 7.95 (quoted in fn. 31) which taken by itself could easily be understood to mean that the «master» really acquires the suktṛta accumulated by his servant. It may be noted in passing that the argument in question would be valid in both cases also if the two verses were interpreted as teaching that the ill-geral warrior acquires only a duṣkṛta quantity equal to that of his bhartr, and the master a suktṛta quantity equal to that his servant has succeeded in accumulating.
34. Viz. 76.29-30: bḥartur yad duṣkṛtam iti bahutaraduṣkṛtotpādopalakṣanaṁ na tu mukhyārtham aduṣkṛte bhartari tadabhvāpatek //.

or the unsuitability of the primary meaning in the context 35 (mukhyārthabāḍha) — and philologically this is in fact the nub of the problem.

Yet the question is whether Gov. by adducing these arguments tells us the whole truth, i.e. really discloses his true motive. The prasāṅga type of argument is not so strong after all.

On the other hand it is possible that what Gov. says comes close to the idea so clearly and impressively stated by Medh., viz. that any form of ‘exchange’ of duṣkṛta and suktṛta substance between two individuals is impossible. But one cannot, of course, be absolutely sure that Gov. shares this rigorously individualistic conception of karma, particularly since it is not at all easy to explain why he did not also state it in express terms, but confined himself to adducing another reason. Yet, if both these commentators should really not agree on the idea of the absolute inalienability of karma, this much at least is common to them, viz. that they decidedly refuse to take M. 7.94 — and 95 — in their literal sense. Nevertheless it is possible that they differ as to their respective interpretations of the wording of these verses.

The concluding sentence of Gov.'s commentary on the former verse is noteworthy, too: One is puzzled by the "ādi" added to parāvartana and wonders which other offence Gov. could have in mind. Does he think of other possible illegal acts of a minister or did the «etc.» slip into the pen in view of the consequences such a misdeed has or is it perhaps inspired by the fact that parāvartana, if taken literally, refers to the «turning back» only and not also to the subsequent flight (etc.) 36? On the other hand, an "ādi seems to be missing after amātṛya; at least it is not easy to see why only a minister should in addition be included in the group of persons intended and not other servants also whom the prabhuv likewise «maintains».

But this sentence is, of course, interesting first of all in that it shows that Gov. by reading this into the expression bṛhat ṭ
The warrior taking to flight in fear

40. I should like to thank my friend L. Schmithausen for drawing my attention to the fact that the text contains ślokas, viz.

parāṁmukhāhātasya suñāt pāpam etad vivakṣitam / na tv atra prabhūpāparam syād iti govindarāja / medhātithis tv arthāvadādātram etan nirūpayan (read [against all MSS?]: nyārūpayan (?)) / manye naitad dvayaṃ vyuktam / vyaktam avarthavaranāt / anyadyapunyāpe 'nyatra samkramaṇa iti (read: samkrametā iti) śāstrāprāmāṇyād vedānta-sūtraṃkṛtā badarāyaṇena nirūto 'yam artha iti yathoktam eva ramaṇīyaṃ //

"The warrior who, turning back in fear, is slain by the enemies acquires all the evil done by [his] master, [i.e.] provider. And merit and demerit for which there is the authority of the śāstra are both established as certainly capable of passing over [from one locus to another] in accordance with the [teaching of the] śāstra. Therefore an inference, too, which contradicts it does not operate because it is sublated by the śāstra on which [the Dharmaśāstra] rests. And this has been clearly shown by me [in commenting] on the verse 6.79. Govindarāja [is of the opinion] that what ought to be meant [by 7.94] is that the person who is killed after having turned back has demerit, but that it is not the master's demerit [which is spoken of] here. Medhātithi, however, states this [verse] to be nothing but an arthavāda. I think that both these [interpretations] are not correct because the literal meaning is clearly abandoned. On the basis of the authoritative statement of the śāstra according to which merit and demerit of one [person can] pass over to another [person], this matter has been decided definitively by Bādarāyaṇa, the author of the

38. As for Rāgahavānanda's reference, see fn. 32.
39. Cf. fn. 22.
Vedāntasūtra; therefore [the interpretation] as given [by me at the very beginning] and no other is appealing (i.e. correct).

This is an entirely unequivocal explanation speaking for itself; nevertheless it is perhaps not totally superfluous to add the remark that what is referred to in the term śāstra, used here more than once by Kull., is clearly the Veda, or rather, to be precise, the śruti, i.e. that means of instruction of which the Dharmaśāstrins are firmly convinced that it forms the «root» (mūla) of their own śāstra and which is hence, quite interestingly, called the upajñyaśāstra of the Dharmaśāstra by Kull 42. As for Kull's interpretation of this verse and his criticism of Medh. and Gov., we shall presently back to them; for, it is advisable to start with his reference to his — probably even more detailed — discussion of the problem involved in his commentary on 6.79 and with his reference to Bādarāyana: The significance they have within the framework of his argumentation cannot be overlooked.

2. In the course of his treatment of samnyāsa 43, starting with 6.33, Manu, of course, also touches upon the subject of the ascetic's death. It is in this narrower context that he states:

priyeṣu sveṣu sukṛtam aprīyeṣu ca sukṛtam /
visṛṣṭa dhyānayogena brahmābhīyeti sanātanaṁ /79//.

«Making over (the merit of his own) good actions to his friends and (the guilt of) his evil deeds to his enemies, he attains the eternal Brahman by the practice of meditation» 44.

2.1. This verse is explained by Kull. thus (III 246.25 - 247.7):
brahmavid ātmyeṣu priyeṣu hitakārisu sukṛtam aprīyeṣu ahitakārisu sukṛtam nikṣipya
dhyānayogena nityam brahmābhīyeti
brahmāṇya liyate / tathā ca śrutīḥ 'tasya putrā dāyam upayanti suhṛdah sādhukṛtyam dvīṣaṁtāh pāpakṛtyam" 45 iti / aparā śrutīḥ

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42. Cf. M. 1.114 and 6.86.
43. Quoted from Bühler, op. cit. (see fn. 2), p. 212.
44. This śrutī passage has been included by B. Ghosh in his Collection of the Fragments of Lost Brāhmaṇas, Calcutta, 1947, 97 (Fragment 1). The closest parallel in an extant Vedic text is JaiB 1.18 and 1.50 on which cf. H. Ostler, in JAOS, 18 (1897), p. 46 and H. W. Bosworth, Jainismya Brāhmaṇa 1, 145... Leiden, 1973, p. 55.
45. Note that the reading preferred by the editors of the Upaniṣad is dhunāte.
pleasant rendered him by somebody [else] to that very merit as its cause which is in fact his own, and assuming similarly that the demerit accumulated in previous births which is in fact his own is the cause of everything unpleasant rendered him by somebody [else], he relieves the two [types of] persons who bring them (i.e. what is pleasant to him and what is unpleasant) about of [his] love and hate [i.e.] gives [them] up (i.e. ceases to feel love and hate for them) [and then] goes forever to the brahman, [i.e.] becomes one whose nature is brahman. — This [interpretation] is not [acceptable], for [it implies] that a [grammatical] object not actually stated [in the verse], [viz.] 'the two who bring them about', is supplemented to the verb [form] 'making over' by neglecting the pair of [grammatical] objects [actually mentioned in the verse], [viz.] 'merit' [and] 'demerit', and [it implies further] that a verb [form] not actually present [in the verse], [viz.] 'having assumed... as a cause', etc., is supplemented to the two [grammatical] objects by neglecting the verb [form] which is in fact mentioned [by Manu]. And besides I regard the contents of this Smṛti of Manu's [to be] that of the Veda as explained by Vyāsa, [and do] not [think highly of] what[ever] clever people of later times out of conceit fancy [to be its contents] ».

2.2. Already at this stage, i.e. after having barely taken note of what Kull. says on 6.79, it is clear that it was indeed worth the trouble to follow up his reference to this portion of his Manv-arthamuktvāvalli; for his remarks on 6.79 cannot only justly be regarded as elucidating his comment on 7.94 in that they are much more explicit and detailed, but this Manu verse is also highly interesting and of palpable importance both by itself as

47. My translation of this quotation closely follows that given by Bodevitz, op. cit., loc. cit. (s. fn. 44).

48. The masculine is rather puzzling here, for what should be referred to is, just as in the preceding sentences, sukṛtaḍākṛte! Therefore one would expect the neuter samkramanayogye, corresponding to samkramanayoge in Kull.'s commentary on 7.94 (cf. § 1.5).

49. Since the human skull-bowl was the 'trademark' of the Kāpālikas as rightly stated by D. N. LOENZEN (The Kāpālikas and the Kālīmukhās. Two Lost Sivaites Sects, Delhi, 1972, p. 80), there is every likelihood that Kull.'s example is a dig at them. Cf. also Saṅkaradīgīvijaya 15.13 where Kraka, the foremost of the Kāpālins teachers, asks Saṅkara reproachfully: ... suci sansyayai śīrāḥkāpalam etat / vahathāsuci kharparaṃ kimārtham ... //.

50. The text as given by Dave — though in this case it agrees with that of the NSF-edition — cannot be correct here: The «two persons who bring them about», i.e. by whom he is rendered something pleasant or unpleasant, cannot be said to be «called love and hate» (rāgadeva d khyāna); apart from the context itself it is e.g. Gov.'s own commentary that is to be taken note of here, viz. 247.24: ... tātsampādayītāram puruṣam prati rāgadevābhyātām nityam brahmābhivyeti... //. Assuming a graphical error I suggest the reading rāgadevābhyām.
well as by the relation in which it evidently stands to its Vedic source(s) 51.

But it is equally patent that Kull.'s remarks on 6.79 also call for a thorough analysis, and this in various regards (not all of which can be dealt with in the present essay).

This analysis may be conveniently started by noting that Kull. cannot be denied to have given on the whole a quite correct report of what forms the gist of Medh.'s and Gov.'s explanations of M. 6.79 52. No doubt, not a few interesting observations could be made if a full comparison between the two originals and Kull.'s 'summary' could be undertaken here 53. I have, however, to confine myself to merely adding that Kull. clearly amalgamates what his two predecessors have said, and, I think, this is fully justified; but this apart, he also makes their interpretation 54 more explicit, and this he partially achieves by following Gov.'s rather than Medh.'s formulation.

Before turning to what matters most, viz. the general character and the 'logical' structure of Kull.'s commentary on 6.79 as a whole, a further digression cannot be avoided in that the reference to Bādārāyana, met with here, too, and in a more elaborate form at that, needs clarification first.

23. To repeat BS 3.3.26: hānau tūpāyaśaśabāṇeṣeṣavāt kuśa-cchandastutyyupagānavat tad uktam. This is thus translated by Thibaut 55: 'Where the getting rid (of good and evil) is mentioned (the obtaining of this good and evil by others has to be added) because the statement about the obtaining is supplementary (to the statement about the getting rid of), as in the case of the kuśās, the metres, the praise and the singing. This (i.e. the reason for this) has been stated (in the Pūrva Mimāṃsā) 56.

This is clearly quite a correct translation as it agrees not only with Śaṅkara's interpretation, but also meets the intention of the Śūtrakārā himself. Now, one cannot fail to observe that the author of this śūtra does not by any means «quote» here even a single śruti passage «as an example», otherwise Kull. contends (...uddhṛtya...); at best he can be said to clearly have in mind passages like the two quoted by Kull. himself on M. 6.79;

51. This — and similar — passages of the Manusmṛti have also to be taken into account when dealing with the problem of the relation between «Veda and Dharma», which cannot be regarded as definitively solved by J. C. Heesterman (cf. his essay of the same name in «The Concept of Duty in South Asia», ed. by W. O. Fahlberg and J. D. M. Derrett, Delhi, 1978, pp. 80-95).

52. This cannot be said of Bühlcr, cf. his foot-note, op. cit. (cf. fn. 2), p. 212. Medh.'s Bhāṣya reads thus (246.16-20) [note that my emendations here in fn. 54 are only sporadic, and I do realize that the texts are still beset with difficulties; but this is, of course, calculated to show the quality of the editions we have so far]: prītiparīṭapakṛtaṁ cittaṁśaṁśo ho harṣadokālakārṣana 'nenopjēya pariḥartāvaḥ / y´t kīmaṁ priyaṁ karo ti manama sukṛtaṁ vāṣya (= «that it is what is left of my good deed(s)») Or is vāṣya a marginal gloss «it is (now?) specified:»? tasyoṁ phalaṁ, naiśa karīma mama snehaubuddhī priyaṁ, na cayaṁ me śatravaṁ śakoti kartum, duṣkṛtaṁ pākaram ity evaṁ vināśaḥ dhṛtya-yogena cito bhāva-yet / ato 'sya na priya-kārīṣa rāgo na-priyākārī sato ēvaśa yāte / evaṁ kurvavahah sa nātanaṁ nāṣvataṁ brāhmaṁbhete abideśah kāmāniti prāyoti / [...]. And what Gov. says is (247.21-25): svadharmavīrodhi-priyasa ucchitaṁ kṛitstraṁ ity na pṛājanāmūritukṣatraṁ antareṇa kasyācagadhaṁ / tenāyaṁ (read: tena nāyataṁ) puruṣo mama priyakartāpi, tv ātmānakṣṛskṛtam ity evaṁ dhvāna-pāyaśena (read: «dhvānena») ātityaṁ eva sukṛtaṁ kṛtvyo evaṁ aprīyasa asa-kenacit kṛteva ātityaṁ evaṁ pṛājanāmūritukṣtraṁ kāraṇatvam prakalpya tatasāṃdhayādram puruṣam prati rāgadeśabhādvaṁ nityaṁ brāhmaṁbhete tad bhāva-yam (read: tād bhāva-yam?) upagacchati /.

53. On the basis of such observations it should, I think, be rather easy to get beyond sweeping judgments about Kull. such as J. Jolly's that he «was a mere plagiarist» (cf. the «Preface» to his Manusktāsangraha, being a Series of Copious Extracts from Six Unpublished Commentaries of the Code of Manu... Calcutta, 1885-89 (repr. Calcutta, 1896), p. 1).

54. In fact it can be traced back to Bhāruci; for the latter explains 6.79 as follows (44.1-6 [cf. fn. 3]: priyeṣṣya svastu dharmo-virdhāheyya (read: «av- rudhāheyya») ātityeṣṣa svad-bhāka-ṭḥāiḥ-a sa niṣṭatu kāraṇatvendūryam eva sukṛtaṁ svarjyaḥ dhvāna-yogena paramāma-darśanena vināyya taṁ kāraṇatvam svā-dharmam vyudaṣya ca tāsāmābdhīyādram puruṣam, evaṁ aprīyena duṣkṛtaṁ svarjyaḥ dhvāna-yogena paraṁ brāhmaṁbhete, kṣayaṁnayaṁ (read: kṣamāvattayaṁ?) viyaga-rāgadevagaccaṁ ca madhyastho bhāvah.


56. Śaṅkara's terse remark on tad uktam, viz. (īī) vyākhyātām, is a reference to what has been explained by him earlier in his Bhāṣya on 3.3.26, viz. 806.6-8 (cf. fn. 57): śrutiṣṭaraṅkṛtaṁ hi viśeṣoḥ śrutiṣṭare 'nabhyupagacchiṁ sarvacṛtaṁ vikalpāḥ svayam iva ca cānāyāṁ satyāṁ gatau / tad uktam dvādāśakāraṁ — āpi tu vi śaṣadṛṣṭavād itara-puryādaśaḥ svayam pratiṣṭedhe vikalpāḥ svayam iva śaṣadṛṣṭavād / [I]. According to Śaṅkara what is referred to in the Śūtra is hence MS 10.8.15 or rather (cf. Vācaspatimīśra, and Bhāskara, too) 10.8.4.
the expressions ḫāṇi and upāyana, at least taken together, indeed seem to indicate that what Bādārāyanā has in view here is Kauṣ U 1.4 — and similar passages where in contradistinction to Kauṣ U 1.4 only the « getting rid of » is explicitly mentioned; but Kauṣ U 1.4 is actually found quoted — along with other relevant śruti material —, only by Saṅkara in his Bhāṣya on BS 3.3.26! What Kull. says about the purport of this sūtra, viz. that according to it « it has to be accepted that [others can] inherit [the effects of good and bad deeds] even when [the śruti itself] explicitly mentions only the abandonment of [the effects of] good and bad deeds », on the other hand, fully agrees with the original; for Saṅkara is evidently right when he paraphrases the first part of the sūtra, supplying elements left out in the śruti itself, as follows (804.15):

hānau tv ekasyāṁ kevalāyām api śṛīyamāṇāyām upāyanaṁ samnipitāt arhati ṣaṭcēṣavāt. In a similar manner, the « etc. » added by Kull. to his quotation of BS 3.3.26 ( ... ityādi-sūtrair) is also fully justified; for the subsequent sūtra in fact continues the discussion of this topic. But when Kull. in his final remark on M. 7.94 maintains that « this matter has been decided definitively by Bādārāyanā », one cannot again but help remonstrating that this is at least not done explicitly — whereas Saṅkara in his turn e.g. states (in connection with clarifying that Kauṣ U. 1.4 is an artha-vāda meant as a glorification of the Upaniṣadic vidyā) at 805.3-5: itthāṁ mahābhāgā vidyā yatāśārtyād asya viduṣaṇa sukṛtaduṣkṛte saṁśārakaṇaḥbhūte vidhiyete, te cāṣya suḥṛdurṣisviniśete iti, « glorious indeed is that knowledge through whose power the good and evil deeds, the causes of the sāṃśāra, are shaken off by him who knows, and transferred to his friends and enemies ».

57. Reference is to the NSF-edition, viz.: The Brahma-sūtra Saṅkara Bhāṣya with the Commentaries Bhāmati, Kālpataru and Purimāla..., ed. ... by MM. Anantākṛṣṇa Śāstri ..., Bombay, 1938.

58. Quoted from Thibaut’s translation (cf. fn. 55), p. 226. Significantly, the glorificatory function of the so-called upāyana-vāda is used by Saṅkara to infer that « there is no need to rack one’s brain too much about the question how the merit and demerit of one person can be ‘inherited’ by others » (805.10 f. vidyāstuti-yarthavat ca śycopāyana-vādasya katham anyadiye sukṛtaduṣkṛte anyair upeyete iti nāti-vādhiniśeṣavyām/). To all appearances, Ś., too, is not in favour of ‘merit/demerit transfer’.

59. It should, however, be noted that the corresponding entry in the index attached to the NSF-edition of the Manusmṛti (ed. by Nārāyaṇ Rām Acārāya «Kāvyatirtha», Bombay 1946), i.e. the «Manvarthamuktavalyuddhagrantha-granthakṛimānasūcī», is not complete.

60. Kull. himself gives but little information on it, viz. in ārāmbhātōka 3 of his commentary: mimaṁsā bahu sevitā sūhrdās tarkāḥ samastāḥ śheta me vedāntāḥ paramāṇavādha vairāya mayopādītāḥ / jātā vyākaranāni bālāsaktīta yuṣmabhār abhurryhatye vṛddho ‘yaṁ samayo manuṣṭāvīrtau sādhyaṁ dāmbtātām/.
probably he does not by this want to contend a total identity of the two works, but rather an essential doctrinal agreement. And in this manner he, no doubt, hopes to support by a general and fundamental conviction his own interpretation of M. 6.79; to say it more precisely, he hopes to vindicate the fact that he has taken recourse to the Brahmamīmāṃsā argumenti causa, i.e. has cited Bādarāyaṇa as witness of the view that the good and bad deeds of one person can indeed pass over to somebody else.

2.4. This leads us back to the question of the 'logical' structure of Kull.'s commentary on 6.79, i.e. the succession, interrelation and function of the various arguments brought forward by him:

He quotes the two śruti passages evidently in order to show that what is said in 6.79 is in full agreement with certain statements of the Veda. Thereupon he draws upon the Brahmasūtra, and this clearly because he deems it necessary to guard his own interpretation of these śruti passages against possible objections by pointing out that it does not differ at all from that given by an authority like Bādarāyaṇa. The doubt which some people may still entertain as to the possibility of one person inheriting the effects of the good and bad deeds done by somebody else, is then dispelled by him; yet significantly enough not by offering what could be called a true, and perhaps even convincing explanation of this passing over, the procedure, its causes etc.; instead he emphatically conjures up, as it were, the supreme authority in all matter of dharma and adharma, the Veda, and adds the remark, redundant though it is to some extent, that this āsttra in fact contains statements to the effect that merit and demerit pass over from one person to another. Not unexpectedly he then winds up this part of the discussion by reminding his opponents, or readers, that «an inference contradicting it », i.e. the Veda as the foremost means of valid cognition, «does not operate because it is sublated by the āsttra», not without adding an illustration which is at once both convincing as well as deterrent. It should be noted here, though in passing only, that Kull.'s statement about the relative force and authority of Veda and inference is similar to the view held by Śaṅkara regarding the relation between reason and revelation — of which one can convince oneself by looking into Halbfass's comprehensive and exemplary *Studies in Kumārila and Śaṅkara*; on the other hand, however, it need hardly be mentioned that the rejection of reasoning which is opposed to the Veda is not a specific trait of Śaṅkara's philosophy but is, of course, equally characteristic of the Pūrvamīmāṃśa.

To continue with the analysis of Kull.'s comment. He then gives his brief report of the interpretation of his two predecessors, but only in order to refute it thereafter uncompromisingly; and it is here that he finally adduces philological arguments in that he puts his finger on the sore point of the supplementations Medh. and Gov. have to make at the cost of the actual wording of the verse. Kull.'s argument hence basically amounts to vigorously pleading for the — in fact more natural — assumption that M. 6.79 has to be taken as it stands. And thus Kull.'s final argument reminds us of a similar one he brings forward in his commentary on 7.94 which clearly presupposes that on 6.79, examined just now.

3.1. Returning to what Kull. says on M. 7.94 it becomes immediately evident that the structure of the argument is on the whole the same except for the reference to the Vedāntaśatrākṛt which is here placed at the end. However, it should not be overlooked that approximately at the point where one would have expected this reference, Kull. directs his readers' attention to the fact that the question at issue has been discussed by him in his commentary on 6.79. In addition, it has to be taken into account that Kull. concludes the latter comment with the verse vyāsavādayākhyaātyavedārtham etc., i.e. that he in this case, too, plays the card of Bādarāyaṇa. Nevertheless, his commentary on 7.94 is arranged in such a manner that it is two guns which are brought by Kull. into position against Medh. and. Gov., viz. a philological (...) vyaktam anvarthavarjanāt and another one, religious-cum-philosophical authority, which latter is in its turn based on the (unquestionable) authority of the Veda. One wonders in which relation the two arguments stand to each other or which of them Kull. may

have regarded as the major one. Since we do not yet know enough about the exegetical methods and devices of the Dharmaśāstra commentators in general and Kull. in particular, it is not possible to offer more than suggestions: By the expression manye (naitad dvayaṁ yuktam) Kull. seems to relativize his own position by characterizing it as a subjective one; but this may well be an erroneous impression, and this also because no expression corresponding to it is found in his commentary on 6.79. In all probability what the two arguments amount to is a type of circumstantial evidence: Madh.'s and Gov.'s interpretation is not acceptable because it contradicts a statement of Bādarāyaṇa's which is in its turn sanctioned by the śruti, and because it is, philosophically speaking, forced, i.e. based on unwarranted, or at least quite unnecessary supplements.

4.1. The Western reader will, of course, find the philological argument decidedly more appealing, nay even quite convincing, even though he will not fail to give the reference to the Brahmaśāstra, and indirectly to Śaṅkara, its due. For there is indeed no indication whatsoever in M. 7.94, or 95, that it is not to be taken in its literal sense. Evidently only a highly biased reader can hit upon the odd idea of «abandoning the literal meaning» (anvartha-varjana); and, as has been shown, Madh. for one is not only heavily prejudiced, but also expresses his prejudice quite frankly, with the ring of true conviction.

This conviction obviously was a widespread one, and that not only in the times of Medhātithi. There is every likelihood that the strictly individualistic karma doctrine forming its core was still the predominant one during Kull.'s own times, or that it was at least still of considerable influence. For nobody taking notice of what Kull. says on M. 7.95, and 6.79, too, and of the manner in which he argues can help gathering the strong impression that he is palpably speaking with strong emphasis: The conclusion

suggesting itself is that he was well aware that it would not be easy to gain acceptance for his own interpretation, that special efforts had to be made to overcome the resistance of those who follow Medh. or in any case agree with him in substance. And it is not illegitimate to assume that it is mainly because of this 'opposition' that Kull. resorts to Bādarāyaṇa and the Veda as a source of help.

4.2. It is highly regrettable that Kull. does not himself disclose his motives for entering the ring in this case and in this manner. For the arguments which he explicitly adduces cannot unfortunately be regarded as illuminating in this regard, though it would certainly be unfair to cast on him the suspicion of being just a know-all or to insinuate that he gainsays only for the sake of gainsaying.

Yet, whatever his true motives may have been, this much is, I think, quite clear: it was not (ultimately) historical considerations which made him hit the target: for, that he did hit it, i.e. that he does in fact give a faithful interpretation of M. 7.94 f., cannot be seriously disputed. Considerations of a historical nature are the domain of the Western philologist who will not, however, therefore cease, in the present case, to feel himself in essential agreement with the Indian commentator, cease to have affection for him or even admire him to some extent for having arrived at the correct conclusion albeit probably by insufficient means.

For the matter is in fact different from what Medh. takes it to be: Kull.'s interpretation is the only acceptable one precisely because it is, in contradistinction to Medh.'s own, not framed so as to achieve a neat harmony with the strictly individualistic karma theory. In other words: The fact that it is in flagrant contradiction with this theory, nay even seems to clearly defy it, practically furnishes a guarantee for its being correct. The coexistence of divergent or even mutually irreconcilable ideas is a well-known feature of Indian culture, particularly of Hinduism, and attempts of various types to reconcile such differences have been noted and described more than once. There are two explanations which are generally offered in such cases, and both are in principle of equal plausibility, viz. that the ideas in question are of different historical origin or that they belong to different

63. Among the pioneers of this field of research it is only G. Mazzarella whom I should like to mention here since he continues to be «overlooked» inspite of J. D. M. Derrett's noble endeavour to call attention to his work (cf. Juridical Ethnology: the Life and Work of Giuseppe Mazzarella (1868-1958) in Z.V.R., 71/1 (1969), pp. 1-44 [= «Essays in Classical and Modern Hindu Law», Vol. II, Leiden, 1977, pp. 424-468]).
groups of people, sections of the population, social strata, etc. Yet, before we can examine which of the two models of explanation applies in the present case, it is necessary to recapitulate what has become clear so far regarding the meaning of M. 7.94 and 95.

4.3. Both verses have to be taken in their literal sense. In this connection it should also be mentioned that Yājñi. 1.325 cd 46 exactly corresponds to M. 7.95 (in that it reads thus: rājā sukrtaṁ ādattē hatādam vipalāyinām //), but that it has apparently never been given the attention the two Manu verses have received: for Viśvarūpā's remark 47: yuddhārtham hi taisangrahād yuktam evaitat, i.e. the fact that he deems it necessary to explicitly declare this statement to be justified, does not seem to be provoked by the questions that gave considerable trouble to Medh. and his colleagues. The parallel from the Yājñāvalkyasmrī is interesting from another point of view also, viz. because it lacks a statement corresponding to M. 7.94. However, the main interest lies in the fact that it stands in a different context; for the first half of this Yājñā. verse reads thus:

padāni kratutuyānī bhagnēsv avinivartinām /,

and this is explained by Aparārka as follows 48:

nijārājasainikeśu śatrubhayāt palāyanapareśu bhagnēsv ye na nivartante kim tu śatruṁ pratyaabhimukhā yānti teśam padāni kratubhir yajñais tulyāni pad e pade yajñaphalam labhanta ity arthaḥ // That is to say, what Yājñā envisions is the situation of an imminent or actual defeat of an army in battle, and in such a situation the only choice open to a warrior seems to be that between an honourable 49 or a dishonourable death. One need

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65. The Yājñāvalkyasmrī with the Commentary Bālakriḍā of Viśvarūpā-pāḍayya, ed. by T. Ganapati Sāstri, Delhi, 1982, p. 188.
67. It is no surprise that death is considered to be particularly honourable if it is met with « in attempting to recover the property of Brāhmaṇas » (ĀDhS 2.26.2); note that this sūtra is quoted (though in a heavily distorted form) in Mitramiśra's Viramitrodaya, Rājanaiprakāśa, Benares, 1916, p. 407 and Bhaṭṭa Lakṣmidihara's Kṛtyakalpata, Rājadharmakāṇḍa, Baroda, 1943, p. 133 f.; note too that in this sūtra death in battle is (still?) considered a yajñā, but that the idea is (still?) absent that such death is equivalent to the merit gained by a (certain number of) particular sacrifice(s).
68. As, of course, many nevertheless do, among them e.g. Duryodhana whom Arjuna therefore addresses (Mbh. 4.60.16 ab):

vihāya kṛitiṁ vipuluṁ yāsa ca
yuddhāt pārduṣṭya palāyase kim //

68a. The fact that besides taking to flight other forms of disloyalty have been taken into account by the authors of Dharmāśāstra texts is e.g. shown by the Kṛtyakalpataru (cf. fn. 67, 134 ff. (cf. also Viramitrodaya [cf. fn. 67], p. 407 ff.): In a verse ascribed to Parāsara the members of the force are warned not to abandon their svāṃśa in battle when he is patīta (the latter expression apparently meaning « fallen down [form his chariot or animal used for riding], gone down »; cf. Kaut. AŚ 13.4.52); or a bhṛtya who does not accompany his king, set out on an expedition, is said to go to hell — in a passage quoted from the Adityapurāṇa.
69. Cf. § 1.3: the fact that in a passage only kṣatriyaš or even particular, outstanding members of this varṇa, are mentioned, should not, of course, lead to the assumption that the persons ultimately intended as those admonished to fight bravely, etc., are only the(s) kṣatriyaś and not all the members of the force. In this connection it should be noted that already Kautalya (AŚ 9.2) speaks of various troops, including vaisyaś and śūdra armies which « when having great numerical strength » are considered by him to be equal to a kṣatriya army « trained in the art of weapons ».
die on the field of honour than to even consider the alternative of taking to flight. Rulers, military leaders, etc., of all times and countries obviously can’t seem to avoid giving considerable thought to the methods by which they could make their armies as effective in combat as possible and eradicate what they find particularly annoying, viz., lack of courage, taking to flight and desertion. And naturally Manu is no exception to this, as can be seen e.g. in the Arthaśāstra 71 and in the yodhopadeśa section of the Niti-mayūkha 72.

70. Hopkins, however, maintains that «no low man gets a reputation for bravery or even cowardice. He is but a brick in a row» (The Social and Military Position of the Ruling Caste in Ancient India as Represented in the Sanskrit Epic in IAOS 73 (1889), p. 185 and 189, fn. 5).

71. Viz. 10.3.27 ff. Cf. also P. V. Kane, History of Dharmaśāstra, Vol. III, 1973, p. 211 f. The second of the two verses quoted (apīha slokau bhavatāḥ ... iti) at 10.3.30-31, viz. 

navaṇaṁ sarvāṇaṁ satilasya pārṇaṁ
arthaśāstraṁ darbhakṛtoṛtāryaṁ /
tai tasaya mā bhūn nāraṇaṁ ca gachchad
yo bhartṛpīṇḍasya kyte na yudhyet / /
has provoked quite some discussion as it is also found in the Pāñjikā Subhāsikāvya ascribed to Bhāsa, viz. at 4.2, and with minor variants only at that (satilasya supārṇam and sa (gachchad); cf. N. P. Unni, New Problems in Bhāsa Plays, Trivandrum, 1978, p. 213 ff. I do not want to continue this discussion here, but a few remarks seem relevant. What Kane says (op. cit., loc. cit., fn. 277) about the verse in the play, viz. that there it «also appears to be a quotation being introduced with the words ṣṛṇvanta bhavantaḥ» is nonsense; for, the prose introduction is quite clearly only meant to attract the attention of those whom Gātrasevaka wants to address at this point. As for the Arthaśāstra, there is no doubt that the two verses form genuine quotations; but R. P. Kangle’s opinion (The Kautilya Arthaśāstra, Pr. II, Bombay, 1963, p. 309 fn. on paragraph 28) that they are a later addition deserves careful consideration (although one will hesitate to agree with him that Aś 10.328 and 329, too, are part of this later addition). Nevertheless, I think H. Scharfe is right in stating (Untersuchungen zur Staatsrechtslehre des Kautilya, Wiesbaden, 1968, p. 4) that «one cannot be sure that the play of Bhāsa is the source». Further, it should be noted that Kangle’s interpretation of navāṁ sarvāṁ, etc., viz. (op. cit., loc. cit.) that it «clearly refers to the vessel from which libations of water are offered to the deceased», is to be preferred to that given by T. Ganapati Shastri (The Arthaśāstra of Kautilya with the commentary “Srimāla”... repr. with an elaborate Introduction by Dr. N. P. Unni, Delhi-Varanasi, 1984, Vol. III, p. 116), according to whom the verse means: sarvāṁ pūrṇavāṁ tadi dhi adakapārṇaṁ mantrābhimaṇtaśrāsāṁśkārayuktena darbhaśaṁvītaṁ yuddhaḥṣaṁvyādavyādavyadikālikṣaṁ prābhītaṁ bhartṛpīṇḍārthaṁ yudhyāṅmAṣata sa bhavati, naraṁ ca sa patati.../.

72. Not correct is also Unni’s remark (op. cit., loc. cit.) that «according to a commentator of the Arthaśāstra» — viz. Mādhava Yajvan, as one is forced to find out on one’s own after a little search — «the quotation is from the Manuṇiti through it cannot be traced»; for, the passage referred to in the Nayasandhikā (Arthaśāstra of Kautilya. A New Edition by J. Jolly... and R. Schmidt, Vol. III, Lahore, 1924, p. 180) runs thus: manuṇitāṁ api manuṇitāṁ puruṣo puruṣasya bhavatvaḥ; it is not at all clear to which word or sentence of the mūla text this refers and what it is that is predicated as being puruṣa; if in fact it refers to the two verses, or rather the prose sentence preceding them, it could be taken to mean that the idea expressed in these verses is old as it is found in the Manusmṛti (not uncommonly called Manuṇiti in the South) also, and this would then be an implicit reference to Manu 7.88 and 89, on the one hand, and to 7.94 and 95, on the other. Finally, attention may be drawn to an article of V. Raghavan’s, viz. Kalidāsa and Kautilya in «Proceedings of the All India Oriental Conference Nāgarpur», 1946, pp. 102-108, in which it is rightly pointed out that the verse quoted at Aś 10.3.31 helps in reaching a full understanding of Mālavikāγñimitra 5 11/12 where the king tries to console a pariṇādikā whose brother has been slain in battle by addressing her thus: bhagavatā tanuḥbīrtaṁ īśrī lokayāt / na svasoc yatraḥbīvān sapalkṛtāh bhartrāpīṇḍaḥ («... by whom the lump of food received from his master has been made fruitful, i.e. who has in not turning to flight duly paid back what he has received from the king»); cf. also the expression nīṣkritāḥ svāmipīṇḍasya in the passage from the Aditya-purāṇa quoted at Viśvāmitraṇa, Rājāṁitrprakāsa, Benares, 1916, p. 408.

73. This is richly evidenced by the material drawn upon by P. V. Kane, History of Dharmaśāstra, Vol. III, Bombay, 1973, p. 211 and the relevant portions of Nibandha texts like e.g. Mitrasimha’s Viśvāmitraṇa, loc. cit. (cf. fn. 71).

74. Cf. e.g. the passage quoted by E. W. Hopkins, op. cit. (cf. fn. 70), p. 186.
The punishment with which he is threatened is according to Manu the — evidently irreversible — loss of whatever merit of his good deeds he may have accumulated so far, and this loss is effected by its being 'taken away by' his master; but the master is not only given this recompense for the detriment he suffers because of the warrior's disloyal act, but he has, at least according to M. 7.94, the additional advantage of getting rid of the effects of his own deeds which pass over to his disloyal servant.

The latter is really bad off now: there is nothing left him but duṣkṛta, i.e. a probably considerable quantity of adharma substance, viz. his own plus that of his master passing over to him in its entirety. Significantly enough, in the verses themselves the possibility has not been taken into account that the master or the warrior may lack any suktṛa or duṣkṛta; for, the probability or rather improbability of such a lack apart, this shows again that all that matters to the author is — not to tackle academic questions but — to emphatically impress loyalty upon the warrior (who cannot in fact ever reckon with the possibility that his master is by chance free of any duṣkṛta: and as for his own, he will himself know that the is not by any means 'undefiled' or entirely lacking in merit).

The result of this punishment is hence that the master has, at this particular point of time, only suktṛa whereas his servant carries a more or less heavy burden of duṣkṛta only. Nevertheless, it would not be justified to call this twofold passing over of the effects of deeds an exchange of the corresponding substance: for, the parting of his suktṛa by the warrior, and even that of his duṣkṛta by the master, cannot be said to be a volitional or even conscious act. Even the verb ādatte of 7.95 does not necessarily imply that the acquisition concerned is a deliberate, conscious act: it may equally well mean no more than that the master gets this suktṛa as the result of a passing over of which he is entirely ignorant, not to speak of having willed it.

4.4. Now it is clear that only a person who — if he does not also himself believe in some kind of afterlife, then at least can be sure that the warriors in their turn believe in it — can hope to really threaten them with such a punishment. The question, however, is the precise nature of these ideas about life after death. And it is clearly also connected with that raised above (cf. end § 4.2) regarding the correct explanation of the coexistence of the two divergent conceptions of karma, e.g. in the times of the various commentators of the Manusmṛti.

In contradistinction to M. 6.79, the idea expressed in 7.94 and 95 cannot itself be traced back, to all appearances, to Vedic texts. But it does not require hard thinking in order to realize that this idea bears close resemblance to that of M. 6.79, or its Vedic sources, and, to be sure, not only as regards the basic substantiation common to both. For clearly in both cases the effects of good and bad deeds are regarded as a (subtle) substance which can pass over from the person to whom it originally belongs to somebody else. It is, therefore, rather tempting to assume that the idea expressed in M. 7.94 and 95 goes back likewise to the period of the Brāhmaṇas and early Upaniṣads; and I should like to propose this hypothesis with the important reservation, however, that all I want to say is that the general idea of the effects of one's deeds as something capable of passing over belongs to that period.

Now M. 6.79, or rather its Vedic sources — as referred to by Bādarāyaṇa and quoted by Saṅkara — are part of a stratum of literature which documents the beginnings of the theory of rebirth, and that of karma closely connected with it, i.e. which belongs to a period when these theories were still far from being generally accepted. Therefore, it is legitimate to see whether the idea expressed in M. 7.94 and 95 could similarly date from the same time, i.e. whether it has anything at all to do with the theory of rebirth. There is only one way to try to answer this question, viz. to test this idea as to whether it presupposes or implies the theory of rebirth. The result cannot but be that neither this idea as such nor

75. This is why Bühler's rendering of pratipadyate in M. 7.94 (cf. § 1) by *takes upon himself* is not acceptable after all.

76. The substantialism, etc., being presupposed by me.
its efficacy as means of threatening presupposes or implies the theory of rebirth and karmic retribution as connected with it. All it presupposes is, as has already been stated, the belief in an after-life and, of course, in its being influenced or even entirely framed by the effects of one’s own good or bad deeds (including ritual activity), and such an afterlife can be, and was in fact in early Vedic times, conceived of as a single one.

On the other hand, it has to be admitted that the idea expressed in M. 7.94 and 95 does not entirely preclude the possibility of being nevertheless based on the theory of rebirth. In any case, and this is of essential importance in this connection, it was open to an interpretation, or re-interpretation, along the lines of this theory, at least in so far as the ‘result’ is concerned, i.e. the fact of one’s having a certain quantity of duṣkṛta or sukrta, — not, of course, as regards the manner by which this was ‘gained’. But as it is clearly the procedure on which emphasis lies in the two Manu verses, and not so much on consequence(s), it remains difficult to regard the latter interpretation, though theoretically possible, as also probable, and the radical solution chosen by Medh. etc. seems to confirm this doubt.

What suggests itself hence is the assumption that if at all the idea expressed in M. 7.94 and 95 continued to be an effective threat in later times, then this was possible first of all because the group to which it was addressed regarded, or continued to regard, the effect of good and bad deeds as something which can pass over from one person to another in toto or perhaps also partially, i.e. that this group did not share the view of karma as a strictly individual and unalienable possession, or at least did not regard it as valid in each and every case. In this connection one cannot but recall the particular kṣatriya form of faith in life after death, viz. that of going to the indraloka upon falling in battle. Though apparently attested in its elaborate form in the Epics only, clearly this belief has its origin in Vedic ideas about heaven; indeed, it was still a living faith in far later times as can be seen e.g. in the Nīti-

mayākha, 

4.5. It remains to be seen whether this kṣatriya _traditionalism_ is somehow connected with the old rivalry, or rather antagonism, between the warriors and the Brahmans. The difficulties one is confronted with in gaining a clearer understanding, historically or otherwise, are considerable at this point, and this is partially so because there is a gap in our knowledge; for the fact is that, as far as I can see, not much research has been done as to the general problem of the (most probably various and complex) reasons which led an Indian group to stick to a particular ‘old’ idea although the idea has elsewhere and even generally become obsolete, i.e. has been virtually superseded by a ‘new’ one. Therefore all I can offer in the present essay are a few suggestions which may prove useful to further research on this problem.

If my proposal is accepted that the idea expressed in M. 7.94 and 95 is originally of kṣatriya provenience and continued to appeal

77. Not to forget Śaṅkara’s apparent uneasiness, on which see fn. 58.
78. A particularly well-known piece of evidence for this idea is Nalopākhyāna 2.15 f. (= Mbh. 3.51.15 f.).
to warriors in particular, it becomes possible to frame another hypothesis, viz. that it is because of its ‘class character’ that this idea is not attested in texts older than the Manusmṛti: It belonged to a social stratum other than that which has almost exclusively produced and transmitted the older literature. And the two models of explanation for the coexistence of divergent, or even mutually exclusive ideas (cf. the end of § 4.2) can be combined. The idea expressed in M. 7.94 and 95 is older than the strictly individualistic karma theory, but it also belonged to a particular group of people, and this fact is responsible for its comparatively late, and sporadic, presence in brahmanical literature.

The idea expressed in the two verses is not only clear-cut and catchy, but also rather simple: To cheat one’s «provider» (bhārtṛ), that is, in Kull.’s words, «the person who makes one prosper» (poṣaṇakartr) 83, out of the quid pro quo due to him cannot but have the consequence of the loss of one’s own, or part of one’s own, property; and in the case of a warrior and in the situation as is a battle it is, as we have seen, an obvious conclusion that the only suitable property is the effect of his good deeds «accumulated for the next world» which can be forfeited by him; and that this is conceived of as their passing over to the master is equally convincing, for it is after all he who suffers wrong. Since the gravity of the offence calls for a correspondingly severe punishment, or since the admonitory goal is thus more certainly reached, it is understandable that the consequences are said to include the opposite process, too, viz. that the master discharges, as it were, his own demerit on his disloyal servant; in any case, the idea is thus symmetrically developed and rounded off.

This is an idea which, I think, easily impresses itself on one’s mind and to which it is therefore not at all farfetched to ascribe also a certain popularity — in addition to its belonging to the warrior group. The assumption that the idea expressed in M. 7.94 and 95 did survive also, or first of all, because it was popular, i.e. suited to the understanding of the great mass of people, to the general and uneducated public, may be taken as an additional or alternative explanation for its not being attested earlier. There is, admittedly, no clear evidence for the popularity of this idea, not even a circumstantial one, but a number of arguments, no doubt, support this impression.

4.5.1. In order to achieve the goal which the author of the two verses has set himself, viz. to stimulate effort for avoiding the bad act of taking to flight in battle, he had to refer to and utilize an idea (viz. that the effects of one’s deeds can pass over to somebody else) of which he could be sure that it was wide-spread and firmly rooted in the minds of the people at large. At least he must have been convinced that people 84 are in any case inclined to believe in this idea, even if it should have been his own creation; and a punishment which refers to life after death in the manner described, i.e. which practically consists in losing the privilege of going to heaven and enjoying oneself in the company of heavenly damsels, is in fact much more concrete and hence also more effective than a mere change of the quantity of dharma or adharma substance seen against the background of an almost endless series of future rebirths.

4.5.2. What has to be taken into account here in addition are certain ideas connected with the king, and, to be sure, it is a «master» of this type whom Manu has primarily in mind. What I am referring to is not so much the idea that the king gets the sixth part of the tapas accumulated by an ascetic living in his realm 85 nor the belief that he shares in the religious merit accumu-

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83. Among the meanings given for the root puṣ when transitive, and poṣayati, in the dictionaries it is most probably that of «feeding, maintaining» which is the correct one as regards the central idea about the relation between bhārtṛ and warrior (cf. § 4.5.2 as well as the expression bhārtṛpiṇḍa in fn. 71). On the other hand, the range of meanings is such that it allows even for an overaccentuation of the rôle of the «master», so as to make him a benefactor of sorts, and this may well be Kull.’s intention; cf., however, Dhātupātha 3.5 and e.g. Amarakośa 3.359.

84. It is important here to remember that an army does not by any means consist of ksatriyas only; cf. fn. 69 and Hopkins, op. cit. (cf. fn. 70), p. 185 ff.

lated by the Brāhmaṇas, but rather the idea, still more central to the Indian conception of kingship that (as Manu says at 8.304) a king who (duly) protects (his subjects) receives from each and all the sixth part of their spiritual merit; if he does not protect them, the sixth part of their demerit also (will fall on him). For it shows even more clearly that merit and demerit are not at all conceived of as an absolutely inalienable substance if the king, or generally speaking the ruler over a territory, and his duties and rights are taken into consideration. On the contrary, the impression one gathers from even a cursory perusal of the relevant material is that this idea is notably common in this sphere.

As M. 8.304 is clearly based on the idea, almost stereotypically mentioned in connection with kingship, that the king has to render protection to his subjects and that it is therefore only, or primarily because of this, that he has the right to levy taxes, attention is once more drawn to what forms the core of the relation between the «master» and servant of M. 7.94 and 95: Obviously this is thought of as a contractual relationship, and an essential ‘article’ of the agreement is that the warrior is obliged to fight valorously in return for the bhrīti he enjoys, for the pinda he receives. Again one is reminded of Vedic times, viz. the fact pointed out by W. Rau that in the sources he draws upon in his important study the possible legal relations between individuals as well as between groups of men are reduced to just one, and that one of the points of view from which this sole relation is looked at is that of the relation between «provider» (bhṛṭṛ) and «dependent (person)» (bhrīṛya). The Epos contains evidence showing that in fact the bhṛṛṛ-bhrīṛya relation served as the matrix for the conception and development of the relation between king and warrior, and its various aspects (legal, economic and ethical, though as regards the latter more information would be welcome).

The disloyal act spoken of in the two Manu verses was hence most probably regarded as a most serious breach of contract by which it not only becomes null and void, but must also inevitably have correspondingly serious consequences. In any case it is legitimate, to say the least, to state that M. 7.94 and 95 refer to a sphere of social organisation and its ‘ideology’ which are a matter of everyday experience and should hence have been common, i.e. which were popular at least in the sense of having general currency and being commonly accepted.

4.5.3. But popularity (in this sense of the word) I feel justified to ascribe to the particular idea expressed in M. 7.94 and 95 also because I assume that this idea is a particularization of a more general one, viz. that the effects of one’s deeds can pass over to other people; and I further assume that this general idea is by itself of a basically popular nature. And this assumption is also suggested by the observation that many a younger colleague, when I told him about these Manu verses, was instantaneously able to adduce similar examples from their own experiences of life and/or fieldwork in India, and Nepal, all of which testify to the fact that the belief in the separability of merit from its rightful owner, and to some extent also of demerit, is (still) very much alive and forms to all appearances a frequent and natural element of the culture of the general public in South-East Asia.

Again, certain observations made by Gombrich in present-day Sri Lanka in connection with studying the concept of pinkaṃma clearly point in the same direction. It is true that Gombrich himself modifies his remark about the practice of mātaka dāne, the dāne of the dead, viz. that «the popular understanding of

87. Quoted from Bühler’s translation (cf. fn. 2), p. 307.
88. What I have in mind is first of all the material drawn upon or referred to by P. V. Kane, op. cit. (fn. 85), loc. cit., but also passages like that of the Nītimayyikha (cf. fn. 72), p. 75.
89. Cf. e.g. Manu 8.307.
90. Cf. fn. 71 and 83.
93. And by no means only an act of ingratitude as contended by Ragavam Sri Ayangar in his "Introduction" (cf. fn. 80), p. 74 f.
what goes on ... is rather different *9 ... The donor is ... understood to be giving the gods his merit as a *quid pro quo* as if he were buying their protection for cash *; for he adds *17 that «what I have just called 'the popular understanding' is actually not explicit: When questioned people either confess ignorance or give the orthodox explanation. The view of merit as spiritual cash is *affective* belief only... » *8. And it is also true that Gombrich explicitly states that» «the only sense in which it is accurate to describe these beliefs and practices as 'p o p u l a r' is the everyday one of 'widely liked' or 'prevailant'. But if so used 'popular' no longer distinguishes merit transference from, say, the Four Noble Truths or alms-giving».

But it is he, too, who most convincingly points to the «emotional need to do something for your dead relatives » as forming the psychological starting point and basis of this practice;

who explains the doctrine of merit transference as *100 «an ingenious legitimization of the practices of those people (i.e. everybody, or nearly everybody) who could not accept a particular consequence of the intentionality doctrine, namely that they could do nothing for their dead relatives »;

and who thereby implicitly emphasizes that what he calls the «reified» concept of merit is a wide-spread and deep-rooted albeit unconscious or unreflected mode of thought of common people in Sri Lanka.

5. This leads us now to the final problem to which I should like to call attention in the present essay. A considerable part of the studies on the «transfer/transference of merit » — also called «merit transfer/transference » — (referred to in the introduction [cf. § 0]) is devoted to materials from Buddhist texts, and the discussion alluded to by me centres by and large on the problem of the correct interpretation of relevant passages in Pali sources in terms of the history of ideas: Quite a number of these passages are controversial, and taken together they raise the important question whether they testify, as Beohert thinks *101, to semi-mahāyānistic tendencies in Theravāda Buddhism or not. Much of the subject matter of this discussion does not have a direct bearing on the analysis of M. 7.94 and 95; nevertheless it is noteworthy because it clearly shows that O'Flaherty's *102 contrasting of the «very materialistic » *karma* transfer in Hinduism with the «spiritualized » one of Buddhism is a hazardous simplification; for there are quite evidently common traits in both, and they are of such a nature that it is highly questionable if the category of an influence exercised by one on the other, and *vice versa*, is at all applicable, i.e. if the similarities observed are not more plausibly explained by assuming that both the religions are to some extent fed by, or at least not completely insulated against, the ground-water of popular ideas about the effects of deeds and their not being inseparably connected with their rightful owner *103.

Yet, I find these studies still more instructive as regards the term 'transfer of merit' itself: The use of this term, I feel, should strictly be confined to the idea of an intentional act by which one's own merit is really transferred to another person for the sake of his well-being or even salvation. To use it inflationarily as a ready-made label for each and every phenomenon, however faintly similar to it, does not by any means contribute to sharpening our eye and deepening our understanding of the individual ideas, their cultural context and historical setting.

But I do not want to enter here into a detailed critical discussion with contemporary scholars: instead let me conclude by adding that already Lüders *104 seems to have used the term « Uber-

96. The emphasis is mine.
97. *Loc. cit.* (fn. 94 a)), p. 216.
103. As to how Buddhist thought came to terms with such ideas and where it was unable to accept them, cf. first of all L. Schmithansen's article *Critical Response* in «Karma & Rebirth. Post Classical Developments», ed. by Ronald W. Neufeldt, New York, 1986, pp. 203-230, particularly p. 211 ff.
tragung (der guten Werke) » in a manner which does not bear closer scrutiny; for, the verb used in the crucial passage (AiB 8.15) is \( \text{vi\text{ř} A} \), and one has, of course, clearly to distinguish between the two following actions: On the one hand that the king in taking an oath at the \( \text{mahābhiṣeka} \) declares his assent to the priest's « turning towards himself » his (i.e. the king's) own good deeds (in the case of his cheating the priest out of his \( \text{daksīṇā} \)), on the other that a person with a view to helping somebody else (deliberately) transfers the effects of his good deeds to him.

But apart from this inexactitude, Lüders's observations on the Indian oath are highly interesting if connected with the two Manu verses discussed here: For in (Epic) formulas of oaths the evil one wishes others above all is « not to partake of the world of the fathers » or « to be deprived of the merit obtained by sacrifices and good deeds » \(^{105}\), i.e. one wishes that one's enemies do not attain heaven \(^{106}\); and this together with M. 7.94 and 95 warrants the conclusion that the idea of the passing over of \( \text{sukṛta} \) and particularly of \( \text{duśkṛta} \) is, if not necessarily then at least often, connected with that of punishment if the offence committed consists in some form of untruth and if, at the same time, the culprit cannot be prosecuted because it is he who in reality has the political power (like the king of the AiB passage) or because he (like the \( \text{parāvṛtta} \) of the two Manu verses) has already been slain by the enemy: Obviously the punishment with which one tries to threaten becomes the more severe and the more 'metaphysical' the greater the feeling of helplessness is as regards one's own capacity of calling the offender to account! And, to be sure, not to fight for the benefit of one's master, but to take instead to flight has in fact been considered by the Indians to be a breach of contract and thus ultimately an infringement of truth.

\(^{105}\) Quoted from LÜDERS, \textit{op. cit.}, p. 656.
\(^{106}\) Cf. fn. 81.