

SECTION NO: 10.

GOBALI VARDA NYAYA

(गोबलीवर्द न्याय)

This Laukika Nyāya simply means that the separate mention of bulls that are really included under gavaḥ in a sentence is due to the fact that the bulls are more intractable and require our special attention.

This Nyāya is used to explain the avoidance of the fault of repetition of. (2) (History of Dharma Śāstra, Vol. III, p. 526).

This maxim of the cow and bull is ^{the} same as 'Brāhmaṇa Parivrājaka Nyāya' which can be explained as follows:-

In the first place, it is said that 'Brāhmaṇah Bahirbhojyantaḥ' and then it is said 'Pṛavrajakaha Antar'. Here even though parivrājakās also are the brahmins and though they are included under the term "Brahmins" in 'Brāhmaṇah bahirbhojyantaḥ,' it is specifically stated that Parivrājakās should be shown a special respect and hence they should be fed aside.

Another Nyāya akin to this cow and the bull maxim is 'Takrakaundi-nyanyāya'. This Nyāya also incidently or principally is referred to in several books - 'Vīramitrodaya, Page No. 27, Bhamati on Vedānta-Sūtra

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1. "गावः आनीयन्ताम् ~~बलीवर्दीष्य~~ बलीवर्दीष्य"
 2. गोबलीवर्दन्यायेन च पौनरुक्त्यपरिहारः ।
 3. सब्राह्मण पुरोहितः ससभ्यः इति पूर्वोदाहृतकात्यायन वचने ब्राह्मणानां सभ्यानां च श्रौतदर्शनान्तं नियुक्तं अनियुक्तं विशेषेण गोबलीवर्दन्यायेन सभ्यानां ब्राह्मणानां च राजसत्तायत्वं व्यवहारदर्शने अवगम्यते ।

(Vīramitrodaya, P. 27).

III.1-11, pp. 672, Kullūka Bhaṭṭa on Manu Smṛti VIII.28, p.273, Mitākṣara
 on Yājñavalkya Smṛti III.312-313, p.514. The explanation of this Nyāya
 given in Vācaspatyam is somewhat fuller : (Quoted on P.25, Part-I of the
 Laukika Nyāyānjali by Jacob). Smṛticandrikā, page No. 66, page No. 67 and
 see Dr. S.G.Moghe's article on Mīmāṃsā in the Bhagavanta Bhāskara of
 Nilakanṭha, Journal of the University of Bombay, Vol.38, No.74, p.31.

1. ब्राह्मण परिव्राजकन्यायो गोबलीवर्दन्यायेः । Page No 672
2. अत्र च अनेकशब्दोपादेन गोबलीवर्दन्यायेन पुनरुक्ति
परिहारः । Page No 273
3. ब्रह्मचर्यं सकलेन्द्रियसंगमः, उपस्थनिग्रहो लिङ्गनिग्रहः
गोबलीवर्दन्यायेन निर्दिष्टः । Page No 514
4. बलीवर्दस्य गोविशेषत्वेऽपि बलीवर्दस्य इति गोत्वेन
बोधनार्थं यथा प्रयोगस्तथा अन्ययोः इति बोधनार्थं
यत्र प्रयोगस्तत्र अस्या प्रकृतिः ।
Page No 25
5. स्वहस्तकाञ्चनपदं तस्मात् नृपशासनम् । प्रमाणतरमिषुं
हि व्यवहारार्थमागतं जनपदेनाम् गोबलीवर्दन्यायात् स्वहस्त
कृतादभ्युच्यते ।
Page No 66
6. श्रुत्वोत्तरं क्रियावादे लेखनसाधनमुद्दिशेत् । सामन्तलक्षणेनैतत्
श्रुतिवद्विरकालिकी । साधनशब्देनात्र गोबलीवर्दन्यायात्साक्षिणः
उच्यन्ते ।
Page No 67
7. यद्यपि उपनीत ब्रह्मचरिणि अपि प्रवृत्तमिहित सङ्घावेन
व्रतशब्दो वर्तते, तथाऽपि ब्रह्मचरीति ब्रह्मचरि
सा निध्यात् 'गोबलीवर्दन्यायेन प्रतिशब्दो ब्रह्मचरि व्यतिरिक्तेषु
व्रतेषु वर्तते इति दर्शयितुम् ब्रह्मचरी इति उक्तम् ।

The principle of 'Gobalivardha-Nyāya' comes very near to the Mīmāṃsā technical term, Punarvacana. Cf. Dr. S.G. Moghe's article on "Motivations of Punarvacana", vols. 49-50-51/1974, 75-76 (new series) of Journal of the Asiatic Society of Bombay, pages 128-135). Here it is shown that there are thirty purposes at the back of the use of Punarvacana.

Dr. S.G. Moghe has shown in his article on the Mīmāṃsā passages in the commentary of Kulluka on the Manusmṛti, that Kulluka has employed the above principle on Manu Smṛti V.7 and VIII.24. At these two places however Medhātithi seems to be silent.

We have the illustrations of this maxim at following places of Medhātithi's comments e.g. IV-2, 130, V-40, VII-149, VII-173, VIII-52, 67, X-46 and XI-95.

REFERENCE MS IV-11.

Passage - अश्रामं अग्निहोत्रकर्मनुष्ठानं लोकार्जनेन प्रलिख्य
 दिलाभार्थं न शास्त्रार्थशुद्धान्तया कुर्यात्स शठः ।
 आत्मधर्मत्वेऽपि जेम्ह्यशाठयोर्जीविकाऽप्यभेदो-
 पचाराव्यपदिश्यते । 'अजिह्वा मशठं शुद्धामिति'
 शुद्धिर्वृत्त्यन्तरेणामिशीकरणं पूर्वदोषव्ययेन च
 एकपदत्वयोऽप्ययमर्थो वृत्ता मुरोऽहो बलीवद्व बहुपदैः
 प्रतिपाद्यते ।
 (Medhatithi on IV-11)

Translation -

'Sincere - that man is called in insincere's 'hypocritical'
 who performs the Agnihotra for obtaining popularity and thereby r
 receiving presents and gifts and not with a view to carrying out
 the scriptural injunctions regarding it. Though 'straight forward-
 ness' and the rest are qualities belonging to the soul, yet they are
 here figuratively attributed to the 'Life'.

Straight-forward, sincere and pure - the 'purity' here meant
 consist in its not being mixed up, with the methods of livelihood
 described above and also in its being free from aforesaid defects.

Though what was meant could be conveyed by means of only one
 of the three words, yet in view of metrical exigencies, the author
 has made use of three words; such use being analogous to such
 expression as 'go-balivarda' (where the 'go' is the same as the
 'balivarda').

Explanation -

While describing the rules for a snātaka, Manu tells that person should live the honest life of a Brāhmaṇa in IV-11 thus "Let him never, for sake of subsistence, follow the ways of the world; let him live the pure straight forward, honest life of a Brāhmaṇa.

While explaining the meaning of a words 'Ajimhām' and 'Asatām' used by Manu in the present verse, Medhatithi points out that, the words 'Ajimhām'—one who has not having different state of mind internally and outwardly and 'Asatām' one who does the religious activity with good sense, and thereby suggests the same sense of meaning for both the words. But Manu has used these words to stress or emphasise the meaning to draw the attaintion of readers following the principle laid down in the maxim called 'Gobalivādāna' in the present case.

(Other commentators of Manu have no comments to offer on this point).

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1. न लोकवृत्तं वर्तेत वृत्तिहेतोः कथंचन ।
अजिह्मामशठां शुद्धां जीवेद्ब्राह्मणजीविकाम् ॥ ४-२२॥
M.S. Vol. II. P. 296.

REFERENCE MS IV-130.Passage -

गुरुः पितृ । आचार्य उपनेत् । भेदोपादानमपानेदेशिक
गौरवनिवृत्त्यर्थम् । तेन गणतुल्यदिषु न्ययं विधिरिति । केचित्
"समाचारविरोधमनैतद्युक्तं गोवर्तिवद्व्यभेदे हो विज्ञेय" इति
वदन्ति ।

(medhātīthi on MS IV-130)

Translation -

Some people assert that "such a view would be contrary to usage, hence the separate mention of the two (superior and preceptor) has to be explained as analogous to such expressions as 'gobalivarda', 'bovine bull' (where the tautology indicates some sort of distinctive superiority).

Explanation -

While discussing other duties of accomplished student we get
MS IV-130. The stanza means - "He shall not intentionally step over
the shadow of the Gods, of a superior, of the king, of an accomplished
student, of his own preceptor, of the tawny thing or of the initiated
person.

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1. देवतानां गुरो राज्ञः स्नातकाचार्ययोस्तथा ।
नक्रामेत्क्रामतश्चायं कश्चिषो दीक्षितस्य च ॥४.३३०॥

While commenting on the two expressions Guru and Pitā Medhātithi refers to the view point of some scholars who hold that both of them are separately mentioned following the principle of maxim 'Go balivarda'. Just as in the case of 'Gobalivardanyāya' our attention is merely drawn now to the intractable bulls though actually they are mentioned in 'Go' in the similar manner though 'Father' and Teacher deserve to be respective, a teacher is mentioned separately to indicate that more respect is to be shown to him.

This point of prominence given to a teacher over a father is well brought out in the comments of Govindarāja¹ and Kullūka² though they have not used the principle of Gobalivarda-nyāya. The exact import of the comments of Govindarāja and Kullūka ultimately brings out the spirit of Go-balivardanyāya.

Here with due respect to the profound scholarship of MM Dr. GangānāthJhā one is required to submit that the principle of 'Gobalivardanyāya' is never used to show the aspect of distinctive Superiority as assumed by him on page-413. Actually the purpose of repetition here is to show the prominence or to draw our more attention for the teacher in the matter of respect to be shown to him.

1. उनातकाचार्यस्य च प्राधान्यात् गुरुतः पृथग्गुणदिस्य कपिलस्य
यन्मार्थं कृतदोक्षस्येच्छातः छायां नाकमित् । Govindarāja

2. गुरुत्वेऽप्याचार्यस्य प्राधान्य वितक्ष्या पृथङ्निर्देशः ।

Kullūka

MS vol II - P - 397.

REFERENCE MS V-40.Passage -

पक्षिणः कपिञ्जलादयः । यद्यपि ते पशुत्वेन चोच्यन्ते ।
 अप्रसिद्धतरप्रयोगस्तु "सप्तशब्दाः पशवः संसारण्यः" इति ।
 गवाद्योऽपक्षिणः चतुष्पाप्सतिवचनः पशुशब्दः । गोबलीवर्द्धवद्वा
 भेदो द्रष्टव्यः ।

(medhātithi on ms v-40)

Translation -

Birds, the Kapinjala and the rest even though these are sometimes spoken of as animals, yet, as a rule they are not known by that name. For in such passages as there are seven tame animals and seven wild animals, the animals meant are the cow and the rest, which are not birds, in fact the term 'Paśū' animals, denotes quadrupeds; the difference between animals and birds may be regarded, as similar to that between the go and the balivardha (the former term being wider than the latter).

Explanation -

While discussing lawful and forbidden meat we have Manu Smṛti V-40.¹
 The stanza means - "Herbs, Animals, Trees, Beasts and Birds reaching death for the sake of sacrifice attain advancements.

1. औषध्यः पशवो वृक्षस्त्वयञ्चः पक्षिणस्तथा ।
 यज्ञार्थं निधनं प्राप्स्यः प्राप्नुवन्त्युच्छ्रितैः पुनः ॥ ५. ४० ॥

Commenting on the expression 'Pakṣiṇaḥ' Medhātithi explains that, this word means birds known as Kapīṅjala and the rest, as the kind of birds are offered for sacrifice. Kapīṅjala some times called as animal. Hence the doubt arises that this Kapīṅjala would have been included under the expression 'Paśavaḥ'. Therefore the separate mention of the expression birds not necessary.

Medhātithi, ^{removes} ~~remarks~~ the doubt applying the principle of maxim called 'Gobalīvardana' and says that the difference between animals and birds may be regarded similar to go and balīvarda in the sense the former term being wider than the latter. Thus Medhātithi fittingly applies the maxim called Gobalīvardana. It seems that Medhātithi has made a peculiar use of Gobalīvardhīya to indicate a difference between go and balīvarda as is the case with paśu and pakṣiṇī though the birds are included in the animals.

(Other commentators of Manu do not apply the Mīmāṃsā discussion while commenting on the text).

REFERENCE MS VII.149.

Passage - व्यंगत्वादेवग्रहणे सिद्धे गोबलीवर्द्धवत् व्यंगस्य
हस्तपादादिछेदने न मन्त्रनियमास्था कर्त्तव्या नायं कुत्रचित् गतुं
शक्नोति इहैववरुध्वास्ते कथं मन्त्रान् श्रेयसीति ।

(Medhaviṭhī on MS VII-149)

Translation -

The 'idiot' and the rest being already included under the 'maimed', the separate mention of all these is analogous to the expression 'gobali-vada' (where even though the balivarda, ox, is included under the 'go', yet it is mentioned separately; and the 'maimed' have been mentioned separately with a view to preclude the notion being entertained that 'the maimed person, being without hands and feet, cannot go out, he must stay locked up on, so that how could he divulge our secret?').

Explanation -

While pointing on the care to be taken by a king at the time of
1
consultation the MS VII.149 enumerates the list of items - "Idiot, Dumb, Blind, Deaf, Animals, Very aged men, Women, Barbarians, Sick and the persons deficient in limbs should be removed from the consultation room."

1. अडभूकान्दत्तवधिरांस्तैर्यस्यो नान्वयोतिगान् ।
स्त्रीभेदव्यधितव्यङ्गान्मन्त्रकालेऽपसारयेत् ॥ ७-३४९
३५०

While commenting on this stanza Medhātithi points out that by the words 'Jada, Mūka, Andha' the deficiency in the limbs is already conveyed then what is the purpose in repeating the expression 'Vyanga' in the second line Medhātithi points that here the principle of 'Gobalivardha-Nyāya' can be applied and the emphasis is intended to be conveyed by the expression 'Vy^{ya}nga'. Here the word 'Vyanga' includes the persons whose hand and feet are out out. They may not be in a position to move. However, they are intended to be included in the above list because they may disclose secret of a king. Hence the repetition is purposeful.

(Other commentators of Manu are silent on this point).

REFERENCE VII.172.

Passage - वाहनं हस्त्यश्वरथं बलं पादानं गोबलीवर्दवद्देदः।

Translation -

The distinction between the two being analogous to the 'go' and the 'balivarda'.

Explanation -

While discussing the role of a king towards his enemy we get
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VII-172 in Manu's text which means - "But if he is very weak in
chariots and beasts of burden and in troops, then let him be careful,
sit quiet gradually conciliating his foes".

While commenting on this stanza Medhātithi shows the importance of
word like 'Vahanam' and 'Balam' used by Manu in VII-173 in the text.
He explains that the word Vahana includes every thing such a chariots,
elephants, horses, infantry etc., though the words 'Bala' used in
the verse wins some purpose to distinguish the troops from horses
and elephants following the principle of Gobalivardh-nyāya. Medhātithi
shows the distinction of troops from horses, elephants and chariots.
Here this principle is not utilised for showing the importance or
emphasis for the word Bala, but for showing distinction between
the two.
(Other commentators of Manu are silent on this point).

1. यदा तु स्यात्परिशीणो वाहनेन बलेन च
तदासीत् प्रयत्नेन शनकैः सांत्वयन्मरीचं

॥ ७.१७२ ॥

M. S. G. E. - P. 539. (Verse No. 173).

VIII
REFERENCE MS. 52/53.

Passage - कारणशब्दः सामान्यशब्दोपि गोबलीवर्दवत्साक्षिव्य-
तिरिक्त लेख्यादिकारणमाचष्टे ततश्च कारणं वा
समुद्दिशेदिति अस्याध्ययमेवाथः अथवायमन्यः पाठः...

Translation -

The term 'Medha' indicates the man present at the place (where the money was lent) and though the term 'Karana' evidence, stands for all forms of evidence and as such includes the ^{witness} witnesses also, yet here it should be taken as standing, for 'evidence rather than witnesses according to the maxim of the 'cow and the bull' so that the phrase 'shall adduce evidence' must mean 'shall adduce other forms of evidence.'

Explanation -

While discussing the topic of debt and witnesses, Manu Smṛti VIII-52/53 tells - "On the denial of a debt by a debtor who has been required in court to pay it, the complainant must call (a witness) who was present (when the loan was made) or produce other evidence".

While commenting on this stanza, Medhātithi has shown the importance of word 'Karana' used by Manu. 'Karanam' actually means witness, but Medhātithi suggests that a claimant can prove his case of claim even by producing documentary evidence. Thus as per this maxim there is the inclusion of documentary evidence by the term 'Karana', which is likely to ^{be} ignore ^{as} other modes of evidence. Thus, here Medhātithi

1. अपस्तम्बेऽथमर्णस्य देहीत्युक्तस्य संसादि ।
अभियोक्तव्यं दिशेदेष्यं कारणं वाच्यदुद्दिशेत्

॥ ८ - ५२ ॥

M. S. G. E. - P. 583 - (Verse No. 53)

has used Gobalivardha-Nyāya for the inclusion of documentary evidence in the present case.

(Other commentators of Manu do not comment this stanza from Mīmāṃsā angle).

REFERENCE MS. VII. 67.

Passage - तस्करश्चौरः यद्यप्यसौ विकर्मकृत् तथापि
भेदोपादानाद्भेदो बलीवर्दन्यायो द्रष्टव्यः ।

Translation -

Even though the thief also is 'one who adopts a forbidden occupation', yet since he has been mentioned separately, it has to be explained on the analogy of the ^{expression} ~~explanation~~ 'Cows and bulls'.

Explanation -

While discussing on the topic of the nature of witness prohibited in the court matter we get in MS VIII-67-68, which means - Nor one extremely grieved, nor one intoxicated, nor a madman, nor one tormented by hunger or thirst, nor one oppressed by fatigue, nor one tormented by desire, nor a wrathful man nor a thief.

While commenting on the word 'Taskara' in the Manu's text at VIII-68, Medhātithi has shown the importance of the word Taskara used by Manu, through the word, 'Vikarmakrt' used in previous verses includes the thief also. Here he tells that the word Taskara is used by Manu to distinguish him from the other forbidden occupations. Actually even a theft could be included in the list of the acts or professions or occupations not sanctioned by Śāstra by using the principle of Gobli-
vardhana Nyāya.

(Other commentators are silent on this point).

1. नार्तो न मत्तो नोन्मत्तो न क्षुत्तृष्णोपपीडितः ।
न श्रमार्तो न कामार्तो न क्रुद्धो नापि तस्करः ॥

M. S. G. E. - P. 591 (Verse No. 68) - ॥ ८. ६७ ॥

REFERENCE MS. X-46.

Passage - अपसदा अनुलोमा प्रतिलोमाः अपध्वंसजा
गोबलीवर्दवद्देदः ।

Translation -

"Base born" - in the natural as ^{well} ~~were~~ as the inverse order.

"Born of transgression:- the distinction between these and the former is ^{like that} between 'go' (general term) and the 'bal varda' (particular term).

Explanation -

While discussing on the topic of mixed castes we get in Manu Smṛti
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X-46. The stanza means:

"Those who have been mentioned as the base born (offspring, apasada) of Aryans or as produced in consequence of a violation (of the law, apadhvasaja), shall subsist by occupations reprehended by the twice born." Here in this stanza Manu has used the word 'Apasada' and 'Apadhvasaja'. The meaning of these words comes the same as 'Unlawful progeny'. Manu has used these words separately. To this, Medhātithi gives his explanation that the separate mention of the word 'Apasada and Apadhvasaja' should be differentiated following cow and the bull maxim. In case of maxim called 'Gobalivardhana'

1. ये त्दिजानामपसदा ये चापध्वंसजा स्मृताः ।
ते निन्दितैर्वतियुद्धि जानामेव कर्मभिः ॥

॥ १०.४६ ॥

M.S.G.E. P. 813.

separate mention of bull though this comes in 'Gavaḥ' to show the importance of bull and special attention of ours is drawn. In the same way Manu has used these words i.e. 'Apasada and Apadvamsaja' to show the importance though the meaning is one and the same. One may here agree with 'Medhātithi' who explains with the application of principle of 'Gobalivardha-nyāya' to interpret the word 'Apasada and Apadhamsaja'.

Here Medhātithi gives meaning of 'Apadvamsaja' as 'Sankarjaha' which means, in ^{case} ~~caste~~ of 'Anuloma', husband belongs to higher caste and wife belongs to lower caste, and in case of 'Pratiloma', wife belonging to higher caste and husband belonging to lower caste. Medhātithi on MS IX.41 explains the meaning of a word 'Apadhamsaja' as ^{Sankarjaha} ~~Samsaja~~ which means the progeny is by mixed caste. Hence meaning of 'Apadhamsaja' comes nearer to the 'Apasada'.

(Other commentators of Manu do not look this stanza from Mimāṃsā point of view).

REFERENCE MS. XI-95.

Passage - सुराचासवश्च सुरासवं "जातेरप्राणिनाम्"
इत्येकवन्दावः आसवोऽत्र मद्यविशेष एव
इषमद्याभिर्देजं गोबलीवर्द्धवादिहो पादनाम् ।

Translation -

'Distilled liquor' also is a kind of intoxicant', there being a slight difference between the two. The two are mentioned on analogy of such expressions as 'the ox and the bull'.

Explanation -

While pointing out the kinds of wines to be avoided by Brahmin, the MS XI-95 refers to the wine from (Gaudi) Molasses, paishty i.e. ground Rice and Mādhvi i.e. Madhuka flower.

In the MS XI-95 it is said "Sura (all other) intoxicating drinks and decoctions and flesh are the food of Yakshas Rakshasas and Pisacas, a Brāhmana who eats (the remnants of) the offerings consecrated to the Gods must not partake of such (substances)."

While commenting on expression 'Asava, Medhatithi' points out that 'Asava' is also a kind of wine, then how is it that the word is repeated particularly when its purpose is already served by the expression 'Madya' occurring in the text.

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1. यक्षरक्षः पिशाचान्नं मद्यं भांसं सुरासवम् ।
तद् ब्राह्मणेन नात्तव्यं देवानामभक्षता इति

॥ ११ . २५ ॥

M.S.G.E.-P.859.

Medhātithi points out that though 'Asava' is included in the category of 'Madya', however it is said to be slightly different from 'Madya'.

Here 'Medhātithi' applies the principle of 'Gobalivardha-nyaya' and points out inclusion as the purpose at the back of the repetition of the word 'Asava'. By the principle of 'Gobalivardha-nyāya' the emphasis is not the point important in the eyes of 'Medhātithi', but inclusion is the purpose at the back of this repetition.

(Other commentators of Manu simply pass over this point in silence).