

Breaking the Circle. Dharmakīrti's response to the charge of circularity against the *apoha* theory and its Tibetan adaptation

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1. Introduction — the theory of *apoha* and the charge of circularity

A general challenge which Buddhist nominalism has to face is to bridge the gap between its reductionist ontology and a number of facts relative to transactional usage taken for granted in the world of “average people.” While on the one hand admitting that only particulars exist in reality, generating perceptual experiences that are particulars as well, Buddhist nominalists have, on the other hand, to account for our successfully establishing, learning and applying conventions (verbal ones being the prominent case) that deal with the realm of generalities, kinds and categories. An answer to these issues was brought forward by Dignāga (5-6th c.) in the form of the so-called theory of “exclusion” (*apoha*), in which “the exclusion of what is other” (*anyāpoha*) takes the function of real universals invoked by other Indian, non-Buddhist schools to account for generalities.¹ This theory induced a number of objections from the latter, objections that were addressed by Dharmakīrti (7th c.),² who, it must be kept in mind, significantly re-shaped Dignāga's theory in the course of his own presentation of *apoha*.

Among the reproaches opposed to the theory of *apoha* by Indian philosophers, and in particular the ones belonging to the Mīmāṃsā and Nyāya schools who composed systematic refutations of the *apoha* theory,³ one finds the charge of circularity.⁴ The argument consists in saying that if the Buddhist denies a positive understanding of X but invokes, instead, the “exclusion of what is other,” namely “the exclusion of what is non-X,” his understanding of X becomes dependant on that of non-X; and since the understanding of non-X, in turn, depends on the understanding of X, the Buddhist would end up being unable to account for the understanding of either X or non-X, and thereby for any worldly convention. To reiterate the classical example of the word “cow”: if, there being no universal cowness, what it is for something to be a cow (which amounts to being suitable to be called “cow”) amounts merely to being excluded from non-cows, someone who wants to understand what a cow is should first be able to identify what a non-cow is; but how is one to understand what is not a cow unless one already knows what a cow is?

¹ On Dignāga's theory of exclusion, see Katsura 1979 and Hayes 1998: chap. 5.

² For a concise presentation of Dharmakīrti's theory of exclusion, see for instance Much 1993. For a more general presentation, see Dreyfus 1997 (in particular chapters 6, 7, and 11-13) and Dunne 2004 (in particular section 2.4).

³ I am thinking here in particular of the reproaches addressed by the Naiyāyika Uddyotakara in the *Nyāyavārttika* (see Nyaya-Tarkatirtha et al. 1982: 679,5-689,10) and the Mīmāṃsaka Kumāriḥ in his *Ślokavārttika* (chapter 5, the section entitled “*apohavāda*”; see Śāstrī 1978: 400-435). The arguments of the former are analyzed in Much 1994.

⁴ Kumāriḥ's argument is stated in ŚV V.83-85b. A similar reproach by Uddyotakara is found in the *Nyāyavārttika* (Nyaya-Tarkatirtha et al. 1982: 686,7-12). See Hugon (forthcoming) for a more detailed analysis of their respective arguments.

The argument as it is put forward by Indian philosophers involves a number of presuppositions, including the following: i) exclusion is conceived as tantamount to an operation of negation; ii) negation is conceived as an operation which requires an established basis (the *negandum*) to operate upon; iii) the idea (generally shared) that non-x's (i.e., instances of non-X) do not have any (positive) property in common (there is thus no understanding of non-X conceivable apart from the one derived from X). But even if one disregards these presuppositions there appears, at the most intuitive level, to be something problematic about the possibility to understand X just by appealing to the exclusion from non-X. That cows are the things that are not non-cows, and non-cows things that are not cows does not help one understand which things are cows and which are non-cows. And, so far as the apohavādin is concerned, there does not appear to be a way of understanding one of the complementary categories independently of the other, for this would require positing precisely the positive understanding that the *apoha* theory is supposed to replace. So how can one get out of the “circle”?

In what follows, I will examine the original discussion of this problem by Dharmakīrti in his *Pramāṇavārttika* (PV) cum *Svavṛtti* (PVSV), and the exegesis of this passage by Sa skya Paṇḍita Kundga' rgyal mtshan (1182-1251), a Tibetan exegete active six centuries later. I consider their respective answers to be representative of two lines of strategy to “break the circle”: i) conceding a positive starting point allowing for the understanding of X and, by contrast, that of non-X; ii) postulating that X and non-X are understood conjointly as mutually excluded. Without implying that these are the only rejoinders considered in the Buddhist tradition,⁵ I will limit myself in this paper to consider the workability of these two options.

2. Dharmakīrti's answer

As I analyzed in some details Dharmakīrti's discussion of circularity in the PV/PVSV in a previous paper,⁶ I will limit myself here to the points that best illustrate Dharmakīrti's approach. One should first note a particularity of Dharmakīrti's rhetorical strategy: instead of addressing the objection directly, Dharmakīrti resorts to a *tu quoque* argumentation, arguing that his opponent—the realist philosopher—likewise has to face circularity. His opponent's explanation as to how circularity is

⁵ The theory of *apoha* has been dealt with in Indian commentaries to Dharmakīrti's PV/PVSV (Śāṅkaranandana's commentary on the passage of the PV/PVSV relevant to this discussion [PVṬ-Ś D279a4ff.] would notably be worth considering), and was also the subject matter of a number of presentations and even independent works, for instance by Śāntarakṣita, Dharmottara, Śāṅkaranandana, Ratnākaraśānti, and Jñānaśrīmitra to mention but a few names. The situation in Tibet, on which more will be said in the following section and in the appendices, is somewhat different. The currently available early works of epistemology do not attest any detailed knowledge of the systematic objections against the theory of *apoha* in India. It is, as I will argue, unlikely that Tibetan scholars commented on the passage of PV/PVSV relative to the argument of circularity prior to Sa skya Paṇḍita.

⁶ See Hugon (forthcoming). Dharmakīrti addresses the charge of circularity in PV I.113c-121. The version of the objection which he cites in PV I.113cd-114 corresponds to that of Kumāṛila.

avoided in his system thus precedes Dharmakīrti's own answer to the charge of circularity, which then reads like an adaptation of the realist's solution to the Buddhist ontological framework.

2.1 *The opponent's model*

Why would the realist be in any danger of facing circularity? His model, he claims, does not involve any negation whatsoever, but posits a purely positive understanding of X. Dharmakīrti, in his first move, nevertheless forces his realist opponent to acknowledge that the understanding of a convention must involve an element of "restriction" (*avadhāraṇa*). Namely, a convention "X" successfully acquired should not only enable one to identify instances that are X, but should also allow discarding improper candidates. Hence an understanding of non-X is required.

How is this restriction to take place without generating circularity? The opponent admits that there are *real universals* present in their instances, or instantiated in them. They are distributive, as a universal is present in each and every one of its instances. Furthermore, the universal is held to be perceptible. Thus, the understanding of X comes about positively from the simple experience of a particular which is an instance of X. Subsequent experiences of particulars which also instantiate X will, likewise, be identified as experiences involving xs. Further, the universal enables the (now conceded) restriction of the understanding of X (in other words, the circumscription of the domain of xs so that it does not include non-xs) through *contrast*. There is contrast both between the *presence* of the universal and its *absence* (from the subjective point of view, between the perception of a universal and its non-perception), and between the presence of *this* universal with the presence of *another* universal (respectively, between the perception of this universal and the perception of another universal).⁷

In summary, the realist rejects that the charge of circularity should apply to him because he is in the position to invoke a positive starting point, the real universal, which enables the positive understanding "X" and, by contrast, a restriction that amounts to the exclusion of non-X. The realist points to the fact that such a solution is not available to the Buddhist: Buddhist nominalists, of course, do not accept real universals, and if they were to invoke the perception of a particular (*svalakṣaṇa*) as a positive starting point, they would not be able to achieve generalization. Indeed, a particular being unique, it is not perceived at another time or location; it is different, excluded, from *everything else*. A restriction achieved by contrast on the basis of this perception would circumscribe the domain of xs to just this particular, and thereby limit the applicability of the convention to this single, and moreover momentary instance.

⁷ Cf. notably Gnoli 1960: 60,6: *dṛṣṭaviparītasya sujñānatvāt...*

2.2 Dharmakīrti's analogy

Dharmakīrti's answer, as mentioned above, can be read as an analogy, pertaining to the Buddhist system, of his opponent's rejoinder to the charge of circularity. But it is not the perception of a particular that is adopted as a positive starting point in place of the real universal. The adaptation proceeds via the replacement of the notion of "real universal" by that of "judgment of sameness" (*ekapratyavamarśa*).⁸ The notion of "judgment of sameness" was introduced earlier by Dharmakīrti in his presentation of the *apoha* theory to illustrate the type of similar, or rather, non-different effect that distinct particulars can have in spite of being distinct.⁹ Unlike the opponent's universal, the judgment of sameness is not a commonality existing in reality, nor is it the effect of a real commonality.¹⁰ One is dealing here with a conceptual operation which mistakenly recognizes as overlapping things which, in reality, do not. Why it does so is due, Dharmakīrti contends, to the nature of things and to people's beginningless habit to do so in response to experience, with some (worldly) motivation in mind.

A judgment of sameness, if one pursues the analogy, performs the same functions as the opponent's universal: as the universal is, according to the opponent, perceived in some cases and not in others, the judgment of sameness is experienced in some cases and not in others.¹¹ Like the universal (but unlike the perception of a particular), the judgment of sameness is distributive. It also allows restriction of the category through contrast; contrast of the presence of this judgment with its absence, or with the presence of another judgment.¹² The judgment of sameness can hence serve as a sufficient and necessary condition for the application of the convention. It plays, on the

⁸ I adopt here the translation of the term used in Dunne 2004. Following Dunne's interpretation, however, we are dealing with "judgments *that are* the same" rather than "judgments *as* the same" (Dunne 2004: 119ff.).

⁹ Cf. PV I.73: "Some things, although they are distinct, are, by their nature, specified as establishing the same object (i.e., result) such as the same judgment or the knowledge of an object; for instance the senses, etc." (*ekapratyavamarśārthajñānādyekārthasādhane | bhede 'pi niyatāḥ kecit svabhāvenendriyādivat ||*). A famous illustration of the "establishment of the same effect" is that of the various anti-pyretic plants. In the *Svavṛtti*, Dharmakīrti presents as an illustration the case of distinct instances of trees; one common telic function these have is for instance "combustion" or "housing." But they also have the capacity to produce "the same recognition having the same aspect" (*ekam ekākāraṃ pratyabhijñānaṃ janayanti*; Gnoli 1960: 41,4); namely, one recognizes each instance as being of the same "kind," to which the word "tree," if it has been learned, can be applied. Alternatively, the resulting conceptual cognition is said to appear "as if it apprehended a single entity" (*ekavastugrahiṇīva pratibhāti*; Gnoli 1960: 61,2). This part of the theory is nowadays referred to by scholars as the "bottom-up" side of the *apoha* theory, insofar as Dharmakīrti grounds the success of our use of mentally constructed generalities in a causal process whose source is the real particulars. On the other hand, the "top-down" side of the theory seeks to explain our falsely superimposed generalities by resorting to exclusion.

¹⁰ As Dharmakīrti specifies (cf. PV I.75), this sameness of effect is not the result of a universal, but of the particulars. Relying on the example of the anti-pyretic plants, he argues that if the sameness of effect was due to a universal, it would not allow for variations in intensity, speed, etc. as is observed to be the case.

¹¹ The judgment being a mental event, and from this point of view a particular, its occurrence can be ascertained through reflexive awareness.

¹² The compound "*ataddhetu*" opposed to "*taddhetu*" ("cause of this") can be understood both as "cause of not-this" or "not a cause of this." The Tibetan translation, reflected also in Śākyabuddhi's commentary, opts for the first interpretation for the compound "*tadataddhetu*" in PV I.119, whereas it hints at the latter interpretation when "*ataddhetu*" is glossed in the *Svavṛtti* (Gnoli 1960: 50,18).

subjective level, the same role of “positive starting point” as the real universal did on the objective level for the realist.

2.3. Implicit requirements and presuppositions

If one places the issue of “understanding X” in the context of convention-learning, the realist’s model has an advantage: it is likely to explain how a convention can be learned (or newly established if it was forgotten) on the basis of a single instance. One can indeed plausibly contemplate the case where a learner sees the relevant universal for the first time, and subsequently recognizes it in other cases. But how could a person learning a convention have a “judgment of sameness” upon perceiving a single instance?¹³ A conceivable answer is that the instance present at the moment of convention-learning is being recognized as “the same” as other instances previously cognized.¹⁴ Dharmakīrti’s commentators are actually unanimous on this point: convention-setting and convention-learning events presuppose that one has previously acknowledged the occurrence of a certain judgment in some cases and contrasted it with its absence in other cases. What is being done at the moment of the convention is “fixing” this distinction and the categories that are relative to it by attributing a name to be applied to instances that generate such a judgment of sameness.

There are a number of requirements (most of them implicit) linked with the feasibility of convention-learning/setting in this framework. One can single out the following ones:

- i) A learner must have the capacity to distinguish particulars based on their being causes or not of a judgment of sameness. In other words, he must have the capacity to recognize distinct particulars as “the same.”¹⁵ In Dharmakīrti’s system, this capacity can be termed “innate”: humans have been doing so since beginningless time, rebirth after rebirth.¹⁶ This is thus not something that is (or maybe even could be) taught in a convention-learning event.
- ii) A learner must be familiar with the “common effect” which is the ground for the convention (a judgment of sameness being one of the effects that can be considered), and hence with entities that have such an effect. One could thus for instance not learn the convention “cow” without ever

¹³ That convention-setting/learning events are based on a single case is not, one must note, an explicit prerequisite. In his study on *sañketa*, Dan Arnold points out several passages hinting instead at a gradual learning through positive and negative concomitance (*anvaya/vyatireka*) (see Arnold 2006). The case of unsuccessfully acquired conventions mentioned below in iii) on the other hand presupposes a singular event, without however excluding that previous and/or subsequent “gradual training” would be in order.

¹⁴ Another option would be that the judgment pertaining to this particular would be open for subsequent determination as “the same.” This “open generalizability” would, however, not guarantee a successful application of the convention, for the learner would be likely to make this determination of sameness with regards to a number of aspects. See below presupposition iii).

¹⁵ This “capacity” is actually a handicap from the point of view of “the wise.” Such conceptual operations are indeed mistaken, in that they do not provide access to reality as it is. On the other hand, in view of worldly life, this capacity is an essential requirement for survival, and, this being granted, for transactional usages.

¹⁶ For an attempt to account for the acquisition of such capacity in an evolutionary framework, see Siderits (forthcoming).

having been in the presence of cows previous to seeing the cow present at the time of being taught how to use the term “cow.”

iii) A learner must be able to identify correctly the effect that is aimed at in the present convention among the various effects of the given particular. For instance, if being taught the convention “fire” in presence of a given particular, is the word “fire” to be associated with the heat, the color, the size, etc. of the object present (and further, of *which* object present)? This ability to choose correctly the intended feature is something which is not considered entirely obvious: it is acknowledged that “dumb people” occasionally pick the wrong criterion, or forget about it, and hence subsequently fail to apply the convention correctly.¹⁷

Failure in the last two cases can be fairly easily made up for by providing occasions of familiarization in the first, and by teaching the dumb person (verbally or deictically) what the pertinent criterion is in the second. The workability of this model relies mainly on the first of the abovementioned requirements: namely, on the ability to form, in the absence of real universals, judgments of sameness that, moreover, bring successful results in our interactions with the real world. This is an issue that Dharmakīrti, at this point, considers to have been solved.¹⁸

2.4 What role is left to exclusion?

The initial question of the objector was “how can one understand ‘X’ if one does not know X positively, but only as the exclusion of non-X?” Dharmakīrti’s analogical answer reads like, “actually, one does know X positively via the judgment of sameness.” This raises an obvious question: what about the exclusion of what is other? Is it relegated to the function of “restriction” associated with this positive understanding through contrast, like even the realist ended up conceding?

Dharmakīrti’s “positivist” answer is, I think, to be considered in part as an upshot of the *tu quoque* argumentation. The focus lies here on the superficial psychological aspect of our conceptions of commonalities. The judgment of sameness denotes an understanding of X that qualifies as “positive” both from the point of view of the generic image occurring and from the point of view of our “determination” (*adhyavasāya*) of this image as having a correspondence in reality. But, for the Buddhist, both the conceptual event and the operations we base on it are essentially *mistaken*. Hence Dharmakīrti’s answer is better rephrased as, “One has the impression to know X positively.” Because

¹⁷ The example elaborated upon by Dharmottara in commentary to Dharmakīrti’s phrase, that “conventions are taught for the benefit of dimwits” (Pvin 1, Steinkellner 2007: 3,14) involves a person who, after being taught the convention “cow” in presence of a small cow, fails to apply it later to a large cow (other formulations of the example use the convention “tree”). Details of his mistake appeal to misidentification of the criterion as well as to forgetfulness. For a discussion of this example, see Kellner 2004: 32-35.

¹⁸ This is done by the “bottom-up” account of concept formation that appeals to causal capacities of particulars and human’s beginningless habits and motivations.

things “look the same” to us, we end up thinking and acting *as if* they had something in common, as if there was in reality an X shared by xs.¹⁹

The “positivist” account is balanced by Dharmakīrti himself in his final answer as he shifts the accent to *difference*. Although, psychologically speaking, we operate on the basis of sameness, our categorizations in fact rely on differences between entities; they consist in arranging particulars within a web of oppositions. Verbal conventions refer just to these oppositions. The restriction involved in a convention turns out to be, in fact, all there is to be understood. When I tell someone to “bring a cow,” the expression just restricts the scope of what is to be brought by relying on a socially established differentiation between certain entities (that we call “cow”) and others (that we do not call “cow”), a differentiation grounded on a common motivation, such as obtaining milk, meat, manure, etc. We will see in the following section how Sa skya Paṇḍita puts this aspect to the fore when addressing the charge of circularity.

3. Sa skya Paṇḍita’s exegesis of Dharmakīrti’s discussion

Sa skya Paṇḍita Kun dga’ rgyal mtshan (hereafter: Sa paṇ; 1182-1251) is in all likelihood the first Tibetan exegete to deal with the Buddhist nominalist’s answer to the charge of circularity on the basis of PV/PVSV. Prior to Sa paṇ, Tibetan scholars focused on the study and exegesis of Dharmakīrti’s *Pramāṇaviniścaya* (PVin) in which this discussion is absent and only minimal references to *apoha* are found. Tibetan discussions of *apoha* prior to Sa paṇ are not inexistent, but constitute (so far as we can judge from the currently available material) a rather fragmentary understanding of this theory.²⁰ The extant works of 11th-12th c. authors linked with the monastery of gSang phu Ne’u thog—a renown center for the study of epistemology at this period—show no trace of a systematic discussion of the objections raised by Indian non-Buddhist schools against the theory of *apoha*, and in particular of the charge of circularity. As I discuss in the appendix 2, one finds a version of the problem of circularity mentioned by gTsang nag pa brTson ’grus seng ge (?-after 1195), but this is not in the context of an exegesis of the relevant passage of PV/PVSV.

¹⁹ Dharmakīrti distinguishes in the *Svayṛtti* the “theoreticians” (*vyākhyātāraḥ*, lit. “those who explain”), who are aware of the difference between what is conceived and what is real, and the “actors” (*vyavahartāraḥ*, lit. “those who apply conventions”), who mistakenly identify the two domains. (See Gnoli 1960: 39,4-8) Note however that worldly practices involve such mistaken identification even for theoreticians who know the difference.

²⁰ More on this topic in the appendix. The authors whose epistemological works are currently available elaborate their explanation of conceptual operations on the basis of three verses from the PVin (i.e., PVin II.29-31). The *Pramāṇavārttika* was not completely absent from the Tibetan landscape. There existed a translation of it prior to Sa paṇ, and rNgog Blo ldan shes rab (1059-1109) retranslated, and commented upon, Prajñākaragupta’s commentary on the PV. Prajñākaragupta, however, does not deal with PV I/PVSV. Still, one finds in the bibliographies of rNgog Blo ldan shes rab the mention of translations and exegeses of *apoha*-related works, notably commentarial works on Dharmottara’s *Apoḥaprakaraṇa* and on Śāṅkaranandana’s *Apoḥasiddhi*, but none of the latter are currently extant. One could have imagined that rNgog Blo ldan shes rab’s students and successors would have benefited from this aspect of rNgog Blo ldan shes rab’s contribution, but the available sources tend to confirm that their interest lay on the PVin.

Moreover, gTsang nag pa actually brings up the charge of circularity against his coreligionists. His argument appears to be based on his own reflections about the difficulties linked with formulations in terms of “exclusion from what it is not” rather than on established sources, and his way of solving the question is definitely idiosyncratic. One can note additionally that Sa paṅ does not explicitly address any alternative Tibetan interpretation when discussing circularity. Since he is usually prone to confront his predecessors’ interpretations, this argument from silence nonetheless provides some support for the assumption that thinkers belonging to rNgog Blo ldan shes rab’s lineage did not express remarkable opinions on this issue.

Sa paṅ deals with the issue of circularity in the context of an extended discussion on *apoha* involving abundant citations from the *Pramāṇavārttika*, which includes a discussion of five reproaches against the theory of *apoha*, among which that of circularity is found.²¹ Sa paṅ’s discussion is composed of four verses with an auto-commentary, in which one recognizes the inspiration by PV I.115-118 cum *Svavṛtti*, and it includes also the citation of PV I.113cd-114 (the verses in which the objection is stated), and of Dharmakīrti’s final answer in PV I.119cd-121.

Sa paṅ’s declared intention as an exegete of Dharmakīrti is to re-establish a correct understanding of Dharmakīrti’s thought in Tibet, by resorting to a faithful interpretation of the source text aimed at retrieving the original intention of the author. In view of such avowed fidelity to the source text, I was struck by two aspects of Sa paṅ’s discussion:

- i) Sa paṅ mentions that Dharmakīrti is resorting to a *tu quoque* argumentation, but the part of the discussion that he calls “refutation by means of a parallel” (*mgo mtshungs kyis dgag pa*)²² ends on the fact that the opponent has to admit some version of the “exclusion of what is other” in his own model, without spelling out the opponent’s solution as to how circularity can be avoided.
- ii) This “refutation by a parallel,” which Sa paṅ does not seem to view as conclusive *per se*, is followed by the statement of the “real/direct answer” (*dnegos po’i lan*). In this second part, when quoting Dharmakīrti’s answer, Sa paṅ omits the half-verse PV I.119ab, which is precisely the half-verse in which Dharmakīrti mentions the “judgment of sameness.”²³

To my opinion, Sa paṅ’s downplaying the analogy and omitting the element of the “judgment of sameness” in the “direct answer” are not incidental. Sa paṅ is well aware of the use of the notion of “judgment of sameness” by Dharmakīrti—earlier in the *Rigs gter* he cites PV I.73 that uses this expression—but deliberately chooses not to involve it in the present answer. I examine in

²¹ See *Rigs gter*, chapter 4, edited and translated in Hugon 2008a. For the objection concerning circularity, the second of the five objections, see *ibid.*, pp. 478ff. For a discussion of this passage, see *ibid.*, pp. 205-210.

²² On this type of argumentation, profusely used by Sa paṅ’s predecessor Phya pa Chos kyi seng ge, see Hugon 2008b. The general idea behind this kind of argument is to present the debater criticizing a position A with an analogical case B and to apply in parallel, *mutatis mutandis*, the debater’s criticism of A to B, and the debater’s defense of B to A. *Tu quoque* argumentation can be viewed a subtype of argumentation by parallels, although, typically, it only involves the first step.

²³ The first two lines of the verse omitted in Tibetan correspond to the Sanskrit: *ekapratyavamarśākhye jñāna ekatra hi sthitaḥ | prapattā* “The cognizer who relies on a unique cognition called ‘judgment of sameness’.”

appendix 1 a possible reason for his doing so.²⁴ In Sa paṅ's discussion, the Buddhist answer does not appear as an analogical adaptation of the realist's model, or as having anything in common with it. The solution to the problem of circularity takes off from a different angle: instead of conceding some "starting point," Sa paṅ attempts to account for a simultaneous understanding of "X" and "non-X" as a means to shun a problematic interdependence. Sa paṅ's answer, which is based on the example of the convention "tree," reads as follows:

Real answer:

Having seen [something/things] endowed with branches and leaves

One makes the agreement "tree" with regard to that.

This agreement is applied to the category/class.

[This] class is nothing else than the exclusion of what is other.

[1] As far as we are concerned, when one makes an agreement, having differentiated, prior to the agreement, the mark of possession and non-possession of branches, conceptual thought determines what possesses [branches, etc.] as being of the same category, knows it as distinct from non-tree, and applies the agreement "tree" via the exclusion of what is other. Similarly, [conceptual thought] determines what does not possess branches as being of a distinct category, knows it as distinct from tree, and applies the agreement "non-tree."

[2] Thus, although these agreements do not apply to real particulars, they are applied via determining as an extra-mental entity that which is precisely the appearance to conceptual thought which is by nature erroneous. Further, when one enters transactional usage [i.e., when one applies this convention] also, by error, one acts towards the [particular] object itself.²⁵

This answer can be divided into two parts: part [1] explains on what basis the agreement is set, while the verse together with part [2] explains how one goes from particular to class in the making of the agreement, and from class to particular in the application of the convention.²⁶ What interests us here is the first part. One can distinguish in Sa paṅ's explanation a three-step model leading to the parallel establishment of the agreements "tree" and "non-tree."

- i) Before the agreement, one distinguishes the marks of possession and non-possession of branches, etc.

²⁴ In brief, I suggest that it is not that Sa paṅ disagrees with Dharmakīrti on the question of the judgment of sameness, but rather that he seeks to avoid that it should be identified with a Tibetan notion which he criticizes.

²⁵ *gnyis pa dngos po'i lan ni || yal ga lo ma ldan mthong nas || de la shing gi brda byed la || brda de rigs la sbyor bar byed || rigs ni gzhan sel las gzhan min |* (41) *kho bo cag brda byed pa na brda'i snga rol du yal ga dang ldan mi ldan mtshan nyid rnam par phye nas ldan pa rnams la rtog bcas kyi blos rigs gcig tu zhen cing shing ma yin las tha dad du shes te | gzhan sel gyi sgo nas shing gi brda btags la | de bzhin du yal ga dang mi ldan pa la rigs tha dad du zhen cing shing las tha dad du shes nas shing ma yin zhes brda btags so || de ltar brda de dag don rang mtshan la ma sbyar yang rtog pa ngo bo nyid kyis 'khrul pa la snang ba de nyid phyi rol gyi dngos por zhen nas sbyor la | phyis tha snyad la 'jug pa'i tshe'ang 'khrul pas don de nyid la 'jug ste | rnam 'grel las ||...* (PV 1.119c-121) (Hugon 2008a: 482). French translation in Hugon 2008a: 483.

²⁶ In brief: one bridges the gap between the two domains thanks to an operation of "determination/attachment" (*zhen pa*) motivated by the inherently mistaken nature of conceptual thought, in which the imagined universal is identified with a real existing particular.

ii) On this basis, conceptual thought performs two operations of “determination” (*zhen pa*), each conjoint with awareness of a distinction:

ii.a) What has branches is determined as “the same class” and is distinguished from non-tree

ii.b) What does not have branches is determined as “a distinct class” and is distinguished from tree

iii) The agreements “tree” and “non-tree” are respectively applied.²⁷

Note that in this model, Sa paṅ is not presenting anything fundamentally different from the Dharmakīrtian model—his explanation is clearly inspired by the prose passage which follows PV I.119-121 in PVSV (60,23), and he follows Indian commentators in recognizing the distinction of categories as a prerequisite to an agreement. The specificity of Sa paṅ’s answer lies in his insistence on one specific aspect of Dharmakīrti’s theory which was pointed out in section 2.4: the idea of distinction. In Sa paṅ’s model, distinction is involved at three distinct levels of operation that each have their respective field of operation: i) (perceptual) experiences of particulars; ii) conceptual determinations; iii) application of an agreement. Distinctions, differences among particulars lead to conceptual distinctions in the form of classes, and to distinctions pertaining to (verbal) conventions.

In the formation of each class (X/non-X, in the above example Tree/non-Tree) one can identify a “conjunctive” and a “disjunctive” aspect, connoted respectively by the two operations of determination and distinction. These two operations are presented as happening conjointly for each of the two complementary classes. Through this model, one sees the understanding of X and non-X building up side by side, each being excluded from the other.

This line of answer is more explicitly in keeping with the apohavāda premises than a direct appeal to the judgment of sameness. Although this solution appears promising, one can identify two difficulties in Sa paṅ’s account: one difficulty I see is linked with the criterion posited for distinguishing particulars, as a consequence of which the two complementary classes are conceived; the other is the question of whether the reciprocal exclusion from what is other really does not involve a precedence, or worse, a hidden dependence.

3.1 The criterion of distinction

In Sa paṅ’s model, circularity is avoided because the understanding of X and that of non-X are not to be obtained by derivation from one another, but occur conjointly. The process described, however, noticeably introduces dependence from another angle. Namely, the conjoint understanding of X and non-X relies on a *criterion of distinction*. In the above example, trees and non-trees are distinguished

²⁷ Although in the text Sa paṅ first presents the operations leading to the agreement “tree” and then those leading to the agreement “non-tree,” I take the respective operations to occur synchronously: Sa paṅ introduces the second by the expression “*de bzhin du*” (similarly) and not by another connector implying succession. Also, the notion of “non-tree” is involved in the operations concerning the agreement “tree.”

by relying on the determination of the presence and the absence of branches, leaves, etc. In this example, the criterion clearly corresponds to what is traditionally held to be the definiens of “tree.”

The idea that the definiens can have a role to play in the formation of concepts is put forward by Sa paṅ earlier in the *Rigs gter* when he deals with the grounds for what he terms “the superimposition of unity onto what is distinct” (*tha dad la gcig tu sgro ’dogs*).²⁸ Particulars that share the same definiens—things with leaves and branches, or things with a hump, a dewlap, a tail and horns, etc.—prompt the superimposition of a universal, such as “tree” and “cow.” The “sameness of definiens” presents a complement to Dharmakīrti’s “sameness of effect” although, insofar as the identification of the definiens is perception-based, it can be reduced to the latter.

In the present discussion, the definiens is presented as the factor enabling the repartition of particulars into two complementary domains. By taking the definiens as a criterion of distinction, the focus in the formation of categories is shifted from the question as to “what makes an x an x,” to that of “what makes an x different from a non-x.” In that the criterion allows fixing the boundary between the domain of xs and that of non-xs, there is a gain in comparison to the mere “exclusion from what is other.” Indeed, knowing that xs are excluded from non-xs does not help identifying *which* particulars would actually qualify as xs or non-xs, whereas the criterion allows precisely such a repartition. For instance, trees belong to the category Tree not merely on the ground that they are distinct from non-trees, but on the ground that they are distinct from non-trees insofar as they have branches and leaves whereas the latter do not.

Let us note that the definiens itself has the nature of a universal: since one particular’s branches are distinct from another particular’s branches, these two distinct particulars can be identified as instances of “something endowed with branches” only if there is a generic notion of “branch” involved.

²⁸ The section on the superimposition of a universal to distinct particulars starts with stating the ground for this superimposition in *Rigs gter* IV.13c (Hugon 2008a: 426): *bya dang mtshan nyid gcig pa la* (13c) *tsandan dang sha pa la sogs pa yal ga dang ldan pa dang / dkar zal la sogs pa nog la sogs pa dang ldan par mtshan yid gcig pa dang / mes sreg pa dang chus ngoms pa la sogs par ’bras bu gcig pa nyid gcig tu ’khrul pa’i rgyu yin te* “**With regard to what has the same effect or definiens...** The sameness of definiens—the sandalwood-tree and the *śiṃśapā*, etc. having branches, or the white calf, etc. having a hump etc.—and the sameness of effect—burning by fire, quenching thirst by water, etc.—are the cause of the error [to take] as one [what is distinct].”

Sa paṅ’s mentioning of the definiens among the grounds of superimposition reminds one of the notion of “*nimitta*” (Tib. *mtshan*) introduced as the basis of notions (*sañjñā*), the first-level type of conceptualization; see *Abhidharmakośa* I.14cd: *sañjñā nimittodgrahaṇātmikā* / “The notion has for its nature the grasping of marks.” The commentary illustrates this definition, saying “The grasping of marks such as blue, yellow, long, short, female, male, friend, enemy, happiness, suffering, etc., this is the aggregate consisting in notions.” (Pradhan 1967: 10,16: *yāvan nīlapīṭadīrghahrasvastrīpuruṣamitrāmitrasukhaduḥkhādinimittodgrahaṇam asau sañjñāskandhaḥ*)

3.1.1 From circularity to infinite regress?

In this model, the capacity to distinguish particulars and to subsequently correctly apply the convention is dependant on the knowledge of the criterion.²⁹ To be able to learn the convention “tree” for instance, one should be able to identify what branches and leaves are;³⁰ how else would one be able to ascertain whether an instance is or is not endowed with branches and leaves?³¹ Now if, in turn, knowing what leaves and branches are—i.e., being able to distinguish instances that are branches (resp. leaves) from those that are not—requires the knowledge of yet an additional criterion, as for instance, knowledge of what a stem is, or of what green is (or of whatever feature that is taken to define a branch or a leaf), one falls, it would seem, from circularity into infinite regress.

While this problem is pointed out by one of his commentators,³² Sa paṅ himself does not mention a potential problem in this regard. A discussion about the establishment of conventions in the section on “definition” (*mtshan nyid*) in the *Rigs gter* might help shed light on his stance on this issue.³³ In this discussion, Sa paṅ sketches a typology of persons according to their aptitude to apply definienda. This typology includes i) the learned (*mkhas pa*), ii) the dumb (*blun po*) and iii) the extremely dumb (*shin tu blun po*). While the learned is able to establish the convention just upon seeing an instance (e.g., he can recognize a cow as a cow—i.e., as an animal to which the convention “cow” applies—when he sees one), the dumb needs to be taught about the definiens, in other words, about the relevant criterion for the given convention, e.g., in the case of cows, a hump, a dewlap, etc.³⁴ The extremely dumb learner is one who does not even understand the criterion taught to him, e.g., he does not even know what a hump, a dewlap, etc. are. In this case one should teach him what a hump, a dewlap, etc. consist of, namely, that they are respectively “the flesh piled on the neck,”

²⁹ One can note here an advantage over the requirements considered in section 2.3 in cases where the criterion amounts to the juxtaposition of several features. Namely, one can learn a convention if one is familiar with the criterion even though one lacks familiarity with relevant instances of the convention. Indeed, if these instances alone will exhibit the totality of the features included in the criterion, there may still be other particulars, which are not instances of the convention, but exhibit some feature involved in it. For instance, if I am familiar with both the features “mammal” and “oviparous,” I can presumably learn the convention “monotreme” without ever having seen either a duck-billed platypus or an echidna.

³⁰ It does not however imply that one should know the verbal convention related to the criterion.

³¹ One answer here could be an appeal to evidence, supported by Sa paṅ’s claim, earlier in the *Rigs gter*, that the sameness of definiens is the ground for the superimposition of a universal (see supra n. 28), a process seemingly spontaneous. In the present discussion, we are looking at an explanation which spells out this feature as a way to secure such categorization (i.e., to guarantee successful subsequent applications of the related convention) and to teach this convention to someone who, precisely, would not superimpose this universal spontaneously, or would not do so in a way considered appropriate in view of worldly conventions already at play.

³² This problem is pointed out by Bla ma lDong ston shes rab dpal (13th c.), a disciple of Sa paṅ, cited by Glo bo mkhan chen in his commentary on the *Rigs gter*. See Hugon 2008a: 210, n. 50.

³³ *Rigs gter* VIII, Nor brang o rgyan 1989: 184,18-22: *mkhas pas gtan tshigs dang mtshan nyid kyi don mthong ba tsam gyi[s] tha snyad ’grub la | blun po la de dag gi mtshan nyid rtags su bkod pa’i tha snyad bsgrub kyi ’grub cing shin tu blun po la tshul gsum so so’i ngo bo bshad pa dang | nog lkog shal gyi don ldog gnya’ bar sha ’phungs pa dang | mgrin par pags pa ’phyang ba la sogs pa brda don sbrel dgos pa srid do || de tsam brjod kyang mi go ba ni tha snyad bsgrub kyi yul ma yin no ||*

³⁴ One can recognize here Dharmottara’s “dumb person” discussed above in 2.3 (see the presupposition iii).

“the skin hanging from the gorge,” etc. One could theoretically consider additional steps should the learner not even know what flesh is, or what a neck is, etc. The discussion in the *Rigs gter* does not tell us whether subsequent explanations would at some point bring in categories of a lower level such as colours and shapes, but it is likely they would. Sa paṅ does not display so much patience for learners who do not have a minimal degree of education and wit, stating that, “Should there be no understanding even when that much has been said, this is not the domain of the establishment of conventions.”³⁵ Sa paṅ thus presupposes an acquired basic level of categorization. And even in the case of dumb and dumber people, where the criterion of distinction actually has to be spelled out explicitly, the existence of innate capacities for dividing particulars into categories is posited; infinite regress is in practice ruled out.

In the model under discussion, infinite regress would thus be avoidable because there is a starting point although there is no start. In the Buddhist framework indeed, there is no need to offer an account as to how primitive notions are acquired, for there is the possibility to appeal to “beginningless habits.” We are dealing with a model which explains how new or more complex conventions can be established on the basis of earlier or more basic ones, and which presupposes that some earlier or more basic convention is always already established. Should one want to apply this model without involving multiple rebirths since a beginningless time, the “bottom level” must be accounted for without involving a criterion of distinction or real commonalities. The acceptability of the model based on distinction ends up relying on the same condition as the appeal to a judgment of sameness, namely, the possibility to account for the emergence of the capacity to categorize things (and to do so in a useful way) in the absence of real commonalities.

3.2 Is there really no precedence?

3.2.1 The value of the negation in “non-X”

In Sa paṅ’s model the understanding of “tree” and that of “non-tree” occur simultaneously through a process of opposition (disjunction) and assemblage (conjunction), conceptual operations that take as their basis an opposition between particulars based on a specific criterion. Even if both resulting classes are equally excluded from each other, still, they are described using pairs of terms of the form “X, non-X.” Reflecting on the value of the negation involved can help in our investigation as to whether Sa paṅ’s model indeed escapes a vicious interdependence.³⁶ Behind the pairs of expressions

³⁵ In particular, the sheer ability to divide things into categories is not something likely to be taught.

³⁶ In raising this question about the value of negation, I have been inspired by a distinction made by a team of scholars of the University of Neuchâtel (Switzerland) in their research on negation between the notions of “proto-négation intranotionnelle” and “négation prédicative” (cf. Apothéloz et al. 1989). Those scholars describe the first type of negation as a negation which is internal to a pair (P, non-P), which constitutes a primitive notion, at a level preceding enunciation, whereas the “négation prédicative” relies on an operation of determination. In the first case, neither non-P nor P are *per se* negative; the negation is not an operation, but has the role to describe a relation of opposition within the pair. The “négation prédicative” on the other

of the form “X/non-X”—such as “tree/non-tree”—three kinds of pairs have to be considered: the particular xs and non-xs, the classes X and non-X, and the (verbal) conventions “X” and “non-X.”

As far as particulars are concerned, since Buddhists do not accept the existence of non-entities, xs as well as non-xs are all just real entities.³⁷ There is nothing “negative” about them. A non-tree is not some kind of negative version of a tree, it is just a particular that is not a tree, for instance, a rock or a cow. Now there is in reality an opposition between all particulars: with regard to one specific particular—determinate in place, time and aspect—all other particulars are not-this-particular. Usually, speaking of two particulars as being an x and non-x respectively is not done in reference to this “absolute” distinction, but in reference to the classes X and non-X (or to the criterion generating these classes). It is only in reference to the category Tree (or to the criterion “branches and leaves, etc.”) that this palm tree and this rock are respectively an x and a non-x; but in reference to the category Mineral, the first is a non-x, the second an x.³⁸

It is thus rather at the level of the classes that the question of negation is crucial. Is negation, which does not stand here as a propositional operator but represents the “exclusion,” a way to express contrast between complementary classes, or an operation of derivation involving dependence of the “negative” on the “positive”? If the negation is found to express mere contrast, this model would fit Sa paṅ’s insistence on “difference” well and would allow a primary (if not exclusive) place to the “exclusion of what is other.” If it expresses derivation, a precedence of the positive would have to be conceded, as in Dharmakīrti’s answer.

In the account cited above from the *Rigs gter* involving the understanding of “tree” one can notice an imbalance in the operations performed in steps ii.a and ii.b: whereas both should have, to be parallel, involved reciprocal operations of conjunction and disjunction—grouping of trees and dissociation from non-trees on the one hand, grouping of non-trees and dissociation from trees on the other—the “conjunctive” operation in the case of trees is described in terms of “determination as the same category” (*rigs gcig tu zhen*), whereas for the class of non-trees, it is described as “determination as a different category” (*rigs tha dad du zhen*). This way, the conjunction of non-trees into the same category is made to rely solely on being “other,” i.e. excluded from the other, whereas

hand relies on an operation of determination which chooses one of the terms of the pair; the negation would then yield one by being applied to the other. For an earlier attempt at using Apothéloz et al.’s framework in analyzing Sa paṅ’s position see Hugon 2008a: 208-209.

³⁷ The basic “bottom-up” account of Dharmakīrti’s system explicitly distinguishes particulars from other particulars. However, there are cases where the “other” only figures as an imagined category (consider for instance the concept “all”). Note also that Dharmakīrti takes into account concepts said to be “based on existence, on non-existence or on both” (*bhāvābhāvobhayāśraya*). Cf. PV I.205=PVin III.53 as well as PV III.51cd.

³⁸ That is to say, we usually conceptually apprehend particulars as members of a class. However, Sa paṅ leave open the possibility that conceptual thought would apprehend a unique particular as particular, what he calls “to grasp as one what is one” (*gcig la gcig tu ’dzin*) (See Hugon 2008a: 426) The result would be a category excluding everything but the single instance having existed at a specific time and place.

the grouping of trees into the same category involves a determination of sameness.³⁹ One sees here a resurgence of the notion of “judgment of sameness”; this is not a complete surprise as we have seen earlier that Sa paṇ mentions the “sameness of definiens” along with the “sameness of effect” as a motive for the superimposition of a universal to distinct particulars.

Does this imply that the class of non-trees is *derived* from that of trees? This does not appear to be the case, since both the classes Tree and non-Tree are constituted by relying on the criterion of distinction “branches, etc.” Thus, the class of non-trees is not just what is left out of the domain of trees; it is the domain of what does not have branches and leaves. This understanding is thus not derived from that of “tree,” although the conjoint understanding of “tree” is involved in the determination of non-trees as being different from trees. In this sense, non-Tree depends on Tree as much as Tree depends on non-Tree, but the use of the criterion of distinction rules out the necessity to derive the understanding of one domain from that of the other.

Hence Sa paṇ’s model, although it seems to give priority to the mere reciprocal exclusion of what is other, concedes an imbalance that is in keeping with the intuitive notion that members of one class have something in common whereas members of the other class do not share any property. The mark of negation, although it does not indicate the precedence of X in terms of non-X depending on X because of its being obtained by derivation, indicates more than a contrast. There is what I will call a “polarization” of the two classes—one qualifies as “positive,” the other as “negative”—and an ascription of priority to the first (the second constituting just a complementary class without acquiring a full status), reflected by the application of the positive term “tree” to the first class, while the complement is referred to by the negative expression “not a tree” derived from the first.

3.2.2 What accounts for the polarization?

I think two questions deserve to be considered here: what are the reasons of this polarization, and why is this polarization oriented in one direction rather than the other?

The classic apohavādin’s answer to such questions is an appeal to beginningless habits and to the nature of particulars: sentient beings have been forming judgments of sameness since beginningless times and particulars have a certain nature that is such that some do prompt a judgment of sameness while the others do not. In terms of “effect,” some particulars have effects that others do not. As shown in Dharmakīrti’s example in PV I.73-74, there are plants that do abate fever, others that do not. However, there is no “anti-pyretic property” that the first share. In terms of “definiens,” experiences of particulars with the same definiens such as having branches and

³⁹ Note that this determination of sameness is conjoint with exclusion (one determines trees as “the same” and one knows them to be excluded from non-trees) but not explicitly dependent on it (one does not determine trees as “the same” *because* they are excluded from non-trees).

leaves lead to the superimposition of a universal, e.g., “tree,” whereas experiences of particulars that do not share this definiens does not.

Examining closer the apohavādin’s appeal to the “evidence” of the generation of the same effect by distinct particulars, one must bear in mind that each particular has a set of causal capacities, and also that each effect generated by a particular is in reality unique—the particular generates an experience that is itself a particular. The “determination of sameness of effect” might be grounded in causal capacities of entities, but belongs to our judgment, reflecting some human concern which leads i) to choose among the various causal capacities of particulars, ii) to neglect the differences among the particular effects. Thus, that no judgment of sameness arises for a given set of particulars is essentially due to the lack of a pertinent human concern, not to the fact that these particulars do not have anything in common: no particulars have anything in common! It is human concern that decides (consciously or not) on what is a “desired effect,” and it is the nature of things that governs their membership in the class of what is experienced as fulfilling this desired effect or in the class of what is experienced as unable to fulfill it. “Positivity” rhymes here with “interest in fulfilling a desire.” Thus, given a particular interest, one domain acquires priority and positivity.⁴⁰

When looking at Sa paṅ’s example involving the definiens as the criterion of distinction, judgment of sameness aka superimposition of a universal occurs only with regard to one of the two complementary domains, which also has positivity and priority. Which role does the criterion of distinction play in this polarization? The distinction of particulars being made along the lines of the “possession and non-possession” of a mark, one could conceive that the ontologically superior status of “presence” over that of “absence”—branches and leaves exist, the absence of leaves and branches does not—is what accounts for the positivity of the class of things that possess a mark in contrast to the class of things that do not possess it. A brief excursus into Dharmakīrti’s theory of *anupalabdhi* (“non-apprehension”) teaches us that absence, such as the absence of branches and leaves, is a determination derived from the non-apprehension of branches and leaves, which itself is nothing else than the apprehension of “something else,” namely, the apprehension of a particular which is not a branch or a leaf.⁴¹ What I am driving at in mentioning this is that one should be

⁴⁰ Interest in avoiding some effect, or attention to things that do not have some feature, would shift the priority to the complementary domain, but not necessarily modify the orientation of the polarization; the latter would require the modification of the desired effect or of the interest for some feature.

⁴¹ Indeed, since absences do not exist, there isn’t properly speaking apprehension of an absence that would lead to the determination of absence. Both absence and presence are understood via perception; namely, the perception of a particular is liable to lead to two determinations: one pertaining to the particular perceived, one pertaining to the absence of what it is not. One word in Dharmakīrti’s explanation of this phenomenon hints to the secondary character of the determination of absence: “indirectly” (*sāmarthyāt*). For example, when perceiving a rock, the determination “rock” will follow directly, the determination “absence of branch” indirectly. Let us note that the arising of these determinations involves a number of conditions, including habituation, or in other words, familiarity with the categories at stake.

On the determination of absences, see for instance PVin III.45: *ekopalambhānubhavād idaṃ nopalabhe iti. buddher upalabhe veti kalpikāyāḥi samudbhavaḥ...* “From the experience of the apprehension of one thing emerges the conceptual cognition ‘I do not apprehend this’ or ‘I apprehend this’.” PVin III.46ab-47: *viśiṣṭarūpānubhavād anyā*

careful not to turn the criterion of distinction into a real universal. Individual branches and leaves exist, but a generic “branches and leaves” does not; in other words, there are particulars that we judge to be branches, others that we judge not to be. Thus in fact, the question of the positivity of the criterion “branches and leaves” amounts precisely to the question we are posing about the category “tree.”

Now even if we grant positivity to the criterion, the polarization is a result of the cognizer’s motivation just as in the case of the “desired effect.” The cognizer is always distinguishing particulars, choosing among the many features of each particular (for instance its ramified shape rather than its size) and ignoring other differences.

Given the appeal to beginningless habits and human concerns, one can easily conceive how, in other circumstances, a conceptual framework that is differently organized (i.e., which groups things according to other criteria) is arrived at, as we can observe by looking at other social groups. If the priority of a “positive class” reflected in our verbal conventions is just a matter of psychological attitude, one should be able to conceive the possibility of different habits resulting in the formation of classes that do not demonstrate imbalance. That this should be a possibility that can be accounted for seems to me to be a requirement for a model that wants to avoid both the concession of a positive starting point and vicious interdependence. It may be sound to claim that particulars with a hump and a dewlap prompt the superimposition of the universal “cow” while others do not, but holding that these others *could not* prompt the superimposition of any universal⁴² would bring us dangerously close to reintroducing real commonalities and natural categories.

4. Conclusion

Dharmakīrti’s and Sa paṇ’s answers to the charge of circularity highlight two elements of the apohavādin’s model that are both involved at some level of their explanation: a psychologically positive experience of sameness, however mistaken, and the determination of mutually exclusive classes relying on the application of a criterion of differentiation.

Sa paṇ’s strategy appears to be the most promising in so far as his answer gives priority to the “exclusion of what is other.” The workability of the model is however threatened by an infinite regress due to the “criterion” posited to account for the possibility of a mutual distinction that is determinate in its scope. Dharmakīrti’s answer presents some concession to a more intuitive

nānyanirākriyā || tadviśiṣṭopalambho ’tas tasyāpy anupalambhanam | tasmād anupalambho ’yaṃ pratyakṣenaiva sidhyati. “The elimination of another is not different from the experience of a differentiated/specified nature, therefore the non-apprehension of this, on its part, is the apprehension of what is differentiated from this. Therefore, this non-apprehension is understood just by perception.” In the prose explanation that follows, Dharmakīrti states: “Indeed, precisely this (experience), by leading to the determination ‘precisely this exists’ because of the determination of this [aspect], indirectly leads to the determination ‘it is not the case that another exists’ or ‘it is not the case that there is apprehension of another’.” (*sa eva hi tanniyamāt tad evāstīti niścāyayan nāparo ’sty aparānubhavo veti niścāyayati sāmāthyāt*)

⁴² I.e., not just that they cannot do it given the actual configuration of our acquired habituations but that, they, given their nature, could not ever do it.

approach by addressing the psychological level; from this point of view, one does not group things that are excluded from what is other, but things that appear to be the same—without however conceding any real existing sameness. By invoking such a process, one faces the challenge of explaining the origin of such mistaken but successful conceptual operations (a “necessary evil” in human transactional usage), something that Dharmakīrti spares himself the trouble to explain by appealing to “beginningless habits.”

What I would like to point out in conclusion is that the “conjunctive aspect” tends to be associated with mistaken (spontaneous) conceptual processes, while the “disjunctive aspect” tends to stand as “the real account.” This is understandable in view of the fact that the Buddhist do not accept real commonalities, whereas exclusion from what is other can be thought to reflect a real state of affairs: isn’t this pot actually different from what is not a pot?⁴³ What should not be forgotten however is that, in reality, each particular is different from *everything* else. Hence, conceiving of some particulars as being excluded from non-X, but not from each other, is a conceptual operation as mistaken as conceiving of some of them as having something in common. Simply, in the second case, the accent is put on postulating an (actually non-existing) sameness, in the first on overlooking existing differences. That, psychologically speaking, one operation takes precedence over the other might just be an accident in our “beginningless habits,” maybe influenced by another mistaken operation, that of “confusing what is perceived and what is conceived.” The depiction of the formation of concepts as relying on “exclusion of what is other,” insofar as one is applying “partial differentiation,” is therefore tantamount to the depiction as relying on a judgment of sameness: both involve the way we conceive of things.⁴⁴ The advantage of the first is that it highlights the absence of existing commonalities, thus keeping at bay the threat of realism.

Appendix 1 – Why did Sa paṅ opt for an alternative strategy?

I mentioned at the beginning of section 3 that the orientation given by Sa paṅ to his exegesis of Dharmakīrti’s discussion of circularity was probably not incidental. That he would avoid putting too much weight on the analogy resulting from the *tu quoque* argument is understandable; the positive predominance conceded in Dharmakīrti’s answer can appear as an unwanted rapprochement with the opponent’s position, as well as a relinquishment of the “*apoha*” part of *apohavāda*. Sa paṅ may

⁴³ The notion of “objective exclusion” (*arthātmakasvalakṣaṇānyāpoha*) is found in Śāntarakṣita and Śākyabuddhi’s triple typology of *apoha*; namely, the particular itself is an exclusion insofar as it is excluded from what it is not. (See Dunne 2004: 131-133). In the Tibetan tradition there exists a debate about the status of the “exclusion” (*ldog pa*) which is relevant in this regard. Sa paṅ mentions for instance some Tibetans who consider that “exclusions” exist in reality (*Rigs gter* VI, Nor brang o rgyan 1989: 130,17-18).

⁴⁴ This very important nuance is notably conveyed by the use of the particle “*iva*” in PV I.120 (according to the commentators, “*iva*” must be read with the three points): we apprehend particulars *as if* they were cause of this cognition (i.e., the judgment of sameness), *as if* they were distinguished from the nature of non-cause, *as if* they had a unique nature.

thus consider the analogy with the realist's position as detrimental rather than rhetorically productive, especially in an intellectual context where "real universals" (Tibetan ones) and "real exclusions" tend to proliferate.

But more precisely, I think that the reason for Sa paṅ's reluctance to bring to the fore the notion of "judgment of sameness" has to do with the understanding of conceptual operations by his predecessors, in particular authors linked with the monastery of gSang phu Ne'u thog who represented the mainstream of Tibetan epistemology at this period. Among them, the famous Phya pa Chos kyi seng ge (1109-1169) and his disciple gTsang nag pa brTson 'grus seng ge (? - after 1195) are the most remarkable, and their names are cited repeatedly by the commentators of Sa paṅ's *Rigs gter* when identifying the opponents.

My investigations into the currently available works of Sa paṅ's predecessors have revealed that the theory of *apoha* was not unknown to these scholars. The core notions of Dharmakīrti's system are found in their works, but appear under somewhat discrepant aspects.⁴⁵ The notion of "exclusion" itself is rendered on the one hand as "*sel ba*" (Skt. *apoha*), on the other as "*ldog pa*" (Skt. *vyāvṛtti*), the two translations being confined to different functions.

"*Sel ba*" is given first as the mode of operation (*'jug tshul*) of conceptual thought: conceptual thought does not apply to its object directly, but by means of excluding it from what is other, thus providing a partial access to the object. "*Sel ba*" is also, along with "*snang ba*" (appearance) and "*zhen pa*" (determination), a function (*byed pa*) of cognition. In the case of conceptual cognition, the three functions can operate consecutively in the following order: appearance of a phenomenal object, determination of this object as being X, elimination of the determination as non-X.

"*lDog pa*", like the English word "distinction," refers on the one hand to the fact of being excluded (e.g., the exclusion of pot from non-pot), and on the other hand to what makes xs excluded from non-xs. In this second sense, it is often translated as "distinguisher." "*lDog pa*" is found in several pairs of opposition: i) It is distinguished from "*log pa*" (Skt. *vyāvṛtta*), i.e., the excluded (but the two notions are frequently confused). While Dharmakīrti actually differentiated *vyāvṛtti* and *vyāvṛtta* as two kinds of exclusion responsible for our notions of "property" and "subject" respectively, the tendency is to identify "*log pa*" as the particular excluded (from non-X). ii) "*lDog pa*" is distinguished from "*rdzas*" (Skt. *dravya*), "substance." A recurrent expression in Tibetan texts is that of a "unique substance" (*rdzas gcig*) with "distinct exclusions" (*ldog pa tha dad*), meaning that a unique substance can be attributed distinct properties (or be conceived as a member of distinct classes) insofar as it is excluded from distinct "grounds of exclusion." For instance, sound is excluded from non-produced, from non-impermanent, etc. Conversely, distinct substances can have the "same exclusion" (*ldog pa gcig*); they are then apprehended under the cover of a universal.

⁴⁵ I will limit myself here to giving a few elements that I deem relevant to the present discussion. More detailed results of my preliminary study of some of the newly available sources can be found in Hugon 2008a: 169-175 and 239-257.

The textual foundation mentioned by Sa paṅ's predecessors for their presentation of conceptual events is limited to the verses PVI.29-30. On this basis, two operations of conceptual thought are distinguished, both consisting in superimposition, "superimposition of concomitance onto distinct particulars" (*gcig tu sgro 'dogs*) and "superimposition of distinction onto a unique particular" (*tha dad du sgro 'dogs*). In both operations a primary role (if not *the* primary role) is left to the notion of "*don spyi*." The "*don spyi*"—literally "object-universal," but one can translate more simply "concept"—is held by Phya pa and his successors to be the phenomenal object (*gzung yul*, Skt. *grāhya*) of conceptual episodes, and the direct referent of words. The *don spyi* is said to "dawn" or "arise" (*'char*) or simply to "appear" (*snang*)⁴⁶ in one's conceptual thought. (For instance, the *don spyi* of pot is what appears to my conceptual thought when I think of a pot, or when I hear the word "pot".) The *don spyi* is not something real; it does not have any causal capacity, and its appearance to conceptual thought is not the result of a causal process as when a particular pot appears to visual perception. Both appearances differ in that the appearance of the particular pot is "vivid" (*gsal ba*), whereas the *don spyi*'s appearance is not.

These authors' explanation of conceptual operations commonly spells out for each of the two types of superimposition the motive (*rgyu mtshan/sa bon*) and the aspect (*rnam pa*). In the case of the superimposition of concomitance, the "appearance of a unique *don spyi*" is usually invoked regarding the "aspect," while the "motive" is explained differently according to the authors, in terms of "exclusion" (*ldog pa*, i.e., the distinct particulars are excluded from non-X), or via a combination of exclusion and appearance of a *don spyi*. For the superimposition of distinction also, the dawning of several *don spyi* (for instance, upon seeing a pot, the *don spyi* of pot, round, earth, blue, produced, etc., are likely to arise) and the particular being excluded from distinct bases of exclusion (*ldog sa*, for instance, pot being excluded from non-pot, non-round, non-produced, etc.) are the two interplaying factors.

This notion of *don spyi*, however, meets with criticism early in Sa paṅ's work. The core of his argument against the *don spyi* has been accurately articulated by Jonathan Stoltz as the "rejection of intersubjectively shareable mental entities."⁴⁷ Namely, even if we granted that there are *don spyi*, they would be private entities unable to play a role in knowledge and communication. In particular, a *don spyi* cannot be the object of knowledge (*prameya*) because only the real particular (*svalakṣaṇa*) is granted this status. Sa paṅ's objection to the *don spyi* being the phenomenal object of conceptual thought and the direct object of words also relies on his identification of the Tibetan notion of *don spyi* with the "*nimitta*" ("characteristic"), held by the Sāṃmitīya school to play the same role. This latter view is the target of Dharmakīrti's criticism in PV III.⁴⁸

⁴⁶ Some later authors will classify it in their typology as an "appearing object" (*snang yul*).

⁴⁷ See Sa paṅ's criticism of the notion of *don spyi* in Stoltz 2006.

⁴⁸ See Hugon 2008a: 152-156.

Given Sa paṅ's rejection of the notion of *don spyi*, one can easily conceive how Sa paṅ would have found it problematic that it was systematically invoked by his predecessors to account for our conceptions of generalities. Insofar as the characteristics and functions of the *don spyi* can easily be identified with that of the "judgment of sameness" invoked by Dharmakīrti⁴⁹ it was, in my opinion, in order to avoid evoking a model too closely resembling that of those Tibetan authors who rely on *don spyi*, that Sa paṅ avoided appealing directly to the judgment of sameness in the discussion of circularity, omitting in particular the first half of the verse PV I.119.

Appendix 2 — The argument of circularity in gTsang nag pa's work

gTsang nag pa brTson 'grus seng ge, a Tibetan thinker active one generation before Sa skya Paṅḍita (he died around 1195), did not write an exegesis of Dharmakīrti's discussion of circularity. Like other logicians in this period, he focuses on Dharmakīrti's *Pramāṇaviniścaya*. Although his work on epistemology, *bsDus pa*, includes numerous citations from the *Pramāṇavārttika* that would attest that gTsang nag pa had some knowledge of this other work, one does not find, for instance, a more extensive presentation of the theory of *apoha* than in the works of his predecessors. gTsang nag pa explains conceptual operations as in the model described in appendix 1, namely by a combination of "don spyi" and "ldog pa."

In another section of his work, when examining the nature of the *relata* in a relation, such as in the relation involved between logical reason and property to be proven in an inference, the notion of "ldog pa" (exclusion/distinguisher), and more precisely the understanding of the notion of "same exclusion" or "same distinguisher" (*ldog pa gcig*), stands out as a point of disagreement between gTsang nag pa and some of his coreligionists (the position which he describes actually corresponds to that of Phya pa). The *relata* in an inference, for instance when dealing with fire and smoke, are expressed in Tibetan as "simple smoke" (*du tsam*) and "simple fire" (*me tsam*). Inquiring about the nature of this "simple smoke," gTsang nag pa mentions the view according to which this universal amounts to a "ldog gcig." Namely, distinct particular instances of smoke have the "same exclusion" from non-smoke. This can be understood as referring to all instances of smoke being excluded from non-smoke, or to the fact that each instance of smoke has the same criterion (distinguisher) which differentiates it from non-smoke.

gTsang nag pa devotes several paragraphs to criticizing the notion of "ldog gcig," starting by arguing that all the Buddhist arguments against real universals would likewise apply to this "identical exclusion." Further, gTsang nag pa interestingly charges his opponent with the classical reproach against *apohavāda*, circularity!

⁴⁹ Whether the similarity between the two is coincidental or comes from a transposition of the "judgment of sameness" remains an open question for now. It would be interesting to find out whether later dGe lugs pa scholars who adopted the notion of *don spyi* applied it to gloss "judgment of sameness" when commenting on PV.

The basic idea of the circularity argument—i.e., the determination of X qua exclusion of non-X would require that of non-X, which in turn would require that of X—is found here applied to the specification “*gcig*.” In summary, the “same exclusion” requires that the “ground of exclusion” (*ldog sa/ldog bya*) should be the same.⁵⁰ Namely, the “non-smoke” from which all the instances of smoke are excluded has to be one (*gcig*). Now instances of non-smoke are particulars and hence distinct. To arrive at a generic “non-smoke,” one must resort here also to a superimposed identity in the form of a “*ldog gcig*.” But again, this requires the “ground of exclusion” to be the same. Since the ground of exclusion for “non-smoke” is no other than “smoke,” there is the fault of circularity.⁵¹ In brief, gTsang nag pa is arguing that if “sameness of exclusion” is adopted in place of a “real identity” there would be a fault of circularity, because of the interdependence of the exclusion of X from non-X and the exclusion of non-X from X.

What is his own position? gTsang nag pa retains the idea of “exclusion” but invokes, instead of an “identical exclusion” (*ldog gcig*), a “similar exclusion” (*ldog mtshungs*).⁵² This “similar exclusion” is also discussed in terms of a *definiens*. A *definiens*, notes gTsang nag pa, cannot be “identical” for distinct instances; it is just “similar” in each case. Just as, in gTsang nag pa’s analogy, “a Jujube tree cannot be planted in several pots,” one must understand that one cannot find the same “hump and dewlap” in several cows: the hump and dewlap in cow₁ and the hump and dewlap in cow₂ are only “similar” (*mtshungs*).

One difficulty in this position was pointed out by gTsang nag pa’s student mTshur ston gZhon nu seng ge: one can speak of “similarity” only in reference to a point of reference, for otherwise there would be nothing to make things similar. In other words, instances thus can have “similar exclusions” only with reference to something which is “one.” mTshur ston thus nuances

⁵⁰ This corresponds to Phya pa’s view, according to which the motive of the superimposition of commonality (*gcig tu sgro ’dogs*) relies on the fact that the distinct instances exist as excluded from a unique “ground of exclusion,” whose uniqueness is actually superimposed. Cf. *Mun sel* 3b9-4a1.

⁵¹ *bsDus pa* 111b1-2: *gal te de dag thams cad ldog pa* du ba ma yin pa las ldog pas ldog pa cig yin no zhe na | ldog bya du ba ma yin pa cig yin na de ltar ’gyur na ldog pa du ma** las ldog pa cig du ci ltar ’gyur* ^[111b2] *du ba ma yin pa’i rdzas tha dad kyang ldog pa cig yin no zhes bya ba ni du ba’i ldog pa cig nyid la ltos pas brgal zhing brtag par bya ba yin no || ldog pa mtshan nyid la brjod na yang mtshan gzhi’ du ma la rten pas cig du ’gal te snod du ma la rten pa’i rgya shug bzhin no || * em.: ldog bya; ** em.: du ba*

“If [proponents of *ldog gcig*] say: It is “one exclusion” because all these [individual smokes] are excluded from the *eliminandum* non-smoke, which is what is to be excluded, [we answer]: if [we grant that] it would be so if what is to be excluded, non-smoke, is one, [then] how would the exclusion from the *eliminandum* smoke be one? The statement “although the substances that are non-smoke are distinct, their exclusion is one” has to be censured, because it relies precisely on the uniqueness of the exclusion “smoke.” Also if one says that the “distinguisher” is the *definiens*, it would be contradictory that it is one because it is based on distinct definitional bases; [a unique *definiens*] would be like a Jujube-tree planted in several pots.”

gTsang nag pa’s student mTshur ston rephrases this argument in his own treatise in a more straightforward way: (NB: *sa* and *pa*, which are hardly differentiable in the manuscript, are here read according to expectation.) *sGron ma* 54a3-4: *ldog sa gcig las log pas log chos ldog pa cig du ’jog na* ^[54a4] *ldog sa nyid gcig yin pa yang ldog sa cig las log pas gzhag dgos pas phan tshun rten pa’i skyon du ’gyur ba’i phyir* “If one posits the excluded dharmas as [having] “one exclusion” on the ground that they are excluded from a unique “ground of exclusion” (*ldog sa*), it is necessary to posit that the ground of exclusion being one also is due to the exclusion from a unique ground of exclusion; hence there would be the fault of interdependence.”

⁵² This “similarity” is also described in terms of “having the same taste” (*ro gcig*, Skt. *ekarasa*) (*bsDus pa* 111b5).

gTsang nag pa's position by positing an "identical exclusion" which is superimposed (thanks to the appearance of the same *don spyi*), in regard to which the exclusions linked to each instance can be judged "similar."⁵³

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- AK Vasubandhu, *Abhidharmakośa/Abhidharmakośabhāṣya*. See Pradhan P., ed. (1967).
D Takasaki, J., Yamaguchi, Z., Ejima, Y., eds. (1981-1984). *sDe dge Tibetan Tripiṭaka bsTan 'gyur - preserved at the Faculty of Letters, University of Tokyo*. Tokyo.
NV Uddyotakara, *Nyāyavārttika*. See Nyaya-Tarkatirtha et al. (1982).
PV I/PVSV Dharmakīrti. *Pramāṇavārttika* chap. I and *Pramāṇavārttikasvavṛtti*. See Gnoli, R., ed. (1960).
PVIin Dharmakīrti, *Pramāṇaviniścaya*. See Steinkellner, E., ed. (2007).
PVṬ-Ś Śāṅkaranandana, *Pramāṇavārttikaṭīkā*. Tib. in D4223, *Pe* 1b1-293a7.
ŚV Kumāriḥ, *Ślokavārttika*. See Śāstrī S.D. (1978).
- sGron ma* mTshur ston gZhon nu seng ge, *Tshad ma shes rab sgron ma*. See Hugon, P., ed. (2004).
bsDus pa gTsang nag pa brTson 'grus seng ge, *Tshad ma rnam par nges pa'i ṭi ka legs bshad bsDus pa*. Facsimile published in Otani University Tibetan Works Series, Volume II. Kyoto, 1989: Rinsen Book Co.
- Mun sel* Phya pa Chos kyi seng ge. *Tshad ma yid kyi mun pa sel pa*. In *bKa' gdams gsung 'bum phyogs bsgrigs thengs dang po*, vol. 8, 434-626. Chengdu, 2006: dPal brtsegs bod yig dpe rnying zhib 'jug khang.
- Rigs gter* Sa skya Paṇḍita Kun dga' rgyal mtshan. *Tshad ma rigs pa'i gter* and *Tshad ma rigs pa'i gter gyi rang gi 'grel pa*. See Nor brang o rgyan, ed. (1989). Chap. 4 ed. and transl. in Hugon, P. 2008a.

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⁵³ See *sGron ma* 54a4-5: 'on kyang yul dus rnam pa tha dad pa nyid la rtog pa la byas pa tsam dang du ba tsam lasogs pa'i spyi cig du shar ba'i sgo nas ldog mtshungs la gcig du sgro ^[54a5] btags pa'i ldog pa cig ni yod pa nyid la skyon de dag med pa nyid do || de lta ma yin na ldog pa mtshungs pa zhes bya ba yang mi 'thad de mtshungs byed kyi chos cig med pa'i phyir ro ||

Note that Sa paṇ includes a similar argument when criticizing an analogous position in the chapter on universals (*Rigs gter* III). There Sa paṇ describes a position (identified by Śākya mchog ldan as gTsang nag pa's) according to which a universal consists in a "similar definiens," such as branches and leaves for the *śimśapā* and the sandalwood-tree, and is substantially identical with the instances. (Nor brang o rgyan 1989: 79,19-22: *kha cig spyi gcig dang du ma mi 'dod kyi sha pa dang tsandan la sogs pa yal ga lo 'dab dang ldan par mtshan nyid mtshungs pa'i spyi dang bye brag rnam rdzas gcig go zhe na*!) In spite of this criticism, one finds an allusion to "similar exclusions" (*ldog mtshungs*) in the *Rigs gter*; see for instance the statement: "Although the exclusion from non-X does not exist in reality, from the point of view of conceptual thought it emerges as a unique universal via similar exclusions; like for instance the colors of men are distinct, but the color of their shadows appears as the same." (Hugon 2008a: 490,25-27: *de ma yin las ldog ba don la mi gnas kyang rtog pa'i ngor ldog pa mtshungs pa'i sgo nas spyi gcig tu 'char te / skyes bu'i kha dog tha dad kyang grib ma'i kha dog gcig tu snang ba bzhin no* ||)

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