

Monks Who Have Sex: *Pārājika* Penance in Indian Buddhist Monasticisms

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Grant me chastity and continence, but not yet.
Augustine of Hippo (354–430 C.E.)

Abstract In the study of Buddhism it is commonly accepted that a monk or nun who commits a *pārājika* offence is permanently and irrevocably expelled from the Buddhist monastic order. This view is based primarily on readings of the Pāli *Vinaya*. With the exception of the Pāli *Vinaya*, however, all other extant Buddhist monastic law codes (Dharmaguptaka, Mahāsāṅghika, Mahīśāsaka, Sarvāstivāda and Mūlasarvāstivāda) contain detailed provisions for monks and nuns who commit *pārājikas* but nevertheless wish to remain within the *saṅgha*. These monastics are not expelled. Rather, they are granted a special status known as the *śikṣādattaka*. In this paper I explore the rules concerning *pārājika* penance and the *śikṣādattaka* with specific regard to monastic celibacy. Given that five out of six extant law codes recognise this remarkable accommodation to the rule of celibacy, I argue that we must look to *Vinayas* other than the Pāli *Vinaya* if we are to arrive at a nuanced and representative view of Indian Buddhist monasticism.

Keywords *Pārājika* · *Śikṣādattaka* · *Vinaya* · Sex · Celibacy · Penance

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Abbreviations

- BD** *The Book of the Discipline*. Translated by I. B. Horner. Sacred Books of the Buddhists. 6 vols. London: The Pali Text Society, [1938–1966] 1996–1997.
- sDe dge *The Sde-dge Mtshal-par Bka’-’gyur: a facsimile edition of the 18th century redaction of Si-tu Chos-kyi-’byun-gnas prepared under the direction of H. H. the 16th Rgyal-dban Karma-pa*. 103 vols. Delhi: Delhi Karmapae Chodhey Gyalwae Sungrab Partun Khang, 1976–1979.
- Sp *Samantapāsādikā: Buddhaghosa’s commentary on the Vinaya Piṭaka*. Edited by Junjirō Takakusu and Nagai Makoto. 8 vols., vol. 8 being an index compiled by Hermann Kopp. London: The Pali Text Society, [1924] 1975–1976.
- T *Taishō shinshū daizōkyō* 大正新脩大藏經. Edited by Takakusu Junjirō 高楠順次郎 and Watanabe Kaikyoku 渡邊海旭. 100 vols. Tokyo: Taishō issaikyō kankōkai 大正一切經刊行會, 1924–1935.
- sTog *The Tog Palace Manuscript of the Tibetan Kanjur*. 109 vols. Leh, Ladakh: C. Namgyal Tarusergar, 1975–1980.
- Vin *The Vinaya Piṭakam: One of the Principal Buddhist Holy Scriptures in the Pāli Language*. Edited by Hermann Oldenberg. 5 vols. London: The Pali Text Society, [1879–1883] 1969–1982.

Centuries of religious men and women have battled with their sexuality, drawing and re-drawing the boundaries as they address issues such as virginity, celibacy, chastity, masturbation, and nocturnal emission. Indeed, human sexuality is perhaps one of the greatest impediments to those set out upon spiritual paths in general, and the religious in particular. With the possible exception of greed, no other aspect of human nature has presented more problems and as much to negotiate for both the individual religious and his or her Community. Negotiation of the religious life and human sexuality has evoked responses as diverse and interesting as the issues are themselves central to the human condition.¹

This is not the place to attempt a comprehensive examination of Buddhist sexuality. Here I wish to call into question one fundamental assumption concerning Buddhist monastic celibacy. While this issue remains unresolved, much less unaddressed, it seems unlikely that there can be any fruitful discussion of Buddhist monastic approaches or attitudes to human sexuality. In this paper I address the commonly held assumption in both scholarly and popular works on Buddhism that a monk or nun who has sex is consequently

¹ Origen (c. 185–c. 254), for instance, appears to have taken matters, quite literally, into his own hands: he castrated himself (Abbott 2001, p. 49; Bowker 1997, s.v., Origen). Augustine of Hippo (354–430), on the other hand, “among the Desert Fathers ... the only early Christian whose relationship to his own sexuality is known to us” (Brown 1983, p. 2), outlined the complexity of the problem in his well-known prayer “Grant me chastity and continence, but not yet” (Chadwick 1991, p. 145). Benedict of Nursia (c. 480–c. 550) is recorded as “overcoming his temptations by rolling naked in the thorn thickets” (Workman [1913] 1962, p. 141).

permanently expelled from the monastic community, that is, disrobed and no longer able to continue to be a monk or nun. The situation is by no means as simple or clear-cut as it has been made out to be.

Every institution, and perhaps especially every religious institution, has—and can be expected to have—its fair share of failures, members of the Community who do not live up to the expectations or ideals of the founder, or even of their contemporaries.² In the context of this study, we might say that every Buddhist tradition has known monastic failures, those who have not been able to adhere to the rule of celibacy. This assertion should not be controversial. Although a detailed study of breaches of monastic celibacy may be of some interest, in my view this would contribute little to our understanding of Buddhist monasticism(s). It is in this sense that the present study is not one of monastic failure, but of religious success. The focus, therefore, is not incontinent individual monks, but the institutions and authors/redactors of the monastic law codes that have come down to us. Indian Buddhist monastic lawyers seem to have gone to great trouble to accommodate monks and nuns who were unable to live up to the ideal of monastic celibacy. Moreover, as we will see, the traditions seem to have viewed these religious as anything but beyond the pale.

The main textual evidence for this remarkable accommodation to the rule of celibacy is the story of Nandika, preserved in all of the extant monastic law codes except the Theravādin or Pāli *Vinaya*. In this story, the monk Nandika is seduced by a woman while meditating in the forest. Nandika is then overcome with remorse. He informs the Buddha of his indiscretion, and is granted a special probationary status, that of the *śikṣādattaka*. This is a life-long penance by which Nandika is able to remain a member of the monastic community; he is neither expelled nor loses communion.³ This specific case of an individual monk and his transgression is used by the monastic authors/redactors to establish provisions for any and all monks (and nuns)⁴ who follow in his footsteps. A rule is here introduced to allow repentant monks who have broken the rule of celibacy to remain within the fold: the story of *one monk* who had sex in the time of the Buddha is used as a means to introduce monastic legislation for all *monks* who have sex thereafter. Nandika continues in the religious life and attains the state of an *arhat*, religious perfection as known to the traditions of Mainstream⁵—that is, non-Mahāyāna—Buddhism.

² Similar remarks have been made by, among others, Krawiec (2002, p. 23): “Of course, as we would expect, the monks [male and female in Krawiec’s work] often fell short of this [i.e., Shenoute’s] ideal.”

³ For a discussion of *asamvāsa* as loss of communion rather than expulsion, see Clarke (forthcoming c).

⁴ On the *śikṣādattā*, the penitent nun, see Clarke (2000). Also see notes 24 and 68, below.

⁵ Here I follow the usage of Harrison (1995, p. 56).

He provides us with a model of a repentant monk struggling with his sexuality, and perhaps also his religiosity.

In one form or another, the tale of Nandika is found in the extant Indian monastic law codes of all *nikāyas* other than the Theravādins, and therefore it seems to have been common to nearly all of the Indian schools for which we have detailed textual records. In other words, the *śikṣādattaka* or *pārājika* penitent is not only a pan-Indian monastic provision but also a trans-sectarian (trans-*nikāya*) one, and therefore would seem to offer us broadly representative views of Indian Buddhist approaches to questions of celibacy. Interestingly, however, the story of Nandika and the provisions for penitent monks seem to be unknown to the Pāli or Theravādin canonical tradition, although there is good anthropological (and perhaps even textual) evidence to suggest that similar provisions for penitent monks are in fact recognised by a number of contemporary Theravādin monastic communities. The case of the *pārājika* penitent, then, provides further evidence that the Pāli *Vinaya* offers us a sometimes unrepresentative view of Indian Buddhist monasticism.⁶

I end with a discussion of the utility of monastic law codes for the study of Indian Buddhism in particular and for Buddhist Studies in general. The picture that emerges suggests that, unlike other genres of Buddhist literature, the monastic codes provide us with glimpses of the values or concerns not necessarily of spiritual supermen or ascetic athletes, but of men who themselves may have been struggling to come to grips with what it meant to be a Buddhist monk in India around the turn of the Common Era.⁷

Monks Who Have Sex

Most scholars who have dealt with aspects of Buddhist monastic life seem to have concluded that monks who have sex are summarily dismissed from the *saṅgha*, never to return to the religious life. This seems to be true regardless of whether one is talking about Indian Buddhism at the time of the Buddha,

⁶ See, for instance, Schopen (1989). See also the following rejoinder articles: Gombrich (1990); Hallisey (1990); von Hinüber (1990).

⁷ As a working hypothesis, I accept that the monastic law codes drawn on in this study date to around the turn of the Common Era, with the provision that a couple of centuries either side of this—and probably after not before—is an inevitable, but still manageable, margin of error. For a detailed discussion of the *Vinayas* as late, viz., around the turn of the Common Era, see Schopen ([1985, pp. 15–17] 1997, pp. 26–27). The dating of the *Vinayas*, however, in no way affects the main argument of this paper.

Korean Buddhism in the twentieth century, or anything in between.⁸ Writing on the early history of Indian Buddhism, the great Belgian authority, the late Étienne Lamotte, for instance, speaks of the four rule violations for monks “entailing definitive expulsion (*pārājika*),” the first of which is sex.⁹ Snellgrove, discussing Indo-Tibetan Buddhism, tells us much the same regarding “the four major sins which demand expulsion from the order.”¹⁰ The same is also said to hold for East Asian Buddhism. Holmes Welch, confirming not the textual tradition but actual Chinese monastic practice, noted that “Monks were forbidden by their vows to have any form of sexual outlet.¹¹ If detected, it meant a beating and expulsion for the monk and discredit for the monastery.”¹² Writing on Japanese Buddhism, Alicia and Daigan Matsunaga tell us that, at least historically and traditionally, for monks there are four “[c]ardinal offences incurring expulsion (Skt. *pārājika*).”¹³ In *Buddhist Approaches to Sexuality*, Bernard Faure defines the core rule of monastic celibacy, the first *pārājika*, as follows: “When a monk . . . has carnal relations with a being of the female sex, of whatever species, he is expelled from the community.”¹⁴

Interpretations equating sex with permanent expulsion can be traced back nearly to the beginning of the Western study of Buddhism.¹⁵ One of the

⁸ On Korean Buddhism, see Buswell (1992, p. 87), discussing his own ordination in which the catechist explained the “*pārājikas* (expulsion offences), transgression of which are grounds for permanent expulsion from the order.” See also pp. 10 and 88. Many modern Buddhist movements may well enforce expulsion as a punishment for the transgression of a *pārājika*, but this does not necessarily mean that there is any historical (Indian) precedent. Taiwanese Buddhist nuns, for instance, seem not to ordain pregnant women or nursing mothers, and would undoubtedly be horrified at the possibility of a nun giving birth. As I have argued elsewhere, however, the Indian monastic codes make it clear that this was not only possible but that legislation in fact had been enacted to provide for the accommodation of motherhood into the sisterhood (Clarke, forthcoming, Chap. 3). In reference to contemporary Buddhist traditions, it is also worth noting their reactions to the—at least to them somewhat surprising—revelation that *pārājika* offences do not necessarily entail expulsion; see Shi Wuyin (1993a, b).

⁹ Lamotte ([1958] 1988, p. 55).

¹⁰ Snellgrove ([1987] 2002, pp. 39–40).

¹¹ It is worth pointing out that unlike monastics in Christendom, Indian Buddhist monks, as defined by monastic law codes (*Vinayas*), generally do not take or make vows. *Pace* Karma Lekshe Tsomo, “*prāṭimokṣa* (*sic*) precepts” are not “undertaken as a lifetime commitment” (1992, pp. 143, 145). In fact, ordination itself is not a life-long commitment. Note also that, again *pace* Tsomo (1992, p. 143), there are not “seven types of *prāṭimokṣa* (*sic*) precepts set forth in the Vinaya texts: those of a *bhikṣu* . . . , a *bhikṣuṇī* . . . , an *upāsakā* [*sic*] . . . , an *upāsikā* . . .”; unordained monastics (novices, and so forth) and laity are excluded from even hearing the recitation of the *Prāṭimokṣa*. See note 55, below.

¹² Welch (1967, p. 116).

¹³ Matsunaga and Matsunaga (1974, i: p. 58).

¹⁴ Faure (1998, p. 74; ellipsis in original). Faure seems to take the phrase “even so much as with an animal” to somehow imply that “Bestiality seems actually less reprehensible than heterosexual relations with a consenting human partner” (1998, p. 74). My reading of the passage and this phrase in particular suggests that there is little, if any, support for Faure’s interpretation. See note 59, below.

¹⁵ The following brief survey is meant only as an overview, and is not intended to be comprehensive. See also Thomas ([1933a] 2002, p. 16); *BD* i, p. xxvii; von Hinüber (1995, p. 9); von Hinüber (1996, p. 10).

earliest statements to this effect is found in the work of a Wesleyan missionary in Ceylon, the Reverend Benjamin Clough's 1834 translation of a Pāli ritual manual.¹⁶ In the section dealing with ordination, Clough lists "sexual intercourse" as one of the "four crimes which cause the irrevocable excommunication of a priest."¹⁷ But it was perhaps not until 1875 that, at least in the Western imagination, breaches of monastic celibacy were inextricably associated with permanent and irrevocable expulsion. Indeed, this was the year in which Robert Cæsar Childers defined *pārājika* in his monumental Pāli dictionary as "sins involving expulsion from the priesthood."¹⁸

While our knowledge of Theravāda Buddhist monasticism has benefited greatly from numerous studies and translations, this tradition has too often been taken to be broadly representative of Indian Buddhism as a whole. Where one might have expected finer shades of nuance, we continue to find the assertion that breaches of monastic celibacy lead to permanent expulsion. Indeed, it is now common to find scholarship on Buddhism based entirely on the Pāli *Vinaya* in which we are told quite unequivocally that "sex . . . ends a monk's or nun's career."¹⁹

Forgive Me Lord, for I Have Sinned: Nandika the Meditator

When strictly confined to discussions of the Theravāda or Pāli monastic code as it has come down to us, statements equating sex, *pārājika*, and permanent expulsion may well be valid in some limited context. Problems, however, become apparent

¹⁶ This date is well within what de Jong has classified as the "early period" (—1877 C.E.) of Buddhist Studies in the West (1997, p. 13). Clough is careful to state not that such a monk is "expelled" but that such an offence causes "excommunication." According to de Jong, La Loubère's 1691 *Description du royaume de Siam* also contains "an abstract of the *Patimokkha*" (1997, p. 20). Judging from the English translation of 1693 (the only edition available to me; de La Loubère [1693] 1969) the "abstract" is somewhat curious. It is introduced as "*The Principal Maxims of the Talapoins of Siam, translated from the Siamese*" (ii: pp. 158–163), and preceded by "*An Explication of the Patimouc, or Text of the Vinac*" (ii: p. 157), but looks decidedly unlike a Buddhist monastic code. I presume that the first *pārājika* is meant by the rule "Commit not the Sin of the Flesh," but this is given third after "Kill no Man" and "Steal not" (ii: p. 158). In his summary of the Tibetan translation of the monastic code of the Mūlasarvāstivādins, Alexander Csoma de Kőrös briefly mentions the case of a priest who "commits adultery . . . is cited—rebuked—and expelled" (Csoma de Kőrös [1836–1839] 1982, p. 41). Csoma de Kőrös tells us that "[a] rule is made that thenceforth all adulterers shall be expelled." Csoma clearly read most of the *Vinaya* available to him in Tibetan. He presumably read the passage which we will deal with below on the *śikṣādattaka*, but appears not to have mentioned it in his summary. See also note 22, below. Note also the early statement by Captain Mahony (1801, p. 42) on the Singhalais and the Doctrines of Bhooddha: "A priest is bound to celibacy: but when any one wishes no longer to continue in orders, he has it at his option to resign . . . Quitting orders in this manner is not deemed a disgrace; but to be dismissed for improper conduct, is looked upon as the greatest of all ignominy."

¹⁷ Clough (1834, p. 18). See also the statements of Coles (1867–1870, p. 155) and Hardy (1860, p. 9); the latter is based on Daniel Gogerly's work of 1839. Like Clough before him, Coles too states not that such a monk is "expelled" but that he "becomes excommunicate" (p. 153).

¹⁸ Childers ([1875] 1979, s.v., *pārājiko*). Cf. Rhys Davids and Stede ([1921–1925] 1997, s.v., *pārājika*): "one who has committed a grave transgression of the rules for bhikkhus; one who merits expulsion."

¹⁹ Gyatso (2005, p. 276). Such a conclusion would have been hardly possible on the basis of the *Vinaya* preserved in Tibetan.

when this position is taken to be representative of Indian Buddhist monasticism as known from any of the other monastic codes or *Vinayas*.

Bar the Pāli *Vinaya*, all of the surviving Indian monastic law codes—Dharmaguptaka, Mahāsāṅghika, Mahīśāsaka, Mūlasarvāstivāda and Sarvāstivāda, preserved to varying degrees in Sanskrit, Tibetan, and Chinese—record, in greater or lesser detail, a story about the actions of a meditator monk named Nandika, a story from which a general exception to the rule concerning breaches of celibacy is established. While meditating in the forest Nandika was seduced by a daughter of Māra, the Buddhist personification of evil, and ended up breaking the rule of celibacy, and thereby perhaps (one tradition disagrees) committing a *pārājika* offence.

In contrast to most modern scholarship on Buddhism, which unequivocally tells us that monks such as Nandika should be subject to “permanent expulsion from the saṃgha,”²⁰ the extant monastic legal codes themselves in fact say no such thing: our texts all allow Nandika to remain very much a member of the monastic community. He is granted a form of penance,²¹ and is thereafter

²⁰ Prebish ([1975] 1996, p. 11). See also Prebish (2003, p. 50): “Violation of any one of the *pārājika-dharmas* results in permanent expulsion from the *saṃgha*.”

²¹ Yaśomitra’s *Abhidharmakośavyākhyā* (Wogihara 1971, 387.16) provides us with the Sanskrit terminology *daṇḍakarman* “act of punishment” to describe the details of Nandika’s penance. I have used the English term “penance” here and throughout in the following sense: “The performance of some act of self-mortification or undergoing of some penalty, as an expression of penitence; any kind of religious discipline, whether imposed by ecclesiastical authority, or voluntarily undertaken, in token of repentance and by way of satisfaction for sin; penitential discipline or observance” (*The Compact Edition of the Oxford English Dictionary*, s.v., penance). Whereas explanations in Chinese seem to emphasize the confessional aspect of the *śikṣādattaka*’s penance, Yaśomitra emphasizes the penal aspects. One of the most common terms for *pārājika* penance in Chinese translations is *xuehui* 學悔. Although this term is not found in standard dictionaries as a compound, *xue* 學 most probably translates *śikṣā*, and *hui* 悔 means “to repent, repentance, or remorse.” Also note that although de La Vallée Poussin (1971, iii: pp. 98–99, n. 3 [misnumbered as n. 2]) states (here in Pruden’s [1988–1990, ii: p. 726, n. 175] translation) that the penitent “carries out his penance (*daṇḍakarman kurvāṇaḥ*) which consists of abstaining from contact with the Bhikṣus (*sarvabhikṣvanavakrāntikatva*)” (*sic*), the text in Wogihara (1971, 387.16–17) reads *sarva-bhikṣu-navakāmtikatv’ādi daṇḍa-karma kurvāṇaḥ śikṣā-dattaka ity ucyate*. The sense of this seems to be, simply, that the *śikṣādattaka* is demoted to the state of the most junior (*navakāmtikatva*) of all the monks (*sarva-bhikṣu*), and this fits perfectly with what we know of the details of Nandika’s penance. Furthermore, de La Vallée Poussin’s (again here in Pruden’s English translation) “If his immorality destroys his quality of Bhikṣu, he will no longer be a Bhikṣu, or a penitent,” is, I take it, a translation of the *Vyākhyā*’s (Wogihara 1971, 387.17) *tad yadi dauḥśīlyād abhikṣur eva syāt. sa na syāt* (I have italicized the *na syāt* here as it is clearly part of Yaśomitra’s quotation from the *Kośa*; Wogihara’s text is not italicized [Pradhan 1975, 224.10–11: *yadi hi dauḥśīlyād abhikṣuḥ syāt śikṣādattako na syāt*]). I understand the text to say: “In that case, if on account of immorality one is just so no longer a *bhikṣu*, [then] he [i.e., the *śikṣādattaka*] would not exist.” For a full translation of this section of the *Kośa* and Yaśomitra’s *Vyākhyā*, see Funahashi (1987, pp. 221–233) (note, however, his non-standard, albeit literal, rendering of *śikṣādattaka* as 学〈処〉を授けられているに準ずる者). This section of the *Kośa* presents not so much an argument about the existence of the *śikṣādattaka*, but a question as to the nature of morality and whether by destroying part of one’s morality (i.e., by committing a *pārājika*), the entirety of one’s morality is lost or not. Here the existence of the *śikṣādattaka* is used as evidence that the entirety of one’s morality is not lost through a single offence. This, of course, is related to, if not at least in part the origin of, the East Asian Buddhist debate over the “essence of morality/precepts” *jieti* (J. *kaitai*) 戒體.

referred to as a *śikṣādattaka*, a term which seems to mean “one who has been granted the training (or penance).”²² Although the details of this penance differ widely among the various monastic codes, they all agree in according the penitent monk the status of a *śikṣādattaka*, a unique probationary status within the monastic hierarchy below the most junior of the monks, but above the novices.²³ In other words, sex does not automatically, or even necessarily, end a monk’s career.

The *śikṣādattaka* forfeits many of the privileges he previously enjoyed as a monk in good standing, but he is most certainly not expelled (or “no longer in communion” [*asamvāsa*]). Rather, he is allowed to continue to receive many of the benefits offered to all members of the *saṅgha*.²⁴ The commission of a *pārājika*, then, in all of these Codes, results, under certain conditions, in a change in monastic status, not its loss.

²² The Sanskrit term is slightly ambiguous. It seems to be made up of *śikṣā* “training,” the past participle of *√dā* “to give” (*datta*), and the nominalizing suffix *-ka*. *Sandhi*, however, may here be masking the presence of the verbal prefix *ā*, viz., *āvā* “to take, to accept; to take back, reclaim.” I have not come across an etymological discussion of this term, but there is one place in the Mahāśāṅghika-Lokottaravādin *Bhikṣu-Prakīrṇaka* where the term is uncompounded, and there at least there is no sign of a verbal prefix (see note 62, below). The Chinese and Tibetan translations also seem to suggest a derivation (or at least understanding thereof) of *śikṣā* + *√dā*. In Chinese, the term is usually *yuxue* 與學, which appears to mean “one who has been granted the training.” The Chinese term, however, is not intuitive and if translated literally could be understood as “one who grants the training” as there are no passive markers or anything else to assist in the interpretation of this term. It is perhaps this same ambiguity which led Alexander Csoma de Kőrös to incorrectly translate Tibetan *bslab pa byin pa* (*śikṣādattaka*) as “instructor, teacher” ([1910–1944] 1984, p. 65). See also Sárközi (1995, p. 577, no. 8723).

²³ Note, however, there are a number of parallels between the penitent monk and the probationer (*śikṣamāṇā*) or nun-in-training. For further details, see Clarke (2001).

²⁴ The *śikṣādattaka* is not entirely unknown to Buddhological scholarship. Sylvain Lévi was perhaps one of the first European scholars to comment on the *śikṣādattaka* in his translation of the *Mahāyāna-sūtrālamkāra* (Lévi 1907–1911, i: pp. 54–55 and ii: pp. 100–102). Soon afterwards Léon Wiegier translated a passage in his *Bouddhisme chinois* which deals with a monk who has not concealed his offence and is accordingly granted *pārājika* penance (1910–1913, i: pp. 214–217). Louis de La Vallée Poussin briefly mentions the *śikṣādattaka* in his monumental *L’Abhidharmakośa de Vasubandhu* (de La Vallée Poussin 1971, iii: pp. 98–9, n. 3 [misnumbered as n. 2]). Cf. Pruden’s English translation (Pruden 1988–1990, ii: p. 726, n. 175). In his dictionary of Buddhist Hybrid Sanskrit, Edgerton has a short entry devoted to the *śikṣādattaka* ([1953] 1998, s.v.). Edgerton lists only the masculine noun; to this we must now add the feminine counterpart *śikṣādattā*; see Clarke (2000). In his work on the earliest *Vinaya*, Frauwallner makes passing mention of a passage which contains regulations concerning the fate of a monk who does not want to leave the Order although he has committed a *pārājika* (1956, p. 205). There is also a brief discussion by Kuo Li-ying on the topic of confession of *pārājika* offences (1994, pp. 30–31). Gregory Schopen has devoted some consideration to the daily work schedule of the *śikṣādattaka* in an article in a Festschrift in honour of Yuyama Akira (1998, pp. 162–163). In contrast to Western scholarship, in China and Japan the existence of the *śikṣādattaka* seems to be better known. In Japan, it is mentioned by, amongst others, Satō Tatsugen (1954; 1974; 1986, pp. 146–152), Hirakawa Akira (1960, pp. 442, 647; 1964, pp. 228, n. 14; 250–252, 281; 1993–1995, i: pp. 129–131), Tsuchihashi Shūkō (1977), Sasaki Shizuka (1994a, p. 83), and Yamagiwa Nobuyuki (1996). In Taiwan, Shi Shengyan has briefly explained the concept in his work on *Vinaya* precepts entitled *Jielixue gangyao* 戒律綱要 (Shi Shengyan 1993, pp. 239–240). Note also Shih Juo-Hsüeh (2000, pp. 141–142, 150–155) (on Shih Juo-Hsüeh’s interpretation of *pārājika* penance, see note 113, below), and Wu Yin (2001, pp. 151, 294).

The story or origin tale of the *śikṣādattaka* is extant in what we might call two distinct recensions, one found in the *Vinaya* of the Mūlasarvāstivādins, and the other in the Dharmaguptaka, Mahāsāṅghika, Mahīśāsaka and Sarvāstivāda *Vinayas*. This origin tale can be divided into two parts: the first dealing with the exploits of Nandika, and the second enumerating the details of his penance. In the present study I am concerned primarily with the former. Although the details of Nandika's penance also deserve a thorough investigation, that cannot be undertaken here.²⁵ We will first turn to the origin tale of the *śikṣādattaka*. Below I tentatively translate the stories preserved in the *Vinayas* of the Mūlasarvāstivādins and the Mahāsāṅghikas respectively. Although translations from any of the other *Vinayas* would equally serve our purpose, I have chosen the *Vinaya* of the Mahāsāṅghikas to represent what would seem to be a second recension, including an interesting twist, which may have implications for the dating of the introduction of this provision into the monastic law codes.

Mūlasarvāstivāda-vinaya Kṣudrakavastu

T. 1451 (xxiv) 245a21–b13 (*juan* 10)
 (cf. Tibetan sTog, 'Dul ba TA
 154b3–155b2; sDe dge,
 'Dul ba THA 102a5–b7):

[1]²⁶ The setting was in the city of Śrāvastī. There was a monk named *Nandika.²⁷

[2] He dwelled in a quiet part of the *araṇya* (“wilderness”) and constantly enjoyed sitting in *dhyāna*. Since he practised meditative contemplation the people of the time called him Nandika Abiding in Meditative Contemplation.

Mahāsāṅghika-vinaya

T. 1425 (xxii) 232a13–b19 (*juan* 1):

[1] Now the Buddha was residing in the city of Śrāvastī.

—As expounded in *extenso* above.—

Then in the city of Śrāvastī there was an Elder named *Nandi[ka]. Believing that the home was no home, he abandoned the household life and left home [for the religious life].

[2] In the city of Śrāvastī he was well known by the masses, they often provided for [him], and his four requisites were fully furnished.

²⁵ For a discussion of some of the duties of the penitent, see Schopen (1998, pp. 157–163), and Clarke (1999).

²⁶ The numbering of sections is not found in the texts themselves, and is designed solely to aid the reader in comparing different versions of a similar story. The division into sections is likewise entirely arbitrary.

²⁷ Nandika's name is translated in the text as *huanxi* 歡喜 “Joyous.”

There were many others named Nandika. [However, as] only this Elder meditated even while walking, meditated even while standing, meditated even while sitting, and meditated even while lying down, the people of the time called him Nandika the Meditator.

[3] [Once] when he was about to enter into meditative contemplation, daughter[s] of Māra came and invited him to have sex with [them].²⁸

Nandika did not accept.

[4] Afterwards, on a different occasion, again when he was about to enter into meditative contemplation, a daughter of Māra came back and sat on his lap.

–Thus, one should know the sphere of a woman. They are great poison; touching them is harmful to men.²⁹

[3] –

[4] Once, Nandika built a grass hut in the *Andhavana.³⁰ There he practised self-cultivation in the first, middle, and latter [watches] of the night. He obtained the worldly meditations³¹ and so passed seven years.

When seven years had elapsed he withdrew from his *dhyāna*. Again, under a tree he returned to his practice of *samādhi* and sought the principal meditation.³²

At that time, [one of] Māra’s retinue was continuously devising stratagems, and spying on people practising the True Dharma, in search of their weaknesses.

[She] changed into human form unparalleled in beauty. Bedecking her body with various flowers, perfumes and necklaces, [she] stood in front of Nandika.

[She] said to Nandika, “O monk, let’s amuse ourselves together—come, let’s have sex!”

Thereupon, Nandika said, “Evil [One], be gone! Evil [One], be gone!” His mouth spoke these words, and his eyes did not look [at her].

The goddess again [addressed him] as stated above for a second and a third time. Then, Nandika, also for a second and a third time, spoke as follows, “Evil [One], be gone! Evil [One], be gone!” and did not look [at her].

²⁸ The Tibetan just states that he was tormented by them and does not mention any invitation (*de gang gi tshes skyil mo krung bcas nas bsam gan byed pa’i tshes bdud kyi ris kyi lha dag gis gtses so*).

²⁹ Editorial insertions, such as this, are common in the *Mūlasarvāstivāda-vinaya*.

³⁰ According to Nishimoto (1930, p. 49, n. 128), this is situated to the Northwest of the Jetavana.

³¹ *Shisuzhengshou* 世俗正受. See Nishimoto (1930, p. 50, n. 130).

³² Nishimoto suggests that this is the undefiled meditation attained by *arhats* (1930, p. 50, n. 131).

Then the goddess thereupon took off her garment of necklaces and bared her body. Standing in front of Nandika she said to him, “Come, let’s have sex together.”

Then, Nandika, seeing her form, gave rise to lustful thoughts and replied, saying, “So be it.”

Then, the goddess gradually drew back. Nandika called out, saying, “You should stay a while, we can amuse ourselves together.”

Nandika approached.

The goddess quickly departed.

Nandika chased her to the Jetavana moat.

In the moat there was a dead royal horse. The goddess went to where the dead horse was and hid her form so she was invisible.

[5] Impure thoughts having arisen he then had sex with her.

[5] Then, Nandika, ablaze with lustful thoughts, thereupon had sex with the dead horse.

[6] When Nandika had sex with her, as if a poisoned arrow had entered his chest, his mind was engulfed with thoughts of sadness, “I, in my foolishness, have broken the practice of purity. I have engaged in the impure act of sex. Accordingly, I should return to the lay life.”

[6] His lustful thoughts having been assuaged, he thereupon reflected thus, “I have been exceedingly bad and [have acted] contrary to the Dharma of a *śramaṇa*. With faith I left home [for the religious life], but I have committed a *pārājika* offence. I have worn the Dharma-ropes and eaten food donated in faith by other people.”

Furthermore, he thought, “I truly did not have any thoughts of concealment. I should go to the Buddha and fully explain this matter. If there is a rule by which I can still remain as a mendicant, [then] I will behave in accordance with the Dharma. If that is not the case, [then] afterwards I will return to the lay life.”³³

³³ The Tibetan simply states that he will indulge in sensual pleasures in such case (*‘on te med na ni dga’ mgur spyad par bya’o*). Presumably this means he will live as a householder.

[7] Then, carrying his Dharma-robes with his right hand, with his left hand he covered his shame.³⁴

[8] Tears flowing, weeping, he went to the Buddha.

[9] At that time the World-Honoured One was expounding the True Dharma to a great assembly of innumerable hundreds of thousands of monks.

From afar he saw him coming and thereupon thought, “If I do not first address that monk, saying, ‘Welcome, welcome’ he will vomit hot blood and thereupon his life will come to an end.”

Having thought this he addressed Nandika, saying, “Welcome, welcome. Why are you weeping?”

[Nandika] replied, saying, “Reverend, World-Honoured One, I was formerly joyous (Nandika); now I am not joyous.”

[7] Thereupon he took off his Dharma-robes and carried them in his right hand. With his left hand he covered his form³⁵ and hurried toward the Jetavana and said to the monks, “Elders, I have committed a *pārājika*, I have committed a *pārājika!*”

[8] Then, at the gate to the Jetavana the monks strolled around and wandered about pondering their own actions (?), saying to each other, “This is Nandika the Meditator who cultivates *brahmacarya*. He cannot have committed a *pārājika*.”

Nandika, again said, “Elders, that is not so. I truly have committed a *pārājika*.”

The monks then asked about the incident. Nandika fully explained the above matter.

The monks fully explained this matter to the World-Honoured One.

[9] The Buddha told the monks, “The Good Son Nandika has himself stated that what he had committed was a grave offence. He should be banished.”³⁶

³⁴ The text gives *xingchou* 形醜. The sDe dge parallel gives *yan lag skyes*, which Roerich (1983–1987, viii: p. 237, s.v., *yan lag skyes*) gives as “poet. male organ.”

³⁵ Although the text does not specify what Nandika is covering, it would appear to be his genitalia.

³⁶ On the range of meanings of this term, see the discussion below.

[10] The Buddha said, “What transgression have you committed such that you speak these words?” [Nandika] replied, saying, “World-Honoured One, I, without abandoning my training,³⁷ have broken the practice of purity and have had sexual intercourse. Although I have committed this transgression, I have not had even the slightest thought of concealing it.”

The Buddha said, “Nandika, are you able to accept [a] penance for the rest of your life?”³⁸

[Nandika] replied, saying, “Reverend, I am able to accept and uphold it.”

Then the World-Honoured One addressed the monks, saying, “You should know that although the monk Nandika has transgressed against the precept of purity he did not have thoughts of concealment. It is not a *pārājika*.⁴⁰ You should grant Nandika the life-long penance. Furthermore, you also ought to grant it to others like him.”

[10] Then the monks banished [him] as instructed. The monks said to the Buddha, “World-Honoured One, how is it that the Elder Nandika, who for a long time has cultivated *brahmacarya*, has been inveigled by this goddess?”

The Buddha told the monks, “This monk Nandika has not only today been tricked by a goddess and lapsed from *brahmacarya*. In a previous lifetime he was also tricked by her into losing [his] *brahmacarya*.”

The monks said to the Buddha, “Was it like this before?”

The Buddha said, “So it was.”³⁹

³⁷ The word here translated here as “training” (and below as “penance”) is *bslab pa* in Tibetan and *xuechu* 學處 in Chinese (Sanskrit *śikṣā*?). It is not clear whether the “training” that was not abandoned before Nandika had sex, the subsequent “training” he is asked whether he is able to uphold, and that which he is to be granted all refer to the same thing. Later on he is granted a penance, and the rules of customary behaviour for such are given in full. There the term is not *bslab pa*, but *kun tu spyad pa'i chos* (Skt. *āsamudācārika*). For the sake of clarity, however, the second and third occurrences of *bslab pa*, both of which are qualified as “life-long,” have been translated as “penance.”

³⁸ This is not a vow (see note 11, above). Compare, for instance, the ordination ceremony during which the candidate is asked, “Are you named so-and-so able to subsist, for as long as you live, with your bedding and seat at the root of a tree?” Having said he is able, he is then told that “due measure should be practised” with regard to dwelling in “a cell or hall or upper room or cabana or enclosed arbour or a parapet or palatial residence” (Schopen 2004b, p. 243).

³⁹ For a translation of the story of Nandika’s past life, see Chavannes ([1910–1911] 1962, ii: pp. 282–287).

⁴⁰ In this tradition, Nandika in fact has not committed a *pārājika*. In other words, according to the authors/redactors of the *Mūlasarvāstivāda-vinaya*, the tale of Nandika is not so much a question of whether a *pārājika* offence leads to expulsion (or loss of communion), but whether a monk who has had sex necessarily even commits a *pārājika*. Other monastic codes, however, seem to argue that the commission of a *pārājika* does not necessarily entail expulsion/loss of communion.

As can be seen from the parallel translations presented above, both the Mūlasarvāstivāda and Mahāsāṅghika traditions preserve a story about the monk Nandika, a renowned meditator. Both texts mention sexual advances made toward Nandika, and his initial rejection thereof. This, however, was not to last, and nor would it be expected to: the point of the elaborate narrative is almost certainly not to represent a specific historical reality, but to present the rules for dealing with a monk who still wishes to remain in the Buddhist Order although he has broken the rule of monastic celibacy.

Flogging a Dead Horse

In addition to the similarities between the stories, differences are also clearly visible. The Mūlasarvāstivādin recension does not seem to develop the theme of seduction, Nandika's fall from grace, to the same extent as the Mahāsāṅghika text. In the Mūlasarvāstivādin recension Nandika ends up having sex with a daughter of Māra after she sits on his lap; the episode in the Mahāsāṅghika parallel is much more elaborate and drawn out. After inviting him to have sex with her, and then being summarily rejected, the goddess bares herself to Nandika. Suddenly, Nandika has a change of heart. Knowing that she has succeeded in attracting his attention, the goddess then reverses the roles. A chase ensues and Nandika, "ablaze with lustful thoughts," ends up having sex, seemingly, with a dead horse.⁴¹ This narrative embellishment—if it may be called that—is not unique to the Mahāsāṅghika text, but is also found in the *Vinayas* of the Dharmaguptakas, Mahīśāsakas and Sarvāstivādins.⁴² It appears to be only the Mūlasarvāstivādin recension of the Nandika story in which the dead horse is completely unknown.

When Nandika realizes what he has done, he becomes remorseful, and having quite literally defrocked himself approaches the appropriate authorities: the Buddha directly in the Mūlasarvāstivādin, and the Elders in the Mahāsāṅghika recension. In the Mūlasarvāstivādin version Nandika informs the Buddha, as indeed he had earlier thought to himself, that he had "not even the slightest thought of concealing" his transgression.⁴³ Non-concealment of the offence is found not only in the Mūlasarvāstivādin recension. The Dharmaguptaka Nandika episode also states that he had not a single thought of concealing his actions, and at once thought, "The World-Honoured One has set down rules-of-training for the monks. If a monk performs an impure act, it is a *pārājika* and he is not [to be] in communion. I have now committed an impure act, [but] have not had thoughts

⁴¹ The preposition "with" seems to imply a degree of mutuality which was probably not present, especially given the fact that the horse was dead. It may be best to render this passage, along with other Chinese translations, as "performed an impure act on" See, for instance, T. 1428 (xxii) 809a15–16 (*juan* 34): 卽於此死馬所作不淨行, or T. 1421 (xxii) 182c12 (*juan* 28): 比丘便於馬上行姪.

⁴² T. 1435 (xxiii) 3a8–9 (*juan* 1): 便共死馬行姪; for the Dharmaguptaka and Mahīśāsaka text, see note 41, above.

⁴³ Yaśomitra's *Abhidharmakośavyākhyā* (Wogihara 1971, 387.14) provides us with the basic Sanskrit terminology here: *ekasmīn api pratichhādāna-cīte 'nutpanne* Cf. the *Abhidharmakośa* (Pradhan 1975, 224.12–.13): *ekacittēnāpy apraticchādānād*.

of concealing it. Could it be that I have not committed a *pārājika*? What should I do now?”⁴⁴ Non-concealment of the offence is explicitly mentioned by all traditions preserving a Nandika story, whether in the tale itself, the details of the penance, or in a generalised rule for *pārājika* penitents, and this suggests that non-concealment is a prerequisite for penance.⁴⁵

The Sarvāstivāda episode also explicitly states that Nandika felt remorseful and said, “I have lapsed and fallen. This is not [the act of] a monk or a son of the Śākya. Now the monks will surely abandon [me] and distance themselves from me; we will no longer be in communion. I should not wear this Dharma-robe on my impure body.”⁴⁶ Similarly, the Mahīśāsaka Nandika story states that he immediately felt remorse and related this to the monks. When the Buddha states that this monk should be granted penance, he is also made to state exactly how the penance is to be requested and granted. Here the following formula, to be recited by the penitent, is put into the mouth of the Buddha: “I, monk so-and-so, have had sex. Immediately I felt remorse and did not conceal it.”⁴⁷

In the Mūlasarvāstivādin recension, Nandika is said to think to himself, “I have engaged in the impure act of sex. Accordingly, I should return to the lay life” (作姪染事即可還俗). Nandika is made to seem cognizant, then, that his actions may have rendered him unworthy to continue in the religious life. His internal dialogue, however, does not reflect any assumptions about particular punitive consequences; we see here no suggestion that the commission of a *pārājika* might entail immediate and irrevocable expulsion (or even loss of communion). Indeed, Nandika then thinks about this a little longer, and decides that since he had no intention of concealing his transgression, he would go to the Buddha and ask if there is some rule by which he could still remain a mendicant (若有軌式仍得出家者). If not, he would “return to the lay life” (若其不然後當還俗).

There is much more of interest in the detailed wording of the Mūlasarvāstivādin recension. Nandika, of course, could have disavowed his training. This option, which Nandika did not take but refers to, would have allowed him to have sex and subsequently return and re-ordain. The authors/redactors of this monastic code make sure that this base is also covered. By his own admission Nandika was aware of this: “I, *without abandoning my training*, have broken the practice of purity, and have had sexual intercourse.” Why Nandika did not choose this option is not directly addressed by the texts; certainly it would have allowed him to avoid ending up in trouble. It could be argued that, as he was “ablaze with desire,” he was not able to think calmly or rationally. Similarly, it also could be argued that there was no one there to fulfil the minimum requirements for the disavowing of one’s training. When a monk disavows his

⁴⁴ T. 1428 (xxii) 809a16–19 (*juan* 34): 便作是念。世尊與比丘制戒。若比丘作不淨行、波羅夷不共住。我今犯不淨行。無有覆藏心。將不犯波羅夷耶。我今當云何。

⁴⁵ For the *Mahāsāṅghika-vinaya*, see T. 1425 (xxii) 441b8–9 (*juan* 26); for the *Sarvāstivāda-vinaya*, see T. 1435 (xxiii) 418c1–2 (*juan* 56). The other traditions have been dealt with either above or below.

⁴⁶ T. 1435 (xxiii) 3a9–11 (*juan* 1): 卽生悔言。我已退墮。非是比丘非釋種子。今諸比丘必捨遠我、不復共住。我不應以不清淨身著此法衣。

⁴⁷ T. 1421 (xxii) 182c16 (*juan* 28): 我某甲比丘犯姪、卽生悔不覆藏。

training, the pronouncement must be heard and understood, and the Mūlasarvāstivādin *Vibhaṅga* commentary explicitly states that it is not valid when spoken to, for example, an insane person, someone who speaks another language, someone who is asleep, or—and this is the category into which the daughter of Māra would presumably fall—to “gods and the like” (天等).⁴⁸ The list of inappropriate witnesses for one’s disavowal is long, but the point is straightforward: in order to be valid, the proclamation of one’s disavowment of the teachings of the Buddha, of the path of a celibate renunciant, must be understood by a responsible third party. We could continue to try to understand why Nandika did what he is said to have done, but to do so is, I suggest, to miss the point entirely: no matter what, if any, historical reality this tale may reflect, by the time it fell into the hands of our canonical legislators, Nandika had become a paradigmatic figure expedient to the enactment of this piece of monastic legislation—the authors/redactors of this monastic code could not afford to have Nandika disavow his training; they had something else in mind for him.

In relation to the internal chronology of Buddhist *Vinaya* narrative it is not exactly clear where the story of Nandika fits. Clearly it comes after the establishment of the first *pārājika*, and in the *Mūlasarvāstivāda-vinaya* the initial promulgation of the first *pārājika* includes the “disavowing of training.”⁴⁹ Although there is a degree of ambiguity with regard to the object of Nandika’s sexual act, the fact that the authors/redactors of our monastic law codes place the story of Nandika after the rule prohibiting sex with women suggests that the authors/redactors implicitly accept, or want their readers to think, that Nandika might well have been aware that his actions could result in *asaṃvāsa*, or the loss of communion.

In the Mūlasarvāstivādin recension, the Buddha then asks Nandika if he is able to undergo the life-long penance (終身學處 Tib. *ji srid ’tsho’i bar du bslab pa*), and here we see the Buddha being made to state that since Nandika did not have even the slightest thought of concealing his actions, and since it is not—apparently therefore—a *pārājika*, he should be granted the life-long penance, namely, the status of a *sikṣādattaka*.⁵⁰ In the Mūlasarvāstivādin recension Nandika only states that he has “broken the practice of purity” (毀清淨行). In fact, the Buddha is even made to say that Nandika has not committed a *pārājika*, and here it would seem that we are dealing with another commonplace of monastic legislation: monastic rules are invariant and inflexible, their interpretation, however, is not. There is no need to change old rules that are no longer appropriate, desirable, necessary, or even practical; by simply re-interpreting them the canonical authors/redactors get to change or update monastic legislation while at the same time claiming its authenticity as *buddhavacana*, or the word of the Buddha.

⁴⁸ T. 1442 (xxiii) 630a20–b1 (*juan* 1).

⁴⁹ T. 1442 (xxiii) 629c26–28 (*juan* 1).

⁵⁰ See note 37, above, on the translation of *bslab pa* here as “penance.” The relationship between Nandika’s actions and his culpability is particularly clear in the Tibetan translation: “Since it was not concealed with even a single thought [and] since this did not become a *pārājika* . . .” (*sems gcig gis kyang ma bcabs pas / ’di phas pham par ma gyur gyis /*).

The Mūlasarvāstivādin recension here continues giving the formal ecclesiastical act (*jñāpti-caturtha karman*) by which the monastic community officially grants Nandika the life-long penance. The language is formulaic, and as it does not represent a departure from standard ecclesiastical procedures, it does not warrant our further attention. It will suffice to note, however, that the granting of the status of a *śikṣādattaka* has here become an established fact of monastic legislation: the Buddha is made to say that it is to be granted to others in similar situations.

The Mahāsāṅghika Nandika story, on the other hand, at least as presented above, does not at this point know anything of Nandika's penance, or the status of a *śikṣādattaka*. The text portrays the Elders of the Community as being in disbelief; they ask the Buddha: "How is it that the Elder Nandika, who for a long time has cultivated *brahmacarya*, has been inveigled by this goddess?" The Buddha is then made to say that this is not the first time that Nandika has been brought to ruin by this goddess. The story of Nandika in a previous lifetime is then told, and Nandika (as *Kośabindu 俱舍頻頭, the son of a recluse born to a doe) has his *brahmacarya* destroyed by this same goddess (as *Alambusā 阿藍浮). Although the story of Nandika's past life seems to be found only in the Mahāsāṅghika tradition, a very similar, if not the same, narrative frame appears even in the Pāli *Jātaka* collection.⁵¹

The past-life story of Nandika in the *Mahāsāṅghika-vinaya* ends with the World-Honoured One being made to say that if a monk has sex with anyone, "even down to among the non-humans, a *pārājika* is committed—[that monk] should not be in communion (**asamvāsa*)" (乃至非人中亦犯波羅夷、不應共住). The wording of this last clause is the standard formula found in the *pārājika* section when monks are said to be "expelled," and differs from the wording found above in the Blessed One's original pronouncement where the verb is given as *quchu* 驅出 "to banish." The authors/redactors of this *Vinaya* seem to have scrupulously preserved this distinction, and we too might do well to follow their example. Nandika, then, in the *Mahāsāṅghika-vinaya* so far seems to have had sex with a dead horse; he has committed what the Buddha is made to refer to as a "grave offence" (重罪), and is subsequently—and perhaps consequently—banished. But here the Mahāsāṅghika recension of the Nandika story knows nothing of a penance.

In the *Mahāsāṅghika-vinaya* the story of Nandika is delivered before the amendment prohibiting sex with animals. This is of some importance since the text represents a chronological sequence of events. Here this monastic code departs slightly from the format of other *Vinayas*, and it is only in this context that the last phrase put into the mouth of the Buddha—"even down to among

⁵¹ See *Jātaka* no. 523 in Cowell ([1895] 1999) for Alambusā. Although they seem to have gone largely unnoticed, the *Mahāsāṅghika-vinaya* contains many previous-life stories despite its comparatively compact size. It contains, for instance, the previous-life stories of the son of Kalanda, Yaśa (the Mahāsāṅghika counterpart to the story of Sudinna), and his mother who tricked him into sleeping with his former bride in order that the family might be blessed with an heir so as to prevent the end of the family line and the consequent loss of the family wealth to the state (莫令門戶斷絕財物沒官)—T. 1425 (xxii) 229a15–231b14 (*juan* 1). For a list of some of the stories contained in this *Vinaya*, see Ono (1930–1932, x: s.v, 摩訶僧祇律).

non-humans, a *pārājika* is committed”—would seem to make any sense. Here the story of Nandika seems to have been used in order to extend the range of the rule of celibacy from the human to the non-human realms.

The next tale in this monastic code deals with a monk and a female monkey,⁵² and here when asked, “Did you not know that the Buddha had set down a precept that you may not have sex?” (汝不知佛制戒不得行姪法耶), the monk replies, “World-Honoured One, I knew of the setting down of the precept, [but] I thought it was [only] disallowed with humans and non-humans. I did not think [this included] animals” (世尊、我知制戒。自謂不得與人非人。不謂畜生).⁵³ Our monk was technically correct, as “non-humans” (*amanuṣya*) refers more precisely to the celestial or demonic realms, i.e., our goddess, and not the animal realm. This, in turn, meant that the authors/redactors were thereby forced to make the Buddha state that the violation of an animal also constitutes a *pārājika* offence for monks (比丘犯畜生者、亦波羅夷).⁵⁴

As the text continues, various monks are seduced by lay men, women, and *paṇḍakas* who seem to be well versed in Buddhist monastic case law.⁵⁵ A boy, for instance, propositions a monk, and is told that the Blessed One has set down a precept to the effect that monks are not to have sex. The boy says that he knows of the rule, but that it refers to sex with women, and that he is a boy, not a woman. Our monk is easily convinced, but subsequently feels remorse and informs the Buddha of his deed. The Buddha then states: “Monk[s], [sex with] boy[s] also [constitutes a] transgression of a *pārājika*.”⁵⁶ The authors/redactors of this

⁵² T. 1425 (xxii) 233a27–c2 (*juan* 1).

⁵³ T. 1425 (xxii) 233b27–29 (*juan* 1).

⁵⁴ T. 1425 (xxii) 233b29 (*juan* 1).

⁵⁵ For a sampling, see T. 1425 (xxii) 233c3–11; c12–20; c21–234a2; 234a3–11; a12–20; b3–12 (*juan* 1). Monastic law is usually restricted to monastic eyes and ears only. See Frauwallner (1956, pp. 81–82) for a list of references to “provisions against interruptions of the ceremony caused by the presence of laymen or other unauthorized persons.” Note also the rule against writing down the *Vinaya*; see, for instance, T. 1452 (xxiv) 426a12–15 (*juan* 3); sTog, *’Dul ba*, NA 143a2–4. The *Mahāsāṅghika-vinaya* states that it is an offence to teach the five classes of *Prātimokṣa* rules to unordained people. This, however, does not mean that one cannot tell them the content of the rules, only, it would seem, that the ritual formulation of the rules is not to be taught, i.e., the exact wording is kept from the laity. This rule came about when a monk had told an unordained person about the five categories of offences from *pārājika* down. When the monk entered the village, the layman said to an elder—apparently wishing to test out his new found vocabulary—“Elder, you have committed *pārājika*[s] down to minor offences involving transgressions of the Dharma.” The Buddha informed the monks that they may not speak of the five categories of offences of the *Prātimokṣa*, but that they may instruct others saying, “You may not perform *abrahmacārya*, may not steal, may not kill living things, may not lie.” The list given here is neither quite the five rules for laymen, nor the rules for monks. The Chinese could perhaps be understood to read: “You, [we] may not perform *abrahmacārya* . . .” If the initial “you” is understood as a vocative, this could work. This rule is delivered on account of a layman who uses *Vinaya* terminology to harass monks, and as such it may make better sense that the injunction refers to the activities a monk is not allowed to perform, and not those of a layman. T. 1425 (xxii) 448b22–c2 (*juan* 27).

⁵⁶ T. 1425 (xxii) 233c12–20. Faure (1998, p. 81) seems to suggest that a passage in the *Samanta-pāsādikā* is the “only one in which a case of homosexuality is judged liable of exclusion.” If by this Faure means that this is the only *Vinaya* passage in which homosexual acts incur *pārājikas*, then this will need to be corrected, as the existence of even our passage shows, and this itself is by no means the only such reference.

Vinaya continue in typical legalistic fashion, making sure they have closed any and all possible loopholes, until finally we see a monk who had been practising necrophilia on a female corpse claim his innocence stating, “I know [the Buddha] has set down a rule [against sex with women], but she is dead” (我知制戒。但彼是死女).⁵⁷

At least in the *Mahāsāṅghika-vinaya Vibhaṅga*, then, the story of Nandika seems to serve a distinct, and indeed identifiable, purpose:⁵⁸ it appears to introduce the clause prohibiting sex with non-humans, namely, those of the demonic and divine realms, and so far has nothing at all to do with rules for a repentant monk who has committed a *pārājika*. Although the authors/redactors of this *Vinaya* specifically state that Nandika “thereupon had sex with the dead horse” (即姪死馬), his actions are taken to be the triggering event for the amendment of the rule to include sex with non-humans, and not animals. In other words, although Nandika is said to have had sex with a dead horse, it would seem to be the goddess who disappeared inside the dead horse with whom, by implication, he is accused of having sex.⁵⁹

Banished *Bhikṣus*

There is another episode found in a separate section (*Varga*) of the *Vinaya* of the Mahāsāṅghikas that deals with a monk named Nandika.⁶⁰ We might tentatively translate the passage in question as follows:

The Buddha was residing in the city of Śrāvastī.

–As expounded *in extenso* above–

At that time in the city of Śrāvastī, there was one called Nandika, who did not enjoy the household life. Abandoning the household life he left home [for the religious life]. He meditated even [while] walking, meditated even [while] standing, meditated even [while] sitting, and meditated even [while] lying down. At the time there were also many others [called] Nandika so they called this one Nandika the Meditator.

–As expounded *in extenso* in the *pārājika* [section]–

The monks then banished him.

⁵⁷ T. 1425 (xxii) 235b20–c12 (*juan 2*).

⁵⁸ Generally, all rules (and most subsequent amendments) in the monastic law codes are introduced with tales or origin stories.

⁵⁹ The phrase “even down to animals” 乃至畜生 is probably better translated “even down to [those of] the animal [realm].” See the explanation at T. 1440 (xxiii) 514a16–19 (*juan 2*). It is not necessarily to be understood merely as a prohibition against bestiality, but as prohibiting specific sexual acts, as defined, with any and all beings from the realm of the gods above to the animal realm below.

⁶⁰ This other episode is found in the *Varga* section (*Zasongbaqufa* 雜誦跋渠法). Traditionally this section has been accepted as corresponding to the **skandhaka* of other *Vinayas*. It now appears that this section of the *Mahāsāṅghika-vinaya* may be more fruitfully compared with the *Mātrkās* found in a number of Sthavira *Vinayas* (see note 68, below). See Frauwallner (1956, pp. 198–207) and, for a number of summaries of sections of the *Mahāsāṅghika-vinaya*, Sasaki (1992; 1994a, b; 2000, pp. 125–169). On the relationship between the *Mahāsāṅghika-vinaya* and non-Sthavira *Mātrkās*, see Clarke (2004). See also Sasaki’s response (2006) and now Clarke (forthcoming c, note 26).

Having departed, standing between the gates of the Jetavana, he cried, saying, “Elders, I have committed a *pārājika*, and have had not a single thought of concealing it. I take delight in the *kāśāya* [robe]. I do not wish to abandon the Dharma of the Buddha.”

At that time, Nandika’s mother came and also cried, saying, “My son delights in renunciation, yet the World-Honoured One banishes him!”

Nandika’s elder sister also came and she too cried, saying, “My younger brother takes delight in being a *śramaṇa*, yet the World-Honoured One banishes him!”

The monks went and told the World-Honoured One of this matter.

The Buddha informed the monks, “This one, Nandika, has committed a *pārājika*, [but] has had not a single thought of concealing it. The *saṅgha* should grant the formal act of penance for a *pārājika*”⁶¹

The explicit identification of this monk by name (Nandika), the almost exact wording in the description of him as a meditator, and the editorial cross-reference to the *pārājika* section supplied by the canonical authors/redactors, should make it clear that this text is dealing with the same Nandika whom we encountered above. The authors/redactors of this passage seem to be, in effect, re-using and reframing the story of Nandika as found in the *Vibhaṅga* to fit their new requirements. This does not, however, reverse the initial *Vibhaṅga* ruling; that rule still stands. There, as we have seen, Nandika served to introduce an entirely different clause of monastic law: the prohibition of sex with non-humans. Unlike in the Mūlasarvāstivādin recension, however, here the authors/redactors have made Nandika actually admit to the commission of, and indeed refer to his transgression as, a *pārājika* offence. Nandika is made to stress the fact that he is remorseful, that he has—and had—not even the slightest intention of concealing his offence. Here our monk is not to be expelled or banished, but now rather granted penance.⁶²

Both passages from the *Mahāsāṅghika-vinaya* agree that Nandika was—in the latter version at least initially—“banished,” whatever this might actually mean. Nandika, however, does not wish to leave the Order or, in the words put into his mouth, “abandon the Dharma of the Buddha.” Furthermore, his mother and sister both come forth, almost as character witnesses, and are critical of the

⁶¹ T. 1425 (xxii) 441a28–b9 (*juan* 26).

⁶² The wording here (penance) is taken from the Chinese translation of the *Mahāsāṅghika-vinaya*, a *Vinaya* for which we do not possess an Indic recension. There is, however, a summary of the contents of the *Vinaya* of the Mahāsāṅghika-Lokottaravādins: the *Bhikṣu-Prakīrṇaka*. Comparison between this summary and the Chinese translation of the *Mahāsāṅghika-vinaya* reveals that they are very close, and as such we might be permitted to look there for the Indic vocabulary used to refer to the penance granted to Nandika. When the numbering and word divisions are corrected in Roth’s edition (1970, §294), the text reads: *pārājikāya āpattiye śikṣāye dinna-vartaṃ*, which would seem to refer to the obligatory behaviour (*varta*) for one granted (*dinna*) training or penance (*śikṣā*) on commission of a *pārājika* offence (*āpatti*). This seems to be the source of Hirakawa’s Sanskrit equivalent for *xuehui* 學悔 (“*pārājika* penance”); *pārājikāya āpattiye* (Hirakawa 1997, p. 371). This, however, is clearly wrong, and in fact means quite the opposite. Hirakawa has failed to note that Roth’s Sanskrit text needs to be renumbered. Accordingly, Hirakawa’s Sanskrit equivalent should be amended to *pārājikāya āpattiye śikṣāye dinna-vartaṃ*.

World-Honoured One for banishing him even though he delights in the monastic life. This seems to suggest the possibility that “banishment” may refer to a form of expulsion. Indeed, Nandika stands at the gate of the Jetavana, the convergence of monastic and lay boundaries, and is about to leave.⁶³ Unfortunately, however, it is difficult to determine the full force and implications of this “banishment.” Here, in the hope of establishing some sense of its meaning, I will simply point out that even the usage of the term *quchu* 驅出 “to banish” in other passages in the *Mahāsāṅghika-vinaya* is ambiguous.⁶⁴ We read, for instance:

How does one deal with the transgression of a *pārājika* offence?

[The offender] should return to [the status of] a layman, become a *śrāmaṇera*, [or] the *saṅgha* should banish [him].⁶⁵

云何治犯波羅夷罪。應還俗人、作沙彌、僧應驅出。

Here, once we amend the punctuation in the Taishō edition, we seem to have three options: the monk returns to lay life, becomes a novice, or is banished. The third option, *quchu* 驅出 or “banishment,” is grammatically

⁶³ We will recall that, at least in the second *Mahāsāṅghika* tale, Nandika was not said to be no longer in communion, as are other perpetrators of *pārājikas*. Moreover, although we are told that he was “banished” by the monks, we are never actually given any details of this procedure. For this procedure to hold any legal validity it would undoubtedly have to have been a formal ecclesiastical act, and not simply the actions of a posse of monks, even with the Buddha’s consent. If, however, this “banished” monk were now no longer a member of the monastic community, that is, if “banishment” is, in effect, a form of expulsion, then we find ourselves faced with an interesting situation. First, the Buddha would be made, in effect, to annul the previous “banishment” (i.e., expulsion), return Nandika to monastic status (i.e., accept him as a novice, and then ordain him as a monk), and then demote him to the status of a penitent or *śikṣādattaka*. This sounds complicated and convoluted, but is itself a good indication of the problems encountered with this text. Such an interpretation would seem to be required if we are to understand the initial banishment as a forced return to lay life. In other words, if the banishment did involve the loss of his monkhood, and consequently a resultant return to lay life, then the *saṅgha* should no longer have had any jurisdiction over him, and presumably could not have granted penance to a layman. The other option—although not a particularly good one—is to understand the banishment as a punishment enforced within the monastic community, not a form of “expulsion,” but an in-house probation of sorts. Indeed, for the community—and presumably also the Buddha—to have had any legal jurisdiction over a “banished” monk, which they seem to have had, we seem to be required to accept either the convoluted explanation outlined above, or that the banishment did not constitute “expulsion.” But perhaps we are reading too much into this. That we know little of the actual details and implications of a monastic expulsion outside of the Pāli *Vinaya* is anything but helpful to the present argument. For the Pāli *Vinaya*, see the excellent study in Nolot (1999, pp. 58–69). Note, however, that there is good evidence in some *Vinayas* that *asamvāsa* monks (*asamvāsika*) may have been lurking around the monastic communities. Whether or not the *saṅgha* would have jurisdiction over such people obviously depends on how we understand their status (or lack thereof) within the monastic community. See Clarke (forthcoming c).

⁶⁴ The *Mahāsāṅghika-vinaya* uses the term *quchu* 驅出 also when referring to the punishment for a *śikṣādattaka* who transgresses [anew] one of the four *pārājikas* (T. 1425 [xxii] 441c4–5 [juan 26]: 四波羅夷中。若有犯者、應驅出。). On repeat offences, see also the procedures for expelling a re-offending nun given in the Nuns’ Formulary *Nijiemo* 尼羯磨 (T. 1810; or T. 1809 for monks), a Chinese text based on the *Dharmaguptaka-vinaya* (for a translation and discussion, see Clarke [2000, pp. 157–159]).

⁶⁵ T. 1425 (xxii) 442c17–18 (juan 26).

straightforward and can be translated only in this sense. Another similar passage, however, adds what seems to be slightly further clarification (albeit with a dash of further haze):

How should a *pārājika* offence be dealt with?

Either [the offender] becomes a layman, or a **śikṣādattaka-śrāmaṇera*, or is banished [from] within the *saṅ[gha]*.⁶⁶

波羅夷罪當云何治。若作俗人、若作與學沙彌、若僧中驅出。⁶⁷

Here we seem to have three mutually exclusive options. The first option is straightforward, and seems to refer to the perpetrator's return to lay life, presumably of his own accord. The second option seems to refer to the **śikṣādattaka*.⁶⁸ The third option, however, presents us with a slight problem of interpretation. I have tentatively translated this as “banished [from] within the *saṅ[gha]*,” but in doing so I have supplied the “from.” Access to a Sanskrit original would easily clarify this, but as far as I know there are no such fragments. One could understand this phrase in the sense of “banished within the *saṅ[gha]*,” but this would make it an in-house monastic probation, and as that is what, in effect, the second option, the *śikṣādattaka*, is, we are probably safe in adopting the translation “banished [from] within the *saṅ[gha]*.” This, then, seems to be the monastic community's trump card: one who has committed a *pārājika*—and note here that there is no suggestion that this is limited to the first *pārājika*⁶⁹—either leaves voluntarily, becomes a *śikṣādattaka*, or is banished.⁷⁰ It appears, then, that in the Mahāsāṅghika version of the Nandika story, Nandika was in the midst of being forcibly—although perhaps not physically—driven out from the Community; he was, after all, at the gate of the Jetavana. It seems, then, that the granting of penance to Nandika in this version was an annulment or reversal of the previous decision which saw him “banished.”

We have before us, then, in this one monastic code two distinct, albeit related, accounts of the exploits of the meditator monk Nandika, both of which serve

⁶⁶ T. 1425 (xxii) 496c1–3 (*juan* 33).

⁶⁷ Read with variant: 作與 for 與作.

⁶⁸ Read with the variant in note 67, the terminology here is somewhat surprising. *Yuxue shami* 與學沙彌 (**śikṣādattaka-śrāmaṇera*) is the standard term for the *śikṣādattaka* found in the *Sarvāstivāda-vinaya*. This term is certainly not standard in the *Mahāsāṅghika-vinaya*. Its appearance here, especially in the *Varga* section, which seems to be related to the Sthavira (Sarvāstivāda and Mūlasarvāstivāda) *Mātrkāś*, may suggest the possibility of Sarvāstivāda or Sthavira contact; see Clarke (2004). For the term in the *Sarvāstivāda-vinaya*, see, for instance, T. 1435 (xxiii) 3b1, b6 (*juan* 1); 203a5 (*juan* 28); 379b21–22 (*juan* 52). Examples could be multiplied several times, but for convenience see the dozen or more sightings of a female penitent, *śikṣādattā-śrāmaṇerī*, at T. 1435 (xxiii) 175c17–176c10 (*juan* 24). See also Clarke (2000). Clearly, the path of the penitent was not restricted to monks.

⁶⁹ For further evidence suggesting that monks and nuns who had committed other *pārājikas* could become *śikṣādattakas*, see Clarke (2000, pp. 154–157).

⁷⁰ Here I have understood *quchu* 驅出 in a non-technical sense. It does not seem to refer to the same procedure as a “formal act of banishment” *quchu jiemo* 驅出羯磨. On this and related ecclesiastical acts, see Yamagiwa (2001, pp. 16–18), and references therein.

different purposes. This is not entirely surprising, as the rules presented in these *Vinayas* never seem to engage multiple issues. Yet the repeated appearance of Nandika is somewhat unexpected. The first story in which we encountered Nandika introduced, as we saw, the rule that amended the first *pārājika* to include sex with non-humans. The second Nandika tale is now no longer interested in sex with non-humans, as this has already been established. Support for such a reading is to be found, for instance, not only in the fact that this passage is itself abridged, but particularly in the cross-reference back to the first tale. Our second tale of Nandika, then, is concerned only with setting down the rule which allows for the existence of the *śikṣādattaka*. This, in turn, seems to suggest the possibility that either this monastic code preserves at least two (possibly chronologically) distinct strata of texts, or that, for some reason, one account has been separated into two. Somehow we must account for the two Nandika stories. Here, it may well be that the *Vibhaṅga* passage represents an older tradition, and that the *Varga* episode reflects a later revision; a more definitive answer, however, must await further investigation.⁷¹

The *Varga* passage—the second tale of Nandika—seems to place the *Mahāsāṅghika-vinaya* squarely in line with the *Mūlasarvāstivāda-vinaya*, and the four other extant *Vinayas* preserving the tale of Nandika, all of which agree that Nandika was granted a penance subsequent to his transgression of a *pārājika*.⁷² By bringing the *Mahāsāṅghika-vinaya* into line with the other Sthavira *Vinayas*⁷³—if, in fact, this is the direction of development—we may have to admit the possibility that this *Vinaya* preserves or at least reflects two or more distinct positions with regard to the atonement of *pārājika* offences. These two positions may reflect historical shifts in monastic legislation, and the shift—if indeed that is what we are seeing—would seem to be a move away from a hard monastic line which required the transgressor's outright banishment or loss of communion and towards the possibility of atonement or penance. When—and if—this shift occurred we do not know, but the fact that the story of Nandika is preserved in both the Sthavira tradition (namely, Dharmaguptaka, Mahīśāsaka, Sarvāstivāda and Mūlasarvāstivāda) and the tradition of the Mahāsāṅghikas presents us with another interesting set of problems.

We seem to have before us four textual traditions or strata. We have (1) a *Mahāsāṅghika-vinaya Vibhaṅga* which states that Nandika was banished, and that seems to know nothing of his penance. We have (2) another

⁷¹ It is quite possible that the *Mahāsāṅghika-vinaya* originally did not include provisions for *pārājika* penance. Note that the *śikṣādattaka* is recognised here, in a part of this *Vinaya* that shows evidence of contact with Sthavira *Vinaya Mātrkāś* (see note 68, above), and not in the *Vibhaṅga*.

⁷² Perhaps the only major discrepancy is that the *Mūlasarvāstivāda-vinaya* seems to know nothing of the tradition concerning the horse.

⁷³ Early on in the Buddhist world the monastic community is said to have split into two traditions: Mahāsāṅghika and Sthavira, the Mahāsāṅghika “Majority” and the Sthavira “Elders” (not to be confused with the school that has preserved the Theravādin or Pāli *Vinaya*). Of the six extant monastic codes, five are Sthavira texts (i.e., Dharmaguptaka, Mahīśāsaka, Mūlasarvāstivāda, Sarvāstivāda, and the Pāli *Vinaya*), and only one Mahāsāṅghika. On the problems presented by these two textual traditions and the attempts to reconcile them, see Clarke (2004). See also note 118, below, for Hirakawa's views on the introduction of *pārājika* penance.

Mahāsāṅghika passage, this time found in the *Varga* section which seems to follow the *Vibhaṅga* text, but allows Nandika to be granted penance subsequent to the commission of a *pārājika*. We have (3) the *Vinayas* of the Mūlasarvāstivāda (unique in that it knows nothing of the horse), Dharmaguptaka, Mahīśāsaka and Sarvāstivāda, which all agree that Nandika (unnamed in the Mahīśāsaka passage) was granted a penance subsequent to his transgression, and allowed to remain within the monastic community as a *śikṣādattaka*. Finally, (4) the Pāli or Theravāda *Vinaya* which, despite the fact that it too is in origin a Sthavira monastic code, seems to know nothing of this story, and does not appear—at least not according to the canonical text as it has come down to us—to admit the existence of the *śikṣādattaka*.

In attempting to make sense of our data, we are faced with a number of important decisions. As we will see, our data does not seem to sit well with previous theoretical models. The scholarly assumption underlying much of the textual work in Buddhist Studies of the last century is, in Gregory Schopen's words, "if all known sectarian versions of a text or passage agree, that text or passage must be very old; that is, it must come from a presectarian stage of the tradition."⁷⁴ If we were to adopt this principle of higher criticism, then we would find ourselves with a number of problems. It could be argued, for instance, that all of the known versions of the Nandika story [(2) and (3)] basically agree, and as they are found in both the *Vinayas* of the Mahāsāṅghikas and the Sthaviras, that the textual justification for the *śikṣādattaka* must come from a presectarian stage of the tradition, in other words from a Ur-*Vinaya*. The traditions or textual passages that recognise the *śikṣādattaka* must therefore be old. In fact, as Schopen tells us, they must be very old. It also seems to follow, then, that those traditions that do not recognise the *śikṣādattaka* would be, conversely, not very old, and perhaps even represent isolated recensions. In other words, if we accept this principle, then the case of the *śikṣādattaka* suggests not only that the Pāli *Vinaya* does not represent an old tradition,⁷⁵ but

⁷⁴ Schopen ([1985, pp. 14–15] 1997, pp. 25–26); see below on his critique of this method.

⁷⁵ For the Pāli *Vinaya*—bar four ninth-century folios found in Nepal dated on palaeographic grounds (v. Hinüber 1991; see also note 77, below)—the earliest materials we have are from the late fifteenth century, the time at which von Hinüber (1996, p. 4) tells us that a "continuous manuscript tradition with complete texts begins." Note, however, that even in Sri Lanka the monastic tradition itself was re-imported at least twice from Southeast Asia. Bechert (1970, p. 764): "After King Vijayabāhu I (1055–1110) had liberated Ceylon from foreign rule, he discovered that the minimum of five validly ordained bhikkhus who could celebrate an upasampadā as prescribed in the *Vinaya* could not be brought together in the whole island. Therewith a situation had arisen in which it was no longer possible to renew the Sangha of Ceylon on the basis of its own ecclesiastical body." Blackburn (2001, p. 37): "By 1730, no fully ordained monks remained in Lanka." Blackburn (2001, p. 36): "... Burmese monks had conferred higher ordination on Lankan monks twice in the sixteenth and seventeenth centuries." For a list of texts imported from Siam in 1756, see von Hinüber (1988); for the accompanying letter, see Supaphan na Bangchang (1988). von Hinüber translates part of the letter (1988, p. 175): "... it is said that books on *dhamma*, *vinaya*, etc. are not available in Ceylon." See also Blackburn (2001, Appendix D).

also that it is not, *pace* Sukumar Dutt, “the most complete and systematic” of the extant Buddhist monastic law codes.⁷⁶

Clearly, the apparent absence of this story in the Pāli *Vinaya* will need to be addressed. Of course, we could argue that, as Lamotte has pointed out, the Pāli *Vinaya* “circulated on the island of Ceylon but never seems to have been used on the mainland.”⁷⁷ This would have us explain the absence of these rules in the Theravāda *Vinaya* seemingly on the basis of the fact that it is, again as Lamotte tells us, a monastic code “belonging to the Sinhalese Theravādins.”⁷⁸ But even this does not seem to do full justice to the problems here. We know, for instance, that the *Vinaya* of the Mahīśāsakas was brought from Sri Lanka by Faxian,⁷⁹ and as it knows of the rules for the atonement of a *pārājika* offence, this suggests that the *śikṣādattaka* was—at the very least—not unknown in Sri Lanka. We perhaps could argue that the story of Nandika has been redacted out, but if so the redactors appear to have done a good job; as far as I can tell—at least in the canonical Pāli *Vinaya*—there is no trace of this story. Or perhaps the authors/redactors of the Theravāda *Vinaya* did not know the story of Nandika in the first place. The first argument is mere speculation, an *argumentum ex silentio*, and as such is not particularly appealing. The second possibility would place the Pāli *Vinaya* in a league almost of its own; it would in effect require that we understand the Pāli *Vinaya*, and possibly the *Vibhaṅga* section of the *Mahāsāṅghika-vinaya* (both of which do not seem to know of the *śikṣādattaka*), as entirely isolated recensions unrepresentative of Indian Buddhist monasticism as known to us through the law codes of the authors/redactors of the Dharmaguptaka, Mahīśāsaka, Mūlasarvāstivāda and Sarvāstivāda *Vinayas*, and perhaps even of certain parts or strata of the *Mahāsāṅghika-vinaya*.

The principle of higher criticism, however, has not always stood up well to scrutiny. Schopen has shown that it seems not to hold, for instance, for the account of the *stūpa* of Kāśyapa, and suggests that on the contrary “[i]f all known versions of a text or passage agree, that text or passage is probably late.”⁸⁰ This, then, the antithesis of the aforementioned principle of higher

⁷⁶ Dutt ([1962] 1988, p. 74). Dutt asserts but does not in any way attempt to substantiate this claim. The problem is, I suggest, one of appearances. Dutt’s claim as to the completeness of the Pāli *Vinaya* is based on a false assumption: that we know what a complete *Vinaya* should look like. On the same problem in reference to the completeness of the Tibetan translation of the *Mūlasarvāstivāda-vinaya*, see Clarke (2002). Note also that Dutt’s description of the extant corpus of *Vinaya* literature (pp. 78–79) is unreliable: the *Mūlasarvāstivāda-vinaya* was not translated into Tibetan, as Dutt suggests, “most probably from Chinese”—that it was translated from an Indic text is beyond doubt. Furthermore, the *Sarvāstivāda-vinaya* is not, as Dutt claims, “included in the Tibetan collection of *Vinaya* works known as the *Dulva*”—this is the *Mūlasarvāstivāda-vinaya*.

⁷⁷ Lamotte ([1958] 1988, p. 168). Note, however, the *Vinaya* fragment from Nepal—mentioned in note 75, above—of what von Hinüber (1991, p. 25) cautiously states “as a whole is so very close to the well known Theravāda *Vinaya* of the Mahāvihāra tradition that it is tempting indeed to ascribe this fragment to this very tradition.”

⁷⁸ Lamotte ([1958] 1988, p. 167).

⁷⁹ See Wang (1994, p. 170).

⁸⁰ Schopen ([1985, p. 17] 1997, p. 27).

criticism, may warrant our attention. As stated above, all the traditions known to preserve a version of the Nandika story agree that he was granted penance upon transgression of the rule of celibacy. Although the details of the penance differ among the *Vinayas*, the fact that he is allowed to remain within the Community without being “expelled” is agreed upon by the Dharmaguptaka, Mahīśāsaka, Sarvāstivāda and Mūlasarvāstivāda traditions. Furthermore, this rule is also found in the *Varga* section of the *Vinaya* of the Mahāsāṅghikas, a section which might postdate the *Vibhaṅga* section in which Nandika is simply banished. What this would seem to mean then is this: the presence of this rule in all the extant *Vinayas* except the Pāli points not to its earliness, but on the contrary to the fact that it is a late addition to the monastic codes, an addition that, as suggested by Schopen (albeit in a different context), “probably represents the results of the conflation and gradual leveling and harmonization of earlier existing traditions.”⁸¹ The Pāli *Vinaya*’s apparent ignorance of this ecclesiastical provision may, in this case, reinforce the premise that it represents an older tradition, one which was transmitted to Sri Lanka prior to the conflation pointed to above. This, of course, is mere speculation; it is but one attempt to make sense out of a battery of conflicting traditions. There are no conclusions to be found here; this is but a test case, and just one of many that must be carried out before we can say anything with any degree of certainty regarding the development of Indian Buddhist monastic legal codes.

From Repentance to Redemption

While it should now be clear that all extant Indian Buddhist legal traditions (bar the Pāli) allowed monks (and nuns)⁸² who had transgressed the most fundamental rule of Buddhist monasticism to remain within the monastic community, we have yet to establish what, if any, value judgement was imparted by the monastic authors/redactors upon such penitents. Allowing them to remain within the monastic environs—tolerating their presence—is one thing; but recognising in them the potential for further spiritual development, even religious perfection, is quite another. Again, we have very few sources available that might aid us in ascertaining how these penitents were viewed within their own monastic communities. Those that we do have warrant our attention.

As we have seen, the *śikṣādattaka* or penitent monk is a pan-Buddhist monastic status. The details of this monk’s penance vary considerably among the extant monastic codes, but that the penitent is, and indeed remains, a recognised member of the monastic community is never in doubt. That there should be great divergence in the details of this penance may suggest that it was not subject to a textual levelling. Conversely, however, the frame-story introducing the exploits of Nandika and the establishment of the path of the *pārājika* penitent are generally consistent, differing primarily only in minor

⁸¹ Schopen ([1985, p. 17] 1997, p. 27).

⁸² See note 4, above.

details, which would seem to indicate a levelling process.⁸³ Here it is not possible to deal with the provisions of the penance in any depth, save to evaluate the penitent monk's position *vis-à-vis* other lighter probationary sentences for monastics who step out of line, and those in the process of learning exactly where such lines are drawn.⁸⁴

The *śikṣādattaka* is effectively reduced to a position of subservience and humility, one in which he would constantly be reminded of his loss of monastic seniority. This is evident, for instance, in the fact that one tradition sets out a detailed schedule of daily chores, including menial tasks such as general cleaning and toilet duties.⁸⁵ In some traditions he is required to serve food to the senior monks and to receive food for himself either from the factor,⁸⁶ laity, or novices.⁸⁷ His relegation to a lowly, but still clearly monastic, position is likewise evident in the requirement that he sit below the most junior of the monks, and above the novices.⁸⁸ He is not to accept reverence, greetings, salutations or any other form of respect from monks in good standing.⁸⁹ Moreover, he is stripped of, and no longer to accept anew, any responsibilities in terms of teaching and spiritual guidance: he is not to take charge of a novice, ordain a monk, or admonish nuns.⁹⁰ Our monk is generally not permitted to discuss the *Vinaya*, recite or listen to recitations of the *Prātimokṣa*.⁹¹

His attendance at the *poṣadha* (the bimonthly recitation of the rules of the *Prātimokṣa*), *pravāraṇā* (the closing of the rains' retreat), and other formal

⁸³ The *Mūlasarvāstivāda-vinaya*, in which we find no mention of a dead horse, in this regard presents a singular exception.

⁸⁴ The following overview of the details of the *śikṣādattaka*'s penance is not intended to be comprehensive. For the sake of brevity, I have listed similar regulations together. A note indicating more than one *Vinaya* source should not be taken to imply that each item in the list is found in all of the *Vinayas* enumerated therein. The details of the penance may be found as follows: T. 1421 (xxii) 182c25–27 (*juan* 28); T. 1425 (xxii) 441b22–c6 (*juan* 26); T. 1428 (xxii) 809b12–c2 (*juan* 34); T. 1428 (xxii) 972c14–973a3 (*juan* 55); T. 1435 (xxiii) 3b1–7 (*juan* 1); T. 1451 (xxiv) 245c4–28 (*juan* 10); sTog, 'Dul ba, TA 156b1–157b2; sDe dge, 'Dul ba THA 103b1–104a4. For a complete list of the various details of Nandika's penance, see Clarke (1999, pp. 212–215).

⁸⁵ On the daily work schedule for a penitent in the *Mūlasarvāstivāda-vinaya*, see Schopen (1998).

⁸⁶ Skt. *kalpikāraka*. See Edgerton ([1953] 1998, s.vv. *kalpikāra* and *kalpikāraka*). For a detailed discussion on the Pāli equivalent of this term (*kappiya-kāraka*), see Gombrich (1988, pp. 102–103) and now Kieffer-Pülz (2007, pp. 20–21). Edgerton suggests that the *kalpikāraka* refers to "some kind of *servant* of monks in a temple or monastery." Gombrich states (p. 103) that he may be "a monastery *servant* or just a pious layman." Dutt ([1924] 1996, p. 154) states that the *kappiya-kāraka*'s duty was "to ascertain what provisions were allowable and what not. He would receive gifts of money from lay men and convert them into proper commodities." Dutt classifies the *kappiya-kāraka* as a *saṅgha* officer, suggesting that he was a monk. This, however, does not appear to be the case. See, *inter alia*, Satō ([1963] 1993, pp. 310–319), esp. p. 316 where he states that the *kappiya-kāraka* is the only office (of the seventeen he mentions) not taken by a monk, but by a layman.

⁸⁷ Mahīśāsaka, Mahāśāṅghika, and Sarvāstivāda *Vinayas*.

⁸⁸ Sarvāstivāda, Mūlasarvāstivāda, and Mahāśāṅghika *Vinayas*.

⁸⁹ Dharmaguptaka and Mūlasarvāstivāda *Vinayas*.

⁹⁰ Dharmaguptaka and Mūlasarvāstivāda *Vinayas*.

⁹¹ Dharmaguptaka and Mahāśāṅghika *Vinayas*.

acts of the Order is, according to the *Mahāsāsaka-vinaya*, encouraged, but not required.⁹² This too serves to confirm that he is still very much a member of the monastic community, since formal ecclesiastical acts of the Community are restricted to monastics and cannot be attended by the laity.⁹³

The penitent monk's movements are restricted: he is limited in how many nights he may spend with other monks, novices, or the laity.⁹⁴ He may not accept appointments to monastic offices, or as a messenger.⁹⁵ He is not to enter the village early, or return late in the evening; he is required to associate with other monks, and not with followers of other religious paths (*tīrthikas*) or laymen.⁹⁶

A comparison of the *śikṣādattaka*'s penance with rules for monks on probation, that is, monks who have committed the lesser offence of a *saṅghāvaśeṣa* (e.g., intentional emission of semen,⁹⁷ touching women with desirous intentions, speaking to women lewdly, acting as go-betweens in sexual or marital liaisons, and so forth), allows us to gauge the relative severity of the *pārājika* penitent's sentence. In at least two monastic codes—the Dharmaguptaka and Mūlasarvāstivāda *Vinayas*—the *śikṣādattaka* receives an almost identical punishment to one who has committed a *saṅghāvaśeṣa* offence, a transgression that carries only a six day-and-night probation.⁹⁸ That a monk who has broken the rule of celibacy (or any other *pārājika*, for that matter), should be meted out the same punishment, albeit of a different duration, as a monk who has transgressed a much lighter offence, would seem to make sense only if we understand the dilemma faced by the monastic authors/redactors: they were forced to come up with a punishment somewhere in between the probation of a *saṅghāvaśeṣa* and the loss of communion of a *pārājika*.

A monk who has sex and repents is punished in the same manner as a coreligionist who, for instance, arranges a marital liaison,⁹⁹ and there can be no question that a monk who commits a *saṅghāvaśeṣa* in arranging such a

⁹² There is no offence for the *saṅgha* if he attends formal acts of the Community (Dharmaguptaka). In the *Sarvāstivāda-vinaya* attendance is restricted to the *posadha* and *pravāraṇā*, but he may not be counted in the quorum.

⁹³ In the case of Mahāsāṅghika and Mūlasarvāstivāda penitents, however, even attendance at these rituals seems to be prohibited.

⁹⁴ Sarvāstivāda, Mūlasarvāstivāda, and Mahāsāṅghika *Vinayas*.

⁹⁵ Dharmaguptaka and Mūlasarvāstivāda *Vinayas*.

⁹⁶ *Dharmaguptaka-vinaya*.

⁹⁷ An interesting aside to this is Thich Nhat Hanh's *Buddhist Monastic Code for the Twenty-First Century*, a "Revised Pratimoksha." Hanh has "substituted trainings that are no longer appropriate to our time with new trainings that are essential to protect the practice and integrity of monastic members" (2004, p. ix). Masturbation (or more correctly, the intentional emission of semen) has been downgraded from a "Sangha Restoration" offense (pp. 36–41) to an "Expression of Regret" (p. 48). Moreover, his first *pārājika* (p. 34) no longer contains a proscription against bestiality.

⁹⁸ In the case of the *Dharmaguptaka-vinaya*, there is evidence that the rules for the *śikṣādattaka* were borrowed directly from those for the *pārivāsika*; see Clarke (2001). In the *Mūlasarvāstivāda-vinaya* too it appears that the rules for the *śikṣādattaka* may have been borrowed from those for a *pārivāsika*; unlike the *Dharmaguptaka-vinaya*, however, there seems to be no evidence that would definitively establish the direction of borrowing. For the Mūlasarvāstivāda parallel, see Schopen (1998).

⁹⁹ For this rule and a discussion of its importance, see Clarke (forthcoming a, Chap. 2).

liaison is not expelled but put on probation, a punishment that in no way suggests he is no longer a monastic. It would seem to follow, then, that when this same probation-like punishment is meted out to a *pārājika* penitent, there can likewise be no question that this monk too remains a member of the monastic community.

The canonical jurists of the Mahāsāṅghika tradition were to look elsewhere for a solution to the problem of how clemency might be shown to a monk who had committed a *pārājika*. The authors/redactors of this legal code turned to the rules for a nun-in-training, a *śikṣamāṇā*, a monastic status that has no male counterpart. This too is easily understood: the *śikṣamāṇā* is a probationary—that is, novitiate—position between novice (*śrāmaṇerī*) and ordained nun (*bhikṣuṇī*), and this corresponds well with the *śikṣādattaka* who himself hovers below the junior-most monks, but above the senior-most novices. Again, if a penitent is subject to rules practically identical to those by which a nun-in-training, a *śikṣamāṇā*, is taught how to be a monastic, then this suggests that the penitent too is very much a monastic, at least in the same way that a nun-in-training is regarded as being so.

Further indications that the penitent was not deemed to be beyond the religious pale are found in the details of Nandika's penance preserved in the *Mūlasarvāstivāda-vinaya*. When the monks did not assign him a cell (*gnas khang*; 房舍), the Blessed One said, "A cell is to be assigned." Then when acquisitions (*rmyed pa*; 利養) were not given, again, the Blessed One commanded that they be given. When Nandika did not apply himself to the virtuous life (*dge ba'i phyogs*; 善品), the Buddha is made to order that he do so, and here we get our first indication of the effect, or lack thereof, of Nandika's misdeeds on his religious or spiritual progress as understood (or made to be understood) by the monastic authors/redactors. Through exertion, striving, and endeavour, Nandika is said to have understood the nature of existence and, having abandoned all defilements, to have directly realized the state of an *arhat*.¹⁰⁰ The canonical text describes Nandika's spiritual attainment with the standard formula found throughout this monastic code (and related literature) for the realization of the fruit of religious perfection, the state of the *arhat*.¹⁰¹

At least according to the legal narrative, our monk Nandika broke the rule of celibacy, but was neither physically removed nor expelled from the monastic community. In fact, he was allowed—nay commanded—to stay right where he was and continue his practice of the virtuous life. That a penitent was permitted to remain within the monastic community and continue his spiritual development may seem to sit somewhat uncomfortably with modern scholarly notions of Buddhist practice in India from the time of the Buddha onwards. But what is of even more importance here is that the very same story which records Nandika's fall from grace, his inability to

¹⁰⁰ T. 1451 (xxiv) 245c28–246a11 (*juan* 10); sTog, 'Dul ba, TA 157b2–158a3; sDe dge, 'Dul ba THA 104a4–b2.

¹⁰¹ On this formula, see Hiraoka (2002, pp. 170–171) (by related literature I refer to the *Divyāvadāna* and *Avadānaśataka*). Cf. Demoto (1998, pp. 54–55).

control his sexual desire, implicitly states that a breach of monastic celibacy neither places one beyond the religious pale, nor bars one from further spiritual attainments. Indeed, Nandika went on to attain religious perfection, the state of an *arhat*. The ramifications of this, both implicit and explicit, would certainly not have been lost on a medieval Indian Buddhist monk, especially not a monk in Nandika's position. Indeed, upon attainment of the *summum bonum* of Indian monastic Buddhism, Nandika is said to have had his previous seniority restored by the Blessed One, and the members of the monastic community—monks in good standing (**prakṛtisthaka bhikṣu; rang bzhin du gnas pa'i dge slong; 住本性人*)—are ordered to act as if the matter were closed (*ji ltar bkag pa*). The point here is hard to miss: the “life-long” penance granted for a breach of a *pārājika* is, according to these monastic authors/redactors, rescinded upon the attainment of arhatship.¹⁰²

However we understand the status of the *pārājika* penitent, it seems clear that the story of Nandika presents us not with a story of monastic failure, but of religious success. Nobody would want to claim that Nandika's transgression of the monastic rule was itself anything but a failure, a failure to live up to the high ideals of the monastic community. But what is worth noting here is the way in which the monastic authors/redactors have turned this failure on its head. Nandika, a famed meditator, is portrayed as having succumbed to temptation, the same temptation that might await any monk.¹⁰³ But through diligent practice, humble chores, and submission to the institution, even he was able to attain religious perfection, and this is undoubtedly the message that the authors/redactors of this monastic code were trying to impart to their coreligionists and disciples. Indeed, the fact that he was able to attain the fruit of an *arhat* would seem to entail that there was little, if any, black or negative *karma* associated with his sexual (mis-)conduct. I venture to suggest that the authors/redactors of most of our extant Indian Buddhist monastic law codes may have realized that an inflexible and invariant position on monastic celibacy would be not only impossible to implement, but also nothing if not detrimental to religious development. Unlike modern commentators, our monastic authors/redactors did not deny the possibility that monks might have sex, that is to say that monks were by no means perfect (perfection, after all, was the goal, not some minimum requirement for entry into the Community), and, on occasion, that some might slip up. When they did so, however, at least according to their monastic Rules, they were neither automatically nor necessarily expelled. Rather, it seems that they were given a chance to remain within the monastic community and make good.

¹⁰² A commentary on the *Mūlasarvāstivāda-vinaya* attributed to Viśeṣamitra, the *Mūlasarvāstivāda-vinaya Samgraha*, states that according to “some,” even if the penitent later attains arhatship, “he still must serve the *saṅgha* and elders for six months.” T. 1458 (xxiv) 534b5–7 (*juan* 2): 若後獲阿羅漢果。同善苾芻依本位坐。有餘復云。仍須六月侍侍僧伽。并供上座。

¹⁰³ Monks who meditate alone in the forest are often portrayed in Buddhist monastic codes as being subject to, or succumbing to, sexual desire. On meditating monks as “sexual deviants,” see Schopen (2004a, p. 26).

The Use of the Pāli *Vinaya* for the Study of Indian Buddhist Monasticism

It should now be clear that all known Indian Buddhist monastic codes or *Vinayas* bar the Pāli explicitly allow for a penitent monk who has engaged in wilful sexual intercourse to remain within the *saṅgha*. Clearly, then, traditions about Nandika's penance stand in stark contradiction to what, on the basis of the Theravāda *Vinaya*, is often taken to be the official Indian Buddhist position on breaches of celibacy. There is, moreover, good reason for this contradiction: our understanding of Buddhist monastic life in India has been almost exclusively one-sided because scholarship to date has drawn on limited and selected sources. Yet, as this example may indicate, what ironically has been the major source for knowledge of Indian Buddhist monasticism may turn out to be unrepresentative of Indian Buddhist traditions as available to us in the extant literature.

So far we seem to have established that, at least in this case, the Theravāda or Pāli *Vinaya* does not preserve the same tradition with regard to the atonement of *pārājika* offences as do the other five *Vinayas*. This is not the first—and will hardly be the last—time that the Pāli or Theravāda *Vinaya* has been pointed out as being at odds with other Indian materials. In recent years the work of Gregory Schopen, for instance, has highlighted an apparent disparity in the Theravāda tradition between precept and what we know about practice concerning *stūpa* worship.¹⁰⁴ Given the Theravāda *Vinaya*'s apparent silence with regard to the atonement of *pārājikas*, it may also be useful to briefly examine the mapping between precept and Theravādin monastic practice on this issue.¹⁰⁵

In commenting on Buddhism in Burma, Melford E. Spiro makes the following observations:

... it is probably fair to say that cases of unchastity—among village monks, at least—are extremely rare. I discovered only one in my investigations. This was a village monk who is said to have had an affair some years ago with a woman of the same village. It came to an end when the woman became pregnant, and had an abortion. The same monk is alleged to have later taken up with another woman, and only when his behavior became flagrant did he terminate the affair. When I arrived in his monastery, he was carrying out a special penitential ceremony which (so some of the villagers informed me) was an attempted atonement, four or five years later, for his sexual derelictions.¹⁰⁶

Similarly, Martin Southwold states that in Sri Lanka “it is a common saying that every temple has a well worn footpath at the back leading to the house of

¹⁰⁴ See note 6, above.

¹⁰⁵ Naturally a study of monastic practice (*vis-à-vis* precept) is not possible for most of the Indian monastic traditions. There are, for instance, no living traditions of the Mahīśāsaka, Mahāsāṅghika, or Sarvāstivāda; there are Mūlasarvāstivādins in Tibet (and now it seems Japan, but without a continuous tradition—see Clarke [2006]), and Dharmaguptakas in Chinese cultural spheres, but Buddhism in these countries has become more Tibetan, Japanese, or Chinese than Indian even when an Indian monastic code is followed (and sometimes, it seems, followed only in spirit).

¹⁰⁶ Spiro ([1970] 1982, pp. 366–367).

the priest's mistress,"¹⁰⁷ and recounts the story of Gunajoti who was "a most disagreeable man and an exceptionally bad priest: eventually his colleagues in the Sangha tried him on the charge of brazenly keeping a mistress, and withheld the penalty of expulsion from the Sangha only out of deference to Sīlaratana [his pupil]—who now takes care of him in his old age."¹⁰⁸

Furthermore, in what is perhaps the most revealing account of all, Michael Carrithers in his work on the forest monks of Sri Lanka informs us that the monk Sumana "admitted to having committed a *pārājika* offence, that of theft . . . and he gave up his fully ordained status, to remain a novice for the rest of his life."¹⁰⁹ This would seem to point, at least in modern practice, to a form of penance granted to a monk after the commission of a *pārājika* offence. This is remarkably similar to the *śikṣādattaka*, which itself is a life-time penance involving a change of status to a state between monks and novices. Indeed, Carrithers remarks that, "This debarred him from participation in formal acts of the Sangha and relegated him, on formal occasions, to a position inferior to that of even the most junior fully ordained monk; but it gave him a very powerful position as an exemplar of the fundamentalist Sangha's principles, and he continued as the *de facto* teacher of many pupils."¹¹⁰ Again, this seems conspicuously like the *śikṣādattaka*, who is relegated to a position just below the monks, and just above the novices, a penance which, as we saw above, is said to be life-long.

The cases cited above by Spiro, Southwold, and Carrithers all seem to point in the direction of *pārājika* penance.¹¹¹ Although I cannot say with certainty that all three cases record the same phenomenon, they appear, at least on the surface, to be similar. Of these three, Spiro's observations of a "special penitential ceremony" are of particular import. If this is *pārājika* penance, it would represent a position more lax than any of the surviving *Vinayas*, as Spiro suggests that it also applies to monks who have concealed their offences. Furthermore, the case observed by Carrithers in which the *pārājika* offence was one of theft suggests that *pārājika* penance is applicable to *pārājikas* other than just the first (namely, celibacy), an interpretation for which there is ample textual evidence.¹¹²

Although the observations of Spiro, Southwold, and Carrithers are all based on field-work in Theravādin Buddhist communities, it is again worth pointing

¹⁰⁷ Southwold (1983, p. 27). On p. 38 he further states, "I know that some priests have mistresses, but doubt if most do."

¹⁰⁸ Southwold (1983, p. 37).

¹⁰⁹ Carrithers (1983, p. 157).

¹¹⁰ Carrithers (1983, p. 157).

¹¹¹ A passage in the *Mahāvamsa* (*Cūlavamsa* 78.3–4) has been repeatedly taken as evidence that "individual monks violated their vows of celibacy and maintained wives and children out of monastic funds" (here I cite Malalgoda [1976, p. 26]). This passage is also referred to by Southwold (1983, p. 44, note 64), who cites Carrithers (1979, p. 198 [*sic*—read 298]). The references to the *Mahāvamsa* in both should be corrected from LXXVII to LXXVIII. See also Clarke (forthcoming a, Chap. 2). See also Gombrich (1988, 167). See Rickmers' note of caution on the interpretation of this passage (Geiger [1929] 1973, ii: 101–102). Note Leider (2006) on Burmese *gāmvāsī* monks.

¹¹² See note 69, above.

out that the Theravāda *Vinaya*, at least as it exists today, appears to contain no warrant for this practice.¹¹³ How, then, are we to account for the fact that *pārājika* penance seems to be known in modern Theravādin practice? If this is *pārājika* penance, then once again there would appear to be a discrepancy between practice and precept in the Theravāda *Vinaya* as we know it. It is possible that we have here a case of lateral borrowing, that these Theravādin

¹¹³ Theravādin commentarial literature seems to be aware of this option. Yamagiwa (1996) has pointed to a passage in the Pāli *Samantapāsādikā* which he cites as evidence that the Theravāda tradition did in fact recognise *pārājika* penance. The passage in question reads:

Vajjīnaṃ vā—pe—samūhaneyya, taṃ kāraṇaṃ n’atthīti attho. yadi hi bhagavā etesaṃ, labheyāma upasampadaṃ ti yācantānaṃ upasampadaṃ dadeyya, evaṃ sante pārājiko hoti asaṃvāso ti paññattaṃ samūhaneyya, yasmā pan’ etaṃ na samūhanti tasmā aṭṭhānaṃ etan ti ādim āha. so āgato na upasampādetabbo ti yadi hi evaṃ āgato upasampadaṃ labheyya sāsane agāravo bhaveyya sāmaṇerabhūmiyaṃ pana ṭhito sagāravo bhavissati attatthaṃ ca karissatīti nātvā anukampamāno ’va bhagavā āha: so āgato na upasampādetabbo ti. so āgato upasampādetabbo ti yadi hi evaṃ āgato bhikkhubhāve ṭhatvā avipannasīlatāya sāsane sagāravo bhavissati, so satī upanissaye na cirass’ eva uttamatthaṃ pāpuṇissatīti upasampādetabbo ti āha. (Sp i, 230.2–15).

This passage deals with the Vajjins (and sons), whose actions prompted the Buddha to amend the wording of the first *pārājika* so as to allow for the declaration of weakness and disavowing of one’s training (Vin iii, p. 23; *BD* i, pp. 40–42). It is stated in the Pāli *Vinaya* that one who has arrived (*so āgato*) without disavowing his training and without declaring his weakness should not be ordained (*na upasampādetabbo*) (Vin iii, 23.28–29; *BD* i, p. 41). The *Samantapāsādikā* commentary on the phrase *so āgato na upasampādetabbo* seems to suggest that such transgressors, on account of the compassion of the Blessed One, were allowed to abide as novices (*sāmaṇerabhūmi*), but were not allowed to be ordained (*na upasampādetabbo*). Those who disavow their training before having sex, however, are permitted to once again receive ordination (*so āgato upasampādetabbo*). Thus, Yamagiwa concludes that the *sāmaṇerabhūmi* of the *Samantapāsādikā* would seem to amount roughly to what we know of the *śikṣādattaka* of other traditions. The fact that the term *sāmaṇerabhūmi* does not refer simply to a common novice is perhaps further supported by a sub-commentarial passage in the *Vimativinodani-ṭṭkā* in which we find the term *pārājikassa sāmaṇerabhūmi* (Vipassana Research Institute 1998, vol. 102, p. 104). The passage cited by Yamagiwa may be an indirect reference to the *śikṣādattaka*.

In addition to these passages, Shih Juo-Hsüeh (2000, pp. 141–142) cites Mp III 216, 13. I am slightly puzzled by her conclusions. She states (p. 150) that “in the Pāli tradition an offender against Defeat may originally have been allowed to mend their ways and that the penalty may not have been permanent excommunication as it later became.” She here refers to her “foregoing discussion,” which is presumably pp. 141–142 (where she cites Mp III 216, 13). This discussion (p. 150) is under the heading “Exceptional tolerance in the other Vinayas [i.e., other than the Pāli],” and she therefore seems to suggest that *pārājika* penance was known in the Pāli tradition. On p. 154, however, she states that, “the background to such tolerance finds no parallel in the Pāli tradition.” It seems to me that what she cites on pp. 141–142 and pp. 154–155 is—as she herself seems to suggest on p. 150—evidence for something akin to the *śikṣādattaka* in the Theravādin tradition. Strangely, however, she states that the passage cited by Yamagiwa (see above) is “not identical with the case of exceptional tolerance discussed above [i.e., the *Vinayas* extant in Chinese].” In the footnote to that statement she refers the reader to Yamagiwa’s article for a discussion of “the major discrepancy between the Sp’s [*Samantapāsādikā*] commentary on this particular point and the exceptional tolerance present in the Chinese *Vinaya* texts.” This is particularly confusing—if not misleading—as Yamagiwa concludes that the reference to *sāmaṇerabhūmi* in the *Samantapāsādikā*, in this context, could not refer to anything but the *śikṣādattaka* (Yamagiwa 1996, p. 115): ここでは明確に「沙弥」という立場にとどめる場合が示されていて、この状況に相当すると思われるのは、唯一「波羅夷学悔」である。

traditions borrowed ideas from other *Vinayas* or *nikāyas* post-canonically.¹¹⁴ This would entail Theravādin monastic practice undergoing not only contact, but influence from north Indian sources (which is well documented). It is also possible—but mere speculation—that this practice is a vestige from a Theravāda *Vinaya* which looked different to the one we have today.¹¹⁵ Another possibility, which seems even less likely, is that groups of monks have independently come up with a procedure for dealing with *bhikṣus* who have committed *pārājikas* but wish not to leave the Order, a procedure which coincidentally has been in place in, at the very least, the *Vinayas* of the Dharmaguptakas, Mahāsāṅghikas, Mahīśāsakas, Mūlasarvāstivādins and Sarvāstivādins since at least as early as the first decade of the fifth century C.E. (the *terminus ante quem* of the dates of most of the extant Chinese translations), and probably from around the turn of the Common Era, if not earlier.¹¹⁶

It is open to conjecture whether or not the Theravāda *Vinaya* originally contained provisions for *pārājika* penance. What seems certain, however, is that there is a degree of discrepancy between modern Theravādin practice and the Theravāda *Vinaya* as we have it today. Moreover, on this point it would seem that the Theravāda *Vinaya* is—regardless of whether it be early or late—not representative of Indian Buddhist monasticism, at least not as known from all other extant monastic law codes.¹¹⁷

¹¹⁴ On lateral borrowing, see Schopen (1985), especially his re-interpretation of this principle of higher criticism and his comments on the agreement of texts “not because they represent the old presectarian version, but because they almost certainly represent later, conflated, and fundamentally altered versions of an earlier tradition” (Schopen [1985, p. 22] 1997, p. 29).

¹¹⁵ Collins (1990, p. 89) suggests that we “reject the equation ‘the Pali Canon = Early Buddhism.’” He also states (p. 102), “It is well-known that Buddhism in South and Southeast Asia includes many more things than are described and prescribed in the Pali Canon; these are often seen as ‘later developments’, many of which are standardly but misleadingly referred to as ‘Mahāyāna elements’. Rather than see things in this way, I suggest, we should take this wider Buddhist culture as the contemporary context in which the move to an historicist ‘orthodoxy’ was made.”

¹¹⁶ On the dating of *pārājika* penance, see note 118, below, and Section “Banished *Bhikṣus*,” above.

¹¹⁷ It is also possible that *pārājika* penance and the *śikṣādattaka* may in part explain details in the life of one of the great Buddhist translators, Kumārajīva 鳩摩羅什 (350?–411? C.E.—on his dates, now see Saitō [2000]). According to Kumārajīva’s biography, he was forced to marry a Kuchean princess. Kumārajīva at first firmly declined, and was told that his restraint did not exceed that of his late father, who was also pressured into marriage. He was subsequently forced to drink wine and locked in a private room with the princess until he was compelled finally to lapse in chastity (T. 2059 [I] 331c4–7 [juan 2]). At a later date the ruler Yao was apparently worried that as there was no one to match Kumārajīva in intellect, upon his death the lineage of Dharma would be left without any heir. Accordingly, Yao forced Kumārajīva to accept ten courtesans. Thereafter, Kumārajīva no longer lived in the monastery but had separate quarters built and was richly provided for. Every time he delivered a lecture he would always begin by saying, “I may be compared with a lotus flower which comes forth from a stinking mire; take the lotus flower and not the stinking mire” (T. 2059 [I] 332c10–15 [juan 2]). We know from his biography that Kumārajīva received instruction in the *Vinaya* from a certain *Vimalākṣa (T. 2059 [I] 332c16 [juan 2]). Furthermore, it is recorded that these two collaborated on the translation of the *Sarvāstivāda-vinaya* (T. 1435 [xxiii] 445c12 [juan 60]). Accordingly, if we assume that Kumārajīva was a monk of the Sarvāstivādin tradition, it is perhaps plausible to hypothesize that he may have been a *śikṣādattaka*. Indeed, the fact that he did not dwell in the monks’ quarters is perfectly in line with the *Sarvāstivāda-vinaya*’s regulations for a *śikṣādattaka* which state that a penitent may not spend more than two nights with monks, novices or the laity (T. 1435 [xxiii] 3b4–5 [juan 1]: 不得與大比丘同室過再宿。自不得與白衣沙彌過二宿). While this is mere speculation, it is nevertheless worth considering. On Kumārajīva’s biography, see Nobel (1927), Kieschnick (1997, pp. 18–19), and now Pelliot (2002) and Lu (2004).

The extant *Vinayas*, in fact, all agree—against the *argumentum ex silentio* of the Pāli *Vinaya*—that the transgression of a *pārājika* does not necessarily entail permanent and irrevocable expulsion from the monastic community and that such a penitent may remain within the fold as a *śikṣādattaka*. That this amendment does not seem to be found in the Pāli *Vinaya* further serves to confirm that it may be unwise to rely solely on this *Vinaya* when discussing Indian Buddhist monasticism.

The Use of Monastic Law Codes for the Study of Buddhist Monasticism

Given the dearth of historical sources for the study of Indian Buddhism, we have no way of knowing how often, if at all, the provision of the *śikṣādattaka* was ever invoked. This and other similar limitations, however, are very much part and parcel of the study of the social and religious history of India.¹¹⁸ Made up only of occasional hints garnered from inscripational, art historical and archaeological records, we have but a very fragmentary picture. Here, then, it may be useful to give some thought to the use of these monastic law codes as sources for the study of Indian social and religious history. What, if anything, can they tell us, and how and why are they important historical sources?

As early as 1879, Hermann Oldenberg wrote that the frame-stories attached to the rules in the Pāli *Vinaya*—and here we might well extend his observations to all of the other extant monastic law codes—are “undoubtedly pure inventions”; “[t]hat the histories ... have for the most part been invented, and, moreover, invented in an extremely awkward and conventional

Footnote 117 continued

The case of the Sri Lankan monk Guṇānanda might also be fruitfully reconsidered in light of our knowledge of *pārājika* penance. The ordination status of Mohoṭṭivattē Guṇānanda (1823–1890), “the centerpiece of a national cult devoted to Buddhist revivalists and controversialists of the last [i.e., 19th] century,” is highly debated (Young and Somaratna 1996, p. 127). Some consider this prominent monk to have been “a *sāmaṇera* (novice) throughout his lifetime, who declined, or was refused, higher ordination”; others maintain that he was “a *pārājika bhikkhu* (degraded or excommunicated monk, which is to say a pseudo-*bhikkhu*), who had committed sexual offences” (Young and Somaratna 1996, p. 129).

¹¹⁸ A sketch of the historical development of *pārājika* penance remains out of our reach. Hirakawa (1993–1995, i: 131) suggests that *pārājika* penance was most likely introduced sometime within one hundred years of the death of the historical Buddha, i.e., before the “fundamental schism” (根本分裂). It is also worth considering the problem from the standpoint of celibacy of other religious groups in India. S. B. Deo in his *History of Jaina Monachism*, for example, states that, “Under certain cases the punishment of the monk punished with *pārāñcika*, was commuted” (Deo 1956, p. 379). Ratnachandraji’s *Ardha-Magadhi Dictionary* gives the following definition of *pāraṃciya* ([1923] 1988, iii: s.v.): “The 10th expiation so named which requires an ascetic to remain for a certain period in the garb of a householder.” Although similarities between Jain *pāraṃciyas* and Buddhist *pārājikas* have been pointed out by, *inter alia*, Thomas (1933b, p. 163), it is worthy of note that the Jain punishment for the transgression that appears to be roughly equivalent to a Buddhist *pārājika* is apparently neither permanent nor irrevocable. See also Caillat (1975). There are interesting connections to what we know of the lifestyles of Buddhist monks in Central Asia; see Agrawala (1954).

way, will be perfectly evident to every one who reads a series of them one after the other.”¹¹⁹ Sukumar Dutt echoed the same sentiments when he stated that “the legends in many instances are too far-fetched and in others so thin and slight and so loosely adjusted to the rule that their invented character becomes transparent.”¹²⁰ With this there can be little debate, although it now seems that at least outside of the Pāli monastic code, a great deal of time, effort, and thought has gone into crafting the narratives; this is particularly so in the case of the *Mūlasarvāstivāda-vinaya*, which Lévi long ago described as “written with art The rules often have the appearance of being mere pretexts for relating long histories, heroic, comic, fabulous and romantic.”¹²¹ While the literary value of these narratives has yet to be fully appreciated, and the role of humour and comic sentiment in Buddhist texts—legal texts in particular—has yet to be fully recognised, much less studied,¹²² the fact that these stories, legends, or narratives were codified and transmitted for centuries, and that this was all said and taken to be the word of the Blessed One, should give us pause for thought.

Whether the narratives attached to monastic regulations are based on historical events or not, it is precisely the narratives that are, I suggest, invaluable for the historian of religion or religious thought. What is of importance here is not the historicity of the event, but the value that the monastic traditions themselves attached to and invested in it. Such stories must be, at least in part, credible or plausible, which, of course, is not to suggest that these narratives are not in any way exaggerated or delivered with—and perhaps even for—comic effect.¹²³ In our case, the historicity of Nandika is not important. His story functions in the *Vinayas* as an exemplar that occasions legislation allowing other penitent monks—monastics who had committed *pārājikas*—to remain within the fold. The historical reality behind this narrative should not concern us; rather we should reflect on the fact that generations if not centuries of Buddhist monastics considered this tale worth preserving and transmitting.¹²⁴

Indian Buddhist monastic law codes provide us with rich insights into how the canonical authors/redactors, the monastic lawmakers, envisaged the Indian Buddhist experience, whether of daily life in Indian Buddhist

¹¹⁹ Vin i, pp. xxiii, xxii.

¹²⁰ Dutt ([1962] 1988, p. 76).

¹²¹ Lévi ([1923] 1992, p. 167).

¹²² On humour in the *Vinayas*, see Schopen (2007) and Clarke (forthcoming b).

¹²³ Similar observations have been made much earlier by others in different, although perhaps not dissimilar, contexts: John Ruskin, for instance, long ago noted with regard to the tale of the visit to the Franciscan Brother Giles by the king of France, Saint Louis, “in the guise of a pilgrim to Perugia” that “[w]hether St. Louis and Brother Giles ever knelt together in the street of Perugia matters not a whit. That a king and a poor monk could be conceived to have thoughts of each other which no words could speak; and that indeed the King’s tenderness and humility made such a tale credible to the people,—this is what you have to meditate on here.” Quoted in Workman ([1913] 1962, p. 300). I have used the text in Ruskin (1885, p. 57), as Workman contains a number of errors.

¹²⁴ To quote Lamotte ([1958] 1988, p. xxv), “the mentality of the Buddha’s disciples . . . is the true object of our research and not a fleeting and elusive historical certainty.”

monasteries or monastic attitudes toward human sexuality. The same set of limitations—e.g., the lack of records for daily life—apply for the study of other religious traditions, and here we might fruitfully look to historians of Christian monasticism, a discipline much more developed than our own fledgling field.

In her study of Egyptian monasticism, Rebecca Krawiec, for instance, notes that, “[t]he details of the monastic Rule do not record, for the historian, everyday life within the monastery but rather the expectation of that monastic life ... the rules [do] not precisely correspond to the real lives of the monks.”¹²⁵ Krawiec goes on to note that the descriptions found in her sources—the letters of Shenoute (c. 348–464 C.E.)—“do not so much represent the actual daily life of the monks as Shenoute’s ideal of what that daily life should be.”¹²⁶ The same may also be said of our Indian Buddhist *Vinayas*, although perhaps with some slight modification given the nature of our sources.

Krawiec notes that scholars of Egyptian monasticism have taken the extant literary evidence available for the Rule of Shenoute (primarily Shenoute’s own letters detailing transgressions of members of his Community), and compared it with the Pachomian Rule, the textual evidence for which is limited to hagiography and rules, and which therefore—as might be expected—yields a “paucity of evidence” for monastic transgressions and disobedience.¹²⁷ As Krawiec points out, the problem here is that scholars have neglected to take into account the “difference between the nature of the sources from the two monastic systems,” and this seems to have led to the unfounded assumption of “rampant vice” in Shenoute’s community.¹²⁸

Our sources—not unlike those of Shenoute, or, for that matter, even Pachomius—seem to tell us not of actual Indian Buddhist monastic experiences, but how the monastic life was envisaged by the canonical authors/redactors.¹²⁹ The authors/redactors of our monastic law codes seem to have known full well (and perhaps even first-hand) that the path of the celibate religious was fraught

¹²⁵ Krawiec (2002, p. 15).

¹²⁶ *Ibid.*, p. 23.

¹²⁷ *Ibid.*, p. 21.

¹²⁸ *Ibid.*, p. 21.

¹²⁹ I suspect that we will have to give further thought to some aspects of Buddhist narrative. Clearly our monastic codes contain many stories or fictions, but this does not necessarily rule out the possibility that they present us with historically accurate information about daily life in Indian monasteries. It does, however, mean that the task of identifying or sorting out what may be considered historically reliable information is somewhat more difficult than in other sources. I see no reason not to accept incidental details as historically accurate data for the study of Indian history. In the story of Nandika presented above, for instance, although we can perhaps rightly dismiss the story of Nandika’s encounter with a daughter of Māra, incidentals such as her bedecking herself with flowers, perfumes, and necklaces, and so forth, obviously tell us not only that these objects were known to our authors/redactors, but also that this is what a beautiful woman would wear in India to seduce or attract a man. Likewise that there was said to be a dead royal horse in the moat of the Jetavana may confirm the existence of, and provide valuable details concerning, royalty, horses, and moats in India, even if we reject the canonical authors’/redactors’ assertion that our monk had sex with this horse.

with temptation.¹³⁰ Our monastic lawyers may well reflect the voices and concerns of religious men struggling not only with their own sexuality, but perhaps also with their own religiosity.

In the end, whether the monastic lawmakers' accommodation of monks who could not, or would not, control their sexuality and sexual desires was a late development or an early, perhaps even original, provision within Indian Buddhist monasticism in fact matters very little. We are, or at least should be, interested not in origins, not in what Buddhism was in some semi-mythological age, but in what it had become by the time it can be historically located.¹³¹

Regardless of what Buddhism was at the time of the Buddha, it is abundantly clear that by the time the monastic law codes were redacted, all presently knowable traditions of Indian monastic Buddhism bar the Theravāda permitted monks who had sex, who broke the rule of *pārājika*, to continue to remain members of the monastic community. The authors/redactors of the canonical Indian *Vinayas* seem to have considered this provision significant enough to warrant inclusion in the monastic law books, and its inclusion thereby established an amendment to the "original" rule of *pārājika* and the rule of monastic celibacy. This should give us further pause for thought. Indeed, the very existence of provisions that accommodate breaches of clerical celibacy—what some have taken as the defining characteristic of monastic life—seems to be at odds with nearly every modern handbook of Buddhism.

If, then, we are interested in providing a balanced and nuanced picture of Indian monastic Buddhism, it seems certain that we will need to take the evidence provided by all extant monastic codes seriously, and this in turn will mean that the *Vinayas* other than the Pāli will warrant much more attention than the cursory glances they have so far been given.¹³² Such a picture may not be what we expect or even want to see—it will most certainly not be anything like what we, or our Victorian predecessors, have imagined Indian Buddhism to be. What we shall see, however, will undoubtedly afford us a better understanding of the world of the monastic authors/redactors, and this will be an important step if we are to understand not only their sexuality and religiosity, but also their negotiation of the twain on their terms. It is only

¹³⁰ The kind of temptation that afflicted, for instance, St. Bernard, who "tormented by impure thoughts, rushed into an icy pool and stood neck deep until he had subdued his body." Quoted in Workman ([1913] 1962, p. 322).

¹³¹ Schopen (2000, p. 86) states that "We need no longer be implicitly or explicitly concerned primarily with the question of what Buddhist monasticisms originally were. We might be equally—and probably more fruitfully—concerned with what at given places at given points in time they had become."

¹³² These monastic codes (i.e., non-Theravādin) are much better known in Japan, particularly through the work of Nishimoto Ryūzan, Satō Mitsuo, Satō Tatsugen, Tsuchihashi Shūkō, Hirakawa Akira, Sasaki Shizuka, and Yamagiwa Nobuyuki. In the West, the work of Sylvain Lévi, Léon Feer, Jean Przyluski, André Bareau, and, more recently, Gregory Schopen provide further notable exceptions. I should not be misunderstood as suggesting that we abandon study of the Pāli *Vinaya* and its commentaries. Rather, I suggest only that the other *Vinayas* are worthy of at least as much attention as the Pāli *Vinaya*.

when we take the time to listen to what the monastic authors/redactors went to such great lengths to articulate that we have any hope of understanding their core values. Indeed, it is high time that we edge closer to Lamotte's goals in writing his *History of Indian Buddhism*: "to bring it back to earth."¹³³

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¹³³ Lamotte ([1958] 1988, p. xxii).

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