

Through the Yellow Gate

Ordination of Gender-Nonconforming People in the Buddhist Vinaya

Ven. Vimala

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I dedicate this work to my parents, who have raised me to see people as people, regardless of race, nationality, sex, gender or sexuality.

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1. Introduction

Transgender and intersex people, and at times other LGBTIQ+ people, have been excluded from ordination as a Buddhist monastic in the *Theravāda* tradition. This exclusion is the result of what I will show is an erroneous reading of several Pali terms—*paṇḍaka* and *ubhatobyañjanaka*—in the monastic disciplinary code (*Vinaya Piṭaka*) of the *Theravāda* tradition. Rendering the terms *paṇḍaka* and *ubhatobyañjanaka* into English, previous lexicographers of the Pali language have used vocabulary rooted in the (Christian) understanding of the early 20th Century, like ‘eunuch’ and ‘hermaphrodite’.¹ It has previously been noted that it is problematic to transpose modern terms in the understanding and translation of other (religious) movements.² In dealing with the concepts of *paṇḍaka* and *ubhatobyañjanaka* the terms ‘eunuch’ and ‘hermaphrodite’, but also terms like ‘transgender’ and ‘intersex’ are inappropriate as they wrongly suggest that the lived understanding of the relationship between sex, gender and sexuality in Ancient India was the same as it is for us in the West today. The fact that certain groups of people are unable to obtain monastic ordination based on terms that are so little understood creates a barrier for all LGBTIQ+ people who come to Buddhism seeking refuge from suffering.

When studying the Buddhist scriptures, especially where there are groups of people who are marginalized, it is important to understand where and under which circumstances these concepts and interpretations have originated.³

In the beginning of the Buddhist Order (*Saṅgha*) there were no rules for the conduct of monastics. The *Vinaya* was laid down later and grew as more rules were established. These were implemented only when monks started to misbehave and guidelines became necessary.⁴ The *Vinaya* as we have it today was formed over a long period of time and has been highly redacted over the centuries, regulating many and diverse aspects of monastic life. It is not an original Buddhist text that was passed down unchanged since the time of the Buddha. The oldest parts of the *Vinaya* consist of the rules (*pāṭimokkha*) and procedures (*kammavācā*), possibly together with some other sections. The different *Vinayas* in existence today are the products of the various schools of Buddhism that emerged much later.⁵ The Second Council is of preeminent importance in the development of the *Vinayas* as this is the only major event in Buddhist history that revolves entirely

¹The Pali Text Society’s Pali-English Dictionary and Cone’s Concise Pali-English Dictionary. For dictionary entries I refer to Appendix C.

²Maes [2016a] page 2, Dudas [2002] page 45, Artinger [2020] pages 1–4.

³Brenna Artinger [2020] pages 3–4 points to the use of Michael Foucault’s methodology of ‘geneology’: “Thus, this methodology is primarily concerned with the ways in which ideas are crafted through the shaping of cultural and political influence, and one’s ability to trace such lineages of formation. Through this process, one is able to see not only how or why ideas are created, but also how specific terms are negotiated through paradigms of power to bear certain connotations and interpretations.”

⁴See Bhikkhu Sujato [2009] pages 8–10 for further details on the context of the *Vinaya*.

⁵After the Buddha passed away we see a gradual emergence of schools in the Aśokan and post-Aśokan periods. See Bhikkhu Sujato [2012] for a detailed study on the emergence of the Buddhist schools.

around a *Vinaya* dispute. Bhikkhu Sujato¹ suggests that the bulk of the *Vinaya* texts were added well after the Buddha's death, in contrast to the *Suttas* (discourses):

... the *Vinayas* were, it seems, composed following the Second Council; and in particular the *Khandhakas*, with their massive narrative arc, were put together in order to authenticate the acts of the Second Council.

This is important for our current topic because the rules regarding the exclusion from ordination of the *paṇḍaka* and *ubhatobyañjanaka* are found in the *Khandhakas* and the words do not appear in the early *Suttas*, nor in the oldest parts of the *Vinaya*. The question remains as to why these rules were added. The Buddhist community also evolved in constant negotiation with its wider religious environment and needs to be understood as a dialogue with its various 'religious others'. Claire Maes² has clearly demonstrated that this process was central to the formation of the *Vinaya* as an ongoing dynamic to create a distinctive Buddhist identity. The Second Buddhist Council became an important event in the history of Buddhism to determine its identity vis-à-vis other religious Orders after the Buddha passed away.

Many scholars have pointed out the many similarities between the principal practices, precepts and structures of Buddhists, Jains and Brahman communities and they seem to have had a detailed knowledge of each other's practices and organization.³ The interaction and debates with these 'religious others' led the Buddhist *Saṅgha* to implement specific rules in order to be in conformity with certain well-established monastic customs on the one hand and to (re)define their identity as a clearly separate Order on the other. In this paper I will argue that the concepts *paṇḍaka* and *ubhatobyañjanaka* have entered the Buddhist *Vinaya* after the Buddha passed away in the context of a much wider religious discussion that took place regarding the position of women within religious life that has also reduced the opportunities for women to ordain as Buddhist monastics.⁴

I will also show that these terms have their roots in Vedic mythology and provide a fresh insight into the ancient Asian paradigms for gender identities. Here we find the living proof of evolving ideas on sex, sexuality and gender that are very different from our Western concepts. And here we find that these terms are intimately bound up with the deeply ambivalent attitude towards women and women's sexuality in ancient India.

In this paper I will first trace the emergence of these—and other gender-specific—terms in Vedic, Brahmanic and Jain scriptures and their changes over the centuries. I will

¹Sujato [2009] pages 141–142 and 215–216.

²Maes [2016a] and Maes [2016b].

³Maes [2016b] page 9 footnotes 26–28.

⁴The legality of the ordination of women (*Bhikkhunīs*) in the *Theravāda* and Tibetan lineages of Buddhism has been a hotly debated topic for many years. Thanks to the efforts and research of many monastics and academics, the first full *Theravāda* ordination was held in Perth in October 2009. Although still not widely recognized in several traditional *Theravāda* countries, recognition is growing and the number of *Bhikkhunīs* is slowly increasing. See a.o. Bhikkhu Sujato [2009] and Bhikkhu Anālayo [2013] for research in this field.

then discuss the occurrences of these terms in the Pali and Chinese *Vinayas* and compare these with the understanding of the contemporary ‘religious others’ to come to a deeper understanding of what the terms *paṇḍaka* and *ubhatobyañjanaka* really meant at the time these passages were written and the reasons why these are said to be barred from ordination. Finally I will show that neither these terms, nor any other regulations in the *Vinaya*, can be used as a justification to exclude candidates from ordination based on their sex, sexuality or gender.

2. Vedic, Brahmanic and Jain Scriptures

Various authors have already noticed the similarities of *Vinaya* terminology between the Buddhist and Jain Orders.¹ In the Buddhist *Suttas* we find many examples of discussions between the two groups and after the Buddha passed away, when the community found itself without a leader to make decisions, such discussions would certainly have had an impact on the Buddhist *Vinaya*. Both groups would have also used vocabulary that was already in existence at that time. It is therefore important to first have a look at what sex and gender meant in the larger context of the society in pre-Buddhist India and how this understanding developed within the Jain Order.

2.1. Emergence of the Third Sex/Gender

Both the Buddhist and Vedic texts have origin stories that describe the emergence of sex and gender (and thus human beings) as a result of desire.² Before this emergence of sex and gender, beings were androgynous, hermaphroditic or without any kind of sexual characteristics.

In the Vedic myths and legends, we frequently find the recurrent theme of a man turning into a woman or androgyn or of being both a mother and a father.³ Robert Goldman⁴ and others point out that the function of these myths and legends is to confront deep anxieties and fears associated with the complex and problematic issues involving sex, gender, sexuality, power, hierarchy and subordination. We see literary representations of these anxieties in all patriarchal societies, expressing the deeply ambivalent attitude towards women and women’s sexuality. On the one hand, women are depicted as pure and nurturing as long as they are controlled within the constraints of kinship, but outside such a regulated environment they are seen as dangerous and destructive to men. Through

¹Maes [2016b] page 9 footnotes 26–28, also Sujato [2009] and Zwilling and Sweet [1996].

²Zwilling and Sweet [2000] page 101 and Artinger [2020] pages 7–15.

³F.i. *Mahābārata Anuśāsanaparvan* (MBh) 13.12 and *Rāmāyaṇam* (Rām) 7.78–79. See also Goldman [1993] pages 379–380 and Conner et al. [1998] page 68.

⁴Robert Goldman [1993] gives an excellent account of the myths that formed the notions of sex and gender in ancient India and the psychological purpose of these myths. I will refer to some of these stories throughout this paper.

such projective devices of men onto women, male-dominated cultures have been able to establish a hegemonic ideology of gender.¹ We see that ‘transgenderism’ is a recurring theme in these myths and legends, derived from these anxieties and attitudes towards sex and gender in a society where the ‘male’ sex and sexuality is seen as superior.

We can trace the emergence of the concept of a third sex/gender back to the late Vedic period (800–600 BCE).² The term *napumisaka* was originally an umbrella term used to denote men who were impotent, who had a female gender-expression or who dressed in traditional women’s clothing.³ Literally the term means ‘not a male’ i.e. men who did not conform to gender-role expectations.

It is accepted by many scholars that the *hijras* of India are the contemporary representatives of these *napumisakas* and they even refer to themselves as ‘not a male’ or ‘neither male nor female’.⁴ Although the *hijras* have been subject to influences from the Muslim period from the 12th to the 16th Century as well as from Christian and more modern Western ideas, by studying them we get a glimpse of what the lives of the *napumisakas* must have been like in Vedic times.

The *hijras* are a representation of the god Śiva in their androgynous form of Ardhanārīśwara from Vedic mythology (See Figure 2). They enact the religious myths and make them come alive in the rituals, songs and dances they perform. They are viewed as vehicles of the divine power of the Mother Goddess, which transforms their impotence into the power of creation. According to sources from the beginning of the 20th Century, potential candidates for initiation as a *hijra* (which includes emasculation) had to be born impotent.⁵ Their emasculated body is not the only characteristic of a *hijra*, but also their physiology and their sexual capacities, feelings, preferences and behaviors. Although dressing like a woman is part of a *hijra*, they are also quite different from a transgender person; they are the religious embodiment of the deities.⁶

Next to *hijras* there are a number of other religious sects in India where males im-

¹See Sujato [2011] for an extensive work on the role of the male/female relationship portrayed in mythology in Buddhism and more specifically with regards to women’s ordination.

²Throughout this paper I have tried to maintain a distinction between ‘sex’—the anatomy of an individual’s reproductive system—and ‘gender’—either social roles or personal identification based on an internal awareness—that we use today, but this has proven rather difficult because in the ancient texts this distinction is significantly blurred.

³Zwilling and Sweet [1996] page 362 and Zwilling and Sweet [2000] page 105.

⁴Zwilling and Sweet [1996] page 363, Goldman [1993] page 388 and Doniger O’Flaherty [1982]. A good study on the *hijras* is provided by Serena Nanda [1999].

⁵The 19th and early 20th Century sources are important because at that time the influence of globalization and the influx of Western ideas on the lives of the *hijras* was less prevalent than it is today. See Ibbetson et al. [1911] pages 332, Shah [1961] page 1325 and Bhimbhai [1901]. Some 19th Century accounts report that impotence was an essential qualification for admission into the hijra community and that a newcomer initiated into the community was on probation for as long as a year. During this time his impotence was carefully tested, sometimes by making the person sleep four nights ‘with a prostitute’. Only after impotence was established would the newcomer be permitted to undergo the emasculation operation and become a full member of the community. Preston [1987].

⁶Nanda [1999].

personate the legends, imitate what is seen as feminine dress and behavior, including menstruation, and also engage in sexual acts with men as acts of devotion. Castration may also be part of this like f.i. in the *Sakhibhāva* sect that worships Viṣṇu.¹ Various *sādhus*, like Ramakrishna, identify themselves with women for periods of time as part of their religious life.²

The adoption of the word *napumisaka* as a grammatical third gender³ in the 6th Century BCE seems to have prompted a significant shift in meaning, because now the *napumisaka* was interpreted as meaning ‘neither male nor female’. This resulted in the previously mentioned ‘not males’ being regarded as people with ambiguous sex or gender.⁴ The individuals that the word *napumisaka* originally referred to were however all males, just not conforming to gender-role expectations. The fact that the word *liṅga* (sex)⁵ was adopted as the technical term for grammatical gender created a lot of confusion because now the same word was used to express natural sex and grammatical gender.⁶ The third grammatical gender for humans became equivalent to the ‘third sex’ and comprised of anybody who did not neatly fit into the categories of ‘male’ and ‘female’.

Just after the late Vedic period we see that a set of terms relating to the class of *napumisakas* emerged like *klība* (sexually defective man⁷), *ṣaṇḍha*⁸ and *paṇḍaka* (‘impotent’, or ‘sterile’⁹). All of these types were associated with cross-dressing, singing and dancing,¹⁰ as we have also seen in the above description of the contemporary *hijras*. With the word *napumisaka* having gained a much broader meaning, it seems likely that these new sub-categories represent different names for the original meaning of ‘not males’, although not clearly defined and overlapping in meaning.

Serena Nanda¹¹ mentions the practices and beliefs in Tantric Hinduism which started emerging in India from the middle of the 1st millennium CE:

¹Nanda [1999] page 21.

²Robert Goldman [1993] pages 384–391 discusses various sects with these practices.

³*Śatapatha Brāhmaṇa* (ŚB) 10.5.1.2–3.

⁴Zwilling and Sweet [2000] page 362.

⁵The original meaning of *liṅga* is ‘characteristic mark or sign’ (*Nirukta* 1.17) but it later starts to mean ‘sexual characteristic’. See also chapter 3 for a detailed description of *liṅga*.

⁶Zwilling and Sweet [1996] page 365.

⁷As pointed out by Zwilling and Sweet [1996] page 363, the nature of the *klība* is suggested by the *Bṛhadāraṇyaka Upaniṣad* 6.1.12 and is the result of the destruction of the penis as in ŚB 1.4.3.19.

⁸The Monier Monier-Williams dictionary gives the translation ‘eunuch, hermaphrodite’.

⁹*Atharva Veda* (AV) 8.6.7, 11.16. The etymology of *paṇḍaka* is unknown but cf. *baṇḍa* at AV 7.65.3 is glossed by the commentator as *nirvīrya* (‘impotent, powerless, unmanly’ (Monier-Williams, Sir M. (1988) dictionary). Albrecht Wezler [1998] has suggested that *paṇḍa* and *paṇḍaka* be regarded as ultimately derived from **apa+ āṇḍā*, thus: “one who has no testicles (anymore),” i.e. a eunuch. Allan Bomhard [2016] points out that there is a range of translations and interpretations that can apply to the *paṇḍaka*. He believes that the word could be a loan-word from the Dravidian *peṇṭan*, *peṇṭakan*, *peṇṭakam*, which can mean both hermaphrodite and eunuch.

¹⁰The term *klība* surfaces in the *Mahābhārata* in the myth of Arjuna, who refuses the advances of a nymph who curses him to become a *klība*. Arjuna takes the name Brihannala, dresses in women’s clothes and gains access to the princess Uttarā for whom she becomes a performer in the arts of music, singing and dancing. See Conner et al. [1998] for details.

¹¹Serena Nanda [1999] quotes Bullough pages 21–22.

... there was a third sex, which itself was divided into four categories: the male eunuch, called the ‘waterless’ because he had desiccated testes; the ‘testicle voided’, so called because he had been castrated; the hermaphrodite; and the ‘not woman’, or female eunuch (which usually refers to a woman who does not menstruate). Those who were more feminine (whether males or females) wore false breasts and imitated the voice, gestures, dress, delicacy, and timidity of women. All these categories of persons had the function of providing alternative techniques of sexual gratification, some of which are mentioned in the classical Hindu sex manual, the *Kāmasūtra*.

This shows that at that time the ‘third sex’, the *napuṃśakas*, were not only defined by their primary sexual characteristics that made them neither completely ‘male’ or ‘female’, but they were also prescribed gender characteristics like dress and behavior as well as a certain religious sexual role in society. I have been unable to identify the Sanskrit words that the four categories mentioned refer to, but it seems likely they represent at least the *paṇḍaka*, the *klība* or *ṣaṇḍha* and possibly the female *paṇḍaka*. The *Kāmasūtra* itself only uses the word *tr̥tīyāprakṛtī* which literally means ‘third sex’.¹ The characteristics of the ‘hermaphrodite’ and which Sanskrit term is used here remains unclear. I will discuss this in the next chapters.

2.2. Sex and Gender in the Jain Order

Just like in Buddhism, the Jain Order had a strong interest in controlling the sexuality of its monastics. Jain monastics practiced celibacy,² and the monks were mostly naked ascetics. The prestige and power of the Order depended to a large extent on public opinion and therefore on the purity of their behavior, as well as their external appearance. The ‘third sex’ was therefore the subject of a very lengthy debate within the Order.

In addition to these practical considerations, there was also a debate within the Jain community as to whether women can attain spiritual liberation because the monks felt it was improper for them to go naked. Eventually it was this dispute that led to the schism between the two major Jain Orders.³ This controversy hinged on the identification of the signs to designate somebody as a woman, which logically also led to the examination of what is male, and ‘neither male nor female’.

¹At the beginning of the Common Era the term *tr̥tīyāprakṛtī* was introduced, possibly among the schools of traditional medicine, to indicate a true ‘third sex’. This term is usually used as a synonym for *napuṃśaka* and only appears in a few times in the later Brahmanic Sastra collections (See Zwilling and Sweet [1996] page 362). The Pali equivalent of the word is *tatiya pakati*, which appears a few times in later Buddhist *Abhidhamma* sub-commentaries.

²Celibacy is the state of voluntarily being unmarried, sexually abstinent, or both, usually for religious reasons. In this paper I will use the word in the meaning of sexually abstinent.

³See Paul Dudas [2002] for an extensive account of the schism. The two main sects of Jainism, the *Digambara* and the *Śvētāmbara* sects, likely started forming about the 3rd Century BCE and the schism was complete by about the 5th Century CE.

The speculations and discussions that followed focused on the characteristics necessary to identify a person as belonging to one of the three groups. The *paṇḍaka*, *klība* and *keśavan* (long-haired male)¹ were recognized as males, but their gender-role nonconformity assimilated them to females, so not ‘real males’ and therefore still *napumisakas*.

This discussion was influenced by the Brahmanical views at that time concerning the essential markers for sex/gender assignment (*liṅga*).² By the 3rd Century BCE two views had developed to define *liṅga*.

1. The first view went from the premise that *liṅga* was defined by what one perceived as a man, woman or neither based on the presence or absence of primary or secondary characteristics.³
2. The second view is that *liṅga* assignment has to do with the ability to procreate or conceive.

Both these Brahmanical views were rejected by the Jains as being inadequate to determine sex/gender. Paul Dundas [1964] describes how the Jains developed a system to define sex/gender as a combination of sex, behavior, physical characteristics and also the underlying sexuality and feelings. The Jains came up with their own term *veda* to describe these characteristics.⁴ This conception of sexuality most likely predates the schism between the two major Jain sects but was not part of the earliest Jain doctrine. This concept appears frequently in the later canonical Jain texts but is also mentioned once in the early Jain literature where male sexuality is explained as sexual desire for women and female sexuality is explained as sexual desire for men.⁵ The sexuality of the *napumisaka* is not clearly defined in the earlier texts but is seen as a threat to the chastity of monks.⁶

Zwilling and Sweet⁷ mention:

... we may infer that sexual desire for a man forms at least one aspect of third-sex sexuality. In a set of similes descriptive of the relative intensities

¹Apparently long hair was seen as a sign of a woman.

²I will discuss the meaning of this term in more detail in chapter 3.

³*Mahābhāṣya* 4.1.3: Q: “What is it that people see when they decide, this is a woman, this is a man, this is neither woman nor man?”, A: “That person who has breasts and long hair is a woman; that person who is hairy all over is a man; that person who is different from either when those characteristics are absent, is *napumisaka*.”

⁴This move is rather remarkable because for the Brahmins *veda* meant their sacred knowledge and scriptures. But it is not unprecedented because the Jains often used existing words and gave them new meaning. In the Buddhist *Suttas* we also find instances where the Buddhists use different terms for the same things as the Jains. F.i. *Majjhima Nikāya* 56 recounts a discussion between the Buddha and the Jain ascetic Tapassī in which the ascetic mentions that their leader Nigaṇṭha Nātaputta (i.e. Mahāvīra) doesn’t speak in terms of ‘deeds’, like the Buddha, but uses the term ‘rods’. See also Zwilling and Sweet [1996] note 34.

⁵See *Vīyāha* 2.5.1.

⁶See *Ācārāṅga Sūtra* (English translation by Jacobi [2008]) p.220: monks are warned that a danger of drunkenness is seduction by a woman or a *klība*. Page 285: sleeping places frequented by women or *paṇḍakas* are to be avoided.

⁷Zwilling and Sweet [1996] page 368.

of the sexualities of the three sexes, that of the third sex is viewed as most intense of all: a woman's *veda* is compared to a dung fire, a man's to a forest fire, but the third sex's is compared to a burning city. Thus third-sex persons are not only sexual persons, but hyperlibidinous ones at that.

The word *napumisaka* has been the subject of much debate within the Jain Order, resulting over time in changes in meaning and use and the definition of sub-categories. The word in the canonical texts seems to have referred only to males who were cross-dressing and had a female gender-expression, who are identified by the way they dress, their behavior and sexual orientation. Because they looked like a woman, they were also assumed to have sexual desire for men. Because of this characterization, the *napumisaka* can also be an object of lust for celibate monks and this would have been seen as problematic for ordination as a male monastic. Part of the discussion was also fuelled by the nakedness of the Jain monks and therefore their physical male appearance as well as their behavior. As celibate monks, same-sex relations and the possibility of same-sex attraction were issues. The public perception, and the fear thereof, was of utmost importance for the livelihood of the Jain Order.

We also see a shift in the discussion over time regarding the abilities of a *napumisaka*, or at least some sub-categories thereof, to attain enlightenment or to ordain. The *Śvētāmbara* in their later *Bhāgavatī Sūtra*¹ even define a fourth type, namely the *puruṣanapumisaka* (male *napumisaka*, possibly a *napumisaka* who appeared the same as other men).² Lacking any of the external characteristics of a *napumisaka*, the only characteristic left to define them as such must have been their sexuality (i.e. attraction to men).

During the period of the commentarial literature the sexuality of the *napumisaka* was redefined as being of a more bisexual orientation. Leonard Zwilling and Michael Sweet³ believe that this new definition was not so much driven by actual observations of the behavior of *napumisakas* but rather by theoretical discussion. This bisexual orientation was not conceived of as a separate orientation, but as possessing the sexuality of **both** males and females. This is a change from the canonical literature, where the sexuality of a *napumisaka* was characterized as female only.

During the period in which the commentarial literature was established the terms male and female *napumisaka* were redefined further. The female *napumisaka* was the old category defined in the Canon of which the *klība* and *paṇḍaka* are sub-categories, and the male *napumisaka* was the aforementioned *puruṣanapumisaka*. The female *napumisaka* seems to act as a female partner only (i.e. be acted upon), while the male *napumisaka* acts in both ways. So here male and female sexuality are no longer just defined as the sexual desire to have sex with a female and male respectively, but also in terms of the role

¹*Bhāgavatī Sūtra* 4.1-2.

²See Zwilling and Sweet [1996] for more details.

³Zwilling and Sweet [1996] pages 371-374.

taken in intercourse.¹ The hyperlibidinous nature of the *napumisaka* was ascribed to the bisexual character of his sexuality. As we have seen above, from around the same time that the commentarial literature was established, the ‘third sex’ became identified with their religious sexual role of providing alternative techniques of sexual gratification as in the *Kāmasūtra*. It is therefore not surprising that they came to be seen as hyperlibidinous in nature.

It is interesting to note that throughout this discussion the *napumisaka* and its sub-categories always refer to males who are somehow blocked in terms of exercising their male sexuality in one way or another owing to their performance of some unvirtuous act (*karma*) in a previous life. Females who did not conform to gender-expectations were not considered in the class of *napumisakas* or are only very rarely mentioned, without much explanation as to their nature.

2.3. Jain Monastic Ordination

In the formative years of the Jain Order, the rules for ordination were still rather simple. Only the *klība*, the *paṇḍaka* and ill people were not allowed to ordain. Of the two Jain sects after the schism, the *Digambara* maintained nakedness and eligibility to ordain as a monk was quite straightforward: one had to be a man without genital defects and virile, except for when that man was overly libidinous.

For the *Śvētāmbara*, who wore a cloth, the matter was far more complex and they devised an intricate system of people suitable for ordination, whereby the *napumisaka* was divided into sixteen types.² Over time, the ban against ordination of *napumisakas* was relaxed, first based on practical grounds like a known and well-behaved candidate, and later an exception was made for those who were able to control their sexuality. One of the main grounds why certain *napumisakas* were denied ordination was their perceived hyperlibidinous-ness, which would render them incapable of keeping their vows of celibacy and made them unfit to live in either the monks’ or nuns’ communities. Only ten of the sixteen were not allowed to be ordained because they were regarded as uncontrollable in their passions. Among these were the original two categories of *klība* and *paṇḍaka*. The aforementioned *puruṣanapumisaka* was allowed to ordain, presumably because they could not potentially evoke a monk’s lust. Since external appearance was no longer a clear indication of being a *napumisaka*, the candidate for ordination had to be questioned.

By the 17th Century CE, this rule on ordination had been nearly abolished. So we have seen a radical shift from total non-acceptance to almost total acceptance of *napumisakas* in the Jain Order over time.³

¹*Niśītha Sūtra* 3507.

²See *Bhagavatī* 5166–67.

³Zwilling and Sweet [1996] reference *Yuktiṭrabodha* in footnote 80.

3. Liṅga and the Dispute about Women's Ordination

As we have touched upon in the context of the developments in the Jain Order there was a lively discussion around the 3rd Century BCE on what the characteristics of sex or gender (*liṅga*) are. This controversy hinged on the identification of the signs to designate somebody as a woman, which logically also led to the examination of what is male, and 'neither male nor female'. This was a much wider religious debate that involved both the Jain and Buddhist communities, and possibly other religious traditions as well. Bhikkhu Sujato¹ points out that these discussions were conducted by the monks, while the women themselves were notable by their absence. We have no indication that this was any different in the Jain Order. It is therefore not surprising that at the Second Buddhist Council, which was held at around the same time, rules were laid down with regards to the ordination of nuns, and most likely the 'third sex' category, with its perceived hyperlibidinous-ness, was also touched upon. We also find for instance various passages with regards to women's roles in the Order that seem out of place in the Buddhist scriptures but which appear with near identical wording in the Jain texts² so it is clear that these two Orders influenced each other.

This discussion regarding *liṅga* in the light of ordination into the Buddhist monastic Order is all the more remarkable because monks and nuns forego the usual markers of sex and gender when they put on robes and shave their heads. Giving up gendered attire is one of the distinguishing characteristics of monastic life. In the Jain Order this discussion made more sense.³ The Jains were naked ascetics and therefore the physical marks of sex could not so easily be given up. The female monastics needed to wear a cloth to cover their bodies while the males could go naked. This was a very important point for the Jains because this difference also meant that as females could not let go of all earthly possessions they could also not reach enlightenment. This was one of the main points of dispute between what became the two sects in Jainism.

The original meaning of the term *liṅga* before this dispute was 'characteristic mark or sign',⁴ but during this dispute the term was refined and the different Orders developed different opinions about the characteristics of 'male' and 'female'. Bee Scherer⁵ takes the term *liṅga* as a reference to the 'secondary sex organs' and other characteristics of gender difference, which also include behavioral differences so the term can be used to denote both biological sex and some aspects of the expression of gender-identity as we define it

¹Sujato [2009] pages 241–242.

²Sujato [2009] pages 54–55.

³Maes [2016b] pages 11–17 points out that the Jains' nakedness was one of the primary distinctive marks that set them aside from Buddhist monastics. The wearing of a bowl and robe was an important part of the Buddhist identity and is also referred to with the term *liṅga*.

⁴*Nirukta* 1.17.

⁵Scherer [2006] page 68.

today. They base this conclusion on the work of Buddhaghosa,¹ who listed the secondary characteristics of the male and female, which included beards and mustaches, motherly instincts, way of walking, etc. The fact that next to male and female characteristics we also have the term *napunisakaliṅga* makes it indeed very unlikely that this would denote primary sex characteristics only. The term is also used in for instance *bhikkhuliṅga*, *gihiliṅga* and *hatthiliṅga*, which are defined as the distinctive marks or character of a monk, householder and elephant respectively.

The Brahmanical *Mahābhāṣya*² makes it clear that the term *liṅga* refers to the sex/gender of a person as perceived by those who behold them and that this can refer to sexual characteristics, dress, hair and behavior. This view is confirmed in the Buddhist *Abhidharmakośa*,³ and the *Samantapāsādikā* commentary⁴ and elsewhere. There is no indication that the Buddhists agreed with the Jains on the inclusion of underlying sexuality and sexual feelings in the definition of *liṅga*,⁵ nor that our modern definition of gender as a personal identification based on an internal awareness was part of it.

There are several other words that are used as synonyms for *liṅga* in the Pali and Sanskrit texts. These are *nimitta* and *byañjana* (Skt. *vyañjana*). Both of these words have a much more general meaning of ‘sign’ or ‘mark’ but are also used in relation to sex and gender in various places. In Appendix B, Section B.2, I have charted the occurrences of these words throughout the Pali and Sanskrit texts. I have done the same for their Chinese equivalents ‘root/faculty’ (根) and ‘shape’ (形). In order to get an idea as to the frequency in which these words are used in relation to sex/gender characteristics as opposed to general characteristics I have used the prefixes *itthi* (‘female’ Skt. *strī*, Chn. 女) and *purisa* (‘male’ Skt. *puruṣa*, Chn. 男). This is not an exact method and we cannot draw definite conclusions from it but it gives an idea of the way in which these words are used in the texts.

In the Pali texts the words *itthiliṅga* and *purisaliṅga* are the only ones used in the *Suttas* and *Vinaya* to denote sex/gender characteristics. There is one occurrence of the word *purisabyañjana* in the *Bhikkhunikkhandhaka*, but this is very likely a later addition.⁶

¹Buddhaghosa lived in the 5th Century CE. He was a commentator, translator and philosopher. He worked in the Great Monastery (Mahāvihāra) at Anurādhapura, Sri Lanka. He is also the main author of the *Samantapāsādikā* commentary as well as many other works. He is generally recognized as the most important philosopher and commentator of the *Theravāda* Canon. His best-known work is the *Visuddhimagga* (‘Path of Purification’), a comprehensive summary of older Sinhala commentaries on *Theravāda* teachings and practices.

²*Mahābhāṣya* 4.1.3. “What is it that people see when they decide, this is a woman, this is a man, this is neither woman nor man?”

³*Abhidharmakośa* IV.14 c. using the word *vyañjana* as a synonym for *liṅga*.

⁴See Anderson [2016a] pages 237–240 for an English translation of the passage on change of *liṅga* in a monastic. The *Samantapāsādikā* is a translation of Sinhala commentaries into Pali by Bhikkhu Buddhaghosa and possibly others in the 5th Century CE. It was based on the *Mahāpaccariya* and the *Kurundī Atthakathā*. See Goonesekere [2008] for details on *Theravāda* commentaries.

⁵The Jains also defined the sexual desire for the male body as part of the female characteristics and vice versa.

⁶See chapter 6. The fact that this word is further only used in the later commentaries seems to

The words *itthinimitta* and *purisanimitta* appear in the *Abhidhamma* and all six words are used in the commentaries. It seems therefore likely that the use of these alternative words to denote sex/gender characteristics is a later development. Especially the word for ‘female characteristics’ *itthiliṅga* becomes very prominent over time. We also see that in the *Abhidhamma* the word *liṅga* is used exclusively to denote sex-characteristics. In the *Vinaya* the word *byañjana* is used mostly to denote sex/gender characteristics but also appears a few times in the meaning of ‘curry’. In the other collections both these words are used relatively little to denote sex/gender characteristics.

In the Sanskrit texts we see a very different picture. Again, in the *Vinayas* only the words *strīliṅga* and *puruṣaliṅga* are used to denote sex/gender characteristics, but for the other Buddhist texts the result is rather garbled which is especially shown in the chart of the relative number of words (see Appendix B.2, Figure 14). This is mostly due to the fact that the Sanskrit texts, unlike the Pali, are not shown in order of approximate lateness and the collections from which the data are drawn are not complete. In all the collections both words *liṅga* and *vyañjana* are used relatively little to denote sex/gender characteristics. The most interesting feature here is that the words denoting ‘female characteristics’ are used far more than the words for ‘male characteristics’ especially in the Vedic/Brahmanical texts. Just like in the Pali we see a growing prominence of the word *strīliṅga*, which becomes most important in the later *Śāstra* collections. This could point to an increasing interest over time as to the question of what the characteristics of a ‘woman’ are in ancient Indian society and to a later pre-occupation with sex and gender that is not found in earlier times.

In the charts for the Chinese texts we see that the words for male and female ‘root/faculty’ (根) are most prominent in the *Abhidhamma*¹ as well as the *Vinaya*² and slightly less in the later sub-commentaries.³ In the *Tantra* collections⁴ however, the word for ‘female shape’ (女形), is far more prominent than its male counterpart. In all collections both words ‘root/faculty’ (根) and ‘shape’ (形) are used relatively little to denote sex/gender characteristics and are used more in other meanings.

To summarize, it is unclear what the word *liṅga* refers to exactly in relation to sex and gender. It is certain that it does not relate merely to primary sex characteristics and most likely refers to secondary characteristics that also include behavior, dress, hair, etc. The words *byañjana* and *nimitta* seem to be used mainly in the later texts in relation to sex/gender and I treat them in this paper as synonyms of *liṅga* but there might be more subtle differences. At least in the case of the *ubhatobyāñjanaka* there seems to be more of an emphasis on primary sexual characteristics as I will discuss in chapter 5.

confirm its lateness.

¹T26–T29. For a description of the sections in the Taishō Canon see wikipedia.org.

²T22–T24.

³T40–T44.

⁴T18–T21.

In the next chapters I will discuss the terms *paṇḍaka* and *ubhatobyañjanaka* in the Buddhist texts as well as terms relating to sex and gender as they occur in the *Bhikkhunikhandhaka*. A listing of the occurrences of the most common terms pertaining to sex and gender in Chinese texts is given in Appendix A.

4. The Paṇḍaka

4.1. The Paṇḍaka in the Pali Vinaya

In the *Theravāda Vinaya* the term *paṇḍaka* is mainly used in the context of individuals a monastic should not have sexual relations with or as a form of insult. The rule regarding the ordination of *paṇḍakas* is laid down in *Khandhaka* 1¹ and reads as follows:²

Tena kho pana samayena aññataro paṇḍako bhikkhūsu pabbajito hoti. So dahare dahare bhikkhū upasaṅkamitvā evaṃ vadeti—“etha, mami āyasmanto dūsethā”ti. Bhikkhū apasādenti—“nassa, paṇḍaka, vinassa, paṇḍaka, ko tayā attho”ti. So bhikkhūhi apasādito mahante mahante moligalle sāmaṇere upasaṅkamitvā evaṃ vadeti—“etha, mami āvuso dūsethā”ti. Sāmaṇerā apasādenti—“nassa, paṇḍaka, vinassa, paṇḍaka, ko tayā attho”ti. So sāmaṇerehi apasādito hatthibhaṇḍe assabhaṇḍe upasaṅkamitvā evaṃ vadeti—“etha, mami āvuso dūsethā”ti. Hatthibhaṇḍā assabhaṇḍā dūsesuṃ. Te ujjhāyanti khiyyanti vipācenti—“paṇḍakā ime samaṇā sakyaputtiyā. Yepi imesaṃ na paṇḍakā, tepi ime paṇḍake dūsentī. Evaṃ ime sabbeva abrahmacārino”ti. Assosuṃ kho bhikkhū tesāṃ hatthibhaṇḍānaṃ assabhaṇḍānaṃ ujjhāyantānaṃ khiyyantānaṃ vipācentānaṃ. Atha kho te bhikkhū bhagavato etamatthāṃ ārocesuṃ. “Paṇḍako, bhikkhave, anupasampanno na upasampādetabbo, upasampanno nāsetabbo”ti.

At one time a certain *paṇḍaka* had gone forth as a monk. He approached the young monks and said, “Venerables, come and have sex with me.” The monks dismissed him, “Go away, *paṇḍaka*. Who wants you?”

He went to the big and fat novices, said the same thing, and got the same response.

He then went to the elephant keepers and horse keepers, and once again he said the same thing. And they had sex with him. They complained and criticized them, “These Sakyan ascetics are *paṇḍakas*. And those who are not have sex with them. None of them is celibate.”

¹ *Khandhaka* 1 *Pabbajjā* PTS vol 1 pages 85–86.

² Translation by Ajahn Brahmali.

The monks heard their complaints. They told the Buddha and he said, “A *paṇḍaka* should not be given the full ordination. If it has been given, he should be expelled.”

There are a couple of interesting things to note about this passage. First of all, the *paṇḍaka* in question was already ordained at the time of this incident. The rule against ordination of *paṇḍakas* clearly mentions that full ordination of these individuals, the *upasampadā*, is not allowed. This really only makes sense if we understand the word *pabbajjā* (translated by Ajahn Brahmali as ‘gone forth’) here to be equivalent to *upasampadā*. In fact this equivalence between *pabbajjā* and *upasampadā* is what we find throughout the earliest *Vinaya*, and indeed the *Suttas*.¹ In any case, the rule itself is clearly limited to *upasampadā* (full ordination) and novice ordination seems to be allowed.

The *Theravāda* commentary, both in regards to the *paṇḍaka* and the *ubhatobyañjanaka*, differs from the *Vinaya* in making a distinction between *pabbajjā* (in the meaning of novice ordination) and *upasampadā* (full ordination) and does not allow either.

We would expect that the *paṇḍaka* (and the same counts for the *ubhatobyañjanaka*) in this story would be expelled from the Order on the grounds of breaking the first rule of conduct in the *pāṭimokkha*, namely the rule against sexual intercourse (*pārājika* 1²). This is the very first rule that was laid down by the Buddha. Instead, not only is he expelled but also all others who are judged to be a *paṇḍaka*, even if those others were exemplary monks themselves. Brenna Artinger³ points out that there seems to be the perception (or prejudice) of a fundamental mental flaw in *paṇḍakas* that makes them especially troublesome and unable to remain celibate. The promiscuous nature of the *paṇḍaka* would harm the whole *Sanḥa* and give it a bad name among the lay supporters on which it depends.

Another interesting point is that the monks and novices that are approached by the *paṇḍaka* react in an exemplary manner and send him away. It is only the elephant and horse keepers, those of a lower class, who engage in sexual relations with him. But afterwards, they still complain about it and criticize the *paṇḍaka* while they have themselves also engaged in the same act. This seems a bit odd and revolves around the stock passage “*Te ujjhāyanti khiyyanti vipācenti*” (“They complained and criticized them”) that is used throughout the *Vinaya* as a typical pattern of narration. In the majority of cases it is the *manussā* (people) who complain and criticize, after which the monks would hear about

¹The *sāmaṇeras/īs* are barely mentioned in the *Suttas*. Instead we find the figure of the *samaṇuddesa*, ‘one designated as a *samaṇa*’, who seems to have had a looser affiliation with the *Sanḥa*, that is, no proper ordination. The commentaries gloss them as *sāmaṇeras*, but this might be an oversimplification. More likely they were a kind of precursor to the more formal status of novice. It seems likely that such people merely put on robes, and then lived with a loose connection to a particular community of ascetics, in which case their sex and gender would have been a non-issue. I would argue it is natural to see novices proper in the same way. But the *samaṇuddesa* remains obscure.

²PTS vol. 3 page 1.

³Artinger [2020] page 21.

it, also complain and criticize (“*Ye te bhikkhū appicchā ...pe...te ujjhāyanti khiyyanti vipācenti*”) and then relate the story to the Buddha. So the word *te* (they) usually refers to the monks who criticize after they have heard it from the ‘people’. Here however the word *te* is used right after the elephant and horse keepers, seemingly referring to them. However, it would make much more sense if others would complain about this scandalous behavior rather than the elephant and horse keepers themselves. Indeed this is what we find in the same story in the *Dharmaguptaka Vinaya*, where the people (lay Buddhists) complain and criticize (時諸居士見已譏嫌言). Claire Maes¹ points out that this phrase could have been used to conceal debates that might have influenced the *Bhikkhu Saṅgha* to implement specific precepts to be in conformity with the praxes of other ascetic communities with the main purpose of placing the origin of precepts within the Buddhist Order with the Buddha himself in a leading role. She successfully demonstrates this with the Jain concept of *ekindriya jīva* (one-facultied life) and argues that this concept entered the Buddhist *Vinaya* as a result of interactions and discussions with the Jain contemporaries. I believe that the term *paṇḍaka* could also have entered the Buddhist *Vinaya* in a similar manner. As we have seen previously, the position of the *paṇḍaka* was discussed at length in the debate among the Jains.

In Appendix B, Section B.1, I have charted the occurrences of the various words throughout the texts. This illustrates that the term *paṇḍaka* mainly occurs in the *Vinaya* and the commentaries of the Pali texts and is relatively most important in the *Vinaya*. The Sanskrit texts are not entirely organized by lateness but it is clear that the term *paṇḍaka* mainly appears in the *Vinaya* and *Śāstrapīṭaka*. The term *klība* is notable by its absence in all Buddhist texts and only appears in the Vedic and later Brahmanical texts. One explanation for this might be that the terms *klība* and *paṇḍaka* have been mixed up because their meanings were at least in part overlapping. What is also striking is that the umbrella term *napuṇisaka* only appears in the Pali commentarial texts and not in any of the earlier collections. It is however a recurrent term in the Vedic and Brahmanical texts. We also see that this term becomes more prominent in the later *Anyā* commentaries as well as in the Brahmanical *Śāstra* collections, which points to a shift in emphasis, and possibly meaning, of this term in later times at the expense of the prominence of the term *paṇḍaka*. As these are later texts I have not looked into them in great detail and this might be an interesting topic for future studies.

Considering that the word *paṇḍaka* does not appear in any of the early *Suttas*, nor in the early parts of the *Vinaya*,² this is an indication that the inclusion of the word in the *Vinaya* did not happen in the Buddha’s lifetime but was added later as a result of the discussions with the Brahmins and Jains, for whom *paṇḍakas* could not ordain.

¹Maes [2011] pages 98–101.

²The word is not found in the *pātimokkhas*, the lists of rules for monastics. Next to the Pali *Vinaya*, it appears twice in the *Āṅguttara Nikāya*, but both of these occurrences only have parallels to the *Vinaya* or later texts and are most likely later additions.

Brenna Artinger¹ discusses the idea found in commentarial and *Abhidhamma* texts that *paṇḍakas*, *ṣaṇḍhas* and *ubhatobyañjanakas* are unable to practice the Dhamma because due to their inherent *kamma* they do not have the capacity for cultivation of any kind. They mention that they find the lack of examples of *paṇḍaka* and other sexual nonconforming individuals in these texts problematic and there is a lack of data from which these statements can be made. It seems to me a highly theoretical stance and it could indeed be the reason why the rule prohibiting *paṇḍakas* and the *ubhatobyañjanakas* from ordaining was included in the *Vinaya*. This would be another indication of the later origins of this clause. In his analysis of the *Bhikkhunī Vinaya* Bhikkhu Sujato² points out that there is indeed a strong relationship between the *Vinaya* and the later *Abhidhamma* texts.

4.2. The Five Types of Paṇḍaka

Going beyond the *Vinaya* itself into the commentarial scriptures, we find the following explanation in the *Theravāda Samantapāsādikā* with regards to the nature of the *paṇḍaka*:³

*Paṇḍakobhikkhaveti ettha āsittapaṇḍako usūyapaṇḍako opakkamikapaṇḍako pakkha-
paṇḍako napumisakapaṇḍakoti pañca paṇḍakā. Tattha yassa paresanī aṇḍajā-
tani mukhena gahetvā asucinā āsittassa pariḷāho vūpasammati, ayaṇi āsit-
tapaṇḍako. Yassa paresanī ajjhācārami passato usūyāya uppannāya pariḷāho
vūpasammati, ayaṇi usūyapaṇḍako. Yassa upakkamena bījāni apanītāni, ayaṇi
opakkamikapaṇḍako. Ekacco pana akusalavipākānubhāvena kālapakkhe paṇḍako
hoti, juṇhapakkhe panassa pariḷāho vūpasammati, ayaṇi pakkhapaṇḍako. Yo
pana paṭisandhiyamiyeva abhāvako uppanno, ayaṇi napumisakapaṇḍakoti. Tesu
āsittapaṇḍakassa ca usūyapaṇḍakassa ca pabbajjā na vāritā, itaresanī tiṇṇanī
vāritā. Tesu pakkhapaṇḍakassa yasmimī pakkhe paṇḍako hoti, tasmimīyevassa
pakkhe pabbajjā vāritāti kurundiyamī vuttamī. Yassa cettha pabbajjā vāritā, tamī
sandhāya idamī vuttamī—“anupasampanno na upasampādetabbo upasampanno
nāsetabbo”ti. Sopi līṅganāsaneneva nāsetabbo. Ito paramī “nāsetabbo”ti vutte-
supi eseva nayo.*

A ‘*paṇḍaka*’, monks, means in this case, *āsittapaṇḍaka*, *usūyapaṇḍaka*, *opakkamika-
paṇḍaka*, *pakkhapaṇḍaka*, *napumisakapaṇḍaka*. Five *paṇḍakas*:

1. *āsittapaṇḍaka*: a man who gains satisfaction from performing oral sex on another man and from swallowing his semen or who only becomes sexually aroused after swallowing another man’s semen.

¹Artinger [2020] pages 26–32

²Sujato [2009] pages 211–216.

³*Samantapāsādikā*: Vol. V, p. 1015f. Translations/explanations as in Bomhard [2016], Ṭhānissaro [1996] and Artinger [2020] pages 22–23.

2. *usūyapaṇḍaka*: a voyeur, that is, a person who gains sexual satisfaction from watching others have sex.
3. *opakkamikapaṇḍaka*: eunuch, due to castration.
4. *pakkhapaṇḍaka*: those who become sexually aroused in parallel with the phases of the moon.¹
5. *napumisakapaṇḍaka*: a person born without sexual organs.²

Of these, the *āsittapaṇḍaka* and *usūyapaṇḍaka* are not prevented from ordination, but the other three are prevented. It is said in the *Kurundi* [commentary], “of these, the *pakkhapaṇḍaka* is prevented from ordination in the fortnight in which they are a *paṇḍaka*.” In this case with regards to those who are prevented from ordination, it is said, “if they are ordained they should be expelled.” He should be expelled just by confiscation of his robe. Hereafter, when it is said that “he should be expelled”, this is the procedure.

The castrated *paṇḍaka* i.e. a eunuch, is only one of the three types that cannot ordain, which makes it highly unlikely that the word *paṇḍaka* means ‘eunuch’, at least at the time these five types were defined. We would also not expect a eunuch to have hyperlibidinousness. After all, castrated men were often employed as harem guards just for the reason that they are no longer interested in sexual activity and therefore considered safe. Moreover, the *Dharmaguptaka Vinaya* treats the castrated man as something other than a *paṇḍaka*. However, as we have seen in Tantric Hinduism these men had a social religious function that involved the provision of alternative sexual techniques according to the sacred texts, at least from the middle of the 1st millennium CE or thereafter.

As we have seen in the Jain scriptures, the discussion to overcome the ambiguities in the understanding of the word *napumisaka* resulted over time in changes in meaning and the definition of sub-categories, and I believe this has also occurred in the Buddhist *Vinayas* with the word *paṇḍaka*. I believe that it is likely that the term *opakkamikapaṇḍaka* represented a castrated man, the *klība*, while the *napumisakapaṇḍaka* was the re-definition of the original *paṇḍaka* or the ‘female *napumisaka*’ that we saw emerging in the Jain

¹According to Bomhard [2016], the term *pakkhapaṇḍaka* (Skt. *pakṣapaṇḍaka*) probably does not refer, as traditionally understood, to an individual who becomes sexually aroused parallel to the phases of the moon, i.e., to someone who is aroused during the fortnight of either the waxing or waning moon, but to someone “who acts wrongly sexually, who behaves badly sexually.” He hypothesizes that *pakkha* of the compound *pakkhapaṇḍaka* should be understood in terms of its alternative meaning ‘a cripple’, and that the corresponding Sanskrit should not be understood as *pakṣa* but rather *phakka* (‘cripple’, adj. ‘lame, crippled, maimed’), derived from the Skt. verbal root *phakk*, “(a) to creep, to steal along; (b) to have a preconceived opinion; (c) to act wrongly, to behave badly.” He thus considers the third meaning of *phakk* as most relevant to the case at hand.

²The Sanskrit equivalent is *prakṛtipaṇḍaka*. The term *prakṛti* means something like ‘nature’ or ‘fundamental form’ and the term *trītyāprakṛti* became the official word for the ‘third sex’ at around the beginning of the Common Era. I therefore do not believe this translation by Ṭhānissaro [1996] to be correct but that the literal meaning reflects more the original meaning of *napumisaka*.

commentarial texts. Also from the Chinese sources it is clear that the person has to be born this way.

The *pakkhapaṇḍaka* is interesting and several explanations have been given by authors over time, none of which I find convincing. Allan Bomhard [2016] advocates that the word *pakkha* should not be translated as ‘half moon’ but that the meaning of the word is something like a sex-addict. I refute this argument because the characters used to denote this type of *paṇḍaka* in the Chinese *Vinayas* of all schools are 半月, which literally means ‘half moon’. It is also mentioned in various Chinese commentarial texts¹ that the ‘half moon’ is ‘not a male’ and thus a form of *napumisaka* for half of the month and the other half he is a male. All texts are consistent in this. As we can still understand the meaning of the other four categories in light of people’s physiology or sexual fetishes, the ‘half-moon’ *paṇḍaka* is an enigma. Turning back to the Vedic texts however, we find in the *Uttarakanda* of the *Rāmāyaṇam*² the story of King Ilā. In this epic tale the king accidentally stumbles upon the Goddess Pārvatī in intimate embrace with Śiva, who turns him into a woman. Now Ilā, she turns to the Goddess for mercy to restore her manhood but is only granted half her wish, namely that she has to change sex/gender each month. The theme of changing sex and gender based on the phases of the moon is a recurrent theme in the Vedic myths and it is not unlikely that this mythical theme has found its way into the commentaries in the form of the *pakkhapaṇḍaka*. After all, another rule in the *Vinayas* of all the schools tells the tale of a shape-shifting serpent, a mythological beast, a *Nāga*,³ who ordains as a monk, is later discovered and a new rule is laid down in much the same manner as for the *paṇḍaka*, barring him and all his kind from ordination. The fabric of myth and reality can easily overlap in Indic culture. The *Vinaya* is full of various strange and wonderful beings. The *Bhikkhu Pārājika* 1, the rule against sexual intercourse, mentions that a monk is not allowed to have sex with a list of beings, namely a dragon, a spirit, a ghost and a *paṇḍaka*.⁴ The fact that the *paṇḍaka* is listed in a list of mythological beings is indicative of its origins and how they were viewed at that time. We find similar lists in the *Vinayas* of the other schools.

As for the other two types of *paṇḍaka*, the *āsittapaṇḍaka* and the *usūyapaṇḍaka*, who at least in the *Theravāda* tradition are allowed to ordain, I believe they embody another of the Jain categories, namely the category of the *puruṣanapumisaka* (male *napumisaka*). Although they might be impotent and are therefore also in possession of the female *veda*, their appearance is male to the lay supporters but also to the celibate monks they live with who are not aroused by their presence. The relaxation of the rules for these two

¹f.i. X44 0744 0432c17 四分律名義標釋.

²Rām 7.78–79. See also Goldman [1993] pages 379–380.

³*Khandhaka* 1 *Pabbajjā* PTS vol 1 pages 86–88.

⁴PTS vol. 3 page 37: *Tena kho pana samayena aññataro bhikkhu nāgiyā methunāni dhammāni paṭisevī ...yakkhiniyā methunāni dhammāni paṭisevī ...petiyā methunāni dhammāni paṭisevī ...paṇḍakassa methunāni dhammāni paṭisevī. Tassa kukkucāni ahoṣi ...pe ...“āpattimī tvam, bhikkhu, āpanno pārājikaṇ”ti.*

types also runs parallel with the development in the Jain scriptures. But unlike the Jains, no further abolishment of this entire rule against the ordination of *paṇḍakas* was reached simply because the Buddhist scriptures were closed while the Jain scriptures continued to evolve for many centuries thereafter.

One consistent characteristic of the *paṇḍaka* which we find throughout the *Vinayas* of all the schools is that they are perceived as troublesome as a monastic because they are unable to maintain their precept of celibacy due to their hyperlibidinous nature. However, the *āsittapaṇḍaka* and the *usūyapaṇḍaka* are, judging from their description, far more sexually active than the other three types, yet they are allowed to ordain. This apparent inconsistency shows the prejudiced perception of the *paṇḍaka* and public opinion based on outside appearances seems to have been an important factor; these two types could not be distinguished from other men based on outside characteristics and did not belong in any of the classes of men who perform the religious sexual duties as we have seen in Tantric Hinduism.

4.3. The Paṇḍaka in the Chinese Vinayas

The first thing that is striking when comparing the various Chinese schools¹ is that there is no clear consistent term that denotes the *paṇḍaka*. The *Mahāsaṅghika* and *Sarvāstivāda Vinayas* use the term 不能男 (impotent lit. incapable) in the descriptions in the first Khandhaka on ordination. In the *Dharmaguptaka Vinaya* this term is only used in the description of the ‘half-moon’ *paṇḍaka*. The term 黃門 (‘eunuch’) is used in the *Dharmaguptaka* and *Mahīśāsaka Vinayas* while in the *Sarvāstivāda Vinaya* the term is used everywhere but in the ordination Khandhaka. As both of the terms 不能男 (impotent) and 黃門 (‘eunuch’) are used in the same way in different schools, we can assume that both can denote *paṇḍaka* but that the difference in terms points to historical changes in understanding and translation.²

The translation ‘eunuch’ is a later interpolation due to the etymological development of the Chinese 黃門, meaning ‘yellow gate’ and derived from the palace eunuchs in the Early Han Dynasty,³ while the word ‘impotent’ seems to be an earlier interpretation and

¹See Appendix A for details.

²Shinsan text X44 0744 0432c13 (四分律名義標釋第 4 卷) 0432c09-0433a01 links both terms: there are five types of 黃門 (lit. yellow gate) and six types of 不能男 (i.e. incapable men), the sixth type being those born from a concubine.

³The word 黃門 is translated as ‘eunuch’ but the characters spell a different word, namely ‘yellow gate’. The etymology of the word can be traced back to the Han Dynasty. See Shinsan text X44 0744 0432c09-0433a01: 此翻黃門。阿毗曇。譯為閹人。以無男根故。“This is a 黃門. Translated as castrated man. Because he has no male roots/faculty.” This tells the story of the imperial ruler who appointed eunuchs to work for him. Yellow is the color of the middle in the ‘Five Directions’ and of the earth in the ‘Five Elements’ and therefore stands for imperial power and state. The color is only used by the emperor and others are not allowed to wear it. Therefore, the palace of the emperor is called the ‘Yellow Gate’. In the Eastern Han Dynasty, the emperor hired eunuchs and they held rather powerful positions as palace guards, scribes and other official functions. They were called the ‘yellow gates’. It is a long story but the

we also find this back in the Vedic scriptures.¹ The Chinese culture was vastly different from the ancient Indian culture and I suspect that their own palace eunuchs were the only thing they could relate to as an explanation of the term *paṇḍaka*.

Table 1 compares the description of the types of *paṇḍaka* in the various schools, adding the Sanskrit² and Tibetan³ for reference.⁴

Theravāda	Mahāsaṅghika	Dharmaguptaka	Sarvāstivāda	Sanskrit	Tibetan
1. āsittapaṇḍaka	4. 因他 種不能男	4. 變黃門	4. 精 種不能男	4. āsekapaṇḍaka	'khyud pa'i ma ning
2. usūyapaṇḍaka	5. 妬 種不能男	3. 妬黃門	3. 妬 種不能男	2. īrṣyāpaṇḍaka	phrag dog can gyi ma ning
3. opakamikaṇḍaka	3. 割却 種不能男	2. 犍黃門	5. 病 種不能男	5. lūnapaṇḍaka	bcad pa'i ma ning
4. pakkhapaṇḍaka	6. 半月生者 種不能男	5. 半月黃門	2. 半月 種不能男	3. pakṣapaṇḍaka	ma ning zla phyed pa
5. napuṃsakapaṇḍaka	1. 生 種不能男	1. 生黃門	1. 生 種不能男	1. prakṛtipaṇḍaka	rang bzhin gyis ma ning
	2. 捺破 種不能男		1. 生 種不能男 ??		

Table 1: The types of *paṇḍaka* in the various schools.

It is striking that the *Dharmaguptaka Vinaya* continues to describe several types of castrated men but does not equate these to the term *paṇḍaka*, while the word used for *paṇḍaka* is 黃門 (i.e. ‘eunuch’), which is the exact definition of a castrated man.

The *Theravāda* and *Mahīśāsaka Vinayas* agree on the background story and do not mention a list of types of *paṇḍakas*, but the five types of *paṇḍakas* are described in the commentaries. The other *Vinayas* all have a list of *paṇḍakas* who are not allowed to ordain but some of these types differ from each other or seem to have a different description. Bhikkhu Sujato⁵ also observes that there are various terms where “... a statement on the matter is found explicitly in all or most of the mainland *Vinayas*, while the Pali Canon is silent, and the judgment is found in the commentary.” He therefore concludes that there is an obvious explanation for this pattern, namely that the Pali is earlier. This is also confirmed by Zwilling and Sweet who write: “... both Pali and Sanskrit Buddhism accepted a list of five kinds of *paṇḍakas*, all of which are known to the brahminical and Jain traditions as varieties of *ṣaṇḍas* and *napuṃsakas*; this list seems an obvious later scholastic accretion.”⁶

It is therefore likely that at the time when the five types of *paṇḍakas* were introduced, the *Theravāda* and *Mahīśāsaka Vinayas* were already closed and therefore these five types appear in the commentarial text instead.⁷

eunuchs became very powerful and eventually caused the downfall of the Han Dynasty (see Wikipedia). So ‘yellow gate’ became a synonym for ‘eunuch’.

¹Zwilling and Sweet [1996] pages 363-364.

²*Abhidharmakośavyākhyā-Skt*: 94, 15-25.

³*Abhidharmakośavyākhyā-Tib*: D, vol. gu, 85b6-86a3; P, vol. cu, 97b2-7.

⁴See itlr.net for details as well a more complete listing of possible meanings and occurrences of these terms.

⁵Sujato [2009] pages 216-217.

⁶Zwilling and Sweet [2000] page 117.

⁷Although the *Samantapāsādikā* is attributed to Buddhaghosa in the 5th Century CE, this was based

The fact that the descriptions of the five terms do not always seem to match seamlessly between schools and that there are conflicting descriptions of a castrated man in the *Dharmaguptaka* and *Mahīśāsaka Vinayas* seems to point to some ambiguity as to the meaning of the term *paṇḍaka*; it seems that the Chinese scribes were unsure about the exact meaning.

In Appendix B, Figure 7, I have charted the various terms as they appear in the Chinese *Taishō Tripitaka*. Both terms that denote *paṇḍaka* are most prominent in the *Vinaya* collections and are also present in the later *Abhidhamma* and commentaries. This follows the same pattern as we have seen in the Pali and Sanskrit charts (Figures 3-6). The Tibetan charts in Figure 9 also show this pattern.

4.4. Development of the Paṇḍaka in the Scriptures

After having looked at the references and descriptions of the word *paṇḍaka* in Vedic texts, Jain discussions and Buddhist scriptures in both Pali and Chinese, a clearer picture emerges of what the *paṇḍaka* really is and the reasons behind the Buddhist rules against ordination.

As we have seen in the previous chapter the oldest occurrence of the terms *paṇḍaka* and *klība* as sub-categories of the *napumisaka* ('neither male nor female') happened just after the late Vedic period. They are the 'not males', the 'impotent', destined to play a role in the larger fabric of Indian religion, society and culture. They are the embodiment of the feminine in the masculine, a living myth. They are categorised by their feminine behavior and dress, their impotence, and their occupation as religious dancers and singers. They are there to remind us of the deeply ambivalent attitude of men towards women and women's sexuality; their desire for, and at the same time their fear of the feminine. Allan Bomhard [2016] points out that the word can be a loan-word from the Dravidian *penṭan*, *penṭakan*, *penṭakam*, which can mean both hermaphrodite and eunuch. This is interesting because it is clear that at least in Dravidian no difference is made between a eunuch and a hermaphrodite and I believe that the way we need to see the term *paṇḍaka* is indeed as embodying aspects of both these terms.

As none of the words *paṇḍaka*, *klība* and *napumisaka* appear in the early Buddhist *Suttas* or early parts of the *Vinaya* and seem out of place in the Buddhist scriptures in the light of the Dhamma taught in the overall Canon but are found elsewhere in Jain or other Indic texts, there is a fair chance that these rules in the *Vinaya* do not originate from the Buddha himself. Most likely the word *paṇḍaka* entered the *Vinaya* as part of the redaction during the Second Council, especially since we have seen that this redaction occurred at a time when a wider religious debate with regards to the position of women in religious life

on earlier commentaries, now lost, in Prakrit and Sinhala, which were written down at the same time as the Canon, in the last Century BCE. As we see here, some material in the commentaries is found in canonical texts of other schools, suggesting an early common source.

was taking place.¹ As this discussion hinged on what it means to be a ‘male’ or ‘female’, as a consequence what it means to be ‘neither male nor female’ was discussed also. The *Vinaya* describes the *paṇḍaka* as hyperlibidinous and unable to maintain his monastic precepts, which is an idea also found in the Jain texts where it is explained as the result of him possessing both male and female *veda*. But the *Vinaya* itself falls short of defining a *paṇḍaka* as anything else than simply hyperlibidinous and no further explanations are offered.



(a) Palace eunuchs in ancient China



(b) Hijra in India

Figure 1

It is in the later commentaries that we find more of a description in the form of the five types of *paṇḍakas*. But this also causes further confusion because the concept in its entirety did not seem to be known to the translators of the Chinese texts so they used words they knew from their own culture. There the word *paṇḍaka* was first translated as ‘impotent’ (不能男) and later as ‘eunuch’ (黃門). The translation ‘eunuch’ however was taken from the words ‘yellow gate’, denoting the Han Dynasty imperial palace eunuchs. This was possibly the only way that the Chinese could relate to a *paṇḍaka*, being unfamiliar with the rich religious concept that they embody. It is clear that the Chinese palace eunuchs cannot be compared to the *hijras* from India, who are most likely the closest modern-day representative of what the *paṇḍakas* would have been (see Figure 1).

The concept of *paṇḍaka* does not allow itself to be reduced to a mere word to make it acceptable and understandable for the rational mind. The people this term referred to showed a combination of sex- and gender-characteristics and had a religious (and probably sexual) role in society. They are the divine representation of the feminine within the masculine. It is the human representation of the mythical tales which have deep

¹Sujato [2009] pages 141-142 and 215-216.

psychological roots, namely the ambivalence that leads to the inner struggle between man's love of the feminine and his fear thereof. The concept of *paṇḍaka* does not match any contemporary notions. Both the *paṇḍaka* and the 黃門 only have meaning in the unique social context in which these terms existed and cannot be reduced to their emasculated body nor to any other bodily characteristic.

5. The Ubhatobyañjanaka

In the *Theravāda Vinaya Khandhaka* 1 we find the following passage:¹

Tena kho pana samayena aññataro ubhatobyañjanako bhikkhūsu pabbajito hoti. So karotipi kārāpetipi. Bhagavato etamattham ārocesum. Ubhatobyañjanako, bhikkhave, anupasampanno na upasampādetabbo, upasampanno nāsetabboti.

At one time an *ubhatobyañjanaka* had gone forth as a monk. He had sex and made others have it. They told the Buddha and he said, “An *ubhatobyañjanaka* should not be given the full ordination. If it has been given, he should be expelled.”

Just like with the *paṇḍaka*, the *ubhatobyañjanaka* in this passage is already ordained at the time of this incident and in a similar way we can deduce that the rule itself is limited to *upasampadā* (full ordination) while novice ordination is allowed. The commentarial texts again mention that both are prohibited. And just like with the *paṇḍaka* we would expect the subject of the story to be expelled on the grounds of breaking the first rule against intercourse, but instead not only he but also all others like him are expelled. Again, there seems to be a prejudiced perception of these individuals as possessing an inherent flaw that makes them unable to keep their precepts.

For the term *ubhatobyañjanaka*² we have less material to go on than for the term *paṇḍaka*. They are only briefly mentioned in the Chinese *Vinayas* as those with two roots/faculties (二根) who are not allowed to ordain, but without any further explanation. The *Therāvada Vinaya* merely states that this person “acted and was acted upon”.

The commentarial literature is slightly more forthcoming but no less confusing as to the meaning of the word. The *Samantapāsādikā*³ states:⁴

*Ubhatobyañjanako bhikkhaveti itthinimittuppadanakammato ca purisanimit-
tuppadanakammato ca ubhato byañjanamassa atthīti ubhatobyañjanako. Karotīti*

¹ *Khandhaka* 1 *Pabbajjā* PTS vol 1 page 89, translation by Ajahn Brahmalī.

² *Ubhato* meaning ‘in both ways, on both sides’ and *byañjana* or *vyañjana* means ‘sign or mark’.

³ *Samantapāsādikā*, vol. 3, para. 116. Translation by Ajahn Brahmalī.

⁴ Note that the word *līṅga* is not used here. Instead the word *nimitta* is used to denote ‘characteristic of sex/gender’.

purisanimittena itthīsu methunavītikkamam karoti. Kārāpetīti parami samādapetvā attano itthinimittē kārāpeti, so duvidho hoti –itthiubhatobyañjanako, purisubhatobyañjanakoti. Tattha itthiubhatobyañjanakassa itthinimittam pākāṭam hoti, purisanimittam paṭicchannam. Purisubhatobyañjanakassa purisanimittam pākāṭam, itthinimittam paṭicchannam. Itthiubhatobyañjanakassa itthīsu purisattam karontassa itthinimittam paṭicchannam hoti, purisanimittam pākāṭam hoti. Purisubhatobyañjanakassa purisānam itthibhāvam upagacchantassa purisanimittam paṭicchannam hoti, itthinimittam pākāṭam hoti. Itthiubhatobyañjanako sayañca gabbham gaṇhāti, parañca gaṇhāpeti. Purisubhatobyañjanako pana sayam na gaṇhāti, param gaṇhāpetīti, idametesam nānākaraṇam.

Kurundiyaṃ pana vuttam—“yadi paṭisandhiyaṃ purisalīṅgaṃ pavatte itthilīṅgaṃ nibbattati, yadi paṭisandhiyaṃ itthilīṅgaṃ pavatte purisalīṅgaṃ nibbattati”ti. Tattha vicāraṇakkamo vitthārato aṭṭhasālīniyā dhammasaṅgahaṭṭhakathāya veditabbo. Imassa pana duvidhassāpi ubhatobyañjanakassa neva pabbajjā atthi, na upasampadāti idamidha veditabbam.

The *ubhatobyañjanaka* means: Because of *kamma* giving rise to female characteristics and *kamma* giving rise to male characteristics, there is for them the characteristics of both. With the male characteristic they act to transgress through sexual intercourse with women. Having encouraged another, they cause action in their own female characteristic.

They are twofold: the female *ubhatobyañjanaka* and the male *ubhatobyañjanaka*. In regard to this, the female characteristic of the female *ubhatobyañjanaka* is apparent, but the male characteristic is hidden. The male characteristic of the male *ubhatobyañjanaka* is apparent, but the female characteristic is hidden.

While the female *ubhatobyañjanaka* is acting with manliness among women, the female characteristic is hidden, whereas the male characteristic is apparent. When the male *ubhatobyañjanaka* enters the state of a woman for the sake of men, the male characteristic is hidden, whereas the female characteristic is apparent. The female *ubhatobyañjanaka* becomes pregnant and causes others to become pregnant. The male *ubhatobyañjanaka* does not become pregnant, but causes others to become pregnant. This is the difference between them.

It is said in the *Kurundi* [commentary]¹—“if male characteristics should occur in the rebirth-linking, then female characteristics appear at rebirth, and if female characteristics should occur in the rebirth-linking, then male characteristics appear at rebirth.” In regard to this, as to the details, it is to be

¹Note that the word used for sex/gender characteristics is *līṅga*, but the characteristics here are linked to rebirth.

understood according to the *Atthasālini*, the commentary on the *Dhammasaṅgī*. And for this twofold *ubhatobyañjanaka* there is no going forth, nor full ordination. This is to be understood here.

The sub-commentary¹ adds the following²:

Ubhinnaṃpi cesam ubhatobyañjanakānam yadā itthiyā rāgo uppajjati, tadā purisabyañjanam pākaṭam hoti, itaram paṭicchannam. Yadā purise rāgo uppajjati, tadā itthibyañjanam pākaṭam hoti, itaram paṭicchannam.

For both *ubhatobyañjanakas*, when lust for a woman arises, then the male characteristic is apparent, whereas the other is hidden, and when lust for a man arises, then the female characteristic is apparent, whereas the other is hidden.

The Chinese equivalent of the Pali *Samantapāsādikā* can be found in T24 1462: 善見律毘婆沙:³

There are three kinds of two-facultied people (二根): those who can impregnate and conceive, those who can impregnate but not conceive, and those who cannot impregnate but who can conceive. These three types of people are not allowed to become monks and take the full precepts. If they have already taken the full precepts, they should be expelled.

Other Chinese commentaries have variations of the same passage:⁴

It is said that a person has two roots/faculties (二根): male and female. There are three kinds: The first is able to self-reproduce. He can impregnate and conceive. The second can impregnate others but cannot conceive himself. The third type cannot impregnate but he can conceive when impregnated by another.

The *Samantapāsādikā* identifies two types of *ubhatobyañjanakas* while the Chinese commentaries identify three. The *Samantapāsādikā*'s explanation is all the more puzzling because it describes the female *ubhatobyañjanaka* as having apparent female characteristics and the male characteristics hidden, but if they feel attracted to a woman, they seem to be able to hide the female characteristic and make the male characteristic apparent. The opposite is described for a male *ubhatobyañjanaka*. Moreover the female *ubhatobyañjanaka* is able to become pregnant but also impregnate others so they become pregnant. This

¹ *Vimativinodanī Mahāvaggavaṇṇanā Mahākhandhako* Vmv.3.116, translation by Ajahn Brahmali.

² Note that again the word *liṅga* is not used but instead it uses the word *byañjana* for 'sex/gender characteristic'.

³ T24 1462 善見律毘婆沙 0792c03-0792c06. 5th Century CE.

⁴ See f.i. Shinsan X44 0744 四分律名義標釋 0450b01-0450b04.

last aspect is also mentioned as one of the three types in the Chinese commentaries. The other two types in the Chinese are just described as being able to either get pregnant or impregnate others, just like females and males but with no further explanation as to why they are different from females and males.

Apparently the ability to procreate is very important here and I would like to point out that it is humanly impossible to both conceive and impregnate.¹ However, as we have seen in the Vedic mythology this is a recurrent theme and there are many instances where a person is both mother and father. King Ila himself, in the form of the woman Ilā, becomes pregnant and bears a son. He/she is bound to keep on changing sex/gender which also results in a change in sexual desires. In the *Mahābārata Anuśāsanaparvan*² we find the tale of King Bhaṅgāśvana, who is longing for a son, and performs a divine ritual as a result of which he gets one hundred sons, but in doing so invokes the anger of the god Indra, who turns him into a woman. As a woman she conceives another hundred sons.

Also in the Buddhist scriptures, in the story of Sorreya,³ we find a similar account whereby somebody changes sex and gender involuntarily due to their ‘instant *kamma*’, triggered by impure thoughts. The difference with the Vedic stories is that the sex-change is attributed to causality and not to a spell or curse. This shows an underlying assumption of gender inequality, namely that the male sex is considered preferable and the result of ‘good *kamma*’, while the female sex is a result of ‘bad *kamma*’.

There are also many instances in Vedic mythology where a sex/gender change is a deliberate choice. Gods are able to enact a sex/gender change in others, but also use it themselves for a variety of reasons, most notably for the purpose of sexual intercourse. One well-known story is the story of Kṛṣṇa who transforms himself into a woman in order to marry and have sex with Aravan. This story is reenacted each year by men who dress as women or who are *hijras* during the *thali* festival.⁴ Another story is recounted in the *Mahā Bhāgavata Purāṇa* where the gods Śiva and Kālī both change sex/gender in order to experience sexuality from the perspective of the other sex.⁵ Another reason for a deliberate sex change is to destroy the power of meditative yogis. Celibate men (and therefore celibate monks) are seen as particularly powerful and can only be defeated if a god changes himself into a female form to seduce them, or he gets a woman to do so for him.⁶ The gods Visnu and Śiva (see Figure 2) change sex/gender frequently.⁷

¹In Appendix C, section C.2 I have described our current medical understanding of what it entails to both procreate as a male and a female.

²MBh 13.12.

³See Dhammadinnā [2019] for a detailed analysis of this story that appears in the *Soreyyattheravathu* of the *Dhammapada-aṭṭhavaṇṇanā*. The *Dhammapada-aṭṭhavaṇṇanā* was seemingly translated from Pali into Sinhalese by Buddhaghosa on the invitation of an otherwise unknown Kumārakassapa Thera. Buddhaghosa is mentioned as the author in the epilogue of this work at Dhpa IV 235–236.

⁴Goldman [1993] page 388 and Nanda [1999] page 21.

⁵Doniger O’Flaherty [1982] page 334.

⁶See Doniger O’Flaherty [1969] for detailed stories whereby yogis were seduced to break their power.

⁷Wendy Doniger O’Flaherty [1982] gives a particularly interesting account on androgyns in the ancient

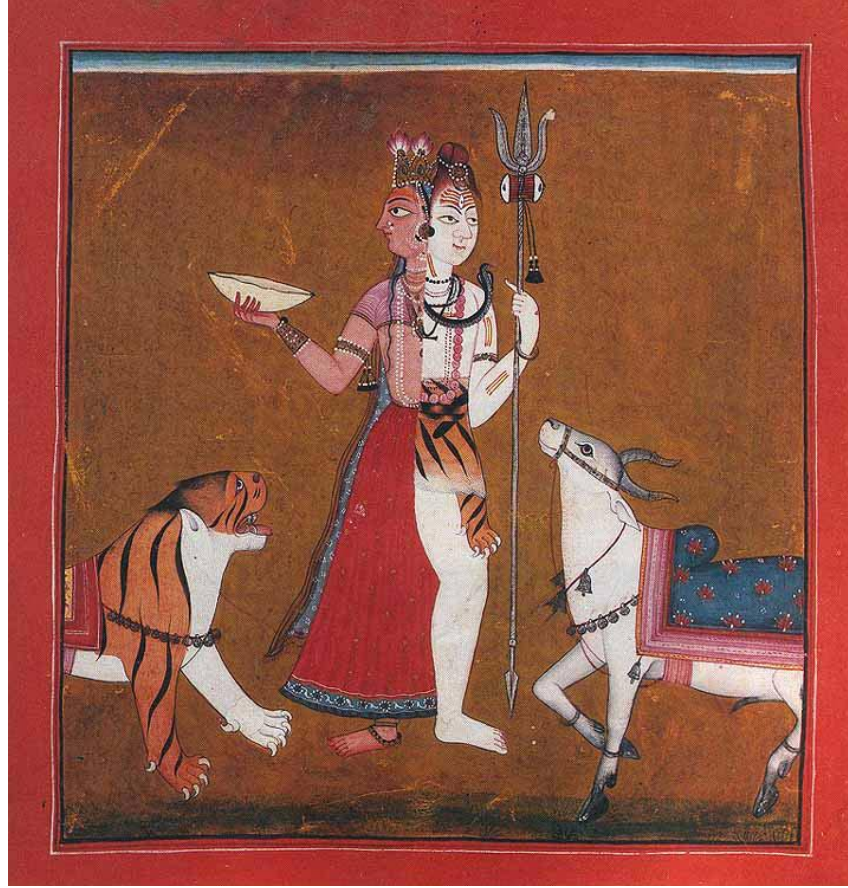


Figure 2: Śiva in their androgynous form of Ardhanārīśwara.

According to Serena Nanda,¹ Tantric Hinduism holds that all people contain both male and female principles within themselves. The Supreme Being is conceptualized as a complete hermaphrodite, which is the ideal. In some sects, males (never females) imitate women in dress and behavior to achieve salvation or to realize the ‘woman’ in themselves in order to reach true love.

The other types of *ubhatobyañjanakas* mentioned in the commentaries seem to be similar in their ability to have sex as both a male and a female, but being sterile in one of these faculties. Again, this is not something we naturally find in human beings but it is a theme extensively found in the Vedic myths.

The word *ubhatobyañjanaka* does not appear in any texts outside of the Buddhist *Vinaya* and the *Vinaya* commentaries.² It seems however logical that by the sheer definition of the *napumisaka* as ‘anything that is not entirely male or female’ the term *ubhatobyañjanaka* also falls under this category. As a sub-category of the *napumisaka* they would have been seen as hyperlibidinous, which is explained in later texts by the fact that

texts. These androgyns can have a large variety of possible characteristics and origins. See for instance pages 261–313 for detailed stories.

¹Serena Nanda [1999] quotes Bullough pages 21–22.

²Appendix B, Figure 5 shows that the word *ubhatobyañjanaka* does not appear in any Vedic or Brahmanical texts and only appears in the Buddhist texts.

napumisakas have both male and female characteristics.¹ The explanation in the commentaries and sub-commentary as mentioned above also shows they are seen as bisexual in nature, similar to what we have seen in the Jain commentarial literature description of *napumisaka*.

The term *paṇḍaka* as a subset of *napumisaka* was also seen as having both male and female characteristics in the Jain scriptures but is obviously not the same as the *ubhatobyañjanaka*. The difference between the *paṇḍaka* and the *ubhatobyañjanaka* clearly seems to be on the procreative level in that the *ubhatobyañjanaka* is able to conceive and impregnate while the *paṇḍaka*, as an impotent man, can do neither. From the descriptions given in the *Samantapāsādikā* we can also conclude that the *ubhatobyañjanaka* is able to change their primary and secondary characteristics, including external appearance and behavior to appear to be either male or female. Again, this is not possible outside the realm of mythology.

All the *Vinayas* agree that the *ubhatobyañjanaka*/二根 is one of the four sex/gender types next to male, female and *paṇḍaka*/黃門. Considering that males and females were both seen as having just one root/faculty (in the meaning of procreative ability), and the *paṇḍaka* as having none,² the person with two faculties fills a gap. Bee Scherer notes that this fourfold taxonomy ('male', 'female', 'both ...', 'neither ...') is intended to achieve the Classical Indian (and especially Buddhist) fourfold logical tetralemma called the *catuṣkoṭi*³ and that the categories of *paṇḍaka* and *ubhatobyañjanaka* are largely academic. This might indeed have played a role but I believe there are also other considerations like the fact that these types, either as mythological beings or the enactment thereof, are indeed found in India.

Just like the term *paṇḍaka*, I believe that the *ubhatobyañjanaka* is a later addition to the *Vinaya*. The word only appears briefly in the *Vinaya*. It does not appear in the early *Suttas*, or in the *Pāṭimokkhas*, or in other early parts of the *Vinaya*.⁴ The description is so brief and hardly existent in the Chinese texts that it seems to be added almost as an afterthought. Appendix B, Figure 7, shows that the words used for the *ubhatobyañjanaka* in the Chinese texts mainly appear in the *Vinaya* collections T22–T24 and the later *Abhidhamma* and commentaries as well as most prominently in T54, which

¹As we have seen in chapter 3 it is likely that 'characteristics' are defined as more than merely genital or procreative. Jackson [1996], quoting Bunmi Methangkun (1986) (article in Thai), observes that psychological as well as physiological factors are involved in the constitution of the *ubhatobyañjanaka*. He also observes (without reference) that in early Buddhist communities men who engage in receptive anal sex are seen as feminized and thought to be hermaphrodites.

²Note that when the *paṇḍaka* appears in the texts in the list of these four sex/gender types, it is always described in the Chinese *Vinayas* with the characters 黃門 ('eunuch') and never as 不能男 ('impotent'). Indeed we find in the Chinese texts that a eunuch is somebody with the 'male faculty' removed. There might be some confusion here as to what entails characteristics and the Chinese scribes would have only been able to describe this based on their own experiences in their own culture.

³Scherer [2006] page 68 and Dr. M. Vermeulen, whose book on this subject is yet to be published.

⁴See Appendix B, Figure 3.

are non-Buddhist texts. And again we see the same pattern in the Tibetan charts in Figure 9. The insertion of this word would have most likely occurred during the redaction of the *Vinaya* at the Second Council as discussed in the previous chapter.

Ubhatobyañjanaka seems to be a rather elusive term that does not allow itself to be captured easily. Various scholars have tried to explain this as a form of intersex¹ for the sole reason that intersex people were previously erroneously called ‘hermaphrodite’ and a hermaphrodite can procreate in both the male and female way as in the description of the *ubhatobyañjanaka* in the commentaries. This is confusing as a true hermaphrodite does not exist among humans and is distinct from intersex.

From the descriptions in the commentaries, the *ubhatobyañjanaka* is not human in nature. It is a concept, a mythological being, the embodiment of the feminine principle in the male. And just like the *paṇḍaka* it is likely that there were also people involved in the religious enactment of these mythological tales as we have seen in Tantric Hinduism, which would have included strong sexual motifs.² It is likely that people with ambiguous genital characteristics were among these, as they naturally bear some resemblance to the idealized hermaphrodite Supreme Being, but the concept entailed more than just physical characteristics; it also involved gender-expression and social religious roles. As Robert Goldman [1993] points out: “... the whole phenomenon appears to be deeply bound up with a patriarchal culture’s ambivalent construction of women and their sexuality.” The Vedic stories explore the deep longing of men to be able to conceive and this idea is found in a variety of Indian sources. Again, this is a concept that does not match any contemporary notions.

6. Itthipaṇḍaka, Animittā, Nimittamattā, Vepurisikā

There are various other words mentioned in the ordination procedures for *Bhikkhunīs* as described in the *Theravāda Bhikkhunikkhandhaka* that are interesting in this context. The last three of these do not exclude an aspirant from ordination:³

<i>itthipaṇḍaka</i>	female <i>paṇḍaka</i>
<i>animittā</i>	woman who lacks genitals
<i>nimittamattā</i>	woman with incomplete genitals
<i>vepurisikā</i>	woman who is manlike

The word *animittā* literally means ‘signless’ and appears a number of times in the Canon but mostly with a different meaning, namely as in *animitto (ceto)samādhi*, which is translated by Bhikkhu Sujato as ‘signless immersion’, a term used in the context of

¹For a brief description of the term ‘intersex’ see Appendix C, section C.2.

²Nanda [1999] page 22.

³*Khandhaka* 20 *Bhikkhunikkhandhaka* PTS vol 2 page 271, translated by Ajahn Brahmali.

meditation. In the context of not having genitals, it only appears in the Canon in the *Bhikkhunikkhandhaka* and as a form of abuse for women in the *Bhikkhu Saṃghādisesa* 3; never on its own but always in the same sequence of words of which the above are a few.

The words *nimittamattā* and *vepurisikā* are explained in the *Samantapāsādikā*:¹

Nimittamattāsīti tava itthinimittamī aparipuṇṇamī saññāmatamevāti vuttamī hoti.

...

Vepurisikāti samassudāṭhikā purisarūpā itthī.

You are a *nimittamattā*: you have incomplete female characteristics (*nimitta*), merely a token.

...

Vepurisikā means a woman who has a beard and a mustache like a man.

Table 2 gives an overview of the terms.

Translation	Theravāda	Mahāsaṅghika	Dharmaguptaka	Sarvāstivāda	Mahīśāsaka
female paṇḍaka	itthipaṇḍaka				黃門
sterile		(石女)		是不能產	(石女)
	ubhatobyañjanaka		二根	二根	
lacking genitals	animittā	石女			石女
incomplete genitals	nimittamattā				
rectovaginal fistula		二道通	二道合	二道合	二道合
underdeveloped genitals			道小	女根小	女根具足
woman who is manlike	vepurisikā				
no breasts		無乳	無乳	無乳	
one breast		一乳	一乳	一乳	

Table 2: The terms for sex/gender non-conforming individuals in the *Bhikkhunikkhandhaka* in the various schools.

The first three of the above mentioned terms in the *Theravāda Bhikkhunikkhandhaka* are rather vague in their descriptions. The Chinese texts are not very clear on this point either but the overall questions asked here seem to be mostly to do with menstruation and diseases. At first glance it seems that the rules regarding ordination are trying to make sure that the girl in question is old enough for ordination and not ill. Rules concerning whether or not a girl has breasts can be explained as a question with regards to age, or it can be explained as a question to find out if she has developed the secondary characteristics needed or is possibly intersex. We will never know the true purpose behind

¹Sp.1.285, translations by Ajahn Brahmali.

these questions but it is not unlikely that these questions about the development of sexual organs were asked for the sole purpose of establishing age. After all, we also find rules in the *Bhikkhunīpātimokkha* that prohibit the ordination of married girls under the age of 12.¹

The question about whether a girl is sterile would point to her at least having had one child (how else would they know if she is able to conceive?) but this would seem strange if she wants to enter a celibate Order. It seems likely that the question was intended to establish if she is at least old enough to menstruate. Another possible explanation could be that women who could not conceive would be unable to marry or would be subject to divorce if the marriage remained barren. These women might have been considered outcastes and in order to survive and for protection might have sought refuge in the *Sanḡha*. The *Sanḡha* might have therefore established these rules in order to prevent them getting inundated with candidates seeking ordination for the wrong reasons.² There are several stories about nuns who sought refuge in the Buddhist or Jain *Sanḡhas* after having been rejected by their husbands or being widowed. We find some of these stories in the *Therīgāthā*, the Verses of the Senior Nuns, for instance in the story of *Isidāsī*,³ *Candā*,⁴ and *Paṭācārā*,⁵ or in the Jain scriptures in the story of Bhadda Kundalakesa.⁶

These terms hardly appear in any texts or commentaries. Bhikkhu Sujato [2009] argues that the *Bhikkhunikkhandhaka*, as well as other parts of the *Vinaya*, are a later addition, possibly dating back to the Second Council and the elusiveness of these terms seems to confirm that. He points out that the *Bhikkhunī Vinaya* uses its own language and terminology that is often more in line with the Jain terminology and is poorly integrated with the *Bhikkhu Vinaya*.⁷ This could explain the discrepancies we see between the *Bhikkhu* and *Bhikkhunī Vinayas* in describing certain words pertaining to sex/gender as used in the ordination procedures. In any case, the variability and vagueness of these terms with reference to sex/gender do not permit a clear picture.

It is certain though that the terms *paṇḍaka* and *ubhatobyañjanaka* pertained exclusively to male candidates as we have also seen in the Jain Order while the *Bhikkhunīs* seem to have had their own vocabulary.

There are some rare cases of people who were raised from birth as girls that later became assigned as *hijra* after they failed to develop secondary female sexual characteristics (breast development and menstruation) at puberty.⁸ Although there is very little evi-

¹*Pācittiya* 65 *Yā pana bhikkhunī ānadvādasavassamī gihigatamī vutṭhāpeyya, pācittiyamī*. (“Should any *Bhikkhunī* give acceptance to a married woman less than twelve years old, it is to be confessed.”, translation by Thanissaro Bhikkhu)

²With sincere gratitude to Ajahn Brahmali for this suggestion.

³Thig 15.1.

⁴Thig 5.12.

⁵Hecker [1976].

⁶Hecker [1976].

⁷Sujato [2009] pages 143–145.

⁸Nanda [1999] page 15.

dence to go on, I believe that these cases could possibly be representing the *itthipaṇḍaka*. The term *itthipaṇḍaka* only appears in the Pali scriptures and in the *Mūlasarvāstivāda Vinaya* (黃門女). The latter defines the *itthipaṇḍaka* as either not menstruating or not having a fully formed urinal tract.¹ The *Mahīśāsaka Vinaya* talks about a 黃門 (*paṇḍaka*) without adding the character for ‘female’ (女). We also see a similar idea emerging in Tantric Hinduism² where a woman without menstruation is seen as a ‘female eunuch’.

At least for *Bhikkhunī* ordination in the *Theravāda* lineage, the characteristics of an *animittā*, *nimittamattā* or *vepurisikā* do not invalidate an ordination. This is possibly also true in several of the Chinese *Vinayas*.

7. Changing Liṅga

In this chapter I want to pay some special attention to a very interesting passage in the Buddhist Canon. The *Theravāda Vinaya Pārājika* 1 describes the curious case where a monk changes *liṅga* and is thereafter seen as a woman. She is then admitted into the *Bhikkhunī* Order. The same is repeated for a nun who changes *liṅga* and is from that moment on a *Bhikkhu*.³

Tena kho pana samayena aññatarassa bhikkhuno itthiliṅgam pātubhūtam hoti. Bhagavato etamattham ārocesumī. “Anujānāmi, bhikkhave, taññeva upajjhamī tameva upasampadamī tāniyeva vassāni bhikkhunīhi saṅgamitumī. Yā āpattiyo bhikkhūnam bhikkhunīhi sādharmaṇā tā āpattiyo bhikkhunīnam santike vutthātumī. Yā āpattiyo bhikkhūnam bhikkhunīhi asādharmaṇā tāhi āpattihi anāpatti”ti.

Tena kho pana samayena aññatarissā bhikkhuniyā purisalīṅgam pātubhūtam hoti. Bhagavato etamattham ārocesumī. “Anujānāmi, bhikkhave, taññeva upajjhamī tameva upasampadamī tāniyeva vassāni bhikkhūhi saṅgamitumī. Yā āpattiyo bhikkhunīnam bhikkhūhi sādharmaṇā tā āpattiyo bhikkhūnam santike vutthātumī. Yā āpattiyo bhikkhunīnam bhikkhūhi asādharmaṇā tāhi āpattihi anāpatti”ti.

At one time the *liṅga* of a woman appeared on a monk. They told the Master. He said: “Monks, I allow that very discipleship, that very ordination, those years as a monk, to be transferred to the nuns. The monks’ offenses that are in common with the nuns are to be dealt with in the presence of the nuns. For the monks’ offenses that are not in common with the nuns, there’s no offense.”

¹T24 1451 根本說一切有部毘奈耶雜事 0364b16 and 0364b27. With much gratitude to Dr. Hsiao-Lan Hu for pointing this out.

²Nanda [1999] pages 21–22.

³Translation by Ajahn Brahmalī, *Pārājika* 1, PTS Vol. 3, page 35.

At one time the *liṅga* of a man appeared on a nun. They told the Master. He said: “Monks, I allow that very discipleship, that very ordination, those years as a nun, to be transferred to the monks. The nuns’ offenses that are in common with the monks are to be dealt with in the presence of the monks. For the nuns’ offenses that are not in common with the monks, there’s no offense.”

The appearance of this passage in *Pārājika* 1 is a bit odd. This rule is to do with sexual intercourse and obviously a change of characteristics has nothing much to do with that. It is likely that this passage was added later. The same passage is found in the texts of several of the Chinese schools¹ but in a different section, namely below the passages on ordination. This seems more logical as there is a question implied here about ordination, namely if (s)he needs to re-ordain or needs a new preceptor. Again the Chinese characters are confusing here, mixing up the characters for ‘root’ and ‘shape’, which seem to be used as synonyms.

The Buddha seems to handle this rather curious matter in a very matter-of-fact way. The monastic in question is simply assigned to the other Order while keeping their years of seniority as well as their preceptor. It does not seem to be a problem at all. He simply responds in the compassionate way we would expect.

In regards to this passage in the *Vinaya*, Carol Anderson² argues that this actually refers to the possibility of biological sex change as well as a change of gender characteristics on the basis that both the canonical passage as well as the commentaries interpret the word *liṅga* to refer to both the biological sex as well as gender-expression. The distinction between anatomical sex and gender (either social roles or personal identification based on an internal awareness) that we have today is not made in ancient India.

The section on the monk changing *liṅga* is discussed in the *Samantapāsādikā* and its Chinese equivalent (T24 1462 善見律毘婆沙). The most striking thing about the commentarial explanation is that the change in *liṅga* happens overnight and might also revert back. In fact the monastic in question can revert back and forth several times. This is something that is attributed to *kamma*.³ A likely explanation of this passage is that we are dealing here with a highly academic stance with the aim of explaining something that was not well understood at the time the commentary was written. Carol Anderson argues

¹This passage possibly appears in all of the Chinese schools but I have been unable to locate it.

²Anderson [2016b].

³Heirman [2012] page 430 notes that when asleep one loses control and this can lead to shameful situations. Therefore, sexual misconduct can happen during sleep like erotic dreams or the emission of semen. Another possible explanation could be due to sexual orientation. The commentaries mention that this happens when the monk is sleeping under the same roof as another monk (at least before they go to sleep) and the reverse case for a nun. If in such a case an erotic dream occurs that has to do with this other monk (/nun) i.e. same-sex attraction and the word *liṅga* also includes what is described as *veda* by the Jains, it is possible that what we have here is that this same-sex attraction is seen as a female characteristic.

that the commentarial passage can be seen as a teaching mechanism to illustrate that male characteristics are a result of good *kamma* in past lives while female characteristics are a result of bad *kamma*. This patriarchal stance is found in all Buddhist traditions so is not entirely unexpected.

To conclude, we can merely say that this passage is important but also raises questions. Its position near the bottom of *Pārājika* 1 and in the sections on ordination in the Chinese *Vinayas* seem to point to a later inclusion, similar to other passages found in the *Vinaya* that have to do with gender non-conforming individuals.

The question remains as to what has changed exactly. As discussed in chapter 3 I believe that the term *liṅga* refers to a combination of sexual characteristics and gender-expressions i.e. what a person sees when they decide if this is a man, a woman or neither. There is no indication that the Buddhists followed the Jains in including sexuality in this term and monastics have already given up gendered attire and shaved their heads. Therefore the change of *liṅga* in this passage must refer to physical characteristics like breasts, genitals, body hair, etc. as well as to gender-expressions like behavior.

In a time when Hormone Replacement Therapy and surgery were not available it does not seem to be likely that anybody just changed sex from one day to the next. One possible explanation can be found in the rare case where somebody is raised as a boy or girl but during puberty turns out to be the opposite when sex markers become more apparent. We know from the *Vinaya* that children were ordained very young and before puberty. This could be an indication that what we now define as intersex was not seen as an obstacle to ordination.

Although the monastic in question in this passage changes *liṅga*, they also seem to be different from an *ubhatobyañjanaka*. After all, they are allowed to stay in robes and their change of *liṅga* is not treated as anything special.¹ This is all the more evidence that the term *ubhatobyañjanaka* does not mean what we know today as intersex, nor transgender. The *ubhatobyañjanaka* is described as hyperlibidinous and being able to change characteristics at will for the purpose of sexual intercourse, while the monastic in this passage is obviously quite keen to stay celibate and practice as a monastic. The aspect of intention is important here as the monastic in this story is not in control of the change.

¹Note that in this passage the change mentioned is a change of *liṅga* while the *ubhatobyañjanaka* is described as changing *nimitta* or *byañjana* and *liṅga* is only mentioned in relation to rebirth, quoting a commentary to the *Abhidhamma*. I have used these terms as synonyms throughout to describe sex/gender characteristics but it might be that there is a more subtle difference. In the Chinese *Vinayas* the same character is used in both cases.

8. Conclusion

I started my analysis by pointing out that a translation of the terms *paṇḍaka* and *ubhatobyañjanaka* based on a modern understanding of concepts is problematic and has led to the exclusion of transgender and intersex people from ordination.

Not only is the meaning of these terms not well understood, they have most likely been included in the *Vinaya* during the Second Council after the Buddha's death as the result of a wider religious debate with regards to the position of women in the Buddhist and Jain Orders. This hinged on the identification of the signs to designate somebody as a female, which logically also led to the examination of what is male, and 'neither male nor female'.

In this paper I have shown that the terms *paṇḍaka* and *ubhatobyañjanaka* are very likely to have deep roots in Vedic mythology and the religious enactment of that mythology by real people in sects and rituals, often involving sexual practices. The people involved in these practices were perceived as 'not male' due to a combination of physical sex-characteristics and gender-expressions and were attributed with a hyperlibidinous nature due to the role they had to play in society.

Over thousands of years people in different parts of the Buddhist world have been trying to find explanations and interpretations of these words based on their own culture and society. However very little research has been done as to the actual meaning of these words at the time of the Buddha and shortly thereafter as well as the influence of other Orders like the Jains. We saw that the Chinese scribes, who translated the *Vinaya*, could only make sense of these words using a concept they knew in that culture, namely their own imperial palace eunuchs from the Han Dynasty, a concept which is vastly different from what the term *paṇḍaka* is trying to convey. It would equally be a mistake for us to try and interpret these words in terms of 'transgender' or 'intersex', terms we are familiar with in our Western culture. The *paṇḍaka* and *ubhatobyañjanaka* belong in a time and place where the fabric of reality and mythology were woven into each other in a way that is daunting for our Western rational minds. For thousands of years various authors have attempted to solve the inherent ambiguities in these terms, in commentarial texts and sub-commentaries, up to the present day. The truth is that the full meaning of these terms cannot be captured in single words or phrases based on modern concepts and any interpretation of these terms will always be flawed.

The only thing we can say for certain is that the *paṇḍaka* and the *ubhatobyañjanaka* are seen as problematic as candidates for ordination because they are unable to keep their precept of celibacy. This is also confirmed by the Chinese commentaries¹ as well as indicated in the origin stories. The idea that they are a threat to celibate monks because the monks might be attracted to them is not supported by the Buddhist origin stories,

¹T85 2792 毘尼心 0667b25-0667c05.

but could possibly be inferred from the mythological stories where shape-shifting gods seduce celibate yogis.

The main, and only, undisputed criterion for not allowing ordination to certain individuals is their difficulty in keeping the precepts. This is a fair reason for barring somebody from ordination. All criteria based on perceived or imagined sex/gender characteristics that might or might not be part of a *paṇḍaka* or *ubhatobyañjanaka* are not fair reasons. Transgender and intersex people are generally not hyperlibidinous and are just as able to keep the precepts as anyone else. It is therefore unfair, even cruel, to deny ordination to otherwise eligible individuals on the basis of a very limited and a most likely erroneous understanding of these terms, even more so because we know with a fair amount of certainty that they were inserted into the *Vinaya* after the Buddha's passing away, most likely influenced by discussions with other religious traditions which were held in a male patriarchal system where the fear of the feminine, and thus everything that is seen as 'not-male' is paramount. The wholesome aspiration to ordain and practice in line with the Dhamma is something that needs to be encouraged, not disparaged. Ordination as a monastic is not a right to be acquired to become part of an elite group through an initiation ritual. It is to be welcomed if someone feels inspired to play a part in the propagation of the Dhamma and to help safeguard it for future generations.

I certainly do not wish to justify ignoring any of the rules in the *Vinaya*. But this is an instance where contemporary social conventions are simply not covered by any of the *Vinaya* rules. We never before had the medical knowledge about intersex or the ability to change sex with Hormone Replacement Therapy and surgery. In such a case we must not question how to make the *Vinaya* rules apply to the convention, but whether such rules apply at all. When the application of such a rule causes unnecessary suffering on the basis of very feeble arguments, I think it is unjust to do this. Regardless of how the *Vinaya* is interpreted, the doctrine of *anattā* (non-self), which is fundamental to all Buddhist schools, denies that there is an identity or lasting entity at the center of any being. So this makes sex and gender differences at the deepest level a superficial factor just like race, ethnicity, appearance or social status. Therefore to deny anybody ordination on the basis of this is in itself against the Dhamma.

In speaking with Buddhist monastics the question often arises as to which *Saṅgha*, *Bhikkhus* or *Bhikkhunīs*, a transgender or intersex person should ordain into and as such also according to which ordination procedure. This question emerges from the distinct binary structure of the Buddhist institution that reflects a society vastly different from our Western one. This might have been appropriate at the time of the Buddha, but it is not necessarily appropriate for our current time and place and we will have to rethink how we deal with these issues. I therefore think we should leave such questions to the individuals involved based on their gender-experience in consultation with the members of the community they wish to ordain into. The *Vinaya* has given us an example where

the person could simply live in the *Saṅgha* according to their own gender-experience¹ where they could practice in a way that was most appropriate to them in order to get the best possible opportunities to eradicate defilements and practice the teachings. As I have outlined in this article, in ancient India there was a lively debate with regards to the characteristics that make up a ‘man’ or a ‘woman’ and these are not so clear-cut and also not limited to primary sex characteristics. There are however many variables involved and in which community a person would benefit most is not a question that is easy to answer and should be carefully considered on a case-by-case basis.

The preservation of the religious institution and its public image is an important reason for the establishment of the *Vinaya*.² As Buddhism has spread across the world and across many socio-cultural environments, the challenge for the institution is to maintain its integrity while at the same time acknowledge the socio-cultural differences in the environments it operates in, the people who support it and to whom it aims to provide a refuge from suffering. Unfortunately we see all too often that people in Western cultures, already disillusioned with religion due to the scandals, misogyny and sexism in the Catholic Church, turn away from Buddhism and the Dhamma because they are unable to reconcile the inclusive nature of the teachings with yet another rigid patriarchal institution that seems out of place in the modern Western world. If we are not careful in addressing these issues we may end up damaging the reputation of the *Saṅgha*, which we aimed to preserve.

Article 1 of the UN Universal Declaration of Human Rights reads: “All human beings are born free and equal in dignity and rights”. Denying ordination on the basis of sex or gender is against basic human rights and as Buddhists it is not only our duty to ensure the ethical standards that are expected of us in our society, but also to be the living examples of the Buddha’s compassion for all beings.

As Buddhists who espouse the ideal of unconditional loving kindness and respect, judging people on their behavior instead of their birth, we should be well positioned to show leadership on the development of gender equality in the modern world and the consequent reduction of suffering for half the world’s population. Moreover, if Buddhism is to remain relevant and grow, we must address these issues head on. But how can we speak about gender equality when some of our own *Theravāda* Buddhist organizations are gender biased? *Ajahn Brahmavamiso*

¹PTS vol. 3 page 35. See also chapter 7.

²Brenna Artinger [2020] cites Shayne Clarke, page 66.

9. Gratitude

When writing this paper I have had help and input from so many friends. It became clear to me how important this issue is for so many people and I feel very grateful that I have had the opportunity and time to dedicate to this worthwhile cause.

I wish to especially thank my Spiritual Advisor, Ven. Anandabodhi Bhikkhunī, who has helped me to understand my own spiritual journey as a queer female monastic in a conservative and patriarchal Buddhist *Sanḡha*. I also thank my good friends Ayya Yeshe Chödrön and Ven. Akālika Bhikkhu, who have always stood by me, encouraged me to do this research and in fact are the impetus for it.

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And lastly, I wish to thank all the people, and in particular the LGBTIQ+ community and other female monastics, who have supported me as a monastic for many years and whose stories have touched me deeply.

A. Sex and Gender Non-Conformity in the Chinese Vinayas of the Different Schools

A.1. Mahāsaṅghika Vinaya

The *Mahāsaṅghika Vinaya Bhikkhu Pakiṇṇaka* describes an occasion where some monks feel groping at night and after catching the culprit, a monk, he admits to being a 非男非女 i.e. ‘neither male, nor female’.¹ They report this to the Buddha, who tells them there are six types of ‘not males’ (不能男者有六種)² (lit. those we are not capable/impotent). The Buddha lays down a rule that none of these should be ordained and those already ordained should be expelled.

1. Those who are born impotent (生).
2. Those who are born from a concubine (捺破).³
3. A castrated impotent man (割却).⁴
4. A transformed impotent man who is aroused by the touch of others but cannot ejaculate (因他).⁵
5. A jealous impotent man who is a voyeur and becomes aroused when watching others have sex (妬).
6. A ‘half-moon’ impotent man (半月生者) (the description of what this is exactly is unclear).

The term 非男非女 (neither male nor female) is only used by the *paṇḍaka* to describe himself in this *Vinaya*. This could be a literal translation of the term *napumisaka* as in Vedic India this is an umbrella term, which includes the *paṇḍaka*. The *hijras* of India also refer to themselves with this term.

The term 二根 (i.e. 2 roots/faculties) is mentioned in passing as a question for *Bhikkhu* ordination but without further explanation.⁶ The term 黃門 (translated as ‘eunuch’⁷) is also mentioned here without further explanation.

¹T22 1425 摩訶僧祇律 0417c14-0418a10.

²摩訶僧祇律: 生不能男、捺破不能男、割卻不能男、因他起不能男、妬不能男、半月不能男

³This is the only place in the Canon where this is mentioned. Dr. Hsiao-Lan Hu remarks: “捺破者，妻妾生兒，共相妬嫉，小時捺破，是名捺破，” seems to suggest that 捺破 is a condition caused by wives and concubines being so jealous of one another for bearing male heirs that they deliberately caused damage to another’s son’s genitalia (testicles, rather than penis, it seems) when he was young.

⁴This person is castrated as a punishment by the king’s minister (割却男根 lit. cut root/faculty of masculinity).

⁵This is a very free translation based on other texts where this type is mentioned.

⁶T22 1425 摩訶僧祇律 0413c02.

⁷In the remainder of this appendix I will use the translation ‘eunuch’ (in quotation marks) as the official translation of 黃門 according to the dictionary. I refute this translation as too narrow and probably erroneous in chapter 4.3.

Another term used in *Pārājika* 2¹ is 二形 (‘two shapes’). There seems to be some confusion between two terms: 二根 (‘two roots/faculties’) and 二形 (‘two shapes’) that are sometimes used as synonyms in different places.

Other words we find in the *Bhikkhunī* ordination procedure are those who have no breasts (無乳) or just one breast (一乳) or those who have no vagina (石女).² In this procedure it is mentioned that the candidate can proceed if she does not suffer from these conditions.³ We also find a question about whether or not she has a rectovaginal fistula (二道通).⁴

A.2. Dharmaguptaka Vinaya

In the *Dharmaguptaka Vinaya Pabbajja Khandhaka* the story is similar to that in the *Theravāda Vinaya*. A ‘eunuch’ (黃門) is ordained and then tries to have sex with monks and novices but is rebuked. He ends up having sex with cowherds and shepherds. The story is brought to the Buddha who lays down the rule that all ‘eunuchs’ have to be expelled and cannot ordain. He identifies five types of ‘eunuch’:⁵

1. Those born as a ‘eunuch’ (生黃門).
2. A castrated ‘eunuch’ (犍黃門).⁶
3. A jealous ‘eunuch’ (妬黃門), who is aroused at the sight of others having sex.
4. A transformed ‘eunuch’ (變黃門). Transformed means while committing a sexual act with another, he loses male sexual function, and thereby becomes a *paṇḍaka*.
5. A ‘half-moon’ ‘eunuch’ (半月黃門), having male sexual function for half a month, and being impotent for the other half of the month.⁷

The regular list of persons not to be ordained is given, using the word 二形 (‘two shapes’), translated by BTC [2015] as ‘hermaphrodite’, while in other places in the *Vinaya* it uses 二根 (‘two roots/faculties’).

After this list the *Dharmaguptaka Vinaya* adds the story of a monk and nun respectively who change sex/gender as mentioned in the *Theravāda Pārājika* 1. The Buddha concludes

¹T22 1425 摩訶僧祇律 0244a24.

²Dr. Hsiao-Lan Hu translates 石女 as ‘having no vagina’ but the dictionary entry in www.buddhism-dict.net translates it as ‘barren’ or ‘sterile’.

³T22 1425 摩訶僧祇律 0472b05-0472b10.

⁴The commentary T24 1462 善見律毘婆沙 0763 explains: “二道者，穀道水道”–“The two tracts are the solid tract and the liquid tract.”

⁵Translation by BTC [2015]. T22 1428 四分律 0812b23-0812c10.

⁶Lit. a bullock-‘eunuch’.

⁷The word 不能男 (i.e. incapable/impotent) is used here just like in the *Mahāsaṅghika* and *Sarvāstivāda Vinayas*.

that they can simply go to the other Order and do not need to be expelled.¹ Again, the word used here for sex/gender characteristics is 形 (i.e. form or shape). The next paragraphs list the case of a monk and nun respectively who changed sex/gender to become 男女二形 i.e. both male and female. The Buddha mentions that they have to be expelled.

The *Dharmaguptaka Vinaya* proceeds to list details of monks who have been castrated through various causes.² Obviously these are not seen as falling under the same category as the above mentioned ‘eunuch’. When castration happens through an accident or even when it happens through *karmic* causes, the monk in question can remain, but if he causes the castration intentionally himself he is expelled. Here the phrase is 截其男根 (lit. cut off the male root/faculty).

While in the *Mahāsaṅghika Vinaya* one who is castrated (i.e. with the cutting off of the male root/faculty 男根) is seen as an impotent man and thus not fit for ordination, here this only matters when the action is voluntary and not accidental.

In the *Bhikkhunī* ordination procedure we find the person with two faculties (二根) and the person with rectovaginal fistula (二道合). In the same sequence we find the word 道小, which is translated by BTC [2015] as ‘underdeveloped genitalia’.³ Unlike in the *Theravāda Vinaya*, this condition would lead to disqualification from ordination.⁴ Further down a separate clause is added for those who have no breasts (無乳) or just one breast (一乳), who are equally barred from ordination.⁵

A.3. Mahīśāsaka Vinaya

The story in the *Mahīśāsaka Vinaya Pabbajjā Khandhaka*⁶ is similar to the *Theravāda Vinaya*. A ‘eunuch’ (黃門) is ordained and proceeds to try and have sex with various monks, novices and others. As a result he is expelled together with others like him. Just like in the *Theravāda Vinaya*, there is no mention here of several types of *paṇḍakas*/‘eunuchs’. At the end of the expulsion spoken by the Buddha, it is simply mentioned that the same holds true for those with ‘two roots/faculties’ (二根) without further explanation of what this is.

The story of the monk who became a woman and was allowed to live with the nuns thereafter is also mentioned here and also the opposite case of a nun who became a man. The next paragraph is dedicated to a monk who, due to his great lust, self-castrated and

¹T22 1428 四分律 0813b15-0813b23. The commentary X55 0884: 表無表章栖翫記 0230c22-0231a09 explains that there is no need for re-ordination in this case.

²T22 1428 四分律 0813b25-0813c04.

³T22 1428 四分律 0924c20.

⁴The disqualification from ordination of the 二根 and 二道合 is confirmed in *Bhikkhunī Vibhaṅga*, *Pācittiya* 166-167, T22 1428 四分律 0773c21-0774b03.

⁵T22 1428 四分律 0926c20-0926c21.

⁶T22 1421 彌沙塞部和醯五分律 0117c29-0118a05.

as a result was expelled.¹

In the *Bhikkhunī* ordination procedure we find another few terms in the questions asked during the ritual.² It asks if a woman has no vagina (石女),³ if she is not a ‘eunuch’ (黃門) and if her female genitals (root/faculty) are developed (女根具足). Here it is not specifically mentioned that somebody is barred from ordination if the answer is affirmative.

A.4. Sarvāstivāda Vinaya

The story in the *Sarvāstivāda Vinaya Pabbajjā Khandhaka*⁴ also tells of a monk who groped other monks at night which caused problems and started rumors. Again, the Buddha identifies five types of 不能男 (impotent males). All of these are not allowed to ordain and are expelled if already ordained:

1. Those born impotent (生) (here possibly defined as a bastard).
2. A ‘half-moon’ impotent man (半月), who is impotent for half of the month.
3. A jealous impotent man (妬), who likes to see others engage in sex.
4. A transformed impotent man who is aroused by the touch of others but cannot ejaculate (精).⁵
5. A castrated impotent man (病).⁶

In another part of the *Vinaya* this term 二根 (two roots/faculties) is used next to the term 黃門 (‘eunuch’) but not in relation to ordination. *Pārājika* 1 (just like the *Pārājika* 1 of all the schools) mentions the existence of four kinds of offender: men, women, 黃門 (‘eunuch’) and 二根 (two roots/faculties). The same two words are used elsewhere in the *Sarvāstivāda Vinaya* while the word 不能男 (impotent) is only used in the list for those who cannot ordain.

The *Bhikkhunī Khandhaka* goes more into detail about those who cannot ordain. The 二根 (two roots/faculties) is mentioned here.⁷

¹T22 1421 彌沙塞部和醯五分律 0119a11 - 0119a28. Unlike in the *Dharmaguptaka Vinaya*, the character 根 (root or faculty) is used here for the monk/nun who changes sex/gender while the word 形 (shape or form) is used for the monk who castrates himself.

²T22 1421 彌沙塞部和醯五分律 0187c21-0187c29.

³Translated elsewhere as ‘barren/sterile’.

⁴T23 1435 0153b18-0153c17. 說一切有部《十誦律》：生不能男、半月不能男、妬不能男、精不能男、病不能男

⁵“精不能男” is described as “因他人姪，身身分用，是精不能男。” Dr. Hsiao-Lan Hu remarks: “I think this is the equivalent of “因他起不能男” in the *Mahāsaṅghika Vinaya*. ‘精’ refers to ‘semen.’”

⁶“若朽爛、若墮、若虫噉，是病不能男” – “if it is rotten, if it fell off, if it got bit off by wild animals (in classical Chinese, tiger is often referred to as ‘大虫’).” So 病不能男 is similar to ‘割卻不能男’ in the *Mahāsaṅghika Vinaya* (except for self-castration) or ‘形殘黃門’.

⁷T23 1435 0294a23-0294a28.

A similar list of questions is asked of female candidates for ordination as with the other schools. The candidate is to be asked if she has underdeveloped genitalia (女根小) (lit. small female root/faculty), has no breasts (無乳) or just one breast (一乳) and if she is sterile (是不能產). It seems however that regardless of the answer, the candidate is not barred from ordination.¹

With regards to the five types of 黃門, the Chinese commentarial texts merely add that these people cannot ordain because they have difficulty keeping the precepts.²

¹T23 1435 0332b11-0332b22.

²T85 2792 毘尼心 0667b25-0667b26.

B. Word Frequency

The following charts show how often some of the words related to ‘third sex/gender’ and to ‘sex/gender-characteristics’ are used in the Pali Canon and commentaries as well as in the Sanskrit, Chinese and Tibetan texts. In the Figures, the (b) charts show the relative number of words. This takes into account the size of the specific parts of the Canon and Commentaries.¹

B.1. Words denoting gender-nonconforming individuals

Pali Canon and Commentaries

The Pali charts use the data from the BuddhaNexus.net database, which comprises the data from SuttaCentral.net and VRI–Vipassana Research Institute.

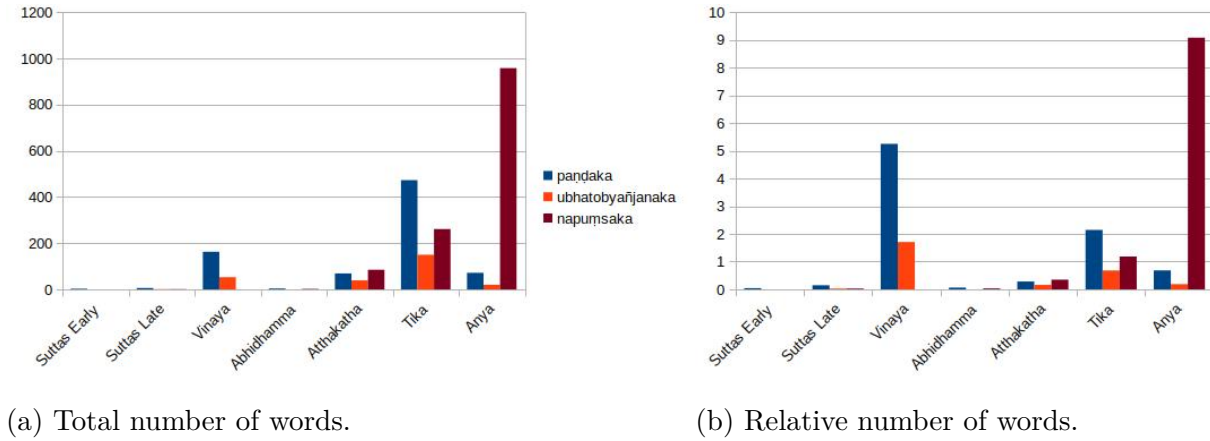


Figure 3: Words denoting gender-nonconforming individuals in the Pali Canon and Commentaries.

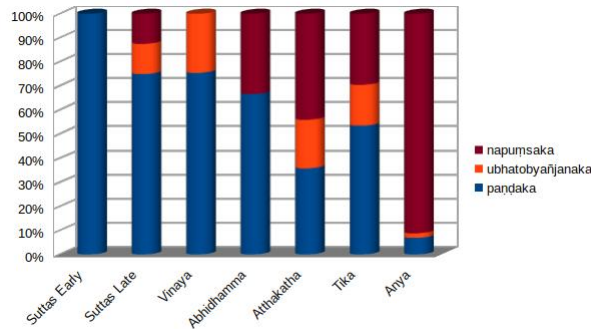


Figure 4: Relative importance of words within each collection (as a percentage).

¹The total number of words in a collection is divided by the total number of characters in that collection times 10^5 (Pali and Tibetan) and 10^{11} (Sanskrit). For the Chinese no charts are given for the relative number of words because there was no significant difference with the charts for the total number of words. For the Tibetan no charts are given for words relating to the characteristics of sex/gender due to a lack of data.

Sanskrit Buddhist and Vedic Canon and Commentaries

The Sanskrit charts use the data from the BuddhaNexus.net database, which comprises the data from GRETIL–Göttingen Register of Electronic Texts in Indian Languages. The data from the DSBC–Digital Sanskrit Buddhist Canon is not included in these charts because they largely overlap with the GRETIL data which would result in double entries.

Unlike the texts in the Pali, Chinese and Tibetan canons, the GRETIL data used for the Sanskrit charts does not comprise the entire Buddhist Canon. They are also not ordered by approximate lateness. The Vedic/Brahmanical texts are also included in these charts.¹

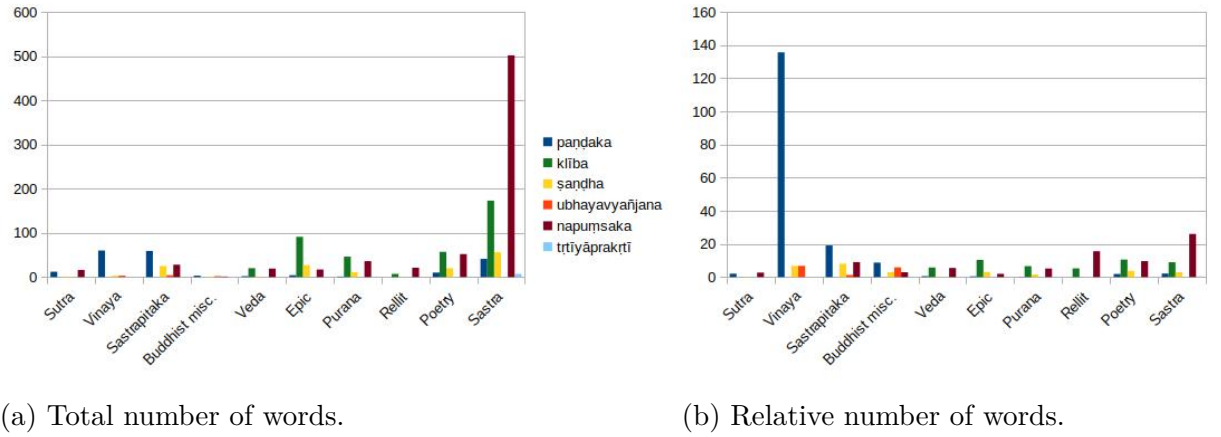


Figure 5: Words denoting gender-nonconforming individuals in the Sanskrit Buddhist and Vedic Canon and Commentaries.

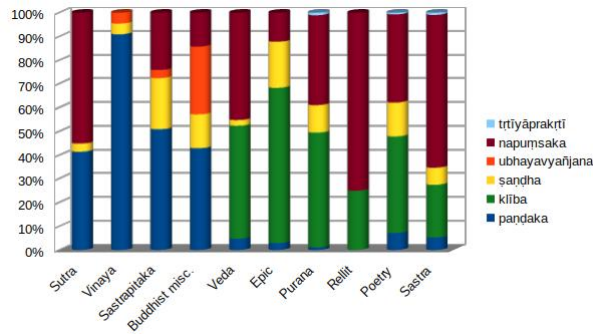


Figure 6: Relative importance of words within each collection (as a percentage).

¹Note that the prominence of the relative number of words in the category ‘Buddhist Misc.’ is mainly due to the very small size of this category.

Chinese Buddhist Taishō Canon

The Chinese charts use the data from the BuddhaNexus.net database, which comprises the data from CBETA–Chinese Buddhist Electronic Text Association.

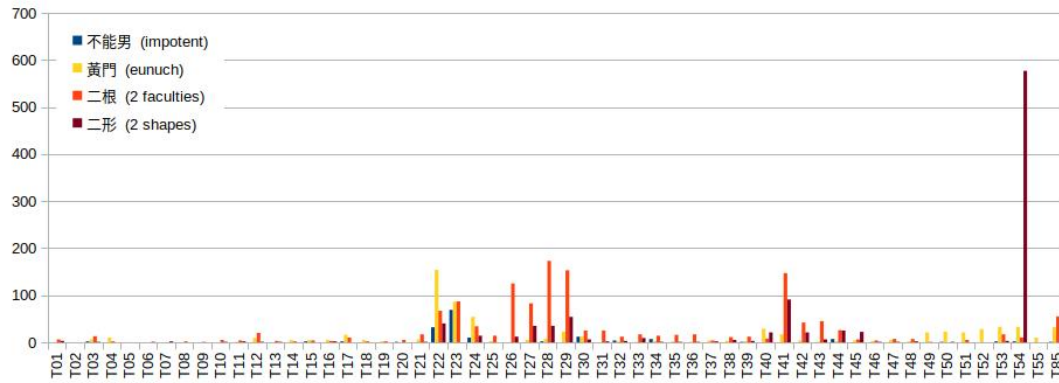


Figure 7: Total number of words denoting gender-nonconforming individuals in the Chinese Taishō Canon.

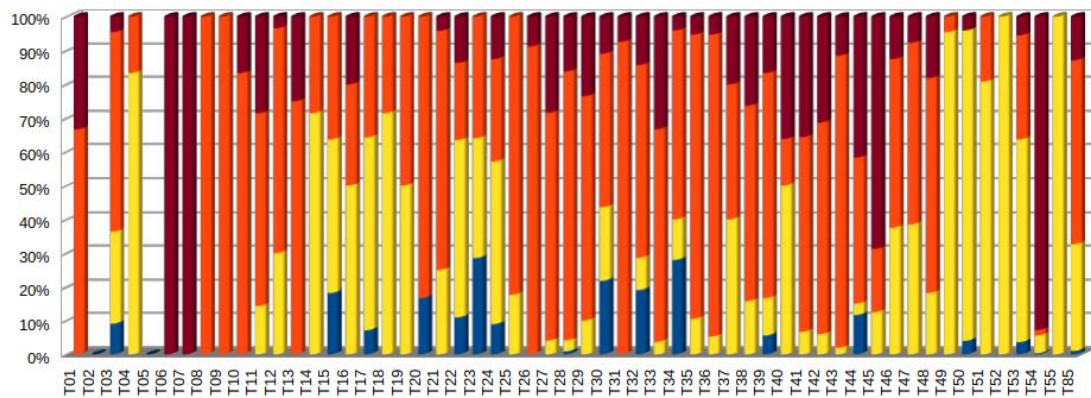


Figure 8: Relative importance of words within each collection (as a percentage).

Tibetan Buddhist Kangyur and Tengyur Canon

The Tibetan charts use the data from the BuddhaNexus.net database, which comprises the data from ACIP–Asian Classics Input Projects and BDRC–Buddhist Digital Resource Center.

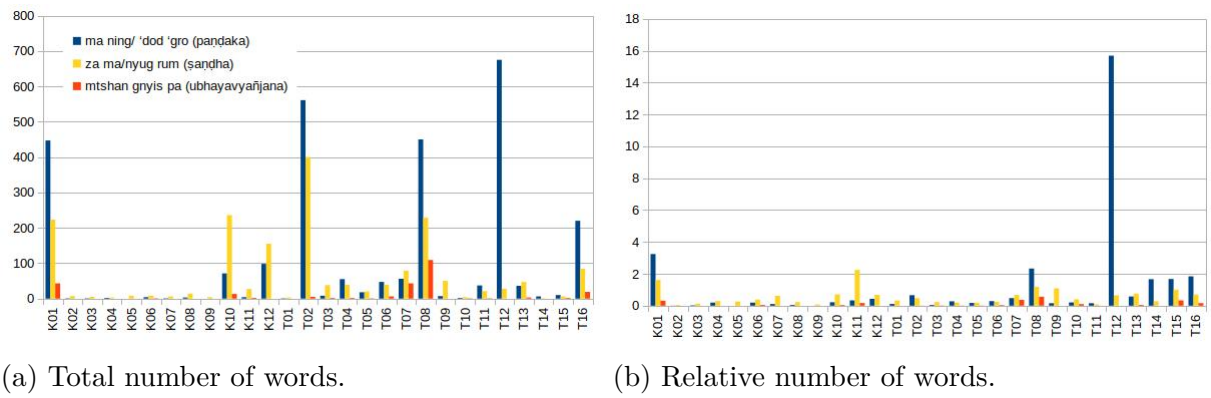


Figure 9: Words denoting gender-nonconforming individuals in the Tibetan Kangyur and Tengyur Canon.

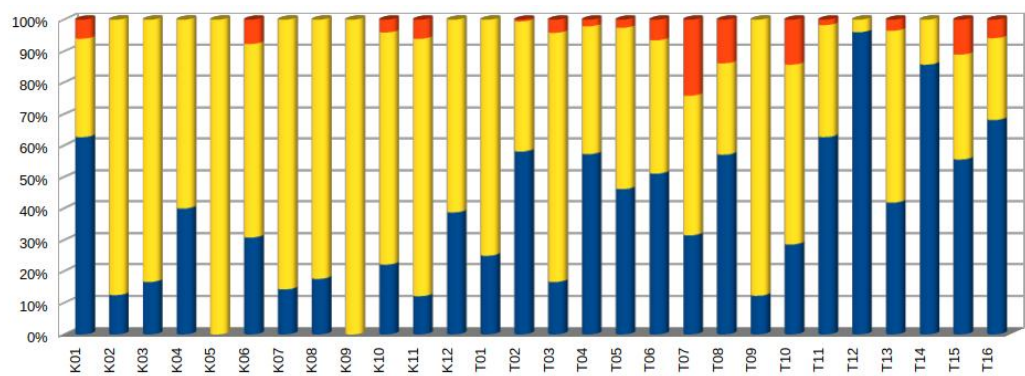


Figure 10: Relative importance of words within each collection (as a percentage).

B.2. Words denoting sex/gender-characteristics

In order to get an idea as to the frequency in which certain words are used to denote sex/gender characteristics as opposed to general characteristics I have used the prefixes *itthi* ('female' Skt. *strī*, Chn. 女) and *purisa* ('male' Skt. *puruṣa*, Chn. 男).

Pali Canon and Commentaries

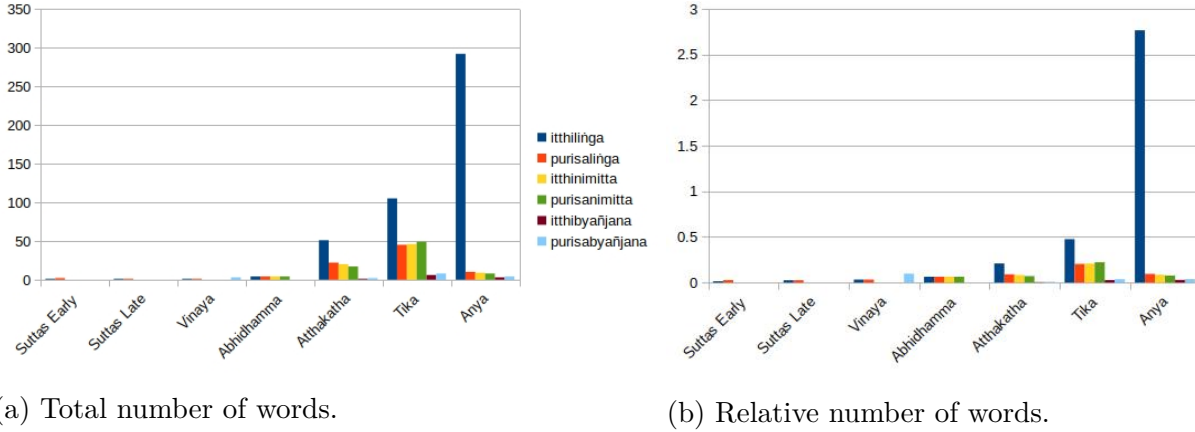


Figure 11: Words denoting sex/gender-characteristics in the Pali Canon and Commentaries.

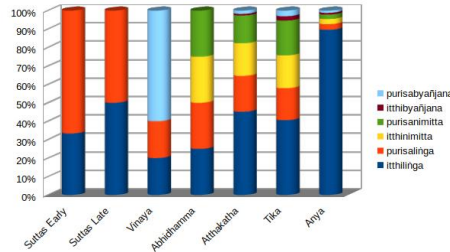


Figure 12: Relative importance of words within each collection (as a percentage).

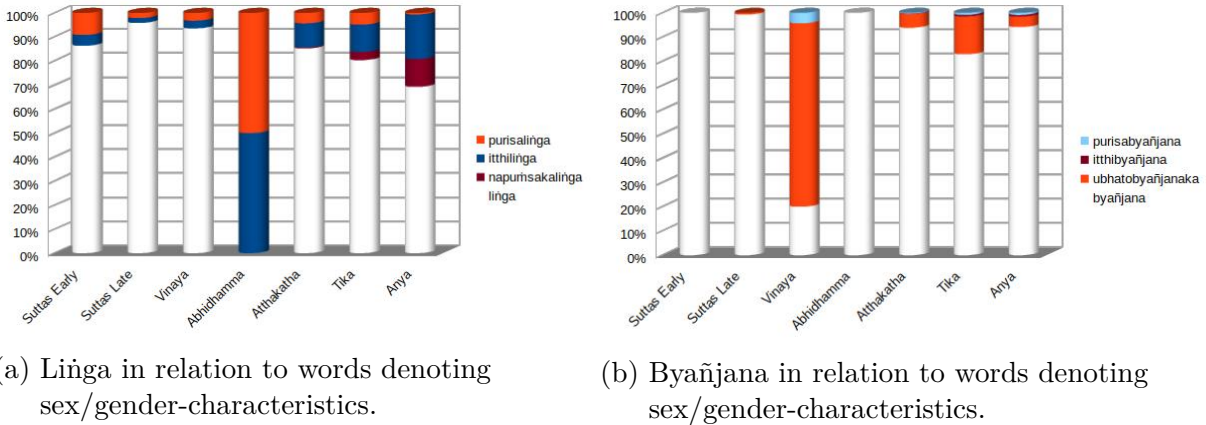
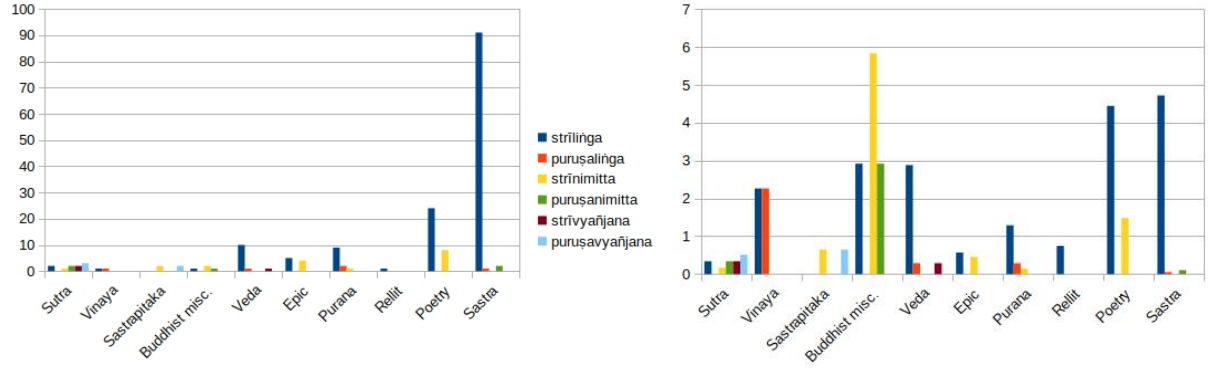


Figure 13: Relative importance with regards to the root words within each collection.

Sanskrit Buddhist and Vedic Canon and Commentaries



(a) Total number of words.

(b) Relative number of words.

Figure 14: Words denoting sex/gender-characteristics in the Sanskrit Buddhist and Vedic Canons and Commentaries.

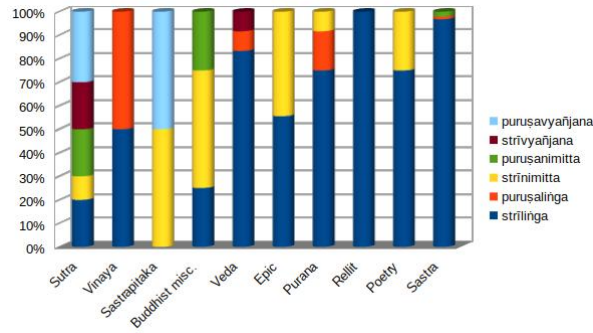
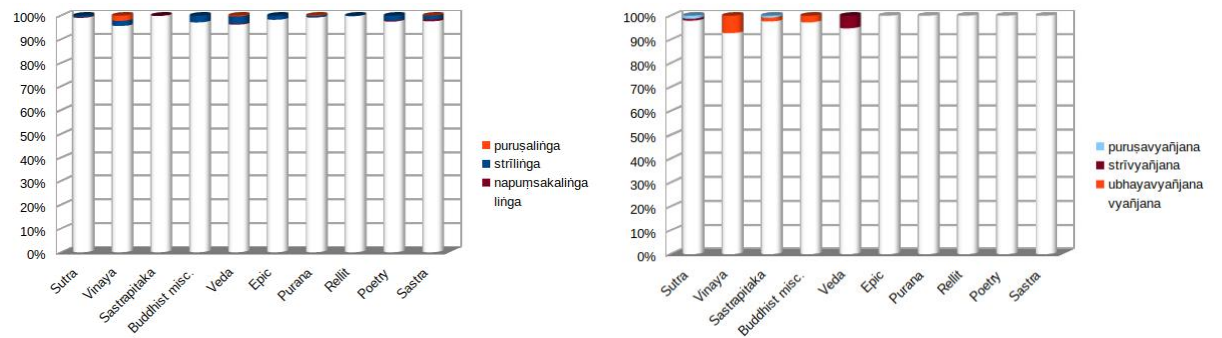


Figure 15: Relative importance of words within each collection (as a percentage).



(a) Linga in relation to words denoting sex/gender-characteristics.

(b) Vyañjana in relation to words denoting sex/gender-characteristics.

Figure 16: Relative importance with regards to the root words within each collection (as a percentage).

Chinese Buddhist Taishō Canon

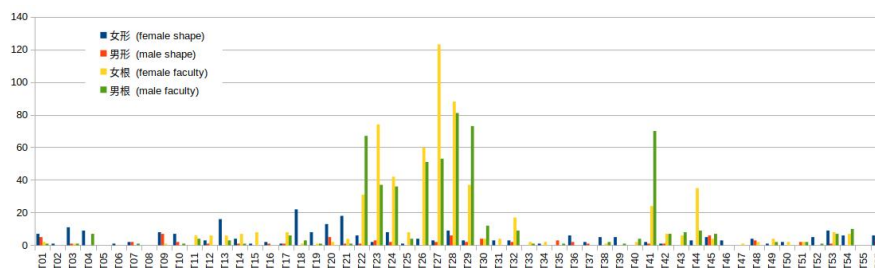


Figure 17: Total number of words denoting sex/gender-characteristics in the Chinese Taishō Canon.

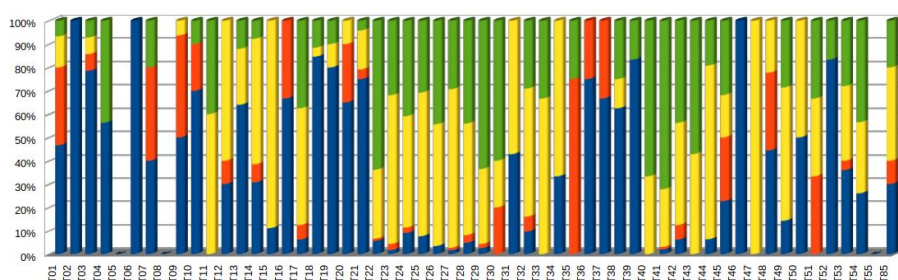


Figure 18: Relative importance of words within each collection (as a percentage).

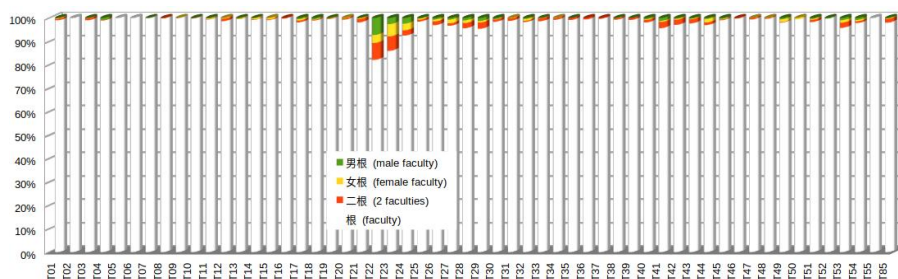


Figure 19: Relative importance of words denoting sex/gender-characteristics with regards to the root word 根 (faculty) within each collection (as a percentage).

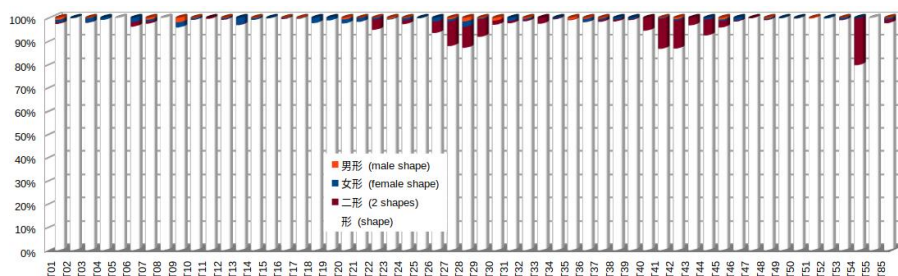


Figure 20: Relative importance of words denoting sex/gender-characteristics with regards to the root word 形 (shape) within each collection (as a percentage).

C. Glossary of Definitions

C.1. Definitions of Pali and Sanskrit Words

In this section I refer to the various dictionary definitions of the words relevant to the subject matter and provide links to these dictionaries. Click on a website link to open the definition in your browser.

Napumisaka

Pali word: *napumisaka*

Pali dictionary: see SuttaCentral.net

Sanskrit word: *napumisaka*

Sanskrit dictionary: see WisdomLib.org

Vepurisikā

Pali word: *vepurisikā*

Pali dictionary: see SuttaCentral.net

Paṇḍaka

Pali word: *paṇḍaka*

Pali dictionary: see SuttaCentral.net

Sanskrit word: *paṇḍaka*

Tibetan word: *ma ning* or *'dod 'gro*

Chinese word: 不能男 or 黃門

ITLR dictionary: see ITLR.net

Liṅga

Pali word: *liṅga*

Pali dictionary: see SuttaCentral.net

Sanskrit word: *liṅga*

Chinese word: 根 or 形

Ubhatobyañjanaka

Pali word: *ubhatobyañjanaka* or
ubhatovyañjanaka

Pali dictionary: see SuttaCentral.net

Sanskrit word: *ubhayavyañjana*

Tibetan word: *mtshan gnyis pa*

Chinese word: 二根 or 二形

ITLR dictionary: see ITLR.net

Byañjana

Pali word: *byañjana* or *vyañjana*

Pali dictionary: see SuttaCentral.net

Sanskrit word: *vyañjana*

ITLR dictionary: see ITLR.net

Śaṇḍha

Sanskrit word: *śaṇḍha*

Tibetan word: *za ma* or *nyug rum*

ITLR dictionary: see ITLR.net

Nimitta

Pali word: *nimitta*

Pali dictionary: see SuttaCentral.net

Sanskrit word: *nimitta*

Tibetan word: *mtshan ma*

ITLR dictionary: see ITLR.net

C.2. Modern Definitions

In this section I list a few terms relevant to the subject matter because there are many misunderstandings with regards to these terms and their meanings. For other terms, I refer to the website of the Human Rights Campaign.

Intersex

The definition of the term ‘intersex’ according to the UN Office of the High Commissioner for Human Rights is as follows:

Intersex people are born with sex characteristics (including genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies.

Intersex is an umbrella term used to describe a wide range of natural bodily variations. In some cases, intersex traits are visible at birth while in others, they are not apparent until puberty. Some chromosomal intersex variations may not be physically apparent at all.

Intersex can be divided into four categories according to the US National Library of Medicine:

46, XX intersex	female internal organs and chromosomes external genitals appear male
46, XY intersex	male internal organs and chromosomes external genitals appear female or ambiguous
True gonadal intersex	both ovarian and testicular tissue external genitals ambiguous or appear female or male
Complex or undetermined intersex	chromosomes discrepancies only

Hermaphrodite

A hermaphrodite is an organism that has both male and female reproductive organs. Until the mid-20th Century, ‘hermaphrodite’ was used synonymously with ‘intersex’. The distinctions ‘male pseudohermaphrodite’, ‘female pseudohermaphrodite’ and especially ‘true hermaphrodite’ are terms that are no longer used, which reflected histology (microscopic appearance) of the gonads. Medical terminology has shifted not only due to concerns about language, but also a shift to understandings based on genetics.

Currently, hermaphroditism is not to be confused with intersex, as the former refers only to a specific phenotypical presentation of sex organs and the latter to a more complex combination of phenotypical and genotypical presentation. Using hermaphrodite to refer

to intersex individuals is considered to be stigmatizing and misleading.¹ Hermaphrodite is used for animal and plant species in which the possession of both ovaries and testes is either serial or concurrent, and for living organisms without such gonads but which present binary form of reproduction, which is part of the typical life history of those species. Intersex has come to be used when this is not the case.

Transgender

Transgender people have a gender identity or gender expression that differs from the sex that they were assigned at birth.² Some transgender people who desire medical assistance to transition from one sex to another identify as transsexual.³ Transgender, often shortened as trans, is also an umbrella term. In addition to including people whose gender identity is the opposite of their assigned sex (trans men and trans women), it may include people who are not exclusively masculine or feminine (people who are non-binary or genderqueer, including bigender, pangender, genderfluid, or agender). Other definitions of transgender also include people who belong to a third gender, or else conceptualize transgender people as a third gender.

The term transgender is also distinguished from intersex.

The opposite of transgender is cisgender, which describes persons whose gender identity or expression matches their assigned sex.

Many transgender people experience gender dysphoria, and some seek medical treatments such as Hormone Replacement Therapy, sex reassignment surgery, or psychotherapy. Not all transgender people desire these treatments, and some cannot undergo them for financial or medical reasons.⁴

¹See Intersex Society of North America.

²Altilio and Otis-Green [2011] page 380.

³Polly and Nicole [2011].

⁴For more information on these issues, see Maizes [2015].

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