

# Through the Yellow Gate

The *Paṇḍaka* and the *Ubhatobyañjanaka* in Ancient Scriptures

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I dedicate this work to my Spiritual Advisor, Ven. Anandabodhi Bhikkhunī, who has helped me to understand my own spiritual journey as a queer female in a conservative and patriarchal Buddhist Sangha. I also thank my good friends Ayya Yeshe Chödrön and Ven. Akālika Bhikkhu, who have always stood by me and encouraged me to do this research. I wish to extend my heartfelt gratitude to Ven. Ajahn Brahmali Bhikkhu for his practical input, translations and discussions and to Dr. Claire Maes, whose expertise proved an invaluable asset.

# Contents

<b>1</b>	<b>Introduction</b>	<b>4</b>
<b>2</b>	<b>Vedic, Brahmanic and Jain scriptures</b>	<b>6</b>
2.1	Emergence of the Third Gender in Mythology . . . . .	6
2.2	Sex and Gender in the Jain Order . . . . .	8
2.3	Jain Monastic Ordination . . . . .	10
<b>3</b>	<b>Pali and Chinese Vinayas of the different schools</b>	<b>12</b>
3.1	Theravāda Vinaya . . . . .	12
3.2	Mahāsaṅghika Vinaya . . . . .	12
3.3	Dharmaguptaka Vinaya . . . . .	13
3.4	Mahīśāsaka Vinaya . . . . .	14
3.5	Sarvāstivāda Vinaya . . . . .	14
3.6	Commentaries . . . . .	15
3.7	Summary . . . . .	16
<b>4</b>	<b>The <i>pañḍaka</i></b>	<b>19</b>
<b>5</b>	<b>Appendix 1: Glossary of Modern Definitions</b>	<b>22</b>
5.1	Intersex . . . . .	22
5.2	Hermaphrodite . . . . .	22
5.3	Transgender . . . . .	23
<b>6</b>	<b>Appendix 2: Word Frequency</b>	<b>24</b>
6.1	Pali canon and commentaries . . . . .	24
6.2	Sanskrit Buddhist and Vedic canon . . . . .	24

# 1 Introduction

The legality of Bhikkhunī ordination in the Theravāda and Tibetan lineages of Buddhism has been a hotly debated issue for many years. Thanks to the efforts and research of many monastics and academics, the first full Theravada ordination was held in Perth in October 2010. Although still not widely recognized in several traditional Theravāda countries, recognition is growing and the number of Bhikkhunīs is slowly increasing. In this paper I will not go into detail about the discussion with regards to the ordination of women in Buddhist circles after the passing away of the Buddha because other authors have already done excellent research on this<sup>1</sup>, but this discussion also pertains to the subject matter at hand.

There are however two groups of people that have been marginalized and excluded from ordination, groups which we will refer to here with the Pāli terms used in the Theravada Vinaya: *paṇḍaka* and *ubhatobyañjanaka*. There have been various translations and interpretations of these terms with the consequence that intersex people and transgenders and sometimes others have been barred from ordination. But there is also much ambiguity as to what these terms really mean and how they ended up in the Vinaya section barring them from ordination.

When studying the Buddhist scriptures, especially where there are groups of people who seem to be marginalized, it is important to understand where and under which circumstances these concepts and interpretations have originated. The Early Buddhist Texts mainly focus on the teachings themselves, and much less on the socio-cultural environment in which these originated. In fact, they seem to deal with sex and gender as a given, that need no further discussion. So we have to look elsewhere for more information on this topic, like the pre-Buddhist Vedic culture<sup>2</sup> and the Brahmanic and Jain cultures at the time of the Buddha and thereafter. No study of these terms would be complete without an understanding of what these words would have meant to the people that lived in the times that these words were used and so we also delve into the rich tapestry of Indian (and at times Chinese) culture and society. Here we find the living proof of evolving ideas on gender that are very different from our western concepts of trans-sexuality, intersex, etc. 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 trace the emergence of these terms in Vedic, Brahmanical and Jain scriptures and their changes over the centuries and compare that with what we know from Buddhist texts to come to a better understanding of what the terms *paṇḍaka*

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<sup>1</sup>See Sujato [2009] and Anālayo [2013]

<sup>2</sup>Note that in this work I have deviated from some of the earlier points I made in Vimala [2019] with regards to the Vedic concept of the third sex. I have now rejected certain sources on the basis that I found them unreliable upon closer inspection and I hope to have rectified this with more thorough research.

and *ubhatobyañjanaka* really meant at the time these passages were noted down and the reasons why these are said to be barred from ordination.

I hope that this paper will pave the way for ordination of all people as Buddhist monastics, regardless of sex, sexuality and gender.

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## 2 Vedic, Brahmanic and Jain scriptures

### 2.1 Emergence of the Third Gender in Mythology

We can trace the emergence of the concept of a third sex back to the late Vedic period (800 – 600 BCE). In the Vedic myths and legends, we frequently find the theme of a man turning into a woman or of being both a mother and a father. The function of these myths and legends is to confront deep anxieties and fears associated with the complex and problematic issues involving body, 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 regulated environment they are seen as dangerous and destructive to men. Through such projective devices of men unto women, male-dominated cultures have been able to establish a hegemonic ideology of gender. We see that transsexualism is a recurring theme in these myths and legends, derived from these anxieties and attitudes towards gender<sup>1</sup>.

These myths have not stayed confined to mere story-telling, but have informed every aspect of life in India. The hijra<sup>2</sup> are a representation of Śiva in her form of Ardhanārīśwara. They enact out the religious myths and make them come alive. They are viewed as vehicles of the divine power of the Mother Goddess, which transforms their impotence into the power of generativity. These hijras are the contemporary representatives of these myths that have been around for thousands of years.

In practise, hijra are emasculated males. They call themselves 'not a male' or 'neither man nor women' (*napuṃsaka*). They dress in women's clothing, jewelry and make-up, sing and perform dances and religious rituals like baby-blessings. The origin myth of the hijra, just like that of most Indian castes, "explains" the origin of the caste, linking the caste to Hindu deities, providing religious sanction for its claimed place in Indian society. The myths validate a positive identity.

Unlike the other castes, one can not be born into the hijra caste as normal but men and boys are admitted into the fraternity from all other castes<sup>3</sup> and undergo an initiation rite. A key defining criterion of a hijra is that he is sexually impotent with women. This impotence is something he is born with and according to some accounts is tested before he is admitted into the caste<sup>4</sup>.

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<sup>1</sup>Goldman [1993] gives an excellent account of the myths that formed the notions of gender and transsexualism in ancient India.

<sup>2</sup>A good study on the *hijras* is provided by Nanda [1999].

<sup>3</sup>Ibbetson and Rose [1911] believes all Hijra to be Muslims, also relating them to the Muslim tradition of keeping eunuchs as harem-guards, but Nanda [1999] points out that they have their own Hindu deities and religious rituals. The hijra caste seems to be something much older and very different from the harem-guards of the Muslim period.

<sup>4</sup>Shah [1961] and Bhimbhai [1901] Some 19th-century accounts report that impotence was an essential

The view as hijra as 'not a man' begins with their being men who are impotent from birth, and therefore not "real men". But they are not considered hijra until the moment they are initiated i.e. emasculated. According to Nanda [1999], their anatomy 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 something quite different from a transvestite; they are the religious embodiment of the deities. Although at first the hijra do not seem to have been prostitutes, over the centuries prostitution has appeared among them.

The term *napuṃsaka* was an umbrella term used to denote such men who were impotent, effeminate or dressing in traditional women's clothing<sup>1</sup>. Literally the term means 'not-a-male' i.e. men who did not conform to gender-role expectations. The adoption of the word *napuṃsaka* as a grammatical third gender<sup>2</sup> in the 6th century BCE seems to have prompted a significant shift in meaning. Because now the *napuṃsaka* was interpreted as meaning 'neither male nor female'. This resulted in the previously mentioned 'un-males' to be regarded as persons with ambiguous sex<sup>3</sup>. The individuals that the word *napuṃsaka* referred to were however all males, just not conforming to gender role expectations. The word *napuṃsaka* itself retained its masculine form in grammar.

The fact that Sanskrit is a gendered language forced people to assign gender to all objects including all living creatures and humans. Gender was seen as a property belonging to objects and objects are gendered by the presence or absence of certain defining characteristics or *liṅga*<sup>4</sup>. The third gender (*napuṃsaka*) was basically a class for things that were neither male nor female in nature. This meant that there was an intimate connection between sex and grammatical gender that had far reaching consequences and caused much confusion<sup>5</sup>.

Just after the late Vedic period we see that a set of terms relating to the class of *napuṃsaka* has emerged like *klība* (sexually defective man<sup>6</sup>) and *paṇḍaka* ("impotent", or "sterile"<sup>7</sup>). Both of these types were associated with transvestism and dancing. With

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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] mentions that another 9th-century account of the hijras also reports that "all state that they were incapable of copulation and that becoming [hijras] was on that account only"

<sup>1</sup>Zwilling and Sweet [1996]

<sup>2</sup>*Śatapatha Brāhmaṇa (ŚB) 10.5.1.2-3*

<sup>3</sup>Zwilling and Sweet [2000]

<sup>4</sup>The original meaning of *liṅga* is "characteristic mark or sign" (Nirukta 1.17) but later starts to mean "sexual characteristic"

<sup>5</sup>Other languages, like Uralic languages, do not have gender in language. Such gender-less languages exclude many possibilities for reinforcement of gender-related stereotypes as they do not place objects (and thus people) in boxes.

<sup>6</sup>As pointed out by Zwilling and Sweet [1996] the nature of the *klība* is suggested by the Bṛhadāraṇyaka Upaniṣad 6.1.12 and can be acquired due to the destruction of the penis as in ŚB 1.4.3.19

<sup>7</sup>Atharva Veda (AV) 8.6.7, 11.16. The etymology of *paṇḍaka* is unknown but cf. *paṇḍa* at AV 7.65.3

the word *napuṃsaka* having gained a much broader meaning, it seems likely that these new subcategories represent different names for the original meaning of "un-males" and therefore what we now know as hijra, or at least something very similar, with the *paṇḍaka* being a hijra in general, and a *klība* one who has undergone the initiation rite.

## 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 it's monastics. Jain monastics live celibate and at the time of it's emergence, 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 subject of a very lengthy debate within the order.

In addition to these practical considerations, there was 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<sup>12</sup>. 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.

The speculations and discussions that followed focused around the characteristics necessary to identify a person as belonging to one of three groups. The *paṇḍaka*, *klība* and *keśavan* (long-haired male)<sup>3</sup> were recognized as males, but their gender role nonconformity assimilated them to females, so not "real males" and therefore still *napuṃsaka*. Yet their grammatical gender was still masculine.

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

1. The first view went from the premise that gender was defined by what one perceived as a man, woman or neither based on the presence or absence of primary or secondary characteristics<sup>4</sup>.

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is glossed by the commentator as *nirvīrya* ("impotent") Zwilling and Sweet [1996]. Albrecht Wezler has suggested that *paṇḍa* and *paṇḍaka* be regarded as ultimately derived from *\*apa+ āṇḍā*, thus: "one who has no testicles (anymore)," designating, if used as a substantive, a "eunuch," etc. Wezler [1998]

<sup>12</sup>?

<sup>2</sup>The two main sects of Jainism, the *Digambara* and the *Śvētāmbara* sect, likely started forming about the 3rd century BCE and the schism was complete by about 5th century CE.

<sup>3</sup>note that apparently long hair was seen as a sign of a woman

<sup>4</sup>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 *napuṃsaka*."



2. The second view is that gender 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. Dundas [1964] describes how the Jains developed a system to define gender as a combination of sex, sexual behavior, physical characteristics and also the underlying sexuality and feelings. The Jain came up with their own term *veda* to describe these characteristics<sup>1</sup>. This conception of sexuality most likely predates the schism between the two major Jain sects in the 5th century BC 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 visa versa<sup>2</sup>. The sexuality of the *napuṃsaka* is not clearly defined in the earlier texts but is seen as a threat to the chastity of monks<sup>3</sup>.

Zwilling and Sweet [1996] 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 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 *napuṃsaka* has been subject to much debate within the Jain order, resulting over time in changes in meaning and use and definition of sub-categories. The word in the canonical texts seems to have referred only to males who were effeminate and transvestite, who are identified by the feminine way they dress, their behavior and sexual object choice. Because they looked female, their sexuality was also assumed as such. Because of this characterization the *napuṃsaka* can also be an object of lust for celibate monks. If we compare this with the aforementioned hijra, it seems likely that their feminine behavior, also before their initiation rite, was 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

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<sup>1</sup>This 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. Majjhima Nikāya 56 recounts a discussion between the Buddha and the Jain ascetic Tapassī in which the ascetic says: “*Na kho, āvuso gotama, āciṇṇaṃ nigaṇṭhassa nāṭaputtassa ‘kammaṃ, kamman’ ti paññāpetuṃ; ‘daṇḍaṃ, daṇḍan’ ti kho, āvuso gotama, āciṇṇaṃ nigaṇṭhassa nāṭaputtassa paññāpetuṃ*” *ti*. “Reverend Gotama, Nigaṇṭha Nātaputta (*i.e.* Mahāvīra) doesn’t usually speak in terms of ‘deeds’ He usually speaks in terms of ‘rods’ .” See also Zwilling and Sweet [1996] note 34

<sup>2</sup>See *Viyāha* 2.5.1

<sup>3</sup>See Acārāṅga Sūtra (English translation ?) p.220: monks are warned that a danger of drunkenness is seduction by a woman or a *klība*; p.285: sleeping places frequented by women or *paṇḍaka* are to be avoided

their physical male appearance as well as behavior. As celibate monks same-sex relations and the possibility of same-sex attractiveness were also an issue; 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 about the abilities for a *napuṃsaka*, or at least some sub-categories thereof, to attain enlightenment or to ordain. The *Śvētāmbara* in their later *Bhāgavatī Sūtra*<sup>1</sup> even define a fourth sex, namely the *puruṣanapuṃsaka* (male *napuṃsaka*, possibly a *napuṃsaka* who on the outside could "pass" as a regular male)<sup>2</sup>. Lacking any of the outside characteristics of a *napuṃsaka*, the only characteristic left to define them as such must have been their sexuality (i.e. attraction to men).

The period of the commentarial literature redefined the sexuality of the *napuṃsaka* as being more bisexual in orientation. Zwillling and Sweet [1996] believe that this new definition is not so much driven by actual observations of the behavior of *napuṃsaka* 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 together. This is a change from the canonical literature, where the sexuality of a *napuṃsaka* was characterized as female only.

The commentarial period continues to define the male and female *napuṃsaka* more clearly. The female *napuṃsaka* being the old category as defined in the canon of which the *klība* and *paṇḍaka* are sub-categories, the male *napuṃsaka* being the aforementioned *puruṣanapuṃsaka*. The female *napuṃsaka* seems to act as a female partner only (i.e. be acted upon), while the male *napuṃsaka* 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 resp. but also in terms of the role taken in intercourse as a penetrator or a receptor or both<sup>3</sup>. The hyperlibidinous nature of the *napuṃsaka* was ascribed to the bisexual character of his sexuality.

It is interesting to note that throughout this discussion the *napuṃsaka* and its sub-categories were males who are somehow blocked in their exercise of their male sexuality in one way or the other owing to their performance of some unvirtuous act (karma) in a previous life. Females who did not conform gender expectations were not considered in the class of *napuṃsaka* 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

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<sup>1</sup>Bhāgavatī Sūtra 4.1-2

<sup>2</sup>see Zwillling and Sweet [1996] for more details.

<sup>3</sup>Niśītha Sūtra 3507

monk was quite straightforward; one had to be a man without genital defects and virile, except when he is overly libidinous.

For the *Śvētāmbara*, who wore a cloth, the matter was far more complex and they devised an intricate system of ordainable categories, whereby the *napuṃsaka* was divided in sixteen types<sup>1</sup>. Over time, the ban against ordination of *napuṃsaka* was relaxed more, first based on practical grounds like a known and well-behaved candidate, later an exception was made for those who were able to control their sexuality. One of the main grounds why certain *napuṃsaka* were denied ordination was their perceived hyperlibidinous-ness, which would render them incapable of keeping their celibate vows and made them unfit to live in either the monks or the nuns communities. Only ten of the sixteen were not allowed to be ordained because they were regarded as uncontrollable in their passions. Amongst these were the original two categories of *klība* and *paṇḍaka*. The aforementioned *puruṣanapuṃsaka* was allowed to ordain, presumably because these could not potentially evoke a monk's lust. Since outside appearance was no longer a clear guide to who is *napuṃsaka*, 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 nonacceptance to nearly total acceptance of *napuṃsaka* in the Jain order over time<sup>2</sup>.

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<sup>1</sup>See Bhagavatī 5166-67

<sup>2</sup>Zwilling and Sweet [1996] references *Yuktiṣrabodha* in footnote 80

## 3 Pali and Chinese Vinayas of the different schools

### 3.1 Theravāda Vinaya

The *Theravāda Vinaya Khandhaka 1 Pabbajjā*<sup>1</sup> describes a *paṇḍaka* monk who is trying to have sex with monks and novices but is rebuked each time. He finally manages with the elephant and horse-keepers. The matter is brought to the Buddha who lays down a rule saying *paṇḍaka* cannot ordain and if they are already ordained they need to be expelled.

Further down there is the following passage<sup>2</sup>:

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.”

Neither the *paṇḍaka* and the *ubhatobyañjanaka* are further defined here but the word *ubhatobyañjanaka* is a compound between *ubhato* meaning “in both ways, on both sides” and *byañjana* or *vyañjana* meaning “sign or mark”.

### 3.2 Mahāsaṅghika Vinaya

The *Mahāsaṅghika Vinaya Bhikkhu Pakiṇṇaka* describes that monks feel groping at night and after catching the culprit, a monk, he admits being a 非男非女 i.e. neither male, nor female<sup>3</sup>. They report to the Buddha, who tells them there are six types of un-males (不能男者有六種) (lit. those we are not capable of producing seed/impotent). The Buddha lays down a rule that none of these should be ordained and those already ordained should be expelled.

1. those born impotent (生).
2. those who are born from a concubine (捺破)<sup>4</sup>.
3. a castrated impotent man (割却), who is castrated as a punishment by the King’s minister (割却男根 lit. cut faculty of masculinity).
4. a transformed impotent man who is aroused by the touch of others but cannot ejaculate (因他)<sup>5</sup>.

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<sup>1</sup>Pli-tv-kd 1 61

<sup>2</sup>translation by Ajahn Brahmali

<sup>3</sup>T22 1425 0417c14-0418a10

<sup>4</sup>This is the only place in the canon where this is mentioned but X44 0744 0432c13 mentions that there are 5 types of 黃門 (lit. yellow gate), which is translated as ‘eunuch’ elsewhere and 6 types of 種不能男 (i.e. seed incapable men), the 6th type being those born from a concubine

<sup>5</sup>This is a very free translation based on other texts where this type is mentioned

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) (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 the this Vinaya. This could be a literal translation of the term *napuṃsaka* as in Vedic India this is an umbrella term of which the *paṇḍaka* is a subsection. The hijra 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 ordination but without further explanation. Also the term 黃門 (translated as 'eunuch') is also mentioned here without further explanation.

### 3.3 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 'eunuchs'<sup>1</sup>:

1. those born as 'eunuch' (生黃門).
2. a castrated 'eunuch' (犍黃門)<sup>2</sup>.
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 masculine function, and thereby becomes a *paṇḍaka*.
5. a 'half-moon' 'eunuch' (半月黃門), having male function for half a month, and being impotent for the other half of the month<sup>3</sup>.

It is interesting to note that after the regular list of persons not to be ordained like animals, matricides, etc. the *Dharmaguptaka Vinaya* add here the story of a monk and nun resp. who change gender as is mentioned in the *Theravāda Pārājika 1*. The Buddha concludes that they can simply go to the other order and do not need to be expelled. The next paragraphs list the case of a monk and nun resp. who changed gender to become 男女二形 i.e. both male and female. The Buddha mentions that they have to be expelled

<sup>1</sup>translation by Committee [2015]. T22 1428 0812b23-0812c10

<sup>2</sup>lit. a bullock-eunuch

<sup>3</sup>The word 不能男 (i.e. incapable/impotent) is used here just like in the Mahāsaṅghika Vinaya

but does not say that ordination is not possible for those who are already 男女二形 before. However we can conclude this by inference.

The *Dharmaguptaka Vinaya* proceeds to list details of monks who have been castrated through various causes. Obviously these are not seen as falling under the same category as the above mentioned 'eunuch'. Most of these, except for the one who self-castrates, can stay in robes; when castration happens through accident or even when it happens through karmic causes, the monk in question can remain, if he causes the castration intentionally himself he is expelled. Here the phrase is 截其男根 (lit. cut off the male root).

While in the *Mahāsaṅghika Vinaya* the castration (i.e. cutting off of the male 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.

### 3.4 Mahīśāsaka Vinaya

The story in the *Mahīśāsaka Vinaya Pabbajjā Khandhaka*<sup>1</sup> is similar to the *Theravāda Vinaya*. A *paṇḍaka* (黃門) is ordained and proceeds to try and have sex with various monks, novices and others. As a result that he is expelled together with others like him. Just like in the *Theravāda Vinaya*, there is no mention here of several types of *paṇḍaka*. At the end of the expulsion spoken by the Buddha, it is simply mentioned that the same holds true for '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. The next paragraph is dedicated to a monk who, due to his great lust, self-castrated and as a result is expelled.

### 3.5 Sarvāstivāda Vinaya

The story in the *Sarvāstivāda Vinaya Pabbajjā Khandhaka*<sup>2</sup> also tells of a monk who groped other monks at night which gave problems and started rumours. Again, the Buddha identifies five types 種不能男 (impotent males). All 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. an 'essential' (?) impotent man (精), who causes others to have sex?
5. a ill impotent man who became impotent through illness (?) (病).

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<sup>1</sup>T22 1421 0117c29-0118a05

<sup>2</sup>T23 1435 0153b18-0153c17

In another part of the Vinaya this term 二根 (2 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 4 kinds of offenders, men, women, 黃門 ('eunuch') and 二根 (2 roots/faculties). The same two words are used elsewhere in the *Sarvāstivāda Vinaya* while the word 種不能男 (impotent) is only used in the list for those who cannot ordain.

### 3.6 Commentaries

Going beyond the Vinaya itself into the commentarial scriptures, we find the following in the *Theravāda Mahāvagga-aṭṭhakathā* to explain more about the nature of these two classes. It defines five types of *paṇḍaka*<sup>1</sup>:

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.
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<sup>2</sup>.
5. *napumisakapaṇḍaka*: a person born without sexual organs.

It is interesting to note that here not all *paṇḍaka* are barred from ordination, in contrast to what the Vinaya mentions. Only the last three types are forbidden to ordain<sup>3</sup>.

For the *ubhatobyañjanaka* we find the following<sup>4</sup>:

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

<sup>1</sup>*Samantapāsādikā*: Vol. V, p. 1015f. Following translations/explanations as in Bomhard [2016]

<sup>2</sup>According 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.

<sup>3</sup>Wong [2005] and Ṭhānissaro [1996]

<sup>4</sup>translation by Ajahn Brahmali

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.”

The Chinese equivalent of the *Samantapāsādikā* can be found in T24 1462: 善見律毘婆沙<sup>1</sup>:

There are three kinds of 2-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. For instance Shinsan X44 0744 0450b01-0450b04 mentions:

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.

### 3.7 Summary

The first thing that is striking when comparing the various Chinese schools is that there is no clear consistent term that denotes the *paṇḍaka*. The *Mahāsaṅghika* and *Sarvāstivāda* use the term 種不能男 (impotent lit. incapable of producing seed) in the descriptions in the first Khandhaka on ordination. In the *Dharmaguptaka*, 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 Vinaya* while in the *Sarvāstivāda Vinaya* uses the term

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<sup>1</sup>T24 1462 0792c03-0792c06. 5th century CE



everywhere but in the ordination Khandhaka. As both the terms 種不能男 (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 point to historical changes in understanding and translation<sup>1</sup>.

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,<sup>2</sup> while the word 'impotent' seems to be an earlier interpretation and we also find this back in in the Vedic scriptures<sup>3</sup>. The Chinese culture was vastly different from the 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*.

The following table compares the description of the various schools, adding the Sanskrit<sup>4</sup> and Tibetan<sup>5</sup> for reference<sup>6</sup>.

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. īrśyāpaṇḍaka	phrag dog can gyi ma ning
3. opakkamikapaṇḍaka	3. 割却 種不能男	2. 撻黃門	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 ??		
			5. 病 種不能男 ??		

It is striking that the *Dharmaguptaka Vinaya* continues to describe several types of castrated men but does not equate these to *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 Vinaya* agree on both the background story and do not mentioning a list of types of *paṇḍaka*, but the five types of *paṇḍaka* are described in the commentaries. The other Vinayas all have a list of *paṇḍaka* who are not allowed to ordain

<sup>1</sup>Shinsan text X44 0744 0432c13 (四分律名義標釋第 4 卷) links both terms, see above.

<sup>2</sup>The 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 Easter 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 eunuchs became very powerful and eventually caused the downfall of the Han Dynasty (see Wikipedia). So "yellow gate" became a synonym for 'eunuch'.

<sup>3</sup>see Zwilling and Sweet [1996]

<sup>4</sup>Abhidharmakośavyākhyā-Skt: 94, 15-25

<sup>5</sup>Abhidharmakośavyākhyā-Tib: D, vol. gu, 85b6-86a3; P, vol. cu, 97b2-7

<sup>6</sup>See itr.net for details as well as a more complete listing of possible meanings and occurrences of these terms

but some of these types differ from each other or seem to have a different description.

It is possible that at the time when the five types of *paṇḍaka* were introduced, the *Theravāda* and *Mahīśāsaka Vinaya* were already considered closed and therefore these five types appear in the commentarial text instead<sup>1</sup>.

The *Śāriputraparipṛcchā* attributes the schism of the *Mahāsaṅghika* school with the other schools at around 150 BCE to an attempt to expand the Vinaya by the other schools<sup>2</sup>. I therefore believe that the inclusion of the five types of *paṇḍaka* happened before this schism but was not originally in the Vinaya.

The fact that the descriptions of the five terms do not always seem to match seamlessly between schools and that there is some confusion over the term 'impotent', seemingly also denoting those who are socially impaired from marriage (i.e. the concubine's son) as well as the different description of a castrated man in both the *Dharmaguptaka* and *Mahīśāsaka Vinaya* seem to point to some ambiguity as to the meaning of *paṇḍaka* and the inclusion of the five types could have been an attempt to resolve this.

Considering that the word *paṇḍaka* does not appear in any of the early suttas<sup>3</sup>, it seems clear that the inclusion of the word in the Vinaya did not happen in the Buddha's lifetime but was added later, possibly as a result of the discussions with the Brahmins and Jains, for whom the *paṇḍaka* could not ordain.

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<sup>1</sup>Although the *Samantapāsādikā* is attributed to Buddhaghosa in the 5th century CE, this was based on earlier ones, 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.

<sup>2</sup>See Sujato [2012]

<sup>3</sup>Vimala [2019]

## 4 The *paṇḍaka*

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

As we have seen, the oldest emergence of the *paṇḍaka* and the *klība* as sub-categories of the *napuṃsaka* ('neither male nor female') happened in Vedic times. They are the 'un-males', the 'impotent', destined from birth 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, their occupation as religious dancers and singers and their emasculation. 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.

With the emergence of the Jain ascetics a debate started with regards to the position of women in the order, and as a consequence the position of the *napuṃsaka*. This discussion necessitated the identification of the characteristics that make up a male, a female and by consequence a *napuṃsaka*. We see that a similar discussion was held among the Buddhists<sup>1</sup>, especially after the Buddha himself passed away and the order found itself without a leader. This discussion was also fuelled by the public opinion of the celibate monastics. We know from both the Buddhist Suttas as the Jain scriptures that debates were also held between the Jains and Buddhists about a variety of subjects and no doubt there was an influence between these orders.

As a result the Buddhist Vinaya was redacted during the Second Council. It is not so far-fetched to infer that if the Vinaya was redacted with regards to women's ordination, the position of the *paṇḍaka* was also laid down at this time<sup>2</sup>. This is when we see the emergence of the *paṇḍaka* as the hyperlibidinous effeminate male who seduces monks and lay men alike, who is unable to maintain his precepts and who can, by his very nature, not be a monk. This idea of the hyperlibidinousness of the *paṇḍaka* because he possesses both male and female *veda* we have also seen in the Jain scriptures. But there is no further explanation of what the *paṇḍaka* really is and what his characteristics are until later, when the five types of *paṇḍaka* are defined.

At this point in time the Jain and Buddhist scriptures and their development begin to diverge as schools begin to emerge after King Ahsoka has sent his missionaries to different parts of his empire. The Jain also begin to create subdivisions of the *napuṃsaka*, but the *paṇḍaka* is not further divided and remains as a person who cannot ordain.

The Buddhist scriptures are dispersed and eventually translated into Chinese in the

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<sup>1</sup>Sujato [2009]

<sup>2</sup>Before this time we have no reference of the *paṇḍaka* in the Early Buddhist Suttas as shown in 3; the term is only used in the Vinaya and later commentarial texts



(a) Palace eunuchs in ancient China



(b) Hijra in India

various schools. There the word *paṇḍaka* was first translated as 'impotent' (種不能男) and later as 'eunuch' (黃門). The translation 'eunuch' however was taken from the word '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 hijra from India.

Moreover, the castrated *paṇḍaka* i.e. a eunuch, is only one type of the five types that cannot ordain, which makes it highly unlikely that the word *paṇḍaka* means 'eunuch'. We would also not expect a eunuch to have hyperlibidousness. 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*.

To fully understand the types of *paṇḍaka* in the scriptures, we have to look again at the understanding of the gender roles at that time. Whether or not the *paṇḍaka* in form of the religious embodiment of the feminine in the masculine was already engaged in prostitution at the time of the Buddha or not, in any case he was seen to have the female *veda* simply because he was "not a male". He dressed and behaved like a woman, a temptress that could arouse desire in the celibate monk.

As we have seen in the Jain scriptures, the discussion to overcome the ambiguities in the understanding of the word *paṇḍaka* resulted over time in changes in meaning and use and the definition of sub-categories. I believe that it is likely that the term *opakkamikapaṇḍaka* represented castrated man, the *klība*, or the initiated hijra, while the *napumisakapaṇḍaka* was the re-definition of the original *paṇḍaka*, the still uninitiated hijra, or the 'female *napuṃsaka*' that we saw emerging in the Jain commentarial texts.

The *pakkhapaṇḍaka* is interesting and several explanations have been given by authors over time, none of which I find convincing. As we can still understand the meaning of

the other four categories and understand their meaning 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*<sup>1</sup> the story of King Ilā. In this epic tale the king accidentally stumbles upon the Mother Goddess in intimate embrace with Śiva, who turn 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 each month. With the change of sex also comes a change in sexual desire. As a woman she falls in love, becomes pregnant and gives birth, reverting back and forth between male and female. The theme of changing genders 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 Vinaya 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*, 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 Indian culture.

As for the other two, 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 *puruṣanapuṃsaka* (male *napuṃsaka*). Although they might be impotent and are therefore also in possession of the female *veda*, they can "pass" as a man and therefore not only appear as men 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 types also runs parallel with the development in the Jain scriptures. But unlike the Jain, no further abolishment of this entire rule against the ordination of *paṇḍaka* was reached simply because the Buddhist scriptures were closed while the Jain scriptures continued to evolve for many centuries thereafter.

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<sup>1</sup>Rām 7.78-79. See also Goldman [1993]

## 5 Appendix 1: Glossary of Modern Definitions

In this appendix 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

### 5.1 Intersex

The definition of the term "intersex" according to the of the High Commissioner for Human Rights [2015] 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 4 categories according to the 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

### 5.2 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 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 (of North America

[2013]). 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 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.

### 5.3 Transgender

Transgender people have a gender identity or gender expression that differs from the sex that they are assigned at birth (Altilio and Otis-Green [2011]). Some transgender people who desire medical assistance to transition from one sex to another identify as transsexual (Polly and Nicole [2011]). 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. (Maizes [2015])

## 6 Appendix 2: Word Frequency

The following charts show how often some of the words related to a "third sex" are used in the Pali canon as well as in the Sanskrit texts. Note that the size of the specific parts of the canon is not taken into account so we have to be careful drawing definite conclusions from these charts, but they do show the relative importance of these words.

### 6.1 Pali canon and commentaries

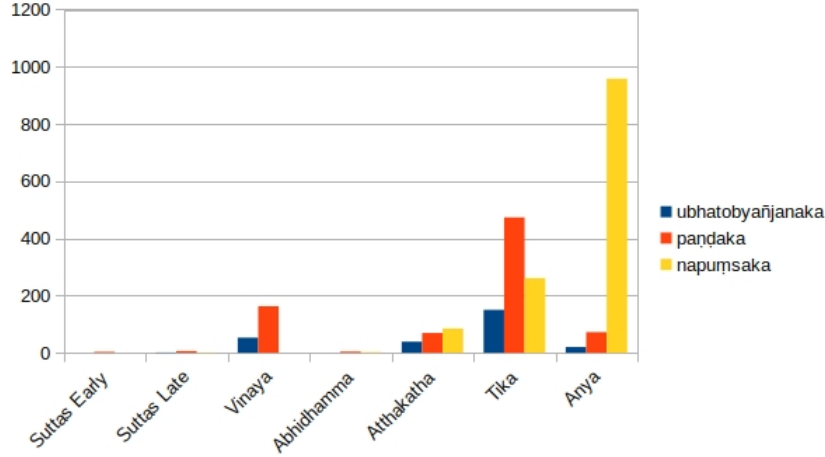


Figure 2: Frequency of words in the pali canon and commentaries

### 6.2 Sanskrit Buddhist and Vedic canon

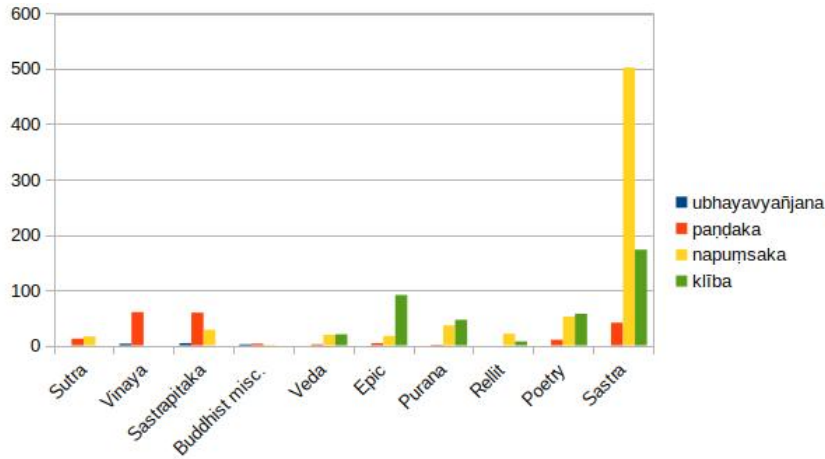


Figure 3: Frequency of words in the Sanskrit Buddhist and Vedic canon

It is important to note that unlike the texts in the Pali canon, the search over the Sanskrit text only use the GRETIL database<sup>1</sup> and do not comprise the entire Buddhist canon. The Vedic/Brahmanical texts are also included in this chart.

<sup>1</sup>GRETIL–Göttingen Register of Electronic Texts in Indian Languages



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