

Through the Yellow Gate

Ordination of Gender-Nonconforming People in Buddhism

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Contents

1	Introduction	4
2	Vedic, Brahmanic and Jain scriptures	6
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	11
3	Pāli and Chinese Vinayas of the different schools	12
3.1	Theravāda Vinaya	12
3.2	Mahāsaṅghika Vinaya	13
3.3	Dharmaguptaka Vinaya	14
3.4	Mahīśāsaka Vinaya	15
3.5	Sarvāstivāda Vinaya	16
3.6	Commentaries	16
4	The Paṇḍaka	19
4.1	History	21
4.2	The Five Types	22
4.3	Meaning	24
5	Ubhatobyañjanaka	25
5.1	Meaning	28
6	Itthipaṇḍaka, Animittā, Nimittamattā, Vepurīṣikā	29
7	Conclusion	31
8	Appendix 1: Glossary of Definitions	32
8.1	Definitions of Pāli words	32
8.1.1	Napum̐saka	32
8.1.2	Paṇḍaka	32
8.1.3	Ubhatobyañjanaka	32
8.1.4	Vepurīṣikā	32
8.2	Modern Definitions	33
8.2.1	Intersex	33
8.2.2	Hermaphrodite	33
8.2.3	Transgender	34
9	Appendix 2: Word Frequency	35
9.1	Pāli canon and commentaries	35

9.2 Sanskrit Buddhist and Vedic canon	35
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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 article 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 this¹, but this discussion also pertains to the subject matter at hand.

Next to women, there are other 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 refused 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 culture² 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 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 article 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* and *ubhatobyañjanaka* really meant at the time these passages were noted down and the

¹See Sujato [2009] and Anālayo [2013]

²Note 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.

reasons why these are said to be barred from ordination.

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

Ven. Vimala Bhikkhunī

Tilorien Monastery

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2 Vedic, Brahmanic and Jain scriptures

Various authors already noticed the cross-over of Vinaya terminology between the Buddhist and Jain orders¹. In the Buddhist suttas we find many examples of discussions between the two groups and after the Buddha passed away such discussions would certainly have had an impact on the Buddhist Vinaya. Both groups will also have used vocabulary that was already existing at that time. It is therefore important to first have a look at what gender meant before and during the time of the Buddha and how this understanding developed within the Jain order.

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 gender². We see that transsexualism is a recurring theme in these myths and legends, derived from these anxieties and attitudes towards gender³.

These myths have not stayed confined to mere story-telling, but have informed every aspect of life in India. The hijra⁴ 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, a group that has been around for thousands of years. Although the term 'hijra' is of a much later date, we know from the texts that they, or at least something very similar, were already in existence at that time⁵.

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,

¹Sujato [2009], Zwilling and Sweet [1996]

²See 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

³Goldman [1993] gives an excellent account of the myths that formed the notions of gender and transsexualism in ancient India.

⁴A good study on the *hijras* is provided by Nanda [1999].

⁵See Zwilling and Sweet [1996], Goldman [1993] and O'Flaherty [1982]

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 castes¹ 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 caste².

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 clothing³. 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 gender⁴ 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 sex⁵. 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

¹Ibbetson et al. [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.

²See Shah [1961] 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] 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"

³Zwilling and Sweet [1996]

⁴*Śatapatha Brāhmaṇa (ŚB) 10.5.1.2-3*

⁵Zwilling and Sweet [2000]

characteristics or *liṅga*¹. 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 confusion².

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 man³) and *paṇḍaka* ('impotent', or 'sterile'⁴). Both of these types were associated with transvestism and dancing. With 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 its monastics. Jain monastics live celibate and at the time of its 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 orders⁵⁶. 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)⁷ were recognized as males, but their gender role nonconfor-

¹The original meaning of *liṅga* is 'characteristic mark or sign' (Nirukta 1.17) but later starts to mean 'sexual characteristic'

²Other 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.

³As 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

⁴Atharva 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') 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]

⁵Dudas [2002]

⁶The 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.

⁷note that apparently long hair was seen as a sign of a woman

mity 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 characteristics¹.
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 characteristics². 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 versa³. The sexuality of the *napuṃsaka* is not clearly defined in the earlier texts but is seen as a threat to the chastity of monks⁴.

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

¹Mahābhāṣya 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*."

²This 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 Nāṭaputta (*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

³See *Viyāha* 2.5.1

⁴See *Acārāṅga Sūtra* (English translation Jacobi [2008]) 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

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 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 Sūtra¹ even define a fourth sex, namely the *puruṣanapuṃsaka* (male *napuṃsaka*, possibly a *napuṃsaka* who on the outside could "pass" as a regular male)². 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. Zwilling 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 both³. The hyperlibidinous nature of the *napuṃsaka* was ascribed to the bisexual character of his sexuality.

¹Bhāgavatī Sūtra 4.1-2

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

³Niśītha Sūtra 3507

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 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 types¹. 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 time².

¹See Bhagavatī 5166-67

²Zwilling and Sweet [1996] references *Yuktiṭṭrabodha* in footnote 80

3 Pāli and Chinese Vinayas of the different schools

In this chapter, I will limit myself to describing the term that are relevant with regards to gender-nonconform people as they appear in the texts in the Pāli and Chinese Vinayas of different schools and their commentaries. In the following chapters I will analyse this data to get an understanding of the history and the meanings that these texts are trying to convey.

3.1 Theravāda Vinaya

The *Theravāda Vinaya Khandhaka 1 Pabbajjā*¹ 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 passage²:

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’.

The rule against ordination of the *paṇḍaka* and the *ubhatobyañjanaka* clearly mention that full ordination of these two types of individuals, the *upasampadā* is not allowed. This really only makes sense if we understand *pabbajjā* 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 suttas³. In any case, the rules itself are clearly limited to *upasampadā* and novice ordination seems to be allowed.

There are various other words mentioned in the ordination procedures for *Bhikkhunī* as described in *Bhikkhunikkhandhaka* that might be interesting in this context. These do not exclude from ordination and have been translated by Ajahn Brahmali as follows:

¹Pli-tv-kd 1 61

²translation by Ajahn Brahmali

³The *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 Sangha, that is, no proper ordination. The commentaries glosses 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 in with loose connection to a particular community of ascetics, in which case their sex 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.

<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 (excluding commentaries) but mostly in a different meaning, namely as in *Animitto (ceto)samādhī*, which is translated by Bhikkhu Sujato as 'signless immersion', a term used in the context of 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 it's own but always in the same sequence of words of which the above are a few.

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 female¹. 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)².
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)³.
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).

¹T22 1425 0417c14-0418a10

²This 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 不能男 (i.e. seed incapable men), the 6th type being those born from a concubine

³This is a very free translation based on other texts where this type is mentioned

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'¹) is also mentioned here without further explanation.

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 are barren/sterile (石女 lit. a woman made of stone). We also find the question if she is not 'two-paths' (二道)². In this procedure it is mentioned that the candidate can proceed if she does not suffer from these conditions.

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'³:

1. those born as 'eunuch' (生黃門).
2. a castrated 'eunuch' (犍黃門)⁴.
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 month⁵.

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

¹In the remainder of this chapter I will use the translation 'eunuch' (in quotemarks) as the official translation of 黃門 according to the dictionary. I will come back to this later as I refute this translation as too narrow and probably erroneous.

²This might be the same as 二根 i.e. two faculties, but in other parts of the Vinaya this is described as being an ascetic from another tradition

³translation by BTC [2015]. T22 1428 0812b23-0812c10

⁴lit. a bullock-'eunuch'

⁵The word 不能男 (i.e. incapable/impotent) is used here just like in the Mahāsaṅghika and Sarvāstivāda Vinayas

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 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.

In the *Bhikkhunī* ordination procedure we find the two-faculties (二根) person as well and in the same sequence we find the word 道小, which is translated by BTC [2015] as 'underdeveloped genitalia'. Unlike in the *Theravāda Vinaya*, this condition would lead to disqualification for ordination. 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.

3.4 Mahīśāsaka Vinaya

The story in the *Mahīśāsaka Vinaya Pabbajjā Khandhaka*¹ 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.

In the *Bhikkhunī* ordination procedure we another list in the questions asked during the ritual. It asks if a woman is barren/sterile (石女), it also asks if she is not a *paṇḍaka* (黃門)², if a woman is endowed with the feminine faculty (? 女根具足) and if the woman is not 'two-paths' (二道). Here it is not specifically mentioned that somebody is barred from ordination if the answer is affirmative.

¹T22 1421 0117c29-0118a05

²This is interesting because by the very definition of 黃門 as a eunuch, this is not possible for a woman

3.5 Sarvāstivāda Vinaya

The story in the *Sarvāstivāda Vinaya Pabbajjā Khandhaka*¹ 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).

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.

The *Bhikkhunī* ordination procedure we find here not in the Khandhaka section of the Vinaya but inserted in *Pācittiya* 127. A similar collection of questions asked of female ordination candidates as with the other schools. Amongst these are the question if the candidate is 'two-paths' (二道), has underdeveloped genitalia (女根小) (lit. small female root), has no breasts (無乳) or just one breast (一乳). It seems however that regardless of the answer, the candidate is not barred from ordination.

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*²³:

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.

¹T23 1435 0153b18-0153c17

²The *Samantapāsādikā*: Vol. V, p. 1015f. is a translation of Sinhala commentaries into Theravāda by Bhikkhu Buddhaghosa in the 5th century CE. It was based on the Mahāpaccariya and the Kurundī Atthakathā. See Goonesekere [2008] for details on Theravāda Commentaries

³Following translations/explanations as in Bomhard [2016] and Ṭhānissaro [1996]

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 moon¹.
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 ordain².

The Chinese commentarial texts add that these five cannot ordain because they have difficulty keeping the precepts³.

For the *ubhatobyañjanaka* we find the following in the *Samantapāsādikā*⁴:

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.

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.

²Wong [2005] and Thānissaro [1996]

³T85 2792 毘尼心 0667b25-0667b26

⁴translation by Ajahn Brahmali

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

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. 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.

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

The three words *animittā*, *nimittamattā* and *vepurisikā* do not appear in any of the earlier commentarial texts but appear again in the *Tikā Vajirabuddhi / Cūlavaggavaṇṇanā* without further explanation.

¹T24 1462 0792c03-0792c06. 5th century CE

4 The Paṇḍaka

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 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 translation¹.

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,² while the word 'impotent' seems to be an earlier interpretation and we also find this back in in the Vedic scriptures³. 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 Sanskrit⁴ and Tibetan⁵ for reference⁶.

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. 健黃門	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 ??		

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

²The 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'.

³see Zwilling and Sweet [1996]

⁴Abhidharmakośavyākhyā-Skt: 94, 15-25

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

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

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 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 instead¹.

The *Śāriputrapariṣcchā* 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 schools². 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* seems 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 suttas³, 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.

In 9, 2 and 3 I have charted the occurrences of the various words throughout the Pāli and Sanskrit texts. This illustrates that the *paṇḍaka* only occurs in the Vinaya and Commentaries in the Pāli. The Sanskrit texts in this graph are not entirely organised by lateness but it is clear that the *paṇḍaka* mainly appears in the Vinaya and *Śāstrapīṭaka*. The *klība* is notable by its absence in the Buddhist texts in 3 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 *napuṃsaka* only appears in the Pāli commentarial texts and not in any of the earlier collections. It is however a

¹Although 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.

²See Sujato [2012]

³Vimala [2019]

recurrent term in the Vedic and Brahmanical texts. We also see that this term becomes more prominent in the *Anyā* 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 *paṇḍaka*. As these are later texts I have not looked into them in great details and this might be an interesting topic for later studies.

4.1 History

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 Buddhists¹, 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. 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.

¹Sujato [2009]



(a) Palace eunuchs in ancient China



(b) Hijra in India

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 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.

4.2 The Five Types

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 celebrate 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 a castrated man, the *klība*, or the initiated hijra, while the *napuṃsakapaṇḍaka* 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. 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 *napuṃsaka* 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 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*² 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

¹f.i. X44 0744 0432c17

²Rām 7.78–79. See also Goldman [1993]

scriptures continued to evolve for many centuries thereafter.

4.3 Meaning

The *paṇḍaka* does not allow itself to be reduced to a mere word to make it acceptable and understandable for the rational mind. As Nanda [1999] argues: "where Western culture stenuously attempts to resolve sexual contradictions and ambiguities, by denial or segregation, Hinduism appears to allow opposites to confront each other without resolution." It is the divine representation of the feminine within the masculine. It is the human representation of the mythical tales which have deep psychological roots, namely the ambivalence that leads to the inner struggle between man's love of the feminine and his fear thereof. The *paṇḍaka* does not match any contemporary notions. If we have to capture the *paṇḍaka* in one word, it would be 'hijra'. The hijra is a man, impotent from birth, emasculated in an initiation ritual, part of a caste, a religious seeker enacting the feminine of Śiva by dressing and behaving in traditional women's gender roles, changing into it and feeling the feminine sexual desire for the masculine.

5 Ubhatobyañjanaka

For the *ubhatobyañjanaka*¹ we have less material to go on as for the *paṇḍaka*. It is 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* identifies two types of *ubhatobyañjanaka* 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 women, they seem to be able to hide the female characteristic and make the male characteristic apparent. The opposite holds is described for a male *ubhatobyañjanaka*. Moreover the female *ubhatobyañjanaka* is able to become pregnant but also impregnate others so they become pregnant. This 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 impregnate². 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 Ilā himself, in the form of the woman Ilā, becomes pregnant and bears a son. He/she is bound to keep on changing gender which also results in a change in sexual desires. In the *Mahābhārata Anuśāsanaparvan*³ we find the tale of King *Bhaṅgāśvana*, who is longing for a son, 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.

Another story is recounted in the Buddhist *Dīrghāgama Sūtra* T24 which describes how in the beginning all beings were male or female and were therefore subject to marriage. But the heavenly beings were bestowed with the gift to be free from marriage with no distinction between male and female; all became hermaphrodites (二根) with exactly the same faculties.

It seems therefore far more likely that our elusive *ubhatobyañjanaka* is nothing more than a mythological being and has no grounding in real life other than the embodiment of the feminine principle in the male. As with the *pakkhapaṇḍaka* ('half moon' *paṇḍaka*) it is not unthinkable that this was placed in the Vinaya to be complete, just under the

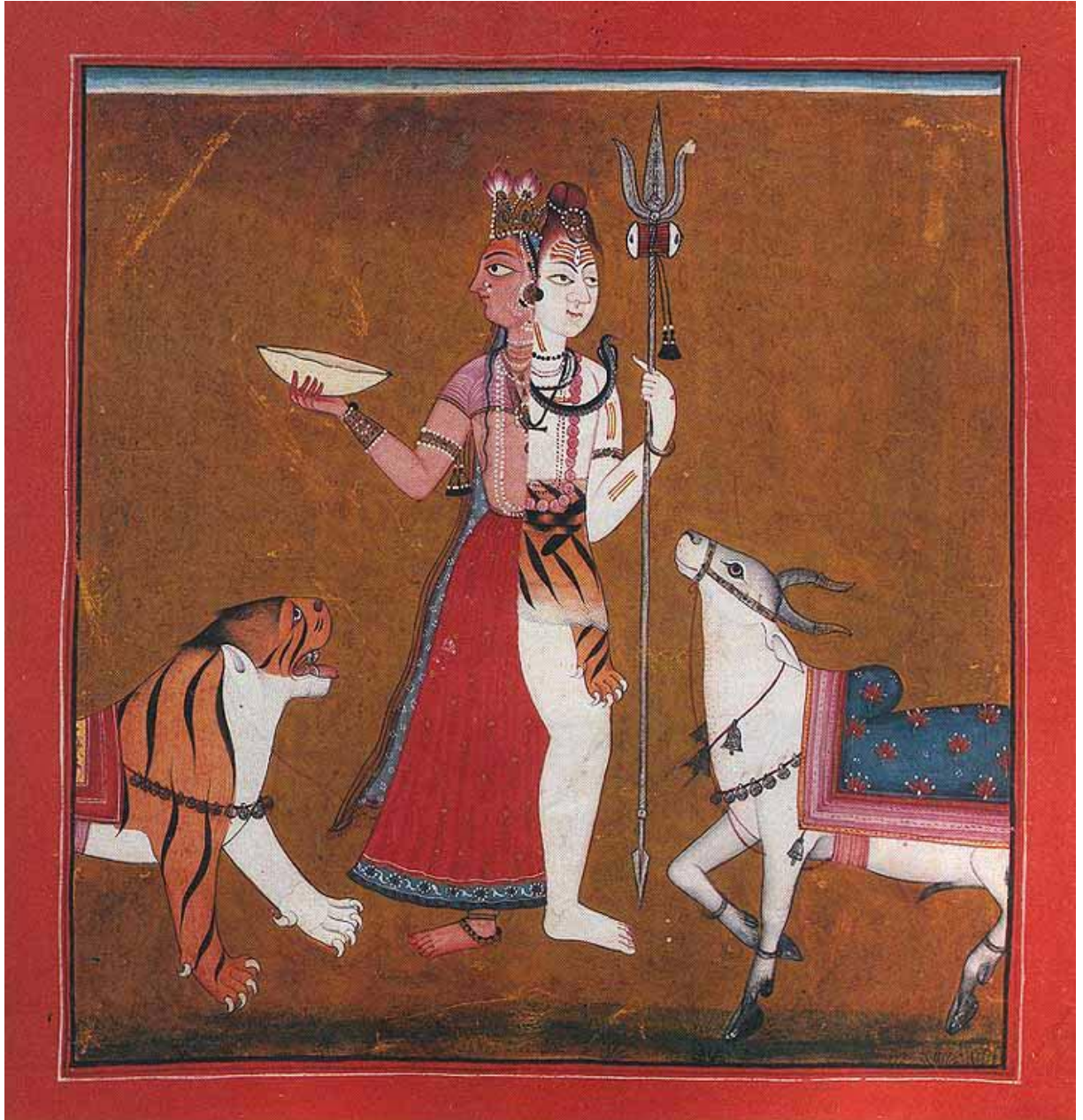
¹ *Ubhato* meaning 'in both ways, on both sides' and *byañjana* or *vyañjana* means 'sign or mark'

² In 8, 8.2.2 I have described our current medical understanding of what it entails to both procreate as a male and a female

³ MBh 13.12

section with the story of the mythological shape-shifting snake-turned-monk¹.

The other types of *ubhatobyañjanaka* mentioned in the commentaries seem to be similar in their ability to have sex as both a male and a female, but being impotent in one of these faculties. Again, this is not something we naturally find in human beings but is a theme extensively found in the Vedic myths².



Although not mentioned in any of the texts and the word *ubhatobyañjanaka* does not appear in any texts outside the Buddhist Vinaya and commentaries thereof³, it seems

¹In various Chinese texts other shape-shifting animals are mentioned too. F.i. T85 2792 毘尼心 0667c04-0667c05 mentions dragons, fox and deer

²O'Flaherty [1982] gives a particularly interesting account on androgyns in the ancient texts. These androgyns can have a large variety of possible characteristics and origins

³??, 3 shows that the *ubhatobyañjanaka* does not appear in any Vedic or Brahmanical texts and only appears in the Buddhist texts. There is however another word in the Varṣavastu, namely *striṇipuruṣa-*

logical that by the sheer definition of the *napuṃsaka* as 'anything that is not entirely male' the *ubhatobyañjanaka* also falls under this category. As a subcategory of the *napuṃsaka* they would have been seen as hyperlibidinous, which is in later texts explained by the fact that *napuṃsaka* have both male and female characteristics.

But the word 'characteristic' is confusing here and seems to be used loosely throughout the Vinaya and commentarial texts. As several authors have pointed out¹ and as we have seen in the discussion on Brahmanical and Jain texts, the male and female characteristics are more than merely genital or procreative. It also involves secondary sexual characteristics like the growth of breasts and hair, as well as socio-cultural and psychological characteristics and feelings. That this is equally true for the Buddhist perspective, at least in the (4–5th century CE), is detailed in the Abhidharma Kośa (IV.14c) which approximates that of the Brahmanical view that sex (*vyañjana*) is distinguished on the basis of primary and secondary sexual characteristics.

The *paṇḍaka* as a subset of *napuṃsaka* was also seen as having both male and female characteristics in the Jain scriptures but is obviously not the same as a *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. However, from the descriptions given in the *Samantapāsādikā*, the *ubhatobyañjanaka* is also able to change their secondary characteristics as well as outside appearance and behaviour to appear either male or female. Again, this is not humanly 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 the male and female were seen as both having just one root/faculty (in the meaning of procreative ability), and the *paṇḍaka* has none², the two-faculties person fills a gap. This could indicate a philosophical position using the *catuskoti*³.

Just like the *paṇḍaka*, I believe that the *ubhatobyañjanaka* is a later addition to the Vinaya. The word does not appear in the early suttas⁴ and only briefly in the Vinaya. The description is so brief and hardly existent in the Chinese texts that it seems to be added almost as an after-thought. The insertion would have most likely occurred during

paṇḍakam which literally means a *paṇḍaka* who is both female and male.

¹Jackson [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. See also Zwilling and Sweet [1996]

²Note that when the *paṇḍaka* appears in the texts in the list of these four sex/gender types, it is in the Chinese Vinayas always described with the characters 黃門 ('eunuch') and never as 種不能男 ('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.

³Dr. M. Vermeulen, book on this subject is yet to be published

⁴See 9, 2

the redaction of the Vinaya at the Second Council.

5.1 Meaning

The *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 is the exact 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 indeed a true hermaphrodite and therefore not human in nature. It is a mythological or heavenly being, sprung from the same root as the Vedic myths that created the hijra. As 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 the idea found in a variety on Indian sources, including the above mentioned tale of King *Bhaṅgāśvana*, that a woman's pleasure in the sexual act is greater than that of a man.

¹For a brief description of the term 'intersex' see 8, 8.2.1

6 Itthipaṇḍaka, Animittā, Nimittamattā, Vepurīṣikā

These four terms mentioned in the *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 have 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 girl who has not developed the secondary characteristics needed i.e. possibly intersex. The question about whether a girl is sterile or barren would point to her at least having had one child but this would seem strange if she wants to enter a celibate order.

Sujato [2009] 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. This could explain the discrepancies we see between the Bhikkhu and Bhikkhunī Vinaya in describing certain words pertaining to gender. In any case, the variability and vagueness of these terms with reference to gender do not permit a clear picture.

The following table gives an overview of the terms:

Translation	Theravāda	Mahāsaṅghika	Dharmaguptaka	Sarvāstivāda	Mahīśāsaka
female paṇḍaka	itthipaṇḍaka				黃門
barren/sterile		石女			石女
	ubhatobyañjanaka	二道?	二根	二道?	二道?
lacking genitals	animittā				
incomplete genitals	nimittamattā				
underdeveloped genitals			道小	女根小	
woman who is manlike	vepurīṣikā				
no breasts		無乳	無乳	無乳	
one breast		一乳	一乳	一乳	

It is not certain if 二道 actually means the same as 二根 here. In the Dharmaguptaka Vinaya the word is exclusively used for those of another sect.

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

There are some rare cases of people who are raised from birth as girls that later became assigned as hijra after they failed to develop secondary female sexual characteristics (breast development and menarche) at puberty¹. Although there is very little evidence

¹Nanda [1999]

to go on, I believe that these represent the *itthipaṇḍaka*.

At least in the Bhikkhunī ordination in the Theravāda lineage, the *animittā*, *nimittamattā* and *vepurisikā* are allowed to ordain. This is possibly also true in several of the Chinese Vinaya.

7 Conclusion

In this article I have tried to give an alternative reading of the terms *paṇḍaka* and *ubhatobyañjanaka* based on the evidence we find in Vedic, Jain and Chinese texts. There have been many different attempts by different authors to capture the meanings of these terms, based on a variety of reasonings. All are bound to fail because the meaning of these terms only makes sense in the time and place in which they belonged and for over 2000 years people 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 we will never know for sure as the true and full meaning of these terms cannot be captured in single words or phrases and have vanished in the mists of time.

The only thing we can say for certain is that the *paṇḍaka* and the *ubhatobyañjanaka* are seen as problematic 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 origin stories and is just another projection used in male-dominated societies in which women are made responsible for the feelings and desires of men.

The main, and only, criteria for not allowing ordination to certain individuals here 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 and gender characteristics that might or might not be part of a *paṇḍaka* or *ubhatobyañjanaka* are not. Transgenders and intersex people are generally not hyperlibidinous and are just as able to keep the precepts as any man or woman.

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 under influence of discussions with other sects and discussions that were held in a male patriarchal system where the fear of the feminine, and thus everything that is seen as 'not-male' is paramount.

¹T85 2792 毘尼心 0667b25-0667c05

8 Appendix 1: Glossary of Definitions

8.1 Definitions of Pāli 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.

8.1.1 Napuṃsaka

Pāli word: *napuṃsaka*

Pāli dictionary: see SuttaCentral

Sanskrit word: *napuṃsaka*

Sanskrit dictionary: see WisdomLib

8.1.2 Paṇḍaka

Pāli word: *paṇḍaka*

Pāli dictionary: see SuttaCentral

Sanskrit word: *paṇḍaka*

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

Chinese word: 種不能男 or 黃門 (first one lit means 'neither male nor female'.

ITLR dictionary: see itlr.net

8.1.3 Ubhatobyañjanaka

Pāli word: *ubhatobyañjanaka* or *ubhatovyañjanaka*

Pāli dictionary: see SuttaCentral

Sanskrit word: *ubhayavyañjana*

Tibetan word: *mtshan gnyis pa*

ITLR dictionary: see itlr.net

8.1.4 Vepurīṣikā

Pāli word: *vepurīṣikā*

Pāli dictionary: see SuttaCentral

8.2 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

8.2.1 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 4 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

8.2.2 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 misleading¹. 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.

8.2.3 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])

¹See Intersex Society of North America

9 Appendix 2: Word Frequency

The following charts show how often some of the words related to a 'third sex' are used in the Pāli 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.

9.1 Pāli canon and commentaries

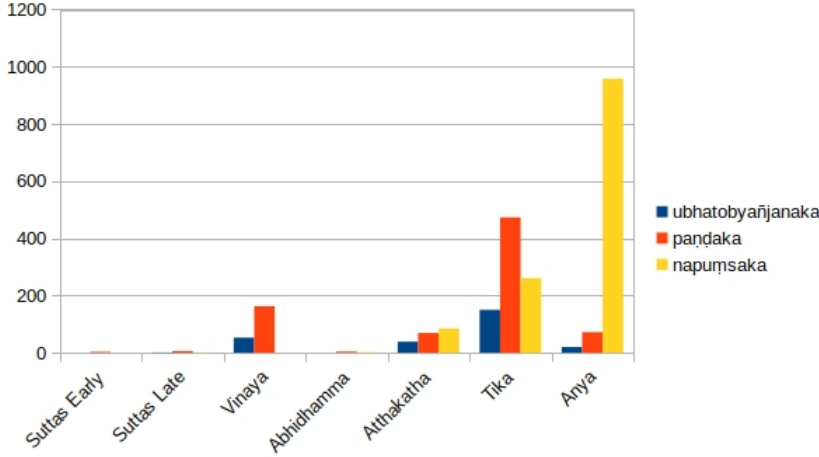


Figure 2: Frequency of words in the pali canon and commentaries

9.2 Sanskrit Buddhist and Vedic canon

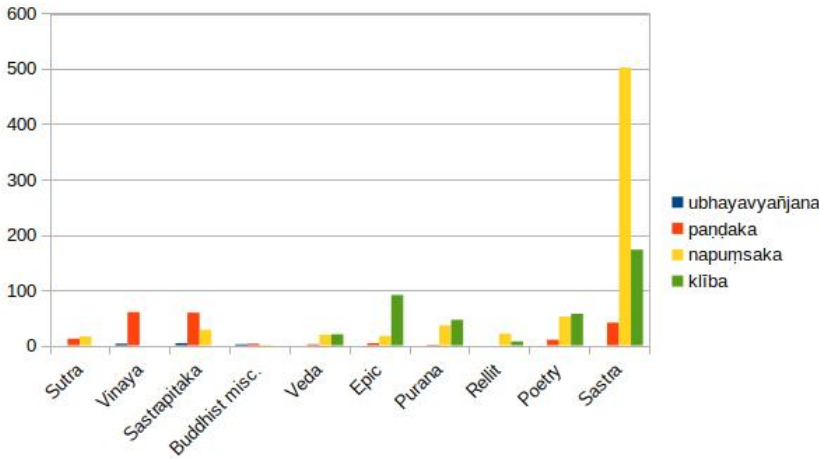


Figure 3: Frequency of words in the Sanskrit Buddhist and Vedic canon

It is important to note that unlike the texts in the Pāli canon, the search over the Sanskrit text only use the GRETIL database¹ and do not comprise the entire Buddhist canon. The Vedic/Brahmanical texts are also included in this chart.

¹GRETIL–Göttingen Register of Electronic Texts in Indian Languages

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