

**Changing Principle in the Samantapāsādikā's  
Commentary on the First Rule of the Defeat Peculiar  
to Nuns**

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**Abstract**

The ruling against physical contact with the opposite sex is shared by monks and nuns. In commenting on this rule for nuns, the Samantapāsādikā -- the commentary on the Pāli Vinaya -- raises a hypothetical case of physical contact between a monk and a nun. In the same situation, the monk is not to be accused of an offence, but the nun is. The reason given is because the rule for nuns contains the word *sādiyeyya* (should consent to). Consent indicates passivity.

The investigation of this issue involves three criteria: consent, activity vs passivity, and immobility. As the rule for nuns is expressed passively but that for monks actively, this paper firstly demonstrates that passivity or activity is no crucial factor. So the word *sādiyeyya* is irrelevant to deciding penalties. Secondly, this paper looks carefully into the rule prohibiting sexual intercourse in order to extract some principles for determining guilt in sexual offences. This discussion shows that the offender's mental attitude (i.e. consent to the act after its performance or initial intention to do the act), not his/her physical reaction to the act serves as the criterion for determining guilt. In the rule against monks' physical contact with women, however, there exists one dubious case, which seems to present conflicting principles.

But our interpretation excludes the superficial inconsistency. Moreover, immobility as a factor for innocence is fairly likely to be of later origin. This paper goes on to examine the corresponding or relevant texts of the other Vinaya traditions. We find consistency in the primary principle (i.e. consent or no consent) for determining guilt. The consideration of immobility is shared only by the Dharmaguptaka Vinaya, and for this Vinaya immobility never leads to innocence. The Chinese recension of the Samantapāsādikā also demonstrates that immobility does not guarantee innocence.

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Thus we may conclude that the Samantapāsādikā switches the principle for determining innocence from mental attitude to physical reaction. This new principle, however, applies only to monks. So in the case of physical contact if a monk is the passive partner and he remains motionless, he is not to be accused of an offence even though he consents to it. Consent implies pleasure derived from the act. Such growing tolerance does not apply to nuns.

**Keywords:** Vinaya, Buddhist ethics, Buddhist nuns

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## 1. Introduction

In the Bhikkhu Pātimokkha (monastic code for monks) the first class of offence, i.e. the category of Defeat (Pārājika) contains four rules, but in the Bhikkhunī Pātimokkha (monastic code for nuns) there are eight rules in the same category. The first four of the eight rules are common rules (i.e. to be observed by both monks and nuns) and hence are adopted from the Bhikkhu Pātimokkha. The latter four rules are peculiar to nuns, among which the first one prohibits physical contact with men. I shall refer to this rule as Defeat 1 (N). In commenting on this rule, the Samantapāsādikā (Sp hereafter) raises a hypothetical case of physical contact between a monk and a nun. The penalties for them respectively are, however, not the same: in the same situation, the monk is not to be accused of an offence but the nun is. Why is there such discrepancy? The Sp then refers to the authority of the commentarial tradition, according to which, the pivot lies in the word *sādiyeyya* (should consent to) in the rule for nuns.

The ruling against physical contact with the opposite sex is shared by both monks and nuns, however, in the nuns' Vinaya it falls into the first (the most serious) category, i.e. Defeat, but in the monks' counterpart it belongs

to the second category, i.e. Saṅghādisesa (Saṅgh hereafter). It is interesting to investigate the ground for such a penalty decision presented in the Sp. For this purpose, it is necessary first to compare Defeat 1 (N) and Saṅgh 2 (M).

In addition to such comparison, we have to look further into the first rule prohibiting sexual intercourse. This ruling is common to both monks and nuns, therefore I shall refer

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to it as Defeat 1 (M+N). This discussion provides us with the principles for determining a monk's guilt in sexual offences. Finally the examination of the corresponding texts of the other Vinaya traditions will broaden our view, particularly the Chinese recension of the Samantapāsādikā (ChinSp hereafter) is inspiring. The issues involved in the discussion are technical and complicated. But they are worth pursuing, because what finally emerges is that principles for judging an offence changed over time. One could describe the direction of change as becoming harsher towards nuns; but this is of secondary importance. It is the fact of change itself which is of great interest, for it has hitherto gone unnoticed in Vinaya studies.

## **2. Physical contact with the opposite sex by monk or nun: the Pāli tradition**

### **2.1 The Sp's position**

In commenting on Defeat 1 (N), the Sp discusses the hypothetical case of such contact between a monk and a nun. The fact that the sexual partner of an offending nun is a monk, rather than any other man, or that the partner of an offending monk is a nun, rather than any other woman, is of no relevance; the hypothetical meeting of the two simply serves to juxtapose the rule for nuns with that for monks. The following passage presents different decisions and the reason for the difference, ascribing them to the commentarial tradition:

However, in the case of a monk and a nun, [Case 1]: should the nun touch the monk, should he remain motionless but mentally consent to (sādiyati) it, he is not to be accused of an offence. [Case 2]: Should the monk touch the nun, should she remain motionless and accept (adhivāseti) it mentally only, even though she does not disturb her limbs, she is to be accused of the offence of Defeat when it is a matter of Defeat, a gross offence when it is a matter of a gross offence, an offence of wrong-doing

when it is a matter of wrong-doing. Why? Because of the words "should consent (sādiyeyya) to physical contact" [1]. This is the decision in the commentaries. [2]

There seem to be two issues here: the physical (active/passive) and the mental (consent/no consent). We shall see below that to equate passivity (which refers to how the act is initiated) with immobility (which refers to reaction to the initiative) is too simple, but for the moment this can stand.

We have mentioned in the introduction that the monks' rule parallel to Defeat 1 (N)

is Saṅgh 2. Both prohibit physical contact with a sexual motive, but the monks' rule is expressed actively, the nuns' rule passively. The reasoning in the above Sp passage would seem to be: because Defeat 1 (N) is formulated in a passive manner (i.e. consent to the touching by a man), a nun commits an offence even though she is passive. For the same reason, in Case 2 a nun is to be accused of an offence even though she does not move at all but merely "accepts" it mentally. However, the monks' rule, i.e. Saṅgh 2, expresses activity, so when the nun is the initiator, the monk is not to be accused of an offence if he merely "consents to" it mentally, because the monks' rule does not use the word "consent to" (see next section). Although this is not spelt out in the text just quoted, it is logical to infer so from the context.

To summarise the above analysis in simplified formulas:

For nuns:

Defeat 1 (N) = passivity + consent ---> offence

Case 2 = passivity + consent ---> offence

(physical reaction is not considered relevant)

For monks:

Saṅgh 2 (M) = activity (consent is envisaged) ---> offence

Case 1 = passivity ---> no offence

(consent is not considered relevant)

Case 2 agrees with Defeat 1 (N) in the physical passivity and mental consent to the act, so there is an offence. Case 1 is the negative corollary of Saṅgh 2 (M), so there is no offence.

## 2.2 Sādiyati and adhivāseti

Before we discuss the issues of passivity and consent, we must dispose of another matter raised by the above passage. The word there used to describe the monk's attitude is sādiyati, while the word for the nun's attitude is adhivāseti. Is there any difference? Apparently not, because the passage immediately goes on to say that adhivāseti glosses the word sādiyeyya which is used in the rule. Nevertheless, since so much will hang on the word sādiyati, it seems advisable to investigate its use more thoroughly. My conclusion will mean that we can accept what the passage says, for the difference between the two terms is at most one of nuance. Those readers willing to accept the conclusion without further evidence are advised to skip the rest of this section.

According to the Pāli-English Dictionary (PED hereafter), sādiyati means "to enjoy for oneself, to agree to, permit, let take place". The word is etymologically connected to Sanskrit svādu, "sweet, pleasant"; but how is it used in Pāli?

Where it means "consent to" or "accept", it is synonymous with adhivāseti, to which A Critical Pāli Dictionary (CPD hereafter) gives three meanings: (1) to wait; (2) to

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consent (especially to accept an invitation); (3) to bear, endure, pardon, give in [3]. To take an example in the Dīghanikāya (DN hereafter): adhivāsetu

me bhavaṃ Gotamo ajjatanāya bhattaṃ saddhiṃ bhikkhusaṅghenā ti.

adhivāsesi Bhagavā tuṅhī bhāvena [4] ("May the venerable Gotama,

together with the Saṅgha of monks, accept today's meal from me." The

Blessed One accepted it in silence). The subcommentary identifies adhivāsetu with sādiyatu: adhivāsetūti sādiyatu [5]. However, it may be possible to distinguish a nuance between these two words by enhancing the connotation of sādiyati to imply taking pleasure and by weakening that of adhivāseti to mean "allow".

The use of *sādiyati* in the sense of accepting or consenting to is frequent in the Vinaya. For example, Nissaggiya Pācittiya (N-Pāc hereafter) 18: yo pana bhikkhu jātarūparajataṃ uggaṇḥeyya vā uggaṇḥāpeyya vā

upanikkhittaṃ vā sādiyeyya ... [6] (Should any monk receive gold or silver or have them received or consent to their deposit ...). *Sādiyeyya* occurs in N-Pāc 7 (M+N) [7] and Pāc 47 (M+N) [8] respectively in the context of accepting material offering. On the other hand, *sādiyati* is also used to mean to consent to/accept appointment as an exhorter of nuns

(bhikkhunovādaka-sammutiṃ *sādiyati*). [9]

In matters concerning sexuality, whether *sādiyati* should be rendered as "consent to" or "feel pleasure in" is often ambiguous. Among the four additional Defeats peculiar to nuns, Defeats 1 and 4 (5 and 8 respectively in a full list of the Pātimokkha) contain the word *sādiyeyya*. Defeat 1 (N) [10] prescribes that nuns should not have physical contact with men; here the word *sādiyeyya* is usually rendered as "should consent to", in that this rule is formulated in a passive manner:

yā pana bhikkhunī avassutā avassutassa purisapuggalassa ... āmasanaṃ

vā ... patipīḷanaṃ va *sādiyeyya*, ayam pi pārājikā hoti ... (Should any nun, ... oozing with desire, consent to the touching or ... or pressing by a male person, who is oozing with desire ..., she too becomes defeated ...).

Defeat 4 (N) [11] prohibits nuns from preliminary actions of *asaddhamma* (wrong practice) and it is also formulated passively: yā pana

bhikkhunī avassutā avassutassa purisapuggalassa hatthagahaṇaṃ vā

*sādiyeyya saṅghāṭi kaṇṇagahaṇaṃ vā sādiyeyya ... purisassa vā*

*abbhāgamaṃ sādiyeyya ...* (If any nun, oozing with desire, should consent to the taking hold of her hand(s) by a male person, oozing with desire, or should consent to the taking hold of the edge of [her] outer robe, ?or should consent to the approach of a man?). Under the precondition that she is oozing with desire, presumably

the nun derives pleasure from the taking hold of her hand(s), but in the case of taking hold of the edge of [her] outer robe, or the approach of a man, it would make better sense to render *sādiyeyya* as "should consent to" as in Defeat 1 (N).

A collation of the Chinese translations of this rule confirms this rendering. The corresponding rules (i.e. Defeat 6 = Pāli Defeat 4 or 8 in a full list) of the Dharmaguptaka (Dha hereafter), Mahāsāṃghika (Mā hereafter), Mahīśāsaka (Mī hereafter) and Sarvāstivāda (Sa hereafter) read very similarly and all of them contain the expression "allow/consent to the taking hold of hand(s) and robe [by the man] 受〔男子〕捉手捉衣". [12] The corresponding rule of the Mū (Chinese and Tibetan) is formulated quite differently so that no parallel can be recognised. However, one does read the expression "allows him to approach her or go with him". [13] In his German translation of the corresponding rule in the Mā, Waldschmidt renders *svādīyeta* as "sich gefallen last". [14]

On the other hand, we shall see below that in Saṅgh 2 (M) the parallel to *sādiyati* in Chinese versions does connote feeling pleasure, as is appropriate to that context.

So, finally, what of our Sp passage? As it says, *sādiyati* can be used as a synonym of *adhivāseti*. On the other hand, *sādiyati* may imply pleasure. By preferring to use *adhivāseti*, the Sp excludes from discussion the question whether the nun takes pleasure in the contact; mere consent is enough to make her guilty.

### 2.3 Defeat 1 (N) compared to Saṅgh 2 (M)

These two rules prohibit physical contact with a member of the opposite sex. As mentioned above, whether the sexual partner is ordained is not relevant. But in its hypothetical juxtaposition of monk and nun, the Sp is implicitly juxtaposing these two rules; so our next step must be to consider them as they appear in the Pāli.

Defeat 1 for nuns says:

Should any nun, oozing with desire, consent to the touching, or handling, or taking hold of, or contacting, or pressing by a male person, who is oozing with desire, below the collarbone, above the kneecaps, she also becomes defeated and no more in communion. She is "above the kneecaps". (*yā pana*

bhikkhunī avassutā avassutassa purisapuggalassa adhakkhakaṃ ubbhajānumaṇḍalaṃ āmasanaṃ vaa parāmasanaṃ vāgahaṃ aṃ vā chupanaṃ vā patipīḷanaṃ vā sādīyeyya, ayam pi pārājikā hoti asaṃvāsā ubbhajānumaṇḍalaṃ alikā ti.) [15]

This envisages passivity on the nun's part, touching and so on by a man. No action of the

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nun can be observed, so her attitude is the criterion for determining guilt. If she consents (i.e. puts up no resistance), there is an offence; if she does not, there is no offence. That is why the rule contains the word "should consent to" (sādīyeyya). This is attested in the non-offence (anāpatti) section, where "not consenting" (asādīyantiyā) is listed as one of the reasons for innocence: There is no offence should it be unintentional, or should she be unconscious, not aware, not consenting, mad, distracted, afflicted by pain, or the original offender. (anāpatti asañcicca, asatiyā, ajānantiyā, asādīyantiyā, ummattikāya, khittacittāya, vedanaṭṭhāya, ādikammikāya ti.) [16]

Saṅgh 2 for monks prescribes:

Should any monk, affected by desire, with perverted heart, come into physical contact with a woman, or hold her hand, or hold a braid of her hair, or touch some of her limbs, [he commits an offence which] entails legal acts of the Saṅgha. (yo pana bhikkhu otiṇṇo vipariṇṇatena cittena mātugāmena saddhiṃ kāyasaṃsaggaṃ samāpajjeyya hatthagāhaṃ vā veṇiṅgāhaṃ vā aññatarassa vā aññatarassa vā aṅgassa parāmasanaṃ saṅghādiseso ti.) [17]

The non-offence section [18] is exactly the same as that just cited for Defeat 1 (N), except of course that it is in the masculine.

In contrast with Defeat 1 (N), this rule is formulated in an active manner, so the word sādīyeyya would be redundant: consent is presupposed by the activity of the agent. So the presence or absence of a word for consent is irrelevant to determining guilt.

We shall see below that the evidence of the other traditions corroborates this conclusion: in most of them the rule corresponding to Saṅgh 2 (M) does contain a word corresponding to sādīyeyya. So its absence from the Pāli rule seems to be of no significance.

#### 2.4 Principles for determining a monk's guilt in sexual offences

The active construction in Saṅgh 2 (M) informs us that a monk commits an offence of Saṅgh when he takes the initiative in physical contact with a woman. The passive construction of Defeat 1 (N) shows that a nun commits



an offence of Defeat even though she be the passive party. The rule for nuns appears to be stricter than that for monks. This distinction, however, is superficial, as we shall see by looking further at the question of a monk's activity or passivity.

The passive case is not so fully discussed under Sañ gh 2 (M) as under the first

Defeat common to both monks and nuns, the prohibition on sexual intercourse, where many examples of passivity are discussed.

#### 2.4.1 Mental attitude: consent/pleasure

The rule proper of Defeat 1 (M+N) envisages activity, [19] but the surrounding text considers many cases where a monk is involved in sexual intercourse passively (willingly or unwillingly) or accidentally or unexpectedly. The surrounding text in this case includes not only casuistry but also the Vinītavatthu. This is a further text, annexed to the non-offence (anāpatti) section, which served as guidance to the later Vinaya experts by providing cases in which the potential offenders are involved for a variety of reasons. [20] In each case the Buddha asked the monk whether he consented (sādiyi tvam bhikkhū ti). If he did, he committed an offence of Defeat; if he did not, then there was no offence. [21] For example, a monk, while sleeping, was defiled by another monk. As he ( i.e. the defiled) was unconsciously involved in sexual intercourse, that fact alone was not sufficient to decide whether or not he committed an offence; his mental attitude towards the act was the decisive factor. So this is the decision: if he [i.e. the defiled one] consents to the act on waking up, both are to be expelled; if he does not, the defiling monk alone is to be expelled (paṭ ibuddho sādiyati, ubho nāsetabbā; paṭ ibuddho na sādiyati, dūsako nāsetabbo). [22]

In some contexts sādiyati may be rendered as "consent to" with the implication of "feeling pleasure", as in the case just mentioned. However, such an implication must be spelt out on certain occasions when the potential offenders are left with no room to agree or disagree with what happens to them. For example, the text discusses a case of forced sexual intercourse. In Vesālī some naughty boys caught a monk and a nun and forced them to have sex. In that case, the decision is: if both feel pleasure in the act, both are to be expelled. If both do not feel pleasure in it, both are innocent (ubho sādiyiṃsu ubho nāsetabbā. ubho na sādiyiṃsu ubhinnaṃ

anāpatti). [23] It is evident that the feeling derived from the act becomes another principle for judging whether or not there is an offence. One may therefore extract a principle from these instances : that in a passive case, mental attitude towards the act or even the feeling derived from the act is the criterion for judging whether there is an offence.

#### 2.4.2 Initial intention

The above principle, i.e. feeling derived from the act, is not applicable to cases

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where offenders tried to take advantage of a legal loophole. For example, [Case 1]: a monk engaged in sexual intercourse with the view that he would not be committing an offence, in that he felt neither pain nor pleasure, because his faculties were impaired. However, this is the decision: Monks, whether or not this foolish man had [any] feeling, he committed an offence of Defeat (vedayi vā so bhikkhave moghapuriso na vā vedayi, āpatti pārājikassā ti). [24] Another incident [Case 2] recounts that a woman twice invites a monk to sexual intercourse, and in the first case he is not to exert himself but she will (ehi bhante ahaṃ vāyamissāmi tvaṃ mā vāyami, evan te anāpatti bhavissatīti), [25] while in the second case she will not exert herself but he will (ehi bhante tvaṃ vāyama ahaṃ na vāyamissāmi, evan te anāpatti bhavissatīti). [26] She thought that so long as one of the parties remained motionless, there would be no offence for the monk (evan te an-āpatti bhavissatīti). She was wrong. In both cases, the verdict is the same: Monk, you have committed an offence of Defeat (āpattiṃ tvaṃ bhikkhu āpanno pārājikan ti). [27]

In Case 1, the offender's feeling derived from the act ceases to be the principle for judging an offence, because he intended to take advantage of a legal loophole. In that case, it is his initial intention that counts. Case 2 shows that passivity (i.e. immobility, another legal loophole ) does not guarantee innocence. Since the offender intentionally had sexual intercourse, his initial intention determined his guilt. It is clear, then, that a different principle is applied in judging cases where the intention was to take advantage of a legal loophole. Case 2 confirms that there is an offence for the monk whether he be active or passive. Thus activity or passivity is by no means the criterion for judging a case; in other words, passivity does not necessarily make a monk free of guilt. In the first instance the monk "did not exert his body", but he still incurred a Defeat. In these cases, the monk was

not asked whether he consented to it or not, because it is self-evident that he agreed to the woman's suggestion.

Does the same principle apply to Sañ gh 2 (M)? Apparently yes, but the matter is complicated.

We begin by noting that in the non-offence (anāpatti) section, "not consenting" (asādiyantassa) is a reason for innocence, as it is in the cases of Defeat 1 (M+N) against sexual intercourse and Defeat 1 (N) against nuns' physical contact with men. Furthermore, in the Vinītavatthu of Sañ gh 2 (M), one does find an instance where a monk was passively involved in physical contact with a woman. When asked whether he consented to it or not, he answered in the negative and thus was exempt from an offence (sādiyi tvaṃ bhikkhūti. Nāhaṃ bhagavā sādiyin ti. anāpatti bhikkhu asādiyantassā ti). [28] Since this shows the same principle, consent, to determine guilt, what is the problem?

#### 2.4.3 Conflicting principles?

The problem lies in the casuistry to this rule. After discussing cases where the monk is the passive party (Vin III 124.32 -- 125.30 = II:3.1-- 5), the conclusion (Vin III 125.31-- 126.3 = II:3.6) seems to present two conflicting principles, physical reaction and initial intention, by which to judge an offence. According to the latter half of that passage, the determining factor for innocence is the monk's initial intention. So long as it is his intention to remove himself (mokkhādhippāyo) from physical contact with the woman, there will be no offence whatever happens, i.e. whether or not he exerts his body or recognizes the contact. [29] In this case, physical reaction plays no role. But if he intends contact (sevanādhippāyo), then four possibilities are considered:

Case 1: If he exerts his body (kāyena vāyamati) and recognizes the contact, it is an offence of Sañ gh.

Case 2: If he exerts his body but recognizes no contact, it is an offence of wrong-doing.

Case 3: If he does not exert his body but recognizes the contact, there is no offence (sevanādhippāyo na ca kāyena vāyamati phassaṃ paṭṭi vijānāti sanāpatti). [30]

Case 4: If he neither exerts his body nor recognizes the contact, there is no offence either.

Contrasting Cases 1+2 with Cases 3+4, one would at first sight take physical reaction to be the principle for deciding an offence, as does the Sp passage with which we began. But this principle conflicts with that of mental attitude, the primary one in making verdicts. However, another interpretation is possible, one which creates no conflict.

In Cases 1+2, the monk eventually exerts his body and hence is no longer the passive partner although he was passive initially. [31] His mobility shows consent to the act, so there is an offence. In Cases 3+4, the monk does not exert his body, so he remains the passive partner in physical contact. In such a case, his immobility implies lack of consent to what is happening. Therefore, what is crucial is not his mobility or immobility

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per se, but what that indicates about consent. This interpretation is supported by the ChinSp (see below).

However, the Sp's comment on this passage gives a different interpretation, reversing the parts mental attitude and physical reaction play in judging whether or not there is an offence.

In the third case, there is no offence owing to the lack of bodily exertion. Because if any one, even desiring association, recognizes, consents and experiences mere contact by remaining motionless, for him there is no offence, in that offence does not exist in the mere arising of a thought. (tatiye kāyena avāyamato anāpatti, yo hi sevanādhippāyo pi niccalena kāyena kevalaṃ phassaṃ paṭṭi vijānāti sādīyati anubhoti tassa cittuppādamatte āpattiyā abhāvato anāpatti.) [32]

This is a specious argument. It is true that a mere thought, however evil it may be, never incurs any offence, as the Vinaya only deals with actual events. But that certainly does not mean that the Vinaya concerns itself only with monks' and nuns' actions, not their thoughts. Gombrich has argued against such a standpoint and remarked: "[A] monk can only be disciplined for something he did consciously (sañcicca). This synthesis between intention and action, between the mind and the body, in Buddhist ethics was doubtless first worked out in monastic jurisprudence." [33] When nothing happens, one's intention plays no role; but when something does take place, one's intention plays an essential part, even if one is the passive party. We have seen this to be attested by many decisions about penalties found in the canonical Vinaya texts.

In the passage just cited the Sp argues that since his desire for association is a mere thought, the monk in the hypothetical case is innocent. But the principle that a thought alone incurs no offence is not applicable here, because it was not a mere thought in isolation: there was already an actual context. Although the monk was passive and remained motionless, he did experience and consent to physical contact with a woman. So one expects his mental attitude to be the factor determining guilt.

The same discrepancy between the canonical text on Sañ gh 2 (M) and the Sp's commentary arises in an other case. In the Vinītavatthu [34] it says that a monk committed an offence of Sañ gh because he became infatuated (sāratto) and raised his foot when revered by a woman. What makes this an offence of Sañ gh is actually the monk's infatuation, and his movement results in direct physical contact with the woman. However, in commenting on this case, the Sp says:

In the case of veneration, he should prevent a woman from rubbing his feet desiring to pay veneration. He should cover his feet or remain immobile.

Because

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there is no offence for one who does not move although he consent/feel pleasure in his heart. (vandanavatthusmiṃ itthī pāde sambāhitvā vanditukāmā vāretabbā pādā vā paticchādetabbā niccalena vā bhavitabbaṃ niccalassa hi cittena sādiyato pi anāpatti) [35]

Covering his feet is to avoid physical contact. If this is not possible, alternatively he may remain motionless. One would expect this to suggest that he does not consent to it but cannot avoid it. The Sp's commentary, however, disregards how he feels but takes account of how he reacts physically.

#### 2.4.4 A different interpretation: immobility implies lack of consent

On an examination of the Pāli canonical texts, we have demonstrated that mental attitude, not physical reaction, is the primary principle for determining guilt, but there exists a seemingly conflicting principle, i.e. physical reaction, in a discussion of an exceptional case. We have also shown that the Pāli post-canonical commentary makes use of this dubious principle for the innocence of monks. However, a different interpretation is possible, an interpretation which gives rise to no conflict with the main principle for determining guilt or innocence.

To attempt at a fresh interpretation of that case, it is necessary to clarify the applications of mental attitude and physical reaction either separately or jointly. To that end I shall first classify three possible modes of presenting a passive case:

(1) Consent alone is mentioned. In a passive case, the potential offender's consent needs to be spelt out in order to judge an offence because there will be no offence if (s)he does not consent to the act. As can be seen in Defeat 1 (N), the nun is passive and the rule says that if she consents to physical contact with men, she commits an offence of Defeat. In this situation, physical reaction does not need to be stated in that it is not crucial.

(2) Immobility plus consent. In addition to the passive partner's mentality, his or her physical reaction is also stated. However, that addition affects nothing because mental attitude is the decisive factor for an offence or innocence. For example, the Sp's commentary says that if the nun mentally accepts that act but remains motionless, she is still to be accused of an offence.

(3) Immobility alone is stated. Immobility of the passive partner can signify the opposite mentality: it may signify their consent to the act in that they put up no resistance, or, it may signify their unwillingness (when there is no way to escape); they would otherwise exert their bodies in response to the act. Owing to the equivocal nature of the mention of immobility, in the case where an offence is incurred, consent must be stated in order to legitimate it. In the case where immobility alone is stated, the implication is that the passive party is not consenting. That leads to his or her innocence. So the pivot of not being guilty still lies in the passive party's mentality, not physical reaction. In this

interpretation, there is consistency in the main principle for judging an offence in the canonical text.

A further analysis of that exceptional case may provide us with clues to resolve the confusion as regards whether bodily immobility leads to the conclusion that mental attitude is a mere thought, which is the cause of innocence:

Case I: The monk desires association, but does not exert his body. The implication is that he does not feel pleasure in physical contact with women.

Case II: The monk desires association. He feels pleasure in physical contact with women and exerts his body [in response].

In either Case I or Case II, "desire for association" is a thought, and whether the very thought remains "a mere thought" or whether it prompts the passive party into an actual contact depends on his attitude towards physical contact with women. In Case II, by his mental act (i.e. feeling pleasure in physical contact), the monk enters an actual contact. In that situation, his desire for association is no longer a "mere thought". In Case I, the monk may, due to a sense of guilt, refrain from taking delight in physical contact although originally he is not without desire. His desire remains "a mere thought" in that it is not developed into any bodily exertion or mental enjoyment. That is why the monk commits no offence.

That exceptional case falls in the category of Case I. The above analysis demonstrates that the mention of immobility does not mean replacing the principle of attitude with that of physical reaction. However, the Sp apparently understands it differently by referring "a thought" to attitude towards the act, not the original intention before the act. We learn by comparison that there is disagreement between the Sp and ChinSp, for in the latter immobility is not the decisive factor for innocence (see below Sec.3.3, pp. 24f). Our foregoing discussion is inspired by the ChinSp.

### **3. Physical contact with the opposite sex by monk or nun: the other traditions**

#### **3.1 The canonical texts of the Bhikṣuṇī-Vinaya**

We have shown above that in the Pāli Vinaya what happens is not enough to determine whether there is an offence: why and how it happens must be taken into consideration. To determine guilt, mental attitude is the crucial factor.

Collation of the parallel texts in the other traditions shows that most of them use the same principle. The non-offence section in the Dha is basically the same as in the Pāli. It contains similar factors [36] for innocence to those listed in the Pāli, but elaborates on the

cases where the nun is not oozing with desire or the contact is unintentional. [37] The Sa gives a different list: contact while regarding the man as her father, brother or son; contact in an emergency, and so on. [38] In conclusion, there is no offence in any case where she conceives no desire. [39] The Chinese recension of the Mūlasarvāstivāda Vinaya (ChinMū hereafter) demonstrates the same principle: the nun's mental attitude (i.e. whether she has passion) is the criterion for deciding whether

there is an offence. This is attested by an example: if a nun is ill and a man is massaging her, if she becomes desirous, there is an offence of wrong-doing; if she does not, there is no offence. [40]

In the Mī, there are four factors for innocence: madness, disturbance in mind, illness and being the original offender. This list appears only at the end of Defeat 1 (M+N) and is omitted in the rest of the rules because it applies to all of them. [41] Additional factors are given wherever applicable. In the rule against physical contact, no word-for-word commentary or casuistry is provided because they are the same as those in the corresponding rule for monks, namely, Sañ gh 2 (M). From the casuistry one learns that a pure mental attitude is the only factor for innocence. [42] (see below)

The Mā is the only tradition which allows no innocence. Even if neither the nun nor the man feels desire, there is an offence of light infringement. [43] So for the Mā what happens is crucial: once physical contact occurs, the nun is guilty of an offence, albeit a light one.

### 3.2 The canonical texts of the Bhikṣu-Vinaya

#### 3.2.1 Sādiyeyya

Subsection 2.2 above discussed the meaning of the verb sādiyati and its use in the current context; and in 3.3 we said that though its optative form, sādiyeyya, was absent from the wording of rule Sañ gh 2 (M), this did not affect the meaning of the rule or detract from the principle that for monks as for nuns consent is crucial for determining offences of this character. We begin this section by collating the parallel passages in the other Vinaya traditions, thus both shedding light on the exact meaning that they attributed to this term and corroborating our conclusion that in this respect there is no difference between the rulings for monks and for nuns. Readers not interested in a detailed study of the meaning of this word are again advised to skip to 3.2.2.

In the Mā-L, both the monk's and nun's rules (Sañ gh 2, M and Defeat 1 ( 5 in a full list) , N = Pāli Defeat 1, N) against physical contact contain the word sādiyeyya.

Mā-L Sañ gh 2 (M):

yo puna bhikṣu oṭīrno vipariṇ atena cittena mātr grāmena sārddham  
kāyasaṃsargaṃ samāpadyeya saṃyathīdaṃ hastagrahaṇ aṃ vā



veṇ igrahaṇ aṃ vā anyatarānyatarasya vā punar aṅ gajātasya  
āmoṣ aṅ aparāmoṣ aṅ aṃ sādiyeya saṅ ghātiṣeṣ o. [44]

Mā-L Defeat 5 (N):

Yā puna bhikṣ unī avaśrutā avaśrutasya puruṣ asya adho kakṣ ābhyām upari  
jānumaṇ ḍ alābhyām āmoṣ aṅ aparāmoṣ aṅ aṃ sādiyeya iyaṃ pi bhikṣ unī  
pārājikā bhavaty asamvāsyā. [45]

In Saṅ gh 2 (M), sādiyeya can be rendered as "should feel pleasure", for  
since the monk is the initiator, that already implies his "consent". In Defeat  
5 (N), sādiyeya can still be rendered as "should consent to", as the nun is  
passive. The two translations differ because of the context, but what is  
important is that the rules use the same word.

Collating Saṅ gh 2 (M) of the Pāli, Mā [46] and Mā-L, one finds that  
they read nearly the same, but the Mā's and Mā-L's rules contain the word  
sādiyeya [47] which is not found in the Pāli. The Chinese rendering of the

Mā Vibhaṅ ga reads: "feeling [the pleasure in] fineness and smoothness 受

細滑", [48] but in the Prātimokṣ a-sūtra it is "feeling pleasure 受樂". [49] It

seems that in Chinese sādiyati is rendered as "feeling pleasure" or more  
specifically "feeling [the pleasure in] fineness and smoothness". [50] The  
Sanskrit Mū has the different word svīkuryāt, which means: "should agree,  
accept, assent". [51] Its Chinese rendering in both the Vibhaṅ ga and  
Prātimokṣ a-sūtra is "generating

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the mind of feeling pleasure" 作受樂心. [52] The Sanskrit Sa [53] does not

contain any description of the monk's mental attitude, neither does its  
Chinese parallel in the Vibhaṅ ga. [54] However, in the Chinese

Prātimokṣ a-sūtra, the expression "fineness and smoothness 細滑"

appears. [55]

Among the other Vinayas in non-Indian languages, the Dha has no  
expression equivalent to sādiyeya in its Vibhaṅ ga [56] and  
Prātimokṣ a-sūtra. [57] However, the Mī does. The rules in its  
Vibhaṅ ga [58] and Prātimokṣ a-sūtra [59] read exactly the same: "If a  
monk, affected by desire, with perverted heart ... seizes [her] body part by

part, rubbing [to feel] fineness and smoothness (摩著細滑), [he commits an offence of ] Sañ gh." [60] The Chieh-t'uo-chieh-Ching (解脫戒經) [61] uses another phrase: "If a monk .. comes into physical contact with a woman ... should [he] touch [her] body part by part, feeling the touching (覺觸), [he commits an offence of] Sañ gh." [62] As pointed out above, the sense of "fineness and smoothness 細滑" may be derived from the phrase kāyasaṃsaggaṃ sādiyeya/sādiyeyya, of which the expression "覺觸 feeling the touching" in the Chieh-tuo-chieh-Ching 解脫戒經 may be another translation.

In summary, some traditions use the word sādiyeya/sādiyeyya, which in this context they interpret as expressing pleasure; some do not. In some traditions, this word or its equivalent expression ( in the case of Chinese and Sanskrit versions) appears in both texts, namely, Vibhañ ga and Prātimokṣ a-sūtra, but in some it appears only in the latter. Moreover, it appears in almost all the Chinese Prātimokṣ a-sūtra texts except for the Dha; the same holds true of the extant Sanskrit Prātimokṣ a-sūtra texts except for the Sa.

### 3.2.2 Principles for determining guilt

The monastic discipline for nuns is compiled on the model of that for monks, and we have seen that the non-offence section of Sañ gh 2 (M) in the Pāli Bhikkhu-Vinaya reads exactly the same as its parallel in Defeat I (N). A collation of the different recensions of Sañ gh 2 (M) confirms that the factors for innocence parallel those in the

related Bhikkhunī-Vinaya traditions as they have been presented above. I shall therefore focus on cases where the monk is passive.

We have seen above in the Pāli that if a monk intends to get free of a woman, he is not guilty of an offence even though physical contact occurs and even though he exerts his body and recognizes the contact. The Mī presents the same case with a minor discrepancy: [63] a monk is seized by a

woman, but he desires no association and tries to free himself from her; if he does not consent to (or, feel [pleasure] in) the contact, even if he recognizes it (雖覺觸而不受), there is no offence for him. Here the monk's intention is made clear by expressions such as "desiring no association" and "not consenting to the contact". It is obvious that the Pāli and the Mī use the same principle in deciding the case: mental attitude is the crucial factor.

The Sa [64] discusses cases where the monk plays the passive role, and the description of the monk is always: infatuated, exerts his body and feels the sensation of fineness and smoothness (有欲心 , 身動 , 受細滑). In these cases, he commits an offence of Sañ gh or a gross offence, depending on the situation. However, there is no presentation of cases where the monk remains motionless.

We recall the discussion in the Pāli casuistry which gave rise to conflicting interpretations in the later Pāli tradition (see pp. 11 above). There is no such discussion in the Mī nor does the ChinMū [65] contain anything even remotely similar. However, the Dha [66] does contain similar casuistry, [67] and it is of great interest, for it disagrees with the Pāli. The difference between the two traditions can easily be seen from the following table.

mental attitude	exerts the body	recognize the contact [*]	penalties
Pāli desiring association [**]	yes	yes	Sañ gh
	yes	no	wrong-doing
	no	yes	no offence
	no	no	no offence
Dha oozing with desire L?????è	yes	yes	Sañ gh
	yes	no	gross offence
	no	yes	gross offence
	no	no	wrong-doing

\*. The wording in the Dha is different: feeling pleasure in contact.

\*\* . Sevanādhippāya.

We recall that in case 3 the Pāli frees the monk from guilt if he does not exert his body, even though he does desire association (sevanādhippāyo) with the woman. The Dha, by contrast, allows no innocence when the monk's mentality is not pure. In an actual event, the passive partner's mental attitude, in the Dha called "oozing with desire" 欲心染著, is no mere thought (as was argued by the Sp), so a monk still incurs an offence of wrong-doing even if he does not exert his body, or feel pleasure in the contact.

Another example suffices to demonstrate the Dha's stance : immobility never leads to innocence. In the case of a woman paying veneration parallel to that in the Pāli Vinītavatthu which we dealt with above, it says that a woman, while venerating him, seizes a monk's feet, if he feels pleasure in the contact but remains motionless, he commits an offence of wrong-doing. [68]

The Mā [69] too considers this case, but with a different conclusion: instead of deciding the penalty, the text only offers recommendations. It says that in case a woman comes to venerate a monk's feet, if he becomes infatuated, he should sit upright and bid the woman pay reverence at some distance. However, if the woman, out of faith, eventually draws near to venerate him, at that moment the monk should bite his tongue so that the pain will distract him from the sensation of female fineness and smoothness. [70] This last recommendation clearly indicates that what concerns the canonical commentator(s) -- as in the Pāli -- is the control of the monk's mind, not the movement of his body.

Like the Pāli, the Mā shows much concern with heterosexual relationships, in that its casuistry [71] contains extensive discussion of occasions when there may be some contact, direct or indirect, between a monk and a woman. While it is not necessary to go into every detail, one important point must not be overlooked, a point closely related to our previous discussion of the Sp's theory of innocence: immobility = mere thought = no offence.

The discussion of the Mā usually starts with a scenario in which a monk appears together with a woman, for example, walking on the same road; holding the same vessel; sharing the same coach and the like. These are considered as improper conduct. However, should the monk become desirous, it is an offence of light infringement of the Vinaya (vinayātikrama); should he touch (or move or shake), out of desire, something shared with the

woman, it is a gross offence (sthūlātyaya; Pāli: thullaccaya). In many cases the penalty decision stops here and it informs us that even a "mere thought" (becoming desirous) incurs an offence, albeit a light one, and that "intention" plus "action" incurs a heavier offence.

In some cases, however, the decision goes on to determine innocence. For example, suppose a monk and a woman are walking on a piece of long board, this is not appropriate, but should the monk become desirous, it is an offence of light infringement of the Vinaya; if the monk becomes desirous and shakes the board, it is a gross offence; if the board does not shake or if a man is standing between the monk and the woman, there is no offence. [72] Note that the "immobility" of the board makes the monk guiltless. This is open to two lines of interpretation: firstly, the result of the monk's action serves as the criteria for determining guilt. As the board does not shake as his action intends, there is no offence. Secondly, when the board does not shake, it means that the monk does not take an action and that implies he is not desirous, that is why he commits no offence.

I take the second line, for the first one is not in accord with the principle underlying the penalty decision. Remember that it incurs a light offence even though the monk only becomes desirous but takes no action yet. Apparently even a "mere thought" counts, then how can he be guiltless after taking an action (this implies that he has become desirous)? and how can he be guiltless just because his intention is not fulfilled?

The difference between the Pāli and Mā lies here: in the Pāli, the monk is the passive partner, who consents to the contact but remains motionless. There is no offence for him, because a "mere thought" does not count. The Mā presents active cases, and this tradition is strict to the effect that a "mere thought" without action still counts. So there is no room for innocence unless the monk has a pure mind, i.e. not becoming desirous. This results in his taking no action, and his inaction is reflected by the "immobility" of the object the monk may move or shake.

### 3.3 The post-canonical commentaries

The two post-canonical commentaries to the Sa Sañ gh 2 (M) [73] do not contain any discussion of cases in which a monk is the passive partner in physical contact with a woman.

The ChinSp has a subtler consideration than the Pāli Sp, but at first sight it seems to present, like the latter, conflicting principles. However, a close examination of the ChinSp proves that the principle applied in its commentary on Sañ gh 2 (M) is consistent, and that the ChinSp differs from the Sp on the part immobility plays in deciding whether there is an offence.

Within one single passage (T1462[24].762a.20-28) one reads the following verdicts: in one case [Case 1] it says that there is an offence of Sañ gh for the monk who is oozing with desire and moves his body; [74] in another case [Case 2], where a woman seizes

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a monk. It is a wrong-doing for the monk who, out of desire, feels pleasure in [the contact] but remains motionless. [75] Following this, there is yet another case [Case 3] in which no offence is committed by a monk who is oozing with desire but remains motionless. [76]

Case 2 and Case 3 present an interesting contrast. Although immobility is present in both cases, it does not nullify guilt in Case 2: there is at least an offence of wrong-doing even though he remain motionless. It is therefore evident that immobility cannot be the decisive factor for judging an offence. Yet what is decisive? The difference between Case 2 and Case 3 is that the former has the word "feel pleasure 受樂", which is the Chinese rendering for sādiyati, but Case 3 has not. That is the reason why in Case 3 there is no offence. So innocence is not due to immobility but to not feeling pleasure in the act. It is the same principle, i.e. mental attitude towards the act, that the ChinSp applies in discussing the passive cases. As we remember, the Sp's commentary totally disregards the potential offender's mental attitude and makes physical reaction the criterion for the monk's innocence.

#### 4. Conclusion

The investigation of the dubious decisions quoted in the Sp involves three criteria: activity/passivity, consent and immobility. Our discussion proves that although Sañ gh 2 (M) and Defeat 1 (N) are differently formulated, they both rule: firstly, that physical contact with the opposite sex, whether in active or passive mode, entails an offence; and secondly, that mental attitude ( i.e. consent to the act after its performance or initial intention to do the act) is the primary principle for determining guilt. We also demonstrate that immobility does not guarantee innocence, and that

although the Pāli canonical text at first sight seems to present a conflicting principle not found in the other traditions, our interpretation excludes the superficial inconsistency.

However, if one follows the Sp's position, taking physical reaction to be a new principle for judging an offence, there is obviously disagreement between the casuistry and the Vinītavatthu as regards the criteria for deciding penalties. One point deserves attention: the natures and styles of the casuistry and the Vinītavatthu are apparently different. The former consists of systematic penalty gradation based on hypothetical examples. For the purpose of gradation, it is necessary to go into the details of any situation and take all possibilities into consideration. Contrary to the casuistry, the Vinītavatthu deals with actual [77] cases and is much simpler in style, in that normally the

Buddha applies an essential principle (e.g. consent to the act or not) to judge an offence without going into detail (e.g. exerting the body or not).

Thus the Vinītavatthu and the casuistry appear to me to have been composed by different authors and they may represent different strata of the canonical text. It seems that the consideration of physical reaction in judging a case represents a later development in most of the Vinaya traditions, thus it is not entirely impossible that the exceptional case in the Pāli canonical casuistry is a later interpolation (Even so, the further innocence by immobility is unique in the Pāli tradition alone).

This assumptive view just mentioned is based on the following observations: (1) The discussion considering immobility as a factor for determining guilt, as far as our examination goes, is an isolated case in the Pāli canonical commentary; (2) such a case is shared only by the Dha, also in the canonical casuistry; and most importantly, (3) immobility never leads to innocence for the Dha; (4) the ChinSp disagrees with the Sp on switching the principle for determining a monk's innocence from his mental attitude towards the act to his physical reaction to the act, that is to say, immobility for monks alone results in innocence.

In commenting on Defeat 1 (N), the Pāli post-canonical tradition has presented a changing principle, namely, physical reaction to sexual contact, for determining guilt. However, this new principle applies only to monks. When it comes to the case of nuns, the old principle, namely, mental attitude, applies.

**Abbreviations and Bibliography**

BD = I. B. Horner, *The Book of the Discipline (Vinayapitaka)*, 6 Vols., London 1938-1966 (Sacred Books of the Buddhists, 10, 11, 13, 14, 20, 25).  
 BhīPr = Ernst Waldschmidt, *Bruchstücke des Bhikṣu-Prātimokṣa der Sarvāstivādins*, Leipzig 1926 (Kleinere Sanskrit-Texte, 3). [Nachdruck: Wiesbaden 1979 (Monographien zur indischen Archäologie, Kunst und Philologie, 2), 1-191].

BhīVibh = Bhikkhunī-Vibhaṅga/Bhikṣu-Prātimokṣa-Vibhaṅga.

BhīVin(Ma-L) = Bhikṣu-Prātimokṣa-Vinaya, including Bhikṣu-Prakīrṇaka and a summary of the Bhikṣu-Prakīrṇaka of the Ārya-Mahāsāṃghika-Lokottaravādin, ed. Gustav Roth, Patna 1970 (Tibetan Sanskrit Work Series, 12).

Chin = Chinese.

ChinMū = the Vinaya of the Mūlasarvāstivādins, T1443[23].

ChinSp = Saṅghabhadra, *Shan Chien P'i P'o Sha, A Chinese Version of Samantapāsādikā*, transl. P. V. Bapat in collaboration with A. Hirakawa. Poona 1970 (Bhandarkar Oriental Series, 10).

CPD = A Critical Pāli Dictionary, begun by V. Trenckner, ed. D. Andersen, H. Smith, H. Hendriksen, Vol. 1, Copenhagen 1924-1948, Vol. 2, Copenhagen 1960-1990, Vol. 3 (Fasc. 1-3): Copenhagen 1992-1994.

Dha = Dharmaguptaka Vinaya, T1428[22].

DN = Dīghanikāya, ed. T. W. Rhys Davids, J. E. Carpenter, 3 Vols. London 1890-1911.

Finot, "PrMoSū(Sa)" = [Louis Finot and E. Huber] "Le Prātimokṣa asūtra des Sarvāstivādins", texte Sanskrit par M. Louis Finot, avec la version chinoise de Kumārajīva traduit en Français par M. Edouard Huber", *Journal Asiatique*, Novembre-Décembre 1913, 465-557.

Gombrich, "Buddhist Ethics" = Richard F. Gombrich, "Notes on the Brahminical Background to Buddhist Ethics" in *Buddhist Studies in Honour of Hammalava Saddhātissa*, eds. G. Dhammapala, R. Gombrich, K.R. Norman. Colombo 1984.

Hirakawa, *Vinaya-piṭaka* = Akira Hirakawa, *A Study of the Vinaya-piṭaka*. Tokyo 1970.

Hirakawa, *Two Hundred and Fifty Precepts* = Hirakawa, *Studies on the Two Hundred and Fifty Precepts*, 4 Vols. Tokyo 1993-1995.

M = Monks.



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Mā = Mahāsāṃghika Vinaya, T1425[22].

Mii= Mahīśāsaka Vinaya, T1421[22].

M+N = For both monks and nuns.

MW = M. Monier Williams, A Sanskrit-English Dictionary. Oxford 1899.

N = Nuns.

N-Pāac = Nissaggiya Pācittiya/Niḥ sargika-Pācattika.

op. cit. = opere citato.

PED = The Pāli Text Society's Pāli-English Dictionary, ed. T.W. Rhys Davids, W. Stede, London 1921-1925.

PrMoSū(Mā) = The Prātimokṣ asūtram of the Mahāsāṃghikas, ed. W. Pachow, R. Mishra. Allahabad 1956.

PrMoSū(Mā-L) = Nathmal Tatia (ed.), Lokottara-mahāsāṃghikānārṇ Prātimokṣ asūtram. Patna 1975.

PrMoSū(Mū) = A.C. Banerjee, Two Buddhist Vinaya Texts in Sanskrit. Prātimokṣ asūtra and Bhikṣ ukarmavākya. Calcutta 1977.

PrMoSū(TibMū) = " So-sor-thar-pa; or, a Code of Buddhist Monastic Laws: Being the Tibetan Version of Prātimokṣ a of the Mūla-sarvāstivāda School", ed. and tr. S.C. Vidyabhusana, JASB 1915, 29-139.

Sa = Sarvāstivāda Vinaya, T1435[23].

Sp = Samantapāsādikā Vinaya-aṭ ṭ hakathā ed. J. Takakusu, M. Nagai (Vols. 5 and 7 by Mizuno), 7 Vols., London 1924-1947 (PTS) [Index Vol. by H. Kopp, London 1977 (PTS)].

s.v. = sub verbo.

Sv-ṭ = Dīghanikāyaṭ ṭ hakathāṭ ikā, Līnatthavaṇ ṇ anā 3 Vols. ed. Lily de Silva. London 1970 (PTS).

T = Taishō Shinshū Daizōkyō, 100 Vols. Tokyo 1924ff.

Vin = Vinaya-pitaka, ed. Hermann Oldenberg, 5 Vols. London 1879-1883.

#### Notes

1. Quoted from the introductory story to Defeat 1 (N), Vin IV 212.38 213.1, where the expression is actually kāyasaṃsaggamaṃ sādiyissatīti ([How] can she consent to physical contact?).

2. Sp 902.1-8.

3. CPD sādiyati s.v.

4. DN I 109.23-25.

5. Sv-ṭ 405.6-7.

6. Vin III 237.36- 38.

- [7.](#) Vin III 214.19- 22.
- [8.](#) Vin IV 102.38-103.2.
- [9.](#) Vin II 5.28ff.
- [10.](#) Vin IV 213.34ff.
- [11.](#) Vin IV 220.16ff.
- [12.](#) Ma: T1425[22].516a.11-13; Mi: T1421[22].78b.10-13; Sa: T1435[23].303c.15-18; Dha: T1428 [22].716a.24- 28; cf. BhiPr, p.76-78 for German translations of this rule in all the Vinaya traditions.
- [13.](#) Tsomo, Sisters, p. 82; ChinMū(T1443[23].930c.9): 來去丈夫情相許可。
- [14.](#) BhīPr, p. 74.
- [15.](#) Vin IV 213.34-38.
- [16.](#) Vin IV 215.33.
- [17.](#) Vin III 120.33ff. Translation is from the BD with slight alteration.
- [18.](#) Vin III 126.4ff.
- [19.](#) Vin III 23.33ff.
- [20.](#) See v. Hinuber, Handbook, p. 13. For the difference between the casuistry and the Vinītavatthu, see below Conclusion, pp. 31ff.
- [21.](#) Vin III, pp.38ff.
- [22.](#) Vin III 33.25-26.
- [23.](#) Vin III 40.1-2.
- [24.](#) Vin III 37.27-29.
- [25.](#) Vin III 36.23-24.
- [26.](#) Vin III 36.29-30.
- [27.](#) Vin III 36.26.
- [28.](#) Vin III 126.35-36.
- [29.](#) Vin III 125.37, 126.3: mokkhādhippāyo kāyena vāyamati phassaṃ paṭ ivijānāti, anāpatti. mokkhādhippāyo kāyena vāyamati na ca phassaṃ paṭ ivijānāti, anāpatti. mokkhādhippāyo na ca kāyena vāyamati phassaṃ paṭ ivijānāti, anāpatti. mokkhādhippāyo kāyena na ca vāyamati na ca phassaṃ paṭ ivijānāti, anāpatti.
- [30.](#) Vin III 125.33-35.
- [31.](#) The general background for the two sections starting with sevanādhippāyo and mokkhādhippāyo respectively (Vin III 125.31ff) is omitted, but it can be found at the beginning of the whole discussion (Vin III 124.32ff): itthi ca hoti, itthisaññī sāratto ca, itthi canaṃ bhikkhusa kāyena kāyaṃ āmasati parāmasati omasati ummasati ... gaṇ hāti chupati, sevanādhippāyo kāyena vāyamati saṃ ghādisesassa.

- [32.](#) Sp 540.20-23.
- [33.](#) Gombrich, "Buddhist Ethics", p. 99.
- [34.](#) Vin III 127.15-17.
- [35.](#) Sp 546.15-18.
- [36.](#) T1428[22].716a.4 5: 不犯者，最初未制戒，癡狂心亂痛惱所纏。
- [37.](#) T1428[22].716a.2 4: 不犯者，若取與時觸身；若戲笑時觸；若有所救時觸，一切無欲心不犯。
- [38.](#) T1435[23].303b.28ff: 不犯者，若父想、兄弟想、兒子想。若水漂、若火燒、若刀稍弓丈、若欲墮坑、若值惡獸難、惡鬼難，不犯。
- [39.](#) T1435[23].303c.1: 一切無著心不犯。
- [40.](#) T1443[23].930a.24-25: 若尼有病，男為摩身，尼起染心得惡作罪，無染心者 無犯。
- [41.](#) T1421[22].5a.27-29:
- [42.](#) T1421[22].11b.1ff.
- [43.](#) T1425[22].515c.16-17: 不犯者，狂心、亂心、病壞心、初作。此四種不犯，下一切諸戒皆如是，悉不復出。
- [44.](#) PrMoSū(Mā-L) 8.21-23.
- [45.](#) BhīVin(Mā-L) §123, 84.6-8.
- [46.](#) PrMoSū(Mā-L) 8.6-9.
- [47.](#) Mā's text: śādiyeya, misprint for sādiyeya.
- [48.](#) T1425[22].265c.22.
- [49.](#) T1425[22].550a.7.
- [50.](#) According to Hirakawa (Two Hundred and Fifty Precepts, I, p. 400), there are no Sanskrit equivalents to the Chinese 受樂, 細滑 in the Mācontext. The phrase 細滑 (fineness and smoothness) may be an extended rendering for physical contact ( kāyasaṃsaggaṃ ) in that the former is a

more concrete description of the desire underlying the latter. This is supported by an example in the ChinSp (T1426[24].762a.14), where one reads the translation: "Desire refers to the desire for fineness and smoothness [in] physical contact." The parallel in the Sp (538.8-9) only says: "rāgo ti kāyasaṃsaggarāgo." So, "feeling [the pleasure in] fineness and smoothness" may be the rendering for kāyasaṃsaggaṃsādiyati.

[51.](#) MW Svī s.v.

[52.](#) Vibh: T1442[23].683c.1; PrMoSū T1454[24].501b.7-9.

[53.](#) Finot, "PrMoSū (Sa)", 479.7-10; VinVibh(R), p. 59, fn. 1.

[54.](#) T1435[23].15a.14-15: 若比丘欲盛變心，故觸女身，若捉手臂頭髮，  
一一身分，上下摩觸，僧伽婆尸沙。

[55.](#) The wordings of the rule in the Prātimokṣ a-sūtra reads slightly different from that of the Vibhaṅ ga. T1436[23].471b.3-5: 若比丘姪亂變心，與女人身共合；若捉手、若捉臂、若捉髮、若捉一一身分，若上若下摩著滑，僧伽婆尸沙。

[56.](#) T1428[22].580b.28-29.

[57.](#) T1430[22].1023c.21-23.

[58.](#) T1421[22].11a.25-27.

[59.](#) T1422[22].195a.27-28.

[60.](#) 若比丘欲盛變心 ... 捉一一身分，摩著細滑，僧伽婆尸沙。

[61.](#) T1428[22].580b.28-29.

[62.](#) T1460[24].660a.17-19: 若比丘 ... 共女人身相觸 ... ，若觸一一身分，覺觸，僧伽婆尸沙。

[63.](#) T1421[22].11b.6-9: 五事觸女人不犯，女、女想、人女、活女、心染，

不以親近情，而女人捉比丘，比丘作方便求脫，雖覺觸而不受，乃至觸

髮亦如是。

[64.](#) T1435[23].14c.22-15c.18.

[65.](#) T1442[23].681c.18-684a.14.

[66.](#) T1428[22].580b.4 -81a.24.

[67.](#) T1428[22].580c.8ff.

[68.](#) T1428[22].581a.15-16: 若女人作禮，捉足覺觸樂，不動身，突吉羅。

[69.](#) T1425[22].264a.13-267c.18.

[70.](#) T1425[22].266b.19-23: 若比丘坐時，有女人來禮比丘足，比丘若起欲心，當正身住；當語女人言：小遠禮抄。女人篤信卒來接比丘足者，爾時應自咬舌，令痛不令覺女人細滑。

[71.](#) T1425[22].266a.6ff.

[72.](#) T1425[22].267a.23-26.

[73.](#) 薩婆多毘尼毘婆沙 (T1440[23].519c.18-520b.8); 薩婆多部毘尼摩得勒伽 (T1441[23]. 571c.5-10).

[74.](#) T1462[24].762a.20-22: 若女人共比丘一處坐，女人姪欲變心，來摩觸捉比丘，比丘有欲心動身，僧殘。

[75.](#) T1462[24].762a.23-24: 若女人掩比丘，比丘以欲心受樂，不動，突吉羅。

[76.](#) T1462[24].762a.27-28: 若女人摩觸比丘身，比丘有欲心，身不動，無罪。

[77.](#) One can of course be skeptical about whether or not those in the Vinītavatthu are actual events, but this is how the text presents them: tena kho pana samayena aññataro bhikkhu ...