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The Ruination of a Dead Nun's Stupa: Does This Really Evince the Suppression of Nuns?

Ven. Pandita (Burma)¹

Abstract

It is firstly Horner, and later Schopen, who have expressed negative opinions on a story in the *Vinaya*. I argue, however, that the aforesaid story, at least its Pāli version, is not so bad as it sounds if we interpret it properly.

Introduction

Modern scholars like Horner and Schopen have been irked by a story in the *Vinaya* (*Vin* IV 308–309; Horner, *Discipline* 3: 343–344), which can be summarized as follows:

The origin story is at Vesālī. An elder of the group of six nuns dies. They make a stupa for her, and hold a noisy

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mourning ritual. Upāli's preceptor, Kappitaka, who was living in the cemetery, was annoyed at the sound, and smashed the stupa to bits—somewhat of a distasteful overreaction, one might think. Anyway, the group of six nuns say: 'He destroyed our stupa—let's kill him!' Kappitaka escapes with Upāli's help, and the nuns abuse Upāli, thus prompting, not a rule against noisy funerals, or smashing stupas, or attempted murder, but against abusing monks. (Sujato, *Bhikkhuni* 72–73)

Horner notes: "Kappitaka's indecent and selfish behaviour is symptomatic of the extremely low state to which monkdom could fall at that time" and maintains that other nuns did not show sympathy for the furious nuns but complained about them only to avoid upsetting monks (*Women* 158). Her view is reiterated in Schopen's recent well-known paper entitled "The Suppression of Nuns and the Ritual Murder of Their Special Dead in Two Buddhist Monastic Codes"—the title itself indicates the author's opinion of the events in the story.

I disagree with those scholars, however. I believe there is a reasonable and not so negative explanation available, which will have the following claims:

1. The stupa for the dead nun was not religiously appropriate.
2. Venerable Kappitaka did have the right to destroy that stupa without the permission of the nuns who built it.
3. The Buddha made a rule against nuns using abusive language against monks, but not against noisy funerals, nor smashing stupas, nor attempted murder, probably because the latter cases were already covered at the time.

I will deal with these claims one by one.

The Stupa Was Not Appropriate

I argue, first of all, that the stupa was not religiously appropriate. The evidence is in the story itself. If this stupa had been a proper one, the furious nuns would have reported to the Buddha to get proper action against the Ven. Kappitaka. But they took the extreme measure of attempted murder instead; this was probably because they had known that their case did not stand a chance with the Buddha. And this theory is further corroborated by the fact that the Buddha in the story did not censure the monk for the latter's destruction of the stupa.

However, why this stupa happened to be inappropriate is a different question, and a more difficult one. To answer this, we should look at some pieces of the canonical evidence:

1. According to the *Mahāparinibbānasutta* in the *Dīgha-nikāya* (DN II 142–143; Walshe 264–265) and *the Book of the Fours* in *Āṅguttara-Nikāya* (AN II 245; Bodhi, *Numerical* 612), there are four persons who are worthy of stupas—a Buddha, a *paccekabuddha*, a Buddha's disciple, and a universal monarch. Given that the *Mahāparinibbānasutta* covers the last events of the Buddha's life, this guideline seems to be his final word in this matter.
2. On the other hand, according to *the Book of the Twos* in the *Āṅguttara-Nikāya* (AN I 77; Bodhi, *Numerical* 167), there are two persons worthy of stupa over their remains—a Buddha and a universal monarch. This might belong to the earlier period of the Buddha's career when there were only a few *Vinaya* rules but many *arahats* (see SN II 224; Bodhi, *Connected* 680–681), allowing the Master to set a higher bar for those worthy of stupas over their remains.

Of those different guidelines, the latter, being without any room for disciples, is certainly not relevant to our issue here, whereas we need to consider the former. Yet, we do not know whether the former guideline

is preceded or followed by the *Vinaya* story, so we need to consider all possible scenarios.

If before the guideline

If this story occurred before the Buddha's guideline appeared, those nuns have possibly adopted an ancient, non-Buddhist custom of stupa worship: "In Buddhist culture, a stupa (in Tibetan, a *chorten*) is a shrine to the dead. Their origin can be traced to prehistoric times, when they were simple mounds where important people were buried" ("Stupa" 470); "In ancient India were also built in pre-Buddhist times stupas and remains of such monuments have been found" (Mudiyanse 151).

This would certainly explain their black rage that arose when the stupa was destroyed:

He [i.e., Schopen] argues that a stupa was more than a memorial. It was a symbol of a deceased person, especially a religious teacher. More than a symbol even, it was their very life . . . Thus, to destroy a stupa would amount to murder; at the very least, this would account for the vengeful rage that gripped the aggrieved nuns. (Sujato, *White* 232)

If this was the case, this stupa would be viewed by the contemporary Buddhist clergy as inappropriate, which probably led the Buddha to give his own version of proper stupas.

If after the guideline

Alternatively, the Buddha's instruction preceded the story. Then, it follows that those nuns built a "Buddhist stupa" based upon how they had

understood the Buddha's words. They might understand the phrase "Buddha's disciple" (*buddhasāvaka*) in the guideline in two alternative ways and acted accordingly:

1. If they understood it to mean anyone who calls oneself a Buddhist, they would certainly feel justified to set up a stupa for their dead friend of a nun.
2. Or, they understood it to mean disciples who are already established in Buddhist morality, i.e., noble persons, and they also believed that the dead nun was one of them, and thus qualified to have a stupa over her remains.

If the former, they got it wrong, for the Buddha said:

kiñcānanda, atthavaṣaṃ paṭicca tathāgatassa sāvako thūpāraho? 'ayaṃ tassa bhagavato arahato sammāsambudhassa sāvakassa thūpo'ti ānanda, bahujanā cittaṃ pasādentī. te tattha cittaṃ pasādetvā kāyassa bhedaṃ paraṃ maraṇā sugatiṃ saggāṃ lokāṃ upapajjanti. (DN II 143)

And why is a disciple of the Tathāgata worthy of a stupa? Because, Ānanda, at the thought: "This is the stupa of a disciple of the Tathāgata, the Arahant, the perfectly enlightened" people have their minds placid, confident. Having made the mind placid and confident in this regard, they are reborn in a good destination, (i.e.,) in a heavenly world, after the breakup of the body, (i.e.,) after death.

How can the minds of fellow Buddhists be made placid or confident by the dead body of every Tom, Dick, or Harry who calls himself a Buddhist, if the latter might not be able to do so even while he was living? Accordingly, the term *sāvaka* in this context should have the exalted sense of the same term in the description of the merits of the *Saṅgha*:

*Supaṭipanno Bhagavato sāvakaṣaṃgho . . . sāmīci-paṭipanno
Bhagavato sāvakaṣaṃgho, yadidaṃ cattāri purisa-yugāni aṭṭha
purisa-puggalā . . .* (DN II 93–94; MN I 37; SN I 220; AN I 208)

The Saṅgha of the Blessed One's *disciples* is practicing the good way . . . practicing the proper way; that is, the four pairs of persons, the eight types of individuals . . . (Bodhi, *Numerical* 296 italics added)

The eight are the one who has gained the state of Stream-Winner, and the one who has gained its 'fruition' (counted separately), and similarly for the three higher stages. (Walshe 568)

Buddhaghosa also understands the term "Buddha's disciple" as a noble disciple in the context of stupa, and indicates that a monk or a nun should be a noble person to be worthy of a stupa over his or her remains:²

*kasmā Bhagavā agāra-majjhe vasitvā kālaṅ-katassa rañño
thūpakaraṇaṃ anujānāti na sīlavato puthujjana-bhikkhussā ti?
acchariyattā. puthujjana-bhikkhūnañ hi thūpe anuññāyamāne
Tambapaṇṇi-dīpe tāva thūpānaṃ okāso na bhaveyya, tathā
aññesu ṭhānesu. Tasmā 'anacchariyā te bhavissanti' ti
nānujānāti. rājā cakkavattī eko va nibbattati ten' assa thūpo ac-
chariyo hoti. puthujjanasīlavato pana parinibbuta-bhikkhuno
viya mahantam pi sakkāraṃ kātuṃ pi vaṭṭati yeva. (Sv II 583–
584; See also Mp III 219)*

² Cf.: "The Buddha, *Pacceka Buddha*, *Arahat* and *cakravarti* monarchs have been honoured by erecting stupas over their remains" (Mudiyanse 151). So, it has seemingly been culturally dictated to honor only *arahats*, not lesser noble ones, with stupas over their remains.

Why does the Buddha permit the making of a stupa for a king who has lived and died in a house (i.e., in a householder's state), but not for a virtuous *puthujjana* monk? Because of (the former's) marvelousness. To elaborate, if a stupa or *puthujjana* monks were permitted, there would not be space for stupas, say, in Ceylon; it would be the same in other places. Therefore, those would not be marvelous. Consequently (the Buddha) does not permit (stupas for *puthujjana* monks). The universal monarch appears without a peer. Therefore, his stupa is a wonder. On the other hand, it is appropriate to confer great honor on a virtuous (*puthujjana*) monk, like on a monk who has achieved *parinibbāna*.

So, the question is: was the dead nun in our case at least a noble person?

First of all, we should note that the dead nun was practically nameless, neither famous like Venerables Khemā (“Khemā Therī”) and Uppalavaṇṇā (“Uppalavaṇṇā Therī”) nor notorious like the nun Thullanandā (“Thulla-Nandā”). She was only recorded as the seniormost³

³ Cf.:

As for the deceased nun, she is so obscure as to not have a name, unless *mahatarā*—a strange reading—might be a corrupt version thereof. *Mahatarā*, which I have translated as “comparatively great,” Homer renders by “an older nun” and adds in a note, “perhaps a leading nun.” But in his spare critical apparatus, Oldenberg clearly doubts even the reading and suggests “read, *aññatarā*?” which of course would produce the even less specific “a certain nun” or “some nun.” (Schopen 332)

CSCD reads *mahattarā*, which seems correct here, for this is also found in Sanskrit, with its meanings given as “greater or very great or mighty or strong . . . the oldest, most respectable, chief, principal . . .,” etc. (“Mahat”). On the other hand, *aññatarā* suggested by Oldenberg does not fit the context, for even those nuns would not have made a stupa for a mere member of their circles; in other words, even if the dead nun

nun in the circles of *Chabbaggiyā* nuns. So, the only possible way to judge her seems to consider her community—the *chabbaggiyā* nuns. Was it composed of serious and good nuns?

The fact is: those nuns have been the first offenders of many rules in the *Vinaya* for nuns (see Pandita *Chabbaggiya*), and lack a record of spiritual achievement by anyone of them. Therefore, their contemporaries would find it implausible that a nameless member of such a notorious community could have achieved the noble status to qualify for the honor of having a stupa over her remains.

Ven. Kappitaka Had the Right to Destroy the Stupa

Even if the stupa set up by *Chabbaggiyā* nuns was not religiously appropriate, did Ven. Kappitaka have the right to destroy it without the maker's permission? He probably did. Why?

We should firstly consider the legal aspect of a monk destroying another person's property. If done with a will to steal, this is an offense of wrong-doing (*dukkaṭa*):

tena kho pana samayena aññataro bhikkhu saṅghassa puñjakitaṃ tiṇaṃ theyyacitto jhāpesi. tassa kukkucçaṃ ahosi—pa—anāpatti bhikkhu pārājikassa, āpatti dukkaṭassā 'ti. (Vin III 65)

At one time a certain monk, intending to steal, set fire to *tiṇa*-grass belonging to the Order. He was remorseful . . .

“There is no offence, monk, involving defeat; there is an

might be unknown by outsiders, she must have been *someone* in her own community to be honored in such a way.

offence of wrong-doing.” (Horner, *Discipline* vol. 1, 109)

However, within the circles of fellow-practitioners,⁴ it seems legally justifiable to do so with a good will, even without the permission of the owner, if the property to be destroyed is inappropriate, legally or otherwise.

The evidence for this is not an explicit permission but comes from the origin narrative for the Second Defeat rule: when Venerable Dhaniya built a hut entirely out of mud for himself, the Buddha rebuked him in his absence and told other monks to demolish the hut, apparently without even bothering to inform the owner, who came to know it only when they had started to demolish it (*Vin* III 42; Horner, *Discipline* vol. 1, 66–67). How Buddhaghosa interprets this story is relevant to our issue:

idānipi yo bhikkhu bahussuto vinayaññū aññaṃ bhikkhuṃ akappiyaṃ parikkhāraṃ gahetvā vicarantaṃ disvā taṃ chindāpeyya vā bhindāpeyya vā anupavajjo, so neva codetabbo na sāretabbo; na taṃ labbhā vattuṃ “mama parikkhāro tayā nāsito, taṃ me dehī”ti. (Sp II 289)

Even now, if a monk knowledgeable and informed in the Vinaya sees another monk wandering with an inappropriate requisite (brought with him), and lets it be cut or broken, he (i.e., the former) is without fault. He should not be

⁴ In a legal context, a fellow-practitioner is someone who lives in the same legal framework of the *Vinaya*:

āgatāgatassa parajanassa bhesajjaṃ na kātabbaṃ, karonto dukkaṭaṃ āpajjati. pañcannaṃ pana sahadhammikānaṃ kātabbaṃ bhikkhussa bhikkhuniyā sikkhamānāya sāmaṇerassa sāmaṇeriyāti. (Sp II 469)

Medicine should not be made for other people who come now and then; if one does, one commits the offense of Wrong-doing (*dukkaṭa*). But (medicine) should be made for five fellow-practitioners—for a monk, for a nun, for a trainee (*sikkhamānā*), for a male novice, and for a female novice.

reproved, nor reminded (of his guilt). He cannot be told: “You have destroyed my requisite; give me that requisite (i.e., a replacement).

Buddhaghosa’s interpretation is based upon the concept of the Buddha being the role model of his disciples, i.e., that unless there is an explicit rule saying to the contrary for a specific case, it is natural for his disciples to emulate him:

evametaṃ, brāhmaṇa, evametaṃ, brāhmaṇa! ye te, brāhmaṇa, kulaputtā mamaṃ uddissa saddhā agārasmā anagāriyaṃ pabbajitā, ahaṃ tesaṃ pubbaṅgamo, ahaṃ tesaṃ bahukāro, ahaṃ tesaṃ samādapetā; mama ca pana sā janatā ditṭhānugatiṃ āpajjati”ti. (MN I 17)

That is so, brahmin, that is so. When clansmen have gone forth from the home life into homelessness out of faith in me, they have me for their leader, their helper, and their guide. And these people follow my example. (Ñāṇamoḷi and Bodhi 102)

But, one may ask, this interpretation might be concerned only with personal requisites; should it be applied to immovable buildings as well? Buddhaghosa seemingly maintains that the same principle should also be applied to immovable buildings as well, for he mentions elsewhere that, if a building is set up without the permission of the premise owners, later they have the right to demolish it, even though the building owners do not consent:

viruddhasenāsanaṃ nāma aññesaṃ sīmāya rājavallabhehi katasenāsanaṃ vuccati, tasmā ye tādisaṃ senāsanaṃ karonti, te vattabbā; mā amhākaṃ sīmāya senāsanaṃ karothā ’ti, anādiyitvā karontiyeva, punapi vattabbā; mā evaṃ akattha, mā amhākaṃ uposathapavāraṇānaṃ antarāyam akattha mā

*sāmaggiṃ bhindittha tumhākaṃ sen-āsaṇaṃ katam pi kataṭ-
ṭhāne na ṭhassatīti, sace balakkārena karonti yeva yadā tesam
lajjiparisā ussannā hoti, sakkā ca hoti laddhuṃ dhammiko
vinicchayo, tadā tesam pesetabbaṃ; taṃ āvāsaṃ harathā 'ti,
sace yāvataṭṭhiyaṃ pesite haranti sādhu. no ce haranti, ṭhapetvā
bodhiṃ ca cetiyaṃ ca avasesasenāsanāni bhinditabbāni, no ca
kho aparibhogaṃ karontehi, paṭipāṭiyā pana chadanagopānasī-
iṭṭhakādīni apanetvā tesam pesetabbaṃ: dabbasambhāre hara-
thā 'ti. sace haranti, sādhu. no ce haranti atha tesu dabbā-
sambhāresu himavassavātātapādīhi pūtibhūtesu vā corehi vā
haṭesu agginā vā daḍḍhesu, sīmasāmikā bhikkhū anupavajjā, na
labbhā codetuṃ; tumhehi amhākaṃ dabbasambhārā nāsitā ti
vā tumhākaṃ gīvā ti vā. (Sp II 293–294)*

A residence set up by those close to kings in the *sīmā* of others is called a *hostile residence*. Therefore, those who are building such a residence should be told, “Do not set up a residence in our *sīmā*.” If they do not agree and continue the construction, they should be told again, “Do not do like this. Do not endanger our observance (*uposatha*) and formal invitation (*pavāraṇā*). Do not break the unity. Even if your residence is finished, it will not stand where it is built.” If they still build it by force, they should be sent a message, “Take away that building.” when their (i.e., the premise owners’s) conscientious company has grown and a fair judgment is available. If they take it away after sending messages up to three times, it is good. If they do not, buildings other than the *Bodhi* tree and the pagoda should be demolished. But those should not be made unusable; the roof, the beams and bricks should be removed in sequence, and they should be sent a message, “Take the collection of materials away.” If they take it away, it is good.

If not, later when these materials decay on account of snow, rain, wind, etc., or when they are stolen by thieves, or when they are burnt, the owner monks of *sīmā* are free from blame. They are not to be challenged thus: “Our collection of materials have been destroyed by you.” or “(This is) your responsibility.”

But Buddhaghosa’s interpretation is explicitly about the inappropriate property of monks. Why should it be applied to the property of nuns as well? Because destroying another monk’s improper property is a form of admonishment, and there is no rule that says monks cannot admonish nuns.

In short, I argue, we can claim that Ven. Kappitaka had the right to demolish the stupa made by nuns if he was sure it was not appropriate.

Why the Buddha Ignored Other Infractions in the Context

As seen in the story, there were other seeming infractions—“noisy funerals, attempted murder, smashing stupas” (Sujato, *Bhikkhuni* 72–73)—beside the nuns’s abusive language against a monk. But the Buddha bothered to make a rule only against the nuns’s abuse, not against other misdeeds. Why?

I will deal with these one by one.

Nuns’s noisy mourning. Those nuns made a stupa over the remains of the dead nun, came back to their residences, and went there again to mourn, making it noisy enough to disturb Ven. Kappitaka’s meditation (See *Vin* IV 308; Horner, *Discipline* vol. 3, 343).

If the Buddha was silent about the nuns's weeping in this case, I argue, it must be only because he had already prescribed the rule of Expiation (20) that deals with nuns's weeping (*Pāt* 170–171). According to the canonical commentary of the rule (*Vin* IV 277; Horner, *Discipline* vol. 3, 281):

1. If a nun weeps while beating herself up again and again, this entails an offense of Expiation;
2. If a nun does not weep but just beats herself up, an offense of wrong-doing;
3. If a nun weeps but does not beat herself up, an offense of wrong-doing;
4. If a nun weeps without beating herself up when she encounters a loss of relatives, loss of property, or suffering from disease, there is no offense.

If all these regulations outlined above had already been established at the time of this story, no wonder the Buddha did not reinvent the wheel here.

Smashing stupas. I have already shown that Ven. Kappitaka had the right to destroy the stupa if it was inappropriate.

Attempted murder. If the Buddha was silent about the *Chabbaggiyā* nuns's attempted murder, it must be only because the rule of Defeat (3), which deals with murder, had already been established together with many details, for we can find attempted murder dealt with in the canonical commentary of that rule:

*opātaṃ nāma, manussaṃ uddissa opātaṃ khanati papatitvā
marissatīti, āpatti dukkaṭassa; manusso tasmīṃ papatati, āpatti*

dukkatassa; papatite dukkhā vedanā uppajjati, āpatti thullac-cayassa; marati, āpatti pārājikassa. (Vin III 76)

A pitfall means: he digs a pitfall for a man, saying:⁵ “Falling into it he will die,” there is an offense of wrong-doing. The man falls down into it, there is an offense of wrong-doing. In falling down a painful feeling arises, there is a grave offense; if he dies, there is an offense involving defeat. (Horner, *Discipline* vol. 1, 132)

In our case, Ven. Kappitaka escaped without a scratch, so the *Chabbaggiyā* nuns committed only an offense of wrong-doing.

The explanation above is underlined by a concept hitherto not well-explored—that nuns have to inherit and share some rules for monks prescribed on account of some monk(s)’s mistake—which I would consider in another paper, and also based upon the hypothesis that other issues are not treated in this story because those have already been covered by the relevant rules. Anyone disagreeing with the latter should be able to prove that at least one of the relevant rules cited in my paper had not yet been prescribed at the time of this story.

Here the *JBE*’s anonymous reviewer notes: “the normal situation in the *Vinaya* is that when a case comes up covered by previous rules, the text notes this (*yathādhammo kāretabbo*),” implying that such notes are absent in this context for those issues supposedly covered by previous rules. I answer thus: when the Buddha revisited an issue already covered by a previous rule, he usually said: *yathādhammo kāretabbo* (“[This] should

⁵ The quotation, “Falling into it he will die,” shows the monk’s purpose only, not that he needs to express it verbally. Therefore, it would be better to translate as “intending (thinking)” instead of “saying.”

be dealt with according to the rule.”)⁶ In our story, however, the Buddha was entirely silent regarding those issues, leaving no room for that common phrase.

Therefore, the real question we should ask is: why was the Buddha silent on those side issues? I can give only a tentative answer to this. I argue that the Buddha might not have been actually silent on those issues, but that whatever he did say on those issues in this case has not made it into records. The whole purpose of this story is to show the circumstances leading to the rule that prohibits nuns from abusing monks, with everything else expendable. I have already mentioned elsewhere how the compilers of the *Vinaya* canon did not bother to note the rationale of why the Buddha canceled the formal disavowal of the training for nuns (Pandita *Quitting*, 131); our case here can also be such an instance of extreme condensation which they could go for when compiling the *Vinaya* for nuns.

Final Remarks

It is my sole purpose in this paper to approach this story given in the Pāli canon from a legal perspective, and reevaluate it. This is why I have not engaged with other versions of the story. If anyone else would like to use a different angle—historical, sociological, or comparative—they are welcome. I only hope that my paper would be somehow useful for such further work.

⁶ E.g., after the *Chabbaggiya* monks, beside other immoral activities, had ducked young calves in the river and thereby killed them, the Buddha said: “Nor should you kill young calves. Whoever should kill them should be dealt with according to the rule” (*Vin* I 191; Horner, *Discipline* vol. 4, 255), obviously referring to the rule of Expiation 61 (*Pāt* 68–69; *Vin* IV 124; Horner, *Discipline* vol. 3, 1).

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