

Journal of Buddhist Ethics

ISSN 1076-9005

<http://blogs.dickinson.edu/buddhistethics/>

Volume 28, 2021

# On Pāli *Vinaya* Conceptions of Sex and Precedents for Transgender Ordination

Brenna Grace Artinger

Independent Scholar

*Copyright Notice:* Digital copies of this work may be made and distributed provided no change is made and no alteration is made to the content. Reproduction in any other format, with the exception of a single copy for private study, requires the written permission of the author. All enquiries to: [vforte@albright.edu](mailto:vforte@albright.edu).



# On Pāli *Vinaya* Conceptions of Sex and Precedents for Transgender Ordination

Brenna Grace Artinger<sup>1</sup>

## Abstract

In this article I evaluate ideas of sex and behavior in Pāli *Vinaya* texts in order to better understand the roles of such terms and their consequences on monastic inclusion. I then contend with the ramifications of such terms on present-day considerations of ordination for transgender individuals, and the ways in which *Vinaya* texts provide legal precedent for such possibilities.

## Introduction

In the present article, I engage with ideas of sex and sexual behavior in Buddhist sources, particularly Pāli *Vinaya* materials, in order to gauge the function of relevant terms in both historical and present-day contexts. My interest in this topic stems primarily from questions concerning the

---

<sup>1</sup> Independent scholar. Email: brennagartinger@gmail.com.

validity and possibility of ordination for transgender and gender non-binary individuals in contemporary Theravāda monasteries. While I feel this question is perhaps too broad to provide a definitive answer in this work, I hope in the forthcoming study to give an overview of the origins of concepts of sex and gender in early Buddhist texts, the ways in which they are used, and what such utilization means from a legal perspective. Thus, I intend to provide a background to the question of ordination for transgender individuals in order to establish the groundwork for further examination and study.

My interest in this area stems from ideas of ordination that come from discussions with monastics and lay people, which has revealed confusion from a practical standpoint as to whether ordination for transgender individuals is permitted in the Pāli *Vinaya*. It seems clear that such confusion lies in the non-equivalence between terms of sex and gender in the *Vinaya* with terms found in the present-day.

My aim in this article is to look at the ways sex and gender were understood in early Buddhist texts within the context of the time period and body of work in which they exist. In order to draw equivalencies, instead of retroactively applying terminology<sup>2</sup>, I will be using modern terms of gender theory to reference present-day understandings of sex and gender. Through this lens, and through better understanding ways in which

---

<sup>2</sup> This endeavor is in reference to Bhikkhunī Dhammadinnā's cautioning of using language that is not found in early Buddhist texts. Dhammadinnā writes, "I do not pursue the question whether or how the texts under examination imply or propose a distinction between sex, gender identity (personal identification of one's own gender based on internal self-awareness) and gender role (social roles based on the sex of the person). These categories are not emic to the early Buddhist texts and their definition is moreover controversial in contemporary theoretical literature on sex, gender and gender roles" ("Womanhood" 275 n 2). Thus, my intention is not to apply terminology retroactively, in the sense of labelling textual phenomena with modern language, but rather to engage with the context of early Buddhist texts to explore how their connotations provide precedent for present-day Buddhist practice.

early Buddhist texts discuss sexually nonconforming individuals, one can then see the intentions and aims behind such passages (particularly in the context of the *Vinaya*) and further gauge their present-day ramifications. In the same vein, I also will look at the ways such ideas were understood in a practical sense, i.e., the ways practitioners were interpreting and putting *Vinaya* rules into consideration and practice.

The fundamental idea on which I am basing my study on is that of normativity. That is, of the *Vinaya*'s desire to legislate for only those who are normatively male and female, according to primary and secondary sexual characteristics, and to exclude or to sideline all others. My article is then concerned with those people who are deviant or non-conforming in terms of sex and gender, and the ways in which their fundamental presence disrupts the classification of the *Vinaya*. Through providing a legal overview of the positionality of Pāli texts with relation to sex and gender, I hope to be able to establish a hermeneutical framework through which the acceptance and ordination of transgender and trans\* people can take place within the Theravāda monastic sangha.

### **Terminology**

In this article, I will use terms of modern gender theory to better locate conceptions of difference. One such term is “sex,” which in this instance I am mainly using to refer to biological sex, while also bearing in mind the ideas of Judith Butler concerning the performative and constructed purview of the categorization of “sex” (Butler 181-190; Griffin “Sex”). I also briefly engage with “gender,” through which I am referring to one’s internal conception of their own identity along the gender spectrum. With regards to early Buddhist texts I utilize this term sparingly and cautiously, as gender is not a conception that existed as such during the creation of

the Tipiṭaka.<sup>3</sup> “Gender” is a term that I highlight as a gateway to “transgender,” which I am here defining as, “. . . people who identify as female or male but were born or assigned the other sex at birth,” and also includes people who are non-binary or identify with other genders along the spectrum (Griffin “Transgender”). Lastly, I engage frequently with the term “normativity” to gauge the acceptability of certain categorizations, particularly with regards to norms that are solidified over time (Griffin “Normativity”). Thus, I take “normativity” to refer to the standards others are held to by Pāli *Vinaya* and *Dhammic* authors, especially standards that are grounded in prototypical conceptions of behavior.

An additional term I use in this article in relation to sex difference is *paṇḍaka*, which is found in both Sanskrit and Pāli, and which originally meant something like “impotent man” in the same vein as *klība* (Zwilling and Sweet 105). One of the foremost and earliest terms of such difference is the Sanskrit *napuṃsaka*, literally “not-male,” which, Zwilling and Sweet argue, emerged from rituals and charms used to either restore virility to oneself or take it away from others (101-102). Within Buddhist texts, we also find the Pāli term *ubhatobyañjanaka* (or *ubhatovyañjanaka*), a word which means something equivalent to intersex (Holdrege and Pechilis 266).

---

<sup>3</sup> It is worth remembering that the Pāli *Vinaya* does not have a clear conception of gender in the same way that we do in the present-day. There is evidence to suggest that *Vinaya* commentators (through their engagement with non-normative individuals) began to accept notions of a third-sex similar to that of the Jains, but this appears to be rudimentary and not fully developed (Zwilling and Sweet “City” 366). Gender, on the other hand, is a concept that does not fully or even partially occur in *Vinaya* texts, as they do not make a distinction between biological sex vis-à-vis behavior, and gender. In other words, there was a set relationship between sex and sexual characteristics and the ways in which such biology manifested, but no notion of a person’s expression of their internal conception of themselves. This is an idea that would not be developed fully until sometime later.

## Sex and Gender in Buddhist Texts

This section will examine sex from a Buddhist perspective, starting with an analysis of the relevance of sex-change within Pāli texts. This is the idea in Pāli (as well as other) early Buddhist texts, that sex-change can occur spontaneously, often as a result of bad *kamma*. I will end the section by examining more specifically notions of sex and sexual nonconformity situated with regards to Buddhist texts.<sup>4</sup>

I am interested to delve into conceptualizations of spontaneous sex-change due to certain perspectives within Theravāda Buddhist communities that sex-change carries a similar context and function in primary texts to that of modern ideas of transgender identity. Within such communities, I have often found it to be the case that practitioners will bring up sex-change when I mention the topic of transgender ordination, a leap that I find fascinating and problematic.<sup>5</sup> As we will see, sex-change differs from transgenderism on account of the spontaneity in which it occurs, as well as the reversibility and sexed normativity of its processes. It is clear that sex-change within Pāli texts holds a very different function textually than that of the concerns and aims of present transgender persons. This is particularly the case due to the idea that sex-change, especially from male to female, is the result of profoundly negative actions in Buddhist texts. As such, it is necessary to separate sex-change as it occurs in Pāli texts with transitioning as it is experienced by trans people. Such transitions are necessary rather than spontaneous and are not due to negative *kamma* or craving.

---

<sup>4</sup> For concision's sake, and as such topics are already explored at length elsewhere, I will not be giving a detailed background of sex and gendered terms in early Brahmanical and Buddhist texts. For detailed overviews of this topic, see Cabezón (*Buddhism*), Cabezón (*Sexuality*), Gyatso, Scherer ("Queering"), Scherer ("Variant"), Zwilling, and Zwilling and Sweet.

<sup>5</sup> For examples of this see page 39, n 22.

As is noted by Petra Kieffer-Pülz (“Sex-Change” 27-28), *kamma* is one, if not the only cause of sex-change in the Theravāda tradition, meaning that most instances of initial sex-change found within Pāli texts are instigated due to some unskillful action. An apt example of sex-change in the Pāli canon is the oft studied story of Soreyya (found in the *Dhammapada-aṭṭhavaṇṇanā*), a layman who undergoes two spontaneous sex changes, from male to female and then back to male.<sup>6</sup> As Bhikkhunī Dhammadinnā writes:

[the] story reports that the treasurer’s son (*seṭṭhiputta*) Soreyya, a father of two sons, saw Mahākaccāyana’s golden-hued skin, at which he wished that the elder become his wife or that the skin of his wife become as attractive as that of the elder. Then the following happened: “And then this treasurer’s son, having unwisely aroused his mind towards the elder, obtained womanhood in that very person.” (“Soreyya/ā” 10)

As Dhammadinnā depicts, Soreyya changes sex due to developing a thought of desire for a *bhikkhu*, a thought which is, as she describes, “sacrilegious on account of the purity of the object towards which it is directed” (“Soreyya/ā” 16). The desirous thought then generates unskillful *kamma* which triggers Soreyya’s sex-change. This story is an excellent example of the abrupt *kammic* effects of engaging in unwholesome thoughts or behaviors, particularly when those thoughts or behaviors are directed towards spiritually attained beings.

It is imperative here to note that Soreyya’s story (along with many others concerning sex-change) exists within the bounds of the male and female sex binary, and when sex-change does occur it entails the oscillation between these two sexes. Though sex-change into a third-sex person

---

<sup>6</sup> See Dhammadinnā (“Soreyya/ā”) and Kieffer-Pülz (“Sex-Change”).



can happen, it is clear that this occurrence is quite rare (an example in which this does occur will be examined momentarily; Kieffer-Pülz “Sex-Change” 27 n 1). It is necessary to make this distinction because I infer that when practitioners make the connection between sex-change and transgenderism they do so because they assume sex-change breaks out of this binary into a third-sex or more neutral state of being. It is clear that this is not the case, and that in fact when sex-change occurs one remains firmly within standard understandings of normatively sexed persons (those within the male-female binary).

A foundation of my argument that sex-change is normatively sexed comes from a passage in the Pāli *Vinaya* which proposes an outcome for just this scenario. It reads:

On one occasion the sexual characteristics of a woman appeared on a monk. Having told the matter to the Blessed One, (he said):

“I give permission, monks, for the same preceptor, the same ordination, the same years of ordination [the *vassa*] to be transferred to the nuns. Whatever offenses of the monks that are in common with the nuns, those offenses will be raised in the presence of the nuns. Whatever offenses of the monks that are not in common with the nuns, there is no offense through those offences.”

On one occasion the sexual characteristics of a man appeared on a nun. Having told the matter to the Blessed One, (he said):

“I give permission, monks, for just that preceptor, just that ordination, just those years of ordination to be transferred to the monks. Whatever offenses of the nuns that are in common with the monks, those offenses will be forgiven in

the presence of the monks. Whatever offenses of the nun that are not in common with the monks, there is no offense.”<sup>7</sup>

This passage, found in the *Suttavibhaṅga* of the Pāli *Vinaya*, provides a response to the question of what should happen from a legal perspective if sex-change occurs within the monastic community. The answer to this question is that very little changes and the monastic simply goes into the community of the sex they have changed into, while maintaining their seniority and ordination status. I find it interesting that sex-change is met with relative unimportance or fuss within the *Vinaya*, and I would argue that this is due to the normative sexed nature of the monastic’s sex-change. By normativity I here mean that sex-change occurs from male to female and vice versa, as evidenced by the fact that primary sexual characteristics appear, and there is no indication that they alternate to a third-sex category.

Cabezón (*Sexuality* 275 n 703) notes that he “[has] not found any cases in which the *Vinaya*’s monks or nuns spontaneously turn into persons of the third sex.” However, there are a couple of instances in the Dharmaguptaka *Vinaya* in which this occurs. The passage, found in the *Khandhaka* (*Skandhaka*) in the chapter on ordination, presents the same

---

<sup>7</sup> *Tena kho pana samayena aññatarassa bhikkhuno itthiliṅgaṃ pātubhūtaṃ hoti. Bhagavato etamatthaṃ ārocesuṃ. “Anujānāmi, bhikkhave, taṃyeva upajjhaṃ tameva upasampadaṃ tāniyeva [tāni (sī. syā.)] vassāni bhikkhunihi saṅgamituṃ [saṅkamituṃ (sī. syā.)]. Yā āpattiyo bhikkhūnaṃ bhikkhunihi sādharmaṇā tā āpattiyo bhikkhunīnaṃ santike vuṭṭhātuṃ. Yā āpattiyo bhikkhūnaṃ bhikkhunihi asādharmaṇā tāhi āpattihi anāpatti”ti.*

*Tena kho pana samayena aññatarissā bhikkhuniyā purisaliṅgaṃ pātubhūtaṃ hoti. Bhagavato etamatthaṃ ārocesuṃ. “Anujānāmi, bhikkhave, taṃyeva upajjhaṃ tameva upasampadaṃ tāniyeva [tāni (sī. syā.)] vassāni bhikkhūhi saṅgamituṃ [saṅkamituṃ (sī. syā.)]. Yā āpattiyo bhikkhūnaṃ bhikkhūhi sādharmaṇā tā āpattiyo bhikkhūnaṃ santike vuṭṭhātuṃ. Yā āpattiyo bhikkhūnaṃ bhikkhūhi asādharmaṇā tāhi āpattihi anāpatti”ti (Vin.III.35). All of my translations in this article were very kindly aided by Andrew Skilton, to whom I am tremendously grateful.*

two passages above with men turning into women and vice versa, but following this explication, notes,

One time a bhikṣu became a hermaphrodite. The bhikṣus wondered, “Is he to be expelled?” The Buddha said, “He is to be expelled.”

One time a bhikṣuṇī became a hermaphrodite. The bhikṣuṇīs wondered, “Is she to be expelled?” The Buddha said, “She is to be expelled.”<sup>8</sup> (Bodhi Translation Committee)

In this instance, sex-change is occurring from a normative position (from male or female), to a third-sex position (變為男女二形; perhaps equivalent to the *ubhatobyañjanaka*). As is the case with both *paṇḍakas* and *ubhatobyañjanakas* for whom the *Vinaya* prohibits both ordination and disallows remaining in the *sangha* if one is already ordained, the Dharmaguptaka *Vinaya* also disallows ordination if one spontaneously changes into a third-sex person.<sup>9</sup> In this sense one can see how greatly the reactions to normatively sexed and non-normatively sexed persons varies, in that there is clearly some discomfort in allowing people who contain sexual or gender difference to remain a part of the monastic community.

Thus, as is evident in the story of Soreyya and other examples of spontaneous sex-change, we can see how what is being represented in such texts are ideas related to *kamma* and its implications, particularly of changing to a less desirable sex as a consequence of unskillful thought or

---

<sup>8</sup> *Sifen lü* 四分律 (Four-part *Vinaya*) T. 22, p. 813b, translated by the Bodhi Translation Committee. Many thanks to Venerable Vimala of Tilorien Monastery for sharing this example.

<sup>9</sup> E.g., *Tena kho pana samayena aññataro ubhatobyañjanako bhikkhūsu pabbajito hoti. So karotipi kārāpetipi. Bhagavato etamattham ārocesuṃ. “Ubhatobyañjanako, bhikkhave, anupasampanno na upasampādetabbo, upasampanno nāsetabbo”ti* (Vin.I.1.89).

action. It is therefore not the case that sex-change addresses notions of the third-sex or of sexually non-conforming people specifically, it is rather more interested in how actions have consequences and how those consequences can manifest. At that juncture it is necessary to look further at the specific terms utilized to express sexual nonconformity and gendered difference to see the ways they are used, and why it is that their exclusion from monasticism is justified.

Among the terms that are used to represent sexual nonconformity in the Pāli canon, *paṇḍaka* is likely the most common, along with *ubhato-byañjanaka*. To begin with the term *paṇḍaka*, one passage in the Pāli Vinaya that is a formidable reference point for the behavior of *paṇḍakas* in early Buddhist literature is found in the *Khandhaka*, in the same chapter that parallels the aforementioned verses from the *Dharmaguptaka Vinaya*. The passage reads:

On one occasion a certain *paṇḍaka* ordained amongst the monks. Approaching multiple young monks he spoke thus —“Come, Venerables, defile yourselves with me.” The monks refused (saying), “Disappear, *Paṇḍaka*, away with you! What is your aim?” Rebuked by the monks, he approached a large number of well-built novices and spoke thus, “Come, Brothers, defile yourselves with me.” The novices refused (saying), “Disappear, *Paṇḍaka*, away with you! What is your aim?” Rebuked by the novices, he approached elephant and horse owners and spoke thus, “Come, Brothers, defile yourselves with me.” The elephant and horse owners defiled themselves. They complained, became angry, and spoke disparagingly—“These recluses who are sons of the Buddha are *paṇḍakas*. And whichever ones are not *paṇḍakas*, those ones too defile themselves with *paṇḍakas*. Thus they are all immoral.” The monks

heard those elephant and horse owners as they were complaining, became angry, and spoke disparagingly. Then those monks informed the Blessed One of that matter. (He responded):

“A *Paṇḍaka*, monks, (if) not ordained should not receive ordination, and (if) he is ordained, he should be expelled.”<sup>10</sup>

The story that prefaces the given in this passage is one that is happening within the community of monastics, as the *paṇḍaka* is both ordained and approaching other members of the community in addition to lay people. One notable aspect of this passage is the way in which both the monks and the novices address the *paṇḍaka* after he asks them to “defile themselves,” a question that ostensibly means some kind of sexual activity, although only the verb *dūsetha* (to defile) is used. One of the questions both the monks and the novices ask after they reject the *paṇḍaka* is “what is your aim?” suggesting that the *paṇḍaka* has some intention that is distinctly troublesome in nature. This is suggested both by the language the *paṇḍaka*

<sup>10</sup> *Tena kho pana samayena aññataro paṇḍako bhikkhūsu pabbajito hoti. So dahare dahare bhikkhū upasaṅkamitvā evaṃ vadeti—‘etha, maṃ āyasmanto dūsethā’ti. Bhikkhū apasāḍenti - ‘nassa, paṇḍaka, vinassa, paṇḍaka, ko tayā attho’ti. So bhikkhūhi apasāḍito mahante mahante moligalle sāmaṇere upasaṅkamitvā evaṃ vadeti—‘etha, maṃ āvuso dūsethā’ti. Sāmaṇerā apasāḍenti - ‘nassa, paṇḍaka, vinassa, paṇḍaka, ko tayā attho’ti. So sāmaṇerehi apasāḍito hatthibhaṇḍe assabhaṇḍe upasaṅkamitvā evaṃ vadeti—‘etha, maṃ, āvuso, dūsethā’ti. Hatthibhaṇḍā assabhaṇḍā dūsesuṃ. Te ujjhāyanti khiyyanti vipācenti—‘paṇḍakā ime samaṇā sakyaputtiyā. Yepi imesaṃ na paṇḍakā, tepi ime paṇḍake dūseti. Evaṃ ime sabbeva abrahmacārino’ti. Assosuṃ kho bhikkhū tesam hatthibhaṇḍānaṃ assabhaṇḍānaṃ ujjhāyantānaṃ khiyyantānaṃ vipācentānaṃ. Atha kho te bhikkhū bhagavato etamatthaṃ ārocesuṃ. Paṇḍako, bhikkhave, anupasampanno na upasampādetabbo, upasampanno nāsetabboti; (Vin.I.1.86). For the majority of this article, I have declined to translate *paṇḍaka* or *ubhatobyañjanaka* in my translations. This is on one hand because I am not certain what an appropriate translation would be, and on another because leaving the terms untranslated helps account for the potential flexibility of their meanings. I am also in favor of Bee Scherer’s position, who notes, “the term *paṇḍaka* should remain untranslated or, if necessary, be described with the unsexy, yet more accurate term ‘gender- deficient’” (“Queering” 6).*

uses and by how the monks reject his request, implying that there must be something unvirtuous about the action he is asking them to commit. It is necessary to note that the passage above does not explicitly mention sexual activity, however this is something that can be inferred from the promiscuous qualities that are attributed to *paṇḍakas* overall.

Further, it is also notable that the people who end up committing the offense are in fact the laypeople, indicating that the *paṇḍaka* is breaching trust by engaging in sexual activity with the very people on whom the *sangha* depend. We can see that this relationship has been infringed when the laypeople declare that all disciples of the Buddha are *paṇḍakas*, and if not *paṇḍakas* themselves then they commit offenses with *paṇḍakas*.<sup>11</sup> We can also infer that due to the all-encompassing rule that the Buddha sets, *paṇḍakas* are seen to be generally sexually promiscuous, a view that is shared by later commentarial authors such as Buddhaghosa. This argument is greatly aided by Buddhaghosa's commentary to this passage, from the *Samantapāsādikā*, which provides specific definitions for different types of *paṇḍakas*. The commentary reads:

“Very young” means of a tender age. “Well-built” means full-bodied. “Elephant and horse owners” means elephant and horse watchmen. “A *paṇḍaka*, monks” means in this case, emission-*paṇḍaka*, voyeur-*paṇḍaka*, castrated-*paṇḍaka*, fortnight-*paṇḍaka*, [and] sexless-*paṇḍaka*.

---

<sup>11</sup> The relationship between monastics and the lay community is incredibly essential for the continuation of the *sangha*, but it is also shown that the laypeople are a great influence on the formation of the *Vinaya* rules. This is also the case in this instance, as it is due to complaints from the lay community, and indeed perhaps from the elephant and horse owners themselves, that the Buddha expounds a rule. This rule appears to be due not only to the sexual nature of the transgression the *paṇḍaka* monk has committed, but also due to their disruption of the community as a whole, as it is certainly the case that the Buddha disavows anything that is not supported by the lay community.

Five *paṇḍakas*. (1) The one whose fever of lust is assuaged by the emission of semen, upon taking in the mouth the male organ of others—this is the emission-*paṇḍaka*. (2) The one whose fever of lust is assuaged by the arising of envy upon seeing the sexual transgressions of another—this is the voyeur-*paṇḍaka*. (3) The one whose testes have been removed through the doing of another—this is the castrated-*paṇḍaka*. (4) The one whose fever of lust is assuaged during the bright half of the month, and who is a *paṇḍaka* due to the power of unskillful results of action in the dark half of the month—this is a fortnight-*paṇḍaka*. (5) The one who is sexless during rebirth—this is a sexless *paṇḍaka*. Of these, the emission-*paṇḍaka* and the voyeur-*paṇḍaka* are not prevented from ordination, but the other three are prevented. It is said in the Kurundi [commentary], “of these, the fortnight-*paṇḍaka* is prevented from ordination in the fortnight in which they are a *paṇḍaka*.” In this case with regards to those who are prevented from ordination, it is said, “if they are ordained they should be expelled.” He should be expelled just by confiscation of his robe. Hereafter, when it is said that “he should be expelled,” this is the procedure.<sup>12</sup>

<sup>12</sup> *dahare dahare* “ti taruṇe taruṇe. moligalle ‘ti thūlasarīre. hatthibhaṇḍe assabhaṇḍe ‘ti hatthigopake ca assagopake ca. paṇḍako bhikkhave ‘ti ettha, āsittapaṇḍako usuyyapaṇḍako opakkamiyapaṇḍako pakkhapaṇḍako napuṃsakapaṇḍako ti pañca paṇḍakā. tattha yassa paresaṃ aṅgajātaṃ mukhena gahetvā asucinā āsittassa pariḷāho vūpasammati, ayaṃ āsittapaṇḍako. yassa pana paresaṃ ajjhācāraṃ passato usuyyāya uppannāya pariḷāho vūpasammati, ayaṃ usuyyapaṇḍako. yassa upakkamena bījāni apanītāni, ayaṃ opakkamiyapaṇḍako. ekacco pana akusalavipākānubhāvena kālapakkhe paṇḍako hoti, juṇhapakkhe pan’ assa pariḷāho vūpasammati, ayaṃ pakkhapaṇḍako. yo pana paṭisandhiyaṃ yeva abhāvako uppanno, ayaṃ napuṃsakapaṇḍako. tesu āsittapaṇḍakassa ca usuyyapaṇḍakassa ca pabbajjā na vāritā, itaresaṃ tiṇṇaṃ vāritā. tesu pi pakkhapaṇḍakassa, yasmim pakkhe paṇḍako hoti, tasmim yev’ assa pakkhe pabbajjā vāritā ‘ti Kurundiyaṃ vuttaṃ. yassa c’ ettha pabbajjā vāritā, taṃ sandhāya idaṃ vuttaṃ

This passage is a direct commentary from Buddhaghosa on the above section from the *Vinaya* on the exclusion of *paṇḍakas* from ordination. One noteworthy aspect of his commentary is that he only very minimally glosses or comments on the phrases in the *Vinaya* passage itself, and instead spends more time discussing the five types of *paṇḍakas*. As Zwilling and Sweet note, “. . . both Pali and Sanskrit Buddhism accepted a list of five kinds of *paṇḍakas*, all of which are known to the Brahminical and Jain traditions as varieties of *ṣaṇḍas* and *napuṃsakas*; this list seems an obvious later scholastic accretion” (117). This argument suggests that the list of five *paṇḍakas* may not be what is meant by *paṇḍaka* in the *Vinaya* texts themselves. We could perhaps infer that such categorizations were existent during the time of the compilation of the *Vinaya* texts, but that it might be too strict a correlation to argue *paṇḍaka* carries the same meanings as the five classifications. Nevertheless, such categories provide an interesting reference point for ways in which *paṇḍakas* were viewed, particularly as sexually deviant beings and the ways in which such deviance is performed.

The first aspect that is evident from this passage is that all *paṇḍakas* are not necessarily virile or sexually impotent. Indeed, as we can see from the abilities of each of the different *paṇḍakas*, at least two of them are actively engaging in sexual activity or in the observing of sexual activity. As Zwilling writes,

[from] Buddhaghosa’s explanations, which are in conformity to what we may call ancient-India *paṇḍaka*-lore, we may conclude that for the Buddhist commentarial tradition the terms *paṇḍaka* did not signify eunuch because, with the exception of the congenitally impotent, the remaining types

---

*anupasampanno nāsetabbo 'ti. so' pi liṅganāsanen'eva nāsetabbo. ito paraṃ nāsetabbo ti vutte 'pi es' eva nayo* (Sp.V.1015).



are capable of either erection, ejaculation, or the experience of sexual pleasure. (204-205)

Zwilling here is referring to the idea that many present-day commentators translate *paṇḍaka* as “eunuch,” which is perhaps a nod to the early Indian understandings of male sterility and inability. However, the five categories of *paṇḍakas* certainly indicate the overall randomness of the label of *paṇḍaka* itself, as the different types are connected through general sexual inability or sexual difference rather than a uniform conception of physical dysfunction or non-function (205). Zwilling suggests that this categorization is due to their “lacking maleness,” but it also seems that the *paṇḍaka*’s behavior is not just homosexual in nature but also invariably “other” (205).<sup>13</sup> This we can see demonstrated by the *pakkhapaṇḍaka*, or as I have dubbed it, the “fortnight” *paṇḍaka*, who oscillates between being a *paṇḍaka* and a normally-desirous person<sup>14</sup> depending on the phases of the moon. In taking the description of the *pakkhapaṇḍaka* seriously, we can read the oscillation in transitions metaphorically, which suggests that the *Vinaya* redactors were concerned with people who displayed constantly changing traits or behaviors. There is also a notable parallel between the *pakkhapaṇḍaka* and notions of sex-change in the *Vinaya*, as both occur due to *kamma* or the result of *kamma* (*vipāka*), and both entail some oscillation of one’s natural state of being.

However, unlike those who experience spontaneous sex-change, the *paṇḍakas* represented in these five categories commit actions and

---

<sup>13</sup> As Zwilling (205) notes with regards to the perceived homosexual behavior of *paṇḍakas*: “In the *Vinaya* literature references to *paṇḍakas* are made almost invariably within the context of sexual, specifically homosexual, behavior, and we find in many societies a tendency to label a boy or man who participates in homosexual activity as not being a ‘real man.’”

<sup>14</sup> “Normally-desirous” of course, by *Vinaya* standards, and in the sense that during certain phases of the moon the *pakkhapaṇḍaka* reverts back to behaviors that are not considered ‘problematic’ or overtly sexual, and indeed, ‘unmasculine.’

behaviors that are disparate with what is expected. They are also placed in hypersexual roles that create paradigms of difference. By highlighting the behaviors that are considered marginalized, the authors of the list of *paṇḍakas* are flagging acceptability, both on a moral and societal front; through this process they are demarcating what is acceptable and what is not. The effect that this labelling of difference has is that it adds to the idea of sexual nonconformity and non-normativity as fundamentally problematic. By demarcating acceptability, Buddhaghosa is furthering an established episteme that to lie outside of the male-female binary is both unacceptable and undesirable, a concept that will be discussed later at length.

Following after this notion of difference and moral acceptability, Buddhaghosa's delineating of which types of *paṇḍakas* can ordain is a fascinating addition and one that is not found in the *mūla* texts themselves. As the passage in question reads: “[of] these, the emission-pandaka and the voyeur-pandaka are not prevented from ordination, but the other three are prevented. It is said in the Kurundi [commentary], ‘of these, the fortnight-pandaka is prevented from ordination in the fortnight in which they are a pandaka.’” These lines create a delineation of who can ordain, and indeed one that is not immediately clear. There does not appear to be much separating the first two categories of *paṇḍakas* from the other three, other than that the *opakkamiyapaṇḍaka* (castrated-*paṇḍaka*) and the *napuṃsakapaṇḍaka* (sexless-*paṇḍaka*) have something physically wrong with them, i.e., that they are lacking either the primary sexual characteristics or that they are not able to use their genitalia to procreate. Curiously, the *āsittapaṇḍaka* is allowed to ordain, as he is perhaps the most sexually deviant out of all of the five *paṇḍakas*; though this deviance may be acceptable because it is the most ‘normal’ sexual behavior of all the *paṇḍakas*, of

which I am inclined to agree.<sup>15</sup> One potential answer to this question might be the difference between the hyper-sexual *paṇḍakas* and those who are asexual or do not engage in standard sexual behaviors. As Janet Gyatso writes,

Abhidharma tradition reasons that a certain lack of restraint (*asaṃvara*) is required in order for there to be a basis for a vow of restraint. The idea seems to be that the *paṇḍaka* does not have enough sinful willfulness to have something to take a vow against. Yet in the same breath the *paṇḍaka* is accused of just the opposite problem: having too much and too unstable, desire. (99)

It may then be this very lack of desire that separates the *opakka-miyapaṇḍaka* and the *napuṃsakapaṇḍaka* from the other three, though as Gyatso notes there is then a kind of irony or inconsistency in the category of *paṇḍaka* itself as it encapsulates polar issues of deviance. This issue will be discussed in the following section.

Buddhaghosa's passage on *paṇḍakas* from the *Samantaṭṭhāyānīyā* provides an insight into how the later commentarial tradition interpreted the *Vinaya*, albeit one that does not make our issue any clearer. The list of five *paṇḍakas* brings more attention to the idea that such a categorization is a "a loose catchall for an ever-expanding array of sexual aberrations on ever-shifting grounds," and draws attention to the wavering aims of the category itself (Gyatso 107). From this perspective, we can see how "eunuch" or "weakling" as a translation for *paṇḍaka* is largely insufficient, and indeed how such interpretations represent the male anxieties of their

---

<sup>15</sup> This idea has been suggested to me by Andrew Skilton (personal correspondence, conversations from May-July 2020).

early translators.<sup>16</sup> Another reason why such terms are insufficient is because they take male impotence as a marker for sexual nonconformity or inability as a whole. Terms such as “eunuch” highlight a loss of inherent maleness, one that is seen as fundamental not only to ordain within the *sangha*, but also to practice the *Dhamma*. The following section will delve more deeply into the ability of *paṇḍakas* and *ubhatobyañjanakas* to practice the *Dhamma*, and how later *Abhidhamma* commentators classify and justify their spiritual inadequacy.

### The Spiritual Deficiency of Third-Sex Beings

This brief section will expound upon the *Abhidhammic* view that *paṇḍakas* and *ubhatobyañjanakas* are spiritually deficient in attaining the *Dhamma*, and what such precedent has for the depiction of third-sex beings overall. As Gyatso notes with regards to this depiction, even within texts such as the *Visuddhimagga* we find views that “both hermaphrodites [*ubhatobyañjanaka*]<sup>17</sup> and *paṇḍakas* are among those who cannot develop *kasina* concentration, or indeed any kind of meditation at all, due to their defilement and bad kamma” (98 n 22). As we can see here, it appears that such texts have developed a correlation between *paṇḍaka*’s sexual behavior/non-behavior, and their ability to practice the *Dhamma*. A reason for this could be again related to the strength, or lack, of their desire; on one hand having so much craving that it cannot be put under control, and on the other having no craving or resistance to contend with spiritually at all.

---

<sup>16</sup> “Eunuch” and “weakling” are found in the Sanskrit and Pāli dictionaries of Monier Williams and Rhys Davids/William Stede, respectively. See (Williams) and (Rhys Davids and Stede).

<sup>17</sup> I am using the spelling *ubhatobyañjanaka* here to maintain consistency throughout, though in the *Visuddhimagga* it is written as *ubhatovyañjanaka* (*Vism.I.177*).

This argument that *paṇḍakas* are unable to practice the *Dhamma* due to their defilements raises a question: if *paṇḍakas* cannot practice the *Dhamma*, how can they generate the merit to be reborn into another sex? This suggests that *paṇḍakas* must resort to other means of goodness in order to obtain positive *kamma*. From a Buddhist perspective, contributing to the *sangha* and practicing the *Dhamma* is considered the purest form of wholesome activity, so their exclusion from practicing the *dhamma* is striking.

Interestingly, Vasubandhu in the *Abhidharmakośabhāṣya* gives further reasons as to why *paṇḍakas* are unable to gain spiritual attainment, writing:

Eunuchs [*śaṇḍha*]<sup>18</sup> are not susceptible of discipline . . . [why] is this? Because they possess, to an extreme degree, the defilements of the two sexes; because they are incapable of the reflection necessary to combat these defilements; and because the vigor of respect and fear (*hrī*, *apatrāpya*) is absent in them. . . .

Why are they not susceptible to undiscipline? Because the intention of committing transgressions is not strong among them; because undiscipline is opposed to discipline; and only one who is susceptible to discipline is susceptible to undiscipline.<sup>19</sup> (Vasubandhu 619)

In Sanskrit, the word which is used for discipline and undiscipline is *saṃvara* and *asaṃvara*. *Saṃvara* in this context is referring “generally to

---

<sup>18</sup> The text here states “*śaṇḍhādīnām*,” with the others in the list being “*śaṇḍa-paṇḍak-obhayavyañjan-ottarakaurav*” (Abhidh-k.4.43).

<sup>19</sup> See also Harvey (418) and Boisvert and Johnson (30); It is worth pointing out here that Leo M. Pruden is interpreting Louis de La Vallée-Poussin’s translation of a Chinese text, which is textually slightly different from the Sanskrit text that I am using in this instance.

the restraint from unwholesome (*akuśala*) actions (*karman*) that is engendered by observance of the monastic disciplinary code (*prātimokṣa*)” (Buswell and Lopez 760). This passage is suggesting that *ṣaṇḍhas*, *paṇḍakas*, *ubhatobyañjanakas*, and the people from Uttarakuru, are not able to utilize the restraint necessary to abstain from unwholesome actions (Vasubandhu 619). One key reason why this is the case is because they do not have *hrī* and *apatrāpya* (in Pāli *hiri* and *ottappa*, which will be used henceforth), meaning that they do not have the shame and fear of wrongdoing necessary to see the detriment of their actions and behaviors. We could also say that they are lacking a kind of moral center, in that as most people are able to see the detrimental nature of their actions, the previously listed group of people are not able to do so. This is important because without *saṃvara* one cannot progress on the path, and indeed likely cannot follow the *Pāṭimokkha*. For without a basis in *hiri* and *ottappa*, they lack a fundamental component of advancing *sīla*.<sup>20</sup> To better understand what Vasubandhu is describing in the aforementioned passages, it is useful to trace the relationship between *saṃvara* and *hiri/ottappa* from a *sīla* perspective, of which can be found in *Abhidhamma* texts. As Damien Keown (62; 73-74) notes in his analysis of the *Visuddhimagga*, *hiri/ottappa* is the proximate cause of *sīla*, which is partly made up of volition (*cetanā*) and restraint (*saṃvara*). Thus, moral shame and moral dread, as Bhikkhu Bodhi (143) translates *hiri* and *ottappa*, are the propellants behind the intention

---

<sup>20</sup> Interesting to note a *sutta* from the *Aṅguttara Nikāya* concerning *hiri* and *ottappa* which reads: “Bhikkhus, these two bright qualities protect the world. What two? Moral shame and moral dread. If these two bright qualities did not protect the world, there would not be seen here [any restraint regarding] one's mother, aunts, or the wives of one's teachers and [other] respected people. The world would become promiscuous like goats and sheep, chickens and pigs, dogs and jackals. But because these two bright qualities protect the world, there is seen here [restraint regarding] one's mother, aunts, or the wives of one's teachers and [other] respected people” (Bodhi 143; AN.I.52).

present in actions which are grounded in restraint.<sup>21</sup> In other words, without *hiri* and *ottappa*, one would not be able to attain *saṃvara*.

On the other hand, as Vasubandhu mentions, *ṣaṇḍhas*, *paṇḍakas*, and *ubhatobyañjanakas* are also not capable of attaining *asaṃvara*, lack of discipline, due to the notion that they do not have a strong enough intention to commit bad deeds (*pāpe 'pyasthirāśayatvāt*; Abhidh-k.4.43). This reiterates what Gyatso wrote when she said, “. . . a certain lack of restraint (*asaṃvara*) is required in order for there to be a basis for a vow of restraint.” (99). To add to this, it seems that *paṇḍakas* have both a lack of pure intention to lead to restraint (as stated above with regard to *cetanā*), but also a lack of intention (*āśaya*) to do bad deeds in general (Abhidh-k.4.43). The latter part of this statement is problematic, as it either suggests that *paṇḍakas* have no intention entirely (which will be explored further in the next section), or that they have no motivation to commit *akusala* actions—which we know from previous passages is not the case.

Nevertheless, it is intriguing that Vasubandhu paints *paṇḍakas* as a neutral group of people, those who are not propelled to commit good or evil either way, and who exist in a kind of stagnant and non-acting paradigm.<sup>22</sup> This is particularly interesting when considering that *paṇḍakas* are almost always depicted as actively engaging in some form of disruption. While, from a conceptual perspective of a neuter and third-sex categoriz-

---

<sup>21</sup> Maria Heim (109) notes regarding intention that, “the Theravādins reject language that suggests that there is a mental process of intending that results in a bodily or verbal action that can then be characterized as good or bad; instead, the intending and the acting are the same, and they are *citta*, not *rūpa*.” Therefore, when I refer to *cetanā* in this article I am describing the simultaneous intention that occurs alongside the action, and not intention → action.

<sup>22</sup> This idea is also noted by Cabezón who writes, “For classical Buddhist authors, *ṣaṇḍhas* and *paṇḍakas* could not reason because, as ‘in-between beings,’ they could not decide on one thing over another. They could not make up their minds because their minds were, like their bodies, permanently stuck in the in-between” (*Sexuality* 391).

ation, one could see why *paṇḍakas* might also be classified as neutral in terms of behavior, it seems evident that this is not the case. This assertion by Vasubandhu of *saṃvara* existing along with *asaṃvara* is thus contradictory and highlights the later commentarial turn towards providing a justification for the exclusion and hermeneutic positioning of third-sex individuals. Indeed, as Cabezón writes, “the cognitive and soteriological limitations of *paṇḍakas* may have been a later doctrinal innovation crafted to reinforce the prohibition against their ordination. It is as if the writers of these texts realized, at some point, that the earlier dogmatic discrimination against *paṇḍakas* required further justification” (*Sexuality* 390).

One key example of why it is contradictory to assert that *paṇḍakas* (and the other categories of people grouped along with them) do not have strong intention to commit bad deeds is found in the prohibition of ordination for *ubhatobyañjanaka* in the *Khandhaka*. The ruling, which reads as almost identical to that for *paṇḍakas*, says,

On one occasion a certain *ubhatobyañjanaka* ordained amongst the monks. He committed and caused (others) to commit. The Blessed One, having been informed of that matter (said): “An *ubhatobyañjanaka*, monks, (if) not ordained should not receive ordination, and (if) he is ordained, he should be expelled.”<sup>23</sup>

The key phrase in this passage, and indeed the only one that is significantly different from that for *paṇḍakas* is *so karotipi kārāpetipi*, “he committed and caused (others) to commit.” This suggests that there is not only a doing for oneself taking place, but also an enticing of others to do actions. Additionally, presumably because this phrase is in a rule barring

---

<sup>23</sup> *Tena kho pana samayena aññataro ubhatobyañjanako bhikkhūsu pabbajito hoti. So karotipi kārāpetipi. Bhagavato etamatthaṃ ārocesuṃ. “Ubhatobyañjanako, bhikkhave, anupasampanno na upasampādetabbo, upasampanno nāsetabbo”ti (Vin.I.1.89).*



*ubhatobyañjanakas* from ordination, these are not positive actions. Such a phrase indicates that there are actions being committed by these individuals that are actively taking place, and that there is some intention or motivation behind them to do negative things, particularly those that are at a disjunction with the monastic community. Thus, due to the passages we have read this far concerning *paṇḍakas* and *ubhatobyañjanakas*, I find the assertion made by Vasubandhu that such people are incapable of *asaṃvara* problematic.

It seems likely that the claim that *paṇḍakas* and *ubhatobyañjanaka* are incapable of *asaṃvara* was utilized as a preventative measure to cover the bases of the monastic legalists who set into formation the Pāli *Vinaya* itself. This is the case not only because such categorizations are problematic, but also because the key concern of *Vinaya* texts as the basis of monastic legality is the adherence to *sīla* for those considered normatively male and female. Thus, from a legal perspective, the ability of the *Vinaya* to legislate the actions of the *sangha* only extended so far as the needs of the included monastic community.

### **Vinaya as Legislature and Textual Precedents of Exclusion**

This section will utilize a methodology of legal theory to see how such texts are able to administer the actions of individuals, and thereby set a precedent for what is considered morally and ethically just. The idea of the *Vinaya* texts acting as a legal system is a well-developed position, aided particularly well by Rebecca Redwood French and Mark A. Nathan, Leslie Green, and Petra Kieffer-Pülz in their respective works.<sup>24</sup>

In viewing the *Vinaya* as a legal text, it is worthwhile to discuss the limits of ordination for certain categorizations of people due to the

---

<sup>24</sup> See French and Nathan, Green, and Kieffer-Pülz (“Vinayas”).

implication that prohibitions are not just theoretical but have practical legal implications.<sup>25</sup> This is something we can see in the statement from the *Khandhaka* which reads “a Paṇḍaka, monks, (if) not ordained should not receive ordination, and (if) he is ordained, he should be expelled” (Vin.I.1.86).<sup>26</sup> This statement is in the previously analyzed passage from the *Paṇḍakavatthu* and is an advisement against an action that would ultimately (according to the compilers of the *Vinaya*) detrimentally affect the wellbeing and composure of the *sangha*. It is notable in this instance that the *Vinaya* redactors seem more concerned with the reputation of the *sangha* than they are with the offenses committed by the *paṇḍaka*. *Paṇḍakas* are always excluded from ordination regardless of whether a rule entailing expulsion (*pārājika*) has been broken, which indicates not fault regarding *sīla*, but a breaking of a communal more. One of the reasons that this seems to be the case is due to a lack of preoccupation or thought for the motivations behind the *paṇḍaka*’s actions. In *Vinaya* texts, intention is a crucial component that occurs with all actions, as it determines not only whether an offense has been committed, but also the severity of the consequences for the rule that has been broken. Furthermore, as we explored in the previous section concerning the relationship between *saṃvara* and *cetanā*, both concepts of restraint and intention are crucial components of *sīla*. For, as Damien Keown notes (63-64), *cetanā* “is defined as the volition present in the abstention from infringements against the first seven [*dasukusalakamma*patha]” or the “Ten Good Paths of Action.” One such *dasukusalakamma*patha is “abstention from sexual misconduct (*kamesu micchācārā veramaṇī*)” to which *paṇḍakas* are often

---

<sup>25</sup> As Green notes, “[to] give someone authority to use your car is merely to permit him. But political authority, of which legal authority is one species, is normally seen as a right to rule, with a correlative duty to obey. On this account law claims the right to obedience wherever it sets out obligations. And to obey is not merely to comply with the law; it is to be guided by it” (“Legal Obligation and Authority” n.p.).

<sup>26</sup> *Paṇḍako, bhikkhave, anupasampanno na upasampādetabbo, upasampanno nāsetabboti.*

considered guilty of violating, and yet the intention present in such actions are never mentioned (Keown 63).

It is then strange that intention is not considered with regards to *paṇḍakas* or *ubhatobyañjanakas*. For instance, in the story of the *paṇḍaka* monk in the *Khandhaka* that was discussed previously, there is no mention of what the intention of the *paṇḍaka*'s actions are when he tries to commit an action to seduce the monastics and the laypeople. Instead of questioning his intention, or even the breaking of a *saṅghādisesa* rule,<sup>27</sup> the text is more preoccupied with preventing the ordination of the *paṇḍaka* in the first place. This suggests two possible conclusions: (a) that the *paṇḍaka* is not considered male enough in order to elucidate the breaking of a rule, and (b) that the *paṇḍaka* either does not contain a certain level of intention or that his intention is always considered malicious. For this first point, I am suggesting that the *paṇḍaka* does not fit in the paradigm of standard maleness that we have been discussing throughout this article, and therefore cannot act as a baseline for the establishment of rules. In this case, we can see how the *paṇḍaka* is indeed an exception to standard "maleness," as it is because he does not meet the criteria of being fully male that the monastic lawmakers do not consider him a "*bhikkhu*;" i.e., that when the *Vinaya* defines a *bhikkhu* they are indicating someone who is fully male with reference to the primary and secondary sexual characteristics. This we can see in the *Vinaya* itself when it draws lines between humans and non-humans:

(There are) three (types) of females—a human female, a non-human female, (and) a female animal.

---

<sup>27</sup> Propositioning someone for sex is the fourth *saṅghādisesa* in the Pāli *Vinaya* for *bhikkhus*. Interestingly, a monk propositioning a *paṇḍaka* is considered *thullaccaya*, a grave or serious offense, although the rule does not mention what the penalty would be if a *paṇḍaka* were in the position of the monk (Vin.III.132).

(There are) three (types) of *ubhatobyañjanaka*—a human *ubhatobyañjanaka*, a non-human *ubhatobyañjanaka*, (and) an animal *ubhatobyañjanaka*.

(There are) three (types) of *paṇḍaka*—a human *paṇḍaka*, a non-human *paṇḍaka*, (and) an animal *paṇḍaka*.

(There are) three (types) of males—a human male, a non-human male, (and) a male animal.<sup>28</sup>

This passage is found in the *Suttavibhaṅga* for the first *bhikkhu pārājika* and seeks to clarify the terms found in the story and in the resulting rule. From this perspective, we can see how *ubhatobyañjanakas* and *paṇḍakas* are, from a legal perspective, neither male nor female. This is an important delineation because it suggests that they bear their own category and, thus, exist somewhat outside of the scope of the *Vinaya*, which seeks to legislate the behavior of male and female human monastics. Thus, to return to the premise that “the *paṇḍaka* is not considered male enough in order to elucidate the breaking of a rule,” we can see in some sense that this speculation is true, that they are not immediately judged by their behavior because they are not considered male or female enough to be held accountable in the same way. By this I mean, *paṇḍakas* and *ubhatobyañjanakas* are judged foremost by their otherness, and just as an animal or non-human would not be held accountable for their actions in the same way as humans, *paṇḍakas* and *ubhatobyañjanakas* are also not held accountable in the same way.

The second potential reason why *paṇḍakas* are not considered with regards to intention is because they are not seen as capable enough or

---

<sup>28</sup>*Tisso itthiyo—manussitthī, amanussitthī, tiracchā-na-gatit-thī. Tayo ubhatob-yañ-janakā—manus-subha-tob-yañ-janako, amanus-subha-tob-yañ-janako, tiracchā-na-ga-tubha-tob-yañ-janako. Tayo paṇḍakā—manussapaṇḍako, amanus-sa-paṇḍako, tiracchā-na-gata-paṇḍako. Tayo purisā—manussapuriso, amanussapuriso, tiracchā-na-gata-puriso (Vin.III.1).*

conscious enough to hold intention in the same way as “normative” men and women. This can be seen with reference to the passage discussed previously, in which Vasubandhu affirms that *ṣaṇḍhas*, *paṇḍakas*, and *ubhatobyañjanakas* lack *hiri* and *ottappa*. As was aforementioned, Vasubandhu makes the case as to why such nonconforming beings are unable to attain and cultivate key elements of the path. Though we cannot necessarily see this direct attitude in the *Vinaya* texts themselves, later texts such as the *Abhidharmakośabhāṣya* certainly demonstrate a disdain for *paṇḍakas* that is elucidated through the affirmation of not only their physical, but also their spiritual inferiority. By suggesting that *paṇḍakas* are incapable of *hiri* and *ottappa*, but also lack *saṃvara* and *asaṃvara*, Vasubandhu is indicating that such people are only able to be seen through their defilements, and indeed through their inability to maintain *sīla*.

Through not considering *paṇḍakas* and *ubhatobyañjanakas* with regards to intention, the *Vinaya* lawmakers are, in some sense, establishing them as automatically guilty and culpable for their actions. This we can see through the laying down of a rule to not ordain *paṇḍakas* instead of a rule preventing them from sexual activity; there is the sense that this behavior is “just what *paṇḍakas* do.” By categorizing them in this way, there is no room for discussion surrounding intention, and it seems likely that this was the aim of the *Vinaya* lawmakers and redactors—to focus their legislation on physically and mentally normative human beings and to exclude all others. However, this point becomes somewhat contentious when one looks at other types of people who are allowed to remain ordained in the *sangha* in spite of their differences.

One such type of people that are allowed to remain are those who are considered “mad,” or people who for a variety of reasons are not able to control their actions. In the *Vinaya*, “a punishment does not apply to someone if they are mad or deranged,” and is included in this list of exceptions of why a rule is not broken (along with being the first person to

commit an offense; Collins 211). One potential reason why those who are considered mad in Pāli texts are allowed to remain in the *sangha* may be due to the temporariness of the mental unwellness itself. As Steven Collins notes, there are eight types of madness represented in Pāli texts, each of them are related to mental affliction or impurity; they are, “maddened by sense-pleasure . . . anger . . . views . . . delusion . . . spirits . . . bile . . . alcohol [ . . . and] misfortune” (199). Regardless of their type of affliction, it seems that one’s madness can eventually end with the utilization of Right View and the correct practice of the Dhamma (202). This is one fundamental distinction between *paṇḍakas*/other sexually nonconforming people and those who are considered mentally unwell, that those with mental impairments have the opportunity to recover while those with underlying sexual behaviors do not. By this I mean, *paṇḍakas* have been shown textually to not be able to attain the Dhamma in their current state (or at least not in their current life), whereas those with mental differences are shown to be able to surpass such hindrances and reach higher spiritual attainments. This idea contributes to the notion that whether or not *paṇḍakas* are considered mentally unwell (rather than just physically/sexually different), such mental difference is something that cannot be overcome. Such an idea is demonstrated in the lack of a viable path for *paṇḍakas* to attain the facets of the *Dhamma*, in that there is no representation of a *paṇḍaka* overcoming their mental or physical defilements in order to attain *nibbāna*. This reality of the lack of *paṇḍakas* and *ubhatobyañjanakas* that can attain the *Dhamma* on one hand gestures to the set perception of such people, but on the other gestures to the normativity to which the *Dhamma* and *Vinaya* are referencing. In other words, such individuals are held to pre-established standards, including the standard of the normative person who is able to make spiritual progress, and this effort is not questioned. Indeed, the perception and attainment of *paṇḍakas* and *ubhatobyañjanakas* is represented in a passage from the *Milindapañha*, which reads,

“Venerable Nāgasena, those who regulate their lives aright—do they all attain to insight into the Truth, or are there some of them who do not?”

“Some do, O king, and some do not.”

“Then which do, Sir, and which do not?”

“He who is born as an animal, O king, even though he regulate his life aright, will not attain to insight into the Truth, nor he who is born in the Preta world, nor he who holds wrong views, nor the deceitful man, nor he who has slain his mother, or his father, or an Arahāt, nor he who has raised up a schism in the Order, nor he who has shed a Buddha’s blood, nor he who has furtively attached himself to the Order, nor he who has become a pervert, nor he who has violated a sister of the Order, nor he who, having been guilty of one or other of the thirteen grievous offences, has not been rehabilitated, nor a eunuch [*paṇḍaka*], nor an hermaphrodite [*ubhatobyañjanaka*]<sup>1</sup>—and whosoever is a human child under seven years of age, even though he regulate his life aright, will not attain to insight into the Truth. To these sixteen individuals there is no attainment of insight, O king, even though they regulate their life aright.”  
(Rhys Davids 176-177)

In this passage, the Venerable Nāgasena is describing to King Milinda the types of people who, despite living their lives well (*suppaṭipanna*) are unable to fully understand the Dhamma (*dhammābhisamayo na hotī*; Mil.310). In the beginning of this passage, King Milinda utilizes the phrase *ye te sammā paṭipajanti* to describe “those who have entered upon the right path,” but who in spite of this cannot attain full awakening. [removed sentence here] From this we can see how these people that Nāgasena

mentions are setting out on the path and that they are desirous of attaining the Dhamma. This is an important distinction, because it suggests that it is due to aspects such as bad rebirth, exceptionally unskillful actions, sexual nonconformity, or youthfulness that one cannot understand the Buddha's teachings. Thus, the people in question have exerted effort towards the goal, but nevertheless are unable to fulfill it.

From this perspective, *paṇḍakas* and *ubhatobyañjanakas* are shown to be fundamentally incompatible with the attainment of the Dhamma, and it has been demonstrated throughout this section that they are also excluded from conversations surrounding normatively sexed beings in relation to the *Vinaya*. In the next section, we will further explore non-normativity with regards to the *Vinaya* and assess what such difference means for modern practices of ordination.

### **Normative Bodies and Concerns for Modern Practices of Ordination**

In this last section, I will further develop the conversation surrounding normative vs. non-normative sexed bodies with regards to Pāli *Vinaya* texts, as well as what such implications have on modern practices of ordination. As mentioned previously, the *Vinaya* seems largely concerned with legislating action for those who are considered normatively sexed, and not within the “other” categories of *paṇḍaka* and *ubhatobyañjanaka*. This, as we have seen, has to do on one hand with the physical aspects of their bodies, but also with the actions they commit in relation to the *sangha*. One way in which we can see this normativity represented in the *Vinaya* is through the ritual of the ordination procedure itself, which contains some of this preoccupation with sexual characteristics (both primary and secondary).



One such passage located in the *Khandhaka* of the Pāli *Vinaya*, references directly both the unsuitability of *paṇḍakas* and *ubhatobyañjanakas* for ordination, but also their unsuitability for acting as a preceptor. The passage reads,

On one occasion the *bhikkhus* ordained (a person) with a *paṇḍaka* as preceptor [. . .] with an *ubhatobyañjanaka* as preceptor. [. . .] The Blessed One said] *Bhikkhus*, (one should) not ordain with a *paṇḍaka* as preceptor [. . .] with a *ubhatobyañjanaka* as preceptor. Whoever ordains (commits a) transgression of wrongdoing.<sup>29</sup>

This excerpt indicates that by having a *paṇḍaka* or *ubhatobyañjanaka* as a preceptor (as well as others, many of which are also listed in the passage from the *Milindapañha*), the ordination procedure itself is tainted. From the above passage, there is the sense that even having a *paṇḍaka* or *ubhatobyañjanaka* as preceptor for one's ordination is looked down upon. Due to the purity associated with ordinations, the rule that the Buddha establishes in this passage (and the very fact that a rule needs to be set in the first place) indicates that the ordination itself becomes tarnished or tainted by their presence. This is especially the case when one considers how ordination ceremonies are seen as rituals that are done within a set boundary (*sīmā*), one in which the monastics themselves must be of upright conduct and knowledge. Such ideas contribute to the argument that to be sexually and behaviorally non-conforming is something that is considered unwholesome and incompatible with the *sangha*.

This incompatibility is located further in the procedures themselves found in higher ordination ceremonies for monastics. The *Khan-*

<sup>29</sup> *Tena kho pana samayena bhikkhū paṇḍakupajjhāyena upasampādentī [. . .] ubhatobyañjanakupajjhāyena upasampādentī [. . .] Na, bhikkhave, paṇḍakupajjhāyena upasampādetabbo [. . .] na, bhikkhave, ubhatobyañjanakupajjhāyena upasampādetabbo. Yo upasampādeyya, āpatti dukkaṭassā”ti (Vin.I.1.90).*

*dhaka* describes that during one's higher ordination into the *sangha*, the *upasampadā*, a monk will draw the candidate for ordination aside and ask him a series of questions. These questions have to do with anything from the state of their health, for example if they have leprosy or epilepsy, to whether or not they have their parent's consent to ordain. Two such questions in this procedure are whether or not the candidate is a human being and a man (*manusso'si? puriso'si?*)—the first question is asked to prevent beings such as *Nāgas* from ordaining in the *sangha*, and the second is concerned with the normative-sexed nature of the person (Vin.I.1.93). Both of these questions also occur in the ordination procedure for *bhikkhunīs*, with the second question changing to “are you a woman?” Though it is not explicitly said that the question surrounding the sex of the ordination candidate has to do with such non-normativity, it seems likely that this is the case.

And indeed, in the ordination procedure for *bhikkhunīs*, questions directly related to third-sex beings are asked, such as, “*nasi itthipaṇḍakā . . . nasi ubhatobyañjanā*”—“are you a female *paṇḍaka . . . are you an ubhatobyañjanaka?*” (Vin.2.271). These questions demonstrate not only the discomfort with third-sex people, but also the conscious (and current day) practice of exclusion from ordination.

From such examples we can see that the desire to keep *paṇḍakas* and *ubhatobyañjanakas* from ordination and from engaging with the *sangha* on a larger level has two different functions: (a) to protect the *sangha* from those who are considered morally and behaviorally problematic, (b) and to define (whether intentionally or not) the normative person to which *Vinaya* legislation applies. This first concept has been discussed previously, but to summarize, *paṇḍakas* and *ubhatobyañjanakas* through their promiscuous behavior posed a problem for the relationship within the *sangha* itself and for the *sangha's* relationship with the lay community. However, interestingly, instead of legislating the behavior of ordained *paṇḍaka* and

*ubhatobyañjanaka* using *Vinaya* rules themselves, they are instead banned from ordination completely.

The second point with regards to defining normativity in the *Vinaya* is concerned more so with ideas of hermeneutics than that of protection. The *Vinaya* is certainly a project of legislation but also one of delineating the terms in which such legislation is oriented and put into action. In this way, by establishing who is a normative person within the framework of monastic rules, the texts seek to provide a definition of exactly who (and indeed what kind of person) the rules are for. In this sense, the exclusion that takes place happens out of a function of legislation rather than of incorrect classification. This is a necessary distinction as it demonstrates the ways in which, textually, sources can carry implicit bias towards those they are working to address. Thus, it appears that both functions of addressing *paṇḍakas* and *ubhatobyañjanakas* in the *Vinaya* occur with a certain level of exclusion, whether that is through false categorization or delineating the terms of to whom the *Vinaya* applies. Additionally, and as Amy Langenberg notes, stories about monastic women (and I would argue, also sexually nonconforming individuals), “must be read critically and suspiciously with due attention paid to the ‘politics of representation’” (“Reading” 10). By this Langenberg is bearing in mind questions of not only historiographic nuance, but also of representation and the purviews/bias of the largely male *Vinaya* redactors.

On another level, the *Vinaya* is seeking to prevent any future complications with regards to unwholesome behavior by delineating normatively sexed human beings who are able to see into the unwholesome nature of their actions. It is appropriate to say that the *Vinaya* compilers did not necessarily comprehend people who lay outside the binary paradigm of sex, and, in an effort to uphold their own understanding, adapted categories such as *paṇḍaka* and *ubhatobyañjanaka* to best suit their needs. The *Vinaya* redactors address *paṇḍakas* and *ubhatobyañjanakas* with an eye on

categorization but are also disdainful of them. We can see this in the ways they are depicted, especially in the *Khandhaka*, in which the redactors are quick to dismiss them and deem them immoral without further investigation or precedent. However, in spite of this, it is necessary to note that while the *Vinaya* texts excludes, and perhaps even tokenizes the non-normative individuals it refers to,<sup>30</sup> it also is a hermeneutical exercise in legal precedent and interpretation. As Janet Gyatso reminds us, “The *paṇḍaka* is an abomination, then, not to the doctors, but to the monastic legalists, because the very project of the *Vinaya* depends on exact definition, and decision, and vow-taking, and the distinction between purity and defilement (108).” Bearing in mind the politics of representation, we can also reason that the interpretation that does occur happens through lens of the male gaze, and that such a gaze informs not only the historical validity of the texts in question, but also the ways in which we revalidate and reimagine such texts in the present-day. I want to bear this understanding in mind as we move on to discussing present-day implications for transgender individuals, and indeed to consider that a project in legality is not necessarily a project in inclusion.

I began this article with the baseline question of what representations of sex and gender in the context of monastic legislature could mean for questions of transgender (and trans\*) ordination within the Theravāda monastic *sangha*. While I am not ready to answer this question fully, I would like to offer some initial thoughts on what, if any, equivalences there may be between the *Vinaya* texts and modern practices of ordination. As aforementioned, in terms of equivalency there is quite a large distinction between sex-change and transgender identities, however I have not yet discussed transgender identities with regards to *paṇḍakas* and *ubhatobyañjanakas*. Buddhist practitioners at times make associations

---

<sup>30</sup> By tokenizing I mean, the texts present such people so that they can cover their bases for who specifically can access the Buddha’s teachings, but does so almost with an eye on representation for the sake of hermeneutical development

between transgender individuals and *paṇḍakas/ubhatobyañjanakas*,<sup>31</sup> and one reason why this might be the case is because of the loose categorizing of *paṇḍakas* and *ubhatobyañjanakas* that we have seen throughout this article. As there does not appear to be a concise definition of what *paṇḍakas* and *ubhatobyañjanakas* are, this allows for present-day practitioners to assume that transgender people are the modern equivalent of *paṇḍakas* and *ubhatobyañjanakas*. This is incorrect. It is the assumption that third-sex and nonconforming beings are interchangeable with trans\* individuals that allows for such associations to take place. As Scherer notes, “. . . transphobia is prevalent throughout traditional Buddhisms, due to the conflation of trans\* with the third (and, to less extent, the fourth) sex/gender categories” (“Queering” 7).

Having taken this into account, it is necessary to note that the most fundamental difference between transgender people and *paṇḍakas/ubhatobyañjanakas* is that *paṇḍakas* and *ubhatobyañjanakas* are defined almost exclusively with regards to their behavior. *Paṇḍakas* and *ubhatobyañjanakas* are known almost outright for their provocation and promiscuity towards the lay community and the *sangha*, and it is because of these behavioral differences that the *Vinaya* redactors were so concerned with them. On the other hand, transgender individuals are not and should not be described as sexually and behaviorally promiscuous by nature. Though all people—regardless of their sex and gender identity—may be promiscuous, transgender should not be seen as equivalent to *paṇḍakas* and *ubhatobyañjanakas* or other grouped categories of difference.

---

<sup>31</sup> See for instance the following threads in Theravāda Buddhist forums regarding transgender ordination: “Transgender ordination,” Dhamma Wheel, April 3, 2016, <https://www.dhammadwheel.com/viewtopic.php?t=26162>; “On Sex & Gender,” Sutta Central Discuss & Discover, March 19, 2017, <https://discourse.suttacentral.net/t/on-sex-gender/4621/10>.

Regarding ordination for transgender (and trans\*) people, this is complicated conversation that occurs on two different levels. The first level is that of the *Vinaya*, which seeks to legislate the ordination procedures and candidates themselves. The second is that of the *sangha* and how those in the *sangha* put such texts into practice through both understanding and interpretation. Because there are a variety of monastic communities that have exceptionally varied interpretations, I will be focusing more on the textual aspects of this discussion.

With regards to the question of whether transgender people can ordain based on *Vinaya* texts, there are at least two different possible answers. The first is that because transgender people pose no “threat” to the reputation of the *sangha*, and indeed if they have no behaviors that are considered a “threat” to the community, then they should be allowed to ordain. This reading takes into account the idea that the main aspect the *sangha* is concerned with is the relationship with the lay community. So long as such relationships are not impeded there should be little barrier for ordination on that front.

The second answer is more complicated. Due to the fact that changing one’s biological sex in light of gender identity was not common during the time of such texts (or at least not well understood), one can certainly argue that the scope of today’s needs does not exist within the *Vinaya*. Due to this, how do we interpret such literature? And indeed, what are the bearings of such attitudes on modern practices of ordination? On one hand, as we have just noted, the *Vinaya* is preoccupied with reputational concerns, but from a hermeneutical approach it is very clear that such texts are not comfortable engaging with people who lie outside certain purviews of sex and sexual/abnormal behavior. What is the purpose or function of this unwillingness? The function appears to be that of hermeneutics and indeed of consistency. As Janet Gyatso notes, “. . . *paṇḍaka* is the category of the uncategorizable” (107); they are othered and put into

categories because of their differences, and it is this discontinuity, this breaking of commonly known paradigms of being, that allows for the *Vinaya* redactors to conduct such othering—but this unwillingness also manifests as disapproval and disdain for the existence of such beings themselves.

For, if we take the direct word of the *Vinaya* texts as they stand, I do not think they would be supportive of transgender people ordaining, and I think that is the case because on one hand, the texts themselves set a precedent of defining rules and regulations only according to normative men and women. The *Vinaya* is very clear that people who are not normative men and women lie outside of the sphere of its function and ability to legislate. But on the other hand, we can see the manifestation of the bias and disdain towards *paṇḍakas* and *ubhatobyañjanakas* in the ways the redactors address them. Thus, we can recognize both occurrences: the legitimacy and practicality of the *Vinaya* texts on a legal basis, and the denigration of nonconforming individuals that highlights the bias of the “representer[s]” themselves. For as Langenberg writes, “representational texts about women typically say more about the representer than the represented” (“Reading” 9). We can thus turn our attention (and indeed, intention) to ideas of practicality in light of understanding these texts as both legal works for the *sangha*, and ultimately created through a gaze of exclusion and discomfort. As we have seen, there were individuals with differing bodies in the past, and there will continue to be people whose bodies are different in the future. As Bee Scherer describes,

Variable bodies—religious, queer, ‘crip,’ etc.—cease their atypicality when the center that creates the margins implodes and the multiversity of messy, intersectional, and complex human identitarian embodiments is accepted as de/post-hegemonic spaces in ways that echo Antke Engel’s concept of *queerversity* . . . and Doris Leibetseder’s derived

notion of *cripversity*; not only dismantling “hierarchies and structural inequalities,” but also recognizing “differences, which elude categorization.” (*Variant 26*)

In spite of the precedent set by *Vinaya* texts, the reality of the circumstances of ordination in the Theravāda tradition are (as Bee Scherer notes) messy, and the more that we recognize the inherent hierarchies of such texts, the more that intersectionality and inclusion becomes possible. What should be taken away from these passages need not be of exclusion. Instead, what should be taken away from these passages is the idea that the concepts found in such texts are not static and are thereby always evolving to adapt to both the needs of the tradition and the needs of the community. There are communities of monastics who have and will continue to ordain transgender individuals, and it is ultimately up to them as to how the *Vinaya* is interpreted and put into motion.<sup>32</sup> I think it is important to remember—particularly regarding other contentious topics such as *bhikkhunī* ordination—that Buddhist texts are not stagnant, but very much living works, constantly being reworked and reimagined.

---

<sup>32</sup> One example is the Dhammadharini Monastic Sangha in Northern California where Ayya Tathālokā Bhikkhunī serves as one of the preceptors. While the sangha has not yet given full *bhikkhunī* upasampadā ordination to transgender persons, they offer multiple levels and types of ordination. All levels of ordination have been given to people who are not heterosexual cis-gender women, and the community has not ruled out the possibility of trans persons, who are qualified according to the community's interpretation of *Vinaya*, receiving all levels of ordination. As a consensus-based community, they are willing to consider granting various levels of ordination to qualified and capable persons regardless of gender, on a consensus basis. Factors other than gender, including dedication to the Path and ability to grow and live well and harmoniously in the practice in a celibate monastic community environment, are considered foremost. Ayya Tathālokā, personal communication by email, April 25, 2021.



## Conclusion

Throughout this article I have engaged with many different aspects of the conversation surrounding sex and behavior in Buddhism and the ways in which such ideas impact present-day concerns. I hope that to some degree I have been able to provide a clearer narrative of what such terms mean in early Buddhist texts, as well as the ways in which they can act as an aid for trans\* practitioners who seek ordination. My aim for this article was to de-mystify depictions of non-normative individuals within Buddhist texts and the ways in which they were engaged by the very people who established and contended with such works. Another reason for this particular topic is the lack of engagement with LGBTQ+ topics within Buddhist scholarship and communities. While there are certainly people who have addressed and continue to address terms of exclusion,<sup>33</sup> there are few who are engaging with the consequence of what such legal precedents have on people who fit outside binaries of sex, sexuality, and gender.

The scholarship on such issues over the past decade has focused largely on women's roles in Buddhism, and while I am appreciative of this scholarship, I think it is also tremendously important to engage with the LGBTQ+ community's needs as well. Hopefully, through these efforts we can see how early Buddhist texts relate not just to the historical and present-day exclusion of women, but also how they exclude many other people as well, and further expound upon the ways in which we can dismantle these hierarchies to benefit inclusion and acceptance in the *sangha*.

---

<sup>33</sup> For terms of exclusion related to women and women's ordination, see Langenberg (*Birth*) and Appleton.

### Abbreviations

AN	<i>Āṅguttara Nikāya</i>
Vin	<i>Vinaya</i>

### Works Cited

- Appleton, Naomi. “In the Footsteps of the Buddha? Women and the Bodhisatta Path in Theravāda Buddhism.” *Journal of Feminist Studies in Religion* 27, no. 1 (2011): 33–51. <https://doi.org/10.2979/jfemistudreli.27.1.33>.
- Bodhi, editor. *The Numerical Discourses of the Buddha: A Translation of the Āṅguttara Nikāya*. Wisdom Publications, 2012.
- Bodhi Translation Committee, translator. *Sifen lü 四分律* (Four-part Vinaya), Bodhi Foundation for Culture and Education, 2 Dec. 2015, <https://dharmaguptakavinaya.files.wordpress.com/2015/12/ordination-skandhaka-5-2015-12-2-bilingual1.pdf>.
- Boisvert, Donald L., and Jay Emerson Johnson, editors. *Queer Religion*. Praeger, 2012.
- Buswell, Robert E., Jr, and Donald S. Lopez, Jr. editors. “Saṃvara.” *The Princeton Dictionary of Buddhism*, Princeton University Press, 2017.
- Butler, Judith. *Gender Trouble: Tenth Anniversary Edition*. Routledge, 2002.
- Cabezón, José Ignacio, editor. *Buddhism, Sexuality, and Gender*. State University of New York Press, 1992.
- \_\_\_\_\_. *Sexuality in Classical South Asian Buddhism*. Wisdom, 2017.

- Collins, Steven. "Madness and Possession in Pāli Texts." *Buddhist Studies Review*, vol. 31, no. 2, Jan. 2015, pp. 195–214. DOI.org (Crossref), doi:10.1558/bsrv.v31i2.195.
- Dhammadinnā, Bhikkhunī. "Soreyya/ā's Double Sex Change: On Gender. Relevance and Buddhist Values." *Annual Report of The International Research Institute for Advanced Buddhology at Soka University*, vol. 22, 2019, pp. 9–35.
- \_\_\_\_\_. "When Womanhood Matters: Sex Essentialization and Pedagogical Dissonance in Buddhist Discourse." *Religions of South Asia*, vol. 12, no. 3, Oct. 2019, pp. 274–313. DOI.org (Crossref), <https://doi.org/10.1558/rosa.39890>.
- French, Rebecca Redwood, and Mark A. Nathan, editors. *Buddhism and Law: An Introduction*. Cambridge University Press, 2014.
- Green, Leslie. "Legal Obligation and Authority." *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, 2012, <https://plato.stanford.edu/archives/win2012/entries/legal-obligation/>.
- Griffin, Gabriele. "Normativity." *A Dictionary of Gender Studies*, Oxford University Press, 2017, <https://www.oxfordreference.com/view/10.1093/acref/9780191834837.001.0001/acref-9780191834837-e-399>.
- \_\_\_\_\_. "Transgender." *A Dictionary of Gender Studies*, Oxford University Press, 2017, <https://www.oxfordreference.com/view/10.1093/acref/9780191834837.001.0001/acref-9780191834837-e-399>.
- \_\_\_\_\_. "Sex." *A Dictionary of Gender Studies*, Oxford University Press, 2017, <https://www.oxfordreference.com/view/10.1093/acref/9780191834837.001.0001/acref-9780191834837-e-399>.

- Gyatso, Janet. "One Plus One Makes Three: Buddhist Gender, Monasticism, and the Law of the Non-Excluded Middle." *History of Religions*, vol. 43, no. 2, Nov. 2003, pp. 89–115. Crossref, doi: 10.1086/423006.
- Harvey, Peter. *An Introduction to Buddhist Ethics: Foundations, Values, and Issues*. Cambridge University Press, 2000. Open WorldCat, <http://proxy.cegepat.qc.ca/login?url=http://search.ebsco-host.com/login.aspx?direct=true&scope=site&db=nlebk&AN-125018>.
- Heim, Maria. *The Forerunner of All Things: Buddhaghosa on Mind, Intention, and Agency*. Oxford University Press, 2013.
- Holdrege, Barbara A., and Karen Pechilis, editors. *Refiguring the Body: Embodiment in South Asian Religions*. State University of New York Press, 2016.
- Ireland, John D. *Udana & The Itivuttaka: Inspired Utterances of the Buddha & the Buddhas Sayings*. Buddhist Publication Society, 2007. Open WorldCat, <https://suttacentral.net/iti107/en/ireland>.
- Keown, Damien. "Morality in the Visuddhimagga." *The Journal of the International Association of Buddhist Studies*, vol. 6, no. 1, 1983, pp. 61–75.
- Kieffer-Pülz, Petra. "Sex-Change in Buddhist Legal Literature with a Focus on the Theravāda Tradition." *Annual Report of The International Research Institute for Advanced Buddhology at Soka University*, vol. 21, 2018, pp. 27–62.
- \_\_\_\_\_. "What the Vinayas Can Tell Us About Law." *Buddhism and Law: An Introduction*, edited by Rebecca Redwood French and Mark A Nathan, Cambridge University Press, 2014, pp. 46–62.
- Langenberg, Amy Paris. *Birth in Buddhism: The Suffering Fetus and Female Freedom*. Abingdon: Routledge, 2017.

\_\_\_\_\_. “On Reading Buddhist Vinaya: Feminist History, Hermeneutics, and Translating Women’s Bodies.” *Journal of the American Academy of Religion*, vol. 88, no. 4, Dec. 2020, pp. 1121–53. DOI.org (Crossref), doi:10.1093/jaarel/lfaa049.

Monier-Williams, Monier, editor. “Paṇḍa.” Oxford University Press, 1872, <https://www.sanskrit-lexicon.uni-koeln.de/monier/>.

Rhys Davids, T. W., translator. *The Questions of King Milinda*. Vol. 2, Oxford University Press (The Clarendon Press), 1894, <https://archive.org/details/questionsofkingm02daviuoft/>.

Rhys Davids, T. W., and William Stede, editors. “Paṇḍaka.” *The Pali Text Society’s Pali-English Dictionary*, The Pali Text Society, 1921, <https://dsal.srv04.uchicago.edu/dictionaries/pali/>.

Scherer, Bee. “Atypical Bodies: Queer-Feminist and Buddhist Perspectives.” *A Cultural History of Disability: In the Modern Age*, vol. 6, Bloomsbury Academic, 2020, pp. 19–28.

\_\_\_\_\_. “Queering Buddhist Traditions.” *Oxford Research Encyclopedia of Religion*, Oxford University Press, 2021. DOI.org (Crossref), doi:10.1093/acrefore/9780199340378.013.765.

\_\_\_\_\_. “Variant Dharma: Buddhist Queers, Queering Buddhisms.” *Queering Paradigms VI*, edited by Bee Scherer, Peter Lang, 2016. DOI.org (Crossref), doi:10.3726/978-1-78707-145-2.

Sweet, Michael J., and Leonard Zwilling. “The First Medicalization: The Taxonomy and Etiology of Queerness in Classical Indian Medicine.” *Journal of the History of Sexuality*, vol. 3, no. 4, University of Texas Press, 1993, pp. 590–607. JSTOR.

Vasubandhu. *Abhidharmakośabhāṣyam*. Translated by Louis de La Vallée Poussin and Leo M. Pruden, vol. 2, Asian Humanities Press, 1988.

Zwilling, Leonard. "Homosexuality As Seen in Indian Buddhist Texts." *Buddhism, Sexuality, and Gender: First Edition*, edited by José Ignacio Cabezón, SUNY Press, 1992, pp. 203–14.

Zwilling, Leonard, and Michael J. Sweet. "The Evolution of Third-Sex Constructs in Ancient India: A Study in Ambiguity." *Invented Identities: The Interplay of Gender, Religion and Politics in India*, edited by Julia Leslie and Mary McGee, Oxford University Press, 2000, pp. 99–132.