

Stretching the Vinaya Rules and Getting Away with It*

Eleventh I.B. Horner Memorial Lecture, 2005

1. INTRODUCTION

One central point of interest in I.B. Horner's fields of research was Buddhist law. She was the first to translate the Pāli version of the complete Buddhist law code (Vinaya-piṭaka) into a European language.¹ In this eleventh I.B. Horner Memorial Lecture some ideas about the perennial question of how to stretch the Vinaya rules and get away with it are examined. The first part centres on the nature of Buddhist law. It is followed by an overview of the legal literature of the Theravāda tradition (as far as it is relevant to the final part), with special attention to the question of how much authority is attributed to various texts. The final part will deal with two methods for stretching the Vinaya rules.²

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¹She only left out passages which seemed to her to be too rude for Westerners. See Kieffer-Pülz 2001.

²I will not deal here with issues not covered by existing law. Such cases have to be handled according to the guidelines (*mahāpadesa*) handed down in the Khandhaka portion of the Vinaya, according to which new cases have to be decided in analogy to, and avoiding conflict with, existing prescriptions (Vin I 250,31–51,6; *BD* IV 347). The commentarial tradition of the fourth or fifth century developed this method systematically (Sp I 230,21–33,35 ad Vin III

1.1 The Character of Buddhist Law

A fully ordained Buddhist monk (*bhikkhu*) or nun (*bhikkhuni*) has to comply with an abundance of rules governing almost every aspect of daily life. These rules are laid down in the Buddhist law code, the Vinaya-piṭaka. Of the various Buddhist schools that developed during the long history of Buddhism, many had a Vinaya of their own. I will confine myself here to the Vinaya of the Theravāda, or, more specifically, of the Mahāvihāra school, handed down in the Middle Indic language Pāli. Before this text was written down in Sri Lanka in the first century B.C., it was transmitted orally. Thus we can say that the Vinaya developed over a period of around four hundred years before it took its final shape. It is divided into three parts: (1) the Suttavibhaṅga with the 227 rules constituting the Pātimokkha, to be recited every fortnight, as the main part, (2) the Khandhakas containing the rules for administrative affairs of the Buddhist community (*saṅgha*), and (3) the Parivāra, a later systematization of the rules. This law code is still authoritative for present-day Theravāda monks in South and Southeast Asia.

During the Buddha's lifetime and, in some respects, right up to the time when the Vinaya-piṭaka was fixed in writing, Buddhist law was dynamic. There are various indications of this. To begin with, in some cases the Vinaya provides several formulas for one and the same ceremony, with layer added upon layer and the most recent formula replacing the older ones.³ Then we have various Pātimokkha prescriptions (*paññatti*) modified by several supplementary prescriptions (*anupaññatti*), no less than seven in one case.⁴ Furthermore, we have relaxing of restrictions for a number of rules for the borderlands.⁵ Finally, the youngest part of the Vinaya, the Parivāra, occasionally

23,37, (*BD I 42*)). Vjb adds many examples for the different cases (Vjb 88,2–90,7).

³See for instance the case of higher ordination, n. 18.

⁴Pāc 32 Mk, Vin IV 71,18–75,23 (*BD II 306–14*).

⁵Von Hinüber 2000: 144.

deals with subjects not spoken of in the rest of the Vinaya.⁶ However, with the *parinibbāna* of the Buddha, and, at last, with the writing down of the Vinaya, the dynamism of Buddhist law gradually came to an end, with hardly any adaptations being made to new circumstances thereafter. Even though the Buddha himself had allowed for doing away with minor rules, uncertainty as to what should be considered a minor rule prevented the monks from changing the rules at all.⁷ Now, once the wording of the law is considered fixed or even sacrosanct, the only way left to adapt it to unforeseen circumstances is to interpret it in a different manner.⁸

1.2 A sketch of the Vinaya commentaries

The practical relevance of Buddhist law for the Buddhist community led to a multitude of commentaries, not only on the Vinaya, but also on the Pātimokkha which, for practical reasons, was handed down as a separate text alongside the Vinaya. The authority of these texts is also reflected in the constant production of law handbooks and related commentaries. More than twenty complete law commentaries written in Pāli up to the nineteenth century have come down to us. But the number must have been much higher, as is evident from the many lost commentaries quoted in the existing ones. Leaving aside the oldest commentary, the Suttavibhaṅga, the first commentary known to us is the now lost Sihaḷaṭṭhakathā under which designation several commentaries are subsumed, among them the Mahāpaccarī and Kurundī, written down, probably together with the canon, in Sri Lanka as early as the

⁶The mention of an *atikhuddakā sīmā* presupposes a definition of the smallest measure of a *sīmā*, not given explicitly in the Vinaya (Kieffer-Pülz 1992: 136, § 11.2.1); a *khaṇḍanimitta* presupposes a definition of the marks first, which also is not given (Kieffer-Pülz 1992: 137, § 11.2.3).

⁷Vin II 287,29ff. (BD V 398ff.). See von Hinüber 1995: 14.

⁸We find a very early example of this method in an old word-by-word commentary on the rules of the Pātimokkha that has been incorporated in the Suttavibhaṅga.

first century B.C.⁹ How far they date back we do not know, and we probably never will.¹⁰ These early commentaries served as sources for the great commentaries, the so-called *aṭṭhakathā* literature of the fourth and fifth centuries, i.e., the *Kaṅkhāvitarāṇī*, a commentary on the *Pātimokkha*, and the *Samantapāsādikā*, which covers the entire *Vinaya*. After the fifth century, another category of commentaries developed, the so-called *gaṇṭhipadas*, written in Pāli, Sinhalese, and possibly other languages as well. Some of them still circulate in printed editions, many others are preserved in manuscript form, but most are now lost, apart from the passages quoted from them in other *gaṇṭhipadas* or in the sub-commentaries, that is the *ṭīkā*s, written mainly in the twelfth to thirteenth centuries. These are followed by Pāli commentaries covering the entire *Vinaya* or parts of it, and commentaries on *Vinaya* handbooks.¹¹

1.3 The authority of legal texts

Now what about the authority of these legal texts from the perspective of the individual Buddhist monk? Every single monk has to make his own decision as to the authority he attributes to a certain text. This equally holds true for the authors of the legal texts just mentioned, who were also monks. My work on the legal literature has led me to the

⁹Mhv 33,100–101: *piṭakattayapāliṃ ca tassā aṭṭhakathaṃ pi ca mukhapāṭhena ānesuṃ pubbe bhikkhū mahāmatī; hāniṃ disvāna sattānaṃ tadā bhikkhū samāgatā ciraṭṭhitatthaṃ dhammassa potthakesu likhāpayuṃ*. “The text of the three piṭakas and the aṭṭhakathā thereon did the most wise bhikkhus hand down in former times orally, but since they saw that the people were falling away [from religion] the bhikkhus came together, and in order that the true doctrine might endure, they wrote them down in books.” [Translation by W. Geiger, Mhv (transl.), p. 237].

¹⁰See von Hinüber 1996: § 210.

¹¹One was written in Northern Thailand in the fifteenth century, and there are two from Burma written in the seventeenth and nineteenth centuries respectively. Furthermore, we have collections of judgements pronounced by various *saṅgharājas* and associated jurists on a range of legal topics, as well as epistolary correspondence between monks from various countries discussing questions of Buddhist law.

conclusion that the authority of the Vinaya is acknowledged by almost all authors. By contrast, statements of the so-called *Sīhaḷaṭṭhakathā* were considered open for discussion in all later commentaries, which do not hesitate to reject them or even declare them irrelevant on account of their supposedly defective or missing argumentation.¹² However, there are also attempts to reconcile what are seen as inner contradictions of the *Sīhaḷaṭṭhakathā*. The teachings of the Vinaya and *aṭṭhakathās* of the fourth and fifth centuries are generally accepted as authoritative by the *gaṇṭhipada* commentaries and the *ṭīkās*, whereas the *ṭīkās* frequently reject opinions expressed in the *gaṇṭhipadas*, usually without even considering it necessary to discuss them.

From more recent times we have some explicit statements of monks regarding the authority they attach to certain law texts. Vajirañāṇa Makuṭa, perhaps better known as King Mongkut, the founder of the Dhammayuttika-Nikāya in nineteenth-century Thailand, explained in a letter written in 1844 to a Sinhalese monk that a thorough investigation of a topic has to start from the canonical writings, i.e., the Vinaya, and that it should be possible to reach a solution on the basis of this material. This refers to the Thai practice of the *visuṃgāmasīmā*, but nevertheless shows the author's general attitude.¹³

At the beginning of the twentieth century, King Mongkut's son, the later *saṅgharāja*, Vajirañāṇavararasa, a member of the Dhammayuttika-Nikāya, declared that the Vinaya showed clear signs of accretion over a

¹²For instance the *Anugaṇṭhipada* or the *Vajirabuddhi-ṭīkā* on the opinion of *keci* (Vjb 142,5–10 ad Sp II 376,19–20 ad Vin III 58,22–24 [Pār 2 Mk]).

¹³*Treatise* (S^{e1} XXXIII; S^{e2} IX): *aṭṭhakathā hi Pālīnaṃ saṅgītikālato pacchā katā. dhammasaṅgāhakehi ca pāḷhasaṅgītiṃ niṭṭhāpentehi sanniṭṭhānaṃ katam: ettakehi pāḷhehi paṭipannakā sakkhissanti taṃ taṃ vinayalakkhaṇaṃ nātvā anupaṭipajjitun ti.* “For the *aṭṭhakathā* was made after the period of the [first] common recitation (i.e., council) of the [canonical] texts. And the compilers of the Dhamma, who carried out that common recitation of the texts, made the decision: With so many texts [those] who have entered upon the Path, knowing this and that definition of the Vinaya, will be able to follow the practice.”

long period of time, and that therefore its words should not be followed blindly.¹⁴

As these two more recent statements show, a monk's opinion regarding the authority of a given text is certainly influenced by his adherence to a specific school, sub-school or local branch thereof, but the decisive factor is his own judgement. The influence of the local tradition — transmitted only orally in some cases¹⁵ — is difficult to determine.

1.4 Interpreting the rules

The modern Buddhist monk is confronted with manifold interpretations of Vinaya prescriptions and definitions of terms used therein, laid down in the multitude of commentaries written over a period of more than 2,000 years, which produced an ever finer spun texture of regulations. Hand in hand with the increasing density of regulations, the potential for legal loopholes increased as well because each case or topic which was not explicitly covered by these interpretations and definitions could be seen as falling outside the scope of the respective prescription. This opened up considerable possibilities for stretching the rules, which for the most part resulted in a relaxation of the law. In the commentaries of the fourth and fifth centuries we observe the tendency to loosen the rules by applying them only to those groups that visibly fall under the

¹⁴In the Vinaya itself which was handed down for a long time both orally and by writing, differences of understanding naturally have crept in at the time when the Ācariyas who understood incorrectly, wrote it down" (*Entrance to the Vinaya* I: xii). "My habit is not to believe all the words which are found in the scriptures, but rather believing the reasonable words; moreover, we have learned the history of the sacred books, as outlined above, so that we should not grasp them as our only source. The basis of my writing is that which is found to be reasonable and this should be taken as credible evidence, while what is defective should be opposed whether coming from the Pāli or from the Aṭṭhakathā" (*Entrance to the Vinaya* I: xiv).

¹⁵In the case of the Dhammayuttika-Nikāya, we know from Vajirañāṇavarorasa that the daily practice of this Nikāya, already in continuous use for sixty years at that time, was handed down exclusively by oral transmission from teacher to pupil (*Entrance to the Vinaya* I: x).

category explicitly defined in the respective prescription. For example, the prohibition to ordain people with certain skin diseases was interpreted in such a way that it applied only to those with increasing and visible symptoms, while as long as the affected parts of the skin were decreasing and hidden under the robe the candidate could be ordained.¹⁶

In Buddhism there is no ecclesiastical high court whose decisions are binding for the entire Buddhist community. Therefore, nobody can be forced to accept a certain interpretation or doctrine. This leaves ample space for conflicting doctrines developing and existing side by side. What is a transgression of a Vinaya rule in the eyes of one group may be considered legally acceptable by another.

2. EXAMPLES OF STRETCHING THE RULE

2.1 Ordination

The first, and most common, method of stretching rules is to interpret a term used in a Vinaya prescription in such a way that its area of application is reduced to certain sections of the former definition — a group of people or things, for example — while other sections are conveniently counted out. The example I have chosen to illustrate this method is the prohibition on ordaining a slave (*dāsa*) as a novice.

As is well known, in the beginning the Buddha himself performed the ordination of new members to the Buddhist community. Later on, he delegated the office of ordination to monks. At that time, no distinction between novitiate and monkhood was made.¹⁷ Finally, with the introduction of specific ceremonies for the ordination of novices (*pabbajjā*), and the ordination of monks (*upasampadā*), the ordination of a monk was performed in a legal procedure consisting of a motion,

¹⁶Sp V 995,15ff. ad Vin I 71,32–73,20 (*BD IV 89ff.*).

¹⁷The Buddha used the *ehi-bhikkhu* formula, Vin I 12,22–25, 35–13,1 (*BD IV 18f.*). With the delegation of the office of ordination to monks, the formula used was modified. From then on, officiating monks had to recite the threefold-refuge formula three times, Vin I 22,8–23 (*BD IV 30*).

three proclamations and a resolution (*ñatticatutthakamma*). The development now was by no means stopped. The Theravāda Vinaya contains three formulas for the *ñatticatuttha* procedure. The second one adds the formal request of the candidate to be given the higher ordination;¹⁸ the third one clears the candidate of all obstacles that might have prevented his ordination as a monk. The list of possible impediments contains fifteen obstacles.¹⁹ The candidate for ordination as a monk has to be a human being, male, a free man (*bhujissa*), free from debt (*anaṇa*), and not in a king's service (*rājabhāṭa*); he has to have his parents' permission; he has to be at least twenty years old; he has to own robes and a begging bowl; he should not suffer from leprosy (*kuṭṭha*), boils (*gaṇḍa*), eczema (*kilāsa*), consumption (*sosa*) or epilepsy (*apamāra*); and he should know his own name and that of his preceptor (*upajjhāya*).²⁰

From the number of formulas handed down in the Theravāda Vinaya we can infer that the definition of these impediments is a later development. However, with its compilation the number of obstacles was by no means fixed. The Vinaya has a long chapter listing eleven persons unqualified for ordination as a monk.²¹

¹⁸Vin I 56,6–9; 57,10–25; 95,16–34 (*BD IV* 72, 73, 123). Three formulas are given, with each formula being more elaborate than the preceding one. For the ordination of novices the threefold-refuge formula previously used for ordaining monks was adapted.

¹⁹Other schools have much more (the Mūlasarvāstivādins 80; Härtel 1956: 78ff.), which shows that these lists were constantly changing. For changes within the Theravāda tradition, the *Katikāvatas* are instructive; see Ratnapāla 1971: pp. 159f., §§ 101f.; cf. pp. 255ff.

²⁰Vin I 93,24–32 (*BD IV* 120).

²¹These include the so-called eunuch (*paṇḍaka*), Vin I 85,27–86,9 (*BD IV* 108f.); one who gained access to the community by theft (*theyyasamvāsaka*), Vin I 86,10–33 (*BD IV* 109f.); one having gone over to another sect (*tīthiyapakkantaka*), Vin I 86,33–35 (*BD IV* 110); an animal (*tīracchānagata*), Vin I 86,36–88,3 (*BD IV* 110f.); a matricide (*mātughātaka*), a patricide (*pitughātaka*), a murderer of a perfected one (*arahantaghātaka*), a seducer of nuns (*bhikkhunīdūsaka*), one splitting the saṅgha (*samghabhedaka*), one who

In addition to the impediments for higher ordination and to the individuals unqualified for it, the Vinaya also lists impediments for ordination as a novice, i.e., for *pabbajjā*. Some of these are identical with those for higher ordination, i.e., suffering from one of the five diseases,²² being in a king's service (*rājabhaṭṭa*),²³ being a debtor (*ināyika*),²⁴ and being a slave (*dāsa*).²⁵ Other impediments, however, are exclusively mentioned in the context of lower ordination, such as falling under various categories of publicly known thieves.²⁶ Another section of the Vinaya lists thirty-two examples in which lower ordination should not be given. This passage includes persons with mutilations resulting from criminal activities (e.g., severed hands) and persons with impairments due to diseases.²⁷

sheds a Tathāgata's blood (*lohituppādaka*), and a hermaphrodite (*ubhatovyañjanaka*), Vin I 88,4–89,21 (*BD IV 112ff.*).

²²Vin I 73,18–20 (*BD IV 91*) *na bhikkhave pañcahi ābādhehi phuṭṭho pabbājetabbo. yo pabbājeyya, āpatti dukkaṭassā ti*. The five illnesses are listed Vin I 71,33–34 (*BD IV 89*): *kuṭṭhaṃ gaṇḍo kilāso soso apamāro*, Sp V 995,15–18.

²³Vin I 74,24–25 (*BD IV 92*); Sp V 996,20–97. List of impediments for *upasampadā*, Vin I 93,24–32 (*BD IV 120*); Sp does not comment on it.

²⁴Vin I 76,18–19 (*BD IV 95*); Sp V 999,9–1000,17.

²⁵Vin I 76,26–27 (*BD IV 95f.*); Sp V 1000,19–1002,16.

²⁶On a thief wearing an emblem (*dhajabaddha* (°*bandha*) *cora*), Vin I 74,34–35 (*BD IV 93*); Sp V 997,10ff.; on a thief broken out of jail (*kārabhedaka cora*), Vin I 75,15–17 (*BD IV 94*); Sp V 997,26–98,17; on a thief against whom a warrant has been taken out (*likhitaka cora*), Vin I 75,27–28 (*BD IV 94*); Sp V 998,17–24; on one having been scourged as punishment (*kasāhata katadaṇḍakamma*), Vin I 75,33–35 (*BD IV 95*), Sp V 998,24–99,1; and on one having been branded as punishment (*lakkhaṇāhata katadaṇḍakamma*), Vin I 76,5–7 (*BD IV 95*); Sp V 999,2–9.

²⁷Vin I 91,7–11 (*BD IV 115f.*); Sp V 1026,11–31,24. Persons with severed or mutilated hands, feet, ears, noses, fingers, nails, or tendons, with hands like a snake's hood (*phaṇahatthaka*; see *BD IV 116*, n. 2), a hunchback (*khujja*), dwarfs (*vāmana*), persons with a goitre (*galagaṇḍi*), again three types of thieves (*lakkhaṇāhata*, *kasāhata*, and *likhitaka*, see n. 26); persons with elephantiasis (*sipadi*), with a serious illness (*pāparogī*), persons who disgrace an assembly (*parisadūsaka*, see *BD IV 116* by some deformity); those who are one-eyed (*kāṇa*), crippled (*kuṇi*), lame (*khañja*), partly paralysed (*pakkha-*

Of the eight impediments the Vinaya lists for lower as well as higher ordination, I would now like to take a closer look at the case of slaves or, more generally, men whose freedom is confined in one way or another. With regard to higher ordination, it is said that the candidate has to be a free man (*bhujissa*),²⁸ which categorically excludes slaves, bondsmen, and others. By contrast, the restrictions imposed on lower ordination are more explicit in that they exclude a slave (*dāsa*) from *pabbajjā*, while other types of bondage are not mentioned.

Before I come to the rules themselves, allow me to say a few words about the relationship between the Buddhist community and slaves.

2.1.1 Slaves and the Buddhist community

Although the possession, usage, and donation of slaves by kings, merchants, and others seems to have been widespread in the society in which the Mahāvihāra Vinaya took shape,²⁹ the Vinaya mentions slaves only rarely in connection with the Buddhist saṅgha or its ordained

hata), whose movements are destroyed (*chinna-iriyāpatha*), who are weak of age (*jaradubba*), blind (*andha*), dumb (*mūga*) or deaf (*badhira*).

After the introduction of a novice's ordination, it was obligatory to receive the ordination as a novice before being ordained as a monk, it is therefore to be supposed that the obstacles for novices were also valid for monks.

²⁸Interestingly, the question in the Mūlasarvāstivāda tradition is *mā asi dāsaś*, "You are not a slave?", and an additional question is *mā vikrītaś* (Tib. *btsōns-pa ma yin nam*), "You have not been sold?"; see Härtel 1956: 78–79.

²⁹See for instance the story of the householder Meṇḍaka who, in due succession, shows his own psychic power, that of his wife, son, daughter-in-law, and that of his slave (Vin I 241,33, 34), or the story of Jīvaka Komārabhacca, where a merchant's wife inhaled ghee through her nose, spat it out through her mouth and ordered a slave-woman (*dāsī*) to take it up with cotton (Vin I 271,35). Later we are told that this ghee was used again for rubbing the feet of slaves or labourers (*dāsānaṃ vā kammakarānaṃ vā pādabbhañjanaṃ*) or for pouring into a lamp (Vin I 272,7–8). When the merchant's wife was cured, Jīvaka received money from several persons, but from the husband he received in addition a male and a female slave and a horse chariot (Vin I 272,16). Another merchant promises Jīvaka to become his slave himself if he is cured (Vin I 274,9 ; 275,17, 18). Many references are to be found in the Jātākas, see Ray 1986: 96f.

members. The term slave is defined as comprising three types: (1) one born as a slave, (2) one bought for money, and (3) a captive turned into a slave.³⁰ In other parts of the canon, four types are distinguished, the three just mentioned and a person who decided to become a slave himself.³¹

In one prescription the behaviour of nuns is criticized, when they, in obvious imitation of the society around them, caused male and female labourers (*kammakara kammakarī*), and male and female slaves (*dāsa dāsī*) to wait upon them (*upaṭṭhāpeti*).³² As a result, this behaviour was prohibited. However, the respective rule does not forbid the acceptance of slaves by the saṅgha, or an individual monk or nun.³³

³⁰Vin IV 224,25–28 [Sgh I N] (*BD* III 179); Vin IV 224,33; Geiger 1986: § 29, p. 375, divides the third type, *karamarānīta*, into two groups, (1) those made prisoners in war (*karamara*), and those carried off by force (*ānīta*), but see *DOP* s.v. *karamarānīta*. Four types are listed in Nidd I 11,8–11 (see n. 31). Manusmṛti (VIII.415) and Arthaśāstra (III.13) give seven and nine classes of slaves respectively: (1) those captured in war, (2) those who serve for their food, (3) those born in the house, (4) those who are bought, (5) those who are given, (6) those who are inherited from ancestors, and (7) those enslaved by way of punishment. The Arthaśāstra adds two more: those who have either mortgaged or sold themselves.

³¹Nidd I 11,8–10: *dāsā ti cattāro dāsā: antojātako dāso, dhanakkitako dāso, sāmāṃ vā dāsavisayaṃ upeti, akāmako vā dāsavisayaṃ upeti.*

³²For this meaning of *upaṭṭhāpeti* see *CPD* s.v. *upaṭṭhāpeti*, 1. Vin II 267,10 (see n. 33) (*BD* V 370: “they kept slaves, they kept slave women”, etc., is somewhat misleading; see, however, *BD* V 370, n. 6).

³³Vin II 267,5–23 (*BD* V 370): *chabbaggiyā bhikkhuniyo dāsaṃ upaṭṭhāpentī, dāsīṃ upaṭṭhāpentī ... na dāso upaṭṭhāpetabbo, na dāsī upaṭṭhāpetabbā.* “The six [bad] nuns caused a slave to wait upon [them], caused a female slave to wait upon [them] ... a slave may not be made to wait upon [oneself], a female slave may not be made to wait upon [oneself].” Sp VI 1293,28–30: *dāsaṃ upaṭṭhāpentī ti dāsaṃ gahetvā tena attano veyyāvaccam kārentī. dāsī-ādīsū pi es’ eva nayo.* “**They caused a slave to wait upon [them means]:** Having taken a slave they made him carry out their own housework. Also in the case of female slaves, etc., exactly this [is] the method.”

The eighth Prakīrṇaka of the Mahāsāṃghika-Lokottaravādins quoted by Schopen as a proof that the personal possession of *ārāmikas* was forbidden

This is confirmed by the chapter on the rains retreat, which mentions the impending bestowal of a male or female slave and the allowance to interrupt the rains retreat in avoidance of such offers if they were considered incompatible with the religious life of a fully ordained person.³⁴ An unconsenting monk obviously did not have the possibility to simply reject them.³⁵

The Vinaya-piṭaka does not contain a prescription which explicitly forbids the acceptance of slaves.³⁶ However, the Sutta-piṭaka states that the Buddha himself did not accept male and female slaves.³⁷ Based on this regulation, the Vinaya *ṭīkās* (twelfth and thirteenth centuries) finally prohibit the acceptance of slaves. The Sāratthadīpanī interprets this as a prohibition for monks to accept slaves for their own use,³⁸ whereas the Vimativinodanī-ṭīkā declares that the *aṭṭhakathās* reject the acceptance

by at least some Indian Vinayas (Schopen 1994B: 162; taken for granted by Yamagiwa 2002:365, n. 5), in fact does not deal with the possession of *ārāmikās*, but with their usage. What is forbidden in this rule is to cause an *ārāmikī*, a *ceṭī*, a *kalpiya-kārī* to wait upon (*upasthāpayati*) [oneself]. This could also be done when these persons belonged to the saṅgha, and thus the transgression would be that one used *ārāmikās* for one's own affairs and not for the saṅgha's or the monastery's. Therefore this Prakīrṇaka rule tallies with the wording of the rule above given from the Mahāvihāra Vinaya, except that it does not use the term slave.

³⁴Vin I 150,6–23 (BD IV 198): *dāsaṃ vā te demi, dāsiṃ vā te demi*.

³⁵Such a rejection would deprive the donor of the merit which results from his donation, and this presumably could not be an acceptable behaviour for a monk.

³⁶For further comments on slaves with respect to monasteries, see Geiger 1986: § 187, Gunawardana 1979: 97ff.

³⁷This attitude is codified in a set of rules called the minor *silā* (*cūlasīla*), found in the Brahmajāla-sutta and elsewhere, D I 5,14f.: *dāsidāsapāṭiggahaṇā paṭivirato samaṇo Gotamo*; D I 64,24; M I 180,12; 268,24, etc.: *dāsidāsapāṭiggahaṇā paṭivirato hoti*.

³⁸Sp-ṭ II 330,22–24: *dāsaṃ attano atthāya sādīyantassa pi dukkaṭam eva dāsidāsapāṭiggahaṇā paṭivirato hotī ti* (D I 5,14f.) *vacanato*. “Even for one who accepts a slave for his own use only an [offence] of wrong doing [arises] on account of the [authoritative] statement [of the Sutta texts]: ‘**he abstains from the acceptance of male and female slaves**’.”

of slaves based on this regulation, thus relating this statement to the designation with which a slave may be accepted (see below).³⁹ That this still was a question in later times is shown by the Katikāvatas.⁴⁰

The commentaries of the fourth and fifth centuries provide for the acceptance of slaves by the Buddhist community, albeit on certain conditions. For instance, slaves — even if designated as *dāsa/dāsi* — may be accepted by the saṅgha if they are part of the donation of a palace, in which case they are counted among its inventory stock.⁴¹ Furthermore, the saṅgha is explicitly allowed to accept a dyer-slave (*rajakadāsa*) and a weaver-slave (*pesakāradāsa*), provided they are presented under the designation of *ārāmika*.⁴² In the commentaries on

³⁹Vmv I 272,9–11 = Pālim-nṭ I 65,16–19: *evaṃ yācato aññātakaviññattidukkaṭṭaṇ c' eva dāsapaṭiggahaṇadukkaṭṭaṇ ca hoti dāsīdāsapaṭiggahaṇā paṭivirato hoti ti* (D I 5,14f.) *vacanaṃ nissāya aṭṭhakathāsu paṭikkhattatā*. “For one begging in that way there arises [an offence of] wrong doing for asking someone not related as well as [an offence of] wrong doing in case of the acceptance of a male slave because [it] has been rejected in the *aṭṭhakathās* based on the [authoritative] statement [of the Sutta texts]: ‘he abstains from accepting male and female slaves’.”

⁴⁰The Dambadenikatikāvata (twelfth or thirteenth century) states that in accepting male and female slaves (*dās-das*, v.l. *dāsi dās*) “a well-disciplined, wise and modest bhikkhu should be [first] consulted and those [slaves, etc.] should be accepted in the manner indicated by him” (Ratnapāla 1971: pp. 58, 153, § 68). The Kīrtiśrīrājasīṃha-Katikāvata I (eighteenth century) declares that monks should not treat relatives or non-relatives with proper or improper possessions, such as ... [among others] male and female slaves (*dāsi-dāsa*, v.l. *dāsi-das*; see Ratnapāla 1971: pp. 99, 169, § 103). In a similar way it is expressed without the term *dāsa* being used in the Kīrtiśrīrājasīṃha-katikāvata II (eighteenth century) with respect to people living in villages owned by the Vihāra (Ratnapāla 1971: pp. 109, 175, § 11).

⁴¹Sp VI 1236,30–37,1 [ad Vin II 169,29]: *pāsādassa dāsīdāsakhettavatthugomahisaṃ demā ti vadanti, pāṭekkaṃ gahaṇakiccaṃ natthi. pāsāde paṭiggahite paṭiggahitaṃ eva hoti*. “[If] they say: ‘We give female and male slaves, fields, grounds, cows and bulls for the *pāsāda*’, there is not an obligation of a separate acceptance. When the *pāsāda* is accepted, [this] is in fact accepted.” This was noted already by von Hinüber 2000: 147.

⁴²Vin-vn, v. 665; Sp III 683,17–18, see below, n. 43.

the Sutta-piṭaka and the Vinaya-piṭaka the rule is extended to all slaves (*dāsa*) labelled as *ārāmika*, one who belongs to the *ārāma*, i.e., the monastery, as *kappiyakāraka*, legalizer, or as *veyyāvaccakara*, steward, attendant.⁴³ All three terms designate persons who carry out all sorts of work in Buddhist monasteries, and they all seem to have the social

⁴³Commentaries on the Sutta-piṭaka (Sv I 78,19; Ps II 209,30ff.; Spk III 304,32ff.; Mp III 192,1-3; etc.: *dāsidāsapaṭiggahaṇā ti ettha dāsidāsavasen' eva tesam paṭiggahaṇam na vaṭṭati. kappiyakāraṇam* (v.l. *kappiyakārakaṇam*) *dammī, ārāmikaṇam dammī ti evaṇ vutte pana vaṭṭati*. Sp adds a third term, *veyyāvaccakara*: Sp III 683,6-18: *dāsam dammīti vadati, na vaṭṭati. ārāmikaṇam dammī, veyyāvaccakaraṇam dammī, kappiyakārakaṇam dammīti vutte vaṭṭati. sace so ārāmiko purebhaddam pi pacchābhaddam pi saṅghass' eva kammaṇ karoti, sāmaṇerassa viya sabbaṇ bhesajjapaṭijagganam pi tassa kātabbaṇ. sace purebhaddam eva saṅghassa kammaṇ karoti, pacchābhaddam attano kammaṇ karoti, sāyaṇ nivāpo na dātabbo. ye pi pañcadivasavārena vā pakkhavārena vā saṅghassa kammaṇ katvā sesakāle attano kammaṇ karonti, tesam pi karanakāle yeva bhaddaṇ ca nivāpo ca dātabbo. sace saṅghassa kammaṇ natthi, attano yeva kammaṇ katvā jīvanti, te ce hatthakammamūlaṇ ānetvā denti, gahetabbaṇ. no ce denti, na kiñci vattabbā. yaṇ kiñci rajakadāsam pi pesakāradāsam pi ārāmikanāmena sampajicchitum vaṭṭati.* “[If] one says: ‘I give a slave’, it is not allowed; if ‘I give an *ārāmika*, I give a *veyyāvaccakara*, I give a *kappiyakāraka*’ is said, it is allowed. If an *ārāmika* carries out work for the saṅgha before meals as well as after meals, [then] even the whole care for the medicine has to be taken over by him as by a novice. If he carries out work for the saṅgha only before meals [and] after meals he carries out his own work, no ration is to be given to him in the evening. Also to those who, having carried out work for the saṅgha every five days or every fortnight, who during the rest of the time carry out their own work, meals and ration are to be given only during the time of [their] working [for the saṅgha]. If the saṅgha does not have work [for them], they live carrying out only their own work; if they procure money from their manual labour [and] give it, it is to be taken. If they do not give it, they are not to be spoken to at all. It is allowed to accept with the designation *ārāmika* whatever slave is a dyer and whatever slave is a weaver.” Khuddas-pṭ 169,25-70,1 (ad Khuddas, v. 284: donation of a *dāsa* is prohibited) allows accepting slaves given with the terms *ārāmika*, *veyyāvaccakara*, and *kappiyakāraka*; Vin-vn-pṭ I 308,24-26 (ad v. 665) allows accepting slaves given with the terms *ārāmika* and *veyyāvaccakara*.

background of a slave. Before we proceed further, we, therefore, have to take a brief look at the usage of these terms.

2.1.1.1 *Ārāmika*

The term *ārāmika* is only rarely used in the Sutta-piṭaka.⁴⁴ Most references are to be found in the Vinaya, where it is used in five contexts (alone and in compounds). First, most references are found in the story of King Bimbisāra's donation of five hundred *ārāmikas* to Venerable Pīlavaccha, which contributed considerably to the general acceptance of monastery attendants (*ārāmika*) for the saṅgha.⁴⁵ Second, the term appears in the regulations for establishing a monk as a superintendent of monastery attendants (*ārāmikapesaka*).⁴⁶ Third, the *ārāmika* is mentioned as a person to be asked for permission when a monk wants to leave a monastery or when a nun wants to enter a monks' monastery, in case there is no monk or novice available to be asked.⁴⁷ Fourth, we come across the term in passages pondering the possibility that monks may want to leave monkhood to become

⁴⁴A II 78,31 (*ārāmikasamaṇuddesesu*); III 109,31, 32 (a prophecy that in future bhikkhus will be mingled with *ārāmikas* and *samaṇuddesas*); 275,16 (determination of an *ārāmikapesaka*); III 343,2 = IV 343,25; Ap I 39,6; 191,2; 205,7; 295,5; II 409,14; 447,24; Bv 56,28 (13.14); Jā I 251,2, 8; M II 5,21f. (see n. 53).

⁴⁵This story is told twice in the Vinaya, first as an introductory story to Nissaggiya 23 Mk, which prescribes that medicines may be stored seven days at most (Vin III 248,11–50,29; BD II 126–131), and second in the Mahāvagga (Vin I 206,34–209,35; BD IV 281ff.). One difference in wording is to be noted *taṃ atikkāmayato nissaggiyaṃ pācittiyaṃ* (Vin III 251,17–18) against Mahāvagga *taṃ atikkāmayato yathādhammo kāretabbo* (Vin I 209,34–35); for this see von Hinüber 1999: 54ff. The story has been investigated in detail by Schopen 1994B: 145–173, and more broadly by Yamagiwa 2002: 363–85.

⁴⁶Vin II 177,20–23 (BD V 248–249); 179,31 (*uddāna* to the preceding). This is taken up in the Parivāra, Vin V 204,32–33; 205,4 (*uddāna* to the preceding).

⁴⁷The rule is to be found in the Cullavagga: Vin II 211,24–25 (BD V 296f.); Vin II 232,8 (BD V 322, *uddāna* to the preceding). It is hinted at in the word-by-word commentaries to several Pācittiya rules: Vin IV 40,20 [Pāc 14 Mk] (BD II 241); Vin IV 41,34–42,1 [Pāc 15 Mk] (BD II 244); Vin IV 307,29–30 [Pāc 51 N] (BD III 341f.).

ārāmikās or may ask to be considered as being *ārāmikās*.⁴⁸ And fifth, the *ārāmika* is mentioned in the function of a legalizer (*kappiyakāraka*), without the word legalizer being used.⁴⁹

Without exception, references to *ārāmika* in the Vinaya are in its later layers.⁵⁰ A definition of the term is not given anywhere in the text, which seems to imply that it was commonly known. From its use in the Vinaya we can infer that *ārāmikās* could marry, have children, and were allowed to live together with their families in separate villages

⁴⁸Vin III 24.27; 25.8 [Pār 1.8.2 Mk] (*BD I 43ff.*), word-by-word commentary, where a monk declares his weakness in making known that he desires the status of an *ārāmika* or that he wants to be an *ārāmika*; Vin III 27.7 [Pār 1.8.3 Mk] (*BD I 45f.*) disavowing the training in asking to be taken as an *ārāmika*; Vin III 92.16 [Pār 4.3 Mk], (*BD I 160*), word-by-word commentary: definition of longing to be purified (*visuddhāpekha*) as the wish to become an *ārāmika*,

⁴⁹All three references of this type belong to the Nissaggiya section; it is used twice in the word-by-word commentaries: Niss 18 Mk (prohibition of the acceptance of gold and silver; Vin III 238.15, *BD II 103*) and Niss 19 Mk (engagement in transactions in which gold and silver are involved; Vin III 240.17, *BD II 108*). Once it is used in a Pātimokkha rule itself [Niss 10 Mk], which, however, on account of its structure seems to be later (see n. 50). There, an *ārāmika* or a lay follower (*upāsaka*) should be indicated as a monk's personal attendant (*veyyāvaccakara*) who can function as a legalizer in order to accept goods given by the king or people in the king's service for a certain monk (Vin III 221.26 [Niss 10.1.3 Mk], *BD II 65f.*).

⁵⁰Those in the Suttavibhaṅga (with one exception) come from the introductory stories and from the word-by-word commentaries. The only reference from a Pātimokkha rule, i.e., from Niss 10 Mk, may be relatively late. According to von Hinüber (1999: 77), though the group of Nissaggiya prescriptions may well contain old material, their existence as a separate group probably means their inclusion was the last step in the development of the Pātimokkha with 150 rules. Thus it may well be that Nissaggiya 10, as we have it now, was formulated only relatively late. All references in the Mahāvagga belong to the story which also serves as an introductory story for Niss 23 Mk. According to Schopen (1994B: 151ff.) this story shows strong signs of a local origination in Sri Lanka, which implies that in the shape it has in the Theravāda Vinaya it does not belong to the oldest layers of this text. The references from the Cullavagga as well as those from the Parivāra refer to the superintendent of *ārāmikās*, which naturally could have come into being only after the introduction of *ārāmikās*.

(*ārāmikagāma*) like slaves who also had their own villages.⁵¹ They could be presented to a single monk by the king. Explicit mention is made of monks who decided to become *ārāmikas*. The hierarchical position of an *ārāmika* is between a novice and a lay follower.⁵² He may carry out physical or manual work (clearing caves or rock overhangs). He has some authority with respect to the organization of the monastery (he is asked for permission to leave [in a monk's case] or enter [in a nun's case] a monastery if no monk and no novice is present), or he acts as the personal attendant of a monk (*veyyāvaccakara*) in the function of a legalizer (*kappiyakāraka*). In the Majjhima-nikāya⁵³ *ārāmikas* are classed with those following the five rules for lay persons (*sikkhāpadas*).⁵⁴

In the commentaries of the fourth or fifth century *ārāmika* is used as a comprehensive term for workers in a monastery, e.g., as a legalizer (*kappiyakāraka*); an attendant (*veyyāvaccakara*); a distributor of rice gruel, fruits, or hard food; as one who clears an area of grass;⁵⁵ as a

⁵¹Cf. *dāsaḡāmaka* (Ap II 538.2 = Thī-a [old edition] 151.27; [new edition] 148.8); *dāsaḡāmadvāra* ≠ (v.l. *dāsakammakaragāmadvāra*) *dāsaḡāmavasin* (Ap-a 263.1-2 = Mp I 179.26f. = Spk II 195.11f. = Th-a III 133.3-4) and to the statement that the town Anurādhapura had, among others, fourteen villages for slaves (Spk II 194.5f. with Spk-ṭ [CSCD] II 167).

⁵²This becomes evident from the possible order in which one might ask persons for permission (*bhikkhu*, *sāmaṇera*, *ārāmika*, see n. 47), and by the states a *bhikkhu* might wish to revert to: an *upāsaka*, *ārāmika*, or *sāmaṇera* (see n. 48).

⁵³M II 5.21f.: *ārāmikabhūtā vā upāsakabhūtā vā pañcasikkhāpade samādāya vattanti*.

⁵⁴In the Milindapañha (Mil 6.25f.) the god Sakka declares himself an *ārāmika* of the saṅgha. In Ap I 191.2, Ap-a 464.19f., a person declares to have been an *ārāmika* of the Buddha Vessabhū; in Bv-a 39.14 = It-a II 105.12f. = Mp I 116.29f., it is stated that Mahābrahmā may serve as an *ārāmika* or *kappiyakāraka* of the Buddha.

⁵⁵See the explanation of how one gives up life as a monk with a synonym of *ārāmika*, where the synonyms given are *kappiyakāraka*, *veyyāvaccakara*, *appaharitakāraka*, *yāgubhājaka*, *khajjakabhājaka*, *phalabhājaka* (Sp I 253.29-33). Cf. Gunawardana 1979: 98, who adds some further functions from

mediator between king and monks;⁵⁶ as one who guards the possessions of the saṅgha;⁵⁷ or as one who clears and levels the site at the foot of a tree for the inferior tree ascetic, scattering sand on it, making an enclosure and giving a door;⁵⁸ and as one who has tasks that are similar to those of a novice.⁵⁹ According to the Samantapāsādikā, the monastery provides the *ārāmikas* with food and a ration — presumably of necessities⁶⁰ — equivalent to their work for the community. For example, if they worked only half a day, the monastery would not provide supper. They could also work every five days or every fortnight only, or if the saṅgha had nothing to do for them, work on their own account without subsidies from the saṅgha. If they earned money by their own manual labour, they could give that money to the monastery but obviously were not obliged to do so since they were not to be spoken to at all in a case where they did not.⁶¹ This is remarkable insofar as, according to the Hindu law books, slaves and the profit they produced fell to their owner, which also seems to have been the regular

more recent sources, for example a chief *ārāmika* being responsible for the decoration in a monastery (Sahassavathupakaraṇa) and *ārāmikas* in charge of the store of provisions and responsible for the preparation of meals (Sīhaḷavathupakaraṇa).

⁵⁶Spk III 23,27; 24,6.

⁵⁷Vism 120,30–21,4 = Sp-ṭ II 208,14–20, where the *ārāmikas* keep the cattle of the families out of the fields of the monastery and shut off the floodgate so that people do not obtain water for their fields, which causes trouble for the monks, who are responsible for the *ārāmikas*' deeds. This passage is quoted by Gunawardana 1979: 98 (from Sp-ṭ) as a proof for *ārāmika* being also used as a designation for those who tilled the land of the monastery.

⁵⁸Vism 74,14–16.

⁵⁹Sp V 1121,22; VI 1161,23. In that case *ārāmika* is used in a similar way as *kappiyakāraka*.

⁶⁰For the explanation of *nivāpa* see Gunawardana 1979: 123.

⁶¹See n. 43. Further references: Spk III 34,3; 40,3; Sp II 380,10ff.; 474,7–11; III 564,16.; 681,19, 21; 692,3.; 733,9; IV 775,8; V 1099,26; Ps I 122,23.

case in a worldly Buddhist context.⁶² At least in this respect the attitude of Buddhist monasteries towards *ārāmikas* differs from the attitude of the normal population towards slaves. In the Sāratthapakāsinī (fourth or fifth century) *ārāmikas* are addressed as lay followers (*upāsaka*) by their interlocutors.⁶³ Several donations of slaves to Buddhist monasteries and monks are recorded in the Sinhalese chronicles,⁶⁴ and the Sinhalese Katikāvatas from the eighteenth century recommend handing over donations to *ārāmikas* or *upāsakas*, who are equated with *kappiyakārakas*.⁶⁵

⁶²See Jā I 402.30 [no. 97], where a slave girl is beaten by her master and mistress because she had not given them her wages (*dāsim bhatim adadamāṇaṃ*)

⁶³Spk III 40.3; in Spk III 218.6 = Sv II 552.32 *upāsakas* are compared to *ārāmikas*. In the Vin-vn, v. 1059 *ārāmikam upāsakaṃ*, could be a lay follower who is an *ārāmika*, or it could mean *ārāmika* and *upāsaka*, describing two different persons. In other cases *ārāmika* and *upāsaka* are listed as separate groups (Ps II 152.10f.: *bhikkhu vā sāmaṇero vā ārāmiko vā vihārasāmiko vā*).

⁶⁴King Sirimeghavaṇṇa (362–409?) fixed the revenues of the *ārāmikas* (Mhv 37.63); Aggabodhi I (568–601) granted one hundred *ārāmikas* to the Kurundavīhāra (Mhv 42.15–16); King Silāmeghavaṇṇa (617–26) distributed the Damiḷas he had overpowered and made slaves (*dāsa*) to various monasteries (Mhv 44.70–73); King Aggabodhi IV (658–74) placed slaves (*dāsaka*) as well as female slaves (*dāsi*) and *ārāmikas*, which were his own relatives, at the disposal of the Bhikkhu community (Mhv 46.10.14); the Damiḷa Pottakuṭṭha, in the service of Aggabodhi IV, assigned villages together with slaves to the meditation hall (*padhānaghara*, Mhv 46.19–20); Jeṭṭhā, the queen of Aggabodhi IV, granted a hundred *ārāmikas* to the Jeṭṭhārāma (Mhv 46.27–28); Kassapa IV (896–913) granted *ārāmikagāmas* to the hermitages he built (Mhv 52.26); Parakkamabāhu I (1153–1186) assigned a male and a female slave (*dāsa*, *dāsi*) to each patient in the hospital (Mhv 73.34–36); Queen Kalyāṇavatī (thirteenth century) built a monastery and granted it villages, etc., and slaves (*dāsa*, Mhv 80.35–36). Her general, Āyasmanta, created a *parivena* and supplied it with male and female slaves (*dāsīdāsa*, Mhv 80.40). King Kittisīrīrājasīha (1747–1781) assigned relic villages, etc., with many male and female slaves (*dāsīdāsa*) to the holy Tooth Relic (Mhv 100.11).

⁶⁵Kīrtīśīrīrājasīha-Katikāvata, Ratnapāla 1971: p. 100, 171, § 110.

2.1.1.2 *Kappiyakāraka*

The second designation enabling a monastery to accept the donation of slaves is *kappiyakāraka*. In the canonical scriptures, this term is confined to the Vinaya-piṭaka, more precisely to the sixth chapter of the Mahāvagga on medicines, and to the *anāpatti* formulas of two Pācittiya rules, which are even later than the word-by-word commentaries and the introductory stories in the Suttavibhaṅga.⁶⁶ Obviously, the term *kappiyakāraka* was even less common in the canonical texts than the term *ārāmika*. Likewise, *kappiyakāraka* is not defined, but used as if its special meaning was commonly known. In contrast to *ārāmika*, there exists no prescription in the Vinaya explicitly allowing *kappiyakārakas*. The function of a *kappiyakāraka* was to receive donations of items forbidden for monks, such as fruit or money, and to make them acceptable, or to exchange them with acceptable goods. The Vinaya's usage renders the impression that *kappiyakāraka* does not designate a defined office in the monastery, but rather a function that could be executed by any trustworthy person who was not an ordained member of the Buddhist community. Consequently, an *ārāmika* could act as a *kappiyakāraka*, too, and according to three passages in the Vinaya, this is one of the *ārāmika*'s functions although the term *kappiyakāraka* is not used there.

The commentarial literature distinguishes ten types of *kappiyakārakas*, depending on whether they are designated or not (*niddiṭṭhal aniddiṭṭha*), by whom they are designated, whether in presence or absence of their consignees, etc.⁶⁷ The Kaṅkhāvitaraṇī states that any

⁶⁶Vin I 206,12 (twice), *BD IV* 280 (same context as Vin IV 90,28 [Pāc 40 Mk], *BD II* 346, *anāpatti* formula); Vin I 211,37, *BD IV* 288 (in a famine *kappiyakārakas* take a greater part); Vin I 212,7, 20, 23–25, *BD IV* 289 (*kappiyakārakas* shall legalize fruits); 215,22, *BD IV* 293 (similar to the preceding); 245,2–3, *BD IV* 336 (*kappiyakārakas* may accept gold); Vin III 242,11 [Niss 20 Mk], *BD II* 112 (*anāpatti* formula).

⁶⁷Sp III 675,1ff. [Niss 10 Mk]; Kkh 118,11 [Niss 10 Mk]. Further references Sp III 702,3 (son and/or brother are rendered into *kappiyakārakas*; V 1070,30; VI 1228,23; 1238,6, 10.

individual not ordained in the Buddhist community could serve as a legalizer.⁶⁸ From the Samantapāsādikā we know that poor people decided to become *kappiyakāra* in order to earn their living based on the saṅgha.⁶⁹ Therefore, in addition to slaves,⁷⁰ free persons in need are expressly mentioned as having become *kappiyakāra*. In other cases lay followers (*upāsaka*) function as *kappiyakāra*.⁷¹ Sometimes the functions of a *kappiyakāra* have to be similar to the duties of a novice (*sāmaṇera*) since both are listed alternatively.⁷² In another case one who serves someone who is ill (*gilānupaṭṭhāka*) is compared to a *kappiyakāra* and a *sāmaṇera*.⁷³ In the Katikāvatas *kappiyakāra* are mentioned as those to whom one should hand over improper things.⁷⁴

2.1.1.3 Veyyāvaccakara

The third designation, *veyyāvaccakara*, “attendant, steward”, is but rarely used in the canonical scriptures, and except for two references in the Jātaka and the Apadāna,⁷⁵ we only find it in two rules of the Vinaya-piṭaka, namely in the Pātimokkha rule Nissaggiya 10 Mk regulating the appointment of an *ārāmika* or a lay follower as a monk’s

⁶⁸The Kkh (116,27–28) equates *veyyāvaccakara* with *kappiyakāra*, and declares that anyone, aside from the five co-religionists (*bhikkhu*, *bhikkhunī*, *sikkhamānā*, *sāmaṇera*, *sāmaṇerī*), may serve as a *kappiyakāra*.

⁶⁹Sp V 1001,18–19: *duggatamanussā saṅghaṃ nissāya jīvissāmā ti vihāre kappiyakāra* honti.

⁷⁰Buddhadāsa (362–409), for instance, granted *kappiyakāra* to monks (Mhv 37.173), which indicates that they were not free men.

⁷¹Mp II 115,2 ≠ Ps I 137,6 ≠ Spk I 136,27 ≠ Sv I 236,12 ≠ Ud-a 288,18; Jā IV 408,16.

⁷²Dhp-a II 182,20, 21; IV 129,6f.

⁷³Dhp-a II 60,11.

⁷⁴Kīrtiśīrājasimha-Katikāvata I (eighteenth century), Ratnapāla 1971: pp. 100, 171, § 110, where *kappiyakāra* is equated with *ārāmika* and *upāsaka*; Kīrtiśīrājasimha-Katikāvata II (eighteenth century), Ratnapāla 1971: pp. 110, 176, § 15; Rājādhīrājasimha-Katikāvata (eighteenth century), Ratnapāla 1971: pp. 119f., 181f., §§12, 13, 18.

⁷⁵Jā II 334,8; Ap I 138,8.

veyyāvaccakara, and in the *anāpatti* formula to Pācittiya 44 N,⁷⁶ according to which it is not an offence if a nun cooks for her personal attendant. The fact that an *ārāmika* or a lay follower may serve as a monk's *veyyāvaccakara* shows that, similar to *kappiyakāraka*, the term *veyyāvaccakara* designates a certain function which may be executed by different persons. It is obvious from the canonical literature that even a monk may act as a *veyyāvaccakara* for other monks.⁷⁷

Commentaries on the legal literature explain *veyyāvaccakara* with the synonyms *kappiyakāraka*⁷⁸ or *kiccakara*.⁷⁹

2.1.1.4 Summary

To sum up our findings: all three terms are used mainly in the later parts of the Vinaya and rarely, if at all, in the Sutta-piṭaka. This implies that they were alien to the early Buddhist texts. *Ārāmika* is the technical term for people belonging to, and working for, Buddhist monasteries. Two types of *ārāmikas* may be distinguished with regard to their social status before they became *ārāmikas*: (1) dependent persons, i.e., slaves, and (2) free men. Obviously, in order to differentiate these two types of *ārāmikas*, the Samantapāsādikā introduces the term *ārāmikadāsa*, a slave who is an *ārāmika*, to designate the first group. The terms *kappiyakāraka* and *veyyāvaccakara* describe functions that could be executed by *ārāmikas*, but also by lay followers or other persons. Therefore, an *ārāmika* could be a *kappiyakāraka* or a *veyyāvaccakara*, and vice versa, but a *kappiyakāraka* and a *veyyāvaccakara* were not necessarily *ārāmikas*, at least not of the first type.

⁷⁶Vin III 221,25–28, 30, 32 (Pātimokkha rule); 222,23, 25, 27, 29 [Niss 10 Mk], *BD* II 65f.; and in the *anāpatti* formula to Vin IV 301,4 [Pāc 44 N], *BD* III 329 (here the meaning is misunderstood by I.B. Horner).

⁷⁷See the example of Dabba Mallaputta, who did the saṅgha's work (*veyyāvaccam karoti*; DPPN s.v. Dabba Mallaputta), and the example of a young bhikkhu who did not do the work of other bhikkhus (S II 277,13; E^c *veyyāccam*).

⁷⁸Kkh I 116,23 [Niss 10 Mk]; Sp III 672,22–23 [Niss 10 Mk].

⁷⁹Sp III 672,22–23 [Niss 10 Mk].

2.1.2 The lower ordination of slaves

The Vinaya rules that one should not confer lower ordination (*pabbajjā*) on slaves.⁸⁰ Commenting on that rule, the Samantapāsādikā — in accordance with definitions given in the canonical writings — distinguishes four types of slaves: (1) one born as a slave, (2) one bought for money, (3) a captive turned into a slave, and (4) a person gone into slavery on his own accord.⁸¹ The first two types of slaves may receive lower ordination only after they are freed.⁸² The third may not receive lower ordination as long as he is held captive, but may be ordained as a novice if he manages to escape or is released in the course of a general amnesty.⁸³ The fourth may not be ordained.⁸⁴ Even a slave without an owner had to be formally released before he could be ordained.⁸⁵ And if a slave who was unaware of his status had been ordained as a novice or as a monk and learned about his being a slave only after the event, he had to be released retrospectively.⁸⁶

⁸⁰Vin I 76.26–27: *na bhikkhave dāso pabbājetabbo. yo pabbājeyya, āpatti dukkaṭassā ti.* “Monks, a slave should not be let go forth. Whoever should let [one such] go forth, there is an offence of wrong-doing.” (Translation by I.B. Horner, *BD IV 95f.*)

⁸¹Sp V 1000.19–20: *na bhikkhave dāso ti ettha cattāro dāsā antojāto dhanakkīto karamarānīto sāmaṇṇ dāsabyaṇṇ upagato ti.*

⁸²Sp V 1000.23–25: *ete dve pi na pabbājetabbā, pabbājentena tattha tattha cārittavasena adāsaṇṇ katvā pabbājetabbā.* Cf. *Dhp-a I 15.17f.*; *Th-a I 73.13.*

⁸³Sp V 1000.25–1001.3.

⁸⁴Sp V 1001.3–6: *sāmaṇṇ dāsabyaṇṇ upagato* (Sp 1000.20) *nāma jīvitahetu vā ārakkhahetu vā ahaṇṇ te dāso ti sayam eva dāsabhāvaṇṇ upagato. rājūnaṇṇ hatthi-assa-gomahīsa-gopakādayo viya tādiso dāso na pabbājetabbo.* “**One gone into slavery of his own accord** means one who, for the sake of livelihood or for the sake of protection, went himself into the state of a slave [with the words] ‘I am your slave’. Like watchmen of kings’ elephants, horses, cows, buffaloes, etc., is such a slave; they may not let him go forth.”

⁸⁵Sp V 1001.27–28: *nissāmikadāso hoti so pi bhujisso kato va pabbājetabbo.* “[If] one is an unowned slave, that one too may be ordained as a novice, only having [first] been made a free man.”

⁸⁶Sp V 1001.28–29: *ajānanto pabbājetvā vā upasampādetvā vā pacchā jānāti, bhujissaṇṇ kātuṇṇ eva vaṭṭati.* “[If] one not knowing [about his slave status]

As is obvious from Samantapāsādikā, Sāratthadīpanī, Vimativinodanī-ṭīkā and Pācityādiyojanā, persons who went into slavery held a slave certificate⁸⁷ recording their name, and perhaps their status, their owner, and possibly the place and time of their transfer.⁸⁸ Practices of releasing slaves varied from region to region. One way was to redeem the slave by reimbursing his owner, possibly accompanied by a ritual

learns [about it] after they have ordained him as a novice or as a monk, it is allowed in fact to make him a free man.”

⁸⁷Pāc-y 244,12; Sp-ṭ III 243,12, 14; Vmv II 111,5 (*dāsipaṇṇa*); Sp V 1001,9 (*paṇṇa*). *Paṇṇa* with forms of *āropeti* (not used in the canon but only in post-canonical literature) for the most part means document (only once is it used for letter, Jā VI 369,13–14), and, depending on the context, stands for a slave letter, a promissory note (also called *īṇapaṇṇa*; Jā I 227,4; 230,2; Dhpa II 128,22; 129,19; 133,1; 134,7; 135,1–2; III 12,19f.), or an attestation of the allotment of goods (Sp 387,24 = Pālim 431,12; with Sp-ṭ II 167,12–13; Vmv I 204,10–11; Pālim-ṇṭ II 328,6–8). *Āropeti* in those cases does not mean “to send”, as indicated by *CPD* (s.v. *āropeti*), as an idiomatic use of *paṇṇam āropeti*, but “to post (up)” if it is used with the loc., and “to make out” if it is used with the acc. Compare also the younger Mūlasarvāstivāda tradition where in Guṇaprabha’s Vinayasūtra, the recording in a promissory note is expressed by *āropya patre* (see Schopen 1994A: 538). The compound *paṇṇāropana* is used in the same meaning in the present context and in two further places, Sv-pṭ I 423,16: *sakkhikaraṇapaṇṇāropanāni vaḍḍhiyā saha vinā vā puna gahetukāmassa* and, Sv-ṇṭ, CSCD, II p. 305: *sakkhikaraṇapaṇṇāropananibandhanaṃ vaḍḍhiyā*.

⁸⁸Sp-ṭ III 243,13: *sace sayam eva paṇṇam āropenti, na vaṭṭatī ti* (Sp 1001,9) *tā bhujissitthiyo mayam pi dāsiyo homā ti sayam eva dāsipaṇṇam likhāpentī, na vaṭṭatī*. “If they themselves make out a certificate, it is not allowed [to ordain their sons: if] these free women themselves cause a slave certificate to be written [with the words], ‘We too are female slaves’, it is not allowed [to ordain their sons].” Vmv II 111,3–5 = Pālim-ṇṭ I 233,6–10: *sayam eva paṇṇam āropenti, na vaṭṭatī ti* (Sp 1001,9) *tā bhujissitthiyo mayam pi vaṇṇadāsiyo homā ti attano rakkhaṇatthāya sayam eva rājūnaṃ dāsipaṇṇe attano nāmaṃ likhāpentī*. “If they themselves make out a certificate, it is not allowed [to ordain their sons: if] these free women themselves for their own protection cause their own name to be written in a slave certificate of kings [with the words], ‘We too are courtesans (lit. slaves of beauty)’, it is not allowed [to ordain their sons].”

burning of the slave certificate.⁸⁹ Another method was to sprinkle buttermilk on the slave's head, or to wash (soak?) it with buttermilk. We do not know for certain whether in that case the slaves had to be redeemed first. In any case, the respective references do not mention a payment, which may be taken as an indication that the ablution with buttermilk itself effected the release.⁹⁰ The Mahāpaccarī, one of the early commentaries from around the first century B.C., already refers to this last method. It is repeatedly mentioned in the commentaries of the fourth or fifth century, and still known at the time of the *ṭīkās*.⁹¹

⁸⁹Sv I 216,20 = Ps II 321,5-7: *yathā puna* (Sv B^e *pana*) *dāso kañcid eva mittam upanissāya sāmikānaṃ dhanaṃ datvā attānaṃ bhujissaṃ katvā tato paṭṭhāya yaṃ icchatī, taṃ kareyya*; Vmv II 110,22-111,1: *dāsacārittaṃ āropetvā kīto ti* (Sp 1000,23) *iminā dāsabhāvaparimocanattāya kītaṃ nivatteti. tādiso hi dhanakkīto pi adāso eva. tattha tattha cārittavasenā ti* (Sp 1000,24) *tasmīṃ tasmīṃ janapade dāsapaṇṇajjhāpanādinā adāsakaraṇāniyāmena*. Unowned slaves (*nissāmikadāso*) were allowed to free themselves, Vjb 424,10-11: *nissāmikaṃ dāsaṃ attanāpi bhujissaṃ kātuṃ labhati*. Sp-ṭ III 243,19-21: *nissāmikadāso* (Sp V 1001,27) *nāma yassa sāmikā saputtadārādayo* (Pālim-pṭ adds *cā*) *matā honti, na koci tassa pariggāhako, so pi pabbājetuṃ na vaṭṭati, taṃ pana attanāpi bhujissaṃ kātuṃ vaṭṭati*.

⁹⁰Sv I 266,24f.: *dhītaraṃ adāsīti sīsaṃ dhovivā adāsaṃ bhujissaṃ katvā dhītaraṃ adāsī*. “**He gave [him his] daughter [as a wife]**: Having washed his head, [thus] having made [him] a non-slave (=) a free man, he gave [his] daughter [to him].” Cf. Ap-a 263,5f. = Mp I 179,26f. = Spk II 195,15f. = Th-a III 133,7f.: *sace tumhesu ekekaṃ bhujissaṃ karoma, vassasatam pi na ppahoti. tumh’ eva tumhākaṃ sīsaṃ dhovivā bhujissā hutvā jīvathā ti*. “If we make each one among you a free man, even a hundred years will not suffice. Having washed your head you indeed shall live as free men.” See also Vibh-mṭ (CSCD) 182.

⁹¹Sp-ṭ III 243,14-17 = Pālim-nṭ I 233,23-27: *takkaṃ sīse āsittakasadisā va hontī ti* (Sp V 1001,14-15) *yathā adāse karontā takkena sīsaṃ dhovivā adāsaṃ karonti, evaṃ ārāmikavacanena dinnattā adāsā va te ti adhippāyo. takkāsiñcanaṃ pana sihaḷadīpe cārittān ti vadanti*. “**They in fact resemble [persons] on [whose] head buttermilk is sprinkled**: as [those] who make [slaves] into non-slaves, make [a slave] into a non-slave by washing his head with buttermilk, so they, because of [their] having been given with the designation *ārāmika*, [are made] indeed non-slaves. [That is the] intention. ‘The sprinkling of buttermilk, however, is a usage in the Sīhaḷa island,’ they say.” Vmv II 111,11-14: *takkaṃ sīse āsittakasadisā va hontī ti kesuci*

According to the explanations of Dhammasiri's Gaṇṭhipada and Sāriputta's Sāratthadīpanī, this method was practised in Sri Lanka,⁹² while the Vimativinodanī-ṭīkā declares that it was a usage in some countries without specifying them.⁹³

Among the various groups of slaves mentioned in the Samantapāsādikā, we find the specific group of *ārāmikadāsas*, slaves who are *ārāmikas*. They represent the first of the two groups of *ārāmikas* defined before, i.e., those who are unfree. If these are given to the monastery (*vihāra*) by a king, they, according to the statement of the Samantapāsādikā, may be ordained as novices only after their release.⁹⁴ Whether this is different if the donor was a commoner, we do not know. In any case, it seems to be irrelevant which of the four categories of slaves these *ārāmikadāsas* belonged to.⁹⁵

Furthermore, if a monk receives a slave from his relatives or his servants with the request to ordain him as a novice so that he may do the monk's work (*veyyāvacca*), or if the monk's own slave is considered for such a promotion, the Samantapāsādikā states that he may only be

*janapadesu adāse karontā takkaṃ sīse āsiñcanti, tena kira te adāsā honti, evam idam pi ārāmikavacanaena dānaṃ pīti adhippāyo. "They in fact resemble [persons] on [whose] head buttermilk is sprinkled: in some regions [those] who make [slaves] into non-slaves sprinkle buttermilk on [their] head; therewith, as is well known, they become non-slaves. In this way also that donation with the statement *ārāmika* is intended." Pāc-y 243,20–21: *ārāmikaṃ demā ti vacanaṃ dāsānaṃ bhujjissavacanan ti vuttaṃ hoti.* "It is said that the statement 'we give an *ārāmika*' for slaves is the statement [that one is] a free man."*

⁹²Vjb 424.9: *takkāsiñcanaṃ Sihaḷadīpe cārittaṃ.* Sp-ṭ III 243,17, see n. 91.

⁹³Vmv II 111,11–13, see n. 91.

⁹⁴Sp V 1001,11–12: *vihāresu rājūhi ārāmikadāsā nāma dinnā honti, te pi pabbājetuṃ na vaṭṭati. bhujjisse katvā pana pabbājetuṃ vaṭṭati.* "Slaves who belong to the *ārāma* are given to the *vihāras* by kings; these too may not be ordained as novices. But having made them free men, [they] may be ordained as novices."

⁹⁵Probably all four types of slaves were the property of kings.

ordained as a novice after he has been released.⁹⁶ Thus in both cases — (1) donation of slaves by a king to the saṅgha and (2) donation of a slave by private persons to a monk — the slaves have to be released first.

In this context, however, the Samantapāsādikā hands down a quotation from the Mahāpaccarī (c. first century B.C.). There it is stated that born and bought slaves are given to the community of monks with the words “we give *ārāmikas*”, that the status of these individuals then resembles that of persons whose heads are sprinkled with buttermilk, and that they are entitled to receive the lower ordination.⁹⁷

While the Samantapāsādikā, according to the initial statement, would admit the ordination of the first two types of slaves only after their release, the Mahāpaccarī attaches no further condition to their lower ordination except that they are to be given to the community of monks with the designation *ārāmika*. The donor is not mentioned in this case. Thus his identity, be it king or commoner, seems to be irrelevant. If one extends that statement to cover born and bought slaves given by a king, the Mahāpaccarī is in obvious disagreement with the Samantapāsādikā. However that may be, from the statement of the Mahāpaccarī it follows that the statement “We give *ārāmikas*” changes the social status of the slaves and assimilates their status to that of free men.

The position of the Mahāpaccarī, in turn, is contested by the Kurundī, another of the early commentaries quoted in the Samanta-

⁹⁶Sp V 1001.21–23: *bhikkussa nātakā vā upaṭṭhākā vā dāsaṃ denti imaṃ pabbājetha, tumhākaṃ veyyāvaccam karissatīti attano vā* (Sp E^c v a) *assa dāso atthi, bhujisso kato ’va pabbājetabbo*. “[If] a monk’s relatives or servants donate a slave [to him with the words:] ‘Ordain that one as a novice, he will do your work’, or [if] he himself (i.e., the monk) owns a slave, this one may be ordained as a novice only after he has been made a free man.”

⁹⁷Sp V 1001.13–15: *Mahāpaccariyaṃ antojātadhanakkītake ānetvā bhikkhusaṅghassa ’ārāmike demā’ ti denti. takkaṃ sīse āsittakasadisā ’va honti. pabbājetuṃ vaṭṭatī ti vuttaṃ*. “In the Mahāpaccarī it is said, ‘They bring persons born [as slaves] and [those] bought for money [and] give [them] to the community of monks [with the words:] ‘We give *ārāmikas*’. [These] become indeed similar to those on whose head buttermilk is sprinkled.’”

pāsādikā. Without specifying the individuals given to the saṅgha, the Kurundī agrees with the Mahāpaccarī as to the accompanying designation (“We give an *ārāmika*”), but *not* with regard to their consequent entitlement to lower ordination.⁹⁸ This document presents not only a conflict of views with regard to the social status of *ārāmikās* given to the saṅgha, but also a difference of opinion concerning their entitlement to ordination as novices. It shows us as well that this conflict has a very long history, reaching back at least to the first century B.C.

As for the Samantapāsādikā, there are indications that it agrees with the Kurundī: firstly, because it expresses the same opinion with respect to *ārāmikās* given by a king; and secondly, because it quotes the Kurundī after the Mahāpaccarī, which is a sign of acceptance.⁹⁹

The next class of commentaries, the *gaṇṭhipadas*,¹⁰⁰ contain various statements on *ārāmikās*. The first, Dhammasiri’s *Gaṇṭhipada*, is undated and only survived in the passages quoted in the *Vajirabuddhi-tīkā*, which suggests that it must have been written between the fifth and twelfth centuries. Dhammasiri regards *ārāmikās* as neither slaves nor free men,¹⁰¹ but nonetheless supports their ordination as novices.¹⁰²

⁹⁸Sp V 1001,15–17: *Kurundiyaṃ pana ‘ārāmikaṃ demā’ ti kappiyavohārena denti, yena kenaci vohārena dīno hotu, n’eva pabbājetabbo ti vuttaṃ*. “But in the Kurundī it is said, ‘They give with the [legally] acceptable designation “we give *ārāmikās*”; with whatever designation one is given, he is by no means to be ordained as a novice.’”

⁹⁹Sp II 300,8–9; cf. von Hinüber 1996: 107.

¹⁰⁰*Gaṇṭhipadavivaraṇa* or *-vaṇṇanā*, *Gaṇṭhipadatthanicchaya*, *Gaṇṭhipad’atthavaṇṇanā*, etc., or merely *gaṇṭhipada* is the name of a class of commentaries commenting on words of the canonical texts and their respective *aṭṭhakathās*. The *gaṇṭhipadas* originated after the *aṭṭhakathā* literature and before the subcommentaries (*tīkā*). They were written in Pāli, Sinhalese, and maybe other languages. Sometimes we only have the name of the author to identify a certain *gaṇṭhipada*; sometimes these *gaṇṭhipadas* have names, for example *Mahāgaṇṭhipada*. For further information, see Sv-pt I xxxiff.

¹⁰¹Vjb 424,8–9: *ārāmiko ca ‘n’ eva dāso na bhujisso’ ti vattabbato na dāso ti likhitaṃ*. “And an *ārāmika* is not a slave, because it must be said that he is

This implies that the slave, with his presentation to the saṅgha as an *ārāmika*, achieves a social status between a slave and a free man, which in turn enables his promotion to the status of a novice. Here Dhammasiri clearly sides with the tradition of the Mahāpaccarī against that of the Kurundī and the Samantapāsādikā.

Vajirabuddhi's Anugaṅṅhipada, another undated commentary that only survived in quotations by the Vajirabuddhi-ṭikā, was written after Dhammasiri's Gaṅṅhipada. Here the ordination of an *ārāmika* is made conditional upon the compensation of the community with another *ārāmika*.¹⁰³ Two interpretations are possible in that case: (1) The Anugaṅṅhipada considers the status of *ārāmikās* as similar to that of free men, and its primary concern is the question of compensation in order to prevent the saṅgha from loss, or (2) if the *ārāmika* is regarded as a slave, his status can be transferred to the person presented as a substitute. In the first case, the Anugaṅṅhipada would side with the Mahāpaccarī, in the second, with the Kurundī.¹⁰⁴

Coming to the *ṭikās*, the independent evidence provided by the Vajirabuddhi-ṭikā (before the twelfth century A.D.) comes down to one sentence that is not part of a quotation from one of the *gaṅṅhipadas*. And here the Vajirabuddhi-ṭikā explains the position of the

neither a slave nor a free man, [thus] it is written [in Dhammasiri's Gaṅṅhipada]."

¹⁰²Vjb 424.10: *te ca pabbājetabbā saṅghassārāmikattā*. "And these (referring to the Mahāpaccarī quotation in Sp V 1001.14–15, see n. 97) may be ordained as novices, because [they] are *ārāmikās* of the community." This passage is part of a larger quotation from Dhammasiri's Gaṅṅhipada which refers to several aspects of slaves' ordination, starting at Vjb 424.9 and ending at Vjb 424.12 with *ti likhitam*.

¹⁰³Vjb 424.5–6: *ārāmikaṃ ce pabbājetukāmo, aññam ekaṃ datvā pabbājetabban ti vuttaṃ*. "If one wishes to ordain an *ārāmika* as a novice, the [*ārāmika*] may be ordained as a novice if another one is given for the one [to be ordained]."

¹⁰⁴Different from the Vimativinodanī-ṭikā, which explicitly demands redemption of value plus profit (see below), the Anugaṅṅhipada only provides for the payment of the value, i.e., replacement of one *ārāmika* by another one.

Mahāpaccarī, without, however, explicitly adopting it.¹⁰⁵ In any case, I find it quite remarkable that neither the Vajirabuddhi-ṭikā nor one of the *gaṇṭhipadas* quoted in it shows any inclination to consider the contrary position of the Kurundī, although it must have been known to them. This may be taken as an indication that the *gaṇṭhipadas* and the Vajirabuddhi-ṭikā are in accord with the Mahāpaccarī, against the Kurundī and the Samantapāsādikā.

Sāratthadīpanī and Vimativinodanī-ṭikā confirm the statement of the Kurundī, explaining that *ārāmikas* may not be ordained as novices because they are *ārāmikadāsas* of the saṅgha.¹⁰⁶ Nonetheless, the Sāratthadīpanī also comments on the Mahāpaccarī and it seems that it does not take sides with any one of them.¹⁰⁷ The Vimativinodanī-ṭikā, on the other hand, annotates the statement of the Samantapāsādikā that *ārāmikas* given to the saṅgha by a king may not be ordained. It explains that the community is entitled to the value, plus profit, of an *ārāmika* to be redeemed with the aim of ordaining him as a novice.¹⁰⁸ This makes

¹⁰⁵Vjb 424,6–8: *Mahāpaccarivādassa ayam idha adhippāyo: “bhikkhu-saṅghassa ārāmike demā” ti* (Sp 1001,13–14) *dinnattā na te tesaṃ dāsā*. “This is here the intention of the doctrine of the Mahāpaccarī: ‘because [they] are given [with the words,] **“We give ārāmikas to the community of monks”**, they are not their (i.e., the monks’) slaves.’” This sentence probably is a statement of the Vajirabuddhi-ṭikā; however, it cannot be completely excluded that it may be part of the quotation from Dhammasiri’s Gaṇṭhipada, ending in Vjb 424,9 and starting here (Vjb 424,6) or in 424,7.

¹⁰⁶Sp-ṭ III 243,17–18 = Pālim-nṭ I 233,27–34,1: *n’ eva pabbājetabbo ti vuttan ti* (Sp V 1001,17–18) *kappiyavacanena dinne pi saṅghassa ārāmikadāsattā evaṃ vuttaṃ*. “It is said [in the Kurundī,] that [someone given as an *ārāmika*] **may by no means be ordained as a novice**: This is said in that way because one, even if given with the legal statement [that he is given as an *ārāmika*], is a slave who is an *ārāmika* of the community.” Vmv II 111,14–15 = Pālim-nṭ I 234,5–7: *tathā dinne pi saṅghassa ārāmikadāso evā ti n’ eva pabbājetabbo ti* (Sp V 1001,17) *vuttaṃ*. “Even when given in that way he is only a slave who is an *ārāmika* of the community; [therefore] it is said [in the Kurundī:] **‘He is by no means to be ordained.’**”

¹⁰⁷See n. 91.

¹⁰⁸Vmv II 111,9–11 = Pālim-nṭ I 233,12–15: *bhujisse pana katvā* (Pālim-nṭ *katvā pana*) *pabbājetuṃ vaṭṭatī ti* (Sp V 1001,12–13) *yassa vihārassa te ārāmikā*

it perfectly clear that the Vimativinodanī-ṭīkā regards the *ārāmika* donated to the Buddhist community by a king as a slave. Furthermore, from the way in which the Vimativinodanī-ṭīkā comments on the statements of Mahāpaccaṛī and Kurundī, it follows that it shares the opinion of the Kurundī,¹⁰⁹ which is confirmed by its position with respect to the lower ordination of children of *ārāmiḱas* (see below 2.1.3). The Pācityādiyojanā from nineteenth-century Burma adopts the view of the Kurundī.¹¹⁰

2.1.3 The lower ordination of children of *ārāmiḱas*

Another question connected with the *ārāmiḱas* is whether children of *ārāmiḱas* may be ordained as novices or not.

With regard to children of slaves, the Samantapāsādikā points out that they are to be counted among the first of four categories of slaves, namely those born [as slaves], or slaves by birth (*antojāta, jātidāsa*). Furthermore, the Samantapāsādikā states that if the mother or both parents are slaves, children do not qualify for ordination as novices. However, if the father is a slave and the mother is free, their children are free, too, and therefore qualified.¹¹¹ This shows that children inherit their status as slaves from the mother, not the father, which is in agreement with Hindu tradition.

dinnā, tasmim̐ vihāre saṅghaṃ ñāpetvā phātikammaṇa dhanāni datvā (Pālim-
nṭ *dhanādiṃ katvā*) *bhujisse katvā pabbājetuṃ vaṭṭati*. “**Having made them,
however, free men, it is allowed to ordain [them] as novices:** having made
[the *ārāmiḱas*] free men, by informing the community in that monastery to
which they are given as *ārāmiḱas* [and] by giving the value [of the *ārāmiḱa*]
plus a profit [to the community], it is allowed to ordain [them] as novices.”

¹⁰⁹Vmv II 111,11ff. (see n. 91), and 111,14–15 (see n. 106).

¹¹⁰Pāc-y 244,23–25: *dvīsu Aṭṭhakathāhvādesu Kurundivādassa pacchā vuttattā so
yeva pamāṇan ti daṭṭhabbaṃ*. “It is to be shown that, because of the two
aṭṭhakathā doctrines, the doctrine of the Kurundī is taught later; only this one
is authoritative.”

¹¹¹Sp V 1001,19–21: *yassa mātāpitāro dāsā, mātā eva vā dāsī, pitā adāso, taṃ
pabbājetuṃ na vaṭṭati*. See also Sp V 1001, n. 9: Bp inserts *yassa pana mātā
adāsī pitā dāso, taṃ pabbājetuṃ vaṭṭati*.

The majority of pertinent references is to the masculine form, *ārāmika*. As for its less common feminine counterparts, the Vinaya has *ārāmikinī* in the story of the donation of five hundreded *ārāmikās* to Venerable Pīlindavaccha,¹¹² while *ārāmikā* is documented in a passage of the Vajirabuddhi-ṭīkā (357,8) introducing us to the niceties of politically correct Buddhist speech. So the phrase “This is our male or female slave” (*amhākaṃ eso dāso, dāsī*) is prohibited, but it is perfectly acceptable to say, “This is our male or female *ārāmika*” (*ayaṃ amhākaṃ ārāmiko, ārāmikā*).

In the context of feminine terms, mention should also be made of *devadāsīs* and the question of whether their children are qualified to be ordained as novices. Dhammasiri’s Gaṇṭhipada allows their ordination,¹¹³ and the same holds true for the three Sinhalese Gaṇṭhipadas quoted in the Sāratthadīpanī.¹¹⁴ Only the Vimativinodanī-ṭīkā declares that they are not qualified because even *devadāsas* are only slaves.¹¹⁵

Apart from these statements, only three more references for the word *devadāsī/ā* are found in the Pāli texts. In Dhammapāla’s Sumaṅgalavilāsini-porāṇaṭīkā (Sv-ṭ I 477,5), and in the Sumaṅgalavilāsini-ṇaṭīkā (Sv-ṇ, CSCD II, p. 374; eighteenth century) *devadāsī* is used to explain *yakkhadāsī*, “slave of a demon”, while the Niruttidīpanī (CSCD, p. 229; twentieth century) mentions *devadāsīputta*, “son of a female slave of a *deva* (god, king, temple?)”, and *rājadāsīputta*,

¹¹²Vin I 208,10, 12, 17, 19 (BD IV 281ff.) = III 249,28, 30, 35, 37 (BD II 128ff.).

¹¹³Vjb 424,5 = Pālim-ṇ I 233,15: *devadāsīputte vaṭṭatīti likhitaṃ*. “It is allowed [to ordain] the sons of *devadāsīs* [as a novice; this] is written [in Dhammasiri’s Gaṇṭhipada].”

¹¹⁴Sp-ṭ III 243,22 = Pālim-ṇ I 234,20: *devadāsīputtaṃ pabbājetuṃ vaṭṭatīti tisu Gaṇṭhipadesu vuttaṃ*. “It is allowed to ordain the son of a *devadāsī* as a novice; [this] is said in the three Gaṇṭhipadas.”

¹¹⁵Vmv II 111,20 = Pālim-ṇ I 234,13: *devadāsāpi dāsā eva. te hi kathaci dese rājadāsā honti, kathaci vihāradāsā, tasmā pabbājetuṃ na vaṭṭati*. “Even *devadāsas* [are] only slaves. For in one region they are slaves of kings, in another [region] they are slaves of monasteries; therefore, it is not allowed to ordain [them] as novices.”

“son of a female slave of a king”, to exemplify a certain type of compound.

The Vimativinodanī-ṭīkā explains that in some regions the word *devadāsā* means “slaves of a king”, and in other regions “slaves of a monastery” (*vihāra*, see n. 115). *Devadāsā* of Vmv might be a masculine or feminine (?) pl. (though the regular feminine sg. form should end in *-ī*).

Let us briefly return to the usage of the term *devadāsī* in the *gaṇṭhipadas*. Assuming that it here designates female slaves of a king, we may infer that their children had a special status exempting them from the general prohibition against ordaining children of female slaves, which would run against the intention of the Vinaya rule.¹¹⁶

However, if *devadāsī* designates the female slave of a Buddhist monastery, then these females must be *ārāmikās* because otherwise the monastery would not have been able to accept them. In that case *devadāsī* would be synonymous with the term *ārāmikini* documented in the Vinaya story of the gift of the five hundred *ārāmikās* by King Bimbisāra. As it happens, the story of their donation is also handed down in the Tibetan version of the Mūlasarvāstivāda Vinaya. The Tibetan word used there, however, *lha-'bañs*,¹¹⁷ corresponds to Skt *devadāsa*, rather than to *ārāmika*.¹¹⁸ Since the context of the story is the same, this may point to the synonymous use of *devadāsī* and *ārāmikini*, with preferences probably varying according to region or tradition. All four Gaṇṭhipadas — of which at least three, but probably all four, are of Sri Lankan origin — would then advocate the legitimacy of ordaining children of female *ārāmikās*. Only one of them, Dhammasiri's Gaṇṭhipada, explicitly treats both the ordination of *ārāmikās* and that of

¹¹⁶The prohibition to ordain slaves had the aim of not interfering with the rights of the proper owner of the respective slave. Thus it would not make sense to exempt the slaves of kings from this rule.

¹¹⁷Jäschke s.v. “slaves belonging to a temple”.

¹¹⁸Schopen 1994B: 158 (equates *lha-'bañ* with *kalpikāra*), 164 (here he refers to *devadāsa* as the corresponding term).

their children. We can, however, safely assume that the three Sinhalese Gaṇṭhipadas must have held the same view as Dhammasiri with respect to the ordination of an *ārāmika*, because otherwise, their attitude towards the *ārāmika*'s children would be difficult to account for.

Finally, the South Indian Vimativinodanī-ṭikā would prohibit the ordination of the children of *ārāmikās*. From this it would result that the Vimativinodanī-ṭikā considers *ārāmikās*, whether given by a king or by someone else, as slaves. In that way, the Vimativinodanī-ṭikā would proceed with the tradition of the Kurundī and the Samantapāsādikā.

In summary, we can say that one branch of the Theravāda tradition, represented at least in Sri Lanka, and stretching at least from the first century B.C. to the time of the *gaṇṭhipadas* (sometime before the twelfth century A.D.), excepts slaves belonging to a Buddhist monastery (*ārāmikadāsa*), as well as their children, from the general rule prohibiting the *pabbajjā* of slaves. For this purpose the rules are stretched in order to exclude *ārāmikās* from the Vinaya's definition of slaves. The other branch of the Theravāda tradition, which can be traced from the first century B.C. to the nineteenth century A.D., also represented in Sri Lanka, but in later times adopted by the South Indian Vimativinodanī-ṭikā and by the Burmese Pācityādiyojanā, stuck to the Vinaya rule without concessions regarding the status of slaves in Buddhist monasteries.

<i>pabbajjā</i> prohibited for <i>ārāmikadāsas</i>	<i>pabbajjā</i> allowed for <i>ārāmikadāsas</i>	uncertain
Kurundī (first century B.C. or earlier)	Mahāpaccari (first century B.C. or earlier)	
	Dhammasiri's Gaṇṭhipada (after the Samantapāsādikā, before Vajirabuddhi's Anugaṇṭhipada)	Vajirabuddhi's Anugaṇṭhipada (after Dhammasiri's Gaṇṭhipada, before the Vajirabuddhi-ṭikā)

	Three Sinhalese Gaṇṭhipadas (Mahā-, Majjhima-, Cūḷagaṇṭhipada ; before the twelfth century)	Vajirabuddhi's Vajirabuddhi-ṭikā (before the twelfth century)
		Sāriputta's Sāratthadīpanī (twelfth century)
Vimativinodani-ṭikā (twelfth/thirteenth centuries)		
Pācityādiyojanā (nineteenth century)		

2.1.4 The higher ordination of *ārāṃikas*

Let us finish this example with one last remark. Among those authorizing the *pabbajjā* for *ārāṃikas*, Dhammasiri's Gaṇṭhipada explains that they are neither slaves nor free men. This seems to imply that even Dhammasiri excluded *ārāṃikas* from higher ordination because the candidate for higher ordination has to be a free man. However, we have to reckon with the possibility that, by being ordained as novices, *ārāṃikas* lose their former status and therefore qualify for higher ordination, too.

2.2 The *ticīvara*

The second method for stretching the rules and getting away with it is not to apply the wording originally provided for the respective case, but to resort to another wording that allows a certain latitude.

As is well known, in the early days of Buddhism, monks had to content themselves with robes made from rags from a dust heap (*paṃsukūla*). Very soon, however, they were also allowed to wear robes donated by householders.¹¹⁹ The robe (*cīvara*) every monk is obliged to wear from the time of his higher ordination onward consists of the inner

¹¹⁹Vin I 280,35ff. (BD IV 397ff.).

garment (*antaravāsaka*), the upper garment (*uttarāsaṅga*) and the outer cloak (*saṅghāṭi*).¹²⁰ The inner garment covers the navel and the knees and is fixed by a waistband.¹²¹ The upper garment reaches from the neck to the ankles, thus covering the inner garment. The outer cloak had the size of the upper garment and is made of two layers of fabric.¹²² A monk was allowed to own no more than one set of three robes (*ticīvara*).¹²³ Any item in excess was regarded as an extra robe (*atirekacīvara*), and had to be assigned (*vikappeti*) to someone else after ten days at the latest.¹²⁴

¹²⁰Vin I 289,1–3: *anujānāmi bhikkhave ticīvaraṃ dīguṇaṃ saṅghāṭiṃ ekacciyaṃ uttarāsaṅgaṃ ekacciyaṃ antaravāsakan ti*. “I allow you, monks, three robes: a double outer cloak, a single upper robe, a single inner robe” (BD IV 411). If the clothes were worn thin the *antaravāsaka* and the *uttarāsaṅga* were allowed to be double, the *saṅghāṭi* fourfold, Vin I 290,13–14 (BD IV 413).

¹²¹Vin II 135,34–36,5 (BD V 188f.).

¹²²Following Sp III 643,3–8 = Kkh 94,18–20 *saṅghāṭi* and *uttarāsaṅga* are, according to the smallest size, in length five *muṭṭhi* (1.8 metres), in breadth three *muṭṭhi* (1.08 metres); the *antaravāsaka* is in length the same, in breadth two *muṭṭhi* (0.72 metres). For *muṭṭhi* as a measure of length, see Kieffer-Pülz 1993: 182, n. 46. The upper limit for all robes is given by the size of a *sugatacīvara* (nine *vidatthi* in length [1.98 metres] and six *vidatthi* in breadth [1.32 metres]; Vin IV 173,28–29) which they must not exceed.

Six kinds of material were allowed: Vin I 281,34–36 (BD IV 398): *anujānāmi bhikkhave cha cīvarāni khomaṃ kappāsikaṃ koseyyaṃ kambalaṃ sāṇaṃ bhaṅgan ti*. “Monks, I allow six [kinds of] robe materials: linen, cotton, silk, wool, coarse hempen cloth, canvas.”

¹²³Vin I 287,31–89,3 (BD IV 409f.). The stories told in the Vinaya about monks who entered a village with one set of three robes, remained in the monastery in another set of three robes, and went down to bathe in another set, amply show that such additional sets of three robes were regarded as extra robes (*atirekacīvara*) which could be kept for ten days at most (see Vin I 289,3–12, BD IV 411).

¹²⁴Vin I 289,29–30 (BD IV 412); Vin III 196,9–11 [Niss I Mk] (BD II 4–5).

Before a monk could use a cloth, he had to take formal possession of it (*adhitiṭṭhati*).¹²⁵ This holds true for all nine clothes which serve as requisites of a monk. These are (1–3) the three robes (*ticīvara*), (4) the cloth to sit upon (*nisīdana*), (5) a sheet (*paccattharaṇa*), (6) a cloth for wiping the face (*mukhapuñchanacoḷa*), (7) a requisite cloth (*parikkhāraḷa*), (8) the cloth for the rains (*vassikasāṭikā*), and (9) the itch-cloth (*kaṇḍupaṭicchādī*). Only two of them may be assigned (*vikappeti*) to others after use, i.e., the cloth for the rains and the itch-cloth.¹²⁶ For most items a certain size and number are prescribed.¹²⁷

¹²⁵E.g. Vin I 297,2–10 (*BD IV 423f.*); 308,32–35; 309,2, 3, 12, 13, 16, 19–21 (*BD IV 441ff.*; *vissāsagāha/adhiṭṭhāna*, without the exact wording to be used); II 119,6–8 (*BD V 163*; with the wording); 123,32 (*BD V 170f.* referring to the *namataka*); III 204,36; 246,25 (*BD II 28*; 121; referring to the *patta*); V 137,29; 140,18, 37 (*BD VI 222*; 227f.); 173,23, 25, 26; 174,33; 175,13 (*BD VI 281*; 283f.; *paccuddhāra* precedes the *adhiṭṭhāna*; *adhiṭṭhāna* follows the *paccuddhāra*); 176,26, 29, 32–33 (*BD VI 286*; *kaṭhina*).

¹²⁶Vin I 296,30–97,10 (*BD IV 423*).

¹²⁷For the *ticīvara* see above. The *nisīdana* (Vin IV 170,29–31; 171,11–14 [Pāc 89 Mk]; *BD III 96*) was two *vidatthi* in length and one-and-a-half in breadth according to the current *vidatthi* plus a border of one *vidatthi* breadth, thus altogether 4 × 3.5 *vidatthi* (c. 1 × 0.87 metres). The *vassikasāṭikā*, a cloth for the rains retreat in the four months of the rains allowed for the monks (Vin I 294,24, *BD IV 420*), was six *vidatthi* in length and two-and-a-half in breadth according to the current *vidatthi* (*vassikasāṭikā*; Vin IV 172,22–73,3 [Pāc 91 Mk]; *BD III 99*), ca. 1.5 × 0.62 metres. A *kaṇḍupaṭicchādī* was allowed in case of certain skin diseases (Vin I 296,4–5, *BD IV 421*); it spread from below the navel to above the knees and was four *vidatthi* in length and two in breadth according to the current *vidatthi* (Vin IV 172,11–14 [Pāc 90 Mk]; *BD III 97f.*), i.e., ca. 1 × 0.5 metres.

Exceptions are the sheet, allowed in Vin I 295,27–29 (*BD IV 421*) in the size one wants. Thus there is no limit as to its size. The size of the *mukhapuñchanacoḷa* (Vin I 296,19–20, *BD IV 422*) seems to have not been defined in the Vinaya. However, it could be deduced from its function. In the commentarial layer, according to some, two such garments were allowed, while others declare that many may be used (Sp III 645,1–4). The requisite cloth is allowed in Vin I 296,32–33 (*BD IV 422*). No limit with respect to the number of requisite cloths is given, see Kkh 95,24–25 = Pālim 33,19–20 = Sp III

While the Vinaya describes the procedure of taking formal possession with respect to a strainer only,¹²⁸ the Samantapāsādikā is more detailed and rules that a monk has to recite an accompanying formula, for instance: “I take formal possession of this cloak” (*imaṃ saṅghāṭiṃ adhiṭṭhāmi*).¹²⁹

As already mentioned, a monk is allowed one set of the three robes. If he wishes to accept a new set, he first has to formally abandon (*paccuddharati*)¹³⁰ the old one. Although the Vinaya is not very explicit with respect to the formal abandonment of the three robes, it must be presumed that it was common practice, at least during the final stage of development of the Pātimokkha, because the Vinaya mentions the formal abandonment of a robe in various sections.¹³¹ This indicates that the knowledge of the practical details is taken for granted.

645.4–5: *parikkhāraṇe gaṇanā natthi. yattakaṃ icchati tattakaṃ adhiṭṭhātabbam eva.*

¹²⁸Vin II 119.6–8: *sace na hoti parissāvanaṃ vā dhammakarako vā saṅghāṭi-kaṇṇo pi adhiṭṭhātabbo iminā parissāvetvā pivissāmi ti.* “If there is not a strainer or a regulation water pot, then a corner of the outer cloak should be determined upon with the words, ‘I will drink [water] having strained it with this.’” (*BD V 163*). This example, though not general, shows that taking formal possession of is an express statement in which the object and the fact that it is taken possession of are mentioned.

¹²⁹The two ways of making an *adhiṭṭhāna* are verbal and physical, Vin V 117.37–38 (*patta*); 117.38–18.1 (*cīvara*); Sp III 643.3ff. (*cīvara*); 705.16ff. (*patta*).

¹³⁰See BHSD s.v. *pratyuddharati*, “removes”. Horner, *BD II 22*, n. 3, discusses the term at length, but did not grasp the sense correctly. Here in the casuistry it should mean, “if [the robe] is not formally given up, [but] he is of the opinion that it has been formally given up” (*apaccuddhaṭṭe paccuddhaṭṭasāññi*, Vin III 202.20).

¹³¹In the Suttavibhaṅga in the introductory story to Pācittiya 59 Mk and in the Pātimokkha rule itself: Vin IV 121.17, 20, 23 (introductory story), 121.30–33 (rule); 122.17–18 (word-by-word commentary), 122.19–21 (casuistry; *BD II 411ff.*); referred to in Vin V 22.7–14 (*BD VI 34*); furthermore in the casuistry and in the *anāpatti* formulas of two Nissaggiya rules: Vin III 202.20 (casuistry), 28 (*anāpatti* formula) [Niss 2 Mk] (*BD II 22–23*); Vin III 264.21–22 (casuistry), 32 (*anāpatti* formula) [Niss 29 Mk] (*BD II 159*); in the

This said, there is little room left for a monk to own more than one set of three robes at the same time without getting into conflict with the law, one would think.

However, we have at least circumstantial evidence that already at the time of the Vinaya monks had more than one set of three robes at their disposal. (1) Firstly, there is a stereotype formula laying down the duties of a pupil, etc., if his preceptor, etc., wishes to leave the monastery to go to town. Here it becomes apparent that the preceptor changes at least one of the three robes in preparation for the trip (he receives a *nivāsana* and hands back a *paṭinivāsana*), and that he changes it again on his return (he hands back the *nivāsana* and grasps

Parivāra (Vin V 176,24–34) in the frame of the description of the *kaṭhina* ceremony, which — as is well known — represents a later stage than the description of the *kaṭhina* ceremony in the Mahāvagga. The rule Pāc 59 Mk has been misunderstood by Horner, *BD* II 411–13, because she did not recognize the technical meaning of *paccuddharati*. The translation in Pātim, 2001: 67: “If any bhikkhu ... should use it without a formal taking back [i.e., rescinding of the assignment]”, also does not fully grasp the sense, since here the bhikkhu who uses the robe, and the one who formally takes it back, i.e., rescinds his own assignment, are one and the same person. In fact the bhikkhu who uses the [robe] (i.e., the one who had assigned the robe to a second bhikkhu) is different from the bhikkhu whose robe he uses (i.e., whom he had assigned the robe to before), and who did not formally give it up (*apaccuddhāraṃ*). For, if someone assigns an object to someone else, that person has to take formal possession of it in order to be able to use it. Before that person again may assign the robe to someone else, he first has to formally give it up (*paccuddharati*) again.

the *paṭinivāsana*).¹³² This clearly presupposes that the preceptor has more than one set of three robes at his disposal.¹³³

(2) Secondly, we have two instances in the Vinaya where the word *vihāracīvara* is used.¹³⁴ The exact meaning of this word in the Vinaya is not known, but it cannot be excluded that it refers to a robe to be used by a monk in a *vihāra*. However, the Samantapāsādikā indicates that it is a robe deposited as a requisite by the donors of the *vihāra*.¹³⁵

(3) Thirdly, the ascetic practice (*dhutaṅga*), called the three-robe wearer (*tecīvarika*), obliges a monk to wear only three robes, with only one yellow shoulder cloth (*aṃsakasāva*) allowed in addition. From the fact that this is considered an austerity, we may safely assume that the original confinement to a single set of three robes was no longer the rule, but rather the exception. Since the three-robe wearer is mentioned in the Sutta-piṭaka¹³⁶ and in later layers of the Vinaya, i.e., in the report

¹³²Vin I 46,12-13 = II 223,14f. *sace upajjhāyo gāmaṃ pavisitukāmo hoti, nivāsanaṃ dātabbaṃ paṭinivāsanaṃ paṭiggahetabbaṃ* (BD IV 60: “If the preceptor wishes to enter a village, his inner clothing should be given [to him], the inner clothing [that he is wearing] should be received [from him] in return.” Vin I 46,25-27: *paccuggantvā pattacīvaraṃ paṭiggahetabbaṃ, paṭinivāsanaṃ dātabbaṃ, ... nivāsanaṃ paṭiggahetabbaṃ*. BD IV 60: “Having gone to meet him, he should receive his bowl and robe, he should give back the inner clothing [given] in return; he should receive his inner clothing.”

¹³³The robe is named *nivāsana*. Horner supposes that *nivāsana* is another word for *antaravāsaka* (BD I 60, n. 1). She (BD I 60, n. 2) rejects the interpretation of VinTexts I 155, where *nivāsana* is rendered as “under garment (i.e., his house-dress?)”, because in that case the monk would not be a *tecīvarika*. Thus she rejects an interpretation because it does not fit her expectation.

Interestingly, the Mahāsāṃghika-Lokottaravādins in their *Abhisamācārikā* in a parallel to our passage, differentiate between a *grāmapraveśikacīvaral nivāsana* and an *ārāmacaraṇakaṃ cīvaraṃ* or a *vihāracaraṇakacīvaral nivāsana*. I owe this information to Seishi Karashima.

¹³⁴Vin III 212,20, 23 (BD II 46, with n. 2). This *vihāracīvara* clearly is deposited in a *vihāra*, and belongs to the saṅgha, i.e., it is not taken into formal possession by some monk.

¹³⁵Defined by the *ṭīkā*s, Sp-ṭ II 403,1 = Pālim-ṅ II 309,10: *vihāracīvaran ti senāsana-cīvaraṃ*.

¹³⁶A I 38,13; M I 214,5; see BD IV 351, n. 3.

of the second council and in the Parivāra,¹³⁷ this change of practice must have taken effect at least by the end of the first century B.C. But how could the new attitude be put into practice without transgressing the rules? There is a long passage which illuminates this point in the Samantapāsādikā quoting early teachers and texts from at least the first century B.C. The question discussed here is whether or not it is allowed to take formal possession of the set of three robes as requisite cloth (*parikkhāracōḷa*).¹³⁸

The first authority quoted in this context is Thera Mahāpaduma,¹³⁹ a Vinaya specialist (*vinayadhara*) from Sri Lanka, a pupil of Vinayadhara Thera Upatissa, who lived during the famine in the first century B.C.¹⁴⁰ He declares that a monk may only take formal possession of the set of three robes under precisely this designation (set of three robes).¹⁴¹ Interestingly enough, this literal interpretation turns

¹³⁷In the description of the monks of Pāvā (Vin I 253,6; II 299,6, 9 [report of the second council]); V 131,16; 193,10.

¹³⁸Sp III 643,31–44,1: *ticīvaraṃ pana parikkhāracōḷaṃ adhiṭṭhātuṃ vaṭṭati na vaṭṭatī ti?* “But is it allowed to take formal possession of the three robes as requisite robes [or] is it not allowed?”

¹³⁹Mori 1989: 68 (130), no. 93.

¹⁴⁰Sp I 263,24–64,7. Thera Upatissa is mentioned together with Thera Phussa-deva as one of those who protected the Vinaya when the great peril arose in Sri Lanka (*mahābhaye uppanne*, Sp I 263,25–28). This famine is thought to have taken place between 102 and 89 B.C.; see Mori 1989: 61.

¹⁴¹Sp III 644,1–4: *Mahāpadumatthero kirāha: ticīvaraṃ ticīvaraṃ eva adhiṭṭhātabbaṃ. sace parikkhāracōḷādhiṭṭhānaṃ labheyya udositasikkhāpade parihāro niratthako bhavyeyā ti. evaṃ vutte kira avasesā bhikkhū āhaṃsu: parikkhāracōḷaṃ pi bhagavatā va adhiṭṭhātabban ti vuttaṃ, tasmā vaṭṭatī ti.* “Thera Mahāpaduma, apparently, says that the set of three robes is to be taken formal possession of only as a set of three robes. If the taking formal possession of [the set of three robes] as a requisite cloth were allowed, the protection in the storehouse rule (Niss 2 Mk; i.e., to be allowed to wear fewer than three robes during the *kaṭhina* period, and after the *kaṭhina* has been closed, with the agreement of the bhikkhus) would become useless. When he had spoken thus, then the remaining monks said, ‘Even the requisite cloth is taught in fact by the Lord as one which has to be taken formal possession of,

out to be the minority. All the other monks hold that the *ticivara* may also be taken into formal possession as a *parikkhāraḥa* (Sp III 644.4–6).

Since no limit is given regarding the size and number of requisite cloths (*parikkhāraḥa*), there also is no need to formally give up (*paccuddharatī*) old *parikkhāraḥas* before accepting new ones. In theory, this leaves room for unlimited accumulation of such requisites in all shapes and sizes.

The view of Thera Mahāpaduma’s opponents receives additional support from the Mahāpaccarī¹⁴² and also from Thera Mahātissa,¹⁴³ an inhabitant of Puṇṇavālika and a reciter of both Vibhaṅgas (*ubhato-vibhaṅgabhāṅaka*),¹⁴⁴ who refers to it as an earlier practice of the forest

therefore it is allowed (i.e., it is allowed to take formal possession of the set of three robes as a requisite cloth).’”

¹⁴²Sp III 644.6–10: *Mahāpaccariyam pi vuttaṃ “parikkhāraḥaṃ nāma pāṭeḥkaṃ nidhānamukhaṃ etaṃ ti ticivaraṃ parikkhāraḥaṃ ti adhiṭṭhahitvā paribhuñjituṃ vaṭṭati. udositasikkhāpade pana ticivaraṃ adhiṭṭhahitvā pariharantassa parihāro vutto” ti.* “Even in the Mahāpaccarī it is said, ‘Requisite cloth means: this [taking formal possession of as requisite cloth is] a distinct one, mainly [serving] the storage, [thus] it is allowed to use the set of three robes, having taken formal possession of them as requisite cloth. In the storehouse rule (Niss 2 Mk), however, the protection is taught for him, who, having taken formal possession of as the set of three robes, preserves [the robes].’”

¹⁴³Mori 1989: 67 (129), no. 90.

¹⁴⁴Sp III 644.10–17: *ubhato-Vibhaṅgabhāṅako puṇṇavālikavāsī Mahātissathero pi kira āha: “mayam pubbe mahātherānaṃ assumha ‘araññāvāsino bhikkhū rukkhasusirādīsū cīvaraṃ ṭhapetvā padhānaṃ padahanatthāya gacchantī. sāmantavīhāre dhammasavanatthāya gatānañ ca nesaṃ sūriye uṭṭhite sāmaṇerā vā daharabhikkhū vā pattacīvaraṃ gahetvā gacchantī, tasmā sukhaparibhogatthaṃ ticivaraṃ parikkhāraḥaṃ ti adhiṭṭhātuṃ vaṭṭati” ti.* “Even the reciter of the two Vibhaṅgas, the inhabitant of Puṇṇavālika, Thera Mahātissa, as is well known, says, ‘We have heard from the *mahātheras* in earlier times that the monks living in the forest, having deposited a robe in a hollow of a tree, etc., in order to exert [meditation] went to [the place for] exertion, and that, when the sun arose, the novices and young monks of these *mahātheras* who had gone [there], having taken robe and bowl, went to a neighbouring monastery in order to hear the *dhamma*.

monks. The Mahāpaccarī argues that forest monks had practised the taking formal possession of the *ticivara* as a *parikkhāra*, because within an undetermined monastic boundary (*abaddhasīmā*), as is the case in a forest, there is no good protection for the set of the three robes.¹⁴⁵ Since the Mahāpaccarī dates from around the first century B.C., if not earlier, it provides an impressive testimony to the practice of taking formal possession of the set of three robes as a requisite cloth.

This is corroborated by the Samantapāsādikā, which quotes the Mahāpaccarī as the last authority on this issue,¹⁴⁶ as well as by the Kaṅkhāvitarāṇī¹⁴⁷ and Vajirabuddhi’s Anugaṇṭhipada.¹⁴⁸ The Anu-

Therefore, it is allowed for the ease of use to take formal possession of the set of three robes as requisite cloth.’”

¹⁴⁵Sp III 644.17–20: *Mahāpaccariyam pi vuttaṃ “pubbe ārañṇikā bhikkhū abaddhasīmāyaṃ dupparihāraṇ ti ticivaraṃ parikkhāraṇ eva adhiṭṭhahitvā paribhuñjimsū” ti.* “Even in the Mahāpaccarī it is said, ‘In earlier times the forest monks used the set of three robes having taken formal possession of [them] only as requisite cloth, [owing to the fact] that in an undetermined [monastic] boundary [there exists] poor protection [regarding the three robes].’”

The monastic boundary consisting in seven *abbhantara* (*sattabbhantara-sīmā*), which is the type of boundary (*sīmā*) valid in a forest, does not in fact have the function of protecting monks from being separated from the three robes (Sp V 1052.11). Since, however, this boundary comes into being only for a legal procedure, for the remaining time the robe rules for the forest are valid. Thus, a monk in the forest may not be more than seven *abbhantara* distant from his robes (cf. Kieffer-Pülz 1992: B 15.2.3).

¹⁴⁶See above n. 99.

¹⁴⁷Kkh 95.11–12: *idaṇ ca pana ticivaraṃ sukhaparibhogatthaṃ parikkhāra-ṇaṃ adhiṭṭhātum pi vaṭṭati.* “And this set of three robes may even be taken formal possession of as a requisite cloth for easy usage.” From the point of view of content this statement reproduces parts of the opinion of Thera Mahātissa; see above n. 144.

¹⁴⁸Vjb 223.15–17 = Pālim-ṇṭ 93.27–94.1: *paṭhamaṃ ticivaraṃ ticivarādhi-ṭṭhānena adhiṭṭhātappaṃ, puna parihaṇitum asakkontena paccuddharitvā parikkhāraṇaṃ adhiṭṭhātappaṃ. na tv eva ādīto va idaṃ vuttaṃ ti vuttaṃ.* “‘First, the set of three robes is to be taken formal possession of by [means of] the taking formal possession of as a set of three robes; by one not capable of preserving [them], they, after having been given up formally, should again

gaṇṭhipada recommends that a monk unable to keep up the robes he has taken formal possession of as three robes should formally give them up (*paccuddharati*) and then take formal possession of them as *parikkhāraḥa* in order to avoid a transgression of Niss 2 Mk, which forbids a monk to part with one of his robes even for one night after the *kaṭhina* period has been closed, except with the approval of the monks. In case the set of three robes has not been taken formal possession of as such, the rules for the *ticīvara* do not apply to them.

The evidence of the Anugaṇṭhipada also shows that this rule represents a later development, albeit of a considerable age. The Vajira-buddhi-ṭikā's lengthy pronouncements on this practice¹⁴⁹ are intended to show that, although it does not belong to the earliest rules, it would have been decided in exactly the same way by the Buddha and that it could very well have been initiated by him. The practice was very common in later times, as we can see from texts on monastic law dating from the twelfth to seventeenth centuries.¹⁵⁰

Thus taking formal possession of a set of three robes as a *parikkhāraḥa* was, and probably still is, an acceptable way of circumventing the strict and complex rules applying to the *ticīvara*.

be taken formal possession of as requisite cloths. But this has not been taught from the very beginning', [thus] it is said [in Vajirabuddhi's Anugaṇṭhipada]."

¹⁴⁹Vjb 222,7–23,25 = Pālim-nṭ I 93,13–27 and 93,27–94,1.

¹⁵⁰Khuddas-pt 96,14–17: *kiṃ pana ticīvaraṃ parikkhāraḥaṃ adhiṭṭhātuṃ vaṭṭati ti? āma vaṭṭati, parikkhāraḥaṃ nāma pātekkam nīdhānamukham etan ti; ticīvaraṃ parikkhāraḥaṃ adhiṭṭhahitvā paribhuñjituṃ vaṭṭati* (Sp III 644,6–8); Vin-vn-pt 282,26–28: *parikkhāraḥaṃ nāma pātekkam nīdhānamukham etan ti; ticīvaraṃ parikkhāraḥaṃ adhiṭṭhahitvā paribhuñjituṃ vaṭṭati* (Sp III 644,6–8); Vin-vn-pt 282,26–28: *parikkhāraḥaṃ nāma pātekkam nīdhānamukham etan ti; ticīvaraṃ parikkhāraḥaṃ adhiṭṭhahitvā paribhuñjituṃ vaṭṭati*. Pālim-nṭ I 94,1–4 ≠ Sp-ṭ II 388,29–31 = Pālim-pt 22,25–29 ≠ Vmv I 313,17–18: *parikkhāraḥaṃ adhiṭṭhātun ti* (Sp III 643,31) *parikkhāraḥaṃ katvā adhiṭṭhātun*^a (^a=Pālim-nṭ, Vmv omit). *baddhasīmāyaṃ* (Pālim-nṭ *sīmāya*) *avippavāsasīmāsammūṭṭisabbhāvato* (Pālim-nṭ, Vmv *sambhavato*) *cīvaravippavāse pi* (Pālim-nṭ omits) ^b*n' ev' atthi doso ti*^b (^b=Vmv omits) *na tattha dupparihāratā* (Pālim-nṭ *dupparihāro*) *ti āha abaddhasīmāyaṃ dupparihāran ti* (Sp III 644,18).

Even outside the *kāṭhina* period, this practice enables a monk to travel with fewer than three robes, it allows him to own more than just one set of three robes, and it protects him from transgressing the rules applying to the *ticīvara*. This practice has met with general acceptance, except by the early Thera Mahāpaduma, and it prepared the way for the legal possession of multiple sets of three robes — which nowadays seems to be the regular case in most instances.

These two examples should afford a glimpse of the methods used in Theravāda legal literature for adapting the largely fixed rules of Buddhist law to changing circumstances or wishes. Though there may exist still further forms of adaptation, it can safely be said that the first of the two methods dealt with here is the most common and widespread in the legal texts.

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ABBREVIATIONS

A	Aṅuttaranikāya (PTS)
Ap	Apadāna (PTS)
Ap-a	Apadāna-Atṭhakathā (PTS)
BD	I.B.Horner, <i>The Book of the Discipline (Vinaya-Piṭaka)</i> , 6 Vols., London, 1938–1966 (Sacred Books of the Buddhists 10, 11, 13, 14, 20, 25).
BHSD	F. Edgerton, <i>Buddhist Hybrid Sanskrit Grammar and Dictionary</i> , Vol. 2: <i>Dictionary</i> , Delhi, repr. 1985.
Bv	Buddhavamsa (PTS)
Bv-a	Buddhavamsa-atṭhakathā (PTS)
CPD	<i>A Critical Pāli Dictionary</i> , begun by V. Trenckner, ed. D. Andersen, H. Smith, H. Hendriksen, Vols. 1–2, 3, fascs. 1ff., Copenhagen 1924ff.
CSCD	CD-ROM, Version 3, by the Vipassana Research Institute, Dhammagiri, Igatpuri, India: Databank of canonical and post-canonical Pāli texts according to the Burmese Chaṭṭhasaṅgāyana Edition. [Quoted according to the pagination of the roman editions if available, otherwise according to the Burmese editions; paginations sometimes deviate from the printed editions by one page, depending on the script chosen].
Dhp-a	Dhammapada-Atṭhakathā (PTS)
D	Dīghanikāya (PTS)
DOP	Margaret Cone, <i>A Dictionary of Pāli</i> , Vol. I (A–Kh), Oxford, 2001.
DPPN	G. P. Malalasekera, <i>Dictionary of Pāli Proper Names</i> , 2 Vols., London 1937–1938.
Jäschke	H. A. Jäschke, <i>A Tibetan–English Dictionary</i> , London, repr. 1977.
Jā	Jātakatṭhakathā (PTS reprint)
Khuddas	Khuddasikkhā (CSCD)

Khuddas-pt	Khuddasikkhāpurāṇa-ṭīkā (Chs)
Kkh	Kaṅkhāvitarāṇī (PTS, 2003)
Mhv	Mahāvamsa (PTS)
M	Majjhima Nikāya (PTS)
Mk	monks' rules
Mil	Milindapaṇha (PTS reprint)
Mp	Manorathapūraṇī (PTS)
N	nuns' rules
Niss	Nissaggiya (category of offences)
Pāc	Pācittiya (category of offences)
Pāc-y	Pācityādiyojanā (Chs)
Pālim	Pālimuttakavinayavinicchaya (Chs)
Pālim-nṭ	Pālimuttakavinayavinicchayanavaṭṭikā (Chs)
Pār	Pārājika (category of offences)
Ps	Papañcasūdani (PTS)
PTS	Pali Text Society
S	Samyuttanikāya (PTS)
S ^c	Siamese edition
Sp	Samantapāsādikā (PTS)
Spk	Sāratthappakāsinī (PTS)
Sp-ṭ	Sāratthadīpanī (Chs)
Sv	Sumaṅgalavilāsinī (PTS)
Sv-nṭ	Sumaṅgalavilāsinīnavatṭikā (CSCD)
Th-a	Theragāthā-aṭṭhakathā (PTS)
Thī-a	Therīgāthā-aṭṭhakathā (PTS)
Ud-a	Udāna-aṭṭhakathā (PTS)
v.	verse
Vibh-mṭ	Vibhaṅga-mūlaṭṭikā (CSCD)
Vin	Vinaya-piṭaka (PTS)
VinTexts	T.W. Rhys Davids, Hermann Oldenberg, <i>Vinaya Texts</i> , Vol. 1–3, Oxford 1881, 1882, 1885 (Sacred Books of the East, 13, 17, 20).
Vin-vn	Vinayavinicchaya (CSCD)
Vin-vn-pt	Vinayavinicchaya-porāṇatṭikā (Chs)
Vism	Visuddhimagga (PTS)
Vjb	Vajirabuddhi-ṭīkā (Chs)
Vmv	Vimativinodanī-ṭīkā (Chs)

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