

Forbidden Women

A Peculiar Buddhist Reference

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When dealing with allowable relations, Indian legal literature concerns itself both with restrictions on whom one may marry, and on those with whom one may have sex. While normative Indian Buddhist literature has virtually no explicit interest in the former category, it does preserve stipulations regarding the latter, at least one of which is framed in particularly interesting terms.

The *Daśākuśalakarmapatha*, of uncertain date (attributed apocryphally to the poet Aśvaghōṣa, otherwise to Atiśa),¹ is available in a Sanskrit fragment, in two Tibetan translations, one in prose and one in verse, and in Chinese. Tacitly assuming, like virtually all such literature, the male standpoint, it offers a brief passage listing those whom one may not approach sexually:²

agamyā¹ nāma sarvā parastrī dharmadhvajā gotrarakṣitā gṛhītapaṇyā veśyā krīti-
sambandhinī tiryāñcaś ceti evaṃ svavanitām² api sevayan kāmamithyācārī bhavati
1) Lévi prints the manuscript as *agamyo* (similarly, a few lines above read *agamyās* for
agamyas). 2) Lévi reads *svavatitām*.

The corresponding Tibetan prose translation reads:³

'gro bar¹ bya ba ma yin pa ni | gzhan gyi bud med thams cad dang | chos kyi² rgyal
mtshan dang rigs kyis bsrungs pa dang | rgyal pos bsrungs pa dang | gzhan gyis
blangs pa'i smad 'tshong ma dang | gnyen 'brel can dang | byol song ngo || de ltar
rang gi chung ma la brten³ nas 'dod pas log par g.yem par 'gyur ro ||

1) Pek. 5355 *bgrad par* 2) Pek. 5355, *D dang* 3) Pek. 5396 (perhaps better): *la'ang bsten*.

¹ See Cordier 1905: Mdo XXXI.21, XXXIII.19, XXXIII.39, XCIV.23. Mochizuki in Mochizuki and Kanno 1996 gives special attention to the question of authorship, tentatively concluding from a variety of evidence that the *Daśākuśalakarmapatha* predates Atiśa, but cannot be the work of the poet Aśvaghōṣa either, and thus is to be attributed to some, so far unknown, third author.

² Lévi 1929: 269. The text is translated with notes in Mochizuki and Kanno 1996.

³ Peking Tanjur 5355, *dbu ma, ki* 357b2-4 = 5396, *dbu ma, gi* 40a8-b2 = Derge Tanjur 3958, *dbu ma, khi* 307a7-b1. Trivial variants are ignored.

The verse version of the same reads as follows:⁴

| bgrod¹ par bya min zhes bya ni² |
gzhan bzung chos kyi rgyal mtshan ldan		rigs kyis bsrungs dang rgyal mor gnas
gzhan gyis blangs dang smad 'tshong dang		nye du dag dang 'brel pa ni
de dag bgrod bya min pa yin		rnam pa de dag rnam la ni
rang gi chung ma bstén pa yang		'dod log spyod³ par 'gyur pa yin

1) Pek. 5678 'grod 2) Pek. 5678 ste 3) Pek. 5416, 5678 spyad.

The Chinese translation, which differs from the Sanskrit (and Tibetan) in several respects, reads as follows:⁵

非往者。謂於他妻、及比丘尼、親族異趣、及術賣等、設自境界、作非梵行。所不應理、如上當知。

The first portion of the Sanskrit text is not particularly difficult to understand:⁶

Those women whom one is forbidden to approach are: every wife of another, a female renunciant, one protected by [members of] her lineage, a prostitute who has been purchased by accepting a fee, a relative, and animals.

The Tibetan translations follow the Sanskrit closely, save that after “one protected by [members of] her lineage” they add “one protected by the king,” and they interpret the next item as “a prostitute who is kept by another.” The Chinese gives “another’s wife,” perhaps to preserve the four character phrase not noting the plural, interprets the Indic “female renunciant” as “nun” *bhikṣuṇī*, and the following item as “a relative,” the next possibly as “[one belonging to] a different destiny,” indicating an animal (?), and finally adds “prostitute and so

⁴ Peking Tanjur 5416, *dbu ma, gi*, 105b4-5 = 5678, *spring yig*, 275b8-276a2 = Derge Tanjur 4178, *spring yig*, nge 35a3-4.

⁵ T. 727 (XVII) 457c24-26.

⁶ Sherburne 2000: 491 translated this from Tibetan as follows: “As to the ‘improper creatures’: all wives of others, those forbidden by caste and the royal mark of dharma (monk’s robes) (D[erge]: by caste, royal mark, and dharma), those forbidden by the king, a prostitute procured by another, close relatives, and animals. Thus, even being faithful to one’s own wife there could be improper intercourse because of one’s lust.” Lévi 1929: 270: “Interdit: [his ellipses] la femme d’autrui, celle qui a la bannière de la Loi, qui est gardée par son nom de famille, qui a été achetée, une courtisane. . . . [his ellipses] et les animaux.” Mochizuki and Kanno 1996: 5: 非往と名づけられるものは、一切の他人の妻・法幢・種族に護られた女・金銭により取られた女・娼婦・買われた関係の女・畜生とである。是の如くに、自らの女と性交することも、邪淫行である。

on.” This is again, while slightly different from the Indic text, not particularly troublesome.

The final sentence of the Sanskrit text, however, is less transparent.⁷ The key term is *svavanitā*, to which corresponds Tibetan *rang gi chung ma*, the obvious meaning of which is “one’s own wife.”⁸ Syntactically, it would seem to make sense to translate the phrase *iti evaṃ svavanitām api sevayan kāmamithyācārī bhavati* something like: “In this light, if one were to resort even to one’s own wife, this constitutes sexual misconduct.” If correct, this understanding would appear to forbid relations even with one’s own wife, and could conceivably be interpreted as expressing the rather radical view that even leading the household life one should commit oneself to celibacy.⁹

However, the possibility of this reading being correct is vanishingly small.¹⁰ In the first place, by explicitly saying at the outset that one is forbidden sexual relations with the wife of another, the text assumes that sexual relations with one’s own wife are perfectly acceptable. Then, why add the last sentence at all? Following the suggestion of Harunaga Isaacson, “One could imagine some hairsplitting arguments with one side playing the devil’s advocate and arguing that if sex with one’s own wife is allowed, then one would be allowed to have sex with one’s mother (for instance; or a cow, say, ...) if one has married her.” This (albeit somewhat absurd) possibility, which nevertheless occurs to the śāstric mind, is naturally to be rejected. The final sentence should, therefore, be understood as follows:

Thus, if one were to resort [to any of the females listed, beginning with a female renunciant], even [in the otherwise legally acceptable circumstance of taking her as] one’s own wife, this will [nevertheless still] constitute sexual misconduct.

The sacrament of marriage, the author is going out of his way to say, while it makes legal sexual relations with an (otherwise perhaps prohibited) unmarried girl, cannot correspondingly validate such relations with any female otherwise prohibited to one. In this sense the clarification makes perfect sense, relying as it does implicitly on notions of the logical ordering of precedence of rules. The rule banning certain classes of females from sexual approach is stronger than the rule authorizing sexual relations within marriage. Such a thing requires saying,

⁷ Lévi 1929: 270 omitted it entirely.

⁸ Chinese *zijingjie* 自境界 is problematic, and may perhaps be based on a reading like **svaviṣaya*, which nevertheless appears to yield no meaningful sense in this context.

⁹ I believe that a sentence in the *Vimalakīrtinirdeśa* belongs to a different sort of discourse, although it appears to say something similar when it characterizes Vimalakīrti by saying (Study Group on Buddhist Sanskrit Literature 2006: 15 = §II.3) *bhāryāputradārāṃś ca saṃdarśayati sadā ca brahmacārī*.

¹⁰ I owe thanks to Harunaga Isaacson for his kind, patient and convincing guidance on the proper interpretation of this passage.

And those related to you—

These are the ones with whom you should not copulate.

“Those held by another” are others’ wives. “Those who have a religious insignia” are renunciant women. “Those protected by family” are those who have not yet become brides and are protected by kinsfolk such as their fathers, who are protected by a father-in-law or mother-in-law, who are protected by a guard, or who—in the absence of these—are protected even by themselves. “Those protected by a king” or his representative are those concerning whom a punitive law has been laid down. The line stating that sex with a prostitute for whom another has paid is sexual misconduct shows that there is no sexual misconduct in hiring a prostitute oneself.

It is interesting that Tsong kha pa fails to quote the final, difficult line of the section, and that he explicitly accepts sexual relations with a prostitute, as long as the prostitute in question is not already engaged by another.¹⁵

As a point of comparison, non-Buddhist Indian works also refer to similar categories of restricted sexual partners. The *Āpastamba Dharmasūtra* lists prohibited women (using the term *asaṃyoga*) as follows:¹⁶ siblings of one’s mother or father, or their children (*mātuḥ pitur iti yonisāṃbandhe sahāpatye strīgamanāṃ*), a friend of one’s (female or male) elders—according to the commentary, of one’s mother or father, for instance—or another’s wife. For Gautama,¹⁷ the list comprises an elder’s wife (the paradigmatic case, hence the expression for incest here and elsewhere, *gurutaḥpaga*), female friend, a sister, female relative, a pupil’s wife, or a daughter-in-law, and a cow. For Baudhāyana,¹⁸ one is forbidden to have sexual contact with one’s father’s sister, maternal uncle’s sister, sister, sister’s daughter, daughter-in-law, maternal uncle’s wife or friend’s wife. Later and more developed legal works, belonging to the category of *smṛti* rather than *sūtra*, probably composed many hundreds of years after the *Dharmasūtras*, generally

¹⁵ The passage has been commented upon recently by Geshe Lhundub Sopa 2005: 52. With regard to the last item, he says: “Prostitutes who are taken by another’ means prostitutes or courtesans who are already obligated to or employed by someone who is paying them a fee. You could say that such a woman ‘belongs’ to that person, so it is improper to have sex with her. Stating it this way indicates that if you are paying the correct fee yourself, then it is not sexual misconduct to have relations with a prostitute.” Note that Sopa inexplicably renders the title of the root text “Explanation of the Ten Virtuous Paths of Action”—they are, of course, ‘non-virtuous,’ *akuśala, mi dge ba*.

¹⁶ *Āpastamba* 1, *Praśna* 1, *Paṭala* 7, *Khaṇḍa* 21 (8-9) in Bühler 1932, translation in Bühler 1897: 73-74, Olivelle 1999: 32.

¹⁷ Gautama 23.12, edition Stenzler 1876, translation Bühler 1897: 284-285, Olivelle 1999: 117. See also *Vasiṣṭha* 20.16, and *Manu* XI.59, 171. An interesting contrast to Indian legal discussions of incest may be found by looking at Rabbinic debates, collected in considerable detail by Satlow 1995: 17-81.

¹⁸ Baudhāyana 2.4.11, translation in Olivelle 1999: 177.

somewhat expand the list. For the *Viṣṇu-smṛti*, one must stay away from one's mother, daughter, daughter-in-law, an elder's wife, the wives of a paternal or maternal uncle, maternal grandfather, father-in-law, and the king, father or mother's sister, one's own sister, the wife of several different types of priests, of a friend, and others, including one who seeks protection, a female ascetic and a woman entrusted into one's care.¹⁹ Turning to the matter of prostitutes, the *Nārada-smṛti* states that while sexual relations with a prostitute (here *veśyā*) are in principle permitted (that is, she is *gamyā*), the finable offence (*doṣa*) is the same as having relations with another's wife if the prostitute in question has been engaged already by another (*anyaparigrahā*).²⁰ The same idea is found in the *Yajñavalkya-smṛti*, which uses the term *avaruddha*, and in the *Arthaśāstra*, which uses the synonym *uparuddha*.²¹

When we compare these discussions with that in the *Daśākuśalakarmapatha*, we notice that like Gautama in this context, the *Daśākuśalakarmapatha* refers to a prohibition on bestiality,²² and like some of the *smṛtis* it explicitly bans sexual contact with female renunciants. This Buddhist list, however, encompasses all (female) relatives in a single word, something which it may be able to do by assuming its audience's familiarity with, and acceptance of, more generalized societal restrictions, such as those specified in the law books. The attitude toward acceptable sexual relations with prostitutes likewise closely echoes that of the legal literature.

In sum, in the *Daśākuśalakarmapatha* we find an interesting, though perhaps still imperfectly understood, presentation of one Indian Buddhist sexual morality, one which turns out to have a great deal in common with non-Buddhist presentations. It is to be hoped that further materials may help clarify more completely the text's intention here, and allow us to discover if and how this intention was understood by later Buddhists, both in India and beyond.

¹⁹ *Viṣṇu-smṛti* 34.1, 35.1, 36.4-7, translated in Jolly 1880. Compare *Yajñavalkya-smṛti* III.232-234, and *Nārada-smṛti* (text Lariviere 1989: 184, *Strīpuṃsayoga* 72a; translation 157), the latter of which also mentions one who has come for protection and a female ascetic.

²⁰ Text Lariviere 1989: 185, *Strīpuṃsayoga* 78; translation 158.

²¹ *Yajñavalkya-smṛti* II.290; *Arthaśāstra* 3.20.15 (*rūpājīvām anyoparuddhām gacchataḥ*) in Kangle 1969: 127, with a translation in 1963: 292. The passage was studied by Sternbach 1951: 49-50 = 1965: 247-249. I thank Stephanie Jamison for bringing the *Arthaśāstra* passage to my attention; I then noticed the other relevant texts thanks to Sternbach's discussion.

²² Buddhist monastic codes, in their discussions of activities prohibited to monks and nuns, often go into considerable detail not only on proscribed human sexual activities, but those one might perform with animals as well. These discussions, however, belong to a different discourse than that involved here. Note further that Indian legal texts other than *Gautama* also carry the same or similar proscriptions.

In memoriam

As far as I know, the topic addressed here has no connections with Central Asian Buddhism, and only the most marginal with Yogācāra traditions, the two foci of Kōgi Kudara's researches. Nevertheless, I imagine that with his wry sense of humor and interest in the unusual, my old friend and first Sanskrit teacher would have enjoyed this small contribution, offered now with profound sadness not to him but, in reverence, to his memory.

References

- Bühler, Georg. 1879. *The Sacred Law of the Āryas: As Taught in the Schools of Āpastamba, Gautama, Vāsistha, and Baudhāyana. Part 1: Āpastamba and Gautama.* The Sacred Books of the East 2 (Oxford: The Clarendon Press).
- . 1932. *Āpastamba's Aphorisms on The Sacred Laws of the Hindus.* Third edition. Bombay Sanskrit Series 44 and 50 (Poona: Bhandarkar Oriental Research Institute).
- Cordier, Palmyr. 1915. *Catalogue du Fonds Tibétain de la Bibliothèque Nationale.* Part 3 (Paris: Imprimerie Nationale).
- Cutler, Joshua W. C. 2000. *The Great Treatise on the Stages of the Path to Enlightenment, by Tsong-kha-pa.* Volume 1 (Ithaca, NY: Snow Lion Publications).
- Jolly, Julius. 1880. *The Insitutes of Vishnu.* The Sacred Books of the East 7 (Oxford: The Clarendon Press. Reprinted: Delhi: Motilal Banarsidass, 1965).
- Kangle, R. P. 1963. *The Kauṭīlīya Arthaśāstra. Part II: An English translation with critical and explanatory notes.* University of Bombay Studies: Sanskrit, Prakrit and Pali 2 (Bombay: University of Bombay).
- . 1969. *The Kauṭīlīya Arthaśāstra. Part I: A critical edition with a glossary.* Second edition (Bombay: University of Bombay; reprint: Delhi: Motilal Banarsidass, 1986).
- Lariviere, Richard W. 1989. *The Nāradaśmṛti: Critically edited with an introduction, annotated translation, and appendices.* University of Pennsylvania Studies on South Asia 4 (Philadelphia: Department of South Asia Regional Studies, University of Pennsylvania). 2 vols.
- La Vallée Poussin, Louis de. 1923-1931. *L'Abhidharmakośa de Vasubandhu* (Paris: Geuthner; Reprint Mélanges chinois et bouddhiques 16, Bruxelles: Institut Belge des hautes Études Chinoises, 1971).
- Lévi, Sylvain. 1929. "Autour d'Aśvaghōṣa." *Journal Asiatique* 215/2: 255-285.
- Mochizuki Kaie 望月海慧 and Kanno Ryūshō 管野龍清. 1996. "Memyō ni kisareru Jūfuzengōdō sesshi no kenkyū" 馬鳴に帰される『十不善業道説示』の研究 [Aśvaghōṣa's *Daśākuśalakarmapathanirdeśā*]. *Bukkyōgaku Ronshū* 佛教學論集 20: 1-24.
- Olivelle, Patrick. 1999. *Dharmasūtras: The Law Codes of Āpastambha, Gautama, Baudhāyana and Vasiṣṭha* (Oxford: Oxford University Press).
- Pradhan, Prahlad. 1975. *Abhidharmakośabhāṣyam of Vasubandhu.* Tibetan Sanskrit Works Series 8 (Patna: K. P. Jayaswal Research Institute).

- Satlow, Michael L. 1995. *Tasting the Dish: Rabbinic Rhetorics of Sexuality*. Brown Judaic Studies 303 (Atlanta: Scholars Press).
- Sherburne, Richard. 2000. *The Complete Works of Atīśa Śrī Dīpaṅkara Jñāna, Jo-bo-rje. The Lamp for the Path and Commentary, together with the newly translated Twenty-five Key Texts. (Tibetan and English Texts)* (New Delhi: Aditya Prakashan).
- Sopa, Geshe Lhundub, with David Pratt. 2005. *Steps on the Path to Enlightenment: A Commentary on Tsongkhapa's Lamrim Chenmo*. Volume 2: Karma (Boston: Wisdom Publications).
- Stenzler, Adolph Friedrich. 1876. *The Institutes of Gautama* (London: Trübner & Co.).
- Sternbach, Ludwig. 1951. "Legal Position of Prostitutes According to Kauṭilya's Arthaśāstra." *Journal of the American Oriental Society* 71/1: 25-60.
- . 1965. *Juridical Studies in Ancient Indian Law*. Part I (Delhi: Motilal Banarsidass).
- Study Group on Buddhist Sanskrit Literature. 2006. *Bonbun Yuimakyō: Potarakyū shōzō shahon ni motozuku kōtei 梵文維摩經—ポタラ宮所蔵写本に基づく校訂 / Vimalakīrtinirdeśa: A Sanskrit Edition based upon the Manuscript Newly Found at the Potala Palace* (Tokyo: Taisho University Press).
- Tsong kha pa. 1985. *Byang chub lam rim che ba* (Xining: Qinghai Minzu Chubanshe 青海民族出版社).

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Central Asian Buddhism**

In memoriam Kōgi Kudara

Edited by
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In memoriam to Sri Ratan

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D/2008/0095/23

ISBN 978-2-503-52751-2

Printed in the E.U. on acid-free paper