

# The Theravāda Vinaya and *Bhikkhunī* Ordination

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## Introduction

In this chapter I examine the historical and legal background to the controversy surrounding the revival of the *bhikkhunī* order, the order of female monastics, in the Theravāda tradition. A central, but not always fully appreciated, dimension of this debate is the sense of identity of Theravāda monastics. This sense of identity hinges on and is defined in terms of appropriate performance according to the rules and regulations found in the Pāli *Vinaya*, something that is as much a matter of ritual correctness as of moral-spiritual development. In this chapter, I revisit the relevant legal facts, granting appropriate weight in my analysis to the function of the *Vinaya* as the hub of monastic identity. My goal is to sketch a balanced picture of this complex debate as to whether or not revival of the Theravāda order of *bhikkhunīs* is legally possible from the viewpoint of the Pāli *Vinaya*. Too often the parties involved have been talking at cross-purposes, with neither side able or willing to appreciate what underpins the position taken by the other. Yet it is only based on a complete and balanced picture of the situation that a way forward can be found.

I begin by surveying the history of the order of *bhikkhunīs* from its inception to its disappearance around the tenth century (1). The question why an ordination lineage of *bhikkhunīs* was not revived then leads me to a discussion of the Theravāda sense of identity and attitude towards the *Vinaya* (2), as well as to a survey of the situation of eight and ten precept nuns in Myanmar, Sri Lanka, and Thailand (3). I then turn to an examination of the quest for gender equality through reviving *bhikkhunī* ordination and the problems this faces in Theravāda countries (4). In the final part of this paper I show

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that within the parameters of the Theravāda *Vinaya* preserved in Pāli an order of *bhikkhunīs* can be revived (5).

## 1 A Brief History of the *bhikkhunī* Order

### *The Founding of the Order of Bhikkhunīs*

In the following brief survey of the founding of the *bhikkhunī* order as depicted in the Theravāda *Vinaya*, my interest is *not* to attempt to reconstruct what actually happened. Since we have only textual records for the earliest phase in the history of the Buddhist tradition, to attempt such reconstruction would be a problematic undertaking. Instead, my attempt is to summarize the depiction in the Pāli *Vinaya* of what happened. This depiction is the central reference point for any legal discussion of Theravāda *bhikkhunī* ordination, simply by dint of being the authoritative presentation in the foundational legal code of the tradition, independent of its historical accuracy.

In agreement with the *Vinayas* of other traditions, the Theravāda *Vinaya* reports that the Buddha founded an order of *bhikkhunīs* at the request of his foster mother Mahāpajāpatī Gotamī.<sup>2</sup> The basic story line is as follows: After an initial refusal, the Buddha agrees to permit Mahāpajāpatī Gotamī to go forth on the condition that she accept eight “principles to be respected”, *garudhamma*. These eight principles to be respected delineate the subordinate position of *bhikkhunīs* as individuals or as a group vis-à-vis *bhikkhus* and regulate the legal interactions and protocol to be observed between the two communities.

Of particular relevance to the question of *bhikkhunī* ordination is the sixth of these principles to be respected. According to this *garudhamma*, a community of *bhikkhus* and a community of *bhikkhunīs* should ordain *bhikkhunīs* after the candidate has successfully completed a period as a probationer (*sikkhamānā*). In my discussion below I will refer to this as the sixth principle to be respected or as the sixth *garudhamma*.

By accepting to uphold these eight principles to be respected, Mahāpajāpatī Gotamī becomes the first *bhikkhunī*. Next the Theravāda *Vinaya* presents a dialogue between her and the Buddha regarding her following of Sakyā women who also want to go forth. At this point in time, as it is depicted in the Theravāda *Vinaya*, only a single *bhikkhunī* has come into existence,

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<sup>2</sup> A critical reply to the suggestion by von Hinüber 2008 that such an order would only have been founded after the Buddha had passed away can be found in Anālayo 2008.

namely Mahāpajāpatī Gotamī herself. As a single *bhikkhunī* she could of course not fulfil the quorum required in order to act as a community of *bhikkhunīs* that gives ordination to those aspiring to become *bhikkhunīs* themselves. In response to this situation, the Buddha is on record for making a legal pronouncement addressed to *bhikkhus* concerning the matter of ordination of *bhikkhunīs*. This reads as follows: “*Bhikkhus*, I authorize the giving of the higher ordination of *bhikkhunīs* by *bhikkhus*.”<sup>3</sup> This authorizes ordination of *bhikkhunīs* given by *bhikkhus* and thus by a *single* community. In what follows I will refer to this as the regulation on “single” ordination.

The Pāli *Vinaya* then narrates various events that take place against the background of an already existing *bhikkhunī* order. One of these events precipitates another legal pronouncement to *bhikkhus* concerning the matter of *bhikkhunī* ordination. As part of the full-fledged ordination procedure, a candidate should be asked a series of questions to ascertain her qualification for becoming a *bhikkhunī*. A similar procedure obtains in the case of male candidates. Several of these questions are of a somewhat personal nature. When asked such questions by *bhikkhus*, the Theravāda *Vinaya* reports that some female candidates are too shy to reply. Being informed of this matter, the Buddha promulgates the following rule: “*Bhikkhus*, I authorize the higher ordination in the community of *bhikkhus* for one who has been higher ordained on one side and has cleared herself in the community of *bhikkhunīs*.”<sup>4</sup>

Thus this procedure came into being in response to the problem of female candidates being shy when asked by *bhikkhus* about personal matters. It entrusts the community of *bhikkhunīs* with the task of undertaking such inquiry as part of an ordination that requires the subsequent cooperation of the community of *bhikkhus*. A subsequent regulation then makes room for the possibility that a candidate “ordained on one side” is unable to approach the community of *bhikkhus* for reasons related to safety, in which case a messenger can act on behalf of the candidate.<sup>5</sup>

According to the history of *bhikkhunī* ordination as given in the Theravāda *Vinaya*, from this point onwards a female candidate will first receive ordination “on one side”, that is, by a community of *bhikkhunīs*. As part of this procedure, the *bhikkhunīs* should ask the questions meant to ensure that only

<sup>3</sup> *Cullavagga* X.2.1, Vin II 257,7: *anujānāmi, bhikkhave, bhikkhūhi bhikkhuniyo upasampādetun ti.*

<sup>4</sup> *Cullavagga* X.17.2, Vin II 271,34: *anujānāmi, bhikkhave, ekato-upasampannāya bhikkhunī-saṅghe* (B<sup>c</sup>: *bhikkhunisaṅghe*) *visuddhāya bhikkhusaṅghe upasampadan ti* (S<sup>c</sup>: *upasampādetun ti*) (here and elsewhere, *ṃg* has been adjusted to *ṅg*).

<sup>5</sup> *Cullavagga* X.22.1, Vin II 277,11.

those qualified will be given higher ordination. With that part completed, the female candidate, who by now is “ordained on one side”, approaches a community of *bhikkhus*. Once it has also conferred ordination, the candidate has successfully become a *bhikkhunī*. When referring to this regulation, in what follows I will use the expression “dual” ordination to distinguish it from the previous rule on “single” ordination by the community of *bhikkhus* alone.

This is my basic summary of the canonical *Vinaya* account. Next I turn to subsequent developments in the history of Theravāda monasticism, before coming back to the key elements that emerge from the above summary regarding how the Pāli *Vinaya* portrays the legal evolution of the ordination of *bhikkhunīs*.

### *The Transmission of bhikkhunī Ordination to Sri Lanka*

According to the Sri Lankan chronicle *Dīpavaṃsa*, in the third century BCE *bhikkhu* Mahinda, the son of King Asoka, came to Sri Lanka and was instrumental in the spread of Buddhism. The *Dīpavaṃsa* reports that his success was such that even the queen and her following wanted to go forth. When informed of their intention, Mahinda explained that for *bhikkhus* it is not proper to give the “going forth” to women.<sup>6</sup>

Here the *Dīpavaṃsa* seems to use the expression “going forth”, *pabbajjā*, as an umbrella term for the whole procedure of *bhikkhunī* ordination.<sup>7</sup> According to the full-fledged procedure, this consists of three distinct stages:

1. The going forth properly so called by being ordained as a novice, *sāmaṇerī*;
2. The training as a probationer, *sikkhamānā*;
3. The full ordination as a *bhikkhunī*.

When coming to Sri Lanka, Mahinda had not been in the company of *bhikkhunīs*, so in order to enable the queen and her following to go forth and receive full ordination a quorum of *bhikkhunīs* had to be brought to Sri Lanka. Until their arrival, a separate residence was established for the queen and her following of five hundred women, who all took the ten precepts.<sup>8</sup>

The *Dīpavaṃsa* reports that Mahinda’s sister, *bhikkhunī* Saṅghamittā, came to Sri Lanka together with a group of *bhikkhunīs*, bringing with her a

<sup>6</sup> Dīp 15.76, Oldenberg 1879: 84,19: *akappiyā mahārāja iṭhipabbajjā bhikkhuno*.

<sup>7</sup> Cf. in more detail Anālayo 2013b: 117 note 25 and Bodhi 2010: 130f.

<sup>8</sup> Dīp 15.84f, Oldenberg 1879: 85,5: *nagarassa ekadesamhi, gharaṃ katvāna khattiyā, dasa sīle samādinna, anulādevīpamukhā, sabbā pañcasatā kaññā, abhijātā jutindharā, anulaṃ parikkaronā, sāyampāto bahū janā*.

seedling of the Bodhi tree under which the Buddha was held to have reached awakening.<sup>9</sup> Receiving ordination from *bhikkhunī* Saṅghamittā and the *bhikkhunīs* that had accompanied her, the former queen of Sri Lanka and her following became *bhikkhunīs* themselves and eventually reached full awakening.<sup>10</sup>

### *The Transmission of bhikkhunī Ordination to China*

Chinese sources report that in the early fifth century CE a group of *bhikkhunīs* travelled from Sri Lanka to China.<sup>11</sup> On arrival they found that up until that point in China monks alone had ordained female candidates.<sup>12</sup> Four years later another group of *bhikkhunīs* from Sri Lanka arrived.<sup>13</sup> Together with the *bhikkhunīs* who had arrived earlier and who in the meantime had learnt Chinese, these *bhikkhunīs* constituted a quorum for full ordination. This was duly performed with over three hundred candidates taking (or retaking) higher ordination from the Sri Lankan *bhikkhunīs*.<sup>14</sup>

<sup>9</sup> The Bodhi tree (*ficus religiosa*), found in present day Anuradhapura and believed to be a descendant of the tree planted at that time with the help of the seedling brought by *bhikkhunī* Saṅghamittā, is one of the chief sacred sites for Sri Lankan Buddhists. This in turn invests the coming to Sri Lanka of Saṅghamittā to enable *bhikkhunī* ordination with decidedly positive associations among Sri Lankan Theravādins.

<sup>10</sup> Dīp 16.39ff, Oldenberg 1879: 88,18: *kumārikā pañcasatā, anulāparivāritā, pabbajīṃsu ca tā sabbā, vītarāga samāhitā* [...] *sabbeva arahattappattā, sampuñṇā jinasāsane*.

<sup>11</sup> *Biqiuni zhuan*, T. 2063, 50:939c12, reports that a foreign boat under captain Nanda/Nandi(n) brought *bhikkhunīs* from Sri Lanka to China, 有外國舶主難提、從師子國載比丘尼來; for a translation of the full passage cf. Tsai 1994: 53f, and for a discussion of Indic originals probably underlying 難提 (as part of another name) cf. Palumbo 2013: 5 note 12. Previous to the Sri Lankan *bhikkhunīs* embarking on their journey, the Chinese pilgrim Faxian 法顯 had stayed in Sri Lanka; cf. *Gaoseng Faxian zhuan*, T. 2085, 51:864c10. This makes it probable that some acquaintance with the situation of *bhikkhunīs* in China would have motivated the Sri Lankan *bhikkhunīs* to undertake what at that time must have been an arduous and dangerous journey.

<sup>12</sup> According to *Biqiuni zhuan*, T. 2063, 50:939c14, the Sri Lankan *bhikkhunīs* asked if *bhikkhunīs* from other countries had previously come to this country. When told that none had come, they further inquired if previously *bhikkhunīs* had received the higher ordination from both communities. In reply they were told that [local female candidates] had only received [higher ordination] from the “Great community” (that is, from the community of *bhikkhus*), 此國先來已曾有外國尼未。答曰、未有。又問、先諸尼受戒那得二僧。答、但從大僧受。

<sup>13</sup> *Biqiuni zhuan*, T. 2063, 50:939c21, reports that four years later the same captain brought another eleven *bhikkhunīs* from Sri Lanka, 舶主難提復將師子國鐵薩羅等十一尼。

<sup>14</sup> *Biqiuni zhuan*, T. 2063, 50:939c23: 次第重受三百餘人。

In the early eighth century the Dharmaguptaka *Vinaya* was apparently imposed on all monastics in China by imperial decree.<sup>15</sup> From then onwards, the Dharmaguptaka *Vinaya* preserved in Chinese translation would have formed the basis for monastic legal procedures, such as the giving of higher ordination.

### *The Extinction of the bhikkhunī Order in India and Sri Lanka*

Inscriptional evidence establishes the continuity of the *bhikkhunī* lineage in India up to the eighth century and in Sri Lanka up to the eleventh century.<sup>16</sup> In the case of India the disappearance of the *bhikkhunī* order appears to have been at least in part the result of a general decline in urbanism, which would have deprived them of their principal material support.<sup>17</sup> In Sri Lanka the order of *bhikkhunīs* seems to have come to an end during a period of political turmoil that had decimated the entire monastic community. At the present state of our knowledge there seems to be no definite proof that a Theravāda order of *bhikkhunīs* existed in Myanmar that could have provided the basis for a reintroduction of the *bhikkhunī* ordination lineage. Similarly, in Thailand an order of *bhikkhunīs* does not seem to have ever come into existence in the pre-modern period.

Assuming that it was impossible to revive the Sri Lankan order of *bhikkhunīs* with a quorum of Burmese or Thai *bhikkhunīs* at that time, the question arises as to whether or not this could have been done in other ways. After all, an order of *bhikkhunīs* that had its origin in Sri Lanka was flourishing in China, even though by that time they were using a different *Vinaya*. Alternatively, perhaps the *bhikkhus* could just have given ordination to female candidates on their own.<sup>18</sup> In order to appreciate the difficulties that this pair of alternatives entails, in what follows I take a closer look at the Theravāda sense of identity and the way traditional monastics operate based on a legalist interpretation of the Theravāda *Vinaya*.

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<sup>15</sup> *Song gaoseng zhuan*, T. 2061, 50:793c26; cf. the discussion in Heirman 2002: 414.

<sup>16</sup> Skilling 1993: 33f.

<sup>17</sup> Schopen 2009: 378 points out that, given that Buddhist nuns had to live predominantly in urban settings, it is telling that their disappearance from inscriptions coincides with the final phase of urban decay in India, on which cf. Sharma 1987.

<sup>18</sup> This would have been similar to the procedure observed in China previous to the arrival of the Sri Lankan *bhikkhunīs*; cf. above note 12.

## 2 Key Elements of Theravāda Monasticism

### *The Term Theravāda*

What is the origin of the term *theravāda*? The term occurs already in a Pāli discourse, representing an early textual layer of its usage. In this particular instance it conveys the sense of “sayings of the elders”, that is, teachings given by those who are senior in a particular group.<sup>19</sup> The elders in this Pāli discourse are co-disciples of the Buddha-to-be at the time before his awakening, when he was receiving instructions from other ancient Indian teachers.

In the Sri Lankan chronicle *Dīpavaṃsa* the same term *theravāda* then comes to stand for the “sayings” that according to tradition were collected by the “elders” at the time of the first *saṅgīti* or communal recitation of the teachings given by the recently deceased Buddha.<sup>20</sup> The *Dīpavaṃsa* then sets this *theravāda* in contrast to other Buddhist schools, which from its perspective should be considered as having seceded from the *theravāda*.<sup>21</sup>

The account of this first *saṅgīti* in the Theravāda *Vinaya* reports that the compilation of the teachings given by the Buddha and his disciples began with a recitation of the *Vinaya*, which was followed by a recitation of the discourses.<sup>22</sup> The pride of place given to the *Vinaya* here is not accidental. It reflects the importance with which the rules and regulations, believed to have been promulgated by the Buddha himself, are invested from the viewpoint of tradition. According to the Pāli commentaries, the *Vinaya* gives life force to the Buddha’s dispensation. This dispensation will endure as long as the *Vinaya* (and of course its strict observance) endures.<sup>23</sup>

<sup>19</sup> The *Ariyapariyesanā-sutta*, MN 26 at MN I 164,4, reports the Buddha indicating that he was able to perform lip-reciting and repeat the sayings [concerned with] knowledge and the sayings of the elders, *tāvataken’ eva oṭṭhapahatamattena lapitalāpanamattena nāṇavādañ ca vadāmi theravādañ ca*; for a more detailed discussion cf. Anālayo 2013.

<sup>20</sup> Dīp 4.6, Oldenberg 1879: 31,2, indicates that the term *theravāda* refers to the collection of Dharma and Vinaya made by the elders who collected them (at the first *saṅgīti*), *pañcasatehi therehi, dhammavinayasasaṅgaho, therehi katasasaṅgaho, theravādo ti vuccatī*.

<sup>21</sup> Dīp 5.51f, Oldenberg 1879: 37,26 speaks of seventeen schismatic [schools] and of one that is not schismatic, this being the supreme one of the Theravādins, *sattarasa bhinnavādā eko vādo abhinnako [...] theravādānam uttamo*.

<sup>22</sup> According to *Cullavagga* XI.1.7, Vin II 286,23, the *Vinaya* was recited first, followed by the recital of the five collections of discourses.

<sup>23</sup> *Sumaṅgalavilāsini*, Sv I 11,17: *vinayo nāma buddhassa sāsanassa āyu, vinaye ṭhite sāsanam ṭhitaṃ hoti*.

In sum, from a normative perspective a central component of the Theravāda sense of identity has and still is the Pāli canon, believed to have been compiled at the first *saṅgīti*. In this Pāli canon, the *Vinaya* takes pride of place and functions comparable to a hub that provides a common ideological reference point for otherwise quite different local monastic communities with their particular concerns.

### *The Theravāda Vinaya*

This pride of place has naturally invested the rules and regulations found in the Pāli *Vinaya* with a crucial importance for traditional Theravāda monastics. In fact, according to the *Vinaya* account of the proceedings related to the first *saṅgīti*, even though the Buddha had given explicit permission to abolish some of the minor rules, the assembled elders under the leadership of *bhikkhu* Mahākassapa decided not to do so.<sup>24</sup> This establishes a foundational principle of legal procedures among Theravāda traditionalists, which are seen as being based on a law pronounced in the remote past that is considered unalterable.

Another narrative concerning the first *saṅgīti* exemplifies the proper deferential attitude towards this law. In this case, the assembled elders accuse the Buddha's personal attendant Ānanda of several offences. He confesses, even though he does not see all of them as offences.<sup>25</sup> In other words, the executive authority of the elders overrules the assessment an individual *bhikkhu* may have of the situation. This holds even in the case of a chief disciple as learned as Ānanda, who submits to this authority out of a wish to avoid friction in the community.

An examination of the roles played by Mahākassapa and Ānanda in the account of the first *saṅgīti* reveals parameters of Theravāda monastic legal procedures. These are considered to derive from inalterable rules given in the past, believed to have been promulgated by the Buddha himself exactly as they appear in the Pāli *Vinaya*. The proper attitude of the faithful Theravāda monastic then is to submit to the interpretation of these rules as provided by the elders of the tradition, taking their lead from Ānanda. In this way the

<sup>24</sup> According to *Cullavagga* XI.1.9, Vin II 288,23, the unanimous decision taken was that—given that the elders were unable to determine which rules exactly the Buddha had allowed to be abolished—nothing promulgated would be abolished and nothing new would be promulgated, and the training rules would be followed just as they were; cf. in more detail Anālayo 2015.

<sup>25</sup> *Cullavagga* XI.1.10, Vin II 289,31, reports that, at the end of a series of accusations, Ānanda proclaimed that he did not see the last of those mentioned as an offence, namely that he had made an effort to enable women to go forth in the Buddha's dispensation, but out of faith in the elders he confessed it as an offence.



roles of Mahākassapa and Ānanda in the account of the first *saṅgīti* mark the onset of an outlook that has its basis in ritualistic attitudes prevalent in the ancient Indian setting, whereby rules originally meant to support the monastic life acquire such importance that they become the essence of the monastic life itself. The overwhelming importance given to correct legal performance needs to be kept in mind when attempting to understand traditional Theravāda attitudes to the ordination of *bhikkhunīs*.

In spite of quite diverse individual attitudes and concerns manifesting at the local level, sharing this ideological construct of close adherence to the rules found in the Pāli *Vinaya* enables *bhikkhus* from Myanmar, Sri Lanka and Thailand to perform legal acts together, bridging otherwise differing cultures and languages. Based on this sense of shared legal identity, ordination lineages from one of these countries can become acceptable to *bhikkhus* in the other countries, even though there is occasionally acrimonious debate among different groups of *bhikkhus*, even within the same country, regarding the validity of their respective ordination lineages.

### *Key Elements of Theravāda Ordination*

Given that the normative hub of monastic identity is the Pāli *Vinaya*, becoming a monastic in the Theravāda tradition is seen as inexorably bound to correct performance of the procedures for ordination prescribed in this *Vinaya*, as well as in later exegetical literature related to it. One item of particular concern, for example, is the correct determination of the space within which the ordination ceremony is to be held. This space needs to be ritually demarcated by designating a boundary, *sīmā*. Any faults made while establishing this boundary are held to invalidate the ordination.<sup>26</sup>

Of similar importance is the use of the “correct” liturgical language, which is of course Pāli. According to the *Parivāra*, a historically late part of the canonical *Vinaya*, a legal act becomes invalid if there is a “garbling of the recitation”,<sup>27</sup> which the commentary explains by listing a series of possible errors when reciting the Pāli formula to be used for the legal act.<sup>28</sup> The concern to avoid any problems in this respect has even lead to a replacing of the actual names of the one to be ordained and of his *bhikkhu* preceptor with the

<sup>26</sup> For a detailed study of the *sīmā* cf. Kieffer-Pülz 1992.

<sup>27</sup> The *Parivāra* XIX.1.4, Vin V 221,2; on the importance of correctly pronounced Pāli formulas for legal acts in the Theravāda tradition cf. also Bizot 1988; von Hinüber 1994; Crosby 2000; and Gornall 2014: 530–540.

<sup>28</sup> *Samantapāsādikā*, Sp VII 1399,8.

fictive names Nāga and Tissa. These names are found in the standard formula to be used for the legal act, where they were initially intended to be examples.<sup>29</sup> The purpose of using these names instead of the actual names is to avoid mispronunciation or grammatical mistakes. This could happen when having to decline the individuals' actual names according to Pāli grammar. As a result, for centuries now many a higher ordination in Theravāda countries has seen one in an unending series of Nāgas being ordained by yet another Tissa. Since the ordaining community agrees on the use of these fictive names beforehand, no problem is seen in the fact that these no longer fully reflect the actual situation, as long as this move can assure correct pronunciation.

In sum, key elements of Theravāda ordination procedures believed to render it valid are the correct ritual establishment of the boundary within which the proceedings take place and correct pronunciation of Pāli ritual formulas.

### *Theravāda Legalism*

A strict legal attitude among traditional Theravāda monastics manifests not only in relation to matters of ordination but can also emerge in relation to other aspects of monastic life. Equipped with a set of rules considered to be inalterable, monastics had to find ways of adjusting their conduct when faced by exigencies that the original promulgation of these rules did not envisage.

One example illustrating the tension between legal strictness and modern day exigencies would be the restriction that a *bhikkhu* should not accept gold and silver.<sup>30</sup> This is followed by another two rules that regulate against monetary exchange and engaging in barter.<sup>31</sup> In the original Indian setting such restrictions would have been a natural way of demarcating a life of renunciation. In modern times, however, rules that prohibit the use or possession of money, as well as engaging in any type of financial transaction, are not easily observed. Perhaps precisely because of the challenges involved, abstention from the use of money has become a marker of strict Theravāda monasticism.

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<sup>29</sup> For a detailed discussion cf. Kieffer-Pülz 1997.

<sup>30</sup> *Nissaggiya pācittiya* XVIII, Vin III 237,36, rules that a *bhikkhu* who receives gold or silver, or who has it received or deposited (on his behalf), incurs an offence that requires confession and forfeiture, *yo pana bhikkhu jātarūparajataṃ uggaṇḥeyya vā uggaṇḥāpeyya vā upanikkhitaṃ vā sādīyeyya, nissaggiyaṃ pācittiyaṃ ti.*

<sup>31</sup> According to *nissaggiya pācittiya* XIX and XX, Vin III 239,28 and 241,27, by engaging in various kinds of monetary exchange or buying and selling one incurs offences that require confession and forfeiture.

Maintaining this type of conduct is further complicated by the commentarial exegesis, which considers it problematic even when a monastic just makes use of monastery items that have been procured in violation of these rules by other *bhikkhus*.<sup>32</sup> This becomes a problem for strict Theravāda *bhikkhus* who travel, since staying in other monasteries one runs the risk of partaking of monastic items that have been procured in an improper manner. For the visiting *bhikkhu* it is hardly possible to ascertain this beforehand. The alternative of staying with lay supporters is also not ideal, since in such a case the *bhikkhu* risks infringement of other regulations.<sup>33</sup>

The solution to this problem among strict Theravāda *bhikkhus* in modern times is to stay, whenever possible, in Mahāyāna monasteries. Monks in Mahāyāna monasteries are ordained in different *Vinaya* traditions. In the case of Chinese, Korean, or Vietnamese monastics this is the Dharmaguptaka tradition. In the case of Tibetan monastics this is the Mūlasarvāstivāda tradition. From a strictly legal perspective, these individuals do not count as fully ordained *bhikkhus* within a Theravāda *Vinaya* framework. Thus if they should have handled money when acquiring monastery items, this would not pose a problem for the visiting Theravāda *bhikkhu*. This solution exemplifies not only the legalist attitude in some traditional Theravāda monastic circles,<sup>34</sup> but also provides an important indication that being part of a particular *Vinaya* tradition makes one's acts legally valid within that tradition, but not in relation to those who follow a different *Vinaya* tradition.

### *Theravāda and Dharmaguptaka*

The principle problem of legal acts undertaken by monastics of one *Vinaya* tradition on behalf of members of another *Vinaya* tradition could be illustrated by turning to secular law. For a legal act in a particular country to be recognized as valid, it needs to be based on the law of that country and to be executed by those who have been invested with legal authority in that country. A public prosecutor can only take action when cases fall within the

<sup>32</sup> The *Samantapāsādikā*, Sp III 692,11, explains that this applies even to a bed or a chair, as well as to the ordination hall or the refectory, *tena vatthunā mañcapīṭhādīni vā gaṇhanti, uposathāgāraṃ vā bhojanasālaṃ vā karonti, paribhuñjituṃ na vaṭṭati*.

<sup>33</sup> *Bhikkhu pācittiyas* V and VI, Vin IV 16,31 and 19,31, prevent a *bhikkhu* from lying down in the company of those who have not received higher ordination for more than three nights in a dwelling place (not necessarily only in the same room), and from lying down even once in the company of a woman. *Bhikkhu pācittiyas* XLIV and XLV, Vin IV 96,14 and 97,23, regulate against a *bhikkhu* just sitting down in the sole company of a woman.

<sup>34</sup> For other examples cf. Kieffer-Pülz 2007.

sphere of his or her jurisdiction, not when they fall outside of it. This does not mean that from the viewpoint of those who live outside of this jurisdiction the public prosecutor is not considered to be an attorney nor well versed in law. That is, this is not a question of passing a value judgement, but a question of legal applicability.

The same holds true for monastic law. The rules for *bhikkhunīs* in the Theravāda *Vinaya* differ from those in the Dharmaguptaka *Vinaya*. Minor differences in formulation already manifest with the most important category of rules, concerning *pārājika*, a breach of which entails loss of one's status as a fully ordained monastic.<sup>35</sup> In the case of the *pācittiya* rules, where a breach entails confession and in some cases forfeiture of the item concerned, the content of these rules varies and the overall count of rules is also different.<sup>36</sup> There can be little doubt that the legal codes for *bhikkhunīs* in the Theravāda and the Dharmaguptaka tradition differ from each other.

The language to be used for legal acts is also not the same. For a Theravāda legal act to be considered valid, it needs to be conducted in Pāli. Legal acts based on the Dharmaguptaka *Vinaya* are conducted in Chinese.

As already mentioned above, another requirement for a Theravāda ordination to be considered as valid is the correct procedure for ritually demarcating the area of ordination with a boundary, *sīmā*. The Dharmaguptaka *Vinaya* lists markers to be used for establishing the *sīmā* that are not recognized in the Theravāda *Vinaya*.<sup>37</sup> Apart from the languages used for the act of demarcation being different, the actual formula to be used for establishing the *sīmā* also differs between the two *Vinayas*.

In sum, the Dharmaguptaka and Theravāda *Vinayas* are different legal codes and the procedure for determining the boundary for ordination differs as does the language to be used for conferring ordination. From a strictly legalist point of view, members of one of these two *Vinaya* traditions are not really able to conduct legal actions, such as the conferral of ordination, that are valid for the other. Given the importance of correct legal procedure in traditional Theravāda monastic circles, the issue of legal validity is of considerable significance when considering female ordination.

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<sup>35</sup> For a critical reply to the suggestion by Clarke 2009 that breach of a *pārājika* rule may only result in loss of communion with a particular local community cf. Anālayo 2016b.

<sup>36</sup> As can be seen from Kabilsingh 1998 and 1984; cf. also the survey in Waldschmidt 1926: 5.

<sup>37</sup> *Mahāvagga* II.6, Vin I 106,5, and *Sifen lü*, T. 1428, 22: 819b18; for a detailed study cf. Chung and Kieffer-Pülz 1997.

### 3 Theravāda Eight and Ten Precept Nuns

#### *The Four Assemblies and the Eight and Ten Precepts*

A Buddhist community is traditionally reckoned to consist of four “assemblies,” *parisā*, which are male and female monastic and lay followers. With the disappearance of the *bhikkhunī* lineage, Theravāda traditions in South and Southeast Asia had to operate based on a reduced model of having only three assemblies (*bhikkhus* and male as well as female lay followers). Today different nun traditions have evolved in Thailand, Myanmar, and Sri Lanka, as well as Cambodia and Laos,<sup>38</sup> and, more recently, the West that provide something of a substitute for the *bhikkhunī* line and enable women to live a religious life of celibacy and renunciation. In what follows I begin by briefly surveying the different types of precepts taken by such nuns in Thailand, Myanmar, and Sri Lanka, as well as in the West. These are the eight and the ten precepts. This serves as preparation for looking at each of these traditions in turn.

The ten precepts undertaken by these individuals are also incumbent on male and female novices, *sāmaṇera* and *sāmaṇerī*. They entail refraining from the following:

1. Killing;
2. Stealing;
3. Unchastity;
4. Falsehood;
5. Taking intoxicants;
6. Eating after noon;
7. Dancing, singing, music, and shows;
8. Garlands, scents, cosmetics, and adornments;
9. Luxurious beds;
10. Accepting gold and silver.

These become eight precepts by dropping the last regulation regarding the accepting of gold and silver and by combining the seventh and eighth precepts—refraining from dancing, singing, music, and shows and abstaining from the use of garlands, scents, cosmetics, and adornments—into a single precept.

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<sup>38</sup> On Cambodia cf., e.g., Löschnann 2000, and on Laos, e.g., Tsomo 2010.

### Mae chi in Thailand

The *mae chi* tradition in Thailand seems to have the longest history among eight and ten precept nuns in Theravāda countries.<sup>39</sup> At the same time, it is also the tradition that most closely resembles lay status. The monastic attire of *mae chis* is white, which in traditional Theravāda countries is the colour worn by laity on religious observance days and is a colour never worn by *bhikkhus*. The only marked difference that enables distinguishing a *mae chi* even at a distance from a pious laywoman is the shaved head, symbolizing the *mae chi*'s status of renunciation.

The ordination of *mae chi*, which is considered a secular event, usually involves taking eight precepts. After ordination *mae chis* tend to continue using their lay names. They differ from *bhikkhus* also insofar as *mae chis* do not necessarily receive free medical treatment and are not granted free travel by public transport. In these respects *mae chis* are on a par with laity who own money and therefore can be expected to pay for such services. The same does not hold for voting; *mae chis* find themselves grouped together with *bhikkhus* who are denied the right to vote.

The ambivalent situation of *mae chis* as renunciants extends also to the religious buildings that house them. These buildings lack important sacred structures typical of a monastery or temple. As a result, it is the inhabitants' conduct, rather than any characteristic of the structure, that marks the "monastic" nature of their dwellings.<sup>40</sup>

This short summary of the situation of *mae chis* would be decidedly incomplete without clear recognition of the fact that in recent times several *mae chis* have risen to a position of considerable eminence through their learning or spiritual attainment.<sup>41</sup>

### Thila shins in Myanmar

The tradition of *thila shins* in Myanmar differs visibly from *mae chis* as they do wear coloured monastic attire. This sets them off from laity, but at the same time also from *sāmaṇeras* and *bhikkhus*, insofar as the colour used by

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<sup>39</sup> According to Skilling 1995, there appears to be evidence for *mae chis* already in the 17th century.

<sup>40</sup> For studies of the *mae chis* cf., e.g., Kabilsingh 1991; Falk 2000, 2007, 2011; Brown 2001; Ito 2004, 2006; Muecke 2004; Seeger 2009; Cook 2010; and Battaglia 2015. On academic discourse on gender in Thailand cf. also the observations in Tannenbaum 1999.

<sup>41</sup> Cf., e.g., Collins and McDaniel 2010; Scott 2010/2011; and Seeger 2010, 2013, 2014.

*thila shins* is usually pink, which features among the colours not allowable for *bhikkhus*.<sup>42</sup>

Similar to *mae chis*, *thila shins* generally do not officiate at public ceremonies or preach in public, which remains the domain of *bhikkhus*. In fact *bhikkhus* use the same mode of address for laywomen and *thila shins*, clearly signalling the fact that, from their perspective, *thila shins* are considered close in status to laity.

Whereas *bhikkhus* go begging daily to receive food ready for consumption, *thila shins* go begging only on special days and receive uncooked rice as food. This again marks them off as non-monastic, since under normal circumstances *bhikkhus* are not permitted to cook food or keep it overnight.<sup>43</sup> In awareness of this, lay followers do not offer food to a *bhikkhu* that requires cooking.

The taking of ten precepts is relatively rare among *thila shins*, since in order to be able to do so they first need to make sure they have sufficiently wealthy supporters willing to take care of their needs so that the *thila shins* themselves need not handle money. This, too, marks the women as different from men with full monastic standing, since for *bhikkhus* it is, at least in theory, a requirement of conduct that they abstain from accepting and handling money.

In sum, although compared to *mae chis* the *thila shins* in Myanmar seem to be in a slightly better position, in this case, too, their standing obviously falls short of enabling them to cultivate a life of renunciation in the way the *bhikkhunīs* of ancient times are shown to have done in the Pāli *Vinaya* and discourses.<sup>44</sup>

### Dasasil mātās in Sri Lanka

The *dasasil mātā* tradition in Sri Lanka is the youngest of the Asian eight and ten precept nun lineages and was started by a Sri Lankan who took ordination as a *thila shin* in Myanmar in the early 20<sup>th</sup> century. Currently *dasasil mātās*

<sup>42</sup> *Mahāvagga* VIII.29.1, Vin I 306,22, lists robes dyed completely in red (*lohīṭaka*) and in crimson (*mañjēṭṭhaka*) among the colours not permissible for monastics. Ṭhānissaro 2013: 22 comments that this interdiction would also cover pale versions of the colours explicitly listed, so that pink would also fall under the prohibition. According to Kawanami 2013: 124, a decree issued by the ecclesiastical authorities in 1997 in fact forbids the use of the brown colour for the monastic attire of *thila shins*.

<sup>43</sup> According to *Mahāvagga* VI.17.3, Vin I 211,10, a *bhikkhu* should not partake of food that has been stored indoors, cooked indoors, or cooked by himself.

<sup>44</sup> For studies of the *thila shins* cf., e.g., Jordt 1988; Kawanami 1990, 2000a, 2000b, 2013; Carbonnel 2009; and Bonnet-Acosta 2014.

wear robes of the same colour as those used by *bhikkhus*. A difference only discernible at close distance, the *dasasil mātās* use plain cloth robes, whereas the robes of a *bhikkhu* are made according to a patchwork pattern.

In general *dasasil mātās* tend to take ten precepts, and the way they take these differs both from the taking of the same precepts by laity on special occasions and from the taking of these precepts by *sāmaṇeras*. The *dasasil mātās*, like the *thila shins* and the *mae chis*, occupy an ambivalent position between the lay and monastic spheres.<sup>45</sup>

### *Sīladharās in the West*

The order of *sīladharās* is a recent creation. It is an initiative by the American *bhikkhu* Ajāhn Sumedho, who received permission to do so from the elders of the community of his Thai teacher, Ajāhn Cha, in 1983. The *sīladharās* take ten precepts, do not use money, and wear dark brown robes.<sup>46</sup>

## 4 Gender Equality and *bhikkhunī* Ordination

### *The Revival of bhikkhunī Ordination*

As a survey of the situation of eight and ten precept nuns amply shows, women in Myanmar, Sri Lanka, Thailand, and in the West, wishing to embark on a religious life within the context of the Theravāda tradition, have to face various forms of discrimination. This holds independent of how far those who have been accustomed to this situation perceive it as actually detrimental. Regardless, had they been born as males, their circumstances would have been substantially different. Thus there cannot be any doubt that the unavailability of *bhikkhunī* ordination disadvantages women.

Attempts to revive *bhikkhunī* ordination have a long history, with one such attempt in 1928 by a Thai *bhikkhu*, for example, not only being unsuccessful, but even leading to the promulgation of a Saṅgha Act prohibiting Thai *bhikkhus* from participating in the ordination of *bhikkhunīs*. After several other unsuccessful attempts, a breakthrough occurred in 1998 when *bhikkhunīs* were ordained at Bodhgaya. The event served as something of a catalyst for subsequent *bhikkhunī* ordinations in Sri Lanka. At present these

<sup>45</sup> For studies of the *dasasil mātās* cf., e.g., Bartholomeusz 1994; Salgado 1997, 2000, 2004, 2013; Sasson 2007 and 2010; and Kusumā 2010.

<sup>46</sup> For a study of the *sīladharā* tradition cf. Angell 2006.



*bhikkhunīs* still lack official government recognition and thus have no access to privileges usually accorded to their male counterparts.

The rise of *bhikkhunī* ordinations has subsequently spread to Thailand, where several *bhikkhunī* communities have come into being. These tend to depend on the cooperation of *bhikkhus* brought from abroad, as the Saṅgha Act of 1928 bars Thai *bhikkhus* from participating in such ordinations.

In Myanmar the situation has reached a deadlock. Controversy surrounding the return home of a Burmese *bhikkhunī* ordained in Sri Lanka eventually led to a ban on further discussions of *bhikkhunī* ordination in 2004.<sup>47</sup>

### *Gender Equality and the Attitude of bhikkhus*

The various attempts to revive *bhikkhunī* ordination are fuelled in large part by the rising global awareness of problems resulting from gender discrimination.<sup>48</sup> The Sakyadhītā International Association of Buddhist Women, founded in 1987, has done much to draw attention to this situation through its biannual international conferences that promote dialogue and support for the cause of Buddhist women.

The feelings of camaraderie among Buddhist women around the globe has naturally led to a sense of international identity that can be quite different from the *Vinaya*-based sense of identity in traditional Theravāda circles. It is little wonder these supporters of *bhikkhunī* ordination, wanting to rectify gender discrimination, have fervently argued for the acceptability of introducing the Dharmaguptaka ordination lineage into the Theravāda tradition. After all, they contend, this lineage originates from Sri Lanka—why not bring it back?

At times proponents of this position also call attention to what they see as the implicit or explicit patriarchal attitude of senior *bhikkhus* who, some suggest, fear economic competition from female monastics and unreasonably reject Chinese monastics.<sup>49</sup> Although such factors may indeed be influencing

<sup>47</sup> Cf. Kawanami 2007: 232ff.

<sup>48</sup> For a detailed study of the issue of discrimination cf. Goodwin 2012.

<sup>49</sup> Just to cite one example, Sobisch 2010: 241 comments on Theravādins who are unwilling to accept Dharmaguptaka ordination, stating that “this line of argumentation, however, builds largely on slanderous accusations of Chinese nuns as meat eaters, money handlers, and non-celibates, and on the fact that they follow the Mahāyāna rather than the Theravāda philosophy and practice.” In support of his presentation he refers back to Hüsken 2006: 230 note 47, who only states that “many Sri Lankan nuns regard the status of Mahāyāna nuns as inferior to even their own status, because the Mahāyāna nuns are supposed to eat meat, to handle money, and sometimes to not even live in celibacy” (she refers back to Bartholomeusz 1994: 147 for the case of Ayyā Khemā’s loss of support when she was seen as having become a Mahāyāna *bhikṣuṇī*, a reference that has no relation to meat eating or the handling of money).

the situation, focussing excessively on them makes it difficult to appreciate the legal problems that the acceptance of the validity of Dharmaguptaka ordination poses for members of the Theravāda tradition. From a strictly legal point of view it is far from straightforward for members of the Dharmaguptaka or the Theravāda *Vinaya* traditions to conduct legal actions that are valid for each other, since their *Vinayas* differ, as do their procedures for determining the boundary for ordination and the language to be used when conferring ordination.

Rather than pretence, this is a genuine legal problem. At stake in discussions of *bhikkhunī* ordination is the question of whether or not a female candidate ordained based on Dharmaguptaka law and procedures can become a member of the Theravāda monastic community. Traditional Theravādins do not just object to women receiving higher ordination in principle; if candidates were to be ordained in the Dharmaguptaka line, dress in the Dharmaguptaka robes and present themselves as members of that tradition, they would hardly meet with the same degree of resistance. The problem for these traditionalists is a legal one that revolves around accepting the validity of an ordination that is not based on Theravāda law and procedures.

Lacking a central authority for deciding legal matters, the only way for Theravāda *bhikkhus* to resolve such an issue would be through unanimous decision. Failing to achieve this rather improbable ‘solution’, individual groups promoting *bhikkhunī* ordination face the possibility of disruption and separation from the remainder of the monastic Theravāda community, in other words: schism. This is not a light matter and deserves to be recognized for what it is. Instead of being regarded as a series of empty excuses by patriarchs intent on maintaining their hold on power, opposition in this area should be understood as intimately linked to concerns about fracturing the Theravāda tradition.

### *Gender Equality and the Attitude of Nuns*

In view of the importance of gender equality discourses today, it may come as a surprise that Asian women do not necessarily perceive their situation in

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The supposed accusations of meat eating seem to lack any grounding in reality. Whereas Chinese monastics are consistently vegetarian, the same is not the case for the majority of Theravādins, for whom vegetarianism is not a generally accepted value. This makes it highly improbable that traditional Theravādins would accuse anyone of consuming meat. Thus the suggestion that resistance to Dharmaguptaka ordination “builds largely on slanderous accusations of Chinese nuns as meat eaters” is incorrect.

these terms. In particular, eight or ten precept nuns in Theravāda countries, who should in theory most easily be able to appreciate the need to break free from patriarchal oppression, refuse to view their condition in such terms and at times even openly challenge feminist interpretations of their situation. A substantial portion of the eight or ten precept nuns are opposed to the revival of *bhikkhunī* ordination precisely because they see such attempts as motivated by an agenda that is foreign to their own way of thinking and which appears to them to stand in continuity with colonial attempts to undermine their religious tradition. In a tradition which takes pride in unswerving preservation of inherited customs and procedures, any suggested change is easily perceived as a threat and eight or ten precept nuns naturally fear that the little bit of independence they have been able to negotiate for themselves will be jeopardized. By way of illustration, in what follows I present excerpts from ethnographic fieldwork undertaken by academics in Myanmar, Sri Lanka, and Thailand respectively.

Kawanami describes the situation from her field research in Myanmar in the following terms:

Burmese nun teachers I interviewed did not perceive the recent revival of the *bhikkhunī* lineage as something positive that might bring new openings and affect their future in a better way. Most saw it more as a challenge to the overall unity of the Theravāda tradition and many perceived it as threatening to what they have already achieved in society. [...] Others [...] did not appreciate the emphasis on equal rights [...] seeing such aspiration for status as ‘self-serving’ and ‘self-obsessed’. One nun commented that it was an attack on their carefully cultivated image of humility and moral purity, and saw it go against her fundamental values and training.<sup>50</sup>

In the case of Sri Lanka, Salgado writes that her research points to a “*narrative disjunction*, in which a narrative provides frameworks for understanding the lives of nuns to which the nuns themselves clearly do not subscribe.” In this way

the dichotomies written into narratives about nuns continue to make possible [...] the repetition of the colonial event. [...] In fact] the very notion that Asian Buddhists need to engage a Buddhist feminism and yet are incapable of so doing attests to an Orientalist discourse that continues to pervade the scholarship on contemporary Buddhist nuns.<sup>51</sup>

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<sup>50</sup> Kawanami 2007: 238.

<sup>51</sup> Salgado 2013: 9, 10 and 29.

Research undertaken by Cook in a nunnery in Thailand provides yet another perspective. Regarding the “subjugation of women and cultural backwardness bemoaned by scholars who focus on the domination of women by men,” she comments, “[w]hat is striking and problematic about such approaches is the absolute rejection of such ideas by the *mae chee* with whom I work.” Although one might argue

that irrespective of the intent of the women involved we may analyse their practices in terms of their effectiveness in reinforcing or undermining structures of male domination. However, such an analysis necessarily remains confined within an opposition of resistance and subordination that is not ethnographically relevant. [...] It is a culturally particular understanding of how power works, tied to an equally ethnocentric notion of equality and ‘liberation’, and is inattentive to motivations and desires that are not in accord with such theoretical principles and imported political agendas.<sup>52</sup>

Nevertheless, the lack of relevance of the rhetoric on women’s rights and the need to fight against oppression to the personal concerns and value systems of a substantial number of eight or ten precept nuns does not suffice to explain their disinterest in participation in the revival of *bhikkhunī* ordination. Although efforts to promote this revival are often couched in terms of promoting gender equality, the institution of the *bhikkhunī* order as such is part of the much revered ancient Indian heritage of Buddhism and thus certainly not something that is in itself contrary to the Theravāda tradition.

Recent developments in Sri Lanka help to reveal another factor contributing to a lack of interest among eight and ten precept nuns in *bhikkhunī* ordination. Whereas earlier in Sri Lanka the same attitude prevailed, the recent success of the *bhikkhunī* order has attracted the attention of *dasasil mātās*, motivating them to take a step about which they had earlier expressed no interest.<sup>53</sup> This suggests that for eight or ten precept nuns the controversy around the legality of *bhikkhunī* and the lack of public recognition of this choice in places such as Thailand and especially Myanmar leads many to view it as not really a viable option. The very survival of a female mendicant in South and Southeast Asian Buddhist countries depends on the support offered by laity, which in turn is inexorably linked to the recipient of such gifts successfully performing her or his role in accordance with established values and traditional opinions. As long as becoming a *bhikkhunī* is taken to be illegal and disreputable and is perceived as an ego-driven attempt to enhance

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<sup>52</sup> Cook 2010: 160f and 170.

<sup>53</sup> Salgado 2013: 140ff; on the positive public image of *bhikkhunīs* in Sri Lanka cf. also Mrozik 2014.

one's status (something of which men seeking ordination are not accused), it is unsurprising that this step is viewed with considerable diffidence.<sup>54</sup>

### *Gender Equality and the Situation of bhikkhunīs*

The promotion of *bhikkhunī* ordination in the name of gender equality not only fails to hear the voice of a substantial number of potential female monastics, it also is beset by the problem that achieving the acceptance of such ordination within the tradition will not fully accomplish the aim of gender equality. The reason is that according to the Theravāda *Vinaya* the status of *bhikkhunīs* does not equal that of *bhikkhus*. Full equality would only be possible by creating an order of nuns independent of the Theravāda *Vinaya* and tradition, thereby also missing out on much of the support and respect that South and Southeast Asian Buddhists might offer.

A disparity of status emerges right away with one of the principles to be respected, *garudhamma*, according to which a *bhikkhunī* invariably should pay respect to a *bhikkhu*, no matter how long each of them has been ordained.<sup>55</sup> Monastic etiquette prescribes that the paying of respect among *bhikkhus* takes place according to age of ordination, with the junior *bhikkhu* worshipping the elder.<sup>56</sup> The *garudhamma* in question explicitly denies the application of the same principle across the male/female divide.<sup>57</sup>

Although this *garudhamma* features regularly in gender sensitive writings, it needs to be kept in mind that from the viewpoint of the Theravāda *Vinaya* this is a less serious matter, in fact an infringement of this *garudhammas*

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<sup>54</sup> Ito 2014: 57f in fact identifies as two out of the three key factors for the success of the *bhikkhunī* revival in Sri Lanka that the first to take *bhikkhunī* ordination were senior and respected *dasasil mātās*, making it easy for the younger ones to follow their example, and the support the revival received from senior and respected *bhikkhus*.

<sup>55</sup> *Cullavagga* X.14, Vin II 255,6, enjoins that even a *bhikkhunī* ordained for a hundred years should rise up and pay homage with folded hands to a *bhikkhu* ordained on that same day, *vassasatūpasampannāya* (B<sup>c</sup>: *vassasatūpasampannāya*) *bhikkhuniyā tadahupasampannassa bhikkhuno abhivādanaṃ paccuṭṭhānaṃ añjalikammaṃ sāmīcīkammaṃ kātabbaṃ*; this is the first of the eight *garudhammas*.

<sup>56</sup> *Cullavagga* VI.6.4, Vin II 162,19, introduces the basic principle of rising up and paying homage with folded hands according to seniority (which is then shown to apply similarly to the best seat, etc.). Right away the next passage, *Cullavagga* VI.6.5, Vin II 162,26, mentions women among those to whom such respect should not be accorded by a *bhikkhu* and next states that respect should be accorded to those ordained earlier.

<sup>57</sup> *Cullavagga* X.3, Vin II 258,8, reports a reaffirmation of the same stance by the Buddha in reply to a reported attempt by Mahāpajāpatī Gotamī to have senior *bhikkhunīs* receive respect from junior *bhikkhus*.

carries no punishment. A *bhikkhunī* who decides not to act accordingly and who fails to worship a *bhikkhu* does not incur an infringement of her main rules, but merely fails to fulfil behavioural etiquette.

Before taking higher ordination, female candidates are expected to undergo a two-year probationary training that requires keeping six out of the ten rules of a *sāmaṇerī* without a breach.<sup>58</sup> No such probationary training applies to male candidates for higher ordination. Moreover, a *bhikkhunī* is allowed to take the central role in conferring ordination only for a single candidate every two years.<sup>59</sup> No such restrictions apply to the ordination of male candidates. Clearly there is a basic gender disparity built into the ordination procedure. Even though not following these stipulations does not invalidate the higher ordination of a *bhikkhunī*,<sup>60</sup> it does result in an offence and a flawed ordination procedure.

The rules for a *bhikkhunī* involve several regulations that are considerably more demanding than in the case of *bhikkhus*. The second most serious type of breaching a rule for fully ordained monastics is a *saṅghādisesa* offence, which results in temporary suspension. A *bhikkhunī* commits such a breach of conduct through the mere fact of travelling alone, without a companion.<sup>61</sup>

<sup>58</sup> According to *Bhikkhunī pācittiya* LXIII, Vin IV 319,33, a *bhikkhunī* ordaining a female candidate who has not completed the probationary training incurs an offence requiring confession.

<sup>59</sup> *Bhikkhunī pācittiya* LXXXII, Vin IV 336,18, prevents a *bhikkhunī* from acting as preceptor in an ordination every year. *Bhikkhunī pācittiya* LXXXIII, Vin IV 337,6, then stops her from ordaining more than one candidate in a year. Shih 2000: 399 reasons that this would express a concern “that the preceptress should be able to take full responsibility in training a pupil”, a comparable restriction for monks being found at Vin I 79,25, although in this case a later amendment allows a particularly qualified monk to take more than one novice at a time; cf. Vin I 83,25.

<sup>60</sup> That failure to observe the probationary training does not invalidate the higher ordination given to such a candidate has been shown by Bodhi 2010: 127f. The issue of ordaining only a single candidate has led to controversy in relation to the *bhikkhunī* ordination in Perth in 2009, where the suggestion that this renders the ordination invalid by Ṭhānissaro 2009 has found replies in Bodhi 2009 and Brahmāli 2009.

<sup>61</sup> According to *bhikkhunī saṅghādisesa* III, Vin IV 229,35, a *bhikkhunī* right away incurs an offence involving temporary suspension if she goes alone into a village, crosses a river alone, is alone at night, or remains behind alone when being with a group (during a journey), *yā pana bhikkhunī ekā vā gāmantaraṃ gaccheyya, ekā vā nadīparaṃ* (B<sup>c</sup>, C<sup>c</sup>, and S<sup>c</sup>: *nadīparaṃ*) *gaccheyya, ekā vā rattim vippavaseyya, ekā vā gaṇamhā ohīyeyya, ayampi bhikkhunī paṭhamāpattikaṃ dhammaṃ āpannā nissaraṇīyaṃ saṅghādisesan ti*. This rule would have originally evolved out of a concern to protect *bhikkhunīs*, given that elsewhere the *Vinaya* reports that *bhikkhunīs* were raped when finding themselves precisely in the type of situation that this rule intends to avoid. According to the narration at Vin IV 228,12 that precedes this rule, two *bhikkhunīs* were raped when they separated from each other to cross a river alone. Vin IV 229,25 reports that a *bhikkhunī* who stayed behind a group to relieve herself was raped.

The type of offence that entails irrevocable loss of one's monastic status is called *pārājika*,<sup>62</sup> of which there are four for *bhikkhus* and eight for *bhikkhunīs*. One of the additional *pārājika* offences applicable only to the case of *bhikkhunīs* comes about if, being under the influence of lustful feelings, she consents to being touched by a lustful male at any place of her body between her collarbones and knees.<sup>63</sup> In comparison, for a *bhikkhu* to incur a *pārājika* offence through lustful behaviour requires that he intentionally engages in sexual intercourse.<sup>64</sup> Having lustful physical contact with a female is only a *saṅghādisesa* offence for a *bhikkhu*.<sup>65</sup>

Whereas the *garudhamma* regarding paying respect could in principle be ignored and even the proper procedure to be adopted for *bhikkhunī* ordination is not always followed, there seems to be considerably less room to overlook rules of the *saṅghādisesa* and *pārājika* type, as the very act of ordaining as a *bhikkhu* or *bhikkhunī* is an expression of a willingness to train according to these rules.

In short, achieving ordination as a Theravāda *bhikkhunī* will not result in a situation of equality vis-à-vis *bhikkhus* and thus will not be able to satisfy fully standards of gender equality.<sup>66</sup>

In fact admission to the monastic community is not at all concerned with granting equal opportunities to all. It involves discrimination of many kinds.

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Nevertheless, being in a group does not necessarily appear to have been the solution for the problem, as according to *Mahāvagga* 1.76, Vin I 89,10, and according to *bhikkhu pācittiya* XXVII, Vin IV 63,8, whole groups of *bhikkhunīs* were raped while being on the road (the narrations give the impression of referring to different occasions). Again *bhikkhu pācittiya* XXVIII, Vin IV 65,9, reports that a whole group of *bhikkhunīs* was raped while crossing a river. Besides not entirely solving the problem of preventing rape, attempting to implement *bhikkhunī saṅghādisesa* III to the letter in the modern day living situation can be rather challenging. Needless to say, no comparable travel restrictions exist for *bhikkhus*.

<sup>62</sup> Anālayo 2016b.

<sup>63</sup> *Bhikkhunī pārājika* I, Vin IV 213,34, indicates that a *bhikkhunī* incurs an offence involving loss of her monastic status if, being herself lustful, she consents to being touched, stroked, grabbed, fondled, or squeezed in the area between her collarbones and her knees by a lustful man, *yā pana bhikkhunī avassutā avassutassa purisapuggalassa adhakkhakaṃ ubbhajāṇu-maṇḍalaṃ āmasanaṃ vā parāmasanaṃ vā gahaṇaṃ vā chupanaṃ vā paṭipīlanaṃ vā sādīyeyya, ayam pi pārājikā hoti*.

<sup>64</sup> *Bhikkhu pārājika* I, Vin III 23,33, for a study of the parallel versions cf. Anālayo 2012.

<sup>65</sup> *Bhikkhu saṅghādisesa* II, Vin III 120,33.

<sup>66</sup> In my view, however, Ashiwa 2015: 32 goes too far in concluding that “the restoration of nun discipline will [...] bring another discrimination against women within the framework of precepts that will not result in the improvement of the status of Buddhist women.” Although full gender equality is not possible within the *Vinaya* framework, the restoration of *bhikkhunī* ordination nevertheless does bring a clear improvement of the status of Buddhist women.

According to the Theravāda *Vinaya*, those afflicted with certain diseases are barred from entry just as those who do not fulfil heterosexual norms.<sup>67</sup>

To sum up, the relation between gender equality and the revival of *bhikkhunī* ordination is not as straightforward as it may initially appear. Resistance to such a revival need not be entirely motivated by patriarchal concerns, potential candidates for such revival among eight and ten precept nuns tend to perceive this as an agenda foreign to their concerns, and the final goal of creating an order of *bhikkhunīs* in accordance with the Theravāda *Vinaya* will not result in a situation of equality when compared to their male counterparts.

## 5 Theravāda *Vinaya* and the Revival of *bhikkhunī* Ordination

### *The Legal Viewpoint*

In order to appreciate the significance of the stipulations in the Theravāda *Vinaya* to the revival of *bhikkhunī* ordination, a basic principle in law needs to be kept in mind. According to this principle, a later ruling on the same matter replaces an earlier ruling. This does not imply that all rules are invalidated by the latest promulgation. If this were the case, only a single rule could ever be in existence at any time. Instead, a later rule only invalidates an earlier rule when these two concern the same issue.

### *The Rules on bhikkhunī Ordination*

According to the *Vinaya* account surveyed at the outset of this chapter, the Buddha explicitly addressed two rules to *bhikkhus* on the matter of *bhikkhunī* ordination. One of these rules concerns “single ordination”, according to which *bhikkhus* should undertake such ordination on their own. The other rule promulgated subsequently concerns “dual ordination”, indicating that *bhikkhus* should give ordination in cooperation with a community of *bhikkhunīs*.<sup>68</sup>

Given that these two rules promulgated according to the Theravāda *Vinaya* by the Buddha both concern *bhikkhunī* ordination, at first sight one would think that this is a case which pertains to the principle just mentioned,

<sup>67</sup> The ordination procedure for *bhikkhunīs* described at Vin II 271,21 involves asking the candidate a series of questions to ascertain that they do not have diseases like leprosy, tuberculosis, or epilepsy, etc., and that they are not androgynous or hermaphrodites, etc.

<sup>68</sup> *Cullavagga* X.2.1, Vin II 257,7, and *Cullavagga* X.17.2, Vin II 271,34; cf. above notes 3 and 4.



where out of two rules dealing with the same matter only the last is the valid one. In this line of interpretation, *bhikkhus* were at one early time in the history of Buddhism allowed to ordain *bhikkhunīs*, but this situation was implicitly changed by the later ruling and is no longer valid.<sup>69</sup>

From this in turn it would follow that since a) Theravāda *bhikkhus* are not permitted to grant ordination on their own, and b) no Theravāda *bhikkhunī* order is in existence that could cooperate with them in such an ordination, there is simply no way to revive a *bhikkhunī* order in the Theravāda tradition. This is the position often taken by Theravāda traditionalists who are opposed to the revival of the *bhikkhunī* order.

### *The Narrative Context Provided by the Sixth Garudhamma*

In spite of its apparent coherence, close inspection shows that the above conclusion actually fails to reflect the complete situation in the Theravāda *Vinaya*.<sup>70</sup> In the *Vinaya* in general, each rule comes with a narrative that purports to record what led to its promulgation. For appreciating the implication of any regulation in the *Vinaya*, a study of these case stories, whatever their historical value, is indispensable. It is only when read in the context of their respective narrative that a rule can be properly understood and interpreted.

Now according to the *Vinaya* narrative, the Buddha had granted ordination to Mahāpajāpati Gotamī by acceptance of eight principles to be respected, *garudhamma*. The sixth of these principles to be respected reads as follows: “A probationer who has trained for two years in six principles should seek for higher ordination from both communities.”<sup>71</sup> This stipulates

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<sup>69</sup> This is the position taken, e.g., by Thānissaro 2009: 449f, who argues “the Buddha followed two different patterns in changing Community transactions, depending on the type of changes made. Only when totally withdrawing permission for something he had earlier allowed [...] did he follow the pattern of explicitly rescinding the earlier allowance [...] When keeping an earlier allowance while placing new restrictions on it, he followed a second pattern, in which he merely stated the new restrictions for the allowance and gave directions for how the new form of the relevant transaction should be conducted in line with the added restrictions.” Thus “because Cv.X.17.2, the passage allowing bhikkhus to give full Acceptance to a candidate who has been given Acceptance by the Bhikkhunī Saṅgha, simply adds a new restriction to the earlier allowance given in Cv.X.2.1, it follows this second pattern. This automatically rescinds the earlier allowance.” Thānissaro 2009: 450 concludes that “in the event that the original Bhikkhunī Saṅgha died out, Cv.X.17.2 prevents bhikkhus from granting Acceptance to women.”

<sup>70</sup> For a more detailed discussion cf. Anālayo 2013, 2014, and 2016a.

<sup>71</sup> *Cullavagga* X.1.4, Vin II 255,19: *dve vassāni chasu dhammesu sikkhūtasikkhāya sikkhamānāya ubhatoṣaṅghe upasampadā pariyesitabbā*.

that *bhikkhunī* ordination should be conferred by both communities, the *bhikkhus* and the *bhikkhunīs*, on a probationer who has successfully completed the training in the six rules for two years.

From a historical perspective this presentation is doubtful, as the *Vinaya* elsewhere reports the problem caused by ordaining female candidates that turned out to be pregnant. If a two-year probationary period had been the rule from the outset, all candidates for *bhikkhunī* ordination would have passed a two-year period in celibacy and could not be pregnant at the time of their ordination.<sup>72</sup> This makes it safe to assume that this particular *garudhamma*, at least in its present formulation, reflects later developments.<sup>73</sup>

However, my concern here is not to reconstruct historical information, but rather to examine legal implications. For this purpose the storyline as narrated in the Theravāda *Vinaya* is decisive, independent of the degree to which it reflects what actually happened. It is the story as found in the *Vinaya* that determines legal decision based on the Pāli *Vinaya* as a code of law and forms the foremost authority, overruling also the authority of the commentaries and of eminent individual teachers.<sup>74</sup>

According to the *Vinaya* narrative, at the moment of granting ordination to Mahāpajāpati Gotamī the Buddha explicitly indicated that right from the outset he wanted both communities to cooperate in the giving of *bhikkhunī* ordination. This is clearly the first and most basic pronouncement made by the Buddha in the *Vinaya* account. This rule presents not merely the need for a probationary training, but also clearly indicates that both the *bhikkhu* and the *bhikkhunī* community need to be involved in order to give ordination to a female candidate, as its explicitly stipulates that such a candidate “should seek for higher ordination from both communities.”

Together with the other principles to be respected, this regulation was communicated to Ānanda as a set of conditions whose acceptance would count as the higher ordination of Mahāpajāpati Gotamī. The function of these *garudhammas* is not confined to serving as the ordination formula for Mahāpajāpati Gotamī. Instead, their content clearly is meant to provide guidelines on how the already existing order of *bhikkhus* should collaborate with the newly founded order of *bhikkhunīs*.

<sup>72</sup> *Bhikkhunī pācittiya* LXI, Vin IV 317,20; cf. in more detail Anālayo 2006: 83f.

<sup>73</sup> For a more detailed discussion cf. Tsedroen and Anālayo 2013.

<sup>74</sup> The *Sumāṅgalavāsīnī*, Sv II 568,1, presents the canonical scripture as the foremost authority, compared to which the position taken by the commentaries is weaker, and personal opinions by individual teachers are a still weaker authority, both of these should only be followed when they conform to the canonical scriptures; cf. also Adikaram 1994: 15.

### *The Narrative Context for the Ruling on Single Ordination*

The basic indication that the ordination of *bhikkhunīs* requires the cooperation of both communities, given in the sixth *garudhamma*, forms the background to the promulgation of the rule on single ordination. Even though ordination by both communities is the preferred option, this is impossible when only a single *bhikkhunī* is in existence. As a single *bhikkhunī*, Mahāpajāpatī Gotamī was not capable of forming the quorum required for ordination, she was unable to act as a community of *bhikkhunīs*.

In the story recorded in the Pāli *Vinaya*, Mahāpajāpatī Gotamī directly approaches the Buddha with the question about how she should proceed in relation to her following of five hundred women,<sup>75</sup> who had come together with her in a quest for *bhikkhunī* ordination.

Now it is in reply to this query by Mahāpajāpatī Gotamī that the Buddha promulgates the rule that *bhikkhus* on their own can give ordination to *bhikkhunīs*. This rule is clearly meant to address a situation where no community of *bhikkhunīs* is in existence. In such a situation, the proper procedure to be adopted is that ordination will be conferred by *bhikkhus* only.

In contrast, the next rule to *bhikkhus* is given in a substantially different situation, namely at a time when a *bhikkhunī* order is in existence. In this situation, the proper procedure to be adopted, according to the Pāli *Vinaya*, is that first a community of *bhikkhunīs* confers ordination, and as part of this procedure also asks the set of questions to ensure qualification of the candidate. A community of *bhikkhus* subsequently confers ordination. Once this has been completed, the candidate has become a *bhikkhunī*.

In this way, the two rules given to *bhikkhus* on the matter of *bhikkhunī* ordination do not address the same issue, they do not pertain to the type of rules where the later one invalidates the earlier one. One of these two rules regulates the procedure in a situation where a community of *bhikkhunī* is not in existence. The other of the two rules regulates the procedure in a situation when such a community exists. This rule does not invalidate the first, as it refers to a different situation. Both are valid within their respective spheres and in this way complement each other.

The possibility for ordination done solely by *bhikkhus* holds only when no *bhikkhunī* order capable of cooperating in an ordination is in existence. This is in line with the report in the *Dīpavaṃsa* regarding the transmission of the *bhikkhunī* ordination lineage from India to Sri Lanka. Since at that time

<sup>75</sup> *Cullavagga* X.2.1, Vin II 256,37: *kathāhaṃ, bhante, imāsu sākiyaṇīsu* (B<sup>e</sup>, C<sup>e</sup>, and S<sup>e</sup>: *sākiyaṇīsu*) *paṭipajjāmi tī?*

an order of *bhikkhunīs* was in existence in India, Mahinda is shown to have gone through the effort of bringing his sister to Sri Lanka in order to confer ordination, instead of just conferring it on his own.

Thus the position taken in traditionalist circles that a revival of *bhikkhunī* ordination is impossible turns out to be the result of considering the respective rules out of their narrative context, thereby not fully taking into account the purpose they were originally meant to fulfil according to the Theravāda *Vinaya*'s report.

## Conclusion

A study of the Theravāda *Vinaya*'s bearing on the issue of *bhikkhunī* ordination, even without taking into account other historical, social and often also political influences, reveals the complexity of this situation.

The controversy regarding the revival of *bhikkhunī* ordination can at times turn into a clash between two ideological constructs, which oppose each other in a way that can be compared to a positive and a negative image in photography. The positive image is the revived *bhikkhunī* line, representative of gender equality and a globalized Buddhist sisterhood; the negative image is the absence of *bhikkhunī(s)*, an emblem of religious tradition successfully safeguarded against Western interference.

One can hardly question the need for women to be granted equal opportunities. Avoiding the infliction of unnecessary suffering through discrimination reflects not only Western values, but also speaks to the very heart of Buddhist doctrine. This makes the quest to improve the situation of women one that should naturally find support among all those who consider themselves followers of the Buddha.

At the same time, however, the right of religious traditions to maintain their customs and observances has to be acknowledged. The Theravāda tradition has been deeply influenced by the perceived need to protect religion against western colonial arrogance and more recently the disintegrating forces of secularism, similarly seen as originating predominantly in the west. In view of this historical precedent, reviving a *bhikkhunī* order in ways that openly conflict with basic Theravāda legal principles can easily be interpreted as the shadow of past colonial arrogance and the continuation of the disintegrating influences of secularization.

Values that in themselves are indubitably positive can become problematic when they are affirmed as the only relevant factor that deserves attention at the expense of ignoring the complexity of the situation. In this way

they can turn into self-perpetuating ideological constructs that render their staunch proponents incapable of entering into dialogue with those who do not adhere to the same ideology.

The rhetoric of women's empowerment becomes an act of disempowerment when it ignores the voices of those on whose behalf it intends to speak. Similarly, the rhetoric of defending tradition can actually undermine the tradition when it ignores the spirit of the Buddha's teaching for the sake of the letter, based on a selective reading of the legal code that turns a blind eye to its intentions as evidenced by the narrative context.

Full appreciation of the complexity of the situation would require proponents of the revival of *bhikkhunī* ordination to acknowledge the legal problems. They would also need to take on board the resistance of eight or ten precept nuns to feminist agendas, as well as the fact that the revival of the Theravāda *bhikkhunī* order will not achieve true gender equality. Even the way to revive the *bhikkhunī* order through single ordination by *bhikkhus* confirms its dependence on males, instead of standing out as an affirmation of women's agency.

In the same way, traditionalists affirming the critical importance of adherence to the rules in the Pāli *Vinaya* as the very heart of Theravāda monastic life and identity need to keep in mind the mandate for compassion and avoidance of harm as a central Buddhist value. In addition, they need to revisit the common belief that the *Vinaya* does not permit reviving a *bhikkhunī* order. Contrary to their assumptions, the Theravāda *Vinaya* indicates that this is possible.

## Abbreviations

|                |                          |
|----------------|--------------------------|
| B <sup>e</sup> | Burmese edition          |
| C <sup>e</sup> | Ceylonese edition        |
| Dīp            | <i>Dīpavaṃsa</i>         |
| MN             | <i>Majjhima-nikāya</i>   |
| S <sup>e</sup> | Siamese edition          |
| Sp             | <i>Samantapāsādikā</i>   |
| Sv             | <i>Sumaṅgalavilāsini</i> |
| T              | Taishō (CBETA)           |
| Vin            | <i>Vinaya</i>            |

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