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 Daśākuśālakarmapatha, of uncertain date (attributed apocryphally to the poet Aśvaghosa, 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

\[
\text{agamyā}³ \text{nāma sarvā parastrī dharmadhvajā gotrarakṣitā gṛhitapanyā veṣyā kṛiti-sambandhinī tiryāṇaṃ ceti evaṃ svavānitaṃ}³ \text{api sevayā kāmamithyācārī bhavati}
\]

1) Lévi prints the manuscript as agamyā (similarly, a few lines above read agamyāś for agamyāś). 2) Lévi reads svavānitaṃ.

The corresponding Tibetan prose translation reads:³

'gro ba¹ bya ba ma yin pa ni | gzhan gyi bud med thams cad dang | chos kyi² rgyal mthshan dang rigs kyis bsrungs pa dang | rgyal pos bsrungs pa dang | gzhan gyis blangs pa'i smad 'tshong ma dang | gnyen 'brei can dang | byol song ngo || de ltar rang gi chung ma la brten¹ nas 'dod pas log par g.yem par 'gyur ro ||

1) Pek. 5355 byrod 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 Daśākuśālakarmapatha predates Atiśa, but cannot be the work of the poet Aśvaghosa 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, kī 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:

| bgrod¹ par bya min zhes bya ni² | gzhan bzung chos kyi rgyal mtshan ldan || rigs kyi bsungs 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 las ni |
| rang gi chung ma bsten 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:

非往者。謂於他妻、及比丘尼、親族異趣、及衙貴等、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:

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” bhiksuni, 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

¹ Peking Tanjuk 5416, dbu ma, gi, 105b4-5 = 5678, spring yig, 275b8-276a2 = Derge Tanjuk 4178, spring yig, nge 35a3-4.
² T. 727 (XVII) 457c24-26.
³ 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 guerrière par son nom de famille, qui a été achète, une courtisane. . . . . . . [his ellipses] et les animaux.” Mochizuki and Kanno 1996: 5: 非往と名づけられるものは、一切の他者に妻・法種・種族に護られた女・金銭により取られた女・婚姻・貢われた関係の女・畜生とするのである。以上の如くに、自らの女と性交することも、邪行である。
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. The key term is svanati, to which corresponds Tibetan rang gi chung ma, the obvious meaning of which is “one’s own wife.” Syntactically, it would seem to make sense to translate the phrase iti evam svanitam api sevayan kānāmīthācārī 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.

However, the possibility of this reading being correct is vanishingly small. 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 śaśtric 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,

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7 Lévi 1929: 270 omitted it entirely.
8 Chinese zījīng 作境 is problematic, and may perhaps be based on a reading like *svaśa, 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) bhūryāputradārāni ca saṃhāryāyati sadā ca brahmaçārī.
10 I owe thanks to Harunaga Isaacson for his kind, patient and convincing guidance on the proper interpretation of this passage.
perhaps, since it is not necessarily the case that restrictions on sexual relations are more stringent than restrictions on marriage.

Lists of forbidden women are found elsewhere in Indian Buddhist literature, but that in the Daśākuśālakarmapatha differs from those more well known. The list of four forbidden women in the Abhidharmakosabhāṣya, for instance, comprises the wife of another, one's mother, one's daughter, and maternal or paternal kinswomen, catusprakāram agamyagamanam kāma-mithyā-cāraḥ | aṣamyāṁ gacchati parapariṅhitāṁ và mātaram duhitaram và mātrpiṣambandhīṁ và.\(^2\) What appears to be an abbreviated reference to a similar list is found in the Vinīścayasamgrahaṇī of the Yogācārabhūmi, which states “Those with whom one should not have sexual relations are those referred to in the scriptures [with the expression] ‘Among them, your mother et aliae, and one protected by your mother et aliae.’”\(^3\) The Yogācārabhūmi passage in its turn is quoted (with attribution) by the 14th century Tibetan patriarch of the Gelukpa order Tsong kha pa in his classic work informally titled Lam rim chen mo.\(^4\) Immediately afterwards, he quotes the versified text of the Daśākuśālakarmapatha in explanation of this sentence, as follows:\(^5\)

\[
\begin{align*}
\text{bgrod par bya min zhes bya ni} & | \\
\text{| gzhan bzungchos kyi rgyal mtshan ldan} & || \text{rigs kys bsrungs dang rgyal pos bsrungs} | \\
\text{| gzhan gyis blangs pa’i smad} & | \text{tshong dang} | || \text{nye du dag dang ’brel ba dang} | \\
\text{| de dag bgrod bya min pa yin} & | \\
\text{| zhes gsungs pa ltar ro} & || \text{gzhan gyis bzung ba ni gzhan gyi chung ma’o} | \text{||} \text{chos kyi rgyal mtshan can ni rab byung ma’o} | || \text{rigs kys bsrungs pa ni bag mar na [read: ma] song ba rang gi pha la sosgs pa’i gnyen nam gys sgyug gam sgo bsrung ngam de dag med na rang gis kyang bsrungs pa’o} | || \text{rgyal po dang bskos pas bsrungs ba ni de la chad pa’i khrims bcas pa’o} | || \text{gzhan gyis gla gzhial ba’i smad [xylo: snad] ‘tshong la log yem du gsungs pas rang gis gla byin pa la log yem med par bstan to} | |
\end{align*}
\]

“Those with whom you should not copulate”
Are those held by another, those having a religious insignia,
Those under the protection of family or king,
A prostitute who has been taken by another,

\(^2\) T. 1579 (XXX) 631b13-14 (juan 59): 若於母等母等所獲。如經廣說。名不應行; Derge Tanjur 4038, sens tsaṃ, zhi 134b2-3: de la ma la sosgs pa dang | mas bsrungs pa la sosgs pa mdo las ji skad gsungs pa rnams ni ’jug par bya ba ma yin pa zhes bya’o.
\(^3\) Tsong kha pa 1985: 166-167 = Bkra shis lhun po xylograph 100a4-5; the passage is translated in Cutler 2000: 220.
\(^4\) Tsong kha pa 1985: 167 = Bkra shis lhun po 100a5-b2. The translation is that of Cutler 2000: 220.
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.\textsuperscript{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 asānyoga) as follows:\textsuperscript{16} siblings of one’s mother or father, or their children (mātuh pītūr iti yonisāṁbandhe sahāpatye strīgaṇāma), 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,\textsuperscript{17} the list comprises an elder’s wife (the paradigmatic case, hence the expression for incest here and elsewhere, gurutalpaga), female friend, a sister, female relative, a pupil’s wife, or a daughter-in-law, and a cow. For Baudhāyana,\textsuperscript{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

\textsuperscript{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,’ akūśala, mi dge bu.
\textsuperscript{16} Āpastamba 1, Praśna 1, Paṭala 7, Khaṇḍa 21 (8–9) in Bührler 1932, translation in Bührler 1897: 73–74, Olivelle 1999: 32.
\textsuperscript{17} Gautama 23.12, edition Stenzler 1876, translation Bührler 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.
\textsuperscript{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 Arthashastra, 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, Strīpuṇyayogā 72a; translation 157), the latter of which also mentions one who has come for protection and a female ascetic.
20 Text Lariviere 1989: 185, Strīpuṇyayogā 78; translation 158.
21 Yajñavalkya-smṛti II.290; Arthashastra 3.20.15 (rūpājñām anyaparuddhēn gacchatāh) 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 Arthashastra 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 Kögi 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


Aspects of Research into Central Asian Buddhism

In memoriam Kōgi Kudara

Edited by Peter Zieme
The Jews are a peculiar people: things permitted to other nations are forbidden to the Jews. Other nations drive out thousands, even millions of people, and there is no refugee problem. Russia did it, Poland and Czechoslovakia did it. Turkey threw out a million Greeks and Algeria a million Frenchman. Indonesia threw out heaven knows how many Chinese and no one says a word about refugees. But in the case of Israel displaced Arabs have become eternal refugees.