



Susan Andrews / Jinhua Chen / Cuilan Liu (eds.)

# Rules of Engagement

Medieval Traditions of Buddhist  
Monastic Regulation



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Figure on Cover: Image from the Dunhuang cave 323 that depicts the observance of Vinaya rules. Copyright: Dunhuang Academy

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## *Pāṃśukūlika* as a Standard Practice in the *Vinaya*

Nicholas Witkowski

There is a prominent school of thought, both in the academic discipline of Buddhist Studies and in the Buddhist tradition itself, which views the Buddhist monastic lifestyle as either the mean between the two extremes of self-indulgence and asceticism, or, in certain cases, as openly hostile to the ascetic enterprise.<sup>1</sup> It is easy to understand why a reader of early Buddhist scripture is likely to presume that the Buddha and his disciples rejected asceticism, as there are voices within the early source material which emphasize the denial of austerity practices as foundational to Buddhism. However, in the field of Indian Buddhism, a recent trend in scholarship indicates that the rhetorical claim to avoid the extremes of ascetic practice was perhaps exaggerated, or at least not representative of all monastic communities in the so-called “middle” period.<sup>2</sup> This trend is particularly well-represented in studies over the last twenty years which have demonstrated that the *dhūtaguṇas*—a collection of ascetic practices, which, in one form or another, appears early in the Indian Buddhist tradition—were an important part of certain strands of early Mahāyāna Buddhism.<sup>3</sup> While there is a growing recognition of the importance of asceticism in Buddhism among scholars, the view that Indian Buddhist monastic communities, on the whole, should be considered a non-extreme, and particularly, non-ascetic set of practitioners, remains largely intact. It is the goal of this chapter to challenge this heavily ingrained attitude toward asceticism in the Indian Buddhist context.

With the purpose of challenging the scholarly conception that any ascetic activities in the middle Indian monastery were marginal to the community,

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<sup>1</sup> See for example Gombrich 2006: 95–105. Some, such as Dantinne 1991: 1–4 suggest that voices critical toward asceticism are more permissive if the practices are guided by the proper mental attitude. See Freiburger 2006 for a discussion of the limitations of this rhetorical orientation in the Buddhist tradition.

<sup>2</sup> Schopen 2000: 1 regards the middle period as lasting “from the beginning of the Common Era to the 5<sup>th</sup>/6<sup>th</sup> centuries.”

<sup>3</sup> See for example Nattier 2003, Harrison 2003, and Boucher 2008.

this chapter examines evidence which emerges in the *Vinaya*. In order to avoid any confusion about what I mean by asceticism, I will limit the possible definitions of the term, for the purposes of this chapter, to the practices which comprise the list of *dhūtaguṇas*. The *dhūtaguṇas* are a set of practices typically regarded as difficult to maintain, even for the well-intended Buddhist monk. Although the *locus classicus* of this set of practices is the *Visuddhimagga* of Buddhaghosa,<sup>4</sup> dating roughly to the fifth century CE, there are *dhūtaguṇa* lists which appear in texts from the early Mahāyāna tradition as well as from relatively early texts in the Pāli canon.<sup>5</sup> Although these *dhūtaguṇa* lists vary in length and content, their thematic core can be reduced to three major conceptual categories: food, clothing, and shelter. Of these three, I will focus on the issue of clothing, and in particular, on the practice of *pāṃśukūlika*.<sup>6</sup> It is my contention that a careful examination of certain sections from the *Vinaya*, with its idiosyncratic emphasis on details which illuminate sociological, political, and economic realities, will reveal that the ascetic practice of *pāṃśukūlika* was regarded as what I will term a *standard practice* in monastic communities of the middle period in Indian Buddhism.

I will preliminarily define standard practices<sup>7</sup> as behaviors recognized by the *vinayadharas*, or monastic jurists who authored and/or compiled the legal code, as being common enough and significant enough that they mentioned these practices either (1) *incidentally*, or (2) *as targets of monastic legislation* and expected their audience to be familiar with them. A number of scholars have rightly highlighted the challenges of utilizing any of the genres of early Buddhist literature as sources from which properly historical data can be obtained. Although it remains difficult to apply the term historiography to

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<sup>4</sup> To be clear, I am not suggesting any direct textual genealogy between the *Visuddhimagga* and any of the *Vinaya* narratives examined in the course of this study. I draw upon the *Visuddhimagga* in order to provide context for oblique or obscure references to *dhūtaguṇas* which may appear in *Vinaya* narratives discussed below.

<sup>5</sup> See references in Ray 1994: 293–314 to the various *dhūtaguṇa* lists.

<sup>6</sup> The *Visuddhimagga* (Ñāṇamoli 1991: 62–63; for Pāli see Rhys-Davids 1975, 62) lists 19 acceptable types of *pāṃśukūlika*: (1) fabric from a cemetery, (2) fabric from a shop, (3) fabric from the street, (4) fabric from a refuse heap, (5) fabric used during childbirth, (6) fabric for ablution, (7) fabric discarded at a washing place (8) fabric used to transport corpses, (9) fabric scorched by fire, (10) fabric gnawed by cattle, (11) fabric carried as a flag, (12) a robe from a shrine, (13) a monk's robe, (14) fabric from a consecration ceremony, (15) fabric produced by a supernatural power, (16) fabric from a highway, (17) fabric carried by the wind, (18) fabric from the gods and (19) fabric from the sea.

<sup>7</sup> I shall discuss the decision to define standard practice as such in the section on methodology below.

Buddhist legal narrative, I nevertheless presume that the *Vinaya* lends itself to more than just a literary analysis. I contend that this data has already proven invaluable in developing a clearer picture of the anthropology (by which I mean the *practices* as well as the *ideological concerns*) of at least a certain segment of the members of the middle Indian Buddhist monastery. The purpose of relying upon this category of *standard practices* is to aide in the task of going beyond literary analysis in order to distill anthropological data from the textual sources. To this end, I have focused on sources which I believe most effectively lend themselves to an anthropology of the ascetic practice of *pāṃśukūlika*.

In this study, I am drawing from the genre of *Vinaya* because, in form and content, it is perhaps better suited to anthropological queries than other Buddhist literatures. This difference lies in the fact that *Vinaya* marries the genre of classic Buddhist narrative, common in sutra material, to a thematic framework organized according to the requirements of etiquette and morality necessary for the regulation of members of a monastic community. In general, it is fair to say that the *Vinaya* is far less concerned with the doctrinal significance of classical Buddhist narratives and more interested in utilizing these narratives to justify legal rulings to either legitimize or delegitimize the conduct of monks in their dealings both within and outside of the monastic community. This emphasis on behavioral norms—as opposed to the frequently abstract speculation common to other Buddhist genres—seems to have induced the authors and editors of this corpus of texts to shine a more intense light on the circumstances framing the issues to be adjudicated upon in each *Vinaya* case.

The translation of the term *pāṃśukūla* (sometimes with the addendum of the word *cīvara*, meaning “robes” or “clothing”) as “refuse rags” can be found in Edgerton among other places. In the entry for the term in his *Buddhist Hybrid Sanskrit Dictionary*, he glosses the translation “refuse rags” further as clothing material “from a dust-heap, used for garments by monks.”<sup>8</sup> Two words comprise the term: *pāṃsu*, defined in Monier-Williams as “crumbling soil, dust, sand” or as “dung, manure” and *kūla* as a “heap” or “mound.”<sup>9</sup> The *locus classicus* for the description of the practice of *pāṃśukūlika* is the *Visuddhimagga*, which offers two definitions of the term in the context of its broader enumeration and explication of the thirteen *dhūtaguṇa* practices. (1) *Pāṃśukūla* “is ‘refuse’ since, owing to its being found on refuse

<sup>8</sup> Edgerton 1953: 338.

<sup>9</sup> For a broader range of definitions of *pāṃsu* see Monier-Williams 1899: 613; for *kūla*, 300.



in any such place as a street, a charnel ground, or a midden, it belongs, as it were, to the refuse in the sense of being dumped in any one of these places.” The focus of this definition is on the locale in which the monk is undertaking the practice. (2) “Or alternatively: like refuse it gets to a vile state, thus it is ‘refuse’; it goes to a vile state, is what is meant.”<sup>10</sup> This second definition indicates the condition of the fabric as being comparable to the “vile state” of a heap of filth found on a “street, charnel ground, or midden.” The term *pāṃśukūla* can refer to the “refuse heap” in which the material is found or to the clothing which is as filthy as the refuse heap from which it came. The term *pāṃśukūlika* literally means the “refuse fabric wearer” but it also doubles as a shorthand for the practice of “wearing refuse fabric” itself.

Given that *pāṃśukūlika* is regarded as one of the ascetic *dhūtaguṇas*, it is significant to note that the *Visuddhimagga* defines the practice in terms of three grades of difficulty, each of which seems to be acceptable to Buddhaghosa. The strictest version is *pāṃśukūla* the monk has foraged for in a cemetery. The version of medium difficulty is that which has been set out by a donor for the monk to retrieve at some later point. And the mildest form of the practice is when robe material has been placed at the feet of the monk.<sup>11</sup> While the cases I shall present do not necessarily conform to the conception laid out in the *Visuddhimagga*, this scheme provides some sense of how a commentator wrestling with the question of how the *dhūtaguṇas* fit into the broader Buddhist canonical tradition defined *pāṃśukūlika*.

Given the extensive focus in Western language studies on Indic and Tibetan language versions of the *Vinaya*, I will present evidence from the *Vinaya* traditions preserved primarily in Chinese translations, with the bulk of the evidence coming from the *Dharmaguptaka-vinaya*. In general, the term *pāṃśukūla* has been translated into Chinese as 糞掃 (*fensao*), or as 糞掃衣 (*fensao yi*) translating more literally from the term *pāṃśukūla cīvara*. It is significant to note that not all the references to *pāṃśukūla* in the passages I shall highlight in the course of this chapter appear as 糞掃 or 糞掃衣.

Of the types of *pāṃśukūla* I shall discuss in this investigation, it is important to make mention of the terminology for fabric utilized by monks which is obtained from the context of the cemetery (*śmaśāna*).<sup>12</sup> The *Dharmaguptaka-vinaya* classifies 死人衣 (*sirenyi*), or “garments of the dead,” and the

<sup>10</sup> Ñāṇamoli 1991: 59. For the Pāli text see Rhys-Davids 1975: 60.

<sup>11</sup> Ñāṇamoli 1991: 63. For the Pāli text see Rhys-Davids 1975: 64.

<sup>12</sup> See Langer 2007: 70–71. The term *śmaśāna* is “generally used for a place for the disposal of the dead and can therefore refer to an area where bodies are buried, a location for cremation, or as a place where corpses are left unburied and thus fall prey to scavenging animals.”

synonymous term 塚間衣 (*zhongjianyi*), or “cemetery garments,” as acceptable types of *pāṃśukūla*.<sup>13</sup> These two terms can refer to a range of garment types found in the cemetery and utilized by monks practicing *pāṃśukūlika*. *Śmāśānika* garments may include robes worn by the deceased at the time of their death, a pall or shroud used in the process of transporting the dead body to the cemetery, and fabric offered to the dead person by next of kin during the funeral or placed on a grave or memorial site at a later time. Although the frequency of episodes featuring *pāṃśukūla* terminology relating to the cemetery varies among the different *Vinaya* traditions, it is fair to say that the bulk of the cases involving *pāṃśukūla* in the *Dharmaguptaka-vinaya* involve fabric which has been in contact with the dead (死人衣) or is connected to the cemetery (塚間衣).

The structure of this chapter is as follows. The first section will cover methodological orientation. The purpose of this section is to distinguish the principles for interpreting the *Vinaya* I intend to employ in order to demonstrate that the narratives of the *Vinaya* can be read not just as a representation of the positions of the monastic jurists, but as witnesses to the social realities of a relatively mature Buddhist monastic institution in which *pāṃśukūlika* remained a *standard* ascetic practice.

In section two, I will briefly discuss recent scholarly perspectives on the role of asceticism in Buddhist communities of the middle period. Generally, scholars have presumed that if ascetic practices such as *pāṃśukūlika* were well-accepted, this was the case only at the nascent stage in Buddhist monastic history. By the time the *Vinaya* had been compiled, in the early centuries CE, asceticism had been relegated to the margins of Indian Buddhist monastic life.<sup>14</sup> Gregory Schopen has written a precise and elegant version of this argument in his article “Cross-Dressing with the Dead,”<sup>15</sup> which focuses less on the historical question of whether or not monks actually practiced asceticism and more on the *intent* of the monastic jurists to curb and marginalize such practices. As his article takes as its object of focus the practices of monks acquiring robe material, with specific attention to the clothing of the dead as part of the broader complex of *śmāśānika*, or “cemetery practices,”

<sup>13</sup> I shall qualify this statement and expand the discussion of *pāṃśukūla* from the cemetery context below.

<sup>14</sup> The argument that monastic authorities viewed ascetic behavior as anti-social and therefore prohibited or at least attempted to sideline these practices has led many scholars to treat ascetic practices as if they were, in point of historical fact, extremely marginal to the mature Buddhist monastery represented in the *Vinaya*.

<sup>15</sup> Schopen 2007.

and thus overlaps significantly with the content of this chapter, I shall pay special attention to Schopen's arguments as I consider the social realities of *pāṃśukūlika* practice in the discussion to come.

I will test whether or not *pāṃśukūlika* should be regarded as a standard practice in the third, fourth, and fifth sections below. In the third section, I will explain that the onset of institutionalization in the monastery did not mean that the social logic justifying the practice of asceticism disappeared. Rather, the continuation of the lifestyle of the *parivrājaka*, or itinerant ascetic, continued long after codification of the *Vinaya* began. In the fourth section, I will discuss the acquisition of robe material in the locale from which the practice of *pāṃśukūlika* takes its name, the refuse heap, focusing on the expectations of monks and donors about how the practice was to be carried out. The fifth section on the locale of the cemetery will be the most comprehensive, reflecting the disproportionate emphasis in the *Vinaya* tradition on this locale for monks abiding by the *pāṃśukūlika* practice to obtain robe material.

## Methodological Orientation

As far as I can tell, there are several methodological approaches to reading a *Vinaya* case narrative which must be considered in determining the extent to which a practice was regarded as standard. Much of the discussion of method here is based on a set of hermeneutical guidelines entitled "Extracting Data from a Normative Source," found in Jan Nattier's translation and study of the *Ugraparipṛcchā*. These approaches to the text are intended to provide the reader with some techniques for distinguishing elements in the narrative likely to be descriptive of social realities from those "composed by Buddhists seeking to establish (or at the very least, to reinforce) certain norms of thought and practice within their own religious community."<sup>16</sup>

The first approach views *Vinaya* rulings as representative not just of the intention of the jurists but of a corresponding historical shift away from the practice banned or disparaged. Thus if practice *x* is banned by the *Vinaya*, one expects, to a greater or lesser extent, that the members of the monastic community will have abandoned said behavior. Similarly, if practice *y* is permitted, one would expect a corresponding move to embrace said behavior among the monks. Nattier is most wary of this approach and develops her set of principles for reading in large part to combat the tendency for scholars to

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<sup>16</sup> Nattier 2003: 63ff.

read normative statements in a text as if they were “a literal portrait of life” in the religious community for whom the legal code was written.<sup>17</sup>

A second approach is to focus not on the case rulings but on the “incidental mention” “of items unrelated to the author’s primary agenda.” Nattier labels this hermeneutical approach the “principle of irrelevance.”<sup>18</sup> She provides examples of how this technique may be utilized when reading sutra material, but *Vinaya* cases, too, are structured such that they may be subjected to a similar interpretive approach. In general, the legal ruling is framed by an origin narrative, that is to say, a story which explains why it was necessary for the Buddha to adjudicate a certain issue. The origin narrative begins with a description of the *de facto* reality before the matter is brought to the attention of the Buddha. In many cases, the *de facto* situation, or behavior, is criticized by a householder or another monk. Once the criticism has been leveled, the narrative voice of the text, often in the form of the Buddha, indicates whether the *de facto* practice may continue unhindered, whether conditions are applied, or whether it is banned in its entirety. It is the description of the *de facto* situation or practice which sets the stage for the *Vinaya* ruling in which these incidental textual elements emerge. The narrative arc of a normative text is intended to present the reader with an ideologically consistent picture of the religious community. The elements incidental to the authors’ “primary agenda” are included precisely because they are presumed to be familiar to the audience of the text. Given the likelihood that the incidental elements in a text reflect at least fragments, if not a comprehensive image, of a social world the author views as obvious to the reader, and not merely normative proclamations, I presume that this evidence from the legal narrative is particularly helpful in determining which monastic practices were viewed as standard by *Vinaya* authors.

A third approach is labeled by Nattier the “principle of counterargument.” A prescriptive statement indicates that “there is some difference of opinion or conduct within the community, and the author of a given text is taking a particular position on the issue.”<sup>19</sup> According to this principle, origin narratives laying out situations which warrant legal judgment are likely to yield data articulating practices which reflect, if sometimes through a glass darkly, the social reality of Indian Buddhist monks. From this perspective, to the extent that a practice was the object of legal repression by *Vinaya* authorities

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<sup>17</sup> Nattier 2003: 63.

<sup>18</sup> Nattier 2003: 66.

<sup>19</sup> Nattier 2003: 67.

in a particular community, the more likely it is to have been a popularly held custom among monks under their jurisdiction. Like the principle of irrelevance, the principle of counterargument is an important conceptual tool for discerning what practices monastic jurists presumed to be social realities that had to be addressed. It is important to note that the principle of counterargument and principle of irrelevance may both be applicable in the same narrative and that the use of one approach does not necessarily exclude the use of the other in the context of a single case.

A fourth and final method is to utilize *Vinaya* cases in order to articulate the views of the authors and compilers of the *Vinaya*. This approach emphasizes analysis of the prescriptive elements in the case and focuses less on narrative elements descriptive of the social world inhabited by the monastic jurists. To a significant degree this is the approach which informs Schopen's study of monastic dress in his article, "Cross-Dressing with the Dead." Schopen states that his project in this article is to offer a "presentation of their ['redactors of *Mūlasarvāstivāda vinaya*'] views on this practice ['dressing like the dead']," by which he means the focus is not on articulating social realities but a "presentation of their presentations."<sup>20</sup>

The second and third approaches treat the *Vinaya* case narratives not just as a set of rulings but as witness accounts of the social realities in the middle Indian period. Although the most cautious approach toward a *Vinaya* text is to view it as a self-contained literary work, representative only of the private discursive world of its authors, Nattier's two principles challenge the notion that Buddhist legal narratives cannot be read as records of social practices. Thus I will take the *Vinaya* to be a literary space, but a literary space into which public discourse enters via the witness accounts of the social realities with which the monastic jurist engages. The second approach focuses on textual elements which are incidental to the primary agenda of the *Vinaya* case narrative, while the third approach emphasizes the practices which are the targets of the authors' legal decrees. In both cases, the focus is less on the intentions of the monastic jurists and more on the social reality of monastic behaviors I am calling standard practices. As I suggested above, a standard practice is a behavior recognized by monastic jurists as being common enough and significant enough that they could mention these practices either *incidentally*, or *as targets of legislation* and expect their audience to be familiar with them. This is not to suggest that the intended goals of the monastic jurists are not a relevant consideration when attempting to determine what

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<sup>20</sup> Schopen 2007: 74.

constitutes a standard practice. Indeed, if explicit permission is extended by monastic jurists to monks to continue a given custom, after it has been subject to legal scrutiny, then the argument that this practice should be regarded as standard is only strengthened. However, the prohibition of a practice by legal authorities does not necessarily mean that the conditions which give rise to said practice have abated or that the behavior has, in fact, ended.

## Scholarly Conceptions of the Role of Asceticism in Indian Buddhism of the Middle Period

The term “asceticism” is, of course, not native to the Indian textual traditions. It is derived from the Greek *askesis*, which initially meant “training,” and referred to the disciplinary practices undertaken by warriors and athletes. This notion of rigorous disciplinary training was taken over in late antiquity by Christians to designate the various practices designed to repress (or redirect) desire (of a sexual nature in particular) in order to bring the practitioner closer to salvation. The category of “asceticism” was imported from the Western tradition by modern European scholars, including Max Weber, to provide a label for a rather fluid set of South Asian religious practices believed to be similar to the intensely repressive treatment of bodily desires which arose first in the classical pagan context and then in certain religious communities among the Christians of the later Roman empire and medieval period. Scholarship on Indian religions in the West reflected presumptions about the social location of the ascetic practitioner reliant, either explicitly or implicitly, upon a Weberian conception of the “other-worldly” religious figure.<sup>21</sup> The other-worldly religious figure is characterized by Weber as belonging to a period in the religious community which predates its development of a rational bureaucratic apparatus. The religious community of the other-worldly figure is organized around the charisma he projects based on powers of ascetic practice.<sup>22</sup>

Weber’s conception of the process of institutionalization in early religious communities is that there are two basic stages, the first being a pre-historic or proto-historic period and the second being the timeframe during which a

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<sup>21</sup> Scholars such as Dumont 1998: 273–278 set the tone for this interpretative framework. It can still be seen in the work of Collins 1998 and Olivelle 2006: 26 among others.

<sup>22</sup> Here we rely on Ray 1994: 23–28 for a summary of Weber as it pertains to the development of the Buddhist monastery.

recorded institutional history is set down. The first is that of an inchoate community headed by an individual who leads by the example he sets through personal charisma. The theory is that charisma is anchored to the practice of asceticism by the master and the transmission of these extraordinary faculties to a small, intimate group of disciples. The second stage is one in which the machinery of institutionalization replaces personal charisma and the result is that the religious community functions according to routines put in place by a new kind of religious figure: the monastic manager. In addition to the process of routinization, there is a tendency to centralize institutional functions as part of an increasingly complex bureaucratic framework. The transition from the charismatic stage to the institutional stage is historical in the sense that the bureaucratically driven social formation is, by definition, a later stage of development. The definitive and overarching feature of institutionalization according to Weber is the centralization and routinization of all activities in religious communal life.<sup>23</sup> When applying the distinction between a purely charismatic stage and a purely bureaucratic stage to the Buddhist case, it is the lifestyle of the *parivrājaka*, which matches the Weberian conception of a pre-cenobitic social formation.

The claim that the lifestyle of the *parivrājaka* ended in the Buddhist context with the birth of the monastic institution has been oft repeated by scholars in the field, in part because of the easy sociological dichotomy it allows between an originary period of community formation and the development associated with institution building. Sukumar Dutt, for example, characterizes this original stage of the Buddhist order as “free, unsocial, and eremitical,” a dramatic contrast with the “settled, cenobitical society” of the institutional period of monastic development.<sup>24</sup> Frauwallner speaks of a transition from that of “wandering monks” to monks who take up “permanent residence.”<sup>25</sup> Reginald Ray draws a similar contrast between a proto-historical Buddhist community of charismatic leaders and the institutionalized monastery which he labels respectively as the “wandering mode of life” and the “settled monastery.”<sup>26</sup> More recent discussions of the process of institutionalization more or less abide by this dichotomy. Commenting on a well-known passage from the *Saṃyutta Nikāya*, in which the Buddha and Kāśyapa are “lamenting the passing from the forest dwelling monk to the dweller in a

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<sup>23</sup> Ray 1994: 23–25 gives an overview of Weber’s application of this model to the Buddhist case.

<sup>24</sup> See Collins’ critique of Dutt in Wijayaratna 1990: xiv–xv.

<sup>25</sup> Frauwallner 1956: 124.

<sup>26</sup> Ray 1994: 34–35.

monastery,” Bailey and Mabbett suggest that this “change in the status of the monk” is “historical.”<sup>27</sup> The forest dwelling monk is synonymous with the charismatic leader and the monastery dweller is representative of the transformation of the Buddhist order to an institutional framework. Jonathan Silk, though seemingly skeptical of a “putative earlier stage,” wishes to distinguish a period “in which monks roamed individually” from “a settled monasticism, communal living, and, thus, organized systems of distribution and administration.”<sup>28</sup> Gregory Schopen makes the distinction in the following manner.

Being a Buddhist monk in these new settings must of necessity have meant something very different from being a Buddhist monk in “the old days,” and “corporate” concerns must have begun to override individual lifestyles.

Here again, the “individual lifestyles” of “the old days” are juxtaposed with the “corporate” concerns of the “new settings.”<sup>29</sup> For Schopen, as for the other representative scholars we have mentioned, the Weberian scheme, even if not cited explicitly as such, remains an essential explanatory model.

This matter bears on my discussion of the role of asceticism in the *Vinaya* because the Weberian model relegates ascetic practice to the proto-historic Buddhist monasticism characterized by a social framework consisting only of a *parivrājaka* master and his intimate relationship with a small cadre of disciples. Most scholars of Indian Buddhism have either explicitly or tacitly agreed that the *Vinaya* was produced in the monastic community, not during its infancy, but in a period following hundreds of years of institutional development. The *parivrājaka* is typically cast in the role of the individual (or, as part of a small group) practicing asceticism without the hindrance of institutional norms, while the lifestyle of a monk featured in the *Vinaya* is said to be subject to bureaucratically driven communal imperatives. If these Buddhist legal documents are representative of the monastery in a relatively mature institutional phase, any commitments to ascetic practice laid out in the *Vinaya* must be artificial in nature, vestigial remnants from the earliest community when charisma and itinerancy were the organizing principles.<sup>30</sup>

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<sup>27</sup> Bailey and Mabbett 2003: 235.

<sup>28</sup> Silk 2008: 12, n27.

<sup>29</sup> Schopen 2007: 60.

<sup>30</sup> Here, we presume with Schopen 1997: 26ff. that the *Vinaya* was compiled, if not composed, early on in the Common Era. According to Schopen 2004: 1, the contents of the *Vinaya* reflect its composition during a phase of institutional maturity in the history of the monastery: “Whether implicitly or explicitly, conscious or not, most modern scholars have either unquestioningly assumed, or worked hard to show, that extant monastic or *vinaya* sources, for example, must be early, some even asserting— or again assuming— that they must go back to the Buddha himself. But the necessary consequences of this assumption have rarely



When Schopen discusses the view of the editors of the *Mūlasarvāstivāda-vinaya* with respect to the *niśraya* practices, which are a condensed version of the *dhūtaguṇas*, he refers to them as entirely “rhetorical.” What Schopen means here by “rhetorical” is that monks were not actually expected by *Vinaya* jurists to abide by these strict ascetic standards.<sup>31</sup> Schopen is representative of the prominent strain in Buddhological scholarship which understands the *niśrayas* and the *dhūtaguṇas* as mere vestiges of a proto-historic period in the development of the monastic institution. These scholars claim that the *niśrayas* and *dhūtaguṇas* were seen by *Vinaya* editors as anachronisms that appeared in the monastic codes only as an homage to a clique of mythical or semi-mythical saintly founders, but not actually advocated by these compilers. The argument here is that the *niśrayas* and the *dhūtaguṇas* were not compatible with the settled, or institutional, monastic milieu, in which *Vinaya* compilers were active. Schopen succinctly states: “It is clear that by the time of the final composition of the mainstream *Vinayas* the *dhūtaguṇas* or ascetic practices were—for their compilers—all but a dead-letter, at best what Carrithers calls ‘emblematic.’”<sup>32</sup>

Consistent with the Weberian model, Schopen argues that the “corporate” concerns of the mature monastic institution of the middle period reflected in the *Vinaya* required that practices considered objectionable in the eyes of the broader Indian public be reined in by Buddhist authorities. In “Cross-Dressing with the Dead,” Schopen focuses on ascetic practices of gathering fabric from the problematic locale of the cemetery (*śmaśāna*). These practices came to be regarded as objectionable to at least some monastic jurists when those monks engaged in these forms of asceticism were perceived by

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been examined: if the extant *vinaya* sources are early, if they go back anywhere near the time of the Buddha, then Buddhist monasticism could not have any real institutional history—it could only have sprung all but fully formed from the head of the Buddha. Moreover, since these extant *vinaya* sources already know and are meant to govern fully developed, well-organized, walled monasteries that had infirmaries, refectories, bathrooms, steam rooms, locks, and keys, the Buddhist monastery too could have had no real development and, consequently, no actual history. It would have been architecturally finished from its very start.”

<sup>31</sup> The primary evidence Schopen cites for his argument is that there are lists of permissible options for each of the rules for food, clothing, shelter, and medicine (2007: 83). Schopen makes similar claims about the list of *dhūtaguṇas* themselves citing the fact that only the arch-nemesis in Buddhist literature, the monk Devadatta, advocates any of the requirements from this list of ascetic practices. If the compilers of the *Mūlasarvāstivāda-vinaya* have offered only a negative representation of the advocates of the *dhūtaguṇas*, then their view of the *dhūtaguṇas* must be unfavorable (2007: 75–76).

<sup>32</sup> Schopen 2000: 22.

some as either violating property rights, or Brahmanical ritual sensibilities, or both.<sup>33</sup>

Throughout the several *Vinaya* traditions there are cases in which the monk, in the course of his practice of *pāṃśukūlika*, is accused of theft by householders. Although in many of these cases the monk is not punished for having taken fabric from this or that locale, as there was no intention on the part of the monk to steal, the *Vinaya* jurists certainly intended to caution monks when they included in the legal code a plethora of highly specific circumstances in which practitioners had run afoul of householders. By Brahmanical ritual sensibilities, I mean the anxieties attendant upon contact with impure objects, and the adherence to practices necessary to return the individual who has been in contact with impure objects to a status of purity. Given that *pāṃśukūlika* is, by definition, fabric polluted by means of contact with impure substances such as menstrual blood, corpses, or simply putrefying waste material in the refuse heap, the monk engaged in this practice will be a perpetual danger to the broader social community. This compulsion *Vinaya* jurists felt to limit “socially ‘dangerous’ practices” led to a “pattern of containment, distancing, and marginalization of certain types of monks” such as those which carried out the practice of *pāṃśukūlika*.<sup>34</sup>

I wish to emphasize here that Schopen is arguing only that the *Vinaya* authorities have attempted to curtail the practice of *pāṃśukūlika* in the cemetery, as part of a broader program to avoid what they perceived as offences against public conceptions of property rights and Brahmanical ritual sensibilities, and not that their desire to limit this practice is historically verifiable as having been effective. My interest, on the other hand, is not primarily in explicating the attitude of monastic jurists toward ascetic practice, but in determining to what extent the practice of *pāṃśukūlika*, which I will define somewhat more loosely here as practices of obtaining clothing outside a formal donation structure, was regarded as *standard* in the world depicted by the authors of the *Vinaya*.

## The Continuing Social Logic for *Pāṃśukūlika* in the Mature Monastic Institution

The tendency to view the decline of ascetic practices such as *pāṃśukūlika* as part of a linear and relatively rapid transition from the *parivrājaka* lifestyle

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<sup>33</sup> Schopen 2007.

<sup>34</sup> Schopen 2007: 93.

to bureaucratic monasticism is, of course, not merely a projection of scholars onto early Indian Buddhist textual sources. The official story in the *Vinaya* is that the monastic order did not accept donated robe material and wore *pāṃśukūla* robes until the day the physician Jīvaka informed the Buddha that his illness was caused by the impurity of his garb. After Jīvaka implores the Buddha to accept donated robes, the master relents and donations are said to pour in from kings and commoners alike. So many robes are donated by patrons that the Buddha permits the establishment of an institutional framework with accompanying bureaucratic positions, storage facilities, and a distribution network. The image of this scene is one of plenty.<sup>35</sup>

And yet the image of a mature institution set up to collect, store, and distribute monastic robes via bureaucratic apparatus is belied by anecdotal evidence throughout the *Vinaya* of the continuing necessity for monks to obtain their robes through informal networks which were peripheral, if related at all, to the institutional framework of the monastery. Among the contexts in which monks are specifically mentioned to have retrieved robe material are “shrines” (塔廟),<sup>36</sup> “roads” (道),<sup>37</sup> “ditches” (坑塹),<sup>38</sup> “in front of the office of the magistrate” (於大官斷事處前),<sup>39</sup> and in areas for grazing.<sup>40</sup> In all of these contexts, the legal issue to be adjudicated is whether or not the monk has indeed come across *pāṃśukūla*, understood here as found-material, or whether he can legitimately be accused of theft. As one might suspect, there is great potential for misunderstanding by the residents of the area in which the *pāṃśukūlika* monk practices his art. A number of references to more specific locales within the village or town mention instances in which the monk is searching for *pāṃśukūla* in or near residences of householders. One passage documents a representative case of this dilemma in which a monk spots some clothing drying on the enclosure wall of a residence, and makes off with it, to the dismay of the householder who then takes off after him in pursuit.<sup>41</sup> In the end, the monk is found not guilty of the crime of stealing but is given detailed instructions on how to continue to practice *pāṃśukūlika* while avoiding accidental theft of householders’ hanging laundry. The extent of *Vinaya* jurists’ specificity about how monks

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<sup>35</sup> Horner 1962: 394–399.

<sup>36</sup> T. 1428 976a20.

<sup>37</sup> T. 1428 849c18.

<sup>38</sup> T. 1428 849c6.

<sup>39</sup> T. 1428 849c13.

<sup>40</sup> T. 1428 849c24–850a1.

<sup>41</sup> T. 1428 849c5–12.

can avoid the perception that they are thieves may testify to the continuing practice of *pāṃśukūlika*, but perhaps even more significant is the wide range of locales in which practitioners are found acquiring robe material outside the context of a monastic bureaucratic agency for receiving material from patrons and distributing it to monks.

Skepticism of assumptions that the bureaucratization of the monastery was relatively rapid and linear has been more forthcoming in some quarters of Buddhist Studies. Wijayaratna, for example, takes issue with this division of the lifestyles of charismatic itinerancy and monastery into two distinct historical periods.

Some scholars think that the institution of the Rainy Season Retreat served as a bridge between two different periods in the history of the Buddhist monastic Community: first wandering and then sedentary life. But I do not think that we are dealing here with a transformation, or with two different stages. The institution of the Retreat served rather to connect two different styles of life: traveling and being settled in one place. The *Vinaya Pitaka* and the *Sutta Pitaka* show that even after being given places to live, the Master and his disciples did not abandon traveling.<sup>42</sup>

Another version of the critique of this binary scheme between the *parivrājaka* lifestyle and the bureaucratic monastery is offered by Bailey and Mabbett in their account of the domestication of the monk.

This process of domestication in the interaction between monks and laity was not a straightforward development whereby an earlier situation (villagers regard ascetic holy men as sources of spiritual energy and give them alms) came to be superseded by a later (monks reside close to villages and act as mentors, priests and teachers). It was, if modern parallels are any guide, a complex form of evolution, both rapid and gradual, with cycles contained within cycles. Overall, in the long run, the *saṅgha* settled in monasteries and became a social institution. In detail, in innumerable micro-historical narratives, holy men gained reputations, formed links with villagers, and became quasi-icons at the centre of church-like institutions, which after their death sometimes inspired other ascetic holy men.<sup>43</sup>

Both of these accounts are at least partially successful critiques in that they complicate the scholarly discourse, and lay out the claim that the domesticated monk, that is to say, the monk who is subject to the regimens of a bureaucratic apparatus, coexisted with those practitioners who, to a greater or lesser degree, undertook ascetic practices.

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<sup>42</sup> Wijayaratna 1990: 21.

<sup>43</sup> Bailey and Mabbett 2003: 172.

The following *Vinaya* case illustrates the continuing necessity for monks to practice *pāṃśukūlika* even when Buddhist institutions have matured to the extent that they have become a household name. It comes from the *Vibhaṅga* section on crimes headed under the category of the *pārājika*<sup>44</sup> of theft in the *Mahāsāṃghika-vinaya*.

復次佛住王舍城廣如上。有一比丘時至著入聚落衣持鉢。入城求糞掃衣。於王舍城遍求不得。便至塚間亦復不得。尋水而求亦復不得。最後至浣衣處求。時浣衣者浣衣已竟。別在一處與人共語。時比丘往至衣所。有異男子語浣衣者言。彼出家人欲取汝衣。衣主問言。何道出家。答言。釋種出家。浣衣者言。無苦。沙門釋子不與不取。須與比丘便取此衣。<sup>45</sup>

Again, the Buddha was in Rājagṛha, the details being the same as in the previous case. Once a monk put on his robes for entering a village, took his bowl and entered the city looking for *pāṃśukūla*. He searched throughout the city of Rājagṛha without success. He then went to the cemetery but was unable to obtain any. Following alongside the river, he searched [for *pāṃśukūla*] but still could not obtain any. Finally, he arrived at a place for washing clothes. One of the people washing clothes finished washing and went over to talk with another person. The monk then went to the spot where the clothes were left. The other man said to the clothes-washer, “That renouncer is about to take your clothes.” The clothes-washer asked, “What kind of renouncer is he?” And he answered, “He is a renouncer of the Śākya lineage.” And the clothes-washer said, “It’s no problem, renouncers of the Śākya lineage do not take what is not given.” A moment later the monk took the clothing. (Passage A)

Although the legal question which is to be resolved by the verdict in this case has to do with whether or not the monk in question stole the piece of fabric from the washerman, my interest is not the ruling itself but in the incidental elements featured in the narrative which set the stage for the Buddha’s judgment of the monk.

The narrative begins with the classic formula introducing the *parivrājaka* monk (有一比丘時至著入聚落衣持鉢). However, instead of the more typical begging for alms, the monk is said to be foraging for *pāṃśukūla* cloth. There is certainly no indication that the monk will be receiving fabric donated by patrons either through a monastic bureaucratic outlet in the city or personal acquaintances. The text states that the monk “searched throughout the city of Rājagṛha without success.” After unsuccessfully combing the city for *pāṃśukūla* he finally tries the cemetery, frequented by *pāṃśukūla* monks in part because it is the most likely place to obtain the clothing he requires. This

<sup>44</sup> *Pārājika* is the highest class of offense and can lead to expulsion from the order. See Clarke 2009 for discussion of cases in which *pārājika* offenses do not require expulsion.

<sup>45</sup> T. 1425 241c13–25.

inability to find what he is looking for also suggests that he is unfamiliar with the layout of the town and routines of its denizens. Failing to locate any *pāṃśukūla* even on the outskirts of the city, where the cemetery is likely located, he seems to give up on this prospect and heads to the riverside, where he finds people washing clothes. It is only at this locale that the monk believes he has found the *pāṃśukūla* he has been looking for since entering the city. This portion of the narrative makes clear that he is a stranger to those at the watering hole, as one washerman is compelled to ask the other what religious lineage he belongs to.

The circumstances noted in the background to the case provided in this *Vinaya* narrative indicate some of the challenges facing a monk practicing *pāṃśukūlika*. When we turn to the ruling itself, we find that the monk is admonished not for intentionally stealing the laundered clothing but because he was unaware that taking things that are not given to one within the confines of a town or village is improper.<sup>46</sup> It is important to note here that there is no editorial comment critical of the practice of *pāṃśukūlika* itself, only a ruling against those monks who remove clothing items which obviously belong to another. The background narrative to this case differs from episodes which feature the locales for *pāṃśukūlika* mentioned above in that it spells out in greater detail the energy exerted by this monk to abide by the practice. The incidental information provided in this case also amplifies the point that *pāṃśukūlika* is a deeply public act, and that opportunities are rife for the practitioner to humiliate himself and potentially demean the Buddhist order which he represents.

### Donor Attitudes and the Locale of the Refuse Heap (*Pāṃśukūla*)

As I noted above, scholars beginning with Weber have made the point that the corporate identity of the monastic community became an increasingly important factor in the establishment of protocols of behavior as the institution increased in size and influence and therefore visibility. Schopen points out that monastic jurists responsible for these protocols would have been mindful of the concerns, on the part of patrons of the Buddhist order, that standards of ritual pollution and property be respected by monks.

In his discussion of an episode from the *Mūlasarvāstivāda Bhāṣajyavastu* in which “the great ascetic monk Mahākāśyapa” returns from the forest and appears at the door of a donor, Schopen argues that the monk is turned away

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<sup>46</sup> T. 1425 242a18–22.

by the patron because he has “long hair and a beard and disreputable robes.” This behavior is problematic for the *Vinaya* authorities who have authored this passage because the garb of a monk was not just a display of a personal attitude or orientation but the signature of the communal body of the order.

To be accepted as a Buddhist monk one must not present in public an unkempt appearance nor be seen in disreputable robes. If one appears unkempt and wears disreputable—“coarse” or “bad” or “pernicious” or even “evil”—robes, one will be taken for a *tīrthyaka* or “heretic.” But however the messages be taken, the final one must certainly be this: the doors of wealthy, respectable donors will be shut to such a monk, and this is a message that is hard to miss.<sup>47</sup>

I am inclined to agree with Schopen’s assessment that this passage expresses the concerns of those responsible for upholding monastic precepts. Whether the issue is the disreputable appearance of sainted ascetic figures, like Mahākāśyapa, or the theft committed by the anonymous accused such as the *pāṃśukūlika* monk I have discussed above, there are clearly voices among the *Vinaya* jurists which are not predisposed to the practice of *pāṃśukūlika*. However, these attitudes are not representative of the totality of legal discourse on this topic. The following passage comes from the *Cīvaravastu* of the *Dharmaguptaka-vinaya*.

爾時世尊在舍衛國。時有大姓子出家。於市中巷陌糞掃中。捨弊故衣作僧迦梨畜。時波斯匿王夫人見慈念心生。取大價衣破之。以不淨塗棄之於外。為比丘故。比丘畏慎不敢取。比丘白佛。佛言。若為比丘者應取。<sup>48</sup>

At that time, the Buddha was in Śrāvastī. There was a monk from a good family in an alleyway in the city picking up filthy old fabric to make a *saṃghātī* robe from a waste pile of garbage. The wife of King Prasenajit saw this and felt compassion. She took some fine material and ripped it up, covered it in filth and threw it outside for the monk. The monk was terrified and did not dare pick it up. The monk told the Buddha and the Buddha said, “If it is for the monk, he should take it.” (Passage B)

As was the case in the previous rulings I presented, the issue to be decided is whether or not the monk has committed an act of theft; but the premise that *pāṃśukūlika* is a legitimate practice is never questioned. There are two modes of practicing *pāṃśukūlika* which appear in this narrative.

The first iteration is the classic conception of *pāṃśukūlika*, that from which the practice derives its namesake. At the outset, we find the monk picking

<sup>47</sup> Schopen 2007: 70.

<sup>48</sup> T. 1428 849b20–25.

through a waste pile (糞掃), likely fetid on account of rotten food and excrement, and removing bits of fabric which are “filthy and old” (弊故). As we saw in the previous case, this behavior is a public display of the commitment of the monk to certain standards of practice. Naturally, householders will project their judgments of the public behavior of monks such as the practitioner in this story onto the order as a whole. In spite of the filthy nature of this practice, there is no editorial condemnation of the monk by *Vinaya* editors.

The response of this donor to the *pāṃśukūlika* monk is even more noteworthy. This monk is covered in filth and yet the attitude of the wife of King Prasenajit is not one of disgust or rejection. Rather, it is “feelings of compassion” (慈念心生) for the practitioner that characterize the response of this pious patron. The manner in which this concubine offers robes to the monk indicates an understanding of, and respect for, the lifestyle of the *pāṃśukūlika* monk. She is aware that this ascetic mode does not permit a monk to accept donated robes. Technically, he can only receive clothing material that has been given up, and is therefore found-material. In this case, the patroness clearly intends to make a donation to the monk but must disguise her donation as the mere discarding of clothing in order to skirt *Vinaya* rules. She could have done so in a manner followed by the donor in the case we shall see below, in which he simply places a whole piece of high-quality fabric on a refuse pile. However, I would argue that taking the extra step of downgrading the fabric ritually, she is abiding by an interpretation of *pāṃśukūlika* practice that accords with a broader cultural understanding of the ritual status of this practitioner. By tearing up the fabric and covering the robes with “impurities” (不淨) she indicates to the monk that she is sensitive to the requirement that *pāṃśukūlika* material is legitimate only if it is degraded according to the standards of ritual pollution in Indian society.

Another case from the same section takes up a variation on the circumstances helping us to fill out the picture of certain donor attitudes toward *pāṃśukūlika*.

爾時有比丘。大姓出家。於市中巷陌廁上糞掃中。拾弊故衣作僧伽梨畜。時舍衛長者見心生慈愍。以多好衣棄置巷陌若廁上。為比丘故。使人守護。不令人取。時有諸比丘直視而行。入村時守護衣人語言。大德。何不左右顧視也。時比丘見畏懼不敢取。諸比丘白佛。佛言。若為比丘聽取。<sup>49</sup>

At that time, there was a monk from a good family, picking up filthy old fabric to make a *saṃghāṭī* robe from waste piles in the streets and latrine areas of the city. Then a householder in Śrāvastī felt pity and placed a lot of fine fabric in the streets and latrine areas for monks. A servant was sent to watch over the

<sup>49</sup> T. 1428 849b25–c3.



clothes and did not allow others to take the material. Then, there was a group of monks walking eyes down. When they entered the city the person protecting the material said, “Venerables, why don’t you look around?” The monks were afraid and did not dare pick them up. The monks told the Buddha and the Buddha said, “If it is [set aside] for monks, I permit it.” (Passage C)

Here too, the donor is remarkable for his pious response given that the text explicitly states that the piles in which the monk is rooting around for filthy old scraps of clothing consist not just of garbage but of excrement as well. Indeed, the characterization in this passage of the locale for acquiring *pāṃśukūla* is likely to be more accurate than that of the previous passage. And like the wife of the king in the case above, the householder in this passage seems to have a clear understanding of the definition of *pāṃśukūla* as fabric which has been ritually degraded in order to demonstrate its status as a discarded item. The fabric he offers to the monks is not given to them directly or to a monastic bureaucratic outlet, but is placed “in the streets and latrine areas” (巷陌若廁上).

But these passages demand our attention not only because of the awareness of, and respect for, the practice of *pāṃśukūlika* on the part of donors. It is abundantly clear that these donors have, to varying degrees, encouraged monks to violate the spirit of the practice. Ascetic figures such as Devadatta claim that rigorous adherence to the practice of *pāṃśukūlika* means that no donated robe material is to be accepted. While the acceptance of these robes may be permitted on a technicality, it is obvious that *Vinaya* editors have expanded the definition of *pāṃśukūla* and thus diluted its meaning.<sup>50</sup>

In both of these cases it is significant to note the presumption on the part of the donors that if it were not for their “donations” the monks would continue to search for *pāṃśukūla* in heaps of excrement and garbage. Earlier I discussed the story in which Jīvaka diagnosed the Buddha’s illness as caused by the filthiness of *pāṃśukūla*. The result was the subsequent allowance of donated robe material and establishment of a monastic robe bureaucracy to handle the overwhelming quantity of fabric donated to the order. However, these two cases do not portray the featured characters as being aware of the existence of a centralized system of distributing monastic robes. And given that donors feel obliged to render the cloth filthy, and then attempt to disguise the fact that these robes are only technically found-material, suggests they were operating against a backdrop in which rigid *pāṃśukūlika* practice was expected by practitioners and patrons alike.

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<sup>50</sup> Ray 1994: 162. This attitude also accords with the strictest grade of *pāṃśukūlika* practice according to the *Visuddhimagga*, noted above.

This impression is reinforced when one considers that in the second of the episodes discussed above the donor's response upon seeing the one monk rooting around in waste piles is to stock a large quantity of fine fabric in those locales with a servant there to guard the material from non-monastic passersby. The rationale for placing a large quantity of material with a guard stationed to watch over it is presumably because the waste pile is the place the donor expected monks to carry out their practice of acquiring fabric. Indeed, just after the clothes are placed on the waste piles and a guard is stationed, a group of monks walks by and is directed by him toward the material.

In this set of two cases, two versions of the practice of *pāṃśukūlika* are featured. The monks, as we find them at the outset of the narrative, are engaged in a classic form of the practice, in that they are foraging for scraps of clothing material in piles of refuse. The *Vinaya* jurists neither condemn nor praise this mode of practice but simply presume it to be recognizable to their audience. Thus, we may conclude it was a standard practice. The monastic jurists also permit a second option for monks following the lifestyle of *pāṃśukūlika* in that they allow donated fabric. In these cases, this type of offering is not given directly to the monks but is treated first by the donors, to approximate the ritual impurity of found-material. Although this allowance by the *Vinaya* jurists is a more lenient form of practice, the robe material seems to have been made foul in the process, raising the question of whether or not donors were necessarily concerned about monks wearing garments made from these offerings carrying their impurity with them door to door as they interacted with householders. Finally, the donors' respect for the authenticity of the practice—that they understood the need for the robes to be stained with filth—suggests that the ritually impure nature of at least some monks' robes was accepted as standard.

### *Pāṃśukūlika* and the Cemetery

The connection between the monk searching for *pāṃśukūlika* and the cult of the dead may easily be established with a perusal of the references to this practice in the *Vinaya*. In the *Dharmaguptaka-vinaya*, for example, the majority of cases in which a monk is engaged in the practice of *pāṃśukūlika* implicate monks in offenses which take place in cemeteries or otherwise involve the dead. In this section, I shall examine *Vinaya* cases, with a particular emphasis on the *Dharmaguptaka-vinaya*, regarding *pāṃśukūlika* in the context of the cemetery, to understand the extent to which the legal tradition

represents *pāṃśukūlika* as a standard practice in the world of Indian Buddhism in the middle period.

The relationship between the *pāṃśukūlika* monk and the dead is conditioned by two competing ritual attitudes which are not specific to ancient Buddhism but were pervasive in late Iron Age India. The first is the desire to ritually distinguish the world of the dead from that of the living, by requiring rites of purification after contact with another's physical remains, and in the disposal of the dead in locales outside the zone of settlement. The second is the ancient Indian imperative demanding that those who inherited the legacy of the dead continue to care for their ancestors in order to ensure that the substantial influence of the dead over their descendants was positive and not deleterious to the community of the living.<sup>51</sup>

There seems to have been a sustained, if complicated, relationship between the Buddhist monk and the cult of the dead from very early on. On the one hand, the exercises of self-cultivation often lumped in with the broader category of cemetery practices (*śmāśānika*), which involved contact with the dead, were viewed by at least some members of the public as unsightly at best and as criminal at worst.<sup>52</sup> On the other hand, monks might be seen as ritual specialists capable of negotiating relations between living and dead, and thus performing a salutary social role in the context of the cemetery. If local householders viewed these monks as ritual specialists capable of mitigating the potential for danger posed by spirits which might otherwise have been ignored or improperly tended to, then is it likely that the broader community would attribute the benefits of pacified ancestral spirits to the Buddhist order as a whole.<sup>53</sup>

In his article, "Cross-Dressing with the Dead," Schopen focuses on the "socially 'dangerous'" ascetic practice of acquiring monastic robe material from cemetery sites. Schopen cites evidence which falls into two general

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<sup>51</sup> In his chapter on "Ghost Stories," DeCaroli 2004: 87–103 discusses the necessity for ritual separation from the dead and what he calls "tending to the dead," employing contemporary anthropological evidence as well as source material from classical Indian Buddhist texts. For a discussion of the tending of the dead in modern Sri Lanka, with extensive philological background in Buddhist textual tradition, see Langer 2007.

<sup>52</sup> Schopen 2007: 86.

<sup>53</sup> DeCaroli 2004: 88 discusses the necessity for communities in a "Hindu" tradition to transition their dead from ghosts, or "problematic recent dead" (*bhūta* or *preta*), to ancestors, or "harmless long term dead" (*pitr*). Buddhist analogues for these rituals such as merit-making for the dead through offerings to the *saṅgha* developed as Buddhists sought to supplant Brahmanical ritual expertise (97).

categories in order to make his point that at least the compilers of the *Mūla-sarvāstivāda-vinaya*, if not the editors of other *Vinaya* traditions, sought to protect the image of the Buddhist order by restricting this type of *śmāśānika* practice. The first danger is that monks who engage in *śmāśānika* come in contact with the dead. Schopen cites Brahmanical legal sources which state that one in contact with the dead assumes a ritually polluted status that severely limits his capacity to come in contact with others and thus operate freely in society. As the Buddhist order was dependent on continued transactions with patrons throughout society, the argument goes that *Vinaya* jurists would naturally wish to limit their monks to an absolute minimum of contact with the dead, and thus curtail this practice of *śmāśānika*. The second danger arises when monks searching for *śmāśānika* cloth are presumed to be stealing from the dead, and by extension, from the descendants responsible for their dead relatives. Schopen cites a case from the *Uttaragrantha* of the Tibetan *Mūlasarvāstivāda-vinaya*, in which a group of *cāṇḍālas* charged with guarding a cemetery harangue a group of monks attempting to carry off *śmāśānika* cloth. The editors of the case agree with this ruling because, according to Schopen, all items found in a cemetery are “the possessions of the dead” by “order of the king.”<sup>54</sup>

Many of the cases among the *Vinaya* traditions involving the practice of *pāṃśukūlika* conclude with rulings which evince a profound concern on the part of the monastic jurists that the criticisms of householders be addressed in the legal code. As I noted above, many rulings regarding the acquisition of *śmāśānika* cloth suggest that monks must adhere to commonly held views about property and ritual propriety in ancient Indian society. One of the more blatant examples of a monk whose *pāṃśukūlika* practice offended social norms defining ritual propriety and property is found in the *Cīvaravastu* of the *Mahīśāsaka-vinaya*.

復有諸比丘。為衣故掘出新死人。諸居士見譏訶言。此釋子沙門臭穢不淨。云何以此入我家中。諸長老比丘聞。以是白佛。佛言。不應掘出死人。犯者突吉羅。<sup>55</sup>

Again, there was a group of monks, who dug up a recently dead person for fabric. A group of householders saw this and censured them saying, “These Śākya śramaṇas are foul and impure. How could we allow them into our homes?” A group of elder monks brought up this matter with the Buddha and the Buddha said, “You should not dig up corpses. This offense is a *duṣkṛta*.” (Passage D)

<sup>54</sup> Schopen 2007: 84.

<sup>55</sup> T. 1421 134 b24–27.

As is clear from the context of the ruling, this suit is a response to a public outcry against monks engaged in cemetery practices. This verdict clearly buttresses Schopen's claim that *Vinaya* jurists saw fit to incorporate the criticisms of householders into their canon law. The concerns expressed by householders in this passage can easily be mapped onto the conception of ritual purity which seems to have been pervasive during the middle period in Indian Buddhism. This episode is just one of a string of cases which fit comfortably into the framework articulated by Schopen in which the violation of Brahmanical ritual taboos is grounds for public condemnation of, and monastic juridical action against, ascetic behaviors—including *pāṃśukūlika*—in the cemetery. Other behaviors which come under juridical scrutiny in this section include engaging in meditation on a female corpse, which arouses desire in the practitioner,<sup>56</sup> entering the cemetery and upsetting spirits of the dead on certain holidays,<sup>57</sup> bringing the head of a corpse back to the monastery,<sup>58</sup> using the bones of the dead for medicine,<sup>59</sup> and eating foods prior to going to the cemetery, which upsets the spirits residing there.<sup>60</sup>

While at least a certain segment of householders viewed the practitioner of *śmāśānika* as an anti-social figure, there is a substantial amount of evidence that these monks were essential to the cult of the dead. By the middle period in Indian Buddhism, the monastic vocation seemed to have included presiding over funerals, reciting ritually efficacious texts, providing consolation to the relatives of the dead, and returning at prescribed intervals to ensure that the dead have acclimated to their new status, whether in heaven, a superior reincarnated state, or as benevolent ancestors protecting their next of kin. The participation of monks in this funeral complex and ancestor cult is documented in the *Śaikṣa* precepts found in the *Skandhaka* section of the *Dharmaguptaka-vinaya*. The *Śaikṣa* precepts regulate the transport (彼持死屍塔下過), burial (彼於塔下埋死人), and cremation of corpses (彼於塔四面燒死屍令臭氣入).<sup>61</sup> The association of the funeral complex with Buddhist architecture is also indicated in the archeological record by the interment of the remains of the dead in small *stūpas*, or *kulas*, grouped around a larger *stūpa*. Inscriptional evidence indicates that families which interred the remains of their kin in these *kulas* expected a better rebirth for the deceased.

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<sup>56</sup> T. 1421 134b18–20.

<sup>57</sup> T. 1421 134c16–22.

<sup>58</sup> T. 1421 134b28–c3.

<sup>59</sup> T. 1421 134c5–9.

<sup>60</sup> T. 1421 134c10–12.

<sup>61</sup> T. 1428 958a8–11.

Care for the dead extended to the ritual recitation of *dhāraṇīs* by monks for the deceased spirits in order to ensure they reached heaven or received a better rebirth.<sup>62</sup>

While it was certainly possible that any activities of monks in the cemetery could be viewed as leading to ritual pollution of their person, property infringement, or worse, the role of at least some monks to act as intercessors between the living and the dead was regarded as indispensable. And indeed, the capacity of the monk to act as spiritual intercessor was believed to increase as a result of the training for the intense and even terrifying set of *śmāśānika* practices he undertook.

The list of *śmāśānika* practices includes residing in a cemetery, meditating on corpses, as well the gathering of *pāṃśukūla* utilized in the context of the funeral complex. While some would like to draw a distinction between the practice of *pāṃśukūlika* as an ascetic undertaking, grouped more properly with what is often taken to be the strictly anti-social category of *śmāśānika* practices, and the gifting of fabric to a monk at a funeral,<sup>63</sup> I argue that evidence from certain modern anthropologies indicates that the literal connection to corpses, established through practices which take place in the cemetery, is precisely what gives monks within ascetic traditions the power to navigate the unsteady terrain binding the living to the dead. The villagers encountered by *thudong* (Thai for *dhūtaguṇa*) practitioners in Kamala Tiyanich's account of ascetic monks in early twentieth century Thailand expected these itinerant religious figures to reside in the charnel grounds when they came through the village. These monks were regarded as immune to the impurity of the cemetery and to the machinations of the spirits.<sup>64</sup> Moreover, they had the capacity to quell the agitation of the spirits of the dead or teach the villagers anxious about these matters how to do the same.<sup>65</sup> Tiyanich discusses the example of a *thudong* monk whom a group of villagers asked to stay in the village cemetery, on account of their fear of the ghosts residing there. Through a series of sermons and exorcisms, the monk ultimately succeeded in subduing the ghosts. Here, the practice of residing in the cemetery, and the powers the monk has developed as a result of his practices

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<sup>62</sup> See the summary of evidence for monastic participation in funeral and ancestral rites in DeCaroli 2004: 98ff.

<sup>63</sup> Langer 2007: 86–87.

<sup>64</sup> Tiyanich 1997: 202.

<sup>65</sup> Tiyanich 1997: 163.

there, are viewed as intimately related to his capacity to negotiate the relationship of the villagers with the spirits of the dead.<sup>66</sup>

The rulings in the *Vinaya* narratives can be read with an eye to the perspective of the monastic jurists, who attempted to ban or curtail behaviors offensive to segments of the broader Indian public. On the other hand, there are also grounds for viewing these rulings as witnesses to what I will call a *subculture* of standard *pāṃśukūlika* practices. I have already noted above that the institutionalization of the monastery did not preclude the flourishing of the *parivrājaka* lifestyle among Buddhist monks, and thus the continuing imperative to practice *pāṃśukūlika*. In addition, I have suggested that attitudes toward those who practiced *pāṃśukūlika* were not, at least among a segment of the community of patrons, characterized by concerns of ritual pollution or property theft but by reverence for the virtue of this lifestyle. Finally, there is the evidence of a subculture of *pāṃśukūlika* practices in the cemetery which emerges in light of Nattier's "principle of counterargument." As I have noted above, this principle encourages the reader to interrogate, and not just accept, the narrative arc of prescriptive texts such as the *Vinaya*.

It is in this category that we meet with prescriptive statements of the type that have, with surprising frequency, been interpreted as if they were documenting actual fact. But it should be obvious, at least in retrospect, that when we encounter statements of the type "One should *not* believe X" or "One should *not* do Y" there must have been some reason for the author to argue against them. That is, these statements—far from revealing what people actually did *not* believe or do—can serve as evidence that at least some members of the community were involved in the offending practices, hence the author's need to argue against them.<sup>67</sup>

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<sup>66</sup> Tiyanich 1997: 205. See also Nicholas 1981: 373ff., which suggests that characterizations of dead bodies as inherently impure are misleading. A number of examples from modern Indian anthropology lead him to the conclusion that proper dispatch of the body and the dead spirit can remove the impurity of the corpse. Davis 2012: 63 makes the point that it is the ritual status of the funeral officiant which matters in the process of ushering the spirit of the dead into his new role in the afterlife. When the monk is gifted *pāṃśukūla* (in the example cited by Davis, a funeral shroud) by the next of kin of the dead with the express purpose of earning merit for the spirit of the deceased, the shroud is transformed into "an item of great value." According to Davis, "There is no general denial of death's contagion or impurity, but merely a denial that the Buddhist monk is subject to its laws and its influence." He goes on to state that "A magico-technical power exists for the monks on the basis of their relationship with death." The evidence from Tiyanich allows the claims outlined in Nicholas and Davis, but in the Thai case, the "relationship with death" is exceedingly literal, in that physical proximity to the corpse seems not only permitted, but encouraged by villagers, if these *śmāśānika* practices have the salutary social value of putting spirits in their proper place.

<sup>67</sup> Nattier 2003: 67.

In the light of this interpretive framework, the rulings of *Vinaya* jurists against *pāṃśukūlika* should be seen as witnesses to a living subculture constituted by practices categorized under this rubric. Our reading of the following legal narrative in the *Dharmaguptaka-vinaya* is intended to exemplify the contention that even rulings which prohibit certain types of *pāṃśukūlika* can shed light on the social reality of ascetic practice among monks otherwise underreported by sources representing certain monastic authorities.

爾時佛在舍衛國。時諸居士祖父母父母死。以幡蓋衣物裹祖父母父母塔。糞掃衣比丘見剝取之。諸居士見皆共譏嫌言。沙門釋子無有慚愧。盜取人物。自言我知正法。如今觀之有何正法。我等為祖父母父母起塔。以幡蓋裹塔供養。彼云何而自剝取。如似故為沙門釋子裹塔供養。我等實為祖父母父母。以幡蓋裹覆塔供養。諸比丘白佛。佛言。不得取如是物。若風吹漂置餘處。若鳥銜去著餘處。比丘見畏慎不敢取。比丘白佛。佛言。若風吹水漂鳥銜著餘處聽取。爾時比丘。見有莊嚴供養塔衣即取。取已畏慎。比丘白佛。佛言。汝以何心取。答言。以糞掃衣取不以盜心。佛言無犯不應取莊嚴供養塔衣。<sup>68</sup>

At that time, the Buddha was in Śrāvastī. The grandparents and parents of a group of householders died. They adorned the *stūpa* of their grandparents and parents with flags and a canopy. A *pāṃśukūlika* monk saw these [fabrics], removed and took them. The group of householders saw this and complained amongst themselves, “These *śramaṇa* of the Śākya lineage have no shame. They steal the belongings of others. They say, ‘We know the correct dharma.’ Is what we just now witnessed the correct dharma? We erected a *stūpa* for our grandparents and parents and adorned the *stūpa* with flags and a canopy as an offering. How could he remove and take [this fabric] for himself? It’s as though we adorned the *stūpa* as an offering for the *śramaṇa* of the Śākya lineage. But, in fact, it was solely for the sake of our grandparents and parents that we adorned the *stūpa* as an offering.” The monks told the Buddha and the Buddha said, “You are not to take things like this.” When the wind blew [pieces of fabric], or water carried them and deposited them elsewhere, or a bird grabbed them and set them down in another place, the monks were concerned and did not dare take them. A monk told this to the Buddha and the Buddha said, “If the wind blows them, water carries them, or a bird grabs them and takes them to another place, I allow you to take them.” At that time, a monk saw a beautifully decorated garment used as an offering on a *stūpa* and took it. After taking it, he was worried. The monk told the Buddha and the Buddha said, “With what mindset did you take it?” He answered, “I thought it was *pāṃśukūla* and did not think I was stealing it.” The Buddha said, “It is not a crime, but you should not take garments adorning a *stūpa* as an offering.” (Passage E)

<sup>68</sup> T. 1428 850c10–24.



On the most basic level, the verdict confirms Schopen's important observation that the complaints of at least some segment of householders were the primary motivation for rulings by monastic jurists on *pāṃśukūlika* practices in the context of the cemetery. In this case, the behavior of the monk violates this group of householders' sense of property rights and ritual propriety and the monastic jurists respond with deference. The complaint of the householders is that the monk has taken what has not been offered to him but what has been offered to the dead (如似故為沙門釋子裏塔供養。我等實為祖父母父母。)。When the Buddha states that one may not take fabric, unless "the wind blows them, water carries them, or a bird grabs them and takes them to another place," (若風吹水漂鳥銜著餘處聽取) he is drawing a distinction between clothing which is property of the dead (and/or next of kin of the dead) and clothing which has no owner.

At the same time, the behavior of the monk adumbrated in the background narrative to the ruling of the Buddha justifies Nattier's claims about the nature of legal prescriptions. Her suggestion that legal imperatives set forth by the monastic jurists be interpreted not as an indication of what individuals *did not* do, but that "some members of the community were involved in the offending practices" clearly applies in this case. The admonition to the monk is that he is not permitted to take fabric adorning a *stūpa* as an offering to the dead. When the householders censure the monk for taking the offerings adorning their family *stūpa*, they contrast their intention to pay homage only to their relatives with an alternative scenario in which, in other circumstances, the fabric with which they adorned the *stūpa* might be understood as an offering to the monk. Although they firmly deny that the latter scenario was their intention, this alternative is a tacit acknowledgement that the monk, in acting as he did, is abiding by a generally recognized mode of practicing *pāṃśukūlika*.

The practices of the monk, revealed only incidentally in the course of the case narrative, indicate the customary nature of the practice of removing fabric from the cemetery which the monk has not explicitly received as a donation from a patron. However, the ruling establishes a clear principle for monks foraging in the cemetery for *pāṃśukūla*, which jibes with the more general rule in this *Vinaya*, that the monk must be sure that the fabric he removes from the cemetery "has no owner."<sup>69</sup> Items included under the heading of clothing without an owner are those moved by birds, water, or wind from their original spot. In his study, Schopen goes so far as to conclude

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<sup>69</sup> See for example T. 1428 850b25.

that the practice of gathering fabric from the *śmāśāna* was possible “in only a tiny minority of cases.”<sup>70</sup> Schopen argues that even though *Mūlasarvāstivāda-vinaya* editors “did not [...] forbid the practice,” monks retrieving clothing from the *śmāśāna* was problematic in nearly all cases because items found in a cemetery were “the possessions of the dead” by “order of the king.” Unless specific permission is granted by the appropriate party, no garment may be carried off by Buddhist monks. All such instances regarded as theft in the eyes of the “secular” authorities were punished as a *sthūlātīyaya* under the *Vinaya* code.<sup>71</sup>

I have noted Schopen’s interpretation of the *Mūlasarvāstivāda-vinaya* as a document deeply concerned about the utilization of *śmāśānika* cloth by monks. Indeed, the compilers of the Dharmaguptaka, Mahīśāsaka, and other *Vinaya* traditions shared the concerns of the *Mūlasarvāstivāda-vinaya*, and thus proscribed a number of *śmāśānika* practices, seemingly in accordance with the wishes of some segment of the population concerned about maintaining standards of ritual propriety and property.

However, the following cases I will discuss do not contain proscriptions. The subsequent narratives differ from passages containing prohibitions on certain *śmāśānika* cloth (as exemplified in Passage E) in that the primary agenda of these episodes is not to decide whether fabric acquired in a cemetery is permitted or prohibited. Rather, the focus is on how *pāṃśukūla* fabric acquired by monks in cemeteries is to be apportioned among their fellows. The fact that the apportionment of *pāṃśukūla* material was problematic enough to warrant legislation is further testimony—precisely because of its indirect manner of addressing the issue—that *pāṃśukūlika*, in the following case involving *śmāśānika* cloth, was regarded as standard practice.

爾時眾多居士。於塚間燒死人。時糞掃衣比丘。見烟已喚餘比丘。共往塚間取糞掃衣去。彼言可爾。即共往至彼。默然一處住。時居士見。即與比丘一貴價衣。第二比丘言。持來當共汝分。彼言。共何誰分彼自與我。二人共諍。諸比丘白佛。佛言。應還問居士。此衣與誰。若居士言。隨所與者是彼衣。彼若言不知。若言俱與。應分作二分。<sup>72</sup>

At that time, there was a large group of householders in the cemetery cremating a corpse. At that time, there was a *pāṃśukūlika* monk, who saw the smoke and called out to another monk, “Let’s go to the cemetery in order to take *pāṃśukūla*.” He said, “Alright,” and they went there together. They stood there silently. Then the householders saw them and offered [one of the] monks a fine piece of material. The second monk said, “You should bring it over here

<sup>70</sup> Schopen 2007: 83.

<sup>71</sup> Schopen 2007: 81.

<sup>72</sup> T. 1428 850b11–19.

and split it.” He said, “What do you mean split it? He gave it to me.” The two men quarreled. The monks told the Buddha and the Buddha said, “You should return and ask the householder, ‘Who was this clothing given to?’ If the householder says, ‘It goes to the one I’ve given it to,’ then it is his clothing. If he says, ‘I don’t know,’ or if he says, ‘I gave it to both,’ you should split it into two parts.” (Passage F)

The two monks who appear here are defined in this case from the *Cīvaravastu* of the *Dharmaguptaka-vinaya* by their status as *pāṃśukūlika* monks and by a fellowship predicated, at least in part, on a commitment to a shared livelihood. It is the matter of how *pāṃśukūlika* material is to be divided up which is at hand in this case. The question of whether or not a certain type of *pāṃśukūlika* practice is permitted is never raised and is not the issue at hand in the case. In other words, the social reality of *pāṃśukūlika* practice is taken for granted by the legal authorities handing down the judgment.

It is important to point out two details in this narrative which do not accord with Schopen’s interpretation of which practices are legally legitimate. First, the fact that monks enter the cemetery is neither problematic nor even noteworthy. Second, the detail of the first monk receiving what is likely a ritually polluted, if not physically filthy, piece of fabric, too, is unremarked upon in the text. Both these elements of the narrative are simply presumed by the authors to be scenarios plausible enough and common enough to function as suitable background narratives. On the other hand, the monks did not forage for this robe; it was a donation.

At the outset of the narrative, the first individual to appear is said to be a “*pāṃśukūlika* monk.” Upon seeing the smoke of the cremation pyre, the *pāṃśukūlika* monk notifies a fellow monk of the ceremony taking place in the cemetery. Neither monk seems to have been invited by the householders to the ceremony as an officiant, but the casual nature of the exchange between the two hints that a party of monks making a trip to the cemetery to fetch *pāṃśukūlika* material is a customary practice.

That this behavior is customary is confirmed when the monks encounter the householders by the pyre. The monks have marched into the cemetery, and, recognizing the gravity of the event, stand in silent respect toward the next of kin, waiting in expectation for the householders to hand over what is labeled “a piece of fine material” (*yiguijiayi* 一貴價衣). Although we cannot know with certainty the intentions of the *pāṃśukūlika* monk when he asked the second monk to “go to the cemetery in order to take *pāṃśukūlika* material,” the invitation implies that both monks would receive fabric. Why then did the first monk not share the fabric he received?

The answer may have to do with the nature of the fabric offered by the householders to the monks. Schopen notes the presence of a category of fabric which he says is “neither [...] *pāṃśukūla* nor *śmāśānika*.” The fabric, *Gos bor blangs pa*, is “something more like a pall” comparable to material used in contemporary Thai funerals in which the offerings to monks are “fresh new clothes laid across the coffin—not the dusty rags once left at the cremation grounds.”<sup>73</sup> The notion that donated cloth was a high, or at least higher, grade of material is reinforced by the evidence from passages B and C in which the pieces of fabric offered to the monks are labeled “fine material” (大價衣 or 好衣).

The expectation of the first monk is that he and his fellow will have the opportunity to get “*pāṃśukūla* [material]” (糞掃衣). I noted at the outset that the sense of the term *pāṃśukūla* is found-material, as opposed to donated material, implying that it is filthy and ritually impure. If the receipt of a piece of fine fabric, similar in quality to the category of donated material Schopen discusses, which in this case may not be filthy at all, was anticipated, perhaps the first monk would never have signaled to other monks that there was fabric to be had in the cemetery. He might have kept the fine material for himself. Quarrels resulting from the refusal to share a better-than-expected piece of fabric are grounds for cases found elsewhere in the *Vinaya*.

The following case, from the section of the *Vibhaṅga* of the *Mahāsāṃghika-vinaya* devoted to the *pārājika* offense of theft, is similar to the episode I have just examined, though it differs in that it does not occur in a cemetery. This passage is significant because it provides more details about how a pact between two monks committed to a *pāṃśukūlika* lifestyle may have functioned, and how the quality of fabric received might have threatened this fellowship.

有二糞掃衣比丘。共要。從今日始。若得糞掃衣當共分。時一比丘得好糞掃衣。便作是念。是衣甚好。設後更得不必及是。便語伴言。長老。自今日始各任相錄。若汝得者汝自取。若我得者我自取。是比丘違本要故。是中半滿者波羅夷。<sup>74</sup>

There were two *pāṃśukūlika* monks. Together they vowed, “From today on, if we obtain *pāṃśukūla*, we will split them between the two of us.” Then one of the monks obtained a fine piece of *pāṃśukūla* and thought, “This clothing is very nice. I will never get anything this nice again.” And he said to his fellow, “Venerable, from now on we are responsible for our own fortunes. Whatever you get, you will keep, whatever I get, I will keep.” This monk reneged on his

<sup>73</sup> Wells 1975: 112 as cited in Schopen 2007: 84; see also 101, n44.

<sup>74</sup> T. 1425 252a17–22.

original vow. With respect to this, not keeping one's compact is a *pārājika*.  
(Passage G)

Although the second monk in the previous case definitely expected his fair share of the fabric from the donor, the reader is not informed of any official pact that this was the case. In this passage, the pact between these two monks is formal and their intention is laid out explicitly in the language of the vow. The agreement is to split all the *pāṃśukūla* each obtains and, as far as I can tell, the vow has no expiration date. The severity of the class of offense is a testament to the seriousness of breaking a pact to share one's livelihood with another monk. The reason why the first monk broke the binding agreement he had made with his fellow is also spelled out in this case, whereas the prior case provides no explicit rationale. The first monk in this case reasoned that the rarity of acquiring a fine garment warranted him breaking the agreement with his comrade. But in both narratives, the point at which one monk betrays the trust of the other is upon receiving fabric which seems to be not rags but a piece of whole cloth. We cannot be certain that this piece of fabric performs the same function as the donated material discussed by Schopen as falling under the rubric of *Gos bor blangs pa*, but both narratives wish to make a distinction between the term *pāṃśukūla*, which the two monks have made more or less binding agreements to share, and the material labeled 一貴價衣 in one case and 好糞掃衣 (*haofensaoyi*) in the other, which is of high enough quality that it incites conflict between monks whose pacts are recognized as significant enough that legal mediation is ultimately required.

There are several points to be made in review of the discussion of passages F and G. The first is that there is a distinction between *pāṃśukūla* and the word 一貴價衣 ("fine material") or one of the several other variations on the term I have presented. The monks set out looking for the former but unexpectedly receive the latter as a donation. Passages B and C do not take place in a cemetery but there is a parallel in that the monks featured in those cases, too, seem to expect they will have to settle for the inferior *pāṃśukūla* but obtain higher grade donated material instead. What is striking in all four cases is the depiction of the fine donated fabric as a rarity, indicating the customary nature of practicing *pāṃśukūlika*. The second point is that there are indications in passages F and G of a compact, formal or informal, among at least some segment of monks, to work together to collect *pāṃśukūla* and then share what has been obtained. The fact that not only the schemes of apportioning *pāṃśukūla* acquired by monks are regulated in the *Vinaya*, but that the agreements among these individuals are significant enough that they warrant policing, is a testament to the standard nature of the practice.

As in the last two cases I have examined (passages F and G), the following three narratives do not take as their primary agenda the matter of whether or not a practice of *pāṃśukūlika* is permitted according to monastic jurists. Each of the subsequent cases involves monks making their way to a cemetery in order to obtain *pāṃśukūla* and each episode ends with a ruling about how robe material obtained by one group or individual is to be apportioned among monks in the community who did not accompany their fellows to get fabric.

What distinguishes these cases from others we have seen is that there is no indication in the case narratives that the fabric was given by a donor to a monk. Schopen has suggested that the legally permissible opportunities for monks to acquire *pāṃśukūla* fabric in the cemetery would have been almost non-existent on account of barriers erected by monastic jurists in response to criticism from householders concerned about protecting property belonging to monuments to the dead and the next of kin who maintained them. As the following cases do not involve an interaction between the householder and the monk, in which the latter receive *śmāśānika* cloth from the former, these narratives provide even more compelling evidence that the practice of *pāṃśukūlika*, in its strictest sense, of foraging for found-material, was, in fact, regarded as a standard practice in the world of the institutionalized monastery.

爾時有比丘。往塚間取糞掃衣。遙見有糞掃衣。一比丘即占言。此是我衣。第二比丘即走往取。二人共諍。各言是我衣。諸比丘白佛。佛言。糞掃衣無主。屬先取者。<sup>75</sup>

At that time, there were some monks who went to a cemetery to take *pāṃśukūla*. They saw there was *pāṃśukūla* in the distance. The first monk then said, "This is my garment." The second monk then ran toward it and took it. The two fought amongst themselves, each claiming, "This is my garment." The monks told the Buddha and the Buddha said, "*Pāṃśukūla* has no owner. It belongs to the one who took it first." (Passage H)

In this case, the two monks are not said to have a pre-arranged agreement to share their findings but they are both going to look for *pāṃśukūla*. No donor is said to be present, nor are the monks said to receive the *pāṃśukūla* from anyone. Rather, the image is of the two monks spying the garment in the cemetery from afar, followed by a race to the object. The second monk is reported only to have taken (取) the garment.

The material the monks are fighting over is simply labeled 糞掃衣, or *pāṃśukūla* fabric. There is no suggestion that the robe material these monks are seeking out is of the caliber of high quality donated fabric as the terms 一貴價衣 or 好糞掃衣 we have seen in previous cases might indicate, thus

<sup>75</sup> T. 1428 850b19–22.

reinforcing the impression this case gives that no householders are involved in the monks' process of acquiring the material. Final confirmation that no householder is involved comes with the verdict reached by the Buddha. He rehearses the definition of the term *pāṃśukūla*, as fabric which "has no owner," and then awards the cloth to the monk who took it first. In contrast with some other cases we have seen, in which the householder is accorded standing in the case, in this episode only the two monks appear as litigants.

To summarize, two monks enter the cemetery for the express purpose of acquiring *pāṃśukūla*. These monks are not receiving robe material which could be conceived of as a patron's donation, implying that the cloth these monks are seeking out is ritually impure by conventional Brahmanical standards. Nonetheless, the fact that this practice occurs as part of the background to a case in which the primary agenda for *Vinaya* jurists is how to properly apportion these *pāṃśukūla* among monks implies that this form of *pāṃśukūlika* is routine and householder concerns about ritual or property infringement do not factor into the legal decision.

This next case comes from the "Section on Special Occurrences" of the *Dharmaguptaka-vinaya* and provides further evidence of the routine nature of *pāṃśukūlika* practice which does not involve donations from patrons.

時有比丘去塚不遠行。遙見多有糞掃衣。即聚集而去。言還當取。餘糞掃衣比丘。見謂是糞掃衣即持去。彼比丘還不見衣。至寺內見有比丘浣治。即語言。汝偷我衣犯盜。彼答言我不盜取糞掃衣耳。彼疑佛言汝以何心。答言作糞掃衣取。佛言不犯。而不應取聚糞掃衣。<sup>76</sup>

Once, a monk was walking on a road not far from a cemetery. He saw a lot of *pāṃśukūla* in the distance. He gathered it up in a pile but then left. He then said, "I will return and then take it." Other *pāṃśukūlika* monks saw it, thought it was *pāṃśukūla*, and took it. The monk returned and did not see the fabric. He returned to the monastery, saw the monks cleaning and repairing [the material] and said to them, "You stole my fabric, it's a crime of theft." They replied, "We didn't steal, it's *pāṃśukūla*." They were concerned [and went to ask the Buddha]. The Buddha said, "What was your mindset?" They replied, "We thought it was *pāṃśukūla* so we took it." The Buddha said, "It is not an offense but you should not take *pāṃśukūla* gathered up in a pile." (Passage I)

Here, the first monk initially has no intention of going to the cemetery. But upon seeing the clothing from the road, he changes his plan, casually enters the cemetery, gathers the clothing together in a pile and then leaves it, presuming that the fabric will be there when he returns. As was the case in the previous episode, there is no indication that this *pāṃśukūla* was a donation.

<sup>76</sup> T. 1428 976c15–21.

Rather, the passage indicates that the monk scavenged for the pieces of cloth among the aggregation of either corpses, funerary monuments, or a combination of the two. Independently of the first monk, a group of monks espy what they believe to be fabric without an owner, again indicating that monks practicing *pāṃśukūlika* seem to have been constantly on the lookout for more fabric, paying special attention to material recently deposited in the cemetery.

This final passage brings together several of the themes discussed above.

爾時有眾多居士。載死人置塚間。糞掃衣比丘。見即語餘比丘言。我曹今往取糞掃衣可多得。彼比丘言。汝等自去我不往。比丘即疾往大得糞掃衣。持來至僧伽藍中淨浣治。彼比丘見。語此比丘言。汝作何事。而不共我往取衣。我往取衣大得來。此比丘言。持來共汝分。答言。汝不共我取云何共分。二人共諍。比丘白佛。佛言。屬彼往取者。<sup>77</sup>

At that time, there was a large group of householders who carried a corpse and put it in the cemetery. There was a group of *pāṃśukūlika* monks who saw this and said to the other monks, “If we go to get *pāṃśukūlika* now, I think we can get a lot.” The other monks said, “You go by yourselves. We are not going.” The monks quickly headed off and obtained a lot of material. They brought it back and were cleaning and stitching it in the monastery. One of these monks saw another [who had stayed behind] and said to this monk, “Why didn’t you go with us to the cemetery to get material? We went to the cemetery and brought a lot of clothing back.” The monk said, “Bring it here and split it among us.” He answered, “You did not go with us. Why should we split it with you?” The two monks argued. The monks brought this matter to the Buddha and the Buddha said, “It belongs to whoever went to get it.” (Passage J)

This case, like the others we have seen involving *śmāśānika* cloth, indicates an active subculture of collecting *pāṃśukūlika* in circumstances which are potentially offensive to social standards of property and ritual propriety. And while certain types of *śmāśānika* are prohibited in *Vinaya* rules, and thus these rules may have closed down certain methods of carrying out these practices, this narrative, among others, indicates that even under the influence of the crucible of institutionalization, which characterizes the period in which detailed codes of conduct were drawn up to regulate the lives of monks, the acquisition of robe material from cemeteries is acknowledged by monastic jurists as a social reality. One further issue remains with regard to passages H, I, and J. What does the term *pāṃśukūlika* specifically refer to when the fabric obtained is not donated by patrons but found by monks themselves? To what extent are social norms regarding ritual pollution and property breached when the *pāṃśukūlika* is not donated but retrieved from the cemetery by the monks themselves?

<sup>77</sup> T. 1428 850b26–c4.



As was the case in passage F, a group of monks in passage J notice the convening of a funeral ceremony in the cemetery, and immediately alert their fellows that they can expect to get *pāṃśukūla* material (共往塚間取糞掃衣去). Passage J differs from passage F, in that the monks in the latter receive a piece of donated material from the next of kin of the dead. The text in passage F calls this material 一貴價衣, “a piece of fine material” making it unlikely to fit the classical image of *pāṃśukūla* as a filthy rag. However, in passage J the monks who do make the trip to the cemetery both anticipate obtaining *pāṃśukūla* and in fact return to the monastery with *pāṃśukūla*. There is no sense that the quality of fabric they bring back has exceeded their expectations.

The verdict in passage J that the *pāṃśukūla* belongs to whomever went and took it (屬彼往取者) also supports the reading that fabric the monks obtained was not donated but found-material because no donor is mentioned as having standing in the case. Passage H also indicates that the *pāṃśukūla* obtained by the monk is not material donated by a patron and it, too, ends with the verdict that the fabric “belongs to the one who took it first” (屬先取者). By contrast, the householder in passage F has standing in the case because he has given cloth to the monk. It is because he is the donor that the householder makes the decision about how the robe material should be apportioned and thus his input is required as part of the verdict (佛言。應還問居士。此衣與誰。若居士言。隨所與者是彼衣。彼若言不知。若言俱與。應分作二分)。

As the evidence indicates, the fabric acquired by the monks in passages H, I, and J was not donated but found-material. Those *Vinaya* traditions which include *śmāśānika* cloth as a legitimate form of *pāṃśukūla* distinguish two types of cloth utilized during the funeral. The *Sarvāstivāda-vinaya*, for example, distinguishes between *zhongjianyi* 塚間衣 and *chulaiyi* 出來衣. 塚間衣 is “fabric for wrapping up a corpse which is then left in the cemetery” (何等塚間衣。有衣裹死人棄塚間。是為塚間衣。) <sup>78</sup> while 出來衣 is “fabric, in which the corpse is wrapped, brought back, and then donated to a monk” (何等出來衣。裹死人衣。持來施比丘。是為出來衣。) <sup>79</sup> If 塚間衣 is not donated fabric but rather found-material in which the corpse was wrapped before being buried, cremated or simply laid out to be consumed by animals, then the obtaining of this type of *pāṃśukūla* fabric could involve physical contact of the monk with the dead body.

<sup>78</sup> T. 1435 195a28–29.

<sup>79</sup> T. 1435 195a29–b1.

The list of approved types of *pāṃśukūla* in the *Dharmaguptaka-vinaya* I enumerated above does indicate a distinction between 塚間衣 and 出來衣 and it is fair to presume that these definitions are consistent with those given in the Sarvāstivāda list. Thus 塚間衣, as defined above, was permitted in the *Dharmaguptaka-vinaya*. Interestingly, the term 塚間衣 is qualified in the *Dharmaguptaka* list in the following manner. This *Vinaya* allows “cemetery fabric, if it has been taken by a bird or blown by the wind from its original spot” (若鳥銜風吹離處者塚間衣).<sup>80</sup> Other *Vinaya* lists of acceptable *pāṃśukūla* which include the term 塚間衣 do not add the qualifications which appear in the *Dharmaguptaka*. The *Mahīśāsaka-vinaya* list of *pāṃśukūla*,<sup>81</sup> for example, does not qualify the term 塚間衣 in order to suggest that monks ought to wait until cloth be moved from its “original spot” by elements of nature before gathering it up. If 塚間衣 is, by definition, used to wrap the corpse, there is no reason to presume that it will have strayed from its “original spot,” that is the dead body itself, unless natural elements and animals have worked over the material for a fairly long period of time. The fact that the *Mahīśāsaka* list is identical to that of the *Dharmaguptaka* list, save for the qualification of the term 塚間衣, makes it likely that the addition of the bit about natural elements was added by a commentator more concerned with the potential offensiveness of a version of *pāṃśukūlika* which had direct contact with corpses.

In spite of the zealousness of this *Dharmaguptaka* commentator trying to discourage monks from coming into direct contact with corpses, there is clear legal precedent in this same *Vinaya* allowing just these potentially dangerous practices. When a monk asks if he may take the clothing from dead soldiers’ bodies on the battlefield, the Buddha allows it, provided he confirms they are dead first.<sup>82</sup> Several other cases do not explicitly say that a monk may take the clothing of a corpse but agree with the battlefield ruling when they imply clothes may be taken if the body has begun decomposing.<sup>83</sup>

The monks in this last set of cases (H, I, and J) seem unaware of a monastic bureaucratic apparatus for the collection and distribution of robe material. Rather, informal networks seem to be the social organization by which *pāṃśukūla* material is acquired. These informal groups find no problem entering and leaving the cemetery as they like. Moreover, there is

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<sup>80</sup> T. 1428 850a26–27.

<sup>81</sup> T. 1421 143b11.

<sup>82</sup> T. 1428 850b2–4.

<sup>83</sup> T. 1428 849c17–850a1.

no indication that they are receiving garments from those burying, cremating, or just leaving the bodies of the dead in the cemetery. There is every indication that these monks are scavengers and thus potentially in violation of standards of ritual pollution and property rights for the dead and their families.

## Concluding Thoughts

The purpose of this investigation was to determine the extent to which instances of *pāṃśukūlika* appearing in the *Vinaya* could reasonably be regarded as standard practices. The first task was to demonstrate that the scholarly orientation, generally speaking, has been to relegate ascetic practices to a period before the development of the monastery into a mature institution. Thus, if ascetic practice persisted, it was confined to the margins, or at least this was the goal of *Vinaya* authorities. Schopen's paper, "Cross-Dressing with the Dead," offers a compelling analysis of the effect of this process of institutional maturation on the monastic jurists of the *Mūlasarvāstivāda* tradition. In his discussion of practices relating to cemetery cloth, he makes claims primarily about the *attempts* of *Vinaya* compilers to limit the practice of asceticism, and focuses less on what the impact of these regulations might actually have been. My interest was not primarily the verdicts of the monastic jurists but a discussion of the social realities of the practice of *pāṃśukūlika*. Thus, I utilized techniques of interpretation Nattier has suggested as helpful in distinguishing descriptive passages from prescriptive elements in texts like the *Vinaya*, which are self-consciously normative in orientation.

In the third section, I made the claim that the *parivrājaka* lifestyle, so closely associated with ascetic practices such as *pāṃśukūlika*, continued into the period of the mature monastic institution depicted in the *Vinaya*. In particular, I discussed elements in passage A, largely incidental to the arc of the legal narratives, which indicate that monks continued to struggle to acquire *pāṃśukūla* for robe material. Subsequently, I discussed two cases which begin with monks practicing *pāṃśukūlika* in the filth and ritual impurity of the refuse heap itself. In these cases, as well, the legal narrative is focused on the question of theft and not particularly on the conditions in which the *pāṃśukūlika* monk initially finds himself. The fact of the monk rooting around in a refuse heap is merely assumed. A reading of this passage in light of Schopen's arguments that it was the goal of at least the *Mūlasarvāstivāda-vinaya* jurists to discourage the ritually problematic practice is important because it highlights the point, applicable to other *Vinayas*, that by making an allowance

for donated robes the monastic authorities were attempting to reduce their exposure to criticism from the outside. In spite of the fact that the monks in these two cases accepted donated robe material, the process by which the patrons prepared the material indicated their understanding that the practice entailed ritual impurity by definition. Here, the salient point is that the patrons of the Buddhist order did not feel a sense of disgust, but of reverence for those carrying out the practice of *pāṃśukūlika*.

I made mention of a number of locales in the ancient Indian settlement in which the practice of *pāṃśukūlika* took place but focused much of my attention on the cemetery because of the disproportionate emphasis in the *Vinaya* traditions (and particularly in the Dharmaguptaka tradition) on this locale for monks abiding by this practice to obtain robe material. I noted Schopen's view (based on his reading of the *Mūlasarvāstivāda-vinaya*) that *pāṃśukūlika* practice in the cemetery is not viewed favorably among at least some voices in the *Vinaya*. I also made clear that this view does not hold true in all *Vinaya* traditions. *Śmāśānika* fabric was clearly permitted in the Sarvāstivāda, Mahīśāsaka, and Dharmaguptaka traditions.

Although the *Vinaya* traditions such as that of the Dharmaguptaka are more permissive in that they allow cemetery fabric to be utilized as *pāṃśukūlika*, there are, nevertheless, limitations on the types of situations in which *śmāśānika* cloth may be used. In passage D and cases from the *Mahīśāsaka-vinaya* mentioned subsequently, it is clear that certain practices are banned by monastic jurists, some clearly at the behest of householders. Passage E from the *Dharmaguptaka-vinaya* also indicates that though a monk may believe a certain piece of cemetery fabric to be *pāṃśukūlika*, it is not deemed so unless—and here the *Vinaya* rule seems to be consistent across the traditions—it has no owner. Schopen concludes from this requirement that gathering *śmāśānika* fabric was possible “in only a tiny minority of cases.” And indeed, one can make an argument that in passage F, as well as B and C, monks are permitted to resort to donated robes precisely as an attempt to prevent them from scavenging for material. Still, this argument only accounts for the motivations of the *Vinaya* editors, and my focus is on whether or not *pāṃśukūlika* was viewed as a standard practice.

In my readings of passages H, I, and J, I have suggested that these monks participating in *pāṃśukūlika* were both within their legal rights, as set down elsewhere in the *Vinaya*, even if they were to come in contact with the corpse itself. Moreover, the details in each of these three cases leads one to believe that the material the monks in these narratives obtained was not given to them directly by the next of kin of the dead or even set aside by a donor for retrieval

at a later time. Although I cannot say for sure, it is entirely likely that these monks were engaged in the most extreme forms of *pāṃśukūlika* practice—those involving contact with corpses. To recapitulate what can be said about these three scenarios, these monks were not recipients of *pāṃśukūla* at the monastery or some other (ritually) purified locale. They entered the cemetery themselves, already a problematic behavior according to Schopen. These monks did not receive the gifts through an intermediary such as a family member. Thus, they themselves would have retrieved the *pāṃśukūla*. Finally, I have noted that given the enthusiasm of the monks to get to the cemetery for fabric, the *pāṃśukūla* were, in all likelihood, still in contact with the corpse, and not moved to another place by animals or the elements of nature.

Utilizing Nattier's principles of counterargument and irrelevance, I have sought to point out a number of important details within the passages from the Dharmaguptaka and other *Vinaya* traditions translated in this study, which suggest that there was a subculture of *pāṃśukūlika* practice within the early Buddhist monastery. In spite of measures employed by certain parties of *Vinaya* jurists to limit *pāṃśukūlika*, this practice continued to exist, if not flourish, under the protection of a legal framework.

## Quick Reference to Translated Passages

### *Passage A*

復次佛住王舍城廣說如上。有一比丘時至著入聚落衣持鉢。入城求糞掃衣。於王舍城遍求不得。便至塚間亦復不得。尋水而求亦復不得。最後至浣衣處求。時浣衣者浣衣已竟。別在一處與人共語。時比丘往至衣所。有異男子語浣衣者言。彼出家人欲取汝衣。衣主問言。何道出家。答言。釋種出家。浣衣者言。無苦。沙門釋子不與不取。須與比丘便取此衣。<sup>84</sup>

Again, the Buddha was in Rājagṛha, the details being the same as in the previous case. Once a monk put on his robes for entering a village, took his bowl and entered the city looking for *pāṃśukūla*. He searched throughout the city of Rājagṛha without success. He then went to the cemetery but was unable to obtain any. Following alongside the river, he searched [for *pāṃśukūla*] but still could not obtain any. Finally, he arrived at a place for washing clothes. One of the people washing clothes finished washing and went over to talk with another person. The monk then went to the spot where the clothes were

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<sup>84</sup> T. 1425 241c13–25.

left. The other man said to the clothes-washer, “That renouncer is about to take your clothes.” The clothes-washer asked, “What kind of renouncer is he?” And he answered, “He is a renouncer of the Śākya lineage.” And the washer said, “It’s no problem, *śramaṇas* of the Śākya lineage do not take what is not given.” A moment later the monk took the clothing.

### Passage B

爾時世尊在舍衛國。時有大姓子出家。於市中巷陌糞掃中。拾弊故衣作僧迦梨畜。時波斯匿王夫人見慈念心生。取大價衣破之。以不淨塗棄之於外。為比丘故。比丘畏慎不敢取。比丘白佛。佛言。若為比丘者應取。<sup>85</sup>

At that time, the Buddha was in Śrāvastī. There was a monk from a good family in an alleyway in the city picking up filthy old fabric to make a *saṃghāṭī* robe from a waste pile of garbage. The wife of King Prasenajit saw this and felt compassion. She took some fine material and ripped it up, covered it in filth and threw it outside for the monk. The monk was terrified and did not dare pick it up. The monk told the Buddha and the Buddha said, “If it is for the monk, he should take it.”

### Passage C

爾時有比丘。大姓出家。於市中巷陌廁上糞掃中。拾弊故衣作僧伽梨畜。時舍衛長者見心生慈愍。以多好衣棄置巷陌若廁上。為比丘故。使人守護。不令人取。時有諸比丘直視而行。入村時守護衣人語言。大德。何不左右顧視也。時比丘見畏慎不敢取。諸比丘白佛。佛言。若為比丘聽取。<sup>86</sup>

At that time, there was a monk from a good family, picking up filthy old fabric to make a *saṃghāṭī* robe from waste piles in the streets and latrine areas of the city. Then a householder in Śrāvastī felt pity and placed a lot of fine fabric in the streets and latrine areas for monks. A servant was sent to watch over the clothes and did not allow others to take the material. Then, there was a group of monks walking eyes down. When they entered the city the person protecting the material said, “Venerables, why don’t you look around?” The monks were afraid and did not dare pick them up. The monks told the Buddha and the Buddha said, “If it is [set aside] for monks, I permit it.”

<sup>85</sup> T. 1428 849b20–25.

<sup>86</sup> T. 1428 849b25–c3.

### Passage D

復有諸比丘。為衣故掘出新死人。諸居士見譏訶言。此釋子沙門臭穢不淨。云何以此入我家中。諸長老比丘聞。以是白佛。佛言。不應掘出死人。犯者突吉羅。<sup>87</sup>

Again, there was a group of monks, who dug up a recently dead person for fabric. A group of householders saw this and censured them saying, “These Śākya śramaṇas are foul and impure. How could we allow them into our homes?” A group of elder monks brought up this matter with the Buddha and the Buddha said, “You should not dig up corpses. This offense is a *duṣkṛta*.”

### Passage E

爾時佛在舍衛國。時諸居士祖父母父母死。以幡蓋衣物裹祖父母父母塔。糞掃衣比丘見剝取之。諸居士見皆共譏嫌言。沙門釋子無有慚愧。盜取人物。自言我知正法。如今觀之有何正法。我等為祖父母父母起塔。以幡蓋裹塔供養。彼云何而自剝取。如似故為沙門釋子裹塔供養。我等實為祖父母父母。以幡蓋裹覆塔供養。諸比丘白佛。佛言。不得取如是物。若風吹漂置餘處。若鳥銜去著餘處。比丘見畏慎不敢取。比丘白佛。佛言。若風吹水漂鳥銜著餘處聽取。爾時比丘。見有莊嚴供養塔衣即取。取已畏慎。比丘白佛。佛言。汝以何心取。答言。以糞掃衣取不以盜心。佛言無犯不應取莊嚴供養塔衣。<sup>88</sup>

At that time, the Buddha was in Śrāvastī. The grandparents and parents of a group of householders died. They adorned the *stūpa* of their grandparents and parents with flags and a canopy. A *pāṃśukūlika* monk saw these [fabrics], removed and took them. The group of householders saw this and complained amongst themselves, “These śramaṇa of the Śākya lineage have no shame. They steal the belongings of others. They say, ‘We know the correct dharma.’ Is what we just now witnessed the correct dharma? We erected a *stūpa* for our grandparents and parents and adorned the *stūpa* with flags and a canopy as an offering. How could he remove and take [this fabric] for himself? It’s as though we adorned the *stūpa* as an offering for the śramaṇa of the Śākya lineage. But, in fact, it was solely for the sake of our grandparents and parents that we adorned the *stūpa* as an offering.” The monks told the Buddha and

<sup>87</sup> T. 1421 134 b24–27.

<sup>88</sup> T. 1428 850c10–24.

the Buddha said, “You are not to take things like this.” When the wind blew [pieces of fabric], or water carried them and deposited them elsewhere, or a bird grabbed them and set them down in another place, the monks were concerned and did not dare take them. A monk told this to the Buddha and the Buddha said, “If the wind blows them, water carries them, or a bird grabs them and takes them to another place, I allow you to take them.” At that time, a monk saw a beautifully decorated garment used as an offering on a *stūpa* and took it. After taking it, he was worried. The monk told the Buddha and the Buddha said, “With what mindset did you take it?” He answered, “I thought it was *pāṃśukūla* and did not think I was stealing it.” The Buddha said, “It is not a crime, but you should not take garments adorning a *stūpa* as an offering.”

### Passage F

爾時眾多居士。於塚間燒死人。時糞掃衣比丘。見烟已喚餘比丘。共往塚間取糞掃衣去。彼言可爾。即共往至彼。默然一處住。時居士見。即與比丘一貴價衣。第二比丘言。持來當共汝分。彼言。共何誰分彼自與我。二人共諍。諸比丘白佛。佛言。應還問居士。此衣與誰。若居士言。隨所與者是彼衣。彼若言不知。若言俱與。應分作二分。<sup>89</sup>

At that time, there was a large group of householders in the cemetery cremating a corpse. At that time, there was a *pāṃśukūlika* monk, who saw the smoke and called out to another monk, “Let’s go to the cemetery in order to take *pāṃśukūla* material.” He said, “Alright,” and they went there together. They stood there silently. Then the householders saw them and offered [one of the] monks a fine piece of material. The second monk said, “You should bring it over here and split it.” He said, “What do you mean split it? He gave it to me.” The two men quarreled. The monks told the Buddha and the Buddha said, “You should return and ask the householder, ‘Who was this clothing given to?’ If the householder says, ‘It goes to the one I’ve given it to,’ then it is his clothing.’ If he says, ‘I don’t know,’ or if he says, ‘I gave it to both,’ you should split it into two parts.”

### Passage G

有二糞掃衣比丘。共要。從今日始。若得糞掃衣當共分。時一比丘得好糞掃衣。便作是念。是衣甚好。設後更得不必及是。便語伴言。長老。自今

<sup>89</sup> T. 1428 850b11–19.



日始各任相錄。若汝得者汝自取。若我得者我自取。是比丘違本要故。是中半滿者波羅夷。<sup>90</sup>

There were two *pāṃśukūlika* monks. Together they vowed, “From today on, if we obtain *pāṃśukūla*, we will split them between the two of us.” Then one of the monks obtained a fine piece of *pāṃśukūla* and thought, “This clothing is very nice. I will never get anything this nice again.” And he said to his fellow, “Venerable, from now on we are responsible for our own fortunes. Whatever you get, you will keep, whatever I get, I will keep.” This monk reneged on his original vow. With respect to this, not keeping one’s compact is a *pārājika*.

### Passage H

爾時有比丘。往塚間取糞掃衣。遙見有糞掃衣。一比丘即占言。此是我衣。第二比丘即走往取。二人共諍。各言是我衣。諸比丘白佛。佛言。糞掃衣無主。屬先取者。<sup>91</sup>

At that time, there were some monks who went to a cemetery to take *pāṃśukūla*. They saw there was *pāṃśukūla* in the distance. The first monk then said, “This is my garment.” The second monk then ran toward it and took it. The two fought amongst themselves, each claiming, “This is my garment.” The monks told the Buddha and the Buddha said, “*Pāṃśukūla* has no owner. It belongs to the one who took it first.”

### Passage I

時有比丘去塚不遠行。遙見多有糞掃衣。即聚集而去。言還當取。餘糞掃衣比丘。見謂是糞掃衣即持去。彼比丘還不見衣。至寺內見有比丘浣治。即語言。汝偷我衣犯盜。彼答言我不盜取糞掃衣耳。彼疑佛言汝以何心。答言作糞掃衣取。佛言不犯。而不應取聚糞掃衣。<sup>92</sup>

Once, a monk was walking on a road not far from a cemetery. He saw a lot of *pāṃśukūla* in the distance. He gathered it up in a pile but then left. He then said, “I will return and then take it.” Other *pāṃśukūlika* monks saw it, thought it was *pāṃśukūla*, and took it. The monk returned and did not see the fabric. He returned to the monastery, saw the monks cleaning and repairing [the

<sup>90</sup> T. 1425 252a17–22.

<sup>91</sup> T.1428 850b19–22.

<sup>92</sup> T. 1428 976c15–21.

material] and said to them, “You stole my fabric, it’s a crime of theft.” They replied, “We didn’t steal, it’s *pāṃśukūla*.” They were concerned [and went to ask the Buddha]. The Buddha said, “What was your mindset?” They replied, “We thought it was *pāṃśukūla* so we took it.” The Buddha said, “It is not an offense but you should not take *pāṃśukūla* gathered up in a pile.”

### Passage J

爾時有眾多居士。載死人置塚間。糞掃衣比丘。見即語餘比丘言。我曹今往取糞掃衣可多得。彼比丘言。汝等自去我不往。比丘即疾往大得糞掃衣。持來至僧伽藍中淨浣治。彼比丘見。語此比丘言。汝作何事。而不共我往取衣。我往取衣大得來。此比丘言。持來共汝分。答言。汝不共我取云何共分。二人共諍。比丘白佛。佛言。屬彼往取者。<sup>93</sup>

At that time, there was a large group of householders who carried a corpse and put it in the cemetery. There was a group of *pāṃśukūlika* monks saw this and said to the other monks, “If we go to get *pāṃśukūla* now, I think we can get a lot.” The other monks said, “You go by yourselves. We are not going.” The monks quickly headed off and obtained a lot of material. They brought it back and were cleaning and stitching it in the monastery. One of these monks saw another [who had stayed behind] and said to this monk, “Why didn’t you go with us to the cemetery to get material? We went to the cemetery and brought a lot of clothing back.” The monk said, “Bring it here and split it among us.” He answered, “You did not go with us. Why should we split it with you?” The two monks argued. The monks brought this matter to the Buddha and the Buddha said, “It belongs to whoever went to get it.”

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<sup>93</sup> T. 1428 850b26–c4.

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Recent years have seen heightened interest in the ritual, juridical, and generally practical aspects of the Buddhist tradition. The contributions to *Rules of Engagement* build on this trend while venturing beyond the established boundaries of discourse in specialized academic disciplines, presenting state-of-the-art research on the *vinaya* in all of its breadth and depth. They do so not only by tracing Buddhist textual traditions but also by showcasing the vast variety of practices that are the object of such regulations and throw a new light on the social implications such protocols have had in South, Central, and East Asia.

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