

Remarks on the Third Precept: Adultery and Prostitution in Pāli Texts*

The Third Precept: Men, Women, and Wives

The Third Precept is to refrain from *kāmesu micchācāra*, “misbehavior in [matters of] *kāma*”, a rather general category. The word *kāma* refers internally to the subjective emotions of desire and experience of all sensual pleasures, and externally to the objects of those emotions and experiences, so a broad construal of the Precept could be broad indeed.¹ However, commentaries usually elucidate it in relation to sex: *kāma* is *methuna-samācāra*, the act of intercourse, which is twofold: contentment with one’s wife (or wives),² or going to the wife of another man, *sadāra-santosa-paradāra-gamana*. As one of the Six, Eight or Ten Precepts, it requires chastity, so both kinds count as misbehavior, but as one of the Five only the second does.

Many texts give two standard lists of ten kinds of women with whom intercourse is forbidden, which include young women “under protection” as well as “wives of other men”. They are *agamanīya-*

*It is an honour and a delight to contribute this small piece, intended as no more than a preliminary and incomplete introduction to a much wider field of study, in honor of K.R. Norman, from whose unfailing kindness I have benefited for almost thirty years, up to and including this article.

¹Thus Saddhatissa 1987, pp.88–92.

²The existence of polygyny is widely attested in Pāli (see remarks on the word *dāra* in text and the notes below). Many texts praise monogamy for man and wife, in deed and thought, as a virtue; see, e.g., the Suruci Jātaka (Ja IV 314ff.), which contains the very widespread motif that jealousy of one’s co-wives (*sapattiyo*) is one of the sufferings particular to women. A man is urged not to visit other men’s wives; women are encouraged not even to think of other men (e.g. D III 190 with Sv 955). See also *DPPN* s.v. for the story of Nakulapitā and his wife. The motif of couples being together over a series of lifetimes is common in the Jātakas. With the exception of the story of Kaṇhā in the painfully misogynist Kuṇāla Jātaka, which is modeled on Sanskrit literary sources (see Bollée 1970, pp.132ff.), I know of no instance of polyandry.

vatthu, literally “objects not to be gone to”: Forbidden Zones.³ The first gives Ten Women (*dasa itthiyo*), all of whom are under some form of protection, and the second gives Ten Kinds of Wife (*bhariyā*). In the first list, of the Ten Women the first eight are protected by

1. mother (*māturakkhitā*)
2. father (*pitu-*)
3. mother and father (*mātāpitu-*)
4. brother (*bhātu-*)
5. sister (*bhagini-*)
6. relatives (*ñāti-*)
7. clan (*gotta*)
8. fellow monastics (*dhamma-*, glossed as *sahadhammika-*)

The Protectors, in order to prevent their ward from having intercourse with a man before she has come of age, do not allow her to go anywhere, see other men, live by herself, and they tell her what to do and what not to do. The final two are:

9. One who is under guard (*sārakkhā*), i.e. a girl who has been promised to a man, from as early as when she was in the womb.
10. One for whom a punishment has been set (*saparidaṇḍā*) — i.e. a girl, promised to someone, whose name has been put on a public notice set up in a village, house, or street announcing a penalty for anyone who “goes to her”.

The Ten Wives are:

1. “one bought for money” (*dhanakkītā*), i.e. through a bride price or some such;
2. “one who lives [with her husband] through choice”

³See entries for *itthi* in *PED*, *DOP*, *CPD*. Searching the Chaṭṭhasaṅgāyana CD will reveal many more. There are some textual variations, of no importance here. The term *ajjhācariya-vatthu*, “object for transgressions” is also used (Pj I 31); *ajjhācariya* can refer to the transgression of any Precept.

(*chandavāsini*); i.e. man and wife marry through mutual affection;

3. “one who lives [with her husband] because of possessions” (*bhoga-*); a woman from the country who acquires tools such as mortar and pestle, i.e. who marries for social advancement;
4. “one who lives [with her husband] because of clothes” (*paṭa-*); a poor woman who acquires even a small amount of clothing, i.e., as in 3, who marries for social advancement;
5. “one who lives [with her husband] because of [the ceremony with] a bowl of water” (*odapattakini*) — oaths and vows were often taken by two people putting their hands in a single bowl of water; here the officiant says “may you be joined together unbreakingly as is this water”;
6. “one who has taken off the head-pad” (*obhaṭacumbaṭā*) [a head-pad is for carrying firewood, etc.], i.e. a former menial or slave raised in status;
7. “a wife who is also a slave” (*dāsī*);
8. “a servant-wife who works for wages” (*kammakārī*) — a man lives with her because his own wife is insufficient (*anathiko*);
9. “one brought back under a flag” (*dhajāhaṭā*), i.e. a war-captive;
10. “a temporary wife” (*muhuttikā*), i.e. a prostitute, used for a shorter or longer period.⁴

For men all Ten Women and all Ten Wives are Forbidden Zones. In the case of women, however, there is precise limitation: all Ten Wives are guilty of wrongdoing if they have sex with a man, but only the last two of the list of Ten Women are. This is because they have been promised to a man, and are counted as “having a husband” (or “owner”,

⁴On the phenomenon of “temporary wives” in Southeast Asia see Reid 1988, pp.154ff.; Andaya 1998. Thanissaro 1994, p.119, interprets this term more widely as “a date”, which is certainly possible linguistically, although it raises intriguing historical and cultural questions.

sassāmikā). The texts say (using Sp 555 with Sp-ṭ Be II 329 [Sās 90–91]⁵:

imāsu dasasu pacchimānaṃ dvinnam eva purisantaraṃ gacchantīnaṃ micchācāro hoti, na itarāsaṃ,

Of these Ten women there is Misconduct in having sex with a man for the last two, but not for the others.

pacchimānaṃ dvinnan ti sārakkhasaparidaṇḍānaṃ micchācāro hoti tāsāṃ sasāmikabhāvato. na itarāsan ti itarāsaṃ māturakkhitādīnaṃ aṭṭhannaṃ purisantaragamane natthi micchācāro tāsāṃ asāmikabhāvato ... na ca mātādayo tāsāṃ phasse issarā. mātādayo hi na attanā phassānubhavanatthaṃ tā rakkhanti, kevalaṃ anācāraṃ nisedhentā purisantara-gamaṇaṃ tāsāṃ vārenti. purisassa pana etāsu aṭṭhasu pi hoti yeva micchācāro. mātādihi yathā purisena saddhiṃ saṇvāsaṃ na kappenti, tathā rakkhitattā pasesaṃ rakkhitagopitaṃ phassaṃ thenetvā phuṭṭhabhāvato.

For the last two: for those who are under guard and for whom a punishment has been set there is Misconduct because they have a husband/owner. *But for the others there is not*: for the other eight Women, those under the protection of their mothers, etc., there is no Misconduct in having sex with a man, because they do not have a husband/owner ... Mothers, etc., do not have authority over them in relation to [sexual] contact; they do not guard them for the sake of their own experience of [such] contact; they [try to] stop them from having sex merely to prevent misbehavior.⁶ But for a man there is Misconduct in the case of these eight also. Because mothers, etc., do not arrange for [their wards to have] intercourse with men, therefore [there is Misconduct for a man] through the fact of Protection, through the state of having stolen [sexual] contact which is protected and guarded by others.

The argument is not entirely clear to me, and more work will have to be done, both text-critical and interpretative. The point seems to be that mothers and other protectors of the eight kinds of women do not have the kind of authority or ownership which a husband (actual or promised) does. A husband owns the right to exclusive sexual access,

⁵I am grateful to Thanissaro Bhikkhu for help with some of the passages translated here.

⁶Presumably *anācāra* here must refer to behavior contrary to social mores but not the Third Precept.

and so adultery with any of the other twelve women constitutes a form of theft. This seems to be the point of the sentence omitted from the passage just cited:

yā hi sāmikassa santakaṃ phassaṃ thenetvā pasesaṃ abhiratiṃ uppādentī, tāsaṃ micchācāro.

When women cause sexual desire to arise for [or in] other men, [thereby] stealing the contact which belongs to their husbands, there is Misconduct on their part.⁷

Perhaps light can be thrown on this by a passage from the Upāsakajanālaṅkāra (nos. 2, 24, p.179):

māturakkhitādayo ... aṭṭha rakkhakānaṃ anuññāya vinā vītikkamesu purisassa micchācāraṃ bhajanti. tāsaṃ pana natthi micchācāro. rakkhakānaṃ anuññāya upagame ubhinnaṃ pi natthi micchācāro.

The eight who are protected by mothers, etc., share in a man's misconduct⁸ in cases of transgression [= sex] which occur without the permission of their protectors. But there is no Misconduct (i.e. no breaking of the Precept) on their part. When there is a [sexual] approach⁹ with the Protectors' permission, there is no Misconduct for both [man and woman].

So a man's breaking the Third Precept is connected to breaking the Second, against theft. The eight women, not being the property of their Protectors, do not steal anything by having sex with a man. But the Protectors' relationship to their wards is something akin to ownership, since they can annul Misconduct for the man by giving their permission.

⁷It is possible to take the absolutive *thenetvā* here as going with *pasesaṃ* rather than the subject of the sentence, in which case one would translate "when women cause sexual desire to arise in other men, [making] them steal the contact which belongs to their husbands ...". This would fit better with the last sentence, which clearly uses *thenetvā* of men.

⁸It is not clear to me what "share" means here, and I have not found other passages which use the phrase.

⁹This sense of *upagama* is not, to my knowledge, found elsewhere in Pāli. Pāli lexicographical texts (and cf. Sadd 883–84) relate it to *upa-ni-ṣad*, "to sit [next to]", and a sexual use of *upa-gam* is found in Sanskrit (MW s.v.). It would seem here that it must be taken as a euphemism for sex.

Thus, as is often the case worldwide, sexual transgressions are committed by men not directly against a woman but against those who either “own” her or are in some other way legally responsible for her.¹⁰ In all twenty cases wrongdoing is “adultery [which is] behavior in a Forbidden Zone based on desire which transgresses conventional social boundaries” (*lokamariyādaṃ atikkamivā*, Vv-a 72–73).

In a specifically Buddhist jurisprudential-ritual sense, therefore, lay single women, of any kind (the unmarried [whether young or old], divorcées, widows, and prostitutes, on which see more below), do not break the Third Precept by having sex with a man. If they do, then what is “wrong” about it is twofold, in quite different ways. First, it is practically imprudent, given (male) marriage-expectations and social disapproval.¹¹ Second, from the ascetic–ultimate, karmic point of view — augmented by misogynist attitudes toward the imagined promiscuity of women — it is the expression of samsaric defilement.

Intercourse is defined very precisely in the Vinaya tradition (e.g. a penis enters any of a woman’s three orifices as much as the length of a mustard seed); it is not said whether this is to be taken as paradigmatic for non-monastic cases. The word *magga*, literally “pathway”, which is used there for “orifice” and where appropriate “sexual organ”, does appear in a standard list of four *sambhārā*, “prerequisites”, or “constituents” necessary for there to be an infraction of the Third Precept (e.g. Sv 1049, As 98):

- i. the existence of a Forbidden Zone (*agamanīya-* or *ajjhācariya-* *vatthu*)
- ii. the intention to perform the act (*sevanā-citta*)
- iii. an [appropriate] means (*payoga*) (transgressing the Precepts)

¹⁰For this point in later Thai legal codes on marriage, adultery, rape, etc., see Loos 2006.

¹¹e.g. S I 6 *komārī seṭṭhā bhariyānaṃ*, “a virgin is the best of wives”, to which Spk I 33 comments *kumārī-kāle gahitā*, “taken [in marriage] at the time of their youth”. A number of compounds with the word *kumāra-* refer to women who marry as virgins or men who marry virgins: cf. *DOP* s.v. *kumār-/komār-*.

involves one or more of a list of six such means, which include, for example, getting someone else to break a Precept; in relation to sex there is but one means: *sāhatthika*, literally “with one’s own hand”, but better “personally”)

- iv. consent to the physical interaction between the sexual organ and an orifice (*maggena magga-paṭipatti-adhivāsana*; Pj I 31 has simply *sādiyati*, “s/he agrees”).

The question of consent, and at what moments during an act of intercourse consent can be given or refused, receives a fair amount of discussion which I cannot go into here.¹² Whether or not the woman is willing, and in whatever senses that is understood, the man’s Misconduct depends on the status of the woman. If she has not taken the Precepts it is “not very blameworthy”, but great if she has,¹³ and the offence gets worse as the status of the woman increases (e.g. Vibh-a 383):

[T]he wrongdoing is not very blameworthy [when it involves] transgression with a woman of bad Virtue, greater when the woman’s Virtue is like a cow’s, greater [still, and incrementally] when she has gone for refuge, has [also] taken the Five Precepts, is a novice nun, an ordinary nun [i.e. one who has not attained any level of the Path], a Stream-Enterer, Once-Returner, Never-Returner; with an Enlightened Woman it is wholly and completely blameworthy.

“Like a cow’s” is *gorūpa-sīlaka*. This is equivalent to what is called

¹²Many texts discuss volition, on both the man’s and the woman’s part; this needs much more research, but it does seem that women’s volition is sometimes treated in misogynist ways: e.g., as Thanissaro Bhikkhu puts it (personal communication), in a discussion of rape at Sv-pt III 346 there seems to be “the old excuse ‘The fact that she didn’t show any desire doesn’t mean that she didn’t want it, for that’s the way women are’”. For a man, one precise example is the case of ejaculation in dreams: being unintentional it does not break any Monastic Rule, but as a manifestation of desire it does have a karmic result. See Collins 1997, p.190.

¹³e.g. Ps I 199: *so pan’ esa micchācāro sīlādiguṇarahite agamanīyaṭṭhāne appasāvajjo, sīlādiguṇasampanne mahāsāvajjo*

elsewhere “an ordinary person’s Virtue” (*puṭhujjana-sīla*)¹⁴; the image may be that a cow is innocent, intending no harm: one sub-commentary says “naturally good” (*pakati-bhadda*, Dhs-anuṭ B° 189). But another says that such a person is “blind, of blundering intellect” (*mūḷho khalitapañño*, Spk-pt (B°) I 160).

Adultery

Adultery in a general sense, when not tied to discussions of the Ten Women and Ten Wives, is expressed by verbs such as *aticarati* or *atikkamati*, “going too far, transgressing”, and also by nominal and verbal forms derived from *gam*, to go, most commonly with the compound *paradāra-*, “another man’s wife” (or wives, on which see below) as their object; the word *paradārika* is used for an adulterer. The words *jāra* (masculine) and *jārā/jārī* (feminine), “lover”, are used for partners in a sexual relationship outside normal marriage: the relationship, real or alleged, can be between monks and nuns, or other ascetics, monks and laywomen, and married men and women and their lovers.¹⁵ It is hardly likely that any extensive story-literature, in any culture, would not know of adultery; in Pāli, especially given the many misogynistic Birth Stories which aim to demonstrate the untrustworthiness and moral depravity of women, naturally many such stories are found.¹⁶ Admonitions against adultery in sermons by the Buddha and others scarcely need documenting. But what is wrong with it, why should one avoid it?

If one or both partners are in one or more of the categories which mean that their adultery breaks the Third Precept, the reasons are obvious. But adultery is spoken of usually without reference to that

¹⁴M III 255, glossed as *go-sīla-dhātuko* at Ps V 71, which adds that such a person is honest, not deceitful, does not oppress others, and makes a living rightly and properly through farming or trade.

¹⁵Monks, nuns, e.g. Vin II 259, IV 91, monks and laywomen Vin IV 20, married men, women and lovers Vin II 268, III 83, 138, 139, Ja II 292, III 92, 223.

¹⁶See Jones 1979; Bollée 1970; Amore and Shinn 1981.

particular jurisprudential manner of evaluation, and the arguments offered against it are various. One story, the “Foot of a Mountain” Birth Story (Ja II 125–27), has a remarkable mixture of disapproval and acceptance. In both the Story of the Present, with the king of Kosala and the Buddha, and that of the Past, with King Brahmadata in Benares and a wise councillor, one of the king’s ministers “does something wrong” in the harem.¹⁷ In the Present, the king reflects that the minister is useful, and the woman is dear (*piyā*) to him, so he cannot destroy them. The Buddha agrees, saying that when servants are useful and women dear one cannot do them harm, and he then tells the Birth Story, where King Brahmadata tells the minister what has happened in a riddling verse, “At the pleasant foot of a mountain was an auspicious lake; a jackal drank from it, though he knew it was protected by a lion.” The minister understands, and replies, “Great king, [whatever] animals drink from a great lake, it is none the less a lake; if she is dear to you, forgive (*khamassu*) [them].” “None the less a lake” renders *na tena anadī*; *a-nadī* is literally “a non-lake”, and as usual the negative prefix can be taken in the sense of a logical negation and/or in the sense of a negative evaluation: “a not-X” and/or “a bad X”. The commentary says,

[A]ll creatures, two-footed, four-footed, snakes and fish, drink water from a lake when they are thirsty, but it is not for that reason any less a lake: it is not a polluted lake. Why? Because of its being common to everyone. Just as a lake drunk by anyone and everyone is not corrupted, so a woman who through defilement transgresses against her husband by having sex with another man is none the less a woman. Why? Because [of her, *or* all women’s?] being common (*sādhāraṇa*) to everyone. She is not a polluted woman. Why? Because of becoming pure [again] through washing at the end [So, the advice is] forgive both of them and preserve [your] equanimity.¹⁸

¹⁷The verb is *padussi*, from *pra-duṣ*, whence the word *doṣa* (Pāli *dosa*), one of the commonest and least specific words for a wrong, in some sense of that word.

¹⁸“Polluted” is *ucchiṭṭha*, for which *DOP* has “left-over [of food], touched, spat out, used, cast-off, polluted”, citing the compounds *-odaka*, “water that has

The king does so, telling them not to commit such evil (*pāpakamma*) again, and they stop.

The most general argument against adultery is a version of the golden rule given by the Buddha to dissuade male householders:

Again, householders, a noble disciple should reflect thus: “If someone were to commit adultery with my wives, that would not be pleasing and agreeable to me. Now if I were to commit adultery with the wives of another, that would not be pleasing and agreeable to the other either. What is displeasing and disagreeable to me is displeasing and disagreeable to the other too.” Having reflected thus, he abstains from sexual misconduct, exhorts others to abstain from sexual misconduct, and speaks in praise of abstinence from sexual misconduct. Thus his bodily conduct is purified in three respects.¹⁹

There are also more immediate disadvantages. A poem of the Suttanipāta, “The Discourse on How Not to Thrive”,²⁰ lists twelve kinds of misfortune resulting from such things as being too fond of sleep or lazy, not supporting one’s parents, and being rich but enjoying oneself alone. The eighth (106) is “being a womanizer [which leads to] squandering what one has acquired”. The tenth (110) is “being an old man who brings home a [young] woman with breasts like timbaru fruit, [which leads to his] not sleeping because of jealousy over her”; the commentary explains this as an eighty- or ninety-year-old man thinking that his young wife will have no pleasure living with an old man and so seek a younger one: burning with lust and jealousy he forgets to look after his affairs and so comes to ruin. The ninth (108) is “being unsatisfied with one’s wife and being seen with prostitutes and other men’s wives”; the commentary explains that visiting prostitutes means giving away money, while adultery involves being punished by the king.

been spat out”, and *-geha*, “a house which is not new; a house already lived in”. *Odakantikataṅkā*, “ending with a [ritual] wash”, is a defining characteristic of sex in the Monastic Code (Vin III 28).

¹⁹S V 354, tr. Bodhi 2000, p.1798.

²⁰*Parābhava-sutta*, Sn 91–115. For the meaning of *parābhava* see Norman 2001, p.186, ad Sn 92.

Other texts also suggest that adultery is a public crime, but not all. The issue requires further research, and as with many other issues discussed here, such research may reveal differences between different Pāli texts, which may reflect local variations in practice.²¹ Two verses in the Dhammapada (309–10), in a chapter entitled “Hell”, state:

A careless man who courts another’s wife gains four things: acquisition of demerit, an uncomfortable bed, third blame and fourth hell.

Acquisition of demerit and an evil state of rebirth, and a brief delight for the frightened man with the frightened woman, and the king imposes a heavy punishment. Therefore a man should not court another’s wife.²²

The word-commentary says that the king’s punishment involves such things as cutting off hands and feet, but the story attached to the verses in the same text — which might well be of different provenance — is quite different (Dhp-a III 479–81). It concerns a handsome young man called Khema, a nephew of the rich banker Anāthapiṇḍika and an habitual adulterer. Women have merely to look at him to lose control of themselves. (He has this ability thanks to the fact that in a previous life, at the time of the Buddha Kassapa, he had offered two colored flags at a Buddha-shrine with the wish “May all women apart from my family and relatives fall in love with me on sight.”) He is arrested three times, but the king releases him each time, feeling ashamed for the banker.

²¹Sp 561, commenting on *alaṃvacanīyā*, a woman who is or can be divorced, says at Vin III 144: *yā hi yathā yathā yesu yesu janapadesu pariccattā va hoti, ... ayaṃ alaṃvacanīyā ti vuccati*, “a woman is called ‘One about whom Enough! is to be said’ when she has been abandoned by whatever means [is current] in whatever region”; the sub-commentary (Sp-ṭ B° II 329) adds: *alaṃvacanīyā hontī ti desacārittavasena paṇṇadānādinā pariccattā hontī*, such women “are abandoned by such means as giving a letter, according to the custom of the region”.

²²*cattāri thānāni naro pamatto, āpajjati paradārūpasevī | apuññalābhaṃ na nikāmasēyyaṃ, nindaṃ tatīyaṃ nirayaṃ catutthaṃ || apuññalābho ca gatī ca pāpikā, bhūtassa bhūtāya ratī ca thokikā | rājā ca daṇḍaṃ garukaṃ paṇeti, tasmā naro paradāraṃ na seve*. The translation is from Norman 1997, p. 45. The commentary explains “an uncomfortable bed” as meaning that he cannot sleep when he wants to, and sleeps little.

Anāthapiṇḍika tells all this to the Buddha, who speaks the verses to Khema “to show the fault (*dosa*) in going after other men’s wives”. Leniency for adulterers is also suggested by another remark of the Buddha in the same text, in which he “does not make any one Precept lesser [than another]” because “they are all difficult to keep”.²³ This precedes a verse which says that “whoever ... goes to another’s wife digs up his own root here in this very world”. The word-commentary specifies this as not paying attention to his business affairs and wasting money, without mentioning public punishment.

In the long term, the karmic punishment for adultery is bad rebirth. Male and female adulterers go to hell: an example very common in modern Thai temple wall-paintings is one where they are forced by armed guards repeatedly to climb a tree with sixteen-finger-long iron thorns (see, e.g., Ja V 269, explained at 275). Various other karmic effects are described: male adulterers are reborn as human women; women who avoid adultery are reborn as men (e.g. Dhp-a I 327, where the text remarks that “there are no men who have not previously been women, nor women who have not previously been men”); one male adulterer is reborn submerged head-deep in a pit of excrement, and an adulteress flies through the air with flayed skin, attacked by vultures (S II 259). In both cases, he/she “as a result of that deed cooked in hell for many hundreds of years, many thousands of years, many hundred thousands of years ... through the power of the ripening of that same deed”.

Single Women (Young and Old), Divorcées, Widows, and Prostitution

It would seem to follow from the logic of the remarks about the last two of the Ten Women and the Ten Wives that no other woman breaks the Third Precept in having sex. This is said in some texts about

²³Dhp-a III 355, *ekasīlam pi kaṇṭhakaṃ akatvā sabbān’ eva durakkhānī ti*, preceding Dhp 246. The particle *eva* here could be read as meaning “equally”, though that might be an exaggeration.

prostitutes (see below), but I do not know of it being said specifically of other single women, who are usually referred to disparagingly. Young girls, starting at around sixteen (the usual age for marriage) “wish for men, lust for men”; “the madness of youth” can make them enter into inappropriate sexual liaisons.²⁴ Older women who do not get married or enter the Monastic Order are called *thullakumārikā*, which is best rendered simply as “spinster”. The word *thūla/thulla* can mean physically big: Horner has “grown girl”, referring to the commentarial gloss *mahallikā*, “old”. It can mean “gross” in an evaluative sense: Rouse has “coarse”, translating an explanation in the Cullanārada Jātaka: “You must understand that a ‘coarse’ girl does not mean one whose body is fat, but be she fat or thin, by the power of the five sensual passions she is called ‘coarse’.”²⁵ Spinsters are one place to which a monk should not go for alms — they are *agocara*: “such girls have grown up, and are past their prime — they go about desiring men, looking for intimacy with anyone”.²⁶ The usual word for widow is *vidhavā* (possibly simply *vi-dhava*, “without a man”); widows, like spinsters, are also said to be a place monks should not go for alms, since they also “are on the lookout for intimacy with anyone”.²⁷ On the other hand, widows, like young girls, could be victims, as the terms *kaññero* and *vidhaverō*, “preying on virgins [and] widows” suggest.²⁸ The

²⁴e.g. Dh-p-a II 217: *tasmiñ ca vaye thitā nāriyo purisajjhāsaya honti purisalolā*; Dh-p-a I 239–40: *yobbanamadammattatāya purisalolā* (*purisa-lola* is said to be one of five kinds of lust or greed afflicting women, Pj II 35–6, Sās 220)

²⁵Ja IV 219–20 (cf. Ja III 147) *thullakumārikā ti na ca thūlasarirā daṭṭhabbā, thūlā vā hotu kisā vā, pañcakāmaguṇīkarāgena pana thūlatāya thullakumārikā ti vuccati*, tr. Rouse 1895, p.137. Horner’s version is at Horner 1982 [1951], p.87.

²⁶Sp 991, *yobbanappattā yobbanātītā vā kumāriyo; tā purisādhippāyā va vicaranti, yena kenaci saddhiṃ mittabhāvaṃ patthenti*; Nidd-a 451, Vibh-a 339–40 have *mahallikā anivūṭṭhakumāriyo*.

²⁷e.g. Sp 991–92 *tā yena kenaci saddhiṃ mittabhāvaṃ paṭṭhenti*.

²⁸Norman 1992, pp.88–90, referring to Ja IV 184, VI 508, and discussions in grammatical texts.

difficulty of life as a widow is a familiar topos of South Asian literature; widowhood is one of ten things “looked down on by people” (Mil 288). I have not yet examined texts referring to divorcées, but the fact that commentaries define a widow as a woman whose husband is dead or living somewhere else would suggest that their moral–legal status might be comparable.²⁹

Limitations of space prevent further exploration of these issues. But both for its own sake, and because of the contemporary significance of prostitution in countries where Pāli texts are seen as “the Buddhist tradition”, where some people connect its growing prevalence with the misogyny which is certainly found in some Pāli texts, it is perhaps worth while looking more closely at the issue. The Pāli imaginaire as a whole is uneven: on the one hand, prostitution is called a “defiled form of action” which results in blame in this life and bad destinies in the future; words for “prostitute” are used as insults; prostitutes are an unsuitable source of alms for monks; and their alleged obsession with sex and availability to all is used as a denigratory figure in misogynist characterizations of women in general. On the other hand, prostitutes are capable of virtue (*sīla*); to be a wealthy and cultured prostitute can be a reward for good karma; they can give alms to monks; and they may be ordained as nuns, and go on to attain enlightenment.

The most common word for prostitute is *gaṇikā*. The word is from *gaṇa*, an amount, a number, or a crowd, but the exact etymology of the term is uncertain: it may mean “one who belongs to a crowd”, or “one who [is had] for a [specific] amount”. It is sometimes said in secondary sources that *gaṇikā* denotes a high-class “courtesan”³⁰ — that is, a

²⁹e.g. Vibh-a 339 *vidhavā vuccanti matapatikā vā pavuthapatikā vā*. Although they may not technically speaking break the Third Precept, one should note such texts as Mil 205ff., which describes a woman whose husband was living away but who nonetheless did not do wrong (*pāpaṃ nākāsi*) with any man even though she was offered large sums of money to do so.

³⁰This word is often used simply as a euphemism. I use “prostitute” with no pejorative sense intended.

woman who, like an ancient Greek hetaira or Japanese geisha, is cultured and accomplished in the arts (especially dancing) as well as a sexual partner — in contradistinction to *vesī*, which denotes a lower-class harlot.³¹ This is not consistently borne out by the use of the words, however. They are given as synonyms³²; in one story (Vin III 138–39), a group of womanizers³³ send a messenger to summon a *vesī* to a park where they are enjoying themselves. She refuses, saying that she is rich and prosperous and will not leave the city. They engage the services of the monk Udāyi, who acts as a go-between with her, thus causing the Buddha to promulgate Saṅghādisesa Rule no. 5, prohibiting monks from acting as go-betweens to arrange for a marriage, a lover or a “temporary woman”. The word *vesī*, or *vesiyā/vesikā*, has been connected with *vessa*, Sanskrit *vaiśya*, the third of the four Brahmanical social groupings (thus *PED* s.v. “a woman of low caste, a harlot”), but it is probably from Sanskrit *veśa*, “a house (sc. of ill-repute)”, from *viś*, “to enter or settle down”. All prostitutes are *rūpūpajivīnī*, “women who live off their *rūpa*”, which here may mean “[good] looks” or simply “body”. Some higher-class ones, especially those who seem to have been established by a city or township, are called *nagarasobhinī*, “women who beautify the city”. Another word is *vaṇṇadāsī*, “slave of beauty”.³⁴

³¹Thus Perera 1993, p.215, no. 341: “The *gaṇikā*, though serving the needs of sex, is not the despicable creature that the prostitute is.” Cf. Murcott 1991, pp.119–20.

³²e.g. Sp 1293 on Vin II 267, Abh 233.

³³They are called simply *dhuttā*, “rogues”, “abandoned” to one or more of three things: women, alcohol and gambling. The commentary here (Sp 553) naturally specifies them as womanizers, *itthi-dhuttā*.

³⁴Abh-ṭ B^c 169 explains the term at Abh 233 as *vaṇṇasampannā dāsī vaṇṇadāsī*. *dāsim pi hi vaṇṇasampannaṃ keci sāmikā dhanalobhena gaṇikaṃ karonti*, “a slave endowed with beauty is called a slave of beauty. Some owners make a slave-woman a prostitute because of their greed for money.” Some mss of Thī 442 + Thī-a 248 use the word of someone said to be “neither man nor woman” and “neuter” (*napuṃsaka*) — presumably intending to refer to a male prostitute.

Prostitution is described, sometimes by prostitutes themselves, as a “defiled form of action” (*kiliṭṭha-kamma*);³⁵ *kiliṭṭha* is from *kliś*, to be troubled, stained, defiled, whence the term *kilesa*, an ubiquitous Buddhist term: *kilesa-nibbāna*, “the nirvana of the Defilements”, is a defining characteristic of final nirvana (Collins 1998: 148, 151). Texts list various kinds and numbers of *kilesa*;³⁶ those most relevant to prostitution would appear to be no. 1 *lobha*, “greed”; no. 9 *ahirika*, shamelessness; and no. 10 *anottappa*, not fearing blame. Vimalā, a prostitute who became a nun and Arhat, falls in love with the monk Moggallāna; she goes to him and does *palobhana-kamma* in his direction, which Pruitt (1998: 101) translates “make seductive action”.³⁷ He repels her with verses on the foulness of the body and so causes her to establish Shame and Fear of Blame (*hiri-ottappa*). Later she recalls how, intoxicated with her youthful beauty, she used to stand at the brothel door like a hunter, “revealing many secret places” (specified as thighs, hips, and breasts, Thī 72ff. and Thī-a 76–77). Yet worse, some prostitutes abandon baby sons, preferring daughters they can train in their own métier.³⁸ Aḍḍhakāsī (e.g. Thī-a 29–31) and Ambapālī (e.g. Thī-a 198–204), both of them wealthy, and who both became nuns and Arhats, are said to have used the word *gaṇikā* as an insult to Buddhist nuns in previous lives, and as a result to have been

³⁵e.g. the term is used of Sirimā, who abandons it and attains the Fruit of Stream-Entry (Vv-a 74–75); it is said by a *nagarasobhinī* of herself at Ja III 435ff., and of a *gaṇikā* at Pv-a 195). It is used for other misdeeds, e.g. a proposed act of incest (Ja IV 190), pork butchery (Dhp-a I 125–28), and refuse-sweeping (Vbh-a 440–1). At Ja III 60 a *gaṇikā* calls her trade *nīca-kamma*, “inferior work”.

³⁶e.g. ten (Vbh 341, Vism 683 = XXII 49), five hundred (Spk I 187), fifteen hundred (Ud-a 138–39, 335f.)

³⁷*Palobhana*, I think, has both simple and causative senses: action based on and intended to incite greed.

³⁸e.g. Sālavatī (Vin I 269), whose son survived and went on to become the prosperous physician and Buddhist lay-supporter Jīvaka (cf. also Pv-a 195); cf. Dhp-a I 174, and see Horner 1930, pp.87ff.. Their métier is called a “tradition” (*paveṇi*).

reborn in hell and as prostitutes. Prostitutes are the first of the list of five places to which a monk should not normally or regularly go for alms (*agocara*), the others being widows, spinsters, nuns and bars. The reasons given for this are that monks are likely to develop a fondness for going there often, and that in any case their going there would be a cause for reproach from others. (But if prostitutes wish to make merit to transfer to dead relatives or to give monks “ticket-food”, monks may go there as long as they establish mindfulness.³⁹) Just one example of the image of prostitutes in characterizations of women as a whole will suffice, from the Kuṇāla Jātaka.⁴⁰ A verse and its commentary have: “Like a lion eating blood and meat, a beast of prey, grabbing with its paws and jaws, greedy, obtaining his food by force, ready to hurt others, so are women: a man should not confide in them ... Not only ... are [women] whores, harlots and prostitutes, not only strumpets: murderesses are they!” “Murderesses” (*vadhikāyo*) is explained as “husband killers” (431), where reference is made to another Birth Story (Ja V 367), where “many women” are said to be common property like a bar to drunks, and (a common trope) “the snare of Death”.

Nonetheless, other texts describe prostitutes as capable of *sīla*. The Kurudhamma Jātaka (no. 276, Ja II 365–81) tells a utopian story of the Kuru kingdom, where everyone, including prostitutes, keeps the Five Precepts so assiduously that they worry that they may have broken them because of “a trifle”. They are all “sages of old”, even though “they were living the defiled life in a household” (*agāramajjhe saṅkiliṭṭha-bhāva*). Eleven examples are given, to messengers who come from another kingdom where no rain falls in order to learn what it is about the Kurus’ Virtue which causes rain to fall there. Each person doubts that they have kept one or other Precept: two concern the Third. The queen saw her husband’s brother, the viceroy, riding on an elephant one day,

³⁹Vin I 70 + Sp 991–92, A III 128 + Mp III 278 + Mp-ṇṭ B^c III 39, Nidd I 473 + Nidd-a 451, Vbh 247 + Vbh-a 339–40, Vism 17 = I 18 + Vism-mhṭ B^c I 42.

⁴⁰No. 536, Ja V 412–56; tr. Francis 1895, pp.219–45; ed. and tr. Bollée 1970. Text cited Ja V 425 = Bollée, p. 23, translation from Bollée, pp. 132–33.

felt greed for him and fantasized that her husband would die, the viceroy would become king and marry her; she then doubted her virtue because she had looked at another man “in a defiled manner”; the messengers assure her that “there is no adultery in the mere occurrence of a thought” and pass on. The last is the prostitute. She doubts her *sīla* because in the past Sakka, in the form of a young man, gave her money in advance of an assignation, but then returned to heaven for three years. The prostitute, “fearing to break her Virtue”, refuses to accept anything from any other man; she thus falls on hard times and goes to the Chief Justices to ask permission to start earning her wages as before. They give it, but as she is about to take money from another man, Sakka reappears and she refuses the money. He reveals his true identity, admonishes the crowd to preserve Virtue as she has done, and leaves. She nonetheless thinks that her virtue is faulty because she stretched out her hand to take money from another man. The messengers insist that her *sīla* is in a state of “perfect purity” (*paramā pārisuddhi*).

In another story a young woman and a prostitute are among fourteen cases of people who have fallen on hard times. A wise king explains how they must mend their ways: the woman has a lover living between her husband’s and her parents’ villages; she pretends to visit her parents but stays with her lover. The king says she should stay with her husband, otherwise he (the king) might seize her and put her to death. The prostitute used not to take money from another man until she had fulfilled her contract with whoever had given her money, and so she earned a lot; but now, giving up that practice (or: form of propriety, *dhammatā*), she takes money from one man, but gives an opportunity to another man instead of him, and so no one comes to her. She should keep to her old dhamma (Ja II 308–309).

One text argues explicitly that prostitutes do not break the Third Precept. It was edited by Jaini — who says that “this passage is probably the only place in Buddhist literature where the problem of the application of the lay discipline to a courtesan has been raised” — under the title Lokaneyyapakaṇaṃ, on the basis of one nineteenth-century

Thai manuscript in Khmer script, and dated by him tentatively “not later than the fourteenth century A.D.” (1986: xliii, xlvii). The relevant section is found in the Kurudhamma Chapter (based on the Kurudhamma Jātaka), and it is not easy to interpret.⁴¹ A series of arguments and analogies begins with the statement that a *gaṇikā* has a fourfold duty (*kiCCA*): she is to (i) preserve *sīla* by taking money from anyone, whatever their social level; (ii) remain calm (*niccalā*) throughout her sexual encounters; (iii) after taking money for a later assignation, not go with anyone else even if they offer more money; and (iv) remain equanimous during encounters and not afterwards show personal preferences for any customers, whatever their social level. It then — in a style typical of Southern Asian philosophical texts — refutes an imagined objector who claims that a prostitute breaks the Third Precept because she goes with other women’s husbands. First, it argues that just as a person whose retinue or slaves or relatives⁴² go on board a boat in order to trade is competent (or: has the right, *samattha*) to rebuke or strike them, but cannot impute blame to the ferryman, so the wives of the men who have sex with a prostitute cannot impute blame to her. Second (Lkn 194):

yasmā porāṇā rājāno tam ānetvā tassā yattakaṃ kālaṃ bhatim denti tesam tāya saddhim methunasamvāso tattakaṃ kālaṃ hoti, te pi sakasakabhariyāyo mā tassā dosam āropetha, idaṃ rājadhanaṃ vaḍḍhanathāya samvattatī ti saññāpesuṃ, tesam pi bhariyāyo ayañ ca ayañ ca me me sāmiko ti paggahesuṃ, tasmā tassā majjhaccittena kāmesu micchācārā verāmaṇi hoti n' eva nindā hoti.

Just as when kings in the past, bringing a prostitute [to their realm] had sex with her for however much time they had paid her for, and conciliated their respective wives, [saying,] “Do not impute blame to her, this is conducive to increasing the royal wealth”, [while] the wives on the other hand accepted it [each saying] “This is my *sāmika*”; therefore because of her

⁴¹Jaini’s summary (1986, p.xlii) appears to be studiedly vague, and may be mistaken in some details. I thank K.R. Norman (personal communication) for help with the sentences I have been prepared to translate here.

⁴²Reading (as suggested by K.R. Norman) *parijana dāsā vā nātisālohitā vā*.

psychological equanimity there is abstinence from sexual misconduct, [and so] there is no blame.

(Presumably the increase to royal wealth came from taxation of the prostitute's earnings from other men.)

A number of texts describe prostitutes who were expensive: they become rich and those who tax them profit also. There are many examples of ex-prostitutes who became nuns and even Arhats: see *DPPN*, for example, for the stories of Aḍḍhakāsi, Sirimā, Abhayamātā, Vimalā, and others, especially the doyenne of prostitutes in Pāli texts, Ambapāli, who receives special attention and privilege from the Buddha while still a prostitute.

In general, therefore, the attitude to prostitution in Pāli texts seems to be this: from the ascetic–ultimate perspective, prostitutes' behavior is a prime example of the greed, attachment, and defilement which tie all those who live the household, married life to rebirth. Some can, however, reform and attain enlightenment in the same life. From within a karmic perspective prostitutes do not, or at least do not necessarily do, wrong, and do not break the Third Precept. Men who visit them likewise do not break the Precept (they are not a Forbidden Zone, as are the Ten Women and Ten Wives), although the psychological and interpersonal ideal of monogamous fidelity would seem to tell against the habit.

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ABBREVIATIONS AND TEXTS CITED

All abbreviations for Pāli texts follow *CPD*

DPPN = G.P. Malalasekera, *Dictionary of Pāli Proper Names*

CPD = *Critical Pāli Dictionary*

DOP = M. Cone, *A Dictionary of Pāli*, Part 1

MW = Monier-Williams' Sanskrit–English Dictionary

PED = *Pali Text Society's Pāli–English Dictionary*

The Chaṭṭhasaṅgāyana CD is available from www.vri.dhamma.org

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