SEXUAL MISCONDUCT (KAJI1ESUMICCHACARA) AND PHILOSOPHICAL IMPLICATIONS OF SEXUAL DEVIANCE IN BUDDHIST LITERATURE AND CONTEMPORARY BUDDHIST SEXUAL ETHICS

PHRAMAHA YOTA PAYUTTO (CHAIWORAMANKUL)

A DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT

OF THE REQUIREMENTS FOR

THE DEGREE OF

THE DEGREE OF DOCTOR OF PHILOSOPHY IN PHILOSOPHY

GRADUATE SCHOOL OF PHILOSOPHY AND RELIGION

ASSUMPTION UNIVERSITY OF THAILAND

SEPTEMBER 16, 2015

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ABSTRACT

This study is to examine the concept of 'sexual misconduct' and its ethical criteria in the view of Buddhist ethics, to explore the philosophical inferences of sexual deviance in Buddhist literature and contemporary Buddhist sexual ethics, and to confer the concept of 'sexual misconduct' and the philosophical inferences of sexual deviance in Buddhist literature and contemporary sexual ethics Buddhism.

The concept of 'sexual misconduct' *(kāmesumicchācāra)* and its ethical criteria in the view of Buddhist ethics involves three levels, i.e. the fundamental middle and high levels. Its criteria are stressed on intentions of the three wholesomeness and are founded on laws, traditions and culture. It is further found that Buddha has instructed right is right and wrong is wrong but norms and values-orientation are imperative. Nevertheless, contemporary sages less discusses on the details of sexual misconduct and deviant methods and processes except for its critical consequences, and they usually fade out their discussions if digging the issues deeper.

In exploring the philosophical inference of sexual deviance in the Buddhist context and contemporary sexual ethics in Buddhism, it is found that Buddhist sects do not stigmatize the lay homosexuality except disapprove ordination. There are seven or more deviances are found in the vinaya. But the western Mahāyāna and Theravāda have no common agreement on the taxonomy of sexual deviance. Though Buddha and monks offer and show the way to happiness to the Buddhists, but not few Buddhists select to enjoy prolong unhappiness. Surprisingly, the Tibetan Mahāyāna sages assert that sexual deviance is not wrong, if it comes from ignorance about cause and effect.

Any misconduct is in itself wrong and never initially harmonises the abusers with the victims; but the worst is that it couples with lies and disharmonises the abuser group and the victim group, which finally disharmonises communities. As the proverb says no poisonous trees yield non-poisonous fruits. It is common that the good may badly thinks but they never subdue to their bad thoughts. The teachings of Buddha are still then sacred. They are the porches opened to peace, order and quality of life. Buddhist vinaya though strict but in practice it opens opportunities for every man for ordination even for the homosexual or the LBGT who can fulfil the conditions of the vinaya. To make the matter clearer, an analysis of the case of queen Mallikā is made, it is evident that either sexual misconduct or sexual deviance always couples with lies or it is natural that when one violates the 3rd precept one usually violates the 4th precept like queen Mallikā. Those who involve in sexual deviance are prone to violate all the three levels of ethics.

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Phramaha Yota Payutto (Chaiworamankul)

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TABLE OF CONTENTS

		Pages
ABSRACT		ii
ACKNOWLEDGEMENTS		iv
TABLE OF CONTENTS		v
LIST OF TABLES		xii
LIST OF FIGURES		xii
ABBREVIATIONS		xii
CHAPTER I:	**INTRODUCTION**	1
	1.1. Significance and Background of the Research	1
	1.2. Thesis Statements	12
	1.3. Research Objectives	12
	1.4. Preceding Related Research	12
	1.5. Definition of the Terms	18
	1.6. Research Limitations	20
	1.7. Research Methodology	20
	1.8. Theoretical and Conceptual Frameworks	21
CHAPTER II:	**THE CONCEPT OF 'SEXSUAL MISCONDUCT' *(KĀMESUMICCHACĀRA)* AND ITS ETHICAL CRITERIA IN THE VIEW OF BUDDHIST ETHICS**	24
	2.1. Etymology and Elements of Sexual Misconduct *(Kāmesumicchācāra)*	24

TABLE OF CONTENTS (cont.)

Pages

2.1.1. Etymology of sexual misconduct (*kāmesumicchācāra*) 25

2.1.2. Elements of sexual misconduct (*kāmesumicchācāra*) 28

2.1.3. The Differences between *Kāme* and *Kāmesumicchācāra* 32

2.2. The Buddhist Ethics in General 33

2.3. The Moral Principles of 'Sexual Miscon-duct' (*kāmesumicchācāra*) 37

2.3.1. Precept *(sīla)* and sexual miscon-duct *(kāmesumicchācāra)* 37

2.3.2. Buddhist Ethics Concerning Sexual Misconduct *(kāmesumicchācāra)* 38

2.3.3. The Lay Buddhist and the Third Precept -*kāmesumicchācāra* 43

2.4. Criteria of Buddhist Ethics 44

2.4.1. Primary Level Criteria 44

2.4.2. Secondary Level Criteria 45

2.4.3. Violating-Precepts Conditions *(pañcasīla)* 45

2.4.4. Sexual Misconduct and Its Criteria 47

ASSUMPTION UNIVERSITY OF THAILAND SINCE 1969

TABLE OF CONTENTS (cont.)

		Pages
	2.4.5. Sexual Deviance and Its Criteria	48
	2.5. Buddhist Ethics and the Problem of Sexual Misconduct *(kāmesumicchācāra)*	49
	2.5.1. Consequences of Sexual Misconduct: *Kamma and Vipāka*	53
	2.5.2. Sexual Pleasure and the Concept of Sin *(pāpa)*	56
CHAPTER III:	**SEXUAL DEVIANCE IN THERAVĀDA BUDDHIST LITERATURE AND CONTEMPORARY BUDDHIST SEXUAL ETHICS**	61
	3.1. Sexual Deviance in Theravāda Buddhist Text	61
	3.1.1. *Ubhatobhayanjañakas*: hermaphrodite	62
	3.1.2. *Paṇḍakas*: Eunuch or the Castrated	64
	3.1.3. Attitudes to *Paṇḍaka* and *Ubhato bhayañjanaka* in the Tipiṭaka	66
	3.1.4. Cases of Discrimination Against *Ubhatobhayañjanaka* and *Paṇḍaka* in the Scriptures	68
	3.1.5. Cases of Tolerance of *Paṇḍaka* in the Scriptures	69

TABLE OF CONTENTS (cont.)

		Pages
	3.1.6. Laity and Monastic Practices	71
3.2	Sexual Deviance in the Contemporary Buddhist Sexual Ethics	72
	3.2.1. Dalai Lama's Perspectives	73
	3.2.2. Thich Nhat Hanh's Perspectives	76
	3.2.3. Utilitarianism Perspectives	77
	3.2.4. Deontology and Categorical Imperative	78
	3.2.5. LGBT (Lesbian, Gay, Bisexual and Transgender) People in Later Traditions	79
	3.2.6. Contemporary Thai Views on Homosexuality	81
	3.2.7. Comparing *Ubhatobhayañjanaka, Paṇḍaka* and *Kathoey*	91
CHAPTER IV:	**DISCUSSIONS**	98
4.1.	Discussions of the Concept of 'Sexual Misconduct' (*kāmesumicchācāra*) and its Ethical Criteria in View of Buddhist Ethics.	98

TABLE OF CONTENTS (cont.)

Pages

4.1.1. The General Concept of 'Sexual Misconduct' *(kāmesumicchācāra)* by Texts of Theravāda and Mahāyāna 98

4.1.2. The General Concept of Sexual Misconduct *(kāmesumicchācāra)* by some Leading Contemporary Thinkers 101

4.1.3. The General Ethical Criteria of 'Sexual Misconduct' *(kāmesumicchācāra)* in View of Textual Theravāda and Mahāyāna Ethics 104

4.1.4. The General Ethical Criteria of 'Sexual Misconduct' *(kāmesumicchācāra)* in View of Contemporary Thinkers 107

4.2. Investigation of the Philosophical Inference of Sexual Deviance in the Buddhist Context and Contemporary Sexual Ethic in Buddhism 110

4.2.1. Sexual Deviance in Theravāda and Mahāyāna Buddhist Texts 110

4.2.2. The Philosophical Inference of Sexual Deviance in Contemporary Sexual Ethics in Buddhism 118

TABLE OF CONTENTS (cont.)

Pages

4.3. Discussion of the Concept of 'Sexual Misconduct' (*kāmesumicchācāra*) and the Philosophical Inference of Sexual Deviance in the Buddhist Context and Contemporary Sexual Ethics in Buddhism 121

4.3.1. The Concept of 'Sexual Misconduct' *(kāmesumicchācāra)* and the Philosophical Inference in the Buddhist Context 121

4.3.2. The Concept of Sexual Deviance and the Philosophical Inference in the Buddhist Context 127

4.4. Sexual Misconduct and Sexual Deviance: Criticism and Responses 133

4.4.1. The Fundamental Level of Ethics 134

4.4.2. The Middle Level of Ethics 136

4.4.3. The High Level of Ethics 138

4.4.4. The Case of Queen Mallikā in Views of Utilitarianism, Deontology and Buddhism 142

TABLE OF CONTENTS (cont.)

		Pages
CHAPTER V:	**CONCLUSIONS AND RECOMMENDATIONS**	153
	5.1. Conclusions.	153
	5.1.1. The Concept of 'Sexual Misconduct' *(kāmesumicchācāra)* and its Ethical Criteria in the View of Buddhist Ethics	153
	5.1.2. Investigation of the Philosophical Infe-rence of Sexual Deviance in the Buddhist Context and Contemporary Sexual Ethics in Buddhism	155
	5.1.3. Discussions of the Concept of 'Sexual Deviance and the Philosophical Inferences in the Buddhist Context and Contemporary sexual ethics in Buddhism	157
	5.1.4 Sexual Misconduct and Sexual Deviance: Criticism and Responses	159
	5.2. Recommendations for Further Study	160
REFERENCES		161
APPENDIX		183
AUTOBIOGRAPHY		187

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LIST OF TABLES

Table No.	Descriptions	Pages
2.1.	Precept *(sīla)* paired with Ennobling Virtue *(dhamma)*	34
2.2.	The 10 wholesome courses of action	35

LIST OF FIGURES

Figure No.	Descriptions	Pages
1..1.	Conceptual Framework	23

ABBREVIATIONS

Buddhist texts:

A	=	Aṅguttaranikāya
AA	=	Aṅguttaranikāya-Aṭṭhakathā (Commentary) Manorathapūranī
D	=	Dīghanikāya
Dh	=	Dhammapada
DhA	=	Dhammapada-Aṭṭhakathā (Commentary)
It	=	Itivuttaka
M	=	Majjhimanikāya
Maṅgal	=	Maṅgalatthadīpanī
Ndd I	=	Mahāniddesa (Khuddakanikāya)
Ndd II	=	Cūlaniddesa (Khuddakanikāya)
S	=	Saṁyuttanikāya
Sn	=	Suttanipāta
Ud	=	Udāna
Vin	=	Vinayapiṭaka

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VinA	=	Vinaya-Aṭṭhakathā (Samantapasādikā)
Vism	=	Visuddhimagga

Other Abbreviations:

Ed.	=	Edition
ITC: ONB	=	Information Technology Center: Office of National Buddhism
Pew	=	a family name of Joseph Newton Pew
PTS	=	Pāli Text Society
Tran	=	Translation
Vol	=	Volume

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CHAPTER I

INTRODUCTION

1.1 Significance and Background of the Research

The teachings of Buddha about sexual misconduct *(kāmesumicchācāra)* or the third precept is unheard of in most groups of Buddhists because carnal immorality silently creeps into sexual misconduct and deviance and is claimed as an avoidance of redundancy or an excuse for excitement, adventurousness and initiative. Some groups defend their personal freewill, but still commit *kāmesumicchācāra* in order to maximise personal lustful gains and minimise costs through sensual abnormalities.

Buddha says that sexual misconduct violates the third precept, and that his followers should seriously heed it. People who indulge in any sexual misconduct will end-up in the three evil realms and hell. Buddha declares that both anal sex and oral sex are sinful whether the partners are either homosexual or heterosexual. Buddha warns that any gay homosexual indulging in oral sex, anal sex, or sodomy with boys will, upon their death, be reborn into the evil realms, particularly Hell (M III 179; S I 149; AA II 853;Wijratne & Ropert, tr., 2007, pp.167-168; Buddha Words, 2011).

Sexual misconduct includes three acts, i.e. 1) if men have anal or oral sex with their wives, 2) if men have any forms of sex with another men's wives, and 3) if men coerces other persons to perform any sex (that may or may not be deviant, perverted, distasteful or uncomfortable for his partner). Passive partners (on the receiving end), who enjoy any sexual misconduct and do it many times,

will be reborn into hell, and animal and hungry ghost realms. After suffering in such evil realms, then when they are reborn as a human again their wives will thus be unfaithful. Some sinners (especially homosexuals) also risk future rebirth as a human hermaphrodite (with both sex organs), and ostracised by the world (Horner, tr., 2004, p.50; Davids, 1975, p.154; Buddha Words, 2011).

However, some Buddhists still profanely challenge the founder, and some sexual deviants even challenge not only the founder but also laws. Worst still, marital infidelity leads to broken homes, social ills, social degradation, crimes, personal ill-health and household economic problems therefore indisputably harms societies and the country (ABAC Poll 2005). Assuming Hartshawn is correct when he coins "parts of a whole", whence parts are rotten; the whole will be gradually rotten. Sexual misconducts and sexual deviances among believers are prevailed yet religions become the hospitals to treat the burning and oppressed mind of human beings on worldly lusts. Religion is also assumed to be the heart enlivening a callous world while enlightening the spiritless conditions. In fact, Mark Epstein has been trying to forget that religion is one of the pillars of society for sixteen centuries before him, still religions have supported every nation worldwide.

There is no dispute that the rise of sexual misconducts in society today has become sensitive, complicated and provocative to philosophers and thinkers. Although individual extramarital sex is backed by the excuses of private rights, it is socially and psychologically destructive to those who are intricate and in human nature; he/she is prone to surrender to senseless animalism. This is why the Thai word 'gig' is synonymous with the third person who adulterously plays between a

husband and a wife (GCJWW, 2012), and gradually forms an irresponsible 'love triad'. Either the husband or the wife phenomenologically has a 'gig', and it is curiously possible that gigs also have secret gigs. Marital infidelity can thus silently create enormous social ills.

To assert the above, Jette and Allen conclude in the '*Stats of Effect in Broken Homes*' where more than 3 in 10 children around the world are growing up in broken homes, and are ready to walk into juvenile detentions, becoming inmates, committing suicide, encountering unwanted pregnancies, becoming homeless and runaways, school dropouts, drug users, and developing behavioural disorders. According to Jette and Allen's studies, more than 543 million of the world's youth are now suffering the patriarchal and matriarchal sexual misconduct and sexual deviance; however this excludes 1 to 9 years old children. Thus, the world's youth may possibly suffer 3,100 million varieties of social ills (Jette and Allen, 2013).

The ABAC Poll found that 74.9% of couples were unfaithful or adulterous (ABAC Poll, 2005), and that marital infidelity is evident but remains grey to the public eyes. Regnerus accepts that he is optimistic about the individuals' chances, but not those within a collective group, and is certain that marriage is a deinstitutionalised category (Regnerus, 2011). This means that marriage can be easily ended because of many alternative opportunities and group influences.

To confirm this, senior citizen Prawes Wasrī MD, says:

> "Sexual misconduct and deviance are social problems, which have nowadays reached a crisis point leading to broken homes in which a husband might either acquire a second wife, a wife may acquire a second husband, or else abandons his/her present family entirely for another person." (Prawes Wasrī, 1998, p.13)

Is the main teaching by Buddhism then hostile to the personality cults, wherein the individuals act by freewill and care no one around them? Was the recognition of homosexuality and sexual deviance in the time of Buddha for the over 2500 non-existent? Is the concept of 'sexual misconduct' *(kāmesumicchācāra)* and its ethical criteria, in the view of Buddhist ethics, against human freewill? Do the propositions of carnal deviance in Buddhist literature and its contemporary sexual ethics now need to be revisited? Do the concepts of 'sexual misconduct' *(kāmesumicchācāra)* and the philosophical propositions of carnal deviance in Buddhist literature and its contemporary sexual ethics need retouched?

Buddhist ethics, unlike common laws, are clear-cut that sin is sin if violated. Certainly, there are some immoral people who want to break the rules, in order to justify whether the rules work well or not, or with the misunderstanding that rule-breaking and law breaking are life challenging and a change from routine affairs. In fact, rule-breaking and law breaking end in punishment, yet such priori least emerges in the minds of such rule-breakers and law breakers. Morality is dissimilar to mathematics that evil by evil becomes not evil, and 'non-evil' is not necessarily mean moral. Neutralisation is still immoral; although it is meant to save the wrongdoers' faces in life; even if it helps reduce physical punishment, but never helps to reduce subconscious stigmatisation.

A sexual act in the Mahāyāna Sutras & Treatises is acceptable only if it fulfils all these six conditions: right partner (spouse), right time, right place, right contact 'path' (strictly only the vagina), right volume (not excessive) and right moral values (socially acceptable). Sexual misconduct then encompasses all the

following sexual acts, mainly in non-marital sex with a non-spouse as the partner: 1) wrong partner, 2) secretive or underground, 3) compelled, forced or violent, 4) the partner is seduced, tricked, deceived or flirted with into having sex, 5) paid for, traded or transacted with money, gifts or any other incentive, 6) forbidden by any parents, spouses, relatives or sexual partner herself, the law or society, and Dharma or the chastity which is the precept that the partner has vowed to uphold (Buddha Words, 2011).

Based upon Buddha's teachings in many Mahāyāna Sutras (Buddha Words, 2011) and key Treatises, illicit sexual behaviour includes: sex during menstruation, self-masturbation (be it by hand or sex-toy), perversion, deviant oral or anal sex, homosexuality, adultery, promiscuity (especially lust-driven one-night stands without ensuring the right partner, etc.) and almost all pre-marital sex. Men's wrong sexual partners are nuns, relatives (incest), virgins (not one's wife), another man's wife, any female entrusted to his protection, a prostitute, prisoner, fugitive, corpse, same sex (homosexual), hermaphrodite (having both sex organs), non-human (animal, ghost) and all female persons protected by their parents, siblings, son, husband, parents-in-law, relatives, by herself, protected by the law or Dharma (chastity precept).

Similarly, sexual deviance also appeared during the Lord Buddha's lifetime, as represented in the stories of King Pasenadi, Queen Mallikā, and many other allegories. For example, in Dhammapada commentary; it narrated the sexual deviance of Queen Mallikā (DhA III 119). Another case was King Pasenadi plotting to espouse the beautiful wife of one of his citizens, by demanding that her husband serve in the palace (DhA V 60-75). Thus, there have been spousal

infidelities for 2557 years, and these are secretly acted by all social classes of today, and will continue to be in the future. However, at present, there are serious studies about sexual misconduct and sexual deviance, and even'paraphilia'.

Sexual deviance in 1920 was termed 'paraphilia' from the Greek word meaning, 'beside friendship' or love portraying experiences of strong sexual arousal to very atypical articles, individuals or situations (American Psychiatric Association, 2000-2008, pp. 566-576). Sexual deviance, such as: zoophilia, pedophilia, exhibitionism and sadism are unlawful in some countries and yet are tolerated (e.g. transvestitism) in many other countries. Qualified tools to check such deviances are the '*Diagnostic and Statistical Manual of Mental Disorders' and the 'International Classification of Diseases'*.

John Money, a sexologist, raises the term *paraphilia* or *deviance* as a non-pejorative or pleasant designation for unusual sexual interests (Weiderman, 2003, pp.315-321). Glen Gabbard argues that Stekel and Money afford to popularise and soften it, but that "the term *paraphilia* (sexual deviance) remains pejorative or unpleasant in most circumstances" (Gabbard, 2007 pp.443-456).

Paraphilia or sexual deviance is termed to mean paraphilias in the DSM's first two editions (Laws & O' Donohue, 2008, p. 384). An article published in the '*American Journal of Psychiatry*' in 1981, explained paraphilia as "recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving non-human objects, the suffering or humiliation of oneself or one's partner, children, and non-consenting persons" (Spitzer, 1981, pp. 210-215) or "psychopathic personality with pathologic sexuality" (Laws & O' Donohue, 2008, pp. 384-385). However, paraphilias are hardly ever found among women, even

though some case studies of women with paraphilias are published; one in twenty cases of carnal masochism involve females by approximation (De Silva, 2007, pp. 130-134).

'*The Diagnostic and Statistical Manual of Mental Disorders*' classifies sexual deviance in to five groups: **1)** The DSM-I (1952) is sexual deviance as a disorder of personality in the sociopathic subtype, which includes: homosexuality, paedophilia, transvestism, fetishism, rape, sexual sadism, mutilation and sexual assault" (Laws & O' Donohue, 2008, pp. 384-385; Aggrawal, 2008, p. 47). **2)** The DSM-II (1968) resumes to use the word 'sexual deviances', which are homosexuality or sexual orientation disturbance, fetishism, paedophilia, transvestitism (sic/ just as), voyeurism, exhibitionism, masochism, sexual sadism, necrophilia, and other sexual deviance (Laws & O' Donohue, 2008, p. 385). **3)** The DSM-III-R(1987) has previously used the term 'psychosexual disorder', but renamed this into a broader category of sexual disorders, including: renaming unusual paraphilia as paraphilia NOS (not otherwise specified), renaming transvestism to transvestism fetishes, and added up frotteurism while moving zoophilia to the NOS group. Seven non-exhaustive examples are provided on NOS paraphilias, and apart from zoophilia, there were phone scatologia or obscene phone calls, necrophilia, partialism, coprophilia, klismaphilia and Europhilia (Laws & O' Donohue, 2008, p. 385). **4)** In 1994, the DSM-IV (1994) has kept the sexual disorders category of paraphilias, but added up a broader category: 'gender and sexual identity disorders', which embraces the previous list. The DSM-IV has kept the same sort of paraphilias enlisted in DSM-III-R and the NOS examples, but altered the descriptions of some particular types

(Laws and O' Donohue, 2008, p. 386). The DSM-IV-TR defines paraphilias as: "recurrent, intense sexually arousing fantasies, sexual urges or behaviours generally involving: 1) nonhuman objects, 2) the suffering or humiliation of oneself or one's partner, or 3) children or other non-consenting persons that occurs over a period of 6 months", that: 4.1) Criterion A, "causes clinically significant distress or impairment in social, occupational or other important areas of functioning", 4.2) Criterion B, the DSM-IV - TR has eight definite paraphilic disorders, which are: fetishism, exhibitionism, paedophilia, frotteurism, sexual masochism, sadism, transvestism fetishes, voyeurism and adding the residual category, paraphilia NOS. Criterion B is different in frotteurism, exhibitionism and paedophilia adding the act on these impulses, but for sadism, it is and act on these impulses with a non-consenting individual (Psychiatric Times: April 15, 2007, Vol. 24 No. 5). 5) The DSM-V (2008) the paraphilias sub-workgroup agreed with a "consensus that paraphilias are not *ipso facto* psychiatric disorders", and advised "that the DSM-V to make a distinction between *paraphilias* and paraphilic *disorders"*. A paraphilia by itself would not automatically justify or require psychiatric intervention. A *paraphilic disorder* is a paraphilia that causes distress or impairment to the individual or harm to others. One would *ascertain* a paraphilia according to the nature of the urges, fantasies, or behaviours but *diagnose* a paraphilic disorder on the basis of distress and impairment. In this concept, having a paraphilia would be a necessary but not a sufficient condition for having a paraphilic disorder". The 'Rationale' of any paraphilia in the e-DSM-V draft persists, "This approach leaves intact the distinction between normative and non-normative sexual behaviour, which could be important to

researchers, but without automatically labelling non-normative sexual behaviour as psychopathological" (Laws & O' Donohue, 2008, p. 386).

Sexual deviance is a glacial social ill, beginning from mental disorder to rape, and to masochism and unthinkable sexual possibilities. Sociologically, the major causes of sexual misconduct and sexual deviance could have come from traditionalism, social values, behavioural aims, conflict of love irresponsiveness and misbiogenetics, while Hick claims evil rises from physical and psychological suffering, selfishness and greed (Hick, 1990, p.39).

Buddhism believes that evils like misconduct and deviance are caused by ignorance *(avijjā)*, volition (*saṅkhāra*), consciousness (*viññāṇa*), name-and-form (*nāmarūpa*), the six-fold sense *(saḷāyatana),* contact *(phassa),* sensation (*vedanā*), craving *(taṇhā)*, attachment (*upādāna*), growing to be karmic force, like volitional formations (*bhava, kammabhava*), and rebirth consciousness (*jāti*) (D II 56).

In Thailand, sexual misconduct and sexual deviance are long-term dilemmas which are flowered from polygamist values. Polygamy has been deep-rooted as a tradition and a value, influencing the Thai personality. Sexual misconduct and sexual deviances are, and have been since in the past, adulterous and uncharted. Rationally, historically and literally found in each age of time, they have been raised as parables for sermons, narrated, scribed and gossiped throughout generations. When we look back to ancient times, we see that men polygamised in order to symbolise their power and aurora amongst kings, princes and nobles. It is witnessed that after victory in every war; they claim tributes from the defeated in order to display the victor's sovereignty and the loser's loyalty.

Nobles would be rewarded for their notable performances, and tributes and rewards were not only material wealth but also included slaves and ladies.

Polygamy is also found, but much less, amongst the common people, being referred to in some literature as 'Khun Chāng Khun Phaen', and 'Nāng Tād' (The Slave Damsel). Another example today is an herbal physician or 'Mor Seng' aged 74 years old who has 12 wives, but now only four wives cohabit, and each one supervises his herbal shops. His latest wife is 30 years younger than he is (Sanook Online, 2013).

Contemporary religious attitudes to polygamy, in Buddhism, are that wedding is non-sacrament. Marriage is the very lay affair and Buddhist monks are not involved in this, although monks and priest in some sects do marry. Therefore, there is no religious punishment (Dewaraja, 1994). Wedding is differently formed in each country. The Parabhava Sutta (Sn 18-20) says that "a man who is not satisfied with one woman and seeks out other women is on the path to decline". Other bids found in the Buddhist scriptures that polygamy is unfavorably treated, allowing some writers to synopsize that Buddhism unlikely approved it, or on the contrary it is possibly accepted but subject to the nuptial model (Harvey, 2000, pp.101-102).

Polygyny was, in 2010, legally recognized in Thailand, and often found too in Myanmar. Polyandry in Sri Lanka was found recently (Dewaraja, 1994). In Chinese Buddhist texts, harlots are also listed as improper partners. In Tibet, polyandry is common as polygyny and having many husbands or wives is never accepted as having sex with improper partners (Berzin, 1998). Tibet homes the world largest and flourishing polyandrous society today. Fraternal polyandry is

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typically practiced, and sometimes, son and father enjoy the same wife. Other wedding models are like monogamous marriage and group wedding (Zeitzen, 2008, p. 9). Polyandry particularly fraternal polyandry is also popularly found amid the Bhutan Buddhists, Ladakh and other areas in the subcontinents of India.

However, Charles Darwin and evolution pioneers claim that historically men practice polygamy to please their sexual desires and to foster household dominance. In the book of '*The Descent of Man*', Darwin describes that "judging from the social habits of man, as he now exists, from most savages being polygamist; the most probable view is that primeval man lives in small aboriginal communities. Each has as many wives as he could support and obtain" (Darwin, 1871).

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It is certain that no societies could end adultery, and so the question arises as to whether or not it should be approved. Some groups find that polygamy is not infidelity, with excuses based upon J.S. Mill (ed. 1961, pp.277-279) of seeking the best happiness and the greatest quantity, and it is not personal gains but the gaining of happiness for many. "Polygamy, to some, is certainly a symbol of societal deterioration, demoralisation, is unethical and purely excess sexuality. It is a lust dormant in human beings when they turn their backs to the spirit of consciousness and righteousness. Yet to judge an action as right or wrong is based on its intention and to abide in its morality as the criteria rather than the consequences, which may favour or disfavour for oneself or for others". (Kant, 1964, p.88)

1.2 Thesis Statement

The researcher claims that the concept of Buddhist ethics on 'sexual misconduct' (*kāmesumicchācāra*) and philosophical proposition of sexual deviance in texts, and contemporary Buddhist sexual ethics, need to be revisited, on the basis of moral criteria held in the 'five precepts', especially the 'third precept', in order to regain their clarity and implications within the Buddhist context and its contemporary sexual ethics.

1.3 Research Objectives

As a result of the aforementioned, the researcher sets up three research objectives, as follows:

3.1. To study the concept of 'sexual misconduct' *(kāmesumicchācāra)* and its ethical criteria in the view of Buddhist ethics.

3.2. To investigate the philosophical inferences of sexual deviance in Buddhist texts and contemporary Buddhist sexual ethics.

3.3. To discuss the concept of 'sexual misconduct' *(kāmesumicchācāra)* and the philosophical inferences of sexual deviance in Buddhist texts and contemporary Buddhist sexual ethics.

1.4. Preceding Related Researches

Phra Sutthichai Dīghāyugo studies "*An Analytical Study of Morality, Criteria of Morality in Theravāda Buddhism and Roman Catholicism*". The ethical principles of both Buddhism and Catholicism are very similar in principle except their details. The rules of Buddhism and Christianity are meant to live

together, and that both moral principles are conducive to good behaviour and codes of conduct. The morality and moral principles are the important teachings for daily life while philosophical aspects are uncompromising in ways without adherence to the scriptures, and yet also offer vast and free outlooks about the morality necessary for a happy daily life (Phra Sutthichai Dīghāyugo, 1994, pp. 9-13).

Phra Dhammapidok P.A.Payutto explains in "*Dhamma and Thais in the Contemporary*: *Bangkok, Wutthidhamma Funds for Education and Dhamma Practice*". Family problems in the present time which are the roles of parents are tending to recede as a result of the influences from modern technology and mass communications. Television has also tended to replace them and such misunderstanding leads to adultery and broken homes because of conflicts within families between husbands and wives, and thus becoming child-inherent problems (Phra Dhammapidok P.A.Payutto, 1989, pp. 9-11).

Raksapakdee studies '*A study of Married Couple's Morality According to Buddhist Ethics*', and according to his Buddhist ethical doctrine, a married couple is expected to perfectly do the duties as a husband or a wife. The need for both to improve themselves, is through the process of threefold training *(ti-sikkhā)*, and to embrace all principles of married life. Many couples in the world today end up their marriage lives and cause broken homes just because of their different attitudes, conducts, and thoughts. Failure in marriages inevitably yields negative effects on local social structures. Buddhist ethics on couple's morality is thus beneficial to families and to healthy and progressive societies in future (Raksapakdee, 2001, pp. 9-10).

Phramaha Boonpean Puññaviriyo studies "*Concept and Method of Socialisation in the Family Institution by Means of Buddhism*". Buddha's teachings emphasise a family as an essential secular institution wherein the members have a very close relationship, physically and mentally, and in which the members have duties and responsibilities to each other, and the responsibility of socialising with new members in order to help them to become contributing members of society as well. According to Buddhism, if the husband and the wife can accept their duties, understand, adapt and forgive each other, recognise morals, family obligations; then adultery and divorce can be eradicated within the society (Phramaha Boonpean Puññaviriyo, 2001, pp. 9-11).

Phramaha Yota Payutto studies '*Thai Family Problems and their Solutions Based upon the Basis of Buddhist Principles'*. Buddhist principles arise from family-based principles, pertaining to individual duties necessary to be performed within that family household. The doctrines include the four *gharāvasadhammas* of truthfulness *(sacca)*, training *(dama)*, patience *(khanti)* and sacrifice *(cagā)*, all of which are essential for domestic harmony. In the meantime, the three-fold training *(ti-sikkhā)* strengthens the character of every members in the family otherwise, the family members are then prone to misconducts (Phramaha Yota Payutto, 2008, pp. 9-10).

Phra Sompong Muntajāto studies '*A Comparative Study of the Ethical Judgment Criterion of Goodness in Plato's Philosophy and Theravāda Buddhist Philosophy*'. Plato's philosophy and Theravāda Buddhist philosophy judge goodness at three levels, 1) the level of the five precepts, 2) the level of the ten paths of meritorious action, and 3) the level of the eightfold paths. The criteria of

ethical judgments in both philosophies are focused on reasonable and intellectual acts, including sensuous feelings which constitute three different levels, i.e. 1) the precepts, 2) morality, and 3) the ethics. In addition, the criteria of judging the goodness in these two philosophies are similar and can be summarised, as in the following five viewpoints: 1) The viewpoint of the volition and the reasons which are the basic constitutions of criterion used for judging virtues; 2) The rules of freedom based upon Plato's philosophy and Theravāda Buddhist philosophy; 3) The morality based upon Plato's philosophy and Theravāda Buddhist philosophy; 4) The virtuous criterion and motivation based upon Plato's philosophy and Theravāda Buddhist philosophy and lastly 5) The viewpoint of universality and human values based upon Plato's philosophy and Theravāda Buddhist philosophy. However, according to both philosophies, there are differences in intentions and wisdom used when convincing about how acts are good or bad, or righteous or evil. Moreover, there is one special difference which is the renunciation of defilements according to Theravāda Buddhist philosophy. Whilst in Plato's philosophy, it is not taught to forsake any lustfulness absolutely divine morality governs an evil act and directs human beings to behave in virtuous ways; on the contrary, the Theravāda Buddhist philosophy teaches human beings to fall away from all passions and lustfulness, in the absolute sense. This idealism is seen as the ultimate virtuousness to support Plato's philosophy, which can be only achieved when human beings die and leave those who are alive as the only remaining learners. Conversely, Theravāda philosophy believes that human beings are actualised in order to achieve ultimate virtuousness, either when they die or in life after death. Plato's philosophy believes that idealism is a supernatural plain,

whilst Theravāda philosophy regards the eight noble paths to *nibbāna*. The idealism in Plato's philosophy is that in achieving self-actualisation, human beings must commit good conduct from the lower levels all the way to the top or ultimate level, all of which are virtues appearing in characteristics and aesthetics in everything spiritual and existing, including becoming a centre of mental purification (Phra Sompong Muntajāto, 2010- abstract).

José Ignacio Cabezón explains, in '*Buddhism, Sexuality & Gender,* that traditional Buddhist welcomes more conventional approach, forbidding anal or oral sex, homosexuality, and daylight sex. What is the first purpose of the doctrine and why laity should avoid preoccupying in sexual misconduct? They are firs, it is to refrain from actions hurting oneself, and second, it is to refrain from actions harming others. Adultery could be considered immoral because it hurts others through psychological pain, and commonly relationship breakups. It also harms oneself because one chooses short-term satisfaction before common welfare (José Ignacio Cabezón, 2010, p. 215).

Huai Bao studies '*Buddhism: rethinking sexual misconduct*', and believes that human has actively involved in forming religions but religion, on the contrary, alludes reality for human to reside, that sets a systematic moral punishment which could return a two edged sword. One edge functions as moral leverage and another one is 'moral terrorism', which is received from the dominion of the moral claims and the fear of being disable to fulfil (Huai Bao, 2012, pp. 303-321).

Barbara O'Brian studies '*Sex and Buddhism: What Buddhism Teaches about Sexual Morality*', and challenges lay Buddhists to really reflect on sexual

misdeeds. Individuals likely take cues of 'misconduct' from cultures, and this is so much met in Asian Buddhism (Barbara O'Brian, 2013).

Sokthan Yeng studies '*Irigaray's Meditations on the Duality of Sexuality in Buddhist Ethics*', and suggests that the tensions surrounding Irigaray's interpretation of 'Tantric' sexual meditation practices can be helpful for understanding how both Irigaray and Buddhist thinkers link sexuality to dualism: positively in the former, and negatively in the latter. Contemporary Western debates about the merits or demerits of Irigarayan ethics can disguise this integral connection between sexuality and dualism (Sokthan Yeng, 2013, pp. 203-231).

In summary, the ethical principles of both Buddhism and Catholicism are very similar in principle except their details. Individuals likely take cues of 'misconduct' from cultures and misunderstanding within a family leads to adultery and broken homes because of conflicts within families between husbands and wives, and thus becoming child-inherent problems. In Buddhist ethical doctrine, a married couple is expected to perfectly do the duties as a husband or a wife and Buddha's teachings emphasise a family as an essential secular institution. Buddhist principles also arise from family-based principles, pertaining to individual duties necessary to be performed within that family household. Still, the criteria of judgement on right or wrong, Buddhist Theravāda philosophy then regard the eight noble paths and more conventional approach. As such, the Buddhist religious morals and ethics should leverage human mind and action for almost three millenniums, but should not fall into moral and ethical terrorism.

1.5 Definition of the Terms

1.5.1 Sexual misconduct *(kāmesumicchācāra):* The origin of *kāmesumicchācāra* is *kāmesu* and *micchācāra*, the pāli words which mean abstaining from sexual misconduct. *Kāma* in pāli means gratification, sensuality, initiative, lustfulness and desire (VinA I 145). Its root is *kāma* affixed by *su*, such that *sattamī vibhatti* (*e-su*) + *kāma* derive *kāmesu*. The *sattamī* having *vibhatti* has to be translated as: in, near, at, when and upon, but in the plural form means in various acts of sex. The root of *micchācāra* is the combination of *micchā* and *ācāra*, which become *micchācāra*. In which, *micchā* means wrong or guilty, and *ācāra* means behaviour, actions and conduct; thus, *micchācāra* then means misbehaviour, mal-action or misconduct. Therefore, *kāmesumicchācāra* means in various sexual misconduct. The commentary of Aṭṭhakathāsaṅgīsutta explains that *Kāmesumicchācāra* is all sexual misconduct. By classifying, '*kāmesu*' means fine facilitation for the act of coupling, and '*micchācāra*' means immorality reprimanded by the wise men (Maṅgal II 204).

1.5.2 Sexual deviance: Theravāda touches lightly on sexual deviance. In Udāna Kuddakanikāya 74 narrates that early morning Buddha clads and carries his bowl and robes and enters Sāvatthī for alms. He sees most people in Sāvatthī are extremely attached to worldly pleasures, living infatuated and avaricious for, addicted to, stick to and attracted in worldly pleasures (Ud 74). At the same time, Mahāyāna elaborates about sexual deviance, in that the Lord has declared both anal sex and oral sex are sinfully sexual misdeeds, whether the partner is homosexual or heterosexual. Buddha has warned that any homosexual indulgence in oral sex, anal sex or sodomy with boys will, upon their death, be reborn into the

evil realms, particularly Hell, if such illicit sex is often enjoyed (Buddha Words, 2011).

1.5.3 Buddhist Sexual Ethics: Buddha points out that lust *(taṇhā)* are the root of misery *(dukkha).* He further points out the three objectives of lust are: 1) one craves for existence, 2) one craves for non-existence, and 3) one craves for sensual pleasures *(kāma). Kāma* is recognized as a hindrance to attain *jhāna*, in his teaching. In the sutta piṭaka, Buddha often equates sexual pleasures to darts and, therefore, in *kāmasutta* from the *suttanipāta*, he tells us to withdraw from sexual pleasures which are the cause of suffering (Sn 151). The meaning of *kāmasutta* is a sexual craving, like any regular sense pleasure, which brings miseries. To laity, Buddha recommends that laity should at least avoid sexual misdeeds, one of the five precepts, which means following the commonly admitted sexual norms and behavioural morality. Buddha's disciples, i.e. monks and nuns are required to strictly follow celibacy, or *brahmacariya.*

1.5.4 Contemporary Sexual Ethics in Buddhism: Buddhism is re-shaping its developments in modern society. Major Buddhist doctrines and attitudes are intertwining themselves into modern society, science and psychology, ecology, human rights, violence, feminism and abortion, morality, suffering and others. Buddhism is struggling to revive its meaningfulness and usefulness to serve men and women who are facing the glowing pressures and frustrations in the new' cyber society.' Prudence about reactions between Buddhist sexual ethics and community in the 21st century must be taken, with the emergence of a new form of Buddhism that has emerged in response to the reactions of the neoliberal world and the millennium generations.

1.6. Research Limitations

This research is limited in only studying the concepts of 'sexual misconduct' *(kāmesumicchācāra)* in the texts of Buddhism and contemporary Buddhist sexual ethics, and sexual deviance in the texts of Buddhism and the contemporary texts, including ethical criteria contained only in the view of Buddhist ethics. It is only exploring the philosophical inferences of sexual misconduct and sexual deviance in the texts of Buddhism and contemporary Buddhist sexual ethics.

1.7 Research Methodology

This is a documentary and qualitative study, which will explore and discuss the concepts and implications of Buddhist sexual ethics contextually and contemporarily, within the frames of the third precept and sexual deviance. The research methods are as follows:

1.7.1. Accumulate information from primary sources and secondary resources of recognised institutions, including: research-work, articles, essays, theses and dissertations about sexual misconduct and sexual deviance.

1.7.2. Disambiguate any sexual misconduct and sexual deviance ecclesiastically and worldly, particularly in the realm of Buddhist ethics.

1.7.3. Conceptualise and design the entire tracks of the study.

1.7.4. Philosophically deliberate any dilemmas found.

1.7.5. Synopsise for presentation and suggest significant spectrums for further studies.

1.8 Theoretical and Conceptual Framework

In Buddhism, sexual misconduct *(kāmesumicchācāra)* is adultery driven material and lustful sex reprimanded by the wise and there are six cases of sexual deviance. The researcher conceptualizes to investigate and debate the philosophical inference of the texts in Buddhism and contemporary Buddhist sexual ethics.

1.8.1. Theoretical Framework

In Buddhist Ethics, sexual misconduct *(kāmesumicchācāra)* is adultery driven material and lustful sex reprimanded by the wise, and any unethical sexual conduct found in Buddhist philosophy, including obsession, the intention to have sexual affairs and/or put into action the affair until arriving at the intention. In Buddhism, there are six cases of sexual deviance: 1) a wedded man having affairs with a wedded man, 2) a wedded woman having affairs with a wedded woman, 3) a wedded man having affair with an unmarried man, 4) a wedded woman having affairs with an unmarried woman, 5) an unmarried man having affairs with an unmarried man, and 6) an unmarried woman having affairs with an unmarried woman.

Buddhist ethical criteria concerning sexual deviance are that any married man having affairs with a married man meets double wrongness, by violating the other's wife and his own wife. A wedded woman having affairs with a married woman meets double wrongness, by violating the other's husband and her own husband. A wedded man having affairs with a single man; both meet one-fold wrongness. The former violates his wife while the latter violates the other's wife.

A wedded woman having affairs with a single woman; both meet one-fold wrongness. The former violates her husband while the latter violates the other's husband. However, the last two types do not violate the 'third precept' if both are mature (MA I 119).

This work will discuss about the concept of 'Sexual Misconduct' (*kāmesumicchācāra*) and the philosophical inference of sexual deviance in the Buddhist literature, contemporary Buddhist sexual ethics and general theories of ethics.

1.8.2. Conceptual Framework

This work is aimed to study the concept of 'sexual misconduct' (*kāmesumicchācāra*), sexual deviance and its ethical criteria in the view of Buddhist ethics, and to investigate the philosophical inference of the texts in Buddhism and contemporary Buddhist sexual ethics, including debating about the 'sexual misconduct' concepts and the philosophical inference of sexual deviance in the literatures of Buddhism and contemporary Buddhist sexual ethics. The conceptual framework is then as follows:

CONCEPTUAL FRAMEWORK

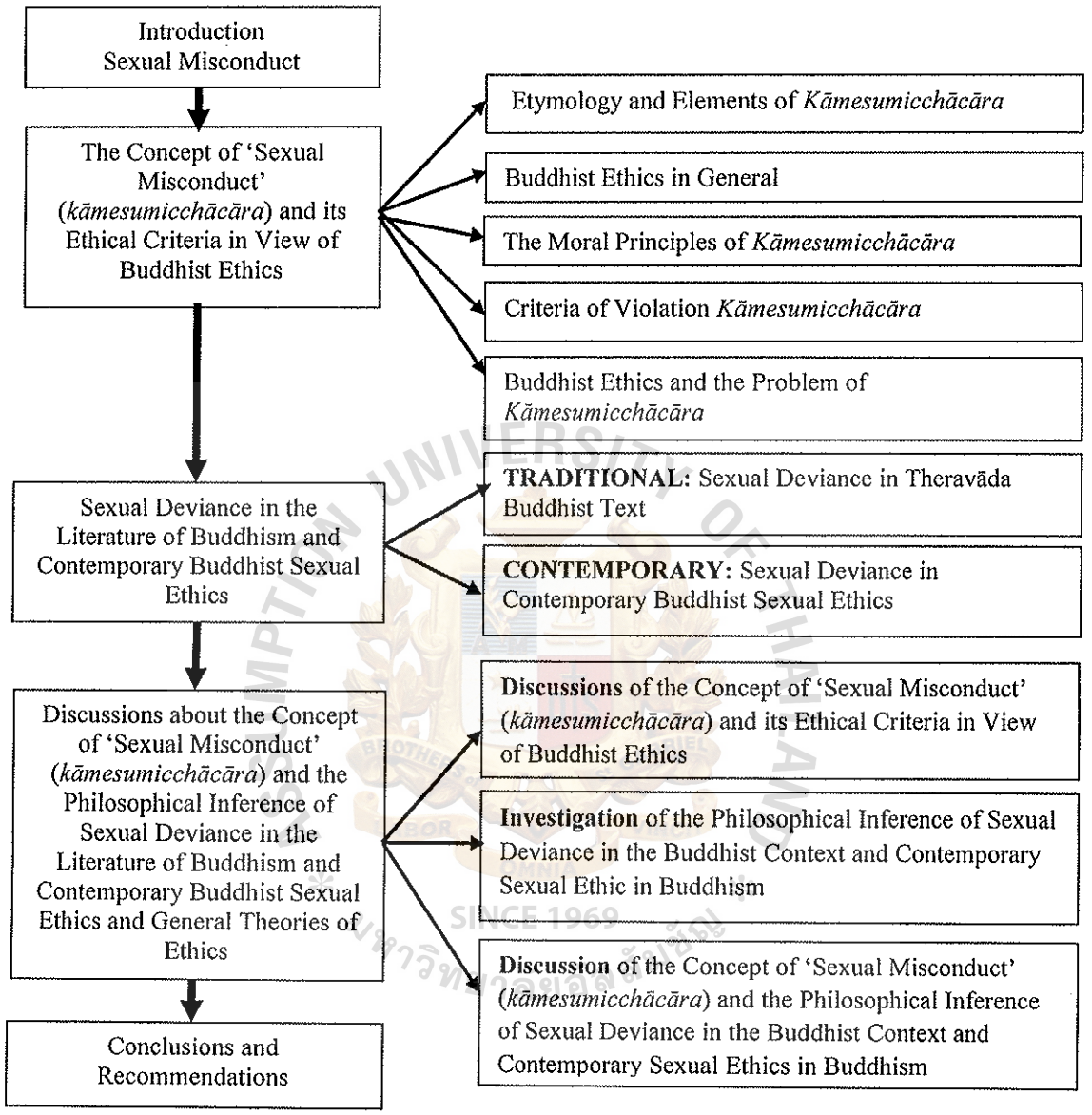

Figure 1.1. Conceptual Framework

CHAPTER II

THE CONCEPT OF 'SEXUAL MISCONDUCT' (*KĀMESUMICCHĀCĀRA*) AND ITS ETHICAL CRITERIA IN THE VIEW OF BUDDHIST ETHICS

This chapter traces etymologies and elements of sexual misconduct *(kāmesumicchācāra)*. The researcher ploughs through the moral principles of 'sexual misconduct' *(kāmesumicchācāra)* with its criteria of violation. It is also necessary to discuss dilemmas within Buddhist ethics which deconsecrates the Buddhist teaching of avoidance of the third precept, and the shocking initiative within which Buddha has challenged excessive carnal pleasure. Finally, this chapter will present some recently related researches, in order to witness alternative perspectives concerning sexual misconduct.

2.1. Etymology and Elements of Sexual Misconduct *(kāmesumicchācāra)*

There are internal and external causes for sexual misconduct. The formers are lustful mind and obsession with the five sensualities: appearance, sound, smell, taste, and touch, which stimulate sexual lust and prompt one to satisfy one's sensual desires. The latter are temptations by evil doers that cater to carnal natures of one's five senses. However, the third precept advises us to undertake the training necessary to avoid sexual misconduct (*kāmesumicchācāra veramanī sikkhā padaṃ samādiyāmi)*. Buddha said, "*Be a lantern unto thyself.* He told us to use our own judgment about moral and religious teachings while overcoming our own temptations.

2.1.1. Etymology of Sexual Misconduct (kāmesumicchācāra)

The origin of *kāmesumicchācāra* is *kāmesu* and *micchācāra*, the pāli words which mean abstaining from sexual misconduct. *Kāma* in pāli means gratification, sensuality, initiative, lustfulness and desire (VinA I 145).

Its root is *kāma* affixed by *su*, such that *sattamī vibhatti* (*e-su*) + *kāma* derive *kāmesu*. The *sattamī* having *vibhatti* has to be translated as: in, near, at, when and upon, but in the plural form, it means various acts of sex. The root of *micchācāra* is the combination of *micchā* and *ācāra*, which become *micchācāra*. In which, *micchā* means wrong or guilty, and *ācāra* means behaviour, action and conduct. Thus, *micchācāra* means misbehaviour, malpractice or misconduct. Therefore, *kāmesumicchācāra* means various sexual misconducts.

In the Maṅgalatthadīpanī (Maṅgal II 204) it is interpreted that *kāmesumicchācāra* is all sexual misconducts. Classifying '*kāmesumicchācāra*' into '*kāmesu*' and '*micchācāra*', then '*kāmesu*' is referred to as groomed facilitation of the act of coupling, and '*micchācāra*' is immorality reproached by pundits. Thus, '*kāmesumicchācāra*' is therefore the well facilitated immoral act of coupling reproved by wise men. The commentary of saṅgītisutta, its deeper sense is '*methunasamācāresu*', which is divided into two types of sexual affair: 1) sensual pleasures with either one's wife or one's husband, and 2) sensual pleasures with another's wife or someone's husband. It is further explained that '*methunasamācāresu*' is an act of sexual relations, yet it is unclearly depicted as right or wrong. However, what is wrong is elucidated. In the same sutta of the '*asatdhammadipāyena*', it is referred to having sex with a prohibited person (Maṅgal II 204).

Buddha clearly defined "sexual misconduct" (*kāmesumicchācāra*), and he also emphasised the criteria of sexual misconduct in his teachings about abstinence of sexual misconduct, as below:

> "One conducts oneself wrongly in matters of sex; one has intercourse with those under the protection of father, mother, brother, sister, relatives or clan, or of their religious community; or with those promised to someone else protected by law, and even with those betrothed with a garland." (M I 291)

> "Abandoning sexual misconduct, one abstains from sexual misconduct; he does not have intercourse with women who are protected by their mother, father, mother and father, brother, sister, or relatives who have a husband, who are protected by law, or with those already engaged." (Bodhi Bhikkhu, 2013, p. 159)

Theravāda interprets misconduct in sex that it is to be preoccupied with sensual misconduct with one who is guarded by the parents, the sibling, the relative, the Dhamma, the husband or the maritally engaged person.

Mahāyāna interprets that misconduct in sex is breaking the third precept, and one must be serious about it. All people, with whatever intention, indulging in any sexual misconduct destines themselves to the three evil worlds and hell, if any illicit or unjustified sex has been habitually enjoyed (Buddha Words, 2011).

Buddhist philosophy has taken the position that sexual misconduct emerges from individual desire but varies according to attachment to the 5 sensualities (Bhodhiyana Meditation Center, 2013). Human nature also differs on lust, mind and lustful material. Men and women naturally need what they lack as men needing women and vice versa. These needs can develop into lust, sexual misconduct and sexual deviance. Hallie Engel, however, claims that adultery flourishes from boredom, ego issues, revenge and emotional disconnection

(Engel, 2013). Finally, the external causes are the media, networks and printed materials, which are displayed and posted every second. However, 'lust' *(kāme)* is natural but 'sexual misconduct' *(kāmesumicchācāra)* is unnaturally excessive sex (Phra Dhammapidok P.A.payutto, 1989, p. 537).

Saddhatissa interprets that *kāmesumicchācāra* is the deception of the five senses, i.e. outlook, flavour, scent, sound and touch, by being preoccupied with immoral and illegal physical intercourse (Saddhatissa,1965, p. 106).

Thaweesak Yannapratheep defines *kāmesumicchācāra* is adultery driven by material and lustful sex. It is the malpractice reprimanded by the wise. Sexual misconduct in the Buddhist philosophy includes the enactment connoting the wrongdoing in sex (Mahāmakutrājvidayālaya Foundation, 1991, p.30).

The Chalermphrakiat Encyclopaedia gives the exegesis of *kāmesumicchācāra*, that it is 'misconduct in sex' in any forms and by any acts (The Chalermphrakiat Encyclopaedia,1987, p. 30).

Walshe defines that "indecent sensual indulgences" or sexual misconducts are karmically harmful demeanours. This implies sensual pleasure compliance, especially in sex pleasures as in kāma sutra of many classical sanskrit legends. Wrong doing, akin to sensual misconduct, is to gratify one's sensual desires which may harm both others and oneself. For example, harm can come from over-materialisation, such as obesity through gluttony and/or alcoholic intoxication. The reason is that individual passions arise, and humans habitually struggle to gratify themselves in an extremely dissatisfactory manner. Furthermore, Walshe adds that Buddha neither teaches a householder has to avoid sex, nor has he to be plagued in sex in his marriage context like Christian churches instruct. 'Sexual

Misconduct', therefore, definitively means being sex-preoccupied with dissent individual (as in fraud, coercion, rape), or consensual affairs with the person under the protective dependence fostered by curators, parents, society and the authority, a fiancée, spouse, royal decree or court edict. Sex under coercion is harmful, and it inflicts three parties: oneself, others and both (which is the community). Similarly, harm is delivered when a person has an affair with a person promised by guardians or parents or to each other, or informally engaged or formally engaged, or married. One avoids committing evil by desisting (Walshe, 2009).

The researcher likely concludes that sexual misconduct (*kāmesumicchācāra*) is an intended act against the third precept, for those who do not undertake the training to avoid the five sensual misconducts, along with the absence of discipline and self-integrity. A person conducts himself/herself wrongly in sexual affairs if he/she has sex with persons under the guardianship of the parents, siblings, relatives, family clan, the religious society, the law and the betrothed, particularly if resisting the Buddhist teachings, or the one who fails to use one's own judgment about moral and religious teaching.

2.1.2. Elements of Sexual Misconduct (kāmesumicchācāra)

Keys of sexual misconduct are persons, their own desires and their own consent. It is clear that having sexual affairs can be both right and wrong. The Buddhist philosophy advocates four elements to evidently judge sexual misbehaviour, and they are explained in the commentary of Maṅgalaṭṭhadīpanī (Maṅgal II 205) in four elements: 1) individuals forbidden to have sex with *(agamanīyavatthu)*, 2) having lustful mind thoughts to have sex with a person

(tasmisevanacittaŋ), 3) attempting to have sexual affairs, *(sevanappayoko)* and, 4) already engaged in sexual affairs *(maggenamaggapatipattiadivāsanaŋ).*

The *Akamanīyavatthu* for men as of the first element are twenty types of women which ten types are wives *de facto* of other men, two types are protected by customs or religious life and by laws, and eight types are women under guardianship of their parents and kinships of affinity:

A: Ten types are wives *de facto* of other men, i.e.

1. Women redeemed by men from bondage
2. Women willing to be the wives
3. Being wife to gain wealth and properties
4. Being wife to gain apparels
5. Being wife by consecrated water on nuptial ceremony
6. Being wife by men discharge loads from her head
7. Being wife from being salve
8. Hired woman whom the man takes as wife
9. Woman slave taken as wife
10. Woman as a temporal wife

B: Two types are protected by customs or religious life and by laws:

1. Engaged women by men
2. Engaged women since in the womb

C: Eight types are women under guardianship of their parents and kinships of affinity:

1. Women under the maternal protection
2. Women under paternal protection

3. Women under sibling protection (either elder brother/sisters)
4. Women under guardianship of either the elder/younger brothers
5. Women under guardianship of the fathers and the mothers
6. Women under guardianship of the relatives
7. Women under guardianship of either the clan or the race
8. Women under guardianship of the religious persons (DhsA 98).

Attempting to have sex *(sevanappayoko)* in the third element is the endeavour to have sex as a physical act only, and it is wrong. However, having sex in the mind or in words is not sexual misconduct. Already having sexual affairs *(maggenamaggapatipattiadivāsanaŋ)*, as per the fourth element, is taking pleasure to have affairs with both parties.

Buddhism clearly sets twenty kinds of forbidden woman, but only two kinds of forbidden man: a man who is not her husband (for married woman) and a man protected by religions or traditions (for general woman). It shows that in the patriarchal era women, through their nature, can easily be exploited. Otherwise, there would not be the third precept to protect women, and thus minimise the opportunity for men to coax them. Buddhism tries to free gender discrimination through precepts, fact and rationalisation. However, sexual misconduct is not a one-sided decision, but is an act consent with two parties. Still, there are some who struggle to surrender themselves to immorality, even though miseries awaiting ahead are foreseen, such as lapidation in extreme Islamic countries and Brunei has recently promulgated and enforced lapidation.

Khuddakanikāya Mahāniddesa asserts that sexual misconduct comes from two sources. First, it is from lustful libido, or concupiscence and wantonness.

Second, it is from lustful sex, which is lechery by physical outlook, sound, scent, flavour and touch. Evidently, sexual misconduct thus intrinsically grows from the lustful mind and from extrinsic materialism (Khuddakanikāya Mahāniddesa (Ndd I 2).

Individual differences are another group of elements. Aṅguttaranikāya (A II 71) delineates humans as having four individual differences: 1) appearance-oriented *(rūpa-pamānikā),* 2) vocal-oriented *(ghosa-pamānikā),* 3) moderation-oriented *(lūkha-pamānikā)*, and 4) morality-oriented *(dhamma-pamānikā).* These differences naturally bring different emotions, disfavours and favours. Moods are the passions dormant in different habits, and differences in passions lead to six traits, or '*carita'* (expressions), which are: 1) lust-oriented *(rāga-carita)*, 2) passion-oriented *(dosa-carita),* 3) rage-oriented *(moha-carita),* 4) belief-oriented *(saddhā-carita),* 5) rationale-oriented *(buddhi-carita),* and 6) paranoia-oriented *(vitakka-carita).* Aṅguttaranikāya Ekanipāta, Buddha teaches that physical appearances, scents, sounds, flavours and touch attract the opposite gender through natural passion, as well as the forty female *māyās* and male *māyās*, akin to the allegory of Cakkhubāla Thera (DhA I 15).

Phramaha Panya Chayapañño studies the causes of current *kāmesumicchācāra* and finds that the external and internal elements are the absence of morality on asceticism, different tastes, modesty, consciousness, patience, abstinence, spousal separation, intimate working with a non-spouse, economic problems, spending and living a luxurious life, Westernisation of free sex, duty underachievement and being unfree to mate. In addition, there are immoral assemblies, such as, gambling, intoxication, drug use, night venture and

etc. Finally, causes are also from immoral environments, such as living near to an entertainment complex, using pornographic mass media, and so on (Phramaha Panya Chayapañño,1993, pp. 36-37).

2.1.3. The Differences between Kāme and Kāmesumicchācāra

Kāme and *Kāmesumicchācāra* both have similar and different meanings in some cases. *Kāme* has a broader meaning, and is not only specific to sexual affairs. It covers emotion, thoughts and imagination. These are the desires to have moods aimed at receiving common pleasure, it is then 'lustfulness', whether receive it or not. Then, just having aspirations, or having sexual desires, is having '*kāme*'.

In addition, objectives or individuals causing lust are called material lust *(vatthukāma),* although Buddhist philosophy refers to it as 'virtuous lust' *(kāmakuṇa).* This has been divided into five types of virtuous lust, i.e. appearance, sound, smell, taste and touch, such that the meaning of *kāme* is: 1) lustfulness *(kilesakāma)*, or intrinsic lust, 2) material lust *(vatthukāma),* or material desired to take ownership of, 3) worldly lust *(kāmabhava),* or the birthplace of animals, 4) lustful desires *(kāmataṇhā),* or aspirations, and 5) sexual affairs *(kāmesu),* or sexual misconduct. Sexual affairs in all cases are found not only within human beings, but also amongst the angels of all classes of paradises, as well as all animals on earth.

Thus, *Kāmesumicchācāra* makes reference only to human sexual affairs. It is against the morals and ethical principles of Buddhist philosophy under only the four components previously described, i.e. involvement in sexual affairs, intent to have sexual affairs, attempts to have sexual affairs and, active sexual affairs

(Saddhatissa, 1965, p. 106). The *kāmesumicchācāra* of individuals is first characterised as sexual affairs and excluded lustfulness, material lust, worldly lust, lustful desires and sexual affairs. Then, second, is sexual misconduct with prohibited individuals, called *agamanīyavatthu* (whereby an individual should not indulge in sex with both males and females - bisexuality). Finally, human beings involve in sexual affairs only exclude all other beings, despite living in the same world.

2.2. The Buddhist Ethics in General

Buddhist ethics is founded on the perspectives of Buddha's enlightenment and in his enlightened followers. It has either been inscribed in the '*Tipiṭaka*', or orally conveyed through inherent traditions. The tipiṭaka is the main source of scholarly investigation, in order to find references and anthropological evidences which justify the implications of such Buddhist ethics. Buddhism has set doctrines for the primary or the fundamental level of goodness, which is common where a man will be turned into human with three levels of Buddhist ethics as follows:

1). The Fundamental Levels of ethics: They are five precepts *(five sīlas)* and five ennobling virtues *(five dhammas)* and both should be practiced together. Had just a specific *sīla* been practiced; it would have been goodness only for oneself. But, they should be practiced together (A III 203; D III 235; Vbh 285).

Table 2.1. Precept *(sīla)* paired with Ennobling Virtue *(dhamma)*

Five Precepts *(five sīlas)*	**Five Ennobling Virtues *(five dhammas)***
1. Intention to refrain from killing	1. loving kindness *(mettā & karuṇā)*
2. Intention to refrain from stealing	2. right means of livelihood or charity *(dāna)*
3. Intention to refrain from sexual misconduct	3. sexual restraint *(kāmasaṁvara)* or contentment with one's own wife *(sadārasantosa)*
4. Intention to refrain from false speech	4. sincerity/truthfulness *(sacca)*
5. Intention to refrain from intoxication, i.e. liquor and alcohol and so on which are the foundation of heedlessness	5. mindfulness and awareness or temperance *(sati-sampajañña)* or heedfulness *(appamāda)*

The 'Five precepts' are conventional practices of the laity. They are depicted as voluntarily refraining from killing, stealing, lying, sexual misconduct and intoxication. Alms giving *(dāna)* is to refine the Buddhist consciousness to attain a hierarchical and heavenly happiness. Buddhist monks and nuns have to follow the 'disciplines' *(vinaya)*, which contain a hundredfold more than the Buddhist laities (McFarlane, 2001, pp. 195-196).

2) The Middle Level of Ethics: it is called the ten Wholesome Courses of Action, which mean the ten courses of goodness and which are clustered into three groups, i.e. physical action, verbal action and mental action. They are the practices to purify the body, the speech and the mind (D III 269, 290).

Table 2.2. The ten wholesome courses of action

Groups	Meaning
1. The three physical actions	1. Intention to abstain from killing *(pānātipātā veramanī)* 2. Intention to abstain from stealing *(adinnādāna veramanī)* 3. Intention to abstain from sexual misconduct *(kāmesumicchācāra veramanī)*
2. The four verbal actions	4. Intention to abstain from false speech *(musāvāda veramanī)* 5. Intention to abstain from tale-speech *(pisunaya vācāya veramanī)* 6. Intention to refrain from impolite speech *(pharusaya veramanī)* 7. Intention to refrain from gossip. *(samphappalāpa veramanī)*
3. The three mental actions	8. Non-covetousness *(anabhijjha)* 9. Non-ill will and vengeance *(abyapada)* 10. Righteous view*(sammāditthi)*

The ten wholesome courses of action are both higher moral order of higher moral abstinence from offending the living ten evils. The ten wholesome courses of action are added by their analogous ten higher righteous and humane virtues. Humaneness and righteousness contain virtuous ethic and moral values, such as generosity, benevolence, blamelessness, unifying speech, honesty, gentle speech, giving, useful speech, wisdom and love. Moral restrictions protected by the precepts are to avoid doing evil deeds. The corresponded virtues are to do good deeds. The physical side had to be used in doing good deeds. The words have to be uttered good speeches. The mentality has to conceive good ideas and most critically righteous thought. These triad wholesome physical actions, quartet wholesome speaking and triad wholesome ideas lead to the ten wholesome ways of action. These ten higher Buddhist ethical precepts are the roots of the personal and social harmony and happiness.

3) The High Level of Ethics: it is the practice to achieve the highest goal of goodness which is the human life ideal. They are the noble eightfold paths or the middle way, i.e. righteous view *(sammāditṭhi)*, righteous thought *(sammāsaṅkappa)*, righteous speech *(sammāvācā)*, righteous action *(sammākammanta)*, righteous livelihood *(sammā-ājīva)*, righteous effort *(sammāvāyāma)*, righteous mindfulness *(sammāsati)*, and righteous concentration *(sammāsamādhi)* (Vbh 235).

Buddha advocates the 'Eightfold Noble Paths' to help individuals to be accepted by society, and to take for self-develop in order to reach the ultimate goals of life. The noble paths guide the believers into the paths of nonviolence, even from the lowest being (such as the insect) to the highest being. The paths are contradictory to the extreme Jainism although, the perspective of both sects concerning nonviolence advises a close involvement and relationship with every living thing (Olsen, 2005, p. 73).

In summary, the major Buddhist Dhamma principles involve three elements, i.e.

1. Not doing evil deeds: it means what is done bodily, verbally and mentally and leading to (1) troubling oneself; (2) troubling others; (3) troubling oneself and others and (4) becoming useless for oneself and others. All these are evil and needed to be restraint, reduced, abandoned, withdrawn, sacrificed, avoided for greater distance.

2. Creating goodness: it means what is done bodily, verbally and mentally and leading to (1) not troubling oneself; (2) not troubling others; (3) not troubling

oneself and others and (4) becoming useful for oneself and others, which are counted goodness.

3. Purifying the mind: it means what is done, spoken and thought should lead to a purified mind with virtue such as alms-giving, solitude, generosity and wisdom to help eliminate and alleviate greed, hatred and delusion.

2.3. The Moral Principles of 'Sexual Misconduct' (*kāmesumicchācāra*)

Buddhist philosophy emphasizes the middle-way. It claims that the first and most important thing is to perceive the reality of the issue. From the Buddhist point of view, there are primary and secondary levels of ethical criteria which arise through intention *(cetanā)* as a principle of order, in order to distinguish rightness from wrongness, or goodness from badness.

2.3.1. Precept (sīla) and Sexual Misconduct (kāmesumicchācāra)

Sīla of *Kāmesumicchācāra* regulates the control of individual sexual acts in societies, to be abided by, to judge which one is right, and which one is wrong. Sexual conduct control in Buddhist philosophy is the route to ethics.

In Buddhist philosophy, the *sīla* of *kāmesumicchācāra* has never been enacted in case by case, but found in several sermons of Buddha, in various places and times, for example in the Five Precepts *(five sikhāpada),* Ten Righteous Conduct *(ten dhammacāriya),* Ten Happiness *(ten sukkhama),* Not doing harm oneself and other, and Five points of non-danger *(five non-endangerment),* (Phramaha Panya Chayapañño (Dabpolharn), 1993, pp. 41-48). These prohibitions are exclusively meant to directly control sexual behaviour. There are three objectives for secular practices. *First*, it is to avoid sexual misconduct through

ways of living which do not impinge upon one's spouse. *Second*, it is to avoid nuptial infidelity, in order to prevent problems of sexual misconduct and associated indulgences. *Finally*, it is to avoid and control oneself concerning sensualities but to gratify one's spouse only. Buddhist philosophy calls this "*sadārasantosa*". In Buddha's 'First Announcement of the Moral Truth' *(saccadhamma)* on *kāma*, or sex, He says that this is non-quintessential.

Therefore, the *sīla* of *kāmesumicchācāra* in Buddhist philosophy is to regulate the ethics of sexual conduct, as a proposal of guidelines for a peaceful and happy coexistence in society. It begins with each individual, and then diffuses to a broader spectrum. This is to prevent the countless problems yielded by sexual misconducts.

2.3.2 Buddhist Ethics Concerning Sexual Misconduct (kāmesumicchācāra)

1) Abstention from Sexual Misconduct (kāmesumicchācāra-veramanī)

Avoidance of sexual misconduct concerning 'The Third Precept' in Buddhist teaching is to skip sensual desires for evil actions. Saṅgharakkhita claims that sexual misconduct involves other kinds of sensual desires, such as over eating, which comes under the human five senses. However, Buddhaghosa maintains that it (sexual misconduct) focuses only upon 'the affair'. Ideal self-development in Buddhism, to reach enlightenment, is to detach from sexual misconduct and sexual activities. In other terms, it is to undertake celibacy as monks and nuns. Theravāda allows temporal celibacy, as traditionally practiced, in order to enter the monkhood before marriage. However, a better choice is to

frame sexual acts within moral bounds, and avoid sexual misbehaviour altogether (Tricycle Winter, 2003, pp. 40-41).

Interpretation: the third precept is to encourage the practice avoidance of adultery, abduction and rape. Adultery is the breach in nuptial vows. If it is by violence, it breaches the first precept. Fornication or sex before marriage and homosexuality are under extensively controversial debates. Western Buddhists favour liberality, whereas Theravādas favour conservativeness, but Tibetan Buddhists seem to favour the middle-way even though they are traditionally liberal about sex (Harvey, 2007). Sex does vex all dull and bright brains. It appears; "*your hedonism is bad but my hedonism is acceptable and harmless, just on the brink of sinfulness*" and "*sex is one of the natural laws, fair of fondling and justified of personal liberty*". Sex builds the world, but sexual misconduct destroys the sources which build the world (Harvey, 2007).

The third precept interpreted by Buddhaghosa is extremely conservative; in prohibiting homosexuality and prohibiting sexual affairs with 20 kinds of women, or in that sex outside marriage is impermissible (Saṅgharakkhita 2001, pp.71-75) is to avoid sexual activities which are exploitative and hurt other people, such as it is unethical to have sex with someone else's husband or wife, or boyfriend or girlfriend. However, homosexuality is sometimes permissible in the view of Saṅgharakkhita, while the Tibetan Buddhists are allowed polyandry (having many husbands at the same time). Other Buddhist sects condemn homosexuality. Tantra (a Buddhist Vajrayāna sect of ancient India) even allowed coupling whilst absorbing deep mediation, and visualised one spouse/partner as a symbolic deity (*dakini*) (Harvey, 2007). It appears here that sex is an adventure

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into geographic customs and traditions. The pious persons will be very strict and detailing and, in contrast, Saṅgharakkhita interprets that if to have sex with the opposite sex is wrong then having sex with the same sex is not wrong, as the gay-king and gay-queen or lesbian-like woman 'tomboy'. The Tibetan laywomen can have many husbands because male homosexual affairs might be wrong, as in patriarchal societies or in lama societies; thus, women having many husbands for sex should not be wrong, since tipitaka prohibits only men not women (Harvey, 2000, pp. 13-18).

Kāmesumicchācāra means sexual misconduct with material sex and lust, or sex under the drive of lust and all sexual activities facilitated by the acts of couples, which are condemned by the wise (Maṅgal II 204). Good sexual conduct is to be content with one's wife or one's husband, and not to be content with another's wife or another's husband. Therefore, sexual misconduct means having sexual affairs with the 'prohibited person', depicted by ethics in the Buddhist philosophy *Asaddhammadipāyena.* Furthermore, *Kāmesumicchācāra* means the intention to have physical sex and to act until satisfying that motive. Contentment in sensuality encounters five sensual and sexual temptations, i.e. forms, tastes, smells, sounds and touches. Therefore, sinful sexual contentment certainly shall surrender to these five evil forces. To overcome such sinful sexual contentment, an individual needs angelic qualifications to win over such; although angelicship have occurred so little in the history of religions.

Overcoming a sexual misconduct involves the practices of simplicity, stillness and contentment, which so closely resembles the third precept's underlying values. One's mental state could drive an individual into inexpert

sexual affairs, and mediation is found to best help cultivate contentment to all human statuses, i.e. the single, the celibate and the married. Similarly, loss of contentedness and greed might root sexual cravings (Harvey, 2000, pp.13-18). The practices of simplicity, stillness and contentment are easy to speak of, but they require tremendous perseverance to achieve them. How many human beings can do as such exempted by the arahants? With this foreseeing, Buddha simply accents that Buddhist morals and ethics are gradual practices that take time. This means that there will be human beings who practice and win, who practice and fail, and who never practice but want to win.

Human desires concerning adultery are already immoral or sinful (Jeremiah. 3:6, 8-9; Ezekiel. 16:32; Hosea. 1:2-3; Revelation. 2:22), whilst it is against the third Precept, in which Buddha says that being ungratified with his spouse, and if he is found with whores or the spouse of other person, it declines him (Sn 20). Adultery could at least create physical and psychological ill-effects, loss of trust, insecurity, poor self-esteem, self-guilt, marriage breakdown and social degeneration. Although admitting it is wrong, some people seek situational reasoning to justify it within their social classes.

2) Basic Views on Sexual Misconduct (kāmesumicchācāra) in Thailand

Traditions and Values-led: back in the time of King Rāmā IV-V (1932-1933), polygamous men were driven by their desires to demonstrate their dominions, like monarchs, nobles, elites and the like. They were witnessed in invasions where the victors claimed tributes from the defeated, in order to proclaim their power and demanding loyalty. The nobles and the elites would be

paid with indemnities, which could have been in the forms of property and slaves. By tradition and values, polygamy was socially accepted and privileged, but it seemed indirectly adulterous and loveless, such as Khun Chāng & Khun Phean, and Nāng Tād. Since the absolute monarchy ended and democracy emerged through revolutions, Siam (Thailand) has enacted monogamy as in the West. However, habitually and traditionally, such practices were so deeply implanted but sexual deviance has never been mentioned, except in literatures and in the *Dhammapada.* Probably, sexual deviance was not traditionally accepted and de-valued, yet it has been secretly practiced and accepted in the dark zones of immorality.

Habit and personality-led: human nature, habit and personality routinely shape these conducts to form a self-identity. Adulterous people are driven by their natures, habits and personalities because of the absence of their own self-understanding about self-habits shaped by previous experiences. As a result, domination of the mentality, and the feelings associated with irreducible desires or cravings, arises, which finally leads to a void in self-control (Wilkerson, 1995 pp.1-6).

Nevertheless, nuptial betrayal is neither accidental nor unconscious, but is the inducible desire driving one to commit adultery. This is witnessed endlessly in TV news, radio programmes, newspapers, the internet, websites or social networks in current society. Adultery in any forms has been deep-rooted in human societies since unknown ages; no societies can stop it, and so thus zoophilia. In the views of Buddhist ethics, both sexual misconduct and deviance are unethical and immoral.

2.3.3 The Lay Buddhist and the Third Precept-kāmesumicchācāra

The third precept for lay Buddhists is *kāmesumicchācāra veramanī sikkhā padam samādiyāmi.* It is to refrain from sensual wrong-doings. It sets a base for the other four precepts. Buddhism views that sex is not wicked. But those growing guilty in sex life have to remember that breakdown in sex is equally serious in breakdown to achieve the precepts. The fourth precept, as a matter of fact, concerns refraining from all forms of vice speech (including senseless remarks about others), and is thus the hardest precept to achieve. There are at least two questions about the implications of the third precept.

First, what exactly does the third precept imply for lay Buddhists? It is simply a training rule, and not a 'commandment' like "*Thou shalt not commit adultery.*" Buddhism has no commandments, but just enterprising via oneself or doing one's best in practicing some restraints, because one understands that it is a good thing to do. Therefore, if one sees it is not a good thing to do, one should abandon its undertaking, and vice-versa.

Second, what are the purposes and the spheres of the third precept? *Kāma* in pāli means 'sensual desire', but does not refer exclusively to sexual desire. Plurally, '*kāmesu*' closely means 'the lusts of the flesh'; or sensual pleasures and greed for food, as in the Biblical diction terms. Thus, individuals, strongly fondling with sexual preoccupation, slant to other more sensual pleasures. However, from a sexual perspective, this point is possible, in that *dukkha*, the feeling of dissatisfaction and frustration with life, is deepened in one's cravings and one's desires. The merrier the desires and cravings that are taken

under hegemony, the less misery or *dukkha* one will experience. It appears to be evident; but such simplicity is otherwise not always necessarily easy.

Some overlaps are found at the core of the 'Third Precept', which is directly related to the Jewish and Christian commandments of '*Thou shalt not commit adultery*'. However, their spiritual approaches distinctively differ. Traditional Christians definitely view that only married couples can have sex with their partners for child procreation or reproduction. Therefore, contraception arises in similar debates. For such contraception, also used in homosexual activity, abortion and other closely related activities are often then viewed with disgust and proclaimed 'unnatural', but unfortunately they remain secretly practiced. Prohibitions, as stated, may today be better approved for violating them, rather than sensibly observing them. The inevitable reaction offends attitudes about absolute permissiveness, in that 'anything goes', as favoured by some psychologists. Permissivism and Puritanism are extreme views but, clearly, Buddhism disagrees with both such '-isms'.

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2.4 Criteria of Buddhist Ethics

The criteria contain primary levels and secondary levels.

2.4.1 Primary Level Criteria

First is intention *(cetanā)*. This is founded and based upon 'three types' of goodness, the roots of good actions or of the wholesome *(kusalamūla)*, of his/her spirit, which includes: generosity, not being greedy, *(alobha)*, tranquillity, not angry, *(adosa)* and scrupulousness, not being obsessive *(amoha)* (D III 275). Righteousness in Buddhism is the action resulting from unprejudiced

mind, with neutrality underpinned by the 'three' spiritual 'types'. For the unrighteous is any action which is being conducted under the influence of greed *(lobha),* anger *(dosa)* and obsession *(moha),* otherwise known in Buddhism as *akusalamūla*, the roots of all bad actions or demoralisation (D III 275).

Second is *situation.* This helps or supports the life and mind, such as the pacifying mind, one of no physical suffering, and of enhancing or reducing the quality and efficiency of mind *(citta),* such as supporting the growth of goodness and decreasing ignorance (D III 275).

2.4.2 Secondary Level Criteria

They are based upon laws, traditions and culture, and must consider firstly, it is an application of the self-consciousness and the mindfulness of the rightness and wrongfulness, good and evil and discipline, self-educating or self-training, or indeed none of those. Second, it is the acceptance of wise-men, or knowing about being blamed or praised by wise men. Third, actions enact harm or no harm to oneself or others and, fourth, it brings happiness or unhappiness to oneself or to others (A I 184-188). Besides, in Buddhist ethics, there are sub-criteria of any *sīla* to justify his/her actions, good or bad, right or wrong by considering the conditions in violating or not violating as follows:

2.4.3 Violating-Precepts Conditions

1) Five settings of carnage or killing *(pānātipātā)*

1. The alive being

2. Knowing it is an alive being.

3. Having intent to trigger death.

4. The act triggers death.

5. Death witnessed as the output of the triggered act.

The first Precept is breached, had the above five settings are completed.

2) Five settings of theft *(adinnādāna)*

1. The belongings are owned by other persons.

2. Knowing the belongings are owned by other persons.

3. Having intention to steal.

4. A theft is done

5. By the theft, belongings have been taken.

The second Precept is breached, had the above five settings are completed.

3) Four settings to sexual misconduct *(kāmesumicchācāra)*

1. A man or a woman who improperly has sexual affairs.

2. Intend to enjoy the misconduct with such woman or man.

3. An intercourse is done.

4. Having enjoyment of the sexual organ contacts.

The third Precept is breached, had the above four settings are completed.

4) Four settings of lying *(musāvāda)*

1. What is said must not be true.

2. Having intent to tell lie.

3. Having lied as intended.

4. Knowing what is said is lying

The fourth Precept is breached, had the above four settings are completed.

5) Three setting of intoxication *(surāmereyya)*

1. Be it intoxicant.

2. Having intent to in-take.

3. Having in-taken.

The fifth Precept is breached, had the above four settings are completed. However, medical intoxication breaches not the fifth Precept (A III 203).

The Brahmajāla-sutta and the Kaṅkhā-vitaraṇī describe about two factors of the third precept. *First*, *sevanacittaṃ* is the intention to have sexual affairs. Second, *maggenamaggapaṭipadanaṃ* is sexual contact through any one of the 'paths' (i.e., genitals, anus or mouth). Similarly, the Khuddakapāṭha (KhA I 31) elaborates the four factors involved in the third precept, i.e. first, *ajjha-caranīya-vatthu* is the base or path for wrongful conduct. *Second*, *taṇhāsevanacittaṃ* is the intention to have sexual intercourse through any of the above *ajjha-caranīya-vatthu*. *Third*, *sevanappayoko* is the effort maintained to achieve sexual intercourse and, finally, *sadiyanaṃ* is receiving such pleasures. However, Buddhism focuses on *cetanā* or intention to justify all *kammas* or actions.

2.4.4 Sexual Misconduct and Its Criteria

Sexual misconduct is defined as ones engaged in sensual misconduct with those prohibited persons (A X 176; A V 263).

If likewise, the sexual misconduct criteria are conditioned that when a married man and a married woman having marital infidelity, will deserve twofold wrongness. The man is wrong because he violates the wife of the other person, and his own wife. Similarly the married woman is wrong because she violates the other's husband, and her own husband. For the married man and a single woman

with maturity having sexual affairs; both are one-fold wrong. The married man violates his own wife, while the single woman violates the husband of the other person. A single man and a married woman having an affair will meet a one-fold wrongness. The man violates the wife of the other person, while the married woman violates her own husband. A single man and a single woman having a sexual affair, and if they are mature, do not violate the 'third precept' (MA I 199).

2.4.5 Sexual Deviance and Its Criteria

Sexual deviance is an act of a person who extremely attaches to worldly pleasures, living infatuated and avaricious for, addicted to, stick to and attracted in worldly pleasures (Ud 74). Buddha has also said that sexual deviance is any homosexual indulging in oral sex, anal sex or sodomy with boys will, upon their death, be reborn into the evil realms, particularly Hell, if such illicit sex is often enjoyed (Buddha Words, 2011).

Thus, humans desire and are envious persons of sexual misconduct or if sexual deviance is wrong, it is certainly against the third precept as being taught by Buddha. Buddha says, "Being dissatisfied with one's wife, if one is seen with prostitutes or the wives of others, this is a cause of one's decline" (Sn 20).

Sexual deviance in Buddhism is circled in six cases: 1) a wedded male having an affair(s) with a wedded male, 2) a married female having an affair(s) with a married female, 3) a married male having an affair(s) with a single male, 4) a married female having an affair(s) with a single female, 5) a single male having an affair(s) with a single male, and 6) a single woman having an affairs with a single female (MA I 199).

The 'wrongness criteria' of sexual deviance are understood as that if a married man is having affair(s) with a wedded man; he meets double wrongness, i.e. violating the other's wife and his own wife. A wedded female having affair(s) with a married female meets double wrongness, i.e. violating the other's husband and her own husband. A wedded male having affair(s) with a single male, both meets one-fold wrongness. The former violates his wife, while the latter violates the other's wife. When a married woman is having a sexual affair with a single woman, both meet one-fold wrongness. The former violates her husband, while the latter violates the other's husband. For a single man having sexual affair(s) with a single man; the man violates the 'third precept', since he violates woman under the condition of the twenty types. For a single woman having sexual affair(s) with a single woman; the first one violates the 'third precept', since the other is under the condition of the twenty types (MA I 199).

In addition, for sexually oriented behaviour, deviance is an action which may meet either one or all the four conditions, which are 1) level of consent, 2) the characteristics of the objects/ persons engaged in the act, 3) the real action and the physical parts engaged, and 4) the conditions in which the behaviour is done. Generally, sexual oriented behaviour not wholly consent by every person engaged is viewed a sexual deviance. (Tewksbury, 2007).

2.5 Buddhist Ethics and the Problem of Sexual Misconduct *(kāmesumicchācāra)*

The attitude of Buddhist ethics about sexual issues must be reviewed, especially the third precept about refraining from sexual misconduct, despite the

above being a negative view, imply that a positive view is primarily based upon sexually correct conduct. This shows that the attitude of Buddhist ethics does not hold sexual misconduct in contempt, in terms of it is being a bad thing, but that any sexual misconduct, for example marital misconduct or the violation of another's husband or wife, is regarded as cheating or adultery, etc. Buddhism views that sexual activity is a part of human nature, or even a human duty, and it is one of happiness for the common person. The fact is; Buddhist ethics contends that happiness as a Buddhist understanding contains both similar and different aspects of other schools of thought. Buddhism divides the levels and types of happiness in various ways, such as: 1) sensual happiness or worldly happiness *(kāmasukha)*, 2) meditation happiness *(jhāna)* and 3) the eternal happiness *(nibbāna)* (Rājavoramunī, 1986, p. 565).

Kāmasukha or sensual happiness of the most unenlightened beings *(puthujjana)* has more or less desire *(taṇhā)*. Buddha views the subject of happiness as something real and existing, and when addressing his ordained disciples, he encourages them to search for happiness by renouncing life. Buddha remarks that two kinds of happiness exist; one is in lay life *(gihisukha)* and the other is in the renounced life *(pabbajjāsukha)*. Between the two, happiness in the renounced life is better. Thus, two kinds of happiness exist; one comes from sensory satisfaction *(kāmasukha)* and the other comes from giving up sensory satisfaction *(nekkhammasukha)*. Happiness coming from giving up sensory satisfaction is then better (A I 80).

Concerning the case of adultery problems, or '*kāmesumicchācāra*' between humans with animals and humans with humans; the intention *(cetanā)* is

for the Buddhist philosophical principles of ethical criterion to justify right or wrong and good or evil, as shown in the primary and secondary levels as above mention.

For sexual misconduct in the case of extramarital misconduct; spousal infidelity and sexual deviance choke society. This dilemma is still as sensitive and as complicated a problem even before Buddha's time until today. Some cases cause homicides, as witnessed in TV news, newspapers, and media. *Kāmesumicchācāra* or 'sexual misconduct' and deviance, such as in the case of Queen Mallikā, critically challenge Buddhist ethical practices and ethical accountability, not only for married couples, but also amongst the royal courts, monks and common laities, because of the misunderstanding of Buddhist teachings on *kāmesumicchācāra* or 'sexual misconduct', and deviances in texts and commentaries. Criticism should be made about *kāmesumicchācāra* or 'sexual misconduct', and the deviance spotlighted in Buddhist ethics and philosophical ethics, which should shine the trails leading to the recovery of social malaise and help sustain social development.

The mega-impacts of divorce resulting from sexual misconduct and sexual deviance upon children's' psychological and social phenomena are glacial; usually they cause pessimism and a dying confidence in life and logic (Hosseini, 2006, p.154). Nevertheless, if societies collapse, not only Buddhism but also other religions will certainly collapse. This is just not a right-or-wrong enigma, but it is a matter of how Buddhism can thus help to lessen sexual misconduct and deviance, or; is Buddhism itself a cause of this problem? In the case of violating *sīla kāmesumicchācāra*, judgment criteria exemplified by sexual misconduct must

ask 'How have those sexists offended according to the Buddhist ethical criteria?' Concerning investigation, the philosophical inference of sexual deviance in the literatures of Buddhism, contemporary Buddhist sexual ethics and discussion, they must include "should or should not" the deviants have committed such? The benefits of investigation and discussion about the Buddhist riddles of 'sexual misconduct' *(kāmesumicchācāra)* and the ethical challenges in Buddhist literatures and contemporary Buddhist ethics are not meaningless, but strengthening and reinforcing believers' greater social awareness to start dampening down the sexual misconduct riddles in their own societies.

Buddhist principles arise from sound bases of family principles. The principles provide each family member with guidelines pertaining to individual duties necessary to be performed within that family household (Phramaha Yota Payutto (2008, pp. 9-10). The doctrines include the four *gharāvasadhammas* of truthfulness *(sacca)*, training *(dama)*, patience *(khanti)* and sacrifice *(cāga)*. All of them are essential for domestic harmony. Similarly, the three-fold training *(ti-sikkhā)* strengthens the character of the various members of the family. The criteria of ethical rightness or wrongness are relying on a very common sense of any common people. Men and women are born destined and designed to be single or coupled or conditioned. Human common sense is similar to radar or sonar which guides them to righteousness and peace of mind. But some favour sexual adventures or a shift of monotony. They all finally end in suffering others conditionally unintended as the white sexual misconducts with the excuses of being epicorianists or hedonists or personal liberalists or categorical imperativists (no-way-to-avoid) or neoliberalists and so on.

2.5.1 Consequences of Sexual Misconduct: Kamma and Vipāka

The Pāli word *Kamma* (Sanskrit *Karma*) is literally defined as 'action' *(i.e., cetanā* or volition*)*. It could be either unskilled *(akusala)* or skilled *(kusala).* The consequences of deed *(kamma)* grow to the actor as *vipāka.* Meaning, it is unpleasant when it is an unskilful act, and it is pleasant when it is the skilful action. For example, William Tell does not miss the apple on his son's head, and that was pleasant (Swiss Chronicle in 15th Century); then the non-William Tell would miss and kill his son, and that would be unpleasant.

Buddhism teaches human life and every occurrence in living are the results of every human's previously physical, verbal and mental deeds or karma. All actions create new karmas. They leave subtle imprints in the mentality that has the possibility to be mature as either future suffering or future happiness, relying on negative or positive actions. Had one brought happiness to public, one would be happy. Had one generated misery, one would experience misery either in one's life or in one's afterlife. It is the 'Karmic Law or the 'Cause- Effect Law'. The karmic law would direct the soul of the dead to be reincarnated in worlds which are suitable to one's karmic accretions.

Dalai Lama Tenzin Gyatso (2011) the 14th Dali Lama preaches that to grow good deeds are the best way to be ready for death. They are never doing bad acts, fostering a pure mind, pure heart, never harming anyone, never killing, never performing sexual misconduct, never telling lies and never taking narcotics and liquor. All bring very positive merit, which allows one to pass away as one has led his/her life.

Ven. Thich Nguyen Tang says Leonardo Da Vinci once notes, "*Just as a well spent day brings happy sleep, so a life well spent brings a happy death*". If one leads an emotionally turmoil life with conflicting selfish desires and disregarding others; then one would die with regrets, suffering and aching. So much greater for one is to care for those who are living around him/her, than to lead fatefully extending his/her life or searching for the courses to prolong it, because ones who are affordable, at the price of relief, will practically suffer much more. Improving the spiritual and moral quality of life enhances it for everyone, but not for the few narcissistic elite individuals who benefit and devour almost every natural resource (Ven. Thich Nguyen Tang, 2002).

2.5.1.1 Consequences of Karma in the Nirayas:

Niraya is a place to detain persons who commit capital sin and have to repay during their worldly sinful lives by having their physical bodies to be punished such as being sawed, chopped, burned, hit by pestle, boiled, climbing cotton tree, and so on. There are three levels and eight major nirayas and classified in total into 457 nirayas (A V 173; M III 179; S I 149; Sn 162; AA II 853). For those who offend the third precept will be detained in Sanghātamahaniraya. Meaning, the mahāniraya is where the iron mountain crushes their bodies and its period of time per night is equal to 144 million years compared to the human world (S I 149; Sn 162; AA II 853).

Niraya (Sanskrit: *Naraka*), is the name of the severest world of suffering in Buddhist cosmology. It is elucidated as either 'hell' or 'purgatory', or 'Diyu' in Chinese mythology. However, it is different from Judaism and Christianity, where the dead is not punished by God. Each period is very long, yet not eternal. The

dead is reincarnated or reborn in *niraya* as a consequence of his/her karma there for some time, until his/her karma is fulfilled. Then he/she shall be reincarnated in the higher worlds by karma fulfilment (Thankur, 1992).

The 130th Majjhimanikāya discourse, in the 'Devadūta sutta', Buddha evidently teaches about 'Hells'. There are five (sometimes six) rebirth realms, divided by degrees of either agony or pleasure (M III 179). The lowest one is *niraya*, or the start of rebirth, and the worst is endless suffering, or '*avīci*'. Devadatta, one of Buddha's disciples, who attempts to murder Buddha for three times, and plots schisms in the monastic order, is said to have been reborn into the *avīci*. Similar to other rebirth realms, the 'Hellish' realms are impermanent, but suffering continues for eons before rebirth. Buddha teaches that eventually even the Devadatta shall become a Paccekabuddha himself. He emphasises the impermanence of the Hellish realms, and thus Buddhism encourages evading any eternal rebirth journeys through the reaching of *nibbāna*.

According to the 'Ksitigarbha Sutra', the Bodhisattva Ksitigarbha took a great vow as a young girl, in order to delay reaching *nibbāna* until all beings were freed from the Hellish realms, or unwholesome rebirths. The Ksitigarbha took a journey to the Hell realms to enlighten and relieve all beings from their miseries. Narakas were physically viewed as cavernous layers, protracting below any conventional human world (*jambudvīpa*) into the earth. To reckon these Narakas and picture their torments, they were rooted in the *abhidhamma-ghosa* (Treasure House of Higher Knowledge), which were the Eight Cold Narakas, the Eight Hot Narakas, and the Isolated Narakas (Alexander, 2009, pp.150-155).

Genshin, a Japanese monk, begins his *Ōjōyōshū* with a description of the suffering in Narakas. Tibetan *Lamrim* texts also embrace a similar description. The 'Mahāyāna Sūtra' of the bodhisattva Ksitigarbha (Dìzàng or Jizō) graphically elaborates the sufferings in Narakas, and explains how ordinary people can transfer merit in order to dismiss the sufferings of the beings there. Descriptions of the Narakas are a common subject in some forms of Buddhist commentaries and popular literature, and are found as cautionary tales explaining against the fate that befalls evildoers as an encouragement to virtue (Alexander, 2009, pp.150-155; Malik, 2007, p. 50; Morgan, 2010, p. 73).

2.5.2 Sexual Pleasure and the Concept of Sin (pāpa)

The sensations, we are exposed to, are maturation (Keown, 2000, pp. 810-813) and ripening (Harvey, 1990, p. 39), which rely upon the previous kamma. We never stop visiting new kamma, be that unintentionally or intentionally, or sensually or non-sensually pleased, for the sake of having a good time. However, sensual pleasure is not unskilful or skilful, but either 'virtuous' or 'sinful'.

The Permissivists or Puritans would justify sensual pleasures if they were enjoyable without any guilt of conscience or feeling. Many people hold that money is the root of all evil. In fact, it is not, but an obsession with money still abounds. Similarly, the pleasure of sex is like money and not wicked but adherent to it is the money-oriented. However, one is right when one is not attached to sensual pleasures. Attachment to sexual pleasure is difficult to resist, and that is kamma. According to Buddhism, the results of this unskilled kamma will necessarily lead to something unpleasant in the future.

'Sin' by Christians is in the first thought breaking the Commandments (Deuteronomy 5:6-21). Theologically, it is justified in Christianity, but cannot be applied to Buddhism. First, Buddhism never codes commandments, and so none breaks them. However, if we compare and contrast the differences between the precepts of Buddhism and the Christian 'Ten Commandments', both have some analogies. For example: adultery, killing, lying and stealing in Christianity is almost similar to *kāmesumicchācāra*, *pāṇātipātā*, *musāvādā* and *adinnādānā* in the 'Five Precepts', 'Eight Precepts' or 'Ten Precepts' of Buddhism. Significantly, both beliefs advise their followers to behave accordingly.

However, the Christian word 'sin' itself is in fact closer to the Buddhist view of things. In the Bible, 'sin' actually owes credit to Hebrew and Greek words, which are literally referred to 'missing the mark'. Its interpretation is 'inadequate' or 'unskilful' behaviour. Sinners are similar to the unskilful bowmen who miss the target (perhaps the 'Art of Archery', or the real meaning of Zen). This is analogous to *akusalakamma*, which means 'unskilled action' in Buddhism.

Walshe (2006) claims there are many debates about sex circled around the sense of sin. The puritans blame that sexual affairs simply for pleasure are wicked, evil or 'sinful' (i.e. displeasing to God). The permissivists blame this being senseless, and that 'sin' itself is then possibly meaningless. Sexual pleasure, on the contrary, is not evil, but highly legitimate and, in principle, perhaps at least a topping pleasure; everyone has a right to it. Christians with an unsound or sound background are blind to the puritanical sense of Buddhism concerning this dilemma. Even devout Buddhists may have never entertained a vivid explanation of such. It could otherwise be too technical or incomprehensible, particularly

within the simple clarifications of kamma, which some Buddhists may never want to achieve.

Adjudicating that both permissivism and puritanism are probably right but 'incompletely right'. Even though puritans are partly right, they are wrong in reasoning. The Puritans coined sexual indulgences or preoccupations as not being evil, yet to some degree are inadvisable because few can neither abstain totally nor be driven to such, yet only moderate involvement apparently does deserve merit.

Kāme and *Kāmesumicchācāra* could be classified that the former is natural affairs involving most beings, while the latter is an accumulation of excessive affairs of lesser understanding human beings, which only leads to aftermaths and riddles. The nature of *kāme* is meaningless, and is analogous with the following:

1. A desperate and hungry dog given a blood-tainted bone for gnawing, and yet is never full.

2. A piece of meat carried by a vulture or falcon, and when other vultures or falcons see the meat then they fly-in to snatch the piece of meat, which is not owned and so others are permitted to fight for it, and snatch it.

3. A man carrying a blazing torch of grass against the wind; it will be finally thrown away, or else it burns his hand and arm and other organs, to almost the point of death, or serious injury.

4. A burning pit; those who live their lives know that if falling into it they die or become seriously injured, and yet they do not want to fall because there are strong men trying to pull them into the pit.

5. A dream of heavenly brightness, but not too long faded away, so that upon sunrise one can see at least nothing but regrets.

6. A borrowed treasure for vanity and luxury, to show-off and be admired, but temporally owned, and with such uncertainty of ownership. If the real owner finds their treasure; it must be returned without bargaining, whilst the honest person simply appears and fades away.

7. A fruit tree with its fruits falling into the jungle, and when the passers-by desire the fruits they climb to collect them, whilst those who cannot climb also crave such fruits. The rogue ones would cut down the fruit tree, and those on the fruit tree, if too late to climb down, would be felled and break their limbs, and may even die.

8. A meat chopping block which, if involved, is directly taking risk with one's own life.

9. A spear or a lance; they will be piercing to make wither larger or smaller wounds, and thus deliver greater pain or minimal pain.

10. A snakehead, if involved; it is always doubtful, and never has a sound of confidence, which might strike and endanger 'anybody', at any time (Vin IV 134).

The above ten analogies remain simply for the common *kāme* only. They are not rigid in the Buddhist philosophy. However, one must be moderate in sexual affairs in the *kāme.* Nevertheless, for *kāmesumicchācāra*, it is demanded to directly and indirectly avoid such actions, as they are witnessed in the *sīla*, or that which is forbidden in the five precepts, the eight precepts and the ten precepts. (Rājavoramunī, 1989, p. 537)

In conclusion, the Buddhist ethics aims to purify the mind from greed *(lobha),* anger *(dosa)* and obsession *(moha),* which is called the roots of demoralisation *(akusalamūla).* Buddhism regards intentions *(cetanā)* as being based upon these three roots of good actions *(kusalamūla),* by recognising the self and others. In that, all lives are as equally valuable as one's own.

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CHAPTER III

SEXUAL DEVIANCE IN THERAVĀDA BUDDHIST LITERATURE AND CONTEMPORARY BUDDHIST SEXUAL ETHICS

This chapter provides a compendium of sexual deviance in the Theravāda Buddhist literatures and the contemporary Buddhist sexual ethics. These involve the perspectives of *sexual deviance* in the Theravāda Buddhist texts and *sexual deviance* in the contemporary Buddhist sexual ethics.

3.1. Sexual Deviance in Theravāda Buddhist Texts

Sexual deviance is in many ways understood as sexual orientation, akin to the paraphilic story of Queen Mallikā in Buddhist texts, monk celibacy and the *pārāajika* conditions, and rejection of the *ubhatobhayañjanaka* to enter monkhood, as well as the *paṇḍaka*. Sexual orientation and deviance, in Buddhist literature, are seen in the vinaya, contained in the *pārājika* conditions for *bhikhunī* and *bhikkhu*. More sexual orientations or deviances include: necrophilia ('open sores [in dead bodies]'), bestiality ('the female monkey'), and inanimate objects sex ('the moulded image'; 'the wooden doll'). The vinaya also denounces autoerotic or homoerotic act, e.g. auto-fellatio or the nimble-backed monk' and auto-sodomy ('the monk with a long penis') (Vin I 221-222).

Before Buddha's time, sexual orientations or deviances were secretly committed. If not, no ordinances would be inscribed in the vinaya that either *bhikkhunis* or *bhikkhus* breaching any vinaya would be disrobed *(pārājika)*. Not only monk celibacy and the *pārājika* condition either; there are rejections for

entering monkhood which would include the hermaphrodite *(ubhatobhayañja-naka)* and the eunuch *(paṇḍaka)*.

3.1.1 Ubhatobhayañjanaka: Hermaphrodite

Within the vinaya first monastic texts around the 4th century of Buddhist era, monks were definitely forbidden from being involved in sexual acts with of the four sexual categories: female, male, hermaphrodite *(ubhatobhayañjanaka)* and eunuch or the castrated *(paṇḍaka)* (Horner, tr, 2004, p. 50). Buddha later allowed women ordination, but not other kinds of individuals. Buddha denounced some kind of individuals to join the monkhood, and this reflected Buddha's concerns with the sangha public image as being 'virtuous'. Social acceptance was essential to the 'sangha', as survival was at the stake if without material support from laities (Harvey, 2000, p. 390).

The Pāli lexicon of *ubhatobhayañjanaka* usually refers to individuals who have bi-sexual organs, or intersex or hermaphrodites (Davids, 1975, p. 154). Thus, *ubhatobhayañjanaka* in the vinaya is rejected, or is considered ordination for those who do not entertain the possible enticement of fellow monks or nuns to have sex (Harvey, 2000, pp. 412-413). Phra Rājavoramunī a reformist defines *ubhatobhayañjanaka* "a being with the genital organs of both sexes" (Rājavoramunī 1986, p. 435). Khamhuno, defines *ubhatobhayañjanaka,* a *'true kathoeys'* or a '*kathoey thae*' in Thai (Khamhuno 1989, p. 37), who is a '*hermaphrodite*'. Bunmi describes two kinds of hermaphrodite, i.e. male *(purisa-ubhatobhayañjanaka)* and female *(itthī-ubhatobhayañjanaka)*. Bunmi defines the *itthī-ubhatobhayañjanaka* is bodily female having female genitals but is bodily engrossed to other women (Bunmi Methangkun, 1986, p. 238).

The above is opposite to a *purisa-ubhatobhayañjanaka*, which is one who is physically male but attractive to other men, and in which he drops his maleness while picking the psychological peculiarity and physiological characters of a girl, for the purpose of having heterosexual acts with men that spurs him. Female and male hermaphrodites are initially distinguishable. The *itthī-ubhatobhayañjanaka* individual can be pregnant by herself with a man while being able to make other woman pregnant, but the *purisa-ubhatobhayañjanaka* individual is not able to be pregnant by himself though being able to make a girl pregnant" (Methangkun 1986, pp. 238-239).

Buddhaghosa portrays the *ubhatobhayañjanaka* as the rise from discordance between the male and the female 'energy' *(indriya)* of a person and his genitive organs *(bhayañjanaka)*. In addition, bipolar behaviour respectively arises from the 'feminine power' *(itthindriya)* and the 'masculine power' *(purusindriya)*. Buddhaghosa contends that the mentioned powers cause no female and male genitive organs. Buddhaghosa further explains *ubhatobhayañjanaka* as persons with a one-gender body but owns the 'power' of the other gender, yet does not explain any more about hermaphroditism rather than merely describe it as homosexuality or bisexuality (Zwilling, 1992, p. 206).

A renowned scriptural example by Malalasekera (1960, pp. 1311-1312), a Sri Lankan scholar, exemplified that *ubhatobhayañjanaka* was a rich man named Soreyya, found in the *dhammapadatthakathā,* who could transform himself into a woman, and even gave birth to two sons by his city-treasurer husband, in Takasilā, before having two sons born by himself. However, after meeting Mahākaccāyana (a prominent disciple of Buddha) and he confessed the truth, he

suddenly transformed into a man and entered monkhood until he became an arahant (see DhA I 325-332).

3.1.2 Paṇḍakas: Eunuch or the Castrated

The *Paṇḍaka* is complicated and differently given meaning in the texts of Buddhism. The word in the first texts is referred to a publicly stigmatised category of passive, licentious, and possibly a prostitute or a transvestite homosexual (Harvey, 2000, p. 416).

Paṇḍaka is excluded from monkhood ordination; either those with dwarfism or deafness, or indeed criminals (Vin I 71-76). The 'Prohibition of the *Paṇḍaka* Ordination' in the vinaya describes it as a monk with an voracious want to have sex with a man, who requests and receives it from some animal handlers, and in turn widens the community and brings disgrace to the sangha (Harvey, 2000, p. 415).

Paṇḍaka is more diversely defined than *ubhatobhayañjanaka*. A *paṇḍaka* in the pāli-English dictionary is defined as 'weakling or a eunuch,' (Davids, 1975, p. 404), whilst the Thai translation of the vinaya defines it as 'a eunuch, a castrated man or *kathoey*'. Sucheep Punyānuphāp similarizes a *paṇḍaka* as a *kathoey*, and gives psychological and behavioural meaning, rather than physical term as a man who is pleased in sex with a male, and at the same time having feminine feelings (Punyānuphāp, 1982, p. 224). Khamhuno describes *paṇḍaka* as the one who has unusual sexual feelings, whether he is besado-masochistic or homosexual and so forth, while *ubhatobhayañjanaka* is the physical *kathoey* as a hermaphrodite (Khamhuno 1989, p. 37).

Paṇḍaka is a man who lacks maleness, or the one who is not successful to reach the expected normal sex role of a mature man. This masculine-centered orientation could be assumed to understand if this root is asserted to be without scrotums (Zwilling, 1992, p. 205). In vinaya, it can also be a feminine root form of a *paṇḍaka*, or *itthīpaṇḍaka* (Davids, 1975, p. 404). The Royal Institute Thai Language Dictionary (1982, p. 72) explains a *kathoey* as the one who has both female and male genitals; the one who is psychologically and behaviorally opposite to their normal sex. Mānit Mānitcharoen (1983, p. 70) defines a *kathoey* as either a woman or a man, but the sexually perverted, and that the homosexual is not a *kathoey*. The characteristics of '*kathoey*' are men who act and dress like women and have a mind like a woman or a woman who likes to dress and act like a man and who has a mind like a man.

As above, the researcher finds that Zwilling differently defined *paṇḍaka* from the vinaya, the The Royal Institute Thai Language Dictionary and Manit. On the contrary, Manit similarly defines *paṇḍaka* as in the vinaya while the The Royal Institute Thai Language Dictionary classifies *paṇḍaka* into two types, i.e. a bisexual person and a homosexual person.

Phra Saddhammajotika Dhammacariya (2003, pp.217-218) explains about *paṇḍaka* in Paramatthajotika Mahabhidhammatthasaṅgahatīka as:-

1. Asittakapaṇḍaka - sexual satisfaction gained by a man from man-man oral sex and from imbibing his own seminal fluid, or one becoming sexually roused after ingesting other man's seminal fluid.

2. Ussuyapaṇḍaka - either a woman or a man who gains sexual pleasures from observing coupling and is also called a voyeur.

3. Opakkamikapaṇḍaka - a eunuch is a man who is missing perfect genitive organs. He attains this state after his birth and is not a *paṇḍaka* by birth. This kind of *paṇḍaka* is ejaculating with some artificial or unusual effort.

4. Pakkhapaṇḍaka - individuals with the hidden dominion of previous wrongdoings, befalls to sex-driven by the lunar phases, i.e. either befalling to sex driven during the waning moon *(kalapakkha)* and ceasing to be sex-driven during the waxing moon *(junhapakkha)*, or vice versa.

5. Napumsakapaṇḍaka (or *napumsaka*) - one has unclearly defined genitalia, neither male nor female but simply a urinary tract or a man who is unable to engage in sex like a normal man, and who has no genital organ at birth. It is a penalty to castrate animals in his previous life.

3.1.3. Attitudes over Paṇḍaka and Ubhatobhayañjanaka in Tipiṭaka

To judge the definitive ethical statements about homosexual demeanour in the pāli canon is hard. The vinaya denounces all deliberate sexual acts for any monks. There is no difference between either homosexual or heterosexual activities. In the vinaya, many cases of *ubhatobhayañjana-ka* and *paṇḍaka* are heeded benevolently, and usually dealt equally by most people, but there are discriminations against many cases too. However, it is hard to judge whether their homosexual demeanour is criticised in various sources, because the two matters of sexuality and gender are not theoretically classified in the Buddhist canon. It is critical to determine homosexuality, in that Thais are inclined to consider details to gain a better understanding of the impacts of sacred teachings upon attitudes.

The vinaya does not explicitly pronounce ethics about the conducts of non- religious *ubhatobhayañjanaka* or *paṇḍaka*. Nevertheless, the Theravāda related commentary literatures and scriptures are not compatible with the ethical judgment of *ubhatobhayañjanaka* and *paṇḍaka* held by sangha. There are different attitudes beginning from acceptance and compassion, to rejection and discrimination. What Buddha describes as different attitudes is not the individual *ubhatobhayañjanaka*'s or *paṇḍaka*'s sexual interests or different genders per se, but more how they openly disclose their differences, and whether their conditions are realized before being ordained into sangha, or that they are found only after their ordination. Buddha is usually more patient with *ubhatobhayañjanaka* and *paṇḍaka* who reveal their differences, and whose conditions are found only after their ordination.

In addition, the canonic viewpoints towards *paṇḍaka* grew with time when Buddha tried to ascertain the sangha, which was just congregated, to be estimable before the sight of public. The viewpoint towards *paṇḍaka* in sangha was growing through public criticism, as were the implementations of any ethical principles. To avoid public defamation in ancient India, the early sangha absorbed, institutionalised and codified the prevalent antagonistic attitudes toward *paṇḍaka*. Richard Gombrich remarks that upon disproval, Buddha convinces that it is not to increase the number of believers, but is a point to set rational rules to protect and to provide convenience to the sangha; the moral immaculateness of the sangha members, the growth of believers, and the good of the nonbelievers. They epitomise how Buddha builds relationships with societies,

and some thus believe that it is an occasion for Buddha to code rules and regulations whenever laity are dissatisfied (Gombrich, 1988, p. 90).

3.1.4. Cases of Discrimination Against Ubhatobhayañjanaka and Paṇḍaka in the Scriptures

Buddha opposes accepting an overt cross-gender, with obvious features, before ordination into the sangha. In the chronicle of forbidding *pandaka* ordination (Vin IV 141-142), it tells about a *paṇḍaka* who breaches the religious celibacy vows, and his evil examples leading to an inclusive sanction from *paṇḍaka* ordination (see Appendix B). The chronicle shows that Buddha is concerned about the sangha public image and his determination is his disciples should never break local code of conducts.

The moderation or not involving in extreme practices or actions of Buddhism (The Middle Way) implicates to secure social order, because in the time of Buddha, the sangha does not provide a collective tool to liberate spirit of a person in community. By social attitudes and norms, regarding the congregation image, *paṇḍaka* is one of the groups rejected from ordination. The Thai Sangha debarred *kathoey or pandaka*, homosexual, and gay from ordination.

Deficient masculinity is behind the idea of *paṇḍaka* and the *kathoey*, and becomes bedrock for discriminated viewpoint against this cluster in the Buddhist scriptures. The vinaya describes *paṇḍaka* as possessing an inferior spirituality to men. In the vinaya, for example, if a monk is sick on the Pātimokkha day, when the 227 monkhood rules of practices are ritually declaimed, and the monk cannot attend the rite, he would then declaim the moral wholesomeness to another. This means he does not breach any monkhood code during the previous two weeks, in

that he cites his purity to another monk, who can relay the sick monk's avowal to the monk assembly in the cloister. Nevertheless, if the monk to whom the sick monk proclaims his avowal has a disgrace labelled to him, then the avowal is invalid, and has to be recited again to another clean monk. The stigmas that can invalidate an affirmation of moral purity are, if the person is only a novice (i.e. not ordained to the sangha), a murderer, mental disorder, ghost and a *paṇḍaka* (Vin IV 194-195).

With arranging ritual seating for monks posed in vinaya, Buddha allows them to sit together in a certain design, but clearly disallows them to sit with females, *paṇḍaka*, or *ubhatobhayañjanaka*. Buddha considers it spiritually improper for monks to sit with non-male groups (Vin VII 84).

3.1.5. Cases of Tolerance of Paṇḍaka in the Scriptures

Many scriptural examples about *ubhatobhayañjanaka* and *paṇḍaka* are tolerated within sangha. Many are the honourable members of the congregation highly esteemed for spiritually enlightened attainment. The vinaya depicts cases of some monks changing their gender, adopting womanization and becoming nuns. Similarly, there are nuns becoming manization and stay in monkhood. Cases have been raised to Buddha's attention, he approved their ordinate monkhood and took their retreat during the rainy season *(vassa, Thai: phansā)* as worthy religious members. Buddha thus permits the transgendered monk to live with nuns and adhere to the nuns' code of practices, and to the transgendered nuns to live with monks and adhere to the monks' code of practices (Vin I 220).

The researcher defines the *paṇḍaka* is a eunuch, whom the researcher technically assumes a womanization by operation. But transgender is a different thing not going all the way to transsexuality. It is just identifying with another gender, not necessarily acting, dressing, or having surgery to be more like the other gender. *Paṇḍaka* is then not so relevant.

With this view, any *paṇḍaka* could become monk or not it is mainly depended on his sexual organ rather than the common understanding that a *paṇḍaka* is a kathoey, a gay or a tootsie. Such understanding is incorrect and does not comply with the Tipiṭaka or the commentary and sub-commentary. Even though Kathoey is not observed from his behaviour but it is from his sexual organ, which is doubtful of his gender. In fact *paṇḍaka* comes from Pāli *"paḍati lingavegaḷlabhāvaṁ gacchatīti paṇḍako"* which means those who have defective signs of sexual organ (Phra Saddhammajotika Dhammacariya, 2003, p. 217). Therefore, the root from Buddha's words means sexual organ is the main verdict.

In the case that a *paṇḍaka* can be ordained means that before his ordination, he is a *paṇḍaka* but when entering the monkhood he has to abide with the vinaya and must totally renounces all his deviance. The exception is found with Phra Jass (former Miss Tiffani, 2009; Nemo Jung, 2014). In fact, the Preceptor has checked Phra Jass' body and found he is a man since he did not womanize while he has removed his post mastectomy silicone (his artificial breast). So, Phra Jass is the real man and the Preceptor is not then violated the vinaya. But how is Phra Jass different from Kathoey or Tottsie?

The differences here could be examined that it counts on authentic determination to enter monkhood. It means that though it is not taken the

expressions of slenderness, or tootsie, or hermaphrodite as being a *paṇḍaka* in its root and in the explanation of the vinaya. To approve and to disprove ordination, it is depended on the discretion of the Preceptor as a condition. However, it does not mean that womanlike conducts will be totally prohibited but it depends on the "pre and post" determination for ordination of the man. In the cases of the *paṇḍaka* monks found in media; their conducts are improper as monks after their ordination. Then the Preceptors could disrobe them.

3.1.6 Laity and Monastic Practices

In the beginning, the Buddhist sutras of 'unaccepted' or 'accepted sexual practices' for the "seculars are not definitely mentioned" (Parks, Manos & Weber, 2008). 'Sexual misconduct' is too universal, and needed interpretation according to the social norms. Homosexual relations find no stigmatisation in early Buddhism (Coleman, 2002, p.146), and situations are different code of monastic discipline or to vinaya, which prohibits all sexual physiological affairs, although that is without moral distinctions about the many possible ways of completing sexual affairs (Haggerty, 2000, pp. 146-147).

There are diverse opinions about homosexuality amongst Buddhists. Buddhism teaches that desires, sensual enjoyment and sexual pleasures interfere with enlightenment, and they are inferior kinds of rapture, and vital to *jhāna* practices. Nevertheless, most Buddhist believers fail to continue practicing skills in contemplation or goal towards enlightenment. The goal of most Buddhists is not only a rapture filled life-style in the 'now' and 'after death', but also an aim for pleasant 'rebirth', and thus it is normative for them to enjoy sensual rapture in a non-harmful way. With transsexuals, the first texts mention

that there is the possibility for persons to supernaturally change sex and, if so, they are not debarred from monkhood ordination, and also if they have already been ordained, they simply change order (Harvey, 2000, p. 412).

3.2. Sexual Deviance in the Contemporary Buddhist Sexual Ethics

The early Buddhism has not placed particular label on homosexual affairs, because the subjects were not informed (Coleman, 2002, p. 146). Later traditions imposes restrictions on homosexual activities and contacts (Hurvitz, tr. 1976, p. 209; Davids, tr. 1890-94, p. 48). Buddhism and sexual orientation are varied by customs, tradition, cultures and thinkers.

Five classifications of sexual deviance since 1952 until 2008 contain around twenty seven deviances, as recorded in '*The Diagnostic and Statistical Manual of Mental Disorders*' (DSM) I-V counted from 1952-2008 such as exhibitionism, pedophilia, rape, residual category, retained the sexual, sadism, sexual assault, sexual masochism, sexual orientation disturbance (like homosexuality) sexual sadism, zoophilia etc., (American Psychiatric Association, 2008, p.56).

Homoeroticists, homosexualists and transvestites have been referred to in the pāli canon of Theravāda Buddhism today, but are inconsistent about homosexuality on a contemporary note, since the canon does not evidently identify between cross-gender behaviour or transvestism or homosexuality. Nevertheless, male-male sex is seen in vinaya piṭaka - the ascetic code of practices proscribed for monks regarding sexual activities. Leonard Zwilling notes:

> "We should not expect any term with the precise connotation of *homosexuality* to appear in Buddhist literature. However, homosexual behaviour stemming from an apparent disposition to seek sexual gratification through relations with members of one's own sex in preference to the other did not go unnoticed." (Zwilling, 1992, p. 203)

3.2.1 Dalai Lama's Perspectives

Gampopa (12th century), a master in the Buddhist Tibetan Kagyu school, practiced the conventional Indian Buddhism, in the 3rd century Hinayāna texts of Vasubandhu, in that anal or oral sexes, whether be they with a woman or a man, are sexual misconduct in terms of improper sexual behaviour. Longchenpa elaborates that improper sexual behaviour also includes the hands among improper parts of physical sexual activities (masturbation). Similarly, the Gelug predecessor Je Tsongkhapa, along with Tibetan teachers from all five schools of the Buddhist Tibetan accepted all the terms as described in the earlier Indian Buddhist texts.

Lama Thubten Yeshe, a Gelugpa Lama and the founder of the 'Foundation of the Preservation of Mahāyāna Tradition', does not think homosexuality is sexual misdeed. He claims, "My own view, man stays with man, female stays with female, I don't consider it good or bad. This is my opinion. It's just no big deal, no big deal, that's all" (Lama Thubten Yeshe, 1981).

By the conservative Tibetan Buddhist, the current Dalai Lama Tenzin Gyatso maintains that improper sexual acts includes lesbian, gay sex, lesbian and any sexes and not only penis-vagina acts with one's own monogamous partner, oral sex, anal sex, and masturbation (Dalai Lama Tenzin Gyatso,1997). In 1994, His Holiness mentioned that if any one asked him whether homosexuality was

right or wrong he would ask back. His Holiness would ask, what his/her companion's view is. And if both agreed, then he would respond that if two males or two females willingly agreed to have reciprocal gratification without further implications of harming each others, then it was okay (Peskind, 1998). His Holiness further stated,

> "A sexual act is deemed proper when the couples use the organs intended for sexual intercourse and nothing else... homosexuality, whether it is between men or between women, is not improper in itself. What is improper is the use of organs already defined as inappropriate for sexual contact". (Dalai Lama Tenzin Gyatso, 1997)

The disputable issue here is improper sexual act for the Buddhist practitioners, as His Holiness repetitively voices the supports for the copious acknowledgement of the human rights for everyone, disregarding their sexual orientation. His exegesis is, "It is part of what we Buddhists call bad sexual conduct. Sexual organs are created for reproduction between the male and the female - and anything deviates from that is unacceptable from the Buddhist viewpoint. Penis-vagina of non-procreative sex is not counted as sexual misconduct". His Holiness admits the believers and the unbelievers have different views. "From a Buddhist viewpoint, women-to-women and men-to-men is usually considered sexual misconduct. From a societal viewpoint, mutually homosexual activities can be enjoyable, mutual benefit and harmless" (Dalai Lama Tenzin Gyatso, 1997).

Four years earlier, he was uncertain if it would be acceptable for mutually agreeable, non-abusive, same-sex affairs in realms of common Buddhist principles. Nevertheless, it was hard for him to imagine how homosexual sex was

mechanised. In saying nature devised female and male organs in a way that they were so fit. Same-sex organs poorly fit well (Moriwaki, 1993). His Holiness repetitively told LGBT groups the texts could be rewritten. This was the issue which required discussion by the Senior Buddhist Council from all Buddhist sects, who could amend the ethical issues held within the vinaya. He also suggested the issue of feminine equality, particularly ceremonies and monastic rituals should be revisited (Berzin, 1998).

In an interview with Alice Thompson in 1999, The Dalai Lama Tenzin Gyatso said:

> "They want me to condone homosexuality yet, I am a Buddhist and, for a Buddhist, a relationship between two men is wrong. Some sexual conducts in marriage are also wrong like oral sex and masturbation. If an individual has no faith and that is a different matter... If two men really love each other and are not religious, then that is OK by me."(Thomson, 1995)

In interviewing with Wiki news, a His Holiness representative, Tashi Wangdi, clarified more about the perspectives and viewpoints about homosexuality. "If one were to engage in homosexuality, one failed to follow *all* the five precepts in Buddhist principles. Extremely few people could claim they observe every principle, such as telling lie. If asking any religions whether telling lies is a sin - say Christians - they shall say yes. Nevertheless, one could find so few individuals who do not, at a certain point, lie. Homosexuality is one act, but the homosexually oriented cannot say he is not a Buddhist. Alternatively, someone who lies is not a Buddhist; or someone who kills an insect is not a Buddhist, because there's a strong sacred command against that" (Tashi Wangdi, 2007).

3.2.2 Thich Nhat Hanh's Perspectives

Thich Nhat Hanh, (1993) asserts that the third precept and the fifth precept are connected. Both destabilise and destroy behaviour, but could cure us by our simply conducting ourselves and letting people around watch the truth. If the two precepts are not observed then society, family and personal stability will fail. Unstable and unhappy families fail to practice these two precepts, and family and societal stability can only be restored through observing these two precepts. They are easy for some, but hard for others, except when they share their experiences.

Thich Nhat Hanh is unclear about sexual deviance, or he would not want to dig deep into details because they are personal. However, he seems to say that any type of sexual misconduct (natural or deviant) is wrong. Such guilt happens in both mind and body, known as 'doubled sin'. He says that Buddhism teaches psychological and physical solidarity; what happens to the body happens to the mind too; that spiritual sanity is also physical sanity, and that spiritual violation is physical violation. He furthers that sexual affairs are acts of union between spirit and body. This is a very serious encounter, and not to be taken in a casual manner. In one's soul, there are some areas such as memories, pain and secrets. They are private, and one would only share with the person one loves and trusts most. He ends that casual sex, which could include deviance, cannot be love. True love is beautiful, deep and whole. True love includes respect. Husband and wife in Vietnamese tradition, are supposed to esteem each other as guests, and when one practices the respect, happiness and love never fail. Respect, in sexual

relationships, is one of the more important elements, whereby sexual communion has to be similar to a rite fulfilled in mindfulness of greater care, respect and love.

3.2.3. Utilitarianism Perspectives

The utilitarian view is that actions are right if they increase pleasure and reduce pain, and vice versa. Divine judgment cannot conceptualise right or wrong, but earthly consequences can (Bentham, 1981; Van de Weyer, 2001, pp. 94-95). Bentham postulates that:

> "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do... By the principle of utility is meant that principle which approves or disapproves of every action whatsoever according to the tendency it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words to promote or to oppose that happiness. I say of every action whatsoever, and therefore not only of every action of a private individual, but of every measure of government" (Bentham, 1981.ed., p. 1).

Bentham's hedonic calculus contains seven vectors or variables to measure pains and pleasures: 1) Intensity - how strong will the pleasure be? 2) Duration – how long shall the pleasure endure? 3) Uncertainty/certainty - how unlikely or likely will the pleasure happen? 4) Remoteness or propinquity – how soon shall the pleasure happen? 5) Fecundity act - the possibility the actions shall be entailed by the same sensations. 6) Purity - the possibility that it shall not be entailed by sensations of the contradictory kind, and 7) the extent the people will be impacted by the action. Therefore, sexual deviance for Jeremy Bentham (1748-1832) by his proposition and his seven vectors is not wrong, in so far as it increases pleasures and it reduces the pains of sexual craving. However, it is risky to be wrong when it does match only some vectors. For example, in 'Duration'

(vector 2), the sexual deviant's pleasure will not last long, since he or she will crave for it repeatedly.

However, Mill (1806-1873) offers a critical utilitarian reformulation with argumentation that utility has to be defined in view of happiness rather than pleasure, and presented the standard formulation of this theory. Mill is quite clear about, "that standard is not the agent's own happiness, but the greatest amount of happiness altogether" (Barcalow, 1998, pp. 125-139). According to Mill, morality is what course of conduct would promote the greatest amount of happiness for all those who will be affected. Utilitarianism counts everybody equally or similarly, and as we know that the utilitarian view bears only the consequences of actions, if any action produces greater benefits than harm to people then it is moral, but if not then it is immoral.

3.2.4 Deontology and Categorical Imperative

Deontologists view that the basis of moral action is a duty and it must be done. The principle is that goodwill demands an individual to do as a duty and complete it while furnishing the act with moral value. For Immanuel Kant (1724-1804), the only thing unqualifiedly good is goodwill. Meaning, this theory insists that human actions are best explained in terms of their intentions, and so seek to explain immorality and morality (Lerner, 1961, pp. 227-279). Kant postulates that to derive any moral worthiness from our actions we must do them for the right motive, and the only motive that confers any moral worth to us. That is the motive of what Kant calls duty, and Kantian ethics holds just only goodwill or good intention, which is based upon duty for assessing the rightness and wrongness of all actions. Kantian ethics contends that if any completed actions

coming from goodwill and based upon duty are considered to be the moral actions; if not, they are immoral. The act of adultery is also unacceptable for Kantian ethics. Why is this so? This kind of action violates the categorical imperative that; "Act only according to that maxim by which you can at the same time will that it should become a universal law" (Kant, 1785, p. 9). Meaning, it could not be applied to be universal rule, and that there is no exception to this rule. The Kantian position concerning adultery problems, is adultery conduct associates with most people in society, and relates to human ethics especially, the Buddhist's views of adultery do also not accept it, and he clearly explains its character and the punishment for sexual misconduct.

3.2.5 LGBT (Lesbian, Gay, Bisexual and Transgender) People in Later Traditions

In the new contexts, *Paṇḍaka* is likely understood to adopt gay men, lesbians, transgender persons and intersex people (Zwilling, 1992, pp. 203-214) though in olden times a male who had sex with another male or a *paṇḍaka* never considered himself a *paṇḍaka* (Harvey, 2000, p. 416).

The Theravāda scholars and commentators and Buddhaghosa, in Samantapasādikā, expound that *paṇḍaka* are the persons packed with profane passions *(ussanakilesa),* unstoppable lusts *(avapasantaparilaha)* and are dominated by their own concupiscence or sex drive *(parilahavegabhibhūta)*. Similarly, Vasubandhu and Asangha, the Mahāyāna Buddhist writers delineate that the *paṇḍaka* are undisciplined in their spiritual practice, because of their profane passions for both female and male sexes, and that they lack moral fortitudes, like modesty and shame. The *paṇḍaka* are not recognised as laymen

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unfit to serve the sangha, but some are competent of individually practicing the layman's course if so desired whereby sangha members are advised to avoid sexually deviant men (Hurvitz, 1976, p. 209). Jackson explains that the middle-path in Buddhism is to secure social norms since the time of Buddha and that the sangha never procures a collective transport for individuals to liberate their encaged spirit (Jackson, 1998, pp. 55-89).

The Sangha depends so much upon social acceptability that it could not survive without worldly supports from laity (Harvey, 2000, p. 390). Theravāda Buddhist texts contend that the third sex are excluded from various Buddhist practices (apart from ordaining), such as acting as the preceptors, donating to begging monks (Vin IV 69-71), meditating (Vism 84), and the ability to understand the Dharma (Davids, tr. 1890-94, p. 48).

Shantideva and Aśvaghoṣa the classic Mahāyāna scholars consider homosexual actions to be sexual misdeeds. Shantideva quotes the Saddharma-smrtyupasthana Sutra (Harvey, 2000, p. 421; Tsong-Kha-Pa, 2000, p. 220). In contrast, Tibetan Buddhist texts sometimes positively value *paṇḍaka* for their 'middleness' and balance. The *paṇḍaka* in the Tibetan works is called *ma ning* - "genderless" (Nitin, 2005). Gyalwa Yang Gönpa, in the early Drukpa Kagyu sect (Yang Gönpa), by state of maleness and femaleness, *ma ning* is "the abiding breath between male exhalation and female inhalation" and "the balanced yogic channel, as opposed to the too tight male channel, and the too loose female one" (Dalai Lama Tenzin Gyatso, 2003, referred to Thimphu: Kunsang Topgey, 1976, pp. 454-457). Most Mahāyāna teachings claim that all who righteously practice dharma might attain enlightenment, because all own an innate Buddhist

qualification. Enlightenment is reachable even within a single life (Padma & Barber, 2008, p. 152).

3.2.6 Contemporary Thai Views on Homosexuality

Traditional accounts in Thailand believe 'homosexuality' arises as a karmic effect of breaching Buddhist prohibition against heterosexual misdeeds. Homosexuality is a congenital state and unalterable in the current lifetime". Latest Thai Buddhist writings (late 1980s) elaborated homosexuality as a voluntariiy breaking 'natural' (hetero) sexual act resulted from the absence of ethical control over sex-drive". The positions delegate two schools of thought about homosexuality - accept it or reject it. The key different factor of such deviating stances lies within the conceptualised 'origin' of homosexuality. The liberal position believes it is a state beyond the conscious control of same-sex women and men, originated from past misdeeds. On the contrary, maintainers of homosexuality are willing to violate natural and ethical principles, by taking an antagonistic stance. AIDS in the 1980s admitted by Jackson, brought a shifted perception about *kathoeys* in Thailand, "placing homosexuality rather than gender at the focus of the concept", along with "a shift in Buddhist attitudes from relative tolerance of homosexuality to condemnation" (Jackson, 1995, pp. 140-153).

In 1989, the 'Thai Sangha' announced that 'gays' were forbidden to ordination (Khamhuno, 1989, pp. 37-38). The declaration was ignored until Phra Pisarn Thammaphātee (AKA Phra Payom Kalayano), insisted in 2003 that 1,000 gay religious be fired from monkhood, and imposed more rigid screening procedures imperative to disrobe any gay postulants (Hacker, 2003, p. 47). The majority of Thai Buddhist contemporary writers maintain the attitudes of early

Buddhism, in that deviant sex, even for the common people, is so distasteful. For example, Isaramunī, likens sexuality to *taṇha* (craving or desire: or *khwām-yāk* [ความอยาก], in Thai) and *rāga* (sexual lust: or *kamnat* [กำหนัด], in Thai), which are paradoxical to the Buddhist ideology of dispassion (Isaramunī, 1989, p. 4).

The vinaya explicitly explains about monkhood code of practices. Anti-sex viewpoints are currently found in the discussion of the Thai Buddhist writers' on secular sexual ethics. In a discourse on wedding life, Phra Buddhadāsa calls non-reproduction "an activity that is distasteful, dirty and tiring" (Buddhadāsa Bhikkhu, 1987, p. 24) and maintains that sexual crave is a defilement *(kilesa)* and rises from ignorance *(avijjā)*, which Buddhist doctrine depicts as the source of suffering in humans. Phra Buddhadāsa believes that in the past people have been 'employed' *(Thai: jāng: จ้าง)* by nature in the 'work' *(Thai: ngān: งาน)* of reproduction; but people now 'cheat' nature by applying contraception and have sex without engaging in the reproduction work. His Venerable claims that this 'cheating', is returned because it brings nervous disorders, madness and physical deformities to humans (Buddhadāsa Bhikkhu, 1987, p. 25). Phra Phothirak suggests ethical code of practice is not demanded only for monks but also for seculars too particularly, the celebrity of the leading political persons. Major-General Chamlong Srīmuang, a strict Buddhist epitomises the ascetic regimen that the movements of some contemporary reforms within Thai Buddhism (e.g. Santi Asoke) are needed for their devout laity.

However, Thailand is the most tolerant country in Asia concerning LBGT and homosexuality, or same-sex activity except same-sex marriage. Chaiyot Yongcharoenchai (Bangkok Post, 2013-09-08) laments that Thailand is seen as a

tourist destination for same-sex partners, although laws and public sentiment make it unlikely liberal; not less than with the Anjaree, the largest gay and lesbian rights group in Thailand, is struggling for gay marriage rights. Legally, transgenderism or same-sex attractions are found as the symbols of mental ills. On the contrary, in 2002, the Ministry of Health announced that homosexuality was not a mental disorder or illness. In 2005, a ban on LBGT was lifted by the Thai armed forces for military drafting, which once were exempted by a law of 1954 (Gay Rights Thailand, 2007). However, Thai Red Cross restated,s in 2009, its ban on MSM (men having sex with men) from blood donors. Today, in 2014, no civil rights laws or hate crime covers LGBT persons. However, there are few reports of unfair discrimination or violence directed at LGBT persons witnessed in the public exposure of TV comedians, actors or cabaret hosts. No Thai constitution has previously addressed gender identity or sexual orientation. Natee Theerarojnapong, the state human rights commissioner, and Anjana Suvarnananda, the lesbian rights activist, failed to include 'sexual identity' into the 2006 Interim Constitution and the formally adopted 2007 Constitution. Both Constitutions have a coverage prohibition against 'unfair' discrimination founded upon 'personal statuses', and promise to respect civil liberties in compliance with the 'state security' and the 'public morality'. From September 2011 to December 2012, and on 8 February 2013, the 'Rights and Liberties Protection Department' and the 'Parliament's Committee on Legal Affairs, Justice and Human Rights' organized referendum of the civil partnership bill, drafted by the Committee's Chairperson Pol. Gen. Viroon Phuensaen. Until today, 2014, a same-sex-marriage bill has bipartisan supports, but is stalled due to the political unrest in the nation

(May 22, 2014). "Generally, LBGT is legally bonsaied, but still LGBT, in the zero-gray ground, is practiced happily" (Per Liljas, 2014). LBGT is personal freedom and liberty, but the Thai public as a majority feel difficult to accept them.

3.2.6.1 Karmic Cases of the Homosexuality Origins

In the Summary of Abhidhamma *(Abhidhammattha-saṅgaha)* and Exposition of Abhidhamma by Anuruddha Thera (Wijratne & Ropert tr., 2007, p. 167) depicts on the causes of unwholesomeness *(akusala-kamma)* and their consequences of all evil deeds which cover about born to be homosexual persons such as *paṇḍaka*, or *ubhatobhayañjanaka*. There are eight kinds of consequences such as, born blind from birth, born deaf, born dumb, born idiots, born mad, eunuchs, hermaphrodites, and the non-sexed. These are consequences of evil deeds which involved one of bad action such as sexual misconduct because of sinful intention and unwholesomeness. Born blind is blind from birth. In as much as all egg-born and womb-born (beings) are without sight at the moment of the birth, the being called 'born blind'.

Bunmi Methangkun describes the pāli word *paṇḍaka* is '*kathoey*' in Thai, and denotes the imbalance of gender and homosexuality. Occasionally, he terms it *rak-ruam-phet* (homosexuality) and 'gay' when he wants to concentrate more on sexuality than gender; but generally he does not characterize between being *kathoey*, and being homosexual combining gender with sexuality. He claims that sex designated *karma* into two forms. First, it reveals from birth and directs to hermaphroditism. Second, it reveals after birth and directs to transsexualism, transvestism, and homosexuality. Human previous life can direct an individual to involve in homosexual acts in his/her present life, including adultery, prostitution,

sexually intervening with his/her children and/or being sexually careless, for example a man is irresponsible for a woman whom he has made her pregnant. Being a *kathoey* comes from raising a boy with girls or vice versa. He maintains that persons in the class of humans, creatures and ghosts (*phī-sāng-thewadā*) are born as *kathoeys* because of their karma in their previous lives. He contends that being a *kathoey* is included in the disable list of beings with being born bodily disabled, mute, blind, deaf, mad, and intellectually disabled. Critically, it is the transgression of taboos and mores connected with potentially reproductive sexual conduct that are disallowed in the traditional Buddhism, while conditions and behaviours without reproductive effects, and homosexuality, are not considered as sinful. Nevertheless, this situation obviously changes in the latest Thai Buddhist interpretations, which recognizes homosexual conduct sinful (Methangkun, 1986, pp. 39-41; 120-121; p. 265).

In addition, Bunmi Methangkun refers to the Abhidhammapitaka narrating that Phra Ananda, was born as a *kathoey* timely in his past lives (Methangkun 1986, p. 261). Prasok, writes about Buddhism, and refers to this scripture, that:

> "In previous existences Phra Ananda, Buddha's personal attendant, had been a gay or *kathoey* for many hundreds of lives. In his last life he was born as a full man who was ordained and was successful in achieving arahantship three months after Buddha attained *nibbāna*. The reason he was born a *kathoey* was because in a previous life he had committed the sin of adultery. This led to him stewing in hell for tens of thousands of years. After he was freed from hell a portion of his old kamma still remained and led to him being reborn as a *kathoey* for many hundreds of lives". (Prasok 1989, p. 10)

Malalasekera quotes the Dhammapada Commentary, which explains Ananda's past existences and synopsizes:

> "When Ananda was born as a blacksmith he sinned with the wife of another man. As a result he suffered in hell for a long time and was born for fourteen existences as someone's wife, and it was seven existences more before his evil deed was exhausted". (Malalasekera 1960, pp. 267-268)

In cases of Vakkali and Soreyya written by a Buddhist scholar, Sathienpong Wannapok, contributes evidences of the non-canonicity of the contemporary Thai views that homosexual persons are unable to follow Buddha's teachings or reaching the "fruits of the path." In, "When Gays See the Dharma," he connects his account of the Vakkali legend to give a scriptural support that gay men can reach enlightenment by abandoning sexual drive in the same way as heterosexual persons and that homosexual individuals and heterosexual individuals are not spiritually different. Sathienpong (1987, p. 59) proceeds by claiming that in the annotation on the tipiṭaka, for the ones who find Buddha and later develop faith from his teachings are distinguished into four groups, i.e.

(1) Rūpa-pamānikā: or "measuring (significance) by form," is the one who develops faith from attraction to Buddha's impressive bodily outlook and his "radiant coppery complexion". (2) Ghosa-pamānikā is the one who is astounded by Buddha's voice and develops faith. (3) Lūkha-pamānikā is the one who is astounded by the moderation of Buddha's way of life and thus develops faith. And (4) Dhamma-pamānikā is the one who is astounded by Buddha's teachings and accordingly develops faith (A III 71; DhA 114).

According to the stories of Vakkali and Soreyya appeared in the scriptures (AA I 248-251; DhpA I 325-332; See Appendix D), they are not clearly indicated that both are sexual deviants. On the contrary, it is clear that they admire

physiological forms and/or aesthetics and dislike grieves. Here, the researcher observes that Vakkali and Soreyya have just the *carita* in physiological forms only. As such, it cannot be justified that they are sexual deviants or homosexuals. His Lord Buddha sets moral principles to remedy to these *carita* called six *carita* (Vism 101). The researcher also contends that achieving enlightenment does not depend on being *paṇndaka*, *ubhatobhayañjanaka*, katheoy, gay, and homosexual or sexual deviant but it depends on spiritually renouncing sexual desire. Therefore, human genders are not the obstruction to achieve Buddhist enlightenment.

3.2.6.2 Empathy for Same-Sex Persons in the Traditional Thai Buddhist Cases

Bunmi Methangkun (1986), Sathienphong (1989) and Prasok (1989) remark most Thais laugh at *kathoeys*, but do not realize that persons ridiculing and laughing at *kathoeys* have been themselves *kathoeys* in their previous lives. Both ensure that in some previous life all have been born a *kathoey*, because all might have been guilty of sexual misdeeds at some period in the multitude of their past existences. In addition, one will not know how many more times one might be a kathoey in future (Methankun, 1986, p. 258). *Kathoeys* should be treated with compassion and tolerance because the Buddhist virtues are considered as meritorious. They point out that contemporary Thai communities often fail to mirror the ethics of its apparent Buddhist legacy, such as *the case of gays and kathoeys*. However, by compassion, there are no signs leading to total acceptance of homosexuality or transvestism, because they hold up *kathoeys* as samples of what happen to persons who violate the codes of sexual

conduct. Even empathetic, the Buddhist interpreters still consider a homosexual person or a *kathoey* as a state essentially defined by misery, non-acceptance, social humiliation or opprobrium and rising problems they suffer. They are the perceived miseries of *kathoeys* and homosexual persons who lead traditionalist Buddhist interpreters to consider that this various sexuality is a karmic effect of their previous sexual misconducts. These interpreters do not regard the probability that the miseries tolerated by homosexual persons might not be intrinsic in their sexuality but might be resulted from the bigoted social circumstances where they spend their lives. Pursuing the karmic accounts of the roots of homosexuality, the misery of the homosexual persons could only be tolerated, and not amended, because it is inferred as resulted from the individual's own previous misbehaviours and would continue until the karmic effects of those misbehaviours are removed. Homosexual suffering reminds moral lessons about the ill-fated results of sexual misdeed. *Kathoeys* might be pathetic and worth empathy, but in the karmic accounts *kathoeys* are yet the immoral products, though in their previous lives, and only when an utopian universe is populated only by moral populace then *kathoeys* will disappear.

3.2.6.3. HIV/AIDS and Anti-Homosexual Intolerance in Thailand

In Thailand today, the original karmic cases of homosexuality is not the only interpretation in Buddhism. Since the influx of HIV/AIDS in mid-1980s, many Buddhist essayists have posted strong anti-homosexual attitudes. Recent critics consider homosexuality a mindful violation of sex mores and thus ethically culpable. The traditionally structural reverse of

thoughts on sexuality and gender by the word '*kathoey*,' focusing not gender but homosexuality along with the shift in Buddhist viewpoints, and from tolerance to condemning homosexuality. HIV/AIDS thus plays an important cultural effect upon Thailand, demanding to move to the understanding of what makes a *kathoey,* and continuing to augment homosexual stigmatisation in men.

Buddhism is traditionally sophisticated but no scripturally or canonically sanctioned stances on homosexual acts. More accurately, the scriptures in pāli endorse many divergent drifts, which various scholars could apply to develop their views about homosexuality ranging from sympathy to antagonism. Like in western hemisphere, the HIV/AIDS public panic and latent terror about homosexuality have been conflated in Thailand during 1980s, to create an increasingly candid homosexual intolerance, in many areas. However, HIV/AIDS alone cannot be made clear the vehement attacks of Buddhism on homosexuality.

Tendencies of the modernists and the reformists in the Thai Buddhism are habitually considered politically progressive due to their hostility to the historical sangha alliance with the authoritarian, centralization and military despotism. However, the views of the Buddhist traditional metaphysics emphasizing the priori power of *karma* are condemned by reformists as politically conservative and intellectually backward. Paradoxically, reformists claim politically progressive often interpret Buddhism by linking to a vociferous moralism, with violent anti-homosexual attitudes extraordinarily in the recent history of Thailand. On the contrary, most conservative traditionalists believing in the priori power of *karma* adopt more laissez-faire steps to address the issues e.g. homosexuality. Nevertheless, the impact of anti-homosexual rhetoric by the Buddhist essayists

appears to be relatively little because the 1980s dilemmas of homosexual male claimed as the HIV/AIDS root has been elapsed. Until the 1990s, as the peak of the problem on the HIV/AIDS 'heterosexual' transmission in Thailand became evident.

Chris Lyttleton notes that in the Thai rural areas, safe sex education programmed and launched in 1990s has overlooked unprotected homosexual affairs but focused solely on heterosexual affairs. It shows the homosexually marginal nature in Thailand. Its pandemic, in the early years, homosexual males have been stigmatised and isolated as HIV/AIDS possible source for infection. While heterosexual people are now become threatening in Thailand; homosexual males being at great risk of infection too like the heterosexual people who are likely overlooking the campaigns of official-safe sex (Chris Lyttleton,1995, pp.178-196).

It is accepted that the western homosexual notions influence the Thai concepts on sexuality. In Thailand, however, the notions of gay identity and homosexual personhood have developed from a specific base of Thailand. The priori idea of the *kathoey* is labelled by the unconventional sexuality. Gender has contributed to a local foundation in developing the new identities of sex which often reflect the western homosexuality. Many Thai critics view that the Thai gayness is influenced by the corrupting western sex, or the imitation of 'sexual fashions' from the West (Sulak 1984, p. 121) because the gay identity in Thailand, as accepted by gay westerners and without dispute, is exactly mirroring the western sexualities.

Although with discriminatory stance, the Buddhist-based attacks, de facto, publicizing HIV/AIDS by focusing on the unconventional sexuality of the homosexual men, more than the cross-gender behaviour, which provide the solid notions of the Thai homosexual identity. In 1990s, Thai homosexual males have been likely defined by their sexuality and by their probably violation of the gender norms. Also the unintended impact of the 1980s critiques might be the more stable establishment of gayness and homosexuality in the sphere of acknowledgement focusing on social and sexual trend in Thailand.

3.2.7. Comparing Ubhatobhayañjanaka, Paṇḍaka and Kathoey

In Buddhist context on anti-sex attitude, the vinaya piṭaka times and again explains homosexuality is equated with heterosexuality. However, this is a negative ethical similarity between homosexuality and heterosexuality and being explained as evenly distasteful sources of misery, and as establishing equal transgression of religious celibacy. The vinaya spots not two but four sexual categories, disallowing monks from engaging sexual affairs with the four gender types, which are female, male, *paṇḍaka* and *ubhatobhayañjanaka*. The last two pāli words are referred to different elements in different canonical sections. It could be roughly stated that *ubhatobhayañjanaka* means hermaphrodites. In pāli: *ubhato – bhayañjana* is double sign or twofold or mark (of gender, etc.) whereas *ka* – is the derivative or suffix, or human being with two sexual organs at the same time.

Paṇḍaka means masculine homosexuals and transvestites. *paṇḍaka* is possibly come from pāli term *aṇda*, which is referred to 'testicles' or 'egg', and might originally have the meaning of masculine incapacity or masculine

reproductive deficiency. Monier Williams defines the cognate *paṇḍaka* and *paṇḍraka* as 'impotent man or eunuch' (Monier Williams, 1976, p. 580). Leonard Zwilling notes the term has unclear origin, and might eventually be grown from *apa* + *aṇda* + *ka*, or 'without testicles'. He furthers that a *paṇḍaka* should not be taken literally and necessarily be a eunuch but metaphorically like in English when saying a pusillanimous or weak person - that she/he 'has no balls'. The word *paṇḍaka* served in the canon, adds Zwilling, is unlikely referred to a eunuch due to the exemption of the innate or congenitally impotent. The case of *paṇḍaka* characterizes a male who is potent of erection and ejaculation, and the experience of sexual pleasure as well (Leonard Zwilling , 1992, p. 204).

The vinaya carefully scribes sexual activities in women, men, *ubhatobhayañjanaka* and *paṇḍaka* as entailing spiritual loss, and a monk's automatic disrobement. These four proscriptions of the sexual affairs are:

1. Vaginal or anal or oral affairs with a woman, non-human (or immaterial beings) or beast.

2. Vaginal or anal or oral affairs with an *ubhatobhayanjañakas* human being, non-human being or beast.

3. Anal or oral affairs with a *paṇḍaka* human being, non-human being or beast (vaginal affairs is not recorded for *paṇḍaka* characterize that they are biologically males).

4. Oral or anal affairs with a man, non-human being or beast are considered the condemned sexual affairs with each sex type in details. The vinaya scribes twenty seven types of sexual affairs with a woman, which

brings spiritual loss. They are vaginal, anal, and oral affairs with a sleeping or waking woman, a drunken woman, a mentally disorder woman, an intellectually defective woman, a woman corpse, a woman corpse yet eaten by beasts, and a woman corpse yet eroded by beasts (Vin I 53-69). The similar examples of condemned sexual acts are then repetitive for the other three gender categories, but vaginal sex is deleted from the proscribed sexual lists between *paṇḍaka*, monks and males.

In the vinaya, the proscribed sexual lists are sexual affairs between monks and different categories of woman, transvestites, hermaphrodites, men, dead bodies, beasts and inanimate objects are all identified in the same terms. None is proposed as any morally culpable as others, and all entail spiritual loss. Despite, affairs with inanimate objects are considered as a minor violation ensuing penance, but non-discharge from sangha. Nevertheless, in vinaya, and in other tipiṭaka sections, it is evident that *paṇḍaka and ubhatobhayañjanaka* are ritually and spiritually lower to men (Vin I 221-222). *Paṇḍaka and Ubhatobhayañjanaka* are often compared with criminals and women before reassessing their references of the scripture. *Ubhatobhayañjanaka* and *paṇḍaka* are defined in the pāli terms in association with their relation to the Thai concept of *kathoey*.

Contemporary Thai cases of *ubhatobhayañjanaka* and *paṇḍaka* are complex with trends of the essayists to characterize both groups as *kathoeys*, and to exploit the Thai term reciprocally with the pāli term. Various Thai essayists adopt the term *kathoey* to four different conditions covering a different ranges of psychological, physical, and emotional phenomena which are commonly divided

into psychological gender (transvestism and transsexualism), biological sex (hermaphroditism), including sexuality (homosexuality). *Kathoey* appears to have originally referred to genuine hermaphrodites. However, it refers more widely to persons who possess physical, attitudinal and behavioural characteristics but commonly attributed to the different sex. The complicated phenomena are meant the *kathoey* reflecting the Thai cultural norms of femininity and masculinity and the concepts of suitable gender behaviour, sex roles, and sexuality. *Kathoey* stands for the person not just behaviour, but in other contexts it can be included one or more groups as below:

1.Hermaphrodites*(ubhatobhayañjanaka;* Thai*: kathoeythae* or'true *kathoy)* that is, persons who to a lesser or greater degree are either natal with or after natal naturally change bodily characteristics of both genders. Hermaphrodites also embrace persons natal without any evidently definable sexual orientation *(napumsakapaṇḍaka).*

2. Transsexuals and Transvestites *(paṇḍaka, itthī-& purisa-ubhatobha-yañjanaka;* Thai*: kathoeythiam* or 'pseudo-*kathoeys')* are persons who are bodily female or male. But, they favour to either clothe or conduct themselves opposite to their sex, or with the transsexual persons, to undertake hormone treatment and/or surgery for the purpose of changing their bodies to become like their opposite sex persons. Transsexualism, in the Pāli canon, is scribed as an impulsive shift of sex by psychological causes and needs no medical intervention.

3. Homosexuals *(paṇḍaka;* Thai(men): *Gay, Kathoey, Taew, Tut,* etc., (for women): *tom, dée,);* that is, persons who are bodily female or male and are sexually attractive to persons of their same-sex.

The Thai word *kathoey* is unrelated to the scriptural term in pāli. It is generally apply to interpret in a native pre-Buddhist concept of unusual sexuality or gender. The Thais welcomed Theravāda Buddhism in 11-12th C.E centuries. However, whether Buddhism has or has not been influential to the development of the leading Thai concept; the similar mixture of the bodily and mental sex, sexuality and gender behaviours has been found in both Thai term *Kathoey*, and in pāli term *paṇḍaka*. Being conceptual schemes considered as displaying culturally or physiological opposite sex features; they are in the same group. Had Buddhism not been the root of the trendy Thai concept of *the kathoey*, at least it has then markedly fortified the pre-existing cultural concept in Thailand. Many points still appear from the variety in defining *paṇḍaka*, *ubhatobhayañjanaka,* and *Kathoey* as below.

First, the sexual-gender phenomena amalgamation displayed by the words of *paṇḍaka*, *ubhatobhayañjanaka*, and *kathoey* are massed together. The traditional Thai and the canonical Buddhist, by reason, see that they represent a sex-gender disparity beginning from just physical (hermaphroditism) continuing to become psycho-physical (transvestism, transsexualism) and finally to just psychological (homosexuality).

Second, what unites these diverse groups of physiology, psychology and behaviour to these terms is their common karmic effect rooted in heterosexual misdeeds in their previous lives. De facto, issues of the homosexual foundation overshadows the contemporary discussions among the Thai Buddhist critiques on the topic has critical implications for the ethical pronouncements of Buddhism about homosexuality.

Third, *Paṇḍaka* and *Ubhatobhayañjanaka* represent types of persons than kinds of behaviour, and are primarily gender groups signifying deficiencies or irregularity in femininity or masculinity, rather than groups which represent sexuality. The fact is the vinaya refers to homosexual conduct among monks who are not found being either *paṇḍaka* or *ubhatobhayañjanaka*. Homosexuality is then not the centrally featured definition of these two groups. However, disputes about the irregular gender of *paṇḍaka* persons and *ubhatobhayañjanaka* are commonly implied that they involve in homosexual conduct.

The traditional meaning of the *kathoey* in Thai term also is focused first upon gender irregularity defining a kind of persons, and second actualizing homosexual conduct. But the weakness of most contemporary Thai talks about *paṇḍaka* results from both various phenomenal ranges found in pāli scriptures and from gender imbalance of the homosexuality characterized a *kathoey* person. In Thailand the semantic shift, given homosexual conduct as cross-gender characteristics as defining individuality of a person are ongoing. The previous gender-focused analyses on the word *kathoey* co-exist with the emphasis on sexuality. Nevertheless, semantic shift taken place for the past decades finds that *kathoey* is the word presently popular among heterosexual people as an offensive term even when the person is not cross-dressing and not effeminate.

The semantic shift of *kathoey* and the common inclination to apply this word in order to interpret *paṇḍaka* in the pāli term directs contemporary Thai critiques adopt 'homosexuals'. For example, in Khamhuno's article '*Gays Appear in Sangha Circles*', he uses pāli, English and Thai terms interchangeably: *gay, bandor* and *paṇḍaka*, to refer to homosexual persons (Khamhuno, 1989, p.

37). This signifies a critical shift in the analysis of the word *paṇḍaka*. Ethical judgments made on *paṇḍaka* in vinaya link first to the violation of ascribed the roles of gender for women and men. When the *kathoeys* are understood as 'homosexual' or 'gay', and *paṇḍaka* means *kathoey*, then scriptural judgments about *paṇḍaka* are referred to gayness or homosexuality, regardless cross-gender conduct. Early Buddhist decree about one phenomenon, in other words, cross-gender conduct - are now in Thailand is referred to 'gayness' or 'homosexuality'.

The word *kathoey* in Thailand embracing homosexual persons or hermaphrodites is popularly considered because of their mentally mixed in genders. In the contextual Thai culture, a homosexual man is generally considered having a female mind and a female sexual drive whereas a lesbian is considered having a male mind and a male sexual drive. The blended genders meant in the word *kathoey* might then be only physical or only an imputed mental mixing, or a blend of both.

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CHAPTER IV

DISCUSSIONS

This chapter is divided into three parts in consistent to the research objectives. The researcher will discuss Part I by focusing on the concept of 'sexual misconduct' *(kāmesumicchācāra)* and its ethical criteria, in view of Buddhist ethics. In Part II, the researcher will investigate the philosophical inference of sexual deviance in Buddhist texts and contemporary sexual ethics in Buddhism. Finally, in Part III, the researcher will discuss the concept of 'sexual misconduct' (*kāmesumicchācāra*), and the philosophical inference of sexual deviance in Buddhist texts and contemporary sexual ethics in Buddhism.

4.1 Discussion about the Concept of 'Sexual Misconduct' (*kāmesumicchācāra*) and its Ethical Criteria in View of Buddhist Ethics

This part involves the general concepts of 'Sexual Misconduct' *(kāmesumicchācāra)* in the texts of Theravāda and Mahāyāna, and by some leading contemporary thinkers; the comprehensive ethical criteria of 'Sexual Misconduct' *(kāmesumicchācāra)* in view of textual Theravāda and Mahāyāna ethics with the views of contemporary thinkers.

4.1.1 The General Concept of 'Sexual Misconduct' (kāmesumicchācāra) by Texts of Theravāda and Mahāyāna

Buddha himself, through his intrinsic princeling and as a new spiritual leader in his time, is clear cut and eases understanding on sexual misconduct *(kāmesumicchācāra)*, which is scribed that "...One conducts oneself

wrongly in matters of sex; one has intercourse with those under the protection of..."(A V 263). Buddha simplifies his message for the common people. He always learns from his experiences with the traditionalists, rationalists and experimentalists prior to his enlightenment. He simplifies his teaching, but it is clear that it is a paradigm for judging good deeds and bad deeds. He standardises a tenet not to violate the prohibited individuals, in order to avoid the loss of good kamma or for accomplishment *(sampatti),* such as: accomplishment of birth; fortunate birthplace *(gati-sampatti),* accomplishment of body; health or physical conditions *(upadhi-sampatti),* accomplishment of time; fortunate time *(kāla-sampatti)* and accomplishment; adequacy of perseverance *(payoga-sampatti)*, (Vbh 339). Finally, reflecting upon his statement, he intends to cultivate the human sense or conscience of moral.

The Sthaviravada, as conservative disciples, thus selects to use 'engagement in sensual misconduct' rather than the direct words of 'intercourse with the guarded persons' as does Buddha. Buddhaghosa interprets this precept that it forbids men to have sex with twenty classes of women or practice homosexuality, which covers most possible sex outside of marriage, the guarded persons and the maritally engaged (A V 263). On the contrary, the Mahāyāna neither explains nor gives the meaning, but assumes all automatically understand it, and so switches to the consequences of such sexual misconduct. "Sexual misconduct is against the third precept and thus should not be taken lightly. All who cherish in any sexual misconduct will end-up in the three evil realms and the Hell" (Buddha Words, 2011). The Mahāyāna offers options by 'should not'. Meaning, if one wants Hell, one 'can' do. Noticeably, the Tibetan Mahāyāna

stands between the Theravāda and the Mahāyāna regarding sexual misconducts, though it directly and literally takes the pāli: *kāmesu micchācāra* is the sensual desires for bad actions. However, some Saṅgharakshitas include sensual desires and sexual desires. By the Tibetan, intentions are to encourage believers to avoid adultery, and even abduction and rape. There should not be any breaches of spousal relationships. The Tibetan is not too strict but not too liberal, and there are controversial debates about fornication (sex between a couple before marriage) and homosexuality (Buddha Words, 2011).

The commentary of Aṭṭhakathāsaṅgīsutta explains that *Kāmesumic-chācāra* are all sexual misconducts. By classifying, '*kāmesu*' means fine facilitation for the act of coupling, and '*micchācāra*' means immorality reprimanded by the wise men (Maṅgal II 204). In *Ṭīkāsaṅgītisutta* '*methunasamācāresu*' there are two types of sexual affair: sensual pleasures with either one's wife or one's husband and sensual pleasures with another's wife or another's husband. It further explains that '*methunasamācāresu*' is an act of sexual relations unclearly depicted as right or wrong. But that what is wrong is explained in the same sutta in the word of '*asatthammādippāyena*' - having sexual affairs with prohibited individuals as described in the moral principles of Buddhism (Maṅgal II 204).

This research could argue that even Buddha is clear-cut and direct as a leader and founder concerning sexual misconduct; Buddhist ethical criteria focus on intention of not being greedy, not angry, and not being obsessive and are based upon laws, traditions and culture which are virtuous mindfulness, not being blamed by wise men, not only harming but bringing happiness to oneself and

others. The researcher also finds that the Theravāda though is so conservative and strict about Buddha's teaching, yet it is directed mainly at men. On the other hand, The Mahāyāna is liberal and does not focus much upon the lexiconic interpretation; rather it directs its believers to see the consequences of sexual misconduct and leaves it to the believers to decide their own rebirth either in hell or in heaven. More rigid, the Mahāyāna Buddhists generally follow a list of ten precepts. Some Mahāyāna Buddhists also vow to uphold the Three Pure Land, which are associated with walking the path of a bodhisattva. They strictly contend that good karmic criteria are simply to adhere to the ten good precepts (Ven. Yin-Shun, 2012, pp. 46-48). Finally, the Tibetan Mahāyāna optimizes between the dichotomous Theravāda and Mahāyāna, but does include sexual and sensual desires at the same time, and thus there are disputes about fornication and homosexuality. Noticeably, the precepts are a description of moral action and serve as a guide, but they are never imposed, but may be undertaken freely by anyone who wishes (McFarlane, 2001, p. 187). Buddha prevents his believers from being entrapped by misconducts physically and psychologically still some believers prefer hells to heavens or *avici* to *nibbana* on the reasons that they can improve their conducts in the afterlife and be reborn in a better life. Is Buddha's goodwill becomes ill-will to some believers?

4.1.2 The General Concept of Sexual Misconduct (kāmesumicchācāra) by Some Leading Contemporary Thinkers

Saddhatissa further explains that *kāmesumicchācāra* is also the sensual astray of appearance, taste, smell, sound and touch, by having illegal and immoral physical intercourse with any non-consenting individuals or consensual

sex with the one under guardianship and protection, (Saddhatissa, 1965, p. 106). However, the early German, French and English scholars in Judeo-Christianity understand 'sexual misconduct' as 'adultery and fornication'. Buddha never taught that householders should avoid sex, nor did he declare that they should obsess in sex only in a marriage context, as many Christian churches instruct. Walshe (2012) explains that any addictive or excessive sensual *(kāmesu)* preoccupations could produce 'misconduct' *(micchācāra)*.

Sompan Promtha (1992, pp. 21-22), elaborates deeper that sexual conduct and sexual misconduct *(kāmesumicchācāra)* should have been the metaphysical realities as classified in the general laws of physical objects, biological objects, the general laws of psychology, and the general laws of acts and act consequences. Morals are simply some parts of metaphysical realities, and Buddhism is interested in the 'General Law of Mental Objects' and 'The General Law of End-based Objects'. The former believes that the mind is a part of five sets (non-life object, life object, mind, consequence of a deed, and others beyond these four things) within the human body and in 'functions with discipline', as fixed rules concerning other materials and human organs. The latter believes that deeds created deed aftermath, whereas scientism and materialism believes in 'The General Law of Physical Objects' and 'The General Law of Biological Objects'.

Ven. Thich Nhat Nhan (1993) does not elaborate on sexual misconduct, but highlights sufferings and social ills as the consequences of sexual misconduct. Phra Dhammapidok P.A.Payutto (1999, pp. 9-11) has the conviction that parental misunderstanding on taking care of their children and preventing them from going astray by allowing TV, modern technology and mass communication to take their

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parental roles which finally ease and lead children to adultery and broken homes. Similarly, Hai Bao (2012, p. 320), a Mahāyāna thinkers, believes that extensive discussions, questions and analyses in varieties of fields, particularly among the rise of Selfie hedonism-based theories or feminism, are personal and temporal. However, Buddhist ethics are required to meet the contemporary perception of moral values and codes; people that run from suffering meet new sufferings.

Dalai Lama Tenzin Gyatso (1997) also highlighted the consequences of sexual misconduct, such as troubles, murder, suicide and being defamed. His Holiness wrote, in "*Beyond Dogma*" (1966), that the sexual act of a couple should be intended for natural sexual affairs only for the natural reproduction of humans. Her Eminence Jetsünma Khandro Rinpoche (Michael Haas, 2013, pp. 34-37) remarks that Westerners are inclined to point at perpetrators and their deeds. On the contrary, Easterners are inclined to point at the victims, to remind them to make use of their common senses and incapacitate perpetrator empowerment over them. In this way, the victims are self-empowered to take actions, rather than being passive and submissive to perpetrators who capitalise on such opportunities. The Rinpoche remarks that sexual misconduct, especially rape, is not always started by the rapist, but that the victim empowers the rapist physiologically and psychologically, by leaving behind common sense.

The researcher finds that the Theravāda contemporary thinkers conclude that sexual misconduct is adulterous for sensual pleasures driven by personal lust and the sensual astray of: appearance, taste, smell, sound and touch, but the acts should have been excessive preoccupation or engagement of sexual misconduct. However, the Mahāyāna contemporary Dalai Lama and thinkers emphasise it is

the consequences of the misconduct, adherence of moral codes and values and common sense. This is a personal affair, and none would demand any majority for having sex for happiness in public.

The researcher observe that most contemporary wise men touch less on the details of sexual misconduct methods and processes, except for their deadly consequences, and thus elude to address them. This is as if when there is sexual good-conduct the must be sexual misconduct as in the other side of the coin and is natural. Lessons should be learnt that obsession over natural consumptions leads to devastations from el niño, la niña, storm urges, tsunami and other deadly natural disasters. Similarly, obsession in sexual misconduct would have met devastations like Sodom and Gomorrah (Genesis 18:16-33 and 19:1-29; Ezekiel 16:49-50; Leviticus 18:22, Jude 7) someday as in 'The General Law of Physical Objects' and 'The General Law of Biological Objects' which the scientism and materialism believe in. Those commit sexual misconducts would then feel the heat of lust burning more than ten times more severely than the fire that burns Sodom and Gomorrah.

4.1.3 The General Ethical Criteria of 'Sexual Misconduct' (kāmesumicchācāra) in View of Textual Theravāda and Mahāyāna Ethics

Due to Buddhist ethics relying upon the enlightenment of Buddha, and local traditions; he is clear cut on the criteria: "NO sexual misconduct" and it is "WRONG" to have intercourse with guarded dependents. In his preaching of Anupubbikathā (talk on the disadvantages of sensual pleasures or *kāmādīnavakathā*), he compares sex as like fire, and if one does not extinguish

this fire one will not meet tranquillity (D I 148). The Theravāda judges by intrinsic intention, psychological drives and situations. The primary criterion, in Theravāda, contains two sub-criteria, which are the intention-situation cause, driven by desires/passion/greed *(lobha),* anger/aggression/hatred *(dosa)*, and confusion/bewilderment/delusion *(moha)* the three poisons, or three unwholesome (D III 275). The second sub-criterion involves situations that do not support: peace of the mind *(citta),* infirmity, intranquillity of the mind, and grief. On the contrary, Mahāyāna judges relatively close to the Theravāda on psychological drives, but includes wisdom of judgment. The Mahāyāna believes that wrongness in performing sexual misconduct comes from *moha*, which is a subcategory of *avidya*, in which *avidya* is a fundamental ignorance; thus, *moha* is the ignorance of cause and effect or of the reality that is associated with only destructive states of behaviour or mind. Occasionally, *moha* is replaced by *avidya* in the triad poisons (*lobha, moha* and *dosa*). In contemporary context, Mahāyāna thinkers likely emphasise the primary ignorance of *avidya,* but *moha* from the triad poisons.

The elements of sexual misconduct are 1) intercourse with prohibited persons, 2) intention to have intercourse with the prohibited persons, 3) attempt to have intercourse with the prohibited persons, and 4) doing affair (Maṅgal II 205). In the sub-commentary of Ṭīkābrahmajālasutta, some masters say that in the case of rape, whom a man is raped by a woman or women, it is not taken as sexual misconduct, because there is no serial rapes happened before. Another group of masters state that if the intention to have intercourse still originates, but no attempt is made to rape it is not wrong, because most women do not attempt to

have intercourse. In this case, although women have intentions to have intercourse; they do not commit sexual misconduct because they fail in their attempt (Maṅgal II 206). The commentary of *itivuttaka* says that a sexual misconduct by self-pleasure requires just 3 of 4 elements. Also, a sexual misconduct by coercion requires 3 of 4 elements, too. If an action contains 4 elements; it is absolutely sexual misconduct because all elements are involved. In fact, just 3 of 4 elements are already counted doing affair (Maṅgal II 206).

The researcher may conclude that Buddha has easily explained Buddhist ethics criteria about sexual misconduct if one has an affair with the guarded persons regardless of intentions, passion, aggression, delusion, ignorance, self-pleasure and coercion. Whereas Theravāda and Mahāyāna wise men, and Arahants, add: intentions *(cetanā),* greed *(lobha),* hatred *(dosa),* delusion *(moha)* and ignorance *(avijjā)*. What is shocking is some masters say that in the case of rape, whom a man is raped by a woman or women, it is not taken as sexual misconduct, because there is no serial rapes happened before. Another group of masters state that if the intention to have intercourse still originates, but no attempt is made to rape it is not wrong, because most women do not attempt to have intercourse. In this case, although women have intentions to have intercourse; they do not commit sexual misconduct because they fail in their attempt (Maṅgal II 206). The researcher would argue that in fact, any intention of rape has been made, it should be misconduct since Buddha points out that just intention showed, and it is already wrong. If a woman rape a man in what conditions, it is against laws and tradition and culture; she should have been

wrong because then the modern Amazonian women groups would have been above any immorality and laws.

4.1.4 The General Ethical Criteria of 'Sexual Misconduct' (kāmesumicchācāra) in View of Contemporary Thinkers

Contemporary thinkers diversely view the general ethical criteria of sexual misconduct like Pramaha Panya, Phra Sutthichai, Phra Sompong, Ven. Yin-Shun, Somparn Promta, Müller and Fausböll, Collin, Epstein and Cronin.

Pramaha Panya dares not pinpoint the ethical criteria of sexual misconduct, except for cautioning not to judge when being influenced by the triad poisons and prejudice. His Venerable contends that there are four factors used to judge sexual misconduct, namely: 1) physically having sexual intercourse with a prohibited person, 2) the intention to have sexual intercourse with such a prohibited person, 3) an attempt to have sexual intercourse with that same prohibited person, and 4) completing sexual intercourse with the said person (Pramaha Panya (1993, pp. 64-65; pp. 9-13).

Phra Sutthichai Dīghāyugo says in his work that criteria are based upon vinaya. On the contrary, Phra Sompong Muntajāto (2010-abstract) details that there is systematic judgment criterion in three levels: 1) the five precepts, 2) the ten paths of meritorious action, and 3) the eightfold paths, which are based upon reasoning, intellectual acts and sensuous feelings constituting three different sublevels: 1) precepts, 2) morality, and 3) ethics. Thus, the criteria for judging goodness are volition or willpower and reason, freedom, morality, motivation and human values (Phra Sutthichai Dīghāyugo, 1994-abstract). On the contrary, His Ven. Yin-Shun strictly contends that good karmic criteria are simply to adhere to

the 10 good precepts (Ven. Yin-Shun, 2012, pp. 46-48). Whereas, Somparn Promta claims that ethics deals with Kantianism and utilitarianism, and although both are contradictory we cannot choose both; however, there are two criteria in Buddhist ethics. The first is based upon Kantianism, which is 'motive', and the other is based upon 'consequences', which bears upon utilitarianism (Somparn Promta, 1992, pp. 57-59).

Müller and Fausböll (1881, p. 60) postulate that the criteria of good-bad is the misuse of the five senses, but that touch (sexual union) is the most craving and longed for, and is called lust or *rāga* or attachment to and individual for carnal craving. However, Patrick Collin (2005, pp.71-84) says that sex becomes misconduct when humans are too obsessed, since it brings misery and if seeking more pleasure, human would thus move to abnormality or to sexual deviance. Finally, being Freud-based, Mark Epstein (2004, p. 39) advocates that if Thanatos-Eros (anger and desire) and narcissism are not repressed, then they will lead one to sexual misconduct. Therefore, therefore any acts derived from these triad poisons are then misconduct as well as sexual misconduct since they lead to hatred, greed and that is evil. James Arodhin Cronin a retired psychotherapist and Zen Buddhist teacher pinpoints in December 3, 2013 that the criteria to judge misdeeds are 'laws and prosecution', as are the standards in other professions such as psychotherapy and psychiatry, and so on.

The researcher would infer that ethical criteria of sexual misconduct are judged by sexual intercourse with a prohibited person; intention and attempt to have sexual intercourse; completing sexual intercourse; either against the five precepts or the ten paths of meritorious action or the eightfold paths; acting with

motive and ill-consequences found; the misuse of the five senses and touch (sexual union); too obsessed with the misconduct; declining to Thanatos-Eros (anger and desire) and narcissism and laws and prosecution. But saving people and being pious to other people as below, would it be sexual misconduct for the Zen?

There was a Zen story. Two Zen monks: Tanzan and Ekido, travelling on pilgrimage, and came to a muddy river for crossing. They saw a lovely young woman dressed in her refined kimono and obviously not knowing how to cross the river without dirtying her clothes. Tanzan graciously picked her up, carried her tightly across the muddy river and placed her on the dry ground. Then he and Ekido continued their way. Hours later, they found themselves at a lodging temple. And here Ekido could no longer restrain himself and gushed forth his complaints: "Surely, it is against the rules what you have done back there...Touching a woman is simply not allowed...How could you have done that?...And to have such close contact with her!...This is a violation of all monastic code..." Tanzan listened patiently to the accusations. Finally, during a pause, he said, "Look, I set that girl down back at the crossing. Are you still carrying her?" (Tan, 1949, pp. 20-21).

In view of the contemporary thinkers above, with 15 criteria and conditions; Monk Tanzan violates none of them and so is not wrong and does not commit any sexual misconduct in helping the lovely young lady dressing in kimono to cross the river because Monk Tanzan has only the intention of helping the lady and there is no time to think of misconduct since His Venerable would have only preoccupied with saving his own life and the lady's life which is

already overshadowing any ill-thoughts if the river is really means the river and not a stream or a canal.

4.2 Investigation of the Philosophical Inference of Sexual Deviance in the Buddhist Context and Contemporary Sexual Ethics in Buddhism

This part contains two sections: 1) the philosophical inferences of sexual deviance in the Buddhist context, and 2) the philosophical inferences of contemporary Buddhist sexual ethics. The first part is the findings of the philosophical inferences of sexual deviance in the Buddhist context, and the second part covers multiple dialogues of the philosophical inferences of contemporary Buddhist sexual ethics.

4.2.1 Sexual Deviance in Theravāda and Mahāyāna Buddhist Texts

This is divided into two groups. First, it is the monkhood and nunhood groups, and second it is the lay follower groups. It is observed that exegeses and minutiae are weighted much more on monkhood and nunhood, but rather less on the Buddhist laities.

4.2.1.1 Monkhood and Nunhood on Sexual Deviance in Theravāda and Mahāyāna Buddhism

Sexual deviance is also understood as sexual orientation, akin to the paraphilic story of queen Mallikā in the Buddhist text, concerning monk celibacy, the *pārājika* conditions and rejection for the *ubhatobha-yañjanaka* or the hermaphrodite, and the *paṇḍaka* or eunuch to be ordained. The Buddhist vinaya depicts further sexual orientations or deviances, such as: necrophilia, bestiality and inanimate object sex, auto-fellatio and auto-sodomy

(see Chp. III). Sexual deviances clearly existed during Buddha's time as revealed in the ordinances of the vinaya. Any *Bhikkhus* or any *Bhikkhunis* who violate those vinaya rules have to face a 'disrobing offence' *(pārājika)*. The rules govern not only the celibacy of monks and the conditions of 'disrobing offence'*(pārājika)* but the sangha also reject for monkhood of the 'hermaphrodite' (*ubhatobhayañ-janaka)* and the 'eunuch' *(paṇḍaka)*, if later found after ordination (Jackson, 1998, p. 55). Here, the researcher would give the example that it is likely sexual deviance as follows:

The researcher's viewpoints are about the cases of Vakkali and Soreyya that even though there are just different situation. Vakkali admires Buddha's appearance whereas Soreyya admires Mahakaccayana's appearance. But it is the same concept and is focused on admiring physiological forms *(rūpa-mānikā)* and/or aesthetics and dislike grieves. Moreover, it is not clearly indicated that both Vakkali and Soreyya are sexual deviants. So, the researcher notices that Vakkali and Soreyya have just the *carita* in physiological forms in which are inadequate reasons to justify that they are sexual deviants or homosexuals.

For example, if there are persons admiring beauty, handsomeness, good looking and are happy on the physical appearance; they are then classified in the group of lustful temperament person. This is therefore not a kind of sexual deviance or homosexuality. Buddha sets moral principles to remedy to these *caritas* called six temperaments or intrinsic nature of a person (Vism 101). According to the stories of Vakkali and Soreyya, it means those who judge only outward appearance or the ones whose faith is depended on good appearance are called *rūpa-mānikā*. The researcher also contends that achieving enlightenment

does not depend on being *paṇḍaka*, *ubhatobhayañjanaka*, katheoy, gay, and homosexual or sexual deviant but it depends on spiritually renouncing sexual desire. Therefore, human genders are not the obstructions to achieve Buddhist enlightenment.

In addition, the criteria for wrongness for monks and nuns regarding sexual deviance are the prohibition of ordination, in order to secure the sangha public image and public support, and to prevent deviants to entice other monks or nuns, particularly the female hermaphrodites *(itthī-ubhatobhayañjanaka)* and the male hermaphrodites *(purisa-ubhatobhayañjanaka)*. The Theravāda thinkers and commentary thinkers related are not compatible in the ethical judgment of *ubhatobhayañjanaka* and *paṇḍaka* in some points within the sangha. There are different attitudes of acceptance and compassion about rejection and discrimination. However, Buddha is usually more patient with the *ubhatobhayañjanaka* and *paṇḍaka* who speak the truth about their sexual orientation after their ordination.

In the canon, the attitudes toward *paṇḍaka,* either: *asittaka paṇḍaka* (semen sucker eunuch), or *ussuya paṇḍaka* (voyeur eunuch), or *opakkamika paṇḍaka* (castrated eunuch), or *pakkha paṇḍaka* (fortnight eunuch) or *napumsaka paṇḍaka* (genital - less eunuch) in the sangha, were developed by public criticism of the implementations of any ethical principles. To avoid being defamed in public in ancient India, the early sangha has absorbed, institutionalised and codified the prevalent antagonistic attitudes toward *paṇḍaka.*

Richard Gombrich remarks that upon disproval, Buddha convinces it is not to convert more believers, but to set rational rules to protect and to facilitate the

sangha, its moral immaculateness of its members, the growth of believers and the good of nonbelievers (Richard Gombrich, 1980, p. 90).

Scriptural discriminating against *paṇḍaka* and *ubhatobhayañjanaka*, codes that Buddha is compassionate towards people who begin to express cross-gender peculiarities and the homoerotic after ordination. However, Buddha debars authenticated *paṇḍaka* and *ubhatobhayañjanaka* concerning ordination, because some of them break monkhood celibacy, are deficient in masculinity and are inferior in spirituality even Buddha disproves monkhood seating with the non-man group.

Scriptural tolerance of *paṇḍaka*, depicts many examples of *ubhatobhayañjanaka* and *paṇḍaka* tolerated within the sangha. Many are honoured and esteemed for their high spiritual attainment. In the vinaya records, it is seen that many ordained monks have sex transformed to women and vice versa. When they are raised to Buddha's attention it is reported that he approves their ordinate monkhood and that they have maintained their retreat during *vassa* or *phansā* (the rainy season or Buddhist Lent), as the worthy sangha members. Buddha permits the sex transformed monk to live with nuns and adhere to the nuns' code of conduct, and for the sex transformed nun to live with monks and adhere to the monks' code of conduct (Vin I 220).

The researcher reflects the meaning of *paṇḍaka* as eunuchs, who undertake womanization by operation. But sex transforming is different unlike transsexuality. *Paṇḍaka* displays with another gender but not necessarily acting, dressing, or having surgery to cross gender. *Paṇḍaka* is thus not relevant. With this view, whether or not *paṇḍaka* could become monk; it is mainly depended on

his sexual organ rather than generally understood that a *paṇḍaka* is a Kathoey or a gay. Such understanding is incorrect and does not comply with the Tipiṭaka or the commentary and sub-commentary. Kathoey cannot be observed from his behaviour but from his sexual organ in order to clarify doubt of his gender. According to the Pāli words *"paḍati lingavegaḷlabhāvaṁ gacchatīti paṇḍako"* which means those who have defective signs of sexual organ (Phra Saddhammajotika Dhammacariya, 2003, p. 217). Therefore, the root from Buddha's words means sexual organ is the main verdict.

In the case that a *paṇḍaka* can be ordained means that before his ordination, he is a *paṇḍaka* but when entering the monkhood he has to abide with the vinaya and must totally renounce all his deviances. The exception is found with Phra Jass (former Miss Tiffani, 2009; Nemo Jung, 2014). In fact, the Preceptor has checked Phra Jass' body and found he is a man since he has not womanized and he has removed his post mastectomy silicone (his artificial breast). So, Phra Jass is the real man and the Preceptor is not then violated the vinaya. But how is Phra Jass different from other Kathoey or Gay and ladyboy?

In the cases of the *paṇḍaka*, monks are found in social media that their conducts are improper as monks after their ordination. Then the Preceptors could disrobe them. The differences here could be examined that it counts on authentic determination to enter monkhood not taken the expressions of slenderness, or ladyboy, or hermaphrodite as being a *paṇḍaka* in its root but in the explanation of the vinaya. To approve and to disprove ordination, it is depended on the discretion of the Preceptor as a condition. However, it does not mean that womanlike conducts will be totally prohibited but it depends on the "pre and post"

determination for ordination of the man. Besides, in the case of sex transformed or hybrid sex by the previous life karma as in the case of Phra Soreyya, and in the case of transgender or sex transplanted in the modern societies; if we examine we can see their differences but come to the same end. In this issue, had we adhere to the indicator of sex as noted in pāli, then by the vinaya principle we could divide it into two streams. First, if after ordination and one is found that the ordained individual is a female; she must enter nun-life. Second, if the individual is male, he has to enter monkhood.

In the case of a ladyboy like Phra Jass, who has been ordained because he denounces his feminism physically and mentally and it is not breaking the conditions of ordination. So, he is not subject to sexual deviance and it is not against the third precept. However, in future if he will – inability to physically and mentally denounce feminism; he then violates the conditions and is a *paṇḍaka* who is prohibited on ordination. If being *pārājika*, one then commits sexual misconduct. At this point, it serves the principle that if one is ordained but cannot be rehabilitated; then one is unqualified under the vinaya code. And if one is disqualified, one is wrong.

Brian P. Harvey finds that there is the possibility for persons to supernaturally change sex or transsexual-ability and, if so, they are not debarred from ordained monkhood; if they have already been ordained then they simply change orders (Brian P. Harvey, 2000, p. 412)

The late Lama Thubten Yeshe, a Gelugpa Lama, points out that he does not think homosexuality to be sexual misconduct (Lama Yeshe, 1981). However, the current Dalai Lama, Tenzin Gyatso (1997), maintains that improper sexual

behaviour also includes: lesbianism, gay sex, and certainly any sex other than penis-vagina affairs with one's own monogamous partner, including anal sex, oral sex and masturbation, and women-to-women and men-to-men is usually considered as sexual misconduct. Thich Nhat Hanh is unclear about sexual deviance, or he might not want to dig deep into details as it is personal, but he seems to assert that any type of sexual misconduct (natural or deviant) is wrong (Thich Nhat Hanh, 1993).

The researcher could infer that sexual deviances are abnormal sexual affairs, but how grave they are we can observe in that Buddha disallows to ordain the deviants. To avoid public criticism, defamation and public antagonism, Buddha regulates not ordaining any sexual oriented men or women and, in addition, it is because the authenticated *paṇḍaka* and *ubhatobhayañjanaka* often break sangha life celibacy. However, Buddhism is tolerant to these sexually oriented monks and nuns if they can rehabilitate and denounce their ambiguous genders. Dalai Lamas accept that sexual orientation in any shape or form is considered sexual misconduct for the Lamas, but Thich Nhat Hanh reserves to discuss about sexual-oriented persons. The researcher observes that most monks or nuns entering monkhood and nunhood in order to achieve enlightenment. In the Buddhist text in the past, Vakkali and Soreyya can achieve enlightenment wile today Phra Jass is also justified to live in monkhood. Meaning, Buddhism never bar but encourage ordinary people to achieve enlightenment through religious life and could easily further on to *nibbana*.

4.2.1.2 Lay Follower Groups on Sexual Deviance in Theravāda and Mahāyāna Buddhism

Early Buddhism did not place any particular stigma on homosexual relations, since the subject was not mentioned (Coleman, 2002, p.146), although later traditions imposed restrictions on homosexual activities and contacts (Hurvitz, tr, 1976, p. 209; Davids, tr. 1890-94, p. 48). The relationship between Buddhism and sexual orientation varies by tradition and thinkers. What is shocking is that only from between 1952 and 2008; sexual deviance has now been divided into five classifications, containing around twenty seven deviances, as recorded in '*The Diagnostic and Statistical Manual of Mental Disorders*' (DSM). I-V from 1952-2008; for example: coprophilia, exhibitionism, fetishism and zoophilia, and so forth (see Chp. III). Homoeroticists, homosexualists and transvestites have today been referred to in the pāli canon of Theravāda Buddhism, but inconsistently to homosexuality in its contemporary notion, since the canon does not sufficiently identify between cross-gender behaviour or transvestism and homosexuality. Nevertheless, male-male sex is found in the vinaya piṭaka - the ascetic code of conduct proscribed for monks regarding sexual activities.

The Dalai Lama, in an interview with Alice Thompson in 1999, conditionally said if an individual has no faith then that is a different matter. "If two men really love each other and are not religious, then that is acceptable to him. From a societal viewpoint, for lay people, mutually homosexual activities can be enjoyable, mutual benefit and harmless" (Dalai Lama Tenzin Gyatso, 1997). On the contrary, His Holiness Representative Tashi Wangdi remarks on the

views of homosexuality, in that if one were to engage in homosexuality, one failed to follow all the five precepts of Buddhist principles.

The researcher could infer that Buddhism by any sect does not stigmatise the lay homosexuality, except disapprove ordination. There are seven deviances found in the Vinaya, but there might have been more in the dark spaces of deviance. Buddha is clear that it is not to convert more believers, but to set rational rules to protect and to facilitate the sangha, its moral immaculateness of its members, the growth of believers and the good of nonbelievers. Buddhism is liberal for the future happiness of its believers and open opportunities for them to optimize real happiness through *nibbana* without any commands but personal choices. This is why; contemporary thinkers would be reluctant to comment since it is the personal choice to be good or to be bad.

4.2.2 The Philosophical Inference of Sexual Deviance in Contemporary Sexual Ethics in Buddhism

In the vinaya, there are around ten sexual deviances being discussed in 4.2.1.2 above. Since then, from 1952 to 2008, sexual deviances contain around twenty seven lexicons under five classifications of sexual deviance, as recorded in '*The Diagnostic and Statistical Manual of Mental Disorders*'. At present, under its taxonomy, there are around 549 paraphilias in DSM (Diagnostic and Statistical Manual of Mental Disorders), (Aggrawal, 2008, p. 47).

Homoeroticists, homosexualists and transvestites are referred to in the pāli canon of Theravada Buddhism but these terms do not align with homosexuality in contemporary thought since the canon does not differentiate between cross-gender

acts or homosexuality and transvestism. Nevertheless male-male sex is found in the vinaya piṭaka in the ascetic code of conduct and is prohibited for monks. Exegesis of the vinaya piṭaka clarifies homoeroticism. The vinaya rules are intended for monks and not for the laity.

Buddhadāsa Bhikkhu worries that engaging in sex for pleasure will lead to nervous disorders, madness and physical deformities (Buddhadāsa, 1987, p. 25). Imagine when the world is 10% full of the psychopath, the insane and the crippled wandering in societies (around 800 million), and those are the fruits of sexual deviances. Inmates convicted of sexually deviant affairs, even when treated with psychotherapy, are unlikely stop their recidivism, but paraphilias medicated would be for more effective in addressing their sexual deviancies (Kafka, 1997, pp. 343-358). Sexual deviances, especially homosexual behavior, transmit HIV/AIDS. Its reduction needs to discern the sexual behavior and attitudes (Stokes, Vanable & McKirman, 1997, pp. 383-397). Buddhism teaches that sensual enjoyment and desire in general and sexual pleasure in particular, are barring enlightenment, and inferior to the 'rapture' *(pīti)* that are integral to the practice of *jhāna* (D V 28). Pramaha Adulaya Yasotaro further explains that the sexual deviant is the person who never ceases sexual lustfulness, favours to see, to act, to be done, to have mind and manner opposite to one's actual gender, to have strong lust and abnormal deviant sex, and to seek sensual pleasure from same sex or unthinkable affairs (Pramaha Adulaya Yasotaro (2006, pp. 7-12).

Parks, Manos and Weber claim that the third precept is too broadly termed and subjected to the exegeses by the social norms. Buddha, by rationale, leaves people to interpret and to draft social norms for peace and order in their own

societies, and each society holds its own traditions and cultures in alignment with its own environmental geographies. This has been found in the early Buddhist sutras, whereby unaccepted or accepted sexual conduct for laypersons is not explicitly specified (Parks, Manos & Weber, 2008). Similarly, Coleman contends that 'sexual misconduct' is an opened term and subject to the exegesis according to each social norm of the followers, and that early Buddhism has not placed any special stigma on homosexual relations (Coleman, 2002, p. 146). However, Sponberg remark that the middle way is always the concern in Buddhism to maintain the social order during the time of Buddha. The sangha never claims to contribute a universal conveyance for the spiritual unchain of each one in society, or explicit exemption for those considered badly reflecting the monkhood in social attitudes and norms (Sponberg, 1992, pp. 13-18; cited in Jackson, 1998, pp.55-89). Shantideva and Aśvaghoṣa Mahāyāna classical scholars considered sexual deviance in homosexual acts as sexual misconduct, which are based upon their views of quotes from the Saddharma-smrtyupasthana Sutra (Harvey, 2000, p. 421; Tsong-Kha-Pa, 2000, p. 220).

The researcher finds that whilst Buddha and his devout were dedicated to trying to bring and to show the route to eternal happiness to their followers and human beings, on the contrary, some of the followers and some human beings select to enjoy long-term unhappiness under the cloak of being Buddhist, and use their freewill to unfree their own born free human pride. The 'no-otherwise wrong' statement of Buddha is so clear that the Theravāda thinkers have to add intention, psychological drives and situations, while the Mahāyāna thinkers consider that sexual deviance is not wrong, since it comes from ignorance of the

cause and effect. The sexual deviants then understand that it is wrong if one says no to deviant sex, which bring sensual pleasure to everyone. The researcher is curious that religious scholars from the West, from Mahāyāna and Theravāda have no common agreement on the taxonomy of sexual deviance; could the common people discern such malpractices and what those deviants commit, in what they have done with the excuse of free will and personal rights and liberty, but unaware of the deadly consequences left to societies? Humans admire liberty in order to allow themselves to be enslaved in the *dukkha* labyrinth.

4.3 Discussion of the Concept of 'Sexual Misconduct' (*kāmesumicchācāra*) and the Philosophical Inference of Sexual Deviance in the Buddhist Context and Contemporary Sexual Ethics in Buddhism

4.3.1 The Concept of 'Sexual Misconduct' (kāmesumicchācāra) and the Philosophical Inference in the Buddhist Context

"...Then early in the morning the Blessed One adjusted his under robe and - carrying his bowl & robes - went into Sāvatthī for alms. He saw that most of the people in Sāvatthī were excessively attached to sensual pleasures, that they live infatuated with, greedy for, addicted to, fastened to, absorbed in sensual pleasures..."(Ud 74). In 'sexual misconduct', Buddha means all wrong sexual demeanours, including: gays, prostitutes, intercourse with animals and women/men other than one's spouse, are all wrong and are 'carnal fire'. Buddha is certainly clear-cut, and direct, as a leader and founder, concerning sexual misconduct, in that any intercourse with the guarded person is wrong. Buddha says, "A wise man should avoid unchaste affairs as if it were a pit of burning

cinders. One disables to live in a state of celibacy should, at least, not break the purity another man's wife" (Saddhatissa, 1970, p. 87), whereas sexual deviance or sexual orientation or paraphilia in Buddhist literatures could be found in the Vinaya, on the conditions of a 'disrobing offence' *(pārājika)* for *Bhikkhu* and *Bhikhunī.*

Denton argues that if coupling is due to the nature of the emotional needs of humans and animals of all kinds - the essence of life is natural, human and other animals have basic needs as is natural, such as: food, residency, and reproductive requirements and security requirements (Denton, 1990, p.17), but morality makes humans different from other animal species. Although morality is a symbol of differences and development, morality itself is interpreted differently by various societies and wise men or thinkers.

Huai Bao attempts to gives an up-to-date interpretation of sexual misconduct, largely not only about helping man, but oftentimes stuck in such a dilemma which asks for abstinence from growing materialism and for the liberation of fears man has created within himself (Huai Bao, 2012, pp. 303-321). On the contrary, Barbara O'Brian (2013) challenges lay Buddhists to really reflect about sexual misconduct. People mostly take cues about what constitutes 'misconduct' from their culture, and this is found in much of Asian Buddhism. However, Buddhism began to spread into Western nations just as many of the old cultural rules were disappearing. So what is sexual misconduct? We can all agree, without further discussion, that non-consensual or exploitative sex is 'misconduct'. However, beyond that, it seems that Buddhism challenges us to

think about sexual ethics very differently from the way most of us have been taught to think about them (Barbara O'Brian, 2013).

Pramaha Panya infer that *Kāme* and *Kāmesumicchācāra* could be classified in that the former is natural affairs of all beings, while the latter is the excessive affairs of human beings only and leading to the aftermath riddles (Pramaha Panya, 1993, pp. 39-41). The Buddhist philosophy emphasises the standing point of the middle-way. It claims that the first and most important thing is the perception of the reality of the issue. For the Buddhist's view, there are primary and secondary levels in ethical criteria, defined through 'intention' *(cetanā)* being the principle to distinguish rightness and wrongness, or goodness and badness. Regulating *sīla* of *kāmesumicchācāra* is meant to control sexual acts of individuals in societies, to be abided and to judge which act is right and which act is wrong, in terms of sexual act. In fact, control of sexual conduct is the threshold to ethics in the Buddhist philosophy, in which Buddha has convinced that he has been no less aware of sexual conduct; in his 'First Announcement of the Moral Truth' *(saccadhamma)* on *kāma* or sex that it has no 'quintessence'. His sermon in Anupupphikathā, about the fire of sex and withdrawal from it, suggests meeting tranquillity (D I 148). Therefore, the enactment of *sīla* of *kāmesumicchācāra* in the Buddhist philosophy is to regulate the ethics of sexual conduct as a proposal of guides for a peaceful and happy co-existence in societies. It begins from each individual, and then diffuses greatly. This is to prevent countless problems entailed by sexual conduct itself.

The researcher agrees that if one cannot avoid unchaste affairs then one is unwise. There are no disputes that sexual animalist practices are deep rooted in

every society since Buddha's lifetime until today. They remain in the dark backyards, but their impacts are so immense and cannoned to the front yard, where they challenge all professionals and philosophers. According to the Buddhist philosophy, the main essence of Buddhist ethics aims at the state of pure mind without: greed *(lobha),* anger *(dosa)* and obsession *(moha)* or *akusala mūla,* which are the roots of bad actions, and which are the origins of goodness if they are well controlled and suppressed. The researcher ensures that sexual misconduct and sexual deviance by any perspectives are abnormal practices for personal pleasure which indispensably harm others, those being the spouses and/or the patrons.

Fire never ends fire, and similarly fire of sex never ends having fiery sex, since war never ends war or violence never ends violence; abusers will go on abusing whenever they want, and whenever chances permit. The researcher observes that if sex is fire, he is justified to prohibit his followers to avoid getting burned, or analogously discover intranquillity. His criterion is simplified reasonably, that fire never does not burn and never extinguishes its own diffusion. Fire never ends fire. Therefore, illegal sex or sexual misconduct must be extinguished at first, as a Thai proverb says; "Nip something in the bud (*Dap Fai Tae Ton Lom*)". Any misconduct is in itself wrong and never initially harmonises the abuser with the victim, but the worst is that misconduct disharmonises the abuser group and the victim group, and finally disharmonising communities. It is then rational that Buddha imperatively uses the word 'NO' sexual misconduct, and uses the word 'WRONG' ethically and traditionally, to have sexual misconduct with guarded persons.

Buddhist tradition, by the researcher's belief, takes a much more conservative approach, prohibiting, amongst other things, oral or anal sex, male homosexuality, and even sex during daylight hours. The challenge is; 'what is the first purpose of the doctrine, and why should lay people refrain from engaging in sexual misconduct?' First is to avoid actions that are harmful to oneself, and second is to avoid actions that are harmful to others. Adultery might be considered evil since it harms others, by leading to psychological pain and in many cases to the breakup of stable relationships. It is also harmful to oneself, because it places one's own short-term gratification before others' welfare.

The researcher believes that refraining from adultery also has social benefits. Philologically and historically, humans end up: ***first***, there is no scriptural warrant for the more restrictive, scholastic formulation of the doctrine, but celibate monks who inappropriately read monastic norms into lay sexuality elaborate on it. The individuals who do this are great scholars and saints, but concerning sexual issue they go wrong. ***Second***, the doctrine, both in its earlier simplified version and later the more elaborate scholastic one, is androcentric, yet privileges men and is therefore unjust. Any sexual ethic worth its salt must see women and transgender people as moral agents, too. ***Third***, independent of historical or other criteria, the more elaborate doctrine cannot be justified on rational grounds, thus where does this leave us? It demands us to rethink sexual ethics in a way that is both rational and just, in a way that does not privilege heterosexual men but also considers the agency of women and gay people, and does not discriminate against anyone based upon their sexual tastes or anatomies.

That is clear between good men and bad men. However, this does not mean that by the researcher's belief the good never thinks badly, but the good just never subdue to their bad thoughts. In other words, the good never subdue to the tendency of immorality. The good can refrain from the five precepts as Buddha advises. On the other hand, the bad will be enslaved by the carnal precepts, and fail all precepts and/or one. *Sīlas* are prohibits which restrain physical and psychological misdemeanours, in which the good can withhold and not to surrender to bad thoughts, or tri-poisons *(akusala)*. On the contrary, badness begins with malicious thought and inclines to that malicious thought.

The researcher has a conviction that if the motive is bad (sexual misconduct is already bad) then the consequence must be bad. Although 'Little Boy', the atomic bomb dropped on Hiroshima on August 6, 1945, 08.15 Hrs local time, and 'Fat Man' the other atomic bomb detonated over Nagasaki at 11.02 Hrs local time on August 9, 1945, froze the Japanese imperial military force, and ended WWII, thus being temporally good; however their bad after-effects have been ongoing until today. The budgets to heal both areas are a hundredfold more than the original 'Manhattan Project' chaired by Dr. Julius Robert Oppenheimer, the 'Father of the Atomic Bomb', assisted by Dr. Robert Serber to assemble both atomic bombs. No poisonous trees yield non-poisonous fruits. If sex is driven by greed and just brings an individual happiness, but the majority remains unhappy then the Kantianism cannot accept such greed, which is a bad motive, and the utilitarianism shall certainly reject personal happiness though such a 'good consequence'. It is certain that sex driven by greed and gained by personal happiness is certainly sexual misconduct. The good-bad criterion here is Vinaya-

oriented. However, it is evident for monks and nuns, but ambiguous to laity except the self-evidence-oriented.

4.3.2 The Concept of Sexual Deviance and the Philosophical Inference in the Buddhist Context

Sexual deviance or orientation in Buddhist literatures could be found around seven types, but since 1952 until 2008 developed around twenty seven deviances, as recorded in '*The Diagnostic and Statistical Manual of Mental Disorders*' (DSM, 1952-2008, see Chp. III). Early Buddhism, by some scholars, does not stigmatise homosexuality (Coleman, 2002, p. 146), and many later traditions restrict homosexuality (Hurvitz, tr, 1976, p. 209; Davids, tr. 1890-94, p. 48). Though Buddha covers every corner of sexual misconduct and depicts *pārājika* for monkhood, he still leaves every Buddhist to make decisions to design one's way of life and practices. Based upon seeking self-gratification as a human, non-deviant people will not behave deviantly, except when affected by neuron accidents/being mentally harmed. Any non-sexual deviant persons are thus accepted into Buddhist monkhood, but only on what stance Buddha regulates the acceptance of non-sexual deviants or objects to sexual deviants. However, homoeroticists, homosexualists and transvestites are today referred to in the pāli canon of Theravāda Buddhism, but inconsistently with homosexuality in the contemporary notion, since the canon does not sufficiently identify between cross-gender behaviour or transvestism and homosexuality.

The researcher believes that Buddha is sensitive to social acceptance, because his congregation is new and will have to venture amidst Hinduism,

Jainism and other local practices of the era. Therefore, he is aware of the social norms, attitudes, values and order, or 'localism'. Localism is common in political philosophies which give importance to the locals or the local area. Generally, localism encourages local production and products, consumption, local administration, and local history promotion, culture and identity. This is how Buddha designs the worldly administration of his sangha community (nearest to nature), and the social or social responsibility administration. Ecclesiastically, it reflects his concern about backing the sangha public image as virtuous. Thus, persons of sexual activity, and those with tastes of unusual sexuality, the third gender persons, the disabled and criminals would bring risk of disrepute to Buddhism. So, Buddha proscribes against some types of persons joining the Buddhist monastic life.

Can *paṇḍaka* be ordained? There are 5 types of *paṇḍaka*, i.e. *1) Asittakapaṇḍaka* is an oral sexer or a homosexual person, *2) Ussuyapaṇḍaka* is voyeur who is pleased to see the affairs, *3) Opakkamika-paṇḍaka* is a missing perfect genitive organs eunuch. *4) Pakkhapaṇḍaka* is a sex-driven by the lunar phases, and *5) Napumsakapaṇḍaka* (or *napumsaka*) is an unclearly defined genitalia person (Phra Saddhammajotika Dhammacariya (2003, pp.217-218). Among these five types of *paṇḍaka*, there are 2 types, by Buddhaghosa, can be ordained, i.e. *asittakapaṇḍaka* and the *ussuyapaṇḍaka*. The other three types are prohibited for ordination, i.e. *opakkamika-paṇḍaka*, *pakkhapaṇḍaka*, and *napumsakapaṇḍaka* (or *napumsaka*). However, the *pakkhapaṇḍaka* is both prohibited and unprohibited by fortnight of wax and wane moon but if being a *paṇḍaka*, he is prohibited otherwise not prohibited for ordination. Among these

three ordination-prohibited types, Buddha has specified and said, "*anupasampanno nasetappo*", which means such being a *paṇḍaka*; his monkhood should be ended or disrobed (*linkanāsanā*).

The researcher agrees with His venerable Buddhaghosa when reflecting the meaning of *paṇḍaka* as eunuchs, who undertake womanization by operation. But sex transforming is different unlike transsexuality. *Paṇḍaka* displays with another gender but not necessarily acting, dressing, or having surgery to cross gender. *Paṇḍaka* is thus not relevant. With this view, whether or not *paṇḍaka* could become monk; it is mainly depended on his sexual organ rather than generally understood that a *paṇḍaka* is a Kathoey or a gay. Such understanding is incorrect and does not comply with the Tipiṭaka or the commentary and sub-commentary. Kathoey cannot be observed from his behaviour but from his sexual organ in order to clarify doubt of his gender. According to the Pāli words *"paḍati lingavegaḷlabhāvaṁ gacchatīti paṇḍako"* which means those who have defective signs of sexual organ (Phra Saddhammajotika Dhammacariya, 2003, p. 217). Therefore, the root from Buddha's words means sexual organ is the main verdict. For example, In the case that a *paṇḍaka* can be ordained means that before his ordination, he is a *paṇḍaka* but when entering the monkhood he has to abide with the vinaya and must totally renounce all his deviances like Phra Jass (former Miss Tiffani, 2009; Nemo Jung, 2014).

Recently, there is the statistic of 10,000 homosexual monks from 100,000 monks on April 22, 2014; Mr. Jaturong Jong-Asa a freelance Buddhist scholar said with the research data on homosexual monks and novices it reveals that there were 10% of such behaviours among the total number of monks. Such riddle came

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from the process of ordination as: 1) it begins from their families because the Thai Buddhists do not know the vinaya upon knowing their children became homosexual; they should be forced for ordination in Buddhism. 2) The abbots themselves and the religious preceptors when evidently find homosexual candidates; they should not be allowed for ordination. At the meantime, the office involved such as Office of National Buddhism and Sangha Supreme Council of Thailand know nothing about how the vinaya prohibits the homosexual candidates for ordination in order to announce and explain to the public. In particular, the Buddhists who do not understand such idea they view that the homosexual persons are not bad but we need to speak the truth because at present, there are many monks with such behaviour but behave piously. However, solutions about the Thai monks in many cases as such are met with silence from monks, homosexual monks and homosexual novices. This is not right but they must apply the vinaya to judge for clear-cut while explaining to the public to understand that what causes such things. Also, solutions miss the target in the entire system. Had this case been disregarded, the problem will never end. Nevertheless, educating the vinaya for people is important especially about the ordination. If the Buddhists understand; they would offer the good ones for ordination rather than the problematic ones. Buddhism will not meet such dilemmas as in today. The prior ordained homosexual monks should really be re-oriented and might behave generously with mild speeches. Though some real male monks with mild preaching which attracts Buddhist believers and with modest behaviour which are admired by lay people (ITC: ONB, 2014).

Currently, the claims for rights among the third genders are found with the movement for equal rights between males and females in many aspects. However, the ordination of monks and novices is under disputes whether could there be ordination for them and why are many homosexual monks and novices found dressing like ladies? Some Buddhists view that it erodes the religious image. The vinaya strongly prohibits the sex-oriented person such as the eunuch (*paṇḍaka*), the hermaphrodites and bisexual persons to receive ordination. In fact, ordination is depended upon behaving and if it brings no defame and with sincerity to reform their behaviours; they can be ordained as we have commonly seen around in the temples. Rationally, if we still disputes whether they are able to enter monkhood or not; it will never end (ITC: ONB, 2014).

Phra Jass is another person as a ladyboy who agrees for head-shaving and enter official religious Buddhist investiture for life with the reason that his venerable wants to return his gratitude to his parents and also he is gifted with preaching. He vows to leave the monkhood when Buddhism dries out (Nemo Jung, 2014). Namnow Teesip or Narubet Promsina another ladyboy returns to be man after fifteen day of monkhood though before that he dresses as a lady with attractive outlook who can enter a beauty contest. He disregards his womanness and turns to monkhood. After his ordination, he feels that he has left his ladyboy soul and return to be man again. He vows not to return to dress as a lady again (ITC: ONB, 2014).

Cases above reveal that after turning to the Buddhist Dhamma; it can change their mind, ends their prior behaviours. However, not all ladyboys return to manhood because of ordination. There are still homosexual monks and novices

misbehave under their yellow robes. They long for love of homosexuality as found in the social media; which wave worries to many parties whether such behaviour would defame Buddhism.

Had it been necessary the choice by examining the statistic of many monks being sexual oriented; and had they been approved for ordination or having been ordained; Buddhism has exit by case and is equipped with conditions for practices to prevent defame such as the principles of the eight Garudhammas (heavy rules) are additional precepts required of bhikkhunis (fully ordained Buddhist nuns) above and beyond the monastic rule or vinaya that applied to monks. It is the primary code of conducts for the Buddhist nuns who have been approved for ordination.

The researcher examines each issue above, with rationale based on Jaturong Jong-Arsa and can divide into two perspectives. **First**, viewing that being *paṇḍaka* and ladyboy or kathoey are not bad but we need to speak the truth because today there are so many senior venerable monks virtuously follow the vinaya. Be he *paṇḍaka* or ladyboy or kathoey monk but if his monkhood were determinedly to follow the vinaya; he could have totally been rehabilitated his feminism and might preach mildly and sweetly. Some of them preach impressively before the laity with moderations and attract laymen. **Second**, he agrees that the vinaya should be adopted for judging the wrongdoers. Meaning, it is necessary to adhere to the vinaya as key and explain to people clearly on what basis it is adopted. Further, it is necessary to solve problem at its true cause in its entire system. Educating the vinaya for the Buddhist followers is indispensable especially with regards to ordination.

The researcher would agree with Jaturong Jong-Arsa who shows exits here. First, it is necessary to adhere to the vinaya and seriously apply its principles. Second, realizing being a woman after ordination, she would be moved to practice nunhood. Since no nunhood; she must then leave the order. Third, in the case of being the ordained *paṇḍaka* or *krathoey*; Buddhism should have effective approach for rehabilitation for modern implementation such as exclusion for rehabilitation until annihilation and under total quality control for their *paṇḍaka-ness* or *krathoey-ness*. they could then return for regular ordination. This is not a discrimination but the condition of rehabilitation. If people could rehabilitate themselves; they can certainly reach *nibbana* regardless of genders.

But whether can same-sex or he-he gender or she-he gender reach *nibbana,* too then? Certainly, a *pahiyasuttra* who reaches *nibbana* during being a lay person or being an *arahant* in the status of laity; Buddhism clarifies in term of two types of *nibbana*, i.e. 1) *nibbana* to the *kilesa* (defilements) is to reach being an *arahant* during living with the physical existence; and 2) *nibbana* upon death- this type needs to be ordained within 7 days if still living in order to extinct because the status of being an *arahant* is transcendent and needs to be extinct in the status of monkhood (AN IV 24). Therefore, anyone can be an *arahant* regardless of genders and deviants and can reach *nibbana* in so far as they can denounce defilements.

4.4. Sexual Misconduct and Sexual Deviance: Criticism and Responses

To argue sexual misconduct and sexual deviance in order to finalize right-wrong, or should-shouldn't answers; it has to be in the realm of Buddhist ethics. If

so, then it has to examine the reaction or position of the Buddhist ethics over the issues of sexual misconduct which could be cogitated into two perspectives, i.e. first, the position of moral perspective *(sīla)* or disciplines *(vinaya)* – the cogitation with absolute criteria of any sexual acts are moral or immoral, which are similarly characterized the legal judgment criteria or justice administration. Second, the position of virtuous perspective or consciousness mind, it is to view 'should or should-not', 'proper or improper', 'facilitating quality-of- life promotion or demotion' and known as wholesomeness *(kusala)* or unwholesomeness *(akusala)* to some behaviors such as sexual obsession but not violating others' spouses. To discuss the issues of sexual misconduct and sexual deviance; the researcher would raise the case of queen Mallikā (see Appendix A) for the argument and judgment in both sexual misconduct and sexual deviance because her case covers both regarding the 3rd precept. The researcher would raise the argument in each issue in the position of the three levels in the ethical principle. The researcher will discuss the three levels of ethics using the case of queen Mallikā from Dhammapada, Verse 151 to explain in each level.

4.4.1. The Fundamental Level of Ethics

To cross examine and judge right-wrong, should- shouldn't in the case of queen Mallikā at the first level of ethics; it is necessary to raise three questions, i.e. 1). Does the pleasure act or behavior of sexual fondling between queen Mallikā and the dog is sexual misconduct or not? 2). Does the pleasure act or behavior of sexual fondling between queen Mallikā and the dog is sexual deviance or not? 3. What precepts more, does queen Mallikā violate?

Response to Question 1: Non-Sexual Misconduct of Mallikā

Sexual misconduct must meet four conditions. The elements of sexual misconduct are 1) intercourse with prohibited persons, 2) intention to have intercourse with the prohibited persons, 3) attempt to have intercourse with the prohibited persons, and 4) doing affair (Maṅgal II 205). Though it is not an attempt of having sex between human and human but a canine with the queen; this is partly a step growing to be zoophilia (*asatdhamsan-dava*): which is deviance and not sexual misconduct. However, it is immoral as the Mother of the Land or the Kingdom of Kosala where a queen should not in any way misbehave what will defame the kingdom. Even though the queen does not commit sexual misconduct or does not behave against the third precept but by her position as the queen, she should not behave as such either in public or in privacy.

Responding Question 2: deviance of queen Mallikā

Mallikā went into the bathroom to wash her face, hands and feet and her pet dog also came in; as she was bending to wash her feet, the dog tried to have sex with her, and the queen appeared to be amused and somewhat pleased. If the queen is not deviant why would she appear to be somewhat pleased. Her reaction to her pet seems as if she consents witnessed with the king has said "*Oh, you wicked woman! What were you doing with that dog in the bathroom*? However, it could also have been that the queen may not consent but being just a pet and it is in a privacy bathroom and none would have seen this action. Still, at least the queen could have been partly deviant.

Response to Question 3: Queen Mallikā doubly violates the 4th Precept.

The queen rejects the accusation of the King Pasenadi. The queen replies that she is only washing her face, her hands and her feet, and so is doing nothing

wrong and continues, "*But, that room is very strange. If anyone went into that room, to one looking from this window there would appear to be two. If you do not believe me, O King, please go into that room and I will look through this window.*" The king goes into the bathroom and when he comes out, Mallikā asks the king why he misbehaves with a she-goat in that room but the king denies it, still the queen insists that she sees them with her own eyes. The four conditions of lying are: knowing the narrative is untrue, having the intention to lie, attempting to lie and the others believe with the very lying. Twice the queen knows the scenes are untrue, intentionally tells lies while attempting to tell the lies in order to save her status or to save her face and the king believes both scenes. Therefore, Mallikā violates twice the 4th precept.

4.4.2. The Middle Level of Ethics

The doctrine for the middle level of ethics is called the ten wholesome courses of action, which mean the ten courses of goodness and which are divided into three groups or clusters, i.e. bodily action, verbal action and mental action. The questions are 1) is the fondling (body action) between queen Mallikā and her pet immoral and unethical? 2) Are the verbal actions of queen Mallikā to her king and challenging him to enter the bathroom immoral and unethical? 3) Is the mental action of queen Mallikā fabricating excuses of profane action and accusing her king immoral and unethical?

Response to Question 1: Mallikā's *bodily action* is immoral and unethical.

Mallikā went into the bathroom to wash her face, hands and feet and her pet dog also came in; as she was bending to wash her feet, the dog tried to have

sex with her, and the queen appeared to be amused and somewhat pleased (Dhammapada, Verse 151). The queen seem to subdue to the dog trying to have sex with her otherwise she will not appear to be amused and somewhat pleased. Here is the bodily action of consent and pleasure in carnal affairs in coupling and the queen does not stop her pet. If the queen is moral and ethical; she should beat the dog and stop the action rather than appear amused and being somewhat pleased. Therefore, here the queen is certainly immoral and unethical by her bodily action and by her position as a queen.

Response to Question 2: Mallikā's *verbal action* is immoral and unethical.

The queen replied that she was only washing her face, her hands and her feet, and so was doing nothing wrong and then she continued, "*But, that room is very strange. If anyone went into that room, to one looking from this window there would appear to be two. If you do not believe me, O King, please go into that room and I will look through this window.*" So, the king went into the bathroom. When he comes out, Mallikā asks the king why he misbehaves with a she-goat in that room. (Dhammapada, Verse 151). Rather than blasting back and challenging her king she must blast at the pet dog to stop such immoral and unethical action with her. She further tells double lies that she has done nothing wrong and the bathroom is strange and diplopia or double vision. The queen also wants to justify her verbal action by challenging the king to experiment in order to prove her innocence. In general, no criminals admit guilty unless yield to superior logic, witnesses and evidences. The queen's triple lies of doing nothing wrong, the room

is diplopia and the king misbehaves with a she-goat are adequate to conclude that Mallikã's verbal action is immoral and unethical which is against the 4th precept.

Response to Question 3: Mallikã's *mental action* is immoral and unethical.

Queen Mallikã says the room is very strange and if anyone goes into that room, to one looking from this window there would appear to be two. She challenges that if the king does not believe her, then she pleads the king to go into that room and she will look through same window. So, the king goes into the bathroom and when he returns, Mallikã asks the king why he misbehaves with a she-goat in that room. Even when the king denied it, she insists that she sees them with her own eyes. Even puzzling but being dim-witted, the king accepts her explanation, and concludes the bath room is, indeed, very strange. After being caught red-handed the queen plots her excuses and attempts to justify her error by triple lies. After the king accepts that the bathroom is diplopia, from that time, the queen is full of remorse for having lied to the king and for having brazenly accused him of misbehaving with a she-goat. Both plotting to justify her verbal actions and remorse of her guilt, both proves that she is wrong with her mental action. If she has not plotted to justify her bodily and verbal misdeed she would have met severe punishment by the law of the land as if a criminal would struggle until yield to superior logic, witness and evidence. The researcher concludes that queen Mallikã is also immoral and unethical with her mental action.

4.4.3. The High Level of Ethics

Examining the case of queen Mallikã with the high level of ethics – the Noble Eightfold Paths or *ariyamagga* (D II 321; M I 61; Vbh 235) which is

the doctrine to lead to the ultimate goal of life. This *ariyamagga* can be analyzed to meet the principle of threefold learning or training *(ti-sikkhā)*, which are the *ariyamagga* No. 1-2 (right view or understanding [*sammā-diṭṭhi*], right thought [*sammā-sankappa*]) which is the wisdom. The *ariyamagga* No. 3-4-5 (right speech [*sammā-vācā*], right action [*sammā-kammanta*], and right livelihood [*sammā-āvīja*]) which are the moral *(sīla)* or ethical conduct. The *ariyamagga* No. 6-7-8 (right effort [*samā-vāyāma*], right mindfulness [*sammā-sati*] and right concentration [*sammā-samādhi*], which are the concentration. The researcher will examine the case of queen Mallikā based on *arriyamagga* of wisdom, moral and ethical and concentration regarding the high level of ethics as below.

A) Regarding the *ariyamagga* No. 1-2, which is right view or understanding (*sammā-diṭṭhi*) and right thought (*sammā-sankappa*) AKA wisdom; queen Mallikā rises from the daughter of a gardener to become the principal queen of the kingdoms of Kasi and Kosala is truly fascinating by helping Prince Pasenadi who has been defeated by his enemy. She holds a position of honour and authority; and she is well respected. But more significant is her sound common sense, the generosity of her heart and the genuine desire to help the poor and the weak; and to bring into practice the teachings of her Master, the Buddha in whom she has enormous faith and reverence. She tries to bring love, understanding, kindness and amity into her domestic as well as public life. She exerts considerable influence in molding the king's attitude and his policies. And, she is fairly successful in bringing about some sensible changes (Sreenivasarao, S. 2009). With is background queen Mallikā is wise and should not have behaved as such immorality and unethicality. Her wisdom is shown with an immediate

solving her problem of being accused that the room is diplopia and challenges for experiment in order to justify her excuse including the king has to decline the accusation because of her explanation. However, in the *ariyamagga* level of right view and thought, queen Mallikã is certainly wise with right understanding and right view in most of her life but just fail to a little too kind to play with her pet dog which lives by instinct and cares not whether its mistress has to suffer immorality, unethicality and rebirth in niraya for seven days. Lessons are pet lovers should be ready to bodily and mentally suffering both in this world and afterlife.

B) Regarding the *ariyamagga* No. 3-4-5 (right speech [*sammā-vācā*], right action [*sammā-kammanta*], and right livelihood [*sammā-āvīja*]) which are the moral *(sīla)* or ethical conduct; in Dhammapada, Verse 151 queen Mallikã has once violate all the three ariyamagga just being kind to her pet dog. However, the queen is later repent and full of remorse for having lied to the king and for having brazenly accused him of misbehaving with a she-goat. Thus, even when she was approaching death, she forgot to think about the great unrivalled charities she has shared with her husband and only remembers that she has been unfair to him. As a result of this, when she dies she is reborn in niraya. This is the evidence of her repentance to her immorality and unethicality. Being immoral and unethical spare none by bring inner suffering until death. Meaning that once one commit immorality and is unethical; one has to suffer till life and all the charities performed before seem to be evaporated in to the polluted air of this world. The queen deserves her worldly punishment and the afterlife punishment as being told by Buddha.

C) Regarding the *ariyamagga* No. 6-7-8: right effort (*samā-vāyāma*), right mindfulness (*sammā-sati*) and rightly determined concentration (*sammā-samādhi*); queen Mallikã has her right to prevent herself from the king's accusation when she thinks that her act is not wrong (I-centered). However, she is wrong when she tells triple lies. Nevertheless she is mindful to what she has accused the king and repents; if she is not mindful to contemplate of the body, of the feelings, of the mind and of the mind-objects or ideas; she will not feel remorse of telling lies. Her *sammā-samādhi* is so strong that even when she was approaching death, she forgets to think about the great unrivalled charities she has shared with her husband and only remembers that she has been unfair to him. Meaning, she feels she has to take full penance even her previous charities cannot clean her mistakes she has done. She is pleased to be reborn in niraya to purify her immorality and unethicality. After seven days in niraya, the queen is reborn in the Tusitā deva world, as Buddha tells King Pasenadi. This is the evidence that hell and heaven are fair to any beings after death like queen Mallikã who in her entire life leading the great unrivalled charities she has shared with her husband. Queen Mallikã does not commit slightly wrong against the right speech and right action the high level of ethics but in majority she is moral and ethical. Human must not judge others just once wrong with fabricating oneself blind to the entire life others have done well.

Buddhist *sīla*, regardless of sects is similar to the Christian Ten Commandments both in the five precepts and ten precepts in Buddhism though just different rites but they have the same goal. In addition, Most Venerable Dalai Lama Gampopa, Gelug Predeccessor Je Tsongkhapa and His Holiness Dalai

Lama Tenzin Gyatso have the same point of views regarding the precept of sexual behavior which is characterized in obsession in sexuality either with human or with animal. They count that it is wrong in terms of improper sexual behavior except the irreligionist view that it is personal. With private view, His Holiness Dalai Lama Tenzin Gyatso has no suspicion. The view of His Venerable Thich Nhat hanh is unlikely clear about sexual misconduct and sexual deviance but He declines to discuss in deep to its details. He emphasizes and prioritizes respect of sexual relation and love. His reasons that motivation which is lustful is not love. Therefore, it is observed that various points of view above are relative in the same intention - righteousness and appropriateness in sexual expression which implies the reciprocal supports.

4.4.4 The Case of Queen Mallikā in Views of Utilitarianism, Deontology and Buddhism

Here the researcher will discuss the rightness and wrongness, should or should not and agree or disagree in the case of queen Mallikā about sexual misconduct and sexual deviance through Utilitarianism, Deontology and Buddhism as follows:

The utilitarianism, if the act of deviance produces greater benefits than harm for most persons concerned then it considered to be moral, otherwise immoral. Therefore, sexual deviance in any dimension is wrong, and since it simply provides pleasure for a person it is not happiness but merely a temporal spark of pleasure which dies out, and the majority would be disgusted if they had to act out such deviance. On the other hand, the deontology, and by categorical imperative, all sexual deviances are neither duties nor the goodwill of anyone; a

deviant motive is not right the motive. Particularly, a deviant meeting a deviant is a double deviance, and not a zero deviance or non-deviance. For example, queen Mallikā is certainly immoral and unethical, because it is uncertain about her goodwill with the dog, and yet it is not her duty to be fulfilled by the affairs because the dog is not her husband. The researcher's viewpoints about queen Mallikā in the concept of utilitarianism, if the act of adultery produces benefits to most persons concerned more than harm is considered to be moral, otherwise immoral.

Utilitarianism counts everybody is equal. We know that utilitarianism holds just only the consequence of action. If any actions produce benefits more than harms to majority of people, it is then moral, but if not, it is immoral. Mallikā, the queen, here is treated as materials and even being denounced by her king as beast upon seeing the affairs. Similarly, it is impossible for adulterous conduct to bring happiness for the entire human race or the entire country, since an unfaithful act has never brought peace of mind to any unfaithful couple, so far. Meaning, adultery seems to bring happiness, but in fact it brings Hell at the end, e.g. *avici* in queen Mallikā's case. On the contrary, Kantian ethics contends that if any action done comes from goodwill and based on duty, it is considered to be a moral action, if not, it is immoral. The act of adultery is also unacceptable for Kantian ethics. In order to know Kantian's position on adultery problems, due to the adultery conduct concerned with most people in the society and related with the human ethics. The Buddhist's views of adultery do not accept and explain very clearly its characters and punishment in sexual misconduct. In the case of queen Mallikā, it is certainly immoral and unethical because it is not her goodwill

to satisfy the dog and it is not her duty to fulfil the affairs with the dog but she has to fulfil the affairs with her husband.

However, there are two criteria in Buddhist ethics. The first is compared to Kantianism, which is 'motive', and the other is compared to 'consequences', which bears upon utilitarianism. For Buddhist ethics, such a doctrine is certain that the punishment for sexual misconduct and adultery seems to be in agreement with the views of utilitarianism. However, there are more thorough conditions and reasons than simply utilitarianism in some cases, for example the good intention or purposes are acceptable to Buddhist ethics. Nevertheless, it is also insisted that to follow the principle of justification, namely right-is-right and wrong-is-wrong are irreplaceable. Buddhist ethics has another choice for society, in that it will be the exit point for not being involved with adultery but, there are no fixed and certain regulations. Buddhist ethics tries to emphasise a solution of the causes or its origins of problem.

By utilitarianism, sexual misconduct and sexual deviance are immoral and unethical, since the personal conduct brings only private gratification or pleasure whilst it harms surrounding people, particularly the spouse and their relatives. In addition, self-focused pleasures could lead to a much more hedonistic, or over-preoccupied self-centred practices, which is against the principle of utilitarianism. At the same time, the deontologist principle emphasises duties and obligations of a person, including the moral worth of an action relying upon the good intentions or will of an individual. Therefore, infidelity to one's spouse is certainly unethical and immoral, because the couple has vowed to be faithful, trustful and supportive of each other, but not act otherwise. If one has an intention to seek carnal pleasure

for oneself on the price of another, then that would be immoral and unethical since deontology demands to treat others with the same dignity and the same respect, because all people are equal in value. It implies that sexual misconduct and sexual deviance are the acts of persons exploiting other people for self-gain and sensual pleasures, which are unacceptable in any modern society. They end empathy, compassion and tolerance by any performance, which is against the Buddhist teachings.

The case of queen Mallikā, if it viewed as the necessary evils by accepting zoophilia; it would not be the best choice for social. However, when it is balanced and accepting zoophilia gain greater gains; the utilitarianism would have permitted in some case. For example, suppose, the relationship and response to the dog of queen Mallikā is a way to treat any mental disorder; the utilitarian could accept. Rationally, some problems, even the majority of society finds it is wrong such as playing illegal lottery, drinking, and abortion in the case of being raped or capital punishment by beheading; the society still allows. Certainly, such activities are immoral before religion but society accept to have such activities as necessary evils. It is similar to killing a person to save the other four persons. Therefore accepting zoophilia for any treating mental disorders for many could have been approved if it provides greater gains.

On the other hand, queen Mallikā fabricates lies to better the situation. If she speaks the truth; she might be ordered execution by her husband king or extradition. Moreover, she herself and her husband would otherwise be both in misery. Therefore, she chooses to tell lie to ease the situation, and the result is her husband feels better. Here, the utilitarian could accept it. For example, the case

that a physician treats a heart disease patient for a period of time and finally he find that the patient is infected by a last-stage cancer and might die in a short period; the physician chooses to tell lie to the patient that there is nothing much and just takes good care and gives moral support. Here the physician acts a necessary evil to gain other goodness. It is rather hard to judge but it needs to see the intention and consequence. The decision to tell a lie of the physician might have some reasons to support his profession and diagnosis and on how to respond to the patient. If his diagnosis and not to tell the truth which bear better benefit; then the utilitarian could view it right. However, each religious moral is flexible and inconsistent. Therefore, humans should be free to create some of their own morals in some situations.

Therefore, looking from the platform of Buddhist ethics, the researcher views that the behavior of queen Mallikā is violating the moral principle but why? Rationally, it is a conduct which devalues human goodness. Meaning, it is a wrong view *(miccā-diṭṭhi)* because Buddhist ethics honors right view *(sammā-diṭṭhi)* having attitude which leads to the ultimate goal of life. The behavior of queen Mallikā does not support social and family security rather it encourages unnatural sexual misconduct and sexual deviance and social mores in general. In addition, Buddhist ethics does not look at sexual relation as profane but it reprimands an act which violates oneself and others. Erotic pleasure is a level of happiness. It is a basic happiness. However, Buddhist ethics does not count erotic pleasure is a necessary needs unavoidable for humans but there are other happiness which is more liberal and aesthetic. By this, Buddhist ethics does not

encourage humans to adhere to more erotic pleasures but encourages humans to develop their potential beyond erotic pleasure.

In the case of the utilitarian accepts some sexual misconduct in some case, such as the queen Mallikā's case with any excuses. At all costs, it cannot be made moral because the act is wrong in itself. Reasoning on necessary evil is irrational because one immorality cannot be a platform to cushion other immorality and makes it justified. For example, Mr. A is guilty of murder. Mr. B is guilty of theft but Mr. A cannot raise the case of Mr. B to support and justify himself. To reason that each religious moral is flexible and inconsistent and humans should be free to create their own morals in some situations. At this point, Buddhist ethics views that rights and freedom are good but they cannot be the excuses to act things immorally. Personal rights and freedom should be doing something to promote morality rather. Claiming personal rights and freedom by just act does not make oneself and other not to be in trouble, not violate others and here such reasons are inadequate. Claiming personal rights and freedom should not be based on individuality isolated from social but always being aware that individuality is a part of social and they are inseparable. Though the act does not violate the 3rd precept because all conditions are not covered but in terms of morality, it is an act which demotes life development. It does not promote moderation and to take caution in sexual expression but encourages humans to commit more sexual misconducts.

In addition, the researcher observes that under the aurora of democracy, utilitarianism, distributive justice, private liberty, and reform of any sectors, it appears that even wise men reprimand, but few would take heed since it is against

the human nature of adrenaline reproduction. The anarchists would say laws or prohibitions exist to be deconstructed and violated. Saddhatissa (1965, p. 106) defines that as the astray of the five senses: appearance, taste, smell, sound and touch, by having illegal and immoral physical intercourse. The researcher assumes that the natural five senseless-senses place man below man, but it is not only a few people favour to degrade themselves to below-human levels, otherwise there would not be any sexual misconduct and sexual deviance at all; for which most countries around the world must enact laws against sexual abuse.

The teachings of Buddha are still sacred to its majority believers, or else the Buddhist belief would not have grown from 5.84% in 2010 to 7.1% in 2012, or a growth of 1.26% (Pew Research Centre). By 2012 year end, cultural Buddhists measured 1,713,343,802; with 517,045,656 being practitioners among twenty three countries around the world. This means that if the teachings of Buddha were not sacred, then the numbers of followers would decrease. And, every sector around the world emphasises ethical professionalism; meaning that the roots of ethics come from religious foundations. Thus, religious teaching-based principles should be promoted and educated more in schools and institutions, both in Thailand and around the world.

However promoting and encouraging of the five precepts are rigorous still in August 2012, Durex conducted survey and found that was No. 2 of infidelity while Ghana was No. 1 (62%) (Bangkok Post online, 2012). In December 2013, a survey form MJE magazine showed that infidelity in Thailand was No.2 in the world (59%) and many husbands allowed their wives to commit adultery while Nigeria (62%) won No.1. (MJE magaziner.com, 2013). In February 2015, Nicola

Barlett form Durex conducted a survey of infidelity and found that Thailand became NO.1 infidelity (56%) while NO. 2 was Demark (46%) (Barlett, 2015). Though the percentage is reducing but not significant because it is just 3%; but it means than out of 100% couples; there are 53.2% couples who are adulterous.

It shows that majority of the Thai couples are disregarding the third precept. The majority (56-59%) seeks personal happiness. However, the survey has been conducted in Patpong Bangkok only where it is the night-life area which might not represent the entire country, otherwise the number of Buddhist believers will not grow as Pew Research Center has surveyed.

Some areas are forbidden for the pious believers but in developing and underdeveloped countries, they are the only place where they can find jobs to secure their living or to struggle to live as a human being. There are so few surveys to study real reasons of infidelity. Even in Denmark (46%), Germany (45%), Italy (45%), France (43%), Belgium (40%), Norway (40%), Spain (39%), Finland (36%) and United Kingdom (36%); the survey found that there are also infidelity among the developed countries. Therefore, sexual misconduct is purely personal integrity and no one can prohibit the person who wants it though knowing it that it brings disasters and social ills. Women can practice polygamy like in Tibet as men do in most Islamic countries. Buddha never however specifies number of wither men or women in polygamist practices but they must not be the prohibited persons. Such practices have been the world history for ages back.

Buddha sets the third precept in order to avoid immoderation in sexual preoccupation but if one cannot one can look for sensual pleasure with others but the persons must not be prohibited by traditions, religions and by law. In fact in

Islam, it is allowed to practice polygamy provided the husband is affluent to look after his wives.

In the above case, utilitarianism will permit only for those who live in Patpong to enjoy sexual misconduct but other places around Thailand, utilitarianism will not since more 56-59% commit infidelity. Buddhism will just advise to avoid immoral areas. The researcher would leave to personal integrity and personal rationalization. Today, high-technology is the watchdog for misbehaving persons; if people dare to misbehave. Buddha advises "health is the greatest gift, contentment is the greatest wealth, and faithfulness is the best relationship." If we are Buddha's followers we cannot choose one and avoid two but choose to do all.

In addition, the researcher observes that the third precept does not specify the number of the husbands or of the wives. This gap could confuse the Buddhists. The principles of practice in Buddhism explain the connection of the third precept in the issue of the prohibited persons – it seems polygamy is possible but one must not violate others' husbands or wives. And/or in the same issue, Buddhism does not specify the numbers in the third precept but seems to allow polygamy but prohibit to commit infidelity. It seems contradictory and also puzzles the Buddhist practitioners. The researcher reflects and understands it by dividing it into the following issues.

First, by the third precept, though the number of the husbands and the wives are unspecified but deeply reflecting in details into the motive of the Buddhist Ethics; it is found that polygamist practices is counted by Buddhism as lust promotion which contradict the Buddhist motive. The Buddhist motives eye

to cultivate, control, denounce and end lusts as keys. The researcher therefore agrees with this principle which is monogamy is preferable and not committing infidelity and agreeing with the Buddhist motives.

Second, the researcher observes that statistics above especially Thailand homes 95% Buddhists but why do they commit infidelity most and is in the forefront of any countries in the world among the Thai men? Meaning, among the 95% of the Thai Buddhist, why do they still commit infidelity each day? The researcher assumes as follows.

1) The Thai Buddhists may certainly misunderstand the details of the third precept and the Buddhist ethics motives. Could they confuse 56-59% of Thai Buddhists in the practices of their matrimonial life? In association with lustfulness in each human being; it eases imprudent decision making or to definitely enslave humans to the lower power.

2) The Thai Buddhists in the past enjoyed cultures and lifestyles of bureaucracy (societies with major wife, minor wife, household bondages). It could hybridized into the Thai behaviors for long and unending while socially evolving into the Thai life as found in today which is so complicated in social, culture, customs and tradition, race, tribe and religion. It becomes difficult to cover all applications in each principle of conducts and/or confuses in the principles of the religious teaching in societies of the religion and atheism. Buddhism is therefore necessary to revisit its doctrines and courses of practice to generate full understandings in each course of practice especially the principles of the five precepts. Also, it is necessary to integrate understanding and accessing the courses

of practice in both utilitarianism and deontology emphasizing solving problems and benefits arisen without contradicting to the global ethics principles.

The sacredness is weakened by personal liberty and it is immoral to act without liberty, which is a prior requirement in any society and of ethical beliefs, of anyone and of any organisation. Modern societies reject and blame it unjust to violate personal liberty. According to Buddhist ethics, such a doctrine is certain that the punishment for sexual misconduct and adultery seems to be in agreement with the views of utilitarianism. However, there are more thorough conditions and reasons than simply utilitarianism in some cases, for example the good intention or purpose acceptable to Buddhist ethics. However, it is also insisted that to follow the principle of justification, namely right-is-right and wrong-is-wrong, they are irreplaceable. Such Buddhist ethics has another choice for society, in that it will be the exit point for not being involved with adultery. Nevertheless, there are no fixed and certain regulations. Buddhist ethics try to emphasise a solution of the causes or its origins of problem, namely; the mind *(citta)* lacked in ethical stability for the seeking the best things in life. The Buddhist practices offer free choice to achieve enlightenment and to achieve *nibbāna*, wherein the words 'free choice' magnet new followers. The sacrament of teaching lies in the liberty of choice, or voluntary willingness of practice, where coercion is left out rather than acts by command.

CHAPTER V

CONCLUSIONS AND RECOMMENDATIONS

In the study of 'Sexual Misconduct *(kāmesumicchācāra)* and Philosophical Inferences of Sexual Deviance in Buddhist Literature and contemporary Buddhist sexual ethics', the objectives are: 1) to examine the concept of 'sexual misconduct' *(kāmesumicchācāra)* and its ethical criteria in the view of Buddhist ethics, 2) to explore the philosophical inferences of sexual deviance in Buddhist literature and contemporary Buddhist sexual ethics, and 3) to confer the concept of 'sexual misconduct' *(kāmesumicchācāra)* and the philosophical inferences of sexual deviance in Buddhist literature and contemporary sexual ethics in Buddhism, which are concluded as follows:

5.1 Conclusions

5.1.1 The Concept of 'Sexual Misconduct' (kāmesumicchācāra) and its Ethical Criteria in the View of Buddhist Ethics

5.1.1.1. The General Concept of 'Sexual Misconduct' *(kāmesumicchā-cāra)* by Texts of Theravāda and Mahāyāna - Buddha is clear-cut and direct as a leader and founder concerning sexual misconduct; Buddhist ethical criteria focuses on the intention of not being greedy, not angry, and not being obsessive and are based upon laws, traditions and culture which are virtuous mindfulness, not being blamed by wise men, not only harming but bringing happiness to oneself and others.

5.1.1.2. The General Concept of Sexual Misconduct *(kāmesumicchācāra)* by Some Leading Contemporary Thinkers - the Theravāda contemporary thinkers conclude that sexual misconduct is adulterous for sensual pleasures driven by personal lust and the sensual astray of: appearance, taste, smell, sound and touch, but the acts should have been excessive preoccupation or engagement of sexual misconduct. However, the Mahāyāna contemporary Dalai Lama and thinkers emphasise it is the consequences of the misconduct, adherence of moral codes and values and common sense. This is a personal affair, and none would demand any majority for having sex for happiness in public. Therefore, most contemporary wise men touch less on the details of sexual misconduct methods and processes, except for their deadly consequences, and thus elude to address them.

5.1.1.3. The General Ethical Criteria of 'Sexual Misconduct' *(kāmesumicchācāra)* in View of Textual Theravāda and Mahāyāna Ethics - Buddha has easily explained Buddhist ethics criteria about sexual misconduct are that if one has an affair with the guarded persons regardless of intentions, passion, aggression, delusion, ignorance, self-pleasure and coercion; the person is committing sexual misconduct. Whereas Theravāda and Mahāyāna wise men, and Arahants, add intentions *(cetanā),* greed *(lobha),* hatred *(dosa),* delusion *(moha)* and ignorance *(avijjā*) to Buddha's teachings.

5.1.1.4 The General Ethical Criteria of 'Sexual Misconduct' *(kāmesumicchācāra)* in View of Contemporary Thinkers - ethical criteria of sexual misconduct are judged by sexual intercourse with a prohibited person; intention and attempt to have sexual intercourse; completing sexual intercourse;

either against the five precepts or the ten paths of meritorious action or the eightfold paths; acting with motive and ill-consequences found; the misuse of the five senses and touch (sexual union); too obsessed with the misconduct; declining to Thanatos-Eros (anger and desire) and narcissism and laws and prosecution.

5.1.2 Investigation of the Philosophical Inference of Sexual Inferences in the Buddhist Context and Contemporary Sexual Ethics in Buddhism

5.1.2.1. Sexual Deviance in Theravāda and Mahāyāna Buddhist Texts - no Buddhist sect label the lay homosexuality except disapproval of ordination. Seven deviances are found in the vinaya, but there might have been more deviances under the carpet. The Buddha does not want to convert more believers, but to indoctrinate rational rules to protect and to facilitate the sangha, its members' moral celibacy, the rational believers and the good of nonbelievers. However, the western Mahāyāna and Theravāda scholars have no common agreement on the taxonomy of sexual deviances since DSM has announced approximately 549 paraphilias found in the west during 1952-2008 (Aggrawal, 2008, p. 47). Also, the Tibetan Buddhist masters seem in dispute whether LBGT deeds are immoral but depended on both wills a reciprocal gratification. Should the common people then see such misbehaviour and what those deviants behave as such with the excuse of free will and personal rights and liberty, but appear not to be aware of hurts they consequently leave to societies; it seems as if humans are free to permit themselves and others to be enslaved in the labyrinth of deviant miseries. Then Buddha's goodwill fails. This is an intentionally forgetful glacial issue of millennial societies.

Deviances are also found that an *itthī-ubhatobhayañjanaka* individual can be pregnant by herself with a man while being able to make other woman pregnant like Soreyya (DhA I 325-332). Vakkali and Phra Ananda also attain enlightenment though both were gay or *krathoey* before – Vakkali is rūpa-pamānikā (physical *carita*) while Phra Ananda has been a *krathoey* in his previous life). However, Buddha is usually more patient with *ubhatobhayañjanaka* and *paṇḍaka* who reveal their differences, and whose conditions are found only after their ordination but the Thai sangha debarred *kathoey or paṇḍaka*, homosexual, gay from ordination. Nevertheless, The Buddha thus permits the transgendered monk to live with nuns and adhere to the nuns' code of practices, and to the transgendered nuns to live with monks and adhere to the monks' code of practices (Vin I 220). Another exception is found with Phra Jass (former Miss Tiffani, 2009; Nemo Jung, 2014), in fact, the Preceptor has check Phra Jass' body and found he is a man since he did not womanize while he has removed his post mastectomy silicone (his artificial breast) and his willpower to be a monk as well as Namnow Teesip or Narubet Promsina.

5.1.2.2. The Philosophical Inference of Sexual Deviance in Contemporary Sexual Ethics in Buddhism - the contemporary views are negative sexual deviance. Ven. Thich Nhat Hanh says the mind and the body cannot separate, but both unite – the former always recognized any deeds of the latter and vice versa. Bentham and Mill are consequentialists – the ends always serve the means and vice versa while no deontologists accept poisonous tree yield non-poisonous fruits. Most Thai venerable are negative to sexual deviance. While the Buddha and his fervent monks devoting themselves trying to offer and showing

the way to happiness to the followers; but not few of them choose to enjoy prolong unhappiness under the banner of being Buddhist practitioners, and exploit their freewill to enslave their own free-born human pride. The "no-otherwise wrong" statement of the Buddha is so evident that the Theravāda and Mahāyāna sages have had to add motive, psychological drives and situations, while the Tibetan Mahāyāna masters assert that sexual deviance is not wrong, if it comes from ignorance about cause and effect.

5.1.3 Discussions of the Concept of Sexual Deviance and the Philosophical Inferences in the Buddhist Context and Contemporary sexual ethics in Buddhism

5.1.3.1. The Concept of 'Sexual Misconduct' (*kāmesumic-chācāra*) and the Philosophical Inference in the Buddhist Context - Sex is like fire as Buddha says and sexual misconduct is not misfire but fierily misbehave against morality of peaceful tenets. Fire never ends fire. Refraining from adultery also has social benefits. Philologically and historically, humans end up: ***First***, there is no scriptural warrant for the more restrictive, scholastic formulation of the doctrine, but celibate monks who inappropriately read monastic norms into lay sexuality elaborate on it. The individuals who do this are great scholars and saints, but concerning sexual issue they go wrong. ***Second***, the doctrine, both in its earlier simplified version and later the more elaborate scholastic one, is androcentric, yet privileges men and is therefore unjust. Any sexual ethic worth its salt must see women and transgender people as moral agents, too. ***Third***, independent of historical or other criteria, the more elaborate doctrine cannot be justified on rational grounds, thus where does this leave us? It demands us to rethink sexual

ethics in a way that is both rational and just, in a way that does not privilege heterosexual men but also considers the agency of women and gay people, and does not discriminate against anyone based upon their sexual tastes or anatomies.

5.1.3.2. The Concept of Sexual Deviance and the Philosophical Inference in the Buddhist Context - Sexual deviance or orientation in Buddhist literatures could be found around seven types, but since 1952 until 2008 developed around twenty scven deviances. So, Buddha proscribes against some types of persons joining the Buddhist monastic life. Can *paṇḍaka* be ordained? There are 5 types of *paṇḍaka*, i.e. 1) Asittakapaṇḍaka – oral sexer, 2) Ussuyapaṇḍaka- voyeur, 3) Opakkamika-paṇḍaka - a missing perfect genitive organs eunuch, 4) Pakkhapaṇḍaka - sex-driven by the lunar phases, and 5) Napumsakapaṇḍaka (or napumsaka) - unclearly defined genitalia. Among these type, there are three types by Buddhaghosa can be ordained because whether or not *paṇḍaka* could become monk; it is mainly depended on his sexual organ rather than generally understood that a *paṇḍaka* is a Kathoey or a gay. However, the *pakkhapaṇḍaka* is both prohibited and unprohibited by fortnight of wax and wane moon but if being a *paṇḍaka*, he is prohibited otherwise not prohibited for ordination.

Those having same-sex or he-he gender or she-he gender can reach *nibbana,* too. A *pahiyasuttra* who reaches *nibbana* during being a lay person or being an *arahant* in the status of laity; Buddhism clarifies in term of two types of *nibbana*, i.e. 1) *nibbana* to the *kilesa* (defilements) is to reach being an *arahant* during living with the physical existence; and 2) *nibbana* upon death-this type needs to be ordained within 7 days if still living in order to extinct because the

status of being an *arahant* is transcendent and needs to be extinct in the status of monkhood (AN IV 24). Therefore, anyone can be an *arahant* regardless of genders and deviants and can reach *nibbana* in so far as they can denounce defilements.

5.1.4. Sexual Misconduct and Sexual Deviance: Criticism and Responses – *in the fundamental level of ethics*, the pleasure act or behavior of sexual fondling between queen Mallikā and the dog is sexual misconduct. Her pleasure act or behavior of sexual fondling between queen Mallikā and the dog is sexual deviance and with such misbehaves she three times violate the 4th precept or telling lies. *In the middle level of ethics*, the fondling (body action) between queen Mallikā and her pet dog is immoral and unethical. Her verbal actions of to her king and challenging him to enter the bathroom are immoral and unethical and the mental action of queen Mallikā fabricating excuses of profane action and accusing her king is immoral and unethical. *In the high level of ethics*, queen Mallikā is certainly wise with right understanding and right view in most of her life but just fail to a little too kind to play with her pet dog which lives by instinct and cares not whether its mistress has to suffer immorality, unethicality and rebirth in niraya for seven days. Lessons are pet lovers should be ready to bodily and mentally suffering both in this world and afterlife. Regarding the *ariyamagga* No. 3-4-5: right speech, right action, and right livelihood, which are the moral *(sīla)* or ethical conduct; queen Mallikā has once violate all the three *ariyamagga* just being kind to her pet dog. However, the queen is later repent and full of remorse for having lied to the king. Regarding the *ariyamagga* No. 6-7-8: right effort and right mindfulness; queen Mallikā has her rights to mindfully prevent

herself from the king's accusation when she thinks that her act is not wrong (I-centered) except she is wrong when she tells triple lies. Nevertheless she is mindful to what she has accused the king and repents; if she is not mindful to contemplate of the body, of the feelings, of the mind and of the mind-objects or ideas; she will not feel remorse of telling lies. Lessons from queen Mallikã is human must not judge others just once wrong with fabricating oneself blind to the entire life others have done well.

5.2 Recommendations for Further Study

1. 'Love' should be seriously studied concerning the phrases: "I want me to be happy; "does it mean I am in love?"; "I want to make you happy", and "does it mean I love?"

2. Criminologists assert that drunkenness leads to violent crimes (e.g. murder, gang robbery, robbery total, kidnapping and arson), crimes against persons (e.g. murder, non-negligent manslaughter, negligent manslaughter, attempted murder, assault and rape), property crimes (theft, snatching, blackmail, robbery, total victimisation, possession of stolen goods, vandalism), interesting crimes (e.g. motorcycle theft, car theft, rape and murder, kidnapping, and misappropriation) and victimless crimes (e.g. being offensive, carrying weapons, gambling, narcotics, and prostitution); Therefore, 'The Fifth Precept' dealing with intoxication should be philosophically and empirically studied.

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APPENDIX

Appendix A
The Story of Queen Mallikã

While residing at the Jetavana monastery, the Buddha uttered Verse (151) of this book, with reference to Mallikā, queen of King Pasenadi of Kosala.

One day, Mallikā went into the bathroom to wash her face, hands and feet. Her pet dog also came in; as she was bending to wash her feet, the dog tried to have sex with her, and the queen appeared to be amused and somewhat pleased. The king saw this strange incident through the window from his bedroom. When the queen came in, he said angrily to the queen, "Oh, you wicked woman! What were you doing with that dog in the bathroom? Do not deny what I saw with my own eyes." The queen replied that she was only washing her face, her hands and her feet, and so was doing nothing wrong. Then she continued, *"But, that room is very strange. If anyone went into that room, to one looking from this window there would appear to be two. If you do not believe me, O King, please go into that room and I will look through this window."*

So, the king went into the bathroom. When he came out, Mallikāasked the king why he misbehaved with a she-goat in that room. The king denied it, but the queen insisted that she saw them with her own eyes. The king was puzzled, but being dim-witted, he accepted the queen's explanation, and concluded that the bath room was, indeed, very strange.

From that time, the queen was full of remorse for having lied to the king and for having brazenly accused him of misbehaving with a she-goat. Thus, even when she was approaching death, she forgot to think about the great unrivalled charities she had shared with her husband and only remembered that she had been unfair to him. As a result of this, when she died she was reborn in niraya. After her burial, the king intended to ask the Buddha where she was reborn. The Buddha wished to spare his feelings, and also did not want him to lose faith in the Dhamma. So he willed that this question should not be put to him, and King Pasenadi forgot to ask the Buddha.

However, after seven days in niraya, the queen was reborn in the *Tusitā deva* world. On that day, the Buddha went to King Pasenadi's palace for alms-food; he indicated that he wished to rest in the coach-shed where the royal carriages were kept. After offering alms-food, the king asked the Buddha where queen Mallikā was reborn and the Buddha replied, *"Mallikā has been reborn in the Tusitā deva world."* Hearing this, the king was very pleased, and said, 'Where else could she have been reborn? She was always thinking of doing good deeds, always thinking what to offer to the Buddha on the next day. Venerable Sir! Now that she is gone, I, your humble disciple, hardly know what to do." To him the Buddha said, *"Look at these carriages of your father and your grandfather; these are all worn down and lying useless; so also is your body, which is subject to death and decay. Only the Dhamma of the Virtuous is not subject to decay."*

(Dhammapada, Verse 151: Tipiṭaka.net)

Appendix B

The Story of the Prohibition of the Ordination of *Paṇḍaka*

"……At that time a *paṇḍaka* had been ordained in a residence of monks. He went to the young monks and encouraged them thus, 'Come all of you and assault me." The monks spoke aggressively, "*Paṇḍaka*, you will surely be ruined. *Paṇḍaka*, you will surely be [spiritually] destroyed. Of what benefit will it be?" Having been spoken to aggressively by the monks, he went to some large, stout novices and encouraged them thus, "Come all of you and assault me." The novices spoke aggressively. "*Paṇḍaka*, you will surely be ruined. *Paṇḍaka*, you will surely be destroyed. Of what benefit will it be?" Having been spoken to aggressively by the novices, the *Paṇḍaka* went to men who tend elephants and horses and spoke to them thus. "Come all of you and assault me." The men who tend elephants and horses assaulted him and then publicly blamed, rebuked and criticized [the *Saṅgha*], saying, "A *Samana* of the lineage of the son of the Sakyas is a *Paṇḍaka* and these *Samanas*, even those who are not *Paṇḍaka* themselves, assault the ordained *Paṇḍakas*.

When such is the case these *Samanas* are not practicing *Brahmacariya* (celibacy)." The monks heard the men who tend elephants and who tend horses blaming, rebuking and criticizing thus and

informed the Blessed One of the matter. The Blessed One then ordered the monks, "Behold monks. a *Paṇḍaka* is one who is not to be ordained. Monks should not give them ordination and those who have been ordained must be made to disrobe"...." (Vin. IV 141-142).

Appendix C

Comparison of the five precepts, the eight precepts and the tenprecepts

The Five Precepts (for common Buddhist people) "...*undertaking the training rule to...*" (Elgiriyeṇḍaratana (2002), p. 2)	The Eight Precepts (for Buddhist laypeople who are looking for ascetic life) AN VIII 43; AN III 70. "...*undertaking to...*"	The Ten Precepts (for novice monks and novice nuns) retrieved from http://www.accesstoinsight.org/ptf/dhamma/sila/dasasila.html, on 24.09.2014
1. Abstain from killing. 2. Abstain from taking what is not given. 3. Avoid sexual misconduct. 4. Abstain from false speech. 5. Abstain from fermented drink that causes heedlessness	1. Abstain from causing harm and taking life (both human and non-human). 2. Abstain from taking what is not given (e.g. stealing, displacements that may cause misunderstandings). 3. Abstain from sexual activity. 4. Abstain from wrong speech: telling lies, deceiving others, manipulating others, using hurtful words. 5. Abstain from using intoxicating drinks and drugs, which lead to carelessness. 6. Abstain from eating at the wrong time (the right time is after sunrise, before noon). 7. Abstain from singing, dancing, playing music, attending entertainment performances, wearing perfume, and using cosmetics and garlands (decorative accessories). 8. Abstain from luxurious places for sitting or sleeping, and overindulging in sleep.	1. Refrain from killing living creatures. 2. Refrain from stealing. 3. Refrain from unchastity (sensuality, sexuality, lust). 4. Refrain from incorrect speech. 5. Refrain from taking intoxicants. 6. Refrain from taking food at inappropriate times (after noon). 7. Refrain from singing, dancing, playing music or attending entertainment programs (performances). 8. Refrain from wearing perfume, cosmetics and garland (decorative accessories). 9. Refrain from sitting on high chairs and sleeping on luxurious, soft beds. 10. Refrain from accepting money

Appendix D

Dhammapada Verse 381 Vakkali thera Vatthu

Verse 381: The bhikkhu who frequently feels joy and is devoted to the Teaching of the Buddha will realize Nibbana — the Tranquil, the Unconditioned, the Blissful.

The Story of Thera Vakkali

While residing at the Veluvana monastery, the Buddha uttered Verse (381) of this book, with reference to Thera Vakkali.

Vakkali was a brahmin who lived in Savatthi. One day when he saw the Buddha going on an alms-round in the city, he was very much impressed by the noble appearance of the Buddha. At the same time, he felt much affection and great reverence for the Buddha and asked permission to join the Order just to be near him. As a bhikkhu, Vakkali always kept close to the Buddha; he did not care much about other duties of a bhikkhu and did not at all practise concentration meditation. So, the Buddha said to him, *"Vakkali, it will be of no use to you by always keeping close to me, looking at my face. You should practise concentration meditation; for, indeed, only the one who sees the Dhamma sees me. One who does not see the Dhamma does not see me. So, you must leave my presence."* When he heard those words Vakkali felt very depressed. He left the Buddha as ordered, and climbed the Gijjhakuta hill with the intention of committing suicide by jumping down from the peak.

The Buddha, knowing full well the extent of Vakkali's grief and despondency, reflected that because of his great sorrow and despondency Vakkali might miss the chance of attaining the Maggas. Accordingly, he sent forth his radiance to Vakkali, made him feel his presence and appeared as if in person to Vakkali. With the Buddha near him, Vakkali soon forgot all his sorrow; he became cheerful and very much heartened.

To him the Buddha spoke in verse as follows:

At the end of the discourse Vakkali attained arahatship (AA I 248-251). Aṅguttaranikāyaṭṭhakathā Manorathapūraṇī: *The Commentary on the Aṅguttara Nikāya*, Vol. I, ed. London & Boston: PTS, 1973.

The Story of Soreyya, Son of a Rich Man

While residing at the Jetavana monastery, the Buddha uttered Verse (43) of this book, with reference to Soreyya, the son of a rich man of Soreyya city.

On one occasion, Soreyya accompanied by a friend and some attendants was going out in a luxurious carriage for a bath. At that moment, Thera Mahakaccayana was adjusting his robes outside the city, as he was going into the city of Soreyya for alms-food. The youth Soreyya, seeing the golden complexion of the thera, thought, "How I wish the thera were my spouse, or else that the complexion of my wife were like that of his." As the wish arose in him, his sex changed and he became a woman. Very much ashamed, he got down from the carriage and ran away, taking the road to Taxila. His companions missing him, looked for him, but could not find him.

Soreyya, now a woman, offered her signet ring to some people going to Taxila, to allow her to go along with them in their carriage. On arrival at Taxila, her companions told a young rich man of Taxila about the lady who came along with them. The young rich man, finding her to be very beautiful and of a suitable age for him, married her. As a result of this marriage two sons were born; there were also two sons from the previous marriage of Soreyya as a man.

One day, a rich man's son from the city of Soreyya came to Taxila with five hundred carts. Lady-Soreyya recognizing him to be an old friend sent for him. The man from Soreyya city was surprised that he was invited, because he did not know the lady who invited him. He told the lady-Soreyya that he did not know her, and asked her whether she knew him. She answered that she knew him and also enquired after the health of her family and other people in Soreyya city. The man from Soreyya city next told her about the rich man's son who disappeared mysteriously

while going out for a bath. Then the Lady-Soreyya revealed her identity and related all that had happened, about the wrongful thoughts with regard to Thera Mahakaccayana, about the change of sex, and her marriage to the young rich man of Taxila. The man from the city of Soreyya then advised the lady-Soreyya to ask pardon of the thera. Thera Mahakaccayana was accordingly invited to the home of Soreyya and alms-food was offered to him. After the meal, the lady-Soreyya was brought to the presence of the thera, and the man from Soreyya told the thera that the lady was at one time the son of a rich man from Soreyya city. He then explained to the thera how Soreyya was turned into a female on account of his wrongful thoughts towards the respected thera. Lady-Soreyya then respectfully asked pardon of Thera Mahakaccayana. The thera then said, "Get up, I forgive you." As soon as these words were spoken, the woman was changed back to a man. Soreyya then pondered how within a single existence and with a single body he had undergone change of sex and how sons were born to him, etc. And feeling very weary and repulsive of all these things, he decided to leave the household life and joined the Order under the thera.

After that, he was often asked, "Whom do you love more, the two sons you had as a man or the other two you had as a wife?" To them, he would answer that his love for those born of the womb was greater. This question was put to him so often, he felt very much annoyed and ashamed. So he stayed by himself and with diligence, contemplated the decay and dissolution of the body. He soon attained arahatship together with the Analytical Insight. When the old question was next put to him he replied that he had no affection for any one in particular. Other bhikkhus hearing him thought he must be telling a lie. When reported about Soreyya giving a different answer, the Buddha said, "My son is not telling lies, he is speaking the truth. His answer now is different because he has now realized arahatship and so has no more affection for anyone in particular. By his well-directed mind my son has brought about in himself a well-being which neither the father nor the mother can bestow on him."

Then the Buddha spoke in verse as follows:

Verse 43: Not a mother, nor a father, nor any other relative can do more for the well-being of one than a rightly-directed mind can.

At the end of the discourse many attained Sotapatti Fruition. (DhpA I 325-332) H.C. Norman, M.A., *The Commentary on the Dhammapada*, Vol. I, ed., London: PTS, 1970.

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