

MERIT-MAKING OR FINANCIAL FRAUD?
LITIGATING BUDDHIST NUNS IN EARLY
10TH-CENTURY DUNHUANG

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Throughout Central and East Asia, patronage of and participation in Buddhist recitation events have long been touted as opportunities to accumulate merit, advance spiritual practice, and fulfill duties to court and country. In the oasis town of Dunhuang located on the Sino-Tibetan frontier over a millennium ago, which had roughly seventeen flourishing Buddhist monasteries and nunneries, the tradition of reciting Buddhist texts also had a practical economic influence on the local community by stimulating the market for paper trade, manuscript copying, and various forms of festival consumption.¹ For monks and nuns in Dunhuang, invitations to attend such recitation events were sources of both income and financial contestation. According to Indic Buddhist canon law (Vinaya), ordained Buddhist monks and nuns in principal are prohibited from initiating lawsuits over disputes in lay courts or at the king's palace.² Only those summoned by a judge could be sanctioned to engage in litigation in such public places. To understand such engagement in Dunhuang's lay legal system in practice in the late ninth to early tenth century, this article re-examines a dispute between two Buddhist nuns over the distribution of remuneration for a Buddhist recitation event. The plaintiff was nun Chang Jingjin 常精進 from Puguang nunnery and the defendant was senior nun

¹ See Zheng 2006 for a study of the worship and recitation of the *Large Sūtra on Perfect Wisdom (Mahāprajñāpāramitāsūtra)*; see Dotson 2013–2014 [2015] for a study on the copying of this text between the 820s and 840s when the Dunhuang region was under Tibetan control.

² This argument will be discussed more fully in an article on the litigation rights and restrictions of Buddhist monks and nuns, which is currently in preparation for publication.

Jianren 堅忍. The dispute is preserved in P. 4810v,³ a Chinese manuscript discovered in the Dunhuang cave 17 in 1900.⁴

Although several scholars have addressed this dispute, many issues remain unresolved. Who were these two nuns? What caused their dispute? What was the plaintiff's specific demand? Was the dispute between the two nuns internal to one nunnery or between two different nunneries? What was the nature of the arrangement between the two nuns? Did the plaintiff nun attend those recitation sessions using her own name to officially and openly stand in for the sick nun? Or was she an imposter who replaced the sick nun by secret arrangement? For the two nuns in the dispute or any administrators who might have been involved, any arrangement that resulted in obtaining government or private goods through cheating or fraud was against the *Tang Code*. In such a case, why did the administrators not simply recommend the plaintiff nun to officially replace the sick nun? What was the rationale for the plaintiff nun to initiate such a lawsuit that would inevitably publicize any illicit arrangement and thus endanger herself and the other nuns involved? Most importantly, how do the answers to these questions affect our understanding of the legal aspect of Buddhist practices in Dunhuang? Current scholarship has neglected these crucial questions.

Utilizing previously overlooked evidence from a Chinese manuscript from the Dunhuang cave 17 (S. 11352) that records the announcement

³ In this article, the Pelliot collection of Chinese Dunhuang manuscripts preserved in the Bibliothèque nationale de France will be abbreviated with the prefix P, the Tibetan manuscripts from the same collection will be identified with the prefix P. T., and the Stein collection of Chinese Dunhuang manuscripts preserved in the British Library will be represented with the prefix S.

⁴ For a review of existing scholarship on P. 4810, see Shen and Li 2009: 3067. Note that the articles mentioned in this entry by Zhanru (2003) and Hao (1997) discuss an invitation to a death ritual on the recto side of P. 4810. In 1990, Tang and Lu published their transcription of the texts on both sides of the manuscript. See transcription of the recto side in Tang and Lu 1990: 189; the verso side in Tang and Lu 1990: 117. In 1995, Soymié et al. (1995: 4810) published a brief introduction on P. 4810v in his catalogue of the Chinese manuscripts from Dunhuang preserved in the Bibliothèque nationale de France. Between 1996 and 1998, Hao referred to this legal dispute in multiple articles on the social life of monks and nuns in Dunhuang. Note that Hao (1997: 30) has only listed the event on a religious service for the dead on the recto side of P. 4810 in his article discussing donations in Dunhuang. Chen (2009) also cited this dispute in an article discussing the conflict between Buddhist monastic law and the law of the laity.

of an arrangement for an upcoming recitation event, this article challenges the established assumption that this dispute was an internal conflict between two nuns within the same nunnery. I argue that it was more likely an inter-institutional legal contestation between individual nuns and administrators from different nunneries. The plaintiff nun's approach is representative of how members of the Buddhist monastic community in Dunhuang would have handled legal issues. Numerous records of lawsuits discovered from the Dunhuang cave 17 show that when disputes arose, monks and nuns in the area would actively seek legal assistance to pursue settlements that might – or might not – end in their favor. In those cases, monks and nuns litigated against monastic institutions, fellow monks and nuns, and laypersons.⁵ At Puguang nunnery alone, various nuns also approached the Buddhist Controller, the highest monastic official in Dunhuang, to resolve internal and external conflicts. Their interactions with the legal system in Dunhuang range from petitioning to resigning from administrative positions in the nunnery, or nominating new candidates to fill such positions, requesting to resolve disputes over the use of a privately-dug water channel, to contesting the distribution of proceeds from attending religious services. From a new perspective on P. 4810v, this article indicates that for monks and nuns struggling to make ends meet in everyday life, legal intervention by higher authorities often becomes the first and last solution to defend their financial rights. For monks and nuns in the Dunhuang context, abiding by protocols proscribed in the *Tang Code* or ancient Indic texts was evidently not their first priority.

The Manuscript

The complaint under examination is handwritten on the verso side of P. 4810, which measures 27 centimeters wide and 22.5 centimeters long. Both sides contain Chinese script written vertically from right to left.

⁵ For a case of litigation between individual monks and nuns against institution, see P. T. 1079 wherein a nun and two monks jointly sued a monastery over the ownership of several male and female slaves (*bran* and *bran mo*). For litigation between monks and nuns, see S. 542, wherein the administrator of Puguang nunnery sued a nun from her nunnery for refusing to share water and quarrelling with fellow nuns from the same nunnery. For litigation between ordained Buddhists and lay persons, see P. T. 1080, wherein a Buddhist nun sued her adopted daughter.



Pelliot chinois 4810 verso
Image: Bibliothèque nationale de France

The recto side records a circular from Jinguangming 金光明 monastery inviting certain monks and nuns to attend a funeral service for someone's deceased mother. The latter part of the circular contains a list of names with red dots indicating those that had been sent the notice.⁶

The verso records a complaint submitted by nun Chang Jingjin in the third month of a certain year (the specific year and day noted at the end of the complaint cannot be deciphered). Further investigation into the plaintiff nun, however, indicates that it was most likely written between 895 and 934.⁷ The right half of the vertically written title is damaged; but we can reconstruct it from what remains. The reconstruction of a few characters that appear in light ink in the middle of the complaint is also required for my analysis (below). Despite the lack of seals, fingerprints, or a judgment, what survives is most likely an original complaint. Among Chinese legal documents typically found in Dunhuang, original complaints submitted by

⁶ At least six of the names in the circular on P. 4810 are also found in a donation record on P. T. 1261v: 道真, 法顯, 法雨, 法堅, 惠劍, and 智通.

⁷ For a discussion on dating the legal dispute in P. 4810v, see the section on nun Chang Jingjin later in this article.

plaintiffs often do not contain any personal stamp or fingerprint. The judgment was often written in larger characters by a different hand at the end of the complaint, with a square official seal stamped on top of the issuer's name.⁸ In legal disputes recorded in Tibetan, a judge often summarized the complaint and the trial in a judicial report, with the judgment attached at the end. The entire document would be written by the same hand, sealed with official seals, personal stamps, or fingerprints at the end of the document.⁹

This complaint informs us that in the late ninth or early tenth century, Jianren, a Buddhist nun from a Dunhuang nunnery had for years been so sick that she barely left her living quarters. Her illness was responsible for missing many religious services, which were opportunities to accumulate merit and remuneration. One year, an imperial edict ordered the Buddhist community in Dunhuang to organize an event to recite Buddhist texts (*zhuanjing* 轉經). Nun Jianren was called to attend the recitation sessions but could not go due to her illness. The administrators of her nunnery,¹⁰ the abbess (Sizhu 寺主) and the disciplinarian (Falü 法律) whose names were unspecified, then arranged for another nun, Chang Jingjin from Puguang 普光 nunnery, to attend the recitation in Jianren's place. This arrangement was based on the mutual understanding that any rewards gained from attending the recitation event would go to Chang Jingjin. At the end of that year, nun Chang Jingjin received nun Jianren's standard allowance (*chenli* 餽利) for recitation participants from the Donation Office (*chensi* 餽司). The following year, a dispute arose between the two nuns. In the third month of the following year, nun Chang Jingjin eventually submitted a complaint to the Buddhist Controller to seek legal remediation.

⁸ For instance, see S. 9227.

⁹ For such example, see P. T. 1079.

¹⁰ The Chinese expression *suoyou* 所由 is a general term for administrator. Similar expressions are also found in S. 542, wherein nun Jianyi 堅意 from Puguang nunnery described herself as an administrator (*suoyou* 所由) and felt the need to interfere in the dispute between nun Guangxian 光顯 and other nuns within Puguang nunnery. This term also occurred in P. 2838, wherein a Senior monk (*shangzuo* 上座) Shengjing 勝淨, describing himself as an administrator (*suoyou* 所由) from Anguo monastery, submitted a report on the fifteenth day of the twelfth month in the second year of the Guangqi 光啟 period.

The plaintiff, or the scribe writing on her behalf, addressed the recipient of this complaint as “monk (*heshang* 和尚),” which in Dunhuang manuscripts was a typical abbreviated address for the Buddhist Controller, the highest monastic official in this region.¹¹ This custom is evident in two petitions from nuns who requested the Buddhist Controller to decide on two matters concerning the allowance from the Donation Office. Both petitions are recorded in P. 3730, and both petitioners received a reply from the Buddhist Controller Hongbian 洪晉, who was addressed as *heshang* 和尚 in one petition, and *jiaoshou heshang* 教授和尚 in the other. Such evidence confirms that the complaint in P. 4810v was submitted to the Buddhist Controller.

Between the mid-ninth and late-tenth centuries, about a dozen monks served in this position. Their names and terms of office follow below:¹²

Lay Surname, Religious Name		Years in Office
Wu, Hongbian	吳洪晉	851–853(862)
Zhai, Farong	翟法榮	862/863–869
Tang, Wuzhen	唐悟真	869–895
Kang, Xianzhao	(康) 賢照	895–902
Fan, Fugao	汜福高	(902)–(907)
Chen, Fayan	陳法嚴	(907)–918–(926)
Yin, Haiyan	陰海晏	926–933
Wang, Buddhist Controller	王僧統	933–935
Kong, Longbian	(孔) 龍晉	935–943–(944)
Fan, Guanghui	汜光惠	(944)–945–951–(?)
Fasong	法嵩	(?)–954–(?)
Ganghui	鋼惠	(?)–966–978–(?)

Given that P. 4810v must have been recorded between 895 and 934, the recipient of this complaint could have been anyone from Tang Wuzhen to the Buddhist Controller with the lay surname Wang.

¹¹ Chen (2009: 39) incorrectly reads it as a complaint submitted to the administrator (*suoyou* 所由) in nun Jianren’s nunnery.

¹² The following table is based on Rong 1996: 291–292.

The Business of Recitation

Reciting Buddhist texts was a popular practice across East Asia, based on the belief that it would protect the state, heal illness, and prevent natural disasters.¹³ The recitation that led to the dispute in P. 4810v is a particular type of speedy recitation known as *zhuanjing* 轉經, literally “Rotating the Buddhist Text.” It is hard to know how this practice operated in ninth and tenth century Dunhuang due to lack of ethnographic accounts. However, a glimpse into the way Japanese monks from the Tōsenji 洞泉 monastery of the Sōtō Zen School recite (Jap. *ten doku* 転読) the *Large Sūtra of Perfect Wisdom* may help us revisit this practice. In their recitation sessions, monks at Tōsenji speedily ‘recite’ a few selected lines in this lengthy text while quickly unfolding and swinging multiple stacks of Buddhist texts bound in a concertina format.¹⁴ This speedy recitation is used to quickly complete the recitation of large bodies of Buddhist text for patrons who wish to accrue maximum merit without having to sponsor a long recitation session.

The recitation of the *Large Sūtra on Perfect Wisdom* (*Mahāprajñāpāramitāsūtra*), a six hundred volume text that was translated into Chinese between 660 and 663 by a translation team headed by the pilgrim monk scholar Xuanzang 玄奘 (602–664), was also popular in Dunhuang. Its popularity was evident in the quantity of official and private copies produced, stored, and circulated for recitation events in Dunhuang. Numerous Dunhuang manuscripts documented the transaction of paper for copying this text, tabulated and cataloged its existing copies in each monastery and nunnery, recorded its circulation, and calculated expenses spent on organizing its recitation at various occasions.¹⁵

¹³ In his research on the recitation rituals in Japan, Abé (1999: 24) describes as the primary duty of the Buddhist monks in Japan “to protect the nation from misfortune by means of efficacy of their services” such as recitation of scriptures which are said to “have been impregnated with such power.”

¹⁴ For a video of the recitation by these Japanese monks, see https://www.youtube.com/watch?v=__1SXi1AWbI, accessed on November 22, 2017. For an excellent introduction on different forms of book binding in Dunhuang, see the educational article on “Bookbinding” by Colin Chinnery and Li Yi, published on the International Dunhuang Project website, <http://idp.bl.uk/education/bookbinding/bookbinding.a4d>, accessed November 22, 2017.

¹⁵ For discussion on the practice of reciting the *Large Sūtra on Perfect Wisdom* in Dunhuang, see Zheng 2006.

Interest in commissioning monks and nuns to recite this text continued in Dunhuang after the Tibetans took control of this region in 786, and recitations of this text continued to be organized toward the end of their rule in Dunhuang in 848.¹⁶ P. 4810v does not specify which Buddhist text was recited in the event mentioned; but the fact that the recitation was ordered by imperial edict suggests that it would have been a nationally important text, such as the *Large Sūtra on Perfect Wisdom*, which would have served to bless and protect the country.¹⁷

In Dunhuang, attending such recitations was both an obligation and a privilege for ordained Buddhist monks and nuns. Attending these events was a requirement to maintain full membership in the monastic community. Failing to maintain full membership in good standing could result in being deprived of various benefits managed and distributed by the Donation Office. As will be demonstrated shortly, the Donation Office in Dunhuang had terminated allowances to several nuns who were unable to attend religious events.

Attending these recitation events was also a privilege. On occasion, wealthy patrons would invite the monks and nuns from all of the monasteries and nunneries in Dunhuang to attend a recitation event. But more commonly, most donors could only afford to invite a limited number of monks and nuns, as in the case of the recitation event in P. 4810v. S. 4914 documents a recitation event during the period when Dunhuang was still under Tibetan control. For that recitation, it indicates that on the seventh day in the ninth month of a rabbit year (卯), invitations were extended to only one member from each of the nine monasteries (Yongshou 永壽, Jinguangming 金光明, Yong'an 永安, Liantai 蓮臺, Yongkang 永康, Sanjie 三界, Lingtu 靈圖, Bao'en 報恩, and Longxing 龍興, and five nunneries of Shengguang 聖光, Dasheng 大乘, Puguang 普光, Lingxiu 靈修, and Anguo 安國).¹⁸ On the twenty-first day of the fifth month in the third year of the Qingtai 清泰 period (936), the Military Commissioner

¹⁶ Dotson (2013–2014 [2015]: 5) has shown that from the 820s to the 840s, various donors sponsored the copying of the Tibetan version of the *Śatasāhasrikā Prajñāpāramitā* and the *Large Sūtra on Perfect Wisdom* in Chinese to “generate wisdom and merit” for the Tibetan kings and all beings to attain enlightenment by seeing, hearing, and worshipping these texts.

¹⁷ S. 476v mentions a list of other Buddhist scriptures that were recited in Dunhuang.

¹⁸ For a brief introduction to S. 4914, see Zheng 2006.

(Jiedushi 節度使) Cao Yuande 曹元德 invited all of the monks and nuns from the eleven monasteries and nunneries in Dunhuang to recite Buddhist texts for five days (P. 3556v). The texts to be recited were not specified. Six years later in 942, on the twenty-third day of the eleventh month, another Military Commissioner Cao Yuanshen 曹元深 only invited nineteen senior monks and nuns to recite the short *Heart Sūtra* one hundred times (P. 4046). Thus, attendance at recitation events was a privilege because invitations were only extended to a limited number of monks and nuns. Participants were often selected by individual seniority and the status of the monastery or nunnery with which they were affiliated. The seniority of monks and nuns was mainly defined by the number of times that they successfully completed the summer rainy season retreat. Monasteries and nunneries were most likely ranked by their overall influence.¹⁹

Participants at these recitation events could often expect rewards of vegetarian meals and/or gifts from the donors that would either be distributed among the participants on site or auctioned for cash, grain, or fabric, which could easily be distributed evenly among the participants at a later time. For the five-day recitation event in 936, the Military Commissioner Cao Yuande donated to each of the eleven participating monasteries and nunneries one roll (*pi* 疋) of cotton fabric (*xie* 絳_[S1]) for the recitation ceremony and thirty bushels²⁰ of wheat and half a bushel of oil²¹ to prepare vegetarian meals for the reciters. At the other recitation event in 942, Military Commissioner Cao Yuanshen donated a red brocade jacket (*aozi* 襖子), three hundred and sixty bushels of millet (*su* 粟), one roll of fine cotton fabric (*xixie* 細絳_[LO2]) to be used for the recitation ceremony, and one light purple silk shirt (*luoshan* 羅衫) offered by the donor's wife.

¹⁹ An exceptionally noteworthy case is found in P. 5000v, which preserves a list monks and nuns invited to attend a vegetarian feast. The invitees were listed in order of their ranking at their home institution. Invitees from different monasteries and nunneries were then arranged in a certain ranking. Hao (1998: 349) argues that the monasteries and nunneries in P. 5000v were not ranked according to size.

²⁰ The amount mentioned in the manuscript is three *shi* 碩, an alternative for of the measurement unit *dan* 石. According to Gernet (1995: 314), one *dan* equals ten bushels (*dou* 斗).

²¹ The manuscript mentions five *sheng* 升 of oil. According to Gernet (1995: 314), one bushel equals ten *sheng*. Therefore, five *sheng* equals half a bushel.

In Pelliot 4810v, the business of reciting Buddhist texts seems to have become much more serious than an obligation or privilege. When the sick nun was enlisted but could not attend the recitation event, the abbess and disciplinarian of her nunnery tried to cover up her absence by arranging for nun Chang Jingjin from Puguang nunnery to take her place at those sessions, at the risk of breaking the *Tang Code*.

Was it necessary that the sick nun have a substitute? Other nuns found other ways to handle such situations. P. 3101 records a petition by nun Zhidenghua 智燈花 submitted on the first day of the eleventh month in the fifth year of the Dazhong 大中 period (851),²² requesting that she be excused from an upcoming recitation due to illness. On the same day, a reply came from a monk official by the name of Lifan 離煩, who might have been from Bao'en 報恩 monastery.²³ The reply, written in significantly larger characters, appears after the petition. In his reply, this monk expressed his understanding that one has no control over when one is bedridden. Yet attending the recitation session to cultivate merit and bless the country is a royal duty. Therefore, he required those who are sick to report to the disciplinarian in their monastery or nunnery. If the sickness is verified, one should not privately decide to be absent but should be required to submit official permission for an absence.

Policy on sick leave from such recitation events was also elaborated in official announcements of upcoming recitation events. On the fourth day of the fourth month in the fourth year of the Qianyou 乾佑 period (951), the Buddhist Controller of Dunhuang issued an announcement of an upcoming recitation ceremony to be held within that month. This announcement, recorded in S. 3879, called on all monks and nuns in Dunhuang to attend a three-day recitation event to celebrate the Buddha's birthday on the eighth day in the fourth month. The Buddhist Controller stressed the importance of this recitation, and warned that monks and nuns who failed to participate would be severely punished – although the sick and bedridden

²² A registry datable between 865 and 870 (S. 2669) records a fifty-year old nun Zhidenghua from Dasheng nunnery. This nun came from a lay family whose surname was Fan 范 from Hongrun county 洪潤鄉 in Dunhuang. For a detailed analysis of S. 2669, see Fujieda 1959: 307. For an introductory note on S. 2669, see Soymié et al. 1983: entry 3101.

²³ Soymié mentions monk Zhang Lifan 張離煩 from Bao'en 報恩 monastery in S. 2729, datable to 800. For a discussion of this monk in S. 2729, see Fujieda 1959: 294.

would be excused. A similar exception for sick monks and nuns is also mentioned in another announcement also preserved S. 3879,²⁴ summoning all monks and nuns in Dunhuang, old and young, residents and visitors, to attend a morning recitation on the Buddha's Birthday. Those who were sick, however, could be excused from attending this recitation event.

If sickness could be a valid reason to request an absence from these recitation events, why did the sick nun and her nunnery's administrators not simply request sick leave? What collective concern might they have had over her failure to attend the recitation? The answer can be found in at least three Chinese manuscripts in Dunhuang, P. 3101, S. 3879, and S. 11352, all of which describe participation at recitation events as an important way to accumulate merit. Moreover, announcements in these manuscripts also define attendance at recitation sessions as a duty that monks and nuns must fulfill. In P. 3101, participation at the recitation session was cast as a duty to the royal court (*wangke* 王课). In S. 11352, the disciplinarian who issued the announcement explicitly stated that the purpose of the recitation event was to pray for the country and to dispel disasters. Most importantly, the disciplinarian stated that those who are called to attend the event must take it seriously and those who fail to participate will be severely punished. In S. 3879, the Buddhist Controller presented the recitation events as an opportunity to serve the dual goals of advancing one's individual spiritual practice through worship of the Buddha and promoting the collective political goal of praying for the country and aiding the ruler of the country. Such cautions of legal consequences may have prompted the administrators of the sick nun's nunnery to make a seemingly risky arrangement to avoid censure for the nun and/or themselves.

Apart from these warnings of punishment, economic concerns would have also served to motivate everyone involved to go along with this arrangement. For the nunnery's administrators, the nunnery might lose its quota to monks or nuns from other monasteries and nunneries if the sick nun could no longer attend recitations. In the long term, this may impact

²⁴ The contents of these two announcements are similar. The traces of revision and lack of dating in the second announcement suggest that it might be a draft of the first announcement.

the nunnery's place and role in the local Buddhist community. For the plaintiff nun, attending the recitation events would bring her some extra remuneration that, otherwise, she would not be qualified to receive. The sick nun would have had two reasons to go along with this arrangement. First, it would have helped her avoid punishment for failure to attend the recitation session. Although some nuns were able to get approval for sick leave from such recitations, if this recitation event was especially important, sick-leave approval might have been more difficult to obtain. The sick nun's second reason to go along with this arrangement might have been to keep her membership within the Buddhist monastic community in good standing, so that she could continue to be entitled to an allowance from the Donation Office.

The Donation Office

In Dunhuang, the Buddhist Controller directs a Main Office (Dusi 都司) that governs the Donation Office and a number of other ad hoc offices in charge of various aspects of Buddhist activities.²⁵ The Donation Office occupies a central role in the lives of monks and nuns in Dunhuang.²⁶ Its primary duties include receiving, selling, and redistributing communal gifts and donations. The donations it receives may range from gifts from donors, clothes and other possessions of deceased monks and nuns, and other forms of donations from the laity.²⁷ Together with gifts offered by donors at specific religious events, allowances distributed by the Donation Office remained an important source of financial support for monks and nuns in Dunhuang. Surviving manuscripts from Dunhuang have recorded distributions of such allowances annually or every two or three

²⁵ Some of these include the Office for the Procession on the Buddha's Birthday (Xingxiang si 行像司), the Office of the Universal Ordination Platform (Fangdeng daochang si 方等道場司), the Office of the Buddhist Library (Jing si 經司), the Office for Lighting the Lantern (Deng si 燈司), the Office for the Warehouse (Cang si 倉司), the Office for Repairing and Construction (Xiuzao si 修造司), the Office for Merits (功德司), the Office of Permanent Residents (Changzhucang si 常住倉司), and the Office of Sheep (Yang si 羊司). For a detailed discussion of these offices, see Rong 2013: 301.

²⁶ For detailed discussion of this office, see Hao 1998: 283–321.

²⁷ For examples of items donated to the Donation Office, see Hao 1998: 284–289.

years.²⁸ The amount distributed in each period might vary from time to time, but all fully ordained monks and nuns, as well as probationary nuns, would get the same share, and the novice monks and nuns usually got a smaller share.²⁹ Thus, this aid from the Donation Office functions as a universal allowance available to all members in good-standing within the Buddhist monastic community. The indication is that monks and nuns who failed to attend their expected duties could be barred from receiving such remuneration from the Donation Office.

What is relevant to the dispute in P. 4810v is that frequent or extended absences due to sickness, as in the case of the sick nun, could result in the loss of this allowance from the Donation Office. This practice is evident in the mid-ninth century Chinese manuscript P. 3730,³⁰ in which the novice nun Faxiang 法相, who had been sick for an extended period, did not receive any allowance from the Donation Office over the previous two years due to her absences from various religious events. On that occasion, she submitted a petition to the Buddhist Controller Hongbian (in office 851–853/862) in a tiger year (858),³¹ explained her situation, and asked if the Donation Office could consider issuing her a share of an allowance to support her as a sick nun suffering from poverty. Eventually, the Buddhist Controller approved her request and ordered the Donation Office to give her a share of an allowance.

In the complaint presented in P. 4810v, the plaintiff nun admitted that she had received a payment from the Donation Office, in the amount described as a “*benfen* 本分” of nun Jianren. What does the term *benfen* mean? Hao interprets it as the portion of the allowance that each qualified monk or nun would be due in each distribution period.³² This convincing

²⁸ Hao (1998: 290, 294) demonstrates that redistributions of such donations might occur irregularly, and monks and nuns might receive different amounts of goods at each of these redistributions.

²⁹ For instance, the record of allowances distributed by the Donation Office in P. 2638 shows that novice monks and nuns only received 30 feet of cotton fabric as allowances, whereas probationary nuns and fully ordained monks and nuns received twice that amount for the same distribution period.

³⁰ For a discussion of P. 3730, see Hao 1998: 291–292.

³¹ The only tiger year when Hongbian served as the Buddhist Controller was 858.

³² See Hao 1996: 296; 1998: 317. For a transcription of BD 02496, see Hao 1998: 312–313.

interpretation concurs with what appears on the verso of BD 02496, a Chinese Dunhuang manuscript preserved in the National Library of China. The surviving portion of BD 02496 records that five different monks bid on goods at five different auctions. Their payments were calculated in feet of cotton fabric. The total amount of each portion was one hundred and fifty feet. According to Hao, four of the five bidders each claimed one hundred and fifty feet of cotton fabric as their share of allowance during that distribution period. The remainder was to be paid in installments of one hundred and fifty feet of cotton to monks and nuns from different monasteries and nunneries. Thus, the share of allowance for each monk or nun during that distribution period seems to have been a hundred and fifty feet of cotton fabric per person. The only bidder who did not claim his portion was monk Yuanqing 願清, who was a rector (Sengzheng 僧政).³³ Hao does not discuss this. The only reason I can think of for not claiming a share is if the monk had already received his share. This interpretation concurs with the use of the term in two other Dunhuang manuscripts (P. 2689 and S. 4192) documenting auction records, wherein some bidders had claimed their own share of allowances. The remaining payments were designated to go to other monks and nuns as their allowance, or to pay for construction costs, such as stupa repairs.

Thus, the arrangement between the sick nun and the plaintiff nun succeeded, in the sense that by recruiting the plaintiff nun to attend the recitation event to cover for the sick nun, the sick nun was able to maintain her qualification to receive the allowance from the Donation Office.

Who Were the Nuns?

The identities of the two nuns, and their institutional affiliations in particular, are crucial to understanding the nature of the dispute presented in P. 4810v. Is their dispute an internal conflict between two nuns from Puguang nunnery, or a Puguang nun's complaint against a senior nun and her administrators from another nunnery? Hao interprets this as an internal

³³ My translation of Sengzheng 僧政 follows Gernet (1995: 206), who translates it as "rector."

dispute between two nuns from Puguang nunnery (see Hao 1998: 292–293; and Cheng 2009: 38–39). This interpretation suggests that the abbess and the disciplinarian of Puguang nunnery made an internal arrangement to substitute nun Chang Jingjin for the sick nun Jianren. Although this is not impossible, the sick nun was more likely from Anguo than from Puguang nunnery, as I will discuss below. The two nuns in the dispute would therefore have been from two different nunneries. This makes the dispute much more complicated than an internal conflict within one nunnery, and would have been an inter-institutional conflict between nuns from different nunneries.

The identity of the plaintiff Chang Jingjin is mentioned twice in P. 4810v. The right half of the title of this complaint is damaged, but the remaining portion allows us to reasonably reconstruct it as: “A Complaint Submitted by Nun Chang Jinjing from Puguang Nunnery (普光寺尼常精進 狀上).” Chang is a common family name in Dunhuang.³⁴ Thus, Chang would be this nun’s former lay surname and her religious name would be Jingjin. At the end of the complaint, the plaintiff nun is further identified as “Fully ordained Buddhist nun (比丘尼)” Chang Jingjin.

The name Jingjin also appears in two other Dunhuang manuscripts: S. 2614v and P. 2638.³⁵ She is mentioned in the section on the identity of the sick nun Jianren in S. 2614v, containing the names of both nuns. The other manuscript P. 2638 records the donations that the Donation Office received and auctioned off over three years (933–935). Three officials from the Donation Office prepared this record one day in the sixth month of 936.³⁶ The majority of these donations were belongings of monks and nuns who died in those three years. This record reports that nun Jingjin from Puguang nunnery died in 934. The proceeds from the auction of her clothes amounted to 2,918 feet of cotton fabric (*bu* 布).

³⁴ Dohi (2015: 6) has identified twenty-four individuals with the surname Chang in the Dunhuang manuscripts.

³⁵ Dohi (2015: 283) only mentions Chang Jingjin in P. 4810v. Yet, as I will show shortly, the name Jingjin also appears in P. 3600v as well as S. 2614v, where she was mentioned as a probationary nun from Puguang nunnery.

³⁶ These include two disciplinarians whose names are no longer legible, and a monk official from the Donation Office (親司教授) named Fuji 福集.

Rector Zhang 張僧政: 776 feet

Jingjin 尼精進: 2,918 feet

Xiangneng 尼祥能: 2,580 feet

This reveals that the wealth of the ordinary nun Jingjin was almost half to a third of that of the highest-ranking monastic officials in the Dunhuang region. Her possessions in 934 even equaled the total annual income of some Dunhuang monasteries in Dunhuang. P. 2049 is a record of the revenues, reserves, and outlays of Jingtū 淨土 monastery in 924 prepared by monk Baohu 保護, who was an assistant accountant (Zhisui 直歲). It reports that Jingtū monastery had a total annual income of over 13,880 bushels of granary goods.³⁹ Another record that monk Fasong 法松 prepared for Sanjie 三界 monastery is preserved in P. 3352v, a manuscript dated to 885 or 945.⁴⁰ This report reveals that Sanjie monastery, however, only had an annual income of 4,161 bushels of granary goods. Based on Gernet's conversions, using data from sales and loan contracts from ninth and tenth century Dunhuang,⁴¹ nun Jingjin's estate in 934 would have been worth three-quarters of Sanjie monastery's annual income in 885 or 945, or one-fifth of the annual income of the well-endowed Jingtū monastery in 924. Yet, these auction figures may underestimate the entire financial status of deceased monks and nuns, however, because some monks and nuns might have arranged to exclude part of their possessions from these auctions for distribution to relatives or associates. Nevertheless, these auction figures reveal that both Jingjin and her peer from Puguang nunnery were well off for nuns in the tenth century.

³⁹ In the original manuscript, the quantity mentioned is 1338 *shi* 石. This has been converted to bushels here for the convenience of translation. Gernet (1995: 187) presents the details of Jingtū monastery's annual income as follows: 11,765 bushels of wheat, millet, oil, kumis, rice, flour, coarse flour, millet flour, hemp, bran, and soya; 101 oilcakes; 849 feet of cotton cloth; 148 feet of felt; and 200 sheets of paper. Gernet (1995:187) points out that the monastery converted the value of oilcake, cotton cloth, felt roll, and paper to about 2,118 bushels of granary goods.

⁴⁰ Naba (1941) dates this year to 885 or 945.

⁴¹ According to this chart, a foot of cotton cloth (*bu* 布) was worth one bushel of cereal such as wheat (*mai* 麥) or millet (*su* 粟). For the conversion chart, see Gernet 1995: 316.

What was the purchasing power of nun Jingjin's estate? Based on sales and loan contracts from ninth and tenth century Dunhuang, Gernet calculates that a foot of cotton cloth was worth one bushel of barley or millet (Gernet 1995: 316), and a house would have cost between 300 and 700 bushels of granary goods (P. 3331). Ignoring any inflation that might have occurred over the ten years between the production of these contracts and nun Jingjin's death in 934, her estate would have equaled four to nine houses in Dunhuang, depending on the costs of those houses.

Assuming that the name Jingjin in P. 4810v, S. 2614, and P. 2638 refers to the same nun from Puguang nunnery, we can reasonably flesh out the life of the plaintiff nun as follows: she remained a probationary nun around 895, became fully ordained later, then had this dispute with nun Jianren and submitted her complaint to the Buddhist Controller, and stayed at the Puguang nunnery until her death in 934. At the time of her death, her considerable estate went to the Donation Office. This sketch of her life enables us to date P. 4810v to between 895 and 934.

Identifying the sick nun Jianren's institutional affiliation is more challenging, however. In Dunhuang, Jianren seems to have been a popular religious name for nuns. According to surviving records from Dunhuang in addition to P. 4810v, the name Jianren was shared by several other nuns from Anguo Nunnery 安國寺 (S. 2614v),⁴² Dasheng nunnery 大乘寺 (S. 4444v),⁴³ and some with unspecified affiliation (BD 02126 and S. 11352).⁴⁴ Hao, Chen, and other scholars who have addressed this legal dispute remain undecided on nun Jianren's institutional affiliation. In this article, I argue that the sick nun Jianren was most likely a fully ordained Buddhist nun from Anguo nunnery, a substantial nunnery among the five Buddhist nunneries that flourished in Dunhuang from the late eighth to the tenth century.

⁴² Dohi (2015: 878) mentions a fully ordained nun Jianren from Anguo nunnery in S. 2614v. For transcription of S. 2614v, see Fujieda 1959: 296–302.

⁴³ For this Jianren in S. 4444v, see Fujieda 1959: 304.

⁴⁴ Dohi (2015: 877) mentions a Jianren from Puguang nunnery in P. 3600v2 (inside a circle), but I did not find it there. The late ninth century manuscript from the Beijing collection BD 02126 does mention a nun by the name of Jianren. The name Jianren appears among a few other Buddhist names (相妙 定忍 德意 普滿 福嚴 蓮花德). The characters *ren* 忍 and *hui* 惠 were written several times, which suggests that they were written on BD 02126 as calligraphic practice.

Two pieces of evidence support this argument. First, the names Jianren and Jingjin are both listed in S. 2614v, a registry of all the names of monks and nuns from the monasteries and nunneries in Dunhuang.⁴⁵ S. 2614v also mentions a Buddhist Controller with the lay surname Kang from Dayun 大雲 monastery, which enables us to date S. 2614v to between 895 and 902, because Kang Xianzhao 賢照 was the only Buddhist Controller with the surname Kang who served as Buddhist Controller from 895 to 902.⁴⁶ In this registry, we find a probationary nun by the name of Jingjin from Puguang nunnery, and a fully ordained Buddhist nun by the name of Jianren from Anguo nunnery.⁴⁷ This suggests that the two nuns in dispute in P. 4810v were most likely from Puguang nunnery and Anguo nunnery. While Jianren was most likely affiliated with Anguo nunnery, I do not exclude other possibilities because only a partial list of fully ordained nuns from Dasheng nunnery and Puguang nunnery survives. We cannot rule out the potentiality that Puguang and Dasheng nunneries may have also have had a nun named Jianren, although that name does not appear in the surviving registry in S. 2614v.

The second supporting piece of evidence occurs in S. 11352, a Chinese manuscript recording the announcement of an upcoming recitation event.⁴⁸ A certain disciplinarian Daozhe 道者(?) issued the announcement on the twenty-third day of a given month in a given year. The enlisted participants were divided into two cohorts.⁴⁹ A certain nun Jianren was listed in the second cohort. The transcription of S. 11352 and my translation of it are as follows:⁵⁰

⁴⁵ It records the names of over a thousand fully ordained monks and nuns, probationary nuns, and novice monks and nuns. Among them, 693 were fully ordained, probationary, and novice nuns from the five nunneries in Dunhuang. In this census record, Puguang nunnery reported 190 residents: 104 fully ordained nuns, 59 probationary nuns, and 27 novice nuns. Although these three numbers add up to 190, the manuscript records a total of 189 nuns because one of the nuns was listed twice. The beginning of S. 2614 is missing, but the end is intact.

⁴⁶ The dates of Kang Xianzhao are from Rong 1996: 292. Fujieda (1959: 302) dated the report of this census in S. 2614 to 895. Nun Changjingjin's name appears in line 83.

⁴⁷ For Jianren's name, see Fujieda 1959: 300, line 144.

⁴⁸ For studies on S. 11352, see Hao 1998: 236; Hao 2000: 267.

⁴⁹ P. 3947 records that Longxing monastery also organized a recitation event with 41 participants, 21 of whom were placed in the first cohort and 20 in the second cohort.

⁵⁰ This transcription is from Hao 1998: 236–237.



S. 11352

Image: British Library

...政惠 妙定 戒乘
 ...堅藏 真惠 圓智 妙林 真如
 ...岩 如意 妙吾 無性
 ...政信 朱勝過 真頂 真行 能修 照 x
 ...心 妙嚴 能寂 政思 普藏⁵¹
 第二番 慈藏 真願 妙行 濟實 朱勝智 如惠
 明會 堅忍
 右件國家轉經福田攘災 切宜 xx
 不得怠慢 如有故違 必照重
 罰 故令曉示
 今月廿三日法律道者 xx

...Zhenghui Miaoding Jiecheng
 ...Jianzang Zhenhui Yuanzhi Miaolin Zhenru
 ...yan Ruyi Miaowu Wuxing
 ...Zhengxin Zhu Shengguo, Zhending, Zhenxing, Nengxiu, Zhao x
 ...x xin, Miaoyan, Nengji, Zhengsi, ~~Puzang~~
 The second cohort: Cizang, Zhenyuan, Miaoxing, Jishi, Zhu Shengzhi, Ruhui
 Minghui, Jianren
 Those listed on the right are required to participate in the national recitation
 event to cultivate merit and dispel disaster. Please... Do not take it lightly.
 Those who deliberately disobey this order will surely be punished heavily.
 Thus, this announcement is made to inform [you].
 This month, twenty-third day, by Disciplinary Daozhe

⁵¹ This name appears there, but with a strikethrough across the middle.

This recitation event appears to be open to nuns from five of Dunhuang's Buddhist nunneries (Puguang, Dasheng, Anguo, Lingxiu 靈修, and Shengguang 聖光).⁵² In the above-mentioned registry (S. 2614v), nineteen of a total of twenty-seven names in the surviving portion of S. 11352 are listed as novices, probationary nuns, or fully ordained nuns in the five Buddhist nunneries of Puguang, Dasheng, Anguo, Lingxiu, and Shengguang.⁵³ Names such as Miaoxing 妙行, which appear multiple times as nuns from different nunneries, are only counted as one of those nineteen overlapping names.

Fig. 1: Names of Nuns from S. 11352 that also occur in S. 2614v

	Fully Ordained	Probationary	Novice	Total
Puguang	26/104 妙嚴 如惠 妙行	59/59	27/27 ⁵⁴	189/190 ⁵⁵
Dasheng	81/114 妙行	36/37 ⁵⁶	21/22 ⁵⁷	173

⁵² Note that Bao'en monastery has a monk by the name of Zhenghui 政惠. Three of those 19 names are also found in S. 2729: Liang Zhenxing 梁真行 from Puguang, Fan Miaoxing 范妙行 from Dasheng nunnery, and An Miaoding 安妙定 from Lingxiu nunnery.

⁵³ Five of those twenty seven are names of fully ordained nuns from Puguang nunnery that are found in a later registry (P. 3600v), written in the eleventh month of a dog year (xu 戌), dating to 938. These five names are: 真行 普藏 真惠 無性 妙行. Fujieda (1959: 323) dated P. 3600v to 938. The registry in P. 3600v was prepared by three administrators at Puguang nunnery: steward (*siqing* 寺卿) Suo Xiu 索岫, abbess Zhenxing 真行, and disciplinarian Faxi 法喜. It contains a complete list of 127 nuns registered at Puguang nunnery, divided into three sections of fully ordained nuns, probationary nuns, and novice nuns, whose names were written vertically with three names in each column. Fujieda (1959: 303) transcribed the names of the first 27 nuns and the last nun.

⁵⁴ For incomplete lists for Puguang and Dasheng, the number on the left represents the actual number of names found in S. 2614v, and the number on the right of the dash represents the number reported in the summary at the end of the entry for each nunnery. The proofreader marked the second occurrence of Jingxiang 鏡相 in this registry as redundant.

⁵⁵ The total number of nuns at Puguang should be 189, because one novice nun's name was written twice.

⁵⁶ The summary at the end of this report for the Dasheng nunnery lists 37 probationary nuns. The record for this section appears to be complete, but only contains the names of 36 probationary nuns.

⁵⁷ The summary at the end of this report for Dasheng nunnery lists 22 novice nuns. The record for this section appears to be complete, but only contains the names of 21 novice nuns if we count 明覺耶舍 as one person.

	Fully Ordained	Probationary	Novice	Total
Anguo	100 政思 堅忍 戒乘 堅藏 妙行 圓智 妙林 真如 如意 無性 妙巖 能寂	13 慈藏 真頂 妙行 政信 政思 真行 如意 妙巖	22	139
Lingxiu	99 真行 妙行 真如 圓智	29 政惠	15 政思	143
Shengguang	34 妙行	10 圓智	5	49

This S. 2614v registry informs us that Anguo nunnery had a fully ordained nun by the name of Jianren, who was a contemporary of another eighteen nuns from Anguo nunnery. The fact that the same list of eighteen other nuns from Anguo nunnery and nun Jianren also appear in S. 11352 indicates that nun Jianren was most likely from Anguo nunnery.

If Jianren was from Anguo nunnery, why didn't the petition mention her specific affiliation? In Dunhuang legal manuscripts, the institutional affiliation of an individual who submits a petition is usually specified, but that of the other individuals involved in the dispute may or may not be specified. Yet, this does not necessarily mean that individuals without any listed institutional affiliation belonged to the same monastery or nunnery. One example is found in an extant petition in P. 3730 from a Buddhist nun Huixing 惠性 and its reply from the Buddhist controller Hongbian 洪誓. In this petition, which was submitted in a tiger year (858),⁵⁸ nun Huixing requested a decision on the distribution of the possessions of her deceased maternal nephew, a Buddhist monk whose lay surname was He 賀. This petition did not mention the affiliation of the deceased monk, but he and the nun apparently did not belong to the same monastery or nunnery.

The names of the sick nun and the plaintiff nun are notably absent in Dunhuang monastic registries dated before 895 and after 934. S. 2729 is a registry of monks and nuns dated to about 788 when Dunhuang was under Tibetan control. In this registry, Puguang nunnery reported a total of forty-seven nuns at various levels. Neither Chang Jingjin nor Jianren was recorded

⁵⁸ As mentioned above, Hongbian served as the Buddhist Controller of Dunhuang from 851 to 862. The only tiger year during this period was 858.

in S. 2729. Both Jianren and Jingjin had died by the time P. 3600v was produced in 938. Therefore, their names are not mentioned in P. 3600v either.

These new findings warrant reinterpretation of the dispute in P. 4810v. Although there is a slight possibility that nun Jianren in P. 4810v might have been affiliated with Puguang nunnery or Dasheng nunnery, thorough consideration of the available evidence suggests that she was more likely affiliated with Anguo nunnery. In this case, P. 4810v would have been a Puguang nun's lawsuit against a senior nun and two administrators from Anguo nunnery, which rivaled Puguang nunnery in size and influence. As I will demonstrate below, this insight alters our reading of the nature of the arrangement between the sick nun and the plaintiff nun who attended the recitation session in her place, and the legal ramifications of this arrangement.

The Dispute

The cause of the dispute and the request of the plaintiff are never explicitly stated in the complaint. Although the complaint itself is preserved intact, a judicial decision, if one was ever issued, is not found at the end of the complaint, as in the case of many other complaints discovered in the Dunhuang cave 17. The entire complaint was written in the voice of the plaintiff, nun Chang Jingjin. After presenting the background of the dispute, the complaint introduces the ambiguous quotation or saying "chumo buding 出沒不定," which literally means, "appearance is unpredictable." But the subject to whom this statement refers is unclear. Given the scarcity of available information on the dispute and the absence of this ambiguous phrase in Chinese manuscripts on similar cases from Dunhuang, I am only able to present an analysis of three possible interpretations of this dispute (below).

Below is a transcription of the complaint together with my translation. Five characters were unidentified in the earlier transcription of the manuscript by Tang and Lu. In my transcription below, I have identified four of those five characters, which are underscored. I have also translated the ambiguous quotation in different ways conveying the three different interpretations of the dispute.

普光寺尼常精進 狀上
 病患尼堅忍
 右件患尼久年不出每虧福田近歲已承置番第
 道場敕目嚴令當寺所由法律寺主令常精進替
 堅忍轉經許其人餽利隨得多少與常精進去歲
 於餽司支付堅忍本分今有餘言出沒不定一年轉
 讀疲乏不支 x 歲長眠擬請全分伏望
 和尚仁明察尋則尼人免被欺屈請處分
 牒件狀如前謹牒
 x 年三月 x 日比丘尼常精進狀⁵⁹

A Petition submitted by nun Chang Jingjin from Puguang nunnery.

The sick nun Jianren.

The sick nun mentioned on the right⁶⁰ has not left her living quarters for years, and her work to cultivate merit has suffered considerably. Recently, a strict edict ordered a recitation to be performed in rotation.⁶¹ Her nunnery's administrators,⁶² the disciplinarian and abbess, arranged Chang Jingjin to attend the recitation event instead of Jianren, and promised Chang Jingjin whatever allowance resulted from attending the recitation event. Last year, the Donation Office paid Chang Jingjin the amount of the allowance that was due to nun Jianren.

Now, [Jianren] said, "My appearance will be unpredictable."

Now, [Chang Jingjin] said, "[My appearance] will be unpredictable."

Now, [Jianren] said, "[Chang Jingjin's] appearance [at the recitation event] was unpredictable."

Having attended the recitation event last year, I feel unable to support myself physically and need some rest. I request this situation be seriously evaluated. I sincerely request the Venerable Buddhist Controller to clearly investigate it so that I will not be mistreated. Please decide.

The complaint is as above.

Submitted on the x day of the third month in the x year by fully ordained Buddhist nun Chang Jingjin.

⁵⁹ This transcription is based on Tang and Lu 1990: 117, with a few additional characters that I have identified and underscored.

⁶⁰ The manuscript was originally written vertically from right to the left.

⁶¹ This would refer to different cohorts of participants. This arrangement is evident in the recitation event mentioned in S. 11352, where participants were divided into at least two cohorts.

⁶² As mentioned above, this refers to the administrator of the sick nun's nunnery.

The first translation of the ambiguous phrase reflects Hao and Chen's interpretation of this quotation to be a threat from the sick nun Jianren (see Hao 1998: 292–293 and Cheng 2009: 38–39). They maintain that the conflict centers on competition for rights to attend future recitation sessions. In their interpretation, the threat from the sick nun provoked the plaintiff nun to initiate the litigation. They argue that the phrase in question is the sick nun's assertion that her ability to attend such functions is unpredictable. This implies that, if her health improves, she would attend future recitation events on her own. Thus, the plaintiff nun would have submitted this complaint to assert her right to continue attending such recitation events in place of the sick nun. This reasoning – that the plaintiff nun's goal was to defend her right to attend future recitation session – is flawed because, as I have said, invitations to attend recitation events is determined by the seniority of a monk or nun and the ranking of the monasteries or nunneries with which they were affiliated. Thus, only select individuals would have been invited to participate in the recitation event recorded in P. 4810v. Therefore, even if the Buddhist Controller ruled in favor of the plaintiff nun, she would have had no guarantee of replacing the sick nun – unless she was next in line to participate in recitations.

I argue that there are two additional possible interpretations, as reflected in the second and third versions of my translation of the ambiguous phrase.⁶³ In the second version, nun Chang Jingjin would have felt tired of attending additional recitation sessions for Jianren. She confided that she had become weary after attending the recitation event the previous year. Thus, she requested to withdraw from future recitation sessions because of the “unpredictability” of her schedule and/or condition. In this case, we may wonder why Chang Jingjin did not try to resolve this with her administrators. Indeed, she may have requested – but failed to obtain – approval from her administrators to stop covering for the sick nun before submitting her petition to the Buddhist Controller.

In the last version, the plaintiff nun would have submitted this complaint to protest the sick nun's accusation that Chang Jingjin's appearance at the

⁶³ I thank Chen Huaiyu and Luo Yaojun for sharing thoughts on the interpretation of this ambiguous phrase.

recitation event was unpredictable, which indicated that Chang Jingjin had failed to attend all the recitation sessions. In Dunhuang, monks and nuns who are invited to the recitation events are expected to demonstrate appropriate etiquette, including timely attendance. Moreover, in the above-mentioned announcement S. 3879, participating monks and nuns are also required to dress appropriately and arrive at the venue in an elegant orderly manner. Wearing makeup (*miansao zhuangmei* 面掃裝眉),⁶⁴ sewing shoe soles (*naxie* 納鞋), wearing long hair, and chasing friends during a recitation are strictly forbidden at recitation events. The rigor with which these rules are observed, however, is another matter. For example, an anecdote from a Sui dynasty joke book that would have circulated in Dunhuang at the time pokes fun at a Buddhist monk for consuming alcohol while attending recitation events with fellow monks in an assembly hall.⁶⁵ In such context, the sick nun Jianren nevertheless could have tried to use poor attendance on the part of the plaintiff nun to criticise her. This would imply that the sick nun might have tried to get back all or part of her share of the allowance that had already been given to the plaintiff nun. This may even have involved the redistribution of the gifts that the plaintiff nun had received from donors as a participant in the recitation event. In this context, the plaintiff nun could have submitted this complaint to defend herself against the sick nun's accusation. Her goal in this litigation could simply have been to protect the earnings she had received for attending the recitation events to cover for the sick nun.

Each of these three interpretations represents a different motivation for pursuing a decision on the petition. The first interpretation indicates that the plaintiff nun's motivation is to protect her continuing rights to attend similar events instead of the sick nun. The second interpretation, on the contrary, indicates that the plaintiff nun's motivation was to give up such rights. In the third interpretation, the plaintiff nun was motivated to do so

⁶⁴ This is a tentative translation of this phrase.

⁶⁵ For this anecdote, see *Qiyān lù* 啟顏錄 in S. 610. It is about an old monk who regularly attends recitation events with fellow monks in an assembly hall. During each recitation session, he becomes short of breath and his mouth becomes dry, which can only be relieved by a warm cup of alcohol. Therefore, the old monk privately arranges to have his junior monk attendant warm his alcohol whenever he rings a copper bell in the assembly hall. Neither the monks nor the monastery are named in the story.

to protect her economic benefits. The plaintiff nun emphasised the distribution of benefits gained from attending the recitation events twice in the petition: once mentioning an agreement that all proceeds from attending the recitation event will go to herself; and once mentioning that she had indeed received an allowance from the Donation Office in the amount that was originally due to the sick nun. Although there is no direct evidence to support any of these three interpretations, I argue that the obvious emphasis on the economic gain in the plaintiff nun's petition indicates that nun Chang Jingjin most likely submitted this petition to protect her rights in this economic dispute.

Tang Law on Economic Crime

The ruling power in Dunhuang underwent several major changes throughout the Tang and in the subsequent century when Dunhuang cave 17, the source of the manuscript under discussion, was sealed off in the early eleventh century. Tang China continued to control Dunhuang after replacing the Sui in 618. Then in 786, the Tibetans took control over Dunhuang. In 848, the Return to Righteousness Army 歸義軍, a local military power, defeated the Tibetans and began their rule of Dunhuang, which extended beyond the collapse of the Tang dynasty in 907.⁶⁶ Three years later in 910, Zhang Chengfeng 張承奉 (r. 894–910), the leader of this local army, declared the establishment of the Kingdom of the Golden Mountain of the Western Han 西漢金山國, and proclaimed himself Emperor White Robe 白衣帝. This short-lived kingdom ended in 914, when Zhang Chengfeng's successor Cao Rengui 曹仁貴 abandoned the emperor title and proclaimed himself the Capital Liaison Representative of the Military Commissioner of the Return to Righteousness Army 歸義軍節度留後使. His rule over Dunhuang lasted until 935. Members of the Cao family continued to rule Dunhuang during the turmoil of the Five Dynasties and Ten Kingdoms, and of the Song dynasty, until Dunhuang eventually fell to the Tangut people in 1036.

⁶⁶ The following account and dates are based on a comprehensive list of major events in Dunhuang during the time when it was under the rule of the Return to Righteousness Army in Rong 1996: 2–37.

Despite these turbulent changes of power, the local administration of Dunhuang continued to be organized under the Tang framework after the Return to the Allegiance Army took control of it in 848. In a remarkable study of the official seals used by the Return to the Allegiance Army between 851 and 1002, Moriyasu Takao identified different types of seals used in the military and civil administration of Dunhuang in eight periods (Moriyasu 2000). Seals that the military officers and civil officials in Dunhuang used to stamp various documents during this time include: the Seal of the Chief Defense Commissioner of Hexi 河西都防禦使印, the Seal of the Surveillance Commissioner of the Hexi Circuit 河西道觀察使印 (851–888), the Seal of the Military Commissioner of Shazhou 沙州節度使印, the Seal of the Surveillance and Supervisory Commissioner of Shazhou 沙州觀察處置使之印 (888–910), the Seal of the Heavenly King of the Kingdom of Dunhuang 敦煌國天王印, the Seal of King White Robe of the Golden Mountain 金山白衣王印 (910–914), the Seal of the Return to Righteousness Army 歸義軍印 (935–939), the Seal of the Deputy Military and Surveillance Commissioner of the Return to Righteousness Army 歸義軍節度觀察使留後印 (939–955), the Newly Cast Seal of the Military Commissioner of the Return to Righteousness Army 歸義軍節度使新鑄印, the New Seal of the Surveillance Commissioner of Prefectures in Guazhou, Shazhou, etc. 瓜沙等州觀察使新印 (955–990), and the Seal of the Military Commissioner of the Return to Righteousness Army 歸義軍節度使之印 (990–1002). The various self-identifications represented in these seals reveal that between 848 and 910, the Dunhuang region was recognized as a unit in Shazhou Prefecture of the Hexi Circuit in the Tang administrative structure. After five years of independence from the Tang between 910 and 914, the rulers of the Return to the Allegiance Army re-adopted official titles within the Tang administrative structure in the late tenth century.

This submission to the Tang administrative framework demonstrates that Tang law nevertheless governed the legal system in Dunhuang, at least in theory. Whether or not it was implemented in legal practice in Dunhuang, and the extent to which it may have been implemented are another matter. In the unlikely event that the complaint in P. 4810v came in the years between 910 and 914 – the period when Dunhuang was declared an independent kingdom – Tang law would have remained relevant to residents

of Dunhuang. And unless new evidence proves otherwise, it is unlikely that this unstable kingdom established and implemented a significantly different legal system in the five years between 910 and 914.

The complaint in P. 4810v does not specify the nature of the arrangement by which Chang took the place of the sick nun. Was this replacement an officially approved decision? Or was it a private arrangement? In the latter case, if the plaintiff nun was secretly recruited to cover for the sick nun at the recitation event, such an arrangement could violate the Tang law on economic fraud outlined in Article 373 in the *Tang Code*.⁶⁷ In this article, economic fraud is defined as “taking government or private goods by cheating or fraud.” The arrangement to replace the sick nun with nun Chang Jingjin would be an economic fraud because it enabled individuals who are not entitled to the benefits of attending the recitation gain access to them. In such a case, the arrangement in P. 4810v would be against the law, because invitations to the recitation events are not transferable between private parties. As discussed above, when only select monks and nuns can be invited to attend a recitation event, priority is usually given to senior monks and nuns from higher ranking monasteries and nunneries. If a seat were to become available, it would go to the next most qualified candidate on the waiting list.⁶⁸ Although Chang Jingjin was already a fully ordained nun by the time the dispute occurred, she may not have been the most qualified candidate on the waiting list, if and when the sick nun Jianren were to give up her seat. This would have been a fraudulent arrangement with two economic consequences: first, nun Chang Jingjin received financial remuneration that she would not have been qualified to receive; and second, a nun who might have had the legitimate right to substitute for the sick nun would have been deprived of the opportunity to earn this remuneration.

⁶⁷ For article 373 in Chinese, see Zhangsun Wuji 1983: 465–466; for its English translation, see Johnson 1997: 438–440.

⁶⁸ Most participants at recitation events are fully ordained monks and nuns. Hao (1998: 358) points out that a few newly ordained novices, however, were invited to certain events under special circumstances. He argues that these newly ordained novices may have been related to the patrons of the recitation events and may thus have been invited as exceptions to the general rule.

If penalized for economic fraud, what punishment would the nuns in P. 4810v have faced? The *Tang Code* defines the punishment for such fraud as comparable to that for robbery. Article 282 on Robbery by Stealth in the *Tang Code* outlines the penalties for such transgressions. The penalty could entail any of the following, depending on the value of the goods acquired illegally:⁶⁹

1. Anyone who attempted to take government or private goods by cheating or fraud but failed to take possession of the goods will be punished by fifty blows with the light stick.
2. If one successfully took possession of those goods, it is a crime punishable by sixty blows with the heavy stick if the goods are worth one foot of [raw] silk (*shengjuan* 生絹),⁷⁰ and the penalty will be increased by one degree for goods worth each additional roll (*pi* 匹) of raw silk.⁷¹
3. For goods worth five rolls of [raw] silk, the punishment is one year of penal servitude, increased one degree for each additional five rolls of raw silk.
4. For taking goods worth fifty rolls of [raw] silk, the punishment is life in exile with added labor.

According to Gernet's conversion chart mentioned earlier, a foot of raw silk was worth between 11 to 20 strings of cash, and a roll of raw silk was worth about 465 strings of cash (*qian* 錢) in Dunhuang in 745. This indicates that the punishment for fraudulently acquiring over 20 strings of cash would be sixty blows with a heavy stick, and one year of penal servitude for anything valued at more than 2,325 strings of cash.

If found guilty of illegally obtaining, or aiding others to obtain, government or private goods, the punishment for the nuns in P. 4810v would have been at least sixty blows with a heavy stick because the economic gain resulting from this arrangement would have exceeded the value of one foot of raw silk. P. 2638 informs us that from 933 to 935, the Donation Office

⁶⁹ For article 282 in Chinese, see Zhangsun Wuji 1983: 358; for the English translation, see Johnson 1997: 292–293.

⁷⁰ Article 282 does not specify what material. It only says “one foot.” Article 280 sets the value in silk. I've modified Johnson's translation of 生絹 to “raw silk.”

⁷¹ The translation and measurements of weight, length, and price are from Gernet 1995: 314–316. According to Gernet, a foot was about 30 cm in the Tang, but the length of a roll differed for different types of fabric. A roll of silk was 40 feet long and 1.8 feet wide, while roll of hemp was 50 feet long and 1.8 feet wide.

paid thirty feet of cotton fabric to each novice monk and nun, and sixty feet to each fully ordained monk and nun, and the probationary nun.⁷² According to Gernet's conversion chart, one foot of cotton fabric was worth one bushel of wheat, which was worth 32 to 37 strings of cash. Thus, as a fully ordained nun, nun Chang Jingjin could have obtained from the Donation Office sixty feet of cotton cloth in total, or twenty feet per year,⁷³ which would have been worth over 600 strings of cash, without accounting for inflation between 745 and 935. Since the amounts distributed for each recitation differed, the plaintiff nun's annual income from the Donation Office could be around 600 strings of cash. Thus, if convicted, the plaintiff nun's gain from a fraudulent arrangement of this sort would have exceeded the value of one foot of raw silk and thus be punishable by sixty blows with a heavy stick. Or, if the amount of allowance was as much as one hundred and fifty feet of cotton fabric, as was the case for monks and nuns during one distribution period in BD 02496, the punishment could be increased to one year of penal servitude.

Why would the plaintiff nun nevertheless risk such charges for a transgression of the *Tang Code* by revealing this fraudulent arrangement to the Buddhist Controller in order to defend her economic rights? In the absence of evidence of a judicial verdict – whether because it did not survive or because was never issued – this question is difficult to answer. From extant written sources, we can reasonably assume that the high status of the Puguang nunnery may have emboldened the plaintiff nun to initiate litigation. Between 895 and 934, during which the dispute between the two nuns would have taken place, Puguang nunnery was most likely at its peak of influence among all the Buddhist monasteries and nunneries in Dunhuang. Six Buddhist nunneries had flourished in this region between 788 and the 930s:⁷⁴ Lingxiu, Shengguang, Anguo, Dasheng, Puguang, and Panyuanpu 潘原堡. These nunneries had always maintained larger monastic populations than the other monasteries surveyed in the same

⁷² For English translation of P. 2638, see Gernet 1995: 89–90.

⁷³ This number is based on records of the amount of fabric distributed to monks and nuns by the Donation Office preserved in P. 2638. For an analysis of this manuscript, see Hao 1998: 290.

⁷⁴ The following summary is based on the chart of Dunhuang's monastic population in Fujieda 1959: 323.

registry.⁷⁵ Among these nunneries, the monastic population at Puguang nunnery always ranked among the top three. In the registry (S. 2729v) produced in 788, Puguang nunnery reported having forty-seven nuns at various levels of training. This is slightly less than Lingxiu nunnery with sixty-seven nuns, yet many more than most monasteries with fewer than thirty monks. The number of nuns at Puguang nunnery had increased to fifty-seven in a registry (S. 5677v) produced around 800. By the time another registry (S. 2614v) was produced between 895 and 902, Puguang nunnery had reported a total of one hundred and eighty-nine nuns. This monastic population marked Puguang nunnery as the biggest of all the monasteries and nunneries in Dunhuang. The second largest was Dasheng nunnery with a hundred and seventy-three nuns, and the third was Anguo nunnery with a hundred and thirty-nine nuns. While most monasteries surveyed in the S. 2614v registry only reported having twenty to fifty monks, Puguang nunnery continued to have a hundred and twenty-seven nuns in 938, as reported in the registrar P. 3600v.

In addition to the number of personnel, Puguang nunnery also had strong financial standing.⁷⁶ Many of the nuns from Puguang nunnery or their families sponsored projects to construct caves and decorate them with elaborate mural paintings. Inscriptions in a number of caves in Dunhuang mention Puguang nuns as donors, whose names have been preserved in mural paintings. Such projects were largely made possible by Puguang nunnery's connections with many powerful local families. Many women from rich local families in Dunhuang entered Puguang nunnery to live a monastic life. Yet, wealth and power did not seem to ease disruptive conflict. Indeed, perhaps they are what fostered the enthusiastic engagement with Dunhuang's legal system in defense of economic and other rights.

Conclusion

Using new evidence from S. 11352, a previously overlooked manuscript, this article has argued that the sick nun in P. 4810v was most likely not from Puguang nunnery, but a fully ordained nun from Anguo nunnery. This helps us see this dispute as an inter-institutional conflict between

⁷⁵ For statistical data on the population of nuns in Dunhuang, see Chen 2012.

⁷⁶ This argument is based on preliminary findings on the influence and the financial status of Puguang nunnery, which I discuss in a separate article that is in preparation for publication.

individual nuns and administrators across two different monastic institutions, rather than an internal conflict between two nuns within the same nunnery. This new perspective significantly challenges our understanding of the legal aspect of Buddhist practices in ninth and tenth century Dunhuang. It indicates that the office of the Buddhist Controller in Dunhuang served as the venue for adjudicating both intra-institutional and inter-institutional disputes among ordained Buddhists. A typical case of internal dispute submitted to the Buddhist Controller is recorded in S. 542, where nun Jianyi 堅意, an administrator of Puguang nunnery, submitted a petition against nun Guangxian 光顯 from the same nunnery for refusing to let other nuns in her nunnery fetch water from a water channel she had dug for repairing her living quarters, thus causing disagreement and quarrelling in her nunnery. The two nuns in P. 4810v belonged to different nunneries, yet the same legal venue in the office of the Buddhist controller was used for adjudicating disputes. This treatment of the two ordained Buddhists from different institutions indicates a significantly different legal practice among ordained Buddhists in Dunhuang than those in central China, where inter-institutional and intra-institutional cases involving ordained Buddhists were tried in different legal venues. For instance, the lawsuit between monk Facou 法湊 and fellow monks from the same Xuanfa 玄法 monastery in Chang'an was submitted to and investigated in a local court of the Wannian District in 797.⁷⁷ Yet the lawsuit between monk Tanchang 曇暢 from Dayun 大雲 monastery and other monks and nuns from different monasteries and nunneries was tried in the Bureau of Sacrifices 祠部, an office in the central government, whose duty at that time included overseeing national religious affairs.⁷⁸

⁷⁷ This case has been recorded in the biography of Yuwen Miao 宇文邕, see Wang Qinruo 1989: 619.1956; and in the biography of Zheng Qingyu 鄭慶餘, see Ouyang Xiu 1975: 165.5059–5060 and Liu Xu 1975: 158.4163–4166. It is also noteworthy that case between monks from the same monastery may also be tried outside of the local court if the charge was of political significance. One example is the case of monk Jingman 淨滿, who was denounced by fellow monks from the same monastery for plotting to murder the Empress Wu Zetian 武則天. This case was not tried in the local court in Hengzhou Prefecture 恆州 in today's Hebei province. Instead, it was tried by the Investigating Censor 監察御史 Pei Huaigu 裴懷古 from the Censorate 御史台 in the central government. Records of this case is found in the biography of Pei Huaigu in the *Jiu Tangshu*, see Liu Xu 1975: 185.4807–4808.

⁷⁸ This case was recorded in the section concerning documents from the Bureau of Sacrifices 祠部 in *Longjin fengsui pan* 龍筋鳳髓判, see Zhang Zhuo 2005: 192–193.

The case presented in P. 4810v is also significant for understanding how members of the Buddhist monastic community interacted with the legal system in Dunhuang. When her financial rights were challenged, the plaintiff nun Chang Jingjin willingly defended them, appealing to the highest monastic office in the region – irrespective of the risk of legal consequences if she were to lose the case. Numerous other Chinese and Tibetan records of lawsuits that have survived from the Dunhuang cave 17 parallel the way nun Chang Jingjin handled this financial dispute with the sick nun and the administrators of her nunnery. Chang is quite representative of how monks and nuns generally interacted with the legal system in Dunhuang. Despite disciplinary rules in Indic Buddhist canon law that prohibited ordained Buddhists from initiating litigation, monks and nuns in Dunhuang were not averse to pursue legal recourse when they felt they needed to do so. For instance, S. 528 records a case in which a monk sued another monk for enslaving his wife and children. In S. 9227, a monk sued another monk from a different monastery over housing. In P. 222b, a monk litigated against a lay person over the ownership of land. In a makeshift court recorded in P. T. 1079, a nun joined two monks to sue a monastery over the ownership of several slaves. In P. T. 1080, another nun accused her adopted daughter of attempting to abandon her. In P. T. 1297, a novice monk sued another novice monk and his uncle for assaulting him in a violent fight.

The legal circumstances in Dunhuang motivated and enabled monks and nuns to enthusiastically take full advantage of the resources within its legal system. The timely circulation of updated legislation promulgated by shifting government authority was crucial to this. The central government of Tang China made earnest efforts to educate Dunhuang residents of its legal regulations, as did the royal court in central Tibet during their temporary reign in Dunhuang from 786 to 848. They did this by delivering copies of the most updated legislation to Dunhuang. In the Tang, the law was promulgated primarily through codes (*lü* 律), statutes (*ling* 令), regulations (*ge* 格), and ordinances (*shi* 式). Along with records of legal disputes, the Dunhuang cave 17 preserves fragments of various editions of these different forms of Tang law. Among them, we find fragments of codes promulgated under Zhenguan 貞觀 (627–650), Yonghui 永徽 (650–656),

Chuigong 垂拱 (685–689), and Kaiyuan 開元 (713–742);⁷⁹ statutes promulgated under Kaiyuan;⁸⁰ regulations promulgated under Shenlong 神龍 705–707, Chuigong, and Kaiyuan;⁸¹ and ordinances promulgated under Kaiyuan.⁸² Tibetan legal regulations were introduced in Dunhuang in the form of imperial edicts and codes, and through correspondence regarding questions on those legal regulations between Tibetan officials and legal experts from the Tibetan court. The Dunhuang cave 17 contains fragmentary texts in most of these Tibetan legal genres.⁸³ The residents and legal professionals in ninth and tenth century Dunhuang developed a high level of legal literacy through ongoing efforts to supply the locale with updated legislation from the central court.

Input from Dunhuang residents was also vital in fostering legal awareness in this Buddhist monastic community. Litigants in Dunhuang – or the legal professionals preparing written complaints on their behalf – keenly kept up with, and demonstrated impressive wherewithal in, legal codes that were introduced and implemented by changing government authorities at different times in Dunhuang. For example, the nun who sued her adopted daughter for attempting to abandon her in P. T. 1080 quoted the Tang Law on adoption to support her argument.⁸⁴ A lay official defending himself in

⁷⁹ For examples of Tang codes preserved in the Dunhuang cave 17, see S. 9460, Dx 391, Dx 1916, P. 3608, P. 3593, S. 6138 et cetera.

⁸⁰ For examples of Tang statutes preserved in the Dunhuang cave 17, see Dx.06521 and Dx.03558.

⁸¹ For examples of Tang regulations that have survived in the Dunhuang Cave 17, see P. 3078, S. 4673, S. 1344, and P. 4978. For examples Tang regulations from Dunhuang, see Twitchett 1967.

⁸² For example, see P. 2507, an Ordinance of the Department of Waterways promulgated in 737 during the Kaiyuan period. For studies of this manuscript, see Niida 1936; Takikawa 1940; and Twitchett 1957.

⁸³ For a recent survey of Tibetan legal texts concerning codes and cases from Dunhuang, see Dotson 2015.

⁸⁴ The Tibetan language continued to be used in legal documents produced in Dunhuang after 848. The fact that P. T. 1080 was written in Tibetan does not indicate that it was a document produced during the time when Dunhuang was under Tibetan control between 786 and 848. As explained above, when Dunhuang was ruled by the Return to the Allegiance Army, the influence of Tang law continued in Dunhuang. Thus, “law on adoption (*gsos brtsan gyI bka’ lung*)” mentioned in the Tibetan manuscript in P. T. 1080 must refer to the article on adoption in the *Tang Code*. For a transcription of P. T. 1080, see Wang and Chen 2008: 202; for its Chinese translation, see Wang and Chen 2008: 276.

a dispute over the ownership of a Tuyuhun woman in P. T. 1077 apologized for being ignorant of Tibetan law, but then fluently quoted Tibetan legal articles, eloquently refuted those cited by his adversary, and emotionally protested that his legal rights had been abused because he was not Tibetan.⁸⁵ These cases demonstrate that residents in Dunhuang, or at least legal professionals and certain litigants, had acquired a high level of legal literacy.

The case presented in P. 4810v is also significant in what it reveals about the reception of Buddhist canon law in this Sino-Tibetan frontier on the periphery in the ninth and tenth century. The Dunhuang cave 17 preserved Tibetan translations of Buddhist canon law of the Mūlasarvāstivāda tradition,⁸⁶ as well as Chinese translations of those transmitted from the traditions of the Dharmaguptaka,⁸⁷ Sarvāstivāda,⁸⁸ Mūlasarvāstivāda,⁸⁹ Mahāsaṃghika,⁹⁰ and Mahīśāsaka.⁹¹ The sheer quantity of these Buddhist legal texts that were copied and circulated in Dunhuang indicates that the Buddhist monastic community must have had a demand for the production of such texts and must have enjoyed fairly good access to the authoritative texts articulating disciplinary rules for ordained Buddhists. Yet monks and nuns in Dunhuang seem to have been largely unaware of their content, or simply ignored them. Despite prohibitions against litigation in Buddhist canon law, monks and nuns openly and actively sought judgments in Dunhuang courts. Such defiance of Indic Buddhist canon law went with other transgressions of disciplinary rules concerning alcohol and celibacy.

⁸⁵ For a transliteration of P. T. 1077, see Wang and Chen 2008: 190–195; for an annotated Chinese translation, see Wang and Chen 2008: 267–271. For an English summary and discussion of it, see Dotson 2015: 304–307.

⁸⁶ The Tibetan translations of the Vinaya are primarily transmitted from the Mūlasarvāstivāda tradition. Shayne Clarke is currently working on a project identifying and cataloguing Tibetan Vinaya texts discovered in the Dunhuang Cave 17.

⁸⁷ The majority of Chinese Vinaya texts in Dunhuang are from the Dharmaguptaka tradition. For examples of manuscripts on the Dharmaguptaka Vinaya, see S. 299, S. 302, S. 319, S. 949, S. 969, S. 984, S. 1043, S. 1075, S. 1083, S. 1132, S. 1135, S. 1140, etc.

⁸⁸ For instance, see S. 751; S. 1039; S. 3725; S. 6661; S. 7474; BD 7081–7086; BD 7087–7088.

⁸⁹ For instance, see S. 4234; BD 7089.

⁹⁰ For instance, see S. 2818; S. 3448; S. 5665; S. 5766; BD 7074–7077; BD 7078–7079.

⁹¹ For instance, see S. 7530.

In Dunhuang, the production and consumption of alcohol was common in Buddhist monasteries.⁹² Alcohol was also used as a primary method of paying fines for arriving late or not participating in religious events organized by the monasteries or nunneries, or the social events of various clubs. Monks reportedly also had wives and biological or adopted children.⁹³ This disregard for Buddhist canon law indicates that, in life, monks and nuns in Dunhuang often compromised religious observance of Vinaya rules in the interests of practical daily needs that required immediate attention.

Lastly, in addition to investigations of other legal cases involving monks and nuns in central China and Tibet, future examinations of legal cases such as that in P. 4810v will help reveal how patterns of interaction in Dunhuang differ from or resemble those elsewhere in China and Tibet. Such insight will undoubtedly contribute to a better understanding of the interaction between Buddhism and the state in the middle period within and beyond this Sino-Tibetan frontier.

Abbreviations

- BD Beijing collection of Chinese Dunhuang manuscripts preserved in the National Library of China.
- P. Paul Pelliot collection of Chinese Dunhuang manuscripts preserved in the Bibliothèque nationale de France.
- P. T. Paul Pelliot collection of the Tibetan Dunhuang manuscripts preserved in the Bibliothèque nationale de France.
- S. Aurel Stein collection of Chinese Dunhuang manuscripts preserved in the British Library.

References

- Abé, Ryūichi. 1999. *The Weaving of Mantra: Kūkai and the Construction of Esoteric Buddhist Discourse*. New York: Columbia University Press.
- Chen Dawei 陳大為. 2012. “Tang houqi Wudai Song chu Dunhuang sengsi nisi renkou shuliang de bijiao 唐後期五代宋初敦煌僧寺、尼寺人口數量的比較.” *Zhongguo jingjishi yanjiu* 中國經濟史研究 1: 65–70.
- Chen Dengwu 陳登武. 2009. “Cong Neilü dao wangfa: Tangdai sengren de falü guifan 從內律到王法：唐代僧人的法律規範.” *Zhengda faxue pinglun* 政大法學評論 111: 1–79.

⁹² For studies of monastic expenditures on alcohol, see Shi 1983; Wei 2008.

⁹³ For a study of married monks in Dunhuang, see Li 2007.

- Dohi Yoshikazu. 2015. *Hasseiki makki jūisseiki shoki Tonkō shizoku jinmei shū-sei: shizoku jinmeihen* 八世紀末期—十一世紀初期燉煌氏族人名集成: 氏族人名篇. Tōkyō: Kyūko Shoin.
- Dotson, Brandon. 2013–2014 [2015]. “The Remains of the Dharma: Editing, Rejecting, and Replacing the Buddha’s Words in Officially Commissioned *Sūtras* from Dunhuang, 820s to 840s.” *Journal of the International Association of Buddhist Studies* 36/37: 5–68.
- Dotson, Brandon. 2015. “Introducing Early Tibetan Law: Codes and Cases.” In Dieter Schuh, ed., *Secular Law and Order in the Tibetan Highland*. Andiast: International Institute for Tibetan and Buddhist Studies: 267–314.
- Fujieda Akira 藤枝晃. 1959. “Tonkō no soni seki 敦煌のそ 2.” *Tōho gakuhō* 東方學報29: 285–338.
- Gernet, Jacques. 1995. *Buddhism in Chinese Society: An Economic History from the Fifth to the Tenth Centuries*. Translated by Franciscus Verellen. New York: Columbia University Press.
- Hao Chunwen 郝春文. 1996. “Tang houqi Wudai Song chu Shazhou sengni de zongjiao shouyu: Part I 唐後期五代宋初沙州僧尼的宗教收入 (一).” In Liu Cunren 柳存仁, ed., *Qingzhu Pan Shichan xiansheng jiu zhi huadan Dunhuangxue tekan* 慶祝潘石禪先生九秩華誕敦煌學特刊. Beijing: Wenjin chubanshe: 287–302.
- Hao Chunwen 郝春文. 1997. “Guanyu Tang houqi Wudai Song chu Shazhou sengu de shishe wenti 關於唐後期五代宋初沙州僧俗的施捨問題.” *Tang yanjiu* 唐研究 3: 19–40.
- Hao Chunwen 郝春文. 1998. *Tang houqi Wudai Song chu Dunhuang sengni de shehui shenghuo* 唐後期五代宋初敦煌僧尼的社會生活. Beijing: Zhongguo kexue chubanshe.
- Hao Chunwen 郝春文. 2000. “Tang houqi Wudai Song chu Dunhuang de chunqiu guanzhai shi'er yue zhuanjing shuize daochang yu fojiao jieri 唐後期五代宋初敦煌的春秋官齋十二月轉經水則道場與佛教節日.” In Pan Chonggui 潘重規, ed., *Qingzhu Qu Qiyu xiansheng bazhi huadan Dunhuangxue tekan* 慶祝吳其昱先生八秩華誕敦煌學特刊. Taipei: Wenjin chubanshe: 243–267.
- Johnson, Wallace. 1997. *The Tang Code: Volume II, Specific Articles*. Princeton: Princeton University Press.
- Li Zhengyu 李正宇. 2007. “Wan Tang zhi Song Dunhuang tingxu sengren quqi shengzi 晚唐至宋敦煌聽許僧人娶妻生子.” In Zheng Binlin 鄭炳林, Fan Jingshi 樊錦詩, and Yang Fuxue 楊富學, eds., *Dunhuang fojiao yu chanzong xueshu taolunhui wenji* 敦煌佛教與禪宗學術討論會文集. Xi'an: Sanqin chubanshe: 12–36.
- Liu Xu 劉昉. 1975. *Jiu Tangshu* 舊唐書. Beijing: Zhonghua shuju.
- Moriyasu Takao 森安孝夫. 2000. “Kassai Kigigun setsudoshi no shuin to sono hen-nen 河西歸義軍節度使の朱印とその編年.” *Nairiku ajia gengo no kenkyū* 内陸アジア言語の研究 15: 1–121.

- Naba Toshisaba 那波利貞. 1941. “Tonkō hakken bunsho ni yoru chūban Tōjidai no bukkuyō jiin no senkoku fuhaku rui taifu eirijigyo unei no jitsukyō 敦煌發見文書における中晩唐時代の佛教寺院の金穀布帛類貸附盈利事業運営の実況.” *Shinagaku* 支那學10.3: 433–510.
- Niida Noboru. 1936. “Tonkō hakken Tō Sui-bu-shiki no kenkyū 敦煌發見唐水部式の研究.” In Takada Shinji 高田眞次, ed., *Hattori Sensei koki shukuga kinen ronbunshū* 服部先生古稀祝賀記念論文集. Tōkyō: Fuzanbō: 761–788.
- Ouyang Xiu 歐陽修. 1975. *Xin Tangshu* 新唐書. Beijing: Zhonghua shuju.
- Rong Xinjiang 榮新江. 1996. *Guiyijun shi yanjiu* 歸義軍史研究. Shanghai: Shanghai guji chubanshe.
- Rong Xinjiang 榮新江. 2013. *Eighteen Lectures on Dunhuang*. Translated by Imre Galambos. Leiden: Brill.
- Shen Guomei 申國美 and Li Defan 李德範. 2009. *Yingcang Facang Dunhuang yishu yanjiu anhao suoyin* 英藏法藏敦煌遺書研究按號索引. Beijing: Guojia tushuguan chubanshe.
- Shi Pingting 施萍婷. 1983. “Bensuo cang jiuzhang yanjiu 本所藏酒帳研究.” *Dunhuang yanjiu* 敦煌研究1: 142–155.
- Soymié, Michel et al. 1983. *Catalogue des manuscrits Pelliot chinois 3001–3500*. Paris: École française d’Extrême-Orient.
- Soymié, Michel et al. 1995. *Catalogue des manuscrits Pelliot chinois 4001–6040*. Paris: École française d’Extrême-Orient.
- Takikawa, Masajirō 瀧川政治郎. 1940. *Shina hōsei shi kenkyū* 支那法制史研究. Tōkyō: Yūhikaku.
- Tang Geng’ou 唐耕耦 and Lu Hongji 陸宏基. 1990. *Dunhuang shehui jingji wenxian zhenji shilu* 敦煌社會經濟文獻真跡釋錄. Vol. 4. Beijing: Quanguo tushuguan wenxian suowei fuzhi zhongxin.
- Twitcheit, Denis. 1957. “The Fragment of the T’ang Ordinances of the Department of Waterways Discovered at Tunhuang.” *Asia Major* 1: 23–79.
- Twitcheit, Denis. 1967. “A Note on the Tunhuang Fragments of the T’ang Regulations (ko).” *Bulletin of the School of Oriental and African Studies* 30. 2: 369–381.
- Wan Qinruo 王欽若. 1989. *Cefu yuangui* 冊府元龜. Beijing: Zhonghua shuju.
- Wang Yao 王堯 and Chen Jian 陳踐. 2008. *Dunhuang gu Zangwen wenxian tansuoji* 敦煌古藏文文獻探索集. Shanghai: Shanghai guji chubanshe.
- Wei Yingchun 魏迎春. 2008. *Wan Tang Wudai Dunhuang fojiao jiaotuan jielü qinggui yanjiu*. 晚唐五代敦煌佛教教團戒律清規研究. PhD Thesis. Lanzhou University.
- Zhang Zhuo 張鷟. 2005. *Longjin fengsui pan* 龍筋鳳髓判. In Yang Yifan 楊一凡 and 徐立志, eds., *Lidai panli pandu* 歷代判例判牘. Vol. 1. Beijing: Zhongguo shehui kexue chubanshe: 177–226.
- Zhangsun Wuji 長孫無忌. 1983. *Tang lü shuyi* 唐律疏議. Beijing: Zhonghua shuju.

- Zhanru 湛如. 2003. *Dunhuang fojiao lüyi zhidu yanjiu* 敦煌佛教律儀制度研究. Beijing: Zhonghua shuju.
- Zheng Binglin 鄭炳林. 2006. “Wan Tang Wudai Dunhuang diqu Dabore jing xinyang yu difang zhengquan de guanxi 晚唐五代敦煌地區《大般若經》信仰與地方政權的關係.” *Pumen xuebao* 普門學報 34: 155–186.

ABSTRACT⁹⁴

This article re-examines records of a financial dispute between two Buddhist nuns preserved in a Chinese manuscript (P. 4810v) from the Dunhuang cave 17 to better understand the legal aspects of Buddhist practices in Dunhuang in the ninth and tenth century. It challenges the prevailing scholarly assumption that this dispute was an internal conflict between two nuns from the same nunnery, and posits that it was an inter-institutional conflict between individual nuns and administrators in two different monastic institutions. This new interpretation significantly changes our understanding of how the Buddhist monastic community in Dunhuang engaged with the local legal system. It reveals that, despite their access to locally circulating texts of Indic Buddhist canon law prohibiting ordained Buddhists from initiating lawsuits in the courtroom, monks and nuns in Dunhuang were legally active and not reluctant to seek legal intervention in response to infringements on their rights.

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