

When ignorance is no excuse

[Previously published as fb190407 piya]

Every practitioner of western law knows: *Ignorantia juris non excusat* (Latin for “Ignorance of the law excuses not,” or *ignorantia legis neminem excusat* (Latin for “Ignorance of the law excuses no one.” This is a legal principle holding that a person who is unaware of a law may not escape liability for violating that law merely because one was unaware of its content.

European-law countries with a tradition of Roman law may also use an expression from the Greek philosopher, Aristotle, translated into Latin as: *nemo censetur ignorare legem* (nobody is thought to be ignorant of the law) or *ignorantia iuris nocet* (not knowing the law is harmful).

In terms of Buddhist law, these statements also apply to monastic rules. In fact, the Vinaya is one of the earliest (if not the earliest) of civilized legal systems. In other words, when a monastic breaks a Vinaya rule, he is actually breaking Buddhist canon law. The problem is that the sangha must be unified and single-minded in enforcing the Vinaya for such a system to work.

The problem with Buddhist sectarianism today is that each sect (eg the Theravāda, the Mahāyāna, the Vajrayāna and the non-align sects) have their own Vinaya or revised it to fit their needs and conditions, or simply chose to throw out the Vinaya. Only the Theravāda keeps to what is amongst the oldest of the Vinaya systems. Even the Mahāyāna monastics who follow the Dharma, guptaka Vinaya are close to the Pali Vinaya.

Ignorance of karma

Whether these sectarians keep to their Vinaya or not is another matter. The fact that some of them warn the laity (that’s us) against studying and knowing the Vinaya, what more to talk about it, is “ill advised,” sounds ominous. The Vinaya, which started with complaints from the laity and is meant to inspire and keep their faith, has now become like business secrets to which the laity are off limits. When we do not know what’s right, what’s wrong, who are we to know, must less judge, what they are doing? A very convenient arrangement.

The point to remember here is that: **karma** still works on us even when we are ignorant of it. Understanding the Dhamma, we are better equipped to understand karma so that we avoid the bad, do good, purify our mind.

Pārājika 1. Most monastics who have any regard for the Vinaya today would agree that the first 4 rules, the “defeat” (*pārājika*) rules, still apply. Any monastic (monk or nun) who engages in **sexual intercourse** even with an animal is “defeated, not in communion,” meaning, falls from the monastic state right there and then.

Pārājika 2. Any monastic who takes the not given anywhere, even to the value of about a dime (about 5 Singapore cents), is “defeated, not in communion.” This includes smuggling, not paying taxes when liable, earning money illegally, and so on.

Pārājika 3. Any monastic who kills another human, or provides him/her with the means of death, or encourages the ending of life (including abortion) is “defeated, not in communion.”

Pārājika 4. Any monastic who, ignorant of his attainment (or non-attainment), declares himself/herself an ariya (one who has attained the path of awakening), or to have any superhuman states (including psychic powers and dhyanas), or even hint of it, is “defeated, not in communion.”

The **nuns** have 8 rules of **defeat**. This includes this offence: when she, filled with desire holds a male by the hand, consents to his holding even the hem of her robe, or converses with him in a rendezvous, even travel together, she is “defeated, not in communion.”

Immediately following this are the **saṅghādisesa** rules, the first of which is masturbation, the intentional emission of semen. To correct this offence, it must be confessed before a proper conclave of monks and the offender admonished. After a period, the sangha will commune again to ascertain that the offender is back to being a bona fide monastic.

This is not a legal analysis (which is much more complex), but merely some observations to help the laity have some understanding of the seriousness of monastic training. Some monastics and laity, with neither respect nor love for the Buddha Dhamma may argue that since these are legal points, they can be “changed.”

Or that these are “modern” times, and such laws do not apply any more. In that case, it is only fair that we apply this argument to the whole Vinaya system. This means that no one should wear the monastic robes or shaves their head, etc, to look like those who are keeping to this traditional Vinaya.

We cannot have the moral benefits of monasticism without what defines it.

The traditional forest monastics of today are those who still live quiet lives away from crowds and worldliness, and seriously keep to the Vinaya, especially having no dealings with money and not socializing in any way (such as doing “social work”).

For example, their elders argue that **women** need not become **nuns** today if they seriously want to work for the path of awakening. Even with the minimum precepts (such as the 8 or 10 precepts), they will attain the path when they are diligent in their practice.

What they are saying is that being a **nun** is not a **status**, but a **state** of mind, a way of life that is Vinaya-based and Dharmma-spirited. Even when women become “nuns” today, and they do not properly keep to the Vinaya, they are still liable to the respective offences—if they take the Vinaya seriously. If they do not, then, what is all the fuss about reviving the Nuns' Order about?

In fact, considering how complicated monastic life can be (except for the true forest life away from any kind of worldliness and socializing), an effective way of working for the path is still available to us, who love and respect the Buddha Dhamma.

This is the proper keeping to the 5 precepts (at least), the reflection on impermanence, some suitable meditation, and an aspiration for streamwinning in this life—as taught by the Buddha in **the (Anicca) Cakkhu Sutta** (S 25.1) or any of the other 9 suttas of the same **Okkanta Saṃyutta** (S 25).

R612 Revising Buddhism 236

[an occasional re-look at the Buddha's Example and Teachings]

Copyright by Piya Tan ©2019