

SD 62.4a**Sāma,gāma Sutta**

The Discourse at Sāma,gāma

M 104

Theme: Maintaining harmony in the sangha post-Buddha

Translated by Piya Tan ©2019, 2024

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1 Sutta summary and background

1.1 SUTTA SUMMARY

The **Sāmagāma Sutta** (M 104), the discourse at Sāmagāma, records the Buddha as stating that after his demise, there should be no discord over the Dharma. The key Dharma teachings are then listed [§5]. Disputes over livelihood and the Pātimokkha (monastic rules) can and should be settled in a number of proper ways. The Buddha lists the following procedures and practices:

- the 6 roots of disputes, §§6-11
- the 4 kinds of legal cases, §12
- the 7 kinds of settlement of a legal case, §§13-20
- the 6 memorable qualities that conduce to concord. §21-22

1.2 SUTTA BACKGROUND

1.2.1 The houselord Upāli's conversion

1.2.1.1 The Buddhist texts have a record of the key events leading up to **Nātaputta's death**, especially the conversion of his chief lay follower, Upāli, to Buddhism (and his attaining of streamwinning) as described in **the Upāli (Gaha,pati) Sutta** (M 56).¹ The Sutta reports that Nātaputta teaches that of the 3 types of karma—the mental, the verbal and the bodily—the bodily is the “most reprehensible.” The Buddha however teaches that mental karma is the most reprehensible of the three.

Hearing this, the houselord Upāli, a devout Jain follower, volunteers to convert the Buddha. Despite Dīgha, tapassī (a nirgrantha follower who met the Buddha at Nālandā) warning Upāli that the Buddha is an “illusionist” (*māyāvī*) with seductive “conversion magic” (*āvattani māyā*), that is, he is skilled in converting others, Nātaputta insists that Upāli confront the Buddha and prove him wrong.

Upāli meets with the Buddha and has a debate on the matter (which of the 3 doors of karma is the most reprehensible). The Buddha **first** points out to Upāli that when a Jain ascetic dies on account of his asceticism, he is believed by Jains to be reborn as a “mind-bound” (*mano,satta*) deva. Hence, the priority of mental karma. Upāli is at once convinced but continues with his questioning to learn more.

The Buddha's **2nd answer** is that, in Jain asceticism, intention is central for its proper practice. Upāli at once accepts this answer but still feigns rejecting the Buddha's answer. In his **3rd answer**, the Buddha states that a mental act, unlike the physical act of even a number of persons, is so powerful that it can devastate whole cities or turn them into forests. Upāli still feigns not accepting the Buddha's answers.

The Buddha, in his **4th answer**, continues with an example of such a forest destroyed by a mental act of a seer. Upāli finally openly approves of the Buddha's answers and goes for the 3 refuges. The Buddha advises Upāli, on account of his high status amongst the Jains, to carefully consider his response. Upāli is further impressed and goes for refuge a 2nd time. The Buddha advises Upāli to continue supporting the nirgranthas even after his conversion. Upāli is even more impressed and goes for refuge a 3rd time.

The Buddha gives Upāli a progressive Dharma talk and, on hearing about the 4 noble truths, Upāli attains streamwinning. In due course, when Nātaputta visits Upāli's house, he no more receives the warm welcome and treatment he was given before. Nātaputta is devastated by the loss of his key follower.

¹ M 56,31/1:378,30 (SD 27.1).

The Upāli Sutta concludes by saying:

Then, on account of his inability to bear the honour accorded to the Blessed One [by Upāli], hot blood issued forth right there from nirgrantha Nāta,putta’s mouth. (M 56,31)²

1.2.1.2 The Sāmagāma Sutta (M 104) and its Chinese parallels locate the Buddha at different places during the death of Nātaputta. Following the Pali (M 104), both **MĀ 196** (T1.752c) and **T85** (T1.904c 息諍因緣經 *xī zhèng yīn yuán jīng*, translated by 施護 *shī hù*, Dānapāla, 982-1017) agree on locating the discourse at the village of Sāmagāma 舍彌村 *shè mí cūn* or 舍摩迦子聚落 *shèmójiāzǐ jùluò*. However, while **M 104** (M 2:243,16) locates Sāmagāma among the Sakyas, **MĀ 196** (T1.752c12) locates it among the Vajjīs 跋耆 *báqí*.

Japanese scholar Anesaki reasons that since “Pāvā, where Jina [Nātaputta] died, gave the occasion to this discourse ... it seems more probable that Sāmagāma was near Pāvā,”³ which thus follows MĀ 196 in locating Sāmagāma in Vajjī country. Yet, leaving Pāvā in Malla country (as stated in the Pali sources), it is just as possible for Cunda to head for Vajjī country or move in the opposite direction of Sakya country to bring the news of Nātaputta’s death to Ānanda.

Even though Cunda is said to have come from Pāvā, this does not imply that Sāmagāma should be located in Vajjī country. In fact, **the Sāmaka Sutta** (A 6.21/3:309,1) clearly locates Sāmagāma in Sakya country, while **the Pāsādika Sutta** (D 29,2/3:118,7) implies the same, since it says that Cunda meets Ānanda at Sāmagāma, after which the two monks approached the Buddha, who was living “among the Sakyas” (D 29,1/3:117,2).

The Chinese parallel to D 29, **DĀ 17** (T1.72c13+16), does not mention Sāmagāma, although it reports that Ānanda and the Buddha are staying in the park of the Vedhaññas (a Sakya clan) [§1 n] near Kapilavatthu, which confirms the location of Sāmagāma in Sakya country.⁴ These discourses thus support M 104 in locating Sāmagāma in Sakya country.⁵

1.2.1.3 Upāli’s conversion is recorded in a number of other ancient texts and has been studied by various scholars.⁶ A number of **Sanskrit fragments** related to the event have been found, mostly in Central Asia, and published.⁷ A Chinese parallel to **the Upāli Sutta** (M 56) is found in MĀ 133 (優婆離經 *yōu pólí jīng*, T1.630a22).⁸

² **M 56**/1:371-387 (SD 27.1). Historically, Nāta,putta predeceased the Buddha. **Pāsādika S** (D 29,1/3:117, SD 40a.-6), **Saṅgīti S** (D 33,1.6/3:210) and **Sāmagāma S** (M 104,2/2:243, SD 62.4) all agree that he died at Pāvā while the Buddha was alive, but they locate the Buddha at different places for that occasion [1.2.1.2].

³ M Anesaki, “The four Buddhist Āgamas in Chinese ...,” *Transactions of the Asiatic Soc of Japan* 35,3, 1908:58.

⁴ A 6.21 does not have a Chinese parallel.

⁵ Further on MĀ 196, see THICH MINH CHAU, *The Chinese Madhyama Āgama and the Pali Majjhima Nikāya*, Delhi, 1964:87, 176-180.

⁶ S Lévi, “Notes Indiennes,” *J Asiatique*, 1925:27-30; E Waldschmidt, “The Varṇasatam,” *Nachrichten der Akademie der Wissenschaften in Göttingen, Philologisch-Historische Klasse* 1979,1: 1-19.

⁷ A F R Hoernle, *Manuscript remains of Buddhist literature found in Eastern Turkestan*, Oxford, 1916:28-35; H NAKATANI, “Un fragment xylographique de l’Upāli-sūtra conservé au Musée Guimet,” *Bulletin d’Études Indiennes* 4 1986:313-314; L Sander et al (edd), SHT III 804, 872, 1007; IV 412.17-21; VI 1291, 1302, 1522; VIII 1802, 1913; IX 2047, 2932, Wiesbaden, 1971 (vol III), 1980 (vol IV), 1985 (vol V), 1989 (vol VI), 2000 (vol VIII), 2004 (vol IX); K Wille, *The Sanskrit Fragments Or 15003*, vol 1, Tokyo, 2006:71. For details, see SD 27.1: Biblio, under “Sanskrit Fragments.”

⁸ T1.26 (T1.628a18-T1.632c21), [CBETA] 5 Oct 2024. For a comparative study with **Upāli S** (M 56), see Analayo, *A Comparative Study of the Majjhima-nikāya* [2006], Taipei, 2011: (1) 320-333.

1.2.2 Nātaputta's death

1.2.2.1 The Sāmagāma Sutta opens with the sutta narrator stating that the Jain leader, **nirgrantha (nigaṇṭha) Nāta,putta**, had just died at Pāvā (now in Bihar state)⁹ [§1]. The Commentary says that a traumatic sorrow overcame Nātaputta due to his chief lay supporter, the houselord Upāli, becoming a Buddhist convert. This led to a bodily disorder causing him to vomit blood, and he collapsed onto his knees. He was then taken outside the town on a litter and on to Pāvā [§2 n] to recover, but he died there, for few beings live after vomiting blood.¹⁰ [1.2.1.1]

1.2.2.2 The novice Cunda (Sāriputta's younger brother) not only brought the news of Nātaputta's death but, that with his death, there was widespread discord amongst his immediate disciples and conflict amongst his lay followers [§2]. This news was conveyed to the elder Ānanda, who, on hearing Cunda's account, decided that they should convey this news to the Buddha [§3].¹¹

1.2.3 Harmony and longevity

1.2.3.1 The Pāsādika Sutta (D 29) and its Chinese parallel (DĀ 17)¹² also record that the novice Cunda approached Ānanda to report the discord that had broken out among the Jains after their leader's death.¹³ The same discord among the Jains is reported as the background of **the Saṅgīti Sutta** (D 33).¹⁴ Hence, the Saṅgīti Sutta was compiled by Sāriputta as a text meant for communal recital as an expression of harmony within the Buddhist community: "all should recite together and not dispute, so that this holy life may endure and remain for a long time" (*sabbeḥ' eva saṅgāyitabbaṃ na vivāditabbaṃ yatha-y-idaraṃ brahma, cariyaraṃ addhaniyaraṃ assa ciraṭṭhitikaraṃ*).¹⁵ The purpose is echoed in similar terms in the Chinese Dīrgha Āgama 眾集經 *zhòng jí jīng* (DĀ 9 @ T1.49b27T).¹⁶

1.2.3.2 Scholars have noted that, even during the Jain founder, **Mahāvīra's** lifetime, quarrels had broken out in the Jain community.¹⁷ Hence, it was understandable for dissension to have occurred again after his death.¹⁸ According to a renowned Jain scholar, P S Jaini, during subsequent periods of Indian

⁹ Nātaputta or Mahāvīra (born trad 599 BCE) [W **Doniger** (ed), *Ency of World Religions*, 1999:549, 682] was 72 when he died (trad 477 BCE) [K L **Jain**, *Lord Mahāvīra and his times*, Delhi, 1991:84-88; acad date 443 BCE; P **Dundas**, *The Jains* [1992] 2nd ed 2002:24]. For other details, see SD 27.1 (2.1.2).

¹⁰ MA 3:99,27, 4:34,17-20.

¹¹ A minor difference is that MĀ 196 (T1.753b11) records Ānanda's worries in detail, relating that he told the Buddha how, on hearing such news, he was terrified and had wondered if a monk, who had behaved respectfully before the Buddha, might not later, after the Buddha's passing, create a similar quarrel in the monastic community.

¹² DĀ 17 (T1.72c17). [1.2.1.2]

¹³ D 29/3:118,11 (SD 40a.6). See also R Gethin, *The Buddhist Path to Awakening*, Leiden, 1992a:232-234.

¹⁴ D 33,1.6/3:210,18 and its Chin parallel DĀ 9 (D 1:49c6, tr in S **Behring**, *Das Chung-tsi-king des chinesischen Dirghagama*, Leipzig, 1930:1-2, and F **Watanabe**, "English Translation of the Chung-Tsu-King" (*Studies on Buddhism, In Honour of Prof A K Warder*), Toronto, 1993:180), with a Skt counterpart in fragment K 484 (11)Rc in V **Stache-Rosen**, *Dogmatische Begriffsreihen im älteren Buddhismus II*, Berlin, 1968:17 (cf also M **Schmidt**, "Zum Titel des Saṅgīti Sūtra," Göttingen, 1997:304) and in E **WaldSchmidt**, "Die Einleitung des Saṅgītisūtra," ZDMG 105, 1955:311-314, which state that the purpose of this text was to prevent discord in the Buddhist community.

¹⁵ D 33,1.7/3:211,3. See A Tilakaratne, "Saṅgīti and sāmaggī, communal recitation and the unity of the saṅgha," *Buddhist Studies Review* 17 2000a:189.

¹⁶ DĀ 9 (T1.49c18).

¹⁷ See surveys in S B **Deo**, *History of Jaina Monachism, From Inscriptions and Literature*, Poona, 1956:78-84; H von **Glaserapp**, *Jainism, An Indian Religion of Salvation* [1925 German], 1999:383 f.

¹⁸ A B Keith, "Mahāvīra and the Buddha," *Bulletin of the School of Oriental Studies* 9, 1932: 864.

history, “the divisiveness associated with sectarianism was much more severe among Jains (or Jainas) than among the Buddhists.”¹⁹

A Chinese parallel to the Sāmagāma Sutta, T85 (T1.904c-907a) [2.1.1.2], further notes the theme of a quarrel among the Jains boiling over with Jains challenging Buddhist monks. T85 reports the Jains “had the desire to start a quarrel with the (Buddhist) recluses” (欲於沙門而興鬪諍 *yù yú shāmén ér xīng dòu zhèng*), claiming superior teachings and attainments (T85 @ T1.904c06 & 904c27).

1.2.4 Vinaya as conflict resolution

1.2.4.1 According to the **Sāmagāma Sutta** (M 104), after the elder Ānanda has brought to the Buddha the news of Nātaputta’s death and ensuing chaos in the Jain community, the Buddha tells Ānanda that a dispute about the path (*maṅga*) or the practice (*paṭipadā*) to awakening (that is the Dharma), would indeed be a serious matter. In contrast, a dispute about conduct (that is, the Vinaya) would be of less significance [§§4-5].²⁰

Matters concerning the **Vinaya** are of “less significance” (than those concerning teaching and path); this does not in any way mean that the Vinaya may be dispensed with. The nature and efficacy of the Vinaya-based monastic system and its goal lie in a right understanding of the Buddha’s statement that “a dispute about livelihood or about the Pātimokkha would be trivial” [§5.2] but “**a dispute about the path or the practice**” would bring great harm and huge losses, bringing suffering to both earth and heaven. [1.2.5.1]

The karmic significance of a Dharma dispute affects us profoundly by confusing our understanding of true reality, and our mental confusion continues in our future lives, even when we are reborn in the heavens. It also means that Dharma-spirited devas will be troubled by such failure of understanding the Dharma. Monastics will live worldly lives and the laity will be confused by sectarianism, partisanship, racism, materialism and superstition.

1.2.4.2 The **Vinaya** is a legal system and holistic structure that holds the monastic sangha together for the practice of the Dharma and the attaining of its goal, the path of awakening. Since the Vinaya is based on conventional wisdom, Vinaya matters can be settled in heuristic and conventional ways (as in a good legal system). Indeed, without the Vinaya, there is no way of having “law and order” in the sangha, which will then become a lawless **gang of thieves** (*cora, gaṇa*),²¹ those in “communion by theft” (*theyya, -sarṁvāsaka*).²²

The **arhat pericope** that announces the attaining of spiritual distinction by a Vinaya-spirited and Dharma-inspired renunciant thus clearly reminds us of the purpose of renunciation:

¹⁹ P S Jaini, “The disappearance of Buddhism and the survival of Jainism, a study in contrast,” in *Studies in the History of Buddhism*, Madison, WIS, USA, 1976, 1980:84.

²⁰ J **Dhirasekera**, *Buddhist Monastic Discipline*, Dehiwala, 1982:227 notes that this statement shows “the relatively secondary importance which the Buddha attached to discipline in its mere outward form in contrast to the more fundamental teachings of the doctrine and their practice in the religious life”; cf A **Guruge**, “Some problems in Buddhist ethics,” in *Añjali, O H de Wijesekera Felicitation Vol*, Peradeniya, 1970:11. According to MĀ 196 (T1.753b27), however, “such disputation would be very small, namely [a disputation] related to the higher morality, the higher mind, the higher insight,” 此鬪諍甚少，謂因增上戒，增上心，增上觀，*cǐ dòu zhèng shèn shǎo, wèi yīn zēng shàng jiè, zēng shàng xīn, zēng shàng guān* which MĀ 196 then contrasts with the gravity of a dispute related to the path.

²¹ Monastics and priests who do not keep to the Vinaya are said to be “thieves” (*cora*) in the community, **Arahat-ta Susīma S** (S 12.70,58), SD 16.8; SD 45.18 (2.3.3.2); SD 49.2 (1.1.3).

²² Nv 1.62.3 (V 1:36). The word occurs at V 1:307.

not long after being ordained,²³ dwelling alone, aloof, diligent, exertive, and resolute,²⁴ having right here and now realized for himself through direct knowledge, [the renunciant] dwelt in the supreme goal of the holy life, for the sake of which sons of family rightly go forth from the household life into homelessness, [the renunciant] became one of the arhats.²⁵

1.2.4.3 The Vinaya, properly practised and respected, is an effective means of social conflict resolution. Properly cultivated moral conduct and virtue conduce to the arising of Dharma as wisdom for spiritual conflict resolution that leads to the path to awakening. In fact, **the Sāmagāma Sutta** (M 104) is a key text²⁶ in the teaching of social conflict resolution. In technical terms, the Sutta speaks of conflict resolution by way of **4 kinds of legal case** (*adhikaraṇa*) in terms of procedural law²⁷ dealing with these types of cases, that is:

- | | |
|-----------------|--------------------|
| (1) disputes | <i>vivāda</i> ; |
| (2) accusations | <i>anuvivāda</i> ; |
| (3) offences | <i>āpatti</i> ; |
| (4) proceedings | <i>kicca</i> . |

[For details, 2.1.2.1.]

1.2.5 The path and the practice

1.2.5.1 The Buddha warned that “**a dispute about the path or the practice**” will be widely and greatly disastrous [1.2.4.1]. Clearly, here, “**the path**” (*magga*) refers to the 4 paths of awakening, that is, *streamwinning, once-returning, non-returning and arhathood*. “**The training**” or “way” (*paṭipada*) refers to the 3 trainings that constitute the path of practice, that is, *moral virtue, mental concentration and wisdom*. When the path or the training is disputed, there will be dissension in the Buddhist community, and the disputants will not practise the Dharma-Vinaya as taught by the Buddha.

The training in moral virtue (*sīla, sikkhā*) is not merely the ritual or legalistic keeping to rules, but it should be imbued with mindfulness and lovingkindness; or, more fully, moral conduct is best mindfully practised with *love, compassion, joy and peace* (the divine abodes).²⁸ Mindfulness and the divine abodes empower us to keep the precepts *mindfully*, with unconditional *love* for self and others, with *compass-*

²³ The *upasampadā* is the “higher ordination,” given after the going-forth to a qualifying candidate, making him a full-fledged monk.

²⁴ *Eko vūpakaṭṭho appamatto ātāpī pahit’atto viharanto*. This is stock: V 2:258; M 1:177; A 2:258, 3:218; U 24. The first word, “alone” (*eka*) refers to bodily aloneness and physical solitude; “aloof” (*vūpakaṭṭha*) is mental solitude; often this word alone refers to a practitioner’s effort to rid the mind of sensual thoughts (M 36/1:246f = 85/2:93); “exertive” (*ātāpī*) is putting forth both physical and mental effort; “resolute” (*pahit’atta*), “mentally resolute” by absence of longing regarding the body or life itself (MA 1:180). Also as *ekā vūpakaṭṭhā appamattā ātāpino pahit’attā vihareyya* (V 2:258; A 3:218 (Ke Se ekeka ...), 4:280). Sometimes the initial *eka* is omitted in the pericope.

²⁵ See **Poṭṭhapāda S** (D 9,56.3/1:203) n, SD 7.14; **Acela Kassapa S** (S 12.17/2:22), SD 18.5; **Dāru-k, khandhōpama 1** (S 35.241/4:181), SD 28.5; **(Citta) Acela Kassapa S** (S 41.9/4:302), SD 87.7; **Tāla, puṇa S** (S 42.2, 12/3:308), SD 20.8.

²⁶ Along with **Kin ti S** (M 103/2:238-243), SD 85.14.

²⁷ **Procedural law** is “The rules that prescribe the steps for having a right or duty judicially enforced, as opposed to the substantive law that defines the specific rights or duties themselves.” (*Black’s Law Dictionary*, 12th ed, 2024 [legal glossary](http://legal.glossary), 8 Oct 2024)

²⁸ On the 4 divine abodes, see **Brahma, vihāra**, SD 38.5.

ion when facing difficulties, with *joy* when seeing goodness, and with *peace* or equanimity when things do not work out as they should have.

In this connection, the suttas often speak of practising lovingkindness with our whole being, that is:²⁹

keep up <u>acts of lovingkindness through the body</u> ,	both openly and privately;
keep up <u>acts of lovingkindness through speech</u> ,	both openly and privately;
keep up <u>acts of lovingkindness through the mind</u> ,	both openly and privately.

This is the complete practice of moral conduct with all our being (the 3 doors of karma) and our heart (with the 4 divine abodes: *lovingkindness*, *compassion*, *gladness* and *equanimity*), exuding “divine abiding” or heavenliness wherever we are, and even beyond. In this way, too, our moral virtue forms the foundation for mental cultivation, preparing us for the path.

1.2.5.2 In this connection, **the Sikkha-t,aya Sutta 1** (A 3.88) and its Chinese parallel **SĀ 817** relate the practice (that is, the training) and the path.³⁰ The training regarding the mind, *adhicitta* 增上意 *zēng shàng yì*, stands for the 4 dhyanas, while the training regarding wisdom, *adhipañña* 增上慧 *zēng shàng huì*, stands for penetrative insight into the 4 noble truths.³¹

However, there is a difficulty in the Chinese text that we should note. Although **MĀ 196** speaks of “higher insight,” 增上觀 *zēng shàng guān*, instead of “higher wisdom,” 增上慧 *zēng shàng huì*, the two terms are sufficiently synonymous to allow the conclusion that the higher virtue, higher mind, and higher insight mentioned in MĀ 196 stand for the 3 higher trainings.

“Whether the point at stake is higher wisdom or higher insight, the present passage in MĀ 196 seems self-contradictory, since it would be difficult to think of anything apart from the 3 items it has already mentioned that could be assembled under the heading ‘related to the path,’ 因道 *yīn dào*. Judging from the formulation in M 104, perhaps the occurrence of higher virtue misled a reciter into adding the other 2 higher trainings.” (Analayo 2011:605 n100; pinyin added).

There is also the issue of the sutta meaning of adhi- as “regarding or relating to” rather than “higher” (a later sense). We will discuss this later [2.2.4.1n in SD 62.4b].

2 Legal processes of the Vinaya

2.1 COMPARATIVE STUDY WITH CHINESE PARALLELS (MĀ 196 AND T85)³²

2.1.1 Causes of discord (comparative study)

2.1.1.1 The Sāmagāma Sutta (M 104) has 2 Chinese parallels: one in the Madhyama Āgama and another parallel in an individual translation, that is, respectively, **MĀ 196** (T1.752c-755c) and **T85** (T1.904c-

²⁹ The foll 3 lines contain the first 3 of the 6 “conditions for conciliation” or “principles of cordiality” (*cha dhammā sārāṇīyā*) given in **Kosambiya S** (M 48). The remaining 3, found in the spirit in the next (4th) para, are: (4) sharing of gains with virtuous fellow brahmacharis; (5) keeping high moral virtues; (6) having compatible right view and practice (M 48,6/1:322 f, 2:250; D 3:245; A 3:288 f, 5:89; DhsA 294; J 5:382). Cf *sārāṇīyaṃ dhamma, katharṃ suṇāti*, DhA 4:168 & BHS *sarāraṇīyaṃ dhammaṃ samādāya*, Divy 404). For details, see **(Chakka) Sārāṇīya Dhamma S 1** (A 6.11), SD 55.15.

³⁰ Broadly, “practice” refers mostly to the “mundane” (*lokiya*) training, while “path” refers to streamwinning etc.

³¹ A 3.88/1:235,19+23 (SD 24.10c); SĀ 817 (T2.210a28+b1). On the early meaning of *adhi-* in such usages, see §52 n.

³² The comparisons in this section are mainly drawn from or based on Analayo, *A Comparative Study of the Majjhima-nikāya* [2006], Taipei, 2011: (1) 605-610. Additional nn and corrections are made where appropriate.

907a). MĀ 196 has the title 周那經 *zhōu nà jīng*, “discourse to Cunda,” while T85 has the title 佛說息諍因緣經 *fó shuō xī zhèng yīn yuán jīng*, “discourse spoken by the Buddha on the conditions for appeasing quarrels.” They deal with the nature and resolution of more or less the same issues but differing in their listing, thus:

M 104

- (1) anger & resentment
- (2) meanness & spite
- (3) envy & selfishness
- (4) craftiness & deceit
- (5) evil desires & wrong view
- (6) grasping to own views

MĀ 196

- anger & vexation (→ 1)
- conniving silence³³
- avarice & envy (→ 3)
- flattery & deceit (→ 4)
- shamelessness & recklessness
- evil wishes & wrong views (→ 5)³⁴ (≠ 2, 6)

T85

- anger & resentment (→ 1)
- hypocrisy & deceit & flattery (→ 4)
- envy & avarice (→ 3)
- shamelessness & recklessness
- lack of clear awareness
- dogmatic grasp of [own] view (→ 6)³⁵ (≠ 2, 5)

Table 2.1.1.2 Causes for discord according to M 104 and its Chinese parallels³⁶

2.1.1.2 The parallel versions give different causes for discord or disputes. While **the Sāmagāma Sutta** directly lists the causes, the Madhyama Āgama account pointedly states that Nātaputta could not have been all-knowing and all-seeing; for, if that had been the case, he would have taught his disciples about the causes for disputation (and so forestalled the arising of discord after his death).³⁷

While the 3 versions—M 104, MĀ 196 and T85—agree in mentioning such states as *anger, envy, and being deceitful* as possible causes for discord, their listings vary in each version [Table 2.1.2.2]. The Pāli Sutta stands alone in including a mean and spiteful attitude [§7] as a cause for discord.³⁸ The 2 Chinese accounts additionally reckon absence of shame and recklessness as causes of discord.³⁹

The Sāmagāma Sutta and its parallels indicate that, due to the presence of such unwholesome states, a monk will be disrespectful towards the teacher. The individual translation (T85) explains that a

³³ MĀ 93 (T1.575c7) 不語結 *bù yǔ jié*, lit, “the bondage of remaining silent,” which Analayo thinks, “presumably intending some kind of sulkiness” (Analayo 2011:51 n125). 圣严 *shèng yán* (Sheng-yen), 印度佛教史 (*History of Indian Buddhism*, Taiwan, 2010:30) explains 不語結 *bù yǔ jié* as 覆藏罪 *fù cáng zuì*, ie, the crime or guilt of concealing a Vinaya offence or wrong-doing.

³⁴ MĀ 196 (T1.754a4) adds that such a person is also of an evil nature and unable to restrain himself.

³⁵ T85 (T1.905b25) speaks of “grasping at views,” 見取 *jiàn qǔ*, followed by mentioning dogmatic adherence, 執著 *zhìzhùó*, together with erroneous and deluded recollections and thoughts (MĀ 196 does not mention this particular cause for disputation at all).

³⁶ Based on Analayo 2011:606 Table 11.4.

³⁷ MĀ 196 (T1.753c8).

³⁸ M 104/2:246,13.

³⁹ MĀ 196 (T1.754a3) and T85 (T1.905b25: 無慚 *wú cán* and 無愧 *wú kuì*), corresponding to the lack of *hiri* and *ottappa*.

monk without respect towards the teacher will not undertake proper insight contemplation in the midst of the assembly, since he easily becomes quarrelsome.⁴⁰

2.1.1.3 The 3 versions—M 104, MĀ 196 and T85—agree in highlighting the need to vigorously act against any cause for discord or dispute, whether these are found internally (*ajjhatta*) or externally (*bahiddhā*), a specification that the Pāli commentary explains to stand for *oneself* and for *others*.⁴¹ The Chinese versions further highlight the need for mindfulness (*sati*) and clear awareness (*sampajañña*) when acting against these causes for discord or dispute.

The individual translation (T85) points out that a dispute will not be overcome as long as mindfulness and clear awareness are lacking.⁴² The Madhyama Āgama discourse (MĀ 106) illustrates the sense of urgency with which these causes for dispute should be overcome with a parable, that of a person whose head or clothes are ablaze, a predicament that indeed requires immediate action.⁴³ Elsewhere this image illustrates the need to overcome unwholesome states of mind.⁴⁴

2.1.2 Settling of legal cases (comparative study)

2.1.2.1 The Sāmagāma Sutta and its parallels next list the types of **legal case** (*adhikaraṇa*) and the ways to settle legal cases (*adhikaraṇa, samatha*). The term **adhikaraṇa** here means “(legal) case, question, cause, subject of discussion, dispute.” The Vinaya and suttas list 4 types of legal case, the same as those listed in **the Sāmagāma Sutta** [§12], a set *not* found in its Chinese parallels.⁴⁵

The 4 types of legal case (Cv 4.14.2) are as follows:⁴⁶ [§§12-20]

- | | |
|---|-------------------------|
| (1) legal case regarding <u>a dispute</u> , | <i>vivādādhikaraṇa</i> |
| (2) legal case regarding <u>an accusation</u> , | <i>anuvādādhikaraṇa</i> |

⁴⁰ T85 (T1.905b16): “because of being disrespectful to the teacher, he does not see the Dharma; because of not seeing the Dharma, this monk will not properly contemplate [when] being in the midst of the assembly; because of not properly contemplating, he will enjoy quarrelling,” 由不恭敬彼師長故，即不見法，以不見法故，於苾芻眾中不正觀察，由不正觀察故，乃興鬪諍，*yóu bù gōng jìng bǐ shīzhǎng gù, jí bù jiàn fǎ, yǐ bù jiàn fǎ gù, yú bīchú zhòng zhōng bù zhèng guānchá, yóu bù zhèng guānchá gù, nǎi xīng dòu zhèng*, MĀ 196 (T1.753c16) also refers to “not seeing the Dharma,” 不見法 *bù jiàn fǎ*, as one of the reasons for the arising of quarrels in the community, although without giving details of the consequences as in T85.

⁴¹ MA 4:42,3.

⁴² T85 (T1.905b21) explains that as long as “in this way loss of mindfulness and lack of clear awareness arises ... it will be impossible to eradicate and extinguish the cause of the dispute,” 如是妄念不正知起... 於鬪諍緣不能斷滅，*rú shì wàngniàn bù zhèngzhī qǐ ... yú dòuzhèng yuán bùnéng duànmiè* MĀ 196 (T1.753c22) similarly recommends the cultivation of “right mindfulness and right knowledge,” 正念正智 *zhèngniàn zhèngzhì*, which it further associates with the need to maintain unremitting patience, 忍莫令退 *rěn mò lìng tuì*, without, however, drawing out the implications of the absence of mindfulness in the way done in T85.

⁴³ MĀ 196 (T1.753c23).

⁴⁴ A 6:20/3:307,11, A 8:74/4:320,25, A 10:51/5:93,23, A 10:52/5:95,19, A 10:53/5:98,3, and A 10:55/5:104,22. Further, A 4:93/2:93,17 and A 10:54/5:99,27 use this image to highlight the need to cultivate calmness of the mind and what is related to wisdom.

⁴⁵ M 104/2:247,3, a presentation found also in V 2:88,17, followed by a detailed explanation.

⁴⁶ §§12-20 (M 2:247); Cv 4.14.2 (V 2:88,18 f) [tr V:B 5:277 f]; Saṅgh 8.3.2 (V 3:164) Old Comy, Pāc 63 (V 4:126 = 138), Par (V 238) detailed. Often ref to: V 2:74; S 4:63 = 5:346 (*dhamma*, “a question of the Dharma”); A 1:53 (“a case”), 79, 2:239 (*vūpasanta*, “settling”), 5:71, 5:72; Pug 20, 55; *adhikaraṇaṃ karoti*, “to raise a case” (M 1:122); *~m vūpasameti*, “to settle a case” (V 2:261). Briefly explained in Vajirañāṇavaroros, *Vinayamukha* vol 1, Bangkok, 1916: 226-230 (ch 6). For details, see Vajirañāṇavaroros, *Vinayamukha* vol 3, Bangkok, 1921: 126-223 (chs 28-31). Various reprs. [Download] 7 Oct 2024.

- (3) legal case regarding an offence, and *āpattādhikaraṇa*
 (4) legal case regarding proceedings [monastic business]. *kiccādhikaraṇa*

These 4 types of legal case can be defined and explained as follows.⁴⁷

(1) **A legal case regarding a dispute** (*vivādādhikaraṇa*) is a legal (Vinaya) case dealing with disagreements and differences, whether verbal or scribal, amongst monastics regarding the Dharma-Vinaya arising from any of these **18 points** (*aṭṭharāsa vatthu*), that is, *9 pairs of conflicting views*, thus:

- | | |
|---|---|
| 1 “This is the Dharma (<i>dhamma</i>),” | 2 “This is contrary to the Dharma (<i>adhamma</i>).” |
| 3 “This is the Vinaya (<i>vinaya</i>),” | 4 “This is contrary to the Vinaya (<i>avinaya</i>).” |
| 5 “This was spoken (<i>bhāsita</i>) by the Buddha,” | 6 “This was not spoken (<i>abhāsita</i>) by the Buddha.” |
| 7 “This was practised (<i>āciṇṇa</i>) by the Buddha,” | 8 “... not practised (<i>anāciṇṇa</i>) by the Buddha.” |
| 9 “This was laid down (<i>paññatta</i>) by the Buddha,” | 10 “... not laid down (<i>apaññatta</i>) by the Buddha.” |
| 11 “This is an offence (<i>āpatti</i>),” | 12 “This is not an offence (<i>anāpatti</i>).” |
| 13 “This is a light offence (<i>lahuk’āpatti</i>),” ⁴⁸ | 14 “This is a heavy offence (<i>garuk’āpatti</i>).” |
| 15 “This is a curable offence (<i>sāveses’āpatti</i>),” ⁴⁹ | 16 “This is an incurable offence (<i>anaveses’āpatti</i>).” |
| 17 “This is a grave offence (<i>duṭṭhull’āpatti</i>),” ⁵⁰ | 18 “This is minor offence (<i>aduṭṭhull’āpatti</i>).” |

In regard to this, whatever quarrelling, arguing, conflict, disputing, difference in opinion, or variation in view there is because of the common state of heatedness [harsh speech, VA 1194] that is strife⁵¹—this is called a legal case regarding a dispute.⁵²

A legal case regarding a dispute may be settled in either of 2 ways: (1) by removal by “presence” (*sammukha, vinaya*) [3.1] or (2) by removal by majority voice (*yebhuyyasikā*) [3.5] of monastics in good standing. (Cv 4.14.16-26 @ V 2:93-99)

(2) **A legal case regarding an accusation** (*anuvādādhikaraṇa*). It may be that the monks accuse a monk of a lapse (*vipatti*) in morality, a lapse in conduct, a lapse in view, or a lapse in livelihood. In regard to this, whatever there is of censure, fault-finding, allegations, blaming, inciting, or instigating the accusation—this is called a legal case regarding an accusation.

This legal case may be settled in any of 4 ways, namely:

- (i) removal by presence (*sammukha, vinaya*);
- (ii) removal by way of innocence of an arhat monk (*sati, vinaya*);
- (iii) removal by way of insanity (*amūḷha, vinaya*); or

⁴⁷ See Brahmali, V:B 5:227 f; Vajirañāṇavaroros, *Vinayamukha* vol 3, Bangkok, 1921:226-230 (ch 11), & C S Upasak, *Dictionary of Early Buddhist Monastic Terms*, Varanasi (Benares), 1975.

⁴⁸ A “light offence” of one of these 5: *thullaccaya, pācittiya, pāṭidesanīya, dukkaṭa* and *dubbbhāsita* (VA 1368, 1420).

⁴⁹ “Curable,” ie, “with remains” (*sāvesesa*) of monkhood or nunhood; referring to any offence other than *pārājika*. The “incurable” offence is *pārājika*, which entails total “defeat” regarding the monastic state. [2.2.4]

⁵⁰ A “grave offence” is either *pārājika* or *saṅgh’ādisesa*. A “minor offence” refers to any other lesser offence.

⁵¹ A same set of 10 causes of schism and of dissension are given in (**Dasaka**) **Saṅgha, bheda S** (A 10.37/5:73 f) and **Vivāda, mūla S 1** (A 10.42/5:78).

⁵² Mv 10.5.4 f (V 1:354 f); Cv 4.14.2 (V 2:88,20-30). For Eng nn: *Vinayamukha* 1:226 f; V:B 5:228.

- (iv) removal by way of a specific depravity (*tassa pāpiyyasikā*)—that is, against a monk who had been committing offences repeatedly, and refusing to admit; hence, he was declared as a “guilty monk” (*papa, bhikkhu*).⁵³ (Cv 4.14.27-29 @ V 2:99-102)

(3) **A legal case regarding an offence** (*āpattādhikaraṇa*) is a legal case arising from censure (*anuvāda*) regarding any lapse in 5 main classes of offence (*āpatti*).⁵⁴ Broadly, there are legal issues arising from any of 7 classes of offences.⁵⁵ A legal case regarding an offence may be settled in 3 ways, namely:

- (i) removal by presence (*sammukha, vinaya*),
 (ii) removal by self-acknowledgement (*patiññāta, karaṇa*), or
 (iii) removal by covering with grass⁵⁶ (*tina, vatthāraka*). (Cv 4.14.30-33 @ V 2:102-104)

(4) **A legal case regarding proceeding [monastic business]** (*kiccādhikaraṇa*) is a legal case arising from an “ecclesiastical obligation” (a monastic task or duty). The case may be related to any formal task or business (*kicca* or *karaṇīya*) of the sangha, regarding getting permission, seeking leave or sanction (*apaloka, kamma*), or a legal act of a single motion (*ñatti kamma*), or a legal act of a motion and an announcement (*ñatti, dutiya kamma*),⁵⁷ or a legal act of a motion and 3 announcements (*ñatti, catuttha kamma*).⁵⁸ This is called a legal case regarding proceedings.

This legal case may be settled (*samatha*) by “removal by presence” (*sammukha, vinaya*) [3.1].

2.1.2.2 M 104 then lays down **the 7 kinds of settlement of legal case** (*adhikaraṇa, samatha*),⁵⁹ that is, ways by which a properly convened chapter of monastics may carry out a legal act (*sangha, kamma*), such as those mentioned above [2.1.2.1]. The Sutta gives the summary list of the ways of settlement or “removal” (*vinaya*)⁶⁰ of a legal case [§13] as follows; the “**text**” refers to the explanation of each as given in the Sutta proper:⁶¹

⁵³ Since this is a legal procedure, it would be logical to conclude so. Branding him as a “bad monk” sounds somewhat judgmental in a Dharma sense.

⁵⁴ The 5 classes of offences are: *pārājika, saṅgh’ādisesa, pācittiya, pāṭidesaniya* and *dukkata* [2.2.4]. Broadly, there are 7 broad classes of offences are: *pārājika, saṅgh’ādisesa, thullaccaya, pācittiya, pāṭidesaniya, dukkata* and *dubbhāsita*. However the last 2 are “light” offences—literally “bad action” and “bad speech”—mostly related to the *sekhiya* rules. They are however still of a karmic nature since they reflect some latent moral weakness. Hence, proper confession is done to remind the offender not to make a habit of it. For details see Upasak, DEBMT: “dukkata” (114) and “dubbhāsita” (115).

⁵⁵ [2.2.4]

⁵⁶ This is like “burying the hatchet.”

⁵⁷ That is, the motion is carried after an announcement.

⁵⁸ Cv 4.14.2 @ V 2:49. *Ñatti, catuttha, kamma* lit means “an act with the resolution as the 4th,” ie, a fourfold legal act with the motion announced first and ends with being “carried” [adopted], such as the act of ordination (*upa-sampadā*).

⁵⁹ For details, see **M 104**, 13-20/2:247-250; **Cv 4** (V 2:73-104); also V 4:207,2 (VA), cf A 1:99,21-27; A 5:164,23 = 167,11; D 3:254, 10 (DA) = M 2:217,6 (MA) = A 4:144,2 (AA). See W Pruitt (ed), K R Norman (tr), *The Pātimokkha*, Oxford: PTS, 2001; **Vajirañāṇavaroros**, *Vinayamukha vol 1* [1916], Bangkok, 1969:226-230 (ch 9); **Thanissaro**, *The Buddhist Monastic Code 1* [1994], 3rd ed, Valley Center, CA, 2013:448-461 (ch 11).

⁶⁰ The word **vinaya** in the first 3 ways of settlement (*samatha*) here lit means “removal” (*vi-naya*), ie, removing the offence or discord, thus settling of the case. Broadly it has here a sense of “verdict” since it settles the case, and thus these senses of *vinaya* apply to all the other 4 ways of settlement of legal cases, too.

⁶¹ This sequence is the traditional one, prob ancient: it is recited in this sequence in the closing of the “2 matrices” (*dve, mātikā*), viz, the Bhikkhu and Bhikkhuṇī Pātimokkha (Ptmk:PN 108, 248). Analayo’s trs of the terms listed differ somewhat from these (2011:608).

(1) removal [settlement] by presence ⁶² may be carried out,	<i>sammukha,vinaya</i>	[§14]
(2) removal on account of memory may be carried out,	<i>sati,vinaya</i>	[§16]
(3) removal of legal case on account of past insanity may be carried out,	<i>amūlha,vinaya</i>	[§17]
(4) the effecting of acknowledgement of an offence,	<i>paṭiññā,karetabba</i>	[§18]
(5) the opinion of a majority,	<i>yebhuyyassikā</i>	[§15]
(6) the pronouncement of bad character against someone, and	<i>tassa,pāpiyyasikā</i>	[§19]
(7) covering with grass.	<i>tiṇa,vatthāraka</i>	[§20]

Table 2.1.2.2. The arrangement of the 7 kinds of settlement of legal cases

This introductory sequence (the summary) of the 7 settlements [§13] occurs in **the Pātimokkha** (the last chapter), **the Vinaya** (V 4:207,3), **the Saṅgiti Sutta** (D 33/3:254,11) and **the Adhikaraṇa Samatha Sutta** (A 7.80/4:144,4).⁶³ Various scholars have also studied these 7 kinds of settling of legal cases.⁶⁴

2.1.2.3 In the Sāmagāma Sutta, the purpose of each of the first two ways to settle legal cases is to set out what are the proper teachings,⁶⁵ followed by bringing about a decision by a majority.⁶⁶ These two ways of settling legal cases are similarly mentioned in the two Chinese versions, which vary, however, in the sequence of their presentation [Table 2.1.2.2].

⁶² Or simply, “removal by presence” (*sammukha,vinaya*), ie, before the sangha, the Dharma, the Vinaya, or individual disputants [§14]. Scholars (such as Analayo) tr *sammukha* as “confrontation” (2011 Table 11.5).

⁶³ Cf Cv 4.14.16 (V 2:93,32), which examines presence of the teachings, etc, followed at Cv 4.14.24 (V 2:97,22) by decision by majority. The 7 *adhikaraṇa,samathas* are also briefly listed in Aṅguttara: **A 2.303-309/1:99,21-27**).

⁶⁴ For a survey of these 7 ways see, eg, O **Abeynayake**, “Conflicts and their resolution within the community of saṅgha,” Hong Kong, 2009a:84 f, R B **Barua**, *The Theravada Saṅgha*, Dacca, 1968:76-80, J **Dhirasekera**, *Buddhist Monastic Discipline, A Study of its Origin and Development in Relation to the Sutta and Vinaya Piṭakas*, Dehiwala, 1982:232-238, S **Dutt**, *Early Buddhist Monachism*, London, 1924:129-136, C A **Grero**, *An Analysis of the Theravada Vinaya in the Light of Modern Legal Philosophy*, Colombo, 1996:117-121, K L **Hazra**, *Constitution of the Buddhist Saṅgha*, Delhi, 1988:110-115, H **Hecker**, “Allgemeine Rechtsgrundsätze in der buddhistischen Ordensverfassung (Vinaya),” *Verfassung und Recht in Übersee* 10,1, 1977:111-113, E **Nolot**, “Studies in Vinaya technical terms, I-III,” *JPTS* 22, 1996: 99-115, N K **Prasad**, *Studies in Buddhist and Jaina Monachism*, Bihar, 1972a:219-222, C S **Prebish**, “Vinaya and Pratimokṣa, the foundation of Buddhist ethics,” in *Studies in the History of Buddhism*, Madison, WIS, 1980:228-229, N **Ratnapala**, *Crime and Punishment in the Buddhist Tradition*, Delhi, 1993:150-160, and (on the same for nuns) M V **Talim**, “Buddhist nuns and disciplinary rules,” *J of the Univ of Bombay*, 1965:133. For parallel versions, see E **Frauwaller**, *The Earliest Vinaya and the Beginnings of Buddhist Literature*, Rome, 1956:114-116; for a survey of counterparts in Dharmaguptaka Vinaya: S **Beal**, “The Pratimokṣa,” in *A Catena of Buddhist Scriptures from the Chinese*, London, 1871:238 f, and A **Heirman**, “The Discipline in Four Parts,” *Rules for Nuns According to the Dharmaguptakavinaya*, Delhi, 2002:162-165; for a comparison of the 7 ways in M 104 and MĀ 196: **Thich Minh Chau**, *The Chinese Madhyama Āgama and the Pali Majjhima Nikāya*, Delhi, 1964:176-180; and on the 7 ways in MĀ 196 and the Sarvāstivāda Vinaya: J **Chung**, *A Survey of the Sanskrit Fragments Corresponding to the Chinese Saṃyukt’āgama*, Tokyo, 2008:13 n20.

⁶⁵ M 104/2:247,10: *sammukhā,vinayo*, with its counterparts in MĀ 196 (T1.754a21): 面前止諍律 *miàn qián zhǐ zhèng lǜ* and in T85 (T1.905c4: 現前毘尼 *xiàn qián pí ní*). The implications of this procedure are set out in detail at Cv 4.14.16 (V 2:93,32). MĀ 196 (T1.754a26) and T85.905c7 present this procedure by describing that those who set out the proper teachings to others could be a single person who teaches a single person, a single person teaching a group, etc, or even a whole community that teaches a whole community.

⁶⁶ M 104/2:247,19: *yebhuyyasikā*, with its counterparts in MĀ 196 (T1/755a9): 展轉 *zhǎn zhuǎn* and T85 (T1.906a-10): 多人語 *duō rén yǔ*.

In relation to each of these two ways of settling a legal case, the Pāli Sutta recommends to “**draw out the guidelines of the Dharma**” (*dhamma, netti samanumajjitabbā*) as a reference point.⁶⁷ A similar reference is made in the two Chinese versions in relation to the case where a decision is taken by a **majority**. According to the two Chinese discourses, the point of reference in such a case should be the suttas, the Vinaya, and the summaries or matrices (*mātikā*).⁶⁸

M 104 (actual exposition)	MĀ 196	T85 ⁶⁹
(1) presence	presence (→ 1)	presence (→ 1)
(2) majority opinion	not remembering (→ 3)	not remembering (→ 3)
(3) not remembering	past insanity (→ 4)	past insanity (→ 4)
(4) past insanity	acknowledgement (→ 5)	acknowledgement (→ 5)
(5) acknowledgement	bad character (→ 6)	majority opinion (→ 2)
(6) bad character	majority opinion (→ 2)	acknowledgement (→ 5)
(7) covering with grass	covering with grass (→ 7)	covering with grass (→ 7) (≠ 6)

Table 2.1.2.3: Sequence of ways of settling legal cases in M 104 and its Chinese parallels

The 3 versions describe in similar terms how a monk can clear himself by declaring that he **does not recall** the lapse of which he is accused.⁷⁰ He can also be cleared by others of an offence if it is known that, though he did commit a breach, at the time when this happened he was **out of his mind** (ie, of “past insanity”)⁷¹ [§17]. While the Pāli Sutta describes how this monk is taken up for cross-questioning, in the Chinese versions he is just informed by other monks of what took place while he was **out of his mind**.⁷²

⁶⁷ M 104/2:247,14+23.

⁶⁸ MĀ 196 (T1.755a17) lists 經 *jīng*, 律 *lǜ*, and 母者 *mǔ zhě*, T85 (T1.906a17) lists 經 *jīng*, 律 *lǜ*, and 摩怛里迦 *módá-lǚjiā*, on the *mātikā* cf Analayo 2011:217.

⁶⁹ T85 takes up **the acknowledgement** of an offence (5) twice, from complementary perspectives (cf Analayo, 2011:608 n123), and does not cover **the pronouncement of bad character** (6) at all.

⁷⁰ M 104/2:247,28: *sati, vinayo*, MĀ 196 (T1.754b11): 憶止諍律 *yì zhǐ zhèng lǜ*, and T85 (T1.905c16): 憶念毘尼 *yì niàn pí ní*. Based on Dabba’s case in V 2:79,12 (cf Anālayo, “Dabba’s Selfcremation in the Saṃyukta-agama,” *Buddhist Studies Rev* 29,2 2012b), the point of this rule would be that innocent monks can in this way clear themselves of wrong accusations. In the Chin versions, however, this procedure is concerned with a monk who has committed an offence but does not recall it, cf MĀ 196 (T1.754b12): “If a person has violated the precepts but does not remember,” 若有一人犯戒而不憶 *ruò yǒu yī rén fànjiè ér bù yì*, and T85 (T1.905c16): “there is a monk who has committed an offence but does not recall it,” 有苾芻隨犯罪已不自憶 *yǒu bì chū suí fānzui yǐ bù zì yìniàn* (MĀ 196 and T85 take up the case of someone who does not remember due to having been out of his mind as a separate case). On the corresponding regulation in Mahāsaṅghika Vinaya, cf S Clarke, “The case of the nun Mettiyā reexamined,” *Indo-Iranian J* 51 2008:118.

⁷¹ M 104/2:248,5: *mūḥa, vinayo*, MĀ 196 (T1.754b23): 不癡止諍律 *bùchī zhǐzhèng lǜ*, and T85 (T1.905c22): 不癡毘尼 *bùchī pí ní*. M 104 stands alone in indicating that this and the preceding case involve *pārājika* offences or offences bordering on *pārājika*. On this form of acquittal, cf K Koike, “The acquittal (*anāpatti*) of the mentally disordered monks,” *J of Indian & Buddhist Studies* 58,3 2010:1154-1158.

⁷² MĀ 196 (T1.754b27) + T85 (T1.905c17). Analayo thinks that here Chin versions present a “more suitable” manner of resolving this case, since if someone has committed an offence while being **out of his mind**, there would be little point in trying to make him admit to it by continued cross-questioning, a procedure appropriate in the case of a monk who tries to conceal an offence. In fact, V 2:81,12 records some monks cross-questioning Gagga, who had misbehaved while being out of his mind, a procedure that, says the Vinaya, the Buddha explicitly disapproved. In Karmavācanā fragment 260V4 (H Härtel, *Karmavacana, Formulare für den Gebrauch im buddhistischen Gemeindeleben aus ostturkestanischen Sanskrit-Handschriften*, Berlin, 1956:46), the monk’s confession explicitly notes that he should neither be reproved nor reminded of his offence, *nāham kenacit tena vastunā saṃghena sambhulaih dvābhyām ekena codayita[vya sm](ārayitavyaḥ)*.

The Majjhima Nikāya and Madhyama Āgama versions describe in related ways how someone who has confessed an offence can be cleared.⁷³

The Sāmagāma Sutta takes up the possibility that a monk may try to conceal what he did. After repeated cross-questioning, the monks finally get the wrongdoer to admit his deed.⁷⁴ The Sāmagāma Sutta indicates that such a type of legal case will be settled when the monks come to the conclusion that this monk is of evil character.⁷⁵ [Table 2.1.2.3]

2.1.3 The 6 memorable qualities conducive to concord

2.1.3.1 The Majjhima Nikāya and Madhyama Āgama versions of the Sāmagāma Sutta agree that, in order to settle a quarrel between two factions of monks, the various offences committed among them should be considered as settled through an act of public announcement and a summary confession.⁷⁶ According to the Madhyama Āgama discourse, during such a public announcement the monk who is to address the other monks should remind them of the fact that they had gone forth from the household life into homelessness out of faith and in order to undertake the path, yet, instead of pursuing the path they are now engaging in quarrel and dispute.⁷⁷

The parallels next take up **6 memorable qualities conducive to concord**, which are:

- (1) acting with lovingkindness,
- (2) speaking with lovingkindness,
- (3) thinking with lovingkindness,
- (4) willingness to share one's material gains,
- (5) maintaining morally virtuous conduct,
- (6) possessing the type of view that leads to the eradication of *dukkha*.

The Madhyama Āgama version adds that the ultimate purpose of these 6 qualities is to lead us to nirvaṇa⁷⁸ (which is the same as saying “for the eradication of *dukkha*”).

⁷³ M 104/2:248,21: *patiññāta,karam* and MĀ 196 (T1.754c12): 自發露 *zifālù*. T85 (T1.906a22+3) differs in so far as it examines clearance through confession by distinguishing between two possible cases, where either the perpetrator knows he is guilty and confesses it, or else he was unaware of the fact that he has committed an offence.

⁷⁴ M 104/2:249,25. MĀ 196 (T1.754c24) only states that a monk may prevaricate without reporting that he may be brought to finally admit his fault. M 104 stands alone in designating the deed to be a *pārājika* offence or an offence bordering on *pārājika*. T85 does not consider the possibility that a monk may try to conceal what he did.

⁷⁵ A more detailed description of the procedure to be adopted in such a case can be found at Cv 4.11.1 (V 2:85,-25). According to **Sammā,vattana S** (A 8.90/4:347,6), a monk whose evil character has been determined in this way will be divested of all possible privileges, such as having a novice as his attendant, giving teachings to the nuns, being given a place of honour, or benefiting from a community decision. This shows that speaking falsehood when interrogated in the midst of the monastic order was seen as a grave wrongdoing, an act whereby a monk had thoroughly dishonoured himself. On the role of speaking falsehood in relation to the Buddhist training schemes for monastics and laity see C **Caillat**, “The condemnation of false-wrong speech (*musa-vāda*) in the Pali scriptures,” , Tokyo, 1984a. O von **Hinüber**, “Buddhist law according to the Theravada-Vinaya. A survey of theory and practice,” JIABS 18,1 1995a:11 highlights “one of the basic principles of early Buddhist law as laid down in the Pātimokkha: that the monk involved has to admit his intention to commit an offense ... speaking the truth is taken more or less for granted here as in Brahmanical tradition, where it is thought that brahmins speak the truth by their very nature.”

⁷⁶ M 104/2:250,1: *tiṇa,vatthārako*, MĀ 196 (T1.755a25) 如棄糞掃 *rú qì fèn sǎo*, and T85 (T1.906b2) 如草覆地 *rú cǎo fù dì*.

⁷⁷ MĀ 196 (T1.755b11), a meaningful reminder in such a situation.

⁷⁸ MĀ 196 (T1.755b25): 得涅槃 *dé nièpán*.

2.1.3.2 The final part of the 3 versions of Sāmagāma Sutta highlights the benefits of these 6 qualities in complementary ways. The Sutta concludes by proclaiming that a monk possessed of these 6 qualities will be able to bear any type of speech.⁷⁹

The concluding section of the Madhyama Āgama discourse proclaims that, if the monks practise these 6 qualities after the Buddha's demise, they will live together in harmony and without dispute, being of one mind and blending like water and milk,⁸⁰ just as if he were still among them.

The individual Chinese translation similarly concludes by explaining that those who practise these 6 qualities conducive to communal harmony will be at ease and free from quarrels even after the Buddha has passed away just as they are at ease now while he is still living among them.

[These notes continue with **SD 62.4b** The Vinaya and the Pātimokkha.]

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Sāma,gāma Sutta

The Discourse at Sāma,gāma

M 104

1 Thus have I heard.

At one time, the Blessed One was staying at **Sāma,gāma**⁸¹ in Sakya country.

2 Now at that time, nirgrantha [Jain] **Nāta,putta**⁸² had just died at Pāvā.⁸³

With his death the nirgranthas divided, split into two; and they had taken to quarrelling and brawling and were deep in disputes, stabbing each other with verbal daggers.⁸⁴

"You do not understand this Dharma-Vinaya [teaching and discipline]. I understand this Dharma-Vinaya.

⁷⁹ M 104/2:251,22, a proposition found also in M 21/1:129,26.

⁸⁰ MĀ 196 (T1.755c13): 同一心 . . . 合一水乳 *tóngyī yīxīn ... hé yī shuǐ rǔ*. The same image recurs in a description of communal harmony in **Cūla Go,siṅga S** (M 31/1:206,18+29) and its parallel MĀ 185 (T1.730a28), according to which Anuruddha and his companions lived together "blending like milk and water," *khīrōdakī, bhūta*, 合一水乳 *hé yī shuǐ rǔ*, and were "of one mind," *ekañ ca pana maññe cittaṇ ti*, 一心 *yīxīn*.

⁸¹ **Sāma,gāma** was a Sakya village with a lotus lake (A 3:309). The Vedhaññā clan of Sakyas prob lived there since **Pāsādika S** (D 3:117) says that the Buddha was in the mango grove of the Vedhaññā when the news of Nātaputta's death came to him. Comy on **Sāmaka S** (A 6.21/3:308) says that the village was so called *sāma,gāma* because of "holding equality in high esteem" (*sāmakānaṃ ussannattā*, AA 3:353).

⁸² Nigaṇṭha Nātaputta (trad 599-527 BCE; acad b 549-477 BCE) was the historical founder of Jainism, an ancient Indian religion arising just before the Buddha: SD 27.1 (2.1). Identified as Mahā,vīra; his death, M 56,31 (SD 27.1).

⁸³ The Sutta opening is the same as that of **Pāsādika S** (D 29), which is also concerned with preserving harmony in the sangha after the Buddha's demise (D 3:117 f), SD 40a.6. The above chaos following Nātaputta's death is also mentioned at the start of **Saṅgīti S** (D 3:210). **Pāvā** is called Pāvāpurī by the Jains, a holy site to them located in the Nalanda district of Bihar state in eastern India, about 19 km NE of Rajgir, 13 km SE of Nalanda, and 101 km SE of Patna (capital of Bihar).

⁸⁴ The foll passage is stock: see **Brahma,jāla S** (D 1.18/1:8), where it is stated that the Buddha abstains from such talk (SD 25).

What do you understand about this Dharma-Vinaya?⁸⁵

Your way is wrong. My way is right.

I am consistent. You are inconsistent.

What should have been said first [244] you said last. What should have been said last you said first.

What you had so carefully thought up has been turned inside out.

Your assertion has been shown up. You are refuted.

Go and learn better, or disentangle yourself if you can!"

It seemed as if there was nothing but slaughter among Nātaputta's pupils.⁸⁶

2.2 And his white-clothed lay disciples were disgusted, dismayed, and disappointed with Nātaputta's pupils, as they were with his badly proclaimed and badly expounded Dharma-Vinaya, which was unliberating, uncondusive to peace, expounded by one not fully awakened.

They were with their stupa broken [their foundation demolished]; they were left without a refuge.⁸⁷

3 Then, **the novice Cunda**,⁸⁸ who had spent the rains at Pāvā, went to the venerable Ānanda, and after saluting him, he sat down at one side.

Sitting at one side, the novice Cunda said this to the venerable Ānanda:

3.1 "The nirgrantha Nātaputta, bhante, has just died.

With his death the nirgranthas have divided, split into two; and they have taken to quarrelling and brawling and are deep in disputes, stabbing each other with verbal daggers:

'You do not understand this Dharma-Vinaya. I understand this Dharma-Vinaya.

How could you understand this Dharma-Vinaya?

Your way is wrong. My way is right.

I am consistent. You are inconsistent.

What should have been said first you said last. What should have been said last you said first.

What you had so carefully thought up has been turned inside out.

Your assertion has been shown up. You are refuted.

Go and learn better, or disentangle yourself if you can!'

It seemed as if there is nothing but slaughter among nirgrantha Nātaputta's pupils.

3.2 And his white-clothed lay disciples are disgusted, dismayed, and disappointed with nirgrantha Nātaputta's pupils, as they are with his badly proclaimed and badly expounded Dharma-Vinaya, which is unliberating, uncondusive to peace, expounded by one not fully awakened.

They are with their stupa broken; they are left without a refuge."

3.3 When this was said, the venerable Ānanda said to the novice Cunda:

"Avuso Cunda, this is news that should be told to the Blessed One.

Come, let us go to the Blessed One and tell him this."

"Yes, bhante," the novice Cunda replied to the venerable Ānanda..

⁸⁵ *Kiṃ tvam imam dhamma,vinayam ājānissasi.*

⁸⁶ "Among Nātaputta's sons," *nātaputtiyesu*. Comy explains this as "Nātaputta's resident pupils (*antevasika*)" (MA 4:33).

⁸⁷ *Bhinna-t,thūpe appaṭisaraṇe*. "Stupa" (*thūpa*) here has the sense of "foundation, support" (DA 906,12; DAṬ-PT:Be 3:85,24); DP ¹thūpa (3). MA: The "stupa" and "refuge" are Nigaṇṭha Nātaputta, who is now dead. For an academic discussion: Schopen, "The suppression of nuns ...," *J of Indian Philosophy* 24,6 1996:568 f.

⁸⁸ *Cundo samaṇ'uddeso*. *Samaṇuddesa* is def as *sāmaṇera* (novice) at V 4:139. The novice Cunda was the younger brother of elder Sāriputta (MA 4:36). Also called Mahā Cunda; his verses are at Tha 141 f.

Harmony in the community

4 Then, the venerable Ānanda and the novice Cunda went together to the Blessed One. Having approached the Blessed One, they saluted him, and then sat down at one side. [245]

The venerable Ānanda said this to the Blessed One:

“This novice Cunda, bhante, says thus:

‘Bhante, nirgrantha Nātaputta has just died.

With his death the nirgranthas have divided, split into two ...

and are now with their stupa broken; they are left without a refuge.’ [§3.1]

This occurs to me, bhante:

‘Let no dispute arise in the sangha after the passing of the Blessed One.

For such a dispute would be for the harm and sorrow of many, for the loss, harm and suffering of gods and humans.’⁸⁹”

[The Blessed One:]

5 “What do you think, Ānanda? These things that I have taught you after directly knowing them—that is to say,⁹⁰

the 4 foundations of mindfulness,

catu sati’paṭṭhāna

the 4 right strivings,

catu-p, padhāna

the 4 bases for spiritual powers,

catu iddhi, pāda

the 5 spiritual faculties,

pañc’indriya

the 5 powers,

pañca bala

the 7 awakening-factors,

satta bojjhaṅga

the noble eightfold path—

aṭṭhaṅgika ariya, magga

do you see, Ānanda, even two monks who make differing assertions about these things?”

5.2 “Bhante, regarding these things that you have taught us after directly knowing them—that is to say, *the 4 foundations of mindfulness, the 4 right strivings, the 4 bases for spiritual powers, the 5 spiritual faculties, the 5 powers, the 7 awakening-factors, and the noble eightfold path—*

I do *not* see even two monks who make differing assertions about these things.

5.3 But, bhante, there are people who live deferentially towards the Blessed One who might, when he has gone, create a dispute in the sangha about livelihood and about the Pātimokkha.⁹¹”

5.4 ⁹²Such a dispute, Ānanda, would be for the harm and sorrow of many, for the loss, harm, and suffering of devas and humans.

⁸⁹ This phrase also at V 2:89; D 3:246; S 2:255; A 1:19.

⁹⁰ The foll are the 7 sets constituting the 37 limbs of awakening (*bodhi-p, pakkhiya dhamma*): SD 9 (10.3). Also stated in **Kin ti S** (M 103,3/2:238 f), SD 85.14. C Willemen et al, *Sarvāstivāda Buddhist Scholasticism*, Leiden, 1998: 169, notes that this summary of the 37 wings of awakening (*bodhi-p, pakkhiya dhamma*), foreshadows the tendency of employing listings as summaries of teachings, prominent in Abhidharma literature.

⁹¹ *Ye ca kho bhante puggalā bhagavantaṃ patissayamāna, rūpā viharanti, tepi bhagavato accayena saṅghe vivādaṃ janeyyurū ajjh’ājīvevā adhipātimokkhe vā.* Even while the Buddha was still alive such a dispute had already broken out among the monks at Kosambī: **Kosambiya S** (M 48,2), SD 64.1, and **Kosambaka Khandhaka** (Mv 10.1 f @ V 1:337-342). The dispute here was regarding a minor Vinaya rule (not regarding Dharma). In the rest of the Sutta the Buddha explains how Vinaya issues should be properly settled.

⁹² This opening quote—the start of the bulk of the Sutta’s teaching—closes at the end of §22.

(Yet,)⁹³ Ānanda, a dispute about livelihood or about the Pātimokkha would be *trivial*.⁹⁴

5.5 Now, Ānanda, should there arise in the sangha a **dispute about the path or the practice**,⁹⁵ such a dispute would be to the harm of the many, the sorrow of the many, the loss, harm and suffering of devas and humans!⁹⁶

The 6 roots of disputes

6 There are, Ānanda, these **6 roots of disputes**.⁹⁷ What are the six?

(1) Here, Ānanda, a monk is **angry and resentful**. *kodhano hoti upanāhi*
Such a monk, Ānanda, angry and resentful,
dwells without respect, without deference, for the teacher;⁹⁸
dwells without respect, without deference, for the Dharma, too;
dwells without respect, without deference, for the sangha,⁹⁹ too;
and he does not fulfill the training, too.¹⁰⁰

6.2 *Such a monk, Ānanda, dwells without respect, without deference,* *for the teacher;*
dwells without respect, without deference, *for the Dharma, too;*
dwells without respect, without deference, *for the sangha, too;*
[246] *and he does not fulfill* *the training, too—*
he causes a dispute in the sangha,¹⁰¹

⁹³ From these 2 passages [§§5.4 f] both kinds of disputes—whether about Dharma or about Vinaya—are bad. However disputes regarding Dharma are more tolerable (reflecting one’s views, level of cultivation or stage of awakening): these are merely differences in opinions (and these may change in time to be closer to the truth). However, Vinaya disputes must be properly addressed and resolved for the unity and harmony of the sangha.

⁹⁴ *Appamattako so ānanda vivādo yad idaṃ ajjh’ājīve vā adhipātimokkhe vā*. Here, *ajjh’ājīve* is glossed as *adhi-ājīva = ājīva, hetu ājīva, kāraṇā*, “because of livelihood, by reason of livelihood” (MA 4:38,7). Similarly, in *adhi-pātimokkha*, *adhi* (like *abhi-*) simply means “regarding” (“regarding the Dharma, regarding the Vinaya,” *abhidhamme abhivinaye*, V 1:64,29; M 1:472,5; A 5:24,17) [SD 26.1 (1.1.1)]. It was only later that *adhi-* was understood to mean “higher,” such as *adhi-* 增上, in Chin trs: see eg H Eimer, *Skizzen des Erlösungsweges in buddhistischen Begriffsräumen*, Bonn, 1976:40 n26. Buddhaghosa gives a technical explanation about a monk who claims superhuman attainments committing the 4th *pārājika*. Beginning with this, 6 rules are laid down in Parivāra; with the exception of these, all the remaining rules of training are called *adhipātimokkha* (MA 4:38 f). See (1.2.3.1).

⁹⁵ Such a dispute would be about the noble eightfold path or other aids to awakening. See foll Pali.

⁹⁶ *Magge vā pi ānanda paṭipadāya vā saṅghe vivādo uppajjamāno uppajjeyya, so’ssa vivādo bahu, janāhitāya bahu, janāsukhāya bahuno janassa anattāya ahitāya dukkhāya deva, manussānan ti* (M 2:245,19; M:Be 3:33,7 and M:Se-M 3:51,15: *svāssa*, Se also reads *yo* instead of *so*). See SD 46.19 (3.2.5.3). See (1.2.3.1).

⁹⁷ *Cha vivāda, mūla*. These “6 roots of disputes” are explained at V 2:89-104. See **D 33, 2.2(15)/3:246**; **Udumbarika Sīha, nāda S** (D 25,12/3:45), SD 1.4; **(Chakka) Vivāda, mūla S** (A 6.36), SD 47.14; SD 55.9 (2.2.2.2(68)). See also M 81/-2:245,25. The first 4 pairs are included among the “imperfections that defile the mind” in **Vatthūpama S** (M 7,3/-1:37 f), SD 28.12. On the 10 roots of disputes (regarding offences), see **(Dasaka) Vivāda, mūla S 2** (A 10.43/5:78 f).

⁹⁸ *So satthari’pi agāravo viharati appatisso*. Here, “**the teacher**” refers to the historical Buddha.

⁹⁹ Note that “**sangha**” is here spelt with an initial lower-case “s” to refer to the “natural” community of “noble disciples” (*ariya, sāvaka*), of streamwinners, etc, which includes both monastics and lay disciples. It does not include those who have not reached the path, even if they are monastics or priests of any kind. In some contexts, “sangha” may broadly refer to the whole monastic community (the 2 usages should not be confounded).

¹⁰⁰ *Sikkhāya’pi na paripūra, kāri hoti*.

¹⁰¹ *So saṅghe vivādaṃ janeti*.

which would be for the harm and sorrow of many,
for the loss, harm, and suffering of gods and humans.¹⁰²

6.3 Ānanda, if you (pl) are to see any such root of dispute in yourselves or in others, then, Ānanda, you should yourselves strive to abandon that very evil root of dispute.¹⁰³

6.4 And, Ānanda, if you do *not* see any such root of dispute in yourselves or in others, Ānanda, you should practise in such a way that that same evil root of dispute does not flood (the sangha) in the future.¹⁰⁴

This is how that evil root of dispute is abandoned. This is how that evil root of dispute does not flood (the sangha) in the future.

7 (2) Furthermore, Ānanda, a monk is **mean and spiteful**. *makkhī hoti palāsī*
Such a monk, Ānanda, mean and spiteful,
dwells without respect, without deference, *for the teacher;*
dwells without respect, without deference, *for the Dharma, too;*
dwells without respect, without deference, *for the sangha, too;*
and he does not fulfill *the training, too.*

7.2 *Such a monk, Ānanda, dwells without respect, without deference,* *for the teacher;*
dwells without respect, without deference, *for the Dharma, too;*
dwells without respect, without deference, *for the sangha, too;*
and he does not fulfill *the training, too—*
he causes a dispute in the sangha,
which would be for the harm and sorrow of many,
for the loss, harm, and suffering of gods and humans.

7.3 Ānanda, if you were to see any such root of dispute within yourself or in others, then you, Ānanda, should strive to abandon that very evil root of dispute.

7.4 And, Ānanda, if you do not see any such root of dispute either in yourself or externally, you should practise in such a way that that same evil root of dispute does not flood (you) in the future.

This is how that evil root of dispute is abandoned. This is how that evil root of dispute does not flood (you) in the future.

8 (3) Furthermore, Ānanda, a monk is **envious and selfish**. *issukī hoti maccharī*
Such a monk, Ānanda, envious and selfish,
dwells without respect, without deference, *for the teacher;*
dwells without respect, without deference, *for the Dharma, too;*
dwells without respect, without deference, *for the sangha, too;*
and he does not fulfill *the training, too.*

¹⁰² *Yo hoti vivādo bahu.janāhitāya bahu.janāsukhāya bahuno janassa anattāya ahitāya dukkhāya deva,manus-sānaṃ.*

¹⁰³ *Eva,rūpañ ce tumhe ānanda vivāda,mūlaṃ ajjhataṃ vā bahiddhā vā samanupasseyyātha, tatra tumhe ānanda tass'eva pāpakassa vivāda,mūlassa pahānāya vāyameyyātha.* At V 2:89,17-19 this is addressed to “monks” (*bhikkhave*).

¹⁰⁴ *Eva,rūpañ ce tumhe ānanda vivāda,mūlaṃ ajjhataṃ vā bahiddhā vā na samanupasseyyātha, tatra tumhe ānanda tass'eva pāpakassa vivāda,mūlassa āyatim anavassavāya paṭipajjeyyātha.* Note that here the Buddha, through Ānanda, gives these instructions to all sangha members (incl those today). At V 2:89,20-23 this is addressed to “monks” (*bhikkhave*).

8.2 *Such a monk, Ānanda, dwells without respect, without deference, dwells without respect, without deference, dwells without respect, without deference, and he does not fulfill* *for the teacher; for the Dharma, too; for the sangha, too; the training, too—*
he causes a dispute in the sangha, which would be for the harm and sorrow of many, for the loss, harm, and suffering of gods and humans.

8.3 *Ānanda, if you were to see any such root of dispute within yourself or in others, then you, Ānanda, should strive to abandon that very evil root of dispute.*

8.4 *And, Ānanda, if you do not see any such root of dispute either in yourself or externally, you should practise in such a way that that same evil root of dispute does not flood (you) in the future.*

This is how that evil root of dispute is abandoned. This is how that evil root of dispute does not flood (you) in the future.

9 (4) Furthermore, Ānanda, a monk is **crafty and deceitful**. *saṭho hoti māyāvī*
 Such a monk, Ānanda, crafty and deceitful, *dwells without respect, without deference, dwells without respect, without deference, dwells without respect, without deference, and he does not fulfill* *for the teacher; for the Dharma, too; for the sangha, too; the training, too.*

9.2 *Such a monk, Ānanda, dwells without respect, without deference, dwells without respect, without deference, dwells without respect, without deference, and he does not fulfill* *for the teacher; for the Dharma, too; for the sangha, too; the training, too—*
he causes a dispute in the sangha, which would be for the harm and sorrow of many, for the loss, harm, and suffering of gods and humans.

9.3 *Ānanda, if you were to see any such root of dispute within yourself or in others, then you, Ānanda, should strive to abandon that very evil root of dispute.*

9.4 *And, Ānanda, if you do not see any such root of dispute either in yourself or externally, you should practise in such a way that that same evil root of dispute does not flood (you) in the future.*

This is how that evil root of dispute is abandoned. This is how that evil root of dispute does not flood (you) in the future.

10 (5) Furthermore, Ānanda, a monk **has evil desires and wrong views**. *pāp'iccho hoti micchā,diṭṭhi*
 Such a monk, Ānanda, with evil desires and wrong views, *dwells without respect, without deference, dwells without respect, without deference, dwells without respect, without deference, and he does not fulfill* *for the teacher; for the Dharma, too; for the sangha, too; the training, too.*

10.2 *Such a monk, Ānanda, dwells without respect, without deference, dwells without respect, without deference, dwells without respect, without deference, and he does not fulfill* *for the teacher; for the Dharma, too; for the sangha, too; the training, too—*
he causes a dispute in the sangha,

*which would be for the harm and sorrow of many,
for the loss, harm, and suffering of gods and humans.*

10.3 *Ānanda, if you were to see any such root of dispute within yourself or in others, then you, Ānanda, should strive to abandon that very evil root of dispute.*

10.4 *And, Ānanda, if you do not see any such root of dispute either in yourselves or externally, you should practise in such a way that that same evil root of dispute does not flood (you) in the future.*

This is how that evil root of dispute is abandoned. This is how that evil root of dispute does not flood (you) in the future.

11 (6) Furthermore, Ānanda, a monk
is attached to his own views,
clings tenaciously to them,
unable to let them go.

*sandiṭṭhi, parāmāsī hoti
adhāna-g, gāhī
duppaṭṭhissaggī*

Such a monk, Ānanda, who is attached to his own views,
clings tenaciously to them, unable to let them go,

*dwells without respect, without deference,
dwells without respect, without deference,
dwells without respect, without deference,
and he does not fulfill*

*for the teacher;
for the Dharma, too;
for the sangha, too;
the training, too.*

11.2 *Such a monk, Ānanda, dwells without respect, without deference,
dwells without respect, without deference,
dwells without respect, without deference,
and he does not fulfill*

*for the teacher;
for the Dharma, too;
for the sangha, too;
the training, too—*

he causes a dispute in the sangha,

*which would be for the harm and sorrow of many,
for the loss, harm, and suffering of gods and humans.*

11.3 *Ānanda, if you were to see any such root of dispute within yourself or in others, then you, Ānanda, should strive to abandon that very evil root of dispute.*

11.4 *And, Ānanda, if you do not see any such root of dispute either in yourself or externally, you should practise in such a way that that same evil root of dispute does not flood (you) in the future. [247]*

This is how that evil root of dispute is abandoned. This is how that evil root of dispute does not flood (you) in the future.

11.5 Thus there is the abandoning of that evil root of dispute; thus there is the non-eruption of that evil root of dispute in the future.

These, Ānanda, are the 6 roots of dispute.

The 4 kinds of legal case

12 Ānanda, there are these **4 kinds of legal case**.¹⁰⁵

¹⁰⁵ *Adhikaraṇa* [2.1.2.1]. Horner tr as “legal questions.” They are dealt with at length at Cv 4.14 = Kd 14 (V 2:88-93; also V 3:163, 4:126, 238): Eng tr V:H 5:117-25; “legal issues,” V:B 5:227 f. Briefly, (1) a legal case arises from a dispute (*vivādādhikaraṇa*), ie, when monks dispute about the Dharma or the Vinaya [2.1.2.1 (1)]; (2) a legal case arising from an accusation (*anuvādādhikaraṇa*) is when monks accuse a monk of committing a transgression of monastic rules; (3) a legal case arising from an offence (*āpatti, ādhikaraṇa*) is when a monk who has committed a

What are the four?

- (1) a legal case regarding a dispute,
- (2) a legal case regarding an accusation,
- (3) a legal case regarding an offence, and
- (4) a legal case regarding proceedings.

These, Ānanda, are the 4 kinds of legal case.

The 7 kinds of settlement of legal cases

13 Ānanda, there are these **7 kinds of settlement of legal cases**.¹⁰⁶

For the settlement and stiling of legal cases whenever they arise, (any of) the following may be carried out:¹⁰⁷

(1) removal by presence,	<i>sammukha,vinayo</i>	[§14]
(2) removal on account of memory,	<i>sati,vinayo</i>	[§16]
(3) removal on account of past insanity,	<i>amūḷha,vinayo</i>	[§17]
(4) an acknowledgement of an offence,	<i>paṭiññāya,karetabbā</i>	[§18]
(5) the opinion of a majority,	<i>yebhuyyassikā</i>	[§15]
(6) pronouncement of bad character against someone, and	<i>tassa,pāpiyyasikā</i>	[§19]
(7) covering with grass.	<i>tiṇa,vatthārako</i>	[§20]

14 (1) And how, Ānanda, is there **removal by presence**?¹⁰⁸

Here, Ānanda, monks are disputing: ‘This is Dharma,’ or ‘This is not Dharma,’ or ‘This is Vinaya,’ or ‘This is not Vinaya.’

Those monks should all meet together in concord.

Then, Ānanda, having met together, the Dharma guideline should be drawn out.¹⁰⁹

Once the Dharma guideline has been drawn out, that legal case should be settled in a way that accords with it.

Such, Ānanda, is the removal by presence.

And so there comes to be the settlement of some legal cases here by way of removal by presence.¹¹⁰

transgression seeks to exonerate himself from it; and (4) a legal case regarding procedures (*kiccādhikaraṇa*) deals with the enactment of the formal sangha functions.

¹⁰⁶ *Adhikaraṇa,samatha* cases are dealt with in detail in Cv 4 (Kd 14). How the 7 means of settlement are to be applied for the resolution of the 4 kinds of legal case is discussed at **V 2:93-104**. Eng trs: V:H 5:125-140; V:B 5:200-259. See SD 58.4 (2.1.1.3).

¹⁰⁷ On the *difference* in the sequence of the settlements here and in the Sutta itself, see (2.1.2.2).

¹⁰⁸ *Sammukhā,vinaya* (M 2:247,14). See Kd 14 (V 2:73, 93, 96, 97), M 2:247: Rhys Davids & Oldenberg: “in the presence of the accused person” (V:RO 3:3); Horner, “verdict in the presence of” (V:B 5:97, 3:153 n2); Bodhi, “confrontation with the sangha, the Dharma, the Vinaya, and the individuals who are parties to the dispute” (M:B 855 + n984); Brahmali, “face-to-face-like resolution” (V:B 5:201). This kind of settlement applies to all 4 kinds of legal case, with minor differences in formulation (*kamma,vācā*).

¹⁰⁹ *Dhamma,netti samanumajjitabbā*; *sam + anu + √MAJ*, “to stroke, touch” + *itabba*, “that which should be touched (gone over).” MA gives as an example of *dhamma,netti* the 10 courses of wholesome and 10 unwholesome conduct, but says that here the Dharma and Vinaya themselves are meant, as in **Mahā Vaccha,gotta S** (M 1:490) (MA 4:48,4-8).

¹¹⁰ On the removal by presence, see: V:B 5:200-204, 238-242. For details and a modern application of this conflict resolution method, see SD 62.4b (3.1).

15 (4)¹¹¹ And how, Ānanda, is there **the opinion of a majority**?¹¹²

If, Ānanda, those monks cannot settle that legal case in that residence,¹¹³ they, Ānanda, should go to a dwelling place where there is a greater number of monks. There, Ānanda, they should all meet together in concord. Then, having met together, the Dharma guideline should be drawn out.

Once the Dharma guideline has been drawn out, that legal case should be settled in a way that accords with it. Such is the opinion of a majority.

And so, Ānanda, there comes to be the settlement of some legal cases here by the opinion of a majority.¹¹⁴

16 (2) And how, Ānanda, is there **removal on account of memory [recollection]**?¹¹⁵

Here, Ānanda, one monk reproves another monk for such and such a grave offence, one involving defeat or bordering on defeat:¹¹⁶

‘Does the venerable one remember having committed such and such a grave offence, one involving defeat or bordering on defeat?’

He says: ‘I do not, avuso, remember having committed such and such a grave offence, one involving defeat or bordering on defeat.’ **[248]**

In his case removal on account of memory should be pronounced.

Such is the removal on account of memory.

And so there comes to be the settlement of some legal cases here by way of removal on account of memory.¹¹⁷

17 (3) And how, Ānanda, is there removal on account of **past insanity**?¹¹⁸

Here, Ānanda, one monk reproves another monk for such and such a grave offence, one involving defeat or bordering on defeat:

‘Does the venerable one remember having committed such and such a grave offence, one involving defeat or bordering on defeat?’

He says: ‘I do not, avuso, remember having committed such and such a grave offence, one involving defeat or bordering on defeat.’

¹¹¹ These bracketed sequence follows that given in the opening list [§13], ie, as listed in the Pātimokkha and the Vinaya.

¹¹² *Yebhuyyasikā* (M 2:247,19).

¹¹³ “Residence” (*āvāsa*), which Comy def as “*āvāsa* is (a place) suitable for residence made into a lodging place” (*āvāso nāma vasanathāya kata, senāsanaṃ*, VA 6:1167,7 f); but what is significant here is clearly that the resident monastics must have the quorum to perform a sangha act.

¹¹⁴ On the opinion of a majority, see V:B 5:216-218, 243-245. For details and a modern application of this conflict resolution method, see SD 62.4b (3.4).

¹¹⁵ *Sati, vinaya* (M 2:247,28), which Horner renders as “verdict of innocence” (V:H 5:104); Brahmali, “resolution through recollection” (V:B 5:209). At V 2:80, it is said that this is given when an arhat monk, Dabba Malla,putta, who is pure and without offence, is falsely accused of an offence. He should approach the sangha to give him a verdict of innocence by appeal to his full and accurate recollection of his pure conduct.

¹¹⁶ An offence entailing defeat (*pārājika*) (M 2:247,30) means automatic loss of monastic status and expulsion from the sangha. An offence “bordering on defeat” (*pārājika, sāmāntena*) is either a *saṅghādisesa* offence, which requires a formal meeting of the sangha and a period of temporary penance, or the preliminary stages to a *pārājika* offence. On offences (*āpatti*), see (2.2.3).

¹¹⁷ On removal on account of memory, see: V:B 5:204-211, 247 f. For details and a modern application of this conflict resolution method, see SD 62.4b (3.1).

¹¹⁸ *Mūlha, vinaya* (M 2:248,5). A verdict of past insanity is given when a monk commits offences during a period of madness. The criterion for determining insanity is that he must have no recollection of his conduct during the period for which the verdict is requested. See V 2:80 f, 100; cf V 1:123, 325, 2:83

Despite the denial, the former presses the latter further:

‘Surely the venerable one must know quite well if he remembers having committed such and such a grave offence, one involving defeat or bordering on defeat?’

He says: ‘I had gone mad [I was unhinged], avuso, I was out of my mind, and when I was mad I said and did many things improper for a recluse. I do not remember, I was mad when I did that.’

In his case, removal on account of past insanity should be pronounced.

Such is the removal on account of past insanity.

And so there comes to be the settlement of some legal cases here by removal on account of past insanity.¹¹⁹

18 (4) And how, Ānanda, is there the effecting of **acknowledgement of an offence**?¹²⁰

Here, Ānanda, a monk, whether reprovved or unreprovved, remembers an offence, reveals it, and discloses it.

He should go to a senior monk, and after arranging his robe on one shoulder, he should pay homage at his feet.

Then, sitting on his heels, he should raise his palms together and say:

‘Bhante, I have committed such and such an offence; I confess it.’ The other says: ‘Do you see?’—

‘Yes, I see.’—

‘Will you practise restraint in the future?’—

‘I will practise restraint in the future.’

Such is the effecting of acknowledgement of an offence.¹²¹

And so there comes to be the settlement of some legal cases here by the effecting of acknowledgement of an offence.¹²² **[249]**

19 (6) And how, Ānanda, is there **the pronouncement of bad character** against someone?¹²³

Here, Ānanda, one monk reproves another for such and such a grave offence, one involving defeat or bordering on defeat:

‘Does the venerable one remember having committed such and such a grave offence, one involving defeat or bordering on defeat?’

He says: ‘I do not, avuso, remember having committed such and such a grave offence, one involving defeat or bordering on defeat.’

Despite the denial, the former presses the latter further: ‘Surely the venerable one must know quite well if he remembers having committed such and such a grave offence, one involving defeat or bordering on defeat?’

He says: ‘I do not, avuso, remember having committed such and such a grave offence, one involving defeat or bordering on defeat. But, avuso, I remember having committed such and such a minor offence.’

¹¹⁹ On the verdict of past insanity, see: V:B 5:211-214, 348-251. For details and a modern application of this conflict resolution method, see SD 62.4b (3.3).

¹²⁰ *Patiññāta, karaṇa* (M 2:248,21; v 1:325, 2:83). See V:B 5:214-216.

¹²¹ The procedure described is the established method by which a monk obtains exoneration for his transgression when he has fallen into any offence that can be cleared by confession.

¹²² On removal by acknowledgement of offence, see V:B 5:214-216, 253-255. For details and a modern application of this conflict resolution method, see SD 62.4b (3.4).

¹²³ *Tassa, pāpiyyāsikā* (M 2:249,1). Horner renders “decision for specific depravity”; Thanissaro, “further punishment” (*The Buddhist Monastic Code 1*, 3rd ed 2010:415); Brahmali: “further penalty” (V:B 5:218). This verdict is pronounced on a monk who is a creator of strife and quarrels in the sangha, who is ignorant and full of offences, or who lives unbecomingly socializing with householders. See V 2:85 f; A 4:347.

Despite the denial, the former presses the latter further: ‘Surely the venerable one must know quite well if he remembers having committed such and such a grave offence, one involving defeat or bordering on defeat?’

He says: ‘Avuso, when not asked I acknowledge having committed this minor offence; so when asked, why shouldn’t I acknowledge having committed such and such a grave offence, one involving defeat or bordering on defeat?’

The other says: ‘Avuso, if you had not been asked, you would not have acknowledged committing this minor offence; so why, when asked, would you acknowledge having committed such and such a grave offence, one involving defeat or bordering on defeat?’

Surely the venerable one must know quite well if he remembers having committed such and such a grave offence, one involving defeat or bordering on defeat?’

He says: ‘I remember, avuso, having committed such and such a grave offence, one involving defeat or bordering on defeat. I was joking, I was raving, when I said that I did not remember having committed such and such a grave offence, one involving defeat or bordering on defeat.’

Such is the pronouncement of bad character against someone.

And so there comes to be the settlement of some legal cases here by the pronouncement of bad character against someone.¹²⁴ [250]

20 (7) And how, Ānanda, is there **covering with grass**?¹²⁵

Here, Ānanda, when monks have taken to quarreling and brawling and are deep in disputes, they may have said and done many things improper for a recluse. Those monks should all meet together in concord.

When they have met together, a wise monk among the monks who side together on the one part should rise from his seat, and after arranging his robe on one shoulder, he should raise his hands, palms together, and call for an enactment of the sangha thus:

‘Let the venerable sangha hear me. When we took to quarreling and brawling and were deep in disputes, we said and did many things improper for a recluse.

If it is approved by the sangha, then for the good of these venerable ones and for my own good, in the midst of the sangha I shall confess, by the method of covering with grass, any offences of these venerable ones and any offences of my own, except for those which call for serious censure and those connected with the laity.’¹²⁶

Then, a wise monk among the monks who side together on the other part should rise from his seat, and after arranging his robe on one shoulder, he should raise his hands, palms together, and call for an enactment of the sangha thus:

‘Let the venerable sangha hear me. When we took to quarreling and brawling and were deep in disputes, we said and did many things improper for a recluse.

If it is approved by the sangha, then for the good of these venerable ones and for my own good, in the midst of the sangha I shall confess, by the method of covering with grass, any offences of these venerable ones and any offences of my own, except for those which call for serious censure and those connected with the laity.’

¹²⁴ For details and a modern application of this conflict resolution method, see SD 62.4b (3.6).

¹²⁵ *Tiṇa, vatthāraka* (M 2:250,1); this means of settlement is used when the sangha has been involved in a dispute in the course of which the monks committed many minor offences. Since to pursue charges for these offences may prolong the conflict, the offences are cleared by the means described in the Sutta. MA explains that this method is like throwing grass over excrement to remove the foul smell; hence, “covering over with grass.” Cf V 2:86 f.

¹²⁶ Offences calling for serious censure are those of the *pārājika* and *saṅghâdisesa* classes. Those connected with the laity are cases where a monk reviles and disparages householders. (MA 4:50)

Such is the covering over with grass.

And so there comes to be the settlement of some legal cases here by the covering with grass.¹²⁷

The 6 memorable qualities that conduce to concord

21 Ānanda, there are these **6 memorable qualities that conduce to concord**¹²⁸ that inspire love and respect, and conduce to fellowship, to non-dispute, to concord, and to unity.¹²⁹

What are the six?

(1) Here, Ānanda, a monk maintains **bodily acts of lovingkindness** both in public and in private towards his companions in the holy life.

This is a condition for concord that inspires love and respect, and conduces to fellowship, to non-dispute, to concord, and to unity.

(2) Furthermore, Ānanda, a monk maintains **verbal acts of lovingkindness** both in public and in private towards his companions in the holy life.

This too is a condition for concord that inspires love [251] and respect, and conduces to fellowship, to non-dispute, to concord, and to unity.

(3) Furthermore, Ānanda, a monk maintains **mental acts of lovingkindness** both in public and in private towards his companions in the holy life.

This too is a condition for concord that inspires love and respect, and conduces to fellowship, to non-dispute, to concord, and to unity.

(4) Furthermore, Ānanda, a monk **enjoys things in common** with his virtuous companions in the holy life; without making reservations, he shares with them any gain of a kind that accords with the Dharma and has been obtained in a way that accords with the Dharma, including even what is in his bowl.

This too is a condition for concord that inspires love and respect, and conduces to fellowship, to non-dispute, to concord, and to unity.

(5) Furthermore, Ānanda, a monk dwells both in public and in private possessing in common with his companions in the holy life those **virtues that are unbroken, untorn, unblotched, unmottled, liberating, commended by the wise, not misapprehended, and conducive to concentration**.

This too is a condition for concord that inspires love and respect, and conduces to fellowship, to non-dispute, to concord, and to unity.

(6) Furthermore, Ānanda, a monk dwells both in public and in private possessing in common with his companions in **the holy life** that view that is noble and liberating, and leads the one who practises in accordance with it to the complete destruction of suffering.¹³⁰

¹²⁷ For Eng tr of covering with grass, see V:B 5:224-227, 255-259. For details and a modern application of this conflict resolution method, see SD 62.4b (3.7).

¹²⁸ *Cha dhamma saraṇīya*; also called “conditions for conciliation,” “memorable qualities,” “conditions for living at ease”: SD 55.15 (3, esp Table 3). These are listed in (**Chakka**) **Sāraṇīya Dhamma S 1** (A 6.11), SD 55.15; (**Chakka**) **Sāraṇīya Dhamma S 2** (A 6.13), SD 55.16; SD 5.1 (1.2); SD 6.1 (2) n. The chief of these is the 6th: **Kosambiya S** (M 48,7) SD 64.1. For an explanation of these 6 conditions, see SD 55.15 (2). For sutta refs, see SD 55.15 (3).

¹²⁹ *Cha-y-ime ānanda dhammā saraṇīyā piya, karaṇā garu, karaṇā saṅghāya avivādāya sāmaggīyā eki, bhāvāya samvattanti*. As at **Kosambiya S** (M 48,6/1:322 f), SD 64.1.

¹³⁰ This 6th quality is said to be the chief of these 6: **Kosambiya S** (M 48,7) SD 64.1.

This too is a condition for concord that inspires love and respect, and conduces to fellowship, to non-dispute, to concord, and to unity.

22 These, Ānanda, are the 6 memorable qualities that conduce to concord that inspire love and respect, and conduce to fellowship, to non-dispute, to concord, and to unity.

If, Ānanda, you undertake and maintain these 6 memorable qualities that conduce to concord, do you see any course of speech, trivial or gross, that you could not endure?"¹³¹

"No, bhante."

"Therefore, Ānanda, undertake and maintain these 6 memorable qualities that conduce to concord. That will lead to your welfare and happiness for a long time."

23 That is what the Blessed One said.

The venerable Ānanda was satisfied and delighted in the Blessed One's word.

—evaṃ—

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¹³¹ **Kakacūpama S** (M 21,21) says this with reference to the parable of the saw (SD 38.1).