

# SD 62.4b The Vinaya and the Pātimokkha

A glimpse into the evolution of early Buddhist monastic law  
An essay by Piya Tan ©2024

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## 2 Legal processes of the Vinaya

### 2.2.0 The Vinaya as meaning; the Dharma as purpose

**2.2.0.1** The Dharma-Vinaya gives us **meaning and purpose** in *life* as Buddhists so that we are truly *happy and free* to see the *real truth* and gain insight *wisdom*. Hence, we see the essence of Dharma-Vinaya in the practice of **the 5 precepts**, which are rooted in the 5 values of life, happiness, freedom, truth and wisdom. For this reflection, we can see **Vinaya** making our lives meaningful: we are **alive**; to be alive is to be happy; to be truly happy is to be free, that is, to **grow** in truth and wisdom. Truth is what we see (it can be virtual or real); wisdom is to understand true reality (to see things as they really are).

Without the Vinaya and moral virtue (*sīla*), our Buddhist lives become meaningless. We are caught in the floods of the world, pulled back and pushed forth by the influxes of what we *see, hear, smell, taste, touch and think*. We are driven to acquire *gain, honour and fame*. Our bodies age, so do our minds; our minds grow old, but we do not grow up. In time, mental decay sets in; we realize we have been running after so many things but understanding nothing at all—we have been virtually living as *an asura, a preta, an animal or a hell-being*.

By then, we have fallen so deep into these subhuman states that they have become life-patterns and we find it even more difficult to break the chains of dependent arising and liberate ourselves. We may blissfully not even realize this because we are already so used to *it*.

**2.2.0.2 The Vinaya**—as monastic rules for monks and the 5 precepts for the laity—gives us **meaning** in life by training us to discipline our body to work better with our mind. The Vinaya teaches us to restrain, that is, focus our *eye, ear, nose, tongue, body and mind* (the 6 sense-faculties) to be the tools of minding and knowing. We begin to know that “knowledge” is what we make of these sense-faculties—which is the essence of **the Sabba Sutta** (S 35.23).<sup>1</sup>

As humans we are **moral beings**, that is, we have the 6 sense-faculties, and we are able to use our faculties to see and know the world with wisdom. We are “moral beings” (plural), which means we are *not alone*. We enjoy **aleness** because our task of being moral beings challenges us to make sense of what we *see, hear, smell, taste, touch and think* for ourselves. This is not always easy, especially when we are challenged by others who are also seeking to make sense of these experiences.

Our aleness—spending quality time with our mind—allows us to direct all of our mind and heart to making sense of our sense-experiences; to get the bigger picture; to see what the picture hides. It’s like looking at a crowd or scenery from afar; as our vision clears up, gets focused, comes closer, we are able to see more details of the crowd or the scenery. We learn things and keep learning; we get wiser, feel happier. Our aleness nurtures us into true individuals [3.8.2] preparing us to better and joyfully engage with the crowd and the world with humanity and humaneness, compassion and wisdom.

When we live such a moral life of love and learning, we are said to be “**bodily cultivated**” (*bhāvita, -kāya*).<sup>2</sup>

**2.2.0.3 The Vinaya** is a reminder that we are not alone; that we live with others, in a community, in a society, a world, a universe. The Vinaya rules and procedures are tools to remind us to respect *life, property, other people (their person and personality), the truth, and the mind (to keep being mindful)*. Again here, we see the 5 values of the precepts and moral virtue at work.

The Vinaya reminds us of the wholesome thought that inspired us to **renounce** in the first place. Now that we have this rare and wonderful opportunity to live like the arhats of the Buddha-Dharma, we should

<sup>1</sup> S 35.23/4:15 (SD 7.1).

<sup>2</sup> See **Piṇḍola Bhāra, dvāja S** (S 35.127,7), SD 27.6a.

not kill the goose that lays golden eggs. We might think that by cutting open the goose, we will get all the golden eggs at once. We will only kill the goose and get no more golden eggs. Our renunciation is that goose laying the daily golden egg of self-sufficiency and joyful satisfaction.

**2.2.0.4** We will now look deeper into the nature and **meaning** of the Vinaya and its legal processes for a better understanding of how the Buddhist monastic life specifically and the lay life generally can become meaningful. We then may have a better understanding of **the purpose** of the Dharma-life rooted in the Vinaya [3.8].

## 2.2 THE VINAYA, THE PĀTIMOKKHA AND ĀPATTI

### 2.2.1 The Vinaya

**2.2.1.0 The Vinaya Piṭaka**,<sup>3</sup> the first of the “3 baskets” (*ti,piṭaka*) of the early Buddhist canon, has 3 sections or volumes:<sup>4</sup>

- (1) **Khandhaka** (V 1-2) comprises the Mahā,vagga [2.2.1.1] and the Culla,vagga [2.2.1.1 f];
- (2) **Sutta,vibhaṅga** (V 3-4) comprises the Mahā,vibhaṅga (= Bhikkhu,vibhaṅga), giving the rules for the monks [2.2.1.3], and the Bhikkhunī,vibhaṅga, giving the rules for the nuns [2.2.1.4];
- (3) **Parivāra** (V 5) a late appendix. [2.2.1.5]

Traditionally, it is said that the elder Upāli recited the Vinaya at the 1<sup>st</sup> council, convened 3 months after the Buddha’s passing. The Vinaya specifically states, “In that way he [Mahā Kassapa] questioned him [the elder Upāli] regarding the 2 Vibhaṅgas (analyses)” (*eten’eva upāyena ubhato,vibhaṅge pucchi*, V 2:287,8 f). The 2 Vibhaṅgas are the Bhikkhu Vibhaṅga and the Bhikkhunī Vibhaṅga, which are collectively called **the Sutta Vibhaṅga**.

Of the 6 apparently complete Vinayas that have come down to us, the Theravāda Vinaya is probably the most complete and the oldest we have today in an Indian language, that is, Pali. Nevertheless, the oldest parts were probably compiled within a century of the Buddha’s parinirvana.<sup>5</sup>

The Pali Vinaya however lacks “some potentially old sections that are found elsewhere under titles such as *Nidāna* (introductions) or *Mātrkā* (matrices) found in Chinese and Tibetan sources.<sup>6</sup> Scholars now agree that the Pali Vinaya too is a “translation” from some more original version.<sup>7</sup> We should not therefore assume that, as a scriptural text, that the Sutta Vibhaṅga is uniformly old. It is likely that it went through some kind of textual growth in the oral tradition through the authority of monastic elders until

<sup>3</sup> On the Vinaya Piṭaka, see K R **Norman**, *Pali Literature*, Wiesbaden, 1983b:18-29 (ch 2). For a scholarly standard tr (but “incomplete and at times inaccurate ... (with) failure to translate the more risqué parts,” V:B 1:ix): I B **Horner**, *The Book of the Discipline*, 6 vols, London: PTS, 1938 ... 1966 [Download: SD Guide]. For an “accurate, clear and accessible” but somewhat colloquial tr, **Brahmali**, *Theravāda Collection on Monastic Law*, 6 vols, Eastwood (S Australia), 2023. For downloads: see SD Guide, svv V:B V:HB V:H. On extant Vinayas, see Brill Ency of Buddhism Online vol 1: Vinaya.

<sup>4</sup> Their similarity in method as that found in the Niddesa suggests that both belong to the same period.

<sup>5</sup> See Norman, *Pali Literature*, 1983b:26-29 (§2.3).

<sup>6</sup> Four other surviving Vinayas are those of Mahāsaṅghika (T1425), Sarvāstivāda (T1435), Dharmaguptaka (T1428) and Mahīśāsaka (T1421) have survived exclusively in Chin translations, but none of these recensions date earlier than the 5<sup>th</sup> cent. Mūlasarvāstivāda-vinaya (T1442) has fared better with much of it available in a relatively early Skt MS, large parts in a Chin tr (8<sup>th</sup> cent), and perhaps the whole of it in a very literal Tib tr (9<sup>th</sup> cent). See Macmillan Ency of Buddhism, 2004:888; Brill Ency of Buddhism Online vol 1: vinayapiṭaka.

<sup>7</sup> Macmillan Ency of Buddhism, 2004:887.

Asoka's time, that is, the 3<sup>rd</sup> council, held in Pāṭaliputta, around 250 BCE. The Sutta Vibhaṅga is found in the oldest extant parts of the Vinaya Piṭaka which date from the earliest texts.

**2.2.1.1 The Pali Vinaya**, due to its provenance, is a very valuable document in Indian history. “Although typically presumed to include just the rules and regulations of monastic conduct, the Vinayapiṭaka is actually of the richest sources for understanding Buddhist practice and institutions in India.”<sup>8</sup> This is especially true of first main part of the Vinaya, **the Khandhakas**, is divided into 2 main parts—**the Mahā,vagga** (the great group) and **the Culla,vagga** (the small group)—comprising 22 chapters or sections covering 4 or 5 main areas (straddling the Maha,vagga and the Culla,vagga):<sup>9</sup>

**Mahā,vagga** (Mv 1-10 @ V 1)

- (a) **Ch 1 mahā,vagga**, the Buddha's first 2 years of his ministry, that is, from the awakening, the first sermon and the 4 noble truths, up to the acceptance of Sāriputta and Moggallāna into the sangha (Mv 1 @ V 1:100); this is the oldest canonical accounts of the Buddha's early life and teachings.
- (b) **Chs 2-10** (first 9 of 18 chapters) on monastic practices and regulations regarding (Mv 2-10): **2** observance (*uposatha-k,khandhaka*), **3** entry into the rains (*vassūpanīyaka-k,khandhaka*), **4** invitation (*pavāraṇā-k,khandhaka*), **5** hides (*camma-k,khandhaka*), **6** medicines (*bhesajja-k,khandhaka*), **7** kathina (*kaṭhina-k,khandhaka*), **8** robe-material (*cīvara-k,khandhaka*), **9** (the monks at) Campā (*campeyya-k,khandhaka*), **10** the monks at Kosambī (*kosamba-k,khandhaka*);

**Culla,vagga** (Cv 1-12 @ V 2)

- (b) **Chs 11-19** (second 9 of 18 chapters): **11** (Cv 1) on formal acts (*kamma-k,khandhaka*), **12** (Cv 2) on probation (*parivāsa-k,khandhaka*), **13** (Cv 3) on accumulation (of offences) (*samuccaya-k,khandhaka*), **14** (Cv 4) on settlement (*samatha-k,khandhaka*), **15** (Cv 5) on minor matters (*khuddaka,vatthu-k,khandhaka*), **16** (Cv 6) on lodgings (*sen'āsana-k,khandhaka*), **17** (Cv 7) on schism (*saṅgha,bhedaka-k,khandhaka*), **18** (Cv 8) on proper conduct (*vatta-k,khandhaka*), **19** (Cv 9) on suspension of the Pātimokkha (recital) (*pātimokkha,ṭhapana-k,khandhaka*).
- (c) **Ch 20** (Cv 10) *bhikkhuṇī-k,khandhaka* (rules for nuns).
- (d) **Chs 21-22** (2 chapters) on early post-Buddha history: **21** (Cv 11) The (council of) 500 (*pañca,satika-k,khandhaka*), **22** (Cv 12) The (council of) 700 (*satta,satika-k,khandhaka*).<sup>10</sup>
- (e) (**Ch 22**) introduction of Pātimokkha recital, with part of Old Commentary on it (detached from the rest of the Pātimokkha rules and embedded appropriately in the Uposatha-k,khandhaka (Mv 2.3.4-2.3.8 @ V 1:103,12-104,20).<sup>11</sup>

Although the narratives behind the rules are set in the context of the Buddha's life, these accounts are not given in a chronological order<sup>12</sup>—the framework is that of *the teaching and discipline* rather than the teacher's life. In some cases, the biographical background is retold to highlight the significance of the rule rather than to glorify the Buddha's life.

**2.2.1.2** The last 2 chapters of **the Culla,vagga** (Cv 21-22) are accounts of the 1<sup>st</sup> and the 2<sup>nd</sup> councils respectively—(ch 11) *pañca,satika-k,khandhaka*, “chapter on the 500,” held at Rājagaha 3 months after the Buddha's death—and of the 2<sup>nd</sup> council (ch 12) *satta,satika-k,khandhaka*, “chapter on the 700,” held at

<sup>8</sup> Princeton Dict of Buddhism 2014: vinayapiṭaka.

<sup>9</sup> See SD Guide: Khandh = Kd.

<sup>10</sup> These accounts, esp 21 (Cv 11), seem to be a continuation of **Mahā,parinibbāna S** (D 6, SD 9), and in the canon of some schools is found in conjunction with it (Norman 1983b:37 f).

<sup>11</sup> V:H 4:xiii. Norman, *Pāli Literature*, 1983b:22.

<sup>12</sup> V:H 4:xiii.

Vesali 100 years after the Buddha —which shows that the extant Vinaya Piṭaka stretches to at least 100 years AB (“After the Buddha”).

Since these accounts are included in *all* Indian versions of the Vinaya,

it can be concluded that all sects had (approximately) the same Vinaya until the 2<sup>nd</sup> council<sup>13</sup> and the schism that followed it. The fact that part of the Vinaya is late does not, however, mean that all of it is late. The different arrangement of the khandhakas [chapters] and the material in the various vastus [accounts] shows that there was already the beginning of divergency before the time of the second council. (Norman 1983b:24)

The inclusion of the last 2 chapters on the post-Buddha councils does not in any way prove that the Pali Vinaya is post-Buddha. All we can logically conclude is that the early Pali Vinaya (the 1<sup>st</sup> council) clearly did not have those chapters, and that it was considered judicious by the early elders to include them in due course. This inclusion could only have been done with the authorization of elders (*thera*) of the post-Buddha sangha.

**2.2.1.3** The 2<sup>nd</sup> part of the Vinaya Piṭaka deals with the “analyses of rules,”<sup>14</sup> that is, **Sutta Vibhaṅga**, the core of which is the Pātimokkha.<sup>15</sup> The Sutta Vibhaṅga consists of 2 sections: **the Mahā,vibhaṅga** (on the monks’ 227 rules) and **the Bhikkhuṇī,vibhaṅga** (on the nuns’ 311 rules). The majority of the Pātimokkha rules applies to both monks and nuns, but 46 rules are specific to the monks and 130 are specific to the nuns. The nuns appear to have more rules because of the subdivision of individual monks’ rules into multiple rules for the nuns and because the nuns have rules in their Pātimokkha that the monks have in the Khandhakas.

Both the sections of the Sutta Vibhaṅga follow the same pattern of 7 classes of offences [2.2.3] and an 8<sup>th</sup> special section: 1. defeat (*pārājika*), 2. formal meeting (*saṅgh’ādi,sesa*), 3. undetermined (*aniyata*), 4. forfeiture (*nissaggiya*), 5. expiation (*pācittiya*), 6. confession (*pāṭidesanīya*), 7. training (*sekhiya*), and 8. legal questions (*adhikaraṇa,samatha*) [Table 2.2.2 f]. This last class has neither explanatory stories nor Old Commentary like the other sections; it seems to be an addition to the list.<sup>16</sup> [2.2.7]

In the Sutta Vibhaṅga, each rule is largely self-contained and follow a standard pattern of analysis consisting of the following:

- (1) origin story or stories that led the Buddha to lay down a particular rule;<sup>17</sup>
- (2) a Pātimokkha rule, which always states the penalty for breaking it; although many of the rules<sup>18</sup> are said to have been introduced by the Buddha, many sub-rules are recorded without any reference to him (meaning that these rules were made by elders after the Buddha to deal with new situations);<sup>19</sup>
- (3) **the Old Commentary**, a technical word-analysis (*pada,bhājanīya*) of the rules;<sup>20</sup>

<sup>13</sup> E Frauwallner, *The Earliest Buddhist Vinaya and the Beginnings of Buddhist Literature*, Rome, 1956:150-153. (Qu in Norman op cit)

<sup>14</sup> The term *sutta* is used here in the sense of “(Pātimokkha) rule.”

<sup>15</sup> The Pātimokkha has no independent existence of its own in the canon, but is embedded in the Sutta,vibhaṅga.

<sup>16</sup> See V:H 1:xi.

<sup>17</sup> See V:H 1:34.

<sup>18</sup> The nature of the *pācittiya* rules however suggests that this group was a later addition: V:H 2:39. Many of the minor rules, such as the monks’ *sekhiyas*, and especially the rules for the nuns, vary between the schools, suggesting that they arose during the sectarian period: V:B 1:xviii.

<sup>19</sup> Eg Saṅgh 9, 10, 11 (V:H 1:xvi).

<sup>20</sup> Their similarity in method as that found in the Niddesa suggests that both belong to the same period.

- (4) more stories explaining maximum penalty for offences, variations and amendments in the rules, exceptions or relaxations of the rules. These accounts often take the technical form of a permutation series in which a number of factors are varied in combination with each other to reflect all possible scenarios. Sometimes (3) and (4) are reversed; sometimes there is no (4); the stories of (4) are comparable to those in (1).<sup>21</sup>
- (5) A non-offence clause then sets out important exceptions for each rule. It is sometimes followed by a set of case studies, clarifying whether an offence has been committed, as decided by the Buddha. Only the first 9 rules of the monks' Pātimokkha have this section.

While the Pātimokkha is considered old, going back to the pre-sectarian days,<sup>22</sup> even to the earliest period,<sup>23</sup> the rest of the Sutta Vibhaṅga is significantly younger than the Pātimokkha rules;<sup>24</sup> but parts of the Sutta Vibhaṅga go back to the early period.<sup>25</sup>

**2.2.1.4 The Bhikkhuṇī, vibhaṅga** deals with the rules of the nuns, but which appears misleading in that (in the present form), as they only contain those rules which are not already included in the monks' rules. Since the *sekhiya* rules are the same for both, only the first and the last of the 75 are listed. At the end of the *pācittiya* rules, the total is said to be 166 (V:4 345,20), but only 96 are listed. Of the monks' *pācittiya* rules, however, 70 also apply to the nuns, making up the total of 166. The Old Commentary is included for the rules which are given, showing that the nuns' rules were early enough to pre-date the composition of that commentary.<sup>26</sup>

Of the nuns' Pātimokkha, K R Norman notes:

the section of rules for bhikkhunīs (*bhikkhuṇī-kkhandhaka*) is probably an addition, made after the rules for bhikkhus, and was therefore at one time the last section of the Khandhaka. As, however, it is now followed by the accounts of the two councils, and has parallels in the Khandhakas of other sects, it must be presumed that the Bhikkhuṇī-kkhandhaka predates the schism between the schools. (Norman 1983b:24)

**2.2.1.5** The 3<sup>rd</sup> and last part of the Vinaya (V 5), **the Parivāra**, is the youngest of the Vinaya Piṭaka, compiled probably in Sri Lanka, perhaps fixed by 1<sup>st</sup> century CE.<sup>27</sup> As the name suggests, it is kind of appendix to the Vinaya. It provides a summary and classification of the monastic rules, as well as additional instructions regarding administrative procedures for sangha matters.

The Parivāra consists of 19 chapters, summarizing the earlier sections of the Vinaya, the content and structure of which vary slightly. For example, the 1<sup>st</sup> chapter is a series of catechisms regarding the Pātimokkha, classified according to subject. The 2<sup>nd</sup> offers the same treatment on the rules for nuns. Other chapters are given in verses or as numerical lists. The Parivāra also gives detailed procedures regarding the settlement of disputes within the sangha. The text dictates that disputes must be heard and settled by a panel of Vinaya experts (*vinaya, dhara*).<sup>28</sup>

<sup>21</sup> V:H 1xxxiv; K R Norman, *Pali Literature*, 1983b:18-22 (§2.1).

<sup>22</sup> W Pachow, *A Comparative Study of the Prātimokṣa* [1935], Delhi, 2000:13.

<sup>23</sup> Pachow 2000:14-18.

<sup>24</sup> O von Hinüber, *Handbook of Pāli Literature*, Berlin, 2000:13 f.

<sup>25</sup> Norman, *Pali Literature*, 1983b:20 f.

<sup>26</sup> Norman, *Pali Literature*, 1983b:20.

<sup>27</sup> Prob compiled by a Sinhala monk as an appendix to the Vinaya (Ency Bsm 8:656 f). See also O von Hinüber, *A Handbook of Pāli Literature*, Berlin, 1996:22.

<sup>28</sup> K R Norman, *Pali Literature*, 1983b:26-29 (§2.3).

**2.2.1.6 The Pali Vinaya** is not only the oldest Vinaya we have today in that it predates the other Vinayas, but one with the longest continual usage, with its rules and procedures still practised by the Theravāda monastic community, especially the forest tradition. Although most of us will worry more about whether the rules are being followed than which came first, we can learn important things about the history of Buddhism by considering the history of Vinaya composition.

The Vinayas of other schools (such as that of the Mahāsaṅghika, precursor of the Mahāyāna) often have much of their materials compiled well after the Buddha’s passing. An early pre-Mahāyāna school, the Mūlasarvāstivāda (an extinct school), for example, mentions **stupas** in the Kṣudraka-vastu of their Vinaya. However, the Pali Vinaya makes no mention of stupas at all—“probably because the compilers of the Pali canon thought that *stūpas* were the province of laymen, not of *bhikkhus*.”<sup>29</sup> We can take this as evidence of the early age of the Pali Vinaya, since stupa-worship amongst monastics was popular only after the Buddha’s time.<sup>30</sup>

When the Indian Vinayas were translated into Chinese, the translators viewed the rules as being determined by the customs and climate of India so that they were often found to be either incomprehensible or irrelevant to the Chinese. This led to the composition of indigenous Chinese monastic codes, especially for the Chan (Zen) community, such as 禪門規式 *chanmen guishi* (“Zen sect regulations”),<sup>31</sup> composed by patriarch 百丈 Baizhang (749-814),<sup>32</sup> and 禪苑清規 *chányuàn qīngguī* (“Chan monastic rules of purity.”<sup>33</sup> These were the prescribed rules of conduct for monks and nuns that reflected more closely the realities of life in East Asia.

In Tibet, **the Vinaya-sūtras** by Guṇaprabha, a medieval Indian summary of the much larger **Mūlasarvāstivāda Vinaya**, was the primary source for the monastic code, but each monastery (*gompa*) also had its own “constitution” (བཅའ་ཡིག་ **bCa’ yig**) supplementing the two Vinayas (of the monks and of the nuns).<sup>34</sup> With the adoption of their own Vinaya codes, these sects and schools effectively differentiated themselves from “early Buddhism” in the traditional sense of Buddhist history. They generally came to regard themselves as Mahāyāna (the great vehicle) in the case of the East Asian schools, and as Vajrayāna (the adamant path) in the case of the northern schools.<sup>35</sup>

**2.2.1.7** Due to the legal and technical nature of the Vinaya, it has vast **commentarial literature** that has gradually grown over the millennia, and continues to do so to the present day. All three of the living Vinaya traditions—the Theravāda, the Dharmaguptaka and the Mūlasarvāstivāda—each has their own commentarial collection. The commentarial literature begins with **the Suttavibhaṅga** [2.2.1.3], which, although now part of the canon, is an early commentary on the Pātimokkha rules.

Next, we have other canonical commentaries or summaries, such as the **Parivāra**. Beyond these, we come to the commentaries proper, the **atthakathā**, “the talk on meanings.” The most important non-canonical commentary on the Pali Vinaya is the **Samanta,pāsādikā**, composed by Buddhaghosa (5<sup>th</sup>

<sup>29</sup> G Roth, “Symbolism of the Buddhist stupa,” in A L Dallapiccola (ed), *The Stūpa: its religious, historical and architectural significance*, Wiesbaden, 1980:186. Qu in K R Norman, 1983b:23 n45.

<sup>30</sup> K R Norman, *Pali Literature*, 1983b:22-26 (§2.2).

<sup>31</sup> T2076.51.0250c27.

<sup>32</sup> A short appendix to Baizhang’s hagiography in 景德傳燈錄 *jingde chuanden lu* (Jingde [Era] Record of the Transmission of the Lamp). For Eng tr of *Chanmen guishi*, see G Foulk, “The Ch’an School and its place in Buddhist monastic tradition,” PhD diss, 1987:328-379 & M Collcutt, “The Early Ch’an Monastic Rule: Ch’ing kwei and the Shaping of Ch’an Community Life,” in Lai & Lancaster (eds), *Early Ch’an in China and Tibet*, Berkeley 1983:165-184. See also Yifa, *The Origins of Buddhist Monastic Codes in China* [tr & study of Chanyuan qinggui], Honolulu, 2002. X1245: [CBETA]; [DigitalDict]; [CBC]. 9 Apr 2025.

<sup>33</sup> [X1245] [DigitalDict]. 9 Apr 2025.

<sup>34</sup> Princeton Dict of Buddhism, 2014: Vinaya; bca’ yig; qinggui.

<sup>35</sup> K R Norman, *Pali Literature*, 1983b:26-29 (§2,3).

century CE) based on pre-existing commentaries that probably originated in India. Another important commentary from this period, the **Kaṅkhā, vitaraṇī**, a commentary on the Pātimokkha, was also compiled by Buddhaghosa.

The next level of commentaries is the **ṭīkā**, the subcommentaries, of which there are over a dozen, including highly specialized literature, such as handbooks on monastery boundaries (*sīmā*). Ṭīkā continue to be composed to the present day. The extent to which the canonical Vinaya needs to be interpreted in line with this commentarial tradition is typically controversial, and Vinaya practices vary widely today.

To navigate this vast commentarial literature, many Theravāda monasteries rely on modern summaries for their practice and interpretation of the Vinaya. Well known examples include **the Vinayamukha**<sup>36</sup> in Thai (with English translations) and Bh Ṭhānissaro's *The Buddhist Monastic Code*<sup>37</sup> in English.

In addition to these works, most Theravāda monasteries follow a number of rules that are informal in nature. These include rules used to distinguish individual sects (*nikāya*), such as rules on the style of robes and on the manner of wearing them. Then there are rules that pertain to particular teacher-lineages (*paramparā*), such as those that often form around especially charismatic and famous teachers.

The final set of rules are those laid down in individual monasteries. These regulate the daily routines and other aspects of monastic life that are monastery-specific. Although all these rules are sometimes called Vinaya and therefore assumed to stem from the Vinaya Piṭaka or at least the commentaries, in reality, few of them have any canonical basis.<sup>38</sup>

**2.2.1.8** Most of the early schools of Buddhism have long since disappeared, but three Vinaya traditions have come down to our times: the Theravāda, based in Sri Lanka and Southeast Asia; the Dharmaguptaka, based in East Asia, especially China and Korea; and the Mūlasarvāstivāda, based in Tibet and Northern Asia (including Mongolia).

In practice, it is rare for monastics today to follow all the rules of their chosen Vinaya lineage. A well known anomaly is that although **the use of money** is prohibited by the Pātimokkha of all schools, it is nevertheless used by the vast majority of monastics, including the Theravāda. The more prudent monastics do not handle money or financial transactions themselves but rely on “licitors” or *kappiya, kāraka* (one who makes it allowable) or “kappiya” for short.<sup>39</sup>

The extent to which the rules are followed varies enormously but most monastics do at least follow the most important rules, that is, the rules entailing expulsion (*pārājika*) and those entailing suspension (*saṅghādi, sesa*). In affluent urban societies, modernist “monastics” or priests are known to not only have large bank accounts but also live luxurious layman-like lives.<sup>40</sup> In Japan, the Vinaya—especially rules regarding celibacy and vegetarianism—have been “decriminalized,” that is, disallowed by the 肉食妻帯 *niku-jiki saitai* (meat-eating, wife-taking) Meiji law of 1872.<sup>41</sup>

<sup>36</sup> Composed by Thai Supreme Patriarch Vajirañāṇavarorasa, written in Thai, *Winay.mukh* (with Eng tr, *Entrance to the Vinaya*): vol 1 1921 (1992), vol 2 1969 (2009), vol 3 1973 (1983).

<sup>37</sup> Thanissaro, *The Buddhist Monastic Code I, The Pātimokkha Rules, Translated & Explained*, California: Metta Forest Monastery, 1994. Repr 2007.

<sup>38</sup> V:B 1:xxii f.

<sup>39</sup> See SD 4.19 (7.3).

<sup>40</sup> For such a case in modern affluent Singapore, see **The Three Roots Inc**, SD 31.12 (3.4.4).

<sup>41</sup> The law stipulates: “[F]rom now on Buddhist clerics shall be free to eat meat, marry, grow their hair, and so on. Furthermore, they are permitted to wear ordinary clothing when not engaged in religious activities” (1872:72). This law is part of Japan’s attempts at modernization—the separation of religion from state, as influenced by the West. Another reason for this draconian law is to forever emasculate priestly Buddhism (which had been politically powerful and worldly since the Heian era (794-1185), and promote Shinto as the national cult. See SD 60.1c (1); SD 66.13 (3.4.3, 3.6, 3.9).

There are also great variations in the procedures that govern the various monastic Sanghas.<sup>42</sup> Sometimes they are practised to the letter, such as in most ordination ceremonies in the Theravāda tradition. At other times the procedures are misinterpreted or simply disregarded, such as the procedures for choosing the officials and leaders of the Sangha.<sup>43</sup>

Buddhist history has seen periodic **reform movements** and sporadic attempts at purifying the monastic Sangha.<sup>44</sup> Typically, the Sangha gradually degenerates until a charismatic leader initiates a reform movement aimed at proper monastic practice and keeping to the Buddhist path. These reform movements sometimes arise as “forest traditions,” whereby monastics establish forest monasteries in keeping with the ideals of early Buddhism.<sup>45</sup> Over the last three decades, one controversial and ongoing reform has been the re-establishment or recognition of an Order of Nuns, bhikkhūṇīs, in the Theravāda.<sup>46</sup>

### 2.2.2 The Pātimokkha

		<b>Number of rules:</b>	
		<b>monks</b>	<b>nuns</b>
(1) <i>pārājika</i>	defeat	4	8
(2) <i>saṅgh’ādisesa</i>	formal meeting	13	17
(3) <i>aniyata</i>	undetermined	2	none
(4) <i>nissaggiya(-pācittiya)</i>	forfeiture	30	30
(5) <i>(suddha) pācittiya</i>	expiation	92	166
(6) <i>pāṭidesanīya</i>	confession	4	8
(7) <i>sekhiya</i>	training	75	75
(8) <i>adhikaraṇa, samatha, dhammā</i>	legal cases and settlement	7	7
<b>total number of rules</b>		<b>227</b>	<b>311</b>

**Table 2.2.2** The number of Pātimokkha rules [2.3]

**2.2.2.1** The core of the Sutta, vibhaṅga is **the Pātimokkha** (the monastic code) consisting of 227 rules for the monks and 311 for the nuns [2.2.1.4]. The Bhikkhu Pātimokkha falls into 8 sections and the Bhikkhūṇī Pātimokkha 7 sections [Table 2.2.2].<sup>47</sup>

The early Buddhist Pātimokkha that has come down to us today is preserved by **the Theravādā**, the tradition of the elders (especially those of the forest tradition) whose lineage traditionally. This is part of the early Dharma-Vinaya—or **early Buddhist texts** (EBTs)—that are also found (at least in parts) in the other early Indian schools such as the Dharmaguptaka, Mahāsāṅghika, Mahīśāsaka, Mūlasarvāstivāda, Sarvāstivāda, and others of uncertain affiliation.<sup>48</sup> For over a century, scholars have closely studied these

<sup>42</sup> Conventionally, the lower-case **saṅgha** (with diacritic) refers to the monastic order of early Buddhism. I have used initial capital S—**Sangha**—for modern or sectarian communities.

<sup>43</sup> At least one Sinhala priest living in the US was known to have stated that Vinaya rules might in time need to be relaxed regarding how monks engage with women! SD 3.13 (1.3.2).

<sup>44</sup> One such reform movement is that launched by King Mongkut of Siam (r 1851-1868): SD 60.1b (4.5.3).

<sup>45</sup> One such “reformer” was Ajahn Chah of Thailand: SD 60.1b (5.12).

<sup>46</sup> V:B 1:xxi f.

<sup>47</sup> See (ed) W Pruitt, (tr) K R Norman, *The Pātimokkha*, Oxford: PTS, 2001.

<sup>48</sup> The only or most complete collection of the early Buddhist texts is in Pali, handed down through the Mahāvihāra monastery of Sri Lanka (3<sup>rd</sup> cent BCE-9<sup>th</sup> cent CE) and the monasteries in South India (up to 9<sup>th</sup> cent at least). Both monastic traditions received Buddhism during Asoka’s time. This is **the Pali canon** that was brought to Myanmar, Cambodia, Laos, and Thailand. Other schools had the early texts at various levels of completion, from a majority of texts in the case of the Sarvāstivāda to only a few scattered suttas and Vinaya of the Mahāsāṅghika. The texts of

texts and have consistently found them to be essentially identical in doctrine irrespective of transmission lineage.<sup>49</sup>

The differences amongst the various early schools seemed to be in their respective **Vinayas**, that is, in the number of rules of their Pātimokkha (Skt *prātimokṣa*). While the Theravāda has the fewest rules for monks, that is, 227 rules, the Dharmaguptaka has 250, and the Mūlasarvāstivāda 253, while all have considerably more rules for the nuns than the Theravāda, too. However, there is substantial agreement amongst the Prātimokṣa of the various mainstream Buddhist schools, even if these are not in Pāli. For example, they all have the same classes of offences, namely, *pārājika*, *saṅghāvaśeṣa*, *aniyata*, *naihsar-gika*, *pāyattika*, *pāyattika* or *pātayantika*, *pratideśaniya*, *śaikṣa* and *adhikaraṇa*, *śamatha*.<sup>50</sup>

### 2.2.2.2 A Pātimokkha of only 220 rules?

**The (Aṭṭhaka) Uposatha Sutta** (A 8.20) records a key event in early sangha history, marking the end of the Buddha's recitation of the “admonitory code” or “admonition code” (*ovāda pātimokkha*).<sup>51</sup> In other words, up to that point, during the 1<sup>st</sup> period of the ministry,<sup>52</sup> there was no monastic code (*pātimokkha*) of 150 rules or 220 rules or 227 rules (that is, the “mandated code,” *āṇā*, *pātimokkha*).<sup>53</sup> For a period, the monks who attended these *ovāda pātimokkha* sessions were all arhats. [2.2.6.4]

As a result of **the great commission**—the sending out of the first 60 arhats late in the 1<sup>st</sup> year of the ministry<sup>54</sup>—the first Buddhist missionaries brought back numerous converts. Due to the great number of converts, the Buddha allowed the elders to ordain the converts by way of **going for the 3 refuges** (*tīhi saraṇa*, *gamanehi upasampadā* or simply *saraṇa*, *gaman'upasampadā*).<sup>55</sup>

The Buddha's rationale is clear: the arhats don't need rules because they are awakened (hence, they are moral by nature, both in action and in mind). Those who are not yet arhats *do* need the rules because the refuges in themselves are not sufficient to ensure streamwinning but the training for the path starts with the refuges.

**2.2.2.3** It is very likely that **the (Māra) Pāsa Sutta 1** (S 4.4) records the Buddha addressing the new converts from the great commission [2.2.2.2]. He tells these monks that he has himself “realized unsurpassed freedom (that is, awakening),” and that now they, too, “must realize unsurpassed freedom.”<sup>56</sup> This means that they have yet to attain arhathood. Since these monks have been converted by arhats, it is likely that they are at least “learners” (*sekha*), that is, already on the path as streamwinners, once-returns or nonreturners, but not yet arhats.

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Mahāsāṅghika (precursor of Mahāyāna) vary significantly from the early texts. A Wynne, “The ur-text of the Pali Tīpiṭaka: some reflections based on new research into the manuscript tradition,” [Oxford Centre for Buddhist Studies](http://www.oxfordcentreforbuddhiststudies.org/), 26 Oct 2015 [26 Mar 2025]. On Buddhism in South India, see H **Dhammaratana**, *Buddhism in South India*, Kandy, 1968; D C **Ahir**, *Buddhism in South India*, Delhi, 1992; P **Schalk** et al, *Buddhism Among Tamils in Pre-Colonial Tamilakam and Ilam*, Uppsala, 2002.

<sup>49</sup> See, eg, R Gombrich, *What the Buddha Thought*, Oxford, 2009:98. Sujato & Brahmali, *The Authenticity of the Early Buddhist Texts*, Perth, 2015:39-42.

<sup>50</sup> See Princeton Dictionary of Buddhism, 2014, sv *prātimokṣa*.

<sup>51</sup> A 8.20/4:204-208 (SD 59.2a).

<sup>52</sup> On the periods in the Buddha's ministry, see **Notion of diṭṭhi**, SD 40a.1 (1.3).

<sup>53</sup> See SD 56.2a (1.1.4). On the “over 150” rules, see SD 52.6 (2.2.3.5). On the 227 rules of the Pātimokkha, see SD 46.19 (3.2.3, 3.2.5.2).

<sup>54</sup> On the periods of the Buddha's ministry: SD 1.1 (2.2); SD 40a.1 (1.3); SD 44.9 (2.2).

<sup>55</sup> Mv 1.12 @ V 1:21 f; 1:56,6 f. For the tr text, see SD 61.18 (2.2.2); also VA 1:241,7-11, 5:952,2-5, 969 f, 1009 f, 7:1392 f. See SD 61.8 (2.2.2). The 8 kinds of admission are listed at: VA 1:241,7-16; ThaA 3:203,28-33; VbhA 330. The 3-refuge going used for initiating novices (*samaṇera*), VA 5:1009.

<sup>56</sup> S 4.4,2/1:105, SD 61.20.

In due course, more people turned to the Buddha's teaching, with many renouncing to join the sangha. Since many of them had not even attained streamwinning, and the number of these new unawakened converts were growing, the rules of the Pātimokkha gradually grew until they were in time codified as the “**mandated code**” (*āṇā,pātimokkha*) [2.2.2.2] of 227 rules for the monks. In due course, a parallel mandated code was instituted for the nuns, too, with 311 rules. These 2 codes are known as the “2 matrices” (*dve,māṭikā*) [2.2.2.1]: the term ***dve,māṭikā,pāḷi*** is the term for the Pātimokkhas of the monks and nuns as a single text (see CSCD sv).

#### 2.2.2.4 The number of Pātimokkha rules.

The **Dīgha Commentary** lists the number of Vinaya rules and their grouping as follows:

<p><i>Te eten'eva nayena cattāri<sup>57</sup> pārājikāni saṅghaṃ āropetvā idam pārājika,kaṇḍan ti ṭhapesuṃ. Terasa saṅgh'ādisesāni terasakan ti ṭhapesuṃ. Dve sikkhāpadāni aniyatāni ti ṭhapesuṃ. Timsa sikkhāpadāni nissaggiyāni pācittiyāni ti ṭhapesuṃ. Dve,navuti sikkhāpadāni pācittiyāni ti ṭhapesuṃ. Cattāri sikkhāpadāni pāṭidesanīyāni ti ṭhapesuṃ. Pañca,sattati sikkhāpadāni sekhiyāni ti ṭhapesuṃ. {1} Satta dhamme adhikaraṇa,samathā ti ṭhapesuṃ. {3} Evam &lt;satta&gt;<sup>58</sup> vīs'ādhikāni dve sikkhāpada,satāni mahā,vibhaṅgo ti kitt'evā ṭhapesuṃ. Mahā,vibhaṅgāvasāne pi purima,nayen'eva mahā,pathavī akampittha.</i></p>	<p>1 Thus in this way, <b>the 4 defeats</b> come to be at the head of the collection. This is laid down as the <i>pārājika</i> section; 13 laid down as <b>the 13 formal meetings</b>, 5 2 training rules laid down as <b>undetermined</b>; 30 training rules laid down as <b>forfeiture</b>, 92 training rules laid down as <b>expiation</b>, 4 training rules laid down as <b>to be confessed</b>, 75 rules laid down as <b>training rules</b>, (and) 10 7 conditions laid down for <b>settling legal cases</b>. Thus there are <b>the 220 &lt;227&gt; training-rules</b>, forming <u>the Great Analyses</u> to be recited. In this aforesaid manner, the Great Analyses are completed, at which the earth quakes.</p>
<p><i>Tato bhikkhuni,vibhaṅge aṭṭha sikkhāpadāni pārājika,kaṇḍam nāma idan ti ṭhapesuṃ. Satta,rasa sikkhāpadāni sattarasakan ti ṭhapesuṃ. Timsa sikkhāpadāni nissaggiyāni pācittiyāni ti ṭhapesuṃ. Cha,saṭṭhi,sata,sikkhāpadāni pācittiyāni ti ṭhapesuṃ. Aṭṭha sikkhāpadāni pāṭidesanīyāni ti ṭhapesuṃ. Pañca,sattati sikkhāpadāni sekhiyāni ti ṭhapesuṃ. {1} Satta dhamme <b>adhikaraṇa,samathā</b> ti ṭhapesuṃ. {2} Evam tīni sikkhāpada,satāni cattāri ca sikkhāpadāni bhikkhuni,vibhaṅgo ti kittetvā.</i></p>	<p>15 Then there are, in <u>the Nun's Analyses</u>, the 8 training rules laid down in the <b>defeat</b> chapter; 17 are laid down as <b>the 17 training-rules</b>,<sup>59</sup> 30 training rules laid down as <b>forfeiture</b>, 166 training-rules laid down as <b>expiation</b>, 20 8 training rules laid down as <b>to be confessed</b>, 75 rules laid down as <b>training rules</b>, 7 conditions laid down for <b>settling legal cases</b>. Thus there are <b>the 304 training-rules</b> recited as <u>the Nuns' Analyses</u>.</p>
<p><i>Ayam ubhato vibhaṅgo nāma catu,saṭṭhi,bhāṇavāro ti ṭhapesuṃ. Ubhato,vibhaṅgāvasāne pi vutta,nayen'eva mahā,pathavī akampittha.</i></p>	<p>25 These are called <b>the 2 Analyses</b>, set in 64 recitation cycles. When the 2 Analyses are completed in the said manner, the great earth quakes.</p>

(DA 1:12,31-13,7)

**Table 2.2.2.4** The Dīgha Commentary on the number of Pātimokkha rules

<sup>57</sup> Be *eten'eva nayena sesāni tīni ...*

<sup>58</sup> Be:Ka Ee Ee VAṬ:Be 1:61 VAT:Se 1.94 omit.

<sup>59</sup> Ie. the nuns' *saṅghādisesa*, offences entailing “formal meetings.”

**2.2.2.5** The suttas and the Commentaries, on a few occasions, mention the Pātimokkha (especially the monks' Pātimokkha) as having a different number of rules. Two suttas speak of the “150 rules” of the Pātimokkha [2.2.2.3], and the Commentaries, on a few occasions, mention the Pātimokkha as having only “220 rules” [Table 2.2.2.4 line {3} 11].

Buddhaghosa, in his *Sumaṅgala, vilāsinī* (Commentary on the Dīgha Nikāya), for example, speaks of:

- (1) “... **the 220 training-rules**, forming the Great Analysis” (*vīs'ādhikāni dve sikkhāpada, satāni mahā, -vibhaṅgo ti kitt'evā ṭhapesum*) (Table 2.2.2.4 lines {3} 11 f);
- (2) “Thus they recited **the 304 training rules** of the Nuns' Analysis” (*evaṃ tīni sikkhāpada, satāni cattāri ca sikkhāpadāni bhikkhuni, vibhaṅgo ti kittetvā*) (Table 2.2.2.4 lines {2} 23 f).

Considering that it is *only here* that we have these 2 statements by a commentator (Buddhaghosa), we can only conclude that the “missing 7” in both (1) and (2) refers to the 7 *adhikaraṇa, samathas*, which Buddhaghosa thought need not be included since they are not really “training rules” but are “7 conditions for legal cases” (*satta dhamme adhikaraṇa, samathā*), which he nevertheless mentioned in both cases.

Hence, when we think or speak of the Pātimokkha, we know that the monks' Pātimokkha has “220 rules plus the 7 *adhikaraṇa, samathas*” [Table 2.2.2.4 line {1} 10] and that the nuns' Pātimokkha has “304 rules plus the 7 *adhikaraṇa, samathas*” [Table 2.2.2.4 line {1} 22]. If we are serious about keeping to monastic discipline, there is no need for any further speculation since monks should be keeping to the “227 rules,” and the nuns to the “311 rules.” Whether *satta* is included or omitted as a reading makes no significant difference to the sense and spirit of the passage.<sup>60</sup>

### 2.2.3 Offences (*āpatti*)

**2.2.3.1 The Pātimokkha** consists of the following 8 sections: [Table 2.2.2]

- |  |                            |
|--|----------------------------|
| (1) <i>pārājika</i>                    | defeat*                    |
| (2) <i>saṅgh'ādisesa</i>               | formal meeting*            |
| (3) <i>aniyata</i>                     | undetermined               |
| (4) <i>nissaggiya(-pācittiya)</i>      | forfeiture*                |
| (5) ( <i>suddha</i> ) <i>pācittiya</i> | expiation*                 |
| (6) <i>pāṭidesanīya</i>                | confession*                |
| (7) <i>sekhiya</i>                     | training                   |
| (8) <i>adhikaraṇa, samatha, dhammā</i> | legal cases and settlement |

According to the Patimokkha regulations, only 5 of them—1, 2, 4, 5, 6 (those with an asterisk, \*)—actually entail offences (*āpatti*). *Aniyatas* do not entail any offence because they are undetermined cases. *Sekhiyas* do not entail any offence because they are meant for mindful self-training. And *adhikaraṇa, -samathas* do not entail any offence because they are simply procedures for legal cases.

Also an offence occurs only when the act is committed or allowed to occur deliberately (*sacittakena* or *saññā, vimokkheṇa*).<sup>61</sup>

(1) **Pārājika** (defeat) rules when transgressed automatically entail “defeat,” that is, fall from the status of a *bhikkhu* or *bhikkhuni*. There are 4 pārājika rules, that is, those:

<sup>60</sup> For such an unnecessarily troubling concern, see Dhammavīhāri, “Pātimokkha,” *Ency of Buddhism* (Sri Lanka), 2003: sv Pātimokkha.

<sup>61</sup> VA 1:270, 273, 2:373, 4:738. As a sutta term, *saññā, vimokkha* means “mental liberation,” often meaning the mind in formless dhyana (eg Sn 1071 f, SnA 2:594, NcA 31; Pm 2:36, PmA 3:552, 568).

- (i) forbidding any kind of sexual intercourse, including with an animal;<sup>62</sup>
- (ii) forbidding theft, that is, taking anything not given;<sup>63</sup>
- (iii) forbidding killing of a human being, praising or abetting killing;<sup>64</sup>
- (iv) forbidding any unfounded claims of spiritual powers, such as path attainment or super powers.<sup>65</sup>

A *pārājika* offence is also said to be ***anavases'āpatti*** (“an offence without remainder”), that is, it is “irremediable” (*anavasesa*) and “without redress” (*appaṭikamma*), because it does not allow for expiation; the offender cannot be rehabilitated, and ceases to be a monastic. The other offences are all said to be ***sāvases'āpatti*** (offences that leave a remainder); they are remediable and capable of redress, that is, the offender can be rehabilitated. (*Pārājika* has 4 rules; V:B 1:168-193)

(2) ***Saṅgh'ādisesa*** (formal supervision) offences are those “bordering on *pārājika*.” The first 5 rules are related to sex;<sup>66</sup> nos 6+7 to lodging; nos 8+9 to false accusations of an offence; nos 10+11 relate to schism; nos 12+13 to relate to intractability and to corrupting families. The offender must undergo “probation” (*parivāsa*) for the number of days the offence was concealed, followed by “penance” (*mānatta*). This is supervised by the sangha from the start (*ādi*) to the end (*sesa*). The sangha then convenes to revoke (*abbhāna*) these measures, thus correcting the offence and rehabilitating the person.

(*Saṅgh'ādisesa* has 13 rules; for the other 12 rules, see V:B 194-334.)

(3) ***Aniyata*** (*undetermined*) is an offence when a monk communicates with a woman in a concealed location or out of earshot. The penalty for this undetermined situation may be *pārājika*, *saṅgh'ādisesa* or *pācittiya*, depending on circumstances and evidence. (*Aniyata* has 2 rules; V:B 1:336-345)

(4) ***Nissaggiya,pācittiya*** (forfeiture) is an offence that requires a monastic to abandon the ill-gotten object (such as money or some goods) and to confess before the sangha, a group (*gaṇa*) or another monastic (as the case may be). (*Nissaggiya,pācittiya* has 30 rules; V:B 2:3-142)

(5) ***Suddha,pācittiya*** (expiation) is an offence of worldly or deluded conduct that thus pollutes the offender's mind. The offender has to own up the offence by confessing before another monastic to rehabilitate himself. (*Suddha,pācittiya* has 92 rules; VB 2:144-505)

A *pācittiya* offence may be settled (that is, resolved or corrected) by way of:

- (i) presence (of the sangha, the person, the Vinaya or the Dharma);
- (ii) acknowledgment (confessing the offence before the sangha or a monastic);
- (iii) “covering up with grass” (burying the hatchet).

(6) ***Pāṭidesanīya*** (confession or acknowledgement) is an offence relating to obtaining food in an improper manner, and which should be confessed in the prescribed manner before another monastic. (*Pāṭidesanīya* has 4 rules; V:B 2:507-524)

(7) ***Sekhiya*** (training) are precepts for maintaining proper conduct and decorum about dressing (rules 1-2), restraint while “among houses” (rules 3-26), mindfulness in taking meals (rule 27-56), proper manner of teaching Dharma (rules 57-72), and proper toilet habits (rules 73-75).

<sup>62</sup> For recent trs of Pārājika 1 + Saṅghādisesa 1, see [Kieffer-Pulz]; V:B 1:14-50, 168-193 [Brahmali] both 14 Oct 2024.

<sup>63</sup> V:B 1:51-92.

<sup>64</sup> V:B 1:93-120.

<sup>65</sup> V:B 1:121-166.

<sup>66</sup> V:B 1:168-193.

The transgression of any of these training rules does not entail an offence but rather a karmic lapse of “bad conduct” (*dukkata*). (*Sekhiya* has 75 rules; V:B 2:507-612)

(8) ***Adhikaraṇa, samatha, dhammā*** (procedures for settling legal cases) are not rules like the others; hence, there is no transgressing of them. Note that the 7 principles of *adhikaraṇa, samatha* form a very short text, filling only a single page in Brahmali’s translation (V:B 2:614). [2.2.7]

**2.2.3.2** There are thus 4 kinds of offences that the breach of the above rules entail, that is, (1) *pārājika*, (2) *saṅghādisesa*, (3) *pācittiya* (encompassing the 2 classes of *pācittiya* rules), and (4) *paṭidesaniya*. Besides these 4 classes of offences (*āpatti*), there are 3 other classes, or rather *characteristics* of offences, namely:<sup>67</sup>

- (5) ***Thullaccaya*** (*thulla*, “fat, gross, grave” + *accaya*, “fault, lapse”), a gross offence. It is one of those offences that may be resolved by confession. But it is also the most serious in this category of offences, and includes offences that appear to be *pārājika* or *saṅghādisesa* but turn out to be not so.
- (6) ***Dukkata*** (*du*, “badly,” + *kaṭa*, “done”), an offence of wrongdoing. Although not mentioned in the Pātimokkha list of offences, if any *sekhiya* rule is violated, it entails *dukkata*.
- (7) ***Dubbhāsita*** (*du*, “badly” + *bhāsita*, “spoken”), an offence of wrong speech. This includes ill-intentioned comments or misrepresentation of the Buddha, the Dharma or the sangha (especially the noble sangha<sup>68</sup>), or any innocent person.

**2.2.3.3** There are thus 7 kinds of offences (*āpatti*). The last 3 kinds of offences, since they are not serious (compared to the 4 prescribed offences) [2.2.3.1], are also said to have the following characteristics:<sup>69</sup>

- (a) ***Aduṭṭhulla*** (“non-corrupting”) *āpatti*, offences, that is, they are neither *pārājika* nor *saṅghādisesa*,<sup>70</sup> both of which are regarded as ***garuk’āpatti*** (“heavy offences”), which are said to be *duṭṭhulla* (“corrupting”) or *adesanā, gāmanī* (non-confessable).<sup>71</sup> As a category of offences, *aduṭṭhulla* probably refers to those offences which are deemed karmically innocuous or neutral.
- (b) ***Lahuka*** (“light”) *āpatti* is a broad category for the 5 light offences (those other than *pārājika* and *saṅghādisesa*): *thullaccaya*, *pācittiya*, *paṭidesaniya*, *dukkata* and *dubbhāsita*. It is also called *aduṭṭhulla*, which simply means “neither *pārājika* nor *saṅghādisesa*.”
- (c) ***Desanā, gāmanī*** (“confessable”) *āpatti* refers to the remediability of *aduṭṭhulla* or *lahuka* offences by way of confession or acknowledgement of the offence.<sup>72</sup> It probably also means that the karmic potential is reduced, even nullified, with such a confession. The karmic effect of the confession is not merely a verbal process but more so of the mind that utters the words. In other words, this is the working of natural morality (unlike the prescriptive nature of the conventional morality of the Vinaya).

<sup>67</sup> The list of 7 offences is listed at MA 2:33, and a summary of technical terms used here is given at AA 1:94,10-16.

<sup>68</sup> “Noble sangha” (*ariya.sangha*) refers to streamwinners, once-returners, non-returners and arhats.

<sup>69</sup> Pac:Nā 173; Cv:Nā 170 f, 178.

<sup>70</sup> V 1:354,33, 2:88,27, 204,31, 206,9, 4:32,11, 128,9 f, 5:115,1, 145,33\*; A 1:20,26 (AA 1:94,13), 88,5.

<sup>71</sup> VA:Nā 3:1368-1420.

<sup>72</sup> VA:Nā 3:1418; cf Par:Nā 211; Pāc:Nā 173.

Such offences are *conventionally* not serious, that is, they apply in the context of the Pātimokkha, but they can be *karmically* potent, since they have deep psychological significance; they reflect an unwholesome mind or habit of the offender. They thus serve as a warning of impending or worsening moral lapse or decline. In this way, the offences serve as a reminder that we are capable of moral rectification and improvement.<sup>73</sup>

## 2.2.4 Suttas mentioning “150 rules”

**2.2.4.0** The Theravāda Pātimokkha has 227 rules but at least 4 suttas (all in the Samaṇa, vagga of the Aṅguttara Nikāya) speak of it as having “**more than 150 rules**” (*sādhikam ... diyaddha, sikkhāpada, sataṃ*, A 3.83 + 85 + 86 + 87).<sup>74</sup> What does this mean? We should note that the expression is *not* “150 rules,” but “more than 150 training rules.” We should first examine the suttas and other evidence before concluding that there were “only 150 rules” in the early Pātimokkha.

The 4 suttas are as follows:

2.2.4.1	<b>Vajji,putta Sutta</b>	A 3.83/1:230 f
2.2.4.2	<b>(Tika) Sikkha Sutta 1</b>	A 3.85/2:231 f
2.2.4.3	<b>(Tika) Sikkhā Sutta 2</b>	A 3,86/2:232-234
2.2.4.4	<b>(Tika) Sikkhā Sutta 3</b>	A 3.87/1:234 f

### 2.2.4.1 Vajji,putta Sutta (A 3.83/1:230 f)

A Vajjī monk tells the Buddha that he is unable to train in the “more than 150 training rules” that are recited in conclave fortnightly. The Buddha then asks him:

“Can you train in the 3 trainings, bhikshu: the training regarding moral conduct (*adhisīla, sikkhā*), the training regarding the mind (*adhicitta, sikkhā*), and the training regarding wisdom (*adhipaññā, sikkhā*)?”

The monk replies yes; the Buddha advises him to keep to this spirit.

In due course, says the Sutta, “as he trained in them, he abandoned lust, hatred and delusion, he neither did anything unwholesome nor associated with anything bad.”

#### 2.2.4.1 n Note on *adhi-*

(1) The mention of “**training regarding moral conduct**” (*adhisīla, sikkhā*) in this Sutta is very interesting. Clearly, *adhisīla* here cannot mean “higher morality”: since the monk claims that he is unable to keep the rules of the Pātimokkha (we are not told which rules exactly but they certainly exclude the 4 *pārājikas*), he would clearly not be able to observe “higher morality”!

What the Buddha is asking the monk is whether or not he is willing and able to try to keep to the Pātimokkha *in the spirit*. A modern paraphrase of the Buddha’s instruction here would be: “If you are unable to keep to the Pātimokkha, you should at least make every effort not to break any of the rules.” This certainly is germane advice to most modern monastics, some of whom may rationalize that “one learns the limits of rules by breaking them”!

Another useful quality to note in the proper keeping to the Vinaya is that it is meticulously rule-based, that is, mainly theoretical, even legalistic. In the case of those who are practice-oriented, keeping to *adhisīla*, *adhicitta* and *adhipaññā* refers to the 3 trainings as **total practice**, such as full-time solitary meditators for the sake of attaining the path in this life itself.

<sup>73</sup> For a summary of these offences, see AA 1:94,10-16.

<sup>74</sup> A 3.83/1:230,18, 3.85/1:231,20, 3.86/1:232,34, 3.87/1:234,11 [Be Se: A 3.85, 87-89; Ce(BJT) 3.2.4.4, 6-8]; cf M Winternitz, *History of Indian Literature* 2, 2<sup>nd</sup> ed, 1972:23 & n5). See also Piyasilo, *Buddhist Law*, Malaysia, 1988b: 51.

(2) Here are some occurrences of Pali words with **adhi-** in the suttas, taken from Cone's *A Dictionary of Pali* (2001), showing the early usages of **adhi-**:

<b>adhisīla</b>	[late] a higher or superior form of moral behaviour (Pm 1:46,16). <sup>75</sup>
<b>adhisīlarāṃ</b>	regarding moral conduct (V 3:235,3; D 1:174,18; A 1:236,8*).
<b>adhisīla,sikkhā</b>	training in ("higher") <sup>76</sup> moral conduct (V 3:24,13; ≠ D3:219,13; M 1:324,28).
<b>adhisīle</b>	regarding morality (V 1:63,33, 70,16; M 2:9,15; A 3:133,1; Vbh 325,25).
<b>adhicittarāṃ</b>	regarding thought; as to meditation (V 3:235,3; A 1:236,8*, 240,17, 254,11).
<b>adhicitta,sikkhā</b>	training in ("higher") <sup>77</sup> thought, in meditation (V 3:24,13 ≠ D 3:219,13; M 1:324,28).
<b>adhicitte</b>	regarding thought and meditation (V 1:70,17; A 3:106,7; Dh 185; Tha 591; Vbh 325,29).
<b>adhipaññā</b>	[late] higher, superior wisdom or knowledge (Pm 1:46,20). <sup>78</sup>
<b>adhipaññāya</b>	regarding wisdom (V 1:70,17M 2:10,3; A 3:106,7; Vbh 325,31).
<b>adhipaññā,sikkhā</b>	training in ("higher") <sup>79</sup> wisdom (V 3:24,13 ≠ D 3:219,13; M 1:324,28).

Note that there is no mention of anyone attaining the path. The lesson for us of this Sutta is: even if we find that keeping the precepts is very difficult for us, our first step should be to keep from breaking them!

#### 2.2.4.2 (Tika) Sikkha Sutta 1 (A 3.85/1:231 f), SD 3.3(2)

The "more than 150" training-rules recited fortnightly in conclave "are all comprised within the 3 trainings," that is, *training regarding moral conduct, the mind, and wisdom*.

The importance of the 3 trainings is highlighted in **the Sikkhā Sutta 1**, which says that a monk should fulfill moral conduct; yet, he should also cultivate concentration and wisdom at least to a moderate extent. He falls into offences regarding the lesser and minor training-rules<sup>80</sup> and rehabilitates himself, "because I have not said that he is incapable of this," explains the Buddha.<sup>81</sup> However, he is capable of keeping to the training-rules that are fundamental to the holy life, of living the holy life.<sup>82</sup>

Keeping to the training-rules, he then *breaks the 3 fetters* and becomes **a streamwinner**.

<sup>75</sup> This is a late usage found in later works such as Paṭisambhidā, magga.

<sup>76</sup> Note that the bracketed "higher" means that it is not used in the technical sense but in ref to the benefit or nature of a cultivated mind.

<sup>77</sup> See prec n on late usage.

<sup>78</sup> This is a late usage found in later works such as Paṭisambhidā, magga.

<sup>79</sup> See prec n on late usage.

<sup>80</sup> *Khuddānukhuddakāni sikkhapadāni. Mahā,parinibbāna S* (D 16,6.3/2:154,16-17) says that, shortly before his passing, the Buddha permits the monks, if they so desire, to abrogate the "lesser and minor training-rules." At the 1<sup>st</sup> council (held 3 months after the Buddha's passing), the monks were uncertain about which rules are "minor" and therefore decided to retain them all (V 2:287,29-288,35). Comy on **A 3.85** says: "The teachers who specialize in the Great Anguttara Nikaya say, 'Apart from the 4 *pārājjikas* (offences entailing expulsion), all the rest are lesser and minor'" (*ime pana aṅuttara,mahānikāya, valaṅjanaka, ācariyā "cattāri pārājjikāni ṭhapetvā sesāni sabbāni pi khuddānukhuddakāni ti vadanti*, AA 2:348,19-21).

<sup>81</sup> *Na hi m'ettha bhikkhave abhabbatā vuttā ti*. Comy paraphrases: "Bhikshus, I have not stated that it is impossible for a noble person to fall into such an offence and to be rehabilitated" (*bhikkhave na hi mayā ettha eva,rūpaṃ āpattim āpajjane ca vuṭṭhāne ca ariya,puggalassa abhabbatā kathitā*, AA 2:348,28-30).

<sup>82</sup> *Tāni ādi, brahmacariyakāni brahmacariya,saruppāni*. Comy: "Those training-rules that are fundamental to the holy life: these are the 4 major training-rules fundamental to the holy life of the path. In keeping with the holy life: these same [rules] are in conformity with, fitting for, the holy life of the 4 paths" (*adibrahmacariyikāni ti magga,-brahmacariyassa ādi,bhūtāni cattari mahā,sīla,sikkhāpadāni; Brahmacariya,saruppāni ti tāni yeva catu,magga,-brahmacariyassa saruppāni anucchavikāni*, AA 2:349,1-4).

Another monk fulfills moral conduct but cultivates concentration and wisdom only to a moderate extent. He, too, falls into offences in the lesser and minor training-rules and rehabilitates himself (for the same reason, says the Buddha) but he keeps to the training-rules *fundamental to the holy life*.

Keeping to the training-rules, he then *breaks the 3 fetters* and with the diminishing of greed, hatred and delusion, he becomes a **once-returner**.

Another monk fulfills moral conduct and concentration but cultivates wisdom only moderately. He too falls into offences regarding the lesser and minor training-rules and rehabilitates himself. He keeps well to the training-rules *fundamental to the holy life*.

Keeping to the training-rules, he then *breaks the 5 lower fetters* and becomes a **non-returner**.

Another monk fulfills moral conduct, concentration and wisdom. He falls into offences (like the others) and rehabilitates himself. He keeps well to the training-rules *fundamental to the holy life*.

With the destruction of the influxes, he becomes an **arhat**.

“Thus, bhikshus, one who cultivates in part succeeds in part; one who cultivates fully reaches fulfillment. These training-rules are not barren, I say!”

#### 2.2.4.3 (Tika) Sikkhā Sutta 2 (A 3.86/1:232-234)

The format of this Sutta is the same as that of the (Tika) Sikkhā Sutta 1 (A 3.85) [2.2.4.2], except that for each of the 1<sup>st</sup> and the 3<sup>rd</sup> paths, their further categories are each listed, thus:

**The streamwinners** (*sotāpanna*) have these 3 progressive categories:

- (1) the seven-at-most (*satta-k,khattu,parama*), “having re-arisen and wandered amongst gods and humans for 7 lives at the most, makes an end of suffering” (A 9.12,10);
- (2) the clan-to-clan goer (*kolaṃ,kola*), “having re-arisen and wandered amongst two or three families, makes an end of suffering” (A 9.12,9);
- (3) the one-seeder (*eka,bījī*), “having taken only one more human rebirth, makes an end of suffering” (A 9.12,8).

**The once-returners** (*sakad-āgāmi*) are as described in A 3.85. [2.2.4.2]

**The non-returners** (*anāgāmi*) have these 5 progressive categories:<sup>83</sup>

- (1) one bound upstream (*uddham,sota*), heads for the Akaniṭṭha realm (*akaniṭṭha,gāmī*), and there becomes an arhat;
- (2) attainer of nirvana with exertion (*sa,saṅkhāra,parinibbāyī*), that is, through contemplation on the foulness of the body (*asubha*) or loathsomeness of food (*āhāre paṭikkūla,saññā*);<sup>84</sup>
- (3) attainer of nirvana without exertion (*asaṅkhāra,parinibbāyī*), that is, through dhyana (*jhāna*);
- (4) attainer of nirvana upon landing (*upahacca,parinibbāyī*);
- (5) attainer of nirvana in the interval [the intermediate state] (*antarā,parinibbāyī*).

**The arhat** (*arahata*) is described as in A 3.85.

The conclusion (lesson) is the same as that in A 3.85.

<sup>83</sup> On the full 5 kinds of nonreturners, see **Niṭṭha S** (A 10.63,3), SD 3.3(1.2); SD 2.17 (4-5).

<sup>84</sup> See **Sa,saṅkhāra S** (A 4.169,1+4), SD 50.7; SD 8.5 (11.3).

#### 2.2.4.4 (Tika) Sikkhā Sutta 3 (A 3.87/1:234 f)

A 3.87 is similar in format as the preceding A 3.86, except that the paths are listed in reverse, beginning with arhathood; then non-returning; followed by once-returning, and finally streamwinning. Like A 3.87, its conclusion is the same as that in A 3.85:

“Thus, bhikshus, one who cultivates in part succeeds in part; one who cultivates fully reaches fulfillment. These training-rules are not barren, I say!”

**2.2.4.5** The common theme that runs through these 4 suttas is that the Pātimokkha rules are part of **the 3 trainings**—in moral conduct, mental concentration and wisdom—and “concerned with” (*adhi-*) the spirit of the 3 trainings. This means that whether or not we *think* that we can keep the monastic rules, we simply must ensure that our mind is *free from greed, hatred and delusion*. It’s only when the mind is plagued by any of the unwholesome roots so that it will fall into a *pārājika* offence.

Otherwise, even when such a monastic, who is determined to work for the path falls into any of the light offences, is able to rehabilitate himself. Even when he does fall into a *saṅghādisesa* offence, he can be rehabilitated with the help of the sangha when he is determined to live the holy life for the sake of reaching the path in this life itself.

#### 2.2.5 Pātimokkha with only 150 rules?

Now we may consider that of the “227 rules,” the *adhikarāṇa, samathas*, “the 7 ways for settling legal cases,” are not “training rules” (*sikkhāpada*) like the rules comprising the 7 preceding classes [2.2.3]. The *adhikarāṇa, samathas* form an 8<sup>th</sup> class, and have been added to the set of 7. The point however remains that the *adhikarāṇa, samathas* are in fact early. They are found in the Vinayas of all the early Indian schools, indicating that they were likely an early part of the Buddhist monastic code rather than a late one.

The “7 ways” are the same for all of them, and the order mostly the same, too. The general consistency across traditions is greater for the *adhikarāṇa, samathas* than for the *pācittiyas*, and far greater than for the *sekhiyas*. The only reason to consider the *adhikarāṇa, samathas* as a late addition is that they don’t seem to fit into the Pātimokkha, that they are not like the other rules. But we can safely dismiss such a speculation, since that is all it is. In Section 2.2.6.1 below, we will discuss in greater detail why I believe this observation is insufficient to date the *adhikarāṇa, samathas* later than the rest of the Patimokkha.

If we discount the *sekhiyas*, which were probably not part of the early Pātimokkha for the reason stated above, we are left with 152 rules, which is “more than 150” or very close to 150, perhaps too close. If we also remove the *adhikarāṇa, samathas*, we are only left with 145 rules, which is not enough. So we have good reason to think that the *adhikarāṇa, samathas* have always been part of the Pātimokkha.

In fact, it is likely that a core group of *sekhiya* rules has been part of the Pātimokkha from the very beginning. This is a good margin on the “more than 150” rules. Logically, we can, and must, conclude that the “more than 150 rules” refers to a time when the Pātimokkha was still in a formative stage. After all, this interesting phrase occurs in only 4 suttas [2.2.2.5] (and not even in the Commentaries).

#### 2.2.6 Why were the *adhikarāṇa, samathas* added to the Pātimokkha?

**2.2.6.1** The question remains: Why were the *adhikarāṇa, samathas* part of the Pātimokkha at all? Some scholars may wonder: Was this an ancient mistake? This question arises because of the great difference between, on the one hand, the various classes of rules whose breaches entail expulsion or rehabilitation of the offender and, on the other hand, the *adhikarāṇa, samathas* as principles and procedures to be followed when legal issues arise in the sangha.

From a legalist viewpoint, we can say that the Pātimokkha is a legal text made up of substantive and procedural aspects. “**Substantive law**” is that part of the law that *creates, defines, and regulates the rights, duties and powers of parties* (which gives us some idea on the function of the 7 sections of the Pātimokkha

on Vinaya rules). The concept of “**procedural law**” helps us understand that the *adhikaraṇa, samathas* lay out the formal manner in which legal proceedings are to be conducted by the sangha.<sup>85</sup>

**2.2.6.2** For early Buddhism to have come down to us functionally intact was surely due to the wisdom and competence of the ancient Indian monastics. Given that the *adhikaraṇa, samathas* are found in all the main schools in much the same way, they would have had to be added quite early, long before the rise of sectarian Buddhism. In fact, we have good reasons to say that the *adhikaraṇa, samathas* were added in the Buddha’s time itself. [2.2.6.3]

The early monastics, adept in practice and wisdom, were substantial in number and well spread over the Indian subcontinent. They were arguably circumspect and competent in both Dharma and Vinaya, especially with the Buddha at their head to guide them. If any mistakes were made, it is more likely to have occurred when unawakened teachers, steeped in religious views, philosophy and worldly concerns, as they were, revised the Dharma and the Vinaya, which were then perpetuated by their sectarian followers.

**2.2.6.3** To begin with, there was no collection known as the Vinaya in the early years of the ministry. The earliest Pātimokkha known to us is called *ovāda, pātimokkha*—“the admonition code” [exhortatory observance].<sup>86</sup> It is also called *buddh’ovāda*, “the Buddha’s advice.” This Pātimokkha is preserved as **Dh 183-185**, of which the 1<sup>st</sup> verse is:

Not doing anything bad,	cultivating the good [the wholesome],	
purifying one’s own mind—	this is the teaching of the buddhas.	(Dh 183) <sup>87</sup>

The Majjhima Commentary (MA 3:209) on the Dīgha, nāka Sutta (M 74) ends by noting that the conclusion of the Sutta was the full-moon of **Māgha Pūjā** or “sangha day,” that is, the 1<sup>st</sup> full, unprompted assembly of 1,250 early saints, who were all arhats admitted by the Buddha himself. This remarkable gathering probably occurred (at the earliest) during the cold season (January-February)<sup>88</sup> some 7 lunar months after the 1<sup>st</sup> discourse, during the 1<sup>st</sup> year of the ministry.<sup>89</sup>

The Vinaya rules only began to be introduced some years later, along with the rise of mostly unawakened monastics, and generally corresponded to some incident or culpable lapse, followed by amendments, additions, exceptions and sometimes abrogations. Technically, this is, as we have noted, to be the **mandated code** (*āṇā, pātimokkha*) [2.2.2.3].

If there is any single reason for the success of **the sangha** as a Buddhist monastic institution—populated by both the unawakened and the awakened—that has survived to this day, it is **the mandated code** that is the Pātimokkha [2.2.6.4]. The Pali term in the nominative case, *pātimokkham* (neuter), alone occurs at least 122 times in the Mahāvagga of the Vinaya, and 98 times in the Culla, vagga. Thus, with the profusion of the term *pātimokkham* and its other Pali grammatical forms, we can imagine “pātimokkha” to be the most mentioned key technical term in the Pali canon (other than *dharmo* and its variants)!

<sup>85</sup> In modern law, there is “adjective law,” ie, the part of the law that deals with practice and procedure in the courts. See these headings in *Oxford Dictionary of Law*, 5<sup>th</sup> ed 2002. [LegalGlossary] 12 Oct 2024.

<sup>86</sup> **Mahā’padāna S** (D 14,3.33) relates past buddha Vipassī giving the *ovāda, pātimokkha* (SD 49.8a + SD 49.8b (2.6.1); SD 16.1 (6); SD 59.2a (1.1.3).

<sup>87</sup> *Sabba, pāpassākaṇaṃ | kusalass’upasampadā | sacitta, pariyodapanam | etam buddhāna sāsanaṃ*, Dh 183 || Dh:Patna 357 (19.16) || Uv 28.1 || Mvst 3:420.

<sup>88</sup> On the Indian months, see SD 1.1 (1.2) n.

<sup>89</sup> See SD 16.1 (6).

**2.2.6.4** When was **the mandated Pātimokkha** introduced? To answer this question, we need to know what preceded the mandated Pātimokkha. We know that late in the 1<sup>st</sup> year of the ministry, the Buddha introduced **the *ovāda pātimokkha*** [2.2.6.3; 2.2.2.2]. **The (Udāna) Uposatha Sutta 2** (U 5.5) reports that the Buddha stopped the recital of the Pātimokkha when an “impure” monk was surreptitiously present in the conclave. Even after the elder Moggallāna had identified the guilty monk and asked him to leave, he refused to budge and had to be forcibly removed.

The Buddha then announced:

“Now, bhikshus, you yourselves should conduct the observance and recite the Pātimokkha. From today onward, I will no longer do so. It is impossible and inconceivable that the Tathagata could conduct the observance and recite the Pātimokkha in an impure congregation.”

(U 5.5,6/53), SD 59.2b<sup>90</sup>

This grave gesture is a serious warning to those monastics who do not keep to the Vinaya or live as mavericks or renegades so that they are far away from the Buddha and the Dharma; they and those close to them will remain as outsiders (*bāhira*).<sup>91</sup> The Vinayaless freelancers are said to be thieves (*cora* or *theyya*) living false lives and living off others.<sup>92</sup>

## **2.2.7 The origin of the *adhikaraṇa, samathas***

**2.2.7.1** The Buddha stopped reciting the *ovāda pātimokkha* neither from being disappointed with the sangha nor to punish it for being impure. It is not in the nature of the Buddha to be vindictive. The *ovāda pātimokkha* was first recited before 1,250 arhats [2.2.6.3]. Since then, the sangha has grown to include those who have not even attained the path, those who lived impure lives in the sangha.

With the sangha no more exclusively a community of arhats, but an open order that accepts unawakened renunciants, the Buddha—to use a modern sociological term—“rationalized” the administration of the sangha: the monks and nuns should recite the Pātimokkha on their own [2.2.2.2 f]. The Vinaya records a dramatic incident of a lapsed monk who refused to leave the conclave and had to be physically ejected. It was from then on, the Buddha declared that the sangha has to manage their own Vinaya acts; this is recorded in **the Pātimokkha Ṭhapana Khandhaka** of the Culla, vagga.<sup>93</sup>

The sangha had to settle this problem. The proper sangha act had to be performed, so as to either expel the guilty monk or rehabilitate him, if it were possible.

Hence, the need for the *adhikaraṇa, samatha*, which means “settlement of legal cases”; the “cases” here are the disciplinary or social conflicts in the sangha. The sangha act works to resolve or settle such sangha conflicts. The texts of such acts—called *kamma, vācā*, “the texts of an act”—had to be formulated, memorized and recited before a conclave. We must remember that the early Vinaya, like the Dharma, was an **oral tradition**. Now that the sangha was populated with a growing number of unawakened members, there was an urgent need for various acts (*saṅgha, kamma*) and texts of the acts (*kamma, vācā*) to ensure proper administration and disciplining of **the conventional sangha**.

<sup>90</sup> Both **(Aṭṭhaka) Uposatha S** (A 8.20,6) and **(Samudda) Uposatha S 2** (U 5.5,6), SD 59.2b, locate this pronouncement of **the Pātimokkha recital** as a monastic institution before the parables of the great ocean. On the account of the suspension of the Pātimokkha, see (1.1.3).

<sup>91</sup> On “outsiders” (*bahira* or *bāhiraka*), see SD 10.16 (1.2.3.2); SD 51.17 (3.4.2.3).

<sup>92</sup> SD 62.4a (1.2.4.2).

<sup>93</sup> Cv 9.1 @ V 2:236-240 (SD 59.2c).

**2.2.7.2** The texts of these acts had to be formulated, standardized and accessible to the Vinaya experts and their assistants. Such recitals were sorted out in some way that would facilitate memorization and accessibility. Three main types of *sangha-acts*, such as those used for ordination (*upasampadā*), are mentioned in the Book of Twos of the Aṅguttara, where it is stated that the Buddha has, for various “pairs of special reasons (*atthavasa*),” prescribed the following, that is, especially “for the continuation of the good Dharma and the promotion of the Vinaya” (*saddhamma-ṭṭhitiyā vinayānuggahāyā*). We see references to this sentiment in the Aṅguttara:

<b>A 2.297/1:99,15</b>	<i>upasampadā</i>	the higher ordination;
<b>A 2.298/1:99,16</b>	<i>ñatti,kamma</i>	an act consisting of a motion;
<b>A 2.299/1:99,17</b>	<i>ñatti,dutiya,kamma</i>	an act consisting of a motion and an announcement;
<b>A 2.300/1:99,18</b>	<i>ñatti,cattuttha,kamma</i>	an act consisting of a motion and 3 announcements.

**2.2.7.3 The texts of the acts** (*kamma.vācā*) were collectively called “the conditions for settling legal cases” (*adhikaraṇa,samatha,dhamma*). From the sutta records [2.2.7.2], these *adhikaraṇa,samathas* (for short) were formulated and stored together right from the Buddha’s time. The Buddha taught for 45 years; is it possible for us to know more exactly when these *adhikaraṇa,samathas* were compiled?

It is likely that the *adhikaraṇa,samathas* went back as early as the 2<sup>nd</sup> year of the ministry, during the Buddha’s first visit to Kapilavatthu. During that visit, 5 Sakyas (Anuruddha, Ānanda, Bhagu, Kimbila and Upāli) and a Koliya (Devadatta)<sup>94</sup> decided to renounce, and the Blessed One “let them go forth” (*pabbajesi*).<sup>95</sup> In other words, the Buddha did not ordain them himself but had some other elders ordain them.

A good clue we have regarding Ānanda’s ordination is the mention of the elder **Belatṭha,sīsa** as “the venerable Ānanda’s preceptor” (*āyasmato ānandassa upajjhāya*) at least twice in the Vinaya.<sup>96</sup> The term “preceptor” (*upajjhāya*) refers to a qualified senior elder who acts as the head of the conclave giving ordination to suitable candidates to be admitted into the sangha. However, we are not told the exact method of ordination used; it had to be a **sangha-act** (*saṅgha,kamma*), that is, an ordination done by a conclave of elders.

**2.2.7.4** It is possible that **Ānanda’s ordination** (and also those of the others mentioned with him) was probably done by “going for the (3) refuges” (*saraṇa,gamanūpasampadā*). It is clearly unlikely that he was ordained by “an act consisting of a motion and 3 announcements” (*ñatti,cattuttha,kamma*) since it was not yet instituted [2.2.8.1].

There were a number of other special forms of ordination that the Buddha used or allowed other monks to use to admit converts depending on the circumstance.<sup>97</sup> However, by instituting **the sangha-act**, the monks act as a legal entity. In other words, the Buddha, by his allowing the sangha-act, confers legal personhood on the sangha.<sup>98</sup> In this manner, the sangha is able to act as a unified community to propagate the Dharma and accept converts by way of the Vinaya.

## **2.2.8 The “modern” ordination sangha-act**

**2.2.8.1** In our times, monastic ordination is done by the “**act of a motion and 3 announcements**” (*ñatti,cattuttha,kammūpasampadā*), or simply, the ordination by “an act with the resolution as the

<sup>94</sup> See SD 52.4 (1.2.1.2).

<sup>95</sup> Cv 7.1.4 @ V 2:183.

<sup>96</sup> Mv 6.8.2 (V 1:202,12); Pāc 36.1 (V 4:86,19). Ānanda’s teacher, however, as evident from (**Sotāpatti**) **Ānanda S** (S 22.83) is the elder Puṇṇa Mantāni,putta [§§3, 12 f].

<sup>97</sup> See **Pabbajjā**, SD 45.16, esp (0.2).

<sup>98</sup> See SD 45.16 (3.2.1).

fourth”<sup>99</sup> [2.2.6.4]. This sangha act is ancient, going back to the Buddha’s time. In fact, we have a description of the ordination of the elderly brahmin **Rādha**. The Mahā,vagga of the Vinaya speaks of “a certain brahmin ... who looked lean, haggard, of bad complexion, very pale, his veins standing out all over his body.”<sup>100</sup> Although he is not named in the passage, he is well documented in the Commentaries as the elderly brahmin Rādha.<sup>101</sup>

The Vinaya passage on **Rādha’s admission** highlights 2 important developments in early monastic history:

- (1) the Buddha abrogated the ordination by going for the 3 refuges (*tīhi saraṇa,gamanehi upasampadā*),
- (2) he introduced the ordination by an act of a motion and 3 announcements (*ñatti,cattuttha,kamm’upasampadā*).<sup>102</sup>

**2.2.8.2** Of 8 methods of ordination<sup>103</sup> used or allowed by the Buddha, the “ordination by an act of a motion and 3 announcements” (*ñatti,cattuttha,kamm’upasampadā*) is the only one that has come down to us to this day; it is still in use. Hence, we should have some *knowledge* of this significant procedure. The key section of the text (*kamma,vācā*) for **the ordination by an act of a motion and 3 announcements** (*ñatti,cattuttha,kamm’upasampadā*)<sup>104</sup> goes thus:<sup>105</sup>

(1) Bhikshus, this is how one should be ordained. The sangha should be informed by an experienced competent monk, thus:

(2) “Bhante, let the sangha hear me. This [*candidate’s name*] wishes for ordination from venerable [*preceptor’s name*].<sup>106</sup>

If it seems proper for the sangha, may the sangha ordain *so-and-so* with *so-and-so* as preceptor. **This is the motion** (*esā ñatti*).

(3) Bhante, let the sangha hear me. This *so-and-so* wishes for ordination from venerable *so-and-so*.

The sangha is ordaining *so-and-so* with *so-and-so* as preceptor.

If the ordination of *so-and-so* with *so-and-so* as preceptor is acceptable, then let them be silent. Let him who disapproves, speak!

(4) **For the second time**, I speak this matter.

Bhante, let the sangha hear me. This *so-and-so* wishes for ordination from venerable *so-and-so*.

The sangha is ordaining *so-and-so* with *so-and-so* as preceptor.

If the ordination of *so-and-so* with *so-and-so* as preceptor is acceptable, then let them be silent. Let him who disapproves, speak!

(5) **For the third time**, I speak this matter.

<sup>99</sup> *Ñatti,cattuttha,kamm’upasampadā* (Mv 1.29 @ V 1:56); see SD 45.16 (3). This ordination procedure has 3 key actors: the leader is the preceptor (*upajjhāya*) (V 1:45-55), the act-announcer (*kamma,vācācariya*) formally presents the candidate to the assembly (AA 2:194,9; SnA 2:340,10), and the instructor (*anusavan’ācariya*). It is possible that the monastics of Ānanda’s time were admitted by a simpler sangha-act performed by the preceptor with a quorum of 5 monks. The role of the *upajjhāya* was later ramified into 2 more: those of the *kamma,vācācariya* and the *anusavan’ācariya* (as is the case today): see SD 45.16 (3).

<sup>100</sup> *Aññatāro brāhmaṇo ... kiso lūkho dubbhaṇṇo uppaṇḍu-p,paṇḍuka,jāto dhamani,santhata,gato addasa*. This is stock (V 1:55, 3:88); SD 45.16 (3.1.2).

<sup>101</sup> **Rādha-t,thera V** (DhA 6.1/2:104-108); ThaA 2.1.7/2:12 f. His verses are Tha 133 f.

<sup>102</sup> Mv 1.28 (V 1:55 f); SD 45.16 (3.1.2).

<sup>103</sup> See **Pabbajjā**, SD 45.16 (0.2.1).

<sup>104</sup> See SD 45.16 (3, 2.2.2.3).

<sup>105</sup> For the Pali of the formal act, see SD 45.16 (3.2.2).

<sup>106</sup> Here, both the names of the candidate and the preceptor are recited in Pali.

Bhante, let the sangha hear me. This so-and-so wishes for ordination from venerable *so-and-so*. The sangha is ordaining *so-and-so* with *so-and-so* as preceptor.

If the ordination of *so-and-so* with *so-and-so* as preceptor is acceptable, then let them be silent. Let him who disapproves, speak! [The announcer pauses for a brief moment.]

(6) **Ordained by the sangha** is *so-and-so* with *so-and-so* as preceptor. The sangha approves, therefore it is silent.<sup>107</sup> Thus will I bear it in mind. [The date and time of ordination is noted.]

(Mv 1.28.4-6 @ V 1:56,9-32); SD 45.16 (3.2.2)

In this ordination act:

- (2) is **the motion** or resolution (*ñatti*);
- (3)-(5) are the 3 announcements (*anussavana*); and
- (6) the motion is carried (the ordination is concluded, *nigamana*).

### 2.2.9 Archiving the texts and procedures of sangha acts

**2.2.9.1** In the Buddha's time, **the oral tradition** was, as a rule, the means for religious instruction. The reasons for using the oral tradition were probably as follows:

- (1) that the teaching was directly and fully transmitted (*svākkhāta*) from teacher to pupils for their practice (*opanyika*);
- (2) that writing was regarded as a secular activity (used only in royal circles such as in espionage and battle strategies, and by merchants and the worldly to communicate and record their dealings);
- (3) that the religious life, as a rule, entailed practical simplicity and frugality, and writing materials were difficult to obtain or keeping them may infringe on certain precepts;<sup>108</sup>
- (4) that spiritual knowledge was unconditioned (*asaṅkhata*) and timeless (*akālika*) or should not be "materialized" but experienced directly and personally (*sandiṭṭhika*; *ehi,passika*; *paccattam veditabbo viññūhi*).<sup>109</sup>

From what is known about oral traditions worldwide, as well as later textual evidence of continuity within the various EBT's, we can surmise that the ancient Buddhist monastics were adept in memorizing by way of reciting large corpuses of texts following various rules of euphony (*sandhi*) and prosody (*chanda*). Such corpuses were regularly recited by individuals or textual communities (*bhāṇaka*), with each specialized community devoted to a given corpus such as the Patimokkha or any of the nikāyas; hence, they were known as Dīgha, bhāṇakas, Majjhima, bhāṇakas, etc. Thus canonized, these texts were memorized by monastics in training, some of whom became specialists in certain texts, such as in the Vinaya with its rules and procedures; they were known as **Vinaya experts** (*vinaya, dhara*).

Such recited texts were stored in "oral collections" which were given names such as Sutta, vibhaṅga (for the monastic rules). In the early Buddhist oral tradition, the rules of the Pātimokkha grew into **the Sutta, vibhaṅga**, which records not only the rules themselves entailing an offence (*āpatti*) or not (*anāpat-*

<sup>107</sup> On this consensus by silence, see SD 44.1 (1.4.3.3). See foll n.

<sup>108</sup> Writing was known in India in ancient times and prob began in the Harappa period (2600-1200 BCE)—called Indus writing: it incl engraving, embossing, painting and scratching. Early writing surfaces were stone, metal, clay tablets, papyrus, birch-bark, palm-leaf, and animal skins. It was well developed by Asoka's time, as evident from his numerous inscriptions on pillars, rocks and other surfaces. Scribes used metal or bone styluses to write on dried palm leaves (*tāla, patra*). Sujato & Brahmali, *The Authenticity of the Early Buddhist Texts*, Perth, 2015:31 f (2.1). [\[Download\]](#) 13 Oct 2024.

<sup>109</sup> The 6 Pali terms are the virtues of the Buddha Dharma: see ed **Dhajagga S** (S 11.3,13), SD 15.5.

ti), but also their revisions (*antar'āpatti*), limits or exceptions (*pariccheda*), even abrogations. They included an “Old Commentary” or Glossary (*pada,bhājanīya*)<sup>110</sup> to explain the rules and key terms.

As Mabel Bode has noted, the Old Commentary or *pada,bhājanīya* (word analysis) consists of long lists of synonyms or near synonyms, the style of which is very similar to that found in the Niddesa. We may thus conclude here that the Old Commentary belongs to the same period as the Niddesa (canonical commentaries on the Sutta,nipāta).<sup>111</sup>

**2.2.9.2** This means that when procedures were being laid down—such as the ordination procedure and the uposatha observance, both of which would have been required from early times—they would be best located in the Pātimokkha. Since the vital essence of such procedures and observances are laid out in the *adhikaraṇa,samathas*, clearly, the earliest content of the Pātimokkha would be the *adhikaraṇa,samathas*.

This means that the *adhikaraṇa,samathas* would have looked quite different in the earliest period from what they are today. We would expect them to include the *complete* ordination procedure, the procedure for establishing the innocence of certain monastics, the procedure for confessing offences, the procedure for dealing with disputes, and so on. Because many of these procedures are quite involved, the *adhikaraṇa,samathas* would have become voluminous and unwieldy fairly early on. Hence, early in Buddhist history, either the Buddha himself or the sangha decided to move the bulk of *adhikaraṇa,samathas* out of the Pātimokkha to form its own tome, **the Khandhaka** [2.2.1.1], which went on to grow with the sangha into what it is today.

**2.2.9.3** Why then were the *adhikaraṇa,samathas* listed in the Pātimokkha as its closing chapter, as we have it today? In fact, the *adhikaraṇa,samathas*, in themselves, are quite meaningless. They are simply a brief list of the 7 ways of settling legal cases, a set of headings without any content or explanation; they fill only a single page at the very end of the Pātimokkha [2.2.3.1 (8)]. The other Pātimokkha rules, too, are tersely stated in the Pātimokkha but then with some details defining each of them.

Moreover, unlike the Pātimokkha rules in the Sutta,vibhaṅga, **the *adhikaraṇa,samatha*** chapter (Khandhaka 14 = Culla,vagga 4) is unique in that it has no *uddāna*, the “key” verses that end each of the other chapters, giving the keywords for its key contents. Hence, the *adhikaraṇa,samathas* are treated very differently from the other rules of the Pātimokkha.

The only explanation—which is sufficient here—is that the *adhikaraṇa,samathas* are very different from the other Pātimokkha rules. As we have mentioned, while the Pātimokkha rules are “substantive” (prescribing the rights, duties, and powers of parties in a litigation), the *adhikaraṇa,samathas* are **procedural** (prescribing how the litigation or procedure is to be carried out) [2.2.6.1]. In legal terms, both aspects are needed for the litigation to be properly executed and concluded.

In sum, we can only conclude that the *adhikaraṇa,samathas* were part of the Pātimokkha from the beginning. They were originally fully recorded in the Pātimokkha, but due to their growing bulk, and the fact that they are procedural, not substantive, only their headings are preserved in the Pātimokkha. There was no other place to hold these prescriptive procedures, except for a *khandhaka* of their own in the Culla,vagga.

<sup>110</sup> Cf the commentator notes that there was no old or “great” commentary on Sn 677 f: *avasāne gāthā,dvayam eva pana mahā,aṭṭhakathāyam vinicchita,pāṭhe n’atthi* (SnA 2:477,13 f).

<sup>111</sup> M H Bode, review of **Mahaniddesa** part I, in JRAS 1918:575. Brahmali & Analayo, “Canonical exegesis in the Theravāda Vinaya,” *J of Buddhist Ethics* 24, 2017:225-246. [[Download](#)]

### 3 Adhikaraṇa, samatha as conflict-resolution

#### 3.0 CONFLICT RESOLUTION IN OUR TIMES

##### 3.0.1 Conflict and conflict resolution

**3.0.1.0** The *adhikaraṇa, samathas* are not only very effective means of settling monastic legal cases, but may be used as guiding principles for **modern conflict resolution**. Broadly, the word “conflict” means *dukkha*, “suffering” in its human and social aspects, that is, “to be with the unpleasant; to be without the pleasant; not to get what one wants,” as stated in **the Dhamma, cakka Pavattana Sutta** (S 56.11).<sup>112</sup>

**The Sāmagāma Sutta** (M 104,12 @ SD 62.4a) and **the Vinaya** (Pāc 63 Old Comy; Cv 4.14.2) list these 4 types of legal cases (*adhikaraṇa*) [2.1.2.1]:

- |  |                         |
|--|-------------------------|
| (1) legal case regarding <u>a verbal dispute</u> ,               | <i>vivādādhikaraṇa</i>  |
| (2) legal case regarding <u>an accusation</u> ,                  | <i>anuvādādhikaraṇa</i> |
| (3) legal case regarding <u>an offence</u> , and                 | <i>āpattādhikaraṇa</i>  |
| (4) legal case regarding <u>proceedings</u> [monastic business]. | <i>kiccādhikaraṇa</i>   |

In broad modern terms, we can speak of this tetrad as the types of conflicts that arise on account of *a dispute, an accusation, an offence, or some monastic business*. I see the *adhikaraṇa, samathas* as lenses and tools for identifying and resolving modern sangha issues and misperceptions (including superstitions).

I have not defined the various sangha problems and misperceptions rampant in our times because these issues are simply too widespread and diverse to be expressed here. The reality is that many of us, especially good sangha members and informed lay Buddhists, have our own ideas of what many of these issues are. Let us use whatever is helpful here to define and discuss some of the key issues and how they can be resolved or begin to be identified and resolved. This is a matter that will take more than a generation to correct with some kind of quiet and dynamic reform movement of spiritual education and Dharma-spirited networking.

I can only point to the methods used by the early Buddhists to deal with such issues in their times. Surely, we can emulate our spiritual ancestors and apply these methods that they have bequeathed us, and to perpetuate the Buddha Dharma down to our own times. We should work to propagate what the Buddha taught and retell the teachings and stories of the early arhats—and of course practise the Buddha Dharma, too.

**3.0.1.1** Here is a contemporary explanation and exploration of these 4 kinds of conflicts:<sup>113</sup>

(1) Conflict arising from disputes (*vivāda*). In early Buddhism, *vivāda* refers to “verbal dispute,” based on the oral tradition. Today, we need to retranslate *vivāda* (for our purposes) as simply “dispute,” since disputes regarding the Dharma or Vinaya often arise not just through verbal (person-to-person) communication but through writings, electronic means, social media and other ways. Buddhist informa-

<sup>112</sup> S 56.11,5/5:421), SD 1.1.

<sup>113</sup> For a discussion of the *adhikaraṇa, samatha dhammā* of other schools, see S **Dutt**, *Early Buddhist Monachism*, London, 1924: 156-165; E **Frauwaller**, *The Earliest Vinaya and the Beginnings of Buddhist Literature*, Rome, 1956: 113-116, in which reviews the *śamathavastu* of various sects; C S **Prebish**, *Buddhist Monastic Discipline: The Sanskrit Prātimokṣa Sūtras of the Mahāsaṅghikas and Mūlasarvāstivādins*, Pennsylvania, 1975:106-109. See also G A Somaratne, “Modernity in ancient methods of resolving monastic conflicts: a study of the Sāmagāna-sutta,” *Sri Lanka J of Buddhist Studies* 2 2012:38-51.

tion is also easily and widely available, and anyone may download, revise and disseminate such data as private truths and personal revisions of Buddhist beliefs.

(2) Conflict arising from accusations (*anuvāda*). An example of such a conflict is the occasion where someone (monastic or lay person) accuses a monastic of committing a Vinaya offence. In our times, when monastics tend to be very liberal with the Vinaya or be licentious with Dharma, or even ignore them altogether, or rationalize their moral licence with intellectual hubris or academic aplomb, any accusation may simply be ignored or even taken as a compliment for their exclusive or elitist status.

(3) Conflict arising from offences (*āpatti*). This is when a monastic lives committing a transgression or is seen as living a Vinaya-less life (for example, living like a householder, using money, owning property, socializing with the laity, and so on). These freewheelers thrive because the crowd misperceives them as being “socially engaged,” whatever that means. The most workable solution to this offence is that the laity should turn the bowl down on such “freewheelers.” Buddhism should promote the Buddha’s way, a wholesome person-centred spiritual practice of self-reliance and self-development.

(4) Conflict due to dereliction of duty (*kicca*): In early Buddhism, this refers to the proper execution of sangha duties and the correct procedure for sangha acts, such as settlements of legal issues and ordination. Broadly today, we can apply this concern to the proper practice of Buddha Dharma itself, especially the proper keeping of the precepts, the effective practice of meditation, wholesome understanding of the teachings, and aspiring to attain the path in this life itself.

**3.0.1.2** While the 4 types of legal cases (*adhikaraṇa*) and the 7 methods of conflict resolution (*adhikaraṇa, samatha*) still apply to modern Buddhist monastics (more than ever before), we will here first list the traditional texts for them and explore how we can use these early Buddhist problem-solving methods for the problems we face as Buddhists today. It is wholesomely wise to remember that these methods are not merely for solving “problems” but are expressions of the 3 trainings—in moral conduct, in mental cultivation and in insight wisdom—guiding us to the path of practice and freedom.

**3.0.2** The “texts” below refer to excerpts from the respective passages on **the 7 kinds of settlements of legal cases** as given in the Sāmagāma Sutta *māṭikā* (M 104,13), SD 62.4a. The sequence of settlements follow that of the Adhikaraṇa, samatha, dhammā of the Sāmagāma Sutta and the Pātimokkha.

### 3.1 CONFLICT RESOLUTION BY PRESENCE

#### 3.1.1 Removal by presence (*sammukha, vinaya*)

##### 3.1.1.1 The Sāmagāma Sutta text (M 104,14)

“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.<sup>114</sup>

<sup>114</sup> *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).

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."

**3.1.1.2** The Pali *sammukha* (*sam*, prefix with the sense of “together” or “oneself” + *mukha*, “mouth, face”) here means “face-to-face.” It may have a figurative sense of “confronting” but cannot be used in a literal sense of “opposing (with hostility),” which is too strong and does not reflect the context here.

The Pali term, *vinaya* (*vi*, a prefix meaning “away” + *naya*, “taking, leading”) means “that which leads away or removes,” that is, settles the case by removing the wrong views and unwholesome aspects of the case. In fact, here it is synonymous with *samatha* (settling).

**3.1.1.3** In the Theravāda monastic system, “**face-to-face**” (*sammukha*) means that the settling of the case must be carried out in the presence of the sangha, of the individuals concerned, and of the Dharma-Vinaya.<sup>115</sup>

“**In the presence of the sangha**” means that the chapter of monastics that has gathered is competent in carrying out the legal proceeding. In other words, it has the minimum quorum of qualified monastics within the parish or monastic boundary (*sīmā*). This is the legal area within which the meeting is held, where the resident monastics either are present or have sent their consent.

Furthermore, none of the qualified monastics in the meeting protests against having the matter settled by the conclave. During a legal proceeding against a monk, his protest does not invalidate the act (cf Pāc 79 + 80). On the other hand, any protest by any other member of the conclave would invalidate it, even if he only informs the monk sitting next to him (Mv 9.4.8 @ V 1:321).

“**In the presence of the individuals**” means that all the persons involved in the matter are present.<sup>116</sup> For instance, in a dispute, both parties must be in the meeting. When the sangha is carrying out a legal proceeding against one of its members, the accused must be there. In an ordination, the monk-to-be must be present.

There are a few cases where this “presence” factor is not followed, such as the ordination of a nun by proxy, and the act of overturning the bowl (*patta nikkujjana*, boycotting a lay person who has mistreated the sangha)—but these are rare.

“**In the presence of the Dharma-Vinaya**” means that all the procedures are properly laid down in accordance with the Vinaya,<sup>117</sup> and that monastics who advocate what is not truly Dhamma or Vinaya are not holding sway over the conclave. Thus, all present are those who uphold the Dharma-Vinaya; non-Buddhists are not allowed to be present in such a proceeding.

### **3.1.2 Modern application of *sammukha,vinaya***

**3.1.2.1** Imagine this flow-chart characterizing a dispute that is resolved face-to-face in our own times:

A conflict takes place between two parties.

→ The conflicting parties meet together in concord.

→ The parties draw out the guidelines of the Dharma.

<sup>115</sup> Most of the nn here are based on Thanissaro, *The Buddhist Monastic Code 1*, Valley Center, CA, 1994, 3<sup>rd</sup> ed 2013.

<sup>116</sup> This reminds us of the modern writ of habeas corpus (“you should have the body”), a court order demanding that a person or public official produce a detained individual before the court to determine the legality of their detention and ensure that they are not unlawfully imprisoned.

<sup>117</sup> See Thanissaro, *The Buddhist Monastic Code 2*, Valley Center, CA, 2011, 3<sup>rd</sup> ed 2013: part 3.

- The parties settle the conflict in accordance with the guidelines.
- The conflict is resolved.

**3.1.2.2** Ideally, two conflicting parties—such as two Buddhist teachers or lecturers—meet in concord, and begin by drawing out Dharma-based guidelines, such as a list of related basic doctrines or rules (defined), or suttas (an agreed translation). The conflict should be settled in keeping with these guidelines.

The effectiveness of this method is that the matter is settled by the conflicting parties themselves. This is **mediation** at its best resulting in conciliation. This procedure will not work when any party thinks that they are “entitled” or have a “right” to their personal beliefs and practices, and that the sangha has no say in such matters. Especially exemplary is Ānanda’s respect for the sangha during his “trial” before the 1<sup>st</sup> council, upholding both Dharma truth and Vinaya propriety as reported in the Culla,vagga chapter 11.

Ānanda was accused of the following offences, each entailing “wrongdoing” (*dukkata*):

- (1) he did not ask the Buddha what are the “lesser and minor training-rules” that the Buddha allowed to be abrogated; (Ānanda: “It was out of unmindfulness.”)
- (2) Ānanda stepped on the Buddha’s rains-cloth (*vassika,sāṭṭikā*)<sup>118</sup> while sewing it; (Ānanda: “Not out of disrespect.”)
- (3) Ānanda allowed weeping women to see and honour the Buddha’s body first, defiling it with their tears. (Ānanda: “The time was late for the women.”)
- (4) Ānanda did not ask the Buddha to live on for the remainder of his lifespan (ie, up to 120 years). (Ānanda: “Māra overcame my mind.”)
- (5) Ānanda was instrumental in allowing women to renounce. (Ānanda: “This was the Lord’s aunt, foster-mother, nurse, giver of milk [who asked for renunciation].”)
- (6) “I do not see [any of these] as an offence of wrong-doing, but out of faith in the venerable ones, I confess [each of them] as an offence of wrong-doing.” (Cv 11.1.10 @ V 2:288)

**3.1.2.3** It’s rare we will be able to get such a mediation today when leaders, scholars, teachers, writers or individuals take Buddhism as their means of livelihood or that they are looked up to as the initiators, propagators or authorities of some private truths or as having some special powers. In other words, this resolution method will not work *when the teacher is placed above the teaching*.

We have no choice but to resort to expressing what we think is right either by writing (essays, books, etc), through public talks (forums, seminars, etc) or via social media. Where Buddhists are status-driven (looking up to titles, qualifications, power), class-conscious (measuring others as rich, poor, job-status), religiously materialist (“I’ve gone for refuge 12 times!” “How many retreats have you attended?” “What dhyana have you gained?”), or ethnically rooted, racist, sectarian, or have their own agenda, or are simply ignorant, conciliation is likely to be impossible. No amount of good Dharma hermeneutics or apologetics (explanation or defence) will work when the other party sees Buddhism as *a means of elitism, modern revisionism, social control, wealth investment or worldly pursuit*.<sup>119</sup> These methods of conflict resolution will only work when there is a common and full respect for the Dharma-Vinaya.

<sup>118</sup> These are cloth garments used instead of the robes, for these had been found to become wet and heavy during the rains (Nis 24 @ V 1:253). This cloth was worn instead of the robes, measuring 6 spans by 2½ spans of the accepted length. “This is just enough to go round the loins from the waist half down to the knee” (V:RO 2:225 n). It is allowed “for the 4 months of the rains” (Pāc 91 @ V 4:173), during which time the sangha is allowed to allot (apportion) cloths for the rains; after that time, the sangha must assign (given) them (Mv 8.20.2 @ V 1:297).

<sup>119</sup> For studies in religious materialism and revisionism in Singapore, see **Upāya: Skillful means**, SD 30.8 (8); **Three Roots, Inc**, SD 31.12 (3.4.4).

**3.1.2.4** In Malaysia and Singapore, for example, Buddhism was (is), as a rule, ethnically defined. We have Chinese Buddhism, Japanese Buddhism, Thai Buddhism, Sinhalese Buddhism, Myanmar Buddhism, but almost *no non-ethnic or open Buddhist centres* based on local needs (especially Dharma education and fellowship).

An ethnic tradition stays within its own ethnicity and rarely looks further. The leaders of these respective ethnic Sanghas, like the High Priests (*mahā nayaka*) of the ethnic Sinhala sangha in Kuala Lumpur, which was often referred to as “the rich man’s temple,” favouring the local Chinese elites, for example, who were their wealthy, generous and adoring supporters, more interested in expensive religious rituals than Dharma or sutta learning.<sup>120</sup>

In this priest-centred (brahminical) situation, no non-ethnic (local) Buddhists were given any significant role in running the Temple or Centre. Even local Buddhist works (writings and recordings) were only allowed to be used after the original authors’ names were expunged, and the works conscripted into their curriculum with their own ethnic name stamped as the author of such works!<sup>121</sup>

Sadly, below the veneer of pious platitudes and smiles, the High Priests only understand control of their congregation, ethnic and local, and the manipulation, gaslighting,<sup>122</sup> isolation, and silent treatment of “distractors” and ethnic outsiders. In all such cases, silence is no option. It is our silence and servility that feeds Māra in such conflicts.

When we know the Dharma-Vinaya, we should communicate the facts and skilfully (through talks or writings), giving proper truthful and inspiring responses to the conflict at hand. We will be voicing the concerns and sufferings of silent victims; we should at least ensure that posterity does not suffer “ethnic sins” or be blissfully blinded on this account and perpetuate such bad karma.

The true Dharma starts with a wholesome thought, then it is spoken with wholesome courage and beauty, and lived joyfully; we should always highlight and keep to the 3 trainings.

### 3.2 CONFLICT RESOLUTION BY MEMORY (PROPER RECALL)

#### 3.2.1 Removal by memory [mindfulness] (*sati,vinaya*)

##### 3.2.1.1 The Sāmagāma Sutta text (M 104,16)

“And how, Ānanda, is there **removal on account of memory [recollection]**?<sup>123</sup>

Here, Ānanda, one monk reproves another monk for such and such a grave offence, one involving defeat or bordering on defeat:<sup>124</sup>

<sup>120</sup> The leading Sinhala mission in KL, Malaysia, eg, was labelled “the rich man’s temple” (Vijaya Samaravickrama, 9 July 2010, to Jeffrey Samuels, “Forget not your old country,” *South Asian Diaspora* 3,1, 2011:124).

<sup>121</sup> For a psychosocial study of such problems in Malaysia, see (**Atṭhaka**) **Khaluṅka S** (A 8.14), SD 7.9.

<sup>122</sup> The term gaslighting comes from the film “Gaslight” (G Cukor, 1944). **Gaslighting** is a form of psychological manipulation, repetitive lying, scapegoating, or coercion where a person causes someone or a group of people to question their credibility, memory, perception, or even sanity. Gaslighting may also be used to create the impression to the public or intended audience that the targeted person or group is the trouble-maker. This underhand dishonesty is common in exclusive religious groups (esp race- or class-based ones), religious cults or religious politics. (Thanks, Matt Jenkins, for the film’s name. 20 April 2025).

<sup>123</sup> *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 offences, is accused of an offence. He should approach the sangha to give him such a verdict by appeal to his full and accurate recollection of his pure conduct.

<sup>124</sup> 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,sāmantana*) is either a *saṅghādisesa* offence, which

‘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.’

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.<sup>125</sup>

**3.2.1.2** The settlement by removal on account of **memory** is given in cases of an accusation, where the accused remembers fully that he did *not* commit the offence in question. This is assuming that the accused is being truthful; otherwise, the process would technically only “exculpate” him, that is, clear the charge/s against him. If he is honest, then, karmically, he has been exonerated (actually free from any wrong).

This verdict is valid only if—

- (1) the accused is pure and without offence;
- (2) he is accused of an offence;
- (3) he asks for the verdict;
- (4) the sangha gives him the verdict;
- (5) it is in accordance with the Dharma, and the conclave of monks is united and competent to give it.

(Cv 4.4.11 @ V 2:80)

According to the Commentary, factor (1) here—“the monk is pure and without offence” (*suddhassa anāpattikassa*)—applies only to arhats,<sup>126</sup> but the canon itself makes no mention of this point. There are other places in the Khandhakas where the phrase “pure and without offence” is used to refer to any monk who has not committed the offence of which he is accused (eg, Mv 9.1.7, 9.4.9),<sup>127</sup> with nothing to indicate that he would have to be an arhat as well.

On this last point, Thanissaro, in his *The Buddhist Monastic Code* (3<sup>rd</sup> ed 2013), says:

If the Commentary’s interpretation were correct here, there would be no way that a bhikkhu in his right mind who is not an arahant could be declared innocent of an offence at all, for the only three verdicts that may settle an accusation-issue are this one, the verdict of past insanity (for a bhikkhu who was insane when he committed the offence in question), and the transaction for further punishment<sup>128</sup> (literally, “making it worse for him,”) for a bhikkhu who committed the offence in question when he was in his right mind.

(Thanissaro, *The Buddhist Monastic Code* 1, 2013:449)

The 4<sup>th</sup> settlement method [3.4]—removal by an acknowledgement of an offence—which is sometimes said to cover cases of innocence, actually applies only to cases where the monk admits to having committed an offence, and not to cases where he is *innocent* and asserts his innocence. Hence, Thanissaro suggests that we keep to the general usage in the Khandhakas and take that the phrase “pure and

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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).

<sup>125</sup> On removal on account of memory, see: V:B 5:204-211, 247 f.

<sup>126</sup> VA 6:1182; VA 7:1355; Vajira,buddhiṬ:Be 549. The phrase “only to arhats” is prob related to the Vinaya texts that specifies the case as related to arhat Dabba Malla,putta.

<sup>127</sup> Respectively, V 1:314 & V 1:321.

<sup>128</sup> We generally use the word “censure” for this.

without offence” is *fulfilled by any monk*—arhat or not—who has not committed the offence in question. (2013:449)

### **3.2.2 Modern application of *sati, vinaya***

**3.2.2.1** A modern scenario where this settlement through memory may be applied as a conflict resolution method is as follows:

- A feels conflicted with B regarding a wrong-doing (real or perceived).
- A accuses B of wrong-doing.
- B does not recall any wrong-doing, pleading innocence.
- The accuser accepts B’s honesty and statement, thus resolving the conflict.

Instead of smouldering over the thought (rightly or wrongly) that B has wronged A, or spreading gossips about B, A civilly accuses B about the alleged wrong by B. Expressing shock, B claims to honestly not recalling any such action, which could well be A’s false memory. Convinced by B’s outright honesty, A apologizes and agrees to withdraw the accusation. They remain good friends.

**3.2.2.2** It is possible that B could be **lying**, or was even, rightly or wrongly, convinced that he had *not* committed any wrong against A, or that he had *justly* committed the act against A. Or that B might have *actually* wronged A but honestly could not recall it. This last case may be one of a defence mechanism on B’s part. For some reason (at this stage anyway), B could, for some reason, be valuing A’s friendship, or A and B could be partners or very close friends, that B will take no risks that may threaten their friendship.

Assuming that B really cares for or loves A, then the conflict may be regarded as resolved; they may continue as good friends or partners. If B should recall later that he actually had done the wrong but now regrets it, the matter is still regarded as resolved. B must now be mindful that he does not in any way repeat that old wrong, or commit any new unwholesome act that may then bring about a new irreconcilable conflict.

As for A, even if he still suspects that B did wrong him but chose to forgive him, with happy consequences, that would be good, too. A then shows trust, even love, for B. In a way, they can be said to have renewed their friendship in a happy way. This incident should be understood as the practice of love (*mettā*) and compassion (*karunā*).

Since no two humans often think alike or can read each other’s minds, human relationships can never be perfect like those between awakened individuals. However, with the practice of *awakening* qualities (such as forgiveness and willingness to learn) or *divine* qualities (like love and compassion), we can build better relationships as partners and friends aging in maturity. Even though we value aloneness, as un-awakened humans, *we need to enjoy wholesome interactions and interbeing with other minds.*<sup>129</sup>

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<sup>129</sup> It is said that the Buddha’s mind abides in emptiness even when he is speaking with others: **M 124,6.2** (SD 11.4); **A 8.30** + SD 19.5 (3).

### 3.3 CONFLICT RESOLUTION BY WAY OF PAST INSANITY

#### 3.3.1 Removal on account of past insanity (*amūlha,vinaya*)

##### 3.3.1.1 The Sāmagāma Sutta text (M 104,17)

“And how is there removal on account of **past insanity**?<sup>130</sup>

Here 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.’

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.<sup>131</sup>

**3.3.1.2** This is another verdict of innocence given in a case of accusation based on the fact that the accused was out of his mind, unhinged, when he committed the offence in question, and so is absolved of any responsibility for it.

This verdict is valid only if given to a monk:

- (1) who does not recall what he did while unhinged;
- (2) or who remembers but only as if in a dream; or
- (3) or who is still unhinged enough to believe that his behavior is proper. (“I act that way and so do you. It’s allowable for me and allowable for you!”) (Cv 4.6.2 @ V 2:82 f)

#### 3.3.2 Modern application of *amūlha,vinaya*

**3.3.2.1** In this case of interpersonal conflict, it was at a time when the accused was unhinged:

C accuses D of wrong-doing.

→ The accused D cannot recall any wrong-doing.

→ The accuser presses on with his accusation, perhaps with more details.

→ The accused then confesses his wrong-doing is due to his being unhinged

→ The accuser C accepts D’s explanation.

→ The conflict is resolved.

<sup>130</sup>*Amūlha,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

<sup>131</sup> On the verdict of past insanity, see: V:B 5:211-214, 348-251.

**3.3.2.2** The term *mūlha*, “mad,” literally means “overcome with delusion (*moha*)” but applies here broadly as meaning “deluded.” In other words, there is *no intention* (*cetanā*) on the person’s part; one is driven by latent tendencies. The Commentary explains it as being “driven by lust” (*rāgena ratto*), or “fired up by anger” (*dosena duṭṭho*), or “blinded by delusion” (*mohena mūlho*) (SA 1:45). The Vinaya term is *amūlha*, “not mad,” that is, no more unhinged; that is, unhinged in the past (at the time of the offence), but is sane and sobre now.

In modern lingo, a *mūlha* person is said to be “unhinged”; here, *mūlha* seems to mean “temporarily mad.” It should be understood as a Vinaya technical term.<sup>132</sup> In other words, the delusion could have been triggered by some troubling situation like stress or fear, or chemically induced (such as by certain kinds of medication), or by drunkenness, by dementia, and so on.

Interestingly, *mūlha* seems to reflect or include profound drunkenness, in the sense that the victim is prone to acting without any inhibition, that is, with a sense of self-forgetting. Moreover, the unhinged person is not really aware of his actions. Since there is an absence of intention, he is not responsible for his actions and commits no Vinaya offence. However, he has to be restrained so that he neither harms others nor himself, nor shock the laity.

Psychologically, he will still need to undergo spiritual or clinical counselling, whichever helps him better (or both types of counselling). In this case, the issue is more than that of a Vinaya offence but includes issues of mental health. Such a monastic will need to have a monk-befriender (*sahāya*) for his social health; he may be given guided meditation by experienced meditators, and be constantly monitored by the sangha. He should not be allowed to freely socialize with the laity for the safety of both parties.

As for unhinged lay people, they should basically be treated with similar care. In most cases, the recovering lay person, too, may need befriending by experienced carers and understanding friends; also wholesome socializing, regular suitable physical exercises and enjoyable mental engagement. In short, they should have a healthy and balanced lifestyle of physical activity, social engagement and mental stimulation.

### 3.4 CONFLICT RESOLUTION BY ACKNOWLEDGEMENT

#### 3.4.1 Removal by acknowledgement of an offence (*paṭiññāta, karaṇa*)

##### 3.4.1.1 The Sāmagāma Sutta text (M 104,18)

“And how is there the effecting of **acknowledgement of an offence**?<sup>133</sup>

Here a monk, whether reproved or unreproved, 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 hands 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.<sup>134</sup>

<sup>132</sup> *Mūlha* here is not “insanity” in the broad sense that we would apply it in modern parlance, but they overlap. It is about a lack of intention, which may be brought about in multiple ways. In that case, *mūlha* can be glossed with colloquialism, “unmoored,” which means “(of a person) insecure, confused, or lacking contact with reality.”

<sup>133</sup> *Paṭiññāta, karaṇa* (M 2:248,21; v 1:325, 2:83). See V:B 5:214-216.

<sup>134</sup> 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.

And so there comes to be the settlement of some legal cases here by the effecting of acknowledgement of an offence.<sup>135</sup>

**3.4.1.2 The acknowledgement of an offence** is basically acting in accordance with what is admitted. This refers to 2 types of situations. The 1<sup>st</sup> is the ordinary confession of an offence, where no formal interrogation is involved. The confession is valid only if it is in accord with reality, for example, a monk has actually committed a *pācittiya* offence and then confesses it as such, and not as a heavier or a lighter offence. If he were to confess it as a *dukkāṭa* or a *saṅgh'ādisesa*, that would be an invalid admission.

The 2<sup>nd</sup> situation is when, following on an accusation, the sangha meets to interrogate the monk concerned and he admits to doing the action in question (although he may still not see his action as an offence or, if he does, may still refuse to undergo the penalty for it). If he correctly and truthfully admits that it is an offence, it may be dealt with in line with its severity.

For instance, if he has committed a *saṅgh'ādisesa* offence, the sangha would have to at least tell him to prepare for his penance and probation, and he would actually have to undergo them later. This would count as “*acting in accordance with what is admitted.*”

However, if there is an accusation, but it is not settled on account of the accused, the sangha must then impose an extra disciplinary action on the accused. At the very least, there should be a “censure” process as described below [3.6]—since the sangha has been convened to settle it.

Only then is the issue settled. This is why **Cv 4.14.27** does not list “acting in accordance with what is admitted”<sup>136</sup> as a procedure for settling an accusation-case, because even though the monks must deal with the accused in line with what was admitted, the accusation-case is not settled until the monk has been censured.

### **3.4.2 Modern application of *patiññatā, karetabba***

**3.4.2.1** In a contemporary conflict situation, we may have the following scenario:

- A person is troubled by an offence he has committed (other than that of *pārājika*).
- The person confesses it to a respected senior who listens in an engaged manner.
- The senior counsels the person appropriately, explaining personal accountability.
- The person promises not to commit such an offence in future.
- The personal conflict is resolved.

We may see here the working of one’s **conscience**,<sup>137</sup> which, in early Buddhism, is a cognitive process that elicits feelings (like or dislike) and emotions (lust, hatred, delusion or fear) based on the our moral and spiritual vision. Our moral vision may be that just as we value ourself so do others, which means that we should respect them; we are inspired to treat others as extensions of ourself or try to understand their feelings and emotions as we do with ourself. Basically, this is called **moral shame** (*hiri*).

Spiritual vision is our understanding of karma as **self-accountability**, that good and evil are in our own intentions and how they are acted out in our speech and actions. Since the moral roots of these deeds—the unwholesome and the wholesome—are in our own minds, we (and only we) are actually capable of righting any wrong that we have done. Hence, instead of *fearing* karma, we summon our

<sup>135</sup> 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).

<sup>136</sup> On “In accordance with what is admitted,” see Thanissaro 2013:165; on “Further punishment,” see 2013:337. Digital paging).

<sup>137</sup> Conscience, lit in Pali *sarñ + vññā*, to know, “to know with oneself only, to know within one’s own mind” (OED); As def above (the text), the best Pali cognate would be *paññā*, “wisdom.”

courage to act wholesomely (rightly, well and joyfully) for the benefit of self and others. This is called **moral fear** (*ottappa*).<sup>138</sup>

**3.4.2.2** For some reason, person E is troubled by an offence he has committed. It could be that he thought he had breached a precept or misrepresented one of the 3 jewels (that he spoke wrongly and unjustly about the Buddha, the Dharma or the sangha). In this case, the counsellor should explain the appropriate teachings, and highlight willingness to learn or re-learn.

Or, E could have felt he had wronged F because of an action that F had done. First, he should reflect on how he perceived that action. Second, how this perception affects himself. Third, he should deliberate on how to respond to this initial reaction so that a good lesson is learned Dharma-wise: “What do I learn from all this?”

In fact, this is also basically how a spiritual counsellor would counsel E.

### 3.5 CONFLICT RESOLUTION BY MAJORITY VOICE

#### 3.5.1 Removal by opinion of a majority (*yebhuyyasikā*)

##### 3.5.1.1 The Sāmagāma Sutta text (M 104,15)

“And how, Ānanda, is there **the opinion of a majority [majority vote]**?<sup>139</sup>

If, Ānanda, those monks cannot settle that legal case in that residence,<sup>140</sup> 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.<sup>141</sup>

**3.5.1.2** This refers to cases in which monks are unable to settle a dispute unanimously, even after all the proper procedures are followed. It may in fact deteriorate into a fracas with sangha members “wounding one another with blades of the tongue,” as reported in **the Kosambiya Sutta** (M 48).<sup>142</sup>

In such cases, decisions can be made by majority vote. Such a vote is valid only if—

- (1) the case is an important one (such as involving sangha unity).
- (2) The face-to-face procedures have all been followed but have not succeeded in settling the issue. (The discussion in the Cullavagga indicates that at least 2 sanghas have tried settling the matter. The Commentary recommends trying the normal procedures in at least 2 or 3 sanghas, VA 6:1192.)
- (3) Both sides have been made to properly reflect on their position.
- (4) The distributor of voting tickets knows that the majority sides with the Dharma.
- (5) He hopes that the majority will side with the Dharma (in other words, he himself is on the side of the Dharma).

<sup>138</sup> On moral shame and moral fear, see **Hiri Ottappa S** or **Cariya S** (A 2.1.9), SD 2.5c; **Moral shame and moral fear**, SD 2.5.

<sup>139</sup> *Yebhuyyasikā* (M 2:247,19).

<sup>140</sup> “Residence” (*āvāsa*), which Comy def as “*āvāsa* is (a place) suitable for residence made into a lodging place” (*āvāso nāma vasanattāya kata, senāsanam*, VA 6:1167,7 f); but what is significant here is clearly the resident monastics, of which there must be sufficient to perform a sangha act.

<sup>141</sup> 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).

<sup>142</sup> M 48,2/1:320 *passim* (SD 64.1).

- (6) The distributor of voting tickets *knows* that the procedure will not lead to a split in the sangha.
- (7) He *thinks* that the procedure will not lead to a split in the sangha (again, this means that he himself does not want there to be a split).
- (8) The tickets are taken in accordance with the Dharma (the Commentary says that this means that there is no cheating—such as one monk taking two tickets—and that the Dharma side wins).
- (9) The assembly is complete.
- (10) The monks take the tickets in accordance with their views (and not, for example, under fear of intimidation or coercion). (Cv 4.10,2 @ V 2:85)

Those who hold worldly politics highly may be disappointed with the description of the settlement method described above. It must be stressed that the early sangha was *not* a “democracy” (the way democracy is mostly used or thought of today anyway). Not everyone—bad or good—can or must win; only the good, the Dharma-minded, must win, in the sense of practising, ministering and propagating the Dharma. Hence, we can call this a **dhammocracy**.<sup>143</sup> It is the rule and way of the Dharma, not the not-Dharma.

### **3.5.2 Modern application of *yebhuyyasikā***

**3.5.2.1** Resolution of a conflict by majority voice may be practised in our own times as follows:

A conflict arises between two parties.

- The conflicting parties approach a larger 3<sup>rd</sup> party.
- They all meet in concord.
- They draw out the Dharma guidelines.
- They settle the conflict in accordance with the guidelines.
- The conflict is resolved.

In this method of resolution, the 3<sup>rd</sup> party acts as mediator. The Dharma guidelines are to ensure they meet and proceed in concord. It should also be noted (point 2) that, if necessary, they move to a 3<sup>rd</sup> location for deliberation.

**3.5.2.2** In the above modern application, it is assumed that the 3<sup>rd</sup> party is both larger than either of the conflicting parties and that the 3<sup>rd</sup> party is not only well versed in Dharma, but also deeply respects Dharma and human decency.<sup>144</sup> Sadly we rarely see these basic and vital Dharma qualities in “Buddhist” communities that are ethnic or traditional, especially where the countries had a colonial history and are deeply (even if subtly) race-based. This generally describes much of Buddhism in South and Southeast Asia.<sup>145</sup>

Many Chinese Buddhists, for example, are raised conditioned by Confucianism and Daoism. Despite decades of local “Buddhist reforms,” Confucian-rooted Buddhists often measure other Buddhists in terms of class and status. This is not helped by the fact that people are expected to tacitly know and keep to

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<sup>143</sup> I would have used *dhammocracy*, but Hindu politicians of India have already used the term with intent and bias to refer to *their* Hindu “Dharm.” Since the Buddha was Indian, I think it safer to use such words more circumspectly, esp due the fact that there is a significant number of Buddhists in India, such as the Dalits.

<sup>144</sup> By “human decency” is meant personal qualities of honesty, good manners, mutual respect, and a strong sense of right and wrong, favouring, of course, the right and good.

<sup>145</sup> Except for Thailand, which was never colonized due to the foreign policies of their astute monarchs, Mongkut (r 1851-1868) and Chulalongkorn (r 1868-1910).

their respective “social distance” away from those in power or of elite status (even in religious communities).

Dutch social psychologist Geert Hofstede explains the “Power Distance Index” (PDI) model in these terms: Malaysia, for example, ranks very highly in the PDI.<sup>146</sup> It is worth evaluating our local Buddhist communities in light of this model:

In large-power-distance countries, there is considerable dependence of subordinates on bosses. Subordinates respond by either *preferring* such dependence (in the form of an autocratic or paternalistic boss) or rejecting it entirely, which in psychology is known as *counterdependence*—that is, dependence but with a negative sign. Large power-distance countries thus show a pattern of polarization between dependence and counterdependence. In these cases the emotional distance between subordinates and their bosses is large: subordinates are unlikely to approach and contradict their bosses directly.

(Hofstede et al, *Cultures and Organizations*, 1994; 3<sup>rd</sup> ed 2010:61)

Daoist-rooted Buddhists tend to be superstitious and ritualistic, that is, in their difficulties or strategies they tend to turn to some external agency for succour or solution. They also believe that happiness or success is the result of “luck” or may be gotten by way of bribing gods or appeasing spirits. They also tend to view Buddhist priests as endowed with some kind of super-powers or as having some lordly status; hence, these lords are often addressed as “Master.”

On a happy note, we can say that Western Buddhists are generally better at socially organizing themselves and resolving various Buddhist conflicts and challenges. This is probably due to 2 vital factors:

- (1) the West had suffered profoundly and learned painfully from the violence and destruction by power-based religions: the various forms of Christianity.
- (2) Various Western visionaries and thinkers have taught them the freedom and value of education, technology, governance, and above all, humanity.

It’s time we stop merely aping the West with our bodies (in clothing and hair colour), but learn to open and free our minds, and let the Buddha Dharma in, as many Western Buddhists are doing.<sup>147</sup>

### 3.6 CONFLICT RESOLUTION BY PRONOUNCEMENT OF BAD CHARACTER

#### 3.6.1 Removal by pronouncement of bad character (*tassa, pāpiyyasikā*)

##### 3.6.1.1 The Sāmagāma Sutta text (M 104,19)

“And how is there **the pronouncement of bad character** against someone?<sup>148</sup>

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

<sup>146</sup> In 1994, in a PDI analysis of 50 countries, Malaysia ranked the highest (Hofstede et al, 2010: Table 3.1). On PDI: G Hofstede, *Cultures and Organizations, Software of the Mind*, London, 1994; (Hofstede et al) 3<sup>rd</sup> ed 2010; see SD 3.14 (8.4).

<sup>147</sup> Western Buddhists have its own problems, too. Ben Zhivan (US Buddhist) says: “On my recent retreat a Western Zen teacher in Suzuki’s lineage was quoted as having said that we in the West ‘make the Buddha’s Middle Way into our own Middle Class Way,’ as in, we are too attached to being comfortable, easy to achieve, etc.” (Personal communication, 27 March 2025).

<sup>148</sup> *Tassa, pāpiyyasikā* (M 2:249,1). Horner renders “decision for specific depravity”; Thanissaro, “further punishment” (*The Buddhist Monastic Code 1*, 3<sup>rd</sup> ed 2010:415); Brahmali: “further penalty” (V:B 5:218). This verdict is pronounced on a monk who is a maker of strife and quarrels in the sangha, who is ignorant and full of offences, or who socializes inappropriately, esp with the laity. See V 2:85 f; A 4:347.

‘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.’

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.<sup>149</sup>

**3.6.1.2** This refers to cases where a monk admits to having committed the offence in question only after being formally interrogated about it. After getting him to disclose the offence, the sangha is to carry out a “censure” or “bad-character” (or “further-punishment”) procedure against him for being so uncooperative as to require the formal interrogation in the first place. In simple terms, the sangha has **censured** the monk for his offence. [2.1.2.1 (2)]

The Cullavagga (**Cv 4.11.2-12.3**) contains two separate discussions of the conditions that are necessary for the act to be valid. The discussions overlap but can be summarized as follows:

- (1) The accused is impure (*asuci*; that is, he actually did commit the offence, and it is an offence that requires confession).
- (2) He is unconscientious (*alajjī*, “shameless”; that is, he did not voluntarily confess the offence on his own in the first place).
- (3) He has been censured for the offence (*sānuvāda*). (The Commentary explains *sānuvāda* as “with an accusation,” that is, as meaning “argumentative” (*sa, upavāda*)—but in Mv 4.16.16 it clearly means that an apparently well founded charge has been brought against the accused by a competent monk.)

<sup>149</sup> For details and a modern application of this conflict resolution method, see (3.6.2).

- (4) A formal meeting is called in which he is present and is being interrogated. He is charged with the offence and made to remember it (*tassa, pāpiyyikā, kammaṃ karoti*)—that is, to recall the events in question.
- (5) The sangha carries out the procedure in a Dharma-spirited manner and with a united assembly (*dhammena sammaggena*).

What makes this procedure unique is that—unlike other disciplinary procedures, which the sangha can impose or not at its discretion—this act must be imposed on a monk who has committed an offence that requires confession but does not admit to the action until he has been formally interrogated (Cv 4.14.27).

In addition, though, **Cv 4.12.3** states that, if the sangha wants to, it may also impose the act **on a lax monk** who:

- (1) is a creator of strife, quarrels, and dissension in the sangha;
- (2) is inexperienced, incompetent, indiscriminately full of offences; or
- (3) frequently socializes with the laity.

Furthermore, if the sangha wishes, it may also impose a censure procedure on the monk who meets either of these sets of qualifications (Cv 1.2, 1.4). Given that the prohibitions imposed by both the censure and the censure procedures are identical, it is hard to understand why there are two separate procedures that are actually the same. Once a “censure” procedure has been carried out against a monk, he must observe the following prohibitions:

- (1) He may not act as a preceptor or a teacher for another monk, nor is he to have a novice attend to him.
- (2) He may not accept authorization to exhort nuns; even if authorized, he is not to exhort them.
- (3) He should not commit the offence for which he is being punished, a similar offence, or a worse one.
- (4) He should not find fault with the procedure or with those who carried it out.
- (5) He should not accuse others of offences or participate actively in any of the procedures involved in or leading up to a formal accusation—that is, cancelling another monk’s right to join in the Pātimokkha recital, cancelling his invitation at the end of the rains, setting up an accusation, asking his leave to accuse him, charging him, interrogating him (literally, “making him remember”).
- (6) He should not join monks in quarreling with other monks (following the Thai edition of the canon, which reads, *na bhikkhū bhikkhūhi sampayojetabban ti*). (Cv 4.12.4)

If he abides by all these sanctions, and the sangha is satisfied that he has seen the error of his ways, they are to rescind the procedure and restore him to his former status as a full-fledged monk.

### **3.6.2 Modern application of *tassa, pāpiyyasikā***

**3.6.2.1** In our own times, this conflict resolution method can be applied in this manner:

A conflict arises between two persons.

→ One accuses the other of an offence.

→ The accused at first denies it; but when pressed he admits to committing a minor offence.

→ When pressed further he accepts having committed a major offence.

→ The conflict is resolved.

This is a difficult conflict resolution process that is rarely done amongst lay people since it can amount to **badgering**, that is, harassing someone with an accusation. However, in special circumstances, this pro-

cedure may be used against a **lax monk** as stated above in **Cv 4.12.3**—unless the sangha itself decides to take him up as a legal case, which, when properly done, will actually benefit all parties.

Since such a monk is likely to be highly intelligent and skilled in arguing, it may be difficult for a single lay person to confront him. In this special, even urgent, case, the local sangha may be unwilling or unable to discipline the lax monk, especially when he has no regard for the Sangha.

Ideally, a committee of at least 5 respected and experienced lay seniors—which ideally includes *a Dharma expert, a Vinaya expert, a lawyer, a local Buddhist leader, and a respected lay Buddhist*—should confront the monk in the manner described above in the Sāmagāma Sutta [3.6.1.1]. Furthermore, to prevent other overzealous lay persons from taking sides with the lax monk or complicating the process, it may be publicly announced that this procedure is a preamble to legal proceedings should the monk not cooperate.

**3.6.2.2** Such a move is vital for any wholesome Buddhist change or reform to rejuvenate the sangha. In fact, after the disastrous scandals involving Zen Roshi Richard Baker (1936- ) in **the San Francisco Zen Center (SFZC)**, positive reforms were introduced to the Shunryu Suzuki lineage in the US. In March 1983, some 12 years after Baker Roshi became abbot of the SFZC complex, his tenure began to fall apart. It became public knowledge that the married Roshi was having an affair with the wife of one of his closest friends and supporters. This was the first of a number of high-profile sex scandals to rock the North American Zen world over the next several years.<sup>150</sup>

The uproar was immediate. It soon became obvious that Baker Roshi had had not one but a series of affairs, usually with students. People felt betrayed. Everything wrong with the Zen Center was hashed and rehashed—and for a while, it really did seem that everything was Dick Baker’s fault. He was after all following the Japanese model as the autocratic leader of the centre. And perhaps the buck did stop with him. He did what he could to save his position. When it became obvious that this wasn't going to be possible, in 1984 Richard Baker resigned as abbot.<sup>151</sup>

**3.6.2.3** The SFZC scandals and the responses of its leaders and members are worth close study. It shows how lay people, with many ordained as Zen priests—they call themselves “monks,” “nuns” and “sangha”—can be determined not to be weakened, indeed, to be strengthened by human weakness and failures. Their healing process also included academic scholars learned in Buddhism. Following the scandal, the SFZC moved to a structure where their board of directors was elected by the Center's membership, and the Center operates under a formalized ethical code.<sup>152</sup>

Currently, the SFZC board of directors is filled through elections by the Center’s membership. The board meets at least 6 times a year, and amongst its tasks is that of appointing the Center’s president and abbot (both nominated from a Council of Elders), and other officers. Each of the satellites of the Center<sup>153</sup> have at least two abbots or abbesses. However, Tassajara and Green Gulch each have their own board of directors. Each satellite has a Practice Committee, comprising senior practitioners, which meets weekly. In 1992, an Ethics Committee and subsequently an Ethics Review Committee, worked on the “Ethical Principles and Procedures for Grievance and Reconciliation,” adopted by the board in 1996.<sup>154</sup>

<sup>150</sup> See **Bad friendship**, SD 64.17 (6-7); on scandals in the US Vajrayāna, see (5).

<sup>151</sup> This section is mostly excerpted from James Ishmael Ford, *Zen Master Who?* Boston: Wisdom, 2006:126 f. Baker now leads a Zen group he founded, called Dharma Sangha, in Crestone, CO (USA), and also heads Zen Buddhistisches Zentrum Schwarzwald (Johanneshof, Germany).

<sup>152</sup> From SD 64.17 (6.2.1). See Sandra Bell, “Scandals in emerging Western Buddhism,” in *Westward Dharma*, ed M Baumann & C Prebish, 2002:237 f.

<sup>153</sup> SD 64.17 (6.1.1).

<sup>154</sup> The SFZC published this inspiring guide to “**Conflict, complaint, and ethical review processes**” (updated 2021).

**3.6.2.4** A similar people-centred and modern Buddhist community is found in Britain is **the Samatha Trust** (founded in 1973). Its humble roots started with the teachings of the lay Thai teacher, Nai Boonman Poonyathiro (b 1932). Boonman encouraged “British Buddhism,” meaning that locals should become practitioners and teachers themselves.<sup>155</sup> After he left Britain in 1974, the Samatha Trust and Association grew under the tutelage and guidance of L S Cousins (1942-2015)<sup>156</sup> (then a lecturer in Comparative Religion at the University of Manchester) and Paul Dennison (who had trained as a radio astronomer, and worked as a jeweller in Cambridge). The Samatha Trust now has branches in the US, too.<sup>157</sup>

It is remarkable that neither Boonman nor the Samatha Trust were ever mired in any scandal from the start, and the Trust is now the leading Buddhist community in the UK. Boonman is a humble lay meditation teacher who taught what he knew and experienced not from the high throne of charisma nor mystique but as a true believer, practitioner and friend. L S Cousins and his Buddhist group were avid students who learned *samatha* meditation through Boonman. On that basis, they explored and discovered the deeper and broader legacy of Buddhist meditation and learning, with which they have been growing in the UK and the US since 1974 (with the founding of the Samatha Trust).

### 3.7 CONFLICT RESOLUTION BY COVERING WITH GRASS

#### 3.7.1 Removal by covering with grass (*tina, vatthāraka*)

##### 3.7.1.1 The Sāmagāma Sutta text (M 104,20)

“And how is there **covering with grass**?<sup>158</sup>

Here 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.’<sup>159</sup>

<sup>155</sup> On Boonman’s skillful means in inducing locals to take over meditation learning and teaching in the UK, see S Shaw 2018:5 f.

<sup>156</sup> Wiki: [https://en.wikipedia.org/wiki/L.\\_S.\\_Cousins](https://en.wikipedia.org/wiki/L._S._Cousins). Obituary, Appreciation and Biblio [[Academia](#)]. Both 18 Oct 2024.

<sup>157</sup> See Sarah Shaw, “Tradition and experimentation: The development of the Samatha Trust.” *Journal of Contemporary Buddhism* 20,1-2 Oct 2018:346-371 (1-26) [[Academia](#)] 17 Oct 2024. On the other hand, the UK had its own spell of disastrous scandals with the notorious cult guru Sangharakshita and the Triratna Buddhist Community (then called the Friends of the Western Buddhist Order): SD 34.5 (1.2.2); SD 7.9 (4.4.3.4-4.4.3.6, 4.5.1).

<sup>158</sup> *Tina, vatthāraka* (M 2:250,1) is a means of settlement used when the sangha is involved in a dispute involving monks who have committed many minor offences. Since to pursue the charges for these offences might prolong the conflict. MA explains that this method is like throwing grass over excrement to stop the bad smell; hence, the name “covering with grass.” Cf V 2:86 f.

<sup>159</sup> Offences calling for serious censure are those of the *pārājika* and *saṅghādisesa* classes. Those connected with the laity are cases where a monk reviles and disparages householders. (MA 4:50)

“Then a wise monk among the monks who side together on the other party 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.’

Such is the covering with grass.

And so there comes to be the settlement of some legal cases here by the covering with grass.<sup>160</sup>

**3.7.1.2 “Covering with grass”** is a metaphorical expression referring to situations in which both sides realize that, in the course of their dispute, they have done much that is unworthy of a monastic. If they were to pursue the litigation for their offences, there would only be greater divisiveness, even to the point of schism. Thus, with both sides agreeing, the monks gather in one place. In modern lingo, this is called “burying the hatchet.”<sup>161</sup> The Commentary notes this as meaning that all monks in the parish must attend. No one should send his consent, and even sick bhikkhus have to attend (VA 6:1193,22-24).

A motion is made to the entire sangha that this procedure will be followed. One member of each side then proposes a formal motion to the members of his faction that he will make a confession for them.

When both sides are ready, the representative of each side addresses the entire group and makes the common confession, using a motion and one announcement (*ñatti, dutiya, kamma*). This clears all offences except for—

- (1) any grave offence (*pārājika* or *saṅghādisesa*, says the Commentary) committed by anyone in the gathering;
- (2) any offences dealing with the laity;
- (3) any offences of any member of either side who does not approve of the procedure; and
- (4) any offences of any monk who does not attend the meeting. (This is the reason for the Commentary’s statement that even sick monks must attend.) (Cv 4.13.4)

Point (3) here should be noted. If any member of either side were to dissent, that would invalidate the whole procedure. This point is thus probably added as a reminder to any monk who might be vindictive enough to want to deal with his enemies case-by-case, that his offences will have to be dealt with case-by-case as well. This might be enough to discourage him from dissenting.

The Commentary explains the name of this procedure by comparing the offences resolved in this way to excrement that has been so thoroughly covered with grass that it can no longer give any obnoxious smell (VA 6:1193 f).

### **3.7.2 Modern application of *tiṇa, vatthāraka***

**3.7.2.1** This early Buddhist monastic method of resolving conflict can be practised today in this manner:

<sup>160</sup> 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 (3.7.2).

<sup>161</sup> An ancient (pre-colonial) gesture of embracing peace amongst Indians of the Eastern US and Canada. [Wiki] 18 Oct 2024.

The conflicting parties meet in concord.

- A wise respected person from one party formally requests for the wellbeing of both parties to forgive and forget all wrong-doings done by the members of that party during the conflict.
- Similar request comes from the other party.
- The conflict is resolved

This method of conflict resolution is resorted to when the monastic sangha has been involved in a dispute in the course of which the monks committed many minor offences. If charges are to be pursued for such minor offences, the conflict might be prolonged; so, the conflicting parties agree to forgive and forget. In this procedure, too, there is the involvement of a mediator.

**3.7.2.1** This gesture of “covering with grass” is a commendable method of conflict resolution especially for today. This conciliatory gesture of burying the hatchet is a hallmark of the social and spiritual maturity of Buddhist communities. Due to the plurality of Buddhist groups today based on belief and tradition, and the fact that even within a single large group they are likely to be smaller cliques, each with their own leaders or agenda, this evocation of conciliation and fellowship is vital for unconditional acceptance of one another just as we are, rejoicing in the common teaching and practices that we share.

The efficacy of “covering with grass” depends on all parties concerned performing the various aspects of the method fully and sincerely. The text of the act (*kamma, vācā*) may be recited in English or in the spirit if necessary. The solemnity of the whole procedure in the presence of the conflicting parties would inspire conciliation and fellowship.

## 4 True individuality through Dharma-Vinaya

### 4.1 DHARMA AS PURPOSE

**4.1.1** We started this study on the Vinaya and its legal processes to understand how they give meaning to our Dharma practice [2.0.1]. In closing, we will examine how this meaning now gives us the purpose for Dharma-living, that is, the cultivation of body and mind for spiritual liberation.

The Vinaya disciplines our body so that it does not distract us from **knowing our mind**. The Buddha Dharma is the way of **knowing our mind, taming it and freeing it**. While the Vinaya trains and keeps us restrained and at peace regarding our body, and to respect other bodies and worldly bodies, the Dharma trains and keeps us engaged and growing with our mind, other minds, and the “all” (*sabba*) that are the objects of our mind [2.0.1.2].

Those who do not respect the Vinaya, or worse, reject it as something “outdated,” have effectively cut off the first of the 2 roots of renunciation; the other root is that of the Dharma, which then precariously hangs on, weakly linking the renegades to what remains of their good karma. Even then, the Vinaya-less monastic will invariably live a false life as a sophisticated con-artist, parasiting<sup>162</sup> on the piety, blind faith and ignorance of the laity, and the false glory of titles or status.

**4.1.2** Monastics who are rooted in the Dharma have deep respect for the Vinaya, and are less likely to be swayed by the world. They live peaceful lives in remote dwellings keeping to their daily routine of meditation, devotion and work in mutual harmony with one another, including Dharma-spirited laity staying with them. Those laity who take time off to stay on retreats or in service of such **forest centres**

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<sup>162</sup> The verb “to parasite” is rare. OED (2<sup>nd</sup> ed, 11:207) records its earliest use as an intransitive vb by William Barlow, bishop of Lincoln, in 1609. It occurs more often as a transitive vb, first recorded in *The American Naturalist*, May 1868:128.

can have a true taste of Vinaya-spirited monasticism and Dharma-inspired living. In this way, they act as true Dharma-Vinaya ambassadors to the samsaric world.

Since these Dharma-Vinaya monastics are deeply rooted in the Vinaya for their meaning of renunciation and the Dharma for their purpose in spiritual practice, they are untroubled by any sense of lack in social engagement or the need to be “productive” in the worldly sense. They are renunciants, and live so. In this manner, they are truly an effective alternative life to the samsaric world. They are certainly neither caught in between the religious and the secular worlds, nor split in their personality of looking like renunciants but living as worldly elites.

## 4.2 TRUE INDIVIDUALITY

4.2.1 To respect **the Vinaya** means to understand its true meaning [3.8.1] and to appreciate our lives as renunciants and lay Buddhists to live the divine life of love, ruth<sup>163</sup> (compassion), joy and peace with others. Respecting the Dharma is threefold in practice, that is, respecting the 3 jewels (this is the *true* going for refuge):

- to respect **the Buddha** means to see the Buddha as the one self-awakened, our teacher;
- to respect **the Dharma** is to live the Dharma as our daily awakening, our effort to know ourselves better each day;
- to respect **the sangha** is to aspire to reach the path of awakening, and progress to awakening in this life itself.

4.2.2 In **the parable of the raft**—given the by Buddha in the Alagaddûpama Sutta (M 22,13, SD 3.13)—the Buddha shows that once the Dharma (teaching) is understood as true reality (such as upon reaching the path as a streamwinner) one gives up dharmas (views and objects). The streamwinner, for example, gives up *self-identity view, attachment of rituals and vows, and doubt* (the first 3 fetters). In the case of the arhat, they abandon all Dharmas (as views): they have each *become* the Dharma by their own lives.

For the practitioner (who has yet to attain the path), having understood, we risk be attached to the truth. Being attached to a truth or teaching means that we defend our views or knock others down, inviting animosity and disunity. Hence, the Buddha warns us in **the Kalaha,vivāda Sutta** (Sn 4.11) to avoid any kind or quarrel, not only in matters of Vinaya, but in terms of Dharma. We should keep an open mind of compassion towards differences or dissent while keeping our commitment to Buddha Dharma.

This does not mean that being tolerant and friendly are easy. Even though we have a reasonably complete Dharma canon and Vinaya code, there are always those who will resort to casuistry or deception. A modernist monk once quipped: “*Knowing the Vinaya well enough, one can kill a chicken.*” Then, there’s nothing to stop one from having, hunting or hunting more than just chickens!

In this way, we have abandoned the Vinaya and moral virtue. We have reneged on our monastic views and destroyed our renunciation. All this is because we lack the Dharma spirit or have lost sight of it, blinded by worldly dust. We have lost both Dharma and Vinaya. We have lost our refuges.

4.2.3 Notice the term, “going for refuge” (*saraṇa,gamana*) [3.8.2.1] is singular in spirit, but in practice there are the 3 refuges that we go to, as explained above. The **singularity** of refuge-going is profoundly significant: it is the Buddha’s instruction<sup>164</sup> that we can by our own effort—and *only our own effort*—do

<sup>163</sup> “Ruth” a beautiful word, meaning “the quality of being compassionate; pitifulness; the feeling of sorrow for another; compassion, pity” (OED 1989); first recorded, *Lambeth Homilies*, c1175:149, and last recorded, A Conan Doyle, *White Company*, 1890:xiv. Oddly, “ruthless” is doing well nowadays; we must revitalize **ruth**.

<sup>164</sup> See **Mahā,parinibbāna S** (D 16,2.26), SD 9; **The one true refuge**, SD 3.1 (3.2); SD 27.3 (3.1.1).

good, be good; that is, by way of **self-effort**. We are each accountable for our own actions; this is called karma.

**The Vinaya** teaches us to apply self-effort in freeing our body so that we can joyfully interact with others and together share a common wisdom and effort for better fellowship and a better society. **The Dharma** trains us to apply self-effort *to know ourselves, tame ourselves and free ourselves* with our own minds. Since our mind is singularly cultivated by self-effort it is one with itself, unified and focused. We are said to be “**mentally cultivated**” (*bhāvita,citta*).<sup>165</sup>

In this sense, we are undivided as a person, not one of two minds or of split personality. We are then called **true individuals**. The true individual clearly understands the Dharma-Vinaya as the path of awakening and makes daily effort to be ever closer to that path. Even as the sun rises to light up the day, we wake each day to see Dharma open up more clearly, lively and lovely. Even when there are dark clouds over our day, we know the sun is still shining behind the clouds. We will see day again.

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<sup>165</sup> See **Piṇḍola Bhāra,dvāja S** (S 35.127,7), SD 27.6a.