

BUDDHIST MONASTIC CODE I

by
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Buddhist Monastic Code I

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Abbreviations

AN	Aṅguttara Nikāya
As	Adhikaraṇa-samatha
Ay	Aniyata
BD	Book of Discipline
BMC2	The Buddhist Monastic Code, vol. II
C	Commentary
Cp	Cariyāpiṭaka
Cv	Cullavagga
DN	Dīgha Nikāya
Dhp	Dhammapada
Iti	Itivuttaka
Khp	Khuddakapāṭha
MN	Majjhima Nikāya
Mv	Mahāvagga
NP	Nissaggiya Pācittiya
Pc	Pācittiya
Pd	Paṭidesaniya
Pr	Pārājika
PTS	Pali Text Society
Pv	Parivāra
SN	Samyutta Nikāya
Sn	Sutta Nipāta
SC	Sub-commentary
Sg	Saṅghādisesa
Sk	Sekhiya
V	Vimati-vinodanī

Numbers in the references to Mv, Cv, and Pv denote chapter, section and sub-section; in the references to DN, Iti, Khp, and MN, discourse (sutta); in the references to AN, Cp, SN, and Sn, section (samyutta or nipāta) and discourse; in the references to Dhp, verse.

Introduction

Dhamma–Vinaya was the Buddha's own name for the religion he founded. Dhamma — the truth — is what he discovered and pointed out as advice for all who want to gain release from suffering. Vinaya — discipline — is what he formulated as rules, ideals, and standards of behavior for those of his followers who go forth from home life to take up the quest for release in greater earnestness. Although this book deals primarily with discipline, we should note at the outset that total training in the Buddha's path requires that Dhamma and Vinaya function together. In theory they may be separate, but in the person who practices them they merge as qualities developed in the mind and character.

"Gotamī, the qualities of which you may know, 'These qualities lead to dispassion, not to passion; to being unfettered and not to being fettered; to shedding and not to accumulating; to modesty and not to arrogance; to contentment and not to discontent; to seclusion and not to entanglement; to aroused energy and not to idleness; to being unburdensome and not to being burdensome': You may definitely hold, 'This is the Dhamma, this is the Vinaya, this is the Teacher's instruction.'" — Cv.X.5

Ultimately, the Buddha said, just as the sea has a single taste, that of salt, so too the Dhamma and Vinaya have a single taste: that of release. The connection between discipline and release is spelled out in a passage that recurs at several points in the Canon:

"Discipline is for the sake of restraint, restraint for the sake of freedom from remorse, freedom from remorse for the sake of joy, joy for the sake of rapture, rapture for the sake of tranquility, tranquility for the sake of pleasure, pleasure for the sake of concentration, concentration for the sake of knowledge and vision of things as they have come to be, knowledge and vision of things as they have come to be for the sake of disenchantment, disenchantment for the sake of dispassion, dispassion for the sake of release, release for the sake of knowledge and vision of release, knowledge and vision of release for the sake of total unbinding through non-clinging." — Pv.XII.2

In establishing his religion of release, though, the Buddha did not simply set out a body of recommendations and rules. He also founded a company (*parisā*) of followers. This company falls into four main groups: bhikkhus (monks), bhikkhunīs (nuns), lay men, and lay women. Although the Buddha saw no need to organize the laity in any manner, he arranged for the bhikkhus and bhikkhunīs — who had given up the entanglements of the household life to devote themselves more fully to the goal of release — to develop into communities. And he saw that they needed, as all communities do, ideals and standards, rules and customs to ensure their stability. This need is what gave rise to the Vinaya.

In the early years of the Buddha's career, the texts tell us, there was no need to formulate monastic disciplinary rules. All of the bhikkhus in his following — the Community of bhikkhunīs had not yet been started — were men of high personal

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attainments who had succeeded in subduing many or all of their mental defilements. They knew his teachings well and behaved accordingly. The Canon tells of how Ven. Sāriputta, one of the Buddha's foremost disciples, asked the Buddha at an early date to formulate a Pāṭimokkha, or code of rules, to ensure that the celibate life the Buddha had founded would last long, just as a thread holding together a floral arrangement ensures that the flowers are not scattered by the wind. The Buddha replied that the time for such a code had not yet come, for even the most backward of the men in the Community at that time had already had their first glimpse of the goal. Only when mental effluents (*āsava*) made themselves felt in the Community would there be a need for a Pāṭimokkha.

As time passed, the conditions that provided an opening for the effluents within the Community eventually began to appear. The Bhaddāli Sutta (MN 65) presents the Buddha at a later point in his career listing these conditions as five:

Ven. Bhaddāli: "Why is it, venerable sir, that there used to be fewer training rules and more bhikkhus established in the knowledge of Awakening? And why is it that there are now more training rules and fewer bhikkhus established in the knowledge of Awakening?" [Bhaddāli, who has been unwilling to abide by the training rules, seems to be suggesting that the rise in the number of training rules is itself the cause for fewer bhikkhus' attaining Awakening. The Buddha, however, offers a different explanation.]

The Buddha: "So it is, Bhaddāli. When beings have begun to degenerate and the true Dhamma has begun to disappear, there are more training rules and fewer bhikkhus established in the knowledge of Awakening. The Teacher does not lay down a training rule for his disciples as long as there are no cases where the conditions that offer a foothold for the effluents have arisen in the Community. But when there *are* cases where the conditions that offer a foothold for the effluents have arisen in the Community, then the Teacher lays down a training rule for his disciples so as to counteract those very conditions.

"There are no cases where the conditions that offer a foothold for the effluents have arisen in the Community as long as the Community has not become large. But when the Community has become large, then there are cases where the conditions that offer a foothold for the effluents arise in the Community, and the Teacher then lays down a training rule for his disciples so as to counteract those very conditions... When the Community possesses great material gains... great status... a large body of learning... When the Community is long-standing, then there are cases where the conditions that offer a foothold for the effluents arise in the Community, and the Teacher then lays down a training rule for his disciples so as to counteract those very conditions."

Thus the rules themselves were not the cause for degeneracy in the Community, and the conditions that provided a foothold for the effluents were not themselves effluents. Rather, the growing complexity of the Community provided the opportunity for bhikkhus to act on the basis of their defilements in a growing variety of ways, and the rules — although they could not prevent any of the five conditions — had to

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become correspondingly complex to counteract the opportunities those conditions provided for unenlightened behavior.

Even when these conditions did arise, though, the Buddha did not set out a full code at once. Instead, he formulated rules one at a time in response to events. The considerations that went into formulating each rule are best illustrated by the events surrounding the formulation of the first.

Ven. Sudinna, the story goes, had strong faith in the Buddha and had ordained after receiving his parents' grudging consent. He was their only child and, though married, was childless. His parents, fearing that the government would confiscate their property at their death if it had no heir, devised various schemes to lure Ven. Sudinna back to the lay life, but to no avail. Finally, his mother realized that he was firm in his intention to stay a bhikkhu and so asked him at least to have intercourse with his former wife so that their property would have an heir. Ven. Sudinna consented, took his wife into the forest, and had intercourse three times.

Immediately he felt remorse and eventually confessed his deed to his fellow bhikkhus. Word reached the Buddha, who called a meeting of the Community, questioned Ven. Sudinna, and gave him a rebuke. The rebuke fell into two major parts. In the first part, the Buddha reminded Ven. Sudinna of his position as a *samaṇa* — a monk or contemplative — and that his behavior was unworthy of his position. Also, the Buddha pointed out to him the aims of the teaching and noted that his behavior ran counter to them. The implication here was that Ven. Sudinna had not only acted inconsistently with the content of the teaching, but had also shown callous disregard for the Buddha's compassionate aims in making the Dhamma known.

"Worthless man, it is unseemly, out of line, unsuitable, and unworthy of a contemplative; improper and not to be done... Haven't I taught the Dhamma in many ways for the sake of dispassion and not for passion; for unfettering and not for fettering; for freedom from clinging and not for clinging? Yet here, while I have taught the Dhamma for dispassion, you set your heart on passion; while I have taught the Dhamma for unfettering, you set your heart on being fettered; while I have taught the Dhamma for freedom from clinging, you set your heart on clinging.

"Worthless man, haven't I taught the Dhamma in many ways for the fading of passion, the sobering of intoxication, the subduing of thirst, the destruction of attachment, the severing of the round, the ending of craving, dispassion, cessation, unbinding? Haven't I in many ways advocated abandoning sensual pleasures, comprehending sensual perceptions, subduing sensual thirst, destroying sensual thoughts, calming sensual fevers? Worthless man, it would be better that your penis be stuck into the mouth of a poisonous snake than into a woman's vagina. It would be better that your penis be stuck into the mouth of a black viper than into a woman's vagina. It would be better that your penis be stuck into a pit of burning embers, blazing and glowing, than into a woman's vagina. Why is that? For *that* reason you would undergo death or death-like suffering, but you would not on that account, at the break-up of the body, after death, fall into deprivation, the bad

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destination, the abyss, hell. But for *this* reason you would, at the break-up of the body, after death, fall into deprivation, the bad destination, the abyss, hell...

"Worthless man, this neither inspires faith in the faithless nor increases the faithful. Rather, it inspires lack of faith in the faithless and wavering in some of the faithful."

The second part of the rebuke dealt in terms of personal qualities: those that a bhikkhu practicing discipline is to abandon, and those he is to develop.

"Then the Blessed One, having in many ways rebuked Ven. Sudinna, having spoken in dispraise of being burdensome, demanding, arrogant, discontented, entangled, and indolent; in various ways having spoken in praise of being unburdensome, undemanding, modest, content, scrupulous, austere, gracious, self-effacing, and energetic; having given a Dhamma talk on what is seemly and becoming for bhikkhus, addressed the bhikkhus."

This was where the Buddha formulated the training rule, after first stating his reasons for doing so.

"In that case, bhikkhus, I will formulate a training rule for the bhikkhus with ten aims in mind: the excellence of the Community, the comfort of the Community, the curbing of the impudent, the comfort of well-behaved bhikkhus, the restraint of effluents related to the present life, the prevention of effluents related to the next life, the arousing of faith in the faithless, the increase of the faithful, the establishment of the true Dhamma, and the fostering of discipline."

These reasons fall into three main types. The first two are external: 1) to ensure peace and well being within the Community itself, and 2) to foster and protect faith among the laity, on whom the bhikkhus depend for their support. (The origin stories of the various rules depict the laity as being very quick to generalize. One bhikkhu misbehaves, and they complain, "How can these Sakyan-son monks do that?") The third type of reason, though, is internal: The rule is to help restrain and prevent mental effluents within the individual bhikkhus. Thus the rules aim not only at the external well being of the Community but also at the internal well being of the individual. This latter point soon becomes apparent to anyone who seriously tries to keep to the rules, for they foster mindfulness and circumspection in one's actions, qualities that carry over into the training of the mind.

Over the course of time the Buddha formulated more than 200 major and minor rules, forming the Pāṭimokkha that was recited fortnightly in each Community of bhikkhus. In addition, he formulated many other minor rules that were memorized by those of his followers who specialized in the subject of discipline, but nothing is known for sure of what format they used to organize this body of knowledge during his lifetime.

After his total nibbāna, though, his followers made a concerted effort to establish a standard canon of Dhamma and Vinaya, and the Pali Canon as we know it began to take shape. The Vinaya was organized into two main parts: 1) the Sutta Vibhaṅga, the 'Exposition of the Text' (which from here on we will refer to simply as the

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Vibhaṅga), containing almost all the material dealing with the Pāṭimokkha rules; and 2) the Khandhakas, or Groupings, which contain the remaining material organized loosely according to subject matter. The Khandhakas themselves are divided into two parts, the Mahāvagga, or Greater Chapter, and the Cullavagga, or Lesser Chapter. Historians estimate that the Vibhaṅga and Khandhakas reached their present form in approximately the 2nd century B.C.E., and that the Parivāra, or Addenda — a summary and study guide — was added a few centuries later, closing the Vinaya Piṭaka, the part of the Canon dealing with discipline.

Because the purpose of this volume is to translate and explain the Pāṭimokkha, we are most directly concerned with the Vibhaṅga. It is organized as follows: The rules in the Pāṭimokkha are presented one by one, each rule preceded by an origin story relating the events leading up to its formulation. In some instances a rule went through one or more reformulations, in which case an additional story is provided for each amendment to show what prompted it.

After the final statement of the rule is a word-analysis (*pada-bhājanīya*), which explains in detail most of the important terms in the rule. For many of the rules this analysis includes one or more "wheels," or tables, giving the contingencies connected with the rule, working out all their possible permutations and passing judgment as to what penalty, if any, each permutation entails. For example, the discussion of the first rule contains a wheel that gives all the objects with which a person might have sexual intercourse, lists them against the variables of the sort of intercourse and whether or not the bhikkhu involved gives his consent, and announces the penalty for each possible combination of factors.

Following the word-analysis for each rule is a section of non-offense clauses, listing extenuating circumstances under which a bhikkhu would be exempted from the penalty imposed by the rule.

Finally, for the major rules, there is the Vinita-vatthu, or Precedents, listing various cases related to the rule and giving verdicts as to what penalty, if any, they entail.

The Vibhaṅga forms the basis for most of the explanations of the training rules given in this volume. However, there are many questions on which the Vibhaṅga is silent or unclear. To answer these questions, I have turned either to the Khandhakas or to the commentarial literature that has grown up around the Vinaya over the course of the centuries. The primary works I have consulted are these:

1) The *Samanta-pāsādikā* — "The Thoroughly Inspiring" — (from here on referred to as the Commentary), a commentary on the Vinaya Piṭaka compiled in the 5th century C.E. by Bhadantācariya Buddhaghosa, who based his work on ancient commentaries. The originals for these ancient commentaries may have been brought to Sri Lanka from India and translated into Sinhalese, but frequent references throughout the commentaries to places and people in Sri Lanka show that much of the material in the commentaries was composed in Sri Lanka. From internal evidence in Buddhaghosa's writings — he compiled commentaries on a major portion of the Canon — historians have estimated that the ancient commentaries were collected over a span of several centuries and closed in

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approximately the 4th century C.E. Buddhaghosa's work thus contains material much older than his date would indicate.

By Buddhaghosa's time a belief had grown up that the ancient commentaries were the work of the Buddha's immediate disciples and thus indisputably conveyed the true intent of the Canon. However, as we shall see below, the ancient commentaries themselves did not make such exalted claims for themselves.

Still, the existence of this belief in the 5th century placed certain constraints on Buddhaghosa's work. At points where the ancient commentaries conflicted with the Canon, he had to write the discrepancies off as copier's mistakes or else side with the commentaries against the Canon. At a few points, such as his explanation of Pc 9, he provides arguments effectively demolishing the ancient commentaries' interpretation but then backs off, saying that the ancient commentaries must be right because their authors knew the Buddha's intentions. Perhaps pressure from the elder bhikkhus at the Mahāvihāra in Anurādhapura — the place where the ancient commentaries had been preserved and where Buddhaghosa was allowed to do his work — was what made him back off in this way. At any rate, only on points where the different ancient commentaries were silent or gave divergent opinions did he feel free to express his own.

2) The *Kaṅkhā-vīṭaraṇī* — "The Subjugator of Uncertainty" — (the K/Commentary), a commentary on the Pāṭimokkha also compiled by Buddhaghosa. Although this work is largely a synopsis of material in the Commentary, it contains some independent material, in particular a system of classifying the offenses under each training rule into their component factors. It also contradicts the Commentary from time to time, suggesting that it may have been based on a commentarial tradition different from the one underlying the Commentary.

3) The *Sārattha-dīpanī* — "The Essence-Meaning Illustrator" — (the Sub-commentary), a sub-commentary on the Commentary, written in Sri Lanka in the 12th century C.E. by a Ven. Sāriputta, the first Mahāsāmin, or head of the Sri Lankan Saṅgha, after that Saṅgha was reformed and unified under the patronage of King Parakramabāhu I. This work not only explains the Commentary but also deals with points in the Canon itself, sometimes indicating passages where the Commentary has deviated from the Canon. It also quotes as authoritative the judgments of three ancient texts — the Gaṇṭhipadas, which are no longer extant — and of Ven. Buddhadatta, a scholar of the 4th century C.E. who wrote two extant Vinaya guides.

4) The *Vimati-vinodanī* — "The Remover of Perplexity" — (the V/Sub-commentary), another 12th-century sub-commentary, written in southern India by a Ven. Kassapa, who also wrote the *Mohavicchedanī*, a synopsis of the Abhidhamma Piṭaka and Buddhaghosa's commentaries on it.

5) The *Kaṅkhā-vīṭaraṇī-purāṇa-ṭīkā* and the *Kaṅkhā-vīṭaraṇī-abhinava-ṭīkā* — the old and new sub-commentaries to the K/Commentary — (Old K/Sub-commentary and New K/Sub-commentary). The first, which appears to be missing some passages, was written by an unnamed author during the Anurādhapura period,

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which predates the time of the Ven. Sāriputta mentioned above. The second — whose full name is the *Vinayattha-mañjūsā Līnapakāsanī*, "The Chest for the Meaning of the Discipline, the Clarifier of Subtle Meaning" — was written by Ven. Buddhanāga, a student of Ven. Sāriputta. Both works comment not only on the K/Commentary but also on the Commentary and the Canon.

6) The *Attha-yojanā* — "The Interpretation of the Meaning" — (the A/Sub-commentary), a sub-commentary that, unlike the works of Vens. Sāriputta, Kassapa, and Buddhanāga, does little more than analyze the language of the Commentary. This was written in the 15th century C.E. by a Chiang Mai grammarian named Ven. Nānakitti

From here on "the ancient commentaries" will denote the original commentaries that Buddhaghosa had to work with, and "the commentaries" all seven works listed above.

In addition to the Canon and the commentaries, I have referred to the texts listed in the Bibliography. Three of these deserve special mention here.

1) The *Pubbāsikkhā-vañṇanā*, a large compendium of rules from the Canon and the Commentary, compiled in 1860 by Phra Amarabhirakkhit (Amaro Koed), a pupil of King Rāma IV. This was the first comprehensive Vinaya guide compiled for use in the Dhammayut sect, which was founded by Rāma IV while he was still a monk. Although this book was officially supplanted by the *Vinaya-mukha* (see below), many Communities in Thailand, especially among the Kammatthāna forest tradition, still prefer it as more authoritative. The book contains a minimum of explanatory material, but it does occasionally provide interpretations of the Canon that cannot be traced directly to the Commentary. Many of these interpretations were carried over into the *Vinaya-mukha*, so a bhikkhu practicing in Thailand would be well advised to know them. Thus I have made reference to them wherever relevant.

2) The *Vinaya-mukha*, a guide to the Vinaya written in Thai in the early 20th century by Prince Vajirañāvarorasa, a son of King Rāma IV who ordained as a bhikkhu and eventually held the position of Supreme Patriarch of the Thai Saṅgha for many years. This work he wrote as part of his attempt both to create a centralized, bhikkhu-administered ecclesiastical organization for the Thai Saṅgha and to unite its two major sects. The attempt at unification failed, but the attempt at centralization succeeded, and the book is still used as the official textbook on Vinaya for the examinations run by the Thai Council of Elders. Prince Vajirañāga in his interpretations often disagrees openly not only with the commentaries, but also with the Vibhaṅga itself. Some of his disagreements with the commentaries are well taken, some not.

I include the book here both for the valuable suggestions it makes for dealing with unclear points in the older texts and because it is taken as authoritative through much of Thailand. It has been translated into English, as *The Entrance to the Vinaya*, but the translation is so flawed that I have chosen to translate anew all the passages I quote from it.

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3) *The Book of Discipline*, a translation of almost the entire Vinaya Piṭaka into English by Miss I. B. Horner. Although I have learned much from Miss Horner's work, there are points where my translations and conclusions differ from hers. Because many readers will want to check the information in this book against hers, I have marked these points with a "(§)." Anyone curious as to which interpretation is correct should check the passages in question against the primary sources listed in the Bibliography at the back of this book.

Disagreements among the texts. There are two levels of difficulty in trying to collate all these various texts. The first is that the Canon and Commentary, in Pali, exist in four major printed editions: Thai, Burmese, Sri Lankan, and European (printed by the Pali Text Society (PTS)). Although these editions are largely in agreement, they occasionally differ in ways that can have an important practical impact. Thus, where the editions differ, I have had to choose the reading that seems most reasonable and consistent with the rest of the Canon. In some cases, this has meant adopting a reading followed in only one edition against a reading followed in all the others (see, for example, the discussions under Sg 3 & 4). Where different readings seem equally reasonable, I have given the alternative readings as well.

In using the principle of internal consistency here, I am following the Great Standards that — as the Mahāparinibbāna Sutta (DN 16) reports — the Buddha formulated at Bhoganagara shortly before his passing away:

"There is the case where a bhikkhu says this: 'In the Blessed One's presence have I heard this, in the Blessed One's presence have I received this: This is the Dhamma, this is the Vinaya, this is the Teacher's instruction.' His statement is neither to be approved nor scorned. Without approval or scorn, take careful note of his words and make them stand against the Suttas and tally them against the Vinaya. If, on making them stand against the Suttas and tallying them against the Vinaya, you find that they don't stand with the Suttas or tally with the Vinaya, you may conclude: 'This is not the word of the Blessed One; this bhikkhu has misunderstood it' — and you should reject it. But if... they stand with the Suttas and tally with the Vinaya, you may conclude: 'This is the word of the Blessed One; this bhikkhu has understood it rightly.'"

[The same criteria are to be used when the bhikkhu cites as his authority a Community with well-known leading elders; a monastery with many learned elders who know the tradition, who have memorized the Dhamma, the Vinaya, and the Mātikā (the precursor to the Abhidhamma as we know it); or a single elder who knows the tradition.]

In other words, the determining factor in deciding a correct understanding is not personal authority but consistency. Only if a statement stands up under comparison with what is known of the Canon should it be accepted as true Dhamma or Vinaya. This standard was enunciated when the texts were still orally transmitted, but applied to our situation at present it means that we cannot take the assumed reliability of a particular printed edition as definitive. If a certain reading seems more consistent than its alternatives with what is known of the rest of the Canon, then — regardless of the edition in which it is found — it should be preferred. If two variant

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readings seem equally consistent with the known Canon, they may both be treated with respect.

The second level of difficulty in dealing with differences among the texts is that there are points on which the Vibhaṅga is at variance with the wording of the Pāṭimokkha rules, and the commentaries are at variance with the Canon. This forces us to decide which strata of the texts to take as definitive. As far as discrepancies between the Vibhaṅga and the rules are concerned, the following passage in the Cullavagga (X.4) suggests that the Buddha himself gave preference to the way the bhikkhus worked out the rules in the Vibhaṅga:

"As she was standing to one side, Mahāpajāpati Gotamī said to the Blessed One: 'Venerable sir, those rules of training for the bhikkhunīs that are in common with those for the bhikkhus, venerable sir: What line of conduct should we follow in regard to them?'

"Those rules of training for the bhikkhunīs, Gotamī, that are in common with those for the bhikkhus: *As the bhikkhus train themselves, so should you train yourselves'*.... (emphasis added).

"And those rules of training for bhikkhunīs that are not in common with those for bhikkhus: What line of conduct should we follow in regard to them?'

"Those rules of training for the bhikkhunīs, Gotamī, that are not in common with those for the bhikkhus: Train yourselves in them as they are formulated."

This passage implies that already in the time of the Buddha the bhikkhus had begun working out a way to interpret the rules that in some cases was not exactly in line with the way the Buddha had originally formulated them. Some people have read this passage as suggesting that the Buddha, though resigned to this development, was displeased with it. This, however, would contradict the many passages in the Canon where the Buddha speaks in high praise of Ven. Upāli, the foremost of his bhikkhu disciples in terms of his knowledge of Vinaya, who was responsible for teaching the rules to the other bhikkhus and who was largely responsible for the shape of the Vinaya as we now have it. It seems more likely that the Buddha in this passage is simply saying that, to avoid unnecessary controversy, the way the bhikkhus had worked out the implications of the rules was to be accepted as is.

Because this development eventually led to the Vibhaṅga, we can be fairly confident that in adhering to the Vibhaṅga we are acting as the Buddha would have us do. And when we check the few places where the Vibhaṅga deviates from the wording of the rules, we find that almost invariably it has tried to reconcile contradictions among the rules themselves, and between the rules and the Khandhakas, so as to make the Vinaya a more coherent whole. This is particularly true with rules that touch on Community transactions. Apparently, many of these rules were formulated before the general patterns for transactions were finalized in the Khandhakas. Thus, after the patterns were established, the compilers of the Vibhaṅga were sometimes forced to deviate from the wording of the original rules to bring them into line with the patterns.

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As for contradictions between the Commentary and the Vibhaṅga, this is a more controversial area, with two extremes of thought. One is to reject the Commentary entirely, as it is not the Buddha's word, for modern historical scholarship has shown decisively that it contains material dating many hundreds of years after the Buddha's passing away. The other extreme is to accept the Commentary as superseding the Vibhaṅga entirely, in line with the traditional belief that grew up around it: that it was composed at the First Council to express the true intent of those who composed the Vibhaṅga and yet somehow were unable to put what they really meant to say into the Canon itself. Although exponents of each extreme can cite traditional sources in their defense, neither extreme complies with the two sets of Great Standards — the one mentioned above, the other below — that the Buddha formulated for judging what is and is not allowable under the Vinaya, and what does and does not count as Dhamma–Vinaya in the first place.

In support of the first extreme, it is possible to cite the origin story to NP 15, which quotes the Buddha as saying, "What has not been formulated (as a rule) should not be formulated, and what has been formulated should not be rescinded, but one should dwell in conformity and in accordance with the rules that have been formulated."

From this statement, it is possible to argue that the Commentary has no legislative authority at all. One of its most controversial aspects — and this applies to the Sub-commentary as well — is a tendency not only to explain passages in the Canon but also to extrapolate from them, assigning prohibitions and allowances in areas that the Canon did not cover. This would appear to be in violation of the above statement. However, we must remember that the rules formulated by the Buddha include not only prohibitions but also allowances. As the Dhamma–Vinaya has spread to many nations, encountering new cultures, and has endured over time, encountering new technologies, the question has often arisen: Is everything not allowed prohibited? Is everything not prohibited allowed? Either position carried to its extreme would create huge problems in the practice. To say that everything not allowed is prohibited would prevent bhikkhus from utilizing many harmless conveniences; to say that everything not prohibited is allowed would give countless defilements free rein.

The Buddha, however, had enough foresight to see that, over the course of many centuries, new situations would arise that had not existed in his lifetime, and there would be a need to extend the principles of the Vinaya to cover those situations as well. Thus, Mv.VI.40.1 reports that he established the following four guidelines for judgment — called the Great Standards (not to be confused with the Great Standards given in DN 16 and mentioned above) — for judging cases not mentioned in the rules:

"Bhikkhus, whatever I have not objected to, saying, 'This is not allowable,' if it conforms with what is not allowable, if it goes against (literally, "preempts") what is allowable, that is not allowable for you.

"Whatever I have not objected to, saying, 'This is not allowable,' if it conforms with what is allowable, if it goes against what is not allowable, that is allowable for you.

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"And whatever I have not permitted, saying, 'This is allowable,' if it conforms with what is not allowable, if it goes against what is allowable, that is not allowable for you.

"And whatever I have not permitted, saying, 'This is allowable,' if it conforms with what is allowable, if it goes against what is not allowable, that is allowable for you."
— Mv.VI.40.1

Thus it is easy to see that the Commentary and Sub-commentary, in extrapolating from the rules in the Canon to assign new prohibitions and allowances, are simply exercising their right to apply these Great Standards. The question in weighing these commentaries, then, is not whether they have the right to extrapolate from the Canon to formulate prohibitions and allowances, but whether they have applied these Standards in a wise and appropriate way. We ourselves will have recourse to these Standards in the course of this book, both to evaluate the judgments of the commentaries and to determine how the principles of Vinaya apply to new situations today.

The second extreme, however, argues that we have no right to pass judgment on the authority of the Commentary at all. This position, however, runs counter to the principle of consistency espoused in the Great Standards mentioned in DN 16 (and discussed above) for judging what is and isn't the word of the Buddha. Just as variant readings in the Canon should be judged for consistency with what is already known of the Canon, explanations of the Canon given by later teachers have to be judged for their consistency with the known Canon as well.

This point is borne out by three important passages in the texts. One is the narrative of the Second Council, during which the bhikkhus of Vesālī defended ten practices on the grounds that they had learned them from their teachers. The elders who judged the case, though, insisted on evaluating the practices in terms of whether they adhered to the Canon. The primary point of controversy — the question of whose authority was greater, the Canon's or the teachers' — was point six:

"The practice of what is habitual, sir — is it allowable?"

"What is the practice of what is habitual, my friend?"

"To practice (thinking), this is the way my preceptor habitually practiced; this is the way my teacher habitually practiced — is this allowable?"

"The practice of what is habitual is sometimes allowable, sometimes not."
— Cv.XII.2.8

What this means, as the elders showed in their conduct of the meeting, is that one's teacher's and preceptor's practices are to be followed only when in accordance with the Canon.

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The second passage is the discussion of the Great Standards in the Commentary to DN 16, which concludes that the commentaries are to be accepted only where they are in agreement with the Canon. Apparently the teachers who compiled the ancient commentaries took a more modest view of their authority than did the elders of the Mahāvihāra at the time of Buddhaghosa, and did not pretend to supersede the Canon as the final word on what is and is not true Dhamma and Vinaya.

The third passage, a discussion in the Commentary to Pr 1, further elaborates this point by listing four levels of Vinaya, in descending order of authority: the level found in the Canon, the level based on the four Great Standards given in Mv.VI.40.1, the level found in the Commentary, and the level based on one's personal opinion. Any disagreement among these sources, this passage notes, should be settled by siding with the opinion of the higher authority. Thus the Commentary to the Vinaya puts itself only on the third level of authority, adding that not all of the Commentary qualifies even for that level. The opinions of Vinaya experts after the first generation of commentators, even though included in the Commentary, count only as personal opinion. At present there is no way of knowing for sure which opinions are first-generation and which are not, although the opinions of Sri Lankan Vinaya experts named in the Commentary would obviously fall in the latter category.

Some may object that to pass judgment on the Commentary is to lack respect for the tradition, but actually it is because of respect for the compilers of the Vibhaṅga that I make the following assumptions in checking the Commentary against the Vibhaṅga:

- 1) The compilers of the Vibhaṅga were intelligent enough to be consistent within the discussion of each rule. Any explanation based on the premise that they were not consistent should give way to an explanation showing that they were.
- 2) The compilers were well enough acquainted with the contingencies surrounding each rule that they knew which factors were and were not crucial in determining what is and is not an offense. Any explanation that adds or subtracts factors from those mentioned in the Vibhaṅga should give way to one that follows the Vibhaṅga's analysis.
- 3) The compilers, in reporting the precedents in the Vinita-vatthu — the cases the Buddha judged against an existing rule — were careful enough to include all the important factors bearing on the judgment. Any explanation that requires rewriting the precedents, adding extra details extraneous to the Vibhaṅga to account for the judgment, should give way to an explanation that can make sense out of the precedents as they are reported and in terms of the analyses presented elsewhere in the Vibhaṅga.

It's not that I take any joy in arguing with the Commentary. In fact, wherever possible, I have been happy to give it the benefit of the doubt, and on many points I am very much in its debt. Still, now that Buddhism is coming to the West, I feel it is time to stop and take stock of the tradition and to check the later traditions against the earliest sources. This is especially important in a way of thought and life that, from the very beginning, has appealed to reason and investigation rather than to

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blindly accepted authority. In doing this, I am simply following a pattern that has repeated itself through the history of the Theravādin tradition: that of returning to the original principles whenever the religion reaches an historic turning point.

There is, of course, a danger in being too independent in interpreting the tradition, in that strongly held opinions can lead to disharmony in the Community. Thus in evaluating the Commentary against the Canon, I do not want to imply that my conclusions are the only ones possible. Important points may have slipped my attention or escaped my grasp. For this reason, even in instances where I think that the Commentary does not do justice to the Vibhaṅga, I have tried to give a faithful account of the important points from the Commentary so that those who wish to take it as their authority may still use this book as a guide. If there are any points on which I am mistaken, I would be pleased if knowledgeable people would correct me.

At the same time, I hope that this book will show that there are many areas on which the Vibhaṅga is unclear and lends itself to a variety of equally valid interpretations. For proof of this, we need only look at the various traditions that have developed in the different Theravādin countries, and even within each country. For some reason, people who may be very tolerant of different interpretations of the Dhamma can be very intolerant of different interpretations of the Vinaya, getting into heated arguments over minor issues having very little to do with the training of the mind.

I have tried to make the point throughout this book that any interpretation based on a sound reading of the Canon should be respected: that each bhikkhu should follow the interpretations of the Community in which he is living, as long as they do not conflict with the Canon, so as to avoid conflict over minor matters in daily life; and that he should also show respect for the differing interpretations of other Communities where they too do not conflict with the Canon, so as to avoid the pitfalls of pride and narrow-mindedness.

This is especially true now that monasteries of different nationalities are taking root in close proximity to one another in the West. In the past, Thais, Burmese, and Sri Lankans could look down on one another's traditions without causing friction, as they lived in separate countries and spoke different languages. Now, however, we have become neighbors and have begun to speak common languages, so we must be especially careful not to waste what little time we have in the celibate life on minor disagreements.

My aim throughout this book has been practical. I have avoided dealing with academic issues concerning the authenticity and reliability of the tradition, and instead have tried simply to report and explain what the tradition has to say. Of course, I have had to be selective. Whatever the unconscious factors that have influenced my choice of material, the conscious considerations shaping this book are briefly as follows:

We are dealing primarily with rules, but rules are not the only way to express disciplinary norms, and the texts we are surveying express their norms in a variety of forms: as rules, principles, models, and virtues. The different forms are best suited

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for different purposes. Principles, models, and virtues are meant as personal, subjective standards and tend to be loosely defined. Their interpretation and application are left to the judgment of the individual. Rules are meant to serve as more objective standards. To work, they must be precisely defined in a way acceptable to the Community at large. The compilers of the Canon, recognizing this need, provided definitions for most of the terms in the rules, and the authors of the commentaries continued this task, carrying it out with even greater thoroughness. Thus much of this book, in reporting these texts, is concerned with the definition of terms.

This need for precision, though, accounts for the weakness of rules in general as universal guides to behavior. First, there is the question of where to draw the line between what is and is not an infraction of the rule. A clear break-off point is needed because rules — unlike principles — deal in two colors: black and white. In some cases, it is difficult to find a clear break-off point that corresponds exactly to one's sense of what is right and wrong, and so it is necessary to include the areas of gray either with the white or the black. In general, but not always, the Vibhaṅga's position is to include the gray with the white, and to rely on the principles of the Dhamma to encourage the individual bhikkhu to stay away from the gray.

Take, for instance, the rule against masturbation. The Vibhaṅga limits this rule to forbidding only those forms of masturbation that aim at ejaculation, for if it had drawn the line anywhere else, it would have become an offense for a bhikkhu simply to scratch himself. Thus self-stimulation that does not aim at ejaculation is not an offense, although in many cases it is clearly against the spirit of the Dhamma. The Vinaya-mukha notes, disapprovingly, a number of older Vinaya guides that like to dwell on these areas of gray and seem to delight in figuring out ways to avoid an offense by working around the letter of the rules. In this book I am taking a different tack: Under those rules that include large areas of gray with the white, I have noted a few relevant principles from the Dhamma to spell out a wise policy with regard to the gray areas — not to reformulate the rule, but simply as a reminder that, as noted above, the Vinaya without the Dhamma does not suffice as a guide to the goal.

Second, there is the drawback that a large body of rules demands two tactics of interpretation that can, on occasion, prove mutually exclusive. On the one hand there is the need for logical consistency in applying basic principles across all the rules so as to lend authority to the system as a whole, at the same time making it easy to understand and memorize. On the other hand there is the need to give reasonable weight to the particular constellation of factors surrounding each individual rule. The first approach runs the risk of sacrificing common sense and the human context of the rules; the second, the risk of appearing inconsistent and arbitrary. Although the compilers of the Vibhaṅga are consistent within the discussion of each rule, they take each rule on a case by case basis and do not always come to the same conclusions when analyzing rules that, on the surface, might seem to merit parallel treatment. In other words, when the demands of reasonableness conflict with the demands of logical consistency in a narrow sense, their consistency lies in consistently choosing the reasonable approach. Under the major rules, they provide enough examples in the Vinaya-vatthu to bolster the case for their interpretive strategy. Under the minor rules, they leave it to the reader to

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ponder their strategy for himself. This approach places heavy demands on each bhikkhu, in that a reasonable system is harder to memorize than a narrowly logical one, but in the long run it aids in the maturity and sensitivity of the bhikkhu who is willing to learn from the Vibhaṅga, and in the livability of the Vinaya as a whole.

A third drawback resulting from the need for precision in rules is that the more precisely a rule is defined to suit a particular time and place, the less well it may fit other times and places. The compilers of the Canon, in order to make up for this weakness, thus provided the origin stories and precedents to show the type of situation the rule was intended to prevent, providing principles and models that indicate the spirit of the rule and aid in applying it to differing contexts. In writing this book I have often made reference to these stories, to give this added dimension.

Admittedly, the stories do not always make for inspiring reading. For example, instead of reading about bhikkhus accepting a meal at a donor's house and then uplifting the donor with a talk on Dhamma, we read about Ven. Udāyin accepting a meal at the dwelling of a bhikkhunī who was his former wife, and the two of them sitting there exposing their genitals to each other. Still, the stories do remind us that the more inspiring stories we read in the discourses took place in a very real human world, and they also reveal the insight and understated wit of those who framed and interpreted the rules. The element of wit here is especially important, for without it there is no true understanding of human nature, and no intelligent system of discipline.

Finally, in compiling this book, I have tried to include whatever seems most worth knowing for the bhikkhu who aims at fostering the qualities of discipline in his life — so as to help train his mind and live in peace with his fellow bhikkhus — and for anyone who wants to support and encourage the bhikkhus in that aim.

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Chapter 1

Patimokkha

The Pāṭimokkha is available to us in several recensions, some in Indic languages, others in Tibetan or Chinese translations. However, of the Indic recensions, only one — the Pali — is still a living tradition, recited fortnightly and put into practice by Theravādin bhikkhus throughout the world. This is the recension translated and explained in this book.

The meaning of the term *pāṭimokkha* is a matter of conjecture. According to the Mahāvagga it means "the beginning, the head (or entrance — *mukha*), the foremost (*pamukha*) of skillful qualities" (Mv.II.3.4). The term serves as the name not only of the basic code of training rules, but also of a sermon in which the Buddha enumerated the basic principles common to the teachings of all Buddhas: "The non-doing of all evil, the performance of what is skillful, and the purification of one's mind: This is the Buddhas' message" (Dhp.183). Thus whatever the etymology of the term *pāṭimokkha*, it denotes a set of principles basic to the practice of the religion.

The basic code of training rules for bhikkhus, in its Pali recension, contains 227 rules divided into eight sections in accordance with the penalty assigned by each rule: *pārājika*, defeat; *saṅghādisesa*, formal meeting; *aniyata*, indefinite; *nissaggiya pācittiya*, forfeiture and confession; *pācittiya*, confession; *pāṭidesaniya*, acknowledgement; *sekhiya*, training; and *adhikaraṇa-samatha*, settling of issues. The following chapters will discuss the precise meanings of these terms.

Three of these terms, though, do not denote penalties. The *aniyata* rules give directions for judging uncertain cases; the *sekhiya* rules simply say, "(This is) a training to be followed," without assigning a particular penalty for not following them; and the *adhikaraṇa-samatha* rules give procedures to follow in settling issues that may arise in the Community. Thus there are only five types of penalty mentioned in the Pāṭimokkha rules themselves, ranging from permanent expulsion from the Community to simple confession in the presence of another bhikkhu. None of the penalties, we should note, involve physical punishment of any kind. And we should further note that the purpose of undergoing the penalties is not somehow to absolve one from guilt or to erase any bad kamma one may incur by breaking the rules. Rather, the purpose is both personal and social: to strengthen one's resolve to refrain from such behavior in the future, and to reassure one's fellow bhikkhus that one is still serious about following the training.

In addition to the penalties directly mentioned in the rules, there are also penalties derived from the rules by the Vibhaṅga and commentaries. These derived penalties deal with two sorts of cases: 1) A bhikkhu tries to commit an action mentioned in one of the rules, but the action for one reason or another does not reach

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completion (e.g., he tries to kill a person, but the person doesn't die). 2) A bhikkhu commits an action not directly covered in any rule, but similar to one that is (e.g., he strikes an unordained person, which is not directly covered in a rule, while the act of striking a bhikkhu is).

Penalties of this sort, when derived from the pārajika and saṅghādisesa rules, include thullaccaya (grave offense) and dukkaṭa (wrong doing); those derived from the nissaggiya pācittiya, pācittiya, and pāṭidesanīya rules — except for the rule against insults — include only the dukkaṭa. The penalties derived from the rule against insults include dubbhāsita (wrong speech) as well. As for the sekhiya rules, the Vibhaṅga states that to disobey any of them out of disrespect entails a dukkaṭa. All of these derived penalties may be cleared through confession.

There may, of course, be times when the assigned penalties are not enough to deter an unconscientious bhikkhu from committing an offense repeatedly. In such cases, the Community in which he is living may, if it sees fit, formally impose additional penalties on him as a means of bringing him into line. These transactions range from stripping him of some of the privileges of seniority, to banishment from that particular Community, and on to suspension from the Bhikkhu Saṅgha as a whole. In each case the punishment is temporary; if the bhikkhu realizes his errors and mends his ways, the Community is to revoke the act against him and return him to his former status. These punishments are treated in detail in BMC2, Chapter 20.

Thus, taken as a whole, the Vinaya's system of penalties makes use of three basic principles — confession, forfeiture, and various degrees of ostracism from the Community — as means of enforcing the rules. To understand the wisdom of this system, it is important to realize how each of these principles is related to the practice of the Dhamma and the training of the mind.

Confession: There are several spots in the discourses (e.g., DN 2, MN 140) where the Buddha states, "It is a cause of growth in the Dhamma and discipline of the noble ones when, seeing a transgression (of one's own) as a transgression, one makes amends in accordance with the Dhamma and exercises restraint in the future." From the context each time the Buddha makes this statement, it is clear that "makes amends" means confessing one's mistakes. In another passage (MN 61), the Buddha informs his son, Rāhula, that if one sees that one's words or deeds have harmed oneself or others, one should confess them to a knowledgeable companion in the celibate life. All those who have purified their thoughts, words, and deeds in the past, all those who are doing so in the present, and all those who will do so in the future, he adds, have acted, are acting, and will act in just this way. In addition, one of the basic requisites for exerting oneself in the practice is that one not be fraudulent or deceitful, and that one declare oneself to one's knowledgeable companions in the celibate life in line with one's actual behavior (AN V.53). Thus a willingness to confess one's misdeeds is an essential factor in progress along the path.

Forfeiture, in most cases, is simply a symbolic adjunct to confession. One forfeits the object in question, confesses the offense, and then receives the object in return. In a few cases, though — where the object is improper for a bhikkhu to use or own

— one must break it or forfeit it for good. In these cases, forfeiture serves as a check against greed and as a reminder of two essential principles — contentment with little and modesty — that the Buddha extolled to Mahāpajāpatī Gotamī (AN VIII.53) as absolutely basic to the practice. In particular, AN IV.28 identifies contentment as one of the basic traditions of the noble ones, the essential culture of the religion as a whole.

Ostracism: In a famous passage (SN XLV.2), the Buddha tells Ven. Ānanda, "Admirable friendship, admirable companionship, admirable camaraderie is the entirety of the celibate life. When a bhikkhu has admirable people as friends, companions, and comrades, he can be expected to develop and pursue the noble eightfold path." Thus one of the few things a bhikkhu serious about the practice would naturally fear would be to be ostracized by the well-behaved members of the Community, for that would be a true barrier to his spiritual progress. This fear would then help deter him from any action that might entail such ostracism.

In this way, the Vinaya's system of penalties provides rehabilitation for offenders and deterrence against offenses — with confession the means of rehabilitation, and ostracism the deterrent — growing directly out of principles basic to the practice of the Dhamma.

Offenses. In analyzing offenses for the purpose of determining penalties, the Vibhaṅga divides an action into five factors: the *effort*, the *perception* under which it is made, the *intention* motivating it, the *object* at which it is aimed, and the *result*. In some of the rules, all five factors play a role in determining what is and is not a full offense. In others, only two, three, or four play a role. For example, under the pārājika rule forbidding murder, all five factors have to be present for a full offense: The object has to be a human being, the bhikkhu has to perceive him/her as a living being, he has to have murderous intent, he has to make an effort for the person to die, and the person has to die.

If any of these factors is missing, the penalty changes. For instance, object: If the bhikkhu kills a dog, the penalty is a pācittiya. Perception: If he cremates a friend, thinking that the friend is dead, then even if the friend is actually alive but severely comatose, the bhikkhu incurs no penalty. Intention: If he accidentally drops a rock on a person standing below him, he incurs no penalty even if the person dies. Effort: If he sees a person fall into the river but makes no effort to save the person, he incurs no penalty even if the person drowns. Result: If he tries to kill a person, but only succeeds in injuring him, he incurs a thullaccaya.

In some rules, though, the factors of intention, perception, and result do not make any difference in determining offenses. For example, if a bhikkhu is sleeping alone in a room and a woman comes in and lies down in the room with him, he incurs the pācittiya for lying down in the same lodging as a woman even though his intention was to lie down alone and he was unaware of her presence. A bhikkhu who drinks a glass of wine, thinking it to be grape juice, incurs the pācittiya for taking an intoxicant all the same. A bhikkhu who tries to frighten another bhikkhu incurs a pācittiya regardless of whether the other bhikkhu is actually frightened.

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Of these factors, intention is the most variable. Under some rules, it deals simply with the issue of whether the bhikkhu's action was fully deliberate. In others, it deals with the impulse, the mental state, e.g., anger or lust, impelling his action. In others, it deals with the immediate aim of this action; in others, with the underlying motive that the immediate aim is intended to serve. In still others, it deals with combinations of any of these four.

Another variation is that in rules where a bhikkhu may be put into a passive role in committing an act that would fulfill the factor of effort, the factor of intention is changed to *consent*: mental acquiescence to the act combined with a physical or verbal expression of that acquiescence. Under some rules, such as the rule against sexual intercourse, simply letting the act happen counts as physical acquiescence even if one lies perfectly still, and the question of whether one incurs a penalty depends entirely on the state of one's mind. Under other rules, though — such as the rule against lustful contact with a woman, which includes cases where the woman is the agent making the contact — simply lying still is not enough to count as a physical sign of acquiescence, and even if one consents mentally, say, to a woman's fondling, one would incur a penalty only if one says something or responds with a physical movement to her action.

Because of the many variations possible in the factor of intention, it might be argued that it should be consistently divided into such sub-factors as presence or absence of deliberation, impulse, immediate aim, and motive. However, the Vibhaṅga itself is not consistent in distinguishing among these three. Under Pr 3 and Sg 1, for instance, it clearly distinguishes among them, in that impulse and motive play no part in determining the offense in question, whereas deliberation and immediate aim do. Under Sg 8 and 9, however, the impulse — anger — is conflated under motive: the desire to see another bhikkhu expelled from the Saṅgha. In fact, under most rules the Vibhaṅga does not make a clear distinction among these sub-factors, so it seems artificial to force a consistent distinction throughout. Thus the approach followed here is to place these considerations under one heading — intention — and to alert the reader to the distinctions among them only when important.

The factor of effort is basic to every rule and is also used to determine offenses in cases where a bhikkhu intends to break a rule but does not complete the action. For instance, in the case of stealing, the efforts involved are said to begin when, acting under the intent to steal, a bhikkhu gets dressed and starts walking to the object. With each of these preliminary efforts — literally, with every step — he incurs a dukkaṭa. At first glance, this may seem extreme, but when we view his state of mind as having ultimate importance, this system of assigning penalties is appropriate. Every step intentionally taken toward an offense reinforces an unskillful state of mind; the knowledge that each of these steps incurs an additional offense may help deter a bhikkhu from his original plans.

Thus it is important, when reading about each training rule, to pay attention to what role these five factors play in determining the offenses related to the rule. And, of course, it is important for each bhikkhu to pay attention to all five of these factors in all of his actions to make sure that he does not fall at any time into an offense. This

is where training in discipline becomes part of the training of the mind leading to Awakening. A bhikkhu who is mindful to analyze his actions into these five factors, to be alert to them as they arise, and to behave consistently in such a manner that he avoids committing any offenses, is developing three qualities: mindfulness; an analytical attitude toward phenomena in his thoughts, words, and deeds; and persistence in abandoning unskillful qualities and developing skillful ones within himself. These are the first three of the seven factors for Awakening, and form the basis for the remaining four: rapture, tranquility, concentration, and equanimity.

Pv.VI.4, in reviewing the Vibhaṅga's five factors for analyzing offenses, devises a number of categories for classifying offenses, the most important being the distinction between rules carrying a penalty only when broken intentionally through correct perception (*sacittaka*), and those carrying a penalty even when broken unintentionally or through misperception (*acittaka*).

Although it may seem harsh to impose penalties for unintentional actions, we must again reflect on the state of mind that leads to such actions. In some acts, of course, the intention makes all the difference between guilt and innocence. Taking an article with intent to return it, for example, is something else entirely from taking it with intent to steal. There are, however, other acts with damaging consequences that, when performed unintentionally, reveal carelessness and lack of circumspection in areas where a person may reasonably be held responsible. Many of the rules dealing with the proper care of Community property and one's basic requisites fall in this category. Except for one very unlikely situation, though, none of the major rules carry a penalty if broken unintentionally, while the minor rules that do carry such penalties may be regarded as useful lessons in mindfulness.

Another scheme introduced in the ancient commentaries for classifying offenses is the distinction between those that the world criticizes (*loka-vajja*) and those that only the rules criticize (*pañṇati-vajja*). The Commentary defines this distinction by saying that the term *loka-vajja* applies to rules that can be broken only with an unskillful state of mind (i.e., greed, anger, or delusion), whereas *pañṇati-vajja* applies to rules that can be broken with a skillful state of mind. It notes that one way to classify a particular rule under either category is to note how the Buddha changed it if he took the opportunity to amend it. If he made the rule more stringent — as in the case of Pr 3, against killing human beings — offenses against the rule are *loka-vajja*. If he made the rule more lax — as in the case of Pc 57, against overly-frequent bathing — offenses against the rule are *pañṇati-vajja*.

The Vinaya-mukha redefines the terms as follows:

"Some offenses are faults as far as the world is concerned — wrong and damaging even if committed by ordinary people who are not bhikkhus — examples being robbery and murder, as well as such lesser faults as assault and verbal abuse. Offenses of this sort are termed *loka-vajja*. There are also offenses that are faults only as far as the Buddha's ordinances are concerned — neither wrong nor damaging if committed by ordinary people; wrong only if committed by bhikkhus, on the grounds that they run counter to the Buddha's ordinances. Offenses of this sort are termed *pañṇati-vajja*."

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Even a cursory glance at the Pāṭimokkha rules will show that many of them deal with the latter sort of offense, and that such offenses concern relatively minor matters. The question often arises, then: Why this concern with minutiae? The answer is that the rules deal with social relationships — among the bhikkhus themselves and between the bhikkhus and the laity — and that social relationships are often defined by seemingly minor points of behavior.

Take, for instance, the rule that a bhikkhu not eat food unless it is handed to him or to a fellow bhikkhu by an unordained person on that day. This rule has wide-ranging ramifications. It means, among other things, that a bhikkhu may not leave human society to lead a solitary hermit's existence, foraging for food on his own. He must have frequent contact with humanity, however minimal, and in that contact he performs a service to others, even if simply offering them a noble example of conduct and giving them an opportunity to develop the virtue of generosity. Many of the other seemingly trivial rules — such as those forbidding digging in the soil and damaging plant life — will reveal, on reflection, implications of a similar scope.

Thus the extremely detailed nature of the rules cannot be attributed to a strictly legalist temperament. And from what we have seen of the way in which the Buddha formulated the rules — dealing with cases as they arose — there is reason to doubt that he himself wanted them to form an airtight system. This impression is explicitly borne out by several passages in the Canon. Take, for instance, this discourse:

"At one time the Blessed One was living in Vesālī, in the Great Wood. Then a certain Vajjian bhikkhu went to him... and said: 'Venerable sir, more than 150 training rules come up for recitation every fortnight. I cannot train in reference to them.'

"'Bhikkhu, can you train in reference to the three trainings: the training in heightened virtue, the training in heightened mind, the training in heightened discernment?'

"'Yes, venerable sir, I can...'

"'Then train in reference to those three trainings... When you train in reference to the training in heightened virtue... heightened mind... heightened discernment, passion will be abandoned in you, aversion... delusion will be abandoned in you. Then with the abandoning of passion... aversion... delusion, you will not do anything unskillful or engage in any evil.'

"'Later on, that bhikkhu trained in heightened virtue... heightened mind... heightened discernment... Passion... aversion... delusion were abandoned in him... He did not do anything unskillful or engage in any evil.' — AN III.85

Another discourse with a similar point:

"'Bhikkhus, more than 150 training rules come up for recitation every fortnight, in reference to which sons of good families desiring the goal train themselves. There are these three trainings under which they (the training rules) are all gathered. Which

three? The training in heightened virtue, the training in heightened mind, the training in heightened discernment...

"There is the case, bhikkhus, where a bhikkhu is fully accomplished in virtue, concentration, and discernment (i.e., is an arahant). With reference to the lesser and minor training rules, he falls into offenses and rehabilitates himself. Why is that? Because it is not said to be a disqualification (for the noble attainments). But as for the training rules that are basic to the celibate life and proper to the celibate life, his virtue is permanent, his virtue is steadfast. Having undertaken them, he trains in reference to the training rules. Because of the ending of (mental) effluents, he dwells in the effluent-free awareness-release and discernment-release, having directly known and realized them for himself right in the here-and-now...

"Those who are partially accomplished attain a part; those who are wholly accomplished, the whole. The training rules, I tell you, are not in vain." — AN III.88

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Chapter 2

Nissaya

The Dhamma and Vinaya impinge in such detail on so many areas of one's life that no new bhikkhu can be expected to master them in a short time. For this reason, the Buddha arranged for a period of apprenticeship — called *nissaya*, or dependence — in which every newly ordained bhikkhu must train under the guidance of an experienced bhikkhu for at least five years before he can be considered competent to look after himself.

This apprenticeship has formed the human context in which the practice of the Buddha's teachings has been passed down for the past 2,600 years. To overlook it is to miss one of the basic parameters of the life of the Dhamma and Vinaya. Thus we will discuss it here first, before going on to the individual training rules of the Pāṭimokkha.

Dependence is of two sorts: dependence on one's preceptor (*upajjhāya*) and dependence on a teacher (*ācariya*). The relationships are similar — and in many details, identical — so the following discussion will use the word *mentor* to cover both preceptor and teacher wherever the pattern applies to both, and will distinguish them only where the patterns differ.

Choosing a mentor. Before ordination, one must choose a bhikkhu to act as one's preceptor. The Mahāvagga (I.36–37) gives a long list of qualifications a bhikkhu must meet before he can act as a preceptor, while the Commentary divides the list into two levels: ideal and minimal qualifications. A bhikkhu who lacks the minimal qualifications incurs a dukkaṭa if he acts as a preceptor; a bhikkhu who meets the minimal but lacks the ideal qualifications is not an ideal person to give guidance, but he incurs no penalty in doing so.

The ideal qualifications: The preceptor should have an arahant's virtue, concentration, discernment, release, and knowledge and vision of release; and should be able to train another person to the same level of attainment. He should have faith, a sense of shame, a sense of compunction (in the American sense of the term, i.e., an reluctance to do wrong for fear of its consequences), persistence in the practice, and quick mindfulness (according to the Sub-commentary, this means that he is constantly mindful of whatever mental object is before the mind). He should be free of heavy and light offenses, and be possessed of right view. (This last point, the Commentary says, means that he does not adhere to the extremes of eternalism or annihilationism.) He should be competent to tend to a sick pupil or to find someone who will tend to him, and to dispel dissatisfaction in a pupil who wants to leave the celibate life.

The Mahāvagga does not say outright that these are ideal, as opposed to minimal, qualifications, but the Commentary offers as proof the fact that one of a pupil's duties is to try to allay any dissatisfaction that may arise in his preceptor. If all

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preceptors were arahants, no case of this sort would ever arise and there would be no need to mention it. Thus the Commentary concludes that arahantship, although ideal in a preceptor, is not necessary.

The minimal qualifications: The preceptor must be learned and competent. According to the Commentary, this means that he knows enough of the Dhamma and Vinaya to govern a following and is competent enough to know what is and is not an offense. He must also be competent enough to allay, in line with the Dhamma, any anxiety that has arisen in his pupil; must know what is and is not an offense, what is a light offense, what is a heavy offense, and how an offense may be removed. He must have detailed knowledge of both Pāṭimokkhas (the one for the bhikkhus and the one for the bhikkhunīs) and be able to train the pupil in the bhikkhus' customs (Com.: this means that he knows the Khandhakas), in the basic rules of the chaste life (Sub-com.: he knows both Vibhaṅgas), the higher Dhamma, and the higher Vinaya. He must be able, in line with the Dhamma, to pry his pupil away from a wrong view, or to find someone who will help pry him away. And — the most basic requirement — he must have been ordained as a bhikkhu for ten years or more.

If, for some reason, the new bhikkhu lives in a separate monastery from his preceptor, he must take dependence under a teacher, whose qualifications are precisely the same as those for a preceptor. Because the Mahāvagga (I.72.1) gives a dukkaṭa for taking dependence under an unconscientious bhikkhu, the new bhikkhu is allowed four to five days to observe his potential teacher's conduct before taking dependence under him (Mv.I.72.2).

Taking dependence. Prior to his ordination — and usually, as part of the ceremony itself — the candidate must make a formal request for dependence from his preceptor. The procedure is as follows:

Arranging his upper robe over his left shoulder, leaving his right shoulder bare, he bows down to the preceptor and then, kneeling with his hands palm-to-palm in front of his heart, repeats the following passage three times:

- *"Upajjhāyo me bhante hohi,"*

which means, "Venerable sir, be my preceptor."

If the preceptor responds with any of these words — *sāhu* (very well), *lahu* (certainly), *opāyikaṃ* (all right), *paṭirūpaṃ* (it is proper), or *pāsādikena sampādehi* (attain consummation (in the practice) in an amicable way) — the dependence has taken hold. Mv.I.25.7 adds that if the preceptor indicates any of these meanings by gesture, that also counts; and according to the Commentary, the same holds true if he makes any equivalent statement.

If, after his ordination, the new bhikkhu needs to request dependence from a teacher, the procedure is the same, except that the request he makes three times is this:

- "*Ācariyo me bhante hohi; āyasmato nissāya vacchāmi,*"

which means, "Venerable sir, be my teacher; I will live in dependence on you." (Mv.1.32.2)

Duties. The Mahāvagga (I.25.6; 32.1) states that a pupil should regard his mentor as a father; and the mentor, the pupil as his son. It then goes on to delineate this relationship as a set of reciprocal duties.

The pupil's duties to his mentor fall into the following five categories:

- *1. Attending to the mentor's personal needs.* The Mahāvagga goes into great detail on this topic, giving precise instructions dealing with every conceivable way a pupil can be of service to his mentor. The Vinaya-mukha tries to reduce these duties to a few general principles, but this misses much of what the Mahāvagga has to offer, for the details are what show fine examples of mindfulness in action — the best way to fold a robe, clean a dwelling, and so forth — as well as indications of how one can use this aspect of one's training to develop sensitivity to the needs of others. Still, the detailed instructions are so extensive that they would overburden the discussion in this chapter, so I have saved them for Appendix X. Here I will simply give them in outline form. The pupil should:
 - a. Arrange his mentor's toiletries for his morning wash-up.
 - b. Arrange his seat and food for his morning conje (if he has any) and clean up after he is finished.
 - c. Arrange his robes and bowl for his alms round.
 - d. Follow him on his alms round, if the mentor so desires, and take his robes and bowl when he returns.
 - e. Arrange his seat and food for his alms meal and clean up afterwards.
 - f. Prepare his bath. If he goes to the sauna, go with him and attend to his needs.
 - g. Study the Dhamma and Vinaya from him when he is prepared to teach. (The Mahāvagga describes this as "recitation" and "interrogation." Recitation, according to the Commentary, means learning to memorize passages; interrogation, learning to investigate their meaning.)
 - h. Clean his dwelling and other parts of his dwelling complex, such as the restroom and storage rooms, when they get dirty.
- *2. Assisting the mentor in any problems he may have with regard to the Dhamma and Vinaya.* The Mahāvagga lists the following examples:
 - a. If the preceptor begins to feel dissatisfaction with the celibate life, the pupil should try to allay that dissatisfaction or find someone else who can, or give him a Dhamma talk.
 - b. If the preceptor begins to feel anxiety over his conduct with regard to the rules, the pupil should try to dispel that anxiety or find someone else who can, or give him a Dhamma talk.

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- c. If the preceptor begins to hold to wrong views, the pupil should try to pry him away from those views or find someone else who can, or give him a Dhamma talk.
- d. If the preceptor has committed a saṅghādisesa offense, the pupil should — to the best of his ability — help with the arrangements for penance, probation, and rehabilitation, or find someone else who can.
- e. If the Community is going to carry out a transaction against the mentor, the pupil should try to dissuade them from it. According to the Commentary, this means that he should go to the various members of the Community individually before the meeting and try to dissuade them from going through with the transaction. If he can't dissuade them, he should try to get them to lessen its severity (say, from banishment to censure). If they are justified in carrying out the transaction, though, he should not object while the meeting is in progress. Once they have carried out the transaction, he should concentrate on helping his mentor behave so that they will rescind the transaction as quickly as possible.
- 3. *Washing, making, and dyeing the mentor's robes.*
- 4. *Showing loyalty and respect for the mentor.*
 - a. The pupil should neither give nor receive gifts, nor give or receive services to/from others without first obtaining the mentor's permission. According to the Commentary, *others* here means people who are on bad terms with the mentor.
 - b. The pupil should obtain his mentor's permission before entering a village, going to a cemetery (to meditate, says, the Commentary), or leaving the district in which they live. The Commentary notes, though, that if the mentor refuses one's request the first time, one should ask up to two more times, presenting one's reasons as best one can. If the mentor still refuses, the pupil should reflect on his situation. If staying with the mentor is not helping his education and meditation, and if the mentor seems to want him to stay simply to have someone to look after his (the mentor's) needs, the pupil is justified in leaving and taking dependence with a new mentor in his new residence.
- 5. *Caring for the mentor when he falls ill*, not leaving him until he either recovers or passes away (Mv.I.25).

According to the Commentary, a pupil is freed from these duties when he is ill. Otherwise, he should observe all the above duties to his preceptor as long as he is in dependence on him. It adds that the duties in sections 1–3 are incumbent on the pupil even after he is released from dependence, as long as both he and the preceptor are alive and still ordained, although not every Community follows the Commentary on this point.

As for the duties to one's teacher, the Commentary lists four types of teachers: the going-forth teacher (the one who gives one the ten precepts during one's ordination ceremony); the acceptance teacher (the one who chants the motion and announcements during the ceremony); the Dhamma teacher (the one who teaches one the Pali language and Canon); and the dependence teacher (the one with

whom one lives in dependence). With the dependence teacher and Dhamma teacher, one must observe all the above duties only as long as one is living in dependence on him. As for the other two, the Commentary adds that one should observe sections 1–3 as long as both parties are alive and still ordained — although, again, not all Communities follow the Commentary on this point.

The Commentary adds that if the mentor already has a pupil performing these duties for him, he may inform his remaining pupils that they need not take them on. This exempts them from having to observe them. If he neglects to do this, the pupil who is performing the duties may inform his fellows that he will take responsibility for looking after the mentor. This also exempts them. Otherwise, they incur a dukkaṭa for every duty they neglect to perform.

The mentor's duties to his pupil.

- 1. *Furthering the pupil's education*, teaching him the Dhamma and Vinaya through recitation, interrogation, exhortation, and instruction.
- 2. *Providing requisites for the pupil*. If the pupil lacks any of his basic requisites, and the mentor has any to spare, he should make up the lack.
- 3. *Attending to the pupil's personal needs when he is ill*, performing the services mentioned in section 1 under the pupil's duties to his mentor.
- 4. *Assisting the pupil in any problems he may have with regard to the Dhamma and Vinaya*, performing the services mentioned in section 2 under the pupil's duties to his mentor.
- 5. *Teaching the pupil how to wash, make, and dye robes*. If for some reason the pupil is unable to handle these skills, the mentor should try to find some way to get these tasks done.
- 6. *Caring for the pupil when he falls ill*, not leaving him until he either recovers or passes away (Mv.I.26).

According to the Commentary, the preceptor, going–forth teacher, and acceptance teacher must observe these duties toward the pupil as long as both parties are alive and still ordained. As for the Dhamma and dependence teachers, they must observe these duties only as long as the pupil is living with them.

Dismissal. If the pupil does not observe his duties to his mentor, the mentor is empowered to dismiss him. In fact, if the pupil deserves dismissal, the mentor incurs a dukkaṭa if for some reason he does not dismiss him, just as he would for dismissing a pupil who did not deserve it (Mv.I.27.5–8). The grounds for dismissal are any of the following five:

- 1. The pupil has no affection for his mentor — i.e., he shows him no kindness.
- 2. He has no faith in his mentor — i.e., he does not regard him as an example to follow.
- 3. He has no shame in front of his mentor — i.e., he openly disregards the training rules in his mentor's presence.
- 4. He has no respect for his mentor — i.e., he does not listen to what the mentor has to say and openly disobeys him.

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- 5. He is not developing under his mentor — the Commentary translates *developing* here as developing a sense of good will for his mentor, but it could also mean developing in his general education and practice of the Dhamma and Vinaya.

The Vinaya–mukha notes that the mentor should reflect on his own conduct before dismissing such a pupil. If he has done anything that would give the pupil valid reason for losing affection, etc., he should first correct his own conduct. Only after reflecting that there is no longer anything in his own conduct that would give the pupil valid reason to disregard him should he go ahead with the dismissal.

The Mahāvagga mentions each of the following statements as a valid means of dismissal: "I dismiss you." "Don't come back here." "Take away your robes and bowl." "Don't attend to me." It also states that if the mentor makes any of these meanings known by gesture — e.g., he evicts the pupil from his quarters and throws his robes and bowl out after him — that also counts as a valid means of dismissal (Mv.I.27.2). The Commentary to Mv.I.32 adds that any statement conveying the same basic meaning as those above would count as well.

Once a pupil has been dismissed, his duty is to apologize. If he doesn't, he incurs a dukkaṭa (Mv.I.27.3). Once the pupil has apologized, the mentor's duty is to forgive him (Mv.I.27.4). If, however, he sees that the pupil is still unconscientious, he should not take him back, for a mentor who takes on an unconscientious pupil incurs a dukkaṭa (Mv.I.72.1.). Thus the mentor may, if he sees fit, inflict a non-physical punishment on the pupil before taking him back on the original footing, to make sure that he has actually seen the error of his ways. An example of such punishment, mentioned in the Vinaya–mukha, is simply asking to wait to observe the pupil's behavior for a while to test whether his apology is sincere.

The Commentary to Mv.I.32 recommends that if the mentor refuses to forgive the pupil, the latter should try to get other bhikkhus in the monastery to intercede for him. If that doesn't work, he should go stay in another monastery and take dependence under a senior bhikkhu there who is on congenial terms with the mentor, in hopes that the mentor will take this as a sign of the pupil's good intentions and will eventually grant his forgiveness. If for some reason the pupil cannot stay at that other monastery, he may return to his original monastery and take dependence under another teacher.

Dependence lapses. Mv.I.36.1 says that if a pupil is staying in dependence with his preceptor, the dependence lapses in any of the following scenarios:

- 1. He leaves. According to the Commentary, this means that he moves from the monastery, and that dependence lapses regardless of whether he gives notice of his move. The Sub-commentary adds that "moving" here can mean even spending one night outside the monastery, and that dependence lapses regardless of whether he plans to return.
- 2. He disrobes.
- 3. He dies.

- 4. He goes over to another side — according to the Commentary, this means that he joins another religion.

In all of the above cases, the commentaries interpret "he" as referring to the preceptor, although it would seem to refer to the pupil as well. This would fit with the passages from the Mahāvagga, to be mentioned below, that refer to a new bhikkhu on a journey as not being in dependence. In such cases, the new bhikkhu is most likely the one who has left the preceptor, and his leaving is what has caused the dependence to lapse.

- 5. He gives a command. This is the one alternative where "he" clearly refers only to the preceptor. The Commentary to Mv.1.34 interprets *command* here as dismissal, as discussed above, but also as including cases where the preceptor sees that the pupil qualifies to be released from dependence (see below) and tells him so.

In each of these cases, a pupil who is not yet released from dependence must find someone else to take dependence under on that very day, except in the following instances (taken from the Commentary):

— The preceptor leaves, saying that he will be away only for a day or two, and that the pupil need not ask anyone else for dependence in the meantime. If the preceptor's return is delayed, he should send word to his pupil, saying that he still intends to come back. If, however, the pupil receives word from his preceptor that the latter no longer intends to return, he should immediately look for a teacher under whom to take dependence.

— The preceptor leaves, and the only other senior bhikkhu in the monastery is one whom the pupil does not know well. In this case, the pupil is allowed four or five days to observe the senior bhikkhu's behavior (as mentioned above) before requesting dependence from him. If, though, the pupil already knows the senior bhikkhu well enough to feel confident in his conduct, he should take dependence with him on the day of his preceptor's departure.

If the pupil is staying in dependence on a teacher, the dependence can lapse for any of six reasons. The first five are identical with those above, although even the Commentary states that "he leaves," the first reason, applies not only to cases where the teacher leaves but also to cases where the pupil leaves. The sixth reason is:

- 6. The pupil rejoins his preceptor. The Commentary explains this by saying that, in effect, the pupil's original dependence on his preceptor always overrides his dependence on a teacher. If the pupil happens to see his preceptor and recognize him, or to hear and recognize his voice — even if they just happen to pass on the street — his dependence on his teacher automatically lapses, and his dependence on his preceptor is reinstated. If he then returns to live with his teacher, he must ask for dependence from the teacher all over again.

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The Vinaya–mukha objects to this judgment, saying that "rejoins the preceptor" should refer to the pupil's actually living with the preceptor, either in another monastery or in the same monastery where the teacher lives. This, however, is an area where different Communities differ in their interpretation, and the wise policy is to follow the interpretation of the Community in which one lives.

Temporary exemption from dependence. Normally a junior bhikkhu is required to live in dependence under a mentor at all times. However, Mv.I.73 allows him not to take dependence when living in any of the following situations if no qualified bhikkhu is available as a mentor:

- 1. He is on a journey.
- 2. He is ill.
- 3. He is caring for an ill person who has requested his help (§).
- 4. He is living alone in the wilderness, meditating comfortably, intending to take dependence if a qualified mentor comes along.

The Commentary, in discussing these allowances, makes the following points:

A bhikkhu on a journey is said to have no mentor available if no qualified senior bhikkhu is traveling with him. In other words, the fact that he happens to pass by a monastery containing a qualified mentor does not mean that a mentor is available, and he is allowed to continue traveling without taking dependence. If, however, he spends the night in a place where he has taken dependence before, he should take dependence on the day of his arrival. If he reaches a place where he has never been before and plans to spend only two or three days, he need not take dependence; but if he plans to spend a week, he must. If the senior bhikkhu he requests dependence from says, "What's the use of taking dependence for only a week?" that exempts him from this requirement.

As for the bhikkhu living alone in the wilderness, the Commentary says that "meditating comfortably" means that his tranquility and insight meditation are going smoothly. For some reason, though, it says that this allowance applies only to bhikkhus whose meditation is at a tender stage and might deteriorate if they were to leave the wilderness; if a bhikkhu has attained any of the noble attainments — beginning with stream–entry — he may not make use of this allowance. Why the Commentary limits the allowance in this way, it doesn't say.

At any rate, once the month before the Rains–residence (*vassa*) arrives and no suitable mentor appears, the junior bhikkhu must leave his wilderness abode and look for a place with a suitable mentor under whom he can take dependence for the Rains.

Release from dependence. According to Mv.I.53.4, a bhikkhu may be released from dependence after he has been ordained for five years, on the condition that he be experienced and competent. If he is not yet experienced and competent, he must remain under dependency until he is. If he never becomes experienced and competent, he must remain in dependence for his entire life as a bhikkhu. The Commentary adds that, in the last case, if he cannot find a competent experienced

bhikkhu who is senior to him, he must take dependence with a competent, experienced bhikkhu who is his junior.

To be considered competent and experienced enough to deserve release from dependence, a bhikkhu must meet many of the same general qualifications as those for a mentor, except that he need not possess the competence to look after a pupil, and the minimum number of years he needs as a bhikkhu is five. None of the texts divide the qualifications here into ideal and minimal qualifications, as they do for the mentor, but it seems reasonable that the same division would apply here as well. This would give us the following list:

The ideal qualifications: The bhikkhu should have an arahant's virtue, concentration, discernment, release, and knowledge and vision of release. He should have faith, a sense of shame, compunction, persistence in the practice, and quick mindfulness. He should be free of heavy and light offenses, and possess right view.

The minimal qualifications: The bhikkhu must be learned and intelligent, knowing both Pāṭimokkhas in detail, understanding what is and is not an offense, what is a light offense, what is a heavy offense, and how an offense may be removed. And — the most basic requirement — he must have been ordained as a bhikkhu for at least five years (Mv.I.53.5–13).

The Commentary to Mv.I.53, in explaining *learned*, refers to the definition of the term given by the Commentary to Pc 21, which says that a learned bhikkhu must have memorized:

- 1. Both Pāṭimokkhas (for the bhikkhus and bhikkhunīs).
- 2. The Four Bhāṇavāras — a set of auspicious chants that are still regularly memorized in Sri Lanka as the *Mahā-parit poṭha*.
- 3. A discourse that is helpful as a guide for sermon-giving. (The Commentary lists as examples the Mahā-Rāhulovāda Sutta (MN 62), the Andhakavinda Sutta (AN V.114), and the Ambaṭṭha Sutta (DN 3).)
- 4. Three kinds of *anumodanā* (rejoicing in the merit of others) chants: for meals; for auspicious merit-making ceremonies, such as blessing a house; and for non-auspicious ceremonies, i.e., any relating to a death.

The Commentary adds that he must also know the rules for such Community transactions as the Pāṭimokkha recitation and the Invitation at the end of the Rains-residence, and be acquainted with themes for tranquility and insight meditation leading to arahantship.

This definition of *learned* is not universally accepted, and some traditions have reworked it. As this is another area where different Communities have different interpretations, the wise policy is to adhere to the practice followed in one's Community, as long as it follows the basic requirements in the Canon, mentioned above.

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Once a pupil has been released from dependence, the Commentary states that he need no longer perform the duties mentioned in sections 4 and 5 under the pupil's duties to his mentor.

Return to dependence. The Cullavagga (I.9–12) states that a bhikkhu released from dependence may be forced, by a Community transaction — called either a demotion transaction (*niyasa-kamma*) or a dependence transaction (*nissaya-kamma*) — to return to dependence if his conduct is so bad as to warrant it. The qualifying factors are:

- 1. He is ignorant and inexperienced.
- 2. He is indiscriminately full of offenses (§).
- 3. He lives in unbecoming association with lay people.

If these factors apply to a bhikkhu to the extent that the Community is "fed up with granting him probation, sending him back to the beginning, imposing penance, and rehabilitating him" — these terms refer to the procedures for dealing with a bhikkhu who has committed repeated saṅghādisesa offenses (see Chapter 5) — then the Community is justified in imposing a demotion (or dependence) transaction (see BMC2, Chapter 20). This is similar to a "further punishment" transaction, to be discussed in Chapter 11 of this volume, and carries the same penalties with the additional penalty that the bhikkhu must live in dependence under a mentor as long as the transaction is in effect. If he mends his ways to the Community's satisfaction, they may rescind the transaction and return his independence.

As mentioned above, the Commentary states that regardless of whether a pupil is under dependence or released from it, he is still expected to observe certain duties to his preceptor — and his preceptor, certain duties to him — as long as both are alive and ordained. This is in line with the fact that they are always to regard each other as father and son: The preceptor is to take a continuing interest in his pupil's welfare, and the pupil is to show his continuing gratitude for the initiation his preceptor has given him into the bhikkhu's life.

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Chapter 3

Disrobing

The first rule in the Pāṭimokkha opens with the statement that it — and, by extension, every other rule in the Pāṭimokkha — applies to all bhikkhus who have not disrobed by renouncing the training and returning to the lay life. Thus the Vibhaṅga begins its explanations by discussing what does and does not count as a valid act of disrobing. Because this is, in effect, the escape clause for all the rules, I am discussing it first as a separate chapter, for if a bhikkhu disrobes in an invalid manner, he still counts as a bhikkhu and is subject to the rules whether he realizes it or not. If he then were to break any of the pārājika rules, he would be disqualified from ever becoming a bhikkhu again in this lifetime.

To disrobe, a bhikkhu with firm intent states in the presence of a witness words to the effect that he is renouncing the training. The validity of the act depends on four factors:

- 1. The bhikkhu's state of mind.
- 2. His intention.
- 3. His statement.
- 4. The witness to his statement.

State of mind. The bhikkhu must be in his right mind. Any statement he makes while insane, delirious with pain, or possessed by spirits does not count.

Intention. He must seriously desire to leave the Community. If, without actually intending to disrobe, he makes any of the statements usually used for disrobing, it does not count as an act of disrobing. For example, if he makes the statement in jest or is telling someone else how to disrobe, the fact that he mentions the words does not mean that he has disrobed. Also, if he is forced against his will to make a statement of disrobing, or if he says one thing and means something else — e.g., he makes a slip of the tongue — that too does not count.

The statement. The Vibhaṅga lists a wide variety of statements that one may use to renounce the training, following two basic patterns. The first pattern follows the form, "I renounce *x*," where *x* may be replaced with the Buddha, the Dhamma, the Saṅgha, the training, the discipline (*vinaya*), the Pāṭimokkha, the celibate life, one's preceptor, one's teacher, one's fellow bhikkhus, or any equivalent terms. Variants on this pattern include such statements as, "I am tired of *x*," "What is *x* to me?" "*X* means nothing to me," or "I am well freed of *x*." The second pattern follows the form, "Consider me to be *y*," where *y* may be replaced with a householder, a lay follower, a novice, a member of another sect, an adherent of another sect, or any other equivalent term.

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The Vibhaṅga stipulates that the statement *not* be put in the conditional tense — or, in terms of English grammar, the subjunctive mood — ("Suppose I were to renounce the training"). Nor should it be expressed as a wish ("If only I were to renounce the training (§)"; "May I renounce the training (§)") or as a question ("Should I renounce the training?" (§ — reading *apāham* with the Burmese and PTS editions)). The Commentary further stipulates that the "x" statements must be in the *present* tense. Thus to say, "I have renounced the training," or "I will renounce the training," would not be a valid statement of disrobing.

The witness must be a human being in his or her right mind, and must understand what the bhikkhu says. This rules out the legendary practice of bhikkhus who disrobe by taking a Buddha image as their witness, or who disrobe in front of a Bodhi tree on the assumption that the tree deity counts.

These four factors cover all that is absolutely necessary for an act of disrobing to be valid. However, each of the different national traditions has developed a set of formal ceremonies to surround the act — such as making a final confession of all one's offenses and reciting the passage for reflection on one's past use of the four requisites — to give psychological weight to the occasion and to help minimize any remorse one might feel afterwards.

Because disrobing is a serious act with strong consequences for one's mental and spiritual well being, it should be done only after due consideration. Once a bhikkhu decides that he *does* want to disrobe, he would be wise to follow not only the stipulations given in the texts but also any additional customs observed in his particular Community, as a sign to himself and to others that he is acting seriously and with due respect for the religion, for the Community, and for himself.

Buddhist Monastic Code I
Chapter 4
Pārājika

Pārājika

This term, according to the Parivāra, derives from a verb meaning to lose or be defeated. A bhikkhu who commits any of the four following offenses has surrendered to his own mental defilements to such an extent that he defeats the purpose of his having become a bhikkhu in the first place. The irrevocable nature of this defeat is illustrated in the Vibhaṅga with a number of similes: "as a man with his head cut off... as a withered leaf freed from its stem... as a flat stone that has been broken in half cannot be put together again... as a palmyra tree cut off at the crown is incapable of further growth." A bhikkhu who commits any of these offenses severs himself irrevocably from the life of the Saṅgha and is no longer considered a bhikkhu.

1. Should any bhikkhu — participating in the training and livelihood of the bhikkhus, without having renounced the training, without having declared his weakness — engage in sexual intercourse, even with a female animal, he is defeated and no longer in affiliation.

As we noted in Chapter One, the first formulation of this rule followed on Ven. Sudinna's having had sex with one of his former wives. His motives, by worldly standards, were relatively noble: He was complying with his parents' desire that he provide them with an heir. However, in the incident leading to the second formulation of this rule — in which the Buddha added the phrase "even with a female animal" — the instigator's motives were considerably less so.

"Now at that time, a certain bhikkhu living in the Great Wood at Vesālī, having befriended a monkey with food (§), engaged in sexual intercourse with it. Then, dressing (§) early in the morning and carrying his bowl and outer robe, the bhikkhu went into Vesālī for alms. A number of bhikkhus wandering on a tour of the lodgings, went to the bhikkhu's dwelling. The monkey saw them coming from afar and, on seeing them, went up to them and wiggled its rear and wiggled its tail and offered its rear and made a sign (§). The thought occurred to the bhikkhus, 'Undoubtedly this bhikkhu is engaging in sexual intercourse with this monkey.' So they hid off to one side.

"Then the bhikkhu, having gone for alms in Vesālī, returned bringing almsfood. The monkey went up to him. The bhikkhu, having eaten a portion of the almsfood, gave a portion to the monkey. The monkey, having eaten the almsfood, offered its rear to the bhikkhu, and the bhikkhu engaged in sexual intercourse with it (§).

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"Then the bhikkhus said to the bhikkhu, 'Hasn't a training rule been formulated by the Blessed One? How can you engage in sexual intercourse with this monkey?'

"It's true, friends, that a training rule has been formulated by the Blessed One, but that's with regard to a human female, not to a female animal."

The full offense here is composed of four factors: effort, object, knowledge, and consent.

Effort. The term *sexual intercourse* refers to all kinds of sexual intercourse involving genitals (literally, the "urine path" (*passāva-magga*) — i.e., a woman's vagina or a man's penis); the anus (*vacca-magga*); or the mouth (*mukha*). The Vibhaṅga summarizes the various possible combinations of these orifices, and concludes that this rule covers all of them except for mouth-to-mouth penetration, which is treated under Derived Offenses, below — fulfill the factor of effort here. Unfortunately, the Vibhaṅga's summary is couched in technical terminology, using *magga* (path) to mean either the genitals or the anal orifice, and *amagga* (not-path) to mean the mouth. The Commentary, in discussing the summary, mistakenly classifies the mouth as a magga as well, and so has to invent a different meaning for amagga: a wound bordering on one of the three maggas. Because the Commentary's discussion of this point is based on a misunderstanding, there is no need to pursue it in further detail.

Sexual intercourse has been performed when, in any of the possible combinations covered by this rule, one organ enters the other even if just to "the extent of a sesame seed." This means that a bhikkhu engaging in genital, oral, or anal intercourse is subject to this rule regardless of which role he plays. The question of whether there is a covering, such as a condom, between the organs is irrelevant, as are the questions of whether the bhikkhu is actively or passively involved, and whether any of the parties involved reaches orgasm.

Object. The full penalty under this rule applies to any voluntary sexual intercourse with a human being, a "non-human" being (a *yakkha*, *nāga*, or *petā*), or a common animal, whether female, male, neuter, or hermaphrodite.

Performing sexual intercourse with a dead body — even a decapitated head — also entails the full penalty if the remains of the body are intact enough for the act to be accomplished.

In addition, the Vinita-vatthu lists two examples of "self-intercourse": A bhikkhu with a supple back takes his penis into his mouth, and a bhikkhu with an unusually long penis inserts it into his anus. Both cases carry the full penalty.

Knowledge & consent. For sexual intercourse to count as an offense, the bhikkhu must know that it is happening and give his consent. Thus if he is sexually assaulted while asleep or otherwise unconscious and remains oblivious to what is happening, he incurs no penalty. If, however, he becomes conscious during the assault or was conscious right from the start, then whether he incurs a penalty depends on whether he gives his consent during any part of the act.

Strangely enough, neither the Canon nor the Commentary discusses the factor of consent in any detail, except to mention by way of passing that it can apply to the stage of inserting, being fully inserted, staying in place, or pulling out. From the examples in the Vinita–vatthu, it would appear that consent refers to a *mental* state of acquiescence, together with its physical or verbal expression. Mere physical compliance does not count, as there are cases where bhikkhus forced into intercourse comply physically but without consenting mentally and so are absolved of any offense. However, there is also a case in which a woman invites a bhikkhu to engage in sexual intercourse, saying that she will do all the work while he can avoid an offense by doing nothing. The bhikkhu does as she tells him to, but when the case comes to the Buddha's attention, the Buddha imposes a pārājika on the act without even asking the bhikkhu whether he consented or not. The assumption is that complying with a request like this indicates consent, regardless of whether one makes any physical or verbal movement at all.

Taken together, these cases imply that if one is sexually assaulted, one is completely absolved from an offense only if (1) one does not give one's mental consent at any time during the act or (2) one does feel mental consent during at least part of the act but puts up a struggle so as not to express that consent physically or verbally in any way. (As the Commentary notes, drawing a general principle from the Vinita–vatthu to Pr 2, mere mental consent without physical expression is not enough to count as a factor of an offense, for there is no offense simply in the arising of a thought or mental state.) If one puts up no struggle and feels mental consent, even if only fleetingly during the stage of inserting, being fully inserted, staying in place, or pulling out, one incurs the full penalty. This would seem to be the basis for the Commentary's warning in its discussion of the Vinita–vatthu case in which a bhikkhu wakes up to find himself being sexually assaulted by a woman, gives her a kick, and sends her rolling. The warning: This is how a bhikkhu still subject to sensual lust should act if he wants to protect his state of mind.

The Vinita–vatthu contains a case in which a bhikkhu with "impaired faculties" — one who feels neither pleasure nor pain during intercourse — engages in intercourse under the assumption that his impairment exempts him from the rule. The case is brought to the Buddha, who states, "Whether this worthless man did or didn't feel [anything], it is a case involving defeat." From this ruling it can be argued that a bhikkhu indulging in intercourse as part of a tantric ritual incurs the full penalty even if he doesn't feel pleasure in the course of the act.

Derived offenses. Two thullaccaya offenses are directly related to this rule. The first is for mouth–to–mouth penetration — i.e., the act of inserting any part of one's mouth into the mouth of another person, or consenting to the insertion of another person's mouth in one's own — regardless of whether the other person is a man, a woman, or a common animal. When this act occurs under the influence of lust, as in an intense kiss, the thullaccaya here would be incurred in addition to whatever penalty is assigned for lustful bodily contact under Sg 2.

The second thullaccaya is for the unlikely case of a bhikkhu who attempts intercourse with the decomposed mouth, anus, or genitals of a corpse. To attempt

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intercourse with any other part of a dead body or with any part of an insentient object, such as an inflatable doll or mannequin, incurs a dukkaṭa. (If this led to an ejaculation, however, the case would be treated under Sg 1.)

The Vibhaṅga states that if a bhikkhu attempts intercourse with any part of a living being's body apart from the three orifices, the case falls under the saṅghādisesa rules — either Sg 1 for intentional ejaculation or Sg 2 for lustful bodily contact. As we shall see below, the penalties assigned in the latter case are as follows: if the partner is a woman, a saṅghādisesa; if a *paṇḍaka* (see Sg 2), a thullaccaya; if a man or a common animal, a dukkaṭa. We can infer from the Vibhaṅga's ruling here that if a bhikkhu has an orgasm while attempting intercourse with the decomposed mouth, anus, or genitals of a corpse, with any other part of a dead body, or with any part of an insentient object, the case would come under Sg 1.

The Commentary disagrees with the Vibhaṅga on these points, however, saying that the derived offenses under this rule can include only dukkaṭa and thullaccaya penalties. In its explanation of Sg 1, it sets forth a system of eleven types of lust in which the lust for the pleasure of bringing about an ejaculation, lust for the pleasure of bodily contact, and lust for the pleasure of intercourse are treated as completely separate things that must be treated under separate rules. Thus, it says, if a bhikkhu aiming at intercourse takes hold of a woman's body, it is simply a preliminary to intercourse and thus entails only a dukkaṭa, rather than a saṅghādisesa for lustful bodily contact. Similarly, if he has a premature ejaculation before beginning intercourse, there is no offense at all.

These are fine academic distinctions and are clearly motivated by a desire to draw neat lines between the rules, but they lead to practical problems. As the Commentary itself points out, if a bhikkhu commits an act that falls near the borderline between these rules but cannot later report precisely which type of lust he was feeling in the heat of the moment, there is no way his case can be judged and a penalty assigned. At any rate, though, there is no basis in the Canon for the Commentary's system, and in fact it contradicts not only the Vibhaṅga's ruling mentioned above, but also its definition of "lustful" under Sg 2, 3, & 4, which is exactly the same for all three rules and places no limits on the type of lust involved. All of this leads to the conclusion that the Commentary's neat system for classifying lust is invalid, and that the Vibhaṅga's judgment holds: If a bhikkhu attempts intercourse with any part of a living being's body apart from the three orifices, the case falls under the saṅghādisesa rules — either Sg 1 for intentional ejaculation or Sg 2 for lustful bodily contact — rather than here.

Blanket exemptions. In addition to bhikkhus who do not know they are being assaulted or do not give their consent when they do know, the Vibhaṅga states that there are four special categories of bhikkhus exempted from a penalty under this rule: any bhikkhu who is insane, possessed by spirits, delirious with pain, or the first offender(s) (in this case, Ven. Sudinna and the bhikkhu with the monkey) whose actions prompted the Buddha to formulate the rule. The Commentary defines as *insane* anyone who "goes about in an unseemly way, with deranged perceptions, having cast away all sense of shame and compunction, not knowing whether he has transgressed major or minor training rules." It recognizes this as a medical condition,

which it blames on the bile. As for spirit possession, it says that this can happen either when spirits frighten one or when, by distracting one with sensory images, they insert their hands into one's heart by way of one's mouth (!). Whatever the cause, it notes that insane and possessed bhikkhus are exempt from penalties they incur only when their perceptions are deranged ("when their mindfulness is entirely forgotten and they don't know what fire, gold, excrement, and sandalwood are") and not from any they incur during their lucid moments. As for a bhikkhu delirious with pain, he is exempt from penalties he incurs only during periods when the pain is so great that he does not know what he is doing.

These four categories are exempted from penalties under nearly all of the rules, although the first offender for each rule is exempted only for the one time he acted in such a way as to provoke the Buddha into formulating the rule. I will only rarely mention these categories again, and — except where expressly stated otherwise — the reader should bear them in mind as exempt in every case.

Lastly, the Vinita-vatthu to this rule includes an interesting case that formed the basis for an additional rule:

"At that time a certain bhikkhu had gone to the Gabled Hall in the Great Wood at Vesālī to pass the day and was sleeping, having left the door open. His various limbs were stiff with the 'wind forces' (i.e., he had an erection) (§). Now at that time a large company of women bearing garlands and scents came to the park, headed for the dwelling. Seeing the bhikkhu, they sat down on his male organ (§) and, having taken their pleasure and remarking, 'What a bull of a man, this one!' they picked up their garlands and scents, and left."

The bhikkhu incurred no penalty, but the Buddha gave formal permission to close the door when resting during the day. From this permission, the Commentary formulates a prohibition — that a bhikkhu incurs a dukkaṭa if he does *not* close the door when sleeping during the day — but if the Buddha had intended a prohibition, he surely would have stated the rule in that form himself. In other words, one may sleep during the day without being penalized for whether the door is open or not.

Summary: Voluntary sexual intercourse — genital, anal, or oral — with a human being, non-human being, or common animal is a pārājika offense.

2. Should any bhikkhu, in what is reckoned a theft, take what is not given from an inhabited area or from the wilderness — just as when, in the taking of what is not given, kings arresting the criminal would flog, imprison, or banish him, saying, "You are a robber, you are a fool, you are benighted, you are a thief" — a bhikkhu in the same way taking what is not given also is defeated and no longer in affiliation.

This rule against stealing is, in the working out of its details, the most complex in the Pāṭimokkha and requires the most explanation — not because stealing is a

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concept especially hard to understand, but because it can take so many forms. The Canon treats the issue in a case-by-case fashion that resists easy summary. To further complicate matters, the Commentary's discussion of this rule is extremely prolix and deviates frequently from the Canon's in both major and minor ways. Because the deviations are so numerous, we will focus solely on the major ones.

The Vibhaṅga defines the act of stealing in terms of four factors.

- *1) Object:* anything belonging to another human being or a group of human beings.
- *2) Perception:* One perceives the object as belonging to another human being or a group of human beings.
- *3) Intention:* One decides to steal it.
- *4) Effort:* One takes it.

Stealing under any circumstances is always an offense. However, the severity of the offense depends on another factor, which is —

- *5) The value of the object.*

Object. For an object to qualify as *what is not given* — the rule's term for anything that may be the object of a theft — it must belong to someone else: "not given, not forfeited, not abandoned/discarded; guarded, protected, claimed (§ — literally, 'viewed as "mine"'), possessed by someone else." In all of the Vibhaṅga's cases under this rule, that "someone else" is either an individual human being or a group of human beings. The question of property belonging to the Saṅgha logically fits here, but because the topic is fairly complex we will discuss it as a special case below.

Because items that have been given away or discarded do not fulfil the factor of object here, there is no offense for a bhikkhu who takes a discarded object — such as rags from a pile of refuse — or unclaimed items from a wilderness. The Commentary, in some of its examples, includes items given up for lost under "abandoned," but this interpretation has to be heavily qualified. If the owner retains a sense of ownership for the lost item, it would fall under the term *claimed*, and thus would still count as not given. Only if the owner abandons all sense of ownership would it genuinely count as abandoned.

The Vinita-vatthu mentions an interesting case in which the groundskeeper in an orchard permits bhikkhus to take fruit from the orchard, even though he was not authorized to do so. The bhikkhus committed no offense.

The Commentary adds that if people are guarding an object as the property of a location — for example, an offering to a Buddha image, cetiya, or other sacred place — the object would also qualify as "not given" under this rule. Although the Vibhaṅga mentions property of this sort under NP 30 and Pc 82, for some reason it

doesn't mention it here. Nevertheless, the Commentary's judgment on this point reflects a custom that had become widespread by its time, that of giving valuable items to a cetiya (this includes Buddha images) and dedicating them not to the Saṅgha but to the cetiya. Some medieval Indian Buddhist inscriptions express the idea that the cetiya or the Buddha relics (if any) within the cetiya actually own such objects, but the Commentary states that these objects have an owner simply in the sense that human beings are watching over them for the purpose of the cetiya. The jewels decorating the reliquary of the Sacred Tooth in Kandy or the offerings to the Emerald Buddha in Bangkok, for example, would fall under this category. According to the Commentary, the Saṅgha is duty-bound to care for such items but has no rights of ownership over them. In its discussion both of this rule and of Pv.XIX, it states that items given to the Saṅgha may be used for the purpose of the cetiya — for example, to contribute to its decoration or upkeep — but items given to the cetiya may not be used for the purpose of the Saṅgha.

From the Commentary's discussion of this type of ownership, it would appear that if there are no longer any human beings watching over a cetiya, the items donated to it would no longer count as having an owner and thus could be removed for safekeeping, preferably to another cetiya. Any bhikkhu who took such items for himself, however, would be risking the wrath of the devas who might be guarding the cetiya. This is why it is traditional in such cases to conduct a ceremony formally requesting the permission of any guardian devas, at the same time promising not to take such items for one's own use.

Items belonging to common animals or petas are not covered by this rule. On this point, see the discussion under Non-offenses, below.

Perception. For the act of taking what is not given to count as theft, one must also perceive the object as not given. Thus there is no offense if one takes an object, even if it is not given, if one sincerely believes that it is ownerless or thrown away. Similarly, if a bhikkhu takes an object mistaking it for his own or as belonging to a friend who has given him permission to take his things on trust, there is no offense even if the assumption about the trust proves to be a misperception. Also, a bhikkhu who takes things from the Community's common stores, on the assumption that he has the right to help himself, commits no offense even if the assumption proves false.

The Vinita-vatthu contains a case in which a bhikkhu, spotting some objects during the day, returns to steal them at night. However, instead of taking the objects he spotted, he ends up taking some possessions of his own. He earns a dukkaṭa for his efforts.

None of the texts discuss the possible case in which one might be in doubt as to whether the object in question is not given, perhaps because the compilers felt that the factor of intention, discussed next, would not apply in such cases. Thus it would not be an offense under this rule. However, the wise policy when one is in doubt about an item's ownership would be not to take the item for one's own, or at most to take it on loan, as explained below.

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Intention. The act of taking what is not given, even when one perceives it as not given, counts as theft only if one's intention is to steal it. Thus, as the non-offense clauses say, a bhikkhu incurs no offense if he takes an object temporarily or on trust. On these points, see the discussion under Non-offenses, below. Also, the Vinita-vatthu rules that a bhikkhu who, seeing an article left in a place where it might be damaged, puts it in safe keeping for the owner, commits no offense.

The Commentary discusses two cases of taking an item with a conditional intent (*parikappāvahāra*): placing a condition on the article, and placing a condition on the place. It illustrates the first case with the example of a bhikkhu entering a dark storeroom and taking a sack full of items, thinking, "If the sack contains cloth, I'll steal it; if it contains just thread, I won't." In this case, if the sack does indeed contain cloth, then it was stolen the moment the bhikkhu moved the sack from its place (see below). If it contains just thread, and he returns it to its place, he commits no offense. If, however, the bhikkhu takes the sack thinking, "I'll steal whatever is in the sack," the Commentary maintains that he is not guilty of stealing until he finds out what the sack contains and then picks it up again, but this case does not really fit under this category, as the bhikkhu has actually placed no condition on the article and so stole it when he first picked it up.

Placing a condition on the place means thinking, "If I can take this item past such-and-such a place (such as a gateway), I'll steal it; if anyone sees me beforehand, I'll pretend that I'm just looking at it and will return it to its place." Because one has not definitely decided to steal it when first picking it up, the theft is committed only when one takes the item past the determined place.

Effort. Assuming that all of the above conditions are met — the object belongs to someone else, one perceives it as belonging to someone else, and one intends to steal it — if one then takes it, that constitutes stealing. The question then arises as to precisely what acts constitute *taking*.

The Vibhaṅga, instead of giving a systematic answer to this question, provides a long list of possible situations and then defines how *taking* is defined in each case. Simply reading through the list can require some patience, and it's easy to sympathize with the bhikkhus in the past who had to memorize it. Here, to shorten the discussion, we will reverse its order, listing first the actions that qualify as taking and then the situations to which the actions apply. Actions requiring only minor clarification will be explained in the list: those requiring extended discussion will be explained below.

Moving the object from its place: objects buried in the ground; sitting on the ground; sitting on another object sitting on the ground; hanging from a place above ground, such as a peg or clothesline; floating, flying, or dropping in mid-air; sitting in a boat; sitting in a vehicle; an object that one has caused another person to drop; footless animals, animals that one might pick up or push from their place (according to the Commentary, this also covers larger footed animals that are lying down); objects that one has been asked to guard. The Vibhaṅga makes clear that items in a vehicle also count as *taken* when the vehicle is moved from its place.

"Cutting off" a fistful: objects inside a container. According to the Commentary, this means reaching into the container and grabbing, say, a fistful of coins in such a way that the coins in the fist do not touch any of the other coins in the container. In this case, the taking would be accomplished before the object was removed from the container.

Sticking a vessel into a pool of liquid or pile of objects and causing some of the pool or pile to enter the vessel: objects inside a container; water or any liquid, whether in a container or not. Again, the Commentary states that the objects or liquid in one's vessel must not touch the remaining objects or liquid outside the vessel. And, again, in the case of taking objects or liquid situated in a container in this way, the taking would be accomplished before the objects or liquid were removed from the container.

Removing entirely from the mouth of a container: objects too long or large to be taken from a container in a vessel or fistful.

Drinking liquid from a container: This would apply to drinking from the container without moving the container from its place. If the container is moved from its place, that would constitute the taking. As with the fistful, the Commentary argues that the liquid is taken only when the liquid ingested does not make contact with the liquid not ingested. This can be done either by swallowing, by closing one's lips, or by removing one's mouth from the container.

Moving the object from one part of one's body to another: an object that one is already carrying before deciding to steal it. The Vibhaṅga recognizes five body parts here: head, upper torso, hip, and each of the hands. The Commentary defines *head* as anything above the neck; *upper torso* as anything below the head down, on the torso, to the level of the sternum, and on the arm, to the elbow; *hip* as the remainder of the body below the upper torso; and *hand* as the arm from the elbow on down. The Commentary notes that this definition applies only to cases where the owners have not asked one to carry the article for them. Neither the Commentary nor the Sub-commentary explains this condition, but a possible reason might be that if they have asked a bhikkhu to carry the article for them, without their intending for him to give it to someone else, it would count as guarded by him or deposited with him for safe keeping, and thus would fall under another category. If, on the other hand, they asked him to carry the object to give to someone else and he decided to take it for himself, the case would come under Deceit, discussed below.

Dropping the object: an object one is already carrying before deciding to steal it.

Causing the object to move a hairbreadth upstream, downstream, or across a body of water: a boat or any similar vessel floating in water.

Breaking an embankment so that water flows out: water in a lake, canal, or reservoir.

Causing an animal to move all its feet: two-footed (this includes human beings, i.e., slaves), four-footed, many-footed animals. According to the Commentary, this applies whether one touches the animal or simply lures it or threatens it without

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touching it. If the animal is lying down, simply getting it to get up on its feet counts as taking it. In the case of helping a slave to escape from slavery, if the slave follows one's order or advice to escape, one is guilty of taking; but if one simply informs the slave of good ways to reach freedom or offers food or protection along the way, one incurs no offense.

Cutting down: plants growing in place, whether on dry land or in a body of water. The Commentary states that once the plant is cut totally through, then even though it doesn't yet fall down — as when a tree is entangled in the branches of neighboring trees — it is nevertheless taken.

Causing the owner to give up efforts (§) to regain possession: pieces of land (fields, orchards, building sites), buildings, objects deposited with a bhikkhu for safekeeping. (According to the Commentary, items loaned to a bhikkhu also fall into this category.) According to the Vibhaṅga, if a case of this sort goes to court, this type of taking is completed when the owner finally loses the case. The Vinaya-mukha adds that if the owner appeals the case after the first hearing, the taking is accomplished when the owner loses in the highest court to which he/she makes an appeal.

The discussion in the Commentary and Sub-commentary indicates that the two categories of "objects a bhikkhu has been asked to guard," and "objects deposited with a bhikkhu for safe keeping" differ in that in the latter case the object has been handed to the bhikkhu, whereas in the former it hasn't. This, however, does not fit with the Vibhaṅga, which in defining "deposited" uses the word *upanikkhitam*, which in NP 18 means "placed down next to." A way to distinguish the two categories more closely in line with the Vibhaṅga would be to say that, in the latter case, the object is in such a location that the owner, in order to retrieve it, would have to ask the bhikkhu's permission to do so, whereas in the former he/she wouldn't. For example, an item placed in the bhikkhu's hut or a monastery storeroom would count as deposited with the bhikkhu — regardless of whether it had been handed to him — whereas an item set by the side of a public road — with the bhikkhu simply asked to watch over it for a short period of time — would count as an object he has been asked to guard.

Shifting a boundary marker: pieces of land. The Vinaya-mukha notes that this contradicts the preceding definition of how one *takes* a piece of land, as the owner might not even know that the marker had been moved, and would not necessarily give up ownership even if he/she saw a bhikkhu moving it. The Sub-commentary tries to explain the discrepancy by maintaining that shifting a boundary marker fulfills the factor of effort here only if the act of shifting the marker, in and of itself, induces the owner to give up any efforts to reclaim the land, but that would make this category superfluous. A better explanation would be that this definition of taking applies to attempts to lay claim to Saṅgha land, for otherwise — if land can be stolen only when the owner abandons ownership — then Saṅgha land could not be stolen, because there is no one acting for the Saṅgha of the Four Directions who could renounce once and for all any efforts to reclaim the land.

Exchanging lottery tickets: See Swindling, below.

Taking a dutiable item through a customs area without paying duty: See Smuggling, below.

Of these various ways of taking, the Commentary devotes the most space to the first, "moving the object from its place." Its discussion is at odds with the Canon on many points, most notably in striking out the separate categories for taking large objects from a container (removing it entirely from the mouth of a container) and boats (causing them to move a hair-breadth upstream, downstream, or across a body of water), and simply subsuming them under this category. Although it may have regarded these separate categories as arbitrary, it introduces many arbitrary distinctions and inconsistencies of its own. Apparently its distinctions come from the ancient commentaries, for even Buddhaghosa expresses despair at trying to commit them all to writing. Here we will stick with the Canon's scheme for defining the act of taking, and focus on the parts of the Commentary's discussion that accord with the Canon. As for those that deviate from the Canon, only important deviations will be noted.

In general, the Commentary defines an object's place in terms of the directions in which it can be moved: up, down (as when an object sitting on sand can be pushed down into the sand), left, right, forward (toward the person taking it), and away. With reference to the last five of these actions, the place of the object is defined in three-dimensional terms: the space it occupies. Thus to take an object in any of these directions, one must push or pull it entirely outside of the coordinates of the space it initially occupied. However, with reference to lifting the object up, the place is defined in two-dimensional terms: the area of contact between the object and its support, whether that support is another object or the ground. Thus to take an object by lifting it, one only need lift it a hairbreadth from its support.

For example, a television set on a shelf is taken either when it is slid left along the shelf to the point where its right side is just left of where the left side used to be, or slid right to the point where its left side is just right of where the right side used to be, or lifted a hairbreadth off the shelf.

Because objects in the air have no support, the Commentary defines their space in three-dimensional terms no matter which direction they are moved. For instance, if one catches a piece of cloth being blown by the wind, its place is the three-dimensional space it occupies at the moment one catches it. If one stops a flying peacock without touching it, its place is the three-dimensional space it occupies at the moment it stops to hover. In either case, the object is taken when displaced any direction outside the coordinates of that space. In the case of the cloth, this could be done simply by dropping it. In the case of the peacock, it could be done by waving one's hands and getting it to fly in the desired direction. If the peacock happens to land on one's arm, it is taken when one moves it to another part of one's body or puts it down.

For animals swimming in water, it would make sense to define place in the same terms as birds flying in the air, but the Commentary insists that the entire body of water in which they are kept constitutes their place.

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Objects on a living person — such as a bracelet on the person's arm — have the person's body as their place. Thus if, in trying to remove the bracelet, one pulls it up and down the arm, it is not yet taken. It is taken only when one removes it entirely from the hand. If one is stealing the person's clothes, they are taken only when removed from his/her body. If the person, stripped of the clothes, is still holding onto them, they are taken only when pulled from his/her hand.

For some objects, the Commentary defines *place* in terms that seem rather arbitrary. For instance, a robe on a line is taken when it is lifted a hairbreadth off the line, but for some reason if it is moved along the line it is not taken until it is ten or twelve fingerbreadths away from the area it originally occupied on the line. An object leaning against a wall has two places: the spot where it sits on the ground and the spot it touches on the wall. A vehicle's place is defined two-dimensionally: the spots where its wheels touch the ground (perhaps this is defined on analogy with the feet of an animal). An object tied to a post has that connection as an extra part of its place. Thus a pot tied by a chain to a post is not taken until it is removed from the area it occupied under the general definition above *and* either the chain is cut or the post pulled up. Although there is a certain logic to each of these cases, the added distinctions seem unnecessary complications added to an already complicated issue. For simplicity's sake there would seem every reason to stick with the general definition of place even in these special cases, although there is nothing in the Vibhaṅga to prove or disprove the Commentary here.

However, as noted above, several of the Commentary's definitions of *place* clearly contradict the Vibhaṅga. In some cases, the contradiction is simple, as when the Commentary insists that an animal kept in an enclosure — a cow in a pen, a peacock in a garden — is taken not when its feet are moved, but only when removed from the enclosure. In other cases, the contradiction is more complex, in that the Commentary tries to define *taking* as "moving the object from its place" in cases where the Vibhaṅga defines the act of taking in other terms. For example, with an object sitting in the bottom of a container, it says that the object is taken when lifted a hairbreadth from the bottom, there being no need to remove the object from the container before it is considered taken. In the case of a boat, the Commentary defines the place of the boat in modified three-dimensional terms: the entire space where the boat displaces water. To take it by pushing it down in the water, the top of the boat has to sink lower than the level where the keel originally was; to take it by lifting it up, one need only lift it a hairbreadth above the water, there being no need to lift the keel to a point higher than where the highest point of the boat was. However, because the Vibhaṅga does not define the taking of boats or objects in containers in terms of "moving the object from its place," the Commentary's analysis of these possibilities is beside the point.

Other special cases in the Vibhaṅga include the following:

a. Swindling: Objects are being distributed by lot to the Community, and a bhikkhu takes the portion rightfully going to another bhikkhu. The Vibhaṅga offers no further explanation, but the Commentary states that the taking can be accomplished in various ways. If, after the drawing of the tickets, X puts his ticket in the place of Y's ticket before picking up Y's, the taking is accomplished when he picks up Y's. If he

picks up Y's before putting his own ticket in its place, the taking is accomplished when he lets go of his own. If both tickets don't appear (they've been concealed?) and X gets Y to take X's portion, the taking is accomplished when he then picks up Y's portion. The underlying assumption in all this is that Y's portion belongs to him as soon as he has drawn the ticket for it. The Commentary adds that this exchange counts as theft regardless of whether X's portion is worth more than Y's, less than Y's, or the two portions are of equal value.

The Commentary to Mv.I.62 adds that if a bhikkhu claims higher seniority than is actually his in order to obtain better donations, he should be treated under this rule when, through this ruse, he obtains donations that should have gone to another bhikkhu. However, this type of action would appear to fall under Deceit, discussed below.

b. Smuggling: A bhikkhu carrying items subject to an import duty hides them as he goes through customs. The taking is accomplished when the item leaves the customs area. The Vibhaṅga calculates the value of the object here, for the purpose of determining the seriousness of the offense, by the duty owed on it, and not its actual selling price.

The Vinita-vatthu states that there is no penalty if the bhikkhu goes through customs not knowing that he has an item subject to import duties among his effects. The Commentary adds that if a bhikkhu informs the customs official that he has an item subject to customs duty and yet the official decides not to collect the duty, the bhikkhu incurs no penalty. It also states that if a bhikkhu goes through customs with a conditional intent — "If they ask to see my belongings, I'll pay the fee, but if they wave me through I won't" — then if the officials do wave him through without asking to see his belongings, he incurs no offense. At present, when people entering a country are asked to choose different passageways through a customs area, marked "Goods to declare" and "Nothing to declare," a bhikkhu with goods to declare who enters the "Nothing to declare" passageway cannot take advantage of this allowance for conditional intent, as he has already indicated an unconditional intent through his choice of a passageway.

The Vibhaṅga states that if, to avoid paying an import duty at a frontier, one crosses the frontier in such a way as to evade the customs area (§), one incurs only a dukkaṭa. At present, the civil law judges this sort of behavior as more reprehensible than slipping an item through customs, but from the point of view of the Vinaya the lesser penalty still holds. The Commentary says that this allowance applies only in cases when one evades the customs area by a distance of more than two leḍḍupātas — approximately 36 meters. (A *leḍḍupāta* is a unit of measure that appears frequently in the Canon and is defined as the distance a man of average stature can throw a clod of dirt underarm.)

The Vibhaṅga's position here is important to understand, for it has implications concerning the extent to which the evasion of other government fees and taxes would fall under this rule. The underlying assumption here seems to be that a dutiable item carried into a customs area is impounded by the king (or government). The payment of the duty is thus an act of recovering full ownership of the item. An

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item carried across the frontier without entering the customs area would not count as impounded, even though the king would probably claim the right to impound or even confiscate it if his agents apprehended the smuggler. Translated into modern terms, this would indicate that the evasion of other taxes claimed by the government — such as inheritance taxes — would incur the full penalty here only if the item being taxed was impounded on government property, and one evaded the tax by taking the item out of impoundment without paying the required fee. Otherwise, the penalty for tax evasion would be a dukkaṭa.

None of the texts discuss the question of contraband, i.e., articles that a customs official would confiscate outright rather than allow into a country after the payment of a fee. Apparently, such goods smuggled through a customs house would fall into this category, although — as even the payment of a fee would not legally get them through customs — their selling value would be the determining factor in calculating the seriousness of the offense.

c. Malfeasance: The Vinita-vatthu includes an unusual case in which a wealthy man with two heirs — a son and a nephew — tells Ven. Ajjuka, "When I am gone, show the place (where my treasure is buried) (§) to whichever of my heirs has the greater faith." After the man's death, Ven. Ajjuka sees that the nephew has the greater faith and so shows the place of the treasure to him. The nephew awards the Saṅgha with a large donation; the son accuses Ven. Ajjuka of having wrongfully deprived him of his rightful inheritance. On hearing this, Ven. Ānanda first accuses Ven. Ajjuka of a pārājika, but when the wealthy man's wishes are revealed, Ven. Upāli convinces Ven. Ānanda that Ven. Ajjuka committed no offense.

None of the texts discuss the details of this case, which seems to have postdated the Buddha's parinibbāna. The apparent assumption underlying the ruling is that when X dies, the inheritance he leaves to Y belongs to Y from the moment of X's death. Otherwise, the items in question would be ownerless until apportioned out among the heirs, and thus would not fulfill the factor of object under this rule. Also, the taking in this case would be accomplished in line with the Vibhaṅga's standard definition for *taking* with regard to the objects involved — and not necessarily when the cheated heir gives up trying to reclaim the inheritance — for in Ven. Ajjuka's case Ven. Ānanda was ready to impose a pārājika even though the son had not abandoned his claim.

d. Destruction of property: The Vibhaṅga states that if a bhikkhu breaks, scatters, burns, or otherwise renders unusable the property of another person, he incurs a dukkaṭa. Thus the simple destruction of property does not fulfill the factor of effort under this rule. The Vinita-vatthu contains a case in which a bhikkhu intends to steal some grass belonging to the Community but ends up setting fire to it instead, thus incurring a dukkaṭa. The Commentary notes that this ruling applies only because the bhikkhu did not move the grass from its place. What this means is that if he had first taken the grass from its place and then destroyed it in any way, the factor of effort under this rule would have been fulfilled and — all other factors of a pārājika offense being present — he would have been guilty of the full offense.

Special cases cited in the Commentary include the following:

a. False dealing: A bhikkhu makes counterfeit money or uses counterfeit weights. The taking is accomplished when the counterfeit is accepted. This case, however, would seem to fall under the category of Deceit (see below), in that the counterfeit is a form of a lie. If the owner of an object accepts the counterfeit and hands over an object in return, the object cannot be described as stolen. However, the object obtained in trade in this way would have to be forfeited under NP 20, and the Community, if it felt so inclined, could impose a disciplinary transaction on the offender (see BMC2, Chapter 20).

b. Robbery: Using threats, a bhikkhu compels the owner of an object to give it to him. The taking is accomplished when the owner complies. This would not count as giving because the owner is not giving the item willingly.

c. Concealing: A bhikkhu finds an object left on the ground and, to deceive the owner, covers it with dirt or leaves with the intent of stealing it later. If the owner, after searching for the item, temporarily abandons the search and the bhikkhu then picks it up, it is stolen when removed from its base. If the owner, deciding that the item is lost, abandons it for good before the bhikkhu picks it up, the Commentary says that the bhikkhu is not guilty of theft but owes the owner compensation. We have discussed the topic of lost items above, under Object, and will discuss the topic of compensation below.

The value of the object. As stated above, any case of stealing counts as an offense, but the gravity of the offense is determined by the value of the object. This is the point of the phrase in the rule reading, "just as when there is the taking of what is not given, kings... would banish him, saying... 'You are a thief.'" In other words, for a theft to entail a pārājika it must be a criminal case, which in the time of the Buddha meant that the goods involved were worth at least five *māsakas*, a unit of money used at the time. Goods valued collectively at more than one *māsaka* but less than five are grounds for a *thullaccaya*; goods valued collectively at one *māsaka* or less, grounds for a *dukkaṭa*. As the Commentary notes, the value of the articles is determined by the price they would have fetched at the time and place of the theft. As stated above, in the case of smuggling the *Vibhaṅga* measures the value of the object, for the purpose of this rule, as the duty owed on it, not the value of the object itself.

This leaves us with the question of how a *māsaka* would translate into current monetary rates. No one can answer this question with any certainty, for the oldest attempt to peg the *māsaka* to the gold standard dates from the V/Sub-commentary, which sets one *māsaka* as equal to 4 rice grains' weight of gold. At this rate, the theft of an item worth 20 rice grains' (1/24 troy ounce) weight of gold or more would be a pārājika offense.

One objection to this method of calculation is that some of the items mentioned in the *Vinita-vatthu* as grounds for a pārājika when stolen — e.g., a pillow, a bundle of laundry, a raft, a handful of rice during a famine — would seem to be worth much less than 1/24 troy ounce of gold. However, we must remember that many items regarded as commonplace now may have been viewed as expensive luxuries at the time.

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In addition, there is one very good reason for adopting the standard set by the V/Sub-commentary: It sets a high value for the least article whose theft would result in a pārājika. Thus when a bhikkhu steals an item worth 1/24 troy ounce of gold or more, there can be no doubt that he has committed the full offense. When the item is of lesser value, there will be inescapable doubt — and when there is any doubt concerning a pārājika, the tradition of the Vinaya consistently gives the bhikkhu the benefit of the doubt: He is not expelled. A basic principle operating throughout the texts is that it is better to risk letting an offender go unpunished than to risk punishing an innocent bhikkhu.

There is a second advantage to the V/Sub-commentary's method of calculation: its precision and clarity. Some people have recommended adopting the standard expressed in the rule itself — that if the theft would result in flogging, imprisonment, or banishment by the authorities in that time and at that place, then the theft would constitute a pārājika — but this standard creates more problems than it would solve. In most countries the sentence is largely at the discretion of the judge or magistrate, and the factor of value is only one among many taken into account when determining the penalty. This opens a whole Pandora's box of issues, many of which have nothing to do with the bhikkhu or the object he has taken — the judge's mood, his social philosophy, his religious background, and so forth — issues that the Buddha never allowed to enter into the consideration of how to determine the penalty for a theft.

Thus the V/Sub-commentary's method of calculation has the benefits that it is a quick and easy method for determining the boundaries between the different levels of offense in any modern currency; it involves no factors extraneous to the tradition of the Vinaya, and — as noted above — it draws the line at a value above which there can be no doubt that the penalty is a pārājika.

The Commentary, arguing from two cases in the Vinita-vatthu, states that if a bhikkhu steals several items on different occasions, the values of the different items are added together to determine the severity of the offense *only if they were stolen as part of a single plan or intention*. If they are stolen as a result of separate intentions, each act of stealing is treated as a separate offense whose severity depends on the value of the individual item(s) stolen in that act. This point is best explained with examples:

In one of the Vinita-vatthu cases, a bhikkhu steals ghee from a jar "little by little." This, according to the Commentary, means that first he decides to steal a spoonful of ghee from a jar. After swallowing the spoonful, he decides to steal one more. After that he decides to steal another, and so on until he has finished the jar. Because each spoonful was stolen as a consequence of a separate plan or intention, he incurs several dukkaṭas, each for the theft of one spoonful of ghee.

If, however, he decides at one point to steal enough lumber to build himself a hut and then steals a plank from here and a rafter from there, taking lumber over many days at different places from various owners, he commits one offense in accordance with the total value of all the lumber stolen, inasmuch as he took all the pieces of wood as a consequence of one prior plan.

Derived offenses. In addition to the lesser offenses related to the value of the object, the Vibhaṅga also lists lesser offenses related to two factors of the full offense under this rule: effort and perception.

With regard to effort, the Vibhaṅga states that the derived offenses begin when one walks toward the object with the intent of stealing it, with each separate act — and in the case of walking toward the object, each step — incurring a dukkaṭa, up to a point just prior to the actual stealing where the offenses turn into thullaccayas. Where this point occurs depends on the act constituting the actual taking, as follows:

Moving the object from its place: all steps up through touching the object: dukkaṭas. Making the object budge without fully moving it from its place: a thullaccaya.

"Cutting off" a fistful: all steps up through touching the object: dukkaṭas. Making the object budge without fully cutting off a fistful: a thullaccaya.

Sticking a vessel into a pool of liquid or pile of objects and causing some of the pool or pile to enter the vessel: all steps up through touching the pool or pile: dukkaṭas. Making the pool or pile budge without fully getting five māsakas worth separated from the pool or pile and inside the vessel: a thullaccaya.

Removing entirely from the mouth of a container: all steps up through touching the object: dukkaṭas. Lifting the object: a thullaccaya. Bringing it up to the level of the mouth of the container: another thullaccaya.

Drinking liquid from a container: all steps up through drinking one māśaka worth of liquid as part of one prior plan (§): dukkaṭas. Drinking between one and five māśakas' worth of liquid: a thullaccaya.

Moving the object from one part of one's body to another or dropping it: all steps up through touching the object with the intent to move it or drop it: dukkaṭas. Moving it but not to the point of putting it on another part of the body or dropping it: a thullaccaya.

Causing a boat to move a hair-breadth upstream, downstream, or across a body of water: all steps up through loosening the moorings and/or touching it: dukkaṭas. Making the boat rock without causing it to move a hair-breadth upstream, downstream, or across a body of water: a thullaccaya.

Breaking an embankment so that water flows out: all steps up through breaking the embankment and letting up to one māśaka's worth of water flow out: dukkaṭas. Letting between one and five māśakas' worth of water flow out: a thullaccaya.

Causing an animal to move all its feet: all steps up through touching the animal: dukkaṭas. Getting it to move any of its feet prior to its moving its last foot: a thullaccaya for each step.

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Cutting down: all steps prior to the next to the last chop needed to cut the plant through: dukkaṭas. The next to the last chop: a thullaccaya.

Causing the owner to give up efforts (§) to regain possession of objects handed to one for safe keeping: all steps up through telling the owner, "I didn't receive (§) it": dukkaṭas. Inducing doubt in the owner's mind as to whether he/she will get the object back: a thullaccaya. If the case goes to court and the bhikkhu loses, he incurs another thullaccaya.

Causing the owner to give up efforts (§) to regain possession of land: all steps up to laying claim to the land: dukkaṭas. Inducing doubt in the owner's mind as to whether he/she will lose the land: a thullaccaya. Again, if the case goes to court and the bhikkhu loses, he incurs another thullaccaya.

Shifting a boundary marker: all steps up through removing the boundary marker from its original place: dukkaṭas. Any steps between that and putting the boundary marker in a new place: thullaccayas.

Taking a dutiable item through a customs area without paying duty: all steps up through touching the object with the intent of taking it out of the customs area: dukkaṭas. Making the object move without fully moving it from the customs area: a thullaccaya.

The commentaries state that when a heavier penalty is incurred in offenses of this sort, only that penalty is counted, and the preceding lighter ones are nullified. They derive this principle from a passage in the Vibhaṅga to Sg 10–13 and, using the Great Standards, apply it to all the rules. Thus, for example, if a bhikkhu trying to steal a book simply touches it, he incurs a string of dukkaṭas for each step in walking up to the book and taking hold of it. If he nudges the book slightly but not so much as to move it completely from its place, the dukkaṭas are nullified and replaced with a thullaccaya. If he actually takes the book, that nullifies the thullaccaya and replaces it with a pārājika.

There is some question, though, as to whether the compilers of the Canon intended the passage under Sg 10–13 to be taken as a general principle. They don't mention it under any of the other saṅghādisesa rules or in the otherwise parallel passage in the Vibhaṅga to Pc 68. Thus, the principle seems intended only for those four rules. To be on the strict side, it seems best to say that, unless otherwise noted, a bhikkhu who completes an act must make amends for all the offenses incurred in leading up to it. Under the pārājika rules this is a moot point, for once the pārājika is committed the offender is no longer a bhikkhu. But under the lesser rules this principle is still relevant.

As for the derived offenses related to the factor of perception, these deal with the situation in which an article does not qualify as not given under this rule — e.g., it has no owner, or the owner has given it up or thrown it away — and yet the bhikkhu perceives it as not given. If he takes it with intent to steal, he incurs a dukkaṭa for each of the three stages of effort. In the case of an object that can be stolen by moving it from its place, these would be: touching the object, making it budge,

moving it from its place. A similar set of offenses would apply in the stages appropriate for taking any of the other types of objects listed above.

Accomplices. A bhikkhu can commit an offense not only if he himself steals an object, but also if he incites another to steal. The offenses involved in the acts leading up to the theft are as follows:

If a bhikkhu tells an accomplice to take an object that would be grounds for a pārājika, he incurs a dukkaṭa. When the accomplice agrees to do so, the instigator incurs a thullaccaya. Once the accomplice succeeds in taking the object as instructed — regardless of whether he gets away with it, and of whether he shares it with the instigator — the instigator incurs a pārājika. If the accomplice is a bhikkhu, he too incurs a pārājika. If the object would be grounds for a thullaccaya or a dukkaṭa, the only penalties incurred prior to the actual theft would be dukkaṭas.

The Commentary insists that if the accomplice is sure to take the item, the bhikkhu incurs a pārājika as soon as the accomplice agrees to take it. However, as the Vinaya-mukha notes, this contradicts the Canon, and there is no way to measure whether a proposed theft is a sure thing or not.

If there is any confusion in carrying out the instructions — e.g., if the accomplice, instead of taking the object specified by the instigator, takes something else instead; or if he is told to take it in the afternoon but instead takes it in the morning — the instigator incurs only the penalties for proposing the theft and persuading the accomplice, and not the penalty for the theft itself. The same holds true if the instigator rescinds his order before the theft takes place, but the accomplice goes ahead and takes the object anyway.

According to the Vibhaṅga, an instigator who wishes to call off the theft before it is carried out but who for one reason or another cannot get his message to the accomplice in time, incurs the full penalty for the completed theft.

The Commentary also adds that the factor of the thief's perception does not affect the penalties. In other words, if Bhikkhu A tells Bhikkhu B to steal object X, and B takes Y, thinking it to be X, A is absolved of any responsibility for the theft. Conversely, if B takes X, thinking it to be Y, A is guilty of the theft.

The Vibhaṅga also notes that if an instigator tells his accomplice to take an item when he (the instigator) makes a sign — such as winking (§) his eye, lifting his eyebrow, or lifting his head — he incurs a dukkaṭa in making this order, a thullaccaya if the accomplice agrees to do as told, and the full offense when the accomplice actually takes the item at the time of the sign. If the accomplice takes the item before or after the sign, though, the instigator incurs no offense. The Sub-commentary, noting that the signs mentioned in the Vibhaṅga are so fleeting that it would be impossible to take the item at the very moment of the sign, interprets this last statement as follows: If the accomplice starts trying to take the item right after the sign, then regardless of how much time that takes, it counts as "at the time of the sign." Only if he makes an appreciable delay before attempting the theft does it count as "after the sign."

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We can extrapolate from this discussion and say that any physical gesture that, from the context of events, is intended and understood as an order to take an item, would count under the factor of effort here. This extrapolation will be useful when treating the unauthorized use of credit cards, below.

The Vibhaṅga states that if there is a chain of command involving two or more bhikkhus (not counting the instigator) — for example, Bhikkhu A telling Bhikkhu B to tell Bhikkhu C to tell Bhikkhu D to commit the theft — then when D agrees to commit the theft, the instigator incurs a thullaccaya. Once D takes the object as instructed, all four incur the penalty coming from the theft. If there is any confusion in the chain of command — e.g., Bhikkhu B instead of telling C tells D directly — neither A nor C incurs the penalty for the theft itself. Bhikkhu A would incur a dukkaṭa for telling B, whereas C would incur no penalty at all.

The Commentary notes that the instigator in any of these cases incurs the penalty only if he gives an explicit command to take the item (although this statement has to be qualified to include signs meant as commands, as mentioned above). If he simply tells his accomplice that such-and-such an item is located in such-and-such a place and would be easy to steal, he incurs no penalty even if the accomplice actually commits the theft. This point applies to many of the rules in which giving a command to do an action that would break the rule would also fulfil the factor of effort: A statement counts as a command only if it is a clear imperative to do the action. Under the few rules where this is *not* the case, we will note the exception.

None of the texts mention the scenario in which Bhikkhu A tells Bhikkhu B to take an item for him without letting B know that he is committing a theft — for instance, telling B that the item belongs to him (A), that it is ownerless, or letting B come to either conclusion on his own. Nevertheless, it would appear that if B then actually takes the item as told, all of the factors for an offense would be fulfilled for A: He gives the command to take (the imperative the Vibhaṅga uses in illustrating commands to "steal" — *avahara* — can also simply mean to "take"), he knows that the item belongs to someone else, he intends to have it taken, and it is taken as a result of his command. As for B, he would not be committing an offense, as his state of mind would not fulfil the factors of perception and intention for a theft.

Cases of this sort would not fall under Deceit, discussed below, because that category covers only cases where one deceives the owner of the item, or his agent, into giving the item, and thus technically the item counts as given. Here the item is not given, for the person deceived into taking it is not responsible for it at all.

As with the extrapolation from the discussion of signs, this application of the Great Standards will also be useful when we discuss unauthorized use of credit cards, below. It will also prove useful in our discussion of the following rule.

Shared responsibility. If bhikkhus go in a group to commit a theft but only one of them does the actual taking, all still incur the penalty coming from the theft. Similarly, if they steal valuables worth collectively more than five māśakas but which when divided among them yield shares worth less than five māśakas each, all incur

a pārājika. According to the Commentary, any bhikkhus who assist a bhikkhu in a fraudulent case also incur the same offense he does: a pārājika if he wins, a thullaccaya if he loses. This judgment, however, must be qualified by noting that the assistant incurs these penalties only if he perceives the case to be fraudulent.

Special cases. As mentioned above, the notion of stealing covers a wide range of actions. To delineate this range, the texts discuss a variety of actions that border on stealing, some of them coming under this rule, some of them not.

Belongings of the Saṅgha. According to the Commentary to NP 30, an item belongs to the Saṅgha when donors, intending for it to be Saṅgha property, offer it to one or more bhikkhus representing the Saṅgha, and those bhikkhus receive it, although not necessarily into their hands. Saṅgha property thus counts as "what is not given" as far as individual bhikkhus are concerned, for it has an owner — the Saṅgha of all times and places — and is guarded by the individual Community of bhikkhus.

Saṅgha property is divided into two sorts: light/inexpensive (*lahu-bhaṇḍa*) and heavy/expensive (*garu-bhaṇḍa*). Light property includes such things as robes, bowls, medicine, and food; heavy property, such things as monastery land, buildings, and furnishings (see BMC2, Chapter 7). The Buddha gave permission for individual Communities to appoint officials to be responsible for the proper use of Saṅgha property. The officials responsible for light property are to distribute it among the members of the Community, following set procedures to ensure that the distribution is fair (see BMC2, Chapter 18). Once an individual member has received such property, he may regard it as his own and use it as he sees fit.

In the case of heavy property, though, the officials are responsible for seeing that it is allotted for proper use in the Community, *but the individual bhikkhus allowed to use it may not regard it as their own personal property*. This is an important point. At most, such items may be taken on loan or exchanged — with the approval of the Community — for other heavy property of equal value. A bhikkhu who gives such items away to anyone — ordained or not — perceiving it as his to give, incurs a thullaccaya no matter what the value of the object (Cv.VI.15.2 — see BMC2, Chapter 7). Of course, if he knows that it is not his to give or take, then in appropriating it as his own he incurs the penalty for stealing.

The Buddha was highly critical of any bhikkhu who gives away heavy property of the Saṅgha. In the origin story to Pr 4, he cites the case of a bhikkhu who, hoping to find favor with a lay person, gives that person some of the Saṅgha's heavy property. Such a bhikkhu, he says, is one of the five great thieves of the world.

However, the Vinita-vatthu includes a case where bhikkhus visiting a monastery arrange for a lay person to pick and give them some of the fruit growing in the monastery. The Buddha, in judging the case, states that they committed no offense as they were taking the fruit just for their own consumption. This implies that if they were to take the fruit for other purposes — to have it sold, for instance — they would be guilty of an offense. The Commentary adds that visiting bhikkhus have this right only if the resident bhikkhus are not caring for the fruit trees, if the trees had not been donated to provide funds for a particular purpose in the monastery, or if

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the resident bhikkhus eat from the trees as if they alone were the owners and are not willing to share. In other words, the visiting bhikkhus, as a matter of courtesy, should ask the residents first. If the residents share, one may take what they offer. If they don't, and the trees are not dedicated to another purpose, one may take just enough for one's own consumption. The Commentary also adds that if the monastery is vacant, one may go ahead and take the fruit, for it is meant for all bhikkhus who come.

The Vinita-vatthu also notes that a bhikkhu who takes heavy property of the Saṅgha donated for use in a particular monastery and uses it elsewhere incurs a dukkaṭa. If he takes it on loan, he commits no offense.

Deceit. If a bhikkhu uses a deliberate lie to deceive another person into giving an item to him, the transgression is treated not as a case of stealing — because, after all, the item is given to him — but rather as a case of lying. If the lie involves making false claims to superior meditative attainments, it is treated under Pr 4. If not, it is treated under Pc 1. The Vinita-vatthu gives seven examples: five cases where, during a distribution of requisites in the Community, a bhikkhu asks for and is given an extra portion for a non-existent bhikkhu; and two where a bhikkhunī approaches her teacher's lay supporter and asks for medicines, saying that they will be for her teacher, although she actually ends up using them herself. In all of these cases, the penalty is a pācittiya for lying under Pc 1.

The Commentary, in its discussion of the bhikkhus taking an extra portion for a non-existent bhikkhu, insists that the penalty for lying applies only to cases where donors have already given the requisites to the Community. If, prior to their giving the requisites to the Community, a bhikkhu asks them directly for a portion for a non-existent bhikkhu, the Commentary says that he has committed a theft under this rule. This, however, contradicts the ruling in the two cases involving the bhikkhunī, who asks directly from the donor. Thus it would appear that in any case where a bhikkhu obtains an article from a donor through deceit, the penalty would be the pācittiya for lying.

The question arises, what about a bhikkhu who, given an item to take to someone else, originally plans to take it to the intended recipient but later changes his mind? It does not seem right to impose a heavier penalty on him than on a person who uses deceit to get the item to begin with, so it seems best to impose on him the dukkaṭa for a broken promise (Mv.III.14.1–14 — see the discussion under Pc 1). For the principles surrounding the courier's right to take an item on trust in the donor or the recipient, see the discussion of trust under the non-offense clauses.

Receiving stolen goods. Accepting a gift of goods or purchasing them very cheaply, knowing that they were stolen, would in Western criminal law result in a penalty similar to stealing itself. However, neither the Canon nor the commentaries mention this case. The closest they come is in the Vinita-vatthu, where a groundskeeper gives bhikkhus fruit from the orchard under his care, even though it was not his to give, and there was no offense for the bhikkhus. From this it can be inferred that there is no offense for receiving stolen goods, even knowingly, although a bhikkhu who does so would not be exempt from the civil law and the consequent

proceedings, in the course of which the Community would probably urge him to disrobe.

Compensation owed. The Commentary introduces the concept of *bhaṇḍadeyya*, or compensation owed, to cover cases where a bhikkhu is responsible for the loss or destruction of another person's property. It defines this concept by saying that the bhikkhu must pay the price of the object to the owner or give the owner another object of equal value to the one lost or destroyed; if the owner gives up his/her efforts to receive compensation, the bhikkhu incurs a pārājika. The Commentary applies this concept not only to cases where the bhikkhu knowingly and intentionally destroys the object, but also to cases where he borrows or agrees to look after something that then gets lost, stolen, or destroyed through his negligence; or where he takes an item mistakenly thinking that it was discarded or that he was in a position to take it on trust.

To cite a few examples: A bhikkhu breaks another person's jar of oil or places excrement in the oil to spoil it. A bhikkhu charged with guarding the Community storeroom lets a group of other bhikkhus into the storeroom to fetch belongings they have left there; they forget to close the door and, before he remembers to check it, thieves slip in to steal things. A group of thieves steal a bundle of mangoes but, being chased by the owners, drop it and run; a bhikkhu sees the mangoes, thinks that they have been thrown away, and so eats them after getting someone to present them to him. A bhikkhu sees a wild boar caught in a trap and, out of compassion, sets it free but cannot reconcile the owner of the trap to what he has done. In each of these cases, the Commentary says, the bhikkhu in question owes compensation to the owner of the goods. (In the case of the mangoes, he must compensate not only the owners but also the thieves if it turns out that they had planned to come back and fetch the fruit.) If he abandons his responsibility to the owner(s), he incurs a pārājika.

In making these judgments, the Commentary is probably following the civil law of its day, for the Canon contains no reference at all to the concept of *bhaṇḍadeyya*, and some of its judgments contradict the Commentary's. As we noted above, the *Vibhaṅga* states that if a bhikkhu breaks, scatters, burns, or otherwise renders unusable the property of another person, he incurs a *dukkāṭa*. When the *Vinita-vatthu* discusses cases where a bhikkhu takes an item on mistaken assumptions, or where he feels compassion for an animal caught in a trap and so sets it free, it says that there is no offense. Thus it seems strange for the Commentary to assign a pārājika to an action that, according to the Canon, carries a *dukkāṭa* or no penalty at all. Of course, it would be a generous policy to offer the owner reasonable compensation, but it is by no means certain that a bhikkhu would have the wherewithal or liberty to do so. Because the Canon does not allow a bhikkhu to ask his supporters for donations to pay to another lay person — except for his parents (Mv.VIII.22; see BMC2, Chapter 10) — there is no way a bhikkhu could raise the needed funds. The Canon places only one responsibility on a bhikkhu who causes material loss to a lay person: The Community, if it sees fit, can force him to apologize to the owner (Cv.I.20; see BMC2, Chapter 20). Beyond that, the Canon does not require that he make material compensation of any kind. Thus, as the

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Commentary's concept of *bhaṇḍadeyya* is clearly foreign to the Canon, there seems no reason to adopt it.

Enforcement of rules. There is one important area in which even the Commentary does not require compensation, and that is when a bhikkhu sees another bhikkhu using an inappropriate object and arranges to have it destroyed. Here the Commentary draws its argument from the origin story to this rule, in which the Buddha orders the bhikkhus to destroy an inappropriately made hut — a "potter's hut," which was made from earth and then fired like a pot. From this example, the Commentary draws the following judgment: If a bhikkhu starts to build an inappropriate hut in a certain territory, the "owners" of the territory (i.e., the resident senior bhikkhus) should tell him to stop. If he does not heed their decision and actually builds the hut there, then when they are able to assemble a sufficient number of righteous bhikkhus, the resident senior bhikkhus can send him an order to remove it. If, after the order has been sent three times, the hut is still not removed, the bhikkhus are to dismantle it in such a way that the materials can be reused. The original builder is then to be told to remove the materials. If he doesn't, then the resident bhikkhus are not responsible for any loss or damage they may undergo.

The Commentary then derives a further principle from this example to say that if Bhikkhu X, who is knowledgeable in the Vinaya, sees Bhikkhu Y using inappropriate requisites of any sort, he is entitled to get them destroyed or reduced to an appropriate form. He is also not obligated to compensate Y for any loss or inconvenience incurred.

Court actions. As stated above, if a bhikkhu knowingly starts an unfair court case against someone else and then wins it in the final court to which the accused makes appeal, he incurs a *pārājika*. The Commentary to the Bhikkhuni's Sg 1, however, states that even if a bhikkhu is actually mistreated by someone — defamed, physically injured, robbed, etc. — and then tries to take a just court action against the guilty party, he incurs a *pārājika* if he wins. Again, this is an instance where the Commentary has no support from the Canon and, as the Vinaya-mukha points out, its assertion cannot stand. However, the training of a bhikkhu requires that he view all losses in the light of kamma and focus on looking after the state of his mind rather than on seeking compensation in social or material terms.

There is no question in any of the texts that if a bhikkhu is asked to give evidence in a courtroom and does so, speaking in accordance with the facts, he commits no offense no matter what the outcome for the others involved. However, Pc 9 would require that he first be authorized to do so by the Community if his testimony involves reporting the wrongdoing of others. See that rule for further details.

Modern cases. The modern world contains many forms of ownership and monetary exchange that did not exist in the time of the Buddha, and so contains many forms of stealing that did not exist then either. Here are a handful of cases that come to mind as examples of ways in which the standards of this rule might be applied to modern situations.

Infringement of copyright. The international standards for copyright advocated by UNESCO state that infringement of copyright is tantamount to theft. However, in practice, an accusation of copyright infringement is judged not as a case of theft but as one of "fair use," the issue being the extent to which a person in possession of an item may fairly copy that item for his/her own use or to give or sell to another person without compensating the copyright owner. Thus even a case of "unfair use" would not fulfill the factors of effort and object under this rule, in that — in creating a copy — one is not taking possession of an item that does not belong to one, and one is not depriving the owners of something already theirs. At most, the copyright owners might claim that they are being deprived of compensation owed to them, but as we have argued above, the principle of compensation owed does not rightly belong under this rule. In the terminology of the Canon, a case of unfair use would fall under either of two categories — acting for the non-gain of the copyright owners or wrong livelihood — categories that entail a dukkaṭa under the general rule against misbehavior (Cv.V.36). They would also make one eligible for a disciplinary transaction, such as reconciliation or banishment (see BMC2, Chapter 20), which the Community could impose if it saw the infringement as serious enough to merit such a punishment.

Copying computer software. The agreement made when installing software on a computer, by which one agrees not to give the software to anyone else, comes under contract law. As such, a breach of that contract would be treated under the category of "deceit," described above, which means that a bhikkhu who gives software to a friend in defiance of this contract would incur the penalty for a broken promise. As for the friend — assuming that he is a bhikkhu — the act of receiving the software and putting it on his computer would be treated under the precedent, mentioned above, of the bhikkhus receiving fruit from an orchard groundkeeper not authorized to give it away: He would incur no offense. However, as he must agree to the contract before installing the software on his computer, he would incur a penalty for a broken promise if he then gave the software to someone else in defiance of the contract.

Credit cards. The theft of a credit card would of course be an offense. Because the owner of the card, in most cases, would not be required to pay for the stolen card, the seriousness of a theft of this sort would be determined by how the thief used the card. NP 20 would forbid a bhikkhu from using a credit card to buy anything even if the card were his to use, although a bhikkhu who had gone to the extent of stealing a card would probably not be dissuaded by that rule from using it or having someone else use it for him. In any event, the use of the card would be equivalent to using a stolen key to open a safe. If the thief hands the credit card to a store clerk to make a purchase, that would count as a gesture telling the clerk to transfer funds from the account of the credit card company. Because such operations are automated, the clerk's attempt to have the funds transferred would count not as an act of deceit but an act of taking. If the credit card company's machines authorize the transaction, then the theft occurs as soon as funds are transferred from one account to another. The seriousness of the theft would be calculated in line with the principle of the "prior plan" mentioned above.

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In a situation where the funds, if transferred, would entail a pārājika, then if the machines do not authorize the transaction, the bhikkhu trying to use the card would incur a thullaccaya for getting the clerk to attempt the transfer. If the clerk, doubting the bhikkhu's right to use the card, refuses to attempt the transfer, the bhikkhu would incur a dukkaṭa in making the gesture of command.

Similar considerations would apply to the unauthorized use of debit cards, ATM cards, phone cards, personal identification numbers, or any other means by which funds would be transferred from the owner's account by automated means.

A forged check drawn on a bank where the scanning and approval of checks is fully automated would fall under this category. If drawn on a bank where an employee would be responsible for approving the check, the entire case would come under false dealing, discussed above.

Unauthorized telephone or Internet use would count as theft only if the charges were automatically transferred from the owner's account. If the owner is simply billed for the charges, he/she could refuse to pay, and so no theft would have occurred. This would count, not as a theft, but as promise made in bad faith, which would incur a pācittiya. If, however, the case seemed serious enough, and the pācittiya too light a punishment, the Community could impose a disciplinary transaction on the offender.

Impounded items — such as a repaired automobile kept in a mechanic's shop — would apparently be treated in a similar way to smuggled goods.

Non-offenses. In addition to the blanket exemptions mentioned under the preceding rule, the non-offense clauses here list six exemptions to this rule. Two relate to the status of the object, two to the factor of perception, and two to the factor of intention.

Object. There is no offense if a bhikkhu takes an object belonging (1) to a peta (§) or (2) to an animal (§). Thus there is no offense in taking the remains of a lion's kill, regardless of how possessive the lion may feel, although the Commentary wisely advises waiting until the lion has eaten enough of its kill no longer to be hungry, for otherwise the bhikkhu may become lion's kill himself.

The Commentary classes devas under petas here and states that a bhikkhu may take a deva's belongings with no penalty. It illustrates this point with two examples. In the first, a bhikkhu takes a piece of cloth left hanging on a tree as an offering to a deva. In the second, a bhikkhu with clairvoyant powers gains a vision of Sakka, the king of the devas, who is wearing an expensive cloth. The bhikkhu takes the cloth with the intention of making a robe for himself, even though Sakka keeps screaming, "Don't take it! Don't take it!" This latter example may have been included in the Commentary simply for its shock value in order to wake up sleepy students in the back of the room. Although the bhikkhu in question would not incur an offense, there's no denying he's a fool.

The term *peta* also includes human corpses. In the early days of the religion, bhikkhus were expected to make their robes from discarded cloth, one source being the cloths used to wrap corpses laid in charnel grounds. (The bhikkhus would wash and boil the cloth before using it themselves.) However, they were not to take cloth from undecomposed bodies, and here is why:

"Now at that time a certain bhikkhu went to the charnel ground and took hold of discarded cloth on a body not yet decomposed. But the spirit of the dead one was (still) dwelling in that body. Then it said to the bhikkhu, 'Venerable sir, don't take hold of my cloak.' The bhikkhu, disregarding it, went off (with the cloak). Then the body, rising up, followed right behind the bhikkhu. Then the bhikkhu, entering his dwelling, closed the door. Then the body fell down right there."

The story gives no further details, and we are left to imagine for ourselves both the bhikkhu's state of mind while being chased by the body and his friends' reaction to the event. As is usual with the stories in the Vibhaṅga, the more outrageous the event, the more matter-of-fact is its telling, and the more its humor lies in the understatement.

At any rate, as a result of this incident the Buddha laid down a dukkaṭa for taking cloth from an undecomposed body — which, according to the Commentary, means one that is still warm.

Perception. There is no offense if a bhikkhu takes an object perceiving it (1) to be his own or (2) to have been thrown away (§). The Commentary states that if the bhikkhu finds out that the object does indeed have an owner, he owes the owner compensation and would be guilty of an offense when the owner abandons his efforts to gain that compensation. As we have already noted, the concept of compensation owed has no basis in the Canon, but if the object still lies in the bhikkhu's possession and he decides not to return it, that decision would count as a thieving intention. The theft of the object could then be treated under the category of a borrowed object, which in practice has the same effect as the Commentary's notion of compensation owed: The theft would be accomplished when the owner abandons his/her efforts to regain possession. However, if the object no longer exists (it was consumed by the bhikkhu or destroyed) or is no longer in the bhikkhu's possession (he lost it or gave it away), the resolution of the issue is purely a individual matter between the bhikkhu and the owner, although as we noted above, the Community, if it sees fit, could force the bhikkhu to apologize to the owner.

Intention. There is no offense if a bhikkhu takes an object (1) on trust or (2) temporarily.

To rightly take an object on trust, Mv.VIII.19.1 states that five conditions must be met:

- a. The owner is an acquaintance.
- b. He/she is an intimate.

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- c. He/she has spoken of the matter. (According to the Commentary, this means that he/she has said, "You may take any of my property you want.")
- d. He/she is still alive.
- e. One knows that he/she will be pleased at one's taking it.

The Commentary to this rule states that in practice only three of these conditions need to be met: the fourth, the fifth, and any one of the first three. As the *Vinaya-mukha* notes, there are good practical reasons for adopting the Commentary's interpretation here. There is also the formal reason that otherwise the first two conditions would be redundant.

Mv.VIII.31.2–3 discusses how an item can be rightly taken on trust if a bhikkhu, as courier, is conveying it from a donor to an intended recipient. The deciding factor is what the donor says while handing over the item, which apparently determines who exercises rights of ownership over the item while it is in transit. If the donor says, "Give this to so-and-so" (which means that ownership has not yet been transferred to the recipient), one may rightly take the item on trust in the donor but not in the recipient. If he/she says, "I give this to so-and-so" (which transfers ownership to the recipient), one may rightly take the item on trust in the recipient but not in the donor. If, before the courier can convey the item to the intended the recipient, he learns that the owner — as determined by the donor's statement — happens to die, he may determine the item as an inheritance from the owner.

In both cases where the item may be legitimately taken on trust, none of the texts discuss whether the factors listed in Mv.VIII.19.1 also have to be met or whether the allowances here are a special exemption to those factors granted specifically to couriers. However, because the allowances are so particular about who maintains ownership over the article while it is in transit, it would seem that the owner would have the right to express satisfaction or dissatisfaction over the courier's taking the item on trust. This further suggests that the courier would have to take the owner's perceived wishes into account, which implies that the factors listed in Mv.VIII.19.1 still hold here.

The *Vinita-vatthu* treats the case of a bhikkhu who takes an item mistakenly thinking that he had the right to take it on trust; the Buddha termed this a "misconception as to trust" and did not impose a penalty. The Commentary to this rule adds that if the original owner informs one that he is displeased because he sincerely wanted to keep the item for another use, one should return it to him; but, in line with the *Vinita-vatthu*, it does not indicate a penalty for not returning it. If the owner is displeased with one for other reasons, the Commentary says, there is no need to return the item.

As for taking an item temporarily, the Commentary says this means taking it with the intention that (a) "I'll return it" or (b) "I'll make compensation." There is support in the *Vibhaṅga* for including (a) here, but none for (b). If the Commentary included (b) to cover cases where a bhikkhu borrows an object but then happens to lose or destroy it, there is no need to include it, for as we have already explained, a bhikkhu

is under no compulsion to compensate people for items lost or destroyed. If the Commentary meant it to cover cases where a bhikkhu takes ownership of an object belonging to a person with whom he has not established trust and with whom he plans to discuss compensation later, it doesn't really fit under this exemption, for one is taking permanent possession of the item. Given the strict conditions that the Canon places on the exemption for taking an item on trust, it seems unlikely that its compilers would have countenanced an exemption for a bhikkhu to go around imposing unilateral trades, taking possession of items on the unfounded assumption that the owners would gladly accept compensation at a later time. If there is any place for this sort of exemption in the Vibhaṅga's framework, it would be as a variant on taking on trust. Thus it would have to meet the following factors: The owner is an acquaintance or an intimate or has spoken of the matter; he/she is still alive; and one knows that he/she would be pleased if one takes the item and gives compensation later.

In addition to the exemptions listed under the non-offense clauses, the Vinita-vatthu contains ten other types of cases that involve no offense under this rule. Some of these have already been mentioned in the above discussions, but it is convenient to have them gathered in one place.

— A bhikkhu, seeing an expensive garment, feels a desire to steal it but does not act on the desire. The commentaries take this as a general principle for all rules, that the mere arising of a mind state does not constitute an offense.

— A bhikkhu, seeing a cloak blown up by a whirlwind, catches it to return it to the owners.

— A bhikkhu takes an item on trust but later discovers that the trust is misconceived.

— A bhikkhu goes through a customs house, not knowing that a dutiable item is among his belongings.

— Visiting bhikkhus, for the sake of food, take fruit from a tree belonging to the Saṅgha.

— Bhikkhus receive fruit from the guardian of an orchard, even though the guardian is not entitled to give the fruit away.

— A bhikkhu, seeing an item left lying about, puts it away so that it won't get lost. The owner comes looking for the item and asks, "Who stole it?" The bhikkhu, perhaps ironically, responds, "I stole it." The owner then charges him with a theft. The case goes to the Buddha, who says that the bhikkhu committed no offense, in that his answer was just a manner of speaking and not an actual acknowledgement of a theft.

— A bhikkhu, out of compassion, releases an animal caught in a hunter's snare.

— Ven. Ajjuka points out a bequest to an heir in line with the original owner's wishes.

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— Ven. Pilindavaccha uses his psychic powers to retrieve a pair of kidnapped children. The Buddha states that this entails no penalty because such a thing lies in the province of those with psychic power. The Vinaya-mukha, in discussing this case, takes it as a precedent for saying that if a bhikkhu returns a stolen article to its legal owner, there is no offense. The Buddha's statement, though, was probably meant to discourage bhikkhus without psychic powers from getting directly involved in righting wrongs of this sort. If a bhikkhu without psychic powers happens to learn of the whereabouts of stolen goods, kidnapped children, etc., he may inform the authorities, if he sees fit, and let them handle the situation themselves. However, for safety's sake, a bhikkhu living in a wilderness frequented by thieves would be wise not to be perceived as siding either with the thieves or the authorities.

Summary: The theft of anything worth 1/24 ounce troy of gold or more is a pārājika offense.

3. Should any bhikkhu intentionally deprive a human being of life, or search for an assassin for him, or praise the advantages of death, or incite him to die (saying): "My good man, what use is this evil, miserable life to you? Death would be better for you than life," or with such an idea in mind, such a purpose in mind, should in various ways praise the advantages of death or incite him to die, he also is defeated and no longer in affiliation.

This rule against intentionally causing the death of a human being is best understood in terms of five factors, all of which must be present for there to be the full offense.

- *1) Object:* a human being, which according to the Vibhaṅga includes human fetuses as well, counting from the time consciousness first arises in the womb immediately after conception up to the time of death.
- *2) Intention:* knowingly, consciously, deliberately, and purposefully wanting to cause that person's death. "Knowingly" also includes the factor of —
- *3) Perception:* perceiving the person as a living being.
- *4) Effort:* whatever one does with the purpose of causing that person to die.
- *5) Result:* The life-faculty of the person is cut as the result of one's act.

Object. The Vibhaṅga defines a *human being* as a person "from the time consciousness first becomes manifest in a mother's womb, up to its death-time." It follows from this that a bhikkhu who intentionally causes an abortion — by arranging for the operation, supplying the medicines, or giving advice that results in an abortion — incurs a pārājika. A bhikkhu who encourages a woman to use a means of contraception that works after the point of conception would be guilty of a pārājika if she were to follow his advice.

There is a series of cases in the Vinita–vatthu in which bhikkhus provide medicines for women seeking an abortion, followed by two cases in which a bhikkhu provides medicines to a barren woman who wants to become fertile and to a fertile woman who wants to become barren. In neither of these two latter cases does anyone die or suffer pain, but in both cases the bhikkhu incurs a dukkaṭa. From this, the Commentary infers that bhikkhus are not to act as doctors to lay people, an inference supported by the Vibhaṅga to Sg 13. (The Commentary, though, gives a number of exceptions to this principle. See the discussion in BMC2, Chapter 5.)

The pārājika offense is for killing a human being aside from oneself. A bhikkhu who attempts suicide incurs a dukkaṭa.

A bhikkhu who kills a "non–human being" — a yakkha, nāga, or peta — or a devatā (this last is in the Commentary) incurs a thullaccaya. According to the Commentary, when a spirit possesses a human being or an animal, it can be exorcised in either of two ways. The first is to command it to leave: This causes no injury to the spirit and results in no offense. The second is to make a doll out of flour paste or clay and then to cut off various of its parts (!). If one cuts off the hands and feet, the spirit loses its hands and feet. If one cuts off the head, the spirit dies, which is grounds for a thullaccaya.

A bhikkhu who intentionally kills a common animal is treated under Pc 61.

Intention & perception. The Vibhaṅga defines the factor of intention in three contexts — the word–analysis, the non–offense clauses, and the Vinita–vatthu — analyzing it with one set of terms in the first context, and another set in the last two. There are two ways of interpreting the discrepancy: Either the two sets differ only in language but not in substance, or they actually differ in substance. The Commentary, without seeming to notice what it is doing, adopts the second interpretation. In other words, it defines the factors of intention in markedly different ways in the different contexts, yet does not assert that one set of terms is more authoritative than the other or even take note of the differences between them. In fact, it takes one of the terms common to the non–offense clauses and the Vinita–vatthu and defines it in one way in one context and another in the other. All of this creates a great deal of confusion.

A more fruitful way of analyzing the two sets of terms, which we will adopt here, is to assume that they differ only in language but not in substance. We will take as our framework the set of terms used in the non–offense clauses and the Vinita–vatthu, as it is clearer and more amply illustrated than the other set, and then refer to the other set, along with some of the explanations from the Commentary, when these help to give a more refined understanding of what the non–offense clauses and Vinita–vatthu are saying.

The non–offense clauses state that there is no offense for a bhikkhu who acts unintentionally, not knowing, or without aiming at death. In the Vinita–vatthu, *unintentionally* is used to describe cases in which a bhikkhu acts accidentally, such as dropping a poorly held stone, brick, or adze; removing a pestle from a shelf and accidentally knocking off another one. *Not knowing* is used in cases in which the bhikkhu deliberately does an action but without knowing that his action could cause

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death. An example would be giving food to a friend not knowing that it is poisoned. *Not aiming at death* is used in cases where the bhikkhu deliberately does an action but does not intend that action to result in death. Relevant examples include trying to help a bhikkhu who is choking on food by slapping him on the back and inadvertently causing his death; telling a bhikkhu to stand on a piece of scaffolding while helping with construction work, only to see the scaffolding collapse; describing the joys of heaven to an audience, only to have a member of the audience decide to commit suicide in hopes of going there.

Thus, to fulfill the factor of intention here, a bhikkhu must be acting intentionally, knowingly, and aiming at death.

The word-analysis covers all the same points — although it shuffles the terms around — when it defines *intentionally* as "having willed, having made the decision knowingly and consciously." Without teasing out the differences in terminology, we may simply note the important point added in its analysis, which is that an act of manslaughter counts as intentional here only when the bhikkhu has made a clear decision to kill. Thus if he were to strike a person unthinkingly in a sudden fit of rage, without being clear about what his intention was, it would not qualify as "intentional" here. The Commentary seconds this point when it defines *having made the decision* as "having summoned up a reckless mind state, 'crushing' through the power of an attack." The Sub-commentary does not explain *crushing* or *attack* here, but apparently they mean aggressively overcoming, through a brute act of will, any contrary or hesitant thoughts in the mind.

The Vinita-vatthu contains a few cases where bhikkhus kill people in situations where they did not even know that there was a person there: throwing a stone over a precipice, not knowing that there was a person standing below; sitting down on a pile of cloth on a chair, not knowing that a child was underneath the cloth; and setting fire to a grove, not knowing that there were people in the grove. The Buddha dismisses the first two cases without explanation as not coming under this rule. The last he classifies as an example of *not aiming at death*. We can conclude from this example that *aiming at death* must include the perception that there was someone there who could die. The Commentary seconds this conclusion in its analysis of the phrase *knowingly and consciously* in the word-analysis's definition of intentionally. Although it again shuffles the terms around — using *consciously* to describe what the Vinita-vatthu describes as *knowingly* — the important point in its conclusion is that an essential element in the factor of intention is the factor of perception: In its words, one must be aware that, "This is a living being."

Note that, given this definition, one need not know that the living being is a human being for the factor of perception to be fulfilled. The Commentary illustrates this point with an example in which a bhikkhu who, seeing a goat lying down in a certain spot during the day, decides to return to that spot to kill the goat that night. In the meantime, however, the goat gets up and a man comes to lie down in its place. The bhikkhu approaches the man in the dark, still thinking him to be a goat, and kills him. The verdict: a pārajika.

Although this judgment may seem strange, there is nothing in the Canon to contradict it. The closest case in the Vinita–vatthu concerns a bhikkhu who digs a pitfall with the intention that whatever living beings fall into it will perish. The penalty, if an animal dies as a result, is a pācittiya; if a human being, a pārājika. In this case, the intention/perception of killing a living being is broad enough to include a human being, and so fulfills the relevant factors here.

In discussing this last case, the Commentary notes that if one digs the pitfall but then renounces one's intention to cause death, one has to completely fill in the pitfall in such a way that it cannot cause injury — even to the extent of causing someone to stumble — if one wants to avoid the penalty coming from any injury the pitfall might cause. If the pitfall is only partially filled in and a person stumbles into it and later dies from his injuries, the bhikkhu incurs the full offense under this rule. The same judgment applies to any other attempt to kill not aimed at a particular victim. For instance, if a bhikkhu harboring this sort of general intention builds a trap but then changes his mind, he has to destroy the trap so thoroughly that it cannot be reassembled. Similarly, when a bhikkhu writes a passage describing the advantages of dying (see below) with the thought that anyone who reads it might decide to commit suicide, if he then changes his mind he has to destroy the writing so thoroughly that it cannot be pieced together. If, instead of writing the passage himself, he simply picks up a pre-existing written passage of this sort and then — with a similar intention — puts it in a place where it might be easily seen, he can avoid any penalty simply by returning the passage to the place where he found it.

In discussing the topic of pitfalls, the Commentary also treats the issue of how much of an intention counts when setting up a situation that might cause death. Specifically, it asks whether — while one is digging a hole for another purpose — a passing thought that "this hole could kill anyone who fell into it" would fulfil the factor of intention under this rule, or whether this factor would be fulfilled only if the original purpose for digging the hole was to cause death. The Commentary notes that opinions are divided on this point, but it sides with the latter position.

The Vinita–vatthu contains an unusual case of a bhikkhu who uses a friend as a guinea pig for testing poison. The friend dies, and the bhikkhu incurs only a thullaccaya. The Commentary explains this by distinguishing two types of test: one to see if a particular poison is strong enough to kill a person; the other, to see if a particular person is strong enough to survive the poison. In either of these cases, the bhikkhu incurs a thullaccaya regardless of whether the victim dies. If, though, the bhikkhu gives poison to a person with the desire that it cause that person's death, he incurs a pārājika if the victim dies, and a thullaccaya if not.

The Vinita–vatthu also includes a case in which bhikkhus, out of compassion for an ill friend, hasten his death and thus incur the full offense under this rule. This shows that impulse and motive are irrelevant in defining the factor of intention here.

Effort. This factor covers four types of action: taking life, arranging an assassin, describing the advantages of dying, and inciting a person to die.

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a) *Taking life*. The Vibhaṅga defines *taking life* as "the cutting off, the ending, of the life faculty; interrupting the continuity." The Vibhaṅga lists a variety of means by which one might try to do this, which the Commentary divides into four categories:

— *One's own person*: hitting with one's hands or feet; using weapons such as knives, sticks, clubs, etc.; handing poison to a person; giving a pregnant woman medicine that would cause an abortion; moving an ill person.

— *Throwing*: hurling a stone, shooting an arrow. At present, shooting a gun or hurling a grenade would come under this category.

— *Stationary devices*: setting a trap, digging a pitfall, placing a weapon in a place where a victim may fall, sit, or lie down on it; placing poison in food, etc. At present, setting out a land mine would come under this category.

— *Commanding*: telling another person to commit a murder. This category includes recommendations expressed in the imperative as well as express commands. A few examples:

- Telling B to kill C. The way in which a bhikkhu is penalized for getting another person to commit a murder — through sign or verbal command — can be inferred from the discussion of accomplices under the preceding rule. The Vibhaṅga here, as under that rule, states that if one's accomplice does not follow one's instructions precisely, one is absolved of an offense. In discussing this point, the Commentary goes into great detail concerning the six ways the command to kill can be specified: the object [the person to be killed], the time, the place, the weapon to use, the action by which the weapon is to be used [e.g., "Stab him in the neck"], and the position the victim should be in [sitting, standing, lying down] when the act is to be done. If the instigator specifies any of these things and yet his accomplice does not carry them out to the letter, the instigator does not incur the penalty for the actual murder. For instance, Bhikkhu A tells his student B to kill C while C is sitting in meditation at midnight. The student gets into C's room at midnight, only to find C asleep in bed, which is where he kills him. Bhikkhu A thus incurs only the thullaccaya for convincing his student to accept the command.
- As under the preceding rule, the Commentary tries to argue that if B will certainly succeed in killing C in line with A's command, A incurs a pārājika when giving the command, but again, this opinion does not conform with the Vibhaṅga.
- The case of the innocent accomplice — one who does not know that the action he is being told to do will result in death — also seems relevant here,

as in the case where a bhikkhu prepares a syringe of poison and tells his accomplice, who thinks the syringe contains medicine, to inject it into a patient. There seems every reason to impose a pārājika on the bhikkhu if the patient then dies.

- Recommending means of euthanasia. The Vinita-vatthu includes a case of a criminal who has just been punished by having his hands and feet cut off. A bhikkhu asks the man's relatives, "Do you want him to die? Then make him drink buttermilk (ṣ) (!)." The relatives follow the bhikkhu's recommendation, the man dies, and the bhikkhu incurs a pārājika.
- Recommending means of capital punishment. Again from the Vinita-vatthu: A bhikkhu tells an executioner to kill his victims mercifully with a single blow, rather than torturing them. The executioner follows his advice and the bhikkhu incurs a pārājika, for the recommendation to kill mercifully is still a recommendation to kill. According to the Vinita-vatthu, if the executioner says that he will not follow the bhikkhu's advice and then kills his victims as he pleases, the bhikkhu incurs no penalty. The Commentary adds that if the executioner tries to follow the bhikkhu's advice and yet needs more than one blow to do the job, the bhikkhu incurs a thullaccaya.
- Indirect statements. The Canon and Commentary differ as to whether indirect statements that are not imperatives would also qualify as commands or recommendations under this rule. The Commentary maintains that a bhikkhu cannot get around a penalty by phrasing his wish for a murder in more roundabout ways, and gives an example in which a bhikkhu tells people, "In such-and-such a place a bandit is staying. Whoever cuts off his head will receive great honor from the King." If any of the bhikkhu's listeners kills the bandit as a result of his instigation, the Commentary says, the bhikkhu incurs a pārājika.

Examples of commands and recommendations in the Canon, however, are all expressed as imperatives: "Do this!" "If you want him to die, do this." The only examples of indirect statements are those in which a bhikkhu expresses a wish, "O, if only so-and-so were murdered." According to the Vibhaṅga, this statement incurs a dukkaṭa regardless of whether it is made in public or private, and regardless of whether one knows that anyone else is overhearing it or not. There is no discussion, however, of what one's intention might be in making the statement, nor of the consequences for the speaker if anyone, inspired by his remark, actually kills the person in question. This implies that the authors of the Vibhaṅga did not regard statements of this sort as fulfilling the factor of effort under this rule. This may seem unduly lenient, but given that a bhikkhu whose express command to kill is followed

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but not to the letter would also incur only a thullaccaya, this judgment seems consistent with the Vibhaṅga's pattern of assigning penalties.

In addition to the four above categories of means of killing, the Commentary includes two of its own:

— *Magical formulae*: reciting passages that call on malevolent spirits to bring about a person's death, using voodoo, etc.

— *Psychic powers*: using the "evil eye" or other similar innate powers.

The Canon contains a number of passages — MN 56 is one example — describing people who, "developed in mind," use their powers to kill. The Commentary notes the existence of these passages and of "some teachers" who cite them as proof that meditative powers can be used in this way, but it dismisses the idea on the grounds that meditative powers are skillful and based on pleasant mental states, whereas the act of killing is unskillful and based on painful mental states. The Sub-commentary adds that the powers described in the Canon are actually based on magical formulae. Still, because the success of these formulae depends on a certain level of concentration, it would seem that using one's powers of concentration to kill would fulfil the factor of effort here.

b) Arranging an assassin. As the rule indicates, a bhikkhu may commit an offense under this rule not only by using any of the six above-mentioned means of taking life but also by "searching for an assassin." The Vibhaṅga explains this phrase in the rule simply with a list of weapons: a sword, a spear, a harpoon (§ — BD omits this item), a skewer/stake, a club, a stone, a knife, poison, or a rope. There are two ways of making sense of this list. One is that, because the Pali word for assassin is literally "knife-carrier" (*satthahāraka*), the Vibhaṅga is taking pains to explain that an assassin might also use other weapons aside from a knife. The other way of interpreting the list, favored by the Commentary, is to view the Vibhaṅga's list as an attempt to define the word *satthahāraka* — which, according to the Commentary, is a general term for a murderous weapon. The Commentary then goes on to say that the entire phrase *searching for an assassin* means setting up a stationary device, as described above. There are two problems with this interpretation, the first being that the word *satthahāraka* clearly means "assassin" in other parts of the Canon (see, for example, MN 145); the second being that this interpretation makes the phrase entirely superfluous: setting up a stationary device is already covered by another part of the rule. Thus we will follow the first interpretation of the Vibhaṅga's explanation of the phrase: It is indicating that an assassin may use any weapon at all.

The question remains, however, as to how this interpretation is not redundant with *commanding* under the explanation of the ways of taking life. The answer appears to be this: The word *satthahāraka* is most commonly used in the Canon in the context of an assisted suicide, in which a person who wants to die but cannot bring himself to commit suicide arranges for someone else, a *satthahāraka*, to kill him. This term may be related to a common phrase for committing suicide, "to take a knife" (see SN IV.33 — *satthaṃ āharissāmi*, "I will take a knife"). Thus the inclusion

of this phrase in the rule makes the point that even if a person intent on dying asks for one's help in arranging his death, one may not arrange for someone else to kill him. At present, this would rule out getting a doctor to arrange for an assisted suicide.

The Commentary's most useful comment in this context is its assertion that *searching* here must mean actually arranging, for the simple act of looking for an assassin without actually finding one could not rightly fulfil the factor of effort under this rule. To apply this assertion to assassins, the factor of effort here would be completed when one arranges for an assassin actually to take the life of the person who wants to die.

Cases in which one arranges for an assassin not at the victim's request would come under *commanding*, above.

c) Describing the advantages of dying. This, the third type of act covered by this rule, can include berating a sick person ("Why do you keep hanging on to life like this? Don't you realize what a burden you are to others?") or simply telling a person of the miseries of life or the bliss of dying and going to heaven in such a way that he/she might feel inspired to commit suicide or simply pine away to death. The Vinita-vatthu also includes under this type of act any statements that a nurse might make out of compassion to shorten the miseries of an illness by encouraging a patient to let go of life so as not to dawdle in the face of death. Thus, the Commentary notes, a bhikkhu talking to a dying patient should be very circumspect in how he chooses his words, focusing not on how to speed up the dying process but on how to inspire the patient with the following thoughts: "The attainment of the paths and fruitions is not out of the ordinary for a virtuous person. So, having formed no attachment for such things as your dwelling, and establishing mindfulness in the Buddha, Dhamma, Saṅgha, or the body, you should be heedful in your attention." The Vinita-vatthu to Pr 4 contains a number of stories in which bhikkhus comfort a dying bhikkhu by asking him to reflect on what he has attained through the practice, which was apparently a common way of encouraging a dying bhikkhu to focus his thoughts on the best object possible. The suttas also contain advice on how to encourage patients facing death. See, for example, MN 143, SN XXXVI.7, and AN VI.16. In all of these cases, the advice is aimed not at precipitating death but at inspiring calm and insight.

The Vibhaṅga notes that a statement describing the advantages of dying would fulfill the factor of effort regardless of whether delivered by gesture, by voice, by writing, or by means of a messenger. The same holds true for any statements under the next type of act.

d) Inciting a person to die, the fourth type of act, covers:

— Recommending suicide. This includes not only telling a person to commit suicide but also giving advice — whether requested or not — on the best ways to commit the act.

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— Telling a person to go to a dangerous place where he/she might die of the dangers.

— Arranging a terrible sight, sound, etc., to frighten a person to death, or a beautiful, "heart-stirring" one to attract a person who will then pine away to death when it fades.

Four issues arise in relation to the above ways of killing:

Command. Giving a command or recommendation to get another person to perform any of these last three types of action — arranging an assassin, describing the advantages of dying, or inciting another person to die — would also fulfill the factor of effort under this rule.

Inaction. Given the Vibhaṅga's definition of taking life, we can infer that inaction does not fulfill the factor of effort here, for it does not cut off the life faculty. Thus if a bhikkhu sits idly when seeing a flood sweep a person downstream, he commits no offense — regardless of his feelings about the person's death — even if the person then drowns. Recommending that another person sit idly as well would also not fulfill the factor of effort here, because the category of *command* covers only the act of inciting the listener to do any of the four actions that would fulfill the factor of effort under this rule.

Medical care and life-support. The same holds true if a bhikkhu decides not to give a patient a treatment — or to discontinue treatment — that might conceivably extend the patient's life: It does not fulfill the factor of effort, for such acts do not cut off the life faculty. At most they simply allow it to end on its own. The Canon supports this inference by treating such actions not under this rule but under Mv.VIII.26.3–4, where it imposes only a dukkaṭa on the act of refusing to give any treatment at all to an ill bhikkhu, or of discontinuing all care for an ill bhikkhu prior to his recovery or death. This shows that the compilers of the Canon did not regard these acts as cutting off the life faculty. (Mv.VIII.26.8 lists the ideal characteristics of a bhikkhu who tends to the sick, but does not impose a penalty on a bhikkhu who cares for the sick but lacks the ideal qualities; at no point does the Canon impose a required level of care for the sick. The compilers' refusal to mandate a level of care is wise. If there were a case in which the bhikkhus did not feel that that level of care was appropriate for their patient, they would have only one option: to abandon the patient, so as to incur only a dukkaṭa and not the potentially higher penalty for not measuring up to the mandated care. Thus, instead of protecting the patient, a higher level of mandated care would expose the patient to abandonment.) For this reason, deciding to withhold or discontinue a particular treatment — while still continuing otherwise to care for the patient — would not be grounds for an offense.

If, however, a bhikkhu caring for a patient acts in a way to cut off the patient's life faculty, that would fulfill the factor of effort here. The Vinita-vatthu makes this point with a set of cases in which bhikkhus give patients treatments that are actually harmful for the patients. In the instances where the other factors for an offense are present — the bhikkhus mean to kill the patient, and the patient dies — the bhikkhus incur the full offense. In another set of cases, a bhikkhu feeling pity for a friend in

severe pain praises the pleasures that await him after death. Again, in the instances where the bhikkhu intends to bring about the patient's death and the patient dies, the bhikkhu incurs a pārājika.

For more on the topic of medical care, see BMC2, Chapter 5.

Shared responsibility. Unlike the Vibhaṅga to the preceding rule, the Vibhaṅga here does not explicitly discuss the issue of how to allot penalties when a group of bhikkhus acts together to commit a murder but only one of them delivers the fatal blow. However, the Vinita-vatthu contains a series of cases in which bhikkhus act as a group to give a treatment to a sick bhikkhu with the aim of ending his life. When the bhikkhu dies, all of them incur a pārājika. In one of the cases the bhikkhu dies from a medical treatment to the nose, in another he dies from eating food. None of the texts discuss whether all the bhikkhus in question took turns giving the fatal dosage, or if only one of the bhikkhus did while the others helped to prepare it. Given that arranging an assassin would fulfil the factor of effort under this rule, it seems reasonable to infer that actively assisting in a murder would also fulfil the factor, even if one does not deliver the fatal blow. From this inference we can conclude that the discussion of shared responsibility under the preceding rule would also apply here.

Result. This factor is fulfilled if, as a result of the bhikkhu's action, the victim dies through the cutting of his/her life-faculty. Because the life-faculty is something that inevitably ends, there is a need to define clearly how far the influences of a bhikkhu's actions should be traced for him to be considered responsible for a death.

The Commentary treats this issue by posing two scenarios under its discussion of pitfalls. In the first, an intended victim survives a fall into a pitfall, manages to climb out, but later dies of a disease incurred from the fall. In this case, the Commentary says, the factor of result is fulfilled. The same holds true if the disease goes into remission only to return and take the victim's life many years later. If complications arise from the disease, however, and the victim dies from a combination of the disease and its complications, then if the original disease was the predominant factor in the death, the bhikkhu would be responsible for the victim's death; if the complications were the predominant factor, he would not.

In the second scenario, an intended victim falls into the pitfall while being chased by thieves but does not die in the fall. Instead, the thieves catch up with him, drag him out of the pitfall, and kill him. In this case, the bhikkhu is still responsible for the victim's death because his pitfall was instrumental in enabling the thieves to catch and kill the victim.

The Commentary also considers a different sort of case related to the factor of result: If a bhikkhu means to cause the death of a group of people, then when any member of the group dies as a result of his efforts, the Commentary says that he incurs a pārājika. In other words, he does not have to fulfill his intention of killing the whole group in order to fulfill the factor of result here.

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Derived penalties. The Canon assigns lesser penalties in cases where a bhikkhu tries to cause a person's death through any of the four means mentioned in this rule and yet the person does not die. If the person experiences pain or injury as a result of the bhikkhu's efforts, the penalty is a thullaccaya. If the bhikkhu's efforts result in neither pain nor death, the penalty is a dukkaṭa for each separate action involved in the attempt.

If a bhikkhu intends simply to injure the victim or cause him/her pain, and yet the victim dies as a result of the bhikkhu's actions, the case is treated under Pc 74.

There is an apparent contradiction in the Vinita-vatthu concerning the penalty for a bhikkhu who tries to kill one person but ends up killing another instead. In one case it says that a bhikkhu who means to kill X but kills Y instead incurs a pārājika. In another case it tells of a bhikkhu who gives medicine to a woman who wants to commit an abortion near the end of a full-term pregnancy. The woman takes the medicine but, instead of the fetus' aborting, the woman dies and the infant survives. In this case, the bhikkhu incurs a thullaccaya, presumably for the pain he caused the infant.

The Commentary tries to resolve this contradiction with an illustration: A bhikkhu with a grudge against A decides to ambush him. He sees B coming down the road and, mistaking him for A, shoots him dead on the spot. Because his intention was to kill the person he was aiming at, he incurs a pārājika. We can call this a case of mistaken identity. In cases of this sort, whether the "right" or the "wrong" person dies is of no consequence to the offense.

If, however, the bhikkhu is a poor shot, takes aim at B but misses him, and inadvertently kills C instead, he does not incur a pārājika, for he did not intend to kill C during any part of his action. His only penalties are the dukkaṭas he incurs while preparing for B's murder.

Special cases. The Vinita-vatthu includes three special cases that touch on this rule but inspired the Buddha to formulate separate rules to deal specifically with them:

A bhikkhu, for the fun of it, throws a stone from a precipice and accidentally kills a person standing below — no penalty for the death, but a dukkaṭa for throwing a stone in fun. (The Commentary states that *stone* here also covers sticks, bricks, and other similar objects; and that *throwing* also includes rolling. It also states that if a bhikkhu has a valid reason for throwing or rolling a stone not in fun — for example, he is engaged in construction work and rolls a stone to someone else on the job; he is eating his meal and throws a piece of wood to chase away crows or dogs — he incurs no offense.)

A bhikkhu, hoping to commit suicide, throws himself over a cliff. Instead of dying, he lands on and kills a hapless basket-maker standing at the foot of the cliff — again, no offense for the death, but a dukkaṭa for throwing oneself from a high place.

A bhikkhu, sitting down hard in a chair without first checking it carefully, kills a child lying in the chair and covered with a blanket — again, no penalty for the death, but a dukkaṭa for sitting down without first checking carefully.

Non-offenses. As stated above, there is no offense for a bhikkhu who kills a person unintentionally, not knowing, or not aiming at death.

As for the standard exemptions, the Thai edition lists all four under this rule: a bhikkhu who is insane, possessed by spirits, delirious with pain, and the first offenders (in this case, some group-of-six bhikkhus who, in a follow-up to the origin story, described the advantages of death to a man with a beautiful wife, in hopes that he would commit suicide so that she could be theirs; he did commit suicide, but she denounced them). Other editions of the Canon omit exemptions for a bhikkhu possessed by spirits or delirious with pain. The Commentary refers to the standard exemptions as a set simply with the word, "insane, etc." There is reason to believe that if these two exemptions were missing in the time of the Commentary, it would have noted their absence.

Summary: Intentionally bringing about the death of a human being, even if it is still an embryo — whether by killing the person, arranging for an assassin to kill the person, inciting the person to die, or describing the advantages of death — is a pārājika offense.

4. Should any bhikkhu, without direct knowledge, claim a superior human state, a truly noble distinction of knowledge and vision, as present in himself, saying, "Thus do I know; thus do I see," such that regardless of whether or not he is cross-examined on a later occasion, he — being remorseful and desirous of purification — might say, "Friends, not knowing, I said I know; not seeing, I said I see — vainly, falsely, idly," unless it was from over-estimation, he also is defeated and no longer in affiliation.

All conscious lies are forbidden by the first pācittiya rule, but knowingly to make a false claim to a superior human state is one of the most heinous lies a bhikkhu can tell, so here it receives its own rule and the heaviest possible penalty.

The seriousness with which the Buddha regarded a breach of this training rule is indicated by his statements to the original instigators:

"You worthless men, how can you for the sake of your stomachs speak praise of one another's superior human states to householders? It would be better for you that your bellies be slashed open with a sharp butcher's knife than that you should for the sake of your stomachs speak praise of one another's superior human states to householders. Why is that? For *that* reason you would undergo death or death-like suffering, but you would not on that account, at the break-up of the body, after death, fall into deprivation, the bad destination, the abyss, hell. But for *this* reason

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you would, at the break-up of the body, after death, fall into deprivation, the bad destination, the abyss, hell... Bhikkhus, in this world with its devas, māras, and brahmās, its generations with brahmans and contemplatives, princes and men, this is the ultimate great thief: he who claims an unfactual, non-existent superior human state. Why is that? You have consumed the nation's almsfood through theft."

The full offense under this rule has four factors.

- 1) *Object*: a superior human state.
- 2) *Perception*: One perceives it as not present in oneself.
- 3) *Effort*: One addresses a human being, mentioning that state in connection with oneself — either the state as within oneself, or oneself as in the state —
- 4) *Intention*: with the intent to misrepresent the truth, motivated by an evil desire.

The commentaries add a fifth factor — result — saying that one's listener must understand what one is saying for there to be the full offense, but as we will see below, this factor appears to be based on a misreading of the Vibhaṅga.

Object. The Vibhaṅga lists many superior human states, defining them as follows:

- meditative absorption (*jhāna*): the four jhānas;
- emancipation (*vimokkha*): the emptiness (*suññatā*) emancipation, the theme-less (*animitta*) emancipation, and the non-directed (*appaṇihita*) emancipation;
- concentration (*samādhī*): the emptiness concentration, the theme-less concentration, and the non-directed concentration;
- meditative attainments (*samāpatti*): the emptiness attainment, the theme-less attainment, and the non-directed attainment;
- knowledge-and-vision (*ñāṇa-dassanā*): knowledge of past lives, knowledge of the passing away and arising of beings, and knowledge of the ending of mental effluents (*āśava*);
- path-development (*magga-bhāvanā*): the 37 Wings to Awakening (*bodhipakkhiya-dhamma*) — the four establishing of mindfulness, the four right exertions, the four bases of power, the five faculties, the five strengths, the seven factors for Awakening, and the noble eightfold path;
- the realization of the noble fruits (*phala-sacchikiriya*): the fruit of stream-entry, the fruit of once-returning, the fruit of non-returning, and the fruit of arahantship;
- the abandoning of defilements (*kilesappahāna*): the abandoning of passion, aversion, and delusion;

- the mind's freedom from hindrance (*vinīvaraṇatā cittassa*): the mind unhindered by passion, aversion, and delusion; and
- delight in an empty dwelling (*suññāgāre abhirati*): the delight in an empty dwelling stemming from the four jhānas.

The Commentary classifies these states into two broad categories: *mahaggata dhamma* — "enlarged" or "expanded" states — related to the practice of meditative absorption; and *lokuttara dhamma* — transcendent states — related to the absolute eradication of the mental fetters that bind the mind to the cycle of rebirth.

a. Mahaggata dhamma. The discourses describe the four jhānas as follows:

"There is the case where a bhikkhu — quite withdrawn from sensuality, withdrawn from unskillful (mental) qualities — enters and remains in the *first jhāna*: rapture and pleasure born from withdrawal, accompanied by directed thought and evaluation. He permeates and pervades, suffuses and fills this very body with the rapture and pleasure born from withdrawal...

"And furthermore, with the stilling of directed thought and evaluation, he enters and remains in the *second jhāna*: rapture and pleasure born of composure, unity of awareness free from directed thought and evaluation — internal assurance. He permeates and pervades, suffuses and fills this very body with the rapture and pleasure born of composure...

"And furthermore, with the fading of rapture, he remains equanimous, mindful, & alert, and senses pleasure with the body. He enters & remains in the third jhāna, of which the Noble Ones declare, 'Equanimous & mindful, he has a pleasant abiding.' He permeates and pervades, suffuses and fills this very body with the pleasure divested of rapture...

"And furthermore, with the abandoning of pleasure and pain — as with the earlier disappearance of elation and distress — he enters and remains in the *fourth jhāna*: purity of equanimity and mindfulness, neither pleasure nor pain. He sits permeating the body with a pure, bright awareness, so that nothing of his entire body is unpervaded by pure, bright awareness." — DN 2; MN 119; AN V.28

The Commentary notes that four formless states — what the Canon calls "formlessnesses beyond form," and the Commentary calls "formless jhānas" — are based on the fourth jhāna, and so would count as superior human states as well. The Canon describes them as follows:

"With the complete transcending of perceptions of form, and the passing away of perceptions of resistance, and not heeding perceptions of diversity, (perceiving) 'Infinite space,' one enters and remains in the dimension of the infinitude of space...

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"With the complete transcending of the dimension of the infinitude of space, (perceiving) 'Infinite consciousness,' one enters and remains in the dimension of the infinitude of consciousness...

"With the complete transcending of the dimension of the infinitude of consciousness, (perceiving) 'There is nothing,' one enters and remains in the dimension of nothingness...

"With the complete transcending of the dimension of nothingness, one enters and remains in the dimension of neither perception nor non-perception." — DN 15

A fifth state, the cessation of perception and feeling, is reached by transcending the dimension of neither perception nor non-perception, and all who reach it become either non-returners or arahants. The Commentary argues that this state does not count as a superior human state, on the technical grounds that it is neither worldly (*lokiya*) nor transcendent, but nothing in the Canon indicates that a superior human state has to be clearly one or the other. Using the Commentary's own reasoning with regard to the four formless states — that they are based on the fourth jhāna — the same argument can be used to include the cessation of perception and feeling as a superior human state as well.

From the inclusion of the three knowledges in the Vibhaṅga's list, the Commentary takes up the issue of whether the remaining five of the eight knowledges should be included as well. The three knowledges, as described in DN 2, are:

Recollection of past lives (pubbenivāsānusati-ñāṇa): "He recollects his manifold past lives, i.e., one birth, two births, three births, four, five, ten, twenty, thirty, forty, fifty, one hundred, one thousand, one hundred thousand, many aeons of cosmic contraction, many aeons of cosmic expansion, many aeons of cosmic contraction and expansion, (recollecting,) 'There I had such a name, belonged to such a clan, had such an appearance. Such was my food, such my experience of pleasure and pain, such the end of my life. Passing away from that state, I re-arose there. There too I had such a name, belonged to such a clan, had such an appearance. Such was my food, such my experience of pleasure and pain, such the end of my life. Passing away from that state, I re-arose here.' Thus he recollects his manifold past lives in their modes and details."

Knowledge of the passing away and reappearing of beings (cutūpapāta-ñāṇa): "He sees — by means of the divine eye, purified and surpassing the human — beings passing away and re-appearing, and he discerns how they are inferior and superior, beautiful and ugly, fortunate and unfortunate in accordance with their kamma: 'These beings — who were endowed with bad conduct of body, speech, and mind, who reviled the noble ones, held wrong views and undertook actions under the influence of wrong views — with the break-up of the body, after death, have re-appeared in the plane of deprivation, the bad destination, the lower realms, in hell. But these beings — who were endowed with good conduct of body, speech, and mind, who did not revile the noble ones, who held right views and undertook actions under the influence of right views — with the break-up of the body, after death, have re-appeared in the good destinations, in the heavenly world.' Thus — by

means of the divine eye, purified and surpassing the human — he sees beings passing away and re-appearing, and he discerns how they are inferior and superior, beautiful and ugly, fortunate and unfortunate in accordance with their kamma."

Knowledge of the ending of mental effluents (āsavakkhaya-ñāṇa): "He discerns, as it has actually come to be, that 'This is stress... This is the origination of stress... This is the cessation of stress... This is the way leading to the cessation of stress... These are (mental) effluents... This is the origination of effluents... This is the cessation of effluents... This is the way leading to the cessation of effluents.' His heart, thus knowing, thus seeing, is released from the effluent of sensuality, the effluent of becoming, the effluent of ignorance. With release, there is the knowledge, 'Released.' He discerns that 'Birth is ended, the holy life fulfilled, the task done. There is nothing further for this world.'"

The first two of these knowledges, even though they comprised part of the Buddha's Awakening, are mundane, in that people may develop them without necessarily attaining any of the transcendent paths and fruitions. Thus they belong under the category of mahaggata dhamma, as they are based on the attainment of jhāna either in this or in a previous life. The third knowledge, however — because it describes the arising of the transcendent paths and fruitions — comes under the category of lokuttara dhamma, and is the only one of the eight knowledges to do so.

DN 2 describes the remaining five knowledges as:

Insight knowledge (vipassanā-ñāṇa): "He discerns: 'This body of mine is endowed with form, composed of the four primary elements, born from mother and father, nourished with rice and porridge, subject to inconstancy, rubbing, pressing, dissolution, and dispersion. And this consciousness of mine is supported here and bound up here.'"

Mind-made body (manomayiddhi): "From this body he creates another body, endowed with form, made of the mind, complete in all its parts, not inferior in its faculties, just as if a man were to draw a reed from its sheath."

Supranormal powers (iddhividhī): "He wields manifold supranormal powers. Having been one he becomes many; having been many he becomes one. He appears. He vanishes. He goes unimpeded through walls, ramparts, and mountains as if through space. He dives in and out of the earth as if it were water. He walks on water without sinking as if it were dry land. Sitting cross-legged he flies through the air like a winged bird. With his hand he touches and strokes even the sun and moon, so mighty and powerful. He exercises influence with his body even as far as the Brahmā worlds."

Clairaudience (dibba-sota): "He hears — by means of the divine ear-property, purified and surpassing the human — both kinds of sounds: divine and human, whether near or far."

Mind-reading (cetopariya-ñāṇa): "He knows the awareness of other beings, other individuals, having encompassed it with his own awareness. He discerns a mind

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with passion as a mind with passion, and a mind without passion as a mind without passion (etc.)."

The Commentary argues that all of these knowledges except vipassanā-ñāṇa count as superior human states. It does not explain why it excludes vipassanā-ñāṇa from the list, although it is probably following the belief current in its time, that vipassanā-ñāṇa does not require jhāna as a basis, even though the Canon clearly lists this ñāṇa — as distinct from vipassanā as a more general mental quality of clear-seeing — as dependent on jhāna.

There are other occult abilities that are not based on jhāna and for this reason do not count as mahaggata dhamma: such things as divination, giving protective charms, casting malevolent spells, psychic healing, practicing as a medium, etc. The discourses list these and other similar activities as *tiracchāna-vijjā*, animal knowledge, which — as the name implies — is far removed from superior human states. (See BMC2, Chapter 10.)

b. Lokuttara dhamma, in its fullest sense, refers to the series of mental states, called paths and fruitions, in which the fetters that bind the mind to the cycle of rebirth are eradicated; and to the ultimate state of *nibbāna*, or liberation.

The paths and fruitions occur in four pairs. In the first pair, the path to and fruition of stream-entry, three fetters are abandoned: self-identity views (*sakkāya-ditthi*), uncertainty (*vicikicchā*), and grasping at precepts and practices (*silabbata-parāmāsa*). In the second pair — the path to and fruition of once-returning — passion aversion, and delusion are weakened, but no additional fetters are cut. In the third pair, the path to and fruition of non-returning, two additional fetters are abandoned: sensual passion (*kāma-rāga*) and irritation (*paṭigha*); and in the fourth pair, the path to and fruition of arahantship, five: *rūpa-rāga* — passion for forms (e.g., the objects of rūpa jhāna); *arūpa-rāga* — passion for formless phenomena (e.g., the objects of arūpa jhāna); *māna* — conceit; *uddhacca* — restlessness; and *avijjā* — ignorance. With the cutting of this last set of fetters, all bonds with the cycle of rebirth are cut for good, and the mind attains nibbāna.

The term *nibbāna* literally means extinguishing, as of a fire. The commentarial explanation of this term that best fits the way it is used in the Canon is found at Vism.VIII,247, where Buddhaghosa derives it etymologically from *nir*, a negative prefix, and *vāna*, binding: thus, unbinding or liberation. In the physics of the Buddha's time, fire as it burned was said to be in a state of agitation, dependence, attachment, and entrapment — both clinging to and being trapped by its sustenance. Extinguished, it was said to become calm, independent, and unattached. It let go of its sustenance and was released. In the mind's extinguishing, or unbinding, a parallel change occurs.

Nibbāna is one; the paths and their fruitions, eight. Thus there are nine lokuttara dhammas. Although the Vibhaṅga explicitly mentions only the four transcendent fruitions in its list of superior human states, the Commentary argues that the remaining five implicitly qualify as well. There is support for the Commentary's

argument in that the Vibhaṅga includes the noble eightfold path in its list, and SN LV.5 equates this path with the stream.

The Commentary classifies the three types of concentration and emancipation in the Vibhaṅga's list — emptiness, theme-less, and non-directed — as equivalent to the transcendent paths, and the three corresponding attainments as transcendent fruitions. A passage in MN 121, however, indicates that at least the theme-less concentration would count as a mahaggata dhamma because it can be attained without full insight into its fabricated nature, and the same classification might hold for all three of these concentrations and emancipations. Regardless of which class they fall into, however, they are all superior human states. As for the Wings to Awakening, the Commentary maintains that they count as superior human states only when developed to the level of any of the transcendent paths. It also adds that any other attainment equivalent to a lokuttara dhamma — such as complete comprehension of the four noble truths — would fulfill the factor of object here as well.

Perception. Claiming a superior human state that one mistakenly thinks one has achieved is no offense under this rule, although if addressed to a lay person the claim would come under Pc 8. The same holds for a claim that is actually true.

There is the question, however, of what offense there would be for a bhikkhu who has attained a superior human state — such as the first jhāna — without realizing the fact, and then claims to have attained it, thinking his statement to be false. The Vibhaṅga defines *non-existent* as "not to be found; not knowing, not seeing a skillful state within oneself, (yet saying,) 'There is a skillful state within me.'" Also, under the factor of *intention*, it states that misrepresenting one's view or opinion would fulfill that factor. This implies that a superior human state would count as non-existent if one did not see it as existent. If one then misrepresented one's view to another person, claiming the state to be existent, one would fulfill the factors of the full offense here.

Unlike the Vibhaṅga to Pc 1, the Vibhaṅga to this rule does not consider the case where a bhikkhu, doubtful of his attainment, states it as an undoubted fact. This suggests that the compilers of the Vibhaṅga saw the full offense here as applying only to cases where a bhikkhu knows without a doubt that his claim to a superior human state is untrue. From this it would follow that if one is in doubt about one's attainment of such a state and yet makes a definite claim to it, one would incur a pācittiya under Pc 1.

Effort. According to the Vibhaṅga, a statement mentioning oneself in connection with a superior human state is one indicating either that the state is present in oneself or that one is present in the state. Such a statement fulfils this factor only if it explicitly mentions oneself, although the reference to the state may be either explicit or implicit. Explicit mention of the state would include saying such things as, "I have attained the first jhāna," "I have seen the heavenly realms," "I know my previous lifetimes." The Vibhaṅga's example of an implicit mention of a state is the statement, "I delight in an empty dwelling," the implication being that one's delight comes from the attainment of jhāna. At present, many meditation communities have

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developed their own idioms for describing superior human attainments — one being "I have no doubts about the Buddha's teaching" as a way of claiming stream-entry — and, in the context of such communities, idioms of this sort would count as implicit mention as well. As we will see under the discussion of intention, this sort of statement would incur an offense only if one intended the implicit meaning.

A statement in which one mentions oneself — rather than the state — implicitly in connection with a superior human state is not grounds for a *pārājika*. If it is a deliberate lie, it constitutes either a *thullaccaya* or a *dukkaṭa*. Because the grounds for determining the offense in this case are a matter of controversy, we will discuss them separately, under Understanding, below.

The word *statement* here covers not only spoken statements but also written statements and physical gestures. An example of a claim by gesture occurs in the *Vibhaṅga*: A group of bhikkhus makes an agreement that the first to set out from their dwelling would, by that very gesture, be known to the rest as an arahant. One of the group, who was not an arahant but wanted to be regarded as one, set out first from the dwelling and in so doing committed a *pārājika*. At present, a claim made in writing would also fulfil the factor of effort here.

The *Vibhaṅga* specifies that the statement fulfils this factor whether it is addressed to a man or a woman, lay or ordained. The *Vinita-vatthu* contains two cases in which bhikkhus, sitting in private, make false statements laying claim to superior human states. In the first case, the offender is rebuked by another bhikkhu who could read minds; in the second, the offender is rebuked by a *devatā*. In both cases, the Buddha imposes a *dukkaṭa* on the offenders. Thus the Commentary and K/Commentary conclude that a statement mentioning oneself in connection with a superior human state must be directed at a human listener for it to fulfil the factor of effort here. If one makes such a statement in private or directs it to a common animal or a *deva*, one incurs only a *dukkaṭa*.

The original instigators of this rule, instead of each making claims about his own attainments, made false claims about one another's attainments. This case is not mentioned in the rule, the *Vibhaṅga*, or the commentaries, and so is not an offense under this rule, but it would come under Pc 1.

The Commentary raises a question not addressed in the *Vibhaṅga*: Does *mentioning a state in connection with oneself* include claims about attainments in one's previous lives? Without explaining its reasoning, it simply says No. *In connection with oneself* applies only to the present aggregates and not to past ones. With regard to the mahaggata dhammas, it would be possible to make a claim about an attainment in a past life that would not apply to one's present state, because the simple fact that one may have attained *jhāna* in a previous lifetime has no implications bearing on the present lifetime. That sort of attainment doesn't necessarily carry over from one lifetime to the next. With regard to lokuttara dhammas, however, the fact that one may have achieved stream-entry in a previous lifetime *would* have implications for the present lifetime: One is destined to achieve at least stream-entry again at some point before death, which puts one on the level of a faith-follower or a Dhamma-follower, "one who has entered the orderliness of

rightness, entered the plane of people of integrity, transcended the plane of the run-of-the-mill" (SN XXV.1). This is equivalent to the path to stream-entry. So it would seem reasonable to say that a claim to a mahaggata dhamma attained in a previous lifetime would not fulfill the factor of effort here, whereas a claim to a lokuttara dhamma attained in a previous lifetime would. And, of course, if a bhikkhu falsely claims present knowledge of previous lifetimes, that would unequivocally fulfill this factor.

Intention. To incur an offense under this rule, the statement must be (1) meant to misrepresent the truth and (2) motivated by evil desire.

According to the Vibhaṅga a statement meant to misrepresent the truth can be characterized in any of seven ways (§): Before making it, one knows that it is a lie; while making it, one knows that it is a lie; after making it, one knows that it was a lie; one misrepresents one's view; one misrepresents one's opinion; one misrepresents one's approval; and one misrepresents one's state. The Commentary focuses on the first of these characteristics as essential: One must know before making the statement that it will be a lie. If one doesn't realize it beforehand but notices it only while making it or just after making it, it would count simply as a slip of the tongue, and thus — as discussed under Pc 1 — not as a deliberate lie. When the intention to misrepresent the truth is absent, the statement does not come under this rule. For example, if one means to say one thing that does not bear on a superior human state but accidentally says something else that comes out as a claim to such a state, one commits no offense.

Other examples of not intending to misrepresent the truth appear in a series of cases in the Vinita-vatthu where bhikkhus are absolved of an offense under this rule because they "did not intend to boast." The Vibhaṅga gives no precise definition of this phrase, but the cases in question give a fair idea of what it means. They all involve statements where the reference to a superior human state is only implicit. In some of them, ill bhikkhus are asked — as was common in the time of the Buddha — "Do you have any superior human states (§)?" the purpose being — if they had such an attainment — to focus their minds on it; and if not, to direct their efforts to gaining such an attainment before their illness worsened. The ill bhikkhus respond in a variety of ways which, on the surface, look like equivocation. They don't have any superior human attainments, yet don't want to give the impression that they've achieved nothing at all, so they say such things as, "A state to be aroused through the arousing of energy," or, "A state to be aroused through committed commitment." In other cases, the ill bhikkhus are told not to fear death and they respond, "I'm not afraid of death," or "He who has remorse might be afraid of death." In still other cases, ill bhikkhus are asked how they are bearing up under their illnesses and they respond, "This could not be borne by any old person (§)," or, "This could not be borne by an ordinary person (§)." There are also cases where bhikkhus are being pressured by their relatives to disrobe and they respond with such statements as, "It's impossible for a person like me to live in a house" or, "I have blocked off sensual passions."

In each of these cases, the bhikkhus later felt conscience-stricken that their words might be construed as a boast, and so went to the Buddha, who stated that,

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because their purpose was not to boast — apparently, they were simply trying to avoid difficult situations, and the Commentary shows how they could easily have been thinking of something beside superior human states — they incurred no penalty.

Strangely enough — given its explanations of these cases — when the Commentary discusses the factor of "not intending to boast" under the non-offense clauses, it defines it as applying to a bhikkhu who, not motivated by desire, makes a non-deceptive claim of knowledge to his fellow bhikkhus. The Sub-commentary, however, notes that the Commentary's definition does not fit the Vinita-vatthu cases and so gives its own definition of "not intending to boast": saying something that would fulfil the factor of effort yet without desiring to speak of a superior human state, and without being aware that one's words imply such a state. Drawing on the examples in the Vinita-vatthu, we can qualify the Sub-commentary's explanation by noting that this exemption applies even if the reference to oneself is explicit, but not if the reference to the superior human state is.

Thus, if one makes an innocent statement that could be construed as implying a claim to a superior human state, without explicitly mentioning such a state, then regardless of how other people might interpret it, if one's purpose is not to boast or lay claim to that state then there is no offense. However, if the inference was intended — and a deliberate misrepresentation — the factor of intention here would be fulfilled. As for untrue statements that make explicit reference to a superior human state — e.g., "I have reached the fourth jhāna" — the inference is obviously intended, and so these automatically fulfil the factor of "intending to misrepresent the truth."

As for evil desire: The Commentary — citing a passage from an Abhidhamma text, the Vibhaṅga, which in turn is based on MN 5 — defines *evil desire* here as the wish to have others believe that skillful states not present within oneself are actually there. In other words, one must want one's statement to be taken seriously. This means that motive is an essential part of this factor. To make a self-deprecating, sarcastic joke referring to one's non-existent superior human attainments as if they were existent, but not intending to be taken seriously, would not fulfil the factor of intention here, regardless of how one's listeners took the remark. However, because such a remark is a falsehood, it would fall under Pc 1, even though made in jest. For this reason, cases of this sort are not mentioned in the non-offense clauses under this rule because they do carry a pācittiya offense. However, even though the penalty they carry is relatively minor, jokes of this sort should not be viewed lightly. Not only can they lead to serious misunderstandings among one's listeners, but they also betray an off-handed disrespect for the Dhamma, and in particular for the attainments that a bhikkhu should view as among the highest means and ends of his training.

Understanding. The Vibhaṅga discusses two sets of cases in which the factor of understanding plays a role in determining the offense. In the first set, bhikkhus intend to lie about attaining one superior human state (such as the second jhāna) but actually lie about attaining another one (such as the third). In the second set, they make claims about attainments, explicitly mentioning an attainment but not

explicitly mentioning themselves (e.g., a bhikkhu, referring to the dwelling in which he lives, says, "Those who live in this dwelling are arahants"). Given that understanding plays a role here, the question is: Whose understanding is at issue here, the speaker's or the listener's? The Commentary assumes the listener's understanding to be at issue. Furthermore — despite the Vibhaṅga's applying this factor only to these two sets — the Commentary extrapolates from them to say that this condition applies to *all* cases covered by this rule: The listener must understand what the bhikkhu is saying for there to be a full offense.

This interpretation, however, appears to be based on a misreading of the Canon. Under other rules where the question of the listener's understanding is a factor — such as the rules for disrobing and Saṅghādisesa 3 — the pattern in the Vibhaṅga is to state explicitly, "If he understands," "If he doesn't understand," "She didn't understand," with the "he" or "she" in a different case than that of the participles describing the bhikkhu. Here, however, when the Vibhaṅga mentions the factor of understanding, it uses a present participle in the same case as the participle describing the person speaking: *sampajāna-musā bhaṅantassa paṭivijānantassa āpatti pārājikassa* — "For the one speaking a deliberate lie and understanding (it as such), an offense of defeat" and so forth. (Some have suggested that the *paṭivijānantassa* in this phrase is an example of the genitive absolute, which would apply to a different agent than the main agent of the sentence. However, the syntax of the sentence and the placement of the word do not follow the pattern for the genitive absolute, which has to be composed of a noun and a participle set apart from the rest of the sentence.) This means that the participle for "understanding" refers to the same person referred to as "speaking": In other words, it refers to the bhikkhu, and not to the listener, who is nowhere mentioned in the passage.

This, of course, raises the question of why the speaker's understanding of his own statement would be an issue, and the answer is this:

In the first set of cases — where the bhikkhu means to lay false claim to one superior human state but actually lays false claim to another — if he does not realize that he has made a slip of the tongue, the statement would not normally count as a conscious lie, as he is not aware of what he is saying at the moment he is saying it. Because he is not paying attention to his words, he should not receive the full penalty. However, if he is alert enough to know what he is saying, then — as the Commentary points out — all the factors of an offense are present. Because both his intended and his actual statements are corrupt, he should not be allowed to avoid the penalty simply because of a brief slip of the tongue. Thus, the Vibhaṅga assigns a pārājika in cases of this sort if the bhikkhu is aware of what he is saying, and a thullaccaya if not.

In the second set of cases, where the bhikkhu's remarks concern a superior human state explicitly but himself only implicitly, he deserves a heavier penalty if he is aware of the implicit connection than if he is not. Thus the Vibhaṅga assigns a thullaccaya if he is, and a dukkaṭa if not.

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For those interested in the Commentary's interpretation — that the understanding is the duty of the listener, and that it must be present in all cases for there to be the full offense under this rule — here it is:

Understanding, according to the Commentary, means simply that the listener hears the statement clearly enough to know that it is a claim. Whether he/she understands the names for the states claimed — jhāna, clairvoyance, clairaudience, or whatever — is not an issue. The same is true of whether he/she believes the statement to be true or false. If the listener to whom an explicit claim to a superior human state is directed does not understand it, but a passer-by does, the penalty is still a pārajika.

The Commentary adds that if the listener does not hear the bhikkhu clearly enough to catch all he says, the penalty is a thullaccaya. If the listener at first has some doubt as to what the bhikkhu said but later realizes that it was a claim to a superior human state, the offense is still a thullaccaya. If the listener does not hear the bhikkhu at all, the Commentary — probably extrapolating from the Vinita-vatthu cases concerning bhikkhus speaking in private — gives the bhikkhu a dukkaṭa.

If the bhikkhu makes a claim to a superior human state in which he mentions himself only implicitly — e.g., "The bhikkhus you support are non-returners" — the Commentary follows a similar pattern in assigning offenses: a thullaccaya if the listener understands, a dukkaṭa if he/she doesn't, a dukkaṭa if he/she doesn't even hear the claim.

As noted above, however, the Commentary's judgments on this issue appear to be based on a misreading of the Vibhaṅga.

Special cases in the Vinita-vatthu:

- 1) Brahmans speaking with exaggerated faith or politeness address bhikkhus of no particular attainments as if they were arahants ("May the arahants come... May the arahants be seated"). This puts the bhikkhus in a quandary and so they ask the Buddha how to behave in such a situation. His response: There is no offense in accepting invitations such as these from a "speaker with faith" — the point being that there is no offense in coming, sitting, etc., as long as the intention is just to accept the invitation and not to imply a claim.
- 2) Bhikkhus, hoping that people will esteem them, engage in special practices — the examples given in the Vinita-vatthu include living in the jungle, going for alms, sitting, standing, walking, and lying down (apparently in meditation for long periods of time), but from them we can extrapolate to other practices such as any of the ascetic (*dhutaṅga*) practices or vegetarianism, etc., followed so as to impress others. The penalty: a dukkaṭa. Because this ruling might give the mistaken impression that one should not adopt the dhutaṅga practices or engage in long periods of sitting, etc., the Commentary includes a list of

blameless reasons for living in the wilderness: seeing that village-dwelling makes one's mind restless, desiring seclusion, desiring to attain arahantship, reflecting that the Buddha praised living in the wilderness, anticipating that one will be a good example to one's fellows in the holy life. A bhikkhu who undertakes any of the dhutaṅga practices for these or similar reasons would incur no offense.

Non-offenses. In addition to the standard non-offenses, the Vibhaṅga lists two that we have already covered in connection with perception and intention: There is no offense if one makes a claim out of a mistaken and exaggerated understanding of one's attainment; and no offense if one is not intending to boast, i.e., one makes a claim that may sound like an implicit reference to a superior human state but is not intended as such.

Summary: Deliberately lying to another person that one has attained a superior human state is a pārājika offense.

A bhikkhu who violates any of these four pārājika rules is automatically no longer a bhikkhu. There is no need for him to go through a formal ceremony of disrobing, for the act of violating the rule is an act of disrobing in and of itself. As each of the rules states, he is no longer in affiliation, which the word-analysis defines as no longer having a single transaction (i.e., he can no longer participate in any Community meetings), no longer having a single recitation (i.e., he can no longer participate in the uposatha (see BMC2, Chapter 15)), no longer having a training in common with the bhikkhus.

Even if a bhikkhu who has violated any of these rules continues to pretend to be a bhikkhu, he does not really count as one; as soon as the facts are known he must be expelled from the Saṅgha. He can never again properly ordain as a bhikkhu in this life. If he tries to ordain in a Community that does not know of his offense, his ordination is invalid, and he must be expelled as soon as the truth is found out.

The Commentary to Pr 1 maintains that he is allowed to "go forth" as a novice, but because the Vibhaṅga does not clearly support this position, not all Communities accept it.

Ignorance of these rules does not exempt an offender from the penalty, which is why the Buddha ordered that they be taught to each new bhikkhu as soon as possible after ordination (Mv.1.78.2–5). Because the rules cover a number of cases that are legal in present-day society (e.g., recommending abortion, proving to oneself how supple one has become through yoga by inserting one's penis in one's mouth) or that are common practice among people who see nothing wrong with flirting with the edges of the law (e.g., hiding an article subject to customs duties when entering a country), it is especially important to inform each new bhikkhu of the rules' full implications from the very start.

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If a bhikkhu suspects that he has committed a pārājika, he should immediately inform a senior bhikkhu well versed in the rules. The way the senior bhikkhu should handle the case is well-illustrated by an incident reported in the Commentary to Pr 2: A king together with an enormous crowd once went to worship the Great Stūpa at a certain monastery in Sri Lanka. Among the crowd was a visiting bhikkhu from the South of the country who was carrying an expensive roll of cloth. The commotion of the event was so great that he dropped the cloth, was unable to retrieve it, and soon gave it up for lost. One of the resident bhikkhus happened to come across it and, desiring to steal it, quickly put it away before the owner might see it. Eventually, of course, he became tormented by guilt and went to the resident Vinaya expert to admit a pārājika and disrobe.

The Vinaya expert, though, wouldn't let him disrobe until he had found the owner of the cloth and inquired about it more fully. Eventually, after a long search, the bhikkhu was able to track down the original owner at a monastery back South, who told him that at the time of the theft he had given the cloth up for lost and had abandoned all mental attachment for it. Thus, as the cloth was ownerless, the resident bhikkhu had incurred not a pārājika, but simply some dukkaṭas for the preliminary efforts with intention to steal.

This example shows several things: the great thoroughness with which a senior bhikkhu should investigate a possible pārājika, the compassion he should show to the offender, and the fact that the offender should be given the benefit of the doubt wherever possible: He is to be considered innocent until the facts prove him guilty.

There are, however, cases of another sort, in which a bhikkhu commits a pārājika and refuses to acknowledge the fact. If his fellow bhikkhus see, hear, or have any suspicions that this has happened, they are duty-bound to bring up the issue with him. If they are not satisfied with his assertions of his innocence, the case becomes an accusation issue, which must be resolved in line with the procedures outlined in Sg 8 and Chapter 11.

Finally, the Commentary concludes its discussion of the pārājikas by noticing that there are altogether 24 — eight actual, twelve equivalent, and four derived — pārājikas for bhikkhus and bhikkhunīs.

The eight actual pārājikas are:

- the four for bhikkhus (also observed by the bhikkhunīs), and
- the four additional pārājikas for bhikkhunīs alone.

The twelve equivalent pārājikas include the eleven disqualified types who should not be ordained as bhikkhus in the first place. If they happen to be ordained, their ordination is invalid; once they are found out they must be expelled for life (Mv.I.61–68: see BMC2, Chapter 14 for details). They are —

- a paṇḍaka (essentially, a eunuch or a person born neuter — see Saṅghādisesa 2),
- a "non-human" being, (this includes nāgas, petas, devas, and yakkhas),
- a hermaphrodite,
- a person who poses as a bhikkhu without having been ordained,
- a bhikkhu who has ordained in another religion without first giving up his status as a bhikkhu,
- a person who has murdered his father,
- a person who has murdered his mother,
- a person who has murdered an arahant,
- a person who has sexually molested a bhikkhunī,
- a person who has maliciously injured a Buddha to the point of causing him to bleed, and
- a person who has dishonestly caused a schism in the Saṅgha, knowing or suspecting that his position was contrary to the Dhamma-Vinaya.

These eleven equivalent pārājikas apply to bhikkhunīs as well.

The twelfth equivalent pārājika, which applies only to bhikkhunīs, is the case where a bhikkhunī leaves the Bhikkhunī Saṅgha and takes up the role of a lay woman (Cv.X.26.1). Unlike the bhikkhus, the bhikkhunīs have no formal procedure for disrobing. If they leave the Saṅgha, they are not allowed to reordain for the rest of this lifetime.

In addition to the twenty actual and equivalent pārājikas, the Commentary gives separate listing to the four *anulomika* (derived) pārājikas, which are actually four cases included under Pr 1: the bhikkhu with a supple back who sticks his penis in his mouth, the bhikkhu with a long penis who inserts it into his anus, the bhikkhu who performs oral intercourse with someone else, and the bhikkhu who receives anal intercourse. Of these, three can be extrapolated to apply to bhikkhunīs, too. Why the Commentary lists these cases as separate pārājikas is hard to tell, until it's simply to ensure that these permutations of Pr 1 don't get overlooked. Still, the entire list of 24 is important, for under the rules dealing with falsely accusing another bhikkhu of having committed a pārājika (Sg 8 & 9) or the rule dealing with concealing another bhikkhu's pārājika offense (Pc 64), the Commentary defines *pārājika* as including equivalent and derived pārājikas as well.

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Chapter 5

Saṅghādisesa

Saṅghādisesa

This term means "involving the Community in the initial (*ādī*) and subsequent (*sesa*) acts." It derives from the fact that the Community is the agent that initially calls on the bhikkhu who breaks any of the rules in this category to undergo the penalty (of *mānatta*, penance, and *parivāsa*, probation), subsequently reimposes the penalty if he does not properly carry it out, and finally lifts the penalty when he does. There are thirteen training rules here, the first nine entailing a saṅghādisesa immediately on transgression, the last four only after the offender has been rebuked three times as part of a Community transaction.

1. Intentional emission of semen, except while dreaming, entails initial and subsequent meetings of the Community.

The origin story to this rule is as follows:

"Now at that time Ven. Seyyasaka was leading the celibate life dissatisfied. Because of this, he was thin, wretched, unattractive, and pale, his body covered with veins. Ven. Udāyin saw that Ven. Seyyasaka was thin... his body covered with veins. On seeing him, he said to him, 'Seyyasaka, my friend, why are you thin... your body covered with veins? Could it be that you're leading the celibate life dissatisfied?'

"'Yes, friend.'

"'In that case, eat as you like and sleep as you like and bathe as you like; and having eaten, slept, and bathed as you like, when dissatisfaction arises and lust assails the mind, emit semen having attacked (!) with your hand.'

"'But is it okay to do that?'

"'Of course. I do it myself.'

"So then Ven. Seyyasaka ate as he liked and slept as he liked... and when dissatisfaction arose and lust assailed his mind, he would emit semen having attacked with his hand. Then it wasn't long before he became attractive, with rounded features, a clear complexion, and very bright skin. So the bhikkhus who were his friends said to him, 'Before, friend Seyyasaka, you were thin... your body covered with veins. But now you are attractive, with rounded features, a clear complexion, and very bright skin. Could it be that you're taking medicine?'

"'No, I'm not taking medicine, my friends. I just eat as I like and sleep as I like... and when dissatisfaction arises and lust assails my mind, I emit semen having attacked with my hand.'

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"But do you emit semen having attacked with the same hand you use to eat the gifts of the faithful?"

"Yes, my friends."

This rule, in its outline form, is one of the simplest to explain. In its details, though, it is one of the most complex, not only because the subject is a sensitive matter but also because the Commentary deviates from the Vibhaṅga in its explanations of two of the three factors that constitute the full offense.

The three factors are result, intention, and effort: emission of semen caused by an intentional effort. When all three factors are present, the offense is a saṅghādisesa. If the last two — intention and effort — are present, the offense is a thullaccaya. Any single factor or any other combination of two factors — i.e., intention and result without making a physical effort, or effort and result without intention — is not grounds for an offense.

It may seem strange to list the factor of result first, but I want to explain it first partly because, in understanding the types of intention and effort covered by this rule, it is necessary to know what they are aimed at, and also because result is the one factor where the Vibhaṅga and Commentary are in basic agreement.

Result. The Vibhaṅga states that semen can come in ten colors — a classification derived from a diagnostic practice in ancient Indian medicine in which a doctor would examine his male patients' ejaculates as a way of diagnosing their health. After presenting a long series of wheels based on these ten colors of semen, the Vibhaṅga arrives at the simple conclusion that the color and quality of the semen are irrelevant to the offense. This suggests that a bhikkhu who has had a vasectomy can still commit an offense under this rule, because he can still discharge the various components that go into seminal fluid — minus only the sperm — at orgasm.

Although the Vibhaṅga adds that semen is discharged when it "falls from its base," it does not discuss this point in any detail. The Commentary discusses three opinions as to precisely when this happens in the course of sexual stimulation. Although its discussion is framed in terms of the physiology of ejaculation as understood at the time, its conclusion is clear: Semen moves from its base when "having made the whole body shake, it is released and descends into the urinary tract" — in other words, at the point of orgasm. The Commentary further explains that semen falls from its base when it enters the urinary tract, because from that point on the process is irreversible. Thus if the process of sexual stimulation has reached this point, the factor of result has been fulfilled even if one tries to prevent the semen from leaving the body at orgasm by pinching the end of one's penis. Once in the urinary tract, it has already fallen from its base, so whether it then leaves the body is irrelevant as far as the factors of the offense are concerned.

Although some sub-sub-commentaries have ventured a more cautious opinion than the Commentary's — saying that semen counts as having fallen from its base when there appears a small amount of the clear alkaline fluid produced by the prostate

and Cowper's glands prior to ejaculation — there is nothing in the Vibhaṅga to prove the Commentary wrong.

Intention. The Vibhaṅga defines *intentionally* as "having willed, having made the decision knowingly and consciously." The Commentary explains these terms as follows: *Having willed* means having willed, having planned, with the intention of enjoying bringing about an emission. *Having made the decision* means having summoned up a reckless mind state, "crushing" through the power of an attack. (These are the same terms it uses to explain the same phrase under Pr 3, Pc 61, and Pc 77. The meaning is that one is not simply toying with the idea. One has definitely made up one's mind to overcome all hesitation by aggressively setting upon an action aimed at causing emission.) *Knowingly* means knowing that, "I am making an exertion" — which the Sub-commentary explains as knowing that, "I am making an exertion for the sake of an emission." *Consciously* means being aware that one's efforts are bringing about an emission of semen.

The Commentary's definition of "having willed" is where it deviates from the Vibhaṅga's discussion of the factor of intention. The Vibhaṅga, throughout its analysis, expresses this factor simply as "aiming at causing an emission," and it lists ten possible motives for wanting to bring the emission about:

- for the sake of health,
- for the sake of pleasure,
- for the sake of a medicine,
- for the sake of a gift (to insects, says the Commentary, although producing semen as a gift to one's partner in a tantric ritual would also come under this category),
- for the sake of merit,
- for the sake of a sacrifice,
- for the sake of heaven,
- for the sake of seed (to produce a child — a bhikkhu who gave semen to be used in artificial insemination would fit in this category),
- for the sake of seed (to produce a child — a bhikkhu who gave semen to be used in artificial insemination would fit in this category),
- for the sake of investigating (e.g., to diagnose one's health), or
- for the sake of playfulness or fun.

Each of these motives, the Vibhaṅga says, fulfills the factor of intention here. Thus for the Commentary to limit the question of "deliberate intention" strictly to the enjoyment of the act of bringing about an emission (numbers 2 and 10 in the Vibhaṅga's list) has no basis in the Canon. This means that the factor of intention under this rule is defined by deliberateness and immediate aim — causing an emission of semen — regardless of impulse or motive.

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Given the way intention is defined, there is no offense for a bhikkhu who brings on an emission of semen —

- *accidentally* — e.g., toying with his penis simply for the pleasure of the contact, when it suddenly and unexpectedly goes off;
- *not knowing that he is making an effort* — e.g., when he is dreaming or in a semi-conscious state before fully waking up from sleep;
- *not conscious that his efforts are bringing about an emission of semen* — e.g., when he is so engrossed in applying medicine to a sore on his penis that he doesn't realize that he is bringing on an ejaculation;
- or when his efforts are *motivated by a purpose other than that of causing an emission* — e.g., when he wakes up, finds that he is about to have a spontaneous ejaculation, and grabs hold of his penis to keep the semen from soiling his robes or bedding.

Effort. The Vibhaṅga defines four types of effort that fulfill this factor: A bhikkhu causes an emission making an effort (1) at an internal object, (2) at an external object, (3) at both an internal and an external object, or (4) by shaking his pelvis in the air. It then goes on to explain these terms: The internal object is one's own living body. External objects can either be animate or inanimate objects. The third type of effort involves a combination of the first two, and the fourth covers cases when one makes one's penis erect ("workable") by making an effort in the air.

The extremely general nature of these definitions gives the impression that the compilers of the Vibhaṅga wanted them to cover every imaginable type of bodily effort aimed at arousing oneself sexually, and this impression is borne out by the wide variety of cases covered in the Vinita–vatthu. They include, among others, a bhikkhu who squeezes his penis with his fist, one who rubs his penis with his thumb, one who rubs his penis against his bed, one who inserts his penis into sand, one who bathes against the current in a stream, one who rubs his preceptor's back in the bathing room, one who gets an erection from the friction of his thighs and robes while walking along, one who has his belly heated in the bathing room, and one who stretches his body. In each of these cases, if the bhikkhu aims at and succeeds in causing an emission, he incurs a saṅghādisesa.

The Vinita–vatthu also includes a case in which a bhikkhu, desiring to cause an emission, orders a novice to take hold of his (the bhikkhu's) penis. He gets his emission and a saṅghādisesa to boot, which shows that getting someone else to make the effort for one fulfills the factor of effort here. Under the factor of consent, below, we will discuss a similar case from the Vinita–vatthu to Pr 1 which indicates that simply lying still while allowing someone else to bring one to an orgasm fulfills the factor of effort here as well.

In discussing the factor of effort, though, the Commentary adds an additional sub-factor: that the effort must be directed at one's own penis. If this were so, then a

bhikkhu who succeeded in causing an emission by stimulating any of the erogenous zones of his body aside from his penis would incur no penalty. The Commentary itself actually makes this point, and the Sub-commentary seconds it, although the V/Sub-commentary says that such a bhikkhu would incur a dukkaṭa — what it bases this opinion on, it doesn't say: perhaps a misreading of the Case of the Sleeping Novice, which we will discuss below.

At any rate, the Commentary in adding this last factor runs up against a number of cases in the Vinita-vatthu in which the effort does not involve the penis: the bhikkhu warming his belly, the bhikkhu rubbing his preceptor's back, a bhikkhu having his thighs massaged, and others. The Commentary deals with these cases by rewriting them, stating in most cases that the effort somehow had to involve the penis. This in itself is questionable, but when the Commentary actually contradicts the Vinita-vatthu in the case of the bhikkhu who warms his belly, saying that this sort of effort could not involve an offense at all, even if one aims at and succeeds in causing an emission, the commentators have moved beyond the realm of commenting into the realm of rewriting the rule.

As stated in the Introduction, we have to go on the assumption that the compilers of the Vibhaṅga knew the crucial factors of each offense well enough to know what is and is not an offense, and were careful enough to include all the relevant facts when describing the precedents in the Vinita-vatthu in order to show how the Buddha arrived at his judgments. Because the Commentary's position — adding the extra factor that the physical effort has to involve one's own penis — directly contradicts the Vibhaṅga on this point, the extra factor cannot stand.

The question then is why the commentators added the extra factor in the first place. An answer may be found in one of the cases in the Vinita-vatthu: the Case of the Sleeping Novice.

"On that occasion a certain bhikkhu grabbed hold of the penis of a sleeping novice. His semen was emitted. He felt conscience-stricken... 'Bhikkhu, there is no saṅghādisesa offense. There is a dukkaṭa offense.'"

The issue here is whose semen was emitted. Pali syntax, unlike English, doesn't give us a clue, for there is no syntactical rule that the pronoun in one sentence should refer to the subject of the preceding sentence. There are many cases under Pr 3 that follow the form, "A stone badly held by the bhikkhu standing above hit the bhikkhu standing below on the head. The bhikkhu died. He felt conscience-stricken." In these cases it is obvious from the context within the story which bhikkhu died and which one felt conscience-stricken, while with the sleeping novice we have to look for the context in other parts of the Vibhaṅga.

If the bhikkhu was the one who emitted semen, then perhaps there is a contradiction in the Vibhaṅga, and the Commentary is justified in saying that the effort must involve one's penis, for otherwise the case would seem to fulfill the Vibhaṅga's general definition for the factor of effort: The bhikkhu is making an effort at an outside body and has an emission. Following the general pattern of the rule, he would incur a saṅghādisesa if he intended emission, and no penalty at all if he

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didn't. Yet — deviating from the standard pattern for the Vinita–vatthu cases — the Buddha does not ask whether he aimed at emitting semen, and simply gives the bhikkhu a dukkaṭa, which suggests an inconsistency.

If, however, the novice was the one who emitted, there is no inconsistency at all: The bhikkhu incurs his dukkaṭa for making lustful bodily contact with another man (see the discussion under Sg 2, below), and the case is included here to show that the full offense under this rule concerns instances where one makes *oneself* emit semen, and not where one makes others emit. (Other than this case, there is nothing in the rule or the Vibhaṅga that expressly makes this point. The rule simply mentions bringing about the emission of semen, without explicitly mentioning whose. This would explain the bhikkhu's uncertainty as to whether or not he had committed a saṅghādisesa.) And the reason there is no mention of whether or not the bhikkhu intended to emit semen is because — as it comes under another rule — it is irrelevant to the case.

Thus, inasmuch as the second reading — the novice was the one who had an emission — does no violence to the rest of the Vibhaṅga, it seems to be the preferable one. If this was the case that led the commentators to add their extra factor, we can see that they misread it and that the Vibhaṅga's original definition for the factor of effort still stands: Any bodily effort made at one's own body, at another body or physical object, at both, or any effort made in the air — like shaking one's pelvis or stretching one's body — fulfills the factor of effort here.

One case that does *not* fulfill the factor of effort is when one is filled with lust and stares at the private parts of a woman or girl. In the case dealing with this contingency, the bhikkhu emits semen, but again the Buddha does not ask whether he intended to. Instead, he lays down a separate rule, imposing a dukkaṭa for staring lustfully at a woman's private parts. This suggests that efforts with one's eyes do not count as bodily efforts under this saṅghādisesa rule, for otherwise the penalty would have been a saṅghādisesa if the bhikkhu had intended emission, and no offense — not a dukkaṭa — if he hadn't. And this also suggests that the dukkaṭa under this separate rule holds regardless of intention or result. The Commentary adds that this dukkaṭa applies also to staring lustfully at the genitals of a female animal or at the area of a fully-clothed woman's body where her sexual organ is, thinking, "Her sexual organ is there." At present we would impose the penalty on a bhikkhu who stares lustfully at a woman's private parts in a pornographic photograph.

As we will see under the non-offense clauses, there is no offense in a nocturnal emission. The Commentary, however, discusses the question of conscious efforts made prior to sleep aimed at a nocturnal emission, and arrives at the following verdicts: If a bhikkhu, "usurped" with lust while lying down, grabs his penis with his fist or thighs and drops off to sleep maintaining that position in hopes of inducing an emission, he incurs the full offense if the emission takes place. If, however, he suppresses his "lust-usurpation" by reflecting on the foulness of the body and then dozes off with a pure mind, he incurs no offense even if an emission later occurs. The analysis here seems to be that the bhikkhu's change of mind would separate the emission from the earlier effort enough so that it would not be regarded as a

direct result of that effort. The Sub-commentary adds that, in addition to suppressing the lust in his mind, he also has to discontinue his effort to be free of an offense in this way. And both texts have to be qualified by saying that the "no offense" would apply only to the emission, for the earlier intentional effort would incur a thullaccaya.

Consent. A special contingency covered by this rule occurs in two nearly identical cases in the Vinita-vatthu for Pr 1: A woman approaches a bhikkhu and offers to make him emit semen by attacking with her hand (§). In both cases the bhikkhu lets her go ahead, and the Buddha says that he incurs a saṅghādisesa in doing so. The commentaries treat the cases as self-evident and offer no extra details. Thus, given the facts as we have them, it would seem that consent under this rule can be expressed physically simply by letting the act happen. A bhikkhu who acquiesces mentally when someone tries and succeeds in making him emit semen is not absolved from the full offense here even if he otherwise lies perfectly still throughout the event.

Derived offenses. As stated above, a bhikkhu who fulfills all three factors — result, intention, and effort — incurs a saṅghādisesa. One who fulfills only the last two — intention and effort — incurs a thullaccaya.

In discussing the case of a bhikkhu with fat thighs who develops an erection simply by walking along, the Commentary mentions that if one finds sensual "fever" arising in such a case, one must immediately stop walking and start contemplating the foulness of the body so as to purify the mind before continuing on one's way. Otherwise, one would incur a thullaccaya simply for moving one's legs. *Sensual fever*, here, probably refers to the desire to cause an emission, for there are several spots where the Commentary discusses bhikkhus who stimulate an erection simply for the enjoyment of the contact rather than to cause an emission, and the judgment is that they incur no penalty, even if an emission does inadvertently result.

Aside from the thullaccaya, there are no other derived offenses under this rule. A bhikkhu who has an ejaculation while thinking sensual thoughts but without making any physical effort to cause it, incurs no penalty regardless of whether the idea crosses his mind that he would like to have an emission, and regardless of whether he enjoys it when it occurs. However, the Commentary notes here that even though there is no offense involved, one should not let oneself be overcome by sensual thoughts in this way. This point is borne out by the famous simile that occurred to Prince Siddhattha before his Awakening and that later, as Buddha, he related to a number of listeners:

"Suppose there were a wet sappy piece of timber lying on dry ground far from water, and a man were to come along with an upper fire-stick, thinking, "I'll light a fire. I'll produce heat." Now what do you think? Would he be able to light a fire and produce heat by rubbing the upper fire-stick in the wet sappy timber...?"¹

"No, Master Gotama. And why is that? Because the wood is wet and sappy, even though it is lying on dry ground far from water. The man would reap only his share of weariness and disappointment."¹

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"So it is with any brahman or contemplative who lives withdrawn from sensuality only in body, but whose desire, infatuation, urge, thirst, and fever for sensuality is not relinquished and stilled within him: Whether or not he feels painful, racking, piercing feelings due to his striving (for Awakening), he is incapable of knowledge, vision, and unexcelled self-awakening." — MN 36

Non-offenses. In addition to the cases already mentioned — the bhikkhus who bring about emissions accidentally, not knowing that they are making an effort, not conscious that their efforts are bringing about an emission, whose efforts are motivated by a purpose other than that of causing an emission, or who without making any physical effort have an ejaculation while overcome by sensual thoughts — there is no offense for a bhikkhu who has an ejaculation while dreaming.

The Commentary notes that some interpreters had taken the idiomatic term in the rule translated as, "while dreaming (*supinantā*)," and read it as a compound meaning literally "at the end of a dream (*supin'antā*)," thus opening an allowance for intentional effort and emission when awakening from a soon-to-be-wet dream. However, the Commentary goes on to rule out this overly literal interpretation, stating that what happens in the mind while one is sleeping falls in the bounds of the Abhidhamma, but what happens after one awakens falls within the bounds of the Vinaya; and that there is no such thing as a misdeed performed when one is in a "non-negligible" state of mind that does not count as an offense. (*Non-negligible*, according to the Sub-commentary, means "normal.")

In making the exception for what happens while asleep, the Buddha states that even though there may be the intention to cause an emission, it doesn't count. The Commentary goes on to say, however, that if a bhikkhu fully awakens in the course of a wet dream, he should lie still and be extremely careful not to make a move that would fulfill the factor of effort under this rule. If the process has reached the point where it is irreversible and the ejaculation occurs spontaneously, he incurs no penalty regardless of whether he enjoys it. And as the Commentary quotes from the Kurundī, one of the ancient Sinhalese commentaries on which it is based, if he wakes up in the course of a wet dream and grabs hold of his penis to prevent the ejaculation from soiling his robes or bedding, there is no offense.

However, the Commentary's two cases concerning nocturnal emissions, mentioned above, indicate that if a nocturnal emission occurs after a bhikkhu made a fully intentional effort toward an emission before falling asleep, he would incur the full offense under this rule unless the effort and intent were clearly stopped with a clear change of heart while he was still awake. This is because all three factors under this rule would be fully present: a conscious, unhesitating decision to cause an emission; a conscious effort based on that decision; and the resulting emission. Whether or not one was conscious while it occurred is of no account.

Summary: Intentionally causing oneself to emit semen, or getting someone else to cause one to emit semen — except during a dream — is a saṅghādisesa offense.

2. *Should any bhikkhu, overcome by lust, with altered mind, engage in bodily contact with a woman, or in holding her hand, holding a lock of her hair, or caressing any of her limbs, it entails initial and subsequent meetings of the Community.*

This rule has sometimes been viewed as a sign of prejudice against women. But, as the origin story makes clear, the Buddha formulated the rule not because women are bad, but because bhikkhus sometimes can be.

"Now at that time, Ven. Udāyin was living in the wilderness. His dwelling was beautiful, attractive, and appealing. The inner chamber was in the middle, entirely surrounded by the outer chamber. The bed and bench, the mattress and pillow were well arranged, the water for washing and drinking well placed, the surrounding area well swept. Many people came to look at it. Even a certain brahman together with his wife went to Ven. Udāyin and on arrival said, 'We would like to look at your dwelling.'

"'Very well then, brahman, have a look.' Taking the key, unfastening the lock, and opening the door, he entered the dwelling. The brahman entered after Ven. Udāyin; the brahman lady after the brahman. Then Ven. Udāyin, opening some of the windows and closing others, walking around the inner room and coming up from behind, rubbed up against the brahman lady limb by limb.

"Then, after exchanging pleasantries with Ven. Udāyin, the brahman left. Delighted, he burst out with words of delight: 'How grand are these Sakyan contemplatives who live in the wilderness like this! And how grand is Ven. Udāyin who lives in the wilderness like this!'

"When this was said, his wife said to him, 'From where does he get his grandeur? He rubbed up against me limb by limb just the way you do!'

"So the brahman criticized and complained and spread it about: 'They're shameless, these bhikkhus — immoral, liars!... How can this contemplative Udāyin rub up against my wife limb by limb? It isn't possible to go with your family wives, daughters, girls, daughters-in-law, and female slaves to a monastery or dwelling. If family wives, daughters, girls, daughters-in-law, and female slaves go to a monastery or dwelling, the Sakyan-son monks will molest them!'"

There are two ways in which a bhikkhu can come into contact with a woman: either actively (the bhikkhu makes the contact) or passively (the woman does). Because the Vibhaṅga uses different terms to analyze these two possibilities, we will discuss them separately.

Active contact. The full offense for active contact here is composed of four factors.

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- 1) *Object*: a living woman — "even one born on that very day, all the more an older one." Whether she is awake enough to realize what is going on is irrelevant to the offense.
- 2) *Perception*: The bhikkhu correctly perceives her to be a woman.
- 3) *Intention*: He is impelled by lust.
- 4) *Effort*: He comes into physical contact with her.

Of these four factors, only two — intention and effort — require detailed explanation.

Intention. The Vibhaṅga explains the term *overcome with lust* as meaning "impassioned, desiring, a mind bound by attraction." *Altered*, it says, can refer in general to one of three states of mind — passion, aversion, or delusion — but here it refers specifically to passion.

The Commentary adds a piece of Abhidhamma analysis at this point, saying that *altered* refers to the moment when the mind leaves its state of pure neutrality in the *bhavaṅga* under the influence of desire. Thus the factor of intention here can be fulfilled not only by a prolonged or intense feeling of desire, but also by a momentary attraction.

The Commentary also tries to limit the range of passion to which this rule applies, saying that it covers only desire for the enjoyment of contact. As we noted under Pr 1, the ancient commentators formulated a list of eleven types of lust, each mutually exclusive, and the question of which rule applies to a particular case depends on which type of lust provokes the bhikkhu's actions. Thus if a bhikkhu lusting for intercourse touches a woman, it says, he incurs only a dukkaṭa as a preliminary to sexual intercourse under Pr 1. If he touches her through his lust for an ejaculation, he incurs a thullaccaya as a preliminary to causing an emission under Sg 1. Only if he touches her with the simple desire to enjoy the sensation of contact does he incur a saṅghādisesa under this rule.

This system, though very neat and orderly, flies in the face of common sense and, as we noted under Pr 1, contradicts the Vibhaṅga as well, so there is no need to adopt it. We can stick with the Vibhaṅga to this rule and say that *any* state of passion fulfills the factor of intention here. The Commentary's discussion, though, is useful in showing that the passion needn't be full-scale sexual lust. Even a momentary desire to enjoy the sensation of physical contact — overwhelming enough that one acts on it — is enough to fulfill this factor.

Effort. The Vibhaṅga illustrates the effort of making physical contact with a list of activities: rubbing, rubbing up against, rubbing downwards, rubbing upwards, bending down, pulling up, drawing to, pushing away, seizing hold (restraining or pinning down — *abhiniggaṇhanā*), squeezing, grasping, or touching. The Vinita-vatthu includes a case of a bhikkhu giving a woman a blow with his shoulder: He too incurs a saṅghādisesa, which shows that the Vibhaṅga's list is meant to cover all similar actions as well. If a bhikkhu with lustful mind does anything of this sort to a living woman's body, perceiving her to be a woman, he incurs the full penalty

under this rule. As noted under Pr 1, mouth-to-mouth penetration with any human being or common animal would incur a thullaccaya. If this act is accompanied by other lustful bodily contact, the thullaccaya would be incurred in addition to any other penalty imposed here.

Derived offenses. Each of the factors of an offense allows a number of permutations that admit for different classes of offenses. Taken together, they form a complex system. Here we will consider each factor in turn.

Object. Assuming that the bhikkhu is acting with lustful intentions and is perceiving his object correctly, he incurs a thullaccaya for making bodily contact with a *paṇḍaka*, a female yakkha, or a dead woman; and a dukkaṭa for bodily contact with a man (or boy), a wooden doll, or a male or female animal.

Paṇḍaka is usually translated as eunuch, but eunuchs are only one of five types of *paṇḍakas* recognized by the Commentary to Mv.1.61:

- 1) An *āsitta* (literally, a "sprinkled one") — a man whose sexual desire is allayed by performing fellatio on another man and bringing him to climax. (Some have read this as classing all homosexual males as *paṇḍakas*, but there are two reasons for not accepting this interpretation: (a) It seems unlikely that many homosexuals would allay their sexual desire simply by bringing someone else to climax through oral sex; (b) other homosexual acts, even though they were known in ancient India, are not included under this type or under any of the types in this list.)
- 2) A voyeur — a man whose sexual desire is allayed by watching other people commit sexual indiscretions.
- 3) A eunuch — one who has been castrated.
- 4) A half-time *paṇḍaka* — one who is a *paṇḍaka* only during the waning moon. (! — The Sub-commentary's discussion of this point shows that its author and his contemporaries were as unfamiliar with this type as we are today. Perhaps this was how bisexuals were understood in ancient times.)
- 5) A neuter — a person born without sexual organs.

This passage in the Commentary further states that the last three types cannot take the Going-forth, while the first two can (although it also quotes from the Kurundī that the half-time *paṇḍaka* is forbidden from going-forth only during the waning moon (!).) As for the prohibition in Mv.1.61, that *paṇḍakas* cannot receive full ordination, the Commentary states that that refers only to those who cannot take the Going-forth.

However, in the context of this rule, and other rules in the Pāṭimokkha where *paṇḍakas* enter into the calculation of an offense, the Commentary does not say

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whether *paṇḍaka* covers all five types of paṇḍakas or only those not allowed to ordain. In other words, in the context of these rules do "sprinkled ones" and voyeurs count as paṇḍakas or men? In the context of this rule the practical implications of the distinction are minor: If counted as men, they would be grounds for a dukkaṭa; if paṇḍakas, grounds for a thullaccaya. However, under Pc 6, 44, 45, & 67, the distinction makes the difference between an offense and a non-offense, and so it is an important one to draw. There seems good reason to count them as men under all rules, for if they could ordain and yet were considered paṇḍakas under these rules, the texts would have been obliged to deal with the issue of how bhikkhus were to treat validly ordained paṇḍakas in their midst in the context of these rules. But they don't. This shows that the issue never arose, which means that, for the purposes of all the rules, these two types of individuals count as men.

As for *female yakkhas*, the Commentary says that this also includes female devas. There is an ancient story in Chiang Mai of a bhikkhu who was visited by a dazzling heavenly maiden late one night while he was meditating alone in a cave at Wat Umong. She told him not to touch her, but he did — and went immediately out of his mind. The moral: This is one thullaccaya not to be taken lightly.

There is one exception to the dukkaṭa for lustful contact with an animal: Mv.V.9.3 states that a bhikkhu who touches the genitals of cattle incurs a thullaccaya.

Other information from the Commentary:

- 1) The thullaccaya for lustfully touching female corpses applies only to those that would be grounds for a full offense under Pr 1, i.e., those with an anal, oral, or genital orifice intact enough for one to perform the sexual act. Female corpses decomposed beyond that point are grounds for a dukkaṭa here.
- 2) The dukkaṭa for lustfully touching wooden dolls (mannequins) applies also to any female form made out of other materials, and even to any picture of a woman.
- 3) Female animals include female nāgas as well as any female offspring of a union between a human being and an animal.

For some reason, male yakkhas and devas slipped out of the list. Perhaps they should come under *men*.

Perception. Misperception affects the severity of the offense only in the cases of women and paṇḍakas. A bhikkhu who makes lustful bodily contact with a woman while under the impression that she is something else — a paṇḍaka, a man, or an animal — incurs a thullaccaya. If he makes lustful bodily contact with a paṇḍaka while under the impression that the paṇḍaka is a woman, a man, or an animal, the penalty is a dukkaṭa. In the cases of men and animals, misperception has no effect on the severity of the case: Lustful bodily contact — e.g., with a male transvestite whom one thinks to be a woman — still results in a dukkaṭa.

Intention. The Vinita-vatthu contains cases of a bhikkhu who caresses his mother out of filial affection, one who caresses his daughter out of fatherly affection, and one who caresses his sister out of brotherly affection. In each case the penalty is a dukkaṭa.

A bhikkhu who strikes a woman — or anyone else — out of anger would be treated under Pc 74. Both under that rule and in the context of Passive Contact under this rule, below, a bhikkhu who strikes or otherwise touches a woman out of a desire to escape from her commits no offense.

Otherwise, the Vibhaṅga does not discuss the issue of bhikkhus who intentionally make active contact with women for purposes other than lust or affection — e.g., helping a woman who has fallen into a raging river — but the Commentary does. It introduces the concept of *anāmāsa*, things carrying a dukkaṭa penalty when touched; women and women's clothing top the list. (See BMC2, Appendix V for the entire list.) It then goes into great detail to tell how one should behave when one's mother falls into a raging river. Under no circumstances, it says, should one grab hold of her, although one may extend a rope, a board, etc., in her direction. If she happens to grab hold of her son the bhikkhu, he should not shake her off but should simply let her hold on as he swims back to shore.

Where the Commentary gets the concept of *anāmāsa* is hard to say. Perhaps it came from the practices of the brahman caste, who are very careful not to touch certain things and people of certain lower castes. At any rate, there is no direct basis for it in the Canon. Although the concept has received wide acceptance in Theravādin Communities, many highly respected Vinaya experts have made an exception right here, saying that there is nothing wrong in touching a woman when one's action is based not on lust but on a desire to save her from danger. Even if there is an offense in doing so, there are other places where Buddhaghosa recommends that one be willing to incur a minor penalty for the sake of compassion (e.g., digging a person out of a hole into which he has fallen), and the same principle surely holds here.

There is no offense in touching a being other than a woman if one's intentions are not lustful, although tickling is an offense under Pc 52.

Effort. Acts of lustful but indirect bodily contact with a woman one perceives to be a woman and a paṇḍaka one perceives to be a woman carry the following penalties:

For the woman: Using one's body to make contact with an article connected to her body — e.g., using one's hand to touch a rope or stick she is holding: a thullaccaya.

Using an item connected with one's body to make contact with her body — e.g., using a flower one is holding to brush along her arm: a thullaccaya.

Using an item connected with one's body to make contact with an item connected with her body: a dukkaṭa.

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Taking an object — such as a flower — and tossing it against her body, an object connected with her body, or an object she has tossed: a dukkaṭa.

Taking hold of something she is standing or sitting on — a bridge, a tree, a boat, etc. — and giving it a shake: a dukkaṭa.

For the paṇḍaka one assumes to be a woman, the penalty in all the above cases is a dukkaṭa.

These penalties for indirect contact have inspired the Commentary to say that if a bhikkhu makes contact with a clothed portion of a woman's body or uses a clothed portion of his body to make contact with hers, and the cloth is so thick that neither his body hairs nor hers can penetrate it, the penalty is only a thullaccaya because he is not making direct contact. Only if the contact is skin-to-skin, skin-to-hair, or hair-to-hair (as might be possible through thin cloth) does he commit the full offense. Thus a bhikkhu who fondles the breasts, buttocks, or crotch of a fully clothed woman would incur only a thullaccaya because the contact was indirect.

There is a certain logic to the commentators' assertion here, but why they adopted it is unclear. Perhaps they drew a parallel to the following rule — concerning lustful remarks made to a woman — which also contains derived offenses for remarks directed at items "connected with the body." In that case, defining *connected with the body* to include clothing worn by the woman does no violence to the nature of the activity covered by the rule, for it is possible to make remarks about a woman's clothing without using words that touch on her body at all.

Here, however, the nature of the activity is different. If one pushes a woman, it does not matter how many layers of cloth lie between her body and one's hand: One is pushing both the cloth and her. If one squeezes her fully clothed breasts, again, one is squeezing both the cloth and the breasts. To say that one is pushing or squeezing only the cloth is a denial of the true nature of the action. Also, if one stroked a woman's fully clothed thigh, it is unlikely that the strength of her reaction would depend on whether her body hairs penetrated the cloth, or if one was wearing latex gloves that prevented her hair from touching one's skin. Common linguistic usage reflects these facts, as does the law.

The question is, does the Vibhaṅga follow this common linguistic usage, and the answer appears to be Yes. In none of the Vinīta-vatthu cases concerning physical contact with women does the Buddha ever ask the bhikkhu if he made contact with the clothed or unclothed portions of the woman's body. This suggests that the question of whether she was clothed or unclothed is irrelevant to the offense. In one of the cases, "a certain bhikkhu, seeing a woman he encountered coming in the opposite direction, was impassioned and gave her a blow with his shoulder." Now, bhikkhus sometimes have their shoulders bared and sometimes robed; women walking along a road may have different parts of their body clothed or bared. If the presence or absence of a layer or two of cloth between the bhikkhu's shoulder and the woman's body were relevant to the severity of the offense, then given the Buddha's usual thoroughness in cases like this he would have asked about the amount, location, and thickness of clothing on both the bhikkhu and the woman, to

determine if the offense was a dukkaṭa, a thullaccaya, or a saṅghādisesa. But he didn't. He simply penalized the bhikkhu with a saṅghādisesa, which again suggests that the presence or absence of cloth between the bhikkhu and the woman is irrelevant in all cases under this rule.

The only cases of indirect contact mentioned in the Vinita-vatthu refer to contact of a much more remote sort: A bhikkhu pulls a cord of which a woman is holding the other end, pulls a stick of which she is holding the other end, or gives her a playful push with his bowl.

Thus in the context of this rule the Vibhaṅga defines "object connected to the body," through which indirect contact is made, with examples of things that the person is *holding*. The Vinaya-mukha adds things that are *hanging* from the person, like the hem of a robe or a dress. In this context, contact made through cloth that the person is wearing would be classed as direct. This would parallel Pr 1, in which the question of whether there is anything covering either of the organs involved in intercourse is completely irrelevant to the offense. Thus the concept of direct and indirect contact here would seem to follow general linguistic usage: If a woman is wearing a long-sleeved shirt, for instance, grabbing her by the arm and grabbing her by the cuff of her shirt are two different things, and would receive different penalties under this rule.

According to the Vibhaṅga, if a bhikkhu feels desire for contact with a woman and makes an effort that does not achieve even indirect contact — e.g., making a squeezing motion in the air near one of her breasts — the penalty is a dukkaṭa.

Passive contact. The Vibhaṅga's analysis of passive contact — when the bhikkhu is the object rather than the agent making the contact — deals with only a limited number of variables.

Agent: either a woman the bhikkhu perceives to be a woman, or a paṇḍaka he perceives to be a woman.

The agent's effort: any of the actions that fulfill the factor of effort for the full offense under active contact — rubbing, pulling, pushing, squeezing, etc.

The bhikkhu's aim. The Vibhaṅga lists only two possibilities here: the desire to partake (of the contact) and the desire to escape (§). The Sub-commentary explains the first as desiring the pleasurable feeling of contact. It also states that if, in the course of receiving contact, one's motives change from desiring contact to desiring escape, the second motive is what counts.

Effort. The bhikkhu either makes a physical effort or he doesn't. The Commentary includes under this factor even the slightest physical movements, such as winking, raising one's eyebrows, or rolling one's eyes.

Result. The bhikkhu either detects the contact or he doesn't.

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The most important factor here is the bhikkhu's aim: If he desires to escape from the contact, then no matter who the person making the contact is, whether or not the bhikkhu makes an effort, or whether or not he detects the contact, there is no offense. The Vinita-vatthu gives an example:

"Now at that time, many women, pressing up to a certain bhikkhu, led him about arm-in-arm. He felt conscience-stricken... 'Did you consent, bhikkhu?' (the Buddha) asked.

'No, venerable sir, I did not.'

'Then there was no offense, bhikkhu, as you did not consent.'"

The Commentary mentions another example, in which a bhikkhu not desiring the contact is molested by a lustful woman. He remains perfectly still, with the thought, "When she realizes I'm not interested, she'll go away." He too commits no offense.

However, if the bhikkhu desires the contact, then the offenses are as follows:

The agent is a woman, the bhikkhu makes an effort and detects contact: a saṅghādisesa. He makes an effort but detects no contact: a dukkaṭa. He makes no effort (e.g., he remains perfectly still as she grasps, squeezes, and rubs his body): no offense regardless of whether or not he detects contact. One exception here, though, would be the special case mentioned under "Consent" in the preceding rule, in which a bhikkhu lets a woman — or anyone at all, for that matter — make him have an emission and he incurs a saṅghādisesa under that rule as a result.

The agent is a paṇḍaka whom the bhikkhu perceives to be a woman, the bhikkhu makes an effort and detects contact: a dukkaṭa. He doesn't detect contact: a dukkaṭa (this point is included in the PTS edition, but not in the Sri Lankan or the Thai). Other possibilities — detected contact but no effort, no effort and no detected contact: no offense.

Other derived offenses for passive contact all deal with cases in which the bhikkhu desires contact and makes an effort. The variables focus on the agent, the agent's effort, and the question of whether the bhikkhu detects contact or not, with the pattern of offenses following the pattern of derived offenses for active contact. In other words:

If the agent is a woman whom the bhikkhu perceives to be a woman, then if she makes an effort at the bhikkhu's body using something connected to her body, and the bhikkhu detects contact: a thullaccaya. If she makes an effort at something connected to the bhikkhu's body using her body, and the bhikkhu detects contact: a thullaccaya. If she makes contact at something connected to the bhikkhu's body using something connected to her body, and the bhikkhu detects contact: a dukkaṭa. If, in any of these cases, the bhikkhu does *not* detect contact, the offense is a dukkaṭa.

If she tosses something at or on his body, something connected with his body, or something he has tossed, then the offense is a dukkaṭa regardless of whether he detects contact or not.

If the agent is a paṇḍaka whom the bhikkhu perceives to be a woman, the offense is a dukkaṭa in each of the above cases.

Counting offenses. According to the Vibhaṅga, if a bhikkhu has lustful bodily contact with x number of people in any of the ways that constitute an offense here, he commits x number of offenses. For example, if he lustfully rubs up against two women in a bus, he incurs two saṅghādisesas. If, out of fatherly affection, he hugs his two daughters and three sons, he incurs two dukkaṭas for hugging his daughters and no penalty for hugging his sons.

The Commentary adds that if he makes lustful contact with a person x number of times, he commits x number of offenses. For instance, he hugs a woman from behind, she fights him off, and he strikes her out of lust: two saṅghādisesas.

The question of counting saṅghādisesas, though, is somewhat academic because the penalty for multiple offenses is almost identical with the penalty for one. The only difference is in the formal announcements in the community transactions that accompany the penalty — e.g., when the Community places the offender under probation, when he informs others bhikkhus of why he is under probation, etc. For more on this point, see the concluding section of this chapter.

Non-offenses. There is no offense for a bhikkhu who makes contact with a woman —

- *unintentionally* — as when accidentally touching a woman while she is putting food in his bowl;
- *unthinkingly* — as when a woman runs into him and, startled, he pushes her away;
- *unknowingly* — as when, without lust, he touches a tomboy he thinks to be a boy (this example is from the Commentary), when he doesn't even know that he has run into a woman in a crowd, or when a woman touches him while he is asleep; or
- *when he doesn't give his consent* — as in the case of the bhikkhu led around arm-in-arm by a crowd of women.

For some reason, the non-offense clauses omit the non-offenses the Vibhaṅga lists under passive contact — i.e., there is no offense if:

- *the bhikkhu does not desire contact* or
- he does desire contact and yet makes no effort.

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Summary: Lustful bodily contact with a woman whom one perceives to be a woman is a *saṅghādisesa* offense.

3. Should any bhikkhu, overcome by lust, with altered mind, address lewd words to a woman in the manner of young men to a young woman alluding to sexual intercourse, it entails initial and subsequent meetings of the Community.

"Now at that time Ven. Udāyin was living in the wilderness. And on that occasion many women came to the monastery to look at his dwelling. They went to him and on arrival said to him, 'Venerable sir, we would like to look at your dwelling.' Then Ven. Udāyin, showing the dwelling to the women and referring to their genital and anal orifices, praised and criticized and begged and implored and asked and quizzed and advised and instructed and insulted them. Those of the women who were brazen, mischievous, and shameless giggled along with Ven. Udāyin, coaxed him on, laughed aloud, and teased him; while those of the women who had a sense of shame complained to the bhikkhus as they left: 'It's improper, venerable sirs, and unbecoming! Even by our husbands we wouldn't want (to hear) this sort of thing said, much less by Master Udāyin.'"

The K/Commentary lists five factors for a full breach of this rule.

- *1) Object:* a woman, i.e., any female human being experienced enough to know what is properly said and improperly said, what is lewd and not lewd.
- *2) Perception:* The bhikkhu perceives her to be such a woman.
- *3) Intention:* He is impelled by lust. As in the preceding rule, we can take the Commentary's definition of lust here as the *minimum* amount of lust to fulfill this factor: He wants to enjoy saying something lewd or improper.
- *4) Effort:* He makes remarks praising, criticizing, begging, imploring, asking, quizzing, advising, instructing, or insulting with reference to her genitals or anus, or to her performing sexual intercourse.
- *5) Result:* The woman immediately understands.

The only factors requiring detailed explanation here are object, intention, effort, and result.

Object. As the Commentary notes, a woman who does not know what is properly and improperly said, what is lewd and not lewd, may either be too young to know or, if she is an adult, too innocent or retarded to know. A woman who does not know the language in which one is speaking would also not fulfill the factor of object here.

Intention. The minimum level of desire required to fulfill this factor means that this rule covers cases where a bhikkhu simply gets a charge out of referring to a

woman's genitals, etc., in her presence, without necessarily having any desire actually to have sex with her.

The Vibhaṅga makes clear that this rule does not cover statements made in anger. Thus any insults a bhikkhu may direct at a woman out of anger rather than out of desire — even if they refer to her genitals, etc. — would come under Pc 2, rather than here.

Effort. The Vibhaṅga states that to incur the full penalty here when speaking to a woman, one must refer to *her* genitals, anus, or performing sexual intercourse (§).

The Commentary goes further and asserts that to incur the full penalty one must make direct mention of one of these three things, or accuse her of being sexually deformed in a way that refers directly to her genitals. Otherwise, if one refers lustfully to these matters without directly mentioning them, there is no saṅghādisesa, although the Sub-commentary quotes ancient texts called the Gaṇṭhipadas as assigning a dukkaṭa for such an act.

However, these assertions from the commentaries contradict the Vibhaṅga. After listing the ways of referring to the woman's anus, genitals, and sexual intercourse that would entail the full penalty under this rule, it illustrates them with examples. Many of the examples, although referring to the woman's private parts or to her performing sexual intercourse, do not actually mention those words: "How do you give to your husband?" "How do you give to your lover?" "When will your mother be reconciled (to our having sex)?" "When will you have a good opportunity?" Although all of these statements refer to sexual intercourse, and people in those days would have understood them in that light, none of them actually mentions it.

Thus the Vibhaṅga's examples indicate that if a bhikkhu is using slang expressions, euphemisms, or indirect statements to refer lustfully to the woman's private parts or to her performing sexual intercourse, he fulfills this factor. There is no need for the euphemisms to be well known. If the speaker intends it as a reference to the forbidden topics, that fulfills the factor of effort. If his listener understands it as such, that fulfills the factor of result. Whether anyone else understands it as such is irrelevant to the offense.

The K/Commentary notes that a hand gesture denoting the genitals, anus, or sexual intercourse of the person to whom it is directed would fulfill the factor of effort here as well.

None of the texts mention the case in which a bhikkhu talks to one person about another person's private parts, etc. Thus it is apparently not an offense.

Result. The K/Commentary insists that the factor of result is fulfilled only if the woman immediately understands. As the Vibhaṅga points out, if she does not understand, the bhikkhu incurs a lesser offense, which will be discussed below. If she understands only later, that does not turn the lesser offense into a saṅghādisesa. The examples from the Vinita-vatthu indicate that the woman's

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immediate understanding can be known by her immediate response to one's comments.

Derived offenses. The factors of effort, object, perception, and result permit a number of permutations that yield lesser offenses. As for the permutations of intention, see the section on non-offenses, below.

Effort. A bhikkhu speaks to a woman he perceives to be a woman and refers lustfully to parts of her body — aside from her private parts — below her collarbone and above her knees, such as her breasts, buttocks, or thighs: a thullaccaya. He refers to parts of her body outside of that area, such as her face or hairdo, or to clothing or jewelry she is wearing: a dukkaṭa.

Object. A bhikkhu speaks to a paṇḍaka (in this and the following cases we are assuming that he perceives his object correctly) and refers lustfully to his private parts or to his performing sexual intercourse: a thullaccaya (§). He refers lustfully to other parts of the paṇḍaka's body, his clothing, etc.: a dukkaṭa (§).

A bhikkhu speaks to a man (or boy) and refers lustfully to any part of his listener's body, clothing, etc.: a dukkaṭa (§). The same penalty holds for speaking lustfully to an animal — e.g., a nāga — about his/her body, ornaments, etc. (§).

For some reason the PTS edition of the Canon omits these derived offenses related to object under this rule. The Burmese and Sri Lankan editions are non-committal on the topic, for the relevant paragraphs are filled with ellipses that have been read in two ways. The PTS edition of the K/Commentary reads the ellipses as including the thullaccaya and dukkaṭa for speaking lustfully to a paṇḍaka, but not as including the dukkaṭas for speaking lustfully to a man or animal. The editors of the Thai edition of the Canon have interpreted the parallelism with the similar paragraph in Sg 2 as indicating that "man" and "animal" *would* come under the ellipses, and so have included these cases in the text. This interpretation closes an important loophole and thus seems the more correct, so I have followed it here.

None of the texts make any mention of speaking lustfully to a woman/girl too inexperienced to understand what is and is not lewd. Using the Great Standards, though, we might argue from the cases included in the Vinita-vatthu — where bhikkhus make punning references to women's private parts, and the women do not understand — that a bhikkhu incurs a thullaccaya for referring directly to her genitals, anus, or performing sexual intercourse in her presence, and a dukkaṭa for referring indirectly in her presence to such things.

Perception. A bhikkhu speaking to a woman whom he perceives to be something else — a paṇḍaka, a man, an animal — incurs a thullaccaya if he refers lustfully to her genitals, anus, or performing sexual intercourse. If he is speaking to a paṇḍaka, a man, or an animal he misperceives — e.g., he thinks the paṇḍaka is a woman, the man is a paṇḍaka, the animal is a man — he incurs a dukkaṭa if he refers lustfully to those topics (§). (Again, the PTS edition omits most of the cases in this last sentence and includes only the case of a bhikkhu speaking lustfully to a paṇḍaka he

perceives to be a woman; the Thai edition seems more correct in including the remaining cases as well.)

Result. As mentioned above, the Vinita–vatthu contains a number of cases where bhikkhus speaking to women make punning references to the women's genitals that the women do not understand. In one case the penalty is a thullaccaya; in the others, a dukkaṭa. The Commentary takes no note of the difference; the Sub–commentary notes it but has trouble making sense of it. In fact, it maintains that the bhikkhu in the thullaccaya case should receive a thullaccaya if the woman *does* understand his pun, which — given the explicit nature of the pun — makes no sense at all.

There is, however, a pattern to the Vinita–vatthu cases. The thullaccaya case is the only one in which the bhikkhu actually mentions a word for genitals or anus (*magga*, which also means road, the meaning the woman understood). In the dukkaṭa cases, bhikkhus either use euphemisms for sexual intercourse ("plowing," "working") or else they make statements in which the words *genitals* or *anus* are implied but not actually stated. From this pattern we can argue that if a bhikkhu speaking to a woman makes direct reference to her genitals or anus, and the woman doesn't immediately understand that he is referring to those things, he incurs a thullaccaya. If he makes a euphemistic reference to sexual intercourse or an implied reference to her genitals or anus, and she doesn't immediately understand what he is referring to, he incurs a dukkaṭa.

Counting offenses. A bhikkhu making a remark of the sort covered by this rule to x number of people commits x number of offenses, the type of offense being determined by the factors discussed above. Thus for a lustful remark to two women referring to their breasts, he would incur two thullaccayas; for a lustful remark to three men concerning their bodies, three dukkaṭas; for teasing a group of twenty old ladies about how their time for sexual performance is past, twenty saṅghādisesas.

Non–offenses. The Vibhaṅga states that there is no offense for a bhikkhu who speaks aiming at (spiritual) welfare (*attha* — this can also mean the "meaning of the Dhamma"), aiming at Dhamma, or aiming at teaching. Thus, for example, if one is talking in front of women and has no lustful intent, one may recite or explain this training rule or go into detail on the topic of the loathsomeness of the body as a topic of meditation, all without incurring a penalty. The Commentary here adds an example of a bhikkhu addressing a sexually deformed woman, telling her to be heedful in her practice so as not to be born that way again. If, however, one were to broach any of these topics out of a desire to enjoy saying something lewd to one's listeners, one would not be immune from an offense. The New K/Sub–commentary illustrates this point with an example: A bhikkhu, teaching the Vibhaṅga of this rule to a bhikkhunī, departs from a normal tone of voice and keeps sniggering while reciting the examples of lewd speech. This sort of behavior, it says, incurs the full offense here.

A bhikkhu who without intending to be lewd makes innocent remarks that his listener takes to be lewd commits no offense.

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Summary: Making a lustful remark to a woman about her genitals, anus, or about performing sexual intercourse is a saṅghādisesa offense.

4. Should any bhikkhu, overcome by lust, with altered mind, speak in the presence of a woman in praise of ministering to his own sensuality thus: "This, sister, is the foremost ministration, that of ministering to a virtuous, fine-natured follower of the celibate life such as myself with this act" — alluding to sexual intercourse — it entails initial and subsequent meetings of the Community.

"Now at that time a certain woman, a widow, was beautiful, attractive, and appealing. So Ven. Udāyin, dressing (§) early in the morning, taking his robe and bowl, went to her residence. On arrival, he sat on an appointed seat. Then the woman went to him and, having bowed down to him, sat to one side. As she was sitting there, Ven. Udāyin instructed, urged, roused, and encouraged her with a talk on Dhamma. Then the woman — instructed, urged, roused, and encouraged with Ven. Udāyin's talk on Dhamma — said to him, 'Tell me, venerable sir, what I would be capable of giving you that you need: Robe-cloth? Almsfood? Lodgings? Medicines for the sick?'

"Those things aren't hard for us to come by, sister... Give just what is hard for us to come by.'

"What, venerable sir?'

"Sexual intercourse.'

"Is it a need, venerable sir?'

"A need, sister.'

"Then come, venerable sir.' Entering into an inner room, taking off her cloak, she lay back on a bed. Then Ven. Udāyin went to the woman and, on arrival, said, 'Who would touch this vile, stinking thing?' And he departed, spitting.

"So the woman criticized and complained and spread it about... 'How can this monk Udāyin, when he himself begged me for sexual intercourse, say, "Who would touch this vile, stinking thing?" and depart spitting? What's evil about me? What's stinking about me? In what am I inferior to whom?'"

At first glance this rule might seem redundant with the preceding one, for what we have here is another case of a bhikkhu advising, begging, or imploring a woman to perform sexual intercourse. The Sub-commentary, borrowing the Commentary's classification of types of lust, states that the rules differ in terms of the lust involved. According to it, only the desire to say something lewd would fall under the preceding rule; only the desire for sexual intercourse would fall here. However, as

we have seen, the Commentary's neat system for classifying desires contradicts some important passages in the Vibhaṅga, and so the Sub-commentary's explanation has no ground on which to stand.

A more likely explanation for the need for this rule derives from some facts about language and belief in the Buddha's time that might have led some people to feel that the behavior in the origin story here was a special case not covered by the preceding rule. To prevent this sort of misunderstanding, it gets separate treatment under this rule.

"Giving," in the Buddha's time, was a common euphemism for having sex. If a woman "gave" to a man, that meant that she willingly engaged in sexual intercourse with him. Now, Buddhism was not the only religion of the time to teach that gifts — of a more innocent sort — given to contemplatives produced great reward to those who gave them, and ultimately somebody somewhere came up with the idea that because sex was the highest gift, giving it to a contemplative would produce the highest reward. Whether this idea was first formulated by faithful women or by clever contemplatives is hard to say. Several cases in the Vinita-vatthu to Pr 1 tell of bhikkhus approached or attacked by women professing this belief, which shows that it had some currency: Sex was somehow seen as a way to higher benefits through the law of kamma.

Because the preceding rule gives exemptions for bhikkhus speaking "aiming at (spiritual) welfare (*attha*), aiming at Dhamma," some misguided souls who did not comprehend the Buddha's teachings on sensuality might believe that welfare of this sort might fit under the exemption. The origin story alludes to this point in a punning way, in that the word for "need" is also *attha*, and perhaps the widow, in using the word, had both its meanings in mind: Her spiritual welfare would be enhanced by meeting a bhikkhu's needs. Even today, although the rationale might be different, there are people who believe that having sex with spiritual teachers is beneficial for one's spiritual well being. Thus we have this separate rule to show that the Buddha would have no part in such a notion, and that a bhikkhu who tries to suggest that his listener would benefit from having sex with him is not exempt from an offense.

The K/Commentary lists five factors for the full offense here, but only four of them have a basis in the Vibhaṅga: object, perception, intention, and effort.

Object: a woman experienced enough to know what is properly or improperly said, what is lewd and not lewd.

Perception. The bhikkhu perceives her to be such a woman.

Intention. He is impelled by lust. According to the K/Commentary, this means he is lustful for his listener to minister to his desire for sexual intercourse. However, the Vibhaṅga defines *overcome with lust* here in the same broad terms it uses under Sg 2 & 3. This suggests that the factor of intention here can be fulfilled simply by the desire to enjoy making such remarks in a woman's presence — say, getting a charge out of testing her reaction, which appears to have been Ven. Udāyin's

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impulse in the origin story — regardless of how one feels about actually having sex with her.

Effort. The bhikkhu speaks to the woman in praise of her ministering to his sensual needs, referring to sexual intercourse as a meritorious gift. The Commentary maintains that his remarks must directly mention sexual intercourse for this factor to be fulfilled, but the examples in the rule itself and in the Vibhaṅga contradict its assertion. Some of the examples in the Vibhaṅga state simply, "This is foremost. This is best. This is the utmost. This is highest. This is excellent." These statements are followed by the explanation that they have to allude to or be connected with sexual intercourse. It does not say that the allusion has to be explicit.

Also, the Vinita-vatthu contains a number of cases in which bhikkhus simply tell women to give the highest gift, sexual intercourse — and one in which a bhikkhu simply tells a woman that sexual intercourse is the highest gift — without explicitly saying to whom it should be given. The bhikkhus all earn saṅghādisesas for their efforts, which shows that the reference to oneself need not be explicit, either.

Both the Commentary and the K/Commentary state that a physical gesture — this would include writing a letter — can fulfill the factor of effort here as well.

The K/Commentary adds result as a fifth factor, saying that the woman must immediately understand one's remark, but there is no basis for this in the Canon.

Derived offenses. The only factors with permutations leading to lesser offenses are object and perception.

Object. A bhikkhu, correctly perceiving his object and impelled by lust, makes such a remark to a paṇḍaka: a thullaccaya. To a man or animal: a dukkaṭa (§). (As under the preceding rule, the PTS edition of the Canon omits all of these cases, and the K/Commentary omits the man and the animal. The Burmese and Sri Lankan editions of the Canon put the relevant passages in ellipses; the Thai edition seems to be correct in mentioning all of these cases explicitly.)

Perception. A bhikkhu, impelled by lust, makes such a remark to a woman he perceives to be something else — a paṇḍaka, man, or animal: a thullaccaya. To a paṇḍaka, a man, or an animal he perceives to be something else: a dukkaṭa (§). (Again, as under the preceding rule, the PTS edition omits most of the cases in this last sentence, including only the case of a bhikkhu speaking lustfully to a paṇḍaka he perceives to be a woman; the Thai edition seems more correct in including the remaining cases as well.)

Counting offenses. Offenses are counted by the number of people to whom one makes such a remark.

Non-offenses. The non-offense clauses in the Vibhaṅga, in addition to the blanket exemptions mentioned under Pr 1, read simply: "There is no offense if he speaks saying, 'Support us with the requisites of robe-cloth, almsfood, lodgings, or

medicines for the sick." The K/Commentary explains this as meaning that if one is motivated by a sensual desire for robe-cloth, etc., one may speak to a potential donor in praise of giving these things. In other words, given this sort of desire, this sort of statement is allowable. From this interpretation it can be argued that when a bhikkhu is speaking without any lust or sensual desire of any sort, he may make any of the remarks that would fulfill the factor of effort here in the presence of others without incurring an offense. A prime example would be when, while explaining this rule, he quotes examples of the remarks it forbids.

Summary: Telling a woman that having sexual intercourse with a bhikkhu would be beneficial is a saṅghādisesa offense.

5. Should any bhikkhu engage in conveying a man's intentions to a woman or a woman's intentions to a man, proposing marriage or paramourage — even if only for a momentary liaison — it entails initial and subsequent meetings of the Community.

There are two factors for a full offense under this rule: effort and object.

Effort. The Commentary says that to *engage in conveying* means to take on the role of a go-between. This includes helping to arrange not only marriages and affairs but also "momentary associations" that, from the way it describes them, could include anything from appointments with a prostitute to arrangements for X to be Y's date.

The Vibhaṅga sets the component factors of a go-between's role at three:

- 1) *accepting* the request of one party to convey a proposal;
- 2) *inquiring*, i.e., informing the second party and learning his/her/their reaction; and
- 3) *reporting* what one has learned to the first party.

The penalties for these actions are: a dukkaṭa for performing any one of them, a thullaccaya for any two, and a saṅghādisesa for the full set of three. Thus a bhikkhu acting on his own initiative to sound out the possibility of a date between a man and a woman would incur a thullaccaya for inquiring and reporting. A bhikkhu planning to disrobe who asks a woman if she would be interested in marrying him after his return to lay life would incur a dukkaṭa for inquiring. If, on the way to inquire about a woman after accepting a man's request to inquire about her, a bhikkhu asks people along the way of her whereabouts, that does not count as inquiring. If he goes no further in acting as a go-between, he incurs only a dukkaṭa.

The penalties are the same if the bhikkhu, instead of acting as a go-between himself, gets someone else to act for him. Thus a bhikkhu who agrees to convey

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such a proposal but then gets a lay follower or another bhikkhu to do the inquiring and reporting would incur a saṅghādisesa all the same.

If a bhikkhu agrees to a man's request to inquire about a woman, gets his student (§) to do the inquiring, and then the student of his own accord reports to the man, both the original bhikkhu and his student — assuming that he, too, is a bhikkhu — incur thullaccayas.

If a group of bhikkhus are asked to act as go-betweens and they all accept, then even if only one of them performs any or all of the actions of a go-between, all the bhikkhus in the group incur the penalty for his actions.

"Result" is not a factor here, so the Commentary mentions that whether the arrangements succeed has no bearing on the offense.

"Intention" is also not a factor, which leads the Sub-commentary to raise the issue of a man who writes his proposal in a letter and then, without disclosing the contents, gets a bhikkhu to deliver it. Its conclusion, though, is that this case would not qualify as an offense under this rule, in that both the Vibhaṅga and the Commentary define the action of *conveying* as "telling": Only if the bhikkhu himself tells the proposal — whether repeating it orally, making a gesture, or writing a letter — does he commit an offense here. Simply carrying a letter, not knowing its contents, would not fulfill the factor of effort under this rule.

Object. The full offense is for acting as a go-between between a man and a woman who are not married to each other. If, instead of dealing directly with the man and woman, one deals with people speaking on their behalf (their parents, a pimp), one incurs the full penalty all the same.

There is no offense for a bhikkhu who tries to effect a reconciliation between an estranged couple who are not divorced, but a full offense for one who tries to effect a reconciliation between a couple who are. "Perception" is also not a factor here, which inspires the Commentary to note that even an arahant could commit an offense under this rule if he tried to effect a reconciliation between his parents whom he assumed to be separated when they were actually divorced.

Elsewhere, in its discussion of the five precepts, the Commentary includes couples who live as husband and wife without having gone through a formal ceremony under its definition of *married*, and the same definition would seem to apply here.

A bhikkhu incurs a thullaccaya for acting as a go-between for a paṇḍaka; and, according to the Commentary, the same penalty for acting as a go-between for a female yakkha or peta (!).

Non-offenses. The Vibhaṅga states that, in addition to the usual exemptions, there is no offense if a bhikkhu conveys a message from a man to a woman or vice versa dealing with "business of the Community, of a shrine, or of a sick person." The Commentary illustrates the first two instances with cases of a bhikkhu conveying a

message dealing with construction work for the Community or a shrine; and the third with a case where a bhikkhu, acting on behalf of a fellow bhikkhu who is sick, is sent by a male lay follower to a female lay follower for medicine.

The Sub-commentary adds that any similar errand — i.e., not involving any sort of romantic liaison — is also exempt from penalty as long as it is not a form of subservience to lay people (see Sg 13, below).

Summary: Acting as a go-between to arrange a marriage, an affair, or a date between a man and a woman not married to each other is a saṅghādisesa offense.

6. When a bhikkhu is having a hut built from (gains acquired by) his own begging (§) — having no sponsor and destined for himself — he is to have it built to the standard measurement. Here the standard is this: twelve spans, using the sugata span, in length (measuring outside); seven in width, (measuring) inside. Bhikkhus are to be assembled to designate the site. The site the bhikkhus designate should be without disturbances and with adequate space. If the bhikkhu should have a hut built from his own begging on a site with disturbances and without adequate space, or if he should not assemble the bhikkhus to designate the site, or if he should have the standard exceeded, it entails initial and subsequent meetings of the Community.

"At that time the bhikkhus of Āḷavī were having huts built from their own begging — having no sponsors, destined for themselves, not to any standard measurement — that did not come to completion. They were continually begging, continually hinting: 'Give a man, give labor, give an ox, give a wagon, give a knife, give an ax, give an adze, give a hoe, give a chisel, give rushes, give bamboo, give reeds, give grass, give clay.' People, harassed with the begging, harassed with the hinting, on seeing bhikkhus would feel apprehensive, alarmed, would run away; would take another route, face another direction, close the door. Even on seeing cows, they would run away, imagining them to be bhikkhus."

There are three factors for a full offense under this rule.

- *Effort:* One completes, or gets someone else to complete, through begging for its materials,
- *Object:* a hut that exceeds the standard mentioned in the rule or whose site has not been designated by the Community.
- *Intention:* One intends the hut for one's own use.

We will discuss these factors in reverse order.

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Intention. The Canon repeatedly refers to two arrangements for the ownership of dwellings used by bhikkhus: They belong either to the Community or to an individual (or group of individuals). From the point of view of Community governance, the prior arrangement is preferable, for the Community can then allot the dwelling as it sees fit (see BMC2, Chapter 18). Also, a number of the rules governing the care and use of huts — such as Pc 15, 16, & 17 — apply only to dwellings belonging to the Community.

The Vibhaṅga to this rule defines *destined for himself* as "for his own use." On the surface this could mean that one plans to use the hut after handing ownership over to the Community, but the Commentary states that this is not so. To dedicate something for one's own use, it says, is to claim ownership over it: In this case, one regards the dwelling as "mine." The Commentary's position is supported by the protocols followed by the lodging claim-giver and lodging assignor (see BMC2, Chapter 18) in allotting dwellings belonging to the Community: Outside of the Rains-residence, a bhikkhu could be moved from a Community dwelling at any time; during the Rains-residence, the bhikkhu who built a particular dwelling might find himself unable to stay there because many bhikkhus with more seniority or more pressing needs had decided to spend the Rains in that location. Thus if a bhikkhu planned the dwelling for his own use, he would not want it to be subject to the protocols governing Community dwellings.

The Commentary's interpretation thus suggests that this rule and the following one were intended to discourage bhikkhus from maintaining ownership over the huts they build, for as the non-offense clauses state, the stipulations in this rule do not apply to huts built for the use of others. As the Commentary notes, this exemption applies both to huts built for other people — such as one's preceptor or mentor — or for the Community. This would open a loophole for one to build a hut for another bhikkhu and for him to claim ownership over it independently of the Community, all without following the stipulations under the rules, but apparently the compilers of the Vibhaṅga did not regard the act of building a hut as a gift for another bhikkhu as something they had the right to forbid.

Object. This factor is divided into two main sub-factors: the hut and the procedures that need to be followed to get the Community's permission for its construction.

The hut. The Vibhaṅga defines a *hut* as "plastered inside, outside, or both." It also states that this rule does not apply to a *leṇa*, a *guhā*, or to a grass hut. A *leṇa*, according to the Commentary, is a cave. A *guhā* it doesn't define, except to say that *guhās* may be built out of wood, stone, or earth. And as for a grass hut, the Commentary says that this refers to any building with a grass *roof*, which means that even a dwelling with plastered walls but a grass roof would not count as a hut under this rule (although a hut whose roof has been plastered and then covered with grass *would* count as a hut here).

The Commentary goes on to stipulate that the plastering mentioned in the Vibhaṅga refers to a plastered *roof*, that the plaster must be either clay or white lime (plastering with cow dung or mud doesn't count, although cement would probably come under "white lime" here), and that the plastering on the inside or outside of

the roof must be contiguous with the plastering on the inside or outside of the walls. Thus if the builder leaves a gap in the plastering around the top of the wall so that the plastering of the roof and the plastering of the walls don't touch at any point, the building doesn't qualify as a hut and so doesn't come under the rule.

The Sub-commentary treats the question raised by the Commentary's emphasis on the plastering of the roof: Does this mean that a dwelling with a plastered roof but unplastered walls would also count as a hut? Arguing from the Commentary's many references to making the roof-plastering contiguous with the wall-plastering, the Sub-commentary concludes that the answer is No: Both the roof and the walls must be plastered.

The commentaries' stipulations on these points may seem like attempts to create gaping loopholes in the rule, but there is nothing in the Vibhaṅga to prove them wrong. Perhaps in those days only buildings that were fully plastered, roof and all, were considered to be finished, permanent structures, while everything else was considered makeshift and temporary and thus not worth the fuss and bother of the procedures we will discuss below.

At another point in its discussions, the Commentary adds that any building three sugata spans wide or less is not big enough to move a bed around in and so does not count as a hut under this rule. The Commentary itself defines a sugata span as three times the span of a normal person, which would put it at approximately 75 cm. More recent calculations based on the fact that the Buddha was not abnormally tall set the sugata span at 25 cm.

The maximum size of the hut, as the rule states, is no more than twelve spans long and seven spans wide, or approximately 3 x 1.75 meters. For some reason the Vibhaṅga states that the length of the hut is measured from the outside (excluding the plastering, says the Commentary), while the width is measured from the inside. Neither of these measurements may be exceeded even by the breadth of a hair. Thus a hut measuring ten by eight spans, even though it has less floor area than a twelve-by-seven-span hut, would exceed the standard width and so would be a violation of this rule.

The procedures. If, for his own use, a bhikkhu is planning to build a hut as defined in this rule, he must choose a site, clear it, and ask for a Community to inspect and approve it before he can go ahead with the actual construction.

— *The site* must be free of disturbances and have adequate space.

The Vibhaṅga gives a long list of "disturbances," which for ease of understanding we can divide into three categories: A site free of disturbances is (1) not the abode of such creatures as termites, ants, or rats who might do harm to the building. (2) It is not the abode of those — such as snakes, scorpions, tigers, lions, elephants, or bears — who might do harm to its inhabitant. The Commentary states that the Vibhaṅga's purpose in forbidding a bhikkhu from building on a site where termites and other small animals have their home is to show compassion to these and other small creatures like them by not destroying their nests. As for the stipulation against

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building where snakes and other dangerous animals live, this also extends, it says, to the areas where they regularly forage for food.

(3) The site is not near any places that will disturb the bhikkhu's peace and quiet. Examples given in the Vibhaṅga are: fields, orchards, places of execution, cemeteries, pleasure groves, royal property, elephant stables, horse stables, prisons, taverns, slaughterhouses, highways, crossroads, public rest-houses, and meeting places.

Adequate space means that there is enough room on the site for a yoked wagon or a man carrying a ladder to go around the proposed hut. The question arises as to whether this means that all trees within that radius of the hut must be cut down or simply that there must be enough land around the hut so that if the trees were not there it would be possible to go around the hut in the ways mentioned. The Sub-commentary states that the stipulation for adequate space is so that the hut will not be built on the edge of a precipice or next to a cliff wall, and the Vinaya-mukha notes that the Vibhaṅga here is following the Laws of Manu (an ancient Indian legal text) in ensuring that the dwelling not be built right against someone else's property. Both of these statements suggest that there is no need to cut the trees down.

The Vinaya-mukha deduces further from the Vibhaṅga's discussion that the procedures for getting the site approved are concerned basically with laying claim to unclaimed land and thus don't need to be followed in locations where the Community already owns the land, such as in a monastery; if a bhikkhu in such Communities wishes to build a hut for his own use on monastery land, he need only get the approval of the abbot. Nothing in the ancient texts, however, supports this opinion.

— *Clearing the site.* Before notifying the local Community, the bhikkhu must get the site cleared — so says the Vibhaṅga, and the Commentary adds that he should get it leveled as well. In both cases, he should arrange to have this done in such a way that does not violate Pc 10 & 11. If one is planning to build the hut on monastery grounds, the wise policy would be to obtain permission from the abbot before clearing the site. Again, the question arises as to whether *clearing the site* means cutting down the trees on the spot where one proposes building the hut. In the origin story to the following rule, Ven. Channa caused an uproar by cutting down a venerated tree on a site where he planned to build, which led the Buddha to formulate the rule that the Community must inspect and approve the site to prevent uproars of this sort. This suggests that *clearing the site* here means clearing the underbrush so that the presence or absence of termites, etc., can be clearly determined. Only after the Community has approved the site should the necessary trees be cut down.

— *Getting the site inspected.* The bhikkhu then goes to the Community and formally asks them to inspect the site. (The Pali passages for this and the remaining formal requests and announcements are in the Vibhaṅga.) If all the members of the Community are able to go and inspect the site, they should all go. If not, the Community should select some of its members to go and inspect the site in its stead. The Vibhaṅga says that these inspectors should know what does and does

not constitute a disturbance and adequate space, and requires that they be chosen by a formal motion with one announcement. The Commentary says that they may also be chosen by a simple declaration (*apalokana*), but this opinion violates the principle set forth in Mv.IX.3.3 that if a shorter form is used for a transaction requiring a longer form, the transaction is invalid. Thus the Commentary's opinion here cannot stand.

The inspectors then visit the site. If they find any disturbances or see that the site has inadequate space, they should tell the bhikkhu not to build there. If the site passes inspection, though, they should return and inform the Community that the site is free of disturbances and has adequate space.

— *Getting the site approved.* The bhikkhu returns to the Community and formally asks it to approve the site. The transaction statement involves a motion and one announcement. Once this has passed, the bhikkhu may start construction.

Offenses. The Vibhaṅga allots the penalties related to the factor of object — a hut without a sponsor, for one's own use, built without regard for the stipulations in this rule — as follows:

- an oversized hut — a saṅghādisesa;
- a hut on an unapproved site — a saṅghādisesa;
- a hut on a site without adequate space — a dukkaṭa;
- a hut on a site without adequate space — a dukkaṭa;
- a hut on a site with disturbances — a dukkaṭa.

These penalties are additive. Thus, for example, an oversized hut on an unapproved site would entail a double saṅghādisesa.

The wording of the training rule, though, suggests that building a hut without a sponsor, for one's own use, on a site with disturbances and without adequate space would entail a saṅghādisesa; but the Sub-commentary says — without offering explanation — that to read the rule in this way is to misinterpret it. Because the penalty for a multiple saṅghādisesa is the same as that for a single one, there is only one case where this would make an appreciable difference: a hut of the proper size, built on an approved site that has disturbances or does not have adequate space. This is a case of a Community transaction improperly performed: Either the bhikkhus inspecting the site were incompetent, or the disturbances were not immediately apparent. Because the usual penalty for improperly performing a Community transaction is a dukkaṭa (Mv.II.16.4), this may be why the Vibhaṅga allots penalties as it does. As we noted in the Introduction, in cases where the Vibhaṅga is explaining the training rules that deal with Community transactions, it sometimes has to deviate from the wording of the rules to bring them in line with the general pattern for such transactions, a pattern that was apparently formulated after the rules and came to take precedence over them.

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Usually, if a Community transaction has been improperly performed, it is invalid and unfit to stand even if the bhikkhus involved think that they are following the proper procedure. In other words, in the case just mentioned, the site would strictly speaking not count as approved, and the hut would involve a saṅghādisesa. However, the Vibhaṅga seems to be making a special exemption here in assigning only a dukkaṭa, perhaps so as not to punish unduly a bhikkhu who went to all the trouble to follow, as best he and his fellow bhikkhus knew how, the proper procedures prior to building his hut.

Effort. The Vibhaṅga allots the derived penalties related to the factor of effort under this rule as follows: If the hut is such that when finished it will entail a saṅghādisesa or two, each act in its construction entails a dukkaṭa, until the next to the last act, which entails a thullaccaya.

If a bhikkhu, intending it for his own use, completes a hut that others have started, he is still bound by the stipulations given in this rule. In other words, the offenses here do not apply only to the original initiator of the hut's construction.

The Commentary mentions a special case in which two bhikkhus, building a hut for their own use but not to the stipulations under this rule, complete it without having decided which part of the hut will go to which bhikkhu. Because of their indecision, the Commentary states that neither of them incurs the full offense until he has laid claim to his part of the hut.

Getting others to build the hut. The Vibhaṅga states that if, instead of building the hut himself, a bhikkhu tells others, "Build this hut for me," he must inform them of the four stipulations mentioned in this rule. If he neglects to inform them, and they finish the hut in such a way that it does not meet any or all of the stipulations, he incurs all the relevant offenses for the stipulations that he neglected to mention and that the builders violated. For example: He tells them to build a hut of the right size, but neglects to tell them to have the site approved. They build it to the right size, the site is without disturbances and has adequate space but is not approved, and he incurs a saṅghādisesa. Offenses in cases like this apply whether he gets them to start the hut's construction or gets them to complete a hut that he has started.

If, while the builders are still building the hut, he hears of what they are doing, he must either go himself or send a messenger to tell them of the stipulations he neglected to mention. If he does neither, he incurs a dukkaṭa, and when the hut is finished he incurs all the relevant offenses for the stipulations that he neglected to mention and that the builders violated.

If, while the hut is still unfinished, he returns to the site and discovers that the stipulations he neglected to mention are being violated, he must either have the hut torn down (to the ground, says the Commentary) and have it rebuilt in line with the stipulations, give it to another bhikkhu or the Community, or face the full penalty — when the hut is finished — for each of the stipulations that he neglected to mention and that the builders violated.

If the bhikkhu originally mentions the proper stipulations but later learns that the builders are ignoring them, he must go himself or send a messenger to reiterate the stipulations. Not to do so incurs a dukkaṭa. If, having been reminded of the stipulations, the builders still ignore them, the bhikkhu incurs no penalty; but they — if they are bhikkhus — incur a dukkaṭa for each of the three criteria regarding the site that they disobey. As for the standard measurement, they are not bound by it as they are building the hut for another's use.

Begging. The Vibhaṅga to this rule does not go into any great detail on the issue of begging for construction materials. However, the Commentary contains a long discussion of what a bhikkhu may and may not beg for when building any kind of building, even those not covered by this rule. Because the Commentary's discussion here is not based on the Canon, not all Communities regard these points as binding. Still, many of its suggestions merit serious consideration. Its main points are these:

A bhikkhu may ask for people to give labor in any situation (although this point seems to conflict with the spirit of the origin story to this rule). Thus he may ask stone masons to carry stone posts to his construction site, or carpenters to carry boards there. If, after he has asked them to help with the labor, they volunteer to donate the materials as well, he may accept them without penalty. Otherwise, he has to reimburse them for the materials.

As for tools, vehicles, and other things he will use in the process of construction, he may ask only to borrow them from other people and may not ask for them outright (except when asking from relatives or those who have made an offer). If the tools get damaged, he is responsible for getting them repaired before returning them to the owner. (This opinion, however, seems based on the Commentary's concept of *bhaṇḍadeyya*, which we have already rejected under Pr 2.) The only things he needn't return to the owner are light articles (*lahubhaṇḍa*), which the Sub-commentary identifies as things like reeds, rushes, grass, and clay — i.e., things having little or no monetary value at all.

This means that unless a bhikkhu is going to build his dwelling out of reeds, etc., or out of thrown-away scraps, he may not ask people in general for any of the materials that will actually go into the dwelling. Keep in mind that these rules were made during a period when wilderness was still plentiful, and solid building materials such as timber and stones were free for the taking. At present, unless a bhikkhu has access to unclaimed wilderness of this sort, to unclaimed garbage, or has enough funds on deposit with his steward (see NP 10) to cover the cost of materials, his only recourse if he wants a solid structure is either to rammed earth or to hinting.

The Commentary notes that while hinting is not allowed with regard to food or cloth, it is allowed with regard to construction materials (although again, this point seems to conflict with the spirit of the origin story). One example it gives is asking, "Do you think this is a good place to build a hut? An ordination hall?" Another example is staking out a construction site in hope that someone will ask, "What are you planning to do here?" If people get the hint and offer the materials, the bhikkhu may

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accept them. If they don't, he may not ask directly for any materials except the "light articles" mentioned above.

From this it should be obvious that even in cases not covered by this rule — i.e., the dwelling he is building doesn't qualify as a "hut," or he is building something for other people to use — a bhikkhu engaged in construction work should not be burdensome to the laity. This is an important point, as the Buddha illustrated in a story he told to the bhikkhus at Ālavī. A certain bhikkhu had once come to him with a complaint, and he reports the conversation as follows:

"Venerable sir, there is a large stand of forest on the slopes of the Himalayas, and not far from it is a broad, low-lying marsh. A great flock of birds, after feeding all day in the marsh, goes to roost in the forest at nightfall. That is why I have come to see the Blessed One — because I am annoyed by the noise of that flock of birds.'

"Bhikkhu, do you want those birds not to come there?'

"Yes, venerable sir, I want them not to come there.'

"Then in that case, go back there, enter the stand of forest, and in the first watch of the night make this announcement three times: "Listen to me, good birds. I want a feather from everyone roosting in this forest. Each of you give me one feather." In the second watch... In the third watch of the night make this announcement three times: "Listen to me, good birds. I want a feather from everyone roosting in this forest. Each of you give me one feather"... (The bhikkhu did as he was told.) Then the flock of birds, thinking, 'The bhikkhu asks for a feather, the bhikkhu wants a feather,' left the forest. And after they were gone, they never again returned. Bhikkhus, begging is unpleasant, hinting is unpleasant even to these common animals — how much more so to human beings?"

Non-offenses. The Vibhaṅga's non-offense clauses mention, in addition to the usual exemptions, that there is no offense "in a *leṇa*, in a *guhā*, in a grass hut, in (a dwelling) for another's use, or in anything other than a dwelling." The Commentary explains that *no offense* here means that these cases are not subject to any of the four stipulations given in this rule. With regard to "another's use," it says that this could mean a dwelling that will belong to another individual — such as one's preceptor or mentor — or to the Community. As for the last case, it explains that if a bhikkhu is building, e.g., a meeting hall, he is not bound by this rule, but if he plans to lay claim to it and use it as his dwelling as well, he is.

Further restrictions and allowances concerning the construction of dwellings are discussed under Pc 19 and in BMC2 Chapters 6 and 18.

Summary: Building a plastered hut — or having it built — without a sponsor, destined for one's own use, without having obtained the Community's approval, is a saṅghādisesa offense. Building a plastered hut — or having it built — without a sponsor, destined for one's own use, exceeding the standard measurements, is also a saṅghādisesa offense.

7. When a bhikkhu is having a large dwelling built — having a sponsor and destined for himself — he is to assemble bhikkhus to designate the site. The site the bhikkhus designate should be without disturbances and with adequate space. If the bhikkhu should have large dwelling built on a site with disturbances and without adequate space, or if he should not assemble the bhikkhus to designate the site, it entails initial and subsequent meetings of the Community.

The Vibhaṅga defines *dwelling* here with the same terms it uses for *hut* in the preceding rule. All explanations for this rule may be inferred from those above, the only difference being that, as the dwelling here has a sponsor, no begging is involved in its construction and so there is no need to limit its size.

None of the texts define *sponsor* aside from the Vibhaṅga's statement that the sponsor can be a man or a woman, a householder or one gone forth. The Pali term for "sponsor" here, *sāmika*, can also mean "owner," and this has led some to suggest that this rule covers only those cases where the donor maintains ownership over the dwelling even after the bhikkhu has finished it. This, however, would create a serious gap in the rules. Suppose a donor offers to provide all the materials for a bhikkhu to build himself a large hut and to hand ownership of the hut over to the bhikkhu when it is finished as well. This is an extremely common case, and yet it would not be covered by the preceding rule, for that rule deals only with instances where the bhikkhu has to beg for his materials. If *sāmika* under this rule were confined to the restrictive sense of "owner" given above, the case would not be covered by this rule, either.

There is evidence in the Canon, though, that the word *sāmika* can have another meaning aside from "owner." The non-offense clauses to NP 10 use the word *sāmika* to describe a person who creates a robe-fund for a bhikkhu but does not retain ownership of the robe once it has been given to the bhikkhu, and it seems reasonable to use the word in the same sense under this rule as well. Thus a sponsor here would be anyone — man or woman, ordained or not — who underwrites the cost of building a hut in such a way that the bhikkhu does not have to beg for his materials. Thus if a bhikkhu building a hut for his own use draws entirely on funds deposited with his steward for all materials and labor, the case would come under this rule as well.

Given the way the Commentary defines *destined for oneself*, if the sponsor maintained ownership of the finished hut, the case would not fall under this rule. If a sponsor is building a dwelling to give to a bhikkhu, and the bhikkhu is not involved in any way in building it or getting it built, this rule does not apply.

Summary: Building a hut with a sponsor — or having it built — destined for one's own use, without having obtained the Community's approval, is a saṅghādisesa offense.

8. Should any bhikkhu — corrupt, aversive, disgruntled — charge a bhikkhu with an unfounded case entailing defeat, (thinking), "Perhaps I may bring about his fall from this celibate life," then regardless of whether or not he is cross-examined on a later occasion, if the issue is unfounded and the bhikkhu confesses his aversion, it entails initial and subsequent meetings of the Community.

"Now at that time a householder who served fine food gave food to the Community on a regular basis, four bhikkhus every day... (One day) he happened to go on some business to the monastery. He went to Ven. Dabba Mallaputta and on arrival bowed down to him and sat to one side... Ven. Dabba Mallaputta roused... him with a Dhamma talk. Then the householder with fine food... said to Dabba Mallaputta, 'To whom, venerable sir, is tomorrow's meal in our house assigned?'

"...To (the) followers of Mettiya and Bhummaja (§), householder.' [Mettiya and Bhummaja were among the leaders of the group-of-six bhikkhus — so called because the group had six ringleaders — a faction notorious for its shameless behavior, and instigators of many of the situations that compelled the Buddha to formulate training rules.]

"This upset the householder with fine food. Thinking, 'How can these evil bhikkhus eat in our house?' he returned home and ordered his female slave, 'Hey. Those who are coming for a meal tomorrow: Prepare a seat for them in the gatehouse and serve them unhusked rice porridge with pickle brine.'

"As you say, master,' the female slave answered...

"Then the followers of Mettiya and Bhummaja said to one another, 'Yesterday we were assigned a meal at the house of the householder with fine food. Tomorrow, attending with his wives and children, he will serve us. Some will offer rice, some will offer curry, some oil, and some condiments.' Because of their joy, they didn't sleep as much that night as they had hoped.

"Early the next morning... they went to the home of the householder with fine food. The female slave saw them coming from afar. On seeing them, and having prepared them a seat in the gatehouse, she said to them, 'Have a seat, honored sirs.'

"The thought occurred to the followers of Mettiya and Bhummaja, 'No doubt the food isn't ready yet, which is why we're being made to sit in the gatehouse.'

"Then the female slave presented them with unhusked rice porridge with pickle brine and said, 'Eat, honored sirs.'

"Sister, we're the ones here for the regular meal.'

"I know you're the ones here for the regular meal. But yesterday the householder ordered me, "Hey. Those who are coming for a meal tomorrow: Prepare a seat for them in the gatehouse and serve them unhusked rice porridge with pickle brine." So eat, honored sirs.'

"Then the followers of Mettiya and Bhummaja said to one another, 'Yesterday the householder with fine food went to the monastery and met with Dabba Mallaputta. No doubt Dabba Mallaputta turned him against us.' Because of their disappointment, they didn't eat as much as they had hoped.

"Then... they returned to the monastery and, putting away their robes and bowls, went outside the monastery gatehouse and sat with their outer robes holding up their knees (§) — silent, abashed, their shoulders drooping, their heads down, brooding, at a loss for words.

"Then Mettiyā Bhikkhunī approached them... and said to them, 'I salute you, masters.' But when she had said this, they didn't respond. A second time... A third time she said, 'I salute you, masters.' And a third time they didn't respond.

"Have I offended you, masters? Why don't you respond to me?'

"Because *you*, sister, look on impassively while Dabba Mallaputta treats us like dirt.'

"What can I do?'

"If you want, you could get the Blessed One to expel Dabba Mallaputta right this very day.'

"What can I do? How could I do that?'

"Come, sister. Go to the Blessed One and say this: "It is unfitting, venerable sir, and improper. The quarter without dread, without harm, without danger, is (now) the quarter with dread, with harm, with danger. From where there was a calm, there is (now) a storm-wind. The water, as it were, is ablaze. I have been raped by Master Dabba Mallaputta."

"As you say, masters.' (And she went to carry out their bidding.)"

This is just the heart of the origin story to this rule, which is one of the longest and most controversial accounts in the Vinaya. After Mettiyā Bhikkhunī made her charge, the Buddha convened a meeting of the Saṅgha to question Ven. Dabba Mallaputta. The latter, who had attained arahantship at the age of seven, responded truthfully that he could not call to mind ever having indulged in sexual intercourse even in a dream, much less when awake. The Buddha then told the Saṅgha to expel Mettiyā Bhikkhunī and to interrogate (§) her instigators, after which he returned to his quarters. When the bhikkhus had expelled her, the followers of Mettiya and Bhummaja told them, "Friends, don't expel Mettiyā Bhikkhunī. She hasn't done

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anything wrong. She was instigated by us, who were upset, dissatisfied, and wanted to see him fall."

"You mean you were charging Ven. Dabba Mallaputta with an unfounded case entailing defeat?"

"Yes, friends."

"So the bhikkhus criticized and complained and spread it about, 'How can the followers of Mettiya and Bhummaja charge Ven. Dabba Mallaputta with an unfounded case entailing defeat?'"

In the centuries after the Canon was composed, however, many people have criticized and complained more about the Buddha's treatment of Mettiyā Bhikkhunī. According to the Commentary, her expulsion was one of the controversial points dividing the bhikkhus in the Abhayagiri Vihāra from those in the Mahāvihāra in the old Sri Lankan capital of Anurādhapura. Even modern scholars have objected to the Buddha's treatment of Mettiyā Bhikkhunī and interpret this passage as a "monkish gloss," as if the Buddha himself were not a monk, and the entire Canon not the work of monks and nuns. The Commentary maintains that the Buddha acted as he did because he knew if he treated her less harshly, the followers of Mettiya and Bhummaja would never have volunteered the information that they had put her up to making the charge in the first place, and the truth would never have come out. This would have led some people to remain secretly convinced of Ven. Dabba Mallaputta's guilt and — because he was an arahant — would have been for their long-term detriment and harm.

At any rate, what concerns us here is that at some point after this rule was formulated, the Buddha put the Saṅgha in charge of judging accusations of this sort and gave them a definite pattern to follow to ensure that their judgments would be as fair and accurate as possible. Because the Vibhaṅga and Commentary to this rule are based on this pattern, we will discuss the pattern first before dealing with the special case — unfounded charges — covered by this rule.

Admonition. As the Buddha states in Sg 12, one of the ways bhikkhus may hope for growth in his teachings is through mutual admonition and mutual rehabilitation. If a bhikkhu commits an offense, he is responsible for informing his fellow bhikkhus so that they may help him through whatever procedures the offense may entail. Human nature being what it is, there are bound to be bhikkhus who neglect this responsibility, in which case the responsibility falls to the offender's fellow bhikkhus who know of the matter to admonish him in private, if possible, or — if he is stubborn — to make a formal charge in a meeting of the Community.

The pattern here is this: Before admonishing the bhikkhu, one must first make sure that one is qualified to admonish him. According to Cv.IX.5.1–2, this means knowing that:

- 1) One is pure in bodily conduct.

- 2) One is pure in verbal conduct.
- 3) One is motivated by good will, not vindictiveness.
- 4) One is learned in the Dhamma.
- 5) One knows both Paṭimokkhas (the one for the bhikkhus and the one for the bhikkhunīs) in detail.

Furthermore, one determines that:

- 1) I will speak at the right time and not at the wrong time.
- 2) I will speak about what is factual and not what is unfactual.
- 3) I will speak gently and not harshly.
- 4) I will speak what is connected with the goal (*attha*) and not what is unconnected with the goal (this can also mean: what is connected with the case and not what is unconnected with the case).
- 5) I will speak from a mind of good will and not from inner aversion.

Cv.IX.5.7 and Pv.XV.5.3 add that one should keep five qualities in mind: compassion, solicitude for the other's welfare, sympathy, a desire to see him rehabilitated, and esteem for the Vinaya.

If one feels unqualified in terms of these standards yet believes that another bhikkhu has committed an offense for which he has not made amends, one should find another bhikkhu who is qualified to handle the charge and inform him. Not to inform anyone in cases like this is to incur a pācittiya or a derived offense under Pc 64, except in the extenuating circumstances discussed under that rule.

The next step, if one is qualified to make the charge, is to look for a proper time and place to talk with the other party — for example, when he is not likely to get embarrassed or upset — and then to ask his leave, i.e., to ask permission to speak with him: "Let the venerable one give me leave. I want to speak with you — *Karotu āyasmā okāsaṃ. Ahan-taṃ vattukāmo.*" To accuse him of an offense without asking leave is to incur a dukkaṭa (Mv.II.16.1).

As for the other party, he may give leave, or not, depending on his assessment of the individual asking for leave, for it is possible that someone might ask for leave without any real grounds, simply to be abusive. (This interpretation follows the Burmese edition on the relevant passage, Mv.II.16.3. In other editions, the same passage says that one is allowed to make another bhikkhu give leave after having assessed him. However, in the context of the allowance — some group-of-six bhikkhus ask leave of bhikkhus they know are pure — there seems no need to allow a bhikkhu to reflect on whether the person he plans to accuse might be pure. That is one of the accuser's duties, as enforced by the present rule along with the following rule, Pc 76, and another passage in Mv.II.16.3. As for the case of asking leave of someone who might prove abusive, that is already covered in Mv.II.16.2, which says that even after another bhikkhu has given leave, one should assess him

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before leveling a charge against him. Thus, in context, the Burmese reading makes more sense: Having been asked to give leave, one is allowed to assess the person making the request before giving him leave to speak. If we did not follow the Burmese reading here, there would be no allowance in the Vibhaṅga or the Khandhakas not to give leave to an abusive accuser.) A bhikkhu who asks for leave with no grounds — i.e., he has not seen the other party commit the offense, has heard no reliable report to that effect, and has no reason to suspect anything to that effect — incurs a dukkaṭa (Mv.II.16.3).

Pv.XV.4.7 gives further support to the Burmese reading here by suggesting that one should not give leave to a bhikkhu who:

- 1) is unconscientious,
- 2) is ignorant,
- 3) is not in regular standing (e.g., he is undergoing penance for a saṅghādisesa offense or has been placed under a disciplinary transaction),
- 4) speaks intent on creating a disturbance, or
- 5) is not intent on rehabilitating the bhikkhu he is accusing.

Pv.XV.5.4 suggests further that one should not give leave to a bhikkhu who:

- 1) is not pure in bodily conduct,
- 2) is not pure in verbal conduct,
- 3) is not pure in his livelihood,
- 4) is incompetent and inexperienced, or
- 5) is unable to give a consistent line of reasoning when questioned.

If the bhikkhu is not unqualified in any of these ways, though, one should willingly give him leave to speak. Cv.IX.5.7 says that, when being admonished or accused, one should keep two qualities in mind: truth and staying unprovoked. The Pāṭimokkha also contains a number of rules imposing penalties on behaving improperly when one is being admonished formally or informally: Sg 12 for being difficult to admonish in general, Pc 12 for being evasive or refusing to answer when being formally questioned (see below), Pc 54 for being disrespectful to one's accuser or to the rule one is being accused of breaking, and Pc 71 for finding excuses for not following a particular training rule.

If both sides act in good faith and without prejudice, accusations of this sort are easy to settle on an informal basis. If an accusation can't be settled informally, it should be taken to a meeting of the Community so that the group as a whole may pass judgment. The procedures for this sort of formal meeting will be discussed under the aniyata and adhikaraṇa-samatha rules. If the issue is to be brought up at a Community meeting for the uposatha, there are extra procedures to be followed, which are discussed in BMC2, Chapter 15. If the issue is to be brought up at the

Invitation at the end of the Rains, the procedures to be followed are discussed in BMC2, Chapter 16.

Abuse of the system. As shown in the origin story to this rule, a bhikkhu making a charge against another bhikkhu might be acting out of a grudge and simply making up the charge. This rule and the following one cover cases where the made-up charge is that the other bhikkhu has committed a pārājika. Pc 76 covers cases where the made-up charge is that he has broken a less serious rule.

The full offense under this rule involves four factors.

- 1) *Object*: The other bhikkhu is regarded as ordained.
- 2) *Perception*: One perceives him to be innocent of the offense one is charging him with.
- 3) *Intention*: One wants to see him expelled from the Saṅgha.
- 4) *Effort*: One makes an unfounded charge in his presence that he is guilty of a pārājika offense.

Object. The definition of this factor — the other bhikkhu is regarded as ordained — may sound strange, but it comes from the K/Commentary, which apparently extended the principle expressed in the factor of perception, explained below, that if one perceives the bhikkhu as innocent of the charge one is making, the fact of whether he is actually innocent is irrelevant to the offense under this rule. In the same way, the K/Commentary seems to be reasoning, if one perceives the bhikkhu to be a bhikkhu, the fact of whether he is actually a bhikkhu is irrelevant to this offense. The K/Commentary makes this point for a reason: In normal cases the object of this rule will be an innocent bhikkhu, but there may be cases where a bhikkhu has actually committed a pārājika offense that no one knows about; instead of disrobing, he acts as if he were still a bhikkhu, and everyone else assumes that he still is. Yet even a "bhikkhu" of this sort would fulfill this factor as far as this rule is concerned.

For example, Bhikkhu X steals some of the monastery funds, but no one knows about it, and he continues to act as if he were a bhikkhu. Bhikkhu Y later develops a grudge against him and makes an unfounded charge that he has had sexual intercourse with one of the monastery supporters. Even though X is not really a bhikkhu, the fact that people in general assume him to be one means that he fulfills this factor.

Perception. If one perceives the bhikkhu one is charging with a pārājika offense to be innocent of the offense, that is enough to fulfill this factor regardless of whether the accused is actually innocent or not. To make an accusation based on the assumption or suspicion that the accused is *not* innocent entails no offense.

Intention. The wording of the training rule suggests that this factor would have to be fulfilled by impulse — aversion — together with motive — desiring the other bhikkhu's expulsion — but the Vibhaṅga consistently conflates these two sub-

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factors under motive. Thus all that is needed to fulfill this factor is the desire to see the other bhikkhu expelled. If one's motive is simply to insult him, the Vibhaṅga says that one's actions would come under Pc 2. If one's motive is both to see him expelled and to insult him, one incurs both a saṅghādisesa and a pācittiya. The texts do not explicitly mention this point, but it would appear that if one has a strange sense of humor and is making the false charge as a joke with no intention of being insulting or taken seriously, one's actions would come under Pc 1.

According to the Vibhaṅga, *confessing one's aversion* simply means admitting that the charge was empty or false. Thus the level of malice impelling one's desire to see the other bhikkhu expelled need not be severe: If one wants to see him expelled just for the fun of it, that would fulfill the factor of intention here.

Effort. The act covered by this rule is that of making an unfounded charge of a pārājika in the accused's presence. Whether one makes the charge oneself or gets someone else to make it, the penalty is the same. If that "someone else" is a bhikkhu and knows the charge is unfounded, he too incurs the full penalty.

The Vibhaṅga defines an *unfounded charge* as one having no basis in what has been seen, heard, or suspected. In other words, the accuser has not seen the accused committing the offense in question, nor has he heard anything reliable to that effect, nor is there anything in the accused's behavior to give rise to any honest suspicion.

Seeing and *hearing*, according to the Commentary, also include the powers of clairvoyance and clairaudience one may have developed through meditation. Thus if one charges X with having committed a pārājika offense on the basis of what one has seen clairvoyantly, this would not be an unfounded charge, although one should be careful to make clear from the very beginning what kind of seeing the charge is based on.

If there is some basis in fact, but one changes the status of the evidence, the penalty is the same. *Changing the status* means, e.g., saying that one saw something when in actuality one simply heard about it or suspected it, or that one saw it clearly when in actuality one saw it indistinctly.

An example from the Commentary: Bhikkhu X goes into a grove to relieve himself. Ms. Y goes into the same grove to get something there. One sees them leaving the grove at approximately the same time — which could count as grounds for suspicion — but one then accuses Bhikkhu X, saying that one actually saw him having sex with Ms. Y. This would count as an unfounded charge. Another example: In the dark of the night, one sees a man stealing something from the monastery storehouse. He looks vaguely like Bhikkhu Z, but one can't be sure. Still, one firms up one's accusation by saying that one definitely saw Z steal the item. Again, this would count as an unfounded charge.

The Commentary states that for an unfounded charge to count under this rule, it must state explicitly (a) the precise act the accused supposedly committed (e.g., having sexual intercourse, getting a woman to have an abortion) or (b) that the

accused is guilty of a pārājika, or (c) that the accused is no longer a true bhikkhu. If one simply says or does something that might imply that the accused is no longer a bhikkhu — e.g., refusing to show him respect in line with his seniority — that does not yet count as a charge.

The Commentary adds that charging a bhikkhu with having committed an equivalent or derived pārājika, as discussed in the conclusion to the preceding chapter, would fulfill this factor as well. For instance, if one makes an unfounded charge accusing Bhikkhu A of having killed his father before his ordination, that would constitute a full offense here. The Vibhaṅga makes no mention of these equivalent pārājikas under this rule, but the Great Standards can be used to justify their inclusion here.

All of the charges given as examples in the Vibhaṅga are expressed directly to the accused — "I saw you commit a pārājika offense," "I heard you commit a pārājika offense" — and the Commentary concludes from this that the full offense occurs only when one makes the charge in the accused's presence, in line with the pattern for admonition discussed above. To make an unfounded charge behind the accused's back, it states, incurs a dukkaṭa.

There is nothing in the Vibhaṅga to indicate that the Commentary is wrong here, aside from the consideration that — because the charge is unfounded — it could entail a pācittiya for deliberate lying. Some people, however, have objected to the Commentary's position here, saying that a dukkaṭa or even a pācittiya is a very light penalty for backhanded character assassination. Nevertheless, we should remember that the correct procedures for making an accusation require that an earnest charge be made in the presence of the accused. If a bhikkhu spreads gossip about another bhikkhu, accusing him of having committed a pārājika, he should be asked whether he has taken up the matter with the accused. If he hasn't, he should be told to speak to the accused before he speaks to anyone else. If he says that he doesn't feel qualified or that he fears the accused will retaliate, he should be told to take the matter up with the bhikkhus who will be responsible for calling a meeting of the Community. If he refuses to do that, he shouldn't be listened to.

For some reason, the Commentary maintains that a charge made in writing does not count, although a charge made by gesture — e.g., pointing at the accused when one is asked who committed the pārājika — does. Perhaps in those days written charges were regarded as too cowardly to take seriously.

The rule seems to require that the accuser confess that he was acting out of depraved impulses, although the Vibhaṅga states that this means simply that he admits the charge was a lie. The Commentary states further that here the rule is showing the point where the rest of the Community knows that the bhikkhu making the charge is guilty of a saṅghādisesa: He actually committed the offense when he made the charge.

The K/Commentary adds "result" as a further factor to the offense under this rule, saying that the accused must immediately understand the charge — but nothing in the Vibhaṅga supports this added factor.

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Whether anyone actually believes the charge is not a factor here.

Non-offenses. If one understands the accused to be guilty of a *pārājika* and accuses him honestly on the basis of what one has seen, heard, or suspected, then — regardless of whether he is guilty or not — one has not committed an offense. Even in a case such as this, though, one incurs a *dukkāṭa* if making the charge without asking leave of the accused, and a *pācittiya* if making the charge so as to insult him.

Summary: Making an unfounded charge to a *bhikkhu* that he has committed a *pārājika* offense, in hopes of having him disrobed, is a *saṅghādisesa* offense.

9. Should any *bhikkhu* — corrupt, aversive, disgruntled — using as a mere ploy an aspect of an issue that pertains otherwise, charge a *bhikkhu* with a case entailing defeat, (thinking), "Perhaps I may bring about his fall from this celibate life," then regardless of whether or not he is cross-examined on a later occasion, if the issue pertains otherwise, an aspect used as a mere ploy, and the *bhikkhu* confesses his aversion, it entails initial and subsequent meetings of the Community.

"At that time the followers of Mettiya and Bhummaja, descending from Vulture Peak Mountain, saw a billy-goat copulating with a nanny-goat. Seeing them, they said, 'Look here, friends, let's name this billy goat Dabba Mallaputta, and this nanny goat Mettiyā Bhikkhunī. Then we'll phrase it like this: "Before, my friends, we accused Dabba Mallaputta on the basis of what we had heard, but now we have seen him with our very own eyes fornicating with Mettiyā Bhikkhunī!'"

Some grudges die hard. This rule is almost identical with the preceding one and involves the same factors except for one of the sub-factors under "Effort": "Unfounded charge" here becomes "a charge based on an issue (*adhikaraṇa*) that pertains otherwise." The phrase sounds strange, but the origin story gives a perfect example of what it means.

The precise difference between the two rules is this: With an unfounded charge, one has neither seen, heard, nor suspected that an offense has been committed: or if one has, one changes the status of the evidence — e.g., one states something one has suspected as if one has heard it, or something one has heard as if one has seen it. In a charge based on an issue that pertains otherwise, one has seen an action that would be an offense if committed by a *bhikkhu*, and one does not change the status of the evidence, but one distorts the facts of the case.

The *Vibhaṅga* lists ten factors that can be used as a ploy in distorting the facts this way. They are: birth (caste), name, clan (family name), physical characteristics, offenses, bowl, robe, preceptor, mentor, lodging. Given the way in which the

Vibhaṅga illustrates these factors in action, they fall into two classes: (1) offenses and (2) the remaining nine factors.

1) An example of using an offense as a ploy: One sees Bhikkhu Y actually committing an offense. Although one perceives it as a lesser offense, one magnifies the charge to a pārājika. For instance, one sees him get into an argument with Bhikkhu Z and in a fit of anger give Z a blow to the head. Z goes unconscious, falls to the floor, and suffers a severe concussion resulting in death. Because Y's intention was simply to hurt him, not to kill him, he incurs only a pācittiya. If one realizes the nature of Y's intention and the fact that the penalty is a pācittiya, and yet accuses him of having committed a pārājika, one would incur a saṅghādisesa under this rule. For ease of remembrance, this use of a ploy can be called "same person, different offense."

2) An example of using any of the other nine factors as a ploy: X, who may or may not be a bhikkhu, has something in common with Bhikkhu Y — they are both tall, short, dark, fair, share the same name, are students of the same preceptor, live in the same dwelling, use similar looking bowls or robes, etc. One sees X committing an action that, if he were a bhikkhu, would amount to a pārājika offense: on the basis of the similarity between the two, one claims to have seen Bhikkhu Y committing a pārājika. For instance, X and Y are both very tall. Late at night one sees X — knowing that it is X — stealing tools from the monastery storeroom. One has a grudge against Y and so accuses him of being the thief, saying, "I saw this big tall guy stealing the tools, and he looked just like you. It must have been you." For ease of remembrance, this use of a ploy can be called "same offense, different person."

None of the texts mention the scenario of a double ploy — i.e., "different person, different offense" — but from the way the Vibhaṅga defines an *issue that pertains otherwise*, a double ploy would fit the definition as well. In other words, if — having seen X engage in lustful contact with a woman — one then accuses Bhikkhu Y, who shares the same family name with X, of engaging in sexual intercourse with the woman, the case would apparently come under this rule.

A case that would *not* come under this rule is one based on seeing or hearing Y commit an action that bears some resemblance to an offense but is actually not. For instance, one overhears him teaching Vinaya to some new bhikkhus and quoting, by way of illustration, a few of the statements that would count as claims of superior human states. Because this does not constitute an offense, there is no issue (*adhikaraṇa*) pertaining otherwise that can be used as a ploy. In shorthand terms, this would count as "same person, no offense." If, realizing the context, one later accuses him of having violated Pr 4, the accusation would count as an unfounded charge and so would come under the preceding rule.

The remaining explanations for this rule are exactly the same as those for the preceding rule, except that in the non-offense clauses the Vibhaṅga states that if one makes a charge — or gets someone else to make a charge — against the accused based on what one actually perceives, there is no offense even if the issue turns out to pertain otherwise. For instance, from the examples already given: One

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sees X stealing tools in the dark and, because of his resemblance to Y, actually thinks Y is the thief. One sees Y give a fatal blow to Z and actually thinks that Y's intention was to kill Z. In either of these cases, if one then accuses Y of a pārājika offense, one incurs no penalty regardless of how the case comes out, although — as in the preceding rule — one should be careful to ask Y's leave before making the charge and to have no intention of insulting him.

Summary: Distorting the evidence while accusing a bhikkhu of having committed a pārājika offense, in hopes of having him disrobed, is a saṅghādisesa offense.

10. Should any bhikkhu agitate for a schism in a united Community, or should he persist in taking up an issue conducive to schism, the bhikkhus are to admonish him thus: "Do not, venerable sir, agitate for a schism in a united Community or persist in taking up an issue conducive to schism. Let the venerable one be reconciled with the Community, for a united Community, on courteous terms, without dispute, with a common recitation, dwells in peace."

And should that bhikkhu, thus admonished by the bhikkhus, persist as before, the bhikkhus are to rebuke him up to three times so as to desist. If while being rebuked up to three times he desists, that is good. If he does not desist, it entails initial and subsequent meetings of the Community.

Schism. A schism is a serious division in the Community — so serious that, if achieved in a dishonest way, it ranks with matricide, patricide, killing an arahant, and maliciously shedding the Tathāgata's blood as one of the five most heinous crimes a person can commit (AN V.129).

To qualify as a schism, the division has to meet five criteria:

- 1) The Community is originally united, which means that it is composed of bhikkhus of common affiliation living in the same territory.
- 2) It contains at least nine bhikkhus.
- 3) It becomes involved in a dispute over any of eighteen grounds for a creating a schism. In other words, one of the sides advocates any of the following positions, explaining:

Dhamma as not-Dhamma;

not-Dhamma as Dhamma;

Vinaya as not-Vinaya;

not-Vinaya as Vinaya;

what was not spoken by the Buddha as having been spoken by him;

what was spoken by the Buddha as not;

what was not regularly practiced by him as having been regularly practiced

by him;
 what was regularly practiced by him as not;
 what was not formulated by him as having been formulated by him;
 what was formulated by him as not;
 an offense as a non-offense;
 a non-offense as an offense;
 a heavy offense as a light offense;
 a light offense as heavy;
 an offense leaving a remainder (i.e., not a pārājika) as an offense leaving no remainder (§);
 an offense leaving no remainder as an offense leaving a remainder (§);
 a serious offense as not serious; or
 a not-serious offense as serious.

- 4) There are at least four bhikkhus on either side.
- 5) The dispute reaches the point where the two sides conduct separate Paṭimokkha recitations, Invitation ceremonies, or other Community transactions within the same territory.

The Canon tells of two schisms during the time of the Buddha, one involving the bhikkhus in the city of Kosambī, reported in Mv.X; and the other, Devadatta's schism, reported in Cv.VII. The two schisms began from different motives, with both sides in Kosambī thinking that they were following the Dhamma and Vinaya, whereas Devadatta knew that he was not. The two schisms were also accomplished in different ways — unilaterally in the Kosambī case, bilaterally in Devadatta's — and resolved in different ways as well, with a full reconciliation in the Kosambī case and only a partial one in Devadatta's. As we will see below, the different patterns followed in these two schisms led to different patterns in the rules dealing with the topic of schism as a whole.

Schism is the result of a dispute, but not all disputes — even when prolonged — will lead to schism. An example is the dispute that led to the Second Council (Cv.XII). Even though it was bitterly fought, there was never a point when either faction thought of splitting off and conducting communal business separately in the same territory. Still, even minor disputes can be potentially schismatic. At the same time, as we will see below, it is possible to act in a divisive way prior to a dispute without yet broaching the questions around which a dispute could develop. This rule and the following one are designed to nip both sorts of behavior in the bud before they can become schismatic. Once a dispute has become a major issue, these rules cannot be used, for at that point the procedures given in Cv.IV.14.16–26 — explained in Chapter 11 — should be followed. Questions of how to behave once a schism has occurred and how it can be ended are discussed in BMC2, Chapter 21.

The roots of schism. According to Cv.IV.14.4, the act of taking a position in a dispute can be rooted either in unskillful mind states (covetous, corrupt, or confused) or in skillful ones (not covetous, not corrupt, not confused). Given the false nature of the grounds for a schism, the mind state of a bhikkhu agitating for

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schism must be unskillful. However, it is crucial to determine the way in which his impulses and motivations are unskillful, for this question determines his personal fate and the prospects for whether the schism can be successfully resolved.

Cv.VII.5.3 and Cv.VII.5.5–6 explain that a bhikkhu who accomplishes a schism in the following way is automatically consigned to hell for an aeon. The Commentary to Mv.I.67 adds that as soon as the schism is accomplished he is no longer a bhikkhu and is to be expelled from the Saṅgha.

- 1) The Community, of common affiliation and living in the same territory, is united around a correct understanding of the Dhamma and Vinaya.
- 2) The bhikkhu agitates for a schism, advocating any of the 18 grounds for creating a schism.
- 3) He views his explanations or the act of a schism as not-Dhamma — i.e., he knows that what he is doing is contrary to the Dhamma — or he is doubtful about the matter.
- 4) Nevertheless, he misrepresents his views and actions, claiming that they are Dhamma.

If, however, a bhikkhu advocates any of the 18 grounds for creating a schism with the understanding that he is advocating the Dhamma and that the schism would be in line with the Dhamma, then even if he accomplishes a schism he is still a bhikkhu, he is not automatically consigned to hell, and there is the possibility that he can be reconciled with the Community and the schism resolved.

Strategies for schism. The Cullavagga presents two patterns by which a schism may happen. The first pattern, derived from Devadatta's schism and given in Cv.VII.5.1, states that schism occurs when a disagreement over the Dhamma, the Vinaya, or the Teacher's instruction is put to a vote in a Community of at least nine bhikkhus with at least four on either side of the split. It further adds that all the bhikkhus involved must be bhikkhus of regular standing in affiliation with the group as a whole (e.g., they are not already of a separate affiliation, they haven't been suspended from the Community), and they are living in the same territory (see BMC2, Chapter 13).

If any of these qualifications is lacking — the issue goes to a vote in a Community of less than nine bhikkhus, one side or the other gains less than four adherents, or the bhikkhus involved are not on regular standing, are not of common affiliation, or are not in the same territory — the efforts at schism count as a crack (*rāji*) in the Community, but not as a full split (*bheda*).

A second pattern — which describes the Kosambī schism but is given in Cv.VII.5.2 (as well as in AN X.35 & 37) — lists two steps by which a group becomes schismatic:

- 1) The members of the group advocate one or more of the 18 grounds for creating schism.
- 2) On the basis of any of these 18 points, they draw themselves apart, performing a separate Paṭimokkha recitation, a separate Invitation, (or) a separate Community transaction.

The Parivāra (XV.10.9), trying to collate these two patterns into one, lists five ways in which a schism can take place: discussion, announcement, vote, transaction, and recitation. The Commentary interprets the five ways as four steps in a single process (with the last two ways counting as alternative forms of a single step):

- 1) *Discussion*. A bhikkhu aiming at schism advocates any of the 18 positions listed above.
- 2) *Announcement*. He announces that he is splitting off from the Community and asks other bhikkhus to take sides.
- 3) *Vote*. The issue goes to a vote in a Community of at least nine bhikkhus, with at least four on either side.
- 4) *Transaction or recitation*. The bhikkhus who side with the schismatic split from the others and recite the Paṭimokkha or perform another Community transaction separately.

According to the Commentary, the actual schism has not taken place until step 4, when the schismatic group conducts communal business separately within the same territory as the group from which it has split. This is in accordance with Cv.VII.5.2 but conflicts with Cv.VII.5.1, so the Commentary explains that if the vote is taken in a split-off meeting of the Community, steps 3 and 4 happen simultaneously, and the schism has been accomplished. Otherwise, if the vote is taken outside of the territory, the schism is not finalized until the split-off faction conducts Community transactions separately within the same territory as the other faction (Pv.VI.2 & XV.10.10).

However, it's possible that the compilers of the Cullavagga intentionally listed two patterns for a schism because there are two ways in which it can happen: bilaterally and unilaterally. In a bilateral schism, the schismatic group meets with the group from which it is splitting and asks everyone to take sides. This is the pattern presented in Cv.VII.5.1. In a unilateral schism, the schismatic group meets on its own, announces that it has separated from the other bhikkhus in the same territory, and conducts Community transactions separately from them. This is the pattern presented in Cv.VII.5.2.

The Vinaya-mukha, in trying to make the case that not all the canonical Vinaya reflects the Buddha's intent, focuses on these detailed descriptions of schism as a case in point, arguing that they actually encourage schism by providing precise instructions for how to go about it. This, it says, is not the sort of thing an

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enlightened teacher would teach. This argument, however, misses the point of the descriptions. They are meant to provide well-meaning bhikkhus with a clear template so that they can recognize an attempt at schism when they see it.

The factors for an offense. The K/Commentary analyzes the factors for an offense under this rule as one — effort — dividing it into several sub-factors. However, it also classifies this rule as *sacittaka*, which means that either perception or intention must play a role in the offense. Because the Vibhaṅga explicitly rules out perception as a factor, that leaves intention. The Sub-Commentary says that "intention" here refers to the offending bhikkhu's intention not to relinquish his behavior after being rebuked by the Community. However, the Vibhaṅga's definition of one of the first sub-factors of effort — agitating for a schism — includes intention as an integral part of the effort. Because the alternative sub-factor — persisting in taking up an issue conducive to schism — does not include intention in its definition, this rule is best explained as covering two separate but related offenses with different factors. (See Sg 2, NP 18, and NP 24 for other instances of this sort.)

In the first offense, the factors are two.

- 1) *Intention*: Acting with the thought, "How might these be divided, how might they be separated, how might they become a faction?"
- 2) *Effort*:
 - a) one agitates for a schism in a united Community — i.e., one of common affiliation in a single territory —
 - b) even when rebuked three times in a properly performed Community transaction.

In the second offense, there is only one factor, divided into two sub-factors.

- 1) *Effort*:
 - a) One persists in taking up an issue conducive to schism in a united Community — i.e., one of common affiliation in a single territory —
 - b) even when rebuked three times in a properly performed Community transaction.

Effort. According to the Vibhaṅga, to agitate for a schism is to search for a partisan following or to bind together a group, with the above intention. To persist in taking up an issue conducive to schism is to take a stance on any of the 18 positions mentioned above. The two types of effort may overlap — a bhikkhu attempting to split off a schismatic faction could do so based on any of the 18 positions — but not necessarily. A bhikkhu might try to create a faction in other ways — for example, by arranging special meals exclusively for his friends (see Pc 31). A stubborn bhikkhu might refuse to abandon a position conducive to schism even if he is not yet aiming at schism. In fact, the use of this rule is most effective before the two activities have overlapped. Once a bhikkhu has succeeded in binding together a

group around any of the 18 grounds for schism, the Community will have trouble achieving unanimity in rebuking him, for his group will be free to protest the transaction.

Note that, unlike the definition of united Community in Cv.VII.5.3, the Vibhaṅga's definition of a united Community here does not specify that it has to be united around a correct understanding of the Dhamma and Vinaya. This means, in the case of the first offense, that if a bhikkhu tries to create a partisan following by explaining Vinaya as Vinaya in a Community whose practice has gone astray, the Community could still legitimately rebuke him. If he did not abandon his behavior, he would incur the full offense. This further means that if one wants to establish a return to the genuine Dhamma and Vinaya in such a Community, one should aim at converting the entire Community and not just a clique. If the Community judges one's efforts to be divisive, one can either search for help from other Communities, as explained in Chapter 11 and exemplified in the story of the Second Council, or simply leave the Community in search of a more conducive location to practice. If other bhikkhus in the Community, approving of one's views, come to the new location of their own accord, well and good. Nevertheless, this rule indicates that one's aim in expounding the Dhamma and Vinaya should never be to create a faction. Instead, it should be to convince all who are sincere to join in the pursuit of correct practice. Thus when leaving one's original Community, one should do so in as amicable a way as possible so as not to alienate those whom one should be aiming to win over to one's views.

Procedure. The Vibhaṅga states that if the bhikkhus see or hear of a bhikkhu who has begun agitating for a schism or persists in taking up an issue conducive to schism in a united Community, it is their duty to reprimand him three times. Otherwise, if he goes unreprimanded, he is free to continue with his efforts as he likes without incurring a penalty. If they neglect this duty, they each incur a dukkaṭa. The Commentary adds that this dukkaṭa applies to every bhikkhu within a half-yojana (five-mile) radius who learns of the instigator's efforts. Furthermore, it says that one may fulfill one's duty here only by going to him in person, and not by sending a letter or a messenger. (According to the Sub-commentary, any bhikkhu within the five-mile radius who is ill or otherwise unable to go reprimand the instigator is not subject to this penalty.) As for any bhikkhu outside the half-yojana radius, even though he may not be subject to the penalty, the Commentary states that he should still regard it as his duty if he is able to go reprimand the instigator as well. If the attempt takes place during the Rains-residence, other bhikkhus are allowed to cut short their stay in other locations to help end the attempt (Mv.III.6-9). However, once a bhikkhu has fulfilled this duty and yet sees that a schism is likely, he is allowed to leave the Community even during the Rains-residence if he does not wish to be present for the turmoil that may follow (Mv.III.11.5).

If, after being reprimanded three times, the instigator abandons his efforts — i.e., stops agitating for a schism or abandons his position with regard to the 18 issues conducive to a schism — he incurs no penalty and nothing further need be done.

If he is still recalcitrant, though, he incurs a dukkaṭa. The next step is to take him into the midst of a formal meeting of the Community (seizing him by the hands and

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feet if necessary, says the Commentary) and admonish him formally three more times. If he abandons his efforts before the end of the third admonition, well and good. If not, he incurs another dukkaṭa. The next step is to recite a formal rebuke by mandate of the Community, using the formula of one motion and three announcements given in the Vibhaṅga. If the instigator remains obstinate, he incurs an additional dukkaṭa at the end of the motion, a thullaccaya at the end of each of the first two announcements, and the full saṅghādisesa at the end of the third. Once he commits the full offense, the penalties he incurred in the preliminary stages are nullified.

Perception. The Vibhaṅga states that if the rebuke transaction is carried out properly — i.e., the bhikkhu really is looking for a faction or taking up an issue conducive to schism, and the various other formal requirements for a valid transaction are fulfilled — then if he does not abandon his efforts, he incurs the full saṅghādisesa regardless of whether he perceives the transaction to be proper, improper, or doubtful. If the transaction is improperly carried out, then regardless of how he perceives its validity, he incurs a dukkaṭa for not abandoning his efforts (§).

The fact that the bhikkhu is not free from an offense in the latter case is important: There are several other, similar points in the Vinaya — such as the Buddha's advice to the Dhamma-expert in the controversy at Kosambī (Mv.X.1.8) — where for the sake of the harmony of the Community in cases that threaten to be divisive, the Buddha advises bhikkhus to abandon controversial behavior and to yield to the mandate of the Community even if it seems unjust.

Non-offenses. The non-offense clauses, in addition to the usual exemptions, state that there is no offense if the bhikkhu is not reprimanded or if he gives up his efforts (prior to the end of the third reprimand).

Further steps. If the bhikkhu is so stubborn that he refuses to abandon his schismatic efforts even through the third rebuke, he will probably not acknowledge that the Community has acted properly, in which case he will not admit that he has incurred a saṅghādisesa offense or that he has to make amends for it. This gives the Community clear grounds, if it sees fit, for suspending him then and there (see BMC2, Chapter 20). In fact, this may have been the original intention behind the protocols outlined in this and the remaining three saṅghādisesa rules: to give the Community a clear opportunity to test how stubborn a divisive or recalcitrant bhikkhu is and to end his affiliation with them if he proves this stubborn. For this reason, a Community planning to impose any of these rules on one of its members should be prepared to recite the transaction statement for suspension against him as well.

Once the offender's affiliation with the Community is ended, he may not accost — go up to talk to — any member of the Community at all. Technically speaking, the fact that he is no longer in affiliation means that he can cause no more than a crack, rather than a full split, in the Saṅgha. This, of course, may not end his schismatic efforts, but the fact that the Community met to deal with his case should be enough to alert well-meaning bhikkhus that he is following a wrong course of action, and this should help unite the Community against his efforts. If they deem it necessary

— to keep the laity from being swayed by his arguments — they may authorize one or more of their members to inform the lay community that the schismatic has committed this offense (see Pc 9) and explain why. If, unrepentant, he leaves to go elsewhere, they may send word to any Community he tries to join. Of course, if it turns out that the schismatic was actually in the right in his explanation of the Dhamma and Vinaya, the efforts of the original Community will call unflattering attention to its own behavior. This means that a Community is well advised to reflect on its own practice before bringing this rule to bear.

All of this shows why schism is regarded so seriously: As the Buddha states in the second discourse on future dangers (AN V.78), it is difficult to find time to practice when the Community is embroiled in controversy this way.

Summary: To persist — after the third announcement of a formal rebuke in a meeting of the Community — in trying to form a schismatic group or in taking up a position that can lead to schism is a saṅghādisesa offense.

11. Should bhikkhus — one, two, or three — who are followers and partisans of that bhikkhu, say, "Do not, venerable sirs, admonish that bhikkhu in any way. He is an exponent of the Dhamma. He is an exponent of the Vinaya. He acts with our consent and approval. He knows, he speaks for us, and that is pleasing to us," the bhikkhus are to admonish them thus: "Do not say that, venerable sirs. That bhikkhu is not an exponent of the Dhamma and he is not an exponent of the Vinaya. Do not, venerable sirs, approve of a schism in the Community. Let the venerable ones' (minds) be reconciled with the Community, for a united Community, on courteous terms, without dispute, with a common recitation, dwells in peace."

And should those bhikkhus, thus admonished by the bhikkhus, persist as before, the bhikkhus are to rebuke them up to three times so as to desist. If while being rebuked up to three times they desist, that is good. If they do not desist, it entails initial and subsequent meetings of the Community.

If the schismatic mentioned in the preceding rule begins to attract adherents, they are to be treated under this rule — and quickly, before the schismatic gains a fourth adherent. The reasons are these:

- 1) One Community cannot impose a penalty on another Community (four or more bhikkhus) in any one transaction (Mv.IX.2).
- 2) Penalties of this sort may be imposed only with the unanimous agreement of all the bhikkhus present in the meeting. If there is a fourth adherent present in the meeting, his protest can invalidate the rebuke.

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- 3) As the Sub-commentary points out, once the adherents of a potential schismatic have reached four, they are in a position to go ahead with the schism even if he is observing penance under the preceding rule.

The procedures for dealing with these partisans — reprimanding them in private, admonishing and rebuking them in the midst of the Community — are the same as in the preceding rule.

As noted under the preceding rule, the procedures to follow once the schismatics have succeeded in creating a schism are discussed in BMC2, Chapter 21.

Summary: To persist — after the third announcement of a formal rebuke in a meeting of the Community — in supporting a potential schismatic is a saṅghādisesa offense.

12. In case a bhikkhu is by nature difficult to admonish — who, when being legitimately admonished by the bhikkhus with reference to the training rules included in the (Pāṭimokkha) recitation, makes himself unadmonishable, (saying,) "Do not, venerable ones, say anything to me, good or bad; and I won't say anything to the venerable ones, good or bad. Refrain, venerable ones, from admonishing me" — the bhikkhus are to admonish him thus: "Let the venerable one not make himself unadmonishable. Let the venerable one make himself admonishable. Let the venerable one admonish the bhikkhus in accordance with what is right, and the bhikkhus will admonish the venerable one in accordance with what is right; for it is thus that the Blessed One's following is nurtured: through mutual admonition, through mutual rehabilitation."

And should that bhikkhu, thus admonished by the bhikkhus, persist as before, the bhikkhus are to rebuke him up to three times so as to desist. If while being rebuked up to three times he desists, that is good. If he does not desist, it entails initial and subsequent meetings of the Community.

If a bhikkhu breaks any of the rules of the Vinaya without undergoing the penalties they entail, the other bhikkhus have the duty of admonishing him, as explained under Sg 8. If he is difficult to admonish, he is subject to additional penalties: under Pc 12 if he is evasive or uncooperative while being admonished, under Pc 54 if he shows disrespect, and under Pc 71 if he tries to excuse himself from training in the rule in question. If he becomes so difficult to admonish that he will accept criticism from no one at all, he is to be treated under this rule.

The Commentary defines *difficult to admonish* as "impossible to speak to" and adds that a bhikkhu difficult to admonish is one who cannot stand being criticized or who

does not mend his ways after his faults are pointed out to him. It quotes from the Anumāna Sutta (MN 15) a list of traits, any one of which makes a bhikkhu difficult to admonish: He has evil desires; exalts himself and degrades others; is easily angered; because of this he harbors ill will, holds a grudge, utters angry words; accused, he throws a tantrum (literally, "explodes"); accused, he is insulting; accused, he returns the accusation; he evades back and forth; he does not respond; he is mean and spiteful; jealous and possessive; scheming and deceitful; stubborn and proud; attached to his own views, obstinate, unable to let them go.

A fair number of these traits are exemplified by Ven. Channa — according to tradition, the Buddha's horseman on the night of the great Going Forth — in the origin stories to Pc 12, 54, and 71, and especially in the origin story to this rule.

"You think *you* are to admonish *me*? It is *I* who should admonish *you*! The Buddha is mine, the Dhamma is mine, it was by my young master that the Dhamma was realized. Just as a great wind when blowing would gather up grass, sticks, leaves, and rubbish, or a mountain-born river would gather up water weeds and scum, so you, in going forth, have been gathered up from various names, various clans, various ancestries, various families. You think *you* are to admonish *me*? It is *I* who should admonish *you*!"

The procedures to follow when a bhikkhu is difficult to admonish — reprimanding him in private, admonishing and rebuking him in a formal meeting of the Community — are the same as under Sg 10, beginning with the fact that a bhikkhu who, hearing that Bhikkhu X is being difficult to admonish, incurs a dukkaṭa if he does not reprimand him. The question of perception and the non-offenses are also the same as under that rule.

If the bhikkhu difficult to admonish carries on as before, even after incurring the full penalty under this rule, the Community may perform a banishment transaction (*pabbājanīya-kamma*) against him for speaking in dispraise of the Community (Cv.I.13 — see BMC2, Chapter 20). If he refuses to see that he has committed this saṅghādisesa offense or to undergo the penalty, the Community may exclude him from participating in the Pāṭimokkha and Invitation ceremonies (Mv.IV.16.2; Cv.IX.2 — see BMC2 Chapters 15 and 16) or suspend him from the entire Saṅgha (Cv.I.26; Cv.I.31 — see BMC2, Chapter 20).

Summary: To persist — after the third announcement of a formal rebuke in the Community — in being difficult to admonish is a saṅghādisesa offense.

13. In case a bhikkhu living in dependence on a certain village or town is a corrupter of families, a man of depraved conduct — whose depraved conduct is both seen and heard about, and the families he has corrupted are both seen and heard about — the bhikkhus are to admonish him thus: "You, venerable sir, are a corrupter of families, a man of depraved conduct. Your depraved conduct is both seen and

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heard about, and the families you have corrupted are both seen and heard about. Leave this monastery, venerable sir. Enough of your staying here."

And should that bhikkhu, thus admonished by the bhikkhus, say about the bhikkhus, "The bhikkhus are biased through favoritism, biased through aversion, biased through delusion, biased through fear, in that for this sort of offense they banish some and do not banish others," the bhikkhus are to admonish him thus: "Do not say that, venerable sir. The bhikkhus are not biased through favoritism, are not biased through aversion, are not biased through delusion, are not biased through fear. You, venerable sir, are a corrupter of families, a man of depraved conduct. Your depraved conduct is both seen and heard about, and the families you have corrupted are both seen and heard about. Leave this monastery, venerable sir. Enough of your staying here."

And should that bhikkhu, thus admonished by the bhikkhus, persist as before, the bhikkhus are to rebuke him up to three times so as to desist. If while being rebuked up to three times he desists, that is good. If he does not desist, it entails initial and subsequent meetings of the Community.

A *corrupter of families* is a bhikkhu who — behaving in a demeaning, frivolous, or subservient way — succeeds in ingratiating himself to lay people to the point where they withdraw their support from bhikkhus who are earnest in the practice and give it to those who are more ingratiating instead. This is illustrated in the origin story of this rule, in which the followers of Assaji and Punabbasu (leaders of one faction of the group of six) had thoroughly corrupted the lay people at Kiṭṭāgiri.

"Now at that time a certain bhikkhu, having finished his Rains–residence among the people of Kāsi and on his way to Sāvattihī to see the Blessed One, arrived at Kiṭṭāgiri. Dressing (§) early in the morning, taking his bowl and (outer) robe, he entered Kiṭṭāgiri for alms: gracious in the way he approached and departed, looked forward and behind, drew in and stretched out (his arm); his eyes downcast, his every movement consummate. People seeing him said, 'Who is this weakest of weaklings, this dullest of dullards, this most snobbish of snobs? Who, if this one approached (§), would even give him alms? Our masters, the followers of Assaji and Punabbasu, are compliant, genial, pleasing in conversation. They are the first to smile, saying, "Come, you are welcome." They are not snobbish. They are approachable. They are the first to speak. They are the ones to whom alms should be given.'"

The Vibhaṅga lists the ways of corrupting a family as giving gifts of flowers, fruit, etc., practicing medicine, and delivering messages — although the Commentary qualifies this by saying there is no harm in delivering messages related to religious

activities, such as inviting bhikkhus to a meal or to deliver a sermon, or in conveying a lay person's respects to a senior bhikkhu.

Depraved conduct the Vibhaṅga defines merely as growing flowers and making them into garlands, but this, the Commentary says, is a shorthand reference to the long list of bad habits mentioned in the origin story, which includes such things as presenting garlands to women, eating from the same dish with them, sharing a blanket with them; eating at the wrong time, drinking intoxicants; wearing garlands, using perfumes and cosmetics; dancing, singing, playing musical instruments, directing musical performances (§); playing games, performing stunts; learning archery, swordsmanship, and horsemanship; boxing and wrestling. (For the full list, see BMC2, Chapter 10.) Any one of these actions taken in isolation carries only a minor penalty — a dukkaṭa or a pācittiya (see Cv.V.36) — but if indulged in habitually to the point where its bad influence becomes "seen and heard about," i.e., common knowledge, it can become grounds for the offender's fellow bhikkhus to banish him from their particular Community until he mends his ways.

The Cullavagga, in a section that begins with the same origin story as the one for this rule (Cv.I.13–16), treats the banishment transaction in full detail, saying that a Community of bhikkhus, if it sees fit, has the authority to perform a banishment transaction against a bhikkhu with any of the following qualities:

- 1) He is a maker of strife, disputes, quarrels, and issues in the Community.
- 2) He is inexperienced, incompetent, and indiscriminately full of offenses (§).
- 3) He lives in unbecoming association with householders.
- 4) He is corrupt in his precepts, corrupt in his conduct, or corrupt in his views.
- 5) He speaks in dispraise of the Buddha, Dhamma, or Saṅgha.
- 6) He is frivolous in word, deed, or both.
- 7) He misbehaves in word, deed, or both.
- 8) He is vindictive in word, deed, or both.
- 9) He practices wrong modes of livelihood.

This last category includes such practices as:

- a) running messages and errands for kings, ministers of state, householders, etc. A modern example would be participating in political campaigns.
- b) scheming, talking, hinting, belittling others for the sake of material gain, pursuing gain with gain (giving items of small value in hopes of receiving items of larger value in return, making investments in hopes of profit, offering material incentives to those who make donations). (For a full discussion of these practices, see *Visuddhimagga* I.61-82.)
- c) Practicing worldly arts, e.g., medicine, fortune telling, astrology, exorcism, reciting charms, casting spells, performing ceremonies to counteract the

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influence of the stars, determining propitious sites, setting auspicious dates (for weddings, etc.), interpreting oracles, auguries, or dreams, or — in the words of the Vibhaṅga to the Bhikkhunīs' Pc 49 & 50 — engaging in any art that is "external and unconnected with the goal." The Cullavagga (V.33.2) imposes a dukkaṭa on studying and teaching worldly arts or hedonist doctrines (*lokāyata*). For extensive lists of worldly arts, see the passage from DN 2 quoted in BMC2, Chapter 10. (For the connection between lokāyata and hedonism (e.g., the Kāma Sūtra), see Warder, *Outline of Indian Philosophy*, pp. 38-39.)

A bhikkhu banished for indulging in any of these activities is duty-bound to undergo the 18 observances listed in Cv.I.15 (see BMC2, Chapter 20) and to mend his ways so that the Community will revoke the banishment transaction. The Commentary adds that a bhikkhu banished for corrupting families may not live in the monastery where he was misbehaving, nor enter the city or town where he was corrupting families, until after the banishment is revoked (this point is based on Cv.I.16.1). Also, even after the revoking of the banishment, he must refuse gifts from the families he had corrupted. If they ask him why, he may tell them. If they then explain that they are giving the gifts not because of his former behavior but because he has now mended his ways, he may then accept them.

If a bhikkhu, instead of mending his ways after being banished, criticizes the act of banishment or those who performed it, he is subject to this rule. The procedure to follow in dealing with him — reprimanding him in private, admonishing and rebuking him in a formal meeting of the Community — is the same as under Sg 10, beginning with the fact that a bhikkhu who, hearing that Bhikkhu X is criticizing the act of banishment, incurs a dukkaṭa if he does not reprimand X. The question of perception and the non-offenses are also the same as under that rule. As with the preceding three rules, if the offender does not respond to the rebuke or recognize that he has a saṅghādisesa offense for which he must make amends, the Community would then have grounds to suspend him as well.

Summary: To persist — after the third announcement of a formal rebuke in the Community — in criticizing a banishment transaction performed against oneself is a saṅghādisesa offense.

A bhikkhu who commits any one of these thirteen saṅghādisesa offenses is duty-bound to inform a fellow bhikkhu and to ask a Community of at least four bhikkhus to impose a six-day period of penance (*mānatta*) on him. (The Canon says, literally, a six-night period: At the time of the Buddha, the lunar calendar was in use and, just as we using the solar calendar count the passage of days, they counted the passage of nights; a 24-hour period, which is a day for us, would be a night for them, as in the Bhaddekaratta Sutta (MN 131), where the Buddha explicitly says that a person who spends a day and night in earnest practice has had an "auspicious night.")

Penance. Penance does not begin immediately, but only at the convenience of the Community giving it. During his period of penance, the offender is partially stripped of seniority and must observe 94 restrictions (Cv.II.5–6), discussed in detail in BMC2, Chapter 19. The four most important are:

- 1) He must not live under the same roof as a regular bhikkhu.
- 2) He must live in a monastery with at least four regular bhikkhus.
- 3) If he goes anywhere outside the monastery, he must be accompanied by four full-fledged bhikkhus unless (a) he is going to escape dangers or (b) he is going to another place where there are regular bhikkhus of the same affiliation and he can reach it in one day's time.
- 4) Every day he must inform all the bhikkhus in the monastery of the fact that he is observing penance and the precise offense for which the penance was imposed. If visiting bhikkhus come to the monastery, he must inform them as well; if he goes to another monastery, he must inform all the bhikkhus there, too.

If, on any day of his penance, the bhikkhu neglects to observe any of these four restrictions, that day does not count toward the total of six. In addition, he incurs a dukkaṭa each time he fails to observe any of the 94 restrictions.

Once the bhikkhu has completed his penance, he may ask a Community of at least 20 bhikkhus to give him rehabilitation. Once rehabilitated, he returns to his previous state as a regular bhikkhu in good standing.

Probation. If a bhikkhu who commits a saṅghādisesa offense conceals it from his fellow bhikkhus past dawn of the day following the offense, he must observe an additional period of probation (*parivāsa*) for the same number of days as he concealed the offense. Only after he has completed his probation may he then ask for the six-day period of penance.

The Commentary sets the factors of concealment at ten, which may be arranged in five pairs as follows:

- 1) He has committed a saṅghādisesa offense and perceives it as an offense (i.e., this factor is fulfilled even if he thinks it is a lesser offense).
- 2) He has not been suspended and perceives that he has not been suspended. (If a bhikkhu has been suspended, he cannot accost other bhikkhus, and thus he cannot tell them until after his suspension has been lifted.)
- 3) There are no obstacles (e.g., a flood, a forest fire, dangerous animals) and he perceives that there are none.

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- 4) He is able to inform another bhikkhu (i.e., a fellow bhikkhu suitable to be informed lives in a place that may be reached in that day, one is not too weak or ill to go, etc.) and he perceives that he is able. (According to Cv.III.34.2, going insane after committing the offense (!) would count as "not being able to inform another bhikkhu.") A *bhikkhu suitable to be informed* means one who is —
 - a) in good standing (e.g., not undergoing penance, probation, or suspension himself) and
 - b) not on uncongenial terms with the offender.
- 5) He (the offender) desires to conceal the offense and so conceals it.

If any of these factors are lacking, there is no penalty for not informing another bhikkhu that day. For instance, the following cases do *not* count as concealment:

A bhikkhu does not suspect that he has committed an offense and realizes only much later, after reading or hearing about the rules in more detail, that he has incurred a saṅghādisesa.

A bhikkhu lives alone in a forest and commits a saṅghādisesa in the middle of the night. Afraid of the snakes or other wild animals he might encounter in the dark, he waits until daylight before going to inform a fellow bhikkhu.

A bhikkhu lives alone in a forest, but the only other bhikkhu within one day's traveling time is a personal enemy who, if he is informed, will use this as an opportunity to smear the offender's name, so the offender travels another day or two before reaching a congenial bhikkhu whom he informs.

A bhikkhu intends to tell another bhikkhu before dawn but falls asleep and either wakes up too late or else wakes up in time but remembers his offense only after dawn has past.

Once all of the first eight factors are complete, though, one must inform another bhikkhu before dawn of the next day or else incur a dukkaṭa and undergo the penalty for concealment.

A bhikkhu who commits a lesser offense that he thinks is a saṅghādisesa and then conceals it, incurs a dukkaṭa (Cv.III.34.1).

The restrictions for a bhikkhu undergoing probation — and the other possible steps in the rehabilitation process — are similar to those for one undergoing penance and are discussed in detail in BMC2, Chapter 19.

Saṅghādisesas are classified as heavy offenses (*garukāpatti*), both because of the seriousness of the offenses themselves and because the procedures of penance, probation, and rehabilitation are burdensome by design, not only for the offender

Saṅghādisesa

Chapter 5

but also for the Community of bhikkhus in which he lives — a fact intended to act as added deterrent to anyone who feels tempted to transgress.

Buddhist Monastic Code I
Chapter 6
Aniyata

Aniyata

This term means "indefinite." The rules in this section do not assign definite or fixed penalties, but instead give procedures by which the Community may pass judgment when a bhikkhu in uncertain circumstances is accused of having committed an offense. There are two training rules here.

1. Should any bhikkhu sit in private, alone with a woman on a seat secluded enough to lend itself (to sexual intercourse), so that a female lay follower whose word can be trusted, having seen (them), might describe it as constituting any of three cases — entailing defeat, communal meetings, or confession — then the bhikkhu, acknowledging having sat (there), may be dealt with in line with any of the three cases — entailing defeat, communal meetings, or confession — or he may be dealt with in line with whichever case the female lay follower whose word can be trusted described. This case is indefinite.

Woman here means a female human being, "even one born that very day, all the more an older one." *To sit* also includes lying down. Whether the bhikkhu sits down when the woman is already seated, or the woman sits down when he is already seated, or both sit down at the same time, makes no difference here.

Private means private to the eye and private to the ear. Two people are sitting in a place private to the eye when no one else is near enough to see if they wink, raise their eyebrows, or nod (§). They are in a place private to the ear when no one else is near enough to hear what they say in a normal voice (§). A *secluded seat* is one behind a wall, a closed door, a large bush, or anything at all that would afford them enough privacy to engage in sexual intercourse.

For a bhikkhu to sit in such a place with a woman can be in itself a breach of Pc 44 (see the explanations for that rule) and affords the opportunity for breaking Pr 1 and Sg 1, 2, 3, & 4 as well — which is why this case is called indefinite.

If a trustworthy female lay follower happens to see a bhikkhu with a woman in such circumstances, she may inform the Community and charge him on the basis of what she has seen. *Female lay follower* here means one who has taken refuge in the Buddha, Dhamma, and Saṅgha. *Trustworthy* means that she is at least a stream-

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winner. Even if she is not a stream-winner, the Community may choose to investigate the case anyway; but if she is, they have to. The texts do not discuss cases in which a man is making the charge but, given the low legal status of women in the Buddha's time, it seems reasonable to infer that if a woman's word was given such weight, the same would hold true for a man's. In other words, if he is a stream-winner, the Community has to investigate the case. If he isn't, they are free to handle the case or not, as they see fit.

The wording of the rule suggests that once the matter is investigated and the bhikkhu in question has stated his side of the story, the bhikkhus are free to judge the case either in line with what he admits to having done or in line with the trustworthy female lay follower's charge. In other words, if his admission and her charge are at variance, they may decide which side seems to be telling the truth and impose a penalty — or no penalty — on the bhikkhu as they see fit.

The Vibhaṅga, however, states that they may deal with him only in line with what he admits to having done. The Commentary offers no explanation for this point aside from saying that in uncertain cases things are not always as they seem, citing as example the story of an arahant who was wrongly charged by another bhikkhu of having broken Pc 44.

Actually, the Vibhaṅga in departing from the wording of the rule is simply following the general guidelines the Khandhakas give for handling accusations. Apparently what happened was that this rule and the following one were formulated early on. Later, when the general guidelines were first worked out, some group-of-six bhikkhus abused the system to impose penalties on innocent bhikkhus they didn't like (Mv.IX.3.1), so the Buddha formulated a number of checks to prevent the system from working against the innocent. We will cover the guidelines in detail under the *adhikaraṇa-samatha* rules in Chapter 11, but here we may note a few of their more important features.

As explained under Sg 8, if Bhikkhu X is charged with an offense, the bhikkhus who learn of the charge are duty-bound to question him first in private. If he admits to having done as charged, agrees that it is an offense, and then undergoes the penalty, nothing further need be done (Mv.IX.5.6). If he admits that he did the act, but refuses to see that it is an offense or to undergo the penalty, then if the act really did constitute an offense, the Community may meet and suspend him (Mv.IX.5.8; Cv.I.26). The Khandhakas (Mv.IX.1.3 and Cv.XI.1.10) show that "not seeing an offense" does *not* mean that one denies doing the act; simply that one does not agree that the act was against any of the rules.

If, however, X denies the charge, and yet some of the members of the Community suspect him of not telling the truth, the issue has to go to a formal meeting. Once the case reaches this stage, one of only three verdicts is possible: that the accused is innocent, that he was insane at the time he committed the offense (and so absolved of guilt), or that he is not only guilty as charged but — for having dragged out his confession to this point — also deserves a further-punishment transaction (Cv.IV.14.27–29), which is the same as a censure transaction (Cv.IV.11–12).

When the Community meets, both the accused and the accuser must be present, and both must agree to the case's being heard by that particular group. (If the original accuser is a lay person, one of the bhikkhus is to take up the charge.) The accused is then asked to state his version of the story and is to be dealt with in accordance with what he admits to having done (Mv.IX.6.1–4). Cv.IV.14.29 shows that the other bhikkhus are not to take his first statement at face value. They should press and cross-examine him until they are all satisfied that he is telling the truth, and only then may they pass one of the three verdicts mentioned above.

If necessary, they should be prepared to spend many hours in the meeting to arrive at a unanimous decision, for if they cannot come to a unanimous agreement, the case has to be left as unsettled, which is a very bad question mark to leave hovering over the communal life. The Commentary to Sg 8 suggests that if one side or the other seems unreasonably stubborn, the senior bhikkhus should lead the group in long periods of chanting to wear down the stubborn side.

If a verdict is reached but later discovered to be wrong — the accused got away with a plea of innocence when actually guilty, or admitted guilt simply to end the interrogation when actually innocent — the Community may reopen the case and reach a new verdict (Cv.IV.8). If a bhikkhu — learning that a fellow bhikkhu actually was guilty and yet got away with a verdict of innocence — then helps conceal the truth, he is guilty of an offense under Pc 64.

Obviously, the main thrust of these guidelines is to prevent an innocent bhikkhu from being unfairly penalized. As for the opposite case — a guilty bhikkhu getting away with no penalty — we should remember that the laws of kamma guarantee that in the long run he is not getting away with anything at all.

Although these guidelines supercede both aniyata rules, the rules still serve two important functions:

1) They remind the bhikkhus that charges made by lay people are not to be lightly ignored, and that the Buddha at one point was willing to let the bhikkhus give more weight to the word of a female lay follower than to that of the accused bhikkhu. This in itself, considering the general position of women in Indian society at the time, is remarkable.

2) As we will see under Pc 44, it is possible under some circumstances — depending on the bhikkhu's state of mind — to sit alone with a woman in a secluded place without incurring a penalty. Still, a bhikkhu should not blithely take advantage of the exemptions under that rule, for even if his motives are pure, his actions may not appear pure to anyone who comes along and sees him there. These rules serve to remind such a bhikkhu that he could easily be subject to a charge that would lead to a formal meeting of the Community. Even if he were to be declared innocent, the meeting would waste a great deal of time both for himself and for the Community. And in some people's minds — given the Vibhaṅga's general rule that he is innocent until proven guilty — there would remain the belief that he was actually guilty and got off with no penalty simply from lack of hard

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evidence. A bhikkhu would thus be wise to avoid such situations altogether, remembering what Lady Visākhā told Ven. Udāyin in the origin story to this rule:

"It is unfitting, venerable sir, and improper, for the master to sit in private, alone with a woman... Even though the master may not be aiming at that act, cynical people are hard to convince."

Summary: When a trustworthy female lay follower accuses a bhikkhu of having committed a pārajika, saṅghādisesa, or pācittiya offense while sitting alone with a woman in a private, secluded place, the Community should investigate the charge and deal with the bhikkhu in accordance with whatever he admits to having done.

2. In case a seat is not sufficiently secluded to lend itself (to sexual intercourse) but sufficiently so to address lewd words to a woman, should any bhikkhu sit in private, alone with a woman on such a seat, so that a female lay follower whose word can be trusted, having seen (them), might describe it as constituting either of two cases — entailing communal meetings or confession — then the bhikkhu, acknowledging having sat (there), may be dealt with in line with either of the two cases — entailing communal meetings or confession — or he may be dealt with in line with whichever case the female lay follower whose word can be trusted described. This case too is indefinite.

This rule differs from the preceding one mainly in the type of seat it describes — private to the eye and private to the ear, but not secluded. Examples would be an open-air meeting hall or a place out in the open in sight of other people but far enough away from them so that they could not see one wink, etc., or hear what one is saying in a normal voice. Such a place, although inconvenient for committing Pr 1, Sg 1 & 2, or Pc 44, would be convenient for committing Sg 3 & 4 or Pc 45. As a result, the term *woman* under this rule is defined as under those rules: one experienced enough to know what is properly and improperly said, what is lewd and not lewd.

Otherwise, all explanations for this rule are the same as for the preceding rule.

Summary: When a trustworthy female lay follower accuses a bhikkhu of having committed a saṅghādisesa or pācittiya offense while sitting alone with a woman in an unsecluded but private place, the Community should investigate the charge and deal with the bhikkhu in accordance with whatever he admits to having done.

Buddhist Monastic Code I
Chapter 7.1
Nissaggiya Pācittiya: The Robe–cloth Chapter

Nissaggiya Pācittiya

The term *nissaggiya*, used in connection with training rules, means "entailing forfeiture." Used in connection with articles, it means "to be forfeited." *Pācittiya* is a word of uncertain etymology. The Parivāra gives a didactic derivation — that it means letting skillful qualities fall away (*patati*) with a deluded mind (*citta*) — but the term is more likely related to the verb *pacinati* (pp. *pacita*), which means to discern, distinguish, or know.

Each of the rules in this category involves an object that a bhikkhu has acquired or used wrongly, and that he must forfeit before he may "make the offense known" — confess it — to a fellow bhikkhu or group of bhikkhus. Once he has made his confession, he is absolved from the offense. In most cases, the forfeiture is symbolic — after his confession, he receives the article in return — although three of the rules require that the offender give up the article for good.

There are thirty rules in this category, divided into three chapters (*vagga*) of ten rules each.

1. When a bhikkhu has finished his robe and the frame is dismantled (his kaṭhina privileges are ended), he is to keep extra robe–cloth ten days at most. Beyond that, it is to be forfeited and confessed.

The origin story for this rule is retold as part of a larger narrative in the Mahāvagga (VIII.13.4–8). Because the context provided by the larger narrative is what makes it interesting, that is the version translated here.

"(The Buddha addresses the bhikkhus:) 'As I was traveling on the road from Rājagaha to Vesālī, I saw many bhikkhus coming along loaded down with robe–cloth, having made a mattress of robe–cloth on their heads and a mattress of robe–cloth on their backs/shoulders and a mattress of robe–cloth on their hips. Seeing them, I thought, "All too quickly have these worthless men been spun around into abundance in terms of robe–cloth. What if I were to tie off a boundary, to set a limit on robe–cloth for the bhikkhus?"

"Now at that time, during the cold winter middle–eight nights (the four nights on either side of the full moon in February, the coldest time of the year in northern India) when snow was falling, I sat in the open air wearing one robe and was not cold. Toward the end of the first watch I became cold. I put on a second robe and was not cold. Toward the end of the middle watch I became cold. I put on a third robe and was not cold. Toward the end of the final watch, as dawn rose and the night smiled, I became cold. I put on a fourth robe and was not cold. The thought

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occurred to me, "Those in this doctrine and discipline who are sons of respectable families — sensitive to cold and afraid of the cold — even they are able to get by with three robes. Suppose I were to tie off a boundary, to set a limit on robe-cloth for the bhikkhus and were to allow three robes." Bhikkhus, I allow you three robes: a double-layer outer robe, a single-thickness upper robe, and a single-thickness lower robe (thus, four layers of cloth).'

"Now at that time, some group-of-six bhikkhus, thinking, 'The Blessed One allows three robes,' entered the village wearing one set of three robes, stayed in the monastery wearing another set, and went down to bathe in still another. Modest bhikkhus... criticized and complained and spread it about, 'How can the group-of-six bhikkhus wear extra robe-cloth?' They told this matter to the Blessed One. He... addressed the bhikkhus, saying, 'Bhikkhus, extra robe-cloth is not to be kept'...

"Now at that time extra robe-cloth accrued to Ven. Ānanda, and he wanted to give it to Ven. Sāriputta, but Ven. Sāriputta was at Sāketa. He thought, '... Now what line of conduct should I follow?' He told this matter to the Blessed One, (who said,) 'But how long is it, Ānanda, before Sāriputta will come here?'

"'Nine days or ten.'

"Then the Blessed One... addressed the bhikkhus, 'I allow that extra robe-cloth to be kept at most ten days.'

"Now at that time extra robe-cloth accrued to the bhikkhus. They thought, 'Now what line of conduct should we follow?' They told this matter to the Blessed One, (who said,) 'I allow that extra robe-cloth be placed under shared ownership.'"

The offense under this rule involves two factors.

- *1) Object:* a piece of extra robe-cloth, i.e., a piece of cloth suitable to be made into a robe or other cloth requisite, measuring at least four by eight inches (fingerbreadths), that has not been formally determined for use or placed under shared ownership. This category includes finished requisites as well as simple pieces of cloth, but does not include robe-cloth belonging to the Community.
- *2) Effort:* One keeps it for more than ten days (except during the allowed period) without determining it for use, placing it under shared ownership, abandoning it (giving or throwing it away); and without the cloth's being lost, destroyed, burnt, snatched away, or taken by someone else on trust within that time.

Object. According to Mv.VIII.3.1, six kinds of cloth are suitable for making into cloth requisites: linen, cotton, silk, wool, jute (§), or hemp (§). The Sub-commentary adds that cloth made of any mixture of hemp with any of the other types of thread

would be allowed under "hemp." Applying the Great Standards, nylon, rayon, and other synthetic fibers would count as suitable as well. Unsuitable materials — such as cloth made of hair, horse-hair, grass, bark, wood-shavings, or antelope hide (and by extension, leather) — do not come under this rule. (For a full list of unsuitable materials, see Mv.VIII.28 — BMC2, Chapter 2.) Mv.VIII.29 gives a list of colors — such as black, blue, and crimson — and patterns that are not suitable for robes but that, according to the Commentary, are suitable for things like bed sheets or for linings (inside layers?) in double-layer robes (see BMC2, Chapter 2). Pieces of cloth dyed these colors or printed with these patterns *would* come under this rule.

Mv.VIII.21.1 states that if a bhikkhu receives a piece of suitable cloth measuring four by eight fingerbreadths or more but does not yet plan to use it, he may place it under shared ownership (*vikappana*) until he has need for it. Once he decides to make use of the cloth, he must rescind the shared ownership (see Pc 59) before making it into a finished requisite (if it isn't already). Once it is finished, he may then determine it for use (*adhittāna*) or place it under shared ownership again, depending on the nature of the article:

- *Each of the three basic robes, handkerchiefs, bed sheets, and the sitting cloth* are to be determined, and may not be placed under shared ownership.
- *A rains-bathing cloth* (see NP 24) may be determined for the four months of the rainy season and is to be placed under shared ownership for the remainder of the year.
- *A skin-eruption cloth* (see Pc 90) may be determined when needed and is to be placed under shared ownership when not.

Other items of cloth may be determined as "requisite cloths."

(The procedures for determining and placing under shared ownership are given in Appendices IV & V.)

Any cloth made of any of the suitable materials and of the requisite size counts as an extra cloth if —

- it has not been determined for use or placed under shared ownership,
- it has been improperly determined or placed under shared ownership, or
- its determination or shared ownership has lapsed.

Many of the cases in which determination and shared ownership lapse also exempt the cloth from this rule: e.g., the owner disrobes or dies, he gives the cloth away, it gets snatched away, destroyed (bitten by things such as termites, says the Commentary), burnt, lost, or someone else takes it on trust. There are a few cases, however, where determination and shared ownership lapse and the cloth *does* fall under this rule. They are —

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Under shared ownership: The first owner takes the cloth on trust, or the second owner formally rescinds the shared ownership.

Under determination: The owner rescinds the determination, or (if the cloth has been determined as one of the three basic robes) the cloth develops a hole. This latter case comes in the Commentary, which gives precise standards for deciding what kind of hole does and does not make the determination of the robe lapse:

1) *Size.* The hole has to be a full break (through both layers of cloth, if in the outer robe) at least the size of the nail on one's little finger. If one or more threads remain across the hole, then the hole makes the determination lapse only if either of the two "halves" divided by the thread(s) is the requisite size.

2) *Location.* On an upper robe or outer robe, the hole has to be at least one span (25 cm.) from the longer side and eight fingerbreadths from the shorter; on a lower robe, at least one span from the longer side and four fingerbreadths from the shorter. Any hole closer to the edge of the robe than these measurements does not make the determination lapse.

Because of these stipulations, the Commentary notes that if one is patching a worn spot — not a hole as defined above — more than the maximum distance away from the edge of one's robe, the determination lapses if one cuts out the worn spot before applying the patch, but not if one applies the patch before cutting out the worn spot. If the determination lapses, it is an easy matter to re-determine the robe, but one must be mindful to do it within the time span allotted by this rule.

Effort. According to the Vibhaṅga, if one keeps a piece of extra robe-cloth past the eleventh dawnrise (except when the robe-season privileges are in effect), one commits the full offense under this rule. The Commentary explains this by saying that the dawnrise at the morning of the day on which one receives the cloth, or lets its determination/shared ownership lapse, counts as the first dawn. Thus the eleventh dawnrise would actually be the tenth dawnrise after one receives, etc., the cloth.

Because neither the Canon nor the Commentary gives a precise definition of dawn or dawnrise, their exact meaning is a controversial point. The clearest definition of dawnrise — and the one that seems most consistent with the Canon's use of the term — is in a sub-commentary called the *Vinayālaṅkāra*, which states that at dawnrise "a red band in the eastern direction and a whiteness in the remaining directions, due to the diffusion of sunlight, can be discerned." In modern terminology, this corresponds to the onset of civil twilight. This is the definition followed in this book. For further discussion, see Appendix I.

Mv.V.13.13 states that if one is informed of a gift of robe-cloth, the counting of the time span does not begin until the cloth has reached one's hand. The Commentary to that passage insists that this means either physically coming to one's possession or when one is informed by the donors that the robe-cloth is with so-and-so or when one is informed by another to the same effect. However, this interpretation seems to contradict the Vibhaṅga, which expressly says, "There is no counting of

the time span as long as it has not come to his hand" — "his" in this case meaning the bhikkhu's.

Perception is not a mitigating factor here. Even if one miscounts the days or perceives a robe to be determined when it actually is not, one is not immune from the offense. The robe is to be forfeited and the offense confessed.

If, before it has been forfeited, one uses a robe or piece of robe-cloth that deserves to be forfeited under this rule, the penalty is a dukkaṭa. This is one of only six nissaggiya pācittiya rules where the Vibhaṅga mentions this penalty — the others are NP 2, 3, 21, 28, & 29 — but the K/Commentary extends the principle to all nissaggiya pācittiya rules: To use an unforfeited item that deserves to be forfeited incurs a dukkaṭa in every case. (We should add, though, that the use of gold or money acquired in defiance of NP 18 or 19 would carry a nissaggiya pācittiya if used in defiance of NP 19 or 20.)

The Vibhaṅga also states that, in the case of an extra robe that has not been kept more than ten days, if one perceives it to have been kept more than ten days or if one is in doubt about it, the penalty is a dukkaṭa. This can be interpreted in one of two ways: There is a dukkaṭa simply in continuing to keep the robe, or a dukkaṭa in using it. The Commentary opts for the second interpretation.

Robe-season privileges. The fourth lunar month of the rainy season — beginning the day after the first full moon in October and lasting to dawnrise of the day following the next full moon — is termed the robe season, a period traditionally devoted to robe-making. In the early days, when most bhikkhus spent the cold and hot seasons wandering, and stayed put in one place only during the Rains-residence, this would have been the ideal period for them to prepare robes for their wandering, and for lay people who had come to know the bhikkhus during the Rains-residence to show their gratitude and respect for them by presenting them with gifts of cloth for this purpose.

During this robe season, five of the training rules — NP 1 & 3; Pc 32, 33, & 46 — are relaxed to make it more convenient for the bhikkhus to make robes. Also, any cloth accruing to a particular monastery during this period may be shared only among the bhikkhus who spent the Rains-residence there, and not with any incoming visitors.

Under certain circumstances (see BMC2, Chapter 17) bhikkhus who have spent the Rains-residence are also entitled to participate in a *kathina* ceremony in which they receive a gift of cloth from lay people, bestow it on one of their members, and then as a group make it into a robe before dawnrise of the following day. (*Kathina* means frame, and refers to the frame over which the robe-cloth is stretched while sewing it, much like the frame used in America to make a quilt.) After participating in this ceremony, the bhikkhus may extend their robe season for an additional four lunar months, up to the dawn after the full-moon day that ends the cold season in late February or early-to-mid March (called Phagguna in Pali). During this period they may also take advantage of the additional privilege of not having to observe NP 2.

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However, a bhikkhu's kaṭhina privileges may be rescinded — and his robe season ended — earlier than that for either of two reasons:

1) He participates in a meeting in which all the bhikkhus in the monastery, as a Community transaction, voluntarily relinquish their kaṭhina privileges. (This act is discussed under Bhikkhunīs' Pc 30 — see BMC2, Chapter 17 and Appendix I.)

2) He comes to the end both of his constraint with regard to the monastery (*āvāsa-palibodha*) and of his constraint with regard to making a robe (*cīvara-palibodha*). (See Mv.VII.1.7; Mv.VII.2 & Pv.XIV.6.)

- a) A constraint with regard to a monastery ends when either of the following things happens:
 - — One leaves the monastery without intending to return.
 - — One has left the monastery, planning to return, but learns that the bhikkhus in the monastery have formally decided to relinquish their kaṭhina privileges.
- b) A constraint with regard to making a robe ends when any of the following occurs:
 - — One finishes making a robe.
 - — One decides not to make a robe.
 - — One's robe-cloth gets lost, snatched away, or destroyed.
 - — One expects to obtain robe-cloth, but — after not obtaining it as expected — one abandons one's expectation.

Only if Point 1 happens, or *both* Points 2a and 2b happen, do one's kaṭhina privileges lapse before the dawn after the full moon day marking the end of the cold season.

During the robe season, one may keep an extra piece of robe-cloth for more than ten days without committing an offense under this rule. Once these privileges lapse, though, one must determine the cloth, place it under shared ownership, or abandon it within ten days. If one fails to do so by the 'eleventh dawn' after the privileges lapse, the cloth is to be forfeited and the offense confessed.

Forfeiture & confession. To be absolved of the offense under this rule, one must first forfeit the robe-cloth kept more than ten days and then confess the offense. This may be done in the presence of one other bhikkhu, a group of two or three, or a Community of four or more. After confessing the offense, one receives the robe-cloth in return. This is the pattern followed under all the nissaggiya pācittiya rules except for the few in which forfeiture must be done in the presence of a full Community and under which the article may not be returned to the offender. (We will note these rules as we come to them.)

The Pali formulae to use in forfeiture, confession, and return of the article for this and all the following rules are given in Appendix VI. We should note, though, that according to the Commentary one may conduct these procedures in any language at all.

In this and every other rule under which the article may be returned to the offender, it *must* be returned to him. According to the Vibhaṅga, a bhikkhu who receives the article being forfeited without returning it incurs a dukkaṭa. The Commentary qualifies this by saying that this penalty applies only to the bhikkhu who assumes that, in receiving an article being forfeited in this way, it is his to take as he likes. For the bhikkhu who knows that it is not his to take, the offense is to be treated under Pr 2, with the penalty determined by the value of the article. In passing this judgment, the Commentary is treating the act of accepting the forfeited article as a species of accepting an object placed in safekeeping. However, it has neglected to note that the act of forfeiture is worded in such a way that the offender is actually giving up ownership of the cloth; because the cloth then has no owner, it would not fulfill the factors for an offense under Pr 2. Thus it seems preferable to stick with the Vibhaṅga in saying that, in all cases, a bhikkhu who does not return the article being forfeited incurs a dukkaṭa.

A bhikkhu who has received the robe-cloth in return after forfeiting it and confessing the offense may use it again without penalty, unless he keeps it as a piece of extra robe-cloth beyond ten more dawns. Thus the wise policy is to determine the cloth or place it under shared ownership immediately after receiving it in return.

Non-offenses. In addition to the allowance to keep extra robe-cloth more than ten days during the robe season, the Vibhaṅga says that there is no offense if within ten days the cloth is determined, placed under shared ownership, lost, snatched away, destroyed, burnt, taken by someone else on trust, thrown away, or given away.

In connection with this last point, the Commentary discusses proper and improper ways of giving things away. The article counts as having been properly given if one says, "I give this to you," or "I give this to so-and-so," or "Take this, it's yours," but not if one says things like, "Make this yours," or "May this be yours." Apparently, if one simply hands the article over without saying anything to show that one is transferring ownership, it again does not count. As we noted above, perception is not a mitigating factor under this rule. If one gives extra robe-cloth away in an improper manner, then even though one may assume that the cloth has been given away it still counts as one's own extra robe-cloth under this rule.

Current practice. As the origin story shows, the purpose of this rule was to prevent bhikkhus from having more than one set of the three robes at any one time. With the passage of time, though, gifts of cloth to the Community became more numerous, and the need for stringency in this matter became less and less felt. Exactly when spare robes became accepted is not recorded, although a passage in the pupil's duties to his preceptor (Mv.I.25.9) shows that the practice of having a spare lower robe was already current when that part of the Canon was compiled (see Appendix VIII). Mv.VII.1 also mentions a group of wilderness dwelling bhikkhus who were

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"wearers of the three robes," as if this were a special distinguishing characteristic. A number of passages in the Canon — including SN XVI.8 and Thag XVI.7 — mention the practice of using only one set of three robes as special, and the Visuddhimagga (5th century C.E.) classes this practice as one of the thirteen optional *dhutaṅga* (ascetic) practices.

As we will see below, Pc 92 suggests that in the early days the under, upper, and outer robes were all nearly the same size, so there would have been no difficulty in washing one robe and using the other two while the first one dried. Later, when the compilers of the ancient commentaries greatly enlarged the size of the upper and outer robes after deciding that the Buddha was of superhuman height, getting by with just one set of three robes became less convenient. Thus many teachers at present suggest that even a frugal bhikkhu, when staying in monasteries, should use one spare under robe or a spare under and upper robe — so that he will have no trouble keeping his robes clean and presenting an acceptable appearance at all times — and save the three-robe dhutaṅga practice for when he is alone in the wilderness.

At any rate, because only one set of three robes may be determined as such, spare robes — once they became generally accepted — were determined as "requisite cloths." This point may be inferred from the Commentary's explanation of this rule, and the Sub-commentary's explanation of NP 7. The Commentary even contains a discussion of the views of various elders as to whether a bhikkhu who wishes to avoid the special rules surrounding the use of the three robes (such as the following rule) may determine his basic set as requisite cloths as well. The majority opinion — with only one dissenting voice — was Yes, although at present many Communities do not agree with this opinion.

The Sub-commentary suggests an alternative way of dealing with spare robes: placing them under shared ownership and — because none of the three robes may be placed under shared ownership — calling them simply "cloth" (*cīvara*). This, however, plays havoc with Pc 59 and the general purpose of shared ownership in the Canon as a way of keeping cloth that is not being used. Thus the previous method — determining spare robes as requisite cloth — seems preferable.

In any event, ever since spare robes have been accepted, the effect of this rule has been mainly to deter a bhikkhu from hoarding up robe-cloth in secret and from letting a hole in any of his basic set of three robes go unmended for more than ten days. Nevertheless, the spirit of the rule makes it incumbent on each bhikkhu to keep his cloth requisites to a minimum.

Summary: Keeping a piece of robe-cloth for more than ten days without determining it for use or placing it under shared ownership — except when the robe-season privileges are in effect — is a nissaggiya pācittiya offense.

2. When a bhikkhu has finished his robe and the frame is dismantled (his kaṭhina privileges are ended): If he dwells apart from (any of) his three robes even for one night — unless authorized by the bhikkhus — it is to be forfeited and confessed.

In the origin story here, a number of bhikkhus went off on tour, leaving their outer robes with their friends at the monastery. Eventually the robes became moldy, and the bhikkhus at the monastery were burdened with having to sun them to get rid of the mold. The Buddha thus formulated this rule so that bhikkhus would be responsible for looking after their own robes.

The offense here consists of two factors: object and effort.

Object: any one of the robes that a bhikkhu has determined as his basic set of three — the *antaravāsaka* (lower robe), *uttarāsaṅga* (upper robe), and *saṅghāṭi* (outer robe). This rule thus does not apply to spare robes or other cloth requisites.

Effort: greeting dawnrise at a place outside of the zone in which any of one's robes are located, except when the exemptions mentioned in the rule are in effect.

Dawnrise, as stated under the preceding rule, corresponds to the onset of civil twilight. In Thailand, this point is often measured in a practical way by looking at the palm of one's hand as it is held out at full arm's length: Dawnrise is the point in time when the major lines of the hand are visible by natural light. On a bright moonlit night, dawnrise is measured by looking at the foliage of trees: Dawnrise is the point when one can detect the green in the color of the leaves. For further discussion of some of the controversies surrounding dawn and dawnrise, see Appendix I.

Zones. This is the most complex facet of this rule. The zone where a bhikkhu must be at dawnrise depends on the type of location where his robes are placed, whether the property around the location is enclosed, and — if it is enclosed — whether it belongs to one or more than one *kula*.

"Enclosed," according to the Commentary, means surrounded with a wall, a fence, or a moat. The Sub-commentary adds that a river or lake would also qualify as a type of enclosure, under the term *moat*.

The term *kula* normally means clan or family, but in the context of this rule it has different meanings for the different types of locations. According to the Commentary, a village is single-kula if ruled by a single ruler, and multi-kula if ruled by a council — as in the case of Vesālī and Kusinārā during the time of the Buddha. (In the time of the Canon and Commentary, rulers were assumed to "own" or have the right to "consume" the territories they ruled.) At present, towns governed under a social contract — such as a town charter — would count as multi-kula even if the highest authority in the government is invested in a single individual.

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A building, a vehicle or a piece of land is single-kula if it belongs to one family, and multi-kula if it belongs to more than one (as in an apartment house).

According to the Sub-commentary, a monastery is single-kula if the people who initiated it belong to one kula — of either type, apparently — and multi-kula if they belong to several.

In some of the cases, the Vibhaṅga states that one should greet dawnrise within a particular area "or not more than a *hatthapāsa* (1.25 meter) away." Unfortunately, it does not explicitly state what the *hatthapāsa* is measured from — the robes or the area — so there are different opinions as to what this passage means. The Commentary's position is that in cases where the Vibhaṅga says that if the robes are kept in a certain area, one should either stay in that area or not more than a *hatthapāsa* away, the *hatthapāsa* is measured from the outside boundary of the area. For instance, if the robes are kept in a house in an unenclosed village, one is allowed to greet dawnrise anywhere in the house or in an area one *hatthapāsa* around the house. (This would allow for a bhikkhu to go outside to relieve himself at dawn without having to carry along his full set of robes.) However, in cases where the Vibhaṅga does not mention that one should stay in a certain area, and instead says simply that one should not be more than a *hatthapāsa* away — as in an unenclosed field or under a multi-kula tree — the *hatthapāsa* is measured from the robes themselves.

Some have objected to the Commentary's position as inconsistent and serving no purpose, and have proposed instead that the *hatthapāsa* be measured from the robes in every case. This, however, leads to redundancies: If, for instance, the robes are kept in a room and one is allowed (1) to stay in the room or (2) to be no further than a *hatthapāsa* from the robes, then either (2) negates (1) — in other words, one must stay within a *hatthapāsa* of the robes and not go elsewhere in the room — or else (1) makes (2) superfluous: One may stay anywhere in the room, without worrying about precisely where in the room the robes are located. In contrast, the Commentary's position not only avoids these redundancies but also actually serves a purpose. In addition to the convenience mentioned above, there is another convenience in a multi-kula dwelling or a larger multi-kula building: If there is a small bathroom next to the room where the robes are kept, one may use the bathroom at dawn without having to take one's robes into the bathroom. For these reasons, we will stick to the Commentary's interpretation here.

1. A village:

- a. Enclosed and single-kula: Having kept the robes within the enclosure, greet dawnrise in the enclosure. (The Vibhaṅga actually says, "in the village," but as the Commentary to Mv.II.12.3 notes, when a village is enclosed, everything in the enclosure counts as "village," and that is the most sensible interpretation for the Vibhaṅga's statement here. This is the pattern followed throughout all cases of "enclosed and single-kula.")

- b. Enclosed and multi-kula: Greet dawnrise in the house where the robes are kept, in the public meeting hall, at the town gate, or one hatthapāsa around any of these places (§). If the robes are kept within a hatthapāsa of the path going to the public meeting hall, greet dawnrise in the public meeting hall, at the town gate, or in the area one hatthapāsa around either of the two. If the robes are kept in the public meeting hall, greet dawnrise in the public meeting hall, at the town gate, or in the area one hatthapāsa around either of the two.
- c. Unenclosed: Greet dawnrise in the house where the robes are kept or in the area one hatthapāsa around it (§). (See 2 & 3 below for further details.)

2. A dwelling with a yard:

- a. Enclosed and single-kula: Having kept the robes within the enclosure, greet dawnrise within the enclosure.
- b. Enclosed and multi-kula: Greet dawnrise in the room where the robes are kept, at the entrance to the enclosure, or in the area one hatthapāsa around either of the two (§).
- c. Unenclosed: Greet dawnrise in the room where the robes are kept, or in the area one hatthapāsa around it (§).

3. A monastic dwelling (vihāra — according to the Sub-commentary, this includes entire monasteries):

- a. Enclosed and single-kula: Having kept the robes within the enclosure, greet dawnrise within the enclosure.
- b. Enclosed and multi-kula: Greet dawnrise in the dwelling where the robes are kept, at the entrance to the enclosure, or in the area one hatthapāsa around either of the two (§).
- c. Unenclosed: Greet dawnrise in the dwelling where the robes are kept or in the area one hatthapāsa around it (§).

4. A field, orchard, garden (park), or threshing floor:

- a. Enclosed and single-kula: Having kept the robes within the enclosure, greet dawnrise within the enclosure.
- b. Enclosed and multi-kula (e.g., many fields, etc., within a single enclosure): Having kept the robes within the enclosure, greet dawnrise in the enclosure, at

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the entrance to the field, etc., where the robe is kept, or in the area one hatthapāsa around either (§).

- c. Unenclosed: Greet dawnrise within one hatthapāsa of the robes.

5. *Buildings with no yard (such as a fortress or city apartment block):*

- a. Single-kula: Having kept the robes within the building, greet dawnrise within the building.
- b. Multi-kula: Greet dawnrise within the room where the robes are kept, at the entrance (to the building), or in the area one hatthapāsa around either (§).

6. *A boat (and by extension, other vehicles):*

- a. Single-kula: Having kept the robes within the vehicle, greet dawnrise within the vehicle.
- b. Multi-kula (as in a commercial airplane or bus): Greet dawnrise in the room where the robes are kept or in the area one hatthapāsa around it (§). (For this reason, a bhikkhu traveling in an airplane overnight should wear his complete set of robes or have it with him in his cabin baggage, rather than in his checked baggage.) The Thai edition of the Canon, unlike the others, adds that one may also greet dawnrise at the entrance to the boat or in the area one hatthapāsa around it.

7. *A caravan (according to the Sub-commentary, this includes groups traveling by foot as well as by cart; group hiking trips would thus be included here):*

- a. Single-kula: Having kept the robes within the caravan, greet dawnrise anywhere up to seven abbhantaras (98 meters) in front of or behind the caravan, and up to one abbhantara (14 meters) to either side.
- b. Multi-kula: Having kept the robes within the caravan, greet dawnrise within one hatthapāsa of the caravan.

8. *At the foot of a tree:*

- a. Single-kula: Having kept the robes within the area shaded by the tree at noon, greet dawnrise within that area. According to the Commentary, this doesn't include spots where sunlight leaks through gaps in the foliage, but many Communities regard this stipulation as excessive.
- b. Multi-kula (e.g., a tree on the boundary between two pieces of land): Greet dawnrise within one hatthapāsa of the robes.

9. *In the open air (according to the Vibhaṅga, this means a wilderness area where there are no villages; the Commentary adds that this includes dense forests and uninhabited islands):*

Greet dawnrise within a seven-*abbhantara* (98 meter) radius of the robes. (Some have argued that this allowance should apply only when one is staying outside of a dwelling in the wilderness; as for a hut in the wilderness, they say, the zone under (3) should apply. The problem with this interpretation is what it would mean in practice: If a bhikkhu keeping his robes in a wilderness hut wanted to greet dawnrise in the open air, he would have to take his robes out of the hut. Then he would be free to wander 98 meters away from them. This would actually expose the robes to more dangers than if they were left in the hut. Thus it seems preferable to stick with the Vibhaṅga's definition for this zone: any wilderness area where there are no villages.)

Exemptions. 1) As with the preceding rule, this rule is not in force when the kaṭṭhina privileges are in effect. However — unlike the preceding rule — it is in force during the first month after the Rains-residence unless one has participated in a kaṭṭhina.

2) In the origin story to this rule, the Buddha gives permission for a Community of bhikkhus to authorize an ill bhikkhu to be separated from his robes at dawnrise throughout the course of his illness without penalty. This authorization is to be given as a Community transaction with one motion and one announcement (*ñatti-dutiya-kamma*).

The Commentary discusses how long this authorization lasts, and concludes that once the bhikkhu has recovered he should make every reasonable effort to get back to his robes as soon as possible without jeopardizing his health. The authorization then automatically subsides, with no further transaction being required to rescind it. If his illness returns, the authorization is automatically reinstated.

3) In Mv.II.12.1-3, the Buddha directs the bhikkhus to declare a *sīmā* — or territory in which Community transactions are enacted — as a *ticivara-avippavāsa*, which means that if a bhikkhu's robes are anywhere within the territory, he may greet dawnrise at any other part of that territory without committing an offense under this rule. In the early days, when such a territory might cover many monasteries (the maximum allowable size is 3x3 *yojanas*, approximately 48x48 kilometers), this was a definite convenience for bhikkhus who had to leave their monastery to join in Community meetings at another monastery in the same territory. Because it was possible for such territories to include villages and homes as well, the Buddha added the extra stipulation that robes left in the houses of lay people lying in such a territory were not covered by this exemption. For further details, see BMC2, Chapter 13.

At present the custom is to designate much smaller areas as territories — usually only a fraction of the land in one monastery — and although these can also be designated as *ticivara-avippavāsa*, this arrangement in such cases is not the great convenience it is in the larger territories.

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Forfeiture & confession. If a bhikkhu greets dawnrise outside of the zone where any one of his three determined robes is placed — except when the exemptions are in effect — the robe is to be forfeited and the offense confessed. Perception and intention are not mitigating factors here. If he thinks that he is in the same zone when he actually isn't, if he thinks the robe is not determined when it actually is, or if he means to be in the same zone when circumstances prevent him, he incurs the penalty all the same. If he then uses the robe before forfeiting it and confessing the offense, he incurs a dukkaṭa.

The Vibhaṅga adds that, with regard to a robe that hasn't been apart from one, if one perceives it to have been apart or one is in doubt about it, the penalty is a dukkaṭa. The Commentary does not explain these statements, but from the parallel situations under NP 1 it would seem that the dukkaṭa here is for *using* the robe.

The procedures for forfeiture, confession, and return of the robe are the same as in the preceding rule. For the Pali formula to use in forfeiture, see Appendix VI. Once the robe has been forfeited, its determination lapses, so when the bhikkhu receives it in return he must re-determine it for use or give it away within ten days so as not to commit an offense under the preceding rule.

Non-offenses. In addition to the above-mentioned exemptions, there is no offense if, before dawnrise, the robe is lost, destroyed, burnt, or snatched away; if someone else takes it on trust; or if the bhikkhu gives it away or rescinds its determination. Because of this last allowance, the Commentary recommends that if a bhikkhu realizes he will not be able to get back to his robe before dawnrise, he should rescind the robe's determination before dawnrise so as to avoid an offense, and then re-determine the robe after dawnrise has passed.

A note on Thai practice. The author of the Vinaya-mukha missed the Sub-commentary's discussion of monastic residences under this rule and so came to the conclusion that none of the texts discuss the question of zones in a monastery. As a result, he formulated his own system, treating each separate monastic dwelling as a lay dwelling with a yard. Furthermore, he neglected to discuss the question of what counts as single-kula and multi-kula in such a dwelling. In the absence of any other standard, Thai bhikkhus have come to view a dwelling of two or more bhikkhus, in which the bhikkhus come from different families, as a multi-kula dwelling. If the bhikkhus live in separate rooms, then the room where the robes are placed, plus a radius of one hatthapāsa around it, is the bhikkhu's zone. If two or more bhikkhus are spending the night in a single room, each bhikkhu must greet dawnrise within one hatthapāsa of his robes.

Although there is no basis in the Canon or commentaries for this practice, it is so widely accepted in Thailand that the wise policy for anyone spending the night in the same dwelling or the same room with a Thai bhikkhu is to be aware of it and abide by it, to avoid the useless controversies that can arise over minor matters like this.

Summary: Being in a separate zone from any of one's three robes at dawnrise — except when one's kaṭhina privileges are in effect or one has received formal authorization from the Community — is a nissaggiya pācittiya offense.

3. When a bhikkhu has finished his robe and the frame is dismantled (his kaṭhina privileges are ended): Should out-of-season robe-cloth accrues to him, he may accept it if he so desires. Having accepted it, he is to make it up immediately (into a cloth requisite). If it should not be enough (§), he may lay it aside for a month at most when he has an expectation for filling the lack. If he should he keep it beyond that, even when he has an expectation (for further cloth), it is to be forfeited and confessed.

There are two factors for an offense here:

- *1) Object:* (a) out-of-season robe-cloth, made of any of the proper six kinds of material, in pieces measuring at least four by eight fingerbreadths; (b) the cloth is not enough to make the cloth requisite one has in mind, but one expects to receive more.
- *2) Effort:* One keeps the cloth for more than 30 days, except when the kaṭhina privileges are in effect.

Object. The Vibhaṅga defines in-season robe-cloth as any robe-cloth accruing to a bhikkhu — either from the Community, from a group, from relatives, from friends, from cast-off cloth, or from his own resources — during the first month after the Rains-residence if he has not yet participated in a kaṭhina, or during the time when his kaṭhina privileges are in effect if he has. Thus out-of-season cloth is any cloth accruing to him at any other time. However, the Vibhaṅga also notes that cloth accruing to a bhikkhu during the one-month or five-month robe season can count as out-of-season cloth if the donors dedicate it to that purpose. There are two reasons why they might want to do so.

- 1) Given the way "extra robe-cloth" is defined under NP 1, a gift of in-season robe-cloth can be kept — if it is neither determined nor placed under shared ownership — for ten days after the robe season ends. However, if the cloth is not enough to make into a robe, it cannot be kept — if neither determined nor placed under shared ownership — for the month allowed by this rule. However, as the K/Commentary to NP 24 notes, a gift of out-of-season cloth *can* be kept for the extra month under this rule. Thus if the donors want to provide the recipient(s) with that extra amount of time — which would be

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especially useful if they give the cloth toward the end of the robe season — they can dedicate the cloth given in-season as out-of-season cloth.

- 2) According to Mv.VIII.24-25, in-season cloth given to a Community may be shared among only the bhikkhus who spent the Rains-residence in that particular Community, and not among any visiting bhikkhus. The Bhikkhunīs' NP 2 tells of a case where well-behaved but shabbily dressed bhikkhunīs visited a Community of bhikkhunīs when the robe-season privileges were in effect; lay donors, wishing to help them, gave cloth to the Community with the stipulation that it be treated as out-of-season robe-cloth so that the visiting bhikkhunīs would also have a share.

Out-of-season cloth, if it is enough to make the cloth requisite one has in mind, is treated as extra robe-cloth under NP 1: During the period outside of the robe season it can be kept for at most ten days. If, however, it is not enough, and one expects to get further cloth from any source — again, from the Community, from a group, from relatives, from friends, from cast-off cloth, or from one's own resources — it may be kept for up to 30 days with no need to be determined or placed under shared ownership.

The further cloth, when received, has a life span of ten days, as under NP 1, and one must finish making one's requisite within the time period determined by whichever cloth has the shorter life span. Thus, if one obtains the expected cloth during the first 20 days, the requisite must be made within ten days, this being the life span of the second cloth. If one obtains it after the 21st day, the requisite must be made before the original 30 days are up.

If the second cloth turns out to be of different quality from the first, one is under no compulsion to put the two cloths together to make up the requisite if one does not want to, and may continue waiting for further cloth, if one has further expectation of cloth, as long as the life span of the first cloth allows. The Commentary recommends that if the second cloth is of poorer quality than the first, one may determine it as requisite cloth; if the second cloth is of better quality, one may determine the first cloth as requisite cloth and start a new 30-day countdown from the day of receiving the second cloth.

Effort. Days are counted by dawns. If, by the 30th dawnrise after one receives the original cloth, one has not determined it, placed it under shared ownership, or abandoned it, it is to be forfeited and the offense confessed. The Sub-commentary adds that if at any time after the first ten days have elapsed one abandons any expectation for further cloth, one must determine the original cloth, place it under shared ownership, or abandon it before the following dawnrise. Otherwise, one commits an offense under NP 1.

As noted under NP 1, Mv.V.13.13 states that if one is informed of a gift of robe-cloth, the counting of the time span does not begin until the cloth has reached one's hand.

As in the preceding rules, perception is not a mitigating factor. If one miscounts the dawns or thinks the cloth is properly determined, etc., when in fact it isn't, there is an offense all the same. The Vibhaṅga states that, with regard to a robe that has not been kept beyond the allowable time, if one perceives it to have been kept beyond that time or if one is in doubt about it, the penalty is a dukkaṭa. As under the preceding rules, this penalty apparently applies to *using* the robe.

As for out-of-season cloth received shortly before the beginning of the robe season, the countdown would begin when it is received, would be suspended throughout the robe season, and would resume at the robe season's end.

However, as with many of the above issues, this situation rarely comes up in practice, as it is a simple enough matter to determine the original cloth as requisite cloth or place it under shared ownership until one has enough cloth to make one's requisite, remove it from those arrangements to make the requisite, and so avoid having to worry about this rule at all.

Forfeiture & confession. The procedures for forfeiture, confession, and return of the cloth are the same as in the preceding rules. For the Pali formula to use in forfeiting the cloth, see Appendix VI. Once the cloth is received in return and is now enough for the requisite one has in mind, it is classed as extra robe-cloth under NP 1. If not, the 30-day countdown starts all over again.

Non-offenses. There is no offense if, before the 30 days are up, the original cloth is lost, destroyed, burnt, or snatched away; if someone else takes it on trust; or if the owner determines it for use, places it under shared ownership, or abandons it. And, as stated above, this rule does not apply when the robe-season privileges are in effect.

Summary: Keeping out-of-season robe-cloth for more than 30 days when it is not enough to make a requisite and one has expectation for more — except when the robe-season privileges are in effect — is a nissaggiya pācittiya offense.

4. Should any bhikkhu have a used robe washed, dyed, or beaten by a bhikkhunī unrelated to him, it is to be forfeited and confessed.

The origin story here is one of the classics of Vinaya literature, although it is hard to say which is more memorable — the dry, matter-of-fact style with which the narrative relates the improbable events, or the reaction of the bhikkhunīs when they hear what has happened.

"Now at that time Ven. Udāyin's wife had gone forth among the bhikkhunīs. She often went to his place, and he often went to hers. One day he went to her place for

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a meal-donation. Dressing (§) early in the morning, taking his bowl and (outer) robe, he went to her and on arrival sat down in front of her, exposing his penis. She sat down in front of him, exposing her vagina. He, impassioned, stared at her vagina. Semen was released from his penis (§). He said to her, 'Go and fetch some water, sister. I'll wash my lower robe.'

"Give it here, master. I'll wash it.'

"Then she took some of the semen (§) in her mouth and inserted some of it in her vagina. With that, she conceived a child.

"The bhikkhunīs said, 'This bhikkhunī has been practicing unchastity. She's pregnant.'

"It's not that I've been practicing unchastity.' And she told them what had happened. The bhikkhunīs criticized and complained and spread it about, 'How can this Master Udāyin get a bhikkhunī to wash his used robe?'"

There are three factors for an offense here: object, effort, and result.

Object: a used robe. *Robe*, here, according to the Commentary, means any robe that has been dyed and properly marked (see Pc 58). This is its way of saying that the robe must be a finished cloth requisite of the type suitable for wearing, but need not be determined as one of one's basic three robes. In other words, it could also be as yet undetermined, or a spare robe determined as a requisite cloth.

Used, according to the Vibhaṅga, means worn around the body at least once. According to the Commentary, it can mean used in other ways — e.g., rolled up as a pillow or worn draped over the shoulder or head — as well.

The Vibhaṅga adds that sitting cloths and bed sheets are grounds for a dukkaṭa; other requisites, grounds for no offense.

Effort. One tells an unrelated bhikkhunī to wash, dye, or beat the robe.

A *bhikkhunī*, here, means one who has received the double ordination, first in the Bhikkhunī Saṅgha and secondly in the Bhikkhu Saṅgha (see BMC2, Chapter 23). A bhikkhunī who has received only her first ordination is grounds for a dukkaṭa. Female trainees and female novices are not grounds for an offense.

Unrelated is explained by the Vibhaṅga as meaning unrelated back through seven grandfathers, either on the father's or the mother's side. The Commentary explains further that this means seven generations counted back starting from one's grandfather. Thus all descendants of one's great-great-great-great-great-great-great-great-grandfathers are counted as one's relatives. In-laws, however, are not. This definition of *unrelated* applies wherever the Vibhaṅga mentions the word. At the time of the Buddha, perceived ties of kinship extended more widely than they do today,

and a bhikkhu at present would be well advised to regard as his relatives only those blood-relations with whom ties of kinship are actually felt.

Perception is not an issue here. If a bhikkhu perceives a bhikkhunī as related when in fact she isn't, he is subject to the full penalty all the same. If he perceives a related bhikkhunī as unrelated, or if he is in doubt as to whether she is related, he incurs a dukkaṭa in getting her to wash, etc., a robe.

Telling, according to the Commentary, includes gesturing as well. Thus if a bhikkhunī is washing her robes, and a bhikkhu throws his used robe down next to her, that would fulfill the factor here.

Result. The bhikkhunī washes, dyes, or beats the robe as requested.

Offenses. A bhikkhu who tells an unrelated bhikkhunī to wash, etc., his used robe incurs a dukkaṭa in the telling. (For every effort she then makes toward washing it, the Commentary adds, he incurs an extra dukkaṭa.) If he tells her to wash it, then when the robe is washed it is to be forfeited and the nissaggiya pācittiya offense confessed. If he tells her to dye it, then when the robe is dyed it is to be forfeited and the nissaggiya pācittiya offense confessed. If he tells her to beat it, then when she has beaten the robe at least once with a stick or her hand, it is to be forfeited and the nissaggiya pācittiya offense confessed. The bhikkhu incurs a nissaggiya pācittiya and a dukkaṭa if he gets her to do two of the three actions mentioned in the rule — e.g., washing and dyeing the robe; and a nissaggiya pācittiya and two dukkaṭas if he gets her to do all three.

The procedures for forfeiture, confession, and return of the robe are the same as in the preceding rules. Once the robe is returned, it counts as an extra robe-cloth under NP 1.

Non-offenses. There is no offense if the bhikkhunī is related to the bhikkhu, if an unrelated bhikkhunī washes the robe unasked, if an unrelated bhikkhunī helps a related bhikkhunī wash it, if the robe has not yet been used, if one gets an unrelated bhikkhunī to wash another type of requisite (aside from a robe, a sitting cloth, or a bed sheet), or if one gets an unrelated female trainee or female novice to wash a used robe.

The Commentary discusses the case of a bhikkhu who gives a used robe to a female trainee to wash: She takes it, becomes ordained as a bhikkhunī in the meantime, and then washes it. The verdict: He incurs the full penalty under this rule. For the fun of it, the Commentary then discusses the case of a bhikkhu who gives his used robe to a lay man to wash. The lay man undergoes a spontaneous sex change and becomes a bhikkhunī before washing the robe, and again, the bhikkhu incurs the full penalty. What lesson is intended here is hard to say.

Summary: Getting an unrelated bhikkhunī to wash, dye, or beat a robe that has been used at least once is a nissaggiya pācittiya offense.

5. Should any bhikkhu accept robe-cloth from the hand of a bhikkhunī unrelated to him — except in exchange — it is to be forfeited and confessed.

The reason behind this rule is expressed by a single sentence in the origin story: 'It's hard for us women to come by things.' In the original version of the rule, the Buddha made no allowance for accepting robe-cloth in exchange, but this point was later added at the request of the bhikkhunīs. They had tried to exchange robe-cloth with the bhikkhus, who refused because of the rule as it stood at that time, and this upset the bhikkhunīs. As the Commentary explains, their poverty was what made them complain, 'If the Masters are not on familiar terms with us even to this extent, how are we supposed to keep going?'

The offense under this rule is composed of two factors: object and effort.

Object: any piece of robe-cloth of the six suitable kinds, measuring at least four by eight fingerbreadths. Other requisites are not grounds for an offense.

Effort. The bhikkhu receives such cloth from an unrelated bhikkhunī and does not give her anything in exchange.

Unrelated bhikkhunī here is defined in the same terms as under the preceding rule: a bhikkhunī who has received the double ordination and is not related to the bhikkhu back through their great x 7 grandfathers. A bhikkhunī who has received only her first ordination, from the bhikkhunīs, is grounds for a dukkaṭa. Female trainees and female novices are not grounds for an offense.

Perception here is not a mitigating factor: According to the Vibhaṅga, even if a bhikkhu perceives an unrelated bhikkhunī as related he is still subject to the penalty. If he perceives a related bhikkhunī as unrelated or if he is in doubt about whether she is related, he incurs a dukkaṭa in receiving a robe from her.

The Commentary adds that even if one does not know that the robe comes from a bhikkhunī — as when many donors place robes in a pile for a bhikkhu, and one of the donors, unbeknownst to him, is a bhikkhunī — this factor is fulfilled all the same. If a bhikkhunī gives robe-cloth to someone else to present to a bhikkhu, though, the bhikkhu commits no offense in accepting it.

The Commentary also states that receiving need not be hand-to-hand. If a bhikkhunī simply places robe-cloth near a bhikkhu as her way of giving it to him and he accepts it as given, this factor is fulfilled.

As for the item given in exchange for the cloth, the Vibhaṅga states that it can be worth much more than the cloth or much less. Buddhaghosa quotes the Mahā Paccarī, one of the ancient commentaries, as saying that even if, in return for the cloth, the bhikkhu gives the bhikkhunī a piece of yellow myrobalan — a medicinal

fruit, one of the cheapest things imaginable in India — he escapes the penalty under this rule.

Offenses. If both factors of the offense here are fulfilled, the bhikkhu incurs a dukkaṭa in making an effort (e.g., extending his hand) to receive the cloth. Once he has received it, he must forfeit it and confess the nissaggiya pācittiya offense. The procedures for forfeiture, confession, and return of the cloth are the same as in the preceding rules.

Non-offenses. There is no offense:

- if the bhikkhunī is related;
- if the bhikkhunī is not related but the bhikkhu gives her something in exchange;
- if the bhikkhu takes the cloth on trust;
- if he borrows the cloth;
- if he accepts a non-cloth requisite; or
- if he accepts robe-cloth from a female trainee or female novice.

Exchange. The origin story to this rule is where the Buddha explicitly gives permission for bhikkhus, bhikkhunīs, female trainees, male novices, and female novices to trade items with one another. NP 20 forbids bhikkhus from trading items with lay people and people ordained in other religions.

Summary: Accepting robe-cloth from an unrelated bhikkhunī without giving her anything in exchange is a nissaggiya pācittiya offense.

6. Should any bhikkhu ask for robe-cloth from a man or woman householder unrelated to him, except at the proper occasion, it is to be forfeited and confessed. Here the proper occasion is this: The bhikkhu's robe has been snatched away or destroyed. This is the proper occasion here.

"Now at that time Ven. Upananda the Sakyan was accomplished in giving Dhamma talks. A certain financier's son went to him and, on arrival, bowed down to him and sat to one side. As he was sitting there, Ven. Upananda the Sakyan instructed, urged, roused, and encouraged him with a Dhamma talk. Then the financier's son... said to him, 'Tell me, venerable sir, what I would be capable of giving you that you need: Robe-cloth? Almsfood? Lodgings? Medicines for the sick?'

"If you want to give me something, friend, then give me one of those cloths (you are wearing).'

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"I'm the son of a good family, venerable sir. How can I go about wearing one cloth? Wait till I go home. After going home, I will send you one of these cloths or a more beautiful one.'

"A second time... A third time, Ven. Upananda said to him, 'If you want to give me something, friend, then give me one of those cloths.'

"I'm the son of a good family, venerable sir. How can I go about wearing one cloth? Wait till I go home. After going home, I will send you one of these cloths or a more beautiful one.'

"What's with this offer without wanting to give, friend, in that having made the offer you don't give?'

"So the financier's son, being pressured by Ven. Upananda, left having given him one cloth. People seeing him said to him, 'Why, master, are you going around wearing only one cloth?'

"He told them what had happened. So the people criticized and complained and spread it about, 'They're arrogant, these Sakyan-son monks, and malcontent. It's no simple matter to make a reasonable offer to them. How can they, after being made a reasonable offer by the financier's son, take his cloth?'"

The factors for an offense here are three.

- 1) *Object*: a piece of any of the six suitable kinds of robe-cloth, measuring at least four by eight fingerbreadths.
- 2) *Effort*: One asks, except at the proper time, for such cloth from a lay person who is not related back through one's great x 7 grandfathers. Perception is not a mitigating factor here. Even if one perceives the lay person to be related when in fact he/she isn't, that fulfills the factor here.
- 3) *Result*: One receives the cloth.

The proper occasions. *Snatched away*, according to the Vibhaṅga, refers to a robe snatched by anyone at all, even a king. This would cover cases not only where the robe has been stolen but also where it has been confiscated by a government official. *Destroyed* means burnt, carried away by water, eaten by such things as rats or termites, or worn out by use — although the Sub-commentary adds here that worn out by use means worn to the point where the robe can no longer offer proper covering for the body.

If all of a bhikkhu's robes are snatched away or destroyed, the Vibhaṅga says that he is not to "come" naked, which apparently means that he should not approach other people while naked. To do so incurs a dukkaṭa (as opposed to the thullaccaya Mv.VIII.28.1 imposes on a bhikkhu who chooses to go about naked when he has robes to wear). If a bhikkhu with no cloth to cover his body happens on an

unoccupied Saṅgha residence, he is permitted to take any cloth he finds there — robes, sheets, mats, pillow cases, or whatever — to wear as a makeshift robe as long as he has the intention of returning it when he obtains a proper robe. Otherwise he should make a covering of grass and leaves.

The Commentary adds several points here:

- 1) If one picks leaves or cuts grass to make a covering for oneself under these circumstances, one is exempt from the penalty for damaging plant life under Pc 11. In other words, the allowance here takes precedence over the prohibition in that rule, rather than *vice versa*. (The Vibhaṅga does not clearly state which takes precedence over which.) Other bhikkhus are also exempt from that penalty if they pick grass and leaves to help make a covering for a bhikkhu whose robes have been snatched away or destroyed.
- 2) If, after getting one's makeshift robe from an unoccupied Saṅgha residence, one has to go a great distance before getting a proper robe, one may leave the makeshift robe with any convenient monastery as property of the Saṅgha.
- 3) If, under these circumstances, one asks lay people for cloth and receives cloth of a type or color that normally is not allowed, there is no offense in wearing it until one can obtain suitable cloth.
- 4) If one's robes have been taken on trust by another bhikkhu or novice, they count as "snatched away" for the purpose of this and the following rule.

The following rule adds extra stipulations on how much cloth one may ask for in circumstances like this.

Offenses. The act of asking for robe-cloth from an unrelated lay person not at the proper time entails a dukkaṭa. The cloth, once received, is to be forfeited and the nissaggiya pācittiya offense confessed. The procedures for forfeiture, confession, and return of the cloth are the same as in the preceding rules. The Pali formula to use in forfeiting the cloth is given in Appendix VI.

If one perceives a related householder as unrelated, or if one is in doubt about whether he/she is related, one incurs a dukkaṭa in asking for and receiving a robe from him/her.

Non-offenses. According to the Vibhaṅga, there is no offense if —

- one asks at the right time,
- one asks from one's relations,
- one asks from people who have invited one to ask for cloth,

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- one obtains cloth through one's own resources, or
- one asks for the sake of another. (None of the texts state specifically whether *another* here includes only other bhikkhus, or bhikkhunīs and novices as well. We will assume that all co-religionists are covered under this exemption.)

The Commentary explains that this last point means two things: One may ask for cloth for the sake of another (co-religionist) (1) from one's own relations or from people who have invited one to ask for cloth *or* (2) from the relatives of that (co-religionist) or from people who have invited him/her to ask. This point applies for all rules where one is allowed to ask for the sake of another.

On the surface, it would seem that the allowance to ask for another should mean that one should also be allowed to ask from anyone for the sake of another bhikkhu whose robe has been snatched away or destroyed. However, the origin story to the following rule shows why this is not so: Lay donors can be extremely generous when they learn that a bhikkhu's robes have been snatched away or destroyed, and it is important to place limits on how much cloth can be requested, and on how many bhikkhus can do the requesting, so as not to take unfair advantage of that generosity.

As for obtaining cloth through one's own resources, the Sub-commentary notes that one should be careful to do it in such a way as not to commit an offense under NP 20. Again, this applies to all rules that contain this exemption.

Summary: Asking for and receiving robe-cloth from an unrelated lay person, except when one's robes have been snatched away or destroyed, is a nissaggiya pācittiya offense.

7. If that unrelated man or woman householder presents the bhikkhu with many robes (pieces of robe-cloth), he is to accept at most (enough for) an upper and a lower robe. If he accepts more than that, it is to be forfeited and confessed.

This rule is a continuation of the preceding one, dealing with the protocol in asking for robe-cloth when one's robes have been snatched away or destroyed. The origin story is as follows:

"At that time some group-of-six bhikkhus, having approached bhikkhus whose robes had been snatched away, said, 'Friends, the Blessed One has allowed those whose robes are snatched away or destroyed to ask an unrelated man or woman householder for robe-cloth. Ask for robe-cloth, friends.'

"'Never mind, friends. We have already received (enough) robe-cloth.'

"We are asking for your sake, friends' (§ — reading *āyasmantānaṃ atthāya* with the Thai and Sri Lankan editions of the Canon).

"Then go ahead and ask.'

"So the group-of-six bhikkhus, having approached unrelated householders, said, 'Bhikkhus have come whose robes were snatched away. Give robe-cloth for them.' And they asked for a lot of robe-cloth. Then a certain man, sitting in a meeting hall, said to another man, 'Master, bhikkhus have come whose robes were snatched away. I gave robe-cloth for them.'

"And he said, 'I gave, too.'

"And another said, 'I gave, too.'

"So they criticized and complained and spread it about: 'How can these Sakyan-son monks, not knowing moderation, ask for a lot of robe-cloth? Will the Sakyan-son monks deal in the cloth business? Or will they set up a shop?'"

Protocol. The Vibhaṅga states that when a bhikkhu's robes are snatched away or destroyed, the amount of cloth he may ask for and accept from an unrelated householder who has not previously invited him to ask for cloth depends on the number of robes snatched away or destroyed. If three, he may ask for and accept only enough for two. If two, he may ask for and accept only enough for one. If one, he should not ask for any cloth at all.

The K/Commentary mentions that these stipulations apply only when robes from one's determined set of three are snatched away or destroyed. The way it phrases this restriction suggests that if one's spare robes are snatched away or destroyed, one has no right to ask for robe-cloth at all. The Sub-commentary, though, interprets this restriction not as a restriction but as an allowance opening a loophole so that if one loses any of one's spare robes, one may ask for as much cloth as one likes. It then accuses the K/Commentary of contradicting the Canon and Commentary, and of ignoring the purpose of the rule, which is to teach moderation and fewness of wants. Its conclusion: The protocol applies when any of one's robes are snatched away or destroyed — whether undetermined, determined as the basic set of three, or determined as requisite cloths.

If, however, we recall that originally each bhikkhu had only one set of three robes, and that the allowance in the preceding rule was to relieve the hardship of having little or nothing to wear, we can agree with the K/Commentary's interpretation: that the allowance in the preceding rule applies *only* when robes from one's basic set of three are snatched away or destroyed, and that this is the case we are concerned with here. If one's spare robes get snatched away or destroyed, one may not make use of the allowance to ask for robe-cloth at all.

The Vibhaṅga states further that if the householder presents one with a great deal of cloth, with the invitation to take as much as one likes, one should take only enough

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cloth to make the allowable number of robes. The non-offense clauses add that one may take excess cloth if one promises to return the excess when one has finished making one's robe(s). And if the donor tells one to keep the excess, one may do so without penalty.

The factors of the offense for overstepping the bounds of this protocol are three.

- *1) Object:* any piece of the six kinds of suitable robe-cloth, measuring at least four by eight fingerbreadths.
- *2) Effort:* One asks for more than the allowable amount of robe-cloth from an unrelated householder who has not previously made an invitation to ask. Perception is not a mitigating factor here: Even if one perceives the householder to be related when in fact he/she isn't — or feels that he/she would be happy to offer the excess cloth even though he/she has given no previous invitation to ask — this factor is fulfilled all the same.
- *3) Result:* One gets the excess robe-cloth.

The offenses here are as follows: a dukkaṭa for asking in the way that fulfills the factor of effort, and a nissaggiya pācittiya when all three factors are fulfilled. The procedures to follow in forfeiture, confession, and receiving the cloth in return are the same as in the preceding rules. For the Pali formula to use in forfeiting the cloth, see Appendix VI.

If one perceives a related householder as unrelated, or if one is in doubt about whether he/she is related, one incurs a dukkaṭa in asking for and receiving excess robe-cloth from him/her.

Non-offenses. In addition to the two cases mentioned above — one takes excess cloth with the promise to return the excess when one has finished one's robe(s), and the donors tell one to keep the excess — there is no offense in taking excess cloth if:

- the donors are offering cloth for reasons other than that one's robes were snatched away or destroyed (e.g., they are impressed with one's learning, says the Commentary);
- one is asking from one's relatives or people who have previously made one an invitation to ask for cloth (*before* one's robes were snatched away or destroyed, says the Sub-commentary);
- or one gets the cloth by means of one's own resources.

The Commentary calls attention to the fact that the Vibhaṅga's non-offense clauses make no mention of asking for the sake of another. It then draws the conclusion, based on the fact that the rule was formulated in response to bhikkhus' requesting

excess cloth for the sake of others, that in the circumstances mentioned in this rule, one may not ask for excess cloth for the sake of others. The Sub-commentary takes issue with this, and presents three arguments for its case, with the third argument being the most compelling: If asking for another's sake is not allowable here, it should also not be allowable in the preceding rule. However, the Sub-commentary misses the point of the origin story, which is that lay donors can be especially generous when they learn that a bhikkhu's robes have been snatched away or lost. If all other bhikkhus could request cloth for his sake, there is no limit to the amount of cloth they could request, and this would be an unfair exploitation of the donors' generosity.

Summary: Asking for and receiving excess robe-cloth from unrelated lay people when one's robes have been snatched away or destroyed is a nissaggiya pācittiya offense.

8. In case a man or woman householder unrelated (to the bhikkhu) prepares a robe fund for the sake of a bhikkhu, thinking, "Having purchased a robe with this robe fund, I will clothe the bhikkhu named so-and-so with a robe": If the bhikkhu, not previously invited, approaching (the householder) should make a stipulation with regard to the robe, saying, "It would be good indeed, sir, if you clothed me (with a robe), having purchased a robe of such-and-such a sort with this robe fund" — out of a desire for something fine — it is to be forfeited and confessed.

"Now at that time a certain householder said to his wife, 'I will clothe Master Upananda with a robe.' A certain bhikkhu on his alms round overheard the man saying this. So he went to Ven. Upananda the Sakyan and on arrival said to him, 'You have a lot of merit, friend Upananda. In that place over there a certain man said to his wife, 'I will clothe Master Upananda with a robe.'

"He's my supporter, my friend.'

"So Ven. Upananda the Sakyan went to the man and on arrival said to him, 'My friend, is it true that you want to clothe me with a robe?'

"Now, wasn't I just thinking, 'I will clothe Master Upananda with a robe'?"

"Well, if you want to clothe me with a robe, clothe me with a robe like this. What use is it to me to be clothed with a robe I won't use?"

"So the man criticized and complained and spread it about, 'They're arrogant, these Sakyan-son monks, and malcontent. It's no simple matter to clothe them with a robe. How can this Master Upananda, without having first been invited by me, make a stipulation concerning a robe?'"

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The situation covered by this rule is this: An unrelated lay person has put aside resources for purchasing a robe to present to a bhikkhu but without yet asking the bhikkhu what kind of robe he wants. The factors for the offense here are four.

Object. The texts mention only that this rule concerns funds for a robe (*cīvara*), but without specifying whether this means funds only for finished robes or pieces of robe-cloth suitable for making into robes as well. However, as the rule concerns "clothing" a bhikkhu in a robe, "robe" here would probably mean a finished robe.

The texts also do not mention whether funds for other requisites would be grounds for a lesser offense or no offense under this rule, although given the spirit of the rule it would be a wise policy for a bhikkhu not to make stipulations, when uninvited, to a lay person who has prepared funds for purchasing any kind of requisite for his use.

Intention. One wants to get a better robe than the lay person is planning to buy. The Vibhaṅga defines *better* as "better quality, higher price." The Commentary, for some reason, limits "better" to "higher price," but there is nothing in the Vibhaṅga to support this.

Effort. One requests the unrelated lay person to improve the robe. Example statements in the Vibhaṅga are: "Make it long, make it broad, make it tightly-woven, make it soft." As in the previous rules, perception is not a factor here. Even if one perceives the lay person to be related when he/she actually isn't, that would fulfill the factor here all the same.

Result. One gets the long, broad, etc., robe that the householder bought in line with one's request. The way the Vibhaṅga defines this factor suggests that whether the lay person actually spends more on the robe than he/she actually planned is not an issue here.

Offenses. When the donor buys the robe in line with one's request, the penalty is a dukkaṭa. When one receives the robe it is to be forfeited and the nissaggiya pācittiya offense confessed. The procedures to follow in forfeiture, confession, and receiving the cloth in return are the same as in the preceding rules. For the Pali formula to use in forfeiting the cloth, see Appendix VI.

If one perceives a related householder as unrelated, or if one is in doubt about whether he/she is related, one incurs a dukkaṭa in making a request and receiving a robe from him/her in the manner forbidden by this rule.

Non-offenses. According to the Vibhaṅga, there is no offense if:

- the lay person is a relative or has invited one to ask for cloth;
- one asks for another's sake;
- one is getting the robe with one's own resources; or

- one asks the lay person to get a robe less expensive than the one he/she is planning to get.

The Commentary adds here that there is also no offense if one's request would result in a robe equal in price to the one the lay person has in mind, but the Vibhaṅga, as noted above, does not support this.

Summary: When a lay person who is not a relative is planning to get a robe for one but has yet to ask one what kind of robe one wants: Receiving the robe after making a request that would improve it is a nissaggiya pācittiya offense.

9. In case two householders — men or women — unrelated (to the bhikkhu) prepare separate robe funds for the sake of a bhikkhu, thinking, "Having purchased separate robes with these separate robe funds of ours, we will clothe the bhikkhu named so-and-so with robes": If the bhikkhu, not previously invited, approaching (them) should make a stipulation with regard to the robe, saying, "It would be good indeed, sirs, if you clothed me (with a robe), having purchased a robe of such-and-such a sort with these separate robe funds, the two (funds) together for one (robe)" — out of a desire for something fine — it is to be forfeited and confessed.

Explanations for this training rule are the same as those for the preceding one, the only difference being in the factor of effort: One asks the two donors to put their funds together to purchase one robe. The question of whether the request would raise the amount of money they would have to spend is not an issue here, although the Vibhaṅga says that if one makes a request that would *reduce* the amount of money they would spend, there is no offense.

The Commentary adds that, under the conditions mentioned here, making requests of three or more people to combine their robe funds into one is also covered by this rule.

Summary: When two or more lay people who are not one's relatives are planning to get separate robes for one but have yet to ask one what kind of robe one wants: Receiving a robe from them after asking them to pool their funds to get one robe — out of a desire for something fine — is a nissaggiya pācittiya offense.

10. In case a king, a royal official, a brahman, or a householder sends a robe fund for the sake of a bhikkhu via a messenger, (saying,) "Having purchased a robe with this robe fund, clothe the bhikkhu named so-and-so with a robe": If the messenger, approaching the bhikkhu, should say, "This is a robe fund being

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delivered for the sake of the venerable one. May the venerable one accept this robe fund," then the bhikkhu is to tell the messenger: "We do not accept robe funds, my friend. We accept robes (robe-cloth) as are proper according to season."

If the messenger should say to the bhikkhu, "Does the venerable one have a steward?" then, bhikkhus, if the bhikkhu desires a robe, he may indicate a steward — either a monastery attendant or a lay follower — (saying,) "That, my friend, is the bhikkhus' steward."

If the messenger, having instructed the steward and going to the bhikkhu, should say, "I have instructed the steward the venerable one indicated. May the venerable one go (to him) and he will clothe you with a robe in season," then the bhikkhu, desiring a robe and approaching the steward, may prompt and remind him two or three times, "I have need of a robe." Should (the steward) produce the robe after being prompted and reminded two or three times, that is good.

If he should not produce the robe, (the bhikkhu) should stand in silence four times, five times, six times at most for that purpose. Should (the steward) produce the robe after (the bhikkhu) has stood in silence for that purpose four, five, six times at most, that is good.

If he should not produce the robe (at that point), should he then produce the robe after (the bhikkhu) has endeavored further than that, it is to be forfeited and confessed.

If he should not produce (the robe), then the bhikkhu himself should go to the place from which the robe fund was brought, or a messenger should be sent (to say), "The robe fund that you, venerable sirs, sent for the sake of the bhikkhu has given no benefit to the bhikkhu at all. May you be united with what is yours. May what is yours not be lost." This is the proper course here.

The protocols surrounding gifts of money and their proper use are quite complex — much more complex than even this long training rule would indicate — and require a detailed explanation. What follows is an attempt to make them clear. If it seems long and involved, remember that the purpose of the protocols is to free bhikkhus from the even more bothersome worries and complexities that come with participating in buying, selling, and monetary matters in general.

This rule is one of four nissaggiya pācittiya rules covering a bhikkhu's proper relationship to money. The others are NP 18, 19, & 20. Although they sometimes seem to be splitting hairs, they focus precisely on the two acts involving money that are most burdensome to a sensitive mind: In the act of accepting money, or having it accepted in one's name, one is accepting all the cares, responsibilities, and dangers that come with its ownership; in the act of arranging a trade, one is accepting responsibility for the fairness of the trade — that it undervalues neither the generosity of the person who donated the money nor the goods or services of the person receiving the money in exchange.

Thus to protect a bhikkhu from these mental burdens, this rule sets up protocols so that lay donors may have the convenience of dedicating amounts of money and other valuables to provide for a bhikkhu's needs, and so that the bhikkhu may benefit from such gifts without having to bear the responsibilities of ownership or of having to arrange fair trades.

If a bhikkhu follows the protocols recommended here, the money placed with the steward still belongs to the donor, and the responsibility for making a fair trade lies with the steward. The bhikkhu's only responsibility is to inform the original donor if, after a reasonable number of promptings, the steward entrusted with the money does not provide him with the requisite the donor had in mind, and then let the donor look after the matter if he/she cares to.

Although the rule itself mentions only funds for robe-cloth intended for individual bhikkhus, we should note from the outset that the Commentary uses the Great Standards to extend it to cover all funds — composed of money, jewels, commodities, land, livestock, or other valuables that bhikkhus are not allowed to accept — not only for an individual bhikkhu's robe-cloth but also for any type of requisite. And it further extrapolates from this rule to cover funds for Communities and groups of bhikkhus, as well as impersonal funds for such things as buildings and — in the modern world — the printing of books.

The money rules & allowances: an overview. NP 18 forbids a bhikkhu from accepting gifts of money, from getting others to accept them, and from consenting to gifts of money meant for him being placed down next to him. NP 19 & 20 forbid him from engaging in buying, selling, or bartering, regardless of whether it involves money. Mv.VI.34.21, however, contains the following allowance, called the *Meṇḍaka Allowance*, after the donor who inspired it:

"There are people of conviction and confidence, bhikkhus, who place gold in the hand of stewards, (saying,) 'With this, give the master whatever is allowable.' I allow you, bhikkhus, to accept whatever is allowable coming from that. But in no way at all do I say that gold or silver is to be accepted or sought for."

Even given this allowance, though, it is important that the bhikkhu, in his dealings with the steward, does not say or do anything that would transgress NP 18–20. At the same time, it is important that he not abuse the steward's services. Otherwise the steward will never want to perform this service for bhikkhus again. This is the main point of the origin story to this rule:

"Then Ven. Upananda the Sakyan approached the lay follower (his steward) and on arrival said, 'My friend, I have need of a robe.'

"Wait for the rest of today, venerable sir. Today there is a town meeting, and the town has made an agreement that whoever comes late is fined 50 (*kahāpaṇas*).'

"Friend, give me the robe this very day!' (Saying this,) he grabbed hold of him by the belt. So the lay follower, being pressured by Ven. Upananda the Sakyan, purchased a robe for him and came late. The people said to the lay follower, 'Why,

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master, have you come late? You've lost 50!' So he told them what had happened. They criticized and complained and spread it about, 'They're arrogant, these Sakyan-son monks, and malcontent. It's no simple matter even to render them a service. How can Upananda the Sakyan, being told by a layman, "Wait for the rest of today, venerable sir," not wait?'"

Stewards. According to the Commentary, there are three types of steward with whom money might be placed: (1) indicated by the bhikkhu, (2) indicated by the donor or his/her messenger, and (3) indicated by neither.

1) Indicated by the bhikkhu covers two sorts of cases:

- a) The donor asks the bhikkhu who his steward is, and the bhikkhu points him/her out, as mentioned in the training rule.
- b) The donor, knowing that a particular lay person has volunteered to act as a steward or is on familiar terms with the bhikkhu, gives the money to the lay person and informs the bhikkhu — or has someone else inform him — either before or after the fact.

2) Indicated by the donor covers cases where the donor chooses one of his/her own friends or employees to act as the steward for that particular gift, and informs the bhikkhu — or has someone else inform him — either before or after the fact.

3) Indicated by neither covers two separate cases:

- a) The donor asks the bhikkhu who his steward is, and the bhikkhu says that he has none. Another person happens to overhear the conversation and volunteers — in the presence of both — to act as the steward for that particular gift.
- b) The donor gives the gift to the lay person who is normally the bhikkhu's steward or is on familiar terms with the bhikkhu, but does not inform the bhikkhu or have him informed of the fact.

According to the Commentary, this training rule covers only cases of the first sort — the steward is indicated by the bhikkhu — but not of the other two. This, however, is a controversial point. To understand the controversy, though, we will first have to discuss the protocols for accepting funds and obtaining requisites from stewards as set forth in this rule. Then we will revisit this issue in the section, "range of application," below.

The protocol in accepting. The Vibhaᅅga gives the following guidelines:

If donors offer money, they are to be told that bhikkhus do not accept money.

If they ask who the bhikkhus' steward is, one may point out any lay person at all, saying, "That's the steward." One is *not* to say, "Give it to him/her," or "He/she will keep (the money)," for that would be to accept ownership and responsibility for the money, and thus be an infraction of the rule against accepting money. Also, one is not to say, "He/she will buy (the requisite)," or "He/she will get it in exchange," for even this much would be an infraction of the rule against trading.

The K/Commentary adds that if the donor asks, "To whom should I give this?" or "Who will keep this?" one is not to point anyone out. It doesn't say what one *may* do in such a situation, although a wise policy would be to broach the topic of stewards so that the donor will ask a question to which one may give an allowable answer.

The protocol in obtaining requisites from the fund. The rule states that a bhikkhu may give his steward up to three verbal and six silent promptings in order to get a requisite from the fund. The Vibhaṅga works out an arrangement whereby he may exchange two silent promptings for one verbal prompting, which leads the Commentary to lay out the following scheme: A bhikkhu may make up to —

- 6 verbal & 0 silent promptings
- 5 verbal & 2 silent promptings
- 4 verbal & 4 silent promptings
- 3 verbal & 6 silent promptings
- 2 verbal & 8 silent promptings
- 1 verbal & 10 silent promptings, or
- 0 verbal & 12 silent promptings.

The Vibhaṅga adds that when giving a verbal prompting, one may say only, "I need a robe (or whatever the requisite may be)," or statements to that effect. One may not say, "Give me a robe," "Get me a robe," "Buy me a robe," or "Get a robe in exchange for me," for these last two statements in particular would incur a penalty under NP 20.

According to the Commentary, promptings are counted not by the number of visits to the steward but by the number of times the bhikkhu states his need/desire for the requisite. Thus if, in one visit, he states his need for a robe three times, that counts as three verbal promptings.

As for silent promptings — or "standings" — the bhikkhu merely stands in the steward's presence. If the steward asks, "What have you come for?" the bhikkhu should say, "You know," or "You should know."

The Vibhaṅga also notes that during the period when a bhikkhu has yet to receive the requisite, he should not accept an invitation to sit down at the steward's place, to accept alms, or to teach Dhamma there. If he does any of these things, that cuts back his number of allowed standings. The Sub-commentary raises the question as to what precisely this means: When a bhikkhu does several of these actions in one

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visit, does each action take away one standing, or is just that one visit struck from his allowed number of standings? After a long discussion, it sides with the decision in the Three Gaṇṭhipadas: Each time a bhikkhu sits, receives alms, or teaches one sentence of Dhamma (see Pc 7) under these circumstances, even in one visit, he cuts down his allowed number of standings by one.

If one obtains the requisite after making the allowable number of verbal and silent promptings — or fewer — there is no offense. If one does not obtain the requisite after the maximum allowable number of promptings, one should inform the original donor and then leave the issue up to him/her. If the donor, being informed, then makes arrangements to get the requisite for the bhikkhu, there is no offense.

The Commentary states that not to inform the donor here entails a dukkaṭa on the grounds that one is neglecting a duty. This statement, however, should be qualified to apply only in cases where one knows which donor gave which fund to which steward. If a single fund administered by a steward contains donations from many donors, one is unlikely to be in a position to inform all the donors if the steward does not respond to one's request. In such cases one should be duty bound to inform only one of the donors.

Range of application. As mentioned above, the Commentary maintains that this rule applies only in the first of the three cases listed there: The steward has been indicated by the bhikkhu. As for the second case — the steward has been indicated by the donor — it maintains that one may make any number of promptings without committing an offense. If the article is not forthcoming, one may get another lay person to handle the issue (although one should be careful to phrase one's request to this lay person so as not to transgress the rules against accepting money or trading). If the article is not forthcoming, one is not duty-bound to inform the original donor. Although there is nothing in the Canon to contradict any of these points, there is nothing to confirm them, either. Simple etiquette would suggest that one not harass the steward excessively and that one should inform the donor if the article is not forthcoming, so as to let the donor decide what, if anything, should be done. Thus it would make sense, using the Great Standards, to apply this rule even in cases of this sort.

As for the third case, in which the steward is not indicated either by the donor or by a bhikkhu, the Commentary says that, as far as that fund is concerned, the steward should be treated as a person who is not related and has not made an invitation to ask. In other words, one may not make any requests of the steward at all unless he/she happens to invite one to make a request. The Commentary gives no reasons for these positions, and they are hard to infer. In the first of the two instances under this sub-category — the volunteer temporary steward — the Commentary depicts the steward as volunteering in the presence of both the bhikkhu and the donor, and this would seem to place the steward under some obligation to both. Thus the bhikkhu would seem to have the right to make a reasonable number of promptings; and the donor, the right to know if the article is not forthcoming.

As for the second of the two instances — the donor gives the gift to the bhikkhu's normal steward but does not inform the bhikkhu or have him informed — the

steward can either inform the bhikkhu or not. If he/she chooses to inform the bhikkhu, then according to the Commentary the bhikkhu would have the right to make any number of promptings, as the steward now counts as having given an invitation. Thus the steward would not be protected by the protocol under this rule, which doesn't seem proper. If, however, the steward chooses not to inform the bhikkhu, there are two further possibilities: Either the bhikkhu never learns of the arrangement, in which case the issue is moot; or else he learns through a third party, in which case the bhikkhu would seem to have the right to ask the steward if the third party's report is true. If the steward lies and says No, then that's the steward's kamma. If the steward truthfully reports Yes, then it would seem reasonable to apply the protocol under this rule.

Thus, given these considerations, there would seem to be little reason to limit the protocols under this rule to cases where the steward is indicated by the bhikkhu, and stronger reason, using the Great Standards, to apply the protocols to all three cases: where the steward is indicated by the bhikkhu, by the donor, or by neither.

As we will note under NP 18, a bank can serve as a steward for a bhikkhu. However, because of the protocols surrounding a bhikkhu's relationship to his steward, he may not sign a check — which is an order to pay money to the order of the payee — even if the check draws on an account set up in his name. Nor may he present the bank with a withdrawal statement to remove money from the account.

The factors of an offense here are three.

- *1) Object:* a fund for the purchase of robe-cloth left with a steward. As noted above, the Commentary extends this factor to cover any fund set aside for one's own requisites.
- *2) Effort:* One makes an excessive number of promptings.
- *3) Result:* One obtains the requested requisite.

There is a dukkaṭa for the excessive promptings. The requisite, when obtained, is to be forfeited and the nissaggiya pācittiya offense confessed. The procedures for forfeiture, confession, and receiving the requisite in return are the same as in the preceding rules. For the Pali formula to use in forfeiture, see Appendix VI.

If one has not given excessive promptings but perceives that one has, or is in doubt about the matter, the penalty for accepting the requisite is a dukkaṭa.

Other funds. The Commentary includes a long discussion of how this rule applies to funds other than those intended for an individual bhikkhu's requisites, such as funds for Community or group requisites, building funds, etc. (book-printing funds would come under here). Some have suggested that because this rule applies only to funds for one's own use, the Commentary has erred in discussing other funds in this context, and that they should instead be discussed under Pc 84, the rule dealing with valuables that lay people have left behind in the monastery. However, because the Canon does not discuss such funds at all, they must be treated under

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the Great Standards, which means that they must be treated in line with the rule(s) that cover situations bearing the greatest similarity to them. The protocols under Pc 84 deal with the issue of how to return lost articles safely to an owner who did not intend them as a gift and still claims ownership of them; the protocols here deal with how to get the money to a steward and how to get the steward to provide what is needed with the money. Because these latter issues are the ones most relevant to the proper management of these other funds, there seems every reason to agree with the Commentary's discussing them under this rule.

A few of the more relevant cases in the Commentary's discussion:

Monetary funds for Saṅgha or group requisites. If a donor comes with a gift of money and says that it is being offered to the Saṅgha or to a group for whatever purpose, one should follow the protocol for accepting as under this rule. For instance, if the donor says, "I'm giving this to the Saṅgha for you to make use of the four requisites," one may not accept it in any of the three ways covered by NP 18. (For details, see the discussion under that rule.) There is also a dukkaṭa, says the Sub-commentary, for every bhikkhu who uses any article bought with the money.

If, however, the donor says, "The money will be with your steward" or "with my people" or "with me: All you need to do is make use of the four requisites," then there is no offense in accepting and making use of this arrangement. The etiquette to follow in obtaining requisites depends on who the money is left with: If the bhikkhus' steward, follow the protocol under this rule; if the donor's workers, one may make any number of promptings; if the donor, follow the guidelines under Pc 47. (In the first two cases here, the Commentary is following its decision, discussed above, that the protocols to be followed with the donor's workers are different from those to be followed with one's own steward. In light of our above discussion, however, both cases would come under the protocols stipulated by this rule.)

Non-monetary funds for Saṅgha or group requisites. DN 2 contains a list of other articles that a bhikkhu consummate in virtue does not receive. The Commentary — perhaps in light of the general rule against misbehavior (Cv.V.36) — imposes a dukkaṭa on the act of receiving any of them. These articles include uncooked grain and raw meat; women and girls; male and female slaves; goats and sheep, fowl and pigs, elephants, cattle, steeds, and mares; fields and property. Extrapolating from the Vibhaṅga to Pc 84, which forbids bhikkhus from picking up pearls and precious stones except in certain circumstances — and which does not allow such items to be taken on trust, borrowed, or picked up with the perception that they have been thrown away — the Commentary also assigns a dukkaṭa for receiving these items. These two lists of objects will surface again under NP 18 & 19; for ease of reference, we will call them dukkaṭa objects.

If a donor wants to make a gift of such things to the Saṅgha, the Commentary says, the question of whether they may be accepted depends on how the donation is phrased. If the donor says, "I'm giving this to the Saṅgha," for whatever the purpose, the gift may not be accepted. As in the previous case, there is a dukkaṭa for whoever receives it and also for whoever uses an article obtained from proceeds coming from the gift.

If the donor says, "This is for the purpose of the four requisites," or "Accept whatever is allowable coming from this," without mentioning the Saṅgha or any bhikkhu as custodians or recipients of the unallowable object, the arrangement may be accepted without penalty. For instance, if a donor wants to present a herd of cows, saying, "These are for the purpose of milk products for the Saṅgha," this is an acceptable arrangement: Cows are not acceptable for bhikkhus to receive, whereas milk products are. But if the donor says, "I am giving these cows to the Saṅgha to provide milk products for the Saṅgha," then it is not.

If a donor proposes to give pigs, chickens, or other animals used only for their meat to the Saṅgha, the bhikkhus are to say, "We can't accept gifts like this, but we will be glad to set them free for you."

If, after setting up an allowable arrangement, the donor asks the bhikkhus to appoint a steward to look after it, they may. If not, they are to do nothing about the arrangement at all.

How the proceeds from such arrangements are to be used depends on what they are: If money, and a bhikkhu tells the steward, "Use this money to buy such-and-such," no bhikkhu may make use of what is bought with the money. If the proceeds are commodities, such as unhusked rice, and a bhikkhu tells the steward, "Use this rice to trade for such-and-such," the bhikkhu who makes the order may not use whatever is obtained from the trade, but other bhikkhus may without incurring a penalty. If the proceeds are allowable goods, such as fruit, and a bhikkhu tells the steward, "Use this fruit to trade for such-and-such," the Commentary says that any bhikkhu may use what is obtained from the trade.

Apparently the Commentary views this arrangement as acceptable because of its interpretation that NP 20 applies only to cases where the bhikkhu tells a steward to conduct a trade with the bhikkhu's own personal resources. However, as we will note in the discussion of that rule, this interpretation seems mistaken, and the rule applies to any funds for which a bhikkhu assumes responsibility. This means that, in the context of this last arrangement, the bhikkhu who orders the steward would have to forfeit the proceeds of the trade, but all bhikkhus could use them after the forfeiture.

Impersonal funds. If a donor comes with money or any other unallowable gift and says, "I'm giving this to the Saṅgha for the meditation hall (or any other impersonal purpose, such as a book fund or a general building fund)," the gift may not be accepted. But if the donor says, "I am giving this to (or for) the meditation hall," without mentioning any individual bhikkhu, group of bhikkhus, or the Saṅgha as custodians or recipients of the gift, then this arrangement is not to be refused, and the monastery steward is to be informed of what the donor said.

In the context of NP 18, this means that the bhikkhus are not to take the money directly, or to get anyone else to take it, but may consent to its being placed next to them, as it is not meant as a gift for them.

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Many monasteries have donation boxes, and there is a question as to whether the bhikkhus may tell a donor in this case to put the money in the box. The Commentary to NP 18 states that when a donation has been placed down for a bhikkhu — over his protests — and someone aside from the donor offers to put it in a safe place, the bhikkhu may point out a safe place to put the money but may not tell him/her to put it there, as that would imply that he is accepting responsibility for the money. If this stipulation also applies to funds given "to a building," then the bhikkhus should be able to say to the donor of such funds, "The donation box is over there," but not, "Put it there."

After the donor has placed the money, the bhikkhus may then tell the monastery steward what the donor said, but are not to tell him/her to take the money, as this would violate NP 18. They are also to follow the protocol in this rule when telling the steward of their need for building materials, wages for the workers, and other necessities that come up in the course of the building's construction or maintenance.

The Commentary mentions two other acceptable arrangements:

- 1) The donor places the money with the workmen and tells the bhikkhus that their only responsibility is to check on whether the work is being done poorly or well.
- 2) The donor says that the money will be kept with him/her or with his/her employees and that the bhikkhus' only responsibility is to inform them of whom the money is to be given to.

This second arrangement, however, essentially makes the bhikkhu responsible for arranging a trade: He is telling the donor or his/her employees who deserves to be paid in exchange for goods or labor, which again would be a violation of NP 20. At most, a bhikkhu may tell the donor, etc., how much work the laborers did or what construction materials were delivered to the site, and leave it up to the donor, etc., to figure out who deserves to be paid how much. Also, if a checking account is set up for impersonal purposes such as the construction and upkeep of monastery buildings, a bhikkhu may not sign a check drawing on the account.

The Commentary says that because the steward in arrangements (1) and (2) is indicated by the donor, the bhikkhus may make as many requests as they like — i.e., in the first case, telling the workers what to do; in the second case, telling the steward or donor who is to be paid — but as we noted above, there seems no reason to follow the Commentary in making this allowance.

In addition to building funds, it would seem that any charitable fund for schools, hospitals, etc. — such as some wealthy monasteries have — would come under the category of impersonal funds, as long as the fund is not for requisites for the Saṅgha, either as a group or individually.

Fund management. The Commentary states that if a Community fund has been set up for a particular requisite, it should as a general principle be used to buy only that requisite. If, however, the Community has enough of one kind of *lahubhaṇḍa* — goods that may be shared among the bhikkhus — but not enough of another, the fund for the first kind may be diverted to the second kind by an *apalokana-kamma*: a Community transaction in which the motion is phrased in one's own words and unanimously accepted.

Funds for lodgings and furniture, though, because they are *garubhaṇḍa* (heavy or expensive goods that may not be shared among the bhikkhus), may not be diverted to *lahubhaṇḍa* at all. But if Saṅgha furniture is going unused and is in danger of deteriorating before it gets used, the Community may arrange to have it exchanged — using the procedure allowed under NP 20, and making sure not to let it go for less than its full value — and then use the proceeds for *lahubhaṇḍa*. The Commentary adds that proceeds of this sort should be used "frugally, just enough to keep life going." In other words, if the Community is not in straitened circumstances, the proceeds should not be used for *lahubhaṇḍa* at all, and instead should be reserved for *garubhaṇḍa* as the need arises. If, however, the Community is suffering from such catastrophes as disease or famine, they may allow the proceeds to be used for *lahubhaṇḍa* as needed, but not to splurge on anything excessive.

Summary: When a fund for one's individual use has been set up with a steward, obtaining an article from the fund as a result of having prompted the steward more than the allowable number of times is a *nissaggiya pācittiya* offense.

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Chapter 7.2
Nissaggiya Pācittiya: The Silk Chapter

11. Should any bhikkhu have a felt (blanket/rug) made of a mixture containing silk, it is to be forfeited and confessed.

Santhata, translated here as a felt blanket/rug, is a type of cloth described in the texts simply by its method of manufacture. Instead of being woven, it is made by strewing threads over a smooth surface, sprinkling them with a glue-like mixture made from boiled rice, using a roller to roll it smooth, and then repeating the process until the felt is thick and strong enough for one's purposes. Although felt made like this has a number of uses, its major use in the time of the texts seems to have been as a small personal rug for sitting or lying down, or as a rough blanket for wearing around oneself when sick or cold. Blankets/rugs like this are still made and used in parts of India even today, and as the non-offense clauses to this and the following rules show, it is precisely to this type of blanket/rug that these rules apply.

There are three factors for the full offense here.

- 1) *Object*: a felt blanket/rug containing silk threads and intended for one's own use.
- 2) *Effort*: One either makes it oneself, gets someone else to make it, finishes what others have left unfinished, or gets someone else to finish what one has left unfinished.
- 3) *Result*: One obtains it after it is finished (or finishes it, if one is making it oneself).

According to the Commentary, intention and perception are not mitigating factors here. Thus if one is making a felt blanket/rug, and silk threads happen to float in on the breeze and land in the felt, one commits an offense all the same. Perhaps the Commentary's interpretation here is why bhikkhus no longer use felt rugs, for there is no way of knowing whether there are any stray silk filaments in them that would make them unsuitable for use.

There is a dukkaṭa in the effort of making a blanket/rug with silk mixed in it, or in having it made. Once it is obtained (or finished, if one is making it oneself), it is to be forfeited and the nissaggiya pācittiya offense confessed. The procedures for forfeiture, confession, and receiving the blanket/rug in return are the same as in the preceding rules on robe-cloth.

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According to the Vibhaṅga, there is a dukkaṭa in making a blanket/rug with silk mixed in it for another's use. If one obtains a blanket/rug with silk mixed in it made by another (§) — not at one's instigation — then using it entails a dukkaṭa.

Non-offenses. There is no offense in making felt with silk mixed in it to use as a canopy, a floor-covering, a wall screen, a mattress/cushion, or a kneeling mat.

Summary: Making a felt blanket/rug with silk mixed in it for one's own use — or having it made — is a nissaggiya pācittiya offense.

12. Should any bhikkhu have a felt (blanket/rug) made of pure black wool, it is to be forfeited and confessed.

The origin story to this rule indicates that a pure black felt blanket/rug was considered stylish at that time, and thus inappropriate for a bhikkhu's use. This is a recurrent theme throughout the Vinaya: that stylish, luxurious, or elegant articles are not in keeping with the bhikkhus' way of life.

The Vibhaṅga notes that *black wool* here covers both wool that is naturally black and wool that has been dyed that color.

All other explanations for this training rule are the same as for the preceding rule, simply replacing "a felt blanket/rug made with silk mixed in it" with "a felt blanket made entirely of black wool."

Summary: Making a felt blanket/rug entirely of black wool for one's own use — or having it made — is a nissaggiya pācittiya offense.

13. When a bhikkhu is having a new felt (blanket/rug) made, two parts of pure black wool are to be incorporated, a third (part) of white, and a fourth of brown. If a bhikkhu should have a new felt (blanket/rug) made without incorporating two parts of pure black wool, a third of white, and a fourth of brown, it is to be forfeited and confessed.

This is a continuation of the preceding rule. Its purpose is to set the maximum amount of black wool a bhikkhu may include when making his felt blanket/rug or having it made for his own use. The Vibhaṅga gives precise amounts for how much black, white, and brown wool one should use in making the rug, but the Commentary says that these quantities are relative: As long as black wool constitutes no more than half the total amount of wool used, the bhikkhu making the rug commits no offense.

As in the preceding rules, making a felt blanket/rug that is more than one-half black wool for another person's use entails a dukkaṭa; and if one obtains a felt blanket/rug that is more than one-half black wool made by another — not at one's instigation — then using it entails a dukkaṭa as well (§).

Non-offenses. The Vibhaṅga states that there is no offense if the rug is one-quarter or more white wool, one-quarter or more brown wool, or made entirely of white wool or of brown. The Sub-commentary here reiterates that the important point is that the rug be no more than one-half black wool. There is also no offense in felt that is more than one-half black wool if one is making the felt — or having it made — for a canopy, a floor-covering, a wall screen, a mattress/cushion, or a kneeling mat.

Summary: Making a felt blanket/rug that is more than one-half black wool for one's own use — or having it made — is a nissaggiya pācittiya offense.

14. When a bhikkhu has had a new felt (blanket/rug) made, he is to keep it for (at least) six years. If after less than six years he should have another new felt (blanket/rug) made, regardless of whether or not he has disposed of the first, then — unless he has been authorized by the bhikkhus — it is to be forfeited and confessed.

"Now at that time bhikkhus were (each) having a new felt blanket/rug made every year. They were constantly begging, constantly hinting, 'Give wool. We need wool.' People criticized and complained and spread it about, 'How can these Sakyan-son monks have a new felt blanket/rug made every year?... The felt blanket/rugs we make for ourselves last five or six years, even though our children wet them and soil them, and they get chewed on by rats. But these Sakyan-son monks have a new felt blanket/rug made every year and are constantly begging, constantly hinting, 'Give wool. We need wool.'"

There are three factors for an offense here.

- 1) *Object:* a new felt blanket/rug for one's own use.
- 2) *Effort:* One makes it or has it made less than six years after one's last one was made, even though one has not been formally authorized by the bhikkhus to do so.
- 3) *Result:* One acquires the rug when it is finished.

The texts are silent on the factor of perception here, which suggests that if a bhikkhu miscounts the passage of years — making a new rug when six years haven't passed even though he thinks they have — he fulfills the factor of effort all the same.

According to the Vibhaṅga, there is a dukkaṭa in the effort of making the rug or having it made. Once it is obtained (or finished, if one is making it oneself), it is to

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be forfeited and the nissaggiya pācittiya offense confessed. The procedures for forfeiture, confession, and receiving the blanket/rug in return are the same as in the preceding rules.

Non-offenses. There is no offense if a bhikkhu makes a new felt blanket/rug (or, apparently, if he has one made) after six or more years have passed; if he makes one or has one made for another's use; if, having obtained one made by (§) someone else — not at his instigation — he uses it; or if he makes felt to use as a canopy, a floor-covering, a wall screen, a mattress/cushion, or a kneeling mat.

Also, as the rule indicates, there is no offense if within less than six years he makes a felt blanket/rug for his own use after being authorized to do so by the bhikkhus. The Vibhaṅga explains this by saying that the Community, if it sees fit, may formally give this authorization — a transaction with one motion and one announcement (*ñatti-dutiya-kamma* — to a bhikkhu who is too ill to do without a new felt blanket/rug before his six years are up. This authorization is best explained by noting that there is no exemption under this rule for a bhikkhu whose felt rug/blanket is snatched away, lost, or destroyed. Had there been such an exemption, bhikkhus might have abused it by intentionally ridding themselves of their existing felt rug/blankets in order to get new ones. In the absence of such exemptions, if a bhikkhu's rug/blanket is snatched away, lost, or destroyed, the Community — if they are satisfied that he did not intentionally lose it, destroy it, or put it in a place where it might easily get stolen — can give him the authorization to get a new one made.

Summary: Unless one has received authorization to do so from the Community, making a felt blanket/rug for one's own use — or having it made — less than six years after one's last one was made is a nissaggiya pācittiya offense.

15. When a bhikkhu is having a felt sitting rug made, a piece of old felt a sugata span (25 cm.) on each side is to be incorporated for the sake of discoloring it. If, without incorporating a piece of old felt a sugata span on each side, a bhikkhu should have a new felt sitting rug made, it is to be forfeited and confessed.

A sitting cloth — for protecting his robes from getting soiled by any place where he sits down, and for protecting any place where he sits down from being soiled by him — is one of the requisites a bhikkhu is allowed to have (Mv.VIII.16.3). In fact, if he goes without one for more than four months, he incurs a dukkaṭa (Cv.V.18). Pc 89 gives stipulations for its size and for the requirement that it should have at least one border piece.

There is some question as to whether the felt sitting rug described in this rule counts as a sitting cloth. The Commentary to Pc 89 says Yes, the Sub-commentary No. The Vibhaṅga's definition for *sitting cloth* under that rule, however, states simply that it "has a border," and because the felt sitting rug also "has a border," it would

seem to come under that definition, too. Thus the Commentary's position here appears to be correct.

The Commentary to that rule describes the border piece of a felt sitting rug as follows: "Having made a felt rug, then on one end in an area of one *sugata* span, cutting it at two points, one makes three border pieces." Whether these three pieces are to be left flapping or are to be sewn back together, it doesn't say.

According to the *Vibhaṅga*, when one is making a felt sitting rug, one should take a piece of old felt — at least one span in diameter or one span square — and then either place it down in one part of the new felt as is, or else shred it up and scatter the pieces throughout the new felt. This, it says, will help to strengthen the new felt.

Old felt the *Vibhaṅga* defines as worn wrapped around oneself at least once: This is one of the few places indicating that felt was commonly used as a blanket. The Commentary rewords the *Vibhaṅga*'s definition, saying "sat on or lied down upon at least once," which — at least in the days of the commentators — was the more common usage. The Commentary adds that, in addition to wanting to discolor the new felt sitting rug and make it stronger, one of the Buddha's purposes in formulating this rule was to teach *bhikkhus* how to make good use of old, used requisites so as to maintain the good faith of those who donated them.

Offenses. As with the previous rules, there is a *dukkata* for the *bhikkhu* who makes a sitting rug — or has one made — that violates this rule, whether it is for his own use or for that of another; and a *nissaggiya pācittiya* offense when he acquires the rug thus made for his own use (or finishes it, if he is making it himself). The procedures for forfeiture, confession, and receiving the rug in return are the same as in the preceding rules.

Non-offenses. There is no offense if, being unable to find a large enough piece of old felt to provide the one-span piece, one includes a smaller piece of old felt in the sitting rug; if, being unable to find any old felt at all, one does not include any old felt in the rug; if, having obtained a felt sitting rug made by (§) another without old felt — not at one's instigation — one uses it; or if one is making a canopy, a floor-covering, a wall screen, a mattress/cushion, or a kneeling mat. It seems logical that there would also be no offense for the *bhikkhu* making a felt blanket that does not have any border pieces and that he is not planning to use for sitting, but for some reason none of the texts mention this point.

Summary: Making a felt sitting rug for one's own use — or having it made — without incorporating a one-span piece of old felt is a *nissaggiya pācittiya* offense.

16. Should wool accrue to a *bhikkhu* as he is going on a journey, he may accept it if he so desires. Having accepted it, he may carry it by hand — there being no one else to carry it — three leagues (48

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km.=30 miles) at most. If he should carry it farther than that, even if there is no one else to carry it, it is to be forfeited and confessed.

"At that time wool accrued to a bhikkhu as he was on the road in the Kosalan districts, going to Sāvattī. So, tying the wool into a bundle with his upper robe, he went along his way. People who saw him teased him, 'How much did you pay for it, venerable sir? How much will the profit be?'"

There are three factors for an offense here: object, effort, and intention.

Object. *Wool*, under this rule, refers to wool that has not been made into goods (§). The Commentary explains that wool here thus does not include woolen cloth, woolen felt, woolen yarn, or even raw wool tied up with a thread, although this last point is in contradiction to the origin story, where the bhikkhu carried his wool tied up with a robe.

The Commentary goes on to say, though, that wool here *does* refer to even small quantities of "unmade" wool, such as wool placed in the ear when one has an earache, or wrapped around scissors in their sheath to protect them from rusting, so a bhikkhu should be careful not to travel more than three leagues with such items.

For wool to "accrue," the Vibhaṅga states, means that one obtains it either from a Community, from a group, from relatives, from friends, from what has been thrown away, or from one's own resources.

The wording of the rule seems to indicate that it applies to wool acquired only when one is on a journey. However, the non-offense clauses do not grant an exception for wool acquired under other circumstances, and from this fact the Sub-commentary concludes that this rule applies to wool acquired anywhere.

Effort includes not only carrying unmade wool more than three leagues oneself, but also placing it in a bundle or vehicle belonging to someone else without his/her knowing about it, and then letting him/her take it more than three leagues. Perception is not a mitigating factor here: If one travels more than three leagues, even if one thinks one hasn't, that fulfills this factor all the same.

The Vibhaṅga adds that if one has not traveled more than three leagues with the wool but perceives that one has or is in doubt about the matter, the penalty is a dukkaṭa. Whether this penalty applies to carrying the wool further or to using it, none of the texts say. Arguing from the Commentary's interpretation of a parallel passage under NP 1, this penalty would apply to *using* the wool.

Intention. The Vibhaṅga says that there is no offense for the bhikkhu who, after traveling three leagues, cannot find a proper place to stay and so carries his wool further until finding a proper place. Thus the offense under this rule is only for a bhikkhu who carries wool past the three-league mark for motives other than looking for a place to stay.

Non-offenses. In addition to the issue of intention just mentioned, the non-offense clauses say that there is no offense for the bhikkhu who carries wool three leagues or less; for the bhikkhu traveling more than three leagues who is carrying wool that he has received back after it was snatched away; for the bhikkhu traveling more than three leagues who is carrying wool that he has received back after having forfeited it (in line with this rule, the Commentary implies); for the bhikkhu who carries the wool three leagues and then carries it back; or for the bhikkhu who gets someone else to agree to carry the wool for him.

Summary: Carrying wool that has not been made into cloth or yarn for more than three leagues is a nissaggiya pācittiya offense.

17. Should any bhikkhu have wool washed, dyed, or carded by a bhikkhunī unrelated to him, it is to be forfeited and confessed.

The reason behind this rule is expressed succinctly in the following conversation from the origin story:

"Then Mahāpajāpatī Gotamī went to the Blessed One and, on arrival, bowed to him and stood to one side. As she was standing there, the Blessed One said to her, 'I trust, Gotamī, that the bhikkhunīs remain heedful, ardent, and resolute?'

"'From where, Lord, is there heedfulness among the bhikkhunīs? The masters — the group-of-six bhikkhus — keep having the bhikkhunīs wash, dye, and card wool. The bhikkhunīs, washing, dyeing, and carding wool, neglect... the training in heightened virtue, the training in heightened mind, and the training in heightened discernment.'"

Wool, here, as under the preceding rule, refers to wool that has not been made into cloth or yarn. Thus there is no offense for a bhikkhu who gets a bhikkhunī unrelated to him to wash woolen cloth or yarn that has not yet been used (see NP 4).

Otherwise, all the explanations for this training rule are identical with those for NP 4, except that here "beating" is replaced by "carding."

Summary: Getting an unrelated bhikkhunī to wash, dye, or card wool that has not been made into cloth or yarn is a nissaggiya pācittiya offense.

18. Should any bhikkhu accept gold and silver, or have it accepted, or consent to its being deposited (near him), it is to be forfeited and confessed.

As mentioned under NP 10, one of the purposes of this rule is to relieve a bhikkhu of the burden of ownership that comes as the result of accepting gifts of money or

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having them accepted in one's name. The discourses contain passages, though, indicating other purposes for this rule as well:

"For anyone for whom gold and silver are allowable, the five strings of sensuality are also allowable. For anyone for whom the five strings of sensuality are allowable, gold and silver are allowable (reading *yassa pañca kāmagaṇā kappanti tassa-pi jātarūpa-rajatam kappati* with the Thai edition). That you can unequivocally recognize as not the quality of a contemplative, not the quality of one of the Sakyan sons." — SN XLII.10

"Bhikkhus, there are these four obscurations of the sun and moon, obscured by which the sun and moon don't glow, don't shine, don't dazzle. Which four? Clouds... Fog... Smoke and dust... Rāhu, the king of the asuras (believed to be the cause of an eclipse) is an obscuration, obscured by which the sun and moon don't glow, don't shine, don't dazzle... In the same way, there are four obscurations of contemplatives and brahmans, obscured by which some contemplatives and brahmans don't glow, don't shine, don't dazzle. Which four? There are some contemplatives and brahmans who... do not refrain from drinking alcohol and fermented liquor... who do not refrain from sexual intercourse ... who do not refrain from accepting gold and silver ... who do not refrain from wrong livelihood... Because of these obscurations, some brahmans and contemplatives ... covered with darkness, slaves to craving, led on, swell the terrible charnel ground, grab at further becoming." — AN IV.50

Bhikkhus, in abandoning the use of money, make real their abandonment of worldly pursuits and show others by example that the struggle for wealth is not the true way to find happiness.

The factors for an offense under this rule are two: object and effort. However, because "object" is defined in one way for the first two actions stated in the rule, and in another way for the third, it seems best to analyze this rule as covering two separate but related offenses.

In the first offense the factors are:

- 1) *Object*: gold or silver.
- 2) *Effort*: One accepts or gets someone else to accept it.

In the second offense they are:

- 1) *Object*: gold or silver intended for one.
- 2) *Effort*: One consents to its being placed down next to one.

Object. The Vibhaṅga defines *gold* so as to include anything made of gold. *Silver* it defines to cover coins made of silver, copper, wood, or lac, or whatever is used as a currency. The Commentary adds such examples as bones, pieces of hide, fruit, and seeds of trees used as currency, whether they have been stamped with a figure or not. At present, the term would include coins and paper currency, as well as

money orders and cashier's checks not made out to a specific payee, as these meet all three requirements of a currency: (1) They are a generally accepted medium of exchange; (2) they are of standard recognized value; and (3) they are presentable by any bearer. The following items, because they do not fulfill all three of these requirements, would not count as "silver" under this rule: money orders and cashier's checks made out to a specific payee; personal checks and travelers' checks; credit cards and debit cards; gift cards, phone cards, frequent flyer miles; food stamps; and promissory notes.

Because the word *silver* here functionally means "money," that is how I will translate it for the remainder of the discussion of this rule.

The Vibhaṅga indicates that perception is not a mitigating factor in either offense. Thus if a bhikkhu receives gold or money, even if he perceives it as something else — as when accepting a closed envelope not knowing that it contains money, or consenting to a bolt of cloth's being placed near him, unaware that money has been placed inside it — he commits the full offense all the same. The same holds true if he is in doubt about what the envelope or bolt of cloth contains. This may seem a harsh penalty for a bhikkhu acting in complete innocence, but we must remember that, having received the money even unknowingly, he is now in possession of it and must dispose of it in a proper way. The protocols under this rule give directions for precisely how to do that.

If a bhikkhu accepts or consents to the placing of something that is not gold or money and yet he perceives it to be gold or money or is in doubt about its status, he incurs a dukkaṭa.

Gold Buddha images and gold items given to Buddha images, relics, or stūpas are not mentioned in the texts in connection with this rule. Over the centuries the common practice has been not to regard them as fulfilling the factor of object here, probably because Buddha images, stūpas, and relics, strictly speaking, cannot be owned by anyone. Similarly with items given to a Buddha image, etc.: Technically, these belong to the image, etc., and not to the monastery in which it may be located. Thus, as long as a bhikkhu realizes that he cannot assume ownership of any of these things, he may handle them without incurring an offense under this rule.

As mentioned under NP 10, the Commentary derives from the Canon a list of items that it says carry a dukkaṭa when accepted by a bhikkhu. These include pearls and precious stones; uncooked grain and raw meat; women and girls, male and female slaves; goats and sheep, fowl and pigs, elephants, cattle, steeds, and mares; fields and property. For convenience's sake, we will refer to these items from here on as dukkaṭa objects (*dukkata-vatthu*), or D.O. for short.

Effort. This factor may be fulfilled by any of three actions: accepting gold or money, having it accepted, or consenting to its being deposited. As noted above, the factors of the offense differ among the three: In the first two, the question of whether the bhikkhu consents to the gold or money does not enter into the definition of the act, nor does the donor's intention as to who the gold or money is for. Only in the third act is the bhikkhu's consent required to fulfill the action, and

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only there is it required that the donor intend the gold or money for the bhikkhu himself.

1) *Accepting.* According to the K/Commentary, this includes receiving gold or money offered as a gift or picking up gold or money left lying around ownerless. (As the non-offense clauses show, this factor does not cover cases where one picks up money left lying around the monastery or a house where one is visiting if one's purpose is to keep it in safekeeping for the owner. See Pc 84.) According to the Commentary, a bhikkhu who accepts money wrapped up in a bolt of cloth would also commit an offense here, which shows that this act includes receiving or taking the money not only with one's body, but also with items connected with the body. Thus accepting money in an envelope or having it placed in one's shoulder bag as it hangs from one's shoulder would fulfill this factor as well.

The K/Commentary adds the stipulation that in the taking there must be some movement of the gold or money from one place to another. It offers no explanation for this point, but it may refer to cases where the gold or money is forced on a bhikkhu. (Because the presence or absence of the bhikkhu's consent does not enter into the definition of the act of accepting, this means that when gold or money is forced on him, the act has been accomplished.) A typical example where this stipulation is useful is when a bhikkhu is on alms round and a lay donor, against the bhikkhu's protestations, places money in his bowl. The stipulation allows the bhikkhu simply to stand there until he gets the donor or someone else to remove the money, and he would be absolved of an offense under this rule.

The commentaries add intention as an extra factor — the full offense is entailed only if the bhikkhu is taking the gold or money for his own sake — but there is no basis for this in the Vibhaṅga. The bhikkhu's intention in accepting the money does not enter into the Vibhaṅga's discussions of any of the three actions covered by this rule, the donor's intent does not enter into the Vibhaṅga's definition of this action, and the non-offense clauses do not allow for a bhikkhu to accept money for others, so the added factor seems unwarranted. Whether the bhikkhu accepts gold or money for himself or for others is thus not an issue here.

2) *Having gold or money accepted,* according to the K/Commentary, includes getting someone else to do any of the actions covered under accepting, as described above. Examples from the commentaries, which draw on the protocols under NP 10, include such things as telling the donor to give the money to a steward, telling the donor that so-and-so will take the money for him; telling the steward to take the money, to put it in a donation box, to "do what he thinks appropriate," or any similar command.

Anything that falls short of a command, though, would not fulfill this factor, as we have already seen under NP 10. Thus simply telling the donor that X is the bhikkhus' steward — or that the monastery's stewards have placed a donation box in such-and-such a place — would not be a factor for an offense here. Also, if the donor — over the bhikkhu's protestations — leaves money, say, on a table as a gift for a bhikkhu, then if the bhikkhu tells his steward what the donor did and said, without telling the steward to do anything with the money — letting the steward figure things

out on his/her own — this too would not entail a penalty. The Commentary's discussion of stewards under the next point shows that while a bhikkhu who tells a volunteer steward to put such a donation in a donation box would incur a penalty, a bhikkhu who simply points out the donation box would not.

As with the act of accepting, the questions of the bhikkhu's consent, his intent in accepting, and the donor's intent in giving do not enter into the definition of this action.

3) *Consenting to gold or money's being deposited.* The Vibhaṅga defines this action as follows: "He (the donor), saying, 'This is for the master,' deposits it, and the bhikkhu consents (§)." According to the K/Commentary, *depositing* covers two sorts of situations:

- 1) The donor places gold or money anywhere in the bhikkhu's presence, and says, "This is for the master," or
- 2) The donor tells him, "I have some gold or money deposited in such-and-such a location. It's yours." (One of the implications of this second case is that any monastery with a donation box should make clear that money left in the box is being placed with the steward. Because NP 10 allows a donor to place gold or money intended for a bhikkhu's needs with a steward, the act of placing money with such a person in a bhikkhu's presence does not count as "depositing" here.)

Consenting in either of these cases, says the Commentary, means that one does not refuse either in thought, word, or deed. Refusing in thought means thinking, "This is not proper for me." Refusing in word means telling the donor that such a gift is not allowable. Refusing in deed means making a gesture to the same effect. If one refuses in any of these ways — e.g., one wants to accept the gold or money, but tells the donor that it is not allowable; or one says nothing, but simply reminds oneself that such gifts are not proper to accept — one avoids the penalty here.

The question of whether it is best to express one's refusal outwardly lies beyond the scope of the Vinaya and often depends on the situation. Ideally, one should inform the donor so that he/she will know enough not to present such gifts in the future, but there are cases where the donor is still new to the idea of rules and will simply be offended if the bhikkhu objects to what he/she means as a well-intentioned gesture. This is thus a matter where a bhikkhu should use his discretion.

The Commentary contains a long discussion of what a bhikkhu should do if, after he refuses such a donation, the donor goes off leaving it there anyway. If someone else comes along and asks the bhikkhu, "What is this?", the bhikkhu may tell him/her what he and the donor said, but may not ask him/her to do anything about it. If the person volunteers to put the gold or money into safekeeping, the bhikkhu may point out a safe place but may not tell him/her to put it there.

Once the gold or money is in a safe place, one may point it out to other people — one's steward, for instance — but may not tell anyone to take it. The Commentary gives directions for how to arrange an exchange with gold or money in such a case

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so as not to violate NP 19 & 20, but I will save that part of the discussion until we come to those rules.

However, the Vibhaṅga's definition of "depositing" gold or money for a bhikkhu indicates that the question of who the donor intends the money for *does* make a difference under this action, because the nature of the donor's action is defined by what he or she says. If the donor means the money for the bhikkhu and the bhikkhu consents to its being placed nearby, that fulfills the factor here. This covers cases where the donor says, "This is for you," or "This is for you to give to X."

In cases where the donor says, "This is for the Community," or "This is for Bhikkhu Y," and Bhikkhu X consents to its being placed down near him, the Commentary — drawing on the Great Standards — says that X incurs a dukkaṭa. It does not say, though, what should be done with the money, aside from stating that any bhikkhu who uses anything bought with it also incurs a dukkaṭa. Its discussion of the following rule, though, would seem to imply that it should be returned to the original donor.

If money for Bhikkhu Y is placed near Bhikkhu X in this way, and Y in turn consents to the donation, then Y would incur the full penalty here as well. The Commentary's discussion under NP 10 indicates that if money for the Community is placed near Bhikkhu X, the Community is said to have consented to it only when all members of the Community unanimously consent to it. If one member refuses consent, he saves all the other members from committing an offense — except for X, who still has his dukkaṭa.

The Commentary here also says that a bhikkhu who consents to monetary donations "placed nearby" him for monastery buildings incurs a dukkaṭa as well. This refers to cases where the donor says, "This is for the Community to use in building such-and-such," and places the money down next to the bhikkhu. As the Commentary itself says under NP 10, if the donor does not mention the name of the bhikkhu or the Community as custodians or recipients of the funds, the donations are not to be refused. Rather, they are to be left there and the steward told of what the donor said.

Forfeiture & confession. A bhikkhu who commits either offense under this rule must forfeit the gold or money and confess the offense in the midst of a formal meeting of the Community before confessing the offense. The formulae and procedures for forfeiture and confession are given in Appendix VI. This is one of the few NP rules where the offender may not forfeit the item in question to an individual bhikkhu or to a group of less than four. Once he has forfeited the gold or money and confessed his offense, the Community may not return it to him, as there is no way a bhikkhu is allowed to possess these things.

If a lay person comes along after the gold or money has been forfeited, the bhikkhus may tell him, "Look at this." If he asks, "What should be bought with this?", the bhikkhus are not to tell him to buy anything (as that would violate NP 20), although they may tell him what in general is allowable for bhikkhus, such as the five tonics, as under NP 23, below. If he takes the gold or money and purchases any

proper items, all the bhikkhus except the one who originally accepted the gold or money may make use of them. If the lay person does not volunteer to buy anything with the gold or money, the bhikkhus should tell him to get rid of it.

If he does not get rid of it, they are to choose one of the bhikkhus present as the "money-disposer," by means of the transaction statement — one motion and one announcement (*ñatti-dutiya-kamma*) — given in Appendix VI. The money-disposer must be free of the four forms of bias — based on desire, aversion, delusion, or fear — and must know when money is properly disposed of and when it is not. His duty is to throw the money away without taking note of where it falls. If he does take note, he incurs a dukkaṭa. The Commentary recommends that, "Closing his eyes, he should throw it into a river, over a cliff, or into a jungle thicket without paying attention to where it falls, disinterested as if it were a bodily secretion (*gūthaka*)."

None of the texts mention what a bhikkhu is to do with dukkaṭa objects he has received, but as we shall see under the following rule, the Commentary would seem to suggest that he return them to their donors.

Non-offenses. As mentioned above, there is no offense for the bhikkhu who, finding gold or money lying around the monastery or in a house he is visiting, puts it away in safe keeping for the owner. This point is discussed in detail under Pc 84.

Checks. There is some controversy over the status of checks under this rule. In legal terms, a check is a notice to a bank to provide funds for the payee. Because banks are corporate individuals and not "places," a check made out to a bhikkhu is thus equivalent to a notice from a donor to a steward to provide funds on the bhikkhu's behalf. Because the funds in question do not change ownership until the recipient cashes the check, this strengthens the similarity to funds placed with a steward: The funds still belong to the donor until they are used, and the steward is responsible if they become lost in the meantime. Thus the simple act of receiving a check counts not as an act of receiving money but as an acknowledgement of the notice. In passing the notice to someone else, one is simply informing them of the donor's arrangement. Only if a bhikkhu cashes a check or gives an order to someone else to do so does he commit an offense under this rule.

A bhikkhu who uses a check as a means of barter commits an offense under NP 20. The most he is allowed to do when receiving a check is to hand it over to his steward — being careful not to say anything that would violate the etiquette of *kappiya vohāra* ("wording things right") under this rule or NP 10, 19, & 20 — and to let the steward make whatever arrangements he/she sees fit.

Summary: Accepting gold or money, having someone else accept it, or consenting to its being placed down as a gift for oneself is a nissaggiya pācittiya offense.

19. Should any bhikkhu engage in various types of monetary exchange, it (the income) is to be forfeited and confessed.

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There are two factors for an offense here: object and effort.

Object. The Vibhaṅga defines *money* in the same terms it uses to define gold and silver in the preceding rule: any type of gold, whether shaped into an ornament or not; and any coins or other items used as currency.

Effort. The Vibhaṅga's description of the kind of exchange covered by this rule differs from that given in the Commentary, so they are best discussed separately.

The Vibhaṅga's interpretation. Monetary exchange refers primarily to the type of business and speculation a gold dealer would engage in — exchanging currency, trading gold ore for gold shaped into ornaments or vice versa, trading gold ore for gold ore, or gold ornaments for gold ornaments — but the Vibhaṅga's discussion of the factor of perception shows that the factor of effort here includes any exchange in which the bhikkhu ends up with gold or money as a result of the exchange. Thus it would cover cases where a bhikkhu sells any kind of item — allowable or unallowable — for money.

At first glance, this rule would seem redundant with the preceding rule against receiving money and the following rule against engaging in trade, but actually it closes a number of loopholes in those rules. In the preceding rule, a bhikkhu may point out a steward to a person who brings money intended for him; and in the following rule he can, if he words it right, propose a trade or tell a steward to arrange a trade for him. Thus, given just those two rules, it would be possible for a bhikkhu using "proper" procedures to have his steward engage in currency speculation and other money-making activities without committing an offense.

This rule, though, includes no such exceptions for "wording things right (*kappiya-vohāra*)," and so closes those loopholes as far as this type of trading is concerned. As a result, a bhikkhu may not express a desire to his steward that he/she sell something belonging to him or take funds dedicated for his use and invest them for monetary return. If the bhikkhu is going abroad, he must leave it up to his steward to figure out that any funds donated for his use may have to be exchanged for foreign currency if they are going to serve any purpose.

Perception is not a factor here. Thus, when receiving gold or money, even if he perceives it as something else or is in doubt about the matter, he would still be fulfilling the factor of effort. If, when receiving something other than gold or money, if he perceives it as gold or money or is in doubt about it, the penalty would be a dukkaṭa.

The Commentary's interpretation. According to the Commentary, monetary exchange refers to any trade in which money is involved — whether as the item the bhikkhu brings into the trade, gets out of the trade, or both. Buddhaghosa states that this interpretation is based on a passage that is not in the Vibhaṅga but logically should be. The Sub-commentary supports him, explaining that if monetary exchange covers trades in which money forms one side of the trade, it shouldn't matter which side of the trade it is on.

This, however, contradicts a number of points in the Vibhaṅga. (1) Its table of the possible actions covered by this rule includes only cases where the outcome of the trade for the bhikkhu is money. As we noted in the Introduction, we have to trust that the Vibhaṅga arrangers knew what was and was not an offense under a certain rule, and that if they had meant the rule to cover more than the alternatives listed in the table they would have included them. (2) In the Vibhaṅga's discussion of how the forfeiture is to be conducted, it consistently refers to the offender as the "one who purchased money" and to the bhikkhu who throws the forfeited object away as the "money-disposer." (3) If *monetary exchange* covers cases where the bhikkhu uses money to buy allowable things, then the discussion of how a bhikkhu could get his steward to use money rightfully placed with the steward to buy such things would have been included under this rule; instead, it is included under the following rule. All of this seems to indicate that the Commentary is on shaky ground when it tries to force its interpretation on the Vibhaṅga here.

Still, the Commentary's interpretation is widely followed and fairly complex, so it will be good to discuss it in some detail.

As under the preceding rule, the Commentary divides articles into three sorts:

- *nissaggiya objects (N.O.)*, i.e., articles such as gold and money, which entail a nissaggiya pācittiya when accepted;
- *dukkata objects (D.O.)*, articles such as pearls, precious stones; uncooked grain, raw meat; women and girls, male and female slaves; goats and sheep, fowl and pigs, elephants, cattle, steeds, and mares; fields and property, any of which entail a dukkaṭa when accepted;
- *allowable objects (A.O.)*, articles that a bhikkhu may rightfully accept and possess.

It then works out the following scheme to cover all possible trades involving these objects:

Using to buy results in

N.O.	→ N.O.	a nissaggiya pācittiya
N.O.	→ D.O.	a nissaggiya pācittiya
N.O.	→ A.O.	a nissaggiya pācittiya
D.O.	→ N.O.	a nissaggiya pācittiya
D.O.	→ D.O.	a dukkaṭa*
D.O.	→ A.O.	a dukkaṭa*
A.O.	→ N.O.	a nissaggiya pācittiya
A.O.	→ D.O.	a dukkaṭa*
A.O.	→ A.O.	a nissaggiya pācittiya under NP 20

The trades marked with asterisks point out one of the anomalies of the Commentary's interpretation: Why trades involving D.O. should entail only a dukkaṭa, while A.O. → A.O. trades should entail a nissaggiya pācittiya is hard to fathom.

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At any rate, to continue with the Commentary's explanations: N.O. → A.O. trades cover two possible cases, depending on whether the money was obtained properly or improperly under the preceding rule. If improperly, the object bought with the money is unallowable for all bhikkhus. This holds whether the bhikkhu makes the purchase himself or a steward makes it for him. The only way the item can be made allowable is to have an equal sum of money returned to the original donor and the item returned to the person who sold it, and then arrange for a proper exchange as allowed under the following rule. (At first glance, it may seem strange for the Commentary to insist that the price of the A.O. be returned to the original donor of the N.O., as the bhikkhus are in no way in his/her debt; but this is probably the Commentary's way of ensuring that if the seller returns the purchase price of the A.O. to the bhikkhus' steward, it is not used to repurchase the A.O.)

If, however, a bhikkhu engages in a N.O. → A.O. trade using money obtained properly under the preceding rule, the item bought is unallowable only for him, but allowable for other bhikkhus once he has forfeited it. If N.O. → A.O. exchanges really were covered by this rule, though, this would contradict the Vibhaṅga, which insists that the item obtained as a result of this rule either has to be given to a lay person or thrown away. Thus it seems better to follow the Vibhaṅga in treating cases of this sort under the following rule.

The Commentary makes no mention of what should be done with items resulting from trades that carry a dukkaṭa here, but its discussion of how to "undo" a trade so as to make the item allowable suggests the following scheme:

For a D.O. → D.O. trade: Return the object bought to the person who sold it, return the original object to the donor, and confess the offense.

For a D.O. → A.O. trade: Return the object bought to the person who sold it, return the original object to the donor, and confess the offense. If one wants to, one may then approach the person who sold the allowable object and arrange a proper trade in accordance with the following rule.

For an A.O. → D.O. trade: Return the object bought to the person who sold it and confess the offense.

As an intellectual exercise, the Commentary considers the question of a trade that results in an A.O. that can never be made allowable, and comes up with the following scenario: A bhikkhu takes money improperly obtained under the preceding rule, uses it to get iron mined, smelted, and made into a bowl. Because there is no way to undo these transactions — the iron can never be returned to its state as ore — there is no way any bhikkhu may ever properly make use of the iron no matter what is done with it.

As mentioned above, the Commentary's explanations here contradict the Vibhaṅga on a number of points, and contain several anomalies as well. It seems preferable to treat a number of cases it mentions here — N.O. → D.O., N.O. → A.O., D.O. → D.O., D.O. → A.O., A.O. → D.O., or in other words, any trade resulting in an allowable or a dukkaṭa object — under the following rule instead.

Forfeiture & confession. When a bhikkhu has obtained gold or money in violation of this rule he is to forfeit it in the midst of a formal meeting of the Community, following the procedures explained under the preceding rule. The Pali formulae for forfeiture and confession are in Appendix VI.

Non-offenses. The Vibhaṅga's non-offense clauses contain nothing but the blanket exemptions mentioned under Pr 1.

Summary: Obtaining gold or money through trade is a nissaggiya pācittiya offense.

20. Should any bhikkhu engage in various types of trade, it (the article obtained) is to be forfeited and confessed.

"Now at that time Ven. Upananda the Sakyan had become accomplished at making robes. Having made an outer robe of cloak-scrap, having dyed it well and stitched it nicely, he wore it. A certain wanderer, wearing a very expensive cloak, went to him and on arrival said to him, 'Your outer robe is beautiful, my friend. Give it to me in exchange for this cloak.'

"Do you know (what you're doing), my friend?'

"Yes, I know.'

"Okay, then.' And he gave him the robe.

"Then the wanderer went to the wanderers' park wearing the outer robe. The other wanderers said to him, 'Your outer robe is beautiful, friend. Where did you get it?'

"I got it in exchange for my cloak.'

"But how long will this outer robe last you? That cloak of yours was better.'

"So the wanderer, thinking, 'It's true what the wanderers said. How long will this outer robe last me? That cloak of mine was better,' went to Ven. Upananda the Sakyan and on arrival said, 'Here is your outer robe, my friend. Give me my cloak.'

"But didn't I ask you, "Do you know (what you're doing)?" I won't give it to you.'

"So the wanderer criticized and complained and spread it about, 'Even a householder will give to another householder who regrets (a trade). How can one who has gone forth not give (the same courtesy) to one who has gone forth?'"

As we noted under NP 10, one of the purposes of this rule is to relieve bhikkhus of the responsibilities that come with making trades — the responsibility of having to get a fair price for one's goods and at the same time offering a fair deal to the person receiving them.

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The factors for an offense here are two: object and effort.

Object. The Vibhaṅga defines *various types of trade* as covering deals involving the four requisites, "even a lump of powder, tooth wood or unwoven thread" — these being its standard examples of objects with the least possible material value. The Commentary interprets this definition as limiting this rule to deals involving nothing but allowable objects (A.O. → A.O.), but there is nothing in the Vibhaṅga to suggest that this is necessarily so. The emphasis in the Vibhaṅga seems to be that this rule covers even allowable objects of the least possible value, and all the more so more valuable and restricted objects. In fact, as the Vibhaṅga explicitly limits the preceding rule to trades that result in money for the bhikkhu (N.O. → N.O.; D.O. → N.O.; A.O. → N.O.), it seems best to interpret this rule as covering all types of trade not covered in that rule:

- N.O. → D.O.; N.O. → A.O.;
- D.O. → D.O.; D.O. → A.O.;
- A.O. → D.O.; and A.O. → A.O.

The Vibhaṅga, in its description of what constitutes a trade, makes reference to "one's own" object going to the hand of the other, and the other's object going to one's own hand. From this, the K/Commentary deduces that the object given in trade has to be one's own personal possession. This deduction, however, is mistaken for several reasons: (1) The Vibhaṅga's protocols under NP 10 do not allow one to tell a steward to use the funds placed in his care to buy or barter for anything, and yet these funds do not belong to the bhikkhu. (2) The Vibhaṅga's protocols for disposing of money under NP 18 & 19 do not allow a bhikkhu to tell a lay person to buy anything with the money forfeited by the offender under those rules, and again this money does not belong to the bhikkhu. (3) The non-offense clauses to this rule make no exemptions for a bhikkhu who trades using goods belonging to someone else. Thus it would appear that the phrase, "one's own" goods, in the Vibhaṅga's description of a trade, is defined simply in opposition to the phrase, "the other person's" goods prior to the trade. In other words, it would cover anything that starts out on one's side before the trade, whether those items are one's own personal possessions or another person's possessions that have been placed in deposit for one's use (such as funds placed with a steward) or in one's keeping (such as monastery funds placed under the supervision of a monastery official).

Effort. *Engaging in trade*, according to the Vibhaṅga, involves two steps:

- 1) The bhikkhu proposes an exchange, saying, "Give this for that," or "Take this for that," or "Exchange this for that," or "Purchase this with that."
- 2) The goods exchange hands, the bhikkhu's goods ending up with the other person, and the other person's goods ending up with the bhikkhu.

The first step entails a dukkaṭa; both steps together, a nissaggiya pācittiya. Perception is not a mitigating factor here: If a bhikkhu manages an exchange in a way that he thinks avoids a penalty under this rule but in fact doesn't (see below), he commits the full offense all the same. If, on the other hand, he manages an

exchange in such a way that would avoid a penalty under this rule but he thinks that it falls under the rule or else is in doubt about the matter, he incurs a dukkaṭa.

Forfeiture & confession. Once a bhikkhu has received an article from a trade, he is to forfeit it either to an individual bhikkhu, to a group of two or three, or to a full Community of four or more. Only then may he confess the offense. The procedures for forfeiture, confession, and the return of the article are the same as under NP 1. The Pali formula for forfeiture is in Appendix VI.

The Vibhaṅga makes no mention of what the bhikkhu may and may not do with the article after receiving it in return, and so it appears that he may keep it as he likes. However, if an individual bhikkhu has used nissaggiya or dukkaṭa objects in a trade, he might — as a wise policy — want to prevent any suspicions that he is trying to "launder" them, and so he may take a page from the Commentary to the preceding rule as his own personal protocol, as follows:

If the exchange was N.O. → D.O., he should return the D.O. to its seller. If the N.O. was properly obtained under NP 18 (e.g., it was placed with a steward), there is nothing further to be done. If not, the bhikkhu should confess the offense for violating that rule. (If the seller offers to refund the purchase price, the bhikkhu should not accept it. If he does, he must forfeit it in the midst of the Community. If he doesn't accept it, he should simply confess the pācittiya offense for originally accepting the N.O.)

If the exchange was N.O. → A.O., then if the N.O. was obtained in violation of NP 18, no bhikkhu may make use of the A.O. unless it is returned to the seller, the price of the article is turned over to the original donor of the money, and the A.O. is then repurchased in a way that does not violate this rule. (Again, if the seller refunds the purchase price, the bhikkhu should not accept it. If he does, he must forfeit it in the midst of the Community. If he doesn't accept it, he should simply confess the pācittiya offense for originally accepting the N.O.)

If the N.O. in this case was properly obtained, then the purchased article is allowable for other bhikkhus but not for the offender. (This case covers the instances mentioned under NP 10 where a bhikkhu tells his steward to purchase an article with the fund placed in the steward's trust for the bhikkhu's needs. Some might object that if the N.O. was properly obtained it should be treated as A.O., but we must remember that a bhikkhu who orders his steward to use money to buy an object is assuming ownership of the money, which goes against the spirit of NP 10 & 18 and the protocol of having a steward in the first place.)

If the exchange was D.O. → D.O., the bhikkhu should return the purchased article to the seller and the original article (if the seller returns it to him) to the original donor.

If the exchange was D.O. → A.O., the purchased article is not allowable for any bhikkhu unless it is returned to the seller, the D.O. is returned to the original donor, and the A.O. is then repurchased in a way that does not violate this rule.

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If the exchange was A.O. → D.O., the bhikkhu should return the purchased article to the seller.

If the exchange was A.O. → A.O., the bhikkhu may make use of the article as he likes.

If the exchange was wages in payment for services rendered, the Commentary notes that there is no way the bhikkhu can rightfully get the payment back, so he should simply confess a pācittiya offense.

All of these protocols derived from the Commentary are optional, however, for — as noted above — the Vibhaṅga places no restrictions on what the bhikkhu may or may not do with the article after having forfeited it and received it in return.

Non-offenses. In the origin story to NP 5, the Buddha allows bhikkhus to trade allowable articles with other bhikkhus, bhikkhunīs, female trainees, and male or female novices. The present rule thus covers trades made only with people who are not one's co-religionists.

As for trades with people who are not one's co-religionists, the Vibhaṅga here adds that a bhikkhu commits no offense —

- if he asks the price of an object;
- if he tells a steward;
- if he tells the seller, "I have this. I have need of such-and-such," and then lets the seller arrange the exchange as he/she sees fit. This last point may seem like mere hair splitting, but we must remember that if a trade is arranged in this way, the bhikkhu is absolved from any responsibility for the fairness of the deal, which seems to be the whole point of the rule.

The Commentary, in discussing these exemptions, raises the following points:

- 1) A bhikkhu who tries to avoid the technicalities of what is defined as engaging in trading by saying simply, "Give this. Take that," may do so only with his parents. Otherwise, telling a lay person to take one's belongings as his/her own is a "theft of faith" (*saddhā-deyya*) — i.e., a misuse of the donations that lay supporters have sacrificed for the bhikkhu's use (see Mv.VIII.22.1). On the other hand, telling an unrelated lay person to give something is a form of begging, which carries a dukkaṭa unless the lay person is related or has invited one to ask in the first place. (From this we may deduce that bhikkhus should not bargain after having asked the price of goods or services — e.g., a taxi fare — even in situations where bargaining is the norm.)
- 2) Under the previous rule, the Commentary mentioned that a bhikkhu engaging in an otherwise allowable trade for profit incurs a dukkaṭa. Here it says that if a bhikkhu, proposing a trade by wording it right (*kappiya-vohāra*), deceives the seller as to the value of his goods, he is to be treated under Pr 2. However, as the Vibhaṅga to Pr 2 indicates, goods received through deceit are to be treated not under that rule but under Pc 1.

- 3) In the case of "telling a steward," both the Commentary and K/Commentary deem it allowable to tell the steward, "Having gotten that with this, give it (to me)." This, however, is a clear violation of the protocols set forth by the Vibhaṅga under NP 10, according to which a bhikkhu is not allowed to speak in the imperative, giving the command, "Give," to a steward, much less a command to barter or buy. Instead, he is allowed to speak only in the declarative: "I have need of such-and-such," or "I want such-and-such." Declarative statements of this sort would thus appear to be the only statements allowed under this non-offense clause as well.
- 4) If a bhikkhu goes with his steward to a store and sees that the steward is getting a bad deal, he may simply tell the steward, "Don't take it."
- 5) The Commentary to NP 10 describes how a bhikkhu may make a purchase when his steward has left funds in safe-keeping on the bhikkhu's premises but is not present to arrange a trade when, say, a bowl-seller comes along. The bhikkhu may tell the seller, "I want this bowl, and there are funds of equal value here, but there is no steward to make them allowable." If the seller volunteers to make them allowable, the bhikkhu may show him where they are but may not tell him how much to take. If the seller takes too much, the bhikkhu may cancel the sale by saying, "I don't want your bowl after all."

In general it is not a wise policy to have funds left for safe-keeping on one's premises — a Community allowing this exposes itself to the dangers of robbery and assault — but the Commentary here seems less interested in describing ideal behavior than in simply drawing the line between what is and is not an offense.

Special cases. 1) The Bhikkhunīs' NP rules 4–10 show that if a lay donor gives money to a storeowner to pay for whatever a bhikkhunī will request from the store, the bhikkhunī may avail herself of the arrangement. If the donor stipulates that this arrangement applies only to certain items, or to items worth a certain amount, she may request only what falls under the stipulation: This is the point of the rules. In effect, what this is doing is making the storeowner her steward. Such an arrangement would thus also seem allowable for bhikkhus as long as they word their requests to the storeowner properly, as advised under NP 10.

2) As mentioned under NP 18, checks, credit cards, debit cards, and traveler's checks do not count as gold or money. However, any trade arranged with them would come under this rule.

In cases where an actual physical item is handed over to the seller in the course of such a trade, the trade is accomplished in the physical exchange, with no need to wait for funds to enter the seller's account for the offense to be incurred. This is because "object" under this rule can be fulfilled by an item of the least inherent monetary value.

For instance, if a bhikkhu hands a check to a seller — or tells his steward to hand it over — in exchange for goods or services in the manner specified by this rule, he would commit the full offense the moment the check and goods change hands.

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Similarly with credit cards: The offense is committed when the bhikkhu hands the signed credit card receipt — or has it handed — to the seller and receives goods or services in return. The receipt is an acknowledgement of the goods or services received from the seller, which in the context of the cardholder's agreement with the credit card company is his promise to repay the loan he is taking out with the company. This promise is what the bhikkhu is trading with the seller, who will then use it to draw funds from the company's account.

If, however, no physical item is handed over to the seller, the trade is not accomplished until funds enter the seller's account. An example would be a debit card: The full offense is committed only when, after pushing the personal identification number (PIN) — which is his order to the bank to pay the seller — the bhikkhu receives goods and services from the seller, and funds are transferred to the seller's account from his.

Summary: Engaging in trade with anyone except one's co-religionists is a nissaggiya pācittiya offense.

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Chapter 7.3
Nissaggiya Pācittiya: The Bowl Chapter

21. An extra alms bowl may be kept ten days at most. Beyond that, it is to be forfeited and confessed.

The offense under this rule involves two factors.

- 1) *Object*: an alms bowl fit to be determined for use.
- 2) *Effort*: One keeps it for more than ten days without determining it for use, placing it under shared ownership, abandoning it (giving or throwing it away); and without its being lost, destroyed, burnt, snatched away, or taken by someone else on trust within that time.

Alms bowls. According to the Commentary, an alms bowl fit to be determined for use must be —

- 1) made of the proper material;
- 2) the proper size;
- 3) fully paid for;
- 4) properly fired; and
- 5) not damaged beyond repair.

Material. Cv.V.8.2 allows two kinds of alms bowls: made either of clay or of iron. Cv.V.9.1 forbids eleven: made either of wood, gold, silver, pearl, beryl, crystal, bronze, glass, tin, lead, or copper. Using the Great Standards, the Council of Elders in Thailand has recently decided that stainless steel bowls are allowable — because, after all, they are steel — but aluminum bowls not, because they share some of the dangers of tin. In the time of the Buddha, clay bowls were the more common. At present, iron and steel bowls are.

Size. The Vibhaṅga contains a discussion of three proper sizes for a bowl — the medium size containing twice the volume of the small, and the large twice the volume of the medium — but they are based on measurements that are not known with any precision at present. The author of the Vinaya-mukha reports having experimented with various sizes of bowls based on a passage in the story of Menḍaka in the Dhammapada Commentary. His conclusion: A small bowl is just a little larger than a human skull, and a medium bowl approximately 27 1/2 English inches (70 cm.) in circumference, or about 8.75 inches (22.5 cm.) in diameter. He did not try making a large bowl. Any size larger than the large size or smaller than the small is inappropriate; any size between them falls under this rule.

Fully paid for. According to the Commentary, if a bowl-maker makes a gift of a bowl, it counts as fully paid for. If a bowl has been delivered to a bhikkhu but has

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yet to be fully paid for, it may not be determined and does not come under this rule until paid for in full.

Fired. The Commentary states that a clay bowl must be fired twice before it can be determined, to make sure it is properly hardened; and an iron bowl five times, to prevent it from rusting. Because stainless steel does not rust it need not be fired, but a popular practice is to find some way to make it gray — either by painting it on the outside or firing the whole bowl with leaves that will give it a smoky color — so that it will not stand out.

Not damaged beyond repair. The Vibhaṅga to the following rule says that a bhikkhu may ask for a new bowl if his current bowl has five mends or more, the space for a mend (§) being two inches (fingerbreadths). The Commentary explains this first by saying that a bowl with five mends or more is damaged beyond repair, and thus loses its determination as a bowl. It then expands on the Vibhaṅga's statements as follows: A clay bowl is damaged beyond repair if it has at least ten inches of cracks in it, the smallest of the cracks being at least two inches long. Cracks less than two inches long are said not to merit mending — this is the meaning of the Vibhaṅga's phrase, "space for a mend" — and so do not count. As the K/Commentary notes, whether the cracks are actually mended is not an issue here. If a bowl has fewer cracks than that, they should be mended either with tin wire, sap (but for some reason not pure pine sap), or a mixture of sugar cane syrup and powdered stone. Other materials not to be used for repair are beeswax and sealing wax. If the total length of countable cracks equals ten inches or more, the bowl becomes a non-bowl, and the owner is entitled to ask for a new one.

As for iron and steel bowls, a hole in the bowl large enough to let a millet grain pass through is enough to make the determination lapse, but not enough to make the bowl a non-bowl. The bhikkhu should plug the hole — or have a blacksmith plug it — with powdered metal or a tiny metal plug polished smooth with the surface of the bowl and then re-determine the bowl for use.

If the hole is small enough to be plugged in this way, then no matter how many such holes there are in the bowl they do not make it a non-bowl. The bhikkhu should mend it and continue using it. If, however, there is even one hole so large that the metal used to plug it cannot be polished smooth with the surface of the rest of the bowl, the tiny crevices in the patch will collect food. This makes it unfit for use, and the owner is entitled to ask for a new one to replace it.

An extra alms bowl, according to the Vibhaṅga, is any that has not yet been determined for use or placed under shared ownership. Because a bhikkhu may have only one bowl determined for use at any one time, he should place any additional bowls he receives under shared ownership if he plans to keep them on hand. (The procedures for placing bowls under determination and shared ownership, and for rescinding their determination and shared ownership, are given in Appendices IV & V.)

Effort. According to the Commentary, once a bowl belonging to a bhikkhu fulfills all the requirements for a determinable bowl, he is responsible for it even if he has not

yet received it into his keeping — in other words, the countdown on the time span begins. For example, if a blacksmith promises to make him a bowl and to send word when it is finished, the bhikkhu is responsible for the bowl as soon as he hears word from the blacksmith's messenger that the bowl is ready, even if he has yet to receive it. If the blacksmith, prior to making the bowl, promises to send it when it is done, then the bhikkhu is not responsible for it until the blacksmith's messenger brings it to him. (All of this assumes that the bowl is already fully paid for.)

However, all of this runs contrary to the principle given at Mv.V.13.13, in which the countdown for a robe's time span (see NP 1) does not begin until the robe reaches one's hand. It would seem that the same principle should apply here.

The Vibhaṅga states that if within ten days after receiving a new bowl a bhikkhu does not determine it for use, place it under shared ownership, abandon it (give it or throw it away); and if the bowl is not lost, snatched away, damaged beyond repair, or taken on trust, then on the tenth dawnrise after receiving it he incurs the full penalty under this rule.

Perception is not a mitigating factor here. Even if the bhikkhu thinks that ten days have not passed when they have, or if he thinks that the bowl is damaged beyond repair or placed under shared ownership, etc., when it isn't, he incurs the penalty all the same.

The Vibhaṅga also states that, in the case of an extra bowl that has not been kept more than ten days, if one perceives it to have been kept more than ten days or if one is in doubt about it, the penalty is a dukkaṭa. As under NP 1, this dukkaṭa is apparently for then *using* the bowl.

Forfeiture & confession. The procedures for forfeiture, confession, and return of the bowl are the same as under NP 1. For the Pali formulae to use in forfeiting and returning the bowl, see Appendix VI. As with the rules concerning robe-cloth, the bowl must be returned to the offender after he has confessed his offense. Not to return it entails a dukkaṭa. Once the bowl is returned, the ten-day countdown starts all over again.

Non-offenses. There is no offense if within ten days the bhikkhu determines the bowl for use, places it under shared ownership, or abandons it; or if the bowl is lost, destroyed, broken, or snatched away; or if someone else takes the bowl on trust. With regard to "destroyed" and "broken" here, the Commentary's discussion indicates that these terms mean "damaged beyond repair," as defined above.

Summary: Keeping an alms bowl for more than ten days without determining it for use or placing it under shared ownership is a nissaggiya pācittiya offense.

22. Should any bhikkhu with an alms bowl having fewer than five mends ask for another new bowl, it is to be forfeited and confessed. The bowl is to be forfeited by the bhikkhu to the company of bhikkhus. That company of bhikkhus' final bowl should be presented to the bhikkhu, (saying,) "This, bhikkhu, is your bowl. It is to be kept until broken." This is the proper course here.

"Now at that time a certain potter had invited the bhikkhus, saying, 'If any of the masters needs a bowl, I will supply him with a bowl.' So the bhikkhus, knowing no moderation, asked for many bowls. Those with small bowls asked for large ones. Those with large ones asked for small ones. The potter, making many bowls for the bhikkhus, could not make other goods for sale. (As a result,) he could not support himself, and his wife and children suffered."

According to the Commentary, the phrase, a bowl "having fewer than five mends" refers to one that is not beyond repair, as explained under the preceding rule. Thus this rule allows a bhikkhu whose bowl *is* beyond repair to ask for a new one.

A bhikkhu whose bowl is not beyond repair incurs a dukkaṭa in asking for a new bowl, and a nissaggiya pācittiya in receiving it.

Forfeiture, confession, & bowl exchange. Once a bhikkhu has received a bowl in violation of this rule, he must forfeit it in the midst of the Community and confess the offense. (See Appendix VI for the Pali formulae used in forfeiture and confession.) He then receives the Community's "final bowl" to use in place of the new one he has forfeited.

The Community's final bowl is selected in the following way: Each bhikkhu coming to the meeting to witness the offender's forfeiture and confession must bring the bowl he has determined for his own use. If a bhikkhu has an inferior bowl in his possession — either extra or placed under shared ownership — he is not to determine that bowl and take it to the meeting in hopes of getting a more valuable one in the exchange about to take place. To do so entails a dukkaṭa.

Once the bhikkhus have assembled, the offender forfeits his bowl and confesses the offense. The Community, following the pattern of one motion and one announcement (*ñatti-dutiya-kamma*) given in Appendix VI, then chooses one of its members as bowl exchanger. As with all Community officials, the bowl exchanger must be free of the four types of bias: based on desire, based on aversion, based on delusion, based on fear. He must also know when a bowl is properly exchanged and when it's not. His duty, once authorized, is to take the forfeited bowl and show it to the most senior bhikkhu, who is to choose whichever of the two bowls pleases him more — his own or the new one. If the new bowl is preferable to his own and yet he does not take it out of sympathy for the offender, he incurs a dukkaṭa. The K/Commentary and Sub-commentary add that if he does not prefer the new bowl, there is no offense in not taking it. The Commentary states that if he does prefer the

new bowl but, out of a desire to develop the virtue of contentment with what he has, decides not to take it, there is also no offense.

Once the most senior bhikkhu has taken his choice, the remaining bowl is then shown to the bhikkhu second in seniority, who repeats the process, and so on down the line to the most junior bhikkhu. The bowl exchanger then takes the bowl remaining from this last bhikkhu's choice — the least desirable bowl belonging to that company of bhikkhus — and presents it to the offender, telling him to determine it for his use and to care for it as best he can until it is no longer useable.

If the offender treats it improperly — putting it in a place where it might get damaged, using it in the wrong sort of way (on both of these points, see BMC2, Chapter 3) — or tries to get rid of it (§), thinking, "How can this bowl be lost or destroyed or broken," he incurs a dukkaṭa.

Non-offenses. The Vibhaṅga states that a bhikkhu whose bowl is not beyond repair incurs no penalty if he asks for a new bowl from relatives or from people who have invited him to ask, or if he gets a new bowl with his own resources. He is also allowed to ask for a bowl for the sake of another, which — following the Commentary to NP 6 — means that Bhikkhu X may ask for a bowl for Y only if he asks from his own relatives or people who have invited him to ask for a bowl OR if he asks from Y's relatives or people who have invited Y to ask. Asking for and receiving a bowl for Y from people other than these would entail the full offense.

Summary: Asking for and receiving a new alms bowl when one's current bowl is not beyond repair is a nissaggiya pācittiya offense.

23. *There are these tonics to be taken by sick bhikkhus: ghee, fresh butter, oil, honey, sugar/molasses. Having been received, they are to be used from storage seven days at most. Beyond that, they are to be forfeited and confessed.*

The factors for a full offense here are two.

- 1) *Object* any of the five tonics.
- 2) *Effort:* One keeps the tonic past the seventh dawnrise after receiving it.

Object. The five tonics mentioned in this rule form one of four classes of edibles grouped according to the time period within which they may be eaten after being received. The other three — food, juice drinks, and medicines — are discussed in detail at the beginning of the Food Chapter in the pācittiya rules. Here is the story of how the tonics came to be a special class:

"Then as the Blessed One was alone in seclusion, this line of reasoning occurred to his mind: 'At present the bhikkhus, afflicted by the autumn disease, bring up the coney they have drunk and the meals they have eaten. Because of this they are thin,

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wretched, unattractive, and pale, their bodies covered with veins. What if I were to allow medicine for them that would be both medicine and agreed to be medicine by the world, and serve as food, yet would not be considered gross (substantial) food.'

"Then this thought occurred to him: 'There are these five tonics — ghee, fresh butter, oil, honey, sugar/molasses — that are both medicine and agreed to be medicine by the world, and serve as food yet would not be considered gross food. What if I were now to allow the bhikkhus, having accepted them at the right time (from dawnrise to noon), to consume them at the right time'...

"Now at that time bhikkhus, having accepted the five tonics at the right time, consumed them at the right time. Because of this they could not stomach even ordinary coarse foods, much less rich, greasy ones. As a result, afflicted both by the autumn disease and this loss of appetite for meals, they became even more thin and wretched... So the Blessed One, with regard to this cause, having given a Dhamma talk, addressed the bhikkhus: 'Bhikkhus, I allow that the five tonics, having been accepted, be consumed at the right time or the wrong time (from noon to dawnrise).'" — Mv.VI.1.2–5

The Vibhaṅga defines the five tonics as follows:

Ghee means strained, boiled butter oil made from the milk of any animal whose flesh is allowable for bhikkhus to eat (see the introduction to the Food Chapter in the pācittiya rules).

Fresh butter must be made from the milk of any animal whose flesh is allowable. None of the Vinaya texts go into detail on how fresh butter is made, but MN 126 describes the process as "having sprinkled curds in a pot, one twirls them with a churn." Fresh butter of this sort is still made in India today by taking a small churn — looking like an orange with alternate sections removed, attached to a small stick — and twirling it in curds, all the while sprinkling them with water. The fresh butter — mostly milk fat — coagulates on the churn, and when the fresh butter is removed, what is left in the pot is diluted buttermilk. Fresh butter, unlike creamery butter made by churning cream, may be stored unrefrigerated in bottles for several days even in the heat of India without going rancid.

Arguing by the Great Standards, creamery butter would obviously come under fresh butter here. A more controversial topic is cheese.

In Mv.VI.34.21, the Buddha allows bhikkhus to consume five products of the cow: milk, curds, buttermilk, fresh butter, and ghee. Apparently, cheese — curds heated to evaporate their liquid content and then cured with or without mold — was unknown in those days, but there seems every reason, using the Great Standards, to include it under one of the five. The question is which one. Some have argued that it should come under fresh butter, but the argument for classifying it under curds seems stronger, as it is closer to curds in composition and is generally regarded as more of a substantial food. Different Communities, however, have differing opinions on this matter.

Oil, according to the Vibhaṅga, includes sesame oil, mustard seed oil, "honey tree" oil, castor oil, and oil from tallow. The Commentary adds that oil made from any plants not listed in the Vibhaṅga carries a dukkaṭa if kept more than seven days, although it would seem preferable to apply the Great Standards and simply make all plant oils subject to the full offense under this rule.

Mv.VI.2.1 allows five kinds of tallow: bear, fish, alligator, pig, and donkey tallow. Because bear meat is one of the kinds normally unallowable for bhikkhus, the Sub-commentary interprets this list as meaning that oil from the tallow of any animal whose flesh is allowable — and from any animal whose flesh, if eaten, carries a dukkaṭa — is allowable here. Because human flesh, if eaten, carries a thullaccaya, oil from human fat is not allowed.

Mv.VI.2.1 adds that tallow of any allowable sort may be consumed as oil if received in the right time (before noon, according to the Commentary), rendered in the right time, and filtered in the right time. (The PTS and Thai editions of the Canon use the word *samsatṭha* here, which usually means "mixed together"; the Sri Lankan edition reads *samsatta*, or "hung together." Whichever the reading, the Commentary states that the meaning here is "filtered," which best fits the context.) According to Mv.VI.2.2, if the tallow has been received, rendered, or filtered after noon, the act of consuming the resulting oil carries a dukkaṭa for each of the three activities that took place after noon. For example, if the tallow was received before noon but rendered and filtered after noon, there are two dukkaṭas for consuming the resulting oil.

Honey means the honey of bees, although the Commentary lists two species of bee — *cirika*, long and with wings, and *tumbala*, large, black and with hard wings — whose honey it says is very viscous and ranks as a medicine, not as one of the five tonics.

Sugar/molasses the Vibhaṅga defines simply as what is extracted from sugar cane. The Commentary interprets this as meaning not only sugar and molasses, but also fresh sugar cane juice, but this contradicts Mv.VI.35.6, which classes fresh sugar cane juice as a juice drink, not a tonic. The Commentary also says that sugar or molasses made from any fruit classed as a food — such as coconut or date palm — ranks as a food and not as a tonic, but it is hard to guess at its reasoning here, as sugar cane itself is also classed as a food. The Vinaya-mukha seems more correct in using the Great Standards to say that all forms of sugar and molasses, no matter what the source, would be included here. Thus maple syrup and beet-sugar would come under this rule.

The Vinaya-mukha — arguing from the parallel between sugar cane juice, which is a juice drink, and sugar, which is made by boiling sugar cane juice — maintains that boiled juice would fit under sugar here. This opinion, however, is not accepted in all Communities.

According to Mv.VI.16.1, even if the sugar has a little flour mixed in with it simply to make it firmer — as sometimes happens in sugar cubes and blocks of palm sugar — it is still classed as a tonic as long as it is still regarded simply as "sugar." If the

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mixture is regarded as something else — candy, for instance — it counts as a food and may not be eaten after noon of the day on which it is received.

Sugar substitutes that have no food value would apparently not be classed as a food or a tonic, and thus would come under the category of life-long medicines.

Proper use. According to Mv.VI.40.3, any tonic received today may be eaten mixed with food or juice drinks received today, but not with food or juice drinks received on a later day. Thus, as the Commentary points out, tonics received in the morning may be eaten with food that morning; if received in the afternoon, they may not be eaten mixed with food at all.

Also, the Commentary to this rule says at one point that one may take the tonic at any time during those seven days regardless of whether one is ill. At another point, though — in line with the Vibhaṅga to Pc 37 & 38, which assigns a dukkaṭa for taking a tonic as food — it says that one may take the tonic after the morning of the day on which it is received only if one has a reason. This statement the Sub-commentary explains as meaning that any reason suffices — e.g., hunger, weakness — as long as one is not taking the tonic for nourishment as food. In other words, one may take enough to assuage one's hunger, but not to fill oneself up.

Mv.VI.27, however, contains a special stipulation for the use of sugar. If one is ill, one may take it "as is" at any time during the seven days; if not, then after noon of the first day one may take it only if it is mixed with water.

Effort. If a bhikkhu keeps a tonic past the seventh dawnrise after it has been received — either by himself or another bhikkhu — he is to forfeit it and confess the nissaggiya pācittiya offense. Perception is not a mitigating factor here. Even if he thinks that seven days have not yet passed when they actually have — or thinks that the tonic is no longer in his possession when it actually is — he incurs the penalty all the same (§).

Offenses. The procedures for forfeiture, confession, and return of the tonic are the same as under NP 1. The formula to use in forfeiting the tonic is given in Appendix VI. Once the bhikkhu receives the tonic in return, he may not use it to eat or to apply to his body, although he may use it for other external purposes, such as oil for a lamp, etc. Other bhikkhus may not eat the tonic either, but they may apply it to their bodies — for example, as oil to rub down their limbs.

The Vibhaṅga states that, in the case of a tonic that has not been kept more than seven days, if one perceives it to have been kept more than seven days or if one is in doubt about it, the penalty is a dukkaṭa. As under NP 1, this dukkaṭa is apparently for *using* the tonic.

Non-offenses. According to the Vibhaṅga, there is no offense if within seven days the tonic gets lost, destroyed, burnt, snatched away, or taken on trust; or if the bhikkhu determines it for use, abandons it, or — having given it away to an unordained person, abandoning desire for it — he receives it in return and makes use of it (§).

The Commentary contains an extended discussion of these last three points.

- 1) Determining the tonic for use means that within the seven days the bhikkhu determines that he will use it not as an internal medicine, but only to apply to the outside of his body or for other external purposes instead. In this case, he may keep the tonic as long as he likes without penalty.
- 2) Unlike the other rules dealing with robe-cloth or bowls kept x number of days, the non-offense clauses here do not include exemptions for tonics placed under shared ownership, but the Commentary discusses *abandons it* as if it read "places it under shared ownership." Its verdict: Any tonic placed under shared ownership may be kept for more than seven days without incurring a penalty as long as the owners do not divide up their shares, but after the seventh day they may not use it for internal purposes. The Sub-commentary adds that any tonic placed under shared ownership may not be used at all until the arrangement is rescinded.
- 3) The Commentary reports a controversy between two Vinaya experts on the meaning of the last exemption in the list — i.e., "having given it away to an unordained person, abandoning possession of it in his mind, he receives it in return and makes use of it." Ven. Mahā Sumanatthera states that the phrase, "if within seven days" applies here as well: If within seven days the bhikkhu gives the tonic to an unordained person, having abandoned possession of it in his mind, he may then keep it and consume it for another seven days if the unordained person happens to return it to him.

Ven. Mahā Padumatthera disagrees, saying that the exemption *abandons it* already covers such a case, and that the exemption here refers to the situation where a bhikkhu has kept a tonic past seven days, has forfeited it and received it in return, and then gives it up to an unordained person. If the unordained person then returns the tonic to him, he may use it to rub on his body.

The K/Commentary agrees with the latter position, but this creates some problems, both textual and practical. To begin with, the phrase, "if within seven days," modifies every one of the other non-offense clauses under this rule, and there is nothing to indicate that it does not modify this one, too. Second, every one of the other exemptions refers directly to ways of avoiding the full offense and not to ways of dealing with the forfeited article after it is returned, and again there is nothing to indicate that the last exemption breaks this pattern.

On the practical side, if the exemption *abandons it* covers cases where a bhikkhu may give up the tonic to anyone at all and then receive it in return to use for another seven days, bhikkhus could spend their time trading hoards of tonics among themselves indefinitely, and the rule would become meaningless. But as the origin story shows, it was precisely to prevent them from amassing such hoards that the rule was formulated in the first place.

"Then Ven. Pilindavaccha went to the residence of King Seniya Bimbisāra of Magadha and, on arrival, sat down on a seat made ready. Then King Seniya Bimbisāra... went to Ven. Pilindavaccha and, on arrival, having bowed down to him,

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sat to one side. As he was sitting there, Ven. Pilindavaccha addressed him: 'For what reason, great king, has the monastery attendant's family been imprisoned?'

"Venerable sir, in the monastery attendant's house was a garland of gold: beautiful, attractive, exquisite. There is no garland of gold like it even in our own harem, so from where did that poor man (get it)? It must have been taken by theft.'

"Then Ven. Pilindavaccha willed that the palace of King Seniya Bimbisāra be gold. And it became made entirely of gold. 'But from where did you get so much of this gold, great king?'

"(Saying,) 'I understand, venerable sir. This is simply the master's psychic power' (§ — reading *ayyass'ev'eso* with the Thai edition of the Canon) he had the monastery attendant's family released.

"The people, saying, 'A psychic wonder, a superior human feat, they say, was displayed to the king and his retinue by the master Pilindavaccha,' were pleased and delighted. They presented Ven. Pilindavaccha with the five tonics: ghee, fresh butter, oil, honey, and sugar.

"Now ordinarily Ven. Pilindavaccha was already a receiver of the five tonics (§), so he distributed his gains among his company, who came to live in abundance. They put away their gains, having filled pots and pitchers. They hung up their gains in windows, having filled water strainers and bags. These kept oozing and seeping, and their dwellings were crawling and creeping with rats. People, engaged in a tour of the dwellings and seeing this, criticized and complained and spread it about, 'These Sakyan-son monks have inner storerooms like the king...'"

Thus it seems more likely that the Vibhaṅga's non-offense clauses should be interpreted like this: A bhikkhu is no longer held responsible for a tonic if he abandons it or gives it away — no matter to whom he gives it, or what his state of mind — but he may receive it in return and use it another seven days *only* if within the first seven days he has given it to an unordained person, having abandoned all possession of it in his mind.

Summary: Keeping any of the five tonics — ghee, fresh butter, oil, honey, or sugar/molasses — for more than seven days, unless one determines to use them only externally, is a nissaggiya pācittiya offense.

24. When a month is left to the hot season, a bhikkhu may seek a rains-bathing cloth. When a half-month is left to the hot season, (the cloth) having been made, may be worn. If when more than a month is left to the hot season he should seek a rains-bathing cloth, (or) when more than a half-month is left to the hot season, (the cloth) having been made should be worn, it is to be forfeited and confessed.

Bhikkhus in the time of the Buddha commonly bathed in a river or lake. Passages in the Canon tell of some of the dangers involved: They had to watch over their robes to make sure they weren't stolen or washed away by the river, and at the same time make sure they didn't expose themselves. (SN II.10 tells of a female deva who, seeing a young bhikkhu bathing, became smitten with the sight of him wearing only his lower robe. She appeared to him, suggesting that he leave the monkhood to take his fill of sensual pleasures before his youth had passed, but fortunately he was far enough in the practice to resist her advances.) A further danger during the rainy season was that the rivers would become swollen and their currents strong. During this time, then, bhikkhus would bathe in the rain.

Rains-bathing cloth. Mv.VIII.15.1-7 tells the story of a servant girl who went to a monastery and — seeing bhikkhus out bathing naked in the rain — concluded that there were no bhikkhus there, but only naked ascetics. She returned to tell her mistress, Lady Visākhā, who realized what was actually happening and made this the occasion to ask permission of the Buddha to provide rains-bathing cloths for the bhikkhus, because as she put it, "Nakedness is repulsive." He granted her request, and at a later point (Mv.VIII.20.2) stated that a rains-bathing cloth could be determined for use during the four months of the rainy season — beginning with the day after the full moon in July, or the second if there are two — and that at the end of the four months it was to be placed under shared ownership. This training rule deals with the protocol for seeking and using such a cloth during the rains and the period immediately preceding them.

The protocol as sketched out in the Vibhaṅga — together with details from the Commentary in parentheses and my own comments in brackets — is as follows: During the first two weeks of the fourth lunar month of the hot season — [the lunar cycle ending with the full moon in July, or the first full moon if there are two] — a bhikkhu may seek a rains-bathing cloth and make it (if he gets enough material). (However, he may not yet use it or determine it for use because it may be determined for use only during the four months of the rainy season — [see Mv.VIII.20.2].)

In seeking the cloth he may directly ask for it from relatives or people who have invited him to ask, or he may approach people who have provided rains-bathing cloths in the past and give them such hints as: "It is the time for material for a rains-bathing cloth," or "People are giving material for a rains-bathing cloth." As under NP 10, he may not say, "Give me material for a rains-bathing cloth," or "Get me..." or "Exchange for me ..." or "Buy me material for a rains-bathing cloth." (If he asks directly from people who are not relatives or who have not invited him to ask, he incurs a dukkaṭa; if he then receives cloth from them, he incurs the full penalty under NP 6. If he gives hints to people who have never provided rains-bathing cloths in the past, he incurs a dukkaṭa [which the Commentary assigns on the general principle of breaking a duty].)

During the last two weeks of the fourth lunar month of the hot season he may now begin using his cloth (although he may not yet determine it for use). [This shows clearly that this rule is providing an exemption to NP 1, under which he otherwise would be forced to determine the cloth within ten days after receiving it.] (If he has

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not yet received enough material, he may continue seeking for more in the way described above and make himself a cloth when he receives enough.)

(When the first day of the rainy season arrives, he may determine the cloth. If he does not yet have enough material to make his rains-bathing cloth, he may continue seeking it throughout the four months of the rains.) If he bathes naked in the rain when he has a cloth to use, he incurs a dukkaṭa. (However, he may bathe naked in a lake or river without penalty. If he has no cloth to use, he may also bathe naked in the rain.)

(At the end of the four months, he is to wash his cloth, place it under shared ownership, and put it aside if it is still usable. He may begin using it again the last two weeks of the last lunar month before the next rainy season and is to re-determine it for use on the day the rainy season officially begins.)

Toward the end of his discussion of this rule, Buddhaghosa adds his own personal opinion on when a rains-bathing cloth should be determined for use if it is finished during the rains — on the grounds that the ancient commentaries do not discuss the issue — one of the few places where he overtly gives his own opinion anywhere in the Commentary. His verdict: If one receives enough material to finish the cloth within ten days, one should determine it within those ten days. If not, one may keep what material one has, undetermined and throughout the rainy season if need be, until one does obtain enough material and then determine the cloth on the day it is completed.

Offenses. As the K/Commentary points out, this rule covers two separate offenses whose factors are somewhat different: the offense for seeking a rains-bathing cloth at the wrong time and the offense for using it at the wrong time.

Seeking. The factors here are three: object, effort, and result. The bhikkhu is looking for material for a rains-bathing cloth, he makes hints to people during the time he is not allowed to make hints, and he receives the cloth.

Using. The factors here are two: object — he has a rains-bathing cloth — and effort — he has other robes to use, there are no dangers, and yet he wears the cloth during the period when he is not allowed to wear it. (The conditions here are based on the non-offenses clauses, which we will discuss below.)

In neither of these cases is perception a mitigating factor. Even if a bhikkhu thinks that the right time to hint for the cloth or to wear it has come when it actually hasn't, he is not immune from an offense.

A bhikkhu who has committed either of the two full offenses here is to forfeit the cloth and confess the offense. The procedures for forfeiture, confession, and return of the cloth are the same as under NP 1.

If a bhikkhu seeks or uses a rains-bathing cloth during the permitted times and yet believes that he is doing so outside of the permitted times, or if he is in doubt about the matter, he incurs a dukkaṭa.

Non-offenses. As the rule states, there is no offense for the bhikkhu who hints for a rains-bathing cloth within the last lunar month of the hot season, or for one who wears his rains-bathing cloth during the last two weeks of that month.

The Vibhaṅga then refers to a situation that occasionally happens under the lunar calendar: The four months of the hot season end, but the Rains-residence is delayed another lunar cycle because a thirteenth lunar month has been added at the end of the hot season or the beginning of the rainy season to bring the lunar year back into line with the solar year. In this case, it says that the rains-bathing cloth — having been sought for during the fourth month and worn during the last two weeks of the hot season — is to be washed and then put aside. When the proper season arrives, it may be brought out for use (§).

The Commentary adds that there is no need to determine the cloth in this period until the day the Rains-residence officially starts, but it doesn't say when the proper season for using it begins. Having made use of the two-week allowance for using the undetermined bathing cloth at the end of the hot season, is one granted another two-week allowance prior to the Rains-residence, or can one begin using it only when the Rains-residence begins? None of the texts say. It would make sense to allow the bhikkhu to begin using the cloth two weeks before the Rains-residence, but this is simply my own opinion.

The Vibhaṅga then adds three more exemptions: There is no offense for a "snatched-away-robe" bhikkhu, a "destroyed-robe" bhikkhu, or when there are dangers. Strangely enough, the Commentary and the K/Commentary — although both were composed by Buddhaghosa — give conflicting interpretations of these exemptions. The Commentary interprets "robe" here as meaning rains-bathing cloth, and says that these exemptions apply to the dukkaṭa offense for bathing naked in the rain. A bhikkhu whose rains-bathing cloth has been snatched away or destroyed may bathe naked in the rain without incurring a penalty, as may a bhikkhu with an expensive bathing cloth who would rather bathe naked because of his fear of cloth thieves.

The K/Commentary, however, makes the Vibhaṅga's exemptions refer also to the full offense. If a bhikkhu's other robes have been snatched away or destroyed, he may wear his rains-bathing cloth out of season. The same holds true when, in the words of the K/Commentary, "naked thieves are plundering," and a bhikkhu decides to wear his rains-bathing cloth out-of-season in order to protect either it or his other robes from being snatched away.

Because the non-offense clauses usually apply primarily to the full offense, it seems appropriate to follow the K/Commentary here.

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At present, much of this discussion is purely academic, inasmuch as most bhikkhus — if they use a bathing cloth — tend to determine it for use as a "requisite cloth" so as to avoid any possible offense under this rule.

Summary: Seeking and receiving a rains-bathing cloth before the fourth month of the hot season is a nissaggiya pācittiya offense.

Using a rains-bathing cloth before the last two weeks of the fourth month of the hot season is also a nissaggiya pācittiya offense.

25. Should any bhikkhu — having himself given robe-cloth to (another) bhikkhu and then being angered and displeased — snatch it back or have it snatched back, it is to be forfeited and confessed.

"At that time Ven. Upananda the Sakyan said to his brother's student, 'Come, friend, let's set out on a tour of the countryside.'

"I can't go, venerable sir. My robe is threadbare.'

"Come, friend, I'll give you a robe.' And he gave him a robe. Then that bhikkhu heard, 'The Blessed One, they say, is going to set out on a tour of the countryside.' The thought occurred to him: 'Now I won't set out on a tour of the countryside with Ven. Upananda the Sakyan. I'll set out on a tour of the countryside with the Blessed One.'

"Then Ven. Upananda said to him, 'Come, friend, let's set out on that tour of the countryside now.'

"I won't set out on a tour of the countryside with you, venerable sir. I'll set out on a tour of the countryside with the Blessed One.'

"But the robe I gave you, my friend, will set out on a tour of the countryside with *me*.' And angered and displeased, he snatched the robe back."

As the Commentary points out, this rule applies to cases where one perceives the robe-cloth as being rightfully one's own even after having given it away, as when giving it on an implicit or explicit condition that the recipient does not later fulfill. Thus the act of snatching back here does not entail a pārājika. If, however, one has mentally abandoned ownership of the robe to the recipient and then for some reason snatches it back, the case would come under Pr 2.

The factors for an offense here are three.

Object: a piece of any of the six allowable kinds of robe-cloth, measuring at least four by eight fingerbreadths.

Effort. One has given the cloth to another bhikkhu on one condition or another and then either snatches it back or has someone else snatch it back. In the latter case, one incurs a dukkaṭa in giving the order to snatch the robe, and the full offense when the robe is snatched. Perception (with regard to the recipient/victim) is not a mitigating factor here. If he actually is a bhikkhu, then the offense is a pācittiya regardless of whether one perceives him to be so. If he is not a bhikkhu, the offense is a dukkaṭa, again regardless of whether one perceives him as a bhikkhu or not.

Intention. One is impelled by anger or displeasure. The displeasure here, however, need not be great, as the Vibhaṅga makes an exemption for only one sort of intention under this rule, that of taking the cloth on trust (§).

Forfeiture & confession. A bhikkhu who has obtained robe-cloth in violation of this rule is to forfeit it and confess the offense. The procedures for forfeiture, confession, and return of the cloth are the same as under NP 1. The formula to use in forfeiting the cloth is given in Appendix VI.

Lesser offenses. There is a dukkaṭa for angrily snatching back from a bhikkhu requisites other than cloth; and for angrily snatching back any kind of requisite — cloth or otherwise — that one has given to someone who is not a bhikkhu. The Sub-commentary adds that to give robe-cloth to a layman planning to be ordained, and then to snatch it back in this way after his ordination, entails the full offense.

Non-offenses. According to the Vibhaṅga, there is no offense if the recipient returns the robe of his own accord or if the donor takes it back on trust (§). The Commentary's discussion of the first exemption shows that if the recipient returns the robe after receiving a gentle hint from the donor — "I gave you the robe in hopes that you would study with me, but now you are studying with someone else" — the donor incurs no penalty. But if the donor's hint shows anger — "I gave this robe to a bhikkhu who would study with me, not to one who would study with somebody else!" — he incurs a dukkaṭa for the hint, but no penalty when the recipient returns the robe.

Summary: Having given another bhikkhu a robe on a condition and then — angry and displeased — snatching it back or having it snatched back is a nissaggiya pācittiya offense.

26. Should any bhikkhu, having requested thread, have robe-cloth woven by weavers, it is to be forfeited and confessed.

The factors for an offense here are three.

- 1) *Object* thread or yarn of the six allowable types for robe-cloth, that a bhikkhu — with the purpose of making a robe — has requested from people who are not his relatives or who have not invited him to ask.

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- *2) Effort:* He takes this thread to weavers who are unrelated to him and have not offered their services for free, and gets them to weave him robe-cloth measuring at least four by eight fingerbreadths.
- *3) Result:* He receives the cloth.

Offenses. The Commentary provides a table that works out the various combinations of offenses here based on two variables: thread properly or improperly received, and weavers proper or improper for the bhikkhu to ask. Thread properly received is any that the bhikkhu has requested from people who are related to him or have invited him to ask. Similarly, weavers proper for him to ask are any who are related to him or have offered him their services.

If both the thread and the weavers are classed as not proper, there is a dukkaṭa in getting them to weave cloth, and a nissaggiya pācittiya in receiving the cloth when it is done.

There is a dukkaṭa in receiving the cloth if the thread is proper, but the weavers not; OR if the thread is not proper, but the weavers are. (For ease of remembrance: a dukkaṭa if one variable is proper and the other not.)

If both variables are proper, there is no offense.

The Commentary then has a field day working out the permutations if two different weavers — one proper and one improper — work on the cloth, or if proper and improper thread are used in the cloth — proper warp and improper woof, or alternating strands of proper and improper thread — which if nothing else goes to show how few truly burning issues have sprung up around this rule.

Forfeiture & confession. Robe-cloth received in a way that entails the full offense under this rule is to be forfeited and the offense confessed, following the procedure under NP 1.

Perception is not a factor here. Thus if the cloth was woven as a result of one's request, then even if one perceives it as not having been woven at one's request or if one is in doubt about the matter, one incurs the full offense. If, on the other hand, the cloth was not woven at one's request and yet one perceives it as having been woven at one's request — or one is in doubt about the matter — the penalty for receiving it is a dukkaṭa.

Non-offenses. The Vibhaṅga says that there is no offense "to sew a robe, or in a binding, in a belt, in a shoulder-strap, in a bag for carrying the bowl, or in a water-strainer." The Commentary interprets this as meaning that there is no offense in asking for thread or yarn to sew a robe or to make any of the other things listed. Because these articles are small, and because bhikkhus are allowed looms (Cv.V.28.2), perhaps they are things that bhikkhus could be expected to make themselves.

The non-offense clauses also say that there is no offense if they — the donors or the weavers — are relatives, if they have invited one to ask, if the cloth is for the sake of another, or if it is by means of one's own resources. These exemptions apply both to asking for thread and for getting weavers to weave cloth. As under NP 6 & 22, "for the sake of another" means that one may ask from one's own relatives or from those who have invited one to ask OR from relatives of the other person or people who have invited him to ask. Asking for his sake from people other than these would entail the full offense.

If the cloth is obtained by means of one's own resources — i.e., one arranges to pay for the thread and hire the weavers — the Commentary states that one is responsible for the cloth as soon as it is finished and fully paid for, regardless of whether it is delivered into one's possession. One must therefore determine it for use within 10 days of that date so as not to commit an offense under NP 1. If the weavers have promised to send word when the cloth is done, one's responsibility starts when one receives word from their messenger; if they have promised to send the cloth when done, one's responsibility begins when their messenger delivers it. The Commentary's statements here, however, conflict with the principle in Mv.V.13.13, in which the countdown on the time span of the cloth begins only when it is delivered to one's hand.

Summary: Taking thread that one has asked for improperly and getting weavers to weave cloth from it — when they are unrelated and have not made a previous offer to weave — is a nissaggiya pācittiya offense.

27. In case a man or woman householder unrelated (to the bhikkhu) has robe-cloth woven by weavers for the sake of a bhikkhu, and if the bhikkhu, not previously invited (by the householder), having approached the weavers, should make stipulations with regard to the cloth, saying, "This cloth, friends, is being woven for my sake. Make it long, make it broad, make it tightly woven, well woven, well spread, well scraped, well smoothed, and perhaps I may reward you with a little something"; and should the bhikkhu, having said that, reward them with a little something, even as much as almsfood, it (the cloth) is to be forfeited and confessed.

The origin story here starts like the origin story for NP 8 — a donor plans to clothe Ven. Upananda with a robe — but it contains two differences: Ven. Upananda interferes in the process of making the robe while it is still cloth being woven; and he addresses his stipulations, not to the donors, but to the weavers. The Buddha could have used this occasion as a chance to expand that rule, but he didn't — perhaps because the change in details required new definitions for the factors of effort and object. Under NP 8, "object" is fulfilled only by a finished robe; here, it is fulfilled simply by the cloth made by the weavers, whether sewn into a finished robe or not.

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The factors for an offense here are three.

Object: a piece of any of the six allowable types of robe-cloth, measuring at least four by eight fingerbreadths, which is being made for one's sake by the arrangement of a donor who is unrelated and has not given an invitation to ask.

Effort. One approaches the weavers and gets them to improve the cloth in any of the seven ways mentioned in the rule. Although the rule seems to indicate that the factor of effort is completed only when the weavers receive the promised reward, the Vibhaṅga says simply that it is completed when, as a result of one's statement, the weavers improve the cloth as requested. In addition, the non-offense clauses give no exemption for a bhikkhu who does not give the promised reward. Thus, the bhikkhu does not have to give the reward for this factor to be fulfilled. The commentaries follow the Vibhaṅga on this point, and add that the bhikkhu's statement need not even include a promise of a reward. As the Commentary puts it, the bhikkhu's words quoted in the rule are meant simply as an example of any way in which one might get them to add more thread to the cloth. The Sub-commentary, however, notes that of the seven ways of improving the cloth, only the first three involve added thread. Its implied conclusion is that any statement that succeeds in getting the weavers to improve the cloth in any of these seven ways would fulfill the factor of effort here, regardless of whether the improvement involves adding more thread.

As for the promised reward, the Vibhaṅga defines almsfood as covering anything of even the slightest material value — food, a lump of powder, tooth wood, unwoven thread, or even a phrase of Dhamma. (For example, the bhikkhu might try to get the weavers to improve the cloth by describing the merit they will gain by doing so.) Note, however, that almsfood is defined as the minimal amount of reward. There is no maximum on what might be promised. Thus, even if the bhikkhu promises to pay in full for any added materials or time that the weavers might devote to the robe, he does not escape fulfilling this factor of the offense. (Some have objected that it should be all right for the bhikkhu to pay in full for the improvements in the robe, but remember that to do so would be an insult to the donors.)

Result. One receives the cloth.

Offenses. The bhikkhu incurs a dukkaṭa when the weavers improve the cloth in line with his instructions, and the full offense when he receives it. The procedures for forfeiture, confession, and return of the cloth are the same as under NP 1. The role of perception — regarding whether the donors are one's relatives or not — is the same as under NP 8.

Non-offenses. There is no offense if —

- the donors are relatives,
- they have invited one to ask,
- one asks for the sake of another,
- one gets the weavers to make the cloth less expensive than the donors had ordered, or

- it is by means of one's own resources. (This last point refers only to cases where the bhikkhu was the one who had the weavers hired in the first place.)

Summary: When donors who are not relatives — and have not invited one to ask — have arranged for weavers to weave robe-cloth intended for one: Receiving the cloth after getting the weavers to improve it is a nissaggiya pācittiya offense.

28. Ten days prior to the third-month Kattika full moon, should robe-cloth offered in urgency accrue to a bhikkhu, he is to accept it if he regards it as offered in urgency. Once he has accepted it, he may keep it throughout the robe season. Beyond that, it is to be forfeited and confessed.

The *third-month Kattika full moon* is the full moon in October, or the first if there are two. This is the final day of the first Rains-residence, and the day before the beginning of the robe season.

Robe-cloth offered in urgency is any piece of the six allowable kinds of robe-cloth, measuring at least four by eight fingerbreadths, offered under the following conditions: The donor is someone who wants the greater merit that some people believe accrues to a gift of cloth given during the robe season, but who does not want to wait until the robe season to make an offering, either because his/her survival is in doubt — as when a soldier is going into war, a traveler is about to set out on a journey, or a woman has become pregnant — or because he/she has developed new-found faith in the religion. At any time from the fifth through the fifteenth day of the waxing moon at the end of the first Rains-residence (see BMC2, Chapter 11) he/she sends a messenger to the bhikkhus, saying, "May the venerable ones come. I am giving a Rains-residence (cloth)." (The Commentary adds that the donor can also simply bring the cloth to the bhikkhus him- or herself.) Out of compassion for the donor, the bhikkhus should accept the cloth and then, before putting it aside, mark it as robe-cloth offered in urgency. The cloth can then be kept throughout the robe season — the first month after the Rains if the kaṭhina is not spread; and the period during which the kaṭhina privileges are in effect if it is.

The question is, why mark it?

The Commentary argues that, because the cloth counts as Rains-residence cloth, it can appropriately be shared out only among bhikkhus who have kept the Rains-residence up to that point. If any other bhikkhu receives such a piece of cloth, he must give it back, as it belongs to the Community. Thus the mark is for the purpose of recognizing it as such. However, if this were the rationale, there would be no reason to treat the cloth any differently from other gifts of Rains-residence cloth. A more likely rationale for the mark is suggested by a later passage in the Commentary: Other gifts of cloth received during the last ten days of the Rains-residence carry a life span that can, under NP 1 or 3, extend past the end of the robe season. If, for instance, the cloth is offered five days before the end of the

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Rains, then after the end of the robe season, it can be kept — without determining it or placing it under shared ownership — for an additional five days; if it is not enough to make a robe, it can be kept for up to an additional 25. Robe-cloth offered in urgency, however — as the Vibhaṅga makes clear — carries a life-span that cannot extend past the end of the robe season. Thus, on receiving such a gift of cloth, one should mark it as such before putting it away so as not to forget its status when the end of the robe season approaches.

The factors for an offense here are two: *object* — robe-cloth offered in urgency; and *effort* — one keeps it past the end of the robe season: the dawnrise after the full moon one month after the end of the first Rains-residence if one does not participate in a kaṭhina, or the end of one's kaṭhina privileges if one does.

Perception is not a mitigating factor here. Thus the Vibhaṅga states that if, at the end of the robe season, one perceives a piece of robe-cloth offered in urgency as something else — say, as ordinary out-of-season cloth — and keeps it for the amount of time allowed for ordinary out-of-season cloth under NP 3, one commits the full offense all the same. The same penalty holds if the cloth has not been determined or placed under shared ownership and yet one keeps it past the end of the robe season, perceiving that it has.

As for robe-cloth that has not been offered in urgency, if one perceives it as having been offered in urgency or is in doubt about the matter, the penalty is a dukkaṭa. Arguing from the Commentary's explanation of the similar situation discussed under NP 1, the dukkaṭa here would be for *using* the cloth without having forfeited it after the robe season is ended.

The procedures for forfeiture, confession, and return of the cloth are the same as under NP 1. See Appendix VI for the Pali formula to use in forfeiting the cloth.

Non-offenses. There is no offense if, before the robe season is over, one determines the cloth, places it under shared ownership, or abandons it (gives it away or throws it away); if it is lost, destroyed, burnt, or snatched away; or if someone else takes it on trust.

Summary: Keeping robe-cloth offered in urgency past the end of the robe season after having accepted it during the last eleven days of the Rains-residence is a nissaggiya pācittiya offense.

29. There are wilderness lodgings that are considered dubious and risky. A bhikkhu living in such lodgings after having observed the Kattika full moon may keep any one of his three robes in a village if he so desires. Should he have any reason to live apart from the robe, he may do so for six nights at most. If he should live apart from it beyond that — unless authorized by the bhikkhus — it is to be forfeited and confessed.

The Vibhaṅga explains the phrase, "after having observed the Kattika full moon," as meaning that, having completed the first Rains-residence, one is now in the fourth month of the rainy season. As we noted under NP 2, that rule — unlike NP 1 & 3 — is not automatically rescinded during this month. However, the origin story to this rule indicates that this period was a dangerous time for bhikkhus living in wilderness areas, as thieves were active — perhaps because they knew that bhikkhus had just received new requisites, or simply because now that roads had become passable it was time to get back to their work. This rule was thus formulated to provide a bhikkhu living in a dangerous wilderness area with a safe place to keep a robe away from his lodging as long as certain conditions are met. The Commentary notes that this rule would be of special use to bhikkhus who have completed their robes, ended their kaṭhina privileges, and so want to settle down in the wilderness to meditate. If it so happens that a bhikkhu's kaṭhina privileges are still in effect, he has no need for the allowance under this rule because NP 2 is automatically rescinded as part of those privileges, which means that he can keep his robes in a safe place away from his lodging as long as he wants.

The Commentary defines the situation covered by this rule in terms of four factors:

- 1) A bhikkhu has spent the first Rains-residence (see BMC2, Chapter 11) without break.
- 2) He is staying in a wilderness lodging, defined in the Vibhaṅga as one at least 500 bow-lengths, or one kilometer, from the nearest village, this distance being measured by the shortest walkable path between the two and not as the crow flies. At the same time, he is not so far from a village that he cannot go for alms there in the morning and then return to eat in his lodging before noon.
- 3) The lodging is dubious and risky. According to the Vibhaṅga, *dubious* means that signs of thieves — such as their eating, resting, sitting, or standing places — have been seen within it or its vicinity; *risky* means that people are known to have been hurt or plundered by thieves there. Unlike other rules occurring later in the Pāṭimokkha that mention the vicinity of a lodging — such as Pc 15 & 84 — none of the texts define precisely how far the vicinity extends for the purpose of this rule. This lack of a precise definition also occurs in the other rule dealing with dangerous wilderness lodgings, Pd 4. Given the risks inherent in such places, perhaps it was felt unwise to delimit the area in too precise a manner. Thus, in the context of this rule, the "vicinity" of the lodging can be stretched to include any area where the presence of thieves leads to a common perception that the lodging is dangerous.
- 4) The time period for the extension is one month beginning the day after the end of the first Rains-residence.

A bhikkhu living in the situation complying with these four factors may keep one robe of his set of three anywhere in the village where he normally goes for alms, and — if he has a reason — may stay apart from it six nights at most. As usual, nights are counted by dawns.

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The factors for an offense here are two: *object* — any one robe of a bhikkhu's basic set of three; and *effort* — staying away from the robe for seven straight dawns (i.e., six straight dawns after first leaving it). Perception is not a mitigating factor here: Even if one thinks that the seventh dawnrise has not arrived when it actually has, one is not immune from the offense.

As the Sub-commentary points out, the Commentary and K/Commentary differ in their definition of the factor of effort here — in particular, as to what it means to be apart from one's robe. The difference centers on how the two commentaries interpret one of the non-offense clauses: "Having been apart for six nights, having entered the village territory (*gāma-sīmā*) again, having stayed there (to greet dawnrise), he departs." The K/Commentary interprets this as meaning that if, at the seventh dawnrise, one is in one's wilderness dwelling, one incurs the full offense, but if one enters the village territory for the seventh dawnrise, one can then leave the robes there for another six dawns. This means that the bhikkhu counts as being apart from his robe when it is placed in the village and he is in his wilderness lodging.

The Commentary, however, interprets the non-offense clause as covering a different and very particular situation: The bhikkhu is away from both the village and the lodging, and as the seventh dawnrise approaches he is closer to the village than the lodging. The non-offense clause allows him to enter the village, stay in the public hall or any other spot in the village, check up on his robe, and then return to his dwelling, free from an offense. From this interpretation, the Sub-commentary, following Bhadanta Buddhadatta Thera, concludes that the bhikkhu is not counted as apart from his robe when it is placed in the village and he is staying in his lodging. Thus he can leave the robe in the village for the entire fourth month of the rainy season, but if he leaves that lodging on business and lets his robe remain in the village, he may stay away from the lodging or the village only six dawns at a stretch.

There are minor problems with both interpretations. The Commentary's explanation of the non-offense clause seems forced, but the K/Commentary's interpretation ignores the Vibhaṅga's definition of "any reason" — i.e., "any business" — which under other rules indicates situations where a bhikkhu would be away from his lodging. The reason for this rule, as suggested by the origin story, was similar to that for NP 2: When the bhikkhus were away from their robes, the robes "were lost, destroyed, burned, eaten by rats." If the bhikkhu is staying in his lodging and going for alms in the village, he may check up on his robe every day to make sure that it is safe and sound. The Commentary's interpretation seems preferable, but both interpretations would fulfill what seems to be the purpose for the rule, so the question of which interpretation to follow is up to each Community.

None of the texts, by the way, define *village territory* in the context of this exemption. Apparently it has the same meaning as the village territory mentioned in Mv.II.12.7 which, according to the Commentary to that rule, includes not only the built-up area of the village but also any surrounding areas — such as land under cultivation — from which it collects taxes (see BMC2, Chapter 13).

Forfeiture & confession. A bhikkhu under these conditions who has been away from his robe for seven dawns is to forfeit it and confess the offense. The procedures for forfeiture, confession, and return of the robe are the same as under NP 1. The Pali formula for forfeiting the robe is in Appendix VI.

If seven dawns have not yet passed, and yet one thinks that they have or one is in doubt about the matter, the penalty is a dukkaṭa. As under NP 1, this penalty is apparently for *using* the robe.

Non-offenses. There is no offense for a bhikkhu who has stayed away from his robe six dawns or fewer than six; or

- if, having been apart from his robe six dawns, he enters the village territory again, stays there (to greet dawnrise), and departs;
- if, within the six nights, he rescinds the determination of the robe, places it under shared ownership, abandons it; or the robe gets lost, destroyed, burnt, snatched away, or taken by someone else on trust; or
- if he has been authorized by the Community to be apart from his robe. (This, according to the Commentary, refers to the authorization discussed under NP 2.)

As mentioned above, a bhikkhu is immune from an offense under this rule as long as his kaṭhina privileges are in effect, no matter how many nights he is away from any of his robes.

Summary: When one is living in a dangerous wilderness lodging during the month after the Rains-residence and has left one of one's robes in the village where one normally goes for alms: Being away from the lodging and the village for more than six nights at a stretch — except when authorized by the Community — is a nissaggiya pācittiya offense.

30. Should any bhikkhu knowingly divert to himself gains that had been allocated for a Community, they are to be forfeited and confessed.

"Now in Sāvattḥī at that time a certain guild had prepared a meal with robe-cloth for the Community, (thinking,) 'Having fed (the bhikkhus) we will clothe them with robe-cloth.'

"Then some group-of-six bhikkhus went to the guild and on arrival said, 'Give us these robe-cloths, friends.'

"'We can't, venerable sirs. We arrange alms with robe-cloth for the Community (like this) on a yearly basis.'

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"Many are the Community's donors, my friends. Many are the Community's supporters. It's in dependence on you, looking to you, that we live here. If you won't give to us, then who is there who will? Give us these robe-cloths, friends.'

"So the guild, pressured by the group-of-six bhikkhus, gave them what robe-cloth they had prepared and then served the meal to the Community. The bhikkhus who knew that a meal with robe-cloth had been prepared for the Community, but not that the cloth had been given to the group-of-six bhikkhus, said to the guild: 'Present the robe-cloth to the Community, friends.'

"There isn't any, venerable sirs. What robe-cloth we had prepared, the masters — the group-of-six bhikkhus — have diverted to themselves.'

"Those bhikkhus who were modest ... criticized and complained and spread it about: 'How can these group-of-six bhikkhus knowingly divert to themselves gains allocated for the Community?'"

Here there are four factors for an offense.

Object: any requisite — "robe-cloth, almsfood, lodgings, medicine, even a lump of powder, tooth wood, or unwoven thread" — that donors have indicated by word or gesture that they intend to give to a Community. As the Commentary notes, *donors* here include not only lay people in general, but also one's fellow bhikkhus and relatives — even one's own mother. The fact that a gift is allocated for a Community overrides all other considerations, even when one is ill.

Perception. One perceives that the donors have allocated the requisite for a Community. (§ — The various editions of the Canon differ with regard to the role of perception under this rule. The PTS edition essentially holds that perception is not a factor here, saying that if one diverts to oneself an item that has actually been allocated to a Community, then whether one perceives the item as allocated or not allocated or is doubtful about the matter, one incurs the full offense in every case. This reading is clearly mistaken, as it does not account for the word *knowingly* in the rule. The Burmese and Sri Lankan editions list the penalties for the same cases as follows: perceiving it as allocated, the full offense; in doubt about the matter, a dukkaṭa; perceiving it as not allocated, a dukkaṭa. The Thai edition lists the penalties as follows: perceiving it as allocated, the full offense; in doubt about the matter, a dukkaṭa; perceiving it as not allocated, no offense. This last reading is most consistent with the word *knowingly* in the rule and the Vibhaṅga's general treatment of rules that include this word. In particular, it corresponds to the parallel passage under Pc 82 as given in all four major editions, and is also supported by the K/Commentary to this rule even in its PTS edition. Thus we will adopt it here.)

All the editions of the Canon agree that if the item is not allocated for a particular recipient, there is a dukkaṭa for diverting it to oneself or anyone else if one perceives it as allocated or is doubtful about the matter, and no offense if one perceives it as not allocated.

This is the only NP rule where perception is a factor in the full offense.

Effort. One tries to persuade them that they should give it to oneself instead. (The texts make no allowance for *kappiya-vohāra* here.) This in itself, following on the first two factors, entails a dukkaṭa.

Result. One receives the article from the donors. This entails the full offense.

Forfeiture & confession. Any gains received in violation of this rule are to be forfeited and the offense confessed. The procedures here are the same as under NP 1. The Pali formula for forfeiting the gains is in Appendix VI.

Related offenses. If one knowingly tries to divert gains allocated for a Community to oneself, but the donors go ahead and give the gains to the Community anyway, then the Commentary says that one should not have a share in them. If one does receive a share from the Community, one should return it. If, instead of returning it, one shares it among lay people, the case is to be treated under Pr 2. This, however, seems unnecessarily harsh, for in the case where the donors *do* give the item to the bhikkhu who tries to divert it to himself, he can receive it back after having forfeited it and then use it as he likes. To impose a heavier penalty on a bhikkhu for not being successful in diverting items to himself seems unfair, and the Vibhaṅga's judgment here seems preferable: that the penalty in this case would simply be a dukkaṭa for fulfilling the factor of effort.

To divert items allocated for a Community to another individual entails a pācittiya under Pc 82. To divert items allocated for one Community of bhikkhus to another Community or to a shrine (*cetiya*) entails a dukkaṭa. The same holds true for diverting items allocated for a shrine to a Community, to an individual, or to another shrine; and for diverting items allocated for an individual to a Community, to a shrine, or to another individual. In all of these cases, there is no preliminary offense for the effort. The offense is incurred only when — assuming all the other factors are present — the factor of result is fulfilled.

The Commentary states that the term *individual* here can mean common animals as well as human beings, and that this last case thus includes even such things as saying, "Don't give it to that dog. Give it to this one." This point is well-taken: A bhikkhu has no business interfering with the gains that are to be freely given to another being, no matter what that being's current status (see AN III.58).

The Sub-commentary holds that once an item has been presented by a donor, there is nothing wrong in diverting it elsewhere. Thus, it says, taking flowers presented to one shrine and placing them at another — or chasing a dog away from food that has been given to it so that another dog can have a share — would be perfectly all right, but the Thai editors of the Sub-commentary state in a footnote that they disagree.

Non-offenses. The Vibhaṅga discusses the non-offenses under the rule in two different contexts. As we noted above, in its passage on perception it says that if one perceives a planned donation as not yet allocated for a particular recipient, one incurs no offense in diverting it to oneself or to others. In the non-offense clauses, however, aside from the standard exemptions, the Vibhaṅga states simply that if

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one is asked, "To whom should we give this?" one may answer, "Give wherever your gift would be used, or would be well-cared for, or would last long, or wherever your mind feels inspired." (Compare this answer with SN III.24.)

The K/Commentary treats these as two separate exemptions, but that creates two problems. (1) The first exemption would make the second one superfluous; (2) the commentators give no examples as to how one could take advantage of the first exemption without saying something unbecoming for a bhikkhu to say.

A better explanation is that the non-offense clause is meant as an example of how to avail oneself of the exemption given in the passage on perception in a way that does no violence to a bhikkhu's etiquette. In other words, this is how a bhikkhu can safely divert a donation to himself in a situation where he perceives that it is not yet allocated for a particular recipient. If the donors, inspired by his remarks, give the donation to him, he incurs no offense and has, at the same time, not abandoned a bhikkhu's proper demeanor.

The Commentary gives a similar example. It states that if donors come to a bhikkhu expressing a desire to give a gift to a Community, a shrine, or an individual bhikkhu, adding that they want to give it in line with his preference, he may say, "Give where you want." Again, if they are inspired by this remark and give the gift to him, he incurs no offense. The Commentary adds, though, that if the donors express a general desire to give without saying that they want to give in line with the bhikkhu's preference, he may say only what is stated in the non-offense clause. The Sub-commentary disagrees here, saying that even if the donors don't ask his advice he may still say, "Give where you want," if he perceives the donation as not yet directed to any particular recipient. This, however, falls in line with the K/Commentary's position that there are two non-offenses under this rule, and provides an added argument against that position. It is hard to imagine that the donors, without having asked for the bhikkhu's advice, would welcome it — even if he says, "Give where you want" — and easy to imagine that they would perceive it as an unbecoming form of hinting and scheming, which DN 2 identifies as wrong means of livelihood. As such, it would entail a dukkaṭa under the catch-all rule against misbehavior (Cv.V.36).

Summary: Persuading a donor to give a gift to oneself, knowing that he or she had planned to give it to a Community, is a nissaggiya pācittiya offense.

A bhikkhu who commits any of these thirty nissaggiya pācittiya offenses must first forfeit the item in question before confessing the offense. If he makes use of the item before forfeiting it, he incurs an extra dukkaṭa — except for money received in violation of NP 18 or 19, which would involve another nissaggiya pācittiya if used in trade. If the item gets lost, destroyed, or discarded before the bhikkhu forfeits it, he may simply confess a pācittiya.

Aside from cases where forfeiture must be made in the midst of a Community of four bhikkhus or more (NP 18, 19, & 22), the offender may forfeit the item to a single bhikkhu, to a group of two or three, or to a Community of four or more. Once he has confessed the offense, he is cleared of the penalty.

In cases where he must forfeit the item in the midst of the Community, he may not receive it in return. In the remaining cases, though, the item must be returned to him. Not to do so entails a dukkaṭa for the bhikkhu(s) to whom it is forfeited. In two cases — NP 22 & 23 — there are restrictions as to what a bhikkhu may and may not do with the item received in return after forfeiture, but apart from these rules he is free to use the returned item as he likes.

The act of forfeiture is thus symbolic in most cases, and the effect of the rules is more internal: The offender may not make use of the item until he has confessed his wrong doing, and this in itself should give him time to reflect on his actions. If the item has been obtained or made in an inappropriate way, the act of handing it over to another provides the opportunity to reflect on whether it is worth whatever greed, anger, or delusion it has sparked in one's mind. If the item has been held in possession either too long (as under NP 1 & 21) or not kept in one's care at the necessary time (such as NP 2), one can reflect on this evidence of one's carelessness and on the need for heightened mindfulness.

Offenses of this and the remaining categories in this book are classed as light offenses (*lahukāpatti*) and are also termed *desanā-gāmini*, meaning that they can be cleared through confession.

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Chapter 8.1
Pācittiya: The Lie Chapter

Pācittiya

As explained in the preceding chapter, this term is most probably related to the verb *pacinati*, "to know," and means "to be made known" or "to be confessed." There are 92 rules in this category, divided into eight chapters of ten, and one of twelve.

1. A deliberate lie is to be confessed.

"Now at that time Hatthaka the Sakyan had been overthrown in debate. In discussions with adherents of other religions, he conceded points after having denied them, denied them after having conceded, evaded one question with another, told deliberate lies, made an appointment (for a debate) but then didn't keep it. The adherents of other religions criticized and complained and spread it about..."

"The bhikkhus heard them... and having approached Hatthaka the Sakyan, asked him: 'Is it true, friend Hatthaka, that in discussions with adherents of other religions, you conceded points after having denied them, denied them after having conceded, evaded one question with another, told deliberate lies, made an appointment (for a debate) but then didn't keep it?'"

"Those adherents of other religions have to be beaten in *some* way or another. You can't just give them the victory!"

A deliberate lie is a statement or gesture made with the aim of misrepresenting the truth to someone else. The K/Commentary, summarizing the long "wheels" in the Vibhaṅga, states that a violation of this rule requires two factors:

- 1) *Intention*: the aim to misrepresent the truth; and
- 2) *Effort*: the effort to make another individual know whatever one wants to communicate based on that aim.

Intention. The aim to misrepresent the truth fulfills this factor regardless of what one's motives are. Thus "white lies" — made with benevolent intentions (e.g., to a person whose state of mind is too weak to take the truth) — would fall under this rule, so a bhikkhu who wants to shield an emotionally weak person from harsh truths has to be very skillful in phrasing his statements. Also, outrageous lies meant as jokes — to amuse rather than to deceive — would fall under this rule as well, a point we will discuss further in the non-offense section.

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Effort. According to the Vibhaṅga, to misrepresent the truth means to say that one has seen X when one hasn't, that one hasn't seen X when one has, or that one has seen X clearly when one is in doubt about the matter. This pattern holds for the other senses — hearing, smell, taste, touch, and ideation — as well. Thus to repeat what one has heard, seen, etc., even if it actually is misinformation, does not count as a misrepresentation of the truth under this rule, as one is truthfully reporting what one has seen, etc. If, however, one says that one believes in such misinformation — when one actually doesn't — one's statement *would* count as a misrepresentation of the truth and so would fulfill this factor.

According to the Commentary, *effort* here covers falsehoods conveyed not only by speech but also by writing or gesture. As for falsehoods conveyed by silence: Mv.II.3.3 states that if, while listening to the recitation of the Pāṭimokkha, one remembers that one has an unconfessed offense and yet remains silent about it, that counts as a deliberate lie; Mv.II.3.7 then goes on to impose a dukkaṭa for this kind of lie, which suggests that remaining silent in a situation where silence conveys a false message does not fulfill this factor for the full offense here.

Result is not a factor under this rule. Thus whether anyone understands the lie or is deceived by it is irrelevant to the offense.

In cases where a particular lie would fall under another rule — such as Pr 4, Sg 8 or 9, Pc 13, 24, or 76 — the penalties assigned by that rule take precedence over the ones assigned here. For instance, making a false but unspecific claim to a superior human state would entail a thullaccaya under Pr 4; falsely accusing another bhikkhu of a pārājika offense would entail a saṅghādisesa under Sg 8; falsely accusing him of a saṅghādisesa would entail a pācittiya under Pc 76; and falsely accusing him of a lesser offense would entail a dukkaṭa under that rule.

The Vinaya-mukha argues that this rule should take precedence in cases where a particular lie would entail only a dukkaṭa under any of the other rules — as in the last example — but this contradicts the Vibhaṅga.

Non-offenses. A bhikkhu who misrepresents the truth unintentionally commits no offense under this rule. The Vibhaṅga gives two examples: speaking quickly and saying one thing while meaning another. Its word for "quickly" — *davāya* — can also mean "in fun," but the Vibhaṅga itself, in a passage unusual for the non-offenses clauses, defines the term, limiting its meaning specifically to "hurriedly." In doing so, it conforms to a famous passage from MN 61 where the Buddha shows an empty water dipper to Rāhula, his son, telling him that anyone who feels no shame at uttering a deliberate lie is as empty of the virtues of a contemplative as the dipper is empty of water, and then advises Rāhula to train himself: "I will not utter a deliberate lie, even for a laugh."

The Commentary explains the Vibhaṅga's two exemptions as follows:

Speaking quickly means speaking before one has carefully considered the matter.

Saying one thing while meaning another means making a slip of the tongue, either out of stupidity or carelessness.

It also seconds the Vibhaṅga in not exempting inaccurate statements made in fun

from a penalty under this rule. It illustrates this point with several stories that convey a sense of what passed for humor among the less scrupulous bhikkhus of its time. In the first, a novice asks a bhikkhu, "Have you seen my preceptor?" and the bhikkhu, teasing the novice, responds, "Your preceptor's probably gone, yoked to a firewood-cart." In the second story, a novice, hearing the yapping of hyenas, asks a bhikkhu, "What's making that noise?" and the bhikkhu replies, "That's the noise of those who are lifting the stuck-in-the-mud wheel of the carriage your mother's going in." In addition, the Commentary quotes a few statements that today would be classified as exaggeration or sarcasm, saying that these, too, are forbidden by this rule.

Whatever humor these jokes originally contained has been so dulled by time that the statements now seem obviously unworthy of a bhikkhu. A bhikkhu at present whose sense of humor tends toward misrepresentation and exaggeration would do well to develop a similar perspective on his own jokes. This is not to deny the value or potential wisdom of humor; simply to note that a bhikkhu's sense of humor should be kept in service to his values, and that the most memorable wit is memorable precisely because it tells the straight truth.

As we noted above, a bhikkhu who speaks from mistaken assumptions — truthfully reporting any mistaken information he may have received or mistaken beliefs he may have thought up — does not come under this rule.

Broken promises. Mv.III.14.1–14 imposes a dukkaṭa on the act of making a promise with pure intentions but later breaking it. Because the texts make no mention of any circumstances beyond one's control that would exempt one from that penalty, a bhikkhu should be very careful of how he states his plans for the future. A special instance of breaking a promise — accepting an invitation to a meal but then not going — is treated under Pc 33.

Summary: The intentional effort to misrepresent the truth to another individual is a pācittiya offense.

2. An insult is to be confessed.

An insult is a gesture or statement, written or spoken, made with the malicious intent of hurting another person's feelings or of bringing him/her into disgrace. The Vibhaṅga analyzes the full offense under this rule in terms of three factors:

- *1) Effort:* One insults a person directly to his face, touching on any one of the ten topics for abuse (*akkosa-vatthu*) listed below.
- *2) Object:* The person is a bhikkhu.
- *3) Intention:* One's motive is to humiliate him.

Effort. The Vibhaṅga lists ten ways a verbal insult can be phrased: making remarks about the other person's

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- *race, class, or nationality* (You nigger! You bum! You Frenchman!);
- *name* (You really are a Dick!);
- *family or lineage* (You bastard! You son of a bitch!);
- *occupation* (You pimp! You capitalist pig!);
- *craft* (What would you expect from a guy who crochets?);
- *disease or handicap* (Hey, Clubfoot! Spastic!);
- *physical characteristics* (Hey, Fatty! Beanpole! Shrimp! Hulk!);
- *defilements* (You control freak! Fool! Queer! Breeder!);
- *offenses* (You liar! You thief!); or
- *using an abusive form of address*, such as, "You camel! You goat! You ass! You penis! You vagina!" (§) (All five of these come from the Vibhaṅga.)

(The category of "offense" — which literally means "falling" — contains an interesting sub-category, in that the noble attainment of stream-entry is, literally, "falling into the stream." Thus an insult along the lines of, "Some stream-winner you are!" would also fit under this category as well.)

These ten topics are called the *akkosa-vatthu* — topics for abuse — and appear in the following training rule as well.

As the examples in the Vibhaṅga show, the remark that fulfills the factor of effort here must touch on one of these topics for abuse and must be made directly to the listener: "You are X." It may be phrased either as sarcastic praise or as out-and-out abuse. The Commentary and Sub-commentary say that any insulting remark not listed in the Vibhaṅga would only be grounds for a dukkaṭa, but the Vibhaṅga defines the topics for abuse in such a general way that *any* term related to them in any way would fulfill this factor here.

Remarks made in an indirect or insinuating manner, though, would not fulfill this factor. *Indirect remarks* are when the speaker includes himself together with the target of his insult in his statement ("We're all a bunch of fools.") *Insinuating remarks* are when he leaves it uncertain as to whom he is referring to ("There are camels among us"). Any remark of this sort, if meant as an insult, entails a dukkaṭa regardless of whether the target is a bhikkhu or not.

All of the insults mentioned in the Vibhaṅga take the form of remarks about the person, whereas insults and verbal abuse at present often take the form of a command — Go to hell! F--- off! etc. — and the question is whether these too would be covered by this rule. Viewed from the standpoint of intent, they fit under the general definition of an insult; but if for some reason they would not fit under this rule, they would in most cases be covered by Pc 54.

Insulting remarks made about someone behind his/her back are dealt with under Pc 13.

Object. To insult a bhikkhu incurs a pācittiya; to insult an unordained person — according to the Commentary, this runs the gamut from bhikkhunīs to all other living beings — a dukkaṭa.

Intent. The Vibhaṅga defines this factor as "desiring to jeer at, desiring to scoff at, desiring to make (him) abashed." If, with no insult intended, a bhikkhu jokes about another person's race, etc., he incurs a dubbhāsita, regardless of whether the person is lay or ordained, mentioned outright or insinuatingly, and regardless of whether he/she takes it as a joke or an insult. This is the only instance of this class of offense.

The K/Commentary adds result as a fourth factor — the target of one's insult knows, "He's insulting me" — but there is no basis for this in either the Vibhaṅga or the Commentary. If one makes an insulting remark under one's breath, not intending to be heard — or in a foreign language, not intending to be understood — the motive would be to let off steam, which would not qualify as the intention covered by this rule. If one truly wants to humiliate someone, one will make the necessary effort to make that person hear and understand one's words. But if for some reason that person *doesn't* hear or understand (a loud noise blots out one's words, one uses a slang term that is new to one's listener), there is nothing in the Vibhaṅga to indicate that one would escape from the full penalty.

For this reason, whether the person addressed actually feels insulted by one's remarks is irrelevant in determining the severity of the offense. If one makes a remark to a fellow bhikkhu, touching on one of the topics for abuse and meaning it as an insult, one incurs a pācittiya even if he takes it as a joke. If one means the remark as a joke, one incurs a dubbhāsita even if the other person feels insulted.

Non-offenses. According to the Vibhaṅga, a bhikkhu who mentions another person's race, etc., commits no offense if he is "aiming at Dhamma, aiming at (the person's) benefit (*attha* — this can also mean "the goal"), aiming at teaching." The Commentary illustrates this with a bhikkhu saying to a member of the untouchable caste: "You are an untouchable. Don't do any evil. Don't be a person born into misfortune and going on to misfortune."

Another example would be of a teacher who uses insulting language to get the attention of a stubborn student so that the latter will bring his behavior in line with the Dhamma. This would entail no offense, but one should be very sure of the purity of one's motives and of the beneficial effect of one's words before using language of this sort.

Summary: An insult made with malicious intent to another bhikkhu is a pācittiya offense.

3. Malicious tale-bearing among bhikkhus is to be confessed.

Malicious tale-bearing is described in the Vibhaṅga with a series of examples in the following form: X makes remarks about Y touching on his race, name, or any of the other ten *akkosa-vatthu* listed in the explanation to the preceding rule. Z, hearing these remarks, goes to tell someone else — either W or Y himself — in hopes of causing a rift between X and his listener or of winning favor with his listener in case there is already a rift between the two. For example:

- a) X calls Y a bastard behind his back. Z tells Y, in hopes of ingratiating himself with Y.
- b) X makes racist remarks about Y to his face. Z knows that W is a friend of Y and hates racists, and so tells W what X said, in hopes of causing a rift between W and X.

Bhikkhu Z commits the full offense here when three factors are fulfilled: object, effort, and intent.

- *1) Object:* Both Z's listener and X are bhikkhus; X has made remarks about Y that qualify as a direct insult under the preceding rule (or, if he didn't make them in Y's presence, remarks that would have qualified as a direct insult had he done so).
- *2) Effort:* Z reports X's remarks to his listener verbally or by gesture (as in writing a letter),
- *3) Intent:* with the intent of ingratiating himself with his listener, or of causing a rift between his listener and X.

The K/Commentary adds a fourth factor — Z's listener understands what he is saying — but, as with the preceding rule, there is no basis for this in the Vibhaṅga.

Object. If either X or Z's listener — or both — are not bhikkhus, then the penalty for Z is a dukkaṭa.

If X's remarks qualified only as an indirect insult under the preceding rule — e.g., he said with reference to Y that, "There are camels among us" — then Z incurs a dukkaṭa if he reports them with the intent to ingratiate himself or cause a rift, regardless of whether his listener or X are bhikkhus or not.

The Sub-commentary states that there is a dukkaṭa for bearing tales dealing with matters other than remarks about the ten *akkosa-vatthu* — i.e., telling Y about things said or done by X, to make X appear in a bad light in hopes of winning favor or causing a rift — although some cases of this sort would come under Pc 13.

Effort. This rule is sometimes translated as dealing with slander — false tale-bearing — but as the examples in the Vibhaṅga show, it actually deals with true tale-bearing: X really does say insulting things about Y, and Z gives a true report. The Vinaya-mukha notes that if Z engages in false tale-bearing, then regardless of whether X and Z's listener are bhikkhus, Z incurs the full penalty under Pc 1.

Intent. To give a true report of such matters with motives other than those of winning favor or causing a rift entails no offense. Examples of this would include:

- informing a senior bhikkhu when one bhikkhu has accused another of a serious offense, so that an inquiry can be made for the sake of harmony in the Community; or
- telling a senior bhikkhu about a student of his who is making racist remarks, so that the senior bhikkhu can put a stop to it.

Summary: Telling a bhikkhu about insulting remarks made by another bhikkhu — in hopes of winning favor or causing a rift — is a pācittiya offense.

4. Should any bhikkhu have an unordained person recite Dhamma line by line (with him), it is to be confessed.

This is an offense with two factors:

- *1) Effort:* One gets a student to recite Dhamma line-by-line with oneself (which, as we shall see below, means to train the student to be a skilled reciter of a Pali Dhamma text).
- *2) Object:* The student is neither a bhikkhu nor a bhikkhun .

Only the first factor needs explanation, and is best treated under two headings: Dhamma and reciting line-by-line.

Dhamma the Vibhaṅga defines as "a saying made by the Buddha, his disciples, seers, or heavenly beings, connected with the teaching or connected with the goal." The Commentary devotes a long discussion to these terms, coming to the conclusion that *connected with the Dhamma* refers to the Pali Canon — in Pali, not in translation — as agreed on in the first three councils, while *connected with the goal (attha)* refers to the Mahā Aṭṭhakathā, the most revered ancient commentary (only in its original Pali version, the Sub-commentary says).

The ancient commentaries disagreed as to what other works would fit under this category, but Buddhaghosa's conclusion seems to be that — in the *Milinda Pañhā*, for example — Ven. Nāgasena's quotes of the Buddha's words would count, but not his own formulations of the teaching, and the same principle holds for other texts quoting the Buddha's words as well. The ancient commentaries are unanimous,

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though, in saying that *Dhamma* does *not* cover the Mahāyāna sūtras or any compositions (this would include translations) dealing with the Dhamma in languages other than Pali.

This interpretation, identifying *Dhamma* with particular Pali texts, has caused no controversy in the context of this rule — although it seems unlikely that the compilers of the Vibhaṅga would have had the commentaries in mind when they said, "connected with the goal" — but it *has* met with disagreement in the context of Pc 7, and so we will discuss it in more detail there.

Reciting line-by-line. To make someone recite line by line means to train him/her by rote to be a skilled reciter of a text.

Bhikkhus in the days of the Buddha committed the teachings in the Canon to memory to preserve them from generation to generation. Although writing was in use at the time — mainly for keeping accounts — no one used it to record teachings either of the Buddha or of any other religious teacher. The Pali Canon was not written down until approximately 500 years after the Buddha's passing away, after an invasion of Sri Lanka had threatened its survival.

The Vibhaṅga lists four ways in which a person might be trained to be a reciter of a text:

- 1) The teacher and student recite in unison, i.e., beginning together and ending together.
- 2) The teacher begins a line, the student joins in, and they end together.
- 3) The teacher recites the beginning syllable of a line together with the student, who then completes it alone.
- 4) The teacher recites one line, and the student recites the next line alone.

At present, reciters of the Vedas still use these methods when practicing their texts.

The origin story states that the Buddha forbade these methods of training unordained people because they caused the lay students to feel disrespect for the bhikkhus. The Vinaya-mukha explains this by noting that if a teacher made a slip of the tongue while teaching in this way, his students would look down on him for it. If this were the right explanation, though, the non-offense clauses would have listed "proper" ways of training novices and lay people to recite the Dhamma, but they don't.

A more likely explanation is that at the time of the Buddha the duty of memorizing and reciting the texts was considered the province of the bhikkhus and bhikkhunīs. Although some lay people memorized discourses (Mv.III.5.9), and bhikkhus of course taught the Dhamma to lay people, there was apparently the feeling that to teach non-ordainees to become skilled reciters of the texts was not good for the relationship between bhikkhus and the unordained. There are three possible reasons for this:

- 1) People may have felt that the bhikkhus were shirking their responsibilities by trying to pass their duty off onto others.
- 2) Brahmins at the time were very strict in not allowing anyone outside their caste to memorize the Vedas, and their example may have led lay people to feel disrespect for bhikkhus who were not equally protective of their own tradition.
- 3) A bhikkhu acting as a tutor for a lay person wishing to memorize the Dhamma might, over time, come to be seen as the lay person's hireling.

At present, the entire Canon is available in print, and even bhikkhus rarely commit it to memory, although they do frequently memorize parts of it, such as the Pāṭimokkha, the major discourses, and other passages chanted on ceremonial occasions. To train a lay person or novice to become skilled in reciting such teachings by rote would entail the full penalty under this rule.

Offenses are counted as follows: If teaching an unordained person to recite line-by-line, one incurs a pācittiya for each line; if teaching syllable-by-syllable, a pācittiya for each syllable.

Intention is not a mitigating factor here. Thus if a bhikkhu is training a mixed group of bhikkhus and novices, he incurs a pācittiya even if his intention is to train only the bhikkhus in the group.

Perception is also not a mitigating factor. If the person being trained is unordained, the bhikkhu incurs a pācittiya if he perceives him as unordained, a pācittiya if he is in doubt about the matter, and a pācittiya if he perceives him as ordained. If the person is ordained, then the bhikkhu incurs a dukkaṭa if he perceives him as unordained and a dukkaṭa if he is in doubt about the matter. Only if the person is ordained and the bhikkhu perceives him as ordained is he not grounds for an offense. *This pattern of six possibilities — three pācittiyas, two dukkaṭas, and one non-offense — is standard in many of the pācittiya rules where perception is not a mitigating factor.* We will note other rules in this chapter where this pattern also applies, but explain it in detail only here.

Non-offenses. Because this rule is aimed at methods of teaching, the Vibhaṅga states that there is no offense "for one made to recite in unison." This, says the Commentary, refers to a young bhikkhu who, in the process of learning a text, is told by his teacher to recite together with a novice who is also the teacher's student.

Also, there is no offense if a bhikkhu "rehearses" a passage in unison with unordained people. In the time of the Canon, this meant the practice of reciting a passage one had already memorized. At present, this would include the practice of bhikkhus reciting together with lay people who are reading from a text or reciting from memory — for example, during the evening chanting — and are not learning the text from the bhikkhus. The Commentary extends this allowance to include cases of bhikkhus learning a text from an unordained person, probably on the

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model of the Itivuttaka, which — according to its Commentary — the bhikkhus first learned from a servant woman who had memorized some of the Buddha's teachings that the bhikkhus had overlooked.

Finally, there is no offense if a bhikkhu corrects an unordained person who has memorized most of a passage or who is reciting in a confused manner.

Summary: To train a novice or lay person to recite passages of Dhamma by rote is a pācittiya offense.

5. Should any bhikkhu lie down together (in the same dwelling) with an unordained person for more than two or three consecutive nights, it is to be confessed.

As the Vinaya–mukha comments, "The Buddha originally laid down the rule forbidding the act of sleeping in the same dwelling with an unordained person so that lay people would not see the unsightly attitudes a bhikkhu might assume while asleep. But then when novices came into being they were classed as unordained people and so had no place to stay. The Buddha therefore relaxed the rule, allowing bhikkhus to sleep in the same dwelling with an unordained person no more than three nights running, thus also opening the way for them to sleep in the same dwelling with ordinary lay men."

The occasion for the first formulation of the rule was this:

"Now at that time, lay men came to the monastery to hear the Dhamma. After the Dhamma had been taught, each of the elder bhikkhus went to his own dwelling, while the newer bhikkhus went to sleep right there in the assembly hall with the lay men — with muddled mindfulness, unalert, naked, mumbling, and snoring. The lay men criticized and complained and spread it about, 'How can their reverences go to sleep with muddled mindfulness, unalert, naked, mumbling, and snoring?'"

The occasion for the final formulation was this:

"The bhikkhus said to Ven. Rāhula (who was a novice at the time), 'There is a training rule laid down by the Blessed One that (a bhikkhu) should not lie down together with an unordained person. Find yourself a place to sleep.' So Ven. Rāhula, not finding a place to sleep, went to sleep in the restroom. Then the Blessed One, getting up toward the end of the night, went to the restroom and on arriving cleared his throat. Ven. Rāhula cleared his throat.

"'Who's there?'"

"'It's me, venerable sir — Rāhula.'"

"'Why are you lying there?' (§ — reading *nipanno'sīti* with the Thai edition)

"So Ven. Rāhula told him what had happened."

There are two factors for the full offense here:

- 1) *Object* an unordained person.
- 2) *Effort*: (a) lying down, (b) together in the same dwelling with the unordained person, (c) for four nights running.

Object. The Vibhaṅga defines *unordained person* as anyone other than a bhikkhu. The Sub-commentary, citing the Three Gaṇṭhipadas, notes that this means males but not females, as there is another training rule, following immediately on this one, dealing specifically with females. According to the Commentary, *unordained person* includes not only human beings but also any animal large enough to have intercourse with. Again, the Sub-commentary would qualify this as "male animals" for the same reason.

Perception as to whether the other person is ordained is not a mitigating factor here (see Pc 4).

Lying down. To be lying down together with someone else means to be lying down at the same time as the other person is lying down within the area defined as a dwelling (see below). This factor is fulfilled whether the bhikkhu lies down when the other person is already lying there, or vice versa, or both lie down at the same time. Although there are other training rules where lying down is included under the term *sitting*, sitting is *not* included under the term *lying down* here. Whether the bhikkhu or the other person falls asleep is of no account.

If both parties get up and then lie down again, the bhikkhu incurs another pācittiya.

Dwelling. The Vibhaṅga defines the dwelling that can be grounds for a pācittiya here as a place completely roofed and completely walled, or mostly roofed and mostly walled. A place half-roofed and half-walled, it says, is grounds for a dukkaṭa, while a place (a) fully roofed but with no wall (e.g., an open pavilion), (b) fully walled but with no roof (e.g., a corral), or (c) less than half-roofed and less than half-walled, is not grounds for an offense.

Buddhaghosa quotes the Mahā Aṭṭhakathā, the major ancient commentary, as filling in all the other possibilities:

- *Grounds for a pācittiya*: a place
- fully roofed and mostly walled,
- fully roofed and half-walled,
- mostly roofed and half-walled,
- mostly roofed and fully walled,
- half-roofed and fully walled, or

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- half-roofed and mostly walled.
-
- *Grounds for a dukkaṭa*: a place
- fully roofed and less than half-walled,
- mostly roofed and less than half-walled,
- less than half-roofed and fully walled, or
- less than half-roofed and mostly walled.
-
- *Grounds for no offense*: a place
- half-roofed and less than half-walled,
- less than half-roofed and half-walled, or
- less than half-roofed and less than half-walled.

The Commentary notes that tents would fit under the definition of "place" here, and it would seem that vehicles — caravans in the time of the Buddha; automobiles, trains, buses and airplanes in ours — would fit here as well.

The same dwelling. Unfortunately, the Vibhaṅga does not say how far the boundary of a "single dwelling" would extend. For example, would each separate room in a house count as a separate dwelling? Would the entire house? Would an entire apartment building be a single dwelling? The Commentary tries to remedy this omission by introducing the factor of "having a single common entrance" or "being part of the same enclosure." (The Pali word it uses, *ek'ūpacāra*, has both meanings, and the Commentary makes use of both in its discussion.)

What it says is this: Even a seven-story palace or a building with 100 rooms would count as a single dwelling if all the rooms make use of a common entrance. If there are several buildings in a single enclosure, and one can go from one to another without stepping on outside ground, they would count as part of the same dwelling. If there is a building divided into units that are not connected by internal doorways, each unit having a separate entrance, the different units would count as separate dwellings. Locking or closing a door does *not* close off the doorway. Only if the door opening is bricked up or otherwise permanently sealed off does it no longer count as a doorway.

The Commentary admits that the "single entrance" factor is not mentioned in the Canon in connection with this rule but is borrowed from the idea of "single enclosure" in the Vibhaṅga to NP 2. It argues, though, that this factor is unavoidably bound up in the concept of "walled and roofed" and illustrates its point as follows: There is a two-room dwelling, composed of an antechamber through which one must pass to get to the inner chamber. A bhikkhu is sleeping in the inner chamber, and an unordained person in the antechamber. Now suppose that a stubborn Vinaya student maintains that if the door between the two rooms is closed, the bhikkhu is sleeping in a separate dwelling from the unordained person, while if the door is

open, they are in the same dwelling. His teacher then asks him, "Why are they in the same dwelling if the door is open?"

"Because the two rooms share the same roof and walls."

"And if the door is closed, does that destroy the roof and walls they had in common?"

"No, of course not. But the enclosure in which the bhikkhu is sleeping is marked by the door."

This, the Commentary says, shows that the notion of enclosure is part and parcel of the concept of dwelling, and that the stubborn student has defeated his own argument. Its reasoning here is probably more convincing in Pali than in English — because as we noted above, Pali uses the same word for enclosure and entrance — but even so the illustration does not carry much force when applied to such places as separate apartments in an apartment building and so leaves the issue unsettled as far as they are concerned.

The Vinaya-mukha notes that the factor introduced by the Commentary has implications that go far beyond the original purpose of this rule — and of the following rule, in which the concept of "single dwelling" is even more important. It suggests borrowing an additional factor from NP 2: the factor of separate residences or zones of ownership (the Pali word *kula* carries both meanings). Thus in a large building composed of separate residences — such as an apartment building, a hotel, or a hospital with private rooms — it suggests that each separate residence count as a separate dwelling.

Because the Canon gives no clear guidance on this point, the wise policy for an individual bhikkhu is to follow the views of the Community to which he belongs.

Nights here, as in other training rules, are counted by dawns. Thus if a bhikkhu is sleeping in the same dwelling with an unordained person but one of them gets up before dawnrise, that night does not count. If a bhikkhu has been lying down in the same dwelling with an unordained person for two nights running but then skips a night — for example, getting up before dawnrise at the end of the third night — the consecutive series is broken. If he then lies down in the same dwelling with an unordained person the next night, the counting starts again from one.

However, once he has been lying down in the same dwelling with an unordained person three nights running, then if after sundown on the fourth night he is lying down in the same dwelling in which a lay person is lying down — even if only for a moment — he incurs a pācittiya.

The Commentary interprets the phrase "after sundown" as meaning any time on the fourth day. In other words, there is no need to wait until the next dawn to count the fourth period of lying down together. As we noted above in the conclusion to the chapter on the saṅghādisesa rules, there was a tendency in the time of the Canon

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to call a 24-hour period of day and night a "night." For the purpose of this rule and the following one, this period apparently begins at sundown.

The Commentary also states that the unordained person need not be the same person each of the four nights, and the same principle holds true for the dwelling. In other words, if a bhikkhu lies down in a dwelling with novice X one night and then goes elsewhere and lies down in a dwelling with layman Y the next night and so on for four nights running, he commits an offense all the same.

Perception and intention are not mitigating factors here. Thus a bhikkhu lying down in the same dwelling with a novice whom he thinks to be another bhikkhu commits an offense all the same, as does a bhikkhu who miscounts the nights and lies down in the same room with an unordained person for what he thinks is his third night when it is actually his fourth.

In fact, this is a training rule that one may break without ever realizing it. Suppose a novice comes to lie down in a room where a bhikkhu is sleeping, and then gets up to leave before the bhikkhu awakens. If he does this for four nights running, the bhikkhu incurs a pācittiya even though he may never have been aware of what the novice was doing. Rules like this are the reason why many bhikkhus make a practice of confessing offenses even when they are not consciously aware of having committed them.

Non-offenses. To recapitulate some of the points from the above discussion: To lie down with an unordained person in a dwelling that would qualify as grounds for a pācittiya or a dukkaṭa is no offense as long as one does it no more than three days running. If, after lying down in the same dwelling with an unordained person for two nights running, one gets up before dawnrise at the end of the third night, one may resume lying down in the same dwelling with an unordained person the next night. Also, there is no offense in lying down any number of consecutive nights with an unordained person in a dwelling that would not qualify as grounds for an offense. And, there is no offense if one of the parties is sitting while the other is lying down, or if both parties are sitting (although see Pc 44 & 45).

The Vinaya-mukha comments that although this rule as it presently stands no longer fulfills its original purpose, bhikkhus should keep the original purpose in mind and avoid sleeping in the same place with an unordained person whenever possible. It would also be a wise policy to avoid sleeping out in a public park, on a public beach, in an unwallled pavilion, etc., in full view of the public, even though no offense would be involved.

It is also worth noting that this rule encourages bhikkhus to get up and meditate before dawn every day so that they can know for sure they haven't committed the offense here.

Summary: Lying down at the same time, in the same dwelling, with a novice or layman for more than three nights running is a pācittiya offense.

6. Should any bhikkhu lie down together (in the same dwelling) with a woman, it is to be confessed.

There are only two differences between this rule and the preceding one:

- 1) The factor of "object" here is fulfilled only by a female human being, "even one born that day, all the more an older one," regardless of whether she is related to the bhikkhu.
- 2) The four-night clause under "effort" is dropped, which means that the bhikkhu incurs a pācittiya the instant he lies down in the same dwelling with her.

Object. The Vibhaṅga states that female yakkhas, petas, nāgas, devas, and animals — as well as paṇḍakas (people born neuter or castrated men) — are grounds for a dukkaṭa here. The Commentary qualifies this by saying that *female animal* means one with which it is possible to have intercourse, and the phrase, *female yakkhas, petas, nāgas, and devas*, includes only those who make themselves visible.

Even if another man is present in the dwelling, it does not negate the offense.

Perception as to whether the other person is a woman is not a mitigating factor here (see Pc 4).

Intention is also not a mitigating factor. Thus a bhikkhu lying down in the same dwelling with a woman commits an offense regardless of whether he realizes that she is there.

The same principles regarding perception and intention also apply to paṇḍakas: A bhikkhu who lies down in the same room with a paṇḍaka whom he thinks to be an ordinary man commits a dukkaṭa; and the same is true for a bhikkhu lying down in a dwelling not knowing that a paṇḍaka is also lying down there.

Effort. A single dwelling is defined as in the preceding rule. Thus a bhikkhu sleeping in the same house as his mother, even if they are in separate rooms and another man is present, commits an offense all the same.

The primary point where this rule differs from the preceding one under the factor of effort is that a bhikkhu incurs a pācittiya the moment he is lying down in a dwelling at the same time a woman is lying there, with no need to count nights or dawns. This is expressed in the Vibhaṅga by saying, "If after sundown a bhikkhu is lying down when a woman is lying down, it is to be confessed."

The Sub-commentary interprets this as meaning that this rule applies only at night, but the non-offense clauses in the Vibhaṅga give no exemptions for daytime or "before sundown," which suggests that the Sub-commentary's interpretation is

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invalid. What the Vibhaṅga's statement means is that there is no need to wait until dawnrise to count the period of lying down together. As we noted under the preceding rule, there was a tendency in the time of the Canon to call a 24-hour period of day and night a "night," and for the purpose of these two rules, this period apparently begins at sundown. The Commentary, switching to our current practice of calling a 24-hour period a day, says, "In the preceding rule, the offense is on the fourth day. Here it is right from the first day."

Thus, no matter what time of day or night a bhikkhu lies down in the same dwelling with a woman, he immediately incurs a pācittiya.

The purposes of this rule. Another difference between this rule and the preceding one is the obvious point that they have different purposes. As the origin story shows, this rule is to prevent situations that might tempt a bhikkhu to commit a serious offense, such as a Pr 1 or Sg 2.

"Then the woman, having herself prepared a bed inside (her house) for Ven. Anuruddha, having put on her jewelry and scented herself with perfumes, went to him ... and said, 'Master, you are beautiful, good-looking, and appealing. I, too, am beautiful, good-looking, and appealing. It would be good if I were to be your wife.'

"When she said this, Ven. Anuruddha remained silent. So a second time... A third time she said to him, 'Master, you are beautiful, good-looking, and appealing. I, too, am beautiful, good-looking, and appealing. It would be good if you would take me together with all my wealth.'

"A third time, Ven. Anuruddha remained silent. So the woman, having slipped off her clothing, paraded up and down in front of him, stood, sat down, and then lay down in front of him. But Ven. Anuruddha, keeping control of his faculties, didn't as much as glance at her or say even a word.

"Then the thought occurred to her: 'Isn't it amazing! Isn't it astounding! Many men send for me at a price of 100 or even 1,000 (a night), but this monk, even when I myself beg him, doesn't want to take me together with all my wealth!' So, putting her clothing back on and bowing her head at his feet, she said to him: 'Venerable sir, a transgression has overcome me in that I was so foolish, so muddle-headed, so unskillful as to act in such a way. Please accept this confession of my transgression as such, for the sake of (my) restraint in the future.'"

Ven. Anuruddha was very advanced in the practice and so was able to get through the situation with his mindfulness and precepts intact. Many a lesser bhikkhu, though, would have succumbed right from the woman's first request, and so the Buddha formulated this rule for his protection.

This rule is also meant to prevent situations where suspicious people might think a bhikkhu has committed a serious offense even when he hasn't. Like Caesar's wife, a bhikkhu must not only *be* pure, he must *look* pure if he is to maintain his reputation. If a bhikkhu and a woman are seen going into a house together in the evening and leaving together the following morning, then even if they slept in separate rooms,

suspicious neighbors — and very few neighbors aren't suspicious of bhikkhus — would be quick to jump to conclusions. This is why no exemption is made for a bhikkhu who commits this offense unknowingly. Other people may know what is happening, and this is the sort of case where their opinion matters a great deal. For the same reason, the wise policy mentioned in the preceding rule applies even more forcefully here: A bhikkhu would be well-advised not to lie down with a woman in such places as parks, beaches, or unwalled pavilions even though in terms of the rules no offense would be involved.

There is some overlap between this rule and Pc 44 & 45, which deal with a bhikkhu sitting or lying down together in private with a woman (or women). Special cases covered by this rule not covered by those would include, for example, a bhikkhu and a woman lying down in separate rooms of the same dwelling; and a bhikkhu and a woman lying down in the same dwelling with another man present. Also, under those rules the questions of the bhikkhu's state of mind and his awareness of the situation are important factors. Here they are of no consequence: Even a bhikkhu with the purest state of mind — or completely unknowingly — incurs a pācittiya when lying down together with a woman in the same dwelling.

Non-offenses. There is no offense in lying down with a woman in a dwelling that under the preceding rule would not be grounds for an offense, i.e.,

- fully roofed but with no walls (e.g., an open pavilion),
- fully walled but with no roof (e.g., a corral),
- half-roofed and less than half-walled,
- less than half-roofed and half-walled,
- less than half-roofed and less than half-walled.

Still, as noted above, a bhikkhu would be well-advised to avoid such situations whenever possible, and to have another man present when not.

Summary: Lying down at the same time in the same dwelling with a woman is a pācittiya offense.

7. Should any bhikkhu teach more than five or six sentences of Dhamma to a woman, unless a knowledgeable man is present, it is to be confessed.

"Then Ven. Udāyin, dressing early in the morning and taking his bowl and (outer) robe, went to visit a certain family. At that time the lady of the house was sitting in the main entrance, while the daughter-in-law was sitting in the door to the inner chamber. So Ven. Udāyin went to the lady of the house... and whispered Dhamma into her ear. The daughter-in-law thought, 'Is this monk my mother-in-law's lover, or is he being fresh with her?' Then, having whispered Dhamma into the ear of the lady of the house, Ven. Udāyin went to the daughter-in-law... and whispered

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Dhamma into *her* ear. The lady of the house thought, 'Is this monk my daughter-in-law's lover, or is he being fresh with her?' After whispering Dhamma into the daughter-in-law's ear, Ven. Udāyin left. So the lady of the house said to the daughter-in-law, 'Hey. What did that monk say to you?'

"He taught me Dhamma, ma'am. And what did he say to you?'

"He taught me Dhamma, too.'

"So they criticized and complained and spread it about, 'How can Ven. Udāyin whisper Dhamma into women's ears? Shouldn't the Dhamma be taught openly and out loud?'"

The two factors for the full offense here are:

- 1) *Object* a female human being who knows what is and is not lewd, what is well-spoken and ill-spoken, and who has not asked one a question about the Dhamma.
- 2) *Effort*: One teaches her more than six sentences of Dhamma without a knowledgeable man present — i.e., a male human being who also knows what is and is not lewd, what is well-spoken and ill-spoken.

Object. The word *woman* covers *women* as well: If a bhikkhu is with two or more women but without a knowledgeable man present, he may teach them no more than five or six sentences of Dhamma. Perception as to whether the person being taught is a woman or a man is not a mitigating factor here (see Pc 4).

According to the Vibhaṅga, a female peta, deva, or animal (probably a nāga) in the form of a human woman are each grounds for a dukkaṭṭa here.

Effort. This factor contains two sub-factors requiring explanation: "Dhamma" and "six sentences."

Dhamma the Vibhaṅga defines in the same terms as under Pc 4: "a saying made by the Buddha, his disciples, seers, or heavenly beings, connected with the teaching, connected with the goal (*attha*)."

Precisely what this means is a point of controversy. The Commentary identifies "sayings made by the Buddha, his disciples, seers, or heavenly beings" with different parts of the Pali Canon — in Pali — and then treats "connected with the teaching, connected with the goal" as nouns, the first referring to the Canon, and the second to the ancient commentary named the Mahā Aṭṭhakathā. This last point is highly unlikely, as the Mahā Aṭṭhakathā did not yet exist when the Canon was being composed.

There are two alternatives to the Commentary's interpretation: One follows the Commentary in treating "connected with the teaching, connected with the goal" as nouns, but interprets them as meaning *any* statement dealing with the Dhamma, no matter what language it is in, and regardless of whether it is quoted from a text. Thus, according to this interpretation, anything a bhikkhu would say about the Dhamma — quoted from the Canon, from a later text, or of his own invention — would count as Dhamma here.

The second interpretation regards "connected with the teaching, connected with the goal" as adjectives modifying "sayings made by the Buddha, his disciples, seers, or heavenly beings." This makes more sense in terms of Pali syntax — the terms are in the masculine case, agreeing with the word *dhammo*, whereas they probably would have been in the neuter case had they been intended as nouns. This limits the meaning of *Dhamma* in this rule to passages from the Canon, but not necessarily in the Pali language. Translations from the Canon would also come under the rule, as there is a passage in the Cullavagga (V.33.1) where the Buddha allows bhikkhus to learn Dhamma each in his own language, thus showing, contrary to the Commentary, that Dhamma does not have to be in Pali to be Dhamma.

However, both interpretations have their adherents at present, and the question comes down to what one perceives to be the purpose of the rule. Adherents of the first interpretation say that the rule is designed to prevent the sort of suspicions that arise when a bhikkhu is talking at length alone with a woman, but this argument does not fit with the Buddha's allowance for a bhikkhu to give a talk when a woman asks him for instruction.

It is more likely that the rule is aimed at preventing a bhikkhu from using his knowledge of Dhamma as a come-on, a way of making himself attractive to a woman. As any man who teaches Dhamma soon learns, there are women who find such knowledge irresistible. To view the rule in this light makes either of the two interpretations tenable, so the wise policy is to adhere to the interpretation of the Community to which one belongs.

This rule applies to telephone conversations as well as to conversations in person, but because the Pv.1.5.7 notes that it deals only with the spoken word, it does not cover letters or other written communications.

Six sentences. As for the amount of Dhamma a bhikkhu may say to a woman or women without a knowledgeable man present, the Pali word for "sentence," (*vācā*), can also mean "word," but the Commentary states specifically that one *vācā* is approximately equal to a line of verse. The Sub-commentary goes on to say that the Commentary's definition here applies to poetry, while one *vācā* of prose is equal to the conjugation of a verb, i.e., six words. In either case, six *vācās* would amount to six sentences.

Offenses are counted as follows: If one is teaching the Dhamma line-by-line, one incurs a *pācittiya* for each line; if syllable-by-syllable, a *pācittiya* for each syllable.

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Conversations on other topics. Strangely enough, neither the Vibhaṅga nor the Commentary makes mention of conversations with women that do not touch on the Dhamma. The Sub-commentary notes this, and in one of its rare stabs at humor concludes, "It is perfectly all right to talk as much as you like about Tamils and that sort of thing."

Conversation that does not deal with the Dhamma, though, is termed "animal talk" (*tiracchāna-kathā*) in the Canon, and there are several passages (e.g., the Vibhaṅgas to Pc 21 & 85; Mv.V.6.3-4) that criticize group-of-six bhikkhus for engaging in animal talk: worldly talk about "kings, robbers, and ministers of state (politics); armies, alarms, and battles; food and drink; clothing, furniture, garlands, and scents; relatives; vehicles; villages, towns, cities, the countryside; women and heroes; the gossip of the street and the well; tales of the dead; also philosophical discussions of the past and future (this is how the Sub-commentary to Pc 85 explains 'tales of diversity'), the creation of the world and of the sea, and talk of whether things exist or not." The Sub-commentary notes, though, that to discuss any of these topics in a way to foster an understanding of the Dhamma — e.g., discussing the impermanence of worldly power — is not considered improper.

Although there is no specific penalty for indulging in such worldly talk, a bhikkhu who indulges in it with lay people, bhikkhus, or novices to the point where he becomes offensive to the Community may be subject to an act of censure, banishment, or suspension on the grounds of "unbecoming association with householders" or "verbal frivolity." Furthermore, a bhikkhu sitting alone with a woman (or women) engaging in such talk would be subject to the conditions of Pc 44 or 45 and Ay 1 or 2.

It is also worth noting in this regard that, unlike Pc 44 & 45 and Ay 1 & 2, this rule covers situations where either the bhikkhu or the woman, or both, are standing. In other words, if a bhikkhu and a woman are conversing while standing, he may teach her at most six sentences of Dhamma unless any of the non-offense clauses apply.

Non-offenses. There is no offense if, after the bhikkhu teaches the woman six sentences of Dhamma, either he or she changes position — stands up, sits down, etc. — and he continues with six more sentences. This point was most likely included to indicate separate conversations. Once a bhikkhu has taught five or six sentences to a woman, he may teach her again when they meet again and is not condemned to silence for the rest of his life.

Another exemption is that a bhikkhu, after teaching six sentences of Dhamma to one woman, may turn and teach six more sentences to another without incurring a penalty. Thus the Commentary notes that a bhikkhu addressing an assembly of 100 women may teach them a total of 600 sentences of Dhamma if he aims each set of six at a different woman.

A third exemption is that there is no penalty for a bhikkhu who is teaching Dhamma to someone else, and a woman happens to be listening in.

Finally, as noted above, if a woman asks a bhikkhu a question, he may give her a talk even if no other man is present. This exemption is common to all the rules that deal with instructing women (see Pc 21 & 22), but precisely what it means is somewhat uncertain, as none of the texts define how teaching Dhamma (*dhammaṃ deseti*) differs from giving a talk (*katheti*), if they differ at all. The Commentary notes simply that in giving a talk one is not limited to six sentences; its example of a 'talk' is a recitation of the complete Dīgha Nikāya (!), which shows that, as far as the commentators are concerned, teaching Dhamma and giving a talk are essentially the same. Thus a bhikkhu may answer a woman's question about Dhamma with a talk including as many sentences of Dhamma as he needs to make his point clear.

This allowance is important in that it honors a woman's desire to understand the Dhamma. A wise policy, though, would be to show restraint in such situations. The relationship of male teacher to female student has a long, well-known history of getting out of hand. Even if a bhikkhu is in control of himself in such conversations, passers-by — and the woman herself — can easily misconstrue his words and actions. So, wherever possible, he should go out of his way to guard himself against suspicion and misunderstandings in such cases by having a man present when talking alone with a woman, even though the special exemption is made.

Summary: Teaching more than six sentences of Dhamma to a woman, except in response to a question, is a pācittiya offense unless a knowledgeable man is present.

8. Should any bhikkhu report (his own) superior human state, when it is factual, to an unordained person, it is to be confessed.

The factors for the full offense here are two:

- 1) *Effort*: One reports one's actual attainment of a superior human state
- 2) *Object*: to an unordained person, i.e., any human being who is not a bhikkhu or bhikkhun .

The commentaries add an extra factor here — result — but this is based on the same misunderstanding that led them to add the same factor to Pr 4. See the explanation under "Understanding," below.

Effort is the only factor requiring explanation here.

The meaning of *superior human state* is discussed at length under Pr 4. In brief, it covers (a) jhāna, (b) the cognitive powers that can arise as its result, and (c) the transcendent attainments.

Factual is not explained in the texts, but probably means factual from the bhikkhu's own point of view. In other words, regardless of whether he has actually attained a superior human state, if he thinks he has and reports it to an unordained person, he

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commits an offense all the same. If he actually has attained such a state, e.g., jhāna, but thinks he hasn't, and yet claims that he has — in other words, he is telling what he thinks to be a lie — he incurs a pārājika.

To report, says the Vibhaṅga, means to speak directly of one's own attainments, as explained under Pr 4 — i.e., to claim that the state is present in oneself or that one is present in the state. To speak indirectly of one's own attainments — e.g., "The bhikkhu who lives in this dwelling enters jhāna at will" — entails a dukkaṭa. According to the Commentary, gestures fall under this rule as well. Thus, if a bhikkhu who has attained stream-entry nods when asked by a lay person if he has any noble attainments, his nod would fulfill the factor of effort here. As under Pr 4, the use of idioms to express a superior human attainment would fulfill the factor of effort as well.

The origin story to this rule deals with bhikkhus who, as a tactic for getting almsfood in a time of scarcity, had agreed to speak of one another's superior human states to householders. This would seem to suggest that to speak of another bhikkhu's actual attainment of superior human states with such motives in mind — e.g., hoping to get a share of the increased gains he might receive — should entail a penalty too, but none of the texts mention this point, so it is not an offense. Still, any bhikkhu who plans to act in such a way, on the grounds that whatever is not an offense is perfectly all right, should remember that the Buddha criticized the bhikkhus in the origin story in very strong terms.

Understanding. The Vibhaṅga contains a series of situations in which understanding is a factor, paralleling a similar series given under Pr 4. In each of the situations, a bhikkhu means to claim one superior human state but ends up claiming another. None of the texts mention this point, but apparently both the state intended and the state mentioned are actually present within him. At any rate, if he realizes his slip of the tongue, he incurs a pācittiya; if not, a dukkaṭa.

Unlike Pr 4, the bhikkhu's understanding when he makes an indirect claim to a superior human state here is not an issue. He incurs a dukkaṭa whether he understands the implications of his statement or not.

Intention is not a factor under this rule. Thus, whether one has a skillful or an unskillful motive for mentioning one's factual superior human attainments to an unordained person is irrelevant to the offense.

Non-offenses. The Vibhaṅga lists only two non-offense clauses: There is no offense in reporting one's own superior human attainments to another bhikkhu or to a bhikkhunī, and there is no offense for the original instigators of the rule. The Commentary, noting the absence of the usual exemption for one who is insane, explains it as follows: A person who has attained any of the noble attainments can never become insane; a person who has attained jhāna can become insane only after his/her ability to attain jhāna has been lost. A bhikkhu in the latter category has no right to claim jhāna as a state "present in himself" and therefore does not deserve an exemption under this rule. This last point, however, conflicts with the Vibhaṅga, which includes claims stated in the past tense — for example, "I have

attained the first jhāna" — as examples of legitimate claims. A more likely explanation for the lack of the blanket exemptions under this rule is that they are already exempted under Pr 4.

As for the first exemption, allowing a bhikkhus to claim his factual attainments to another bhikkhu or bhikkhunī, a series of stories in the Vinita-vatthu to Pr 4 raises some points to bear in mind in such situations. A typical example — the stories differ only in minor details — is this:

"Then Ven. Mahā Moggallāna, as he was descending Vulture Peak Mountain, smiled at a certain place. Ven. Lakkhaṇa said to him, 'Friend Moggallāna, what is the reason, what is the cause for your smile?'

"This is not the time, friend Lakkhaṇa, to answer this question. Ask me in the presence of the Blessed One.'

"So Ven. Lakkhaṇa and Ven. Mahā Moggallāna... went to the Blessed One and, on arrival, having bowed down to him, sat to one side. As they were sitting there, Ven. Lakkhaṇa said to Ven. Mahā Moggallāna, 'Just now, friend Moggallāna... you smiled. What was the reason, what was the cause for your smile?'

"Just now, my friend... I saw a man immersed head and all in a pit of excrement, feeding on excrement with both hands. The thought occurred to me, 'Isn't it amazing, isn't it astounding, that there is a being even like this...'"

"Bhikkhus criticized and complained and spread it about, 'Ven. Moggallāna is boasting of a superior human state!'

"Then the Blessed One said to the bhikkhus, 'Actually, bhikkhus, there *are* disciples of vision and knowledge who will know or see or bear witness like this. Once I myself saw that being but I didn't disclose it. Had I disclosed it, others would not have believed me... and that would have been to their long-term pain and detriment. That being, bhikkhus, was once a corrupted brahman right in this very same Rājagaha. He, in the time of the Buddha Kassapa, having invited a Community of bhikkhus to a meal, having filled a trough with excrement and announcing the time, said, "Venerable sirs, eat from this and take with you as much as you like." Having been boiled in hell as a result of that action for many years, many hundreds of years, many thousands of years, many hundreds of thousands of years, he is now — through the remainder of the result of that very same action — experiencing existence as an individual like this. Moggallāna spoke truly, bhikkhus. There is no offense for him.'"

Ven. Moggallāna's conduct here — waiting until he is in the presence of his teacher before relating his vision — has become a model for conduct among meditators, for as the bhikkhus' reaction and the Buddha's comments make clear, there are situations where the act of relating one's visions, etc., even when allowed, will serve no positive purpose.

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Displaying psychic powers. A related rule at Cv.V.8.2 states that to display psychic powers to lay people is a dukkaṭa. In the origin story leading up to that rule, the Buddha levels strong criticism at such an act: "Just as a woman might expose her vagina for a miserable wooden *māsaka* coin, so too have you displayed a superior human state, a wonder of psychic power, to lay people for the sake of a miserable wooden bowl."

To display psychic powers to anyone who is not a lay person, though, is no offense. Thus, given the way these two rules are framed, one may not tell a novice of one's powers but may levitate before his very eyes.

Summary: To tell an unordained person of one's actual superior human attainments is a pācittiya offense.

9. Should any bhikkhu report (another) bhikkhu's serious offense to an unordained person — unless authorized by the bhikkhus — it is to be confessed.

"At that time Ven. Upananda the Sakyan had gotten into a quarrel with some group-of-six bhikkhus. Having committed an offense of intentional emission of semen, he asked the Community to grant him probation... Now at that time a certain guild in Sāvattī was presenting a meal to the Community. Ven. Upananda, being on probation, sat in the last seat in the meal hall. The group-of-six bhikkhus said to the lay people, 'Friends, this Ven. Upananda the Sakyan, your esteemed dependent, emitted semen having attacked (himself) with the very same hand with which he is eating your gift of faith... (This is why), being on probation, he is sitting in the last seat.'"

There are two factors for the full offense here:

- 1) *Object* a serious offense committed by another bhikkhu.
- 2) *Effort*: One reports it to an unordained person without having been authorized to do so by the Community.

Object. The Vibhaṅga states that *serious offense* means any of the four pārājika or thirteen saṅghādisesa offenses, while Buddhaghosa reports the ancient commentaries as saying that it covers only the saṅghādisesas. His discussion of this point is interesting for the light it throws on the history of the texts: He presents two arguments for the commentaries' position, effectively demolishes them, but then backs down and ends up siding with them. Why he does this is hard to say, although it may be that he himself disagreed with the ancient commentaries on this point but was forced to side with them by the elders of the Mahāvihāra who were responsible for putting the seal of approval on his work.

At any rate, the details of the argument lie outside the scope of this guide. The Vinaya-mukha has already adopted Buddhaghosa's arguments against the ancient

commentaries here, and we will simply follow our usual policy of siding with the Vibhaṅga wherever the other texts depart from it. *Serious offense* means both the four pārājikas and the thirteen saṅghādisesas.

A bhikkhu's non-serious offenses are grounds for a dukkaṭa.

Perception as to whether the bhikkhu's offense is serious is not a mitigating factor. If it actually is serious, then whether one perceives it as serious, not serious, or doubtful, it is grounds for a pācittiya. If it actually is not serious, then regardless of how one perceives it, it is grounds for a dukkaṭa. In other words, the pattern set out under Pc 4 does not hold here.

An unordained person's misbehavior — serious or not — is also grounds for a dukkaṭa. (§ — BD translates the passage on which this last point is based as, "tells one who is not ordained of a transgression" when it should read, "tells of an unordained person's transgression.") According to the Commentary, *serious misbehavior* on the part of an unordained person means breaking any of the five precepts. Anything else would count as not serious.

This dukkaṭa penalty for informing an unordained person about another unordained person's transgressions of the precepts, though frequently overlooked in discussions of this rule, is important. It seems aimed at keeping bhikkhus from being gossips, so that novices and lay people may seek advice from a bhikkhu concerning the difficulties they have in observing the precepts without fear that he will spread the news to other unordained people as well.

This also helps preserve the good faith of donors: They can give their support to the bhikkhus without fear that the recipients of their support might be gossiping about their lapses in the practice behind their backs. If donors were to learn that a bhikkhu *had* been gossiping about them, they might become so disgusted as to withdraw their support from the religion as a whole.

Effort. *Unordained person* here means anyone who is not a bhikkhu or a bhikkhunī.

To report an offense to an unordained person means to tell him/her both the action and the class of the offense. Thus, to say, "Ven. Upananda committed a saṅghādisesa by masturbating," would fulfill the fact of effort here; while to say simply, "Ven. Upananda committed a saṅghādisesa," or "Ven. Upananda masturbated," would not, and would not even be grounds for a lesser offense. None of the texts discuss the question of whether the same principle would apply to the offenses of an unordained person.

This allowance, which looks strange on the surface, was made apparently for such cases as when a lay person, seeing a senior bhikkhu sitting at the end of the line, might ask one of the other bhikkhus why. A bhikkhu would be well-advised, though, to examine his motives before making use of this allowance, for to take advantage of it to discredit a fellow bhikkhu would be to incur a dukkaṭa under Pc 13. Though the penalty is minor, little acts and minor offenses of this sort are often the ones most destructive to the harmony of the Community.

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The authorization. The Vibhaṅga does not give any indication of when the Community should authorize a bhikkhu to tell unordained people about another bhikkhu's serious offense. As the Vinaya-mukha sees it, the purpose of the training rule is to prevent bhikkhus from advertising one another's faults among people outside the Community. However, there are cases, it says, where a bhikkhu may commit a serious offense and refuse to acknowledge it, as when committing a pārājika and yet continuing to assume the status of a bhikkhu, or committing a saṅghādisesa and refusing to go through the procedures for rehabilitation. Thus the Community in such cases is allowed to authorize one of its members to inform lay people, such as the bhikkhu's supporters, as a way of exerting pressure on him to submit to his penalty.

According to the Commentary, though, the authorization is to be used in cases where the Community feels that the act of informing the laity would help to convince a well-intentioned but weak-willed bhikkhu who repeatedly commits saṅghādisesa offenses — even if he willingly undergoes the period of penance — to mend his ways.

Both interpretations fit with the Canon, although it should be borne in mind that using the authorization in line with the Vinaya-mukha's rationale — to exert pressure on a bhikkhu who refuses to undergo a penalty — can often backfire, for the laity may simply think that the Community is jealous of the support they are giving to the bhikkhu they assume to be innocent of any wrong-doing.

The Vibhaṅga also does not tell how to issue the authorization. The Commentary recommends using the form of a declaration (*apalokana*) stated three times and unanimously agreed to by the Community meeting within a single territory (see BMC2, Chapter 12).

The Vibhaṅga does state, though, that when giving the authorization, the Community may limit it to families, to offenses, to both, or to neither. *Limited to families* means that the bhikkhu receiving the authorization may inform only certain specified families. *Limited to offenses* means that he may report only certain of the guilty bhikkhu's offenses. A bhikkhu who oversteps the limits of his authorization incurs a pācittiya.

Non-offenses. We have already covered the cases that the Vibhaṅga includes in the non-offense clauses. To recapitulate: There is no penalty —

- 1) in telling an unordained person about another bhikkhu's serious offense if one states the action but not the class of offense, or the class but not the action; or
- 2) in reporting another bhikkhu's serious offense — action and class of offense — to an unordained person when one has been properly authorized to do so, as long as one does not overstep the bounds of one's authorization.

Summary: Telling an unordained person of another bhikkhu's serious offense — unless one is authorized by the Community to do so — is a pācittiya offense.

10. Should any bhikkhu dig soil or have it dug, it is to be confessed.

This is an offense with four factors: object, effort, perception, and intention.

Object. The Pali word for soil, *paṭhavi*, also means ground or earth. Thus the Vibhaṅga distinguishes which forms of earth are and are not classed as genuine soil:

Pure loam, pure clay, whatever is mostly loam or clay with a lesser portion of rock, stones, potsherds, gravel, or sand mixed in, is classed as "genuine" (or "natural") soil (*jātā paṭhavi*).

Whatever is pure rock, stones, potsherds, gravel, or sand, or any of these with a lesser portion of loam or clay mixed in, is earth classed as "ungenuine" (or "denatured") soil (*ajātā paṭhavi*). Also, burnt clay or loam — according to the Commentary, this means soil that has been burnt in the course of firing a bowl, a pot, etc. — is not classed as genuine soil. As for heaps of loam or clay that have been dug up: If they have been rained on for less than four months, they are not classed as genuine soil; but if rained on for four months or more, they are. Also, the layer of fine dust that forms on the surface of dry soil as the result of wind erosion is not classed as genuine soil.

The words for "genuine" and "not genuine" — *jāta* and *ajāta* — also mean "born" and "not born." These terms are apparently related to the ancient Indian belief that soil is a form of one-facultied life (see below). The distinction between them seems based on an intuited idea that rock, sand, etc., were not alive, whereas clay and loam were naturally alive, although they would lose life when dug up and regain life when rained on for four months or more.

As the Commentary makes clear in discussing the Vibhaṅga's non-offense clauses, there is no penalty in digging earth not classed as genuine soil. Thus, for example, digging into a pile of newly dug-up loam or drawing diagrams in the dust on top of dry soil would not be an offense.

Effort. The Vibhaṅga says that the term *digging* also covers burning, i.e., firing pottery; and breaking, i.e., making a furrow with a rake or a stick. Thus, using a stick to draw in the soil or driving in a stake or pulling one out in such a way as to disturb the surrounding soil would fulfill the factor of effort here.

The Vibhaṅga adds that if one gives a single command to dig, then no matter how much the person digs, the offense is a single pācittiya.

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Perception. If one perceives a patch of genuine soil not to be genuine soil, it is not grounds for an offense. If one is in doubt as to whether a patch of earth is classed as genuine soil, it is grounds for a dukkaṭa regardless of whether it is actually classed as genuine soil or not.

Non-offenses. Because perception and intention are mitigating factors here, there is no offense for the bhikkhu who digs soil —

- *unknowingly* — e.g., digging into a pile of soil perceiving it to be sand;
- *unthinkingly* — e.g., absent-mindedly drawing in the dirt while talking with someone else; or
- *unintentionally* — e.g., raking leaves, pulling a wheelbarrow through the mud, or digging in a pile of sand and accidentally digging into the soil underneath.

Also, there is no offense in asking for clay or soil, or in indicating a need for a hole in the ground, without expressly giving the command to dig. Examples in the Vibhaṅga: "Know this. Give this. Bring this. This is wanted. Make this allowable." Present examples would include such statements as, "Please get me some clay to make a pot." "We're going to need a hole right here." According to the Commentary, an explicit request that a reservoir or pit, etc., be dug also entails no penalty as long as one does not say precisely where to dig it. ("We're going to have to drain the water from A to B, so dig the trench wherever you think it would do the job best.") This sort of request or hint is termed *kappiya-vohāra* — "allowable expression," or in plain English, "wording it right" — and often finds use in the context of rules where an express command would be an offense, but an indication of a desire or intent would not.

The Commentary quotes the ancient commentaries as saying that if another person or animal has fallen into a pit, there is no penalty for digging the victim out. The same holds true if another person or animal is trapped by a fallen but still-living tree: The bhikkhu may cut the tree to free the victim without incurring a penalty under the following rule.

Although the Commentary cannot find any justification in the Canon for these opinions, it states that they should be accepted because they are the unanimous judgment of the ancient commentaries. As we have noted before, Buddhaghosa does not always accept even the unanimous judgment of the ancient commentaries, but perhaps he felt that these were cases in which it would be better to err on the side of compassion rather than strictness.

However, the Commentary goes on to say that if a bhikkhu falls into a pit himself, he should not dig any earth that would be classed as genuine soil, even for the sake of his life. The same holds true if he is trapped by a fallen but still-living tree: He may not cut the tree even though his life is in danger.

In line with Cv.V.32.1, which allows a bhikkhu to light a counter-fire to ward off an approaching wildfire, the Commentary to Pr 3 states that one may also dig a moat to ward off such a fire without incurring a penalty under this rule.

The reason for this rule, as indicated by the origin story, is that people in general at the time of the Buddha viewed soil as having a form of one-facultied life. The Jains, who were contemporaries of the Buddha, classed life into five categories according to the number of senses or faculties the living thing possessed. In the one-facultied category, where there is only the sense of touch, they included soil and vegetation. One scholar has suggested that the Jains here were simply systematizing an animist belief, predating their theories, that soil and plants had souls. At any rate, this sort of view was so widespread at the time that any potters who were meticulous in their precepts would take their clay only from termite nests and other piles of dug-up earth. The Ghaṭṭikāra Sutta (MN 81) describes a potter — a non-returner in the dispensation of the Buddha Kassapa — who, even though he was a lay man, would take the earth for his pots only from collapsed embankments and the piles of dirt around rat holes so as to avoid injuring the soil.

Another consideration, carrying more weight at present, is that the act of digging soil risks killing or injuring whatever animals might be living there.

This rule, together with the following one, also effectively prevents bhikkhus from engaging in agriculture.

Summary: Digging soil or commanding that it be dug is a pācittiya offense.

Buddhist Monastic Code I
Chapter 8.2
Pācittiya: The Living Plant Chapter

11. The damaging of a living plant is to be confessed.

"A certain Āḷavī bhikkhu was chopping down a tree. The devatā living in the tree said to the bhikkhu, 'Venerable sir, do not chop down my home to build a home for yourself.' The bhikkhu, disregarding her, kept right on chopping and injured the arm of the devatā's child. The devatā thought: 'What if I were to kill this bhikkhu right here?' Then another thought occurred to her: 'But no, that wouldn't be proper... What if I were to tell the Blessed One of what has happened?' So she went to the Blessed One and... told him of what had happened.

"Very good, devatā, very good. It's very good that you didn't kill the bhikkhu. If you had killed him today, you would have produced much demerit for yourself. Now go, devatā. Over there is a vacant tree. Go into it.' (The Commentary adds here that the tree, being in Jeta's Grove, was a definite move up for the devatā. She had a front-row seat for overhearing the Buddha's teachings well into the night; unlike other lesser devas she wasn't pushed out to the far reaches of the galaxy when large groups of major devas met with the Buddha; and when the Four Great Kings came to attend to the Buddha, they always made a point of visiting her before leaving. However:)

"People criticized and complained and spread it about, 'How can these Sakyan-son monks cut down trees and have them cut down? They are mistreating one-facultied life.'"

This is another offense with the four factors of object, effort, perception, and intention.

Object. The Pali term for living plant — *bhūtagāma* — literally means the home of a being. This the Sub-commentary explains by saying that devatās may take up residence in plants standing in place by means of a longing on which their consciousness fastens (at the end of their previous lives) as in a dream. This rule is justified, it says, in that the etiquette of a contemplative precludes doing harm to the abodes of living beings. As the origin story shows, though, the reason this rule was laid down in the first place was to prevent bhikkhus from offending people who held to the animist belief that regarded plants as one-facultied life having the sense of touch.

The Vibhaṅga defines *bhūtagāma* as vegetation arising from any of five sources:

- 1) from bulbs, rhizomes, or tubers (e.g., potatoes, tulips),

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- 2) from cuttings or stakes (e.g., willows, rose bushes),
- 3) from joints (e.g., sugar cane, bamboo),
- 4) from runners (e.g., strawberries, couch grass), or
- 5) from seeds (e.g., corn, beans).

According to the Commentary, a whole plant or part of one that has been removed from its original place is no longer classed as bhūtagāma. If it is capable of growing again when placed in the ground, it is classed as *bījagāma*, which means "home of a seed." When a seed is sown, it is regarded as bījagāma until the first shoot turns a fresh green color and the first leaf appears. After that it is regarded as bhūtagāma.

In line with this criterion, the Commentary classifies as bījagāma such lower forms of plant life as mushrooms that still have their spores, fungi, lichens without leaves, and molds, in that they do not pass through a fresh green stage, have no discernable leaves, and yet are capable of regeneration. Mushrooms that have lost their spores, and parts of any plants that have been removed from place and will not grow, or that have been cooked or otherwise damaged to the point where they are incapable of generation, are not grounds for an offense under this rule.

The Commentary asserts further that to damage bījagāma entails a dukkaṭa. The Vibhaṅga does not mention this point, but the Commentary cites as its justification a passage occurring in a number of suttas (such as DN 2) saying that a bhikkhu consummate in virtue refrains from harming both bhūtagāma and bījagāma. In doing so, the Commentary is utilizing the Cullavagga's blanket rule assigning a dukkaṭa to all bad habits (Cv.V.36). The Mahāvagga and Cullavagga give further but partial justification to the Commentary's assertion in two passages, dealing with bhikkhus eating fruit, which we will discuss below. The Jain ascetics follow similar observances, which suggests that both the Buddhists and the Jains adopted this point from the ancient Indian ascetics who predated both religions.

Furthermore, according to the Commentary, there are certain kinds of plants that do not count either as bhūtagāma or bījagāma under this rule, and to damage them entails no offense. To justify this point it quotes a passage from Cv.VIII.1.3: "If a wall treated with ochre...(or) a finished floor is moldy (§), one should moisten a rag, wring it out, and wipe it clean." The Commentary extends the Canon's instructions here to cover not only mold on walls but also other lower forms of plant life — such as algae on the inside of water jars, fungus on toothbrushes, and mold on food — that would count as filth if they were allowed to continue growing.

Effort. According to the Vibhaṅga, the term *damaging* includes such actions as cutting, breaking, and cooking, as well as getting other people to perform these actions. The Commentary defines *damaging* as "dealing with a plant as one likes by cutting it, breaking it, and so on." Although the word for *dealing with*, — *paribhujati* — literally means "making use of," the Commentary's illustrations of what this covers include even such things as shaking a tree limb to get the dry leaves to fall off so that one can sweep them up. Thus, it says, *damaging* would include picking flowers or leaves, uprooting a plant, engraving one's initials in a tree trunk, etc. Because no exception is made for doing such things with "benevolent" intentions toward the plant, pruning would be included as well. Given the catch-all nature of

the Commentary's definition, using herbicides to kill plants would also come under *damaging*.

The Commentary adds that plants growing in water, such as water hyacinths, whose roots do not extend to the earth beneath the water, have the water as their base. To remove them from the water is to damage them, although there is no offense in moving them around in the water. To move them from one body of water to another without incurring a penalty, one may take them together with some of the water in which they originally lived and place them together with that water into the new body of water.

Also, says the Commentary, plants such as mistletoe, orchids, and bird vine that grow on trees have the tree as their base. To remove them from the tree is to damage them and so entails a *pācittiya*.

Perception. If one damages a living plant (§) perceiving it to be something else — say, a dead plant — there is no offense. If one damages a plant in doubt as to whether it is living or dead, then regardless of what it actually is, the offense is a *dukkaṭa*.

Intention is discussed in detail under the non-offenses, below.

Making fruit allowable. Because fruit seeds are *bijagāma*, the question arises as to how bhikkhus should go about eating fruit. The Commentary to this rule discusses in detail two passages, one each in the *Mahāvagga* (VI. 21) and the *Cullavagga* (V.5.2), dealing with precisely this question. The *Cullavagga* passage reads, "I allow you, bhikkhus, to consume fruit that has been made allowable for monks in any of five ways: if it is damaged by fire, by a knife, by a fingernail, if it is seedless, and the fifth is if the seeds are discharged." The *Mahāvagga* passage reads, "Now at that time there was a great quantity of fruit at *Sāvattthī*, but there was no one to make it allowable... (The Buddha said,) 'I allow that fruit that is seedless or whose seeds are discharged be consumed (even if) it has not been made allowable.'"

First, to summarize the commentaries' discussion of seedless fruit and fruit whose seeds have been discharged: According to the Commentary to the *Mahāvagga*, *seedless fruit* includes fruit whose seeds are too immature to grow. As for fruit whose seeds have been discharged, the Sub-commentary states that this means, "Fruit, such as mangoes or jackfruit, which it is possible to eat having removed the seeds and separating them entirely (from the flesh)."

The question sometimes arises as to whether bhikkhus may remove the seeds themselves before eating fruit of this sort, or if an unordained person has to remove them first. Given the context of the *Mahāvagga* passage and the wording of the Sub-commentary's explanation, it seems clear that the bhikkhus themselves may discharge the seeds before or while eating the fruit. As the Commentary notes, both these kinds of fruit are allowable in and of themselves, and need not go through any other procedure to make them allowable.

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Other kinds of fruit, though, such as those with numerous seeds (such as tomatoes and blackberries) or whose seeds would be difficult to remove undamaged (such as grapes) must be damaged by fire, a knife, or a fingernail before a bhikkhu may eat them. The Commentary's description of how to do this shows that the damaging need only be symbolic: An unordained person draws a hot object or a knife across the skin of the fruit, or pokes it with a fingernail, saying "allowable" (*kappiyam*) either while doing the damaging or immediately afterward. The Sub-commentary notes that the word for "allowable" may be stated in any language.

If a heap of fruit, such as grapes, is brought to a bhikkhu, he should say, "Make it allowable," (*Kappiyam karohi*,) either to the donor or to any other unordained person who knows how. The unordained person need only make one of the grapes allowable in line with the above procedures for the entire heap to be considered allowable, although he/she should not remove the grape from the heap while doing so.

The Sub-commentary claims that the ceremony of making fruit allowable must always be performed in the presence of a bhikkhu, but the Commentary mentions this factor only in connection with this last case — making an entire heap of fruit allowable by "damaging" only one piece — and not in its basic description of how the procedure is done.

In Communities that follow the Sub-commentary, the custom is as follows: When a donor brings grapes, tomatoes, or similar fruit to a bhikkhu, the bhikkhu says, "*Kappiyam karohi* (Make it allowable)." The donor damages the fruit in any of the three specified ways and says, "*Kappiyam bhante* (It is allowable, venerable sir)," while doing the damaging, and then presents the fruit to the bhikkhu.

In Communities that do not follow the Sub-commentary, the donor may perform the act of damaging the fruit beforehand and simply inform the bhikkhu that the fruit has been made allowable when presenting it to him. In either case, the act of making a heap of fruit allowable by damaging only one piece *must* be done in the presence of a bhikkhu. And we should note again that seedless fruit or fruit whose seeds may be removed entirely from the flesh of the fruit are allowable in and of themselves, and do not have to go through any procedure before a bhikkhu may accept and eat them.

The two passages in the Mahāvagga and Cullavagga that we have been discussing deal specifically only with fruit, but the Commentary extrapolates from them to say that the same conditions apply to other forms of bijagāma, such as sugar cane and bean sprouts as well.

Non-offenses. There is no offense for a bhikkhu who cuts a living plant —

- *unknowingly* — e.g., thinking it to be dead,
- *unthinkingly* — e.g., absent-mindedly pulling grass while talking with someone, or

- *unintentionally* — e.g., inadvertently uprooting grass while raking leaves, or grabbing onto a plant for support while climbing a hill and inadvertently uprooting it.

Also, there is no penalty in telling an unordained person to make an item allowable: in asking for leaves, flowers, etc., without specifically saying *which* leaves or flowers are to be picked; or in indicating indirectly that, e.g., the grass needs cutting ("Look at how long the grass is") or that a tree needs pruning ("This branch is in the way") without expressly giving the command to cut. In other words, this is another rule where one may avoid an offense by using *kappiya-vohāra*: "wording it right."

Cv.V.32.1 says that if a brush fire is approaching a dwelling, one may light a counter-fire to ward it off. In doing so, one is exempt from any penalty imposed by this rule.

Also, according to the Sub-commentary to NP 6, a bhikkhu whose robes have been snatched away and who cannot find any other cloth to cover himself may pick grass and leaves to cover himself without incurring a penalty here.

Summary: Intentionally cutting, burning, or killing a living plant is a pācittiya offense.

12. Evasive speech and causing frustration are to be confessed.

This rule deals with a bhikkhu's behavior in a Community meeting when being formally questioned about a charge made against him. The factors for the full offense here are three.

- 1) *Intention*: One's motive is to hide one's offenses.
- 2) *Effort*: One continues engaging in evasive speech or in causing frustration
- 3) *Object*: when being questioned in the Community about a rule or an offense after the Community has brought a formal charge of evasive speech or causing frustration against one.

Effort. Evasive speech is illustrated in the origin story as follows:

"Now at that time Ven. Channa, having misbehaved and being examined about the offense in the midst of the Community, wandered around (§) one thing by way of another: 'Who has committed the offense? What was committed? With regard to what matter was it committed? How was it committed? What are you saying? Why do you say it?'"

The Vibhaṅga, following the lead of the origin story, gives examples of evasive speech that are all in the form of questions. However, the Commentary argues that the Vibhaṅga's examples are not intended to be exhaustive, and that evasive speech covers any and all forms of speaking beside the point when being formally

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questioned. The Sub-commentary agrees and gives an entertaining example of its own:

"Have you committed this offense?"

"I've been to Pāṭaliputta."

"But we're not asking about your going to Pāṭaliputta. We're asking about an offense."

"From there I went to Rājagaha."

"Well, Rājagaha or Brahmaṇāgaha, did you commit the offense?"

"I got some pork there."

As for causing frustration:

"Now at a later time Ven. Channa, being examined about an offense in the midst of the Community, (thinking), 'By evading one question with another, I will fall into an offense,' remained silent and frustrated the Community."

Thus, the texts say, causing frustration means remaining silent when being formally questioned in the midst of the Community.

Intention. This factor is fulfilled only if one's motive is to conceal one's own offenses. If one has other motives for remaining silent, or speaking not to the point while being questioned, there is no penalty. For example, there is no offense for a bhikkhu who, when being examined,

- asks questions or gives answers not to the point because he does not understand what is being said,
- is too ill to speak,
- feels that in speaking he will create conflict or dissension in the Community, or
- feels that the Community will carry out its transactions unfairly or not in accordance with the rule.

Object. If a bhikkhu speaks evasively or remains silent out of a desire to conceal his offenses, he incurs a dukkaṭa. If the Community sees fit, it may then bring a formal charge of evasive speech or causing frustration against him in order to restrain him from persisting in such behavior. If he then continues speaking evasively or remaining silent, he incurs a pācittiya.

Perception is not a factor here. Once a formal charge of evasive speech or causing frustration has been rightfully brought against a bhikkhu, and he continues to speak evasively or remain silent, he incurs a pācittiya regardless of whether he sees the charge as rightful or not. If the charge has been wrongfully brought against him,

then regardless of whether he perceives the charge as wrongful, rightful, or doubtful, the offenses or lack of offenses are allotted as if the Community transaction bringing the charge had not happened at all. This covers two situations. In the first, the bhikkhu actually deserves the charge, but the transaction was not carried out strictly in accordance with formal procedure. In this case, if the bhikkhu continues to be evasive or remain silent out of a desire to hide his offenses, he incurs another dukkaṭa. In the second situation, the bhikkhu does not deserve the charge — for instance, he has asked questions or remained silent for one of the allowable reasons, but the Community has abused its powers in bringing the charge against him. In this case, if he continues to ask questions or remain silent for the allowable reasons, he incurs no offense.

As for the case in which the Community rightly brings a formal charge of evasive speech or causing frustration against a bhikkhu, and he incurs a pācittiya for continuing to speak evasively or remain silent: If he finally admits to his actions, then — regardless of whether he admits that they actually constituted an offense — he may further be subject to a more severe penalty, a censure transaction (tājaniya-kamma) for being a maker of trouble and strife for the Community (Cv.I.1-8 — BMC2, Chapter 20). If he admits the action and confesses the offense, he is subject to what is essentially the same thing: an act of further punishment (tassa-pāpiyasikā-kamma) for not admitting to a true charge right from the start (see the discussion under the Adhikaraṇa-samatha rules, Chapter 11).

Non-offenses. If a bhikkhu answers not to the point or remains silent for any of the allowable reasons, he incurs no penalty even after a transaction of evasive speech or causing frustration has for some reason been enacted against him.

Summary: Persistently replying evasively or keeping silent in order to conceal one's own offenses when being questioned in a meeting of the Community — after a formal charge of evasive speech or causing frustration has been brought against one — is a pācittiya offense.

13. Criticizing or complaining (about a Community official) is to be confessed.

Community officials. In the Cullavagga (VI.11.2-4; VI.21.1-3), the Buddha gives allowances for a Community of bhikkhus to designate various of its members as Community officials to handle such business as distributing food, deciding who will stay in which dwelling, keeping the rosters that decide who will receive the invitations to which meals, etc. Ven. Dabba Mallaputta was the first such official and was well-equipped for the job:

"As for those bhikkhus who came at night, he would enter the fire element for them and by that light would assign them dwellings — so much so that bhikkhus arrived at night on purpose, thinking, 'We will see the marvel of Ven. Dabba Mallaputta's psychic power.' Approaching him, they said, 'Friend Dabba, assign us dwellings.'

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"Ven. Dabba Mallaputta said, 'Where would you like? Where shall I assign them?'

"Then they named a distant place on purpose: 'Friend Dabba, assign us a dwelling on Vulture's Peak Mountain. Friend Dabba, assign us a dwelling on Robber's Cliff...'

"So Ven. Dabba Mallaputta, entering the fire element for them, went before them with his finger glowing, while they followed right behind him with the help of his light." — Cv.IV.4.4

Even with his special skills, there were bhikkhus who were dissatisfied with the dwellings and meals he assigned to them — as we saw under Sg 8 & 9 — and in the origin story to this rule they criticize and complain about him.

The factors for a full offense here are three: object, intention, and effort — although the Vibhaṅga makes intention an integral part of its definition of the factor of effort.

Object. This factor is fulfilled only by (1) a bhikkhu who (2) has been properly authorized as a Community official and (3) does not habitually act out of the four causes for bias: desire, aversion, delusion, or fear. With regard to the first two of these sub-factors, other people — and the Vibhaṅga's list of "others" here is interesting — are grounds for a dukkaṭa. The list is: an unordained person, an ordained person who acts as a Community official without having been authorized, an ordained person who acts as a Community official having been improperly authorized, and an unordained person who acts as a Community official whether authorized or not. With regard to the third sub-factor, anyone who would otherwise be grounds for a pācittiya or a dukkaṭa is not grounds for an offense if he/she behaves in a biased way.

Perception is not a factor here. Thus, if the official is actually properly authorized, he fulfills this factor whether one perceives his authorization as proper, improper, or doubtful. If he is improperly authorized, he is grounds for a dukkaṭa whether one perceives his authorization as proper, improper, or doubtful. In other words, this is another case where the pattern set out under Pc 4 does not hold.

(The PTS edition of the Canon says that if one perceives an improper authorization as improper, there is no offense, but the Thai, Sri Lankan, and Burmese editions of the Canon, together with the PTS edition of the K/Commentary, all agree with the above reading.)

Intention. One's motive is to make him lose face, lose status, or feel abashed.

Effort. The Vibhaṅga defines "criticizing" as criticizing or complaining about a Community official to a fellow bhikkhu with the desire of making the official lose face, lose status, or feel abashed. The line between effort and intention appears blurred here, in that the intention is a part of the definition of "effort," but the non-offense clauses provide an exemption for critical remarks that are motivated simply by a desire to tell the truth.

The Commentary and Sub-commentary give the clearest description of the distinction between criticizing and complaining: To criticize means to speak critically of a person in the presence of one or more other people so as to make them form a low opinion of him/her. To complain means simply to give vent to one's criticisms of the person within earshot of someone else.

According to the Vibhaṅga, the penalty for criticizing or complaining about a Community official is a pācittiya if one's listener is a fellow bhikkhu, and a dukkaṭa if one's listener is an unordained person (§). The question of who one's remarks are addressed to is irrelevant if one is criticizing or complaining about an unordained person or a bhikkhu who is not a Community official: The penalty is a dukkaṭa, regardless.

Non-offenses. As mentioned above, if a Community official acts habitually out of any of the four causes for bias — desire, aversion, delusion, or fear — there is no offense in criticizing or complaining about him. For example, if he assigns the best dwellings to certain bhikkhus simply because he likes them, gives the poorest food to certain bhikkhus simply because he dislikes them, habitually sends the wrong bhikkhus to the wrong meals because he is too stupid to handle the rotating rosters properly, or gives the best treatment to certain bhikkhus because he is afraid of them or their supporters, there is no offense in criticizing his behavior in the presence of others.

The reason for this allowance is that one of the qualifying factors for a Community official is that he be unbiased (see BMC2, Chapter 18). Thus any complaint of bias would be tantamount to an accusation that the Community transaction authorizing him as an official was invalid, and the Community would then be duty bound to look into the matter.

However, one should be very sure of the facts of the case before taking advantage of this allowance, for — as noted above — perception is not a mitigating factor under this rule. Disappointment and anger have a way of coloring one's perceptions, making another person's perfectly blameless behavior look biased and unjust. If one criticizes or complains about an official, thoroughly convinced that he has been acting out of bias, one is still guilty of an offense if it turns out that in fact the official's behavior has been fair. The same considerations apply also to complaints or criticisms concerning anyone, ordained or not.

To criticize a Community official to his face, simply for the sake of hurting his feelings, would be an offense under Pc 2, regardless of whether his behavior has in fact been biased or not.

The job of a Community official is often a thankless one. The procedures he must follow in distributing invitations, etc., can be fairly complex and, in large Communities, quite time-consuming. Because there is no way he can guarantee equal treatment to all, there may be times when he seems to be acting out of bias when he is simply following standard procedure. If he cannot receive the benefit of the doubt from his fellow bhikkhus, there is no incentive for him to undertake these duties in the first place. The Buddha likened material gains to excrement (see AN

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V.196), and when excrement is shared out there is rarely any point in complaining about who gets the choicest portions.

Summary: If a Community official is innocent of bias: Criticizing him within earshot of another bhikkhu is a pācittiya offense.

14. Should any bhikkhu set a bed, bench, mattress, or stool belonging to the Community out in the open — or have it set out — and then on departing neither put it away nor have it put away, or should he go without taking leave, it is to be confessed.

During the four months of the rains, furniture belonging to the Community — when not in use — is to be kept in a place where it will not be rained on, such as a fully-roofed storeroom or dwelling. The Vibhaṅga to this rule contains an allowance whereby during the remainder of the year it may also be kept in an open pavilion roofed with slats or branches, or under a tree where birds do not leave droppings. (At present, tents would fit under "pavilions" here.) The Commentary implies, though, that this latter allowance holds only in those regions with a distinct dry season; and, according to the Sub-commentary, even where there is a dry season, if a bhikkhu sees an unseasonable rain storm approaching he should not leave furniture in such semi-open places. And as we can infer from the Vibhaṅga to the next rule, even during the dry season this allowance applies only as long as one continues to reside in the monastery.

This rule deals with a bhikkhu who sets furnishings of the Community out in the open and then leaves without taking leave or getting them put away in the proper place. The factors for the full offense are three.

- 1) *Object:* any bed, bench, mattress, or stool belonging to the Community.
- 2) *Effort:* One sets such furnishings out in the open and then departs without taking leave, putting the furnishings away, or getting them put away in the proper place.
- 3) *Intention:* One has set them out for some purpose other than sunning them (§).

Object. Any bed, bench, mattress, or stool belonging to the Community is grounds for a pācittiya. Perception as to whether the item belongs to the Community is not a mitigating factor here (see Pc 4). Carpets, bedspreads, mats, ground-covering under-pads, foot-wiping cloths, and wooden chairs belonging to the Community are grounds for a dukkaṭa, as are both classes of furnishings — beds, etc., and carpets, etc., — belonging to another individual. One's own furnishings are not grounds for an offense.

According to the Commentary, if one has made an arrangement with someone else to take his/her belongings on trust, there is no offense in leaving that person's furnishings out in the open. The Sub-commentary adds that any furnishings a donor

presents for the Community to use out in the open — e.g., stone or concrete benches — are likewise not grounds for an offense.

Under this rule, the Commentary contains a long essay on the proper storage of brooms. Because its remarks are based on an improper application of the Great Standards — brooms were known in the time of the Buddha and yet he chose not to include them under this rule — there is no reason to regard them as binding.

Effort. The Vibhaṅga defines *departing the furnishings* as going further than one *leḍḍupāta* — approximately 18 meters — from them. It does not define "taking leave," aside from stating that one may take leave from a bhikkhu, a novice, or a monastery attendant. This much, however, establishes that even though the Pali verb for taking leave, *āpucchati*, is etymologically related to the verb for asking, *pucchati*, the act of taking leave does *not* mean asking permission, for nothing in the Canon suggests that a bhikkhu has to get a novice's or a lay attendant's permission for his actions. The Commentary expands on this point, saying that *taking leave* means informing a bhikkhu, a novice, or a temple attendant whom one assumes will take responsibility for the furnishings. Unlike the following rule, where the intent to return is a mitigating factor, here it is not: Once a bhikkhu has departed from the furnishings, he has completed the factor of effort here even if he intends to return immediately.

Responsibility. A bhikkhu is held responsible for putting away furnishings that he has ordered another person to place in the open, unless the other person is also a bhikkhu, in which case *he* is the one responsible. The Commentary states that if a senior bhikkhu requests a junior bhikkhu to place out in the open any furnishings that may be grounds for a penalty, then the junior bhikkhu is responsible for them until the senior bhikkhu sits down on them, places an article of his use (such as a robe or a shoulder bag) on them, or gives the junior bhikkhu permission to leave, after which point the senior bhikkhu is responsible.

If there is to be an open-air meeting, the host bhikkhus are responsible for any seats set out in the open, until the visiting bhikkhus claim their places, from which point the visitors are responsible. If there is to be a series of Dhamma talks, each speaker is responsible for the sermon seat from the moment he sits in it until the moment the next speaker does.

Non-offenses. As stated above, there is no offense if one departs having set furnishings belonging to the Community or another individual out in the sun with the purpose of drying them, and thinking, "I will put them away when I come back (§)." Also, there is no offense:

- if one departs after someone else takes possession of or responsibility for furnishings one has left out in the open;
- if there are constraints on the furnishings — the Commentary mentions a senior bhikkhu making one get up from them and taking possession of them, tigers or lions lying down on them, or ghosts or ogres taking possession of them; or

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- if there are dangers — which according to the Commentary means dangers to one's life or to one's remaining in the celibate life — that leave one no time to put the furnishings away.

The Vinaya–mukha, extracting a general principle from this rule, says, "This training rule was formulated to prevent negligence and to teach one to care for things. It should be taken as a general model."

Summary: When one has set a bed, bench, mattress, or stool belonging to the Community out in the open: Leaving its immediate vicinity without putting it away, arranging to have it put away, or taking leave is a pācittiya offense.

15. Should any bhikkhu set out bedding in a dwelling belonging to the Community — or have it set out — and then on departing neither put it away nor have it put away, or should he go without taking leave, it is to be confessed.

Here again the three factors for a full offense are object, effort, and intention.

Object. *Bedding* here includes mattresses, pillows, rugs, sheets, mats, sitting cloths, blankets, bedspreads, animal skins, throw rugs, etc., but not the beds or benches on which they may be placed. Unlike the preceding rule, the question of whom the bedding belongs to is not an issue in determining the offense under this rule.

The place where it is left, though, *is* an issue. Bedding left in a dwelling belonging to the Community is grounds for a pācittiya. Bedding (§) left in a dwelling belonging to another individual is grounds for a dukkaṭa, as is bedding left in the area around a dwelling, in an assembly hall, an open pavilion, or at the foot of a tree — these last three places belonging to the Community or to another individual.

A bed or a bench taken from its original place and left in any of the above places is grounds for a dukkaṭa. Given that this rule covers a different kind of "departing" from the preceding rule, this penalty applies even during the periods when one is allowed to keep such things under trees, etc., through the allowance given in the Vibhaṅga to that rule.

Bedding left in a dwelling, etc., belonging to oneself is not grounds for an offense.

Perception as to whether the dwelling belongs to the Community or to another individual is not a mitigating factor here (see Pc 4).

Effort. The Commentary's discussion of *putting the item away* shows that it essentially means putting it back in the safe place where it was kept before being spread out. Thus, if the bedding was hanging in a bundle from a clothesline before being spread out, it should be wrapped in a bundle and hung from the line as

before. If it was taken from another room, it should be returned to the room from which it was taken.

Having the item put away and taking leave are defined as under the preceding rule, with one exception: A bhikkhu who orders someone else to spread the item is responsible for it even if the other person is also ordained.

To *depart* is defined as going outside the grounds of the monastery: beyond the wall of the monastery if it is walled, beyond its vicinity if it is not. (In all rules mentioning this point, the Commentary defines a monastery's vicinity as a distance of two *leḍḍupātas* — approximately 36 meters — from the buildings.) However, the absence of any reference to this rule in the protocols to be done before one's alms round (Cv.VIII.5 — see BMC2, Chapter 9) indicates that temporary excursions outside the monastery are not counted as "departing." This conclusion is seconded by one of the non-offense clauses here, discussed below, which says that when a bhikkhu goes with the expectation of returning but then sends word back to the monastery that he is taking leave, he avoids any penalty under this rule. This implies that a bhikkhu who leaves his bedding spread out in a dwelling belonging to the Community, leaves the monastery temporarily with the intent of returning, and returns as planned, incurs no penalty as well.

The question arises, though, as to how long a temporary period of absence is allowable. The *Vibhaṅga* itself sets no time limit. The Commentary illustrates the non-offense clause we have just mentioned with the case of a bhikkhu who leaves, thinking, "I will return today," but makes no specific statement that longer periods are not allowed.

Because the texts give no specific guidelines here, this is a matter that each Community should decide for itself, taking the following considerations into account:

- 1) The origin story suggests that the purpose of the rule is to prevent the bedding's being left so long in an unoccupied dwelling that it attracts ants, termites, or other pests.
- 2) Another consideration, raised by the *Vinaya-mukha*, is that if a bhikkhu goes for a long excursion, leaving his bedding and other belongings scattered about in a dwelling, this might inconvenience the resident bhikkhus in that they could not easily allot the dwelling to another bhikkhu in the interim.

Intention is a factor here, in that — as mentioned above — if one plans to return within the allowable space of time, there is no offense. This point is conveyed by a passage in the non-offense clauses that reads, "having gone with the desire (to return), staying there one takes leave; he is constrained by something or another." The Commentary, reasonably, reads this passage as two exemptions governed by the first phrase. In other words, (1) if one leaves the monastery with the intent to return and then, after reaching the opposite bank of a river or going the interval of one village away, one changes one's mind and decides not to return, one can avoid an offense by sending word back to the monastery with the message that one is

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taking leave. Or, (2) if one leaves the monastery with the intent to return but encounters physical constraints — such as flooded rivers, kings, and robbers — that prevent one's return, that in and of itself exempts one from an offense, and there is no need to send word.

Non-offenses. In addition to these two exemptions, the Vibhaṅga says that there is no offense in departing having left bedding spread out in a dwelling if someone else has taken responsibility for the bedding or if one has taken leave of a bhikkhu, a novice, or a monastery attendant. According to the protocols to be done before leaving a monastery to live elsewhere (Cv.VIII.3.2), if there is no one from whom to take leave, "then having set the bed on four stones, having stacked bed on bed, bench on bench, having placed the lodgings (including the bedding) in a heap on top, having put away the wooden goods and clay goods, having closed the windows and doors, he may set out."

And as under the preceding rule, there is no offense if there is a constraint on the bedding or there are dangers — i.e., constraints or dangers that would prevent one from putting them away before leaving.

Summary: When one has spread bedding out in a dwelling belonging to the Community: Departing from the monastery without putting it away, arranging to have it put away, or taking leave is a pācittiya offense.

16. Should any bhikkhu knowingly lie down in a dwelling belonging to the Community so as to intrude on a bhikkhu who arrived there first, (thinking), "Whoever finds it confining will go away" — doing it for just that reason and no other — it is to be confessed.

There are four factors for an offense here.

- 1) *Object* a bhikkhu who should not be forced to move.
- 2) *Perception*: One perceives him as such.
- 3) *Effort*: One intrudes on his space in a dwelling belonging to the Community
- 4) *Intention*: with the sole purpose of forcing him out.

Object & perception. *Knowingly* is defined in the Vibhaṅga as knowing that the dwelling's current occupant is a senior bhikkhu, a sick one, or one to whom the Community (or its official) has assigned the dwelling. The Commentary interprets this definition as a list of examples and generalizes from it to include any case where one knows, "This bhikkhu shouldn't be forced to move."

Effort. To *intrude* means to lie down or sit down in the area immediately adjacent to the bhikkhu's sleeping or sitting place — which the Commentary defines as anywhere within 75 cm. of the sleeping or sitting place — or on a 75 cm. wide path from either of those places to the dwelling's entrance. There is a dukkaṭa for placing one's bedding or seat in such an area, and a pācittiya for each time one sits or lies

down there. To place one's bedding or seat in any other part of the dwelling entails a dukkaṭa; and to sit or lie down there, another dukkaṭa — assuming in all of these cases that the dwelling belongs to the Community.

Perception with regard to the dwelling is not an issue here (see Pc 4). If the dwelling actually belongs to the Community, this part of the factor is fulfilled regardless of whether one perceives it as belonging to the Community or not.

There is a dukkaṭa for intruding on the space of a bhikkhu — intending to force him out — in the area immediately adjacent to such a dwelling, in a place belonging to the Community that is not the dwelling of a particular person (e.g., an open pavilion or a meal hall), the shade of a tree, in the open air, or in a dwelling belonging to another individual. To do so in a dwelling belonging to oneself entails no offense. According to the Commentary, this last allowance also applies to a dwelling belonging to anyone who has offered to let one take his/her belongings on trust.

Intention. If there is a compelling reason — one is ill or suffering from the cold or heat, or there are dangers outside — one may intrude on the space of another bhikkhu without penalty. The reason for these allowances would appear obvious — one is not aiming at forcing the other bhikkhu out — but the matter is not as simple as that. The Sub-commentary reports the Three Gaṇṭhipadas as saying that because of this allowance, one may make an excuse of one's illness, etc., as a pretext for intruding on the other bhikkhu's space so as to force him out of the dwelling. The Sub-commentary tries to argue with this ruling, but the Gaṇṭhipadas have the support of the Vibhaṅga here: Only if one's *sole* motive is to force the other bhikkhu out is one subject to an offense under this rule. If one has mixed motives, one may take advantage of one's illness, etc., to move in on the other bhikkhu.

However, once the illness, etc., has passed, one would commit an offense each time one continued to sit or lie down intruding on his space.

All of this may seem very strange on the surface, but it is likely that the original occupant would not feel unduly pressured if an ill bhikkhu or one escaping dangers were to move into his dwelling, while he *would* start feeling pressured by the continued presence of the bhikkhu after the illness or dangers had passed, which is why the penalties are allotted as they are.

Summary: Intruding on another bhikkhu's sleeping or sitting place in a dwelling belonging to the Community, with the sole purpose of making him uncomfortable and forcing him to leave, is a pācittiya offense.

17. Should any bhikkhu, angered and displeased, evict a bhikkhu from a dwelling belonging to the Community — or have him evicted — it is to be confessed.

"At that time some group-of-seventeen bhikkhus (see Pc 65) were fixing up a large dwelling on the fringes of the monastery, thinking, 'We will spend the Rains here.' Some group-of-six bhikkhus... seeing them, said, 'These group-of-seventeen bhikkhus are fixing up a dwelling place. Let's drive them out.' But others of them said, 'Wait, friends, while they fix it up. When it's fixed up, then we'll drive them out.'

"Then the group-of-six bhikkhus said to the group-of-seventeen bhikkhus, 'Get out, friends. The dwelling is ours.'

"Shouldn't this have been mentioned beforehand so that we could have fixed up another one?'

"Isn't this a dwelling belonging to the Community?'

"Yes...'

"Then get out. The dwelling is ours.'

"The dwelling is large, friends. You can stay here, and we'll stay here, too.'

"Get out. The dwelling is ours.' And, angered and displeased, seizing them by the throat, they threw them out. The group-of-seventeen bhikkhus, having been thrown out, began to cry."

The three factors for the full offense here are:

- 1) *Object* a bhikkhu.
- 2) *Effort*: One evicts him from a dwelling belonging to the Community.
- 3) *Intention*: One's prime impulse is anger.

Object. A bhikkhu is grounds for a pācittiya here, while the following are grounds for a dukkaṭṭa: a bhikkhu's belongings, an unordained person, and an unordained person's belongings.

Effort. According to the Commentary, this rule covers both physical eviction — picking up the bhikkhu and throwing him out — as well as verbal eviction — ordering him to leave. The penalty in both cases is the same. (The Mahāsāṃghikas and Sarvāstivādins write this point into their version of the rule.) The Vibhaṅga counts offenses here as follows: a pācittiya for evicting the bhikkhu from the room to the porch, and another pācittiya for evicting him off the porch. If, with a single effort, one evicts him through many doors, one incurs a single pācittiya.

There is a dukkaṭa in telling someone else to evict the bhikkhu — no allowances for *kappiya-vohāra* are given here — and, assuming that all the other factors are fulfilled, a pācittiya once the bhikkhu has been evicted, regardless of how many efforts it takes. (The Thai edition of the Canon assigns a pācittiya for the order/request for someone else to do the eviction, but even the Thai edition of the Commentary assigns only a dukkaṭa here, as do all the other major editions of the Canon, so the Thai reading here is probably mistaken.)

To evict a bhikkhu from a dwelling belonging to the Community entails a pācittiya. As under the preceding rule, perception with regard to the ownership of the dwelling is not an issue here. To evict anyone — bhikkhu or not — from an area immediately adjacent to a dwelling belonging to the Community, from a place belonging to the Community that is not the dwelling of a particular person, from the shade of a tree, from a spot in the open air, or from a dwelling belonging to another individual entails a dukkaṭa. There is also a dukkaṭa for throwing a person's belongings out from any of these places. (In all the cases mentioned in this paragraph, the assumption is that one is motivated by anger.)

To evict anyone or anyone's belongings from one's own dwelling — or from one that belongs to an individual who has offered to let one take his/her belongings on trust — is not grounds for an offense.

Perception as to whether the dwelling belongs to the Community is not a mitigating factor here (see Pc 4).

Intention. There is no offense in evicting anyone when one's primary impulse is not anger. Examples given in the non-offense clauses include evicting anyone — or the requisites of anyone — who is insane, unconscientious in his/her behavior, or a maker of quarrels, strife, and dissension in the Community. The Commentary adds here that one also has the right to throw the person out of the monastery as a whole if he/she is a maker of quarrels, strife, and dissension, but not if he/she is simply unconscientious.

Also, one may without penalty evict one's student or his belongings from his dwelling if he is not properly observing his duties.

In all of these cases, the Sub-commentary notes, if anger happens to arise in one's mind in the course of evicting the person, there is no offense as long as it is not the primary impulse.

The texts do not mention the case where one's primary motive is greed, and the origin story suggests why: The group-of-six bhikkhus' anger was simply a function of frustrated greed, and the two emotions would easily go together in any infraction of this rule.

Summary: Causing a bhikkhu to be evicted from a dwelling belonging to the Community — when one's primary impulse is anger — is a pācittiya offense.

18. Should any bhikkhu sit or lie down on a bed or bench with detachable legs on an (unplanked) loft in a dwelling belonging to the Community, it is to be confessed.

Object. A loft is a partial second story in a dwelling; an unplanked loft is one whose joists have not been covered with floorboards. A bed or bench with detachable legs on an unplanked loft is grounds for a *pācittiya* under this rule if it is in a dwelling belonging to a Community, a *dukkāṭa* if in a dwelling belonging to another individual, and no offense if in a dwelling belonging to oneself or to anyone who has offered to let one take his/her belongings on trust. Perception of the ownership of the dwelling, as in the preceding rules, is not an issue here.

The purpose of this rule, as indicated by the origin story, is to guard against injury to a bhikkhu living under the loft: He might get hit on the head if any of the detachable legs fall down through the joists of the loft. Thus there is no offense if the loft is not high enough off the ground for a man of medium height to stand under it without hitting his head: if the floor of the loft is completely planked; if there is no one under the loft; if the area under the loft cannot be used as a dwelling (e.g., it is used solely for storage space, says the Commentary); if the bed or bench with detachable legs is on the ground; or if the legs of the bed or bench are securely fixed to their frame.

Effort. There is a question as to whether *sitting* and *lying down* would include standing as well, inasmuch as the non-offense clauses allow one "to stand there and hang things up or take them down." The Commentary interprets "there" as a bed or bench with detachable legs, but standing on such a thing would seem to be even more dangerous than sitting or lying down on it. More probably, "there" refers to the unplanked loft.

Some people have noted that although the bhikkhu in the origin story sat down hurriedly, the word *hurriedly* does not appear in the rule, and they speculate that it may have been dropped by mistake. If one is not allowed at all to sit or lie down on a bed or bench with detachable legs on an unplanked loft, they say, there would be no reason to have one there. Actually, beds with detachable legs do not sound like wise things to have on an unplanked loft, and perhaps the Buddha's purpose in formulating this rule was to discourage their being placed there in the first place.

Summary: Sitting or lying down on a bed or bench with detachable legs on an unplanked loft in a dwelling belonging to the Community is a *pācittiya* offense.

19. When a bhikkhu is having a large dwelling built, he may supervise two or three layers of facing to plaster the area around the window frame and reinforce the area around the door frame the width of the door opening, while standing where there are no crops to speak of. Should he supervise more than that, even if standing where there are no crops to speak of, it is to be confessed.

"Now at that time a chief minister who was Ven. Channa's supporter was having a dwelling built for Ven. Channa. Ven. Channa had the finished dwelling covered with roofing material again and again, plastered again and again, so that the dwelling, overloaded, caved in. Then Ven. Channa, collecting grass and sticks, despoiled the barley field of a certain brahman. The brahman criticized and complained and spread it about, 'How can their reverences despoil our barley field?'... Bhikkhus... criticized and complained and spread it about, 'How can Ven. Channa have a finished dwelling covered with roofing material again and again, plastered again and again, so that the dwelling gets overloaded and caves in?'"

This rule is an extension of Sg 7, giving further directions for how to go about building a dwelling for one's own use when sponsored by another person. Because the rule deals with techniques used in building wattle and daub dwellings 2,500 years ago, the rule and its explanations in the Canon and commentaries contain terms whose meaning is uncertain at present. The syntax of the rule suggests one interpretation, the Commentary another, while the Vibhaṅga is non-committal on the points where the two interpretations differ. Because both interpretations make sense, we will present them both.

What the rule seems to say. The area 1.25 meters around the door frame is to be covered with up to three layers of plaster or roofing material to reinforce it so that when the door is blown open or shut it will not damage the wall or be loosened from its hinges. Five kinds of roofing material are mentioned in the Vibhaṅga: tiles, stones, lime (cement), grass, and leaves.

Similarly, around the windows, an area the width of the window shutters is to be reinforced with up to three layers of plaster to protect it from being damaged when the shutters are blown open or shut. Three kinds of plaster were used in the Buddha's time — white, black, and ochre — and bhikkhus were allowed to apply them in a number of geometrical patterns, but not to use them to make obscene pictures of men and women on the walls (!) (Cv.VI.3.1–2). Although the bhikkhus were allowed to cover the entire walls and floor with this plaster, this rule gives directions only for the minimum area that should be covered to keep the walls strong.

What the Commentary says. Because the rule refers to roofing material, the Commentary assumes that it must refer to the roof of the dwelling, even though this assumption does violence to the syntax of the rule. Its interpretation: One may reinforce the door and window frames with as much plaster or roofing material as

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one likes, but may cover the roof with only three layers of roofing material. A relevant point from the Canon is the passage at Cv.VIII.3.3 stating that if at a later date the roof begins to leak, the resident bhikkhu — if he can — should re-roof it himself or arrange for someone else to do it for him. If he can do neither, though, there is no offense.

The reasons for this rule. The origin story suggests that the Buddha imposed the three-layer limit in order to prevent the dwelling from collapsing under the weight of too much roofing material, but the non-offense clauses show clearly that the rule is aimed at preventing bhikkhus from abusing the generosity of the person sponsoring the building work. In either case, the Commentary's interpretation has its logic, in that an overloaded roof would be more burdensome to the dwelling and to the sponsor than an overloaded window or door frame would be.

A supplementary regulation arising from the origin story is that one should not perform any building operations, including supervising, where crops are growing.

The offenses here are as follows: a *pācittiya* for each piece of roofing beyond the allowable three layers, and a *dukkata* for doing or directing the work while standing where crops are growing. These offenses apply regardless of whether one is doing the work oneself or having it done. They also apply whether one is building a new dwelling or having an old one repaired.

Perception as to whether one has exceeded the allowable number of layers is not a factor here (see Pc 4).

Non-offenses. According to the Vibhaṅga, these regulations do not apply to "an abode in a cave, a grass hut, (a dwelling) for the use of another, (a dwelling built) by means of one's own resources, or anything other than a dwelling." The Sub-commentary argues from the wording of the rule — its reference to "a large dwelling" — that the regulations also do not apply to small dwellings built to the standard measurement specified under Sg 6: i.e., no larger than 3 by 1.75 meters.

Summary: When a bhikkhu is building or repairing a large dwelling for his own use, using resources donated by another, he may not reinforce the window or door frames with more than three layers of roofing material or plaster. To exceed this is a *pācittiya* offense.

20. Should any bhikkhu knowingly pour water containing living beings — or have it poured — on grass or on clay, it is to be confessed.

This is an offense with four factors.

Object: water containing living creatures. The K/Commentary's contribution to the next factor shows that this includes things like mosquito larvae, but not beings so small they cannot be seen.

Perception. *Knowing*, according to the Vibhaṅga, means that one either knows on one's own or has been told that the living creatures are there. The K/Commentary adds two points: (1) *knowing on one's own* means that one has either seen or heard them; and (2) *knowing* also includes knowing that they will die from the factor of effort, defined below.

If one is in doubt as to whether water contains living beings (e.g., the water is murky or in a dark place; it contains seeds that bear a resemblance to insects), then to use it in a way that would cause their death if they *were* there is to commit a dukkaṭa. If one thinks that the water contains living beings when it actually doesn't, the penalty for using it in such a way is also a dukkaṭa.

Effort. Because of a peculiarity of Pali grammar, the Commentary states that, in addition to the above reading, this rule can also be interpreted as reading, "Should any bhikkhu knowingly pour grass or clay — or have it poured — in water containing living beings, it is to be confessed." It also states that *grass and clay* in the context of this second reading would include any material that would cause death to living beings in the water. There are two objections to the Commentary's second reading: One is that it defies the natural word order of a prose sentence in canonical Pali; the other is that the Pali word for "pour" — *siñcati* — is used only for water and not for solids like grass and clay. Still, even if this second reading is not quite grammatical, the Great Standards could be invoked for including it under this rule to prevent the pouring of lethal pollutants into water. Thus actions covered by this rule would include, under the first reading, such things as emptying old water from a flower vase onto the ground or pouring water into a basin filled with cement-mix; and, under the second reading, pouring a toxic chemical into the water.

Unlike some of the other rules that deal with giving orders, simply giving the order to pour is enough to fulfill this factor. Thus, for example, a bhikkhu who tells someone else to dump an aquarium of fish on the floor incurs a pācittiya for giving the order and another pācittiya when the other person does as told.

Intention. This factor is fulfilled simply by the immediate aim of pouring the water or having it poured (or of pouring "grass and clay" into the water or having it poured).

As the K/Commentary notes, one need not have murderous motives toward the living beings in order to fulfill this factor. For example, if after perceiving that the water contains insects, one chooses to ignore their existence and pours the water on a burning log — not to kill the insects, but to put out the fire — one commits an offense all the same.

Result is not a factor here. Whether the living beings actually die is of no consequence in determining the offense.

Non-offenses. There is no offense in using water containing living beings in any of the ways covered by this rule —

- *unknowingly* — e.g., not knowing that it contains living beings; pouring a toxic chemical into the water thinking it to be harmless;

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- *unthinkingly* — e.g., heating a kettle of water on the stove, seeing that it has tadpoles in it and in a knee-jerk reaction dumping the water out on the ground so that they won't be boiled to death; or
- *unintentionally* — e.g., accidentally knocking over a goldfish bowl.

However, a bhikkhu should always check water before using it. Water strainers are discussed in BMC2, Chapter 3.

Watering plants. The topic of watering plants comes up in the Commentary's discussion of the bad habits of the bhikkhus at Kīṭāgiri mentioned under Sg 13. There it says that even if the water has no discernable life, to use it or have someone else use it to water plants with the purpose of corrupting families with gifts from the plant entails a dukkaṭa. In cases of this sort, one is not allowed to use *kappiya-vohāra* or any other way of indicating one's desire that the plant be watered.

If one wants to use the fruits or flowers of the plant in other ways — to eat the fruit oneself, to make a gift of fruit to the Community, to use the flowers as an offering to a Buddha image, etc. — one may not water it oneself, but there is no offense in getting someone else to water it if one uses *kappiya-vohāra*. ("Look at how dry this plant is !" "If it doesn't get any water, it's going to die.")

If one wants the plant to grow for other reasons — for the sake of its shade or as part of a decorative garden or forest — there is no offense in watering it oneself as long as one uses water with no discernable life in it. Two of the ancient commentaries add that if one simply desires shade, a garden, or a forest, one may plant the plant oneself as long as one places it in earth that would not count as "genuine soil" (*jātā paṭhavi*) under Pc 10.

Summary: Pouring water that one knows to contain living beings — or having it poured — on grass or clay is a pācittiya offense. Pouring into such water anything that would kill the beings — or having it poured — is also a pācittiya offense.

Buddhist Monastic Code I
Chapter 8.3
Pācittiya: The Exhortation Chapter

21. Should any bhikkhu, unauthorized, exhort the bhikkhunīs, it is to be confessed.

"Now at that time, elder bhikkhus exhorting the bhikkhunīs became recipients of robes, alms, lodgings, and medicines for the sick. (According to the Commentary, if a bhikkhu gave a good exhortation to the bhikkhunīs, they would tell their supporters, who in turn would provide the exhorter with requisites.) The thought occurred to some group-of-six bhikkhus: 'At present, elder bhikkhus exhorting the bhikkhunīs have become recipients of robes, alms, lodgings, and medicines for the sick. Let's exhort the bhikkhunīs, too.' So, having approached the bhikkhunīs, they said, 'Come, sisters, go to us too, and we'll exhort you as well.'

"So the bhikkhunīs went to the group-of-six bhikkhus and, on arrival, having bowed down, sat to one side. Then the group-of-six bhikkhus, after giving just a trifling Dhamma talk and spending the day with animal talk, dismissed the bhikkhunīs: 'You may go, sisters.'

"Then the bhikkhunīs went to the Blessed One and, on arrival, having bowed to him, stood to one side. As they were standing there, the Blessed One said to them: 'I hope the exhortation was effective, bhikkhunīs.'

"Venerable sir, from where would the exhortation be effective? The group-of-six bhikkhus, giving just a trifling Dhamma talk, dismissed us after spending the day with animal talk."

When Mahāpajāpatī Gotamī, the Buddha's aunt and stepmother, asked him to establish an order of bhikkhunīs, he did so on the condition that she and all future bhikkhunīs accept eight rules of respect (*garu-dhamma*). (This term is sometimes translated as "heavy rules" or "important rules," but the Commentary explains it as meaning vows that the bhikkhunīs are to accept with respect.) In short:

- 1) Even a bhikkhunī who has been ordained over a century must pay homage to a bhikkhu ordained that very day.
- 2) A bhikkhunī must not spend the Rains in a residence where there is no bhikkhu (within half a league, says the Commentary).
- 3) Every half month a bhikkhunī should expect two things from the Community of bhikkhus: the date of the Pāṭimokkha recitation and permission to approach for an exhortation.

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- 4) At the end of the Rains–residence, every bhikkhunī should invite accusations both from the Community of bhikkhunīs and from the Community of bhikkhus.
- 5) A bhikkhunī who has broken any of the rules of respect must undergo penance (*mānatta*) for half a month under both Communities.
- 6) A woman may become ordained as a bhikkhunī only after, as a female trainee (*sikkhamānā*), she has observed the first six precepts of the female novice without lapse for two full years. (According to the Bhikkhunīs' Pācittiyas 63, 66, and 72, she could do this with or without having also taken the full set of ten precepts of the female novice. However, simply having taken those ten precepts would not substitute for the need to receive authorization to hold stringently to the first six for two full years.)
- 7) A bhikkhunī is not to insult or revile a bhikkhu in any way. According to the Commentary, this means that she is not to insult him with any of the ten *akkosa–vatthu* (see Pc 2) or any other matter, nor is she to threaten him with harm.
- 8) A bhikkhunī may not instruct a bhikkhu, although a bhikkhu may instruct a bhikkhunī. (According to the Commentary, this means that a bhikkhunī may not give commands to a bhikkhu on how to behave. However, it notes, she may teach him in a more indirect manner, saying, for instance, "In the past, the great bhikkhus behaved like this.")

This rule deals with the biweekly exhortation mentioned in the third vow. The pattern for the exhortation was that once a bhikkhu had been chosen by the bhikkhus to exhort the bhikkhunīs, he was to sweep the place for the exhortation within the monastery where he was dwelling, set out water for drinking and washing, arrange seats for the bhikkhunīs, find a male companion, and then sit waiting for the bhikkhunīs to arrive. When they had come, he was to ask if all the bhikkhunīs were present and if the eight rules of respect were being kept up (§). (According to the Commentary, this last question means, "Are they kept memorized so that they are fresh in the memory?") If they weren't, he was to recite the eight rules. If they were, he was to present an exhortation.

Because the eight rules form the heart of the exhortation, the two factors for the full offense under this rule are defined as follows:

- 1) *Object*: a bhikkhunī or group of bhikkhunīs.
- 2) *Effort*: A bhikkhu exhorts her/them concerning the eight rules of respect when he has neither been properly authorized to do so by the Community nor asked by the bhikkhunī(s) to give instruction.

Object. A bhikkhunī had to undergo a double ordination, first in the Bhikkhunī Saṅgha and then in the Bhikkhu Saṅgha, before she was considered fully ordained. Thus only a bhikkhunī with the full double ordination is grounds for a pācittiya here. A bhikkhunī who has received only her first ordination, from the Bhikkhunī Saṅgha, is grounds for a dukkaṭa, while female trainees and female novices are not grounds for an offense.

Effort. A bhikkhu, not properly authorized, who exhorts the bhikkhunīs on any topic other than the eight rules incurs a dukkaṭa.

The authorization. When this rule was still newly formulated, some group-of-six bhikkhus simply authorized one another to continue exhorting the bhikkhunīs. This forced the Buddha to establish stringent standards for the type of bhikkhu who could properly be authorized. They were, in short:

- He is scrupulously virtuous.
- He is very learned and thoroughly understands the teachings of the celibate life.
- He has mastered both the bhikkhus' Pāṭimokkha and the bhikkhunīs' Pāṭimokkha.
- He has a pleasing voice and delivery.
- He is well-liked by most of the bhikkhunīs. (As the Commentary notes, this means that he is liked by the bhikkhunīs who are learned, virtuous, and wise.)
- He is capable of exhorting the bhikkhunīs. (This, according to the Commentary, means that he is able to cite sutta passages and other reasons that will instill within the bhikkhunīs a sense of the dangers in the cycle of rebirth.)
- He never, before his ordination, violated an important rule against one wearing the ochre robe. (This, according to the Commentary, means that he never engaged in bodily contact with a bhikkhunī or in sexual intercourse with a female trainee or female novice).
- He has been a bhikkhu for at least 20 years.

With regard to the first of these qualifications, Cv.II.1.2 notes that a bhikkhu undergoing penance or probation for a saṅghādisesa offense should not accept an authorization to exhort the bhikkhunīs; even if authorized, he should not exhort them. The same restriction applies to bhikkhus undergoing the duties imposed by a transaction of censure, further punishment, demotion, banishment, suspension, or reconciliation. (See BMC2, Chapter 20. For more details on the authorization procedures, see BMC2, Chapter 23.)

As the Commentary notes, the group-of-six bhikkhus never possessed the above eight qualities even in their dreams.

One's perception as to whether one was properly authorized is not a factor here (see Pc 4).

Non-offenses. Although this rule grew from a time when bhikkhus were eager to exhort the bhikkhunīs, times changed. The Cullavagga (X.9.5) deals with a period when the bhikkhus tried to avoid exhorting the bhikkhunīs, and Cv.X.9.4 tells what should be done when there is no bhikkhu qualified to exhort them. (The bhikkhus were to tell them, "Strive for completion (in the practice) in an amicable way.")

Even in these cases, though, the bhikkhunīs were not left adrift. They could approach any bhikkhu they admired and ask him for instruction. Thus the Vibhaṅga's

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non-offense clauses here say, "There is no offense when, having given the exposition, having given the interrogation, and then, after being requested by the bhikkhunīs to recite, he recites." According to the Commentary, "exposition" here means a recitation of the eight rules in Pali, whereas "interrogation" means the ancient commentary on the eight rules. This last is hardly likely. What seems more likely is that "exposition" means establishing that the bhikkhunīs have all come; "interrogation," questioning them as to whether they have memorized the eight rules. At any rate, the Commentary goes on to say that, when a bhikkhu has been invited like this, he is free to speak about the eight rules or any other Dhamma topic without offense. Again, this seems unlikely, for the Vibhaṅga is very precise in the terminology it uses for the various stages leading up to the exhortation, and *recites* (*osāreti*) is not the verb it uses for speaking about a topic. Instead, it usually means repeating a passage from memory.

However, there is a non-offense clause in the Vibhaṅga that allows for an unauthorized bhikkhu to exhort a bhikkhunī (or bhikkhunīs) on the eight rules or any other topic in the following situation: if, being asked a question by a bhikkhunī, one answers her question. There is also no offense if a bhikkhunī happens to overhear any instruction one is giving for the sake of another person.

Subsidiary rules. The Vibhaṅga to this rule includes a discussion of three subsidiary rules related to the exhortation of the bhikkhunīs:

- 1) A bhikkhu, even if authorized, incurs a dukkaṭa if he exhorts an incomplete group of bhikkhunīs, regardless of whether he perceives them as complete or not. The Sub-commentary notes, however, that according to the Vibhaṅga to the Bhikkhunīs' Pc 58 an ill bhikkhunī is not obliged to go to an exhortation. Thus if all the bhikkhunīs except the ill ones have come, the group counts as complete. If the group is complete and yet the bhikkhu perceives it as incomplete or is in doubt, then if he still goes ahead with the exhortation he incurs a dukkaṭa.
- 2) If an authorized bhikkhu, after asking the bhikkhunīs if they have all come, speaks of another Dhamma (instead of asking them if the eight rules have been memorized), he incurs a dukkaṭa.
- 3) If, without having first introduced the exhortation, he speaks of another Dhamma, he incurs a dukkaṭa. According to the Commentary, "introducing" an exhortation means simply announcing, "This, sisters, is the exhortation." (See the origin story to the following rule for an example of this practice.)

Summary: Exhorting a bhikkhunī about the eight rules of respect — except when one has been authorized to do so by the Community or asked a question by a bhikkhunī — is a pācittiya offense.

22. Should any bhikkhu, even if authorized, exhort the bhikkhunīs after sunset, it is to be confessed.

"Now at that time it was Ven. Cūḷapanthaka's turn to exhort the bhikkhunīs. The bhikkhunīs said, 'Today the exhortation won't be effective, for Master Cūḷapanthaka will simply say the same old stanza over and over again.'

"Then the bhikkhunīs went to Ven. Cūḷapanthaka and, on arrival, having bowed down to him, sat to one side. As they were sitting there, Ven. Cūḷapanthaka said to them, 'Are you all present, sisters?'

"Yes, venerable sir, we are all present.'

"Are the eight rules of respect being kept up?'

"Yes, venerable sir, they are being kept up.'

"Having introduced (the exhortation, saying,) 'This, sisters, is the exhortation,' he said this stanza over and over again:

Heightened in mind and heedful,
the sage trained in sagacity's ways:
He has no sorrows, one who is Such,
calmed and ever mindful.

"The bhikkhunīs said (to one another), 'Didn't we say so? Today the exhortation won't be effective, for now Master Cūḷapanthaka will simply say the same old stanza over and over again.'

"Ven. Cūḷapanthaka heard the bhikkhunīs' conversation. Rising up into the air, he walked back and forth in space, in the sky, stood, sat, lay down, emitted smoke, emitted flames, and disappeared, saying the same old stanza and many other sayings of the Buddha. The bhikkhunīs said, 'Isn't it amazing? Isn't it astounding? Never before has there been an exhortation as effective as Master Cūḷapanthaka's!'

"Then Ven. Cūḷapanthaka, having exhorted the bhikkhunīs until nightfall, dismissed them: 'You may go, sisters.' So the bhikkhunīs — the gates of the city being closed — spent the night outside the city walls and entered the city only after daybreak. People criticized and complained and spread it about, 'These bhikkhunīs are unchaste. Having spent the night with the bhikkhus in the monastery, only now are they entering the city.'"

The factors for the full offense here are two.

Object. As with the preceding rule, a bhikkhunī or group of bhikkhunīs who have received the double ordination are grounds for a pācittiya here. A bhikkhunī who has

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received only her first ordination, from the Bhikkhunī Saṅgha, is grounds for a dukkaṭa, while female trainees and female novices are not grounds for an offense.

Effort. One exhorts the bhikkhunī(s) about the eight rules or any other Dhamma after the sun has set. Perception as to whether the sun has actually set is not a mitigating factor here (see Pc 4).

Non-offenses. Although the origin story suggests that it is unwise in any case to teach bhikkhunīs after sunset — because of the suspicions that such an action may provoke — the non-offense clauses give more respect to the bhikkhunīs' desire for instruction than to the fear of gossiping lay people. As under the preceding rule, a bhikkhu may recite for the bhikkhunīs after sunset if, after he has given them the exposition and interrogation, they request that he recite. He also incurs no offense if he teaches any topic of Dhamma after sunset in response to a bhikkhunī's question, or if a bhikkhunī after sunset happens to overhear any instruction he is giving for the sake of another person.

Summary: Exhorting bhikkhunīs on any topic at all after sunset — except when they request it — is a pācittiya offense.

23. Should any bhikkhu, having gone to the bhikkhunīs' quarters, exhort the bhikkhunīs — except at the proper occasion — it is to be confessed. Here the proper occasion is this: A bhikkhunī is ill. This is the proper occasion here.

Here again there are two factors for the full offense:

Object: a bhikkhunī who is not ill. *///* means that she is unable to go to an exhortation or to an "affiliation" (*saṃvāsa*), which the New K/Sub-commentary defines as a Community meeting such as the uposatha.

As with the preceding rule, a bhikkhunī or group of bhikkhunīs who have received the double ordination are grounds for a pācittiya here. A bhikkhunī who has received only her first ordination, from the Bhikkhunī Saṅgha, is grounds for a dukkaṭa, while female trainees and female novices are not grounds for an offense.

Effort. One goes to her residence — any place where a bhikkhunī has spent at least one night — and exhorts her concerning the eight rules of respect. Exhorting her about any other topic is grounds for a dukkaṭa. Perception with regard to her status as ordained is not a mitigating factor here (see Pc 4).

Non-offenses. As the rule states, there is no offense for the bhikkhu who goes to the bhikkhunīs' quarters to exhort an ill bhikkhunī. Otherwise, the non-offense clauses are identical with those for the preceding rule. Here again, a bhikkhunī's desire for instruction is considered more important than the suspicions of the laity.

Summary: Going to the bhikkhunīs' quarters and exhorting a bhikkhunī about the eight rules of respect — except when she is ill or has requested the instruction — is a pācittiya offense.

24. Should any bhikkhu say that the bhikkhus exhort the bhikkhunīs for the sake of worldly gain, it is to be confessed.

Here the factors for the full offense are three.

Object: a bhikkhu who has been properly authorized to teach the bhikkhunīs and who is not teaching for the sake of worldly gain: either material (robes, almsfood, lodgings, or medicine) or immaterial (honor, respect, reverence, homage, or veneration).

A bhikkhu who has not been properly authorized is grounds for a dukkaṭa, as is a non-ordained person, properly authorized or not. (The PTS edition of the Canon contains a wheel in which a person not properly authorized and perceived as not properly authorized is not grounds for an offense, but this contradicts the passages earlier in the Vibhaṅga which make the above points. The same wheel in the Thai, Burmese, and Sri Lankan editions is thus more correct in saying that a person not properly authorized and perceived as such is grounds for a dukkaṭa.)

Perception as to the validity of the bhikkhu's authorization is not a mitigating factor here. If it was valid, he is grounds for a pācittiya whether one perceives it as valid, invalid, or doubtful. If it was invalid, he is grounds for a dukkaṭa whether one perceives it as valid, invalid, or doubtful. This is another case where the pattern set out under Pc 4 does not hold.

Intention. One's motive is to make him lose face, lose status, or feel abashed (the same intention as under Pc 13).

Effort. One accuses him of teaching for the sake of worldly gain, as defined above.

Non-offenses. If the bhikkhu does actually teach for the sake of worldly gain, there is no offense in stating the facts of the case. However, as we noted in the similar case under Pc 13, this exemption does not apply in cases where one's perception that he teaches for the sake of worldly gain is mistaken, so one must be careful that one's perception is accurate.

Summary: Saying that a properly authorized bhikkhu exhorts the bhikkhunīs for the sake of worldly gain — when in fact that is not the case — is a pācittiya offense.

25. Should any bhikkhu give robe-cloth to a bhikkhunī unrelated to him, except in exchange, it is to be confessed.

This rule is the counterpart to NP 5. The full offense is composed of two factors: object and effort.

Object: any piece of robe-cloth of the six suitable kinds, measuring at least four by eight fingerbreadths. Other requisites are not grounds for an offense.

Effort. The bhikkhu gives the cloth to an unrelated bhikkhunī and does not receive anything from her in exchange.

Unrelated bhikkhunī here is defined in the same terms as under NP 4: a bhikkhunī who has received the double ordination and is not related to the bhikkhu back through their great x 7 grandfathers. An unrelated bhikkhunī who has received only her first ordination, from the bhikkhunīs, is grounds for a dukkaṭa. Female trainees and female novices are not grounds for an offense.

Perception as to whether the bhikkhunī is actually one's relative is not a mitigating factor here (see Pc 4).

The Commentary states that the giving need not be hand-to-hand. If a bhikkhu simply places the cloth near a bhikkhunī as his way of giving it to her, and she accepts it as given, this factor is fulfilled.

As for the item given in exchange for the cloth, the Vibhaṅga states that it can be worth much more than the cloth or much less. Buddhaghosa quotes the Mahā Paccarī, one of the ancient commentaries, as saying that even if, in return for the cloth, the bhikkhunī gives the bhikkhu a piece of yellow myrobalan — a medicinal fruit, one of the cheapest things imaginable in India — he escapes the penalty under this rule.

Non-offenses. There is no offense if:

- the bhikkhunī is a relation;
- she is not related, but she gives one something in exchange;
- she takes the cloth on trust;
- she borrows the cloth;
- one gives her a non-cloth requisite; or
- one gives robe-cloth to a female trainee or female novice.

Summary: Giving robe-cloth to an unrelated bhikkhunī without receiving anything in exchange is a pācittiya offense.

26. Should any bhikkhu sew robe-cloth or have it sewn for a bhikkhunī unrelated to him, it is to be confessed.

"Now at that time Ven. Udāyin had become accomplished in making robes. A certain bhikkhunī went to him and on arrival said, 'It would be good, venerable sir, if you sewed me a robe.' So Ven. Udāyin, having sewed a robe for the bhikkhunī, having dyed it well and stitched it nicely, having embroidered an obscene design in the middle (a man and woman in mid-intercourse, done in full color, says the Commentary), and having folded it up, placed it to one side. Then the bhikkhunī went to him and on arrival said, 'Where is the robe, venerable sir?'

"Here you are, sister. Take this robe as it is folded and place it aside. When the Community of bhikkhunīs comes for exhortation, put it on and come behind them.'

"So the bhikkhunī took the robe as it was folded and placed it aside. When the Community of bhikkhunīs came for exhortation, she put it on and came behind them. People criticized and complained and spread it about, 'How brazen these bhikkhunīs are, how mischievous and shameless, in that they embroider an obscene design on a robe!'

"The bhikkhunīs said, 'Whose work is this?'

"Master Udāyin's,' the bhikkhunī answered.

"A thing like this wouldn't be attractive even from those who are brazen, mischievous, and shameless, much less from Master Udāyin (§)."

The full offense here has three factors.

- 1) *Effort*: One sews — or gets someone else to sew —
- 2) *Object*: a robe
- 3) *Intention*: for the sake of a bhikkhunī unrelated to oneself.

Effort. The Vibhaṅga says that there is a pācittiya for every stitch one makes in the robe-cloth. If one gets someone else to sew it, there is a pācittiya in giving the command or making the request, and another pācittiya when the other person does as commanded/requested, no matter how many stitches he/she makes.

Object. The Vibhaṅga defines *robe* here as meaning any of the six kinds of robe-cloth, even a piece measuring at least four by eight fingerbreadths. This would seem to suggest that cloth being sewn into any object would come under this rule, but the non-offense clauses give an exemption for sewing "any requisite aside from a robe," so only cloth being sewn into a robe would fulfill the factor of effort here.

Intention. This factor is fulfilled only if the robe-cloth being sewn is intended for an unrelated bhikkhunī, as under the preceding rule: a bhikkhunī who has received the double ordination and is not related to the bhikkhu back through their great x 7

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grandfathers. An unrelated bhikkhunī who has received only her first ordination, from the bhikkhunīs, is grounds for a dukkaṭa. Related bhikkhunīs are not grounds for an offense, nor are female trainees or female novices.

Perception as to whether the bhikkhunī is actually one's relative is not a mitigating factor here (see Pc 4).

The Commentary states that if Bhikkhu X is sewing robe-cloth for a bhikkhunī related to him, and Bhikkhu Y — who is not related to her — helps him sew it, Bhikkhu Y incurs a pācittiya for every stitch he sews in the cloth. The Sub-commentary adds, though, that if Bhikkhu Y does not know that the cloth is for the bhikkhunī, he is exempt from the offense.

Non-offenses. There is no offense in sewing a cloth requisite other than a robe for an unrelated bhikkhunī, in sewing anything for a bhikkhunī who is a relation, or in sewing anything for a female trainee or female novice, related or not.

Summary: Sewing a robe — or having it sewn — for an unrelated bhikkhunī is a pācittiya offense.

27. Should any bhikkhu, by arrangement, travel together with a bhikkhunī even for the interval between one village and the next, except at the proper occasion, it is to be confessed. Here the proper occasion is this: The road is to be traveled by caravan (§) and is considered dubious and risky. This is the proper occasion here.

Here the full offense has two factors.

- 1) *Object* a bhikkhunī
- 2) *Effort:* (a) One makes an arrangement together with her to travel together; (b) one actually travels together with her as arranged (c) from one village to another (d) except on the allowable occasions.

Object. A bhikkhunī who has received the double ordination is grounds for a pācittiya here. Any other woman would come under Pc 67.

Making an arrangement. According to the Vibhaṅga, both the bhikkhu and the bhikkhunī must give their verbal assent to the arrangement for this part of the factor to be fulfilled. If the bhikkhu proposes the arrangement but the bhikkhunī does not give her verbal assent, then even if they later travel together as he proposed, he incurs a dukkaṭa. If she proposes the arrangement but he does not give his verbal assent, then even if they later travel together as she proposed, he incurs no penalty.

Perception as to whether the factors for making an arrangement are actually fulfilled is not a mitigating factor here (see Pc 4).

The texts do not address the case in which another person makes the arrangements for a bhikkhu and bhikkhunī to travel together, say, as part of a larger group. However, the wording of the Vibhaṅga's definition of arrangement — in which the bhikkhu and bhikkhunī are addressing each other — and the non-offense clause allowing the two to travel together if they have not made an arrangement, suggest that as long as the bhikkhu and bhikkhunī do not address each other — directly or through an intermediary — about making the trip, there is no offense in joining the group.

Going as arranged. If a specific time frame was part of the arrangement, then the two parties must begin traveling together within that time frame for this factor to be fulfilled. If they happen to start out earlier or later than arranged, again the bhikkhu incurs no penalty. The examples in the Commentary suggest that "earlier" or "later" here involve fairly substantial amounts of time, i.e., going one day later than arranged, or going before the meal when the arrangement was to go after the meal. The Commentary also adds that if a specific place to meet or route to travel were part of the arrangement, any change in those factors would be irrelevant to the offense. For example, if they agreed to go by train but ended up going by car, the factor of "going as arranged" would still be fulfilled.

From one village to another. There is some controversy as to whether this phrase — *gāmantara* — means "from one village to another" or "from one house to another." According to Buddhaghosa, the ancient commentaries opted for "village," while he opts for "house." The ancient commentaries have the support of the Canon here, in that the term in question also occurs in Bhikkhunīs' Sg 3 & Pc 37, where it definitely means the area outside a village and not the interval from one house to another within a village.

There is a pācittiya for every village-to-village interval one passes. In an area where there are no villages — i.e., says the Sub-commentary, where villages are further than half a league (8 km. or 5 miles) apart — there is a pācittiya for every half-league one travels together as arranged.

The allowable occasions. A road to be traveled by caravan (§) is one too dubious or risky to travel alone. (BD translates this as a "road to be traveled with a weapon," but because bhikkhus and bhikkhunīs are not allowed even to touch weapons, it's a doubtful translation at best.)

Dubious means that the eating, sleeping, sitting, or standing places of thieves have been seen along the road; *risky*, that people are known to have been beaten, plundered, or robbed by thieves there.

The Vibhaṅga adds that if the road was believed to be dubious or risky but is later found to be safe, the exemption no longer holds, and the bhikkhus are to dismiss the bhikkhunīs from their company.

Non-offenses. There is no offense:

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- if the bhikkhu and bhikkhunī happen to travel together without having made an arrangement;
- if the bhikkhunī proposes an arrangement, while the bhikkhu does not give his verbal assent;
- if they travel on a dubious and risky road; or
- if there are other dangers. The Commentary illustrates this last contingency with a stock phrase whose meaning admits two interpretations. It starts, "Savage tribes are attacking the countryside," and then comes the ambiguous part, either, "People mount their wheels (their carriages, says the Sub-commentary)," or, alternatively, "The tribes seize power (another meaning for 'wheel')."

Summary: Traveling by arrangement with a bhikkhunī from one village to another — except when the road is risky or there are other dangers — is a pācittiya offense.

28. Should any bhikkhu, by arrangement, get in the same boat with a bhikkhunī going upstream or downstream — except to cross over to the other bank — it is to be confessed.

"Now at that time, some group-of-six bhikkhus, having made an arrangement with some bhikkhunīs, got in the same boat with them. People criticized and complained and spread it about: 'Just as we sport with our wives in a boat, so too these Sakyā-son monks, having made an arrangement with bhikkhunīs, sport with them in a boat...'"

(The Buddha then formulated the first version of this rule, without the exception for crossing over to the other bank.)

"Then at that time a number of bhikkhus and bhikkhunīs were traveling on the road from Sāketa to Sāvathī. Along the way, they had to cross over a river. The bhikkhunīs said to the bhikkhus, 'We'll cross over with the masters.'

"Sisters, it isn't proper for bhikkhus, having made an arrangement, to get in the same boat with bhikkhunīs. Either you cross over first or we will.'

"The masters are the foremost men. Let the masters cross over first.'

"Then as the bhikkhunīs were crossing over afterward, thieves robbed them and raped them."

The factors for the full offense here are similar to those for the preceding rule.

- 1) *Object* a bhikkhunī.
- 2) *Effort*: (a) One makes an arrangement together with her to get in a boat together; (b) one actually travels together with her as arranged, going upstream or downstream along a river (c) from one village to another.

Object. A bhikkhunī who has received the double ordination is grounds for a pācittiya here. Unlike the case with many other rules in this section, the Vibhaṅga here does not state that a bhikkhunī who has received only her first ordination is grounds for a dukkaṭa, nor that a female trainee or a female novice would be grounds for no offense. This may have been an oversight. The Vibhaṅga here closely follows the Vibhaṅga to the preceding rule, which omits mentioning these three classes of women because they are covered by a parallel rule, Pc 67. This rule, however, has no such parallel rule to cover these three classes, and so the omission here leaves them neither allowed nor forbidden by any rule.

Effort. The conditions for making an arrangement here, as well as those concerning the issue of perception about the arrangement, are identical with those under the preceding rule.

The next part of the factor — going as arranged — is fulfilled only if they get in the boat together within the time frame they had agreed on. If they get in earlier or later, there is no offense.

Once they get in the boat as arranged, the bhikkhu incurs a pācittiya for every village-to-village interval they pass along the riverbank while going upstream or downstream. If the villages are further than 8 km. apart, he incurs a pācittiya for every 8 km. they travel together.

The commentaries add "intention" as an additional factor here — the bhikkhu's purpose in traveling with the bhikkhunī(s) is for amusement — but there is no basis for this in the Vibhaṅga.

Non-offenses. As the rule says, there is no offense in making an arrangement and crossing over a river with a bhikkhunī. The Commentary adds that this applies not only to rivers but also to oceans: If one travels from one seaport to another by arrangement with a bhikkhunī, no penalty is entailed.

The K/Commentary goes even further and says that this rule applies only to rivers, and that a bhikkhu seeking some amusement with a bhikkhunī may make a date with her and travel around the ocean as much as he likes with no offense. The Sub-commentary disagrees with both the Commentary and K/Commentary here, saying that a bhikkhu traveling by arrangement with a bhikkhunī in a boat on the ocean incurs a dukkaṭa for every 8 km. they travel. The Sub-commentary's position here is more in keeping with the Great Standards and so carries more weight.

Finally, there is no offense if:

- the bhikkhu and bhikkhunī happen to travel together in the same boat without having made an arrangement;
- the bhikkhunī proposes an arrangement, while the bhikkhu does not give his verbal assent; or
- there are dangers.

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Summary: Traveling by arrangement with a bhikkhunī upriver or downriver in the same boat — except when crossing a river — is a pācittiya offense.

29. Should any bhikkhu knowingly eat almsfood donated through the prompting of a bhikkhunī, except for food that householders had already intended for him prior (to her prompting), it is to be confessed.

"Now at that time Bhikkhunī Thullanandā regularly took her meals with a certain family. Then one day the head of the household invited some senior bhikkhus to a meal. Bhikkhunī Thullanandā, dressing early in the morning, taking her bowl and (outer) robe, went to the family's place and on arrival said to the head of the household, 'Why has so much of this staple and non-staple food been prepared?'

"'I've invited some senior bhikkhus for a meal.'

"'But who, to you, are senior bhikkhus?'

"'Master Sāriputta, Master Mahā Moggallāna, Master Mahā Kaccāna, Master Mahā Kottḥita, Master Mahā Kappina, Master Mahā Cunda, Master Anuruddha, Master Revata, Master Upāli, Master Ānanda, Master Rāhula.'

"'But why have you invited these scoundrels when great heroes are available? (§)'

"'And who, to *you*, are great heroes?'

"'Master Devadatta, Master Kokālika, Master Kaṭamoraka Tissaka, Master Khaṇḍadeviyāputta, Master Samuddadatta...' At that point, Bhikkhunī Thullanandā was interrupted in mid-sentence when the senior bhikkhus entered. 'It's true! You've invited great heroes!'

"'Just now you made them out to be scoundrels, and now great heroes.' So he threw her out of the house and put an end to her regular meals."

The factors for the full offense here are three.

- 1) *Object* any of the five staple foods (see the preface to the Food Chapter, below) offered by a lay person at the instigation of a bhikkhunī.
- 2) *Perception*: One knows that it was offered at her instigation.
- 3) *Effort*: One eats the food.

Object. Any of the five staple foods is grounds for a pācittiya. Any edible aside from them is not grounds for an offense.

Bhikkhunī here refers to one who has received the double ordination. The Vibhaṅga notes that one who has received only her first ordination — from the Bhikkhunī

Saṅgha — is grounds for a dukkaṭa, while female trainees and female novices are not grounds for an offense.

Instigating means that the bhikkhunī speaking to a lay person who is not already planning to give food to Bhikkhu X, praises X or suggests that food should be presented to him. If the lay person was already planning to give food to X, this factor is not fulfilled. The Vibhaṅga defines *already planning to give food* in the following terms: Either X and the lay person are related, the lay person has previously invited X to ask for food, or the lay person has already prepared the food in question for X of his/her own accord prior to the bhikkhunī's instigation.

Perception. If one is in doubt as to whether the food was offered at a bhikkhunī's instigation, the penalty for eating it is a dukkaṭa regardless of whether it was. If one thinks that it was offered at her instigation when it actually wasn't, the penalty for eating it is again a dukkaṭa. If one does not perceive it as offered at her instigation, then whether it was or wasn't, there is no offense.

Effort. There is a dukkaṭa for accepting food with the purpose of eating it, and a pācittiya for every mouthful one eats.

- **Non-offenses.** There is no offense if:
 - one does not know,
 - the food offered is not one of the five staples,
 - the lay person was instigated by a female trainee or female novice, or
 - the lay person was already planning to present one with the food before the bhikkhunī's instigation. As we noted above, one's relatives, people who have invited one to ask for food, and people who ordinarily provide one with food also fit under this allowance.

Summary: Eating any of the five staple foods that a lay person has offered as the result of a bhikkhunī's prompting — unless the lay person was already planning to offer the food before her prompting — is a pācittiya offense.

30. Should any bhikkhu sit in private, alone with a bhikkhunī, it is to be confessed.

Except for one rare case — a bhikkhunī who does not know what is lewd and not lewd — this rule is completely subsumed under Pc 45. For explanations, see the discussion under that rule.

Summary: When aiming at privacy, sitting or lying down alone with a bhikkhunī in an unsecluded but private place with no one else present is a pācittiya offense.

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Chapter 8.4

Pācittiya: The Food Chapter

4. The Food Chapter

Many of the rules in this chapter classify food into two groups: *bhojana/bhojaniya* (consumables) and *khādaniya* (chewables). Scholars usually translate the two as "softer food" and "harder food," although the hardness or softness of a particular food has little to do with the category it belongs to. A translation closer to the essence of each category would be "staple food" and "non-staple food." The distinction between the two is important, for it is often the deciding factor between what is and is not an offense. Note, however, that the term *staple* here covers only what was considered staple in the time of the Buddha. Bread, pasta, and potatoes, which are staples in the West, were not always staples in India at that time and so do not always fit into this category.

Staple foods are consistently defined as five sorts of foods, although the precise definitions of the first two are a matter of controversy.

- 1) *Cooked grains*: The Commentary to Pc 35 defines this as seven types of cooked grain, but there is disagreement on the identity of some of the seven. They are *sālī* (BD translates this as rice; the Thais, wheat); *vīhi* (BD again has rice, and the Thais agree); *yava* (BD has barley; the Thais, glutinous rice); *godhūma* (BD has wheat; the Thais, tares); *kañgu* (both BD and the Thais identify this as millet or sorghum); *varaka* (BD doesn't identify this beyond saying that it is a bean; the Thais are probably right in identifying it as Job's tears); and *kudrūsaka* (the Commentary defines this term as covering all forms of grain coming from grass — rye would be an example in the West). Whatever the precise definitions of these terms, though, we could argue from the Great Standards that any grain cooked as a staple — including corn (maize) and oats — would fit into this category.
- 2) *Kummāsa*: The Commentary describes this as a staple confection made out of *yava* but doesn't give any further details aside from saying that if the *kummāsa* is made out of any of the other grains or mung beans, it doesn't count as a staple food. References to *kummāsa* in the Canon show that it was a very common staple that could form a rudimentary meal in and of itself and would spoil if left overnight.
- 3) *Sattu*: any of the seven types of grain dried or roasted and pounded into meal.
- 4) *Fish*: the flesh of any animal living in the water.
- 5) *Meat*: the flesh of any animal living on land, except for that which is unallowable. Because the Commentary, in discussing unallowable meat, uses the word *meat* to cover all parts of an animal's body, the same

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convention would apply to allowable meat (and to fish) as well. Thus it covers the liver, kidneys, eggs, etc., of any animal whose flesh is allowable.

The following types of meat are unallowable: that of human beings, elephants, horses, dogs, snakes, lions, tigers, leopards, bears, and hyenas. Human beings, horses, and elephants were regarded as too noble to be used as food. The other types of meat were forbidden either on grounds that they were repulsive ("People criticized and complained and spread it about, 'How can these Sakyan-son monks eat dog meat? Dogs are loathsome, disgusting'") or dangerous (bhikkhus, smelling of lion's flesh, went into the jungle; the lions there, instead of criticizing or complaining, attacked them).

The Commentary adds three comments here: These prohibitions cover not only the meat of these animals but also their blood, bones, skin, and hide (the layer of tissue just under the skin — see AN IV.113). The prohibition against dog flesh does not include wild dogs, such as wolves and foxes, (but many teachers — including the Thai translator of the Commentary — question this point). The flesh of a half-dog half-wolf mixture, however, would be forbidden. The prohibition against snake flesh covers the flesh of all long, footless beings. Thus eels would not be allowed.

To eat human flesh entails a thullaccaya; to eat any of the other unallowable types, a dukkaṭa (Mv.VI.23.9–15). If a bhikkhu is uncertain as to the identity of any meat presented to him, he incurs a dukkaṭa if he doesn't ask the donor what it is before eating it (Mv.VI.23.9). The Commentary interprets this as meaning that if, on reflection, one recognizes what kind of meat it is, one needn't ask the donor about the identity of the meat. If one doesn't recognize it, one *must* ask. If one mistakenly identifies an unallowable sort of meat as allowable and then goes ahead and consumes it under that mistaken assumption, there is no offense.

Fish or meat, even if of an allowable kind, is unallowable if raw. Thus bhikkhus may not eat steak tartare, sashimi, oysters on the half-shell, raw eggs, caviar, etc. (Raw flesh and blood are allowed at Mv.VI.10.2 only when one is possessed by non-human beings (!)) Furthermore, even cooked fish or meat of an allowable kind is unallowable if the bhikkhu sees, hears, or suspects that the animal was killed specifically for the purpose of feeding bhikkhus (Mv.VI.31.14).

Non-staple foods are defined according to context:

- a) in Pc 35–38: every edible aside from staple foods, juice drinks, the five tonics, and medicines (see below);
- b) in Pc 40: every edible aside from staple foods, water, and tooth wood;
- c) in Pc 41 (also the Bhikkhunīs' Pc 44 & 54): every edible aside from staple foods, the five tonics, juice drinks, medicine, and conjei.

The Commentary to Pc 37 lists the following items as non-staple foods: flour and confections made of flour (cakes, bread and pasta made without eggs would be

classed here); also, roots, tubers (this would include potatoes), lotus roots, sprouts, stems, bark, leaves, flowers, fruits, nuts, seed-meal, seeds, and resins that are made into food. Any of these items made into medicines, though, would not be classed as a non-staple food.

The Commentary also acknowledges that some societies use roots, tubers, confections made out of flour, etc., as staple foods, but it nowhere suggests that the definition of staple food be altered to fit the society in which one is living. However — because eggs come under meat — any bread, pastries, noodles, and pasta made with eggs are staple foods. Thus in the West we are left with a somewhat zigzag line separating what are and are not staple foods for the purposes of the rules: Meal pounded from grain is a staple; flour ground from grain is not. Bread made with oat meal, corn meal, wheat germ, etc., would thus be a staple; bread made without any grain meal or eggs would not. The same holds true for pastries, noodles, and pasta.

This means that it would be possible for a donor to provide bhikkhus with a full, strictly vegetarian meal that would include absolutely no staple foods. A wise policy in such a case, though, would be to treat the meal as if it did contain staple foods with reference to the rules (Pc 33 & 35) that aim at saving face for the donor.

Conjey, the watery rice porridge or gruel commonly drunk before alms round in the time of the Buddha, is classed differently according to context. If it is so thick that it cannot be drunk and must be eaten with a spoon, it is regarded as a staple food (Mv.VI.25.7; Pc 33). "Drinking conjey" is classed as a non-staple food under Pc 35–38 & 40, whereas it is considered neither a staple nor a non-staple food under Pc 41. The Commentary notes, though, that if drinking conjey has bits of meat or fish "larger than lettuce seeds" floating in it, it is a staple food.

Mv.VI.34.21 contains an allowance for the five products of the cow: milk, curds, buttermilk, butter, and ghee. The Commentary mentions that each of these five may be taken separately — i.e., the allowance does not mean that all five must be taken together. Milk and curds are classed as "finer staple foods" under Pc 39, but in other contexts they fit under the definition of non-staple food. All other dairy products — except for fresh butter and ghee when used as tonics (see NP 23) — are non-staple foods.

One of the ten disputed points that led to the convening of the Second Council was the issue of whether thin sour milk — milk that has passed the state of being milk but not yet arrived at the state of being buttermilk — would count inside or outside the general category of staple/non-staple food under Pc 35. The decision of the Council was that it was inside the category, and thus a bhikkhu who has turned down an offer of further food would commit the offense under that rule if he later in the morning consumed thin sour milk that was not left over.

In addition to staple and non-staple foods, the Vibhaṅga to the rules in this chapter mentions three other classes of edibles: juice drinks, the five tonics, and medicines.

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Juice drinks include the freshly squeezed juice of sugar cane, water lily root, all fruits except grain, all leaves except cooked greens, and all flowers except liquorice (Mv.VI.35.6). The way the allowance for juice drinks is phrased — fruits, leaves, and flowers are mentioned as a class, whereas canes and roots are not — suggests that the Great Standards should not be used to extend the allowance for sugar cane juice and water lily root juice to include the juice from other canes or roots.

According to the Commentary, the juice must be strained and may be warmed by sunlight but not heated over a fire. What category boiled juice would fit under, the Commentary does not say. As we noted under NP 23, the Vinaya-mukha — arguing from the parallel between sugar cane juice, which is a juice drink, and sugar, which is made by boiling sugar cane juice — maintains that boiled juice would fit under sugar in the five tonics. This opinion, however, is not accepted in all Communities. In those that do accept it, pasteurized juice, juice concentrates, and juice made from concentrate would come under sugar.

In discussing the Great Standards, the Commentary says that grain is a "great fruit," and thus the juice of any one of nine large fruits — palmyra fruit, coconut, jackfruit, breadfruit, bottle gourd, white gourd, muskmelon, watermelon, and squash — would fall under the same class as the juice of grain: i.e., as a non-staple food and not a juice drink. From this judgment, many Communities infer that the juice of *any* large fruit, such as pineapple or grapefruit, would also be classed as a non-staple food. However, not all Communities follow the Commentary on this point, as the allowance for juice-drinks states specifically that the juice of all fruits is allowed except for that of grain.

According to the Commentary, allowable leaf-juice drinks include juice squeezed from leaves that are considered food — such as lettuce, spinach, or beet greens — as well as from leaves that are classed as medicines. Health drinks such as wheat grass juice would thus be allowable. Leaf-juice may be mixed with cold water and/or warmed in the sunlight. The prohibition against consuming the juice from cooked vegetables in the afternoon covers all cooked leaves that are considered food, as well as any medicinal leaves cooked in liquids that are classed as food, such as milk. Medicinal leaves cooked in pure water retain their classification as medicines.

The Commentary's discussion of flower juice drinks allowable and unallowable for the afternoon shows that liquorice flower juice was used to make alcohol, which is why the Canon doesn't include it as allowable in this class. The Commentary extends this prohibition to cover any kind of flower juice prepared in such a way that it will become alcoholic. The Commentary goes on to say, though, that liquorice flower juice and other flower juices *not* prepared so that they will become toddy are allowable in the morning.

The Commentary notes further that if a bhikkhu himself makes any of the juice drinks, he may consume it only before noon. If the juice is made by a non-bhikkhu and formally offered before noon, one may "also" drink it with food before noon — the "also" here implying that the original allowance, that one may drink it without food after noon and before dawnrise, still holds. If the juice is made by a non-

bhikkhu and formally offered after noon, one may drink it without food until the following dawnrise. The allowance for mango juice drink covers juice made either from ripe or from unripe mangoes. To make unripe mango juice, it recommends that the mango be cut or broken into small pieces, placed in water, heated in sunlight, and then strained, adding honey, sugar, and/or camphor as desired. Juice made from *Bassia pterrei* must be diluted with water, as the undiluted juice of this fruit is too thick.

The five tonics are discussed in detail under NP 23.

Medicines. According to the Mahāvagga (VI.3.1–8), any items in the six following categories that, by themselves, are not used as staple or non-staple food are medicines: roots, astringent decoctions, leaves, fruits, resins, and salts. For example, under fruits: Oranges and apples are not medicines, but pepper, nutmeg, and cardamom are. Most modern medicines would fit under the category of salts. Using the Great Standards, we can say that any edible that is used as a medicine but does not fit under the categories of staple or non-staple food, juice drinks, or the five tonics, would fit here. (For a full discussion of medicines, see BMC2, Chapter 5.)

Keeping and consuming. Each of the four basic classes of edibles — food, juice drinks, the five tonics, and medicines — has its "life span," the period during which it may be kept and consumed. Food may be kept and consumed until noon of the day it is received; juice drinks, until dawnrise of the following day; the five tonics, until dawnrise of the seventh day after they are received; and medicines, for the remainder of one's life.

Mixed foods. Edibles made from mixed ingredients that have different life spans — e.g., salted beef, honeyed cough syrup, sugared orange juice — have the same life span as the ingredient with the shortest life span. Thus salted beef is treated as beef, honeyed cough syrup as honey, and sugared orange juice as orange juice (Mv.VI.40.3). According to the Commentary, *mixing* here means thorough intermingling. Thus, it says, if fruit juice has a whole, unhusked coconut floating in it, the coconut may be removed, and the juice is all right to drink until the following dawnrise. If butter is placed on top of rice porridge, the part of the butter that hasn't melted into the rice may be kept and eaten for seven days. If items with different life spans are all presented at the same time, they maintain their separate life spans as long as they don't interpenetrate one another. Not all Communities, however, follow the Commentary on this point.

Mv.VI.40.3, the passage underlying these rulings, can be translated as follows (replacing the formal terms for categories of food with the primary examples of each category):

"Juice-mixed-with-food, when received that day, is allowable during the right time and not allowable at the wrong time. A tonic-mixed-with-food, when received that day, is allowable during the right time and not allowable at the wrong time. Medicine-mixed-with-food, when received that day, is allowable during the right time and not allowable at the wrong time. A tonic-mixed-with-juice, when received

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that day, is allowable through the watches of the night and not allowable when the watches of the night have past. Medicine-mixed-with-juice, when received that day, is allowable through the watches of the night and not allowable when the watches of the night have past. Medicine-mixed-with-a-tonic, when received, is allowable for seven days and not allowable when seven days have past."

Translated in this way, the passage covers foods that are already mixed when presented to a bhikkhu. One of the general issues that led to the convening of the Second Council, however, concerned how to treat cases where foods received separately are then mixed by a bhikkhu. The specific issue presented to the Council was that of bhikkhus who kept a horn filled with salt so that they could add salt to bland foods. The Council's verdict was that in doing so, the bhikkhus incurred a *pācittiya* under Pc 38. The *Vibhaṅga* to that rule, however, gives a *dukkaṭa* for using, as food, life-long medicine that has been stored overnight, and salt is a life-long medicine. Thus the elders at the Council seem to have reasoned that if the salt has been mixed in with food, the mixture as a whole counts as food accepted when the first ingredient (the salt) was accepted: thus the *pācittiya*, rather than the *dukkaṭa*, under Pc 38. This principle is nowhere expressly stated in the texts, but is in some places taught as an oral tradition.

The Commentary, in treating the issue of foods mixed by a bhikkhu, translates Mv.VI.40.3 as follows:

"Juice received that day, when mixed with food, is allowable during the right time and not allowable at the wrong time. A tonic received that day, when mixed with food, is allowable during the right time and not allowable at the wrong time. Medicine received that day, when mixed with food, is allowable during the right time and not allowable at the wrong time. A tonic received that day, when mixed with juice, is allowable through the watches of the night and not allowable when the watches of the night have past. Medicine received that day, when mixed with juice, is allowable through the watches of the night and not allowable when the watches of the night have past. Medicine received, when mixed with a tonic, is allowable for seven days and not allowable when seven days have past."

The question the Commentary then raises is, "Why is the word 'that day' (*tadahu*) omitted from the last case?" Its answer is that there is no limit on when the medicine has to be received for it to be properly mixed with a tonic received today. In other words, it could have been received any number of days before the tonic was received. If it is mixed with the tonic on the first day of the tonic's life span, the mixture as a whole has a seven-day life span. If mixed with the tonic on the second day of the tonic's life, the mixture has a six-day life span, and so forth. The Commentary's translation of this passage may strain standard Pali syntax, but it is grammatically correct and is the only way of deriving from Mv.VI.40.3 a general principle to cover the issue of foods received separately that are then mixed by a bhikkhu. Thus the principle has been generally accepted that tonics and medicines, such as sugar and salt, received today may be eaten mixed with food or juice drinks received today, but not with food or juice drinks received on a later day. Medicine, such as salt, tea, or cocoa, received at any time may be eaten mixed with any of the five tonics on any day of the tonic's life span.

31. A bhikkhu who is not ill may eat one meal at a public alms center. Should he eat more than that, it is to be confessed.

"Now at that time a certain guild had prepared food at a public alms center not far from Sāvattihī. Some group-of-six bhikkhus, dressing early in the morning, taking their bowls and (outer) robes, entered Sāvattihī for alms but, after not getting any almsfood, went to the public alms center. The people there said, 'At long last your reverences have come,' and respectfully waited on them. Then on the second day ... the third day, the group-of-six bhikkhus ... entered Sāvattihī for alms but, after not getting any almsfood went to the public alms center and ate. The thought occurred to them, 'What's the use of our going back to the monastery? (§) Tomorrow we'll have to come right back here.'

"So staying on and on right there, they ate the food of the public alms center. The members of other religions fled the place. People criticized and complained and spread it about: 'How can these Sakyan-son monks stay on and on, eating the food of the public alms center? The food at the public alms center isn't prepared just for them; it's prepared for absolutely everybody.'"

A *public alms center* is a place — in a building, under the shade of a tree, or in the open air — where all comers are offered as much food as they want, free of charge. Soup kitchens and shelters for the homeless, if run in this way, would fit under this rule. A *meal* is defined as one that includes any of the five staple foods. *Not ill* in this rule is defined as being able to leave the alms center.

The origin story seems to indicate that this rule is directed against staying on and eating day after day in the alms center. The Commentary, though, maintains that it forbids eating in the center two days running, without making any mention of whether the bhikkhu stays on at the center or not. To eat one day in a center belonging to one family (or group) and the next day in a center belonging to another group, it says, entails no penalty.

Perception as to whether one is actually ill is not a mitigating factor here (see Pc 4.)

Non-offenses. According to the Vibhaṅga, there is no offense in taking a meal on the second day —

- if it does not include any of the five staple foods;
- if one is invited by the proprietors;
- if one is ill;
- if the food is specifically intended for bhikkhus (§); or
- if the center determines the amount of food the recipients may take, rather than allowing them to take as much as they want (§). The reason for this last allowance is that if the owners of the center were unhappy with having a bhikkhu eat there, they could give him very little or nothing at all.

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Also, there is no offense in taking a second meal when "coming or going," which in the context of the origin story seems to mean that one may take a second meal if one simply leaves the center and then comes back. The Commentary, though, interprets this phrase as meaning "coming or going on a journey," and even here it says a meal should not be taken from the center two days running unless there are dangers, such as floods or robbers, that prevent one from continuing on one's way.

Summary: Eating food obtained from the same public alms center two days running — without leaving in the interim — unless one is too ill to leave the center, is a *pācittiya* offense.

32. A group meal, except at the proper occasions, is to be confessed. Here the proper occasions are these: a time of illness, a time of giving cloth, a time of making robes, a time of going on a journey, a time of embarking on a boat, a great occasion, a time when the meal is supplied by monks. These are the proper occasions here.

This is a rule dating from Devadatta's efforts to create a schism in the Saṅgha.

"Now at that time Devadatta, his gain and offerings diminished, ate his meals with his following having asked and asked for them among households. (Here the Commentary elaborates: 'Thinking, "Don't let my group fall apart," he provided for his following by eating his meals among households together with his following, having asked for them thus: "You give food to one bhikkhu. You give food to two."') People criticized and complained and spread it about: 'How can these Sakyan—son monks eat their meals having asked and asked for them among households? Who isn't fond of well-prepared things? Who doesn't like sweet things?'"

Group meals. The Vibhaṅga defines a *group meal* as one consisting of any of the five types of staple foods to which four or more bhikkhus are invited. Pv.VI.2 adds that this rule covers any group meal that the donor offers at his/her own initiative, as well as any that results from a bhikkhu's requesting it.

In the early days of the Buddha's career, donors who wished to invite bhikkhus to their homes for a meal would invite an entire Community. Later, as Communities grew in size and there were times of scarcity in which donors were unable to invite entire Communities (Cv.VI.21.1), the Buddha allowed:

- 1) *designated meals*, at which a certain number of bhikkhus were to be served. The donors would ask the Community official in charge of meal distribution — the meal designator (*bhattuddesaka*) — to designate so-and-so many bhikkhus "from the Community" to receive their meals. Bhikkhus would be sent on a rotating basis to these meals as they occurred.
- 2) *invitational meals*, to which specific bhikkhus were invited;

- 3) *lottery meals*, for which the bhikkhus receiving the meals were to be chosen by lot; and
- 4) *periodic meals*, i.e., meals offered at regular intervals, such as every day or every uposatha day, to which bhikkhus were to be sent on a rotating basis, as with designated meals. The meal designator was to supervise the drawing of lots and keep track of the various rotating schedules. (The explanations of these various types of meal come partly from the Commentary. For a fuller explanation, see Appendix III.)

The non-offense clauses to this rule state that in addition to the exceptions mentioned in the rule, which we will discuss below, this rule does not apply to lottery meals or periodic meals. The Commentary concludes from this — and on the surface it seems reasonable enough — that the rule thus applies to meals to which the entire Community is invited and to invitational meals. (Buddhaghosa reports that there was disagreement among Vinaya authorities as to whether it applies to designated meals — more on this point below.)

The Commentary's conclusion, though, creates a problem when lay people want to invite Communities of more than three bhikkhus to their homes for a meal. Perhaps this problem is what induced the Commentary to interpret the Vibhaṅga's definition of a *group meal* as meaning one in which the invitations specifically mention the word *meal* or *food*, or the type of meal or food to be served. ("Come to my house for breakfast tomorrow." "I know you don't often get a chance to eat Indian food, so I'm inviting you all over for chappatties and curry.") This interpretation has led to the custom of phrasing invitations to eat "in the morning" or to eat "before noon," so that groups of four or more bhikkhus may be invited without breaking this rule.

The Buddha's purposes for establishing this rule, though, are listed at Cv.VII.3.13 as follows: "For the restraint of evil-minded individuals, for the comfort of well-behaved bhikkhus, so that those with evil desires will not split the Community by (forming) a faction, and out of compassion for families."

The Commentary's definition of *group meal* accomplishes none of these purposes: The custom of phrasing invitations to avoid the word *meal* or *food* does nothing to restrain evil-minded individuals, etc., and it actually creates trouble for lay people who do not know the custom, a point well-illustrated by the Commentary itself in an entertaining section on how to deal with a person whose invitation contains the word *meal*. After getting the run-around from the meal designator — who apparently was not allowed to tell him in any straightforward way how to phrase his invitation and so gave him a long series of hints — the poor man returns to his friends and makes a cryptic statement that the A/Sub-commentary translates as: "There are a lot of words that have to be spoken in this business of making an invitation. What's the use of them all?"

Two other arguments against the Commentary's interpretation are:

- 1) The Vibhaṅga's definition of *invited* in this rule is repeated word-for-word under Pc 33 & 46. If the factor of mentioning "food" or "meal," etc., is necessary for there to be an offense under this rule, it would have to be

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necessary under those rules as well, a proposal that makes no sense in their context and that no one has ever suggested.

- 2) In the origin stories of two of the reformulations of the rule, bhikkhus refuse invitations on the grounds that they would break the rule against a group meal, and yet the invitations make no mention of "food" or "meal."

An alternative interpretation. To find an alternative to the Commentary's explanation, we have to go back to the origin stories leading to the reformulations of the rule, where we find an interesting point: The invitations rejected by scrupulous bhikkhus on the grounds that they would break the rule all deal with "invitational" meals. In one of them, a naked ascetic invites a group of bhikkhus to an invitational meal and is rejected on the grounds that it would constitute a group meal. He then goes to the Buddha and — after complaining that he should not be subjected to such treatment — rephrases the invitation, this time inviting the entire Community. This suggests that he felt an invitation of this sort would not constitute a group meal.

His reasoning has its grounds in the Vinaya itself: Throughout the Vibhaṅga and Khandhakas, the word *group* is used to refer to any set of bhikkhus not forming a complete Community and yet acting as an independent unit. This may be why the category of Community meal was not mentioned in the non-offense clauses: The arrangers of the Vibhaṅga may have felt that no mention was necessary, in that the term *group* meal automatically excluded Community meals.

Similar considerations suggest that designated meals may also be exempted from this rule even though they are not mentioned in the non-offense clauses. Invitations to such meals were customarily worded as requests for so-and-so many bhikkhus "from the Community," and thus — as a type of Community meal — they would by definition not be invitations to a "group" meal.

Because invitations to lottery meals and periodic meals did not customarily make reference to the Community, the Vibhaṅga arrangers did have to make mention of those types of meals in order to exempt them.

We are left with a rule that applies exclusively to invitations to specific groups — not Communities — of four or more bhikkhus regardless of whether the invitation mentions the word "food" or "meal."

The rule in this form has the virtue of fulfilling the express purposes mentioned for it in Cv.VII.3.13: It would prevent evil-minded bhikkhus and lay people from trying to exert influence over specific groups in the Community by arranging meals especially for them; and in the same way, it would prevent people with evil desires from creating a split in the Community. (Because the smallest faction that can create a split in the Community is four bhikkhus, the maximum number allowed at a group meal is three.)

The rule in this form would also contribute to the comfort of well-behaved bhikkhus in that invitations to meals would not be preempted by factions; and it would protect lay families from being prey to the maneuverings of bhikkhus who would pressure

them repeatedly into providing meals as part of their strategy to create and maintain such factions. (Anyone who has lived in a traditional Buddhist country knows only too well the influence of sweet-talking bhikkhus over unsuspecting or low-minded lay people. This sort of thing neither started nor ended with Devadatta.)

Because Community meals and designated meals would not form an opening for such machinations, there would be no reason to limit them to groups of three if lay people want to invite groups larger than that. One objection to exempting Community meals from this rule is that a meal for the entire Community would be more burdensome than a meal for a smaller group, but that is what designated meals are for. A donor willing and able to provide a meal for an entire Community is welcome but not required to do so. A donor willing but not able may simply ask to provide a meal for x-number of bhikkhus from the Community, leaving it up to the meal designator to designate which bhikkhus will go for the meal, with no danger of creating a faction.

Thus the point at issue is not whether the invitation makes mention of food or meals, but whether it specifies the individual bhikkhus to be invited. If it specifies more than three individual bhikkhus — either naming them outright or saying such things as "Ven. X and four of his friends," or "The five of you," etc. — the meal would count as a group meal.

Perception as to whether food actually constitutes a group meal is not a mitigating factor (see Pc 4).

Effort. To accept an invitation to a group meal entails a dukkaṭa; and to eat it, regardless of whether one realizes that it is a group meal, a pācittiya. Whether the bhikkhus actually eat together is not an issue. If they receive their food at the same invitation to a group meal but then split up and eat it separately, they still incur the full penalty.

Non-offenses. The Vibhaṅga defines the *proper occasions* mentioned in the rule — during which bhikkhus may eat a group meal without committing an offense — as follows:

- *A time of giving cloth* is the "robe season."
- *A time of making robes* is any time the bhikkhus are making robes.
- *A time of journeying* is any time the bhikkhus are about to go, are going, or have just returned from a journey of at least half a league (about five miles, or eight kilometers).
- *A time of embarking on a boat* is any time the bhikkhus are about to embark, are embarking, or are disembarking from a boat. No minimum distance for the boat journey is specified.
- *A time of illness* is, in its minimal terms, a time when the bhikkhus' feet are split (and they cannot go for alms).
- *A great occasion* is one in which there are so many bhikkhus in proportion to the donors giving alms that three bhikkhus going for alms can obtain enough food to support themselves, but not enough to support a fourth.

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- *A meal supplied by monks* is one provided by a person who has taken on the state of religious wanderer. This the Commentary explains as meaning not only those ordained in other religions, but also one's own co-religionists (bhikkhus, bhikkhunīs, and novices) as well; the Vibhaṅga's definition of "one who has taken on the state of religious wanderer" under Pc 41 suggests that the Commentary is correct. This exemption, as its origin story makes clear, was formulated to promote good relations between bhikkhus and members of other religions, but it also means that a bhikkhu, from his own resources, can provide food for a group of his friends without incurring an offense. Although this exemption could thus open the door for wealthy bhikkhus to attract factions, as long as they are not getting their funds from lay donors, they would be placing no burden on the laity, which seems to be the most important of the purposes for this rule.

Aside from the proper occasions, there is no offense —

- if groups of three or less eat a meal to which they have been specifically invited;
- if the meal to which a group of four or more is invited does not include any of the five staple foods; or
- if bhikkhus, having walked separately for alms, eat assembled as a group.

No mention is made of whether bhikkhus can go for alms in groups of four or more, as is the custom at present in the rural areas of many Buddhist countries. From the various stories of bhikkhus and bhikkhunīs on alms round that appear in the Canon, it seems that the custom was for them to go individually. Pc 42 mentions bhikkhus going for alms as a pair, but the Vibhaṅga notes that they might receive less food that way than when going individually. Apparently, going as a group would not have made much sense in their cultural context.

As mentioned above, the Vibhaṅga also states that there is no offense for groups of any number eating periodic meals or lottery meals; and as we have already stated, our interpretation would explicitly extend this exemption to cover Community and designated meals as well.

Summary: Eating a meal to which four or more individual bhikkhus have been specifically invited — except on special occasions — is a pācittiya offense.

33. An out-of-turn meal, except at the proper occasions, is to be confessed. Here the proper occasions are these: a time of illness, a time of giving cloth, a time of making robes. These are the proper occasions here.

"Now at that time a meal-series of exquisite meals had been arranged in Vesālī. The thought occurred to a certain poor laborer: 'The way these people respectfully present meals suggests that it's not a minor thing at all. What if I were to present a meal?' So he went to his supervisor (§) and said, 'Young master, I want to present a

meal for the Community of bhikkhus with the Buddha at its head. Please give me my wage.' Now that supervisor also had faith and confidence in the Buddha, so he gave the laborer more than his wage.

"Then the laborer went to the Blessed One, bowed down to him, sat down to one side, and said, 'Venerable sir, may the Blessed One together with the Community of bhikkhus acquiesce to a meal with me tomorrow.'

"You should know, friend, that the Community of bhikkhus is large.'

"Let it be large, venerable sir. I have prepared plenty of jujube fruits. The masters (§) will fill themselves even with the jujube hash.'

"So the Blessed One acquiesced by becoming silent... The bhikkhus heard, '...The masters will fill themselves even with the jujube hash,' so right before the time of the meal they went for alms and ate. People heard, 'They say that the poor laborer has invited the Community of bhikkhus with the Buddha at its head,' so they took a great deal of staple and non-staple foods to the laborer... (When the time came for the meal) the Blessed One went to the poor laborer's house... and sat on a seat made ready, together with the Community of bhikkhus. Then the poor laborer served the bhikkhus in the meal-hall. The bhikkhus said, 'Give just a little, friend. Give just a little.'

"Don't take so little, venerable sirs, thinking that I'm just a poor laborer. I've prepared plenty of staple and non-staple food. Take as much as you want.'

"That's not the reason why we're taking so little, friend. It's simply that we went for alms and ate just before the time for the meal: *That's* why we're taking so little.'

"So the poor laborer criticized and complained and spread it about: 'How can their reverences eat elsewhere when they were invited by me? Am I not capable of giving them as much as they want?'"

Object. The term *out-of-turn meal* covers two sorts of situations: A bhikkhu has been invited to a meal consisting of any of the five staple foods but then either (1) goes elsewhere and eats another meal consisting of any of the five staple foods at the same time as the meal to which he was originally invited; or (2) eats a staple food prior to going to the meal, as in the origin story.

Perception as to whether food actually constitutes an out-of-turn meal is not a mitigating factor (see Pc 4).

Effort. The Vibhaṅga states that there is a dukkaṭa for accepting — with the thought of eating it — food that will constitute an out-of-turn meal, and a pācittiya for every mouthful eaten.

Proper times. The special occasions when one may accept and eat an out-of-turn meal are defined as follows:

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A time of illness is when one is unable to eat enough at one sitting and so has to eat two or more times in a morning.

The times of giving cloth and making robes are defined as in the preceding rule. The reason for exempting them is that in the days of the Buddha, cloth and thread were hard to come by, and donors who wanted to offer them usually did so in conjunction with a meal. If these exemptions were not made, a bhikkhu making a robe, having already been invited to one meal, could not go to another meal beforehand to receive the cloth or thread offered there.

There is reason to believe that these three exemptions apply to out-of-turn meals of the type mentioned in the origin story: i.e., a bhikkhu is allowed in these cases to go to another meal before attending the meal to which he was originally invited.

Sharing invitations. As for the sort of out-of-turn meal where a bhikkhu invited to one meal goes to another meal instead, the Buddha in a story ancillary to this rule gives permission to share invitations: If a bhikkhu has received an invitation, he may give it to another bhikkhu or novice by saying, "I give my expectation of a meal to so-and-so." He is then allowed to eat elsewhere.

The Commentary regards the act of sharing as a mere formality: One may even make the statement outside of the other bhikkhu's presence without his knowing anything about it. This, though, is very unlikely to satisfy the original donor. The wise policy in this case would be to make the statement in the presence of the other bhikkhu — "I give my expectation of a meal to you" — making reasonably sure that he is willing and able to go.

The Vinaya-mukha adds, though, that if the donors of the meal have specifically invited one to a meal — i.e., one is going to an invitational meal rather than a designated meal (see Pc 32) — it would be bad manners to share the invitation without making an agreement with the donors first.

Non-offenses. In addition to mentioning the "proper times" during which one may eat an out-of-turn meal, the non-offense clauses state that there is no penalty for a bhikkhu who, on receiving an invitation, states, "I will go for alms." This statement the Commentary explains as a refusal, and interprets the allowance as meaning that if a bhikkhu refuses an invitation, he is still allowed to eat another meal at the time for which the invitation was made. If the Vibhaṅga arrangers did mean this statement to be a refusal, though, it is probably for the sake of those bhikkhus who hold to the *dhutaṅga* vow of going for alms and not accepting invitations. If a bhikkhu who does not hold to such a vow refuses an invitation for a time for which he has no prior commitment, it is considered very bad manners. And if he were later to accept an invitation for a meal served at the same time as the meal he earlier refused, it would be extremely bad manners.

An alternative explanation for the statement, "I will go for alms," is that there is no offense if the bhikkhu lets the donor know beforehand that he will go for alms before the meal: He can have his alms meal first and then go to receive the meal offered by the donor. This would make room for the custom common in village

monasteries throughout Theravādin countries, where invitations are usually for the late-morning meal, and bhikkhus are expected to have an early-morning alms meal before that. (If this interpretation does not hold, most village bhikkhus would then probably claim a perpetual "time of illness" as their exemption from this rule.)

Meals that do not include any of the five staple foods are also exempted from this rule. Thus if one is invited to a meal and takes a snack of milk, drinking conje, fruit, etc., beforehand, this would not constitute an offense — although to be in keeping with the spirit of the rule, one should not take so much as to spoil one's appetite for the meal.

There is no offense if, when invited to more than one meal on the same day, one goes to them in the order in which one received the invitations (but see Pc 35); if one puts the food from the various invitations together in one's bowl and eats them at the same time; or, if invited by an entire village, one goes to eat anywhere in the village.

The Commentary, in discussing this point, mentions a situation that often occurs where there are very few bhikkhus in proportion to the number of donors: A bhikkhu has been invited to a meal but, before he leaves the monastery to go to the meal, another group of donors arrives with food to place in his bowl; or after he arrives at the home of the original donor, another group of donors arrives with still more food. According to the Commentary he may accept the food of these various donors as long as he is careful — when he finally eats — to take his first mouthful from the food offered by the original donor.

Periodic meals and lottery meals do not count as out-of-turn meals under this rule. The Canon offers no explanation for these last two exemptions, but the Commentary to Cullavagga VI.21 shows that the custom was for many families to prepare such meals on the same day. This exemption would thus seem to provide for the situation where there are fewer bhikkhus than there are families preparing these meals. One bhikkhu would be allowed to accept more than one meal so that no family's meal would go without a recipient.

Mv.VI.25.7 implies that if the donor of the meal provides a pre-meal snack of thick conje — or by extension any other staple food — there would be no offense in eating it. And the Commentary notes that if the donor gives explicit permission to eat another meal before the one he/she is providing, there would be no offense in doing so.

Summary: Eating a meal before going to another meal to which one was invited, or accepting an invitation to one meal and eating elsewhere instead, is a pācittiya offense except when one is ill or during the time of giving cloth or making robes.

34. In case a bhikkhu arriving at a family residence is presented with cakes or cooked grain-meal, he may accept two or three bowlfuls if he so desires. If he should accept more than that, it is to be confessed. Having accepted the two-or-three bowlfuls and having taken them from there, he is to share them among the bhikkhus. This is the proper course here.

The purpose of this rule is to prevent bhikkhus from abusing a donor's generosity and good faith.

The origin story deals with two separate cases. In the first, a woman named Kāṇā is about to return to her husband's house after visiting her parents. Her mother, thinking, "How can one go empty-handed?" bakes some cakes. A bhikkhu comes, and the mother — being a faithful lay follower — presents him with the cakes and then bakes some more to replace them. The bhikkhu, meanwhile, has informed another bhikkhu that cakes are baking at Kāṇā's house, so the second bhikkhu goes and receives the second batch of cakes. This process keeps up until Kāṇā's husband tires of waiting for her and takes another woman for his wife. The Commentary notes, reasonably enough, that Kāṇā developed a long-term grudge against Buddhism as a result of this incident.

In the second case, a man is preparing provisions for a journey by caravan. A similar series of events takes place, and he eventually ends up tagging along behind the caravan and getting robbed. People criticize and complain as usual, and spread it about, "How can these Sakyan-son monks accept food without knowing moderation?"

There are two factors for the full offense here.

- 1) *Effort*: Receiving more than three bowlfuls
- 2) *Object*: of cakes or cooked grain-meal (*sattu*).

Effort. Receiving, here, is defined in the context of an invitation to take as much as one likes. Perception as to whether one has taken more than three bowlfuls is not a mitigating factor here (see Pc 4).

Object. In the context of this rule, the Vibhaṅga defines *cakes* to cover anything prepared as a present, and *cooked grain-meal (sattu)* to cover anything prepared as provisions for a journey. Thus we will use the terms *presents* and *provisions* for the remainder of this explanation. The word *journey* here refers to journeys that the donors are planning to take themselves. This rule thus does not cover gifts of food that donors have prepared to give to a bhikkhu for a journey *he* is planning to take.

The Vinaya-mukha, using the Great Standards, infers from the Vibhaṅga's definitions for presents and provisions that any food prepared in large quantities for

sale or for a party, banquet, or reception, etc., should be covered by this rule as well.

Protocol. If a bhikkhu has accepted two or three bowlfuls of such items, then on his return from there he should tell every bhikkhu he sees, "I accepted two or three bowlfuls over there. Don't you accept anything there." He incurs a dukkaṭa if, seeing a bhikkhu, he does not tell him, while there is a dukkaṭa for the other bhikkhu if, having been told, he accepts anything at the place in question. According to the Commentary, if the first bhikkhu accepts two bowlfuls, he should tell the second bhikkhu to accept no more than one, and all other bhikkhus he meets that they should not accept anything. If he accepts only one bowlful, he should follow a similar process so that, all-in-all, the bhikkhus accept a total of no more than three.

The Commentary states further that a bhikkhu receiving two or three bowlfuls may keep one bowlful and do as he likes with it, but must share the remainder among an entire Community, i.e., not just among his friends. A bhikkhu receiving only one bowlful may do with it as he likes .

Non-offenses. The Vibhaṅga states that there is no offense in taking more than three bowlfuls of items not intended as presents or provisions, of items left over from preparing presents or provisions, or of provisions remaining when plans for a journey have been abandoned. As explained above, the Vinaya-mukha would include items prepared for sale or for parties, etc., under the word *provisions* here.

The Vibhaṅga also says that there is no penalty in accepting more than three bowlfuls from relatives or from those who have offered an invitation. Here the Commentary states that if such people give more than three bowlfuls outright, one may accept them without penalty, but if they tell one to take as much as one likes from items prepared as presents or provisions, the proper course is to take only two or three bowlfuls.

Also, there is no offense in having more than three bowlfuls of presents or provisions purchased with one's own resources.

Finally, the Vibhaṅga says that there is no offense in taking extra for the sake of another. Neither the Commentary nor Sub-commentary discusses this point, but the only way it can make sense in the context of this rule is if it refers to cases where the bhikkhu takes extra for the sake of another not on his own initiative, but because the donor asks him to.

Summary: Accepting more than three bowlfuls of food that the donors prepared for their own use as presents or as provisions for a journey is a pācittiya offense.

35. Should any bhikkhu, having eaten and turned down an offer (of further food), chew or consume staple or non-staple food that is not leftover, it is to be confessed.

"Now at that time a certain brahman, having invited bhikkhus, fed them. The bhikkhus, having eaten and turned down an offer of further food, went to their relatives' families. Some ate there; some left having received alms.

"Then the brahman said to his neighbors, 'Masters, the bhikkhus have been satisfied by me. Come and I will satisfy you as well.'

"They said, 'Master, how will you satisfy us? Even those you invited came to our homes. Some ate there; some left having received alms.'

"So the brahman criticized and complained and spread it about, 'How can their reverences, having eaten in my home, eat elsewhere? Am I not capable of giving as much as they want?'"

When a donor invited bhikkhus for a meal, the custom in the time of the Buddha was for him/her to offer food to the bhikkhus repeatedly while they ate, and to stop only when the supplies of food were exhausted or the bhikkhus refused any further offers. (This custom is still widespread in Sri Lanka and Burma.) Thus it was often a matter of pride among donors that their supplies were not easily exhausted and that they could continue offering food until the bhikkhus were completely satisfied and could eat no more. Now, where there is pride there is bound to be wounded pride: A donor could easily feel insulted if bhikkhus refused further offers of food, finished their meal, and then went to eat someplace else.

As the origin story shows, this rule is designed to protect generous donors from being insulted by the bhikkhus in this way. It is also designed to protect bhikkhus from being forced to go hungry by stingy or impoverished donors. If the donor stops offering food before the bhikkhus have refused further offers — or if what he/she offers is not substantial food at all (see the discussion under Pc 8 for an historic case of this sort) — the bhikkhus, after finishing their meal, are free to accept food elsewhere that morning if they are still hungry.

There are two factors for an offense here.

- 1) *Object*: staple or non-staple food that is not leftover.
- 2) *Effort*: One eats the food after having eaten and turned down an offer of further food.

Before explaining these factors, we must first explain the situation of having eaten and turned down an offer of further food.

Having eaten (*bhuttāvin*), according to the Vibhaṅga, means having eaten any of the five staple foods, "even as much as a blade of grass." On the surface, this could

mean one of two things: having taken one's first bite of a meal or having finished a meal — even the smallest possible one. The Commentary adopts the first interpretation, but in doing so creates two problems:

- 1) If *having eaten* means having taken one's first bite of a meal, then the word serves no purpose in the rule, because the first factor of "having turned down an offer of further food" is "the bhikkhu is eating," and as the Commentary itself notes, if one is eating then one has already taken one's first bite of the meal. It concludes that the word *having eaten*, both in the rule and in the Vibhaṅga, is completely superfluous.
- 2) A more practical problem coming from the Commentary's interpretation is that if one turns down an offer of extra food when one already has more than enough food in one's bowl but has yet to finish one's meal, one cannot continue eating. The Commentary tries to get around this predicament by introducing an additional factor: As long as one does not move from the spot on which one is sitting, one may continue eating. This, though, creates further problems: Suppose a bhikkhu has turned down an offer of further food but has yet to finish his meal. If there is then some compelling reason for him to move from the spot on which he is sitting — for example, the donor spills a pot of hot soup, or ants come crawling into his robes — then he cannot finish his meal even if the donor begs him to continue eating.

The Sub-commentary gets around the first problem by interpreting *having eaten* as "having finished a meal," which fits better with the origin story and with the linguistic usage of the Canon itself. (The word *bhuttāvin* also appears in MN 91, Cv.VIII.4.6, and Cv.VIII.11.5, where it clearly and consistently means "having finished a meal." The Canon uses a separate term, *asana*, for one who is in the process of eating a meal without yet having finished it.) The author of the Sub-commentary doesn't realize, though, that in adopting this interpretation he is also eliminating the need for the Commentary's extra factor concerning moving from one's spot. If the factor is unnecessary and has no basis in the Canon, there seems no reason to adopt it. Thus the Commentary's factor, and not the wording of the rule, is what is superfluous. So we can say that *having eaten* means having finished one's meal, and that the question of having moved from one's spot doesn't enter into the rule.

As the Commentary itself notes when discussing the term *asana*, the point where one finishes eating is determined in one of two ways:

- a) There is no food left in one's bowl, hand, or mouth; or
- b) one decides that one has had enough for that particular meal.

Thus, as long as the bhikkhu has not yet finished the donor's meal, he is free to turn down, accept, and eat food as he likes. In other words, if he turns down an offer of further food, he may continue eating what is left in his bowl. If he initially turns down an offer of further food but then gives in and accepts it after being pressured by the donor, he may eat what he accepts without penalty. Or if he feels, for example, that he has enough vegetables but would like more rice, he may turn down an offer of vegetables yet accept and eat an offer of rice that follows it.

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But once he no longer has any food in his bowl, hand, or mouth, or has decided that he has had enough for that particular meal, he fulfills the factor of "having eaten" under this rule. If he turned down an offer of further food before finishing the meal, he may not for the remainder of the day eat any staple or non-staple foods that are not leftovers.

Turning down an offer of further food. The Vibhaṅga defines this as an act with five factors:

- 1) The bhikkhu is eating.
- 2) There is further staple food.
- 3) The donor is standing within *hatthapāsa* (1.25 meters) of the bhikkhu.
- 4) He/she offers the food.
- 5) The bhikkhu turns it down.

The Commentary adds that if the bhikkhu has finished eating before the further food is offered, factor (1) is not fulfilled, so if he turns down the food he does not fall under the terms of this rule. Similarly, if the food in factor (2) is not a staple food — e.g., if it is fruit, chocolates, or cheese — or if it is staple food of a sort unallowable for a bhikkhu to eat — e.g., it has been offered as a result of a bhikkhu's claiming a superior human state or corrupting a family (see Sg 13), or it is made of human flesh or snake meat, etc. — the factor is not fulfilled. Because none of the texts specify that the donor under factor (3) must be unordained, a bhikkhu offering food to a fellow bhikkhu would apparently fulfill this factor as well. Thus this rule would apply not only to meals offered by lay donors, but also to food handed out by bhikkhus and novices in a monastery.

Factor (5) is fulfilled by any refusal made by word or gesture.

Cv.VI.10.1 states that when a senior bhikkhu makes a junior bhikkhu get up from his seat before the latter has finished his meal, the senior bhikkhu counts as having turned down an offer of further food (§). In other words, when the senior bhikkhu then finishes his own meal, he comes under the purview of this rule as well.

Staple & non-staple food. *Staple food*, here, follows the standard definition. *Non-staple food*, in the context of this rule, covers all edibles except for the five staple foods, juice drinks, the five tonics, medicines, and water.

Leftover food is of two sorts: (1) leftover from a sick bhikkhu's meal and (2) formally "made" leftover by a bhikkhu who is not sick. In the latter case, the formal act has seven factors:

- 1) The food is allowable.
- 2) It has been formally received by any bhikkhu except Bhikkhu Y.
- 3) Bhikkhu X lifts it up in the presence of Bhikkhu Y.
- 4) Bhikkhu Y is within *hatthapāsa* of X.
- 5) Bhikkhu Y has finished his meal.
- 6) Bhikkhu Y has not yet gotten up from the seat where he has finished his meal and turned down an offer of further food; and

- 7) he says, "All that is enough (in Pali: *Alam'etaṃ sabbam*)."

The Commentary notes under step (3) that X may either offer the food to Y or simply lift it up, even slightly. It goes on to say that any bhikkhu except Bhikkhu Y may eat the food formally made leftover in this way.

Both of these allowances for leftover food are designed to prevent food's going to waste. The first needs no explanation; the second would be useful for preventing waste in cases such as these: (a) X has turned down an offer of further food but cannot finish the food in his bowl; after getting Y to make it leftover, X can take the food back to the monastery and finish it there later. (b) All the bhikkhus except X have finished eating after turning down an offer of further food. Friends of the donors arrive late with large quantities of food they want to present to the bhikkhus; after X receives the food from them and gets Y to make it leftover, all the bhikkhus except Y may partake of it.

Effort. If a bhikkhu who, having eaten and turned down an offer of further food, is presented with staple or non-staple food that is not leftover — e.g., a snack of milk or ice cream — he incurs a dukkaṭa if he accepts it with the thought of eating it, and a pācittiya for every mouthful he eats.

According to the Vibhaṅga, perception as to whether the food is actually leftover is not a mitigating factor here (see Pc 4).

Non-offenses. There is no offense —

- if a bhikkhu accepts the food and takes it for the sake of another,
- if he accepts and eats leftover food, or
- if, having a reason, he later in the day accepts and consumes juice drinks, any of the five tonics, or medicine. According to the Commentary, *having a reason* means, in the case of juice drinks, being thirsty; and in the case of the tonics and medicine, suffering from an illness that they are meant to assuage. (As we have noted under NP 23, these illnesses include hunger and fatigue as well as medical disorders.) In other words, a bhikkhu under the circumstances covered by this rule may not take these items as food. The Vibhaṅga penalizes him with a dukkaṭa if he accepts them with the idea of taking them as food, and a further dukkaṭa for every mouthful he eats.

According to the Mahāvagga (VI.18.4, VI.19.2, VI.20.4), this rule was relaxed during times of famine so that a bhikkhu who had eaten and turned down an offer of further food could later in the day consume food that was not leftover:

- if it was accepted before he went to his meal,
- if it is brought back from a place where a meal has been offered, or
- if it has been taken from a wilderness area or a pond. The texts offer no explanation for this last stipulation. Perhaps, during famines, these were places where people would commonly forage for food.

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These famine allowances were later rescinded (Mv.VI.32.2), but if a similar crisis — such as the collapse of modern civilization — were to arise, the Great Standards could be applied to reinstate them until the crisis had passed.

Summary: Eating staple or non-staple food that is not leftover, after having earlier in the day finished a meal during which one turned down an offer to eat further staple food, is a *pācittiya* offense.

36. Should any bhikkhu, knowingly and wishing to find fault, present staple or non-staple food he has brought to a bhikkhu who has eaten and turned down an offer (of further food), saying, "Here, bhikkhu, chew or consume this" — when it has been eaten, it is to be confessed.

"Now at that time two bhikkhus were traveling through the Kosalan districts on their way to Sāvattihī. One of them indulged in bad habits; the second one said, 'Don't do that sort of thing, my friend. It isn't proper.' The first one developed a grudge. Eventually, they arrived at Sāvattihī.

"Now at that time one of the guilds in Sāvattihī presented a Community meal. The second bhikkhu finished his meal, having turned down an offer of further food. The bhikkhu with the grudge, having gone to his relatives and bringing back almsfood, went to the second bhikkhu and on arrival said to him, 'Here, friend, have some of this.'

"'No thanks, my friend. I'm full.'

"'Really, this is delicious almsfood. Have some.'

"So the second bhikkhu, being pressured by the first, ate the almsfood. Then the bhikkhu with the grudge said to him, 'You think *I'm* the one to be reprimanded when *you* eat food that isn't leftover, after finishing your meal and turning down an offer of further food?'

"'Shouldn't you have told me?'

"'Shouldn't you have asked?'"

This rule covers cases in which one bhikkhu, knowingly and wishing to find fault, offers food to another bhikkhu in order to trick him into committing an offense under the preceding rule. The full offense here requires a full set of five factors.

- 1) *Object* staple or non-staple food that one perceives not to be leftover.
- 2) *Effort*: One gives the food to a bhikkhu who has eaten and turned down an offer of further food, as under the preceding rule.

- 3) *Perception*: One knows that he has eaten and turned down an offer of further food.
- 4) *Intention*: One wishes to find fault with him.
- 5) *Result*: He accepts the food and eats from it.

Only four of these factors — object, perception, intention, and result — require further explanation.

Object. *Staple food* and *non-staple food* here are defined as under the preceding rule. Whether the food is actually leftover is not a factor in determining the offense here. The important point lies in the perception: As long as one assumes the food to be not leftover, one is subject to a penalty if the other bhikkhu accepts it. If one assumes the food to be leftover, one's actions would not fit under this rule.

Perception. If one is in doubt as to whether a bhikkhu has eaten and turned down an offer of further food, he is grounds for a dukkaṭa regardless of whether he has. If one thinks that he has eaten and turned down an offer of further food when he actually hasn't, he is grounds for a dukkaṭa. If one thinks that he has not eaten and turned down an offer of further food, then regardless of whether he has or hasn't, he is not grounds for an offense.

Intention. *Wishing to find fault*, according to the Vibhaṅga, means planning to reprove or reprimand the bhikkhu or to make him abashed after one has succeeded in tricking him into breaking the preceding rule.

Result. Bhikkhu X, in giving food to Bhikkhu Y "knowingly and wishing to find fault," incurs a dukkaṭa when he brings the food to Y, another dukkaṭa when Y accepts the food with the thought of eating it, a further dukkaṭa for every mouthful Y eats of the food, and a pācittiya when Y has stopped eating from it. If X then tries to make Y feel abashed, he is to be treated under Pc 2 as well. As for Y, the Commentary states that he should be treated under the preceding rule. Because perception is not a factor there, this means that Y is not exempt from an offense even though X has deliberately misled him as to the status of the food he is eating. (Some have misread one of the "wheels" of offenses listed in the Vibhaṅga to this rule as applying to X, but because they conflict with the offenses the Vibhaṅga to the preceding rule allots to Y for eating under a misperception, that reading cannot stand. Thus the Commentary seems right in stating that all the offenses mentioned in the Vibhaṅga to this rule apply to X.) This means further that both bhikkhus in the origin story were right: The bhikkhu with a grudge should have told the second bhikkhu, while the second bhikkhu should have asked.

Non-offenses. There is no offense —

- if one gives leftover food for the other bhikkhu to eat;
- if one gives him food for the sake of another; or
- if one gives him juice drinks, any of the five tonics, or medicines when he has a reason to take them.

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In the case of the second exemption — one gives him food for the sake of another — none of the texts mention the point, but it would seem to hold only in cases where the other bhikkhu is ill or has not eaten and turned down an offer of further food.

None of the texts make any mention of a bhikkhu trying to trick another bhikkhu into committing an offense under any rule other than Pc 35; and apparently, a bhikkhu who tricks a fellow bhikkhu into committing an offense under Pc 35 with no desire to blame or shame him, but simply for the perverse satisfaction of seeing him commit the offense, would incur no penalty under this or any other rule. There is no escaping the fact, though, that such actions carry their own inherent penalty in terms of one's spiritual maturity. This is one of those cases where a wise policy is to look past the particulars of the rule to the general principle underlying it: that one should not deliberately trick another person into breaking a rule or vow that he or she has pledged to uphold.

Summary: Deliberately tricking another bhikkhu into breaking the preceding rule, in hopes of finding fault with him, is a pācittiya offense.

37. Should any bhikkhu chew or consume staple or non-staple food at the wrong time, it is to be confessed.

Object. *Staple food* here follows the standard definition given in the preface to this chapter. *Non-staple food* refers to all edibles except for the five staple foods, juice drinks, the five tonics, medicines, and water.

The wrong time. The Vibhaṅga defines the *wrong time* as from noon until dawnrise of the following day. (See Appendix I for a discussion of how dawnrise is defined.) Noon is reckoned as the moment the sun reaches its zenith, rather than by the clock — in other words, by local rather than standard or daylight-savings time. Thus, for example, a bhikkhu who is offered food while traveling in an airplane should check the position of the sun in order to determine whether he may accept and eat it. Some have argued that one may eat after noon if one has begun one's meal before noon, but the Commentary says explicitly that this is not the case.

Perception as to whether one is eating at the wrong time or the right time is not a mitigating factor here (see Pc 4).

Effort. The verbs *chew* and *consume* in the Pali of this rule are the verbs normally paired, respectively, with non-staple and staple foods. They both mean "to eat," but the question arises as to whether eating means going down the throat or entering the mouth. This becomes an issue, for instance, when a bhikkhu has a piece of food stuck in his teeth from his morning meal and swallows it after noon.

The Commentary generally defines eating as going down the throat, but a passage from the Cullavagga (V.25) suggests otherwise. In it, the Buddha allows a ruminator who brings up food to his mouth at the "wrong time" to swallow it, and ends with

the statement: "But food that has been brought out from the mouth should not be taken back in. Whoever should take it in is to be dealt with according to the rule (i.e., this rule and the following one)." This suggests, then, that eating is technically defined as "taking into the mouth."

Offenses. The Vibhaṅga says that a bhikkhu incurs a dukkaṭa when, intending to eat it, he accepts staple or non-staple food. The question is, is the dukkaṭa only for accepting the food in the wrong time, or is it also for accepting food in the right time, intending to eat it in the wrong time? The Vibhaṅga doesn't answer the question, but the Commentary does, saying that the dukkaṭa is for accepting the food in the wrong time. The Vibhaṅga goes on to say that if the bhikkhu eats staple or non-staple food at the wrong time he incurs a pācittiya for every mouthful he eats. As for juice drinks, the five tonics, and medicine, there is a dukkaṭa for accepting them at the wrong time to be used as food, and another dukkaṭa for eating them at the wrong time as food.

No exception is granted to an ill bhikkhu, because there are a number of edibles an ill bhikkhu may consume at the wrong time without involving an offense: juice drinks, the five tonics, and medicines. Also, there is an allowance in Mv.VI.14.7 for a bhikkhu who has taken a purgative to take strained meat broth, strained rice broth, or strained green gram (mung bean) broth at any time of the day. Using the Great Standards, we may say that a bhikkhu who has a similar illness or worse may take these broths at any time; and some have argued that other bean broths — such as strained broth made from boiled soybeans — would fit under the category of green gram broth as well. However, unlike the case with the five tonics, mere hunger or fatigue would not seem to count as sufficient reasons for taking any of these substances in the wrong time.

A substance termed *loṇasovīraka* (or *loṇasocīraka*) is allowed (Mv.VI.16.3) to be taken in the wrong time as a medicine for ill bhikkhus and, when mixed with water, as a beverage for bhikkhus who are not ill. No one makes it anymore, but the recipe for it in the Commentary to Pr 3 bears some resemblance to the recipe for *miso* (fermented soybean paste). Some have argued, using the Great Standards, that the special allowance for this substance should extend to miso as well, but this is a controversial point. As far as I have been able to ascertain, miso is not used to cure diseases in adults even in China, which would be the place to look for its use as a medicine. However, even if the allowance does apply to miso, taking miso broth as food in the wrong time would entail a dukkaṭa.

Non-offenses. There is no offense if, having a reason, one consumes juice drinks, any of the five tonics, medicine, or water after noon or before dawnrise.

Summary: Eating staple or non-staple food in the period from noon till the next dawnrise is a pācittiya offense.

38. Should any bhikkhu chew or consume stored-up staple or non-staple food, it is to be confessed.

This is one of the few rules where the original instigator was an arahant: Ven. Beḷaṭṭhasīsa, Ven. Ānanda's preceptor and formerly the head of the 1,000 ascetics who attained Awakening on hearing the Fire Sermon (SN XXXV.28). The origin story here reports that he made a practice of keeping leftover rice from his alms round, drying it, and then moistening it to eat on a later day. As a result, he only rarely had to go out for alms. Even though he was doing this out of frugality rather than greed, the Buddha still rebuked him. The story doesn't give the precise reasons for the rebuke. Perhaps it was because the Buddha saw that such behavior would open the way for bhikkhus to avoid going on alms round, thus depriving themselves of the excellent opportunity that alms-going provides for reflecting on their dependency on others and on the human condition in general; and depriving the laity of the benefits that come from daily contact with the bhikkhus and the opportunity to practice generosity of the most basic sort every day. Although frugality may be a virtue, there are times when other considerations supercede it.

Another possible reason for this rule is expressed in AN V.80: "In the course of the future there will be bhikkhus who will live entangled with monastery attendants and novices. As they are entangled with monastery attendants and novices, they can be expected to live intent on many kinds of stored-up consumables and on making blatant signs (identifying their) land and crops." The Buddha showed great foresight in seeing this as a danger. Over the centuries, whenever bhikkhus have lived in Communities where vast stores of food were kept — such as the great Buddhist universities in India — they have tended to grow lax in their practice, and a gulf of misunderstanding and suspicion has come to separate them from the laity.

Object. *Staple food* here, as usual, follows the standard definition given in the preface to this chapter. *Non-staple food* here includes all edibles except for the five staples, juice drinks, the five tonics, medicine, and water.

Stored-up means formally accepted by a bhikkhu (see Pc 40, below) on one day and eaten on the next or a later day. The boundary between one day and the next is dawnrise.

Perception as to whether food has been stored up is not a mitigating factor here (see Pc 4).

The story of the Second Council (Cv.XII.2.8) shows that this rule also forbids storing such medicines as salt (or pepper, vinegar, etc.) to add to any bland food one might receive on a later day. (See the discussion preceding Pc 31 for more details on this subject.)

The Commentary contains an allowance of its own, saying that, "If a bhikkhu without desire (for the food) abandons it to a novice, and the novice, having stored it (overnight) gives it (again), that is all allowable. If, however, he has received it

himself and has not abandoned it, it is not proper on the second day." This allowance raises two main questions, the first being how to interpret it. Some, focusing on the second sentence to the exclusion of the first, have noticed that it makes no mention of the presence or absence of any desire for the food, and so have interpreted it as meaning that the issue of desire is totally irrelevant: If one has not given the food to a non-bhikkhu, it is not allowable; if one has given it away, it is. This interpretation, however, ignores the point that if the presence or absence of desire for the food were irrelevant, the first sentence would not have mentioned it. Both the Old and New K/Sub-commentaries note this point, and say the *abandoning* in the second sentence means "abandoning without desire." In other words, the Commentary's allowance is meant to apply only in cases where one has abandoned both the food and any desire to receive it back.

This, however, begs the second question, which is what justification the Commentary has for making the allowance. There is no basis for it in the Vibhaṅga's definition of "stored-up," nor is there anything else in the Vibhaṅga to this rule from which the Great Standards could be used to support the allowance. The Commentary is apparently importing one of the non-offense clauses from NP 23 to this rule, but that is a misapplication of the Great Standards. The Vibhaṅga for one rule cannot be used to rewrite the Vibhaṅga for another; otherwise there would be no end to the rewriting of the rules. Had the compilers meant for the principle under NP 23 to be applied here, they could have done so themselves. For these reasons, there seem to be no grounds for accepting the allowance as valid. Thus, if one abandons food received today then, regardless of whether one has abandoned desire for it, if one accepts it again on a later day and eats it, one commits the full offense under this rule all the same.

Effort. The Vibhaṅga says that there is a dukkaṭa "if one accepts/takes it, thinking, 'I will eat it.'" The question has arisen as to whether "it" here means food that has already been stored up or food that one is planning to store up. The Commentary, noting that the intention "I will store it up" is not mentioned, adopts the first interpretation: "It" here means food already stored up. The Vibhaṅga adds that there is a pācittiya for every mouthful one eats.

Perception is not a factor here. Thus, a bhikkhu who eats stored-up food commits an offense regardless of whether he perceives it as stored-up. This means —

- 1) If Bhikkhu X receives the food on one day and lets someone else put it away, and Bhikkhu Y eats it on a later day, Y commits an offense all the same, regardless of whether he knows that the food was stored-up.
- 2) One should be careful that there are no traces of any edible received yesterday on a utensil from which one will eat food today. The protocols a student should follow with regard to his preceptor (*upajjhāya-vatta*) (Mv.I.25.9) show that the custom in the Buddha's time was to rinse out one's bowl before going for alms. The Commentary suggests a method for making sure that one's bowl is clean: Run a finger along the inside of the bowl while it is dry. If there is enough food residue or dust in the bowl for the finger to make a mark in it, clean the bowl again before use.

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- 3) In a monastery where there are lay and novice attendants, it is important that they be fully informed of the need to make sure that leftovers from the bhikkhus' meals not be served to the bhikkhus again on a later day. If donors come with a large pot of food, intending for it to be eaten over a period of several days, the amount of food that the bhikkhus would eat in one day can be placed in a separate vessel and offered to them, while the remainder can be stored in a proper place for later use.

Derived offenses. If a bhikkhu accepts or takes, for the sake of food, a juice drink, a tonic, or medicine that has been stored overnight, there is a dukkaṭa in the taking, and another dukkaṭa for every mouthful he eats. The Commentary, though, asserts that when a bhikkhu takes, not for food but simply to assuage his thirst, a juice drink stored overnight, he incurs a pācittiya for every swallow he drinks.

It seems strange that drinking the juice simply as juice would entail a stronger penalty than taking it as food. As there is no basis anywhere in the Canon for the Commentary's assertion, there seems no reason to adopt it. Mv.VI.40.3 states clearly that juice drinks, taken for any reason, are allowable at any time on the day they are accepted, but not after dawnrise of the following day. No specific penalty is given for taking them on the following day, but inferring from the Vibhaṅga to this rule we can use the Great Standards to say that the penalty would be a dukkaṭa.

Non-offenses. There is no offense in the mere act of storing food. A bhikkhu going on a journey with an unordained person may thus carry the latter's food — while the latter carries the bhikkhu's food — without committing an offense.

There is also no offense in telling an unordained person to store food that has not been formally received. For example, if donors simply leave food at a bhikkhu's residence without formally presenting it, the bhikkhu may tell a novice or lay person to take it and put it away for a later day. If the food is then presented to the bhikkhu on a later day, he may eat it that day without penalty.

However, Mv.VI.33.2 states that food may be stored indoors in a monastery only in a building designated for the purpose (this would include the dwelling of anyone who is not a bhikkhu — see BMC2, Chapter 7). To eat food stored indoors anywhere else in the monastery, even if it has not been formally accepted on a previous day, would incur a dukkaṭa under Mv.VI.32.2. A bhikkhu may, however, store medicines or the five tonics anywhere in the monastery without penalty.

If a bhikkhu accepts, sets aside, and then eats any of the four kinds of edibles all within their permitted time periods — e.g., he receives bread in the morning, sets it aside, and then eats it before that noon; or receives honey today, sets it aside, and takes it as a tonic tomorrow — there is no offense.

This rule makes no exceptions for a bhikkhu who is ill, although the rule as a whole is suspended when there is scarcity and famine, and reinstated when the scarcity and famine have passed (Mv.VI.17–20; Mv.VI.32).

Summary: Eating food that a bhikkhu — oneself or another — formally received on a previous day is a pācittiya offense.

39. There are these finer staple foods: ghee, fresh butter, oil, honey, sugar/molasses, fish, meat, milk, and curds. Should any bhikkhu who is not ill, having requested finer staple foods such as these for his own sake, then consume them, it is to be confessed.

The Vibhaṅga defines *finer staple foods* as any of the nine foods mentioned in the rule, either on their own or mixed with other foods. Thus milk and milk-mixed-with-cereal would both be finer staple foods. The ancient commentators, though, must have objected to including some of these items under the category of staple food (*bhojana*), so we have the Commentary defining "finer staple foods" as any of the substances mentioned in the rule mixed with any one of the seven types of grain. Thus, it would say, milk with cereal would be a finer staple food, but milk on its own would not.

As we have seen, though, the Vibhaṅga defines its terms to fit the situation covered by each particular rule and is not always consistent from one rule to another. Thus, as the Vibhaṅga is not at fault for being inconsistent here, there is no reason to follow the Commentary in deviating from it. The rule means what it says: It covers each of the foods mentioned in it, whether pure or mixed with other ingredients.

The first five of these finer staple foods are discussed in detail under NP 23. *Fish* and *meat* are discussed in the preface to this chapter. *Milk and curds* here refers to milk and curds from animals whose flesh is allowable. The Sub-commentary, in discussing this point, maintains that tiger's milk, bear's milk, etc., are not unallowable, simply that they would not come under this rule. This is an interesting idea, but was included probably just to wake up sleepy students in the back of the room.

According to the Commentary, any food other than these nine finer staple foods is grounds for a dukkaṭa under Sk 37.

Effort. A bhikkhu who is not ill, requesting any of the finer staple foods for his own use, incurs a dukkaṭa for every request he makes, a dukkaṭa for accepting the food, and a pācittiya for every mouthful he eats.

Not ill means that one is able to fare comfortably without these foods. None of the texts go into detail on this point, but *ill* probably means something more than simply being hungry, for there is a separate allowance under Sk 37 for a bhikkhu who is hungry to ask for rice and bean curry, which was the basic diet of the day, and the Commentary extends the allowance to cover all foods not covered by this rule. Here *ill* probably refers to any form of fatigue, weakness, or malnutrition that comes specifically from lacking any of the foods mentioned in the rule.

Perception as to whether one is actually ill is not a mitigating factor here (see Pc 4).

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The Commentary adds that if a bhikkhu asks for one kind of finer staple food but receives another kind instead, he incurs the dukkaṭa for asking, but no penalty for accepting and eating what he gets. It also notes that when a bhikkhu asks a lay person for any of the finer staple foods, and the lay person makes a donation of money to the bhikkhu's steward to buy that food, then once the food is bought it comes under this rule all the same.

Non-offenses. There is no offense:

- in asking for food — any kind of food — when one is ill, and then eating it, even if one has recovered in the meantime (§);
- in eating food that has been requested for the sake of an ill bhikkhu and is leftover after his meal;
- in asking from relatives;
- in asking from those who have offered an invitation to ask;
- in asking for the sake of another person; or
- in asking that food be bought with one's own resources.

Also, according to the Mendaka Allowance (Mv.VI.34.21), a bhikkhu going on a journey through a wilderness area where almsfood is difficult to obtain may search for provisions of husked rice, kidney beans, green gram (mung beans), salt, sugar, oil, and ghee for the journey. The Commentary says, though, that he should first wait for spontaneous offerings of these provisions from people who learn of his plans for the journey. If these aren't forthcoming, he should ask from his relatives or from those who have given him an invitation to ask. Or he may see what he gets on his alms round. (This last alternative apparently applies to the salt, sugar, oil, and ghee: people ordinarily would not be giving uncooked rice, beans, or green gram for alms.) Only when these avenues fail should he ask from people who are unrelated to him and have not given an invitation to ask. Furthermore, he should ask for no more than the journey will require.

None of the texts mention any permission for the bhikkhu, after he has searched for the provisions, to store them longer than usual or to cook them in any way. Apparently, they expect him to arrange for an unordained person — or people — to accept the provisions and be responsible for their storage and preparation while on the road.

Summary: Eating finer staple foods, after having asked for them for one's own sake — except when ill — is a pācittiya offense.

40. Should any bhikkhu take into his mouth an edible that has not been given — except for water and tooth-cleaning sticks (§) — it is to be confessed.

"Now at that time a certain bhikkhu, living entirely off of what was thrown away (§), was staying in a cemetery. Not wanting to receive gifts from people, he himself took the offerings for dead ancestors — left in cemeteries, under trees, and on

thresholds — and ate them. People criticized and complained and spread it about, 'How can this bhikkhu himself take our offerings for our dead ancestors and eat them? He's robust, this bhikkhu. He's strong. Perhaps he feeds on human flesh.'"

There are two factors for the full offense here: object and effort.

Object. An *edible* is whatever is fit to eat, and includes all four classes of food and medicine: staple and non-staple foods, juice drinks, the five tonics, and medicine. As the rule notes, however, there are two exceptions:

1) *Water*, according to the Commentary, includes ice, hailstones, and snow as well. Whether such things as boiled water, bottled water, and man-made ice should also come under this exception is a controversial point. Because the texts offer no specific guidance here, this is an area where the wise policy is to follow the dictates of one's Community.

2) *Tooth-cleaning sticks*, as used in the time of the Buddha, were semi-edible. They were sticks of soft wood, like balsam, cut four to eight fingerbreadths long, chewed until they were reduced to fiber and spat out. People in India still use tooth-cleaning sticks of this sort even today.

Here again there is a controversy as to whether toothpaste comes under this exception as well. On the one hand it fits in with the pattern for tooth-cleaning sticks — it is semi-edible and not intended to be swallowed — but on the other hand it contains substances, such as mineral salts, that the Canon classes as medicines (Mv.VI.8) and that are meant to have medicinal value for the teeth and gums. This second consideration would seem to override the first, as it is a question of following what is explicitly laid out in the Canon, rather than of applying the Great Standards. Thus the wise policy would seem to be to regard toothpaste as a medicine that has to be formally given before it can be used, and not as coming under this exception.

The act of giving food and other edibles, as described in the Vibhaṅga, has three factors:

- 1) The donor (an unordained person) is standing within reach — one hatthapāsa, or 1.25 meters — of the bhikkhu.
- 2) He/she gives the item with the body (e.g., the hand), with something in contact with the body (e.g., a spoon), or by means of letting go. According to the Commentary, *letting go* means releasing from the body or something in contact with the body — e.g., dropping from the hand or a spoon — and refers to such cases as when a donor drops or tosses something into a bhikkhu's bowl or hands without directly or indirectly making contact.
- 3) The bhikkhu receives the item with the body or with something in contact with the body (e.g., his bowl, a piece of cloth).

There is a tradition in Thailand that a bhikkhu should never receive an offering from a woman hand-to-hand. Either she must offer it with something in contact with her body (e.g., a tray) or the bhikkhu must accept it with something in contact with his:

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an alms bowl, a tray, a piece of cloth, etc. Apparently this tradition arose as a means of protecting a sexually aroused bhikkhu from committing an offense under Sg 2, or from the embarrassment that might arise if, say, yesterday he was not aroused and so could take something straight from her hand, while today he is and so can't. Many Thai eight-precept nuns, even though they don't have any precepts corresponding to Sg 2, follow a reciprocal tradition of not receiving anything hand-to-hand from a man. Neither of these traditions is mentioned in the Canon or the commentaries, nor are they observed by bhikkhus or ten-precept nuns in Burma or Sri Lanka.

A special allowance in the Cullavagga (V.26) states that if food accidentally falls while being offered, a bhikkhu may pick it up himself and eat it without committing an offense.

Perception as to whether the food has actually been formally given is not a mitigating factor in the full offense here (see Pc 4). It is a factor, though, in the preliminary offense of taking food with the intention of eating it. The Vibhaṅga states that if a bhikkhu realizes that food is not given or improperly given, he incurs a dukkaṭa if he takes it with the intention of eating it. The Commentary adds that he would not incur the dukkaṭa if he perceives the food as properly given even when it isn't.

Effort. Regardless of whether the bhikkhu incurs a dukkaṭa in the act of taking food that hasn't been properly given, the Vibhaṅga states that he incurs a pācittiya for every mouthful he eats.

Non-offenses. There is an allowance (Mv.VI.17.8–9; Mv.VI.32) that in times of scarcity and famine a bhikkhu may pick up fallen fruit, take it to an unordained person, place it on the ground, and have it formally "given" without committing an offense. At times when this allowance is not in effect, though, a bhikkhu who — with the intention of eating it — picks up an edible he knows has not been given may not later make it allowable by formally "receiving" it from an unordained person. Whether other bhikkhus may receive it and make use of it, though, is a controversial point discussed in the Commentary in a treatise separate from its explanation of the Vibhaṅga (see below).

Mv.VI.14.6 allows a bhikkhu bitten by a snake to make an antidote of urine, excrement (burned in fire), ashes, and soil. If there is no unordained person present who can or will make these things allowable, the bhikkhu may take and prepare them himself, and then eat them without incurring a penalty under this rule. The Commentary adds that if he cuts a tree under these circumstances to burn it, or digs the earth to get soil, he is exempt from the rules dealing with those actions as well.

Controversial points from the Commentary. As mentioned above, the Commentary's discussion of this rule includes a treatise separate from its explanation of the Vibhaṅga, dealing with controversial points for which the Canon gives unclear answers or no answers at all. Because the treatise is a compilation of the opinions of various teachers and does not pretend to explain the meaning or intent of the

Buddha's words — and because the Buddha warned bhikkhus against making up their own rules (NP 15.1.2) — the opinions expressed in the treatise are not necessarily normative. Many Communities do not accept them, or are selective in choosing what they do and do not accept. Here we will give a summary of some of the Commentary's opinions that have influenced practices found in some, if not all, Communities of bhikkhus at present.

1. Taking into the mouth is defined as going down the throat. As we have already noted under Pc 37, though, this definition has no justification in canonical usage. The Sub-commentary attempts to justify the Commentary's stand here by defining "mouth" (*mukhadvāra* — literally, the door of the face) as the larynx, i.e., the back door rather than the front door to the mouth, but again this is not supported by the Canon. Sk 41 — "I will not open the door of the face when the mouthful has yet to be brought to it" — shows decisively that this term refers to the lips and not to the larynx. MN 140 explicitly lists the *mukhadvāra* and the passage "whereby what is eaten, drunk, consumed, and tasted gets swallowed" as two separate parts of the internal space element in the body. *Taking into the mouth* thus means taking in through the lips.

2. Food. Pond water so muddy that it leaves a scum on the hand or on the mouth is considered to be food, and so must be given before it can be drunk. The same holds true with water into which so many leaves or flowers have fallen that their taste is discernible in the water. For some reason, though, water that has been scented with flowers need not be given, and the same is true with water taken from a stream or river no matter how muddy. (There is a belief still current in India and other parts of Asia that flowing water is inherently clean.) Although leaves and flowers technically do count as edibles — they are classed as non-staple foods or medicines, depending on one's purpose in eating them — the idea of counting mud and scum as edibles seems to be taking the concept of edible a little too far.

If tooth wood is chewed for the sake of its juice, it must first be given. Even if one is chewing it for the sake of cleaning the teeth but accidentally swallows the juice, one has committed an offense all the same. These two opinions have no basis in the Canon, inasmuch as intention is not a factor in determining the offense under this rule.

A long section of this treatise discusses what to do if things that are not given get into food that has been given. It concludes that they must be removed from the food or the food must be given again. If the items "not given" are edibles, this seems reasonable enough, but the Commentary extends the concept to include such things as dust, dirty rain water, rust from a knife, beads of sweat dropping from one's brow, etc. Again, this seems to be taking the concept too far, for the Vibhaṅga states clearly that the rule covers only those things generally considered as fit to eat.

3. Giving. The Commentary redefines the act of giving, expanding its factors to five:

- (a) The item is such that a man of average stature can lift it.
- (b) The donor is within reach — 1.25 m. — of the bhikkhu.

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- (c) He/she makes a gesture of offering the food.
- (d) The donor is a celestial being, a human being, or a common animal.
- (e) The bhikkhu receives the item with the body or with something in contact with the body.

Factor (a) was included apparently to discourage the practice, still found in many places, of getting two or more men to present a table of food to a bhikkhu by lifting the entire table at once. The inclusion of this factor, though, has given rise to the assumption that the donor must lift the food a certain distance before handing it to the bhikkhu, but the Commentary itself shows that this assumption is mistaken, for it states that if a small novice too weak to lift a pot of rice simply slides it along the table or floor onto a bhikkhu's hand, it is properly given.

Factor (b): If any part of the donor's body (except for his/her extended arm) is within 1.25 meters of any part of the bhikkhu's body (except for his extended arm), this factor is fulfilled. If the donor is standing beyond reach, the bhikkhu should tell him/her to come within reach before donating the food. If for some reason the donor does not comply with the bhikkhu's request, the bhikkhu may still accept the food but should then take it to another unordained person — without setting it down and picking it up again in the meantime (see below) — and have it properly "given" before eating it.

Although the donor must be within reach, the food itself need not be. Thus if the donor places many vessels on a mat while the bhikkhu touches the mat with the intention of receiving them, all of the food is considered to be properly received as long as the donor is within reach of the bhikkhu. The same holds true if the donor places many vessels touching one another while the bhikkhu touches one of the vessels with the intention of receiving them all. (The factor of the bhikkhu's intention is discussed further under factor (e) below.)

Factor (c) means that the donor cannot simply tell the bhikkhu to take the food being given. Rather, he/she should make a physical gesture of offering the food. In some Communities, this factor is interpreted as meaning that the donor must assume a humble or respectful manner while making the offering, and has led some to believe, for instance, that a bhikkhu going barefoot on his alms round should not accept food from a donor wearing shoes. This view is not supported by the Commentary. Although some of the gestures it cites as examples, such as tilting the head, might be interpreted as showing respect, some of them are not respectful in terms of Asian etiquette at all. For instance, a person riding on the bhikkhu's shoulders picks a piece of fruit from a tree, drops it into the bhikkhu's hands, and it is considered properly given.

The question arises as to how much of a gesture is necessary for this factor to be fulfilled. In the West, if a donor brings a tray of food and stands in front of a bhikkhu, waiting for him to take some of the food, the fact that he/she stands there waiting would be considered enough of a gesture to show that the food is being given. If the bhikkhu were to demand more of a gesture than that, the donor would probably be offended. Because the opinions expressed in this section of the Commentary are not necessarily normative, this is an area where one can make

allowances for cultural norms. The essence of this factor would seem to be that a bhikkhu should not snatch food that a person happens to be carrying past him without showing any indication that he/she wants him to take the food.

Factor (d) is not discussed by the Commentary, although it is probably inspired by such stories as that of elephants offering lotus stalks to Ven. Moggallāna, and of Sakka, the king of the deities, presenting a gift of food to Mahā Kassapa after the latter had withdrawn from seven days of concentration (Ud.III.7). There is at least one bhikkhu in Thailand today who has trained a pet monkey to "give" him things.

Factor (e): The effort involved in receiving the item may be minimal indeed. In fact, the Commentary's discussion of the Vibhaṅga quotes the Mahā Paccaṇī, one of the ancient Sinhalese commentaries, as saying that attention is the measure determining whether or not food has been received. Thus if a donor offers food by placing it on a table, the bhikkhu may simply touch the table with his finger, thinking, "I am receiving the food," and it is properly given. The same holds true if he is sitting on the table or lying on a bed and regards the act of sitting or lying there as one of receiving whatever is placed there. However, immovable objects — such as a floor, the ground, or anything fixed to the floor or ground — may not be used as "items connected to the body" to receive food in this way.

Food placed in a bhikkhu's hand when he is asleep or his attention is elsewhere — e.g., in deep meditation — does not count as properly given. He must be awake and paying enough attention to know that the food is being given for this factor to be fulfilled. Food placed in a bhikkhu's mouth is considered properly given if he is awake. If he is asleep or unconscious and food is put into his stomach via a feeding tube, he has not broken this rule for he is not the agent putting it there, and as the Sub-commentary notes under Sg 1, the Vinaya does not apply to a bhikkhu when he is not in a normal, waking state of awareness.

4. Taking food that has not been given. To take food knowing that it has been improperly given or not given at all (here we are not talking about cases of stealing) is no offense if the bhikkhu has no intention of eating it. If, after he has set it down, the food is later "given" to him, he may accept and eat it with no penalty. Here the examples given in the Commentary include such things as picking up fallen fruit or the remains of a lion's kill with the thought of taking them for a novice to eat, or picking up oil or ghee with the thought of taking it to one's parents. A common example at present would be picking up food left lying around when one is cleaning up the monastery. The Sub-commentary states that this allowance does not hold if one is thinking of taking the food for other bhikkhus to eat.

To take food with the purpose of eating it, thinking that it has been properly given when in fact it hasn't, is also no offense. If one then learns or realizes that it has not been properly given, one should return it — if possible, to its original place — without setting it down and picking it up again in the meantime. Once the food is back in its original place, one may "receive" and eat it with no penalty. If one sets it down and picks it up again before returning it to its original place, though, then technically one incurs a dukkaṭa for taking food that one realizes is not properly given, and so one may not later formally receive the food, as mentioned above. If

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for some reason there is no possibility of returning the food to its original place, one need only return it to some other spot in the building from which it was taken and then "receive" and eat it without committing an offense.

To take food with the purpose of eating it, knowing that it has not been properly given, entails a dukkaṭa, as stated in the Vibhaṅga. According to the Commentary's treatise, "taking" here also includes deliberately touching the food or the vessel containing it with the intention of eating it. (Touching it accidentally carries no penalty.) If a bhikkhu deliberately touches it in this way, he may not then properly receive it, although other bhikkhus may. Even after they have received it, the first bhikkhu may not eat any of it.

If the first bhikkhu, instead of merely touching the food or its vessel, actually moves it from its place, then neither he nor any of the other bhikkhus may receive it. Thus if a donor brings a pot of stew to the monastery, and one of the bhikkhus, curious to see what is going to be offered that day, tilts the pot to peek inside, none of the bhikkhus may eat the food, and the donor must either give it to the novices and any attendants at the monastery, if there are any, throw it to the dogs, or take it home.

Many Communities do not accept the Commentary's opinions on this point, and with good reason: The last-mentioned penalty — even though the offense is a dukkaṭa — is stronger than that imposed by any of the nissaggiya pācittiya rules, and penalizes perfectly innocent people: the other bhikkhus and the donor of the food as well. An alternate opinion, which many Communities follow, is that if a bhikkhu takes — with the thought of eating it — food that he knows has not been properly offered, he may not then formally receive it from an unordained person, but other bhikkhus may. Once it has been properly received, any bhikkhu — including the first — may eat from it.

This is an area in which none of the texts gives an authoritative answer, and a wise policy is to adhere to the views of the Community in which one is living, as long as they fit into the framework provided by the Canon.

5. When food becomes "ungiven." The Commentary to Pr 1, in its discussion of what to do when a bhikkhu's sex changes spontaneously (!), lists seven instances in which an edible given to a bhikkhu becomes "ungiven" — i.e., no bhikkhu may pick it up and eat it until it is formally given again. The seven are —

- (a) The original recipient undergoes a spontaneous sex change.
- (b) He dies.
- (c) He disrobes and becomes a lay person.
- (d) He becomes a low person. (According to the Sub-commentary, this means that he commits a pārājika.)
- (e) He gives it to an unordained person.
- (f) He abandons it, having lost interest in it.
- (g) The item is stolen. (The Sub-commentary, in discussing this last point, refers solely to cases of out-and-out thievery, and not to the mere act of touching or moving.)

Of these seven instances, the Commentary's treatise discusses only two — (e) and (f) — in a series of examples, as follows:

A bhikkhu with rice in his hand offers it to a novice: The rice remains "given" until the novice takes it.

A bhikkhu places food in a vessel and, no longer interested in it, tells a novice to take it: The food is "ungiven" as soon as he says this. This point, however, does not apply to food the bhikkhu leaves in his own bowl or in any Community vessel from which the bhikkhus are served or in which their food is prepared. If he leaves food in such a vessel, he is not regarded as having abandoned interest in it.

A bhikkhu sets his bowl on a stand and tells a novice to take some rice from it. Assuming that the novice's hand is clean — i.e., not "contaminated" with any food from his own bowl that might fall into the bhikkhu's bowl — the rice remaining in the bhikkhu's bowl after the novice has taken his portion is still "given." Technically speaking, the treatise says, the rice taken by the novice still belongs to the bhikkhu until the novice puts it in his own bowl. Thus if the novice begins to take a second handful and, being told by the bhikkhu, "That's enough," puts the second handful back in the bhikkhu's bowl; or if any grains of rice from the first handful happen to fall back into the bhikkhu's bowl while the novice is lifting it out, all the rice in the bhikkhu's bowl is still "given."

A bhikkhu holding a stick of sugar cane tells a novice to cut off a piece from the other end: The remaining section is still "given."

A bhikkhu places pieces of hardened molasses on a tray and tells other bhikkhus and novices to help themselves from the tray: If the bhikkhus and novices simply pick up their portions and take them, the remaining hardened molasses is still "given." If, though, a novice picks up one piece, puts it down, picks up another piece, puts it down, and so on, the hardened molasses remaining on the tray becomes "ungiven."

The Sub-commentary explains this by saying that the novice picking up the molasses is thinking, "This is mine. I'll take it," then changes his mind, puts it down and then lays claim to another piece, and so on. Thus, only the pieces that the novice claims and then abandons in this way become "ungiven." The other pieces on the tray still count as "given."

This last example, when taken out of context, has led to the widespread view that food given to a bhikkhu becomes "ungiven" if an unordained person touches or moves it. Viewed in context, though, the example does not imply this at all. The bhikkhu has offered the hardened molasses to the novice, and the novice in picking it up simply completes the factors for case (e): "The bhikkhu gives the item to an unordained person." The example of the novice taking rice from a bhikkhu's bowl shows that even when a bhikkhu offers food to an unordained person, the mere fact that the person touches or moves the food does not necessarily make the food "ungiven."

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Thus in cases where the bhikkhu is not giving away the food and has not abandoned interest in it — and the unordained person is not stealing it — there is no reason to hold that "given" food becomes "ungiven" simply when an unordained person touches or moves it. This is another area, though, where different Communities hold different views, and where the wise policy is to conform to the observances of the Community in which one is living.

These points from the Commentary's treatise may seem like a lot of hair-splitting, but remember that the gift of food ranks with sexual temptation as one of the largest issues in a bhikkhu's — or anyone's — life. If questions of this sort hadn't arisen in practice, no one would have bothered to compile the treatise in the first place. Given the cursory manner in which the Vibhaṅga treats this rule, and given the large gray areas surrounding the act of giving — modern anthropology started with this subject and will probably never finish with it — it's good to have those areas spelled out in detail so as to minimize any disharmony that might arise in a Community when its members find themselves in gray situations.

Still, as we have noted several times, the guidelines in the Commentary's treatise are not binding, and the wise policy is to follow the standards of the Community in which one is living, as long as they fall within the framework of the Canon.

Summary: Eating food that has not been formally given is a pācittiya offense.

Buddhist Monastic Code I
Chapter 8.5
Pācittiya: The Naked Ascetic Chapter

41. Should any bhikkhu give staple or non-staple food with his own hand to a naked ascetic, a male wanderer, or a female wanderer, it is to be confessed.

There are two origin stories here, the first being the more entertaining of the two:

"Now at that time (a lot of) non-staple food accrued to the Community. Ven. Ānanda told this matter to the Blessed One, who said, "In that case, Ānanda, give the cakes to those who eat scraps."

"As you say, venerable sir,' Ven. Ānanda responded to the Blessed One. Then, having had those who eat scraps sit down in a line and giving a cake to each, he gave two cakes to a certain female wanderer, thinking they were one. The female wanderers around her said, "That monk is your lover.'

"No, he's not. He just gave me two cakes thinking they were one.'

"A second time... A third time, Ven. Ānanda, giving a cake to each, gave two cakes to that female wanderer, thinking they were one. The female wanderers around her said, "That monk is your lover.'

"No, he's not. He just gave me two cakes thinking they were one.'

"So — 'Lover!' 'Not a lover! (§)' — they kept squabbling."

The second story, though, gives a better idea of the reason for the rule:

"Then a certain naked ascetic went to a distribution of food. A certain bhikkhu, having mashed some rice with a great deal of ghee, gave a large helping to the naked ascetic. So the naked ascetic, having received his alms, left. Another naked ascetic asked him, 'Where, friend, did you get your alms?'

"At a distribution of food by that shaveling householder, the Gotama monk."

This training rule is corollary to the preceding one. Other religions at the Buddha's time observed the formalities of receiving food from their lay followers just as the bhikkhus did, and thus a bhikkhu who gave food in such a way to a mendicant ordained in another religion would be placing himself in the position of a lay follower of that religion, as the second origin story shows. An interesting point about this rule is that the Buddha formulated it at the request of Buddhist lay followers. Having

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overheard the naked ascetics' conversation, they said to him, "Venerable sir, these adherents of other religions enjoy criticizing the Buddha... Dhamma... and Saṅgha. It would be good if the masters did not give to adherents of other religions with their own hands."

Object. The Vibhaṅga defines the terms *naked ascetic* and *male or female wanderer* in such a way that they cover all people who have "gone forth" except for bhikkhus, bhikkhunīs, female trainees, and male or female novices. Because "going forth" was how ordination was understood at that time, we can use the Great Standards at present to include anyone ordained in other religions — e.g., Catholic priests, Protestant ministers, Jewish rabbis, Muslim mullahs, etc. — under the factor of object here as well. Different Communities differ as to whether they would include people ordained in other Buddhist religions — such as Zen priests or Tibetan lamas — under this category as well.

Perception as to whether a person would qualify as a naked ascetic or a male or female wanderer is not a mitigating factor here (see Pc 4).

Effort. *Staple and non-staple food* here covers all edibles: juice drinks, tonics, and medicines as well as food, but not water or tooth-cleaning sticks. Staple and non-staple foods are grounds for a pācittiya; water and tooth-cleaning sticks, grounds for a dukkaṭa.

To *give* is defined as giving with the body, with something in contact with the body, or by means of letting go, as in the preceding rule.

Non-offenses. To get someone else to give edible things, to give edible things by depositing them near (as in NP 18), or to give ointments for external use entails no offense. As the New K/Sub-commentary points out, this last exemption was probably meant to apply to oils, which otherwise would come under "non-staple food" here.

Summary: Handing food or medicine to a person ordained in another religion is a pācittiya offense.

42. Should any bhikkhu say to a bhikkhu, "Come, my friend, let's enter the village or town for alms," and then — whether or not he has had (food) given to him — dismiss him, saying, "Go away, my friend. I don't like sitting or talking with you. I prefer sitting or talking alone" — doing it for just that reason and no other — it is to be confessed.

The factors for the full offense here are four.

- 1) *Object:* another bhikkhu.
- 2) *Intention:* One wants to indulge in misconduct and does not want him to see it.

- 3) *Effort*: One dismisses him.
- 4) *Result*: He leaves one's range of hearing and sight.

Although the rule mentions one specific situation — bhikkhus going for alms in a town or village — the non-offense clauses give no exemption for a bhikkhu who, wanting to indulge in misconduct, dismisses another bhikkhu while outside of a village or engaged in an activity other than going for alms. The commentaries notice this point and, reasonably, do not list the specific situation as a necessary factor for the offense. For this reason, the factors for this offense apply in any location and at any time of the day.

Object. A bhikkhu is grounds for a pācittiya here; an unordained person (which for the purpose of this rule would include bhikkhunīs), grounds for a dukkaṭa. Perception as to whether a person is actually a bhikkhu is not a mitigating factor here. In other words, a bhikkhu is grounds for a pācittiya if one perceives him as a bhikkhu, if one perceives him as an unordained person, or if one is in doubt about the matter. An unordained person is grounds for a dukkaṭa if one perceives him as a bhikkhu, if one perceives him as an unordained person, or if one is in doubt about the matter. *This pattern — three pācittiyas and three dukkaṭas — is repeated in all the rules where a bhikkhu is grounds for a pācittiya, an unordained person is grounds for a dukkaṭa, and perception is not a mitigating factor.*

Intention. The Vibhaṅga defines *misconduct* as laughing, playing, or sitting in private with a woman, or any other misbehavior of any sort. To dismiss the other person, ordained or not, for motives other than a desire to hide one's own misconduct entails no offense. Examples of such motives given in the non-offense clauses are listed below.

Effort & result. To *dismiss* the other person means either to say outright for him/her to go away, or else to make remarks that will make him/her want to leave. The Commentary gives an example here — "Look at how this guy stands, sits, and looks around. He stands like a stump, sits like a dog, and looks about like a monkey" — but this would more likely come under Pc 2.

The offenses here are as follows:

- a dukkaṭa for speaking the words of dismissal;
- a dukkaṭa when the other bhikkhu is leaving the range of hearing and sight;
and
- a pācittiya when he has left.

The Commentary defines *range of hearing* and *range of sight* as twelve cubits, or six meters. If, however, there is a wall or a door within that distance, it says, that delimits the range.

Non-offenses. According to the Vibhaṅga, there is no offense in:

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- dismissing one's companion with the thought that two bhikkhus going together won't obtain enough food;
- dismissing him after seeing costly goods ahead, so that he won't develop a feeling of greed;
- dismissing him after seeing a beautiful woman ahead, so that he won't lose his resolve for the celibate life;
- sending him back with food for one who is sick, who was left behind, or who is guarding the monastery; or
- dismissing him for any other proper reason as long as one is not planning to indulge in misconduct.

Summary: Sending another bhikkhu away so that he won't witness any misconduct one is planning to indulge in is a pācittiya offense.

43. Should any bhikkhu sit intruding on a family "with its meal," it is to be confessed.

The origin story here, briefly, is this: Ven. Upananda visits a woman in her private quarters. Her husband approaches him respectfully, has his wife give him alms, and then asks him to leave. The wife senses that her husband wants to have sexual intercourse with her and so — as a game, apparently — keeps detaining Ven. Upananda until the husband gets exasperated and goes to complain to the bhikkhus: "Venerable sirs, this master Upananda is sitting in the bedroom with my wife. I have dismissed him, but he isn't willing to go. We are very busy and have much work to do."

Object: a family "with its meal." This term — *sabhojanam* — appears to be a pun in the original Pali, meaning either "with its meal" — *sa + bhojanam* — or "with two people" — *sa + ubho + janam*. The Vibhaṅga explains it as a euphemism meaning "a man and woman together, both not having gone out (of their bedroom), not both without lust." As its further explanations show, this means a man and woman together in their private quarters, with at least one of them desiring sexual intercourse with the other. Although the Commentary tries to justify the Vibhaṅga's explanation etymologically (*bhoga*, the root form of meal, has other forms meaning enjoyment, indulgence, and use), there is no need to turn to etymology. Since ancient times in all cultures, eating has been commonly used as a metaphor for sex. (Similarly, the husband's comment that he "has much work to do" could also be taken as a double entendre.)

Effort. To *sit intruding* means to sit — without another bhikkhu present — in the private area of the house, this being defined in terms of how large the house is. In one large enough to have a separate bedroom, the private area is any spot more than one hatthapāsa (1.25 meters) in from the doorway (of the bedroom, says the Commentary). In a smaller house, the private area is the back half of the house. None of the texts discuss such things as one-room apartments or hotel rooms, but these would probably be treated as "separate bedrooms."

The Vibhaṅga states that perception with regard to the private area is not a mitigating factor here (see Pc 4) and apparently the same holds true for perception with regard to whether the couple is "with its meal." As for intention, the Parivāra and commentaries maintain that it *is* a factor, but the Vibhaṅga does not mention it at all. Thus, to be perfectly safe from an offense in cases like this, a bhikkhu should not sit intruding on a couple unless they both make him 100% certain that he is welcome: a wise policy in any case, regardless of whether one is a bhikkhu.

Cases of sitting with a woman alone in her bedroom — or any other private place — are covered by the following rule.

Non-offenses. There is no offense —

- if both the man and woman have left the bedroom/private area;
- if neither of them is sexually aroused;
- if the building is not a "sleeping building";
- if the bhikkhu is not in the private area; or
- if he has a second bhikkhu as his companion.

Summary: To sit down intruding on a man and a woman in their private quarters — when one or both are sexually aroused, and when another bhikkhu is not present — is a pācittiya offense.

44. Should any bhikkhu sit in private on a secluded seat with a woman, it is to be confessed.

There are three factors for the offense here.

- *1) Object:* a female human being, "even one born that very day, all the more an older one."
- *2) Effort:* One sits with her in a private, secluded seat without another man present.
- *3) Intention:* One is aiming at privacy.

Object. *Woman* here includes *women* as well. In other words, even if one is sitting with many women in the secluded area, one is not exempt from this factor.

A female human being is grounds for a pācittiya; a paṇḍaka, a female peta, a female yakkha, and an animal in the form of a woman, grounds for a dukkaṭa.

Perception as to whether a person is actually a woman is not a mitigating factor (see Pc 4).

Effort. *Sitting* also includes lying down. Whether the bhikkhu sits near the woman when she is already seated, or the woman sits near him when he is already seated, or both sit down at the same time, makes no difference.

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Private means private to the eye and private to the ear. Two people sitting in a place private to the eye means that no one else can see if they wink, raise their eyebrows, or nod (§). If they are in a place private to the ear, no one else can hear what they say in a normal voice.

A *secluded seat* is one behind a wall, a closed door, a large bush, or anything at all that would afford them enough privacy to commit the sexual act.

According to the Commentary, *private to the eye* is the essential factor here. Even if a knowledgeable man is within hearing but not within sight — i.e., he is sitting just outside the door to the private place — that does not exempt one from the offense here.

The Vibhaṅga states that the presence of a man within sight absolves one from this factor only if he is knowledgeable enough to know what is and is not lewd. The Commentary adds that he must also be awake and neither blind nor deaf. Even a distracted or drowsy man, though, if he meets these criteria, *would* absolve one from this factor.

Intention. The non-offense clauses give an exemption for a bhikkhu "not aiming at privacy," but the Vibhaṅga nowhere explains what this means. In light of its definition of *private*, "aiming at privacy" could mean simply not wanting anyone near enough to hear what he is saying or to see him wink, raise his eyebrow, or nod.

The Commentary offers an alternative explanation, defining *aiming at privacy* as being impelled by any defilement related to sex, but this explanation opens as many questions as it tries to resolve. Does it refer solely to the desire for intercourse or to other more subtle sexually-related desires such as those listed in AN VII.47? That is the discourse describing a brahman or contemplative who observes the celibate life by not engaging in sexual intercourse but whose celibacy is "broken, cracked, spotted, and blemished" by the joy he finds in any of the following activities:

- 1) He consents to being anointed, rubbed down, bathed, and massaged by a woman.
- 2) He jokes, plays, and amuses himself with a woman.
- 3) He stares into a woman's eyes.
- 4) He listens to the voices of women outside a wall as they laugh, speak, sing, or cry.
- 5) He recollects how he used to laugh, converse, and play with a woman.
- 6) He sees a householder or householder's son enjoying himself endowed with the five sensual pleasures.
- 7) He practices the celibate life intent on being born in one or another of the deva hosts, (thinking) "By this virtue or practice or abstinence or celibate life I will be a deva of one sort or another."

The joy a person finds in any of these things is termed a sexual fetter (*methuna-samyoga*) that prevents him from gaining release from birth, aging, and death, and from the entire round of suffering. If the Commentary is indeed referring to this sort of thing when it mentions "defilements related to sexual intercourse" (*methuna-*

nissita-kilesa), then in light of its interpretation, the factor of intention under this rule would be fulfilled by such things as wanting to joke with the woman, to stare into her eyes, or to enjoy hearing her voice as she talks or laughs.

The Vinaya-mukha provides a third interpretation, defining "not aiming at privacy" with the following illustration: A bhikkhu is sitting in a secluded place with a man and woman present, but the man gets up and leaves before the bhikkhu can stop him. In other words, the bhikkhu is not intending to sit alone in private with the woman at all, but circumstances beyond his control force him to.

Although the first interpretation, because it adheres most closely to the wording in the Vibhaṅga, is probably the correct one here, the Vinaya-mukha's is probably the safest, and many Communities adhere to it with good reason. Both the Canon and the Commentary give frequent warnings about the dangers that can arise when a bhikkhu sits alone with a woman even when his original intention is innocent. His own defilements may eventually tempt him to do, say, or think things that are detrimental to his resolve in the celibate life; and even when his motives are pure, he is inviting the suspicions of others. Ay 1 requires that if a trustworthy outside witness is suspicious of a bhikkhu's sitting alone with a woman — and unless he is sitting with his mother or other elderly relative, it's rare that outsiders won't be suspicious — the Community must meet to investigate the issue. Even though they may find him innocent of any wrong doing, the fact that they have had to investigate his behavior is usually enough to keep suspicions alive among the laity and to create resentment among his fellow bhikkhus over the waste of their time due to his indiscretion. At the same time, a bhikkhu sitting alone with a woman is leaving himself at the mercy of the woman, who will later be free to make any claims she likes about what went on while they were alone together. As Lady Visākhā said in the origin story to Ay 1, "It is unfitting and improper, venerable sir, for the master to sit in private, alone with a woman... Even though the master may not be aiming at that act, cynical people are hard to convince."

Thus the wise policy would be to be no less strict than one's Community in interpreting this factor.

Non-offenses. In addition to the bhikkhu not aiming at privacy, there is no offense for the bhikkhu who sits alone with a woman when his attention is elsewhere — e.g., he is absorbed in his work or his meditation when a woman comes in and sits down in the room where he is sitting. Also, there is no offense if either the bhikkhu or the woman or both are standing, or if both are sitting when a knowledgeable man is present.

Summary: When aiming at privacy, sitting or lying down with a woman or women in a private, secluded place with no other man present is a pācittiya offense.

45. Should any bhikkhu sit in private, alone with a woman, it is to be confessed.

The full offense here has three factors that differ slightly from those for the preceding rule.

Object. Here *woman* is defined as a female human being who knows what is properly and improperly said, what is lewd and not lewd. Paṇḍakas, female petas, female yakkhas, and animals in the form of a woman are again grounds for a dukkaṭa. As under the preceding rule, perception as to whether a person is actually a woman is not a mitigating factor here (see Pc 4).

Effort. One sits with her alone — without another person present — in a place private to the ear and to the eye, but not secluded. Examples of such places would be spots out in the open (e.g., a bench in an open, deserted park), seats in a glassed-in porch or room, or in an open-air pavilion. The Commentary would include walled-in open areas — such as a park with a fence around it — here as well, but outside areas screened by a wall or a bush would fall under the preceding rule. Ay 1 & 2 suggest that the distinguishing factor here would be how hidden it is. If it would be convenient for committing sexual intercourse, it would fall under the preceding rule; if not, it would fall here.

Sitting is defined as under the preceding rule.

This rule's expression for *alone* — one man with one woman — implies that the other person whose presence exempts one from this factor can be either a man or a woman. The Commentary states explicitly that this is so, and adds that this person must also know what is properly and improperly said, what is lewd and not lewd; must be awake; must not be deaf or blind; and must be sitting "within sight," i.e., a radius of six meters. As in the preceding rule, whether or not the man or woman is distracted or drowsy is of no consequence.

Intention. One must be aiming at privacy for this factor to be fulfilled. See the discussion under the preceding rule.

Non-offenses. Strangely enough, the Vibhaṅga's non-offense clauses here are identical with those for the preceding rule — i.e., they make no mention of the fact that the presence of another woman would exempt one from an offense. The Commentary seems justified in inferring this fact from the rule, though, for otherwise there would be no reason to have these two separate rules on the same subject.

Summary: When aiming at privacy, sitting or lying down alone with a woman in an unsecluded but private place is a pācittiya offense.

46. Should any bhikkhu, being invited for a meal and without taking leave of an available bhikkhu, go calling on families before or after the meal, except at the proper occasions, it is to be confessed. Here the proper occasions are these: a time of giving cloth, a time of making robes. These are the proper occasions here.

The origin story here suggests that the purpose of this rule is to prevent bhikkhus from wandering off before an appointed meal time so that they will not show up late or be difficult to track down; and to prevent them, after the meal, from using the invitation as an excuse to go off wandering without taking leave (see Pc 85). However, the definition of the factor of object — which limits this rule to visiting lay people's houses — and the non-offense clauses — which allow one to visit monasteries and nunneries without taking leave — suggest a more over-riding purpose: to prevent bhikkhus from taking the invitation as an excuse to visit lay people and spend their time in inappropriate activities.

There are two factors for the full offense here.

- 1) *Object*: a family residence.
- 2) *Effort*: One enters such a residence — without having taken leave of an available bhikkhu — on a morning when one has been invited to a meal, except during the time exemptions mentioned in the rule.

Object. A family residence is grounds for a pācittiya here; its yard, grounds for a dukkaṭa.

Effort. Entering the residence is defined as having both feet inside the threshold. Having only one foot over the threshold incurs a dukkaṭa, in addition to the dukkaṭa for entering the yard.

Meal means one consisting of any of the five staple foods.

As for the question of how to determine whether another bhikkhu is or is not available, the Commentary draws the distinction like this: After the desire to go calling on families arises in one's mind and one takes a normal path to leave the monastery, if one comes across a bhikkhu who is close enough to address in a normal tone of voice (within six meters, says the Sub-commentary), that means that a bhikkhu is available and one should inform him of where one is going. If one does not come across a bhikkhu that close, no bhikkhu is available, and there is no need to go out of one's way to find one.

This, though, is in direct contradiction to the Vibhaṅga's definition of available — "It is possible to go, having taken leave" — that is, if there is another bhikkhu in the monastery, and there are no obstacles to taking one's leave from him (e.g., he is asleep, he is sick, he is receiving important visitors), one is obliged to go out of one's way to inform him.

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According to the K/Commentary, *taking leave* in the context of this rule means the simple act of informing the other bhikkhu that, "I am going to the house of so-and-so," or any similar statement. In other words, one is not asking permission to go (see the discussion of *taking leave* under Pc 14). However, if the other bhikkhu sees that one is doing something improper in going, he is perfectly free to say so. If one treats his comments with disrespect, one incurs at least a dukkaṭa under Pc 54. (See the discussion under that rule for details.)

For a new bhikkhu still living in dependence (*nissaya*) on his mentor, though, taking leave *is* a matter of asking permission at all times, whether one has been invited to a meal or not. The Mahāvagga (I.25.24; II.21.1) states that one of the duties of such a bhikkhu is that he must receive permission from his mentor before entering a village, going to a cemetery, or leaving the district. Not to ask permission before going, or to go after being denied permission, is to incur a dukkaṭa. As for the mentor, if he gives permission to go when it is not appropriate to do so, *he* is the one who incurs the dukkaṭa.

Perception as to whether one has actually been invited to a meal is not a mitigating factor here (see Pc 4).

Non-offenses. As the rule states, there is no offense in not taking leave at the time of giving cloth — the robe season — or at a time of making robes, i.e., any time when one is making a robe. These exceptions enable a bhikkhu to visit his lay supporters easily to obtain any gifts of thread, cloth, or scissors, etc., he may need at such times.

There is also no offense in going to or through a family residence when one has taken leave of another bhikkhu, or in going when one has not taken leave under any of the following circumstances:

- — There is no bhikkhu available (in addition to the examples mentioned above, this would include cases where one is living alone, all the other bhikkhus have left, or all the bhikkhus in the monastery are going together).
- — One is going to the house where one was invited for the meal.
- — The path to the house in which the meal is to be given leads through another house or its yard.
- — One is on one's way to another monastery (§), to bhikkhunīs' quarters, to the residence of people ordained in another religion (located in a village, says the Commentary), or one is returning from any of these places.
- — There are dangers. This, according to the Commentary, refers to dangers to one's life or to one's resolve in remaining celibate.

The non-offense clauses do not mention this point, but the perception section of the Vibhaṅga makes clear that this rule does not apply when one is not invited to a meal.

The general principle. This rule, in conjunction with Pc 85, is designed to keep bhikkhus from visiting lay people and spending their time in inappropriate ways. Pc 85 deals with entire villages and towns, and covers the act of leaving the monastery

during the period from noon until the following dawnrise. This rule deals with family residences and covers the act of leaving the monastery during the period from dawnrise until noon on days when one has been invited to a meal. The period from dawnrise to noon on days when one is not invited to a meal, and would be expected to go on alms round, is thus not covered by either rule. Note, however, that in the origin story to this rule the Buddha reprimands Ven. Upananda for visiting families during the latter part of a morning after going for alms. This shows that he did not approve of such behavior even though he had practical reasons for not laying down a rule against it: On mornings when one is going for alms — and in his time, alms-going could often be an all-morning affair — there is no convenient way to draw a hard and fast line between appropriate alms-going and inappropriate visiting. Thus we have the rules as they stand. At present, though, in monasteries where alms-going takes up much less of the morning or where the bhikkhus do not go outside the monastery for alms at all, a wise policy is to adhere to the general principle by informing a fellow bhikkhu whenever possible when one is leaving the monastery for errands or visits involving lay people, even during periods not covered by the rules.

Summary: Visiting lay families — without having informed an available bhikkhu — before or after a meal to which one has been invited is a pācittiya offense except during the robe season or any time one is making a robe.

47. A bhikkhu who is not ill may accept (make use of) a four-month invitation to ask for requisites. If he should accept (make use of) it beyond that — unless the invitation is renewed or is permanent — it is to be confessed.

Invitations. An invitation to ask for requisites is an offer made by a lay person to supply a bhikkhu with requisites whenever he (the bhikkhu) asks for them. Such invitations may be made either to individual bhikkhus, to groups, or to entire Communities. The responsibilities incumbent on the two sides in such an arrangement are well illustrated in a passage from the origin story to this rule.

"Now at that time some group-of-six bhikkhus wore their lower robes improperly, their upper robes improperly, and were not at all consummate in their deportment. Mahānāma the Sakyan criticized them: 'Venerable sirs, why do you wear your lower robes improperly, your upper robes improperly, and why are you not at all consummate in your deportment? Shouldn't a person who has gone forth wear his lower robe properly, his upper robe properly, and be consummate in his deportment?'

"The group-of-six bhikkhus nursed a grudge against him. They thought, 'Now ,how can we make Mahānāma the Sakyan feel abashed?' Then the thought occurred to them, 'He has made an invitation to provide the Community with medicines. Let's ask him for ghee.'

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"So they went to Mahānāma the Sakyan and on arrival said to him, 'We need a tubful of ghee, my friend.'

"Please wait for the rest of today, venerable sirs. People have just gone to the cattle pen to get ghee. You may come and fetch it in the morning.'

A second time... A third time, they said to him, 'We need a tubful of ghee, my friend.'

"Please wait for the rest of today, venerable sirs. People have just gone to the cattle pen to get ghee. You may come and fetch it in the morning.'

"What's with this invitation without wanting to give, friend, in that having made the invitation you don't give?'

"So Mahānāma the Sakyan criticized and complained and spread it about, 'How can their reverences, being told, "Please wait for the rest of today, venerable sirs," not wait?'"

As the story shows, the person making the invitation was expected to provide the goods he offered, while bhikkhus were expected to be reasonable in their requests.

The Vibhaṅga's discussion here assumes that this rule applies to invitations offering medicines, but it does not say explicitly whether it covers invitations made to individuals or to those made to entire Communities. The Commentary, however, argues reasonably from a statement in the Vibhaṅga's non-offense clauses (see below) that it covers only invitations made to Communities.

The rule and origin stories show that invitations of this sort originally had three standard forms: a four-month invitation (each of the major seasons in India lasts four months, which may have been the reason for this type of invitation), a renewed four-month invitation, and a permanent invitation. Eventually, though, the Vibhaṅga worked out the following fourfold schema to cover invitations of a wide variety of sorts: those that specify (1) requisites (medicines), (2) a time period, (3) both, or (4) neither.

1) An invitation specifying requisites may specify merely the type of item offered — "Let me know if you ever need any honey or sugar" — or also the amount — "Let me know if you ever need a bottle of honey... a pound of sugar." In cases like these, a bhikkhu may ask for the type or amount of the item offered. If he asks for other items or for more of the proper item than the amount offered, if that too is specified, he incurs a pācittiya. However, because the donor mentions no time limit, the Vibhaṅga says that the bhikkhu may ask at any time.

2) An invitation specifying the time period may be phrased, for example, "Let me know if you need any medicine during this Rains-residence." In cases like this, a bhikkhu may ask for any type or amount of medicine during that time period. But as the origin stories to this and the other rules dealing with asking make clear (see Sg

6 and NP 6 & 7), he should be moderate and reasonable when making requests, and not abuse the lay supporter's generosity. If, not being ill, he asks after the period has expired, he incurs a pācittiya.

3) An invitation specifying requisites and the time period might be phrased, "Let me know if you need any honey during the Rains–residence." In cases like this, a bhikkhu incurs a pācittiya if he asks for items other than those offered — or for more of the proper item than the amount offered, if that too is specified — regardless of whether he asks during the specified time period. He also incurs a pācittiya if, not being ill, he asks for the items offered after the time period has expired.

4) An invitation specifying neither requisites nor the time period may be phrased, for example, "Let me know if you ever need any medicine." In cases like this, the bhikkhu may ask for any medicine at any time. As in case (2), though, he should try to be reasonable in his requests.

The factors of the offense here are two.

- 1) *Object*: medicine offered as part of an invitation to the Community.
- 2) *Effort*: One asks for it outside of the terms of the invitation when one is not ill.

Object. The Vibhaṅga does not define *medicine* here, but its examples all deal with the five tonics, and that is how the Commentary defines *medicine* under this rule. The Great Standards could be used to extend *medicine* to cover lifetime medicines as well.

Effort. The Vibhaṅga also neglects to give an explicit definition for not ill, but in one of its wheels it states that if a bhikkhu asks for a medicine when he has no need for a medicine (§ — reading *na–bhesajjena karaṇīye* with the Thai and Sri Lankan editions of the Canon), he incurs a pācittiya in the asking. The Commentary explains having no need for medicine as being well enough to get by on "mixed" food, which is apparently its term for food acquired at random (see BMC2, Chapter 18).

The Vibhaṅga's wheel goes on to state that if a bhikkhu asks for one medicine when he actually has need of another (e.g., he has a disease that calls for a disgusting ghee concoction (see Mv.VIII.1.23–26) but asks for honey instead), he incurs a pācittiya in the asking as well. These penalties apply regardless of whether he receives what he asks for.

Perception as to whether one is asking outside the terms of the invitation is not a mitigating factor here (Pc 4).

Non–offenses. Three of the non–offense clauses require no explanation: There is no offense in asking from relatives, for the sake of another, or for medicine to be bought with one's own resources.

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One of the two non-offense clauses requiring explanation is that there is no offense in asking "from those by whom one was invited with medicine." This the Commentary explains by saying that if one has received a personal invitation, one may ask in line with its terms, but that otherwise the limits set by this rule apply only to invitations made to an entire Community and not to those made on a personal basis to individual bhikkhus. Although the Vibhaṅga makes no specific mention of this point, the Commentary's explanation seems the best way to make sense of this non-offense clause and the relationship between this rule and Pc 39. Under that rule, a bhikkhu who is not ill and has not been invited incurs a dukkaṭa in asking for any one of the five tonics, and there seems no reason to impose a heavier penalty for requesting one of the five tonics after a personal invitation to do so has expired. If, though, the invitation referred to in this rule is one made to an entire Community, the heavier penalty makes sense as an added protection to the donor against having his/her invitation abused by the less conscientious members of the Community. This added protection would also be a means of encouraging further invitations of this sort in the future.

The second non-offense clause requiring explanation is the one for an ill bhikkhu. Reading the rule, one might imagine that the exemption for an ill bhikkhu would read simply, "There is no offense if one is ill," but instead it reads, "There is no offense if one says, 'The time period for which we were invited has passed, but we have need of medicine.'" This is an important point of etiquette. Normally, an ill bhikkhu may ask anyone for medicine at any time, but in dealing with a person who has made an invitation for medicine to the Community, he has to show special consideration. In mentioning the fact that the time period for the invitation has expired, he gives recognition of the fact that the donor is no longer under any obligation to provide the medicine, thus giving the donor a convenient "out" in case he/she can no longer provide it. This simple gesture is the least consideration that can be shown to someone who has had the generosity to invite the Community to ask for medicines. And again, simple gestures of this sort help to protect donors and encourage similar invitations again in the future.

Although this last non-offense clause applies explicitly only to an invitation specifying the time period, the Great Standards could be used to apply it to an invitation specifying requisites as well. In other words, an ill bhikkhu could say, "You invited the Community with honey, but I have need of ghee."

An alternative interpretation. The Vinaya-mukha tries to extend this rule to cover invitations of every sort, individual and communal, dealing with any sort of requisite. It also reads the training rule to mean that if a time limit is not specified on an invitation, a four-month time limit is to be assumed. All of this has no support in the Vibhaṅga and so is not binding, but the last point is something that individual bhikkhus may adopt as a personal policy to teach themselves moderation in their requests. A donor's faith and financial position can change quickly, and it is reasonable not to depend on an invitation for longer periods of time unless the donor makes it clear that he/she is still willing to continue providing the item offered on a long-term basis.

Summary: When a supporter has made an offer to supply medicines to the Community: Asking him/her for medicine outside the terms of the offer when one is not ill is a *pācittiya* offense.

48. Should any bhikkhu go to see an army on active duty, unless there is a suitable reason, it is to be confessed.

This is an offense with three factors: object, effort, and intention.

Object. An army in the time of the Buddha was a very different affair from what an army is now. We will start with a discussion of how the *Vibhaṅga* explains this factor in terms of armies at that time, and then follow with a discussion of how it may be applied to armies at present.

Armies in the Buddha's time consisted mainly of what we would call reserve units. These were organized into four divisions: elephant units, cavalry units, chariot units, and infantry units. The soldiers for the most part were citizens who would live at home until called up on active duty to engage in actual warfare or to practice maneuvers, activities that normally took place outside the city. Battles, both actual and practice, were fought according to rules — total warfare did not come to India until many centuries after the Buddha's time — and it was possible for non-military citizens to watch, with occasional danger to life and limb, much as people at present watch football games. (Going to a battlefield is listed in the *Brahmajāla Sutta* (DN 1) as a form of entertainment.)

With this information in mind, it is easy to understand the *Vibhaṅga*'s treatment of this rule: An army on active duty — composed of a full panoply of elephant, cavalry, chariot, and infantry units who have left the city — is grounds for a *pācittiya*. This applies whether the army is camped or on the move. Any segment of an army on duty — even one armed archer, says the Commentary — is grounds for a *dukkāṭa*. An army not on duty — the Commentary illustrates this with a king's pleasure trip — is not grounds for an offense.

To apply these definitions to armed forces at present: The *Vibhaṅga*'s definition for army comes close to the modern definition of a field army with a full array of artillery, armored, airborne, and infantry divisions. Navies, marines, and air forces did not exist at that time, but the Great Standards would allow us to extend the definition of *army* to cover similar large units of these branches of the military as well. Because armies on active duty no longer limit their activities to areas outside of cities — they are sometimes based in cities, run practice drills there, and can be called in to quell riots or fight enemy forces there — the definition of "on active duty" must be changed to fit the way armies use it at present. Thus soldiers at work on base or off would count as being on duty. An army camped — on base or off — for active duty would also count as being on active duty. There is some controversy at present as to whether the on-base areas for staff housing would count as an army camped, but because the *Vibhaṅga* defines *active duty* as being away from home, it would seem that the homes within a base would not come under this rule.

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With these points in mind, we may say that a full field army — or the equivalent in naval, marine, or air forces — on active duty would be grounds for a *pācittiya* here. Any smaller unit of the military on active duty — a regiment, a division, or even one armed soldier — would be grounds for a *dukkata*. Armies not on active duty, as when they organize charity events, would not be grounds for an offense.

Perception as to whether a group qualifies as an army on duty is not a mitigating factor here (see Pc 4).

Effort. This factor is fulfilled simply by staying still and watching an army on duty except when one has a suitable reason. The *Vibhaṅga* gives a *dukkata* for every step one makes in going to watch an army on duty, and a *pācittiya* for staying still and watching. It also gives an extra *pācittiya* for every time one returns to watch after going away.

Intention. The origin story's example of a suitable reason is that a bhikkhu's uncle in the army had fallen ill and wished to see him. The non-offense clauses also allow one to take shelter with the army to escape dangers. (This the Commentary defines as dangers to one's life or celibacy.) Other suitable reasons would include accepting an invitation from the soldiers to receive alms or to give a Dhamma talk.

Non-offenses. There is no offense —

- if, having gone on business, one sees the army;
- if, standing within a monastery, one watches an army fighting or holding practice maneuvers nearby;
- if an army comes to where one happens to be;
- if one meets an army coming from the opposite direction; or
- if there are dangers.

Summary: Watching a field army — or similar large military force — on active duty, unless there is a suitable reason, is a *pācittiya* offense.

49. There being some reason or another for a bhikkhu to go to an army, he may stay two or three (consecutive) nights with the army. If he should stay beyond that, it is to be confessed.

Object. Unusually, the *Vibhaṅgas* to this rule and the next do not define army, a crucial term in both rules. But because these rules are continuations of the preceding one, we may be justified in reading their *Vibhaṅgas* as continuations of the preceding one as well. If so, army means the same thing in all three rules, and the permutations for object are identical in all three as well. Thus this rule does not apply to the housing where military officers live with their families, whether on base or off.

Effort. As under Pc 5 — the rule that deals with sleeping in the same dwelling with an unordained person — nights here are counted by dawns. If a bhikkhu leaves the

army before dawnrise of any night, that night is not counted. If he returns to spend another night/dawn with the army, the series starts over again from one. If, however, he has spent three consecutive nights with the army and is still with the army at any time beginning with sunset of the fourth night, he incurs a pācittiya. Unlike Pc 5, he does not need to be lying down for this factor to count. The Commentary illustrates this point by saying that even if he is using his psychic power to sit levitating above the army at sunset on the fourth day, he still fulfills this factor.

Perception as to whether more than three consecutive nights have actually passed is not a mitigating factor here (see Pc 4).

Non-offenses. There is no offense in staying longer than three nights if they are not consecutive, or in staying longer than three consecutive nights:

- if one is ill or caring for someone else who is ill;
- if the army is surrounded by opposing forces (so that the road out is blocked, says the Commentary);
- if one is being constrained (either by the army or its opponents, says the Commentary); or
- if there are other dangers (which the Commentary in many other non-offense clauses defines as dangers to one's life or one's celibacy).

Summary: Staying more than three consecutive nights with an army on active duty, unless one has a suitable reason to be there, is a pācittiya offense.

50. If a bhikkhu staying two or three nights with an army should go to a battlefield, a roll call, the troops in battle formation, or to see a review of the (battle) units, it is to be confessed.

"Then a certain group-of-six bhikkhu, having gone to the battlefield, was pierced by an arrow. People made fun of him: 'We hope (the battle) was well fought, venerable sir. How many points did you get? (§)'"

A *battlefield*, according to the Vibhaṅga and Commentary here, is a place where actual fighting may be seen; according to the Commentary to the Brahmajāla Suttanta, it is a place where war games are held. Both interpretations seem valid, especially considering the organized and decorous nature of warfare in those days.

The Commentary also says that a *review of battle units* can mean anything down to a review of a single unit.

Roll call and *troops in battle formation* are self-explanatory.

DN 1 mentions all four of these activities as forms of entertainment. From this, using the Great Standards, we may say that any show the armed forces put on for the public — parades, air shows, etc. — would also fall under this factor.

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Notice that these activities fulfill this factor even if they do not include the full array of forces that one would find in a field army or similar large military unit. In other words, a bhikkhu staying with the army would incur the full penalty here for watching these activities even if they involve only a small segment of a single division. If he is not staying with the army, though, then under Pc 48 he would incur a pācittiya for watching these activities if they contain the full complement of artillery, armored, airborne, and infantry forces; and a dukkaṭa if they contain only a segment.

Effort. As with Pc 48, there is a dukkaṭa for every step one takes toward watching these activities, and a pācittiya for staying still and watching them.

Non-offenses. The Vibhaṅga's non-offense clauses here are identical with those for Pc 48. In other words, there is no offense:

- if, having gone on business, one happens to see any of these activities;
- if, staying within a monastery, one watches these activities;
- if an army comes to where one happens to be;
- if one meets an army coming from the opposite direction; or
- if there are dangers.

Summary: Going to a battlefield, a roll call, an array of troops in battle formation, or to see a review of the battle units while one is staying with an army is a pācittiya offense.

Buddhist Monastic Code I
Chapter 8.6
Pācittiya: The Alcoholic Drink Chapter

51. The drinking of alcohol or fermented liquor is to be confessed.

"Then Ven. Sāgata went to the hermitage of the coiled-hair ascetic of Ambatittha, and on arrival — having entered the fire building and arranged a grass mat — sat down cross-legged with his body erect and mindfulness to the fore. The nāga (living in the fire building) saw that Ven. Sāgata had entered and, on seeing him, was upset, disgruntled, and emitted smoke. Ven. Sāgata emitted smoke. The nāga, unable to bear his rage, blazed up. Ven. Sāgata, entering the fire element, blazed up. Then Ven. Sāgata, having consumed the nāga's fire with his own fire, left for Bhaddavatikā.

"Then the Blessed One, having stayed at Bhaddavatikā as long as he liked, left on a walking tour to Kosambī. The lay followers of Kosambī heard, 'They say that Ven. Sāgata did battle with the Ambatittha nāga!'

"Then the Blessed One, having toured by stages, came to Kosambī. The Kosambī lay followers, after welcoming the Blessed One, went to Ven. Sāgata and, on arrival, having bowed down to him, sat to one side. As they were sitting there they said to him, 'What, venerable sir, is something the masters like that is hard for you to get? What can we prepare for you?'

"When this was said, some group-of-six bhikkhus said to the Kosambī lay followers, 'Friends, there is a strong liquor called pigeon's liquor (the color of pigeons' feet, according to the Commentary) that the bhikkhus like and is hard for them to get. Prepare that.'

"Then the Kosambī lay followers, having prepared pigeon's liquor in house after house, and seeing that Ven. Sāgata had gone out for alms, said to him, 'Master Sāgata, drink some pigeon's liquor! Master Sāgata, drink some pigeon's liquor! Then Ven. Sāgata, having drunk pigeon's liquor in house after house, passed out at the city gate as he was leaving the city.

"Then the Blessed One, leaving the city with a number of bhikkhus, saw that Ven. Sāgata had passed out at the city gate. On seeing him, he addressed the bhikkhus, saying, 'Bhikkhus, pick up Sāgata.'

"Responding, 'As you say, venerable sir,' the bhikkhus took Ven. Sāgata to the monastery and laid him down with his head toward the Blessed One. Then Ven. Sāgata turned around and went to sleep with his feet toward the Blessed One. So the Blessed One addressed the bhikkhus, saying, 'In the past, wasn't Sāgata respectful to the Tathāgata and deferential?'

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"Yes, venerable sir."

"But is he respectful to the Tathāgata and deferential now?"

"No, venerable sir."

"And didn't Sāgata do battle with the Ambatittha nāga?"

"Yes, venerable sir."

"But could he do battle with even a salamander now?"

"No, venerable sir."

(§ — Reading *deḍḍubhena-pi* with the Thai and Sri Lankan versions of the Canon.)

Object. *Alcohol* means any alcoholic beverage made from grain, yeast, or any combination of ingredients. Examples now would include whiskey, beer, vodka, and gin. *Fermented liquor* means any alcoholic beverage made from flowers, fruits, honey, sugar, or any combination of ingredients. Examples now would include wine, mead, and rum. Together, the two terms are meant to cover all kinds of alcoholic beverages.

There is some controversy as to what other substances would be included in this factor in line with the Great Standards. Because the Canon repeatedly criticizes alcohol on the grounds that it destroys one's sense of shame, weakens one's discernment, and can put one into a stupor — as happened to Ven. Sāgata — it seems reasonable to extend this rule to other intoxicants, narcotics, and hallucinogens as well. Thus things like marijuana, hashish, heroin, cocaine, and LSD would fulfill this factor. Coffee, tea, tobacco, and betel do not have this effect, though, so there is no reason to include them here.

Items that look, smell, and taste like alcohol but are non-alcoholic also do not come under this rule. Thus, for example, carbonated apple juice that resembles champagne would not fulfill this factor.

Perception as to whether a liquid counts as alcohol or liquor is not a mitigating factor here (see Pc 4). Thus a bhikkhu drinking champagne that he thinks to be carbonated apple juice *would* fall under this factor, regardless of his ignorance.

Effort. The Vibhaṅga defines *drinking* as taking even as little as the tip of a blade of grass. Thus taking a small glass of wine, even though it might not be enough to make one drunk, would be more than enough to fulfill this factor.

According to the Commentary, the number of offenses involved in taking an alcoholic drink is determined by the number of separate sips. As for intoxicants taken by means other than sipping, each separate effort would count as an offense.

Non-offenses. The Vibhaṅga states that there is no offense in taking items that are non-alcoholic, but whose color, taste, or smell is like alcohol

There is also no offense in taking alcohol "cooked in broth, meat, or oil." The Commentary interprets the first two items as referring to sauces, stews, and meat dishes to which alcoholic beverages, such as wine, are added for flavoring before they are cooked. Because the alcohol would evaporate during the cooking, it would have no intoxicating effect. Foods containing unevaporated alcohol — such as rum babas — would not be included under this allowance.

As for alcohol cooked in oil, this refers to a medicine used in the Buddha's time for afflictions of the "wind element." The Mahāvagga (VI.14.1) allows this medicine for use only as long as the taste, color, and smell of the alcohol are not perceptible. From this point, the Vinaya-mukha argues that morphine and other narcotics used as pain killers are allowable as well.

In addition, the non-offense clauses contain a phrase that can be read in two different ways. The first way would be, "With regard to molasses and emblic myrobalan, (there is no offense) if he drinks unfermented *aritt̥ha*." This is the way the Commentary interprets the phrase, which it explains as follows: *Aritt̥ha* is the name of an aged medicine, made from emblic myrobalan, etc., whose color taste, and smell are like alcohol, but which is not alcoholic. This item, however, would seem to come under the first non-offense clause. Another way to read the phrase would be to take *aritt̥ha* as an adjective, which would yield, "With regard to molasses and emblic myrobalan, (there is no offense) if he drinks what has not fermented and not turned bad." Perhaps the mixture of emblic myrobalan and molasses was used to make a type of toddy, in which case the allowance would grant permission for the mixture to be drunk before it had fermented. This allowance could then be extended to liquids like apple cider consumed before it has turned alcoholic.

Summary: Taking an intoxicant is a pācittiya offense regardless of whether one is aware that it is an intoxicant.

52. Tickling with the fingers is to be confessed.

"Now at that time some group-of-six bhikkhus were making one of the group of seventeen laugh by tickling him with their fingers. Convulsed with laughter and unable to catch his breath, he died."

There are three factors for the full offense here.

- 1) *Object:* another bhikkhu.
- 2) *Effort:* One touches any part of his body with any part of one's own body
- 3) *Intention:* for fun.

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Object. A bhikkhu is grounds for a pācittiya here; any unordained person, grounds for a dukkaṭa. The Vibhaṅga does not say whether *unordained* here includes bhikkhunīs. The Commentary states explicitly that it does, adding that a bhikkhu looking for a little fun can tickle a bhikkhunī without incurring a penalty stronger than a dukkaṭa. There are occasional attempts at humor in the Commentary, and we can probably write this off as one of them.

Perception as to whether the person being tickled is ordained is irrelevant to the offense (see Pc 42).

Effort. This factor is fulfilled only by body-to-body contact, as defined at length under Sg 2. The following actions, if done with the intent of making the other person laugh, would be grounds for a dukkaṭa here regardless of whether the person was ordained or not:

- using an item connected with the body — such as a stick — to poke at the person;
- touching an item connected with the other person's body;
- tossing or dropping things on the other person.

Intention. If one has legitimate motives for touching the other person aside from a desire for fun, there is no penalty in doing so. Thus a bhikkhu massaging another bhikkhu's tired back commits no offense if he inadvertently happens to touch a spot where the other bhikkhu is ticklish. However, touching another bhikkhu in anger would come under Pc 74.

Summary: Tickling another bhikkhu is a pācittiya offense.

53. The act of playing in the water is to be confessed.

Here again, the factors for the full offense are three.

- 2) *Effort:* One jumps up or down, splashes, or swims
- 2) *Object:* in water deep enough to immerse one's ankle
- 3) *Intention:* for fun.

Effort. According to the Commentary, each individual effort counts as a separate offense. Thus if one is swimming for fun, one incurs a pācittiya for each hand or foot stroke.

Perception as to whether one's actions count as "playing in the water" is not a mitigating factor here (see Pc 4).

Object. Jumping up or down in water less than ankle deep entails a dukkaṭa, as does splashing water with the hands, feet, a stick, or a piece of tile; or playing with water or other liquids — such as rice gruel, milk, buttermilk, colored dyes, urine, or mud — in a vessel.

The Vibhaṅga states that there is also a dukkaṭa for playing in a boat. This the Commentary illustrates with examples: such things as paddling a boat with an oar, propelling it with a pole, or pushing it up on shore. At present, sailing a sail boat or steering a motor boat would come under this factor.

Intention. The Vibhaṅga defines this factor as "for a laugh" (*hassādhippāyo*), which the Commentary translates as "for fun" or "for sport" (*kiḷādhippāyo*).

The question of swimming for fitness or exercise is not discussed in any of the texts and seems to have been virtually unheard of in Asia until recent times. Swimming in most Asian countries has long been regarded as a childish form of play, and the one mention in the Canon of athletic bhikkhus keeping their bodies in strong shape is disparaging. In the origin story to Sg 8, Ven. Dabba Mallaputta assigned separate dwellings to different groups of bhikkhus — those who studied the Suttas, those who studied the Vinaya, those who meditated, etc. — and, finally, "for those bhikkhus who lived indulging in animal talk and keeping their bodies in strong shape, he assigned dwellings in the same place, 'So that even these venerable ones will stay as they like.'" Thus it does not seem likely that the Buddha would have recognized physical fitness as an appropriate reason for bhikkhus to go swimming.

On the other hand, if a bhikkhu has a medical motive for swimming — e.g., he has injured his shoulder, and his doctor has recommended that he swim to help speed its healing — this would probably count as an instance of "having business to do in the water" and thus would come under the relevant non-offense clause.

Non-offenses. The Vibhaṅga states that there is no offense in jumping in or out of the water, swimming, or using a boat —

- if one goes into the water not for fun but because one has business to do — examples would include bathing or helping a person who cannot swim;
- if one is crossing to the other shore of a body of water; or
- if there are dangers — e.g., one is escaping a fire or a wild beast.

Summary: Jumping and swimming in the water for fun is a pācittiya offense.

54. Disrespect is to be confessed.

This rule refers to cases where one has been admonished for one's behavior. The factors for the full offense are two.

- 1) *Effort:* Having been admonished by a fellow bhikkhu who cites a rule formulated in the Vinaya, one shows disrespect
- 2) *Object:* for the bhikkhu or for the rule.

We will discuss these factors in reverse order.

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Object. Only if the bhikkhu cites a rule formulated in the Vinaya is this factor grounds for a *pācittiya*. If he criticizes one's actions, citing standards of behavior for the sake of being "self-effacing, scrupulous, or inspiring; for lessening (defilement) or arousing energy" that are not formulated in the Vinaya, this factor becomes grounds for a *dukkata*. The Commentary limits "not formulated" to teachings in the suttas and Abhidhamma, but there is nothing in the Vibhaṅga to suggest that this is so. Its normal way of referring specifically to the suttas and mātikās (the basis for the Abhidhamma) is to say, "another Dhamma," and so its choice of words here seems intended to include any principle, whether expressed in the other parts of the Canon or not, that aims at the goal of being self-effacing, etc. Thus any teaching devoted to such goals would be grounds for a *dukkata*.

If the person admonishing one is not a bhikkhu, then regardless of whether he/she cites a rule in the Vinaya or standards for being self-effacing, etc., outside of the Vinaya, then the penalty for showing disrespect to that person is a *dukkata*.

Perception as to whether the person doing the admonishing is ordained is irrelevant to the offense (see Pc 42).

The validity of the admonition is not an issue here. Even if the other person is really an ignorant fool, has misinterpreted the rule, or has peculiar ideas on being self-effacing, etc., one should be careful not to show disrespect in word or deed.

If one is being criticized against standards that have nothing to do with being self-effacing, etc., it would not be grounds for an offense. However, a wise policy would be to avoid showing disrespect for another person, regardless of the situation.

Effort. There are two possible targets for one's disrespect — the person and the rule — and two ways of showing it: by word or by gesture.

Disrespect for the person includes —

- saying things that show disrespect in either a crude or subtle way, e.g., "Who are *you* to tell *me*?" "It's presumptuous of you to pass judgment when you aren't in my position," "Your critical attitude shows that you have some messy emotional problems that you would be well-advised to look into," "Get lost!" or "Go to hell!"
- or making a rude gesture or even a slight facial expression to show one's contempt.

Disrespect for the rule includes —

- saying, "That's a stupid rule," "That rule doesn't apply to me";
- stubbornly repeating the action for which one was admonished (this point is covered in Mv.IV.17.7–9);
- or making a rude gesture, saying, "This is what I think of that rule."

None of the texts explicitly confine this factor to disrespect expressed in the person's presence. Thus it would seem that if, as a result of the person's comments, one expresses disrespect behind his or her back, it would fulfill this factor as well.

Further action. If one persists in acting disrespectfully when being admonished, one may also be subject to Sg 12 or to suspension from the Community (see BMC2, Chapter 20).

Non-offenses. There is no offense if, being admonished, one states simply that one was taught differently by one's teachers. (The precise words in the Vibhaṅga are, "Such is our teachers' tradition and catechism." (§)) The Commentary contains a discussion of which sort of teachers' tradition is worthy of including in this exemption, but this seems to miss the point. If one can rightfully cite one's teacher's instruction as the reason for one's behavior, then regardless of whether the teacher is right or wrong, such a citation would not count as disrespect.

As Dhṛ 76 says, one should regard a person who points out one's faults as a guide who points out hidden treasure. If one shows disrespect to such a guide, it is unlikely that he/she will feel inclined to point out any hidden treasure ever again.

A good example of how to receive admonishment was set by Ven. Ānanda during the First Council (Cv.XI.1.10). Although he was admonished for committing acts that the Buddha had not declared to be offenses, and although he did not see that he had committed any error, still he willingly confessed his actions as offenses so as to show good faith in his fellow bhikkhus.

A related rule. Pc 71 covers the case of a bhikkhu who, trying to avoid an offense under this rule, uses a ploy to get out of altering his behavior in response to an admonition. For details, see the explanation under that rule.

Summary: Speaking or acting disrespectfully after having been admonished by another bhikkhu for a breach of the training rules is a pācittiya offense.

55. Should any bhikkhu try to frighten another bhikkhu, it is to be confessed.

There are three factors for the full offense here.

Intention. One wants to frighten the other person.

Effort. One arranges a frightening sight, sound, smell, taste, or tactile sensation — this would include such things as hanging a sheet in a dark room so that it looks like a ghost; makes a ghostly wail outside the person's window, etc. — *or* one describes dangers from ghosts, robbers, or wild animals.

Object. The other person is a bhikkhu. Anyone who is not a bhikkhu is grounds for a dukkaṭa.

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Perception as to whether the person one is trying to frighten is ordained is irrelevant to the offense (see Pc 42).

"Result" is not a factor here. If the three factors are fulfilled, one commits the offense regardless of whether the other person is actually frightened.

Non-offenses. To inform another person of dangers from ghosts, robbers, etc., without intending to frighten him/her constitutes no offense. The same exemption holds for arranging a sight, sound, smell, taste, or tactile sensation without the intention of causing fright.

Summary: Attempting to frighten another bhikkhu is a pācittiya offense.

56. Should any bhikkhu who is not ill, seeking to warm himself, kindle a fire or have one kindled — unless there is a suitable reason — it is to be confessed.

"Now at that time, in the winter months, bhikkhus warmed themselves, having kindled a fire by a large hollow log. And in that hollow a cobra was scorched by the fire. Coming out, it sprang at the bhikkhus. The bhikkhus ran off every which way."

Here again the factors for the full offense are three.

- 1) *Object:* One is not ill.
- 2) *Effort:* One lights a fire or gets someone else to light one.
- 3) *Intention:* for the purpose of warming oneself.

Object. *Not ill*, in the context of this rule, means that one can fare comfortably without warming oneself. The Vibhaṅga makes the point that perception as to whether one is actually ill is not a mitigating factor here (see Pc 4). What this means is that when it is chilly outside, one should be very sure that extra warmth is necessary for one's health before lighting a fire to warm oneself.

Effort. *Lighting a fire* at present would include turning on the flame in a heating system in one's dwelling for the sake of the warmth. Solar or electric heating systems, which do not use flames, would not be included here.

Getting a fire lit, according to the Vibhaṅga, means ordering another person to light a fire. Thus there is apparently room for *kappiya-vohāra* under this rule, as long as one's suggestion for lighting a fire not be an express command.

If, when not ill, one orders someone else to light a fire (or fires) for the purpose of warming oneself, there is a pācittiya in making the order, and another pācittiya when the other person lights the fire(s), regardless of how many fires are lit as a result of the one order. To return a burning piece of fuel to a fire is grounds for a

dukkaṭa; adding new fuel to a fire — according to the Commentary — is grounds for a pācittiya.

Intention. There is no offense if one lights a fire or has one lit for purposes other than warming oneself. Thus one may light a lamp or light a fire to boil water, burn dead leaves, or fire an alms bowl without penalty. Cv.V.32.1 says that if a forest fire is approaching one's dwelling, one may light a counter-fire to ward off its approach. In other circumstances, though, Pc 10 would impose a penalty for lighting a fire on top of "live" soil; and Pc 11 would impose a further penalty for damaging plant life.

Non-offenses. In addition, there is no offense in warming oneself at raked-out coals or at a fire lit by someone else (not at one's request). And there is no offense in lighting a fire when there are dangers. This, the Commentary says, refers to cases when one is bitten by a snake (and wants to make the snake-bite medicine mentioned under Pc 40), when one is surrounded by robbers, or disturbed by non-human beings or beasts of prey.

Cv.V.14.1 allows bhikkhus to use a "fire hall (§)," similar to a sauna at present, for the purpose of inducing perspiration for health reasons. According to the Vibhaṅga, there is no offense in lighting a fire in a place such as this.

The purpose of this rule is suggested by AN V.219, which lists the five disadvantages of sitting around a fire: It is bad for one's eyes, bad for one's skin, bad for one's strength, and (most importantly, in this context) groups tend to form (that can turn into factions), and they spend their time in animal talk.

Summary: Lighting a fire to warm oneself — or having it lit — when one does not need the warmth for one's health is a pācittiya offense.

57. Should any bhikkhu bathe at intervals of less than half a month, except at the proper occasions, it is to be confessed. Here the proper occasions are these: the last month and a half of the hot season, the first month of the rains, these two and a half months being a time of heat, a time of fever; (also) a time of illness; a time of work; a time of going on a journey; a time of wind or rain. These are the proper occasions here.

"Now at that time bhikkhus were bathing in the hot spring (at Rājagaha). Then King Seniya Bimbisāra of Magadha, having gone to the hot spring with the thought, 'I will bathe my head,' waited to one side, (thinking,) 'I will wait as long as the masters are bathing.' The bhikkhus bathed until nightfall.

"Then King Seniya Bimbisāra of Magadha, after having bathed his head at the wrong time (night) — the gates of the city being closed — spent the night outside the city walls... (The Buddha learned of the incident and rebuked the bhikkhus:) 'How can you worthless men, even though you saw the king, bathe not knowing moderation?'"

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The original formulation of this rule — with no allowance for "proper occasions" — seems to have been intended as a temporary disciplinary measure for the bhikkhus who had inconvenienced the king. (There was a similar temporary rule, against eating mangoes (Cv.V.5.1), that the Buddha formulated when King Bimbisāra had invited the bhikkhus to help themselves to his mangoes, and some group-of-six bhikkhus went and took all the mangoes in his park, even the unripe ones. The rule was later rescinded (Cv.V.5.2) when the Buddha allowed bhikkhus to eat any and all fruit as long as it was allowable in any of the five ways mentioned under Pc 11.)

As for this rule: Once the proper occasions were added, they relaxed it considerably. For instance:

- *a time of illness* is any time when one does not feel comfortable without bathing;
- *a time of work* can involve as little work as sweeping out the yard of one's dwelling (§);
- *a time of going on a journey* is whenever one is about to go, is going, or has gone on a trip of at least half a league (approximately 5 miles/8 kilometers);
- *a time of wind and rain* is whenever a dusty wind blows and at least two or three drops of rain fall on one's body.

In addition, Mv.V.13 tells the story of Ven. Mahā Kaccāna's leaving the middle Ganges Valley and settling in Avantī, to the south. After some time, one of his students — Ven. Soṇa Kuṭṭikaṇṇa — asked permission to visit the Buddha. Ven. Mahā Kaccāna gave his permission, together with a request to convey to the Buddha: that certain rules inappropriate for areas outside of the Ganges Valley — this rule among them — be rescinded for bhikkhus living in outlying districts. The Buddha complied with the request and defined the outlying districts in such a way that there is nowhere in the world outside of the middle Ganges Valley where this rule applies.

Offenses. For those who live in the middle Ganges Valley, the offenses for bathing more frequently than once a fortnight outside of the proper occasions are these: a dukkaṭa for every time one scrubs oneself with *chunam* (bathing powder) or clay (soap), and a pācittiya when one has finished bathing.

Perception as to whether a fortnight has actually passed is not a mitigating factor here (see Pc 4).

Non-offenses. In addition to the allowances to bathe more frequently than once a fortnight during the proper occasions or in areas outside the middle Ganges Valley, there is no offense in bathing more frequently if one is crossing a river or if there are dangers. This last allowance the Commentary explains with an example: One is being chased by bees and so jumps into the water to escape them.

Summary: Bathing more frequently than once a fortnight when residing in the middle Ganges Valley, except on certain occasions, is a pācittiya offense.

58. When a bhikkhu receives a new robe, any one of three means of discoloring it is to be applied: green, brown, or black. If a bhikkhu should make use of a new robe without applying any of the three means of discoloring it, it is to be confessed.

"Now at that time many bhikkhus and wanderers were traveling from Sāketa to Sāvattihī. On the way, thieves came out and robbed them. Royal officials, coming out of Sāvattihī and capturing the thieves with the goods, sent a messenger to the bhikkhus, saying, 'Come, your reverences. Let each identify his own robes and take them.' The bhikkhus couldn't identify their robes. People criticized and complained and spread it about, 'How can their reverences not identify their own robes?'"

Protocol. As this rule indicates, a bhikkhu should wear robes only that have been marked with an identifying mark. The Vibhaṅga does not go into any great detail on procedures for marking a robe, aside from saying that the mark may be as small as the tip of a blade of grass, and can be made with any of the colors mentioned in the rule. (The color green in Pali also covers the color blue, so a mark made with blue ink would be acceptable.)

The Commentary goes into more detail: After the robe has been dyed, one should make a round mark no smaller than the size of a bedbug's back and no larger than the iris of a peacock's eye in all four corners of the robe, three corners, two, or one, as one sees fit. Only round marks are allowable. Such things as lines or angular marks (squares, triangles, or stars) are not.

As the Vibhaṅga notes, once the robe has been marked there is no need to mark it again, even if the mark wears off, the marked part of the robe gets worn through age, one sews a marked cloth together with an unmarked one, or one patches, darns, or adds a hem to a marked robe. If Bhikkhu X marks a robe and then gives it to Bhikkhu Y, Y may wear it without having to mark it again.

In Thailand at present, the custom is to make three small dots in one corner of the robe, saying, "*Imaṃ bindu-kappaṃ karomi,*" (I make this properly marked) while making each dot. This procedure does not appear in the Canon or commentaries, but does not conflict with any of them.

The factors for the offense here are two: *object* — a new robe; and *effort* — one makes use of it without first marking it.

Object. According to the Vibhaṅga, a *new robe* here is one made out of any of the six kinds of robe-cloth and not yet marked. Thus an unmarked cloth kept for a long time is still regarded as new. The Commentary, noting that the Vibhaṅga does not qualify "robe" as including even the smallest cloth that can be placed under shared ownership, concludes that *robe* in the context of this rule refers specifically to completed robes that can be worn over the shoulders or around the waist — i.e., lower robes, upper robes, outer robes, rains-bathing cloths, skin-eruption covering cloths — and not to ordinary pieces of cloth or other cloth items such as sitting

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cloths, handkerchiefs, or shoulder bags. Any cloth requisite that is not a robe in this sense is not grounds for an offense. Shoulder cloths (*aṃsa*) were not worn in the time of the Commentary but would seem to fall under this factor, as would any other item a bhikkhu might wear around his body.

Perception as to whether the robe has actually been marked is not a mitigating factor here (see Pc 4).

Effort. The Vibhaṅga defines this factor with the verb "use" (*paribhuñjati*), while the K/Commentary is more specific in saying that this factor is fulfilled when one wears the robe over the shoulders or around the waist. Because the mark is to be added only after the robe is dyed, this factor does not cover such things as trying on a new robe while it is being sewn but has yet to be dyed.

Non-offenses. As noted above, there is no offense —

- in using a robe that has been properly marked;
- in using a robe whose mark has worn off (as in washing); or
- in using a robe whose marked corner has been torn off or otherwise destroyed.

There is also no need to re-mark a marked robe if one sews it together with an unmarked piece of cloth, or if one patches it, darns it, or adds a new hem to it.

The K/Commentary, arguing from the allowance for makeshift robes under NP 6, states that if one's robes have been snatched away, destroyed, etc., one may wear an unmarked piece of cloth without committing an offense.

Summary: Wearing an unmarked robe is a pācittiya offense.

59. Should any bhikkhu, having himself placed robe-cloth under shared ownership (*vikappana*) with a bhikkhu, a bhikkhunī, a female trainee, a male novice, or a female novice, then make use of the cloth without the shared ownership's being rescinded, it is to be confessed.

Shared ownership. As mentioned in the explanations to NP 1, *vikappana* is an arrangement whereby a bhikkhu places a robe or robe-cloth under shared ownership so that he may store it for any length of time without its being counted as an extra cloth. One may share ownership with any of one's co-religionists as mentioned in the rule.

Passages in the Mahāvagga (VIII.20.2; VIII.21.1) show that shared ownership is intended for cloth that is being stored and not for cloth in use. Cloth that has not been made into a finished robe, rains-bathing cloths being kept during the eight months of the year outside of the rainy season, and skin-eruption covering cloths being kept when they are not needed, may all be placed under shared ownership.

The three basic robes, miscellaneous requisites, handkerchiefs, and the sitting cloth may not. As this rule states, when a bhikkhu wants to use a piece of cloth placed under shared ownership, the shared ownership must first be rescinded.

Protocol. The Vibhaṅga to this rule explains how cloth may be placed under shared ownership, but unfortunately the explanation is rather terse, so we will have to discuss two alternative interpretations.

What the Vibhaṅga says. One may place a piece of cloth under shared ownership only if it is one of the six kinds of robe-cloth discussed under NP 1 and it measures at least four by eight fingerbreadths. There are two ways of placing it under shared ownership: in the presence of (the second owner presumably, although this is a controversial point) or in the absence of (again, this would seem to mean the second owner).

In the first method, one says, "I place this robe-cloth under shared ownership with you (plural)" or "with so-and-so." (The Pali formulae for this and the following procedures are in Appendix V.) This is as far as the Vibhaṅga explains the method, but it seems to refer to two ways of doing the procedure in the presence of the second owner: One uses "you (plural)" if the other owner is a bhikkhu with more seniority than oneself; and the second owner's name if he/she is a junior bhikkhu, a bhikkhunī, female trainee, or male or female novice. (Passages throughout the Canon show that it was considered disrespectful to refer to a senior person by his name in his presence. Buddhists, for instance, would never address the Buddha as Gotama, although members of other religions often did. At Mv.I.74.1, Ven. Ānanda says that he is not worthy enough to refer to Ven. Mahā Kassapa by name, as the latter is his teacher.)

The Vibhaṅga does not say how shared ownership is to be rescinded in a case like this, although the K/Commentary gives a formula for the second owner to say: "Use what is mine, give it away, or do as you like with it."

In the second method, one gives the cloth to a witness and says, "I give this robe-cloth to you to place under shared ownership." The witness then says, "Who are your friends and acquaintances?" One then names two of one's friends (with whom one has made an arrangement for using one another's belongings on trust), and the witness says, "I give it to them. Use what is theirs, give it away, or do as you like with it."

This second method, apparently, is for use in situations where one has an extra cloth whose time span is almost up and one is far away from any co-religionist with whom one has made an arrangement to use one another's belongings on trust.

What is happening in the procedure is that one is giving the cloth away to the witness: the witness then places it with one as a gift to one's friends. Because one already has permission to use their things on trust, one may freely make use of the cloth if one wants to, or simply keep it for any number of days if not. (See Mv.V.13.13.) Cases of placing gifts in trust in this way are discussed in detail at Mv.VIII.31.2–3. According to those passages, the witness has no business in giving

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one permission to use the cloth after having given it to the two other people; perhaps the statement is included here to show that all sides involved — the witness and the two new owners of the cloth — are agreeable to one's making use of the cloth. If the two new owners have not previously given one permission to use their belongings on trust, one may *not* make use of the cloth until they give express permission to do so, although one may keep it for any number of days without incurring a penalty under NP 1.

What the K/Commentary says. The Commentary has nothing to say about these procedures, while the K/Commentary goes into great detail, reworking the Vibhaṅga's descriptions to come up with three methods.

In the first method, "in the presence of," one says in the presence of the second owner, "I place this robe-cloth under shared ownership with you." The shared ownership is rescinded when the second owner/witness gives one permission to use the cloth, give it away, or do as one likes with it.

In the second method — which the K/Commentary also calls "in the presence of" — one says in the presence of a witness who is not the second owner, "I place this robe-cloth under shared ownership with so-and-so." The shared ownership is rescinded when the witness gives one permission to use the cloth, give it away, or do as one likes with it.

In the third method, "in the absence of," one gives the cloth to a witness, saying, "I give this robe-cloth to you to place under shared ownership." The witness says, "Who is a friend or acquaintance of yours?" One names a friend, and the witness says, "I give it to him/her. Use what is his/hers, give it away, or do as you like with it." The shared ownership is rescinded when the witness says this.

There are several problems with the K/Commentary's interpretations. First, it is hard to see any practical difference between its methods 2 and 3, why one should be called "in the presence of" and the other "in the absence of," and in method 2 why the witness should have the right to give one permission to use an article that strictly speaking belongs to someone else.

Second, the K/Commentary's method for "in the absence of" deviates from the Vibhaṅga's description of the method. In the Vibhaṅga's description, the witness places the cloth under shared ownership with two of one's friends, whereas in the K/Commentary, he/she places it under shared ownership with one friend. Why this should be the case, none of the texts explains.

For these reasons, it would seem that the previous explanation — that there are two methods, as described in the Vibhaṅga — is preferable to the K/Commentary's.

The factors for the offense here are two: *object* — any one of the six kinds of robe-cloth, measuring at least four by eight fingerbreadths, that one has placed under shared ownership; and *effort* — one uses the cloth without the shared ownership's being rescinded.

Perception as to whether the shared ownership has actually been rescinded is not a mitigating factor here (see Pc 4).

The K/Commentary notes that this rule applies not only to robe-cloth, but also to bowls as well. None of the other texts mention this point, but — given that bowls placed under shared ownership are mentioned under NP 21, and that there is nothing in the Vibhaṅga to indicate that this arrangement is different for bowls than it is for cloth — the Great Standards could be cited to support the K/Commentary here.

Non-offenses. There is no offense in using an item placed under shared ownership if the shared ownership has been rescinded or if one makes use of the item on trust. The factors for legitimately taking an item on trust are as follows (Mv.VIII.19.1):

- 1) The other person is a friend.
- 2) He/she is an intimate.
- 3) He/she has spoken of the matter. (According to the Commentary, this means that he/she has said, "You may take any of my property you want.")
- 4) He/she is still alive.
- 5) One knows that he/she will be pleased at one's taking it.

These factors are discussed in detail under Pr 2.

The K/Commentary's analysis of the factors involved in committing an offense under this rule suggests that when an item placed under shared ownership is taken on trust, the shared ownership is automatically rescinded, and the item reverts to the status of extra cloth or an extra bowl, as the case may be.

Summary: Making use of cloth or a bowl stored under shared ownership — unless the shared ownership has been rescinded or one is taking the item on trust — is a pācittiya offense.

60. Should any bhikkhu hide (another) bhikkhu's bowl, robe, sitting cloth, needle box, or belt — or have it hidden — even as a joke, it is to be confessed.

This is another rule that comes from some members of the group of six teasing the children in the group of seventeen. The factors for the full offense are three.

Object: any of the requisites mentioned in the rule, belonging to a bhikkhu. *Robe* here means any piece of robe material measuring at least four by eight fingerbreadths, except for sitting cloths, which are mentioned separately. *Needle box* covers not only cases containing needles (see Pc 86) but also empty ones. Any requisite not mentioned in the rule but belonging to a bhikkhu is grounds for a dukkaṭa, as is any requisite belonging to a person who is not a bhikkhu.

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Perception as to the status of the person whose requisite one is hiding is not a mitigating factor here (see Pc 42).

Effort. One hides the article or has it hidden. In the latter case — assuming that the other factors are fulfilled — there is a *pācittiya* in making the request/command/suggestion, and another *pācittiya* when the other person does one's bidding.

Intention. One is doing it as a game. The Sub-commentary makes clear that the "game" here can either be friendly or malicious. If one hides the other bhikkhu's requisites out of the perverse pleasure of annoying him or simply for a friendly laugh, one commits the full offense all the same.

Non-offenses. There is no offense if —

- not as a game, one puts away properly items that have been put away improperly (§), e.g., a bowl left hanging on a peg (see Cv.V.8.9.5); or
- one puts away an item, thinking, "I will give it back (to him) after having given him a Dhamma talk." *Dhamma talk* here, the Commentary says, refers to such admonitions as, "A contemplative should not leave his requisites scattered around." Hiding things with this purpose in mind is sometimes an effective way for a teacher to train his students to stop being careless with their belongings, but it should be used with discretion, for it can easily backfire.

Summary: Hiding another bhikkhu's bowl, robe, sitting cloth, needle box, or belt — or having it hidden — either as a joke or with the purpose of annoying him, is a *pācittiya* offense.

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Chapter 8.7
Pācittiya: The Animal Chapter

61. Should any bhikkhu intentionally deprive an animal of life, it is to be confessed.

There are five factors for the full offense here.

- 1) *Object*: a living animal.
- 2) *Perception*: One perceives it to be a living animal.
- 3) *Intention*: One knowingly, consciously, deliberately, and purposefully wants to cause its death.
- 4) *Effort*: whatever one does with the purpose of causing it to die.
- 5) *Result*: It dies as a result of one's action.

Object. *Animal* here covers all common animals. As the Commentary notes, whether the animal is large or small makes no difference in terms of the penalty, although the size of the animal is one of the factors determining the moral gravity of the act.

Apparently, this factor does not include beings too small to be seen with the naked eye, inasmuch as the classes of medicine allowed in Mv.VI include a number of anti-bacterial and anti-viral substances — some mineral salts and the decoctions made from the leaves of some trees, for example, can be antibiotic. The Commentary's example of the smallest extreme to which this rule extends is a bed bug egg. The four "Things Not To Be Done" taught to every new bhikkhu immediately after his full Acceptance (Mv.I.78.4) say that one should not deprive an animal of life "even if it is only a black or white ant."

On the other end of the spectrum, Pr 3 imposes a pārājika for deliberately killing a human being, and a thullaccaya for deliberately killing a peta, yakkha, or nāga.

Perception. If one is in doubt as to whether something is a living animal, it is grounds for a dukkaṭa regardless of whether it actually is. If one perceives an inanimate object to be a living animal, it is grounds for a dukkaṭa. If one perceives an object to be inanimate, then regardless of whether it actually is, it is not grounds for an offense. Thus, for example, if — with murderous intent — one steps on a spot of dirt thinking it to be a bed bug egg, the penalty is a dukkaṭa. If one steps on bed bug eggs thinking them to be spots of dirt, there is no penalty.

Intention, in the Vibhaṅga, is described as "having willed, having made the decision knowingly and consciously" — the same phrase used to define intention under Pr 3. The Commentary to this rule refers back to the Commentary to that rule, where *having willed* means having willed, having planned, with a murderous intention.

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Having made the decision means "having summoned up a reckless mind-state, 'crushing' through the power of an attack." *Knowingly* means knowing that, "This is a living being." *Consciously* means being aware that one's action is depriving the animal of life.

All of this indicates that this factor is fulfilled only when one acts on a clear and consciously made decision to deprive the animal of life. Thus, for example, if one is sweeping a walk, trying carefully not to kill any insects, and yet some ants happen to die, one does not commit an offense even if one knew that there was the possibility that some might die, because one's purpose in acting was not to cause their death.

Motive, here, is irrelevant to the offense. Even the desire to kill an animal to "put it out of its misery" fulfills the factor of intention all the same.

Effort. The act of taking life may take the form of any of the six types of action listed under Pr 3:

- *using one's own person* (e.g., hitting with the hand, kicking, using a knife or a club);
- *throwing* (hurling a stone, shooting an arrow or a gun);
- *using a stationary device* (setting a trap, placing poison in food);
- *using magical formulae*;
- *using psychic powers*;
- *commanding*.

Mv.V.10.10 discusses a case of this last instance, in which a depraved bhikkhu tells a layman that he has use for a certain calf's hide, and the layman kills the calf for him. Because the bhikkhu did not give a specific command that the calf be killed, and yet the Buddha said that his action did come under this rule, we can conclude that there is no room for *kappiya-vohāra* in this context. Whatever one says in hopes of inciting someone else to kill an animal would fulfill this factor. This rule thus differs from Pr 3, under which *commanding* covers only clear imperatives.

Result. Only if the animal dies does one incur the pācittiya here. The Commentary to Pc 74 imposes a dukkaṭa on the simple act of striking an animal.

Non-offenses. There is no offense in killing an animal —

- *unintentionally* — e.g., accidentally dropping a load that crushes a cat to death;
- *unthinkingly* — e.g., absent-mindedly rubbing one's arm while it is being bitten by mosquitoes;
- *unknowingly* — e.g., walking into a dark room and, without realizing it, stepping on an insect; or
- *when one's action is motivated by a purpose other than that of causing death* — e.g., giving medicine to a sick dog whose system, it turns out, cannot withstand the dosage.

Still, the Commentary states that if one notices even bed bug eggs while cleaning a bed, one should be careful not to damage them. Thus, "out of compassion, one's duties are to be done carefully." Or, in the words of the Sub-commentary: "One's duties in looking after one's dwelling are to be done with mindfulness well-established so that such creatures do not die."

Summary: Deliberately killing an animal — or having it killed — is a *pācittiya* offense.

62. Should any bhikkhu knowingly make use of water containing living beings, it is to be confessed.

This rule is similar to Pc 20, differing only in the factor of effort and the way the non-offenses are defined. Here, as under that rule, the factors for the full offense are four.

Object: water containing living creatures. This includes things like mosquito larvae, but not beings too small to be seen.

Perception. One knows that they are there — either from having sensed their presence on one's own or from having been told of their presence — and that they will die from the factor of effort, defined below.

If one is in doubt as to whether water contains living beings, or if one perceives living beings in the water when there actually aren't, then to use it in a way that would cause their death if they *were* there is to incur a *dukkata*.

Effort. The *Vibhaṅga* does not go into detail on this factor, while the Commentary defines it with examples: drinking the water, using it to wash one's bowl, using it to cool hot porridge, dipping it out of a tank or pond to bathe with it, making waves in a pool so that the water will splash over its banks. The Sub-commentary suggests that this rule covers only cases in which one is using water for one's own personal consumption, but this does not fit with the fact that, under this rule, the Commentary explains how one should go about cleaning out a dirty pool. (Place eight to ten potfuls of water containing no living beings in another place that will hold the water, and then dip the water from the pool into it.) The Commentary to Pr 3 states that using water to put out a fire — even an approaching wildfire that threatens one's dwelling — would also come under this rule.

From all of this, it would appear that this rule covers all cases of using water containing living beings that are not covered by Pc 20.

Unlike that rule, though, the *Vibhaṅga* here makes no mention of whether the factor of effort here would include the act of getting other people to make use of water containing living beings. The Commentary and K/Commentary argue, reasonably, that it would.

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Accidentally spilling or splashing water would apparently not come under the term *using* here.

Intention. This factor is fulfilled simply by the immediate aim of using the water. As the K/Commentary notes, one need not have murderous motives in order to fulfill this factor. For example, if after perceiving that the water contains insects, one chooses to ignore their existence and boils the water — not to kill the insects, but to use the water for bathing — one commits an offense all the same.

"Result" is not a factor here. Whether the living beings actually die is of no consequence in determining the offense.

Non-offenses. There is no offense in using water —

- if one does not know that it contains living beings;
- if one knows that it does not contain living beings; or
- if one knows that the living beings it contains will not die from the use one has in mind.

Water strainers. Cv.V.13.1 gives permission for one to use a water strainer to remove dirt and living beings from water before using it, and such strainers eventually became one of a bhikkhu's eight basic requisites. According to Cv.V.13.2, one must take a water strainer along when going on a journey. If one has no strainer, one may determine the corner of one's outer robe as a strainer and use it to filter water.

Summary: Using water, or getting others to use it, knowing that it contains living beings that will die from that use, is a pācittiya offense.

63. Should any bhikkhu knowingly agitate for the reviving of an issue that has been rightfully dealt with, it is to be confessed.

Issues. An issue (*adhikaraṇa*) is a matter that, once arisen, must be dealt with formally in a prescribed manner. The Vibhaṅga lists four sorts:

- 1) *dispute-issues* (*vivādādhikaraṇa*) concerning Dhamma and Vinaya (see Sg 10), which the Community must deal with by declaring which side is right and which wrong;
- 2) *accusation-issues* (*anuvādādhikaraṇa*) concerning offenses (see Sg 8 & 9; Ay 1 & 2), which the Community must deal with by judging them true or false;
- 3) *offense-issues* (*āpattādhikaraṇa*), in other words, the commission of offenses, which are to be dealt with by the offender's undergoing the prescribed penalties (confession, penance, or expulsion from the Community); and

- 4) *duty-issues (kiccādhikaraṇa)* — Community transactions, such as giving ordination and holding the Pāṭimokkha recitation — which the Community must deal with by performing them properly.

An issue rightfully dealt with is one that has been handled properly in accordance with the procedures given in the Vinaya. Some of these procedures are discussed under Pc 79 & 80, the Adhikaraṇa-samatha rules, and in BMC2, Chapters 12–22. If an issue has been dealt with improperly, it may be reopened for reconsideration, but once it has been dealt with properly it is considered closed for good.

The factors for an offense under this rule are three.

- 1) *Object*: an issue that has been dealt with properly.
- 2) *Perception*: One knows that it was dealt with properly, either because one was directly involved or one has been told of the matter.
- 3) *Effort*: One says — in the presence of another bhikkhu — that it was dealt with improperly. The Vibhaṅga gives the following examples of statements that would fulfill this factor: "The issue was not carried out." "It was poorly carried out." "It should be carried out again." "It was not settled." "It was poorly settled." "It should be settled again."

Pv.IX.3 contains a short discussion of this rule, making the point that one is subject to this rule regardless of whether one was involved in dealing with the issue the first time around.

Perception. If the transaction dealing with the issue was invalid but one perceives it as valid, it is grounds for a dukkaṭa. If one is in doubt about the validity of the transaction, then it is grounds for a dukkaṭa regardless of whether it was actually valid or not. What this last point means in practice is that if one is in doubt about the transaction, one may declare one's doubt, but to state baldly that the issue needs to be reopened is to incur a dukkaṭa.

Further action. The Commentary to Cv.IX.3 states that in committing this offense one is subject to having one's Pāṭimokkha cancelled (see BMC2, Chapter 15). This would provide an opportunity for the Community to look into one's attitude to see if one is still insistent on having the issue revived. If one continues to make a concerted effort to reopen an issue, knowing that it was properly dealt with, one is considered a maker of strife, and as such is subject to an act of censure, banishment, or suspension, depending on the gravity of the case (see BMC2, Chapter 20).

Non-offenses. There is no offense in agitating to have an issue re-opened if one perceives it to have been improperly dealt with: e.g., dealt with not in accordance with the rules and procedures of the Vinaya, dealt with by an incomplete group, or — in the case of an accusation or similar acts — performed against someone who did not deserve it. This allowance holds regardless of whether, in actuality, the issue was properly dealt with. For example: A Community has performed a censure transaction against Bhikkhu X. One honestly believes that X did not deserve the act,

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and says so to a fellow bhikkhu. In this case, one commits no offense even if it turns out that X did in fact deserve censure.

Summary: Agitating to re-open an issue, knowing that it was properly dealt with, is a pācittiya offense.

64. Should any bhikkhu knowingly conceal (another) bhikkhu's serious offense, it is to be confessed.

Here there are four factors for the full offense.

- 1) *Object:* a serious offense committed by another bhikkhu.
- 2) *Perception:* One perceives the offense as serious — either from knowing on one's own, from having been told by the bhikkhu, or from having been told by others.
- 3) *Intention:* One wants to hide the offense from other bhikkhus, for fear that they will reprove or remind him of the offense (steps in the formal inquiry into the offense) or that they will jeer, scoff, or make him abashed about it (steps in his enemies' informal reaction to the news). In other words, this factor is fulfilled if one wants to prevent a Community transaction from being carried out against the offender or simply to protect him from the jeering remarks of other bhikkhus who may dislike him.
- 4) *Effort:* A bhikkhu who may be told of the matter is available, but one abandons one's duty to tell him.

Object & perception. *Serious offense*, according to the Vibhaṅga, means a pārājika or a saṅghādisesa. Another bhikkhu's non-serious offenses are grounds for a dukkaṭa here, as are the misdeeds — serious or not — of an unordained person. None of the texts explicitly define the term *unordained person* here, but because bhikkhus have no responsibility to tell other bhikkhus of the misdeeds of lay people, the sense of the rule would seem to require that it cover only bhikkhunīs, female trainees, male novices, and female novices. (Again, none of the texts state explicitly whether a bhikkhunī counts as ordained or unordained in the context of this rule, but because the Vibhaṅga defines *serious offenses* as the four pārājikas and the thirteen saṅghādisesas, and because the bhikkhunīs have different numbers of these two classes of rules, it would appear that a bhikkhunī would count as an unordained person here.)

As for a bhikkhu's offenses, only a serious offense that one perceives to be serious is grounds for a pācittiya; all other possible combinations of object and perception — a serious offense about which one is in doubt, a serious offense that one perceives to be non-serious, a non-serious offense that one perceives to be serious, and a non-serious offense that one perceives to be non-serious — are grounds for a dukkaṭa.

Effort. The K/Commentary defines this factor as if it were a simple act of mind — one decides that, "I won't tell any bhikkhu about this" — but this goes against the

basic principles of the Vinaya, in which a mere act of mind is never sufficient for an offense. It would seem better to argue from the Vibhaṅga and say that this factor is fulfilled if one comes to this decision when another bhikkhu is available and so omits to tell him.

The Commentary says that if one abandons one's responsibility but then later changes one's mind and tells another bhikkhu, one has committed the offense all the same.

It also says that if one tells Bhikkhu X, asking him to help hide Bhikkhu Y's offense, this also fulfills the factor of effort here. If X then abandons his responsibility to tell, he too commits the offense under this rule.

Non-offenses. There is no offense in not telling another bhikkhu —

- if one thinks that telling will lead to strife or a split in the Community;
- if, seeing that the bhikkhu who has committed the offense is violent by nature, one feels that he might create "dangers to life" or "dangers to the celibate life";
- if there is no suitable bhikkhu to tell;
- if one is not motivated by a desire to hide the offense; or
- if one feels that the wrong-doer's own behavior will betray him and thus there is no need to tell.

Summary: Not informing another bhikkhu of a serious offense that one knows a third bhikkhu has committed — out of a desire to protect the third bhikkhu either from having to undergo the penalty or from the jeering remarks of other bhikkhus — is a pācittiya offense.

65. Should any bhikkhu knowingly give full Acceptance (ordination) to an individual less than twenty years old, the individual is not accepted and the bhikkhus are blameworthy; and as for him (the preceptor), it is to be confessed.

The origin story here tells how the group of seventeen came to be ordained.

"Now at that time in Rājagaha, a group of seventeen boys were friends, with the boy Upāli as their leader. Then the thought occurred to Upāli's parents, 'By what means could Upāli, after our death, live pleasantly and not suffer?... If he studies writing, his fingers will hurt... If he studies calculation, his breast will hurt... If he studies money changing, his eyes will hurt. Now, these Sakyan-son monks are of pleasant virtue and conduct. Having eaten good meals, they lie down in beds sheltered from the wind. If Upāli went forth among the Sakyan-son monks, he would live pleasantly after our death and not suffer.'

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"The boy Upāli heard his parents' conversation. So he went to the boys... and said, 'Come, masters, let's go forth among the Sakyan-son monks.'

"If you go forth, master, so will we.'

"So each of the boys, having gone to his parents, said, 'Permit us to go forth from home into homelessness.' Then the parents of the boys gave their permission, (thinking,) 'All these boys are unanimous in their desire. Their motives are noble.'

"(The boys) having gone to the bhikkhus, asked for the Going-forth. The bhikkhus gave them the Going-forth and full Acceptance. Then, waking up in the last watch of the night, the boys (now bhikkhus) cried out, 'Give us porridge! Give us a meal! Give us food!'

"The bhikkhus said, 'Wait, friends, until the night turns light. If there is porridge, you will drink it. If there is a meal, you will eat it. If there is food, you will eat it. But if there is no porridge or meal or food, then you will eat having gone for alms.'

"But even then, those (new) bhikkhus cried out as before, 'Give us porridge! Give us a meal! Give us food!' And they wet the bedding and soiled it."

The Buddha, in rebuking the bhikkhus who had given full Acceptance to the seventeen boys, painted a picture of the bhikkhus' life very different from that imagined by Upāli's parents:

"Bhikkhus, how can these worthless men knowingly give full Acceptance to an individual less than 20 years old? An individual less than 20 years old is not resistant to cold, heat, hunger, thirst, the touch of gadflies and mosquitoes, wind and sun and creeping things; or to abusive, hurtful language. He is not the sort who can endure bodily feelings that, when they arise, are painful, sharp, stabbing, fierce, distasteful, disagreeable, deadly."

The factors for the full offense here are three.

- 1) *Object*: a man less than 20 years old.
- 2) *Perception*: One knows that he is less than 20 years old — either from knowing on one's own, from having been told by the man, or from having been told by others.
- 3) *Effort*: One acts as the preceptor in his full Acceptance as a bhikkhu.

Object. As Mv.1.75 makes clear, a person's age for the purpose of this rule is counted from the time he becomes a fetus in his mother's womb. Because this is difficult — if not impossible — to date with any accuracy, the usual practice in calculating a person's age is to add six months to the number of years since his birth, to allow for the possibility of his having been born prematurely. As the Commentary notes, a baby born after seven months in the womb may survive, but one born after only six months in the womb won't.

Perception. If one is in doubt as to whether an individual is less than 20, but goes ahead and ordains him anyway, one incurs a dukkaṭa regardless of his actual age. If one perceives him as less than 20 when he is actually 20 or older, he is grounds for a dukkaṭa. If one perceives him as 20 or older, then regardless of his actual age he is not grounds for an offense.

Effort. There is a dukkaṭa for every step in arranging the Acceptance of an individual one knows to be less than 20 years old, beginning with the act of searching out a group to join in the transaction, looking for robes and a bowl for him to use, etc., all the way to the second announcement in the Acceptance transaction. Once the third and final announcement has been made, the preceptor incurs a pācittiya, and all other bhikkhus in the group who know that the individual is less than 20 years old, a dukkaṭa.

In any case, if the individual is really less than 20 years old when he is accepted, then — regardless of whether he or anyone else knows of the fact — he does not count as a bhikkhu and is only a novice. The Commentary notes here that if he continues in this state for long enough to become a preceptor or teacher in another person's Acceptance, that person counts as rightly accepted only as long as there are enough true bhikkhus in the group accepting him, not counting the improperly accepted "bhikkhu" in question. (See BMC2, Chapter 14 for more details on this issue.)

The Commentary adds that if one is less than 20 when being accepted, without knowing the fact, it does not act as an obstacle to one's qualifying for heaven or the transcendent states; but if one ever finds out the truth that one was improperly accepted, one should immediately arrange for a proper Acceptance.

Summary: Acting as the preceptor in the full Acceptance of a person one knows to be less than 20 years old is a pācittiya offense.

66. Should any bhikkhu knowingly and by arrangement travel together with a caravan of thieves, even for the interval between one village and the next, it is to be confessed.

Here the full offense has three factors.

- 1) *Object:* a caravan of thieves.
- 2) *Perception:* One knows that it is a caravan of thieves — either from knowing on one's own, from having been told by one of the thieves, or from having been told by others.
- 3) *Effort:* (a) One makes an arrangement together with the caravan to travel together and (b) one actually travels together with them as arranged (c) from one village to another.

Object. A *caravan of thieves*, according to the Vibhaṅga, is any group that has committed a theft, is on its way to commit a theft, is planning to evade a tax, or is

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planning to "rob the king," which the Commentary translates as planning to cheat the government in one way or another. At present this would include any person or group of people smuggling or trading in contraband goods.

None of the texts mention the minimum number of thieves needed to form a "group," but because the Vibhaṅga consistently uses plural forms to describe the thieves, it would appear that at least two thieves are needed to fulfill this factor.

Perception. If one is in doubt as to whether a group would count as a caravan of thieves, there is a dukkaṭa for traveling with them regardless of whether they actually are a caravan of thieves or not. If one perceives them to be a caravan of thieves when they actually aren't, they are grounds for a dukkaṭa. If one does not perceive them to be a caravan of thieves, then regardless of whether they are or aren't, they are not grounds for an offense.

Making an arrangement. According to the Vibhaṅga, both the bhikkhu and the thieves must give their verbal assent to the arrangement for this part of the factor to be fulfilled. If the bhikkhu proposes the arrangement but the thieves do not give their verbal assent, then even if they later travel together as he proposed, he incurs a dukkaṭa. If they propose the arrangement but he does not give his verbal assent, then even if they later travel together as proposed, he incurs no penalty.

Going as arranged. As the non-offense clauses indicate, if a specific time frame was part of the arrangement, then the two parties must begin traveling together within that time frame for this factor to be fulfilled. If they happen to start out earlier or later than arranged, the bhikkhu incurs no penalty. As under Pc 27, the Commentary suggests that "earlier" and "later" here apply to fairly substantial amounts of time. However, as under that rule, the Commentary also notes that if they leave from a different spot than the one they had arranged or go by a different route, that does not absolve the bhikkhu from the offense.

From one village to another. There is a pācittiya for every village-to-village interval one passes. In an area where there are no villages — i.e., says the Sub-commentary, where villages are farther than half a league (8 km. or 5 miles) apart — there is a pācittiya for every half-league one travels together with the thieves as arranged.

None of the texts mention cases of traveling long distances within a large city, but it would seem that in such cases — arguing from the Great Standards — one would incur the full penalty in traveling from one administrative district to the next.

Non-offenses. There is no offense —

- if the bhikkhu and thieves happen to travel together without having made an arrangement;
- if the thieves propose an arrangement, but the bhikkhu does not give his verbal assent;
- if they leave together at a time other than that they had previously arranged;
or

- if there are dangers (and the bhikkhu must join the caravan for his safety).

Summary: Traveling by arrangement with a group of thieves from one village to another — knowing that they are thieves — is a pācittiya offense.

67. Should any bhikkhu, by arrangement, travel together with a woman, even for the interval between one village and the next, it is to be confessed.

"Now at that time a certain bhikkhu, going through the Kosalan districts on his way to Sāvathī, passed by the gate of a certain village. A woman, leaving the village after quarreling with her husband, saw the bhikkhu and said, 'Where are you going, venerable sir?'

"'I'm going to Sāvathī, sister.'

"'Then I'm going with you.'

"'As you wish, sister.'

"Then the woman's husband, leaving the village, asked people, 'Have you seen such-and-such a woman?'

"'She's going along with a monk.'

"So the man, having caught up with them, seized the bhikkhu, gave him a good thrashing, and set him free. The bhikkhu went and sat fuming under a certain tree. The woman said to the man, 'That bhikkhu didn't abscond with me. I was the one who went with *him*. He's innocent. Go and ask his forgiveness.'

"So the man asked the bhikkhu for his forgiveness."

Object. A female human being, experienced enough to know what is properly and improperly said, what is lewd and not lewd, is grounds for a pācittiya here. Paṇḍakas, female yakkhas and petas, and animals in the form of a female human being are all grounds for a dukkaṭa. *Woman* here also includes *women*. In other words, the inclusion of one or more extra women in the travel arrangement is not a mitigating factor; and, in fact, there is an offense for every woman included in the travel arrangement. The inclusion of men in the travel arrangement, however, is a controversial issue at present, and is discussed below.

Perception as to whether the person is actually a woman is not a mitigating factor here (see Pc 4).

Similarly, if one travels by arrangement with a paṇḍaka, not knowing that that's what he is, one still incurs a dukkaṭa.

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Effort here is defined in a parallel way to its definition under the preceding rule: (a) One makes an arrangement together with the woman to travel together and (b) one actually travels together with her as arranged (c) from one village to another. See the preceding rule for explanations.

Non-offenses. There is no offense —

- if the bhikkhu and woman happen to travel together without having made an arrangement;
- if the woman proposes an arrangement, while the bhikkhu does not give his verbal assent;
- if they leave together at a time other than that they had previously arranged; or
- if there are dangers.

Current practice. In the time of the Buddha, long-distance travel was mostly by foot, and the question of prior arrangement was what made the difference between whether one was traveling together with someone else or simply happened to be walking along the road at the same time. At present, when one is taking public transport — buses, subways, trains, and airplanes — this is still the factor determining whether one is traveling together with someone else or simply happens to be on the bus, etc., at the same time. This rule thus forbids a bhikkhu from traveling together with a woman, by prior arrangement, on the same public transport.

Private transport, though — such as automobiles, trucks and vans — is an area that different Communities treat in differing ways. Some treat it under Pc 44 rather than here, saying that a bhikkhu may sit in an automobile with a woman as long as a knowledgeable man is present. This holds regardless of whether the automobile is sitting still or traveling any number of miles, and regardless of whether the woman or the man is driving.

Other Communities treat private transport under this rule, but say that the prior arrangement is implicitly with the driver of the transport. If the driver is a woman, there is a pācittiya in riding with her from one village to the next. If the driver is a man, there is no offense, regardless of whether a woman is riding along.

The Commentary would not agree with this second interpretation, for it states explicitly when discussing Mv.V.10.3 that a bhikkhu may ride in a cart driven by a woman or a man. At any rate, though, this is another area where the wise policy is to follow the practice of the Community in which one belongs, as long as one is careful to adhere to the Vibhaṅga by not entering verbally into any arrangement with a woman to go traveling together.

Summary: Traveling by arrangement with a woman from one village to another is a pācittiya offense.

68. Should any bhikkhu say the following: "As I understand the Dhamma taught by the Blessed One, those acts the Blessed One says are obstructive, when engaged in are not genuine obstructions," the bhikkhus are to admonish him thus: "Do not say that, venerable sir. Do not misrepresent the Blessed One, for it is not good to misrepresent the Blessed One. The Blessed One would not say anything like that. In many ways, friend, the Blessed One has described obstructive acts, and when engaged in they are genuine obstructions. [The Sri Lankan and Burmese recensions read: In many ways, friend, the Blessed One has described obstructive acts as obstructive, and when engaged in they are genuine obstructions.] "

And should that bhikkhu, thus admonished by the bhikkhus, persist as before, the bhikkhus are to rebuke him up to three times so as to desist. If while being rebuked up to three times he desists, that is good. If he does not desist, it is to be confessed.

Obstructions. The Vibhaṅga does not define *obstruction* in the context of this rule, although the origin story makes clear that it refers at the very least to the sexual act. The Commentary defines *obstruction* as anything that acts as an obstacle to the attainment of heaven or emancipation. It lists five major categories:

- 1) *Actions*, i.e., the five *ānantariya/ānantarika-kamma*: patricide, matricide, the murder of an arahant, the wounding of a Buddha, the creation of a schism in a Saṅgha;
- 2) *Defilements*, i.e., firmly held wrong views (the Sub-commentary lists determinism, fatalism, annihilationism, etc.);
- 3) *Fruits of past actions*, e.g., birth as a common animal (see the story of the nāga at Mv.I.63 — BMC2, Chapter 14);
- 4) *Verbal abuse*, i.e., reviling a Noble One — although this is an obstruction only so long as one has not asked forgiveness; and finally, for a bhikkhu,
- 5) *Intentional transgressions* of the Buddha's ordinances, although these are obstacles only as long as one has not undergone the penalty called for in the relevant rule.

The Commentary does not say where it derives this list. The first three categories — without explanations — are found in AN VI.86. AN VI.87 provides the examples for the first category. The statement in the Nidāna to the Pāṭimokkha that an intentional lie is an obstruction may have provided the Commentary with an example of the fifth category. (AN III.88 states that arahants may intentionally commit offenses, but that they willingly undergo rehabilitation for them.) As for the fourth category, the primary reference in the Canon is to the case of the bhikkhu Kokālika, who spreads lies about Sāriputta and Moggallāna, comes down with a horrible disease, and then dies, reappearing in hell because he continued to harbor animosity toward them (SN VI.10). Thus *reviling* here would seem to mean spreading lies impelled by animosity.

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The Commentary notes that this training rule deals with a bhikkhu who holds to the view that the fifth category is not an obstacle, the most common example being the bhikkhu who believes that there is nothing wrong in a bhikkhu's having sexual intercourse in defiance of Pr 1.

There are many ways one might rationalize such an idea, and the Commentary gives an entertaining description of one of them:

"There is the case where a bhikkhu... having gone into seclusion, reasons as follows: 'There are people living the household life, enjoying the five pleasures of the senses, who are stream-winners, once-returners, and non-returners. As for bhikkhus, they see pleasurable forms cognizable via the eye, hear... smell... taste... feel (pleasurable) tactile sensations cognizable via the body. They use soft carpets and clothing. All this is proper. Then why shouldn't the sight, sound, smell, taste, and feel of a woman be proper? They too are proper!' Thus... comparing a mustard seed with Mount Sineru, he gives rise to the evil view, 'Why did the Blessed One — binding the ocean, as it were, with great effort — formulate the first pārājika training rule? There is nothing wrong with that act.'"

Simply holding such a view is not enough to bring a bhikkhu under the purview of this rule, but if he asserts it to others, other bhikkhus have the duty of reprimanding him up to three times in the manner described in the rule. If, having learned of his assertion, they do not reprimand him, they each incur a dukkaṭa, for if he goes unreprimanded, he may continue with his assertions as he likes without incurring a penalty.

If, after being reprimanded, he relinquishes his view, he incurs no penalty. But if he doesn't, he incurs a dukkaṭa. He should then be taken into the midst of the Community to be admonished and rebuked as described under Sg 10, the only difference here being that the penalty is a dukkaṭa in each of the preliminary stages, and a pācittiya after the third formal rebuke. Unlike the Vibhaṅga to the parallel saṅghādisesa rules, the Vibhaṅga here does not say that the penalties incurred in the preliminary stages are annulled when the full penalty is incurred.

Perception is not a mitigating factor here. If the rebuke transaction is properly carried out, then one's offense is a pācittiya regardless of whether one regards it as such. If the transaction is improperly carried out, then again — regardless of how one perceives its validity — one incurs a dukkaṭa (§), probably for one's unwillingness to relinquish one's view after being reprimanded. In other words, a pattern similar to the one set out under Sg 10, rather than the one under Pc 4, holds here.

Further action. If a bhikkhu penalized under this rule persists in asserting his evil view, he is subject to an act of suspension, under which he is not allowed to commune or affiliate with bhikkhus in any Community until he sees the error of his ways and relinquishes his view (see BMC2, Chapter 20). As is the case under Sg 10–13, a Community preparing to impose this rule on a stubborn bhikkhu should also be prepared to impose a suspension transaction on him immediately in case he refuses to respond to the formal rebuke.

Non-offenses. There is no offense for the bhikkhu if he has not been reprimanded or if, after being reprimanded, he relinquishes his view.

Summary: Refusing — after the third announcement of a formal rebuke in a meeting of the Community — to relinquish the evil view that there is nothing wrong in intentionally transgressing the Buddha's ordinances is a pācittiya offense.

69. Should any bhikkhu knowingly commune, affiliate, or lie down in the same dwelling with a bhikkhu professing such a view who has not acted in compliance with the rule, who has not abandoned that view, it is to be confessed.

This rule reinforces the suggestion made under the preceding rule, that a bhikkhu who refuses to respond to the rebuke imposed by that rule should immediately be suspended. There are three factors for the full offense here.

- 1) *Object:* a bhikkhu who has been suspended by a Community transaction and has not yet been restored.
- 2) *Perception:* One knows that he has been suspended and has not yet been restored — either from knowing on one's own, from having been told by the bhikkhu, or from having been told by others.
- 3) *Effort:* One communes with him, affiliates with him, or lies down in the same dwelling with him.

Object. According to Cv.I.25–35, a bhikkhu may be suspended for any one of three reasons:

- He refuses to relinquish an evil view, as in the preceding rule;
- he refuses to see an offense (i.e., he admits to having performed an action forbidden by the rules, but refuses to concede that it is an offense); or
- he refuses to make amends for an offense (again, he admits to having performed an action forbidden by the rules, but refuses to undergo the attendant penalty).

Once a bhikkhu has been suspended, it is his duty to change his ways and reject the view or position that led to his suspension, so that he may be restored to normal status.

According to the Vibhaṅga, the factor of object here is fulfilled by a bhikkhu who has been suspended for the first of these three reasons and has yet to be restored. However, because the rules governing the way in which a suspended bhikkhu is to be treated by other bhikkhus are the same for all three cases (see Cv.I.27, Cv.I.31, Cv.I.33), the Commentary argues that a bhikkhu suspended for either of the other two reasons would fulfil this factor as well. The Vibhaṅga's non-offense clauses add, though, that if the bhikkhu was suspended for holding an evil view and has come to relinquish that view, he does not fulfill this factor even if the Community

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has yet to restore him to normal status. This allowance would apparently apply to bhikkhus suspended for other reasons as well.

Perception. There is no offense in communing, etc., with a suspended bhikkhu if one perceives him as unsuspended; a dukkaṭa for communing, etc., with an unsuspended bhikkhu if one perceives him as suspended; and a dukkaṭa for communing, etc., with a bhikkhu if one is in doubt as to whether he has been suspended. This last penalty holds regardless of whether he has actually been suspended.

None of the texts mention the matter, but a similar principle would also seem to apply to one's perception of the transaction whereby the bhikkhu was suspended. Thus, there would be no offense in communing, etc., with him if one perceived a valid transaction as invalid; a dukkaṭa for communing, etc., with him if one perceived an invalid transaction as valid; and a dukkaṭa for communing, etc., with him if one was in doubt as to the transaction's validity, regardless of whether it was actually valid or not.

Effort here covers any one of three sorts of action:

- 1) *One communes with the bhikkhu.* Communion takes one of two forms: sharing material objects, i.e., giving material objects to the bhikkhu or receiving them from him; or sharing Dhamma, i.e., reciting Dhamma for him or getting him to recite Dhamma. The penalties for sharing Dhamma are, if one recites line-by-line or gets the other to recite line-by-line, a pācittiya for each line; if syllable-by-syllable, a pācittiya for each syllable.
- 2) *One affiliates with the bhikkhu,* i.e., one participates in a transaction of the Community along with him. An example would be sitting in the same assembly with him to listen to the Pāṭimokkha.
- 3) *One lies down in the same dwelling with him.* "Same dwelling" here, unlike Pc 5 & 6, means one with the same roof. Thus, as the K/Commentary notes, if one is lying under the same roof with the bhikkhu, one falls under this factor even if one is lying in a room that is not connected by any entrance with the one he is lying in. And, we might add, one falls under this factor regardless of whether the dwelling is walled or not. Whether one lies down first, the suspended bhikkhu lies down first, or both lie down at the same time, is not an issue here. As under Pc 5, if both parties get up and then lie down again, one incurs another pācittiya.

These three actions touch on only a few of the observances a suspended bhikkhu must follow, but they are the only ones that entail a pācittiya for a regular bhikkhu who has dealings with him while he is suspended. For further details, see Cv.I.25–35 and BMC2, Chapter 20.

Non-offenses. There is no offense in communing, affiliating, or lying down in the same dwelling with another bhikkhu if one knows that —

- he has not been suspended;
- he was suspended but has been restored; or

- he has abandoned the evil view that led to his suspension.

The Vibhaṅga states explicitly that the first of these three exemptions holds regardless of whether one's perception is correct, and the same principle would seem to apply to the remaining two as well.

Summary: Communing, affiliating, or lying down under the same roof with a bhikkhu who has been suspended and not been restored — knowing that such is the case — is a pācittiya offense.

70. And if a novice should say the following: "As I understand the Dhamma taught by the Blessed One, those acts the Blessed One says are obstructive, when engaged in are not genuine obstructions," the bhikkhus are to admonish him thus: "Do not say that, friend novice. Do not misrepresent the Blessed One, for it is not good to misrepresent the Blessed One. The Blessed One would not say anything like that. In many ways, friend, the Blessed One has described obstructive acts, and when engaged in they are genuine obstructions. [The Sri Lankan and Burmese recensions read: In many ways, friend, the Blessed One has described obstructive acts as obstructive, and when engaged in they are genuine obstructions.]"

And should that novice, thus admonished by the bhikkhus, persist as before, the bhikkhus are to admonish him thus: "From this day forth, friend novice, you are not to claim the Blessed One as your teacher, nor are you even to have the opportunity the other novices get — that of sharing dwellings two or three nights with the bhikkhus. Away with you! Get lost!"

Should any bhikkhu knowingly befriend, receive services from, commune with, or lie down in the same dwelling with a novice thus expelled, it is to be confessed.

The factors for the full offense here are three.

- *1) Object:* a novice who has been expelled and has not relinquished his evil view.
- *2) Perception:* One perceives that he has been expelled and has not relinquished his evil view — either from knowing on one's own, from having been told by him (§), or from having been told by others.
- *3) Effort:* One supports him, receives services from him, communes with him, or lies down in the same dwelling with him.

Object. According to the Commentary, there are three types of expulsion: expulsion from affiliation (this applies only to bhikkhus and bhikkhunīs, and refers to the act of suspension discussed under the preceding rule); expulsion from one's status; and expulsion as a punishment. Novices are subject to the latter two.

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1) Mv.I.60 lists ten grounds for expelling a novice from his status as a novice: He breaks any of his first five precepts; he speaks in dispraise of the Buddha, Dhamma, or Saṅgha; he holds to wrong views (such things as eternalism, fatalism or annihilationism, says the Commentary); or he rapes a bhikkhunī.

The Commentary to Mv.I.60 states that a novice who breaks any of his first five precepts has cut himself off from the Triple Refuge, from his teacher, and from his right to a dwelling in a monastery. He is still a novice, though, and if he sees the error of his ways and is determined to restrain himself in the future, he may take the Triple Refuge from his teacher again and so be restored to his former status. (The Commentary adds that a novice who knowingly drinks alcohol in defiance of the fifth precept may be restored to his status as a novice but may never ordain as a bhikkhu in this lifetime. Not all Communities share this view, as it is not supported by the Canon.) If, however, a novice breaks any of these precepts habitually and is not determined to restrain himself in the future, he is to be expelled from his status as a novice.

As for the novice who holds to wrong views or who speaks in dispraise of the Buddha, Dhamma, or Saṅgha, the bhikkhus are to instruct him to show him the error of his ways. If he abandons his views, he is to undergo punishment for an appropriate period (see Mv.I.57–58) and then be allowed to confess his error, so as to return to his former status. If he does not change his ways, he is to be expelled from his status as a novice.

And as for the novice who rapes a bhikkhunī: The Commentary notes that this comes under the breaking of the third precept, but is listed separately because a novice who has sexual intercourse with anyone but a bhikkhunī may be reinstated if he sees the error of his ways, whereas one who has raped a bhikkhunī may not — and furthermore, he can never be ordained as a novice or a bhikkhu in this lifetime. (See BMC2, Chapter 14.)

Except in the last case, a novice who has been expelled from his status as a novice may be reordained as a novice if he sees his errors and can convince the bhikkhus that he will mend his ways in the future.

2) The second form of expulsion — expulsion as punishment — is the one mentioned in this rule: A novice comes to think that there is nothing wrong with any novice's having sexual intercourse or breaking any of his other precepts. If he asserts this view, the bhikkhus are to instruct him to show him that it is evil, but if they cannot sway him, they are to expel him in the form described in the rule: He has no right to claim the Buddha as his teacher and loses his right to live in the same dwellings with the bhikkhus, although he retains his status as a novice. This form of expulsion lasts as long as he has yet to relinquish his view. If and when he does relinquish it, he is to be reinstated. The Commentary doesn't say how, but we can reason from the pattern mentioned above that he should take the Triple Refuge from his teacher again.

The Commentary states that the factor of object under this rule is fulfilled only by a novice who has undergone the second form of expulsion and has yet to relinquish his evil view.

Perception. There is no offense in befriending, etc., an expelled novice if one does not know that he has been expelled; a dukkaṭa for befriending, etc., a novice who has not been expelled but whom one perceives as expelled; and a dukkaṭa for befriending, etc., a novice if one is in doubt about the matter. This last penalty holds regardless of whether he has actually been expelled or not.

Effort here is fulfilled by any one of four sorts of action:

- 1) *Befriending a novice* means making friendly overtures to him with the thought of supplying him with material requisites or instruction in the Dhamma, as a mentor would.
- 2) *Receiving services* from him means to accept the services a mentor normally receives from his student — the Vibhaṅga mentions accepting powder, clay (soap) for washing, tooth wood, or water for rinsing the mouth or washing the face (§).
- 3 & 4) *Communing* and *lying down in the same dwelling* are defined as under the preceding rule.

Non-offenses. There is no offense in supporting, etc., a novice if one knows that he has not been expelled, or if one knows that he has relinquished the view that led to his expulsion in the first place. As under the preceding rule, the Vibhaṅga states explicitly that the first of these three exemptions holds regardless of whether one's perception is correct, and the same principle would seem to apply to the remaining two as well.

Summary: Befriending, receiving services from, communing, or lying down under the same roof with an expelled novice — knowing that he has been expelled — is a pācittiya offense.

Buddhist Monastic Code I
Chapter 8.8
Pācittiya: The In-accordance-with-the-rule Chapter

71. Should any bhikkhu, admonished by the bhikkhus in accordance with a rule, say, "Friends, I will not train myself under this training rule until I have put questions about it to another bhikkhu, competent and learned in the discipline," it is to be confessed. Bhikkhus, a bhikkhu in training should understand, should ask, should ponder. This is the proper course here.

This rule deals with cases where a bhikkhu tries to excuse himself from following any of the training rules without showing out-and-out disrespect for the rule or the person admonishing him. (If he showed out-and-out disrespect, the case would come under Pc 54.) The factors for the full offense here are three.

- *1) Object:* One has been admonished by a fellow bhikkhu who cites a rule formulated in the Vinaya.
- *2) Intention:* One does not want to train oneself in line with the rule.
- *3) Effort:* As a ploy to excuse oneself, one says something to the effect that one will not train in line with the rule.

Only two of these factors — object and effort — require explanation.

Object. The explanation for this factor is exactly the same as under Pc 54. Perception as to whether the person giving the admonishment is ordained is irrelevant to the offense (see Pc 42).

Effort. Looking at the Vibhaṅga's discussion of this factor, it would appear to cover only cases where one used the precise words mentioned in the training rule, but the K/Commentary — drawing probably on the Great Standards — expands it to cover any case where one says something as a ploy to excuse oneself from following the rule without showing disrespect. Examples might include: "I'll worry about that rule when I come to it." "I don't have time for that right now." "I've been wondering: Do you really think that that rule applies in this day and age? It gets in the way of our spreading the Dhamma." In other words, this factor closes any loopholes left by Pc 54.

Non-offenses. According to the Vibhaṅga, the only way to avoid an offense in situations like this is to say that one will learn about the rule and train in line with it. As the non-offense clauses to Pc 54 make clear, though, if one has been admonished with any interpretation of a rule that differs from one's teachers', one may avoid an offense simply by stating that one's teachers taught differently.

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Summary: When being admonished by another bhikkhu with regard to a training rule formulated in the Vinaya, saying something as a ploy to excuse oneself from training under the rule is a pācittiya offense.

72. Should any bhikkhu, when the Pāṭimokkha is being recited, say, "Why are these lesser and minor training rules recited when they lead only to anxiety, bother, and confusion?" the criticism of the training rules is to be confessed.

"Now at that time the Blessed One, phrasing it in many ways, gave a talk on discipline to the bhikkhus. He spoke in praise of discipline, in praise of the mastery of discipline, and in praise of Ven. Upāli, referring to him again and again. The bhikkhus (said), '... Come, friends, let's study discipline with Ven. Upāli.' They and many other bhikkhus — elders, newly ordained, and those in between — studied discipline with Ven. Upāli.

"Then the thought occurred to some group-of-six bhikkhus: 'Now, friends, many bhikkhus... are studying discipline with Ven. Upāli. If they become well versed in the discipline, they will push us and pull us around in whatever way they like, however they like, and as long as they like. Come, friends, let's criticize the discipline.' Then the group-of-six bhikkhus, going to the bhikkhus, said, 'Why are these lesser and minor training rules repeated when they lead only to anxiety, bother, and confusion?'"

The full offense here has three factors.

- 2) *Effort:* One criticizes the discipline in the presence
- 2) *Object:* of another bhikkhu
- 3) *Intention:* with the intent of disparaging it.

Effort. The Vibhaṅga explains "criticizing the discipline" with a list of examples. In addition to the statement in the rule, the list includes such statements as, "Those who master this suffer anxiety, bother, and confusion. Those who don't master this suffer no anxiety, bother, or confusion. It would be better (§) if this were not repeated. It would be better (§) if this were not learned. It would be better (§) if this were not mastered. It would be better (§) if this were not borne in mind. May the discipline disappear or may these bhikkhus not be well-versed in this." This last sentence sounds less like a criticism and more like a possible motivation for one's criticism — a typical ambiguity in the style of the Pali Canon — but none of the commentaries discuss this point.

The training rule would seem to indicate that these actions are grounds for an offense only while the Pāṭimokkha is being recited or rehearsed, but the non-offense clauses in the Vibhaṅga give no allowance to criticize the discipline at other times, and the K/Commentary follows the Vibhaṅga in not making the recitation of the Pāṭimokkha a necessary factor for the offense here. In other words, the factor of effort here is fulfilled if one criticizes the discipline at any time.

Object. There is a *pācittiya* for criticizing the discipline in the presence of a bhikkhu; and a *dukkata* for criticizing any other Dhamma in his presence, or criticizing either the discipline or any other Dhamma in the presence of an unordained person. Perception as to whether one's listener is ordained is irrelevant to the offense (see Pc 42).

Intention. This factor is fulfilled when one's intention is to disparage the discipline. Given the way "effort" is defined above, this factor might seem superfluous, but the non-offense clauses give an example of an effort that may sound like criticism but is not actually meant to be taken as disparagement. The Commentary defines the factor of intention here as the desire to give rise to skepticism (*vimati*) about the discipline in the listener's mind.

Further action. A bhikkhu who makes a concerted effort to speak in dispraise of the Dhamma or discipline may be subject to an act of censure or banishment, depending on the seriousness of the case (Cv.I.4.1; Cv.I.14.2). (See BMC2, Chapter 20.)

Non-offenses. There is no offense if, without intending to criticize the discipline, one suggests to another person that he/she master the suttas, the *gāthās* (verses), or the Abhidhamma first, before mastering the discipline.

Summary: Criticizing the discipline in the presence of another bhikkhu, in hopes of preventing its study, is a *pācittiya* offense.

73. Should any bhikkhu, when the *Pāṭimokkha* is being recited every half-month, say, "Just now have I learned that this case, too, is handed down in the *Pāṭimokkha*, is included in the *Pāṭimokkha*, and comes up for recitation every half-month"; and if the bhikkhus should know of that bhikkhu, "This bhikkhu has already sat through two or three recitations of the *Pāṭimokkha*, if not more," the bhikkhu is not exempted for being ignorant. Whatever the offense he has committed, he is to be dealt with in accordance with the rule; and in addition, his deceit is to be exposed: "It is no gain for you, friend, it is ill-done, that when the *Pāṭimokkha* is being recited, you do not pay proper attention and take it to heart." As for the deception (§), it is to be confessed.

To summarize the *Vibhaṅga*: If a bhikkhu — when the recitation of the *Pāṭimokkha* comes to a rule he has violated — tries to excuse himself through the sort of pretence cited in the rule, he immediately incurs a *dukkata* if he has already listened to the *Pāṭimokkha* in full three times or more. The other bhikkhus may then expose his deception by means of a Community transaction. If he then continues with the pretence, he incurs a *pācittiya*. If they do not enact a transaction against him, though, he incurs a *dukkata* for each effort he makes in keeping up the pretence.

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There is no offense, though, if he is not feigning ignorance or if he has not yet heard the Pāṭimokkha in full at least three times.

Obviously, these explanations were formulated when Pali was the bhikkhus' native language, and the recitation of the Pāṭimokkha in Pali offered the opportunity to learn the rules, along with the opportunity to feign ignorance without telling an out-and-out lie. In other words, one could say immediately after the recitation of a particular rule, "Just now have I heard that this rule is in the Pāṭimokkha," and strictly speaking it would be true: One *has* just heard it, even if for the umpteenth time, but one hopes that the other bhikkhus will be deceived into inferring that one has just heard it for the first time.

However, the discussion of this rule in the Vibhaṅga and commentaries makes no exceptions for bhikkhus whose native language is not Pali. Nevertheless, as the Pāṭimokkha is available in a number of translations, the grace period in which one is expected to be ignorant — three recitations covers at least a month to a month and a half — is not too short a time for a new bhikkhu to read and remember the rules in translation.

It is also worth noting that the non-offense clauses do not make an exception for a bhikkhu who tries a similar ploy to feign ignorance of the rules outside of the time when the Pāṭimokkha is being formally recited, and the K/Commentary — as under the preceding rule — follows the Vibhaṅga in not making the recitation of the Pāṭimokkha a necessary factor for the offense here. In other words, this rule covers the use of a half-truth to feign ignorance of the rules at *any* time.

The factors for the full offense here are three.

- 1) *Object*: A rule in the Pāṭimokkha.
- 2) *Intention*: One wants to deceive the bhikkhus into believing that one is ignorant of the rule one has broken.
- 3) *Effort*: One has heard the Pāṭimokkha in full for at least three times, yet one persists in saying half-truths to feign ignorance after the bhikkhus have enacted a Community transaction exposing one's deceit. (Out-and-out lies would come under Pc 1.)

Perception as to the transaction's validity is not a mitigating factor here. If the transaction exposing one's deceit has been properly carried out, then regardless of whether one perceives it as valid, one incurs a pācittiya for trying to deceive the bhikkhus any further. If it has been improperly carried out, one incurs a dukkaṭa for trying to deceive them further, regardless of how one perceives the transaction.

Non-offenses. There is no offense if one has heard the Pāṭimokkha in full fewer than three times or if one is not intending to deceive anyone.

Summary: Using half-truths to deceive others into believing that one is ignorant of the rules in the Pāṭimokkha — after one has already heard the Pāṭimokkha in full three times, and a Community transaction exposing one's deceit has been brought against one — is a pācittiya offense.

74. Should any bhikkhu, angered and displeased, give a blow to (another) bhikkhu, it is to be confessed.

The factors for the full offense here are three.

- 1) *Object*: another bhikkhu.
- 2) *Effort*: One gives him a blow
- 3) *Intention*: out of anger.

Object. A bhikkhu is grounds for the full offense here; anyone unordained, grounds for a dukkaṭa. According to the Commentary, *anyone unordained* includes animals as well as human beings.

As under Pc 42, perception as to whether the person receiving the blow is ordained is irrelevant to the offense.

Effort. This factor is fulfilled whether one gives a blow —

- with one's own body (hitting with a fist, jabbing with an elbow, kicking with a foot);
- with something attached to the body (e.g., a stick, a knife); or
- with something that can be "thrown" (this includes such things as throwing a rock, shooting an arrow, or firing a gun). According to the Vibhaṅga, this last category includes throwing "even a lotus leaf," which shows that the blow need not be painful in order to fulfill this factor.

Such actions as twisting the other person's arm behind his back or wringing his neck are not mentioned under this rule, but the act of grabbing his arm prior to twisting it or grabbing his neck prior to wringing it *would* fulfil the factor of effort here.

Intention. If one gives a blow for reasons other than anger, the action does not fall under this rule. Thus, for instance, if one thumps a fellow bhikkhu on the back to help dislodge something caught in his throat, there is no offense. And as the Commentary notes, if — impelled by lust — one gives a blow to a woman, one incurs the full penalty under Sg 2.

For some reason, the Commentary says that if one cuts off the nose or ear of a fellow bhikkhu in order to disfigure him, one incurs only a dukkaṭa. As the Vinaya-mukha points out, though, there is no basis in the Vibhaṅga or in reason for this statement. It is hard to imagine anyone doing this unless impelled by anger, and the act of cutting another person would come under the factor of giving a blow with something connected with the body.

"Result" is not a factor here. Whether the other person is hurt — or how badly he/she is hurt — does not affect the offense. If one intends simply to hurt the other person, but he/she happens to die from one's blow, the case is treated under this

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rule, rather than under Pr 3. In other words, the penalty is a *pācittiya* if the victim is a *bhikkhu*, and a *dukkāṭa* if not.

Non-offenses. According to the *Vibhaṅga*, there is no offense for a *bhikkhu* who, trapped in a difficult situation, gives a blow "desiring freedom." The Commentary's discussion of this point shows that it includes what we at present would call self-defense; and the K/Commentary's analysis of the factors of the offense here shows that even if anger or displeasure arises in one's mind in cases like this, there is no penalty.

Summary: Giving a blow to another *bhikkhu* when impelled by anger — except in self-defense — is a *pācittiya* offense.

75. Should any *bhikkhu*, angered and displeased, raise the palm of his hand against (another) *bhikkhu*, it is to be confessed.

This rule is similar to the preceding one, differing only in the factor of effort: *Raising the palm of one's hand* means raising any part of one's body (the hand, the foot, etc.) or anything attached to the body (a stick, a rock, a gun, a bow and arrow) in a threatening manner.

The Commentary notes that if one intends only to raise one's hand but then accidentally gives a blow, one incurs a *dukkāṭa*. The Sub-commentary, following the lead of the Old K/Sub-commentary, explains this in the only way that would make sense: One incurs the *dukkāṭa* for the blow, but a *pācittiya* for raising the hand in the first place.

The Sub-commentary also notes that if an animal, for example, is making a mess and a *bhikkhu* raises his hand against it, this would be included under *desiring freedom* — i.e., from the mess — and so would not be an offense. This explanation, however, would open a large loophole for a *bhikkhu* who wanted to justify raising his hand against another *bhikkhu* in any situation that he found displeasing. It would seem preferable to limit the allowance for one desiring freedom to cases where one is in physical danger.

Summary: Making a threatening gesture against another *bhikkhu* when motivated by anger — except in self-defense — is a *pācittiya* offense.

76. Should any *bhikkhu* charge a *bhikkhu* with an unfounded *saṅghādisesa* (offense), it is to be confessed.

Here again the factors for the full offense are three.

- 1) *Object:* another *bhikkhu*.

- 2) *Perception*: One has not seen, heard, or suspected him of committing the offense one is charging him with.
- 3) *Effort*: One accuses him in his presence — or gets someone else to accuse him in his presence — of having committed a saṅghādisesa offense.

If one makes an unfounded charge accusing another bhikkhu of having committed a lesser offense or of falling away from right views, one incurs a dukkaṭa. The same penalty holds for making an unfounded charge accusing an unordained person of having committed a wrongdoing or of falling away from right views. As under Pc 42, perception as to whether the person being charged is ordained is irrelevant to the offense.

The topic of unfounded charges is a complex one and has already been covered in detail under Sg 8. Additional points may be inferred from the discussion of that rule, the differences being that intention is not a factor here, and the change in effort — one is accusing the other bhikkhu of a saṅghādisesa or lesser offense — changes the seriousness of the penalty.

Non-offenses. As under Sg 8, there is no offense if one makes the accusation — or gets someone else to make it — when one thinks it to be true, even if the other bhikkhu is actually not guilty of the offense.

Summary: Making an unfounded charge to another bhikkhu — or getting someone else to make the charge to him — that he is guilty of a saṅghādisesa offense is a pācittiya offense.

77. Should any bhikkhu intentionally provoke anxiety in (another) bhikkhu, (thinking,) "This way, even for just a moment, he will have no peace" — doing it for just that reason and no other — it is to be confessed.

The Vinaya-mukha's explanation for this rule is worth quoting at length:

"There are people who normally tend to be anxious about one thing or another... If someone speaks to this sort of bhikkhu about contingencies that run counter to the Buddha's ordinances and are impossible to know — e.g., 'When you were ordained, how can you know that all the qualifications (for a valid Community transaction) were fulfilled? If they were lacking, doesn't that mean you aren't really ordained?' — even this is enough to set him worrying, giving him all sorts of anguish. A bhikkhu who is unrestrained and who — looking for fun with no concern for how his friends will suffer — takes such matters to tell them is penalized with a pācittiya in this rule."

The full offense here has four factors.

- 1) *Object*: another bhikkhu.

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- *2) Effort:* One mentions that he might have broken a rule.
- *3) Result:* One provokes anxiety in him.
- *4) Intention:* One's motive is simply to cause him anxiety even if just for a moment.

Object. A bhikkhu here is grounds for a *pācittiya*; an unordained person, grounds for a *dukkaṭa*. As under Pc 42, perception as to whether one's listener is ordained is irrelevant to the offense.

Effort & result. The *Vibhaṅga* illustrates these two factors together, saying, "One provokes anxiety (saying), 'Perhaps you were ordained when less than twenty; perhaps you have eaten at the wrong time; perhaps you have drunk alcohol; perhaps you have sat down in private with a woman.' Most of these possible offenses are ones that can be committed unknowingly, but the last one is not. However, it is close enough to an offense that the mention of the possibility of having done it unknowingly would cause an ignorant bhikkhu anxiety. Similarly, in the origin story, some group-of-six bhikkhus made insinuating remarks to the group of seventeen that because they were ordained when they were less than 20 years old, they were not really ordained. Yet, because the group of seventeen were the instigators for that rule, they were not subject to it. All of this shows that the factor of effort can be fulfilled by any statement one might make to another bhikkhu insinuating that he may have broken a rule, even if the action mentioned is not actually an offense.

The Commentary underlines the need for the factor of result here by translating "provokes" as "generates." In other words, anxiety has to arise in one's listener as a result of one's remarks, even if for a moment, for there to be an offense. This interpretation is seconded by the fact that the *Vibhaṅga* to Pc 55, which is in some ways parallel to this rule, contains explicit statements to the effect that result is not a factor under that rule, whereas the *Vibhaṅga* to this rule doesn't.

Intention here is defined in the same terms used under Pr 3, Sg 1, and Pc 61: "having willed, having made the decision knowingly and consciously." In those rules, this phrase indicates that one's intention has to be clear and unequivocal. Here, however, the wording of the training rule suggests that, to fulfill the factor of intention, one's intention to cause anxiety has to be the sole motive for one's statements. The non-offense clauses illustrate this point with the case where, not wanting to provoke anxiety, one says, "Perhaps you were ordained when less than twenty; perhaps you have eaten at the wrong time; perhaps you have drunk alcohol; perhaps you have sat down in private with a woman. Please look into it. Don't suffer anxiety later." It's easy to anticipate that a bhikkhu hearing these remarks might suffer a moment of anxiety, but because one's overriding purpose is to prevent greater anxiety at a later time — say, after he has become a preceptor and ordained many other bhikkhus, he discovers that his ordination was invalid — one incurs no offense in making these remarks in a timely and compassionate fashion.

Summary: Intentionally provoking anxiety in another bhikkhu that he may have broken a rule, when one has no other purpose in mind, is a *pācittiya* offense.

78. Should any bhikkhu stand eavesdropping on bhikkhus when they are arguing, quarreling, and disputing, thinking, "I will overhear what they say" — doing it for just that reason and no other — it is to be confessed.

"Now at that time some group-of-six bhikkhus were quarreling with the well-behaved bhikkhus. The well-behaved bhikkhus (meeting among themselves) said, 'These group-of-six bhikkhus are shameless. There's no way you can quarrel with them.'

"(Later,) the group-of-six bhikkhus said to them, 'Why do you disgrace us by calling us shameless?'

"'But how did you overhear?'

"'We stood eavesdropping on you.'"

The factors for the full offense here are three.

- 1) *Object*: other bhikkhus who are involved in an argument over an issue.
- 2) *Effort*: One stands eavesdropping on them,
- 3) *Intention*: with the purpose of using what they say against them, either in a Community transaction (reproving, reminding, or reprimanding them) or simply to make them feel remorseful or abashed.

Object. According to the Vibhaṅga, the words, *arguing, quarreling, and disputing* refer to arguments over issues (see Pc 63). The Commentary says that this refers to one kind of issue — disputes — but accusations would appear to fit here as well.

This factor is fulfilled regardless of whether the two parties in the dispute/accusation are confronting each other or — as in the origin story — one party is talking in private. It is also fulfilled regardless of whether one is already involved in the dispute oneself.

Bhikkhus involved in an argument are grounds for a pācittiya; unordained people involved in an argument, grounds for a dukkaṭa. The Vibhaṅga, in its references to bhikkhus as objects under this rule, switches back and forth between the singular and the plural. Thus even a single bhikkhu, involved in an argument with an unordained person, would be grounds for the full offense.

The role of perception here is the same as under Pc 42.

People who are not involved in an argument are not grounds for an offense. Thus there is no penalty in eavesdropping on a Dhamma talk or on a bhikkhu sitting in private with a woman, to see what they will say to each other.

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Effort. The Vibhaṅga goes into a fair amount of detail on this factor, allotting the offenses as follows (assuming the other factors to be fulfilled as well):

One goes with the purpose of eavesdropping on the other party (§): a dukkaṭa. One stays in one place eavesdropping on them: a pācittiya.

One is walking behind the other party and speeds up one's steps to overhear them: a dukkaṭa. One stays in one place eavesdropping on them: a pācittiya.

One is walking ahead of the other party and slows down to overhear them: a dukkaṭa. One stays in one place eavesdropping on them: a pācittiya.

One comes to a place where a bhikkhu involved in discussion is sitting, standing, or lying down: One should cough, clear one's throat, or otherwise let one's presence be known. (The K/Commentary suggests saying, "I'm here.") Not to do so entails a pācittiya.

At present, surreptitiously reading another person's mail would seem to fulfill this factor as well.

Intention. According to the Vibhaṅga, there is no offense if one goes (to listen) with the intention, "having heard their (words), I will abstain, I will refrain, I will grow calm, I will free myself" ("by declaring my innocence," says the Commentary) (§).

Summary: Eavesdropping on bhikkhus involved in an argument over an issue — with the intention of using what they say against them — is a pācittiya offense.

79. Should any bhikkhu, having given consent (by proxy) to a transaction carried out in accordance with the rule, later complain (about the transaction), it is to be confessed.

"Now at that time some group-of-six bhikkhus were indulging in bad habits but protested when a transaction was being carried out against any one of their group. Then on one occasion the Community was meeting on some business or other, and the group-of-six bhikkhus, making robes, sent their consent with one of their members. Then the Community, (saying,) 'Look, friends, this member of the group-of-six has come alone. Let's carry out a transaction against him,' did just that.

"He then went to the group-of-six bhikkhus. They asked him, 'What, friend, did the Community do?'"

"They carried out a transaction against me.'

"That wasn't what we gave our consent for, that they would carry out a transaction against you. If we had known that they would carry out a transaction against you, we wouldn't have given our consent!"

Transactions. A transaction is a procedure by which a Community issues a statement to settle an issue (see BMC2, Chapter 12). Cv.IV gives the pattern for such procedures, stating the minimum number of bhikkhus that have to be present for the transaction, the qualifications (positive or negative) of the individual or situation warranting the act, and the formal pattern for the statement — a declaration, a motion, a motion with one announcement, or a motion with three announcements — that constitutes the transaction. Thus the Vibhaṅga to this rule defines *transaction* as any of the four types of statements that form the heart of the transaction. A transaction carried out in accordance with these patterns is said to be carried out in accordance with the rule.

However, for a transaction to be valid and irreversible, it must be carried out not only in accordance with the rule but also by a complete assembly (Mv.IX.2.4). This point is to prevent small factions from carrying out transactions as they like. When this point was first raised, the question arose, How many bhikkhus are needed for an assembly to be complete? All the bhikkhus in the world? All the bhikkhus in a particular monastery? The Buddha's answer was, All the bhikkhus in a monastery, and he gave permission for the bhikkhus to mark out territories (*sīmā*) so as to determine who did and did not have to join in the transaction for the assembly to be complete (Mv.II.5.2,6.1,12.7). Later, he gave permission that an ill bhikkhu living within the territory did not have to attend the meeting, but could give his consent by proxy, through word or gesture, and the assembly would still be regarded as complete (Mv.II.23.1–2).

Thus a *complete assembly* is defined as follows: All the bhikkhus of common affiliation within the territory are either present at the meeting (sitting within hatthapāsa, or 1.25 meters of one another) or have given their consent by proxy, and no one — in the course of the transaction — makes a valid protest against its being carried out (Mv.IX.3.5–6). (An invalid protest would be one made by someone who is not a bhikkhu, by a bhikkhu who is insane, possessed by a spirit, outside the territory, or suspended from the Community, or by the bhikkhu against whom the act is being carried out (Mv.IX.4.7–8).)

Before we go on to discuss this rule, there are a few added points concerning the origin story we should touch on:

1) A protest does not need to be justified in order to count as valid. In other words, a bhikkhu can make protest simply because he doesn't agree with the transaction, and his protest stands regardless of whether he can find any basis for it in the Dhamma and Vinaya.

2) One Community may not carry out a transaction against another Community (Mv.IX.2.3). What this means is that they may carry it out against no more than three bhikkhus at a time. This is why the group-of-six bhikkhus were able to protect one another from being subject to a transaction, for there were usually more than three of them at any one meeting of the Community. Even though the ones against whom the transaction was being carried out had no right to protest, their friends did, and they took advantage of their right.

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3) In the passage where the Buddha gives permission for bhikkhus to give their consent by proxy (Mv.II.23.1–2), he states that this permission applies to ill bhikkhus. Yet in the origin stories to this rule and the following one, the group-of-six bhikkhus are not ill, they give their consent by proxy, and the transaction carried out with their consent is considered valid. None of the texts make note of this point, but it seems to indicate that *///* in this context covers not only physical illness but also any other serious inconvenience that prevents one from joining in the meeting.

The factors for the offense under this rule are three.

- 1) *Object*: a valid transaction to which one has given one's consent.
- 2) *Perception*: One perceives it as valid.
- 3) *Effort*: One complains about it.

Object & perception. The various permutations of these factors are as follows:

- a valid transaction that one perceives to be valid: grounds for a *pācittiya*;
- an invalid transaction that one perceives to be valid: grounds for a *dukkata*;
- a transaction that one is doubtful about, regardless of its actual validity: grounds for a *dukkata*;
- a transaction that one perceives to be invalid, regardless of its actual validity: grounds for no offense.

Effort. Any expression of displeasure with the transaction would fulfill this factor. If, however, one states that the transaction was not carried out in accordance with the rule, then regardless of whether one had given one's consent, the case would fall under Pc 63 rather than here.

Non-offenses. There is no offense in complaining about the transaction if one perceives it as having been carried out not in accordance with the rule, by an incomplete assembly, or against someone who did not warrant such an act. This exemption holds even if the transaction was actually valid.

Summary: Complaining about a Community transaction to which one gave one's consent — if one perceives the transaction as having been carried out in accordance with the rule — is a *pācittiya* offense.

80. Should any bhikkhu, when deliberation is being carried on in the Community, get up from his seat and leave without having given consent, it is to be confessed.

The origin story here is a sequel to the one for the preceding rule.

"Now at that time the Community was meeting on some business or other, and the group-of-six bhikkhus, making robes, sent their consent with one of their members. Then the Community, thinking, 'We'll carry out the transaction (against the one member of the group-of-six) that was our *real* purpose in meeting,' set forth a

motion. The bhikkhu — thinking, 'It's just in this way that these people carry out transactions against us one at a time. Well, who are you going to carry out *this* transaction against?' — without giving his consent, got up from his seat and left."

As explained under the preceding rule, a bhikkhu has no right to protest when the Community is carrying out a transaction against him. However, the Community may not carry out a transaction against a bhikkhu who is not in its midst (see As 1), and any transaction is invalid if carried out when there is a bhikkhu within the territory who is not in the meeting and who has not given his consent. The bhikkhu in the origin story took advantage of these two principles to escape from the transaction's being carried out against himself, and the Buddha then formulated this rule to impose a penalty on any bhikkhu who tried the same maneuver in the future.

There are four factors for the full offense.

- 1) *Object*: a Community transaction that has been started but has yet to be finished, and is being carried out in a valid manner.
- 2) *Perception*: One perceives it as being carried out in a valid manner.
- 3) *Intention*: One wants to invalidate the transaction or to keep the group from carrying it out.
- 4) *Effort*: Without having first given one's consent, one goes beyond *hatthapāsa* (1.25 m.) from the bhikkhus sitting in the meeting.

Object & perception. The various permutations of these two factors are as follows:

- a valid transaction that one perceives to be valid: grounds for a *pācittiya*;
- an invalid transaction that one perceives to be valid: grounds for a *dukkaṭa*;
- a transaction that one is doubtful about, regardless of its actual validity: grounds for a *dukkaṭa*;
- a transaction that one perceives as invalid, regardless of its actual validity: grounds for no offense.

According to the *Vibhaṅga*, the time period covered by the factor of object begins at the point where the matter has been brought up in the Community — or a motion has been set forth — and ends when the Community's decision has been announced.

The Commentary, in discussing this point, says that, in the case of an accusation, the point when the matter has been brought up is when both sides have stated their initial positions, and a bhikkhu has been authorized to cross-examine them. This, however, would open a loophole for an accused bhikkhu to avoid a penalty simply by leaving the meeting after being accused but before stating his case. Thus it would seem preferable to follow the *Vibhaṅga* here, holding that the time period even in an accusation would begin when the issue is first raised in a valid Community meeting.

Effort. The *Vibhaṅga* divides the effort here into three parts and allots the penalties as follows:

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- One gets up to go: a dukkaṭa.
- One reaches the distance of one *hatthapāsa* from the meeting: another dukkaṭa.
- One passes beyond the distance of one *hatthapāsa*: a pācittiya.

The K/Commentary adds that one must also remain within the territory (*sīmā*) for this factor to be fulfilled, but the Vibhaṅga makes no mention of this, and there seems no reason to adopt it. If we did adopt it, it would mean that if a transaction were being carried out against a bhikkhu, and he left both the meeting and the territory to avoid it, he would be committing no offense. Thus it seems better to stick with the Vibhaṅga and say that this factor is fulfilled when one goes beyond one *hatthapāsa* away from the meeting, regardless of whether one then continues to stay within the territory.

Intention. There is no offense if, without giving one's consent, one leaves the meeting for purposes other than to invalidate the transaction. Examples in the Vibhaṅga include:

- One is ill.
- One has to do something (e.g., prepare or give medicine) for one who is ill.
- One is overcome with the need to urinate or defecate.
- One leaves, without desiring to invalidate the transaction, with the thought, "I'll come right back."

In all of these cases, though, if possible, it is best to give one's consent before going.

Further action. A bhikkhu who has committed this offense would, under Cv.IX.3, be subject to having his Pāṭimokkha cancelled (see BMC2, Chapter 15). This would provide the Community with the opportunity to look into his attitude and to take further disciplinary actions if it sees fit.

Non-offenses. In addition to the above cases, there is also no offense if one leaves a meeting without giving one's consent with the purpose of invalidating the transaction if one perceives that:

- the transaction will lead to strife, quarreling, a dispute, a crack, or a split in the Community; or
- the transaction is being carried out not in accordance with the rule, by an incomplete assembly, or against/for a person who doesn't warrant it.

Summary: Getting up and leaving a meeting of the Community in the midst of a valid transaction that one knows to be valid — without having first given one's consent to the transaction and with the intention of invalidating it — is a pācittiya offense.

81. Should any bhikkhu, (acting as part of) a united Community, give robe-cloth (to an individual bhikkhu) and later complain, "The bhikkhus allocate the Community's gains according to friendship," it is to be confessed.

Apportioning the Community's gains. Cv.VI.15.2 states that no one — not even the Community itself — can take any of the following items belonging to the Community and turn them over to individual ownership: monasteries or monastery land; dwellings or land on which dwellings are built; furnishings, such as couches, chairs, or mattresses; metal vessels or tools; building materials or articles made of pottery or wood. The collective term for these goods is *garubhaṇḍa*: heavy or expensive articles. (For a detailed discussion of these articles, see BMC2, Chapter 7.) The penalty for handing any of the Community's *garubhaṇḍa* over to individual ownership is a *thullaccaya*. In the origin story to Pr 4, the Buddha states that a bhikkhu who gives the Community's *garubhaṇḍa* to a lay person is one of the five great thieves in the world.

Light or inexpensive articles (*lahubhaṇḍa*) belonging to the Community, though, may be turned over to individual ownership — of a bhikkhu or novice — but only when the proper procedures are followed. The usual pattern is to appoint a Community official, through a Community transaction, to be responsible for ensuring that such items be distributed fairly to the members of the Community eligible to receive them. Such officials include distributors of robe-cloth, of food, of fruit, and of non-staple foods; and dispensers of small accessories, such as scissors, sandals, water strainers, etc. (see BMC2, Chapter 18).

In the origin story to Pc 41, the Community receives a large amount of non-staple food, so much that the Buddha instructs Ānanda to share the excess among those who live off leftovers. Some Communities have taken this as a precedent for taking excess perishable items belonging to the Community and distributing them among the poor.

In addition, this training rule shows that a Community acting as a whole may take *lahubhaṇḍa* articles belonging to it and turn them over to individual bhikkhus or novices. (According to the K/Commentary to Pc 79, this can be done with a simple declaration (*apalokana*), although the *kaṭhina* ceremony, which would fall under this general category, follows the pattern of a motion with one announcement.) A typical example, apart from the *kaṭhina*, would be if the Community receives a particularly fine piece of cloth and, instead of cutting it up to share the pieces out among its members, decides to present the entire piece to one of its members who has been especially helpful to the group. This is one way in which the Community may reward a Community official for his services.

Any member of the Community who disagrees with such a decision may prevent it from happening by protesting during the declaration. The purpose of this rule is to prevent members of the Community from complaining after they have taken part in such a decision that the Community was acting out of favoritism.

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The factors for the full offense are two.

- 1) *Object*: One has acted as part of a united Community that has given robe-cloth to a bhikkhu who has been chosen, through a prior Community transaction, to be a Community official.
- 2) *Effort*: One complains afterward that the Community acted out of favoritism.

Object. *Acting as part of a united Community* means that one is in affiliation with the Community that handed over the cloth, and that one was in the same territory with them: i.e., one was either in the meeting or had given one's consent to it.

Robe-cloth means a piece of any of the six kinds of allowable cloth, measuring at least four by eight fingerbreadths.

The various permutations of articles and recipients are as follows:

Complaining when the Community has given robe-cloth to a Community official: a pācittiya.

Complaining when the Community has given any other light article to a Community official: a dukkaṭa.

Complaining when the Community has given any light article — cloth or otherwise — to a bhikkhu who is not a Community official.

Complaining when the Community has given any light article — cloth or otherwise — to a novice, whether authorized as a Community official or not: a dukkaṭa.

Perception with regard to the transaction is not a mitigating factor here. If the recipient was made a Community official through a valid Community transaction, then regardless of how one perceives that transaction, he is grounds for a pācittiya. If the act was invalid then, again, regardless of how one perceives it, he is grounds for a dukkaṭa. (The Vibhaṅga is somewhat confusing on this point, not saying explicitly whether the factor of "perception with regard to the transaction" refers to the transaction by which the official was appointed or to the one by which the cloth was handed over to him. The interpretation given here follows the Commentary, which for this issue refers the reader to its explanation of Pc 13, and the K/Commentary, which defines the validity of the object's authorization as a factor in the offense here. This interpretation has given rise to some controversy, largely because there are two variant readings of the last sentence of the perception section in the Vibhaṅga. The PTS and Burmese editions of the Canon give the sentence as, "In perceiving an invalid transaction as an invalid transaction: no offense." The Thai and Sri Lankan editions of the Canon, and the PTS edition of the K/Commentary, give the sentence as, "In perceiving an invalid transaction as an invalid transaction: a dukkaṭa offense." If the first reading were correct, the perception would apply to the transaction by which the cloth is handed to the official. However, with the Commentary stating that the perception section here is

identical with that under Pc 13, and with all Asian editions of the Canon giving the second reading there, it would seem that the PTS and Burmese editions are mistaken here, and that the correct interpretation of the perception passages here is the one given above.)

Effort. This factor is fulfilled by any expression of personal displeasure with the Community in regard to its distribution of requisites. If, however, one accuses the Community of having carried out the transaction improperly — not in accordance with the rule, or with an incomplete assembly — the case would come not here, but under Pc 63.

Non-offenses. The Vibhaṅga says that if the recipient of the article acts out of habitual favoritism, anger, delusion, or fear, there is no offense in complaining, "What's the use of giving it to him? Even having received it, he'll ruin it; he won't take proper care of it." This is an extension of the non-offense clause under Pc 13, in which one is allowed to complain about a community official who acts out of any of the four bases for bias. Thus this exemption applies here both before and after the Community gives the article to the individual in question. As an application of the exemption under Pc 13, one can complain before the Community transaction that the recipient is unqualified to receive the article. This would put a halt to the transaction. As an application of the exemption under Pc 63, one can complain after the transaction that the recipient was a poor choice because his habitual favoritism, anger, delusion, or fear means that he was unqualified to be given the article. This would mean that the Community transaction was invalid to begin with, and so one is entitled to complain.

Summary: After participating in a Community transaction giving robe-cloth to a Community official: Complaining that the Community acted out of favoritism is a pācittiya offense.

82. Should any bhikkhu knowingly divert to an individual gains that had been allocated for a Community, it is to be confessed.

This rule has already been explained under NP 30.

Summary: Persuading a donor to give to another individual a gift that he or she had planned to give to a Community — when one knows that it was intended for the Community — is a pācittiya offense.

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Chapter 8.9
Pācittiya: The Valuable Chapter

83. Should any bhikkhu, unannounced beforehand, cross the threshold of a consecrated noble king's (sleeping chamber) from which the king has not left, from which the valuable (the queen) has not withdrawn, it is to be confessed.

"As he was sitting to one side, King Pasenadi of Kosala said to the Blessed One, 'It would be good, venerable sir, if the Blessed One would appoint a bhikkhu to teach Dhamma in our harem'... So the Blessed One addressed Ven. Ānanda, 'In that case, Ānanda, go teach Dhamma in the king's harem.'

"Responding, 'As you say, venerable sir,' Ven. Ānanda entered the king's harem time and again to teach Dhamma. Then (one day) Ven. Ānanda, dressing early in the morning, taking his bowl and (outer) robe, went to King Pasenadi's palace. At that time King Pasenadi was lying on a couch with Queen Mallikā. Queen Mallikā saw Ven. Ānanda coming from afar and, on seeing him, got up hurriedly. Her cloth of burnished gold slipped off. Ven. Ānanda turned around and went back to the monastery."

The factors for the full offense here are two: object and effort.

Object. A king — a consecrated member of the noble warrior class, pure in his lineage through the past seven generations — is in his sleeping chamber with his queen. *Sleeping chamber* means any place where his bed is prepared, even if it is outside, surrounded only by a curtain or screen wall (as was the custom on royal excursions in those days, a custom often depicted in murals on the walls of Thai temples).

Effort. If, unannounced, one steps over the threshold of the sleeping chamber with one foot, the penalty is a dukkaṭa; when both feet are over the threshold, a pācittiya. Perception as to whether one has been announced is not a mitigating factor here (see Pc 4).

Non-offenses. There is no offense if —

- one has been announced,
- the king is not a member of the noble warrior class or has not been consecrated,
- either the king or the queen has left the sleeping chamber, or
- the room is not a sleeping chamber.

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Obviously, there is little chance that a bhikkhu will break this rule at present. However, in the course of formulating the rule, the Buddha mentioned ten dangers for a bhikkhu who enters the king's inner palace even at the king's request, and some of these dangers still apply to any situation in which a bhikkhu is on familiar terms with a person of influence, royal or not:

1) "There is the case where the king is on a couch together with the queen. A bhikkhu enters there. Either the queen, seeing the bhikkhu, smiles; or the bhikkhu, seeing the queen, smiles. The thought occurs to the king, "Surely they've done it, or are going to do it"...

2) "And furthermore, the king is busy, with much to do. Having gone to a certain woman, he forgets about it. On account of that, she conceives a child. The thought occurs to him, "No one enters here but the one gone forth. Could this be the work of the one gone forth?"...

3) "And furthermore, some valuable in the king's inner palace disappears. The thought occurs to the king, "No one enters here but the one gone forth. Could this be the work of the one gone forth?"...

4) "And furthermore, secret consultations in the confines of the inner palace get spread abroad. The thought occurs to the king, "No one enters here but the one gone forth. Could this be the work of the one gone forth?"...

5) "And furthermore, in the king's inner palace the son is estranged from the father, or the father from the son. The thought occurs to them, "No one enters here but the one gone forth. Could this be the work of the one gone forth?"...

6 & 7) "And furthermore, the king establishes one from a low position in a high position... (or) one from a high position in a low position. The thought occurs to those displeased by this, "The king is on familiar terms with one gone forth. Could this be the work of the one gone forth?"...

8) "And furthermore, the king sends the army out at the wrong time. The thought occurs to those displeased by this, "The king is on familiar terms with one gone forth. Could this be the work of the one gone forth?"...

9) "And furthermore, the king sends the army out at the right time, but has it turn around mid-way. The thought occurs to those displeased by this, "The king is on familiar terms with one gone forth. Could this be the work of the one gone forth?"...

10) "And furthermore, bhikkhus, the king's inner palace is crowded with elephants... horses... chariots. There are enticing sights, sounds, smells, tastes, tactile sensations unsuitable for one gone forth. This, bhikkhus, is the tenth danger for one who enters the king's inner palace."

Summary: Entering a king's sleeping chamber unannounced, when both the king and queen are in the chamber, is a pācittiya offense.

84. Should any bhikkhu pick up or have (someone) pick up a valuable or what is considered a valuable, except in a monastery or in a dwelling, it is to be confessed. But when a bhikkhu has picked up or had (someone) pick up a valuable or what is considered a valuable (left) in a monastery or in a dwelling, he is to keep it, (thinking,) "Whoever it belongs to will (come and) fetch it." This is the proper course here.

The general purpose of this rule is to prevent a bhikkhu from picking up misplaced valuables belonging to other people, for as the origin story shows, there are dangers inherent in such an act even when done with the best intentions.

"Now at that time a certain bhikkhu was bathing in the Aciravati River. And a certain brahman, having placed a bag of 500 gold pieces on the river bank, bathed in the river and left, forgetting it. The bhikkhu, (saying to himself,) 'Don't let this bag of the brahman's be lost,' picked it up. Then the brahman, remembering, rushed back and said to the bhikkhu, 'My good man, have you seen my bag?'

"Here you are, brahman,' he said, and gave it to him.

"Then the thought occurred to the brahman, 'Now by what means can I get away without giving a reward to this bhikkhu?' So (saying,) 'I didn't have 500, my good man, I had 1,000!' he detained him for a while and then let him go."

However, a bhikkhu who comes across a fallen valuable in a monastery or in a dwelling he is visiting — if he does not pick it up — may later be held responsible if it gets lost: thus the two situations mentioned as exemptions in the rule. In situations such as these, a bhikkhu is allowed even to pick up money and other items he is not normally allowed to take. In fact, the Vinaya-mukha states that if he does *not* pick up the valuable and put it in safe-keeping, he incurs a dukkaṭa. None of the other texts mention this point, although it is probably justified on the grounds that the bhikkhu is neglecting his duty in not following the "proper course" here.

The Vibhaṅga advises that if a bhikkhu has picked up a fallen valuable in this way and put it in safe keeping, he should take note of its features. (The Commentary adds that if it is a bag of money, he should open the bag and count how much it contains. The same would hold for such things as wallets at present.) He should then have an announcement made, "Let him come whose goods are lost." If a person comes to claim the item, the bhikkhu should ask him/her to describe it. If the person describes it correctly, the bhikkhu should hand it over. If not, he should tell the person to "keep looking." If the bhikkhu is going to leave the monastery to live elsewhere, he should entrust the item to another bhikkhu or — if no suitable bhikkhu is available — to a suitable lay person (§).

The Commentary adds that if, after a suitable length of time, no one comes to claim the item, the bhikkhu should have it exchanged for something of lasting use to the

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monastery. If, after that, the owner does come to claim the item, the bhikkhu should tell him/her of the use to which it was put. If the owner is satisfied, there is no problem. If not, the bhikkhu should arrange to have the owner compensated. However, as we noted in the discussion of compensation under Pr 2, the Canon imposes only one potential penalty on a bhikkhu in a situation such as this: The Community, if it sees fit, can force him to apologize to the owner (Cv.I.20; see BMC2, Chapter 20).

The factors for the offense here are four.

- 1) *Object*: a valuable or anything considered a valuable that one finds left behind, except in a monastery or a dwelling that one is visiting.
- 2) *Perception*: One does not perceive it as discarded.
- 3) *Intention*: One wants to keep it in safe keeping for the owner.
- 4) *Effort*: One picks it up or has someone else pick it up.

Object. The Vibhaṅga defines a *valuable* as jewels, gold, or silver. At present, money would be included here. *What is considered a valuable* means anything that people use or consume. Items meeting these definitions at present would include wallets, watches, keys, eyeglasses, cameras, etc.

According to the K/Commentary, the object has to belong to someone else to fulfill the factor of effort here. The Vibhaṅga does not state this point explicitly, but it does make the point implicitly by the activities it discusses under this rule: putting an item in safe keeping, quizzing those who come to claim it, taking an item on trust, borrowing it. These are all activities that pertain to the belongings of others, and not to one's own belongings. The K/Commentary adds that if the owner has given one permission to take the article, it does not fulfill the factor of object here. This comment has to be qualified, of course, by noting that if the item is a valuable, then taking it would involve an offense under another rule.

The Vibhaṅga defines *in a monastery* as follows: If the monastery is enclosed, then within the enclosure. If not, then in the immediate vicinity (according to the Commentary, a radius of two *leḍḍupātas* — approximately 36 meters — around the monastery buildings). As for *in a dwelling*: If the area around the dwelling is enclosed, then within the enclosure. If not, then in the immediate vicinity (according to the Commentary, the distance one can throw a basket or a pestle (!) from the dwelling).

For some reason, the Commentary says that if the item has fallen in an area of the monastery where many people come and go — e.g., the doorway to the Bodhi tree or public shrine — one should not pick it up. Its reasoning here is hard to guess. It notes that the Kurundī — one of the ancient commentaries — interprets the range of a bhikkhu's responsibility in the opposite direction. In other words, the Kurundī holds that if a bhikkhu walking alone along a road outside a monastery comes across a valuable or anything considered valuable in such circumstances that he might later be suspected of being responsible for its disappearance, he should stop and wait by the roadside until the owner appears. If no owner appears, he should make it "allowable" and take it with him. The Sub-commentary adds that *making it*

allowable means deciding that it has been thrown away, and applies only to items classed as "considered a valuable." All of this, however, lies outside the allowances in the Vibhaṅga, and at most can be adopted, where appropriate, as a wise policy.

The Commentary also notes that if someone asks to put his/her belongings in safe keeping with a bhikkhu, the bhikkhu should not accept — so as to avoid being responsible for them — but if he/she leaves the things with the bhikkhu and goes off in spite of his objections or before giving him a chance to object, he should take the belongings and put them away in safe keeping.

Perception & intention. According to the Commentary, if one picks up money for one's own use, for the Community, or for anyone aside from the owner, the case would come under NP 18, rather than here. The same holds true with dukkaṭa objects, such as jewels and semi-precious stones. This judgment, though, would seem to hold only in the case where one perceives the money, etc., as thrown away or left behind for the use of the person or Community for whom one is taking it. If one does not perceive it as thrown away or abandoned, and one is not borrowing it or taking it on trust, the case would come under Pr 2, regardless of what the item is.

The Commentary also makes the peculiar point that if one sees an item belonging to one's mother or other close relative left behind on the roadside, one would incur the full penalty under this rule for picking it up to put in safe keeping for the owner, but no offense if one took the item, on trust, for one's own. Of course, after taking it on trust like this, one could then without penalty give it back to the owner as one liked.

Effort. When getting someone else to pick up the item, the offense is incurred not in the asking but only when the other person does as asked.

Non-offenses. There is no offense if, within a monastery or a dwelling, one picks up a valuable or what is considered a valuable — or if one has it picked up — with the thought, "Whoever this belongs to will come for it." (§)

Also, according to the Vibhaṅga, there is no offense in taking an item "considered to be a valuable" no matter where it is found if one takes it on trust, borrows it, or perceives it as having been thrown away (§).

Summary: Picking up a valuable, or having it picked up, with the intention of putting it in safe keeping for the owner — except when one finds it in a monastery or in a dwelling one is visiting — is a pācittiya offense.

85. Should any bhikkhu, without taking leave of an available bhikkhu, enter a village at the wrong time — unless there is a suitable emergency — it is to be confessed.

As the origin story here indicates, the purpose of this rule is to prevent bhikkhus from passing their time among householders engaged in animal talk (see the discussion under Pc 7).

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The factors for the full offense here are two.

- 1) *Object*: a village (this would include larger inhabited areas, such as towns and cities, as well).
- 2) *Effort*: One enters the village at the wrong time — without having taken leave of an available bhikkhu — except when there is an emergency.

Object. The Vibhaṅga says that if the village as a whole is enclosed, everywhere inside the enclosure is considered to be in the village. If not, the area in the village includes all the buildings and their immediate vicinity. According to the Sub-commentary, this means everywhere within a two-*leḍḍupāta* radius of the buildings.

Thus if one is staying in a monastery located within a village or town, the area covered by this factor would apparently begin at the vicinity of the nearest buildings outside the monastery.

Effort. The Vibhaṅga defines the *wrong time* as from after noon until the following dawnrise. This rule thus dovetails with Pc 46, which deals with the period from dawnrise until noon on days when one has been invited to a meal.

Perception as to whether the time is right or wrong is not a mitigating factor here (see Pc 4).

As under Pc 46, another bhikkhu is said to be available for taking one's leave if, in the Vibhaṅga's words, "It is possible to go, having taken leave of him." That is, if there is another bhikkhu in the monastery, and there are no obstacles to taking one's leave from him (e.g., he is asleep, he is sick, he is receiving important visitors), one is obliged to go out of one's way to inform him.

According to the K/Commentary, *taking leave* in the context of this rule means the simple act of informing the other bhikkhu that, "I am going into the village," or any similar statement. In other words, one is not asking permission to go, although if the other bhikkhu sees that one is doing something improper in going, he is perfectly free to say so. If one treats his comments with disrespect, one incurs at least a dukkaṭa under Pc 54. (See the discussion under that rule for details.)

The Commentary states that if there is no bhikkhu in the monastery to take leave from, there is no need to inform any bhikkhu one may meet after leaving the monastery. If many bhikkhus are going together, they need only take leave from one another before entering the village.

For a new bhikkhu still living in dependence (*nissaya*) on his mentor, though, taking leave *is* a matter of asking permission from his mentor at all times, "wrong" or not. (See the discussion of this point under Pc 46.)

As for the suitable emergencies under this rule — which would seem to exempt even new bhikkhus from having to take leave from their mentors — the Vibhaṅga gives the example of a bhikkhu rushing to get fire to make medicine for another

bhikkhu bitten by a snake. Examples more likely at present would include rushing to get a doctor for a sick bhikkhu or to get help when a fire has broken out in the monastery.

Further action. Although there is no penalty for engaging in animal talk, a bhikkhu who enters a village frequently and engages in it, even if he takes leave of other bhikkhus, can be subject to an act of censure for "unbecoming association with householders" (see BMC2, Chapter 20).

Non-offenses. There is no offense in entering a village when one has taken leave of another bhikkhu, or in going when one has not taken leave if:

- There is an emergency.
- There is no bhikkhu available (e.g., one is living alone or all the other bhikkhus have left).
- One is on one's way to another monastery (§), to bhikkhunīs' quarters, to the residence of people ordained in another religion (located in a village, says the Commentary), or one is returning from any of these places.
- One is going along a road that happens to pass through a village. (According to the Commentary, a bhikkhu who wants to leave the road and enter the village proper should take leave of another bhikkhu if one is available.)
- There are dangers. (Examples in the Commentary include seeing lions or tigers approaching, or clouds building up and threatening a storm.)

Summary: Entering a village, town, or city during the period after noon until the following dawnrise, without having taken leave of an available bhikkhu — unless there is an emergency — is a pācittiya offense.

86. Should any bhikkhu have a needle box made of bone, ivory, or horn, it is to be broken and confessed.

The origin story here echoes the one for NP 22.

"Now at that time a certain ivory-worker had invited the bhikkhus, saying, 'If any of the masters needs a needle box, I will supply him with a needle box.' So the bhikkhus asked for many needle boxes. Those with small needle boxes asked for large ones; those with large ones asked for small ones. The ivory-worker, making many needle boxes for the bhikkhus, was not able to make other goods for sale. He could not support himself, and his wife and children suffered."

Here there are three factors for the full offense.

- *1) Object:* a needle box made of bone, ivory, or horn.
- *2) Effort:* One acquires it after making it or having it made
- *3) Intention:* for one's own use.

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Two of these factors involve permutations: *effort* and *intention*.

Effort. The permutations under this factor are as follows: the act of making the needle box or having it made — a dukkaṭa; acquiring the finished box — a pācittiya. This last penalty applies regardless of whether the box was made entirely by oneself, entirely by others either partly or entirely at one's instigation, or whether one finished what others began or got others to finish what one began oneself. In any event, one must break the box before confessing the offense.

If one obtains a bone, ivory, or horn needle box made by another — not at one's instigation — then using it entails a dukkaṭa (§).

Intention. There is a dukkaṭa in making a bone, ivory, or horn needle box — or having it made — for another's use.

Non-offenses. The non-offense clauses, instead of listing materials from which a needle box might be made, list allowable items made of bone, ivory, or horn: a fastener (§) (for a robe), a fire-starter (according to the Commentary, this means a bow used with the upper stick of a fire-starter), a belt fastener, an ointment box, a stick for applying ointment, an adze handle, and a water wiper (§) (see BMC2, Chapter 1). This list was apparently intended simply to be illustrative, because the Khandhakas contain allowances for many other items to be made from bone, ivory, or horn as well — although it's worth noting that the non-offense clauses here are the only passages in the Canon stating that the fire-starter, adze handle, and water wiper can be made of these materials.

Pc 60 mentions a needle box as one of a bhikkhu's requisites, so apparently one would be allowable if not made of bone, ivory, or horn. Cv.V.11.2 contains an allowance for a "needle tube" (or "needle cylinder" — *sūci-nālika*) for keeping needles, but does not explain how it differs from a needle box. Apparently both the box and the tube may be made of reed, bamboo, wood, lac (resin), fruit (e.g., coconut shell), copper (metal), or conch-shell, as the Khandhakas often list these materials as allowable for other items as well.

The general principle. The Vinaya-mukha derives a general principle from this rule: The Buddha, in formulating this rule, was putting a halt to the sort of fad that can occur among bhikkhus when certain requisites become fashionable to the point of inconveniencing donors, and senior bhikkhus at present should try to put a halt to any similar fads.

Summary: Acquiring a needle box made of bone, ivory, or horn after making it — or having it made — for one's own use is a pācittiya offense requiring that one break the box before confessing the offense.

87. When a bhikkhu is having a new bed or bench made, it is to have legs (at most) eight fingerbreadths long — using sugata fingerbreadths — not counting the lower edge of the frame. In excess of that it is to be cut down and confessed.

The purpose of this rule is to prevent bhikkhus from making and using furnishings that are high and imposing.

The factors for the offense here are three.

- 1) *Object*: a bed or bench whose legs, measuring from the lower side of the frame to the floor, are longer than eight sugata fingerbreadths (16.7 cm.)
- 2) *Effort*: One acquires it after making it or having it made
- 3) *Intention*: for one's own use.

Object. The Canon contains many rules dealing with furnishings, especially in the Khandhakas, and because furnishings in the time of the Buddha were somewhat different from what they are now, it is often a matter of guesswork as to what, precisely, the rules are referring to. The *bed (mañca)* here almost certainly refers to what we mean by a bed. The *bench (piṭha)*, according to the K/Commentary, is shorter than a bed, but not so short that it is square. This last stipulation comes from Cv.VI.2.4, which allows bhikkhus to use an *āsandika* — apparently a square stool, large enough to sit on but not to lie on — even if the legs are long. Another piece of furniture with long legs allowed in the same passage is the *sattaṅga*, a chair or sofa with a back and arms. The Vinaya-mukha includes a *pañcaṅga* — a chair or sofa with a back but no arms — under this allowance as well. The Canon and commentaries make no mention of this point, but it seems valid: Armless chairs and sofas are less imposing than those with arms.

The sugata measures are a matter of controversy, discussed in Appendix II. For the purposes of this book, we are taking the sugata span to be 25 cm. Because there are twelve sugata fingerbreadths in a sugata span, eight sugata fingerbreadths would be equal to 16.7 cm.

Effort. The permutations under this factor are as follows: the act of making the bed/bench or having it made — a dukkaṭa; acquiring the finished article — a pācittiya. This last penalty applies regardless of whether the bed/bench was made entirely by oneself, entirely by others either partly or entirely at one's instigation, or whether one finished what others began or got others to finish what one began oneself. In any event, one must cut the bed/bench down to the proper size before confessing the offense.

If one obtains a tall bed/bench made by another — not at one's instigation — then using it entails a dukkaṭa (§). Cv.VI.8 allows that if furnishings of the sort unallowable for bhikkhus to own themselves are in a lay person's house (and belong to the lay person, says the Sub-commentary) bhikkhus may sit on them but not lie down on them. There are three exceptions to this allowance, the one piece objected

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to on account of its height being a dais (*āsandī*) — a square platform, large enough to lie on, and very high. Bhikkhus are not allowed even to sit on such a thing, even in a lay person's house.

Intention. There is a dukkaṭa in making a bed or bench with extra long legs — or having it made — for the sake of another person.

Non-offenses. There is no offense in making a bed or bench — or having one made — if the legs are eight sugata fingerbreadths or less; or in receiving a bed or bench with overly long legs made by another if one cuts the legs down to regulation size before using it. The Commentary notes that if one buries the legs in the ground so that no more than eight fingerbreadths separate the ground from the lower frame, that is also allowable.

Summary: Acquiring a bed or bench with legs longer than eight sugata fingerbreadths after making it — or having it made — for one's own use is a pācittiya offense requiring that one cut the legs down before confessing the offense.

88. Should any bhikkhu have a bed or bench upholstered with cotton down, it (the upholstery) is to be torn off and confessed.

Upholstery & cushions. Cotton down was apparently the most luxurious material known in the Buddha's time for stuffing furniture, cushions, and mattresses, inasmuch as bhikkhus are forbidden by this rule from making beds and benches upholstered with cotton-down. Cv.VI.8 forbids them from sitting on cushions or other articles of furnishing upholstered or stuffed with cotton down (this would include meditation cushions), even in the homes of lay people. The only article of furnishing stuffed with cotton down allowed to bhikkhus is a pillow (§), although the pillow should be made no larger than the size of the head (Cv.VI.2.6).

The Commentary's explanations of this point show that the pillow used in those days was an oblong cushion, looking like a rectangle when viewed from above and a triangle when viewed from either the right or left side (like the old style of pillow still in use in Thailand). Such pillows, the Commentary says, should be no more than two cubits (1 meter) long, and one span plus four fingerbreadths (32 cm.) from corner to corner on the sides (although this seems considerably larger than a pillow "the size of the head"). A bhikkhu who is not ill may use such a pillow for his head and feet; an ill bhikkhu may line up a series of pillows, cover them with a cloth, and lie down on them with no offense. According to Cv.VI.14, if bhikkhus are presented with cushions stuffed with cotton down, they may use them only after tearing them up and making them into pillows.

Human hair was another forbidden form of stuffing. Mattresses and cushions stuffed with other materials, though, are allowed even for use in the monastery. Cv.VI.2.7 mentions five kinds of allowable stuffing: wool, cloth, bark, grass, and leaves. (According to the Commentary, *wool* here includes all kinds of animal fur and bird feathers. Goose down would thus be allowable. Synthetic fibers and

synthetic down would apparently come under "cloth." The Commentary also mentions that, according to the Kurundī, mattresses and cushions stuffed with these materials are allowable whether covered with leather or cloth.)

The purpose of all this is to keep bhikkhus from using furnishings that are extravagant and ostentatious. As the Vinaya–mukha mentions, though, standards of what counts as extravagant and ostentatious vary from age to age and culture to culture. Some of the things allowed in the Canon and commentaries now seem exotic and luxurious; and other things forbidden by them, common and ordinary. Thus the wise policy, in a monastery, would be to use only those furnishings allowed by the rules and regarded as unostentatious at present; and, when visiting a lay person's home, to avoid sitting on furnishings that seem unusually grand.

The factors for the offense here are three.

- 1) *Object*: a bed or bench stuffed with cotton down.
- 2) *Effort*: One acquires it after making it or having it made
- 3) *Intention*: for one's own use.

Object. *Cotton down*, according to the Vibhaṅga, includes any down from trees, vines, and grass. The Commentary to Cv.VI.2.6 interprets this as meaning down from *any* plant, inasmuch as "trees, vines, and grass" is the Canon's usual way of covering all plant life. Kapok, flax fibers, jute, and cotton would thus all come under this category.

Because cotton–down cushions are forbidden in all situations, *bed and bench* here would seem to include all forms of furniture, including the stools, chairs, and sofas exempted from the preceding rule.

Effort. The permutations under this factor are as follows: the act of making the bed/bench or having it made — a dukkaṭa; acquiring the finished article — a pācittiya. This last penalty applies regardless of whether the bed/bench was made entirely by oneself, entirely by others either partly or entirely at one's instigation, or whether one finished what others began or got others to finish what one began oneself. In any event, one must tear off the upholstery before confessing the offense.

If one obtains an upholstered bed/bench made by another — not at one's instigation — then using it entails a dukkaṭa (§).

Intention. There is a dukkaṭa in making a bed or bench upholstered with cotton down — or having it made — for the sake of another person.

Non–offenses. There is no offense in using cotton down to stuff a pillow, a belt, a shoulder strap, a binding, or a bag for carrying the alms bowl; or to form the filter in a water strainer. If one obtains a bed or bench stuffed with cotton down made for another person's use, there is no offense in using it if one removes the upholstery first.

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Summary: Acquiring a bed or bench stuffed with cotton down after making it — or having it made — for one's own use is a *pācittiya* offense requiring that one remove the stuffing before confessing the offense.

89. When a bhikkhu is having a sitting cloth made, it is to be made to the standard measurement. Here the standard is this: two spans — using the *sugata* span — in length, one and a half spans in width, the border a span. In excess of that, it is to be cut down and confessed.

The origin story here follows on the passage in Mv.VIII.16.3, where the Buddha allows bhikkhus to use a sitting cloth in order to protect their robes from getting soiled by their furnishings, and their furnishings from getting soiled by their robes and bodies.

"Now at that time the Blessed One had allowed a sitting cloth for the bhikkhus. Some group-of-six bhikkhus... used sitting cloths, without any limit in size, that hung down in front and behind even on beds and benches." (As a result, the Buddha set the limit at 2 by 1.5 spans.) Now, Ven. Udāyin was very large. Setting out his sitting cloth in front of the Blessed One, he stretched it out on all sides before sitting down. The Blessed One said to him, 'Why is it, Udāyin, that when setting out your sitting cloth you stretch it out on all sides like a worker in old leather? (§)'

"Because the sitting cloth the Blessed One has allowed for the bhikkhus is way too small.'" (Thus the Buddha added the allowance for the border.)

There are three factors for the full offense here.

- 1) *Object:* a sitting cloth larger than the standard measure.
- 2) *Effort:* One acquires it after making it or having it made
- 3) *Intention:* for one's own use.

Object. A sitting cloth, by definition, has to have a border, regardless of whether it is made of felted or woven material. However — as none of the texts give any clear indication as to how many sides should have a border or how the borders should be patterned — there is no definitive measurement as to how large the overall cloth should be. A wise policy, then, is to take the origin story as a guide: Make the cloth large enough so that one can sit cross-legged on it without soiling one's robes or furnishings, but not so large that it extends out on any side.

Effort. The permutations under this factor are as follows: the act of making the sitting cloth or having it made — a *dukkata*; acquiring the finished article — a *pācittiya*. This last penalty applies regardless of whether the cloth was made entirely by oneself, entirely by others either partly or entirely at one's instigation, or whether one finished what others began or got others to finish what one began oneself. In any event, one must cut the cloth down to the proper size before confessing the offense.

If one obtains an oversized sitting cloth made by another — not at one's instigation — then using it entails a dukkaṭa (§).

Intention. There is a dukkaṭa in making an overly large sitting cloth — or having it made — for the sake of another person.

Non-offenses. There is no offense if one receives an overly large sitting cloth made by another person (§) — not at one's instigation — and cuts it down to size before using it oneself. The non-offense clauses also state that there is no offense in a canopy, a floor-covering, a wall screen, a mattress/cushion, or a kneeling mat. This apparently means that if one receives an overly large sitting cloth, one may use it as a canopy, etc., instead.

Summary: Acquiring an overly large sitting cloth after making it — or having it made — for one's own use is a pācittiya offense requiring that one cut the cloth down to size before confessing the offense.

90. When a bhikkhu is having a skin-eruption covering cloth made, it is to be made to the standard measurement. Here the standard is this: four spans — using the sugata span — in length, two spans in width. In excess of that, it is to be cut down and confessed.

Object. Mv.VIII.17 allows bhikkhus to use a skin-eruption covering cloth to protect their robes when they are suffering from boils, running sores, rashes, or "thick scab" diseases (large boils? psoriasis?). The Vibhaṅga to this rule states that the cloth is to cover the area from the navel down to the knees, thus suggesting that the cloth is intended to be worn as an inner robe beneath the lower robe. As we already mentioned under NP 1, one should determine these cloths for use when one is suffering from such a disease and place them under shared ownership when not.

As mentioned under Pc 87, above, the sugata measures are discussed in Appendix II. Here we take the sugata span to equal 25 cm., which would put the standard measurement for the skin-eruption covering cloth at 1 meter by 50 cm.

Effort, intention, & non-offenses. The permutations of these factors are the same as under the preceding rule.

Summary: Acquiring an overly large skin-eruption covering cloth after making it — or having it made — for one's own use is a pācittiya offense requiring that one cut the cloth down to size before confessing the offense.

91. When a bhikkhu is having a rains-bathing cloth made, it is to be made to the standard measurement. Here the standard is this: six spans — using the sugata span — in length, two and a half spans in width. In excess of that, it is to be cut down and confessed.

Object. The rains-bathing cloth has already been discussed in detail under NP 24. Taking the sugata span as 25 cm., the standard measurement for the rains-bathing cloth would be 1.5 m. by 62.5 cm.

Effort, intention, & non-offenses. The permutations of these factors are the same as under Pc 89.

Summary: Acquiring an overly large rains-bathing cloth after making it — or having it made — for one's own use is a pācittiya offense requiring that one cut the cloth down to size before confessing the offense.

92. Should any bhikkhu have a robe made the measurement of the sugata robe or larger, it is to be cut down and confessed. Here, the measurement of the Sugata's sugata robe is this: nine spans — using the sugata span — in length, six spans in width. This is the measurement of the Sugata's sugata robe.

Object. The term *sugata* — meaning well-gone or accomplished — is an epithet for the Buddha.

Robe is not defined in the Vibhaṅga here but apparently means any of the three basic robes: the lower robe, the upper robe, and the outer robe. This raises an interesting point: Perhaps in the Buddha's time all three of the basic robes were approximately the same size. This would have made it much more convenient than it is at present to hold to the practice of using only one set of three robes. When washing one robe, one could wear the other two without looking out of line.

At any rate, taking the sugata span to be 25 cm. would put the size of the Buddha's robes at 2.25 m. by 1.50 m. — much larger than the lower robes used at present, but much smaller than present-day upper and outer robes.

As we will see under Appendix II, various theories have been offered over the centuries as to the length of the sugata span. Beginning at least with the time of the Mahā Atthakathā, one of the ancient commentaries, the Buddha was assumed to be of three-times normal height, and so his handspan, cubit, etc., were assumed to be three-times normal length. Only recently, within the last century or so, have Vinaya experts taken evidence from the Canon to show that the Buddha, though tall, was not abnormally so, and thus the estimate of the sugata span, etc., has shrunk accordingly. Still, the traditional estimates of the Buddha's height continue to

influence the size of the robes that bhikkhus wear today throughout the Theravādin countries. There was a movement in Thailand during the mid-19th century to return to the original size and style as shown in the earliest Indian Buddha images, but the idea never caught on.

Effort, intention, & non-offenses. The permutations of these factors are the same as under Pc 89.

Summary: Acquiring an overly large robe after making it — or having it made — for one's own use is a pācittiya offense requiring that one cut the robe down to size before confessing the offense.

Buddhist Monastic Code I
Chapter 9
Pāṭidesanīya

Pāṭidesanīya

This term means "to be acknowledged." As a name for training rules, it means "entailing acknowledgement." The four training rules here are unique in that they mention, as part of the rule, the words to be used in acknowledging the violation; the second rule is especially unique in that it depicts the violators as acknowledging their offense as a group.

1. Should any bhikkhu chew or consume staple or non-staple food, having received it with his own hand from the hand of an unrelated bhikkhunī in an inhabited area, he is to acknowledge it: "Friends, I have committed a blameworthy, unsuitable act that ought to be acknowledged. I acknowledge it."

A long series of events led up to the formulation of this rule.

"At that time a certain woman whose husband was away from home was made pregnant by her lover. She, having caused an abortion, said to a bhikkhunī who was dependent on her family for alms, 'Come, lady, take this fetus away in your bowl.' So the bhikkhunī, having placed the fetus in her bowl and covering it up with her outer robe, went away. Now at that time a certain alms-going bhikkhu had made this vow: 'I won't eat from the first almsfood I receive without having given some of it to a bhikkhu or bhikkhunī.' Seeing the bhikkhunī, he said to her, 'Come, sister, accept alms.'

"No thank you, master.' — "A second time... A third time... — "No thank you, master.'

"Look, sister, I have made this vow: "I won't eat from the first almsfood I receive without having given some of it to a bhikkhu or bhikkhunī." So come on, accept alms.'

"Then the bhikkhunī, being pressured by the bhikkhu, took out her bowl and showed it to him. 'You see, master: a fetus in the bowl. But don't tell anyone'...

"(Of course the bhikkhu couldn't help but tell his fellow bhikkhus, and word reached the Buddha, who formulated a double rule:) 'A bhikkhunī should not take a fetus in a bowl... I allow a bhikkhunī, when seeing a bhikkhu, to take out her bowl and show it to him.'

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"Now at that time some group-of-six bhikkhunīs, on seeing a bhikkhu, would turn their bowls upside down and show him the bottom side... 'I allow a bhikkhunī, when seeing a bhikkhu, to show him her bowl right side up. And she is to offer him whatever food there is in the bowl.'" — Cv.X.13

Here is where the origin story for this rule begins:

"Now at that time a certain bhikkhunī, on the way back from going for alms in Sāvathī, seeing a certain bhikkhu, said to him, 'Come, master, accept alms.'

"'Very well, sister.' And he took everything. As the time (for alms-going) was almost up, she was unable to go for alms and so was deprived of her meal.

"On the second day... the third day... he took everything... she was deprived of her meal.

"On the fourth day, she went staggering along the road. A financier, coming the opposite direction in a chariot, said to her, 'Get out of the way, lady.'

"Stepping down (from the road), she fell down right there.

"The financier asked her forgiveness, 'Forgive me, lady, for making you fall.'

"'It wasn't that you made me fall, householder. It's just that I myself am weak.'

"'But why are you weak?'

"And she told him what had happened. The financier, having taken her to his house and having fed her (§), criticized and complained and spread it about, 'How can their reverences take food from the hand of a bhikkhunī? It's difficult for women to come by things.'"

There are two factors for the full offense here.

- 1) *Object*: staple or non-staple food that a bhikkhu has accepted from the hand of a bhikkhunī — unrelated to him — while she is in a village area.
- 2) *Effort*: He eats the food.

Object. There are two elements to this factor: the food sub-factor and the bhikkhunī sub-factor. Under the food sub-factor: *Staple food* follows the standard definition given in the Food Chapter under the pācittiya rules. *Non-staple food* includes all edibles except juice drinks, tonics, and medicines. Staple and non-staple food are grounds for a pāṭidesanīya; juice drinks, tonics, and medicines taken as food, grounds for a dukkaṭa.

As for the bhikkhunī sub-factor: *Bhikkhunī* refers to one who has received the double ordination. A bhikkhunī who has received only her first ordination — in the

Bhikkhunī Saṅgha — is grounds for a dukkaṭa. *Unrelated* means sharing no common ancestor back through seven generations. Perception as to whether the bhikkhunī is related is not a mitigating factor here. The permutations around the issue of perception here are similar to those under Pc 4, with the only difference that the three pācittiyas under that pattern are changed to three pāṭidesanīyas here. In other words, if she is unrelated, she is grounds for a pāṭidesanīya whether one perceives her as unrelated, related, or doubtful. If she is related, she is grounds for a dukkaṭa if one perceives her as unrelated or doubtful. If she is related and one perceives her as related, she is not grounds for an offense. This pattern with regard to perception is followed in all four pāṭidesanīya rules.

A *village area* is defined as a house or roadway in a village, town, or city.

Effort. There is a dukkaṭa in accepting staple or non-staple food with the purpose of eating it, and in accepting juice drinks, tonics, or medicine with the purpose of taking them as food; while there is a pāṭidesanīya for every mouthful of the staple or non-staple food one eats, and a dukkaṭa for every mouthful one takes of the juice drinks, tonics, or medicine for the sake of food.

Non-offenses. There is no offense if a bhikkhu accepts and eats food from a related bhikkhunī or from a female trainee or female novice, related or not. There is also no offense in the following situations even if the bhikkhunī is unrelated:

- She gets someone else to give him the food.
- She gives it by placing it near him (as in NP 18 and Pc 41).
- She gives it to him in a monastery, nuns' quarters, a dwelling of members of other sects, or on the way back from such places.
- She gives it to him after she has left the village.
- She gives him juice drinks, tonics, or medicine, and he uses them as such, rather than as food.

The Commentary contains a fairly extensive explanation of the second exemption here. To begin with, the bhikkhunī cannot give the food simply by placing it down. She also has to state that she is giving the food, and the bhikkhu has to state his acceptance. In its discussion of Cv.X.15.1–2, the Commentary argues that food formally accepted by a bhikkhunī does not count as formally accepted for a bhikkhu, and vice versa. Thus, in the case of this exemption, even though the food has been given, the bhikkhu cannot take it until it has been formally offered. The Commentary states that the bhikkhunī can then formally offer it herself, but this would turn the exemption into a mere formality. What is more likely is that the food should be formally offered by someone else.

In all of these exemptions, the wise policy would be not to take so much of the bhikkhunī's food that she is deprived of a full meal.

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Summary: Eating staple or non-staple food after having accepted it from the hand of an unrelated bhikkhunī in a village area is a pāṭidesanīya offense.

2. In case bhikkhus, being invited, are eating in family residences, and if a bhikkhunī is standing there as though giving directions, (saying,) "Give curry here, give rice here," then the bhikkhus are to dismiss her: "Go away, sister, while the bhikkhus are eating." If not one of the bhikkhus should speak to dismiss her, "Go away, sister, while the bhikkhus are eating," the bhikkhus are to acknowledge it: "Friends, we have committed a blameworthy, unsuitable act that ought to be acknowledged. We acknowledge it."

This rule refers to situations where lay donors invite bhikkhus to a meal, and a bhikkhunī stands giving orders, based on favoritism, as to which bhikkhus should get which food. The duty of the bhikkhus in such cases is to tell her to go away. If even just one of them does, they all are exempt from the offense here. If none of them does, and the following factors are fulfilled, they all incur the penalty and must acknowledge their offense as a group.

Object. As with the preceding rule, there are two objects here: the food and the bhikkhunī. Any one of the five staple foods received in the above situation would fulfill the food sub-factor. A bhikkhunī who has received double ordination would fulfill the bhikkhunī sub-factor. A bhikkhunī ordained only in the Bhikkhunī Saṅgha would be grounds for a dukkaṭa. If she has not been ordained, she is not grounds for an offense.

Perception as to whether she has been ordained is not a mitigating factor here (see Pd 1).

Effort. There is a dukkaṭa in accepting the staple food received under such circumstances, and a pāṭidesanīya for every mouthful one eats.

Non-offenses. There is no offense if —

- the bhikkhunī gets others to give her food to the bhikkhus;
- she herself gives the food of other people to the bhikkhus;
- she gets the donors to give food they have forgotten to give;
- she gets them to give to a bhikkhu they have passed over;
- she gets them to give the food equally to all;
- she gets them to give anything but the five staple foods; or
- she is a female trainee or novice.

Summary: Eating staple food accepted at a meal to which one has been invited and where a bhikkhunī has given directions, based on favoritism, as to which bhikkhu should get which food, and none of the bhikkhus have dismissed her, is a pāṭidesanīya offense.

3. There are families designated as in training. Should any bhikkhu, not being ill, uninvited beforehand, chew or consume staple or non-staple food, having received it himself at the homes of families designated as in training, he is to acknowledge it: "Friends, I have committed a blameworthy, unsuitable act that ought to be acknowledged. I acknowledge it."

The term *in training* (*sekha*) is usually used to refer to anyone who has attained at least the first noble path but has yet to become an arahant. Here, though, the Vibhaṅga uses it to refer to any family whose faith is increasing but whose wealth is decreasing — i.e., a family whose faith is so strong that they become generous to the point of suffering financially. In cases such as these, the Community may, as a formal transaction, declare them as families in training so as to protect them with this rule from bhikkhus who might abuse their generosity.

The factors for the offense here are two.

- 1) *Object:* staple or non-staple food accepted at the residence of a family designated as in training when one is not ill and has not been invited by them beforehand.
- 2) *Effort:* One eats the food.

Object. *Staple food* follows the standard definition given in the Food Chapter under the pācittiya rules. *Non-staple food* includes all edibles except juice drinks, tonics, and medicines. Staple and non-staple food are grounds for a pāṭidesanīya; juice drinks, tonics, and medicines taken as food, grounds for a dukkaṭa.

/// is defined as being unable to go for alms.

Invited means that one has been invited on that day or a previous day by a member of the family — or a messenger — standing outside of the residence or its yard/compound. If they invite one while they are inside the residence or its yard/compound, one is not exempt from the offense in accepting and eating their food.

Perception as to whether the family has been designated as "in training" is not a mitigating factor here (see Pd 1).

Effort. There is a dukkaṭa in accepting staple or non-staple food with the purpose of eating it, or in accepting juice drinks, tonics, or medicine with the purpose of

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taking them as food; a pāṭidesanīya for every mouthful of the staple or non-staple food one eats; and a dukkaṭa for every mouthful one takes of the juice drinks, tonics, or medicine for the sake of food.

Non-offenses. There is no offense in eating food that one has accepted from the house of a family in training if —

- one is ill;
- one was invited;
- almsfood supplied by people other than the members of the family in training is set out in the residence or its yard (§);
- the family has made an arrangement to provide meals by drawing lots, on a daily basis, or on a regular or rotating basis — such as on a particular day of the waxing or waning moon, the uposatha days, or day after the uposatha days (see Appendix III) — and one accepts food as part of that arrangement;
- one eats the leftovers of one who received the food at their residence when he was invited or ill;
- one accepts juice drinks, tonics, or medicine and uses them as such; or
- the members of the family give the food outside of their residence or yard/compound. The Commentary quotes the Mah Paccar , one of the ancient commentaries, as saying that this last exemption holds regardless of whether they take the food out of the residence before or after seeing one approach.

Summary: Eating staple or non-staple food after accepting it — when one is neither ill nor invited — at the residence of a family formally designated as "in training" is a pāṭidesanīya offense.

4. There are wilderness lodgings that are considered dubious and risky. Should any bhikkhu, not being ill, living in such lodgings, chew or consume (a gift of) staple or non-staple food that was unannounced beforehand, having received it with his own hand in the lodging, he is to acknowledge it: "Friends, I have committed a blameworthy, unsuitable act that ought to be acknowledged. I acknowledge it."

"Now at that time the Sakyan slaves were rebelling. The Sakyan ladies wanted to present a meal (for the bhikkhus) in wilderness lodgings. The Sakyan slaves heard, 'The Sakyan ladies, they say, want to present a meal in the wilderness lodgings,' so they infested the way. The Sakyan ladies, carrying exquisite staple and non-staple foods, went to the wilderness lodgings. The Sakyan slaves, coming out, robbed

them and raped them. The Sakyans, having come out and captured the thieves with the goods, criticized and complained and spread it about, 'How can their reverences not inform us that there are thieves living in the monastery?'"

Here again there are two factors for the full offense.

- 1) *Object*: an unannounced gift of staple or non-staple food that one has received, when not ill, in a dubious and risky wilderness lodging.
- 2) *Effort*: One eats the food.

Object. The Vibhaṅga defines a *wilderness lodging* as one at least 500 bow-lengths, or one kilometer, from the nearest village, measuring by the shortest walkable path between the two, and not as the crow flies. Such a lodging is considered dubious if signs of thieves — such as their eating, resting, sitting, or standing places — have been seen within it or its vicinity; it is considered risky if people are known to have been hurt or plundered by thieves there. As under the other rule dealing with dubious and risky wilderness lodgings — NP 29 — none of the texts here give a precise definition of how far the vicinity of the lodging extends for the purpose of this situation. As noted in the explanation to NP 29, given the risks inherent in such lodgings it was perhaps felt unwise to delimit the area too precisely. Thus, in the context of this rule, the "vicinity" of the lodging can be stretched to include any area where the presence of thieves leads to a common perception that the lodging is dangerous.

Staple food follows the standard definition given in the Food Chapter under the pācittiya rules. *Non-staple food* includes all edibles except juice drinks, tonics, and medicines.

Staple and non-staple food are grounds for a pāṭidesanīya; juice drinks, tonics, and medicines taken as food, grounds for a dukkaṭa.

The Vibhaṅga gives specific instructions for how the gift of food should be announced. The donor(s) or a messenger must come into the lodging compound if it is walled, or into its vicinity if it is not, and tell one of the inhabitants that a gift of food will be brought. The inhabitant must then tell the informant that the area is dubious and risky. If the informant says, "Never mind, the donor(s) will come anyway," then someone in the lodging must tell the thieves, "Go away. People are coming to serve food." This is unlikely to make the thieves go away but, as the Commentary explains, it absolves the bhikkhus from any responsibility if the thieves attack the donors.

Even if the informant specifies that only certain types of food will be brought, anything that comes along with those foods counts as announced (§). Here the Commentary adds that if other people learn of the intended donation and bring food to add to it, their food counts as announced as well. The Vibhaṅga also states that if the informant says a group of people is coming to bring food, the announcement covers anything brought by any member of the group.

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The Vibhaṅga makes clear that the announcement is valid only if the informant makes it in the lodging or its vicinity/compound. Thus, for example, if the donors announce their intended donation to the bhikkhu while he is in the village for alms, the donation is still considered unannounced. And, for the same reason, such things as telephone calls, letters, and faxes would also not count.

The Commentary adds that if the donors send a bhikkhu or novice to the lodging to announce the donation, it does not count as announced. In other words, the messenger must be a lay person.

Perception as to whether the food has been properly announced is not a mitigating factor here (see Pd 1).

A bhikkhu counts as *///* if he is unable to go for alms.

Effort. Under these circumstances, there is a dukkaṭa in accepting unannounced staple or non-staple food with the purpose of eating it, or in accepting unannounced juice drinks, tonics or medicine with the purpose of taking them as food; a pāṭidesanīya for every mouthful of the unannounced staple or non-staple food one eats; and a dukkaṭa for every mouthful one takes of the unannounced juice drinks, tonics, or medicine for the sake of food.

Non-offenses. There is no offense in eating food accepted in the lodging if one is ill or if the gift was announced. There is also no offense —

- in using roots, bark, leaves, or flowers growing in the lodging (or, apparently, in its vicinity or compound);
- in eating left-over announced food or food given to one who is ill;
- in accepting food outside the lodging and eating it inside; or
- in accepting and consuming juice drinks, tonics, and medicines as such and not as food.

The Commentary, in discussing these allowances, makes the following points: 1) If lay people take any of the fruits, roots, etc., growing in the lodging and cook them at home, they must announce the gift before bringing them back to the lodging. 2) If the donors, after announcing the gift, bring large amounts of food, some of it may be set aside — without presenting it to the bhikkhus — to be presented on a later day.

All of this causes no hardships in communities where everyone knows that they have to announce a gift of food before bringing it to the dangerous lodging, but there are bound to be cases where donors do not know that the lodging is dangerous or that they should announce their gifts before bringing them, and they are likely to show up at the lodging with unannounced gifts of food. In such cases, the Commentary recommends: 1) Either have the donor take the food outside the area of the lodging, come back in to announce it, and then go out to bring the food

back in to present it; or 2) have the donor take the food outside and have a bhikkhu follow him/her out to accept it there.

In order to minimize the need for doing this, though, it would be a wise policy for a bhikkhu who finds himself living in such a lodging to announce to all his supporters beforehand — and ask them to spread the word — that if they want to bring him gifts of food, they have to come and announce the gifts in advance.

Summary: Eating an unannounced gift of staple or non-staple food after accepting it in a dangerous wilderness lodging when one is not ill is a pāṭidesanīya offense.

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Chapter 10

Sekhiya

Sekhiya

This term means "to be trained in." There are 75 training rules in this category, divided by subject into four groups: etiquette in dressing and behaving when in inhabited areas; etiquette in accepting and eating almsfood; etiquette when teaching the Dhamma; and etiquette in urinating, defecating, and spitting.

The rules themselves do not impose a direct penalty. Instead, they simply say, "(This is) a training to be observed." The Vibhaṅga, though, says that to violate any of these rules out of disrespect incurs a dukkaṭa. The non-offense clauses state in each case that to violate them unintentionally, unthinkingly, or unknowingly, or to disobey them when there are dangers or (in most cases) when one is ill, incurs no penalty. (The exemption for dangers is not in the Burmese edition of the Canon.)

The Commentary adds that *unknowingly* in this case does not mean not knowing the rule. For a new bhikkhu not to make the effort to know the rules, it says, would qualify as disrespect. So *unknowingly* here means not knowing that a situation contrary to the rules has developed. For instance, if one does not know that one's robes have gotten out of kilter, that would not count as a breach of the relevant rule.

One: The 26 Dealing with Proper Behavior

The Canon contains several stories in which a bhikkhu's behavior causes another person to become interested in the Dhamma. The most famous example is the story of Ven. Sāriputta's first encounter with Ven. Assaji.

"Now at that time the wanderer Sañjaya was staying in Rājagaha with a large company of wanderers — 250 in all. And at that time Sāriputta and Moggallāna were practicing the celibate life under Sañjaya. They had made this agreement: Whoever attains the Deathless first will inform the other.

"Then Ven. Assaji, dressing early in the morning, taking his bowl and (outer) robe, entered Rājagaha for alms: gracious in the way he approached and departed, looked forward and behind, drew in and stretched out (his arm); his eyes downcast, his every movement consummate. Sāriputta the wanderer saw Ven. Assaji going for alms in Rājagaha: gracious... his eyes downcast, his every movement consummate. On seeing him, the thought occurred to him: 'Surely, of those bhikkhus in this world who are arahants or have entered the path to arahantship, this is one. What if I were to go to him and question him: "Friend, on whose account have you gone forth? Or who is your teacher? Or in whose Dhamma do you delight?"'

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"But then the thought occurred to Sāriputta the wanderer: 'This is the wrong time to question him. Having entered among houses, he is going for alms. What if I were to follow behind this bhikkhu, (to know) the path found out by those who seek it?'" — Mv.I.23.1–3

Even though the following rules deal with minor matters, a bhikkhu should remind himself that the minor details of his behavior can often make the difference between sparking and killing another person's interest in the Dhamma.

1–2. I will wear the lower robe [upper robe] wrapped around (me): a training to be observed.

To wear the lower robe wrapped around means to wear the upper edge circling the waist, covering the navel, and the lower edge covering the kneecaps. This is called covering the "three circles." The Commentary states that when one is standing, the lower edge should be not more than eight fingerbreadths below the knees, although if one's calves are disfigured, it is all right to cover them more than that.

To wear the upper robe wrapped around means, according to the Vibhaṅga, keeping both ends of the top edge in line with each other, and the same with both ends of the bottom edge. The bottom edge of the upper robe, though, does not have to be level with the bottom edge of the lower robe. Given the size of the upper robe in the Buddha's time, it would not have extended down that far.

Intentionally to wear either robe hanging down in front or in back is a breach of these rules. The Commentary states that the purpose of these rules is to prevent bhikkhus from wearing their robes in any of the various ways that lay people in those days wore theirs — e.g., pleated "with 100 pleats," tied up, or tucked up between the legs. It also comments that because these rules are not qualified, as the following ones are, with the phrase, "in inhabited areas," they should be followed in the monastery and wilderness areas as well. However, the wilderness protocols (Cv.VIII.6.2–3) clearly show that bhikkhus were not expected to wear the upper robe wrapped around them in the wilderness; and the sauna protocols (Cv.VIII.8.2) seem to indicate that bhikkhus on their way to and from the sauna were not required to wear their lower robes covering the three circles as long as they covered their private parts front and back.

As a practical matter, if one is working on a high ladder or in a tree — whether in a village, a monastery, or the wilderness — a wise policy is to tuck one's lower robe up between the legs for decency's sake.

3–4. I will go [sit] well-covered in inhabited areas: a training to be observed.

The Vibhaṅga does not define *inhabited areas* in this or any of the following rules. The term thus probably has the same meaning as under Pd 1: in the homes of lay people, or along the streets and alleys of villages, cities, or towns. This does not include, however, monasteries located in inhabited areas, for the incoming bhikkhu's protocols (Cv.VIII.1.2) show that when the Canon was composed, bhikkhus were not required to wear their upper robes in the monastery. At present, though, many monasteries located in inhabited areas require that bhikkhus living with them observe many of these rules when outside of their personal quarters but still within monastery grounds.

Well-covered, according to the Commentary, means not exposing one's chest or knees. One should have the upper edge of the upper robe around the neck, and the lower edge covering the wrists. The lower edge of the lower robe, as stated above, should cover the knees. When seated, only one's head, hands, and legs from the calves on down should show.

Sk 4 here has an added non-offense clause: There is no offense if one sits not "well-covered" within one's residence (§). According to the Vinaya-mukha, this means within one's room when staying overnight in a lay person's home; when outside of one's room, though, one should follow the rule.

5–6. I will go [sit] well-restrained in inhabited areas: a training to be observed.

Well-restrained, according to the Vibhaṅga, means not playing with the hands or feet. This would include such things as dancing, cracking one's knuckles, or wiggling one's fingers or toes.

7–8. I will go [sit] with eyes lowered in inhabited areas: a training to be observed.

The Vibhaṅga says that a bhikkhu should keep his gaze lowered to the ground the distance of a plow's length ahead of him — this equals two meters, according to the Commentary. The purpose of this rule, it adds, is to prevent one from gazing aimlessly at the sights here and there as one walks along. There is nothing wrong, though, in looking up when one has reason to do so. An example given in the Commentary is stopping to look up and see if there are dangers from approaching horses or elephants. A more modern example would be checking the traffic before crossing a road.

9–10. I will not go [sit] with robes hitched up in inhabited areas: a training to be observed.

According to the Vibhaṅga, to *hitch up one's robes* means to lift them so as to expose either side or both sides of the body. Sk 10 here, like Sk 4, does not apply when one is sitting in one's residence in an inhabited area.

11–12. I will not go [sit] laughing loudly in inhabited areas: a training to be observed.

According to the Vibhaṅga, if there is any reason for amusement, one should simply smile. It also states that there is no offense in laughing loudly when ill or there are dangers. The editors of the Thai edition of the Pali Canon question these exemptions on the grounds that they see no reason why anyone would laugh loudly in either of these situations, but this objection shows a lack of imagination.

13–14. I will go [sit] (speaking) with a lowered voice in inhabited areas: a training to be observed.

The Commentary defines a *lowered voice* as follows: Three bhikkhus are sitting in a row at intervals of three meters. The first bhikkhu speaks. The second can hear him and clearly catch what he is saying. The third can hear his voice but not what he is saying. If the third can clearly catch what he is saying, it maintains, the first bhikkhu is speaking too loudly. As the Vinaya–mukha notes, though, when one is speaking to a crowd of people, there is nothing wrong in raising one's voice provided that one does not shout. And as the non–offense clauses show, there is nothing wrong in shouting if there are dangers — e.g., someone is about to fall off a cliff or be hit by a car. It would also seem that there is no offense in shouting if one's listener is partially deaf.

15–16. I will not go [sit] swinging my body in inhabited areas: a training to be observed.

This means that one should keep one's body straight. Sk 16, like Sk 4, does not apply when one is sitting in one's residence in an inhabited area.

17–18. I will not go [sit] swinging my arms in inhabited areas: a training to be observed.

According to the Commentary, this means that one should keep one's arms still, although as the Vinaya–mukha points out, there is nothing wrong in swinging one's arms slightly to keep one's balance as one walks. Sk 18, like Sk 4, does not apply when one is sitting in one's residence in an inhabited area.

19–20. I will not go [sit] swinging my head in inhabited areas: a training to be observed.

This refers to swinging the head from side to side or letting it droop forward or back. Of course, there is no offense if one is dozing off, and like Sk 4, Sk 20 does not apply when one is sitting in one's residence in an inhabited area.

21–22. I will not go [sit] with arms akimbo in inhabited areas: a training to be observed.

Akimbo means with the hand on the hip. This rule, the Vibhaṅga says, forbids having one arm or both arms akimbo. Sk 22 does not apply when one is sitting in one's residence in an inhabited area.

23–24. I will not go [sit] with my head covered in inhabited areas: a training to be observed.

Covered here means covered with a robe, a scarf, or other similar piece of cloth. Sk 24 does not apply when one is sitting in one's residence in an inhabited area. The allowance for "one who is ill" under both rules means that one may cover one's head when the weather is unbearably cold or the sun unbearably hot.

25. I will not go tiptoeing or walking just on the heels in inhabited areas: a training to be observed.

This translation of the rule follows the Commentary.

26. I will not sit clasping the knees (§) in inhabited areas: a training to be observed.

This, the Vibhaṅga says, refers to sitting with one or both arms or hands hugging one or both knees; or with a strap or a strip of cloth around one or both knees and the torso (§). The bas-reliefs at Borobudur show royalty using this latter position as a way of keeping the body erect when tired or weak.

This rule does not apply when one is sitting in one's residence in an inhabited area.

In addition to the rules listed here, there are others in the Khandhakas concerning behavior in inhabited areas. These include:

A bhikkhu entering an inhabited area must wear all three of his basic set of robes unless —

- he is ill;
- there is sign of rain;
- his kaṭhina privileges are in effect;
- he is going to cross a river; or
- he has a secure dwelling (or other hiding place, the Commentary says, such as a hollow in a tree or a rock) in which to place the robe he leaves behind (Mv.VIII.23.2-3).

He should also wear his waistband. The bhikkhu who instigated this rule had the unforgettable experience of having his lower robe slip off in front of a group of people who thoroughly enjoyed the spectacle (Cv.V.29.1).

A bhikkhu entering an inhabited area, though, should not spread out his outer robe to sit on (Cv.VIII.4.3) and, unless he is ill, should not wear footwear — shoes, sandals, boots, etc. — (Mv.V.12) or use an umbrella or sunshade (Cv.V.23.3). The Commentary to the umbrella rule includes physical or mental discomfort under *///* in this case, and says that one may also use the umbrella to protect one's robes from the rain.

Two: The 30 Dealing with Food

27. I will receive almsfood appreciatively: a training to be observed.

This rule was formulated in response to an incident in which some group-of-six bhikkhus accepted almsfood unappreciatively, as if — to quote the Vibhaṅga — "they wanted to throw it away." The Commentary explains *appreciatively* as "with

mindfulness established." One should also remind oneself of the trouble and expense the donors incurred in providing the food.

28. I will receive almsfood with attention focused on the bowl: a training to be observed.

The purpose of this rule is to prevent one from looking at the donor's face (see Cv.VIII.5.2) or gazing aimlessly in other directions while he/she is placing food in the bowl. However, one of the "duties to be observed on alms round," (Cv.VIII.5) is that one should not stand too long or turn away too soon. This means that one should glance at what the donor has prepared to give, so that one will not stand waiting for more when the donor has finished giving, or turn away when he/she has more to give.

29. I will receive almsfood with bean curry in proper proportion: a training to be observed.

This rule refers specifically to eating habits at the time of the Buddha. *Bean curry* means dishes made with gram, pulses, vetch, etc., thick enough that they can be placed in the bowl by the hand. *In proper proportion*, according to the Commentary, means no more than one-quarter of the total food. The Vinaya-mukha tries to interpret this rule as covering curries and soups of all kinds, but the Vibhaṅga and commentaries state unequivocally that it covers only bean curries. Other gravies, soups, stews, and sauces are exempt.

This rule probably refers to situations in which bhikkhus are offered food from a serving dish from which they help themselves — as was the custom when they were invited to homes in the Buddha's time, and is still the custom in Sri Lanka and Burma — for the Vibhaṅga states that there is no offense in receiving more than the proper proportion if one is invited to accept more than that. There is also no offense in taking more than the proper proportion if one is ill, one is accepting it from relatives, one is accepting it for the sake of another, or one has obtained the food through one's own resources. (This interpretation follows the Commentary. The K/Commentary, for some reason, maintains that these latter non-offense situations — accepting from one's relatives, from people who have offered an invitation, for the sake of another, or from food obtained through one's own resources — apply only to dishes that are not bean curries, but this interpretation does not fit with the Vibhaṅga.)

30. I will receive almsfood level with the edge (of the bowl): a training to be observed.

Iron bowls in the past had a hoop approximately 1 cm. wide around the inside of the mouth. According to the Commentary, *edge* here means the bottom edge of this

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hoop. A bhikkhu is prohibited from accepting so much food that it would pile up above this level, although of course there is nothing against accepting less.

The Commentary contains a long discussion of what does and does not come under *almsfood* in this rule, and concludes that the term covers only staple and non-staple foods. Thus if one receives a sweet, the "tail" of whose leaf-wrapper extends above the edge of the bowl (such sweets are still common in Asia today), it would not count as an infraction of this rule. The same holds true if one receives foods that do not fill the bowl but extend above the edge — such as a length of sugar cane — or if the donor places on top of one's bowl another vessel containing food, such as a box of sweets or a bag of fruit.

The Vinaya-mukha, in discussing this rule, makes the following point: "In terms of present-day customs, receiving a lot of food in a way that demonstrates greed is unacceptable. There is nothing wrong, however, in receiving a lot in a way that demonstrates compassion. For instance, when a newly-ordained bhikkhu goes to receive alms at his family home, if he accepts only one bowlful, not everyone will have a chance to put food in his bowl. If they take his bowl and pour out the contents (into a basin), and he then continues accepting food until everyone has had a chance, this is no breach of manners, and no one would criticize him as greedy." Because this is an instance of breaking the rule not out of disrespect, it would incur no offense; the same observation can be applied to similar situations as well.

31. I will eat almsfood appreciatively: a training to be observed.

According to the Vinaya-mukha, this rule forbids doing other things — such as reading — while eating one's food. The Recollection at the Moment of Using One's Requisites requires that one reflect that one is eating "not playfully, nor for intoxication, nor for putting on bulk, nor for beautification; but simply for the survival and continuance of this body, for ending its afflictions, for the support of the celibate life, (thinking) 'I will destroy old feelings [of hunger] without creating new feelings [from overeating]: Thus will I maintain myself, be blameless, and live in comfort.'" One should also remind oneself of the effort and expense the donors went to in providing the meal.

32. I will eat almsfood with attention focused on the bowl: a training to be observed.

The purpose of this rule is to prevent one from gazing aimlessly about while eating. The Vinaya-mukha notes, though, "To look elsewhere in ways related to one's eating — e.g., looking with the thought of providing a nearby bhikkhu with whatever he is lacking — is not prohibited." (See Sk 38, below.)

33. I will eat almsfood methodically (§): a training to be observed.

The aim of this rule is that a bhikkhu work steadily across his food from one side to another while eating and not pick at it here and there. Special treats, though, may be passed over — either as a form of self-denial or to save them for the end of the meal. Also, there is no offense in picking here and there when taking food from one's bowl to give to another person (§).

34. I will eat almsfood with bean curry in proper proportion: a training to be observed.

The non-offenses here are the same as under Sk 29: This rule does not apply to foods that are not thick bean curries, or to situations where one has received bean curry from relatives, from people who offered an invitation to take more, for the sake of another, or from one's own resources.

35. I will not eat almsfood taking mouthfuls from a heap: a training to be observed.

This refers to the food on one's plate or in one's bowl. The Commentary explains from a heap as from the top or from the middle. As noted under Sk 33, one should work across one's food systematically; this rule indicates that one should start from the side when taking mouthfuls and not from the middle of the heap. The non-offense clauses state that if a little food remains scattered in one's bowl, there is no offense in gathering it together in a small heap and eating from that (§). The Vinaya-mukha maintains that it is a custom among bhikkhus before eating to level off the food in their bowls so that its surface is even, but I have found no reference to this point in any of the other texts. However, the Vinaya-mukha does make the helpful point that if one is served other foods — such as sweets — stacked on a platter, it would be impolite to level them off (or to take from the edge in a way that would collapse the heap), so in such cases one may take from the top of the heap.

This refers to the food on one's plate or in one's bowl. The Commentary explains *from a heap* as from the top or from the middle. The Vinaya-mukha notes that it is a custom among bhikkhus before eating to level off the food in their bowls so that its surface is even. One would then work from one side, as under Sk 33. The non-offense clauses state that if a little food remains scattered in one's bowl, there is no offense in gathering it together in a small heap and eating from that (§). The Vinaya-mukha adds that if one is served other foods — such as sweets — stacked on a platter, it would be impolite to level them off, so in such cases one may take from the top of the heap.

36. I will not hide bean curry and foods with rice out of a desire to get more: a training to be observed.

Some donors, if they see that a bhikkhu has nothing but rice in his bowl, will go out of their way to provide him with extra food. This rule is to prevent bhikkhus from taking advantage of their kind intentions.

According to the Vibhaṅga, there is no offense if donors cover the food in one's bowl with rice, or if one covers it with rice oneself for some reason other than a desire for more.

The Commentary makes special note of the fact that the Vibhaṅga gives no exception here for a bhikkhu who is ill.

37. Not being ill, I will not eat rice or bean curry that I have requested for my own sake: a training to be observed.

The Commentary to Pc 39 says that *rice or bean curry* here covers all foods not covered in that rule.

There is no offense in requesting these foods from relatives, from people who have offered an invitation to request, or if one is ill (weak from hunger would be included here). There is also no offense in obtaining these foods by means of one's own resources. The Sub-commentary raised the question of how the blanket Sekhiya exemptions for the bhikkhu acting "unintentionally" or "without mindfulness" apply to this rule, and comes up with the following example: A bhikkhu takes the food into his mouth and then, on feeling regret, spits it out in displeasure. A better example might be that of a bhikkhu who asks for these foods from a lay person and then eats them, having forgotten that the lay person's invitation to ask for such foods has expired.

The Mendaka Allowance (Mv.VI.34.21) permits a bhikkhu to search for provisions of husked rice, kidney beans, green gram (mung beans), salt, sugar, oil, and ghee when going on a journey through a wilderness area where almsfood will be hard to find. For details, see the discussion under Pc 39.

38. I will not look at another's bowl intent on finding fault: a training to be observed.

The K/Commentary defines *finding fault* as taking note of the fact that the other bhikkhu or novice has something. What this probably means is that he has some especially nice food that he is not sharing. The Vinaya-mukha provides an alternative suggestion, that this rule refers to finding fault with another's sloppy manner of eating. Sloppiness, though, is something about which bhikkhus may

admonish one another, so the K/Commentary's interpretation seems more to the point.

The Vibhaṅga states that there is no offense in looking at another's bowl if one is not meaning to find fault or if one wants to provide him with whatever he may be lacking.

Here again, the Commentary notes that there is no exception for a bhikkhu who is ill.

39. I will not take an extra-large mouthful: a training to be observed.

According to the Commentary, a mouthful the size of a peacock egg is too large, while one the size of a chicken egg is too small (!). One midway between these two sizes is just right. This seems hard to fathom unless chicken eggs in those days were much smaller than they are now.

According to the Vibhaṅga, this rule does not cover fruits, solid foods such as roots, or special confections (sandwiches at present would fit here). Apparently, if these items are a little large, it is all right to stick them whole into the mouth, although if they are very large it would be better to take bites out of them (see Sk 45).

40. I will make a rounded mouthful: a training to be observed.

People at that time ate food with their hands, and formed mouthfuls of the food with their fingers before taking them to the mouth.

This rule, like the preceding one, does not cover fruits, solid foods such as roots, or special confections such as sandwiches. In other words, one does not have to mash these things up and form them into rounded mouthfuls before eating.

41. I will not open the mouth when the mouthful has yet to be brought to it: a training to be observed.

42. I will not insert the whole hand into the mouth while eating: a training to be observed.

The Commentary and K/Commentary are in agreement that this is the proper translation for this rule. The Sub-commentary insists that it should be "any part of the hand" rather than "the whole hand," but according to the Commentary the act of sticking a finger in one's mouth while eating comes under Sk 52. Although there are people with small hands and large mouths who have actually succeeded in inserting

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their whole hands into their mouths, the rarity of this ability has given rise to alternative interpretations for this rule. For instance, although the verb in the rule clearly means "insert," some have suggested that this rule forbids taking a handful of food in the palm of the hand and pushing the palm right up against the mouth. Other have suggested that it forbids inserting all five of one hand's fingers into the mouth. However, even though these suggestions promote good manners, they do not fit the precise act mentioned in the rule, and so at most can be taken on an individual basis as wise policies to follow.

43. I will not speak with the mouth full of food: a training to be observed.

According to the Commentary, if the amount of food in one's mouth is not enough to affect the clarity of one's pronunciation, it is all right to speak.

44. I will not eat from lifted balls of food: a training to be observed.

What this means is that one should not lift food from the bowl in one hand and then use the other hand to take parts of that handful to put in the mouth. According to the Vibhaṅga, this rule does not cover fruits or solid foods. Thus, for example, it is all right to pick up a bunch of grapes in one hand and then take the grapes one by one with the other hand to put them in the mouth.

This rule is often translated as, "I will not eat tossing up balls of food," but it seems unlikely that there would be an allowance for tossing fruit, etc., into the air and catching it in the mouth. Because the Pali term *ukkkhepa* can mean "lifting," the above translation is probably more correct.

45. I will not eat nibbling at mouthfuls of food: a training to be observed.

After forming a mouthful of food (see Sk 39 & 40), one should place it all into the mouth at one time, rather than biting it off bit by bit.

Again, this rule does not cover fruits, solid foods, or special confections (§ — these last two items are missing in the PTS edition of the Canon). In other words, there is nothing wrong in taking bites from any of these foods that are too large to fit into the mouth, although the etiquette in many Asian countries at present frowns on taking bites even out of things such as these.

46. I will not eat stuffing out the cheeks: a training to be observed.

This is another rule that does not cover fruits, solid foods, or special confections. Apparently this allowance covers cases where the fruits, etc., would make up a mouthful a little on the large side, as defined under Sk 39.

47. I will not eat shaking (food off) the hand: a training to be observed.

According to the Vibhaṅga, there is no offense in shaking the hand while throwing away scraps.

48. I will not eat scattering lumps of rice about: a training to be observed.

The Vibhaṅga states that there is no offense in throwing away lumps of rice while throwing away scraps.

49. I will not eat sticking out the tongue: a training to be observed.

50. I will not eat smacking the lips: a training to be observed.

51. I will not eat making a slurping noise: a training to be observed.

In the origin story to this rule, a certain brahman prepared a milk drink for the bhikkhus, who drank it making a hissing or slurping sound. One of the bhikkhus, a former actor, made a joke about the fact: "It's as if this entire Saṅgha were cooled." (This of course, is a pun on the higher meaning of the term, *cooled*.) Word got to the Buddha, who in addition to formulating this rule, also imposed a dukkaṭa on the act of making a joke about the Buddha, Dhamma, or Saṅgha.

52. I will not eat licking the hands: a training to be observed.

According to the Commentary, this rule also covers the act of sticking a finger into the mouth. There are times, though — it says — when one is eating a semi-liquid food with one's hand, in which case it is all right to stick the tips of the fingers into the mouth so as to get as much of the food as possible into the mouth without spilling it.

53. I will not eat licking the bowl: a training to be observed.

The Commentary shows that the verb *lick* here also means scrape, when it says that scraping the bowl even with one finger is a breach of this rule. The Commentary is surely correct here, for otherwise there is no making sense of the Vibhaṅga's allowance that if there are a few scattered crumbs left in the bowl, one may gather them into one last mouthful, "lick" them up, and eat them.

If the crumbs are not enough to form a mouthful, though, the Vinaya-mukha recommends leaving them as they are. One would then throw them out with the bowl-washing water (see Sk 56). This practice of leaving a little food uneaten is a point of etiquette common throughout Asia. If one is a guest and has been offered food or drink, one should not eat it to the last crumb or drink it to the last drop, for that would imply that one was not offered enough and is hungry or thirsty for more. Wasting a few bits of food is less serious than hurting the feelings of one's host. (For more on this point, see Pc 35.) Even when one is eating in a situation where the donor is not around to watch, it is generally a good practice to leave a few crumbs — to be thrown away a good distance from one's dwelling — as a gift to insects or other small, hungry beings.

54. I will not eat licking the lips: a training to be observed.

55. I will not accept a water vessel with a hand soiled by food: a training to be observed.

The Vibhaṅga says that if one's hand is soiled, one may take the water vessel with the thought that, "I will wash it or get it washed (§)," although this allowance might be qualified with the consideration that one should try to get it washed before anyone else wants to use it.

According to the Commentary, this rule was formulated to prevent unclean habits, and so it changes the verb in the Pali — "accept" or "receive" — to "take" or "take hold of." In other words, it applies this rule not only to situations where one is accepting the water vessel from someone else, but also to those in which one simply picks it up on one's own. It adds that "water vessel" here applies to anything from which one would drink water, whether it belongs to oneself or to others. If one's hand is partially soiled, it says, one may pick up a water vessel with the unsoiled part.

56. I will not, in an inhabited area, throw away bowl-rinsing water that has grains of rice in it: a training to be observed.

The custom in those times, when bhikkhus were invited to eat at a lay person's home, was for the donor to offer water to the bhikkhus to rinse out their bowls before the meal and again after it. In both cases, each bhikkhu was to hold his bowl in both hands, receive the water into the bowl, swish it around without scraping it (against the ground or floor), and pour it into a receptacle if there was one — or on the ground if not — taking care not to splash any nearby people or his own robes (Cv.VIII.4.4–6).

This rule applies to the after-meal rinsing. The Vibhaṅga says that there is no offense in throwing away bowl rinsing water if the rice grains are removed or if they are squashed so as to dissolve in the water. Different editions of the Canon have variant readings for the remaining non-offense clauses. According to the PTS edition, there is no offense "in having received or in having carried out," but it is hard to tell what *having received* would mean here. According to the reading given in the Thai and Sri Lankan editions of the Canon, as well as the Commentary, there is no offense "in a receptacle (*paṭiggaha*) or in having carried out." The reading "receptacle" here is supported by the Meal-hall Protocols in Cv.VIII.4.6 (BMC2, Chapter 9), and so is probably correct. Thus, as the Commentary explains, there is no offense in pouring the water with rice grains into a receptacle, nor is there an offense in carrying the bowl containing water with rice grains outside the inhabited area to throw it away there.

In addition to the above rules, the duties observed on alms round and in eating at a lay person's home include the following points of etiquette:

While on alms round. One should go unhurriedly, and stand neither too close to nor too far from the donor (Cv.VIII.5.2).

While eating in a home. One should select a seat that does not encroach on the senior bhikkhus' spaces but that also does not preempt the seats of the junior ones (Cv.VIII.4.3).

If there are any special foods, the most senior bhikkhu should tell the donor to make sure that everyone gets equal portions. He should also not begin eating until everyone is served rice (Cv.VIII.4.4), nor should he accept water for rinsing his bowl until everyone has finished eating (Cv.VIII.4.6).

For more details, see BMC2, Chapter 9.

The Vinaya-mukha notes that some of the rules and allowances in this section outline table manners that would be regarded as either excessively fussy or messy by polite modern standards. Thus wherever ancient and modern codes of etiquette are at variance, the wise policy would be to adhere to whichever code is more stringent on that particular point.

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Three: The 16 Dealing with Teaching Dhamma

SN VI.2 records that the Buddha himself had the highest respect for the Dhamma he had discovered; that, as others might live under the guidance of a teacher, honoring and revering him, the Buddha lived under, honored, and revered the Dhamma. He enjoined his followers to show the same respect for the Dhamma not only when listening to it but also when teaching it, by refusing to teach it to a person who shows disrespect.

The following set of rules deals with situations in which a listener, in terms of the etiquette at that time, would be regarded as showing disrespect for a teacher or his teaching. As the *Vinaya-mukha* notes, a few of these cases — such as those concerning footwear — are not considered disrespectful under certain circumstances at present, although here the exceptions given for listeners who are ill might be stretched to cover any situation where the listener would feel inconvenienced or awkward if asked to comply with the etiquette of the Buddha's time. On the other hand, there are many ways of showing disrespect at present that are not covered by these rules, and an argument could be made, reasoning from the Great Standards, that a *bhikkhu* should not teach Dhamma to a person who showed disrespect in any way.

Dhamma here is defined as any statement spoken by the Buddha, his disciples, seers, or *devatās*, connected with the teaching or with its goal. See Pc 7 for a more detailed discussion of this point.

57. I will not teach Dhamma to a person with an umbrella in his hand who is not ill: a training to be observed.

An umbrella or sunshade, at that time, was considered a sign of rank. According to the Commentary, this rule applies regardless of whether the umbrella is open or closed, as long as one's listener has his/her hand on it. If, however, the umbrella is on the listener's lap, resting against his/her shoulder, or if someone else is holding it over the listener's head, there is no offense in teaching him/her any Dhamma. This last point may have been offered as a concession to royalty at the time.

58. I will not teach Dhamma to a person with a staff in his hand who is not ill: a training to be observed.

According to the *Vibhaṅga*, a *staff* is a pole two meters long. For some reason, any pole shorter or longer than that would not come under this rule — perhaps because a two-meter pole was used as a weapon, whereas other poles, such as walking sticks, were not.

59. I will not teach Dhamma to a person with a knife in his hand who is not ill: a training to be observed.

The term *knife* here includes anything with a blade. According to the Commentary, if the knife is not in the listener's hand — e.g., it is in a sheath attached to a belt — there is no penalty in teaching him/her any Dhamma.

60. I will not teach Dhamma to a person with a weapon in his hand who is not ill: a training to be observed.

The Vibhaṅga defines *weapon* as a bow, and the Commentary includes arrows here as well. The Vinaya-mukha adds guns; and in fact any weapon that does not have a blade would seem to fall under this rule.

Again, if the weapon is not in the listener's hand — e.g., it is in a holster attached to the belt — there is no penalty in teaching him/her any Dhamma.

61–62. I will not teach Dhamma to a person wearing non-leather [leather] footwear who is not ill: a training to be observed.

The Pali terms for non-leather and leather footwear — *pādukā* and *upāhanā* — cover all forms of shoes, sandals, and boots (see Mv.V.1.30–8.3).

Wearing means any one of three things: placing one's feet on top of the footwear without inserting the toes; inserting the toes without fastening the footwear; or fastening the footwear with the toes inside.

63. I will not teach Dhamma to a person in a vehicle who is not ill: a training to be observed.

The Commentary makes the point that if the vehicle is large enough to seat two or more, the bhikkhu may sit together with his listener and teach Dhamma without penalty. The same holds true if the bhikkhu and his listener are in separate vehicles, as long as the bhikkhu's vehicle is the same height or higher than his listener's and is not following along behind it.

64. I will not teach Dhamma to a person lying down who is not ill: a training to be observed.

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The Commentary goes into great detail on this rule, listing the various permutations of the bhikkhu's position and his listener's, saying which ones are allowable and which ones not:

A bhikkhu lying down may teach any listener who is standing or sitting down. He may also teach a listener lying down on a piece of furniture, a mat, or the ground, as long as the bhikkhu's position is on an equal level or higher than his listener's.

A bhikkhu sitting down may teach a listener who is standing or sitting down (see also Sk 68 & 69), but not one who is lying down, unless the listener is ill.

A bhikkhu standing may teach a listener who is also standing, but not one who is sitting or lying down, again unless the listener is ill (see Sk 70).

65. I will not teach Dhamma to a person who sits clasping his knees and who is not ill: a training to be observed.

The position of *clasping the knees* is discussed in detail under Sk 26.

66. I will not teach Dhamma to a person wearing headgear who is not ill: a training to be observed.

This rule applies only to headgear — such as turbans or hats — that hide all of the hair. If the hat/turban does not hide all of the hair, or if the listener adjusts it so as to expose some hair, it would not come under this rule.

67. I will not teach Dhamma to a person whose head is covered (with a robe or scarf) and who is not ill: a training to be observed.

There is no offense in teaching if the listener adjusts the robe or scarf to uncover his/her head.

68. Sitting on the ground, I will not teach Dhamma to a person sitting on a seat who is not ill: a training to be observed.

According to the Commentary, a *seat* here includes even a piece of cloth or a pile of grass.

69. Sitting on a low seat, I will not teach Dhamma to a person sitting on a high seat who is not ill: a training to be observed.

The Commentary states that this rule also covers cases where the bhikkhu and his listener are both sitting on the ground but the listener is sitting on a higher piece of ground than the bhikkhu.

70. Standing, I will not teach Dhamma to a person sitting who is not ill: a training to be observed.

71. Walking behind, I will not teach Dhamma to a person walking ahead who is not ill: a training to be observed.

There is no offense, the Commentary says, if the bhikkhu and his listener are walking side by side; or if two bhikkhus are walking along, one in front of the other, and they practice reciting a passage of Dhamma together.

72. Walking beside a path, I will not teach Dhamma to a person walking on the path who is not ill: a training to be observed.

Four: The 3 Miscellaneous Rules

73. Not being ill, I will not defecate or urinate while standing: a training to be observed.

Arguing from the Commentary's allowance under the following rule, it would seem that a bhikkhu who needs to urinate, finds himself in a public restroom, and can no longer hold himself in while waiting for a toilet, would qualify as "ill" here and so would be able to use a urinal without penalty.

74. Not being ill, I will not defecate, urinate, or spit on living crops: a training to be observed.

The Vinaya-mukha says that *crops* here includes all plants that are tended — such as in gardens, farms, or lawns — but not plants growing wild. The Commentary includes roots of living trees that appear above ground, in addition to green plants running along on top of the ground. It also notes that the Mahā Paccarī, one of the ancient commentaries on which it is based, includes blowing the nose under the term *spitting* in this rule and the next.

According to the Vibhaṅga, there is no offense if — after defecating, urinating, or spitting on a place where there are no plants — the feces, urine, or saliva then spreads to a place where there are plants (§). The Commentary adds that if a

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bhikkhu looking for a place without crops to do his business can't find one and is unable to hold himself in any longer, he would qualify as "ill" under this rule.

75. Not being ill, I will not defecate, urinate, or spit in water: a training to be observed.

According to the Commentary, *water* here includes water fit for drinking or bathing, but not water unfit for such use — e.g., salt water, stagnant water, water already befouled with spit, urine, or feces — or water in a toilet. If there is a flood with no dry ground available, there is no offense in relieving oneself in the water.

As under the preceding rule, the Vibhaṅga says that there is no offense if — after defecating, urinating, or spitting on the ground — the feces, urine, or saliva then spreads into the water (§).

Cv.VIII.10 contains a series of rules on the etiquette in using a restroom. Among them:

— The restroom should be used in order of arrival, rather than in order of seniority. ("Now at that time, bhikkhus used the restroom in order of seniority. Newly-ordained bhikkhus, having arrived first and having to wait, keeled over in a faint from holding themselves in.")

— One's robes should be hung up on a line or rod before entering. This, according to the Vinaya-mukha, refers to one's upper and outer robe (inasmuch as one is not to lift up one's lower robe until astride the toilet — see below).

— One should not go bursting into the restroom. Before entering, one should cough or clear one's throat; if a bhikkhu is inside, he should cough or clear his throat in response.

— One should not have one's lower robe open or pulled up while entering, and instead should wait to pull up one's robe only when astride the toilet.

— One should not make grunting or groaning noises while relieving oneself.

— If the toilet or restroom is dirty, one should clean it for the next person.

— One should not go bursting out of the restroom when finished — again, taking care not to have one's lower robe pulled up or open.

Cv.VIII.9 adds that after one has defecated — inside a restroom or not — one should always rinse oneself if water is available.

For more details, see BMC2, Chapter 9.

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Chapter 11

Adhikaraṇa-samatha

Adhikaraṇa-samatha

This term means "the settling of issues." The seven rules in this section are actually principles and procedures for settling the four sorts of issues mentioned under Pc 63: dispute-issues (*vivādādhikaraṇa*), accusation-issues (*anuvādādhikaraṇa*), offense-issues (*āpattādhikaraṇa*), and duty-issues (*kiccādhikaraṇa*). The Canon's explanations of these procedures are given not in the Vibhaṅga but in Cullavagga IV, which starts with a sketch of the procedures, followed by a detailed discussion of how to apply them to each of the four types of issues. We will follow the same mode of presentation here.

For the settling, the resolution of issues that arise:

1. A verdict "in the presence of" should be given. This means that the transaction settling the issue must be carried out in the presence of the Community, in the presence of the individuals, and in the presence of the Dhamma and Vinaya.

In the presence of the Community means that the group of bhikkhus that has gathered is competent to carry out the transaction in question. In other words, it contains the minimum number of bhikkhus required, all the qualified bhikkhus in the valid territory (*sīmā*) in which the meeting is held are either present or have sent their consent, and none of the qualified bhikkhus in the meeting makes protest against having the matter settled by the group — although as we noticed under Pc 80, if a transaction is being carried out against a bhikkhu, his protest does not invalidate the act; any protest made by any other member of the group, though, would invalidate it, even if he only informs the bhikkhu sitting next to him (Mv.IX.4.8).

In the presence of the individuals means that all the individuals involved in the matter are present. For instance, in a dispute-issue, both sides of the dispute must be in the meeting; when the Community is carrying out a transaction against one of its members, the accused must be there; in an ordination, the bhikkhu-to-be must be present. There are a few cases where this factor is not followed — such as the ordination of a bhikkhunī by messenger and the act of turning the bowl upside down (refusing to accept donations from a lay person who has mistreated the Community) — but these are rare.

In the presence of the Dhamma and Vinaya means that all the proper procedures laid down in the Vinaya are followed (see BMC2, Part II), and that bhikkhus who advocate what is not truly Dhamma or Vinaya are not holding sway over the group.

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2. A verdict of mindfulness may be given. This is the verdict of innocence given in response to an accusation, based on the fact that the accused remembers fully that he did not commit the offense in question.

This verdict is valid only if —

- 1) The bhikkhu is pure and without offense.
- 2) He is accused of an offense.
- 3) He asks for the verdict.
- 4) The Community gives him the verdict.
- 5) It is in accordance with the Dhamma, the assembly of bhikkhus being united and competent to give it (Cv.IV.4.11).

According to the Commentary, factor (1) here — the bhikkhu is pure and without offense — applies only to arahants, but the Canon makes no mention of this point. There are other places in the Khandhakas where the phrase "pure and without offense" is used to refer to any bhikkhu who has not committed the offense of which he is accused (e.g., Mv.IX.1.7; Mv.IX.4.9), with nothing to indicate that he would have to be an arahant as well. 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 offense 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 offense in question), and the transaction for further punishment (literally, "making it worse for him,") for a bhikkhu who committed the offense in question when he was in his right mind. The fourth rule below — acting in accordance with what is admitted — which is sometimes assumed to cover cases of innocence, actually applies only to cases where the bhikkhu admits to having committed an offense, and not to cases where he is innocent and asserts his innocence.

Thus we will follow the general usage in the Khandhakas and say that the factor "pure and without offense" is fulfilled by any bhikkhu — arahant or not — who has not committed the offense in question.

3. A verdict of past insanity may be given. This is another verdict of innocence given in an accusation, based on the fact that the accused was out of his mind when he committed the offense in question and so is absolved of any responsibility for it.

This verdict is valid only if given to a bhikkhu who:

- 1) does not remember what he did while insane;

- 2) remembers, but only as if in a dream; or
- 3) is still insane 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.IV.6.2).

4. Acting in accordance with what is admitted. This refers to two types of situations. The first is the ordinary confession of offenses, where no formal interrogation is involved. The confession is valid only if in accord with the facts, e.g., a bhikkhu actually commits a pācittiya offense and then confesses it as such, and not as a heavier or lighter offense. If he were to confess it as a dukkaṭa or a saṅghādisesa, that would be invalid.

The second situation is when, following on an accusation, the Community has met to interrogate the bhikkhu in question and he has admitted to doing the action in question (although he may still not see the action as an offense or, if he does, may still refuse to undergo the penalty for it). Only then, after convicting him — formally finding him guilty — of the offense, can the Community impose a disciplinary transaction on him, in line with what he has admitted to doing (Cv.IV.7). Because Cv.IV.14.27 does not list "acting in accordance with what is admitted" as a procedure for settling accusation-issues, this means that once the bhikkhu makes an admission that the Community accepts, the issue has changed from an accusation-issue to an offense-issue.

5. Acting in accordance with the majority. This refers to cases in which bhikkhus are unable to settle a dispute unanimously, even after all the proper procedures are followed, and — in the words of the Canon — are "wounding one another with weapons of the tongue." In cases such as these, decisions can be made by majority vote.

Such a vote is valid only if —

- 1) The issue is important.
- 2) The procedures of "in the presence of" have all been followed but have not succeeded in settling the issue. (The discussion in the Cullavagga indicates that at least two Communities have tried settling the issue; the Commentary recommends trying the normal procedures in at least two or three.)
- 3) Both sides have been made to reflect on their position.
- 4) The distributor of voting tickets knows that the majority sides with the Dhamma.

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- 5) He hopes (§) that the majority sides with the Dhamma.
- 6) The distributor of voting tickets knows that the procedure will not lead to a split in the Saṅgha.
- 7) He hopes (§) that the procedure will not lead to a split in the Saṅgha.
- 8) The tickets are taken in accordance with the Dhamma (according to the Commentary, this means that there is no cheating — e.g., one bhikkhu taking two tickets — and the Dhamma side wins).
- 9) The assembly is complete.
- 10) The bhikkhus take the tickets in accordance with their views (and not, for example, under fear of intimidation or coercion). (Cv.IV.10)

6. Acting for his further punishment. This refers to cases where a bhikkhu admits to having committed the offense in question only after being formally interrogated about it. After convicting him of the offense, the Community is to carry out a "further-punishment" transaction against him for being so uncooperative as to require the formal interrogation in the first place.

The Cullavagga (IV.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 (i.e., he actually did commit the offense, and it is an offense that requires confession).
- 2) He is unconscientious (i.e., he didn't voluntarily confess the offense on his own in the first place).
- 3) He is accused of the offense. (The Commentary translates this word — *s nuv da*, with an accusation — as meaning argumentative — *sa-upav da* — which also fits the context. If the bhikkhu has been accused of the offense but at first denies it, that would fulfill this factor.)
- 4) A formal meeting has been called in which he is present and has been interrogated: charged with the offense and made to testify (literally, "made to remember") as to whether he performed the action with which he is charged.
- 5) He admits to having done the action.
- 6) The Community convicts him of the offense
- 7) and carries out the transaction
- 8) in accordance with the Dhamma and Vinaya, and with a united assembly.

What makes this transaction special is that — unlike other disciplinary transactions, which the Community can impose or not at its discretion — this act must be imposed on a bhikkhu who has committed an offense that requires confession but does not admit to the action until having been formally interrogated (Cv.IV.14.27). In addition, though, Cv.IV.12.3 states that, if the Community wants to, it may also impose the act on a bhikkhu who:

- 1) is a maker of strife, quarrels, and dissension in the Community;
- 2) is inexperienced, incompetent, indiscriminately (§) full of offenses; or
- 3) lives in unbecoming association with lay people.

However, if the Community wants to, it may also impose a censure transaction on the bhikkhu who meets either of these sets of qualifications (Cv.I.2; Cv.I.4). Given that the prohibitions imposed by both the censure and the further–punishment transactions are identical, it is hard to understand why there are two separate transactions that, for all intents and purposes, are essentially the same.

Once a further–punishment transaction has been carried out against a bhikkhu, he must observe the following prohibitions:

- 1) He may not act as preceptor or teacher for another bhikkhu, nor is he to have a novice attend to him.
- 2) He may not accept authorization to exhort bhikkhus; even if authorized, he is not to exhort them.
- 3) He should not commit the offense for which he is being punished, a similar offense, or a worse one.
- 4) He should not find fault with the transaction or with those who carried it out.
- 5) He should not accuse others of offenses or participate actively in any of the procedures involved in or leading up to a formal accusation — i.e., canceling another bhikkhu's right to join in the P *ṭimokkha* recitation, canceling his invitation at the end of the Rains, setting up an accusation, asking his leave to accuse, reprimanding him, making him testify.
- 6) He should not join bhikkhus in quarreling with other bhikkhus (following the Thai edition of the Canon, which reads, "*na bhikkh bhikkh hi sampayojetabbanti*"). (Cv.IV.12.4).

If he abides by all these prohibitions, and the Community is satisfied that he has seen the error of his ways, they are to rescind the transaction and restore him to his former status as a full–fledged bhikkhu.

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7. *Covering over as with grass.* This refers to situations in which both sides of a dispute realize that, in the course of their dispute, they have done much that is unworthy of a contemplative. If they were to deal with one another for their offenses, the result would be greater divisiveness, even to the point of schism. Thus if both sides agree, all the bhikkhus gather in one place. (According to the Commentary, this means that all bhikkhus in the territory must attend. No one should send his consent, and even sick bhikkhus must go.) A motion is made to the entire group that this procedure will be followed. One member of each side then makes 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 blanket confession, using the form of a motion and one announcement (*ñatti-dutiya-kamma*).

This clears all offenses except for —

- 1) any grave fault (p r jika or saṅgh disesa offense, says the Commentary) committed by anyone in the group;
- 2) any offenses dealing with the laity;
- 3) any offenses of any member of either side who does not approve of the procedure; and
- 4) any offenses of any bhikkhu who does not attend the meeting. (This is the reason for the Commentary's statement that even sick bhikkhus must attend.) (Cv.IV.13.4)

Point (3) here is interesting. 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 bhikkhu who might be vindictive enough to want to deal with his enemies case-by-case, that *his* offenses 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 offenses cleared in this way to excrement that has been so thoroughly covered with grass that it can no longer send an oppressive smell.

According to Cv.IV.14 — sections 16, 27, 30, and 34 — the principle of "in the presence of" applies to all four types of issues: dispute-issues, accusation-issues, offense-issues, and duty-issues. In addition, dispute-issues must be settled "in accordance with the majority"; accusation-issues, either by a verdict of mindfulness, a verdict of past insanity, or an act of further punishment; and offense-issues, by acting in accordance with what is admitted or by covering them over as with grass.

What follows is a more detailed discussion of how these principles and procedures apply in each of the four cases:

Disputes are heated disagreements over what the Buddha did and did not teach, or — in the words of the Cullavagga — "when bhikkhus dispute, saying:

- 'It is Dhamma,' or 'It is not Dhamma;'
- 'It is Vinaya,' or 'It is not Vinaya;'
- 'It was spoken by the Tathāgata,' or 'It was not spoken by the Tathāgata;'
- 'It was regularly practiced by the Tathāgata,' or 'It was not regularly practiced by the Tathāgata;'
- 'It was formulated by the Tathāgata,' or 'It was not formulated by the Tathāgata;'
- 'It is an offense,' or 'It is not an offense;'
- 'It is a light offense,' or 'It is a heavy offense;'
- 'It is an offense leaving a remainder (ṣ),' or 'It is an offense leaving no remainder (ṣ);'
- 'It is a serious offense,' or 'It is not a serious offense.'
- "Any strife, quarreling, contention, dispute, differing opinions, opposing opinions, antagonistic words, abusiveness based on this is called a dispute-issue." — Cv.IV.14.2

Thus not all disagreements on these matters are classed as issues. Friendly disagreements or differences of interpretation aren't; heated and abusive disagreements are.

The Buddha advises that a bhikkhu who wants to bring up such questions for discussion should first consider five points:

- 1) whether it is the right time for such a discussion;
- 2) whether it concerns something true;
- 3) whether it is connected with the goal;
- 4) whether he will be able to get on his side bhikkhus who value the Dhamma and Vinaya; and
- 5) whether the question will give rise to strife, quarreling, disputes, cracks and splits in the Community.

If the answer to the first four questions is Yes, and to the fifth question No (i.e., the discussion is not likely to lead to strife), he may then go ahead and start the discussion. Otherwise, he should let the matter rest for the time being (Cv.IX.4).

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The Cullavagga quotes the Buddha as saying that two sorts of mental states — skillful and unskillful — can turn disputes into issues. The unskillful states are covetous, corrupt, or confused states of mind; the skillful ones, states of mind that are not covetous, not corrupt, and not confused. The Buddha adds, however, that six character traits can lead to issues arising from disputes that will act toward the detriment of many people. They are when a bhikkhu:

- is easily angered and bears ill will,
- is mean and spiteful,
- is jealous and possessive,
- is scheming and deceitful,
- has evil desires and wrong views,
- is attached to his own views, obstinate, unable to let them go.

Such a bhikkhu, he says, lives without deference or respect for the Buddha, the Dhamma, the Saṅgha, and does not complete the training. If one should see any of these traits within oneself or others, one should strive for their abandoning. If no such traits are present, one should make sure that they don't arise in the future (Cv.IV.14.3).

Although the source of a dispute–issue may be in skillful or unskillful mind states, Cv.IV.14.8 states that the actual conduct of the issue may be skillful, unskillful, or neutral — apparently, depending on the mind states of the bhikkhus as they get involved.

As noted under Sg 10, when a dispute is still small but threatens to become schismatic, a Community may use the procedures described under Sg 10 & 11. Once it has become a major issue, however, the procedures to follow are these:

In the presence of — Step 1: a) The Community meets, with at least four bhikkhus — the minimum to form a quorum — present. All of the bhikkhus in the territory are either present or have sent their consent, and none of the bhikkhus present protests having the matter settled by the group.
b) Both sides of the dispute are present.
c) The meeting is carried out in a way that does not transgress any of the rules laid down by the Buddha, and the unanimous decision of the Community is in line with what the Buddha actually laid down. This point is important: It means that no Community — even if it follows the proper form for the meeting — can legitimately replace the Buddha's teachings with its own preferences on any point.

If the Community can settle the matter in this way, it is properly settled and should not be reopened.

Step 2: If the Community cannot settle the matter, they should go to a monastery where there are more bhikkhus and ask them to help settle the matter. If the group can settle the matter among themselves on the way to the other monastery, then it is properly settled, and they may return home to their own monastery.

Step 3: If the matter is still unsettled by the time they reach the second monastery, they should ask the resident bhikkhus there to help settle the matter. The resident bhikkhus should then meet and consider among themselves whether they are competent to do so. If they feel they aren't, they shouldn't take it on. If they feel they are, they should then ask the incoming bhikkhus how the dispute arose. (The Commentary here adds that the residents should first stall for two or three days — saying that they have to wash their robes or fire their bowls first — as a way of subduing the pride of the incoming bhikkhus.)

Once the resident bhikkhus have asked the history of the dispute, the incoming bhikkhus are to say that if the resident bhikkhus can settle the dispute, they (the incoming bhikkhus) will hand it over to them; if they can't settle it, the incoming bhikkhus will still be in charge of the matter.

If the resident bhikkhus can then settle the dispute, it is properly settled.

Step 4: If they can't settle it in this way — and, in the words of the Canon, "endless disputes arise, and there is no discerning the meaning of a single statement" — the disputants should, with a motion and announcement, hand the matter over to a panel of experts (§). The Commentary recommends a panel of ten. Each member of the panel must, in brief, meet the following qualifications:

- 1) He is virtuous, abiding scrupulously by the rules of the Vinaya, seeing danger in the slightest faults.
- 2) He is learned in all teachings dealing with the complete celibate life, understanding them thoroughly.
- 3) He has memorized both the Bhikkhu and the Bhikkhun Pāṭimokkhas in detail, understanding them thoroughly.
- 4) He is shrewd in his knowledge of the Vinaya and is not easily led off-track.
- 5) He is competent at placating and reconciling both sides of a dispute.
- 6) He is skilled at settling an issue.
- 7) He knows what constitutes an issue.
- 8) He knows how an issue arises (i.e., through skillful or unskillful states of mind).
- 9) He knows when an issue is ended.
- 10) He knows the way leading to the ending of an issue. (Notice that these last four qualifications are similar in form to knowledge of the four Noble Truths.)

The Commentary notes that while the panel is discussing the issue, none of the other bhikkhus is to speak. If the panel can settle the issue, it is properly settled and should not be reopened.

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Step 5: If the panel has trouble settling the issue, and there are members of the panel who "hide the Dhamma under the shadow of the letter" — i.e., use the letter of the rules to go against the spirit — they may be removed from the panel through a formal motion. If the panel can then settle the issue, it is properly settled.

If not — and by this time, the Commentary says, at least two or three monasteries have become involved — the procedures of "in the presence of" have been exhausted, and the dispute must go on to a settlement "in accordance with the majority."

In accordance with the majority: A decision by majority vote is valid only when it meets the ten qualifying factors listed above, under As 5. When these factors are all present, the group should first ask one of its members to act as a distributor of voting tickets. He should be free of the four kinds of bias (from desire, aversion, delusion, and fear), and know what does and does not constitute the proper taking of a voting ticket. Before accepting the role, he should reflect on whether the situation meets the ten qualifying factors, and accept only when it does. Once he accepts the role, he is to be authorized by means of a formal motion and announcement.

He is then to have voting tickets made — a different color for each side — and conduct the ballot in one of three ways: secretly, by whispering in the ear, or openly.

In *secret* balloting, he is to tell each bhikkhu, "This color is for this side, and that color for that. Take one, but don't show it to anyone." According to the Commentary, this method is to be used when there are many unconscientious bhikkhus in the assembly.

In "*whispering in the ear*" balloting, he is to whisper to each bhikkhu, "This color is for this side, and that color for that. Take one, but don't tell anyone." This method, the Commentary says, is for assemblies in which there are many foolish or trouble-making bhikkhus.

In *open* balloting, the bhikkhus are to take the voting tickets openly. This method is for assemblies where the distributor is certain that the conscientious bhikkhus are in the majority.

Once the vote is taken, the distributor is to assess the result before announcing it. If he sees that the anti-Dhamma side has won, he is to annul the balloting and take the vote all over again. According to the Commentary, he may take the vote up to three times. If the anti-Dhamma side is still in the majority, he should announce that the time is not right for a vote, adjourn the meeting, and try to find more bhikkhus on the side of the Dhamma to join the next meeting.

These procedures make two interesting assumptions: One side of the dispute is clearly in the right, and the distributor must belong to the right side. If he belongs to the wrong side, the balloting is invalid and the issue may later be reopened without penalty. If neither side is clearly in the right, the compilers of the Cullavagga would probably consider the issue unimportant and not worthy of a vote in the first place.

If this is true, then even if a vote is taken, it would not be a valid use of the procedure, and the results would not be binding.

In all of these steps for settling dispute-issues, the important point to remember is that in no way is a group of bhikkhus to rewrite the Dhamma or Vinaya in line with their views. Even if they attempt it, following the procedures to the letter, the fact that their decision goes against the Buddha's teachings invalidates their efforts, and the issue may be reopened at any time without penalty.

Accusations. When a bhikkhu has committed an offense, it is his responsibility to undergo the attendant penalty voluntarily so as to make amends for it. If his fellow bhikkhus see, hear, or suspect that he has committed an offense without undergoing the penalty, it is their duty to question and admonish him in private, in accordance with the procedures discussed under Sg 8. The issue may be settled informally in one of three ways: (1) The accused admits to the act, sees it as an offense, and undergoes the penalty. (2) He is truly innocent, professes his innocence, and can convince his admonishers that their suspicions were ungrounded. (3) He committed the action in question but was insane at the time, and can convince his accusers that this was the case.

If both sides act in good faith and without prejudice, issues of this sort are relatively easy to settle informally in this way. If the issue can't be settled informally, it should be taken to a meeting of the Community for a formal interrogation and verdict.

When the Community meets, both the accuser (X) and the accused (Y) must be present. (If the original accuser is a lay person, one of the bhikkhus is to take up the accusation.) If they meet during the regular time for the Pāṭimokkha (see BMC2, Chapter 15), the accusation must first be preceded by a formal period of questions and answers about Vinaya matters touching on the accusation (Mv.II.15.6–11). This is to educate the group as a whole so that they will be ready to judge the case. This also gives Y the chance to speak up and confess the offense, if he is guilty of it, so as to eliminate the need for any further interrogation. However, Mv.II.15.8 and Mv.II.15.11 indicate that the bhikkhus who are to ask and answer Vinaya questions should first assess the assembly to see if it is safe and advisable to bring the issue up, for there may be bhikkhus present who might react violently if the matters under discussion touch too closely on their own misbehavior or that of their friends.

If, after the conclusion of the Vinaya questions and answers, Y has not confessed an offense, X — while the motion for the Pāṭimokkha is being recited — may interrupt it with the announcement that Y has an offense and that the Pāṭimokkha should not be recited in his presence (see BMC2, Chapter 15, for the formal statement). Then, after assessing Y's state of mind — to ensure that he won't act in a threatening way if accused — X asks formal leave to speak to Y about the offense, saying, "May the venerable one give leave. I want to speak with you — *Karotu āyasmā okāsaṃ. Ahan-taṃ vattukāmo.*" Y, after assessing his accuser and the assembly, may choose to give leave or not. (See the discussion of this point under Sg 8.) If he chooses not to, the Pāṭimokkha will not be recited that day. The issue is left hanging for the time being and can be brought up at a later date.

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If X brings up the issue during the Invitation (see BMC2, Chapter 16), a similar process is followed, although this time there is no need for the preliminary session of questions and answers. X can simply ask Y's leave to speak about the accusation; if Y doesn't give leave, X can cancel his invitation, and the Community has to look into the matter. If they know that X is incompetent or ignorant, they will override his cancellation and continue with the Invitation. Otherwise, they will question him about his planned accusation. If they find his answers ignorant and inconsistent, they can override the cancellation. If, however, they find his answers knowledgeable and consistent, they should look into the matter. Still, Y has the right not to give leave to his accuser if he feels that the Community will not give him a fair hearing. That means that the Invitation will not continue and that the issue can be brought up again at a later time.

It is also possible to bring up an accusation in a Community meeting on a day other than the uposatha or the Invitation, but the Canon does not prescribe any special preliminaries for this case. Given the need to have a well-informed assembly, it would be wise to follow the pattern for the Pāṭimokkha and to begin the proceedings with a period of questions and answers about Vinaya rules touching on the proposed accusation.

If, in any of these situations, Y does give leave to X, the next step is for X formally to level his charge against Y, after which Y is made to testify — literally, "made to remember" — whether he can recall having committed the offense in question. Although he can be dealt with only in accordance with what he admits to having done (Mv.IX.6.1–4), Cv.IV.14.29 shows that the other bhikkhus are not to take his first statement at face value.

"There is the case where a bhikkhu, in the midst of the Community, charges (another) bhikkhu with a heavy offense: 'Does the venerable one recall having committed a heavy offense of this sort, a pārājika or bordering on a pārājika?' He (the other) says, 'No...' He (the first) presses the one who denies this, 'Please, venerable sir, very carefully ascertain whether you recall having committed a heavy offense of this sort, a pārājika or bordering on a pārājika.' The second one says, 'I don't recall having committed a heavy offense of this sort... but I do remember having committed a trifling offense of this sort.' The first one presses the one who denies this, 'Please, venerable sir, very carefully ascertain whether you recall having committed a heavy offense of this sort, a pārājika or bordering on a pārājika.' The second one says, 'Look. Unasked, I have admitted to having committed a trifling offense. How would I, when asked, not admit to having committed a heavy offense...?' The first one says, 'You look, friend. (Before,) when you were unasked, you didn't admit to having committed (your) trifling offense. So how would you, when unasked, admit to having committed a heavy offense?'"

The accuser should press and cross-examine the accused in this way until the Community is satisfied that the accused is telling the truth, and only then may they pass one of three verdicts:

- 1) If he is innocent of the offense and can convince the group of his innocence, he is to request a verdict of *mindfulness* — expressing the request three times — and the Community is to give it to him by means of a formal motion with three announcements. (See Appendix IX.)
- 2) If he committed the offense while insane or possessed, he should request a verdict of *past insanity* — again, expressing the request three times — and the Community is to give it to him by means of a formal motion with three announcements. (See Appendix IX.)
- 3) If he committed the offense while in his right mind but admits to it only after the interrogation has begun, the other bhikkhus — after convicting him of the offense — are to impose on him a *further-punishment* transaction by means of a formal motion with three announcements. (See BMC2, Appendix IV.)

As we noted above, each of these three verdicts is valid only if in line with the truth. If it so happens that a guilty bhikkhu is given a verdict of mindfulness, a bhikkhu who committed the offense in question while he was in his right mind is given a verdict of past insanity, or an innocent bhikkhu receives a further-punishment transaction, the verdict is invalid. When new evidence surfaces, the case may be reopened and a new verdict arrived at.

There are, however, two situations in which none of these three verdicts applies, and the accusation-issue — at least for the time being — remains unsettled:

- 1) If a bhikkhu, in the course of an interrogation, admits to an action that is an offense but either refuses to see it as an offense or refuses to make amends for it, he is subject to an act of suspension. Although this too may later be rescinded on the basis of good behavior — when he admits that his action was an offense and makes amends for it — it is a much stronger penalty than a further-punishment transaction.
- 2) If a bhikkhu denies having committed the act in question, and the bhikkhus are not convinced of his innocence, there are various ways of pressuring him to tell the truth: As noted above, the Cullavagga suggests intensive interrogation; the Commentary, long bouts of group chanting. If neither works, and the Community still has doubts about his innocence, the issue is to be abandoned for the time being as unsettled. The accused is neither to be punished nor declared innocent. As long as the issue remains unsettled, though, there will be no peace of mind either for the accused or for the Community as a whole.

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Offenses. All offense-issues are settled by means of the principle of *in the presence of*. Most are also settled by means of the procedure of *in accordance with what is admitted*. Rare cases may be settled by *covering over as with grass*.

In accordance with what is admitted: When a bhikkhu has committed an offense requiring confession and then confesses it truthfully in the presence of another bhikkhu, a group of bhikkhus, or a complete Community, that is called settling in accordance with what is admitted. It also counts as having been settled in the presence of the Dhamma and Vinaya and the individuals — i.e., the bhikkhu making the confession and the bhikkhu(s) witnessing it are face to face.

If a bhikkhu has committed a saṅghādisesa offense, it is settled only after he has confessed it and undergone penance — and, if necessary, probation — both of which require further confessions. Only then, when a Community of at least 20 bhikkhus has met to lift the penalty from him, is the offense settled. Here, *in the presence of* would include not only the Dhamma, Vinaya, and individuals, but also the Community, when it imposes the penance and/or probation, and again when it lifts the penalty.

If a bhikkhu has committed a pārājika offense, it is settled only when he admits that he is no longer a bhikkhu and returns to lay life. Here, *in the presence of* would have the same factors as under confessable offenses, above.

Covering over as with grass: This procedure has already been discussed in detail above. *In the presence of*, here, means in the presence of the Dhamma, Vinaya, individuals, and the Community. *In the presence of the individuals* means that those who make the blanket confession and those who witness it are face to face. *In the presence of the Community* means that enough bhikkhus for a quorum (four) have arrived, and the assembly is united — all the qualified bhikkhus in the territory have joined the meeting or have sent their consent, and none of the bhikkhus, having met, makes protest.

Duty-issues are settled *in the presence of* —

- 1) if they are properly carried out in line with the procedures set out in the Dhamma and Vinaya,
- 2) if the relevant individuals are present (e.g., the ordinand in an ordination, the bhikkhu-to-be-banished in a banishment transaction, etc.), and
- 3) if the Community that has met to carry them out forms a quorum and a complete assembly, with none of those present — except the bhikkhu against whom a transaction is to be carried out, if such is the case — makes protest.

Buddhist Monastic Code I
Chapter 12
Appendices

I. Controversial points: Dawn and dawnrise.

The Canon lacks a clear-cut definition of precisely when dawn and dawnrise take place. This lack is especially felt in connection with NP 2 and Pc 37, but it also affects a number of other rules as well.

The Khuddakasikkhā — a Vinaya manual written by Ven. Dhammasiri, a Sinhalese monk, in the 11th or 12th century — states that the sky lightens in four stages before sunrise (measuring in Sinhalese hours, of which there are 60 in one period of day and night): a slight reddening 4 Sinhalese hours (= 1 hour and 36 minutes) before sunrise; a slight whitening 3 Sinhalese hours (= 1 hour and 12 minutes) before sunrise; a second reddening 2 Sinhalese hours (= 48 minutes) before sunrise; and a second whitening 1 Sinhalese hour (= 24 minutes) before sunrise.

Some Communities in Burma, Sri Lanka, and Thailand follow this analysis, differing among themselves only as to which of the four stages constitutes dawnrise. Some count the first reddening, although the Vinayālaṅkāra, as mentioned in the discussion under NP 1, counts the last whitening, and there is good reason to follow its definition.

Pc 37 & 38, taken together, require that a bhikkhu not accept alms before dawn. If he did go for alms before dawn, he would not be able to eat any of the food he accepted at that time, as Pc 37 forbids him from eating before dawn, and Pc 38 forbids him from eating after dawn any food received before dawn of that day. A passage in MN 66 states specifically that once the rules were established, one of their benefits was that they prevented bhikkhus from going for alms in the dark. This suggests that in the time of the Canon, the first faint light on the horizon did not count as dawnrise. The passage runs as follows:

"(Ven. Udāyin — apparently the good Udāyin, not the lax Udāyin of the first five saṅghādisesas — is addressing the Buddha:) 'It used to be, venerable sir, that we ate in the evening, in the morning, and in the afternoon. Then there was the time when the Blessed One addressed the bhikkhus, saying, "Come now, bhikkhus, give up this afternoon meal." Because of that, I felt sorry and upset: "The fine staple and non-staple food that householders give us in the afternoon — the Blessed One has us give them up! The Sugata has us abandon them!" But on considering our love and respect for the Blessed One, our sense of shame and compunction, we gave up that afternoon meal and ate (only) in the evening and in the morning.

"Then there was the time when the Blessed One addressed the bhikkhus, saying, "Come now, bhikkhus, give up this evening meal." Because of that, I felt sorry and upset: "The more highly regarded of our two meals — the Blessed One has us give it up! The Sugata has us abandon it!" It has happened, venerable sir, that a man has gotten ingredients for curry during the day and has told his wife, "Come, let's put

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this aside and we'll all have it together in the evening." Almost all cooking is done at night, venerable sir, and very little during the day. But on considering our love and respect for the Blessed One, our sense of shame and compunction, we gave up that evening meal.

"It used to be that bhikkhus going for alms in the dark gloom of night would walk into a mud hole, fall into a cesspool, stumble into a thorny hedge, stumble into a sleeping cow, encounter teenage gangs on the way to or from a theft, and be propositioned by women. Once it happened when I was going for alms in the dark gloom of night that a certain woman washing a bowl saw me by a lightning flash. As soon as she saw me, she shrieked out in terror, "I'm doomed! A demon is after me!"

"When she said that, I said to her, "I'm not a demon, sister. I'm a bhikkhu waiting for alms."

"Well then you're a bhikkhu whose mom is dead and pop is dead. It would be better for you, bhikkhu, that your belly be cut open with a sharp butcher's knife than that you go prowling around for alms for your belly's sake like this in the dark gloom of night!"

"When I remember this, venerable sir, the thought occurs to me: "There are so many painful things the Blessed One has rid us of, and so many pleasant ones he has provided; so many unskillful things he has rid us of, and so many skillful ones he has provided!"

This shows clearly that once the rules were in effect, bhikkhus were saved from the dangers of going for alms in the dark. It further suggests that dawnrise can be no earlier than the point recognized by the Vinayālaṅkāra.

As noted under NP 1, the Vinayālaṅkāra's definition of dawnrise corresponds in modern terminology to the onset of civil twilight. Although the Khuddakāsikkhā states that this period of whitening occurs 24 minutes prior to sunrise, this figure would apply only to locations that, like Sri Lanka, lie near the equator. At other latitudes, the length of time from the onset of civil twilight to sunrise would vary widely according to season, with the variations most extreme at higher latitudes.

In addition to the controversy surrounding dawnrise, there is also a minor issue surrounding the word *dawn*.

The non-offense clause to NP 2 states that there is no offense under that rule if the robe is lost, etc., *anto aruṇe*, a phrase that can be translated either as "during dawn" or "within dawn" (just as *anto māse* under NP 3 means "within the month") or as "before dawn" (just as *anto pātārāse* means "before the morning meal"). (The phrase *anto aruṇe* appears at one other point in the Canon, in the non-offense clauses to Bhikkhunīs' NP 1.) Some scholars, opting for the translation "within dawn" and, noting the Vinayālaṅkāra's statement that *anto aruṇe* means prior to dawnrise, have argued that, in canonical usage, dawnrise is preceded by a separate period of time called dawn, apparently beginning with the first reddening of the eastern sky, although this part of the definition is nowhere clearly stated.

This assumption, however, creates a problem under two rules whose non-offense clauses contain the phrase *purāruṇā*, which clearly means "before dawn." Under Pc 5, the series of three nights allotted by the rule is broken if one gets up *purāruṇā*. Under Pc 49, the series is broken if one leaves the army *purāruṇā*. In the Vibhaṅga to neither rule is the word *dawnrise* mentioned at all. If we have to assume that dawn is counted as a period of time separate from dawnrise, this means that for these two rules the line dividing an offense from a non-offense follows a standard different from that in all the other rules in the Pāṭimokkha where the line between the end of night and the beginning of day is also relevant. If this were the case, the compilers of the Vibhaṅga would have offered clear definitions to distinguish one standard from the other. But in fact, the Canon contains no explicit standard for defining dawn or dawnrise at all. This indicates that the assumption of a separate "dawn" and "dawnrise" must be mistaken.

A reading more consistent with the Canon's casual treatment of the issue of dawn would be to translate *anto aruṇe* as "before dawn," and to read the term *dawn* (*aruṇa*) in both *anto aruṇe* and *purāruṇā* as idiomatically equivalent to *dawnrise* (*aruṇuggamana*). In other words, in all the rules where the line dividing the end of night from the beginning of day is the line between an offense and a non-offense, that line is marked by the onset of civil twilight, whether the Vibhaṅga refers to it as "dawnrise" or "dawn."

II. Controversial points: Sugata measures.

The Commentary to Sg 6 states that the Buddha's cubit — the distance from his bent elbow to the tips of his fingers — was three times that of a normal man. This puts all the sugata measures — based on the Buddha's cubit, handspan, and breadth of his fingers — at three times normal length and makes the Buddha freakishly tall.

How the Commentary arrived at this figure is hard to say, for the Vinaya-mukha cites several passages from the Canon showing that the Buddha, though tall, was not abnormally so. The most telling passage is the one from DN 2, in which King Ajātasattu visits the Buddha while the latter is sitting in an assembly of bhikkhus, and the king is unable to identify which member of the assembly the Buddha is. This, of course, is meant to indicate the king's spiritual blindness, but if the Buddha had been remarkably tall it would have been part of his general reputation, and the king would not have had to ask.

The Vinaya-mukha then goes on to suggest a variety of ways of calculating the Buddha's measurements, the most useful being to assume the Buddha's cubit to be 50 cm. This, at least roughly, fits a number of passages from the Canon, as follows:

According to DN 30, the spread of the Buddha's arms, outstretched, was equal to his height. Because a person's cubit is one-fourth the spread of his outstretched arms, this would put the Buddha's height at 2 meters, or approximately 6 feet 7 inches. The origin story to Pc 92 states that his half-brother, Nanda, was four fingerbreadths shorter than he, and that when bhikkhus saw him coming from afar, they would mistake him for the Buddha, partly on the basis of his tall height. One fingerbreadth is said to be 1/24 cubit, or a little more than 2 cm. by this reckoning, which would put Nanda at 1.92 meters, or approximately 6 feet 4 inches tall.

These figures would seem to fit the information in the Canon fairly well, in that they allow for both Nanda and the Buddha to be tall but not outlandishly so.

Another pair of passages supporting these measurements is the ruling under Pc 87 that the legs of a bhikkhu's bed not be more than eight sugata fingerbreadths tall, taken together with the recommendation at Cv.VIII.1.5 that one should grope under the bed with one's hand to make sure that nothing is there before placing one's bowl there. Our measurements would put the maximum height for the bed legs at 18 cm. If they were much taller than that, there would be no need to grope, for one could easily see under the bed with a glance. If they were much shorter than that, even a small bowl wouldn't fit.

Although there is no way of determining the sugata measures with 100% accuracy, the above considerations suggest that the following estimates are reasonable:

- The sugata cubit = 50 cm.

- The sugata span = 25 cm.
- The sugata fingerbreadth = 2.08 cm.

Applied to the various rules, this would give us a hut 3 x 1.75 meters — small, but adequate; a rains-bathing cloth 1.5 x .625 meters — enough to cover one from the waist to the knees; and an skin-eruption covering cloth 1 x .5 meters — enough to cover one from the waist to just above the knees. All of these figures seem appropriate and so have been accepted for the purposes of this book.

III. Controversial points: Meals.

Cv.VI.21.1 allows bhikkhus to accept seven kinds of specially arranged meals in addition to the meals they receive on alms round. The context for this allowance is as follows:

"Now at that time Rājagaha was short of food. People were not able to provide a meal for the Community, but they wanted to provide a designated meal, an invitational meal, a lottery meal, a meal on a day of the waxing or waning of the moon, on uposatha days, and on the day after each uposatha day. They told this matter to the Blessed One. He said, 'I allow, bhikkhus, a Community meal, a designated meal, an invitational meal, a lottery meal, a meal on a day of the waxing or waning of the moon, on an uposatha day, and on the day after an uposatha day.'"

Unfortunately, the Canon provides no detailed explanation of these terms. The Commentary explains Community meals as meals for the entire Community, and the other terms as follows:

"(Having said,) 'Give one, two...ten bhikkhus designated from the Community,' they wanted to provide a meal for the bhikkhus they got through that designation. Later, having decided on bhikkhus in the same way (i.e., one, two...ten bhikkhus), and having invited them, they wanted to provide a meal for them. Later, they wanted to provide a meal having decided on a lottery. Later, having fixed a date — the waxing or waning moons, the uposatha day, or the day after — they wanted to provide a meal for one, two...ten bhikkhus. This is the extent of the meals that fall under the terms 'designated meals, invitational meals (the Sub-commentary adds an "etc." here.)"

These definitions seem fairly clear: a *designated meal* is one in which the donors do not specify which bhikkhus are to receive it, but simply ask for x number of bhikkhus from the Community, leaving it up to the meal designator — the Community official responsible for managing these various meals (see BMC2, Chapter 18) — to designate who the recipients will be. An *invitational meal* is one in which the donors

decide on the recipients themselves. A *lottery meal* is one in which the recipients are chosen by drawing lots, while the remaining meals — *periodic meals* — are given regularly to a rotating roster of x number of bhikkhus every time the specified date comes around.

However, the Commentary's discussion of how the meal designator should manage these meals blurs the lines between the first three categories. It gives no detailed discussion of Community meals, but divides designated meals into the following two types:

- 1a) Meals for which the number of bhikkhus to be designated is equal to the total number of bhikkhus in the Community.
- 1b) Meals for which the number of bhikkhus to be designated is less than the total number of bhikkhus in the Community.

Invitational meals come in four types:

- 2a) Meals to which the entire Community is invited.
- 2b) Meals to which specific individuals or types of bhikkhus (e.g., no one but senior bhikkhus) are invited.
- 2c) Meals to which one bhikkhu is invited and asked to bring x number of his friends.
- 2d) Meals for which the donor simply asks for x number of bhikkhus, without specifying in any way who they should be.

This typology raises two questions. First, why aren't types 1a and 2a grouped under Community meals? Is it because the donor uses the words *designated* and *invited* when announcing his/her plans for the meal? If so, how does one arrange for a Community meal that would not fall into these two types, in line with the fact that a Community meal is said to be a separate category?

The second question is how type 2d differs from a designated meal. Is it, again, because the donor does not use the word *designated* in announcing the meal? If so, the difference is only formal, for the Commentary itself states that the meal designator is to treat such a meal as he would a designated meal, which shows that in essence it is the same thing.

As we reasoned in the discussion of Pc 32, that rule applies only to invitational meals. If we follow the Commentary's original definitions of the various categories of special meal — eliminating types 1a, 2a and 2d as redundant — it is easy enough to determine in essence which types of meals fall into this category and which don't. If we follow the detailed typologies, though, the distinctions become more a matter of formality and technicalities. For example, if the donor asks the meal designator to "designate nine bhikkhus from the Community," the meal would not violate Pc 32, but if he simply asked for nine bhikkhus — even if he did not specify who they were

to be — the meal would be a group meal, and any bhikkhus who ate it would be committing an offense. Or again, if he asked that the entire Community be "designated" to come to his meal, they would not incur a penalty in going, but if he simply invited the entire Community to a meal, they would.

Because the Commentary is a compendium of the opinions of many generations of teachers, the definitions of the categories of meals may have been agreed on by one generation of teachers, and the typologies by another. This would explain the discrepancies between the two. Or the entire discussion — definitions and typologies — may have been the product of one generation, who did mean the distinctions among the categories to depend on formalities and technicalities.

At any rate, as with many other areas where the Canon gives no definite guidance, this is an area where the wise policy for each bhikkhu is to follow the standards of the Community to which he belongs.

IV. Pali formulae: Determination.

The articles a bhikkhu must determine for his use have already been mentioned under NP 1, 21, & 24.

Determination, according to the Commentary, may be done in either of two ways: by body or by word. *To determine by body* means to grasp or touch the object in question with any part of the body and to determine in the mind that the object is for one's own particular use, in line with the formula given below. *To determine by word* means to speak the formula out loud. In this case, if the object is within the reach of the hand, use the same formula as for determination with the body. If it is beyond the reach of the hand, alter the formula, changing *imaṃ*, "this," to *etaṃ*, "that." Articles to be worn — i.e., robes, the rains-bathing cloth — must first be dyed the proper color and properly marked in accordance with Pc 58.

The Canon and commentaries make no mention of any formula to repeat while marking, but the tradition in Thailand is to repeat:

- *Imaṃ bindu-kappaṃ karomi,*

which means, "I make this properly marked."

The words for determination, taking the bowl as an example, are:

- *Imaṃ pattam adhiṭṭhāmi,*

which means, "I determine this bowl" or "I determine this as a bowl."

To determine other requisites, replace the word *pattam*, bowl, with the appropriate name, as follows:

- for the outer robe: *saṅghāṭiṃ*
- for the upper robe: *uttarāsaṅgaṃ*
- for the lower robe: *antaravāsakaṃ*
- for the sitting cloth: *nisīdanaṃ*
- for the skin-eruption cloth: *kaṇḍu-paṭicchādiṃ*
- for the rains-bathing cloth: *vassikasāṭikaṃ*
- for the sleeping cloth: *paccattharaṇaṃ*
- for the handkerchief: *mukha-puñchana-colaṃ*
- for other cloth requisites: *parikkhāra-colaṃ*

To determine many cloths of the same sort at the same time, use the plural forms: Change *imaṃ* to *imāni*; *etaṃ* to *etāni*; and the *—aṃ* ending for the name of the article to *—āni*. For example, to determine many miscellaneous cloth requisites within reach of the hand, the formula is:

- *Imāni parikkhāra-colāni adhiṭṭhāmi.*

A bhikkhu may determine only one of each of the following five items for use at any one time: the bowl, the basic set of three robes, and the sitting cloth. If he wishes to replace an old item with a new one, he must first withdraw the determination of the old item before determining the new one. The formula for withdrawal, again taking the bowl as an example, is:

- *Imaṃ pattam paccuddharāmi,*

which means, "I relinquish this bowl." To withdraw the determination of other items, replace the word *pattam* with the appropriate name, as above.

If an item has been snatched away, burnt, destroyed, lost, given away, or taken away on trust, its determination automatically lapses, and there is no need to withdraw the determination before determining a new item to replace it. The Commentary explains *destroyed* as meaning that the bowl or any of the three robes develops a hole of a certain size: for a clay bowl, a hole large enough for a millet grain to pass through; for an iron bowl, a hole large enough to let liquid pass through; for the robes, a complete break at least the size of the fingernail of the small finger, located at least one handspan in from the long edge of the robe, and four fingerbreadths from the short edge of the lower robe, or eight fingerbreadths from the short edge of the upper and outer robes.

Once the robe or bowl develops a hole of this sort, it reverts to the status of an extra robe or bowl. If the owner still wishes to use it, the hole must be mended and

the article redetermined before ten days elapse. Otherwise, he is subject to the penalties imposed by NP 1 or 21.

V. Pali formulae: Shared ownership.

The topic of shared ownership, together with the various controversies connected with it, are discussed in detail under Pc 59. Here we will simply give the formulae.

There are two formulae for sharing ownership in the presence of the second owner. The first — taking as an example a piece of robe-cloth within reach of the hand — is this:

- *Imaṃ cīvaraṃ tuyhaṃ vikappemi,*

meaning, "I share ownership of this robe-cloth with you (plural)."

To place a bowl under shared ownership, change *cīvaraṃ* to *pattaṃ*. For more than one piece of cloth, change *imaṃ cīvaraṃ* to *imāni cīvarāni*. For more than one bowl, change *imaṃ pattaṃ* to *ime patte*. For articles beyond the reach of the hand, change *imaṃ* to *etaṃ*; *imāni* to *etāni*; and *ime* to *ete*.

The second formula — less formal than the first — is:

- *Imaṃ cīvaraṃ Itthannāmassa vikappemi,*

which means, "I share ownership of this robe-cloth with so-and-so." Suppose, for example, that the person's name is Nando. If he is one's senior, change *Itthannāmassa* to *Āyasmato Nandassa*; if he is one's junior, change it to *Nandassa Bhikkhuno*; if he is a novice, change it to *Nandassa Sāmaṇerassa*. If he is very much one's senior, use the first formula, above. (Mv.I.74.1 shows that the tradition in the Buddha's time was not to use a very senior or respected person's name when referring to him.)

To share a bowl in this way, change *cīvaraṃ* to *pattaṃ*. Other changes, as called for, may be inferred from the previous formulae.

To place a piece of robe-cloth under shared ownership with two people who are absent, say to a witness:

- *Imaṃ cīvaraṃ vikappan'atthāya tuyhaṃ dammi,*

which means, "I give this robe-cloth to you to share." The witness should ask the original owner the names of two bhikkhus or novices who are his friends or acquaintances. In Pali, this is:

- *Ko te mitto vā sandiṭṭho vā.*

After the original owner tells the names, the witness says:

- *Ahaṃ tesam dammi,*

which means, "I give it to them."

To rescind the shared ownership, the Vibhaṅga says that the witness in the last case should say,

- *Tesam santakaṃ paribhuñja vā vissajjehi vā yathā-paccayaṃ vā karohi,*

which means, "Use what is theirs, give it away, or do as you like with it."

As for cases in which the article is placed under shared ownership in the presence of the second owner, the Vibhaṅga gives no formula for rescinding the arrangement. The K/Commentary suggests that the second owner should say,

- *Mayham santakaṃ paribhuñja vā vissajjehi vā yathā-paccayaṃ vā karohi,*

which means, "Use what is mine, give it away, or do as you like with it."

The Pubbasikkhā-vaṇṇanā, though, suggests the following formula (for robe-cloth within reach, rescinded by a bhikkhu who is senior to the original owner):

- *Imaṃ cīvaraṃ mayham santakaṃ paribhuñja vā vissajjehi vā yathā-paccayaṃ vā karohi,*

which means, "Use this robe-cloth of mine, give it away, etc." If the bhikkhu rescinding the shared ownership is junior to the original owner, the verb endings are more formal:

- *Imaṃ cīvaraṃ mayham santakaṃ paribhuñjatha vā vissajjetha vā yathā-paccayaṃ vā karotha.*

For a bowl, change *cīvaraṃ* to *pattaṃ*. If more than one piece of cloth is involved, the formula begins, *Imāni cīvarāni mayham santakāni...* If more than one bowl, *Ime patte mayham santake...* Changes for articles outside the reach of the hand may be inferred from those for the earlier formulae.

VI. Pali formulae: Forfeiture.

As noted in the conclusion to the chapter on nissaggiya pācittiya rules, articles received in defiance of NP 18, 19, & 22 must be forfeited to a Community. The words of forfeiture in these cases are:

NP 18. For receiving gold and silver (money):

- *Ahaṃ bhante rūpiyaṃ paṭiggahesiṃ. Idaṃ me nissaggiyaṃ. Imāhaṃ saṅghassa nissajjāmi.*

This means, "Venerable sirs, I have received money. This of mine is to be forfeited. I forfeit it to the Community."

NP 19. For engaging in monetary exchange:

- *Ahaṃ bhante nānappakāraṃ rūpiya-saṃvohāraṃ samāpajjiṃ. Idaṃ me nissaggiyaṃ. Imāhaṃ saṅghassa nissajjāmi.*

This means, "Venerable sirs, I have engaged in various types of monetary exchange. This of mine is to be forfeited. I forfeit it to the Community."

NP 22. For asking for a new bowl when one's original bowl is still usable:

- *Ayaṃ me bhante patto ūna-pañca-bandhanena pattena cetāpito nissaggiyo. Imāhaṃ saṅghassa nissajjāmi.*

This means, "This bowl of mine, venerable sirs, asked for when the (previous) bowl had less than five mends, is to be forfeited. I forfeit it to the Community."

In each case, after the item has been forfeited, the offender must confess his offense, with an experienced and competent bhikkhu to acknowledge his confession, using the following formula:

- Confessant: *Ahaṃ bhante nissaggiyaṃ pācittiyaṃ āpattiṃ āpanno. Taṃ paṭidesemi.*
- Acknowledger: *Passasi āvuso?*
- C: *Āma bhante, passāmi.*
- A: *Āyatim āvuso saṃvareyyāsi.*
- C: *Sādhu sutṭhu bhante saṃvarissāmi. (Three times.)*

An alternative version of the last exchange, found in MN 104, is:

- A: *Āyatim saṃvaram āpajjeyyāsi.*
- C: *Saṃvaram āpajjissāmi.*

This is the formula to use when the bhikkhu making the confession is junior to the bhikkhu acknowledging it. For translations and instructions on how to change the formula to use when the bhikkhu making the confession is senior to the bhikkhu acknowledging it, see Appendix VII.

If, after money has been forfeited under NP 18 or 19 and the offense has been confessed, the Community needs to authorize a money-disposer, they must first choose a member of the group who is free of the four kinds of bias — based on desire, based on aversion, based on delusion, based on fear — and who knows what counts as disposed and not disposed. Then they must ask him to perform this duty. When he has agreed, one of the bhikkhus recites the transaction statement, as follows:

- Suṇātu me bhante saṅgho. Yadi saṅghassa pattakallaṃ, saṅgho Itthannāmaṃ bhikkhuṃ rūpiya-chaḍḍakaṃ sammanneyya. Esā ñatti.
- Suṇātu me bhante saṅgho. Saṅgho Itthannāmaṃ bhikkhuṃ rūpiya-chaḍḍakaṃ sammannati. Yassa'āyasmato khamati, Itthannāmassa bhikkhuno rūpiya-chaḍḍakassa sammati, so tuṅhassa. Yassa nakkhamati, so bhāseyya.
- Sammato saṅghena Itthannāmo bhikkhu rūpiya-chaḍḍako. Khamati saṅghassa, tasmā tuṅhī. Evam-etaṃ dhārayāmi.

This means, *Venerable sirs, may the Community listen to me. If the Community is ready, it should authorize Bhikkhu (name) as the money-disposer. This is the motion.*

Venerable sirs, may the Community listen to me. The Community authorizes Bhikkhu (name) as the money-disposer. He to whom the authorization of Bhikkhu (name) as the money-disposer is agreeable should remain silent. He to whom it is not agreeable should speak.

Bhikkhu (name) has been authorized by the Community as the money-disposer. This is agreeable to the Community, therefore it is silent. Thus do I hold it.

If the bhikkhu being authorized is senior to the bhikkhu reciting the authorization, *Itthannāmo bhikkhu* should be replaced as follows (supposing that his name is Dhammadharo):

- Itthannāmo bhikkhu āyasmā Dhammadharo
- Itthannāmaṃ bhikkhuṃ āyasmantaṃ Dhammadharaṃ
- Itthannāmassa bhikkhuno āyasmato Dhammadharassa

For the patterns to use when the bhikkhu's name has a different stem-form (-i, -u, etc.), see the introduction to Appendix II in BMC2.

To authorize a bowl-exchanger under NP 22, the same procedure is followed, except that — in addition to being free from the four forms of bias — the bhikkhu to be chosen must know what is (properly) exchanged and what is not. The same form for the transaction statement is used, replacing *rūpiya-chaddakam/ rūpiya-chaddakassa/ rūpiya-chaddako* with *patta-gāhāpakam/ patta-gāhāpakassa/ patta-gāhāpako*.

Articles used or received in violation of the remaining NP rules may be forfeited to the Community, to a group, or to an individual. Here, only the formulae for forfeiting to an individual will be given. Formulae for rules rarely broken — e.g., involving bhikkhunīs or felt rugs — are not listed.

NP 1. For an extra robe (or robe-cloth) kept beyond ten days:

- *Idam me bhante cīvaram dasāhātikantam nissaggiyam. Imāham āyasmato nissajjāmi.*

This means, "This robe (robe-cloth) of mine, venerable sir, kept beyond ten days, is to be forfeited. I forfeit it to you." If the speaker is senior to the listener, change *bhante* to *āvuso*. If many pieces of cloth are to be forfeited at once, the forms should be changed to plural:

- *Imāni me bhante cīvarāni dasāhātikantāni nissaggiyāni. Imānāham āyasmato nissajjāmi.*

For robes beyond the reach of the hand, change *idam* to *etam*; *imāham* to *etāham*; *imāni* to *etāni*; and *imānāham* to *etānāham*. For example, for one robe, one would say:

- *Etam me bhante cīvaram dasāhātikantam nissaggiyam. Etāham āyasmato nissajjāmi.*

For more than one robe beyond the reach of the hand, one would say:

- *Etāni me bhante cīvarāni dasāhātikantāni nissaggiyāni. Etānāham āyasmato nissajjāmi.*

Once the offense has been confessed, the robe (robe-cloth) is to be returned to the original owner, using this formula:

- *Imam cīvaram āyasmato dammi,*

Pali formulae: Forfeiture

Appendix VI

which means, "I give this robe (robe-cloth) to you."

For more than one piece:

- *Imāni cīvarāni āyasmato dammi.*

Changes in the formula for robe-cloth beyond the reach of the hand may be inferred from the preceding example. These two formulae for returning robe-cloth are used in every case involving robes or robe-cloth and will not be repeated below.

NP 2. For a robe separated from one for a night or more:

- *Idaṃ me bhante cīvaraṃ ratti-vippavutthaṃ aññatra bhikkhu-sammatiyā nissaggiyaṃ. Imāhaṃ āyasmato nissajjāmi,*

which means, "This robe of mine, venerable sir, separated (from me) for a night without authorization of the bhikkhus, is to be forfeited. I forfeit it to you." Change *cīvaraṃ* to *dvi-cīvaraṃ* for two robes, and to *ti-cīvaraṃ* for three. Other changes, as necessary, may be inferred from the formulae for NP 1, above. The formulae for returning the robe(s) are also given there.

NP 3. For out-of-season robe-cloth kept more than a month:

- *Idaṃ me bhante akāla-cīvaraṃ māsātikkantaṃ nissaggiyaṃ. Imāhaṃ āyasmato nissajjāmi,*

which means, "This out-of-season robe-cloth of mine, venerable sir, kept beyond a month, is to be forfeited. I forfeit it to you." For more than one piece of cloth:

- *Imāni me bhante akāla-cīvarāni māsātikkantāni nissaggiyāni. Imānāhaṃ āyasmato nissajjāmi.*

Other changes, as necessary, may be inferred from the formulae for NP 1.

NP 6. For a robe (robe-cloth) requested from an unrelated householder:

- *Idaṃ me bhante cīvaraṃ aññātaṃ gahapatikaṃ aññatra samayā viññāpitaṃ nissaggiyaṃ. Imāhaṃ āyasmato nissajjāmi,*

which means, "This robe (robe-cloth) of mine, venerable sir, requested from an unrelated householder at other than the proper occasion, is to be forfeited. I forfeit it to you."

For more than one robe:

- *Imāni me bhante cīvarāni aññātakam gahapatikam aññatra samayā viññāpitāni nissaggiyāni. Imānāham āyasmato nissajjāmi.*

NP 7. For a robe (robe–cloth) requested from an unrelated householder during an allowable occasion, but beyond the allowable limit:

- *Idam me bhante cīvaram aññātakam gahapatikam tad'uttariṃ viññāpitam nissaggiyam. Imāham āyasmato nissajjāmi,*

which means, "This robe (robe–cloth) of mine, venerable sir, requested beyond that (allowable) from an unrelated householder, is to be forfeited. I forfeit it to you."

For more than one robe:

- *Imāni me bhante cīvarāni aññātakam gahapatikam tad'uttariṃ viññāpitāni nissaggiyāni. Imānāham āyasmato nissajjāmi.*

NP 8. For a robe received after making a stipulation to an unrelated householder:

- *Idam me bhante cīvaram pubbe appavārito aññātakam gahapatikam upasaṅkamitvā cīvare vikappam āpannam nissaggiyam. Imāham āyasmato nissajjāmi,*

which means, "This robe, venerable sir — mine after, without having been invited beforehand, I approached an unrelated householder and made stipulations about a robe — is to be forfeited. I forfeit it to you."

NP 9. For a robe received after making stipulations to two or more unrelated householders, use the same formula as for the preceding rule, changing *aññātakam gahapatikam* to *aññātake gahapatike*.

NP 10. For a robe (robe–cloth) received after reminding one's steward too many times:

- *Idam me bhante cīvaram atireka-tikkhattuṃ codanāya atireka-chakkhattuṃ thānena abhinipphāditaṃ nissaggiyam. Imāham āyasmato nissajjāmi,*

which means, "This robe (robe–cloth) of mine, venerable sir, produced after more than three reminders, after more than six standings, is to be forfeited. I forfeit it to you."

NP 18 & 19. The formulae for these rules are given at the beginning of this appendix.

NP 20. For an article received in trade:

- *Ahaṃ bhante nānappakāraṃ kaya-vikkayaṃ samāpajjiṃ. Idaṃ me nissaggiyaṃ. Imāhaṃ āyasmato nissajjāmi,*

which means, "Venerable sir, I have engaged in various types of trade. This of mine is to be forfeited. I forfeit it to you."

To return the article:

- *Imaṃ āyasmato dammi,*

which means, "I give this to you."

NP 21. For an extra bowl kept beyond ten days:

- *Ayaṃ me bhante patto dasāhatikkanto nissaggiyo. Imāhaṃ āyasmato nissajjāmi,*

which means, "This bowl of mine, venerable sir, kept beyond ten days, is to be forfeited. I forfeit it to you."

To return the bowl:

- *Imaṃ pattaṃ āyasmato dammi.*

NP 22. The formula for this rule is given at the beginning of this appendix.

NP 23. For any of the five tonics kept beyond seven days:

- *Idaṃ me bhante bhesajjaṃ sattāhatikkantaṃ nissaggiyaṃ. Imāhaṃ āyasmato nissajjāmi,*

which means, "This medicine of mine, venerable sir, kept beyond seven days, is to be forfeited. I forfeit it to you."

To return the medicine:

- *Imaṃ bhesajjaṃ āyasmato dammi.*

NP 25. For a robe (robe-cloth) snatched back in anger:

- *Idaṃ me bhante cīvaraṃ bhikkhussa sāmaṃ datvā acchinnāṃ nissaggiyaṃ. Imāhaṃ āyasmato nissajjāmi,*

-

which means, "This robe (robe-cloth) of mine, venerable sir, snatched back after I myself gave it to a bhikkhu, is to be forfeited. I forfeit it to you."

NP 28. For a robe (robe-cloth) offered in urgency kept beyond the robe season:

- *Idaṃ me bhante acceka-cīvaraṃ cīvara-kāla-samayaṃ atikkāmitaṃ nissaggiyaṃ. Imāhaṃ āyasmato nissajjāmi,*

which means, "This robe-cloth-offered-in-urgency of mine, venerable sir, kept beyond the robe season, is to be forfeited. I forfeit it to you."

NP 29. For a robe separated from one for more than six nights:

- *Idaṃ me bhante cīvaraṃ atireka-chā-rattaṃ vippavutthaṃ aññatra bhikkhu-sammatiyā nissaggiyaṃ. Imāhaṃ āyasmato nissajjāmi,*

which means, "This robe of mine, venerable sir, separated (from me) for more than six nights without authorization of the bhikkhus, is to be forfeited. I forfeit it to you." Change *cīvaraṃ* to *dvi-cīvaraṃ* for two robes, and to *ti-cīvaraṃ* for three.

NP 30. For gains intended for the Community that one has diverted to oneself:

- *Idaṃ me bhante jānaṃ saṅghikaṃ lābhaṃ pariṇataṃ attano pariṇāmitaṃ nissaggiyaṃ. Imāhaṃ āyasmato nissajjāmi,*

which means, "This gift, venerable sir, which I knew was intended for the Community and diverted for myself, is to be forfeited. I forfeit it to you."

To return the article:

- *Imaṃ āyasmato dammi.*

VII. Pali formulae: Confession.

Six types of offense may be absolved through confession: thullaccaya, nissaggiya pācittiya, pācittiya, pāṭidesanīya, dukkaṭa, and dubbhāsita.

The formula for confessing a pāṭidesanīya is given in the training rules themselves:

- *Gārayhaṃ āvuso dhammaṃ āpajjiṃ asappāyaṃ paṭidesaniyaṃ. Taṃ paṭidesemi,*

which means, "Friend, I have committed a blameworthy, unsuitable act that ought to be acknowledged. I acknowledge it."

The five remaining types of offenses are confessed as follows: One arranges one's upper robe over the left shoulder, approaches another bhikkhu, kneels down and, with hands raised palm-to-palm in respect, repeats the formula of confession. The bhikkhu to whom the offense is to be confessed must be part of the Community — i.e., he does not belong to a schismatic faction and has not been suspended — and he must not be guilty, without having made confession, of the same offense that one is confessing.

If all the bhikkhus in a particular residence are guilty of the same offense, one of them must go to another residence to confess the offense and then return to let the remaining bhikkhus confess their offenses in his presence, or one after another in the presence of those who have already confessed. If this cannot be arranged, then on the day of the Pāṭimokkha recitation one of the bhikkhus should announce the fact of their common offense in the midst of the gathering. Only then may they go ahead with the recitation.

As bhikkhus are supposed to be pure of unconfessed offenses before listening to the Pāṭimokkha, a bhikkhu who listens to the Pāṭimokkha knowing that he has an unconfessed offense must tell one of his neighboring bhikkhus of the offense when the recitation comes to the relevant rule. At the same time, he must promise that he will confess it when the recitation is over. Otherwise, if he tells no one, he incurs a dukkaṭa (Mv.II.3.7).

The Cullavagga (IV.14.30) gives a formula for confessing an offense in the presence of another bhikkhu:

- *Ahaṃ āvuso itthannāmaṃ āpattiṃ āpanno. Taṃ paṭidesemi,*

which means, "Friend, I have fallen into an offense of such-and-such a name. I confess it."

The bhikkhu acknowledging the confession says,

- *Passasi?*

which means, "Do you see (the offense)?"

The bhikkhu confessing the offense says,

- *Āma, passāmi,*

which means, "Yes, I see it."

The bhikkhu acknowledging the confession then says,

- *Āyatiṃ saṃvareyyāsi,*

which means, "You should restrain yourself in the future."

MN 104 gives some variations on this formula. To begin with, it notes that if the bhikkhu confessing the offense is junior to the one acknowledging his confession, he should first arrange his upper robe over one shoulder, bow down to the senior bhikkhu, sit in a kneeling position with his hands palm-to-palm over his heart, and state his confession. At the conclusion of the formula, the senior bhikkhu should advise restraint by saying,

- *Āyatim saṃvaram āpajjeyyāsi.*

which means, "You should achieve restraint in the future."

The bhikkhu confessing the offense then replies,

- *Saṃvaram āpajjissāmi.*

which means, "I will achieve restraint."

The formula most generally used at present in Thailand is expanded from these patterns. Following MN 104, the confessant vows to exercise restraint at the end of the formula, but the vow is worded to follow the pattern set in Cv IV.14.30. Also, in his original confession, he includes the words "many" and "of various sorts" to qualify the word, "offenses." This latter change is meant to streamline the confession. Rather than confessing each offense of a particular class separately, one gathers them into a single statement. As one is allowed to confess more offenses than one has actually committed, and as it is possible in some cases to commit offenses unknowingly, the current formula has been adopted to cover such unwitting offenses. In this context, the phrase, "I see," in the confession means, "I see that I may have committed an offense unknowingly." Thus it is not a lie.

Because the formula is repeated by every bhikkhu before the recitation of the Pāṭimokkha, the procedure has become little more than a formality. The Vinaya-mukha thus recommends that a bhikkhu conscious of having committed a particular offense should mention it to the other bhikkhu in their own language before making use of the Pali formula.

If the bhikkhu making confession is junior to the one acknowledging him, the exchange is as follows (taking dukkaṭa offenses as an example):

- Confessant: *Ahaṃ bhante sambahulā nānā-vatthukāyo dukkaṭāyo āpattiyo āpanno. Tā paṭidesemi.*
- Acknowledger: *Passasi āvuso?*
- C: *Āma bhante, passāmi.*
- A: *Āyatim āvuso saṃvareyyāsi.*
- C: *Sādhu sutṭhu bhante saṃvarissāmi. (Three times.)*

This last sentence means, "Very well, venerable sir, I will be restrained," and is taken from the Commentary.

If the bhikkhu making confession is senior to the other bhikkhu, the exchange is as follows:

- C: *Ahaṃ āvuso sambahulā nānā-vatthukāyo dukkaṭāyo āpattiyo āpanno. Tā paṭidesemi.*
- A: *Passatha bhante?*
- C: *Āma āvuso, passāmi.*
- A: *Āyatim bhante saṃvareyyātha.*
- C: *Sādhu sutṭhu āvuso saṃvarissāmi. (Three times.)*

For other categories of offenses, change *dukkatāyo* to

- *thullaccayāyo,*
- *nissaggiyāyo pacittiyāyo,*
- *pacittiyāyo,* or
- *dubbhāsītāyo,*

as the case may be. In confessing dubbhāsita offenses, drop the word *nānā-vatthukāyo*, as there is only one rule in this class.

VIII. Pali formulae: Verdicts

A. *A verdict of mindfulness.* To request this verdict, a bhikkhu should arrange his robe over one shoulder, approach the Community, bow down to the feet of the senior bhikkhus and, while kneeling with his hands palm-to-palm over his heart, say:

- *Maṃ bhante bhikkhū amūlikāya sīla-vipattiyā anuddhaṃsenti. So'haṃ bhante sati-vepullappatto saṅghaṃ sati-vinayaṃ yācāmi.*
- *Maṃ bhante bhikkhū amūlikāya sīla-vipattiyā anuddhaṃsenti. So'haṃ sati-vepullappatto dutiyam-pi bhante saṅghaṃ sati-vinayaṃ yācāmi.*
- *Maṃ bhante bhikkhū amūlikāya sīla-vipattiyā anuddhaṃsenti. So'haṃ sati-vepullappatto tatiyam-pi bhante saṅghaṃ sati-vinayaṃ yācāmi.*

This means, *Venerable sirs, bhikkhus have charged me groundlessly with a corruption of virtue. I, having reached fullness of mindfulness, ask the Community for a verdict of mindfulness.*

Venerable sirs, bhikkhus have charged me groundlessly with a corruption of virtue. I, having reached fullness of mindfulness, ask the Community a second time ... a third time for a verdict of mindfulness.

To give this verdict, an experienced and competent bhikkhu should inform the Community:

- *Suṇātu me bhante saṅgho. Bhikkhū Itthannāmaṃ bhikkhuṃ amūlikāya sīla-vipattiyā anuddaṃsenti. So sati-vepullappatto saṅghaṃ sati-vinayaṃ yācati. Yadi saṅghassa pattakallaṃ, saṅgho Itthannāmassa bhikkhuno sati-vepullappattassa sati-vinayaṃ dadeyya. Esā ñatti.*
- *Suṇātu me bhante saṅgho. Bhikkhū Itthannāmaṃ bhikkhuṃ amūlikāya sīla-vipattiyā anuddaṃsenti. So sati-vepullappatto saṅghaṃ sati-vinayaṃ yācati. Saṅgho Itthannāmassa bhikkhuno sati-vepullappattassa sati-vinayaṃ deti. Yass'āyasmato khamati, Itthannāmassa bhikkhuno sati-vepullappattassa sati-vinayassa dānaṃ, so tuṇh'assa. Yassa nakkhamati, so bhāseyya.*
- *Dutiyam-pi etam-atthaṃ vadāmi. Suṇātu me bhante saṅgho... Yassa nakkhamati, so bhāseyya.*
- *Tatīyam-pi etam-atthaṃ vadāmi. Suṇātu me bhante saṅgho... Yassa nakkhamati, so bhāseyya.*
- *Dinno saṅghena Itthannāmassa bhikkhuno sati-vepullappattassa sati-vinayo. Khamati saṅghassa, tasmā tuṇhī. Evam-etam dhārayāmi. (Cv.IV.4.10; Cv.IV.14.27)*

This means, *Venerable sirs, may the Community listen to me. Bhikkhus have charged Bhikkhu (name) groundlessly with a corruption of virtue. He, having reached fullness of mindfulness, asks the Community for a verdict of mindfulness. If the Community is ready, it should grant Bhikkhu (name), who has reached fullness of mindfulness, a verdict of mindfulness. This is the motion.*

Venerable sirs, may the Community listen to me. Bhikkhus have charged Bhikkhu (name) groundlessly with a corruption of virtue. He, having reached fullness of mindfulness, asks the Community for a verdict of mindfulness. The Community grants Bhikkhu (name), who has reached fullness of mindfulness, a verdict of mindfulness. He to whom the granting of a verdict of mindfulness to Bhikkhu (name), who has reached fullness of mindfulness, is agreeable should remain silent. He to whom it is not agreeable should speak.

A second time... A third time I speak about this matter. Venerable sirs, may the Community listen to me... He to whom it is not agreeable should speak.

Bhikkhu (name), who has reached fullness of mindfulness, has been granted a verdict of mindfulness by the Community. This is agreeable to the Community, therefore it is silent. Thus do I hold it.

B. A verdict of past insanity. To request this verdict, a bhikkhu should arrange his robe over one shoulder, approach the Community, bow down to the feet of the senior bhikkhus and, while kneeling with his hands palm-to-palm over his heart, say:

- *Ahaṃ bhante ummattako ahoṣiṃ citta-vipariyāsakato. Tena me ummattakena citta-vipariyāsakatena bahuṃ assāmaṇakaṃ ajjhāciṇṇaṃ bhāsita-parikkantaṃ. Maṃ bhikkhū ummattakena citta-vipariyāsakatena ajjhāciṇṇena āpattiyā codenti, "Sarat'āyasmā evarūpiṃ āpattiṃ āpajjitāti." Ty'ahaṃ evaṃ vadāmi, "Ahaṃ kho āvuso ummattako ahoṣiṃ citta-vipariyāsakato. Tena me ummattakena citta-vipariyāsakatena bahuṃ assāmaṇakaṃ ajjhāciṇṇaṃ bhāsita-parikkantaṃ. Nāhan'taṃ sarāmi. Mūl'hena me etaṃ katanti." Evam-pi maṃ vuccamānā codent'eva, "Sarat'āyasmā evarūpiṃ āpattiṃ āpajjitāti." So'haṃ bhante amūlho saṅghaṃ amūlha-vinayaṃ yācāmi.*
- *Ahaṃ bhante ummattako ahoṣiṃ... So'haṃ amūlho dutiyam-pi bhante saṅghaṃ amūlha-vinayaṃ yācāmi.*
- *Ahaṃ bhante ummattako ahoṣiṃ... So'haṃ bhante amūlho tatiyam-pi bhante saṅghaṃ amūlha-vinayaṃ yācāmi.*

This means, *Venerable sirs, I have been mad, out of my mind. While I was mad, out of my mind, I committed much and prevaricated about much in a way that was unworthy of a contemplative. Bhikkhus reprimand me with an offense committed while I was mad, out of my mind: "Let the venerable one recall (§) having fallen into an offense of this sort." I say to them, "Friends, I have been mad, out of my mind. While I was mad, out of my mind, I committed much and prevaricated about much in a way that was unworthy of a contemplative. I don't recall that. It was done by me through insanity." But even though I have told them this, they reprimand me as before: "Let the venerable one recall having fallen into an offense of this sort." I, no longer insane, ask the Community for a verdict of past insanity.*

Venerable sirs I have been mad, out of my mind ... I, no longer insane, ask the Community a second time ... a third time for a verdict of past insanity.

To give this verdict, an experienced and competent bhikkhu should inform the Community:

- *Suṇātu me bhante saṅgho. Ayaṃ Itthannāmo bhikkhu ummattako ahoṣi citta-vipariyāsakato. Tena ummattakena citta-vipariyāsakatena bahuṃ assāmaṇakaṃ ajjhāciṇṇaṃ bhāsita-parikkantaṃ. Taṃ bhikkhū ummattakena citta-*

vipariyāsakatena ajjhāciṇṇena āpattiyā codenti, "Sarat'āyasmā evarūpiṃ āpattiṃ āpajjitāti." So evaṃ vadeti, "Ahaṃ kho āvuso ummattako ahosiṃ citta-vipariyāsakato. Tena me ummattakena citta-vipariyāsakatena bahuṃ assāmaṇakaṃ ajjhāciṇṇaṃ bhāsita-parikkantaṃ. Nāhan'taṃ sarāmi, mūlhena me etaṃ katanti." Evam-pi naṃ vuccamānā codent'eva, "Sarat'āyasmā evarūpiṃ āpattiṃ āpajjitāti." So amūlho saṅghaṃ amūlha-vinayaṃ yācati. Yadi saṅghassa pattakallaṃ, saṅgho Itthannāmassa bhikkhuno amūlha-vinayaṃ dadeyya. Esā ñatti.

- *Suṇātu me bhante saṅgho. Ayaṃ Itthannāmo bhikkhu ummattako ahosi citta-vipariyāsakato, tena ummattakena citta-vipariyāsakatena bahuṃ assāmaṇakaṃ ajjhāciṇṇaṃ bhāsita-parikkantaṃ. Taṃ bhikkhū ummattakena citta-vipariyāsakatena ajjhāciṇṇena āpattiyā codenti, "Sarat'āyasmā evarūpiṃ āpattiṃ āpajjitāti." So evaṃ vadeti, "Ahaṃ kho āvuso ummattako ahosiṃ citta-vipariyāsakato. Tena me ummattakena citta-vipariyāsakatena bahuṃ assāmaṇakaṃ ajjhāciṇṇaṃ bhāsita-parikkantaṃ. Nāhan'taṃ sarāmi. Mūlhena me etaṃ katanti." Evam-pi naṃ vuccamānā codent'eva, "Sarat'āyasmā evarūpiṃ āpattiṃ āpajjitāti." So amūlho saṅghaṃ amūlha-vinayaṃ yācati. Saṅgho Itthannāmassa bhikkhuno amūlhassa amūlha-vinayaṃ deti. Yass'āyasmato khamati, Itthannāmassa bhikkhuno amūlhassa amūlha-vinayassa dānaṃ, so tuṇh'assa. Yassa nakkhamati, so bhāseyya.*
- *Dutiyam-pi etaṃ-atthaṃ vadāmi. Suṇātu me bhante saṅgho... Yassa nakkhamati, so bhāseyya.*
- *Tatīyam-pi etaṃ-atthaṃ vadāmi. Suṇātu me bhante saṅgho... Yassa nakkhamati, so bhāseyya.*
- *Dinno saṅghena Itthannāmassa bhikkhuno amūlhassa amūlha-vinayo. Khamati saṅghassa, tasmā tuṇhī. Evam-etaṃ dhārayāmi. (Cv. IV.5.2; Cv.IV.14.28)*

This means, *Venerable sirs, may the Community listen to me. This Bhikkhu (name) has been mad, out of his mind. While he was mad, out of his mind, he committed much and prevaricated about much in a way that was unworthy of a contemplative. Bhikkhus reprimand him with an offense committed while he was mad, out of his mind: "Let the venerable one recall having fallen into an offense of this sort." He says to them, "Friends, I have been mad, out of my mind. While I was mad, out of my mind, I committed much and prevaricated about much in a way that was unworthy of a contemplative. I don't recall that. It was done by me through insanity." But even though he has told them this, they reprimand him as before: "Let the venerable one recall having fallen into an offense of this sort." He, no longer insane, asks the Community for a verdict of past insanity. If the Community is ready, it should grant Bhikkhu (name), who is no longer insane, a verdict of past insanity. This is the motion.*

Venerable sirs, may the Community listen to me. This Bhikkhu (name) has been mad, out of his mind. While he was mad, out of his mind, he committed much and prevaricated about much in a way that was unworthy of a contemplative... He, no longer insane, asks the Community for a verdict of past insanity. The Community grants Bhikkhu (name), who is no longer insane, a verdict of past insanity. He to whom the granting of a verdict of past insanity to Bhikkhu (name), who is no longer insane, is agreeable should remain silent. He to whom it is not agreeable should speak.

A second time... A third time I speak about this matter. Venerable sirs, may the Community listen to me... He to whom it is not agreeable should speak.

Bhikkhu (name), who is no longer insane, has been granted a verdict of past insanity by the Community. This is agreeable to the Community, therefore it is silent. Thus do I hold it.

IX. Thullaccaya offenses.

Rules entailing thullaccaya offenses are found in the Sutta Vibhaṅga as derivatives from pārājika and saṅghādisesa rules; in the Khandhakas, as stand-alone rules. The fact that they are scattered throughout the Canon with no special arrangement or section of their own makes it difficult to determine whether one has committed an offense of this class. To lessen this difficulty, they are gathered here. For thullaccayas in the Sutta Vibhaṅga, I have provided summaries in my own words. For those in the Khandhakas, I have given the rules in their original form, arranging them in the order in which they are found in BMC2.

Thullaccayas in the Sutta Vibhaṅga

Under Pr 1:

A bhikkhu engages in mouth-to-mouth penetration with another human being or animal: a thullaccaya offense.

A bhikkhu attempts intercourse with the decomposed mouth, anus, or genitals of a corpse: a thullaccaya offense.

Under Pr 2:

A bhikkhu steals an article worth more than one māsa but less than five: a thullaccaya offense.

A bhikkhu gets an accomplice to agree to steal an article worth at least five māśakas: a thullaccaya offense.

A bhikkhu performs any of the following steps in stealing an article worth at least five māśakas, defined by what constitutes moving the article:

- *Moving the object from its place:* Making the object budge without fully moving it from its place: a thullaccaya offense.
- *"Cutting off" a fistful:* Making the object budge without fully cutting off a fistful: a thullaccaya offense.
- *Sticking a vessel into a pool of liquid or pile of objects and causing some of the pool or pile to enter the vessel:* Making the pool or pile budge without fully getting five māśakas worth separated from the pool or pile and inside the vessel: a thullaccaya offense.
- *Removing entirely from the mouth of a container:* Lifting the object: a thullaccaya offense. Bringing it up to the level of the mouth of the container: another thullaccaya offense.
- *Drinking liquid from a container:* Drinking between one and five māśakas' worth of liquid: a thullaccaya offense.
- *Moving the object from one part of one's body to another or dropping it:* Moving it but not to the point of putting it on another part of the body or dropping it: a thullaccaya offense.
- *Causing a boat to move a hair-breadth upstream, downstream, or across a body of water:* Making the boat rock without causing it to move a hair-breadth upstream, downstream, or across a body of water: a thullaccaya offense.
- *Breaking an embankment so that water flows out:* Letting between one and five māśakas' worth of water flow out: a thullaccaya offense.
- *Causing an animal to move all its feet:* Getting it to move any of its feet prior to its moving its last foot: a thullaccaya offense for each step.
- *Cutting down:* The next-to-last chop needed to cut the plant through: a thullaccaya offense.
- *Causing the owner to give up efforts to regain possession of objects handed to one for safe keeping:* Inducing doubt in the owner's mind as to whether he/she will get the object back: a thullaccaya offense. If the case goes to court and the bhikkhu loses: another thullaccaya offense.
- *Causing the owner to give up efforts to regain possession of land:* Inducing doubt in the owner's mind as to whether he/she will lose the land: a

thullaccaya offense. Again, if the case goes to court and the bhikkhu loses: another thullaccaya offense.

- *Shifting a boundary marker*: Any steps between removing the boundary marker from its original place and putting it in a new place: a thullaccaya offense for each step.
- *Taking a dutiable item through a customs area without paying duty*: Making the object move without fully moving it from the customs area: a thullaccaya offense.

Under Pr 3:

A bhikkhu kills a "non-human being" — a yakkha, nāga, or peta: a thullaccaya offense.

A bhikkhu causes a human being to experience pain or injury as a result of his efforts to kill him/her: a thullaccaya offense.

A bhikkhu gets an accomplice to agree to kill a human being: a thullaccaya offense.

A bhikkhu tests a poison on a human being: a thullaccaya offense regardless of whether the human being dies.

Under Pr 4:

A bhikkhu means to lay false claim to one superior human state but actually lays false claim to another, while not being alert to what he is saying: a thullaccaya offense.

A bhikkhu lays false claim to a superior human state, explicitly mentioning the state but without explicitly mentioning himself, fully aware that he is making such a claim: a thullaccaya offense.

Under Sg 1:

A bhikkhu makes an intentional effort to emit semen, but without reaching an emission: a thullaccaya offense.

Under Sg 2:

Impelled by lust, a bhikkhu makes bodily contact with a *paṇḍaka*, a female yakkha, or a dead woman, perceiving his object correctly: a thullaccaya offense.

Impelled by lust, a bhikkhu makes bodily contact with a woman while under the impression that she is something else — a *paṇḍaka*, a man, or an animal: a thullaccaya offense.

Impelled by lust, a bhikkhu uses his body to make lustful contact with an article connected to a woman's body: a thullaccaya offense.

Impelled by lust, a bhikkhu uses an item connected with his body to make lustful contact with a woman's body: a thullaccaya offense.

A woman whom a bhikkhu perceives to be a woman makes an effort at a bhikkhu's body using something connected to her body. The bhikkhu desires contact, makes an effort, and detects contact: a thullaccaya offense.

A woman whom a bhikkhu perceives to be a woman makes an effort at something connected to the bhikkhu's body using her body. The bhikkhu desires contact, makes an effort, and detects contact: a thullaccaya offense.

Under Sg 3:

Impelled by lust, a bhikkhu speaks to a woman he perceives to be a woman and refers to parts of her body — aside from her private parts — below her collarbone and above her knees: a thullaccaya offense.

Impelled by lust, a bhikkhu speaks to a paṇḍaka he perceives to be a paṇḍaka and refers lustfully to his (the paṇḍaka's) private parts or performing sexual intercourse: a thullaccaya offense.

Impelled by lust, a bhikkhu speaking to a woman whom he perceives to be a paṇḍaka, a man, or an animal, refers to her genitals, anus, or performing sexual intercourse: a thullaccaya offense.

Impelled by lust, a bhikkhu speaking to a woman makes direct reference to her genitals or anus, but the woman doesn't immediately understand that he is referring to those things: a thullaccaya offense.

Under Sg 4:

Impelled by lust, a bhikkhu speaks to a paṇḍaka he perceives to be a paṇḍaka in praise of the paṇḍaka's ministering to his (the bhikkhu's) sensual needs, referring to sexual intercourse as a meritorious gift: a thullaccaya offense.

Impelled by lust, a bhikkhu makes such remarks to a woman he perceives to be a paṇḍaka, a man, or an animal: a thullaccaya offense.

Under Sg 5:

A bhikkhu performs any two of the three steps in a go-between's role — accepting, inquiring, reporting — or gets someone else to perform any two of the three: a thullaccaya offense.

A bhikkhu performs all three steps in a go-between's role for a *paṇḍaka* (reading *paṇḍake* as the locative singular, which is called for in the grammatical context of the sentence): a thullaccaya offense.

Under Sg 6:

A bhikkhu performs the next-to-last act in building a hut for his own use — its materials acquired through begging — that is oversized or located on an unauthorized site: a thullaccaya offense.

Under Sg 7:

A bhikkhu performs the next-to-last act in building a hut for his own use — financed by a sponsor — that is located on an unauthorized site: a thullaccaya offense.

Under Sg 10:

A bhikkhu persists in his intention to form a schismatic group or to take up a position that can lead to schism, up through the end of the second announcement of a formal rebuke in a meeting of the Community: a thullaccaya offense.

Under Sg 11:

A bhikkhu persists in his intention to support a potential schismatic, up through the end of the second announcement of a formal rebuke in a meeting of the Community: a thullaccaya offense.

Under Sg 12:

A bhikkhu persists in being difficult to admonish, up through the end of the second announcement of a formal rebuke in a meeting of the Community: a thullaccaya offense.

Under Sg 13:

A bhikkhu persists in criticizing an act of banishment performed against him, up through the end of the second announcement of a formal rebuke in a meeting of the Community: a thullaccaya offense.

Thullaccayas in the Khandhakas

"Nakedness, a sectarian observance, should not be followed. Whoever should follow it: a thullaccaya offense." — Mv.VIII.28.1

"A kusa-grass garment ... a bark-fiber garment ... a garment of bark pieces ... a human hair blanket ... a horse tail-hair blanket ... owls' wings ... black antelope hide,

Thullaccaya offenses

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(each of which is) a sectarian uniform, should not be worn. Whoever should wear one: a thullaccaya offense." — Mv.VIII.28.2

"One should not consume human flesh. Whoever should do so: a thullaccaya offense." — Mv.VI.23.9

"One should not, with lustful thoughts, touch the sexual organs (of cattle). Whoever should touch (one): a thullaccaya offense." — Mv.V.9.3

"One's own penis/genitals should not be cut off. Whoever should cut them off: a thullaccaya offense." — Cv.V.7

"Surgery should not be done in the crotch. Whoever should do it (have it done): a thullaccaya offense." — Mv.VI.22.3

"Surgery and hemorrhoid removal (§) should not be done within the area two inches around the crotch. Whoever should do it (have it done): a thullaccaya offense." — Mv.VI.22.4

"These five things not-to-be-given-out should not be given out by a Community, a group, or an individual. Even when they have been given out, they are not (to be considered as) given out. Whoever should give them out: a thullaccaya offense. Which five?

- 1) A monastery, the land of a monastery (a site for a monastery). This is the first thing not to be given out...
- 2) A dwelling, the land of a dwelling (a site for a dwelling). This is the second thing not to be given out...
- 3) A bed, bench, mattress, pillow. This is the third thing not to be given out...
- 4) A metal pot, a metal vessel, a metal jar/bottle, a metal frying pan/wok, a knife/machete, an axe, an adze, a hoe, a drill/chisel. This is the fourth thing not to be given out...
- 5) Vines, bamboo, coarse grass, reeds, tiṇa-grass, clay (all of which can be used as building materials), wooden goods, clay goods. This is the fifth thing not to be given out...

"These are the five things not-to-be-given-out that should not be given out by a Community, a group, or an individual. Even when they have been given out, they are not (to be considered as) given out. Whoever should give them out: a thullaccaya offense." — Cv.VI.15.2

"These five things not-to-be-divided-up (not-to-be-distributed) (as above)." — Cv.VI.16.2

"There is the case where on the uposatha day in a certain residence, many resident bhikkhus gather, four or more. They know, 'There are other resident bhikkhus who have not come yet.' (Thinking,) 'They are expelled. They are destroyed. Who has need of them? (§)' they recite the Pāṭimokkha ... : a thullaccaya offense — Mv.II.32

"(Incoming bhikkhus on the uposatha day,) being doubtful, search for resident bhikkhus. Searching for them, they see them. Seeing them, (thinking,) 'They are expelled. They are destroyed. Who has need of them? (§)' they perform the uposatha separately, aiming at schism: a thullaccaya offense." — Mv.II.34.5–6

(With reference to the newly-ordained bhikkhus who had ignorantly followed Devadatta in a schism): "In that case, you should have the followers of the schismatic confess a thullaccaya offense." — Cv.VII.4.4

X. A pupil's duties as attendant to his mentor.

As mentioned in Chapter 2, one is required to act as one's mentor's personal attendant if he does not already have one. There I sketched out these duties in general terms. What follows is a translation from Mv.I.25.8–19, which lays them out in very specific terms. Some Communities have their members follow these duties to the letter; others have adapted them to fit in with what they see as changes in culture and technology (e.g., bathing practices now differ from what they were then). Even in the latter cases, though, it is useful to have the original standards down in writing as practical guides to mindful action in daily life and sensitivity to one's mentor's needs, for the role of attendant is an excellent opportunity for learning the Dhamma and Vinaya in action on a day-to-day basis. A bhikkhu who approaches this role with the proper attitude will benefit greatly from it, much as Ven. Ānanda benefited from the care and attention he brought to bear in attending to the Buddha.

In the following passages, statements in brackets are from the Commentary; statements in braces from the Sub-commentary; statements in parentheses are my own.

"Having gotten up early, having taken off his sandals, having arranged his upper robe over one shoulder, the pupil should provide tooth wood (see Pc 40) and water for washing the face/rinsing the mouth. [C: On the first three days when one is performing these services, one should provide the preceptor with three lengths of tooth wood — long, medium, and short — and notice which one he takes. If he takes the same length on all three days, provide him only with that length from then on. If he is not particular about the length, provide him with whatever length is available. A similar principle holds for the water: On the first three days, provide him with both warm and cold water. If he consistently takes either the warm or the cold, provide him only with that kind of water from then on. If not, provide him with whatever water is available.] (The Commentary suggests that in "providing" these things, one need only set them out, rather than hand them to the preceptor. Once they have been set out, one should proceed to sweep out the restroom and its

surrounding area while the preceptor is using the tooth wood and water. Then, while the preceptor is using the restroom, one should proceed to the next step.)

"Arrange a seat. If there is conjei, then having washed a shallow bowl, offer the conjei to the preceptor. When he has drunk the conjei, then having given him water, having received the bowl, having lowered it (so as not to let the washing water wet one's robes), wash it carefully without scraping it [C: knocking it against the floor] and then put it away. When the preceptor has gotten up, take up the seat. If the place is dirty, sweep it.

"If the preceptor wishes to enter the village for alms, give him his lower robe, receiving the spare lower robe (he is wearing) from him in return. (This is one of the few passages showing that the practice of having spare robes was already current when the Canon was being compiled.) Give him his waistband; give him his upper and outer robe, arranged so that the upper robe forms a lining for the outer one (§). Having rinsed out the bowl, give it to him while it is still wet (i.e., pour out as much of the rinsing water as possible, but don't wipe it dry).

"If the preceptor desires an attendant, one should put on one's lower robe so as to cover the three circles all around (see Sk 1 & 2). Having put on the waistband, having arranged the upper robe as a lining for the outer one and having put them on, having fastened the (lower) fastener, having washed and taken a bowl, be the preceptor's attendant. Do not walk too far behind him; do not walk too close. [C: One to two steps behind him is appropriate.] Receive the contents of the preceptor's bowl. [C: If the preceptor's bowl is heavy or hot to the touch, take his bowl and give him one's own bowl (which is presumably lighter or cooler to the touch) in return.] (In a Community where the bowls are carried in their bowl bags during alms round, one may receive the preceptor's bowl.)

"Do not interrupt the preceptor when he is speaking. If he is bordering on an offense [C: e.g., Pc 4 or Sg 3], one should stop him. [C: Speak in an indirect way so as to call him to his senses. These two protocols apply everywhere, not only on alms round.] {SC: Unlike the other protocols toward one's preceptor, these must also be observed even when one is ill.}

"Returning ahead of the preceptor, one should arrange a seat. Put out washing water for the feet, a foot stand, and a pebble foot wiper. Having gone to meet him, receive his bowl and robe. Give him his spare lower robe; receive the lower robe [C: that he has been wearing] in return. If the upper and outer robes are damp with perspiration, dry them for a short time in the sun's warmth, but do not leave them in the sun's warmth for long. Fold up the robes {SC: separately}, keeping the edges four fingerbreadths apart so that neither robe becomes creased in the middle. (This, the Vinaya-mukha notes, helps extend the life of the cloth.) Place the waistband in the fold of the robe. (From these statements it would appear that when bhikkhus were in their dwelling places they wore only their lower robes, even while eating.)

"If there is almsfood, and the preceptor wishes to eat, give him water and offer the almsfood to him. Ask if he wants drinking water. [C: If there is enough time before noon, one should wait by the preceptor while he is eating, in order to offer him

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drinking water, and eat one's own meal only when he is finished. If there is not enough time for this, one should simply set out the water and proceed to one's own meal.]

"When he has finished his meal, then having given him water, receive the bowl, lower it, and wash it carefully without scraping it. Then, having dried it, set it out for a short time in the sun's warmth, but do not leave in the sun's warmth for long.

"Put away his bowl and robes. When putting away the bowl, one should take the bowl in one hand, run one's hand under the bed or bench with the other hand (to check for things on the floor that would harm the bowl), and put away the bowl (there), but should not put it away on the bare ground [C: any place where it will get soiled]. When putting away the robe, one should take the robe with one hand, stroke the other hand along the rod or cord for the robes [C: to check for any rough spots or splinters on the cord or rod that will rip the cloth], and put away the robe (over the cord or rod) with the edges away from one and the fold toward one. [C: The fold shouldn't be placed on the side of the wall, for if there is a splinter in the wall, it may rip the robe in the middle (making its determination lapse).]

"When the preceptor has gotten up, take up the seat. Put away the washing water for the feet, the foot-stand, and the foot wiper. If the place is dirty, sweep it.

"If the preceptor wishes to bathe, prepare a bath. Prepare a cold bath if he wants a cold one, a hot bath if he wants a hot one.

"If the preceptor wishes to enter the sauna, knead the powder for bathing, moisten the bathing clay, take a sauna-bench, and follow closely behind him. Give him the bench, receive his robe in return, and lay it to one side [C: where there is no soot or smoke]. Give him the (moistened) powder for bathing and clay. If one is able to, enter the sauna. When entering the sauna, one should do so having smeared one's face with the bathing clay and covering oneself front and back (i.e., one shouldn't expose oneself, but there is no need to cover the three "circles").

"Sit so as not to encroach on the senior bhikkhus, at the same time not preempting the junior bhikkhus from a seat. Perform services for the preceptor [C: stoking the fire, providing him with clay and hot water]. When leaving the sauna, one should do so taking the sauna-bench and having covered oneself front and back. Perform a service for the preceptor even in the bathing water. Having bathed, the pupil should come out of the water first, dry himself, and put on his lower robe. Then he should rub the water off his preceptor, give him his lower robe and then his outer robe.

"Taking the sauna-bench, the pupil should return first, arrange a seat, put out washing water for the feet, a foot stand, and a pebble foot wiper. When the preceptor has sat down, ask him if he wants drinking water.

"If the preceptor wants one to recite [C: memorize passages of Dhamma or Vinaya], one should recite. If he wants to interrogate one [C: on the meaning of the passages], one should answer his interrogation.

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"If the place where the preceptor is staying is dirty, the pupil should clean it if he is able to. First taking out the bowl and robes he should lay them to one side. Taking out the sitting cloth and sheet, he should lay them to one side. Having lowered the bed, he should take it out carefully, without scraping it [C: along the floor] or knocking it against the door or doorposts, and then lay it to one side. Having lowered the bench, he should take it out carefully, without scraping it [C: along the floor] or knocking it against the door or doorposts, and then lay it to one side. Taking out the spittoon... the leaning board, he should lay them to one side.

"If there are cobwebs in the dwelling, he should remove them, starting first with the ceiling covering—cloth (§) (and working down). He should wipe areas around the window frames and the corners (of the room) (§). If the wall has been treated with ochre and has become moldy (§), he should moisten a rag, wring it out, and wipe it clean. If the floor of the room is treated with blackening (polished), he should moisten a rag, wring it out, and wipe it clean. If the floor is bare ground, he should sprinkle it all over with water before sweeping it, (with the thought,) 'May the dust not fly up and soil the room.' He should look for any rubbish and throw it away to one side.

"Having dried the ground—covering in the sun, he should clean it, shake it out, bring it back in, and arrange it in its proper place. Having dried the supports for the bed in the sun, he should wipe them, bring them back in, and set them in their proper places. Having dried the bed...the bench in the sun, he should clean them, shake them out, lower them, bring them back in carefully without scraping them [along the floor] or knocking them against the door or doorposts, and arrange them in their proper places. Having dried the mattress and pillow...the sitting cloth and sheet in the sun, he should clean them, shake them out, bring them back in, and arrange them in their proper places. Having dried the spittoon in the sun, he should wipe it, bring it back in, and set it in its proper place. Having dried the leaning board in the sun, he should wipe it, bring it back in, and set it in its proper place.

"If dusty winds blow from the east, he should close the eastern windows. If from the west, he should close the western windows. If from the north, he should close the northern windows. If from the south, he should close the southern windows. If the weather is cool, he should open the windows by day and close them at night. If the weather is hot, he should close them by day and open them at night.

"If the surrounding area (§) is dirty, he should sweep it. If the porch ... assembly hall ... fire hall ... restroom is dirty, he should sweep it. If there is no drinking water, he should set it out. If there is no washing water, he should set it out. If there is no water in the pot for rinsing (in the restroom), he should pour it into the pot.

"If dissatisfaction (with the holy life) arises in the preceptor, one should allay it or get someone else to allay it or one should give him a Dhamma talk. If anxiety (over his conduct with regard to the rules) arises in the preceptor, one should dispel it or get someone else to dispel it or one should give him a Dhamma talk. If a viewpoint (*ditthigata*, usually a fixed opinion with regard to a question not worth asking — see MN 72) arises in the preceptor, one should pry it away or get someone else to pry it away or one should give him a Dhamma talk.

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"If the preceptor has committed an offense against a heavy (saṅghādisesa) rule and deserves probation, the pupil should make an effort, (thinking,) "How can the Community grant my preceptor probation?" If the preceptor deserves to be sent back to the beginning ... deserves penance ... deserves rehabilitation, the pupil should make an effort, (thinking,) "How can the Community grant my preceptor rehabilitation?"

"If the Community wants to carry out a transaction against the preceptor — censure, demotion, banishment, reconciliation, or suspension — the pupil should make an effort, (thinking,) 'How can the Community not carry out that transaction against my preceptor or else change it to a lighter one?' But if the transaction — censure ... suspension — is carried out against him, the pupil should make an effort, (thinking,) 'How can my preceptor behave properly, lower his hackles, mend his ways, so that the Community will rescind that transaction?'

"If the preceptor's robe should be washed, the pupil should wash it or make an effort, (thinking,) 'How can my preceptor's robe be washed?' If the preceptor's robe should be made, the pupil should make it or make an effort, (thinking,) 'How can my preceptor's robe be made?' If the preceptor's dye should be boiled, the pupil should boil it or make an effort, (thinking,) 'How can my preceptor's dye be boiled?' If the preceptor's robe should be dyed, the pupil should dye it or make an effort, (thinking,) 'How can my preceptor's robe be dyed?' While dyeing the robe, he should carefully let it take the dye properly (while drying), turning it back and forth (on the line), and shouldn't go away until the drips have become discontinuous (§).

"Without having taken the preceptor's leave, the pupil should not give an alms bowl to anyone [C: on bad terms with the preceptor] nor should he receive an alms bowl from that person. He shouldn't give robe-cloth to that person or receive robe-cloth from that person, shouldn't give a requisite to that person or receive a requisite from that person. He shouldn't cut that person's hair or have his own hair cut by that person. He shouldn't perform a service for that person or have that person perform a service for him. He shouldn't act as that person's steward or have that person act as his own steward. He shouldn't be that person's attendant or take that person as his own attendant. He shouldn't bring back almsfood for that person or have that person bring back almsfood for him.

"Without having taken the preceptor's leave, he shouldn't enter a town, shouldn't go to a cemetery, shouldn't leave the district. (Mv.II.21.1 adds (translating from the Burmese edition): "There is the case where a number of inexperienced, incompetent bhikkhus, travelling to distant locations, ask leave of their teachers and preceptors. They should be asked by their teachers and preceptors, 'Where will you go? With whom will you go?' If those inexperienced, incompetent bhikkhus name other inexperienced, incompetent bhikkhus, the teachers and preceptors should not give them permission. If they give permission: an offense of wrong doing. And if those inexperienced, incompetent bhikkhus, not having received permission, go anyway: an offense of wrong doing (for them).")

"If the preceptor is ill, he (the pupil) should tend to him as long as life lasts; he should stay with him until he recovers."

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As noted in Chapter 2, a pupil who is not ill is expected to perform these services for his mentor unless the mentor tells him that he already has another pupil acting as his attendant or the other pupil says that he will accept responsibility for them. On the other hand, if the pupil is ill, the mentor is expected to perform these services for the pupil until the latter recovers. This reflects the Buddha's statement that the pupil should regard the mentor as his father; and the mentor, the pupil as his son. If both bear this relationship in mind, they are sure to prosper in the practice of the Dhamma–Vinaya.

Buddhist Monastic Code I Glossary

This glossary is designed to help the reader in two sorts of situations: (1) when encountering a Pali term in this book in a passage where it is not explained; and (2) when encountering Vinaya terminology in other books or conversations and wanting to know how it is defined and/or where it is discussed here. For terms that have entire chapters devoted to them — such as *nissaya* and *pācittiya* — see the relevant chapter.

Ācariya: teacher. See Chapter 2 and Appendix X.

Acittaka: a class of offenses carrying a penalty even when committed unintentionally or with incorrect perception.

Adhikaraṇa: issue. See Pc 63, Chapter 11, and BMC2, Chapter 12.

Adhiṭṭhāna: determining for use. See NP 1, 3, 21, & 24 and Appendix IV.

Akkosa-vatthu: a topic for abuse. See Pc 2 & 3.

Anupasampanna: anyone who has not received full Acceptance (ordination). With some rules, this includes bhikkhunīs; with others, it doesn't.

Apalokana: declaration; the simplest form for a Community transaction, in which a decision is proposed to the Community in the announcer's own words. See BMC2, Chapter 12.

Bhattuddesaka: the meal distributor — the Community official in charge of distributing meals and invitations to meals. See Pc 32, Appendix III, and BMC2, Chapter 18.

Bhikkhu: a male mendicant ordained in the Bhikkhu Saṅgha, subject to the training rules of the Bhikkhu Pāṭimokkha and the Khandhakas (the Mahāvagga and Cullavagga).

Bhikkhuni: a female mendicant ordained by both the Bhikkhunī and the Bhikkhu Saṅghas, subject to the training rules of the Bhikkhunī Pāṭimokkha and the eight rules of respect (*garu-dhamma*). See Pc 21 and BMC2, Chapter 23.

Bhojana/Bhojaniya: staple food. See the introduction to the Food Chapter in Chapter 8.

Bhūtagāma: a living plant in its place. See Pc 11.

Bijagāma: a plant or part of a plant removed from its place but capable of growing again if replanted. See Pc 11.

Chanda: consent by proxy. See Pc 79.

Deva (devatā): literally, a "shining one" — a terrestrial spirit or celestial being.

Dubbhāsita: wrong speech. See Pc 2.

Dukkaṭa: wrong doing, the lightest penalty.

Garu-bhaṇḍa: a heavy or expensive article. *Garu-bhaṇḍa* belonging to the Saṅgha includes monasteries and monastery land; dwellings, land on which dwellings are built; furnishings such as beds, chairs, and mattresses; metal vessels and tools; building materials, except for such things as rushes, reeds, grass, and clay; and articles made of pottery or wood. See Pr 2, Sg 6, Pc 81, and BMC2, Chapter 7.

Garu-dhamma: any of eight rules of respect observed by bhikkhunīs. See Pc 21 and BMC2, Chapter 23.

Hatthapāsa: a distance of 2 1/2 cubits, or 1.25 meters.

Jhāna: mental absorption. See Pr 4.

Kappiya-vohāra: a proper expression, i.e., a way of expressing a hint or desire allowable in the context of a rule where an outright command would be a breach of the rule.

Kaṭhina: a ceremony, held in the fourth month of the rainy season, in which a Community of bhikkhus receives a gift of cloth from lay people, bestows it on one of their members, and then makes it into a robe before dawn of the following day. See NP 1–3, Pc 81, and BMC2, Chapter 17.

Khādaniya: non-staple food. See the introduction to the Food Chapter in Chapter 8.

Lahu-bhaṇḍa: a light or inexpensive article. *Lahu-bhaṇḍa* of the Saṅgha includes such things as cloth, food, and medicine; small personal accessories such as scissors, sandals, and water strainers; and light building materials, such as rushes, reeds, grass, and clay. See Pr 2, Sg 6, and Pc 81.

Leḍḍupāta: the distance a man of average height can toss a clod of dirt underarm — approximately 18 meters.

Loka-vajja: acts criticized by people in general. See Chapter 1.

Lokuttara-dhamma: a transcendent state. See Pr 4.

Mahāpadesa: Great Standard for deciding what is and is not in line with the Dhamma and Vinaya. See Chapter 1.

Mānatta: penance. See the conclusion to Chapter 5 and BMC2, Chapter 19.

Nāga: a special kind of serpent, classed as a common animal but having magical powers, including the ability to assume human appearance. Nāgas have long been regarded as protectors of the Buddha's teachings. See BMC2, Chapter 14.

Ñatti-kamma: a form for a Community transaction in which a decision is proposed to the Community in a motion following a set wording. See BMC2, Chapter 12.

Ñatti-dutiya-kamma: a form for a Community transaction in which a decision is proposed to the Community in a motion and one announcement. See BMC2, Chapter 12.

Ñatti-catuttha-kamma: a form for a Community transaction in which a decision is proposed to the Community in a motion and three announcements. See BMC2, Chapter 12.

Niyasa-kamma: demotion (also called *nissaya-kamma*, an act of dependence) — a transaction whereby a bhikkhu released from dependence is required to return to dependence under a mentor until he mends his ways. See Chapter 2 and BMC2, Chapter 20.

Pabbājanīya-kamma: banishment — a transaction whereby a bhikkhu is denied membership in a particular Community until he mends his ways. See Sg 13 and BMC2, Chapter 20.

Pabbajjā: Going-forth — ordination as a sāmaṇera. See BMC2 Chapters 14 and 24.

Paccuddharāṇa: rescinding from use. See Appendix IV.

Palibodha: sonstraint. See NP 1.

Pāna: juice drink. See the introduction to the Food Chapter in Chapter 8, and Pc 38.

Paṇḍaka: a eunuch or person born neuter. See Sg 2.

Paṇṇatti-vajja: acts criticized by the training rules. See Chapter 1.

Parivāsa: probation. See the conclusion to Chapter 5 and BMC2, Chapter 19.

Pavāraṇā: (1) an invitation whereby a donor gives permission to a bhikkhu or a Community of bhikkhus to ask for requisites. See Pc 47. (2) a ceremony, held at the end of the Rains-residence (see *vassa*), in which each bhikkhu invites the rest of the Community to confront him with any transgressions they may have seen, heard, or suspected that he has committed. See BMC2, Chapter 16.

Peta: a hungry shade — one of a class of beings in the lower realms, sometimes capable of appearing to human beings.

Pubbayoga: a preliminary effort leading up to the commission of an offense.

Sacittaka: a class of offenses that carry a penalty only when committed intentionally and with correct perception.

Samaṇa: contemplative; monk. This word is derived from the adjective *sama*, which means "in tune" or "in harmony." The *samaṇas* in ancient India were wanderers who tried through direct contemplation to find the true nature of reality — as opposed to the conventions taught in the Vedas — and to live in tune or in harmony with that reality. Buddhism is one of several *samaṇa* movements. Others included Jainism, Ājivakan fatalism, and Lokāyata, or hedonism.

Sāmaṇera: literally, a small *samaṇa* — a novice monk observing ten precepts. See Pc 70.

Saṅgha: Community. This may refer to the entire Community of bhikkhus or of bhikkhunīs, or to the Community living in a particular location. In this book I have tried to distinguish between the two by calling the first *Saṅgha*, and the second *Community*, but there are some contexts where it is difficult to draw a clear line between the two.

Saṅgha-bheda: a schism in the Saṅgha. See Sg 10 & 11 and BMC2, Chapter 21 and Appendix V.

Saṅgha-rāji: a crack in the Saṅgha. See Sg 10.

Simā: boundary or territory related to the performance of transactions of the Community. See Pc 79 and BMC2, Chapter 13.

Sugata: Well-gone, an epithet for the Buddha. *Sugata* measures are discussed in Appendix II.

Sutta (suttanta): discourse.

Tajjanīya-kamma: an act of censure, whereby a Community may strip a bhikkhu of some of his communal rights if he is a maker of strife; if his virtue, behavior, or views are corrupt; or if he criticizes the Buddha, Dhamma, or Saṅgha. If he mends his ways, the act can be repealed. See Sg 8, Ay 1, Chapter 11, and BMC2, Chapter 19.

Thullaccaya: grave offense, the most serious derived offense and the most serious offense not included in the Pāṭimokkha rules. See Appendix IX.

Tiracchāna-kathā: "animal talk," topics of conversation inappropriate for bhikkhus. See Pc 46 & 85.

Tiracchāna-vijjā: "animal knowledge," occult abilities or other traditional skills inappropriate for bhikkhus to study or practice. See Pr 4 and BMC2, Chapter 10.

Ukkhepanīya-kamma: suspension — a transaction whereby a Community deprives a bhikkhu of his right to associate with the Saṅgha as a whole until he mends his ways. See Pc 68 & 69 and BMC2, Chapter 19.

Upajjhāya: preceptor (literally, "supervisor" or "overseer"). See Chapter 2, Appendix X, and BMC2, Chapter 14.

Upasampadā: Full Acceptance — ordination as a bhikkhu or bhikkhunī. See BMC2, Chapter 14.

Uposatha: Observance day, the day of the new and of the full moon; traditionally, in India, a time of special spiritual practices. The Buddha adopted this as the day for reciting the Pāṭimokkha. See BMC2, Chapter 15.

Vassa: Rains-residence — a three-month period, generally beginning the day after the full moon in July (or the second, if there are two), during which certain restrictions are placed on the bhikkhus' wanderings; usually considered a time to accelerate one's efforts in study or practice. See BMC2, Chapter 11.

Vikappana: an arrangement whereby an item not in use is placed under shared ownership. See NP 1, Pc 59, and Appendix V.

Vissāsa: trust between friends. See Pr 2 and Pc 59.

Yakkha: one of a class of powerful "non-human" beings — sometimes kindly, sometimes murderous and cruel — corresponding roughly to the fairies and ogres of Western fairy tales. The female (*yakkhini*) is generally considered more treacherous than the male.

Yojana: a league — a distance of approximately ten miles or sixteen kilometers.

Buddhist Monastic Code I Bibliography

Primary sources

For the Pali Canon, I have used the Thai edition published in Bangkok by Mahāmakut Rājavidyālaya Press and the BUDSIR CD-ROM version prepared by Mahidol University; the European edition edited by Hermann Oldenberg and published in England by the Pali Text Society; and the version of the Sri Lankan edition made available online by the *Journal of Buddhist Ethics*. For readings from the Sixth Council Burmese edition, I have relied on the help of Thomas Patton.

For the Pali commentaries, I have used the Thai editions of the *Samantapāsādikā*, the *Sāratthadīpanī*, and the *Atthayojanā* published in Bangkok by Mahāmakut Rājavidyālaya Press; the Thai edition of the *Vimati-vinodanī* published in Bangkok by the Bhūmibalo Foundation Press; the PTS edition of the *Samantapāsādikā*, edited by J. Takakusu, Makoto Nagai, and Kogen Mizuno; the PTS edition of the *Kaṅkhā-vīṭaraṇī*, edited by Dorothy Maskell; the Harvard Oriental Series' edition of the *Visuddhimagga*, edited by Henry Clarke Warren and Dharmananda Kosambi; and the Thai edition of the *Kaṅkhā-vīṭaraṇī-purāṇa-tīkā* and the *Kaṅkhā-vīṭaraṇ-abhinava-tīkā* published in Bangkok by Mahāchulālongkorn Rājavidyālaya.

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Buddhist Monastic Code I Rule Index

This index lists the summaries of the training rules given in this book, organized by topic. The Sekhiya rules have not been included, because they are short, deal almost exclusively with etiquette, and are already organized by topic in their own chapter. I have included short summaries of the *adhikaraṇa*-*samatha* rules, even though these summaries do not appear in the chapter discussing those rules.

The rules are divided into five major categories, dealing with Right Speech, Right Action, Right Livelihood, Communal harmony, and the etiquette of a contemplative. The first three categories — the factors of the Noble Eightfold Path that make up the training in heightened virtue — show in particular how the training rules relate to the Buddhist path as a whole.

These five categories are not sharply distinct types. Instead, they are more like the colors in the band of light thrown off by a prism — discernably different, but shading into one another with no sharp dividing lines. Right Speech, for instance, often shades into Communal harmony, just as Right Livelihood shades into personal etiquette. Thus the placement of a particular rule in one category rather than another is occasionally somewhat arbitrary. There are a few cases — such as Pc 46 & 85 — where the reason for the placement of the rule will become clear only after a reading of the detailed discussion of the rule in the text.

Right Speech

MN 117 defines *wrong speech* as lying, divisive speech, abusive speech, and idle chatter.

Lying

Making an unfounded charge to a bhikkhu that he has committed a *pārājika* offense, in hopes of having him disrobed, is a *saṅghādisesa* offense. (Sg 8)

Distorting the evidence while accusing a bhikkhu of having committed a *pārājika* offense, in hopes of having him disrobed, is a *saṅghādisesa* offense. (Sg 9)

The intentional effort to misrepresent the truth to another individual is a *pācittiya* offense. (Pc 1)

Making an unfounded charge to a bhikkhu — or getting someone else to make the charge to him — that he is guilty of a *saṅghādisesa* offense is a *pācittiya* offense. (Pc 76)

Divisive speech

Telling a bhikkhu about insulting remarks made by another bhikkhu — in hopes of winning favor or causing a rift — is a pācittiya offense. (Pc 3)

Abusive speech

An insult made with malicious intent to another bhikkhu is a pācittiya offense. (Pc 2)

Idle chatter

Visiting lay families — without having informed an available bhikkhu — before or after a meal to which one has been invited is a pācittiya offense except during the robe season or any time one is making a robe. (Pc 46)

Entering a village, town, or city during the period after noon until the following dawn, without having taken leave of an available bhikkhu — unless there is an emergency — is a pācittiya offense. (Pc 85)

Right Action

MN 117 defines *wrong action* as killing living beings, taking what is not given, and engaging in sexual misconduct.

Killing

Intentionally bringing about the death of a human being, even if it is still a fetus — whether by killing the person, arranging for an assassin to kill the person, inciting the person to die, or describing the advantages of death — is a pārājika offense. (Pr 3)

Pouring water that one knows to contain living beings — or having it poured — on grass or clay is a pācittiya offense. Pouring anything that would kill the beings into such water — or having it poured — is also a pācittiya offense. (Pc 20)

Deliberately killing an animal — or having it killed — is a pācittiya offense. (Pc 61)

Using water, or getting others to use it, knowing that it contains living beings that will die from that use, is a pācittiya offense. (Pc 62)

Taking what is not given

The theft of anything worth 1/24 ounce troy of gold or more is a pārājika offense. (Pr 2)

Having given another bhikkhu a robe on a condition and then — angry and displeased — snatching it back or having it snatched back is a nissaggiya pācittiya offense. (NP 25)

Making use of cloth or a bowl stored under shared ownership — unless the shared ownership has been rescinded or one is taking the item on trust — is a pācittiya offense. (Pc 59)

Sexual Misconduct

Voluntary sexual intercourse — genital, anal, or oral — with a human being, non-human being, or common animal is a pārājika offense. (Pr 1)

Intentionally causing oneself to emit semen, or getting someone else to cause one to emit semen — except during a dream — is a saṅghādisesa offense. (Sg 1)

Lustful bodily contact with a woman whom one perceives to be a woman is a saṅghādisesa offense. (Sg 2)

Making a lustful remark to a woman about her genitals, anus or about performing sexual intercourse is a saṅghādisesa offense. (Sg 3)

Telling a woman that having sexual intercourse with a bhikkhu would be beneficial is a saṅghādisesa offense. (Sg 4)

Getting an unrelated bhikkhunī to wash, dye, or beat a robe that has been used at least once is a nissaggiya pācittiya offense. (NP 4)

Getting an unrelated bhikkhunī to wash, dye, or card wool that has not been made into cloth or yarn is a nissaggiya pācittiya offense. (NP 17)

Lying down at the same time in the same lodging with a woman is a pācittiya offense. (Pc 6)

Teaching more than six sentences of Dhamma to a woman, except in response to a question, is a pācittiya offense unless a knowledgeable man is present. (Pc 7)

Exhorting a bhikkhunī about the eight vows of respect — except when one has been authorized to do so by the Community or asked a question by a bhikkhunī — is a pācittiya offense. (Pc 21)

Exhorting a bhikkhunī on any topic at all after sunset — except when she requests it — is a pācittiya offense. (Pc 22)

Going to the bhikkhunīs' quarters and exhorting a bhikkhunī about the eight vows of respect — except when she is ill or has requested the instruction — is a pācittiya offense. (Pc 23)

Giving robe-cloth to an unrelated bhikkhunī without receiving anything in exchange is a pācittiya offense. (Pc 25)

Sewing a robe — or having it sewn — for an unrelated bhikkhunī is a pācittiya offense. (Pc 26)

Traveling by arrangement with a bhikkhunī from one village to another — except when the road is risky or there are other dangers — is a pācittiya offense. (Pc 27)

Traveling by arrangement with a bhikkhunī upriver or downriver in the same boat — except when crossing a river — is a pācittiya offense. (Pc 28)

When aiming at privacy, sitting or lying down alone with a bhikkhunī in an unsecluded but private place is a pācittiya offense. (Pc 30)

When aiming at privacy, sitting or lying down with a woman or women in a private, secluded place with no other man present is a pācittiya offense. (Pc 44)

When aiming at privacy, sitting or lying down alone with a woman in an unsecluded but private place is a pācittiya offense. (Pc 45)

Traveling by arrangement with a woman from one village to another is a pācittiya offense. (Pc 67)

Right Livelihood

MN 117 defines *wrong livelihood* as scheming, persuading, hinting, belittling, and pursuing gain with gain.

General

Deliberately lying to another person that one has attained a superior human state is a pārājika offense. (Pr 4)

Acting as a go-between to arrange a marriage, an affair, or a date between a man and a woman not married to each other is a saṅghādisesa offense. (Sg 5)

Engaging in trade with anyone except one's co-religionists is a nissaggiya pācittiya offense. (NP 20)

Persuading a donor to give a gift to oneself, knowing that he or she had planned to give it to a Community, is a nissaggiya pācittiya offense. (NP 30)

Telling an unordained person of one's actual superior human attainments is a pācittiya offense. (Pc 8)

Persuading a donor to give to another individual a gift that he or she had planned to give to a Community — when one knows that it was intended for the Community — is a pācittiya offense. (Pc 82)

Robes

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Keeping a piece of robe-cloth for more than ten days without determining it for use or placing it under shared ownership — except when the robe-season or kathina privileges are in effect — is a nissaggiya pācittiya offense. (NP 1)

Being in a separate zone from any of one's three robes at dawn — except when one's kathina privileges are in effect or one has received formal authorization from the Community — is a nissaggiya pācittiya offense. (NP 2)

Keeping out-of-season robe-cloth for more than 30 days when it is not enough to make a requisite and one has expectation for more — except when the robe-season and kathina privileges are in effect — is a nissaggiya pācittiya offense. (NP 3)

Accepting robe-cloth from an unrelated bhikkhunī without giving her anything in exchange is a nissaggiya pācittiya offense. (NP 5)

Asking for and receiving robe-cloth from an unrelated lay person, except when one's robes have been snatched away or destroyed, is a nissaggiya pācittiya offense. (NP 6)

Asking for and receiving excess robe-cloth from unrelated lay people when one's robes have been snatched away or destroyed is a nissaggiya pācittiya offense. (NP 7)

When a lay person who is not a relative is planning to get a robe for one but has yet to ask one what kind of robe one wants: Receiving the robe after making a request that would improve it is a nissaggiya pācittiya offense. (NP 8)

When two or more lay people who are not one's relatives are planning to get separate robes for one but have yet to ask one what kind of robe one wants: Receiving a robe from them after asking them to pool their funds to get one robe — out of a desire for something fine — is a nissaggiya pācittiya offense. (NP 9)

Making a felt blanket/rug with silk mixed in it for one's own use — or having it made — is a nissaggiya pācittiya offense. (NP 11)

Making a felt blanket/rug entirely of black wool for one's own use — or having it made — is a nissaggiya pācittiya offense. (NP 12)

Making a felt blanket/rug that is more than one-half black wool for one's own use — or having it made — is a nissaggiya pācittiya offense. (NP 13)

Unless one has received authorization to do so from the Community, making a felt blanket/rug for one's own use — or having it made — less than six years after one's last one was made is a nissaggiya pācittiya offense. (NP 14)

Making a felt sitting rug for one's own use — or having it made — without incorporating a one-span piece of old felt is a nissaggiya pācittiya offense. (NP 15)

Seeking and receiving a rains-bathing cloth before the fourth month of the hot season is a nissaggiya pācittiya offense. Using a rains-bathing cloth before the last two weeks of the fourth month of the hot season is also a nissaggiya pācittiya offense. (NP 24)

Taking thread that one has asked for improperly and getting weavers to weave cloth from it — when they are unrelated and have not made a previous offer to weave — is a nissaggiya pācittiya offense. (NP 26)

When donors who are not relatives — and have not invited one to ask — have arranged for weavers to weave robe-cloth intended for one: Receiving the cloth after getting the weavers to improve it is a nissaggiya pācittiya offense. (NP 27)

Keeping robe-cloth offered in urgency past the end of the robe season after having accepted it during the last eleven days of the Rains-residence is a nissaggiya pācittiya offense. (NP 28)

When one is living in a dangerous wilderness abode during the month after the Rains-residence and has left one of one's robes in the village where one normally goes for alms: Being away from the abode and the village for more than six nights at a stretch — except when authorized by the Community — is a nissaggiya pācittiya offense. (NP 29)

Wearing an unmarked robe is a pācittiya offense. (Pc 58)

Acquiring an overly large sitting cloth after making it — or having it made — for one's own use is a pācittiya offense requiring that one cut the cloth down to size before confessing the offense. (Pc 89)

Acquiring an overly large skin-eruption covering cloth after making it — or having it made — for one's own use is a pācittiya offense requiring that one cut the cloth down to size before confessing the offense. (Pc 90)

Acquiring an overly large rains-bathing cloth after making it — or having it made — for one's own use is a pācittiya offense requiring that one cut the cloth down to size before confessing the offense. (Pc 91)

Acquiring an overly large robe after making it — or having it made — for one's own use is a pācittiya offense requiring that one cut the robe down to size before confessing the offense. (Pc 92)

Food

Eating any of the five staple foods that a lay person has offered as the result of a bhikkhunī's prompting — unless the lay person was already planning to offer the food before her prompting — is a pācittiya offense. (Pc 29)

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Eating food obtained from the same public alms center two days running — without leaving in the interim — unless one is too ill to leave the center, is a pācittiya offense. (Pc 31)

Eating a meal to which four or more individual bhikkhus have been specifically invited — except on special occasions — is a pācittiya offense. (Pc 32)

Eating a meal before going to another meal to which one was invited, or accepting an invitation to one meal and eating elsewhere instead, is a pācittiya offense except when one is ill or during the time of giving cloth or making robes. (Pc 33)

Accepting more than three bowlfuls of food that the donors prepared for their own use as presents or as provisions for a journey is a pācittiya offense. (Pc 34)

Eating staple or non-staple food that is not left-over, after having earlier in the day finished a meal during which one turned down an offer to eat further staple food, is a pācittiya offense. (Pc 35)

Eating staple or non-staple food in the period from noon till the next dawn is a pācittiya offense. (Pc 37)

Eating food that a bhikkhu — oneself or another — formally received on a previous day is a pācittiya offense. (Pc 38)

Eating finer staple foods, after having asked for them for one's own sake — except when ill — is a pācittiya offense. (Pc 39)

Eating food that has not been formally given is a pācittiya offense. (Pc 40)

Eating staple or non-staple food, after having accepted it from the hand of an unrelated bhikkhunī in a village area, is a pāṭidesanīya offense. (Pd 1)

Eating staple food accepted at a meal to which one has been invited and where a bhikkhunī has given directions, based on favoritism, as to which bhikkhu should get which food, and none of the bhikkhus have dismissed her, is a pāṭidesanīya offense. (Pd 2)

Eating staple or non-staple food, after accepting it — when one is neither ill nor invited — at the home of a family formally designated as "in training," is a pāṭidesanīya offense. (Pd 3)

Eating an unannounced gift of staple or non-staple food after accepting it in a dangerous wilderness abode when one is not ill is a pāṭidesanīya offense. (Pd 4)

Lodgings

Building a plastered hut — or having it built — without a sponsor, destined for one's own use, without having obtained the Community's approval, is a saṅghādisesa

offense. Building a plastered hut — or having it built — without a sponsor, destined for one's own use, exceeding the standard measurements, is also a saṅghādisesa offense. (Sg 6)

Building a hut with a sponsor — or having it built — destined for one's own use, without having obtained the Community's approval, is a saṅghādisesa offense. (Sg 7)

When a bhikkhu is building or repairing a large dwelling for his own use, using resources donated by another, he may not reinforce the window or door frames with more than three layers of roofing material or plaster. To exceed this is a pācittiya offense. (Pc 19)

Acquiring a bed or bench with legs longer than eight sugata fingerbreadths after making it — or having it made — for one's own use is a pācittiya offense requiring that one cut the legs down before confessing the offense. (Pc 87)

Acquiring a bed or bench stuffed with cotton down after making it — or having it made — for one's own use is a pācittiya offense requiring that one remove the stuffing before confessing the offense. (Pc 88)

Medicine

Keeping any of the five tonics — ghee, fresh butter, oil, honey, or sugar/molasses — for more than seven days, unless one determines to use them only externally, is a nissaggiya pācittiya offense. (NP 23)

When a supporter has made an offer to supply medicines to the Community: Asking him/her for medicine outside of the terms of the offer when one is not ill is a pācittiya offense. (Pc 47)

Money

When a fund for one's individual use has been set up with a steward, obtaining an article from the fund as a result of having prompted the steward more than the allowable number of times is a nissaggiya pācittiya offense. (NP 10)

Accepting gold or money, having someone else accept it, or consenting to its being placed down as a gift for oneself, is a nissaggiya pācittiya offense. (NP 18)

Obtaining gold or money through trade is a nissaggiya pācittiya offense. (NP 19)

Bowls and other requisites

Carrying wool that has not been made into cloth or yarn for more than three leagues is a nissaggiya pācittiya offense. (NP 16)

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Keeping an alms bowl for more than ten days without determining it for use or placing it under shared ownership is a nissaggiya pācittiya offense. (NP 21)

Asking for and receiving a new alms bowl when one's current bowl is not beyond repair is a nissaggiya pācittiya offense. (NP 22)

Acquiring a needle box made of bone, ivory, or horn after making it — or having it made — for one's own use is a pācittiya offense requiring that one break the box before confessing the offense. (Pc 86)

Communal Harmony

To persist — after the third announcement of a formal rebuke in the Community — in trying to form a schismatic group or in taking up a position that can lead to schism is a saṅghādisesa offense. (Sg 10)

To persist — after the third announcement of a formal rebuke in the Community — in supporting a potential schismatic is a saṅghādisesa offense. (Sg 11)

To persist — after the third announcement of a formal rebuke in the Community — in being difficult to admonish is a saṅghādisesa offense. (Sg 12)

To persist — after the third announcement of a formal rebuke in the Community — in criticizing a banishment transaction performed against oneself is a saṅghādisesa offense. (Sg 13)

When a trustworthy female lay follower accuses a bhikkhu of having committed a pārājika, saṅghādisesa, or pācittiya offense while sitting alone with a woman in an unsecluded but private place, the Community should investigate the charge and deal with the bhikkhu in accordance with whatever he admits to having done. (Ay 1)

When a trustworthy female lay follower accuses a bhikkhu of having committed a saṅghādisesa or pācittiya offense while sitting alone with a woman in a private place, the Community should investigate the charge and deal with the bhikkhu in accordance with whatever he admits to having done. (Ay 2)

Telling an unordained person of another bhikkhu's serious offense — unless one is authorized by the Community to do so — is a pācittiya offense. (Pc 9)

Persistently replying evasively or keeping silent in order to conceal one's own offenses when being questioned in a meeting of the Community — after a formal charge of evasive speech or being frustrating has been brought against one — is a pācittiya offense. (Pc 12)

If a Community official is innocent of bias: Criticizing him within earshot of another bhikkhu is a pācittiya offense. (Pc 13)

When one has set a bed, bench, mattress, or stool belonging to the Community out in the open: Leaving its immediate vicinity without putting it away, arranging to have it put away, or taking leave is a pācittiya offense. (Pc 14)

When one has spread bedding out in a dwelling belonging to the Community: Departing from the monastery without putting it away, arranging to have it put away, or taking leave is a pācittiya offense. (Pc 15)

Intruding on another bhikkhu's sleeping or sitting place in a dwelling belonging to the Community, with the sole purpose of making him uncomfortable and forcing him to leave, is a pācittiya offense. (Pc 16)

Causing a bhikkhu to be evicted from a dwelling belonging to the Community — when one's primary impulse is anger — is a pācittiya offense. (Pc 17)

Sitting or lying down on a bed or bench with detachable legs on an unplanked loft in a dwelling belonging to the Community, is a pācittiya offense. (Pc 18)

Saying that a properly authorized bhikkhu exhorts the bhikkhunīs for the sake of worldly gain — when in fact that is not the case — is a pācittiya offense. (Pc 24)

Deliberately tricking another bhikkhu into breaking Pācittiya 35, in hopes of finding fault with him, is a pācittiya offense. (Pc 36)

Speaking or acting disrespectfully after having been admonished by another bhikkhu for a breach of the training rules is a pācittiya offense. (Pc 54)

Agitating to re-open an issue, knowing that it was properly dealt with, is a pācittiya offense. (Pc 63)

Not informing another bhikkhu of a serious offense that one knows a third bhikkhu has committed — out of a desire to protect the third bhikkhu either from having to undergo the penalty or from the jeering remarks of other bhikkhus — is a pācittiya offense. (Pc 64)

Acting as the preceptor in the full Acceptance (ordination) of a person one knows to be less than 20 years old is a pācittiya offense. (Pc 65)

Refusing — after the third announcement of a formal rebuke in a meeting of the Community — to relinquish the evil view that there is nothing wrong in intentionally transgressing the Buddha's ordinances is a pācittiya offense. (Pc 68)

Communing, affiliating, or lying down under the same roof with a bhikkhu who has been suspended and not been restored — knowing that such is the case — is a pācittiya offense. (Pc 69)

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Befriending, receiving services from, communing, or lying down under the same roof with an expelled novice — knowing that he has been expelled — is a pācittiya offense. (Pc 70)

When being admonished by another bhikkhu with regard to a training rule formulated in the Vinaya, saying something as a ploy to excuse oneself from training under the rule is a pācittiya offense. (Pc 71)

Criticizing the discipline in the presence of another bhikkhu, in hopes of preventing its study, is a pācittiya offense. (Pc 72)

Using half-truths to deceive others into believing that one is ignorant of the rules in the Pāṭimokkha — after one has already heard the Pāṭimokkha in full three times, and a transaction exposing one's deceit has been brought against one — is a pācittiya offense. (Pc 73)

Giving a blow to another bhikkhu when impelled by anger — except in self-defense — is a pācittiya offense. (Pc 74)

Making a threatening gesture against another bhikkhu when impelled by anger — except in self-defense — is a pācittiya offense. (Pc 75)

Intentionally provoking anxiety in another bhikkhu that he may have broken a rule, when one has no other purpose in mind, is a pācittiya offense. (Pc 77)

Eavesdropping on bhikkhus involved in an argument over an issue — with the intention of using what they say against them — is a pācittiya offense. (Pc 78)

Complaining about a Community transaction to which one gave one's consent — if one perceives the transaction as having been carried out in accordance with the rule — is a pācittiya offense. (Pc 79)

Getting up and leaving a meeting of the Community in the midst of a valid transaction that one knows to be valid — without having first given one's consent to the transaction and with the intention of invalidating it — is a pācittiya offense. (Pc 80)

After participating in a Community transaction giving robe-cloth to a Community official: Complaining that the Community acted out of favoritism is a pācittiya offense. (Pc 81)

When the Community is dealing formally with an issue, the full Community must be present, as must all the individuals involved in the issue; the proceedings must follow the patterns set out in the Dhamma and Vinaya. (As 1)

If the Community unanimously believes that a bhikkhu is innocent of a charge made against him, they may issue a transaction declaring him innocent on the basis of his memory of the events. (As 2)

If the Community unanimously believes that a bhikkhu was insane while committing offenses against the rules, they may issue a transaction absolving him of any responsibility for the offenses. (As 3)

If a bhikkhu commits an offense, he should willingly undergo the appropriate penalty in line with what he actually did and the actual seriousness of the offense. (As 4)

If an important dispute cannot be settled by a unanimous decision, it should be submitted to a vote. The opinion of the majority, if in accord with the Dhamma and Vinaya, is then considered decisive. (As 5)

If a bhikkhu admits to an offense only after being interrogated in a formal meeting, the Community should carry out a further-punishment transaction against him, rescinding it only when he has mended his ways. (As 6)

If, in the course of a dispute, both sides act in ways unworthy of contemplatives, and the sorting out of the penalties would only prolong the dispute, the Community as a whole may make a blanket confession of its light offenses. (As 7)

The Etiquette of a Contemplative

Training a novice or lay person to recite passages of Dhamma by rote is a pācittiya offense. (Pc 4)

Lying down at the same time, in the same lodging, with a novice or layman for more than three nights running is a pācittiya offense. (Pc 5)

Digging soil or commanding that it be dug is a pācittiya offense. (Pc 10)

Intentionally cutting, burning, or killing a living plant is a pācittiya offense. (Pc 11)

Handing food or medicine to a person ordained in another religion is a pācittiya offense. (Pc 41)

Sending another bhikkhu away so that he won't witness any misconduct one is planning to indulge in is a pācittiya offense. (Pc 42)

To sit down intruding on a man and a woman in their private quarters — when one or both are sexually aroused, and when another bhikkhu is not present — is a pācittiya offense. (Pc 43)

Watching a field army — or similar large military force — on active duty, unless there is a suitable reason, is a pācittiya offense. (Pc 48)

Staying more than three consecutive nights with an army on active duty — even when one has a suitable reason to be there — is a pācittiya offense. (Pc 49)

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Going to a battlefield, a roll call, an array of the troops in battle formation, or to see a review of the battle units while one is staying with an army is a pācittiya offense. (Pc 50)

Taking an intoxicant is a pācittiya offense regardless of whether one is aware that it is an intoxicant. (Pc 51)

Tickling another bhikkhu is a pācittiya offense. (Pc 52)

Jumping and swimming in the water for fun is a pācittiya offense. (Pc 53)

Attempting to frighten another bhikkhu is a pācittiya offense. (Pc 55)

Lighting a fire to warm oneself — or having it lit — when one does not need the warmth for one's health is a pācittiya offense. (Pc 56)

Bathing more frequently than once a fortnight when residing in the middle Ganges Valley, except on certain occasions, is a pācittiya offense. (Pc 57)

Hiding another bhikkhu's bowl, robe, sitting cloth, needle case, or belt — or having it hidden — either as a joke or with the purpose of annoying him, is a pācittiya offense. (Pc 60)

Traveling by arrangement with a group of thieves from one village to another — knowing that they are thieves — is a pācittiya offense. (Pc 66)

Entering a king's sleeping chamber unannounced, when both the king and queen are in the chamber, is a pācittiya offense. (Pc 83)

Picking up a valuable, or having it picked up, with the intention of putting it in safe keeping for the owner — except when one finds it in a monastery or in a dwelling one is visiting — is a pācittiya offense. (Pc 84)

