EARLY BUDDHIST JURISPRUDENCE

DURGA · BHAGVAT

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(THERAVĀDA VINAYA-LAWS)

BY

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THERAVĀDA VINAYA-LAWS

FOREWORD.

It is now sixty years since Hermann Oldenberg gave what has since become the standard edition of the Pāli Vinaya. He also gave an analysis of the outstanding questions that were suggested by the texts, but it is remarkable that very little investigation has been since done from the Pāli point of view. Hence it is a pleasure to welcome the renewed study which has been devoted to the subject by Miss D. Bhagvat. This too starts from the Pāli, and nothing could be better for laying the foundations than a more thorough penetration into the nature of the tradition than Oldenberg was able to give. The limitations and qualifications that have to be made with regard to Oldenberg's conclusions rest upon the fact that he had to depend almost entirely upon the Ceylon sources. It is true that he recognized that the Theravāda was only one school among many, and that he held that first of all the Chinese translations of the Vinaya-literature of the several Buddhist schools must be examined in detail. Nevertheless, this has not yet been done, although the researches of French and Russian scholars have furnished us with additional materials both in Sanskrit and Chinese. So far, however, these have led to divergent views about the earliest history of Buddhism, and the problems are doubtless too complex to be settled at one stroke. Miss Bhagvat's work will be welcomed if it should receive a scholarly interest and carry the investigations a further stage to completion.

Jan. 14, 1939. E. J. THOMAS.
Cambridge.

PREFACE

This little book is the revised edition of my thesis submitted for the Master's Degree to the University of Bombay. It is the limited and modest purpose of the book to state in a brief and simple way a number of facts which fall within the scope of the laws framed by the early Buddhists for the guidance of the inmates of the Buddhist fraternity. I have attempted to systematize the material on a scientific basis without damaging the spirit of the original texts.

Compared to the enormous literature that has been produced by eminent scholars on the philosophical, ethical or social aspects of Buddhism, little has been written on Buddhist monachism; and in all the works devoted to the subject it is the historical and religious aspects that have mostly absorbed the interest of the scholars[1]. The legal aspect however, has so far receded into the background and deserves more comprehensive treatment and careful research as it is the laws that chiefly regulated the life of the inmates of the fraternity. And unless the laws are properly understood the study of Buddhist monachism will remain incomplete. It is not also less interesting to have a comparison between modern legal system and that adapted by the Buddhists in those early days. The contributions of these ancient jurists are valuable as can be easily seen from the various legal methods they employed to judge a case.

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[1] Cf. Hardy, *Eastern Monachism*; Dutt, *Early Buddhist Monachism*; Oldenberg and Rhys Davids, Introduction to *Vinaya Texts* (S. B. E.)

I am conscious of the fact that some passages in the book as those devoted to sexual topics might seem objectionable to a conventional reader. Of the five Pāḷi canonical books, only two (and those too of a secondary legal importance) have been so far translated in English (Cf. Vinaya Texts. S.B.E.) and there too the authors have left a number of 'vulgar' passages untranslated. Other authors also have avoided any discussion on the topic so far. However, as my subject is purely legal and as sexual offences were not only regarded the gravest transgressions but also occupy a considerable portion of the original texts, I would not have been justified as student of law and sociology if I ignored them. On the contrary, the sex-habits of the people in ancient India are so amazing and unique that I felt it necessary to analyse the facts as they are without dropping any detail. Nowhere else in ancient Indian literature do we come across such bold records and detailed information about the unnatural sexual practices like homosexuality or offences against the dead. Such practices however, were not universal and were always condemned by all law givers. Most of such offences were an outcome of the forced celibate life, and as such afford a very good comparison to some of the famous records of monastic life in the Western world. The records about women are much more interesting for a sociologist and shocking for a conventional reader, who is accustomed to see Hindu women as models of chastity and purity. My appeal to such readers is that the study of law implies an investigation not in the bright avenues of virtue but in the dark and shady nooks, where only the down trodden and sinful humanity is expected to be found. An inquiry into vices is never a happy task,

though inevitable for a researcher as well as a social worker.

I am thankful to the University of Bombay for giving me substantial financial grant towards the publication of the book.

I am deeply indebted to Dr. E. J. Thomas, M.A., D. Litt. not only for going through the manuscript and giving me most valuable suggestions but also for writing a foreword at a great sacrifice of his time. I thank my teacher, Rev. Fr. H. Heras S. J., for guidance. I am thankful to Dr. G. S. Ghurye, M. A., Ph. D. for criticism and also to Prof. N. K. Bhagvat, M. A., for helping me in various ways.

D. N. BHAGVAT.

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INTRODUCTION.

It is often said that God has created man free, but man by his peculiar attachment for society has created for himself a voluntary bondage, for which he has since times immemorial risked even his individual freedom. Even in a country like ancient India where individual liberty was rated above everything else in the realm of theology, and where for the satisfaction of the intellectual craving for the Highest Self (Atman or Brahman) men had often torn themselves from society and fled to the seclusion of the woods, the tendency of living an associated life has not grown less strong. In the Vedic times, the Aryans lived a thorough clan-life, all affairs and troubles arising through such a life being settled in the assemblies.

In the Brāhmaṇa-period, the theologians came into close contact with one another through the Yajnas and Brahmodyas. It was at this time there were some men whose thirst for a higher type of knowledge was not quenched with the hackneyed theories of the Brāhmaṇas; and they detached themselves from society; settled in the secluded spots of the forests and experimented on their theories through meditation and ascetic practices, thus improving a good deal on the Vedic ideal of meditation.

But even now the Man was not satisfied. Even amidst the dense woods, he sought the company of his colleagues who were interested in the same kind of problems and led the same sort of secluded life. Associated life became once more the natural background of his mental and physical activities, the result of which was soon accomplished in the

form of the Forest-Treaties (Āraṇyakas), the best type of ascetic literature, produced by ancient man.

Henceforward, whether in the forest or in the world, associated life was not shunned by the Indian recluse, though he still claimed the craving for an isolated life and an utter disgust for the world. We see, from the Piṭakas and Nikāyas that in the sixth century B. C. corporate life was in vogue in the recluse-world and that it was governed by a body of its own unwritten and uncodified laws.

Amidst these various groups of ascetics, a body of recluses rose gradually to prominence and soon became the chief centre of attraction not only in the recluse-world but in the world at large, for several years. This was the Sangha, the cosmopolitan and the democratic Sangha of Sakyamuni. The laws of the Sangha were the social contract by which individuals lost their natural liberty and an unlimited right to anything which tempted them and which they were able to attain. On the other hand what they gained was 'social liberty',[1] which they utilised in minimizing the grievances of the majority and controlling the unruly characters by means of legal coercion and maintaining a balance in the associated life of the Sangha.

This idea of social liberty being rooted in the very nature of the Sangha, raised it above other contemporary religious associations and acquired for it the dignity of a republican state. The Buddhist Sangha even in its primitive stage, contained some of the most modern principles

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[1]Rousseau, *Social contract*, p. 114.

which make a state worthy of its name.[1] Like every state it was 'divisible into a body of persons issuing orders' (like the Buddha, Sāriputta, Moggallāna or some such persons who were authorized by the Sangha from time to time to issue directions for the guidance of the Bhikkhus) and a 'body of persons receiving them and presumably acting upon them'.[2] (In the Buddhist Sangha the latter half of the duties were fulfilled not by some few individuals, but by each and every individual.) The Sangha was also guided by that notion of justice which according to Plato is 'the right of ordering human relationship'. It involves the view that 'each citizen (in the case of the Sangha each inmate) has an equal claim on the common good in respect of equal needs, and the corollary implied therein is that differences in response to claims are differences that the common good itself requires'. This means in simpler language, that all legal matters were settled in the Sangha, not through the interference of a supreme authority, but through the appeal to the whole body of the inmates regarding their idea of the common good. Thus no individual was crushed under the wheel of law nor was any individual vested with supreme authority. All stood on the same level and the Sangha ruled over them.

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[1]Laski, in '*Law and Politics*' (p. 143) says 'We are seeking to visualize a state in which the individual citizen is entitled to an effective voice in collective decision. Admittedly of course, the power he can have is limited by the inherent needs of large-scale organization. But it ought still to mean that the ordinary man can help to select his rules and to get himself elected if he can'

[2]*Ibid* p. 24.

The existence of corporation gives rise to an interesting juridical problem. The social compact gives only existence and life to the body politic; legislation naturally springing out of it, endows it with movement and will.[1] The main purport of the body of such rules is the preservation of the institution.

The Buddhist Sangha also gave rise to a body of laws, which were codified under the Pātimokkha.

An objection might be raised as to whether the Vinaya or Pātimokkha can be called laws in the proper sense of the term. Can they not be conveniently called the valid rules of a private body as well? The answer to this question is not far to seek. We have already shown that though the Buddhist Sangha developed out of a common ascetic society, it had obtained a peculiar dignity only to be found in a republican state. No doubt, it being primarily a religious body its outlook on life as well as the aim of such associated life differed from that of a political state. Together with the principles of justice etc., the pure, undisturbed happiness of the mind was the supreme ethical goal of the Bhikkhu who took resort in the Sangha.[2] Still the laws of the Vinaya can claim all the dignity and prestige of jurisprudence, as far as the Sangha, and the relations of the Sangha to the state were concerned. The laws of the Vinaya had also the sanction of the state, wherein lies the validity of all laws. Kauṭilya tells us that the laws of a Sangha and Kula were binding on the king, and he had to inflict punishment on those who broke them.[3] Yājnavalkya

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[1]Rousseau, *Social Contract*, p. 131.

[2]*Majjhima-Nikāya, Vatthūpama Sutta.*

[3]*Kauṭilya's Arthaśāstra*, III, 10.

says that a king must needs pay heed to the customs and rules of private corporations like Śreṇi, Naigama, Gaṇa etc[1]. The Chinese traveller, I-tsing informs us that once a person entered the Sangha, his name was no longer to be found in the register of the state; henceforward the Sangha was fully authorised to tackle all problems issuing through his misbehaviour or the difficulties he encountered. The authority of the Sangha as sanctioned by the state is also proved by an episode in the Vinaya. Once a Licchavi wife committed adultry. Her husband resolved to kill her. So, she went to Sāvatthi and succeeded in getting Pabbajjā. When the husband knew it, he went and lodged a complaint at the court of king Pasenadi. The king said that as the woman had become a nun no punishment could be inflicted on her.[2] So also, once some Bhikkhus were suspected of theft by the king's guard, but the case was tried by the Buddha and the verdict he gave was accepted by all.[3] The monks were thus allowed by a long succession of tradition to submit to their own law without outside interference.

The laws of the Vinaya, on the other hand, were fully in conformity with the requirements of the State. The Buddha advises the Bhikkhus to conform their behaviour to the royal wish.[4] Besides the rules regarding the admission to the Sangha were so based as to avoid all inconvenience to the government servants is a clear proof

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[1] *Yājnawalkya–Smriti*, II, 192

[2] *Vinaya*, IV, p. 225.

[3] *Vinaya*, III, p. 60.

[4] *Mahāvagga*, III, 4, 3.

of it.[1] We are thus assured that the laws of the Vinaya, were legally valid, as far as the state recognition goes. The laws, besides, did not belong to a narrow private body, but to an institution of world-wide fame, and from its beginning claimed an universal prestige of being the 'Sangha of the four quarters.'[2]

While dealing with the problem of the jurisprudence of the Vinaya, we have to examine both the aspects of jurisprudence viz. (1) historical and (2) analytical.

The second chapter is specially devoted to the exhibition of the law in its environment and the analysis of the contents of the law without reference to their history or development. The sixth chapter deals with an account of legal sources from which 'the law proceeds, together with an investigation of the theory of legislation, judicial precedents and customary law.'[3]

The third and fourth chapters deal with the history as well as the development of the laws.

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[1] *Mahāvagga*, I, 40, 4; 41.

[2] Salmond, *Jurisprudence*, p. 5--6.

[3] *Ibid* p. 1.

CHAPTER I.

EARLY MONACHISM.

The period shortly preceding the advent of Jainism and Buddhism in India, is commonly known as the Samaṇa-Brāhmaṇa period (6th century B. C.). This was the age when there existed a keen rivalry between two classes viz. the wandering mendicants who preached and practised asceticism and the Brahmins under whom the institution of sacrifice flourished. The recluse-philosophy at this time was spreading fast, and gradually the number of the wanderers swelled to an amazing height. The Buddha and Mahāvīra were the two great heroes of asceticism who attacked most vehemently though successfully the sacrificial institutions of the Brahmins and established monastic orders through which they propagated their doctrines.

It is essential as well as interesting to have a peep into the history of prebuddhist asceticism, especially that propounded in the Upaniṣads of which later ascetic doctrines and practices are an outcome.

Authentic traces of asceticism are found as early as the Brāhmaṇa-period, when the famous sacerdotal literature of the Hindus was being composed.

The Brāhmaṇas.—The creed of the Brāhmaṇas on the whole differs little from that of the Samhitās. The popularity of the sacrifice is at its zenith.[1] Yajna was the best

[1] *Śatapatha-Brāhmaṇa*, VI, 94, 8; *Aitareya-Brāhmaṇa*, I, 26, 3; III, 42; V, 26, 3.

karma,[1] and the ideal was heaven[2] and it was believed that the gates of heaven were barred against one who had no son.[3]

There are passages in the Brāhmaṇas which reveal staunch materialism, on the other hand there are passages in the Gopatha-Brāhmaṇa and the Devatādhyāya, the latest of the Brāhmaṇas which describe to us what a perfect life of penance would be. The former extols a Brahmacārīn who goes to a hermitage, where Munis like Vasiṣṭha, Vāmadeva, Jamadagni etc. practised rigid austerities, like standing in water for a thousand years, observing strict Brahmacarya etc.[4] Here the word Āśrama occurs in the sense of a hermitage, and hence the Riṣis must be Vānaprasthas. The latter Brāhmaṇa says that a Riṣi who has understood the essence of things (viṣayajno), is freed from the fetters of the body and crossing over the dark regions, he takes his abode in heaven.[5]

Now the question is how to bridge the wide gulf between these two ideals, the one so materialistic and the other so spiritual.

There is a passage in the Tāṇḍya-Mahā-Brāhmaṇa, which says that a man who performs the Āgneyāṣṭakapāla sacrifice on the bank of the Driṣadvatī, and goes to the

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[1] *Śatapatha Brāhmaṇa*, I, 7, 1, 9.

[2] *Tāṇḍya-Mahā-Brāhmaṇa*, XIV, 5, 11, XV, 7, 14; *Śatapatha-Brāhmaṇa*, VI, 9, 4, 8; *Aitareya-Brāhmaṇa*, III, 42; *Taittiriya-Brāhmaṇa*, I, 2, 1, 25; *Gopatha-Brāhmaṇa*, II, 1.

[3] *Āitareya-Brāhmaṇa*, IV, 3, 4, 3.

[4] *Gopatha-Brāhmaṇa*, I, 2, 7.

[5] Burnell, *Devatādhyāya*, p. 14.

country-side (triplakśa which Sāyana takes to be janapada) and takes the Avabhritha bath in the Yamunā, he 'goes away from men' (manuṣyebhyaḥ tirobhavati),[1] which most probably means that he goes away from the world and takes to the forest life of penance.[2]

There is a beautiful passage in the Taittīriya-Brāhmaṇa, where a Riṣi, is praising the beauty of the forest, by the evening twilight, as carts pass by it, and birds delightfully chirping, fly from branch to branch. The forest is most inviting and looks like a home. It is delightful to stay there. It does not harm you. The forest is the mother of beasts. One can satisfy all one's desires by eating sweet fruit from here, and (smelling) fragrant flowers.[3] This clearly shows a passion for the forest life, the life of penance, most probably of a Vānaprastha. There is also a passage in the Jaiminīya-Brāhmaṇa which is called the Āraṇya-kagāna, and where the word 'Pārthāśrama', occurs; but the whole context is so mystical that we have to withhold giving any judgment on it.[4]

In the Aitareya-Brāhmaṇa we come accross a passage, which says 'what is the use of Mala, Ajina, Śmaśru and Tapas? O Brāhmaṇas, pray for sons'.[5] Sāyana takes Mala for Grihasthāśrama, Ajina for Brahmacarya and Śmaśru

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[1] *Tāṇḍya-Mahā-Brāhmaṇa*, 25, 13, 4.

[2] Sāyana takes it in this sense only.

[3] *Taittirīya-Brāhmaṇa*, II, 5, 5, 6-7.

[4] Burnell, *Jaiminīya,-Brāhmaṇa*, p. 18.

[5] *Aitareya-Brāhmaṇa*, XXXIII, 1. 'kimu malaṃ kim ajinaṃ kimu śmaśrūṇi kiṃ tapaḥ, putraṃ brāhmaṇā icchadhvam'.

and Tapas for the last two Āśramas,[1] which does not seem satisfactory. What was the use of denouncing Mala, and wishing for a son? The incongruity would be done away with if we take all the four epithets as signifying the one stage of life viz. Tapasyā or the fourth Āśrama. Mala in this case can be dirt which accumulates on the body of an ascetic; Ajina is the hide of a deer on which he squats, his hair and beard grown, and practises penance.

It shows also, that though the priestly class was hostile to this sort of ascetic life, it was still practised by some.

In the Śatapatha-Brāhmaṇa, Tura Kāvaṣeya who directed the arranging of sacrificial fire for the gods was addressed as a 'Muni' by the gods. The words spoken by Kāvaṣeya are significant, he says, 'what is proper (lokya), what is improper? Ātman is the lord of the sacrifice, the limbs are the priests (ritvij), where the Ātman is the limbs are, where the body is there is the Ātman'.[2] The speculation on the Ātman and the body I think, imply the superiority of the Ātman to the ritual and the sacrificial terms are employed here in an allegorical sense. Tura Kāvaṣeya therefore seems to be a sage who was building up a new line of thought.

The order of the Tāpasas, therefore must have sprung in the time of the Brāhmaṇas as a reaction against ritual which had reached its zenith; as every cultural institution, the institution of Yajna also had to face a reaction after a

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[1] N. Dutt follows the same interpretation. *Antiquity of the Ashramas*, I, A. 1925.

[2] *Śatapatha-Brāhmaṇa*, IX, 4, 3, 15-16.

while its glory had reached the summit. In the Brāhmaṇas we see the beginning of the struggle between the priests and non-priests. In the Upaniṣads we see the unchallenged success of the latter.

Prof. Rhys Davids also took the origin of the ascetic, wandering mendicant, to be in the Śatapatha-Brāhmaṇa[1]; where Uddālaka Āruṇi is wandering about the country offering a gold coin, to any one who would prove him wrong in disputation. Uddālaka is a teacher, but no ascetic as far as we know. We cannot trace any of the religious mendicant's characteristics about him except the wandering habit (the purpose of which is not mendicancy). Uddālaka may claim to be one of the pioneers of Brahmavidyā, but there is no evidence to regard him as the founder of religious mendicancy.

After these distorted references in the Brāhmaṇas a complete oblivion seems to have taken hold of the Indian mind, which ends in the enlightenment of the Upaniṣads, and the reader like Rip Van Winkle awakens to find himself surrounded with new and strange nature of things.

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[1] Rhys Davids, *Buddhist India*, p 28.

THE ĀRAṆYAKAS AND UPANIṢADS.

The creed:—The Āraṇyakas and Upaniṣads present a picture of society which is quite removed from that represented by the former literature. The intellect is not only mature here, but is the backbone of all the activities of the men and women represented herein.[1] The distinction between matter and the spirit is conspicuous and speculations about the Highest Self governing the universe are so completely superb that it was impossible for any post-Upaniṣadic genius to go one degree further in thought.

The hollowness of Saṃsāra (family-life), the feebleness of the body and the emptiness of life are too obvious here. This is the sort of intellectual yearning for the unknown that keeps in with the real spirit of Indian asceticism.

The creed of the Āraṇyakas and Upaniṣads is exactly the same, and is directly opposed to that of the Brāhmaṇas. The ascetic thoughts in this literature possess an intrinsic beauty and almost border on perfection, while we saw only the beginning of them in the Brāhmaṇas. Though the Āraṇyakas and Upaniṣads are represented to be the appendices of the Brāhmaṇas, it is possible, on account of the vast difference in their creeds, that a considerable time must have elapsed between the completion of the Brāhmaṇas and the establishment of the Upaniṣad theories and in this apparently blank gap between the two advents that

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[1] *E. g.* The discussion between Yājnavalkya and Gārgī, *Brihad-Āraṇyaka-Upaniṣad*, III, 6.

the theories of asceticism must have grown up stage by stage; no literature of this period is available until the Āraṇyakas come in view with their perfect theories on the Brahman and asceticism.

The terms, Muni, Parivrājaka, Tāpasa, etc. denote one and the same idea[1] here, which were not so in the former literature. There are besides this a number of new words like Pravrajyā, Śramaṇa[2] etc. coined to signify an ascetic, which were adopted also by the later Sūtrakāras, the Buddhists and the Jains. This clearly shows us that the evolution of the ideas attached to the verbal forms and the coining of new words when the old stock of the ascetic vocabulary became insufficient for the growing needs of the time, must have taken some time.

Asceticism.—In the Taittirīya-Āraṇyaka, three kinds of Riṣis the Āruṇas, Ketus and Vātaraśanas are said to have sprung from the body of Prajāpati as he practised penance.

For the first time, the Āruṇaketuka-vrata is prescribed; The Riṣis should live on water, or every day eat whatever is obtained by begging—should worship Agni; they should not have any possession; they should live in forest; wear the 'Kśauma' dress, either yellow or white,

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[1] *Taittirīya-Āraṇyaka*, I, 32, II, 12, 20, *Brihad-Āraṇyaka-Upaniṣad*, III, 5, 1, IV, 4, 22, 5, 2. *Chāndogya-Upaniṣad*, XII, 83, 9, 2. *Katha-Upaniṣad*, IV, 15, *Muṇḍakopaniṣad*, III, 1, 5. *Āruṇeya-Upaniṣad*, III.

[2] *Taittirīya-Āraṇyaka*, II, 7, *Brihad-Āraṇyaka-Upaniṣad*, IV, 3, 22.

and carry on the pursuit of knowledge.[1] Similarly, a Tapasvī, says the same text, should learn 'Swādhyāya' (knowledge of the Brahman), in forest, whether he be talking, standing, walking or sleeping.[2] These men seem to be the Vānaprasthas. The Vātaraśanas, however, seem to be the Parivrājakas, as they were called Śramaṇas, Brahmacarins, who used to wander, and could enter subtle bodies if they liked.[3] The Munis in the valley between the Gangā and Yamunā, also having their hearts delighted with the Brahman-lore soon took leave of their life.[4] That a man should perform the Brahman sacrifice in his body, which is purified by renunciation and should constantly brood on the Ātman, by means of Tapas, Brahmacarya and fasting, is the teaching of the Śānkhyāyana-Āraṇyaka.[5] The Brihad-Āraṇyaka and Chāndogya-Upaniṣads also throw considerable light on the institution of the Śramaṇas or Parivrājakas. The former says that the Munis having understood the Ātman, desirous of the Brahman world, renounce the world, crushing the desire for sons, wealth, and heaven, and wander forth living by alms alone.[6] The Chāndogya, describes not the practical discipline, but the virtues a Muni should cherish.[7] The renunciation of the world as represented here is complete

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[1] *Taittirīya-Āraṇyaka*, I, 32.

[2] *Ibid*, II, 12.

[3] *Ibid.*

[4] *Ibid*, II, 20.

[5] *Śānkhyāyana-Āraṇyaka*, XV, 1.

[6] *Brihad-Āraṇyaka-Upaniṣad*, IV, 4, 22.

[7] *Chāndogya-Upaniṣad*, VII, 8, 3, 9, 2.

and asceticism is looked upon as a crown of life and not a complete and independent ideal or scheme of life.[1]

The wandering habit though distinctly mentioned in the Upaniṣad, does not seem to be binding yet. Yājnavalkya is one of the known figures of the Upaniṣads, who leaves the life of the world and retires to the forest. It is most likely that he led the life of a hermit.

The story of Yājnavalkya leaving the world and embracing the life of renunciation[2] is taken by some as the beginning of asceticism in India.[3] But since we have traced the existence of monastic ideas in the Brāhmaṇas we can say that Yājnavalkya was a man whose name is for the first time directly connected with asceticism and that is due to the fame he won as a philosopher and a debater, and also as a wealthy and worthy Brahmin. Other persons who entered the order were most probably common people, lay people. Thus when the civilization of the world was very young the name of Yājnavalkya flashed across the philosophical horizon of India, with unusual suddenness. He is more of a hero than the pioneer of asceticism. His opinions about an ascetic, wandering or otherwise, are always held as a standard of asceticism. Yājnavalkya and some of his unknown contemporaries were real sophists. Their endeavours were not in the slightest way inferior to the sophists of 6th century B. C. whom Rhys Davids

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[1] *Brihad-Āraṇyaka-Upaniṣad*, III, 4, 2, IV, 4, 32. *Chāndogya-Upaniṣad*, II, 23. *Jaiminiya-Upaniṣad-Brāhmaṇa*, II, 2, 1, 1-4.

[2] *Brihad-Āraṇyaka--Upaniṣad*, IV, 5, 2.

[3] Bloomfield, *Religion of the Vedas*, p. 280 (Rise of asceticism in the Upaniṣads).

mentions in his 'Buddhist India'. Reformation in ancient India started peacefully, and the sophists, old and new appealed not to the sword but to intellectual and moral suasion. We thus see that the asceticism as it is expressed in the sacred books of the Upaniṣads, is most pure and ideal and carried on an intellectual basis. This intellectual attainment was not every child's toy, but the possession of a special few. Yājnavalkya's renunciation must have affected the philosophical world to a large extent, and the dazzling glory of this sage must have captured many a student of Truth.

The Upaniṣadic Muni left the world entirely;[1] cut himself from all the ties and topical conventions. He resorted to Sannyāsa with a marvellous effort and enthusiasm. The accomplishment of restraint for the Yogic trance is amazingly high. Such things not being in the scope of ordinary men whose intellect, morality as well as physical strength were limited. Only giant intellects like Yājnavalkya could fulfil such conditions, and such people as we know are always to be counted as exceptions, which prove the rule. Naturally, the number of recluses must have been limited then.

Tapas:—Tapas is one of the most essential conditions of asceticism[2], and it is a means to get Swargaloka[3] and even

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[1] *Brihadāraṇyaka-Upaniṣad*, III, 4, 2; IV, 4, 22. *Chāndogya-Upaniṣad*, II, 23. *Jaiminiya-Upaniṣad-Brāhmaṇa*, II, 2, 1.

[2] *Brihad-Āraṇyaka-Upaniṣad*, III, 4, 2, IV, 4, 22. *Chāndogya-Upaniṣad*, II, 23. *Jaiminiya-Upaniṣad-Brāhmaṇa*, II, 2, 1, 1-4.

[3] *Jaiminiya-Upaniṣad-Brāhmaṇa*, III, 1, 3, 7.

the knowledge of the Ātman. Yet the asceticism or Śramaṇ-ism of the Upaniṣads, contains a higher principle than Tapas, which outshines Tapas. It is Dhyāna which absorbs all the senses of a person. Nowhere else is the nature and scope of meditation so precisely and emphatically described as here, which shows that it was the chief aim of the authors of the Upaniṣads[1]. Even Tapas is not specified so well. Yājnavalkya says to Maitreyī that Yajna, Dāna (gift) and Tapas win only the Swarga, but the aim of a genuine seeker after Truth being the Brahmaloka[2], wise men resort to the knowledge of the Brahman[3], the short-cut to which lies through meditation alone. This seems to me the first reaction against Tapas; and this sort of idea perhaps paved the way for the doctrine of the Buddha, as opposed to austerities and mortifications and impregnated with full faith in meditation upon the true nature of things.

The beginning of the reaction against Tapas in the Upaniṣads, also shows that there must have elapsed some time the period of oblivion—between the two propagandas, viz. beginning of the reaction of Tapas against sacrifice in the Brāhmaṇas, and the beginning of the reaction against Tapas by Dhyāna in the Upaniṣads.

It is also to be noted, as far as asceticism of the Upaniṣad-period is concerned, that the words Yati and Bhikśu are not found in the earliest Āraṇyakas and Chāndogya-Upaniṣad, though the ideas conveyed by these terms are

[1]*Śānkhyayana-Āraṇyaka*, XV, 1. *Brihad-Āraṇyaka-Upaniṣad*, II, 4, 5, IV, 5, 6. *Chāndogya-Upaniṣad*, I, 3, 12, II, 22, 2, V, 1, 8, VI, 7. *Śvetāśvatara*, I, 3, 4.

[2]*Chāndogya-Upaniṣad*, II, 23.

[3]*Brihad-Āraṇyaka-Upaniṣad*, III, 8, 10.

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given a full display. The earliest reference to the word Bhikśu is to be found in the Aṣṭādhyāyī of Pāṇini, which also mentions a Bhikśu-Sūtra[1]. The references to the Vaikhānasa or Śrāmaṇaka-Sūtras are also found in some earlier Dharmasūtras[2]. This clearly shows that there must have existed some specific ascetic literature in India before the Sūtra-Period, and after the Upaniṣads. It is most likely, also, that such Sūtras as their titles show, dealing with the practical ascetic discipline were directly opposed to sacrificial rites; and probably were suppressed by the sacerdotal class of the Brāhmaṇas, who gained supremacy in the Sūtra-Period. In the Dharmasūtras, the object of which is nothing but the uplift of the Grihasthāśrama[3], reserved only a corner for the ascetic, after having moulded the ascetic theories in the rigid Āśrama-system, according to their own convenience.

The Śramaṇa is mentioned in the Upaniṣad as well as the Sūtras[3], but there is no difference whatsoever between them and the rest of the ascetics and all these men can be included in the class of the Brāhmaṇa-Parivrājakas. The word Bhikśu also points to the same class of people[4] which shows that at least from the Brahmanical point of view there was no division in this class. The Samaṇa-Brāhmaṇa period which may be identified with 600 B. C. and perhaps

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[1]*Pāṇini Aṣṭādhyāyī*, IV, 3, 110.

[2]*Dharmasūtras of Gautama*, I, 3, 26, *Bauddhāyana*, II, 6, 14, 15, *Vasiṣṭha*, IX, 10–11.

[3]*Pāṇini's Aṣṭādhyāyī*, IV, 3, 110, *Dharmasūtras of Gautama*, III, 26, and *Bauddhāyana*, II, 6, 15.

[4]*Dharmasūtras of Gautama*, III, 27, *Bauddhāyana*, II, 6, 16.

a century preceding it, imparted two new things to the institution of the mendicants. The wandering tendency however, is systematically handed down, since the Upaniṣads. The system was partially observed in the Upaniṣads and was optional. In the Sūtras it is mentioned with reference to the Bhikśus, while in the Samaṇa-Brāhmaṇa period which was immediately followed by the Buddhist period, the custom formed an essential feature of mendicant society. Rhys David's opinion that the wandering community of mendicants came into existence not long before the rise of Buddhism cannot be believed in its entirety[1].

These Samaṇas described in the Jain and Pāli texts, though they originated from the Brāhmaṇa-Paribbājakas, and borrowed many of their customs, went one step ahead and denounced the Vedas with all their heart. Though the anti-Vedic feelings of the sophistry were their undenied trademark, yet it was by no means their own invention. It was the inheritance their forefathers had left to them[2], and they added to it. We thus see how sophism with all its varieties caught hold of the Indian mind from a remote time, only the full results of it we see in the later period of the Samaṇas.

Civilization shifts its place from time to time. In the time of the Vedas it haunted the down-lit plains of the

[1] Rhys Davids, *Buddhist India*, p. 141, B. C. Law, *Historical Gleanings*, p. 10.

[2] *Aitareya-Āraṇyaka* (Keith's edition) pp. 101, 139, *Nirukta*, I, 15. L. Sarup. *Nighaṇṭu and Nirukta*. Introduction, p. 74, says that the anti-Vedic literature came into light with the A. V. Later on it was discovered in the isolated passages of the Āraṇyakas and Upaniṣads.

Punjab, in the Brāhmaṇa, Upaniṣad and the Sūtra periods it chose the sacred land of the Aryāvarta for its abode and in the Samaṇa-Brāhmaṇa period it turned Eastwards[1] thus glorifying the land of Magadha[2], which lay far from the land of Brahmanic culture. The monk-world of this place naturally differed from the Paribbājakas of the Aryāvarta. It was easier for these recluses to denounce sacrifices and the Vedas.

We have so far traced the historical outline of the monastic institution in India, before the Buddha came on the scene. Before closing the chapter it is essential to take a hurried view of the various tendencies the Parivrājaka borrowed from either the Brahmacārin or the Brahmavādin from time to time. This will help us to settle the origin of the wanderers either in the institution of the Brahmacārin or the Brahmavādin.[3] The chief of these conditions are the two conditions of (1) celibacy, (2) monastic habits.

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[1] 'It is in the East that the Buddhas are born'. *Cullavagga*, XII, 2, 3.

[2] N. Dutt, *Spread of Buddhism*, p. 82, B. C. Law, *Historical Gleanings*, 23. Rhys Davids, *Buddhism* (American lectures), p. 90

[3] Dutt, *Early Buddhist Monachism*, pp. 67, takes the origin of the Samaṇas to be in the wandering teachers who went on holding discussions with the Brahmins, while Jacobi (S. B. E. XXII) *Jain Sūtras*, Introduction, p. XXIV, maintains that the Brahmanic ascetic is the model from which the Samaṇas borrowed many important practices. Also, Kern, *Manual of Buddhism*, p. 73.

(1) The first Āśrama i. e. the institution of student-hood is the foremost of the time-honoured institutions of Indian culture.

The strict observance of celibacy, the real thirst for knowledge and truth, an accomplishment of the highly cultivated physical and moral restraint, created a halo of glory round the student since the Vedic times. As an exception to the rule the ideas about the student have remained unchanged through the long range of the sacred literature of the Aryans[1]. The institution is no doubt older than that of the fourth Āśrama.

Of all the four Āśramas, the first Āśrama of Brahmacarya contains the germs of monachism and hence comes closer to the hermit stage[2], and hence scholars almost unanimously declare the Brahmacārin to be a model and the origin of the Śramaṇas[3]. Out of the three essential practices of celibacy, mendicancy and itinerancy of the Śramaṇas, they had no doubt borrowed the first two from the Brahmacārin of old[4]. Rhys Davids, thought that the

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[1] *Rigveda*, V, 109-5. The Brahmacārin goes engaged in duty. He is a member of God's own body. Atharva-Veda (Bloomfield, p. 85.), XI, 5-7. *Gopatha-Brāhmaṇa* (2nd Prapathaka) I, 21-9, glorification of the sun as a Brāhmaṇa disciple, *Śatapatha-Brāhmaṇa*, XI, 4, *Brihad-Āraṇyaka-Upaniṣad*, III, 7, 1, III, 3, 1, 118, *Chāndogya-Upaniṣad*, VI, 27, *Gautama*, III, 3, 7, *Āpastamba*, II, 9, 21.

[2] Kern, *Manual of Buddhism*, p. 73.

[3] Kern, *Manual of Buddhism*, p. 73, Hume; *Principal Upaniṣads*, p. 374, Rhys Davids, *Buddhist India*, p. 247, *Dialogues of Buddha*, II, p. 247, Hardy, *Eastern Monachism*, p. 74.

[4] Rhys Davids, *Buddhist India*, p. 247.

origin of the Samaṇas lay in the fact of the youths leaving the world without entering the life of house-holder and without any previous study[1]. But this argument will have to be fully tested before it is accepted.

Life-long Celibacy.—One fact however, is clear that this sort of religious life, the life-long celibacy, technically known as Naiṣṭhika Brahmacarya, was not mentioned till we find the first reference to it in the Chāndogya-Upaniṣad[2], when asceticism was already established. It is not mentioned in Gautama's Dharmasūtra, though other Sūtras refer to it[3]. According to all these passages it is clear that the Naiṣṭhika-Brahmacārin should stay with his preceptor all his life and serve him till death. Though life-long celibacy is common to this sort of student and the Śramaṇa till the Śramaṇa is a free man and acknowledges no teacher; besides a Naiṣṭhika Brahmacārin, it is said, can neither marry nor can become a recluse[4], which fact lessens the probability of the origin of the Śramaṇas in the life-long student.

As for itinerancy one can assert that it was never a natural feature of Brahmacarya; it was a mere accident. Students used to wander[5] but only in the quest of a fit teacher. As soon as they got a preceptor they settled in his house, till they had mastered his teachings. But this is not sufficient to prove as Rhys Davids and Deussen thought

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[1]Rhys Davids, *Dialogues of Buddha*, II, p. 217.

[2]*Chāndogyu-Upaniṣad*, II, 20.

[3]Dharmasutras of *Āpastamba*, I, 1, 4, 29, *Vasiṣṭha*, 7, 3-6.

[4]*Harīta-Dharmasūtra*, III, 14.

[5]*Brihad-Āraṇyaka-Upaniṣad*, III, 7, 1, III, 3, 1.

that even the nomadic custom was borrowed by the Śramaṇa from the Brahmacārin.[1]

(2) Almost contemporaneous to the Vedic Brahmacārin is the Vedic Muni or the Brahmavādin, and hence it is difficult to judge who borrowed from whom, and to what extent. It must be acknowledged, however, that the special privilege of meditation or thought belongs to the Brahmavādin. Thus the love of discussion, the keen longing of vanquishing the opponent in debates and the arrangement of walking tours for such purposes, etc., were all the trademarks of the Brahmavādin. Itinerancy is therefore borrowed most probably by the Śramaṇas from these wandering teachers of Brahmavidyā, Uddālaka Āruṇi being the first known teacher.[2] Hence, Dr. Barua draws his conclusion about the origin of the Śramaṇas in the wandering masters of the Brahman knowledge,[3] which is also like the first an exaggerated statement. The truth probably lies midway. The Śramaṇa held the Brahmacārin as a model as far as practical life with all its moral aspects (such as aversion to luxury, observance of chastity) and the daily routine were concerned. For the intellectual pursuits and the means thereof, he was indebted to the Brahmavādin. The Śramaṇa, hence, is a combination of the student and the wandering master of the Brahman-knowledge. He behaves like the one and thinks like the other. Many of the rules of the Śramaṇas therefore, can be traced back to the rules and habits of both the types of men.

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[1] Deussen, *Philosophy of Upaniṣad*, p. 377.

[2] *Śatapatha-Brāhmaṇa*, XI, 4, 1.

[3] Barua, *Pre-Buddhistic Philosophy*, p. 61, Sukumar Dutt, *Early Buddhistic monachism*, p. 69.

CHAPTER II.

THE ANALYSIS OF THE VINAYA LAWS.

The Vinaya Laws.—Of all the monastic laws, the Vinaya-laws are most extensive as well as intricate and reveal the legal aptitude as also the common sense on the part of the Buddhists. They are obviously vivid and run into minutest details, so that even a partial knowledge of them gives us a fair idea of the monastic life of the early Buddhists. They are systematically and scientifically arranged, though their classification may fall short of the modern methods. The principle underlying the classification is the motive and magnitude of the offence.

The Vinaya Literature.—The literature on the Vinaya is (1) canonical and (2) explanatory. The canonical literature is composed of five books viz.; two Vibhangas, two Khandhakas and a glossary called Parivāra. Of the five books the Vibhangas, especially, the first Vibhanga, known as the Bhikkhu- Vibhanga, is the most important for our purpose and contains the oldest of the rules which were grouped under the 'Pātimokha'. The book gives a list of 227 offences and enjoins laws to prohibit them, accompanied by an ancient detailed commentary as well as typical cases that called for punishment, after each offence. This shows how the study of the Vinaya was paramount to the Bhikkhus and suggests how rigid the technicalities of the Vinaya must have been.

The second Vibhanga, viz. the Bhikkhuni-Vibhanga is much shorter, and less elaborate than the first book. In many ways it is a mere imitation of the former.

The two Khandhakas are indispensable for more than one reasons. They form the essential supplements without which the Pātimokha would not be complete.

The Parivāra is a much later supplement and a glossary to the Pātimokkha, which is not so important as far as it does not contribute anything new to the subject. Yet it facilitates the study of the Vinaya by enumerating and retelling the rules separating them from the jumble of worthless details.

The non-canonical literature on the Vinaya comprises the voluminous work of Buddhaghosa, which is called 'Samantapāsādikā'. It is a commentary on the Vinaya-Piṭaka, lucid and detailed, which makes the study of the Vinaya accessible to all. In many places Buddhaghosa describes legal procedures vividly and sometimes even mentions offences which were not included in the original Vinaya. Another book on the Vinaya called 'Vinaya-viniccaya' is that of Buddhadatta who is believed to be a junior contemporary of Buddhaghosa though he never mentions the name of the former in his work. The book however, lacks in critical insight and merely gives us a summary of the Vinaya-Piṭaka in couplets. The purpose of the book seems to make it easier for students to commit to memory the rules of the Vinaya.

The law-code.—The 227 offences are classified under seven categories in a descending order viz. Pārājika, Sanghādisesa, Aniyata, Nissaggiya-Pācittiya, Pācittiya, Pāṭidesaniya, and Sekhiya. From the legal point of view, Pārājika is the gravest offence, Sekhiya the lightest one. There are also two kinds of offences which come under

Thullaccaya and Dukkata which were a later addition. I have included them in the Pātimokkha-laws for their peculiar legal position. Thullaccaya as the analysis will show, is weaker in jurisdiction than Saṅghādisesa and Dukkata even less than Pācittiya.

The chief defect in the classification of the Vinaya-laws is that many a time offences which have no common bearing are bracketed together or are kept loosely hanging somewhere. This leads to anomaly. As for instance, sexual offences, theft, murder and pretension to supernatural powers are all put in one category viz. Pārājika, because the punishment for these offences is the same. Similarly, Saṅghādisesa comprises lesser sexual offences, rules for building huts, prohibitions regarding false accusation, creating disturbance and schism etc. So also, in the Pācittiya offences to sleep with a woman in the same place is bracketed with telling a deliberate lie and using abusive language and all these offences come under the falsehood-section. Thus we find offences which ought to belong to specific groups as sexual offences, offences against property etc., scattered all over; and hence many a time the nature of the laws does not become clear at first.

Analysis of the offences.—An attempt has been made here to analyse the offences on modern lines without damaging the judicial principle of the Vinaya.

I. *Offences against person:*

(1) Sexual offences (2) Murder and assault (3) Defamation and slander.

II. *Offences against property:*

(1) Theft (2) Damage.

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(1) Theft (2) Damage.

(3) *Offences against a beast:* To take sexual liberties with fairies and animals such as female monkeys[1] etc.

(4) *Offences against the dead:* Sexual intercourse with a corpse which is still fresh[2].

(5) *Homosexual offences:* Sex-intercourse with a person of the same sex[3].

(6) *Offences against self:* Self-abuse i.e. putting the organ into one's mouth having a flexible back or having a long and hanging organ putting it into rectum[4] etc.

Sanghādisesa.

Heterosexual offences:

Offences against a woman: (1) Coming in a close physical contact with a woman, such as embracing her, holding her hand, or plait of hair[5] etc.

2) Allowing a woman to touch oneself in lust or tolerate a woman's touch who is in lust[6].

3) Addressing a woman in a coarse and indecent language[7].

4) Praising or censuring her sexual organs[8].

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[1] *Vinaya* III, pp. 22, 23, 28, 34, 37.

[2] *Ibid*, pp. 27, 30.

[3] *Ibid*, pp. 30, 33 etc.

[4] *Ibid*, p. 35.

[5] *Ibid*, pp. 39, 120.

[6] *Ibid*, p. 124.

[7] *Ibid*, pp. 127.

[8] *Ibid*, pp. 129. It was however not regarded an offence if a Bhikkhu talked harshly about a woman's sexual organs in order to convince people of the doctrine of Brahmachariya. This shows the elasticity of the Vinaya-laws.

5) Discussing sexual matters with her[1].

6) Putting impertinent and inquisitive questions to a woman about her sexual life[2].

7) Giving a woman hints or tips on sexual matters[3].

8) Being moved with passion thrusting a thumb into the vagina of a sleeping woman[4].

9) Begging a woman for sexual intercourse, saying that the union with a religious, learned man like a Bhikkhu would yield great merit[5].

10) Recommending sexual union with a Bhikkhu as a remedy for sterility, or as a means to procure a son or to gain the husband's love to women if they approach for an advice in such matters[6].

Offences against self:

Masturbation: Emission of semen with a desire to remove nervous tension by using the hand[7] or other methods as having hot baths[8], leading a free and unrestrained life[9] with various motives viz. (1) to procure health (2) to secure comfort (3) on medical grounds

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[1] *Vinaya* III, p. 129.
[2] *Ibid*, p. 129.
[3] *Ibid*, p. 129.
[4] *Ibid*, p. 35.
[5] *Ibid*, p. 131.
[6] *Ibid*, p. 134.
[7] *Ibid*, p. 112.
[8] *Ibid*, p. 117.
[9] *Ibid*, p. 111.

(4) with a view of charity (5) to obtain merit (6) to acquire heaven (7) to bring about conception etc.[1]

Offences against the dead: Touching a corpse in sexual parts.[2]

Offences against the public: (1) Matchmaking[3]. (2) To be a go-between i. e. receiving messages from a husband or a paramour and carrying it to the wife or a lady-love, and bringing a reply back, all the time taking interest in such affairs.[4]

Thullaccaya.

Heterosexual offences:

Offences against a beast: To touch with hand a female from the lower creation, such as a cow etc.[5]

Offences against an eunuch: To touch with hand an eunuch[6].

Homosexual offences: (1) Climbing on the back of another man so that the sexual organs of the two come into close contact[7]. (2) Kissing a man with lust[8].

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[1] *Vinaya* III, p. 112.

[2] *Ibid*, p. 37.

[3] *Ibid*, pp. 135–138.

[4] *Ibid*, pp. 138-143. It is however, interesting to note that a Bhikkhu could accept such undertakings if the Sangha permitted it or if he was to perform the mission to help a sick person (p. 143).

[5] *Vinaya* III, p. 121, *Mahāvagga* V, 9.

[6] *Vinaya* III, p. 121.

[7] *Samantapāsādikā* I, p. 266,

[8] *Ibid.*

Offences against self: (self-abuse).

Attempts at ejaculation, by (1) taking hot water bath[1] (2) on the pretext of dressing a wound on the penis[2] (3) pressing the organ with the thighs[3] (4) deliberate attempt at ejaculation in latrines, urinals[4] etc.

Castration: Castrating oneself[5].

Offences against the dead: (1) Trying to have a complete or incomplete sexual intercourse with the dead and decomposed body of a male, female, either human or a beast[6]. (2) Touching a dead body with lust but not in the sexual zone[7].

Miscellaneous.

Surgical operation: Performing a surgical operation within a distance of two inches round the anus[8]..

Offences against the public.

Matchmaking and acting as a go-between:

(1) Receiving a message, contemplating over it but not bringing reply, (2) Receiving a message and bringing a reply without any contemplation over the matter.

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[1] *Vinaya* III, p. 117.
[2] *Ibid*, p. 117.
[3] *Ibid*, p. 118.
[4] *Ibid*, p. 117.
[5] *Cullavagga*, V, 7.
[6] *Vinaya*, III, pp. 29–33.
[7] *Ibid*, p. 33.
[8] *Mahāvagga*, VI, 22.

(3) Not receiving a message but contemplating over it and bringing a reply.[1]

Nissaggiya-Pācittiya.

Heterosexual offences:

Offences against a woman: (1) Getting one's underwear washed by a Bhikkhuni who is not related to oneself[2]. (2) Receiving a robe from the hand of a Bhikkhuni not related[3].

Pācittiya.

Heterosexual offences:

Offences against a woman: (1) Lying down to sleep in the same place with a woman[4].

(2) To go on board the same boat by appointment with a Bhikkhuni[5].

(3) To travel along a high road in company of a Bhikkhuni by special appointment[6].

(4) To take seat in a secret place with a woman.[7].

Dukkata.

Heterosexual offences:

Offences against a woman: (1) Climbing a tree with a woman or having a pleasure trip with her in a boat.[8]

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[1] *Vinaya* III, pp. 142-143.
[2] *Ibid*, pp. 205-207.
[3] *Ibid*, pp. 207-210.
[4] *Vinaya* IV, p. 19.
[5] *Ibid*, p. 65.
[6] *Ibid*, p. 63.
[7] *Ibid*, p. 68.
[8] *Vinaya* III, p. 127.

(2) Passing remarks about a woman's dress.[1]

Offences againt a beast: To touch a female beast with a lustful mind[2]

Self-abuse: (1) making a wooden stamp (a figure either of a woman or a man) and rubbing it against the sexual parts.[3] (2) Ejaculation in sleep when the organ is squeezed accidently by another person.[4]

Offences against the dead: Trying to put the sexual organ into the mouth of a decomposed body which however makes penetration impossible.[5]

Offences against the public.

Matchmaking and being a go-between:

(1) Receiving a message but not paying attention to it and not bringing an answer back.

(2) Neither to receive a message, nor to bring a reply but to contemplate on it.

(3) Neither receiving a message, nor contemplating over it but bringing a reply.[6]

Offences regarding murder or inflicting injuries etc. Pārājika.

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[1] *Vinaya* III, p. 130.
[2] *Samantapāsādikā* I, p. 266.
[3] *Ibid*, p. 267
[4] *Vinaya* III, pp. 117-118.
[5] *Ibid*, p. 37.
[6] *Ibid*, pp. 142-143.

Murder (direct): (1) To give a person poison. (2) To beat a person with a stick, (3) To stone a person to death[1] etc.

Murder (indirect): In the Vinaya the indirect murder is given a more elaborate treatment.

The various indirect ways to deprive a person of life are (1) to create disgust for life in a person by describing how unbearable, awful and vain it is, with the intention that the person should become desperate and commit suicide.[2] (2) Inciting another person to injure or kill a person[3]. (3) to tempt a person saying that if he dies in

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[1] *Vinaya* III, pp. 74, 79, 80, 82, etc.

[2] *Ibid*, p. 73. It is to be borne in mind in this connection, that the Pāli literature is full of pessimistic notes on life. Not only the doctrine of Nibbāna, but the whole structure of renunciation is based upon the idea of escaping from the uncertainty and misery of human life. Nibbāna was the supreme happiness and could be sought through Pabbajjā alone. So, the disgust for life and the human body, unless it drove one to good action or to Pabbajjā was a sin; especially, if it culminated in suicide or murder. The disgust for life, on the other hand, was a qualification if it resulted in a detachment from the worldly things and led to renunciation (Samantapāsādikā II, pp. 397-8). The intensity of the offence depended upon the motive of the preacher in painting a dark picture of life as well as its consequences which were seen from the action of the listener. This shows how psychology played an important part in the formation of the Vinaya jurisprudence.

[3] *Ibid*, p. 75.

a particular way he would get wealth, fame and heaven[1]. (4) to dig a ditch on the way, so that the victim may fall in it and die[2].

Offences against a woman: Abortion—To give medicines and suggest a woman some methods such as rubbing the abdomen or fomenting it etc. to bring about abortion[3].

(2) *Thullaccaya.*

Grievous hurt: (1) To order a Bhikkhu to kill or injure a person, so that he consents and the person is vitally wounded[4]. (2) To tell a person that if he dies in a particular way he will get money, he will acquire fame etc., so that it causes the party an acute mental pain owing to the consciousness of the approach of death or that the person inflicts a serious injury on himself[5]. (3) Figuring oneself as something terrible[6], with the intention of scaring a person. (4) To make an attempt on a person's life with such means as thrashing him, or administering poison etc., so that the person suffers but does not die[7].

Offences against a woman: Abortion—(1) To bring about abortion of a woman when both the mother and child live, (2) when the mother dies and the child lives[8].

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[1] *Vinaya* III, p. 78.
[2] *Ibid*, p. 80.
[3] *Ibid*, pp. 83–84.
[4] *Ibid*, p. 75.
[5] *Ibid*, p. 76.
[6] *Ibid*, p. 77.
[7] *Ibid*, pp. 77–83.
[8] *Ibid*, pp. 83 84.

Pācittiya.

Involving slight injury: (1) To give a blow in anger[1]. (2) To poke a person.[2] (3) To suggest intentionally difficulties of conscience to a Bhikkhu, so that he becomes uneasy.[3]

To destroy plants etc: (1) To destroy vegetable[4]. (2) To dig ground or have it dug[5]. (3) To drink water with living germs in it.[6] (4) To deprive any living being (animal etc.) of life.[7]

Dukkata.

Involving wicked intention and no injury: (1) To incite a Bhikku to kill a person.[8] (2) To dig a ditch with evil intention (as also various other means such as procuring poison, weapons etc.).[9] (3) To figure oneself as something terrible.[10] (4) To say that if a person dies in a particular way etc. he may acquire fame, wealth etc.[11]

Offences against a woman: An attempt to abort a woman (which is not successful).[12]

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[1] *Vinaya* IV, p. 146.
[2] *Ibid*, p. 111.
[3] *Ibid*, p. 148.
[4] *Ibid*, p. 35.
[5] *Ibid*, p. 33.
[6] *Ibid*, p. 125.
[7] *Ibid.*
[8] *Vinaya* III, p. 75.
[9] *Ibid*, p. 76.
[10] *Ibid*, p. 77.
[11] *Ibid*, p. 76.
[12] *Vinaya* III, p. 82.

Deeds involving no evil intention but resulting in serious consequences, such as death[1].

Offences involving defamation, slander etc.

Sanghādisesa :

(1) To accuse a Bhikkhu falsely of a Pārājika offence (i. e. misbehaviour, theft, murder etc.), when the offence is really a minor one or there is no offence at all[2]. (2) To plead that a Bhikkhu is guilty of a Thullaccaya or Pācittiya only when he has in reality committed a Sanghādisesa offence[3].

Pācittiya.

(1) To slander a Bhikkhu[4]. (2) To abuse a Bhikkhu[5]. (3) To speak disrespectfully of a Bhikkhu deputed to any official duty[6]. (4) To accuse a Bhikkhu falsely of a Sanghā disesa offence without ground[7].

Offences against property.

A) *Theft*: Theft consists of taking away an article which may be something as valuable as a precious stone or as insignificant as a handful of rice, without the permission of the owner. The different categories of the stolen property are defined according to the Vinaya as (1) a treasure deposited in the earth (2) an article lying on the ground,

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[1] *Vinaya* III, pp. 83, 84, 86.
[2] *Ibid*, pp. 163-169.
[3] *Vinaya* III, p. 170.
[4] *Vinaya* III, p. 13.
[5] *Vinaya* IV, p. 14.
[6] *Vinaya* IV, p. 36.
[7] *Vinaya* IV, p. 86.

on bed, on a seat etc. (3) a treasure lying under water or placed in a boat (4) an article placed in vehicle (5) an article in the Vihāra, (6) anything from a field, such as corn etc. or from a garden such as fruit, flowers, etc. (7) property from a village or forest etc. (8) men, birds and animals etc[1].

Pārājika.

(1) To remove a treasure from its place[2]. (2) To take another's treasure for oneself by breaking the seal[3]. (3) To open the mouth of a jar containing either oil or honey and to drink off the contents[4]. (4) To order another Bhikkhu to steal a particular article and see it is done[5]. (5) To hide a stolen article[6]. (6) To deny and refuse and not to give back a deposit to its owner[7].

Thullaccaya.

(1) To order another (not a Bhikkhu or a layman) to rob an article and see it is done[8]. (2) Trying to remove the treasure by shaking, scrubbing ect[9]. (3) To annoy an owner by refusing to give back a deposit[10]. (4) To

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[1] *Vinaya* III, pp. 46.
[2] *Ibid*, p. 48.
[3] *Ibid.*
[4] *Ibid.*
[5] *Ibid*, p. 53.
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*
[9] *Ibid*, p. 48.
[10] *Ibid*, p. 51.

break an article or hide it or render it useless by passing urine on it or throwing leavings of food on it, with the intention of stealing[1].

Pācittiya.

(1) To tell a lie and take another's share of food as one's own[2]. (2) To hide or cause another to hide a Bhikkhu's bowl or robe or mat or needlecase or girdle even in jest[3]. (3) To continue to make use of a robe after making it over to a Bhikkhu or Bhikkhuni[4].

Dukkata.

(1) To tempt a Bhikkhu to steal a thing[5]. (2) With a mind to steal to go in search of a treasure[6]. (3) To dig the ground, or to cut down a tree etc. from a place where the treasure is supposed to be burried[7]. (4) To touch a vase or a casket containing a treasure[8]. (5) To obstruct the path of a bird or vehicle with an intention of stealing it[9]. (6) To say 'I do not have the thing', when the owner comes and asks the deposit back[10].

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[1] *Samantapāsādikā* II, p. 321.

[2] *Vinaya* III, p. 59.

[3] *Vinaya* IV, pp. 122-124.

[4] *Ibid*, pp. 121-122.

[5] *Vinaya* III, p. 53.

[6] *Ibid*, p. 47.

[7] *Ibid*, p. 48.

[8] *Ibid*, p. 48.

[9] *Ibid*, p. 48.

[10] *Ibid*, p. 51.

B.) *Offences against the property of the Sangha.*
(Mainly including damage and negligence).

Pācittiya.

1) Not to put in its proper place either a bedstead or a chair or a stool, the common property of the Sangha, which has been taken out for use and to go away without saying anything to anybody about it[1].

2) To put back in its proper place any of the above mentioned articles, but to depart without saying anything to anybody[2].

3) To sit down hurriedly or lie down in the upper story of a dwelling place common to the Sangha, or on a bedstead or a chair with removeable legs[3].

4) To divert the use of any individual property given to the Sangha[4].

Dukkata.

To break an article, to hide it or to render it useless by passing urine on it or throwing leavings of food on it etc., (without intention of stealing[5]).

C.) *Offences against immoveable property.*
(Mainly regarding the construction of a hut or a Vihāra etc.)

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[1] *Vinaya* IV, pp. 39-40.
[2] *Ibid*, pp. 40-42.
[3] *Ibid*, p. 44.
[4] *Ibid*, p. 154.
[5] *Samantapāsādikā* II, p. 321.

Sanghādisesa.

1) (a) To build a hut, or a big Vihāra on a place without the permission of the owner, (b) on a place which is unsafe i. e. infested by rats, ants, diseases etc., and to which there is no easy entrance[1].

2) To make a hut beyond fixed proportion[2].

Dukkata.

1) To make a hut out of proportion (though the ground has been obtained with the owner's permission and though the place is safe).

2) To build a hut on a place which is infested with rats etc., though the rest of the conditions are fulfilled.

3) To build a hut to which there is no easy access, though in all other respects there is no ground for a complaint[3].

Offences against the Sangha.

Disputes and Schism.

Sanghādisesa.

1) In spite of a precise warning (three times) from the Sangha. to cause a split in the Sangha on the pretext of calling attention of the inmates to a particular point which is sure to lead to hot discussion and consequently to

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[1] *Vinaya* III, pp. 149, 155–57.

[2] *Ibid*, pp. 152–3.

[3] *Ibid.*

schism, and thus putting the unity and peace of the Sangha at stake[1].

2) To support the Bhikkhu who deliberately causes a split in the Sangha, and not to give up his following even after three formal warnings from the Sangha[2].

3) Not to acknowledge one's fault and if others bring it to one's notice, not to listen to them and to make impudent replies (even after three warnings from the Sangha.[3])

Thullaccaya.

1) To cause a split in the Sangha after two warnings from the Sangha[4].

2) To support a Bhikkhu who causes a split in the Sangha, after two warnings from the Sangha[5].

3) Not to admit one's fault and to make impudent replies, after two warnings from the Sangha[6].

Pācittiya.

To stir up ill will against Bhikkhus deputed to any official duty[7].

Dukkata.

1) To try to split the Sangha until a warning comes from the Sangha[8].

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[1] *Vinaya* III, pp. 111–174.
[2] *Ibid*, pp. 174–176.
[3] *Ibid*, pp. 176–79.
[4] *Ibid*, p. 174.
[5] *Ibid*, p. 176.
[6] *Ibid*, p. 179.
[7] *Ibid*, pp. 37–39.
[8] *Ibid*, p. 174.

2) To support a Bhikkhu who causes a split in the Sangha until the Sangha warns.°

3) Not to admit one's fault until the Sangha warns[1].

Offences against law.

Pācittiya.

1) To tell a novice of a Bhikkhu having committed a grave offence[2].

2) To refuse to answer when the Sangha is making a formal inquiry into an offence.[3]

3) To stir up for decision a matter which has already been settled according to law[4].

4) To conceal a serious offence committed by a Bhikkhu[5].

5) Not to submit to the decision of the majority when one is admonished for an offence and say that one cannot do so until a consultation with one who is an acknowledged authority on law[6].

6) To regard minor rules of the Pātimokkha as insignificant, boaring and leading to perplexity[7].

7) To be ignorant of the rules of the Pātimokkha[8].

° *Vinaya* III, p. 176.

[1] *Ibid*, p. 179,

[2] *Vinaya* IV, pp. 30–32.

[3] *Ibid*, pp. 35–37.

[4] *Ibid*, p. 126.

[5] *Ibid*, pp. 127–128

[6] *Ibid*, pp.141–142.

[7] *Ibid*, pp. 142-144.

[8] *Ibid*, pp. 144–145.

8) To grumble after having declared consent to the proceedings of the Sangha which are conducted according to law[1].

9) To rise from one's seat and go away without having declared consent when the Sangha is engaged in conducting a trial[2].

Offences against religion

Pārājika.

Pretending to possess miraculous powers and also other extraordinary qualifications[3].

Thullaccaya.

To talk of one's extraordinary achievements or that of another's unknowingly[4].

Pācittiya.

1) To recite Dhamma clause by clause when one is not admitted into the higher grade[5].

2) To tell one not received into the higher grade that the speaker or any other Bhikkhu has extraordinary spiritual gifts even when it is so[6],

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[1] *Vinaya* IV, pp. 151–152.

[2] *Ibid*, pp. 152–153.

[3] i. e. Jhāna, Vimokkha, Samādhi, Samāpatti, Nānādassana, Maggabhānā, Phalasaccikiriyā, Kilesapahānam, etc., *Vinaya* III, pp. 90–91.

[4] *Ibid*, pp. 97–101.

[5] *Vinaya* IV, pp. 14–15.

[6] *Ibid*, pp. 23–30.

3) To interpret the Buddha's words in a wrong way or to twist them so as to serve one's purpose[1].

4) To make a robe of the same measure as that of the Buddha[2].

5) To keep company with a person who twists the words of the Buddha[3].

Miscellaneous.

A) *Offences regarding a Bhikkhu's relation with a Bhikkhuni: Pācittiya.*

1) To exhort Bhikkhunis when one is not deputed for it[4].

2) To exhort Bhikkhunis after sunset[5].

3) To visit the dwelling place of a Bhikkhuni unless she be ill[6].

4) To eat food procured by the intervention of a Bhikkhuni[7].

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[1] *Vinaya* IV, pp. 133–136.

[2] *Ibid*, pp. 173–174.

[3] *Ibid*, pp. 137–140.

[4] *Ibid*, pp. 49–53.

[5] *Ibid*, pp. 142–144.

[6] *Ibid*, pp. 144–5.

[7] *Ibid*, pp. 66, 68. The rest of such offences have already been mentioned under sexual offences and need not be repeated here.

B) There are besides very many minor rules regarding receiving alms[1], making clothes[2] etc., which run into minute and even worthless details. These rules are besides weak in judicial capacity and so, not important from the legal point of view.

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[1] *Vinaya* IV, pp. 287–299.

[2] *Vinaya* III, pp. 210, 266.

CHAPTER III.

THE ORIGIN AND NATURE OF THE VINAYA LAWS.

The word. The word 'Vinaya' has a peculiar technical meaning in the Pāli language; it means the collection of rules and ceremonials as dictated by the Buddha for the practical guidance of the Bhikkhus.

The word is derived from the Sanskrit root 'vi + nī' which means to lead, to guide, to train[1] etc. The different connotations of the term show the stages of evolution of the ideas attached to it. The word however, occurs so rarely in prebuddhist Sanskrit literature, save two instances, that it is very difficult to trace the signs of a gradual evolution.

The first etymological evidence is furnished by the Rigveda.[2] Brahmaṇaspati is called a 'Sannaya', 'Vinaya', and 'Purohita'. Sāyana interprets the passage as Brahmaṇaspati brings beings together, and 'leads them away (vividham netā) and puts them asunder or separates them (prithakkartā). This sense is quite different from the idea of moral discipline or guidance; only the crude idea of leading others according to one's wish is found here.

In the Aitareya-Āraṇyaka we find another reference, 'Vinayanti vājinam'[3] which implies the conducting or training of a horse. The idea of discipline expressed here

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[1] Monier Williams, *Sanskrit-English Dictionary*, 'vi + nī'.

[2] *Rigveda*, II, 24, 9.

[3] *Aitareya-Āraṇyāka*, I, 2, 1, 9.

is nearer to the conventional meaning of Vinaya; and it is most probable that the term was first applied to the training of horses; with constant use, its meaning must have been amplified until it came to mean, 'moral discipline for men,' and the original significance must have passed into oblivion.

The significance. The scope and significance of the Vinaya has not been described so lucidly and aptly by any one as by the learned Buddhaghosa. He defines the Vinaya as the discipline which by various means controls the body and the speech, and prevents them from erring[1]; and hence the book of the Vinaya is known as a compilation of rules, which clearly state what is wrong and what is right, what is offence and what is non-offence together with the principle of restraint[2]. These precepts were looked upon as the command of the worthy Buddha[3]. Naturally, the subject of the Vinaya is the moral training known as 'Adhisīlasikkhā' in Pāli[4], and hence it gives warnings against moral transgressions.

Kauṭilya in his Arthaśāstra observes that Vinaya (moral discipline) is natural and external[5]. The inmate

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[1] Also 'Vividha visesanayattā vinayanato ceva kāya vacanānam, Vinayatthavidūhi ayam vinayo vinayoti ākkāto' *Samantapāsādikā*, I, p. 19, also *Aṭṭhasālini*, p. 19.

[2] 'Vinayakathā nāma Kappiyākappiya-āpātānānapatti samara-mahānapati-samyutta-kathā.' *Samantapāsādikā*, IV, p. 760.

[3] *Aṭṭhasalinī*, p. 21.

[4] *Aṭṭhaṣalini*. p. 21.

[5] Kritakah svābhavikaśca vinayah', *Arthaśāstra*, I, 5.

Vinaya can be seen in men of pure character, firm will, and full of religious zeal like the great Sāriputta, Moggallāna, Mahākassapa, Rāhula, Upāli etc; and hence there is no necessity of regulating their conduct by external bindings. All men however, cannot come up to that mark; and it is a tendency of common people not to do anything seriously unless they are compelled to do so. In case there is will to do a thing, it happens that the methods adopted to accomplish it are inadequate and misjudged, and so, either the state or some person in whom authority has been vested, has to interfere and bring an external coercion on men, and make them do the right thing according to a regulated plan and impeach them if they fail to keep up by it. This is the external Vinaya. The Vinaya-Piṭaka contains this Vinaya chiefly.

The doctrine of the Buddha consists of the Dhamma and the Vinaya. The Dhamma deals with the purity of mind, and with theological problems and moral doctrines. The range of the Dhamma is indeed wider than the Vinaya, but it is through the Vinaya that the whole Buddhist doctrine attained stability; if the Dhamma is the doctrine and theory, the Vinaya is the practice and not less important. because it is only through the practical application a doctrine is put to test. Buddhaghosa, in the Samantapāsādikā, calls the Vinaya the very life of the teaching of the Buddha and adds that all Buddhist doctrines and precepts are an outcome of the Vinaya alone[1]. How the prosperity of the doctrine and the Sangha depended mainly on the observance of the Vinaya -laws, will be made clear duly.

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[1]*Samantapāsādikā* I, p. 13.

The principle underlying the Vinaya. The laws of the Vinaya are distinct from any of the contemporary law-codes. Though they differ from all the other systems in their structure, jurisprudence and application, still the principle underlying them is an ancient one and common to all the ascetic systems of ancient India. This is the principle or doctrine of 'Brahmacariya' which consists of celibacy and all moral and spiritual means that support it. The Buddhists differed little from the Brahmanic Parivrājaka in that respect. They have improved upon the old ideal[1] only by describing the aim, scope and the nature of Brahmacariya more vividly. The favourite expression of the Buddhists is 'Caturangasamannāgatam Brahmacariyam[2]' (fourfold Brahmacariya); it is called 'Kevala-paripunna' (perfect) and 'Parisuddha' (altogether pure) and is an outcome of the doctrine and precepts which are beneficial in the beginning, in the middle and in the end and which are significant (Sattha) and noble[3]. It is said that the doctrine of Brahmacariya was steeped in the Nibbāna, it aimed at the Nibbāna and ended in the Nibbāna[4], The Brahmacariya of the Buddhists was justice it was Dhamma and it was most auspicious[5]. It was the chief means to extinguish grief[6]. However, this idea of Brahmacariya,

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[1]The traditional definition of Brahmacariya is that :

'Kāyena manasā vācā nidrāyām api sarvadā
Sarvatra maithunābhavo brahmacaryam tad ucyate' (1).

[2]*Majjhima-Nikāya* I, p. 17.

[3]*Ibid*, I, pp. 213, 216, 240 etc.

[4]*Anguttara-Nikāya*, III pp. 4, 381 ; IV, p. 35 etc.

[5]*Samyutta-Nikāya*, I, p. 105 ; II, p. 219 etc.

[6]*Majjhima-Nikāya*, I, p, 304.

perfect as it is, is no invention of the Buddha. Brahmacariya was a cherished object since the time of the Rigveda, and with the growth of the philosophical literature, the ideal advanced day by day. The Buddha was not blind to this lineage and praised the Vedic Riṣis Aṭṭhaka, Vāmaka, Vāmadeva, Vessāmitta, Yāmataggi, Angirasa, Bhāradvāja, Vāseṭṭha, Kassapa, Bhagu etc[1]. Some of whom are also praised in the Gopatha-Brāhmaṇa for practising Brahmacarya and Tapas in their Āśramas[2]. And in order to prove that his doctrine had an antiquity, the Buddha chose to call it as the Ariya-Magga[3], Ariya-Dhamma[4] etc. The 'Tittiriya-Brahmacariya'[5] and the 'Sankhalikhita-Brahmacariya'[6] which is praised by the

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[1] *Majjhima-Nikāya*, I, p. 514.

[2] *Gopatha-Brāhmaṇa* II, 4, 11.

[3] *Majjhima-Nikāya*, I, pp. 15, 16, III, p. 72, *Anguttara-Nikāya*, V. pp. 244, 278, *Dīgha-Nikāya*, III, pp. 102, 128, *Samyutta-Nikāya*, I, p. 7 etc.

[4] *Majjhima-Nikāya*, p. I, 1 ; *Samyutta-Nikāya*, IV. p. 287.

[5] *Samyutta-Nikāya*, II, p. 219, *Majjhima-Nikāya*, II, pp. 5, 55, III, 11, *Dīgha-Nikāya*, I, p. 63.

[6] *Cullavagga*, VI, 6, 3. Rhys Davids and Oldenberg take the term to be a covert sarcasm intended to be understood against Taittiriya Brāhmaṇas. The rivalry between the Brahmins and the Buddhists is quite plain, and can be sensed here from the pun played upon the word Tittira. The sarcasm however, does not in any way affect the goodness of the doctrine as well as the practices followed by the Tittira, either the bird or the Brahmin, which were acknowledged even by a rival. What can be more genuine

Buddha, also shows the indirect influence of the Taittirīya school of the Black Yajurveda, and the school of Śankha and Likhita (The famous Hindu jurists, writers of the Śankha-Likhita-Dharmasūtra)' on Buddhist thought and practices[1].

It was considered a great qualification to be well versed in the Dhamma as well as the Vinaya. A Bhikkhu learned in the Vinaya was known as the Vinayadhara; he was expected to know all the precepts of the Vinaya together with the offences and transgressions for which they were declared.

The formation. The formation of the Vinaya-rules plays an important part in the history of the Vinaya. The

than a tribute from an antagonist? And hence the influence of this school appears indirect as in so many other cases. As for example, the Buddha opposed the Vedic Brahmins whenever he got an opportunity and insisted on proving that his doctrine and his ways were the only perfect means to attain Nibbāna. Yet we find that there were many laws which were based on the Brahmanic rules of celibacy and asceticism. And hence instead of acknowledging the merits of contemporaneous institutions, the Buddha prefers to pay a tribute to the ancient sages like Yāmataggi etc., in spite of the fact that they belong to the Brahmanic fold.

[1] Barua, *History of Prebuddhistic Indian Philosophy*, p. 241. 'The names of these two ancient jurists became proverbial in the time of the Buddha, as many be judged from the latter's expression 'Śankha-Likhita Brahmacariya'. Buddhaghosa has entirely lost sight of in the historical significance of the expression.'

peculiarity of the rules lies in the structure and formation, which are so distinct from any ecclesiastic laws. As for example, in the ancient law-codes of the Hindus, those of Gautama, Vasiṣṭha etc.,the rules are given as they are; they allude only to things one should practise or discard. The Ācārāngasūtra of the Jains also gives mere laws, one after another, coupled with religious discourses. The Vinaya-rules however, retain the legend-spirit in them. Each rule is linked to an episode, supposed to be the natural source of that rule. Even for an ordinary, minute and insignificant rule the historical episode is indispensable. This system has one advantage viz., we can get a proper notion about the adaptability and practical value of each rule. The love of the Buddhists however, for these episodes was sometimes carried to such a ridiculous extent, that many of the episodes have lost their gloss and tend to be drab and meaningless; instead of creating interest, they bring a dry, changeless monotony to the Vinaya-Piṭaka. Sometimes they even seem to be invented. As for example, it is said that a monk took away clothes from a corpse, when the spirit of the dead person had not departed. The corpse warned him not to take away what belonged to him; but the monk did not pay any heed to it and started homewards. The corpse followed him to his residence and troubled him so much that he was compelled to give up the clothes[1]. Nearly all the Chabaggiya episodes are of this type; whenever any safeguard for an offence had to be laid down, the offence was often 'made up' by linking it up with the almost imaginary figures of the Chabbaggiya Bhikkhus and Bhikkhunis. The authenticity of those episodes

[1] Vinaya III, p. 58.

therefore, is doubtful. There are some episodes which do not fit in with the rule that follows them e. g. the episode of Dhaniya Kumbhārakaputta is not quoted in accordance with the second Pārājika[1]. Similarly, the episode connected with Nissaggiya XV has no bearing upon the rule. The historical background of the Vinaya-rules, thus appears perforated.

Convention. Dispensing with these 'inner sources', we shall turn to the real, historical origin of the Vinaya-rules. We cannot disregard the roots of legal institutions merely because they happen to be embedded in antiquity.[2] Tradition is a great storehouse of the unwritten historical material from which many ideas can be drawn. The laws of the Vinaya, also owe a good deal to tradition, as the laws suiting any sane and practical institution must needs do. Buddhism and Jainism are different in their ethical and religious outlook from Brahmanism, yet no religion in the world is in the real sense of the term so original, as to break off completely from the beaten path. Especially, in a conservative and past-loving country like ancient India, even the idea of smashing the tradition seems improbable. The Buddha himself never wished it. He never meant to find a new way to salvation; he only remodelled customs which were worn out and out of place.

The grip of convention or custom upon the law is always firm. The laws based directly on custom, are known as customary laws, and they are supposed to grow slowly

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[1] *Vinaya* III, p. 41.

[2] Vinogradoff, *Common Sense in law*, p. 34.

out of public opinion[1], and are considered as valid as laws promulgated by legislators or formulated by professionally trained judges since their sanctification comes from long usage[2]. The Hindu laws are known for their sole dependence on custom; but the laws of the Vinaya also have mostly their antecedents in nothing else but custom. The Hindu law-givers, looked upon three things as the sources of the law viz. (1) Veda, (2) Smriti, and (3) Ācāra (custom)[3]. But since the Buddha did not believe in the former two sources, custom was all the more important in the formation of the Vinaya-laws, and that is one of the reasons why public censure and recommendations had so much effect on the origin and evolution of these laws.

After a close scrutiny of the Vinaya-laws one finds out that the framework of these rules is essentially based on tradition, while the details and the legal methods are the invention of the Buddhists. The rules as a fact are taken from the ancient law-codes, the Upaniṣads, topical environment etc. The rules borrowed from the Dharmasūtras are generally taken from the injunctions of the two institutions, viz., the Brahmacarya and asceticism.

Contribution of Brahmacarya.

Rules borrowed from the Brahmacarya institution: Out of the innumerable rules which are drawn upon the

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[1] Vinogradoff, *Common Sense in Law*, p. 31.

[2] *Ibid*, p. 134.

[3] *Manusmriti*, I. Also *Gautama*, I, 1-3, *Bouddhāyana*, I, 1, 1-7. *Vasiṣṭha*, I, 1-6, *Yājnavalkya*, I, 1-9.

code for the Brahmacārin, only a few important ones will be discussed here. Begging is the chief of all. The ancient law enjoins that early in the morning the pupil residing with his teacher, should gather alms for himself. After coming back he should show the teacher what he has got and then partake of the food[1]. Gotama imposes almost the same duties on the Saddhivihārikas. The only difference was that the Samaṇas had to don their robes properly on their persons and collect alms in an iron bowl instead of a wooden one.

Like the Brahmacārin, the diet of the Bhikkhu also was curtailed and restricted. Both could not partake of wine or any intoxicating liquor, food with condiments in it, etc[2]. The control of paḷate was extremely rigorous in both the cases, with the exception that the Buddhist monk could take animal food[3], while the student was forbidden to touch it[4].

In the early years of the Order, a Bhikkhu was not allowed to wear any footwear following on the custom of the student, but later on the use was sanctioned under some bindings[5]. The internal management of the Sangha was exactly based on the principles of the Hindu precepts

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[1] *Gautama*, I, 2, 45; *Āpastamba*, I, 1, 2, 22.

[2] *Cullavagga*, XII, 1, 16; Gautama, II, 19; *Āpastamba*, I, 1, 2, 23.

[3] *Cullavagga*, VII, 3, 15.

[4] *Gautama*, II, 19; *Āpastamba*, I, 1, 2, 23.

[5] *Mahāvagga*, V, 1, 30; *Gautama*, II, 19; *Āpastamba*, I, 2, 7, 5.

about the relations between the tutor and the taught. That the teacher and the pupil have to look upon each other as the father and the son, that the pupil should have no secrets from the teacher, he must be a ready servant to the preceptor[1] etc. are the ideas which are essentially based on the ancient tradition[2]. (The Vinaya-Piṭaka has gone only one step ahead in enjoining that not only the preceptors but all elders of the Sangha must be treated with reverence)[3]. Even the terms Antevāsika[4] and Upajjhāya are borrowed from the early books.

The regulations about the relation between the student and the teacher in the Vinaya-Piṭaka, are an expanded and revised edition of the rules to be met with in the law-code of the Hindus. Every possible relation between the two is aptly dealt with.

The influence of the institution of Yatis. The regulations made by Gotama, bearing upon the contemporaneous monastic practices are equally important, and to be met with in every nook and corner of the Vinaya. The Mahāvagga tells us that Gotama converted 1000 Jaṭilas and 250 followers of Sanjaya. The second and the third of the four

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[1] *Mahāvagga*, I, 25, I, 32, I, 35-37, I, 53.

[2] *Gautma*, I, 1, 10; I, 2, 32-38—*Chāndogya-Upaniṣad*, VI, 14. *Kāṭhaka-Upaniṣad*, II, 8—also insists on the necessity of the teacher in the spiritual matters. *Āpastamba*, I, 2-6. *Bauddhāyana*, I, 2, 24, also 29-33. *Śankhalikita*, p. 11-13.

[3] *Cullavagga*, VI, 6, 4.

[4] *Āpastamba*, I, 2, 8, 26.

Nissayas[1] are chiefly based on customs observed by the Paribbājakas.

The Buddha proposes the Bhikkhu to wear worn out rags picked up from the dust heap. Same are the instructions of Gautma, the law-giver, to the Bhikśu who has renounced the world[2], the latter however, unlike the Buddha allows only one garment, the loin cloth, to a recluse. The rule about dwelling under a tree orginates from the same sources[3].

Gautama urges, wandering upon a recluse all the year round, only during the rains can he remain in one place[4]. The elaborate and exhaustive rules about the Vassa[5] in the Piṭakas indicate nothing more but an inclination towards the current customs, which the Titthiyas followed.

In the matter of food also, many of the restrictions on accepting food at a particular time etc., were handed down to the Buddhists by tradition alone. There is an interesting little episode about it. An ascetic by the name Keniya, when the Buddha was in his vicinity, said to himself that the ancient Riṣis and Brahmins, like Aṭṭhaka, Vāmaka, Vāmadeva, etc., were abstainers from food at night and abstainers of food at wrong times, yet they used to receive

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[1] *Mahāvagga*, I, 30. The Nissayas are (1) to live by begging (2) to wear rags thrown on the dust heap, (3) to live under a tree, and (4) to use cow's urine as medicine.

[2] *Gautama*, I, 3, 17-18.

[3] *Gautama*, I,,3, 13, *Mahāvagga*, I, 30, 25.

[4] *Gautama*, I, 3, 12.

[5] *Mahāvagga*, III, 1, 1.

such things as drinks. Gotama also did not accept food at odd times, why should he, then, not accept like the ancient sages drinkable things? The ascetic, therefore, on this plea, prepared a drink and brought it to Gotama. As the ascetic had predicted, Gotama did accept the drink and declared his permission to the Bhikkhus to accept drinks[1].

Uposatha in older literature. The ascetics, as the Mahāvagga reports, used to hold assemblies on the fourteenth and fifteenth days of the month[2] (which custom in its turn was borrowed from the sacrificial rites called the Darśa and Pūrṇamāsa sacrifices)[3]. On the suggestion of king Bimbisārā the Buddha also made the rule that the Uposatha meetings must be held twice a month[4]. Hence forward the Uposatha meetings became the main source of vitality on the Buddhist Sangha. It is to be borne in mind that the Uposatha meetings were quite different in their nature and structure from the meetings of the Titthiyas or ascetics.

The Ājīvakas held sunshades over their head, and the Bhikkhus also adopted the custom[5]. Like the Titthiyas, again, they got their cells white washed, floor coloured black and the walls coloured with red chalk[6].

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[1] *Mahāvagga*, VI, 35.

[2] *Ibid* II, 1.

[3] *Śatapatha-Brāhmaṇa*, II, 1, 4; I, 1.

[4] *Mahāvagga*, II, 4.

[5] *Cullavagga*, V, 23, 2-3.

[6] *Ibid*, VI, 3, 1.

The Titthiyas or ascetics by their contrast with the Buddhists were again a source of many of the laws in the Vinaya-Piṭaka; as for example, the Buddhists were forbidden to receive food in their hands because the Titthiyas did so[1]; for the same reason, the bowl of a Bhikkhu if made of wood[2], and gourds for water pots, involved a Dukkata offence[3]. The Parivāsa or probation rule also was made particularly for the Titthiyas, since the Buddhists thought them less competent and steady[4]. The doctrine of Akiriyāvāda (non-action) also was resorted by Gotama as a protest against the Titthiyas[5].

Some of the Titthiyas were advocates of nudity thinking it to be favourable to moderation and content, to the eradication of evil, to the suppression of passions[6] etc; and others made garments of grass, of hair, of the skin of wild animals viz deer etc. All these things were stopped expressly by Gotama, by framing special rules, the violation of which would be a 'grave offence'[7].

Popular opinion. The wagging tongue of the public is another source of the majority of the Vinaya-rules. In all countries and at all times, the public tongue is always an efficacious reformer; so was it in the time of the Buddha. The Sangha being solely dependent on the people

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[1] *Mahāvagga*, I, 70, 1.
[2] *Cullavagga*, V, 8, 2.
[3] *Ibid*, V, 10, 1.
[4] *Mahāvagga*, I, 38.
[5] *Ibid*, VI, 31, 12 31.
[6] *Ibid*, VIII, 28, 2.
[7] *Ibid*.

for ration and clothings Gotama and his disciples were always ready to consider reasonable complaints and suggestions of the public.

The rules made on account of public comment are innumerable and generally to be met with quite frequently in the Vinaya-Piṭaka. The slightest mishap or shortcoming of the Bhikkhus did not escape public detection, and consequently their scornful remarks thereon The public took a keen notice of Bhikkhus if they dispensed with bowls, accepted alms in their hands[1], if they went out not donning on their robes properly[2], when they did not keep Vassa (rain-retreat) in the beginning[3], if they kept Vassa in the hollow of trees, cattlepens etc.[4], if they stored unnecessary goods in their Vihāras[5], if the Bhikkhus entertained themselves with secular enjoyments[6] and so on. The complaints are thus an outcome of the shortcomings and lapses on the part of the Bhikkhus which caused some inconvenience to the public; but there are many other things, concerning the Sangha, with which the public were not apparently concerned and with which they would interfere. Now holding the Uposatha meetings was a thing with which only the inmates of the Sangha were primarily concerned. In the beginning when the Sangha had just determined to have Uposatha meetings after the

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[1] *Mahāvagga*, I, 70, 1.
[2] *Ibid*, I, 70, 4.
[3] *Ibid*, III, 1, 1.
[4] *Ibid*, III, 12.
[5] *Ibid*, VI, 15, 9.
[6] *Cullavagga*, V, 2, 6.

fashion of the Titthiyas, the members remained silent when they assembled; there was no preaching of Dhamma. The people who had come to hear Dhamma, became 'annoyed, murmured,' and denounced the silence of Bhikkhus on the occasion, and hence came the Pātimokkha to be recited in the Uposatha assemblies[1]. The people also interfered when the novics were forbidden the food which is to 'be taken with mouth'[2] (i. e. drinkable things). These instances will suffice to show how effective public criticism was even in the innermost affairs of the Sangha. I-Tsing seems to have made a special note of it; he says, 'Our great Master was in the habit of avoiding first of all peoples' murmurs and slander while managing the affairs according to circumstances[3]'.

But the lay people did not do the work of fault-finders only. Many an influential devotee exerting his or her pressure on the Buddha, helped the Sangha from time to time and got many a rule made or amended. Bimbisāra, the king of Magadha was the first man, who interfered with the inner working of the Sangha. It was through his suggestion that the Buddha accepted the custom of holding the Uposatha meetings[4]. Jīvaka, the skilful physician, offerred Gotama a silk mantle; now accpting such a gift was evidently against the original rule of wearing only the robe made of cast off rags. Gotama had therefore, by giving his consent to Jīvaka to revise the

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[1] *Mahāvagga*, II, 3, 1.

[2] *Ibid*, I, 57, 3.

[3] *Takakusu*, *I-Tsing*, p. 132.

[4] *Mahāvagga*, II, 1.

rule by sanctioning silk robes[1]. Similarly, the acceptance of dinner invitations, was a departure from the original rule of begging; it was the request of Meṇḍaka, the householder, through whom the change was effected[2]. Visākhā Migāramātā also was a lady with considerable influence in the Sangha. It was she who stopped the nuns from bathing in the same place with courtesans[3], and when Gotama had forbidden them to bathe naked provided them with bathing suits[4]; as a boon, she also provided the Bhikkhus with rainy-season-robes[5]. Visākhā's activities were not restricted to Bhikkhuni-Sangha alone. The rule that Pabbajjā should be conferred on men even in the rainy season was due to her[6]. The sanction of accepting land for the sake of the Sangha was due to Anathapiḍaka's offering the Jetavana-Vihāra to Gotama[7].

Suggestions of Bhikkhus. Many rules again are an outcome of the suggestions made by the Bhikkhus and Bhikkhunis. As for example, it was through the suggestion of Ānanda that admission to the Sangha was granted to women[8]. Because of Gotamī's request to the Buddha to allow bathing to women (as some of them were of evil smell)

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[1] *Mahāvagga*, VIII, 1, 35.

[2] *Ibid*, VI, 34.

[3] *Cullavagga*, X, 27.

[4] *Mahāvagga*, VIII, 15, 11.

[5] *Ibid*, VIII, 15, 11.

[6] *Ibid*, III, 13, 1-2.

[7] *Cullavagga*, VI, 4.

[8] *Ibid*, X, 1.

that most of the rules about bathing in the Bhikkhuni-Pācittiya came to be made[1]. No other Bhikkhuni except Gotamī made herself so bold, as to suggest any change in the routine of the Sangha. She being the senior-most of the Bhikkhunis became the mouthpiece of the whole of the Bhikkhuni-Sangha. Gotamī had also made an attempt to repeal certain restrictions laid on the Bhikkhunis in relation to their salutation, to the Bhikkhus[2] but it was not crowned with success.

Lapses. There is yet another class, and the biggest class too, of the Vinaya-laws, which came to be declared on account of the lapses on the part of the inmates of Sangha. The long list of the Pātimokkha for the Bhikkhus and Bhikkhunis are nothing but a record of the various offences committed by the brethren and sisters on various occasions and under various circumstances. All such rules are negative in character. One of the reasons for this characteristic is that the rules were not declared by Gotama by predicament of the offences but after the actual result of the misdeeds. Even the most important rule like observing strict celibacy in the Sangha was declared, after Sudinna had violated chastity through ignorance[3]. The rest of the three Pārājikas and the thirteen Sanghādisas are all of the same nature. In the list of offences not only serious offences but also the slightest and sometimes ridiculous slips are recorded.

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[1] *Vinaya*, IV, p. 262.

[2] *Cullavagga*, X, 1.

[3] *Vinaya*, III, pp. 15-21.

There are indeed very few laws which came into being for their own sake, without any outward suggestion or a lapse. To this class belong the four Nissayas, which are the foundation of the disciplinary rules. The eight Garudhammas[1] for the women too can be included in the same.

There are some rules which were used as preventive against some difficulties and were accordingly temporary bindings. Says Gotama on one occasion, 'The things which I have prescribed for the Bhikkhus in a time of scarcity when the harvest is bad and alms are difficult to obtain, keeping food indoors, cooking it indoors, and cooking it of one's own accord, taking what they can pick up, eating food brought from without or received before the meal time, eating things found in woods or pools, these things the Bhikkhus enjoy now also[2]'. So also, where it was not possible to travel without supplies for the journey, the Bhikkhus were allowed to take with them milk, curds, ghee, buttermilk and butter etc[3]. Some rules sanctioned privileges to some Bhikkhus only. As for example, the Sakyas were excluded from the probation period[4]. The Bhikkhus living in the countries of Avanti[5] and extreme North were allowed special privileges on account of their limited number and climatic conditions. Kassapa who wanted to be more austere in his religious

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[1]*Cullavagga*, X, 1.

[2]*Mahāvagga*, VI, 32.

[3]*Ibid*, VI, 34, 2.

[4]*Ibid*, I, 38, 11.

[5]*Ibid*, V, 13.

practices was sanctioned the privilege of the Dhūtangas[1] (i. e. leadig a more austere life)

Tradition. The first portion of the Brahmajāla Suttanta lays down the rules that a Bhikkhu should not enjoy himself with festivals, music, acrobatic performances etc. The same rule is found in the Jain Sūtras also[2].

Similarly, the first Pārajika rule of the Vinaya that no sexual pleasures should be enjoyed either with gods, men or animals, is also found in almost the same wording in the Jain Sūtras[3]. Another important rule of the Vinaya that faults must be confessed, and the idea that sin becomes less after confession, which is also mentioned by the Jains[4], can be traced back to the Brāhmaṇa-period. It was a custom that when a sacrifice was to be performed, the Purohita (priest) used to ask the Yajamānapatnī (wife of the householder) about her moral purity; before the performance of the rite her confession of sin or purity was considered essential, for 'when confessed sin becomes less, since it becomes truth'[5].

Also the rule that a Bhikkhu should have a water-strainer with him[6], is found in the Jain Sūtras[7] as well as

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[1] Rhys Davids, *Dialogues of Buddha*, I, p. 219; *Vinaya*, V, p. 193.

[2] Jacobi, *Jain Sūtras*, I, 184.

[3] Jacobi, *Jain Sūtras*, I, p. 207, also *Vasiṣṭha*, X, 28.

[4] Jacobi, *Jain Sūtras*, II, p. 112.

[5] *Śatapatha-Brāhmaṇa* I, 2, 5, 16.

[6] *Mahāvagga*, VIII, 27, 5.

[7] Jacobi, *Jain Sūtras* I, 1, 3–7.

the Dharmasūtra of Bauddhāyana[1]. Similarly, many of the Sekhiya rules, regarding the manner of eating food, such as one must not make noise while eating, one must eat the whole lump of food at a time, one must not shake one's hands to and fro while eating etc., are an outcome of the rules given in the Dharmasūtra of Āpastamba[2].

In the Śatapatha-Brāhmaṇa it is said that wild beasts like a lion as well as a camel etc. should not be eaten since they were not offered in sacrifice[3]. Bauddhāyana says only Pancanakhas (animals with five toes) should be eaten[4]. The Buddhists also follow the same custom and do not eat beasts of burden as well as other forbidden animals[5].

In the Mahāvagga[6] the Buddha lays down a rule, 'Of seedlings grown upon private ground, the Bhāga (half the produce) oh Bhikkhus, you may have when you have given a part to the private owner. Of seedlings grown upon the ground, the property of the Sangha, you may have the share when you have given a part to the private owner. Buddhaghosa says that the rule is an accordance with the ancient custom of India[7].

Pācittiya XXXVII forbade the Bhikkhus taking meals at odd hours since they used to dine any time. This

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[1] *Bauddhāyana*, II, 6, 11, 24–5.
[2] *Āpastamba*, 8, 19, 5–12.
[3] *Śatapatha-Brāhmaṇa*, VII, 4, 2, 32–7.
[4] *Bauddhāyana*, I, 5, 131–134.
[5] *Mahāvagga*, VI, 23, 10, VI, 31, 14.
[6] *Mahāvagga*, VI, 40, 1.
[7] Rhys Davids and Oldenberg, *Vinaya-Texts*, II, p. 143.

habit was due more to custom than carelessness on the part of the Bhikkhus. Megasthenes says 'They (Indians) eat always alone and that they have no fixed hours when meals are to be taken by all in common, but each one eats when he feels inclined'[1].

Gotama had also to make rules in compliance with the requirement of the state. Soldiers and convicts were not allowed to enter the Sangha[2]. Elephants being of great use to the state the monks were forbidden to eat their flesh; the violation of the rule caused a Dukkata[3].

Throwing even a quick glance at the Vinaya-laws, one can see the details they aim at. Sometimes the details are so unnecessary and crowding that they bore the reader. The rules as to how a Bhikkhu should bathe[4], how he should clean his teeth[5] and wash his clothes, how he should put his dress on[6] etc., make the books of Vinaya very dull and monotonous. Had it not been for these details, and repetition the bulky volume of the Vinaya would not be more than a neat middlesized book of about a hundred and fifty pages. But the love of details was a marked characteristic of the ancient Indians, the Buddhists included. The Dharmasūtra of Gautama and others also enter into a detailed prescription of the minutest rules regarding daily life. These detailed accounts however bring hidden blessings

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[1] M'Crindle, *Ancient India*, p. 69.
[2] *Mahāvagga* I, 39.
[3] *Ibid*, VI, 23, 10.
[4] *Ibid* I, 25, V, 13.
[5] *Cullavagga*, V, 31.
[6] *Ibid*, V, 29.

with them; but for them we understand to-day what the exact mentality and the social condition of the people were then. It is easier for us to reconstruct the daily life of an ancient Indian, than for the Europeans to do that of ancient Greeks or Romans.

CHAPTER IV.

THE EVOLUTION OF THE VINAYA LAWS.

The evolution of a long-standing institution is perhaps more interesting than its origin. It is by the process of evolution that the real mettle of the adherents and their principles are put to a thorough test and the traits of growth and dissolution become vividly visible thereby.

Antecedents of Evolution.

(1) Evolution is indicative of growth, and many of the changes in the Vinaya-rules are due to the growing activities of Sangha. With the fame of the Buddha, grew the number of the adherents of the Sangha ; with the increase of this number the inconveniences, lapses and other short-comings became more noticeable. To make the life in the Sangha worth-living, many a warning had to be prescribed, many rules were to be amplified or modified, and many precepts were altogether to be given up according to the pressing needs of the Sangha. It seems, there were originally only 150 rules[1] which gradually evolved and formed 227 rules altogether, and probably, the Sekkhiyas and the two Aniyata rules were later additions. Similarly, the 'Four Prohibitions' (Cattāri Akaraṇīyāni)[2] developed into the Pārājikas.

(2) The laws of the Buddha were besides handed down by word of mouth. It is natural therefore, as time

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[1] *Anguttara-Nikāya*, I, p. 230.

[2] *Mahāvagga*, I, 78.

passed and the laws came to be repeated, many details should gradually have been added to the original rules.

(3) Lapses and many a time misunderstanding or twisting of the original rule also have a considerable share in bringing about a change in most of the precepts of the Vinaya. That is how almost all the rules were either amplified or were coupled with bye-laws and corollaries. Thus, for instance, the first Pārājika developed not into Sanghādisesa but various Thullaccaya and Dukkaṭa rules also which came to be appended to them till they formed a body of laws relating to sexual offences. So each and every rule in the Vibhangas is not only linked with these minor rules but also supplemented with various episodes of secondary importance which suggest the possibilities of lapses. The laws thus became more explicit and embraced even the minutest details. The process of evolution of the laws did not however stop even with this much change. Cases involving exceptions were taken into account and the laws were restated in a final form with exceptions appended to them. This in short, is the history of practically each and every rule as it is recorded in the Vibhangas. Thus we find the code of the Pātimokkha, originally not very big, being supplemented with the Khandhakas, thus making the Vinaya-Piṭaka on the whole a very complicated and an enormously bulky code of law. Even the Nikāyas seem to be affected, though very slightly, by these laws, since we find a few explanatory notes regarding the laws, here and there.

(4) Difficulties have a considerable share in bringing about a change in most of the precepts of the Vinaya; as for

instance, in the early days of the Order, novices were ordained by the Buddha himself with the simple formula of 'Ehi Bhikkhu'[1] etc., but as the branches of the Sangha spread all over the northern half of India and as crowds upon crowds of people pressed for ordination, it was impossible for any single person to give individual attention to all these candidates. The right of ordination was thus passed over to the qualified delegates. The simple utterance of the Buddha was changed into a more elaborate procedure of ordination[2]. More difficulties arose when these delegates committed many blunders through ignorance and this gave rise to a complicated and detailed prescription of rules about the qualification of the one who gave ordination and to the one who received it[3]. This change became so effective in a few years that the original formula was totally deserted.

Similarly, many difficulties arose when a number of Bhikkhus stayed together in the Vassa, regarding the preservation and distribution of robes, and hence follow the various rules about Kaṭhina (clothing).

(5) Another reason for the evolution of the laws in the Sangha is the permission given by the Buddha to the Sangha that it could abolish minor rules if necessary[4]. In the absence of this license the discussion over the ten legal points in the Council of Vesāli would not have been so hot and fruitless.

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[1] *Mahāvagga*, I, 24, 4.
[2] *Ibid*, I, 28.
[3] *Ibid*, I, 28.
[4] Rhys Davids, *Dialogues of Buddha*, II, p. 171.

The nature of the change. The elasticity of the Vinaya-rules makes them subject to change according to circumstances. These changes sometimes altogether eliminate the original rule. The difficulties and emergencies, as we have already seen, are quite common, natural and even insignificant, and thus the change they bring about in the Vinaya-rules and ultimately in the life of Sangha does not involve any serious damage either to the laws or the Sangha. But there are cases where the latitude given by the Buddha, tends to give a serious blow to the whole structure of the rules. The Anguttara-Nikāya furnishes us with a striking and unique story, when Vajjaputtaka Bhikkhu said to the Buddha that it would be difficult for him to practise the hundred and fifty rules which were recited every fortnight; the Buddha asked him whether he would be able to practise the three Sikkhās viz. Adhisīla, Adhicitta, and Adhipaññā, to which the Bhikkhu replied in the affirmative[1]. This story if the Nikāyās were to be trusted, leads to the violation of one of the most fundamental rules that the Pātimokkha must be recited every fortnight[2]. On account of this singular episode the emphasis and the solemnity attached to the ritual and the code of Pātimokkha are reduced to uncertainty and littleness. In the Vinaya-texts themselves such contradictions are not wanting. The Buddha rebukes Piṇḍōla Bhāradvāja for obtaining the sandalwood bowl from the Seṭṭhī of Rājagaha by displaying Iddhi and makes a rule to prohibit the display of any magical power, the transgression of which involved a Dukkaṭa

[1] *Anguttara-Nikāya*, I, p. 230.
[2] *Mahāvagga*, II, 2.

offence[1]. This rule is in positive contradiction to the one given in the 4th Pārājika. Similarly, one of the ten Sikkhāpadas (rules), states that a Bhikkhu must not accept garlands perfumes etc[2]. This rule was contradicted by another injunction of the Buddha that the Bhikkhus could accept those things from the lay-people who came to see the Vihāras. The change was effected here, through the principle that lay-people should on no account be displeased[3].

Inconsistency is also to be noticed in the two rules regarding the Vassa that (1) Senāsana (beds and lodgings) could be claimed only for the three months of the Vassa[4] and (2) that on the Antarāmuttaka day — the day after the Pavāraṇā, allotments should be made for the next Vassa[5].

The Nissayas. The development of the simple Nissayas in course of time into a code of various rules leads to numerous contradictions, and virtually the Nissayas came to be a mere matter of taste and option.

(a) The first Nissaya allows food obtained by begging alone, and there are elaborate rules laid down for the collection of alms[6]. But gradually the control over palate was relaxed, as the householders gave perpetual alms to the Sangha[7], as the follower of the Ājīvakas provided

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[1]*Cullavagga*, V, 8, 2.
[2]*Mahāvagga*, I, 56.
[3]*Cullavagga*, V, 18.
[4]*Ibid*, VI, 11, 3.
[5]*Ibid*, VI, 11, 4.
[6]*Ibid*, VIII, 5, 2.
[7]*Ibid*, IV, 4, 6.

the day's meal for the Sangha[1] or a regular service of sweet food was kept at Vesāli[2]. This led to the accepting of invitations for dinners and was to be sanctioned by law, and meals after meals followed when the Bhikkhus put up in big cities. A Brahmin thought it a nice way of procuring food, without any effort. He joined the order. When the arrangement of successive meals came to an end the Bhikkhus asked him to come with them on the begging tour, but he refused to do so and said that he had not chosen religious life for hardship but for his belly's sake. The Buddha on hearing this case gave his verdict that begging formed a regular duty in a Bhikkhu's life, meals were an extra allowance[3]. But when Devadatta pressed on the Buddha to confine the Bhikkhu's food to alms alone, he refused, saying that people who wanted to live by alms alone could very well do so, which need not be a binding for all[4].

(b) The second Nissaya about wearing robes made of cast off rags, also has to face the same inconsistency. Even the course of option does not seem open here. The evolution in this Nissaya started under similar circumstances, though the generosity of the Upāsakas who provided the Sangha with clothes[5] etc., until at last the rule just contradictory to the orginal Nissaya was declared. This rule states, 'You are not, oh Bhikkhus, to take a vow

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[1] *Cullavagga*, V, 14, 1.

[2] *Ibid*, VI, 10, 1.

[3] *Mahāvagga*, I, 30.

[4] *Cullavagga*, V, 8, 2.

[5] *Mahāvagga*, VIII, 15, 7; VIII, 321, I, 35.

to wear or to use nothing except what you procure from dust heaps or cemeteries; whosoever does so, shall be guilty of a Dukkaṭa[1]'.

(c) The third and fourth Nissayas, about living under a tree and taking cow's urine alone for medicine underwent gradual change and lost their original assertiveness. The story of evolution of the third Nissaya, however, is more interesting and points to the growth of Buddhist cœnobium. The latitude given by the Buddha is as liberal as in the case of the first Nissaya. The evolution began with the sanction of the Buddha for accepting five kinds of buildings[2]. The Vihāras were equipped with doors, windows, stairs, furniture like chairs, divans, bedsteads, armchairs etc[3]. Special arrangement was made for sleeping rooms. The colour of the floor was black. The walls were coloured with red chalk and the rooms were white washed[4]. Even large parks were allowed[5]; and what is most contrary to the spirit of simplicity of the Buddhist Bhikkhus is that even park-keepers were allowed to them for the keeping up of these pleasure groves. The Bhikkhu Pilindavaccha was granted by Bimbisāra five hundred Ārāmikas (park-keepers) who formed a separate village by themselves[6]. Cœnobetic life came into practice probably at the time represented by the Cullavagga, when Dabba of the

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[1]*Cullavagga*, V, 10, 2.

[2]*Mahāvagga*, I, 30, III, 5; *Cullavagga*, VI, 2.

[3]*Cullavagga*, VI, 2-4, V, 14, 2.

[4]*Ibid*, VI, 3, 1.

[5]*Ibid*, VI, 4.

[6]*Ibid*, VI, 15, 2.

Mallas was appointed as the superintendent of the lodgings and apportioner of the rations[1]. The Sangha by this time was no longer in a strict sense, the 'Sangha of the four quarters' but each Āvāsa was looked upon as a self sufficient unit and called a Sangha by itself[2]. This change is explained by Nāgasena's reply to Milinda, that the Sangha becomes easily accessible by having a localized centre[3]. Special rules were framed for the sake of Āraññaka (living in the forest) Bhikkhus alone[4].

The authority of the Nissayas thus no longer remained binding, though the Nissayas, as a matter of formality were retained in the Vinaya-rules and were still to be told to each Bhikku when he was ordained[5]. Not only the Nissayas, but many other rules have become obsolete through the same causes and are retained in similar manner owing to the Theravāda spirit of neither omitting nor adding anything extra to what the Buddha himself laid down. Most of the Sanghadisesa rules have also become obsolete in the sense that the penalties of Parivāsa and Mānatta prescribed thereon are changed to milder ones. As for example, the tenth Sanghādisesa enjoins that a schismist would be charged and dealt with Mānatta and Parivāsa, and the Mahāvagga suggests expulsion[6]; but according to the Cullavagga the offence causes only rebuke

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[1]*Cullavagga*, VI, 4, 4.
[2]*Mahāvagga*, II, 34, 10.
[3]Tenckner, *Milindapanha*, p. 24.
[4]*Cullavagga*, VII, 6.
[5]*Mahāvagga*, I, 36, 1.
[6]*Ibid*, I, 67.

and not a strong punishment as before[1]. What holds good in the case of the Sanghādisesa rules, holds good in the case of many other Vinaya-rules, which show that their operative power gradually lessened[2].

Another cause for the amplification and modification of the rules was due to the first great schism in the Sangha caused by Devadatta. Devadatta by utmost effort got king Ajātasattu under his control, and the pull was felt too hard by the Buddha who was now quite old. On account of the necessity to keep control over unruly characters new rules were framed, and probably the whole code of the Vinaya-rules was revised and amplified. It was perhaps at this time the Nissayas became almost invalid; and many a rule regarding schism came to be promulgated[3]. The rule that no legal question should be raised by a Bhikkhu in the Sangha[4] is also due to that.

Owing to the staying together of a large number of Bhikkhus and as a result of their colonial life many new rules also came in existence which had practically no bearing on the Nissayas. Rules regarding cleanliness and sanitation[5] come under this category. The Vinaya in one place lays down a rule that 'let not two of you go the same way[6]'. But soon this rule was thrown into the background by numerous new rules which instructed the Bhikkhus

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[1] *Cullavagga*, VII, 5, 6.
[2] S. Dutt, *Early Buddhist Monachism*, pp. 19–21.
[3] *Cullavagga*, VII, 5, ft.
[4] *Ibid*, I, 4.
[5] *Ibid*, VIII, 1 and 2.
[6] *Mahāvagga*, I, 11.

how to behave with one another in monastic life[1]. This was an outcome of the ideal of corporate life upheld by the Buddha; says the Buddha, that even animals like the partridge and the monkey could stay together and lead the purest sort of life; why then could wise men like the Bhikkhus not stay together loving one another and without transgressing the precepts[2] ?

There is no clear demarcation between the obsolete, and new rules, between injunctions and prohibitions, and the various rules coming under one head are not gathered up in one comprehensive formula as the modern student of law would naturally expect to have. Much confusion ensues from this jumble of rules; neither are these rules divided according to chronology. But fortunately, each law as it is put down gives us the name of the place where it came to be framed, and from this round about information scholars have tried to conjecture the rough date of some of these rules. The Buddha started framing rules quite early, as difficulties showed themselves in the path of the Sangha. For some time, probably, for the first five years, the rules were apparently steady and unchanged. Most of these early rules, included in the Mahāvagga were framed at Rājagaha the favourite haunt of the Buddha in the beginning. Rājagaha saw the rise of Vinaya-rules, Sāvatthī the establishment and Vesālī their last days.[3] The idea of fixing rules for the Vassa was born at Rājagaha, but the detailed rules for the guidance of Bhikkhus were

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[1] *Cullavagga*, VIII, ft.

[2] *Ibid*, VI, 6, 5.

[3] N. Dutt, *Spread of Buddhism*, pp. 111-114.

framed at Sāvatthī. The Vinaya-rules framed here and in Kapilavatthu in Kosala were more or less supplementary in character though the largest in number[1]. Ten rules (3 Pārājika, 2 Nissaggiya-Pācittiya and 3 Pācittiya only can be proved) are said to be framed at Vesālī[2]. The rules were thus framed at different places and were changed from time to time.

The eleventh year also proved very eventful in the history of the Buddhist Sangha; many a rule about the clothing e. g., that the robe of the Bhikkhu should be made out of pieces of cloth stitched together like rectangular pieces of land in the rice-fields, etc., were framed at Dakkhināgiri[3]; so also, at this time, the rule was instituted that a Bhikkhu need not cross a river, as wherever it exhists it should be made a boundary of the jurisdiction of a monastery[4]. Many rules affecting the relation between the Bhikkhus and Bhikkhunis, (as for instance, the 4th and 5th rules of Nissaggiya-Pācittiya) came into being after the Bhikkhuni Sangha was established. This again caused modification and revision of several rules in the Vinaya.

The process of recasting and revising the rules went on incessantly even after the Buddha's death, till an exhaustive compilation of a complex code of the Vinaya was effected, not much earlier than the date of the second

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[1]N. Dutt, *Spread of Buddhism*, pp. 150.

[2]*Ibid*, p. 163.

[3]*Ibid*, p. 120.

[4]*Ibid*, p. 127.

council of Vesālī (which took place between 383-3 0 B. C.)[1]. Of the rules which were added later to the Pātimokkha[2], after the death of the Buddha, the most obvious are those about Thullaccaya and Dukkaṭa.

The Buddhist councils. It is essential to examine the lagal points raised and discussed at the councils of Rājagaha and Vesāli, in order to study the nature and extent of evolution of these laws. Because in both the councils the abolition and change of minor rules and introduction of new ones are the main topics of discussion.

Immediately after the death of the Buddha an assembly of five hundred Theras was held under the chairmanship of Mahākassapa in Rājagaha. The object of this assembly was to ensure the prestige of the Sangha and prolong and consolidate the precepts of Dhamna and Vinaya. The Unity of the Sangha was not yet broken and all the Bhikkhus stood as one unit.

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[1]Oldenberg, *Vinaya*; Introduction pp. xxxviii-xxxix. Rhys Davids and Oldenberg, *Vinaya-Texts*, Pt 1. Introduction, p. xxiii; S. Dutt following the opinion of Oldenberg and Rhys Davids says a final diaskeuasis was no doubt made shortly before the council of Vesālī, for the lawyer-like manner in which the root points were sought to be decided He presupposed the existence of a complex cadex no longer susceptible of additions or alterations. *Early Buddhist Monachism*, p. 18. Kosambi on the other hand makes a suggestion that the original 150 of the 227 Pātimokkha-rules were in existence before Asoka. *Buddha Caritra*, Article 5, Vivida-jnāna-vistara, 1925.

[2]Oldenberg, *Vinaya*, I, p. XX.

The proceedings were serious and simple. Upāli was the reciter of the Vinaya and Ānanda of the Dhamma. The council throws a considerable light upon the condition of the Vinaya and its evaluation by the monks. So far we have seen the Buddha alone as the propounder of the Vinaya precepts, but henceforward, the Sangha with the help of the Arhats, and Vinayadharas asserted its right to change or preserve the Vinaya as it liked. For the first time the reader of the Vinaya gets the knowledge of the permission of the Buddha to change minor and lesser precepts according to the discretion of the Sangha[1]. Up till now though the Bhikkhus had been fairly independent in carrying out the Sanghammas (trials) and pronouncing sentence thereon, and doing so many other legal duties, yet to proclaim a new law in the order or to change an old one had never been their privilege. But now though the Sangha recognised the privilege for the first time, it did not consent to exercise it, and on common agreement it was finally settled that the precepts should be accepted as they were declared by the Buddha himself.

Besides the various opinions of the Theras as to the specific nature of the important and lesser laws throw a considerable light on the growth and the scope of the Vinaya-laws. A large class of the Theras belived that excepting four Pārājikas, thirteen Sanghādisesas, two Aniyatas, thirty Nissaggiyas, ninety two Pācittiyas and four Pāṭidesaniyas the rest were lesser and minor offences[2]. This involved a great change in the Vinaya code; because

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[1]*Cullavagga* XI, 1, 9.

[2]*Ibid.*

the Sekhiya rules as well as Thullauaya and Dukkaṭa would be set at nought. The absence of the Sekhiya rules would not create much inconvenience in the Sangha, but that of the latter would bring the Sangha into great trouble since, the laws, and offences coming under the last two heads, touched many a vital point regarding the Sangha, and which were not included in the code of the Pātimokkha. This proposal of demarcating between the weighty and lesser laws however, being rejected by the majority who were won by Kassapa, who said that the Upasākas would censure the Bhikkhus if they heard that the Bhikkhus had so changed the precepts of the Buddha, as soon as the master was dead and hence it was much better to follow the rules as they were already laid down.

The plea of Mahākassapa however has a deeper significance than we usually think of; technically, he finds no fault with the suggestion. The lay people at the time of the first council were in a direct and close contact with the Buddha and hence they knew the ins and outs of the Vinaya, just as the Bhikkhus themselves[1]; and so their opinion counted much.

The council of Vesālī. The second council at Vesālī (383–2 B. C.) however opens a new scene. A hundred and thirty years had rolled into the tide of time, since the death of the Buddha. The proceedings of this council are

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[1] *Sumangala-Vilāsini*, II, p. 520. It is said in the Mahāvagga (III, 5, 9) that the Bhikkhus could even break their Vassa if a learned householder invited them to learn a Suttanta from him.

more important from the point of the Vinaya than those of the former one. Formerly, before there was any disturbance coming forth, the Dhamma and the Vinaya were revised and settled. But now, there are already manifestations of individual liberty as regards changing or modifying the precepts of the Vinaya in the Sangha of the Vajjiputta Samaṇas; and for each of these liberties they could conveniently find a suitable interpretation in the words of the Buddha; as for example, the Vajjiputta Samaṇas who lived a life of comfort, offered Thera Revata and other staunch Bhikkhus, clothes and other requisites; but they refused them, saying that since they possessed all they could wish (i. e. the three robes) they did not wish for anything more. Really speaking they (Revata and others) were right as far as they stuck to the injuction of the Buddha that a Bhikkhu had not to accumulate more things than necessary. But the Vajjiputta Bhikkhus did not take their words for truth; they said that it was no fault to accept the requisites they had brought, since they had heard that the Buddha never refused any such present made to him, and accepted all such things. The accounts of the Mahāvagga and the Cullavagga confirm this statement of the Vajjiputta Bhikkhus, and hence in spite of the love of affluence and comfort of the Vajjiputta Samaṇas, I can see them in this argument, maintaining their position technically very well. They might be censured for greed, but not in the way they interpreted the action of the Buddha and tried to compare it with that of the renowned Thera Revata. We thus see that technically both the parties were right in their own way, and the words of the Buddha or properly speaking

the laws of the Vinaya proclaimed by him became liable to different interpretations.

The ten points. Without engaging ourselves in the futile discussion as to the reality and the effect of the ten points, we shall see how far they really affected the spirit of the Vinaya.

The first point. The first of the ten points is the 'Singilona-Kappa', allowing the Bhikkhus carrying salt in a horn, which is a very minor rule, and though in the whole of the Vinaya-Piṭaka there is no mention made about salt before this occasion. The present issue apparently is more recent than the passages in Mahāvagga VI it is said that the Bhikkhus were allowed to store various food-stuffs in case of need e. g. in illness; they were all of course temporary measures. In the present case however, the antecedent which led to the declaration of this and other rules is hidden from us, and the rules are presented as a direct outcome of the unbecoming behaviour of the Vajjiputta Bhikkhus. To us modern people, advocating personal liberty in all respects, the liberty taken by these Bhikkhus even if it was not strictly lawful, is not likely to strike as an offence; because, the license they had taken was a very small one and perhaps originated through some inconvenient circumstances. But to the ancient people it did not strike so. The liberty may not be actually bordering on an offence, but it undoubtedly pointed to the growing tendency among the Bhikkhus to handle the precepts of the Vinaya any way they liked; the depth of the offence was immaterial. And that is why in these ten points there is distinction made

between lesser and important points and all are given equal treatment. The first point thus, though it did not go against any obvious law of the Vinaya, was likely to instigate Bhikkhus to disobey Pācittiya XXXVIII, which forbade the Bhikkhus from storing any food.

The second point. The second point 'Angula-Kappa' was a more serious point, because it really went against the precepts of the Vinaya, viz. Pācittiya XXXVII that meals should not be taken at wrong hours, and after mid-day. The Nikāyas also stand as a direct proof of the popularity and growth of this rule[1]. And though the offence was only a Pācittiya offence, it could not be overlooked as a legal flaw.

The third point. The third point, 'Gāmantara-Kappa' e. g., going to the neighbouring village and taking a second meal there, was a sequence of the second point and violated in the same manner Pācittiya XXXV.

The fourth point. The fourth point, 'Āvāsa-Kappa', namely, the observance of the Uposatha in different places within the same parish, not only went against Mahāvagga II, 8, 3, but was very important from the legal point of view. This latitude would not only give rise to schisms in the Sangha, but to the promulgation of any sort of laws by any sort and any number of Bhikkhus, without the slightest regard to tradition. And with the growing sense of independence in the various legal points, causing different laws to be amended or cancelled, would result in either wiping out or shadowing the original laws of the Vinaya.

[1] *Majjhima-Nikāya*, I, pp. 447-8, 473.

The preservation of the Dhamma and the Vinaya as they were proclaimed by the Buddha, was the chief aim, strength and the beauty of the Theravāda Buddhism; and thus looking at the case from this point of view alone, I think, that the interference of Yasa and others, to check this tendency is justifiable.

The fifth point. The 'Anumati-Kappa', i. e. doing an act and obtaining sanction for it afterwards was another serious offence from legal point of view like the former case, and violated the rule laid down in Mahāvagga IX, 3, 5.

The sixth point. The 'Acinna-Kappa' i. e. permission given to a Bhikkhu to do anything adopted as a practice by his Upajjhāya. Now this rule if the spirit of the Brahmanic and Buddhist tradition of the relation between the pupil and teacher is taken into account, cannot be looked upon as unlawful. But it is also said in the Vinaya Piṭaka that if the teacher was going astray it was a bound duty of the pupil to bring his case before the Sangha and get him sentenced properly[1]; and looking at it in this light it might pass as leading to an offence. The words of this Kappa however, are so ambiguous, abrupt and concise that the gist of the passage cannot be clearly grasped, and as I have already shown the words can be interpreted either way. The exact significance of the rule not being known we are forced to withhold our justification or censure of either party.

The seventh and the eighth points. The next two Kappas, eating curds after mid-day and Jalogipata-Kappa

[1] *Mahāvagga*, I, 25, 21.

(permission to drink unfermented toddy) were exactly of the same nature as the second and third points, and tended to transgress Pācittiya XXXVII and LI respectively.

The ninth point. The Adasalam Nisīdanam (use of a borderless sheet to sit on) was like the preceding two points a very insignificant violation and going against Pācittiya LXXXIX.

The tenth point. The tenth point, Jātarūpuratam, however is a most weighty point, since it allowed the acceptance of gold and silver to the Bhikkhus. This rule brought a serious change in the economic life of the Sangha, and tended to convert the whole spirit of the ancient Indian recluse doctrine of non-possession. The rule went against Nissaggiya-Pācittiya XVIII, and one can in no way justify this action of the Vajjiputta Bhikkhus in any way. No perversity of circumstances can explain it as in the case of the first point, neither can tradition and custom shield it. This is the only Kappa which exposes the Vajjiputta Bhikkhus as hankering after money and hence after worldly pleasures.

CHAPTER V.

PROMULGATION OF THE VINAYA LAWS.

Promulgation: With the expansion of the Vinaya-rules, the promulgation of the rules also became an important problem. The necessity of a person or a body of persons in whom legal authority should be vested could no longer be ignored; even the manner of promulgation counted much. In the beginning and practically in most of the pages of the Vinaya-Piṭaka one form of promulgation is maintained. It was very simple. Whenever any difficulty presented itself in the Sangha, or there was a lapse on the part of any of the inmates of the Sangha, or there was any necessity felt to amend a law, the matter was at once brought to the knowledge of the Buddha, by a prominent Bhikkhu or Bhikkhuni or an influential layman etc., whereupon the Buddha rebuked the guilty party and laid down in brief and precise words the line of conduct the person should follow. As for instance, we find Gotama, saying that for two purposes the blessed Buddhas put questions to the Bhikkhus; when they intend to preach the truth and when they intend to institute a rule of conduct to their disciples.[1] In this manner all the unwritten laws of the Vinaya-Piṭaka were laid down. Later on when disputes arose in the Bhikkhu-Sangha on trivial matters or when too many petty lapses were committed by the Bhikkhus, it was impossible for one man to settle the disputes etc., the Bhikkhu-Sangha being scattered all over the four quarters. For the first time the

[1] *Mahāvagga*, VI, 37, 5.

right of promulgation of laws was thus handed down by the Buddha to the Sangha in settling the disputes[1] and carrying out official acts against the fighters. Complete power was vested in the hands of the Sangha in deciding a case by obtaining individual votes. The democratic principle of deciding a thing by means of the votes of majority was practised by the Buddhists, much before the right of citizenship found an expression in the activities of many civilized nations. This legal power vested in the Sangha soon extended to the discussion of legal questions arising out of censure, out of offence, out of business etc[2]. The field of the activity of the Sangha in this manner increased day by day.

The Mahāparinibbāṇa-Suttanta gives four authorities which are concerned with the promulgation of laws; which are known technically as the Mahāpadesas[3] and can be included in the formal sources of the Vinaya-laws, according to the modern idea of jurisprudence. The Mahāpadesas are (1) the promulgation of a rule by the Buddha himself, (2) the promulgation of a rule by the Sangha consisting of elderly and leading men at an Āvāsa, (3) the promulgation of a rule by learned and elderly Bhikkhus and, (4) the promulgation of a rule by a Vinayadhara at an Āvāsa. The scope and the validity of each of these Mahāpadesas must be carefully examined before we proceed to the jurisdiction of the Sangha.

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[1] *Cullavagga*, IV.

[2] Rhys Davids, *Dialogues of Buddha*, II, p. 124.

[3] *Cullavagga*, IV, 14, 2.

(1) There is not the slightest doubt that the Buddha was the chief authority on the laws of Vinaya-Piṭaka, but the question is whether all rules invariably are to be attributed to the Buddha alone or whether there was the hand of other lawyers in casting them. Juding the rules by common sense, we see that it is not the work of one brain. As we have already seen that the laws of the Vinaya-Piṭaka were derived form various external sources, and the treatment of the evolution of these laws clearly shows that the theory that each law was promulgated by the Buddha on a certain occasion himself was many times deliberately invented and later on maintained by all ancient scholars of Buddhism. Otherwise, neither inconsistent rules nor rules which belong to different periods of evolution of Buddhist monachism would be placed on the same chronological level. The utterance of Pūraṇa at the council of Rājagaha, that he did not pay the slightest heed to what had been laid down except by the great Buddha[1], gives support to the orthodox theory of the Buddha being the only law-giver, even after his death[2]. 'The triple slogan, Buddha, Dhamma, Sangha, Buddhism has tended to merge the other two; Dhamma and Sangha have virtually become Buddha, all the teaching was practically the word of Buddha. All teachers were virtually Buddha, what he 'said' or 'would have said'[3].

As the Piṭakas maintain the Buddha being the sole authority on the law, the Bhikkhus in general had

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[1] *Cullavagga*, XI, 1, 11.

[2] Mrs. Rhys Davids, *Sakya*, p. 120.

[3] *Ibid.*

forgotten the independence of their reasoning power. The thinking power of the ablest Bhikkhus also gathered rust. The Buddha by his towering personality no doubt outshone them all. The whole Sangha as long as the master was alive, cultivated an inferiority complex. The Cullavagga presents the touching picture of the distorted Bhikkhu Sangha on the Buddha's death[1]. They are helpless like the 'cage bird' of Tagore who cannot enjoy a flight in the air, his wings being enfeebled through long confinement. The helplessness of the Bhikkhus is due more to the consciousness of their weakness than grief at the master's departure. It is precisely laid down that 'just as the sea does not cross its boundary so also the monks should not go beyond the precepts of the Buddha'[2]. The Buddha himself alludes to the same fact that he laid down the Dhamma and the Vinaya[3]. In Mahāpaninibbāṇa-Suttanta also the Buddha hints at the point by exhorting the Bhikkhus to ask him any doubtful question about the Dhamma and the Sangha lest they should be at a loss to know what to do after his death[4]. These evidences however, cannot be relied upon in their entirety; because when Ānanda asked the Buddha to leave instructions for the Sangha before he (Buddha) departed, the Buddha replied, 'The Tathāgata never thinks that I should lead the Order, or that the Order is under my guidance'[5]. The Buddha also told the Bhikkhus to be lamps unto themselves either when he was alive or after

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[1] *Cullavagga*, XI, 1, 1.
[2] *Ibid*, IX, 4, 4.
[3] Rhys Davids, *Dialogues of Buddha*, II, p. 171.
[4] *Ibid*, p. 172.
[5] *Ibid*, p. 107.

he was gone[1]. The practical authority of the Buddha gradually decreased after his death the name continued to invite much respect and awe from the people, which reduced the personality of the Buddha to a legendary one. Every Bhikkhu had deep respect for this personality and thought that whatever rules he obeyed were based on the word of the Buddha. The word was handed down from mouth to mouth, and every time something was likely to be added to it or taken away from it. There were great disputes over little points and councils of Theras were summoned from time to time. This chaos prevailed till the fixing of the Piṭakas.

(2) With the death of the Buddha the power of the Sangha gradually increased. During the Buddha's life-time the Sangha could not promulgate any law on its own initiative. The Buddha made a statement of the rule and it was then left to the Sangha to carry out the instructions. Each of these official acts must be accompanied with a particular form of legal procedure. The act must be passed by a complete congregation[2] and in the presence of the guilty Bhikkhu[3]. The authority of the Sangha was limited during the Buddha's life time. There is a peculiar episode recorded in the Mahāpaninibbāṇa-Suttanta; a monk Subhadda by name asked the Bhikkhus to stop weeping at the Buddha's death, and console themselves with the fact that they were henceforward free from

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[1]Rhys Davids, *Dialogues of Buddha*, II, p. 100-101.

[2]*Mahāvagga*, IX, 2.

[3]*Ibid*, VI, 1.

his interference.[1] Even the Buddha gave his sanction that the Order could abolish minor rules if it wished so[2]. The nature of the minor precepts however, is not explained as it should be.

The only instance when the Sangha promulgated a rule on its own initiative in the Buddha's life time was that the Sāvatthiya Sangha, declared a rule that Pabbajjā should not be conferred during the rainy season[3]. The precepts of the Sangha though substituted for the Buddha's word, became no longer imperative, owing to the simple reason that the word of the Buddha was universally acknowledged and that of the Sangha was not. The split in the Sangha told upon the prestige of the Sangha. The Buddhist Sangha, described by the Buddha as the Bhikkhu-Sangha belonging to the four quarters, no longer remained so. Each Āvāsa which was originally a temporary residence of the Bhikkhus during the rainy season became a cœnobetical colony afterwards, and each Āvāsa was called a Sangha by itself. There was the Sāvathiya Sangha[4], Vesālika, Vajjiputtaka Bhikkhus[5] etc. The Uposatha must be held with Samānavāsakas (Bhikkhus living at one Āvāsa) only[6], and that is why the rules proposed by one

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[1] *Cullavagga*, XI, 1, 1.

[2] Rhys Davids, *Dialogues of Buddha*, II, p. 171.

[3] *Mahāvagga*, III, 13. This rule however was set at rest by the Buddha, on Visākha's request that her grand-son should be ordained during the Vassa only.

[4] *Ibid*, III, 13, 1.

[5] *Cullavagga*, XII, 1.

[6] *Mahāvagga*, II, 34, 10.

Sangha could be no binding on the other Sanghas. The authority of the Sangha thus suffered in the early days of the Sangha. This split in the Sangha began with the differences of the scholars of the Vinaya and the Dhamma[1]. Dabba was appointed by the Buddha, to appoint separate lodgings for the followers of the Dhamma, Vinaya and Suttanta[2]. The regulations of one Sangha not being acceptable to others, the second Mahāpadesa also became obsolete[3].

(3) The third and the fourth Mahāpadesas give legal authority to an individual or a body of individuals, well versed in the Vinaya and respected in the Sangha. The individual had to obtain the formal sanction of the Sangha before he undertook a thing, as Dabba of the Mallas did. The statements of the authority of individual monks are as inconsistant as in the former cases. A rule is specially laid down in the Cullavagga that if a monk raises legal questions in the Sangha he is charged with the Tajjanīya-Kamma[4], and yet it is enjoined that in matters of disputes, the vote of each individual counted was equally valuable. When the formal meeting of the Sangha was held, selection was made of a virtuous and competent person to answer questions on the Dhamma and the Vinaya[5].

The position which the Vinayadharas or the doctors of law held in the Buddhist Sangha is unquestionable. It was ordinarily established that no one was to receive ordination

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[1] *Mahāvagga*, X.
[2] *Cullavagga*, IV, 4, 4.
[3] Dutt, *Early Buddhist Monachism*, p. 26.
[4] *Cullavagga*, I, 4.
[5] *Mahāvagga*, II, 15, 5, and 6.

before a chapter of less than ten Bhikkhus[1], but ordination was conferred on a person in a chapter of four Bhikkhus under the chairmanship of a Vinayadhara[2].

The words of the Buddha, 'Be ye lamps unto yourselves' on his death-bed, put a new sense of individuality in the minds of the Bhikkhus. The real respect for the Theras and Vinayadharas vanished fast with it. They either stuck obstinately to the utterances of the Buddha as Mahā-Kassapa, or became independent and irresponsible and did what they liked; in either case the regard for the Theras was reduced to naught. The row of the Theras and Vinayadharas is extolled now and again[3]. But it seems only to be in theory. It is doubtful how far the words of these persons carried any weight in actual life. It may not be wrong to conjecture that at least some of these Vinayadharas, well versed in law as they are reported to be, had a hand in recasting and rehandling some of the Vinaya-rules according to the needs of the time. To me the explanatory notes added to rules do not seem the work of the Buddha himself, but that of these primitive lawyers. As for example, the Cullavagga establishes a rule that disputes must be settled by obtaining votes; the procedure of obtaining the votes is also prescribed. This is further explained by describing vividly the four kinds of votes, their validity, invalidity etc[4]. The latter additions must be the work of the Vinayadharas. Same can be said

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[1] *Mahāvagga*, I, 31, 2.

[2] *Ibid*, V, 13, 11.

[3] *Vinaya*, V, p. 2.

[4] *Cullavagga*, IV, 10.

about Thullaccaya and Dukkaṭa. But according to the sacred convention of the early Buddhism, every law, the minutest detail included, is attributed to the Buddha alone and hence the contribution of these excellent and capable men, in the formation of Vinaya-rules is lost on deaf ears. We only know their names and qualifications as in the case of Upāli, but the extent and nature of their work will always remain a mystery to us.

The instances where individuals are actually shown putting their legal authority in operation, are extremely rare. Dabba of the Mallas was the only man who could do something in this respect, but his was the work of putting the Buddha's instruction into practice. The only instance, where a Bhikkhu proclaimed rules on his own initiative is that of Revata, who proclaimed the Ubbāhikā rules in the council of Vesālī[1]. These rules however, had no force in them.

[1] *Cullavagga*, XII, 2, 7.

CHAPTER VI.

JURISPRUDENCE UNDER THE VINAYA.

The Vinaya jurisprudence. The Vinaya jurisprudence as it is to be examined by us, falls under three categories which will be successively dealt with in the course of this chapter. The three categories in question are (a) the theory of jurisprudence, (b) legal proceedings, (c) principles underlying the Buddhist idea of penalty.

The theory. (a) The episodes of the Vinaya serve another purpose to the law besides providing a historical background. They form the legal source from which the law proceeds. As for example, the episodes attached to the Tajjanīya-kamma, Ukkhepanīya-kamma, Pabbajanīya-kamma etc. as any one can see at the first glance, do not serve any historical purpose as the episodes of Dabba, Devadatta, Subhaddha. or Ānanda represented as the mouthpiece of the Bhikkhunis do. Yet the episodes are not quite meaningless as most of the Chhabaggiya ones. What these episodes contribute to the Vinaya is the legal background and force. Through these episodes we get a fairly decent knowledge about the technical procedure of a Sangha-kamma, viz. when a Sangha-kamma is valid, how it is to be carried out and under what circumstances, and the exact nature of penalty bearing upon it. This naturally involves an investigation into the theory of legislation. In connection with legislation we have also to consider two points, viz. (1) the right of promulgation and (2) the right of putting the ordinances into practice.

We have already seen the fate of the Mahāpadesas–the four sources of promulgation. The second point will be made clear as we shall proceed with the legal proceedings under the Vinaya.

There is always a hair's breadth between the purely historical and purely legal sources; as far as the Vinaya and the passion of the Buddhists for episodes go, the two are often intermingled. It happens at times, that the same episode can be interpreted in two different ways[1]. The episodes involving custom come under this class. We know something about the historical importance of custom as it shapes human life in a particular form; but its judicial importance cannot be overlooked; because it forms the judicial precedents and develops into customary laws. Looking to the vast contribution of custom to form and change the Vinaya–laws, we cannot afford to neglect the importance of such laws.

Directions. Besides the traditional division of the Pātimokkha rules, there are some rules which can safely be grouped under an appropriate legal heading. As for example, though the Sekhiya rules, are incorporated in the legal code, their judicial capacity being much less than that of other rules, it is often questioned whether they can be fitly called laws. They are rules regulating manners and deportment of the Bhikkhus, and as such derive their validity from the vast store of the Aryan tradition; and hence they can be termed as corollaries drawn from

[1]The episode of Visākhā who made the Bhikkhus amend the rule that Pabbajjā cannot be bestowed during the Vassa can come under this category. *Mahāvagga* III, 13.

the customary laws. Besides in the absence of their judicial character (as far as the breaking of these precepts did not involve any offence leading to a Sangha-kamma or trial) the Sekhiyas can be called 'legal directions'. The purpose of such rules is only to show one the right way and not to pronounce penalty if one does not follow it. They possess the authority of directing men's conduct towards a particular goal, but lack coercion.

Technical law. Besides there are a number of laws in the Khandhakas relating to health, sanitation[1], medicine[2] etc., all such rules are many a time overlooked like the Sekhiyas. No doubt in the legal sense they are not so unfit of not to be incorporated in legal codes. Law generally aims at the 'ideal future' irrespective of the past and present. In case of the aforesaid rules, their aim is the 'attainment of some practical end', and hence, they are classed under the technical law[3]. Such laws insignificant though they seem to us, were not looked upon so, by people for whom they were meant; and the importance the Buddhist tradition has attached to them cannot be ignored[4], in fact in the post-Buddha Sangha, the rules regarding dress, food etc., attracted the foremost attention. While enumerating and specifying the laws of the Vinaya, I-Tsing says, 'there are express laws in the Vinaya-texts on the observance and neglect that are evident in the light of the regulations of clothing and the

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[1]*Cullavagga*, V, ft.
[2]*Mahāvagga*, VI.
[3]Salmond, *Jurisprudence*, p. 31.
[4]*Pācittiya*, 72.

rules of eating and drinking, so that even beginners in the study can judge the nature of an offence'[1].

The laws of the Vinaya-Piṭaka, as all laws should, intend to direct the conduct of the Bhikkhus and Bhikkhunis i. e. their actions and outward behaviour. Besides, like true laws they also involve the principles of justice. In fact the Vinaya pays more attention in defining what is right and what is wrong, and at times sacrifices even the theory of legislation to this sentiment. In short, 'Kappiyākappiya' (right and wrong) is the soul of the Vinaya, and it is the very characteristic of the Vinaya that Buddhaghosa takes into account[2].

The legal procedure. (b) As the theory of jurisprudence reveals the nature of the laws, so also, an investigation into the method of legal proceedings, shows their scope and practicability. Like all the legal procedures, the procedure of the Vinaya also is coupled with rigid formalities. And the Buddhists are so very particular in keeping up these formalities, that there can be no Sangha-kamma, without Ñatti, Anussāvana etc. The wording of these formulæ is fixed, and is the same in all the Sangha-kammas, excepting the change in the name of the offender and the title of the offence he has committed. The frequency of the repetition of these formulæ, often bores the reader, and makes the study of the Vinaya dull. But this inconvenience is also accompanied with a hidden virtue, viz. that the legal tradition of the Vinaya was fairly preserved in its very ancient spirit.

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[1]Takakusa, *I-Tsing*, p. 53.

[2]*Samantapāsādikā*, IV, p. 760.

The most fundamental principles underlying the trials under the Vinaya constituted of the following facters:—

Principles underlying trial. (1) *Confession*: Confession as we have already stated constituted a permanent feature of the legal proceedings. Confession was obtained either voluntarily from the offender or when the fault was detected by other Bhikkhus they reminded him of it and obtained it by force. In case the person refused to give confession, the person was suspended from the Sangha[1], until he confessed his offence and got riddance from it by the formal permission of the Sangha[2]. Confession has a peculiar legal value in the Vinaya, because a guilty Bhikkhu was at once declared to have been freed from the sin of the offence as soon as he declared it provided the offence was not a grave one. The Pācittiya offences were disposed of only with a formal confession. In the case of the Sekhiyas the confession even need not be necessarily formal.

(2) The trial of the guilty person, must be held in the presence of the full and authorised fraternity[3], from which the Sāmaṇeras, and Bhikkhus belonging to another communion and Bhikkhus undergoing some sort of penalty were excluded[4].

(3) The presence of the accused was essential[5].

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[1] *Mahāvagga*, X, 1.
[2] *Ibid*, X, 2; X, 5, 11–12.
[3] *Ibid*, IX, 3; *Cullavagga*, I, 3.
[4] *Ibid*, X, 1, 9.
[5] *Ibid*, IX, 6, 1.

(4) A chance must be given to the accused to make a statement for his own defence[1].

(5) The Sangha-kammas like the Tajjaniya-kamma, etc. were against Dhamma and the Vinaya if they were carried out even though the fault had been confessed.

(6) The verdict of the Sangha (declared by the majority) was always final[2] provided that the jury, the witnesses and the judge or arbitrator, did not depart in the slightest degree from the tradition, spirit and the precepts of the Vinaya[3].

The actual trial in the Sangha regulated by the above mentioned principles was simple yet a serious and dignified affair. After the offence of the guilty person was known, he was warned and was called to remember whether he had or had not committed the offence, and was made aware of the particular rule against which he had offended[4]. The next step taken was that a wise Bhikkhu had to declare in the Sangha the offence of the Bhikkhu in question, and the Ñatti followed it[5].

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[1]*Cullavagga*, I, 2, 1.

[2]*Mahāvagga*, IX, 6, 1.

[3]*Cullavagga*, I, 3; *Pācittiya*, 79-80.

[4]*Ibid*, I, 2 ft.

[5]*Mahāvagga*, IX, 3, 9.

Precautions. In order to conduct the trials peacefully and in a well-ordered way, various precautions were taken. In the first place, though technically each Bhikkhu was authorised to express his opinion on the matter, in practice, to say the Ñatti and make an expository speech an individual was selected who represented the whole Sangha. If the Bhikkhus agreed thereon they expressed their consent by remaining silent, those who did not approve of it were by all means, allowed to put forward their arguments against the proposition. To keep pressure on these individuals, so that they might not misuse this personal liberty and discrimination, express rules were formed that no legal questions should be (unnecessarily) raised in the assembly[1].

Secondly, when the censure of an individual or a group of individuals involved some legal technicality and keen disputations which might even lead to a Sanghabheda arose, the Sangha resorting to the ballot-system depended on the votes of the majority[2], or held jury of the Sangha-theras according to the Ubbāhikā rules[3]. In simpler cases one arbitrator was sufficient to give satisfactory verdict. The Vinaya-Piṭaka gives a long list of

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[1] *Cullavagga*, I, 1, 1.

[2] *Ibid*, IV, 9; 10

[3] *Ibid*, VI, 14, 9.

the qualifications expected in an arbitrator, the chief of which are the purity and force of character, infallible actions, the knowledge of the two Vibhangas, and the tact of speech. To maintain discipline in the formal undertakings of the Sangha, every Sangha-kamma, whether purely legal or otherwise, whether important or insignificant, must be necessarily accompanied with a Ñatti[1]; in important cases the charge was preceded by three Ñattis; in simpler ones only one. No transgression of this principle was allowed. Not only that but an act which was apparently lawful and was carried out in a complete congregation with all the formalities, also, was severely criticised and rejected by the Sangha worthy of the name[2]. In order that an innocent person might not suffer from unjust censure and the culprit might not escape punishment, the Sangha took all possible care. The records of the Vinaya are full of instructions to those who censured a Bhikkhu, as well as warnings to the offenders who wanted to break the discipline of the Sangha, from which (records) we may give a few instances only. (a) The Bhikkhus bringing a false charge against an innocent Bhikkhu would be punished. If the charge they brought against him was Pārājika, they were liable to the Sanghādisesa offence[3], in case it was the Sanghā-

[1]*Cullavagga*, I, 3.
[2]*Mahāvagga*, IX, 3, 2.
[3]*Sanghādisesa*, 8, 9.

disesa, they were tried for the Pācittiya[1]. (b) A Bhikkhu who knowingly concealed a serious offence committed by a Bhikkhu, was censured[2]. (c) Whatsoever Bhikkhu when the Sangha was engaged in conducting a formal inquiry, rose from his seat and went away, without declaring his consent committed an offence[3]. (d) Whatsoever Bhikkhu when he had declared his consent to the formal proceedings conducted according to Dhamma, grumbled afterwards about the Sangha-kammas, was censured[4]. (e) When a Bhikkhu admonished by the Sangha according to Dhamma, said that he could not submit himself to their rule of the Sangha unless his case was again decided by an expert Vinayadhara, he committed an offence. (f) By no means could a Bhikkhu stir up against the decision upon a matter which he knew to have been settled according to Dhamma[5]. (g) If a procedure of the Sangha was invalid it was opened at another assembly by way of a Kiccādhikaraṇa[6].

Some legal methods. To conduct legal trials and to settle various legal controversies, various methods were

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[1] *Pācittiya*, 76.

[2] *Ibid*, 80.

[3] *Ibid*, 51.

[4] *Ibid*, 71.

[5] *Ibid*, 63.

[6] *Ibid*.

resorted to by the Sangha. They are many in number and deal with such minute details that it is impossible, to devote one's wholehearted attention to all of them, and in all respects. However the most important methods with their outstanding features will be considered here. These measures, were based on the nature and gravity of offences, which roughly fall under three classes as the table on pages 102, 103 will show.

Grave offences.	Offences or rather disturbances resulting through the misinterpretation of the canon and difference of opinion as regards doctrinal points, which is likely to end in serious disputes and even a schism[2].
1) Pārājika (Dismissal from the Sangha.)	1) Voting[3] a. Secret method. b. Whispering method. c. Open method.
2) Thullaccaya[4] (Penalty not given).	2) Ubbāhikā[5]. (Holding a jury).
	3) Adhikaraṇasamathas: a) Sammkha Vinaya[6]. b) Sativinaya[7]. c) Amuḷhavinaya[8]. d) Patiññāya[9]. e) Yebhuyyasika[10]. f) Tassapāpiyyassakamma[11]. g) Tiṇavitthāraka[12]. } The nature of the procedure is not explained in the texts.

[1]The name of the procedure will be found written in bracket against the name of respective offences.

[2]These offences are heterogeneous and are not technically termed as other offences and hence instead of describing the nature of each of the categories I have given only the measures that were recommended to deal with them.

[3]*Cullavagga*, IV, 14, 26.
[4]*Mahāvagga*, III, 28.
[5]*Cullavagga*, IV, 14, 19.
[6]*Ibid*, IV, 14, 16.
[7]*Ibid*, IV, 14, 27.
[8]*Ibid*, IV, 5; IV, 14, 28.
[9]*Ibid*, IV, 7, 8.
[10]*Ibid*, IV, 9; IV, 14, 24.
[11]*Ibid*, IV, 11.
[12]*Ibid*, IV, 13.

with which they were dealt[1].

Offences involving breach of discipline.

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1) Sanghādisesa
   a. Mānatta[13].
   b. Parivāsa[14].
      1. Apaṭicchanna.
      2. Paṭicchanna.
      3. Suddhanta or Mūlāya Paṭikassanā.
      4. Samōdhāna.

2) Nissaggiya
3) Pācittiya
4) Pātidesanīya
} (Formal confession.)

5) Making strife and disputes and raising legal questions in the Sangha. (Tajjanīya–kamma)[15].
6) Stupidity, and living with lay people in unlawful association with the world. (Nissaya or Niyasa-kamma)[16].
7) Living an unrestrained and luxurious life (Pabbajanīya-kamma[17].
8) Offences against the laity (Patisāranīya-kamma)[18].
9) Concealing a fault and not confessing it (Ukkhepanīya-kamma)[19].
10) For not renouncing a sinful doctrine (Ukkhepanīya-kamma)[20].
11) For being obstinate and denying a fault. (Tassa-pāpīyyassa Kamma)
12) Impropriety in speech (Dubbhāsita) Minor offences of various kinds. (Dukkaṭa).

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[13] *Cullavagga*, II, 1 ft.
[14] *Ibid*, III, 7 ft.
[15] *Ibid*, I, 1 ft.
[16] *Ibid*, I, 9 ft.
[17] *Ibid*, I, 13 ft.
[18] *Ibid*, I, 18 ft.
[19] *Ibid*, I, 25.
[20] *Ibid*, I, 32.

Apparently, the procedures seem quite methodical and sufficient, but on a closer perusal of the Vinaya-Piṭaka, the reader is disillusioned about the fact that many of these procedures are ambiguous and often a riddle. The nature of Mānatta and Parivāsa is not known. The attempt of authors of the Vinaya to explain 'Tiṇaviṭṭhāraka' is a futile one, even the explanation of Buddhawhosa is not at all satisfactory[1]. He says that just as any filth is covered by grass, so that it cannot be noticed, so also the offence when dealt with this procedure loses its sinful character. The reader however remains in the dark as to what it exactly signified. The rest of the six cases of Adhikaraṇa-samathas are more satisfactory but even they are not sufficient to give us the exact idea of legal procedures, and their proper scope. However, in spite of all the drawbacks in these methods, in spite of their incapability in creating any interest to the modern student, one thing still goes to their credit viz. they were based on rigid practicalities. No mysterious proofs were required to prove or disprove the guilt of a person. There was no trial by ordeal, as we sometimes find in the Dharmasūtras and Smritis[2]. And this tendency of looking at things exactly as they were and scan the various intricacies with the aid of cold reason, with a full sense of justice, was no small achievement of the Buddhists in those ancient days.

Penalty. (C) Another important point that issues from the theory of legislation and the method of trails,

[1]Oldenberg, *Vinaya*, II, pp. 313–314.
[2]*Gautama*, II, 3, 40–41; *Yājnavalkya-Smriti*, VII.

is the regard of the law towards awarding punishments. Law includes both command and the authority to bring an external pressure upon a person on the breach of the order or rule. Jurisprudence would not be perfect without the latter factor. The Vinaya-jurisprudence also imbibes both these principles as the Vinaya-literature reveals. Besides 'the Vinaya primarily meant' says Buddhaghosa 'discourse of restraint and control because therein are given discourses on grave or trivial restraint opposed to transgression[1];' and hence the survey of the theory and application of penalty is as important in the Vinaya as the doctrine itself. From the sociological point also, the infliction of penalty upon the evil-doer is not less interesting because by violating laws, the culprit becomes a sort of a rebel and breaks the social treaty[2], which breach of trust must needs not be ignored.

The foregoing table has already given us a broad idea of the methods and has even hinted at the nature of penalties prescribed on a particular offence. I shall now discuss briefly, the exact nature of some of the important types of punishments.

The Sangha being primarily a religious body, no corporal punishment was possible here; since the Bhikkhus were not allowed to have any monetary possessions, no fines also were demanded. Confiscation of property, such as an extra robe, extra bowl, were the only material and external things which the Sangha could demand of a Bhikkhu who offended[3].

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[1] Mrs. Rhys Davids and Aung, *Expositor*, p. 27.

[2] Rousseau, *Social Contract*, p. 129–130.

[3] For this see the rules belonging to *Nissaggiya-Pācittiya*.

The fundamental principle underlying the Buddhist idea of penalty was a grave penalty for a grave offence and a light one for a lighter offence; the highest penalty inflicted was the unconditional dismissal of the culprit from the Sangha; under no means that person could be readmitted in the institution. The mildest form of penalty was formal confession. The former was prescribed on the Pārajika offences and the latter one on the Pāṭidesanīya and Pācittiya offences.

Thullaccaya. The nature of Thullaccaya is also not clearly explained in the Vinaya-Piṭaka. We hardly know anything about it except that when a Bhikkhu was guilty of it, whatever he may wish or say, the Bhikkhus should neither speak to him, nor exhort him nor admonish him. The Cullavagga however, in one place gives us a curious instance where Thullaccaya offence is committed. When Sāriputta and Moggllāna, came to request the Buddha to receive back into the Sangha, the followers of Devadatta who turned to schism, the Buddha said that by no means should schismatics be reordinated, and insisted on confession of Thullaccaya from the Bhikkhus in question[1].

Sanghādisesa. The Sanghādisesa rules came next in importance to those of Pārājika in the code of the Pātimokkha. To deal with these offences, the consent and supervision of the Sangha was essential from the beginning to the end[2], and hence they were probably the first Sangha-

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[1]*Cullavagga*, VII, 4, 4.

[2]Childers, Pali Dictionary p. 448; Dutt, Analysis of Bhikkhu Pātimokkha, *Mahabodhi*, 42, p. 267.

kammas which were conducted with rigid formality. On the committal of a Sanghādisesa offence, the Bhikkhu had to undergo Parivāsa for as many days as he had concealed the offence and after that Mānatta for a week[1]. The Bhikkhu then, was with the formal consent of the Sangha rehabilitated in the Sangha, provided he did not commit more offences while he was undergoing penalty. The procedure by which he was received in the Sangha was known as Abbhāṇa[2].

Tajjanīya-kamma. The six disciplinary Sangha-kammas discussed in the Cullavagga I, are judicially inferior to the Pārājika and Sanghādisesa offences. We do not know whether the Thullaccaya offences could come under their jurisdiction. All other offences including Pācittiya etc., could be dealt with them.

To the great credit of the compilers of the Vinaya, all these Sangha-kammas are arranged according to order, the most important the first, the least important the last. Even the way in which their scope and nature are explained is very methodical and remarkable.

The Tajjaniya-kamma, is the gravest of all the Sangha-kammas. The penalty for it is to deprive a Bhikkhu of his privileges. He was an unfit teacher and could not confer Upasamapadā on a novice nor could give a Nissaya, and much less was authorized to provide himself with a Sāmaṇera. He was forbidden to exhort the Bhikkhunis. The meetings of Uposatha and Pavāraṇā were barred for

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[1]*Cullavagga*, III, 11.

[2]*Ibid*, III, 2, 3.

him. He was neither entitled to give a vote nor censure any one. In short, he was looked upon as an absent member of the Sangha.[1]

When the offenders assured the Sangha of their good conduct and fitness to be admitted as the authorized members of the institution, they were entitled to ask the Sangha for the release from the penalty and on the formal consent of the Sangha were readmitted unconditionally into the fold.[2] In the rest of the Sangha-kammas also, the the method of rehabilitation was just the same.

Nissaya-kamma. The Nissaya-kamma dealt with faults committed through foolishness. It made the guilty Bhikkhu subordinate to the senior and wiser Bhikkhus. It made him easier for him to keep in a closer contact with them, so that he could ask them questions about the Dhamma and the Vinaya, could learn much about tradition and the rest of the cononical literature and other points of good conduct. When he showed signs of discretion and aptitude for the knowledge of the Dhamma and the Vinaya, the supervision of other Bhikkhus was removed and he was free. It is to be remembered in this respect that there is a great difference between this subordination and that imposed by the Parivāsa under the Sanghādisesa. In the former he did not lose all the privileges of a fully ordained Bhikkhu, while according to the latter he was practically cast out of the Sangha, and reduced to the state of a novice[3]; even after the end of the period of Parivāsa he

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[1]*Cullavagga*, I, 5.
[2]*Ibid*, I, 6.
[3]*Ibid*, II, 1.

was not free but had to undergo another rigorous penalty of Mānatta; hence the humiliation in the latter case was much greater than in the former.

Pabbājanīya-kamma. Since the Pabbājanīya-kamma was prescribed for the control over Bhikkhus who engaged themselves with frivolous pursuits, the most natural punishment in that case was to remove such person or persons from the source of attraction and change his surrounding atmosphere. Only this much not being a sufficient remedy for the evil, the Bhikkhu was made a Saddhivihārika (disciple) of an able and worthy man like Sāriputta or Moggallāna, who was formally appointed by the Sangha for that purpose.[1] The difference between this penalty and that of Parivāsa is that, the former compelled the offender to be a Saddhivihārika of a special teacher, while in the latter case, no special teacher was appointed and the offender was supposed to be subordinate to all the seniors of the Sangha.

Paṭisāraṇīya-kamma. The Paṭisāraṇīya-kamma originated through offending the laity and the absolution from it could be obtained by requesting and obtaining forgiveness of the lay-man whose feelings the Bhikkhu had hurt[2].

Ukkhepanīya-kamma. Ukkhepanīya-kamma is of two kinds viz. (1) not acknowledging a fault and (2) not renouncing a sinful doctrine. The penalty on it is exactly the same as the Tajjanīya-Kamma.

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[1] *Cullavagga*, I, 13, 6-7.

[2] *Ibid*, I, 22.

Pakassanīya-kamma. The Pakasanīya-kamma (act of proclamation) is not included in the traditional list of the Sangha-kammas. In the course of the Vinaya tradition it was resorted to only once and that too in the case of Devadatta, for the reason, that he wished the leadership of the Sangha after the departure of the Buddha. The sanction for it was obtained formally from the Sangha, and the prosecution resulted in the public declaration of the censure on the change in the attitude of Devadatta[1].

Brahmadanda. The penalty of the Brahmadaṇḍa is mentioned only in the Mahāparinibbāṇa Suttanta of the Dīgha-Nikāya, the exact nature and scope of which is not known.

Standard of punishment. So far we have seen the nature of offences in the Sangha and punishments following prosecution; before we close the argument it will not be out of place to advance a few more remarks about the standard of punishment.

Throughout the Vinaya-Pitaka, we see signs of growth, alterations and a vain attempt to stick to obsolete rules. Like the precepts, the punishments are no exception to this drawback in the Vinaya. The standard of penalty is not fixed, and obvious changes can be noted here and there. In the course of this evolution the punishments assumed a milder form. As for example, Pārājika IV, has been prescribed in the Pātimokkha for one who pretends to possess superhuman and exraordinary power

[1] *Cullavagga*, VII, 3.

or knowledge when he does not; while in the Cullavagga a similar offence regarding Iddhi is prohibited by a Dukkaṭa only[1]. Similarly, it is stated in the Vinaya that the Tajjanīya-kamma was not valid when it was carried out for the Pārājika and the Sanghādisesa offences[2]. This statement is again contrary to the fact that there are some points in the Tajjanīya-kamma which are common to Sanghādisesa[3] viz. making strife, raising discussions and leading to quarrels[4]. Really speaking, the penalty for these faults should be dealt with Parivāsa and Mānatta; but the faults were not looked upon now so serious as to come under the Sanghadisesa and hence the Tajjanīya-Kamma was considered sufficient to deal with them.

In the case of Nissaya-kamma also, the same story is repeated. For the various offences committed by Seyyasaka, first he was given Mānatta penalty which presupposes a Sanghādisesa offence. But it was cancelled by the Buddha as an inadequate remedy and Nissaya-kamma was introduced instead. The obstinacy of a Bhikkhu not to listen to others and not to acknowledge fault was formerly punished by Sanghādisesa[5], but could also come under the jurisdiction of Tassa-pāpīyassa-kamma. There is only one instance where punishment for an offence is more rigorous than the original. Nakedness which constituted only a

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[1] *Cullavagga*, I, 2, 1.

[2] *Sanghādisesa*, 8, 9.

[3] *Cullavagga*, I, 1, 1.

[4] *Ibid*, I, 9, 1–2.

[5] *Sanghādisesa*, 12.

Dukkaṭa[1] in the beginning, was punished by a Thullaccaya later on[2].

Some important trials. After having discussed so much about the theory of the Vinaya, we shall now have a peep into a few of the typical trials.

Ānanda. The trial of Ānanda in the council of Rājaqaha, where several offences were imposed upon him by Mahākassapa in the presence of a number of Bhikkhus, is highly interesting from the legal point of view, and cannot exactly be called a 'trial', because it was neither accompanied by a Ñatti nor followed by a Sangha- kamma. Ānanda had been formerly rebuked for his lapses by Sāriputta in Sāketa[3], and by the Sangha many a time[4]; but the charges levelled against him in the open session of the Theriya Sangīti, were quite different in nature from the former faults. Besides, the so-called offences were not committed at one and the same time; there is a range of even more than a score of years between the earlier and later offences. There are five charges altogether. (1) The first belonging to a very early period, is the exertion of Ānanda to procure admission for Mahāpajāpatī in the Sangha. To me the opening of this question, after so many years had rolled on after the incident, and even when the Buddha himself consented to it, seems illegal. This is the first time the general opinion of the Bhikkhus on the

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[1] *Mahāvagga*, I, 70.

[2] *Ibid*, VIII, 28.

[3] *Vinaya*, IV, p. 243.

[4] *Vinaya*, III, pp. 195, 198, 203, *Vinaya* IV, pp. 78, 82, 86, 91 etc.

matter is revealed; we do not even scent it in any other passage. I would feel very reluctant to charge atleast the noble Mahākassapa of jealousy for Ānanda. The careless attitude of this most conservative Thera for women in general is proverbial in Pāli literature[1], the disrespect and disgust for womanhood in general was inherent in the Indian ascetic world, and Kassapa was no exception to the rule as Ānanda. (2) Another question regarding Ānanda who exhibited the body of the Buddha, first to women, can be explained in the same way, only it cannot be disposed of as illegal like the first: the preference showed to women in any way is essentially against the creed of the Theravāda Vinaya.

The rest of the charges are quite recent except one viz. (3) stepping of Ānanda on the rainy-season-cloak of the Buddha; when this offence was committed is not known. This and the rest of the offences are of the kind of Pācittiya or Dukkaṭa, though none of them are mentioned in either the Khandhakas or the Pātimokkha. These offences are (4) the forgetfulness of Ānanda to ask Buddha as to which were lesser precepts and (5) the lack of discretion Ānanda showed in not requesting the Buddha in his last illness to remain in the world for a Kappa[2] (i. e. a period of 432 million years). The modern critic with materialistic views would not attach any importance to an objection of this kind.

The obsolvance from these faults was granted to Ānanda on a formal confession alone. The only importance

[1]Samyutta-Nikāya, II, pp. 215-217, Mahā-kassapa refuses to exhort Bhikkhus.

[2]*Cullavagga*, II, 1, 10.

one can attach to this trial, was for the practice of merciless justice in the Sangha. No favourite, however great, could ever be spared for the wrong he had done or rather for the wrong the Sangha supposed he had done.

Seyyasaka. The trial of the Bhikkhu Seyyasaka under Nissaya-kamma is also equally interesting. Stupidity and living in low company were not mentioned as offences in the Pātimokkha or anywhere else. The Pācittiya only says that a Bhikkhu should not stay for an unreasonable time in a public rest-house[1], and that he should not enter a village beyond ordinary occasions[2]. There is no reason why he should be made to undergo Parivāsa and Mānatta for the above mentioned offences[3]; besides, the conduct of Seyyasaka did not make him liable to any of the four kinds of Parivāsa known to us. Though afterwards his faults were counteracted with a different sort of discipline. These preliminary steps can in no way be justified.[4]

Assaji-Punabbasuka Bhikkhus. The followers of Assaji and Punabbasu living on the Cita hill gave themselves to secular pleasures of every kind and became

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[1]Pācittiya, 31.

[2]Ibid, 85.

[3]Oldenberg and Rhys Davids, *Vinaya-Texts*, II, p. 343, foot note 1.

[4]Oldenberg and Rhys Davids, suggest that the Parivāsa etc., were imposed on him for other additional faults which are not specifically mentioned here. (*Op. Cit.* p. 384, foot note 1.) This explanation however, is not convincing.

popular with lay-people by their gay manners. When this unbhikkhu-like behaviour of these monks was reported to the Buddha, he sent Sāriputta and Moggallāna to carry out Pabbājanīya-kamma against them. Looking to the story on the surface, it appears very simple, with no striking peculiarity about it. However, on a closer scrutiny a student of the Vinaya can detect the legal peculiarity attached to it, namely, that Sāriputta and Moggallāna with a band of their disciples were vested with judicial powers to rebuke the Bhikkhus who belonged to another Āvāsa and lived in a different boundary than their own; besides the idea of travelling courts can be traced out in this story alone; one has however to admit, that this idea is very faint and rather crude.

The Bhikkhuni with child. A certain Bhikkhuni was with child and she being innocent of the fact obtained Pabbajjā in the Sangha. A few days later, her condition was known to other Bhikkhunis, and they charged her of misconduct. At last a trial was held and it was discovered that she was pregnant before she was ordained. The account of the Cullavagga[1] does not say anything more about it, but the Jātakas[2] give us one more detail about it. When the inquiry was being made a committee of arbitrators was appointed among whom there was a lay-woman. The lay-people as far as we know had no share in judicial procedure of the Sangha and hence the instance where a lay-woman was one of the members of the jury, is an unique occurrence; as far as the share of

[1] *Cullavagga*, X, 25.

[2] Rhys Davids, *Buddhist Birth Stories*, I, pp. 194–200.

lay-people goes in moulding the Vinaya-laws, we have seen them as critics and consultants outside the Sangha, and not as judges or jurers.

The trial of Devadatta by the Pakāsanīya-kamma, the protection offered to Dabba from the Mettiya-Bhūmajja Bhikkhus and also the assurance given to Bhikkhu Kassapagotta against the unlawful decision of Āgantuka Bhikkhus[1], are some more incidents which are legally interesting. But since they are miserably wanting in details, a legal analysis of their contents is not possible.

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[1] *Mahāvagga*, IX, 1, 4-8.

ortation of Bhikkunis

CHAPTER VII.

PĀTIMOKKHA & THE FORTNIGHTLY MEETINGS.

The holding of the Uposatha assemblies seems to be an after-thought of the Buddha. The recitation of Dhamma was the natural consequence of the fortnightly meetings[1]; what sort of Dhamma this was has not been explained here. The Pātimokkha sprang out of these religious discourses. Naturally, considering the conservative attitude of the Theravāda Buddhism, we do not expect the Pātimokkha, in its very young days, to be far removed from the Dhamma as it was recited by the Bhikkhus in those early days. It was only one step in advance and more regulated in form. The Pātimokkha as it is described in the Mahāpadāna-Suttanta of the Dīgha-Nikāya stands a testimony to the fact. The Pātimokkha as it appears from this source is nothing but a jumble of the principles of the mendicant morality in vogue, viz. the peace of mind, forbearance, austerity, abstaining from all sins, accomplishment of the good, as they were practised by the great Buddhas[2].

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[1] *Mahāvagga*, II, 2.

[2] Khanti paramā tapo titikkhā
Nibbāṇam paramam vadanti Buddhā
Na hi pabbajito parūpaghātī
Samaṇo hoti param venehayanto (1)
Sabba pāpassa akaraṇam
Kusalassa upasampadā
Sacitta pariyo-dapanam
Etam Buddhāna sāsanam. (2)
Dīgha-Nikāya, II, p. 49.

The reference to the Pātimokkha in the Mahāvagga[1], reveals another phase of it and indicates the second stage of development. This is a paramount event in the history of the Vinaya jurisprudence, which served the basis of the whole structure of the laws and procedure as they are given in the Vibhanga.

It was at this time, the Pātimokkha, was united with its most important element, viz. the confession of offences. If the recitation of the Sikkhāpadas caused an advance in the technique of the Vinaya-rules, so also, confession besides keeping the assembly pure, helped a good deal in preparing a basis for the procedure of the trials of the guilty Bhikkhus. What Sikkhāpadas contribute to theory, confession contributes to practice. The root of the latter custom also can be found in the Dīgha-Nikāya, where the Buddha tells Nigrodha, 'In as much as you, Nigrodha, looking upon it as an offence, confess according to your deeds, we accept your confession. For that, Nigrodha, is the custom in the disciples of the Aryas, that whosoever looks upon his fault as a fault and rightfully confesses it, shall in the future attain to self-restraint[2].

The third and the final stage of the Pātimokkha was indicated by the differentiation of the Sikkhāpadas and the Pātimokkha or in other words, the Vinaya based upon the Pātimokkha, was detached from the precepts of Dhamma and got an independent standing. The origin of this change can be traced back in a passage of Anguttara-Nikāya where Upāli demarcates between

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[1] *Mahāvagga*, II, 3, 1.

[2] Rhys Davids, *Dialogues of Buddha*, III, p. 45 ft.

Sikkhāpadas (moral precepts) and the Pātimokkha (disciplinary code)[1]. Henceforward the Pātimokkha stood for discipline. In the term 'Pātimokkha-samvarasamvuto' as applied to the ideal Bhikkhu, the word 'Pātimokkha' is used in the sense of general discipline[2] and not as a code. Thus as the Pātimokkha precepts came into prominence, the other precepts naturally fell into the background and it was only the Vinayadharas like Upāli who could recall them together with their antecedents. The Pātimokkha being recited every fortnight became the chief centre of attraction in the legal environment of the Sangha; and the ideal of the Uposatha meetings became only the preservation of the precepts; the practical importance was attached to it through the introduction of confession, In the Mahāpadāna-Suttanta of the Dīgha-Nikāya, Vipassi asks his disciples to go on religious tours and then gather together every six years to recite the Pātimokkha. This is an unique episode in the history of the Pātimokkha and we cannot ascertain whether the fortnightly recitation of the Pātimokkha was an amendment of the custom given in the former episode or whether the injunction of the recital of the Pātimokkha every six years was an invention of Vippasi alone and a privilege of his disciples only.

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[1] *Anguttara Nikāya*, V, p. 70.

[2] Buddhaghosa explains it, ācāragocarasampanno anumattesu, vajjesu bhayadassāni samādāya sikkhati sikkhāpadesu. *Visuddhimagga*, J. P. T. S. 1891, 3, p. 79, also Pātimokkhanti sitam patiṭṭhadi caranam samyamo, samvaro mokkham pamokkham kusalānam dhammānam ca māpattiyā.' *Samanta-Pāsādika*, IV, p. 787.

In the beginning confession was directly connected with the Uposatha. In the Mahāvagga, the Buddha is seen thus enjoining the Bhikkhus, that they should confess their lapses either before or after the Ñatti has been proclaimed thrice. If all remained silent the assembly was supposed to be pure. To hide an offence even now constituted an intentional falsehood—a positive sin. When an offence was confessed it was duly treated according to law[1]. Later on the value of confession as an effective weapon for the legal procedure was keenly felt[2] and it even constituted the penalty of Dukkaṭa to keep an offence unconfessed,[3] and such cases were treated under the Ukkhepaniya-kamma.[4] Yet, the connection between confession as the preliminary of legal procedure and the Uposatha meeting was gradually being severed; the obvious reason for such evolution being that 'Parisuddni' was insisted by the Bddhists not during the recitation but before it, and no Bhikkhu who was guilty of a fault was admitted to the meeting,[5] and hence in many a case the chances of confession during the Uposatha service were lessened. The Buddha also once refused to recite Pātimokkha to the Bhikkhus as he declared that the assembly was not pure[6], no attempt was made this time to obtain confessions from the offenders and make the assembly pure once again. To me, however, the reason of the refusal

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[1] *Mahāvagga* II, 3, 3.
[2] *Cullavagga*, IV, 7.
[3] *Ibid*, I, 25, 1.
[4] *Ibid*, V, 20, 5.
[5] *Ibid*, IX, 2, 1.
[6] *Ibid*, IX, 1, 1.

of the Buddha to recite the Pātimokkha to the Bhikkhus any longer on this ground seems rather lame and even assumed. Looking to the attitude of the Buddha from the beginning to the end and taking into consideration his wish to make the Sangha an independent democratic body, I believe that the Buddha was gradually giving the Sangha a practical lesson of self-help, by handing over to the Bhikkhus the right of holding Uposatha meetings and the recitation of the Pātimokkha and such trivial legal undertakings, and gradually taught them how to manage things without his presence. One thing is clear however, from the incident, that the Uposatha meetings came to experience 'the negation of their practical character', and came to be 'nothing more than the organised expression of the communal life of the Buddhist community'[1]. What original characteristics were preserved by it, were the preservation of the Vinaya-rules and the formal ceremony.

The rite of Pavāraṇā however remained confessional in nature, being an enquiry into the wrong-doings of the Bhikkhus and Bhikkhunis during the Vassa. The rite of the Upasampadā was accompanied with a Sanghakamma and 'Ñatti', was not a supplement to jurisprudence.

The influence of the Uposatha and the other meetings on the juridical meetings, was a paramount one. That the Sangha-kammas should not take place without a particular number of the Bhikkhus[2], that no Sangha-kamma could be carried by those living outside the boundary and

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[1] Dutt, *Early Buddhist Monachism*, p. 107.

[2] *Mahāvagga*, V, 13, 12.

belonging to another Āvāsa[1], were the primary principles which guided all assemblies disciplinary and otherwise. Another rule common to such meetings was that they should be well managed, expressive of the union in the Sangha, where seriousness in manners and propriety in deportment were insisted[2].

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[1] *Mahāvagga*, IX, 4, 2.

[2] In the Anguttara-Nikāya the Buddha describes various sorts of Parisās, (assemblies) and distinguishes between Uttāna and Gambhira Parisas (boistrous and sober), 'Vaggā' and 'Samaggā' Parisas (partial and whole), Aggavatī, and Anaggavatī Parisas (where theras form a majority and where they do not;) Ariyā and Anariyā Parisas (refined and vulgar), Amisagarū and Saddhammagaru (overcome by base motives and regulated by Dhamma) etc. Anguttara-Nikāya, I, 2. 70 ft. The definition of each of the epithets is given in such a lucid and convincing manner, that even in modern times when public activities have made an advance on the old ideas, it is difficult to find a more suitable and appropriate description of principles governing public meetings.

CHAPTER VIII.

THE ADMINISTRATION OF THE VINAYA IN THE SANGHA.

The Sangha. We have been well acquainted with the theory of the Vinaya-rules, as far as they were dialectally demonstrated. But that is not sufficient for the true knowledge of the rules and the Buddhist Sangha. The subject of the foregoing chapters being rather too technical, the investigation though detailed is throughout cold and detached, and unless we look into the working and the practical application of the rules in the routine of the Sangha, we shall not be able to breathe the air of genuineness and reality about the codes of the Vinaya. Because, it is only in the Sangha an attitude of the mind of a Bhikkhu which can be shown in action as in words, is reflected. The Buddha, 'regarded practice as the foundation of his system. He wished to create a temper and habit of life[1].' Thus in the Buddhist Sangha we see a curious mixture of theory and practice. It was the practical discipline of the Vinaya-precepts that enhanced the glory of the Buddhist Sangha. There were at that time many religious sects, but none so popular as that of the Buddha. Even Mahāvīra did not succeed in making his system so faultlessly disciplined[2]. Especially, in the case of Theravāda Buddhism, the Sangha has always been

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[1]Eliot '*Hinduism and Buddhism*', I, p. 185.

[2]Kosambi, Buddhacaritra (Article 5). *Vividhajnāna-Vistāra*, 1925.

the central institution[1]. It is primarily the Sangha that is a stable element in the history of Buddhism and has maintained orthodoxy both in belief and in practice. Yet one has to admit, that in spite of the study of the Vinaya-rules as meeting the exigencies of life of real men and women in the Sangha, the Buddhist system (both the Vinaya and the Sangha) lacks the living warmth which one would like to find about an active and longstanding corporation. Paul Dalhke is absolutely justified in saying, 'It is true that there breathes about this system something of the coldness of mathematics. On the other hand in it is that purest beauty, that faintless beauty, which belongs to mathematics[2].' We have already seen a number of defects in this system, both theoretical and practical, and shall have occasions to deal with some more weak points in the chapters to come. But, at the same time we are not unaware of the fact, what India and even the world at large owes to Buddhism and its founder. It was the Buddhist Sangha, that was for several years the seat of Indian culture, and the radiating centre of fresh thought.

The word Sangha was current in India long before the Buddha accepted it and chose it as a designation for his institution. The word originally derived from the root 'sam+han' (to hold together), and hence it meant a corporation. Jayaswal tells us how the idea of corporate life was current in India in prebuddhistic time, and how

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[1]Coomaraswamy, *Buddha and the Gospel of Buddhism*, p. 151.

[2]Saunders, *Buddha*, p. 101.

the political corporations known as Sangha in the Pāṇinian times, evolved into religious corporations in the time of the Buddha[1]. The idea of the Kulapati[2] is also responsible for the outcome of the religious corporation in ancient India[3]. The influence of that tradition on the Buddhist Sangha can be discerned from the fact that no less than 10,000 students were kept in the University of Nāladā[4].

After the Buddha however, the connotation of the word 'Sangha' was so fixed that it rarely conveyed any other idea than the Buddhist community of monks and nuns; it is strange however to find the ambiguous use of the word 'Sangha' in Kauṭilya's Arthaśāstra, by which he means political bodies as well as religious corporations[5]. Just as the word 'Bhikkhu' was taken by the Buddha from the Brahmanical literature, which later on went to signify the Buddhist or Jain monk in particular; so also, the word Sangha arrested the 'flavour of emancipation' on account of the peculiar use of it made by the Buddha. The only difference between the two cases is, that in the former case, the word was grasped and adopted by the Buddha in its entirety, without the least wish to change

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[1]Jayaswal, *Hindu Polity*, pp. 33–55.

[2]Kulapati is, defined as:—

Munīnām daśasahasrāṇām yo 'nnadānādi pālanāt
Adhyāpayati vipreśah sa vai kulapatih smritah.

[3]Mujumdar, *Corporate Life in Ancient India*, p. 287.

[4]Pandit Vidhushekhara Shastri, '*Monastic University in Tibet*'. J. G. I. S., 1934, No. 1.

[5]Kauṭilyas *Arthaśāstra*, II, 1; III, 3.

the slightest conception attached to it, while in the latter case, the word Sangha was taken from an older tradition than the Dharmasūtras (the word is missing in that literature) and applied to his own system only as far as it served the idea of corporate life and democracy[1].

Influence of political institutions on the Sangha. The idea of religious corporation was by no means new in Buddha's time, the Piṭakas and Nikāyas show us the various groups of ascetics, commonly known as Gaṇas. Nay, it had even become a fashion to wander in groups; solitary wanderers were becoming less though not uncommon. The question now arises, why the Buddha chose to call his system the 'Sangha', originally a political term? Why did he not call his community a Gaṇa; as the Jains and other contemporaries did?[2] Was he right in applying this designation to a purely religious institution? The answer to these curiosities is to be sought in the influence of political clans on the Buddhist community. The Buddha was very well acquainted with the working of the clans of the Licchavis, the Vajjis, the Videhas etc.[3] and was

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[1]Jayaswal, *Hindu, Polity*, p. 44. Here the author discusses the two kinds of Sangha, given by Paṇini where (1) no upper and lower conditions exist and (2) where they exist. The Buddhist fraternity, the Nikāya, or the Sangha took after the former idea.

[2]Though the word was commonly used to show the body of mendicants, the word Sangha also was sometimes used in the same sense but not so often. Compare: Sanghino, Gaṇino, Gaṇācariyio.

[3]Jayaswal, *Op. Cit.*, pp. 45–47.

in many ways impressed by their polity. These communities were powerful, flourishing, independent and democratic in their outlook, which qualities struck the Buddha the most. The idea of democracy in the Buddhist Sangha, I think, owes much to these clans, and hence the Buddha did away with a Satthā, a Sanghi, Gaṇi, or a gaṇācariya[1] in the Sangha and wished to run it on purely democratic principles. Moreover we hear him advising his followers, to conduct the Sangha on the lines the Vajjis led their community; and as long as the Bhikkhus held regular assemblies as the Vajjis did and had staunch unity as the Vajjis had, there was no danger of a split or fall of the Sangha[2]. That is how the Buddhist Sangha differentiates itself from other groups of religious mendicants and is better managed and regulated than any other religious community of the time. The refinement of legal version, the insight in the classification of legal points and offences, the prescription of adequate punishments bearing consequently on the commission of an offence, the perfection of the whole legal procedure and the judgment in disputation by means of ballot, are all, as it seems to me, pointing back to the indirect influence of the clans on the Buddhists; and that is why the legal validity of the Buddhist Sangha unlike that of the other contemporary religious associations, is beyond question.

The Authority of the Sangha. Whatever was to be done was done under the name of the Sangha. Upasampadā was conferred by the Sangha; cases of abuse and misdeeds were

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[1] *Cullavagga*, V, 8, 1.

[2] *Dīgha-Nikāya*, II, p. 73–4.

investigated by the Sangha; Pavāraṇā, Kaṭhina, Uposatha etc. were functions held under the auspices of the Sangha alone. At times clever individuals were appointed to settle down disorder (not in the local Sangha necessarily) as Sāriputta and Moggallāna were sent to rebuke and bring under control the followers of Assaji and Panabbasu[1]. But even this they could not do on their own authority but in the name of the Sangha. An individual thus, was always subordinate to the Sangha[2] as the modern individual is subordinate to the state. If a person was deputed to certain message from one place to another, he was not to think that he was doing it on his own initiative; he was a bound servant of the Sangha[3]. The cases where an individual like Pūraṇa sets at naught the wish of the majority are extremely rare.

No caste distinction. The institution of the Buddhist Sangha was run on the principle of love and unity. No caste distinction prevailed; as an exception to this rule the Sakyas were exempted from Parivāsa or probation when entering the Sangha. Otherwise from the top to the bottom all brethren were looked upon as equals and the inheritors of the Dhamma of the Buddha. There were

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[1] *Cullavagga*, 1, 13, 6.

[2] Mujumdar thinks that the relation between the individual and the corporation is brought out by the general presumption in the Buddhist law that everything belongs to the Sangha and not to any individual monk, and that the latter can only possess that which has been specifically allotted to him etc.

[3] Mujumdar, *Corporate life in Ancient India*, p. 317.

worthy Brahmins like Sāriputta, Moggallāna, Kassapa of Uruvela. There were able Sakyas and Kśatriyas like Ānanda, Rāhula, Nanda etc. There were also Dhaniya, the potter's son, Upāli born in a barber's family[1], Suppiya the Candāla[2], Sopāka born in cemetery[3], Sunīta the scavenger[4] and so on. The classification of Bhikkhus was based on their progress in spiritual attainment of the four stages viz. Sotāpanna, Sakadagāmī, Anāgāmī and Arhat. It was in short, a representative institution.

Daily Duties. Not only young pupils in the Sangha, but the monks also, were expected and urged to be busy.

1) As far as their spiritual pursuits went, meditation if thoroughly tried and accomplished – robbed away hours together of the day. Early hours of the morning and the quiet hours of the night and afternoon were specially chosen for meditation.

2) The begging tours also occupied much of their time in the morning.

3) The training of young pupils was another task.

The pupils or Saddhivihārikas were subordinate to the teacher and had to wait personally upon him from morning till night. To keep the Vihāra clean and keeping the furniture etc. neat and tidy were some of their special duties[5].

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[1]Mrs. Rhys Davids, *Psalms of Brethren*, p. 168.
[2]*Ibid*, p. 36.
[3]*Ibid*, pp. 37–38.
[4]Saunders, *Buddha*, p. 60.
[5]*Mahāvagga* I, 25-6.

Occasional duties. The occasional duties were a cause of great bustle and excitement in the Sangha. As for instance, if a new student or Bhikkhuni was to be ordained a council of twenty monks had to be organized to take him or her into the Order, or a formal meeting of the fraternity was held on the Uposatha day to recite the Pātimokkha, or a Bhikkhu or Bhikkhuni was censured for his or her conduct or a dispute was to be settled by votes etc. Naturally, these functions broke, or atleast lessened, the monotony of the mechanical life in the Sangha.

Upasampadā. Of all the occasional functions, the Upasampadā, the formal entrance of a Bhikkhu in the Sangha and the formal sanction of the Sangha to his application, was the most solemn and interesting. The addition of new candidates into the Sangha, told itself for the victory of the Sangha, and consequently, of the monastic life over the life of the world. Whatever may be the real reason of embracing religious life, the Buddhists always interpreted that a person accepted orders, to fly from the ties of family-life and to seek salvation, and happiness. The ceremony of the Upasampadā was a passport to holy life in the Sangha. It was called so because it was the chief means, or the first step taken by a Bhikkhu to understand evil and to accomplish good thereby[1]. In the early days of the Order, the Upasampadā ceremony was simple and direct. The person desirous of monkhood, went to the Buddha and requested him to accept him as his disciple, and the Buddha accepted him by the simple utterance of 'Ehi Bhikkhu' etc. Later on due to the increase in the number of candidates and the spread of

[1]*Dhammapada*, verse 3; Childers' *Pāli Dictionary*, p. 532.

his creed on a large scale, he transferred this right to other disciples also. And since then the complicated process of receiving a person by 'Tisaraṇa'[1] and by the formal sanction of the Sangha came into practice[2]. Thus the Upasampadā which formerly lay beyond the legal sphere, came to be a regular Sangha-kamma and began with a Natti[3].

The distinction between the Upasampadā and the Pabbajjā, also, came later on. Formerly by 'Ehi Bhikkhu' the person received the Upasampadā at once. Later on the Pabbajjā came first and then the Upasampadā[4]. The word Pabbajjā means 'going out of the home'. The conferring of the Pabbajjā however, did not require the formal approval of the Sangha by a Sangha-kamma like the Upasampadā. Only the Tisaraṇa utterance was necessary[5]. The candidate (by no means under the age of twenty°) was to go to a fully ordained person[6], wise[7], learned[8], upright[9], and of 5–10 years standing[10] in the Sangha and had to

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[1] *Mahāvagga*, I, 12, 4.

[2] *Ibid*, I, 23, 3.

[3] S. Dutta, *Early Buddhist Monachism*, pp. 148–149.

[4] Kern, *Manual of Buddhism*, pp. 77–78.

[5] *Mahāvagga*, I, 54, 5.

° *Ibid*, I. 75. Dabba of the Mallas however was ordered at the age of seven. Mrs. Rhys Davids, *Psalms of Brethren*, p. 10.

[6] *Ibid*, I, 31, 1.

[7] *Ibid*, I, 35, 1.

[8] *Ibid*, I, 31, 4.

[9] *Ibid*, I, 69, 4.

[10] *Ibid*, I, 31 and I, 32, 1.

request him to let himself be his disciple and attendant. The consent of the parents or guardians of the novice also must be obtained before conferring the Pabbajjā on him[1]. The novice had to lead ten years of probation[2] under a spiritual head appointed by the Sangha[3]. Day and night the novice had to wait upon the preceptor[4]. The relation between the teacher and the pupil was known, traditionally, as 'Brahmacariya' but as the Buddhist Sangha differentiated itself from the rest of the ascetic world, it also coined a number of technical terms for various common customs and made them trademarks of Buddhism. So, gradually the word 'Brahmacariya' though not altogether discarded was thrown into the background as far as it conveyed the special meaning viz. the relation between the tutor and the pupil, and a new word essentially Buddhistic in its

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[1]*Mahāvagga*, I, 54. Rāhula the son of Gotama was ordained merely on his asking for ordination. Suddhodana Gotama's father urged upon him that the consent of the parents should be taken.

[2]*Ibid*, I, 32, 1.

[3]*Ibid*, I, 25, 5.

[4]In the *Vinaya-Piṭaka*, there are two terms for the instructor, the Ācariya and the Upajjhāya. The Ācariya was the original and real teacher who used to give the Nissaya to the pupil while the Upajjhāya was the formally elected preceptor who conferred Upasapadā on a Bhikkhu, and hence a teacher only in name. Really speaking there is no difference whatsoever between the duties of the two. The latter however was a more important figure in the Sangha. (Vinaya Texts Pt. foot. pp. 178–179, foot note 2.)

connotation and application—Nissaya—was used for it. Nissaya means 'dependence', as far as the pupil is concerned, he is dependent on the Ācariya and in case of the preceptor he gives protection to the Sāmaṇera[1]. Later on Nissaya also signified the relation between an Uppajjhāya and Saddhivihārika[2]. The word Nissaya got this significance owing to the practice of telling the four fundamental Nissayas[3] to the Saddhivihārika, after he received Upasampadā. The pupil was not given Nissaya until he proved himself mentally, morally and physically fit to accept it[4]. A Bhikkhu once having accepted Nissaya had to keep it for ten years[5], (in the case of an exceptionally learned Bhikkhu the period was 5 years, a foolish and incapable Bhikkhu had to keep it even all his life).[6]

Usually the Bhikkhu was not to live without Nissaya[7], but under special circumstances viz. death or misbehaviour of the Ācariya etc. it was suspended[8].

After the Upasampadā, the Bhikkhu became a regular member of the Sangha, he could take part in all the proceedings of the Sangha except that he could not undertake the task of training the novices until he was

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[1]Rhys Davids and Oldenberg, *Vinaya Texts*, I, p. 170 foot note 1.

[2]*Ibid*, I, 76, 1; also *Mahāvagga*, I, 36, 1.

[3]*Mahāvagga*, I, 30, 4.

[4]*Ibid*, I, 31, I.

[5]*Ibid*, I, 36, 5.

[6]*Ibid*, I, 53, 4.

[7]*Ibid*, I, 30.

[8]*Ibid*, I, 36, 1; I, 53, 5.

ten years a fully ordained monk[1]. Generally, all people, especially, the Titthiyas had to undergo probation of four months before ordination[2], the Jaṭilas and Sakyas being exempted[3].

We know, thus from the Vinaya-Piṭaka, how the exercise of the rules of Upasampadā kept the talents and time of both the Upajjhāya and Saddhivihārika fully occupied and engaged.

Uposatha. On the sacred day of the Uposatha also prevailed great bustle and excitement in the Sangha. On this day a Bhikkhu recited the rules of the Pātimokkha, confessed if he had done any wrong, and obtained moral purity thereby. The significance of the Buddhist fast day (Uposatha) and the Brahmanical one is essentially the same, though the tradition attached to it changed. Hiraṇykeśin, talking about the importance of the Upavasatha, says 'upāvrittastu pāpebhyo yastu vāso guṇaih saha upāvasah sa vijneyah[4].' Thus, to get rid of evil by the company of the virtuous is same in both the cases. On this day all the brethren in one Āvāsa came together to recite Dhamma[5], in one appointed place[6]. On

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[1] *Mahāvagga*, I, 32, 1.

[2] *Ibid*, I, 38, 1.

[3] *Ibid*, I, 38, 11.

[4] This means that Upavāsa (fast) is called so because it enjoins one to keep away from sinners and seek the company of the virtuous.

[5] *Mahāvagga*, II, 2.

[6] *Ibid*, II, 8, 4.

this occasion a Thera in the boundary of the Āvāsa by the appointment of the Sangha[1], preached Dhamma or selected some other Bhikkhu[2] for the job.

The Uposatha day, in fact, was the day on which the Sangha was to be alert and active. It was also a day of rejoicing to ordinary Bhikkhus, because meals were given to the Sangha on each Uposatha day[3].

Vassa. The days of rain-retreat were however, the busiest days with the Bhikkhus. This period of Vassa coincides with the monsoon season in India; it began with full-moon day of Āsāḍha and ended on the full-moon of Kattika[4]. This period the Bhikkhus had to pass in settled colonies, regulated by the limitations of the Āvāsa, in quarters specially suited to the needs of the Bhikkhus. Five kinds of buildings were allowed by the Buddha for that purpose viz., Guhā, Harmya, Adhyāyoga, Pāsāda and Vihāra; The ceremony of entering upon the Vassa, is very precisely put by Buddhaghosa. "They are to look after their Vihāra (if it is in a proper state) to provide food and water for themselves, to fulfil all due ceremonies, such as paying reverence to sacred shrines, etc. and to say loudly once, twice or thrice 'I enter upon Vassa in this Vihāra for these three months.' Then they are to enter upon the Vassa[5]."

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[1] *Mahāvagga*, II, 15, 6-7.

[2] *Ibid*, II, 15, 5.

[3] *Ibid*, I, 30, 4.

[4] *Ibid*, III, 2, 2.

[5] Oldenberg and Rhys Davids, *Vinaya Texts*, Pt. I, p. 229.

The Vassupanāyikā (entering upon the Vassa) was absolutely obligatory on the part of a Bhikkhu; if this rule was violated, the guilty Bhikkhu was charged with Dukkaṭa[1]. A Bhikkhu who once began the Vassa could not change his residence[2], except under special circumstances he could be absent from his residence for a week, and could break the Vassa temporarily only on account of grave emergency and not if the Bhikkhus, Bhikkhunis, Sikkhamāṇas, Sāmaṇeras, lay-devotees or female devotees did not send for him[3].

However, in case when a Bhikkhu or Bhikkhuni was sick[4], in case the mental peace of a Bhikkhu was disturbed[5], in case a Bhikkhu took a false doctrine[6], in case a Bhikkhu or Bhikkhuni was sentenced for a grave offence viz. Parivāsa, Mānatta etc.[7] in case a Bhikkhu or Bhikkhuni was rehabilitated[8], if in case the Sangha was going to proceed against a Bhikkhu or a Bhikkhuni, Tajjanīya-kamma, Pabbājanīya-kamma etc.[9] in case the Upasampadā was to be conferred upon the Sikkhamāna[10] in case a Sāmaṇera, or a Sikkhamāṇa, or a Sāmaṇeri were sick[11] or they

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[1] *Mahāvagga*, III, 4, 2.
[2] *Ibid*, III, 4, 2.
[3] *Ibid*, III, 5, 4.
[4] *Ibid*, III, 6, 2; III, 6, 12–15
[5] *Ibid*, III, 6, 3.
[6] *Ibid*, III, 6, 16–17.
[7] *Ibid*, III, 6, 7, 8.
[8] *Ibid*, III, 6, 9, 18.
[9] *Ibid*, III, 6, 10, 19, 20.
[10] *Ibid*, III, 6, 23 and 26.
[11] *Ibid*, III, 6, 25, 27, 28.

wanted to take upon themselves the precepts[1] etc. then a Bhikkhu could break the Vassa for seven days even.

Residence during Vassa. The residence could also be changed during the Vassa, if there was any danger to the life of the Vihāra from wild beasts, reptiles, or from the Vihāra which was on the brink of ruin, or if a person tried to tempt a Bhikkhu with gold, or sensual pleasure. Any way the moral and physical safety was secured first. Only when no danger or emergency of any sort described above, presented, the Bhikkhu could under no plea change his quarters. The Vassa thus served the intended object, viz. of saving the green plants etc., which were trodden by the feet of the wandering Bhikkhus and of doing away with the troubles and dangers which the Bhikkhus encountered while journeying in the rains. Thus for avoiding any harm that would befall a Bhikkhu in the rains, to prevent too many Bhikkhus thronging together, to recite and to further the cause of Dhamma through discussions, exchange of thought, teaching and learning when many Bhikkhus from different provinces and of different capacity came together, the system of making convenient Āvāsas was fixed by natural boundaries was introduced. The boundaries of an Āvāsa were fixed by streams, lakes, hills, ridges, anthills, a road, woods etc. This place however, was neither too near nor far removed from the city; it should be at any place where alms were easily got.

The Mahāvagga even throws a clear warning that Vassa should not be kept where a majority of people

[1] *Mahāvagga*, III, 6, 29.

were non-believers, as in such a place the Bhikkhus would not be supported by the people[1]. Safety being the chief motive of the rain-retreat, it is not unnatural to find a Bhikkhu, a wandering mendicant, with very little personal possessions, a lover of the open air settle under a roof. The Buddha had made a precise rule that no Bhikkhu was to keep the Vassa in the open air[2], nor in a hollow tree[3]. They were also given instructions that they could not enter upon the Vassa in a house meant for keeping dead bodies[4], or under a sunshade[5] or under an earthenware vessel[6]; The last two ways of entering upon the Vassa however, seem improbable and even invented, because neither the sunshade nor the earthen vessel proved a good shelter in the rains. The objection of the Buddha on the other hand, that the Bhikkhus should not live in hollow trees, or in the home where dead bodies were kept is quite sound and natural.

What sort of resting place should the Bhikkhus choose? A cattle-pen served a fit place to them. The Bhikkhus could also choose if they liked a caravan; or a

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[1] *Mahāvagga*, III, 10.

[2] *Ibid*, III, 12, 5.

[3] *Ibid*, III, 12, 3-4.

[4] *Ibid*, III, 12, 6.

[5] *Ibid*, III, 12, 8.

[6] *Ibid*, III, 12, 9, *Jābāla-Upaniṣad*, 6, prescribes various ways of choosing residence, in the rains. One among them is to live under a potter's shade. This custom of the Parivrājakas has been probably mistaken by the Buddhist for the habit of living under earthenware vessel.

ship, by doing so the Bhikkhus could still resume their journey on land or water. But these ways of entering upon the Vassa, though sanctioned by the Buddha, were neither obligatory nor were they suitable to all the Bhikkhus; for the majority of the Bhikkhus the Buddha advised simple and comfortable lodging places, like the Adhyāyoga, Vihāra, Harmya, an attic or a cave. These buildings were in most cases built and presented to the Sangha by the lay-people; sometimes even Bhikkhus or Bhikkhunis, Sāmaṇeris or Sāmaṇeras, could build them on their own responsibility, and offered them to the Bhikkhu-Sangha or the Bhikkhuni-Sangha or individual Bhikkhus or Bhikkhunis, Sāmaṇeras or Sāmaṇeris[1]. It was the philanthropic Seṭṭhi of Rājagaha that made the first offering or such dwelling places to the Sangha[2]. Anāthapiṇḍika offered the Ārāma of Jetavana. Soon it became a fashion to build the Vihāras etc. in spacious Ārāmas or parks[3], marked off by bamboo fences, thorn fences or ditches. The Bhikkhus as we know, were not allowed to do gardening etc. and the parks were to be kept clean and in order. Rich people again did not show any reluctance in providing Ārāmikas in the service of the Bhikkhus. In the Mahāvagga we find the story of the Bhikkhu Pilindavaccha who was given a grant of five hundred Ārāmikas by king Bimbisāra[4]. Vihāras were also built on the clearings of the forests[5].

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[1] *Mahāvagga*, III, 5, 13.
[2] *Cullavagga*, VI, 1, 5.
[3] *Ibid*, VI, 3, 10.
[4] *Mahāvagga*, VI, 15, 2.
[5] *Ibid*, I, 13, 4.

We thus see how the prohibition to keep the Vassa in open air, resulted in various dwelling places for the Bhikkhus. The process suggests the rise and growth of cœnobium in primitive Buddhism, which later on developed on account of various other reasons, in wealthy monasteries as we find in Asoka's time or at present in Tibet, China, Japan, Ceylon etc.

Growth of monasticism. Traces of Monasticism can be seen as early as the Khandhakas. In fact it started with the Atirekalābha (extra-allowance) on the Nissaya that one should live under a tree alone. The extra-allowances sanction five kinds of dwellings as is already mentioned, they were built directly under the supervision of the Bhikkhus; the site of the Vihāra was specially chosen or approved by the Sangha[1]. The Vihāras etc. again were to be snug and solid buildings, which would last for several years, the huts made purely of mud were strongly disapproved[2]. They were equipped with all sorts of conveniences, such as dwelling rooms, retiring rooms, store rooms, service halls, halls with fire places in them, store houses, closets and cloisters and halls for exercise etc. and wells and sheds for them and bathrooms and halls attached to the bathroom and ponds and open roofed sheds[3]. Great care was taken to promote the hygienic welfare of the Sangha. There were windows with three kinds of lattices[4], doors, stairs, varandas, sanitary arrange-

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[1] *Sanghādisesa*, 6-7.

[2] *Vinaya*, III, p. 42, Na Sabha mattika Kutikā Kālābbā.

[3] *Vinaya-Texts*, III, p. 189.

[4] *Mahāvagga*, I, 25, 15, 18; *Cullavagga*, VI, 2, 2; VIII, A, 5.

ments, drainage etc. They were also decently furnished by chairs[1], divans[3], bedsteads[4], stands[5], mattresses, floor coverings[6] and so on. The Vihāras were white washed, the rooms were coloured black and walls with red chalk. They could also be decorated by painting creepers, wreaths etc[7]. The Vihāras in the beginning i. e. as the Mahāvagga and Cullavagga tell us, were quite distinct from the Sanghārāmas, or Vihāras of Asokan or Ceylonese times. The Sanghārāmas were monasteries where the Bhikkhus had permanent quarters, while most of the earlier Vihāras, as I have already mentioned were quarters built for an individual or a group of individuals; in fact the Vihāra meant a dwelling place or a private apartment for a single Bhikkhu[8]. The Seṭṭhi of Rājagaha is said to have built sixty Vihāras for the Bhikkhus in one day[9], and most probably they were cells for individual Bhikkhus. The second stage of the monastic buildings was that a long verandah with a cell behind it constituted a Vihāra; this sort of Vihāra was divided into several cells known as Pariveṇas. The whole Vihāra was of a

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[1]*Cullavagga*, V, 35.

[2]*Mahāvagga*, V, II; *Cullavagga*, VI, VI, 8.

[3]*Cullavagga*, VI, 2, 3.

[4]*Ibid*, VI, 2, 3; VIII, 1, 4.

[5]*Ibid*, VI, 26.

[6]*Ibid*, VI, 20. As for the rules and the list of the furniture etc. is also given in *Mahāvagga* I, 25, 16; *Cullavagga*, V, 19; V, 31; VI; VIII, 13, 3, 3.

[7]*Ibid*, VI, 3, 1–2.

[8] *Vinaya Texts* Pt. ii, p. 383.

[9]*Cullavagga*, VI, 1, 4.

rectangular shape. This change from the individualistic life to the collective life in the Vihāra can be noticed as early as the period of the Khandhakas. The Mahāvagga records an instance where the Vihāras and Pariveṇas are clearly mentioned[1].

Āvāsa. The fixing up boundaries of an Āvāsa, so as to forbid Bhikkhus living beyond the boundary to perform an official act etc.[2] prepared an easy ground for the growth of local communities. A Bhikkhu undergoing Parivāsa was not to change his residence and stay with the outsiders; only when it was absolutely necessary to change residence, he should go and stay with the Bhikkhus in the same community (sāmānavasakas) only[3]; with this idea came into being various small Sanghas bearing the place names.

Pavāraṇā. Pavāraṇā is the antithesis of the Vassupanāyikā, so far as it concludes the period of the Vassa. It took place on the fourteenth or fifteenth day of the month (Catuddasikā and Paṇṇamasikā) of Kattika. Some time the Bhikkhus did not like to vacate their confortable places at once, or some difficulty arose so that Pavaraṇa could not be performed on that day; in such cases the

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[1] *Mahāvagga*, VI, 36, 4.

[2] *Mahāvagga*, IX, 4, 7, *Cullavagga*, VI, II, 3.

[3] *Cullavagga*, II, 1, 3; A Bhikkhu wherever he might be for the time being, he was said to belong to a particular Āvāsa where he was bound to spend the rain retr at and where Senāsana was provided for him. (S. Dutt. *Early Buddhist Monachism*, p. 132).

date was postponed to the day of Komudi Cātumāsinī. It was however an obligatory ceremony and could not be discarded. Its nature is like the Pātimokkha procedure, judicial. The Mahāvagga tells us that the Buddha enjoined the Bhikkhus to lead the Vassa together. Naturally when too many people gathered together, there were misunderstandings, mishaps, lapses etc., which were to be cleared before the gathering was dissolved. This was done by inviting the Bhikkhus, by Sangha-kamma and Ñatti, to confess their faults, accuse the wrong doer and proclaim the sort of punishment or penance the guilty person deserved[1]. The Pavāraṇā was introduced by the Buddha with the intention that the Bhikkhus might live in peace and happiness sharing mutual confidences during the Vassa.

Later on the Pavāraṇā ceremony was distinguished by two kinds, viz. the Mahāpavāraṇā and Sangaha-Pavāraṇā (the abridged Pavāraṇā)[2]. The Sangaha-is totally different from the former one, viz. the postponing of Pavāraṇā to Komudī Catumāsinī. This is an instance which shows how the Vinaya and its terminology were undergoing gradual change from time to time.

Kaṭhina. The Buddhist rain retreat assumed a busy aspect owing to the distribution of Kaṭhina-cotton cloth in the Sangha. The clothes were dyed, repaired, washed and properly preserved and distributed ceremoniously, accompanied with Sangha-kamma and Ñatti.

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[1]*Mahāvagga*, IV, 16.

[2]Rhys Davids, *Pāli Dictionary* p. 66, *Dīgha-Nikāya*, I, p. 241.

The rules about Kaṭhina however, are in many places obscure and it is at times difficult to understand the exact significance of the rules and their practical application. Most of the Nissaggiya Pācittiya rules and the rules regarding the suspension of Kaṭhina Aṭṭhāra[1] are of this type.

The Kaṭhina was the name formerly given to hard cotton cloth alone, but gradually as the rules regarding the dress of the Bhikkhus relaxed, even silk and other finer fabrics[2] came to be known by the common term 'Kaṭhina'. Consequently, Kaṭhina came to be the designation of the common clothing of the Bhikkhus in the Sangha.

The clothes were regarded as the property of the Sangha. It was permissible to Upāsakas to offer a particular Bhikkhu a piece of cloth; but that he had to give to the Bhikkhu in the name of the Sangha[3]. Thus the Sangha used to receive and store cotton cloth. Before distributing the cloth was dyed yellow or orange colour; it was stitched and robes were made[4].

To see whether all the inmates of the Sangha got their share or not. To receive duly robes from the Upāsakas and to save the cloth from destruction, a special robe-receiver (Cīvarapaṭiggāhaka) was appointed by the formal consent of the Sangha. The clothes were sorted, estimated, and shared according to their proper value. Then the

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[1] *Mahāvagga*, VII, 3-10.
[2] *Ibid*, VIII, 2, 35-36 ; VIII, 3.
[3] *Ibid*, VIII, 5, 2.
[4] *Ibid*, VIII, II, 2, 29.

assembled Bhikkhus were counted, divided into groups; and then distribution was made accordingly[1].

After the robes were ready, a pile was made of them. A competent senior Bhikkhu (Cīvarabhājaka) came forward and with a formal procedure an immediate distribution was effected[2]. Every Bhikkhu who spent the Vassa in the same Āvāsa was entitled to have a share in it[3]. As in the case of the Senāsanas no outsider could claim a share in the Kaṭhina. The distribution was made on thoroughly democratic principles. All the inmates were to have an equal share of robes, viz. three, the most needy served first, the Theras being no exception to this[4]. Only the novices shared half the portion[5].

The Kaṭhina was suspended in case a Bhikkhu changed his domicile or his wardrobe was new and not in a condition to be given up when other Bhikkhus had their Kaṭhina[6]. In case a Bhikkhu spent Vassa in one place and attended the Kaṭhina at another, he should receive half the portion of clothes from either domicile[7].

The Dress. The dress of a Bhikkhu was of two kinds, Pāmsukulika as well as Gahapatika[8]. The former

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[1] *Mahāvagga*, VIII, 99.
[2] *Ibid*, VII, 1, 5.
[3] *Ibid*, VII, 13, 1.
[4] *Ibid*, VIII, 9, 2.
[5] *Ibid*, VIII, 5; VIII, 6.
[6] *Ibid*, VII, 1, 7.
[7] *Ibid*, 25, 4.
[8] *Cullavagga*, V, 10, 2.

was the original raiment of a Bhikkhu picked from dust heap, orange in colour, while the latter was provided by the householders and generally of white colour. As the bounty of the laity increased, the Pāmsukulika fell into the background and soon it was made a rule that no Bhikkhu was to take a vow of wearing Pāmsukulika alone[1].

The 'Tecīvara' of a Bhikkhu consisted of an upper cloak, a waist cloth and an under garment viz. Sanghāti, Uttarāsanga and Antarāvāsaka, all being oblong in shape. The upper robe was a single garment, but the other two could be double or even fourfold[2].

It was a strict rule that a Bhikkhu whenever he was to go out must put on the three robes, and that too must be done decently and neatly. He could dispose of the Sanghāti only when he was sick, when it was appointed time for keeping the Vassa, when it was necessary to go to the other side of the river, when the Vihāra had been securely fastened with bolt[3] etc.

The Bhikkhu was by no means to keep superfluous clothing by him; if he got hold of one, within ten days' time, he was to hand it over to another brother who was in need of it[4]. Similarly, receiving a robe untimely (Akālacīvara) viz. excluding the day of Kaṭhina or when there was no necessity of having a new robe, was forbidden by law[5].

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[1] *Vinaya*, III, pp. 169–171.
[2] *Mahāvagga*, VIII, 14, 2.
[3] *Ibid*, VIII, 23.
[4] *Ibid*, VIII, 13, 8.
[5] *Vinaya*, III, p. 202; IV, pp. 284, 287.

Food. The rules regarding food are not so important as that of the raiment. The Bhikkhus took only one meal a day under the plea that it was beneficial for good health, and that too after the midday[1]. Besides begging at the odd hours of night aroused suspicion and brought many a Bhikkhu in trouble[2]. The alms consisted of cooked food and were received in bowls alone[3]. Great sobriety of manner was to be kept while touring the village for alms and a Bhikkhu was to accept anything the householder gave without the least displeasure. The alms were brought to the Vihāra. The Bhikkhus used to dine in a hall, the places occupied according to seniority. The eight seniormost Bhikkhus reserved the first eight seats, others coming occupied the seats as they used to come in[4]. The Buddha lays down a long prescription of rules as the etiquette the Bhikkhus should observe while taking their food and receiving the alms[5]. Most of the Sekhiya rules come under this class and are needlessly detailed.

The Buddhists had like their contemporaries strong notions about the purity and impurity of food. However like other Titthiyas they had no objection in receiving food from outcasts, pregnant women etc., neither did they refuse things like fish, rice-gruel etc., as other ascetics did. They could take animal food as well. The only precaution

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[1] Pācittiya 37.

[2] *Majjiva-Nikāya* II, 2, 6.

[3] *Cullavagga*, V, p. 10.

[4] *Ibid*, 18.

[5] Sekhiya, 27-40; 41-50.

taken was that a Bhikkhu was forbidden to eat flesh of a beast purposely killed for his sake[1], and the flesh of useful animals as horses, elephants etc.[2], and of other animals like dogs etc.[3]

A reader often finds tempting descriptions of various kinds of dinners accompanied with delicious dishes of hard and soft food provided for the Sangha by devout people like Anātha-piṇḍika, Visākhā, Meṇḍaka, etc.

Management. We have so far seen how the Sangha exercised its authority in regulating even the most personal affairs of a Bhikkhu, and guarded him from falling into low depths. The guardianship vested in the invisible Sangha become manifest through the exercise of various laws, and through various agents elected by the Bhikkhus themselves. The departments were fairly distinguished and each department had an honorary head or supervisor. It is probably for the first time in the history of the world-polity, we see a clear distinction made between functions and appointments of persons made on the two modern principles of the division of labour and democracy.

The management of the Sangha on the basic principles of republican authority and equality again reveals the Buddha not as a mere ascetic uninterested in the world, but as a shrewd and quickeyed politician who picked up the best out of the controlling and progressive forces of actual life and applied them to his system. The Buddha has shown common sense and practical wisdom in the

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[1] *Mahāvagga*, VI, 31–14.
[2] *Ibid*, 7, 23, 10.
[3] *Ibid*, 23, 12.

appointment of various supervisors in each of the departments as Kauṭilya has done in ascribing the post and the work of each of the officers in the Adhyakśapracāra.

First come the Upajjhāyas and Ācariyas who exerted a direct control on the novices that were not yet called authorised members of the Āvāsa; because it was only men and women on whom Upasampadā was bestowed were regarded as recognized and responsible members of the Sangha. Thus in the outset, the Sangha was naturally divided in two groups of the tutors and the taught. We have already noticed that the Ācariyas and Upajjhāyas were directly responsible for the spiritual as well as moral and physical welfare of the Sāmaṇera. The appointment of a Sāmaṇerapesaka[1] therefore seems superflous. What work he really did, does not at all become clear from the accounts of the Vinaya.

Officers. There were about a score of officers in the Sangha. They were men of upright character and endowed with the five qualifications[2].

The officers were appointed according to the need of the time, and the nature of the work that lay before the Sangha. The Vinaya-books do not say clearly which officers were permanent and which were temporary. But from the nature of the work allotted to them we can infer the

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[1] *Cullavagga*, VI, 21.

[2] One who does not do partiality, one who does not walk in malice, and who does not walk in folly, one who does not walk in fear, one who knows what has been taken and what has not been taken. (*Vinaya-Texts*, III, p. 25).

durability of their respective posts. The permanent officers naturally must have been men of great responsibility and perfectly trustworthy. The permanency of the job also is to be ascertained from the duration of communal life at an Āvasa. The post is therefore, reckoned to be permanent when it lasted from the beginning of the communal life to its end. However, as long as we have not been able to trace out the duration of cœnobitic life in and after the Vassa, we cannot put forward any conclusion as to the durability or stability of these offices and since the Vinaya-books are so confoundedly silent on the matter, any investigation in this matter, depends on the help of common sense and inference only.

One thing again to be taken in account about these officers of the Sangha is, that excepting a few cases of the apportioner of food, Kaṭhina-viṭṭhāraka. and Navakammika, Senasanagāhapaka, the exact nature, and extent of their work is not clearly specified. Only the titles signifying their duty very vaguely are recorded. The division of the officers also is not based on a grade, since the five qualities of an officer are equally applied to all and the Sangha made no distinction between them.

(A) *Officers in charge of foodstuffs.* These officers were most probably, appointed temporarily. The Cullavagga regarding the history of their appointment says that the appointments were made through unusual circumstances arising out of scarcity of food in Rājagaha, and the people could not send sufficient food to the Sangha. Whatever food reached the Sangha was consumed by the Chabbaggiya Bhikkhus alone and the rest got unwholesome scraps of food. This unequal

distribution gave rise to discontent and the discontent invited the attention of the Buddha to the matter. The Buddha thereupon, to check the evil, appointed the Saṅghabhatta, (the apportioner of food)[1]. Thus the Sanghabhatta and other officers were appointed when foodstuffs rated very high in the Sangha or when foodstuffs were sent to the Sangha in a large quantity; Thus the officers in charge of the ration were probably dismissed and again elected according to the need.

The Sanghabhatta seems to be an apportioner of cooked food, this duty was to make heaps of food, fastening tickets or marks upon them. Dabba was appointed the apportioner of food[2]. The Cīvabhājaka[3] (distributor of congey) and Yāgubhājaka[4] (distributor of Yāgu, a kind of ricepulp) were minor officers.

To distribute uncooked, raw edibles the Phalabhājaka[5] (distributor of fruit) and the Khajjabhājaka[6] (distributor of dry food) were appointed.

(B) *Officers in charge of wardrobe.* The robe receiver or Cīvarapaṭiggāhapaka[7] was appointed to receive the robes the laymen gave the Sangha; these robes were generally received at the end of Vassa, and therefore, the office of this individual also seems to be temporary.

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[1] *Cullavagga*, VI, 21, 1.
[2] *Ibid*, IV, 4, 3.
[3] *Ibid*, VI, 21, 2.
[4] *Ibid.*
[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.*

As a helping hand to the Cīvarapaṭiggāhapaka, a Sāṭiyagāhāpaka[1] (distributor of undergarments) was appointed. There were also Kaṭhina-viṭṭhārakas (distributors of Kaṭhina) who were essentially temporary officers.

(C) *The managers of the Vihāras and the property of the Sangha.* The Navakammika was the superintendent of the building of the Vihāras. His work was of great responsibility and importance. He was also a man who knew a bit of engineering, for he was to guide and supervise the work of the building of the Sangha, as well as the buildings of the laymen if they wished so[2]. He was also expected to get a Vihāra repaired if it was broken or worn out[3]. The venerable Sudhammā residing in Macchikasada was a Navakammika for Citta the householder[4].

The Ārāmikapesaka. (the overseer of the Ārāmikas) was to supervise the work of the Ārāmikas. Piliṇḍavaccha was probably an Ārāmikapesaka; but his appointment is no where said to be made by the Sangha. It was king Bimbisāra who gave him a grant of five hundred Ārāmikas. The Buddha gave his sanction to the grant, but no where did he say that the Bhikkhu Piṇḍilavaccha was an Ārāmikapesaka. Probably, the word was coined later on by the Buddhists, and the post of an Ārāmikapesaka day by day became necessary for the welfare of the Sangha

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[1] *Cullavagga*, VI, 233.
[2] *Ibid*, I, 18, 1; VI, 5, 3.
[3] *Ibid*, VI, 5, 2.
[4] *Ibid*, I, 18, 1.

The Parisaṇḍavārika, officer in charge of the groves, was appointed later on[1].

There was also a man, the regulator of lodging places, as Dabba of the Mallas, known as Senāsana-gāhapaka. It was he who could lodge the Bhikkhus in various places so as to avoid friction and promote unity in the Sangha[2]. This led first to the separate lodging places for the Dhammadharas and the Vinayadharas. In short, he was an officer with considerable influence, and kept the Sangha in order. Another officer whose work though of less importance was of the same nature as that of the Senāsana-gāhapaka. He is the Āsanapaññāpaka (the regulator of seats)[3]. The Bhikkhu, Ajita was made the regulator of seats at the time of the Council of Vesālī. His work was to see whether the Theras were provided proper seats or not. This post however, is not mentioned with the rest in the Cullavagga, probably because his office was not of authority[4] or because the necessity of such an office suggested to the members of the Sangha only when a big assembly, as the Council of Vesālī was held, and there was likely to be confusion as regards which place a person might occupy.

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[1] Kern, *Manual of Buddhism*, p, 83.

[2] 'This is the couch and this the stool, and this the mat and this the pillow, and this the privy place, and this the drinking water, and this the water for washing and this the staff, and this the form of (the result of the consultation of the Sangha), that at such and such a time are you to enter upon and at such and such a time are you to part therefrom.' *Vinaya Texts*, III, p. 8.

[3] *Cullavagga*, XII, 2, 7.

[4] *Vinaya Texts*, III, p. 408.

The Kappiyakāraka was appointed in the Sangha to receive gifts of money from laymen and convert them into proper commodities. He was also to check the Bhikkhus from dealing in barter etc[1]. The Bhandāgārika was in charge of the stores[2].

There was also the disposer of trifles, (Appamattaka-vissajjaka) who used to distribute trifles like the needle, the pair of scissors, the pair of sandals etc[3]. The Paṭṭagāhāpaka was to store and distribute bowls[4]. Later on, after the Buddha was gone, after a lapse of a few centuries a storer of vessels Bhājanāvārika, and an Upadhīvara, a steward came to be appointed[5]. Besides these men who took care of the property of the Sangha, there was an officer temporarily appointed to dispose of bullion; he was known as 'Rupiyacchadaka'. Whenever a Bhikkhu used to amass silver or gold, an act contrary to the precepts of the Vinaya, that silver or gold was taken from him by the Sangha and a person of reliable character was appointed to dispose of the silver. He was to go in a distant, forsaken place and to throw away the 'treasure' without making any mark on the place where he left it[6].

(D) There were also other temporarily appointed officers as the Salākagāhāpaka, the reciter of the Pātimokkha, the president of the Uposatha assembly,

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[1] *Vinaya*, IV, p. 242.
[2] *Cullavagga*, VI, 21, 2.
[3] *Ibid*, VI, 21, 3.
[4] *Ibid*,
[5] Kern, *Manual of Buddhism*, p. 83.
[6] *Vinaya Texts*, 1, p. 26 note 4.

the exhorter of the Bhikkhunis etc. and the nature and significance of their work has already been discussed.

Property. Everything that was in the Sangha or handed down to the Bhikkhus for their personal use was technically looked upon as the property of the Sangha alone. Rules were made to check the tendency among some Bhikkhus to deprive other Bhikkhus of their legitimate dwellings[1], or seats[2], or robes[3] or such other things. The personal possession of a Bhikkhu was limited to very few things, viz. the 'Tecīvara', the bowl, the Thāvikā, needle with its case, sandals, Gilāna, etc.

On the death of a Bhikkhu all his belongings came to the Sangha[4], as it happened on the death of Kassapa formerly a Jaṭila[5], or were distributed among those Bhikkhus who waited upon him during his last illness[6]. On the death of a Bhikkhuni her property if she wished was left to the Bhikkhuni-Sangha, but it never went to the Bhikkhu-Sangha. No Bhikkhu could possess silver or gold or any such precious things.

Even the Sangha could not receive gold etc., but later on the Bhikkhus voilated this rule and started accepting bullion, which invited disapproval of many a Bhikkhu and the matter was brought before the council of Vesāli,

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[1] *Cullavagga*, VI, II, 1.
[2] *Mahāvagga*, VIII, 27, 5.
[3] *Cullavagga*, V, 37, 1.
[4] *Mahāvagga*, VIII, 27, 5.
[5] *Nissaggiya-Pācittiya*, 19-20.
[6] *Cullavagga*, X, 11, 1.

accompanied by eleven other points. In the Suttavibhanga however, the Kappiyakāraka is said specially to be appointed to receive money from people and buy useful articles for the Sangha.

The property of the Sangha was of two kinds, (1) that which could not be disposed of, (2) and that which could be disposed of.

1) The property such as (a) an Ārāma, (b) Vihāra, (c) bed, pillow etc., (d) brass vessels etc., (e) bamboos etc., could neither be disposed of by a Sangha nor a Gaṇa[1]. It was the permanent property of the Sangha of the four quarters of all times. Similarly, the property of the Sangha was not to be divided[2].

2) The rest of the property like the foodstuffs, cloths, vessels etc., could be disposed of with the formal meeting of the Sangha.

The Buddhist Sangha in the beginning, taking its stand on the Four Nissayas, owned no property but with the bounty of the people it gradually received fine clothes of all kinds, brassware, earthenware, wooden things[3] etc., various kinds of foodstuffs, medicaments, furniture, buildings, grounds etc. In the Khandhakas only we see how the Sangha was provided with all sorts of useful articles, which afforded comfort and had not yet developed in luxury. But later on receiving gifts from the people became a 'birth right' with the Sangha. In the Kathāvatthu a Therāvadin's view is thus given, 'But is not the Order

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[1] *Cullavagga*, VI, 15, 2.
[2] *Ibid*, VI, 16, 1.
[3] *Ibid*, V, 37, 1.

worthy of offerings, of hospitability of gifts, of salutations, as the world's supreme, field of merit? How can it be wrong to say that it accepts gifts?' The same book also tells us how the gifts to the Sangha bring great reward and that the Sangha purifies the gifts[1].

If a Bhikkhu diverted the use of any individual property dedicated to the Sangha, it constituted an offence[2]. However, exchange of personal property was allowed even between Bhikkhus and Bhikkhunis and intimate acquaintances (but not with a Paribbājaka etc.[3]) if they were related[4]. But if a Bhikkhu had given away a thing in a regularly constituted Sangha, with a formal declaration, he could not grumble and claim it back[5].

To leave the order. To leave the Sangha was permissible by the Buddhist canon. We hear of several instances where the Bhikkhus left the Order and returned to the world or joined the Titthiyas. If they wished to join the Sangha again by no means were they prevented from doing so.

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[1] Mrs. Rhys Davids, *Points of controversy*, pp. 318–20.
[2] Pācittiya 82, *Vinaya Texts*, Pt. I, p. 52.
[3] *Vinaya*, IV, p. 242. Pācittiya, 59.
[4] Pācittiya, 25.
[5] Pācittiya, 81, *Vinaya Texts*, Pt. I, p. 52.

CHAPTER IX.

WOMAN UNDER THE VINAYA.

Bhikkhunis in the Therigāthā. The Indian woman as portrayed in Pāli is an interesting figure, the like of which we rarely come across in the Brahmanic literature. As a wife she is less idealistic than her Brahmanic counterpart, though perfectly natural and human. In religion she is more zealous and has attained remarkable individuality which demarcates her from the rest of her sisters. The Therigāthā and Apadāna, reveal to us the minds of the distinguished Bhikkhunis, mostly in an exultant mood. All of them seem to be glad to have escaped from the drudgery of household life as well as hardships[1] and misery caused owing to attachment and harp upon the freedom they actually enjoy in the Sangha[2]. They are no longer affected by bereavements which formerly tortured them, or sorrows that haunted them. They lead an intellectual and pure life and all their doubts are solved[3]. The services rendered by women to the Sangha, from time to time are unquestionably valuable. Gotamī Pajāpati was known for piety and sincerity. Patācāra is said to have converted five hundred women [4], which Mrs. Rhy Davids takes to be a foolish impossibility. It does not however, seem an absurd or fabricated account

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[1]It was a Pācittiya to do household work or kitchen-job; *Vinaya* IV, pp. 300-1. *Cullavagga* X, 10, 4.

[2]*Therī-Apadāna*, pp. 521, 522, 524, 525, etc.

[3]*Therigāthā*: pp. 136, 138, 139, etc.

[4]*Ibid*: p. 136.

as Mrs. Rhys Davids thinks. Judging the capacity of Patācāra, her zeal and enthusiasm for truth and religion and her renown as a successful preacher not only among women but among men also, the conversion of five hundred women does not seem to be beyond her calibre. She was one of the best Vinayadharas of the Sangha. So also, the wise Khemā, Uppalavaṇṇā the possesser of Iddhi and an ideal Bhikkhuni, Dhammadinnā the expert preacher, Nandā the contemplater, and the ready witted Kundalakesā[1] were some of the renowned Bhikkhunis who shone not only in the Sangha alone but also in the world outside. A Therī by name of Sukkā preached near Rājagaha and got a robe as a present[2]. So also Khemā was interviewed by king Pasenadi[3].

Bhikkhunis in the Vinaya. In the records of the Vinaya, however, the woman recedes far in the background. The glory attached to her in passage of the Therigāthā and some of the Nikāyas falls to the ground, and she stands before us neglected and subdued.

Inferior Position of the Bhikkhunis. After repeated refusals and with great reluctance Gotama allowed women to enter the Sangha and lead religious life as men did. But admission was granted to women only on the acknowledgement of their inferiority. The eight Garudhammas, or principal vows prior to admission, make a Bhikkhuni in every way subordinate to a Bhikkhu. The first and the most important rule is that a Bhikkhuni

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[1] *Anguttara-Nikāya*, I, pp. 25.
[2] *Samyutta-Nikāya*, pp. 212-213.
[3] *Ibid*, pp. 374-380.

even if of a hundred years standing should make salutation to, should rise up in presence of, should bow down before and should perform all proper duties towards a Bhikkhu, if only just initiated[1]. The rest of the rules are mere corollaries of this. The Garudhammas were imposed upon women when Gotamī Pajāpati (the pioneer Bhikkhuni) sought admission in the Sangha. Gotamī accepted all these conditions as willingly as a wreathe of jasmine flowers, but soon she realized how difficult it was for a woman in her position, the queen and mother of the Sakyas, to bring herself so low in presence of young boys, mere ordinary men, only on account of their yellow robes. She entreated the Buddha to change the rule, but the Buddha was relentless and firm[2]. The rule once established was to be obeyed for ever.

The rules which make Bhikkhunis subordinate to the Bhikkhus without exception, can be divided into two categories viz. (a) rules which regulate the conduct of the Bhikkhunis with the Bhikkhus and (b) rules pertaining to legal matters. The first category comprises the eight Garudhammas and several other minor rules out of which the following are the most significant:—

a) 1) A Bhikkhuni by no means could admonish or talk ill of a Bhikkhu, either officially or in private, though a Bhikkhu could do so[3]. In this connection an interesting episode is recorded in the Bhikkhuni-Vibhanga. A certain Bhikkhu, named Kappalika destroyed a monument which

[1] *Cullavagga*, X, 1, 4.
[2] *Ibid*, X, 3, 1.
[3] *Vinaya*, IV, p. 12; *Cullavagga*, X, 17, 8.

some Bhikkhunis had erected over the grave of a Bhikkhuni whom they respected and loved. Naturally, Kappalika's rude behaviour roused their temper. They resolved to punish the culprit by beating him unawares in a lonely spot and they kept a watch over his movements. Before they got an opportunity to shower blows upon him they saw Bhikkhu Upāli and spoke to him about the mischief Kappalika had played and the puishment they were going to award him for it. Upāli though a senior Bhikkhu, never admonished Kappalika for committing a grave offence like breaking a tomb, nor asked the Bhikkhunis to give up the idea of revenge by giving them an assurance of procuring an apology from the guilty Bhikkhu, and thus restore good will between the two parties. On the other hand, he went and told Kappalika about the resolve of the Bhikkhunis and told him to remain on his guard. Thus Kappalika saved himself. Later on, when the Bhikkhunis came to know how Upāli had failed to redress the wrong Kappalika had done to them and how he betrayed their confidence to Kappalika they reviled him. And consequently, an express rule came to be formulated that a Bhikkhuni on no account should abuse a Bhikkhu[1]. Kappalika however, was never taken to task by the Sangha or any responsible Bhikkhu for the wrong he did.

(2) A Bhikkhuni should not take seat in the presence of a Bhikkhu without asking his permission[2].

(3) A Bhikkhuni should not ask any question to a Bhikkhu without obtaining his permission[3].

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[1] *Vinaya*, IV, pp. 308–9.
[2] *Ibid*, IV, pp. 343–44.
[3] *Cullavagga* X, 7, 19, 3.

(4) The Bhikkhunis had to do some menial services towards the Bhikkhus such as sweeping their park[1] and they were rebuked if they failed to do it.

(b) From the point of the Vinaya however, the rules which subjugate Bhikkhunis to the legal authority of the Bhikkhu-Sangha are more important. Women were entirely tools in the hand of men in this respect. The Bhikkhus framed the laws for the Bhikkhunis, they conducted the trials of the Bhikkhunis, they admonished the guilty Bhikkhunis, and declared the verdict also. The only part women took in trials was that they held a preliminary trial in the Bhikkhuni-Sangha and then a competent Bhikkhuni appointed to proclaim the offence of guilty Bhikkhuni made the assembly (which comprised the two Sanghas) acquainted with the offence and then the Bhikkhus conducted the trial and declared the verdict which was irrevocable. The Bhikkhunis only had to see after this that punishment was actually inflicted upon the guilty Bhikkhuni. Thus even the best qualified among women also were reduced to the state of mere legal supervisors. They were not authorised to handle any matter of legal importance independently.

As far as penalty for an offence was concerned, women were submitted to stricter rules than men. Buddhaghosa says that if a Bhikkhu and a Bhikkhuni were charged of having immoral connections with each other, the man was to undergo Sanghādisesa penalty, while the woman was liable to Pārājika. Similarly, if a nun was charged of Thullaccaya, the monk was punished for Dukkaṭa only[2].

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[1] *Vinaya* IV, pp. 306–308.

[2] *Samantapāsādikā* IV, p. 902.

Thus the attitude of the Buddha as well as his Bhikkhus towards women in the Sangha as revealed by the records of the Vinaya appears to be unsympathetic and uninterested.

The Laws for Bhikkhunis. The laws for Bhikkhunis are of a later origin than most of the laws for men as the establishment of the Bhikkhuni-Sangha took place five years later than the Bhikkhu-Sangha. Most of these laws were perhaps formulated in the first three years of the life of the Bhikkhuni-Sangha, when the institution was crowded and very popular. Its popularity reached its zenith when Khemā, the queen of Bimbasāra and other princesses took to the life of renunciation. This was two years after the Bhikkhuni-Sangha was established[1]. At this time the need of creating new laws was most urgent, because owing to the increase of the number of inmates, there was greater probability of lapses, and so, laws for Bhikkhunis came into existence under the same conditions as that in the case of men.

The laws for the Bhikkhunis occupy a small portion of the Vinaya-Piṭaka, perhaps less than one third. The Bhikkhuni-Vibhanga, the tenth book of the Cullavagga and some portion of the Parivāra are exclusively devoted to this subject. The laws given in the Cullavagga are no doubt important but their scope is very limited. For our study we have to concentrate more on the Vibhanga which deals with offences exclusively. An enquiry into the nature of these offences and the laws bearing on them are most vital for our purpose.

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[1] Dutt, *Spread of Buddhism*, p. 193.

The Bhikkhuni—Vibhanga. The whole of the Bhikkhuni-Vibhanga looks like a patch-work rather than a homogeneous whole. This seems to be a work done in hurry and signs of carelessness are obvious. It also lacks the polish and legal definiteness in many places and so, it is not possible to analyse the contents on strictly legal basis, unless we compare each and every category with its counterpart in the Bhikkhu-Vibhanga.

The Bhikkhuni-Pātimokkha devotes more attention to the rules regarding ordination[1], rain-retreat[2], bathing[3], dress[4] etc., which are rules of secondary legal importance and drops out many important rules regarding theft, property, murder etc. which have been so clearly defined in the Bhikkhu-Vibhanga. It becomes quite apparent on the perusal of the Bhikkhuni-Vibhanga that what struck the Buddhist law-givers most about women was their sensuality, their dressy habits, quarrelsome nature and lack of discipline on the whole. Thus many of the offences recorded in this code are of a petty nature though the penalty is more severe than that in the Bhikkhu-Vibhanga.

Thus for these four reasons viz. (1) the imitation of the Bhikkhu-Vibhanga in its outer appearance viz. the division of subjects, the titles and the conditions which led to the formation of rules etc. (2) the omission of rules of primary legal importance, (3) the incorporation of rules

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[1] *Vinaya*, IV, pp. 317-38
[2] *Ibid*, IV, pp. 313-4
[3] *Ibid*, IV, pp. 341-3.
[4] *Ibid*, IV, pp. 303-4; 339-40 etc.

are not strictly legal and (4) the legal authority to frame which or modify the rules being vested in men, the Bhikkhuni-Pātimokkha should rather be looked upon as a supplement or even an appendage to the Bhikkhu-Vibhanga rather than an independent code as it claims to be. The only justification for this claim is that there were certain factors which were applicable to women exclusively, and hence there was a pressing need to frame laws which would suit the needs of Bhikkhunis as women. Most of the hygienic rules, rules forbidding household work or weaving etc. to women came under this category. It is also likely that the Bhikkhus, the superiority of whose sex was universally recognised would not be willing to apply the same laws to women (even with a few special rules like the Garudhammas added to them) to which they were submitted. In fact it was an offence to recite Pātimokkha before a Bhikkhuni[1]. Thus from the beginning a conscious attempt has been made to put the woman out from interfering with the laws of men as was exactly the case in the outer world. So, it was inevitable for the Bhikkhunis to have a separate code in spite of many handicaps. However, owing to the unsympathetic attitude of the Bhikkhu-Sangha and there being very little legal authority vested in women, the whole code remains unpolished, abrupt and inadequate. Neither the Vinaya law-givers nor the later commentators seem enthusiastic in describing or discussing these laws.

An examination of the laws. The Bhikkhuni-Pātimokkha comprises (1) four Parājika laws, (2) ten Sanghādisesa laws (against thirteen in the Bhikkhu-

[1] *Mahāvagga*, II, 36, 1.

Pātimokkha), (3) twelve Nissaggiya laws (against thirty in the Bhikkhu-Pātimokkha), (4) Ninety six Pācittiya laws (against ninety two in the Bhikkhu-Pātimokkha), (5) Eight Pāṭidesaniya laws (against four in the Bhikkhu-Pātimokkha) and (6) Seventy-five Sekhiya rules. Thus the number of principal laws is nearly the same as in the Bhikkhu-Pātimokkha. The number of bye-laws and corollaries following them, however, is much smaller than in the first, since the number of Thullaccaya and Dukkaṭa rules is much less in this section than in the first. This is perhaps due to the different nature of the principal offences viz. Pārājika and Sanghādisesa, since, the penalty for an offence is much graver in the case of women than in that of men and also to the carelessness of the male law-givers in preserving all legal details.

Pārājika. Out of the four Pārajikas, the first two and the last are sexual offences. The third viz. forbidding a Bhikkhuni following a Bhikkhu who has been excommunicated by the Sangha, (that is, to follow, his view, taste, imitate his behaviour etc)[1] seems rather ambiguous, and we cannot ascertain whether to class it with sexual or religious or legal offences. However, it is obvious from the laws that they correspond with the Sanghādisesa offence of the Bhikkhus rather than Pārājika.

Sanghādisesa. The Sanghādisesa laws also are heterogeneous like those in the Bhikkhu-Pātimokkha, consist mainly of quarelling with a householder, or Bhikkhunis, to lead an unrestrained life, to shield a guilty Bhikkhuni, to go alone to another village or to cross a river alone or travel during night etc.

[1] *Vinaya*, IV, 218–20.

Nissaggiya. The Nissaggiyas deal mostly with the possession of an extra bowl or robe procured out of season.

Pācittiya. Pācittiya consists of offences regarding sexuality, lack of hygienic habits, unlawful ordination of novices etc.

Pāṭidesaniya. This class of offences is not very important from legal point of view, since it consists of rules prohibiting Bhikkhunis to order medicaments such as oil, mustard etc., when they were not ill.

The Sekhiyas are exactly like those in the Bhikkhu-Pātimokkha, save two offences, which draw our attention to the dirty habits of some of the Bhikkhunis who rendered the water of the public wells etc., dirty by passing urine in it, or throwing other filthy substances in it[1].

An analysis of the laws. An attempt has been made here to analyse the offences on which the laws which are suited to the needs of women are based.

(1) *Sexual offences*:

Heterosexual.

Pārājika.

1) To allow a man under the sway of passion to touch or embrace the portion of body below waist and above the knees[2].

2) To allow a man to touch her hand, ear etc. or loin-cloth[3].

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[1] *Vinaya*, IV, p. 349.

[2] *Ibid*, IV, pp. 213–14.

[3] *Ibid*, IV, pp. 220–1.

Sanghādisesa.

1) To receive edibles with a lustful mind from a Bhikkhu with the same frame of mind and eat them (or to encourage another Bhikkhuni to receive such things from the hand of a Bhikkhu)[1].

Thullaccaya.

1) To allow a man to embrace her with clothes on[2].

2) To allow a man to touch her above the waist and below the knee[3].

3) To embrace a Yakkha or a dead body or an eunuch so that the lower portion of the body viz. below navel and above the knees comes in contact with it[4].

4) To receive edibles from the hands of a Bhikkhu but not eating them[5].

Pācittiya.

1) To wait upon a Bhikkhu with a lustful mind while he is eating his meals[6].

2) To sit near a man or chat alone with him in the dark of the night[7].

3) To sit in a lonely place alone with a man[8].

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[1] *Vinaya*, IV, pp. 232–14, 234–35.
[2] *Ibid*, IV, p. 214.
[3] *Ibid*, IV, p. 214.
[4] *Ibid*, IV, p. 215.
[5] *Ibid*, IV, p. 233.
[6] *Ibid*, IV, p. 263.
[7] *Ibid*, IV, pp. 268–9.
[8] *Ibid*, IV, pp. 269–70.

4) To keep on chatting with a man alone in the streets, and to whisper in his ear etc[1].

Homosexuality.

Pācittiya.

1) To masturbate each other (viz. by means of beating the private parts with something like the lotus-leaf (Uppala-patta[2].)

2) To sleep with another Bhikkhuni in one bed[3].

3) To sleep with another Bhikkhuni under one covering[4].

Self-abuse:

Pācittiya.

1) Masturbation by using an instrument called 'Jatumaṭṭhaka' or a lotus-leaf[5].

2) On the pretext of having a vaginal wash during mentruation to drive the palm of hand deep inside[6].

3) To remove the pubic hair[7].

Offences against law.

1) *Pārājika.* Not to admonish a Bhikkhuni or inform the Sangha about it even after knowing that the Bhikkhuni had committed a sexual offence[8].

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[1] *Vinaya*, IV, p. 270.
[2] *Ibid*, pp. 260–1.
[3] *Ibid*, pp. 288–9.
[4] *Ibid*, pp. 289–90.
[5] *Ibid*, p. 261.
[6] *Ibid*, pp. 262–3
[7] *Ibid*, pp. 259–60.
[8] *Ibid*, pp. 216–7.

2) *Saṅghādisesa.* (a) To admit into the Sangha a woman, a thief, knowingly, thus defying the king, and the Sangha[1]. (b) To restore a guilty Bhikkhuni (who is undergoing punishment) to her former position by holding a partial meeting of the Sangha[2].

There is besides another class of rules which have little legal bearing, but are all the same valuable for their practical utility. These rules explain how the Sangha took care to protect the Bhikkhunis, from certain dangers or mishaps to which they were exposed as women. All such rules distinctly differ both in spirit and form from those framed for men and the Bhikkhuni–Pātimokkha would not have been less important even if it comprised these laws entirely. Because it is through such laws we come to know the real condition of the women in the Sangha, their needs, as well as their chief draw-backs. But unfortunately, such laws which genuinely guard the woman's interest are not only few but also not comprehensive enough. So, even after a detailed study of them we get only a partial knowledge about how the women actually fared in the Sangha.

The most important of such laws are:—

1) Laws framed in order to meet physical needs of women. Women differ physically from men and so their needs are of different nature. Special rules[3] based on hygienic principles were therefore of paramount importance.

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[1] *Vinaya*, IV, pp. 225–7.

[2] *Ibid*, pp. 230–2.

[3] *Ibid*, pp. 262-3; 303–4.

2) Laws modifying the habits of women by prohibiting them to take to their former avocation, such as household work etc.

3) Laws guarding women from falling a prey to the sensuality of the outside world viz. (a) The women were only to keep the first three Nissayas. Living under a tree was forbidden by law[1]. The violation of a Bhikkhuni by men of loose character first gave rise to this resolution. (b) They were forbidden to bathe at the baths where men[2] and courtesans[3] used to bathe.

4) Not to tickle the public gaze they were forbidden to bathe naked[4] and their dress was required to be modest and decent[5]. It is however to be borne in mind that these women were after all wanderers; they used to wander in little groups. The Sangha had discretely carried out resolutions that a Bhikkhuni should on no account (a) go alone to a village or cross a ferry alone or travel alone during night or to go out of the group and travel alone[6], or (b) travel on roads that were dangerous[7].

Ordination. Admission to the Sangha was open to all women irrespective of caste or social position. However, admission is more restricted in the Bhikkhuni-Sangha as the list of disqualifications is larger than in the

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[1] *Cullavagga*, X, 23.
[2] *Ibid*, X, 27, 4.
[3] *Vinaya*, IV, p. 278.
[4] *Ibid.*
[5] *Ibid*, pp. 339–40.
[6] *Ibid*, pp. 227–30.
[7] *Ibid*, pp. 295–6.

case of the Bhikkhus. To the already existing disqualifications viz., sickness, insanity, criminality etc., were added (1) pregnancy[1] (2) lactation[2] and (3) not obtaining the husband's permission or father's consent to join the order[3]. The first two prohibitions were rigorously observed and are absolutely justifiable since they deal with the obligations of motherhood. The first and the most sacred duty of an expectant or nursing mother is to look after the welfare of the baby she brings into the world and which is so helplessly dependent upon her for even the slightest physical needs. Besides a woman who has to mind a baby has little leisure to attend to other duties. She also requires a more comfortable and settled life and thus the wandering life in the Sangha would do harm both to her and to the child. Besides child-bearing being intimately associated with sexual life, through fear of unwarranted rumours, pregnant women and nursing mothers were particularly debarred from entering the Sangha. In case it happened that a woman was already ordained without knowing she was pregnant, she was allowed to keep the child with her till it reached years of discretion[4]. The consent of either the parents or the husband, though a woman was matured in years was also obligatory in accordance with the social position of woman. A widow or destitute however, were allowed to enter the Sangha on her own will as Kisāgotamī and several other Bhikkhunis of advanced age did.

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[1] *Vinaya*, IV, p. 317.
[2] *Ibid*, IV, p. 318.
[3] *Ibid*, IV. pp. 334–5.
[4] *Cullavagga*, X, 25, 2.

The way of admission is the same as in the case of men. Even the questions put to candidates as regards qualifications, age etc., are similar. The name of the instructor was also asked; but the instructor is called Pavattini (proposer) instead of Upajjhāya[1].

The Cullavagga tells us that at first the monks used to ordain nuns, but since they found it difficult and awkward to get all necessary information from the women themselves, women were ordained in their own Sangha by women only. A woman however could not get re-admission in the Sangha once she left it[2].

A Bhikkhuni had not to undergo a period of probation like the Bhikkhus. Two years after the Pabbajjā a Bhikkhuni would be initiated with all formality[3]. In the case of Mahāpajāpati ordination was totally dispensed with; her accepting the Garudhammas was ordination for her. The courtesan Addhakāsī was ordained by sending a messenger to her[4]. These however are exceptional cases.

The daily routine. It was a little before noon that the meals were over. In the noon time, the nuns were expected to seek a shady nook, suitable for meditation, just as men did. As far as meditation was concerned the Bhikkhunis were not backward of the Bhikkhus. According to the report of the Therīgāthā, nearly all the Bhikkhunis, had overcome, Māra, the Evil One, by acquiring the knowledge of reality through meditation.

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[1] *Cullavagga*, X, 17.

[2] *Ibid*, X, 26, 1.

[3] *Vinaya*, pp. 333, 336–7.

[4] *Cullavagga*, X, 22, 1.

The Gāthās however being mostly the praise-songs of the pious Buddhists an extreme religious fervour and poetic imagination are here mingled together; legendary spirit is predominant and sometimes it even hides the historical aspect of the stories from us. The Nikāyas though equally interesting for retaining the legendary element, are more precise and realistic. The Samyutta-Nikāya gives a vivid account of how Māra tried to tempt and baffle the Āḷaviya Bhikkhunis, and Somā, Gotamī, Vijayā, Uppalavaṇṇā, Cālā, Upacālā, Sīsupacālā, Selā, Vajrā, Kisāgotamī etc., and how they succeeded in getting better of him[1].

The greater portion of the day was occupied in training the novices[2]. The senior members of the Sangha occupied themselves with the task of teaching the Dhamma and the Vinaya to the youngsters and newcomers. To look after the welfare and the spiritual progress of the pupil was no joke. The pupil also had to do little services to the teacher and besides do her studies. The commentary on the Therīgāthā gives us the name of an ideal pupil and a ready servant known as Vijayā[3]. The order of seniority was well kept in the Bhikkhuni-Sangha also. The seniority was conferred on a Bhikkhuni not only according to the number of years she spent in the Sangha but also according to her spiritual advancement. In the dining hall the first eight places were to be kept reserved for the senior-most almswomen, and the rest seats were

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[1]*Samyutta-Nikāya*, I, pp. 128-33.

[2]*Cullavagga*, X, 8, 1.

[3]*Therīgāthā*, pp. 139-40.

to be occupied by sisters as they happened to come in[1]. The senior woman was called a Therī. A woman could even be an Arhat, but the privilege of attaining Buddhahood was barred to her unless she be born as a man[2]. Among the few motherly and revered senior nuns the name of Vaddhamātā stands foremost[3].

Excepting the hours of meditation in solitude, we hardly know how the women in the Sangha spent the later hours of the day and the early ones of the night. The Buddhist canon and the commentaries are silent about it. It may not be wrong to conjucture that the women being wanderers spent some hours daily in walking the distance from one place to the other. The sweeping of the parks for the Bhikkhus was also their occasional duty. Thus was the daily monotonous and changeless life in the Sangha regulated by the Vinaya-rules for women.

b) There seems to be a short pause in the conventional monotony of the life in the Sangha by occasional excitement like the Pātimokkha and the Ovāda performances. These days were of greatest exitement and bustle in the Bhikkhuni-Sangha. On these days, new offences came to light, new rules were established, and the discourse from a worthy and learned Bhikkhu gladdened the heart of the Bhikkhunis.

Dealing with the offences committed by various Bhikkhunis and to conduct the preliminary trials also formed a part of the duties of the Bhikkhunis. After the

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[1]*Cullavagga*, X, 18, 1.

[2]*Ibid*, X, i, 3 and 4; Monier Williams, *Buddhism*, p. 8.

[3]Mrs. Rhys Davids, *Gotama the Man*, p. 147.

offence of a nun was detected, her formal confession was obtained in the Bhikkhuni-Sangha, where a trial was taken, with all formalities as in the case of the trials of the Bhikkhus.

Uposatha. The Uposatha ceremony however, made no cardinal distinction between men and women. Both had to confess their faults and had to undergo the same kind of punishment. Moreover, this ceremony was held together by both the Sanghas. When the case of a nun came forward it was judged according to the code of the Bhikkhuni-Pātimokkha. The day of the Uposatha, either the 14th or the 15th day of the month, was to be fixed by a Bhikkhu alone. The Bhikkhunis had to ask two or three days beforehand on what day it would be[1].

Recitation of the Pātimokkha as we have already noticed, was the soul of the Uposatha meeting. In the case of women also, it was obligatory, and through force of circumstances, they could manage to recite it independently, free from the supervision of men. Long after the Bhikkhunis attended the Uposatha meetings it was found out that they were not taught to recite the sacred Pātimokkha[2]. Gotama appointed monks to coach them in this matter; but this custom was to be stopped perhaps as soon as it began. The sharp tongues of the people spread scandalous reports about the visits of the male teachers to the quarters of women and the learning and teaching of the Pātimokkha remained solely in the hands of women. There was also a law to the effect that

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[1] *Vinaya*, IV, p. 315.
[2] *Cullavagga*, X, 6, 2.

a Bhikkhu who recited the Pātimokkha in a seated assembly before a Bhikkhuni committed a Dukkaṭa offence[1].

Ovāda. But the supervision of the Bhikkhuni-Sangha by the Bhikkhu-Sangha was not in the least relaxed by handing over the management of the Pātimokkha to women themselves. The custom of exhortation, or Ovāda took its place. Like the Pātimokkha the Ovāda also took place every fortnight, and the day was to be declared to the women a couple of days before[2].

The exhortation was delivered by a competent Bhikkhu, advanced in knowledge and years, possessed of the eight qualities, with good manners and upright character, and a blameless reputation with a standing of at least twenty years in the Sangha[3], to the nuns who were commonly more illiterate than the monks. He was to be deputed by the Bhikkhu-Sangha[4]. These rules were an outcome of the irresponsible behaviour of the Chabbaggiya Bhikkhus who went to give exhortation to women at odd times, and talked any nonsensical and scandalous things, as would not befit the yellow robes[5]. Exhortation was aimed to be a purely religious discourse, which would show the

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[1] *Mahāvagga*, II, 36, 1.

[2] *Vinaya*, IV, p. 315; Bhikkhuni-Pācittiya 59, Pācittiya, 21.

[3] *Ibid*, IV, p. 51. *Cullavagga*, X, 9, 4, and 5. Says that all Bhikkhus (except the stupid, journeying and sick) could exhort the almswomen, but since various difficulties arose from this, these rules were revised.

[4] *Ibid*, IV, p. 60.

[5] *Ibid*, IV, p. 314; IV, p. 50 and 51.

way of enlightenment to the erring souls, who struggled hard to find a way to the higher goal. Of all the Theras, Nandaka was the most successful in exhorting women[1].

The third Gurudhamma compels the Bhikkhunis to go and request the Bhikkhu what time he would find suitable to come and give exhortation to them. This rule should have been rectified when later on it was enjoined in the Sutta-vibhanga that the Bhikkhus were forbidden to go to the apartments of the Bhikkhunis[2], but on account of the carelessness and hurry on the part of the compilers the rule remains as it is. Though the naughty behaviour of the six irresponsible Bhikkhus the rule was laid down to the effect that the Bhikkhunis must always go to the Bhikkhus to receive exhortation and all together[3].

Since it was impossible to exhort all the members of the Bhikkhuni-Sangha together they were expected to go in batches to their respective preacher, each batch consisting of four to five Bhikkhunis[4].

Exhortation took place at any hour in broad daylight. Originally, the time and duration of exhortation rested on the discretion of the preacher, but since unwise Bhikkhus either knowingly or unknowingly delivered the lectures at odd and inconvenient times, the Sangha had to exert its pressure on both the teachers and the taught

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[1] *Majjhima-Nikāya*, III, p. 270.

[2] *Vinaya*, IV, p. 55. *Vinaya*, IV, p, 314.

[3] *Cullavagga*, X, 9, 4. An exception to this rule occurs in *Vinaya* IV, p. 56, when Gotama himself went to see and exhort Gotamī when she was ill.

[4] *Ibid*, X, 9, 4.

and forbid any sort of religious instructions after sunset[1]; the transgression of the rule involved a Pācittiya offence. All the difficulties about the Ovāda rise from the peculiar situation of the Bhikkhus being appointed as the religious instructors to the Bhikkhunis. The cases of abuse are as frequent and as natural as in the case of the recital of the Pātimokkha was at first. But the rules about the Ovāda remain unaltered to the end, excepting a few details. And it is rather a strange occurrence in the formation of the Vinaya rules for women. The abuses imputed by the general public have seldom failed to carry some effect on the prevailing customs of the Sangha. Nearly every second rule in the Vinaya code bears a testimony to this fact, and that is why it is a marvel that in spite of the people's murmuring and expressing doubts about the exhortation of the women by men, Gotama allowed the system to be continued, making little changes here and there. Two reasons for the continuation of this practice can be put forward. The one is the characteristic indifference of Gotama and the Sangha for the Bhikkhuni-Sangha, and the other is, that probably, there were a number of really capable and virtuous teachers in the Bhikkhu-Sangha, who by their pure and blameless conduct were always held in high estimation by the people.

Vassa. The period of the Vassa is most important in estimating the life in the Sangha. At this time the

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[1] *Vinaya*, IV, p. 54. This rule is the outcome of an interesting episode. The almswomen returned to the city early in the morning when the Bhikkhu Gulaputtaka kept on exhorting them in the night hours. This gave rise to scandals.

sisters of different temperaments came together, and this being a sort of settled period, they could also carry out religious propaganda by preaching more easily. The rest of the eight months were full of toil. Most of the time of the Bhikkhunis was taken up by journeying from one place to another. The roads were few and not well built; the towns were far between, forests were abundant and the weather almost extreme. The fatigue of the journey was not the less felt by the Bhikkhunis, the majority of whom were not used to a rough life like this; besides they had to travel on foot, as the Bhikkhus did. When they were ill and unable to walk, then only they could journey in bullock-carts or sedan chairs[1]. In the ordidary course they were absolutely forbidden to ride or drive in any kind of vehicle[2]. One can imagine the plight of those women walking on the rough uneven roads, without even footwear to protect them[3]. The Vassa thus offered them rest and shelter, and gave them an opportunity for constructive work, spiritual edification, and left them to enjoy the blessings as well as curses of companionship.

The Vassa was to be kept in a place in the vicinity of the Bhikkhus. Living alone and independently was forbidden to women[4]; by doing so, there would be a break in their attending to the Uposatha, Ovāda and Pavāraṇā ceremonies. The violation of the rule caused a Pācittiya offence[5].

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[1] *Cullavagga*, X, 21.

[2] *Vinaya*, IV, pp. 308–339; Bhikkhuni-Pācittiya 85.

[3] *Ibid*, IV, p. 333.

[4] *Cullavagga*, X, 1, 2.

[5] *Vinaya*, IV, p. 313; Bhikkhuni-Pācittiya 56.

No change of residence during the Vassa was allowed except under obligatory circumstances. After the fulfilment of the term of the Vassa however, the Pavāraṇā must be held within a week[1]. The latter half of the rule came to be enforced when some of the Bhikkhunis kept the Vassa even in the hot and cold seasons.

Pavāraṇā. As the natural end of the Vassa came the Pavāraṇā, when there would be a strict inquiry of what had been seen, and what had been heard and what had been suspected[2], before both the Sanghas. In the Vassa the number of Bhikkhunis swelled in the Āvāsa and the grades of the Bhikkhunis varying from one another there were constant misunderstandings, bickerings, spying and snubbing going on. While on tours, the temperamental and other defects of the nuns could not be noticed, but in the Vassa in the close contact with other women, the faults would not remain unnoticed and unquestioned. All these grievances, complaints, errors and mishaps were recorded in the Sangha, until they were publicly scanned and treated accordingly by both the Sanghas. In the beginning the questions were taken directly before the Bhikkhu-Sangha but the detailed inquiry into each and every case consumed much of the time of the Bhikkhu-Sangha: it was therefore, advised that the Pavāraṇā of the Bhikkhunis should be carried out separately on the previous day and then the cases should be brought before the Bhikkhu-Sangha for the final inquiry and judgment[3].

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[1] *Vinaya*, IV, p. 297.

[2] *Cullavagga*, X, 1, 4.

[3] *Ibid*, X, 19, 1.

The Pavāraṇā like exhortation was to take place in the Bhikkhu-Sangha[1] only and in the afternoon, after the meals were over[2]. The Vassa being a most eventful period in the life of the Sangha, each Bhikkhuni had lots of things to confess for herself and to make suggestions about the doings of others. This thing again got on the nerves of the Bhikkhus who proposed the rule that a competent, wise and elderly Bhikkhuni should be deputed to make the Pavāraṇā invitation on behalf of the Bhikkhuni-Sangha, before the Bhikkhu-Sangha[3]. The Bhikkhuni, unanimously elected by the Bhikkhuni-Sangha, had to arrange her robe on one shoulder and followed by the sisters, and enter the Bhikkhu-Sangha. She had to bow down to the Bhikkhus respectfully and request them to attend the Pavāraṇā out of compassion towards them (women)[4].

Kaṭhina. The Kaṭhina or the distribution of clothes was also an important item in the Vassa. The clothes were of plain cotton, simple, rough and clean. As in the case of the Bhikkhus the distribution took place once a year. The Sangha used to store up the clothings and when time came each Bhikkhuni was equipped with the yellow uniform of three robes. These robes however when they came into the possession of a Bhikkhuni, were completely her property, and on her death it was either left to the Sangha or to an individual as she wished.

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[1] *Cullavagga,*

[2] *Ibid.*

[3] *Ibid,* X, 19, 2.

[4] *Ibid.*

The apparel was to be the simplest of its kind, without any fringes and plaits[1], unlike those of the 'Women of the world'. They were not to be dyed with any other shade but dark yellow[2], no decorations were allowed. Even the manner of putting on the dress should not be attractive and graceful[3]. The most unwoman-like simplicity was aimed at and insisted upon in the Buddhist Sangha for the Bhikkhunis. Thullānandā Bhikkhuni was charged with Pācittiya for accepting and wearing rich costumes given by king Pasenadi[4].

The dress and the way of putting it was just the same as in the case of the Bhikkhus. The women, however, had an extra privilege of wearing a bodice (Sankaccikā); at least when they went out, they had to put it on[5], and a girdle[6]; they were even provided with bathing costumes[7] on the request of Visākhā to provide the Sangha with various requisites. Sometimes they were also allowed to wrap a broad cloak round their person which was known

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[1] *Cullavagga*, X, 10, 1.

[2] *Ibid*, X, 10, 4.

[3] *Ibid*, X, 10.

[4] *Vinaya*, IV, pp. 254–56.

[5] This rule was made as a safeguard. A Bhikkhuni once went on her begging excursion without putting on any bodice at all. The wind was strong and it caught her cloak and blew it over her head. Men saw this and said 'Beautiful is the waist of this lady'. The remark upset her, and to avoid further incidents like this the rule was made. *Vinaya*, IV, p. 345.

[6] *Cullavagga*, X, 10, 1.

[7] *Vinaya*, IV, pp. 278–279 (Bhikkhuni-Pācittiya 32).

as Thavana-pavāraṇā[1]. Thus the number of robes occasionally came to be four; this perhaps was the influence of the Jain nuns who used to wear four clothes, (one two cubits broad, two three cubits broad, one four cubits broad)[2].

Another insignificant difference between the dress of the Bhikkhus and the Bhikkhunis, is that the Bhikkhunis were forbidden to were a loin cloth[3], (which was allowed however, by Cullavagga X, 16, 2).

The clothes of the nuns (as well as the monks) were provided by the laity; these again could be given as a gift to the whole Sangha, a few Bhikkhunis or to a single one. An Upāsaka who was building a Vihāra for Bhikkhunis is said to have given them clothes[4]. The king Pasenadi also gave rich apparel to Thullānandā.

The Kaṭhina took place at a proper time, once a year. Thullānandā once distributed clothes at an improper time, and was therefore charged with the Pācittiya offence[5]. Thullānandā it seems was very greedy after getting robes. It was she who got robes from king Pasenadi. On her lapse the Bhikkhunis were warned not to raise hopes where there was a weak expectation of getting them[6].

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[1] *Vinaya*, IV, p. 289.

[2] Jacobi, *Jain Sūtras*, (S. B. E.) II, 5, 1.

[3] *Vinaya*, IV, p. 339–40.

[4] *Ibid*, IV, p. 287.

[5] *Ibid*, IV, pp. 245–6.

[6] *Ibid*, IV, p. 286.

Excepting these few cases, which can be included in Kaṭhina, the Vinaya for Bhikkhunis does not prescribe any rules as to the making of the robes etc. The silence perhaps suggests the imitation of the Kaṭhina of the Bhikkhu-Sangha. The Vinaya-rules for women have suffered much from silence, abruptness and incompleteness.

Property. The property of the Bhikkhunis also consisted of the chief eight articles, the three robes, the needle, the water strainer, the water-bag, the bowl etc. Simple and frugal as this property was, the sense of possession was no less keen in the Bhikkhunis than in other women. They used to preserve them with the utmost care and would not suffer any one else so much as to touch them. The Sanghādisesa for the Bhikkhunis, presents to us a very comic scene where the nuns are seen showering darting words at one another for mixing up or taking another's robes without permission. 'What is yours is yours, what is mine is mine and you shall not be allowed to use my robes' says one Bhikkhuni to another[1].

A Bhikkhuni could give away robes to her parents temporarily if she chose[2]; but she could not give them to any one who lived in a home, to male and female wanderers, as Thullānandā gave her clothes to dancers, acrobats etc.

This property they could bestow either on the Sangha or leave to any one else on their death[3]. The Sangha was bound to fulfil the last wishes of the Bhikkhuni.

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[1] *Vinaya*, IV, p. 247.
[2] *Cullavagga*, X, 11, 1.
[3] *Vinaya*, IV, p. 243.

The accumulation of unnecessary clothes however, was forbidden by law[1]. Bathing-dresses were allowed to the almswomen, and most probably, they were the property of the Sangha, since Visākhā Migāramāta made a present of them to the Sangha[2].

The Bhikkhunis were allowed shoes etc., only if they were sick[3] and they were not reckoned as their personal property but as the belongings of the Sangha. The furniture, (chairs etc.) and the beddings[4] also were primarily the property of the Sangha alone.

General culture. As for the state of general culture, it must be admitted that on an average, the Bhikkhunis stood on a lower level than the Bhikkhus. Up till now they were denied all facilities of dealing openly and independently with the world. And being shut up in the fences of the home their adaptability also rusted owing to disuse. The cases of quarrels and bickering therefore are more frequent in the Bhikkhuni-Sangha than in the Bhikkhu-Sangha. Candakāli was a great fighter among them[5]. Sundarinandā also added consciously to the mischief in the Sangha[6].

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[1] *Vinaya*, IV, p. 285.

[2] *Mahāvagga*, VIII, 15, 2.

[3] *Vinaya*, IV, p. 313.

[4] *Ibid*, IV, p. 288.

[5] *Ibid*, IV, pp. 230, 276, 277, 209 etc. (Pārājika 5, 8 for Bhikkhunis).

[6] *Ibid*, IV, p. 234; IV, p. 233.

The Buddha gave express orders to the Bhikkhunis not to create schism in the Sangha[1], but Thullānandā under Devadatta's influence, broke every rule in the Saṅgha and split it[2]. Thullānandā though an able and learned woman, misused her ability in breaking rules and slandering others. She took a special delight in slandering Sāriputta, Moggallāna, Mahākaccāna etc. Thullatissā also scoffed at Mahākassapa's teaching in the presence of Ānanda and finally renounced the Sangha together with Thullānandā[3]. The Bhikkhunī Metteyā also joined hands with monks who were followers of Metteya and Bhumajjaka to complain against Dabba to the Buddha, and get him expelled[4].

One is surprised to see the ghastly grinnings of the green eyed monster of jealosy, causing great inconvenience to those who kept themselves away from mischief[5]. Owing to misunderstanding[6] the atmosphere of the Order often became stormy[7]. Nearly half of the Vinaya for the Bhikkhunis is full of the records of these ridiculous and childish quarrels. These things went to such an extent, that Gotama had to interfere and control the turbulent spirits of the quarrelsome Bhikkhunis by appointing the

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[1]S. B. E. XXXV, p. 63, N. Dutt, *Spread of Buddhism.* Footnote 1, p. 220.

[2]*Vinaya*, IV, p. 66. (Pācittiya for Bhikkhunis XXIX).

[3]*Samyutta-Nikāya*, II, p. 215-17 ; IV, p. 222.

[4]*Cullavagga*, IV, 4, 8.

[5]*Vinaya*, IV, pp. 282, 290.

[6]*Ibid*, IV, p. 275.

[7]*Ibid*, IV, pp. 276-77.

Bhikkhu-Sangha to settle the disputes between the Bhikkhunis[1], with the result that the Bhikkhunis lost the privilege of carrying out any official act themselves; the Bhikkhus first used to declare an official act against individual Bhikkhunis and then it was left to the Bhikkhuni-Sangha to carry out the instructions by holding a formal meeting[2]. The grip of subjection thus tightened round the Bhikkhuni-Sangha every day.

The number of really virtuous Bhikkhunis was not wanting in the Sangha as we have already seen. Even Gotama admitted and declared them to be the ideal of the Bhikkhuni-Sangha. The Buddha said on one occasion, 'The faithful Bhikkhuni desires in thus wise, 'Let me be as Khemā and Uppalavaṇṇā[3]. Judging solely from the broken and half-hazard records of the Vinaya, the number of virtuous women compared to those discontented, half-witted, unbalanced, and unscrupulous souls seems rather scanty. The Vinaya however, being a record of the offences primarily, the statistics found here cannot be fitly applied to other conditions of women in the Sangha; and hence though the records are based on truth, they emphasize only one aspect of the life of the Bhikkhunis. Just as the Vinaya is the record of their offences, so also the Gāthās are the record of their exultation; and hence neither of the two sources depict the real Bhikkhuni in her true light, and fail to give us a historical account of her eventful life in the Sangha: because in the Gāthas

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[1] *Vinaya*, IV, p. 277.

[2] *Ibid*, IV, p. 277.

[3] *Anguttara-Nikāya*, II, 164.

the standard of life is uncommonly high, while in the Bhikkhuni-Vibhanga it is too ordinary.

Social service. The ideal of the Bhikkhus and Bhikkhunis being to keep themselves off the society it is out of place to expect them rendering any physical service to the people[1]. The woman however, possessed more social sense than the Bhikkhus. Getting an easy access into families, they knew the possible difficulties of the people and were eager to render possible assistance whenever necessary. This bent of mind however, sometimes brought them into trouble[2] and such enterprises were stopped by Gotama by passing resolutions that the Bhikkhus and Bhikkhunis should not mix with the laity to that extent. Nursing etc., also was not included in the Bhikkhuni's duty. The Bhikkhuni Vaddhamātā however, is reported to have healing powers with her and she used to bring relief to patients by touching them[3]. She had become very popular for this reason, and the law it seems did not interfere in her being useful to people that way. Preaching was the only and the most valuable service the Bhikkhunis could offer to the public. Bhaddā Kundalakesā says that she traversed Anga, Magadha, Vajji, Kāsī and Kosala giving religious discourses and

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[1] *Cullavagga*, X, 13, 1, records the story of a woman who became pregnant while her husband was away. She had a premature delivery and requested a Bhikkhuni to take the fœtus away. The Bhikkhuni carried it in her bowl and was detected and punished.

[2] *Ibid*, X, 10, 4.

[3] Mrs. Rhys. Davids, *Gotama The Man*, p. 147.

thus lived for fifty years on the 'food of the nation'[1]. Conversion of women also plays an important part in this respect. Homeless destitutes like Candakāli would have starved to death if they were not pitied by the Bhikkhunis and taken under the wing of the fraternity.

[1] *Therīgāthā*, p. 135.

BIBLIOGRAPHY

I. SANSKRIT ORIGINAL SOURCES.

No.	Editor.	Title.	Place of publication.	Year of publication.
		(a) *Samhitās.*		
1	Max Muller	Rigveda-Samhitā	London	1849-74
		(b) *Brāhmanas.*		
2	K. Agashe	Aitareya-Brāhmaṇa (Ānandāshrama)	Poona	1896
3	B. Lindner	Kauśītakī-Brāhmaṇa	Jena	1187
4	Anandachandra Vidhavagish	Pancavimśa or Tāndya-Mahā-Brāhmaṇa	Calcutta	1870-74
5	Burnell	Jaiminīya or Ārśeya-Brāhmaṇa	Mangalore	1878
6	Burnell	Devatādhyāya	Mangalore	1873
7	R. Mitra and H. Vidyabhushana	Gopatha-Brāhmaṇa	Calcutta	1859
8	S. Samasrami.	Śatapatha-Brāhmaṇa	Calcutta	1900-10
9	R. Mitra	Taittirīya-Brāhmaṇa	Calcutta	1855-70

No.	Editor.	Title.	Place of publication.	Year of publication
		(c) *Araṇyakas.*		
10	R. Mitra	Aitareya-Āraṇyaka	Calcutta	1896
11	V. G. Apte	Kauṣītakī or Śānkhyāyana-Āraṇyaka (Ānandaśrama)	Poona	1922
12	B. Phadke	Taittirīya-Āraṇyaka (Ānandāśrama)	Poona	1897
13	Bhagavad Dutta	Jaiminīya-Upaniṣad-Brāhmaṇa	Lahore	1921
		(d) *Upaniṣads.*		
14	Y. A. Kathavate	Mandūka-Upaniṣad (Ānandāśrama)	Poon	1911
15	E. B. Cowell	Maitrāyanīya-Upaniṣad	London	1870
16	Nityananda	Chāndogya-Upaniṣad (Ānandāśrama)	Poona	1915
17	Nityananda	Brihad-Āraṇyaka Upaniṣad (Ānandāśrama)	Poona	1895
18	Ramamaya Tarkaranta	Ātharvana-Upaniṣads	Calcutta	1872-3
19	C. G. Bhanu	Kaṭhopaniṣad	Bombay	1912

No.	Editor.	Title.	Place of publication.	Year of publication.
20	S. Pathak	Īśa-Kena-Kaṭha-Upaniṣads (Ānandāśrama)	Poona	1915
21	L. Shroeder	Minor Upaniṣads.		
22	Various scholars	Thirty-two Upaniṣads (Ānandāśrama)	Poona	1895

(e) *Sūtras.*

23	S. Chandrashekhara	Paṇini's Aśṭādhyāyi	Trichinopoly	1912
24	L. Sarup	Nighaṇṭu and Nirukta	Lahore	1920
25	C. Gokhale	Dharmasūtra of Gautama (Ānandāśrama)	Poona	1920
26	L. Shrinivasacharya	Dharmasūtra of Bauddhāyana	Mysore	1907
27	A. N. Fuhrer	Dharmasūtra of Vasiṣṭha	Bombay	1916
28	P. V. Kane	Dharmasūtra of Śankha-Likhita	Bombay	1926
29	Vishveshvara	Yatidharma Sangraha (Ānandāśrama)	Poona	1909
30	V. V. Mandlik	Manusmriti	Bombay	1886

No.	Editor.	Title.	Place of publication.	Year of publication.
31	Ganapati Shastri	Yājnavalkya-smriti	Trivendrum	1922
32	V. G. Islampurkar	Pārāśara-samhitā	Bombay	1906
33	Gharpure	Devabhatta's Smriticandrikā	Bombay	1910
34	Dr. J. Kirste	Grihyasūtra of Hiraṇyakeśin	Vienna	1899
35	M. A. Bakre	Pārāśara Grihya-sūtra	Bombay	1917
36	Chandrakanta Tarkalankara	Grihyasūtra of Gobhila	Calcutta	1908
		(f) *Miscellaneous.*		
37	Sham Shastri	Kauṭilya's Ārtha-śāstra	Mysore	1919

II. PĀLI ORIGINAL SOURCES.

(a) *Piṭaka.*

1	H. Oldenberg	Vinaya-Piṭaka	London	1873-83
		(b) *Nikāyas.*		
2	V. Trenckner	Majjhima-Nikāya (P. T. S.)	London	1889-1925
3	Rhys Davids and Carpenter	Dīgha-Nikāya (P. T. S.)	London	1890

No.	Editor.	Title.	Place of publication.	Year of publication.
4	Fèer	Samyutta Nikāya (P. T. S.)	London	1884
5	R. Morris	Anguttara Nikāya (P. T. S.)	London	1885
		(c) *Miscellaneous.*		
6	V. Fausboll	Sütta Nipāta (P. T. S.)	London	1885
7	Oldenberg	Theragāthā and Therīgāthā (P.T.S.)	London	1883
8	M. A. Lilley	Apadāna (P. T. S.)	London	1926–7
9	Suriyagoda Sumangala	Dhammapada (P. T. S.)	London	1914
10	V. Trenckner	Milindapañho	London	1880
11	Takakusu	Buddhaghosa's Samantapāsādikā (P. T. S.)	London	1924–33
12	Stede	Buddhaghosa's Sumangalavilāsini (P. T. S.)	London	1886
13	E. Muller	Buddhaghosa's Atthasālini (P. T. S.)	London	1897
14	W. Geiger	Mahāvamsa (P. T. S)	London	1908
15	Turnour	Mahāvamsa	Ceylon	1896

No.	Editor.	Title.	Place of publication.	Year of publication.
16	H. Oldenberg	Dīpavamsa	Edinburgh	1916
17	M. Bode	Sāsanavamsa (P. T. S.)	London	1887

III. TRANSLATIONS OF SOME SANSKRIT, PĀLI AND JAIN TEXTS.

1	Chalmers Lord	Further Dialogues of the Buddha (P. T. S.)	London	1926–27
2	Eggling	Śatapatha Brāhmaṇa	Oxford	1882–1900
3	Fausboll	Dhammapada and Sutta Nipāta (S. B. E.)	Oxford	1881
4	Geiger W.	Mahāvamsa	Colombo	1908
5	Griffith	Hymns of Sāmaveda	Benaras	1896–97
6	Griffith	Hymns of Rigveda	Benaras	1907
7	Hoernle A. F.	Uvāsagadasāo	Calcutta	1888–90
8	Hume R.	Thirteen Principal Upaniṣads	London	1927
9	Jacobi H.	Jain Sūtras (S. B. E.)	Oxford	1884–95
10	Keith A.	The Brahmanas of Rigveda	London	1899–1910

No.	Translator.	Title.	Place of publication.	Year of publication.
11	Rahula Sankrityayana	Majjhima Nikāya (Hindi)	Sarnath	1933
12	Rajvade K. V.	Dīgha-Nikāya (Marathi)	Poona	1918
13	Rhys Davids C. F.	The book of Kindred sayings (P.T.S.)	London	1917-30
14	Rhys Davids C. F.	The points of Controversy (P. T. S.)	London	1915
15	Rhys Davids C. F.	The Psalms of Early Buddhists (P.T.S.)	London	1913
16	Rhys Davids C. F.	Expositor (P.T.S.)	London	1921
17	Rhys Davids C. F.	Minor Anthologies of Pāli Canon (P. T. S.)	London	1931
18	Rhys Davids T. W.	Buddhist Suttas (S. B. E.)	Oxford	1881
19	Rhys Davids T. W.	The Questions of Milinda (S B E.)	Oxford	1890-4
20	Rhys Davids T. W.	Buddhist Birth Stories	London	1880
21	Rhys Davids T. W.	Dialogues of the Buddha	London	1899
22	Rhys Davids	Vinaya-Texts (S. B. E.)	Oxford	1881-5

No.	Translator.	Title.	Place of publication.	Year of publication.
23	Suzuki I.	Lankāvatāra Sūtra	London	1932
24	Whitney	Atharvaveda	Cambridge (U S. A.)	1908
25	Wilson H.	Rigveda	London	1932
26	Woodward	Gradual Sayings (P. T. S.)	London	1930–33

IV. LITERATURE.

1	Barth A.	Religions of India	London	1891
2	Barua B. M.	Ājīvakas (Part 1)	Calcutta	1920
3	Barua B. M.	History of Pre-Buddhistic Indian Philosophy	Calcutta	1928
4	Barua B. M.	Prolegomena to a History of Buddhistic Philosophy	Calcutta	1918
5	Beal S.	Records of the Western World	London	1909
6	Bhagavad Dutta	History of the Brahmanas and Āraṇyakas (Hindi)	Lahore	1927
7	Bhandarkar R. G.	A Peep into the Early History of India	Bombay	1920

No.	Author.	Title.	Place of publication.	Year of publication
8	Bigandet Bishop	Life and Legend of Gaudama	London	1886
9	Bloomfield M.	Religion of the Vedas	New York	1908
10	Buhler G.	Indian Sect of the Jainas	London	1903
11	Copleston	Buddhism in Magadha and Ceylon	Ceylon	1892
12	Cunningham A.	Ancient Geography of India	London	1907
13	Das A. C.	Rigvedic India	Calcutta	1927
14	Dasgupta	History of Indian Philosophy	Cambridge	1925
15	Deussen P.	Philosophy of Upaniṣads	Edinburgh	1908
16	Dutt N.	Spread of Buddhism	London	1925
17	Dutt S.	Early Buddhist Monachism	London	1924
18	Eliot Sir. G.	Hinduism and Buddhism	London	1921
19	Foot More J.	History of Religions	Edinburgh	1914
20	Geiger W.	Mahāvamsa and Dīpavamsa	Colombo	1908

No.	Author.	Title.	Place of publication.	Year of publication.
21	Gwatkin H. and others	Cambridge Mediæval History	Cambridge	1911
22	Hardy S.	Eastern Monachism	London	1850
23	Hardy S.	Legends and Theories of the Buddhists	London	1866
24	Hardy S.	Manual of Buddhism	London	1880
25	Hardy S.	Sacred Books of the Buddhists	Colombo	1863
26	Hastings J.	Encyclopædia of Ethics and Religion	Edinburgh	1908–26
27	Holland E.	The Story of Buddha	London	MCMXVIII
28	Holmes	The Creed of Buddha	London	1908
29	Hopkins E.	Religions of India	Boston	1895
30	Horner I.	Women under Primitive Buddhism	London	1932
31	Jayaswal K. P.	Hindu Polity	Calcutta	1924
32	Joppen P.	Historical Atlas of Ancient India	London	1907
33	Kern A.	Manual of Indian Buddhism	Strassburg	1891

No.	Author.	Title.	Place of publication.	Year of publication.
34	Kimura	Hinayāna and Mahāyāna	Calcutta	1927
35	Kosambi D.	Buddha Sanghāchā Paricaya (Marathi)	Bombay	1926
36	Kosambi D.	Buddha, Dharma āṇi Sangha (Marathi)	Bombay	1924
37	Laski H.	Studies in Law and Politics	London	1932
38	Law B. C.	Historical Gleanings	Calcutta	1922
39	Law B. C.	Geography of Early Buddhism	London	1932
40	Law B. C.	Buddhistic Studies	Calcutta	1932
41	Law B. C.	History of Pāli Literature	London	1933
42	Law N.	An Aspect of Ancient Indian Polity	Oxford	1921
43	Legge J.	Travels of Fa-Hian	Oxford	1890
44	Macdonell A.	India's Past	Oxford	1927
45	Majumdar R. C.	Corporate Life in Ancient India	Calcutta	1927
46	Max Muller	Selected Essays	London	1881

No.	Author.	Title.	Place of publication.	Year of publication.
47	M'Crindle J.	Ancient India (As described in the Fragmentical accounts of Megasthenes)	Calcutta	1926
48	M'Crindle J.	Ancient India (Its invasion by Alexander the Great)	Westminister	1892
49	Oldenberg H.	Buddha (Translated by W. Hoey)	London	1882
50	Oman	Mystics, Ascetics and Saints of India	London	1908
51	Rapson (Editor)	Cambridge History of India	Cambridge	1922
52	Rockhill	Life of Buddha	London	1884
53	Rousseau	Social Contract (Translated by J. Tozer)	New York	1905
54	Rhys Davids C. F.	Gotama the Man	London	1928
55	Rhys Davids C. F.	Sakya	London	1931
56	Rhys Davids T. W.	Buddhist India	London	1903
57	Rhys Davids T. W.	Buddhism (American Lectures)	New York	1903

No.	Author.	Title.	Place of publication.	Year of publication.
58	Rhys Davids T. W.	Buddhism (Hibbert Lectures)	London	1925
59	Salmond	Jurisprudence	London	1929
60	Saunders K.	Gautama Buddha	London	1922
61	Shah C. J.	Jainism in Northern India	London	1932
62	Shastri H.	Buddha	Calcutta	1901
63	Takakusu	I-Tsing—A Record of the Buddhist Kingdom	Oxford	1896
64	Thomas E. J.	Life of Buddha	London	1929
65	Various Scholars	Buddhist Miscellany	Paris	M,DccLx
66	Vinogradoff P.	Common Sense in Law	London	1927
67	Watters T.	Yuan Chang	London	1904
68	Yazdani G.	Ajantā	Oxford	1930–33

V. JOURNALS, PERIODICALS ETC.

1. Journal of the Royal Asiatic Society: London (J.R.A.S.)
2. Journal of the Bombay-branch Royal Asiatic Society. (J. R. A S. B. B.)
3. Journal of the Bengal Asiatic Society (J. A. S. B.)
4. Journal of Bihar and Orissa (J. B. O.)
5. Quarterly Journal of the Mythical Society, Madras. (Q. J. M. S.)
6. Indian Antiquary. (I. A.)
7. Annals of the Bhandarkar Institute, Poona. (A. B. I.)
8. Calcutta Review.
9. Mahābodhi, Calcutta.
10. Vividhajnānavistāra (Marathi, Bombay).

VI. DICTIONARIES ETC.

1. Monier Williams, Sanskrit English Dictionary, Oxford, 1899.
2. Childers, Pāli Dictionary, London, 1875.
3. Rhys Davids, Pali Dictionary, (P. T. S.) London, 1925.

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