

ABBREVIATIONS
(Publications)

- Ah* = *Aṣṭāṅgahrdayasaṃhitā*, ed. Hariśāstrī Parādkar, Varanasi 1982, reprint.
- CBP* = *Canon bouddhique pāli*, texte et traduction, Suttapiṭaka, Dīghanikāya, par Jules Bloch, Jean Filliozat, Louis Renou, Tome I, Fascicule I, Paris 1949. (Based on the Cambodian ed., compared with the PTS and Burmese eds.).
- Car* = *Carakasamhitā*, ed. P.V. Sharma, 2 Vols., Varanasi 1981, 1983.
- DB* = *Dialogues of the Buddha*, Tr. T.W. and C.A.F Rhys Davids, Pt.I, London 1989 (SBB Vol.II).
- DN* = *The Dīgha Nikāya*, Vol.I, PTS 1890.
- Sv* = *The Sumaṅgalavilāsinī, Buddhaghosa's commentary on the Dīgha Nikāya*, Pt. I, PTS 1886.
- Suśr* = *Suśrutasaṃhitā*, ed. Jādvaji Trikmaji Ācārya and Nārāyan Rām Ācārya, 2 Vols., Bombay 1938; K.L. Bhishagratna, Tr. *Suśrutasaṃhitā*, 3 Vols., 3rd ed., Varanasi 1981.
- Vśś* = *Vaidyakaśabdasaṃhitā*, ed. Umeśacandra Gupta, 3rd reprint, Varanasi 1983.

(General)

- Ci* = *Cikitsāsthāna*
S. = *Sinhala*
Si = *Siddhisthāna*
Sū = *Sūtrasthāna*
Ut = *Uttarasthāna*

Studies in Vinaya technical terms I-III

These are intended to be the first three of a series of “microographies”, the purpose of which is to bring together and sort out the relevant Pā. data about a given term occurring in Vin, Kkh, Sp, and in secondary literature. “Vinaya technical term” is taken here in a broad sense, including, on the one hand, what are *stricto sensu* non-technical terms, such as those designating, or referring to, *realia* dealt with in Vinaya rules — e.g., *cīvara*; on the other hand, technical terms shared both by Vinaya texts and by other Indian legal literature — as exemplified recently by Schopen, *Business*. Sub-commentaries and compendia (Vjb, Vin-vn, Utt-vn, Khuddas, Mūla-s, and, when eventually available to me, Sp-t, Vmv, Kkh-t) will be resorted to only when deemed helpful. BHS and Skt. parallels are not meant to be exhaustive, but to provide a convenient set of references for further comparisons with the Pā. data; except when required by the complexity of the data involved, they will not be discussed *per se*, but only insofar as they help us to understand the form, meaning(s), or range of application of a Pā. term. Chin. and Tib. data — derived from secondary literature in European languages — will be resorted to only exceptionally.

The application of Thv(M) prescriptions to *both* monks and nuns will be mentioned only where and when explicitly stated in a text, so as to reflect the relative scarcity of data concerning nuns, and above all to avoid unwarranted extrapolations from the *Bhikkhu-* to the *Bhikkhunī-vinaya* on the excuse that the latter is a truncated version of the former, from which full details about the organisation of former nuns' communities could allegedly be retrieved safely *ex silentio*.

Skt. references are according to school, in the following order: Sa, Mū, Mā, Dhā, then — should the occasion arise — Mī, any others, and unidentified schools; texts belonging to one and the same school are

referred to in alphabetical order. The same conventions apply, in theory, to BHS references, for which the only texts available so far belong to the Mā-L school.

Abbreviations follow those of the Epilegomena to CPD, of CPD III.1 (p. II-VI), and of H. Bechert, *Abkürzungsverzeichnis zur buddhistischen Literatur in Indien und Südostasien*, Göttingen, 1990, with some additions listed at the end of this paper. It should be noted that GBM(FacEd) X.1 is quoted here, for the mere sake of practicality, according to the editors' number of page, then, within brackets, editors' number in right margin, together with line; GBM(FacEd) X.6 is quoted according to editors' number in right margin, then, within brackets, editors' number in left margin, together with line; necessary corrections to this faulty numbering are found in Wille, MSV 21-23, 154-165.

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I. *Samgha-kamma*, "procedure"

0. Buddhist *Vinaya* texts, the purpose of which is to codify discipline and proceedings within monastic communities, set forth four types of procedures, by which various agreements, decisions or actions are to be officially and legally sanctioned. Their object may be either administrative (e.g., appointment of monks as office-bearers), ritual (e.g., ordination;

performance of the fortnightly rehearsal of monastic rules), or disciplinary (settling formal disputes)¹.

The relevant Pā. data about the technical terminology of procedures occur at Vin I 315,21-321,28 with Sp 1146,5-1147,30; Vin IV 152,9-12' with Kkh 131,21-134,18; Vin V 220,2-223,3 with Sp 1395,16-1412,17; Sp 1195,1-30 (*ad* Vin II 93,14-17). Their interpretation, and that of BHS and Skt. parallels as well, is most aptly dealt with in the following works, where fully detailed discussions are to be found: KaVā 1-16; v.Hi., *Recht u. Phonetik* (English transl.: v.Hi., SP 198-232); HH, Po-v 199-209; for further Pā. materials, see CPD *s.v. kamma* and foll. (forthcoming). For a summary of Chin. data, with references, see Frauwallner, *Vinaya* 105-107.

1. The validity of a procedure depends on the relevance of the case (*vattthu*); on the explicit mention during its performance, by the monk/nun acting as chairman, of the chapter (*saṃgha*) and of the person(s) to whom the procedure applies; on the relevance, right number, and full performance with flawless pronunciation² of its successive steps (*ñatti* and *anu-ssāvanā*; see below §§ 4-5) in the right order; on the attendance, whether in person (*sammukhī-bhūta*) or by proxy (*chandāraha*), of all the monks/nuns concerned³, i.e., free from any unredressed offence,

¹ With the exception of the *saṃghādisesa* class of offences, disciplinary procedures apply only indirectly to the offences listed in the Pātim. code of discipline (cf. below, § 3 d and n. 23, and SVTT III).

² See v.Hi., *Recht u. Phonetik* (English transl.: v.Hi., SP 198-232), with full translation of Sp 1399,3-1400,36, detailed commentary, and further references.

³ *kammappatta*, "fit [to act] in a procedure" (Vin I 318,10-11 sqq. with Sp 1146,28-30; II 93,34-38 with Sp 1197,11-14; V 221,16; cf. Sp 242,29, 1333,18, 1402,2-5), as opposed to *kammāraha*, "liable to a procedure", always in gen. case when followed by *kammaṇ karoti* (see v.Hi., *Kasussyntax* § 242): Vin IV 37,26 = 126,33 [misprinted Kkh 124,29 as *kammārahassa*] = 152,19 = 153,29 (*na kammārahassa vā kammaṇ karissati*, instead of which UpāliPr(SR)

belonging to one and the same community, and actually present within one and the same, large enough, clearly defined monastic boundary (*sīmā*)⁴; on the right quorum of monks/nuns in the assembly (*parisā*), and absence of any objection during the proceedings⁵. A procedure that fails to meet any of these conditions is said to be of “mock validity” (*dhamma-paṭirūpaka*). Further details occur, from a slightly different point of view, in the account of the first rule for the settlement of disputes (see SVTT II, § 2 a and n. 30).

consistently has “weil etwas, das kein Beschluss ist, zum Beschluss erklärt wird”); V 221,32-34 with Sp 1402,10-12; Kkh 46,21-22 = Sp 611,18-19 *ad* Vin III 175,15**, especially relevant here: *tiṇṇaṃ uddhaṃ kammārahā na honti na hi saṃgho saṃghassa kammaṃ karoti*: “when more than three, [those who plan to split the Order] are not liable to a procedure: a chapter does not indeed carry out a procedure against a chapter [i.e., four monks; see below, § 2]”. *Kammāraha* therefore designates the object (*vatthu*) of a procedure (disciplinary or otherwise: cf. *upasampadāraha*, “fit to be ordained”, Vin I 327,15 sq.) as is made clear by Sp 1402,10-12 *yasmā tam puggalam vatthum katvā saṃgho kammaṃ karoti, tasmā kammāraho ti vuccati* (cf. 1156,26-28, 1346,20-22).

Some confusion arises from the fact that *kammāraha* does indeed occur as a syn. of *kammappatta* — by analogy with *chandāraha*, “fit [to act in a procedure] by proxy”? — in Sp’s stereotyped gloss of the latter: *kammappatto ti kammaṃ patto kammayutto kammāraha*, where it means “entitled to [act in] a procedure” (Sp 1146,28-30, 1402,2-5, etc.), unlike Vjb (B^c 1960) 537,16-17 *kammappattāyo pīti kammārahā ti* where, conversely, *kammappatta* does seem to assume the sense of *kammāraha* “liable to a procedure” (see SVTT II n. 10).

⁴ Each of two distinct communities may perform separate, valid procedures within the same boundary (Vin I 340,11-30); for full details about the importance of *sīmā* in the present context, see KP, *Simā* 119-123, 136-143, 286-290, 385 n. 65.

⁵ During the session, one may protest with such mildness as suits the number and aggressiveness of one’s opponents (Vin I 114,33-115,11 with Sp 1059,20-23). Once it is over, its contestation gives rise to a “formal dispute about the duties” of the Order (*kiccādhikaraṇa*; see SVTT II § 1d, 2e, and n. 6).

No one may criticize a valid procedure in which he/she took part by proxy (thereby agreeing *ipso facto* to whatever decision is reached)⁶. Neither may one leave the chapter with no serious reason while deliberations are going on, unless one consents expressly to whatever decision will be reached⁷.

2. The smallest quorum of monks/nuns entitled to act as a regular, complete chapter (*samagga-saṃgha*) is four; this chapter may perform all procedures except those involved in ordination (*upa-sampadā*), Invitation (*pavāraṇa*), and re-admission (*abbhāna*). A chapter of five or more may proceed to Invitation, and to ordination in border countries; ten or more may grant ordination in any country; twenty or more may perform any procedure, including re-admission (cf. SVTT III, § 6). When the smallest quorum acts as a regular chapter, participation by proxy is not valid⁸. No incomplete chapter may carry out a procedure with the expectation of later securing the sanction (*anumati-kappa*) of

⁶ Thv(M) Pāc. n°79 [bhu], Vin IV 151,17 sq. with Kkh 131,21 sq.; n°157 [bhī]. — Cf. UpāliPr(SR) 79, n°55. — Conc.: BhīPr 58, table IV.1 *s.v.* *chandapratyuddhārah*.

⁷ Thv(M) Pāc. n°80 [bhu], Vin IV 152,24 sq. with Kkh 134,30-135,9, Sp 879,28-880,2 (ChinSp 483 [61]); n°158 [bhī]. — Cf. UpāliPr(SR) 87-88, n°79. — Conc.: BhīPr 59, table IV.1 *s.v.* *tūṣṇim viprakramaṇaṃ*.

⁸ Vin V 221,31-38 with Sp 1402,1-9, where *catu-°*, *pañca-°*, *dasa-°*, *visati-vagga-karaṇa kamma* does not mean “a formal act [...] carried out by an incomplete [*vagga* < Skt. *vyagra*] fourfold [etc.] assembly” (BD IV 362), but “a procedure whose performance involves a fourfold chapter”, etc.: when not contrasted with *samagga*, “complete”, *vagga* simply means “group” (< Skt. *varga*), as in Vin I 319,24 sq. *catuvagga bhikkhu-saṃgha*, “a fourfold monks’ chapter” (see BD IV 458). *Gaṇa* “chapter” occurs at Vin I 74,10; BhīVin(Mā-L) 236,27’, 241,25’, 242,13’.

those missing⁹. All participants should be fully ordained, and free from any unredressed offence against the monastic rules. Persons not entitled to help make up a quorum (*gaṇa-pūra*) are: the monk(s)/nun(s) to whom the procedure applies (in such a case, the smallest number of participants, including the smallest regular chapter, is therefore resp. five, six, eleven, twenty-one persons), those staying outside the fixed boundary, and nuns (in a monks' chapter)¹⁰.

Although monks may indicate to nuns how procedures relating to the latter should be carried out, nuns are to officiate all by themselves in their own chapter¹¹.

3. The generic term for “procedure”, occurring *passim* in all *Vinaya* texts, is Pā. *saṃgha-kamma*, n., BHS and Skt. *saṃgha-karma(n)*, n., “(official) act of the chapter”, often shortened as *kamma* / *karma*.

The four formal types of procedures are *apalokaṇā*-°, *ñatti*-°, *ñatti-dutiya*-°, *ñatti-catuttha-kamma*; only the latter two require a vote.

With one exception (see below, § 3 a), the type of procedure applying to a given purpose may not be changed for any other.

⁹ Vin II 301,1-3. This is one of the ten controversial practices said to have been condemned in Vesāli before a compilation (*saṅgīti*) of the *Vinaya* took place there (Chin. parallels: Hofinger, Concile 22-23, 66-73, 127, 132, 134-135; cf. SVTT II, § 2 b.ii).

¹⁰ The only explicit mention of a procedure carried out by a chapter of monks with a nun attending seems to be that of ordination of a (female) probationer by proxy (Vin II 277,20-278,9).

¹¹ About non-disciplinary procedures see, e.g., Vin II 259,26-31, 273,19-34, 275,23-35; about disciplinary ones, see Vin II 260,17-261,17 (cf. SVTT II n. 10).

As to the application of each of these types of procedure, Vin V 222,22-37, KKh 131,32-134,4, and Sp 1402,18-1412,12, make a distinction between those whose purpose is designated by some generic term — expulsion, boycott, reintegration, formal agreement to some appointment, postponement of a ceremony, distribution of extra requisites, acknowledgement of another monk's/nun's confession, formal admonition of a misbehaving monk/nun, etc. — and those that bear no specific name, being simply “qualified by [the generic name of] the procedure [involved]” (*kamma-lakkhaṇa*)¹².

¹² *Tassa hi kammañ ñeva lakkhaṇaṃ, na osāraṇādīni, tasmā kamma-lakkhaṇaṃ ti vuccati* (Sp 1404,16-17 ≠ Kkh 132,10-12). *Osāraṇa-nissāraṇa-bhaṇḍukammādayo viya kammañ ca hutvā aññañ ca nāmaṃ na labhati. Kammam eva hutvā upalakkhiyatīti kamma-lakkhaṇaṃ upanissayo viya. Hetupaccayādi-lakkhaṇavimutto hi sabbo paccaya-viseso tattha saṅgayhati. Evam pi kamma-lakkhaṇam evā ti vuttaṃ. Kamma-lakkhaṇaṃ dassetuṃ acchinna-civara-jinna-civara-natthacivarānaṃ* [Sp 1405,19] *ti ādi vuttaṃ. Tato atirekaṃ dentena apaloketvā dātabban* [Sp 1405,24-25] *ti vuttaṃ apalokaṇaṃ kamma-lakkhaṇam eva. Evam sabbattha lakkhaṇaṃ veditabbaṃ.* “Like reintegration, expulsion, shaving the beard [of a candidate for ordination], etc., [such an official act] consists in a procedure, but bears no name apart [from the generic name of the latter]. When it is qualified simply as consisting in [this or that] procedure, the qualification by the [generic name of the] procedure is comparable to [that of] sufficing condition, which includes any sort of condition that is not qualified as a fundamental condition. In the same way, one speaks of qualification by the [generic name of the] procedure. As an illustration of the latter, cases such as those when garments are stolen, worn out, or lost, are mentioned. The formal consultation mentioned by the words “extra [trifles] should be distributed by a formal consultation” is qualified simply as a procedure [of formal consultation]. Thus should the qualification be understood in all cases” (Vjb B^e 1960 579,24-580,6 *ad* Sp 1404,16 sq.). The itemized classification of the objects to which these procedures apply differs according to school (see Hirakawa, *ChinBhīVin*(Mā) 30-31).

3 a. An *apalokanā*, n.f., “[formal] consultation [of the chapter]”, consists in a threefold request of the chapter’s approval¹³ for the following acts: temporary expulsion, then reintegration, of novices, shaving of the hair and beard of a candidate to noviciate, boycott of disrespectful monks by nuns.

Formal consultation with no specific name applies, e.g., to the boycott of lewd monks by nuns; to the supply of clothes to those who lost them, or of food to those unable to go on alms-tour; to the distribution to monks/nuns of extra medicines, trifles, crops grown on the monastery’s grounds, or of food as wages to servants and intendants; to the allotment of deposits to repairs within the monastery¹⁴.

Formal consultation is valid as an alternative to a twofold procedure (see below, § 3 c) only in minor proceedings, e.g., turning a building into a storage place, or appointing a monk/nun to some office (Sp 1098,7-8, 1121,8-11, 1396,3-8 ≠ 1195,18-24).

BHS *an-avalokayitvā*: BhīVin(Mā-L) 144,8** sqq., 282,12,16** sqq.

avalokanā, f. (also as *avalokanā-karma*): BhīVin(Mā-L) 98,7, 144,17, 145,1, 151,26, 157,28, 161,7, 282,22', 284,1 sq.

¹³ The typical formula to be uttered thrice by the chairman (on the latter, see below, § 6) is: “Venerables, I ask the chapter [about this or that decision]; does the chapter approve (*ruccati samghassa*)?” (see, e.g., Sp 1402,29-35). The chapter’s consent is not expressed. The Mā-L typical formula occurs at BhīVin(Mā-L) 145,1-9, 282,22-26' (cf. Nolot, Règles 378-379). On Pā. *apa-*/BHS, Skt. *ava-*, see v.Hi., Schriftlichkeit 50-51 and n. 108; v.Hi., Mündlichkeit 25.

¹⁴ As *kamma-lakkhaṇa*, formal consultation is the procedure by which various monastic arrangements (*katikā*) are reached (Kkh 132,15-17 [spelled *kathikā*]; Sp 1138,13-21; see CPD s.v. *katika-vatta*, *katikā*; Katk(R) 6). Cf. SVTT III, second part of n. 48.

No Skt. parallel has been traced so far (see HH, Po-v 206 n. 3).

3 b. A *ñatti-kamma*, “procedure consisting in a motion (*ñatti*, see below, § 4)” — or, perhaps better, “resolution¹⁵ as the very motion” — is a single request for the chapter’s approval¹⁶.

It applies to the introduction into the chapter of a candidate for ordination, or to formal agreement as to his/her preliminary interrogation; to barring an unskilled monk from participation in a committee (see SVTT II, § 2 b.ii); to the decision either to proceed to or to postpone the ceremonies of Observance and Invitation; to the return to a monk/nun of something which had first to be forfeited formally because unduly acquired; to formal acceptance by the chapter of the confession of an offence by a monk/nun.

A *ñatti-kamma* with no specific name applies to the decision to proceed to the settlement of a formal dispute by covering it up (see SVTT II, § 2d.ii).

¹⁵ With *kamma* short for *kamma-vācā*, “legal proposition together with final resolution” (see below, § 5). As “performance of the motion”, *ñatti-kamma* denotes the first stage of a larger procedure (the term occurs in this latter sense at Kkh 196,29 [ad Vin IV 317,27]; in a formally identical context, Kkh 46,17-18 [ad Vin III 174,9] has *ñatti-pariyosāna*, “completion of the motion”).

¹⁶ The typical Pā. formula is: “Venerables, let the chapter listen to me [: this is the case in point]; if it seems right to the chapter, [let this or that be done about it]” (see, e.g., Sp 1409,26 sq.). The motion is referred to only in the sentence (sometimes missing altogether, e.g., at Vin III 196,31-34 = Sp 1410,20-23) introducing the procedure: *samgho ñāpetabbo*, “the chapter should be informed [as follows]”. As is the case with the procedure of formal consultation, the chapter’s final consent is not expressed. Unlike the Thv(M) Vin, Skt. Mū. texts regularly mark the end of the procedure by the words *eṣā jñaptiḥ*, “this is the motion”.

No BHS parallel has been traced so far.

Skt. *jñapti*, short for *jñapti-karman*: (Mu) Adhik-v 72,1, 75,21, 77,6 sq., 78,28, 107,21 (footnote)¹⁷; HH, Po-v § 31.1 (= MSV(D) IV 82,8), § 49.2 (= KP, Sīmā 413 ≠ MSV(D) IV 90,6); KC, Kath-v 54,25 sq. (= MSV(D) II 155,14 sq.); MSV(D) II 178,12.

jñapti-karman: (Mū) MSV(D) II 101,16, 206,19 sq., III 7,11 (*jñāpti-k°* Mvy(M) 266.2) — cf. HH, Po-v 206-207.

muktikā jñapti, f., “isolated motion”¹⁸: (Mū) BhīKaVā(S)¹⁹ 252,17; Upj 13,7, 17,15; Wille, MSV 148 (GBM 2.145, r°2) (Mvy(M) 266.1 m° *jñāpti*).

¹⁷ Adhik-v 72,1, 75,21, 78,28 *kriyājñapti* should be read *kriyā j°*; the sentence *yā samghasya kriyā jñapti jñapti-dvītiyaṃ jñapti-caturthaṃ* is paralleled by Vin II 89,2, 93,14-15 *yā samghassa kiccayatā karaṇiyatā apalokana-kammaṃ ñatti-kammaṃ ñ°-dutiya-kammaṃ ñ°-catuttha-kammaṃ*. Although *kriyā* might be interpreted *prima facie*, on account of its position in the sequence, as short for *kriyā-kāra*, “arrangement” (Pā. *katikā*) and therefore as a metonymic syn. of Pā. *apalokana-kamma* (cf. CPD s.v. *katikā*; (Mū) MSV(D) IV 133,1 sq.; Divy 338,13 sq., reproduced at MSV(D) IV 38,20 sq.; and above, § 3 a), it is in fact parallel to Pā. *kiccayatā karaṇiyatā*, these three terms being syn. with *karman/kamma*, “procedure” (see HH, Po-v 200-201, 206 n.3).

¹⁸ A *muktikā jñapti* is equivalent neither to a *ñatti-dutiya-kamma*, (Nolot, Règles 378 n. 9), nor to an *apalokanā-kamma* (v.Hi., Recht u. Phonetik 102-103; English transl.: SP 200 n. 2 [the right refs. to Upj are: 13,7, 17,15]), but to a *ñatti-kamma*: Upj 13,7-10 *muktikā jñapti* (referred to in Guṇ-VinSū(Pravr-v) 11,17 as *jñapti*; concluded and identified by this latter term in KaVā(Mū)₂ 62,10) ≠ Wille, MSV 148 (GBM 2.145, r°2-5) ≠ BhīKaVā(S) 252,17-253,3 (referred to by v.Hi., *ib.* 103 = SP 200 n. 2, from R/VP's edition in BSOS), correspond to the *ñatti-kamma* set forth at Vin I 94,26-29 ≠ II 272,29-32 (introduced by *saṃgho ñāpetabbo*; cf. above, n. 16); Upj 17,15-18,2 *muktikā jñapti* (referred to in Guṇ-VinSū(Pravr-v) 11,31 as *jñapti*; concluded and identified by this latter term in KaVā(Mū)₂ 64,11) ≠ BhīKaVā(S) 254,30-255,5 (with paraphrastic *jñaptim kṛtvā karma kartavyam*), 256,20-26, correspond to the *ñatti-kamma* set forth at Vin I 95,10-12 ≠ II 273,13-15.

Continues...

3 c. A *ñatti-dutiya-kamma* consists of two parts: first a motion (*ñatti*; see below, § 4), then the passing of a resolution (*kamma*, *k-°vācā*, see below, § 5) as its second (*dutiya*) part²⁰. It applies to the boycott of an offending lay donor's gifts by “turning the alms-bowls upside down” until he makes amends; to formal agreement about the monastery's boundaries, about the exceptional relaxation of rules about clothes or

(Mū) Saṅghabh II 80,1 sqq., 83,19 sq., uses the phrase *meṣakena ājñāpay-*, “to enjoin [a monk and his followers to stop plotting to split a community] by a *meṣaka*”; the same verb occurs at II 80,14 sqq. with *jñapti-caturthena* (see below, § 3 d) as a complement, which led Gnoli to suggest hesitatingly that *meṣaka* might be “in the sense of *muktikā* ?” (*ib.* 80 n. 1). Neither the editor's reading, nor the meaning of the term, nor whether it denotes a procedure, are beyond question: its description contains none of the characteristic features of a procedure, and it never qualifies the word *karman* in this text — although it does in Guṇ-VinSū 26,18: *nājñāpayeyur metha(?)kena karmanā* (editor's question-mark; the only recorded meaning of *methaka*, “quarrel, strife” [see BHSD s.v.] does not seem to make sense here). In any case, it can hardly be the equivalent of a *muktika jñapti*.

According to Mukherjee, Devadatta 85, the Chin. Mū. (VinVibh) parallel states that monks should “urge” (*bewegen*) the offending monk, before a *jñapti-caturtha* is carried out against him (the closest, fragmentary Skt. parallel is SHT (VI) 181 (1539), corresponding to Saṅghabh II 83,21 sq. [cf. Vin III 176,20'-30']; SHT(V) 67-68 (1075) corresponds to Saṅghabh II 85,1 sq. [cf. VinVibh(R) 71, § 10; Vin III 173,15'-174,8']).

¹⁹ The Mū. origin of BhīKaVā(R/VP), reedited by M. Schmidt [BhīKaVā(S)], has long been known; see now the latter's article “Zur Schulzugehörigkeit einer nepalischen Handschrift der Bhikṣuṇī-Karmavācānā”, *SWTF Beiheft 5* (1994), 156-164.

²⁰ Sp 242,31 sq., 1195,8-13 gives no grammatical analysis of *ñatti-dutiya-°*, *ñ°-catuttha-kamma*. These cpds. are generally translated: “(procedure) with a motion as its second / fourth part”, which, though supported by (Mū) Guṇ-VinSū(Pravr-v) 5,5-6 *jñapti-caturthena karmanā iti tisro vācānā jñapti-caturthā yasmin karmani tad jñapti-caturtham karma*, does not account for the fixed order — motion first — that is one of the conditions for the validity of the procedure (see above, § 1). HH, Po-v 208-209 suggests to relate *ñ-°d-°*, *ñ-°c-°* as *tatpuruṣa-s* to *-°kamma*, taken here to mean the final “decision” (see below, § 5), “standing in the ‘second’ / ‘fourth’ place from that of the ‘motion’ (*ñattiyā*)”.

bedding, or about the appointment of monks/nuns as office-bearers; to the distribution of cloth acquired from donors or left by a deceased monk; to the official closing of the period meant for reception of cloth from donors; to the investigation by the chapter of the site of planned individual dwellings before they may be built.

In some cases, this twofold procedure may be replaced by a formal consultation of the chapter (see above, § 3 a).

A *ñatti-dutiya-kamma* with no specific name applies to the third, last set of procedures involved in covering up disputes (see SVTT II, § 2d.ii).

No **BHS** parallel has been traced so far.

Skt. *jñapti-dvitiya karman*: (Mū) Adhik-v 72,1-2, 75,21, 77,6 sq., 78,25 sq.; Bendall, Ord. Ritual 376 (B3)²¹; HH, Po-v § 25, § 31.1, § 38.1, § 49.2 (= MSV(D) 80,20, 82,8, 86,5, 90,6); MSV(D) II 178,12, 207,1 sq. (Mvy(M) 266.3 *jñāpti-d*^o).

3 d. A *ñatti-catuttha-kamma* consists of four parts: first a motion, then the passing of a resolution as its fourth part, after the latter has been put three times to the chapter²². It applies to seven penalties²³ which are not formally included in the Patim. code of discipline, but have to be carried out, then cancelled, after decisions and under the supervision of the chapter; to the formal appointment of a monk as exhorter of nuns; to the application and control of the *mānatta* and *parivāsa* penalties (see

²¹ One would expect *jñapti-caturtha k*^o: see *ib.*, B7, and the parallel at BhiKaVā(S) 255,12-256,4.

²² Cf. above, n. 20.

²³ *tajjanīya*-^o, threefold *ukkhepanīya*-^o, *paṭisāraṇīya*-^o, *nissaya*-^o, and *pabbājanīya-kamma*.

SVTT III); to the formal threefold admonition of a monk/nun about to commit a *saṃghādisesa* offence.

A *ñatti-catuttha-kamma* with no specific name applies to ordination, and to rehabilitation after completion of the *mānatta* penalty.

BHS *jñapti-caturtha karma*: BhiVin(Mā-L) 42,6, 50,3, 57,7-8, 76,8²⁴.

Skt. *jñapti-caturtha karman*: (Sa) Filliozat/Kuno, FragmVin 40 (3a5, 3b2), 41-42 (4b1, 4b3), 46 (6b3, 7a4), 47 (7b4); Finot 1911 622 (Ia6). — (Sa?)²⁵ SHT(V) 59 (1068, Bl.204, r^o3). — (Mū) Adhik-v 72,2, 75,21, 78,29, 107,21; BhiKaVā(S) 271,12; Guṇ-VinSū(Pravr-v) 5,5 sq., 12,2; HH, Po-v § 25, § 31.1, § 38.1, § 49.2 (= MSV(D) IV 80,20, 82,8, 86,5-6, 90,6); KaVā(Mū)₂ 72,12-13; MSV(D) II 178,12, 207,3 sq., III 7,11; SHT(V) 68 (1075, r^o3) (Mvy(M) 266.4, 270.41 *jñāpti-c*^o).

4. Procedures 3b, 3c, 3d begin (and 3b ends) with one motion: Pā. *ñatti*, BHS and Skt. *jñapti*, f., during which the chairman first calls the chapter to attention, then states the case and the person(s) concerned, then (except for 3b) calls for a vote; the end of the motion is marked by the words Pā. *eṣā ñatti* (except for 3b: see above, n. 16), **Skt.** *eṣā jñaptih*, "this is the motion", **BHS** *ovāyikā eṣā jñaptih*, "this is the appropriate motion"²⁶.

²⁴ This is preceded, to give a further precision, by the epithet *traivācika*, "involving three propositions", which occurs on its own at 143,18.

²⁵ Bl. 206 v^o2 of this ms. has the form *pātayaṃtika*, which seems to be typically Sa. (see v.Hi., Bestimmung 63-66; v.Hi., Oldest Pā.Ms. 22).

²⁶ In BhiVin(Mā-L), this formula occurs exclusively in connexion with fourfold procedures (25,8-9, 41,4-5, 49,2, 54,2, 56,7, 66,8, 70,26, 143,13, 236,11, 241,6, 244,5-6), whereas PrMoSū(Mā-L) 5,16 connects it with a twofold one. See Roth, BhiVin(Mā-L) § 25 n. 2; Roth, Term. 347-348 (= Roth, IS 88-89). At

BHS *jñapti*, f.: BhīVin(Mā-L) 236,27', 241,25', 242,13' (only iic.).

Skt. *jñapti*, f.: (Sa) Filliozat/Kuno, *FragmVin* 40 (3b2); *Finot* 1911 622 (Ia6); *KaVā* 31 (28.5), 32 (31.6), 33 (34.2), 36 (50.7), 38 (59.4), 39 (62.5), 41 (69.2 [cf. SHT(I) 78 (132)]), 42 (73.5), 45 (91.3), 46 (94.3); *VinVibh(R)* 71 (end of 12); *VP, NF* 847,12. — (Mū) *Adhik-v* 83,15 sq., 85,8 sq., 96,8 sq., 99,14 sq., 106,30 sq.; *Bendall, Ord.Ritual* 375 (A3, A4); *BhīKaVā(S)* 254,30, 255,5 sq., 256,20 sq., 258,7 sq.²⁷; *Guṇ-VinSū* 99,8,28, 100,17, 102,30, 105,8; *HH, Po-v* § 37.1 sqq. (= *MSV(D)* IV 84,19 sqq.); *KP, Sīmā* 389, 401); *KaVā* § 113 (12) = *SHT (VI)* 136 (1437, v°2); *KaVā(Mū)*₂ 58,7; *KC, Kath-v* 52,28 sq., 54,8 (= *MSV(D)* II 153,8 sq., 155,5); *MSV(D)* II 101,15, 120,10 sq., 121,4, 206,20 sqq., III 6,5 sq., 10,10 sq., 12,13 sq., 24,16 sq.; *Upj* 18,5 sq.; etc. — *unid.sch.*: *SHT (VI)* 129 (1419, v°4).

5. The motion is to be followed by a single or threefold “subsequent proclamation” (*anu-ssāvanā*, f.²⁸) of the “legal proposition” (*kamma-vācā*, f.²⁹), during which the chairman states the case once more, then the

BhīVin(Mā-L) 54,2, *prajñaptiḥ* is most probably a copyist's *pamāda-lekha*; on *ib.* 30,3 *ovaśikāye*, see *Nolot, Règles* 18 n. 42.

²⁷ On the *nom.ag.* *jñapti-kāraka* occurring in this text, see below, end of § 6.

²⁸ To be distinguished from *anussāvana*, n., “praise”, *Vin V* 202,30 (quoted as *anusāvana* by *Sp [E]* 1378,1), as pointed out by *v.Hi., Recht u. Phonetik* 103, 116 (English transl.: *v.Hi., SP* 201 n. 3, 218 [who remarks that *Sp* 1399,3-4 *anusāvanaṃ* should read *sāvanaṃ* (*Vin V* 221,2)]); the meaning “praise” can, however, hardly apply at *Vin I* 93,2-14 (with *Sp* 1033,5-20); the point needs further investigation. On the *nom.ag.* *Pā. anu-ssāvaka*, *BHS anuśrāvaṇācaryā*, see below, § 6 and n. 34.

²⁹ *Skt. (Mū) Po-v karma-vācanā* occurs in this narrow sense, and is therefore syn. with *BHS anu-śrāvaṇā*, *Pā. anu-ssāvanā*. In a broader sense, the term refers to a text describing the complete set of procedures to be carried out for a particular purpose (*e.g.*, ordination), or to a collection of such texts; still more broadly, it refers to a set of ritual proceedings not connected with the internal

Continues...

matter to be decided upon by vote, then calls for this vote by inviting those who agree to keep silent; he/she finally declares once, by a solemn statement (no technical term), that the resolution is passed.

BHS *anu-śrāvaṇā*, f.: BhīVin(Mā-L) 236,28', 241,26', 242,13', 244,24' (only iic.).

karma-vācanā, f.: BhīVin(Mā-L) 30,11 sq., 42,1 sq., 49,13, 54,12, 71,5, 143,18, etc.

Skt. *anu-śrāvaṇā*, n.: (Mū) *Guṇ-VinSū* 100,17. — *anu-śrāvayanti*: (Mū) *MSV(D)* II 207,1 sq.³⁰

karman, short for *karma-vācanā*³¹: (Mū) *Adhik-v* 83,15 sq., 85,8 sq., 96,8 sq., 99,15 sq., 106,30 sq.; *BhīKaVā(S)* 254,30, 255,21, 258,7

dealings of a monastic community (*e.g.*, solemn undertaking of vows by lay followers) (see *HH, Po-v* 201-206; *KP, Sīmā* 418 n. 147).

³⁰ It is not sure whether (Sa) *Filliozat/Kuno, FraggVin* 49 (9a4) *anu-śrāvita-mfn.*, and (Mū) *MSV(D)* II 206,13 sq. *anu-śrāvaṇā*, n., are *t.t.Vin.*, referring respectively to the fourfold procedure of ordination and to the procedures involved in the penalties (listed above, n. 23) entailing some kind of boycott, then reintegration (cf. *MSV(D)* III 6,3-32,12).

Anu-śrāvaṇā, f., occurring (Sa) *Finot* 475,7 (cf. *PrMoSū* 33 [ASd, r°4], 159 [BNb, r°3], 180 [BTa, v°4], 218 [DM, r°2]), and *PrMoSū(Mū)*₂ 12,8 is no *t.t.Vin. stricto sensu*, although the *nidān'uddesa* (introduction to the recitation of the *Pātim.*) does show some of the formal features (but lacks the explicit motion) of a *ñatti-catuttha-kamma* (parallels: *samanu-śrāvayisyati*, -°*śrāvīyamāṇa-*, *PrMoSū(Mā-L)* 6,9-10; *anu-ssāvita*, *anu-ssāvīyamāṇa-*, *Vin I* 103,5 sq.; cf. *Kkh* 15,21-16,21 [with *anu-sāvāṇa*, n.: cf. above, n. 28]).

In *Mū.* texts, the ger. *anu-śrāvayitavyam* corresponds to *Pā. saṃgho ṅāpetabbo*, “the chapter is to be informed” (cf. above, n. 16) which precedes both the motion and the one- or threefold proclamation (*anu-sāvanā*); the *Skt.* term therefore means “the proclamation [of the motion] is to be proceeded to”, and does not refer to the *anu-śrāvaṇā* taking place after the motion; *anu-śrāvayitavyam* is, accordingly, regularly echoed by *eṣā jñaptiḥ* after the motion has just been put: (Sa) *Finot* 1911 622 (Ia3); *KaVā* § 109.1, § 117.4; *VinVibh(R)* 71 (11), 217 (2).

sq.; HH, Po-v § 17.3 sq., § 30.2 sq., § 37.1 sq. (= MSV(D) IV 78,8 sq., 81,14 sq., 84,20 sq., the latter = KP, *Simā* 389); KC, Kath-v 52,28 sq., 54,8 (= SHT(VI) 136 (1437, v^o2) = KaVā § 113 [12] = MSV(D) II 153,8 sq., 155,5); MSV(D) III 6,5 sq., 10,10 sq., 12,13 sq., 24,16 sq.; Saṅghabh II 80,18, 81,1, 83,9; Upj 18,5 sq.; etc.

karma-vācanā, f.: (Sa) most probably to be reconstructed VinVibh(R) 72 (13, 14): see HH, Po-v 205(-206) n. 4. — (Mū) Adhik-v 96,19, 99,33, 107,9³²; Bendall, Ord.Ritual 376 (B7); BhiKaVā(S) 256,4, 259,10; Guṇ-VinSū(Pravr-v) 11,18; HH, Po-v § 44.5d, § 51 (= MSV(D) IV 88,2 sq., 90,13 = KP, *Simā* 402, 418); KaVā(Mū)₂ 65,1; MSV(D) III 6,22 sq., 13,6 sq.; Mvy(M) 266.4-7; Upj 18,19.

vācanā, f. (short for *karma-v^o*): (Mu) Guṇ-VinSū 99,8, 102,30, 105,8; Guṇ-VinSū(Pravr-v) 5,5.

6. In Pā. texts, no technical term designates the monk/nun who is to officiate as chairman of the chapter; the phrase that regularly introduces the performance of a procedure is *vyattena bhikkhunā paṭibalena/vyattāya bhikkhuniyā paṭibalāya saṅgho nāpetabbo*, “the chapter is to be informed about the motion by a competent, able monk/nun”³³.

³¹ See KaVā 14-15; KP, *Simā* 390 n. 81; HH, Po-v 200. Whether it reflects an Indian original (not necessarily Mā: cf. Brough, review of BhiVin(Mā-L), BSOAS 36 676a; deJ., Fa-hsien 112), or is a specifically Chinese translator's device, this use of *karman* seems to occur also in Chin. Mā texts (Hirakawa, ChinBhiVin(Mā) 69, 75, 81, 104).

³² In their description of fourfold procedures, this text and Saṅghabh occasionally abridge, or omit altogether, the mention of the threefold proposition (Adhik-v 96,19-20, 99,33-34, 107,9-10; Saṅghabh II 84,32).

³³ See, e.g., Vin I 123,14-15, II 41,35-36, 272,28-29, III 187,7-8, IV 319,11-12.

The *nom.ag.* Pā. *anu-ssāvaka*, “proclaimer” (Vin I 74,9, ordination context) seems to refer to the chairman leading the procedure³⁴.

BHS *karma-kāraka*, m., °-*kārikā*, f., “officer, chairman”: BhiVin(Mā-L) 24,7, 28,7, 36,13, 44,2 sq., 48,9, 53,10, 55,23, 70,23, 235,22, 312,2 sq., etc.

Sa. **Skt.** texts state, still more tersely than Pā. texts, that procedures should be conducted *ekena bhikṣuṇā*, “by one monk”: KaVa § 109.1; VinVibh(R) 71(11).

The terminology of Mu Skt. texts is not standardized:

ekena bhikṣuṇā: Adhik-v 96,7, 99,14, 106,29; HH, Po-v § 17.3, § 30.2, § 37.1, § 40.2, § 44.3, etc. (= MSV(D) IV 78,7, 81,14, 84,19 [the latter = KP, *Simā* 389], ≠ 86,12, 87,13, etc.); MSV(D) II 192,18, III 6,5, 10,10; Saṅghabh II 80,17, 83,8 etc.;

karma-kāraka, m., °-*kārikā*, f. (followed [+]) or not [-] by *bhikṣu*, *bhikṣuṇī*: Bendall, Ord.Ritual 375 (A1[+]); BhiKaVā(S) 252,10 sq.[+], 254,23 sq.[+], 256,11 sq.[+]; Guṇ-VinSū 99,18[+], 105,4[-]; Guṇ-VinSū (Pravr-v) 11,10 sq.[-], 12,5[-]; HH, Po-v § 51[-] (= MSV(D) IV 90,13 = KP, *Simā* 418), § 53.3[+] (= MSV(D) IV 91,3 = KP, *Simā* 420); MSV(D) III 97,7[-]; Mvy 8729[-] (but Mvy(M) 270.16 °-*kāra*); Upj 13,3 sq.[+], 17,7 sq.[+]; Wille, MSV 148 (GBM 2.145, r^o2[+]).

BhiKaVā(S) 258,7 refers to the monk acting as chairman of a female probationer's fourfold ordination procedure as *jñapti-kāraka bhikṣu*, “performer of the motion”.

³⁴ According to Sp 996,25, it refers to the *ācariya*, “preceptor” of the candidate for ordination; according to Sp 1162,3-4, the preceptor is the one who utters the formulae (*kamma-vācā*, cf. above, n. 29) of the procedures involved; cf. BhiVin(Mā-L) *anuśrāvaṇācaryā* (same context), which does seem to refer to the nun acting as chairman (Nolot, Règles 395-396).

7. In Pā. texts, a valid procedure is termed *dhammika*, *a-kuppa*, *ṭhānāraha*, “legitimate, indisputable, appropriate to the case”, as opposed to *a-dhammika*, *kuppa*, *a-ṭṭhānāraha*³⁵. Although this fixed set of epithets occurs in contexts both of ordination and disciplinary procedures, in the latter the most frequent stock-phrase is *(a)dhamma-kammañ ca hoti (a)vinaya-kammañ ca du-/su-vūpasantañ ca*, “the procedure does / does not conform both to what is legitimate and to the Vinaya rules, and it is (im)properly settled” (Vin II 3,2 sqq. [truncated E° 8,20 sqq.]).

BHS *(a)dharma-karma*, *(a)sthānārha karma*, “(il)legitimate procedure, (in)appropriate to the case”: BhiVin(Mā-L) 275,24' sq.; Prakīrṇ(Mā-L) 328,7 sq.³⁶

Skt. *dharma*, *a-kopya*, *a-sthāpanārha*, “legitimate, indisputable, that there is no reason to discard”, with corresponding antonyms *a-dharma*,

³⁵ Vin I 313,16-18, III 24,10-11 ≠ IV 214,9-10; cf. ChinSp 182 “with no default” (*akuppa*). The inaccurate translation of BD I 42 is corrected at BD III 161, IV 448.

According to Kkh 17,25-19,35 (cf. Sp 243,1-5) *ad* Vin III 24,10-11, a procedure is sanctioned as “indisputable” with regard to its object, to the motion and subsequent proclamation(s), to the monastic boundary, and to the quorum required (see above, § 1-2); it is sanctioned as “fit to stand” in relation to its performance and to the Buddha's teachings.

³⁶ On *sthānāraho no asthānāraho* (*scil. bhikṣu*), see Nolot, *FragmMā(?)* 352-353.

Anāghāta-pañcama karma, “(fourfold) procedure with no objection as its fifth part”, occurs at BhiVin(Mā-L) 42,6-7, 50,3-4, 57,8, 76,9, in the final, solemn statement concluding the procedure by which a candidate becomes officially ordained; it occurs nowhere else in this or, as far as can be seen, other texts. According to Hirakawa, ChinBhiVin(Mā) 69, 75, 81, 104, this term is represented in Chin. Mā. by “there have been no objections to the one motion and the three *karma*-s”, “[the candidate] had no obstructing conditions when the one motion and three *karma*-s were performed” (cf. Nolot, *FragmMā(?)* 355 n. 11).

kopya, *sthāpanārha*: (Mū) BhiKaVā(S) 271,12³⁷; KaVā(Mū)₂ 72,13³⁸; MSV(D) II 101,16, 120,11³⁹, 176,8, 178,13, 191,4, III 73,16 sqq.; Upj 25,19⁴⁰; Wille, MSV 152 (GBM 2.129, r°6).

(a)kopyaṃ (a)sthāpanīyaṃ sa-/a-vastukam, “(in)disputable, (not) to be discarded, founded / unfounded”: (Mū?)⁴¹ SHT(V) 104 (1108, r°5, v°1).

dhārmika saṃgha-karaṇīya, n., “legitimate act of the chapter” (corresponding to Vin IV 152,6** *dhammika kamma*): (Sa) Finot 514,1; PrMoSū 68 (AWI, v°4), 125 (BIe, r°5-v°1). — (Mū) Erg.L.Ch 5,13. — *dhārmika-s*°: PrMoSū(Mū)₂ 37,18.

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³⁷ Tentative restoration (*ib.* n. 394, with Tib. parallels); BhiKaVā(R/VP) 31b1 *akopyenāsthāna*.

³⁸ GBM(FacEd) X.1, 50 (90.4) *akopyenāsthāpanārheṇa*; ed. *akopyena anāsthāpanārheṇa* is erroneous.

³⁹ Cf. Schopen, *Funerals* 5.

⁴⁰ Ed. (and ms.?) *akopyanāsthāpanārheṇa*.

⁴¹ This fragment contains the term *sthalastha* (v°2 sqq.), occurring also in other Mū texts (see SVTT II, § 2 b.ii and n. 45) and, admittedly, at Prakīrṇ(Mā-L) 328,8; v°2 *dharma-karma ca bhavati vinaya-karma ca* stands very close to MSV(D) II 204,16 sqq. (cf. SHT(VI) 111 [1388, r°3 sq.]).

II. *Adhikaraṇa*, “legal question, formal dispute, case”

0. The range of application of this term — the specific Vinaya parallel to *atta*, “case” in a lay court¹ — covers all disputes that may arise within a monastic community. These disputes are classified into four kinds according to their subject-matter, and are to be dealt with according to one or several of the seven “rules for the settlement of disputes” (*adhikaraṇa-samatha dhamma*). The latter apply to both monks and nuns and form the seventh, and last, chapter of the Pātim.² Disputes and modes of settlement are however set forth in greater detail in the Samatha-kkhandhaka of the Cullavagga³, in the Parivāra⁴, and in MN⁵; a fairly good summary is given by Dutt, EBM 126-138; for a summary of Chin. data, with references, see Frauwallner, Vinaya 113-116.

¹ Sp 906,24-25; v.Hi., Begriffe 278 n. 12 (English transl.: v.Hi., SP 120 n. 12). Accordingly, no disputes but those involving monks/nuns may be termed *adhikaraṇa* (Vin II 92,8-93,23 with Sp 1197,9-10). Neither monks (Sp 909,29-910,8) nor nuns may sue laymen in secular courts (see v.Hi., Buddhist Law 25-26, 28-32, 35; the only Pātim. rule stating so explicitly applies to nuns: Thv(M) 1st Samgh., Vin IV 223,4-225,15 with Kkh 160,33-161,30, Sp 906,18-910,11. — Conc.: BhīPr 54, table II.1 s.v. *ussaya*).

² Vin IV 207,1-19** ≠ 351,1-16** with Kkh 153,26-156,15 (cf. Kkh 208,1-2; Sp 948,29-949,2). Conc.: Pachow, CompSt 211 sq. and *ib.*, Appendix IV.VIII, p. 22.

³ Vin II 73,1-104,11 (≠ v.Hi., Oldest Pā.Ms. 106a-107b4b) with Sp 1191,16-1199,11; cf. ChinSp 533-534.

⁴ Vin V 91,1-113,9 with Sp 1314,8-1317,31 (up to Vin V 93,7; Vin V 102,1-112,32 is dealt with in Vjb (B^e 1960) 548,1-551,12); 150,1-157,10 with Sp 1354,2-1359,18.

⁵ MN II 247,3-250,21 with Ps IV 42,4-46,25 ≠ Kkh 153,26-155,41 ≠ Sv 1040,27-1043,22 *ad* DN III 254,10-14.

The seven rules for the settlement of disputes imply formal proceedings (and sometimes procedures)⁶. The first of these rules (*sammukhā-vinaya*; see below, § 2 a) applies, wholly or in part, to all cases, together with whichever rule among the other six is relevant; applying the wrong one to an irrelevant case invalidates the proceedings⁷.

The regular, valid settlement of a dispute may not be criticized by absent monks/nuns who agreed to the proceedings by proxy⁸; neither may the dispute be reopened⁹.

Nuns should settle disputes within their own chapter¹⁰; a Pātim. rule applying specifically to them states that those who do not try their best to settle a dispute, when requested to do so, incur a Pāc. offence¹¹.

⁶ Settlements involving procedures involve *ipso facto* possible disputes concerning the latter (Vin V 111,3-10; cf. Vjb 550,24-551,4).

⁷ Vin II 93,24-104,11; I 325,26-328,23; V 103,12-105,25, 106,7-107,10, 107,24-109,35, 110,30-111,2, 112,10-113,3; cf. BD III 153-154.

⁸ Thv(M) Pāc. n°79 (refs. as above, SVTT I, n. 6).

⁹ Thv(M) Pāc. n°63 [bhu], Vin IV 126,1 sq. with Sp 865,27 sq., Kkh 124,13 sq.; n°144 [bhi]. — UpāliPr(SR) 61, n°4. — Dh [bhu]: CASF(II) 165, n°66. — Conc.: BhīPr 57, table IV.1 s.v. *khotanam*.

¹⁰ Vin II 260,37-261,17. Although the exact meaning of *bhikkhuniyo kammappattāyo pi āpatti-gāminiyo pi* (261,7-8) is *prima facie* ambiguous (cf. BD V 362 n. 3), *kammappatta* is probably, if unexpectedly, syn. with *kammāraha*, “liable to a procedure”, as the syntax suggests: 261,9,13,14 *bhikkhunīnaṃ kammaṃ karontu, bhikkhunīnaṃ kammaṃ ropetvā, bhikkhunīnaṃ kammaṃ kātum*, all conform to the regular construction of *kammaṃ* with designation in the gen. case of the person who is the object of the procedure (see SVTT I n. 3). This is confirmed implicitly by Sp 1292,6-9 *ad* 261,12-13: *ettha tajjanīyādisu* [i.e., the disciplinary procedures listed in SVTT I n. 23] *idaṃ nāma kamma etissā kātabban ti evaṃ āropetvā*, and explicitly by Vjb (B^e 1960) 537,16-17: *kammappattāyo pīti kammārahā ti*.

1. The four subject-matters of disputes are controversies (*vivādādhikaraṇa*), censure (*anuvādādhikaraṇa*)¹², offences (*āpattādhikaraṇa*), and legal duties (*kiccādhikaraṇa*). Each one may be the cause of further disputes, or of one or several of the seven types of offences¹³: controversies may lead to the offence of insulting speech, censure to that of making a groundless charge, offences to that of concealing them, legal duties to that of disputing a sanction reached by a regular procedure.

The same applies to *bhikkhunīnaṃ kammaṃ na kariyati*, etc., in the preceding passage (Vin II 260,17-36), and is borne out both by 260,23 *kata-kamma*, whose sense "against whom a procedure was carried out", "who was sentenced", is clear from the context (though utterly misunderstood by CPD *s.v.*), and by 260,27 *khamāpentī*, "they ask forgiveness" (cf. Vin II 14,16-17 = III 183,33 with Sp 625,21-22 *dukkataṃ bhante amhehi na puna evaṃ karissāma khamatha amhākaṇaṃ* [= Sp 1292,4-5 *ad* Vin 260,27]). It is confirmed by Sp 1292,3-4 *kammaṃ na kariyatīti tajjanīyādi sattavidhaṃ pi kammaṃ na kariyati*, "no procedure was carried out — i.e. the seven [disciplinary] procedures, *tajjanīya* and the rest" (BD V 361 n. 1 is hardly correct), and corroborated by the context (Vin II 259,31-261,17 deals with the acknowledgment and redress of offences [Vin II 261,13,15 *kammaṃ ropetvā*, *āpattiṃ ropetvā* mean resp. "stating a sentence" (Sp 1292,6-9), "charging with an offence" (*passim* Vin and *ct.s.*)]).

¹¹ Thv(M) Pāc. n°45, Vin IV 301,8 sq. — Conc.: BhīPr 67, table III.2.B.2 *s.v.* *vūpasamena*; see BhīVin(Mā-L) 275,6 sq.; Hirakawa, ChinBhīVin(Mā) 381-382.

¹² CPD's translations of *anuvādādhikaraṇa* ("case of joining one's party"), *anuvadanā*, *anullapanā*, *anubhaṇanā*, *anusampavaṅkatā*, *abbhussahanatā*, *anubalappadāna* (*q.v.*) are not supported by Sp 1194,21-29 *ad* Vin II 88,30-35, Sp 595,3-5 *ad* Vin III 164,9', and Kkh 153,38-39 = Ps IV 43,4-6, and are to be corrected according to BD V 117.

¹³ As listed below, n. 21; see Vin V 99,28-101,23, 111,14-112,9; Utt-vn 285-297. Vin V 101,28-102,38 further considers each type of dispute according to the "triple poison" it presupposes (*pubbamgama*), its ground (*thāna*), its subject-matter (*vatthu*), its base (*bhūmi*), its cause (*hetu*), and its aspect (*ākāra*), together with the rules applying for its settlement. Still further combinations (for mnemotechnic purposes) occur at Vin V 150,2-157,10.

BHS *adhi-karaṇa*, n.: BhīVin(Mā-L) 104,6**, 105,7**, 149,4** sq., 151,9, 160,1, 275,8,17**, 276,2' sq.; PrMoSū(Mā-L) 9,23 sq., 19,10, 35,2.

adhikaraṇa-śamatha dharma, m.: BhīVin(Mā-L) 51,10; °*śamatha*: BhīVin(Mā-L) 300,1; PrMoSū(Mā-L) 35,1,11. — *śamatha* (*sic ms.*), *śamatha-vastu*: Prakīrṇ(Mā-L) 332,1; *śamatha*: *ib.* 333,4-5.

Skt. *adhi-karaṇa*, n.: (Sa) BhīPr 32 (Pa₁₂, r°b); Finot 481,8, 482,1 sq., 11 sq., 503,4; PrMoSū 74 (AYI, r°1 sq.), 79 (AZb, r°4), 87 (BAm, r°5), 151 (BMh, r°3), 152 (BMi, v°2), 227 (EDd, v°4), 229 (FA, r°3), 275 (IN, r°2); VinVibh(R) 33 (M 176, v°3, 5**), 65 n. 1 line 4 (≠ PrMoSū 151 [BMg, v°5]). — (Mū) Adhik-v 59,2*, 71,13 sq., 77,18 sqq.; Guṇ-VinSū 37,2, 108,9-10,15, 110,11,12; Guṇ-VinSū(Pravr) 3,22; MSV(D) III 1,9*; Mvy 9115; PrMoSū(Mū)₂ 18,3,7-8,13, 32,7. — *ādhi-karaṇika*, m(fn): (Mū) HH, Po-v § 98.2,4 (= MSV(D) IV 115,3,9).

adhikaraṇatā, f.: (Mū) Guṇ-VinSū 36,32.

adhikaraṇa-śamatha dharma, m.: (Sa) PrMoSū 284 (KH, v°4); Schmidt, Schluß 88, r°3 (≠ Finot 539,6). — (Mū) Adhik-v 79,3 sq., 88,24, 95,1-2, 98,17, etc.; PrMoSū(Mū)₂ 54,1,8; Schmidt, Schluß 92 (fol.37, r°1). — (unid. sch.) Schmidt, Schluß 90, r°1; SHT(IV) 255 (623 Bl.35, r°5), (V) 84 (1096, r°3) (the latter *scil. dharma*). — *śamatha* (*scil. dharma*): (Mū) Guṇ-VinSū 110,6.

anavavādādhikaraṇa: (Mū) Adhik-v 71,14 sq., 76,11 sq., 95,8 sq., 100,17-18.

anovāda, m.: (Sa) Hoernle, MR 12 (3, r°4)¹⁴.

¹⁴ From *anavavādādhikaraṇa*, which corresponds to Pā. *anuvādādhikaraṇa*, Adhik-v 71,20-21, 74,5, 78,5 sq. extracts *anavavāda*, m., and °*vādāna*, n.; these terms make little sense here ("absence of censure") if taken *prima facie*, and might be due to a wrong sanskritization of mi. *anuvāda* > *anovāda*, allegedly *an* + mi. *ovāda* > *an-avavāda*, whereas *ovāda* actually < **ud-*° or **ā-vadatī* (see SWTF Nachtr 511, *s.v.* *ano-vāda*; CPD *s.v.* *ovadatī*). That both *anavavāda* and *anovāda* denote the same thing may be inferred from Adhik-v *ib.* *anavavāda-*

āpatty-adhikaraṇa: (Mū) Adhik-v 71,14 sq., 74,10 sqq., 76,25 sq., 77,23 sqq., 100,23 sq., 110,4.

kṛtyādadhikaraṇa: (Mū) Adhik-v 59,7* (v.l. *kṛtvādh*°), 71,15, 72,1 sq.¹⁵, 75,20 sq., 77,4 sqq., 110,7; Guṇ-VinSū 110,6.

vivādādadhikaraṇa: (Mū) Adhik-v 71,14 sqq., 75,25, 77,22 sqq., 95,6 sq.

1 a. Controversies are defined as discussions about the Buddha's statements, practices and prescriptions, about what is the doctrine and what is the discipline, and about the determination and relative gravity of offences against Vinaya rules; they are identical with the eighteen points whose discussion may lead to a split in the Order (*samgha-bheda*)¹⁶.

The twelve roots of disputes about these points are those of controversy itself: the first six are anger and resentment, harshness and scorn, envy and greed, wickedness and deceit, evil desires and wrong opinions, and attachment to worldly things together with obstinacy and stubbornness — all of which lead to quarrels out of disrespect for the Buddha, the doctrine, the Order, and the training; the last six roots are those of what is morally either bad or good, depending on whether those arguing do so with covetous, corrupt, foolish minds or not. The dispute itself may be morally good, indeterminate, or bad, depending on the corresponding state of mind of the disputants¹⁷.

prasthāpana, n. / Hoernle, MR *ib. anovāda-prasthāpanā*, f. (followed by *-viṣṭhāpanā*).

¹⁵ Cf. SVTT I n. 17.

¹⁶ Vin II 88,20-30, 204,11-27 ≠ I 354,21-355,8 with Sp 1278,2-1280,21; cf. Vin V 102,1-11; Sp 595,1-3 ad Vin III 164,8-9'. See Bechert, "Schismenedikt" 32-33 ≠ Bechert, Schulz 35-36. (Mū) Adhik-v 73,25-29 lists fourteen such points.

¹⁷ Vin II 89,5-90,3, 91,1-3 with Sp 1196,2-5. Cf. (Mū) Adhik-v 72,5-74,2, 75,25-76,9.

1 b. The subject-matter for censure is a monk's/nun's fall from morality (*sīla-vipatti*), right behaviour (*ācāra-v*°), right opinions (*diṭṭhi-v*°), or right means of livelihood (*ājīva-v*°)¹⁸. These shortcomings may be the cause of one or several out of the seven types of offences¹⁹.

The fourteen roots of disputes about these points are those of censure itself: the first twelve are identical with those listed above in § 1a, except for the subject-matter; the last two are body (when censure concerns

¹⁸ Refs. as in n. 12 above.

¹⁹ As listed below, n. 21; cf. below, n. 23. In Vinaya contexts, the first two *vipatti*-s are made to refer strictly to Vibhaṅga categories: *sīla-v*° refers to Pār. and Saṃgh., *ācāra-v*° to Thull., Pāc., Pātid., Dukk., and Dubbh. offences (explicitly at Vin I 172,8-11 with Sp 989,19-23; cf. Vin V 160,2-11, 146,2-8* with Sp 1348,15-26; Sp 588,21-27 [ChinSp 389], elaborating upon Vin III 163,36').

The fourth one (altogether left out at, e.g., Vin I 63,33-34 = 67,8-10 ≠ 64,1-3 = 67,15-16; I 171,37 sqq.; II 4,24-25; IV 148,16-17; V 122,12-15, 160,2-11) is related empirically to the fivefold Pātim. classification by a definition that flatly lists six offences (detailed only at Vin V 99,5-16, and referred to in commentaries as *cha sikkhāpadāni*) considered under the moral angle of greed: twice the Thv(M) [bhu] fourth Pār., once the fifth Saṃgh., once the 39th Pāc., once the 37th Sekh. (entailing a Dukk.), once the eightfold [bhī] Pātid. (Vin V 99,10 *paṭivijānantassa āpatti thullaccayassa* is translated wrongly as "grave offence involving recognition" at BD VI 144 with n. 3; the first *gen.* actually refers to the agent, and the sentence means "for the one [who advertises superhuman powers] with [greedy] lurking thoughts, a gross transgression is incurred").

The third *vipatti* is defined at Vin I 172,11 as *micchādiṭṭhi antaggāhikā*, "wrong view advocating an extreme standpoint", with surprisingly missing reference either to the procedure of suspension (cf. SVTT III, n. 7), or to the 69th-70th Thv(M) [bhu] Pāc. (Vin IV 135, 18-30**, 137,17-20**): it seems to have resisted inclusion in Vinaya legal categories.

This cursory sketch of attempts at a strictly legal interpretation (see Vin V 98,6-99,27) of the fourfold *vipatti*, which does need further investigation, is yet another illustration (see v.Hi., Buddhist Law 24) of how Vinaya compilers and commentators tried to impart purely technical senses to terms with general doctrinal or moral connotations.

physical defaults) and speech (when it concerns flaws in elocution). The dispute itself may be morally good, indeterminate, or bad (as above, § 1a)²⁰.

1 c. Offences giving rise to disputes are those of the fivefold Pātim. classification, together with those occurring in Vibhaṅga casuistry²¹; such disputes are exemplified by the 8th and 9th Saṃgh. [bhu, bhī]²²

The six roots of such disputes are those of the offence itself: an offence may originate in body, or speech, or both, or in body and mind, or speech and mind, or in body, speech and mind together²³. The dispute itself may be morally indeterminate, or bad, depending on whether the offence in point was committed deliberately or not²⁴.

²⁰ Vin II 90,4-28, 91,14-24. Cf. (Mū) Adhik-v 74,4-7, 76,11-23.

²¹ i.e., the Pār., Saṃgh., Pāc., Pātid., and Dukk., to which the Vibhaṅga adds the Thull. and Dubbh. offences — the Dubbh. being a subdivision of Dukk., with the latter quite often referring implicitly to either, or to both (Vin II 88,35-89,1; Kkh 153,40-154,1 ≠ Ps IV 43,6-7, the latter with w.r. *mānikāya āgatā* for *mātikāya āgatā* [so Kkh; Sp 595,5-7 ad Vin III 164,9', 1314,28-29]).

²² Vin III 158,2-166,28 with Sp 575,21-598,9; III 166,31-170,35 with Sp 598,11-602,21. — UpāliPr(SR) 47, n°8-9. — Conc.: BhiPr 54, table II.1 s.vv. *amūlakam, laiśikam*.

²³ On this sixfold classification and its later developments, see v.Hi., Āpattisaṃuṭṭhāna (p. 58 line 12, read “*nissaggiya-pācittiya 16*” [Kkh 71,15-16] for “*pācittiya 6*”; p. 69 n. 13 line 6, read “Sp 662,18-21” for “Sp 62,17-21”). Vin V 94,9-97,14 gives a systematic account of the number of offences arising from each of these six origins, together with the four moral shortcomings (as above, § 1 b), the sevenfold classification of offences (as above, n. 21), the kind of dispute involved, and the rule(s) that apply for its settlement.

²⁴ Vin II 90,29-36, 91,25-32 with Sp 1196,6-1197,8; cf. Vin V 106,2-4. According to Sp *ib.*, no dispute about an offence may be morally good, because, as regards a deliberate offender, his/her state of mind is *ipso facto* morally bad; as regards one who commits an offence unwittingly, the question whether his/her state of mind is good, bad or indeterminate simply does not arise; such an offence originates only in body and/or speech, which are physical, and therefore morally

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1 d. Legal duties are the official procedures carried out by a chapter (*saṃgha-kamma*; see SVTT I), whichever part of them is disputed²⁵.

The root of disputes about procedures is the chapter itself. These disputes may be morally good, indeterminate, or bad, depending on the corresponding state of mind of the chapter's members²⁶.

2. The seven modes of settlement are (1) *sammukhā-vinaya*, “verdict involving the presence” of three or four constitutive elements; (2) *sati-vinaya*, “verdict of innocence”; (3) *amūḷha-vinaya*, “verdict of (past) insanity”; (4) *paṭiññāta-karaṇa*, “acknowledgement (of an offence)”; (5) *yebhuyyasikā*, “decision of the majority”; (6) *tassa-pāpiyyasikā*, verdict of “obstinate wrongness”; (7) *tiṇa-vatthāraka*, -°*patthāraka*²⁷, covering up the dispute “as with grass”.

Each of these may be morally good, indeterminate, or bad, except the first, which is never bad²⁸.

2 a. *Sammukhā-vinaya* is a “verdict involving” (i) a duly assembled, deliberating chapter (*saṃgha-sammukhatā*), except when a restricted

indeterminate (see further Vjb (B° 1960) 518,13-520,10). Cf. (Mū) Adhik-v 74,10-75,18, 76,25-77,2.

The cause (*hetu*) of the dispute may, however, be good as well (Vin V 102,24 [E° to be filled in with 102,6]; Vjb (B° 1960) 548,14-15 *natthi āpattādhikaraṇam kusalan ti vacanato natthi āpattādhikaraṇassa kusalahetu. Kusalcittam pana āgam hotīti likhitam*).

²⁵ Vin II 89,1-4 with Sp 1194,30-1196,1; Sp 595,7-10 ad Vin III 164,9-10'; Sp 601,1-13 ad Vin III 168,34'; cf. Kkh 154,1-2 ≠ Ps IV 43,8-9.

²⁶ Vin II 90,37-38, 91,33-92,3. Cf. (Mū) Adhik-v 75,20-23, 77,4-16.

²⁷ The latter form, occurring v.Hi., Oldest Pā.Ms. 106b3a, 6a, confirms the analysis of the former, which occurs *ib.* 106b4b-c, 107a1c,3b-c,5b,7a sqq. (see *ib.* 12-13).

²⁸ Vin V 105,26-36 (cf. Vjb (B° 1960) 548,8-12).

committee (*ubbāhikā*) is appointed in its place (see below, § 2 b.ii), or when the first two steps of *paṭiññāta-karaṇa* apply (see below, § 2d.i); (ii) conformity to general rules and teachings (*dhamma-s°*) and (iii) to monastic discipline (*vinaya-s°*); (iv) the presence of both factions (*puggala-s°*)²⁹. This three- or fourfold mode of settlement applies to all cases³⁰, either alone, or together with whichever of the other six is relevant³¹. It is sanctioned as valid only if those who hold the right

²⁹ Vin II 93,32-94,8 (cf. II 73,3-74,23 with Sp 1191,17-30-30; V 224,10-17). In (Mū) Adhik-v, the *sammukha-vinaya* is threefold: *saṃgha-°*, *puḍgala-°*, and *dharma-sammukha*, the latter including conformity to both *dharma* and *vinaya* (92,20-83,7, commenting on the settlement among the chapter prescribed at 82,14-18); cf. Banerjee, SarvLit 237-238 (i).

³⁰ These four prerequisites apply indeed to all procedures whatsoever, with eight exceptions, when the person who is the object of the procedure (*vatthu*; see SVTT I n. 3) is dealt with *in absentia*: ordination by proxy, boycott of a donor's gifts, cancellation of this boycott, exemption of mentally ill monks/nuns from attending the *uposatha*, exemption of poor, faithful donors from making gifts to the community, boycott of harsh monks, public proclamation that a bad monk's doings will not be endorsed by the community, decision by nuns to stop greeting an exhibitionist monk (Vin V 220,7-9 with Sp 1396,19-1397,2).

³¹ This is expressed at Vin V 110,5-14 by *kathaṃ siyā samathā sammatehi sammanti/na sammanti*, "how is it that modes of settlement are settled or not together with modes of settlement?", i.e., "which ones have to be applied together or not?", as can be deduced from the following lines (regrettably truncated in E°): each one must occur together and exclusively with *sammukhāvinaya*, all others being unhelpful (Vjb (B° 1960) 550,13-16: *samathā samathehi sammantīti ettha sammantīti sampajjantī. Adhikaraṇā vā pana sammanti vūpasammantīti attho. Tasmā yebhuyyasikā sammukhāvinayena sammatīti imāya sammukhāvinayena saddhīm sampajjati. Na sativinayādīhi tesam tassā anupakāraṭṭāti attho*).

Vin V 110,15-29 then proceeds to list which modes of settlement come to naught (*sammanti*; Vjb 550,16-17 *samathā adhikaraṇehi sammantīti ettha samathā abhāvaṃ gacchanṭīti attho*) because of (further) disputes. Although, due to the variations in the occurrence of *na* according to recensions (see Vin V 229 *ad* 20), a discussion of this passage would be fruitless here, Vjb 550,18-23 is worth quoting: *sammukhāvinayo vivādādhikaraṇena na sammatīti pāṭho* [cf. Vin V 110,16-17]. *Yebhuyyasikāya samānabhāvato ca avasāne sammukhāvinayo na kenaci sammatīti ti vuttattā* [cf. *ib.* 111,12] *ca sammukhāvinayo sayam*

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opinion manage to win over the other monks, whatever the latter's previous opinion might have been³².

The settlement of disputes by this verdict alone is valid in any case, except those concerning offences (see below, § 2d).

BHS *sammukha-vinaya śamatha*, m.: PrMoSū(Mā-L) 35,4³³; *sammukha*: BhīVin(Mā-L) 300,2.

Skt. *sammukha-vinaya* (*scil.*, or followed by, *adhikaraṇasamatha dharma*): (Sa) PrMoSū 59 (AS xx, v°2), 95 (BA x, v°6). — (Mū) Adhik-v 79,5 sq. (cf. 82,6 sq.), 95,7-8 sq., 110,6; Guṇ-VinSū 109,17-18; MSV(D) II 207,11; Mvy 8631. — (Sa or Mū) SHT(VI) 119 (1401, B3). — (unid.sch.) SHT(IV) 255 (623 B1.35, r°6). — *sammukha*: (Mū) Adhik-v 59,5*.

sammukha-karaṇīyaṃ karma: (Mū) MSV(D) II 207,7 sq.

2 b.i. Disputes about controversies (§ 1a above) are to be settled either by a fourfold *sammukhāvinaya*, or by a majority decision (§ 2b.iii below).

When the settlement of such a dispute cannot be achieved by means of a fourfold *sammukhāvinaya* within the chapter of the residence concerned, the monks should go and — unless a decision is reached on the way³⁴ — ask for arbitration by those of another residence where

samathena vā adhikaraṇena vā sametabbo na hotīti katvā vutto. Sativinayo kiccādhikaraṇena sammati. Amūḷhavinaya-tassapāpiya [sic]sika-tiṇavatthārakā pi kiccādhikaraṇena sammanti.

³² Vin II 73,23-74,22 with Sp 1191,17-30.

³³ Ms. *sammukha-vinayo śamatho* (cf. ed. *ad loc.*; BhīVin(Mā-L) 300 n. 1).

³⁴ Cf. Sp 1354,34-1355,13 *ad* Vin V 150,33.

monks are more numerous. After careful deliberation, the latter may take up the case, on the condition that it is put to them in full by the visiting monks, and that the latter will abide by the residents' decision³⁵.

2 b.ii. If confusion arises, and no decision can be reached among the residents' chapter by a fourfold *sammukhā-vinaya*, this same chapter is to carry out a twofold procedure³⁶ for the appointment of a committee (*ubbāhikā*)³⁷ of competent monks, well acquainted with Vinaya matters, who will investigate the case. Any member of the committee whose lack of skill hampers the deliberations should be made to leave³⁸. According to Vin V 224,19-24 (cf. Sp 590,10-15; v.Hi., Buddhist Law 23-24), the

³⁵ Vin II 94,8-95,24.

³⁶ Or, according to Sp 1197,21-22, a formal consultation (see above, SVTT I, § 3 a).

³⁷ The term literally means "shifting", "the turning over of a difficult or intricate case from the general Saṃgha to a special committee" (SBE XX 49-50 n. 3; cf. Carrithers, Forest Monks 251-252), as explained at Mp V 34,4-5 (with B.K.) *ad* AN V 71,10: *ubbāhikāya ti sampatta-adhikaraṇaṃ vūpasametum saṃghato ubbāhitvā uddharitvā gahaṇatthāya*. The right etymology given in CPD s.v. is followed by a wrong explanation "committee for the expulsion of a monk from the Order" (echoing Child s.v.); this is not supported by phrases of the type *adhikaraṇaṃ ubbāhikāya vūpasametum* (Vin II 95,27-28), and is inaccurate, insofar as neither a disciplinary point such as suspension, nor any other for that matter, is anything more than the possible starting-point of formal disputes (as occurs at Vin II 298,19-20, on which CPD's interpretation is probably based; see below, n. 40), to the settlement of which *ubbāhikā* specifically belongs. The *abstr. ubbāhikā* < *ud* + √ *ūh*, "to take away", is paralleled by the Skt. *nom. ag. vyūdhaka* < *vi* + √ *ūh* (see below). That the literal sense of the term applies is clear from (Mū) Adhik-v 83,13 sq. *bahiḥ sīmāṃ gatvā*, "[the committee will sit] outside the community's legal boundary", from Vin II 305,36-306,5, where the committee is said to agree upon a separate meeting place, and from the Chin. Mś, Dh and Sa parallels to the latter (Hofinger, Concile 110-111). According to Sp 1197,23-24, a committee may sit (*nisiditvā*, misprinted *mi*^o) either apart from, or among the assembly, but should forbid anyone else to talk during its session.

³⁸ Vin II 95,25-97,16 with Sp 1197,19-1198,5; Kkh 154,2-16 ≠ Ps IV 43,9-26 ≠ Sv 1041,8-25; Vin V 197,19-199,32 with Sp 1377,6-19.

appointment of a committee is particularly appropriate when the majority of monks side with the "unscrupulous" (*alajjī*) party, and that of Vinaya experts when the majority is incompetent.

How this committee proceeds is set forth in some detail in the account of the compilation (*saṅgīti*) of the Vinaya said to have taken place in Vesālī after the settlement of a dispute caused by a controversy³⁹. The relevant data about the case can be summarized as follows: monks from Vesālī decide to carry out a procedure of suspension⁴⁰ against the visiting monk Yasa, who holds that their practices go against the Vinaya rules. Yasa goes and persuades monks from Avanti and Pāvā to take up the dispute (these monks are later called *mulādayaka*, "those who first took up [the case]"⁴¹). Each party tries to secure the support of the learned monk Revata, who makes up his mind to side with Yasa's party and agrees to help settle the dispute, provided that the deliberations take place in Vesālī where it originated. As no settlement (presumably by a fourfold *sammukhā-vinaya*) ensues, Revata appoints a committee, with four monks (including himself) on each side, together with an appointer of seats. The committee moves to another, nearby monastery, then sits and

³⁹ Vin II 294,3-307,34. Chin. parallels from the Mś, Dh, Sa, Mū and Mā Vinayas, and from the (Haimavata) *Vinayamātrkā* (T. 1463), have been translated by Hofinger, Concile 23-148 (see the remarks of Demiéville, Vaiśālī); the parallels to the Thv(M) *ubbāhikā* occur *ib.* 104-125. See also Vallée Poussin, Conciles; Baireu, PCB 31-67; cf. HBI 138-154.

⁴⁰ *Ukkhepanīya-kamma* (cf. above, n. 37). The same disciplinary procedure is also said to have brought about a nearly definitive (cf. Sp 1149,11-17) split in Kosambī (*Kosamba-kkhandhaka*, Vin I 337,3 sq.; cf. MSV(D) II 176,3 sq.; Frauwallner, Vinaya 103-104; Banerjee, SarvLit 220-222), when the Buddha reportedly had a hard time trying to persuade the quarrelling monks that disputes should be avoided right from the first by the conciliatory attitude of all those involved.

⁴¹ Vin II 303,22 (Vjb (B° 1960) 540,13: *pesalakā*, "the good ones"); cf. (Mū) Guṇ-VinSū 108,14,28 *mūla-saṃgha*.

attends the deliberations between Revata, who asks questions about the disputed points, and Sabbakāmi, an Elder staying in Vesālī, appointed on the opposite side, who answers them. The decision thus reached about each point is announced formally by Revata to the attending members, and concretized by casting a token (*salākā*)⁴².

If the committee fails to reach a decision, the dispute is to be settled in the chapter where it originated, by a majority decision (see below, § 2 b.iii).

No BHS parallel has been traced so far.

As regards Skt. texts, the only parallels are (Mū) Adhik-v 83,8 sq., 95,14 *vyūdhaka bhikṣu*, Guṇ-VinSū 108,12, 123,14* *vyūdhā*, m⁴³, “referee”, to whom the case is handed over. The proceedings described in Adhik-v 80,4-88,24⁴⁴ are as follows: disputes are to be arbitrated by

⁴² Before the session begins, Revata, then Sabbakāmi, asks the formal consent of the whole committee, whom they call to attention by the words *suṅātu me bhante* [Revata]/ *āvuso* [Sabbakāmi] *saṅgho* (on this use of *bhante* and *āvuso*, see v.Hi., Mündlichkeit 10-11). Revata's announcement of each decision opens with *suṅātu me bhante saṅgho* (Vin II 306,9,18 sqq.). *Samgha* does not occur here in its technical sense of “chapter” (about the latter, see SVTT I, § 1), since its members act as mere witnesses of the deliberations, taking no part in the decisions reached; this is confirmed by Kkh 154,16 (with parallels as above, n. 38) *ubbāhikāya vūpasame pan'ettha saṅghassa sammukhatā parihāyati*, and by Vin II 307,30-34 where, after the case has been declared to be officially settled, Revata is invited by Sabbakāmi to proceed to an optional repetition of the whole proceedings, this time *saṅgha-majjhe*, “among the chapter” — i.e., all the monks present within the official boundary of the community where the dispute arose.

⁴³ See Hōbōgirin V 437a44-b5, with Addenda, *ib.* IV, and above, n. 37.

⁴⁴ They are summed up *ib.* 87,26-88,11, and in Guṇ-VinSū 108,3-28 (somewhat obscure, due to both its terse Sūtra style and the unreliability of the edition).

competent, well trained, reliable “monks who stand on firm ground” (?)⁴⁵, who will not conduct intrigues among the conflicting parties, and are able to settle disputes arising in the community (*saṅgham antarena*). If they cannot reach a decision, they should submit the case to the complete chapter; if the latter too fails, its members should appoint, by a twofold procedure, five to ten⁴⁶ referees who will take over the case from the chapter, and settle it outside the residence's boundary. If they too fail, they should appoint (presumably from among themselves) eight or nine *vyūdhaka-vyūdhaka*⁴⁷ who will take over the dispute from the referees who were appointed first. If no decision is reached, the latter group is to submit the case again to the complete chapter, who will then appoint a competent deputy⁴⁸, by a twofold procedure. This latter monk's office is to go and ask for arbitration by another chapter, where both *sthavira*-s

⁴⁵ *Sthalastha bhikṣu* (80,4 sqq., 89,14, 91,21, 93,7); the term occurs also in Guṇ-VinSū 107,20, 108,7, 123,14*, in (Mū?) SHT(V) 104 (1108, v°2 sq.), and in Prakīrṇ(Mā-L) 328,8 in *sthalastha-vartam* (the latter's relevance here is not certain: it is listed quite separately from 332,2 *śamatha*); according to Adhik-v 80 n. a, the term is represented in Tib. by the hardly helpful *skam la gnas* (“dwelling on [dry] land”). According to SHT *ib.*, the duties of a *s°* include performing procedures (*karmāni kartā bhavati*), and reproving offending monks (*bhikṣūmś codayati*) before they are charged with a specific offence. In Adhik-v, the idea of appointing monks to such an office is said to have come to the Buddha's mind after the report of the settlement of a dispute by Śariputra and Maudgalyāyana (79,11-14, without details), whom he then calls his *sthalasthāḥ śrāvakāḥ*; this very appointment is presented as an innovation (*bhikṣavo na jānate ke sthalasthāḥ kati vā iī*). As shown by Adhik-v 82,6-13 (commenting on 82,2-4), the *sthalastha* monks do not act in chapter.

⁴⁶ Tib.: ten to twenty; Guṇ-VinSū 108,12-13: not less than the quorum required to make up a regular chapter (*i.e.*, four).

⁴⁷ The corresponding term in Guṇ-VinSū 108,13 is *vyūdhaka*.

⁴⁸ *Adhikarāṇa-saṃcāraka* (84,21 sqq., 89,1); see Hōbōgirin (as above, n. 43); also at Guṇ-VinSū 108,15.

and a recension of the Prātimokṣa⁴⁹ are to be found. If no settlement can be achieved in, and by, the latter chapter within six (Guṇ-VinSū 108,16: three) months, the deputy is to apply to Sūtra-, Vinaya-, and Mātrkā-specialists⁵⁰, who will investigate the case informally. If no decision can be reached within one year (Guṇ-VinSū 108,17: six months), the dispute is to be handed over to the deputy, who will then apply to a most eminent, renowned *sthavira* from any residence; the latter is expected to exhort the conflicting parties to harmony and concord, without either taking bribes or getting involved in endless discussions.

If this monk too fails, he is to hand over the case to the deputy, who will put it to the chapter of the community where it originated, there to be settled by a majority decision.

2 b.iii. If the settlement of a dispute caused by a controversy cannot be achieved by a three- or fourfold *sammukhā-vinaya* (including §§ 2 b.i-ii above) alone, the case is to be handed back to the chapter of the community where it originated, and settled by a vote (*salāka-gāha*) “according to the decision of the majority (*yebhuyyasikā*) — be it by one only — of those who hold the right opinion”, under the supervision of a competent, reliable monk appointed as distributor of ballots (*salāka-gāhāpaka*) by a twofold procedure. The vote implies a fourfold *sammukhā-vinaya*⁵¹.

⁴⁹ *Sa-sthavire sa-prātimokṣe saṃghe* (85,25-26, 86,3 sqq.), also at Guṇ-VinSū 108,15 (cf. 105,24-25). A recension of the Prātimokṣa is needed for reference, so that the *sthavira*-s can check which rule(s) should be applied (cf. Sp 1354,29-32 ad Vin V 150,32).

⁵⁰ *Sūtra*-, *vinaya*-, *mātrkā-dhara*, also at Guṇ-VinSū 108,17.

⁵¹ Vin II 84,24-37 (= 97,21-24), 97,17-99,19 with Sp 1198,7-30; Kkh 154,17-27 ≠ Ps IV 43,26-44,13 ≠ Sv 1041,25-37 (cf. Mp II 166,4-5). Chin. data are summarized in Hōbōgirin V 437a17-443b22.

This vote is not valid when resorted to for the settlement of trifling matters; when the case has not been thoroughly investigated in different places; when no one remembers it; when those holding the wrong opinion are known to be in the majority, or the distributor of ballots expects so; when the vote may lead to a split in the Order, or the distributor expects so⁵²; when those holding the wrong opinion take several ballots each, or when several of their opponents take only one, or when opportunists vote against their own opinion⁵³.

The distributor of ballots is to control the proceedings by one of three methods, so as to avoid the dissatisfaction of monks who would then go from monastery to monastery in search of a more suitable decision. As for the first two methods, in case the wrong party wins, the result of the vote may be rejected up to three times; according to Sp, the repetition of the whole proceedings should be postponed until the next day, allowing the distributor to cause dissent among the wrong party.

(i) The voter is made to choose between two clearly different ballots, after being informed openly about which opinion each one symbolizes; the selected ballot is not to be shown to anyone; this is known as “secret vote” (*gūḷhakam*), and is particularly appropriate, according to Sp, when the majority side with the wrong party;

(ii) the method is the same as (i), except that the voter is to be informed confidentially; any elder monk who picks up the wrong ballot should be reminded about the proper behaviour that goes with old age; if he still does not understand, he should keep silent about the whole matter;

⁵² In both these latter cases, BD 5 111-112 “when he even thinks [that things could take such a turn]” is inaccurate (Sp 1192,30 *ayam assa ajjhāsayo*; cf. Hōbōgirin V 439b25-30).

⁵³ Vin II 85,1-14 with Sp 1192,20-1193,10.

this is known as “whispering in the ear” (*sakaṇṇa-jappakam*), and is particularly appropriate, according to Sp, when incompetent monks are in the majority;

(iii) ballots may be picked up openly (*vivaṭena*) when the distributor is confident that those who hold the right opinion are in the majority.

BHS *yo-bhūyasika* (*scil.*, or followed by, *śamatha / samatha*): BhīVin(Mā-L) 300,3 (misprinted °*bhu*°); PrMoSū(Mā-L) 35,9.

Skt. *yad-bhūyasikīya-śalākāgrahaṇa*, n.: (Mū) Adhik-v 79,5 (v.l. *yad-bhūyoṣika-s*°). — *yad-bhūyasikīya*: Mvy 8634 (v.l. *yad-bhūya aiṣikīya*).

yad-bhūyeṣikā: (Sa) PrMoSū 60 (AS yy, r°1), 170 (BP n, r°3).

*yad-bhūyeṣiyā*⁵⁴: (Sa or Mū) SHT(VI) 111 (1388, v°3). — (Mū) PrMoSū(Mū)₂ 54,5 (misprinted °*ṣipā*)-6.

yadbhūyaiṣika(-)śalākāgrahaṇa: (Mū) Adhik-v 88,28, 89,4 (misprinted °*ṣika*), 16, 94,24, 95,2,8.

yad-bhūyaiṣīya: — (*scil. adhikaraṇaśamatha-dharma*) (unid. sch.) SHT(IV) 255 (623 Bl.35, r°7). — (*scil. karman*) (Mū) MSV(D) II 207,12. — (°*śalākāgrahaṇa*) (Mū) Adhik-v 88,26, 89,3.

śalākā-cāraka, m(fn), “distributor of ballots”: (Mū) Adhik-v 89,18 sqq.

śalākā -cāraṇa, n., “vote”: (Mū) Adhik-v 90,2 sqq.

Four methods of control are set out at Adhik-v 90,2 sq.: *channa* (Pā. *gūlhakam*), *vivṛta* (Pā. *vivaṭena*), *sakaṇṇa-tuntunaka* (Pā. *sakaṇṇa-jappakam*), and *sarvasaṃghika*, “[vote] by the whole chapter” (?)⁵⁵.

⁵⁴ Among the following variants, the frequency of those ending in °*ṣīya* (analogical to *tat-svabhāvaiṣīya* [see below, § 2c] ?) seems to exclude a “secondary corruption” (BHSD s.v. *yadbhūyasikīya*).

2 c. Disputes about censure (§ 1b above) are to be settled by one of the following verdicts:

(i) A fourfold *sammukhā-vinaya* (§ 2a above) alone, involving a thorough investigation of the charge⁵⁶.

(ii) A verdict of innocence (*sati-vinaya*), based on the censured monk’s mindfulness and own conscience (*sati*), by which he may deny an unfounded charge. Such a verdict is valid only if the monk is actually innocent, but has been censured nonetheless, if he makes a formal, threefold application to a regular chapter for this specific decision, and if this same chapter actually carries out a valid, fourfold procedure (see SVTT I, § 3d) to the same purpose (involving *ipso facto* a fourfold *sammukhā-vinaya*). According to Kkh and its parallels, such a verdict applies to none but Arahants — i.e., the likes of Dabba Mallaputta (Vin II 74,25-29), on whose account it is said to have been first prescribed⁵⁷.

(iii) A verdict of past insanity (*amūḷha-vinaya*), by which unawareness when committing an offence, and lapse of memory during the settlement procedure, may be invoked by a censured monk. Such a

⁵⁵ Explained as follows at 90,24-31, but not quite clear to me (cf. Hōbōgirin V 443a36-b4): *yathāpi tac chalākā-cārakasya bhikṣor evaṃ bhavati, asminn āvāse prabhūtā bhikṣavo glānāḥ, ahaṃ ced <asaṃṇiṣaṇṇe> [editor’s addition ?] asaṃṇipatīte sarva-saṃghe śalākāṃ cārayeyam sthānam etad vidyate prabhūtā bhikṣavaḥ adharma-śalākāṃ grhṇīyuh [sic ed.] na tv [corr. yan nv ?] ahaṃ sarva-saṃghe saṃṇiṣaṇṇe saṃṇipatīte śalākāṃ cārayeyam iti sa sarva-saṃghe saṃṇiṣaṇṇe saṃṇipatīte śalākāṃ cārayati, idam ucyate sarvasaṃghikam śalākā-cāraṇam.*

⁵⁶ Kkh 154,28-33 = Sv 1041,38-1042,6 = Ps IV 44,12-20 *ad* MN II 247,10-18. Cf. (Mū) Adhik-v 95,8-18.

⁵⁷ Vin II 99,20-100,14 ≠ I 79,37-80,31 (cf. III 158,2-163,18) with Sp 1192,1-13; Kkh 154,33-38 = Sv 1042,6-11 = Ps IV 44,20-25 *ad* MN II 247,28-248,4; cf. Mp II 165,34-35. Cf. (Mū) Adhik-v 95,18-98,17.

verdict is valid only if the latter acts in good faith, with further proceedings, *mutatis mutandis*, as in (ii) above⁵⁸.

(iv) A verdict of obstinate wrongness (*tassa-pāpiyyasikā*), given against a convicted offender who tries to equivocate about the offence committed. It applies to unscrupulous monks who are charged either with a Pār., or with minor offences connected with the commission of the latter⁵⁹. If the sentenced monk observes the duties and restrictions prescribed in such a case⁶⁰, the verdict may be revoked by a procedure of reintegration (*osāraṇā*); if not, it amounts to expulsion (*nāsanā*). It is valid only if the censured monk is actually misbehaving, unscrupulous and fault-finding, if he does eventually acknowledge some offence (cf. below, § 2d.i) after due inquiry, and if the fourfold procedure (implying a fourfold *sammukhā-vinaya*) has been carried out according to rule by a regular chapter⁶¹.

In (Mū) Adhik-v and Guṇ-VinSū, this latter verdict does not apply to disputes about censure, but to those about offences (see below, end of § 2d.ii).

⁵⁸ Vin II 100,14-101,5 ≠ 80,32-83,9 with Sp 1192,14-19; Kkh 154,38-155,4 ≠ Sv 1042,12-20 ≠ Ps IV 44,25-45,6 *ad* MN 248,5-20. Cf. (Sa) KaVa § 117; (Mū) Adhik-v 98,19-100,20.

⁵⁹ According to Sp 1199,1-3, either a Dukk. (in connexion with the first Pār.) or a Thull. (in connexion with the second, third and fourth Pār.).

⁶⁰ These restrictions are very similar to (according to AN IV 347,7-15 with Mp IV 160,13-17), or identical with (as referred to in an abridged form at Vin II 86,22-28, *prima facie* to be filled in with II 5,6-15) those to be observed when a procedure of blame (*tajjanīya-kamma*) applies; all of them imply a suppression of the rights and duties of a regular, influential monk (e.g., appointment as an exhorter of nuns, or acting either as preceptor or instructor of a novice).

⁶¹ Vin II 101,5-102,10 with Sp 1199,1-11; II 85,15-86,30 with Sp 1193,12-20; Kkh 155, 4-11 ≠ Ps IV 45,6-14 ≠ Sv 1042,20-27.

BHS *amūḍha-vinaya śamatha*: PrMoSū(Mā-L) 35,6; *amūḍha*: BhīVin(Mā-L) 300,2.

tasya pāpeyasika: BhīVin(Mā-L) 300,3. — *tasya pāpeyasika ś°*: Prakīrṇ(Mā-L) 328,10; PrMoSū(Mā-L) 35,8.

smṛti-vinaya śamatha: PrMoSū(Mā-L) 35,5. — *smṛti*: BhīVin(Mā-L) 300,2.

Skt. *amūḍha-vinaya*: (Sa) Finot 538,7; KaVā 46-47 (94.2,5); PrMoSū 59 (AS xx, v°3). — (Mū) Adhik-v 59,5*, 95,11, 97,14, 98,19 sqq.; Guṇ-VinSū 109,15 (referred to as *asammūḍha ib.* 123,23*); MSV(D) II 207,12; Mvy 8633. — (unid. sch.) SHT(IV) 255 (623 Bl.35, r°6).

tat-svabhāvānveṣika (*scil. bhikṣu*), an accused monk "subjected to an inquiry about his real nature"; also as *abstr.*, m. or n., corresp. to Pā. *tassa-pāpiyyasikā*: (Sa?)⁶² SHT(V) 47 (1057 a, v°5).

tat-svabhāvānveṣikā, in a more general sense "inquiry about facts": (unid.sch.) SHT(V) 43 (1055 Bl.51, r°1), 158 (1160 Bl.49, r°4, v°1).

tat-svabhāvaiṣatata(?ṣita)tva tat-prabhāvaiṣi(?ṣi)yatva (editor's bracketted, question-marked corrections): (Mū) Guṇ-VinSū 109,31-32 (referred to as *tat-svabhāva ib.* 123,23*).

tat-svabhāvaiṣiya: (Sa) Hoernle, MR 12 (3, r°2).

tat-svabhāvaiṣiya: (Mū) Adhik-v 59,6*, 97,18, 100,25, 106,14 sqq., 110,6; MSV(D) II 207,12. — (unid. sch.) SHT(IV) 255 (623 Bl.35, r°7).

tat-svabhāvaiṣṭika: (Sa) PrMoSū 59 (AS xx, v°5).

smṛti-vinaya: (Mū) Adhik-v 95,11 sqq.; Guṇ-VinSū 109,15; MSV(D) II 207,11; Mvy 8632. — (unid. sch.) SHT(IV) 255 (623 Bl.35, r°6). — *smṛti*: Adhik-v 59,5*; Guṇ-VinSū 123,23*.

⁶² The form *sthūlārṭi-gāminī āpatti* (corresponding to Pā. *thullaccaya*, BHS/Skt. *sthūlātyaya*) occurs *ib.* b, v°4; see (Sa) VinVibh(R) 16-17, 30 (M 139, v°1 sq.; S 171, r°1 sq.).

2 d. Disputes about offences (§ 1c above) are to be settled according to their gravity. Among the seven traditional rules for settlement, the last two apply *per se* neither to seriously culpable offences nor to those committed against lay people, but only to “light” offences⁶³.

(i) A settlement may be reached by acknowledgement (*paṭiññāta-karaṇa*) of his offence by a guilty monk, in the presence of either one or several monks (implying a threefold *sammukhā-vinaya* in both cases), or before a duly assembled chapter (implying a fourfold *s°-v°*), who will issue a formal warning, with no procedure required⁶⁴.

⁶³ *Lahukā āpatti*, i.e. all those of the fivefold Pātim. classification (as listed above, n. 21), except the “seriously culpable” (*thullavajjā āpatti*) Pār. and Saṃgh. Although the penalty applying to each of the last two may by no means be carried out without the accused monk’s preliminary acknowledgement of his offence (cf. below, n. 64) before formal confession (*āpatti-desanā* [of Saṃgh. and lighter offences]), these are not sufficient in themselves: a Pār. offence entails complete exclusion from the community, with no room (*an-avasesa*) for formal confession, and therefore no possible settlement (Vin V 153,25-27 with Sp 1358,11-13); a Saṃgh. offence entails a kind of boycott (*mānatta*; see SVTT III) and a period of probation (in case the offence was concealed for some time before being acknowledged), both to be applied for by the guilty monk to the chapter, after he has proceeded to acknowledgement and formal confession, and to be carried out by regular procedures and under supervision of the same chapter (Vin V 153,5-10). This is why the Pār. and Saṃgh. offences are termed *a-desanāgāminī āpatti*, “offences that cannot be redressed by mere confession”, as opposed to the *desanāgāminī* “light” offences (the highly complex provisions for accusation and confession — see v.Hi., buddhist Law 22, 23-24 — will be investigated elsewhere).

Offences against lay people are to be redressed, after preliminary acknowledgement, by a procedure of reconciliation (*paṭisaraniya-kamma*).

⁶⁴ Vin II 83,10-84,19, 102,11-103,24; Kkh 155,12-25 ≠ Ps IV 45,14-46,3 ≠ Sv 1042,28-1043,4 *ad* MN II 248,21-31. Cf. (Mū) Adhik-v 100,23-102,3 (whatever the editor’s brackets mean, 101,26,29 <an> should not, logically, occur at this place).

Continues...

(ii) When the dispute involves several persons in each faction, and acknowledgement to each other might make things worse, it may be covered up “as with grass” (*tina-vatthāraka*, -°*pattharaka*⁶⁵). Each step of this settlement involves a fourfold *sammukhā-vinaya*. First of all, both factions are to meet so as to form a single, regular chapter, whom a monk acting as chairman will ask whether they agree with the proposal to settle the case in this way; one monk from each faction is then to ask those siding with him whether they agree to his acknowledging their offences on their behalf, together with his own; each of these three procedures consists of a motion (see SVTT I, § 3b). The monk acting on behalf of each party is then to request the chapter to accept this collective acknowledgement and to cover up the dispute, thereby cancelling all accusations; each of these requests is to be made through a twofold procedure (see SVTT I, § 3c).

Acknowledgement is indeed the prerequisite for any further penalty; in no case may the latter be inflicted by using force (Vin II 83,10-84,19; Kkh 155,23-25; Sp 1397,7-10 *ad* Vin V 220,10-11; (Mū) Adhik-v 104,1-3; cf. v.Hi., Buddhist Law 11; Gombrich, *Thv Buddhism* 108-109). According to Sp 624,10-16 (*ad* Vin III 183,5-6), 1360,31-1361,5 (*ad* Vin V 158,19*-28*), one should deal with a scrupulous (*lajjī*) monk according to what he acknowledges; with an unscrupulous one; according to his behaviour (*vatta*; Vin V 158,20 [E²] reads *vutta*); a monk’s acknowledgement is to be trusted if consistent with his behaviour. He may be charged with an offence after due, regular inquiry, whether he acknowledges either or both the fact (*vatthu*) and the offence (*āpatti*) it entails; if he acknowledges neither, he should not be charged; the latter case is then, presumably, liable to give rise to a controversy about the offence in question (see above, § 1a). If a monk equivocates about the offence committed, the verdict of “obstinate wrongness” (§ 2c.iv above) applies; if he acknowledges it, but refuses to proceed to formal confession, a procedure of suspension (*āpattiyā adassane ukkhepanīya-kamma*) will be carried out against him.

⁶⁵ See above, n. 27.

This specific settlement is valid only for those actually present — be they ill, asleep, absorbed in meditation, or distracted — and who do not object⁶⁶.

(Mū) Adhik-v 108,7-110,3 prescribes no procedures: the most eminent, respected elder in each party is to approach both the monks he sides with — to secure their agreement — and those of the opposite party, in front of whom he will acknowledge the offences committed on his side; if no one objects, the dispute is sanctioned as covered up.

Both this text (95,8-11, 100,23-26, 106,14-108,5) and (Mū) Guṇ-VinSū 109,30-31 add here the settlement by “investigation of [an accused monk's] real nature” (see above, end of § 2c.iv), the provisions of which correspond to those of the fourth Thv(M) verdict applying to disputes about censure.

BHS *pratijñā*: BhiVin(Mā-L) 300,2. — *pratijñā-kāraka śamatha*: PrMoSū(Mā-L) 35,7.

ṛṇa-prastāraka (*scil.*, or followed by, *śamatha*): BhiVin(Mā-L) 300,3; PrMoSū(Mā-L) 35,10.

Skt. *pratijñā-kāraka* (*scil.*, or followed by, *adh-°k-°ś°*): (Mū) Adhik-v 100,25 sqq., 110,6; Guṇ-VinSū 109,17; MSV(D) II 207,12; Mvy 8637. — (unid. sch.) SHT(IV) 255 (623 Bl.35, r°7-v°1).

pratijñā-karaṇīyaṃ karma: (Mū) MSV(D) II 207,10.

pratijñāna, m. or n.: (Mū) Guṇ-VinSū 109,30.

pratijñā-vinaya (*scil. adh-°k-°ś°*): (Sa) PrMoSū 284 (KH, v°2).

⁶⁶ Vin II 103,24-104,10, 86,31-88,7 with Sp 1193,21-1194,17; Sp 1355,28-34 *ad* Vin V 151,1; Kkh 155,25-34 ≠ Ps IV 46,3-15 ≠ Sv 1043,5-15 *ad* MN II 250,1-21.

ṛṇa-prastāraka (*scil.*, or followed by, *id.*): (Sa) PrMoSū 95 (BA y, r°5). — (Mū) Adhik-v 59,6*, 100,26, 108,7 sqq., 110,6-7; Guṇ-VinSū 102,31, 109,18; MSV(D) II 207,13; Mvy 8636. — (unid. sch.) SHT(IV) 255 (623 Bl.35, v°1). — °-*prastāraka* (?): (Sa) PrMoSū 170 (BP n, r°4).

2 e. Disputes pertaining to formal procedures (§ 1d above) are to be settled by a fourfold *sammukhā-vinaya* only⁶⁷ (see SVTT I, § 1 and n. 5-6).

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⁶⁷ Vin II 104,8-9 ≠ Kkh 155,35-36 = Ps IV 46,15-16 ≠ Sv 1043,16-17.

III. *mānatta, parivāsa, abbhāna-kamma*

0. Within the five categories of offences of the Pātim. (see SVTT II n. 20), the Saṃgh. are the only ones whose redress may not be achieved without the supervision of a regular chapter, through penalties (*mānatta* and *parivāsa*) whose end is marked by re-admission (*abbhāna*) to the status of a fully regular monk/nun. Both *mānatta* and *parivāsa* — however intricate their particulars may be —, and re-admission, are to be granted through the most elaborate, fourfold procedures (see SVTT I § 3 d)¹; whereas the smallest quorum of four monks/nuns is sufficient as far as penalties are concerned, re-admission is the only procedure whatsoever that requires the biggest quorum of all, numbering twenty (see SVTT I § 2). Each of the procedures involved should include full details about the circumstances of the case — however complex it may turn out to be — to be given both by the guilty monk and by the chairman².

The relevant dispositions are set forth very briefly at the end of the Saṃgh. section of the Pātim.³, and, with full details, in the Parivāsa-⁴ and Samuccaya-kkhandhaka⁵ of the Cullavagga.

¹ Vin III [bhu] 112,26-30' (with Sp 522,2-16 = Kkh 35,21-27; = Sp 1351,27-33 ad Vin V 148,28*) = 185,37-186,3' = IV [bhi] 225,8-12' = 242,10, truncated E' to be filled in with 237,19-20, whose Pāli text refers by *pa* to 235,4-5, the latter truncated in E', up to 225,8-12'. Saṃgh. offences are said to be “redressed through what others state” (*para-vācāya vuṭṭhāti*, Vin V 124,31), that is, by the procedures of probation, etc. (Sp 1329,9 *parivāsa-kammavācādihi vuṭṭhāti*).

² Vin II 38,12-39,14; cf. Sp 1173,10-17, 1351,26-33, and below, n. 44.

³ Vin III 186,11-24 with Kkh 48,16-51,35, Sp 629,23-630,8; cf. Vin-vn 504-540, Khuddas II 10-11.

⁴ Vin II 31,3-37,33 with Sp 1159,22-1169,13; cf. Vin-vn 2751-2759.

1. *Mānatta* (n.)⁶ applies either alone — when the offence was acknowledged as soon as committed — or following a period of probation (see below, § 2-3 d) — when it was concealed for some time.

After immediate, due acknowledgement and confession of his offence⁷, the guilty monk is termed *mānattāraha*, “liable to *m*” (Vin II

⁵ Vin II 38,3-72,29 with Sp 1169,15-1191,14; a convenient recapitulation of this Khandhaka occurs at Sp 1189,6-1191,14. Skt. Mū parallel: MSV(D) III 32,13-58,12 (last part of the Pāṇḍulohitaka-vastu), 61,1-88,10 (Pudgala-vastu), 93,1-103,1 (Pārivāsika-vastu); cf. Guṇ-VinSū 104,30-106,6; summary of the Tib. version: Banerjee, SarvLit 227-232.

⁶ Traditional etymology points to some kind of “conciliation”, “conciliatory measure” (BHSD suggests < *māna-tva*, “condition of (paying) respect”): Kkh 51,11-13 = Sp 629,29-30: *bhikkhu mānattāyā ti bhikkhūnaṃ mānana-bhāvāya; ārāadhanatthāyā ti vuttam hoti*. — (Sa) PrMoSū 212 [DDa, v°3] *bhikṣu[sic]nām cittam ārādayamāno*. — ChinSp 404 [7]: “*mānatta*, that is to say in Chinese, to control self-elation; that is, to have humility in one's mind” (for further Chin., and Tib. evidence, see BHSD s.vv. *mānatva, mānāpya*; BHSD's definition of *mānatva*, “a kind of penance which is superimposed, after *parivāsa* [“probation”], on a monk guilty of a *saṃghāvāseṣa* offence which he has concealed”, is misleading: *mānatva* applies in all cases, whether the offence was concealed or not).

⁷ Cf. SVTT II n. 63-64. Dutt states that “for this disciplinary measure [of *parivāsa* and *mānatta*] confession is not a necessary pre-condition. [...] The two penalties are inflicted together in case of non-confession; only *mānatta* is inflicted in case of confession” (EBM 137, 139). This is quite beside the point, which is not confession, expected to occur in any case; if it does not, the relevant procedures are that of suspension for “refusing to see/to redress one's offence, or to give up wrong opinions” (*āpattiya adassane/appatikamme, pāpikāya diṭṭhiyā appatinissagge ukkhepaniya-kamma*). The point here is the time that did, or did not, elapse between commission and confession of the Saṃgh. offence. This is made quite clear when one brings together the relevant occurrences of (*a*)*kāma*, “(un)willing”: a monk who committed such an offence and *is willing* to redress it should apply for this purpose to a regular chapter (Sp 522,4-8 = 1351,27-31 *imam āpattiṃ āpajjitvā vuṭṭhātu-kāmassa, yan tam āpatti-vuṭṭhānaṃ [...] saṃgho icchitabbo*); in doing so, the one who first concealed his offence *will* apply knowingly for probation, then *mānatta*, to be undergone “against his own

35,11-22), whereby he becomes subject to the same restrictions as those applying in the case of probation (see below, § 2 a). He should then make a formal, threefold application for *mānatta* to a regular chapter, numbering four monks at least, who will grant it through a fourfold procedure⁸. According to Sp, a monk who has committed several Saṃgh. offences may state each of them during the same session. Once the procedure is over, he should immediately formally undertake the observance of *mānatta*, and announce it before the same chapter. This is called *appaṭicchanna-mānatta*, “m° [applying to an] unconcealed [offence]” (Sp 1171,1-3 ≠ Kkh 51,14-16).

BHS *mānatva*, n.: BhīVin(Mā-L) 17,17, 63,2 sq., 163,25**;
Prakīrṃ(Mā-L) 328,7; PrMoSū(Mā-L) 12,10.

Skt. *mānatva*, n.: (Sa) Finot 487,11.

mānāpya, n.: (Sa) Hoernle, MR 12 (3.2); PrMoSū 84 (BAf, v°4). — (Sa?)⁹ SHT(V) 22 (1039, v°3. — (Mū) BhīKaVā(S) 246,5, 247,31, 270,15; Guṇ-VinSū 102,23, 104,18,30, 106,1 (ed. *mānāsyā* throughout); MSV(D) II 154,14, 157,16-17 (= KC, Kath-v 53,27, 55,35), 207,16, III 43,1, 44,7 sqq., 56,3 sqq., 61,18, 67,4, 71,9 sq., 94,13, 100,11 sqq., etc.;

will” (Vin III 186,14 *akāmā parivatthabbaṃ* with Sp 629,27 = Kkh 49,4 *akāmena avasena*). This voluntary self-submission and “relatively dignified humiliation” (Carrithers, Forest Monks 145) are stressed by the very structure of all the disciplinary procedures involved: none is valid without that part of the procedure by which this very monk himself, being “desirous of redress” (*vuṭṭhātu-kāma*), applies for the right penalty to be granted to him (cf., e.g., (Mū) MSV(D) III 79,14-83,6) — in striking contrast both with the procedures of suspension, then reintegration, during which the guilty monk plays no active part (cf. Vin II 21,22-22,6 *ādi* with 38,12-39,14 *ādi*), and with the heavier penalties incurred in the latter case (cf. below, second part of n. 19).

⁸ Vin II 38,3-39,14 with Sp 1170,28-1171,29.

⁹ *sthūlārti* occurs in r°3, r°4 (cf. SVTT II n. 62); ed. *carita[m]=ā[v]āpya* is to be read *carita-mānāpya*.

Mvy(M) 265.14,17; PrMoSū(Mū)₂ 22,1¹⁰. — *mānāpya* (misprint?): (Sa) PrMoSū 41 (ASq, r°2).

1 a. From now on, the monk is termed *mānatta-cārika*, “undergoing m°”, and should observe, during a fixed period of six days, ninety-four restrictions that can be summarized as follows¹¹.

He is to be denied, and should refuse, both outward marks of respect from regular monks¹², and the latter's assistance in everyday life (such as

¹⁰ So GBM(FacEd) X.1, 21 (31.1); ed. *mānatta* is erroneous.

¹¹ The full account of restrictions set forth at Vin II 31,4-34,20 (with Sp 1159,22-1170,5) applies to monks undergoing probation, and is then summarized (and truncated in E°) at Vin II 35,23-36,28 (with Sp 1170,20-25) as applying both to *mānatta-cārika*-s and to the four other groups mentioned below, n. 12, with reference to 31,4 sqq., except when specific restrictions need to be detailed. For the sake of clarity — and with the support of Sp 1173,20-24 ≠ 1189,1-5 — the following account reverses the order of the Pā. text and incorporates these specific restrictions. Skt. Mū. parallel: MSV(D) III 96,20-102,4.

¹² That is, according to Sp 1160,5-7 (cf. 1169,7-8), all monks, except those ordained later than he who happen to undergo just the same penalty at the same time. The more detailed explanations given at Sp 1170,7-14 point to the restriction of assistance and outward marks of respect to members of equal or lower seniority *within* each of the five groups of monks affected by the disciplinary consequences of a Saṃgh. offence: those undergoing probation (*pārivāsika*), those “liable to be sent back to the beginning” (*mūlāya paṭikassanāraha*) of the relevant penalty (see below, § 3 a), those liable to *mānatta* (*mānattāraha*), those undergoing this latter penalty (*mānatta-cārika*), and those “fit for re-admission” (*abbhānāraha*) as fully regular monks (see below, § 6). Vin II 33,22-23, 35,1-3, 35,17,19-20, 36,10,14, 37,6-7,10-11 accordingly state that monks within each of these penalized groups may not dwell under the same roof as senior monks from the same group (according to Sp 1168,14-1169,6, doing so entails a “break” [*ratti-ccheda*, see below, end of § 1 a] and/or a Dukk. for either or both monks). To sum up, a regular monk is either a fully regular one, or one who undergoes any of the four other penalties entailed by a Saṃgh. offence, or a senior monk who undergoes just the same as oneself. The relativity of the concept of regular status is further stressed by the

providing seats and water, or rubbing each other's back when bathing); failing to do so, he adds a Dukk. offence to the Saṃgh. one. Should other monks be liable to the very same penalty (see above, n. 12), they are considered as a group among whom both outward marks of respect and a set of five activities should be observed according to seniority¹³: proceeding to the fortnightly recitation of Pātim. rules (*uposatha*) and to Invitation (*pavāraṇā*), getting one's share of clothes for the rainy season (*vassika-sāṭikā*), passing one's turn during the distribution of meals (*oṇojana*)¹⁴, and getting one's share of food (*bhatta*)¹⁵.

A monk undergoing *mānatta* is further to abstain from the following: granting ordination; giving guidance to newly ordained monks; being waited upon by novices; being appointed as exhorter of nuns, or actually

fact that a suspended monk (*ukkhittaka*) is indeed, as far as concealment of Saṃgh. offences is concerned, considered as regular (see below, n. 19).

¹³ According to Sp 1160,25-1161,6, this separate group should sit at the lower hierarchical rank (that of newly ordained monks), where they are to attend or to perform separately the procedures in which they may take part.

¹⁴ According to Sp 1161,6-18, *oṇojana* (Vin II 37,20* *oṇoja*, instead of which Siam. edn. has *avaṇojana* [BD V 54 n. 3], both these latter forms missing in CPD) means giving away (*vissajjana*) one's share of the food to be distributed at pre-arranged meals (*uddesa-bhattādi*, i.e. *uddesa-bh°*, *nimantanā*, *salāka-bh°*, *pakkhika*, *uposathika*, *pātipadika*: allotted meals, invitations, meals apportioned by tickets, those offered fortnightly, or on *uposatha* days, or on the following day; see refs. in CPD s.v. *uddesa-bhatta*). If the penalized monk is scheduled to receive a share of such a meal, but expects to get a meal personally (*puggalika-bhatta*) on the same day (reading *aññā ca'ssa* with Bp. and C° (SHB 1948) 860,33), he may reserve this share for the next day, by giving it (i.e., entrusting his right to it) to a regular monk. This disposition is meant to help penalized monks, who have to sit at the lower hierarchical rank for all purposes, and might therefore not get a fair share of food.

¹⁵ According to Sp 1161,18-23, if a penalized monk cannot manage either to join, or to stay in, the row of monks waiting for food, he may move right to where the distributor stands, and help himself "like a swooping hawk" (cf. Sp-y, quoted in CPD s.v. *o-sakkati*).

exhorting them if appointed before he became liable to *mānatta*; committing another Saṃgh. offence, or a graver one (i.e., a Pār.); criticizing either the procedure by which he was granted *mānatta*, or those who carried it out; suspending (on account of some irregularity) the participation of a regular monk either in the fortnightly recitation of Pātim. rules, or in Invitation; issuing commands; occupying a superior position; urging a monk to acknowledge an offence¹⁶; quarrelling with other monks; walking or sitting before a regular monk; receiving anything but the worst seat, bed, and dwelling-place; visiting, with a regular monk, families the latter is used to calling on; undertaking ascetic vows; having food brought to him in secret; living away from regular monks; visiting monks who belong to another community, or monks who belong to his own when he cannot reach there on the same day, without being accompanied by a regular chapter (of four), unless in case of emergency; dwelling under the same roof as a regular monk; standing, sitting or walking on the same level as the latter, or on a higher one. He should inform any monk he meets of his status, and report daily on his case to a regular chapter¹⁷, especially on *uposatha* and Invitation days, sending a monk as messenger to do so on his behalf if he is ill. He may not help make up the quorum required for any procedure connected with penalties involved by Saṃgh. offences.

Among the above restrictions, infringement of any of the following four is considered as a "break" (*ratti-ccheda*) in the observance of *mānatta*, entailing an extension by the same period of the initial fixed

¹⁶ Vin II 32,10 *na okāso kāretabbo, na codetabbo, na sāretabbo*, i.e., the first three regular stages of asking permission (*okāsam kārapetvā*) from the suspected monk to talk with him about his offence, of reproving (*codetvā*) him about it, and of reminding (*sāretvā*) him of it; the fourth stage is charging (*ropetvā*) him with it (see, e.g., Sp 624,7-18).

¹⁷ He may do so in whatever words he pleases, provided he gives full details (Sp 1171,20-29).

period of six days: dwelling under the same roof as a regular monk; living far from, failing to report daily to, or going about unaccompanied by, a regular chapter of monks who belong to the same community as he does; according to Sp, doing so knowingly entails both a break and a Dukk. offence.

Mānatta may however be postponed (*nikkhīpitabba*) if it becomes objectively difficult to observe it properly; this interruption is to be announced formally, either among a regular chapter or, if that is impossible, in front of one or several regular monks; the observance should then be formally resumed (*samāditabba*) in the same way, as soon as possible¹⁸.

2. If the Saṃgh. offence was concealed (*paṭicchanna*) knowingly¹⁹ for any length of time before being acknowledged and confessed, a

¹⁸ Vin II 36,25-28 (to be filled in with 34,3-20); Sp 1171,29-1172,33; Kkh 50,13-29 (Mū parallel: MSV(D) III 102,5-103,14). According to Sp 1162,1-5, a monk undergoing *mānatta* may be required to act either as preceptor or instructor of a novice during the procedures involved in ordination; in such a case, he may postpone his observance for the time being. From then on, and until he formally resumes *mānatta*, his status is that of a regular monk (*pakatatta*; Sp 1171,29-1172,33; cf. below, n. 27, n. 50). Sp 1189,12-15 adds that if he commits one or several further unconcealed offences during this time, he is accordingly not liable to be sent back to the beginning of the postponed probation, but to *mānatta* only; if he commits one or several offences and conceals them, the general dispositions about simple or combined probation apply (see below, § 3-3 d).

¹⁹ Vin II 55,14-39, 58,10-31, state that a monk should not be charged with concealing an offence when he does not know, or has doubts about, or cannot remember, having done so: although he does incur a penalty, only *mānatta* applies in his case (cf. (Mū) MSV(D) III 63,16-64,10; 65,11-15). According to Kkh 48,16-37 (reading *itthan-nāmā*, with C^c (SHB 1930) 47,34, for E^c 48,23 °-*nāmo*), Sp 1173,31-1176,17, five twofold criteria, that can be summarized as follows, determine concealment — the latter entailing a Dukk.: Sp 1176,3-4; cf. (Mū) MSV(D) III 86,10-87,14, (reading *duṣṣṛtā* for ed. *duṣṭhulā* throughout:

Continues...

period of probation (*parivāsa*, m.) of the same length is to precede *mānatta*; the two penalties are accordingly termed *paṭicchanna-parivāsa*²⁰, *p^o-mānatta*²¹. Probation is to be granted, then undergone,

GBM(FacEd) X.6, 930 [209, r°3-6]: there is actually a Saṃgh. offence, and/or the agent thinks so; his status is that of a regular monk, and/or he thinks so (see below in this n.); he is exposed to some danger (which makes it impossible to go and talk to another monk), and/or thinks so (according to Vjb (B^c 1960) 512,21-22, Sp 1175,4 should read *an-antarāyikassa pana*); he is physically able to tell about his offence, and/or thinks so; he plans to conceal it, and does so. Stating one's offence is valid when done in whatever words are relevant, in front of any monk who did not commit the same offence, and in a threefold manner: stating the case (*vatthu*), then the offence (*āpatti*) it entails, then both together.

In this precise context, regular status is defined by Kkh 48,27 ≠ Sp 1174,14-15 as that of a monk against whom no procedure of suspension (*ukkhapaniyya-kamma*) was carried out. Sp 1174,21-25 goes on to quote Vin V 219,20-24*, and refers implicitly to the latter's commentary at Sp 1395,11-13: "since no monastic formality (*vinaya-kamma*) is carried out with the participation of a [suspended monk], he incurs no [blame], no matter whether he conceals a Saṃgh. offence". The reason is that an *ukkhittaka*, unlike a *mānatta-cārika* or a *pārivāsika* (cf. above, n. 12), is temporarily excluded from the community to which he belonged (*samāna-samvāsaka*) for all purposes (taking part in procedures — first of all, fortnightly *uposatha*, and *pāvāraṇā* at the end of monsoon retreat—, sharing gifts from donors, accounting for offences committed: Vin IV 135,30-35, 138,1-2', etc.; see KP, Sīmā 53-54, 62-65, 121-123). He is now considered as "one who belongs elsewhere due to a [disciplinary] procedure" (*kamma-nānāsamvāsaka*), which amounts to saying that he belongs nowhere (see Vin II 23,5-16; Sp 904,3-12 *ad* Vin IV 219,1). He is, therefore, not in a position (*a-pakattatta*) to make a valid acknowledgement of his offence (Vin V 187,16-18,20-22 with Sp 1375,5-7), or to apply for the penalty he incurs, or to report on his *pārivāsika* status (Sp 1167,3-5): this legal impossibility frees him from any blame in case of concealment. Matters are different if he was suspended *after* committing Saṃgh. offences (see below, § 4).

On the offences entailed by concealing from monks/nuns a Saṃgh. offence committed by another, and by revealing it to anyone who is not ordained, see below, n. 48.

²⁰ For the mere sake of formal symmetry with *appaṭicchanna-mānatta* (§ 1 above), Vin V 118,9, 121,9, 126,2, and Sp 1159,23-1160,1, mention an *appaṭicchanna-parivāsa*, "probation [applying to something] unconcealed"; this

Continues...

very similarly to simple *mānatta*²², through a formal, threefold application by the guilty monk, followed by a fourfold procedure carried out by a regular chapter²³. According to Sp, a monk who committed several Saṃgh. offences may state each of them during the same session; as soon as probation has been granted to him, he should formally undertake the relevant restrictions, and announce it before the chapter²⁴.

BHS *parivāsa*, m.: BhīVin(Mā-L) 324,1; Prakīrṃ(Mā-L) 328,6; PrMoSū(Mā-L) 12,9.

Skt. *parivāsa*, m.: (Sa ?)²⁵ SHT(V) 22 (1039, v°1, v°4). — (Mū) Guṇ-VinSū 102,25; MSV(D) II 207,15; III 32,21 sqq., 34,20 sqq., 43,11 sqq., 55,6-7 sq., 61,13 sqq., 68,13 sqq., 94,12 sqq., etc.; Mvy(M) 265.11. — (unid.sch.) SHT(V) 116 (1121, B3).

2 a. Whatever its specific modes (see below, § 3 b-d), probation entails the same restrictions (with the same exceptions) as *mānatta* (see above, § 1 a), except on two points: a *pārivāsika* monk need not report daily to the Order on his case (but must still inform any monk he chances to meet of his status²⁶); if accompanied by one regular monk, he may meet monks belonging to the same residence as himself. Accordingly, a

ad hoc coinage refers to quite another observance, i.e., the probation to be undergone over four months by non-Buddhist male ascetics who are making their first application ever for ordination into a Buddhist community.

²¹ Sp 1171,3-5 ≠ Kkh 51,16-17; Sp 1180,26-29.

²² Compare Sp 1171,10-1172,33 (*mānatta*) ≠ 1177,14-1179,25 (*parivāsa*).

²³ Vin II 40,17-42,19, 43,11-17, 48,14-19; Sp 1173,18-1180,5.

²⁴ Sp 1178,17-23 ≠ 1171,21-28 ≠ Vin IV 127,11-17, 64th Pāc. (cf. below, first part of n. 48). About the ritual duties of *pārivāsika* monks according to Skt./Tib. Mū. texts, see Schopen, Lay Ownership.

²⁵ See above, n. 9.

²⁶ This is exemplified in the *nidāna* of the Thv(M) 64th Pāc., Vin IV 127,7-15 (cf. below, first part of n. 48).

one day break, entailing the extension of probation by the same amount, is incurred by the infringement of any of the three following restrictions: dwelling under the same roof as a regular monk, living away from monks, failing to inform them of one's status (Vin II 33,33-34,2).

If observing probation becomes objectively difficult, it may be temporarily suspended, then resumed, under the same conditions as *mānatta*²⁷.

3. If several Saṃgh. offences are committed at the same time, or new, “secondary” ones (*antarāpatti*, f.)²⁸ are committed during the period

²⁷ Vin II 34,3-30; see above, end of § 1 a. According to Sp 1169,9-13, a monk under probation is entitled to take part in any procedure, except those connected with Saṃgh. offences, provided he formally postpones his observance for the time being. Sp 1179,28-32 adds that if he did so at the very end of the probation period, his subsequent application for *mānatta* is irrelevant (since his status has changed temporarily to that of a regular monk) until he is made to resume his observance, thereby shifting to the status of *parivutṭha-parivāsa*, “who has completed probation”, which makes him *ipso facto mānattāraha*, “liable to m°” (cf. above, n. 18; below, n. 50).

²⁸ Confused by CPD s.v. with *antarāyikāpatti* (see BD VI 172-173 n. 15; CPD II.2, top of p. 96b). At Vin V 115,10, the offences committed first are called *pubbāpatti*, “earlier offences”, as opposed to *aparāpatti*, “later ones”, i.e., those committed while undergoing such penalties as probation (*pārivāsikādīhi pacchā āpannāpatti*, Sp 1319,31-32). Vin V 115,11 also mentions “offences secondary to the earlier/later ones” (*pubbāpattinaṃ/aparāpattinaṃ antarāpatti*), that is, according to Sp 1319,31-1320,1, secondary offences committed resp. during redress by “being sent back to the beginning” (*mūla-visuddhi*), and during redress by “evaluation” of the longest period (*aggha-visuddhi*) (*mūla*-° does not designate a “root” offence [so BD VI 173 n. 15], but obviously contrasts with *aggha*-°, these abbreviated terms standing resp. for *mūlāya paṭikassana* and *aggha-samodhāna-parivāsa* [see below, § 3 a-b], as stated explicitly by Vjb (B° 1960) 556,28-557,2). An alternative interpretation is that of the Kurundī, according to which *pubbāpatti* refers to earlier offences, *pubbāpattinaṃ antarāpatti* to those committed while on probation, *aparāpatti* to those committed

of probation or of *mānatta*, or between the two, or between the end of *mānatta* and actual re-admission, they are to be dealt with differently, according to whether they were concealed or not.

A single period of six days' *mānatta* applies to several offences committed before undergoing this penalty.

3 a. Whatever their number, unconcealed secondary offences entail being “sent back to the beginning” (*mūlāya paṭikassana*) of whichever penalty — either probation or *mānatta* — the monk was undergoing, or had just completed, when he committed these new offences²⁹.

3 b. Concealed secondary offences entail “combined probation” (*samodhāna-parivāsa*), *i.e.*, beginning probation again, for a period equivalent to the longest one during which any offence — either the first, or the subsequent one(s) — was concealed³⁰. In Sp (cf. Kkh 50,38-51,10), this is called *odhāna-samodhāna*, “inclusive combination”, when only one former and one later, identical Saṃgh. offences are involved³¹; *aggha-samodhāna*, “combination with evaluation [of the longest period]”, when several, identical Saṃgh. offences are involved³²; *missaka-samodhāna*, “combination applying to mixed [offences]”, when several, different Saṃgh. offences are involved³³.

when liable to *mānatta* (after probation), and *aparāpattīnaṃ antarāpatti* to those committed while undergoing *mānatta* (Sp 1320,1-5).

²⁹ Vin II 43,18-45,17, 46,8-33; Sp 1180,5-32.

³⁰ See BD V 65 n. 1 (first line: for “p. 169”, read “p. 140”).

³¹ Sp 1182,18-1183,18 *ad* Vin II 48,20-49,32.

³² Sp 1183,19-1184,5 *ad* Vin II 51,17-52,37; *aggha-samodhāno nāma sabhāga-vatthukāyo* [see below, n. 44] *sambahulā āpattiyo āpannassa bahurattim paṭicchādītāpattiyam nikkhipivā dātabbo* (Vjb (B^c 1960) 513,21-22).

³³ Sp 1184,6-20 (cf. below, n. 44).

The dispositions set forth in § 3a-b apply whether the monk is able or not to identify precisely the secondary offences he committed³⁴. The new probation and/or the final six days' *mānatta* apply to the totality of offences involved (although formally identical in all cases whatsoever, this latter penalty is called here *samodhāna-mānatta*, with the same three subdivisions as combined probation, by Sp 1188,16-31).

No BHS parallels have been traced so far.

In Skt. Mū texts, Pā. *odhāna-samodhāna* is represented by *mūla-parivāsa*, “probation back from the beginning”³⁵ — this is incurred by a monk under probation who commits a “secondary offence identical with the former one” (*antarāpatti pūrvāpatti-pratirūpā*), and conceals it; the final period of *mānāpya* is accordingly termed *mūla-mānāpya*³⁶. The parallel to Pā. *aggha-samodhāna* is *mūlāpakarṣa-parivāsa*, “probation entailing being sent back [once again] to the beginning”³⁷ — this is incurred by a *mūla-pārivāsika* monk who commits a “[later] secondary offence identical with the [former] secondary one” (*pratyantarāpatti*

³⁴ (*a*)*parimānāyo āpattiyo*, “(in)definite offences”, Vin II 62,6-31, that is, “(in)definite as to their exact determination” (*āpattipariccheda-vasena*, Sp 1190,27-28), which means that the monk is able or not to discern that the offence committed belongs to the Saṃgh. class (*jāti-vasena*, Vjb (B^c 1960) 514,26 *ad* Vin II 68,25 *parimānaṃ*; cf. below, n. 44). The Skt. Mū parallel is (*a*)*parimānavatī āpatti* (see BHSD *s.v.* *parimānavant*): MSV(D) III 69,8 sqq., 70,11, 72,7 sqq. (cf. Guṇ-VinSū 104,12-15).

³⁵ MSV(D) II 207,15, III 35,6 sq., 38,4, 41,16, 43,16-17 sqq., 47,20, 55,12 sqq., 74,2 sqq., 80,18 sqq., 96,11, 100,11 sqq., etc.; Mvy(M) 265.12. On this and the following terms, cf. BHSD *s.v.* *mūla* (3).

³⁶ MSV(D) II 154,15 (= KC, Kaṭh-v 53,27-28), 207,16, III 82,9 sq., 85,12 sq., 94,13 (misprinted -*ōpānāpya*), 100,12 sqq., etc.; Mvy(M) 265.15.

³⁷ Often shortened as *mūlāpakarṣa*; Guṇ-VinSū 100,19 (cf. 102,26-27 *mūlāpakramatva* ?); MSV(D) II 207,15, III 38,11, 39,10 sqq., 42,10 sqq., 47,21 sqq., 55,18 sqq., 74,5 sqq., 81,13 sqq., 94,12-13, 100,11, etc.; Mvy(M) 265.13.

antarāpatti-pratirūpā), and who conceals it. The final period of *mānāpya* is accordingly termed *mūlāpakarṣa-mānāpya*³⁸.

3 c. The dispositions set forth in § 3a-b do not apply in the following cases: when a monk who concealed two offences goes on concealing one while applying for probation on account of the other; when he applies for probation on account of one offence of which he is conscious, or remembers, or has no doubts about — then, while on probation, becomes conscious, or remembers, or does not doubt, that he committed another one at the same time; when he tries to be granted a reduced period of probation for each offence, or comes to remember, while on probation, that he concealed offences for longer than he had first thought. In all these cases, each offence entails its own, uncombined period of probation³⁹.

3 d. If a monk does not know, or does not remember, or is in doubt about, the exact number of offences he committed, and/or the exact number of days⁴⁰ during which he concealed them, he should make a threefold application for, then be granted, an “absolving probation” (*suddhanta-parivāsa*) by a fourfold procedure⁴¹. According to Sp, the duration of this probation may be either short or long.

The duration of the shorter form is determined by the time that elapsed between the monk's ordination and the moment he ceased to be free from any Saṃgh. offence; one of its distinctive features is that it may

³⁸ MSV(D) II 207,16, III 94,13, 100,12 sqq.; Mvy(M) 265.16.

³⁹ Vin II 53,1-55,14, 56,1-58,10. Skt. Mū Parallel: MSV(D) III 61,19-62,19.

⁴⁰ *Āpatti-°*, *ratti-pariyanta* mean “definite number of offences/days” (Kkh 50,36-37 *āpatti-pariyantaṃ pana ettikā ahaṃ āpattiyo āpanno ti jānātu vā mā vā*), and, as bhvr., “valid for [*idem*]” (both BD V 76 and CPD *s.v.* *āpatti-pariyanta* are somewhat misleading). Cf. below, second part of n. 48.

⁴¹ Vin II 58,32-60,19 with Sp 1181,1-1182,16 (summed up at Kkh 50,31-38).

be lengthened or shortened (*uddham pi ārohati heṭṭhā pi orohati*) according to circumstances: if the monk thinks he was guilty for one month, then remembers he actually was for two, probation is to be lengthened accordingly; if, when undergoing probation for two months, he comes to know for certain that he was guilty for one only, probation is to be shortened accordingly; furthermore, if the penalty turns out to be inappropriate, an offence is removed when the penalty is heavier than it should have been, but not when it is lighter.

The longer form applies when a monk cannot remember when he ceased to be free from any Saṃgh. offence; in this case, the length of the penalty should be determined by the time elapsed between his ordination and the moment he undertook observing probation; it cannot be made to run for longer (*uddham nārohati*). If the monk under probation comes to be certain about the period during which he was guilty, the penalty should be shortened accordingly (*heṭṭhā pana orohati*).

No BHS parallel has been traced so far.

Skt. *suddhāntika parivāsa*, m.: (Mū) MSV(D) III 72,11, 73,7.

4. If a monk on probation, or liable to be sent back to the beginning of the penalty, or liable to *mānatta*, or undergoing the latter, reverts to lay life or to the status of a novice, or is temporarily out of his senses, or feels acute physical pain, or undergoes suspension (*ukkhepanīya-kamma*, on account of an offence of a different type; cf. above, n. 19), the period spent on probation or *mānatta* is not cancelled, but the penalty should be taken up and completed if he reverts again to the status of a monk, or after he recovers from mental or physical illness, or after his reintegration

(*osāraṇā*); in the same circumstances, a monk who is fit for re-admission should be re-admitted⁴².

4 a. If the offences committed before these same events were disclosed after the latter took place, either probation or *mānatta* applies, depending on whether the offences were concealed or not — whether before or after these events; whether before or after the monk knew for certain, or remembered, or had no doubts anymore that he actually concealed them⁴³.

4 b. If he committed secondary offences before these same events, when on probation, or when liable to be sent back to the beginning of the penalty, or when liable to *mānatta*, or when undergoing the latter, or when fit for readmission, he should afterwards be either sent back to the beginning of the penalty, or granted combined probation (depending on whether these new offences were concealed or not — no matter when), or readmitted. These dispositions apply whether the offences committed are definite or indefinite ([*a*] *parimāṇa*), designated by the same name or not (*eka-*^o, *nānā-nāma*), identical or not (*sabhāga*, *vi-sabhāga*) within the Saṃgh. class, or belonging to one and the same kind or not (*vavatthita/sambhinna*) within this same class. These data should be weighed up carefully — especially when combined with those set forth above, § 3-3 b: in failing to do so, any irrelevant procedure is considered as null and void, and the monk against which it was carried out may object⁴⁴.

⁴² Vin II 60,21-62,5. Skt. Mū parallel: MSV(D) III 70,13-71,12.

⁴³ Vin II 62,33-65,18 (the text of 63,14-28 is defective; see SBE XVII 423 n. 2).

⁴⁴ Vin II 65,20-67,8; 68,24-72,16. Skt. Mū parallel (with slightly different combinations): MSV(D) III 64,11-70,12, 71,13-72,3, 72,13-73,14, 73,15-79,2; this latter text lists six degrees of redress, according to whether one or several procedures are invalid; the monk is expected to apply insistently for the necessary corrections to wrong procedures (79,14-83,6).

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4 c. When unable to cope with a monk who commits offences (including Saṃgh. ones) repeatedly, the chapter may subject him to the control of a monk adviser (*nissaya-kamma*)⁴⁵.

5. According to Vin II 67,9-68,23, if two monks (i) commit a Saṃgh. offence and either think so, or are in doubt, or think it is a mixed⁴⁶ offence, or come to think it is a Saṃgh. after learning about the

On *parimāṇa*, see above, n. 34. As explained at Kkh 8,20-9,2 (cf. Sp 1064,10-13 *ad* Vin I 126,12-13), 49,29-50,7, *sabhāga* offences are, in this context, those — belonging to the same class — whose common element is the fact (*vatthu-sabhāga*) which is constitutive of the offence and which gives the latter its key-word (*gotta*; BD IV 169 “class” is inaccurate) label (e.g., the paradigmatic *saṃcetanika sukka-visatṭhi*, “deliberate emission of semen” [first Saṃgh.], quoted *passim* in the texts dealing with the relevant penalties, to the embarrassment of Victorian scholars [SBE XVII 397 sq.]), as opposed to offences which do not share it (*nānā-vatthuka*); *sabhāga* and *vi-sabhāga* are therefore syn. resp. with *tabbhāgiya* and *aññabhāgiya* (Vin III 168,20-34). *Nānā-vatthuka* offences — all from the Saṃgh. class — are listed at Sp 1184,6-13, according to which they entail a *missaka-samodhāna* probation (see above, § 3 b). These latter offences are called *asamāpatti* in the Skt. Mū parallel (MSV(D) III 87,15-88,9; cf. Guṇ-VinSū 104,16).

According to Sp 1191,4-5, *vavatthita*, “belonging to one and the same, separate kind”, and *sambhinna*, “mixed [within the same Saṃgh. class]”, are just another way of explaining *sabhāga/visabhāga*.

“Name” (*nāma*) refers either to that of the class (Saṃgh.) to which the offences belong (*sajāti-sādhāraṇa*) or to the generic name (*sabba-sādhāraṇa*) *āpatti*, “offence”. As shown by the examples given at Kkh 50,1-8, these minute distinctions reflect the importance attached to the precision of the guilty monk’s formal statement when applying for the relevant penalty before the chapter which is to control all proceedings from beginning to end: although no fixed set of formulae is required, this statement is to proceed on the above lines, in any combination that makes the case clear enough for determining the accurate penalty (cf. Skt. (Mū) Guṇ-VinSū 102,21 *nāmagotrōpasamhitam āpattivāt kīrttanam*).

⁴⁵ Vin II 7,17-9,27; see SBE XVII 343, n. 1, 384 n. 1.

⁴⁶ According to Sp 1191,7-9, *missaka* designates a Saṃgh. offence whose commission may happen to include the Thull., Dukk. and Dubbh. offences of Vibhaṅga casuistry (all connected with one and the same fact: Vjb (B^e 1960)

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relevant rule during the recitation of the Pātimokkha⁴⁷, (ii) or if they commit a mixed offence and either think so, or think it is a Saṃgh., the one who concealed his own is to be charged with a Dukk. and granted probation; *mānatta* applies to both. If they commit an unmixed offence and think it is a Saṃgh., the one who concealed his own should be charged with a Dukk.; both should be dealt with according to the offence⁴⁸.

514,19 *eka-vatthumhi*) resulting in a Saṃgh. offence (cf. SVTT II n. 21), as opposed to *suddhaka*, “unmixed”, i.e., an offence that belongs to the “light” (*lahuka*) class, excluding the Saṃgh. (and Pār.) ones, which are considered as “heavy” (*garuka*).

⁴⁷ Presumably *bona fide*, when the exceptions to the Thv(M) 73rd [bhu] Pāc. apply. According to this latter rule, a Pāc. is incurred by any monk/nun who pleads not guilty by simulating ignorance of the Pātim. rules, although he/she did attend several times at their complete, fortnightly recitation (Vin IV 144,8-145,30 with Kkh 129,17-37 ≠ Sp 876,31-877,13; n°151 [bhi]. — Cf. UpāliPr(SR) 90, n°85. — Conc.: BhiPr 59, table IV.1 s.v. *sikṣāpada- dravyatāvyaacārah*). As far as can be seen, there are no cross-references to this point in the Cullavagga, in the Vibhaṅga, in Kkh, or in Sp — unlike the Skt. Mū parallel (MSV(D) III 63,2-7 ≠ [badly reconstructed] PrMoSū(Mū)₂ 44,3-8). Besides, it is not clear to me why both the Cullavagga and MSV(D) III 79,3-13 (reading *duṣkṛtā* for ed. *duṣṭhulā* throughout: GBM(FacEd) X.6, 926 [207,r°2-4]) mention two monks just here, when a single one would have done as well to exemplify dispositions whose principles entirely conform to those set forth in the preceding and following passages.

⁴⁸ Any monk who deliberately conceals from monks a Saṃgh. offence (*duṭṭhullā āpatti*, “major offence”, refers usually to both Pār. and Saṃgh. [Vin IV 128,1-2’], but here to the latter only [Kkh 124,35 ≠ Sp 866,14-15]; cf. the last part of this n.), committed by another incurs a Pāc. offence, unless revealing it would lead to a split in the community (*saṃgha-bheda*), or endanger the physical or spiritual life of its members; or if informing a regular monk is impossible, if the offence is evident *per se*, if one does not mean to conceal it, or is out of one’s senses, or is the first to do so (Thv(M) n° 64, Vin IV 127,2-128,32 with Kkh 124,35-125,18 ≠ Sp 866,13-867,2. — Cf. UpāliPr(SR) 78, n°52. — Conc.: BhiPr 58, table IV.1 s.v. *duṣṭhulāpraticchādanam*). In Mś, Mā, and Thv(M) schools, this rule does not apply to nuns (see BhiPr *ib.*), although a similar one provides, in all known schools, that any nun who conceals the Pār. offence committed by another incurs

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6. Whether or not simple or combined *mānatta* is preceded by simple or combined probation, the monk who observes it until the end (*cinṇa-mānatta*) is said to be “fit for re-admission” (*abbhānāraha*), and expected as such to observe the same restrictions as monks on probation⁴⁹, until re-admission (*abbhāna*, n. < *ā-hvayati*, “recalls”) as a fully regular monk is granted to him. He is to make a threefold request for this purpose, before a regular chapter numbering twenty monks at

a Pār. (Thv n°2, Vin IV 216,2-217,35 with Kkh 158,24-34 ≠ Sp 903,5-21. — Conc.: BhiPr 53, table I s.v. *vajjapaṭicchādikā*. The close relationship between these two rules is borne out by their casuistic commentary [Vin IV 128,16-22 = 217,29-35], by Kkh and Sp’s commentaries to the latter, and by the brother- [Vin IV 127,5 *bhātuno*] / sisterhood relationship of their respective protagonists [see BhiPr 24-25]).

A twin rule states that unless the order carries out a formal agreement (*sammuti*) for the purpose of informing lay people, any monk/nun who informs someone unordained about the Saṃgh. offence committed by another incurs a Pāc., except if one reveals only the fact (*vatthu*), or only the specific offence (*āpatti*) entailed, or is out of one’s senses, or is the first one to do so (Thv(M) n°9 [bhu], Vin IV 30,24-32,19 with Kkh 86,28-87,8, Sp 753,5-754,29; n°105 [bhi]. — Cf. UpāliPr(SR) 62, n°8. — Conc.: BhiPr 57, table IV.1 s.v. *duṣṭhulārocanaṃ*). The formal agreement may bear either on a definite number of offences (*āpatti-pariyanta*; see above, n. 40), or on a definite number of lay people to be informed, or on both; according to Kkh 86,30-33, Sp 754,10, it is an arrangement (*katikā*) to be carried out by a formal consultation (*apalokanā*) of the chapter (see SVTT I § 3 a and n. 14). In this rule also, Saṃgh. offences are referred to by the term *duṭṭhullā āpatti* (Vin IV 31,17-18’ = 128,1-2’; see Kkh 86,28-30, Sp 753,5-8). According to Sp 753,15-754,4, although one might argue that revealing to laymen the Pār. offence committed by another is also a Pāc. (because it amounts to disparaging [*omasa-vāda*, first Pāc.] the latter monk; cf. Vin IV 9,8-14), one should rather follow the criteria set by *aṭṭhakathā* specialists, who know what the Buddha meant (cf. Sp 2,27-3,4*). Agreement to inform laymen about a monk’s offence is meant neither to disparage the latter, nor to hold back the *sāsana* on his account, but for his own improvement; it is therefore irrelevant to those guilty of a Pār., who incur immediate expulsion together with loss of their status as monks.

⁴⁹ Vin II 36,29-37,12; cf. above, n. 12.

least; the latter will then carry out a fourfold procedure whereby re-admission will become effective⁵⁰.

BHS *āhvayana*, n. (< *ā-hvayati*, “recalls”; cf. Sp 630,3 *a-vhātabba*-): BhiVin(Mā-L) 17,17, 63,2 sq., 163,26; Prakīrṇ(Mā-L) 328,7.

āhvayana-pratibaddha, m(fn)., “liable to re-admission” (corresp. to Pā. *abbhānāraha*): BhiVin(Mā-L) 163,26; PrMoSū(Mā-L) 12,11.

Skt. (all forms < *ābr(m)hati/āvṛ(m)hati* [cf. BHSD s.v. *ābrhati*, *āvarhati*], “extracts, draws out [the offence together with the completed penalty]”)⁵¹

ābarhaṇa, n.: (Mū) Guṇ-VinSū 100,20, 102,2.

(Sa) *an-ābrmḥita*-: PrMoSū 212 (DDa, v°4). — *ābrmhitavya*-: PrMoSū 231 (FCc, v°4). — *an-ābrhita*-: Finot 488,3; PrMoSū 244 (GP, r°2). — *ābrhitavya*-: PrMoSū 5 (AAd, v°5), 244 (GP, r°1). — *ābrhyāt*-: PrMoSū 133 (BLI, v°3). — *ābrhyāt*: Finot 488,2; PrMoSū

⁵⁰ Vin III 186,16-20 with Sp 629,30-630,7 ≠ Kkh 51,24-35; Vin II 39,15-40,16 (cf. 42,20-43,10, 46,34-48,13, 51,1-15) with Sp 1173,1-13. According to the latter, a monk who was allowed to postpone *mānatta* on account of some duty (and is now considered as regular) at the very end of the six prescribed days should be made to resume his observance, thereby shifting from the status of a regular monk to that of one who is “fit for re-admission”. Cf. above, n. 18, n. 27. In the Skt. Mū parallel, elaborate censure of, then encouragements to, the monk are inserted resp. after the motion has been put, and at the very end of the re-admission procedure (MSV(D) III 53,11-55,2 ≠ 57,10-58,18).

⁵¹ Although well aware that listing *-b-* and *-v-* forms separately is hardly helpful as far as the study of comparative Vinaya lexicography is concerned, I record here, for the mere sake of convenience, what I read in printed editions, however fluctuating (Guṇ-VinSū, Mvy) the latter may be; the task of assessing the validity of such a distinction must be left aside for the time being. Due to the relative scarcity of occurrences of *ābarhaṇa/āvarhaṇa*, references to both these key-words, and to connected verbal forms in relevant texts, are listed here.

244 (GP, r°1). — *ābrahitavya*-: Finot 488,1; PrMoSū 133 (BLI, r°2). — (unid.sch.) *ābrhati*: SHT(V) 116 (1121, B4).

āvarhaṇa, n.: (Mū) Guṇ-VinSū 102,22,30; MSV(D) II 203,16 sq., III 51,9, 53,4; Mvy 8656 (≠ Mvy(M) 265.18 *ābarhaṇa*). — *āvarhaṇa-pratibaddha*, m(fn). (cf. above, BHS): (Mū) PrMoSū(Mū)₂ 22,1.

āvrahaṇa (for *āvarhaṇa*), n.: (Sa) Hoernle, MR 12 (3.2).

(Mū) *an-āvṛīda*-: PrMoSū(Mū)₂ 22,3. — *āvṛdha*-: MSV(D) III 74,6,16, 75,10,20 sq. — *āvarhita*-: MSV(D) III 57,4, 58,18. — *āvarhitavya*-: MSV(D) III 49,17, 88,9; PrMoSū(Mū)₂ 22,2. — *āvarhet*: MSV(D) III 53,10; PrMoSū(Mū)₂ 22,3.

7. The *mānatta* penalty applying to nuns who have committed a Saṃgh. offence is the object of the fifth “important rule” among the eight they are expected to stick to all life long⁵². It is to be observed during one

⁵² Vin II 255,16-17 (quoted IV 52,26-28) *garu-dhammaṃ ajjhāpanāya bhikkhunīya ubhato-saṃghe pakkhamānattaṃ caritabbaṃ*. I hope to have shown (Nolot, Règles 401-404; English summary *ib.* 535-536) that the term *garu-dhamma*, “important rule”, that gives its generic name to this as well as to the seven other rules, should not be confused with the homonymous *garu-dhamma* occurring in the text of the fifth one quoted here, where it is syn. with *garukā āpatti* (cf. above, n. 46), and means “heavy offence”, referring here to the Saṃgh. (this is taken for granted by Buddhaghosa, who deals with the *mānatta* applying to nuns together with other forms of the same penalty, at the very beginning of his commentary of the Cullavagga's Samuccaya-kkhandha: the fifth “important rule” is quoted fully — as above — at 1184,29-30; the guilty nun's application for *mānatta* is then exemplified at 1185,7-24 with *gāmantaram*, a key-word of the third Thv(M) [bhī] Saṃgh. [Vin IV 227,20-228,7, 230,4-9',22-25]). Unlike the seven others, this “important rule” is, in all known schools, logically unparalleled in the Pāc. section of their Vibhaṅga-s (see chart in Nolot, *ib.* 399-400): dispositions about Pāc. offences — all of which are classified as “light” — cannot include dispositions about the Saṃgh. ones — all of which are classified as “heavy”. The latter are dealt with extensively in texts of the Khandhaka or Kammavācā type (cf. SVTT I n. 29), like all those whose redress implies procedures (*tajjanīya-kamma*, etc.; cf. SVTT II n. 60), and referred to briefly at the end of the Saṃgh. section of each respective Pātim. (Thv(M) [bhu]: refs.

fortnight (*pakkha-mānatta*), no matter whether the nun concealed her offence or not⁵³. According to Kkh 166,24-168,13 ≠ Sp 1184,26-1188,15, the nun who did so incurs a Dukk.; whatever the case, *mānatta* should be applied for and granted through the same procedure — carried out by a nuns' chapter — as applies to monks (see above, § 1). The formal undertaking of this penalty, then its observance (with provisions for temporary postponement [§ 1 a above], and for sending recidivist nuns back to the beginning of *mānatta* [§ 3 a]) are however to be announced, then reported on daily, before both a monks' and a nuns' chapter of at least four persons each; the nun's female preceptor or instructor is to go and request respected monks, who may not refuse, to come for the purpose. Furthermore, since no nun is allowed to live alone, a regular nun should be appointed as her companion, by a twofold procedure⁵⁴.

The procedure of re-admission is formally identical with that applying to monks; it should be carried out by a nuns' chapter⁵⁵.

Paris

Édith Nolot

above, n. 3; [bhī]: Vin IV 242,13-15 with Kkh 166,24-168,13). There is here therefore no contradiction at all, either in the wording of or in the dispositions concerning this rule, contrary to what is stated by Hüsken, *Einrichtung* 159-160 (cf. Gombrich's review of Bechert Festg. [forthcoming]).

⁵³ Refs. as above, end of n. 52; cf. Sp 1395,3-9 *ad* Vin V 219,23*.

⁵⁴ Vin II 279,17-25; Sp 1188,8-11; cf. third Thv(M) [bhī] Saṃgh., Vin IV 228,31-229,21, 230,15-17,22-25.

⁵⁵ Vin IV 242,15-19 (≠ III 186,16-20) with Kkh 168,12-14; Sp 1188, 11-12 (E° *bhikkhu-saṃghe* is most probably a mistake; C° (SHB 1948) 879,31, and Bp.: *bhikkhuni*°, *-ni*°; Kkh E° 168,12 and C° (SHB 1930) 169,24-25: *bhikkhuni-saṃgho*, no recorded *v.l.*; Sp E° 277,9,25 and C° 199,13,28 *bhikkhunihi*, no recorded *v.l.*).

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OTHER ABBREVIATIONS

[bhī]: relevant Thv(M) Pātim. rule applying to nuns (with rule number according to M. Wijayarātana, *Les moniales bouddhistes. Naissance et développement du monachisme féminin*, Paris, Cerf, 1991, 171-195).

[bhū]: relevant Thv(M) Pātim. rule applying to monks.

Conc.: concordance of rule number according to school.

Dubbh.: *dubbhāsita* and variants.

Dukk.: *dukkāṭa* and variants.

NP: *nissaggiya-pācittiya* and variants.

Pāc.: *pācittiya* and variants.

Pār.: *pārājika* and variants.

Pāṭid.: *pāṭidesanīya* and variants.

Po-v: *Poṣadha-vastu*.

r°: recto.

Samgh.: *saṃghādisesa* and variants.

Sekh.: *sekhiya* and variants.

Thull.: *thullaccaya* and variants.
 Thv(M): Theravādin (Mahāvihārin).
 unid.sch.: unidentified school.
 v°: verso.

*

INDEX

PALI

akāmā parivāsa: III n. 7.
aggha-visuddhi: III n. 28;
 -°*samodhāna*: see s.v. *parivāsa*.
aṭṭa: II § 0.
aṭṭhakathācariya: III n. 48.
a-desanāgāminī āpatti: II n. 63.
adhikaraṇa-samatha dhamma:
 II § 0, 2 sqq.
(an)antarāyika: III n. 19.
an-avasesa: II n. 63.
anubalappadāna: II n. 12.
anubhaṇanā: II n. 12.
anumati-kappa: I § 2.
anullapanā: II n. 12.
anuvadanā: II n. 12.
anuvāda: II n. 14; -°*adhikaraṇa*: II § 1, 1b, 2c; n. 12.
anusampavaṅkatā: II n. 12.
anu-ssāvaka: I § 6.
anu-ssāvana, °*ssāvanā*: I § 1, 5; n. 28-30.
anu-ssāvita: I n. 30.
antarāyikāpatti: III n. 28.

apalokañā-kamma: I § 3, 3a;
 n. 17, 18; III n. 48.
abbhāna: I § 2; III § 6; n. 12.
abbhussahanatā: II n. 12.
amūḷha-vinaya: II § 2, 2c(iii);
 n. 31.
alajjī: II § 2b.ii.
avaṇojana: III n. 14.
avinaya-kamma: I § 7.
ākāra: II n. 13.
ācariya: I n. 34.
ācāra-vipatti: II § 1b; n. 19.
ājīva-vipatti: II § 1b; n. 19.
āpatti (see also s.vv. *jāti*, *vatthu*, *sādhāraṇa*): III n. 19, 48;
aññabhāgiyā: III n.44; °*adhikaraṇa*: II § 1, 1c, 2d; *antara*-°: III § 3-
 4b; n. 28; *apara*-°: III n. 28; (*a*)*parimānā a*°: III § 4b; n. 34; *eka*-
 /*nānā-nāma*-°: III § 4b; n. 44; *garukā ā*°: III n. 46; °*gotta*: III n. 44;
tabbhāgiya: III n.44; *thullavajjā ā*°: II § 2d; n. 63; *duṭṭhullā ā*°: III
 n. 48; °*desanā*: II n. 63; *nānā-vatthukā ā*°: III n. 44; °*pariccheda*:
 III n. 34; °*pariyanta*: III n. 40, 48; *pubba*-°: III n. 28; *missakā ā*°:
 III n. 46; *lahukā ā*°: III n. 46; *vavatthitā/sambhinnā*: III § 4b; n. 44;
 °*vutṭhāna*: III n. 7; (*vi*)*sabhāga*-°: III § 4b; n. 44; *suddhakā ā*°: III
 n. 46.
ārohati ≠ *orohati*: III § 3d.
āvuso: II n. 42.
ukkhittaka: III n. 12, 19.
ukkhepanīya-kamma: I n. 23; II n. 40; III § 4; n. 7, 19.
upa-sampadā: I § 2; -°*araha*: I n. 3.
uposatha: II n. 30; III § 1a; n. 19.
ubbāhikā: II § 2a, 2b.ii; n. 37.
okāsaṃ kārāpeti: III n. 16.
oṇojana: III § 1a; n. 14.

omasa-vāda: III n. 48.
orohati: see *ārohati*.
ovadati, ovāda: II n. 14.
osāraṇā: II § 2c(iv); III § 4.
kata-kamma: II n. 10.
katika-vatta, kat(h)ikā: I n. 14, 17; III n. 48.
kamma: I § 3, 3c; n. 12; °-*araha*: I n. 3; II n. 10; °-*ppatta*: I n. 3; II n. 10; °-*lakkhaṇa*: I § 3 sqq.; n. 12, 14.
kamma-vācā: I § 3c, 5; n. 15, 34; III n. 1.
karaṇīyatā: I n. 17.
kiccayatā: I n. 17.
kiccādhikarāṇa: I n. 5; I § 1, 1d, 2e; II n. 31.
(a-)kuppa: I § 7.
kusala: II n. 24.
khamāpeti: II n. 10.
gaṇa: I n. 8.
gaṇa-pūra: I § 2.
garu-dhamma (“important rule” ≠ “heavy offence”): III § 7; n. 52.
gāmantara: III n. 52.
gūlḥakaṃ: II § 2b.iii(i).
codeti: III n. 16.
chandāraha: I § 1; n. 3.
jāti (of *āpatti*): III n. 34, 44.
ñatti: I § 1, 3 b-c, § 4.
ñatti-kamma: I § 3, 3 b; n. 15, 17, 18.
ñatticatuttha-kamma: I § 3, 3 d; n. 17, 20, 30.
ñattidutiya-kamma: I § 3, 3 c; n. 17, 18, 20.
ñatti-pariyosāna: I n. 15.
ñāpetabbo: I § 6; n. 16, 18, 30.
thāna: II n. 13.
thānāraha, a-ṭṭh°: I § 7.
tajjanīya-kamma: I n. 23; II n. 10, n. 60; III n. 52.

tassa-pāpiyyasikā: II § 2, 2c(iv); n. 31.
tiṇa-pattharaka, -°vattharaka:
 II § 2, 2d(ii); n. 27.
thullaccaya: II n. 21, n. 62.
thullavajja: see s.v. *āpatti*.
ditṭhi-vipatti: II § 1b; n. 19.
dukkata: II n. 10, n. 21.
duṭṭhulla: see s.v. *āpatti*.
dubbhāsita: II n. 21.
du-vūpasanta: I § 7.
desanāgāminī āpatti: II n. 63.
dhamma-kamma: I § 7; °-*paṭirūpaka*: I § 1.
(a-)dhammika: I § 7.
nānā-saṃvāsaka: kamma-°: III n. 19.
nāsanā: II § 2c(iv).
nidān'uddesa: I n. 30.
nissaya-kamma: I n. 23; III § 4c.
pakatatta: III n. 18, 19, 27, 50.
paṭiññāta-karaṇa: II § 2, 2a, 2d(i).
paṭibala: I § 6.
paṭisāraṇīya-kamma: I n. 23; II n. 63.
pabbājanīya-kamma: I n. 23.
parivāsa: I § 3 d; III § 0, 2-5; *aggha-samodhāna-°*: III § 3b; n. 28, 32;
appaticchanna-°: III n. 20; *odhāna-samodhāna-°*: III § 3b;
paṭicchanna-°: III § 2; *parivutṭha-°*: III n. 27; *missaka-samodhāna-°*:
 III § 3b; n. 44; *suddhanta-°*: III § 3d.
parisā: I § 1.
pavāraṇā: I § 2; III § 1a; n. 19.
pācittiya: II n. 21.
pāṭidesanīya: II n. 21.
pātimokkha: III § 5; n. 47.
pārājika: II n. 21; III n. 48.

pārivāsika: III § 2-5; n. 12, 19.
pubbaṅgama: II n. 13.
bhatta: III § 1a; *uddesa*-°, *uposathika*-°, *nimantanā*-°, *pakkhika*-°,
pāṭipadika-°, *puggalika*-°, *salāka*-°: III n. 14.
bhanta: II n. 42.
bhikkhu, *bhikkhunī*: I § 6.
bhūmi: II n. 13.
mānatta: I § 3 d; II n. 63; III § 0-1a, 2a, 3-4b, 5-7; *appaṭicchanna*-°: III
 § 1; n. 20; °-*araha*: III § 1; n. 12, 27; °-*cārika*: III § 1a; n. 12, 19;
ciṅṅa-°: III § 6; °-*nikkhepana*: III § 1a; *pakkha*-°: III § 7; n. 52;
paṭicchanna-°: III § 2; °-*samādāna*: III § 1a.
mānana-bhāva: III n. 6.
mūlādāyaka: II § 2b.ii.
mūlāya paṭikassana: III § 3a; n. 12, 28.
mūla-visuddhi: III n. 28.
yebhuyyasikā: II § 2, 2b.iii; n. 31.
ratti-ccheda: III § 1 a; n. 12; °-*pariyanta*: III n. 40.
ruccati: I n. 13.
ropeti: II n. 10; III n. 16.
lahukā āpatti: II § 2d; n. 63.
vagga: I n. 8.
vajjapaṭicchādikā: III n. 48.
vatthu (see also s.v. *āpatti*): I § 1; n. 3; II n. 13, 30; III n. 19, 48;
 °-*eka*: III n. 46; °-*sabhāgā āpatti*: III n. 44.
vavatthita: see s.v. *āpatti*.
vassika-sāṭikā: III § 1a.
vinaya-kamma: III n. 19.
vipatti: °-*ācāra*-°, °-*ājīva*-°, °-*diṭṭhi*-°, °-*sīla*-°: II § 1b.
vivaṭena: II § 2b.iii(iii).
vivādādhikaraṇa: II § 1, 1a, 2b.i.
vūpasamena: II n. 11.
vyatta: I § 6.

sakaṅṅa-jappakam: II § 2b.iii (ii).
saṅgīti: I n. 9; II § 2b.ii.
saṅgha: I § 1; II n. 42; III n. 7; *ubhato*-°: III § 7; n. 52;
 °-*kamma*: I § 3; II § 1d; *bhikkhu*-°, *bhikkhunī*-°: III § 7; n. 54;
 °-*bheda*: II § 1a; III n. 48.
saṅghādisesa: II n. 21; III *passim* and n. 48.
sati-vinaya: II § 2, 2c(ii); n. 31.
samagga-saṅgha: § 2; n. 8.
samāna-saṃvāsaka: III n. 19.
sambhinna: see s.v. *āpatti*.
sammukhatā: *dhamma*-°, *puggala*-°, *vinaya*-°, *saṅgha*-°: II § 2a;
 n. 42.
sammukhā-vinaya: II § 0, 2 sqq.; n. 31.
sammukhī-bhūta: I § 1.
sammuti: III n. 48.
salāka-gaha, °-*gāhāpaka*: II § 2b.iii.
salākā: II § 2b.ii.
sādhāraṇa: *sajāti*-°, *sabba*-°: III n. 44.
sāreti: III n. 16.
sāsana: III n. 48.
sīla-vipatti: II § 1b; n. 19.
sīmā: I § 1; n. 4.
sukka-visaṭṭhi: III n. 44.
su-vūpasanta: I § 7.
hetu: II n. 13, n. 24.

BHS / SKT.

adhikaraṇatā: II § 1.
adhikaraṇa-samatha dharma: II § 1; °-*samcāraka*: II § 2b.ii; n. 48.
anavavādana: II n. 14.
anavavādādhikaraṇa, °-*prasthāpanā*, °-*viṣṭhāpanā*: II § 1; n. 14.
anāghāta-pañcama: I n. 36.

anu-śrāvaṇā: I § 5; n. 29, 30.
anu-śrāvay-: I n. 30.
anovāda: II § 1; n. 14.
amūḍha-vinaya: II § 2c.
amūlakam: II n. 22.
avalokanā: I § 3 a.
a-vastuka, sa-v°: I § 7.
ādhi-karaṇika: II § 1.
āpatti: -°*adhikaraṇa*: II § 1; *antara-°*: III § 3b; (*a*)*parimāṇavatī ā°*: III n. 34; *asama-°*: III n. 44; *nāma-gotrôpasamhitā ā°*: III n. 44;
pūrva-°: III § 3b; *pratyantara-°*: III § 3b.
ābarhaṇa: III § 6; n. 51.
ābr(m)hati: III § 6.
āvarhaṇa, āvrahaṇa: III § 6; n. 51.
āhvayati: III § 6.
āhvāyana: III § 6.
āvṛ(m)hati: III § 6.
upa-sampadā: I § 2.
ovaśikāye: I n. 26.
ovāyikā: I § 4; n. 26.
karma-kāraka: I § 6.
karman: I § 3, 5; n. 18, 31, 36.
karma-vācanā: I § 5; n. 29.
krtyādhikaraṇa: II § 1.
(a-)kopya: I § 7.
kriyā, k°-kāra: I n. 17.
khoṭanam: II n. 9.
codayati: II n. 45.
chandapratyuddhāra: I n. 6.
channa: II § 2b.iii.
jñapti: I § 3 b, 4; n. 16-18, 30.
jñapti-karman: I § 3 b.

jñapti-kāraka: I § 6.
jñapticaturtha karma(n): I § 3 d; n. 17, 18, 20, 21.
jñaptidvitiya-karma(n): I § 3 c; n. 17.
tat-prabhāvaiṣiyatva: II § 2c.
tat-svabhāvânveṣika, °-eṣiya, and variants: II § 2c.
tasya pāpeyasika: II § 2c.
tūṣṇīm viprakramaṇam: I n. 7.
ṛṇa-prastāraka: II § 2d.
(a-)dharma-karma: I § 7; n. 41.
duṣkṛtā āpatti: III n. 19; n. 47.
duṣṭhulā āpatti: III n. 19; n. 47; °*ārocana*: III n. 48; °*praticchādana*: III n. 48.
dhārmika: I § 7.
parivāsa: III § 2, 3b; *mūla-°* III § 3b; *mūlâpakarṣa-°*: III § 3b;
śuddhântika p°: III § 3d.
pārivāsika: III § 3b.
pratijñā-karaṇīya, °-kāraka, pratijñāna: II § 2d.
prātimokṣa: II § 2b.ii; n. 49.
bhikṣu, bhikṣuṇī: I § 6.
māṛkā-dhara: II § 2b.ii; n. 50.
mānatva: III § 1; n. 6.
mānāpya: III § 1; n. 6, 9; *mūla-°*: III § 3b; *mūlâpakarṣa-°*: § 3b.
muktikā jñapti: I § 3b; n. 18.
mūlôpakramatva: III n. 37.
metha(?)ka karma: I n. 18.
meṣakena ājñāpay-: I n. 18.
yad-bhūyasikīya and variants: II § 2b.iii.
yo-bhūyasika: II § 2b.iii.
laiśika: II n. 22.
varga: I n. 8.
vinaya-dhara: II § 2b.ii; n. 50.
vivādādhikaraṇa: II § 1.

- vyagra: I n. 8.
 vācanā: I § 5.
 vinaya-karma: I n. 41.
 vivṛta: II § 2b.iii.
 vyūḍha, vyūḍhaka: II § 2b.ii; n. 37.
 śamatha: II § 1.
 śalākā-grahaṇa, °cāraka, °cāraṇa: II § 2b.iii.
 śikṣāpadadravyatā-vyavacāraḥ: III n. 47.
 sakarṇa-tuntunaka: II § 2b.iii.
 saṃgha: I § 1; II n. 49; °karaṇīya: I § 7; °karma: I § 3; °bheda: II § 1a; māla-° II n. 41.
 saṃghādīśesa: I § 3 d; n. 1.
 saṃghāvaśeṣa: III n. 6.
 saṃmukha: dharma-°, pudgala-°, saṃgha-°: II n. 29; °karaṇīya, °vinaya: II § 2a.
 samatha: II § 1.
 samanū-śrāvay-: I n. 30.
 sarvasāṃghika: II § 2b.iii.
 sa-vastuka, a-v°: I § 7.
 sīmā: I § 1; n. 4; II n. 37.
 sūtra-dhara: II § 2b.ii; n. 50.
 sthalastha: I n. 41; II § 2b.ii; n. 45.
 sthavira: II § 2b.ii; n. 49.
 sthānārha: I § 7; n. 36.
 (a-)sthāpanārha: I § 7.
 (a-)sthāpanīya: I § 7.
 sthūlātyaya: II n. 62.
 sthūlārti(-gāminī): II n. 62; III n. 9.
 smṛti-vinaya: II § 2c.

The Sambuddhe verses and later Theravādin Buddhology*

1. The Sambuddhe verses in Siam

A short verse text, entitled simply *Sambuddhe* or *Sambuddhe-gāthā*, is well known in Siam. In the *Royal Chanting Book*, it is one of the ancillary texts placed at the beginning of the *Seven Parittas* (*Sattaparitta*) — also known as the *Lesser Royal Paritta* (*Cularāja-paritra*) or, in Thai, *Seven Protections* (*Jet Tamnan*) — and the *Twelve Parittas* (*Dvādasaparitta*), also known as the *Greater Royal Paritta* (*Mahārājaparitra*) or *Twelve Protections* (*Sipsong Tamnan*).¹ It is included in the various books of chants that are widely available, and in a Khmer script palm-leaf manuscript in the collection of the Siam Society.² Since the *Seven* and *Twelve Parittas* belong to the liturgy of the Siamese order of monks (*saṅgha*), the *Sambuddhe* verses are familiar to or known by heart by most monks and novices. Here I will give the Pāli of the *Royal Chanting Book*, followed by an English translation.

* This is a revised version of an article first published in the *Journal of the Secretarial Office of H.H. the Supreme Patriarch*, Bangkok, Vol. I, No. 2, January–March 2536 [1993], pp. 73–85.

¹ *Suat mant chabap luang*, 13th ed., Bangkok, 2526 [1983], pp. 3–4 and 32–33, respectively (the second occurrence is abbreviated). For the interpretation of *tamnan* as “protection” I follow Dhanit Yupho, who derives the word from the Pāli *tāna*, changed to *tamṇān* and then to *tamṇān*: see his *Anuphap phraparit* [*The Power of Paritta*, in Thai], Bangkok, n.d., p. 12.

² Oskar von Hinüber, “The Pāli Manuscripts Kept at the Siam Society, Bangkok: A Short Catalogue”, *Journal of the Siam Society* 75 (1987), § 52a, p. 46. The text given by von Hinüber, which might date to the latter part of the 19th century, agrees with that of the *Royal Chanting Book*, with a few minor orthographical variants and misprints.

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CONTENTS

| | |
|--|-----|
| Studies in Vinaya Technical Terms IV–X by Édith Nolot | I |
| The Sixty-four Destructions according to the <i>Samskrtāsamskṛta-viniścaya</i> by Peter Skilling | 113 |
| Intermediate Existence and the Higher Fetters in the Pāli Nikāyas by G.A. Somaratne | 121 |
| Remarks on the Rasavāhinī and the Related Literature by Junko Matsumura | 155 |
| An Index to JPTS Volumes IX–XXIV | 173 |

Studies in Vinaya Technical Terms IV–X*

To the memory of Édouard Burckard
(1902–1998)

“Studies in Vinaya Technical Terms” (SVTT) III was concerned with *parivāsa* and *mānatta*, the specific penalties incurred by Buddhist monks or nuns who have committed a Saṃghādisesa (Saṃgh.) offence (that is, the second most serious type of offence listed in the Pātimokkha), and the only one in that list whose redress, dealt with in detail in the second and third *Khandhakas* of the Cullavagga, is said to entail formal procedures and constant supervision by a regular chapter. The present studies deal with other penalties which are related (whether they also involve procedures or not) both to each other and to those of *parivāsa* and *mānatta*: the group of seven other disciplinary procedures detailed in the first *Khandhaka* of the Cullavagga (SVTT IV); the contrasting terms *nissāraṇā*, *osāraṇā*, which must be investigated in connexion with those procedures (V); the penalties of expulsion (*nāsanā*) (VI) and “punishment” (*daṇḍa-kamma*) (VII); the disciplinary procedures of proclamation (*pakāsanīya-kamma*) (VIII) and of boycott of a lay donor’s gifts (*patta-nikkujjanā*) (IX); and the *brahma-daṇḍa* penalty (X).

An important correction to SVTT II 110, § 2c (iv) concerning *tassa-pāpiyyasikā*, will be found at the end of these studies (Appendix I) where it is referred to as *TPāp*. SVTT V and VI take into account a stimulating work on the same topics by Ven. Juo-hsüeh Shih (Oxford).

* See JPTS XXII, 1996, pp. 73–150.

IV. The disciplinary procedures of *tajjanīya*-°, *nissaya*-°, *pabbājanīya*-°, *paṭisāraṇīya*-°, and threefold *ukkhepanīya-kamma* (n.)

1. The second and third chapters of the Cullavagga, where the particulars of the *mānatta* and *parivāsa* penalties are detailed, are preceded by the *Kamma-kkhandhaka* (“Section on procedures”),¹ which deals with a sevenfold set of similar disciplinary procedures,² there said to apply to offences that may be redressed by (mere) confession, i.e. neither Pārājika (Pār.) nor Saṃgh. offences.³ According to Vin I 145,16–18, these penalties apply also to nuns.

A Skt Mū parallel occurs in the first part of the *Pāṇḍulohitaka-vastu*.⁴ For a summary of Chinese data with references, see Frauwallner, *Vinaya* 107–109 (on Chinese and Skt parallels to *paṭisāraṇīya*, see also Lévi, “Mss sanscrits” 5–8).⁵

¹Vin II 1,6–30,15 with Sp 1155,7–59,20.

²Cf. v.Hi., “Buddhist Law” pp. 20–21.

³Vin II 3,8–9,37 with Sp 1155,16–17. On the Pāc. offences that may or may not be redressed by confession (*desanā*-°, *adesanā-gāminī āpatti*), see SVTT II 112, n. 63.

⁴MSV(D) III 5,1–11, 13 (*tarjanīyaṃ karma*), 11,14–15, 19 (*nigarhaṇīyaṃ karma*), 15,20–19,8 (*pravāsanīyaṃ karma*), 19,9–28,6 (*pratisaṃharaṇīyaṃ karma*), 28,7–29,4 (*āpatter adarśanāyotkṣepaṇīyaṃ karma*), 29,4–30,2 (*āpatter apratikarmāyotkṣṇ*°), 30,3–32,12 (*apratī-nisṛṣṭe pāpake dṛṣṭigate utkṣṇ*°). For a summary of Tib. Mū, see Banerjee, SarvLit 224–27.

⁵None of these procedures is dealt with in ChinSp (where the parallel to the *Kamma-kkhandhaka* of the Cullavagga is missing), nor are they mentioned there according to the index. The *Campeyya-kkhandhaka* (Vin I 312–36), which deals extensively with the conditions of validity of these and other disciplinary procedures in the Thv(M) Vinaya (Vin) and immediately precedes ChinSp’s parallel to the Cullavagga, is

Those seven procedures are: (I) *tajjanīya-kamma*, “blame”;⁶ (II) *nissaya-k*°,⁷ “dependence [on an adviser]”; (III) *pabbājanīya-k*°, “banishment [from one’s residence]”; (IV) *paṭisāraṇīya-k*°, “summons to be reconciled [with a lay donor whom one has offended]”;⁸ and threefold *ukkhepanīya-k*°, “suspension”: (V) for refusing to see one’s offence (*āpattiyā adassane ukkh*°), (VI) for refusing to redress one’s offence (*āpattiyā appaṭīkamme ukkh*°),⁹

mentioned there only insofar as it “needs no explanation” (ChinSp 532 [14]).

⁶For convenience, terms occurring with variants *-i/-ī-* will be spelt henceforth in the latter form; those whose gender may be either neuter (n.) or feminine (f.) will be quoted as f.

⁷Most often replaced by *niy(y)as(s)a*, “disrepute”, in Sp (E° and C°), Vjb (B°), and B° of Cullavagga (the heterogeneity of BHS parallel forms, listed at the end of this paragraph, should also be noted). This is not to be confused with the other senses of *nissaya*, masculine (m.) (no alternative spelling as far as can be seen): (i) “resources” upon which monks and nuns are ideally expected to rely (Vin I 58,10–22; II 274,23, 278,13–16); (ii) “dependence” of a newly ordained monk on his preceptor or instructor (Vin I 60,31–62,11), and revocation thereof (*nissaya-paṭippassaddhi*, Vin I 62,14; (Mū) Guṇ-VinSū 9,16 *niṣṛaya-pratiprasambhana* [Guṇ-VinSū(Pravṛ-v) 42,1 *niṣṛaya*-°]; cf. below, SVTT VII, § 4). – Cf. below, § 4 [g].

⁸The adjective *gihi-paṭisaṃyutta*, “connected with laymen”, occurs solely in reference to this offence (Vin V 115,16 with Sp 1320,13–15); the sixth and seventh modes of settlement of formal disputes do not apply to it (cf. SVTT II 112,, § 2d). The symmetrical case of a layman who offends monks is dealt with by the procedure of *patta-nikkujjanā* (see below, SVTT IX).

⁹An illustration of an (objectionable) suspension of this kind occurs at Vin I 312,3–13,13; the text then states that groundless charges leading to suspension entail a Dukkata (Dukk.) offence (313,13–15,20, 322,34–25,25). – Skt Sa fragment with Chinese parallel: SHT(V) 36–38 (1049) and notes. – Skt Mū parallel: MSV(D) II 199,4–201,13 (on the right readings, see below, second part of n. 28). – Chinese Mś parallel: Lévi-Chavannes, “Titres” 195–97.

(VII) for refusing to give up a wrong opinion¹⁰ (*pāpikāya diṭṭhiyā appaṭinissagge ukkh°*). Two of them, *pabbājanīya-k°* and *pāpikāya diṭṭhiyā ukkhepanīya-k°*, are also mentioned in the Bhikkhu- and Bhikkhunī-Vinaya-vibhaṅga; the *ukkhepanīya-k°* is referred to in the Bhikkhunī-Pātimokkha¹¹ (see below, §§ 7b, 8e).

¹⁰This doctrinal ground for an offence stands in striking contrast to the disciplinary grounds for all others (see Bechert, “Schismenedikt” pp. 33–34 = Bechert, Schulz 36). The penalty incurred by a novice in the same case is expulsion (*nāsanā*, Thv(M) [bhu] 70th Pāc.; see below, SVTT VI, § 2 c). – According to Vin I 142,36–43,6 ≠ 144,30–36, a monk may (and should) break his monsoon retreat when a monk or a nun is to be dissuaded from advocating wrong opinions.

¹¹The technical terms *tajjanīya*, *nissaya*, and *paṭisāraṇīya* are neither mentioned nor referred to in Pātim or in the *vibhaṅga*. The statement at SBE XVII 329, n. 4 (cf. Dutt, EBM, p. 15) that grounds quite similar to those for *tajjanīya* are dealt with in the 8th–11th Thv(M) [bhu] Saṃgh. (with the contradiction that the former is said, in canonical texts, not to apply to Saṃgh. offences) are based on the key-word *adhikaraṇa* that occurs both in the account of how and why *tajjanīya* was prescribed (see below, § 2 and n. 18), and in the wording of the 8th–11th Saṃgh. (Vin III 163,25** with Kkh 43,27–28 ≠ Sp 595,11–12 [ChinSp 391–92 (56)]; Vin III 168,5** with Kkh 44,24–45, 13, Sp 599,5–600,11; Vin III 172,32** with Kkh 45,28–30 = Sp 607,32–608,2). Now, while there is most probably a historical relation between the earlier and later ways of coping with obstreperous monks (either by the *parivāsa/mānatta* penalties entailed by Saṃgh. offences, or by the ones studied here), and while the compilers of the Vinaya had as much reason to draw a formal connexion between the relevant Saṃgh. offences and the *tajjanīya* procedure as they had for connecting (as they actually did) the *pabbājanīya* procedure with the 13th Saṃgh. and the *ukkhepanīya* procedure with the 68th Pāc., no such connexion can be traced. There are only a number of scattered rules dealing with dissensions over procedure and the latter’s validity in the *nidāna* of which the stock-phrase *bhaṇḍana-kāraka*, etc. (as below, n. 18) often recurs (e.g., in the 53rd bhikkhunī [bhī] Pāc., Vin IV 309,25–28; cf. below, § 6c). There are some exceptions (e.g., in the 63th bhikkhu [bhu] Pāc., which deals with the irregular reopening [*ukkoṭana*] of a settled dispute; see SVTT II 93 and n. 9).

I. **BHS** *tarjanīya*, n. : Prakīrṇ(Mā-L) 328,3.

Skt *tarjanīya*, n.: (Mū) MSV(D) II 208,5 (°-arha), III 5,2*; Mvy 8642. – (unidentified school) SHT(V) 116 (1121, B1) (°-arha).

tarjanīyaṃ karma: (Mū) MSV(D) II 207,13, III 5,14ff. – (Mū?)¹² SHT(V) 103–104 (1108, r° 4, v° 1)

tarjanīya-karma, n.: (Mū) Guṇ-VinSū(Pravr-v) 23, 24, 28; MSV(D) II 208,9f. (°-arha), III 7,4f. (°-krta).

II. **BHS** *nigarṣaṇīya*, n., “subduing”: Prakīrṇ(Mā-L) 328,3.

Skt *nigarhaṇa*, n., “condemnation”: (Mū) Guṇ-VinSū 102,3.

nigarhaṇīya, n.: (Mū) MSV(D) II 208,8, III 5,2*; Mvy 8643.

nigarhaṇīyaṃ karma, n.: (Mū) MSV(D) II 207,13, 208,10–11, III 12,2ff.

nigarhaṇīya-karma, n.: (Mū) MSV(D) II 208,13–14 (°-arha), 15 (twice, once °-arha), III 13,10ff. (°-krta).

niśrāyaṇīya, “dependance”: (Sa?)¹³ SHT(V) 47 (1057a, v° 4).

vigarhaṇīya, “rebuke”: (Sa or Mū) SHT(VI) 111 (1388, v° 5).

III. **BHS** *pravrajānīya*, n. : Prakīrṇ(Mā-L) 328,4.

Skt *pravāsa*, m., “sending away”: (Mū) MSV(D) III 5,3*.

pravāsana, n. : (Mū) Guṇ-VinSū 102,4.

¹²*A-vastukaṃ* (r° 5), *sa-v°* (v° 1), are part of the Mū terminology (see below, second part of n. 28); so is *sthalastha* (v° 3–4; see SVTT I 91, n. 41).

¹³See SVTT II 111, n. 62.

pravāsaṇīya, n. : (Mū) MSV(D) II 207,13;¹⁴ Mvy 8644.
pravāsaṇīyaṃ karma, n. : (Mū) MSV(D) II 208,16f., III 18,19ff.
pravāsaṇīya-karma : (Mū) MSV(D) II 208,16f. (°-arha).
pravāhaṇīya, n., “dismissal” : (Sa?)¹⁴ SHT(V) 47 (1057a, v° 4).

IV. **BHS** *pratisāraṇīya*, n. : Prakīrṇ(Mā-L) 328,4. – *grhinām aprasāde pratisāraṇīya karma*, n. : (prob. Mā or Mā-L) Lévi, “Mss sanscrits” 8 (5b3, b4, b10).

Skt *pratisaṃharaṇa*, n., “withdrawal (of offending behaviour)” : (Mū) Guṇ-VinSū 102,5, 103,17–18.

prati-saṃharaṇīya, n. : (Mū) MSV(D) II 208,11, III 25,10f., 26,6–7f. ; Mvy 8645. – (Sa?)¹⁴ : SHT(V) 47 (1057a, v° 5). – Cf. (unidentified school) SHT(V) 116 (1121, B2) *pratisaṃhara*. +++//

prati-saṃharaṇīyaṃ karma, n. : (Mū) MSV(D) II 207,13, 208,14f., III 25,10ff.

prati-saṃharaṇīya-karma : (Mū) MSV(D) II 208,18f. (°-arha), III 25,9f. (°-kṛta).

V. **BHS** *āpattīya adarśanena utkṣepaṇīyaṃ* [misprinted °nī°] *karma*, n. : BhīVin(Mā-L) 97,5 (cf. 144,14).

Skt *adarśanāyotkṣipta*, m(f). : (Sa) SHT(V) 37–38 (1049, v° 2 [v° 3 °nīyotkṣ°]). – °*taka*, m(f). : (Mū) KC, Kaṭh-v 56,2 (≠ MSV(D) II 157,18) ; Lévi, “Mss sanscrits” 34,3 (= MSV(D) IV 65,20–21), 34,10 (so read with GBM(FacEd) X.6, 705 [52, v° 8] = MSV(D) IV 66,6–7) ; MSV(D) III 70,11. – °*takatva*, n. : (Mū) MSV(D) III 69,6.

¹⁴Omitted in MSV(D) after *nigarhaṇīyaṃ*; see GBM (FacEd) X.6, 887 (187, v° 1).

adarśanāyotkṣepaṇīyakarmârha : MSV(D) II 208,22 (so GBM(FacEd) X.6, 887 [187, v° 9] for ed. *adarśaṇīyotkṣ°*).

adarśanāyotkṣepaṇīyaṃ karma : (Mū) MSV(D) II 208,18–19 (so GBM(FacEd) X.6, 887 [187, v° 8–9] for ed. *adarśaṇīyotkṣ°*), III 28,10ff.

adarśa[nā][?yo]tkṣepaṇīyaṃ karmârha : MSV(D) II 208,20 (so GBM(FacEd) X.6, 887 [187, v° 9])

āpatter adarśanād utkṣepaṇīya : (unidentified school) SHT(VI) 77 (1314, A5). – ā° a° °ṇīyaṃ *karma*, n. : (Mū) MSV(D) III 28,12.

VI. **BHS** *āpattīya apratikarmeṇa utkṣipta* : BhīVin(Mā-L) 99,14 (144,14 °-dharmeṇa).

Skt *apratikarmârhāyotkṣepaṇīya* (with °*karmârhāyotkṣ°* short for °*karmāyotkṣepaṇīyakarmârhāyotkṣ°*) : (Mū) MSV(D) II 208,21.

(*āpatter*) *apratikarmaṇāyotkṣiptaka*, m(f). : (Mū) KC, Kaṭh-v 56,2 (≠ MSV(D) II 157,18–19) ; Lévi, “Mss sanscrits” 34,11 (so read with GBM(FacEd) X.6, 705 [52, v° 8–9]) ≠ MSV(D) IV 66,7 ; MSV(D) III 70,12 (so read with GBM(FacEd) X.6, 922 [205, r° 1]).

āpatter apratikarmāyotkṣepaṇīyaṃ karma : (Mū) MSV(D) III 29,10f. (29,8 °*karmaṇāyotkṣ°*, so GBM(FacEd) X.6, 900 [194, r° 9]).

VII-A. **BHS** *trayānām¹⁵ dṛṣṭigatānām apratiniḥsargeṇa utkṣipta* : BhīVin(Mā-L) 99,14–15 (cf. 144,14–15).

pāpikāṃ dṛṣṭiṃ apratinissaranta, m(f). : PrMoSū(Mā-L) 23,27.

Skt *apratiniḥsrṣṭe pāpake dṛṣṭigate utkṣiptaka* : (Mū) KC, Kaṭh-v 56,3 (= MSV(D) II 157,19). – °*takatva*, n. :

¹⁵On the three kinds of wrong views according to the Mā(-L) tradition, see Nolot, “Règles” p. 83, n. 73.

(Mū) MSV(D) III 69,6, 70,11 (ed. wrongly °*nīsṛṣṭe*; see GBM(FacEd) X.6, 921 [204, v° 3–4], 922 [205, r° 1]).

a° p° d° utkṣepañīyaṃ karma, n.: (Mū) MSV(D) II 209,5–8 (so GBM(FacEd) X.6,888 [188, r° 1]).

apratinīsṛṣṭe pāpake dṛṣṭigate utkṣepañīyaṃ karma: (Mū) MSV(D) III 30,8–9ff. – *a° p° d° °ñīyaṃ karma-kṛta* 31,8ff. (so GBM(FacEd) X.6, 901 [194, v° 10], 902 [195, r° 3–6]).

adarśanāyotkṣepañīyaṃ apratikarmāyotk° apratinīsṛṣṭe pāpake dṛṣṭigate utkṣepañīyaṃ karma: MSV(D) II 207,13–15 (so GBM(FacEd) X.6, 887 [187, v° 1–2]). – the second sequence with *apratikarmāyotkṣepañīya-karmârha* *ib.*, v° 10 (ed. 209,3, 4 °*karmârhayotkṣepañīyakarmârha*). – the third one *ib.* v° 10 (≠ MSV(D) II 209,2 °*nīsṛṣṭe*).

adarśanāyotkṣepakatva, apratikarmāyotkṣ°, apratinīsṛṣṭe pāpake dṛṣṭigate utkṣ°: (Mū) MSV(D) III 67,11–12 (so also GBM(FacEd) X.6, 920 [204, r° 5]; all to be corrected to *utkṣiptakatva* according to BHSD *s.v.* *utkṣiptaka*).

Cf. (Mū) Guṇ-VinSū 102,6–8 *āpattāv apratikṛtāyām apratikāryāyām saṃvareṇādṛṣṭim udbhāvayantam anicchantaṃ pratikṛtim anuṣṭhātum anutsṛjantaṃ ca pāpikāṃ dṛṣṭim utkṣipeyuh*.

VII-B. **BHS** *utkṣipta*, m(f).: BhīVin(Mā-L) 97,8 (misprinted °*ksi°*)ff., 144,3ff.; PrMoSū(Mā-L) 23,26. – *utkṣiptaka*, m(f).: BhīVin(Mā-L) 163,37; PrMoSū(Mā-L) 5,4.

utkṣepaṇa-pācattika: PrMoSū(Mā-L) 23,25.

utkṣepañīya-karma, n.: BhīVin(Mā-L) 143,3, 19 (so ms.). – °*ñīyaṃ karma*: BhīVin(Mā-L) 97,6, 143,4f., 151,9, 312,2; Prakīrṇ(Mā-L) 328,6 (misprinted °*ni°*).

Skt *utkṣipta*, m.: (Sa) PrMoSū 260 (HL, v° 2). – (Mū) MSV(D) II 190,16f., 192,13f., 194,3, III 69,21.

utkṣiptaka, m(f).: (Mū) Guṇ-VinSū 103,4; Guṇ-VinSū(Pravr-v) 55,21; MSV(D) II 113,15ff., 154,15 (= KC, Kath-v 53,28), 176,7ff., 178,5ff., 190,13ff., 194,4f., IV 250,4f. (= Saṅghabh II 272,12f.).

utkṣepaka, m(f).: (Mū) MSV(D) II 176,16ff., 179,15, 191,7f., IV 250,9f. (= Saṅghabh II 272,14f.)

utkṣepañīyaṃ karma, n.: (Sa?)¹⁶ SHT(V) 47 (1057a, v° 2, v° 3). – (Mū) BhīKaVā(S) 267,14–15, 268,6; Guṇ-VinSū(Pravr-v) 55,23; MSV(D) II 176,4, 201,13, 202,6.

utkṣepañīya, n.: Mvy 8646.

utkṣepañīya-karma, n.: (Sa) Hoernle, MR 12, v° 1. – (Mū) Adhik-v 103,13, 104,3f.; BhīKaVā(S) 267,14–15, 268,5–6; MSV(D) II 209,1, 210,17, IV 27,11. – *utkṣepañī-karma*: (Sa?)¹⁶ SHT(V) 46 (1057a, v° 1).

2. According to the account in the Cullavagga of the circumstances which are said to have led to the prescription of these disciplinary procedures, *tajjanīya* applies especially to quarrelsome monks;¹⁷ *nissaya* to unskilled ones who repeatedly commit Saṃgh. offences and who mix unbecomingly with lay people;¹⁸ *pabbājanīya* to those who create a

¹⁶See SVTT II 111, n. 62.

¹⁷This is expressed by the stock phrase *bhaṇḍana-kāraṇā kalaha-k° vivāda-k° bhassa-k° saṃghe adhikaraṇa-k°*, “they raise quarrels, strife, dissensions; they raise disputes among the chapter” (Vin II 1,8–10 ≠ I 328,25–27). – *Cf.* (Mū) Guṇ-VinSū 102,3 *kalaha-kāraṇa[m] tarjayeyuh* [so read] *karmaṇā*.

¹⁸This is expressed by the stock phrase *bālo hoti avyatto āpatti-bahulō anapadāno gihi-saṃsaṭṭho viharati ananulomikehi gihi-saṃsaggehi*, “he is unskilled, incompetent, ridden with offences, unable to discern them; he associates unbecomingly with lay people” (Vin II 7,17–19 = I 330,4–6). Contrary to what is stated in SBE XVII 343 n. 1, 384 n. 1 (*cf.* BD V 11 n. 3), followed by me in SVTT III 131, § 4c, what is meant in the next sentence is quite clearly the *repeated* commission of offences that *all* belong to the Saṃgh. category (Vin II 7,19–21 *api* ‘*ssu bhikkhū pakatā parivāsaṃ dentā mūlāya paṭikassantā mānattaṃ dentā abbhentā*:

scandal by their immoral behaviour and to those who corrupt lay people's minds;¹⁹ *paṭisāraṇīya* to those who scoff and jeer at faithful, generous lay followers;²⁰ *ukkhepanīya* to those who refuse either to see or to redress an offence, or who refuse to give up a wrong opinion.²¹

3. As in the case of *parivāsa* and *mānatta*, all the procedures by which the penalties are to be inflicted, then can-

“Moreover, the monks kept granting him probation, sending him to the beginning, granting him re-admission” [BD V 11 (see *ib.* n. 2) translates *pakatā* by “were done up with”; Sp 1157.21–22, however, glosses the term by *nicca-byāvaṭā*). The Saṃgh. offences are indeed mentioned explicitly in the Skt and Tib. Mū parallels (MSV(D) III 11.15–16; Banerjee, SarvLit 224–25).

¹⁹This is expressed by the stock phrase *ime ... bhikkhū kula-dūsakā pāpa-samācārā, imesaṃ pāpakā samācārā dissanti c' eva suyanti ca kulāni ca imehi duṭṭhāni dissanti c' eva suyanti ca*, “these monks corrupt the laity, they behave immorally; their immoral behaviour is both to be seen and heard, and so are the lay people they have corrupted” (Vin II 13.3–6 ≠ I 330.16–19). This stock phrase is extracted from the *sikkhāpada* of the Thv(M) 13th [bhu] Saṃgh. (Vin III 184.9–12**f.; see below, § 7b).

²⁰This is expressed by the stock phrase *kathaṃ ... tvaṃ ... gahapatim saddhaṃ pasannaṃ dāyakaṃ kārakaṃ saṃgh' upaṭṭhāhakaṃ hīnena khūmessasi hīnena vambhessasi*, “how can you jeer and scoff at a faithful, believing householder who makes gifts, who is active, who supports the community?” (Vin II 18.4–7 f.), or *bhikkhu gihī akkosati paribhāsati*, “a monk abuses and reviles laymen” (Vin I 330.22–23), or *upāsake saddhe pasanne akkosati paribhāsati appasādam karoti*, “he abuses, reviles, spoils the faith of, believing and faithful lay followers” (Vin II 295.2–7, in a debatable procedure).

²¹This is expressed by the stock phrases *āpattim āpajjivā na icchati āpattim passitum*, “although he has committed an offence, he refuses to see it” (Vin II 21.8f. = I 330.28–29); *āpattim āpajjivā na icchati āpattim paṭikātum*, “although he has committed an offence, he refuses to redress it” (Vin II 25.3 = I 330.35); *bhikkhuno ... evarūpaṃ pāpikaṃ diṭṭhigataṃ uppannaṃ ... so taṃ diṭṭhiṃ na paṭinissajjati*, “a monk has formed this kind of wrong opinion ... and does not give it up” (Vin II 26.38–27.2), or *bhikkhu na icchati pāpikaṃ diṭṭhiṃ paṭinissajjitum*, “a monk refuses to give up a wrong opinion” (Vin I 331.3–4).

celled, are of the most elaborate, fourfold type.²² They may be considered as valid, and the matter as settled, only if each of the following conditions is fulfilled:²³ participation (*sammukhā*)²⁴ of a regular chapter including the required quorum of (four) monks, conformity to rules and to monastic discipline, and participation of the guilty monk in person; due inquiry (*paṭipucchā*) into the case; acknowledgement (*paṭiññā*)²⁵ of his offence by the monk; reality of an offence that may be, but is not yet, redressed by confession;²⁶ due reproof (*codetvā*) of the guilty monk after inquiry; then reminding (*sāretvā*) him of his offence and charging (*ropetvā*) him with it.²⁷

²²See SVTT I 84–85, § 3d. An exception is, in the Skt Mū parallel at MSV(D) III 26.1–10, the onefold *jñāpti-karma* by which the *prati-saṃharaṇīya-karma* is to be revoked.

²³Vin II 2.20–4.15 (*tajjanīya*), 8.2–22 (*nissaya*), 12.37–13.23 (*pabbājanīya*), 18.11–32 (*paṭisāraṇīya*), 21.22–22.9 (*āpattiyā adassane ukkhepanīya*), 25.4–5 (*ā° appaṭikamme ukkh°*), 26.34–27.21 (*pāpikāya diṭṭhiyā appaṭi-nissagge ukkh°*).

Skt Mū parallel: MSV(D) III 5.15–7.3 (*tarjanīya*), 12.4–13.9 (*nigar-haṇīya*), 18.18–19.8 (*pravāsaṇīya*), 24.12–25.8 (*pratisaṃharaṇīya*), 28.12–29.3 (*āpatter adarśane uktṣepaṇīya* [the procedure however includes the formula *yathā dharmam na pratikaroti*, which strictly speaking belongs to the next kind of *uktṣepaṇīya*]), 29.10–30.2 (*ā° apratikarmāyōtkṣ°*), 30.11–31.6 (*apratinīsrṣṭe pāpake drṣṭigate utkṣ°*).

²⁴Cf. SVTT II 99–101, § 2 a and n. 29.

²⁵See SVTT II 113, n. 64; on these first three provisions, see also Vin I 325.26–326.31.

²⁶This provision contradicts the technical interpretation of the statement that the penalties dealt with here apply to monks who stray from morality (*sīla-vipanna*), *i.e.*, those guilty of a Saṃgh. offence, which may not be redressed by (mere) confession (see above, § 1, and SVTT II 97, n. 19, 112, n. 63). As to how Vjb solves this contradiction, see below, n. 47.

²⁷Urging a monk to acknowledge his offence also includes asking his permission (*okāsaṃ kārapetvā*) to talk to him about it (see SVTT III 121, n. 16); this stage is not mentioned here, but is prescribed at Sp

The importance of the right performance of these procedures (*cf.* SVTT I 75–78, §§ 1–2) is further stressed at Vin I 328,25–33,31, which deals at length with each possible ground for formal invalidity, and the disputes that may ensue among the community.

4. There are several differences between these and the *mānatta/parivāsa* procedures, and the penalties entailed.

(a) The range of application of the procedures dealt with here is greater, but they do not, according to the Cullavagga, apply to the *unrepeated* commission (see above, n. 19) of Saṃgh. offences ;

(b) no distinction is made between cases when the offence was concealed and when it was not;²⁸

(c) unlike the proceedings applying to Saṃgh. offences of the *yāva-tatiyaṃ* sub-class (see below, SVTT X n. 10), no standard (formal or informal) threefold admonition of a

624,7–17, among the proceedings preliminary to a *pabbājanīya-kamma*, which may not, as stressed by Sp *ib.*, be carried out without acknowledgement (*paṭiññā*) of his offence by the guilty monk. These proceedings apply to all and any disciplinary procedures, except, according to a late, sub-commentarial statement, to that of *brahma-daṇḍa* (see below, SVTT X, § 2 c).

As for the Tib. Mū parallel, Banerjee, SarvLit 227 wrongly paraphrases *khas-blañs*, “acknowledgement”, by “a competent monk should acquaint the Saṅgha about the offence”; the Tibetan term actually corresponds to Pāli *paṭiññā*, Skt *pratijñā* (Mvy 8637). The latter occurs at MSV(D) II 201,12–13 = 202,5–6, 9–10: *taiṣ tasya acodayitvā asmārayitvā avastukam apratijñāyā balād utkṣepañīyaṃ karma kṛtaṃ* (so GBM(FacEd) X.6, 884 [186, r° 3, r° 6, r° 7] ; the editor’s readings, *tasyācodayitvāsmārayitvā vastukarma-pratijñāyā*, make no sense; neither does the misreading *vyagreṇa* for ‘*dyāgreṇa* at 202,9). At MSV(D) III 5,17, 6,1, 12,6,9, *avastukam apratijñāyā* should read °*jñāyā* (so GBM(FacEd) X.6, 889 [188, v° 5, v° 6], 892 [190, r° 6, r° 7]). – Cf. above, n. 13.

²⁸Possibly, as O. von Hinüber has suggested to me, because the offences concerned here are, by their very nature, “public”, and therefore “technically impossible” to conceal.

monk takes place here before he is officially sentenced as guilty ;

(d) this monk is not expected to make a formal, threefold application before the chapter for the penalty he incurs, which is not “granted” (*dinna*) to him, but “proceeded to” (*kata*) against him.²⁹ Accordingly, whereas the stress there is on the willingness of a monk guilty of a Saṃgh. offence to apply to the chapter (*saṃgho icchitabbo*) for redress (*vuṭṭhātu-kāma*),³⁰ what is stressed here is self-submission : a monk undergoing any of the seven penalties dealt with here is expected to “duly observe the restrictions to his rights, behave with subdued manners, and follow the course leading to release” from both his offence and the penalty entailed;³¹ only then may he make a formal, threefold application to the chapter in these very same terms (to be repeated by the chairman) for the cancellation of the penalty ;³²

²⁹Compare Vin II 38,12–39,14 (*cf.* SVTT III 117–118, § 1) with 2,20–23ff. (complete references as above, n. 24).

³⁰See SVTT III 117–118, n. 7. As suggested to me by R.F. Gombrich, the expected eagerness of a guilty monk to apply for the *mānatta* penalty might give a clue as to the etymology of the latter term (*cf.* SVTT III, 117 n. 6, where the references to the traditional etymology quoted or referred to are all post-canonical except the (Sa) PrMoSū) : Skt *māna*, “self-attribution” (*cf.* *x-mānin*, “attributing to oneself the quality of *x*”) + *tva*.

In post-canonical literature at least, as far as lexicographical tools allow checking, (v)ṭṭhāna-gāminī āpatti refers regularly to *saṃghādisesa* (e.g., Sp 236,32–33, 584,5–6, 873,29, 877,7, 989,30, 1319,24, 1353,16–17 ; Vin-vn 3103). Cf. below, *TPāp* n. 20.

³¹°*kammakatā sammā-vattanti lomam pātentī netthāraṃ vattanti* (Vin II 5,18–19ff.). Skt Mū parallel : MSV(D) III 7,14–17, 13,16–19, 25,12–15, 31,8–10.

³²This is not so in the Skt Mū parallel, which distinguishes, in its account of *tarjanīya*, between the restrictions to be observed when undergoing the penalty (MSV(D) III 7,5–11 ; see below, *TPāp* n. 22), and the conditions under which the monk may be restored (*osārita* ; *cf.* below, n. 36) to full status. Besides submissive behaviour, these specific

(e) except in the case of suspension, the penalties dealt with here are lighter than *parivāsa* and *mānatta*: in particular, they include neither constant control by a regular chapter, nor informing each and every monk about one's status, nor restrictions on moving alone freely;

conditions are (III 7,20–9,14 ; cf. BhīKaVā(S) 267,16–18, with Chinese and Tib. Mū parallels in BhīPr 81–83) : standing within the boundary (*sīmā*) when one applies for restoration (see below, n. 100, and SVTT V n. 31) ; stating formally that one gives up the misbehaviour for which one was sentenced ; relying neither on the king's household, nor on a *yuktakula* [?] (also Guṇ-VinSū 101,30), nor on non-Buddhist ascetics, nor on an individual, but on the Saṃgha exclusively ; dressing neither like laymen nor like non-Buddhist ascetics ; abstaining from following the latter, and from misbehaving ; observing the monks' training ; abstaining from reviling or abusing them, and from wishing for losses to the Saṃgha (cf. the restrictions said to be entailed by suspension in Thv(M) texts, below § 8 a).

As for restoration after *nigarhaṇīya*, the fivefold, specific conditions are just those of submissive behaviour, together with standing within the boundary, and stating formally that one gives up one's misbehaviour (14,2–4).

As for *pravāsaṇīya*, the text is so abridged that neither the restrictions to the sentenced monk's rights nor the conditions for his restoration are listed (18,18–19,8).

As for *pratisaṃharaṇīya*, the restrictions seem to be identical with those applying to *tarjanīya* (25,9–11) ; the fivefold conditions for restoration are identical with those applying in case of *nigarhaṇīya* (25,19–21).

As for the threefold *utkṣepaṇīya*, the restrictions and the conditions for restoration are said to be identical with those applying in case of *tarjanīya* (29,3–4, 30,1–2, 31,6–7, 14–16). – Here, unlike what is prescribed in the Cullavagga, the conditions for restoration applying to the cases of *both tarjanīya* and threefold *utkṣepaṇīya* (see below, end of § 8 a) are more severe than those applying in case of *nigarhaṇīya*, *pravāsaṇīya*, and *pratisaṃharaṇīya*.

(f) the duration of these penalties is not fixed in advance,³³ but depends on the monk's manifest self-submission and his explicit acknowledgement of it in the terms quoted above (d) ;³⁴

(g) in the *Kamma-kkhandhaka* of the Cullavagga, the procedure by which the penalty is eventually cancelled is simply termed “cancellation” (*paṭippassaddhi*) in all cases,³⁵ and may be carried out by the smallest chapter (of four monks), in contrast to the one that applies to the redress of Saṃgh. offences, which requires the biggest quorum of monks (twenty) and is designated by the specific term *abbhāna*, “readmission” (see SVTT III 133–35, § 6).

5a. The rights of a monk subjected to a *tajjanīya* procedure are curtailed according to eighteen prescriptions that also apply partly to *parivāsa* and *mānatta* :³⁶ he should not grant ordination, give guidance to newly ordained monks,

³³Cf. SVTT III 119ff., § 1 a, 2 ff. Sp 1157,18–20 states that the penalties dealt with here should last ten or twenty (so E^e ; Bp, and C^e (SHB 1948) 858,15 : “or five”) days.

³⁴*Tajjanīya-kamassa* [etc.] *paṭippassaddhiyā sammā-vattanā ādi* (Vin V 142,31–36). See also Vin V 182,34–183,10, with Sp 1371,27–29 (reading logically *anulomavatte na* [C^e (SHB 1948) 1018,10–11 *anulomavatte* (line 11) *na* is inconclusive, since a word printed over two successive lines is never hyphenated in this edition]). Sp's *prima facie* metaphorical statement that if the sentenced monk does not behave properly, *sarajjuko 'va vissajjetabbo*, is not clear to me.

³⁵Vin II 6,26–7,15 (*tajjanīya*), 9,4–27 (*nissaya*), 15,6–27 (*pabbājanīya*), 21,1–3 (*paṭisāraṇīya*), 24,29–33, 25,5–7, 28,12–17 (threefold *ukkhepanīya*). On the twofold technical sense of *nissaya-paṭippassaddhi*, see above, n. 8. Outside the *Kamma-kkhandhaka*, the term *osāraṇā*, “restoration”, often refers specifically to the cancellation of suspension (see below, SVTT V, § 6 b) — unlike its SktMū parallel, which reads consistently *osāraṇā* here in all cases (MSV(D) III 9,15–11,3 [*tarjanīya*], 14,5–15,9 [*nigarhaṇīya*], [the restoration after *pravāsaṇīya* is not mentioned], 26,1–10 [*pratisaṃharaṇīya*, a *jñapti-karma*], 31,16–32,12 [third *utkṣepaṇīya*; the restoration after the first two is not dealt with]).

³⁶See SVTT III 119–21, § 1 a.

be waited upon by novices, be appointed as exhorter of nuns or exhort them if appointed before he became liable to this procedure, commit again the same, or a similar, or a graver offence, criticize either the procedure or those who carried it out, suspend (on account of some irregularity) the participation of a regular monk in the ceremonies of either *uposatha* or *pavāraṇā*, issue commands, exercise authority, urge a monk to acknowledge an offence, or quarrel with other monks.³⁷

5b. The restrictions imposed by *nissaya*, *pabbājanīya* and *paṭisāraṇīya* are the same,³⁸ but each include a further, specific clause that occurs first (except for *pabbājanīya*) in the account of how the Buddha is said to have prescribed it, then consistently as a formula to be uttered by the chairman during the procedure. These are respectively :

(a) *nissāya te vatthabbam*, “you must live in dependence [on an adviser]”; the sentenced monk is thereby expected to seek advice from learned monks, until he acquires a sound knowledge of doctrine and discipline, and proves able to act with discretion;³⁹

(b) *na [itthan-nāmehi] bhikkhūhi [itthan-nāmasmiṃ āvāse] vatthabbam*, “the monks [So-and-So] must leave [their residence in X]”,⁴⁰

³⁷Vin II 5,5–16 (*tajjanīya*) (= 32,2–11 about *parivāsa*, with Sp 1155,23–56,14, 1157,13–14, the latter referring to 1162,1–63,22). – Skt Mū parallel: MSV(D) III 7,4–13.

³⁸Vin II 8,20–23 (*nissaya*) = 14,7–9 (*pabbājanīya*) = 19,18–19 (*paṭisāraṇīya*). – Skt Mū parallel: MSV(D) III 13,10–15; summary of Tib. Mū parallels: Banerjee, SarvLit 227.

³⁹Vin II 8,1–2, 5–7 f., 25–30.

⁴⁰Vin II 13,8–9 f. Contrary to what is implied by Hüsken, “Stock” 214–15 (§ 8), there is no indication that a monk sentenced to *pabbājanīya* should leave his residence *alone*.

(c) [*itthan-nāmo*] *te gahapati khamāpetabbo*, “you must ask the layman [So-and-So] to forgive you”;⁴¹ the monk is thereby requested to apologize to the offended lay donor, and should observe the prescribed restrictions until he does. When held back by shame from apologizing, he may be accompanied by a mediator monk, duly appointed to this office by a twofold procedure (*cf.* Vin II 295,7–18). If the offended party refuses the offender’s apologies; the mediator is to plead for forgiveness first in the offender’s, then in the monastic community’s name; then, if unsuccessful, to make the offender confess his offence within eye- and ear-shot of the former.⁴²

5c. The restrictions imposed by *ukkhepanīya* are much more severe (see below, § 8a); both the wording of the rule attributed to the Buddha and the procedure include the specific formula that epitomizes them: *a-sambhogam saṃghena*, “[suspension] involving suppression of dealings with the community”.⁴³

6a. Although the narratives and descriptions of procedures in the Cullavagga point to the application of one

⁴¹Vin II 18,9–11, 18–19 f. Only here does a corresponding formula occur in the Skt Mū procedure (MSV(D) III 26,10–11 *gaccha taṃ ḡhapatim kṣamaya*).

⁴²Vin II 19,21–20,22 *āpatti desāpetabbā* (DEBMT 132 “admonish the guilty monk” is wrong). One might argue (as I did) that, according to Vin IV 32,11–12, disclosing to laymen a minor offence (*a-duṭṭhullā āpatti*) committed by another monk entails a Dukk. offence, unless the Saṃgha moves a formal agreement to do so (for complete references, see below, SVTT VIII n. 8). Here, however, the monk who committed an offence discloses it himself, be it willy-nilly or under the control of a “mediator” monk whose job is to enforce the Saṃgha’s benevolent policy (be it by formal or informal agreement) towards lay donors. I owe the core of this piece of casuistry, for whose elaboration I am solely responsible, to O. von Hinüber.

⁴³Vin II 21, 21–22, 28–29 f., 25,2–7 (truncated E^c), 26,30–34, 27,3–5 f. See below, § 8 b.

specific penalty to one specific type of misbehaviour, the same text goes on to state that a strict correspondence between the two is not a *sine qua non* condition of validity for the procedures entailed: any of the seven procedures except the fourth⁴⁴ may be carried out against five types of monks :

- (i) quarrelsome ones who foster disputes (*adhikaraṇa*)⁴⁵ among the chapter ;
- (ii) inexperienced ones who constantly commit offences that they are unable even to discern ;
- (iii) those who mix unbecomingly with lay people ;
- (iv) those who stray from morality, right behaviour, or right opinions;⁴⁶
- (v) those who disparage the Buddha, the doctrine, or the monastic community.⁴⁷

⁴⁴Cf. Sp 1158,18 [*paṭisāraṇiyāraho bhikkhu*] *aṅga-samannāgato purimehi asadiso*.

⁴⁵See SVTT II.

⁴⁶*Sīla*-°, *ācāra*-°, *diṭṭhi-vipatti* ; see SVTT II 97, n. 19 (add to the references given there Sp 588,21–27 [ChinSp 389 (48)], 1413,32–14,2, Vin-vn 3103–106 ; cf. BD II 221 n. 1). Vjb 507,9–508,9 solves the technical inconsistency resulting from *sīla-vipatti* = Pār. or Saṃgh. (to which, according to canonical texts, the penalties dealt with here do not apply : see above, § 3 and n. 27) as follows (full text at the end of this paper, in Appendix II) : if a monk strays from morality, the chapter may choose not to charge him with a Saṃgh. but to stress another aspect of his misbehaviour, and to carry out the relevant procedure. Although the technical definitions of both *sīla-vipatti* and *adesanā-gāminī āpatti* include the Pār. as well as the Saṃgh. offences, what is implied here is, according to Vjb, the Saṃgh. class ; the Pār. are mentioned only for the sake of completeness (on the application of this restriction to two synonyms of *adesanā-gāminī āpatti*, see SVTT III 132, n. 48 [*duṭṭhullā āpatti*] ; Nolot, “Règles” 401–404 with SVTT III 135, n. 52 [*garukā āpatti*]).

⁴⁷Vin II 4.17–5,3 (*tajjanīya*), 8,20–23 (*nissaya*), 22,7–9, 25,1–7, 27,19–21 (threefold *ukkhepanīya*). The corresponding penalty for novices who disparage them is expulsion (*nāsanā* ; see below, SVTT VI, § 2 a–b).

Pabbājanīya applies to the same and, more specifically, to frivolous monks, to those whose bad behaviour and lack of training bring the Pātimokkha rules to naught, and to those whose means of livelihood are corrupt (Vin II 13,23–14,16 with Sp 1157,26–58,5).

Paṭisāraṇīya does not apply to the above types, but is restricted to monks who cause losses to lay people, or who abuse them, or who foster quarrels among them,⁴⁸ or who speak ill of the Buddha, the doctrine or the monastic community in their presence,⁴⁹ or who scoff and jeer at them, or who are not true to their promises to them.⁵⁰

6b. Now, as discussed at Sp 1156,13–57,13, although carrying out one procedure against a monk who is actually liable to another procedure is said to invalidate the former,⁵¹ this provision does not apply here : invalidation ensues only if the chapter chooses one specific procedure (whereupon the monk becomes *ipso facto* liable to it (°-*kammāraha*)) then

⁴⁸These are, *mutatis mutandis*, the same grounds as those on which a *daṇḍa-kamma* penalty is to be inflicted on novices who cause losses, etc., to the monks (Vin I 84,9–13), and on monks who cause losses, etc., to the nuns (see below, SVTT VII, § § 2–3).

⁴⁹These and the former grounds are the same, *mutatis mutandis*, as those on which a *pattanikkujjana-kamma* is to be carried out against lay followers who do not respect monks (Vin II 125,12–20 ; see below, SVTT IX).

⁵⁰Vin II 18,33–19,16 with Sp 1158,22–29. These five applications are further systematized, now including *paṭisāraṇīya*, by triads at Vin V 121,24–122,26 with Sp 1327,10–28,1. Vin V 122,7–10 adds a sixth possibility : the chapter may “contemplate making [the penalty] more stringent” (*āgālhāya ceteyya* ; cf. v.Hi., “Kasussyntax” § 176) for the same five types of monks ; according to Sp 1327,10–13, this means that when the prescribed penalty is not observed properly, the chapter may decide to carry out a procedure of suspension, presumably for refusing to redress one’s offence (cf. below, § 6c ; on the greater severity of the penalty entailed by *ukkhepanīya*, see below, § § 8 a–b).

⁵¹Vin I 325,32–28,23 (Sp 1156,18–22 refers to Vin I 327,1–24).

carries out another one.⁵² According to Sp 1292,9–12 (*ad* Vin II 261,12–14, and quoting Vin I 327,2–3), the same applies to nuns acting in chapter, after the monks have stated which procedure the latter should carry out (*cf.* SVTT II 94, end of n. 10).

This explanation brings to attention the phrase *ākaṅkhamāno saṅgho*, “the chapter may choose [this or that among the six (Cullavagga) or seven (Parivāra, as above, n. 51) procedures]”, that recurs again and again in this context and contrasts with *kammaṃ kātabbhaṃ*, “a [disciplinary] procedure must be carried out”, at Vin V 122,10–26⁵³: whichever

⁵²*Yadā saṅghena sannipatitvā idaṃ nāma imassa bhikkhuno kammaṃ karomā ti sannipattihānaṃ kataṃ hoti, tadā so kammāraho nāma hoti, tasmā iminā lakkaṇaṇaṃ tajjanīyādi-kammārahassa niyasa-kammādi-karaṇaṃ* [for *nissaya*-°; see above, n. 8] *adhamma-kammañ c’ eva avinaya-kammañ cā ti veditabbhaṃ* (Sp 1156,26–57,2; *cf.* Vmv II 205,26–206,7). As Vjb 507,15 puts it, “what is to be considered here is the intention of the agent [of the procedure, *i.e.*, the chapter]” (*kattu adhippāyo ettha cintetabbo*; see Appendix II, at the end of this paper). See also Sp 1147,7–22 (with Sp-ṭ III 346,24–47,14, Vmv II 205,26–206,7) *ad* Vin I 321,29–22,4: even though the specific ground (*i.e.*, *kula-dūsaka*: see above, § 2 and n. 20) for dismissing a monk (*nissāraṇā*; see below, SVTT V, § 6a) by a *pabbājanīya-kamma* is missing, and the guilty monk is described instead as *bālo avyatto ... gihi-saṃsaggehi* (therefore liable *stricto sensu* to a *nissaya-kamma*: see above, § 2 and n. 19), *pabbājanīya* is still valid, because of the provision that the chapter may choose to carry out such a procedure (referring to Vin II 13,23–37 [truncated E° to be filled in with 4,17–5,3]). – *Cf.* (Mū) Guṇ-VinSū(Pravr-v) 13,24–25 *kalaha-vivādādinā tarjanīyādi iṣṭakarma-karaṇaṃ bhavati*: “as concerns quarrels and strife and so on, the decision to apply the procedure of blame or another one is a matter of choice”. – As for how the decision is to be made practically, see below, § 6c.

Sp’s discussion gives further precision to the definition of °-*kammāraha* (see SVTT I 75–76, n. 3): a monk or nun is termed “liable to an *x*-procedure” from the moment the chapter resolves upon it by naming it explicitly (and irrevocably).

⁵³Proceeding by triads; the same materials are dealt with by pentads at Vin V 181,27–82,27.

of the seven procedures the chapter eventually chooses (*ākaṅkhamāno*, 121,24–122,10 with Sp 1327,13–28,1), action *should* be taken (*kammaṃ kātabbhaṃ*) against unscrupulous, incompetent,⁵⁴ frivolous, immoral, disparaging monks, and against those who do not observe the penalty inflicted on them properly.

Indeed, one of the main differences between the set of procedures studied here and those of *parivāsalmānatta* lies in the phrase *ākaṅkhamāno saṅgho*. This difference is made clear by the occurrences of its synonym *saṅgho ... kammaṃ kattu-kāmo hoti*, in the sentence *sace* (or *idha pana*) *saṅgho upajjhāyassa* (or *saddhi-vihārikassa*, or *bhikkhussa*, or *bhikkhuniyā*) *kammaṃ kattu-kāmo hoti tajjanīyaṃ vā ... ukkhepanīyaṃ vā ...*,⁵⁵ “now if the chapter wishes to carry out a procedure of blame ... or of suspension against a preceptor (or his pupil, or a monk, or a nun) ...”. This phrase contrasts with the one which precedes it: *sace* (or *idha pana*) *upajjhāyo* (or *saddhi-vihārik*, or *bhikkhu*, or *bhikkhunī*) *garudhammaṃ ajjhāpanno hoti parivasāraho* (or *mānattārahā*) ..., “now if a preceptor [etc.] has committed a ‘heavy offence’ [*garu-dhamma*, *i.e.*, a Saṅgh.; see SVTT III 135–136 n. 52] and is liable to *parivāsa* (or *mānatta*). ...”⁵⁶ What this contrast means is that the redress of the five kinds of

⁵⁴Vin 122,12 *bālo ca apakatatto ca*; according to Sp 1327,14–18, *bāla* here means: “ignorant of what is legitimate and what is not”, and *apakatatta* menas: “unable to tell what is an offence from what is not” (and therefore “irregular” because guilty of the one or the other, out of ignorance; on *pakatatta*, see SVTT III 122–123, n. 18–19; 125, n. 27; 134, n. 50; on ignorance of the Pātimokkha rules, see *ib.* 132, n. 47). No disciplinary action should be taken on just one of these grounds (Sp 1327,15–16 *ettāvataṃ kammaṃ na kātabbhaṃ*, misunderstood at BD VI 191 n. 2), but only on both.

⁵⁵Vin I 49,28–30 (= II 226,28–31) ≠ 53,3–5 (= II 230,13–15) ≠ 143,32–35 ≠ 145,16–18.

⁵⁶Vin I 49,18–19 (= II 226,19–20) ≠ 52,31–32 (= II 230,2–3) ≠ 143,6–7f. ≠ 144,36–38.

misbehaviour described above, while it does entail procedures, may be achieved by any of those studied here:⁵⁷ it is left to the chapter to stress this or that factor (quarrelsomeness, ignorance, frivolity, etc.), and to charge a monk accordingly. As to the redress of Saṃgh. offences by otherwise very similar procedures, it leaves no such choice: the procedures have to be *parivāsa* and/or *mānatta* (depending not on the chapter's decision, but on whether the guilty monk concealed his offence or not).

This interpretation is confirmed by the prescriptions introduced by each of the two contrasting sentences just quoted, and by their commentary at Sp 98I,8–20: if a chapter contemplates carrying out a *tajjanīya-kamma*, etc., against one's preceptor, etc., one is expected to plead for a lighter penalty, or for nonsuit,⁵⁸ or if the procedure has already been carried out, to encourage the sentenced person to behave properly; but if one's preceptor, etc., is liable to *parivāsa* and/or *mānatta*, one has no alternative but to plead for simply being allowed to act according to fixed procedures.⁵⁹

⁵⁷Except by *paṭisāraṇīya* according to the Cullavagga, but including it according to the Parivāra (references as above, n. 51), which means that a monk who happens to offend a lay donor may be sentenced to any of the seven penalties, if the chapter decides to stress another aspect of his misbehaviour.

⁵⁸This is not, however, what Sāriputta and Moggallāna are reported to have done when enjoined by the Buddha to go and carry out a *pabbājanīya* procedure against monks who were, as stressed by the Buddha himself, their own pupils (Vin II 12,30 = III 182,37), unless their reported fright at the idea of dealing with the guilty monks is interpreted, *cum grano salis*, as an excuse, with the ulterior motive of dissuading the Buddha from taking such a step. The aggressiveness of Assaji and Punabbasuka towards their former *upajjhāyas* is, however, a well documented motif (see, e.g., Vin II 171,3–25).

⁵⁹Vin I 49,19–27, 30–37 (= II 226,20–28, 31–38) ≠ 52,32–53,1, 53,5–12 (= II 230,4–12, 15–22) ≠ 143,11–12 f., 143,38–144,2, 7–9 ≠ 145,3–4 f., 22–23, 29–30. Monks may (and should) break their monsoon retreat for up to seven days for the same purposes.

The same distinction occurs in the Skt and Tib. Mū parallels to the Thv(M) prescriptions concerning one's preceptor, etc.;⁶⁰ the authority thus given to the Order when deciding which disciplinary procedure should be carried out (as opposed to the fixed rules to be applied in the granting of *parivāsa* and *mānatta*) is therefore not to be seen as a

Further confirmation comes from the very carefully devised stock phrases attributed to the Buddha when framing symmetrical or twin rules: compare *pañcahi bhikkhave aṅgehi samannāgatassa bhikkhuno ākaṅkhamāno saṃgho paṭisāraṇīya-kammaṃ kareyya*: *gihīnaṃ alābhāya parisakkati ... gihī gihīhi bhedeti*; *imehi kho bhikkhave pañcah' aṅgehi s° bh° ākaṅkhamāno s° p°-kammaṃ kareyya*. *Aparehi pi pañcahi ... kareyya*: *gihīnaṃ buddhassa avaṇṇaṃ bhāsati ...*; *imehi kho ... kareyya* (Vin II 18,33–19,2) with *tena hi bhikkhave saṃgho Vaddhassa Licchavissa pattaṃ nikkujjatu asambhogam saṃghena karotu*. *Aṭṭhahi bhikkhave aṅgehi samannāgatassa upāsakassa patta nikkujjitabbo*: *bhikkhūnaṃ alābhāya parisakkati ... bhikkhū bhikkhūhi bhedeti, buddhassa avaṇṇaṃ bhāsati ... Anujānāmi ... pattaṃ nikkujjitum* (Vin II 125,13–22), and with *anujānāmi bhikkhave pañcah' aṅgehi samannāgatassa sāmaṇerassa daṇḍa-kammaṃ kātum*: *bhikkhūnaṃ alābhāya parisakkati ... bhikkhū bh° bhedeti. Anujānāmi bh° imehi pañcah' aṅgehi sam° s° d°-kammaṃ kātum* (Vin I 84,9–15) (on *patta-nikkujanā* and *daṇḍa-kamma*, see below, resp. SVTT IX and VII; on *anujānāmi*, “I prescribe”, see Bechert, “Schism Edict” 63). –A IV 344,24–25 reads however: *aṭṭhahi bhikkhave aṅgehi samannāgatassa upāsakassa ākaṅkhamāno saṃgho pattaṃ nikkujjeya* (*idem* with *ukkujjeya* at 345,8–9).

⁶⁰The alternative character of the seven procedures studied here is expressed by the term *praṇidhi-karma*, “ad hoc procedure” at Mvy 9304, and in Guṇ-VinSū(Pravṛ-v) 14,12–17: *saṃghe praṇidhātu-kāme* [Guṇ-VinSū 3,1] *utkṣepanīyādi-praṇidhikarma kartu-kāme saṃghe aho vata saṃgho niśrayasyedaṃ* [Guṇ-VinSū ib. *saṃgho 'syedaṃ*] *praṇidhi-karma na kuryāt. Iti tīvram autsukyam āpadyate nivartate yāvat āvrhet* [sic] *iti sarvatraitad anuśaktaṃ vedītavyaṃ. Krte avasārayet* [Guṇ-VinSū 3,2] *iti praṇidhi-karmaṇi krte aho vata saṃgho 'sya avasārayet* [sic] *iti. Parivāsa-mūlaparivāsa-mānāpya-mūlamānāpya-āvarhaṇārthini niśraye aho vata* [misprinted *vrata*] *saṃgho* [sic] *asya parivāsādicatūṣkaṃ dadyāt* [≠ Guṇ-VinSū 3,2–4], *āvarhaṇārthini aho vata āvrhet* [sic; ≠ Guṇ-VinSū 3,4] *iti*. Cf. Banerjee, SarvLit 144–147, 145 n. 1.

specific Thv(M) innovation (see also Guṇ-VinSū(Pravr) 13,24–25, quoted above, end of n. 53).

6c. The leniency of the chapter towards troublesome monks seems to depend chiefly on its choice between the penalties of *tajjanīya*, *nissaya*, *pabbājanīya*, on the one hand, and that of *ukkhepanīya* on the other: the restrictions on one's rights imposed by the latter are more severe (see below, § 8a–b).

How the chapter's choice from the whole set of alternative procedures works is exemplified at Sp 1159,2–4, 15–17 (Sp-ṭ III 368,15–17), and may well apply to the interpretation of the 53rd Thv(M) [bhī] Pāc. In the *nidāna* of the latter, whose subject is abusing (*akkosati*, *paribhāsati*) the chapter, a nun is described as *bhaṇḍana-kārikā*, etc. (as above, n. 18; cf. n. 53). If the implication (at Vin I 145,16–18) that the penalties dealt with here also apply to nuns has some practical application, such a nun is, *stricto sensu*, liable to a procedure of blame (*tajjanīya-kamma*) but is said instead to have been sentenced to suspension for refusing to see her offence (*āpattiyā adassane ukkhepanīya-kamma*) (Vin IV 309,26–28, 32, 310,10).⁶¹

In its commentary on the section of the *Kamma-kkhandhaka* in the Cullavagga that deals with the *ukkhepanīya-kamma* for refusing to see one's offence (Vin II 21,6–24,33), Sp 1159,2–4 states: “[The prescription that this kind of suspension may apply to] a quarrelsome monk and so on, means that after he has been charged, on the grounds of [raising] quarrels and so on, with an offence, the [*ukkhepanīya*] procedure which applies is for the very refusal to see

⁶¹The first part of this *nidāna* is identical with that of the 4th Thv(M) [bhī] Saṃgh. (Vin IV 309,24–310,13 = 230,27–231,18), which deals with the invalid restoration (*osāraṇā*; see below, end of § 8b, and n. 100; cf. below, SVTT V, § 6b) of a nun who was suspended for the same offence (for Chinese and Tibetan parallels, cf. BhīPr 79f., 119).

this [offence]”.⁶² As for *ukkhepanīya* for refusing to give up one's wrong opinions, Sp 1159,15–17 states: “The [*ukkhepanīya*] procedure which applies is for the very refusal to give up an opinion advocated in order to raise quarrels, etc.”⁶³ Sp-ṭ III 368,15–17 (*ad* Sp 1159,3–4) explains how the reverse applies, *i.e.*, how a monk who refuses to see or redress his offence may be sentenced to a *tajjanīya* procedure : “As for the procedures of blame and so on, they are to be carried out when [a monk] refuses to see/redress the offence he has been charged with, by taking into account the quarrelsome-factor and so on.”⁶⁴

7a. According to the Cullavagga, the restrictions to be observed for *pabbājanīya* (the same as apply to *tajjanīya*) include the further provision that the sentenced monk(s) is (are) requested to leave the place.⁶⁵ As noted by Dutt, EBM 145, and v.Hi., “Buddhist Law” 21 and n. 40, this implies the sanction and assistance of lay authorities; the somewhat

⁶²*Bhaṇḍana-kārako* ‘ti ādisu [Vin II 22,9, to be filled in, *mutatis mutandis*, with *ib.* 4,18–5,3] *bhaṇḍanādi-paccayā āpannam āpattim āropetvā tassā adassane yeva kammaṃ kātabbam*.

⁶³*Bhaṇḍana-kārako* ti ādisu *yam diṭṭhiṃ nissāya bhaṇḍanādinī karoti, tassā appaṭinissagge yeva kammaṃ kātabbam*.

⁶⁴*Tajjanīyādi-kammaṃ pana āpattim āropetvā tassā adassane appaṭikamme vā bhaṇḍana-kārakādi aṅgehi kātabbam*.

⁶⁵Vin II 5,5–15 ≠ 8,20–23 ≠ 14,7–9 ; 6,26–7,15 ≠ 9,6–27 ≠ 15,6–27. Sp 624,18–31 states that the sentenced monk should leave both his residence (*vihāra*) and all surrounding villages or towns, whatever their size, unlike Upatissa, who would restrict banishment to a few houses if the neighbouring town and its streets are very large; this is, Sp states, just wishful thinking (*manoratha-matta*). As for the cancellation of this penalty, according to Sp 625,9–16, nothing should be accepted from donors even after it has become effective, except if the latter make gifts explicitly on account of morality (625,14–16 is not clear to me). Contrary to what might be expected logically, banishment is not listed among the threefold post-canonical “expulsions” (*nāsanā*).

stealthy way, as described at Sp 625,1–7,⁶⁶ of carrying out the procedure itself so as not to invalidate it by breaking the rules about boundaries (*sīmā*), also points to the difficulty of enforcing such a decision.

7b. Now, as stressed by Oldenberg, the narrative in the Cullavagga of the framing of the rule and its description of the procedure also occur *verbatim* in the *nidāna* of the 13th Thv(M) [bhu] Saṃgh., and an explicit reference to the *pabbājanīya* procedure is to be found in the canonical commentary.⁶⁷ The Cullavagga and *vibhaṅga* accounts as we have them now branch off as follows: the monks who have been subjected to a *pabbājanīya-kamma* accuse the (chapter of) monks of partiality, then go away, or return to lay life;⁶⁸ the Buddha then states that (Cullavagga) the penalty should not be revoked;⁶⁹ (*vibhaṅga*) monks who object to the

⁶⁶Sp is not clear about exactly how an overlap (*ajjhottharati*) of boundaries (that of the guilty monks' place of residence and that of the incoming chapter who will perform the *pabbājanīya* procedure) is to be avoided (see Vin I 111,13–20; KP, *Sīmā* 88–92, 355–58). Neither does it give details about which kind of boundary was in force under the former monks; according to the *sikkhāpada* of the 13th Saṃgh. (Vin III 184,9–10** *gāmaṃ vā nigamaṃ vā upanissaya viharati*), it might have been, accordingly, a *gāma-*° or a *nigama-sīmā*, that is, an “unfixed” (*a-sammata*, *a-baddha*) one (see Vin I 110,36–11,1; KP, *Sīmā* 82–83 and n. 138, 189–90; KP, “Nāgas and Sīmās”, § 3).

⁶⁷Vin II 9,29–13,22, 14,11–30 ≠ III 179,30–84,7; Vin III 185,30–31' *ayaṃ ithannāmo bhikkhu saṃghena pabbājanīyakamma-kato*. See Oldenberg, Vin I XVII–XIX, XXIII n. 1. Conversely, the Skt Mū parallel to the Cullavagga refers explicitly to the relevant Saṃgh. rule (MSV(D) III 18,18–19).

⁶⁸*Pakkamanti pi vibbhamanti pi* (Vin II 14,24–25 = III 183,35); Sp 625,28–30: *pakkamantīti ... ekacce disā pakkamanti* [in which case the injunction to leave is respected — but out of rebellion, not submission to it]. *Vibbhamantīti ekacce gihī honti*.

⁶⁹Vin II 14,11–36 (the statement to the contrary in DPPN [I 226] is puzzling). This means that the eighteenfold penalty remains in force

procedure⁷⁰ by accusing those who carried it out of partiality incur a Saṃgh. after a threefold informal, then formal admonition to stop doing so.

These two accounts are to be considered as a later insertion (the Cullavagga's being the latest); the Pātimokkha rule itself⁷¹ just states that an ill-famed monk who refuses to leave after a threefold informal admonition to do so (arguing that those who admonish him do so out of partiality) incurs a Saṃgh.⁷² It has been suggested⁷³ that the earlier subject of this Pātimokkha rule was the corruption of lay people's minds (*kula-dūsana*), which entailed a Saṃgh. offence after three informal, then formal admonitions (*yāva-tatiyaṃ samanubhāsanā*) to stop doing so, whereby the guilty monk became liable to *mānatta/parivāsa*; after the *pabbājanīya* procedure was included in the *vibhaṅga* itself, the purpose of the Pātimokkha rule shifted from *kula-dūsana* (now dealt with by this very procedure) to objection to this same procedure by the sentenced monk, by means of words of abuse, and accusations of partiality against the chapter who carried

even if the sentenced monk returns to lay life (for a similar case with *parivāsa/mānatta*, see SVTT III 129–30, § 4).

⁷⁰Vin III 183,27–84,32; 185,17–18' *so bhikkhū ti so kammakato bhikkhu* (cf. 185,30–33; 185,35 is to be filled in, *mutatis mutandis*, with the help of 173,36–74,8); see Kkh 47,31–48,4; cf. Vin V 7,9–11, Vin-vn 438, and below, n. 75.

⁷¹From which a descriptive stock phrase is extracted by the Cullavagga (see above, n. 20). The technical term *pabbājanīya-kamma* does not occur in this *sikkhāpada*, although the verb *pabbājenti* does (Vin III 184,20**).

⁷²Thv(M) Saṃgh n° 13 [bhu], Vin III 184,9–32** with Kkh 47,26–48,9, Sp 613,25–29,16 (the proceedings are discussed at 624,7–25,30, 629,9–16); n° 17 [bhī]. – Cf. UpāliPr(SR) 48, n° 12. – Fragment from an unidentified school: SHT(III) 250 (988). – Conc.: BhīPr 54, table II.2 s.v. *kuladūsakaḥ*.

⁷³Nolot, “Règles” 432–38 (English summary: 541–42).

it out.⁷⁴ In all known *Bhikṣuṇī-Prātimokṣas* (except in the Mā. and Mā(-L) traditions),⁷⁵ the strict parallel to the 13th Thv(M) [bhu] Saṃgh. remained in force, but branched off into a still later, specific Saṃgh. rule, dealing with the case of a nun who accuses the chapter of partiality (in the very same terms as those of the 13th Thv(M) [bhu] Saṃgh. and its parallels) while objecting either to the decision reached after a formal dispute (*adhikaraṇa*) or to a disciplinary procedure (either a *pabbājanīya*-° or an *ukkhepanīya-kamma*) that was carried out against her.⁷⁶ There is no such Pātim rule for monks; neither do Kkh or Sp connect the nuns' rule with the 13th [bhu] Saṃgh. But Vjb (B^c 1960) 362,11–16 does, and tries to explain away this redundant rule by sticking to its literal application: to consider the 8th [bhī] Saṃgh. as a useless duplication of the 13th [bhu] Saṃgh. (on the grounds that their purpose (dissuading the monk/nun from abusing the chapter and accusing it of partiality)⁷⁷ is identical) would be wrong, because both the *nidāna*'s account of the matter, and the procedure objected to by the nun,⁷⁸ are different.

⁷⁴Traces of such a reinterpretation can be found in the Skt Sa. and Tib. Mū. *śikṣāpadas* of this Saṃgh. rule, whose wording is therefore later than the Pāli Thv(M) version: *niḥsṛjatv āyuṣmāṃ cchandagāmi-vacanaṃ dveṣagāmi-bhayagāmi-mohagāmi-vacanaṃ; ... na cet pratiniḥsṛjet saṃghāvaśeṣaḥ* (VinVibh(R) 75, lines 13–17; cf. PrMoSū 115 [BFd, v° 6] with *ib.* 132 [BLi, r° 3–5]); *niḥsṛjata imām evaṃrūpāṃ kathāṃ ... na cet pratiniḥsṛjeyuḥ saṃghāvaśeṣaḥ* (PrMoSū(Mū)₂ 20,21–21,2 [reconstructed from Tib.; “Skt Mū.” in Nolot, “Règles” 432–38, should be corrected accordingly]).

⁷⁵See conc. in BhīPr 54, table II.2 s.v. *kuladūśakaḥ*.

⁷⁶Thv(M) Saṃgh. n° 8 [bhī], Vin IV 237,31–39,3 with Kkh 165,17–21, Sp 914,29–15,2. – Conc.: BhīPr 54, table II.2 s.v. *kismiñci*.

⁷⁷Vjb 362,12–13 quotes Kkh 48,1–2 (with *eva* for *evaṃ*) *tassa vacanassa paṭinissaggāya evaṃ vacanīyo, na kuladūśana-nivāraṇatthāya*.

⁷⁸Conveniently alluded to only vaguely by Vin IV 237,33 *kismiñcid eva adhikaraṇe*.

8a. Suspension (*ukkhepanīya*) entails forty-three restrictions,⁷⁹ some of which are identical with those of *tajjanīya*⁸⁰: a suspended monk should not grant ordination, give guidance to newly ordained monks, be waited upon by novices, be appointed as exhorter of nuns or exhort them if appointed before he became liable to any of the three procedures of suspension, commit again the same, or a similar, or a graver offence, criticize either the procedure he was subjected to or those who carried it out.

Some other restrictions also apply in the case of *parivāsa/mānatta*⁸¹: a suspended monk should refuse outward marks of respect and assistance from regular monks; he should not stay under the same roof as the latter, and should rise from his seat when meeting any of them.

Still others apply also to both *tajjanīya* and *parivāsa/mānatta*:⁸² he may not suspend the participation of a regular monk in the ceremonies of *uposatha* or *pavāraṇā*; he should neither issue commands, nor exercise authority, nor urge a monk to acknowledge his offence,⁸³ nor quarrel with other monks.

Lastly, a monk against whom any type of suspension was carried out is subject to a further set of specific restrictions⁸⁴: he should not accuse a regular monk of straying from morality, right behaviour, right opinions, or right means of livelihood (*cf.* above, n. 27); he should not cause splits between monks; he should dress neither like a layman nor

⁷⁹Vin II 22,12–23,2 ≠ 23,25–24,27 ≠ 25,1–9 (truncated E°). As for Vin II 27,19–23, see below, end of this paragraph.

⁸⁰Vin II 22,12–20, 12,34–13,2 ≠ 5,5–15; *cf.* above, § 5 a.

⁸¹Vin II 22,20–23, 29–32 ≠ 31,5–9, 21–23; *cf.* SVTT III 119–22, § 1 a.

⁸²Vin II 22,34–23,2 ≠ 5,12–15 ≠ 32,7–11.

⁸³This is normally a duty (see Freiberger, Br-Strafe 486–87, with further references; *cf.* below, SVTT X, § 2 a and n. 10).

⁸⁴Vin II 22,23–29, 33–34; Sp 1155,23–56,12, 1159,1–14.

like a non-Buddhist ascetic, nor follow the latter kind of ascetics, but should follow the monks and train accordingly; he should not rebuke regular monks.

As for the third kind of suspension, it entails, according to the PTS edition of the Cullavagga,⁸⁵ the same eighteen restrictions as apply to *tajjanīya* (see above, § 5a). B^e (1972) 75,6, 19 however reads *tecattālīsa-vattam*, and accordingly lists⁸⁶ the same forty-three duties as apply to the first two kinds of suspension; this number also occurs at Vin V 212,37*⁸⁷ ≠ Utt-vn 93ob, and in Sp.⁸⁸ The latter readings are supported both by the provisions said by canonical and other Thv(M) texts to apply to monks who were suspended on any of the three grounds,⁸⁹ and by the Skt Mū parallel (refs. as above, end of n. 33).

8b. In any case, the verdict of suspension is to be made known in all surrounding monastic residences, in the following terms: “The monk So-and-So has been subjected to a procedure of suspension for refusing to see his offence (or to redress it, or to give up a wrong opinion), involving

⁸⁵Vin II 27,19–21 (truncated E^e, referring to 5,5–15); 27,23 reads explicitly *aṭṭhārasa-vattam*; no vv.ll. are recorded at Vin II 310; no corrections are mentioned at Vin II 363–64, V 259–60.

⁸⁶B^e 75,7–17, referring by *pa* to 63,21–64,2 = E^e Vin II 22,20–34.

⁸⁷*Ukkhittakā tayo vuttā, tecattārīsa sammāvattanā* (cf. Sp 1387,25–26).

⁸⁸Sp 913,30–31 (*ad* Vin IV 232,21) *vatte vattantin ti tecattālīsappabhede netthāravatte vattamānaṃ*. Sp 1159,18–19 strongly states: *sammāvattanāyaṃ pi hi idha tecattālīsa yeva vattāni*, “indeed, as for proper behaviour, forty-three duties do apply here also”; C^e (SHB 1948) 859,28–29 *idem*, with insignificant v.ll. Sp 1373,19–20 *tividhassa ca ukkhepanīya-kammasa teccatālīsa-vidham vattam*; C^e (SHB 1948) 1019,29–30 *idem*.

⁸⁹See below, § 8b (Hüsken, “Vorschriften” 86, end of n. 105, should be corrected accordingly).

exclusion of his participation in dealings with the community.”⁹⁰

The implications of this verdict are detailed in canonical Thv(M) texts other than the *Kamma-kkhandhaka* of the Cullavagga: unlike a monk undergoing any of the other penalties dealt with here, a suspended monk is deprived of participation (*sambhoga*) in the distribution of material things (*āmisā*) and in the exposition of doctrine (*dhamma*),⁹¹ and considered as “belonging elsewhere” (*nānā-saṃvāsaka*) than to the community who motioned suspension (*ukkhepaka*), until the penalty is revoked and his “restoration” (*osāraṇā*) is achieved *ipso facto*.⁹² This “companionless”⁹³ monk is therefore debarred from participation⁹⁴ in any procedure (including *uposatha* and *pavāraṇā*) within this community, whose members acting in chapter should all “belong to the same community” (*samāna-saṃvāsaka*).⁹⁵

⁹⁰*Itthan-nāmo bhikkhu āpattiyā adassane/āpattiyā appaṭikamme/pāpikāya dīṭṭhiyā appaṭinissagge ukkhepaniya-kammakato a-sambhogam saṃghena* (Vin II 22,4–6 ≠ 27,15–18). The expected sentence is missing at 26,6–7 after *dhārayāmīti*, but is referred to at SBE XVII 381 (first three lines), and does occur at B^e (1972) 60,1–2: *āvāsa-paramparaṇ ca bhikkhave saṃsatha Channo bhikkhu saṃghena āpattiyā appaṭikamme ukkhepanīyakamma-kato asambhogam saṃghenā ti*.

⁹¹Vin IV 137,30–35’.

⁹²Vin IV 218,34’ *a-paṭikāro nāma ukkhitto an-osārito*. See below, SVTT V, § § 6b–c.

⁹³Vin IV 218,16** *akata-sahāyo*; 219,1–3’ *akata-sahāyo nāma samāna-saṃvāsakā bhikkhū vuccanti sahāyā. So tehi saddhiṃ n’ atthi tena vuccati akata-sahāyo ‘ti*.

⁹⁴This is termed *saṃvāsa-nāsanā*, “expulsion from where one belongs” at Sp 582,23 (see below, SVTT VI, § 1 b and n. 8).

⁹⁵Vin I 135,30–35, 168,1–5 (both times with *yathā dhammo kāretabbo*, which refers to the 69th [bhu] Pāc. [cf. next n.], 320,7–10f., 321,14–16; Kkh 9,14–16 (cf. Kkh 128,2, Sp 582,21–23); see Kieffer-Pülz, *Simā* 63 and n. 103. Sp 1320,28–31 (*ad* Vin V 115,23) clearly states: *ukkhepaniya-kamma-kato ukkhittako nāma. Avasesa-catubbidha-tajjanīyādikamma-*

According to the *vibhaṅga* of the 69th Thv(M) [bhu] Pāc., any monk who deals with, or sleeps under the same roof as, a monk who was suspended for refusing to give up a wrong opinion incurs a Pāc.; so does a nun who deals with a nun who was suspended on the same grounds;⁹⁶ but if she sides with a suspended monk (on any of the three grounds), she incurs a Pār., the gravest of offences, entailing immediate, definitive exclusion⁹⁷ (as far as can be seen, the eventuality of a monk following a suspended nun is not raised).⁹⁸

One rule, applying specifically to nuns, states that any of them who restores (*osāreyya*) a suspended nun without formally consulting (*an-apaloketvā*; see SVTT I 80–81, § 3a) the chapter who moved suspension and securing the

kato anukkhittako nāma. Ayañ hi uposathaṃ vā pavāraṇaṃ vā dhamma-paribhogam vā āmisa-paribhogam vā na kopeti.

This provision should also apply to the annual *kaṭhina* ceremony of receiving and sharing cloth given by laymen, and to the privileges attached to it (see DEBMT s.v.). Although the Mahāvagga's *Kaṭhina-kkhandhaka* (Vin I 253,3–67,10) and its commentary (Sp 1105,32–14,6 [ChinSp 528–31]) are silent on this point, the Skt Mū parallel explicitly excludes the suspended monk from his share and privileges (MSV(D)II 157,17–19 ≠ KC, Kaṭh-v 56,1–3 ≠ Kaṭh-v(M) 205,6–8).

⁹⁶Thv(M) Pāc. n° 69 [bhu], Vin IV 137,2–38,16 with Kkh 127,14–35. Sp 870,20–32; n° 147 [bhī]. – Cf. UpāliPr(SR) 80, n° 58. – Dh fragment: CASF(II) 166, n° 69. – Conc.: BhīPr 58, table IV.1 s.v. *utkṣiptānuvṛttih*. Any monk or nun who sides respectively with a male or female novice who was expelled for holding wrong opinions also incurs a Pāc. (see below, SVTT VI, § 2c and n. 19).

⁹⁷Thv(M) Pār. n° 3, Vin IV 218,2–20,13 with Kkh 159,1–21, Sp 903,23–904,16 (cf. Vin-vn 1992–16, Utt-vn 176–77). – Conc.: BhīPr 53, table I s.v. *ukkhittānuvattikā*. – See also (Mū) BhīKaVā(S) 267,13–69,2, with Chinese and Tib. Mū parallels in BhīPr 81–83 (in the three Mū versions, the nun is not precisely described as siding with a suspended monk, but as striving to persuade him that he should not submit to the chapter's sentence).

⁹⁸ Although Vin II 88,8–14 reports the monk Channa siding with (regular) nuns in a controversy (cf. below, SVTT X n. 14).

latter's consent incurs a Saṃgh., unless the suspended nun does behave properly or the chapter who moved suspension is absent.⁹⁹

8c. As long as no one supports him, a suspended monk may therefore be said to belong nowhere (see below, SVTT VI n. 9). If, however, he manages to gather three or more followers (*ukkhittānuvattaka*), thus reaching the quorum required to create an autonomous Saṃgha, both parties should try to come to terms, so as to avoid a dissension or a split (*saṃgha-rāji*, °*bheda*).¹⁰⁰ In the meantime, procedures carried out separately by each chapter within the same, common boundary (*sīmā*) are valid, since all members of each party belong to the same community (*samāna-saṃvāsaka*), and remain distinct (*nānā-saṃvāsaka*) from

⁹⁹Thv(M) [bhī] Saṃgh. n° 4, Vin IV 230,27–32,23 with Kkh 163,34–64,11, Sp 913,27–14,2; cf. Vin V 56,15–17 ≠ 84,3–5; Hüsken, “Vorschriften” 83–86. – Conc.: BhīPr 54, table II s.v. *ukkhittam* (cf. above, n. 62). According to the Thv(M) *vibhaṅga* of this rule, a nun who plans to restore a suspended nun, and wants to gather a chapter and fix a boundary (cf. KP, *Sīmā* 132–33) for the purpose, should not do so without the agreement of the chapter who moved suspension (Vin IV 232,8' *osāressamīti gaṇaṃ vā pariyesati sīmaṃ vā sammannati*; cf. Kkh 164,2–3, where *gaṇa-pariyosāne* [= C° (SHB 1930) 165,29] should be corrected to °*pariyesane* [so Vin-vn 2073a]). The very *sikṣāpadas* of the Chinese Dha, Chinese Sa, Chinese Mī, and Chinese and Tib. Mū parallels make it explicitly part of the offence to step out of the *sīmā* for the purpose without having reached agreement to do so (BhīPr 79–83). The Chinese and Tib. Mū versions are corroborated by the reference to this same [bhī] Saṃgh. rule, at Guṇ-VinSū 65,1, by the words *bahiḥ-sīmny avasāraṇe*, and by the provision that a monk who was sentenced to any of the seven penalties dealt with here should apply for restoration within the boundary where the chapter sentenced him (cf. above, n. 33; below, SVTT V n. 31).

¹⁰⁰See HH, Po-v 223–25; cf. (Mū) Saṅghabh II 272,12–73,2 (taken over from MSV(D) IV 250,4–51,4).

those who belong to the other.¹⁰¹ If the parties are eventually reconciled, the suspended monk may be restored (*osārita*) by his own followers;¹⁰² a twofold procedure of reconciliation (*saṅgha-sāmaggī*) is then to be carried out for the purpose of putting an official end to any and all dissensions among the monks. An exceptional *uposatha*, with recitation of the Pātim rules, may then take place.¹⁰³

BHS *utkṣiptānuvartikā*, f. : BhīVin(Mā-L) 102,5.

Skt *utkṣiptānupravṛtti*, f., “following a suspended [monk]” : (Mū) Guṇ-VinSū 53,12.

utkṣiptānuvartaka, mfn. : (Mū) BhīKaVā(S) 268,15–16. – *utkṣiptakānuvartaka*, m. : (Mū) MSV(D) II 176,9–10ff., 179,14, 190,18–19ff. (°-*anuvartakānuvartaka* 177,6ff.,

¹⁰¹Vin I 337,1–40,38 with Sp 1148,21–50,2 ; see Kieffer-Pülz, *Sīmā* 25 n. 25, 53–54, 121–23. Sp 1148,22–49,10 has a story about how failing to fill the latrine’s water-pot ended in suspension, then creation of two rival communities ; this story occurs also at Dhpa I 53,16–54,17 ≠ Ja III 486,11–27, which record that the quarrel went so far as to create two factions among the Akanīṭṭha deities. A Skt Mū parallel occurs at MSV(D) II 174,5–76,2 (for Tib. Mū, cf. Banerjee, SarvLit 220–21).

Vin I 340,30–33 (with Sp 1149,24–31) ≠ V 116,34–37 (with Sp 1322,30–35) distinguishes between one who “belongs elsewhere by one’s own will” (*attanā ... nānā-saṃvāsaka*) and one who does so because a procedure of suspension was carried out against him ; this distinction is expressed in Sp by the resp. terms *laddhi-nānāsaṃvāsaka*, “belonging elsewhere due to one’s opinion”, and *kamma-n°* (see KP, *Sīmā* 63–65 ; cf. Vin-vn 3107b–109a). Skt Mū parallel : MSV(D) II 176,3–79,13 (cf. Guṇ-VinSū 99,28 *utkṣiptāñ ca svakarmaṇi*).

¹⁰²Cf. below, SVTT V n. 31.

¹⁰³Vin I 356,22–58,37 with Sp 1152,24–31 (cf. Kkh 3,29–32) ; see Kieffer-Pülz, *Sīmā* 53–54, 63–64, 121–23. Skt Mū parallel : MSV(D) II 190,13–96,6. – Pj II 196,10–12 *nanu āvuso oṣaṭaṃ vā vatthum yathā-dhammaṃ vinicchitabbam an-osārāpetvā eva vā aññamaññaṃ accayaṃ desāpetvā sāmaggī kātabbā* seems to refer to (illegally) dropping a case of suspension with mutual confession instead, followed by general reconciliation.

190,20f.) ; Saṅghabh II 272,13 f. (= MSV(D) IV 250,5 f.) (°-*anuvartakānuvartaka* ib. 272,14 f. = MSV(D) IV 250,6 f.).

utkṣiptānuvṛtti, f. : (Mū) Mvy 8480.

utkṣepakānuvartaka, m. : (Mū) MSV(D) II 177,6–7, 178,15, 191,7 f., IV 250,6 f. (= Saṅghabh II 272,14 f.) (°-*anuvartakānuvartaka*, m. : MSV(D) II 177,7, 179,16, 191,8 f. ; MSV(D) IV 250,6–7 f. = Saṅghabh II 272,15 f.).

8d. When suspension occurs during the observance of *parivāsa* or *mānatta* on account of some Saṅgh. offence, the latter penalties are to be resumed after restoration has put an end to suspension (Vin II 61,4–62,4 ; see SVTT III 129–30, § 4). In the reverse case (when a monk commits a Saṅgh. offence during the period of suspension) he may not be charged with concealment of the latter offence, and no procedure connected with its redress may be carried out against him by the chapter who motioned his suspension because, as an *ukkhiṭṭaka*, he does not belong to it anymore ; he is then, presumably, to be restored before he may acknowledge his Saṅgh. offence and apply for *mānatta* (see SVTT III 123, second part of n. 19).

According to Vin I 97,19–98,24, if a suspended monk returns to lay life (*vibbhamati*), then applies for a second ordination, he may be admitted again as a novice, provided he promises to see or redress his offence, or to give up his wrong opinions. Under the same conditions during each stage, he may be ordained again, then restored (*osāretabba*) ; if he now agrees to see his offence, etc., the matter is to be considered as settled ; if he refuses, and if the chapter reaches unanimous agreement about the case, he should be suspended again ; if unanimity is not reached, living in common with him entails no offence.¹⁰⁴

¹⁰⁴*Anāpatti sambhoge saṃvāse*, Vin I 97,19–98,25 with Sp 1034,12–17 (see KP, *Sīmā* 133) ; Skt Mū parallel : Lévi, “Mss sanscrits” 34,1–11 ≠

8e. As occurs with *pabbājanīya* (see Oldenberg, Vin I xix and n. 1; above, § 7 b), the case of a monk who refuses to give up wrong opinions is also dealt with in the Pātim (where the technical term *ukkhepanīya-kamma* does not occur), whose provisions contradict those summarized above from texts of the later, *Khandhaka* type. After an identical *nidāna*,¹⁰⁵ the Buddha prescribes carrying out a procedure of suspension (Cullavagga, Vin II 26,30–27,18) and frames the Pātimokkha rule (Vin IV 135,16–30**), which states that a monk who still holds wrong opinions after a threefold, informal admonition to stop doing so, simply incurs a Pāc.,¹⁰⁶ that is, an offence that may be redressed by just

MSV(D) IV 65,19–66,7. – Contrary to what was stated by Oldenberg (followed by Horner [see BD V vi and 39 n. 1 for references]), this does not really contradict the statement that, if a monk who was suspended on account of his wrong opinions returns to lay life, the penalty *should* be revoked (Vin II 27,24–28,7; B^c (1972) 76,7 *idem*): these provisions most probably mean that, if the sentenced monk does not turn up again, the case is to be dropped altogether; but if he does and applies for a new ordination, the case is to be taken up again right from the beginning.

¹⁰⁵Vin II 25,10–26,29 = IV 133,32–35,16; about the possible derivation of the latter from early sources, see BD III xv–xvi.

¹⁰⁶Thv(M) Pāc. n° 68 [bhu], Vin IV 133,32–36,33 with Kkh 126,26–27,12, Sp 869,7–70,19 (869,26–29 occurs unabridged at Ps II 102,19–103,20); n° 146 [bhī]. – Cf. UpāliPr(SR) 80, n° 57. – Dh fragment: CASP(II) 165–66, n° 68. – Conc.: BhīPr 58, table IV.1 s.v. *ḍṣṣigatānutsargaḥ*. – This is, in the Thv(M) [bhu] Pātim, the only Pāc. offence established after a threefold admonition (*yāva-tatiyaṃ samanubhāsanaṃ*; cf. below, SVTT X n. 10), from a total of eleven such rules (Vin V 140,16–17 with Sp 1344,31–33; cf. Sp 1412,7–10): [bhu] Saṃgh. n^{os} 10 to 13, [bhī] Saṃgh. n° 7 to 10 (leaving aside the four held in common with monks [(bhu) 10–13]), [bhī] Pār. n° 3, [bhī] Pāc. n° 36. The third [bhī] Pār. is explicitly connected with the *yāva-tatiyaṃ* Saṃgh. by Kkh 159,14 ≠ Sp 904,12–13. The 36th [bhī] Pāc., together with its Chinese Dha parallel, is most probably considered as a *yāva-tatiyaṃ* offence because of its analogy with the 9th Thv(M) [bhī] Saṃgh. (Vin IV 294,6–11** = 239,20–28**); the only other parallels are in Chinese Mā. and BHS BhīVin(Mā-L), which, however, do not make it a *yāva-tatiyaṃ* offence (see BhīPr

confessing it to another, regular monk. Although the *vibhaṅga* turns this admonition into a formal threefold procedure, after which the monk is to be charged with a Pāc. (Vin IV 136,6–25), it mentions no procedure of suspension; neither does the *nidāna*, nor Kkh.¹⁰⁷ This procedure is, however, mentioned in the Chinese Sa. *nidāna*, and in the Mā-L *śikṣāpada*,¹⁰⁸ which are therefore to be considered later than their respective Thv(M) parallels.

¹⁰³, with conc., *ib.* 67, table IV.3.II.B.3 s.v. *samsaṭṭha*; cf. BD III xvi–xvii).

Sp 1330,4–7 (*ad* Vin V 125,22–24) distinguishes the offence dealt with in the 68th Pāc. from suspension: it is committed “before the chapter” (*sammukhā*, *i.e.*, during the procedure of admonition; cf. SVTT II 99–101, § 2a), but redressed without formal procedures, that is, “outside [the chapter]” (*parammukhā*) (the whole is thus implicitly connected with what follows about Saṃgh. offences, whose redress does entail procedures; the same is stated explicitly at Utt-vn 515–18). Sp 1329,1–3 makes the same distinction: the offence of advocating a wrong opinion is committed “because of another’s legal statement” (*kammavācā*, *i.e.*, procedure), but redressed by one’s own statement when one confesses (*desento*) it in front of an individual monk. *Parammukhā* cannot refer to revoking suspension, which must be carried out by the chapter; *desento* refers to the regular redress of Pāc. offences, not to the observance of the prescribed duties (*sammā-vattanā*) required by the procedure of suspension.

¹⁰⁷Unlike the case of *pabbājanīya*. As for the *vibhaṅga*, Sp 610,18–23 refers indirectly to the procedure of suspension, when arguing that the clause according to which “there is no offence for the first defaulter” (Vin IV 136,33 *anāpatti* [...] *ādikammikassa*) is erroneous, because of the provision of the *Khandhaka* (Vin II 26,34–36) that the monk has first been reprovved, reminded of his offence, and charged with it, but refuses nonetheless to give up a wrong opinion: this is what makes him an offender, whether he be the first one or not. *Ādikammika* accordingly does not appear at Vin-vn 1703, and Vjb (B^c 1960) states that the *anāpatti ādikammikassa* clause occurs here “because it came into the scribe’s head” (*mukhārūḥena likhitam*; see Ud-a(Tr) II 916 n. 170 [Sp 246,10 shows that *mukhārūḥa* is not always pejorative]).

¹⁰⁸VinVibh(R) 179; PrMoSū(Mā-L) 23,24–25. As for the Chinese Mā *śikṣāpada*, it is not clear from Pachow, CompSt 150, whether the

It is also mentioned in the *vibhaṅga* of the next Thv(M) [bhu] Pātim rule (Vin IV 137,27' f.), which states that any monk or nun who follows respectively a suspended monk or a suspended nun incurs a Pāc. (references as above, n. 97). It is also referred to in at least one version of the Skt Sa. *śikṣāpada*, and in the Chinese Sa. and Skt Mā-L *śikṣāpadas* of the same rule:¹⁰⁹ here again, these parallels are to be considered as later than the Thv(M) version.

V. *Nissāraṇā* (f.)/*nissāraṇīya* (n.),
osāraṇā (f.)/*osāraṇīya* (n.)

1. The literal sense of the two contrasting terms *nissāraṇā* and *osāraṇā* is respectively “sending away, dismissal” and “introduction, invitation to come (back), restoration”.¹ In Vinaya texts, they refer to various procedures whose general object is some kind or other of “dismissal” or “letting in”. When these procedures are themselves each designated by a specific technical term, which is not always the case, *nissāraṇā* and *osāraṇā* then stand as contrasting superordinates including these technical terms as co-hyponyms: *nissāraṇā* includes *daṇḍakamma-nāsanā* (see below, § 3), *patta-nikujjanā* (§ 5) and the terms designating the seven disciplinary procedures (*tajjanīya*-°, *nissaya*-°, *pabbājanīya*-°, *paṭisāraṇīya*-°, and threefold *ukkhepanīya-kamma*) studied above in SVTT IV (see below, § 6a). In the same way, *osāraṇā* includes *patta-ukkujjanā* (§ 5), *abbhāna* (only once),² and the revocation (*paṭippassaddhi*, not a technical term *stricto sensu*) of any of the seven disciplinary

procedure alluded to (“if he does not give up, the Saṃgha should perform a Karma”) is that of threefold admonition or suspension.

¹⁰⁹PrMoSū 260 (HL, v° 2). – VinVibh(R) 180, BhīPr 93, Pachow, Comp St 151. – PrMoSū(Mā-L) 23,26–27 (here again, it is not clear from Pachow [“Msg. 49”, misprinted for “46”] to which *saṃghakarma* Chinese Mā refers).

¹*Osāreti* < **ava-sārayati*, “causes to enter” (Kkh 131,34. Sp 1147,23 *pavesanā*, “entering”; cf. BD III 28 n. 4, and below, Skt parallels at the end of § 8c), rather than < **ut-svārayati*, “propounds, calls” (CPD s.v.). Among the connected entries in CPD, *osāraṇa-kriyā* (Sp 1346,12–13 *ad* Vin V 142,20) is not “the formal act of *osāraṇā*”, but belongs to 1. and means “performance of the exposition of the Pātimokkha”. As will be seen below, apart from Kkh 131,34 and Vin-vn 3006, none of CPD’s references s.v. *osāraṇā* concern “formal restoration ([...] after [...] practice of penance)”.

²Sp 630,2–3 *abbhetabbo ... abbhānakamma-vasena osāretabbo ti vuttaṃ hoti*. CPD’s statement, s.v. *osāreti*, that this verb is a “syn. of *abbheti*, *avhāyati*” (my emphasis), is misleading: the latter term applies specifically, and exclusively, to the readmission (*abbhāna*) of a monk or nun after completion of the *parivāsa* and/or *mānatta* penalties (see SVTT III 133–35, § 6). – As for the alleged equivalence of Skt Mū *utsāraṇa* with *āhvayana*, see below, n. 51.

procedures just mentioned. Besides standing as a superordinate, *osāraṇā* also has a narrow technical sense in both the Mahāvagga and the Cullavagga, where it often exclusively designates (as it does in the *vibhaṅga* of several Pātimokkha rules, and in the *sikkhāpada* of the 4th Thv(M) [bhī] Saṃgh.) the revocation of the three types of suspension (*ukkhepanīyakkamma*; see below, § 6b–c).

Whereas *osāraṇīya* is a variant of the superordinate *osāraṇā*, it is not clear whether *nissāraṇīya* stands in the same relation with *nissāraṇā*, or whether it connotes, in a specifically technical sense, physical ejection (see below, §§ 7b, 8a–c); whatever the case, it may be worth pointing out that the terms expressing physical ejection *de facto* are neither *nissāreti*, “dismisses”, nor *pabbājeti*, “banishes”, nor *nāseti*, “expels” (all three of which are *de jure*) but *nikkaddhati*, “throws out, ejects”,³ *āvaraṇaṃ karoti*, “shuts

³See below, SVTT VI, § 2b and n. 15. Ejecting a fellow monk, or having him ejected, from lodgings that belong to the Order (*saṃghika vihāra*) is a Pāc. offence (Thv(M) Pāc. n° 17 [bhu], Vin IV 44.2–45.31 with Kkh 93.36–94.25, Sp 78I.19–82.14; n° 113 [bhī]. – Cf. UpāliPr(SR) 65–66, n° 17. – Conc.: BhīPr 58, table IV.1 s.v. *niṣkaṣaṇaṃ*). According to the *vibhaṅga*, ejecting him, or having him ejected, from his own or one’s own private (*puggalika*) lodgings is respectively a Dukk. offence or no offence. There is no offence, however, in ejecting him or having him ejected, with or without his belongings, if he is unscrupulous (*alajjin*) or is out of his senses or is a quarrelsome monk who causes disputes among the chapter (*bhaṇḍana-kāraka kalaha-k° vivāda-k° bhassa-k° saṃghe adhikaraṇa-k°*: cf. above, SVTT IV § 2 and n. 18), or does not behave correctly (*na sammā-vattanta*) as a pupil (Vin IV 45.25–31). Sp 782.5–9 (cf. Kkh 94.18–22) adds that only a quarrelsome monk may be ejected from the monastery entirely (*sakala-saṃghārāmato*), for he might gather followers and split the Order (*so hi pakkhaṃ labhivā saṃghaṃ pi bhindeyya*); as for the others, they should only be ejected from their residence (*attano vasana-ṭṭhānato*; cf. below, SVTT VII § 2).

Although this rule is also valid between nuns, another rule, applying specifically to nuns, makes it a Pāc. offence to eject a fellow nun from the quarters — provided with a fastening door, given to her by oneself (*upassayaṃ datvā*; Vin IV 292.29ś’: *upassayo nāma kavāṭa-baddho vuccati*; Kkh 185.9–10: *kavāṭa-baddhaṃ attano puggalikaṃ vihāraṃ*

off” (see below, SVTT VII, §§ 2–3), *paṇāmeti*, “evicts” (see *ib.*, § 4), *nikkhāmeti*, “drives out” (Vin II 237.10), be it lawfully or not.

2. As for canonical Thv(M) Vinaya texts, *nissāraṇā* and *osāraṇā* occur as a contrasting pair only in relatively late ones :

(a) in this order, at Vin I 321.29–22.4 (see below, §§ 4, 6a), in the *Campeyya-kkhandhaka* of the Mahāvagga, which deals at length with the various aspects of the (in)validity of procedures; this passage is alluded to in the *Ekuttaraka* of the Parivāra (Vin V 117.24–27);

(b) in the reverse order (*osāraṇā, nissāraṇā*), at Vin V 222.22–35, in the *Kammavagga* of the Parivāra; both are systematically combined here, without any explanation, with each of the four types of legal procedure taking them as their object. This passage provides a convenient frame for the study of both terms, together with Sp 1402.16–12.4 ≠ Kkh 131.31–33.35⁴ (*ad* Vin IV 152.6** *dhammikānaṃ kammānaṃ*, about valid procedures), where explanations are to be found about which specific procedure *osāraṇā* and *nissāraṇā* are supposed to refer to in each case. Both Kkh and Sp follow (with the inconsistency pointed out below) the order of the Mahāvagga, not that of Vin V 222.22–35 upon which Sp comments; the reason, Sp 1402.19–20 warns us, is that “here, [the Parivāra] says *osāraṇaṃ nissāraṇaṃ* for the sake of fluency; actually, *nissāraṇā* comes first, then *osāraṇā*”. The commentary that follows is consistent with this statement as far as the first, third, and fourth type of legal procedure are

datvā [on *kavāṭa*, “door-leaf”, see v.Hi., Sprachentwicklung 17, 25, 33] (Thv(M) Pāc. n° 35, Vin IV 292.4–93.25 with Kkh 185.9–19, Sp 983.12–18. – Conc.: BhīPr 67, table IV.3.II.B.2 s.v. *datvā*). Although the exceptions to this rule are, *mutatis mutandis*, exactly the same as those of the 17th [bhu] Pāc., the rule itself is more stringent: as seen above, a monk who ejects a monk from the former’s private lodgings incurs no offence.

⁴Cf. Vin-vn 2986b, 2992–93a, 3000b, 3006.

concerned: each type is said to apply to both of the consecutive, symmetrical stages (*nissāraṇā*, then *osāraṇā*) of one and the same legal case⁵ (see below, §§ 3, 5, 6a). As for the second type of procedure, however, no such symmetry can be observed: its application is illustrated by two completely heterogeneous cases (see below, § 4); here (this time without warning) Sp reverts to the order of the commented text.⁶ To avoid further entanglement, Sp's fluctuating order will be followed here.

As far as can be seen, no parallels to the term *nissāraṇā* (as contrasting with *osāraṇā*) can be traced in BHS or Skt Vinaya texts, except in those of the Mū. school (see below, end of § 8 c and n. 51).

m6

3. When the object of a formal consultation (*apalokanā*; see SVTT I 80–81, § 3a) is *nissāraṇā*, the latter refers, according to Sp and Kkh, to the type of expulsion (*nāsanā*; see below, SVTT VI, §§ I [c], 2c), known as *daṇḍa-kamma*, that applies to novices who hold wrong opinions; *osāraṇā* accordingly refers to the restoration of such novices, after they have dropped their wrong views and asked the chapter for forgiveness.⁷

⁵Sp 1402,20–403,13 (cf. Kkh 131,33–34) (in complete contradiction with the above statement, this section is, unlike the following ones, concluded in Sp by a purely stylistic sentence: *evaṃ apalokana-kammam osāraṇā ca nissāraṇā ca gacchati* [C° 1046,4 *idem*]; the only variant recorded in E° carefully omits *nissāraṇā ca*), 1411,21–24 (cf. Kkh 133,17–20), 1412,2–4 (≠ Kkh 133,36–38).

⁶Sp 1409,25–36 (≠ Kkh 132,21–30); cf. below, § 7a.

⁷Sp 1402,20–403,13 (*ad* Vin V 222,22–23), Kkh 131,31–34, referring indirectly to the 70th Thv(M) [bhu] Pāc. These two procedures are parallel respective to that of *ukkhepanīya*, “suspension” of a monk (either for the same reason or because he refuses to see or redress an offence), and to that by which suspension is cancelled, also called *osāraṇā* in a particular context (see below, § 6b). A monk who holds

4. According to Sp and Kkh, *osāraṇā* as the object of a single motion (*ñatti-kamma*; see SVTT I 81–82, § 3 b) refers to the physical introduction, by a monk, of a candidate to ordination before the chapter⁸. At Vin I 322,5–32,⁹ however, *osāraṇā* applies metonymically to the validity of ordination,¹⁰ in a discussion of the cases when a candidate who should not, from the very beginning, have been “made to enter” the monastic fold, is by no means (*e.g.*, when a parricide or an hermaphrodite), or is nonetheless (*e.g.*, when crippled or sick), to be considered as “duly made to enter” the Saṃgha (*sosārita*, as opposed to *dosārita*), that is, legally ordained.¹¹

As the object of the same type of procedure, *nissāraṇā* is made to refer by Sp and Kkh to the exclusion of an unskilled monk from the deliberations of a committee (*ubbāhikā*).¹²

5. As objects of twofold procedures (*ñattidutiya-kamma*; see SVTT I 83–84, § 3c), *nissāraṇā* and *osāraṇā* refer respectively, according to Sp and Kkh, to the decision to refuse the gifts of an offending lay donor by “turning the monastic bowls upside down” (*patta-nikujjanā*), and to the

wrong opinions is indeed said to be liable to some kind of unspecified expulsion (*nāsessanti*) at A II 240,17 (cf. Mp III 216,3).

⁸Sp 1409,30–36 (quoting the *ñatti-kamma* set forth at Vin I 94,37–95,2) *ad* Vin V 222,26 (Vin V 222,26–29 is referred to at Sp 1338,28–30); Kkh 132,21–24. BD III 28 n. 4 (cf. *ib.* xxxvii), IV 461, VI 180 “restoration” is erroneous in this context (cf. also Hüsken, “Vorschriften” 83–84, n.92).

⁹With Sp 1147,23–30; cf. Vin-vn 2542–43. Vin I 322,5–7 ≠ V 117,26–28.

¹⁰The entire proceedings of which entail not only *ñatti-kammās*, but also other types of procedures, including fourfold ones.

¹¹Vin I 322,5–6 is quoted at Sp 1031,20–22 (*ad* Vin I 91,15), in a discussion about the obstacles to ordination. When the latter is not valid (in any case), the monk should be expelled altogether (*nāsetabba*, Vin I 86,8 f.; see below, SVTT VI, § 3).

¹²Vin II 96,35–97,2, quoted with minor variants at Kkh 132,25–29, Sp 1409,30–35 (see SVTT II 102–106, § 2 .b.ii).

revocation of this decision (*p°-ukkujjanā*) after the donor has apologized.¹³

6a. As objects of fourfold procedures (*ñatticatutthakamma*; see SVTT I 84–85, § 3 d), *nissāraṇā* and *osāraṇā* are connected by Sp and Kkh¹⁴ respectively with the seven disciplinary procedures of blame (*tajjanīya-kamma*), etc., and with their revocation,¹⁵ studied above in SVTT IV.

Nissāraṇā occurs in the same connection at Vin I 321,29–22,4,¹⁶ which discusses the cases when a monk who is not liable to any of the seven procedures that involve dismissal may nonetheless (when guilty of an offence, and sentenced to such a procedure because the chapter chose to do so),¹⁷ or may not (when he has committed no offence), be considered as legally dismissed.

6b. In Thv(M) canonical Vinaya texts, *osāreti*, *osāraṇā*, are, however, most often used in a narrow technical sense, to

¹³Sp 1411,21–24 *ad* Vin V 222,30–31; Kkh 133,17–21 (see below, SVTT IX).

¹⁴Sp 1412,2–4 *ad* Vin V 222,34–35; Kkh 133,36–38; *cf.* Sp 1154,19–22 *ad* Vin I 359,29–32*. According to Ap-a 283,12, *osāraṇā* occurs in the same sense at Ap 43,6.

¹⁵At Kkh 155,4–11 ≠ Sv 1042,20–25, *osāraṇā* refers to the cancellation of the verdict of obstinate wrongness (*tassa-pāpiyyasikā*), which is closely connected with the procedure of blame (see below, *TPāp*); the term is contrasted *ib.* with *nāsanā*, the “expulsion” that applies if the monk sentenced according to such a verdict does not behave properly. At Sp 1199,10, however, the revocation of this verdict is simply termed *paṭippassaddhi*, “cancellation”, as contrasting with *nāsitaka* (the latter term is applied to a similarly obstinate monk at Sp 592,1). – *Cf.* A IV 169,10 *ff.* (with Mp IV 74,11–21) [*bhikkhū tam enaṃ [bhikkhum] iti viditvā bahiddhā nāsenti* (same context).

¹⁶With Sp 1147,7–22, according to which the procedure referred to is that of banishing the monk from his place of residence (*pabbājanīya-kamma*; see above, SVTT IV, § 7a–b); Vin I 321,29–31 ≠ V 117,24–26.

¹⁷See above, SVTT IV, § 6b and n. 53.

denote the revocation of only three among these seven procedures: the three types of suspension (*ukkhepanīya-kamma*),¹⁸ the end of which is marked by the “restoration” (*osāraṇā*) of the sentenced monk or nun.

Osāraṇā and related forms do not occur in the *Kamma-kkhandhaka* of the Cullavagga, where these procedures are dealt with systematically: their cancellation is said there to be, *mutatis mutandis*, identical in all cases, and bears no technical name *stricto sensu*, being still simply termed “revocation” (*paṭippassaddhi*).¹⁹ According to the same *Khandhaka*, the only (but significant) difference between suspension and the other procedures is that the former entails the most drastic restrictions on the sentenced monk’s rights.²⁰ Their severity reflects the gravity of the cases entailing suspension: refusing to see or to redress one’s offence goes against one of the most important principles of monastic life;²¹ advocating wrong opinions may lead to conflicts and to the creation of factions.

The latter consequence is precisely the one addressed by the *Kosambaka-kkhandhaka* of the Mahāvagga, where *osāraṇā* contrasts with *ukkhepanīya* (and related forms). This chapter deals at length with the danger of a definitive split in the community resulting from the creation of a separate Saṅgha by a suspended monk who manages to win over other monks to his side²² until the factions are

¹⁸See above, SVTT IV n. 36, and § 8a–e with notes.

¹⁹Unlike the Skt Mū parallel, which consistently has *osāraṇā* (see above, SVTT IV, § 3d, 3g, with nn. 33 and 36).

²⁰See above, SVTT IV, § 8a.

²¹*Cf.* SVTT III 117–18, n. 7.

²²See Vin I 338,27–28 (with Sp 1149,11–17), 341,13–19 (with Sp 1150,2–13). Vin I 97,31–34 ≠ 98,7–10 ≠ 98,22–25, further testifies to the dangerous possibility of divisions among the chapter: it deals with the case of an isolated, suspended monk who first returns to lay life, then comes back for a second ordination (*cf.* Hüskén, “Vorschriften”, 84 n. 93); the text

eventually reconciled and the two Saṃghas are united again. The particular problems raised by such a situation (especially those concerning the validity of separate proceedings carried out inside separate boundaries [*sīmā*]) called for the accurate formulation of specific, detailed prescriptions,²³ and the need was perhaps felt to refer to the eventual revocation of suspension by a more specific term than the one used throughout in the *Kamma-kkhandhaka* of the Cullavagga, *paṭippassaddhi*: the latter could not express the will to “invite back, reinstate” a monk who had endangered the Saṃgha’s unity, unlike *osāraṇā*, which perhaps acquired for such reasons, in this context, a narrow technical sense.²⁴

6c. The (relatively late) occurrences of suspension and restoration in the Pātimokkha and its canonical commentary point to the same concerns: *ukkhepanīya* and *osāraṇā* (and related forms) are contrasted in the *padabhājanīya* of the 69th Thv(M) [bhu] Pāc.:²⁵ *akaṭānudhammo nāma ukkhitto anosārito*,²⁶ “one who does not behave according to the rule is one who is suspended, who is not restored”; and further down, in the casuistic commentary (Vin IV 138,1–14). This

states that if he still refuses to behave properly, he should not be suspended again *if the chapter does not reach unanimous agreement* about doing so (see above, SVTT IV, end of § 8d).

²³See above, SVTT IV, § 8c.

²⁴As for the *Khandhakas*, the other occurrences of *osāraṇā* together with the contrasting *ukkhepanīya* (or related forms) are at Vin I 97,19–98,24 (see above, n. 22), and in the *Samuccaya-kkhandhaka* of the Cullavagga, which deals with the case when suspension occurs during the observance of *parivāsa* (Vin II 61,4–62,4; see above, SVTT IV, § 8d).

²⁵Which makes it an offence to side with a monk who advocates wrong opinions (*sikkhāpada*) or who was suspended for the same motive (*padabhājanīya* and *vibhaṅga*) (see above, SVTT IV, § 8b–c and n. 97 for references).

²⁶Vin IV 137,27, with Kkh 127,14–19 ≠ Sp 870,20–26; on *akaṭānudhammo*, see BD III 27 n. 3.

Pātimokkha rule, which also applies between nuns, was then *quasi* duplicated in the 3rd Thv(M) [bhī] Pār.²⁷ (Vin IV 218,2 ff.), where the pp. *ukkhitā* occurs throughout the text (including the *sikkhāpada*), together with *ap(p)añikāro* (“one who does not make amends”, synonymous with *akaṭānudhammo*), and an identical gloss.²⁸ Lastly, the two terms occur throughout the Thv(M) 4th [bhī] Saṃgh., the only canonical text of this school that gives (scanty) details about the conditions governing the procedure of restoration, especially as concerns fixing the boundary (*sīmā*) inside which the procedure is to take place²⁹. It is, however, not clear at all whether these details may be applied *ex silentio* to a monk’s restoration;³⁰ unfortunately, neither the *Kamma*-nor the *Kosambaka-kkhandhaka* gives any such details about the restoration of a monk (whether isolated or with a group of followers).³¹

²⁷Which states that a nun who sides with a suspended monk incurs definitive exclusion from the community (see above, SVTT IV, § 8b and n. 98 for references; cf. BhiPr 93).

²⁸*Apañikāro nāma ukkhitto anosārito* (Vin IV 218,34’ with Kkh 159,1–7, Sp 903,23–29). The alternance of *akaṭānudhamma* (69th [bhu] Pāc.) with *ap(p)añikāra* (3rd [bhī] Pār.) also occurs, with a passive variant of the latter term, in Mā-L parallels: PrMoSū(Mā-L) 23,27 *akṛtānudharma* / BhiVin(Mā-L) 97,12 ff. *apratikṛta*. Sa and Mū rules applying to monks also have *akṛtānudharma* (PrMoSū 89 [BA o, r° 1, with °ta°: misprint?], 115 [BF c, r°2], 141 [BL cc, r° 1, 183 [BU e, r°5]; PrMoSū (Mū)₂ 38,15).

²⁹See above, SVTT IV, end of § 8b and n. 100. This rule is referred to at Vin V 56,15–17 ≠ 84,3–5 with Sp 1310,11–12.

³⁰This [bhī] Saṃgh. deals with the conditions governing the restoration of an isolated, suspended nun, who did not gather followers; furthermore, the rule is likely, in this case as in all others, to be more stringent than it would be for monks — for whom no such Pātimokkha rule exists.

³¹For the first case, see Vin II 24,29–33, 25,5–7, 28,12–17; for the second, restoration is merely hinted at (Vin I 357,3–4). The respective Skt Mū parallels make a striking distinction between the two cases (cf. HH, Po-v 222–23, 223 n. 1): just as in the *Kamma-kkhandhaka*, the procedure for

7a. Among a number of prescriptions made “for two purposes” by the Buddha, both the *Paññatti-vagga* of the Parivāra and the *Atthavasa-vagga* of the Anguttara-nikāya list those of *osāraṇīya*, “involving *osāraṇā*”, then *nissāraṇīya*, “involving *nissāraṇā*”³². Unlike the case of the almost contiguous passage it comments upon in the previous pages

restoring an isolated monk is said to be a *fourfold* one, with the added detail that, like those who were sentenced to *tarjanīya*, etc., he should apply for it within the *sīmā* (MSV(D) III 31,16–32,12 [where *pūrvavat* refers to 8,17–10,11]; cf. above, SVTT IV n. 33 and n. 100). In the case of a monk with followers, however, the proceedings are more complex: after the usual, threefold application of the monk himself (MSV(D) II 192,11–18), the chairman is to bring the matter before the chapter by an isolated motion (*muktikā jñapti*, *ib.* 192,19–93,4; cf. SVTT I 82–83, n. 18), after which restoration is to be carried out by a *twofold* procedure (*ib.* 193,5–16; see SVTT I 83–84, § 3c). The text does not state whether this set of procedures is to be carried out within or outside the *sīmā*, by the chapter who motioned suspension or by that of the suspended monk’s followers. According to Vin I 357,4–5, the latter applies; Sp II 52,24–26 adds that the procedure should take place outside the *sīmā*; Vjb 505,7–13 comments: “If the chapter who motioned [suspension] is available, the other chapter should not proceed to restoration. If [the latter] does, these monks, having come to terms with the former chapter, [now] belong to the same community; the restoring monks’ procedure is thus disputable if performed without securing the consent of those who motioned suspension. The followers of the suspended monk therefore proceeded to restoration according to the Bhagavat’s injunction to restore that monk [Vin I 357,3–4]; they did so after they had either stepped out of the boundary, or secured the others’ consent — no doubt one of these [conditions] must apply here” (*vijjamāne hi kāraka-saṃghe itaro saṃgho osārituṃ na labhati. Osārento ce, te bhikkhū kāraka-saṃghena samānaladdhika-bhāvaṃ pattattā tena samāna-saṃvāsakā honti; tato ukkhepakānaṃ chandaṃ aggahetvā osārentānaṃ kammaṃ kuppati. Tasmā tena hi bhikkhave taṃ bhikkhuṃ osārethā ti bhagavato vacanena ukkhittānuvattakā osāresu, udāhu nissīmaṃ gantvā, udāhu itaresaṃ chandaṃ gahetvā osāresuṃ. Nanu etesaṃ aññataren’ ettha bhavitabbaṃ*).

³²Vin V 223,30–31 = A I 99,13–14 (at A I 99,13, read *osāraṇīyaṃ* with *v.l.*, as indicated by CPD *s.v. o-sāraṇīya*).

(see above, § 2b), Sp here (I 413,13–18) neither remarks on nor changes the word order.

Sp I 413,13–15 runs: *osāraṇīyaṃ paññattan ti aṭṭhā-rasasu vā tecattālīsāya vā vattesu vattamānassa osāraṇīyaṃ paññattaṃ*: “[a procedure] entailing restoration was prescribed for a [sentenced monk] who observes either the eighteen or the forty-three restrictions”. The sense of *osāraṇīya* is confirmed by *aṭṭhārasa* and *tecattālīsa*, which refer respectively to the eighteen duties entailed by the first four disciplinary procedures of *tajjanīya*, etc., and to the forty-three entailed by the three types of *ukkhepanīya* (see above, SVTT IV, §§ 5 and 8a); therefore, *osāraṇīya* refers to the cancellation of the same seven disciplinary procedures as *osāraṇā* does (see above, § 6a). This is confirmed by Mp II 165,15–16 *ad* A I 99,13–14: *sammā-vattantassa osāraṇīyaṃ paññattaṃ*, “restoration was prescribed for a [sentenced monk] who behaves correctly”.

7b. As for *nissāraṇīya*, Sp I 413,16–18 states: *nissāraṇīyaṃ paññattan ti bhaṇḍanakārakādayo yena kammaṃ nissāriyanti, taṃ kammaṃ paññattan ti*: “[a procedure] entailing dismissal was prescribed” means that the one by which quarrelsome monks and others are dismissed was prescribed”. The whole, sevenfold group of procedures is again referred to here, by the keyword (*bhaṇḍana-kārakādayo*) for the specific misbehaviour entailing *stricto sensu* the first of them, *tajjanīya-kamma*³³ (see above, SVTT IV, § 2 and n. 18); *nissāraṇīya* therefore refers here to the same seven procedures as *nissāraṇā* does.

But Mp II 165,16 (*ad* A I 99,14) reads, much less clearly, *asammā-vattanādisu nissāraṇīyaṃ paññattaṃ*, “dismissal was prescribed in the case of incorrect behaviour and so on”:

³³Vmv II 320,6 (*ad* Sp I 413,16) states explicitly: *taṃ kamman ti tajjanīyādi-kammaṃ eva*.

here, *asammā-vattanā-ādi* [abstract noun]³⁴ either refers to some misbehaviour for which a monk is *then* sentenced to any of the seven disciplinary procedures involving some kind of temporary dismissal (in which case Mp agrees with Sp) or it refers to the non-observance by the culprit of the restrictions *already* imposed on him by one of these procedures.³⁵ In the latter case, instead of the restoration (*osāraṇīya*) that would normally have followed, dismissal (*nissāraṇīya*) would apply in a more severe form than the boycott imposed by the former restrictions. Although this hypothesis accounts for the word order (*osāraṇīya* first, a point on which neither Mp nor Sp comments), we have no clue as to what the practical implications of such a dismissal might be.³⁶

8a. Now, as is well known, *nissāraṇīya* also occurs in the Pātimokkha, in each and every *sikkhāpada* of the Thv(M) [bhī] Saṃgh.; and indeed BD VI 366 n. 10 (*ad* Vin V 223,³¹ *nissāraṇīyaṃ paññattam*), while referring to Sp 1413,16–18, does connect the term with these Pātimokkha rules.

³⁴In surprising contrast with the present participle *sammā-vattanta* in Mp's contiguous gloss on *osāraṇīyaṃ* (see above); the suspicion that E^e *asammā-vattanādisu* (no v.l.) might be a misprint for °-*vattantādisu* is not confirmed by C^e (SHB) 1923 (same reading, no v.l. either). Moreover, what °-*ādi* refers to here is obscure.

³⁵In Vin, (*na*) *sammāvattati* and (*a*)*sammāvattanā* may refer, according to the context, either to the (in)correct behaviour of regular, unsentenced monks and nuns, or to the (non-)observance of penalties by those who have been sentenced.

³⁶Juo-hsüeh Shih suggests physical expulsion from the monastery; cf. above, end of § 1 and n. 3. In favour of this hypothesis, it should be noted that *osāraṇā* contrasts with *nāsanā*, “expulsion”, in this very order, in commentarial Vinaya literature about the potential non-observance of the verdict of “obstinate wrongness” (*tassa-pāpiyyasikā*) by a monk who had been sentenced to it; this disciplinary procedure is, moreover, closely connected with those of the sevenfold set, especially with the first one, *tajjanīya* (see below, *TPāp* § B and n. 9).

In the introduction to her translation of the *Bhikkhunī-vibhaṅga* (BD III xxxiv.f.) Horner remarked that neither the stock phrase which recurs constantly at the end of each of these *sikkhāpadas*,³⁷ nor the *padabhājanīya*,³⁸ indicates what (or who) is to be “dismissed”, although, according to Sp 908,5–11, *nissāraṇīya* refers here to the sentenced nun.³⁹ The interpretation of this term is still problematic; several hypotheses will be discussed briefly here, bearing in mind that none of them is supported by explicit evidence.

In a discussion of this phrase, of its BHS parallel,⁴⁰ and of Sp's difficult commentary, I argued⁴¹ that the Pāli term does not refer to the nun, but to the offence, which must be “done away with” under the authority of the chapter. Now, in an unpublished, detailed study of *nissāraṇā/ñissāraṇīya*,

³⁷*Ayaṃ bhikkhunī [...] dhammaṃ āpannā [...] nissāraṇīyaṃ saṃghādisesaṃ* (Vin IV 224,28** ff.), contrasting with the terse *saṃghādiseso* of the [bhu] Saṃgh.'s *sikkhāpadas* (Vin III 112,17–18** ff.). It is, however, worth noting that the reading *saṃghādisesan ti* occurs in the *padabhājanīya* of the first [bhī] Saṃgh. (Vin IV 225,8') in two mss. only; from the second Saṃgh. on, “the mss. read constantly *saṃghādiseso ti*” (Oldenberg, *ib.* 365). This reading may point to a different formulation, rather than to “a mistake caused by the corresponding passage of the *Bhikkhuvibhaṅga*” (*ib.*).

³⁸*Nissāraṇīyan ti saṃghamhā nissāriyati*, Vin IV 225,7' ff. (truncated in E^e from 227,10' on).

³⁹Cf. Sp-ṭ III 116,11–13 (*ad* Sp 908,5) *nissāretīti āpannaṃ bhikkhunī-saṃghamhā nissāretīti. Hetumhi cāyaṃ kattu-vohāro* [= Kkh-ṭ (not available to me) 455,10, quoted in CPD s.v. *kattu-vohāra*]. *Nissāraṇa-hetu-bhūto hi dhammo nissāraṇīyo hi vutto*; Vmv II 71,6–8 (*ad ib.*) *nissāraṇīyan ti idaṃ kattu-atthe siddhan ti āha nissāretīti. āpannaṃ bhikkhunim saṃghato viyojetī. Viyojana-hetu hotīti attho.*

⁴⁰*Ayaṃ dharmo [...] saṃghātiśeṣo [...] nihsaraṇīyo* (BhīVin(Mā-L) 103,5–7 ≠ 161,30–31), to which should be added the Skt Sa parallels *ayaṃ dharmah [...] saṃghāvaśeṣo nihsaraṇīyaḥ* (BhīPr 85), and *[ayaṃ] dharmah [...] saṃghavaśeṣa* [-va- sic ed.] *nihsa ...* (Finot 1913 549, A.3).

⁴¹Nolot, “Saṃgh” 260–62.

together with Skt and Chinese parallels, Juo-hsüeh Shih has shown that in Vinaya literature, BHS and Skt *nihsaraṇīya* (simple stem) “[offence] to be got rid of”, should be carefully distinguished from the Pāli word *nissāraṇīya* (causative) “to be expelled, removed”; “involving dismissal”. Although this distinction does not invalidate my argument from a grammatical point of view, it should be noted that in Thv(M) texts, *nissāraṇā/ñissāraṇīya* (and their opposites) refer, in all the other contexts where they occur, exclusively to persons, not to objects.⁴²

8b. Assuming that such is the case here, the question arises as to whether, at the time when the specific [bhī] Saṃgh. rules of the Thv(M) Pātim were framed,⁴³ *nissāraṇīya* was, like *nissāraṇā*, simply a superordinate that included (first of all? or also?) the *mānatta* penalty as a co-hyponym, just as it includes the very similar penalties of *tajjanīya*, etc., and any other of the various “dismissals” mentioned above, to whose technical definition proper it

⁴²The term for objects which “must be given away” is *nissaggiya*; wrong behaviour or ideas that “should be given up” are *paṭinissaggiya* (cf. Hüsken, “Vorschriften”, 106–107).

⁴³BD III xxxiv–xxxv tentatively suggests that the first specific [bhī] Saṃgh. might be earlier than the other rules of the same class that apply specifically to monks; Horner’s main argument is that the *sikkhāpada* of the first [bhī] Saṃgh. (Vin IV 224,27**) omits, unlike the following ones, the word *pi*, “also”, referring to the [bhu] Saṃgh. rules, possibly because the latter were not yet framed. A very cursory check shows, however, that *pi* does occur at Kkh 161,3 (C^e (SHB 1930) 163,5 *idem*), but not in the mss used by Wijayaratna, *Moniales* 173, for his edition of the Bhikkhunī-Pātimokkha.

adds nothing specific at all.⁴⁴ No Vinaya text, as far as we now know, points to any significant difference, on this point, between monks and nuns as regards observance of the *mānatta* penalty incurred by those who committed a Saṃgh. offence⁴⁵. If *nissāraṇā/nissāraṇīya* did include *mānatta*, a

⁴⁴As remarked by Horner, “*nissāraṇīya*, involving being sent away, adds nothing to the [*mānatta*] penalty. It is not something extra to the *saṃghādisesa* penalty incurred by a nun, and hence marks no difference in the penalty imposed on monks and nuns for having committed such an offence. Only the word, as found in each ‘rule’ of the Nuns’ Saṃghādisesas, is extra” (BD III xxxvii).

⁴⁵Compare Sp 1184,26–88,12 (summed up at Kkh 50,1–29) with 1171,8–73,2. Sp 1187,9–12 states that if the regular nuns have to go away on some business, one of them should be officially appointed as a companion (*dutiyaikā*) to stay with the nun who is undergoing *mānatta*, so that the latter does not incur the third [bhī] Saṃgh. offence by spending a night, or going out of the monastery, unaccompanied (see the next part of this n.; cf. Hüsken, “Vorschriften”, 107, 441–42; Hüsken, “Stock”, 213). According to Sp 1187,17–18 = Vmv II 219,21–22, official appointment is necessary as a relaxation, agreed by the Order, of the prescription that no one undergoing *mānatta* may stay under the same roof with a regular monk or nun, unless a break in their observance of it is incurred (*sammannitvā dātabbā ti* [Sp 1188,10] *iminā sammatāya saḥavāse pi ratti-cchedo na hotīti dasseti*). A *mānatta-cāriṇī* nun may also postpone her observance formally, either in front of another nun staying in the same place, or by going to another *vihāra* to find one. Exactly the same particulars apply to a *mānatta-cāriṇī* monk (compare Sp 1172,21–33 with 1187,9–14); the only difference is that the latter may stay alone for some time, or go unaccompanied to another *vihāra* if he can reach it on the same day in his search for a witness to formal postponement of *mānatta* (SVTT III 136 should be completed accordingly). Sp 1187,14–16 goes on to say that, apart from very minor differences, a nun should observe this penalty “just as prescribed in the *Parivāsa-kkhandhaka* [of the Cullavagga]” (*i.e.*, at Vin II 35,25–36,16). Nothing whatsoever points to any kind of technical “dismissal” or “expulsion”, either in canonical Thv(M) Vinaya texts or in Sp (with Vjb 513,25–14,15, Vmv II 219,15–22 [both beginning *ad* Sp 1186,18], Sp-ṭ III 373,6–18 [beginning *ad* Sp 1184,21]).

As for the third [bhī] Saṃgh., the canonical commentary states (Vin IV 230,22–24) that there is no offence if one’s companion nun has gone,

further question arises as to why this inclusion left not traces whatsoever in the texts dealing with *nissāraṇā*, contrary to what the similarity between the penalties of *mānatta* and *tajjanīya*, etc., would lead us to expect. These questions lead to the thorny problems raised by the framing of the Saṃgh. rules as a whole and its historical relation with that of the seven quite similar penalties of *tajjanīya*, etc.⁴⁶

8c. If, however, *nissāraṇīya* is not just a superordinate, redundant in this context, it must refer to some specifications concerning the observance of *mānatta* by nuns. Two hypotheses have been set forth recently about what these specifications might be.

According to the first,⁴⁷ *nissāraṇīya* might stress the fact that a Thv(M) nun undergoing *mānatta* must be, just like a monk in the same case, “sent away”, even though this provision contradicts the third [bhī] Saṃgh. rule according to which no nun may ever stay alone; to avoid this contradiction, the appointment of a companion nun was prescribed.⁴⁸ If this hypothesis is right, the same appointment

has left the Order (either to return to lay life or to join a non-Buddhist religious group), is dead, or if there is an emergency (*i.e.*, according to Kkh 163,28, if one’s companion nun has to go somewhere else urgently). In the very detailed particulars given at Sp 911,1–13,25 (summed up at Kkh 162,22–63,32), together with Vjb 358,2–60,15, Vmv II 73,2–19, Sp-ṭ III 117,17–18,23, there is not the slightest allusion to any special “dismissal” clause applying to *mānatta-cāriṇī* nuns.

⁴⁶See Nolot, *Règles*, 432–38, with further references

⁴⁷Hüsken, “Stock” 213; Hüsken, “Vorschriften” 107, 441–42; *cf.* above, n. 45.

⁴⁸Hüsken, “Stock”, 213–14, contrasts the Thv(M) specifications with the absence of any in BhīVin(Mā-L), where *nihsaraṇīya* refers to the offence. This is so, Hüsken writes, because a Mā-L nun undergoing *mānatva* is not debarred from staying with the others, and there is therefore no need to stress her being “sent away”. This hypothesis implies, however, extending the Mā-L particularity to all traditions (excluding Thv(M) and possibly Dha) which refer *nihsaraṇīya* to the

would be expected to be prescribed in the case of a suspended nun, who is also debarred from staying under the same roof as a regular nun;⁴⁹ there is, however, no evidence either for such a prescription or for the extension of the *mānatta* specification to the observance of *ukkhepanīya*.

According to the second hypothesis,⁵⁰ *nissāraṇīya* might refer to some technically “extra” dismissal of a nun sentenced to *mānatta*, whatever the practical implications of this “extra”, which might require, according to the chapter’s decision:

- (1) that such a nun be expelled altogether (losing her status) from the Order, just like the one who committed a Pār. offence;
- (2) or that she join another community until re-admitted (by the *abbhāna* procedure specific to the proceedings relating to Saṃgh. offences) into the community whose chapter sentenced her;
- (3) or that she stay in the community where she belongs, but should be more severely isolated from regular nuns than a *mānatta-cārin* monk is from regular monks.

The only evidence we have is not, however, for any such additional dismissal, but for just the contrary: the probation (*parivāsa*) to be observed by monks who concealed a Saṃgh.

offence (see references in Nolot, Saṃgh.). Besides, contrary to what Hüsken writes *ib.*, *mānatva* can hardly be said to be “dealt with” by the few tautological statements at BhīVin(Mā-L) 63,1–9 (*cf.* Nolot, *Règles* 405).

⁴⁹See above, SVTT IV, § 8 a.

⁵⁰V.Hi., “Buddhist Law” 37 n. 79; Juo-hsüeh Shih, unpublished study. V.Hi. explicitly connects *nissāraṇīya*, in this context, with the seven disciplinary procedures of *tajjanīya*, etc., including *ukkhepanīya*; since the latter is said by Sp 582,21–23 to be synonymous with *saṃvāsānāsānā*, “expulsion from where one belonged”, *nissāraṇīya* would refer to some additional “expulsion” (*nāsānā*; v.Hi.: “revocation”; see below, SVTT VI) of a nun who committed a Saṃgh. offence.

offence does not apply to nuns (see SVTT III 122*f.*, 135–136).

BHS *praty-osārayati*, °*osāreti*, “to invite to come back again”: BhīVin(Mā-L) 100,1', 143,13 (ms. °*osāreya*)*f.*, 144,9**, 15', 145,16**.

praty-osāraṇā, *f.*: BhīVin(Mā-L) 145,5.

Skt *ava-sāraṇa*, *n.*: (Mū) Guṇ-VinSū 65,1, 2, 102,2, 6; Guṇ-VinSū(Pravṛ-v) 4,11; Mvy 9306. – *ava-sārayati*: (Mū) Guṇ-VinSū 3,2; Guṇ-VinSū(Pravṛ-v) 14,14*f.* – *avasāryatvaṃ nāśītasya*: Guṇ-VinSū 103,3.

ut-sārayati, “to drive away”, and *ut-sāraṇa*, *n.*, contrast with *osāraṇa*, *n.*, at (Mū) MSV(D) II 206,12–19, and are therefore semantically equivalent to Pāli *nissāreti*, *nissāraṇā*.⁵¹

osāraṇa, *n.*: (Mū) BhīKaVā(S) 267,18*ff.*

osāraṇa-karma, *n.*: (Mū) MSV(D) II 210,20, 211,2.

osāraṇā, *f.*: (Mū) BhīKaVā(S) 267,18, 268,1, 12; MSV(D) II 192,6*f.*, 193,2,6–7, 12 (so read with GBM(FacEd)

X.6,881 [184, v° 6–8]), 194,6, 209,23*, III 7,16*ff.*, 10,6*ff.*, 13,17*ff.*, 25,14, 31,11, etc.

osāraṇīyaṃ karma, *n.*: (Mū) MSV(D) II 193,17, 194,6 (°*ṇīyakarma-kṛta* 193,18, 194,7*f.*).

osārayati: (Mū) Adhik-v 104,1*f.*; (Mū) MSV(D) II 115,2, 14, 116,7, 20, 179,12, 13, 192,15*f.*, 193,7*f.*, III 7,18*ff.*

vosārayitavya (MSV(D) III 14,5, 26,1) should be read *osār*° (so GBM(FacEd) X.6, 893 [190, v° 5], 899 [193, v° 1]), and BHSD's entry *vosārayati* deleted accordingly.

⁵¹This passage, with its very terse formulation, seems to parallel Vin I 321,29–22,32. Dutt's equation of *utsāraṇa* with *āhvayana* (MSV(D) II xxii) is doubly wrong in that the latter term is not a synonym of the former, but, as explained above (§ 1 and nn. 1–2), a hyponym included in the superordinate *osāraṇa*, the very contrary of *utsāraṇa*. BHSD *s.v.* *utsāraṇa* is also inaccurate: the “removal” denoted by the term is not that “of religious disabilities from a monk”, but that of the monk himself (from full, regular status).

MSV(D) II 113,13 *usārayanti* (so GBM(FacEd) X.6, 845 [166, v° 1]) should be emended, according to the Corrigenda of the same vol., to *utsārayanti*; *usārayati* is, however, most probably a copyist's mistake (the akṣaras *u* and *o* being very similar) for *osārayati*: the text introduced by this key-word reads consistently *osārayati*, *osārīta*. The term does not refer to any disciplinary procedure but seems to mean “to let [a monk] into” a community that has already settled in a residence for the monsoon, so that he belongs to it for the time being.

VI. *Nāsanā* (n.f.), “expulsion”¹

I. According to Thv(M) canonical Vinaya texts, expulsion applies to novices who transgress the first five specific rules applying to them, or who commit five other types of offence;² to certain categories of monk who should not have been ordained; to monks or nuns who have committed a Pār. offence;³ and to the nun Mettiyā, said to have been instrumental in groundless accusations against a monk. The term *nāsanā* is not further specified in these canonical Vinaya texts. As pointed out above (SVTT V, end of § I and n. 3), physical ejection itself is not expressed by *nāseti/nāsanā*.

In Kkh and Sp,⁴ *nāsanā* is made to include three different penalties,⁵ only the first of which implies the loss of monastic status, with expulsion *de jure* from the monastery:

¹This SVTT was completed in November 1996, and discussed with U. Hüsken, who was then preparing an article (published in 1997) on the same topic.

²Höbögirin V 513b33–35, s.v. *Chūranja*, erroneously equates a novice’s *nāsanā* with the *pabbājanīya* penalty (on the latter, which applies only to monks and nuns, see above, SVTT IV, § § 2, 5a, 6a, 7a–b).

³*Nāsanantika* does not belong here at all: it does not mean “a bhikkhu who is under the penalty of expulsion” (so PED s.v. *nāsana*), but “depending on the loss” of material during the period when it may be received from donors and made into clothes (see KP, *Sīmā* 148 [4]; DEBMT s.v. *kaṭhina-uddhāra* [4]).

⁴Sp 582,19–24 (*ad* Vin III 162,38); 870,35–714 ≠ Kkh 127,39–28,5 (*ad* Vin IV 138,33); 1320,31–34 (*ad* Vin V 115,23); 1383,36–84,4 (*ad* Vin V 211,16*). In the last two occurrences, and at Sp 1015,14, *liṅga-nāsanā* is referred to with the name of the novice Kaṇṭaka/ Kaṇḍaka, who incurred it because of his wrong opinions (CPD s.v. *kaṇṭaka-nāsanā*, which takes *kaṇṭaka-*° as a common noun meaning “nuisance” < “thorn”, is erroneous — even though Kaṇṭaka may have been so nicknamed precisely because of his “noxious” behaviour). — Cf. Vin-vn 1713; Utt-vn 933.

⁵The only canonical hint at this triad is in Vin V 211,16*. As far as we know, this classification is unparalleled in other schools.

(a) *liṅga-nāsanā*,⁶ which applies to both novices and monks/nuns; for the person sentenced to such an expulsion, the ceremony of taking shelter in the Three Refuges,⁷ the choice of a preceptor, and receiving one’s share of bedding and lodgings are cancelled; one is left with no more than the outward token (*liṅga*) of monastic life (*i.e.*, a set of monastic clothes);⁸

(b) *saṃvāsa-n*°, which applies exclusively to monks and nuns who have been suspended (*ukkhittaka*), thereby incurring a temporary and relative expulsion from the community to which they belong;⁹

⁶ChinSp 386–387 [44]: “personal ruin”, glossed by “ruin by [one’s own] actions” (the latter square brackets are the editors’); Lin, Aide-mémoire 89 n. 4: “*mie-chen*, litt. ‘suppression corporelle’”.

⁷Whereby admission as a novice into the monastic community (*pabbajjā*) takes effect (Sp 970,6–9, 24).

⁸*Tāvad ev’ assa saraṇa-gamanāni ca upajjhā-gahaṇāni ca senāsana-gāho ca paṭippassambhati, saṃgha-lābhaṃ na labhati, liṅga-mattam eva ekam avasiṭṭham hoti* (Sp 1014,16–18 *ad* Vin I 85,19); although this passage is about novices, Vmv II 117,5–8 states that it applies also to monks who have committed a Pār. offence. *Liṅga*, “outward guise (of a monk)”, occurs at Sp 1016,26 ff. (ChinSp 510–11 [18–19]), as contrasted with *gihi-liṅga*, “outward guise of a layman” (1017,23 ff.; on this passage, see Carrithers, *Forest Monks*, 110–11). DEBMT “depriving of the robe” (s.v. *nāsanā*) is therefore inaccurate; so are the translators followed by Norman, “‘Schism’ Edict” 3 ff. (= Norman, CP III 192 ff.; see Nolot, “Vices” 270–72, § III.1.A–B). DEBMT’s translation relies on the only recorded, abnormal case of expulsion entailing such a consequence, that of the nun Mettiyā (see below, § 5), who is said at Sp 584,12–13 to have been *given* — not *made to wear* — white (*i.e.*, lay) clothes; according to Sp 1295,25–30 (*ad* Vin II 279,29), a nun who takes (but does not wear) lay clothes when returning to lay life (*vibbhamati*) may, unlike the one who wears them, be admitted again as a novice (though not reordained). Hüsken, “Nāsanā” 105 should be corrected accordingly.

⁹*Samvāsa*, “belonging to one community”, does not contrast here with the absolute, but with the relative *a-samvāsa*, “belonging nowhere”. Absolute *a-samvāsa* is incurred by monks and nuns who have committed

a Pār. offence and are, as a consequence, deprived of their very status: they are said not to belong to the (universal) Saṃgha anymore (Vin III 21,25**, defined at III 28,20–22' as *eka-kammaṃ ek' uddeso sama-sikkhātā eso saṃvāso nāma*; so [pārājiko bhikkhu] *tena saddhiṃ n' atthi, tena vuccati a-saṃvāso*); as pointed out by KP, *Simā* 53, the term does not apply to any other monk or nun in Thv(M) canonical Vinaya texts.

As for suspended monks and nuns, they are said in the latter texts to be *nānā-saṃvāsaka*, “belonging elsewhere” than to the (local) Saṃgha who moved suspension (see above, SVTT IV § 8 b): they are therefore, implicitly, *a-saṃvāsa* in relation to this particular community. An explicit formulation of this relative *a-saṃvāsa*, contrasting with *samāna-saṃvāsa*, in fact occurs at Sp 904,3–10 (≠ Kkh 159,7–11): *samāna-saṃvāsakā bhikkhū vuccanti saḥāyā so tehi saddhiṃ n' atthi ti* [Vin IV 219,1–2'] *ettha eka-kammaṃ* [so read with v.l.] *ek' uddeso sama-sikkhātā ti ayaṃ tāva saṃvāso, samāno saṃvāso etesan ti samāna-saṃvāsakā, eva-rūpā bhikkhū bhikkhussa tasmīṃ saṃvāse saha ayana-bhāvena saḥāyā ti vuccanti, idāni yena saṃvāse na te samāna-saṃvāsakā ti vuttā so saṃvāso tassa ukkhittakassa tehi saddhiṃ n' atthi, yehi ca saddhiṃ tassa so saṃvāso n' atthi na tena te bhikkhū attano saḥāyā katā honti* — “ ‘Monks belonging to the same community are called companions; he is not in their company’: here, [monks] belonging to the same community are those for whom community is the same — ‘community’ being defined as ‘united procedures, united recitation [of the Pātimokkha], common training in the rules’; such monks are called ‘companions’ [saḥāya] of a monk in this community because they cultivate a path [ayana] together [saha]. Now, the community due to which they are termed ‘belonging together’ is not shared by this suspended [monk]; and the monks with whom he is not in community do not consider themselves as companions with him” (as for *akata-saḥāya*, both BD III 168 “unfriendly [suspended monk] towards [others]”, and CPD s.v. “who has not taken an advocate” are wrong). Kkh 159,10–11 adds *samānasamvāsaka-bhāvaṃ anupagatan ti attho*: “The meaning is: ‘deprived of the status of one who belongs to the same community’”.

Saṃvāsa-nāsanā is explained by Sp 582,21–23 as *āpattiya adassane vā appaṭikamme vā pāpikāya* [omit *ca* with v.l.] *diṭṭhiya appaṭinissagge vā ukkhepaniya-kammaṃ karonti ayaṃ saṃvāsa-nāsanā*. Here Sp-ṭ II 345,29 comments: *ekakammādi-saṃvāsassa a-karaṇaṃ saṃvāsa-nāsanā*, thus referring to the relative *a-saṃvāsa* of suspended monks and nuns, as defined by Sp 904,3–10, rather than to the absolute *a-saṃvāsa*

(c) *daṇḍakamma-n°*, a kind of “punishment” (*daṇḍa-kamma*) which also entails temporary expulsion, but which applies exclusively to novices. Although merged in Sp’s commentary, *daṇḍa-kamma* and *nāsanā* are dealt with in separate sections of the Mahāvagga, respectively at Vin I 84,5–34 and 85,15–26; for this and other reasons, *daṇḍa-kamma* will be discussed separately below, in SVTT VII.

2a. Vin I 85,15–26 lists ten grounds on which a novice is to be expelled.¹⁰ The first five are the transgression of the first five rules he should observe (Vin I 83,31–35): abstaining from killing living beings, from stealing, from unchaste behaviour,¹¹ from lying, and from drinking intoxicants. The last five grounds are: disparaging either the Buddha, or the doctrine, or the monastic community;¹² holding wrong opinions; raping a (fully ordained, Buddhist)¹³ nun.

2b. According to Sp 1014,12–15,2, the type of expulsion entailed by breaking the first five rules¹⁴ is (definitive) *liṅga-*

incurred by those who committed a Pār. offence — contrary to what is argued by Hüsken, “Nāsanā”, 109, and according to whom *saṃvāsa-nāsanā* refers specifically to monks and nuns who have been suspended for refusing to see or redress a Pār. offence (furthermore, as seen above [SVTT IV n. 47], the disciplinary procedure of *ukkhepanīya* may not apply to Pār. offences; in such a case, the relevant procedure would be *tassa-pāpiyasikā* [see below, *TPāp*]).

¹⁰*Nāsetuṃ* (without further details, as at Vin V 138,16–17, where these ten grounds are referred to). – Summary of Tib. Mū parallel: Banerjee, SarvLit 181.

¹¹*Cf.* Vin III 40,2–4, where a female probationer and a female novice are said to incur expulsion.

¹²The relevant penalty for monks who disparage them is any of the seven disciplinary procedures studied above, SVTT IV, except *paṭisāraṇīya* (see *ib.*, § 6a [v]).

¹³*Cf.* Sp 1023,28–24,7; Vin-vn 2538–39.

¹⁴Except the last one, these rules are more stringent than for monks. Expulsion is incurred by killing any living being, whether human,

nāsanā; it applies to novices who, instead of making a firm resolve to improve in the future, persist in their wickedness, and are to be eventually thrown out (*nikkaḍḍhitabba*).¹⁵ If, however, the novice acknowledges his error without delay, and resolves to improve, he is not to be expelled, but should again be made to take shelter in the Three Refuges, to choose a preceptor, and to strengthen his resolve by a solemn statement that he will observe the ten rules (*cf.* Sp 970,20–26). His entitlement to a residence during the rains retreat depends on when the second ceremony of the Three Refuges took place: if it was during the earlier retreat, he may get his share of lodgings beginning from the first day of the later one; if it was during the later one, the chapter's consent has to be secured by a procedure of formal consultation.¹⁶

2c. Sp 1015,2–23 goes on to explain that transgressing the last five rules to be observed by novices (eating after noon, watching entertainments, wearing ornaments, lying down on high, large beds, accepting gold and silver)¹⁷ does not entail

animal, or vegetable; by stealing even a blade of grass; by any kind of sexual misbehaviour; by telling lies, even for a joke — unlike the Pātimokkha rules applying to monks and nuns, which make the same offences heavier or lighter, depending on the circumstances of the case. Drinking intoxicants, however, entails the expulsion of a novice only if he did so consciously, unlike the Pāc. offence entailed by monks in the same case (Sp 1014,12–15, 1014,30–15,2; *cf.* 1386,28–30 [with a misprint *dāṇḍa-*°]). — *Cf.* below, SVTT VII n. 6.

¹⁵*Cf.* above, SVTT V n. 3. According to Vjb 428,12–13 (= Sp-ṭ III 156,4–6), such novices should be sentenced to expulsion by a formal consultation of the chapter (see SVTT I 80–81, § 3 a) if they do not desist after having been told to do so three times. Should they apply again for admission to the monastic fold, another formal consultation is to be carried out for that purpose (*yāva-tatiyaṃ vuccamāno na oramati, saṃghaṃ apaloketvā nāsetabbo; puna pabbajjaṃ yācamāno pi apaloketvā pabbājetabbo ti vadanti*).

¹⁶*Apaloketvā* (Sp 1014,30).

¹⁷Vin I 83,35–84,4; *cf.* Sp 1012,32–13,1.

a *liṅga-nāsanā*, but only temporary expulsion as a means of “punishment” (*daṇḍakamma-n*°), consisting in barring the novice from his lodgings (see below, SVTT VII, §§ 2 and 4). As for those who go on disparaging the Buddha, the doctrine, or the monastic community, even after a threefold informal admonition by their preceptors or instructors to stop doing so, they should be punished with the same *daṇḍa-kamma*, then urged to acknowledge their transgression; *liṅga-nāsanā* should be resorted to only if they refuse to do so.¹⁸ The same provisions apply to a novice who holds wrong opinions.¹⁹ Both the instigation of this punishment and its eventual cancellation are to be carried out by a procedure of formal consultation (Sp 1402,20–403,13, *ad* Vin V 222,22; *cf.* above, SVTT V, § 3).

The latter case is dealt with in the Thv(M) [bhu] 70th Pāc. (said to apply also to nuns),²⁰ whose main object is, however, to forbid monks and nuns to have any relation with such a male or female novice. According to the *sikkhāpada*, the standard formula for expulsion is: “From now on, Master [*āvuso*] novice, you may neither refer to the Bhagavat as your teacher, nor spend two or three nights in the same place

¹⁸Thus following the Mahā-aṭṭhakathā, unlike the Kurundī, which would apply *liṅga-nāsanā* immediately after the threefold admonition (Sp 1015,13–19; *cf.* Hüsen, “Nāsanā”, 106–107).

¹⁹This is why Sp 1320,31–34 and 1383,36–84,4 include, under the key-name Kaṇṭaka/Kaṇḍaka (*cf.* above, n. 4), both *daṇḍakamma-*° and *liṅga-nāsanā*.

²⁰Vin IV 138,19–40,31 with Kkh 127,37–28,14, Sp 870,33–71,12; n°I 48 [bhī]. — *Cf.* UpāliPr(SR) 80, n° 59. — Dh fragment: CASF(II) 166, n° 70. — Conc.: BhīPr 59, table IV.1 *s.v.* *nāśitasamgrahaḥ*. — *Cf.* Hüsen, “Nāsanā”, 98–101, 105–106. A preceptor or instructor, and his pupil, are expected to dissuade each other from holding wrong views (Vin I 49,16–18 [= II 226,17–19] ≠ 52,28–30 [= II 229,38–30,2]); a monk may (and should) break the rains retreat for up to seven days when (female) probationers, or novices of either sex, are to be dissuaded from the same (Vin I 146,1–8 ≠ 146,23–29 ≠ 147,7–14).

as monks, as other novices are allowed to do. Go out, you fool, go to Hell!”²¹ Neither the *nidāna*, nor the *sikkhāpada*, nor the *vibhaṅga* specify which kind of expulsion is entailed;²² Kkh 128,4–5 ≠ Sp 871,2–4 (cf. Sp-ṭ III 345,30–46,1) state that what applies here is *daṇḍakamma-n°*, thus making it implicitly parallel with the *saṃvāsa-n°* incurred by monks and nuns, who are, in the same circumstances, to be sentenced to suspension²³.

Sp 1015,23–29 (*ad* Vin I 85,19; cf. ChinSp 510 [17]) states that the case of novices who rape nuns is a special one, not included, as might be expected, in the third rule (sexual misbehaviour) for novices: unlike another sexual offender, who may, if he firmly resolves to improve, go through the ceremony of the Three Refuges again, then be ordained, someone who rapes a nun may not, whatever his subsequent behaviour; the *nāsanā* entailed is therefore implicitly a *liṅga-n°*.

3. According to Vin I 85,27–89,21, *nāsanā* also applies to eleven kinds of monk who should not have been admitted to the Order in the first place, and whose ordination is in any

²¹*Ajjatagge te āvuso samaṇ’ uddesa na c’ eva so bhagavā sathā apadisitabbo, yaṃ pi c’ aññe samaṇ’ uddesā labhanti bhikkhūhi saddhim dviratta-tirattaṃ sahasseyyaṃ, sāpi te n’ atthi; cara pi re vinassa* (Vin IV 139,28–31**). As pointed out by v.Hi., *Mündlichkeit*, 9, 10–11, this stock phrase contains two linguistically archaic features: *āvuso* and *re*; on the gloss *pi re ti amāma* (Sp 871,6), see PED s.v. *pire* (cf. Sp-ṭ II 346,1–5). – Parallels: (Sa) Finot 516,5–9; (Mū) Erg.L.Ch 6,26–30; PrMoSū(Mā-L) 24,11–13; cf. also Pachow, CompSt 152–53.

²²An indirect hint at some formal procedure or other (nowhere described) can be traced in the prescription *tena hi bhikkhave saṃgho Kaṇḍakam samaṇ’ uddesaṃ nāsetu* (Vin IV 138,32–33, *nidāna*), as contrasted with the informal proceedings prescribed by *so samaṇ’ uddeso bhikkhūhi evaṃ assa vacanīyo* (139,27–28**). A fourfold procedure is explicitly referred to in this context at (Mū) Guṇ-VinSū 53,14.

²³*Ukkhepanīya-kamma*; cf. above, SVTT IV nn. 11, 91; SVTT V n. 3.

case invalid²⁴: eunuchs;²⁵ fake monks; former monks who joined a non-Buddhist monastic community, then applied for a second Buddhist ordination; animals; matricides; parricides; murderers of Arahats; monks who raped nuns; former monks who tried to split the monastic community; people who shed the blood of a Buddha; and hermaphrodites. According to Sp 1016,15–16, in all such cases, the *nāsanā* entailed is a *liṅga-n°*.

4. The expulsion from the Saṃgha of monks/nuns who have committed a Pār. offence is prescribed at Vin I 173,22, II 78,36 = III 162,16, III 33,25–31, 40,1–2, IV 216,33**²⁶, etc. In every case, according to Sp 1078,9, 269,9, and Kkh 158,25–26, this expulsion is, implicitly or explicitly, a *liṅga-n°*. The expulsion of a monk who was found guilty of obstinate wrongness (*tassa-pāpiyyasikā*), and who did not observe the

²⁴As contrasted with those who, although they did not fulfil the conditions for ordination either, are nonetheless considered as having a valid ordination (see above, SVTT V, § 4). These eleven kinds of monk are referred to at Vin V 140,14–15; according to Sp 1391,26–28, the same are implied by Vin V 216,32 *nāsita*, *su-nāsita*. – Cf. Hüsken, “Nāsanā” 98–99.

²⁵Or homosexuals, according to Zwilling, “Homosexuality” (referred to by Hüsken, “Nāsanā”, 95 n. 9 as an American publication dated 1992; not available to me, although I did see an article with the same title by the same author, dated 1989 [references at the end of this paper]; the range of application of the term *paṇḍaka* seems to me, *prima facie*, to be a bit more complex than can be gathered from Zwilling’s later article).

²⁶The latter reference is about a *nāsītā* nun (on the *vv.ll.* of the *sikkhāpada*, see Hüsken, “Nāsanā”, 94 n. 6; cf. Hüsken, “Vorschriften”, 50–51, n. 41); the gloss at Vin IV 217,13–14’ runs: *nāsītā nāma sayam vā vibbhantā hoti aññehi vā nāsītā* – “‘expelled’ means that she either returned to lay life of her own accord, or was expelled by others” (Kkh 158,25–26: *nāsītā ti liṅganāsanāya sayam vā naṭṭhā aññāhi vā nāsītā*), unlike the Chinese Sa parallel, which refers explicitly to a formal procedure of expulsion (BhīPr 21 n. 7).

penalty imposed, is most probably of the same type, although this is nowhere specified as far as I can see.²⁷

5. The emblematic, much discussed case of the nun Mettiyā is dealt with at Vin II 79,20–24²⁸ = III 162,37–163,3:²⁹ the Buddha prescribed her expulsion after she had complied with the request of wicked monks to make a false charge against a monk of raping her (that is, of the first Pār. offence, aggravated by her status as a Buddhist nun [cf. above, end of § 2 a]).

Such behaviour is, however, nowhere said to entail expulsion, and the case gave rise, according to Sp 582,30–84,9, to a controversy³⁰ about this *liṅga-nāsanā* between the Abhayagirivāsins and the Mahāvihāravāsins, who also debated the point whether Mettiyā was expelled because of

²⁷See below, *TPāp*, § § B-C.

²⁸Where the context is that of the settlement of formal disputes (see SVTT II 109 and n. 57). The same *nidāna* (Vin II 78,25–79,20) recurs, *mutatis mutandis*, at III 162,5–37, in the account of how the Buddha prescribed “turning down the bowls” at an offending layman (see below, SVTT IX).

²⁹In the *nidāna* of the rule which makes it a Saṃgh. offence for a monk or nun to make a groundless charge of a Pār. offence (Thv(M) Saṃgh. n° 8 [bhu], Vin III 158,2–66,28 with Kkh 42,12–44,21, Sp 575,21–98,9 [ChinSp 382–92]; n° 8 [bhī]. – Cf. UpāliPr(SR) 47, n° 8. – Conc.: BhīPr 54, table II.1 s.v. *amūlakam*. – [bhī] Skt Sa fragments: Finot 1913 549; BhīPr 26–27). It may be noted that Rosen’s summary of the *nidāna* of the Chinese Sa version of this rule makes no reference at all to the nun’s expulsion (VinVibh(R) 64–65); according to Lin, “Aide-Mémoire”, 90 n. 2, neither does any “Northern” Vinaya text (*i.e.*, other than the Thv(M) ones in Pāli).

³⁰Said by Sp to have been supervised by King Bhātiya (middle of the first cent. A.D.: V.Hi., “Buddhist Law”, 26 and n. 54); as stressed by v.Hi., *ib.* 36–38, this testifies to the interference of Sinhalese kings in scholastic debates about Vinaya technicalities. This controversy is not altogether omitted in ChinSp 387 [45] (v.Hi., *ib.* 36 n. 78), whose account is, however, anything but clear, and does not name any protagonists.

her acknowledgement of the facts³¹ or for another reason. If it was because of her acknowledgement,³² the monk did take part (*kāraka*) in the act, and was therefore guilty (*sadosa*, *i.e.*, of a Pār. offence); if it was for another reason, as rightly (so Sp says) argued by the Mahāvihāravāsins on the basis of their own, non-committal Vinaya recension,³³ he was not. Sp goes on to discuss how the abnormal expulsion of Mettiyā was based on her inherent wickedness,³⁴ not on any Vinaya

³¹*Tena hi bhikkhave Mettiyaṃ bhikkhuniṃ sakāya* [misprinted *sakkāya* in v.Hi., “Buddhist Law” 37] *paṭiññāya nāsetha* (≠ Vin III 162,38–63,1; Abhayagiri version, quoted at Sp 583,10). Contrary to what is stated by v.Hi. *ib.* (see v.Hi., “Buddhist Law”-II 87–89, for further details and a slightly different translation of Sp 269,10–11), this phrase does not refer to the monk’s consent to Mettiyā’s expulsion, but to the latter’s *a priori* trustworthy acknowledgement (*paṭiññā*) of the facts (cf. Vjb (B° 1960) 196,12 *appaṭiññāyā ti ayyena ’mhi dūsitā ti* [≠ Vin III 162,21–22] *imaṃ paṭiññāṃ vinā eva*; see further Vmv I 281,30–82,24, Sp-ṭ II 346,8–16); acknowledgement of the facts or of the offence committed is here, as in all other cases, a prerequisite for any further investigation (see SVTT II 112–13, n. 64). This is further confirmed by Sp 269,9–11 (ChinSp 205 [55]) *ad* Vin III 33,25 (expulsion of two monks, the first of whom had sexual relations with the second while the latter was asleep): *ettha dve pi liṅga-nāsanena nāsetabbā. Tatra dūsakassa paṭiññā-karaṇaṃ n’ atthi. Dūsito ti pucchitvā paṭiññāya nāsetabbo; sace na sādīyati na nāsetabbo* – “Here, both monks should be sentenced to *liṅga-nāsanā*. In this case, there is no acknowledgement [of the facts] by the defiler; [the latter monk] is to be expelled if, when asked whether he was defiled, he did acknowledge [the fact]; if he did not enjoy [the act], he should not be expelled”. – Hüsken, “Nāsanā”, 103–105 should be corrected accordingly.

³²Which is indeed clearly expressed at Vin III 162,27 (to be filled in with *ib.* 162,18–22), as pointed out to me by O. von Hinüber.

³³*Tena hi bhikkhave Mettiyaṃ bhikkhuniṃ nāsetha* (= Vin III 162,38–63,1; quoted at Sp 583,12–13).

³⁴In accordance with the post-canonical, technical equation of *śīla-vipatti* with the commission of a Pār. offence (see SVTT II, 97 n. 19), Vmv I 283,11 states that her very immorality made her guilty of a Pār. and thereby liable to *liṅga-nāsanā*.

prescription: normally, a nun who makes false charges against a monk simply incurs a Dukk.³⁵

BHS *nāsanā-vastu*, n. : Prakīrṇ(Mā-L) 329,1.

nāśayati : PrMoSū(Mā-L) 24,10. – *nāśita*, m(f).: *ib.* 24,14.

nāseti : BhīVin(Mā-L) 78,11, 321,10, 322,1.

Skt *nāśana*, n. : (Mū) Guṇ-VinSū 4, 7, 10 (*cf.* Guṇ-VinSū(Pravr-v) 21,30–22,1, 22,11–12), 99,25. – °*arha*, m(f)., “liable to expulsion” : (Mū) MSV(D) IV 53,13f. (= Lévi, “Mss sanscrits” 27,19f.).

nāsanīya, n. : (Mū) Guṇ-VinSū 53,15; Mvy 8647.

nāśayati : (Sa) Finot 1911 625 (III b 4). – (Mū) Guṇ-VinSū 53,14f.; MSV(D) IV 53,7, 56,17, 64,17 (= Lévi, “Mss sanscrits” 27,13, 29,9, 33,15 [*cf.* (Sa) Finot 1913 555 [B3]). – *nāśita*, m(f).: (Sa) PrMoSū 189 (CBd, r° 2 [*cf.* VinVibh(R) 184 n. 2]), 278 (IS, r° 4). – PrMoSū (Mū)₂ 40,6 (reconstructed from Tib.).

³⁵This invalidates Hüsken’s argument (“Nāsanā”, 96–98) that Mettiyā’s *nāsanā* was prescribed before the rule about false charges was framed: if so, the legislators would most probably have referred to Mettiyā’s case when framing it. – According to Sp 583,17–84,5 (with Vjb 196,24–25, Vmv I 282,24–83,11, Sp-ṭ II 346,16–47,14), contrary to what might be argued, the first Thv(M) Pāc. (which deals with deliberate lying) does not apply here, just as it does not apply in the case of groundless charges of a Saṃgh. offence: the latter are dealt with in another, specific Pāc. (Thv(M) n° 76 [bhu]; n° 154 [bhī]) — in both cases, the intentional accusation (*anuddhamsanādhippāya*) is what differentiates the offence both from a simple, conscious lie (*sampajāna-musāvāda*, first Pāc.), and from verbal abuse (*omāsa-vāda*, 2nd Pāc., whose distinctive feature is intentional reviling [*akkosādhippāya*]) (*cf.* Kkh 43,35–44,16; Upāli Pr(SR) 47, n° 8). As far as can be seen, there is no formal statement, in Thv(M) canonical texts, about the offence (Dukk., Pāc., or other) incurred by a nun who charges a monk with a Pār. groundlessly; however, the decision that a Dukk. ensues occurs explicitly in the Chinese Sa Upāliparipṛcchā (VinVibh(R) 234–35). For further discussion, see v.Hi., “Buddhist Law”-II 89–91.

nāśita-saṃgraha, m., “relations with an expelled monk” : (Mū) Guṇ-VinSū 53,13, 18; Mvy 8481.

VII. *Daṇḍa-kamma* (n.), “punishment”

1. *Daṇḍa-kamma* literally means “thrashing”; in Buddhist monastic law, it occurs exclusively in a metaphorical sense,¹ and is not a technical term *per se*, but merely expresses the necessity of some (minor) “punishment”² whose particulars must then be defined according to the circumstances of the case, as is clear from the wording of the three canonical passages where it is prescribed.³

2. At Vin I 84,5–34, it is said to apply to disobedient novices who stand in the way of the monks’ welfare, or who abuse them, or who foster quarrels among them.⁴ According

¹The prescriptions in the Cullavagga (with Sp’s commentary), and those of (Mū) Guṇ-VinSū (see below, § 2 and n. 20), testify that the literal sense of the term (which may apply in lay judicial cases: see, *e.g.*, Vin I 75,29–30, 76,1–2 with Sp 998,24–99,9) had to be explicitly excluded from the lexicon of monastic law.

²As to the alleged technical connection between *daṇḍa-kamma* and *brahma-daṇḍa*, see below, SVTT X, § 3b.

³Vin I 84,15–16 = II 263,9–11 *atha kho bhikkhūnaṃ etad ahoṣi: kiṃ nu kho daṇḍa-kammaṃ kātabban ti. Bhagavato etaṃ atthaṃ ārocesuṃ. Anujānāmi bhikkhave āvaraṇaṃ kātuṃ ti*; II 262,7–10 *atha kho bhikkhūnaṃ* (B° [1972] 453,3 *idem*) ... *kātabban ti. Bh° ... ārocesuṃ. Avandiyo so bhikkhave bhikkhu bhikkhunī-saṃghena kātabbo ti* (Sp 1404,11 [E°], 1046,34 [C° (SHB 1948)] has, more logically, *bhikkhunī-nam* instead of *bhikkhūnaṃ* in a quotation of the latter passage). – *Cf.* Hüsken, “Nāsanā”, 106.

The imprecise nature of the term is confirmed by its occurrences in Sp (see index *s.v.* *daṇḍa*, °*kamma*, and below, § 4); as for Kkh, the only occurrence I have been able to trace so far is at 128,1, 5 (compounded with °*nāsanā*).

⁴These three grounds are, *mutatis mutandis*, partly the same as those on which a *paṭisāraṇīya-kamma* is to be carried out against monks who stand in the way of the laymen’s welfare, etc. (see above, SVTT IV, § 6 a), and as those on which laymen who stand in the way of the monks’

to Vin I 84,17–85,8,⁵ this punishment consists in barring (*āvaraṇaṃ karoti*) the sentenced novice from his lodgings; in no case should he be either barred from the whole monastery (*cf.* above, SVTT V n. 3), or deprived of food, or sentenced to such a punishment without his preceptor's consent.

Sp 1013,33–34, 1015,2–23, 1386,26–30 extends this penalty to novices of either sex and to (female) probationers⁶ who break the last five rules they are expected to observe, or who hold wrong opinions (see above, SVTT VI, § 2c), and to the newly ordained pupils of preceptors and instructors. According to Sp 1013,14–27, the quantity of food and clothes given to a novice sentenced to this *daṇḍa-kamma* may be restricted, and he may be requested to fetch water, wood, sand, etc.;⁷ but his bowl and outer cloak should not be stored inside his lodgings,⁸ and he should not be physically mistreated (*cf.* below, n. 20).

welfare, etc., may be sentenced to a *pattanikkujjanā-kamma* (see below, SVTT IX, § 1).

⁵With Sp 1013,9–34; *cf.* Vin-vn 2513–19.

⁶Sp 1386,26–30 (*ad* Vin V 212,25*) explains that *āpatti*, “offence”, is a technical term which applies *stricto sensu* only to monks and nuns; according to Sp 754,13–17, novices commit “transgressions” (*ajjhācāra*) that may be either “major” (*duṭṭhulla*) — if they concern the first five “precepts” (*sāmaṇera-sikkhāpada*) — or not (*a-duṭṭhulla*) — (if they concern the last five (see above, SVTT VI, § 2a–c). There is therefore, technically, no confession (*desanā*; see SVTT II 112–13, nn. 63–64) of their offences by novices or probationers, who are to be sentenced instead to *daṇḍa-kamma* (*cf.* above, SVTT VI, § 1 [c] and n. 14; below, SVTT VIII n. 10). Vjb 576,12–14 has the interesting comment that the confession of novices should be avoided because “the Mahāsaṃghikas are said to make even novices confess their offences” (*mahāsaṃghikā sāmaṇere pi āpattiṃ desāpentī kira*).

⁷*Cf.* Sp 952,15–24 = Ps II 173,7–17 ≠ Ud-a 26,5–13 ≠ Mp 23,6–15.

⁸*Cf.* the prescriptions of Guṇ-VinSū 9,20–22 (*cf.* Guṇ-VinSū(Pravṛ-v) 42,9–13) about eviction (*avasādana*, corresponding to Pāli *pañāmanā* [see below, § 4]) : *niṣkāsaṇaṃ akaraṇīyatāyāṃ layanāt parisrāvaṇa-kuṇḍike*

Kkh and Sp list this punishment as one of the three kinds of “expulsion” (*nāsanā*), and the only one applying exclusively to novices.⁹

3. According to Vin II 262,1–24, another kind of *daṇḍa-kamma* is to be meted out to lewd monks who play bad jokes on nuns. In this case, the punishment consists in the nuns' decision to stop greeting the guilty monk (*avandiyo kātabbo*),¹⁰ until, according to Sp 1292,19–27, he begs either the monks' chapter or another monk to go and ask for the nuns' forgiveness on his behalf.¹¹

When meted out to a lewd nun who plays bad jokes on monks,¹² this punishment is said to be the same as for novices, *i.e.*, barring her (*āvaraṇā*) from her lodgings.¹³ If

datvā sāntarottaraṃ ca śrāmaṇerasya ; upasāmpat-prekṣas cet pañca pariṣkāraṇ.

⁹See above, SVTT VI, § § 1c and 2c.

¹⁰Whereby the “important duty” (*garudhamma*) that nuns should greet monks whatever the circumstances ceases to apply (see Hüsken, “Einrichtung”, 156; Freiberger, Br-Strafe 486–87; Hüsken, “Vorschriften” 226, 378). Sp 1292,15–19 describes the decision as a formal consultation (*apalokana-kamma*; see SVTT I 80–81, § 3a), and refers, with *Kamma-vibhaṅga* (1292,27), to Sp 1404,1–16 (*ad* Vin V 222,23–24), which partly quotes Vin II 262,1–24. According to Sp 1396,26–28, this *avandanīya-kamma* (Sp 1404,14, Kkh 132,7 *avandiya*-°) is one of the eight procedures that may be carried out in the absence (*a-sammukhā*) of the person who is the object of it (see SVTT II 100 n. 30). – This case should not be confused with that of the ten kinds of people “not to be greeted” (Vin II 162,23–28; *cf.* Utt-vn 661a, Khuddas XX).

¹¹This *avandanīya-kamma* seems to be the only procedure that a nuns' chapter may carry out against a monk; according to Vin V 195,5–24 (with Sp 1376,15–20), its grounds also include the cases when a monk stands in the way of the nuns' welfare, or abuses them (*cf.* above, § 2, and SVTT IV, end of § 6a; the Pātim rules about abuse between monks and nuns are dealt with by Hüsken, “Vorschriften” 225–27).

¹²Cases of immodest jokes between persons of the same sex are not contemplated.

¹³See above, § 2; *cf.* Sp 1292,31–93,1.

the nun thus sentenced does not mend her ways, her participation in the fortnightly exhortation (*ovāda*) of nuns by a monk and in the concomitant *uposatha* ceremony to be performed in the nuns' chapter are both to be suspended; the monk who suspends her from exhortation should be competent; he should act on serious grounds, and state the decision about the case; having done so, he may not leave that place (Vin II 262,24–63,34 with Sp 1292,31–93,5).

BHS *daṇḍa-karma*, n.: Abhis-Dh(Mā-L) 10.B.6,2–3, 10.A.7,7, 10.B.7,1, 11.A.2,6f., 11.A.3,6, 11.B.3,1, 11.B.4,6, 11.A.6,3; ¹⁴BhīVin(Mā-L) 249,2–3' (punishment of a newly ordained nun by her preceptor), 249,11 (unspecified; see preceding n.).

Skt *daṇḍa-karma*: Guṇ-VinSū 103,29 (specification, if any, is unclear to me).

4. Although the imprecise meaning of *daṇḍa-kamma* need not be problematic in itself, two of its occurrences in Sp are somewhat ambiguous in their context: *sace ādito 'va [upajjhāyo paṇāmitaṃ] na khamati, [paṇāmitena] daṇḍa-kammaṃ āharitvā tikkhattuṃ tāva sayam eva [upajjhāyo] khamāpetabbo*¹⁵ — “if [a preceptor] does not readily forgive

¹⁴Throughout this text, the term occurs exclusively in the stock-phrase *asmākaṃ [bhikṣūṇāṃ] bhagavān daṇḍa-kammaṃ deti imeṣāṃ [bhikṣūṇāṃ] muktikā*, “the Bh° metes out punishment to us [monks], and frees the other [monks] from liability”; BhīVin(Mā-L) 249,11 provides the variant *asmākaṃ bhagavatā daṇḍa-kammaṃ prajñaptam imāsāṃ muktikā*; nowhere is *daṇḍa-karma* precisely defined (cf. Nolot, “Règles” 271 n. 267, with further references in secondary literature). — As for the syntax of *daṇḍa-karma*, cf. next note.

¹⁵Sp 986,24–25 (≠ 988,8–9 *paṇāmitena daṇḍa-kammaṃ āharitvā [ācariyo] tikkhattuṃ khamāpetabbo*). My translation of *d-k° āharati*, “to accept a punishment [inflicted on oneself]”, is based on a cursory review of its syntax, and may need correction (in Pāli texts, *daṇḍa-kamma* is also constructed, in the accusative, with *karoti*, (*pa*)*ṭṭhapeti*, *gaṇhati*, and in

[the pupil he evicted], [the evicted pupil] should accept the punishment, and make on his own a threefold request [to his preceptor] for forgiveness”. This is preceded by an explicit reference¹⁶ to Vin I 53,29–55,18, which deals with the case of when a preceptor or instructor is to evict (*paṇāmeti*)¹⁷ an unruly pupil; the latter is expected to ask for the former's forgiveness (*khamāpetuṃ*), and the former may not refuse to grant it (*khamati*).

Now this passage in Sp is not part of its commentary on this eviction, but belongs to the commentary on Vin I 62,12–23, which deals with the five- or sixfold exceptional cancellation (*paṭippassaddhi*) of the otherwise compulsory dependence (*nissaya*) of a newly ordained monk on his preceptor or instructor.¹⁸ The last of these exceptional cases is said by Vin I 62,12–23 to be *āṇatti*, “injunction”, without further details. According to Sp 986,18–22, *āṇatti* means *nissaya-*

the instrumental with *pīleti*; in BHS texts, in the accusative, with *deti*, *prajñāpayati* [cf. preceding note]).

¹⁶Sp 986,19–22 *paṇāmemi tan ti vā mā idha paṭikkamī ti vā nīhara te patta-cīvaran ti vā nāhaṃ tayā upaṭṭhātabbo ti vā iminā pāli-nayena* [≠ Vin I 54,5–7] *mā maṃ gāmapavesanaṃ āpucchīti ādinā pālimuttaka-nayena* [cf. Vin I 50,21–22 ≠ (truncated E°) 61,13] *vā* — “I evict you”, or “Do not come back here”, or “Take out your bowl and your clothes”, or “Stop waiting upon me”, or “Do not ask for my permission to go to the village” (*nīhara te patta-cīvaran* is translated inaccurately at BD IV 69 by “Bring back your bowl and robe”).

¹⁷Vin I 54,4 *paṇāmetabba* is glossed at Sp 982,32 by *apa-sādetabba*. This shows that in the Skt Mū parallel (Guṇ-VinSū(Pravṛ-v) 41,29–42,8 [Guṇ-VinSū 9,14–20]), *ava-sādayati* does not mean “to rebuke” (so *ib.* xxxv), but “to evict” (cf. below, nn. 19–20).

¹⁸Cf. above, SVTT IV n. 8 (ii).

paṇāmanā, “eviction from dependence” — that is, the separate Vinaya prescriptions about eviction and cancellation of dependence are explicitly connected here.¹⁹

It may be observed that eviction from dependence of an unruly new monk is very similar to the *daṇḍa-kamma* barring (*āvaraṇā*) a novice from his lodgings; moreover, as noted above, § 2, this *daṇḍa-kamma* is also said by Sp to apply to new monks. This raises the question of whether *daṇḍa-kammaṃ āharati* refers to eviction proper, or precisely (and semi-technically) to the canonical *daṇḍa-kamma* applying to novices. In the latter case, it would have to be interpreted as the implicit merging in Sp of two similar penalties that are considered as distinct by canonical texts: *daṇḍa-kamma* applying to novices, defined as *āvaraṇā*, “shutting off”, and *paṇāmanā*, “eviction” of a newly ordained monk. In favour of this tentative hypothesis, it may be noted that the threefold commentarial classification of *nāsanā*, “expulsion”, includes this *daṇḍa-kamma* (see above, end of § 2), but not *paṇāmanā*, contrary to what the close similarity between these two penalties might lead us to expect: this perhaps means that the latter came to be identified with the former.²⁰

¹⁹Though not in Sp’s commentary on eviction (982,29–83,19). The two are also connected in the Skt Mū parallel at Guṇ-VinSū(Pravr-v) 41,29–42,1 : *na niśritaṃ* [Guṇ-VinSū 9,14 *niśritaṃ*] *avasādanārhaṃ nāvasādayet*. *Pañcāvasādanā* [Guṇ-VinSū 9,15 °*nāḥ*]: *anāsāyo anavavādaḥ* [Guṇ-VinSū 9,15 *anālāpo* ‘*navavāda*] *upasthāna-dharmābhiṣaiḥ asaṃbhogaḥ* [read, or correct to, °*dharmāmiṣair asaṃ*° with Guṇ-VinSū 9,15] *prārabdhaśālapakṣa-samucchedo niśraya-pratiprasrambhanaṃ ca* [Guṇ-VinSū 9,16 *niśraya*-°]. As shown above, n. 17, Skt *avasādanā* corresponds to Pāli *paṇāmanā*; *pratiprasrambhana* = Pāli *paṭippassambhana*, a commentarial variant of the canonical Pāli *paṭippassaddhi*.

²⁰A further clue may be found in the prescription occurring in the Skt Mū parallel to the Thv(M) text dealing with eviction, at Guṇ-VinSū(Pravr-v) 42,13–14 (≠ Guṇ-VinSū 9,22–23; cf. above, nn. 17 and 19) : *na siṃhaniṣṭhuro bhavet, na viḡhāta-saṃvartanaṃ kriyā-kāraṃ kurvīran* – “[a preceptor or instructor who has dismissed his pupil] should not turn into a fierce lion; neither should [the monks] avail themselves of arrange-

VIII. *Pakāsaññiya-kamma* (n.), “procedure of proclamation”

1. This disciplinary procedure is said, in the *Samghabheda-kkhandhaka* of the Cullavagga (Vin II 189,5–90,9), to have been prescribed by the Buddha for the monk Devadatta, who was plotting to take over the leadership of the monastic community. The chapter was to decide, by a twofold procedure,¹ to proclaim officially to all the people around that the Saṃgha would not endorse Devadatta’s actions and statements any more; they were then, by the same type of procedure, to appoint (*sammannitum*) a monk to go and make the proclamation in the following terms: “Devadatta’s character is no more what it used to be; none of his actions and statements should be considered as having anything to do with either the Buddha, the doctrine, or the monastic community, but with himself alone”.²

ments entailing distress” (on *kriyā-kāraṃ kr-*, “to make an ordinance”, see Schopen, “Ritual murder” 589 n. 45; SVTT I 82 n. 17). In Thv(M) texts, such warnings against ill-treatment are issued as part of the *daṇḍa-kamma* particulars (see above, § 2).

¹See SVTT I 83–84, § 3c; DEBMT s.v. erroneously makes it a *ñatticatuttha-kamma*.

²*Pubbe Devadattassa aññā pakati ahoṣi, idāni aññā pakati; yaṃ Devadatto kareyya kāyena vācāya na tena Buddho vā dhammo vā saṃgho vā daṭṭhabbo; Devadatto ’va tena daṭṭhabbo* (Vin II 189,7–10). Mukherjee, *Devadatta* 51, rightly stresses that Devadatta did not thereby lose his status as monk.

The first two chapters of the Cullavagga, where disciplinary procedures are dealt with systematically,³ do not mention this one. Nor is it referred to in other Thv(M) canonical texts,⁴ or commented upon by Sp, Vjb, Vmv or Sp-ṭ. Sp mentions it only twice: at 1396.26, as one of the eight kinds of procedure that may be performed in the absence (*a-sammukhā*) of the person who is its object;⁵ and at 1412.32 (*akitti-pakāsanīya-k°*, “proclamation of ill-repute”), among disciplinary procedures said to be feared in this life.

As shown by Mukherjee and by Waldschmidt,⁶ this procedure *ad hominem* is also mentioned in the Chinese Dh and

³For those of *tajjanīya*, etc., see above, SVTT IV; for *mānatta* and *parivāsa*, see SVTT III.

⁴A passing mention of the *pakāsanīya-kamma* said to have been carried out against Devadatta occurs at Dh-p-a I 140.3-4, with the variants *pabbājaka-°*, *pabbājaka-pakāsanīya-kamma*, “proclamation about a rejected [monk]” (?).

⁵Cf. SVTT II 100 n. 30. According to Freiburger, “Br-Strafe” 481, 490 and n. 99, the only reason for the inclusion of *pakāsanīya-k°* in such a list is the tendency to include systematically within the frame of monastic law penalties that were isolated in the Buddha’s time; the case, Freiburger argues, would not arise again after the Buddha’s death, in the absence of any appointed Saṃgha-leader whose position might be cancelled by plotting. However, as pointed out by v.Hi., “Bemerkung”, such a situation was bound to recur in any event after the Buddha’s death, so that the procedure, although originally *ad hominem*, was to find general application. The question remains why it is not listed in Thv(M) canonical texts as a standard procedure (because it was framed later than the first two chapters of the Cullavagga?). On the similar problems raised by *brahma-daṇḍa*, see below, SVTT X, §§ I, 2a-c.

⁶DevEp (= Wsch., KISchr 201-209); Mukherjee, *Devadatta* 43, 50-54, 96-97, 140 (who points out that the Thv(M) and Mś versions are the more coherent, and that the former might be the older); cf. Frauwallner, *Earliest Vinaya* 119. A. Bareau, “Les agissements de Devadatta selon les chapitres relatifs au schisme dans les divers *Vinaya-piṭaka*”, BEFEO LXXVIII (1991), 87-132 (= Bareau, *Recherches* III 221-266), is hardly helpful.

Chinese Mś Vinayas, though not in the Skt/Chinese Sa or the Chinese Mū.⁷

No BHS parallel has been traced so far in this precise context (see below, § 2); as for Skt, as far as we know, the only one is *prakāśayati*, DevEp 553 (= Wsch., KISchr 202), v° 6, v° 10.

2. The BHS term *prakāśanā-sammuti* (f.), “formal agreement to proclamation”, occurs at PrMoSū(Mā-L) 19,20, in the text of the 8th [bhu] Pāc., which makes it an offence for a monk or nun to inform (*ārocayati*; Skt *id.*; Pāli *āroceti*) anyone unordained about the major offence (*duṣṭhullā āpatti*, i.e., in this case, a Saṃgh.) committed by another, unless there is a formal agreement allowing them to do so.⁸

Although the object of the exception provided for in this rule is *prima facie* very similar to that of the procedure of proclamation described above, there are important technical differences in the application of each. Formally, the agreement prescribed in the Pāc. rule is to be achieved, according to Thv(M) post-canonical texts, by three successive procedures of formal consultation (*apalokanā*),⁹ unlike the *pakāsanīya-kamma*, which involves two successive, twofold procedures. Penally, the latter consists in publicly disclaiming the community’s responsibility for whatever a monk may

⁷Where one monk (Ānanda) is simply requested by the Buddha to go and proceed to the proclamation; the Skt Mū parallel occurs at Saṅghabh II 90.5-14.

⁸Thv(M) Pāc. n°9 [bhu], Vin IV 30.24-32.19 with Kkh 86.28-87.8, Sp 753.5-54.29 (ChinSp 450 [72]); n° 105 [bhī]. – Cf. UpāliPr(SR) 62, n° 8; Guṇ-VinSū 37.27-28. – Conc.: BhīPr 57, table IV.1, s.v. *duṣṭhulārocanaṃ*. – The BHS term is represented in Pāli by *bhikkhu-sammuti* (Vin IV 31.13-14**), “agreement by the monks”; in Skt, by *saṃgha-sammati*, ([Sa] Finot 504.2-3; PrMoSū 275 [IN, v° 2; IO, r° 3]), or *°samvṛti*, “agreement by the chapter” ([Sa] PrMoSū 198 [CGd, v° 5] [cf. *saṃgha-sam*+++], PrMoSū 48 (AScc, v° 4); [Mū] PrMoSū(Mū)₂ 25.8 [so read: see KP, *Sīmā* 369 and n. 18]).

⁹Kkh 86.30-33, Sp 754.10; see SVTT I 80-81, § 3 a.

do in general, whereas the agreement provided for in the Pāc. rule concerns, and is explicitly restricted to, a specific number of unordained people, and a specific number of precise facts and offences.¹⁰

In the absence of any Mā-L commentary in an Indian language, it cannot be decided here whether *prakāśana-s*^o refers to the procedure of agreement mentioned in the Pāli and Skt versions of the same Pāc. rule, or to the procedure of proclamation known in Pāli as *pakāsanīya-kamma*.¹¹ In the latter case, we would have to assume that the Mā-L tradition combines two penalties which are kept apart in the Thv(M) and Sa traditions.

3. In Thv(M) texts, there is only one canonical indication that *pakāsanīya-kamma* might perhaps have been resorted to in circumstances other than Devadatta's misdoings. It occurs in an equally exceptional context: that of the controversy said to have taken place in Vesālī, one century after the Buddha's death, about ten points of monastic discipline.¹² Vin II 298,16–20 reports that the Vesālī monks decided to carry out a procedure of (unspecified) suspension (*ukkhepanīya-kamma*) against a visiting monk because "he proclaimed [their wrong practices] to laymen without being formally appointed" to do so (*a-sammato gihīnaṃ pakāsesi*).

Here again, it is impossible to decide which (if any) of the two prescriptions *pakāseti* refers to.¹³ The reported

¹⁰*Vatthu*, the facts upon which a charge is based; *āpatti*, an offence identified by a key-word referring to the Pātimokkha and belonging therefore, *stricto sensu*, to the jurisdiction governing fully ordained persons (see above, SVTT VII n. 6). On the particular provisions of this rule, see SVTT III 133 n. 48 (to which may be added the Chinese Sa parallel summarized in VinVibh(R) 134).

¹¹As suggested by the ambiguous remarks of Nolot, "Règles" 192 n. 9.

¹²See SVTT II 102–106, § 2 b.ii for further references

¹³Sp and Vjb are silent on this sentence. BD V xi suggests that *pakāseti* might have here "at least a semi-technical sense".

speech of the monk to laymen (Vin II 295,14–98,2) in no way corresponds either to the formula prescribed for *pakāsanīya-kamma* (see above, n. 2)¹⁴ or to the Pāc. rule's definition of (un)lawful information about another monk's offence (references as above, n. 10). The closest it comes to Vinaya technicalities is its formulation of the circumstances in which the Buddha is reported to have framed each Pātim rule, which mentions what constitutes the offence, but not the latter's name;¹⁵ this formulation actually anticipates the discussion of wrong practices by a committee (of monks, *i.e.*, a strictly internal matter, which also involves naming the offence entailed).¹⁶

¹⁴If *pakāseti* does refer to this procedure, and if the proclamation formula was meant to be a fixed one, to be adhered to in all cases for the procedure to be valid — both of which are all but certain — the monk's proclamation in Vesālī would have been doubly invalid: he was not duly agreed as a proclaimer, and he did not use the prescribed formula.

¹⁵*Ekam idaṃ āvuso samayaṃ Bhagavā tatth' eva Rājagahe āyasmantaṃ Upanandaṃ Sakya-puttaṃ ārabha jātarūpa-rajataṃ paṭikkhipi sikkhā-padañ ca paññāpesi* (Vin II 297,34–37) — which *does not*, in front of laymen, name the offence (*āpatti*) itself (see next n.).

¹⁶Vin II 306,14–307,25, which names (see preceding n.) the offence entailed by each wrong practice discussed (*e.g.*, 307,24–25 *kiṃ āpa-jjātīti? jātarūpa-rajata-paṭiggahaṇe pācittiyan ti*). Cf. the formulation of Kkh *passim* (*e.g.*, 72,17–18 *Rājagahe Upanandaṃ ārabha rūpiya-paṭiggahaṇa-vatthusmiṃ paññattaṃ*).

IX. *Patta-nikkujanā°-ukkujjanā* (n. f.), “turning down/up the alms-bowls”

1. These two procedures are described in the *Khuddaka-vatthu-kkhandhaka* of the Cullavagga (Vin II 124,14–27,12 with Sp 1209,5–11). The first consists in a decision to refuse the gifts of lay donors¹ who stand in the way of the monks’ welfare; who abuse them; who foster quarrels among them;² or who speak ill of the Buddha, the doctrine, or the monastic community; these grounds are the same as those on which the symmetrical procedure of “summons to be reconciled” (*paṭisāraṇīya-kamma*) may be carried out against a monk who has offended a lay donor.³

This decision is to be carried out by a twofold procedure, in the absence (*a-sammukhā*) of the layman concerned;⁴ from now on, the latter’s gifts are “not to be partaken of by

¹This is expressed by *pattaṃ nikkujjeti/ukkujjeti*, “to turn one’s bowl down/up” against, or in respect of (so SBE XX 119f.), a lay donor whose name stands in the gen. case (see v.Hi., “Kasussyntax”, § 242; CPD s.v. *ukkujjati*); BD V 173 and n. 1 are inaccurate. – According to the *nidāna*, this procedure was prescribed after a layman had complied with the request of wicked monks to make a false charge against another monk of raping his wife; this *nidāna* is, *mutatis mutandis*, identical with the account of how the expulsion (*nāsanā*) of the nun Mettiyā was prescribed, after she had charged a monk with raping her (Vin II 124,15–25,12 ≠ Vin II 78,25–79,20; cf. above, SVTT VI, § 5).

²These grounds are, *mutatis mutandis*, the same as those on which a “punishment” (*daṇḍa-kamma*) is to be inflicted on novices (Vin II 125,16–19 = I 84,11–13; see above, SVTT VII, § 2).

³Vin II 125,15–22 (≠ A IV 344,24–45,7 with Mp IV 159,23–60,3) ≠ 18,33–19,4; see above, SVTT IV, §§ 2 and 5b [c].

⁴See SVTT I 83–84, § 3c; SVTT II 100 n. 30. — Unlike the Thv(M) prescriptions, those of the Skt and Chinese Sa *Kṣudraka-vastu* explicitly state that a monk is to go and inform the sentenced layman of the chapter’s decision (SHT(VI) 69 [1295, v°1f.]; see *ib.* 70).

the monastic community” any longer (*a-sambhogam saṃghena*). According to Sp 1209,5–9, this procedure may be performed either within the monastery’s boundary (*śīmā*) or outside it, e.g., on a river;⁵ the decision to refuse the layman’s pious gifts (*deyya-dhamma*, that is, merit-making ones) should be communicated to and followed by all neighbouring monastic residences.

2. If the offending layman acknowledges his fault, the penalty may be cancelled by the reverse twofold procedure of “turning up the bowls” (Vin II 126,30–27,12 [126,22–30 ≠ A IV 245,8–16]). After he has approached the chapter in a humble, submissive way and made a threefold application for the purpose, he is, according to Sp 1209,9–11, to step back by one cubit (so that he is considered as absent [*a-sammukhā*] from the procedure, which his presence would invalidate).⁶

In Kkh and Sp, the procedure of boycott and its cancellation are considered respectively as a kind of dismissal (*nissāraṇā*) and reinstatement (*osāraṇā*).⁷

BHS *pātra-nikubjana*, n.: Abhis-Dh(Mā-L) 13.B.6,6. – °-*nikubjanā*, f.: Prakīrṇ(Mā-L) 330,14.

Skt *ava-kumcayati*, “turns [the bowl] down”: (unidentified school) SHT(V) 55 (1064+1065, a, A 2f.). – *ava-kumcana*, n.: *ib.*, c, A 1.

ni-kumjayati: (Sa) SHT(VI) 69 (1295, r°1).

⁵That is, inside a temporary, “unfixed” (*a-sammata*, *a-baddha*) boundary, determined by sprinkling water around (*udak’ ukkhepa-śīmā*; see KP, *Śīmā*, 85–86, 142–143, 334–353; cf. 417).

⁶*Ukkujjana-kāle pana yāva-tatiyaṃ yācāpetvā hattha-pāsaṃ vijahāpetvā ñattidutiya-kammena ukkujjetabbo*. On *hattha-pāsa*, the minimum distance (ca. 1,10 m) to be respected by people who should not participate in a procedure, see KP, *Śīmā* 55, 87 n. 150, 194–195, 241–242, 264 n. 357. – For the provisions of the Chinese *Upāliparipṛcchā* (with a fragmentary Skt parallel) about where the officiating monks should stand, see SHT(V) 54–56, 54 n. 4.

⁷See above, SVTT V, § 5 and n. 13.

nikubjayati: (Mū) Guṇ-VinSū 103,21, 24; *nikubjitatva*: 103,24.

pātra-nikubjana, n. : (Mū) Mvy 9252.

X. *Brahma-daṇḍa* (m.), “maximal punishment”

1. The literal sense of this term, “Brahma-punishment”, sheds no light on its application in Buddhist monastic law; it is rendered here by “maximal punishment” on the basis of the only, late gloss I have been able to trace so far, that of Vmv.¹

Like the penalties of *pakāsanīya-kamma*, “procedure of proclamation”, and *patta-nikkujjanā*/^o-*ukkujjanā*, “turning down/up the alms-bowls” against a lay donor,² *brahma-daṇḍa* is not included in the first two chapters of the Cullavagga, where disciplinary procedures are dealt with systematically.³ Besides, it shares with *pakāsanīya-k*^o the characteristic of having being prescribed *ad hominem*, finding general application in commentarial literature only.⁴

¹ See below, § 2c. Other translations are listed by Freiburger, “Br-Strafe” 474.

² See above, respectively SVTT VIII and IX.

³ References as above, SVTT VIII n. 3.

⁴ See above, SVTT VIII n. 5.

The only detailed, canonical Thv(M) account of its prescription and consequences occurs in the *Pañcasatika-kkhandhaka* of the Cullavagga (Vin II 290,9–21, 292,5–29), among various instructions reportedly given by the Buddha, just before his death, to Ānanda. A short account of how it was prescribed occurs in the *Mahāparinibbāna-suttanta* (D II 154,18–22).⁵ A comparative study of the Chinese parallels to the Pāli *suttanta* is given in ÜLB I 166–68, II 244 (*cf.* Bareau, *Recherches* II.ii, 132–35); those of the Mū school are quoted (Skt and Tib. versions) and translated (Chinese version) in MPS 284–85; the Chinese Mś Vinaya parallel to the Cullavagga is translated in Przyłuski, *Rājagrha* 161–62, 166–68 (*cf.* Bareau, *Conciles* 25f.).⁶

Apart from MPS 284–285 (29.15, mostly reconstructed from the Tib. version), no BHS or Skt parallels have been traced so far.

2a. According to the report attributed to Ānanda by the Cullavagga and the Dīgha-nikāya, *brahma-daṇḍa* was prescribed by the Buddha specifically for a monk named Channa, *in absentia* (*a-sammukhā*), and was to consist in a kind of ostracism to be imposed after the Buddha’s death. The punishment is said to have been expressed as follows: “Ānanda, Channa may say whatever he likes to the monks; they should neither talk to him, nor exhort him, nor instruct him”.⁷ It is not connected here with any precise

⁵ On these two versions, see Oldenberg, Vin I xxvii–xxviii; Oldenberg, “Buddhistische Studien”, ZDMG 52 (1898) 622 (= Old., KISchr II 898); Horner, BD V xvii–xviii. *Cf.* below, n. 15.

⁶ These parallels are discussed briefly by Freiburger, “Br-Strafe” 482–83, 488 n. 95.

⁷ *Channo Ānanda bhikkhū yaṃ iccheyya taṃ vadeyya, bhikkhūhi Channo bhikkhu n’ eva vattabbo na ovaḍḍitabbo nānusāsitaḍḍo* (Vin II 290,15–17). – According to Bareau, *Recherches* II.ii 133, the Chinese Ekottarāgāma (T.125) states that the offender should not speak to other monks either. – Chinese Mś does not attribute the prescription to the Buddha, but to Mahākāśyapa, and includes lay followers of both sexes in the

misbehaviour,⁸ or any transgression of a Pātimokkha rule. Nor is any procedure prescribed, either for reaching a preliminary decision, or to inflict the penalty itself, or for carrying out its eventual cancellation.⁹ The latter is said to have taken effect from the moment Channa became an Arahant, when he felt so ashamed that he immediately mended his ways and strived after spiritual progress (Vin II 292,14–29).

Now as remarked by v.Hi., “Schriftlichkeit”, 45, the prescription of a penalty *ad hominem* is quite unusual;

enforcement of the penalty (Przyluski, *Rājagṛha* 161–62). – A further provision occurs in the Chinese Ekottarāgama, according to which, if Channa would not submit to the penalty, he was to be sentenced by the chapter to some kind of dismissal: Bareau “I’expulser” might represent suspension (*ukkhepanīya-kamma*), which entails being debarred from participation in the Uposatha and the exposition of doctrine (see above, SVTT IV, § 8b), just as was to be the case with Channa according to T.125 (Bareau, *Recherches II* 133; cf. *id.*, “La fin de la vie du Buddha selon l’*Ekottara-āgama*”, in *Hinduismus und Buddhismus, Festschrift für U. Schneider* [1987], 24 [= Bareau, *Recherches III* 378]). This would imply, however, that suspension is considered here as more severe than *brahma-daṇḍa*, contrary to Vmv’s much more likely implication (see below, § 2c). – On the connexion of a monk named Channa with *ukkhepanīya* in Thv(M) texts, see Freiberger, “Br-Strafe” 467(4); cf. below, n. 14.

⁸Contrary to the Skt, Chinese and Tibetan versions, which mention quarrelsomeness and aggressiveness towards fellow monks (Freiberger, “Br-Strafe” 482–83).

⁹*Paṭipassaddhi*, said at Vin II 292,27–28 to have been asked for by Channa himself. – According to MPS 284(14–15), if the sentenced monk feels troubled (*samvigna*) and stops harassing his fellow monks, he should be made to hear the “Sermon to Kātyāyana”. As suggested by Waldschmidt (*ib.* n. 6), this refers to a parallel to the Buddha’s sermon to Kaccānagotta (S II 16,34–17,30), which is again recited by Ānanda to Channa at D III 134,3–35,23. Spk II 317,32–18,7 comments that Channa (identified there with the lifelong friend of the Buddha who was to become a quarrelsome monk [cf. below, n. 14]) was then under the penalty of *brahma-daṇḍa* and became so troubled (*uppanna-samvegatā*) that he begged for exhortation.

moreover, v.Hi. argues, this one goes both against the 11th–12th Thv(M) [bhu] Saṃgh., in which monks are urged to exhort and advise those among them who behave improperly,¹⁰ and against the 68th Thv(M) [bhu] Pāc., whose object is to dissuade monks from advocating wrong opinions as they please.¹¹ V.Hi., following a suggestion by K. Hoffmann, tentatively suggests that the original purpose of this penalty might have been quite different: to ostracize any monk acting as a spy (*channa*, “hidden”) — before the emergence of a powerful, centralized state made it dangerous to interfere with the activities of its secret agents; the prescription would have then fallen out of use, and the adjective would have been consciously reinterpreted as a proper name.

This hypothesis has been rejected with good reasons by Freiberger,¹² who considers *channa* to be a proper name, although he doubts which Channa, among the several ones mentioned in canonical Vinaya texts, is referred to here.¹³ It seems to me, however, that in all known schools, both the latter texts and the commentarial literature agree, implicitly

¹⁰More precisely, exhorting a misbehaving monk to stop doing so is a characteristic feature of all the Pātimokkha rules which provide that the offence concerned is characterized as such after three informal, then formal admonitions (*yāva-tatiyaṃ samanubhāsanā*) from fellow monks (references as above, SVTT IV, first part of n. 107); this is expressed in the casuistic part of the canonical commentary by the clause *anāpatti asamanubhāsantassa/bhāsantiyā*, “there is no offence if one was not admonished” (Vin III 174,22 ff., IV 220,12, 295,9, etc.). If need be, the formal admonition may be carried out after the monk has been brought before the chapter by force (*ākaddhitvā*, Vin III 173,24–25, 176,10–11, 179,2–3, 185,23–24, etc.).

¹¹More exactly, the enforcement of *brahma-daṇḍa* supersedes those two rules (cf. Freiberger, “Br-Strafe” 485–87).

¹²“Br-Strafe” 459–60 and n. 9, 473 n. 55, 490 n. 97.

¹³*Ib.* 463–74, 479–80, 487–89.

or explicitly, that the relevant reference is to the Channa who personifies fierceness and obstinacy.¹⁴

2b. As for Thv(M) canonical Vinaya texts, the only other, later mention of *brahma-daṇḍa*¹⁵ is in the Parivāra (Vin V 222,23), which simply names it in a list of penalties to be imposed by a procedure of formal consultation (*apalokana-kamma*; see SVTT I 80–81, § 3 a).

This procedure, and its range of application, are not described in the Parivāra, but in Sp's commentary *ad loc.*,¹⁶ according to which it was not just prescribed *ad hominem*, against Channa, but applies to any scurrilous monk who offends other monks by his unbecoming speech, or who

¹⁴The Cullavagga's account of *brahma-daṇḍa* is clear about Ānanda's reluctance to deal with him without the support of a whole posse of fellow monks (Vin II 290,19–21 *kathāhaṃ bhante Channassa bhikkhuno brahma-daṇḍaṃ ānāpemi, caṇḍo so bhikkhu pharuso ti. Tena h' āvuso Ānanda bahukehi bhikkhūhi saddhiṃ gacchāhi ti*). This quarrelsome Channa is also connected with the promulgation of the 12th Saṃgh. (refusing his fellow monks' advice), of the 12th Pāc. (equivocating about an offence [*cf.* below, TPāp, § A]), of the 54th Pāc. (off-handedness), of the 71st Pāc. (refusing to learn the Pātimokkha rules until he meets a Vinaya expert), and of suspension (*ukkhepanīya-kamma*) for refusing both to see and to redress his offences (see above, SVTT IV, § 2, § 8a–d). Last but not least, he was “so perverse and so lacking in proper *esprit de corps*” (DPPN I, 924) that he went so far as to side with nuns in a debate (Vin II 88,8–14, wrongly alleged by DPPN *ib.* to be the very reason why *brahma-daṇḍa* was imposed on him). Whether or not this emblematic character has any historical basis, he was certainly perceived as prone to raise quarrels and strife that might lead to a split in the Order (*saṃgha-bheda*), contrary to Bureau's assumptions (*Recherches* II.ii, 134).

¹⁵As suggested by KP 1994, 218 n. 23, the (earlier) accounts of both D and the Cullavagga must in their turn be later than the first two chapters of the latter text, where, as remarked above, § 1, *brahma-daṇḍa* is not listed among the set of standard procedures.

¹⁶Sp 1403,14–404,1; *cf.* Kkh 131,35–32,3. According to Sp 1396,25, it is performed in the absence of the person concerned (*a-sammukhā*; see SVTT II 100 n. 30).

scoffs and jeers at them.¹⁷ The penalty entailed is defined in the same terms as those attributed to the Buddha in the Cullavagga;¹⁸ it may be cancelled by the same type of procedure, provided the sentenced monk behaves humbly, obediently, modestly, and considerately and is determined to improve in the future.¹⁹

2c. The inclusion of *brahma-daṇḍa* into the regular code of Buddhist law is carried still further by Vmv II 316,16–17,5 (*ad Sp* 1403,18),²⁰ where it is insistently compared and

¹⁷*Yo añño pi bhikkhu mukharo hoti bhikkhuṃ durutta-vacanehi ghaṭṭento khuṃsento vambhento viharati, tassa pi dātabbo* (Sp 1403,16–18). *Khuṃseti vambheti* also occurs in the *nidāna* of the second Pāc. (Vin IV 4,33), which involves the group of six bad monks and deals with verbal abuse (*omāsa-vāda*) (*cf.* below, § 3c and n. 30).

¹⁸*So bhikkhu yaṃ iccheyya taṃ vadeyya, taṃ bhikkhūhi itthan-nāmo bhikkhu n' eva vattabbo na ovaditabbo na anusāsitabbo* (Sp 1403,21–23; *cf.* above, n. 7).

¹⁹*So bhikkhu sorato nivāta-vatti lajjī-dhammaṃ okkanto hirottape patiṭṭhito paṭisaṅkhā āyatim saṃvare tiṭṭhati* (Sp 1403,30–32).

²⁰*Tassāpi dātabbo ti* [Sp 1403,18] *vijjamānaṃ mukharādi-bhāvaṃ nissāya a-ppaṭipucchitvāpi paṭiññaṃ a-ggahetvāpi āpattim an-āropetvāpi desitāya pi āpattiyā khuṃsanādito anoramantassa dātabbo 'va. Oramantassa pana khamāpentassa na dātabbo. Brahma-daṇḍassa dānaṃ ti* [Sp 1403,24] *khara-daṇḍassa ukkaṭṭha-daṇḍassa dānaṃ. Tajjanīyādi-kamme hi kate ovādānusāsani-ppadāna-paṭikkhepo n' atthi; dinna-brahmaḍaṇḍe pana tasmim saddhiṃ tajjanīyādi-kammakatehi paṭikkhittam pi kātuṃ na vaṭṭati. N' eva vattabbo ti* [Sp 1403,22–23] *ādinā ālāpa-sallāpādi-mattassāpi na-kārena paṭikkhittatā. Tañ hi disvā bhikkhū gīvaṃ parivattetvā olokana-mattam pi na karonti. Evaṃ vivajjetabbaṃ nimmadana-karaṇattham eva tassa daṇḍassa anuññāta-ttā. Ten' eva Channa-tthero pi ukkhepanīyādi-kammakato pi a-bhāyitvā brahma-daṇḍe dinne saṃghenāhaṃ sabbatthā vivajjito ti mucchito papati. Yo pana brahmaḍaṇḍa-katena saddhiṃ nātva saṃsaṭṭho a-vivajjetvā viharati tassa dukkaṭam evā ti gahetabbaṃ aññathā brahma-daṇḍa-vidhānassa niraṭṭha-katāpasaṅgato. Tenā ti brahmaḍaṇḍa-katena. Yathā tajjanīyādi-kammakatehi, evam eva tato adhikam pi saṃghaṃ ārādhentena sammā-vattitabbaṃ. Tañ ca sorato nivāta-vuttitī*

contrasted with the disciplinary procedures studied above in SVTT IV:

“It applies to him also” means that it applies, in case of actual garrulousness and so on — without even due inquiry [about the case], without even acknowledgement [of his offence by the accused], without even [formal] charge, even if he did confess his offence²¹ — to [a monk] who does not desist from scoffing. It does not apply, however, if he desists and asks for forgiveness. “Application of *brahma-daṇḍa*” means “application of severe punishment, of maximal punishment”. For whereas imparting exhortation and teaching [to a monk] is allowed if [he] has been sentenced to blame (*tajjanīya-kamma*), etc., doing so for one who was sentenced to *brahma-daṇḍa* is even forbidden to those who have been sentenced to blame, etc. “He should just not be talked to”, and so on : the negation expresses the fact that no conversation or talk whatsoever are allowed : seeing him, monks turn their heads away and do not even look [at him]. Thus should one shun [him], because this punishment was prescribed for the very purpose of subduing. This is precisely why, when Thera Channa, who did not even fear being sentenced to suspension,²² etc., was sentenced to *brahma-daṇḍa*, he fell into a swoon at the thought that he was to be shunned in every way by the Saṃgha. And should a monk, instead of shunning a monk sentenced to *brahma-daṇḍa*, keep in touch with him knowingly, he should be made to acknowledge an offence of wrong-doing — otherwise, there would be no point in the provision for *brahma-daṇḍa*. “By him”²³ means “by the one who was sentenced to *brahma-daṇḍa*”. Like those who were sentenced to blame, etc., and to an even greater extent, he should observe [the penalty] correctly²⁴ by conciliating the Saṃgha, which is identically expressed by “humble, obedient”, etc. It is said therefore that *brahma-daṇḍa* may be cancelled for the one who observes [the penalty] correctly and asks for forgiveness.

[Sp 1403,31–32] *ādinā sa-rūpato dassitam eva. Tenāha sammā-vattitvā khamāpentassa brahma-daṇḍo paṭippassambhetabbo ti* [Sp 1403,27–28].

²¹See above, SVTT IV n. 28.

²²Cf. above, n. 14.

²³I cannot trace *tena* here, either in Vin or in Sp.

²⁴On (*na*) *sammā-vattati*, see above, SVTT V n. 35.

3a. Three hypotheses have been set forth recently as to the etymology and interpretation of the term *brahma-daṇḍa*.

Freiberger, “Br-Strafe”, 489–90, implicitly taking the compound as a *tatpuruṣa* with the first member in the dative, would ascribe to this first member a specifically Buddhist metaphorical sense: on the grounds that, in Buddhist texts, *brahma-*^o always connotes purity and spiritual progress, and that the imposition of *brahma-daṇḍa* is said at Vin II 292,16–24 to have enabled the monk sentenced to it to reach Arahatship, this author suggests to interpret the compound as “punishment [that leads to] the highest (*i.e.*, to Nibbāna)”.

As far as interpretation is concerned, however, it seems to me more likely that the compound is a *karmadhāraya*, to be taken here as a metaphorical application of its brahmanical meaning: “brahmin’s force”, “brahmin’s curse”²⁵ — *i.e.*, a punishment to be feared in some way; that the Buddhist penalty was felt to be very severe may in fact be inferred from the canonical report that when he was informed he had been sentenced to it by the Buddha, the monk said he was as good as dead (*hata*), and swooned right on the spot²⁶. This severity is, again, strongly stressed by the gloss of the term, at Vmv II 316,20: *khara-daṇḍa, ukkaṭṭha-daṇḍa*, “severe, maximal punishment” (see above, § 2c).

3b. Relying on the latter interpretation, and following Rhys Davids-Oldenberg (SBE XX.III, 335 n. 2), KP 1994, 218 n. 24 suggests that this “higher punishment” forms a contrasting pair with *daṇḍa-kamma*, “[lower] punishment”. However, as argued by Freiberger, “Br-Strafe”, 476 n. 66, assuming such a contrast is arbitrary: the gap between the relative mildness of *daṇḍa-kamma* and the severity of

²⁵References in Freiberger, “Br-Strafe”, 474 n. 56.

²⁶Vin II 292,13–16. On this “social death” (Freiberger, “Br-Strafe” 477–78, 489 and n. 96), cf. Dh-a II 110,20–12,6 ; Spk II 317,34–18,7 ; Th-a I 166,9–10.

brahma-daṇḍa is so wide that any other penalty standing between the two might be said to contrast with either.

Furthermore, as far as I can see, no textual evidence supports KP's hypothesis: Sp's systematization of the application of *brahma-daṇḍa*²⁷ does not connect it with any Pātimomkkha rule or Vinaya procedure, and its formulaic description of the sentenced monk's expected behaviour differs from the one that belongs to standard disciplinary procedures.²⁸ The only source that refers to the set of seven such procedures studied above in SVTT IV is the late Vmv (see above, § 2c). In any case, *brahma-daṇḍa* is nowhere connected with *daṇḍa-kamma*.

3c. Freiburger's hypothesis has been criticized on grammatical grounds by v.Hi., "Bemerkung": a °-*daṇḍa* compound with first member in the dative is unknown in Skt and MI; v.Hi. then suggests that *brahma-*° might hide an Eastern MI **vam(b)ha* < *vam(b)heti*, "disparaging, scoffing". Although this is precisely the ground on which, according to Sp²⁹, *brahma-daṇḍa* is to be imposed, the first member cannot, v.Hi. argues, be in the ablative ("penalty for disparagement"), but has to be in the instr., as in *vadha-daṇḍa*, "death penalty": **vam(b)ha-daṇḍa* would therefore mean "penalty of disparagement" by regular monks of the monk thus sentenced.

It should be noted, however, that in Vin and Sp, *vambheti* and related forms denote exclusively *verbal* contempt³⁰. This contradicts the specifications of *brahma-daṇḍa*

²⁷See above, § 2 b.

²⁸Compare Sp 1403,30-32, quoted above, n. 18, with Vin II 5,18-19ff., quoted above, SVTT IV n. 32.

²⁹See above, § 2 b and n. 16.

³⁰Insulting speech (*omasa-vāda*), dealt with in the Thv(M) second [bhu] Pāc., is said to consist in "scoffing and disparaging" (*khumsanā vambhanā*, Vin IV 6,1-2 ; cf. *ib.* 4,29-33f. ; 7,24-25f.).

as we have them,³¹ unless we speculate (groundlessly)³² that the term expresses no more than the necessity of some "major" punishment or other (just as *daṇḍa-kamma* expresses the necessity of a "minor" one) whose particulars are then to be defined according to each case.³³

The only, very faint evidence supporting v.Hi.'s hypothesis is Vin IV 113,19-21,³⁴ which reports how "our" Channa, when spoken to about Vinaya prescriptions by a fellow monk, showed him no respect toward because, he said, "this monk has been suspended (*ukkhittako*) or disparaged (*vambhito*) or blamed (*garahito*)". Now *ukkhittaka* is a technical term, and *garahita* calls to mind the (Sa-)Mū equivalents (*nigarhaṇa*°*nīya*, *vigarhaṇīya*) of the Pāli technical term *nissaya-kamma*:³⁵ it might be inferred that in this context, *vambhita* too has some technical character. As far as I can see, (sub-)commentaries do not deal with this passage. Nor do they comment on Vin IV 128,3-4' which, although inconclusive, suggests that "disparagement" may sometimes be imposed (whether informally or by implication of a technical penalty, we do not know) by regular monks on an offender: if the monks are informed that one of them has committed a Pār. or a Saṃgh., they will reprove him

³¹See above, § 2 a.

³²See above, § 3 b.

³³It is not clear, however, from Vin II 290,12-15 whether the necessity of a further, more precise definition (*katamo pana bhante brahma-daṇḍo ti*; cf. above, SVTT VII, § 1 and n. 3) is due to alternative modes of application of *brahma-daṇḍa* or to the altogether innovative character of the penalty.

³⁴54th Pāc. ; cf. above, n. 14.

³⁵Cf. v.Hi., *Mündlichkeit*, 27-28. At Sp 739,11-13, *maṅku-kattukāmo*, "intending to humiliate [a regular monk]" (Vin IV 7,24-25) is glossed by *garahitu-kattukāmo nittejaṃ k°*, "intending to blame, intending to put to shame". *Nitteja* again calls to mind *niy(y)as(s)a*, "disrepute", v.l. for *nissaya(-kamma)* (see above, SVTT IV, respectively § 1, § I.II, and n. 8).

(*codessanti*) about his offence, remind (*sāressanti*) him of it, revile (*khumsessanti*) him, disparage (*vambhessanti*) him, and put him to shame (*maṅkuṃ karessanti*). Here again, *vambheti* stands beside two technical terms,³⁶ although the stock phrase *khumseti vambheti maṅkuṃ karoti* to which it belongs is not known to have any precise technical meaning.³⁷

³⁶*Codeti, sāreti* (see SVTT III 121 n. 16).

³⁷*Cf. v.Hi., Mündlichkeit, 27–28* (he does not deal with *maṅkuṃ karoti* as the third element).

APPENDIX I (TPāp)

This appendix supersedes SVTT II 110, § 2c(iv), which provided all too brief, and partly inaccurate details about the settlement of “formal disputes about censure” (*anuvādādhi-karaṇa*) by a verdict of “obstinate wrongness” (*tassa-pāpiyyasikā*).¹ Research for SVTT IV–VI showed that this verdict is closely connected (exactly how is far from clear to me at the moment) with the sevenfold set of disciplinary procedures and the related technical terminology dealt with above, respectively in SVTT IV and V–VI.

A. According to the *Samatha-kkhandhaka* of the *Cullavagga*, disputes about censure are to be settled by a verdict of obstinate wrongness (*tassa-pāpiyyasikā*) if a convicted offender tries to equivocate about the (Pār.) offence committed when questioned about it before the chapter.² As Dutt, EBM 134, rightly points out, this is one of the grounds that differentiate it from the penalty of blame (*tajjanīya*): the latter concerns offences (other than Pār.) committed *before* the guilty monk is summoned before the chapter to account for these very offences. Dutt’s remarks about blame apply to other procedures as well (see below, § B).

¹Commentarial and sub-commentarial literature read, almost constantly, °-*pāpiyasikā*; the canonical reading -yy- will be used here throughout.

²*Samgha-majjhe āpattiyā anuyuñjīyamāno avajānītvā paṭijānāti paṭijānītvā avajānāti aññena aññaṃ paṭicarati sampajāna-musā bhāsati* (Vin II 85,15–17); *bhikkhu bhikkhuṃ samgha-majjhe garukāya āpattiyā codeti* (Vin II 101,8–9). Contrary to what is stated by Hüsken, “Nāsanā”, 98 n. 18, *paṭicchādeti* does not mean “he conceals (his offence)” but “he covers up what he did or said earlier by different actions or statements” (Mp IV 74,11–13 [ad A IV 168,25] *aññena kāraṇena vacanena vā aññaṃ kāraṇaṃ vacanaṃ vā paṭicchādeti* [= Sp 769,18 (ad Vin IV 35,28, 12th Pāc.), which adds *ajjhottharati*]); Kkh 89,29 (12th Pāc.) *aññena vacanena aññaṃ chādeto*; etc.

Vin II 85,15–17 occurs in a shorter form at Vin IV 35,26–29,³ in the *nidāna* of the 12th Thv(M) [bhu] Pāc. (Vin IV 36,5–14, 33–36). This Pāc. is incurred by any monk who is charged by the chapter, through two successive, twofold procedures, with evasive (*añña-vādakaṃ*) and vexatious (*vihesaka*) answers to questions about his offence.⁴ According to Sp 769,22–70,8 (*ad* Vin IV 35,28), the offence concerned in these questions might be a Pāc. or a Dukk. (Kkh 89,28: a *sāvasesā āpatti*, *i.e.*, any one but a Pār.); this is what differentiates the 12th Pāc. from the verdict of obstinate wrongness, which applies to unscrupulous monks who give evasive answers to questions about either Pār. offences (*i.e.*, *an-avasesā*; see SVTT II 112, n. 63) or offences bordering on the latter.⁵

B. A verdict of obstinate wrongness is valid only if the censured monk is actually misbehaving, unscrupulous, and fault-finding; only if he does eventually acknowledge, after

³*Channo anācāraṃ ācāritvā saṃgha-majjhe āpattiyā anuyuñjyamāno aññen' aññaṃ paṭicarati.* – About Channa, see above, SVTT X n. 14.

⁴The Pātim rule itself mentions no procedure; its very terse wording (*añña-vādake vihesake pācittiyam*, Vin IV 36,37**) belongs to the earlier strata of the Pātim (*cf.* v.Hi., “Aṅgas” 131–32).

⁵*Pārājikaṃ vā pārājika-sāmantam vā* (Vin II 101,10–11), that is, according to Sp 1199,1–3 and Ps IV 49,8–9, either a Dukk. (in connexion with the first Pār.) or a Thull. (in connexion with the second, third and fourth Pār.). Ps IV 49,3–10 (commenting on M II 247,30, which deals with another verdict, that of *sati-vinaya*) distinguishes between *āpatti-sāmanta*, “bordering on an offence [listed in the Pātim]”, and *khandha-sāmanta*, “[belonging to a class of offences] contiguous to the class [which precedes it in the list]”. This commentary is far from clear to me: the classes of offences listed there to explain *khandha-sāmanta* are not those of the Pātim list, contrary to the classes implicitly referred to in *āpatti-sāmanta*. Although the matter cannot be dealt with here, I am not sure whether Hüsken’s assumption that *garukāpatti* refers here to a Saṃgh. is quite accurate (“Nāsanā” 101 n. 29, where “Ps IV 48,3–10” should read “49”).

due inquiry, the very offence he is charged with;⁶ and only if the fourfold procedure (implying a fourfold *sammukhā-vinaya*) has been carried out according to the rules by a regular chapter.⁷

According to Sp 1193,17–18 (implicitly; see below, n. 16 and end of § C) and 1199,9–11 (explicitly),⁸ if the sentenced monk observes the prescribed duties and restrictions (see below, § D), a cancellation (*paṭippassaddhi*) of the verdict may take place; if he does not, the verdict amounts to his expulsion (*nāsanā*).⁹ As is the case with the other rules for settling disputes, a case thus settled may not be reopened.¹⁰

⁶*Cf.* SVTT II 112–14 n. 64.

⁷Vin II 101,5–102,10 with Sp 1199,1–11; II 85,15–86,30 with Sp 1193,12–20; Kkh 155,4–11 *ad* Vin IV 207,5 (in Kkh, line 5, read °-*sāmantena*; line 7, read *osāraṇam*) ≠ Ps IV 45,6–14 *ad* M II 249,1–31 ≠ Sv 1042,20–27 (with a confusing punctuation; *cf.* C° (SHB 1925) 762,32–38) *ad* D III 254,13.

⁸*Sace sīlavā bhavissati, vattaṃ pūretvā paṭippassaddhiṃ labhissati; no ce tathā nāsitako 'va bhavissati.* According to Vmv II 222,27–23,6, one might argue that no cancellation of the verdict by a procedure of restoration (*osāraṇā*) may take place, no matter how long the sentenced monk is rebuked; such a restoration is, accordingly, not mentioned in canonical Vinaya texts. It does, however, apply implicitly, by analogy with the canonical restoration of monks who were sentenced to any of the sevenfold set of procedures of blame (*tajjanīya*), etc., and who duly observe the penalty entailed (*kathaṃ pan' etaṃ paṭippassambhatī. Keci pan' ettha so tathā niggahito niggahito 'va hoti osāraṇam na labhati; ten' eva pāliyaṃ osāraṇā na vuttā ti vadanti. Aññe pana pāliyaṃ na upasampādetabban ti* [Vin II 86,25] *ādinā sammā-vattanassa vuttattā sammā-vattitvā lajji-dhamme okkantassa osāraṇā avuttāpi tajjanīyādisu viya nayato kamma-vācam yojetvā osāraṇā kātabbā evā ti vadanti. Idaṃ yuttam; ten' eva Aṭṭhakathāyaṃ vakkhati sace sīlavā bhavissati, vattaṃ paripūretvā paṭippassaddhiṃ labhissati; no ce tato nāsitako 'va bhavissatī*).

⁹*Cf.* above, SVTT VI, § 4. At Sv 1042,22–24 and parallels (references as above, n. 7), it is not *paṭippassaddhi*, but *osāraṇā*, that contrasts with *nāsanā* (in this very order; see above, SVTT V, § 7b and n. 36).

In (Mū) Adhik-v and Guṇ-VinSū, this verdict does not apply to disputes about censure, but, perhaps more logically,¹¹ to those about offences (see SVTT II 110, 114).

C. According to Vin II 86,19–23,¹² the verdict of obstinate wrongness is a disciplinary procedure which the chapter may

Sp's provision is perhaps to be connected with that of the Chinese Mā Vinaya (T. vol. 22 [misprinted "23" in Norman, CP III 213], p. 328b) according to which the chapter may threaten a monk to "expel him from the Order" by a vote if the latter does not submit to a verdict about the settlement of a dispute (Norman, "'Schism' Edict" 25 [= Norman, CP III 212–13]). The mention of ballots (*śalākā*) points to the settlement of a dispute caused by a controversy (not by censure, to which the Thv(M) verdict of obstinate wrongness applies) by a majority decision (Pāli *yebhuyyasikā*; see SVTT II 106–108, § 2b.iii), after settlement by a committee has failed (see *ib.* 102–106, § 2b.ii). The immediately preceding Chinese Mā provisions about such a committee (p. 328a according to Hōbōgirin V 437a,44–45, s.v. *Chū*) would seem to confirm this hypothesis.

¹⁰See SVTT II 93. This point is stated clearly by Vmv II 222,20–26: *sesam ettha tajjanīyādisu vutta-nayam evā ti* [Sp 1193,17–18] *etena tajjanīyādi-sattakammāni viya idam pi tassapāpiyasikā-kammaṃ asucibhāvādi* [Vin II 86,2] *dosa-yuttassa saṃghassa ca vinicchaye a-tiṭṭhamānassa kattabbaṃ visuṃ ekaṃ niggaḥa-kammaṃ ti dasseti. Etasmīṃ hi niggaḥa-kamme kate so puggalo ahaṃ suddho ti attano suddhiyā sādhanatthaṃ saṃgha-majjhaṃ otarituṃ saṃgho c' assa vinicchayaṃ dātuṃ na labhati. Taṃ kammakaraṇa-matten' eva ca taṃ adhikaraṇaṃ vūpasantaṃ hoti* – "Here, the rest is according to what is said about [the procedures of] blame, etc.": this means to explain that like the seven procedures of blame, etc., the verdict of obstinate wrongness is to be proceeded to, as one separate procedure of rebuke against a [monk] who is corrupted by impurity and so on, and who does not abide by the chapter's decision. After this procedure of rebuke has been carried out, this man may not say that he committed no offence and appear before the chapter to prove his point; neither may the chapter decide upon his case. And this dispute is definitively settled by the performance of this very procedure."

¹¹Cf. Dutt, EBM 133 and n. 37.

¹²Truncated E° to be filled in with Vin II 4,17–5,3; complete text in B° (1972) 207,2–30.

choose (*ākaṅkhamāno*) to resort to (among others); the grounds for doing so are, besides the specific ones mentioned here in § A, exactly the same as those on which the procedures of blame (*tajjanīya*), etc., may be carried out.¹³ This implies that *tassa-pāpiyyasikā* belongs to the same type of *quasi* interchangeable procedures as those dealt with in the *Kamma-kkhandhaka* of the Cullavagga. One may therefore wonder why it is not included in the latter chapter, but rather in the (*Adhikaraṇa*-)*Samatha-kkhandhaka*, notwithstanding Sp's statement that it applies to particularly obdurate monks;¹⁴ the reason might be that, as pointed out above (first part of § A), the equivocation which constitutes the specific grounds for the offence arises during the chapter's official proceedings, and is therefore considered as a formal dispute (*adhikaraṇa*).

This would seem to imply that if, as required before any further proceedings,¹⁵ a monk acknowledges a Pār. offence that he is charged with, it is left to the chapter to decide whether to expel (*nāsetuṃ*) him immediately, or to give him a second chance by pronouncing a verdict of obstinate wrongness.

D. According to Sp 1193,17–18 *sesam ettha tajjanīyādisu vuttanayam eva*,¹⁶ the restrictions on the rights of a monk

¹³See above, SVTT IV, § § 6a–b.

¹⁴*Sesam ettha tajjanīyādisu vuttanayam eva. Ayam pan' ettha vacanatto. Idañ hi, yo pāp' ussannatāya pāpiyo puggalo, tassa kattabbato tassa-pāpiyasikā-kammaṃ ti vuccati* (Sp 1193,17–20, ad Vin II 86,2).

¹⁵The only disciplinary procedure whatsoever that may be carried out without acknowledgement of his offence by a monk is said by sub-commentarial literature to be *brahma-daṇḍa* (see above, SVTT X, § 2c).

¹⁶*Ad Vin II 86,25–28 (= B° (1972) 208,3–7) na upasampādetabbaṃ, na nissayo dātabbo, na sāmaṇero upaṭṭhāpetabbo, na bhikkhun' ovādaka-sammuti sādītābbā, sammatena pi bhikkhuniyo na ovādītābbā ... pe ... na bhikkhūhi sampayojetabbaṃ. The portion abridged by pe is apparently to be filled in with Vin II 5,9–15 (restrictions imposed by tajjanīya) : yāya āpattiyā saṃghena [tassapāpiyyasikā-]kammaṃ kataṃ*

who has been sentenced according to a verdict of obstinate wrongness are the same as those applying for *tajjanīya*,¹⁷ i.e., eighteen.

In the *Aṭṭhaka-nipāta* of the *Aṅguttara-nikāya*,¹⁸ however, only eight restrictions are listed, the first five of which are identical both with the first five of the eighteenfold list, and with the first five (out of six) actually occurring at Vin II 86,23–27. The sixth restriction in A’s list runs: “he should not accept the chapter’s agreement [to his appointment to some office]”; the seventh, “he should not be raised to a special position”, is equivalent to Vin II 5,13–14 (11th restriction) “he should not exercise authority”;¹⁹ the eighth is: “and he should not consider this [special position] as a reason to proceed to redress”.²⁰

hoti sā āpatti na āpajjitabbā, aññā vā tādīsikā, tato vā pāpiṭṭhatarā, kammaṃ na garahitabbam, kammikā na garahitabbā, na pakatattassa bhikkhuno uposatho ṭhapetabbo, na pavāraṇā ṭhapetabbā, na savacanīyaṃ kātabbam, na anuvādo paṭṭhapetabbo, na okāso kāretabbo, na codetabbo, na sāretabbo.

¹⁷See above, SVTT IV, § 5a.

¹⁸A IV 347,6–13, corresponding to Vin II 86,23–28.

¹⁹A IV 347,12 reads *na kismiñci pacceka-ṭṭhāne ṭhapetabbo*; Mp IV 160,13–15 comments: *pacceka-ṭṭhāne ti adhipati-ṭṭhāne jeṭṭhaka-ṭṭhāne; taṃ hi jeṭṭhakaṃ katvā kiñci saṃgha-kammaṃ kātuṃ na labhati*. Vin II 5,14–15 = 32,9 reads *na anuvādo paṭṭhapetabbo*; Sp comments: *na anuvādo ti vihāra-jeṭṭhakaṭṭhānaṃ na kātabbam* (1156,7–8), to which Sp 1163,15–17 adds *pātimokkh’ uddesakena vā dhammajjesakena vā na bhavitabbam; terasasu sammatīsu ekasammati-vasena pi issariya-kammaṃ na kātabbam* (the thirteen *sammatis* refer to the appointment of monks to various offices, by a formal agreement of the chapter; cf. Sp 1195,22–23).

²⁰A IV 347,13 *na ca tena mūlena vuṭṭhāpetabbam*; Mp IV 160,16–17 comments: *taṃ mūlaṃ katvā abbhāna-kammaṃ kātuṃ na labhati*, “he may not consider this as a reason to carry out a procedure of re-admission [of another monk]” (*vuṭṭhāpeti* is therefore made by Mp to refer to the category of Saṃgh. offences; the latter, unlike the Pār. offences, allow redress [*vuṭṭhāna-gāminī*], and involve penalties, the end

In the *Aṭṭhaka-vagga* of the *Ekuttarakai* of the *Parivāra*, the number of restrictions entailed by this verdict is also said to be eight. According to Sp’s commentary, however, these are not the same eight as those listed in A, but the “eight restrictions set forth in the *Samatha-kkhandhaka*: ‘he should not cancel the participation of a regular monk in Uposatha or in Invitation’, etc.”;²¹ that is, they are the last eight restrictions supposedly included in the list of Vin II 86,25–28, where they do not actually occur, however (except for the very last one), due to the abridgement of the text by *pe* (see above, n. 16).

The only authority for surmising that the list of Vin II 86,25–28 is eighteenfold is, therefore, Sp 1193,17–18, which does not, however, mention any figure; in this list, the first five restrictions are identical with the first five of A’s eightfold list; eight others are referred to at Sp 1342,20–23. Apart from these discrepancies, we are left with five prescriptions from the list of eighteen occurring at Vin II 5,6–15 that may, or may not, lie in the *pe* gap of Vin II 86,27: from the sixth to tenth, from *yāya āpattiyā* to *kammikā na garahitabbā* (as above, n. 16). Although the matter cannot be investigated further here, it is perhaps worth noting that the Skt Mū parallels leave them out entirely, both in their own lists of restrictions²² and in their provisions for restoration to

of which is marked by the sentenced monk’s *abbhāna* [see SVTT III 133–34, § 6; and above, SVTT IV, § 4d and n. 31].

²¹Vin V 137,11–12 *tassapāpiyyasikākamma-katena bhikkhunā aṭṭhasu dhammesu sammāvattitabbam* (cf. 137,23* *aṭṭha-dhammesu vattanā*). Sp 1342,21–23 *na pakatattassa bhikkhuno uposatho ṭhapetabbo, na pavāraṇā ṭhapetabbā ti ādinā nayena Samatha-kkhandhake niddiṭṭhesu aṭṭhasu*.

²²These lists are, for *tarjanīya*: *na pravrajayitavyam, nōpasampādayitavyam, na nisrayo deyaḥ, na śramaṇoddeśa upasthāpayitavyaḥ, na bhikṣuṇy avavaditavyā, na bhikṣuṇy-avavādakāḥ sammantavyaḥ, nāpi pūrva-sammātana bhikṣuṇy avavaditavyā, na bhikṣuś codayitavyaḥ smārayitavyaḥ śīla-vipattiyā dṛṣṭi-v° ācāra-v° ājīva-vipattiyā sthāpayitavyaḥ,*

full monk status after undergoing the *tarjanīya* penalty (cf. above, SVTT IV n. 33).

APPENDIX II

(see above, SVTT IV n. 47)

Vjb 507,9–508,9 ad Vin II 3,8–9, Sp 1155,16–17 (cf. Sp-† III 365,17–66,12)

Kaṇha-pakkhe adesanā-gāminiyā āpattiyā kataṃ hotīti [Vin II 3,8–9] *sukka-pakkhe desanā-gāminiyā āpattiyā kataṃ hotīti* [Vin II 3,38] *idaṃ dvayaṃ parato tīhi bhikkhave aṅgehi samannāgatassa bhikkhuno ākaṅkhamāno saṃgho tajjanīya-kammaṃ kareyya: adhisīle sīla-vipanno hotīti* [Vin II 4,17, 24] *iminā virujjhati; adesanā-gāminiṃ āpanno hi adhisīle sīla-vipanno hi vuccatīti. Yuttaṃ etaṃ; kattu adhippāyo ettha cintetabbo. Etthāha Upatissa-tthero tajjanīyakamassa hi visesena bhaṇḍana-kāraḥkataṃ aṅgan ti aṭṭhakathāyaṃ vuttaṃ* [Sp 1156,15–16]; *taṃ pāḷiyā āgata-nidānena yujjati; tasmā sabba-ttikesu¹ pi bhaṇḍanaṃ āropetvā bhaṇḍana-*

na poṣadho na pravāraṇā na jñāpti-karma na jñāpticaturtha-karma (MSV(D) III 7,5–11; GBM(FacEd) X.6, 890 (189, r° 2–3) *idem*, without editor's standardization of sandhi; the text seems to be defective from *sthāpayitavyaḥ* to the end; cf. here below). For the verdict of obstinate wrongness: *na pravrajayitavyaṃ, nōpasampādayitavyaṃ, na niśrayo deyo, na śramaṇoddeśa upasthāpayitavyaḥ, nānena karma kartavyaṃ, na karma-kāraḥ saṃmantavyaḥ, nānena bhikṣuṇyo' avavaditavyaḥ, na bhikṣuṇyāvavādakaḥ saṃmantavyaḥ, na pūrva-saṃmatena bhikṣuṇyo 'vavaditavyaḥ, nānena bhikṣuś codayitavyaḥ smārayitavyaḥ sīla-vipattiyā dṛṣṭi-v° ācāra-v° ājīva-v°, nānenāvavadaḥ sthāpayitavyaḥ, na poṣadhe, na pravāraṇe, na jñāpti-dvītīye na jñā-caturthe karmaṇi, nāpi saṃgha-madhye vinayo muktavyaḥ satsv anyeṣu vinaya-dhāreṣu pudgaleṣu* (Adhik-v 107,14–23).

¹*I.e.*, the threefold groups of grounds which invalidate such a procedure (Vin II 3,1–4,15).

paccayā āpannāpatti-vasena idaṃ kammaṃ kātabbaṃ; tasmā adhisīle sīla-vipanno ti etthāpi pubba-bhāge vā apara-bhāge vā codanā-saraṇādi-kāle bhaṇḍana-paccayā āpannāpatti-vasen' eva kāretabbaṃ, na kevalaṃ saṃghādisesa-paccayā kātabban ti.

Adesanā-gāminiyā āpattiyā ti pārājikāpattiyā ti ettakamattaṃ vatvā parato adhisīle pārājika-saṃghādiseṣe ajjhācārā ti porāṇa-gaṇṭhipade vuttan ti likhitam; adhisīle sīla-vipanno ti saṃghādiseṣaṃ sandhāyā ti gaṇṭhipade likhitam; idaṃ porāṇa-gaṇṭhipade purima-vacanena sameti; tasmā tattha pacchimam pārājika-padam atth' uddhāra-vasena vuttaṃ siyā. Aṭṭhakathāyaṃ ca adesanā-gāminiyā ti pārājikāpatti vā saṃghādiseṣāpattiyā vā ti vuttaṃ [Sp 1155,16–17]; *tattha pārājikāpatti atth' uddhāra-vasena vuttā siyā. Yato gaṇṭhipade adhisīle sīla-vipanno ti saṃghādiseṣaṃ sandhāyā ti ettakam eva likhitam, tasmā sabbattha gaṇṭhipade sakalena nayena pārājikāpatti-paccayā uppanna-bhaṇḍana-hetu na tajjanīya-kammaṃ kātabbaṃ payoḥjanābhāvā; saṃghādiseṣa-paccayā kātabbam ti ayam attho siddho hoti. Na sukka-pakkhe desanā-gāminiyā āpattiyā kataṃ hotīti vacanato ti ce; na ekena pariyāyena saṃghādiseṣassa pi desanāgāmini-vohāra-sambhavato.*

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INDEX

(the most important references are set in bold type)

Pāli

- akata-sahāya* : IV n. 94 ; **VI n. 9**.
- akaṭānuddhamma* : V § 6c.
- akkosādhippāya* : VI n. 36.
- ajjottharati* : IV n. 67 ; TPāp n. 2
- ajjhācāra* : VII n. 6. — (a)duṭṭhulla *ajjhācāra* : VII n. 6.
- añña-vādaka* : TPāp § A ; n. 2.
- adhikaraṇa* : IV §§ 6a(i), 7b ; n. 12, 18 ; TPāp § B-C ; **n. 10**.
- anujānāmi* : IV n. 60.
- anuddhamsanādhippāya* : VI n. 36.
- anuvāda* : TPāp n. 19. — °-*adhikaraṇa* : **TPāp**.
- a-p(p)atīkāra* : IV n. 93 ; V § 6c.
- apaloketi*, °-*lokanā*, °-*lokana-kamma* : IV § 8b ; V § 3 ; VI § 2b ; VII n. 10 ; VIII § 2 ; X § 2b.
- apa-sādeti* : VII n. 17.
- abbhāna* : IV § 4[g] ; n. 19 ; **V n. 2** ; TPāp n. 20.
- Abhayagiri* : VI n. 32.
- avandīya*, *avandanīya-kamma* : VII § 3.
- a-saṃvāsa(ka)* : **VI n. 9**.
- a-sambhoga* : IV § 5c, **8b** ; n. 91 ; **IX § 1**.
- a-sammukhā* : see s.v. *sammukhā*.
- ākaṅkhamāna saṃgha* : IV §§ **6b-c** ; TPāp § C.
- ākaddheti* : X n. 10.
- āgālhāya ceteyya* : IV n. 51.
- ācāra-vipattī* : IV n. 47.
- āṇatti* : VII § 4.
- ādikammika* : IV n. 108.
- āpatti* : **VII n. 6** ; **VIII nn. 10, 15, 16**. — °-*āropanā* : X § 2c.
— *garukā ā°* : IV n. 47 ; TPāp nn. 2, 5. — (a)duṭṭhullā ā° :
IV nn. 43, 47. — (a)*desanagāminī ā°* : IV n. 4, 47. — °-
desanā : IV nn. 43, 104 ; **VII n. 6**. — °-*bahula* : IV n. 19.

—°-ropanā : IV § 3 ; X § 2 c. — (v)uṭṭhānagāminī ā° : **IV n. 31** ; *TPāp* n. 20. —°-sāmanta : *TPāp* n. 5. — sāvasesā, an-avasesā ā° : *TPāp* § A.

āvaraṇā : VII §§ 2–4.

āvāsa-parampara : IV n. 91.

ukkhitta —°-anuvattaka : **IV § 8c** ; **V n. 31**.

ukkhepaka : **IV § 8b** ; **V n. 31**.

ukkhepanīya-kamma : IV §§ 1, 2, 5c, 6b–c, 7b, **8a–e and nn.** ; nn. 12, 36, **51** ; V §§ 1, **6b–c and nn.**, 8c ; n. 50 ; **VI n. 8** ; VIII § 3 ; X nn. 7, 14.

ukkoṭana : IV n. 12.

upassaya : V n. 3.

uposatha : IV §§ 5a, 8a–b ; n. 96 ; VII § 3.

ubbāhikā : V § 4.

omāsa-vāda : **VI n. 36** ; X n. 17, 30.

ovāda : VII § 3.

osāraṇa-kriyā : V n. 1.

osāraṇīya : **V §§ 7a–b**.

osāreti, osāraṇā : IV §§ 8b–d ; nn. 62, **100** ; **V and nn.** ; IX § 2 ; *TPāp*, nn. 8–9.

kaṭhina : IV n. 96. —°-uddhāra : VI n. 3.

Kaṇṭaka-nāsanā : VI n. 4.

kattu-kāma : IV § 6b.

kammavācā : IV n. 107.

kammāraha : IV n. 53.

kavāta : V n. 3.

kāraka-saṃgha : V n. 31.

kula-dūsaka, °-dūsana : **IV § 7b** ; nn. 20, 53, **78**.

khandha-sāmanta : *TPāp* n. 5.

khamati, khamāpeti : IV § 5b[c] ; VII § 4.

khumseti : X n. 17, 30.

garu-dhamma : IV § 6b ; VII n. 10.

gihi-paṭisaṃyutta : IV n. 9.

codeti : IV § 3 ; X § 3c.

Channa bhikkhu : IV n. 91 ; **X § 2a–c** ; **nn. 7, 9, 14** ; *TPāp* n. 3.

ñ atti-kamma : V § 4.

ñ atticatuttha-kamma : V § 6a.

ñ attidutiya-kamma : V § 5.

tajjanīya-kamma : IV §§ 1, 2, **5a**, 6b–c, 7a, 8a ; nn. **12**, 35, 38, 48, 53, 96 ; V §§ 1, 6a, 7b, 8b ; n. 50 ; X § 2c ; *TPāp* §§ A, C–D ; nn. 8, 10, 14.

tassa-pāpiyyasikā : V n. 16, 36 ; VI § 4 ; *TPāp*.

daṇḍa-kamma : IV nn. 49, 60 ; V § 3 ; **VI and nn.** ; IX n. 2 ; X § 3b–c. —°-nāsanā : VI §§ 1[c], **2c** ; n. 19.

diṭṭhi-vipatti : IV n. 47.

dutiyaikā : V § 8c ; **n. 45**.

deyya-dhamma : IX § 1.

Devadatta bhikkhu : VIII § 1.

nānā-saṃvāsaka : **IV §§ 8b–c** ; n. 102.

nāsanantika : VI n. 3.

nāsitaka : V n. 15.

nāseti, nāsanā : IV nn. 11, 48 ; V § 1 ; n. 15, 36 ; **VI and nn.** ; VII §§ 2, 4 ; IX n. 1 ; *TPāp* § B–C ; n. 9. — saṃvāsa-nāsanā : IV n. 95 ; V n. 50 ; VI §§ 1[b], 2c ; **n. 9**.

nikkaḍḍhati : V § 1.

niy(y)as(s)a : IV n. 8 ; X n. 35.

nissaggiya : V n. 42.

nissaya : **IV n. 8** ; VII § 4 ; X § 3c. —°-paṇāmanā : VII § 4.

nissaya-kamma : IV § 1, 2, **5b**, 6c ; nn. 12, 36, 39, 48 ; V § 1 ; X § 3c.

nissāraṇā : IV n. 53 ; **V and nn.** ; IX § 2.

nissāraṇīya : V §§ 7a–8c and nn.

(a)pakatatta : IV n. 55.

pakāseti, pakāsanīya-kamma : **VIII and nn.** ; X § 1. — akitti-p° : VIII § 1. — pabbājakā-p° : VIII n. 4.

pacceka-ṭṭhāna : *TPāp* n. 19.

paṭicchādeti : *TPāp* n. 2.

paṭiññā : IV § 3 ; **VI n. 32** ; X § 2c.

paṭinissaggiya : V n. 42.

paṭipucchā : IV § 3 ; X § 2c.

paṭippassaddhi : IV § 4[g]; nn. 8, 25, 35, 36; V §§ 1, 6b; n. 15; VII § 4; *TPāp* § B; nn. 8–9.
paṭisāraṇīya-kamma : IV §§ 1, 2, 5b, 6a; nn. 36, 39, 45, 51, 58, 60; V § 1; VI n. 12; VII n. 4; IX § 1.
paṇāmeti, paṇāmanā : VII § 4.
paṇḍaka : VI n. 25.
patta-ukkujjanā, °-nikkujjanā : IV nn. 9, 50, 60; V § 1; VII n. 4; IX and nn.; X § 1.
pabbajjā : VI n. 7, 15.
pabbājanīya-kamma : IV §§ 1, 2, 5b, 6c, 7a–b, 8e; nn. 36, 39, 53, 59, 66–68, 108; V § 1; n. 17; VI n. 2.
pabbājeti : IV n. 72.
parammukhā : IV n. 107.
parivāsa : IV §§ 1, 3–5a, 6b, 7b, 8a, 8d; nn. 12, 19, 38, 70; V n. 24.
pavāraṇā : IV §§ 5a, 8a–b; n. 96.
pārājika : IV § 1; *TPāp* § A; n. 5. —°-*sāmanta*: *TPāp* n. 5.
bāla : IV n. 55.
brahma-daṇḍa : X and nn.
bhaṇḍana-kāraka : IV § 6c; nn. 18, 63–64; V n. 4.
maṅkuṃ karoti : X § 3c.
manoratha-matta : IV n. 66.
Mahāsaṃghika : VII n. 6.
mānatta : IV §§ 1, 3–5a, 6b, 7b, 8a, 8d; n. 12, 19, 31, 70; V § 8a–c; n. 45, 48.
mukkhārūha : IV n. 108.
Mettiyā bhikkhunī : VI § 5.
yāva-tatīyaṃ (samanubhāsanā) : IV §§ 4[c], 7b; n. 107; X n. 10.
yebhuyyasikā : *TPāp* n. 9.
ratti-ccheda : V n. 45.
liṅga : VI n. 8. —°-*nāsanā* : VI §§ 1[a], 2b–c, 3–5 and nn.
vatthu : VIII n. 10.
vadha-daṇḍa : X § 3c.
vambheti : X § 3c; nn. 17, 30.
vibbhamati : IV § 8d; n. 69; VI nn. 8, 27.

vihāra : IV n. 66; V n. 3.
vihesaka : *TPāp* § A; n. 4.
vuṭṭhātu-kāma, vuṭṭhāpeti : IV § 4[d]; *TPāp* n. 20.
saṃvāsa-nāsanā : see s.v. *nāseti*.
saṃvega : X n. 9.
saṃgha-rāji, °-bheda : IV § 8c; V n. 3; X n. 14. —
 °-*sāmaggī* : IV § 8c.
saṃghādīsesa : IV n. 31; V § 8a–c and nn.; n. 40.
saṃghārāma : V n. 3.
samanubhāsanā : X n. 10.
samāna-saṃvāsa(ka) : IV § 8b–c; V n. 31; VI n. 9.
sampajāna-musāvāda : VI n. 36.
sammannati, sammati (cf. s.v. *sammuti*): VIII § 1.
sammā-vattati, °-vattana : IV nn. 32, 35, 88, 107; V §§ 7a–b; n. 3; X § 2c.
(a)sammukhā : IV § 3; n. 107; VII n. 10; VIII § 1; IX §§ 1–2; n. 6; X § 2a; n. 16; *TPāp* § B.
sammuti (bhikkhu-°) : VIII n. 8; *TPāp* n. 16.
sa-rajjuka : IV n. 35.
sāmaṇera-sikkhāpada : VII n. 6.
sāreti : IV § 3; X § 3c.
sīmā : IV §§ 7a, 8c; n. 67; V §§ 6b–c; n. 31; IX § 1; n. 5.
sīla-vipatti, °-vipanna : IV n. 27, 47; Appendix II.
hattha-pāsa : IX n. 6.

BHS / Skt

- ava-kumçayati* : IX § 2.
ava-sādayati, °-sādanā : VII nn. 8, 17, 19.
ava-sārayati, °-sāraṇā : IV n. 61 ; V § 8c.
 **ava-sārayati* : V n. 1.
āvarhaṇa : IV n. 61.
āhvayana : V n. 51.
iṣṭakarma-karaṇa : IV n. 53.
utkṣipta, °*taka*, °*takatva* : IV § 1.
utkṣipta —°-*anuvṛtti*, °-*anupravṛtti*, °-*anuvartaka*, °*tikā*, °-
anuvartakānuvartaka : IV § 8c.
utkṣepaka : IV § 1. —°-*anuvartaka*, °-*anuvartakānuvartaka* :
 IV § 8c.
utkṣepaṇa-pācattika : IV § 1.
utkṣepaṇīya(m) karma : IV § 1 ; nn. 5, 24, 33, 36.
ut-sārayati, °-*sāraṇā* : V § 8 ; n. 47.
 **ut-svārayati* : V n. 1.
osārayati, *osāraṇā(-karma)*, *osāraṇīya(m) karma* : IV nn. 33,
 36 ; V § 8c ; n. 19, 51.
jñ apti-karma : IV n. 23, 36.
tarjanīya(m) karma : IV § 1 ; nn. 5, 24, 33, 36, 53 ; V n. 31 ;
 TPāp n. 22.
traya dṛṣṭigata : IV n. 16.
daṇḍa-karma : VII § 3.
duṣṭhullā āpatti : VIII § 2.
nāśayati, *nāśeti*, *nāśanīya*, *nāśanā* : VI § 5.
niḥsaraṇīya : V § 8a.
ni-kumjayati, °-*kubjayati* : IX § 2.
niḥśraya : IV n. 8.
nigarhaṇa, *nigarhaṇīya(m) karma* : IV § 1 ; n. 5, 24, 33, 36 ;
 X § 3c.
nigharṣanīya : IV § 1.
niśrāyaṇīya : IV § 1.
parivāsa : IV n. 61.
pātra-nikubjanā : IX § 2.

- prakāśanā-saṃmuti* : VIII § 2.
prakāśayati : VIII § 1.
pratiprasrambhana : IV n. 8 ; VII n. 19.
pratisaṃharaṇa, °-*saṃharaṇīya(m) karma* : IV § 1 ; nn. 5,
 23, 24, 33, 36.
pratisāraṇīya : IV § 1.
praty-osārayati, °-*osāreti*, °-*osāraṇā* : V § 8c.
praṇidhi-karma : IV n. 61.
pravāsa, *pravāsana*, *pravāsaniya(m) karma* : IV § 1 ; n. 5,
 24, 33, 36.
pravāhaṇīya : IV § 1.
pravṛjanīya : IV § 1.
mānatva : IV n. 31.
mānāpya : IV n. 61.
muktikā, *moktikā* : VII n. 14.
muktikā jñapti : V n. 31.
yuktakula : IV n. 33.
vigarhaṇīya : IV § 1 ; X § 3c.
 **vosārayati* : V § 8c.
śalākā : TPāp n. 9.
saṃgha-saṃmati, °-*saṃvṛti* : VIII n. 8.
saṃghātiśeṣa : V n. 40.
saṃghāvaśeṣa : V n. 40.
sīmā : IV n. 33 ; V n. 31.