

# Śikṣamāṇā Rules

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<b>Abbreviations</b>	
<b>Vinaya</b>	
Dharmaguptaka Vinaya, T22, 四分律	DV
Mahāsāṃghika Vinaya, T22, 摩訶僧祇律	MV
Mahīśāsaka Vinaya, T22, 五分律 彌沙塞	MiV
Sarvāstivāda Vinaya, T23, 十誦律	SV
Mūlasarvāstivāda Vinaya, T23-24, 根本有部律	MSV
Pāli Vinaya, 巴利律	PV
Sudassana Vinaya Vibhāṣā, T24, 善見律	SuVV
Sarvāstivāda Vinaya Vibhāṣā, T23, 薩婆多論	SaVV
Compendium of Vinaya, T24, 律攝	CoV
Vinaya Mātṛka Śāstra, T24, 毘尼母論	VMS
Sarvāstivāda Nikāya Vinaya Mātṛkā Śāstra, T23 薩婆多部毘尼摩得伽論	SNVMS
Five Hundred Questions (Maudgalyāyana asks about five hundred light and heavy matters of the Vinaya) 目連問戒律中五百輕重事 五百論	FHQ
The Treatise on the twenty-two clarifications on the meaning of the Vinaya, T24 Vinaya dvāvīṣṭi prasannārtha śāstra, 明了論	VDPS
Bhikṣu Prātimokṣa	BP
Bhikṣuṇī Prātimokṣa	BiP
<b>Works by Vinaya Master Dao Xuan</b>	
Guidelines for Practicing Vinaya (Xing She Chao, 行事鈔)	GPV
Collected Notes on the Prātimokṣa (Han Zhu Jie Ben, 含註戒本)	CNP
Further Commentary on the Collected Notes on the Prātimokṣa (Han Zhu Jie Ben Shu, 含註戒本疏)	FCNP
<b>Commentaries by Master Ling Zhi</b>	
Records (on the methods) to Support (the practice) (Zi Chi Ji, 資持記)	RS
Record on the Essence of the Practice (Xing Zong Ji, 行宗記)	REP

Record (on the methods) to Support the Conditions (for the implementation of all transactions) (Ji Yuan Ji, 濟緣記)	REC
<b>English works</b>	
Buddhist Monastic Code	BMC
The Discipline in Four Parts	TDFP



# Introduction

All Vinayas consistently present the śikṣamāṇā stage as an unavoidable step in a woman's monastic career. It comes between noviciate and full ordination and it is the stage during which an aspirant bhikṣuṇī learns the basics of what she is expected to do after she becomes a fully-fledged monastic.

After been neglected for long time, this step in the ordination career of a woman is receiving again the attention it deserves. The stage lasts for two years, during which the candidate "... has to study all the training rules of a bhikṣuṇī"<sup>1</sup>. In this way, after the full ordination, she will flow naturally into her role as a fully-fledged member of the monastic community.

In the Ming Dynasty, the Vinaya Master Hong Zan compiled a *Manual of Śikṣamāṇā precepts*<sup>2</sup>. His source was the Dharmaguptaka Vinaya itself: at the end of the analysis of each rule, the Vinaya states: "śikṣamāṇā, śrāmaṇera, śrāmaṇerī, wrongdoing". While for male and female novices adhering to the rules listed in the Vinaya is occasional and done according to conditions, for a śikṣamāṇā the study becomes systematic and compulsory.

In modern times, the honour of compiling a new, updated manual for the śikṣamāṇā training falls on Nanlin Monastery in Taiwan, otherwise known as Dakṣiṇavāna Bhikṣuṇī Saṃgha Ashram. It is the reference source of the present exposition. The structure is the same as that of the Manual for bhikṣus and bhikṣuṇīs compiled by Vinaya Master Hong Yi and Bhikṣuṇī Sheng Yu respectively.

## *The śikṣamāṇā rules listed in the manual*

The Manual for śikṣamāṇā training compiled by Nanlin Monastery has basically three sources: the Dharmaguptaka Vinaya, the Manual of Vinaya Master Hong Zan, and the work of Vinaya Master Dao Xuan.

The śikṣamāṇā rules are arranged in the following way:

1. Four root rules: they correspond to the four rules of the first section of the bhikṣu Prātimokṣa;
2. Six rules: the six rules are a peculiarity of the śikṣamāṇā training, and they are listed in detail in rule 123 of the third section of the bhikṣuṇī Prātimokṣa, "Giving the two years training but not the six rules";
3. 292 practices. These have been arranged by Vinaya Master Dao Xuan according to the DV as explained above. Some rules have been fused together, and others do not appear because the Vinaya itself does not contain the sentence quoted above concerning the offence of non fully-fledged monastics.

The methodology they followed to determine the list of the rules is explained in the preface, p.3:

All the Vinayas have a list of śikṣamāṇā rules. On the mere basis of the *Śikṣamāṇā Precepts Manual* by Vinaya Master Hong Zan, there are some rules for which the DV specifies the concurrent transgression for śikṣamāṇās that are not recorded in the *Manual*, as for example

<sup>1</sup> 924, c2.

<sup>2</sup> Recorded in the *Svastika Tripitaka*, vol. 64, p. 97.

*Lifting a penalty without the permission of the saṃgha, Waiting for cloth beyond one month, Exchange money,* and there are rules for which the DV lacks the concurrent transgression but are recorded in the *Manual*, as for example *Giving going forth and full ordination to a prostitute, Do not perform pravāraṇā in front of the bhikṣu saṃgha*. Due to this reason, our team has traced back the original sources and singled out from the bhikṣu and bhikṣuṇī rules those that the DV says a śikṣamāṇā must learn, ending with a total of 314 rules. These form the foundation of this *Manual of Śikṣamāṇā Rules*.

...

The number of rules: of the 314 rules (specified by the DV as) concurrent transgressions, the first four constitute the four root rules for śikṣamāṇās. Next, *Lustful contact with a man, Stealing something worth less than five monetary units* (which derives from *Stealing something worth five (or more) monetary units*), *Killing intentionally an animal, Lying in front of four or more people* (which derives from *Common lie*), *Eating at improper times, Drinking alcoholics* constitute the six rules of śikṣamāṇās. 306 rules remain called practices. Following Vinaya Master Hong Zan, some rules have been fused together. For example *Defecating and urinating on green grass, Personally practicing incantations or teaching others to do so, Opening the door of the saṃghārāma at dusk or after sunset*, are the result of the fusion of two separate rules; *Allowing someone to rub one's body* is the result of the fusion of five rules; *Asking for seven day medicines, fish or meat* is the result of the fusion of eight rules. After this fusion, the rules number 292 in total. The four root rules, the six rules and the 292 rules constitute the 302 rules for śikṣamāṇās.

## ***The offences***

For śikṣamāṇās, śrāmaṇeras and śrāmaṇerīs the offence is always a wrongdoing; there is no distinction into category of offences as it happens for bhikṣus or bhikṣuṇīs. Nevertheless, when referred to different rules, the category of wrongdoing may be further divided into three different aspects of descending gravity:

1. Defeat (破戒): this term comes from the DV. A violation of one of the four root rules issues in a defeat, which is the gravest offence and entails permanent expulsion from the monastic community. A śikṣamāṇā guilty of this offence has no more a chance to become a bhikṣuṇī.
2. Deficiency of training (缺戒): this term also is used by the DV in reference to a violation of one of the six rules. A śikṣamāṇā guilty of this offence must start again her two years of training.
3. Deficiency of practice (缺行). This term has been coined by Master Dao Xuan and it refers to a violation of all the other rules. Preliminary steps offences, similar nature offences, as well as lesser violations mentioned in the Vinaya but that are not part of the Prātimokṣa also fall under this category. Deficiency of practice is therefore an umbrella term for any violation that does not fall into the first two categories.

## ***The progression towards the fulfilment of the goal***

Before reaching one's goal in committing an offence, one traverses several preliminary steps that constitute lesser offence along the path to the intended outcome. For the DV, as well as the PV, all

these lesser offences are no more reckoned if one fulfils one's goal. In other words, if one commits the full offence, one makes amends only for that and not for the preliminary steps.

The Commentator has divided preliminary steps offences into three stages for the gravest rules, namely remote preliminary step, intermediate preliminary step and proximate preliminary step.

1. Remote preliminary step (遠方便). This refers to the intention of committing an offence, for example stealing something. At this stage, only the mind is involved in plotting the plan, but one has not yet acted by body or speech.
2. Intermediate preliminary step (次方便). After the intention is established and the plan ready, one starts acting by body or speech in order to fulfil his goal. In the example of stealing, one may survey the place where the object he desires is kept, buy tools to help in the enterprise, etc.
3. Proximate preliminary step (近方便). One is near to his goal. For example, one has partially removed an object from its original place, but the object is still not fully removed.

These three steps can be clearly discerned only in offences belonging to the first and second category of bhikṣu and bhikṣuṅī Prātimokṣa, which, for a śikṣamāṇā, correspond to the four root rules, the first of the six rules, and the first twenty other rules. For lesser offences that do not imply any detailed plotting, we may discern only two steps, namely remote and proximate preliminary steps.

The entire progression towards the fulfilment of the goal consists therefore in the following steps:

1. Preliminary steps, defined as above;
2. Full offence: one fulfils his goal, for example he removes an object from its original place, kills his intended target, etc.;
3. Rejoicing. The commentator has added a final step, namely rejoicing in one's mischief and showing no remorse, which is also a wrongdoing. Although this is called in Chinese "posterior preliminary step" - in Chinese this is possible, and the name has been chosen to show the parallel with the above preliminary steps - it is clear that it derives from having fulfilled the goal and it is an offence in itself, namely a resultant offence.

The following reference tables refer to the progression towards the fulfilment of the goal for the four root rules.

#### 1. Abstaining from sexual intercourse

Preliminary step	Remote p. s.	Sexual desire arises and one does not use any countermeasures to stop it but instead thinks about fulfilling it	Deficiency of practice
	Intermediate p. s.	One makes appointments and meets with the counterpart, etc.	Deficiency of practice
	Proximate p. s.	The bodies come in contact, but there is no penetration yet	Deficiency of practice
Full offence		There is penetration for as much as the tip of a hair	Defeat
Rejoicing		One does not show remorse and instead rejoices about what she has done	Deficiency of practice

## 2. Abstaining from stealing

Preliminary step	Remote p. s.	One arises the desire to steal something or to damage someone's goods, etc.	Deficiency of practice
	Intermediate p. s.	One devises the means to reach one's goal by actively engaging in preparations and scheming	Deficiency of practice
	Proximate p. s.	The object is about to be removed from its original place, but the removal is not yet complete	Deficiency of practice
Full offence		The object has been completely and successfully removed from its original place	Defeat
Rejoicing		One does not show remorse and instead rejoices about what she has done	Deficiency of practice

## 3. Abstaining from killing

Preliminary step	Remote p. s.	One arises the desire to kill someone and nurtures it	Deficiency of practice
	Intermediate p. s.	One starts making preparation to fulfil the goal, for example thinking about the best way to kill, or buying and preparing weapons, poisons, etc.	Deficiency of practice
	Proximate p. s.	The target is present, and one strikes, but the person is not yet dead	Deficiency of practice
Full offence		The intended target dies	Defeat
		If the target is an animal	Deficiency of training
		If the target is a non-human being	Deficiency of practice (similar nature offence)
Rejoicing		One does not show remorse and instead rejoice about what she has done	Deficiency of practice

## 4. Claiming superhuman states

Preliminary step	Remote p. s.	One arises the motivation to claim superhuman states in order to get mundane gains	Deficiency of practice
	Intermediate p. s.	One arranges the best way to do it and identifies one's target	Deficiency of practice
	Proximate p. s.	One starts to utter her claims	Deficiency of practice
Full offence		The target understands clearly	Defeat
		If the target is a non-human being or an animal	Deficiency of practice (similar nature offence)
Rejoicing		One does not show remorse and instead rejoice about what she has done	Deficiency of practice

For the six rules and the other rules, the pattern may be inferred from the above examples.

## ***Similar nature offences***

An offence is called of similar nature when the same action is directed against a different object that is nevertheless analogous. The simplest example is killing. If one wants to kill a human being and succeeds, he commits a defeat; if instead he wants to kill a non-human being (a ghost, a deva, etc), he commits a lesser offence (for śikṣamānā a deficiency of practice). The act is the same, but the intended target is different and yet analogous because it is a sentient being. Killing an animal is also a similar nature offence in reference to killing a human being.

## ***Causal offences and resultant offences***

As we have seen, the progression towards fulfilling one's goal includes preliminary steps and the full offence. These are also called causal offences and resultant offences respectively.

Causal offence (因罪), as the term suggests, is an offence that prepares the fulfilment of the goal, an offence that constitutes the cause by which one can reach one's aim. It therefore falls short of reaching the intended target. Preliminary step offences are all causal offences.

Resultant offence (果罪) is the one that one commits when fulfilling the goal. What we have called full offences and similar nature offences are all resultant offences.

Taking up the above explained distinction between defeat, deficiency of training and deficiency of practice, defeat and deficiency of training are always resultant offences, while deficiency of practice may be both a causal offence or a resultant offence. Since it is not easy to understand the role a deficiency of practice plays, I will always specify it in what follows.

## **The four root rules**

### **Defeat 1 - Abstaining from sexual intercourse**

**If a śikṣamāṇā engages in sexual intercourse and has impure conduct even with an animal, she commits a wrongdoing and she has to be expelled.**

#### *The origin story*

At that time, the World Honoured One was dwelling in Vaiśālī. At that time, Sudinna of Kalandaka village came from a very rich family. Out of deep faith he asked and obtained the going forth. During a famine, he led the bhikṣu back to his village to give his family the opportunity to accumulate merits through offering food to the saṃgha. His mother tried to persuade him to go back to the lay life and take care of the huge family fortune, but he refused. Then the mother took his former wife and she asked him to have intercourse with her in order to provide an heir to the family. He consented, he took his former wife in a secluded place and he conjoined with her three times. She got pregnant and she gave birth to a son, who nevertheless went forth like his father.

Having engaged in sexual intercourse, Sudinna felt remorseful and confessed everything to the Buddha. The World Honoured One, after having scolded him in many ways, instituted the first rule for monastics and laid down the ten reasons for this:

1. Allowing people to become part of the Saṃgha;
2. Letting the Saṃgha rejoice;
3. Letting the Saṃgha be peaceful;
4. Inspiring faith in those who lack faith;
5. Increasing the faith of the believers;
6. Restraining those who are difficult to restrain;
7. Letting those who have sense of shame feel peaceful and in harmony;
8. Eradicating the present outflows,
9. Eradicating the future outflows;
10. Letting the Correct Dharma abide long in the world.

At a later time, a certain bhikṣu was dissatisfied with the monastic life and went back to his house to have sexual intercourse with his former wife. After this incident, the Buddha said that if one is dissatisfied with the monastic life, he should disrobe and go back to the lay life.

At another time, a bhikṣu had sexual intercourse with an ape, therefore the Buddha modified the rule again, including the prohibition to have sex even with an animal.

## *The ten reasons for instituting the rules*

All the rules of the Prātimokṣa have been instituted on the base of ten reasons. These are listed in full for the first rule, and in abbreviated form in the following ones.

1. Allowing sentient beings to become part of the saṃgha. It is by being ordained according to the rules of the Vinaya that one becomes a bhikṣu or a bhikṣuṇī, and it is by promising to undertake the training according to the Prātimokṣa that one shares the same lifestyle with the other monastics. The Vinaya is therefore what specifically characterizes the monastic lifestyle as different from that of lay people and it is the glue that keeps together a monastic community. Without Vinaya, there cannot exist any monastic saṃgha, and without monastic saṃgha, the Buddhadharma cannot manifest in the world.
2. Letting the saṃgha rejoice. By managing all communal and personal matters according to the rules of the Vinaya, by reciting in harmony the Prātimokṣa every fortnight, by sharing fairly the requisites and the donations, by harmonizing through body, speech and mind, the community is without quarrels and disputes.
3. Letting the saṃgha be peaceful. The absence of disputes creates an environment in which the mind settles down. All members respect each other according to the rules of seniority, the elder members showing compassion towards the junior members, and these showing reverence towards those. This harmony created by equally respecting and upholding the Vinaya is what ensures the right conditions by which the practice of every single member of the saṃgha can develop.
4. Inspiring faith in those who lack faith. A monk or a nun who keeps the Vinaya should develop a dignified and composed demeanour which reflects the inner harmony. Some people may be naturally attracted by it and spurred to investigate deeper into the teaching, or even embracing it and following the practice.
5. Increasing the faith of the believers. Those who are already Buddhist can be even more inspired by those monks and nuns who are “restrained by the restraint of the Prātimokṣa”, as the scriptures recite, and take them as examples to follow in their own quest to enlightenment.
6. Restraining those who are difficult to restrain. The undisciplined individuals who are present in the saṃgha, as they are in every human society, can be submitted to various kinds of disciplinary actions aimed at curbing their pride and correcting their distorted views. Disciplinary actions in the Vinaya are different from the rules found in the mundane laws, in which they have compassion as their guideline, and a genuine concern for ensuring that the culprit mends his ways and comes back to the correct path.
7. Letting those who have sense of shame feel peaceful and in harmony. In keeping the Vinaya rules, it is possible that one transgresses some of them. This engenders remorse in those who have sense of shame. Nevertheless, the Vinaya offers the methods to make amends for one’s faults, restoring in this way one’s purity and peace of mind.

8. Eradicating the present outflows. *Outflows* translates the term *āśava*. The *āśavas* constitute the most primordial level of defilements that keep us chained in *saṃsāra*. They are usually listed as three, namely ignorance, sensual desire and desire for existence. They may be translated as “outflows” as well as “inflows”, according to the point of view from which one considers the question: they may be viewed as “flowing out” from the mind into the sensory world through the senses, or they may be seen as “flowing into” every moment of our sensory experience. By restraining oneself and following the rules of the Vinaya, one minimizes more and more the chances to nurture further the *āśavas*, preventing unwholesome karmic results in future lives.
9. Eradicating the future outflows. Sense restraint through the rules of the Vinaya used together with an object of meditation is the first step of the “gradual training” whose final outcome is the total eradication of the outflows and liberation from *saṃsāric* existence.
10. Letting the Correct Dharma abide long in the world. Given the above nine conditions, the Correct Dharma can be preserved in the world for long time. This peculiar function is proper only to the monastic Vinaya. The lay precepts do not share this function. This is one of the main reasons why both monastics and laypeople should make an effort to keep the monastic Vinaya alive.

## ***Disrobing***

If one is unable to carry on the celibate life, or is unsatisfied with it, he should give up the training, which means disrobing.

Following Master Dao Xuan’s explanation, we can delineate the conditions for giving up the training validly.

There are four ways of giving up the training:

1. Giving up the training by means of the valid procedure. It may be further divided into
  - a. sudden disrobing: one becomes a lay person, renouncing to all levels of training, five precepts, ten precepts, or full precepts;
  - b. gradual disrobing: one renounces to the state of a *śikṣamāṇā* and undertakes the training of a *śrāmaṇerī*.
2. Death: in case of death, the substance of the precepts automatically dissolves, and one is no more a *śikṣamāṇā*.
3. Becoming an intersex person or a *paṇḍaka*.
4. Severing one’s good karmic roots: giving up the training is the natural and automatic outcome of undertaking a deviant set of rules or of previous determination, as when one takes the eight precepts for a limited period of time.

There are five conditions for a valid act of giving up the training by means of the valid procedure:

1. One is a *śikṣamāṇā* and she is in the conditions of recollecting her status (in other words, she is not deranged)
2. There is a witness, no matter whether a monastic or a lay person.
3. There is a sound motivation to give up, in other words:



- a. One finds the monastic life oppressive and longs for her former lay life;
  - b. One makes the determination to give up;
  - c. One has no intention to withdraw from her decision;
  - d. One is not in an altered state of mind, such as it does not allow her to make wise decisions;
  - e. The decision has been taken after careful reflection;
  - f. One does not regret her decision;
  - g. The decision has been taken autonomously and freely, in other words she has not been forced by others;
  - h. One is calm and well collected.
4. There is the meeting of the determination and the witness. The witness must be a valid one according to the Vinaya. In the Vibhaṅga there is a list of invalid witnesses:
- a. Someone who is mad;
  - b. Someone who is in a confused state;
  - c. Someone who is oppressed by pain or distress and cannot be alert;
  - d. Someone who is mute or deaf or both;
  - e. Someone who cannot understand the language.
5. As soon as one utters the sentence once, the act is valid. The Vibhaṅga gives some examples of valid sentences: “I give up the Buddha, the Dharma, and the Saṃgha; I give up the upādhyāyinī, or those equal to the upādhyāyinī; I give up the ācārya or those equal to the ācārya; I give up the celibate life; I give up the rules; I give up the Vinaya; I give up the training. I adopt the household life; I will be a monastery attendant; I will be an upāsikā; I will be a śrāmaṇerī; I will be an ascetic of other doctrine; I will be the disciple of another doctrine; I will not be a śramaṇa or a daughter of the Śākya.”

## ***The Conditions for the Transgression***

With this term, we mean all the conditions whose complete fulfilment lead to the full offence, in this case a defeat. They may be explicitly indicated in the Vinaya or, more often, they may have been extrapolated by commentators. We usually refer to Master Dao Xuan’s treatment of this topic, although in some cases we need to turn to other commentators, particularly for rules specific for female monastics. The fulfilment of only some of the conditions leads to lesser offences in case the action stops at that level.

This rule recognizes two different situations, namely intentionally searching for sexual intercourse and rape, each having different conditions.

### **1 - Intentionally searching for sexual intercourse**

The offence occurs when four conditions are fulfilled:

1. The intercourse happens through one of the three orifices, namely vagina, anus or mouth;
2. The śikṣamāṇā has sexual desire;
3. She devices expedients to fulfil her desire;
4. The intercourse actually happens. As soon as there is penetration for as much as a tip of a hair, she commits a defeat.

### **2 – Rape**

The offence occurs when four conditions are fulfilled:

1. The intercourse happens through one of the three orifices, no matter if this refers to oneself or to the assaulter<sup>3</sup>;
2. The assaulter is an enemy;
3. The intercourse actually happens;
4. The victim feels pleasure.

The term ‘enemy’ is defined as follows:

A king, a high official, a bandit, someone who holds a knife to force (the victim) is a forcing enemy. If he is the former husband, someone who has had a love link (with the victim) is called a mild enemy.<sup>4</sup>

MV: What does ‘feeling pleasure’ mean? What does ‘not feeling pleasure’ mean? Feeling pleasure is like a hungry person who gets all sorts of delicious food and gets pleasure upon eating them; or like a thirsty person who gets all sorts of delicious drinks and gets pleasure upon drinking them. Feeling pleasure is like this. Not feeling pleasure is like one who likes cleanness and on whose neck one hangs all sorts of corpses; or like breaking an abscess, with a red-hot iron scorching the body. Not feeling pleasure is like this.<sup>5</sup>

## *Characteristics of the transgression*

In connection with each rule, there are situations in which one may incur the full offence and others in which one may incur a lesser offence or no offence. This section deals with the principles by which one may evaluate the gravity of an offence.

### **The object**

I intend with this term the being with whom one engages in sexual intercourse. Engaging in sexual intercourse always ends in the full offence whatever the object, differently from the majority of the other rules.

We can summarize all the possible permutations in a table:

male	human	alive (awaken or sleeping)	
	non-human		
	animal		
intersex	human		dead (intact or partially decomposed)
	non-human		
	animal		
paṇḍaka	human	dead (intact or partially decomposed)	
	non-human		
	animal		

<sup>3</sup> ‘To oneself’ means that one is forced to penetrate the other person; ‘to the assaulter’ means that one is forced to accept the penetration. This text has been written for bhikṣus; it is clear that for a śikṣamāṇā only the second instance holds true.

<sup>4</sup> REP, 6, a4.

<sup>5</sup> T22, 238, a.

### The three orifices

The Vinaya uses the term ‘three orifices’ to indicate vagina, anus and mouth. Penetrative intercourse through one of these three orifices always results in a defeat, while non-penetrative intercourse – for example, intercrural intercourse or manual stimulation – results in an offence of similar nature.

The offence is fulfilled also in case one of the two or both wear some protective devices, like a condom.

### Summarizing tables

#### 1. Intentionally searching for sexual intercourse

A śikṣamāṇā, driven by sexual desire, engages in sexual intercourse with an object (as above) through one of the three orifices	There is penetration	Defeat
	There is no penetration	Deficiency of practice (preliminary step)
A śikṣamāṇā, driven by sexual desire, engages in sexual intercourse with a corpse that is completely decomposed, through the bones, etc.	Deficiency of practice (Similar nature offence)	
A śikṣamāṇā, driven by sexual desire, engages in sexual intercourse through ways different from one of the three orifices (non-penetrative intercourse)	Deficiency of practice (Similar nature offence)	

#### 2. Rape

A śikṣamāṇā is forced to have sexual intercourse with an object (as above); if	when (the penis) starts entering	she feels pleasure: defeat
	when it is already inside	
	when it is coming out	she does not feel pleasure: no offence

### *Relationship between perception and object*

An important factor to take into account when evaluating an offence is the perception the offender has of the situation.

The Vinaya follows a definite pattern to explain the topic, a pattern that we can summarize with the following table:

x	Correct perception of x as x
	Doubt whether x is x
	Perception of x as non x
Non x	Perception of non x as x
	Doubt whether non x is non x

The offence one commits as result of these five permutations may or may not be different. The first case, namely correct perception of x as x, denotes that the offender is very well conscious of what is doing and he or she has a correct perception of the situation; hence, this always results in the full offence.

In the case of the rule under examination, we may have two patterns, one referring to the object, one referring to the way through which the intercourse happens:

In reference to the object:

Human being	Correct perception of the object as a human being	Defeat
	Doubt whether the object is a human being	
	Perception of the object as a non-human being	
Non-human being	Perception of the object as a human being	
	Doubt whether the object is a non-human being	

As we have already seen when discussing the object, no matter which perception the offender has of the situation, one always commits a defeat when engaging in sexual intercourse whatever the object.

In reference to the orifice:

It is one of the three orifices	Correct perception as one of the three orifices	Defeat
	Doubt whether this is one of the three orifices	
	Perception of the orifice as something other than one of the three orifices	
It is not one of the three orifices	Perception of this non orifice as an orifice	Deficiency of practice (Preliminary step)
	Doubt whether this is not an orifice	

## ***Annexed transgressions***

Which offence does a śikṣamāṇā commit in case she exhorts someone else to have sex?

In the table that follows, the offence refers to the śikṣamāṇā who has made the exhortation.

A śikṣamāṇā exhorts another śikṣamāṇā to engage in sexual intercourse	She does what she has been told	Deficiency of practice
	She does not what she has been told	Deficiency of practice (preliminary step)

## ***Concurrent transgressions***

The DV always ends the discussion of a rule by indicating the offence the other four members of the monastic community, bhikṣu, śikṣamāṇās, śrāmaṇeras and śrāmaṇerīs, may commit.

DV and MiV both provide the concurrent transgression for non-fully ordained monastics, which means that they are also bound by the Prātimokṣa. Nevertheless, there is necessarily a difference in the training for them.

In the training of the novices, male or female, the stress is of course on the ten precepts; their learning of the Prātimokṣa rules is not as systematic as it happens with śikṣamāṇās and fully-fledged monastics. The fact that they are bound by the Prātimokṣa does not mean that this is immediately true as soon as one becomes a novice. This would be unrealistic. The tutor teaches the novice the rules according to the occasion. For example, he/she may notice a wrong behaviour and take the chance to teach the student the rules connected. From that moment on, the novice learns to keep this rule and he/she may make amends with the tutor in case of infringement. It may also be the case that a novice may notice by him/herself that his/her behaviour has something wrong and he/she may ask the tutor about it, in this way learning the rules connected.

Śikṣamāṇā training is different. The DV says, “A śikṣamāṇā has to study all the training rules of a bhikṣuṇī”<sup>6</sup>. A nun at this level has to start studying the Vinaya systematically in order to prepare for her role as a fully-fledged member of the Saṃgha. She is supposed to acquire an elementary knowledge of the entire Prātimokṣa, with the only omission of the different categories of *āpatti* (offences).

## ***Exceptions***

The discussion of a rule concludes with the situations that constitute an exception, under which one does not incur any offence, or lesser offences.

In the case of this rule, there are five exceptions:

1. If one is sleeping and does not wake up;

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<sup>6</sup> p. 924, c2

2. If one does not feel pleasure;
3. If one has no intention whatsoever to indulge in sexual intercourse;
4. If one is the first offender and the rule has not yet been instituted;
5. If one is crazy, is confused, is oppressed by unbearable suffering.

The first three exceptions are called specific exceptions, while the last two are called common exceptions.

Specific exceptions: all rules have specific characteristics, hence the instances of what is allowable are different, as abstaining from sexual intercourse that makes an exception for sleeping or abstaining from stealing that make exception in case one assumes that the owner is a friend.

Common exceptions: the text says, 'the first offender'. It refers to the first person who committed the act and who is exempted from the transgression. Therefore, it says, 'first'. 'The rule has not yet been instituted' refers to the time. The first offender bears no transgression. At any time, when the detailed teaching<sup>7</sup> is not yet been instituted one cannot speak about transgressing (an offence that does not exist yet).

To say 'crazy' refers to the fact that one does not remember to be a monastic.

These are common to all rules.<sup>8</sup>

In the following rules, I will omit the two common exceptions.

The first three exceptions can be applied only to the case of rape; they are not applicable in case one intentionally engages in sexual intercourse.

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<sup>7</sup> The detailed teaching refers to the extended version of the Prātimokṣa rules as opposed to the so-called *ovāda Prātimokṣa*, the exhortations that conclude the Prātimokṣa recitation, which are called the brief teaching.

<sup>8</sup> FCNP, 6, 28b.

## Defeat 2 - Abstaining from stealing

If a śikṣamāṇā, whether in an inhabited area or in a deserted place, takes what was not given to her, with the intention to steal; and afterwards, as a consequence of her theft, she is caught by a king, or by some high official of the king, and tied up, or found guilty of death penalty, or of exile, (and addressed with these words), “You are a thief! You are a fool!” If a śikṣamāṇā perpetrates a theft of this kind, she commits a wrongdoing and she has to be expelled.

### *The origin story*

At that time the World Honoured One was travelling in Rājagṛha and was staying at the Vulture’s Peak. A bhikṣu called Danika, son of a potter, was living alone in a grass hut. One day, when he was an alms round, someone came and destroyed his hut to take away the material as fuel. Danika decided to use his skills as a potter and rebuilt a hut made of tiles. He cooked it by amassing grass and wood around its base and putting it on fire. The hut assumed a fire red colour that was visible from afar. The Buddha saw it and commanded the other bhikṣus to go and destroy it, because a house made in this way showed lack of compassion on the side of its owner, because the burning process inevitably jeopardized the life of innumerable sentient beings. Danika then went to an acquaintance of him who was in charge of managing the timber of King Bimbisara. With the pretext that the King, on ascending the throne, had made an allowance on behalf of all ascetics to use what they needed without asking, Danika took away the timber of the King to build his own hut. When the officials knew this, they were enraged, and the news spread throughout the city. Danika had to appear in front of the King, who explained him that his allowance covered only those things that had no owner. The Buddha on this occasion instituted this new rule. He asked one of the bhikṣus who formerly was an official of the King what was the limit for sentencing one to the capital punishment and the bhikṣus answered that stealing an item worth five māśakas or more was a capital offence.

### *The meaning of stealing*

The word stealing may have many different meanings:

Damaging things improperly is stealing; taking away something openly is robbing; (taking away something) afraid that the owner may notice it is burglary; taking something that has not been given means that the owner has not given up (the possession of it). ... By selecting the term ‘stealing’ all these (meanings) are included. It includes both the meaning of stealing (in the strict sense) and damaging, and there is no confusion (of interpreting something as) not stealing.<sup>9</sup>

Both the Vinaya and the commentary are clear in extending the meaning of stealing to whatever action that damages other people’s property or deprives them of their rights.

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<sup>9</sup> FCNP, book 6, p. 30b.

## *Conditions of the transgression*

Using the same structure presented by Master Dao Xuan, we start our analyses from the conditions of the transgression:

1. The object has an owner;
2. (The thief) knows that there is an owner;
3. He has the intention to steal;
4. The object is worth five monetary units (at least);
5. He devises expedients (to fulfil the goal);
6. The item is removed from its original place.

### **The owner**

We distinguish three types of owners, namely the Three Jewels, human beings, and non-human being and animals.

We can summarize the entire discussion with the help of the following table:

There is an owner	The Three Jewels	Buddha	1. Stealing 2. Muddling 3. Loans 4. Rules for sharing the properties of the Three Jewels with monastics and lay people
		Dharma	
		Samgha	
	Human beings		
Non-human beings and animals			

### **The Three Jewels**

#### ➤ **Buddha**

The properties of the Buddha are described in the chapter on muddling. They may be divided into four categories:

1. Objects used by the Buddha: they cannot be diverted (to other use)	The main hall where a statue of the Buddha is placed, the furniture used in it, parks, fields and land donated specially to the Buddha, the vessels used to make offerings, the robes that are donated to a Buddha statue (for example, those that are offered to the statue in Bodhgaya), etc.	
2. What is offered and owned (but not directly used).	An example of it is the money that someone may offer to buy incense and candles used for ceremonies.	
3. What is offered for worship	Incense, candles, flowers	
4. Oblations	Food offered to the Buddha. It may come from:	A donation exclusively intended for the Buddha. In this case, the only person who can consume the food is the attendant who is in charge in the Hall.



		Food belonging to the Saṃgha. In this case, all monastics can consume it after it has been taken back.
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If we consider the offence one commits against the Buddha in person, the Master clarifies that since the Buddha has no more any attachment to whatsoever in the world, the objects he uses may be considered as having no owner. The offence is evaluated in the same way as stealing the possession of non-human beings, namely deficiency of practice (similar nature offence). Although the offence is lighter than a defeat, the karmic retribution of stealing what belongs to the Buddha is very heavy.

Nevertheless, since the Buddha is no more in the world, one commits the offence against the keeper or the donor. In all Buddhist countries, there is always a keeper in charge of managing the various worshipping halls, the stūpas, and all the things kept therein. It is against this person, who is usually a monastic, but may be even a lay person, that one commits the offence.

Let us summarize the offences one may commit by stealing what belongs to the Buddha with the help of the following table:

Stealing the property of the Buddha	In reference to the Buddha himself		Deficiency of practice (Similar nature offence)
	In reference to the person who is considered in charge	If there is a keeper, one commits the offence against the keeper	If the items are worth at least five monetary units, one commits a defeat.
If there is no keeper, one commits the offence against the donor because he prevents him from enjoying the merits of his donation			
Stealing Buddha's images and relics	Out of faith, not for gain		No offence
	With the intention to sell the object and enjoy the proceeds		If the item is worth at least five monetary units, one commits a defeat.

### ➤ Dharma

The Dharma is insentient; therefore, the offence is not against the Dharma in the abstract, but against the owner or the keeper of what is considered Dharma. There are four categories of properties of the Dharma, the same as for the Buddha. The only difference concerns the first category: objects used by the Dharma are paper to print the books, ink, cases to conserve sūtras, baskets, etc. Nowadays, we may include printers, or digital supports on which the Dharma is recorded.

The offence is assessed according to the commercial value of the stolen object, and it is considered committed against the keeper. If the item is worth at least five monetary units one commits a defeat.

Besides the more obvious meaning of stealing in the sense of taking away something that is not given, Master Dao Xuan lists also a series of actions that, being highly disrespectful towards the

Dharma, entail a little offence. The text of reference is the *Five Hundred Questions*. The actions are:

1. Blowing on a Sūtra or other Dharma books;
2. Eating or drinking on a Sūtra;
3. Burning a Sūtra.

The offence is a deficiency of practice (similar nature offence).

### ➤ Saṃgha

Master Dao Xuan introduces a fourfold classification of the entire possible properties of the Saṃgha. This classification is an extremely precious tool for understanding how to keep this rule as purely as possible and how to evaluate correctly an offence, avoiding many mistakes in the judgment.

As above, a general principle to keep in mind is that if there is a keeper – which is usually a Saṃgha official appointed by saṃghakarma but may be a lay person either – the offence obtains against him. If not, the case has to be evaluated for each category separately. In any case, the first thing to do is to assess who is the owner against whom one commits the offence.

I will discuss more in detail the four categories of Saṃgha properties one by one.

- 1. Property of the monastery used by the resident Saṃgha (considered collectively).** In Chinese, the term that defines this category is *chang zhu chang zhu* (常住常住). *Chang zhu* literally means ‘permanently resident’ or ‘permanent residence’.

The first couple refers to the monastic community, thereby limiting the object to the monks or nuns that live permanently in a certain monastery, although even a guest monk who spends a period of time in the place is considered ‘resident’ and can thereby enjoy the use of what pertains to this category. The monastic community is here considered as a single entity. In other words, if there is no keeper, one commits an offence not against the single members of the community, but against the community itself.

The second couple refers to the monastery itself, as the place in which the property is permanently kept. The term suggests also another important meaning: this kind of property cannot leave the monastery to which it belongs, unless the Saṃgha deliberates through a saṃghakarma and only under certain conditions.

All the buildings, fields, land, furniture, rooms, vessels, cars, devices of various type, etc., are included into this category. Those who live in the monastery may enjoy the use of it, but these can never become a personal property of anybody. In other words, everyone borrows them and has the responsibility to keep them in good shape or fix or pay them back if they get damaged. Very often, there is an official of the Saṃgha who is in charge to manage the various departments and divisions of a monastery. If this is the case, it is against him that the offence obtains, as already stated above. If the keeper himself is the thief, it is against the community that one commits the offence. Since the owner against whom one commits the offence is always a single entity – the monastic community or the keeper - the value of the objects can easily reach the limit of five monetary units that fulfils the conditions for a defeat.
- 2. Property of the monastery shared by the Saṃgha of the ten directions.** In Chinese, *shi fang chang zhu* (十方常住). The first couple, *shi fang*, means ‘ten directions’ and refers to

the monastic community of the ten directions, in other words, virtually all monastics in the world. The second couple, *chang zhu*, refers to the objects that are included in this category and, as above, has the implicit meaning that they are confined to the monastery in which they are kept. This category includes only one type of property, namely the food that on that day will be distributed among all the monastics that happen to be in the monastery at mealtime. In this case, the monastic community is not considered as a single entity; the offence is against the members of the community considered one by one. This means that, if there is no keeper, in order to assess the offence one may commit one has to divide the value of what has been stolen among all the monastics of the ten directions. This is why, by stealing what pertains to this category, one commits a deficiency of training<sup>10</sup>, never a defeat, in the absence of a keeper. If instead there is a keeper, one commits the offence against him/her, as already explained above.

Food is normally property of the monastery and belongs to category 1. Only the share that the person in charge – usually the one responsible of the kitchen – decides will enter into the daily menu becomes property of category 2 starting from the dawn of that day.

The following table allows having a complete overview over this topic. It is adapted from the original that can be found in *Clarifying Doubts in Vinaya Studies (Lu Xue Shi Yi)*<sup>11</sup>:

Before dawn	Before dawn, all food has to be considered as ‘property of the monastery used by the resident Saṃgha (considered collectively)’ (category 1). Even if the person in charge may have taken out something from the fridge the day before, or may have planned to cook some particular food, since dawn has not yet come, it cannot be considered as ‘provision for the day’ (for the Vinaya, days span from one dawn to the next). Stealing food at this point is stealing property of category 1.
From dawn to breakfast time <sup>12</sup>	<p>Starting from dawn, the food that the person in charge has taken out as provision for the day may already be considered ‘property of the monastery shared by the Saṃgha of the ten directions’ (category 2).</p> <p>Before a signal is given, one who steals this food may commit a different offence according to the owner:</p> <ol style="list-style-type: none"> <li>1. If there is no keeper, the offence is against the Saṃgha of the ten directions, whose members are considered one by one. The value can never reach the limit of five monetary units; therefore, the offence is a deficiency of training.</li> <li>2. If there is a keeper – the chief of the kitchen, the cook, or the chief of the refectory, lay or monastic, depending on how the monastery is organized – it is against him or her that one commits the offence. If the value reaches the five monetary units, one commits a defeat.</li> </ol>

<sup>10</sup> Stealing something worth less than five monetary units is one of the six special rules for śikṣamāṇās.

<sup>11</sup> 律學釋疑. It is a collection of questions put by monks and nuns to the Vinaya experts of Zheng Jue Vihara in Taiwan with the answers.

<sup>12</sup> *Clarifying Doubts in Vinaya Studies (Lu Xue Shi Yi)*, Question 121019: When the one responsible of the storage takes some food out as provision for the daily offering to the Saṃgha, at this time (the food) may already be called ‘property of the monastery shared by the Saṃgha of the ten directions’. Nevertheless, it is after the signal has been given that it officially changes into ‘property of the monastery shared by the Saṃgha of the ten directions’.

From breakfast (signal) to lunch (signal)	When a signal is given, the food officially becomes the property of the Saṃgha of the ten directions – the keeper is no more the owner. All monastics, resident or not, have the right to enjoy a share of it. One who steals this food commits the offence against the Saṃgha of the ten directions. Since the value cannot reach the five monetary units, one commits a deficiency of training.	If the food is consumed without giving a signal, this configures the offence of ‘stealing the food of the Saṃgha’. Since the offence is against the Saṃgha of the ten directions, one commits a deficiency of training.
From lunch to the end of lunch		
From end of lunch to noon	Waving aside one’s private share of the food, the rest of the leftovers are still considered property of the Saṃgha of the ten directions and the offence is assessed according to what has been already explained above.	
After noon	1. If the food is given away to the laity, it becomes personal property of lay people and the offence should be assessed accordingly. This is the case of monasteries in Theravāda tradition. All the leftovers become property of the laity and anybody may take them. Even animals may have a share. Monastics have nothing to do with them any longer.  Alternatively, the leftovers are given back to the monastery as property of category 1. This is the case of the majority of Chinese monasteries. Stealing them entails a defeat.	
	2. If the food has neither been given away to the lay people nor given back to the monastery, it has still to be considered as property of the Saṃgha of the ten directions. If one steals it, two cases may occur:	a. if there is no keeper, the offence is against the Saṃgha of the ten directions (deficiency of training).
		b. if there is a keeper, the offence is assessed according to the value as above.
	3. After noon, the validity of the procedure of offering expires, therefore by consuming this food one would further commit a deficiency of training (eating at improper times) and deficiencies of practice (taking food that has not been offered, consuming leftover food, etc.)	
4. After noon, monastics should not eat any solid food. Even giving a signal must be considered an invalid procedure. If one consumes leftover food, one commits a deficiency of practice. Taking out from the store new food for eating after noon is stealing property of category 1. According to the value of the items, one may commit a defeat.		

**3. Property of the monastics present at that moment.** In Chinese, *xian qian xian qian* (現前現前). *Xian qian* mean ‘present in this moment’. The first couple refers to the monastic

community. It includes all monks or nuns that are present in the monastery when the items are distributed. The second *xian qian* refers to the items. These are articles that are offered by a donor occasionally and should be distributed on the same day. They may include some special food to be distributed during the meal, robes, medicines, requisites, etc. The donor may decide to whom he wants to give his donation, either the resident monastics only or the guests either. In any case, the number of those who will enjoy the donation is limited; therefore, the value of the items has to be divided by a known number, which implies that it is possible to commit a defeat. Four cases may occur:

1) One commits the offence against the donor	This happens when the items have just been delivered, no keeper has been appointed, and the distribution has not yet started. If the value reaches the five monetary units, one commits a defeat.
2) One commits the offence against the keeper	If a keeper has been appointed to take care of the items, one may commit a defeat when the value reaches five monetary units or more.
3) One commits the offence against the monastics present in the monastery at the time of the distribution	If the value divided by the number of the present reaches the five monetary units, one commits a defeat.
4) One commits the offence against the single owner	When the distribution is over, the items have become the personal property of the single monastics. Therefore, stealing something does not pertain anymore to the category 'stealing the property of the Saṃgha', but to the category 'stealing the property of human beings'. If the value reaches the five monetary units, one commits a defeat.

What is left from the distribution, for example clothes, may be stored as property of the monastery.

- 4. Property of the monastics of the ten directions who are at that moment present in the monastery.** In Chinese, *shi fang xian qian* (十方現前). *Shi fang* – ten directions – refers to all monks and nuns in the world; *xian qian* refers to the items. In this case either, the items have to be distributed among the monastics who are present and will become personal property. They may be donations as above, for example robes on season or out of season, and a special category of items, namely the light property of a deceased monk or nun. The number of those who will enjoy the donation is decided after a samghakarma. Therefore, the offence one may commit depends on the time at which one steals the objects. There are three cases:

The saṃghakarma has not yet been carried out	One commits the offence against the keeper	If the items are worth five monetary units or more, one commits a defeat.
	One commits the offence against the Saṃgha of the ten directions if there is no keeper	Since the value of the items has to be divided among all the members of the Saṃgha of the ten directions, the value of five monetary units can never be reached. Therefore, one commits a deficiency of training.
The saṃghakarma has already been carried out	One commits an offence against those who are present	Since the number of the participants in the distribution has now been fixed, the value of the items may reach the five monetary units; therefore, one may commit a defeat.
The objects have been distributed and have become personal property	One commits the offence against the new owner	If the items are worth five monetary units or more, one commits a defeat.

### **The procedure**

When some robes in season or out of season accrue to the community or when the light property of a deceased person need to be distributed, the procedure entails two saṃghakarma:

1. Saṃghakarma for appointing the bhikṣu/bhikṣuṇī who will make the shares and distribute the items.
2. Saṃghakarma for delivering the robe or other items to the appointed person.

After this second saṃghakarma, the appointed person distributes the counting sticks to assess the number of people present and make fair shares of the items. If a guest bhikṣu/bhikṣuṇī arrives before the sticks are distributed or when they are distributed, one may still enjoy a share. If one arrives when the sticks have already been collected and counted, one is excluded from the distribution. After this, the items may be distributed in order of seniority.

### **Property of the deceased**

The property of the deceased deserves a special discussion. When a monk or a nun dies all what belongs to him/her has to be divided into two broad categories, the light properties and the heavy properties. *GPV*:

We briefly divide (the properties of a monastic) into three categories:

1. What the Buddha established one should (necessarily) possess, like the six items<sup>13</sup>. These support the Way and are necessary items. They are classified as light properties.
2. Items whose possession is not allowed, like fields, parks, servants, animals, gold, jewels, grains, row rice, boats, carriages. These are a major obstacle to the Way, and one should not be involved in their management. They are all classified as heavy properties.
3. Items the Buddha allowed (one to keep). They may be assigned either to the light or to the heavy properties. (They are items) like extra robes, additional requisites<sup>14</sup>, vessels and various tools that one keeps with himself, those items that are considered a hindrance (to the practice by those who are contented with only three robes) in which they are extra requisites, but are tolerated as helping the person and supporting the Way (for those who are weaker). These are evaluated differently (in different Vinayas). I now divide them into three categories according to the one single meaning (used) in this treatise<sup>15</sup>. **1.** Things which are heavy (in weight) by nature, like copper and iron, wood, stones, basins, bottles, pots, cauldrons, cars, carriages, vessels. Since their substance is to be heavy things, they are not suitable for being carried around; therefore, they are classified as heavy (properties)<sup>16</sup>. **2.** Things which are light (in weight) by nature, like additional requisites that can follow the person. Cloth and silk, no matter how much, are all classified as light properties. **3.** Things that are light or heavy according to their usage. They may be things that are heavy (in weight) but light (in usage), like the razor for shaving, a stone case, a container for putting clothes, a needle case, (common) bowls, spoons, chopsticks, bolts, and other things: they are all classified as light properties. On the other hand, they may be things that are light (in weight) but heavy (in usage), like big or small tents and parasols, portable screens, pillows, fans, rugs, mattresses, beds, lay people clothes. These things are an obstacle. They are all classified as heavy property.<sup>17</sup>

The light properties can be distributed among the members of the Saṃgha who are present when the procedure is carried out and are therefore ‘property of the monastics of the ten directions who are at that moment present in the monastery’. The heavy properties cannot be distributed and become ‘property of the monastery used by the resident Saṃgha (considered collectively)’. It is usual to give the difficult task to make a detailed list of all the properties of the deceased person to someone who is really expert in the Vinaya. This person has a great responsibility: if one assigns incorrectly a light property as heavy, he commits a deficiency of training, having deprived the Saṃgha of the ten directions of it. If one assigns a heavy property as light, one may commit a defeat in case the worth is five monetary units or more, because heavy properties belong to category 1 and cannot be distributed.

<sup>13</sup> The three robes (five for bhikṣuṇīs; śikṣamāṇās have four robes), the niṣīdana (sitting cloth), the bowl, the water strainer.

<sup>14</sup> Lit.: the 101 things.

<sup>15</sup> RS: “The first two categories are evaluated as light or heavy (property) consistently in all Vinayas. On the opposite, the last one is not, therefore it is necessary to evaluate differently and eliminate conflicting versions. Hence, it says ‘(according to) the one single meaning (used) in this treatise’.”

<sup>16</sup> The term ‘heavy’, as the term ‘light’ in the next sentence, is used with a double meaning: heavy in weight and heavy as belonging to the heavy properties.

<sup>17</sup> GPV, book 32, p. 15, a3. Master Dao Xuan wrote an additional book completely devoted to the detailed listing of all possible items, entitled *Models for Assessing Light and Heavy Properties* (*Liang Chu Qing Zhong Yi*, 量處輕重儀). It is contained in the so-called *Swastika Tripitaka*, vol. 105. Items that did not exist at his time, like computers, MP4 players, smartphones, etc., should be classified according to the same standards.

In case the deceased person has been attended upon by a carer, the community may decide to award him/her by giving a share of the property – usually the robes, bowl and niṣīdana - to him/her before the procedure explained above starts. This step either requires a saṃghakarma.

If one wants to leave something to someone, he should do it before dying. Things like last wills have no value in the Vinaya, because at the time of death one is no more the owner of anything and cannot dispose of the objects in any way.

Nevertheless, if the dying person has promised something to someone in a way that this second person can be considered the owner, the object should be given to this person. It may be the case that the promise was done when the object or the beneficiary was not rightly available. In this case, one should take into account the will of the dying and deliver the object to the person he mentioned. If one steals this object after the promise has been made, one commits an offence against the one who will be the new owner. In all the other cases, if one steals an object, it is against the Saṃgha that one commits the offence.

➤ **The problem of muddling**

Master Dao Xuan dedicates a long chapter to muddling, namely using something inappropriately, either intentionally or not, for a use other than the intended one. He divides the matter into four categories. Sometimes, the categories overlap and it is not always easy to understand the principle by which the Master has made his evaluations. I will summarize them for easy reference.

<p>Muddling among the Three Jewels</p>	<p>Using what belongs to one Jewel for another. The most common situation is using what belongs to the Buddha to provide the Saṃgha with requisites, or vice versa.</p> <p>Sharing the property of the Buddha with the Saṃgha is never possible and always entails a defeat, while sharing the property of the Saṃgha with the Buddha is possible when the Saṃgha agrees through a saṃghakarma. If the Saṃgha does not agree or has not even been informed, one may commit a defeat.</p>												
<p>Muddling inside a single Jewel</p>	<p><b>Buddha and Dharma</b></p> <table border="1" data-bbox="341 1328 1426 1760"> <tr> <td data-bbox="341 1328 876 1514"> <p>Simply going against the will of the donor, as constructing an image of one Buddha when the donor has given the donation for another Buddha, or print the Nirvāṇa Sūtra instead of a Wisdom Sūtra (both Mahayana scriptures)</p> </td> <td colspan="2" data-bbox="876 1328 1426 1514"> <p>The offence is a deficiency of training</p> </td> </tr> <tr> <td data-bbox="341 1514 876 1760"> <p>Going against both the principle and the donor’s will, as constructing a bodhisattva image instead of a Buddha’s image (bodhisattvahood is a causal stage, while Buddhahood is the final fruit), or printing scriptures that are not sūtras, or even fake scriptures instead of true sūtras.</p> </td> <td colspan="2" data-bbox="876 1514 1426 1760"> <p>If the worth of the diverted fund reaches the five monetary units, one commits a defeat.</p> </td> </tr> </table> <p><b>Saṃgha:</b></p> <table border="1" data-bbox="341 1872 1410 2007"> <tr> <td data-bbox="341 1872 496 2007"> <p>Muddling what belongs to</p> </td> <td data-bbox="496 1872 826 2007"> <p>Diverting the donation: if a donor offers a park with the intention to use the (proceeds obtained from</p> </td> <td data-bbox="826 1872 1225 2007"> <p>This means using the property of the monastery used by the resident Saṃgha and distributing</p> </td> <td data-bbox="1225 1872 1410 2007"> <p>Defeat</p> </td> </tr> </table>			<p>Simply going against the will of the donor, as constructing an image of one Buddha when the donor has given the donation for another Buddha, or print the Nirvāṇa Sūtra instead of a Wisdom Sūtra (both Mahayana scriptures)</p>	<p>The offence is a deficiency of training</p>		<p>Going against both the principle and the donor’s will, as constructing a bodhisattva image instead of a Buddha’s image (bodhisattvahood is a causal stage, while Buddhahood is the final fruit), or printing scriptures that are not sūtras, or even fake scriptures instead of true sūtras.</p>	<p>If the worth of the diverted fund reaches the five monetary units, one commits a defeat.</p>		<p>Muddling what belongs to</p>	<p>Diverting the donation: if a donor offers a park with the intention to use the (proceeds obtained from</p>	<p>This means using the property of the monastery used by the resident Saṃgha and distributing</p>	<p>Defeat</p>
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<p>Muddling what belongs to</p>	<p>Diverting the donation: if a donor offers a park with the intention to use the (proceeds obtained from</p>	<p>This means using the property of the monastery used by the resident Saṃgha and distributing</p>	<p>Defeat</p>										



	the Saṃgha	selling the) fruit to provide robes and medicines (to the Saṃgha), but one instead, with stealing intentions, distributes the fruit to eat, one may commit a defeat according to the value (of the fruit).	it as property of the monastics present at that moment	
		If the intention is to build lodgings or other facilities for the Saṃgha, but one eats (the fruit) instead (with good intentions), one commits a deficiency of training	This means to use the property of the monastery used by the resident Saṃgha and distributing it as property of the monastery shared by the Saṃgha of the ten directions	If the Saṃgha does not agree, it is a deficiency of training
		Exception: to protect the place, if the Saṃgha agrees one may:	Use the fruit or what belongs to the monastery as food to distribute to the residents to eat or sell tattered lodgings to fix those that are in better conditions.	
			Take away temporarily what is possible – food, sacred images, sūtras, etc. – during periods of danger, with the intention of taking it back.	
	Muddling what belongs to the Buddha	The donors want to give the offering to one image, but one diverts it to another image		Since one goes against the intention of the donor, one commits a deficiency of training
Muddling between the Jewel in its essence and the Jewel in its material manifestation	Buddha	<u>Jewel</u> : the offerings have to be put in a stūpa		
		The person: when the Buddha was in this world, what people offered to him personally was used by him		
	Dharma	<u>Jewel</u> : the offerings have to be put in a stūpa		
		The Dharma in its material aspect of books, etc., and of those who spread it	One share goes to the sūtras (paper, ink, etc., what is needed to print and distribute the scriptures)	
			One share goes to those who lecture on the Dharma or recite scriptures	
	Saṃgha	<u>Jewel</u> : the offerings have to be put in the stūpa of an enlightened disciple		
The Saṃgha as the actual monastic community: the offering is distributed among the members, enlightened or not				
Muddling among the objects offered	The discussion of this topic is very articulated and sometimes overlaps with the first category of muddling. Master Dao Xuan presents a casuistry selected from various Vinaya sources, but without giving a general principle. This is the translation of the relevant part of the GPV:			

	<p>First, there are four categories of objects belonging to the Buddha.</p> <ol style="list-style-type: none"> <li>1. Objects used by the Buddha: they cannot be diverted (to other use). They include the Hall and facilities, the robes, the benches, the flags, etc., what is normally used by the Buddha: they must be placed in a stūpa as offering and cannot be used for something different, as already quoted from the <i>Sūtra of the Great Gathering</i>. The <i>FHQ</i> affirms that one cannot sell a silk cover that is on a Buddha statue to make a robe for the Buddha. Moreover, if one of the beams of the stūpa is damaged and a donor has already changed it, so that the old beam has been given to the Saṃgha, the Saṃgha cannot use it. In the <i>DV</i> the Buddha says that what has been offered to the Buddha, like parks, sitting clothes, etc., are worshipped by devas and humans and cannot be arbitrarily used (by others), because they have to be considered like stūpas. Further extended explanations concerning the worship of the Buddha can be found in the chapter <i>Devotion of Buddha Images</i> (in book 37 of <i>GPV</i>).</li> <li>2. What is offered and owned (but not directly used). The <i>FHQ</i> says it is possible to use some properties of the Buddha to buy worshipping tools for making offerings. <i>SV</i>: the Buddha allowed getting an interest from what belongs to the stūpa. The <i>FHQ</i> says that what belongs to the Buddha cannot be moved to other temples. One would commit a defeat. If all the monks are about to leave and the Saṃgha allows it, they may take away everything<sup>18</sup> without transgression. If a bhikṣu carves a statue of the Buddha or writes sūtras for others and gets something from it, he cannot accept it. If he gets cows or other animals for the Buddha's statue, he cannot use them. If one uses the cows or servants of the Buddha, he commits a great offence (defeat).</li> <li>3. What is offered for worship. <i>MV</i>: if the quantity of flowers offered to the Buddha is huge, it is possible to sell some of them and buy instead incense or candles. If there are old ones, they can be sold and the proceeds deposited in the inexhaustible fund<sup>19</sup> of the Buddha. The <i>FHQ</i> says that if there are many flags, these may be used to perform other religious activities. Nevertheless, if the donor does not agree, it is not possible. According to this passage, if one wants to divert something for a different use, one cannot change its material<sup>20</sup>. The <i>Mahā Prajñā Pāramitā Śāstra</i> affirms that if one paints an image of the Buddha and someone, judging the image ugly, alters it (to improve it), this person cultivates merits. If instead, one damages it with bad intentions, one commits an offence.</li> <li>4. Oblations. The <i>DV</i> says that the food that is offered to the stūpa may be eaten by the guardian of the stūpa. The <i>SuVV</i> says that the rice that have been offered to the Buddha may be eaten by the bhikṣu who is servicing the Buddha. If the servant is not a bhikṣu, but a lay person, this may eat (the offering). According to this, the tray offered by lay persons does not belong to the Buddha, and there is no need to redeem it. The saying that there is the need to redeem it comes from fake scriptures.</li> </ol> <p>Next, we explain (the categories of) what belongs to the Dharma. There are four categories in the same way. What is used by the Dharma are things like boxes, cases, cabinets, bamboo baskets, pieces of cloth. They are things in which the sūtras are constantly kept and cannot be used in a different way. For the other three categories, one can understand by inference from the above discussion.</p> <p>Third, the explanation concerning (what belongs to) the Saṃgha<sup>21</sup>.</p>
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<sup>18</sup> Statues, sūtras, etc.

<sup>19</sup> A fund that is always available and accrues continue interests.

<sup>20</sup> As explained by *RS*, this means that objects like flag, banners, etc., may be used for different ceremonies but without altering their nature. In other words, they cannot be sold or bartered to get incense or other material for worship, as this passage says it is possible to do with flowers.

<sup>21</sup> *JCN*, p. 548: "1. Objects used by the Saṃgha: rooms, beddings, beds and seats, etc. They are all included in the category of property of the monastery used by the resident Saṃgha. 2. What is offered and owned (but not directly used): money, precious things, fields, parks, etc. These are also included in the category of property of the monastery used by the resident Saṃgha. 3. What is offered for worship: flags, banners, flowers, incense, etc. They may be either property of the monastery or offerings to be distributed among the monastics who are present. 4. Oblations. The rice

	<p>Concerning the two categories of what belongs to the monastery<sup>22</sup>, the place (in which they must be kept) is fixed; they cannot be moved in a different place, as explained above. If one wants to help another monastery, if through a saṃghakarma the Saṃgha agrees, it is possible.</p> <p>The first category of monastery's property can only be used. The property of the monastery shared by the Saṃgha of the ten directions is distributed as food ration at a fixed time upon giving a signal. One (who takes this food) commits a deficiency of training (in the following cases): one has broken the precepts, but it is the right time; one is virtuous, but it is the wrong time; one uses it not according to the rules. The possibility or not to use what belongs to these two categories in a muddled way upon agreement of the Saṃgha may be inferred from the above discussion.</p> <p>The servants or animals that belong to the monastery cannot be sold or bought. According to the sūtras<sup>23</sup>, one would thus commit a defeat. The Vinayas do not say anything. In the <i>MV</i> it says that if someone offers a servant to the Saṃgha, this should not be accepted. One can infer the meaning from this.</p> <p>If we discuss the two categories of what belong to the monastics<sup>24</sup>, the offences (one may commit) because of muddling are assessed as already explained above. Concerning the light and heavy properties (of the deceased) if the assessment of the items and the distribution do not agree with the teaching of the Vinaya, one commits two offences<sup>25</sup>.</p>
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### ➤ Loans

Master Dao Xuan summarizes the Vinayas word on this issue in the GPV:

MV: if the stūpa and the Saṃgha lend and borrow something from each other, one should clearly take a note, recording the time of the loan and the time when it should be given back. If the officers in charge succeed one another, (the first) should read to the Saṃgha the detailed record in order to transmit it to those who will come after. Those who do not do it commit an offence.

SV and MV: the interest that accrues from what belongs to the stūpa should be taken and deposited in the stūpa's inexhaustible fund. The interest that accrues from what belong to the Buddha has to be deposited in the Buddha's inexhaustible fund. (This fund may be used when) there is the intention to make an offering to the stūpa, etc. As for what belongs to the Saṃgha, the texts give the same examples. One cannot confuse (the funds of the Three Jewels).

The SV allows individual monks borrowing (something) from the stūpa or the Saṃgha. If the person dies, (the debt) has to be reckoned and (the loan) given back to the stūpa or the Saṃgha. The SuVV further affirms that one may borrow money and material from the Saṃgha to construct a private residence.

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soup or rice (offered) at the two (meal) times. They are included in the second category, property of the monastery shared by the Saṃgha of the ten directions.”

<sup>22</sup> 1. Property of the monastery used by the resident Saṃgha (considered collectively) 2. Property of the monastery shared by the Saṃgha of the ten directions.

<sup>23</sup> Nirvāṇa sūtra.

<sup>24</sup> 3. Property of the monastics present at that moment 4. Property of the monastics of the ten directions who are at that moment present in the monastery.

<sup>25</sup> RS, “If one attributes a heavy property to the (group of) light properties, one commits a defeat. If one attributes a light property to (the group of) heavy properties, one commits a deficiency of training. Both are equally against the teaching (which is a) deficiency of practice.”

The *Sūtra on the Lay People Discipline* says that if a sick person borrows what belongs to the Three Jewels, he has to pay back ten times. Following this logic, those who are not sick are forbidden from borrowing anything. This is different from the Vinayas. It may be that (this sūtra) is speaking of the two categories of lay followers. Nevertheless, the text seems to mention the five categories of monastics either.

FHQ: if an individual monk borrows what belongs to the Buddha and makes personal use of the interest that accrues from it, it is like damaging the Dharma body of the Buddha. If someone offers to the Buddha cows and servants, one cannot use them, cannot sell or barter them. If someone offers cars and tools, one cannot take them. The rest is as explained in the rule concerning keeping money.

➤ **Rules for sharing the properties of the Three Jewels with monastics and lay people**

Master Dao Xuan, GPV:

DV: Upāli arrived at a certain place. Nobody came out to greet him and on the same day he went back. (On that occasion) the Buddha declared, “If someone comes who knows the Dharma, who knows the Vinaya, who knows the *matṛka*<sup>26</sup>, all those who are present must greet him, and offer him drink and food, etc.” (The text) does not specify if (what can be given as special gift) is what belong to the monastics present at that moment or to the Saṃgha of the four directions. According to (the story) of giving a robe to an official<sup>27</sup>, these (special offerings) should be the property of the monastics of the ten directions who are at that moment present in the monastery. Therefore, we know that they cannot be the property of the monastery used by the resident Saṃgha. SV: (The Buddha says:) ‘this kind of people can substitute me’, therefore one should give offerings to them.

MiV: Lay people visited a monastery. The monks did not give them anything to eat. They left, annoyed. The Buddha said, “You should give them something.” (The monks) took bad dishes, put some food (on them) and gave them (to the lay people). Again, they were annoyed. The Buddha said, “You should give them good dishes.” This concerns those lay persons who are far away (from the Three Jewels) and see the faults of the Saṃgha. If they are upasākas or upasikas or lay persons who understand, one should explain them that the food of the field of merit is difficult to digest<sup>28</sup>. It is not out of avarice (that the monks do not give it to lay people), as it is explained in the *General Principles for Managing the Saṃgha*<sup>29</sup>.

SV: If (it is necessary) to give something to Kings, or high Ministers, one may give firewood, candles, etc., up to the worth of nineteen monetary units without informing the Saṃgha. If they ask more, one should first inform the Saṃgha and then give (what they ask). If vicious bandits

<sup>26</sup> Abhidharma.

<sup>27</sup> The Venerable Darva Mallaputra served the Saṃgha as official. His robe was tattered. A new robe accrued to the Saṃgha as offering to the monastics of the ten directions. The Saṃgha agreed through saṃghakarma to give it to Darva as reward for his service.

<sup>28</sup> “Difficult to digest” entails the meaning that this food, having been offered to the Saṃgha, should not be given away to other objects who are not a field of merit and do not offer services to the monastery. Taking away the food of the Saṃgha generates negative karma for those who eat it. The monks should exhort lay people to make some services, like sweeping or doing the dishes or cooking, thereby becoming eligible to partake of one share of the food.

<sup>29</sup> *Seng Wang Da Gang* (僧網大綱), GPV, book 7.

come one may give them all they want at any time without limit<sup>30</sup>. MV: If they are vicious bandits, or donors, or craftsman, or kings and high officials who may carry destruction or (instead) benefit, one should give them as much food and drink as they ask<sup>31</sup>. SaVV: One should give (what asked) to those who can bring damage. As for benefit, if (the situation) does not fit in (with what is defined as benefit, giving) becomes a case of corrupting people. If both parties know the Dharma<sup>32</sup>, the situation is as explained before in the Vinaya and one can give. The detailed explanation is in the chapter on the second category of offence<sup>33</sup> explained later.

SV: If one is sick and asks the Saṃgha for an expensive medicine, the Saṃgha can provide up to two monetary units and half<sup>34</sup>.

SuVV: Way of paying someone who is doing a service. One should assess (the work done by him into) superior and inferior. If he is superior, one should provide clothes and food. If he is inferior (he does not do any services), one should not give anything. If (this person) is a long-term assistant, one may provide him of clothes and food.

SV: Concerning a worker, if one has hired him for the entire day, but all on a sudden there are some problems by which he cannot do the job, one cannot give him what was arranged. The Buddha says that one should assess the job done and give him his wage according to this. According to this method proper of lay people, if (the worker) works from morning to noon, after which problems arise, one should give him one meal. One should not give him (the entire wage). If the noon has already passed when the problems arise and he cannot work anymore, then one should give him the wage for an entire day of work. Moreover, one should, according to the words of the Buddha, assess his work and consider if he is diligent or lazy. If, although he has worked only half day, he has already completed all the work, one should give him what was agreed at the beginning. If he is lazy, one should decrease the wage.

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<sup>30</sup> T23, 250, a6: “There were many kings and high officials who frequently came to the bamboo grove and to the lodgings to look. When they showed up, they asked for firewood, candles, etc. (The monks) did not know what to do: they were afraid to commit the offence (of stealing) by giving something, but they were afraid to be injured by not giving anything. They informed the Buddha about this question. The Buddha said: ‘You should appoint a particular official. This person without informing the Saṃgha may give away things up to the value of nineteen monetary units. If they want more, he should inform the Saṃgha and then give (what they want)’.”

T23, 250, a11: “In the Kośalā country there was a monastery in the wilderness. Some bandits came to the monastery to ask for food. The one who was cooking said, “I’m not the one who can give you food. Ask the śrāmaṇera.” The bandits went to ask the śrāmaṇera. The śrāmaṇera said, “I cannot give you food. Ask the bhikṣu in charge.” They then asked the bhikṣu in charge. The bhikṣu in charge said, “This food is prepared for the Saṃgha, not for you.” The bandits said, “How can these bhikṣus dare not give us food?!” They grasped a bhikṣu and cut his hands, feet and waist. The bhikṣu did not know what to do. They informed the Buddha about this question. The Buddha said, “If there is such a dangerous situation, if they ask little, give little; if they ask half give half; if they ask all, give all.”

<sup>31</sup> T22, 252, a26, “There is something that can be given and something that cannot be given. What does “giving” mean? If there is (the danger of) destruction or a benefit, one should give. What does destruction mean? There are bandits that come in the temple reclaiming all sorts of food and drinks. If they do not get what they ask, they put the monastery to fire or rob the monastery. Although (there may be things that) should not be given away, being afraid of the possible destruction, one should give as much as they ask. What does benefit mean? If someone is constructing lodgings for the Saṃgha, a mud worker, a carpenter, a painter, or he is managing the affairs of the Saṃgha, one should provide him with breakfast and lunch, with oil for massaging the body or afternoon juice, etc. If king or great influential people come, one should give them drink and food.”

<sup>32</sup> RS, “The laity knows that the food of the Saṃgha is difficult to digest and one should not take it carelessly. Monks know that corrupting people is against the teaching, and do not make gifts without a reason.”

<sup>33</sup> It refers to BP and BiP, *Corrupting families and rejecting the admonition of the Saṃgha*.

<sup>34</sup> If the price exceeds two monetary units and half, the sick bhikṣu should refund the Saṃgha of the exceeding amount.

The detailed discussion about who can enjoy the food of the Saṃgha and who cannot, is expounded in the preceding chapters<sup>35</sup>.

### Managing a monastery

When managing a monastery, one should take into account all this information.

1. One should divide clearly what belongs to the monastery and what should instead be considered private property. For example, considering devices likely fax, printers, computers, etc., it should be advisable to establish clearly in advance whether these may be used only for the monastery or for private reasons either, as, for example, printing some material for study. It is good to ask the donor's intention. If the devices are intended exclusively for the monastery, every person who uses them for private reasons needs to ask the person in charge and to refund paper, electricity, ink, or whatever else has been used, plus a fee for the usage (things get worn out by repeated use), otherwise, this would count as stealing. If instead the devices may be freely used for private purposes either, there is no need to refund anything.
2. If some furniture has been purchased only for the Buddha Hall or for a library, one should make a list of all the items and keep it for those who will manage the monastery in the future.
3. The Buddha allowed some places in a monastery to be authorized as food storage. The kitchen and the food warehouse enter into the list. The person in charge should be careful to avoid that the stored food gets damaged or rotten. If one is very scrupulous and the damage cannot be ascribed to him, one does not need to refund it. Otherwise, one should refund the monastery for the loss. If some perishable food accrues to the monastery in an excessive quantity, the keeper may suggest the Saṃgha to donate part of it to other monasteries. This procedure entails carrying out a saṃghakarma. If the entire community agrees, the food can be given away.
4. It may be that when going out to manage some errands for the monastery or for private questions, one may need to take with him a lunch pack. Nevertheless, this allowance requires a saṃghakarma. The usual praxis is to do this saṃghakarma only once. The community agrees that, from that moment on, those who need to take a lunch pack can take part of the food belonging to category 2, above. This, of course, may be done only after dawn and only after having given a signal.
5. Concerning monetary donations, one should keep a register of the donations, complete with name of the donor, purpose of the donation and any other information allowing for ready traceability. The monastery may publish some announcements concerning how the staff will treat donations that are anonymous or without a specific motive, saying, for example, that they will be used for the monastery in general, or they will be used to manage the most necessary questions at hand at the staff's discretion.
6. Some items of everyday use, like soap, toothpaste, toothbrushes, toilet paper, laundry detergent, etc., may be stored in a special warehouse where everybody residing in the monastery can go and take what one needs without asking. Nevertheless, before implementing this, the Saṃgha has to give its allowance through saṃghakarma. The person in charge should make a detailed list of all the items that will become part of the special warehouse and present it to the Saṃgha. If the Saṃgha deliberates in the positive, one can go ahead with the project. The Saṃgha needs to deliberate only once. The objects put in this

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<sup>35</sup> *Seng Wang Da Gang* (僧網大綱), GPV, book 7.

warehouse are considered as belonging to category 3 (Property of the monastics present at that moment), although they do not completely fit into the definition.

7. It is possible that after great ceremonies the staff has to collect many forgotten items. The monastery may publish an announcement on how it will treat these lost things. Usually, these things should be kept for a reasonably long amount of time – maybe six months up to one year - to give the owners the time to come and take them. If, after this time is over, things have not yet been claimed by anybody, the monastery may announce that it will dispose of them according to the discretion of the person in charge.
8. Sometimes, lay people may come to visit and it may be necessary to give them something, like a cup of tea or coffee, or some candies if there are children. These should not be taken from the monastery belongings. One should keep a separate cupboard containing things that must not be property of the monastery (category 1). It is possible to ask some donors if they agree to provide something intended for the general public and usable by anybody.

These are just some suggestions on how to put into practice all the information given above. Monasteries of different traditions are managed in different ways; therefore, one should have a good grasp of the overall meaning of this topic to solve the specific problems in a way that agrees with the Vinaya.

## Human beings

In case of human beings, there can be only two cases: one may commit the offence against the owner or, alternatively, if there is someone who takes care of the property instead of the owner, one commits the offence against this person. Nevertheless, the casuistry presented by various Vinaya sources is quite extensive. Master Dao Xuan in the GPV summarizes it in the following way:

Having assessed that there is an owner, one may commit an offence against two (possible) owners: the real owner, or the keeper.

In reference to the real owner, there are three possibilities:

1. There is the awareness of possession, and the object is guarded: for example, cotton or silk fabric or wealth that is kept in a cabin;
2. There is the awareness of possession, but the object is unguarded: for example, the five grains cultivated in a field;
3. There is no awareness of possession and the object is unguarded: for example, something that is buried under the earth (that is unknown).

If one steals one of these three objects, he commits an offence against the real owner.

In reference to the keeper, there are two different possibilities:

1. There is the awareness of possession, and someone else is the keeper. For example, when appointing someone to guard what has to be allotted among the members of the Saṃgha.
2. There is no awareness of possession, and someone else is the keeper. For example, the chief of the customs sequestrates a forbidden item, or a bhikṣu loses something and an official finds it.

If one steals these objects, he commits an offence against the keeper.

Referring to both owners, we now explain seven categories:

1. The keeper loses the property (over the items he is guarding). The *SuV* says that if a bhikṣu guards some wealth for a person or even for the Three Jewels, he is very scrupulous and locks firmly the items into a storehouse, but a thief bhikṣu penetrates the storehouse through a hole and takes away everything or compels (the keeper) by force (to give the items) taking them away, this is not something that is in the range of what the keeper can avoid. (The thief) commits the offence against the original owner. One cannot ask the keeper for refunding (if he refunds the item, (the one who made the request) commits a defeat). If the keeper is lazy, he does not carefully keep the item and this is stolen by a thief, the bhikṣu who is the keeper has to refund it. It is not against the original owner (that one commits the offence). If the keeper does not refund the item, he commits the offence.
  
2. Losing the property in case of entrusting (something to someone). *SV*: Some bhikṣus entrusted something (to other bhikṣus) and went on a travel; (the object) got broken. The Buddha said that if (the keeper) is careful, but breaks (the object) when grasping it, one should not ask for refund. If instead (the keeper) breaks (the object) intentionally, he should refund it<sup>36</sup>. If a bhikṣu entrusts something to a lay person, but (the lay person) does not take care of it and (it risks getting) lost, (the bhikṣu) should take it back. If one entrusts something to a lay person, or a lay person entrusts something to a bhikṣu, the two cases are as above. If one borrows something from someone, no matter whether one is careful or not, one should refund everything in case of damage. Nowadays, (there are cases where) someone (volunteers to) wash the clay bowl of another but, if (the bowl) gets inadvertently broken or lost, there are many who claim a refund. If (the refund) is worth at least five monetary units, (the claimant) commits a defeat.
  
3. The owner of something stolen<sup>37</sup>. *SV*: If in a community something is lost, the chief cannot recover it by inspecting (the rooms)<sup>38</sup>. He should instead let it be put (in a place)<sup>39</sup> or he may use some mantras to recover (the item). We can infer two cases (for assessing the offence of recovering the possession of something that has been stolen)<sup>40</sup>:

1) **Stealing unbeknown to somebody**. The owner is weak in protecting the object and the one who takes it definitely considers it as taken successfully. If the owner happens to see his object later, he cannot take it back, even if he has not renounced to its

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<sup>36</sup> The story is about the bhikṣus of the group of six who entrusted their bowls to other monks and set on travel. When they returned, and asked their bowls back, they were told that the bowls got broken. They got angry and asked for refund. Hence, the answer of the Buddha.

<sup>37</sup> RS, "This specifically refers to the original owner."

<sup>38</sup> RS, "Lest one should steal what belongs to the thief, because this would configure the offence of stealing." As it will be explained later, if the thief is certain of having acquired possession of an object, this becomes his property and snatching it back may configure a defeat.

<sup>39</sup> RS, "The ancient explanation is that one should empty a room and, at evening, let all the members pass by and leave their things inside." The next day, when everybody goes to take back his or her belongings, the owner of the object may recognize it and recover the possession.

<sup>40</sup> RS, "It is not that all the Vinayas do not have passages about snatching back what have been stolen, but they do not say clearly which offence one commits in case the theft has been perpetrated openly or secretly. Therefore, it is by inference from the (general) meaning that (the Master) gives different explanations."



possession, because when (the object) leaves its place it should already be considered as belonging to the thief, therefore by taking it away one commits a defeat<sup>41</sup>.

Therefore, in the *DV* it is written that one time a bhikṣu took away something that was stolen, and the Buddha sentenced that he had committed a defeat. Concerning stealing unbeknown to somebody, the *MV* says that (if two conditions are fulfilled, namely) 1, the owner has not given up the object, and 2, the thief does not yet consider it as obtained, one can take the object back. When these two conditions are not fulfilled, by snatching the object back one commits a defeat. If one has not given up the object, but (the thief) does definitely considers (it as obtained), taking it fulfils the case of stealing, and one cannot take it away. If (the owner) has already given up the object, this becomes something without owner, hence it cannot be taken away (from the one who gets it) either. Once the object has been removed (from its original place), it belongs to the last person who has taken it.

2) **Robbing something openly.** If the owner defends his belongings strenuously and the thief does not yet consider the object as obtained (we may infer that it is possible to snatch back the object). Nevertheless, even if the original owner has not such a strong will, as far as he does not give up the object, it is possible to chase after (the thief) and snatch back (the object).

*MV*: (First case:) a robber runs away with the loot. A bhikṣu runs after him and snatches the object back without committing any offence. (Second case:) chasing a thief in the dark. The thief hides the object somewhere and flees. A bhikṣu finds it and takes it back. (Third case:) a robber is slowly approaching a village. If (a bhikṣu) persuades him (to give back what he has taken), or instead gets back (the object) by threaten there is no offence for him. If he knows that there is the death penalty (for the theft), he should not tell the fact to anybody.

All the above cases concern the situation of a robbery done openly.

If one has already renounced to the possession of the object, no matter whether the thief considers (the object) as definitely belonging to him or not, if later one takes the object back this will be a case of a thief stealing the belongings of a thief, in which (the object) already belongs to the (first) thief.

If one has not renounced to the possession, but the thief already considers (the object his property) and has taken it fearlessly, (the object) should likewise be considered property of the thief and one should not chase (after the thief) and snatch the object back.

In the *Vinaya Sūtra*<sup>42</sup>, it says that if one loses something and an official gets it back and returns it to the bhikṣu, this may take it without offence. From this we may deduce that in the case of unbeknown stealing, even if the stolen object is a golden statue, although one may know where this have been hidden, one cannot take it back (by himself).

<sup>41</sup> RS, “It is only in reference to the thief’s (feeling of) having or not having gained definite possession (of an object) that one should assess whether there is or not an offence (in snatching it back).”

<sup>42</sup> *The Buddha teaches the Vinaya Sūtra*, T18.

*SV*: if a bhikṣu is imprisoned by a robber, but he manages to set himself free<sup>43</sup>, there is for him no offence. Nevertheless, if the master rescues his disciple and takes him back, he (the master) commits a defeat.

4. **Things offered to the bhikṣus by a robber.** *SV*: a robber steals something and then offers it (to the bhikṣus) out of sincere devotion, or because someone is chasing after him and he becomes afraid. (The bhikṣus) can accept this offering. Nevertheless, one cannot beg it from the thief. If he offers something spontaneously, it may be accepted<sup>44</sup>. Having accepted it<sup>45</sup>, one should wear it after having dyed it. If the owner recognizes and claims it, it should be given back to him. If one buys a robe from a bhikṣu who is a thief, and later the original owner sees the robe, he (the original owner) cannot snatch it back; he should pay the original price for it (to the one who bought it).

From this we can infer that if one offers to the bhikṣus something that have been stolen from the Three Jewels, gold, silver, sūtras, statues, instrument, bars of gold, damaged or integer, these may be accepted. According to logic, they should be still used for the Three Jewels. One may accept them and use them according to their original destination<sup>46</sup>.

5. **Accepting something belonging to a robber that is detained in prison.** *MV*: when the officials have not yet arrested (the thief) neither recorded a description of the objects, and (the objects) have been entrusted to a bhikṣu, they may be accepted. If (the thief) has already been arrested, (the objects) may not be accepted. If (the thief) says that (the objects) are an offering to the Buddha, to stūpas and the Saṃgha, they may be accepted. One should take them openly, not in secret. If someone asks (about them), one may answer that they belong to the Buddha, or to the Saṃgha or to oneself. If (taking them) is not allowed, one should give them back.
6. **Things offered by someone who is mentally deranged.** *SNVMS*: if a mentally sick person offers something with his own hands, if this person is unable to recognize his father and mother and his relatives, the bhikṣus may accept it. If he can recognize father and mother and he is not offering something with his own hands, one cannot accept it<sup>47</sup>.

<sup>43</sup> The literal translation is “he steals himself from the thief’s dwelling”. The meaning is that, although the bhikṣu may be considered as property of the thief, if he manages to escape by himself, depriving the thief of his own body, there is no offence.

<sup>44</sup> RS notices that this may have been acceptable in India, but not in Imperial China. The same holds true for us: one who accepts the revenues of a theft becomes the accomplice of the perpetrator. Therefore, although the Vinaya allows it, it is advisable to turn away an offering if one knows for certain that it comes from theft.

<sup>45</sup> The text assumes that the donation is a robe.

<sup>46</sup> If one knows where these objects come from, one should give them back. If not, one should still use them following what seems to be their most appropriate destination.

<sup>47</sup> RS, “The *SNVMS* explains that given two conditions one may accept (an offering): 1, (the person) must offer it by himself; 2, he must be one who does not recognize (parents and relatives). From ‘If he ...’ both conditions are reversed, hence one cannot accept anything. If only one of the two conditions is missing, according to logic one may still accept. If, although the person does recognize father and mother, he presents the offering with his own hands, or if he does not present the offering with his own hands, but he does not recognize his relatives, are both included in (the case of accepting the offering).”

7. **People under guardianship.** *SuV*: one who takes (a person) has no offence (in three cases), namely when it is a child that has been abandoned, or who has been chased away by father and mother; if father and mother died; if he is someone who is in debt: taking (one of these) is not an offence<sup>48</sup>. (In the same way, ordaining a person who is a taxpayer for the state is a source of blessing, it is not an offence). (Nevertheless), taking away a servant is a defeat<sup>49</sup>.

*SV*: a person who is taking care (of other people's belongings) offers a robe to a bhikṣu, but this is assailed by doubt, not knowing if (the keeper) may be considered the owner (of the object offered). The Buddha answers that one may accept what he has offered, but it is improper to ask him for something. *DV*: the guardian of someone else's belongings offers a robe to a bhikṣu. The Buddha says that this (the donor) has to be considered the owner, and (the offering) may be accepted. The reason why one cannot ask for it is that the object actually belongs to another person. If the object is given upon a request (made by the bhikṣu) this would be the same as teaching another to steal.

➤ **Other meanings of stealing what belongs to human beings**<sup>50</sup>

The *VDPS* lists the greatest number of meanings of stealing. It is in connection with the (five senses, namely) eye, ear, nose, tongue, body and mind and with the six objects that one may commit an improper behaviour, committing heavy or light offences. For example, one may commit this offence upon having assumed some poisons or having been bitten by a snake<sup>51</sup>. Someone stealing earth, water, fire, wind or air, etc., may also commit a defeat. All these cases should be assessed under the rule against of stealing.

The explanation says that some saints were masters (in curing bites from) breast-crawling snake<sup>52</sup> and (poisonings from) every kind of poisons. They draw a magic word and those who just looked at it were cured, but they had to pay for it. A bhikṣu was bitten and looked (at the magic word) covertly (without paying). Depending on the value (of the wage that should have been paid), this bhikṣu committed a defeat.

If one looks covertly to what someone else has gained by study, this case falls in the same category (if one secretly writes a book and one looks stealthily (at the contents), it is the same).

By reciting a certain mantra, it is possible to cure diseases; if one wants to study (this art), he has to pay. If a bhikṣu listens stealthily, he may commit a defeat depending from the price that is due (for learning).

Stealing by means of smell, taste and touch are the same.

Suppose there is a secret method for curing diseases, such as when the sick remembers it, his disease can be cured. Nevertheless, (the master who teaches this method) will show it only after

<sup>48</sup> RS, "Taking one of these is not an offence because they have no guardian."

<sup>49</sup> RS, "The owner is the guardian."

<sup>50</sup> This heading has been added by the translator.

<sup>51</sup> The offence occurs when the poisoned person goes in search of a cure. This can be provided upon compensation, but the person steals the method – either a medicine or a mantra, etc. – without paying.

<sup>52</sup> The explanation says that it is a snake that moves forward with its breast in front.

payment, or he will allow it to be written down after payment. If a bhikṣu receives the method by taking advantage on the master, remembers it thereby recovering from his disease without paying, he will commit a defeat.

Next, (the text speaks of) the six elements. The first three are obvious<sup>53</sup>. (Concerning the wind element) if there is a fan on which a magic spell has been cast or that has been smeared by some medicine<sup>54</sup> and a bhikṣu covertly fans himself with it without paying (he commits an offence). If one erects a pavilion obstructing other people's place and hindering their construction (of a building), this is called stealing space.

The treatise says "etc.". "Etc." refers to the consciousness element. Wisdom belongs to consciousness. Suppose someone has a skill that he does not teach to others gratis: one should pay for gaining it. If a bhikṣu lures this person into teaching him his skill up to gaining proficiency in it, but without paying him, this is called stealing consciousness (in other words, stealing wisdom).

It is impossible to list exhaustively all the possible cases. It is enough to understand that there is nothing that is not included in stealing of what is an arbitrary damage of the wealth (of others).

### Non-human beings and animals

Non-human beings	If there is no keeper, one commits the offence against the non-human being: deficiency of practice
	If there is a keeper, one commits the offence against the keeper. If the value reaches the five monetary units, defeat. If the value is less than five monetary units, deficiency of training.
Animals	The offence for stealing something belonging to an animal is deficiency of practice
	If there is a keeper, the offence is against him. If the value reaches the five monetary units, defeat; if it is less than five monetary units, deficiency of training.

### Perception

In order to commit a defeat, the object has to have an owner, and the offender must know without doubt that there is an owner. In other words, he perceives clearly the object as belonging to someone. If he has a different perception the evaluation of the offence changes:

There is an owner	One correctly perceives that there is an owner	Defeat
	One doubts whether there is an owner	Deficiency of practice (preliminary step)

<sup>53</sup> Stealing earth, water or fire.

<sup>54</sup> By fanning oneself with this fan, one can be cured from his diseases.

	One thinks that there is no owner	No offence
There is no owner	One thinks that there is an owner	Deficiency of practice (preliminary step)
	One doubts whether there is no owner	

Concerning the case of having an owner, but thinking that there is no owner, one does not commit an offence only in the case in which his perception does not change along the entire course of his action. In other words, before taking the object, in the process of taking it and afterwards, his perception does not change. If, at any time, his perception changes, he will commit an offence: deficiency of practice (preliminary step) if he is in doubt, or defeat if he becomes certain that there is an owner, but does not stop his action.

If the object is worth less than five monetary units, we have the following permutations:

There is an owner	One correctly perceives that there is an owner	Deficiency of training
	One doubts whether there is an owner	Deficiency of practice (preliminary step)
	One thinks that there is no owner	No offence
There is no owner	One thinks that there is an owner	Deficiency of practice (preliminary step)
	One doubts whether there is no owner	

### ***The intention***

To commit the primary offence, there must be the intention to steal. If one takes something with a different intention, there is no stealing.

The following table summarizes the various types of stealing intention mentioned in the text, associating the types found in the different Vinayas according to the explanations of the commentator, Master Ling Zhi. This table comes from a handout by Master Ben Yin for a series of lessons on the Bhikṣuṇī Precepts (p. 10).

	1	2	3	4	5	6	7	8	9	10	11
DV	Ignorance	Depravity	Cruelty	Threatening intention	Having the habit of stealing	Taking something without doubts	Appropriating something that have been entrusted	Taking by threaten	Waiting for the appropriate time	Relying on someone else	
SV				Getting by urging harshly			Getting what has been entrusted	Getting by intimidating others  Getting by conflict		Getting by boasting the acquaintance with influential people	Getting by usury
SNVMS				Getting violently				Taking back what has already been given		Getting with soft words (by deception)	
MiV		By cheat	Getting angry	Threaten					Roundabout		

The GPV explains the stealing intentions listed in the DV:

The *DV* lists ten types of stealing intentions:

1. Ignorance. It means that one foolishly ignores the teaching, and he is confused in regard of what may be learned. According to what one does, he may commit a defeat.
2. Depravity. It means that one is greedy and pursues personal gain. He preaches the Dharma (as a means for) wrong livelihood and he conceals his faults for wealth.
3. Cruelty. It is no other than anger (as listed in the *MV*). Someone donates a little amount and the beneficiary gets annoyed and aggressive, and gets more through his aggressiveness, or he shows up a fierce and menacing look with the purpose of accumulating wealth. If he gets something, he may commit a defeat.
4. Threatening intention. One obtains wealth either by menacing and shouting, or by explaining the Dharma (in a way that it instils) fear<sup>55</sup>, or by instilling fearful doubts (in the hearer).
5. Having the habit of stealing what belongs to others. One constantly harbours (the habit) of stealing.<sup>56</sup>
6. Taking something without doubts. One has already planned (his act) and the preliminary steps (of his project) have already been fulfilled. Because of this, he is about to get to his goal. As soon as he moves the object, he commits an offence<sup>57</sup>.
7. Appropriating something that has been entrusted. Either (keeping all that has been entrusted) by force or returning only a small amount (to the legitimate owner).
8. Taking by threaten. It means that one shows a bodily and verbal appearance that instils fear and awe, thereby getting a profit.
9. Waiting for the appropriate time. One waits for a chance when the owner feels secure (to snatch away an object he knows have been kept in a certain place), or to get a profit through profit.
10. Relying on someone else. Either relying on another person's powerful benevolent rule, or another person's fame, or relying on the power of some friends means that one gets (what he wants) using deceptively the power (of others). Using articulate arguments and discourses: through proper arguments and florid language one leads the listener to give rise to different expectations, thereby obtaining material gains. Taking something using a confusing language: one says that something illegal is legal or says that something legal is illegal in order to get the listener's profit, confusing the entire situation.

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<sup>55</sup> JCN, p. 557: "One obtains wealth either by speaking of the terrible karmic retribution in the Hells, or by speaking about the power of kings and officials."

<sup>56</sup> RS: "The first five are the five types of intentions; the following five are five method of taking."

<sup>57</sup> As it will be explained later, since in this situation the thief is one hundred per cent certain that he will succeed, there is no need to wait until the object has been removed from its original place to commit the primary offence. As soon as he moves the object, he commits a defeat.

### *The value*

This rule was instituted when the Buddha was residing in the Māgadha country, the reign of King Bimbisāra. The currency of that country was the *māsaka* and the Buddha established that for committing a defeat one has to steal something worth at least five *māsakas*. As the origin story of this rule tells, this limit was decided because such a theft was punished with the death penalty. The *māsaka* was further divided into *kārṣāpaṇa*, 1 *māsaka* being equivalent to 80 *kārṣāpaṇa*.

The problem that all commentators have faced is to evaluate how much do 5 *māsakas* correspond in different currencies.

Master Dao Xuan quotes three different interpretations:

1. One may choose to adopt the same currency, the *māsaka*, to evaluate an offence. The problem is that we do not know exactly how to evaluate it.
2. The second possibility is to use the actual currency of a certain place and take the limit of five units in that currency to evaluate an offence. Master Dao Xuan adopts this solution.
3. The third is to fix as reference the value of an object whose theft is punished with the death penalty in a certain country. Nevertheless, the limit of this method is that every country has different parameters to evaluate an offence, and many countries, at least nowadays, would not even inflict the death penalty for theft.

I quote a passage from the *Buddhist Monastic Code*, by Thanissaro Bhikkhu, to illustrate the point of view of the Theravada tradition on this issue. The passage appears in Volume 1, at p. 58:

This leaves us with the question of how a *māsaka* would translate into current monetary rates. No one can answer this question with any certainty, for the oldest attempt to peg the *māsaka* to the gold standard dates from the V/Subcommentary, which sets one *māsaka* as equal to 4 rice grains' weight of gold. At this rate, the theft of an item worth 20 rice grains' (1/24 troy ounce) weight of gold or more would be a defeat. One objection to this method of calculation is that some of the items mentioned in the Vinita-vatthu as grounds for a defeat when stolen—e.g., a pillow, a bundle of laundry, a raft, a handful of rice during a famine—would seem to be worth much less than 1/24 troy ounce of gold. However, we must remember that many items regarded as commonplace now may have been viewed as expensive luxuries at the time. In addition, there is one very good reason for adopting the standard set by the V/Sub-commentary: It sets a high value for the least article whose theft would result in a defeat. Thus when a bhikkhu steals an item worth 1/24 troy ounce of gold or more, there can be no doubt that he has committed the full offense. When the item is of lesser value, there will be inescapable doubt—and when there is any doubt concerning a defeat, the tradition of the Vinaya consistently gives the bhikkhu the benefit of the doubt: he is not expelled. A basic principle operating throughout the texts is that it is better to risk letting an offender go unpunished than to risk punishing an innocent bhikkhu.

There is a second advantage to the V/Sub-commentary's method of calculation: its precision and clarity. Some people have recommended adopting the standard expressed in the rule itself—that if the theft would result in flogging, imprisonment, or banishment by the authorities in that time and at that place, then the theft would constitute a defeat—but this standard creates more problems than it would solve. In most countries the sentence is largely at the discretion of the judge or magistrate, and the factor of value is only one among many taken into account

when determining the penalty. This opens a whole Pandora's box of issues, many of which have nothing to do with the bhikkhu or the object he has taken—the judge's mood, his social philosophy, his religious background, and so forth—issues that the Buddha never allowed to enter into the consideration of how to determine the penalty for a theft.

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

We may try to calculate how much is 1/24 troy ounce of gold in Euros and US dollars:

1 troy ounce = 31 g

1/24 troy ounce = 1.3 g

1 g of gold is quoted at average 33 € or 38 \$; therefore, 1/24 troy ounce would be equivalent to 42.9 € or 49.4 \$.

This value would certainly give a reliable reference to evaluate the offence. Of course, one should take into account the variations in the quotation of gold.

### ***Removing the item from its original place***

From the exposition in the *DV* and the explanations from Master Dao Xua, it is clear that the 'original place' of an object depends on the nature of it. Objects that can be taken in hand and transported have as their 'original place' the base on which they lie, but a thing like a field cannot be 'removed' in the strict sense of the term. The term 'removing' applies here to the fact that one may change the boundaries of that field to gain more meters of land, or may engage in a litigation and win, or may destroy the field in some way, either for revenge or for other reasons.

When one destroys something, he does not really get possession of the object, and yet the object is considered 'removed' in the sense that the owner is deprived of its use.

The *DV* describes the topic in the following terms:

Place: in the ground, on the ground, on a carrier, (items) carried on the person, in the air, on elevated places<sup>58</sup>, in a village, in the wilderness, in a place<sup>59</sup>, in a field, in residences and shops, on a boat, in water, passing the customs hiding (something) without paying the tax, appropriating of something that someone has entrusted to one, taking water<sup>60</sup>, branches, trees, fruit, grass, wood, animals without legs, with two legs, with four legs, with many legs, taking a common fund, making an agreement with someone, inspecting a place, guarding the loot, being the lookout: these are the places.

In the ground. The seven jewels that are buried in the earth and have not yet been taken out: gold, silver, true pearls, crystal, conches, jade, mother of pearl, agate, ivory, gold and jewels, up

<sup>58</sup> In the list it says 'trees', but later in the text it says 'elevated places', trees being one of them.

<sup>59</sup> This is not further explained in the text.

<sup>60</sup> The water itself.



to cloth and blankets, and any other thing that one wants that is in the earth and has an owner. If one takes it with stealing intentions, if it is worth five monetary units or more, if one takes (the item) by pulling it by rope, or hides it by burying (it somewhere else), or he removes it from its original place (with any other method), as soon as it leaves the place, one commits a defeat; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step).

On the ground. The seven jewels, from gold and silver up to cloth and blankets (as above), that are not buried, and any other thing that one wants that is on the ground and has an owner. If one takes it with stealing intentions, if it is worth five monetary units or more, if one takes (the item) by pulling it by rope, or hides it by burying (it somewhere else), or he removes it from its original place (with any other method), as soon as it leaves the place, one commits a defeat; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step).

A carrier. There are four kinds of carriers, namely an elephant carrier, a horse carrier, a car carrier, a foot carrier. There are also other carriers, all called carriers. If on the carrier there are the seven jewels, from gold and silver up to cloth and blankets (as above), and any other thing that one wants (that is on the carrier) and has an owner. If one takes it with stealing intentions, if it is worth five monetary units or more, if one takes (the item) by pulling it by rope, or hides it by burying (it somewhere else), or he removes it from its original place (with any other method), as soon as it leaves the place, one commits a defeat; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step). If one takes away the carrier, from one road to another, from a road to a place without road, from a place without road to a road, from a hole to the brim, from the brim to the hole, if he takes it and removes it from its original place in this way, as soon as it is removed one commits a defeat; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step).

(Items) carried on the person. Carrying on the head, carrying on the shoulders, carrying on the back, holding with both arms, or carrying in any other way. If on the carrier there are the seven jewels, from gold and silver up to cloth and blankets (as above), and any other thing that one wants and has an owner. If one takes it with stealing intentions, if it is worth five monetary units or more, if one takes (the item) by pulling it by rope, or hides it by burying (it somewhere else), or he removes it from its original place (with any other method), as soon as it is removed one commits a defeat; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step). If one takes away the carrier, from one road to another, from a road to a place without road, from a place without road to a road, from a hole to the brim, from the brim to the hole, if he takes it and removes it from its original place in this way with stealing intentions, as soon as it is removed one commits a defeat; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step).

In the air. Down, karpāsa<sup>61</sup>, kokila<sup>62</sup>, śara-parṇī<sup>63</sup>, kśauma<sup>64</sup>, hemp, cotton wad, pratilamba<sup>65</sup>, dukūla<sup>66</sup>, wild geese, cranes, peacocks, parrots, thrushes, carried by the wind, or any other thing one needs that has an owner. If one, with stealing intention, takes five monetary units or more than five monetary units, and removes (the object) from its original place, as soon as it is removed, defeat; if it is not removed, deficiency of practice (preliminary step).

Elevated places. If the object is hanged on trees, on a wall, on a palisade, on a wooden peg, on a coral tree peg, on a coat hanger, on a rope bed, on a wooden bed, large and little straw mats, on elms, on something spread on the ground, if there are gold and silver up to cloth and blankets (as above), or any other thing that one wants that is hanged on something, if one, with the intention to steal, takes five monetary units or more than five monetary units, if one takes (an item) by pulling it by rope, or hides it by burying (it somewhere else), or he removes it from its original place (with any other method), as soon as it is removed one commits a defeat ; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step).

A village. There are four types as above. If in a village there are gold and silver up to cloth and blankets (as above), or any other thing that one wants that has an owner, if one, with the intention to steal, takes five monetary units or more than five monetary units, if one takes (an item) by pulling it by rope, or hides it by burying (it somewhere else), or he removes it from its original place (with any other method), as soon as it is removed one commits a defeat ; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step). If one destroys the village by assaulting it with devices, or provokes a flooding, or forces (people to leave by) relying on one's acquaintances, or takes away things by means of words and argues that deceive and confuse people; as soon as one takes (the object), defeat; if one wants to remove (the object) but cannot, deficiency of practice (preliminary step).

Wilderness. A wild area outside a village that has an owner. In this area there are gold, silver, the seven jewels up to cloth and blankets (as above), or any other thing that one wants that has an owner. If one, with the intention to steal, takes five monetary units or more than five monetary units, if one takes (an item) away, or hides it by burying (it somewhere else), or he removes it from its original place (with any other method), as soon as it is removed one commits a defeat; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step). If one applies any means to destroy the area belonging to others, or provokes a flooding, or forces (people to leave by) relying on one's acquaintances, or takes away things by means of words and argues that deceive and confuse people; as soon as one takes (the object), defeat; if one wants to remove (the object) but cannot, deficiency of practice (preliminary step).

Fields. Rice fields, barley fields, sugar cane fields, or other kinds of fields. In these fields there are gold, silver, the seven jewels up to cloth and blankets (as above), or any other thing that one wants that has an owner. If one, with the intention to steal, takes five monetary units or more

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<sup>61</sup> Cloth made of cotton.

<sup>62</sup> Cloth material made with the feathers of the kokila or kuṇāla bird.

<sup>63</sup> Name of a type of wood, or grass, from which cloth material was made.

<sup>64</sup> A type of hemp.

<sup>65</sup> A type of cloth.

<sup>66</sup> Cloth material.

than five monetary units, if one takes (an item) away, or hides it by burying (it somewhere else), or he removes it from its original place (with any other method), as soon as it is removed one commits a defeat; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step). If one applies any means to destroy the field belonging to others, or one destroys it by provoking a flooding, or forces (people to leave by) relying on one's acquaintances, or takes away things by means of words and argues that deceive and confuse people; as soon as one takes (the object), defeat; if one wants to remove (the object) but cannot, deficiency of practice (preliminary step).

Residences and shops. The residence of someone, a shopping district, an orchard, a vegetable garden, a pond, a courtyard, the back of a house, or any other (similar) place. In this place there are gold, silver, the seven jewels up to cloth and blankets (as above), or any other thing that one wants that has an owner. If one, with the intention to steal, takes five monetary units or more than five monetary units, if one takes (the item) away, or hides it by burying (it somewhere else), or he removes it from its original place (with any other method), as soon as it is removed one commits a defeat; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step). If one applies any means to destroy the place belonging to others, or forces (people to leave by) relying on one's acquaintances, or takes away things by means of words and argues that deceive and confuse people, as soon as one takes (the object), defeat; if one wants to remove (the object) but cannot, deficiency of practice (preliminary step).

Boat. A small boat, a big boat, a platform boat, a boat made with one single piece of wood, a pleasure boat, a scull boat, a turtle shaped boat, a softshell turtle shaped boat, a leather boat, a floating calabash boat, a fruit boat, a suspended boat, a raft, or any other boat on which there are gold, silver, the seven jewels up to cloth and blankets (as above), or any other thing that one wants that has an owner. If one, with the intention to steal, takes five monetary units or more than five monetary units, if one hides it by burying (it somewhere else), or he removes it from its original place (with any other method), as soon as it is removed one commits a defeat; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step). If from one bank (the boat) is taken to the other bank, if from the other bank it is taken to this bank, either downstream or upstream, or if it is made sink in the water, or if it is taken up to the bank, as soon as one unfastens and removes it, defeat. If one wants to take it away, but he does not succeed, deficiency of practice (preliminary step).

Water place. The gold, silver, and the seven jewels up to cloth and blankets (as above) that are submerged in water, or otters, fish, softshell turtles, river dolphins<sup>67</sup>, utpala flowers<sup>68</sup>, lotuses<sup>69</sup>, kumuda flowers<sup>70</sup>, puṇḍarīka flowers, and any other things that may be in water and have an owner. If one, with the intention to steal, takes five monetary units or more than five monetary units, if one drags (the item) out, or hides it by burying (it somewhere else), or he removes it from its original place (with any other method), as soon as it is removed one commits a defeat; if one has the intention to remove it, but it is not removed, one commits a deficiency of

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<sup>67</sup> Śiśumāra, Gangetic porpoise, *Platanista gangetica*.

<sup>68</sup> *Nymphaea tetragona*.

<sup>69</sup> *Nelumbium speciosum* or *Nelumbium nucifera*.

<sup>70</sup> *Nymphaea esculenta*.

practice (preliminary step). If one destroys the water place belonging to someone and takes (things away), it is as above up to 'deficiency of practice (preliminary step)'.

Passing the customs hiding (something) without paying the tax. If a bhikṣu is exempted from custom taxes, but a lay person has to pay them, if the bhikṣu, with stealing intentions, carries items through the customs for him, or throws them outside the customs, the item is worth five monetary units or more than five monetary units, if he takes (it) by burying it somewhere else, or takes things away by means of words and argues that deceive and confuse people, or passes through the customs by means of a mantra, etc., it is as above up to 'deficiency of practice (preliminary step)'.

Appropriating of something that someone has entrusted to one. One takes away the entrusted thing; with stealing intentions, he takes something that is worth five monetary units or more than five monetary units. If he shift it from the head to the shoulders, from the shoulders to the head, from the right shoulder to the left shoulder, from the left shoulder to the right shoulder, from the right hand to the left hand, from the left hand to the right hand, if he carries it in the arms, or puts it on the ground, or removes it from its original place (in any other way), as soon as it is removed, defeat; if one tries but does not succeed, deficiency of practice (preliminary step).

Water. Water contained in small or large basins, or any other container, scented water or medicinal water. If, with stealing intentions, one takes (water worth) five monetary units or more, or throws (the water) away, defeat. If one tries but does not succeed, deficiency of practice (preliminary step).

Branches. One, two, or many, a handful, a bundle, a faggot, a load, scented wood, wood smeared with medicines. If one, with stealing intentions, takes five monetary units or more, if one takes it by pulling it by rope, or he removes it from its original place (with any other method), as soon as it is removed one commits a defeat ; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step).

A park. Whatever grass or wood, or forest, or flowers, or fruits, that have an owner. If one, with stealing intentions, takes (something worth) five monetary units or more by pulling it by rope, or lifts it, or hides it by burying (it somewhere else), or he removes it from its original place (with any other method), as soon as it is removed one commits a defeat; if one has the intention to remove it, but it is not removed, one commits a deficiency of practice (preliminary step).

Legless animals. Snakes, fish, or any other animal that is without legs and has an owner. If one, with stealing intentions, takes an animal worth) five monetary units or more, defeat. If one tries (but does not succeed), deficiency of practice (preliminary step).

Two-legged animals. Human being, non-human beings, birds, or other two-legged animals that has an owner. If one, with stealing intentions, takes (an animal worth) five monetary units or more, defeat. If one tries (but does not succeed), deficiency of practice (preliminary step).

Four-legged animals. Elephants, horses, cows, camels, donkeys, deer, goats, or any other four-legged animal that has an owner. If one, with stealing intentions, takes (an animal worth) five

monetary units or more, defeat. If one tries (but does not succeed), deficiency of practice (preliminary step).

Many-legged animals. Bees, caterpillars<sup>71</sup>, centipedes, or any other animal that has many legs and has an owner. If, with stealing intentions, one takes (an animal worth) five monetary units or more, defeat. If one tries (but does not succeed), deficiency of practice (preliminary step).

Common fund. If people have a common business and put in common the revenues, if one (of the partners), with stealing intentions, takes five monetary units or more, defeat. If one tries (but does not succeed), deficiency of practice (preliminary step).

Making an agreement with someone. One makes an agreement with another and instructs him, 'go at this time; come at this time; make a hole in the wall and take things; make a robbery on a street; burn (a place), take away things from the owner and come to share.' If, one with stealing intentions, takes five monetary units or more, defeat. If one tries (but does not succeed), deficiency of practice (preliminary step).

Inspecting a place. 'We have to go and observe that village or that town, or the spot where a boat will dock, or a valley in the mountains, or the residence of someone, a marketplace, or the surroundings. We will share all what we get.' If, with stealing intentions, one takes five monetary units or more than five monetary units, defeat. If one tries (but does not succeed), deficiency of practice (preliminary step).

Guarding the loot. 'I will guard and keep what we get from outside. We will share all what we get.' If, with stealing intentions, one takes five monetary units or more, defeat. If one tries (but does not succeed), deficiency of practice (preliminary step).

Being the lookout. 'I will guard the street. If there are the troops of the king, a gang of bandits, the troops of a notable that are approaching, I will inform you. We will share whatever you get.' If, with stealing intentions, one takes five monetary units or more, defeat. If one tries (but does not succeed), deficiency of practice (preliminary step).

## *Characteristics of the transgression*

	<b>Intention</b>	<b>Fulfilled goal</b>	<b>Unfulfilled goal</b>
<b>The offender acts alone</b>	One wants to steal something worth five monetary units or more	If one succeeds in taking what one wants, one commits a defeat	If one ends up with something worth less than five monetary units, or fails to get anything, one commits a deficiency of practice (preliminary step)
	One wants to steal something worth	If one succeeds in taking what one wants,	If one takes something worth five monetary units or more, one commits a defeat <sup>72</sup>

<sup>71</sup> The Chinese term is *Yuzhoulongjia* (鬱周隆伽), which I could not find translated either in Sanskrit or English anywhere. Nevertheless, this is described as an insect with a hairy body and with many legs resembling hairs, which may fit the description of some species of caterpillars like the tent caterpillar.

<sup>72</sup> Usually, when the goal has not been fulfilled, the offender does not commit the primary offence. Master Dao Xuan explains that here the thief commits a defeat because he decides to keep the object, although it does not correspond to his original goal. If instead, conscious of the mistake, puts it down, the offence he commits is a deficiency of practice (preliminary step).

	less than five monetary units	one commits a deficiency of training	If one fails to get anything one commits a deficient practice (preliminary step)
<b>Instigation</b>	One instigates another person to steal something worth five monetary units or more	As soon as the object is removed from its original place, both executor and instigator commit a defeat if the item is worth five monetary units or more	If the person who has been instructed takes something worth less than five monetary units or fails to get anything, both instigator and executor commit a deficiency of practice (preliminary step)  If the executor steals something different, or takes something from the wrong place or something belonging to the wrong person, going against the instruction received, the instigator commits a deficiency of practice (preliminary step), while the executor may commit a defeat or a deficiency of training according to the value of the object
	One instigates another person to steal something worth less than five monetary units	The person who have been instructed gets something worth less than five monetary units: both commit a deficiency of training <sup>73</sup>	The person who has been instructed gets something worth five monetary units or more: the instigator commits a deficiency of practice (preliminary step), while the executor commits a defeat.  The executor cannot get anything: both commit a deficiency of practice (preliminary step)
<b>Other cases</b>	One asks another person to take something	The person who has been instructed thinks that he has been ordered to steal the item. If he takes something worth five monetary units or more, he commits a defeat.  For the person who has made the request there is no offence.	
	One instructs another person to steal something	The person who has been instructed thinks that he has simply been asked to take something and takes the item in good faith. If the item is worth five monetary units or more, the instigator commits a defeat.  For the one who has taken the item there is no offence.	

## *Exceptions*

There is no transgression in the following cases:

1. If one takes something that he thinks has been given;
2. If one takes something that he thinks belongs to himself;
3. If one takes something that he thinks has been thrown away;
4. If one borrows something just for a short while;
5. If one takes something under the assumption that the owner is an intimate friend.

<sup>73</sup> The assumption is that they are both śikṣamāṇās.

## Defeat 3 - Abstaining from killing

**If a śikṣamāṇā kills intentionally a human being with her own hands, or gives a weapon to someone, or she extols, praises and suggests death: ‘Alas! This human life is miserable, better die than live’ if, having such thoughts, she extols, praises and suggests death in many ways, she commits a wrongdoing and she has to be expelled.**

### *The origin story*

At that time, the World Honoured One was dwelling in Vaiśālī, at the Kūṭāgāraśālā on the banks of Markaṭahrada River. He explained to the bhikṣus the contemplation of impurities and left. The bhikṣus tried to put his instructions into practice, but they ended up loathing their body and their life. One day one of the bhikṣus hired a fake bhikṣu called Mṛgalaṇḍika to kill him, promising him his robes and bowl as a reward. Mṛgalaṇḍika killed him, but he felt remorseful. Nevertheless, when washing his knife in the river, a māra appeared to him and convinced him that his action was wholesome, because he had helped that bhikṣu to cross beyond saṃsāra. Emboldened by this revelation, Mṛgalaṇḍika went back to the monastery again and again killing all the bhikṣus in his way.

At the next gathering, the Buddha became aware that the number of the bhikṣus had decreased dramatically. He asked Ananda about the reason and he explained the case to the Buddha. On that occasion, the Buddha taught the bhikṣus meditation on the breath and he instituted this new rule, namely abstaining from killing human beings.

### *Definitions*

**Human being.** The Vinaya says that one is considered a human being “from the moment in which consciousness first gets established up to the last moment of consciousness”.

When does consciousness get established? In the Assalayana sutta, MN 93 we find this passage:

The descent into the womb takes place through the junction of these three (conditions): there is the union of mother and father, the mother is in season and the *gandhabba* is present.<sup>74</sup>

The term *gandhabba* does not refer to the celestial being, but to the consciousness of the being to be reborn. Chinese sources of the Agamas sometimes translate the term as ‘external consciousness’ or ‘aspiring consciousness’<sup>75</sup>. The same passage is present also in another sutta of the same collection, namely the *Mahātaṇhasankhaya sutta*, MN 38. The *Mahānidāna sutta*, DN 15, affirms the mutual conditionality between *nāma-rūpa* and consciousness: none can exist without the other. It is therefore clear that consciousness gets established in the womb at the moment of conception.

In Buddhism, the term *kalāla* is used to indicate the embryo during the first week, when the fertilized ovum starts the meiosis, or cellular division, and, through the morula stage consisting of a sphere of approximately sixteen cells, becomes a blastula, a structure in which the cells migrate on

<sup>74</sup> Translation: Bhikkhu Anālayo.

<sup>75</sup> See *Rebirth and the Gandhabba*, by Bhikkhu Anālayo.

one side of the sphere letting a cavity in the middle called blastocoel. The blastula implants on the endometrium of the uterus. Consciousness is present already at the *kalāla* stage. The Mahīśāsaka Vinaya calls the embryo up to the 49th day a ‘pseudo human being’<sup>76</sup>, which, nevertheless, is all the same grounds for a defeat if killed, according to this same Vinaya.

When does the last moment of consciousness occur? Buddhism looks at death as a process that starts when the breath stops. Consciousness is believed to leave the body not immediately but after a while, depending on various conditions, not last the level of attainment of the dying person. For this reason, it is usually advised not to touch the body of a deceased person for some hours after death so that the process of death may unfold peacefully and without traumas, until the area around the heart gets cold, which is a sign that the consciousness has left the body.

From a medical point of view, death was once defined as the cessation of breathing and cardiac activity, a concept known at present as clinical death. This has been the only criterion to declare legal death up to the advent of techniques like mechanical ventilation that may keep bodily functions like breathing going on even when the person’s brain is extensively damaged and beyond repair. For this reason, scientists have tried to find new parameters to ascertain death, particularly for legal reasons connected with organ harvesting. This led to the introduction of the concept of brain death.

In 1968 the Harvard Medical School, after a long research based on field findings, elaborated the parameters for declaring brain death, which has since then become the standard definition of death.

Brain death is defined as the complete and irreversible loss of all the functions of the entire brain, including the brainstem. The brainstem contains the centers involved in the regulation of cardiovascular system, respiration, sleep-wake cycle, pain, alertness, awareness and consciousness. Damage in the brainstem can occur for traumatic (ex. a car accident) or non-traumatic (ex. hypoxia due to cardiac arrest) injuries. When breathing – a function directly controlled by the brain-stem – stops, the brain does not receive anymore oxygen and the damage may become irreversible if oxygen supply does not restart within 8 minutes. The heart can go on beating on its own (provided that cardiac arrest is not the cause of the injury), because it has its own electric ‘battery’ independent from brain control. Nevertheless, in the absence of ventilation and oxygen, it will stop beating altogether within one hour. Therefore, there may be a time lapse between clinical death and brain death. The assessment of brain death requires a detailed protocol aimed at testing all the vegetative functions controlled by the brainstem and the conditions of the brain protracted for many hours at regular intervals (different legislations may define different time limits). When brain death is declared, it means that the brain cannot recover anymore because the neural damage is irreversible; even with mechanical ventilation, the biological processes of the body cannot be kept running without external help in the absence of a functioning brain and, as soon as the mechanical ventilation is suspended, the body heads to the death process. Nevertheless, for a Buddhist point of view, consciousness may still be present, as already explained above.

In general, it is advisable to avoid resorting to things like mechanical ventilation and let instead the process of death unfold in its natural way, helping the dying with prayers.

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<sup>76</sup> T22, 8 b7.



Between these two-time limits, one is considered a human being and any willing act ending in his death is the grounds for a defeat.

**Extolling, praising and suggesting death.** Any of these actions issue in a defeat in case they lead to the actual death of target.

Supporting death penalty falls under this entry. Doing it in general is reproachful but suggesting sentencing a specific person to death issues in a defeat in the moment in which the sentence is carried out following the suggestion.

Suggesting suicide or euthanasia either are both herein included.

## ***The Conditions of the transgression***

The conditions for committing the full offence are five:

1. The target is a human being;
2. One correctly perceives him as a human being;
3. The offender has the intention to kill;
4. He devises suitable methods to fulfil his wish;
5. The target dies.

Let's discuss in some detail the five conditions.

**The perspective victim is a human being.** In order to commit a defeat, the target must be a human being. An animal or a non-human being do not constitute the grounds for a defeat but for a deficiency of training in case of an animal and deficiency of practice in case of a non-human being, as it will be later specified.

Among all possible human beings, the killing of three particular targets, besides leading to a defeat, are classified as 'capital sins', namely the killing of one's mother, one's father and the killing of an arahant.

**Perception.** In order to fulfil the conditions for a defeat, the offender has to perceive correctly his target as a human being. Later on, we will discuss in length the various permutations that may occur and the different levels of offences implied.

**Intention.** The intention is of paramount importance in evaluating the offence. As it emerges clearly from the Vinaya texts, unintentional killing never issues in a defeat, although it may involve the violation of lesser offences.

### ***Generic intention and specific intention***

Intention may be generic or specific in connection with the extension of the intended target.

**Generic intention directed against all sentient beings.** The killing intention encompasses human beings, non-human beings and animals; therefore, one commits an offence whatever being he kills, a defeat for a human being, a deficiency of training for an animal and a deficiency of practice for a non-human being.

*Generic intention directed against all human beings.* The killing intention is directed against all human beings; therefore, one commits a defeat whichever human being he kills. Killing a non-human being or an animal under this condition, supposed that against these two targets there is no killing intention but the killing results either from wrong perception or simple error, entails a deficiency of practice (preliminary step of killing a human being).

*Specific intention directed against a specific target.* In this case, one commits the full offence only if he succeeds in killing his intended target.

**Suitable means.** ‘Suitable means’ includes every step from plotting the murder up to getting what is necessary to implement one’s plan. The Vinaya is very detailed on this topic:

Killing: killing in person, instructing someone<sup>77</sup>, sending someone else<sup>78</sup>, sending someone again and again (after a failed attempt), giving the order repeatedly to different persons, handing over the order to kill from person to person, hiring a killer, instructing someone to hire a killer, hiring someone who is skilled in the use of weapons, instructing someone to hire someone who is skilled in the use of weapons; (one may kill) by acting in a way (that results in the death of the victim), by suggesting death, by acting and by suggesting death at the same time, by written instruction, by teaching someone to give written instruction, by digging a hole in the ground, by sabotaging a place the victim is supposed to lean against, by giving the (wrong) medicine, by supplying what is needed (to commit suicide).

Killing in person: one personally kills with bare hands, or by using tiles, stones, knives, clubs or other tools. If the victim dies, defeat; if he does not die, deficiency of practice (preliminary step).

Instructing someone: when the murder is performed, one observes and teaches the perpetrator how to push the victim into water or fire, how to push him down a mountain into a valley, how to have him tramped over by an elephant, or eaten by vicious beasts, or bitten by poisonous snakes, or teaches him in many other ways. If the victim dies, defeat; if he does not die, deficiency of practice (preliminary step).

Sending someone: a bhikṣu sends someone to kill somebody and the killer does as instructed; if the victim dies, defeat; if he does not die, deficiency of practice (preliminary step).

Sending someone again and again: a bhikṣu sends someone to kill somebody, the killer does as instructed but fails and he returns. Relying on the preceding instruction, he tries again to kill; if the victim dies, defeat; if he does not die, deficiency of practice (preliminary step).

Giving the order repeatedly to different persons: a bhikṣu sends someone to kill somebody, and then he sends someone else, and so on up to four or five persons. Those who have been sent do as instructed. If the victim dies, defeat; if he does not die, deficiency of practice (preliminary step).

Handing over the order to kill from person to person: a bhikṣu sends someone to kill somebody; this person hands over the order to another, and so on up to one hundred or one

<sup>77</sup> The offender is present and gives direct instruction for the performance of the murder.

<sup>78</sup> In this case, the instigator is not present when the murder is performed.

thousand people. If the victim dies, defeat; if he does not die, deficiency of practice (preliminary step).

Hiring a killer: ‘Who knows someone who can hold a weapon, who knows expedients and has long experience, who is daring, who does not withdraw and who is able to kill such and such a person?’ The killer goes to kill the victim; (if this dies,) defeat, if he does not die, deficiency of practice (preliminary step).

Instructing someone to hire a killer: Instructing someone to ask, ‘Who knows someone who can hold a weapon, who knows expedients and has long experience, who is daring, who does not withdraw and who is able to kill such and such a person?’ The killer goes to kill the victim; (if this dies,) defeat; if he does not die, deficiency of practice (preliminary step).

Hiring someone who is skilled in the use of weapons: One looks for someone who is daring and strong and who can hold a weapon to kill somebody. The man goes to kill the victim; (if this dies,) defeat; if he does not die, deficiency of practice (preliminary step).

Instructing someone to hire a man who is skilled in the use of weapons: same as above.

By acting in a way (that results in the death of the victim): one acts in a way that makes (the victim) fall into water or fire, fall from the top (of a mountain) down into a valley, or being tramped over by an elephant, eaten by vicious beasts, bitten by poisonous snakes; one kills personally (the victim) through this action of the body. (If the victim dies,) defeat; if he does not die deficiency of practice (preliminary step).

Extolling death: One may say, ‘You did many evil actions and have no compassion. You have a vicious mind and do not practice any virtue. You have never helped others. If you go on living, you will accumulate a lot of wrongdoings; better would be for you to die.’ Or one may say, ‘You have done no evil and you are compassionate. Your mind is not vicious, and you have already practiced a lot of wholesome actions, you have already practiced merits and virtues. You have already helped a lot of people. If you go on living you will simply suffer; if you die you will be reborn in the Heavens.’ If these people, because of these words commit suicide, defeat. If they do not commit suicide, deficiency of practice (preliminary step).

Acting in a way (which results in the death of the victim) and extolling death (simultaneously) is as above.

Sending a proxy (to extol death): The proxy goes to the victim (and says,) ‘You have practiced virtue or evil ...’ and so on as above. If the victim, relying on the word of the proxy extolling death, commits suicide, defeat; if he does not commit suicide, deficiency of practice (preliminary step).

Killing by written instruction: Writing instruction saying, ‘You have practiced virtue or evil ...’ and so on as above. Teaching someone to give written instruction as above.

Digging a hole: One knows that the victim has to pass through a certain place along his journey and digs a deep hole along the path, in which he sets a fire, or knives, or poisonous snakes, or wooden stakes with a sharp point, or thorns smeared with poison. If the victim falls into the hole and dies, defeat; if he does not die, deficiency of practice (preliminary step).

Sabotaging the place the victim is supposed to lean against: One knows that the victim has to lean against a certain place, be it a tree, a wall, a palisade, and sets outside it a fire, or knives, or stakes, or poisonous snakes, or thorns smeared with poison. If he succeeds in having (the victim) falling into (the trap) and die, defeat; if the victim does not die, deficiency of practice (preliminary step).

Medicine: One knows that a person is sick and gives him something that is not a medicine, or various poisons, or something exceeding the proper amount, any kind of medicine. If he succeeds in killing (the victim), defeat; if he gives the medicine but the victim does not die, deficiency of practice (preliminary step).

Supplying what is needed (to commit suicide): One knows already that the victim loathes life and considers the body dirty and worthless and provides a knife, or poison, or a rope or other lethal tools and puts them at the victim's reach. If this uses one of the tools and kills himself, defeat; if he does not die, deficiency of practice (preliminary step).

**Death of the target.** In order for the offender to commit a defeat, the victim must die. If he does not die, the conditions for the full offence are not fulfilled and one will commit a deficiency of practice (preliminary step).

### *Characteristics of the transgression*

If one has the intention to kill	A human being	If the victim dies, defeat
		If the victim does not die, deficiency of practice (preliminary step)
	A deity, a dragon, an asura, a Ghandarva, a Yakṣa, a Ghost or an animal who can understand human speech and has metamorphic powers	If the victim dies, deficiency of practice (similar nature offence)
		If it the victim does not die, deficiency of practice (preliminary step)
	An (ordinary) animal without metamorphic powers	If the victim dies, deficiency of training
		If the victim does not die, deficiency of practice (preliminary step)

**Instigation.** The summarizing table refers to someone who directly kills his target. If there is an instigator, this will commit the same offence as the one who actually performs the act of killing. If the killer does not carry out the instructions as they are given, either willingly or unwillingly, thereby killing a different target, the killer commits a defeat, while the instigator commits a deficiency of practice (preliminary step).

**Suicide.** Suicide is a deficiency of practice (preliminary step), either in case the aspirant suicide survives or if he dies. Monastic precepts are taken for a lifetime and expire at death. Therefore, one who commits suicide cannot commit a defeat in which he is no more a monk after death. He will take the karmic burden of the preliminary step offence to his next life.

## *Perception*

As explained above, mistaken perception of the target may issue in a different offence. We can have five permutations:

If one wants to kill a human being	If he perceives the target correctly as a human being	Defeat
	If he doubts whether the target is a human being	Deficiency of practice (preliminary step)
	If he perceives the target as a non-human being	
If one wants to kill a non-human being	If he perceives the target as a human being	
	If he doubts whether the target is a non-human being	

If the intention is to kill an animal, there are the same five permutations in relation to a human being or a non-human being.

## *Error and mistaken assumption*

**Error.** There may be the case in which someone wants to kill a certain person, but, at the moment of striking, another object suddenly intervenes and it gets mistakenly killed instead of the intended target. Since towards the killed being (whatever it may be) there was no killing intention, the killer commits no offence towards it. He commits instead a deficiency of practice (preliminary step) for trying to kill the intended target.

**Mistaken assumption.** If one wants to kill a certain person but kills someone else instead with the assumption that it is his intended target, one fulfils the conditions for a defeat. This may happen if the intended target has a lookalike. If, for example, the attack is carried out during the night, the killer might assume that the person who shows up is the one whom he wants to kill and therefore he harbours towards him a genuine killing intention, which justifies the fulfilment of all the conditions for a defeat.

## *Exceptions*

There is no offence if:

1. If one throws a knife, or a stick, or a tile, or a stone and it accidentally bumps against someone killing him;
2. If one, during the construction of a house, makes accidentally slip a stone, or a plank, or a beam, killing someone;
3. If one takes care of a sick person, he helps him standing up or lying down, and this dies accidentally without any malevolent intentions whether during the bath, or when taking a medicine, or when going from a cool place to a warmer one, or from a warm place to a cooler one, or when entering or leaving the room or going to the toilet.

## ***Abortion***

After fertilization, the new being is called an embryo up to the eighth week. From the ninth week, it is called a foetus. As already explained above, according to the Buddhist teaching, both the embryo and the foetus are sentient beings. A fertilized ovum cannot start dividing and developing if there is not a consciousness that connects with it. “With consciousness as condition, *nāma-rūpa* gets established”, the *pratītiya-samutpāda* formula recites. *Nāma* is defined in the *Sammadiṭṭhi Sutta* (MN 9) as feeling, perception, volition, contact and attention, in other words all those faculties that enter into play for the recognition and designation of all phenomena, included ourselves as a cognizable phenomenon. *Rūpa* is defined in the same *sutta* as the four great elements and the material form derived from the four great elements. It is not that consciousness builds up the mental and material aspects of a new being, but instead a fertilized ovum becomes the *nāma-rūpa* of a new being only if there is a consciousness that gets a footing in it<sup>79</sup>.

The obvious consequence of this is that adopting whatever means to abort intentionally a child at any stage of development cannot but be considered killing.

As Buddhist, we must know that we cannot either practice or suggest abortion to anybody, not even in reference to animals. Whoever does it, in the moment in which the abortion is successful and the foetus dies, commits a defeat.

## ***Contraception***

In Buddhism there is no prohibition whatsoever for the use of contraceptives. This is the best way of preventing unwanted pregnancies and avoid abortion.

In connection with this rule, the use of the morning after pill and the IUD (Intrauterine Device) can be done without worries because they do not kill the embryo, but prevent fertilization.

## ***Helping a person to commit suicide***

As we have seen in the text of the rule and in the analysis that follows, praising and suggesting death or supplying an aspirant suicide with the means to fulfil his wish are all considered a violation of this rule, which entails the infringement of a defeat.

Helping a person to commit suicide may take various form. In particular, in some countries the so-called assisted suicide, by which a physician provides the means and know-how to commit suicide, has become legal.

The accepted reasons for seeking help from the institutions that practice this form of intervention have come to include not only terminally ill conditions, but also severe depression in people who are otherwise perfectly healthy.

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<sup>79</sup> For detailed explanations, please refer to Bhikkhu Bodhi series of lessons on the *Majjhima Nikāya*, “Exploring the Word of the Buddha”. Eleven lessons are devoted to a detailed explanation of the *Sammadiṭṭhi Sutta*.

A śikṣamāṇā who, for whatever reason, suggests or practically implements any method aimed at fulfilling the suicidal aspiration of a person, commits a defeat as soon as the person dies as a result of his/her help.

## Defeat 4 – Abstaining from claiming superhuman states

If a śikṣamāṇā, without really knowing anything, praises herself so, ‘I have realized superhuman states, I have realized the supreme knowledge, the Dharma, I know this, I see this’. Then, at a later time, whether questioned about it or not, she desires to be purified and says, ‘Actually, I don’t know anything, I don’t see anything, but I claimed to know and to see, making false speech’, except in the case of over-estimation, this śikṣamāṇā commits a wrongdoing and she has to be expelled.

### *The origin story*

At that time the World Honoured One travelled to Vaiśālī and established his residence at the Kūṭāgāraśālā on the banks of Markaṭahrada River. At that time, provisions were scarce and getting alms food was difficult. A group of bhikṣus decided to praise each other by claiming nonexistent superhuman attainments in order to impress lay people and get alms food. When the summer retreat ended, they went to the Buddha. While all the other bhikṣus were emaciated, they looked well fed. Therefore, the Buddha asked them what they had done, and they confessed their misdeed, upon which the Buddha instituted this rule.

Later, some bhikṣus claimed superhuman states based on a wrong understanding of their own realization. Therefore, the Buddha modified the rule adding the clause that, if it is because of overestimation, there is no offence.

### *Definitions*

#### **Superhuman states**

The text of the *DV* gives a quite lengthy and detailed exposition of what has to be intended by the expression ‘superhuman states’:

To praise oneself: One claims to possess faith<sup>80</sup>, to possess *śīla*<sup>81</sup>, to possess *dāna*<sup>82</sup>, to possess wisdom derived from learning, to possess Noble wisdom<sup>83</sup>, to possess unobstructed ability of reasoning<sup>84</sup>.

<sup>80</sup> The disciple who possesses faith is, by definition, a *śrotāpanna*, one who has realized the first fruit of awakening. Having seen the Dharma, his faith in the Three Jewels is unshakable. This is what is meant here.

<sup>81</sup> A *śrotāpanna* is one who has attained the Eightfold Path that is Noble, in other words the Supramundane Path, in which Noble right speech, Noble right action, and Noble right livelihood constitute *śīla*. A *śrotāpanna* is defined as the one who possesses virtue and is unable to transgress any of the five precepts.

<sup>82</sup> One claims to possess the perfection of giving which arises from the realization of the emptiness of the donor, the gift and the receiver. It is another way to claim one’s realization of states of sainthood.

<sup>83</sup> As above, this is a factor of the Path that is Noble, which is attained by a *śrotāpanna*.

<sup>84</sup> *Pratisamvid*. The four unobstructed or unlimited powers of interpretation are: 1) the interpretation of the letter of the Dharma; 2) the interpretation of its meaning (*artha*); 3) *nirukti*, or the ability to communicate in any language; 4) *pratibhāna*, eloquence.



Human states: the *skandhas* (the five aggregates), the *dhātus*<sup>85</sup>, and the *āyatanas*<sup>86</sup>.

Superhuman states: all the states (that lead to) renunciation and are essential (to the) realization. One claims: to possess (Noble) mindfulness of the body, as well as mindfulness of the feelings, the mind, and the mind objects as foundation<sup>87</sup>, to possess *śīla* that is Noble, to possess the *ṛddhipāda* (four bases of power)<sup>88</sup>, to be free from laziness (to possess the five strengths, *pañca balāni*)<sup>89</sup>, to possess Right Effort, to be able to enter all *dhyāna*, to be able to enter all *samādhi* (from the first to the fourth), to possess the Way<sup>90</sup>, to possess cultivation, to possess wisdom, to have attained vision, to possess realization, to have attained the fruits.

To claim that one possesses (Noble) mindfulness of the body (as foundation) means that one has mindfulness that leads one to renunciation, that one uses this method for practice, that one's cultivation has led to the development and growth (of this faculty), that it is like a vehicle (conducive to) harmonizing (body, speech and mind) and prostrating (the defilements), that one can guard (this faculty) and inspect it thoroughly, that (this faculty) is perfectly even, that one has already control over it, that one has no more any difficulty and has arrived at a spontaneous (mastery of it).

To claim that one possesses (Noble) mindfulness (established with the feelings, the mind, and the mind objects as foundation) means that one has mindfulness that leads one to renunciation, that one closely studies and is very familiar with this faculty, that one's cultivation has led to the development and growth (of this faculty), that it is like a vehicle (conducive to) harmonizing (body, speech and mind) and prostrating (the defilements), that one can guard (this faculty) and inspect it thoroughly, that (this faculty) is perfectly even, that one has already control over it, that one has no more any difficulty and has arrived at a spontaneous (mastery of it).

To claim to possess *śīla* that is Noble, to possess the *ṛddhipāda* (four bases of power), to be free from laziness (to possess the five strengths, *pañca balāni*), to possess Right Effort that is Noble means the same as above.

To claim that one is able to enter all concentrations means (that one can attain) the *samādhi* with application and stabilization (of the mind on one object)<sup>91</sup>, the *samādhi* without application but with stabilization (of the mind on one object)<sup>92</sup>, the *samādhi* without application and without stabilization (of the mind on one object)<sup>93</sup>, the emptiness (*śūnyatā*), signless (*animitta*) and desireless (*apraṇihita*) *samādhi*<sup>94</sup>: one closely studies and is very familiar (with this faculty), reflects over these *samādhi*, and so on as above.

<sup>85</sup> The eighteen ranges of sensory experience, namely the six sense organs, the six objects, and the six consciousness.

<sup>86</sup> The six sense organs plus the consciousness that corresponds to each of them.

<sup>87</sup> See the above notes for the meaning of Noble in reference to the Path. The explanation relies on *REP*.

<sup>88</sup> The four bases of power are 1) desire (欲), 2) diligence (勤), 3) mind (心), 4) discrimination (觀).

<sup>89</sup> Faith, effort, mindfulness, wisdom, and concentration (*samādhi*).

<sup>90</sup> This is an umbrella term which encompasses everything and that will be explained later in the text.

<sup>91</sup> *Vitarka* (覺; also 尋), *vicāra* (觀; also 伺). This is the first *dhyāna*.

<sup>92</sup> The intermediate *dhyāna* between the first and the second. One of the MN discourses mentions it, and it is listed in the Abhidharma literature as one of the nine levels of *samādhi*.

<sup>93</sup> All the *samādhis* beyond the first are without application and stabilization, therefore this definition may apply to the second, third and fourth *dhyāna* as well.

<sup>94</sup> The three doors of liberation: 1) the signless, *animitta*. The 'sign' is the notion of permanence in connection to phenomena in general and *saṃskhārā* in particular, which are what 'prepare' phenomena and whose stilling is synonym

To be able to enter all *samāpatti* means (that one can attain) the *samādhi* with thought<sup>95</sup>, the *samādhi* without thought (the second *dhyāna*), the *samādhi* of equanimity<sup>96</sup>, the *samādhi* of mind perception<sup>97</sup>, the *samādhi* with the exclusion of perception of form<sup>98</sup>, the *samādhi* without exclusion of perception of form<sup>99</sup>, the *samādhi* obtained through *kaśīṇa* meditation: one closely studies and is very familiar (with this faculty), reflects over these *samādhi*, and so on as above.

To claim to possess the Way means (to possess all the faculties) from the first branch to the eleventh branch<sup>100</sup>: one closely studies and is very familiar (with this faculty), reflects over the Way, and so on as above.

To claim to possess cultivation means (to cultivate) *śīla*, *samādhi*, *prajñā*, the wisdom of liberation, and the wisdom of the vision of liberation: one closely studies and is very familiar (with this faculty), and so on as above.

To claim to possess wisdom means that one possesses the knowledge of dharmas (*dharma-jñāna*), the subsequent knowledge (*anvaya-jñāna*)<sup>101</sup>, etc., and the knowledge of other people's mind (*para-mano-jñāna*): one closely studies and is very familiar (with this faculty), reflects over this wisdom, and so on as above.

To claim to have attained vision means that one has vision of suffering, of the origin of suffering, of the cessation of suffering, and of the path leading to the cessation of suffering.

If one moreover affirms “my *deva* eye is purified; I can contemplate all sentient beings arising and passing away, if they have wholesome bodies or unwholesome bodies, if they are reborn in

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with *nirvāṇa*; 2) the desireless, *apraṇihita*. Together with the abandoning of the sign of permanence every desire and expectation for something disappears either; 3) emptiness, *śūnyātā*. The realization of the empty, namely conditioned, nature of phenomena.

<sup>95</sup> Thought means *Vitarka* and *Vicāra*, factors that are present only in the first *dhyāna*.

<sup>96</sup> “The *samādhi* of equanimity is the third *dhyāna*, in which bliss (*sukha*) derives from equanimity.” EDVBP, Vol. 1, p. 283.

<sup>97</sup> “The *samādhi* of mind perception is the fourth *dhyāna* in which there are no apprehensible features, so that an observer from outside would reckon one as having brought the mind to a stop; to get rid of this reckoning, it is called *samādhi* of mind perception.” EDVBP, Vol. 1, p. 283.

<sup>98</sup> Perception of form is that that occurs at the five doors. By entering this *samādhi* one goes beyond any perception of form, arriving at the cessation of the perception of form. See EDVBP.

<sup>99</sup> What I translate as ‘exclusion of’ is the Chinese *chu* (除). Nevertheless the FCNP reads it as *sui* (隨) which gives a totally different meaning namely ‘the *samādhi* that does not accord with the perception of form’. Strangely enough, both DV and FCNP read *chu* for the *samādhi* that precedes this one in the list.

<sup>100</sup> First branch: mindfulness established with body as foundation; second branch: *samādhi* and *prajñā*; third branch: *samādhi* with application and stabilization (of the mind on one object) and without application and stabilization; fourth branch: the four foundations of mindfulness, the four right efforts and the four bases of power; fifth branch: the five faculties and the five powers; sixth branch: the six remembrances (Buddha, Dharma, Saṃgha, *śīla*, generosity, and divine spheres); seventh branch: the seven *bodhipakṣika dharmas* (faculties for enlightenment); eighth branch: the Noble Eightfold Path; ninth branch: the nine progressive *samādhi* (namely the four *dhyānas* and the first three immaterial absorptions, plus the access concentration *samādhi* and the intermediate *samādhi*); tenth branch: the ten *krtsna* (*kaśīṇa*, the ten basic visual objects used as an expedient for inducing deep absorption, namely earth, water, fire, air, blue, yellow, red, white, space, consciousness); eleventh branch: the eleven doors to liberation (also known as the eleven doors to the deathless, namely the four *dhyānas*, the first three immaterial absorptions, and the four immeasurable minds).

<sup>101</sup> The knowledge of the dharmas is the knowledge of the four noble truths culminating in the attainment of the first fruit in reference to the sensual sphere, while the subsequent knowledge is the same kind of knowledge in reference to the form and formless spheres. The most detailed elaboration of this issue has been produced by the Sarvāstivāda School. One who claims to possess this kind of knowledges is claiming to have realized the first fruit.

happy destinations or bad destinations; I know if they are beautiful or ugly, rich or poor; I positively know the karmic retribution of sentient beings”: one closely studies and is very familiar (with this), and so on as above.

To claim that one has realized (the path) means to claim that one has realized the path of stream-entry, of once-returning, of non-returning, an *arhatship*: one closely studies and is very familiar (with this), and so on as above.

To claim that one enjoys the fruit means that one enjoys the fruit of stream-entry, of once-returning, of non-returning, an *arhatship*: one closely studies and is very familiar (with this), and so on as above.

To sum up, all states that lead to acquire superhuman qualities are encompassed into this category. Please notice that even states that are not only prerogative of *ariyas* (namely someone who has realized at least the first fruit), but even of *puthujjana* (common people), like the four *dhyāna* (*jhāna*), and the four immaterial attainments (the base of infinite space, the base of infinite consciousness, the base of nothingness, the base of neither perception nor non perception), are considered ‘super human states’. Deep *samādhi* is the means for conquering supernatural powers, that may be cultivate also by people who are not *ariyas*; moreover, states of deep *samādhi* lead to a temporary suppression of the five hindrances even for long time after emerging from that state.

The *DV*, the *SV*, and the *SaVV* are concord in affirming that (super human states encompass all stages) from the realization (of the effect of) contemplation on the unattractiveness of the body up to the realization of the four fruits; if one affirms “I attained (these states)”, one commits a defeat.<sup>102</sup>

Claiming to be visited by non-human beings is also grounds for an offence:

If a bhikṣu claims, ‘*Devas* come to my place; dragons, *yakṣas*, *pisāca*, *vetāda*, *pretas*, *kumbhāṇḍa*, *rākṣasa* come to my place. Either they ask questions and I answer, or I ask questions and they answer.’ If this claim is not true, the bhikṣu commits a defeat. If one claims that *vairam̐bhaka*<sup>103</sup> visit one’s place, one commits a deficiency of practice (preliminary step).<sup>104</sup>

The difference in the offence one commits is due to the different degree of importance of the non-human beings that come to visit. To be visited by non-human beings is the prerogative of saintly people who receive offerings from them or answer their questions.

According to the *SNVMS*, claiming to be a Buddha is grounds for a deficiency of practice (preliminary step), in which nobody would believe the claim:

The *SNVMS* says that if one affirms to be a Buddha, master of *devas* and men, commits a deficiency of practice.<sup>105</sup>

<sup>102</sup> GPV, book 18, 31.

<sup>103</sup> These are the winds that destroy a world at the end of an eon.

<sup>104</sup> SV, T23, 12c13.

<sup>105</sup> GPV, book 18, 32a.

## Overestimation

The *DV* does not give any offence for overestimation, namely the mistaken believe of having attained realization of the Dharma. The *SV* says that in this case one commits a deficiency of practice (similar nature offence):

The *SV* says, “A bhikṣu lived for long time in the forest without seeing any beautiful form; his defilements were momentarily suppressed, but he thought that they were eradicate once and forever, overestimating himself. Later, going to a village and seeing beautiful forms, desire arose in him, and he understood to be a common man. Increasing his effort, he finally realized the state of an arhat. The Buddha said that he committed a deficiency of practice.<sup>106</sup>

## Alternative ways of expressing one’s claim

The text gives four methods to claim superhuman states alternative to the spoken announcement made personally, namely using a token of agreement, or sending a proxy, or writing down (the claim), or making a gesture of acknowledgment. Two of these terms are explained by Vinaya Master Dao Xuan:

Sending a token of agreement: at the Western Frontier people indicate (their will) through a string made with a signet-ring; seeing the object one understands the intention (of the sender). The meaning takes the place of words.

Making a gesture of acknowledgment means to show a deportment in body and speech that leads to deduce that one is different from a common man.<sup>107</sup>

## *Conditions of the transgression*

The offence occurs when nine conditions are fulfilled:

1. The object is a human being
2. One perceives it as a human being
3. The superhuman state that one wants to claim is false
4. One knows that it is false
5. One has the intention to deceive the object
6. One speaks about superhuman states
7. One claims that he realized them
8. The utterance is clear
9. The object understands.

## Intention

Without deceptive intention there is no offence. The intention includes the hope to obtain material gains, since lay people are prone to give donations to whom they believe endowed with superhuman knowledge and powers.

## *Generic intention and specific intention*

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<sup>106</sup> FCNP, book 7, 64.

<sup>107</sup> FCNP, book 7, 65a.

As in the case of the rule against killing, we can speak of a generic intention or a specific intention. Generic intention may be directed towards all beings, humans, non-humans and animals, or it may be directed to human beings only. Specific intention is directed towards a specific target.

If one wants to let his claim be listened by all beings, the offence has to be evaluated according to the being that is listening: defeat if human, deficiency of practice (similar nature offence) if non-human or animal.

If one wants his claim to be listened only by human beings, but non-human beings and animals come along and he is aware of it, if he does not stop, it means that his intention has changed into including all the beings that are present at that moment. Therefore, the offence is evaluated as above. If instead only human beings are present, the offence is of course a defeat.

The same holds true for specific intention: although one wants his claim to be listened by one particular person, if, in the moment in which he does it, other human beings or other beings are present and he is aware of it, his intention changes into including all of them and the offence has to be evaluated accordingly.

For this same reason, there is no difference between error and mistaken assumption in the way we have examined for the rule against killing. In the case of this rule, both error and mistaken assumption entail a defeat offence.

### *Characteristics of the transgression*

One claims to have realized superhuman states	1. By speaking directly	To a human being, perceiving it as a human being	The person understands	defeat
	2. By giving a token of agreement		The person does not understand	Deficiency of practice (preliminary step)
	3. By sending a proxy	To non-human beings, like devas, yakṣas, pretas, etc., or to animals who have metamorphic powers and understand human speech	The being understands	Deficiency of practice (similar nature offence)
	4. By writing the claim		The being does not understand	Deficiency of practice (preliminary step)
	5. By making a gesture of acknowledgment	To common animals that have no metamorphic powers	The animal understands	Deficiency of practice (similar nature offence)
			The animal does not understand	Deficiency of practice

			(preliminary step)
If one is in an isolated place, perceiving it as non-isolated, and claims, “I have realized superhuman states”			Deficiency of practice (preliminary step)
If one is in a non-isolated place, but perceives it as isolated, and claims, “I have realized superhuman states”,			Deficiency of practice (preliminary step)
If one has really realized the Way and informs about it a bhikṣu who is not sympathetic			Deficiency of practice (similar nature offence) <sup>108</sup>

## *Perception*

Addressing a human being	perceiving him as a human being	defeat
	doubting that he is a human being	Deficiency of practice (preliminary step)
	perceiving him as a non-human being	
Addressing a non-human being	perceiving him as a human being	Deficiency of practice (preliminary step)
	doubting that he is a non-human being	

### **Relation between perception and actual state**

The evaluation of the offence must depend on the real perception one has about the claimed state. One may be motivated by deception, or it may be that he genuinely believes of having reached that state. Moreover, the claimed state may be fake or real. We can use a table to summarize all possible permutations:

Deceptive intention, false state	This is the case covered by this rule. One has not yet realized what he claims he has, and he is well conscious that he is lying. The offence is a defeat
Good faith, false state	One is genuinely convinced of having realized the state he is claiming. This is a case of overestimation. The DV does not

<sup>108</sup> This is one of the 292 practices.

	impose any offence. For the SV one commits a deficiency of practice.
Deceptive intention, true state	In this case, one makes the claim with the aim of getting some gain out of it. Although the claim is true, the intention of deceiving others makes it the grounds for an offence.  Since the offender does not fulfill all the conditions for the full offence, he commits a deficiency of practice (preliminary step).
Good faith, true state	There is no offence under this rule. Nevertheless, if one speaks about his attainments to someone who is not fully ordained commits a deficiency of practice because one violates one of the 292 practices. If one speaks to a fully ordained person who cannot understand because he has no experience, there is a lesser offence.  If instead, he speaks about his attainments to someone who has similar experiences, there is no offence.  The Buddha usually discouraged people from claiming their attainments even if these were genuine.

## *Exceptions*

There is no transgression:

1. if one makes claims out of overestimation;
2. if one affirms that (one's powers) are the result of karmic retribution, and not the fruit of practice;
3. if one informs (about one's factual realizations) someone who is sympathetic;
4. if one speaks about faculties, powers, enlightenment, three *samādhi* of liberation, all *samādhis*, without claiming a realization of these states;
5. if one makes a joke;
6. if one speaks rashly;
7. if one makes a claim alone in a secluded place;
8. if one speaks in a dream;
9. if one, wishing to say this, erroneously says that.

1. Overestimation: the case of overestimation is part of the enunciation of the rule and has already been discussed above.

2. Possessing powers which are the result of karmic retribution.

There are people who can see non-human beings and listen to them; this is not the result of cultivation. (It is listed) lest someone should think that (the possessor of these powers) is a saint. (They are powers) like supernatural mundane powers, powers coming

for mantra, magical powers, illusionistic powers, powers (coming from the use of) medicines, these karmically obtained powers. Or like the power of seeing birds in the sky<sup>109</sup>. Although people do not get them, they do not get surprised if others have them.<sup>110</sup>

3. Teaching: explaining the methods and the experience of superhuman states is not an offence. It is instead a duty of both teacher and student to understand correctly the Path in all its forms and manifestations at least at an intellectual level in order to be able to discern what Buddhism is and what is not, and not to get deceived by little achievements. The main point is to explain things in a way that it is clear that one is not making claims about one's own realizations.

4. To make a joke, speak rashly, speak alone, speak erroneously:

If one makes a joke, speaks rashly, makes a claim alone in a secluded place, wishing to say this, erroneously says that, are not cases of heavy offence (defeat); nevertheless, they are grounds for a deficiency of practice (preliminary step) because it is part of the (right) deportment of things that should not be said.<sup>111</sup>

5. Speaking in dream is excluded because one cannot control his mind during a dream.

If one claims to be a Buddha, he commits a deficiency of practice (preliminary step), because nobody would believe it.

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<sup>109</sup> I guess that this means using the trajectory of birds for divination.

<sup>110</sup> FCNP, book 7, 65b.

<sup>111</sup> GPV, book 18, 32b.



## The six rules

The six rules are peculiar to the śikṣamāṇā stage. The DV lists them in the analysis of rule 123 of the third section of BiP:

If a śikṣamāṇā engages in sexual intercourse she has to be expelled. If she has defiled thoughts and engages in lustful contact with a man with defiled thoughts, it is a deficiency of training; one has to give her again the training. If she steals (something worth) five monetary units or more, she has to be expelled. If (she steals something worth) less than five monetary units, it is a deficiency of training; one has to give her again the training. If she kills a human being, she has to be expelled. If she kills an animal, it is a deficiency of training; one has to give her again the training. If she claims to have realized superhuman states, she has to be expelled. If she lies in front of a group, it is a deficiency of training; one has to give her again the training. If she eats at improper times, it is a deficiency of training; one has to give her again the training. If she drinks alcoholics, it is a deficiency of training; one has to give her again the training.<sup>112</sup>

In the pages that follow we are going to examine these rules one by one.

The sentence “it is a deficiency of training; one has to give her again the training” identifies the kind of offence, and it gives the course of action to be followed in this case. The bhikṣuṇī saṃgha must carry out again on her behalf the saṃghakarma to grant her the two-year training, upon which she will start it again. If a śikṣamāṇā is unable to keep these six rules, she will not be eligible for full ordination.

## Rule 1 - Abstaining from lustful contact with a man

**If a śikṣamāṇā who has defiled thoughts engages in lustful contact with a man who has defiled thoughts, it is a deficiency of training and one has to give her again the training.**

### *The origin story*

At that time the World Honoured One was residing in Śrāvastī, at Anāthapiṇḍada’s monastery.

Bhikṣuṇī Sthūlanandā and an affluent man of Śrāvastī were in love. He invited the bhikṣuṇī saṃgha for a meal because of her. Sthūlanandā, knowing this, did not go and, when the bhikṣuṇī saṃgha was away to accept the offering, the man went to Sthūlanandā’s lodging in the monastery, engaging with her in lustful contact. A śrāmaṇerī, drawn by her moaning, saw them and reported the question to the bhikṣuṇīs when they came back.

On this occasion, the Buddha gathered the bhikṣu saṃgha and instituted this rule.

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<sup>112</sup> T22, 756, c10.

## ***Definitions***

### **The areas of the body**

The DV assigns a deficiency of training for lustful contact that affects the area included between the armpits and the knees. This area is called main area, while the rest of the body is called peripheral area. If a man touches with the hand, which is in the peripheral area, the body of a śikṣamāṇā in the main area, the śikṣamāṇā commits a deficiency of training. The same holds true if she touches with her hand (peripheral area) the body of a man in the main area. If the contact happens between the peripheral areas of the body, as caressing each other's head, the offence is a deficiency of practice (preliminary step).

The contact must happen skin to skin in order to commit a deficiency of training. If, of the two areas that come in contact, one is clothed and the other not, the offence is a deficiency of practice (preliminary step). If the areas of the body that come in contact are both clothed, the offence is again a deficiency of practice (preliminary step).

In the parallel prohibition for male monastics, the area includes the whole body of a woman, from the hairs up to the toes.

For the PV, the main area is that included between the collar bone and the knees, basically the same as the DV.

For the SV, the main area starts from the hairs of the head up to the wrist and then down up to the knees.

The DV so describes the areas of the body and the actions that constitute 'lustful contact':

Under the armpits: The area of the body which is under the armpits.

Above the knees: The area of the body which is above the knees.

Body: From the feet up to the hairs of the head.

Lustful contact. The two bodies (come in contact as follows): one caresses, pulls, pushes, rubs upwards, rubs downwards, lifts, puts down, grabs, or presses (the other person's body).

To caress: to caress the body with the hand in front and behind;

To pull: to pull forwards;

To push: to push backwards;

To rub upwards: to rub from the bottom to the top;

To rub downwards: to rub from top to bottom;

To lift: to embrace and lift;

To put down: to embrace and put down, while sitting or standing;

To grab: to grab in front, or on the back, to grab the buttocks, or grab the breasts;

To press: to press in front, or on the back, to press the breasts, to press the buttocks.

### **Human male**

The opponent must be a human male. A male belonging to another category of beings is not the grounds for a deficiency of training. Moreover, the man must be able to perform sexual intercourse,

which means that he has a suitable age, and he is alive. For example, a newborn baby is not the grounds for a deficiency of training, as well as a corpse.

In the parallel prohibition for male monastics, any female is grounds for the full offence, even one born on that day, dead or alive.

### **Moving and not moving the body**

The DV uses a special expression, namely “she moves the body” or “she does not move the body”.

The expression “she moves the body” means that she complies, in other words she greets the attention of the man and she manifests it actively or passively, for example bending towards him, or holding his hand, or smiling.

“She does not move the body” means that she does not manifest any reaction, in other words, even if she feels pleasure, she doesn’t show it by remaining still and not encouraging the admirer.

### ***Conditions of the transgression***

The offence occurs when six conditions are fulfilled:

1. The person is a human male;
2. She correctly perceives him as a human male;
3. Both feel sexually attracted;
4. The area is between the armpits and the knees;
5. The two bodies come in contact;
6. She feels pleasure.

### ***Characteristics of the transgression***

There is sexual desire	It is a man and she perceives him as a man	The contact happens skin to skin	Every time there is a contact at the main area of the body	Deficiency of training (if she doubts whether the being is a man, deficiency of practice (preliminary step))
			She feels pleasure and she moves the body	
			She feels pleasure, but she does not move the body	Deficiency of practice (preliminary step) (if she doubts whether the being is a man, deficiency of practice)
			She does not feel pleasure, but she moves the body	

		The śikṣamāṇā touches the clothes or the ornaments worn by the man, or the man touches the śikṣamāṇā with his clothes and ornaments	Whether she feels pleasure or not, whether she moves the body when not feeling pleasure, or she does not move her body while feeling pleasure	Deficiency of practice (similar nature offence) (if she doubts that it is a man, deficiency of practice (preliminary step))
		The contact happens through clothes and ornaments	Whether she feels pleasure or not, she moves her body or not	Deficiency of practice (similar nature offence)
	It is a male deva, asura up to an animal that has metamorphic powers	When the bodies come in contact		Deficiency of practice (similar nature offence)
	It is an intersex individual			
	It is an animal without metamorphic powers	When the bodies come in contact		Deficiency of practice (similar nature offence)
	It is a woman			

A man comes to pay homage and grasps her foot	She feels pleasure, but she does not move the body	Deficiency of practice (preliminary step)
She has sexual desire	She touches the robe, the bowl, the sitting cloth, the needle case, the shoes (of a man)	Deficiency of practice (similar nature offence)
	She touches her own body	

In case of contact skin to skin, one commits a deficiency of training if there is the simultaneous presence of both the pleasant feeling and the movement of the body. If one of the two conditions is absent, one commits a deficiency of practice (preliminary step).

### ***Differences of conditions for male and female monastics***

There are four major differences in the rule of engaging in lustful contact for male and female monastics:

1. A female monastic commits the offence only if the man is alive, while a male monastic commits the offence even if the woman he is touching is dead;
2. A female monastic commits the offence only if the other person is a male grown enough to be able to engage in sexual intercourse, while a male monastic commits an offence if he touches the body of any human female at any age;

3. A female monastic commits the offence if the contact happens between the armpits and the knees, while for a male monastic the entire body of a woman, from the head to the toes, is grounds for the offence;
4. A female monastic commits the offence if both feel sexual attraction, while a male monastic commits the offence even if his sexual desire is not reciprocated.

## ***Perception***

It is a human male	She correctly perceives it as a human male	Deficiency of training
	She doubts whether he is a male	Deficiency of practice (preliminary step)
It is a non-human male	She perceives him as a non-human male	
	She perceives him as a human male	
	She doubts whether he is a non-human male	

DV:

It is a man, but she perceives him as a woman, or it is a woman and she perceives her as a man: deficiency of practice (preliminary step).

(Lustful contact) with this man, thinking that he is another man: deficiency of training.

(Lustful contact) with this woman, thinking that she is another woman: deficiency of practice (similar nature offence).

## ***Exceptions***

There is no transgression if:

1. If she touches (the body of a man) when taking or giving things;
2. When she does it for fun;
3. If she does it to rescue him;
4. Whenever there is no sexual desire.

Doing it for fun does not entail a deficiency of training, but it is a deficiency of practice (wrong behaviour).

If someone is in a life-threatening situation, saving him by dragging or grasping him in some way is not an offence.

## **Rule 2 -Abstaining from stealing less than five monetary units**

**If a śikṣamāṇā steals (something worth) less than five monetary units, it is a deficiency of training; one has to give her again the training.**

The origin story and the detailed discussion of the rule have been already presented in Defeat 2.

In connection with the six conditions for the transgression, the only difference is condition 4: to commit a deficiency of training, the item must be worth less than five monetary units.

The characteristics of the transgression have already been detailed in the same place.

## Rule 3 – Killing an animal

**If a śikṣamāṇā intentionally kills an animal, it is a deficiency of training; one has to give her again the training.**

### *The origin story*

The Buddha dwelt in Śrāvastī. The Venerable Kālodāyin was annoyed by the chirping of the birds. He constructed a sling and killed them one after the other in great number. When the lay people, coming for paying homage, saw all those killed birds, they were horrified and deeply annoyed.

The bhikṣus reported to the Buddha who instituted this precept.

Later the clause was added that, if one does it unintentionally, there is no offence.

### *Conditions of the transgression*

The offence occurs when five conditions are fulfilled:

1. It is an animal;
2. She rightly perceives it as an animal;
3. She has the intention to kill;
4. She devises expedient means to that end;
5. The animal dies.

I refer to Defeat 3 for the DV description of the ways of killing one's target. What already said above in connection to killing a human being may be used with proper adjustment in this case either.

### *Characteristics of the transgression*

One wants to kill an animal	The animal dies	Deficiency of training
	The animal does not die	Deficiency of practice (preliminary step)

DV:

If a snake enters the room, one should catch it and put it in a case, or tie it with a rope, and after liberate it (in a distant place). If a harmful mouse enters the room, it is necessary to urge it out; it is also possible to catch it with a cage and then move it outside. If scorpions, centipedes, millipedes enter the room one can try to catch them with a rag, or with a handful of mud, or with a broom and then move them outside.

If one picks up some lice, he should put them in a case with some soft material like feathers or cotton or rags or threads. If the lice escape, it is possible to build a little cage, covered with a lid. If there is no place to put it, one can secure it at one of the corners of his bed.<sup>113</sup>

## ***Exceptions***

There is no transgression if:

1. One kills unintentionally;
2. One throws towards a different place a tile, or a stone or a knife and it accidentally kills (an animal);
3. One, during the construction of a house, makes accidentally slip a tile or a stone, killing (an animal);
4. One takes with a lose grip mud bricks, planks, house beams, a capital (of a column), a ridgepole and this falls killing (an animal);
5. If one takes care of a sick (animal), she helps it standing up or lying down, she washes it, she gives it a medicine, she helps it entering or leaving the room, or sitting in the sun, or staying in a shadowed place and in any of these cases (the animal) dies accidentally without any malevolent intentions.

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<sup>113</sup> T22, p. 941a.



## Rules 4 -Lying in front of a group

**If a śikṣamāṇā lies intentionally in front of a group, it is a deficiency of training; one has to give her again the training.**

### *The origin story*

At that time the Buddha was dwelling in Kapilavaṣṭu. A bhikṣu called Hatthaka had the habit to lie in order to win the debates he was fond of. Lay people complained and the other bhikṣus reported the question to the Buddha who instituted the rule prohibiting intentional lies.

### *A group*

The DV adds for śikṣamāṇā the additional rule of lying in front of a group. A group is defined as four or more people. A śikṣamāṇā commits a deficiency of training only if she lies in front of such a group. If instead she lies to a group of less than four people, or to a single person, she commits a deficiency of practice.

### *Definition of lying*

The following definition is based on the Chinese rendering of the title of this rule that literally means “intentional deceptive speech”:

‘Deceptive’ means that one says something false and calls it right; ‘speech’ indicates that it manifests by words; ‘intentional’ means that without the intention (to lie) there is no offence.<sup>114</sup>

### *Conditions of the transgression*

The offence occurs when six conditions are fulfilled:

1. It is a group (four or more people), no matter if they are monastics or lay people;
2. The offender perceives them as a group;
3. The offender utters something that is opposite to what she thinks;
4. The offender knows that the utterance is opposite to what she thinks;
5. The utterance is distinct and clear;
6. The object understands.

The sixth condition has been added by the commentator probably to associate better this rule with defeat 4. Nevertheless, while in defeat 4 the understanding is necessary as functional to the fulfillment of the goal, namely obtaining material gains, here it seems to collide with the text of the DV that never mentions this condition: the offence is fulfilled in the moment in which the utterance is pronounced clearly and distinctly. Nevertheless, one could say that the need of uttering the lie clearly to incur the full offence implies that the statement has to be understood.

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<sup>114</sup> FCNP, 13, 19b.

## *Characteristics of the transgression*

To say that one has seen what he has not seen To say that one has not seen what he has seen	One lies deliberately
To say that one has heard what he has not heard To say that one has not heard what he has heard	
To say that one has had a tactile sensation when he has not had any tactile sensations To say that one has not had any tactile sensations when he has had a tactile sensation	
To say that one knows what he does not know To say that one does not know what he knows	
<p>Seeing: the visual consciousness sees</p> <p>Hearing: the hearing consciousness hears</p> <p>Touching: three consciousness have tactile sensations, namely olfactory consciousness, taste consciousness, bodily consciousness.</p> <p>Knowing: the mind consciousness (mano-vijñāna) knows</p>	

One has not seen (the same for hearing, having tactile sensation, etc.)		One affirms of having seen	One lies deliberately
	One has the perception of having seen	One affirms of not having seen	
	One doubts of having seen	One affirms of having no doubts about having seen or not having seen	
	One has no doubts about not having seen,	One affirms of having doubts about having seen or not having seen	

If one speaks differently from	what one has seen what one has suffered from one's desires from one's tactile sensations from what one thinks from what is one's intention	all these instances are deliberate lies
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Before lying	One makes the determination, 'I want to lie'	she knows that (what she wants to say) is a lie	when the utterance is over, she knows that it is a lie	Deficiency of training
	One does not make the determination, 'I want to lie'		when the utterance is over, she does not remember that it is a lie	

One lies deliberately in front of a group	The utterance is clear	Deficiency of training
	The utterance is not clear	Deficiency of practice (preliminary step)

During the <i>Prātimokṣa</i> recitation, at the triple question (about purity), if one remembers of an offence, but conceals it	Deficiency of practice (similar nature offence)
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The passage 'If one speaks differently from what he has seen, etc...' is explained in the FCNP in the following way:

Different from what one sees: one is sure that he has seen something ugly, but he says to have seen something beautiful. When someone asks about it, one answers differently from what he has seen, hence the name 'different from what one sees'.

Different from what one has suffered: to receive suffering, opposed to comfort, is called suffering, but one says that he feels comfortable. It can also refer to a saṃghakarma, when one does not agree, but he says that he does.

Different from one's desires: desire is said in reference to wealth and sex, but one answers differently to what is in origin (in his heart) and affirms to delight in the Correct Dharma.

Different from one's tactile sensations, as one who has the feeling of cold, but he affirms that it is warm.

Different from what one thinks means that one considers someone an enemy, but affirms that he is a friend.

Different from what is in one's heart means that one says something on the base of different conditions. Hence, concerning the mind, it is possible to list many situations, which means that there are many different lies.

The meshes of the net must be very tiny, and cannot be arbitrarily opened, otherwise everything may come in.

The last sentence refer to the fact that one has to be very scrupulous in training according to this rule, and very clear about one's motivations.

Committing the offence does not depend on the object, but on the intention:

The transgression has not a fixed situation; its occurrence relies necessarily on the intention. If one goes against one's thoughts and intentions, no matter if the external conditions are false or true, one commits always a deficiency of training.<sup>115</sup>

## *Exceptions*

There is no transgression if:

1. One says that he has not seen what he has not seen;
2. One says that he has not heard what he has not heard;
3. One says that he has not had tactile sensations when he has not had tactile sensations;
4. One says that he does not know what he does not know;
5. One says that he has seen what he has seen;
6. One says that he has heard what he has heard;
7. One says that he has had tactile when he has had tactile sensations;
8. One says that he knows what he knows
9. One has the perception of having seen, etc., and speaks accordingly.

The only exception to this rule is to say the truth.

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<sup>115</sup> GPV, Book 22, 1b.

## Rule 5 -Eating at improper times

If a śikṣamāṇā eats at improper times, it is a deficiency of training; one has to give her again the training.

### *The origin story*

At that time the Buddha dwelt on Rājagṛha. At that time there was a feast at the village. Nanda and Upananda enjoyed the performance while going on their alms round. When they came back to the temple it was already dark.

Kālodāyin went to his alms round late in the night. A woman, seeing him at the light of a lightning, exclaimed scared: “A ghost! A ghost!”

Because of these episodes the bhikṣus informed the Buddha who instituted the precept.

### *Conditions of the transgression*

The offence occurs when four conditions are fulfilled:

1. It is improper time;
2. One knows that it is improper time;
3. One eats;
4. One commits an offence for every morsel.

### **Categories of edibles**

All edibles are classified into two broad categories, namely staple food (*bhojanīya*) and non-staple food (*khādanīya*):

Bhojanīya (staple food)	Cooked grains. In this category are included rice, barley, millet, oats, Job’s tears, wheat, sorghum, any grain that comes from grass.
	Dried food made with barley
	Barely groats
	Fish
	Meat. The Vinaya allows eating the flesh of almost all animals, except human beings, elephants, horses, dogs, snakes, lions, tigers, leopards, bears, and Hyenas (panthers). The meat has to be eaten cooked; uncooked meat is considered unallowable.  The countries in which the custom of going on alms round is still the everyday practice of the monks, vegetarianism is not common.

Khādaniya (chewable or non-staple food).	Whatever edible outside staple food, can be put in this category. The Chinese Vinaya lists five categories: roots, branches, leaves, flowers, fruits. Into these categories are included also flours and baked products, milk and dairy products (like milk, butter, curds), rock candy <sup>116</sup> , oil, sesame seeds, and so on.
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Beside this double division, edibles and drinks are further divided into four categories that set their ‘proper and improper time’.

### 1. *Timely edible (Yāvakālika)*

The proper time for the edibles of this category is from dawn to the astronomic noon. The period from noon to the next day before dawn is called ‘improper time’. *Bhojanīya* all belong to this category, while *khādaniya* includes edibles that may belong to other categories.

Rice gruel. Rice gruel may be both staple or non-staple food. If it is sufficiently diluted, it is considered non-staple food, but if it is too thick, it is considered staple food.

Flour products. Usually, flour products, for example bread, cakes, and similar, are considered non-staple food.

### 2. *Afternoon drinks (Yāmakālika)*

The proper time of juice drinks ranges from noon to the following day before dawn. The improper time starts from the dawn of the following day.

We include in this category:

1. The juice obtained from various fruits, or sugar cane;
2. The water obtained by boiling grains and legumes, provided that the seeds remain intact. If the seeds break, this product must be considered timely edible and cannot be eaten after noon.
3. The tonics (see below for definition) diluted in water are considered afternoon drinks.
4. The juice of various species of gourds is **not** allowed as afternoon drink, for example watermelon, sweet gourd, and white gourd, because it is difficult to strain.
5. Coconut water, which is usually obtained from young coconuts that have almost no meat, is allowed. It is actually a very common drink in tropical countries. On the other hand, coconut milk, which is obtained by smashing the meat of the coconut, is **not** allowed as afternoon drink and it has to be considered timely edible.
6. If the juice is boiled, it cannot be considered anymore afternoon drink, because it becomes too thick.
7. Juice must be strained before being drunk, to eliminate the dregs.
8. Juice has to be “purified” by adding to it some water. A single drop of water is enough; even some rain’s drops falling into the juice can do the job. The meaning is symbolic: by altering the flavour of the substance, one should diminish one’s attachment to the taste of it.

<sup>116</sup> The rock candy is obtained from the juice of the sugar cane, with the addition of glutinous rice.

### 3. Seven-day tonics (*Sattāhakālika*)

The proper time of tonics ranges for seven days, reckoned from the day on which they have been determined as such up to the dawn of the eighth day. The improper time starts at the dawn of the eighth day.

The main characteristic of the edibles falling in this category is that they are tasty and particularly flavoured. Their composition has a prevalence of carbohydrates and/or fats.

There are five tonics described in the Vinayas:

**1) Ghee.** Traditionally, ghee is made from butter churned out of Indian yogurt (*dadhi* or *dahi*, curd). This butter is boiled and constantly stirred until all the water is evaporated. Then, further heated to get a pleasant flavour, slightly cooled and filtered through muslin to remove sediment.

**2) Butter.** In the West, we intend for butter the product obtained by churning cream, but, actually, the term used in the Vinaya is *navanīta*. This is an Indian sort of butter obtained from curd and not from cream, as Ajahn Brahmavamso describes in his Vinaya Notes:

*Navanīta* is neither butter, nor cheese. In the villages of India it is still made, according to one recent eye-witness, as follow:

”You take a pot of curd and add a small amount of cold water and twirl it round with a stick rubbed between the hands. On the working end of the stick is a lump of wood with grooves in it; if you imagine an orange with alternate segments removed, it might give you some idea. After twirling for a few minutes, you add some more cold water and continue twirling, doing this several times until you have added approximately an equal part of water to the curd. The *navanīta* gradually rises to the surface and they skim it off. It can then be heated and skimmed in the usual way to make ghee”.

The instrument used to churn the curd into *navanīta* is reproduced in this photo:



The curd is obtained from the milk by letting it sit for a certain time till the proteins of the milk (mainly casein) precipitate due to the acidification of the environment caused by the fermentation of the lactose into lactic acid processed by the bacteria that are naturally present in milk. This curd is also known as traditional buttermilk, or yoghurt. In India is called *dahi*, which is related to the Sanskrit and Pāli word *dadhi*, the word found in the Vinaya to define this dairy product.

By letting the milk sit for some hours, the fat fraction of the milk gets naturally separated from the rest and can be skimmed out as cream (to speed the process at an industrial level, the separation of cream from milk is done artificially by centrifugation). By churning the cream, we obtain the butter we normally know in the West.

All the above described dairy products, namely butter, *navanīta* and ghee can be consumed as medicine for seven days.

**3) Oil** includes a number of oils obtained from seeds, like olive oil, sesame oil or mustard oil, or from the tallow of bear, pig, fish and donkey;

**4) Honey;**

**5) Sugar/molasses:** all kind of sweeteners. Artificial sweeteners can be included in this category, although some interpreters affirm that if the sweetener is used as a medicine, as in the case of sweeteners for diabetics, it can be taken as lifetime medicine.

**4. Lifetime medicine (*Yāvajīvika*)**

The edibles which are included in this category have an undetermined life span. Three are the conditions by which the life span expires:

1. the medicine finishes;
2. the ailment is cured;
3. the owner dies.

The main characteristic of these edibles is that they have not an appealing taste, they are bitter, or salty, or too sweet.

The DV groups them into six categories:

1. Roots, as, for example, turmeric or ginger;
2. Decoctions obtained from plants, for example tea;
3. Leaves;
4. Fruits (peppers, *Artemisia vulgaris*)
5. Resins (*Asafoetida*, *Ferula* spp.)
6. Salts.

As a general rule, all the edibles that do not fit into the previous three categories, usually fit here.

Pepper, pure black cocoa, black chocolate (without any milk), cinnamon, teas of various types, black coffee<sup>117</sup> all fall into this category.

Drugs are usually included under this category, for example aspirin, digestives, medicines one takes for special ailment, etc. As already said above, some commentators allow keeping sweeteners for diabetics as lifetime medicines.

**Mixtures**

There are basically two criteria to classify mixtures of different edibles:

The substances are present in different concentration. In this case, the medicine is determined according to the edible which is more concentrated. For example, if one adds some jujube fruit to an edible classified as medicine for the life, the resulting compound may be determined as medicine for the life. This may happen with Chinese medicines.

All the substances which form the compound are present in similar concentration. In this case the medicine may be classified according to the following hierarchy of edibles:

*1) Timely edible; 2) Afternoon drinks; 3) Seven-day tonic; 4) Lifetime medicine.*

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<sup>117</sup> Without sugar. If sugar is added, the coffee becomes seven-day tonic.



## Proper and improper time

Proper time is the period from dawn to the astronomic noon, and improper time from noon to dawn of the next day.

Nevertheless, as already seen above, the three categories of edibles allowable outside this limit have their specific proper and improper time. I summarize proper and improper time for all four categories:

1. Timely edible: from dawn to the astronomical noon;
2. Afternoon drink: from noon to the next day before dawn;
3. Seven-day tonic: from the day they are received to the dawn of the eighth day;
4. Lifetime medicine: undetermined.

Nowadays, knowing the time of dawn and astronomical noon is fairly easy, because tables are available on the internet and there are also suitable applications for this. Accurate websites provide three times for dawn and sunset: astronomical, nautical and civil crepuscule. It is usual to adopt the nautical crepuscule as the reference time.

Concerning the three types of edibles<sup>118</sup>, these include juice drinks. Juice drinks are subject to two types of allowances, allowance by offering and allowance by determination<sup>119</sup>. Before the dawn of the day (following the determination) the formula still retains its validity, and so we speak of ‘proper time’. At dawn, the determination expires; if one drinks it, he incurs in an offence, so we speak of it as ‘improper time’.

For (all tonics like) ghee and oil, we speak of proper time when the formula of determination still retains its validity. At the eighth day the determination expires, and we speak of ‘improper time’.

For the medicines for life, we speak of ‘proper time’ when one assumes them in case of illness, and of ‘improper time’ when one assumes them without reason.<sup>120</sup>

## Determination

The quoted passage of FCNP speaks of two kinds of allowances, one by offering and one by determination.

The allowance by offering is common to all four categories of edibles. A monastic should not take food by him or herself, but this should be properly offered. **Śikṣamāṇās and śrāmaṇerīs can take food with their own hands to offer it to bhikṣus or bhikṣuṇīs.**

The allowance by determination is a characteristic of the three untimely edibles, namely afternoon juices, seven-day medicines and lifetime medicines. This consists in a declaration that one does in front of a witness that one will take the substance because of need for the proper time of the substance itself. The declaration is the following:

<sup>118</sup> Afternoon juice, seven-day medicine, lifetime medicine.

<sup>119</sup> The three categories mentioned above are all subject to two types of allowances.

<sup>120</sup> FCNP, Book 14, 63a.

Venerable sister, listen carefully! Be my witness that I, śikṣamāṇā So-and-so, take this ...<sup>121</sup> as afternoon juice (seven-day medicine, lifetime medicine) because I am affected by thirst (by weakness, by an imbalance of the four elements<sup>122</sup>), and I will drink (keep) it at improper time (for seven days, for as long as I need). (*Repeat thrice*)

The formula for the determination of an edible has been supplied by the Commentator from the SV. The DV simply says that one should made it allowable.

In Theravada Countries where they follow the PV there is no need to determine the edibles: if a certain substance is offered as untimely edible it can be kept as such for the time already specified above depending on its nature. Those who live in Theravada countries should therefore not be worried about transgressing this rule because of not adding the oral determination to an edible. Of course, it is a good exercise to practice it if one is in the condition of implementing the procedure. Determining an edible in front of a witness adds a further level of mindfulness to our action.

### ***Characteristics of the transgression***

Timely edibles. It is the improper time, and one takes and eats (this kind of edibles)	Deficiency of training for each morsel
Afternoon drinks. One drinks them at the improper time (beyond dawn of the next day)	Deficiency of training
Seven-day tonic. One eats it beyond the seventh day (the seventh day ends at dawn of the eighth day)	
Lifetime medicine. One takes it without reasons	Deficiency of practice (similar nature offence)

### ***Perception***

It is improper time	One knows that it as improper time	Deficiency of training
	One doubts whether it is improper time	Deficiency of practice (preliminary step)
	One thinks that it is proper time	
It is proper time	One thinks that it is improper time	
	One is perplexed about it being improper time	

### ***Exceptions***

There is no transgression if:

<sup>121</sup> The name of the substance, for example orange juice, butter, cocoa.

<sup>122</sup> “Imbalance of the four elements” is just a generic motive for taking lifetime medicine. If one has a specific ailment one should mention it, for example a cold, a flu, etc.

1. If one prepares rock candy with the addition of rice, it is possible to eat it (at improper times), after having made it allowable;
2. A śikṣamāṇā eats her medicines when sick, or if, after noon, she boils oaks (or other grains and legumes), provided that the grains remain intact, and drinks the water so obtained after having filtered it;
3. She has regurgitation and swallows the food again.

Concerning the rock candy, the ancients say: “It is obtained by simmering together the juice of the sugar cane and glutinous rice, till the juice hardens like a rock.” This means that for seven days, although it contains timely edible, it can be consumed after noon. Drinking the boiling water of the oaks when sick is allowed because, although it seems a timely edible, it is very limpid.<sup>123</sup>

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<sup>123</sup> GPV, Book 23, 51a.

## Rule 6 – Abstaining from drinking alcoholics

**If a śikṣamāṇā drinks alcoholics, it is a deficiency of training; one has to give her again the training.**

### *The origin story*

At that time the Buddha was dwelling in the country of Ceti. The venerable Svāgata was at that time the attendant of the Buddha. The place was infested by a dragon called Anpalatita. Svāgata went to his den and subdued him in one night. His fame spread in all the country and a lay follower, wanting to offer him something special, offered a strong kind of wine. Unaware of it, Svāgata drank it and got drunk to the point of losing completely his demeanour and falling down on the road. The Buddha, on that occasion summoned the saṃgha, expounded the ten faults (that come from drinking alcoholics) and instituted this rule.

### **The ten faults of drinking alcoholics**

(The ten faults are as follows:) 1. The countenance becomes ugly; 2. One becomes weak; 3. The eyes become dull. These three (cases) belong to the six degenerations of the physical body. 4. One gets angry easily. This (case) belongs to the nine types of psychological disorders. 5. One engages in evil deeds to provide a living. This destroys the family. 6. (The chances) of falling sick increase. 7. One gets easily involved in quarrels. 8. One becomes notorious. This destroys any virtue. 9. One lacks wisdom. 10. At the end of the life, one falls into the three unwholesome states of existence. The first nine cases show the immediate result, while the tenth case shows the future suffering.

Observing these ten faults, the thing becomes obvious. Going against the foolishness of the world, one can easily cure his illnesses. There is no mistake in it.<sup>124</sup>

### *Conditions of the transgression*

The offence occurs when three conditions are fulfilled:

1. It is an alcoholic substance;
2. There is not the exception of a grave disease;
3. She drinks.

### **Alcoholics substances**

The FCNP defines an alcoholic substance as something obtained by the fermentation of rice, barley, etc., or made with flowers, fruits, lotus roots, sugarcane, sugar, honey, etc., with the addition of rice malt and obtained through fermentation, in a way that it drives a man drunk.

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<sup>124</sup> GPV, Book 24, 30b.

Wine made from grapes of course falls into this category, as well as all alcoholic drinks obtained by the distillation of wine (like cognac, obtained by the distillation of white wine) or with cereals, malted or not, that are first fermented and then distilled (like whisky) or by brewing malted cereals (like beer), or by distilling the pomace (the mass of skins and meat of grapes that remains after pressing them to obtain wine; Italian grappa is made in this way).

All these drinks have different percentage of alcohol, but they can all induce drunkenness.

The Vinaya explains as follows:

It is an alcoholic substance	It has the colour, the flavour and the taste of an alcoholic substance	One should not drink it
	It has not the colour of an alcoholic substance, but it has its flavour and taste	
	It has colour and flavour of an alcoholic substance, but it has its taste	
	It has no colour, flavour or taste of an alcoholic substance	
It is not an alcoholic substance	It has the colour, the flavour and the taste of an alcoholic substance	It can be drunk
	It has not the colour of an alcoholic substance, but it has its flavour and taste	
	It has colour and flavour of an alcoholic substance, but it has its taste	
	It has no colour, flavour or taste of an alcoholic substance	

All fermented liquors that have a percentage of alcohol are forbidden under this rule. The Vinaya says that even if it does not seem alcoholic, it is forbidden if it has the potentiality to induce drunkenness.

Preparations like mulled wine, which undergoes heating, still have a percentage of alcohol inside, that depends on many variables. The baking process either does not eliminate all the alcohol present in a food. Although there two Vinayas that say that drinking boiled wine is not an offence<sup>125</sup>, it is advisable to check carefully before drinking or eating something.

### *Characteristics of the transgression*

It is an alcoholic substance, or a boiled alcoholic substance, or a mixed alcoholic substance, and one eats or drinks it	Deficiency of training for every sip
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<sup>125</sup> One the MuSV, bhikṣuṇī section, T23, b12. The other is a commentary on the SV, SNVM, T23, c17 (although this last one specifies that there should be no trace of alcohol left in the preparation: “Is it possible to take medicine limited to noon, afternoon drink, or seven-day medicine made with boiled wine? If it does not contain any alcohol, it is possible to take it.”)

If one drinks sweet wine	Deficiency of practice) preliminary step
If one drinks vinegar tasting wine	
If one eats malt	
If one eats wine dregs	

The DV says that drinking sweet wine is the grounds of a lesser offence. The SV says instead that it is the grounds for the full offence. What exactly is sweet wine for the DV is difficult to understand. According to the definition given above, if it has the three characteristics of an alcoholic substance and can drive a man drunk, it should be the grounds for a deficiency of training. Since the DV gives for it a simple deficiency of practice, this means that it is not alcoholic, but maybe it has all the three characteristics of an alcoholic substance.

Vinegar tasting wine does not seem to be vinegar, but acetic wine. Taking true vinegar is not an offence. We must suppose that this vinegar tasting wine is not an alcoholic drink, although its nature is not clearly understandable.

Be it as it may, the principle of this rule is that whatever has a percentage of alcohol inside, even if it is very low, is prohibited. Under the next heading, perception, we will see that the full offence occurs even if one is not aware of the alcoholic content of a drink.

## *Perception*

It is an alcoholic substance	One knows it	One drinks	Deficiency of training
	One doubts whether it is alcoholic		
	One thinks that it is not alcoholic		
It is not an alcoholic substance	One thinks that it is alcoholic	One drinks	Deficiency of practice (preliminary step)
	One doubts that it is not alcoholic		

If a substance is alcoholic, the Vinaya does not allow for mistaken perception: one commits the full offence even if one thinks that it is not alcoholic.

Nevertheless, Master Dao Xuan makes some distinctions:

In the case of an alcoholic substance, (the DV) says that there is deficiency of training in all the three situations mentioned. All the Masters affirm that the level of transgression is considered from the point of view of the factual situation, not from the point of view of the apperception of it. I<sup>126</sup> don't agree. (The precepts) the Buddha has instituted have a reason, but the words are too few to understand clearly. How is it possible that a sage, who has just come and has not smelled (what is in the cup), drinking erroneously what he thinks to be a juice, transgresses a deficiency of training? The text speaks of deficiency of training in the case in which there has been a preliminary step, (that is) one has the intention to drink alcoholics, but when he carries the cup to his mouth, only then he (changes his perception and) thinks that the substance (he is

<sup>126</sup> The Vinaya Master Dao Xuan.

going to drink) is not alcoholic or doubts it to be alcoholic. Considering the condition of the mind after (the action has been performed), it cannot be only a deficiency of practice. Because there is a preliminary step, we can also say that there is deficiency of training.<sup>127</sup>

## ***Exception***

There is no transgression if:

1. One is sick, other medicines have not produced any effect and one uses an alcoholic substance as medicine;
2. If one uses an alcoholic substance to cure an ulcer.

The sentence “all the other medicines have no effect” doesn’t mean that one can drink alcohol only because he is sick. Hence, it is necessary to specify that one has already tried to use other medicine to cure his ailment, but without effect; only then one may be allowed to drink alcohol.<sup>128</sup>

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<sup>127</sup> FCNP, Book 15, 7a.

<sup>128</sup> FCNP, Book 15, 8a.