

Bhikṣuṇī training

The eight pārājikas

Bhikṣuṇī Ruxiong

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Abbreviations

Vinaya

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 Matrka Śāstra, T24, 毘尼母論	VMS
Sarvāstivāda Nikāya Vinaya Mātrkā 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 dvāvijṣati prasannārtha śāstra, 明了論	VDPS
Bhikṣu Prātimokṣa	BP
Bhikṣuṇī Prātimokṣa	BiP
Pārājika	Pā
Samghāvaśeṣa	Sa
Sthūlāca	St
Pācittiya	Pc

Nihsargika-pācittiya	NP
Pratideśanīya	Pr
Duṣkṛta	Du
Durbhāṣita	Dr

Works by Vinaya Master Dao Xuan

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
Important Karmas (Sui Ji Jiemo, 隨機羯摩)	IK

Commentaries by Master Ling Zhi

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

Other Chinese works

Japanese Collected Notes on Guidelines for Practicing the Vinaya and its commentary (Fu Sang Ji Shi, 扶桑集釋)	JCN
Handout on Simple Explanations on Important Karmas (Sui Ji Jiemo Qian Shi Jiang Ji, 隨機羯摩淺釋講記)	HSEIK
Glossary of Terms of the Dharmaguptaka Vinaya (Si Fen Lu Ming Yi Biao Shi, 四分律名義標釋)	GTDV
Glosses on The Dharmaguptaka Vinaya (四分律疏)	GDV
Explanations on the DV Bhiksuni Prātimokṣa	EDVBP

English works

Karmas for the Creation of Virtue	KCV
Buddhist Monastic Code	BMC

Quotations from the Chinese Tripiṭaka indicate the Volume, the page, the section of the page – each page is divided into three section from top to bottom, designated as *a*, *b* and *c* – and the column – there are a maximum of 29 columns. The DV is on volume 22 and quotations from this Vinaya will omit it. Ex.: T23, 234a10 refer to vol. 23, page 234, first section on the top, 10th column from right.

Quotations from the Three Books of Nanshan refer to the collated edition by Master Hong Yi, which fuses together the original Master Dao Xuan's commentary with the explanations by Master Ling Zhi. The collated edition has a page numeration that includes the front and the back of the page, therefore the quotation indicates the page, the side of the page (indicated as *a* or *b*) and the column in the page (maximum 10 columns). For example, “p. 35, b2” indicates the back side of page 35, second column.

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Introduction

Now that Buddhism becomes established in the West and more and more people feel the vocation to join the monastic Saṃgha, there is the need to provide proper Vinaya instruction and training to the new candidates.

The majority of Westerners that join the Saṃgha do not have the linguistic expertise which would allow them to afford a direct study of the Vinaya Piṭaka and Vinaya commentaries and need therefore to rely on translations and Western-language literature for their training.

In the Theravāda tradition which follows the PV there are already praiseworthy examples of texts that allow Western monastics to gain a fairly deep understanding of the Vinaya without having to undertake a previous, painstaking study of the Pāli language. Foremost among all is “The Buddhist Monastic Code” by Thanissaro Bhikkhu that has become a classic for the training of monks in the Theravāda tradition. Up to date, this seems to be the only serious attempt to provide a complete overview of both the Prātimokṣa and the Skandhaka rules with the practical aim in mind of allowing the implementation of these same rules in the context of the everyday life of a monk.

It is regrettable that no such effort as ever being attempted for the DV, although this is even more widely used than the PV, being the reference Vinaya for the monastic Saṃgha in China, Taiwan, Korea and Vietnam.

Even more regrettable is that no such literature whatsoever, either for the PV or for the DV, has been produced for the specific training of the bhikṣuṇī Saṃgha.¹ Western bhikṣuṇīs who want to train in the Vinaya have to rely on the books written for the bhikṣus. Although many of the major rules are in common, there are still specific issues that need a separate treatment.

The bhikṣuṇī Saṃgha is thriving and its development is unstoppable. What will really make it strong is a proper understanding and implementation of the Vinaya, and this, for the majority of Western bhikṣuṇīs, is the DV.

This book tries to make a first, humble step towards the direction of providing the future bhikṣuṇīs with the tools they need to grow in the Dharma and to establish healthy and prosperous communities.

This Vinaya and its commentaries exist only in Chinese, therefore without a knowledge of this language it is impossible to access this material. In this manual, I will try to include information from both the Vinaya itself and its commentaries in order to allow a bhikṣuṇī to gain a good practical understanding on how to implement the Vinaya both at a personal level and as a tool to manage the community.

The Chinese Vinaya school

Vinaya texts have been translated in Chinese since the 3rd century AD. Before Master Dao

¹ There exists an excellent translation of the bhikṣuṇī Vibhaṅga published on 2002 by Ann Heirmann, *The Discipline in Four Parts, Rules for Nuns according to the Dharmaguptakavinaya*. Nevertheless, this work, although highly praiseworthy either for the quantity of information collected and for expertise, remains an academic work which can hardly be used as a manual for the training of a monastic Saṃgha.

Xuan advocated the exclusive adoption of the DV, different communities used different Vinayas, the SV being the most widespread. It is with this Master that Buddhist monastic communities started to use exclusively the DV for ordination and training.

Master Dao Xuan lived most of his life on a mountain called Nan Shan (the Southern Mountain), hence the name of the Vinaya School he founded, the Nanshan Vinaya School.

Although considering the DV as the fundamental base for monastic training, Master Dao Xuan did not disregard the other Vinayas, but instead he included them in his discussion in order to help clarify all the issues that the DV leaves unclear or unexplained. The result is the special, we could say, ecumenical approach of this school to Vinaya studies and practice which evolved in recent times with the inclusion of the Pāli Vinaya – unknown to Master Dao Xuan – in the discussion.

This Vinaya School has survived until our days and it is the one to which contemporary Chinese Vinaya Masters usually refer.

Three are the most important works that Master Dao Xuan compiled on Vinaya, covering all the issues from the Prātimokṣa rules to the Saṃghakarma. The major commentaries on these three works have the signature of Vinaya Master Ling Zhi, Song Dynasty. Master Hong Yi, Qing Dynasty, has collated these three books with their commentary and his collated edition constitutes the standard to which we refer in Vinaya academic schools. Nevertheless, some scholars may still use the quotations from the Tripiṭaka, in which the text are presented separate. The collated edition have a page numeration that includes the front and the back of the page, therefore the quotation indicates the page, the side of the page (either *a* or *b*) and the column in the page. For example, “p. 35, b2” indicates the back side of page 35, second column.

These are the three books of Nanshan:

Book by Master Dao Xuan	Commentary by Master Ling Zhi
<p><i>Guidelines for Practicing Vinaya</i> (Xing She Chao, 行事鈔)</p> <p>This book is comprehensive of both prohibitive and prescriptive precepts. It has a practical slant; it is used any time one wants to know the ‘how’, for example how to keep a śikṣapāda, or how to implement a transaction.</p>	<p><i>Records (on the methods) to support (the practice)</i> (Zi Chi Ji, 資持記)</p>
<p><i>Collected Notes on the Prātimokṣa</i> (Han Zhu Jie Ben, 含註戒本)</p> <p><i>Further Commentary on the Collected Notes on the Prātimokṣa</i> (Han Zhu Jie Ben Shu 含註戒本疏)</p> <p>This is a commentary and detailed discussion of the bhikṣu Vibhaṅga. Master Dao Xuan first</p>	<p><i>Record on the Essence of the Practice</i> (Xing Zong Ji, 行宗記)</p>

<p>wrote the <i>Collected Notes</i>. Later, he wrote an additional commentary, and merged the two works into one, the <i>Further Commentary</i>. Although there is some overlapping with the text quoted above, here one can find more information on the details and various interpretations, both from other master, preceding or contemporary, and of Master Dao Xuan himself.</p>	
<p><i>Important Karmas</i> (Sui Ji Jie Mo, 隨機羯磨) This is a book exclusively dedicated to the discussion of transactions and their implementation.</p>	<p><i>Record (on the methods) to support the conditions (for the implementation of all transactions)</i> (Ji Yuan Ji, 濟緣記)</p>

The three books of Nanshan are all preceded by the sentence “*Dharmaguptaka Vinaya in Four Parts, Removing Duplications and Supplementing the Missing ...* (Tan Wu De Bu Si Fen Lu Shan Fan Bu Que ... 曇無德部四分律刪繁補缺 ...)”. This title refers to the special methodology used by the Master. *Removing Duplications* indicates that in his work he tried to simplify the discussion by omitting all the information that is repeated. *Supplementing the Missing* indicates that missing or incomplete information is supplemented through the comparison with other Vinayas.

In the body of the text, I will normally use only passages from Master Dao Xuan. The comments and the explanations by his exegete Master Ling Zhi will be given as footnotes when required.

The majority of these commentaries have been written for bhikṣus; therefore we need to make the required adjustments in order to apply what they say to bhikṣuṇīs. For example, when they speak of śrāmaṇeras, we must intend śikṣamāṇās and śrāmaṇerīs in the case of female monastics.

The structure of this work

The model for this work has been the traditional manual that is used in Chinese Vinaya monasteries for the training. The first edition of this kind of manuals is due to Great Master Hong Yi at the beginning of the 20th century. The bhikṣu manual was the first to see the light; the bhikṣuṇī manual followed after some years thanks to the efforts of Bhikṣuṇī Sheng Yu and others.

Nanlin monastery in Taiwan has produced a revised edition, which is the base for this work together with the Taisho Vinaya Piṭaka and the collated edition of the works of Vinaya Master Dao Xuan.

I usually translate the Chinese term 戒(jie) as ‘rule’. In Chinese this character is often used as a verb meaning ‘to abstain from’ or ‘to guard against’. The Sanskrit term is *Śikṣapāda* which literally means ‘base of training’, and corresponds to the Chinese *xue chu* (學處, training’s

abode). Although ‘base of training’ is what best represents, according to my opinion, the spirit and the letter of the Vinaya, it sounds sometimes awkward, thereby leading to choosing ‘rule’ as the general rendering.

Every rule is examined according to the following structure:

1. The text of the rule as it appears in the Bhikṣuṇī Prātimokṣa is given immediately after the title.
2. The first part follows which is an integral translation of the *Vibhaṅga* and *Samyuktavarga* sections – when available - of the DV that deal with the śikṣapāda. The *Vibhaṅga* gives a detailed analysis of a rule; the *Samyuktavarga*, which follows the skandhakas, gives an extended casuistry and additional information for the bhikṣu pārajika and saṃghāvaśeṣa. For the rules in common between bhikṣus and bhikṣuṇīs, the translation is done from the *Bhikṣu Vibhaṅga*, since the *Bhikṣuṇī Vibhaṅga* gives only the bare text as found in the *Prātimokṣa*. The only exception is Pārajika 1, *Abstaining from sexual intercourse*, as we will see later in the text.
3. The second part includes the explanation of the terminology for a better understanding of the text, with the help of quotations from other Vinaya sources and commentaries.
4. The third part is the list of the conditions of the transgression as found in the commentaries, particularly by Vinaya Master Dao Xuan, together with a detailed explanation of those conditions whose meaning needs further discussion.
5. The characteristics of the transgression are then explained in the form of summarizing tables for easy reference.
6. A fourth part may follow containing further details and explanations, with the help of the other Vinayas, commentaries, opinion of modern scholars, and the discussion of topics that may touch everyday life and sensitive issues.

The translations from Chinese are all mine, unless otherwise specified.

Acknowledgments

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Pārājika 1 - Abstaining from sexual intercourse

If a bhikṣuṇī, who shares the same training with the other bhikṣuṇīs, who has not given up the training, who has not declared her weakness, engages in sexual intercourse and has impure conduct even with an animal, she commits a pārājika and cannot live anymore in communion.

Text 1 - Vibhaṅga

1 - Bhikṣu Vibhaṅga

569, c28

At that time, the World Honoured One was dwelling in Vaiśālī. At that time, Sudinna of Kalandaka village enjoyed abundant wealth and a big fortune, but having a very firm faith, he went forth to practice the Way. At that time, the grains were expensive and it was difficult to get them on alms. Sudinna thought, “Grains are now expensive and it is difficult for the bhikṣus to get them on alms. It would be good if I lead all the bhikṣus to Kalandaka village to beg for food. The bhikṣus may get a great benefit because of me, and can practice the celibate life. Moreover, my kin will have the opportunity to make offerings and gain a lot of merits and virtues.” Having had this thought, he led all the bhikṣus to Kalandaka village. Sudinna’s mother, having heard that her son was coming back to his village leading the bhikṣus, went to greet him. Arrived at her son’s dwelling place, she said him, “It is time that you give up the monastic life and go back to the lay life. Why? Your father died and I am alone. I am afraid that the government may confiscate the wealth of our house. Your father’s wealth is huge indeed; moreover, since the time of your grandfather, our wealth is huge and should be cherished and taken care of. Therefore, you should renounce to the monastic life and go back to the lay life.” He answered, “I cannot renounce to the monastic life and do such an unbecoming thing. I love the celibate life and I cultivate the unsurpassed Way.” He repeated this three times. Since her son said her already that he could not renounce the monastic life and go back to the lay life, the mother gave up the question and left. She reached the dwelling of her daughter-in-law and said her, “When you have your menses come to inform me.” When the daughter in law knew that it was the time, she went to inform her mother in law, “The time of my menses has come.” The mother said her, “Take your wedding dress, put it on and come.” She adorned herself as she was told by (the mother in law) and together with the mother went to the dwelling place of the son. “It is time now that you renounce to the monastic life and go back to the lay life. Why? If you do not give up the monastic life, our wealth will be confiscated by the government.” The son said the mother, “I cannot renounce to the monastic life.” The mother spoke in this way to the son three times, (after which) she said, “Your wife has her menses; it is possible for her to get pregnant, so that your lineage will not be broken.” Sudinna said to his mother, “This is a suitable thing. I can do it.” At that time, since the Buddha had not yet instituted the precepts, Sudinna was not conscious of the meanness of sexual desire. He took his wife by the arm, led her to a secluded place in the garden and had with her sexual intercourse three times. In the garden, there was a ghost

whose life ended and who took rebirth in her womb. After nine months a boy was born, whose features were extremely handsome and unparalleled. He was called Bīja². His faculties were all perfect. Slowly he grew up, shaved his hairs and donned the kāṣāya; since he had strong faith, he went forth to practice the Way. He was very eager and never lazy and he became an arhat endowed with the power of unimpeded movement, of transformation, and with awesome virtues without limits. He was therefore called Venerable Bīja.

Sudinna had learned the deportment and rules of the śramaṇa; there was nothing he did not know, and he was able to manage whatever task he was faced with and he could teach it to others. Having engaged in sexual intercourse, he (therefore) started to feel depressed and gloomy. His fellow students saw it and asked, “Why do you look depressed and gloomy? You have been practicing the celibate life for long time, the rules of demeanour and the etiquette. There is nothing you do not know. Why are you depressed and gloomy, unhappy with the celibate life?” Sudinna answered, “I deeply love the celibate life. (Nevertheless) I recently engaged in impure conduct, I had sexual intercourse with my former wife; this is why I feel depressed and gloomy.” The bhikṣus replied, “How could you do such an impure thing? In the pure teaching of the Tathāgata, one should not harbour (sexual) desire and should not be impure.³ One should be able to cut off the thirst for (sexual) love, destroy the thief’s den, eradicate the kleśas. The end of desire is nirvāṇa. Why did you, in this pure teaching, engage in sexual intercourse with your former wife?” The bhikṣus went to the Buddha’s dwelling place, paid homage to his feet with the head, sat aside, and informed the World Honoured One of the details of the story. On this occasion, the Tathāgata summoned all the bhikṣus. Tathāgatas knowingly ask and knowingly do not ask; sometimes they ask, sometimes they do not ask; they ask when it is right, they do not ask when it is not right. On this occasion, the Tathāgata knew that it was the right time and asked Sudinna, “Is it true that you engaged in sexual intercourse with your former wife?” “It is right, World Honoured One, I engaged in sexual intercourse.” The World Honoured One scolded him in many ways, “What you have done is improper! It is not the proper demeanour! It is not the way of a śramaṇa! It is not pure conduct! It does not fit the proper conduct! It should not be done! In my pure teaching ... (up to) the end of desire is nirvāṇa. Why did you engage in sexual intercourse with your former wife?” He then said to the bhikṣus, “It is better to insert the penis in a poisonous snake’s mouth instead of inserting it in a woman’s vagina! Why? Because this is the cause of falling into unfortunate ways of existence. One who has sex with a woman, at the dissolution of the body, at death, will fall into unfortunate ways of existence. Why? In many ways have I exhorted you to eradicate sexual desire, eradicate any thought of desire, and extinguish the longing for desire, eradicate and disperse the fire of sexual desire in order to go beyond lust. I have said in many ways that desire is like a fire; it is like grasping a torch, like a fruit from a tree, like something borrowed, like a dry bone, like a piece of meat, like something seen in a dream, like stepping on the tip of a lance, like putting under the sun a new clay vessel filled with water⁴, like the mouth of a poisonous snake, like a knife kept turned (with the tip towards oneself), like being in a pointed spike, like a sharp spear, something that is really dirty and evil.” The Buddha scolded Sudinna, “In my pure teaching

² This is the literal rendering of the name in Chinese, 種子. It is my speculation.

³ Literally ‘In connection with desire, one should not have desire; in connection with impurity, one should not be impure’.

⁴ It becomes hot and cracks.

... (up to) the end of desire is nirvana. Why did you engage in sexual intercourse with your former wife?" On that occasion, after having scolded him, the World Honoured One said to the bhikṣus, "Sudinna is a foolish man! He is afflicted by many defilements! He is the first offender! From now on I will lay down the rules of training for the bhikṣus and collect the ten reasons: 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. If one desires to recite this rule, he should do it in this way:

If a bhikṣu engages in impure conduct and has sexual intercourse, he commits a pārājika and cannot live anymore in communion.

The World Honoured One laid down this rule for the bhikṣus in this way.

At that time there was a bhikṣu called Vṛjiputra who felt gloomy and depressed and disliked the celibate life. He went back to his house and had intercourse with his former wife. He then thought to himself, "The Buddha has laid down a rule for the bhikṣus: 'If a bhikṣu engages in impure conduct and has sexual intercourse, he commits a pārājika and cannot live anymore in communion.' Nevertheless, I was gloomy and depressed and disliked the celibate life; I went back to my house and had intercourse with my former wife. Did I commit a pārājika? What should I do?" He then asked his fellow students, "Elder ones! The Buddha has laid down a rule for the bhikṣus, 'If a bhikṣu engages in impure conduct and has sexual intercourse, he commits a pārājika and cannot live anymore in communion.' Nevertheless, I was gloomy and depressed and disliked the celibate life; I went back to my house and had intercourse with my former wife. Did I commit a pārājika? What should I do? I pray the elder ones, inform the Buddha about this question on my behalf. Whatever the Buddha teaches, to that I will respectfully comply." The bhikṣus went to the Buddha's dwelling place, paid homage to his feet with the head, sat aside, and informed the World Honoured One of the details of the story. On this occasion, the Tathāgata summoned the bhikṣu Saṃgha. The World Honoured One scolded bhikṣu Vṛjiputra in many ways, 'What you have done is improper! It is not the proper demeanour! It is not the way of a śramaṇa! It is not pure conduct! It does not fit the proper conduct! It should not be done! Why did you, foolish man, dislike the celibate life and went back to your home to have sexual intercourse with your former wife? As soon as you penetrated, you committed a pārājika. Therefore, bhikṣus, if there is someone else that dislikes the celibate life, I allow that he gives up the training and goes back to his home. If later on he wants to take ordination again and practice the celibate life in the teaching of the Buddha, he may be granted the going forth and the full ordination again. From now on, you should recite this rule in this way:

If a bhikṣu, who has the same training as the other bhikṣus, who has not given up the training, who has not declared his weakness, engages in impure conduct and has sexual intercourse, he commits a pārājika and cannot live anymore in communion.'

The World Honoured One laid down this rule for the bhikṣus in this way.

At that time, in a forest was living a bhikṣu who used to go on alms round. A female ape was

also living in the forest. The bhikṣu used to go on alms round, go back to the forest to eat, and give his leftovers to the ape. In this way, he gradually tamed her to the point that she was following the bhikṣu and grasped his hand without letting go. The bhikṣu then trained the ape to have sexual intercourse with him.

On a certain occasion, a group of wandering bhikṣus reached the forest. The ape turned her back to the bhikṣus showing that she was ready for sexual intercourse. These bhikṣus thought, ‘This ape is turning her back to us showing that she is ready for sexual intercourse. Is it not that there is another bhikṣu who uses to have sexual intercourse (with her)?’ They therefore decided to hide in a secluded place and wait for him. The bhikṣu came back to the forest from his alms round, and, after having eaten and having given his leftovers to the ape, had sexual intercourse with her after she finished eating. The bhikṣus saw it and came out to ask, ‘Is it not that the Tathāgata enjoined to the bhikṣus not to engage in sexual intercourse?’ That bhikṣu replied, ‘The Tathāgata said that we cannot have intercourse with women, but he did not mention animals!’ The bhikṣus heard the answer, left and reached the Buddha’s residence, paid homage to his feet and informed the World Honoured One about this question. On that occasion, the World Honoured One summoned all the bhikṣu Saṃgha and in many ways scolded the begging bhikṣu, saying, ‘Why did you, bhikṣu, engage in sexual intercourse with an ape? As soon as you penetrated, you committed a pārājika! You should recite this rule in this way:

If a bhikṣu, who shares the same training with the other bhikṣus, who has not given up the training, who has not declared his weakness in connection with the training, engages in impure conduct even with an animal, he commits a pārājika and cannot live anymore in communion.”

Bhikṣu: bhikṣu by name⁵, bhikṣu by aspect⁶, self-declared bhikṣu⁷, “Come bhikṣu” bhikṣu⁸, bhikṣu by begging⁹, bhikṣu by wearing patched clothes¹⁰, bhikṣu by eradicating the defilements¹¹, bhikṣu who has obtained his status by receiving the full ordination through a jñāpti caturtha karma which is valid.

In this context, bhikṣu should be intended as one who has obtained his status by obtaining the

⁵ FCNP, 6.5: “The SuVV affirms that this is a general name, applicable to both improper and proper (monastics) and even to people who has not yet been fully ordained, as, for example, according to the arrangement of a donor: although śrāmaṇeras are not fully ordained they enter in the number of the bhikṣus. This is what means bhikṣu by name.”

⁶ FCNP, 6.5: “The SuVV affirms that this refers to one who has transgressed a pārājika. Inside he has really broken a precept, but outside his demeanour and aspect are like one who keeps the precepts. In reality he has broken the precepts, hence the name.”

⁷ FCNP, 6.5: “The SV says that there are those affiliated by theft, who shave their hairs, put on the robe and declare to be bhikṣus.”

⁸ Those who have realized (at least) the first fruit and go personally to the Buddha who calls them (“Come bhikṣu/ṇī); in this way they get the full ordination. Hence the name.

⁹ GTDV: “The word “bhikṣu” originally means beggar. These maybe lay people or Brahmins, etc., that are used to beg in order to support themselves. When they beg they say that they are bhikṣus, and this is the meaning of “bhikṣu by begging”.” T22, p. 429, c4. In other words, they are bhikṣus in the literal sense of the word, namely beggars.

¹⁰ The robes of a bhikṣu or a bhikṣuṇī are patched. If one gets good material should first cut it into patches and made the robe out of them in order to diminish the value of the robe. In this case, one wears the patched robes of a monastic displaying his aspect, but without really getting ordination.

¹¹ One who has realized arahatship by which he naturally gets the ordination.

full ordination through a jñapti caturtha karma which is valid and dwells in the dharma of bhikṣus. This is the meaning of bhikṣu.

‘With the other bhikṣus’ indicates all those who have obtained their status through a jñapti caturtha karma which is valid and dwell in the dharma of bhikṣus. This is the meaning of “with the other bhikṣus”.

What does “sharing the same training” mean? As I have already instituted the training rules for my disciples, one should prefer dying instead of breaking one of them. In this training sharing a single training, the same training, an equal training¹² together with the other bhikṣus is called sharing the same training.

What does “not giving up the training”¹³ mean?

Giving up the training in case of madness: giving up the training in front of a deranged person.

Giving up the training in case of confusion: giving up the training in front of a confused person.

Giving up the training in case of pain and distress: giving up the training in front of a person who is in pain and distressed.

Giving up the training in case of muteness, deafness, of muteness and deafness: giving up the training in front of a person who is mute, giving up the training in front of a person who is deaf, giving up the training in front of a person who is mute and deaf.

A person from a central country giving up the training in front of a person from a marginal country.

A person from a marginal country giving up the training in front of a person from a central country.

Giving up the training in a place that one perceives as uninhabited, but that is not uninhabited.

Giving up the training in a place that one perceives as not uninhabited, but that is uninhabited.

Giving up the training for fun.

Giving up the training in front of a deva, a dragon, a yakṣa, a preta (hungry ghost), someone who is sleeping, someone who is dead, someone who is ignorant, if one does not speak it out, if one does speak it out but the witness does not understand.

All these instances mean “not giving up the training”.

What does “giving up the training” mean? If a bhikṣu dislikes the practice of celibate life, longs for going back to his home, finds the bhikṣu’s life oppressive, he is always feeling shameful, he longs for the household life, or for the life of an upāsaka, or for the śrāmaṇera’s

¹² See ‘Definitions’ at p. 28 for an explanation of single training, same training and equal training.

¹³ Invalid procedures of giving up the training.

training, or for the training of other doctrines, or for the training of the follower of another doctrine, or he does not want to be a śramaṇa or a son of the Śākya, and says, “I give up the Buddha, the Dharma, and the Saṃgha of bhikṣus; I give up the upādhyāya, or those equal to the upādhyāya; 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 attendant¹⁴; I will be an upāsaka; I will be a śramaṇera; I will be an ascetic of other doctrine; I will be the disciple of another doctrine; I will not be a śramaṇa or a son of the Śākya.” If he further says, “Enough! I don’t need the Buddha. What good is the Buddha for me?” and abandons the residence of the Buddha, and the same up to the training. If he further says words that destroy the Buddha, the Dharma, the Saṃgha up to the training, and instead extols the household life up to what is not (the life of) a śramaṇa or of a son of the Śākya, if he utters all these words clearly and distinctly, this is called “giving up the training”.

“Declaring one’s weakness”: there is a weakness in connection with the training without giving up the training and there is a weakness in connection with the training with giving up the training. If a bhikṣu is depressed and gloomy, unhappy with the celibate life, if he longs for going back to his home, he finds the bhikṣu’s life oppressive, he is always feeling shameful, he longs for the household life, up to he does not want to be a śramaṇa or a son of the Śākya, and says, “I miss my father, my mother, my brothers, my sisters, my wife and children, my village or city, my orchards and fields and lakes. I would rather give up the Buddha, the Dharma, the Saṃgha up to the training. I would rather be adopting the life of a householder, up to (a life different from that of) a śramaṇa or a son of the Śākya”, this means weakness in connection with the training without giving up the training.

What does “weakness in connection with the training with giving up the training” mean? If one thinks, “I want to give up the training” and does it, this means weakness in connection with the training with giving up the training.

Impure conduct refers to sexual intercourse.

Even with an animal refer (to any animal) with which one can have intercourse.

What does “pārājika” mean? It is like cutting the head of a man so that he cannot stand up again. A bhikṣu (who has incurred this kind of offence) is the same. He who incurs this offence cannot be a bhikṣu again. Hence, the name pārājika.

What does “not being anymore in communion” mean? There are two cases of communion, namely Saṃghakarma and poṣadha. He cannot be anymore in communion in these two procedures. Hence, the definition “no more in communion”.¹⁵

2- Bhikṣuṇī Vibhaṅga

¹⁴ A layperson who serves in a monastery.

¹⁵ At this point, the bhikṣu Vibhaṅga continues with the description of the characteristics of the offence from the point of view of a man. Therefore, I’ve omitted this part and substituted it with the homologous section of the bhikṣuṇī Vibhaṅga, which describes the same situations from the point of view of a woman. According to my opinion, this is a proof of the attention that, at least at the beginning, the compilers of the Vinaya devoted to the bhikṣuṇī training. This is the only case in which the Vibhaṅga devotes an additional section for bhikṣuṇīs for a rule that is in common.

714, a7

At that time the World Honoured One was residing in Vaiśālī, at the *Kūṭāgāraśālā* on the banks of the Monkeys river¹⁶. On that occasion, the World Honoured One summoned the bhikṣu Saṃgha in connection with this question and said, “I institute the rule for the bhikṣuṇīs, and I collect the ten reasons: 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. If one desires to recite this rule, he should do in this way:

If a bhikṣuṇī engages in sexual intercourse and has impure conduct even with an animal, she commits a pārājika and cannot live anymore in communion.

Bhikṣuṇī: bhikṣuṇī by name, bhikṣuṇī by aspect, self-declared bhikṣuṇī, “Come bhikṣuṇī” bhikṣuṇī, bhikṣuṇī by begging, bhikṣuṇī by wearing patched clothes, bhikṣuṇī by eradicating the defilements, bhikṣuṇī who has obtained her status by obtaining the full precepts through a jñapti caturtha karma which is valid¹⁷.

In this context, bhikṣuṇī should be intended as one who has obtained her status through a jñapti caturtha karma which is valid and dwells in the dharma of bhikṣuṇīs. This is the meaning of bhikṣuṇī.

Engaging in sexual intercourse and having impure conduct even with an animal encompasses all the objects with which one can have sexual intercourse.

Pārājika: it is like cutting the head of a man so that he cannot stand up anymore. For a bhikṣuṇī, it is the same: if she violates a pārājika, she cannot be a bhikṣuṇī anymore. Hence the name pārājika.

What does “not being anymore in communion” mean? There are two cases of not¹⁸ being in communion, namely Saṃghakarma and poṣadha. This bhikṣuṇī cannot be anymore in communion in connection with these two procedures. Hence, the definition “no more in communion”.

There are three ways of engaging in sexual intercourse that fulfil a pārājika: with a human being, with a non-human being, with an animal. By engaging in sexual intercourse with one of these, one commits a pārājika.

Moreover, one commits a pārājika by engaging in sexual intercourse with three types of males, namely a human male, a non-human male, and an animal male. By engaging in sexual intercourse with one of these, one commits a pārājika.

Moreover, one commits a pārājika by engaging in sexual intercourse with three types of intersex individuals, namely a human intersex, a non-human intersex, and an animal intersex.

¹⁶ Ann Heirmann, TDFP, translates it as ‘Monkey pool’, from the Sanskrit *Markata* (monkey) *hrada* (pool). Nevertheless, the Chinese text has *jiang* (江) which means ‘river’. Therefore, I translate accordingly.

¹⁷ The definitions as above.

¹⁸ As already seen above, in the bhikṣu Vibhaṅga this negative is omitted.

By engaging in sexual intercourse with one of these intersex individuals, one commits a pārajika.

Moreover, one commits a pārajika by engaging in sexual intercourse with three types of paṇḍakas¹⁹, namely a human paṇḍaka, a non-human paṇḍaka, and an animal paṇḍaka. By engaging in sexual intercourse with one of these, one commits a pārajika.

If a bhikṣuṇī is sexually aroused, grasps the penis of a human male and tries to introduce it in one of the three orifices, anus, vagina or mouth, if it enters, she commits (a pārajika); if it does not enter, she does not commit (a pārajika).

If both wear a separating device²⁰, or one wears it and the other not, or one does not wear it and the other does, or none wears it, it is pārajika.

The same with a non-human male, an animal male, an intersex male²¹, a paṇḍaka.

If a bhikṣuṇī who is sexually aroused grasps the penis of a sleeping human male, or of a corpse that is still intact or that is largely intact and inserts it in one of the three orifices, if it penetrates, she commits (a pārajika); if it does not penetrate, she does not commit (a pārajika).

If both wear a separating device, or one wears it and the other not, or one does not wear it and the other does, or none wears it, it is pārajika.

The same with a non-human male, an animal male, an intersex male, a paṇḍaka.

If a bhikṣuṇī is abducted by bandits and taken to a human male residence and compelled to accept the penetration of the penis into one of the three orifices,

¹⁹ This term is often translated as ‘eunuch’; nevertheless, it has many different meanings, indicating people who have physiological as well as psychological problems related to sex. According to the *DV*, there are five categories: 1, a neuter, namely one who is born without sexual organs (*jāti - paṇḍaka*); 2, one who has been castrated (*āpat - paṇḍaka*); 3, a voyeur (*īrṣyā - paṇḍaka*), someone who satisfies his sexual urge by seeing other people having sexual intercourse; 4, one whose sexual organ disappears when engaging in sexual intercourse (*āsaktaprādurbhāvī - paṇḍaka*); 5, half – month paṇḍaka (*pakṣa - paṇḍaka*), one who can act as a male only for half month.

For reference, I give the list of the five paṇḍakas given in the *BMC*, by Thanissaro Bhikkhu, which follows the *Samanta-pāsādikā* commentary:

“*Paṇḍaka* is usually translated as eunuch, but eunuchs are only one of five types of paṇḍakas recognized by the Commentary to Mv.I.61: 1) An *āsitta* (literally, a “sprinkled one”)—a man whose sexual desire is allayed by performing fellatio on another man and bringing him to climax. (Some have read this as classing all homosexual males as paṇḍakas, but there are two reasons for not accepting this interpretation: (a) It seems unlikely that many homosexuals would allay their sexual desire simply by bringing someone else to climax through oral sex; (b) other homosexual acts, even though they were known in ancient India, are not included under this type or under any of the types in this list.) 2) A voyeur—a man whose sexual desire is allayed by watching other people commit sexual indiscretions. 3) A eunuch—one who has been castrated. 4) A half-time paṇḍaka—one who is a paṇḍaka only during the waning moon. (! — The Sub-commentary’s discussion of this point shows that its author and his contemporaries were as unfamiliar with this type as we are today. Perhaps this was how bisexuals were understood in ancient times.) 5) A neuter—a person born without sexual organs.) This passage in the Commentary further states that the last three types cannot take the Going-forth, while the first two can.” (*BMC*, second edition revised 2007, p. 124).

²⁰ According to the *SuVV*, something like tree leaves, pieces of cloth, leather, whatever is used as a partition by one of the partners or by both. Nowadays, the condom would fit into the definition.

²¹ The text mentions an intersex male, probably an intersex individual whose male characteristics are more prominent.

1. If she feels pleasure when it starts penetrating, when it is inside, or when it comes out, it is a pārājika.
2. If she feels pleasure when it starts penetrating, when it is inside, but she does not feel pleasure when it comes out, it is pārājika.
3. If she feels pleasure when it starts penetrating, does not feel pleasure when it is already inside, and feels pleasure (again) when it comes out, it is pārājika.
4. If she feels pleasure when it starts penetrating, but does not feel pleasure both when it is already inside and when it comes out, it is pārājika.
5. If she does not feel pleasure when it starts penetrating and when it is already inside, but she feels pleasure when it comes out, it is pārājika.
6. If she does not feel pleasure when it starts penetrating, she feels pleasure when it is already inside, and she does not feel pleasure when it comes out, it is pārājika.
7. If she does not feel pleasure when it starts penetrating, but she feels pleasure when it is already inside and when it comes out, it is pārājika.

This is the sixth sentence²².

With or without a separation it is the same. With a non-human male, an animal male, an intersex male, a paṇḍaka it is the same. With or without a separation as above.

If a bhikṣuṇī is abducted by bandits and taken where there is a sleeping human male, or a corpse that is still intact or largely intact, and compelled to accept the penetration of the penis into one of the three orifices, if she feels pleasure when it starts penetrating, when it is already inside up to she does not feel pleasure when it starts penetrating, when it is already inside, and she feels pleasure when it comes out, it is as above. With or without a separation, as above. Up to with a paṇḍaka as above, with or without separation as above.

If a bhikṣuṇī is abducted by bandits and compelled to have sexual intercourse through one of the three orifices, from she feels pleasure when it starts penetrating, when it is inside, or when it comes out, up to she does not feel pleasure when it starts penetrating and when it is already inside, but she feels pleasure when it comes out as above; with or without a separation as above.

If a bhikṣuṇī wants to have sexual intercourse, if she succeeds, she commits a pārājika; if she does not succeed, she commits a sthūlāca.

If a bhikṣu persuades a bhikṣuṇī to engage in sexual intercourse (with someone else), if (the bhikṣuni) does it, (the bhikṣu) commits a sthūlāca; if (the bhikṣuni) does not do it, (the bhikṣu) commits a duṣkṛta.

If a bhikṣuṇī persuades a bhikṣuṇī to engage in sexual intercourse, if this one does it, that one commits a sthūlāca; if this one does not, that one commits a duṣkṛta.

If a bhikṣu or a bhikṣuṇī persuades someone else²³ to engage in sexual intercourse, whether they do it or not (the bhikṣu or bhikṣuni) commits a duṣkṛta.

²² There are seven sentences in the explanation above. It is difficult to explain how the compilers of the Vinaya reckoned six sentences. It is possible that it is a mistake.

²³ Someone else includes non fully-fledged monastics (śikṣamāṇā, śrāmaṇera, śrāmaṇerī) and lay people.

A bhikṣu commits a pārājika. Śikṣamāṇā, śrāmaṇera, śrāmaṇerī, duṣkṛta.

These are the instances of transgression.

No transgression: If one is sleeping and is not conscious (of what is happening); if one does not feel any pleasure; if one is not driven by sexual desire: in these cases there is no transgression.

No transgression: if one is the first offender and the rule has not yet been instituted; if one is crazy, with a confused mind, if one is oppressed by unbearable suffering.

Text 2 – Saṃyuktavarga²⁴

971, c11

The World Honoured One was dwelling in Vaiśālī. On that occasion, Upāli rose from his seat, uncovered his right shoulder, put his right knee on the ground, and, joining his palms, asked the Buddha, “Did Sudinna Kalandakaputra commit a pārājika when he engaged in sexual intercourse with his former wife?” The Buddha answered, “Upāli, since he was the first offender and the rule was not yet instituted, he did not commit any offence.”

At that time there was a bhikṣu called Vṛjiputra who was gloomy and depressed and disliked the celibate life. He went back to his house and had intercourse with his former wife. He then thought to himself, “The Buddha has laid down a rule for the bhikṣus: “If a bhikṣu engages in impure conduct and has sexual intercourse, he commits a pārājika and cannot live anymore in communion.” Nevertheless, I was gloomy and depressed and disliked the celibate life; I had intercourse with my former wife. Did I commit a pārājika? What should I do?” He then asked his fellow students, “Elder Ones! The Buddha has laid down a rule for the bhikṣus: “If a bhikṣu engages in impure conduct and has sexual intercourse, he commits a pārājika and cannot live anymore in communion.” Nevertheless, I was gloomy and depressed and disliked the celibate life; I went back to my house and had intercourse with my former wife. Did I commit a pārājika? What should I do? I pray the elder ones, inform the Buddha about this question on my behalf. I will respectfully act according to what the Buddha will teach. If I can have again the possibility to practice the pure life in the teaching of the Buddha, I will do it.” The bhikṣus went to the Buddha’s dwelling place, paid homage to his feet with the head, sat aside, and informed the World Honoured One of the details of the story. On this occasion, the Tathāgata summoned the bhikṣu Saṃgha. The World Honoured One scolded bhikṣu Vṛjiputra in many ways, “What you have done is improper! It is not the proper demeanour! It is not the way of a śramaṇa! It is not pure conduct! It does not fit the proper conduct! It should not be done! Why did you, foolish man, dislike the celibate life and went back to your home to have sexual intercourse with your former wife? As soon as you penetrated, you committed a pārājika and you are no more in communion. If there is another bhikṣu who dislikes the celibate life I allow that he gives up the training and goes back to his home. If later on he wants to take ordination again and practice the celibate life in the teaching of the

²⁴ In the DV, following the *Skandhaka* section, namely the section devoted to the explanation of various procedures, there are two more sections, *Saṃyuktavarga* and *Vinayekottara*. The first one collects extended casuistry for the four pārājika and the saṃghāvaśeṣa offences for bhikṣus. There is no correspondent section for bhikṣuṇīs, therefore what follows refers to the bhikṣu first pārājika.

Buddha, he may be granted the going forth and the full ordination.”

Upāli rose from his seat, uncovered his right shoulder, put his right knee on the ground, and, joining his palms, asked the World Honoured One, “If it is (one of the three) orifices and one perceives it as such, does one commit an offence?”, The Buddha answered, “Pārājika.” He (Upāli) further asked, “If one doubts that it is an orifice (as above), does one commit an offence?” the Buddha answered, “Pārājika”. He further asked, “If it is (one of the three) orifices but one perceives it not as (one of the three) orifices, does one commit an offence?” the Buddha answered, “Pārājika.” He further asked, “If it is not one (of the three orifices), but one perceives it as an orifice, does one commit an offence?” the Buddha answered, “Sthūlāca.” He further asked, “If one doubts that it is not one (of the three orifices), does one commit an offence?” The Buddha answered, “Sthūlāca”. He further asked, “If it is a male, but one perceives it as a female, and has sexual intercourse, does one commit an offence?” The Buddha answered, “Pārājika”. He further asked, “If it is a female, but one perceives it as a male, and has sexual intercourse, does one commit an offence?” The Buddha answered, “Pārājika”. He further asked, “If it is this woman, but one perceives her as another woman, and has sexual intercourse, does one commit an offence?” The Buddha answered, “Pārājika”. “If it is this male, but one perceives him as another male, and has sexual intercourse, does one commit an offence?” The Buddha answered, “Pārājika”.

At that time, a bhikṣu had sexual intercourse with a female elephant; he was assailed by doubt about having committed a pārājika. The Buddha answered “You did commit (a pārājika)”. The same with cows, horses, camels, donkeys, goats, pigs, dogs, goose, birds, peacock, hens; with all these one commits a pārājika.

At that time, the World Honoured One was dwelling in Vaiśālī. In a forest was living a bhikṣu who used to go on alms round. A female ape was also living in the forest. The bhikṣu used to go on alms round among people, take back (the food) to the forest to eat and give his leftovers to the ape. The ape got familiar with him and started following him everywhere, up to the point that she learned to grasp his hand without letting go. The bhikṣu then had sexual intercourse with her.

On a certain occasion, a group of wandering bhikṣus left their beddings in a dwelling and reached the forest. The ape (saw them and) turned her back to the bhikṣus (showing that she was ready for sexual intercourse). These bhikṣus thought, “This ape is now turning her back to us in this way. Is it not that there is another bhikṣu who uses to have sexual intercourse (with her)?” Therefore, they decided to hide in a secluded place and wait for him. The bhikṣu came back to the forest from his alms round, and, after having eaten and having given his leftovers to the ape, had sexual intercourse with her after she finished eating. The bhikṣus saw it and came out to ask, “Venerable, is it not that the Tathāgata enjoined to the bhikṣus not to engage in sexual intercourse?” That bhikṣu replied, “The Tathāgata said that we cannot have intercourse with women, but he did not mention animals!” The bhikṣus went to the Buddha’s residence, paid homage to his feet, set aside and informed the World Honoured One about this question. On that occasion, the World Honoured One summoned all the bhikṣu Saṃgha and scolded the begging bhikṣu, saying, “What you have done is improper! It is not the proper demeanour! It is not the way of a śramaṇa! It is not pure conduct! It does not fit the proper conduct! It should not be done! Why did you, bhikṣu, engage in sexual

intercourse with an ape? As soon as you penetrated, you committed a pārajika! Foolish man, you cannot live anymore in communion!”

On that occasion, Upāli rose from his seat, uncovered his left shoulder, put his right knee on the ground, and, joining his palms, asked the World Honoured One, “If a bhikṣu has sexual intercourse with another animal does he commit a pārajika?”, The Buddha said, “He does”.

At that time, the World Honoured One was dwelling in Rājagṛha. The bhikṣu Nandi used to practice samādhi and could reach a stage of mundane deliverance of mind. One day, having emerged from the fourth dhyāna, he saw a female Māra standing in front of him. The bhikṣu grasped her desiring to have sex with her, but the female Māra escaped outside (the room). The bhikṣu followed her outside, but she fled outside the enclosure of the room. The bhikṣu followed her outside the enclosure of the room, but she fled in the courtyard that was in the middle. The bhikṣu followed her in the courtyard, but she fled outside the monastery. The bhikṣu either ran outside the monastery. Outside the monastery, there was a dead mare. The female Māra vanished beside the dead mare and she became invisible. Therefore, bhikṣu Nandi had sexual intercourse with the dead mare. After having had sexual intercourse, he did not harbour any intention to conceal (his offence), and thought, “The World Honoured One has laid down for the bhikṣus this rule: one should not engage in sexual intercourse. Whoever does it commit a pārajika and cannot live anymore in communion. Nevertheless, now I had sexual intercourse, but I harbour no intention to conceal (my offence). Did I commit a pārajika? What should I do?” He then said to his fellow bhikṣus, “The World Honoured One has laid down this rule for the bhikṣus: “If a bhikṣu engages in sexual intercourse, he commits a pārajika and cannot live anymore in communion.” Nevertheless, now I had sexual intercourse, but I harbour no intention to conceal (my offence). Did I commit a pārajika? I pray the Venerable Ones to inform the Buddha on my behalf. Whatever the Buddha teaches, with that I will respectfully comply.” The bhikṣus went to the Buddha’s residence, paid homage to his feet, set aside and informed the World Honoured One about this question. On that occasion, the World Honoured One summoned all the bhikṣu Saṃgha and said, “The bhikṣu Saṃgha may give to bhikṣu Nandi the pārajika training through a *jñapti caturtha karma*. It should be given in this way: this bhikṣu should go to the bhikṣu Saṃgha, take off his sandals, uncover his left shoulder, put down the right knee, join his palms together and make this announcement, “May the Virtuous Saṃgha listen! I bhikṣu Nandi have incurred an offence for engaging in sexual intercourse; I do not harbour any intention to conceal (my offence). I now implore the bhikṣu Saṃgha to give me the pārajika training. May the Saṃgha give me the pārajika training out of compassion.” He has to repeat (this formula) a second and a third time. A capable person has to be appointed in the Saṃgha as karmakāraka²⁵, as explained above. He has to make this announcement:

“May the Virtuous Saṃgha listen! Bhikṣu Nandi has incurred an offence for engaging in sexual intercourse; he does not harbour any intention to conceal (his offence). He now implores the bhikṣu Saṃgha to give him the pārajika training. If the Saṃgha is ready, may the Saṃgha consent that the Saṃgha now gives the pārajika training to bhikṣu Nandi. This is the motion.

May the Virtuous Saṃgha listen! Bhikṣu Nandi has incurred an offence for engaging in

²⁵ The one who recites the formula of the Saṃghakarma, called karmavācanā.

sexual intercourse; he does not harbour any intention to conceal (his offence). He now implores the bhikṣu Saṃgha to give him the pārājika training. The Saṃgha is now giving bhikṣu Nandi the pārājika training. Those elders who agree that the Saṃgha now gives bhikṣu Nandi the pārājika training should keep silent. Those who do not agree should speak. This is the first karma.

The second and the third are the same.

The Saṃgha has agreed to give bhikṣu Nandi the pārājika training. This is agreeable to the Saṃgha, therefore it is silent. Thus, the case is settled.”

After (the Saṃgha) has given him the pārājika training, he has to follow an appropriate behaviour. To follow an appropriate behaviour here means that²⁶ he cannot accept candidates for full ordination or give them dependence; he cannot accept śrāmaṇeras; he cannot accept (the duty) to teach the bhikṣuṇīs; if he is appointed (for this task), he cannot go; he cannot recite the precepts for the Saṃgha; he cannot ask or answer about the Vinaya in the community; he cannot accept the appointment as Saṃgha official; he cannot accept the appointment to go to another place to settle a dispute; he cannot accept the appointment as emissary; he cannot go too early to a village and come back at dusk; he has to stay close to (pure) bhikṣus; he cannot stay close to ascetics of other doctrines or to lay people; he has to comply with what the bhikṣu say and not contradict them; he cannot transgress the same offence, nor lesser offences; he cannot transgress offences of the same class; he cannot transgress offences connected (to the one he transgressed) or more serious than that; he cannot obstruct a Saṃghakarma or the karmakāraka; he cannot accept (the services) of a pure bhikṣu, as spreading the sitting cloth, washing the feet, preparing the water basin, cleaning the shoes, rubbing the body, paying homage, seeing him off, bowing; he cannot accept a pure bhikṣu taking and carrying his robe and bowl; he cannot accuse a bhikṣu (of an offence), leading him (to be subject to a procedure) of recollection or self accusation; he cannot speak on behalf of someone; he cannot suspend the poṣadha or the pravāraṇā (of another bhikṣu); he cannot have a dispute with a pure bhikṣu.

When the bhikṣus are reciting the Prātimokṣa or are carrying out a Saṃghakarma he may or may not participate without offence.

The bhikṣus asked, “If a bhikṣu to whom the pārājika training has been given commits again a grave offence (pārājika), is it possible to give him again the pārājika training?” The Buddha answered, “It is not possible; he has to be expelled.”

At that time there was a bhikṣu with a very supple body who inserted the penis into his own mouth. He was assailed by doubt, “Is it not that I have committed a pārājika?” The Buddha answered, “You did.”

At that time there was a bhikṣu called Lambana who had a very long penis. He grasped it and inserted in the anus. He was assailed by doubt, “Is it not that I have committed a pārājika?” The Buddha answered, “You did.”

At that time, a bhikṣu had an erection. Another bhikṣu grasped (his penis) and put it in his

²⁶ The list of the suspended 35 privileges follows.

mouth. That bhikṣu did not consider it pleasant and did not feel pleasure (did not accept the act). He was assailed by doubt, “Is it not that I have committed a pārājika?” The Buddha answered, “You did not commit (the offence); the other bhikṣu committed it.”

At that time, a bhikṣu went on alms round. At dawn, he put on his robe, took his bowl and reached the house of a lay person. In this house, there was a child sleeping; his penis raised up and the bhikṣu grasped it and put it in his mouth. He was assailed by doubt, “Is it not that I have committed a pārājika?” The Buddha answered, “You did.”

At that time, a bhikṣu took another bhikṣu and had intercourse with him. This one was assailed by doubt, “Is it not that I have committed a pārājika?” The Buddha asked, “Did you feel pleasure?” he answered, “I did.” The Buddha said, “Both of you have committed a pārājika.”

At that time, a bhikṣu engaged in sexual intercourse with a śrāmaṇera. This one (the śrāmaṇera) was assailed by doubt, “Is it not that I have committed an offence?” The Buddha asked, “Did you, śrāmaṇera, feel pleasure?” he answered, “I did.” The Buddha said, “Both of you have committed a pārājika²⁷.”

At that time, a śrāmaṇera took a bhikṣu and had intercourse with him. This one (the bhikṣu) was assailed by doubt, “Is it not that I have committed a pārājika?” The Buddha asked, “Did you, bhikṣu, feel pleasure?” he answered, “I did.” The Buddha said, “Both of you have committed a pārājika.”

At that time, a śrāmaṇera engaged in sexual intercourse with another śrāmaṇera. This one was assailed by doubt. The Buddha asked, “Did you feel pleasure?” he answered, “I did.” The Buddha said, “Both of you have committed a pārājika.”

At that time, a bhikṣu forced another bhikṣu to have intercourse with him. This one did not feel pleasure, but was assailed by doubt. The Buddha asked, “Did you feel pleasure?” He answered, “I did not.” The Buddha answered, “You did not commit (any offence); the one who penetrated committed it.”

At that time, a bhikṣu forced a śrāmaṇera to have intercourse with him. This one did not feel pleasure, but was assailed by doubt. The Buddha asked, “Did you, śrāmaṇera, feel pleasure?” He answered, “I did not.” The Buddha said, “You did not commit (any offence); the one who penetrated committed it.”

At that time, a śrāmaṇera forced a bhikṣu to have intercourse with him. This one did not feel pleasure, but was assailed by doubt. The Buddha asked, “Did you feel pleasure?” He answered, “I did not.” The Buddha said, “You did not commit (any offence); the one who penetrated committed it.”

At that time, a śrāmaṇera forced another śrāmaṇera to have intercourse with him. This one did not feel pleasure, but was assailed by doubt. The Buddha asked, “Did you, śrāmaṇera, feel pleasure?” He answered, “I did not.” The Buddha said, “You did not commit (any

²⁷ A śrāmaṇera cannot transgress a pārājika, but only duṣkṛta, which, nevertheless, in this case entails expulsion like a pārājika. In other sentences, the text uses the same expression also when referring to a śikṣamāṇā and a śrāmaṇerī, and this should be intended in the same way.

offence); the one who penetrated committed it.”

At that time, there was a bhikṣu whose sensory system was damaged and could not feel any tactile sensation. He thought, “Since I do not feel any tactile sensation I can engage in sexual intercourse without incurring an offence.” Therefore, he did it, but later was assailed by doubt. The Buddha said, “You committed a pārājika.”

At that time, there was a bhikṣu whose penis could not have erection. He thought, “I can engage in sexual intercourse without incurring an offence.” Therefore, he did it, but later was assailed by doubt. The Buddha said, “You committed a pārājika.”

At that time, a bhikṣu thought, “I will engage in sexual intercourse with a woman that is sleeping. Since she does not feel any pleasure, I will not incur an offence.” Therefore, he did it, but later was assailed by doubt. The Buddha said, “You committed a pārājika.”

At that time, a bhikṣu thought, “I will engage in sexual intercourse with a woman that is drunk. Since she does not feel any pleasure, I will not incur an offence.” Therefore, he did it, but later was assailed by doubt. The Buddha said, “You committed a pārājika.”

At that time, a bhikṣu thought, “I will engage in sexual intercourse with a woman that is mentally deranged. Since she does not feel any pleasure, I will not incur an offence.” Therefore, he did it, but later was assailed by doubt. The Buddha said, “You committed a pārājika.”

At that time, a bhikṣu thought, “I will engage in sexual intercourse with a woman that is enraged. Since she does not feel any pleasure, I will not incur an offence.” Therefore, he did it, but later was assailed by doubt. The Buddha said, “You committed a pārājika.”

At that time, a bhikṣu thought, “I will engage in sexual intercourse with a woman that is oppressed by pain. Since she does not feel any pleasure, I will not incur an offence.” Therefore, he did it, but later was assailed by doubt. The Buddha said, “You committed a pārājika.”

At that time, a bhikṣu thought, “I will engage in sexual intercourse with a woman whose sensory system is damaged. Since she does not feel any pleasure, I will not incur an offence.” Therefore, he did it, but later was assailed by doubt. The Buddha said, “You committed a pārājika.”

At that time, a bhikṣu thought, “I will take a woman and force her to have sexual intercourse with me. Since she does not feel any pleasure, I will not incur an offence.” Therefore, he did it, but later was assailed by doubt. The Buddha said, “You committed a pārājika.”

At that time, a bhikṣu thought, “I will take a paṇḍaka and force him to have sexual intercourse with me. Since he does not feel any pleasure, I will not incur an offence.” Therefore, he did it, but later was assailed by doubt. The Buddha said, “You committed a pārājika.”

At that time, a bhikṣu thought, “I will take a man and force him to have sexual intercourse with me. Since he does not feel any pleasure, I will not incur an offence.” Therefore, he did it, but later was assailed by doubt. The Buddha said, “You committed a pārājika.”

At that time, a woman grasped a bhikṣu and forced him to have sexual intercourse with her. The bhikṣu did not feel pleasure, but later he was assailed by doubts. The Buddha asked, “Bhikṣu, did you feel pleasure?” He answered, “I did not.” The Buddha replied, “You did not commit an offence.”

At that time, a paṇḍaka grasped a bhikṣu and forced him to have sexual intercourse with him. The bhikṣu was assailed by doubts. The Buddha asked, “Bhikṣu, did you feel pleasure?” He answered, “I did not.” The Buddha replied, “You did not commit an offence.”

At that time, a man grasped a bhikṣu and forced him to have sexual intercourse with him. The bhikṣu did not feel pleasure, but later he was assailed by doubts. The Buddha asked, “Bhikṣu, did you feel pleasure?” He answered, “I did not.” The Buddha replied, “You did not commit an offence.”

At that time, a bad bhikṣu, a bad śrāmaṇera, a bad araṇya dweller grasped a bhikṣu and forced him to have sexual anal or oral intercourse. The bhikṣu felt pleasure, and was assailed by doubts. The Buddha asked, “Bhikṣu, did you feel pleasure?” He answered, “I did.” The Buddha replied, “You both committed a pārājika.”

At that time, a bad bhikṣu, a bad śrāmaṇera, a bad araṇya dweller grasped a bhikṣuṇī, a śrāmaṇera, a śrāmaṇerī, a śikṣamāṇā and forced them to have sexual anal, vaginal or oral intercourse. They felt pleasure, and were assailed by doubts. The Buddha asked, “Did you feel pleasure?” They answered, “We did.” The Buddha replied, “Both committed a pārājika.”

At that time, a bad bhikṣu, a bad śrāmaṇera, a bad araṇya dweller grasped a bhikṣu and forced him to have sexual anal or oral intercourse. The bhikṣu did not feel pleasure, but was assailed by doubts. The Buddha asked, “Bhikṣu, did you feel pleasure?” He answered, “I did not.” The Buddha replied, “You did not commit an offence. The other did.”

At that time, a bad bhikṣu, a bad śrāmaṇera, a bad araṇya dweller grasped a bhikṣuṇī, a śikṣamāṇā, a śrāmaṇera, a śrāmaṇerī and forced them to have sexual anal, vaginal or oral intercourse. They did not feel pleasure, but were assailed by doubts. The Buddha asked, “Did you, śrāmaṇerī, feel pleasure?” She answered, “I did not.” The Buddha replied, “You did not commit an offence. The other did.”

At that time, a bad bhikṣu, a bad śrāmaṇera, a bad araṇya dweller grasped a sleeping bhikṣu and forced him to have sexual anal or oral intercourse. (The bhikṣu) did not wake up, and when he woke up he was not aware (of the fact), but he was assailed by doubt. The Buddha asked, “Bhikṣu, did you wake up?” He answered, “I did not.” The Buddha replied, “You did not commit an offence. The other did.”

At that time, a bad bhikṣu, a bad śrāmaṇera, a bad araṇya dweller grasped a bhikṣuṇī, a śikṣamāṇā, a śrāmaṇera, a śrāmaṇerī and forced them to have sexual anal, vaginal or oral intercourse. They did not wake up, and when they woke up, they were not aware (of the fact), but they were assailed by doubt. The Buddha asked, “Did you wake up?” They answered, “We did not.” The Buddha replied, “You, śrāmaṇerī, did not commit an offence. The other did.”

At that time, a bad bhikṣu, a bad śrāmaṇera, a bad araṇya dweller grasped a sleeping bhikṣu and forced him to have sexual anal or oral intercourse. He woke up but did not feel pleasure.

He was assailed by doubt. The Buddha asked, “Bhikṣu, did you feel pleasure?” He answered, “I did not.” The Buddha replied, “You did not commit an offence. The one who penetrated did.”

At that time, a bad bhikṣu, a bad śrāmaṇera, a bad araṇya dweller grasped a bhikṣuṇī, a śikṣamāṇā, a śrāmaṇera, a śrāmaṇerī and forced them to have sexual anal, vaginal or oral intercourse. (At the beginning) they did not wake up, but when they woke up, they did not feel pleasure. They were assailed by doubt. The Buddha asked, “Did you feel pleasure?” They answered, “We did not.” The Buddha replied, “You did not commit an offence. The one who penetrated did.”

At that time, a bad bhikṣu, a bad śrāmaṇera, a bad araṇya dweller grasped a sleeping bhikṣu and forced him to have sexual anal or oral intercourse. (At the beginning) he did not wake up, but when he woke up, he knew that he was feeling pleasure. He was assailed by doubt. The Buddha asked, “Bhikṣu, did you feel pleasure?” He answered, “I did.” The Buddha replied, “You both committed an offence.”

At that time, a bad bhikṣu, a bad śrāmaṇera, a bad araṇya dweller grasped a bhikṣuṇī, a śikṣamāṇā, a śrāmaṇera, a śrāmaṇerī and forced them to have sexual anal, vaginal or oral intercourse. (At the beginning) they did not wake up, but when they woke up, they felt pleasure. They were assailed by doubt. The Buddha asked, “Did you feel pleasure?” They answered, “We did.” The Buddha replied, “You both committed an offence.”

At that time, the bhikṣuṇī Upalavarna was taking a nap during the day without locking the door. A bandit entered her dwelling and, having raped her, left. She did not wake up. When she woke up, she became aware that her body was soiled. She thought, “My body is soiled. Is it not that someone came and raped me?” She was assailed by doubt. The Buddha said, “No transgression. A bhikṣuṇī should not take a nap without locking the door.”

At that time, bhikṣuṇī Nandī was spending the day under a flower tree, in a place where many people were sporting. Some bandits took and raped her. She was assailed by doubt. The Buddha asked, “Did you, Nandī, feel pleasure?” She answered, “I felt like a red-hot iron was penetrating my body.” The Buddha said, “No transgression. Bhikṣuṇīs should not dwell in such places.”

At that time, a begging bhikṣu, at dawn, put on his robe and taken his bowl, went to a householder’s residence. At the bottom beside the door, a little dog was tied up. As it saw the bhikṣu, it barked. The bhikṣu felt compassion and released it. The bhikṣu then went to other places. His former wife saw and called him, inviting him to have sexual intercourse. He thought, “When I released that dog, I already committed a pārajika²⁸.” Therefore, he had sexual intercourse with his former wife. The other bhikṣus thought, “This bhikṣu has transgressed the first time, or he has transgressed the second time?” The Buddha said, “The first time he did not commit an offence; the second time he did. Nevertheless, one should not release a little dog that belongs to others.”

At that time, a begging bhikṣu, at dawn, put on his robe and taken his bowl, went to a householder’s residence. He saw a pig that was drowning. As it saw the bhikṣu, it made a

²⁸ Namely, pārajika 2, abstaining from stealing.

sound. The bhikṣu felt compassion, took it out and released it. The bhikṣu then went to other places. The woman with whom he was living before saw him and called him, inviting him to have sexual intercourse. He thought, “When I released that pig, I already committed a pārajika.” Therefore, he had sexual intercourse (with the woman). The other bhikṣus thought, “This bhikṣu has transgressed the first time, or he has transgressed the second time?” The Buddha said, “The first time he did not commit an offence; the second time he did. Nevertheless, one should not do such a thing.”

At that time, there was a woman who went to a butcher to buy some meat that she took away. An owl grasped her meat and fled in the air, and (finally) let it drop into the bowl of a bhikṣu who was on alms round. The woman saw it and said, “Virtuous one, this is my meat. Don’t take it away.” The bhikṣu answered, “Since it has fallen into my bowl, it is not yours anymore. I will take it away.” He then went on and saw a prostitute who called him, inviting the bhikṣu to have sexual intercourse. This thought, “When I took away the meat (of that woman) I already committed a pārajika.” He then had sexual intercourse with that woman. The other bhikṣus thought, “This bhikṣu has transgressed the first time, or he has transgressed the second time?” The Buddha said, “The first time he did not commit an offence; the second time he did. Nevertheless, one should not take away such a meat.”

A bhikṣu had sex with a dog through its mouth. He was assailed by doubt. The Buddha sentenced, “Pārajika.”

A bhikṣu lifted his robe to urinate. A dog started licking the urine, and gradually advanced till it could take his penis in the mouth. He did not feel pleasure, but, going back, he was assailed by doubt. The Buddha asked, “Bhikṣu, did you feel pleasure?” He answered, “I did not.” The Buddha replied, “No transgression.”

A bhikṣu lifted his robe to urinate. A dog started licking the urine, and gradually advanced till it could take his penis in the mouth. He felt pleasure, but, going back, he was assailed by doubt. The Buddha asked, “Bhikṣu, did you feel pleasure?” He answered, “I did.” The Buddha sentenced, “You committed a pārajika.”

A bhikṣu lifted his robe to cross the Airāvāṇa river. A fish took his penis in the mouth. He did not feel pleasure, but, gone back, was assailed by doubt. The Buddha asked, “Bhikṣu, did you feel pleasure?” He answered, “I did not.” The Buddha replied, “No transgression.”

A bhikṣu lifted his robe to cross the Airāvāṇa river. A fish took his penis in the mouth. He felt pleasure, but, gone back, was assailed by doubt. The Buddha asked, “Bhikṣu, did you feel pleasure?” He answered, “I did.” The Buddha sentenced, “You committed a pārajika.”

A bhikṣu had intercourse (rubbing in the space) between the anus and vagina (of his partner). He was assailed by doubt. The Buddha sentenced, “Sthūlāca.”

(The same for rubbing) in the (space created by) the bended foot²⁹, or among the feet, on the flanks, between the breasts, under the armpits, inside the nostrils or the ears, in the hole of an ulcer, in the space between cord or wooden beds, in the space between big or little mattresses, beside the pillow, in a hole in the terrain, or in the mouth of a water jar: whether one

²⁹ Rare character, defined as 足曲.

perceives them as (one of the three) orifices, or he has doubt about it, one incurs a sthūlāca.

At that time, there was a bhikṣu who went on alms round. At dawn, he put on his robe, took his bowl and reached the house of a layperson. A girl was sleeping inside. He thought, “If I penetrate her with the penis, I commit a pārājika.” Therefore, he inserted his toe in her vagina. He was assailed by doubt. The Buddha sentenced, “Saṃghāvaśeṣa.”

One day a bhikṣu was yawning. Another bhikṣu inserted his penis in his mouth. He did not feel pleasure, but was assailed by doubt. The Buddha asked, “Did you feel pleasure?” He answered, “I did not.” The Buddha replied, “You did not commit any offence. The one who penetrated committed the offence. From now on, when yawning, one should cover his mouth with the hand.”

One day, a bhikṣu in the bathroom was rubbing another bhikṣu. The body of this bhikṣu was soft, so the other bhikṣu felt aroused and forced him to have sex, but he (the one who was assaulted) did not feel pleasure. Going back, he was assailed by doubt. The Buddha asked, “Did you feel pleasure?” He answered, “I did not.” The Buddha replied, “You did not commit any offence. The one who penetrated committed the offence.”

At that time the World Honoured One was dwelling Rājagṛha. A bhikṣu was sleeping during the day without having locked the door (of his dwelling); he had an erection. A group of women reached the monks quarters to look around, and they arrived at this bhikṣu’s dwelling. They saw the bhikṣu lying supine with the penis erected, and, feeling shameful, rapidly left. A woman thief was travelling together with the group. She entered the room and had sexual intercourse with the bhikṣu, sitting over him. After having had sexual intercourse she took a flower garland, put it on the top of his penis and left. The bhikṣu did not wake up. When he woke up, he saw that his body was soiled and a flower garland was on his penis. He thought, “My body is soiled and there is a flower garland on my penis. Is it not that a woman had sex with me?” He was assailed by doubt. The Buddha asked, “Did you wake up?” He answered, “I did not wake up.” The Buddha replied, “No transgression, but one should not sleep during the day without locking the door.”

At that time in Rājagṛha there were a bhikṣu and a bhikṣuṇī that were mother and son who were spending together the summer retreat. They met each other every day. Since they met each other every day, they both started to feel sexually attracted. The mother said to the son, “You have come out from that; now you can enter it again. It is possible; it is not a transgression.” The son did as the mother said. He was assailed by doubt. The Buddha said, “Pārājika.”

One day, a bhikṣu had sex with the (intact) corpse of a woman. He was assailed by doubt. The Buddha said, “You committed a pārājika.” If the corpse is largely intact, pārājika. If it is half decomposed, sthūlāca. If it is completely decomposed, sthūlāca. If (one inserts the penis) among the bones, sthūlāca.

One day, upāsikā Subhā³⁰ said to a bhikṣu, “If the male and female genital organs are stuffed, there is no transgression in having sexual intercourse.” The bhikṣu did as he was told, but,

³⁰ Hypothetic reconstruction of the Chinese *Subei* (蘇卑).

after having had sexual intercourse, he was assailed by doubt. The Buddha said, “Pārājika.”

One day, upāsikā Subhā said to a bhikṣu, “When you have sex with me if you discharge the semen outside it is possible; there is no transgression.” He did as he was told, but, after having had sexual intercourse, he was assailed by doubt. The Buddha said, “Pārājika.”

One day, a prostitute said to a bhikṣu, “If you wrap the penis in a leaf, it is possible to have sex; there is no transgression.” He did as he was told, but, after having had sexual intercourse, he was assailed by doubt. The Buddha said, “Pārājika.”

One day a bhikṣu was walking in a charnel ground and saw from far the body of a dead woman, adorned with clothes. He had sexual intercourse (with the body), but was assailed by doubt. The Buddha said, “You transgressed a pārājika.”

One day, a bhikṣu was guarding a room. A little girl came to announce that the time was ready. He grasped her and had sex with her. He broke the vaginal wall and passed through the anal orifice. The girl died. He was assailed by doubt. The Buddha asked, “What was your intent?” He answered, “I did not have the intention to kill.” The Buddha sentenced, “You did not commit the offence of killing, but you committed a pārājika for engaging in sexual intercourse.”

One day, a bhikṣu had sex with the wooden statue of a woman. He was assailed by doubt. The Buddha sentenced, “Sthūlāca.”

One day, a bhikṣu had sex with the image of a woman on a wall. He was assailed by doubt. The Buddha sentenced, “Sthūlāca.”

One day, a bhikṣu had sex with a female deva. He was assailed by doubt. The Buddha sentenced, “Pārājika.” Having sex with a female asura, a female dragon, a female yakṣa, a female preta, a female animal who has metamorphic powers, is a pārājika.

One day, a bhikṣu at dawn put on his robe, took his bowl and went to the residence of a lay person. It started to shower down. A woman crouched down and, having collected the rain water, stripped. He thought, “If I do not touch her and simply penetrate her with my penis, I will incur no offence.” He then grasped her and had sex with her. He was assailed by doubt. The Buddha said, “Pārājika.”

At that time, the World Honoured One was dwelling in Śrāvastī. A bhikṣu went to a wild area and took a nap during the day. A woman who was collecting firewood had sex with him by sitting over him and then left to dwell in a place not far from the bhikṣu. When the bhikṣu woke up, he saw that his body was soiled and thought, “That woman must have had sex with me by sitting over me.” He was assailed by doubt. The Buddha said, “Did you wake up?” He said, “I did not.” The Buddha said, “No transgression, but a bhikṣu should not take a nap during the day when dwelling in such a place.”

At that time, the World Honoured One was dwelling in Sāketa. A bhikṣu went to a wild area and took a nap during the day. A woman who was carrying grass had sex with him by sitting over him. The bhikṣu did not wake up and did not feel pleasure. When he woke up, he beat the woman up. The bhikṣu was assailed by doubt. The Buddha asked, “Did you feel pleasure?” He answered, “I did not.” The Buddha replied, “You did not commit an offence

(for sexual intercourse). For beating the woman, you committed a duṣkṛta.”

At that time, the World Honoured One was dwelling in Campā. A bhikṣu went to a wild area during the day; with mindfulness established in front of him (he sat in meditation). This bhikṣu was an arhat. The wind was blowing and (the contact) caused him an erection. A female thief grasped him and had sex with him. The bhikṣus thought, “Can even an arhat have an erection out of desire?” The bhikṣus informed the Buddha, and he answered, “There are five reasons that determine an erection: urgency of defecating, urgency of urinating, wind stimulation, an insect bite³¹, sexual desire. These are the five reasons. It is impossible that an arhat has an erection because of desire.’

At that time, the World Honoured One was dwelling in Śrāvastī. Prince Ajātaśatru developed a disease in the penis. He had a woman keep it in mouth, so that later he recovered. Having recovered, he had oral sex with this woman. This woman felt sad and depressed. She thought, “When King Bimbisāra comes back, I will cover my head, strip and stand in front of the King. If the King asks, “Are you crazy? Why are you behaving like this?” I will answer, “I’m not crazy. I’m covering my head because it is what the prince needs. Why? The Prince uses to have oral intercourse with me. This is why I cover my head.” At another time, King Bimbisāra went to the quarters of Prince Ajātaśatru. The woman did as she planned, and stand in front of the King in that way. The King asked, “Are you crazy? Why are you doing this?” The woman answered, “I’m not crazy. It is because of the prince’s needs that I keep my head covered.” The King called the prince and asked, “Why are you having oral sex with this female servant?” As the Prince Ajātaśatru listened to this, he felt very shameful. At another time, prince Ajātaśatru thought, “This woman is guilty. I will have her wear a black dress, place her outside the walls of the city and make this announcement: ‘Whoever has this disease can be cured by having oral sex with this prostitute’.” The bhikṣus thought, “If it is for curing a disease, is putting the penis in her mouth an offence or not?” The Buddha said, “Pārājika.”

At that time there was a city named Bhārucaccha, whose King was named Sāgara³². There was a prostitute who committed a crime. The King thought, “I will rip away the flesh from both sides of her vagina as a punishment.” He then proceeded by having (her flesh) ripped away. The bhikṣus said, “If one has intercourse between the bones of a person who is still alive, does one incur an offence?” The Buddha said, “Sthūlāca.”

Definitions

The first pārājika gives many basic definitions that are valid for all the following rules.

1 – The offence

The meaning of pārājika is given in the text:

It is like cutting the head of a man so that he cannot stand up again. A bhikṣu (who has incurred this kind of offence) is the same. He who incurs this offence cannot be a bhikṣu

³¹ The text refers to an insect called *weizhoulingqie* (慰周陵伽虫). I could not identify it.

³² This is the hypothetical name. Sāgara means sea, which is the meaning of the Chinese 海, the name of this King.

again. Hence, the name pārajika.

All Vinayas define the term in similar ways.

In reading the definition worded in this way, one may be led to believe that by committing a pārajika one instantaneously decays from the status of a monastic. This is the interpretation prevalent in Theravāda tradition, for example. Nevertheless, the story of bhikṣu Nandi told in the *Samyuktavarga* clearly gives a different picture. Under the condition of being absolutely sincere and remorseful, one can ask for the lifelong probation, called ‘pārajika training’ in this Vinaya. As the text of the *Samyuktavarga* clarifies, the offender is still addressed as a bhikṣu. This disciplinary measure implies that one is stripped of the so-called 35 privileges. The 35 privileges include the right to have students and teach, the right to receive homage and services from others, the right to serve the community as Saṃgha official, karmakāraka, Prātimokṣa reciter, etc. Only a fully-fledged monastic need to be stripped of privileges that are only their prerogative. If the offender were automatically regressed to the state of a lay person or a śrāmaṇera/ī, one would not have these prerogatives as a matter of course.

The DV adds that he may participate to a saṃghakarma if he wishes, but his absence is not considered an obstacle for a valid transaction. In other words, he cannot fill the quorum. If he were automatically not a bhikṣu, his participation should be considered “affiliation by theft”.

Another clue of the fact that one committing a pārajika is still considered by the DV a bhikṣu/ñī comes from bhikṣuñī pārajika 5, *To abstain from lustful contact with a man*. We will examine this rule in due time. For the moment, it is enough to say that the DV says the “for every touch, one commits a pārajika”. In other words, after the first pārajika, one is still bound by the Prātimokṣa and can commit this offence again.

In conclusion, for the DV one who commits a pārajika is still a monastic. If the person is sincerely regretful, he can ask for the lifelong probation. In case expulsion is necessary, this has to be imposed by Saṃghakarma³³, after which the offender is still a monastic unless he formally disrobes.

It must be stressed that ‘not being anymore in communion’³⁴, which is the immediate result of committing a pārajika, is not synonymous with expulsion³⁵.

Let us examine what other Vinayas say about this question.

The Mahīśāsaka Vinaya

This Vinaya, in the section following the skandhakas corresponding to the DV *Samyuktavarga*, contains a short version of the story of bhikṣu Nandi, together with the same *jñapti caturtha karma* for granting him the lifelong probation. In this Vinaya this is mentioned as the ‘pārajika karma’.

For his entire life, he cannot give food to a bhikṣu, but he has to receive food from a lay

³³ The DV only says that one must be expelled, but does not give the procedure. The Saṃghakarma for the expulsion of a pārajika offender is taken from the MiV. See *Bhikṣuñī training – Part 2* for the details. Expulsion is considered only if one does not show any sign of regret and does not ask for lifelong probation.

³⁴ See later for the definition of ‘being in communion’.

³⁵ See also Bhikkhu Anālayo, *Vinaya Studies*, 2017, DDPB, p. 17: “In other words, such a breach invariably entails loss of communion, but does not necessarily require expulsion.”

person. In occasion of the poṣadha, the pravāraṇā or all the other Saṃghakarma, if he participates it is good; if he does not participate there is no offence either for him or for others.³⁶

The Mahāsāṃghika Vinaya

The MV either provides for the possibility to request the lifelong probation, called in this Vinaya “pārājika training in penitence”, through a *jñapti caturtha karma*. The origin story is similar. The requisites for the request are that the offender has no intention to conceal his offence and he does not want to renounce to monastic life. Nevertheless, for this Vinaya the status of a lifelong penitent is more similar to that of a śrāmaṇera:

The place of this person is after all the bhikṣus and before all the śrāmaṇeras. He cannot spend the night with the bhikṣus for more than three nights, but he cannot spend the night with śrāmaṇeras for more than three nights either. What is unallowable food for the bhikṣu is unallowable for him either. What is unallowable food for him is unallowable for the bhikṣus either. He can give food to a bhikṣu, excluded making allowable the five kinds of grains by fire, (or offering) gold and silver. He can receive food from a śrāmaṇera. The bhikṣus cannot recite the Prātimokṣa in front of him, from pārājika to duṣkṛta. He has to be instructed that he must be celibate, he cannot steal, he cannot kill, he cannot lie, he cannot drink alcoholics. One has to instruct him in this way. If he wants to recite the Prātimokṣa he must not do it loudly; since he shows respect for the Dharma, he can recite it in his heart. He cannot listen to the poṣadha or receive the invitation (from others on pravāraṇā). On occasion of the poṣadha or the pravāraṇā, he has to reach the Saṃgha and say, “I am pure; may the Saṃgha remember me (as such).” After having repeated (the formula) for three times and left, (the Saṃgha) starts reciting the four pārājika. If he transgresses again (a pārājika) he must be expelled. If he transgresses offences from saṃghāvaśeṣa on, (he makes amends for) duṣkṛta.³⁷

The Sarvāstivāda Vinaya

As the other Vinayas already quoted, this one also grants the possibility to ask for lifelong probation. The origin story is the same as the DV, with many additional details. This Vinaya either uses the term bhikṣu to refer to the offender and the probation is again given by *jñapti caturtha karma*.

He has to keep all the rules that the Buddha has promulgated. He has to take place after all the bhikṣus. He can offer food, drinks and medicines to a bhikṣu. He has to accept food and drinks from śrāmaṇeras and lay people. He cannot sleep together with a bhikṣu for more than two nights; he cannot sleep together with a lay person or a śrāmaṇera for more than two nights. He can participate to the poṣadha Saṃghakarma and pravāraṇā Saṃghakarma together with fully ordained bhikṣus. (Nevertheless,) this training śrāmaṇera cannot do the poṣadha and the pravāraṇā Saṃghakarma as one who can fill

³⁶ T22, 182c25.

³⁷ T22, 441, b22.

the quorum. For all Saṃghakarma it is the same.³⁸

Although the penitent is called śrāmaṇera, it is clear from this passage that this is not his status. Since he can participate in the Saṃghakarma, he still shares some of the prerogatives of a bhikṣu.

Another passage of this Vinaya affirms that the penitent may share all the donations with the other monastics; if he realizes arhatship³⁹, his seniority is restored, and he ceases to be a ‘training śrāmaṇera’.

Mūlasarvāstivāda Vinaya

We rely on the commentary to this Vinaya, the *Compendium of Vinaya* (律攝) for a discussion of this issue:

When a bhikṣu incurs a heavy offence, if he does not harbour two types of negative intentions (fear and deception), if he has been driven by his kleśas to do something that is not Dharma, if since the very beginning he has no intention to conceal (his offence), but he has confessed it to others, the Saṃgha should give him the training by carrying out a *jñāpti caturtha karma*.⁴⁰

Pāli Vinaya

This is the only Vinaya that lacks the procedure for the so-called ‘pārājika training’. The PV was unknown to Chinese scholars since recent times and it is not included in the Chinese Vinaya Piṭaka. Nevertheless, one of its commentaries, the *SuVV*, of Sri Lankan origin, has been partially translated into Chinese and included in the Vinaya collection, although interpreted as a commentary to the DV. I quote from this commentary.

For a bhikṣu, transgressing a pārājika constitutes an obstacle for all samādhis, for liberation, for wisdom and for his dwelling happily in the Way. He cannot attain them anymore...

One who, among the bhikṣus, has no more the fullness of the training, should revert to an upāsaka, or a śrāmaṇera precept holder, or hold the five precepts as monastery attendant. In this way, there will be no obstacles on the way to nirvana.⁴¹

Thanissaro Bhikkhu in BMC affirms:

A bhikkhu who commits any of these offences severs himself irrevocably from the life of the Saṃgha and is no longer considered a bhikkhu.⁴²

Nevertheless, the Theravāda tradition usually allows for the culprit to remain in the

³⁸ T23, 3, b2.

³⁹ Transgressing a pārājika is usually considered a heavy obstacle to the realization of superhuman states. Nevertheless, this and other scriptures admit the possibility that the offender, after strenuous effort, may realize even the highest fruit.

⁴⁰ T24, 534, a29.

⁴¹ T24, 756, c8.

⁴² BMC, Vol. 1, p. 43.

community as a śrāmaṇera. This is the course of action suggested also by other sources⁴³.

Comparing the different versions regarding the lifelong probation (*śikṣādattaka* observance), Bhikkhu Anālayo concludes:

Thus what happened with the *śikṣādattaka* observance appears to be that some Vinayas carved out a more institutionalized version of the basic option of remaining in robes at a level below that of a fully ordained monk. ...

This in turn gives the impression that the difference between the Theravāda Vinaya, which does not know the *śikṣādattaka* observance, and the other Vinayas, which do contain this option, is mainly one of increasing degrees of institutionalization. It does not appear to be a difference in principle.⁴⁴

Conclusion

The five Vinayas transmitted in China are all consistent in providing the possibility for the offender to remain in the monastic community as a lifelong penitent. DV, MiV and SV clearly say that this person may still participate in the saṃghakarmas. MV excludes this possibility, while MSV seems to be silent on the question.

Since the DV is clear on this question without any shadow of doubt, those following this Vinaya can adopt its standard to deal with the issue.

2 - Fully fledged bhikṣuṇī

Of the eight categories of bhikṣuṇīs listed in the text, the one that is relevant to the discussion of the Prātimokṣa rules is the one “who has obtained her status by receiving the full ordination through a jñapti caturtha karma which is valid and dwells in the dharma of bhikṣuṇīs”.

This sentence is explained in detail in FCNP, 6, 8.a1:

‘By receiving the full ordination’ excludes the śrāmaṇeras. ‘Jñapti caturtha’ and ‘valid’ refer to the conditions by which a Saṃghakarma is valid. Mentioning ‘jñapti caturtha (karma)’ excludes those who get the ordination without a karma, like one who has eradicated the defilements and a ‘Come, bhikṣu’. Saying ‘valid (according to the Dharma)’ refers to a procedure that meets the conditions as explained (in another text), and excludes the seven cases of invalidity⁴⁵. ‘Obtaining the status’ refers to the conditions of being one who can fill the quorum of the Saṃgha and of the territory being valid. ‘Dwelling in the Dharma of bhikṣus’ excludes lay people and ascetics of other doctrines, or one who, although he is a bhikṣu, dwells in a state of unawareness, one who, because of the obstacle of illness or other causes, is unable to remember his status.

Only this bhikṣu/ṇī is bound by the Prātimokṣa and is liable to commit an offence by violating the rules listed therein.

⁴³ See Bhikkhu Anālayo, *Vinaya Studies*, 2017, DDPB, p. 17.

⁴⁴ *Vinaya Studies*, p. 30.

⁴⁵ See *Bhikṣuṇī Training – Part 3*, and *Karmas for the Creation of Virtue* by Ven. Ben Yin.

3 - Community of training and giving up the training

The bhikṣuṇī that is the object of the discussion must be one “who shares the same training with the other bhikṣuṇīs, who has not given up the training, who has not declared her weakness in connection with the training”.

In the DV, this sentence is omitted in the bhikṣuṇī Vibhaṅga, but this is the only exception. The other five Chinese Vinayas and the PV all invariably have this sentence inserted in the text. We may therefore conclude that in the case of the DV this may have been a simple omission of the compilers, or maybe it was understood. The version used for the fortnightly Prātimokṣa recitation supplies the missing sentence.

Community of training

Community of training is defined in FCNP as follows:

Explaining ‘*With the other bhikṣus*’

‘*With the other bhikṣus*’ refer to (the subject who is liable to) commit a heavy offence (pārājika). The procedure by which he got the ordination is the same as the other bhikṣus, therefore excluding other (conditions). The reason for stressing this point is that one is liable to commit a heavy offence because he has received the same substance (of the precepts); if the substance is different, there cannot be a violation (of these rules). Being this (ordination) the same, all doubts are explained.

DV: “*The Buddha said, ‘One who has received the full ordination in the same way as the other bhikṣus’ through a jñapti caturtha karma’ up to ‘and dwells in the Dharma of bhikṣus’ is the meaning of ‘with the other bhikṣus’.*”⁴⁶

‘*In the same way as the other bhikṣus*’ refers to all the bhikṣus and bhikṣuṇīs who have received ordination through a jñapti caturtha karman in the single dispensation of the Buddha Śākyamuni, in the present or in the future, in the three continents⁴⁷: these are all liable to violate (the rules of the Prātimokṣa).⁴⁸

Explaining ‘*sharing the same training*’

The expression ‘*sharing the same training*’ means that, in reference to all the rules that have been instituted by the Buddha, one should practice in compliance with them and practice them thoroughly. If one receives (the ordination), but does not comply with (the rules), he cannot protect the precepts (he received). Therefore, although one does violate (the rules) by going against the Dharma, this is not considered (as having) the

⁴⁶ The original sentence in the DV is: ‘*In this context, bhikṣu should be intended as one who has obtained his status by receiving the full ordination through a jñapti caturtha karma which is valid and dwells in the dharma of bhikṣus.*’

⁴⁷ Four continents surround Mount Sumeru, on the East, South, West and North side. Of these, Buddhism is present only in the first three. The North continent is in fact inhabited by beings who have a very long lifespan and live a very happy and carefree life, thereby being indifferent to the Buddhist teaching.

⁴⁸ FCNP, 6, 8b2.

same (training).⁴⁹

Master Dao Xuan goes on explaining the meaning of the following passage: “I have already instituted the training rules for my disciples; one should prefer dying instead of breaking one of them. In this training having a single training, the same training, an equal training together with the other bhikṣus is called having the same training.”⁵⁰

The explanation does not go beyond the teaching and the practice. ‘I have already instituted the training rules’ indicates the identity of the Dharma. ‘One should prefer dying instead of breaking one of them’ indicates the identity of practice. I will now explain the meaning of following the teaching and following the practice.

First of all, the teaching: the Buddha instituted the teaching. Although (the rules) are very numerous, they all explain how to stop evil, hence the name ‘single training’⁵¹. In reference to people, they constitute a common learning, hence the name ‘same training’⁵². The equality of the numerous (rules) is called ‘equal training’⁵³.

Next, we explain in reference to practice: not being different according to their substance is called ‘single training’. In reference to people, the meaning of correcting (oneself) and keeping (them) being not different is called ‘same training’. The equal function of preventing the defilements is called ‘equal training’.⁵⁴

Giving up the training

The two successive sentences, ‘who has not given up the training, who has not declared her weakness in connection with the training’, refer to the act of disrobing. If one is unable to carry on the celibate life, or is unsatisfied with it, he should give up the training.

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 bhikṣuṇī and undertakes the training of a śikṣamāṇā or a śrāmaṇerī.

⁴⁹ FCNP, 6, 9a9. The meaning of this passage is that if one has no intention of complying with the rules of the Prātimokṣa that he receives at the moment of ordination, it is as he were not ordained at all. Therefore, his unwholesome actions cannot be considered a violation of a rule of the Prātimokṣa.

REP: “The ability of keeping (the precepts) originates from the substance (received at ordination); this is called ‘practicing in compliance with them’. Honouring the wholeness of the teaching is called ‘practicing them thoroughly’. ‘Being unable to protect the precepts’ means that one, at the moment of receiving the ordination, does not arise the wish to keep the rules; therefore he cannot get the substance (of the precepts) and he cannot be considered as sharing the same training.’ 6, 9a9.

⁵⁰ See CNP 6, 9b4.

⁵¹ REP: “Although the training rules are very numerous, the (function of) stopping evil is not different.”

⁵² REP: “Because all the three vehicles implement them.”

⁵³ REP: “Because all are taken in their completeness.”

⁵⁴ FCNP, 6, 9b5.

2. Death: in case of death, the substance of the training automatically dissolves, and one is no more a bhikṣuṇī.
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 bhikṣuṇī in the sense already explained above 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 of bhikṣuṇīs; 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 śikṣamāṇā, 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."

4 - Not being in communion

As the Vinaya clearly specifies, not being in communion refers to the exclusion from the community transactions, particularly the poṣadha. One who commits this offence is not eligible to fill the quorum for a Saṃghakarma. The DV says that one who obtains the lifelong probation can still participate if she wishes, but this is not in contradiction with this statement in which this person is perpetually excluded from the number of those who can actually perform the transaction, namely those who are eligible for filling the quorum. The allowance

to participate and the eligibility for the quorum are two different things.

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 pārajika. They may be explicitly indicated in the Vinaya or 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 some of the bhikṣuṇī rules. The fulfilment of only some of the conditions leads to lesser offences in case the action stops at that level. This holds true for all the rules contained in the Prātimokṣa.

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 bhikṣuṇī 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 pārajika.

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 assaulter⁵⁵;
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.⁵⁶

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

⁵⁵ '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 bhikṣuṇī only the second instance holds true.

⁵⁶ REP, 6, a4.

feeling pleasure is like this.⁵⁷

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		

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 pārajika, while non-penetrative intercourse – for example, intercrural intercourse or manual stimulation – results in a sthūlāca.

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 bhikṣuṇī, driven by sexual desire, engages in sexual intercourse with an object (as above) through one of the three orifices	There is penetration	pārajika
	There is no penetration	sthūlāca
A bhikṣuṇī, driven by sexual desire, engages in sexual intercourse with a corpse that is completely decomposed, through the bones, etc.	Sthūlāca	

⁵⁷ T22, 238, a.

A bhikṣuṇī, driven by sexual desire, engages in sexual intercourse through ways different from one of the three orifices (non-penetrative intercourse)	Sthūlāca
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2. Rape

A bhikṣuṇī is forced to have sexual intercourse with an object (as above); if	when (the penis) starts entering	she feels pleasure: pārajika
	when it is already inside	
	when it is coming out	

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. An extensive discussion of this topic will appear in *Part 2* of this work, to which I refer. Nevertheless, I am going to examine the essential points in order to clarify the issue.

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 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	Pārajika
	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 pārajika 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	Pārajika
	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	Sthūlāca
	Doubt whether this is not an orifice	

Annexed transgressions

Which offence does a bhikṣuṇī commit in case she exhorts someone else to have sex? The offence is different depending on the status of the person addressed and on whether this does or not what he or she has been told.

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

A bhikṣuṇī exhorts another to engage in sexual intercourse	a bhikṣu	he/she does what has been told	Sthūlāca
	a bhikṣuṇī	he/she does not what has been told	Duṣkṛta
	someone else (śikṣamāṇā, śrāmaṇera, śrāmaṇerī, lay person)	he/she does or does not what has been told	Duṣkṛta

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. In this case:

Bhikṣu	Pārajika 1
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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”⁵⁸. 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 the full offence.

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

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

⁵⁸ p. 924, c2

no transgression. At any time, when the detailed teaching⁵⁹ 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 bhikṣu.

These are common to all rules.⁶⁰

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.

⁵⁹ 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.

⁶⁰ FCNP, 6, 28b.

Pārājika 2 - Abstaining from stealing

If a bhikṣuṇī, 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 bhikṣuṇī perpetrates a theft of this kind, she commits a pārājika and cannot live anymore in communion.

Text 1 – Vibhaṅga

572, b6

At that time the World Honoured One was travelling in Rājagṛha and was staying at the Vulture’s Peak. At that time in Rājagṛha there was a bhikṣu, Danika, son of a potter. In a solitary quiet place, he had a hut made of grass. That bhikṣu went to the village on alms round. Some people who were gathering firewood destroyed his grass hut and took everything away. When the bhikṣu returned from his alms round he thought, “I live in solitude in this peaceful place and I erected a hut made of grass and wood. While entering the village for food, some people who were gathering firewood destroyed my hut and took everything away. I have a skill: I will mix the mud and erect a hut completely made of bricks.” That bhikṣu then mixed the mud and erected a hut completely made of bricks; he then collected firewood and cow shit to cook it, so that the hut became completely red like fire. At that time, the World Honoured One from the Vulture’s Peak saw from far this hut red like fire, and asked purposely, “Bhikṣus! What is that red colour?” All the bhikṣus answered, “World Honoured One, there is a bhikṣu, Danika, son of a potter, who lives in that solitary quiet place. He had a hut made of grass. During his alms round, some people who were gathering firewood destroyed his hut and took everything away. When he came back, he saw his hut destroyed and thought, “I have a skill: I will erect a hut completely made of bricks and live in it.” So did he do. It is his hut that is red like that.” At that time, the World Honoured One rebuked that bhikṣu in many ways, saying, “What he did is improper! It is not the proper demeanour! It is not the way of a śramaṇa! It is not pure conduct! It does not fit the proper conduct! It should not be done! Why did he, Danika bhikṣu, son of a potter, do this hut, collect a lot of firewood and cow shit and cook it? I have always declared in many ways that one should be merciful to sentient beings. How could he, foolish man, erect a brick hut, collect firewood and cow shit and cook it? From now on, erecting a red hut completely made of bricks is forbidden; whoever does it transgresses a duṣkṛta.” At that time the World Honoured One ordered the bhikṣus, “Come together and quickly go to Danika’s hut and destroy it.” All the bhikṣus, in obedience to the Buddha’s words, went there and destroyed the hut. Danika, having seen that all the bhikṣus had destroyed his hut, asked, “What kind of offence did I do for having my hut destroyed?” the bhikṣus answered, “You don’t have any offence, neither do we hate you. We have come to destroy your hut in obedience to the World Honoured One’s words.” Danika bhikṣu answered, “If it has been ordered by the World Honoured One it is appropriate.” At that time, the keeper of the royal timber of King Bimbisāra of Magadha was slightly familiar with Danika bhikṣu. Danika bhikṣu went to the place of the keeper and said, “Do you know? King Bimbisāra promised me some timber; now

I need the timber: please give it to me.” The man answered, “If the King allows you, take away as much as you need, good or bad.” The bhikṣu arbitrarily took the timber that the King wanted to keep, cut it and took it away. One day a great minister responsible of the city construction arrived at the timber storage and saw the timber that the King wanted to keep cut and scattered around. Having seen it, he asked the keeper, “Who cut and took away the timber that the King wanted to keep?” The keeper answered, “Danika bhikṣu came here and said: ‘King Bimbisāra promised me some timber; now I need the timber. It can be given (to me).’ I answered: ‘If the King promised you the timber, take away what you want.’ The bhikṣu entered the storage, cut the timber and took it away.” Having heard the answer, the great minister got angry against the King, “Why did he give away to the bhikṣu the timber that we need? There was other timber which could have been given and let the bhikṣu cut and take away.” The great minister went to the King and complained, “Great King! Why did you give to the bhikṣu the timber that we wanted to keep, letting him cut and take it away? There was other timber which could have been given. Why spoiling such a good timber?” The King answered, “I don’t remember having given the timber to anybody. If there is someone who remembers, please tell me.” The great minister went to take the keeper and brought him in front of the King. The keeper saw Danika bhikṣu from far and said, “Bhadanta! They are taking me away because you took the timber. Please, come, out of compassion, and help me solve the problem.” The bhikṣu said, “Go, I will follow immediately afterwards.” Danika bhikṣu later went to the King and stood there in silence. The King then asked him, “Bhadanta! Did I really give you the timber?” The bhikṣu answered, “You really did it.” The King said, “I cannot remember having given you the timber. Can you help me remind the question?” The bhikṣu answered, “Do you remember, King? When you ascended the throne, you made a solemn promise: ‘During my rule and within the boundary of my reign, whoever śramaṇa, or Brahmin who has sense of shame, who delights in the training, can take what he needs, and not take what he does not need; can use what he needs, and not use what he does not need. From now on, I allow that śramaṇas and Brahmins use at will grass, wood and water. One cannot refuse to give and (let them) use. From now on, I allow that śramaṇas using at will grass, wood and water.’” The King replied, “It is true that on the day of my ascension to the throne I said that!” He added, “Bhadanta! I meant things that have no owner, not things that have an owner! You should die!” The King then thought to himself, “I am a King consecrated with water of the Kṣatriya caste. How could I kill a śramaṇa just for a little (quantity of) timber? This should not be done.” After having rebuked the bhikṣu in many ways, he ordered the ministers to let him go, and they, following the order of the King, let him go. Nevertheless, later the ministers loudly complained that this treatment was unfair, “What are you thinking, King? This is a matter that calls for death penalty, and you let him go after a simple rebuke?!” In Rājagṛha many householders disliked the followers of the Dharma of the Buddha, and became angry and displeased, saying, “These Śākya śramaṇa have no sense of shame, they fear nothing. They take what has not been given. Outside they say ‘we know the right Dharma’. Where is the right Dharma here? If they can take the King’s timber, even more what belongs to common people. From now on, we will not have any relationship with the Śākyan śramaṇa. We will not prostrate and bow to them, give them offerings, or give them respect. We will not let them come in the village; they will have no peace anymore.” The bhikṣus heard (the complaint). Those who had few desires and were contented, who practiced the dhutaṅgas, who had sense of shame, who delighted in the

training, got angry against Danika, “Why did you steal the timber of King Bimbisāra?” Then the bhikṣus went to the Buddha, paid homage to his feet with the head, and set at one side. They informed the Buddha about the details of this story. The Buddha on that occasion gathered all the bhikṣus and asked purposely, “Danika bhikṣu, is it true that you went and took the timber that the King did not give?” he answered, “It is true, World Honoured One.” Then the World Honoured One rebuked in many ways Danika bhikṣu, “What you have done is improper! It is not the proper demeanour! It is not the way of a śramaṇa! It is not pure conduct! It does not fit the proper conduct! It should not be done! Why did you, Danika bhikṣu, take the timber that the King did not give? I have always declared that one should take what is given and use what has been taken (in this way). Why, then, did you take the timber that the King did not give?” There was a bhikṣu whose name was Kala, who was formerly a great minister of the King and knew very well the worldly laws. He was sitting in the assembly not far from the World Honoured One. The World Honoured One purposely asked bhikṣu Kala, “According to the law of the King, which is the minimum value of an item by which one who steals it will be sentenced to death?” The bhikṣu answered, “If one steals (something) worth five monetary units, or more than five monetary units, he should be sentenced to death. Why Danika bhikṣu took away the timber that the King did not give?” Then the World Honoured One, after having rebuked Danika bhikṣu in many ways said to the bhikṣu, “Danika bhikṣu is a foolish man; he is afflicted by many defilements, he is the first offender. From now on I lay down a rule for the bhikṣus.” He then collected the ten reasons up to ‘Letting the Correct Dharma abide long in the world’. One who wants to recite this śikṣapāda should do it in this way:

If a bhikṣu, in a village, or in a solitary place, takes something that has not been given with stealing intentions, and, according to the value of the object, is caught by the King or by the King’s ministers, and (found guilty of) death, imprisonment, or exile, (and addressed with the worlds) ‘You are a thief, you are a foolish, you are an ignorant’, this bhikṣu commits a pārājika, and cannot live anymore in communion.

Bhikṣu is as above⁶¹.

Village: there are four categories, namely surrounded by a wall, surrounded by a palisade, partially surrounded by a wall or a palisade, with houses on the four sides.

A solitary place: any uninhabited place outside a village is a solitary place.

Not given: (The owner) has not given it up.

To steal: taking away with stealing intentions.

According to the value of the object: five monetary units or more than five monetary units.

King: he is one who is free and does not belong to anybody.

Minister: all the ministers that help and support the King.

Pārājika, no more in communion: meaning as above.

There are three cases of taking what is not given (by which one commits a) pārājika, namely

⁶¹ See pārājika 1.

taking with one's own hands, supervise others, or sending someone to take.

There are three further cases of taking (by which one commits a) *pārājika*, namely taking something that one perceives is not belonging to him, taking something not for temporary use, taking something (knowing that the owner) disagrees.

There are three further cases of taking, namely taking something that belongs to others, with the perception that it belongs to others, and removing it from its original place.

There are three further cases of taking, namely taking something that has an owner, with the perception that there is an owner, and removing it from its original place.

There are three further cases of taking, namely taking something that is guarded by someone, with the perception that it is guarded by someone, and removing it from its original place.

Moreover, there are four cases of taking what is not given (by which one commits a) *pārājika*, namely taking with one's own hands, supervising others, or sending someone, and removing the item from its original place.

There are four cases of taking (by which one commits a) *pārājika*, namely taking something that one perceives is not belonging to him, taking something not for temporary use, taking something (knowing that the owner) disagrees, and removing it from its original place.

There are four further cases of taking, namely it is something that belongs to others, one perceives that it belongs to others, it is an object of great value, and one removes it from its original place.

There are four further cases of taking, namely there is an owner, one perceives that there is an owner, it is an object of great value, and one removes it from its original place.

There are four further cases of taking, namely it is something that is guarded someone, one perceives that it is guarded by someone, it is an object of great value, and one removes it from its original place.

Moreover, there are five further cases of taking what has not been given (by which one commits a) *pārājika*, namely taking with one's own hands, supervising others, or sending someone, it is an object of great value, and one removes the item from its original place.

There are five further cases of taking what is not given (by which one commits a) *pārājika*, namely taking something that one perceives is not belonging to him, taking something not for temporary use, taking something (knowing that the owner) disagrees, it is an object of great value, and one removes it from its original place.

There are five further cases of taking, namely taking something that belongs to others, with the perception that it belongs to others, it is an object of great value, one has the intention to steal and he removes it from its original place.

There are five further cases of taking, namely there is an owner, one perceives that there is an owner, it is an object of great value, one has the intention to steal and removes it from its original place.

There are five further cases of taking, namely taking something that is guarded by someone,

with the perception that it is guarded by someone, it is an object of great value, one has the intention to steal and removes it from its original place.

Moreover, there are six further cases of taking what has not been given (by which one commits a) pārajika, namely taking with one's own hands, supervising others, or sending someone, it is an object of great value, one has the intention to steal, and one removes the item from its original place.

It is something that does not belong to one, and one perceives it as not belonging to him: there are six permutations as above. These are the six ways by which taking by which one commits a pārajika.

Place: in the ground, on the ground, on a carrier, (items) carried on the person, in the air, on elevated places⁶², in a village, in the wilderness, in a place⁶³, 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 water⁶⁴, 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 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 pārajika; if one has the intention to remove it, but it is not removed, one commits a sthūlāca.

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 pārajika; if one has the intention to remove it, but it is not removed, one commits a sthūlāca.

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 pārajika; if one has the intention to remove it, but it is not removed, one commits a sthūlāca. If one takes away the carrier, from one road to another, from a road to a place without road, from a place without

⁶² In the list it says 'trees', but later in the text it says 'elevated places', trees being one of them.

⁶³ This is not further explained in the text.

⁶⁴ The water itself.

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 pārajika; if one has the intention to remove it, but it is not removed, one commits a sthūlāca.

(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 pārajika; if one has the intention to remove it, but it is not removed, one commits a sthūlāca. 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 pārajika; if one has the intention to remove it, but it is not removed, one commits a sthūlāca.

In the air. Down, karpāsa⁶⁵, kokila⁶⁶, śara-parṇī⁶⁷, kśāuma⁶⁸, hemp, cotton wad, pratilamba⁶⁹, dukūla⁷⁰, 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, pārajika; if it is not removed, sthūlāca.

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 pārajika ; if one has the intention to remove it, but it is not removed, one commits a sthūlāca.

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 pārajika ; if one has the intention to remove it, but it is not removed, one commits a sthūlāca. 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), pārajika; if one wants to

⁶⁵ Cloth made of cotton.

⁶⁶ Cloth material made with the feathers of the kokila or kuṇāla bird.

⁶⁷ Name of a type of wood, or grass, from which cloth material was made.

⁶⁸ A type of hemp.

⁶⁹ A type of cloth.

⁷⁰ Cloth material.

remove (the object) but cannot, *sthūlāca*.

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 *pārājika*; if one has the intention to remove it, but it is not removed, one commits a *sthūlāca*. 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), *pārājika*; if one wants to remove (the object) but cannot, *sthūlāca*.

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 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 *pārājika*; if one has the intention to remove it, but it is not removed, one commits a *sthūlāca*. 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), *pārājika*; if one wants to remove (the object) but cannot, *sthūlāca*.

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 *pārājika*; if one has the intention to remove it, but it is not removed, one commits a *sthūlāca*. 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), *pārājika*; if one wants to remove (the object) but cannot, *sthūlāca*.

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 *pārājika*; if one has the intention to remove it, but it is not removed, one commits a *sthūlāca*. 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, pārajika. If one wants to take it away, but he does not succeed, sthūlāca.

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 dolphins⁷¹, utpala flowers⁷², lotuses⁷³, kumuda flowers⁷⁴, 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 pārajika; if one has the intention to remove it, but it is not removed, one commits a sthūlāca. If one destroys the water place belonging to someone and takes (things away), it is as above up to 'sthūlāca'.

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 'sthūlāca'.

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, pārajika; if one tries but does not succeed, sthūlāca.

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, pārajika. If one tries but does not succeed, sthūlāca.

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 pārajika ; if one has the intention to remove it, but it is not removed, one commits a sthūlāca.

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 pārajika; if one has the intention to remove it, but it is not removed, one commits a sthūlāca.

Legless animals. Snakes, fish, or any other animal that is without legs and has an owner. If

⁷¹ Śiśumāra, Gangetic porpoise, *Platanista gangetica*.

⁷² *Nymphaea tetragona*.

⁷³ *Nelumbium speciosum* or *Nelumbium nucifera*.

⁷⁴ *Nymphaea esculenta*.

one, with stealing intentions, takes an animal worth) five monetary units or more, pārajika. If one tries (but does not succeed), sthūlāca.

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, pārajika. If one tries (but does not succeed), sthūlāca.

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, pārajika. If one tries (but does not succeed), sthūlāca.

Many-legged animals. Bees, caterpillars⁷⁵, 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, pārajika. If one tries (but does not succeed), sthūlāca.

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, pārajika. If one tries (but does not succeed), sthūlāca.

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, pārajika. If one tries (but does not succeed), sthūlāca.

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, pārajika. If one tries (but does not succeed), sthūlāca.

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, pārajika. If one tries (but does not succeed), sthūlāca.

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, pārajika. If one tries (but does not succeed), sthūlāca.

If one wants to get more than five monetary units and succeeds, pārajika. If one wants to get more than five monetary units and gets five monetary units, pārajika. If one wants to get more than five monetary units, but gets less, sthūlāca. If one wants to get more than five monetary units, but does not get anything, sthūlāca.

If one wants to get five monetary units and gets more than five monetary units, pārajika. If one wants to get five monetary units and succeeds, pārajika. If one wants to get five monetary

⁷⁵ 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.

units, but gets less, *sthūlāca*. If one wants to get five monetary units, but does not get anything, *sthūlāca*.

If one wants to get less than five monetary units, but gets more than five monetary units, *pārājika*. If one wants to get less than five monetary units, but gets five monetary units, *pārājika*. If one wants to get less than five monetary units, and succeeds, *sthūlāca*. If one wants to get less than five monetary units, but does not get anything, *duṣkṛta*.

If one teaches another to get more than five monetary units and the person succeeds, both commit a *pārājika*. If one teaches another to get more than five monetary units and the person gets five monetary units, both commit a *pārājika*. If one teaches another to get more than five monetary units and the person gets less than five monetary units, both commit a *sthūlāca*. If one teaches another to get more than five monetary units and the person does not get anything, both commit a *sthūlāca*.

If one teaches another to get five monetary units and the person gets more than five monetary units, both commit a *pārājika*. If one teaches another to get five monetary units and the person succeeds, both commit a *pārājika*. If one teaches another to get five monetary units and the person gets less than five monetary units, both commit a *sthūlāca*. If one teaches another to get five monetary units and the person does not get anything, both commit a *sthūlāca*.

If one teaches another to get less than five monetary units and the person gets more than five monetary units, the executor commits a *pārājika*; the instigator commits a *sthūlāca*. If one teaches another to get less than five monetary units and the person gets five monetary units, the executor commits a *pārājika*; the instigator commits a *sthūlāca*. If one teaches another to get less than five monetary units and the person gets less than five monetary units, both commits a *sthūlāca*. If one teaches another to get less than five monetary units and the person does not get anything, both commits a *duṣkṛta*.

If one teaches another to get five monetary units or more than five monetary units, and the person who has been instructed steals a different item, the executor commits a *pārājika*; the instigator commits a *sthūlāca*. If one teaches another to get five monetary units or more than five monetary units, and the person who has been instructed steals something from the wrong place, he commits a *pārājika*; the instigator commits a *sthūlāca*.

If one teaches another to get five monetary units or more than five monetary units, and the person who has been instructed thinks that he has been ordered to take the object and, without stealing intentions, takes five monetary units or more than five monetary units, the instigator commits a *pārājika*; the one who received the order does not commits an offence.

If one teaches another to take something, but the person who has been instructed understands that he has to steal something and gets five monetary units or more than five monetary units, he commits a *pārājika*; the one who has given the order does not commits an offence.

If there is an owner and one knows that there is an owner, if one takes five monetary units or more than five monetary units that have not been given, *pārājika*. If one doubts whether there is an owner and takes five monetary units or more than five monetary units, *sthūlāca*. If there is no owner, but one thinks that there is an owner, and takes five monetary units or more than five monetary units, *sthūlāca*. If one doubts whether the object has no owner and takes five

monetary units or more than five monetary units, *sthūlāca*. If one takes an object that has an owner, knowing that there is an owner, for a worth of less than five monetary units, *sthūlāca*. If one doubts whether there is an owner and takes something worth less than five monetary units, *duṣkṛta*. If there is no owner, but one thinks that there is an owner, and takes less than five monetary units, *duṣkṛta*. If one doubts whether there is no owner, and takes less than five monetary units, *duṣkṛta*. *āpatti*

A bhikṣuṇī commits a *pārājika*. Śikṣamāṇā, śrāmaṇera, śrāmaṇerī, *duṣkṛta*.

These are the instances of transgression.

No transgression: if one takes something that thinks has been given, or something that he thinks belongs to himself, or something that he thinks has been thrown away, or something that one takes just for a short while, or he takes something under the assumption that the owner is an intimate friend: in these cases there is no transgression.

No transgression: if one is the first offender and the rule has not yet been instituted; if one is crazy, with a confused mind, if one is oppressed by unbearable suffering.

Text 2 – Saṃyuktavarga

975, b 22

The World Honoured One was dwelling in Vaiśālī. On that occasion, Upāli rose from his seat, uncovered his right shoulder, put his right knee on the ground, and, joining his palms, asked the Buddha, “Danika, son of the potter, took the timber of King Bimbisāra. As he took without having been authorized, did he commit an offence?” The Buddha answered, “Since he was the first offender and the rule was not yet been institute, he did not commit an offence.”

He (Upāli) further asked the Buddha, “If in an empty place there is something that is guarded by someone and one takes (as much as) five monetary units or more than five monetary units, does one commit an offence?” The Buddha answered, “Pārājika”.

“If it has an owner and one knows that there is an owner, the worth is five monetary units or more than five monetary units, and one takes it without the object being given, does one commits an offence?” The Buddha answered, “Pārājika.”

“If one doubts whether the object has an owner and takes (as much as) five monetary units or more than five monetary units, does one commit an offence?” The Buddha answered, “Sthūlāca.”

“If it has no owner, but one perceives it as having an owner, and takes (as much as) five monetary units or more than five monetary units, *sthūlāca*.”

“If one doubts whether it has an owner, and takes (as much as) five monetary units or more than five monetary units, does one commit an offence?” The Buddha answered, “Sthūlāca.”

“If it is something has an owner and one knows that there is an owner, if one takes less than five monetary units, does one commit an offence?” The Buddha answered, “Sthūlāca.”

“If one doubts whether there is an owner and takes less than five monetary units, does one commit an offence?” The Buddha answered, “Duṣkṛta.”

“If it has no owner, but one perceives it as having an owner, and takes less than five monetary units, does one commit an offence?” The Buddha answered, “Duṣkṛta.”

“If one doubts whether there is an owner and takes less than five monetary units, does one commit an offence?” The Buddha answered, “Duṣkṛta.”

“If one takes something belonging to a man, worth five monetary units or more, under the perception that it belongs to a woman, does he commit an offence?” The Buddha answered, “Pārājika.”

“If one takes something belonging to a woman, worth five monetary units or more, under the perception that it belongs to a man, does he commit an offence?” The Buddha answered, “Pārājika.”

“If one takes something belonging to a woman, under the perception that it belongs to another woman, does one commit an offence?” The Buddha answered, “Pārājika.”

“If one takes something belonging to a man, under the perception that it belongs to another man, does one commit an offence?” The Buddha answered, “Pārājika.”

At that time, the World Honoured One was dwelling in Varanasi. Grains were very expensive, and people were starving; getting alms food was very difficult. A begging bhikṣu, at dawn, put on his robe, took his bowl and went to the village. A woman was filling a container with rice; she put (the container) on the ground and went back to her house. The bhikṣu looked left and right and, not seeing anybody, thought, “Taking this food is good for me.” Therefore, he took (the rice) and left. He was assailed by doubt. The Buddha asked, “What was your intention when you took it?” He answered, “I took it with stealing intention.” The Buddha replied, “If the price is five monetary units, as soon as it has been removed from its original place, you committed a pārājika.” (If one steals) *sattu*, dried rice (*kummasa*), fish, meat, non-staple food (*khadiniya*) it is the same: if the (item is worth) five monetary units and one removes it from its original place, one commits a pārājika.

At that time, a begging bhikṣu at dawn put on his robe, took his bowl and went to the village. He saw a bronze cup. He looked left and right and, not seeing anybody, thought, “This is good for me”. Therefore, he took it and left. He was assailed by doubt. The Buddha asked, “With what intention did you take it away?” He answered, “I took it with stealing intentions.” The Buddha replied, “If its price is five monetary units, as soon as you removed it from its original place, you committed a pārājika.”

At that time, a begging bhikṣu at dawn put on his robe, took his bowl and went to the village. He saw a squared single seat couch. He looked left and right and, not seeing anybody, thought, “If I take this, it is good for me”. Therefore, he took it and left. He was assailed by doubt. The Buddha asked, “With what intention did you take it away?” He answered, “I took it with stealing intentions?” The Buddha replied, “If its price is five monetary units, as soon as you removed it from its original place, you committed a pārājika.”

At that time, a bhikṣu took away the robe of another from the robe-washing place. He was

assailed by doubt. The Buddha asked, “With which intention did you take it away?” He answered, “I took it with stealing intentions.” The Buddha replied, “If its price is five monetary units as soon as you removed it from its original place, you committed a pārajika.”

A bhikṣu went to the robe-washing place. He saw an expensive robe hanging in the sun not far away, and went away, making up his mind (to take it), thinking, “I will come back again and take it.” He was assailed by doubt. The Buddha asked, “With which intention did you do that?” He answered, “With stealing intentions.” The Buddha replied, “Since you tried to take something worth five monetary units, but you did not yet remove it from its original place, you committed a sthūlāca.”

One day, a begging bhikṣu at dawn put on his robe, took his bowl and went to the village. Under the door of a house, he saw an expensive robe hanging in the sun. He turned it on the side with the foot. He was assailed by doubt. The Buddha asked, “With which intention did you do that?” He answered, “With stealing intentions.” The Buddha replied, “Since you tried to take something worth five monetary units, but you did not yet remove it from its original place, you committed a sthūlāca.”

One day, a begging bhikṣu at dawn put on his robe, took his bowl and went to the village. He saw a single-seat bench. He looked left and right and, seeing nobody, thought, “This is good for me” and took it away. He was assailed by doubt. The Buddha asked, “With which intention did you take it away?” He answered, “With stealing intentions.” The Buddha replied, “Pārajika.”

One day, a begging bhikṣu at dawn put on his robe, took his bowl and went to the village. He saw a single-seat bench and a robe. He looked left and right and, seeing nobody, thought, “These are good for me” and took them away. He was assailed by doubt. The Buddha asked, “With which intention did you take them away?” He answered, “With stealing intentions.” The Buddha replied, “The price (of the objects) is five monetary units and you removed them from the original place: pārajika.”

One day, a begging bhikṣu at dawn put on his robe, took his bowl and went to the village. He saw a single-seat bench and he used it temporarily to sit. He was assailed by doubt. The Buddha asked, “With which intention did you do that?” He answered, “For a temporary use, without stealing intentions.” The Buddha replied, “No offence. One should not use something temporarily without asking the owner.”

A bhikṣu took some cloth from a shrine belonging to someone. He was assailed by doubt. The Buddha asked, “With which intention did you take it away?” He answered, “I took it thinking that it was thrown away.” The Buddha replied, “No offence. One should not take cloth used from a shrine belonging to someone and that is used for adornment.”

One day, a bhikṣu was traveling together with a thread merchant. This said to the bhikṣu, “Venerable, you can pass through the customs without paying fees. I want to give this thread to you to pass the customs (without paying).” The bhikṣu then passed through the customs for him. He was assailed by doubt. The Buddha asked, “With which intention did you do that?” He answered, “With stealing intentions.” The Buddha replied, “Since the price is five monetary units, by passing through the customs (in this way), you committed a pārajika.”

One day, a group of bhikṣu sent somebody to take what belonged to others and got five monetary units or more than five monetary units. They were assailed by doubts. The Buddha said, “You all have all committed a pārajika.”

One day, a group of bhikṣu sent somebody to take what belonged to others. One of them was doubtful about it, but he did not stop the operation. The person took the item, and they got five monetary units or more than five monetary units. They were assailed by doubts. The Buddha said, “You all have committed a pārajika.”

One day, a group of bhikṣu sent somebody to take what belonged to others. One of them was doubtful and tried to stop the operation. Nevertheless, the others (sent the appointed person) to take the item, and they got five monetary units or more than five monetary units. They were assailed by doubts. The Buddha said, “The one who tried to stop it committed a sthūlāca. The others committed a pārajika.”

One day, a group of bhikṣu sent somebody to steal what belonged to others, and he took something worth five monetary units or more than five monetary units. (Nevertheless, the bhikṣus) got (each) less than five monetary units. They thought, “Since we got less than five monetary units, we did not commit a pārajika.” The Buddha said, “Relying on the original value of the item that is five monetary units, you committed a pārajika.”

One day, a group of bhikṣu sent somebody to take what belonged to others, worth five monetary units or more than five monetary units, and they divided the loot among them. Each got less than five monetary units. They thought, “Since we got less than five monetary units, we did not commit a pārajika.” The Buddha said, “The loot has to be considered as a whole: you all committed a pārajika.”

One day, a group of bhikṣu sent somebody to steal what belonged to others, and he took something (many things) worth less than five monetary units. (Nevertheless, the bhikṣus) got (each) five monetary units. They thought, “Since we got five monetary units, we committed a pārajika.” The Buddha said, “Relying on the original value of the items, you committed a sthūlāca.”

One day, a bhikṣu took something belonging to others from a village and entered a city. He was assailed by doubt. The Buddha asked, “With which intention did you take it?” He answered, “With stealing intentions.” The Buddha replied, “If it is worth five monetary units by removing it from its original place you committed a pārajika.”

One day, a bhikṣu stole a sūtra belonging to someone, thinking, “The Buddha’s words have no price. One should evaluate (the price of) the paper and the ink.” He was assailed by doubt. The Buddha asked, “With which intention did you take it?” He answered, “With stealing intentions.” The Buddha replied, “If it is worth five monetary units by removing it from its original place you committed a pārajika.”

At that time, there was a valiant and talented man from the King’s house that because of his faith went forth after the World Honoured One. There was a bhikṣu who was a precept breaker who tried to cheat him saying, “Venerable one, in the village so-and-so there is a lot of wealth and there are valiant men, but you are better than them. Let’s go together to take away their wealth.” He answered, “All right.” The bhikṣu that had so spoken had just gone

away that this bhikṣu thought, “I have gone forth because of faith. I cannot do such an evil thing.” That precept breaker bhikṣu at a different approached him again saying, “Now we can go together and take away their wealth.” He answered, “I don’t go.” He asked, “Why?” He answered, “After we separated, I reflected, thinking that I cannot do such a thing after having gone forth because of faith. This is why I don’t go.” At another time, that precept breaker bhikṣu went to the village and stole their things. He divided the loot into parts and offered one part to this bhikṣu. This bhikṣu said, “I don’t need this part. Didn’t I say you that since I have gone forth out of faith, I cannot do such a thing?” He was assailed by doubt. The Buddha asked, “What kind of intention did you have?” He then informed the Buddha about the entire question. The Buddha, “You committed no offence (for stealing). You committed a duṣkṛta for having given your consent the first time.”

One day, a bhikṣu wanted to steal the robe of another, but he took his own robe instead. He was assailed by doubt. The Buddha said, “You committed a sthūlāca.”

One day, a bhikṣu stole the robe of another, but he took also his own robe together with that. He was assailed by doubt. The Buddha said, “Taking your robe is a sthūlāca; taking the other person’s robe is a pārājika.”

One day, someone stole something and a bhikṣu snatched it back from the thief. He was assailed by doubt. The Buddha said, “Pārājika.”

One day, a group of people was staying in a cemetery. They took off their clothes and put them aside and started to bury a corpse. A bhikṣu who was collecting rags thought that (those clothes) were discarded rags and took them away. The people saw him and said, “Venerable! Don’t take away our clothes!” He answered, “I thought that they were discarded rags.” He then put down the robes and left. He was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I thought that they were discarded rags; I didn’t have the intention to steal.” The Buddha said, “You committed no offence. If you see a hip of clothes, you cannot take them thinking that they have been thrown away.”

On day, a bhikṣu went to walk in a nearby cemetery and saw from far a lot of discarded rags. He heaped them up and left, saying, “I will come again to take them.” Another bhikṣu who was collecting rags saw them and, thinking that they were discarded rags, took them away. The other bhikṣu went back (to the cemetery) and could not find the rags anymore. Back at the monastery, he saw the other bhikṣu busy dying the rags and said, “You have stolen my rags! You have committed the offence of stealing!” The other answered, “I have not stolen them! They were thrown away!” He assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I thought that they were discarded rags.” The Buddha said, “You committed no offence, but one should not take away rags that are heaped up.”

One day, a lay person went to walk at a nearby cemetery. He saw from far a very expensive robe thrown away. He took it and put on some grass, thinking, “I will come again to take it and give it to a certain bhikṣu.” A bhikṣu who was collecting rags saw it and took it away. That lay person went back (to the cemetery) and didn’t find the robe. Gone to the monastery, he saw the bhikṣu busy dying the robe and said, “You have stolen my robe!” The bhikṣu answered, “I didn’t steal your robe! I thought it was thrown away!” He was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I thought that it was a

discarded robe.” The Buddha said, “You did not commit any offence, but one should not take thrown away robes from such a place.”

One day a shepherd, took off his clothes, covered his head with them and slept. A bhikṣu who was collecting rags thought that he was a corpse and thought, “The Buddha forbade the bhikṣu from taking away the clothes from a corpse that is intact.” Then, he took the arm bone of a corpse and hit the head (of the man). He woke up and said, “Venerable! Why are you beating me?” The bhikṣu answered, “I thought you were dead.” The shepherd replied, “Can you not understand whether I am dead or alive?” Then, he beat the bhikṣu ferociously. The bhikṣus informed the Buddha about the question, and the Buddha said, “One should not beat a corpse for breaking and taking away its clothes.”

One day, a group of children took off their clothes, put them aside, and build up a heap of earth. A bhikṣu who was collecting rags saw (the robes) and took them away. The children saw him and said, “Don’t take away our clothes.” The bhikṣu answered, “I thought that they were discarded rags.” He put them down and left. He was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I took them thinking that they were thrown away rags.” The Buddha said, “You did not commit any offence, but one should not take away throw away clothes that are heaped up.”

One day, the bhikṣus of the group of six lured a little child with a piece of candy and tried to sell him. His parents saw him and asked the bhikṣus, “Venerable Ones! What do you say?” They answered, “We do not say anything”. They freed the child and left. They were assailed by doubt. The Buddha said, “What was your intention?” They answered, “Stealing”. The Buddha said, “The value being five monetary units and having (the child) left his original place, you committed a pārajika.”

One day, a bhikṣu with stealing intentions, turned upside down the stick used for requisites distribution⁷⁶ belonging to another bhikṣu. He was assailed by doubt. The Buddha said, “As soon as you lifted the stick, you committed a pārajika.”

One day, a bhikṣu stole another person’s stick used for requisites distribution. He was assailed by doubt. The Buddha said, “If the value reaches five monetary units, as soon as (the stick) left its original place, you committed a pārajika.”

One day, a bhikṣu lifted (only) one side of another’s stick for requisites distribution. He was assailed by doubt. The Buddha said, “Because you tried to steal (as much as) five monetary units, but (the stick) did not yet leave its original place, you committed a sthūlāca.”

One day, a bhikṣu went twice to steal something that was worth less than five monetary units, thinking, “Since before and after (I took something worth) less than five monetary units, I did not commit a pārajika.” The Buddha said, “Since (what you stole) before and after (together make up a value of) five monetary units, you committed a pārajika.”

Not far from the Anāthapiṇḍikārāma a man was ploughing a field. A guest bhikṣu saw him and said, “This field belongs to the Saṃgha. Don’t plough it.” The man replied, “This does

⁷⁶ These sticks may be made of bamboo or wood. They may be used to count the participants in a ceremony, or, as in this case, like a coupon to certificate the right to get a certain amount of some donation. The thief’s intention is to appropriate the share of the other bhikṣu by modifying the position of its stick.

not belong to the Saṃgha. This is mine.” The bhikṣu insisted, “This field belongs to the Saṃgha. Don’t plough it.” The man let go of the plough and left, complaining, “I have a field and I cannot plough it.” The guest bhikṣu went back to the Anāthapiṇḍikārāma and asked a long-term resident bhikṣu, “Not far from here there was a man who was ploughing; to whom does that field belong?” (The long resident bhikṣu) answered, “It is the field of that man.” The long resident bhikṣu inquired why he was asking that question and (the guest) informed him about the entire issue. He was assailed by doubt. The Buddha asked, “What was your intention?” He then informed the Buddha about the entire question. The Buddha said, “You have committed no offence, but one should not do such a thing.”

At that time, Upāli rose from his seat, uncovered his right shoulder, put his right knee on the ground, and, joining his palms, asked the Buddha, “If one has the intention to destroy something and (the value of what he destroys) is five monetary units or more than five monetary units, if he does it personally or teaches others to do so, if he destroys something by breaking it by himself or teaches others to do it, if he crushes something or teaches others to do it, if he burns or buries something, or destroys its form, does he commit an offence?” The Buddha answered, “All these cases entail a pārajika.”

One day, a bhikṣu, when dividing a piece of land (with another owner), shifted the other person’s stakes (used to mark) the boundary. He was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I had the intention to steal.” The Buddha said, “If, shifting the boundary marker stakes, you got (land for a value of) five monetary units, you committed a pārajika.”

At that time, a park belonging to the Saṃgha because of lack of water was left abandoned. The bhikṣus of the group of six diverted the water of the field of another person into the park of the Saṃgha. They were assailed by doubt. The Buddha asked, “What was your intention?” They answered, “Stealing.” The Buddha declared, “Pārajika.”

At that time, the donor of a certain bhikṣu had a field that because of lack of water was left abandoned. (The bhikṣu) diverted the water of the field of another person into the field of his donor. He was assailed by doubt. The Buddha declared, “Pārajika.”

At that time, a bhikṣu had a grudge against a lay person. He diverted the water of his field and let it be wasted, causing the field to dry up and get lost. He was assailed by doubt. The Buddha said, “Pārajika.”

One day, a bhikṣu stole the water of someone. He was assailed by doubt. The Buddha said, “If the worth is five monetary units, pārajika.” All the bhikṣus became doubtful and did not dare to take water from canals, from springs, from slopes, from ponds. The Buddha said, “If (this water) is guarded by a spirit⁷⁷, there is no offence.”

At that time, there was a bhikṣu called Caṇḍāla who was involved in a dispute because of an expensive somapātra⁷⁸. Because of this dispute he felt always gloomy and depressed and said, “If there is someone who can help me set this dispute, I will give him this bowl.” At that time, there was a bhikṣu called Ajita who was very bright and intelligent and had the skill to

⁷⁷ It has no owner and everybody may use it.

⁷⁸ A bowl from the country of Soma. *Pātra* means bowl.

set disputes. Therefore, he helped Caṇḍāla to set the dispute and took away the bowl. This bhikṣu (Caṇḍāla) thought that the bowl got lost and went in search of it, till he saw Ajita with the bowl in his hands. He said to him, “You stole my bowl.” (Ajita) answered, “I did not steal your bowl. You said, ‘if there is someone who can help me set this dispute I will give him this bowl’. Therefore, I took it.” He (Ajita) was assailed by doubt. The Buddha asked, “With which intention did you take it?” (Ajita) explained him the entire question. The Buddha said, “You did not commit any offence, but one should not keep such a thing.”

At that time a bhikṣu called Yasaka had a saṃghātī. Another bhikṣu called Vasudatta⁷⁹ took the robe without saying anything, put it on and went to a village on alms round. The other thought that he had lost the robe and went in search of it. He saw Vasudatta wearing it and snatched the robe away, saying, “You have stolen (my robe).” (Vasudatta) answered, “I did not steal your robe. I took it because I thought that we are intimate friends.” He was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I took it because I thought that we are intimate friends, without stealing intentions.” The Buddha said, “You did not commit any offence, but one should not take something thinking that someone is an intimate friend when he is not.”

At that time a bhikṣu called Parisuddha⁸⁰ had a saṃghātī. Another bhikṣu called Sudarśa⁸¹ took the robe without asking, put it on and went to a village on alms round. The owner thought that he had lost the robe and went in search of it. He saw Śruta wearing it and snatched the robe away, saying, “You have stolen my robe; you committed an offence.” (Śruta) answered, “I did not steal your robe. I just borrowed it.” He was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I just borrowed it, without stealing intentions.” The Buddha said, “You did not commit any offence, but one should not take (a robe) without asking the owner, wear it and go to a village.”

One day, a bhikṣu stole some pears. He was assailed by doubt. The Buddha said, “If they are worth five monetary units, in the moment they left their original place you committed a pārājika.” If one steals *jambu* fruit⁸², *bolipo* fruit⁸³, Indian grapefruit⁸⁴, or any kind of other fruits if the value reaches the five monetary units one commits a pārājika.

One day, a bhikṣu shook the pear (tree) of someone and let (the pears) fall on the ground with the intention of letting them get rotten. The Buddha said, “If they are worth five monetary units, you committed a pārājika.” If one shakes (a tree of) *jambu* fruit, *bolipo* fruit, Indian grapefruit, or any kind of other fruits with the intention of letting (the fruit) get rotten, one commits a pārājika.

⁷⁹ Name hypothetically reconstructed. It is not possible to find all the Sanskrit equivalent of the names. I reconstruct the names according to frequently seen transliterations or by translating them directly from Chinese, if the Chinese meaning is clear.

⁸⁰ The Chinese name is Qingjing (清淨) which means pure. This is clearly not a transliteration. I therefore hypothesises that the Sanskrit name may be Parisuddha, or may be Visuddha.

⁸¹ Again, only a hypothesis. The Chinese is Xutuoyi (須陀夷), also Xutuoyian (須陀延). This is also the transliteration of the Surdaśana City of the Trayastimsa paradise.

⁸² *Syzygium cumini*. Here the name of the fruit is given in its transliteration from Sanskrit, *ianpo guo*, Jambu may also mean guava.

⁸³ Unidentified. I give the transliteration from the Chinese Bolipo (波梨婆).

⁸⁴ *Syzygium aromaticum*. It may be also the jambu, *Syzygium jambos*. The terminology is ambiguous.

One day a bhikṣu stole a yellow cucumber. He was assailed by doubt. The Buddha said, “If the worth reaches five monetary units, you have committed a pārājika.”

One day a bhikṣu stole sugar cane. He was assailed by doubt. The Buddha said, “If the worth reaches five monetary units, you have committed a pārājika.”

One day a bhikṣu stole vegetables. He was assailed by doubt. The Buddha said, “If the worth reaches five monetary units, you have committed a pārājika.”

One day a bhikṣu stole water lilies. He was assailed by doubt. The Buddha said, “If the worth reaches five monetary units, you have committed a pārājika.”

(If one steals) paduma flowers⁸⁵, dutuma⁸⁶ flowers, kumuda flowers, puṇḍarīka flowers, if the worth is five monetary units, one commits a pārājika. If, moreover, one breaks something off with the wish of destroying what belongs to others, if the worth (of the goods destroyed) is five monetary units, one commits a pārājika.

One day, a man who was guarding other people’s and robbers’ (properties) offered to a bhikṣu some staple food⁸⁷. The bhikṣu thought, “This does not belong to him; I will not accept it.” The bhikṣus informed the Buddha who said, “This actually is food from a donor. It is allowed to accept and consume it after having washed your hands.”

One day a bhikṣu stole water lilies roots. He was assailed by doubt. The Buddha said, “If the worth reaches five monetary units, you have committed a pārājika.”

One day a bhikṣu stole some timber from a wood looked after by a guardian. He was assailed by doubt. The Buddha said, “You have committed a pārājika.”

One day a bhikṣu with stealing intention took someone’s food without having obtained allowance⁸⁸. He was assailed by doubt. The Buddha sentenced, ‘Pārājika’.

One day a bhikṣu took some food without having obtained allowance. He was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I had no stealing intentions.” The Buddha said, “You committed no offence. You have committed a pācittiya because of lying.”

One day, a bhikṣu sent another bhikṣu to steal a rope bed. The bhikṣu that was sent understood that he had to take the bed, not to steal it. He was assailed by doubt. The Buddha said, “The one who taught him committed a pārājika. The one who was sent committed no offence.”

One day, a bhikṣu sent another bhikṣu to take a rope bed. The bhikṣu that was sent

⁸⁵ Nelubium speciosum, or Nelumbium nucifera.

⁸⁶ Name unidentified.

⁸⁷ Khadiniya.

⁸⁸ This example and the following concern the case of a bhikṣu who, without the permission of the monk who usually goes to a certain donor, asks this donor for something saying that the beneficiary will be the other bhikṣu. In the first case, he is conscious that the other bhikṣu would not agree and does it with stealing intentions, thereby committing a pārājika; in the second case, he acts on the assumption that the other bhikṣu is a friend and would not mind, thereby committing a pācittiya for lying. This explanation relies on *Glosses on Dharmaguptaka Vinaya* (Master Fa Kuang), and *Clarifying the School of Dharmaguptaka Vinaya*. Credit: Ven. Acariya Jian Xian.

understood that he had to steal the bed, took it and came back. He was assailed by doubt. The Buddha said, “The one who took (the bed) committed a pārajika. The one who asked him (to take the bed) committed no offence.”

A group of bhikṣus had a carriage. They allowed the bhikṣus of the group of six to travel with them. The bhikṣus of the group of six thought, “Before arriving at the place we will steal their carriage.” The Buddha said, “If one steals at the place of departure, pārajika; if one steals it along the way, or steals it at the place of arrival, pārajika.”

One day, the bhikṣus of the group of six saw a boat flowing on the Ganges River. They thought, “We may steal this boat”, but they do not put any effort (in doing it). They were assailed by doubt. The Buddha asked, “What was your intention?” They informed the Buddha about the question in detail. The Buddha said, “Since we only thought about (stealing), you committed no offence, but one should not give rise to such thoughts.”

One day, a bhikṣu stole a boat. From this shore, he took it to the other shore. He was assailed by doubt. The Buddha said, “Pārajika.” If (one takes the boat) from that shore to this shore, (or drags it) following the stream or against the stream, or let it sink to the bottom of the river, or he pulls it on the land, or unfastens it so that it leaves its place, he commits a pārajika. If one tries to unfasten it, but it does not leave its place, sthūlāca.

One day, two bhikṣus went to take a bath in the Ajiravatī River and they saw an expensive robe and a bamboo basket that were floating down the river. One of the bhikṣus said, “This basket is mine.” The other said, “What is contained in the basket is mine.” They kept the expensive robe together. They were assailed by doubt. The Buddha asked, “What was your intention?” They answered, “We thought that it was a discarded robe.” The Buddha said, “You did not commit any offence, but one should not take discarded robes that are in the water.”

One day, a bhikṣu stole a garland made of golden flowers. He was assailed by doubt. The Buddha said, “Pārajika.”

At that time, at the Anāthapiṇḍikārāma there were many birds nesting. In the last part of the night they were chirping and chanting, disturbing the bhikṣus who were sitting in meditation. A resident bhikṣu sent the man who was taking care of the monastery to destroy the nests of the birds. The man found in the nests gold and pieces of silk. He took everything and delivered it to the resident bhikṣu. This was assailed by doubt. The Buddha said, “Birds and other animal do not use these things; there is no offence. Nevertheless, one should not keep these things.”

At that time, at the Anāthapiṇḍikārāma there were mice holes. The bhikṣus said to the man who was taking care of the monastery to destroy them. The man found medicines and pieces of silk in the holes of the mice and delivered them to the bhikṣu. The bhikṣu were assailed by doubt. The Buddha said, “Animals do not use these things; there is no offence. Nevertheless, one should not keep these things.”

Not far from the monastery there was a village. The mice used to go to the village to take nuts and come back, until they accumulated a huge heap of them in the monastery. The bhikṣus of the group of six with stealing intentions took and ate them. They were assailed by doubt. The

Buddha said, “Pārājika⁸⁹.”

Not far from Anāthapiṇḍikārāma a hunter lived. He set a trap to catch a deer. In the trap, there was a dead deer. The bhikṣus of the group of six with stealing intentions took and ate it. They were assailed by doubt. The Buddha said, “Pārājika.”

One day, a bhikṣu went for the day in an isolated place. A robber had fastened a cow to a tree. The cow saw the bhikṣu and started weeping. The bhikṣu out of compassion unfastened it and let it go. The bhikṣu was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I did it out of compassion, without any stealing intentions.” The Buddha said, “You committed no offence. Nevertheless, one should not do such a thing.”

One day, a bhikṣu went for the day in an isolated place. A robber had fastened a cow in a place. The bhikṣu looked left and right and, not seeing anybody, thought, “This may be useful for me.” Then, he unfastened the cow and took it away. Having gone not far, he thought again and said, “How should I use this cow?” then he let it go. The bhikṣu was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “Stealing.” The Buddha replied, “If (the cow) is worth five monetary units, since it has left its place, you committed a pārājika.”

One day, a panther caught a deer. The deer, wounded, ran into the monastery and died there. The bhikṣus took and ate it. They were assailed by doubt. The Buddha said, “No offence.”

One day, a hunter was chasing a deer. The deer took refuge in the monastery. The hunter arrived (at the monastery) looking for the deer and asked the bhikṣu, “Did you see such and such a deer?” The bhikṣus, not having seen it, said that they did not see it. (The hunter) went everywhere looking for the deer and he found it. The hunter became angry and was annoyed against the bhikṣus, saying, “The Śākyaṇ śramaṇa do not have sense of shame! The lie and cheat people. They say, ‘We know the right Dharma’, but where is the right Dharma if they say that they did not see the deer when they saw it?” The bhikṣus were assailed by doubt. The Buddha said, “No offence.”

One day, a bhikṣu stole some *pariṣkāra*⁹⁰ clothes. He was assailed by doubt. The Buddha said, “Pārājika.”

One day, a bhikṣu with stealing intentions lifted another’s *pariṣkāra* cloth, and the cloth left its place. He was assailed by doubt. The Buddha said, “Pārājika.”

One day, a bhikṣu with stealing intentions turned a *pariṣkāra* cloth on one side. He was assailed by doubt. The Buddha said, “Since you tried (to take something worth) five monetary units, but (the object) was not removed from its place, sthūlāca.”

One day, a bhikṣu stole a rope bed, a wooden bed, a mattress, a pillow, a carpet, a blanket, or a water bottle, or a pitcher, or a stick, or a fan. The Buddha said, “If (the object is worth) five

⁸⁹ As Master Dao Xuan explains in the commentary that follows, here the offence is not against the mice, but against the original owners of the nuts.

⁹⁰ Pāli: *Parikkhāra*. *Pariṣkāra* simply means requisite. These are clothes or other requisites that are allowed for personal convenience but are not compulsory like the five determined robes. One should determine them for use when necessary and place them under shared ownership in case one wants to keep them for future use. More details at NP 1.

monetary units, pārajika.”

One day, a bhikṣu inverted the position of rope beds, saying, “This belongs to the Saṃgha and that either belongs to the Saṃgha.” The Buddha said, “One should not invert the position.”

One day, a bhikṣu reverted the position of wooden beds, large and small mattresses, pillows, “These belong to the Saṃgha and those either belong to the Saṃgha.” Or carpets, blankets, water bottles, pitchers sticks, fans, saying, “These belong to the Saṃgha, and those either belong to the Saṃgha.” The Buddha said, “It should not be done.”

One day, a bhikṣu stole a stone. He was assailed by doubt. The Buddha said, “(If it is worth) five monetary units, pārajika.”

(Someone stole) timber for moat construction, wood, bamboo, reeds, munja grass, grass⁹¹, tree bark, or trees, leaves, flowers and fruits that were guarded by someone. He was assailed by doubt. The Buddha said, “(If these things are worth) five monetary units, pārajika.”

One day, a bhikṣu stole a robe from someone else’s hanger. He was assailed by doubt. The Buddha said, “Pārajika.”

One day, a bhikṣu with stealing intentions lifted a robe that was hanging on someone else’s hanger. The robe left the hanger. He was assailed by doubt. The Buddha said, “Pārajika.”

One day, a bhikṣu with stealing intentions turned one side of a robe that was hanging on someone else’s hanger. He was assailed by doubt. The Buddha said, “Since you try to take away (something worth) five monetary units, but you did not remove it from its place, sthūlāca.”

One day, a bhikṣu took a belt that was hanging on someone else’s hanger and took the hanger either. He was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “Stealing.” The Buddha said, “(If the objects are worth) five monetary units, since they were removed from their place, pārajika.”

One day, a group of bhikṣus together with the bhikṣus of the group of six were taking their meal at the house of a lay donor. The donor had spread a very expensive cloth on the seat. One of the bhikṣus of the group of six with stealing intentions turned with his foot one side of the cloth. He was assailed by doubt. The Buddha asked, “What was your intention?” The Buddha said, “Since you try to take away (something worth) five monetary units, but it was not removed from its place, sthūlāca.”

At that time, Kśema bhikṣuṇī had a donor. One of her disciples went to the house and said to the donor, “Arya Kśema needs five *dou*⁹² of sesame seeds.” The donor said, “It is possible” and gave her the sesame. The disciple, having received the sesame seeds, ate them herself. At another time, Kśema bhikṣuṇī at dawn put on her robe, took her bowl and went to the donor’s house, spread her sitting cloth and sat down. The donor asked, “Were the sesame seeds tasty?” She replied, “Which sesame seeds?” Then the donor informed her about the details of

⁹¹ The grass mentioned in the text is *popocao* (婆婆草). I could not identify it.

⁹² The *dou* is a measure of capacity. 1 *dou* (斗) is equivalent to 1.9 l. 5 *dous* would thereby be equivalent to 9.5 l.

the story. Kśema bhikṣuṇī went back and said to her bhikṣuṇī disciple, “You have stolen me five *dous* of sesame seeds.” The disciple answered, “I did not steal them. I took them in the assumption that we are intimate friends.” She was assailed by doubt. The Buddha asked, “What was your intention?” She answered, “I took them in the assumption that we are intimate friends.” The Buddha said, “You committed no offence, but one should not take things in the assumption that (the owner) is an intimate friend when he is not. Since you lied, you committed a *pācittiya*.”

At that time, Kśema bhikṣuṇī had a donor. One of her disciples went to the house and asked the donor, “Arya Kśema needs three types of therapeutic rice soup.” The donor said, “It is possible” and gave her (the rice soup). The disciple, having received it, ate it herself. At another time, Kśema bhikṣuṇī at dawn put on her robe, took her bowl and went to the donor’s house, spread her sitting cloth and sat down. The donor asked, “Arya, were the three types of therapeutic rice soup tasty?” She replied, “Which three types of therapeutic rice soup?” Then the donor informed her about the details of the story. Kśema bhikṣuṇī went back and said to her bhikṣuṇī disciple, “You have stolen me three types of therapeutic rice soup.” The disciple answered, “I did not steal them. I took them in the assumption that we are intimate friends.” She was assailed by doubt. The Buddha asked, “What was your intention?” She answered, “I took them in the assumption that we are intimate friends.” The Buddha said, “You committed no offence, but one should not take things in the assumption that (the owner) is an intimate friend when he is not. Since you lied, you committed a *pācittiya*.”

One day, a bhikṣu took the share of staple food of his upādhyāya. The upādhyāya said him, “You have eaten my share, you committed the offence of stealing.” He answered, “I did not steal it. I took it in the assumption that we are intimate friends.” He was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I took it in the assumption that we are intimate friends.” The Buddha said, “You committed no offence, but one should not take things in the assumption that (the owner) is an intimate friend when he is not.”

At that time, a bhikṣu had as donor a potter. The donor said him, “Badhanta, if you need a vessel please visit me and say.” The other said, “All right.” The donor stood up and went back home. Later, another man took over the potter’s shop to sell the pottery. One day the bhikṣu needed a bottle, then he took a bottle (from the shop) and left. The owner said to the bhikṣu, “Badhanta! Don’t take away my bottle.” The bhikṣu replied, “This is the bottle of So-and-so. So-and-so said me, ‘If you need a vessel take it.’ Therefore, I take it.” The man answered, “This is not the bottle of So-and-so.” The bhikṣu then put down the bottle and left. He was assailed by doubt. The Buddha asked, “What was your intention?” Then he explained the entire question. The Buddha said, “You committed no offence, but one should not take things without asking the owner.”

At that time, a bhikṣu had as donor a wine seller. The donor said him, “Badhanta, if you need a cooking pot, take it.” The other said, “All right.” The donor went back home. Later, another man went to stay at the wine shop. One day the bhikṣu needed a cooking pot, then he took it (from the shop) and left. The man said to the bhikṣu, “Badhanta! Don’t take away my cooking pot.” The bhikṣu replied, “This is the cooking pot of So-and-so. So-and-so visited me and said, ‘If you need a cooking pot take it.’ Therefore, I take it.” The man answered, “This is not the cooking pot of So-and-so.” The bhikṣu put down the cooking pot and left. He

was assailed by doubt. The Buddha asked, “What was your intention?” Then he explained the entire question. The Buddha said, “You committed no offence, but one should not take what belongs to others without asking the owner.”

At that time, a bhikṣu had as donor a merchant. He said him, “Badhanta, if you need something, take it.” The other said, “All right.” The merchant went back home. Later, another man was selling things in the shop. One day the bhikṣu needed raw rice, then he took the rice (from the shop) and left. The man said to the bhikṣu, “Badhanta! Don’t take away my rice.” The bhikṣu replied, “This is the rice of So-and-so. In the past he said me, ‘If you need something take it.’ Therefore, I take it.” The man answered, “This is not the rice of So-and-so.” The bhikṣu put down the rice and left. He was assailed by doubt. The Buddha asked, “What was your intention?” Then he explained the entire question. The Buddha said, “You committed no offence, but one should not take things without asking the owner.”

At that time, a cloth seller was a donor. The donor said (to a bhikṣu), “Badhanta, if you need some cloth, take it.” He said, “All right.” Later, the donor died, and the son took over (the shop). One day the bhikṣu needed some cloth, then he took it (from the shop) and left. The man said to the bhikṣu, “Badhanta! Don’t take away my cloth.” The bhikṣu replied, “This is the cloth of So-and-so. In the past he said me, ‘If you need some cloth take it’.” The man answered, “So-and-so died already.” The bhikṣu put down the cloth and left. He was assailed by doubt. The Buddha asked, “What was your intention?” Then he explained the entire question. The Buddha said, “You committed no offence, but one should not take things without asking the owner.”

At that time, the World Honoured One was dwelling in Vaiśālī. At that time, a Licchavi who did not believe and rejoice (in the doctrine of the Buddha), wrapped five monetary units in a bad cloth and put (the bundle) in a garbage heap. He sent a man to watch carefully and to bring to him anybody who would try to take (the money). At that time, a bhikṣu who was collecting rags thought that (the bundle) was a discarded cloth. He took it and put it in his bag. The man that was put in guard saw him and said, “The Licchavi So-and-so calls you.” The bhikṣu answered, “Let’s go.” Arrived at the residence of the Licchavi, this Licchavi asked, “Badhanta! Are you allowed to touch money and treasures?” The bhikṣu answered, “We are not.” “Then why did you take it?” He answered, “I did not take it.” The man said him that he wanted everything being taken out (from his bag) to give a look and he took out (the bundle) from his bag, showing it to him. That bhikṣu felt ashamed. The other bhikṣus either. They went to inform the World Honoured One about the entire question. The World Honoured One said, “Bhikṣus, listen carefully! If a bhikṣu wants to take a rag of this kind, he should keep it fixed with the thumb of the left foot and with the thumb of the right foot pull it open to examine (what is inside). If there is something unallowable, remove it. What is allowable can be taken.”

At that time, the World Honoured One was dwelling in Śrāvastī. Kaludayin together with the bhikṣus of the group of six were taking a bath in the river Ajiravatī. Kaludayin went back to the bank before the others; he took by mistake the robe of another bhikṣu of the group of six and left. The bhikṣu of the group of six (whose robe had been taken away) went back to the bank later. He did not see his robe, but saw the robe of Kaludayin and said, “He committed a pārājika: he stole my robe.” Then, without him being present, they carried out the procedure

for expulsion. Kaludayin heard the news and was assailed by doubt. He went to the residence of the World Honoured One, bowed to his feet, sat at one side and informed him about the entire question. The World Honoured One asked, “What was your intention?” He answered, “I thought that it was my robe. I did not have stealing intentions.” The Buddha said, “You committed no offence, but one should not wear a robe without assessing who is the owner. Moreover, one cannot carry out the Saṃghakarma for censure, banishment, dependence, obligation to go to a lay person’s residence, for suspension and for expulsion without the accused being present. If one does it, the procedure is invalid and (the participants) commits a duṣkṛta.”

One day, a bhikṣu got some cloth that was been blown by the wind. He was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I thought that it was a discarded cloth, I had no intention to steal.” The Buddha said, “You committed no offence, but one should not take cloth blown by the wind as discarded cloth.”

One day, a lay person dyed a robe and spread it on the wall to dry. A bhikṣu who was collecting rags saw it. He thought that it was discarded cloth and took it away. The lay person saw him and said, “Badhanta! Don’t take away my cloth.” This bhikṣu answered, “I thought it was discarded cloth.” He put down the cloth and left. He was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I thought that it was a discarded cloth.” The Buddha said, “You committed no offence, but one should not take cloth that is hanging on walls, palisades, moats (as) discarded.”

One day, a lay person dyed a cloth and spread it on a palisade to dry. One bhikṣu of the group of six with stealing intention took it away. He assailed by doubt. The Buddha said, “Pārājika.”

One day, a group of bandits left the city of Śrāvastī and camped not far from the Anāthapiṇḍikārāma. During the day, they drank wine and at dusk they hanged the remaining wine in the middle of trees and entered Śrāvastī. At that time, the bhikṣus of the group of six went out from the Anāthapiṇḍikārāma and with stealing intention drank the wine. The Buddha said, “You have committed a pārājika.”

One day, a bhikṣu at dawn put on his robe, took the bowl and started walking towards the house of a donor. Along the way, he met a violent rain. The water carried along many greasy substances. He thought, “I’ve got these without asking. I can use them as medicine.” Then he took them away for eating. He was assailed by doubt. The Buddha asked, “What was your intention?” He answered, “I thought that they were discarded things. I did not have stealing intentions.” The Buddha said, “You committed no offence, but one should not take the discarded things that flow in water. These not having been offered, you committed a pācittiya.”

A certain bhikṣu had a donor. Another bhikṣu said him, “I want to go to your donor. What do you say?” He answered, “Speak to him as you please.” That bhikṣu needed 50 *liang*⁹³ of rock candy⁹⁴. He went to the donor and said, “Bhikṣu So-and-so needs 50 *liang* of rocky candy”. The donor answered, “It is possible” and he gave him the candy. This bhikṣu, having received

⁹³ 1 *liang* (兩) is 1/16 of kg, therefore 50 *liang* are more or less 3 kg.

⁹⁴ The rock candy is obtained from the juice of the sugar cane, with the addition of glutinous rice

it, ate it by himself without sharing it with the other bhikṣu. At another time, that bhikṣu went to visit the donor. The donor asked, “Badhanta! Was the rocky candy tasty?” The bhikṣu asked, “Which rocky candy?” Then the donor informed him about the details of the entire question. This bhikṣu went back and said to that bhikṣu, “You are guilty of stealing. You have taken my rocky candy.” That bhikṣu answered, “I have not stolen anything. You said me ‘Speak to him as you please.’” The bhikṣus informed the Buddha. The Buddha said, “One should not speak in this way. One should express clearly one’s intentions⁹⁵.”

One day, a bhikṣu stole a hand-drawn carriage. He was assailed by doubt. The Buddha said, “Pārājika.”

One day, a bhikṣu stole some firewood. He was assailed by doubt. The Buddha said, “If the worth is five monetary units, you have committed a pārājika.”

At that time, Pilindavatsa had a donor who has two children. They were very smart and unafraid of people. When Pilindavatsa reached their house, the children used to come out to embrace his legs, charmingly going around and laughing. Later on, the two children were abducted by robbers. One day at dawn, Pilindavatsa put on his robe, took his bowl and went to the donor’s house, he spread down his sitting cloth and sat. The parents of the two children, weeping and lamenting, with tears running on their face, said, “Our two children have been abducted by robbers. If they were here, they would come out to embrace the legs of the Venerable one.” He then said, “Look around everywhere in the house (to find them).” The parents looked around everywhere but could not find them. Pilindavatsa went back to the monastery, went to his room, and entered into deep samādhi, with mindfulness established in the body. With the pure divine eye that surpasses the human, he saw the two children. The robbers had taken them on a boat on the Ganges River. Having seen them, as quick as it takes to a man to bend and stretch his arm, he disappeared from the monastery and appeared standing on the boat of the robbers on the river. The children saw him, and very happy came out to embrace his legs. Pilindavatsa with his transcendental power of free movement flew together with the children and put them in the pavilion on top of the house (of the donor). He then went to the donor’s house, spread his sitting cloth and sat. The parents, weeping and lamenting, said, “If our children were here, they would come out to embrace the Venerable one’s legs.” He said, “You can go to give a look in the pavilion on top of the house.” They answered that they had already looked there without finding them. Pilindavatsa invited them to go and look again. They went again to the pavilion on top of the house and they found them. The parents were extremely happy and said, “Our children had been abducted by robbers, but Pilindavatsa have taken them back.” All the bhikṣu heard the story. Among them, there were those who had few desires, who practiced the ascetic practices, who delight in training in śīla, who had sense of shame and compunction, who blamed Pilindavatsa saying, “Why did you steal back the children that had been abducted by robbers?” Pilindavatsa, hearing this, was assailed by doubt. He went to the Buddha, paid homage to his feet, sat at one side and informed the World Honoured One of the entire story. The World Honoured One asked intentionally, “What was your intention?” He answered, “I did it out of compassion, without stealing intentions.” The Buddha said, “You committed no offence, but one should

⁹⁵ In other words, there is not an offence, but the bhikṣu should have said clearly to the donor that the request was on his own behalf. The fact that there is no offence follows from the allowance previously given by the other bhikṣu, who said ‘Speak to him as you please’.

not do such a thing.”

At that time, there was a bhikṣu called Supreme Victory⁹⁶. He had a donor. The donor felt sick and Supreme Victory went to give him his respects. The donor had two children, very intelligent. The donor showed (to the bhikṣu) the place where he was keeping all his riches and said to this bhikṣu, “These two children have already grown up. Examine which one is the smartest and show him where my riches are kept.” After having said this, he died. Bhikṣu Supreme Victory examined which one of the two children was the smartest and showed him the place where the riches were kept. The other child, weeping and lamenting, went to the monastery and said to Ānanda, “Venerable One! Look this bhikṣu Supreme Victory! He gave all the riches left by my father that should have been divided in two parts to only one of us!” Ananda said to bhikṣu Supreme Victory, “Why did you give what was left by the father and should have been divided in two parts to only one of them? Supreme Victory go away! We will not hold the poṣadha together with you!” Ananda for six times did not want to do the poṣadha together with him. At that time, bhikṣu Supreme Victory took Rāhula as companion. One day, Rāhula put on his robe, took his bowl and went to Kapilavastu, to the women of the Śākya and the Koliya clan, and said, “Take some male and female children in front of Ānanda. If some of the children starts crying, Ānanda will say, ‘Take away these children.’ You have to say, ‘We cannot take away these children, unless Ānanda listens what bhikṣu Supreme Victory has to say.’ The women then followed Rāhula, taking with them male and female children that left in front of Ānanda. Some children started crying and Ānanda said, ‘Take away these children.’ The women said, ‘We cannot take away these children, unless Ānanda listens what bhikṣu Supreme Victory has to say.’ Ānanda out of compassion asked, “Supreme Victory, what is the matter?” Supreme Victory then explained all the details of the question. Ānanda said, “Go, you have committed not even a duṣkṛta.”

Further sources

Abstaining from stealing is a very complex rule. The framework inside which the standards for its understanding have been developed in Chinese exegetical tradition come mainly from the work of Master Dao Xuan and have been used up to the present day. Therefore, I present the integral translation of the chapter concerning this rule that can be found in Master Dao Xuan’s GPV, books 17 and 18. A further detailed analysis is found in FCNP, book 6.

Only the bare text of GPV is given in the translation. The commentaries – mainly RS and JCN – are put in the footnotes when required, together with other explanations.

Guidelines for Practicing Vinaya – Explanation of the rules one by one – Second: Abstaining from Stealing - Books 17-18

This is a natural prohibition, and it includes both light and heavy offences. Among all the natural prohibitions, stealing is the most difficult to keep. Therefore, all Vinayas expound it in detail. The other rules are simply explained in general terms. Concerning this rule, every (Vinaya) devotes to its explanation three or five books⁹⁷. It is therefore necessary to explain it

⁹⁶ The name Gao Sheng (高勝) seems to be the translation of the name of the bhikṣu and not a simple transliteration from Sanskrit. This is why I translate it according to the meaning of the two characters.

⁹⁷ The *SuVV* devotes to it three books, and the *MV* five.

in all details in order to avoid disaster. There is someone⁹⁸ who has especially focused on this rule on stealing, making his own treatise. Nevertheless, this (kind of work) is just an exhortation not to steal. One should thoroughly study (the matter to get a complete understanding). Therefore, I will now explain (this rule), delineating one after the other its characteristics.

First, the objects of the offence are the six sense objects and the six elements⁹⁹, objects that have an owner, objects that are under someone's protection; causing the destruction (of something) illegally is a violation of this rule.

If it is something that has no owner, or something belonging to oneself, or there are mistaken conditions¹⁰⁰ or lack of the object¹⁰¹, or there is a changing in the perception and in the condition of doubt (of the potential thief)¹⁰², although there is the intention to steal, since the object of stealing is not present, one does not commit the (primary) offence. There is simply the offence at the preliminary stage because of the original intention.

Question: What does 'having no owner' mean?

Answer: The *SuVV* says, "A son did something bad and his parents chased him away. Later on, father and mother died: their property has no owner. Making use of it does not entail an offence." The *SaVV* says, "Something that is situated in the empty space between the boundaries that delimit two contiguous countries is called 'not having an owner'." It further says, "If in a country the king has been overthrown and fled, and the new king has not yet ascended to power, the objects that are in this country are called 'not having an owner'." In other words, nobody gives dispositions about them. Mountains, swamps, fruits, jungles have no one who takes care. (Nevertheless,) if there was a previously established right (over

⁹⁸ It is unknown to whom the Master refers.

⁹⁹ Earth, water, wind, fire, space, consciousness.

¹⁰⁰ JCN, vol.1, 533, "For example, one wants to steal something belonging to Li, but mistakenly takes something belonging to Zhang, this is called 'different object'. If one takes something that belongs to non-human beings or animals thinking that it belongs to a human being, this is called 'different perception'.

¹⁰¹ Ibid. "At first, one sees an object belonging to a human being and develops the intention to steal it during the night. However, the owner removes it and takes it somewhere else, putting an object belonging to a non-human being. When, during the night, the thief steals the object, although there is the intention to steal, one does not commit a *pārājika*: this is called 'lack of the object'."

¹⁰² These headings – mistaken conditions, lack of the object, change in perception and change in the condition of doubt, are included in the more general heading of '**lack of conditions**'. Note 96 and 97 explain those mentioned in the text. There are in total seven lacking conditions:

1. **Lack of conditions (闕緣)**: "1. General meaning. If the seven preliminary steps are lacking one cannot reach the goal." This meaning generally applies to all rules. "2. Special meaning: every rule has its particular lack of conditions. One cannot use the exception of stealing for killing." It refers to the exceptions listed at the end of every rule.
2. **Preponderant power of the object (境強)**: one wants to kill someone or steal something, but the victim reacts.
3. **Mistaken condition (緣差)**: One wants to kill or steal, but one finds a different person, or a different object, or something happens by which one has to escape, or the devices prepared are damaged.
4. **Mistaken object (境差)**: The object which is the goal of one action is not where it should be.
5. **Mistaken perception (想差)**: One takes the object to be something else, for example he perceives a human being for a non-human being or vice versa.
6. **Doubt (疑心)**: Doubt about the object.
7. **Desisting (善心息)**: One regrets and desists from perpetrating the act.

For further details, see *Bhikṣuṇī Training*, vol. 2.

something), (the object) cannot be stolen or damaged.

Second, in fulfilling the characteristics of the transgression there are in general six kinds of conditions:

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 expensive (namely, it is worth five monetary units);
5. He devises expedients (to fulfil the goal);
6. The item is removed from its original place.

When these (six conditions) are fulfilled, one commits a pārajika.

I will now explain the conditions of the transgression in order.

First: the object has an owner

Concerning the first condition, it is further divided into three general categories:

1. Stealing objects belonging to the Three Jewels;
2. Stealing objects belonging to human beings;
3. Stealing objects belonging to non-human beings or animals.

Stealing objects belonging to the Three Jewels

I will first explain the requisites of a Saṃgha official¹⁰³; afterwards, I will explain the details of the act of stealing.

How is it so? If one does not eagerly study the Vinaya Piṭaka and does not understand correctly the way of using (Saṃgha properties), managing them according to one's own whims, it is easy to meet the conditions that fulfil stealing and damage, as it will be explained later.

Therefore, the *Sūtra of the great Gathering at the Precious Bridge*¹⁰⁴ and other sūtras say, "The properties of the Saṃgha are difficult to manage. Buddha and Dharma have no owners. I allow two kinds of persons to manage the properties of the Saṃgha, first, arhats, second, śrotāpanna¹⁰⁵. Why is it so? Because all the other bhikṣus have not the perfection of śīla, their mind is not equanimous. I do not allow these people as Saṃgha official. There are two further kinds, first one who can keep the precepts purely and knows the karmic results of actions, second one who has sense of shame and fear of wrongdoing concerning the future results of bad actions and has regretful mind. These two kinds of persons have no blame; they are considerate of other people's mind. This question (namely, managing the properties of the Saṃgha) is difficult indeed.

This is the teaching of the Buddha: a great exhortation indeed. Therefore, he who transgresses is foolish and arrogant. Therefore, the Vinaya says, "I declare that these people commit a

¹⁰³ Someone who is in charge of managing the properties of the Saṃgha and has been appointed by Saṃghakarma. The discussion starts from laying down the characteristics of those who are called to take care of the properties of the Saṃgha. They are the first who may commit an offence if they do not study and understand the Vinaya.

¹⁰⁴ *Ratnakūta sūtra*, T11, 643, a14.

¹⁰⁵ By mentioning arhat and śrotāpanna, the other two fruits are understood either.

pārājika because of their foolishness.” (This is said in reference to one who does not rely on the teaching of the Buddha and, following his whims, commits a great offence confusedly.)

I will now explain simply the objects belonging to the Three Jewels, dividing the matter into four parts:

1. Stealing;
2. Muddling;
3. Loans;
4. Rules for sharing the properties of the Three Jewels with monastics and lay people.

➤ ***Stealing***

Stealing what belongs to the Buddha (Jewel).

If one really steals from the Buddha, he does not commit the offence of stealing, because the Buddha has no sense of possession in connection to the objects and does not suffer annoyance or damage. One simply commits a sthūlāca, similarly to (the offence one commits when stealing) what belongs to a non-human being.

SV: stealing a cloth from the statue of a deity is a sthūlāca. The *Nirvāṇa Sūtra* says, “If someone constructs a Buddhist temple, all the flowers and garlands that are used as an offering cannot be arbitrarily taken away. If one does it, knowingly or unknowingly, one commits a sthūlāca.”

If there is a keeper, one always commits a pārājika in connection with the Three Jewels. If there is no keeper, one commits an offence towards the donor because one cuts his source of merit.

Hence, the *Vinaya*¹⁰⁶ (the *Sūtra of the Causes and Conditions of the Precepts*) says, “If one steals the banners from a stūpa of the Buddha or a stūpa of a śrāvaka disciple, one commits an offence towards the donor because he cuts his source of merit.”

Hence, the *FHQ* says that the discarded earth that comes from a stūpa should be thrown on a pure ground and one cannot wrongly use it.

The *SVNM* says, “If one steals something from the shrine of a non-human being, if there is a keeper, one commits a pārājika.”¹⁰⁷

SV: if one steals what belongs to a stūpa or what is offered to a vihāra, if there is a keeper, the offence is assessed according to the value of the objects. The *Sūtra on the lay people’s discipline*¹⁰⁸ either states that one commit a pārājika against the keeper of the stūpa, not towards the Buddha.

Hence, it is towards the keeper that one commits an offence, differently from stealing what belong to a human being.

¹⁰⁶ This is not the Vinaya Piṭaka, but a sūtra, as explained in JCN.

¹⁰⁷ RS, “Hence we know that for non-human beings there two methods (to evaluate the offence). For the Buddha it is the same.” Two ways of evaluating the offence means that if there is a keeper, the offence is against the keeper; if there is no keeper, the offence is evaluated towards the non-human being or the Buddha. Towards a non-human being, the offence is a sthūlāca.

¹⁰⁸ T1, 70a20. Dīrghāgama 16.

Stealing (sacred images) in order to worship them is not an offence. The *SaVV* (gives the example of) stealing an image of the Buddha; the *SV* (gives the example of) stealing relics. If it is done with pure intention with the aim of worshipping them, thinking, “He is other people’s master; he is my master”, if one holds such an intention there is no offence.¹⁰⁹

(Nevertheless,) in the *SNVMS*¹¹⁰ it is said that if one steals an image of the Buddha or some relics, if the value is less than five monetary units one commits a *sthūlāca*; if it reaches five monetary units, one commits a *pārājika*. The *SaVV*¹¹¹ explains that (the intention in this case) is to sell the objects. If a bird (offered) to a *stūpa* dies and one gets something else (through buying it), one must use the money (or whatever else) exclusively for the *stūpa*; using it in a different way is stealing.

Stealing what belongs to the Dharma

The Dharma is an insentient being, devoid of any sense of personal property. What it is said in the *Vinayas* about committing a *pārājika* is said in reference to the keeper.

The *DV* says, “A *bhikṣu* stole some *sūtras*. The Buddha said that one should calculate the worth of paper and ink to assess whether he has committed a *pārājika*, because the word of the Buddha is priceless.” *SV*, *SNVMS* and *SaVV* agree that one commits the offence towards the keeper. The *MiV* affirms that in the case of stealing *sūtras*, if the value of paper, ink and books reaches the five monetary units, one commits a *pārājika*. The *SNVMS* says that if one steals *sūtras* he commits a *pārājika* if the worth is five monetary units; one commits a *sthūlāca* if the worth is less than five monetary units.

In the *FHQ* it is said that one should not blow away the dust from the *sūtras*; the same holds true for Buddha’s images. If one burns away *sūtras*, one commits a grave offence¹¹², as burning one’s father and mother. If one does not know that this is a transgression, one violates a lighter offence¹¹³.

¹⁰⁹ *SV*, “If one with respectful intention thinks, ‘The Buddha is my master either’, since he takes (the object) with pure intention, he commits no offence.” T23, 380a.

¹¹⁰ *SNVMS*: “If one steals Buddha (images) or relics that have an owner, in order to get a living, one commits a *pārājika* if the value reaches (the five monetary units), a *sthūlāca* if the value is less (than five monetary units)”, T23, p. 612, b6.

¹¹¹ *SaVV*: “If one steals an image of the Buddha for worshipping it, he commits no offence. If one sells it and gets a profit, he commits a *sthūlāca*.” T23, p. 517, a9.

¹¹² In this case, the grave offence is a *sthūlāca*, not a *pārājika*.

¹¹³ *RS*, “There are two sections (in this passage). In the first section, one asks whether it is possible to blow away the dust, grass or other impurities from a *sūtra*. The answer is that it is not possible; if one does it, one commits a *niḥsargika pācittiya* (Note of tr.: see below). ‘The same holds true for images’: the *GPV* deduces it by analogy. In discussing the details of the meaning of stealing, afraid that one may soil (the books) and demonstrate an arrogant attitude towards the Dharma, it is advisable to use a clean mop to wipe them; one cannot blow (on the books) with the mouth. Hence, an offence has been instituted (the old interpretation is that (the offence refers to) the damage done to the material, but this is not certain). After ‘if one’ starts the second section. One asks if it is possible to burn away *sūtra* and *vinaya* texts that one does not want to keep; the answer is not. If one does not know that there is an offence in burning them, it is a *niḥsargika pācittiya* (now we say that one commits a light offence). If one knows that there is an offence for burning them and does it intentionally, one commits a ‘decisive’ offence (this is a *sthūlāca*; now we call it heavy in reference to the *pācittiya* mentioned above). It is equivalent to the preliminary step of creating a schism in the *Samgha* (because one destroys the Dharma). It is also equivalent to burn one’s father and mother (because the Dharma body (of the Buddha) comes from the Dharma. Because of this reason, in the two above cases one commits a *sthūlāca*, because they are equivalent to capital sins). This is said in reference to the absence of an owner. If there is an owner, one should logically assess the offence as already explained.”

SV: If one borrows a sūtra and refuses to give it back, leading the owner to doubt (of being able to recover the possession of it), one commits a sthūlāca. This because of the intention not being definite yet.¹¹⁴

The *Mindfulness of the Correct Dharma*¹¹⁵ affirms that if one steals a written secret formula, one commits a pārājika.

Question: The *SaVV* says that if someone steals an image or some relics in order to worship them there is no offence. It should be the same for a sūtra, but instead one always commits a pārājika.

Answer: The Buddha can be worshipped from far; as for the Dharma, one needs to keep the text (in the hands), read, and recite it. Hence, the *Bodhisattvabhūmi sūtra* affirms that worshipping (the Buddha) when he is not manifest is the greatest form of worship. If instead the aim (to which a Buddha image or a Buddhist scripture is destined) is reversed, the offences are also reversed. For example, if one makes an image for his own fruition, not available for other people (to worship), how can it be that one does not commit a pārājika (by taking it away)? If one prints sūtras for free distribution, and everybody can take them away, how can it be that one commits an offence?

Stealing what belongs to the Saṃgha

If there is a keeper, one commits a pārājika, as above. If (the keeper) himself steals something, according to *SuVV*, it is stealing what belongs to the Saṃgha and he commits a pārājika¹¹⁶.

There are four categories of properties of the Saṃgha¹¹⁷:

1. Property of the monastery used by the resident Saṃgha (considered collectively), as, for example, kitchen and warehouses, the facilities, furniture, flowers, fruit, trees and

Concerning the FHQ, it must be noted that it has a special way of indicating the name of the offences that does not necessarily corresponds to the other Vinayas. The *nihsargika pācittiya* mentioned in the text is one example of it. Master Ling Zhi says in the note that this corresponds to a *duṣkṛta*. Some Vinaya masters did not consider the FHQ worth mentioning because of its inconsistency with other Vinayas. Nevertheless, Master Dao Xuan frequently quotes from this text and sometimes its opinions may cast a different light on certain issues.

¹¹⁴ RS: “If the intention is definite, one commits the resultant offence (pārājika).”

¹¹⁵ T17, 165b.

¹¹⁶ RS, “Towards the keeper means that someone else steals something. The keeper stealing means that the one who has the responsibility uses arbitrarily (an object) or misuses something. The same holds true in case that there is no keeper and another person steals. What is said above (committing the offence towards the keeper) holds true for all the four categories of Saṃgha properties (as they will be explained below). The last sentence (the keeper committing a pārājika) refers only to the first category.”

¹¹⁷ RS, “Although many things belong to the Saṃgha, they can be entirely included into four categories. For those belonging to the first, the place is always fixed, and they cannot be apportioned (among the members as personal properties). Therefore, the name is doubled (Note of tr.: in Chinese, the name is *chang zhu chang zhu* (常住常住), the first *chang zhu* referring to the Saṃgha, the second to the place). The second category includes the food that, although belonging to a fixed place, can be divided among monastics; therefore, it is said ‘ten directions’ (the Saṃgha of the ten directions whose members are considered individually). For the third category, the number of people represents those who are present at that moment, and the objects are those that will be distributed among them. Therefore, the name is doubled (Note of tr.: in Chinese, the name is *xian qian xian qian* (現前現前), the first *xian qian* referring to the Saṃgha, the second to the place). The fourth category: although the objects have to be distributed, the number of those who will receive them is not fixed. The Saṃghakarma delimits it. Therefore, it is called ‘of the ten directions’. According to the name one can determine the nature (of the property) and divide the objects into four categories.”

woods, fields, orchards, servants, animals, etc. Their nature is to be shared among (the Saṃgha of) the ten directions and cannot be distributed as personal property (among single members). One commits the offence against the Saṃgha (considered as a single unit). The *SuVV* affirms that (this entails a) pārajika. The *MV* says that even if all the bhikṣus (of the ten directions) gathered, (these objects) could not be allotted (between them)¹¹⁸. This is always interpreted as coming into the range of a pārajika.

2. Property of the monastery shared by the Saṃgha of the ten directions, as, for example, the food that is offered to the Saṃgha (everyday) in the monastery. Its nature is to be shared among (the Saṃgha of) the ten directions, but it must remain only in the original monastery. If there is a keeper, one may commit a pārajika against the keeper. If the keeper together with someone else steals or damages something, they commit a light offence (sthūlāca).¹¹⁹

MV says that if one takes the food of the Saṃgha to one's room, one commits a sthūlāca. The *SuVV* affirms that if one takes what belongs to the Saṃgha for his use and gives it to others, one commits a sthūlāca (the same as stealing the food of the Saṃgha). If one takes away something with stealing intentions, one commits an offence according to the value. This is the fifth type of thief¹²⁰ (this being the case, it seems that there is an owner¹²¹). The *VMS* agrees.

SaVV and the *SuVV*: if one eats the food of the Saṃgha without striking a bell, one commits the offence of stealing. Moreover, if a guest bhikṣu in an empty monastery sees some food and takes it, he commits an offence according to the value of the food (it is an upper level sthūlāca¹²²)¹²³.

3. Property of the monastics present at that moment. One who steals these items commit a pārajika against the original donor. If there are many donors who make an offering

¹¹⁸ RS, "This is said to avoid that one may believe that, although (these objects) cannot be allotted inside a single territory, they could if all the monastics of the ten directions gather."

¹¹⁹ RS, "The FCNP says that (this category) encompasses all the food intended (to be shared among) the monastics of the ten directions which is consumed together after giving a signal, namely rice, cakes and all the cooked food. Someone may doubt that sauces and fermented aliments (are excluded and this category includes only) what is cooked. What is included in (the property of the monastery to be shared by the monastics) of the ten directions is what will now be distributed, no matter if it is raw or cooked. If it is not yet entered into the share of what will be offered on that day to the Saṃgha, it is included in the preceding category (property of the monastery used by the resident Saṃgha), like stored salt or sauce that are property of the monastery used by the Saṃgha. When they are taken out as daily provision they become property of the monastery shared by the Saṃgha of the ten directions."

Later, we will discuss in more detail in which way food changes owner.

¹²⁰ RS, "The *SuVV* says that there are five types of thieves: 1. The one who steals the Dharma for getting material gains, who does not follow the celibate life, but affirms he does, in order to get offerings, is the first type of great thief. 2. A bad bhikṣu who steals the Dharma of a good bhikṣu in order to get fame and material gains is the second great thief. 3. One who slanders the worthy and the saint, and steals the holy Dharma is the third great thief. 4. One who takes the expensive things of the Saṃgha and gives them to lay people as a gift to gain their favour deceptively is the fourth great thief. 5. The fifth is that quoted in the text, which in the preceding sentence is said to commit a sthūlāca."

¹²¹ The meaning is that, since the text says that the gravity of the offence depends on the value, it means that the offence is towards the owner. Hence, the note says that in this case there must be an owner.

¹²² Sthūlāca offences may be divided into three levels, upper, middle and lower according to the SV.

¹²³ RS, "Concerning not giving the signal, the two sentences do not explain the type of offence. In the note, it is assessed as sthūlāca. If one does not strike the bell, those who commit the offence may be the resident monks or the guest monks. The next sentence mentions an empty monastery, which means that there is no owner; the offence comes from not giving the signal in the same way."

The food belonging to the monastery becomes part of the second category when a signal is given. Only then, it can be shared by all monastics of the ten directions. The signal may be of whatever kind, the sound of a bell, or of a drum, etc.

and there is one single person who acts as keeper, one commits a pārajika against the keeper¹²⁴.

4. Property of the monastics of the ten directions who are at that moment present in the monastery, as for example, the five classes of light properties of the deceased. *The Sūtra on the Lay People Discipline* says that if one steals the properties of a dead bhikṣu when the Saṃghakarma has not yet been enacted, one commits a light offence towards all the monastics of the ten directions (considered one by one) (since the value of the property divided among all the members (of the Saṃgha of the ten directions) cannot reach the five monetary units, one may commit at most a sthūlāca). If the Saṃghakarma has already been enacted, one may commit a pārajika towards the monastics who are present at that moment (since the number of people has been limited, it is possible to reach the worth of five monetary units and commit a pārajika). If something has been given to a person following the indications of the dying person at the moment of death, by stealing it one commits the offence towards the person to whom the item has been given¹²⁵.

The *DV* says that the property of the Saṃgha of the four quarters¹²⁶ cannot be distributed (as personal property) among the members of the Saṃgha, among a group or to a single person. They cannot be sold, they cannot become individual property. Doing this one commits a sthūlāca¹²⁷.

Because of this (passage), someone affirms that stealing the properties of the Saṃgha does not fulfil the offence of stealing (namely, a pārajika), and they steal them. This is because

¹²⁴ The donation may be clothes, food, medicines, or whatever the donor offers and should be immediately distributed. Until the moment at which the donation is divided among the members who are present, it is usually stored by a keeper. If one steals it, one commits the offence towards the keeper. After the distribution, the objects become personal property of the single monastics, therefore stealing them is an offence towards a single individual.

¹²⁵ The text gives only the example of the property of the deceased for this category. Nevertheless, timely or untimely robes offered to the Saṃgha are included either. The procedure will be explained later. After the sticks have been already taken back and counted, newcomers have no more the right of taking a share of the offering.

¹²⁶ These items belong to the first category, namely ‘property of the monastery used by the resident Saṃgha’. Master Dao Xuan uses the term ‘property of the Saṃgha of the four quarters’ as synonym with ‘property of the monastery used by the resident Saṃgha’, namely category 1.

The story to which the text refers tells that the Buddha was traveling from the country of Kaśī to Kīṭāgiri village. In a monastery, four bhikṣus lived. When they knew that the Buddha was coming with a large retinue, they decided to leave the best lodging for the Buddha and divide among themselves the entirety of all the other properties, fearing that the bhikṣus could expropriate them. They made four groups:

T22, p. 943, b26: “The saṃghārāma and what belongs to the saṃghārāma, the lodgings and what belongs to the lodgings constitute the part of the first bhikṣu. The basins, bottles, jars, pots, cauldrons, hatchets, chisels, candle supporters and other miscellaneous items constitutes the part of the second bhikṣu. Rope beds, wooden beds, great mattresses, little mattresses, beddings and other miscellaneous items constitute the part of the third bhikṣu. Trees, wood, bamboo, grass, flowers, fruits, leaves, constitute the part of the fourth bhikṣu.”

The Buddha sent Śāriputra and Maudgalyāyana to inform the resident bhikṣus of his arrival and they answered that there was a lodging for the Buddha, but the rest was divided as personal property among them and there were no lodgings for the guest bhikṣus. The Buddha gathered the Saṃgha and said:

“These four classes of objects are the property of the Saṃgha of the four quarters. They cannot be distributed, they cannot become personal property, they cannot be subject to buying and selling and they cannot be sold by the Saṃgha, by a group or by a single person. If the Saṃgha, or a group, or a single person takes them as personal property, or divides them, or sells and buys them, the appropriation as personal property, the distribution, or the buying and selling are invalid, and one commits a sthūlāca.”

¹²⁷ JCN, p. 540: “According to this, there is not a definitive intention (on the side of the offenders). Therefore, they commit a preliminary step sthūlāca. Some people erroneously stick to this passage (deducing that stealing the property of the Saṃgha of the four quarters) never entails a pārajika. The (next paragraph) comes from this.”

they have not studied the clear words of the Vinayas yet. Stealing them is a pārajika.

DV: if one temporarily prevents the Saṃgha from using something, one commits a light offence. If one appropriates something permanently, one commits a pārajika according to the *SuVV*. *MiV*: if one with stealing intentions barter something valuable belonging to the Saṃgha, if the value reaches the five monetary units, one commits a pārajika. If the value is more than one monetary unit (and less than five), one commits a sthūlāca. *Sūtra of the Great Gathering*: stealing the properties of the Saṃgha may be equated to the five capital sins.

Stealing is common to the Three Jewels, but, among them, stealing the property of the Saṃgha is the gravest. If one damages one single little thing, one commits an offence towards every single member¹²⁸, the common persons as well as the saints of the ten directions. Therefore, among the Vinayas, the *MiV* says that many people wanted to offer things to the Buddha, but the Buddha answered, “You can make offerings to the Saṃgha. I’m one of the members of the Saṃgha¹²⁹. By making offering to the Saṃgha one ripens a great karmic result.”

The *Mahā Vaipuliya Dharani Sūtra* says, “I can still save those who commit the five capital sins and the four pārajika, but I cannot save those who steal the properties of the Saṃgha”, as the *Sun Storage* and the *Saṃgha Protection Sūtras* explain in detail.

FHQ: if one is in debt towards the Buddha, the Dharma and the Saṃgha, even if he pays back he will end up in the Avīci Hell, although (in this case) he can come out in advance. Let alone not paying back! One will never come out (from the Hell). Hence, we tell the story of the Tripiṭaka Master and his paying back (what he had stolen to the Three Jewels)¹³⁰.

➤ **Muddling**

There are four categories:

1. Muddling among the Three Jewels;
2. Muddling inside a single Jewel;
3. Muddling between the Jewel in its essence and the Jewel in its material manifestation;
4. Muddling among the objects offered.

First: Muddling among the Three Jewels

MV: the *mamadi* (the person in charge, the official) muddles what belongs to Buddha, Dharma and Saṃgha, thinking that there is no offence, but the Buddha affirms (that he

¹²⁸ RS, “Committing an offence towards any single members does not mean that one commits many offences, but that this single pārajika is committed against many objects.”

¹²⁹ RS, “There are two types of Saṃgha, namely the Saṃgha that carries out a Saṃghakarma, and the Saṃgha that receives the offerings. The Buddha is not part of the Saṃgha that carries out a Saṃghakarma, but he receives the offerings together with the Saṃgha.”

¹³⁰ The story tells of a monk who was extremely learned and intelligent, capable of leading others to the realization of the four fruits. He nevertheless was a wanton monk, who had sexual intercourse with a Brahmin woman and used freely the properties of the Saṃgha. One day on a travel he was bitten by a seven-step snake. He knew that at the seventh step he would die. He told his disciple to run to their city, refund the monastery of all he had taken away and then report to him. When the disciple completed his errand, the monk trod the seventh step and died. He was reborn in the Avīci Hell, but when he first entered the Hell, he did not feel hot and started chanting sūtras. The Hell’s denizens heard him, and many could be converted to Buddhism. Because of this, he was killed by a Hell’s guardian and was reborn in the paradise of the Thirty-Three.

commits) a *pārājika*¹³¹. It means that the official takes the provisions or the vessels or the tools or the bulls and horses belonging to the Saṃgha for the Buddha's shrine, causing them to be used for managing something (on behalf of the Buddha Jewel) and thereby committing a *pārājika*¹³². The Saṃgha using what belongs to the Buddha and the Dharma is equivalent. The extended explanation is in the Vinaya.

The *Sūtra of the Great Gathering*¹³³ says that what belongs to the Buddha and the Dharma cannot be used interchangeably, because there is nobody who can decide for what belongs to the Buddha and the Dharma, and nobody to whom one could ask. For what belongs to the Saṃgha is different. If the monastery (in its entirety) and the *caturdeśa* Saṃgha¹³⁴ reciprocally need something (possessed by the other), the bhikṣu in charge should ask the harmonious Saṃgha; after distributing the counting sticks, if the Saṃgha agrees, he may use it¹³⁵. If he wants to use what belongs to the Saṃgha in order to fix a Buddha's stūpa, he takes it according to the rules and the Saṃgha agrees, he can do it. If the Saṃgha does not agree, he should exhort the laity to fix (the stūpa). If the Buddha's stūpa has something, as much as one coin, given by a donor with profound devotion, devas as well as humans should look up to this object as the Buddha or the stūpa (itself). Even if blown by the wind or damaged by rain, one cannot exchange it into money and offer (the money instead), because what belongs to a Tathāgata's stūpa cannot be evaluated by anybody.¹³⁶

¹³¹ RS, “*Mamadi* is Sanskrit and it is the name for a (Saṃgha) official. ‘Thinking that there is no offence’ means that he does it with good intention, not with the aim of appropriating the items.”

¹³² T22, 251, c22, “If a bhikṣu is the *mamadi*, there is nothing that can be used for the stūpa, while there are things that can be used for the Saṃgha, and he thinks: ‘If devas and humans give offerings to the Saṃgha it is because we receive the compassionate love of the Buddha. Offering things to the Buddha is like offering them to the Saṃgha’, and takes what belongs to the Saṃgha to repair the stūpa, this *mamadi* commits a *pārājika*. If there are things that can be used for the stūpa, but nothing that can be used for the Saṃgha, and he thinks: ‘The Buddha also can enjoy what is offered to the Saṃgha’, and takes what belongs to the stūpa to make offerings to the Saṃgha, in the moment in which he uses them, the *mamadi* commits a *pārājika*.”

¹³³ T11, 643, c2.

¹³⁴ The term *zhao ti* (招提) seems to be an incorrect rendering of the term *tuodotishe* (拓闢提奢), transliteration of the Sanskrit *caturdeśa*, four quarters, indicating the Saṃgha of the four directions. According to one interpretation, this term refers to the Saṃgha of the four directions and therefore is simply a synonym of the monastery (*chang zhu*, 常住) and of what belongs to the monastery in its entirety and whose usage is available to all monastics of the four quarters. According to a different interpretation, the term refers only to those lodgings that are offered by the laity to the Saṃgha of the four quarters, and can be allotted to individual monks, and to the donations that are offered exclusively for these lodgings. I choose this last interpretation because in the passage quoted here from the *Sūtra of the Great Gathering*, the terms *chang zhu* (the monastery in its entirety) and *zhao ti* (the *caturdeśa* Saṃgha, or the living quarters) are evidently used to signify two different things.

¹³⁵ This means that the decision has to rely on the authority of a Saṃghakarma.

¹³⁶ This is the original passage in the *Sūtra* (T11, 643, c2): “Concerning things of usage, the bhikṣu in charge should differentiate between what belongs to the resident Saṃgha of the monastery, what belongs to the Buddha, and what belongs to the *caturdeśa* Saṃgha. What belongs to the resident Saṃgha of the monastery should not be given to the *caturdeśa* Saṃgha. What belongs to the *caturdeśa* Saṃgha should not be given to the resident Saṃgha of the monastery. What belong to the monastery and what belongs to the *caturdeśa* Saṃgha should not be muddled together. What belongs to the monastery and to the *caturdeśa* Saṃgha should not be muddled together with what belongs to the Buddha. What belongs to the Buddha should not be muddled together with what belongs to the monastery and to the *caturdeśa* Saṃgha. If the monastery has many possessions and the *caturdeśa* Saṃgha is in need, the bhikṣu in charge should summon the Saṃgha, distribute the sticks (for counting and voting) and ask the Saṃgha. If the Saṃgha agrees, he can take what belongs to the monastery and share it with the *caturdeśa* Saṃgha. Maudgalyāyana, if the stūpa of the Tathāgata is in need, or it

(Question:) If we follow this reasoning, putting mattresses for the Saṃgha in the Buddha Hall or displaying sūtras and Buddhist images in the lodgings of the Saṃgha would hinder the Saṃgha from using them, because this would be muddling. Since the status of the Three Jewels is different, (the objects) should be included in the group to which they belong.

(Answer:) The logic says that there is no problem if (these object) are temporarily put there. The *DV* says that one should not put (an image of the) Buddha in the room downstairs and live upstairs.

Question: What is the permanent property of the *caturdeśa*?

Answer: In the *Madhyamāgama* it says that Ānanda received some private lodgings and he donated them to the *caturdeśa* Saṃgha¹³⁷. Amrapāli was the first to offer a park to the Buddha and to the *caturdeśa* Saṃgha. This passage does not clarify (the different meaning of these two classes of properties). (Nevertheless), according (to the sense of it), the lodgings, etc., are the (permanent properties of the) *caturdeśa* Saṃgha; flowers, fruits, etc., belong to the monastery¹³⁸.

FHQ: if the place is not a Buddha Hall, and one puts an image of the Buddha in it, if a bhikṣu spends the night and lies down in it, there is no transgression if he uses a screen to cover it. This is because when the Buddha was in this world, he slept together with his disciples in the

is about to get damaged and destroyed, if what belongs to the monastery and to the *caturdeśa* Saṃgha is much, the bhikṣu in charge should summon the Saṃgha, distribute the sticks (for counting and voting) and ask the Saṃgha in this way, “This stūpa is damaged and is in need. The monastery and the *caturdeśa* Saṃgha have much. May the Virtuous Saṃgha listen! If the Saṃgha is ready, may the Saṃgha consent that if the Saṃgha does not want to keep what it has received as offering, either what belongs to the monastery or what belongs to the *caturdeśa* Saṃgha, I will take them and use them for repairing the Buddha’s stūpa.” If the Saṃgha agrees, the bhikṣu in charge may use what belongs to the Saṃgha to repair the Buddha’s stūpa. If the Saṃgha does not agree, the bhikṣu in charge should exhort lay people to collect enough money to repair the Buddha’s stūpa. Maudgalyāyana, if what belongs to the Buddha is much, the bhikṣu in charge cannot use a part of it on behalf of the monastery or the *caturdeśa* Saṃgha. Why? Because one should look upon these things as the World Honoured One (himself). What belongs to the Buddha, even a thread, has been offered by a donor to the Buddha with faith. Hence, devas and humans alike should look upon this thing as the Buddha and the stūpa (themselves), let alone something precious. If a robe has been offered to a stūpa, and this robe has been put in the Buddha’s stūpa, even if it may be blown by the wind or destroyed by rain, one cannot exchange it for something valuable. Why? Because what belongs to the stūpa of the Tathāgata cannot be evaluated by anybody, and the Buddha needs nothing.”

¹³⁷ Whoever monastic comes may use them. They belong to the *caturdeśa* Saṃgha, namely the Saṃgha of the four quarters.

¹³⁸ RS, “The term *zhaoti* was mentioned above. In order to avoid confusion, there is a special question about this. In the answer, (the author) quotes two passages. In the first, Ānanda transfers the donation, and the term clearly appears. The FCNP explains that offering a room for the *caturdeśa* Saṃgha means offering a room for individual use. In other words, the donor sets aside a lodging and offers it to the Saṃgha of the ten directions and offers donations specific (for this lodging). (These offerings) are not included in the properties of the resident Saṃgha of the monastery. Therefore, there must be agreement for sharing the offerings (among these two entities). Nevertheless, it is not a private lodging; hence, the name of permanent property of the *caturdeśa* Saṃgha (*zhaoti changzhu*). Next, he mentions Amrapāli, the woman of King Bimbisāra. She went to the Buddha with a golden bottle of water and said that she wanted to offer to the Buddha her park, which was the best park in Vaiśālī. This was the first offering of a park; therefore, it says, “she was the first. From ‘this passage ...’ it establishes (the definition). Saying ‘it does not clarify’ means that the text simply says that a park was offered without clarifying the beneficiary (of the donation). From ‘(Nevertheless), according (to the sense of it) ...’, since in a park there must be lodging and facilities, flowers, fruits, etc., he divides them into two categories.”

same room.

SV: The Buddha allowed to keep servants in the Saṃgha quarters, and servants for the stūpa, or even elephants, horses, cows, goats. These all have their place to which they belong, and they cannot be used in a muddled way.

SaVV: One cannot construct a Buddha's stūpa or cultivate flowers or fruit for the Buddha on a terrain belonging to the Saṃgha of the four directions, unless the Saṃgha agrees. If something has already been distributed (among the members), one may freely offer it (to the Buddha). If there is an unlimited quantity of flowers, they can be freely offered. If, because of famine (that caused the previously resident Saṃgha to leave), it is not clear how parks and fields of the Three Jewels are distributed among them, and there is nobody to whom one may ask, they may be allotted (among the Three Jewels) upon a harmonious deliberation of the Saṃgha. If the Saṃgha uses water that belongs to the stūpa or has been obtained with the assets of the stūpa, the Saṃgha commits a pārājika. If the water has been obtained for the Saṃgha, one has to distribute the sticks (for voting) and decide how much (water) one wants to give (to the stūpa). One must be careful not to go beyond; if (the quantity) exceeds (the amount decided), one commits a pārājika¹³⁹.

SV: The flowers of the trees in a park belonging to the Saṃgha can be used to make offerings to a Buddha's stūpa. If there are some fruits, it is possible to have them taken down and given (to the Saṃgha) to eat. The big trunks can be given to the Saṃgha to build lodgings and bridges. The bark, the leaves, etc., can be freely used by bhikṣus; it is also possible to borrow pots, cauldrons, bottles, basins, etc., for use¹⁴⁰.

VMS: When one has already obtained the allowance for a private lodging¹⁴¹, if he cultivates trees to get the wood and later he uses it to construct his lodging, there is no need to inform the Saṃgha. If one wants to use the trees of the Saṃgha to construct a stūpa, if the Saṃgha deliberates affirmatively he can take it.

MV: As for the firewood obtained from the trees present in the monastery, one may fix a quantity for the sauna, the kitchen, the bathroom and the private lodgings. One should not take more than this. If there is no limit, one can take as much as one needs; one should take the dry wood. If the Saṃgha needs some wood or the tree is on a terrain that is forbidden¹⁴², and the owner (of the terrain) does not allow (them taking the tree), they can have a

¹³⁹ JCN, p. 544: "Question: if one sells the water to get money, this should be a pārājika; but if the water flows everywhere and there is nobody who buys it, why saying that one commits a pārājika? Answer: Since one uses water that has been obtained with the assets of the stūpa, therefore one should assess how much work was needed; if it amounts to five monetary units, one commits a pārājika."

RS, "Water that belongs to the stūpa may be either water that springs in the terrain of the stūpa or water whose usage is limited to the stūpa. 'Obtained with the assets of the stūpa' means that the person who administers the stūpa gets it to manage it. The text says that if the one who employs his labour (to get the water) is the one who administers the stūpa, he may sell this water and the money he gets has to be used for the stūpa. It cannot be used in a different way. Otherwise, one should evaluate the price (and assess the offence). Here (the whole passage) is abridged and it simply says that the Saṃgha commits a pārājika."

¹⁴⁰ This is intended only for temporary use.

¹⁴¹ According to bhikṣu saṃghāvaśeṣa 6 and 7, a bhikṣu needs the supervision and allowance of the Saṃgha before starting with the construction.

¹⁴² It does not belong to the Saṃgha and the Saṃgha cannot use it.

monastery attendant water the tree with water mixed with the ashes of fish bones, killing it¹⁴³. Afterwards, they may inform the owner (that, since the trees is dead) they can cut and take it away. If some fields and lodgings of the Saṃgha are near a bad person (who makes trouble), one may suggest the donor changing place.

DV: King Bimbisāra wanted to offer a park to the Buddha, but the Buddha suggested him offering it to the Saṃgha. Therefore, (from this example) one understands that one cannot muddle what belongs to the Three Jewels. If something has been offered to the Saṃgha, it is possible to offer it also to Buddha and Dharma. If one has offered something to all the Three Jewels, one may use it completely according to the circumstances¹⁴⁴. One cannot break this object into three parts, going against the intention of the donor¹⁴⁵.

SuVV: Concerning what has been buried (in the terrain belonging to the Three Jewels) one may take it without transgression for offering meals or arranging ceremonies, evenly distributing the value among the Three Jewels¹⁴⁶.

What is mentioned in the passages quoted above, namely that fact that even individual members can use the firewood, grass, etc., of the Saṃgha, refers only to those whose śīla is perfect and who are pure, those who are valid members for Saṃghakarma, the ones who, according to the Vinayas, share both material requisites and the dharma. If one's śīla is deficient, and one is not a valid member (of the Saṃgha), the offences one commits are unlimited, as it is explained in detail in the sūtra quoted above¹⁴⁷. In the "Biographies of eminent monks" either (there is the story of a monk who), because of taking the trees and leaves of the Saṃgha and corruptly using them arbitrarily, had his sin recorded in a stone stele. He fell into the hell where he experienced suffering. This is because his śīla was not pure, and he had no shame and fear of wrongdoing¹⁴⁸. You who are convinced and practice sincerely: (I exhort you to) examine yourself and reflect on the teaching!

Second: Muddling inside a single Jewel

As for example, someone aims at constructing the image of Śākyamuni Buddha, but (his donation) is used instead for constructing an image of Amitābha Buddha. Alternatively, one wants to print the *Great Sūtra on the Prajñā Pāramitā* and (the donation) is used to print the

¹⁴³ Better not to follow this advice!

¹⁴⁴ One may decide which the priority is.

¹⁴⁵ Quite often, a donor who says that he wants to offer something to "the Three Jewels" means that he offers it to the monastery, therefore the Saṃgha may use it according to the needs. The best policy is in any case asking the donor in order to understand his real intentions.

¹⁴⁶ What has been buried in a terrain that belongs to the Three Jewels has to be used again for the Three Jewels; it cannot be used in a different way. This is the meaning of this passage.

RS, "What is buried must refer to what is buried in the terrain belonging to the Three Jewels and must be used for the Three Jewels. In this way, there is no offence. On the opposite, it clarifies that if one appropriates it for himself, one commits the offence of stealing as soon as the object leaves its original place. If (the place in which the object is buried) does not belong to the Three Jewels, it should be considered as private property. If there is nobody who claims possession over it, and the object is abandoned, one may commit the offence towards the original owner."

¹⁴⁷ The *Sūtra of the Great Gathering*.

¹⁴⁸ RS, "(The Biographies of Eminent Monks) tells that at Ling Yan temple in Qi district a monk died a violent death and he saw the Bodhisattva Guanyin taking out a stone stele that recorded all the sins of the monks that derived from taking the trees, leaves, and firewood belonging to the Saṃgha. This monk came back to life and informed the community about this question. 'This is because...' explains the reason for this."

Mahā Nirvāṇa Sūtra. One wants to construct lodgings for the Saṃgha, but instead (the donation) is used for buying carriages. Towards the originally intended object, the change might be logically accepted; nevertheless, since it goes against the intention of the donor, one commits an offence¹⁴⁹ for muddling (the offering).

DV: Something that is needed for this place is used for that place. Money is offered to build a Hall for the Saṃgha present at that moment, but the donation is used for providing the five robes (to bhikṣuṇīs)¹⁵⁰.

If at first one should construct a Buddha image, but diverts (the donation) to construct a bodhisattva image instead; or one wants to print sūtras, but in the end one prints treatises, this goes against both the intention (of the donor) and the logic (of the act). If (the donor's) original intention is to print Buddhist¹⁵¹ commentaries but one mixes in other commentaries, or one wants to print true sūtras and one prints (different things) up to collections composed by authors or fake sūtras, this goes completely against the (relationship between) the causal ground and the fruit¹⁵². The offence is surely a pārājika, because there is a difference between what brings merit and what does not bring merits, what is deviant and what is correct.

If (in a Hall) there are two little shrines on the eastern and western side (of the altar) that contain precious things belonging to the Buddha and the Dharma, if each has a keeper and they do not agree (one cannot move them from one side to the other). If there is no keeper, (what is placed in the two shrines) may be exchanged.

If the original intention includes both the Master (the Buddha) and the disciples (bodhisattvas, śrāvakas, etc.), and one offers all sort of things (for their worship), it is possible to use them for all. Nevertheless, they cannot be used for (making images of) cows, horses or other animals, because they do not belong to the human sphere. The *FHQ* says that it is not possible to use paint (offered for painting) the Buddha to paint birds or other beasts; in this way one commits an offence unless these (animals) are placed in front of the Buddha as offering.

SuVV: if a donor offers a park with the intention to use the (proceeds obtained from selling the) fruit to provide robes and medicines (to the Saṃgha), but one instead, with stealing intention, distributes the fruit to eat, one may commit a pārājika according to the value (of the fruit). 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 sthūlāca. If the place lacks food and people is inclined to abandon it, if there is nobody who manages (the place), it is possible, upon agreement of the Saṃgha, to use the fruit, etc., and what belongs to the monastery as food, and the abbot guards it. The same can be done with the lodging of the Saṃgha of the four directions. If some lodgings are ruined, one may sell the most tattered to fix the others. If

¹⁴⁹ The offence is not specified, but according to RS, that quotes *SuVV* and *SV*, it is a duṣkṛta.

¹⁵⁰ This refers to Bhikṣuṇī *Nihsargika Pācittiya* 20. A group of bhikṣuṇīs was reciting the Prātimokṣa in the open. A donor saw it and offered the money for building a Poṣadha Hall. Nevertheless, the bhikṣuṇīs diverted the offering to buying material for the five robes, since robes are difficult to get. The text says ‘Saṃgha present at that moment’ (現前僧) because the commentators consider that this donation had the Saṃgha present at that moment as beneficiary. This is why the bhikṣuṇīs of the story did not commit a pārājika. Bhikṣuṇīs commit a nihsargika pācittiya; bhikṣus duṣkṛta.

¹⁵¹ The text uses the word “correct” instead of “Buddhist”.

¹⁵² For example, bodhisattvahood is a causal stage, while Buddhahood is the fruit.

there is a state of chaos due to bandits, (the bhikṣus) may take with them what they can carry on them (and leave); when peace is re-established, they should return (to the monastery) and put back everything in their original place. If (a donor) wants to make an offering to this image, but one instead makes an offering to another image, duṣkṛta.¹⁵³

The books eight, nine and ten (of the *SuVV*) deal with stealing in great detail.

SV and *SNVMS* say that if one takes the property of the Saṃgha of the four quarters and, with stealing intentions, gives them to another monastery, (one commits) a duṣkṛta¹⁵⁴. Since (the objects) have been transferred to a (different) monastic community, one does not commit a pārājika. *MV*: if a near monastery is poor, and it does not have beddings or other offerings, it is possible to authorize a single territory and share the offerings.

FHQ: if a lay person asks for going forth, but he has not yet been shaved, one can share food with him after informing the Saṃgha¹⁵⁵. If one goes on alms round for the Saṃgha, asks the Saṃgha and the Saṃgha allows him to eat the alms food along the way (he can do it). If the Saṃgha does not allow it, or one has not informed the Saṃgha, one must pay back. If one does not, he commits a pārājika. If someone offers raw rice to the Saṃgha, later the Saṃgha leaves and the donor gives it to the Saṃgha that comes later, this can use it after having given a signal. If they do not give a signal, they commit a pārājika for one sack.¹⁵⁶

¹⁵³ The RS summarizes this long passage in the following way:

Muddling what belongs to the Saṃgha	Diverting the donation: if a donor offers a park with the intention to use the (proceeds obtained from selling the) fruit to provide robes and medicines (to the Saṃgha), etc....	This means using the property of the monastery used by the resident Saṃgha and distributing it as property of the monastics present at that moment	Pārājika
	If the intention is to build lodgings or other facilities for the Saṃgha, but one eats (the fruit) instead (with good intentions), etc....	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 sthūlāca.
	Exception: to protect the place, if the Saṃgha agrees one may:	Using the fruit or what belongs to the monastery as food to distribute to the residents to eat, or selling tattered lodgings to fix those that are in better conditions. Taking 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 donor wants 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 duṣkṛta.

¹⁵⁴ The duṣkṛta is justified by the fact that one has simply informed the Saṃgha, without having it carry out the Saṃghakarma. If one does not even inform the Saṃgha, the offence he commits cannot be a simple duṣkṛta. A later passage will help clarify this question.

¹⁵⁵ T24, 979 c20.

¹⁵⁶ RS, “These miscellaneous topics include three headings: first, it explains offering (food) to someone who has not yet been shaved. The text says that if the Saṃgha has been informed, (the person) can get (the food); if not, (the one who gives) commits a pācittiya. Second, taking (food) along the way. To say that one should pay back means that before going to beg for alms one must have the intention to pay back. Otherwise, as soon as (the

According to what is quoted above, one cannot take arbitrarily food of the Saṃgha, leave the territory (of the monastery) and eat it. If one has no intention to pay back, one commits a pārājika. Even if one gives the signal, one cannot avoid the offence, because this food has the nature to be confined to a fixed place. In the *DV* (there is the example of) sharing the offerings but maintaining a different Prātimokṣa recitation (which means having two different territories): one needs a Saṃghakarma and the agreement of the Saṃgha for doing it. If it were possible to share (the offerings) directly, why having (procedures like) authorizing a common territory or having a common recitation? If one has been appointed for an errand in a remote place and along the way there is no place for getting some alms food, one may take some provision upon an agreement of the Saṃgha¹⁵⁷. (This person) does not even need to give a signal. This goes according to the passage of the *SuVV* on guarding the monastery.

If a monastery has a hamlet where there is a mill, there is no need to obtain the agreement of the Saṃgha to share offerings between the (the monastery and the mill). When the signal is given in the monastery, (the person who lives in the mill) may share the food (of the monastery).

If (a monk) goes to visit a monastery (that is not his usual residence) and takes with him private servants or animals, if he uses what belongs to the Saṃgha (to feed them), he commits a pārājika, because the donors intend to give their offerings to the monastery and the resident Saṃgha. They do not give offerings to other objects, because they do not constitute a field of merit. If the monk belongs to the resident community, he commits a duṣkṛta

Third: Muddling between the Jewel in its essence and the Jewel in its material manifestation

It is the muddling between the concrete manifestation of the Jewel and the Jewel in essence.¹⁵⁸

food) leaves its original place, one commits an offence. This is true for one who goes begging on behalf of the Saṃgha. Nowadays many people take away arbitrarily the food of the Saṃgha. Although the offence is the same, the future karmic reward is not the same. Third, it explains using row rice. The row rice that has been offered to the Saṃgha is property of the monastery used by the resident Saṃgha. The previous and the next Saṃgha both can eat it upon giving a signal; this avoids committing an offence. According to what is written before, if one does not give a signal, the offence committed should be a sthūlāca. The fact that now a 'pārājika' is mentioned means that one has taken away the row rice belonging to the Saṃgha, not the cooked food (the ancients said that for cooked food one commits a sthūlāca. This treatise says that the offence is a pārājika, hence we know that it is not cooked food)."

Concerning eating alms food along the way, it is perhaps clearer to translate directly the original text of the *FHQ*: "Question: If a bhikṣu begs on behalf of the Saṃgha along the way, he himself may eat the food of the Saṃgha? Answer: if before leaving he has informed the Saṃgha and the Saṃgha agrees, he can; if he has not informed the Saṃgha before leaving, but he informs it when he comes back and the Saṃgha agrees, it is all right. If (the Saṃgha) does not agree one should pay back when returning. If one does not pay back, according to the value (of the food) one may commit a pārājika." T24, p. 979, c22.

¹⁵⁷ Food is something that can be distributed among the Saṃgha of the ten directions, but it is bound to the monastery. Therefore, it takes a Saṃghakarma, in other words an agreement of the entire monastic community, for one to be allowed to take some food away. The praxis is to carry out a Saṃghakarma once and forever, so that anybody who needs to go on an errand and has no place to go eating may take something in his bowl and leave. This is further explained in the next passage.

¹⁵⁸ RS, "There are four conditions of the Three Jewels: 1. The one essence (It means that the nature of the Mind of sentient beings is already endowed with the Buddha, the Dharma and the Saṃgha. This is proper to Mahāyāna). 2 The transformed form (as, for example, the Buddha Śākyamuni, the four Noble Truths, the discriminating consciousness arising with the first five sense

SaVV. Question: When the Buddha was in the world, he always received the share of one single individual anytime there was something offered for the three Jewels. Why, after his *parinirvāṇa*, he takes one third of it?¹⁵⁹

Answer: When the Buddha was in the world, his physical body enjoyed the offering. Therefore, he took the share of one single individual. After his *parinirvāṇa*, one gives offerings to the Dharmakāya, whose virtues and merits stand above those of the Saṃgha; therefore, he takes the share for one Jewel. Moreover, when the Buddha was in the world, if a donor said that he wanted to give an offering to the Buddha, he intended that the physical body of the Buddha was the beneficiary. If he said that his intention was to give an offering to the Buddha Jewel, it meant that the offering should have been placed in a stūpa (containing) nails or hairs (of the Buddha) as an offering to the Dharmakāya, because the Dharmakāya always abides in the world.

If one gives an offering to the Dharma, one should make two shares, one share is for the sūtras, one share is for those who recite the sūtras and lecture on Dharma. If one gives offerings to the Dharma Jewel, these should be placed in a stūpa.

If one gives offerings to the Saṃgha Jewel, these should be placed in a stūpa to worship the Saṃgha of those who have attained the ultimate. If one gives offerings to the monastic community, both common persons and saints can benefit from it. In other words, there is no limit.

According to what has been said, when receiving an offering one should understand clearly what is allowed and what is not. Do not let them be muddled. This would lead to loss.

Fourth. Muddling among the objects offered

First, there are four categories of objects belonging to the Buddha¹⁶⁰.

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

consciousness, etc.) 3. The essence (the fivefold virtues that perfect the Dharma body, the *nirvāṇa*, namely the truth of extinction, the virtues and merits of those who are in training and those beyond the training). 4. The abiding (the images, the books of the sūtras, subject to decay). The first two are not the topic of the discussion here. The third and the fourth both concern the final period (of the Dharma), because the intention of the donor is different (in the two cases). Therefore, there is the need to clarify. Although the term ‘Jewel’ is the same, here it is used only referring (to the essence): an image is (a jewel as) the abiding (manifestation), while ‘Jewel’ refers only to the essence.” The fivefold virtues that perfect the Dharma body are *śīla*, *samādhi*, *prajñā*, liberation and the knowledge of liberation.

¹⁵⁹ JCN, “When the Buddha was in the world, if a donor said that he wanted to donate to the Buddha and the Saṃgha, or to the Buddha, the Dharma and the Saṃgha, the Buddha took one share of it. If, after his demise, one says that he wants to give a single offering to the Buddha, the Dharma and the Saṃgha, one means that one third is offered to the Buddha Jewel, one third to the Dharma Jewel, and one third is distributed for use among the members of the Saṃgha. If the donor says that he wants to give an offering to the Three Jewels, the (three shares) have to be placed in the stūpas (which represent the) essence (of them). The (Jewel as) transformed form and as the abiding (form) cannot use it, as it will be explained later. According to this, the term ‘Jewel’ refer only to the truth in essence.”

¹⁶⁰ RS, “All what belongs to the Buddha and the Dharma is included into four categories. The first two include ‘heavy’ properties, and (the text) differentiates what is allowed and what is not only in reference to their usage. The last two are ‘light’ properties, for which there is a difference between permanent appropriation and temporary use.”

different, as already quoted from the *Sūtra of the Great Gathering*. The *FHQ* 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 *DV* 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 *Devotion of Buddha Images* (in book 37 of *GPV*).

2. What is offered and owned (but not directly used). The *FHQ* says it is possible to use some properties of the Buddha to buy worshipping tools for making offerings. *SV*: the Buddha allowed getting an interest from what belongs to the stūpa. The *FHQ* says that what belongs to the Buddha cannot be moved to other temples. One would commit a pārājika. If all the monks are about to leave and the Saṃgha allows it, they may take away everything¹⁶¹ 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 offence¹⁶².
3. What is offered for worship. *MV*: 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 fund¹⁶³ of the Buddha. The *FHQ* 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 possible¹⁶⁴. According to this passage, if one wants to divert something for a different use, one cannot change its material¹⁶⁵. The *Mahā Prajñā Pāramitā Śāstra* affirms that if one paints an image of the Buddha and someone, judging the image ugly, alters it

¹⁶¹ Statues, sūtras, etc.

¹⁶² RS, "Second, what is offered and owned (but not directly used): they are money, treasures, parks, men, animals, etc. They cannot be used; they belong solely (to the Buddha). There are three parts in the quoted text. The first, it quotes the śāstra to explain that (these items) may be exchanged (with something else). From 'SV' it explains (the question about) the interest (that might accrue). From 'FHQ' there are two parts. The first explains when moving the items is allowed and when not. From 'if a bhikṣu' it explains the usage by a private individual. In the śāstra there are three parts. The first says that if (the bhikṣu) makes (something) for others and gets a reward, he cannot accept it, because it belongs to the Buddha. The *GPV* adds also making sūtras, but in the original śāstra this is absent. From 'if he gets' starts the second part. (The śāstra) asks if a bhikṣu who makes some work for the Buddha and obtains servants, cows, or donkeys for the Buddha, may borrow them. The answer is that if he knows that they belong to the Buddha, he cannot. The *GPV* simply says 'he cannot'. The category of the offence is not specified; it simply says 'a great offence'. One should assess this offence according to what has been said already concerning stealing what belongs to the Buddha. Following, (the śāstra) continues saying that one cannot use a little boy who is a servant of the Buddha, because he belongs to the Buddha. The *GPV* does not mention it."

¹⁶³ A fund that is always available and accrues continue interests.

¹⁶⁴ JCN, p. 548: "Question: if the donor does not agree, but one arbitrarily changes (the destination of the object), which offence does one commit? Answer: according to what said above by the *GPV*, one commits a pārājika because of cutting off the field of merit of the donor; if one neither cuts off the field of merit of the donor, nor uses the donation for oneself, one commits a duṣkṛta because he simply goes against the intention of the donor. Therefore, in this book (book 17), at p. 31, the *GPV* says that if one simply goes against the intention of the donor he commits only the offence for muddling, and the RS explains saying that 'going against the intention of the donor means to go against his wish. In the text, the offence is not specified; according to what comes later one commits a duṣkṛta'."

¹⁶⁵ 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.

(to improve it), this person cultivates merits. If instead, one damages it with bad intentions, one commits an offence.

4. Oblations. The *DV* says that the food that is offered to the stūpa may be eaten by the guardian of the stūpa. The *SuVV* 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.

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.

Third, the explanation concerning (what belongs to) the Saṃgha¹⁶⁶.

Concerning the two categories of what belongs to the monastery¹⁶⁷, 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.

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 sthūlāca (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 rules¹⁶⁸. 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.

The servants or animals that belong to the monastery cannot be sold or bought. According to the sūtras¹⁶⁹, one would thus commit a pārājika. The Vinayas do not say anything. In the *MV* it says that if someone offers a servant to the Saṃgha, this should not be accepted. One can infer the meaning from this.

If we discuss the two categories of what belong to the monastics¹⁷⁰, the offences (one may commit) because of muddling are assessed as already explained above. Concerning the light

¹⁶⁶ 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 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.”

¹⁶⁷ 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.

¹⁶⁸ RS, “Not in accord with the rules means that the person in charge has committed a mistake. From “the possibility or not ...etc.” refers to muddling,

¹⁶⁹ Nirvāṇa sūtra.

¹⁷⁰ 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.

and heavy properties (of the deceased)¹⁷¹ if the assessment of the items and the distribution do not agree with the teaching of the Vinaya, one commits two offences¹⁷².

➤ *Loans*

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 offence¹⁷³.

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.

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 either¹⁷⁴.

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.

¹⁷¹ Light properties are those that can be distributed among the members of the Saṃgha and enter into the category 4, property of the monastics of the ten directions who are at that moment present in the monastery. After having assessed the number of those who are present, the items are distributed among them, starting from the elder one. Heavy properties become the property of the monastery, and therefore enter into category 1, property of the monastery used by the resident Saṃgha (considered collectively).

¹⁷² RS, "If one attributes a heavy property to the (group of) light properties, one commits a pārājika. If one attributes a light property to (the group of) heavy properties, one commits a sthūlāca. Both are equally against the teaching (which is a) duṣkṛta."

¹⁷³ Duṣkṛta.

¹⁷⁴ The consuetude is that when Vinayas and Sūtras disagree over an interpretation of a rule as in the case under consideration, one should follow the Vinayas.

RS, "The sutra says that if a monk bodhisattva has monastic disciples, he should first exhort them not to be lazy. If they lack what they need, when they are sick he should help them. If he is poor, he may borrow something from the Three Jewels. When (the disciple) is cured, he has to pay back ten times. The text speaks of both monastic and lay disciples."

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

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 *matrka*¹⁷⁵, 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 official¹⁷⁶, 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 digest¹⁷⁷. 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*¹⁷⁸.

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 come one may give them all they want at any time without limit¹⁷⁹. *MV*: If they are

¹⁷⁵ Abhidharma.

¹⁷⁶ 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.

¹⁷⁷ “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.

¹⁷⁸ *Seng Wang Da Gang* (僧網大綱), *GPV*, book 7.

¹⁷⁹ 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 bhikṣus 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.’”

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 ask¹⁸⁰. *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 Dharma¹⁸¹, 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 offence¹⁸² 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 half¹⁸³.

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.

The detailed discussion about who can enjoy the food of the Saṃgha and who cannot, is expounded in the preceding chapters¹⁸⁴.

Stealing what belongs to human beings

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

¹⁸⁰ 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.”

¹⁸¹ 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.”

¹⁸² Saṃghāvaśeṣa. It refers to BP and BiP, Sa12, *Corrupting families and rejecting the admonition of the Saṃgha*.

¹⁸³ If the price exceeds two monetary units and half, the sick bhikṣu should refund the Saṃgha of the exceeding amount.

¹⁸⁴ *Seng Wang Da Gang* (僧網大綱), GPV, book 7.

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 *SuVV* 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 house 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 pārajika). 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 it¹⁸⁵. 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

¹⁸⁵ 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.

a refund. If (the refund) is worth at least five monetary units, (the claimant) commits a pārajika.

3. The owner of something stolen¹⁸⁶. *SV*: If in a community something is lost, the chief cannot recover it by inspecting (the rooms)¹⁸⁷. He should instead let it be put (in a place)¹⁸⁸ 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)¹⁸⁹:

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 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 pārajika¹⁹⁰.

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 pārajika. 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 pārajika. 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)

¹⁸⁶ RS, “This specifically refers to the original owner.”

¹⁸⁷ 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 pārajika.

¹⁸⁸ 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.

¹⁸⁹ 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.”

¹⁹⁰ 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).”

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*¹⁹¹, 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).

SV: if a bhikṣu is imprisoned by a robber, but he manages to set himself free¹⁹², there is for him no offence. Nevertheless, if the master rescues his disciple and takes him back, he (the master) commits a pārajika.

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 accepted¹⁹³. Having accepted it¹⁹⁴, 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 destination¹⁹⁵.

¹⁹¹ *The Buddha teaches the Vinaya Sūtra*, T18.

¹⁹² 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.

¹⁹³ 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.

¹⁹⁴ The text assumes that the donation is a robe.

¹⁹⁵ 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.

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 may not accept it¹⁹⁶.
7. **People under guardianship.** *SuVV*: 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 offence¹⁹⁷. (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 pārājika¹⁹⁸.

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***¹⁹⁹

The *VDPS* lists the greatest number 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 snake²⁰⁰. Someone stealing earth, water, fire, wind or air, etc., may also commit a pārājika. All these

¹⁹⁶ 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)."

¹⁹⁷ RS, "Taking one of these is not an offence because they have no guardian."

¹⁹⁸ RS, "The owner is the guardian."

¹⁹⁹ This heading has been added by the translator.

²⁰⁰ 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.

cases should be assessed under the rule against of stealing.

The explanation says that some saints were masters (in curing bites from) breast-crawling snake²⁰¹ 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 pārajika.

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 pārajika 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 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 pārajika.

Next, (the text speaks of) the six elements. The first three are obvious²⁰². (Concerning the wind element) if there is a fan on which a magic spell has been cast or that has been smeared by some medicine²⁰³ 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).

Stealing what belongs to non-human beings or animals

We first explain what belongs to non-human beings. If there is a keeper, it is against the keeper that one commits the offence. *MiV*: if one takes away banners that cover a house or robes put in a deity's shrine, if there is a keeper and this has not yet given up the object, in case the object is worth five monetary units, one commits a pārajika. *MV*: stealing what is placed in the temple of another religion or at the sacrificial shrine of a deity is a pārajika.

If there is no keeper, one commits the offence against the non-human being. Hence, the *SV*

²⁰¹ The explanation says that it is a snake that moves forward with its breast in front.

²⁰² Stealing earth, water or fire.

²⁰³ By fanning oneself with this fan, one can be cured from his diseases.

says that if one steals a robe put on an image of a deity, or flowers and garlands, etc., one commits a *sthūlāca*. *SuVV*: taking away what belongs to spirits and what people have tied up on trees is not an offence because these things have no owner (in other words, non-human beings do not take care of them either). *SaVV*: Stealing what belongs to non-human beings is a grave *sthūlāca* if the value is more than five monetary units and a light *sthūlāca* if the value is less than four.

Nowadays many people take robes and objects from (the worship places) of spirits, and wander whether it is possible to apply the same logic as above²⁰⁴. Although there is nobody who acts as keeper, it may be that the spirits are cherishing these objects. It is possible to cast a divination to know whether (the spirit) has relinquished the object or not.

Stealing what belongs to animals. The *DV* does not say anything about this²⁰⁵.

Someone judges (the act of stealing of belongs to animals) in the same way as a *pārājika*. In the *DV* it says that a mouse stole some nuts and accumulated a huge amount of them (in the monastery). The *bhikṣus* stole them and the Buddha said (that they had committed) a *pārājika*²⁰⁶.

The explanation is that (the offence occurs) not against the animals, but against the original owner, because the mice do not have yet the certainty of possession²⁰⁷. Against a human being means against the original owner; therefore, it is against a human being that one commits a *pārājika*. For the rest, it is as (explained) in the other *Vinayas*. *SV*: if one takes away the leftovers of a tiger's (meal), he commits a *duṣkṛta*, because (the beast) has not yet renounced to it. Taking away the leftovers of a lion's (meal) does not entail any offence²⁰⁸. *SaVV*: Taking away the leftovers of the meal of birds and other beasts entails a *duṣkṛta*.

Second: (The thief) knows that there is an owner

If (the offender) thinks that there is no owner and does not change his perception from the beginning to the end, there is no offence. If he changes his perception at the beginning or at the end, he may commit a light or a heavy offence accordingly, as explained in detail in *Methods and rules concerning the evaluation of the offences*²⁰⁹.

Third: The intention to steal

Concerning this topic, even truly virtuous persons cannot (sometimes) avoid (committing an offence). It is because of the intention of stealing that one commits an offence, not because of

²⁰⁴ In other words, they treat them as abandoned items without owner.

²⁰⁵ RS, "In the *DV* a *bhikṣu* steals something from the nest of a bird or from the hole of a mouse and he is later assailed by doubt. The Buddha says that animals do not need (those objects); therefore, there is no offence. Nevertheless, one should not take those things away (according to this, the offence should be a *duṣkṛta*, but the text does not clarify this)."

²⁰⁶ T22, "978, a27: "Not far from the monastery there was a village. The mice used to go to the village to take nuts and come back, until they accumulated a huge heap of them in the monastery. The *bhikṣus* of the group of six with stealing intentions took and ate them. They were assailed by doubt. The Buddha said, 'Pārājika'."

²⁰⁷ RS, "It is difficult to assess the intention of an animal. One may infer it in reference to the fact that (the object) has not yet been stored, or not yet been eaten."

²⁰⁸ RS, "The old explanation is that this beast does not eat cold meat, and it is not attached to the leftovers."

²⁰⁹ Chi Fan Fang Gui (持犯方軌). This chapter of *GPV* occupies books 26 and 27 and treats in detail all the possible parameters to be taken into account when assessing an offence. An integral translation will be presented in the second volume of this work.

the characteristics of the object. Hence, the *MV* says that the person in charge in a monastery meddling what belongs to the Three Jewels with good intentions commits a *pārājika* because of stealing. He commits the offence because of ignorance. The *DV* either says, “I say that this person has committed a *pārājika* because of his ignorance.” This principle is difficult to understand, as explained later in the *GPV*.

The *SV* lists six types of stealing intentions: getting by urging harshly, getting by intimidating others, getting by boasting the acquaintance with influential people, getting by conflict (one borrows something with a pretext and does not give it back), getting what has been entrusted, getting by usury. With the exception of usury, in the other cases one may commit a *pārājika*.

SNVMS lists three types: getting violently, getting with soft words (by deception), taking back what has already been given (the *Sūtra on the Lay People Discipline* either lists these as stealing).

The *MiV* lists four types: taking what belong to others by cheat, roundabout, getting angry, threaten, are all cases of stealing intention.

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 *pārājika*. It is the same case as (the already mentioned example) quoted in the *MV* about the person in charge in a monastery (*mamadi*) (who muddles the properties of the Buddha and the Saṃgha).²¹⁰
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 *pārājika*.
4. Threatening intention. One obtains wealth either by menacing and shouting, or by explaining the Dharma (in a way that it instils) fear²¹¹, 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.²¹²
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 offence²¹³.
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.

²¹⁰ Book 17, p. 25, b5.

²¹¹ 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.”

²¹² RS: “The first five are the five types of intentions; the following five are five method of taking.”

²¹³ 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 *pārājika*.

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.

All the passages quoted above give witness of the karma of the mind. I have listed (the different types) only briefly. It is nevertheless enough to create a wall (against the arising of such intentions) in order to defend (oneself) from running after the illusory objects.

Fourth: Valuable objects

It means five monetary units and the law (by which the limit of) five monetary units (has been chosen), and various other questions.

SaVV. Question: If one steals five monetary units, he commits a *pārājika*, but according to which currency? Answer: there are three explanations. 1. One may rely on the method in use in the Magadha country and use their currency to set the limit. 2. One may use whatever currency used in a Buddhist country to set the limit. 3. The Buddha relied on the legislation of the Magadha country by which the death penalty was inflicted for a theft of five monetary units and instituted the rule accordingly. Now, one may use as limit the value of an object whose theft would be considered worthy of death penalty in a Buddhist country. Although there are three explanations, the commentator²¹⁴ prefers the last one²¹⁵.

Nevertheless, concerning the meaning of five monetary units, the *SV* and the *SaVV* have different explanations. The assessment of the offence should be done taking into account all the parameters (that we have explained up to here)²¹⁶. (Nevertheless, when it comes to us) we should go by the strictest standards in order to protect (our precepts). Therefore, the *Vinaya* says that one should not steal even one blade of grass or one leaf.

Modern teachers are concordant in using the *SV*'s (definition). It says that the stealing of five

²¹⁴ The author of the *SaVV*.

²¹⁵ RS, "The first and second explanation both concern the limit of five monetary units. The last explanation uses the death penalty (as limit), without taking into account the value of the objects (stolen). The first is the same as the *SV*; the second fits with the (interpretation of the) Nan Shan school; the third is the one adopted by the author of the treatise. The *FCNP* (either) quotes (the passage in) the *SaVV* in which one asks about the characteristics of stealing. The first explanation (refers to) the currency originally used (in Magadha), but how can we evaluate (how much it is worth)? (This eliminates the first interpretation). Then, (the author) explains (the interpretation according to which one can use the value that) in a certain country is set for sentencing the death penalty in the present days. In this case either the explanation is confused, because (this is a parameter) on which it is difficult to rely and make evaluations (this eliminates the third interpretation)."

²¹⁶ The Master exhorts those who have to assess the offence of a third person to take into account all what may be useful in judging an act, without being lenient, but without being too rush either in passing a sentence that may be too severe.

monetary units refers to the ancient copper currency and entails a pārajika²¹⁷, which corresponds to stealing little monetary units (worth) eighty *wen*²¹⁸.

According to the place where the theft takes place, (stealing the value of) five monetary units in the actual currency entails a pārajika. *MV*: every country has a legislation that is not fixed, (therefore) assessing stealing cannot be done (always) in the same way. We (therefore) adopt the legislation of King Bimbisāra, by which stealing four monetary units and three dimes entails a pārajika. The *DV* simply says ‘five monetary units’. According to this (evidence), we reject the above mentioned (Sarvāstivāda) Vinaya and the Treatise (*SaVV*)²¹⁹ and (we adopt) this last explanation as the best. Concerning (the expression) ‘four monetary units and three dimes’, the *SuVV* explains it as equivalent to five monetary units.

In the *SuVV*, if one steals something precious from a jar, he introduces the hand (into the jar) and then takes it out (with the objects), as soon as (the objects) leave the mouth of the jar, one commits a pārajika. It further explains that as soon as (the objects) leave their original place, one commits a pārajika, even if (the objects) have not yet been extracted from the mouth of the jar²²⁰. The author (of the *SuVV*) affirms that in the Vinaya it is advisable to comply with the strictest standards. (One should assess the offence) upon investigating five matters, the place (from which the object has been taken), the time, whether (the object) is new or old, etc.²²¹. It is through this passage that it gives evidence that one should consider five monetary

²¹⁷ T23, p. 380, b6, “How much are five monetary units? Answer: either one copper coin or sixteen little copper coins.”

²¹⁸ The *wen* (文) was the chief currency used in ancient China. RS, “One ancient coin is equivalent to 16 (*wen*); five monetary units are therefore equivalent to 80 (*wen*).”

²¹⁹ The *SV* holds the interpretation that one should use the currency of the Magadha country; the *SaVV* holds the interpretation that one should fix as limit that which entails the death penalty in a certain country. The interpretation chosen by Master Dao Xuan is the one that says that one should take as limit five monetary units in the actual currency of a country.

²²⁰ RS explains that the text says that the objects lie at the bottom of the jar. As soon as they leave the bottom, one commits the primary offence. There is no need to wait until the objects leave the mouth of the jar.

²²¹ RS: “Concerning the five matters, the text says that a wise Vinaya Master should evaluate an arisen dispute only after having considered five matters. The place: ‘I want to take this object’, after having said it, one commits (already) an offence. One should assess whether this object has an owner or not. If it has an owner, one should assess whether the owner has renounced to the object or not. If he has not yet renounced to the object, one should evaluate the offence according to the Vinaya. If he has already renounced the object, one commits a pārajika. (Note of the translator: Usually, if the owner has already given up the object, the one who takes it does not commit a pārajika. Why the author evaluates the question in this way it is a matter of conjecture) (this is the first matter). The time, namely the time at which one takes (the object). This robe sometimes may be cheap and sometimes expensive. If (it is taken) when it is cheap, one should assess the offence according to the cheap price. If (it is taken) when it is expensive, one should assess the offence according to the expensive price (this is the second matter). (The text) further says that some things are expensive when they are new and cheap when they are old. For example, a new iron bowl, being completely clean and without holes, is expensive at the beginning. Later, he may develop holes and break; therefore, it becomes cheap. Therefore, one should evaluate the price according to the time (being new and being old are two matters). (The text) further mentions those things that are usually going together with one (things that go together with one is one matter. This is further divided into five headings, namely:) 1, knives and hatchets are expensive when they are new, and cheap when they are old. If one steals a hatchet, one should ask the owner for how much he bought it. If he says that he bought it for one share (five monetary units), one should further ask if he has ever used it after buying it. If he has used it, it has become old. 2, a cup for eye medicine or a door lock become old if they have been burned or have been polished. 3, a bathing cloth, if it has either been washed or used to wrap something, should be considered old. 4, ghee or oil, if they have been put in a different container or have been stepped over by insects and ants, must be considered old. 5, if a bhikṣu has stolen something, one should ask the owner (about it). If he has never used it, it is expensive. If he has already used it, it is cheap. We should know this. These are the five matters. A Vinaya Master should carefully examine the case and only after this emit a

units (as limit).

Second, according to the meaning there are six different explanations:

1. *SV* and *SNVMS*: (concerning) the value, a currency has periods of high value and periods of low value, in such a way that, when the currency is highly valuable, one may commit a *pārājika* even when stealing one coin; when periods of low value of the currency occur, (stealing) one million entails a lesser offence.
2. *DV*, *MiV*, and *SuVV* say that if one steals (an object) in a place where the currency has a high value and sells it where the currency has a low value, one should assess the price according to the place where the object has been stolen.
3. *SuVV* says that if one steals something when the currency has a high value and sells it when the currency has a low value, one should assess the offence according to the (value) at the time (of stealing). The (situation expressed by) the reverse of the three statements above²²² all entail light or heavy offences in the same way.
4. *SVNMS*: (the case in which) one steals as much as five thousand monetary units but does not commit a *pārājika*: one steals frequently (up to) four monetary units, but anytime gives up the intention (of stealing). (The case in which) one does not get anything but commits a *pārājika*: it is like (the case mentioned in) the *DV* of one who burns (other people's belongings) or destroys them, or teaches someone (to do alike).
5. Committing a *pārājika* without getting up to five monetary units. As (the case recorded) in the *DV*: a group of people sends one person to steal up to five monetary units, and later they divide the profit among them (each getting less than five monetary units); or they go together stealing, and later they put together the profit. Since the total value is five monetary units, all those who have participated in the theft commit a *pārājika*.
Committing a light offence while getting more than five monetary units. As in the *SV*: one who steals what belongs to many people, when the objects have not yet been divided is a case of this. In other words, it is a case like stealing the light property of the deceased²²³.
6. Committing a *pārājika* by stealing one monetary unit from five people. *MV*: five people each give one monetary unit to one person to take care. If one steals (the amount) he commits the offence against the keeper. *SuVV*: if one wants to understand the characteristics of stealing, (he should examine the case of) four *bhikṣus* who teach each other reciprocally. Together, they steal six monetary units belonging to one single person, and they (differently) commit *pārājika* and/or *sthūlāca*. The act

sentence. (The reason why the *GPV* quotes these two passages (is because) the first gives evidence of the fact that one should go by the strictest standards (when evaluating the matter), while the second gives evidence that (one should evaluate the matter) according to the place, which waves aside (what stated in the first passage). According to these two meanings, we may fix the limit of five monetary units (for committing a *pārājika*)."

²²² The first statement does not change: one has to take into account the temporal changes in the value of a currency. The second statement: one steals (an object) in a place where the currency has a low value and sells it where the currency has a high value. The third statement: one steals something when the currency has a low value and sells it when the currency has a high value.

²²³ In the last paragraph, the objects that are stolen belong to the fourth category of *Samgha* property as described above, 'property of the monastics of the ten directions who are at that moment present in the monastery'. Before the *Samghakarma* after which one assesses the number of the participants in the division, the objects belong to the *Samgha* of the ten directions, virtually all the monks and nuns present in the world. Therefore, the value of the item can never reach the limit of five monetary units, as already explained.

perpetrated by oneself cannot cumulate with the act of teaching others (to steal); this (last one) is simply a *sthūlāca*. One should be clear on this point.²²⁴

Five: Removing an object from its original place

The *DV* says pulling something by rope or hiding something by burying (it somewhere else): for any action, if one tries but does not succeed, one commits a *sthūlāca*. *MiV*: if something is buried in the ground, if one gives rise to stealing intentions (about it), he commits a *duṣkṛta*; if one digs the soil, he commits a *pācittiya*; if one grasps the object, he commits a *duṣkṛta*; if he moves the object, he commits a *sthūlāca*; if he removes it from its place, he commits a *pārājika*.

We use ten sentences to explain the meaning of removing from the original place:

1. Removing from the place when the result of an investigation is written down. As the case of a *vinaya* master who has to record (the objects belonging to a deceased person) and assigns a heavy property as light, assessing improperly what belongs to the *Samgha* (thereby committing a *pārājika*). *SuVV*: one writes down the description of a piece of land (intentionally changing the boundaries); when he changes the first side, he commits a *sthūlāca*. When he changes the second side, he commits a *pārājika*.
2. Establishing (a right) through speech. *SuVV*: if, with stealing intentions, one proclaims, “This is my land for sure!”, and the owner give rise to doubt, one commits a *sthūlāca*. If (the owner) decides to give up the property, one commits a *pārājika*. If (the owner) comes to ask the *Samgha* (about the question) and they answer in the same way, they all commit a *pārājika*. If one is involved in a litigation concerning parks and fields, if (the monk who is called to arbitrate between the two litigants) gives (the property) judging against what is right or (one of the litigants) obtains (the property) through a judgment done against what is right, or one pronounces (biased) oral judgments concerning many affairs, or one lies about his seniority, declaring to have more *varśas* to obtain something, these cases all entail a *pārājika*. As what recorded in the *DV*: if someone steals (an object) by deceiving (the owner) through skilled speech or by confusing people, one commits a *pārājika*.
3. Moving the stakes (that delimit a field). *SuVV*: when one moves the first stake, he commits a *sthūlāca*; when he moves the second stake, he commits a *pārājika*²²⁵ (they are used to measure the dimension of the land). Even if one gets (as much as) a hair or a (grain of) wheat, one commits a *pārājika*, because the land is profound and invaluable. It is like (stealing a land) through a fixed rope²²⁶.

²²⁴ T24, p. 739, c9. “There were four *bhikṣus*, one was the master and three were his disciples. They wanted to steal six *māsakas*. The master said to the disciples: ‘You steal one *māsaka* each and I will steal three.’ The eldest disciple said: ‘Our *upādhyāya* will steal three, I will steal one; you two steal one each.’ The other two taught each other in same way. Since the master stole three monetary units, he committed a *sthūlāca*; having taught his three disciple (to steal one *māsaka* each) he committed another *sthūlāca*. Why? Perpetrating the theft is one thing, teaching others to steal is another thing. Why did the three disciples commit a *pārājika*? Because they taught the others to steal five *māsakas*; this is why they committed a *pārājika*.”

²²⁵ RS, “The text quotes (the example of) committing the offence by stealing (land delimited by) two stakes. According to the *śāstra*, if one steals (a land delimited by) three stakes, moving the first entails a *duṣkṛta*; moving the second entails a *sthūlāca*; moving the third entails a *pārājika*. Up to stealing (a land delimited by) ten stakes: (moving) the first eight entails a *duṣkṛta*; (moving) the ninth entails a *sthūlāca*; (moving) the tenth entails a *pārājika* (the ancient said that (moving) the first nine one commits a *sthūlāca*, but I cannot find any scriptural evidence of it).”

²²⁶ JCN, p. 564: “If one with stealing intentions wants to appropriate another person’s land through a fixed rope, when he fixes the first extremity of the rope, he commits a *sthūlāca*; when he fixes the second extremity of the rope, he commits a *pārājika*.”

4. Distributing counting sticks. *DV*: one steals or hides sticks for counting people or for distributing requisites, shortening what is available (to others).²²⁷
5. Altering the colour (and form). *SV*, *SaVV*: if there are rugs, blankets, wool carpets on which trees with branches, leaves or flowers are embroidered, and one, with stealing intention, pulls (the threads) from the leaves of the trees to the flowers, one commits a heavy offence. Or, if one borrows another's robe or bowl and alters it purposely, depriving the owner of (the value of) five monetary units, one commits a *pārājika* either. The *DV* says that it is because one alters the form (of the objects).
6. Changing the pieces (of a game)²²⁸. For example, moving the pieces in a *Chaupar*²²⁹ game as mentioned in the *SV*. *MiV*: if one gambles, he commits a *duṣkṛta*.
7. Removing an object from its place without removing it. As in the *MV*: one steals the cow or the horse of someone but cannot fulfil his goal. Although the four legs (of the animal) have moved forward, one does not commit a *pārājika*.²³⁰
8. The case in which not removing from the place means removing. As in the *SuVV*: if one steals something in a deserted place, he is absolutely sure beyond any doubt (that he will succeed). It is like throwing a stick in the air: it will surely fall down again. Therefore, as soon as one moves the object, he commits a *pārājika*.
9. Not removing from the place interpreted as removing from the place. As in the *DV*: if one steals fields and houses of someone, or attacks and destroys a village, burning, burying, and destroying things, all these acts entail a *pārājika*.
10. Miscellaneous cases of removing from the place. Like things blown in the air, stealing birds, (stealing things placed) on racks, interrupting the course of a stream, etc. There is not enough place to discuss all these cases. A complete exposition is in the *FCNP*²³¹.

²²⁷ As in *DV* 977, a15. See above in the *Samyuktavarga*. *RS*: "One distributes many sticks to manage in a way that (others) get few things or he does not distribute the sticks to get more things. Although this is not the meaning of the text, these things really happen." *JCP* explains (p. 565) that the first happens when, for example, there are 50 people, but one distributes 60 sticks (which means that there are sixty shares). After all, have taken their share, there are still ten of them that have not yet been distributed and that the thief takes for himself. The second example happens when there are, for example, 60 shares, but one distributes the stick for only 50 shares, and takes the other ten for himself.

²²⁸ Gambling.

²²⁹ Indian game imported to China as early as the second century of the Christian era, and known in China as *shupu* (擲蒲).

²³⁰ The case is that of someone who wants to steal a cow or a horse, but the animal goes in a direction different from what the thieves wants, thereby frustrating his attempt.

²³¹ *RS*, "The explanation of 'place' in the *DV* lists thirteen types. In the *FCNP* they are explained one by one. I now briefly list them: 1, in the ground (in other words, things hidden (in the ground). If there is an owner, one commits the offence against him. Concerning the ground of the Buddha or to the *Samgha*. (what is buried in it) belongs to the Buddha or the *Samgha*); 2, on the ground (as getting something on the ground of a path); 3, carriers (elephants, horses, or other carriages. If one steals what is on the carrier, he commits the offence as soon as the object leaves the carrier. If one wants to steal even the carrier, one commits the offence when this leaves the place); 4, (items) carried on person (it is the same as carrier; (the matter) is divided into two (separate headings)); 5, air (clothes, birds, etc., all what is blown by wind (into the air). If one wants to steal (these things) this is what is meant by '(removing from) air'. To evaluate 'leaving the place', (we take the example of) *SuVV*. If one wants to steal a bird that is flying in the air, the offence (is assessed according to the part of the bird that has been moved) from the left wing to the right wing, from the tail to the head, and similarly from top to bottom. If one takes all (the bird) one commits a *pārājika*.); 6, racks (if one takes the objects (that are hanged on them) one commits a *pārājika* as soon as the objects leave the rack; if one wants to steal even the rack, one commits the offence as soon as the rack leaves the place); 7, village (one may steal what is kept in the village, or steal the village itself, by attacking and destroying it); 8, wilderness (it is the deserted place outside a village. (The meaning) is the same as for the village; it may be understood); 9, fields (*SV*: if one wants to get a field and starts a litigation and finally wins, he commits a *pārājika*. If he does not win, he commits a light offence. If he changes the boundaries (of the field) and gets more (of what is his right to have) and succeeds, he commits a *pārājika*); 10, places (shops and the like; one may steal the objects (sold in the shop) or the shop itself, as already explained in (the section) 'village' above); 11, ships (if one steals the objects (carried on the ship), the ship is considered their place; if one steals the ship itself, one commits the offence as soon

The features of abstaining from stealing are very obscure, extremely difficult to analyse. Wanting to expose in detail the nature and aspects (of it), one would fill in vain entire volumes. In order to get to a complete disclosure (of its meaning) and to arrive at an understanding (of it) it would be necessary to be very prolix. Therefore, I have (only) briefly delineated the condition for the transgression to give a rough understanding of the general summary, with the aim that one keeps in mind (the need) of examining carefully the matter and be frugal and contented. If one (constantly) recalls the Path with uttermost commitment, the possible occasions (for arising desire) will be reduced. Having little leads to purity. If (on the converse) one is involved in many affairs and desires conquering a high position, he will fall into the net of stealing, from which there is no way out. Why? Because in the heart (there is still discrimination between) what is superior and what is inferior; this distorted perception has not yet been quenched. (The Sūtra says that) only stream enterers up to arahants can manage (the affairs of the Saṃgha). The one whose mind (constantly) ponders the Path will study in detail all what pertains to this matter and reflect deeply (on it) up to (getting a thorough) understanding (of it). Therefore, the *SuVV* says that it is advisable to protect the Vinaya by adopting (for oneself) the strictest standards. The features of this second pārajika are difficult to explain. It is impossible to avoid a very elaborate explanation. You should reflect appropriately on its meaning and on the analyses (of it). The text of the śāstra says this and I gave an account (of this rule) according to it. Those who think that the exposition is too prolix, (should know that) I think that I did not explained all yet. I have limited (my explanation) to what has been expounded above. Therefore, I end up here.

Third, explaining the exceptions. The *DV* says: if one takes something that thinks has been given, or something that he thinks belongs to himself, or something that he thinks has been thrown away, or something that one takes just for a short while, or he takes something under the assumption that the owner is an intimate friend: in these cases there is no transgression. In the *DV* there are seven virtues by which one can be considered an intimate friend: 1, he can do what is difficult to do; 2, he can give what is difficult to give; 3, he can bear what is difficult to bear; 4, he discloses his secrets; 5, he keeps (the friend's) secrets; 6, he does not abandon (the friend) in times of need; 7, he does not despise (a friend who) is poor. If a person can behave according to these seven virtues, he is a good friend. One should evaluate (the case of friendship) in this way.

Discussion of the rule

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

as the rope is cut and (the ship) has left its place); 12, stealing water (in other words, interrupting a stream of water. *MV*: water used for irrigation. One may (let it flow) for one night and get one *wen* up to four or five: if one destroys the canal, he commits a *duṣkṛta*; when the water enters one's field, one commits a *sthūlāca*; if (the value of the water reaches) the five monetary units, one commits a *pārajika*); 13, carrying private properties through the customs (as the *DV* explains, a *bhikṣu* does not need to pay the duty, while lay people must pay. (The *bhikṣu*) helps (the lay) to carry something through the customs, thereby committing a *pārajika*. *SV*: if a *bhikṣu* should pay the duty and does not do it, he commits a *pārajika*. As for the other details, please read the *FCNP*).

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.²³²

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.

Conditions of the transgression

Using the same structure presented in Master Dao Xuan’s text, 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	
		Saṃgha	
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.
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²³² FCNP, book 6, p. 30b.

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.

Concerning the offence one may commit, 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 which entails a *sthūlāca*. Although the offence is lighter than a *pārājika*, the karmic retribution of stealing what belongs to the Buddha is very heavy.

Nowadays, one may commit 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:

	In reference to the Buddha himself		Sthūlāca
Stealing the property of the Buddha	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 <i>pārājika</i> .
		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 <i>pārājika</i> .

➤ *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 pārajika.

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 FHQ. The actions are:

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

The *FHQ* assesses these offences as either nihsargika pācittiya or sthūlāca. As we already had the chance to say, this scripture uses evaluation standards that are not shared with other Vinaya scriptures. The commentators say that the three cases listed entail a duṣkṛta.

➤ *Samgha*

Master Dao Xuan introduces a fourfold classification of the entire possible properties of the Samgha. 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 Samgha official appointed by Samghakarma 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 Samgha properties one by one.

1. Property of the monastery used by the resident Samgha (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 some 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 Samgha deliberates through a Samghakarma 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 he/she 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 condition for a pārajika.

- 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 stealing what pertains to this category may entail at most a sthūlāca, never a pārajika, 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)²³³:

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	Starting from dawn, the food that the person in charge has taken out

²³³ 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.

to breakfast time ²³⁴	<p>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"> 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 sthūlāca. 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 pārājika. 	
From breakfast (signal) to lunch (signal)	<p>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 sthūlāca.</p>	<p>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 sthūlāca.</p>
From lunch to the end of lunch		
From end of lunch to noon	<p>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.</p>	
After noon	<ol style="list-style-type: none"> 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. <p>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 pārājika.</p>	
		<ol style="list-style-type: none"> a. if there is no keeper, the offence is against

²³⁴ *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’.

	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:	the Saṃgha of the ten directions (sthūlāca).
		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 pācittiya and duṣkṛta offences.	
	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 sthūlāca. 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 pārājika.	

- 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 pārājika. 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 pārājika.
2) One commits the offence against the keeper	If a keeper has been appointed to take care of the items, one may commit a pārājika 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 pārājika.
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 pārajika.
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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 saṃghakarma. 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 pārajika.
	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 sthūlāca.
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 pārajika.
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 pārajika.

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 jñapti dvitīya karma:

1. Jñapti dvitīya karma for appointing the bhikṣu/bhikṣuṇī who will make the shares and distribute the items.
2. Jñapti dvitīya karma 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 items²³⁵. 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 requisites²³⁶, 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 treatise²³⁷. **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)²³⁸. **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

²³⁵ The three robes (five for bhikṣuṇīs), the niṣīdana (sitting cloth), the bowl, the water strainer.

²³⁶ Lit.: the 101 things.

²³⁷ 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’.”

²³⁸ 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.

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.²³⁹

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 *sthūlāca*, having deprived the Saṃgha of the ten directions of it. If one assigns a heavy property as light, one may commit a *pārājika* in case the worth is five monetary units or more, because heavy properties belong to category 1 and cannot be distributed.

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 *jñapti dvitīya karma*.

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. I will summarize them for easy reference.

²³⁹ 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 Tripiṭaka*, vol. 105. Items that did not exist at his time, like computers, MP4 players, smartphones, etc., should be classified according to the same standards.

Muddling among the Three Jewels	<p>Using what belongs to one Jewel for another. The most common situation, as written in the text, 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 pārājika, 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 pārājika.</p>		
Muddling inside a single Jewel	Buddha and Dharma		
	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)	The offence is not specified in the text. The commentator, Master Ling Zhi, assesses it as duṣkṛta.	
	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.	If the worth of the diverted fund reaches the five monetary units, one commits a pārājika.	
Saṃgha. The following table is also available at note 85:			
Muddling what belongs to the Saṃgha	Diverting the donation: if a donor offers a park with the intention to use the (proceeds obtained from selling the) fruit to provide robes and medicines (to the Saṃgha), etc....	This means using the property of the monastery used by the resident Saṃgha and distributing it as property of the monastics present at that moment	Pārājika
	If the intention is to build lodgings or other facilities for the Saṃgha, but one eats (the fruit) instead (with good intentions), etc...	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 sthūlāca.
	Exception: to protect the place,	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.	

		if the Saṃgha agrees one may:	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 duṣkṛta.
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. I refer to the text for a full examination.		

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 jñapti dvitīya karma. 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.
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 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 month 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, the situation is much simpler. 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.

Master Dao Xuan gives a very rich and clear casuistry in his book. Therefore, I refer to the text presented above.

Non-human beings and animals

Non-human beings	If there is no keeper, one commits the offence against the non-human being: <i>sthūlāca</i> (if the value reaches the five monetary units. Stealing less than five monetary units entails a <i>duṣkṛta</i>)
	If there is a keeper, one commits the offence against the keeper. If the value reaches the five monetary units, <i>pārājika</i> .
Animals	The offence for stealing something belonging to an animal is <i>duṣkṛta</i> .

Perception

In order to commit a *pārājika*, 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	<i>Pārājika</i>
	One doubts whether there is an owner	<i>Sthūlāca</i>
	One thinks that there is no owner	No offence
There is no owner	One thinks that there is an owner	<i>Sthūlāca</i>
	One doubts whether there is no owner	<i>Sthūlāca</i>

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: *sthūlāca* if he is in doubt, or *pārājika* 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	One correctly perceives that there is an owner	<i>Sthūlāca</i>
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owner	One doubts whether there is an owner	Duṣkṛta
	One thinks that there is no owner	No offence
There is no owner	One thinks that there is an owner	Duṣkṛta
	One doubts whether there is no owner	Duṣkṛta

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). The explanations of the meaning of each type of intention are as in the text above.

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

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

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

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 should be 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.

I refer to the discussion already presented in the *DV* and the *GPV* for further details.

Characteristics of the transgression

	Intention	Fulfilled goal	Unfulfilled goal
The offender acts alone	One wants to steal something worth five monetary units or more	If one succeeds in taking what one wants, one commits a pārajika	If one ends up with something worth less than five monetary units, or fails to get anything, one commits a sthūlāca
	One wants to steal something worth less than five monetary units	If one succeeds in taking what one wants, one commits a sthūlāca	If one takes something worth five monetary units or more, one commits a pārajika ²⁴⁰ If one fails to get anything one commits a duṣkṛta
Instigation	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 pārajika 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 sthūlāca 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 sthūlāca, while the executor may commit a pārajika or a sthūlāca according to the value of the object

²⁴⁰ 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 pārajika 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 duṣkṛta.

	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 sthūlāca	The person who has been instructed gets something worth five monetary units or more: the instigator commits a sthūlāca, while the executor commits a pārājika. The executor cannot get anything; both commit a duṣkṛta
Other cases	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 pārājika. 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 pārājika. 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,

If one takes something under the assumption that the owner is an intimate friend.

Pārājika 3 - Abstaining from killing

If a bhikṣuṇī 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 pārājika and cannot live anymore in communion.

Text 1 – Vibhaṅga

575, c10

At that time, the World Honoured One was dwelling in Vaiśālī, at the Kūṭāgārasālā on the banks of Markaṭahrada River. In many ways he instructed the bhikṣus on the contemplation of impurities, he praised the contemplation of impurities, he praised the reflection on the contemplation of impurities. The bhikṣus thought, ‘The World Honoured One instructed us on the contemplation of impurities, praised the contemplation of impurities, praised the reflection on the contemplation of impurities.’ The bhikṣus in many ways exercised the contemplation of impurities. Having emerged from samādhi, they felt repelled by the body, and they were gloomy and unhappy. As a man or woman who love themselves would feel repelled by the smell and dirtiness of a corpse of a snake, or a corpse of a dog, or a corpse of a man put hanging on their neck, the bhikṣus in the same way, having exercised in many ways the contemplation of impurities, felt repelled by the body and were gloomy and unhappy. They looked for a knife with the intention of killing themselves and they praised, extolled and suggested death. The bhikṣus were living in the park on the banks of the river Vaggumuda. (Some) thought, ‘The World Honoured One instructed the bhikṣus on the contemplation of impurities, praised the contemplation of impurities, praised the reflection on the contemplation of impurities. These ones, having exercised in many ways the contemplation of impurities, feel repelled by the body, they are gloomy and unhappy, and look for a knife with the intention of killing themselves, praising, extolling and suggesting death.’ At that time there was a certain bhikṣu called Mṛgalaṇḍika who went forth from the clan of Śramaṇa (clan of Śramaṇa was is family name)²⁴¹. He went to the Park of Vaggumuda River armed with a sharp knife. A bhikṣu who felt repelled by the filthiness and impurity of the body saw from far bhikṣu Mṛgalaṇḍika coming and said him, ‘Virtuous one, kill me! I will give you my robes and bowl.’ That one accepted the robes and bowl (as compensation for) hiring and killed him. Back to the banks of the river, while washing the knife, he felt remorseful and said, ‘I gained no benefit and did something wrong. That bhikṣu had no guilt, but I accepted his hiring and killed him.’ A Māra knew what he was thinking. With his supernormal powers appeared in front of bhikṣu Mṛgalaṇḍika. He was floating on the water without sinking. He praised and extolled (him) saying, ‘Well done, well done, Virtuous man! Today you have got great merits: you helped crossing (beyond saṃsāra) those who had not yet crossed.’ As soon as Mṛgalaṇḍika listened to the praise of Māra, any remorse disappeared and he thought, ‘Today I have got great merits, I helped crossing those who had not yet crossed.’ And he took again the knife, went to the monastery and asked, ‘Who has not yet

²⁴¹ This note is inserted in the text itself.

crossed? I will help him cross.’ Those bhikṣus who had not yet abandoned desire, in seeing bhikṣu Mṛgalaṇḍika were terrified and their hair stand straight up. Mṛgalaṇḍika, having seen that, said to the bhikṣus, ‘Do not be afraid! Those whose (wholesome) roots are not yet ripen cannot receive my help yet. It is necessary to wait till they are ripen. I will save them in the future.’ Those bhikṣus whose passion were already extinguished, in seeing Mṛgalaṇḍika were not afraid and their hair did not stand up. Bhikṣu Mṛgalaṇḍika sometimes killed one bhikṣu, sometimes two, three, four, five, up to sixty. The corpses lied ruthlessly scattered in the monastery and the place became foul and impure like a charnel ground. Some householders who were traveling among the monasteries for paying homage, gradually arrived at the park. Seeing that sight, they were horrified and annoyed and said, ‘How could this monastery change in this way? The Śākya śramaṇa have no compassion, they kill each other. They claim to cultivate the Correct Dharma, but how can there be the Correct Dharma? They kill each other. These bhikṣus have the habit of killing like common people. From now on we will not honour, serve and make offering to the Śākya śramaṇa.’ Then, they informed all the villages that they should not tolerate it anymore and should stop visiting the monasteries. All the lay people, having seen the foulness and horror of the vihāra, stopped visiting it.

At that time the bhikṣus of Vaiśālī gathered together in one place for a certain reason and the World Honoured One noticed that the community of the bhikṣus was less numerous; all the famous virtuous bhikṣus could not be seen anywhere. The World Honoured One purposely asked Ananda, ‘Why are there less bhikṣus and the famous ones cannot be seen anywhere?’ Ananda then informed the Buddha about the above-mentioned events, ‘The World Honoured One in many ways explained to the bhikṣus in detail the contemplation of the impurities, extolled the practice of the contemplation of, extolled the reflection on the contemplation of impurities. The bhikṣus, having heard (your sermon), started loathing this life and looked for someone who could put an end to it; therefore, their number decreased. I only hope that the World Honoured One would graciously explain again the Dharma to the bhikṣus in a way that their mind can open up and all doubts dispelled.’

The Buddha ordered to Ananda, ‘Gather all the bhikṣus in the lecture Hall.’ Ananda, having received this command from the Buddha, summoned all the bhikṣus in the lecture Hall. When all the bhikṣus were gathered, he went to the Buddha, prostrated himself to his feet, stood at one side and said to him, ‘The bhikṣus are gathered; (you can go) whenever you think fit.’ The World Honoured One went to the lecture Hall and sat among the bhikṣus. He instructed the bhikṣus thus, ‘There is the samādhi of mindfulness of breath, peaceful and happy, which is able to destroy all arisen unwholesome qualities so that they do not rise again, like an autumn sudden shower that washes away all dust, or like a heavy rain that can stop a fierce wind. Such is the samādhi of mindfulness of the breath, peaceful and happy, able to destroy all arisen unwholesome qualities.’ The World Honoured One then explained to the bhikṣus the samādhi of mindfulness of the breath in many ways, he extolled the samādhi of mindfulness of breath, he extolled the cultivation of the samādhi of mindfulness of breath. The bhikṣus thought, ‘Today the World Honoured One explained to us in many ways the samādhi of mindfulness of breath, he extolled the samādhi of mindfulness of breath, he extolled the cultivation of mindfulness of breath. Let us practice it diligently.’ Then the bhikṣus, having in many ways reflected (on it), could enter the samādhi of mindfulness of breath; from the samādhi of mindfulness of breath, they could awaken (to the Dharma) and

knowing by themselves, realize the supreme Dharma and abide in the fruits of enlightenment. On that occasion, the World Honoured One gathered the bhikṣus and scolded in many ways the bhikṣus of the Park of Vaggumuda River, ‘What you have done is improper! It is not the proper demeanour! It is not the way of a śramaṇa! It is not pure conduct! It does not fit the proper conduct! It should not be done. Why, you foolish bhikṣus of the Park of Vaggumuda River, have you taken each other’s life?’ The World Honoured One, having in many ways rebuked them, taught the bhikṣus, ‘The bhikṣus of the Park of the Vaggumuda River are foolish! They are afflicted by many defilements! They are the first offenders. From now on, I lay down this rule for the bhikṣus and collect the ten reasons up to ensuring the long abiding of the Correct Dharma in the world.’ One who wants to recite this rule, should do it in the following way:

If a bhikṣu kills a human being with his own hands, if he gives a weapon to someone, if he extols and praises death, if he suggests a quick death (saying) ‘Man! What is the good of continuing this wretched life? Better dying than live’, if he harbours such thoughts and in many ways extols and praises death, suggests a quick death, this bhikṣu commits a pārājika and he is no more in communion.

Bhikṣu as above.

One kills a human being who is reckoned as such from the moment in which consciousness first gets established up to the last moment of consciousness.

Killing: killing in person, instructing someone²⁴², sending someone else²⁴³, 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, pārājika; if he does not die, sthūlāca.

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, pārājika; if he does not die, sthūlāca.

Sending someone: a bhikṣu sends someone to kill somebody and the killer does as instructed; if the victim dies, pārājika; if he does not die, sthūlāca.

Sending someone again and again: a bhikṣu sends someone to kill somebody, the killer does as instructed but fails and returns. Relying on the preceding instruction, he tries again to kill;

²⁴² The offender is present and gives direct instruction for the performance of the murder.

²⁴³ In this case, the instigator is not present when the murder is performed.

if the victim dies, pārajika; if he does not die, sthūlāca.

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, pārajika; if he does not die, sthūlāca.

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 thousand people. If the victim dies, pārajika; if he does not die, sthūlāca.

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,) pārajika, if he does not die, sthūlāca.

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,) pārajika, if he does not die, sthūlāca.

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,) pārajika, if he does not die, sthūlāca.

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,) pārajika, if he does not die sthūlāca.

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, pārajika. If they do not commit suicide, sthūlāca.

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, pārajika; if he does not commit suicide, sthūlāca.

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, pārajika; if he does not die, sthūlāca.

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, pārajika; if the victim does not die, sthūlāca.

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), pārajika; if he gives the medicine but the victim does not die, sthūlāca.

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, pārajika; if he does not die, sthūlāca.

If one acts in this way or uses other killing devices, if (the victim) dies, pārajika; if he does not die, sthūlāca.

If one tries to kill a deva, a dragon, an asura, a gandharva, a yakṣa, a hungry ghost, or an animal that can understand human speech and has metamorphic powers, if this dies, sthūlāca; if this does not die, duṣkṛta.

If one tries to kill an animal that has not metamorphic powers, if it dies, a pācittiya; if it does not die, duṣkṛta.

If (the victim) is really a human being and one rightly perceives him as a human being, pārajika; if one doubts that he is a human being, sthūlāca. If it is a human being, but one perceives him as a deva, sthūlāca. If it is a deva, but one perceives him as a human being, sthūlāca. If one doubts whether it is a deva, sthūlāca.

For bhikṣuṇī, pārajika. Śikṣamāṇā, śrāmaṇera, śrāmaṇerī, duṣkṛta which entails expulsion.

These are the condition for the transgression.

Exceptions: if one throws a knife, or a stick, or a tile, or a stone and it accidentally bumps against someone killing him, there is no offence. If one, during the construction of a house, makes accidentally slip a stone, or a plank, or a beam, killing someone there is no offence. 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, there is no offence.

For the first offender, when the rule was not yet established, when one is crazy or confused, or oppressed by pain and distress, there is no offence.

Text 2 - Saṃyuktavarga

980, b28

At that time the World Honoured One was staying at Vaiśālī. Upāli rose from his seat, uncovered the right shoulder, put the right knee on the ground, joined his palms together and said to the Buddha, “Venerable! The bhikṣus were practicing the contemplation of impurities on the banks of Vaggumuda River and they came to loath their body up to killing themselves. Did they commit an offence?” The Buddha answered, ‘Since the rule was not yet been instituted, they committed no offence.’

‘It is a human being and one correctly perceives him as a human being: does one commit an offence?’

The Buddha said, ‘Pārājika.’

‘If one doubts whether this is a human being, does one commit an offence?’

The Buddha said, ‘Sthūlāca.’

‘If it is a human being and one perceives him as a deva, does one commit an offence?’

The Buddha said, ‘Sthūlāca.’

‘If it is a deva and one perceives him as a human being, does one commit an offence?’

The Buddha said, ‘Sthūlāca.’

‘If one doubts whether it is a deva, does one commit an offence?’

The Buddha said, ‘Sthūlāca.’

‘Venerable! If one kills a man under the perception that he is a woman, does one commit an offence?’

The Buddha said, ‘Pārājika.’

‘Venerable! If one kills a woman under the perception that she is a man, does one commit an offence?’

The Buddha said, ‘Pārājika.’

‘If one kills a woman under the perception that she is another woman, does one commit an offence?’

The Buddha said, ‘Pārājika.’

‘If one kills a man under the perception that he is another man, does one commit an offence?’

The Buddha said, ‘Pārājika.’

‘If one looks for someone who can hold a weapon, does one commit an offence?’

The Buddha said, ‘If he kills someone, he commits an offence.’

At that time, the donor of a certain bhikṣu fall sick, and the bhikṣu went to his house to ask

about his health. The wife of that donor was very beautiful. As he saw her, sexual desire arose in the bhikṣu. He said, 'Do that kind of things (sexual intercourse) with me.' The wife said, 'Venerable One! Do not speak in this way! My husband is still alive, I do not want to do such a reproachful action!' Therefore, the bhikṣu exhorted the husband to die quickly. The husband then died; (the bhikṣu) was assailed by doubt. The Buddha asked, 'What was your motivation?' He answered, 'I wanted to kill him.' The Buddha said, 'Pārājika.'

At that time, the donor of a certain bhikṣu fall sick, and the bhikṣu went to his house to ask about his health. The wife of that donor was very beautiful. As he saw her, sexual desire arose in the bhikṣu. He said, 'Do that kind of things (sexual intercourse) with me.' The wife said, 'Venerable One! My husband is still alive, I do not want to do such an action!' Therefore, the bhikṣu gave the husband a medicine that caused his death; (the bhikṣu) was assailed by doubt. The Buddha asked, 'What was your motivation?' He answered, 'I wanted to kill him.' The Buddha said, 'Pārājika.'

At that time, the donor of a certain bhikṣu fall sick, and the bhikṣu went to his house to ask about his health. The wife of that donor was very beautiful. As he saw her, sexual desire arose in the bhikṣu. He said, 'Do that kind of things (sexual intercourse) with me.' The wife said, 'Venerable One! My husband is still alive, I do not want to do such an action!' Therefore, the bhikṣu compelled the husband to swallow a medicine that caused his death; (the bhikṣu) was assailed by doubt. The Buddha asked, 'What was your motivation?' He answered, 'I wanted to kill him.' The Buddha said, 'Pārājika.'

At that time, the donor of a certain bhikṣu fall sick, and the bhikṣu went to his house to ask about his health. The wife of that donor was very beautiful. As he saw her, sexual desire arose in the bhikṣu. He said, 'Do that kind of things (sexual intercourse) with me.' The wife said, 'My husband is still alive, I do not want to do such an action!' Therefore, the bhikṣu gave (the husband) unsuitable food that caused his death; (the bhikṣu) was assailed by doubt. The Buddha asked, 'What was your motivation?' He answered, 'I wanted to kill him.' The Buddha said, 'Pārājika.'

At that time, the donor of a certain bhikṣu fall sick, and the bhikṣu went to his house to ask about his health. The wife of that donor was very beautiful. As he saw her, sexual desire arose in the bhikṣu. He said, 'Do that kind of things (sexual intercourse) with me.' The wife said, 'My husband is still alive, I do not want to do such an action!' Therefore, the bhikṣu gave the husband something that was not a medicine that caused his death; (the bhikṣu) was assailed by doubt. The Buddha asked, 'What was your motivation?' He answered, 'I wanted to kill him.' The Buddha said, 'Pārājika.'

At that time, the donor of a certain bhikṣu felt sick and (the bhikṣu) went to his house to ask about his health. The bhikṣu was very handsome. As the donor's wife saw him, sexual desire arose in her. She said to the bhikṣu, 'Venerable! You can do that kind of things with me.' The bhikṣu answered, 'Sister! Do not speak in this way! I cannot do it. Your husband is still alive, how can we do such a reproachful action?' The wife thought, 'As long as my husband is still alive, I cannot stay with him' and she gave her husband a medicine that killed him. Her husband dead, she said to the bhikṣu, 'You can do that kind of things with me.' The bhikṣu answered, 'Sister! Do not speak like that! I cannot do it.' The wife said, 'I killed my husband because of you! Why don't you want to do this kind of things?' The bhikṣu, listening to this,

was assailed by doubt and informed the Buddha. The Buddha asked, ‘Which was your motivation?’ He then related the entire story. The Buddha said, ‘No offence.’

Having him swallow a medicine, giving him unsuitable food, or something that is not a medicine it is the same.

At that time, a woman whose husband was away got pregnant with another man. She went to the bhikṣu to whom she usually made offerings and said, ‘My husband is away and I got pregnant with another man. Give me a medicine to abort the child.’ The bhikṣu cast a spell on some food and gave it to her to eat, so that she had an abortion. The bhikṣu was assailed by doubt. The Buddha asked, ‘What was your motivation?’ He answered, ‘Killing.’ The Buddha sentenced, ‘Pārājika.’

At that time, a woman whose husband was away got pregnant with another man. She went to the bhikṣu to whom she usually made offerings and said, ‘Venerable! My husband is away and I got pregnant with another man. Give me a medicine to abort the child.’ The bhikṣu cast a spell on a medicine and gave it to her to eat, so that she had an abortion. The bhikṣu was assailed by doubt. The Buddha asked, ‘What was your motivation?’ He answered, ‘Killing.’ The Buddha sentenced, ‘Pārājika.’

(If one) casts a spell on ground medicine, on a garland, or casts a spell perfuming a cloth, or casts a spell on the (pregnant woman’s) belly, it is the same; in all the above-mentioned cases one commits a pārājika.

At that time, a woman whose husband was away got pregnant with another man. She went to the bhikṣuṇī to whom she usually made offerings and said, ‘Ariya! My husband is away and I got pregnant with another man. Give me a medicine to abort the child.’ The bhikṣuṇī said, ‘I do not know medicines. Come, I will press your belly’, and she pressed the (woman’s) belly in a way that she had an abortion. (The bhikṣuṇī) was assailed by doubt. The Buddha asked, ‘What was your motivation?’ He answered, ‘Killing.’ The Buddha sentenced, ‘Pārājika.’

At that time, a woman whose husband was away got pregnant with another man. She went to the bhikṣuṇī to whom she usually made offerings and said, ‘Aryia! My husband is away and I got pregnant with another man. Give me a medicine to abort the child.’ The bhikṣuṇī said, ‘I do not know medicines. Come, I will gnaw (your belly).’ She gnawed the belly and provoked an abortion. (The bhikṣuṇī) was assailed by doubt. The Buddha asked, ‘What was your motivation?’ He answered, ‘Killing.’ The Buddha sentenced, ‘Pārājika.’

At that time, a woman whose husband was away got pregnant with another man. She went to the bhikṣu to whom she usually made offerings and said, ‘Venerable! My husband is away and I got pregnant with another man. Give me a medicine to abort the child.’ The bhikṣu had her swallow a medicine beyond the normal dosage. The mother died but the child survived. The bhikṣu was assailed by doubt. The Buddha said, ‘There is no offence for the death of the mother. Since you tried to kill the child, but it did not die, you committed a sthūlāca.’

At that time, a bhikṣu helped a sick person standing up. The sick died. (The bhikṣu) was assailed by doubt. The Buddha said, ‘No offence.’

If one helps (a sick) to sit and he dies, no offence. If he dies while helping him take a bath, no transgression. If he dies when taking the medicine, there is no transgression.

At that time there was a bhikṣu who was frequently sick. The person who was taking care of him was annoyed. He gave him unsuitable food provoking his death. He was assailed by doubt. The Buddha asked, 'What was your motivation?' He answered, 'I wanted to kill him.' The Buddha sentenced, 'Pārājika.'

At that time there was a bhikṣu who was frequently sick. The person who was taking care of him was annoyed. He gave him something that was not a medicine provoking his death. He was assailed by doubt. The Buddha asked, 'What was your motivation?' He answered, 'I wanted to kill him.' The Buddha sentenced, 'Pārājika.'

At that time there was a bhikṣu who was frequently sick and had many vessels. The person who was taking care of him wanted to take possession of them, so he gave him unsuitable food provoking his death. He was assailed by doubt. The Buddha asked, 'What was your motivation?' He answered, 'I wanted to kill him.' The Buddha sentenced, 'Pārājika.'

At that time there was a bhikṣu who was frequently sick and had valuables. The person who was taking care of him wanted to take possession of them, so he gave him something that was not a medicine, provoking his death. He was assailed by doubt. The Buddha asked, 'What was your motivation?' He answered, 'I wanted to kill him.' The Buddha sentenced, 'Pārājika.'

At that time, a bhikṣu developed an abscess under an armpit. Another bhikṣu tried to squeeze it. He implored, 'Don't squeeze it! Don't squeeze it!' but he went on squeezing it without stopping; thereupon, (the sick bhikṣu) died. He was assailed by doubt. The Buddha asked, 'What was your motivation?' He answered, 'I had no intention to kill him.' The Buddha said, 'There is no offence, but one should not forcefully squeeze (an abscess).'

At that time a bhikṣu was afflicted by pain and his body swelled. Another bhikṣu rashly applied an ointment on him. He begged, 'Stop! Stop! Do not apply it! I suffer and my body is burning and painful!' The other answered, 'Endure a little bit and you will be cured.' He went on applying (the medicine) without stopping; thereupon, (the sick bhikṣu) died. He was assailed by doubt. The Buddha asked, 'What was your intention?' He answered, 'I had no intention to kill him.' The Buddha said, 'There is no offence, but one should not force another to accept the application of a medicine.'

At that time, a bhikṣu helped a sick bhikṣu to go from a shadow to the sun. The sick bhikṣu died. (The other) was assailed by doubt. The Buddha said, 'There is no offence.' Similarly, there is no offence when one accompanies (a sick) from the sun to the shadow (and the sick dies).

A sick person wanted to go from the shadow to the sun or from the sun to the shadow and died in the process. The person who was helping him was assailed by doubt. The Buddha sentenced, 'No offence.'

One was helping a sick person to come out from a room or to enter a room and this died in the process. (The helper) was assailed by doubt. The Buddha said, 'No offence.'

If a sick person wants to go out from a room or to enter a room and is assisted in doing this, but dies in the process, the one who assists him has no offence.

If one takes a sick person to defecate and he dies in the process, or he dies when the assistant accompanies him back to the room, there is no offence at any time (for the assistant).

If one takes a sick person to urinate and he dies in the process, or he dies when (the assistant) accompanies him back to the room, there is no offence at any time (for the assistant).

A bhikṣu was affected by malaria. Another bhikṣu pressed him against his will. The sick bhikṣu implored, 'Don't press me! Don't press me!' but the other one continued pressing him without stopping. Thereupon, (the sick bhikṣu) died. The other one was assailed by doubt. The Buddha asked, 'What was your intention?' He answered, 'I did not want to kill him.' The Buddha sentenced, 'There is no offence, but one should not press another against his will in this way.'

A bhikṣu was sick. Another bhikṣu went to inform himself about his condition. He pulled the robe to look his face, asking, 'Is the Venerable's sickness getting better?' The other implored, 'Don't pull! Don't pull!', but he went on pulling; thereupon the other died. He was assailed by doubt. The Buddha asked, 'What was your intention?' He answered, 'I did not want to kill him.' The Buddha said, 'There is no offence, but one should not pull (the robe) against his will.'

A group of bhikṣus sent a person to kill someone. That one went and killed (the victim). They were assailed by doubt. The Buddha declared, 'You have all committed a pārājika.'

A group of bhikṣus sent a person to kill someone. One among them was assailed by doubt, but he did not stop the action. The person went and killed (the victim). They were assailed by doubt. The Buddha declared, 'You have all committed a pārājika.'

A group of bhikṣu devised a method to kill together someone. One among them had doubts and tried to stop the action, but they sent him away and went to kill (the victim). They were assailed by doubt. The Buddha declared, 'The one who tried to stop (the action) has committed a sthūlāca; those who did not stop have committed a pārājika.'

A thief stole the robe, bowl, needle case and sitting cloth of a certain bhikṣu. The bhikṣu caught the thief and pressed him down to keep him still; thereupon, (the thief) died. The Buddha asked, 'What was your intention?' He answered, 'I did not want to kill him.' The Buddha declared, 'There is no offence, but one should not press another down to keep him still.'

A thief stole the robe, the bowl, the sitting cloth and the needle case of a bhikṣu. The bhikṣu caught the thief and closed him in a cellar under the ground; thereupon, the thief died. He was assailed by doubt. The Buddha asked, 'What was your intention?' He answered, 'I did not want to kill him.' The Buddha declared, 'There is no offence, but it should not be done.'

An evil bhikṣu stole another bhikṣu's robe, bowl, sitting cloth and needle case. Another bhikṣu thought, 'This evil bhikṣu stole a bhikṣu's robe, bowl, sitting cloth and needle case. I have to catch him and explain him the Dharma.' He then caught him and beat him to the point that his hands became hot. Thereupon, (the bhikṣu) died. He was assailed by doubt. The Buddha asked, 'What was your intention?' He answered, 'I did not want to kill him.' The Buddha declared, 'There is no offence (for killing), but since you have beaten one who was fully ordained, you committed a pācittiya.'

A bhikṣu had a row with a lay person and he went to the court to file a suit against him. A high official commanded that (the lay person) be caught and imprisoned. He then died in prison. The bhikṣu was assailed by doubt. The Buddha asked, ‘What was your intention?’ He answered, ‘I did not want to kill him.’ The Buddha declared, ‘There is no offence, but for having filed a suit against him you have committed a duṣkṛta.’

A bhikṣu killed a monkey. He was assailed by doubt, ‘I killed a human being; I’ve committed a pārājika.’ The bhikṣus reported to the Buddha and he said, ‘You have not committed (a pārājika), but for killing an animal you committed a pācittiya.’

A certain bhikṣu had a row with another bhikṣu. This bhikṣu got sick. That bhikṣu went to visit him. The other bhikṣus saw him (and thought), ‘This bhikṣu had a grudge against that bhikṣu. It is really strange that he comes to visit him.’ This bhikṣu gave the sick something that was not a medicine; thereupon, (the sick bhikṣu) died. He was assailed by doubt. The Buddha asked, ‘What was your intention?’ He answered, ‘I wanted to kill him.’ The Buddha declared, ‘Pārājika.’

A certain bhikṣu quarrelled with another bhikṣu. This one went wandering among people and fell sick. That bhikṣu thought, ‘Even if you go wandering among people you will not shake me off.’ He then went to visit him. The other bhikṣus saw him and thought, ‘This bhikṣu has a grudge against that bhikṣu. It is really strange that he comes to visit him.’ This bhikṣu gave the sick something that was not a medicine; thereupon, (the sick bhikṣu) died. He was assailed by doubt. The Buddha asked, ‘What was your intention?’ He answered, ‘I wanted to kill him.’ The Buddha declared, ‘Pārājika.’

If one gives unsuitable food, there two cases either as above.

One day at dawn, bhikṣuṇī Sthūlanandā put on her robe, took her bowl and went to a lay person’s house. A little child was sleeping in the mill. Sthūlanandā touched the treadle-operated hammer. The hammer fell down on the child who died²⁴⁴. She was assailed by doubt. The Buddha asked, ‘What was your intention?’ She answered, ‘I did not want to kill him.’ The Buddha declared, ‘There is no offence, but one should not touch other people’s treadle-operated hammers.’

One day at dawn, bhikṣuṇī Sthūlanandā put on her robe, took her bowl and went to a lay person’s house. A little child was sleeping beside the joint of the treadle-operated hammer of the mill. Sthūlanandā touched the hammer’s joint. The joint turned and crushed the child who died. She was assailed by doubt. The Buddha asked, ‘What was your intention?’ She answered, ‘I did not want to kill him.’ The Buddha declared, ‘There is no offence, but one should not touch a (mill) hammer’s joint.’

One day at dawn, bhikṣuṇī Sthūlanandā put on her robe, took her bowl and went to the house of a lay person. A little child was sleeping on a bed. Sthūlanandā sat on it without looking. The wife of the donor said, ‘Arya! Don’t sit on the child.’ Sthūlanandā sat without paying attention to the words and the child died. She was assailed by doubt. The Buddha asked, ‘What was your intention?’ She answered, ‘I did not want to kill him.’ The Buddha declared,

²⁴⁴ A traditional mill had a stone basin on which to put the grains to be pounded and a long, heavy treadle-operated tilt hammer.

‘There is no offence, but one should not sit on a seat in a lay person’s house without looking.’

One day, a donor in Śrāvastī invited the Buddha and the Saṃgha to the next day meal. During the night he prepared all sorts of delicious food and drink and at dawn he informed the Buddha that the time had come. The World Honoured One put on his robe, took his bowl and together with one thousand two hundred and fifty bhikṣus went to the donor’s house. It is the habit of all Buddhas not to take any food until all the community is gathered. There was a bhikṣu who went forth late in life and exhorted his son to go forth. In the morning, he went to another house. The other bhikṣus asked his son, ‘Where did your father go? He’s making the World Honoured One wait so that he cannot eat.’ He answered, ‘I do not know.’ The bhikṣus said, ‘Go and find him.’ He went to look for his father and found him. The son asked the father, ‘Where have you gone? The Buddha and the bhikṣus could not eat because they were waiting for you.’ The father got angry and tried to catch the son, but the son freed himself and pushed the father who fell on the ground and died. He was assailed by doubt. The Buddha asked, ‘What was your intention?’ He answered, ‘I did not want to kill him.’ The Buddha said, ‘There is no offence, but one should not push one’s father.’

One day the mother of a bhikṣu grasped him, but he freed himself and pushed the mother who fell on the ground and died. He was assailed by doubt. The Buddha asked, ‘What was your intention?’ He answered, ‘I did not want to kill her.’ The Buddha declared, ‘There is no offence, but one should not push one’s mother.’

One day the father of a bhikṣu grasped him, but he freed himself and pushed the father who fell on the ground and died. He was assailed by doubt. The Buddha asked, ‘What was your intention?’ He answered, ‘I did not want to kill her.’ The Buddha declared, ‘There is no offence, but one should not push someone.’

The same in the case a brother, a sister or the former wife grasp a bhikṣu.

One day the elder sister of the former wife of a bhikṣu said her, ‘Why are you not asking the bhikṣu for clothes and food?’ She answered, ‘He has already gone forth. I don’t want to ask something from his dwelling place.’ (The sister said:) ‘Show me the place, I will ask for you.’ (The younger sister) showed her the place and she said to the bhikṣu, ‘Why are you not providing clothing and food for my sister?’ She then grasped the bhikṣu in front. The bhikṣu pushed her and freed himself, but she fell on the ground and died. He was assailed by doubt. The Buddha asked, ‘What was your intention?’ He answered, ‘I did not want to kill her.’ The Buddha declared, ‘There is no offence, but one should not push someone.’

A man or a woman grasped a bhikṣu. The bhikṣu pushed him (her) and freed himself, but he (she) fell on the ground and died. He was assailed by doubt. The Buddha asked, ‘What was your intention?’ He answered, ‘I did not want to kill him/her.’ The Buddha declared, ‘There is no offence, but one should not push someone.’

One day, not far from a bhikṣuṇī monastery there was a man whose hands and feet had been cut. A bhikṣuṇī took some juice of Sauvira and went for a walk to a place not far from the man who saw her and said, ‘Arya, give me the juice to drink.’ She gave it and he drank; thereupon he died. She was assailed by doubt. The Buddha asked, ‘What was your intention?’ She answered, ‘I did not want to kill him.’ The Buddha declared, ‘There is no offence.’

One day, not far from a bhikṣuṇī monastery there was a man whose hand and feet had been cut. A bhikṣuṇī took some water and went for a walk to a place not far from the man who saw her and said, 'Arya, give me the water to drink.' She gave it and he drank; thereupon he died. She was assailed by doubt. The Buddha asked, 'What was your intention?' She answered, 'I did not want to kill him.' The Buddha declared, 'There is no offence.'

One day, not far from a bhikṣuṇī monastery there was a man whose hands and feet had been cut. A bhikṣuṇī took some Sauvira and went for a walk to a place not far from the man who saw her and said, 'Arya, I need the Sauvira to wash my wounds; maybe it can give me some relief.' She then gave (the Sauvira) to him to wash (the wounds); after washing them he died. She was assailed by doubt. The Buddha asked, 'What was your intention?' She answered, 'I did not want to kill him.' The Buddha declared, 'There is no offence, but one should not give (Sauvira) to wash (wounds).' The same holds true if one uses water to wash (the wounds).

One day, not far from a bhikṣuṇī monastery there was a man whose hands and feet had been cut. A bhikṣuṇī took some Sauvira and went for a walk to a place not far from the man. The bhikṣuṇī thought, 'If I wash his wounds with Sauvira he may die sooner.' She washed his wounds and he died. She was assailed by doubt. The Buddha asked, 'What was your intention?' She answered, 'I wanted to kill him.' The Buddha declared, 'You have committed a pārājika.' The same holds true if washing (the wounds) with water.

At that time, a group of bhikṣus together with the bhikṣus of the group of six were on the Vulture Peak to cut some planks for roofing a dwelling. One of the bhikṣus of the group of six took a pointed piece of wood and threw it directly at someone. The wood pierced the man's body and thereupon he died. He was assailed by doubt. The Buddha asked, 'What was your intention?' He answered, 'I did not want to kill him.' The Buddha declared, 'There is no offence, but one should not throw (a piece of wood) directly at someone; one should throw it transversally.'

One day, the bhikṣu in charge of the management was building a new dwelling. A stone inadvertently slipped and fell on a bhikṣu who died. He was assailed by doubt. The Buddha asked, 'What was your intention?' He answered, 'I did not want to kill him.' The Buddha declared, 'There is no offence.' The same holds true if one slips a sun-dried mud block, a piece of wood, a rafter, the roof beam of a house, or any other kind of wooden material and it falls (on someone killing him).

One day, on the Vulture Peak there was a shepherd who had put his cow to pasture. One of the bhikṣus of the group of six hit the cow's horn with a stone; the stone ricocheted off and hit the shepherd who died. (The bhikṣu) was assailed by doubt. The Buddha asked, 'What was your intention?' He answered, 'I did not want to kill him.' The Buddha declared, 'There is no offence (for having killed the man). For having hit an animal who has no metamorphic powers you committed a duṣkṛta.'

One day, a bhikṣu was breaking stones on the Vulture Peak. One of the stones fell on a passerby who died. He was assailed by doubt. The Buddha asked, 'What was your intention?' He answered, 'I did not want to kill him.' The Buddha declared, 'There is no offence, but one should not break stones. If one needs a stone, he should inform people to leave.'

One day, a certain bhikṣu wanted to give up ordination and revert to a meaner activity. He

thought, ‘Having gone forth in the Dharma of the Buddha, I should not do these evil things.’ He climbed on Mount Mata²⁴⁵ and threw himself down. He landed on a man who was cutting bamboos. The man died but the bhikṣu survived. He was assailed by doubt. The Buddha declared, ‘There is no offence for the death of the man; for having attempted to commit suicide you have committed a sthūlāca.’

One day, a certain bhikṣu wanted to renounce to the practice and revert to a meaner activity. He thought, ‘Having gone forth in the Dharma of the Buddha, I should not do these evil things.’ He climbed on Mount Parayana²⁴⁶ and threw himself down. He landed on a man who was cutting bamboos. The man died but the bhikṣu survived. He was assailed by doubt. The Buddha declared, ‘There is no offence for the death of the man; for having attempted to commit suicide you have committed a sthūlāca.’

One day, a certain bhikṣu took some Sauvira juice and went to a nearby charnel ground to walk. A man who had been impaled²⁴⁷ said him, ‘Give me some juice to drink.’ The bhikṣu gave him the juice. The man drank it and died. (The bhikṣu) was assailed by doubt. The Buddha asked, ‘What was your intention?’ He answered, ‘I did not want to kill him.’ The Buddha declared, ‘There is no offence.’

One day, a certain bhikṣu took some water and went to a nearby charnel ground to walk. A man who had been impaled said him, ‘Give me some water to drink.’ The bhikṣu gave him the juice. The man drank it and died. (The bhikṣu) was assailed by doubt. The Buddha declared, ‘There is no offence.’

One day, a deranged bhikṣu killed some people. Later, having come back to his sense, he was assailed by doubt. The Buddha declared, ‘There is no offence.’

There is no offence if the mind is confused or oppressed by (physical) pain.

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.²⁴⁸

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’²⁴⁹. The same passage is present also in another

²⁴⁵ The Chinese is name is Moutou (摩頭), for which I cannot find the transliteration.

²⁴⁶ As above. The name I give is chosen from similar transliterations.

²⁴⁷ This was a punishment for crimes against the state. The culprit was impaled and left in a cemetery to die. If the impalement procedure does not damage vital organs, the victim may survive some hours or even a few days.

²⁴⁸ Translation: Bhikkhu Anālayo.

²⁴⁹ See *Rebirth and the Gandhabba*, by Bhikkhu Anālayo.

sutta of the same collection, namely the *Mahātaṇhasaṅkhaya 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 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’²⁵⁰, which, nevertheless, is all the same grounds for a *pārājika* offence 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

²⁵⁰ T22, 8 b7.

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.

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

Extolling, praising and suggesting death. Any of these actions issue in a pārajika offence 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 pārajika 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 pārajika offence, the target must be a human being. An animal or a non-human being do not constitute the grounds for a pārajika but for lesser offences, as it will be later specified.

Among all possible human beings, the killing of three particular targets, besides leading to a pārajika offence, 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 pārajika, 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 quoted above, unintentional killing never issues in a pārajika offence, 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 pārājika for a human being, a sthūlāca for a non-human being and a pācittiya for an animal.

Generic intention directed against all human beings. The killing intention is directed against all human beings; therefore one commits a pārājika offence 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 the violation of a sthūlāca offence as 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, which therefore does not need further clarifications.

Death of the target. In order for the offender to commit a pārājika offence, the victim must die. If he does not die, the conditions for the full offence are not fulfilled and one will commit the offence at the preliminary step.

Characteristics of the transgression

If one has the intention to kill	A human being	If the victim dies, pārājika
		If the victim does not die, sthūlāca
	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, sthūlāca
		If it the victim does not die, duṣkṛta
	An (ordinary) animal without metamorphic powers	If the victim dies, duṣkṛta
		If the victim does not die, duṣkṛta

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 pārājika, while the instigator commits a sthūlāca.

Suicide. Suicide is a sthūlāca offence, 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 pārājika in which he is no more a monk after death. He will take the karmic burden of a sthūlāca 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	Pārājika
	If he doubts whether the target is a human being	Sthūlāca
	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	Sthūlāca
	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 is mistakenly killed instead of the intended target. Since towards the killed being (it may be a human being or an animal) there was no killing intention, the killer commits no offence towards it. He commits instead a sthūlāca offence 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 pārājika offence. 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 pārājika offence.

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 *Sammadit̥ṭhi 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 it²⁵¹.

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 *pārājika* offence.

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 *pārājika* offence.

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.

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

²⁵¹ 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 *Sammadit̥ṭhi Sutta*.

Pārājika 4 - Abstaining from claiming superhuman states

If a bhikṣuṇī, 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 bhikṣuṇī commits a pārājika, and she is no more in communion.

Text 1 - Vibhaṅga

577, b13

At that time the World Honoured One travelled to Vaiśālī and established his residence at the Kūṭāgārasālā on the banks of Markaṭahrada River. At that time, grains were very expensive, and people were afflicted by famine; it was very difficult to get alms food. The World Honoured One said to Ānanda, “Say to all the bhikṣus who are residing in Vaiśālī to gather in the Śālā.” Ānanda, in obedience to the words of the Buddha, had all the bhikṣus gathered in the Śālā. When all the bhikṣus had gathered, he bowed to the feet of the Buddha, sat on one side, and informed the Buddha, “All the bhikṣus of Vaiśālī have gathered in the Śālā. The Master may decide the time.” Then the World Honoured One went to the Śālā and sat among the community. He said to the bhikṣus, “You must know that in this period grains are very expensive, and people are afflicted by famine; getting alms food is very difficult. Together with your *upādhyāyas*, *ācāryas*, or with your good spiritual friends, take residence for the rains in some suitable place around Vaiśālī. I will reside here. Why? Because the difficulty of getting food could cause suffering and exhaustion to everybody.” Then the bhikṣus, having listened to the teaching of the World Honoured One, together with their *upādhyāyas*, *ācāryas*, or with their good spiritual friends, took residence for the rains in places around Vaiśālī, while the World Honoured One established his residence for the rains in the city of Vaiśālī. At that time a group of bhikṣus residing in a monastery on the banks of the Vaggumuda River thought, “In this country now grains are expensive, people are afflicted by famine, alms food is difficult to get. What means could we use to avoid suffering caused by (lack of) food?” Having pondered over (this problem), they decided, “We will each go to lay people’s houses and say ‘I realized superhuman state’, ‘I am an *arhat*’, ‘I possess *dhyāna*’, ‘I have spiritual powers’, ‘I know other people’s mind’. Moreover, we will praise the others as *arhats*, as possessing *dhyānas*, as endowed with spiritual powers, as knowing other people’s mind. There will be lay people with deep faith that will not dare to eat their food, or to give it to their wives and children; they will instead offer it to us. They will even praise us (saying) ‘these bhikṣus are really a field of merit and deserve our respect.’ In this way we will get good food and will dwell peacefully and happily. We will not suffer because of (the scarcity of) alms food.” Having decided in this way, the bhikṣus of the Vaggumuda River went to the houses of lay people, saying, ‘I realized superhuman states’, ‘I am an *arhat*’, ‘I possess *dhyāna*’, ‘I have spiritual powers’, ‘I know other people’s mind’. Moreover, they praised the

other bhikṣus as *arhat*, as possessing *dhyāna*, as endowed with spiritual powers, as knowing other people's mind. The householders full of faith took these words as true; they donated all the food, included the shares for their wives and children, to the bhikṣus saying, "They are the worthy ones of this world." These bhikṣus accepted the offerings of the lay people, and became of beautiful and bright complexion, living happily, full of strength and satisfied. The other bhikṣus who were spending the rains in Vaiśālī had a worn look, were miserable, and their robes were shabby. At the end of the summer retreat, they took their robes and bowl and went to the World Honoured One's residence; they bowed at his feet with the head and sat at one side. The World Honoured One compassionately asked the bhikṣus, "Have you lived together in harmony and happiness? Have you suffered because of food?" The bhikṣus answered to the Buddha, "We have lived together in harmony and happily. Nevertheless, since now grains are very expensive and people are afflicted by famine, alms food is difficult to get: because of that we suffered." The bhikṣus who spent their rains retreat on the monastery at the Vaggumuda River, and who had a beautiful and bright complexion, living happily, full of strength and satisfied, also collected their robes and bowl and went to the residence of the World Honoured One, paid homage to His feet with the head and sat at one side. The World Honoured One compassionately asked the bhikṣus, "Have you lived together in harmony and happiness? Have you suffered because of food?" The bhikṣus answered to the Buddha, "We have lived together in harmony and happily. We experienced no suffering because of food." The Buddha answered, "At present, grains are very expensive, people are afflicted by famine and alms food is difficult to get. In which way did you get around suffering because of food?" The bhikṣu informed the World Honoured One about the entire issue. "In this way we got around suffering because of food." The World Honoured One asked the bhikṣus, "Did you really realize (superhuman states)?" Some of the bhikṣus answered they did, some denied. The Buddha said to them, "You foolish! Even one who did realize superhuman states should not mentioned it to anybody; even more one who has not realized anything yet!" The World Honoured One then taught the bhikṣus, "There are two kinds of thieves in the world: the first is one who claims to be pure when he is not; the second is one who, for the sake of his own belly, lies deliberately in front of everybody, claiming to have realized what he does not possess, affirming that he has attained super human states. The one who, for the sake of his own belly, lies deliberately in front of everybody, claiming to have realized what he does not possess, affirming that he has attained superhuman states, is the greatest of thieves. Why? Because he gets the food of people by theft." Then the World Honoured One, having rebuked in many ways the bhikṣus who spent their rains retreat in the monastery at the Vaggumuda River, said to all the bhikṣus, "These foolish men are afflicted by many defilements; they are the first offenders. From now on, I lay down this rule for the bhikṣus." He then collected the ten reasons up to ensuring the long abiding of the Correct Dharma in the world. One who wants to recite this rule, should do it in the following way:

If a bhikṣu, without really knowing anything, praises himself so, 'I have realized superhuman states, I know this, I see this'. Then, at a later time, whether questioned about it or not, (he) desires to be purified and says, 'Actually, I don't know anything, I don't see anything, but I falsely claimed to know and to see, I lied', this bhikṣu commits a *pārājika*, and he is no more in communion.

The World Honoured One laid down this prohibition for the bhikṣus in this way. Later, a

bhikṣu who over-estimated himself said to people that he had attained the Path. Later on, striving with great effort and applying diligence, without laziness, he really attained the supreme realization. He thought, “The World Honoured One laid down a rule for the bhikṣus: ‘If a bhikṣu, without really knowing anything, praises himself so, ‘I have realized super human states, I know this, I see this’, then, at a later time, whether questioned about it or not, desires to be purified and says, ‘Actually, I don’t know anything, I don’t see anything, but I falsely claimed to know and to see, I lied’, this bhikṣu commits a *pārājika*, and he is no more in communion’. Because of over-estimation, I claimed that I realized the Dharma, but only later, after striving diligently, without laziness, I (truly) attained the supreme realization. May it be that I committed a *pārājika*? What should I do?” He then went to ask his fellow bhikṣus, “The World Honoured One laid down a rule for the bhikṣus: ‘If a bhikṣu, without really knowing anything, praises himself so, ‘I have realized super human states, I know this, I see this’, than, at a later time, weather questioned about it or not, desires to be purified and says, ‘Actually, I don’t know anything, I don’t see anything, but I falsely claimed to know and to see, I lied’, this bhikṣu commits a *pārājika*, and he is no more in communion’. Because of over-estimation, I claimed that I realized the Dharma, but only later, striving diligently, without laziness, I (truly) attained the supreme realization. May it be that I committed a *pārājika*? Please, *bhadanta*, inform the Buddha on my behalf: whatever the Buddha will decide, so will I obey and do.” The bhikṣus then went to the World Honoured One’s residence and informed him about the entire issue. Then the Buddha for this reason summoned all the bhikṣus, and gave a suitable teaching, praising in many ways the ascetic practices, strictness, being contented and easily satisfied, finding delight in renunciation. He then said to the bhikṣus, “One who over-estimates oneself does not incur an offence. From now on one should recite this prohibition in this way:

If a bhikṣu, without really knowing anything, praises himself 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, he 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 bhikṣu commits a *pārājika*, and he is no more in communion.

Bhikṣu as above.

To do not know, do not see: One does not really know nor see.

To praise oneself: One claims to possess faith²⁵², to possess *śīla*²⁵³, to possess *dāna*²⁵⁴, to possess wisdom derived from learning, to possess Noble wisdom²⁵⁵, to possess unobstructed

²⁵² 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.

²⁵³ 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.

²⁵⁴ 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.

²⁵⁵ As above, this is a factor of the Path that is Noble, which is attained by a *śrotāpanna*.

ability of reasoning²⁵⁶.

Human states: the *skandhas* (the five aggregates), the *dhātus*²⁵⁷, and the *āyatanas*²⁵⁸.

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 foundation²⁵⁹, to possess *śīla* that is Noble, to possess the *ṛddhipāda* (four bases of power)²⁶⁰, to be free from laziness (to possess the five strengths, *pañca balāni*)²⁶¹, 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 Way²⁶², 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)²⁶³, the *samādhi* without application but with stabilization (of the mind on one object)²⁶⁴, the *samādhi* without

²⁵⁶ *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.

²⁵⁷ The eighteen ranges of sensory experience, namely the six sense organs, the six objects, and the six consciousness.

²⁵⁸ The six sense organs plus the consciousness that corresponds to each of them.

²⁵⁹ See the above notes for the meaning of Noble in reference to the Path. The explanation relies on *REP*.

²⁶⁰ The four bases of power are 1) desire (欲), 2) diligence (勤), 3) mind (心), 4) discrimination (觀).

²⁶¹ Faith, effort, mindfulness, wisdom, and concentration (*samādhi*).

²⁶² This is an umbrella term which encompasses everything and that will be explained later in the text.

²⁶³ *Vitarka* (覺; also 尋), *vicāra* (觀; also 伺). This is the first *dhyāna*.

²⁶⁴ 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*.

application and without stabilization (of the mind on one object)²⁶⁵, the emptiness (*śūnyātā*), signless (*animitta*) and desireless (*apraṇihita*) *samādhi*²⁶⁶: one closely studies and is very familiar (with this faculty), reflects over these *samādhi*, and so on as above.

To be able to enter all *samāpatti* means (that one can attain) the *samādhi* with thought²⁶⁷, the *samādhi* without thought (the second *dhyāna*), the *samādhi* of equanimity²⁶⁸, the *samādhi* of mind perception²⁶⁹, the *samādhi* with the exclusion of perception of form²⁷⁰, the *samādhi* without exclusion of perception of form²⁷¹, the *samādhi* obtained through *kaṣiṇa* 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 branch²⁷²: 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 (*dharmajñāna*), the subsequent knowledge (*anvaya-jñāna*)²⁷³, etc., and the knowledge of other

²⁶⁵ 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.

²⁶⁶ 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 with *nirvāna*; 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.

²⁶⁷ Thought means *Vitarka* and *Vicāra*, factors that are present only in the first *dhyāna*.

²⁶⁸ “The *samādhi* of equanimity is the third *dhyāna*, in which bliss (*sukha*) derives from equanimity.” EDVBP, Vol. 1, p. 283.

²⁶⁹ “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.

²⁷⁰ 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.

²⁷¹ 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.

²⁷² 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 dharma* (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* (*kaṣiṇa*, 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).

²⁷³ 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

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 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.

In this way, falsely, without this being true, without knowing anything, without seeing anything, one says to people, “I have realized superhuman states”.

If one utters this claim and the person understands, *pārājika*; if the person does not understand, *sthūlāca*.

If one sends a token of agreement, or sends a proxy, or writes down (the claim), or makes a gesture of acknowledgment, if (the person) understands, *pārājika*; if he does not understand, *sthūlāca*.

If one is in an isolated place, perceiving it as non-isolated, and claims, “I have realized superhuman states”, *sthūlāca*.

If one is in a non-isolated place, but perceives it as isolated, and claims, “I have realized superhuman states”, *sthūlāca*.

If one addresses *devas*, *asuras*, *gandharvas*, *yakṣas*, *pretas*, animals with metamorphic powers that understand human speech, and claims, “I have realized super human states”, if they understand, *sthūlāca*; if they do not understand, *duṣkṛta*. If one sends a token of agreement, or sends a proxy, or writes down (the claim), or makes a gesture of acknowledgment (to their address), if they understand, *sthūlāca*; if they do not understand, *duṣkṛta*.

If one claims to have realized superhuman states to a (common) animal without metamorphic powers, *duṣkṛta*.

If one has really realized the Way and informs about it a bhikṣu who is not sympathetic²⁷⁴, *duṣkṛta*.

If one claims to a person that one has realized (five) faculties and powers, enlightenment, the

Sarvāstivāda School. One who claims to possess this kind of knowledges is claiming to have realized the first fruit.

²⁷⁴ Not sympathetic means that one cannot understand because of lack of direct knowledge.

three *samādhi* of liberation, all *samādhis*, *pārājika*.

Addressing a human being perceiving him as a human being, *pārājika*; if one has doubts, *sthūlāca*. Addressing a human being perceiving him as a non-human being, *sthūlāca*.

Addressing a non-human being perceiving him as a human being, *sthūlāca*. Doubting that he is a non-human being is also *sthūlāca*.

Bhikṣuṇī, *pārājika*. Śikṣamāṇā, śrāmaṇera, śrāmaṇerī, *duṣkṛta* entailing expulsion.

These are the instances of transgression.

No transgression: if one makes claims out of overestimation; if one affirms that (one's powers) are the result of karmic retribution, and not the fruit of practice; if one informs (about one's factual realizations) someone who is sympathetic; if one speaks about faculties, powers, enlightenment, three *samādhi* of liberation, all *samādhis*, without claiming a realization of these states; if one makes a joke; if one speaks rashly; if one makes a claim alone in a secluded place; if one speaks in a dream; if one, wishing to say this, erroneously says that.

No transgression if one is the first offender and the rule has not yet been instituted; if one is crazy, with a confused mind, if one is oppressed by unbearable suffering.

Text 2 - Saṃyuktavarga

983 a27

At that time the World Honoured One was dwelling in Śrāvastī. Upāli rose from his seat, uncovered his right shoulder, put his right knee on the ground, joined his palms, and asked the Buddha, “The bhikṣus of the Vākṣu River claimed to have realized super human states to lay people without having really realized them to get food. Did they commit an offence?” The Buddha said, “The rule was not yet instituted, there is no offence.”

A bhikṣu who overestimated himself claimed (superhuman states). Later on, striving with great effort and applying diligence, without laziness, he really attained the supreme realization. He thought, “The World Honoured One laid down a prohibition for the bhikṣus: ‘Suppose a bhikṣu, without really knowing anything, claims ‘I have realized super human states, I know this, I see this’, than, at a later time, whether questioned about it or not, 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 falsely, I lied’, this bhikṣu commits a *pārājika*, and he is no more in communion’. I claimed that I realized the Dharma because of overestimation, but only later, striving diligently, without laziness, I attained the supreme realization. What should I do?” He then went to ask his fellow bhikṣus, “Excellent, Virtuous Ones! Please inform the Buddha on my behalf: as the Buddha will decide, so will I respectfully do.” The bhikṣus then went to the World Honoured One’s residence, paid homage to him with the head, sat at one side, and informed him about the entire issue. Then the Buddha for this reason summoned all the bhikṣus, and gave a suitable teaching, praising in many ways the ascetic practices, strictness, being contented and easily satisfied, finding delight in renunciation. He then said to the bhikṣus, “One who overestimates himself does not incur an offence”.

The bhikṣus asked the Buddha, “Virtuous One! If someone claims superhuman states to an

animal that has no metamorphic powers, does he commit an offence or not?” The Buddha said, “*Duṣkṛta*.”

“Virtuous One! If the object is a human being and one perceives it as a human being, does one commit an offence?” The Buddha said, “*Pārājika*.” “If one doubts that (the object) is a human being, does one commit an offence?” The Buddha said, “*Sthūlāca*.” “If it is a human being, but one perceives him as a non-human being, does one commit an offence?” The Buddha said “*Sthūlāca*.” “If it is a non-human being, but one perceives him as a human being, does one commit an offence?” The Buddha said “*Sthūlāca*.” “If one doubts that he is a non-human being, does one commit an offence?” The Buddha said “*Sthūlāca*.”

“Virtuous One! If one is in front of a man, but perceives him as a woman, does one commit an offence?” The Buddha said, “*Pārājika*.” “If one is in front of a woman, but perceives her as a man, does one commit an offence?” The Buddha said, “*Pārājika*.” “If one is in front of a certain woman, but perceives her as another woman, does one commit an offence?” The Buddha said, “If one utters the sentence clearly, *pārājika*. If the sentence is not uttered clearly, *sthūlāca*.” “If one is in front of a certain man, but perceives him as another man, does one commit an offence?” The Buddha said, “If one utters the sentence clearly, *pārājika*. If the sentence is not uttered clearly, *sthūlāca*. If one sends a token of agreement, or sends a proxy, or writes down (the claim), or makes a gesture of acknowledgment, making the claim understandable, *pārājika*; if the claim is not understandable, *sthūlāca*.”

“Virtuous One! If one claims in front of *devas, asuras, gandharvas, yakṣas, pretas*, animals with metamorphic powers to have realized superhuman states, does one commit an offence?” The Buddha said, “If one speaks clearly, *sthūlāca*; if one does not speak clearly *duṣkṛta*. If one sends a token of agreement, or sends a proxy, or writes down (the claim), or makes a gesture of acknowledgment, making the claim understandable, *sthūlāca*; if the claim is not understandable, *duṣkṛta*.”

A bhikṣu claimed in front of people to have realized superhuman states; later, he was taken by doubt. The Buddha said, “If the utterance was clear, *pārājika*; if it was not clear, *sthūlāca*. If one wants to address a certain person, but mistakenly addresses a different one, *pārājika*.”

A group of bhikṣus was traveling in the country of Koṣāla. A Brahmin who was a devoted Buddhist saw them and said, “O Virtuous Ones, arhats! Come!” The bhikṣus asked, “Why are you saying that?” He answered, “Virtuous Ones! Come to accept food and drinks, robes, medicines, and whatever you need.” The bhikṣus said, “It is proper.” Later they were assailed by doubt. The Buddha said, “No offence.”

A bhikṣu claimed to have realized the faculties, the powers, enlightenment, absorptions, the three doors of liberation, *samādhi*. He was later assailed by doubt. The Buddha said, “*Pārājika*.”

A bhikṣu spoke about the faculties, the powers, enlightenment, absorptions, the three doors of liberation, *samādhi* to people. Later, he was assailed by doubt. The Buddha said, “No offence.”

A bhikṣu had a donor. He said, “The one who always teaches you the Dharma is an arhat.” The donor asked, “Virtuous One! What are you saying?” The bhikṣu remained silent. Later, he was assailed by doubt. The Buddha said, “Since the claim was not clear, *sthūlāca*.”

A bhikṣu had a donor. He said, “The one who frequently comes to your house is an arhat.” The donor asked, “Virtuous One! What are you saying?” The bhikṣu remained silent. . Later, he was assailed by doubt. The Buddha said, “Since the claim was not clear, sthūlāca.”

A bhikṣu had a donor. He said, “The one who frequently sit on your seat is an arhat.” The donor asked, “Virtuous One! What are you saying?” The bhikṣu remained silent. Later, he was assailed by doubt. The Buddha said, “Since the claim was not clear, sthūlāca.”

A bhikṣu had a donor. He said, “The one who always accepts your food is an arhat.” The donor asked, “Virtuous One! What are you saying?” The bhikṣu remained silent. Later, he was assailed by doubt. The Buddha said, “Since the claim was not clear, sthūlāca.”

A donor asked the bhikṣu to whom he was always offering food, “If you, Virtuous One, are an arhat, please take off your saṃghātī.” The bhikṣu took off (the robe), as a gesture (of acknowledgment) without speaking. Later he was assailed by doubt. The Buddha said, “Sthūlāca.”

A donor asked the bhikṣu to whom he was always offering food, “If you, Virtuous One, are an arhat, please put on your saṃghātī.” The bhikṣu put on (the robe), as a gesture (of acknowledgment) without speaking. Later he was assailed by doubt. The Buddha said, “Sthūlāca.”

A donor asked the bhikṣu to whom he was always offering food, “If you, Virtuous One, are an arhat, sit on the rope seat.” The bhikṣu sat on the rope seat as a gesture (of acknowledgment) without speaking. Later he was assailed by doubt. The Buddha said, “Sthūlāca.”

A donor asked the bhikṣu to whom he was always offering food, “If you, Virtuous One, are an arhat, please stand up.” The bhikṣu stood up, as a gesture (of acknowledgment) without speaking. Later he was assailed by doubt. The Buddha said, “Sthūlāca.”

A donor asked the bhikṣu to whom he was always offering food, “If you, Virtuous One, are an arhat, please go upstairs.” The bhikṣu went upstairs, as a gesture (of acknowledgment) without speaking. Later he was assailed by doubt. The Buddha said, “Sthūlāca.”

A donor asked the bhikṣu to whom he was always offering food, “If you, Virtuous One, are an arhat, please come downstairs.” The bhikṣu came downstairs, as a gesture (of acknowledgment) without speaking. Later he was assailed by doubt. The Buddha said, “Sthūlāca.”

A bhikṣu had a donor. He said, “The one who always teaches you the Dharma is a śrāvaka, disciple of the Buddha.” The donor asked, “Virtuous One! What are you saying?” The bhikṣu remained silent. Later, he was assailed by doubt. The Buddha said, “Since the claim was not clear, sthūlāca.”

Frequently coming to the house of the donor, accepting a seat, accepting food: as above.

A donor asked the bhikṣu to whom he was always offering food, “If you, Virtuous One, are a śrāvaka, disciple of the Buddha, please take off your saṃghātī.” The bhikṣu took off (the robe), as a gesture (of acknowledgment) without speaking. Later he was assailed by doubt. The Buddha said, “Sthūlāca.”

Putting the saṃghātī on, sitting, standing up, going upstairs, coming downstairs: as above.

Maudgalyāyana said to the bhikṣus, “I have supernatural powers that come from karmic retribution.” The bhikṣus said, “Maudgalyāyana, you say to have supernatural powers coming from karmic retribution. This is impossible. You falsely claim to have attained superhuman states, you committed a *pārājika*, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “There are supernatural powers coming from karmic retribution. Maudgalyāyana has not committed any offence.”

Maudgalyāyana said to the bhikṣus, “I have the divine ear, the knowledge of past life, the knowledge of other people’s mind, the divine eye, all coming from karmic retribution.” The bhikṣus said, “Maudgalyāyana, you say to have the divine ear, the knowledge of past life, the knowledge of other people’s mind, the divine eye, all coming from karmic retribution. This is impossible. You falsely claim to have attained superhuman states, you committed a *pārājika*, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “There are the divine ear, the knowledge of past life, the knowledge of other people’s mind, the divine eye, all coming from karmic retribution. Maudgalyāyana has not committed any offence.”

Maudgalyāyana said to the bhikṣus, “Venerable Ones! There is a sentient being that is passing through the sky. I can hear the sounds made by his bones.” The bhikṣus said, “Maudgalyāyana, you say that there is a sentient being that is passing through the sky, and that you can hear the sounds made by his bones, this is impossible. You falsely claim to have attained superhuman states, you committed a *pārājika*, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “There is such sentient being. Maudgalyāyana has not committed any offence.”

Maudgalyāyana said to the bhikṣus, “I see a sentient being whose body has needles as body hair; he is pulling out or putting in (the needles), experiencing suffering, crying loudly.” The bhikṣus said, “Maudgalyāyana, it is impossible that you see such a being. You falsely claim to have attained superhuman states, you committed a *pārājika*, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “I also saw that being, but I didn’t speak about it. Why? Because I was afraid that someone may not believe it. If one does not believe, he will suffer for long time. This being was living in Śrāvastī and was fond of divisive talks and disputes. Because of this negative karma he fell into the Hell, where he experienced suffering for ten thousand million eons. He acquired this form due to these sins. Hence, Maudgalyāyana has not committed any offence.”

Maudgalyāyana said to the bhikṣus, “I see a sentient being immersed in sewage, experiencing piercing suffering, crying loudly.” The bhikṣus said, “Maudgalyāyana, it is impossible that you see such a being immersed in sewage, experiencing piercing suffering, crying loudly. You falsely claim to have attained superhuman states, you committed a *pārājika*, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “I also saw that being, but I didn’t speak about it. Why? Because I was afraid that someone may not believe it. If one does not believe, he will suffer for long time. This being was living in Vārāṇasī at the time of the Buddha Kāśyapa and was a Brahmin. One day he invited the Buddha and the Saṃgha. He filled a manger with sewage and then he sent a messenger to inform that the time was ready. When they arrived, he said, “You can eat this liquid and take away as much as

you want.” Because of this negative karma he fell into the Niraya, where he has been experiencing suffering for ten thousand million eons immersed in sewage. Hence, Maudgalyāyana has not committed any offence.”

Maudgalyāyana said to the bhikṣus, “I see a sentient being who is lying on an iron bed; fire is coming out of the bed, burning his body; his robe, bowl, niṣīdana and needle case are burning with him.” The bhikṣus said, “Maudgalyāyana, it is impossible that you see such a being that suffers in this way. You falsely claim to have attained superhuman states, you committed a pārājika, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “I already seen that being who is suffering in this way, but I didn’t speak about. Why? Because I was afraid that someone may not believe it. If one does not believe, he will suffer for long time. This being was living in Vārāṇasī at the time of the Buddha Kāśyapa and he was a bad bhikṣu. Because of this bad karma he fell into the Hell, where he has been experiencing suffering for ten thousand million eons. He acquired this form due to this karmic cause. Hence, Maudgalyāyana has not committed any offence. Bad bhikṣuṇīs, bad śikṣamāṇās, bad śrāmaṇeras, and bad śrāmaṇerīs suffer in the same way.”

Maudgalyāyana said to the bhikṣus, “I see a sentient being whose body is cooked and rotten, and is pierced by flies, experiencing piercing suffering, and crying loudly.” The bhikṣus said, “Maudgalyāyana, it is impossible that you see such a being that suffers in this way. You falsely claim to have attained superhuman states, you committed a pārājika, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “I also saw that being, but I didn’t speak about it. Why? Because I was afraid that someone may not believe it. If one does not believe, he will suffer for long time. This being was the first Queen consort of King Kalingarāja. Because of jealousy, she poured boiling oil on the head of the second Queen when she was asleep. Because of this bad karma she fell into Hell, where she has been experiencing suffering for ten thousand million eons. She acquired this form due to this karmic cause. Hence, Maudgalyāyana has not committed any offence.”

Maudgalyāyana said to the bhikṣus, “I see the palace of the Asuras and the city surrounded by a wall at the bottom of the ocean. The water is suspended over the city but does not enter the palace.” The bhikṣus said, “Maudgalyāyana, it is impossible that you see the palace of the Asuras at the bottom of the ocean, and no water comes in from the four directions over it. You falsely claim to have attained superhuman states, you committed a pārājika, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “This thing is true; on the four sides over the Asuras’ palace there are four winds that keep away the water, namely the abiding wind, the keeping wind, the incessant wind, the binding wind. Hence, Maudgalyāyana has not committed any offence.”

Maudgalyāyana said to the bhikṣus, “I see a sentient being who has no bones, no skin, no flesh, no blood, who has no impurities, who is not tired. If female, it does not get pregnant.” The bhikṣus said, “Maudgalyāyana, it is impossible that such a sentient being exist, up to the point that it does not get pregnant if female. You falsely claim to have attained superhuman states, you committed a pārājika, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “There is such a being. Hence, Maudgalyāyana has not committed any offence.”

The Buddha was dwelling in Śrāvastī. Maudgalyāyana said to the bhikṣus, “Venerable Ones!

I entered the absorption of the base of infinite space and heard the sound of the elephant King Airāvāṇa entering the Nanda Lake.” The bhikṣus said, “Virtuous Maudgalyāyana, you say that you entered the absorption of the base of infinite space and heard the sound of the elephant King Airāvāṇa entering the Nanda Lake. Virtuous One, it is impossible that you heard sounds after entering the absorption of the base of infinite space. You falsely claim to have attained superhuman states, you committed a pārājika, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “This absorption exists, although it is not pure. Hence, Maudgalyāyana has not committed any offence.”

Maudgalyāyana said to the bhikṣus, “I entered the absorption of the base of infinite space and heard the sound of one thousand million elephants entering the Mandākinī (?) Lake.” The bhikṣus said, “Virtuous Maudgalyāyana, you say that you entered the absorption of the base of infinite space and heard the sound of one thousand million elephants entering the Mandākinī (?) Lake. Virtuous One, it is impossible that you heard sounds after entering the absorption of the base of infinite space. You falsely claim to have attained superhuman states, you committed a pārājika, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “This absorption exists, although it is not pure. Hence, Maudgalyāyana has not committed any offence.”

Maudgalyāyana said to the bhikṣus, “I entered the absorption of the base of infinite space and heard the sound of an elephant King entering the Su Lake²⁷⁵.” The bhikṣus said, “Maudgalyāyana, you say that you entered the absorption of the base of infinite space and heard the sound of an elephant King entering the Su Lake. How can it be that you heard sounds after entering the absorption of the base of infinite space? This is impossible. You falsely claim to have attained superhuman states, you committed a pārājika, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “This absorption exists, although it is not pure. Hence, Maudgalyāyana has not committed any offence. The same holds true for the absorption of the base of consciousness, and the absorption of the base of nothingness.”

Maudgalyāyana said to the bhikṣus, “Virtuous Ones! In the North there is a lake called Anavatapta. Its water is pure, without filth. In it *puṇḍarīka* flowers grow as big as a cart’s wheel, with roots as big as a cart’s axes. The juice extracted from them is as white as milk; their flavor is like honey.” The bhikṣus said, “Maudgalyāyana, it is impossible that there is such a lake in the North. You falsely claim to have attained superhuman states, you committed a pārājika, and you are no more a bhikṣu.” The bhikṣus went to inform the Buddha. The Buddha said, “In the North there is such a lake, as Maudgalyāyana said. Maudgalyāyana has not committed any offence.”

Maudgalyāyana said to the bhikṣus, “Virtuous Ones! In the North there is a lake called Anavatapta. Not far from it there is the Mandākinī (?) Lake. In it golden lotus flowers grow as big as a cart’s wheel.” The bhikṣus said, “Maudgalyāyana, it is impossible. You falsely claim to have attained superhuman states, you committed a pārājika, and you are no more a bhikṣu.” At that point Maudgalyāyana went to the room, took the flower and showed it to the bhikṣus, saying, “Venerable Ones! Is this flower true or not?” The bhikṣus answered, “Or you are an arhat, endowed with supernatural feet, or this is just the product of magic and it is not

²⁷⁵ According to *Fo Guang Great Dictionary*, this means “wonderful”, “inconceivable”.

true. You falsely claim to have attained superhuman states, you committed a *pārājika*, and you are no more a *bhikṣu*.” The *bhikṣus* went to inform the Buddha. The Buddha said, “What Maudgalyāyana said is true. There is no offence.”

Maudgalyāyana said to the *bhikṣus*, “Virtuous Ones! In the North there is a lake called Anavatapta. A river originates from it which flows up to here.” The *bhikṣus* said to Maudgalyāyana, “You say that there is a lake called Anavatapta, and a river originates from it which flows up to here. The World Honoured One told about it; we know from him that the water of that lake is pure. Now this river is hot, dirty and turbid: this is not consistent. You falsely claim to have attained superhuman states, you committed a *pārājika*, and you are no more a *bhikṣu*.” The *bhikṣus* went to inform the Buddha. The Buddha said, “It is as Maudgalyāyana said. This river passes through the little Hell before coming out in Śrāvastī. This is why it is hot, dirty and turbid. Maudgalyāyana has committed no offence.”

Maudgalyāyana said to the *bhikṣus*, “Beneath the point where this river springs out there is a lake whose water is pure and that originates from it.” The *bhikṣus* said, “Maudgalyāyana, you say this, as the World Honoured One said; we know it from him. This river is hot and dirty, while the water beneath is pure. This is not consistent. You falsely claim to have attained superhuman states, you committed a *pārājika*, and you are no more a *bhikṣu*.” The *bhikṣus* went to inform the Buddha. The Buddha said, “It is as Maudgalyāyana said. Beneath the point where the hot river springs out there is a lake. Its water is pure, neither filthy nor turbulent, and it originates from this river. After having passed through the little Hell, (the river) comes out in Śrāvastī, this is why it is hot and dirty. Maudgalyāyana has committed no offence.”

At that time Prasenajit was King of Kośalā and Ajātaśatru was King of Magadha. The two countries waged war against each other. King Prasenajit defeated the army of King Ajātaśatru. Mahamaudgalyāyana said to the *bhikṣu*, “King Prasenajit and King Ajātaśatru have waged war against each other. King Prasenajit is the winner.” Later, King Ajātaśatru waged war again and won. At that time from Rājagrha the news spread in the country that King Ajātaśatru won against King Prasenajit. The *bhikṣus* said to Maudgalyāyana, “You said that King Prasenajit and King Ajātaśatru have waged war against each other, and King Prasenajit would defeat Ajātaśatru. But now the news is spreading in Magadha that King Ajātaśatru defeated King Prasenajit. Maudgalyāyana, you falsely claim to have attained superhuman states, you committed a *pārājika*, and you are no more a *bhikṣu*.” The *bhikṣus* went to inform the Buddha. The Buddha said, “It is like that. King Prasenajit defeated King Ajātaśatru. Later, Ajātaśatru waged war again and defeated Prasenajit. Maudgalyāyana saw what happened prior and not the latter. Hence, Maudgalyāyana has committed no offence.” The same happened when Ajātaśatru waged war against Vaiśālī.

The Buddha said to Maudgalyāyana, “Stop! Stop! Don’t speak again! The *bhikṣus* don’t believe what you say. Why? Since the *bhikṣus* do not believe you, they commit a lot of offences.” The Buddha then said to the *bhikṣus*, “You should believe that such an arhat *bhikṣu* has such great spiritual powers. If you doubt and do not believe you will suffer for long time.”

In the assembly there was a bhikṣu whose name was Delighting-in-Severity²⁷⁶. He said to the bhikṣus, “Venerable Ones, I remember the things of five hundred eons.” The bhikṣus said, “The Buddha himself never said that He remembers things of five hundred eons, but you said that. You falsely claim to have attained superhuman states, you committed a pārājika, and you are no more a bhikṣu.” The bhikṣu went to inform the Buddha. The Buddha said, “Bhikṣu Delighting-in-Severity can remember one life, but I can remember infinite lives and innumerable things, up to the form and aspect that I assumed, and what I said. I can remember all this. Bhikṣu Delighting-in-Severity did not commit any offence.”

Definitions

Superhuman states

The text of the *DV* translated above gives a quite lengthy and detailed exposition of what has to be intended by the expression ‘superhuman states’. 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 *puṭhujjana* (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 *pārājika*.²⁷⁷

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*, *piśāca*, *vetāḍa*, *pretas*, *kumbhāṇḍa*, *rakṣasa* 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 *pārājika*. If one claims that *vairam̐bhaka*²⁷⁸ visit one’s place, one commits a *sthūlāca*.²⁷⁹

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 *sthūlāca*, 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

²⁷⁶ The Chinese is Yan Hao (嚴好).

²⁷⁷ GPV, book 18, 31.

²⁷⁸ These are the winds that destroy a world at the end of an eon.

²⁷⁹ SV, T23, 12c13.

stbūlāca.²⁸⁰

Overestimation

The *DV* does not give any offence for overestimation, namely the mistaken believe of having attained realization of the Dharma. The *SV* gives a *duṣkṛta*:

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 *duṣkṛta*.”²⁸¹

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.²⁸²

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

²⁸⁰ GPV, book 18, 32a.

²⁸¹ FCNP, book 7, 64.

²⁸² FCNP, book 7, 65a.

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

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: *pārājika* if human, *sthūlāca* if non-human, *duṣkṛta* if 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 *pārājika*.

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 *pārājika* 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	<i>pārājika</i>
	2. By giving a token of agreement		The person does not understand	<i>sthūlāca</i>
	3. By sending a proxy	To non-human beings, like devas, yakṣas, pretas, etc. To animals who have metamorphic powers and understand human speech	The being understands	<i>sthūlāca</i>
	4. By writing the claim		The being does not understand	<i>duṣkṛta</i>
	5. By making a gesture of acknowledgment	To common animals that have no metamorphic	Whether it understands or not	<i>duṣkṛta</i>

	powers	
If one is in an isolated place, perceiving it as non-isolated, and claims, “I have realized superhuman states”		sthūlāca
If one is in a non-isolated pace, but perceives it as isolated, and claims, “I have realized superhuman states”,		sthūlāca
If one has really realized the Way and informs about it a bhikṣu who is not sympathetic		Duṣkṛta

Perception

Addressing a human being	perceiving him as a human being	pārājika
	if one has doubts	sthūlāca
	perceiving him as a non-human being	sthūlāca
Addressing a non-human being	perceiving him as a human being	sthūlāca
	doubting that he is a non-human being	sthūlāca

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 pārājika
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 impose any offence. For the SV one commits a duṣkṛta.
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 sthūlāca.
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 pācittiya under pācittiya 8. If one speaks to a fully ordained person who cannot understand because

	<p>he has no experience, the offence is a <i>duṣkṛta</i>.</p> <p>If instead, he speaks about his attainments to someone who has similar experiences, there is no offence.</p> <p>The Buddha usually discouraged people from claiming their attainments even if these were genuine.</p>
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Exceptions

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 from 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 sky²⁸³. Although people do not get them, they do not get surprised if others have them.²⁸⁴

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 manifestation 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:

²⁸³ I guess that this means using the trajectory of birds for divination.

²⁸⁴ FCNP, book 7, 65b.

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 (*pārājika*); nevertheless, they are grounds for a *duṣkṛta*, because it is part of the (right) department of things that should not be said.²⁸⁵

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 *sthūlāca*, because nobody would believe it.

²⁸⁵ GPV, book 18, 32b.

Pārājika 5 - Abstaining from lustful contact with a man

If a bhikṣuṇī who has defiled thoughts engages in lustful contact with a man who has defiled thoughts from under the armpits till above the knees, if he caresses, pulls, pushes, rubs upwards, rubs downwards, lifts, puts down, grabs, or presses her, this bhikṣuṇī commits a pārājika and cannot live anymore in communion; this is mutual bodily contact.

Vibhaṅga

715, a6

At that time the World Honoured One was residing in Śrāvastī, at Anāthapiṇḍada's monastery. There was a powerful and wealthy headman whose name was Mṛgāranapṭṛ the Meritorious One²⁸⁶; he was very handsome and had a dignified demeanour. Bhikṣuṇī Sthūlanandā either was very beautiful, and she had a very dignified demeanour. Headman Mṛgāranapṭṛ became infatuated with bhikṣuṇī Sthūlanandā, and bhikṣuṇī Sthūlanandā became infatuated with the headman. Because of Sthūlanandā, one day (the man) invited the bhikṣuṇīs together with Sthūlanandā for the meal. During the night he had all sort of delicious drinks and food prepared and at dawn he announced that the time for the meal was ready. Sthūlanandā knew that the headman had made the invitation to the Saṃgha because of her; therefore, she stayed in the monastery and did not go. The other bhikṣuṇīs at the appropriate time, donned their robes, took their bowls, went to the house of the headman and took their seats. The headman, surveying the bhikṣuṇī Saṃgha did not see Sthūlanandā and asked, 'Where is Sthūlanandā? Why did she not come?' They answered, 'She is in the monastery; she did not come.' The headman served the food in a hurry and went to Sthūlanandā's residence in the monastery. Sthūlanandā saw from far the headman coming and lied on the bed. The headman first asked, 'Arya, what are you suffering from?' She answered, 'I'm not suffering for anything. I want what the other does not want.' He replied, 'I want it, it is not that I do not want it.' Then the headman embraced her, lying down; he caressed and pressed her, and she moaned. Then the headman went back sitting and asked her, 'Arya, what do you need?' She answered, 'I need sour jujube.' The headman replied, 'I will send what you need tomorrow.'

A śrāmaṇerī who was taking care of the rooms saw what happened and reported it to the bhikṣuṇīs when they came back from the meal. The bhikṣuṇīs heard it; those who were contented with little, practiced the austerities, were fond of the training and knew shame, were annoyed with bhikṣuṇī Sthūlanandā and reproached her, 'How could you do such things with the headman?' The bhikṣuṇīs went to inform the bhikṣus, and the bhikṣus informed the World Honoured One. On that occasion, the World Honoured One gathered the bhikṣu Saṃgha and rebuked bhikṣuṇī Sthūlanandā in many ways, 'What you have done is improper! It is not the proper demeanour! It is not the way of śramaṇa! It is pure conduct! It does not fit the proper conduct! It should not be done! Why, Sthūlanandā, did you do such things with

²⁸⁶ I adopt the name as translated by Ann Heirmann, TDFP.

the headman?’ Having rebuked her in many ways, the World Honoured One taught the bhikṣus, ‘This Sthūlanandā is a foolish person, she is afflicted by many defilements, she is the first offender. From now on I lay down this rule for bhikṣuṇīs and collect the ten reasons up to letting the Correct Dharma abide long in the world. One who wants to recite this rule has to do it in this way:

If a bhikṣuṇī who has defiled thoughts engages in lustful contact with a man who has defiled thoughts from under the armpits till above the knees, if he caresses, pulls, pushes, rubs upwards, rubs downwards, lifts, puts down, grabs, or presses her, this bhikṣuṇī commits a pārājika and cannot live anymore in communion; this is mutual bodily contact.

Bhikṣuṇī: as above.

Defiled thoughts: it means that the mind is associated with defiled states. Defiled thoughts in the man have the same definition.

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.

It is a man, she perceives him as a man, he caresses her body with his hands, the bodies come in contact, there is sexual desire, she feels the pleasure of contact, she commits a pārājika.

It is a man, she perceives him as a man, he caresses her body with his hands, she moves her body, there is sexual desire, she feels the pleasure of contact, she commits a pārājika.

The same holds true up to pressing.

If she doubt that it is a man, she commits a sthūlāca.

It is a man, she perceives him as a man, she touches his clothes or necklaces, there is sexual desire, she feels the pleasure of contact, she commits a sthūlāca.

It is a man, she perceives him as a man, she touches his clothes or necklaces, there is sexual desire, she does not feel the pleasure of contact, she commits a sthūlāca.

It is a man, she perceives him as a man; the man touches her body with his clothes or

necklaces, there is sexual desire, she feels the pleasure of contact, she commits a sthūlāca.

It is a man, she perceives him as a man; the man touches her body with his clothes or necklaces, there is sexual desire, she does not feel the pleasure of contact, she commits a sthūlāca.

It is a man, she perceives him as a man, she touches his clothes or necklaces, there is sexual desire, she moves the body, but does not feel the pleasure of contact, she commits a sthūlāca.

It is a man, she perceives him as a man, she touches his clothes or necklaces, there is sexual desire, she does not move her body, but she feels the pleasure of contact, she commits a sthūlāca.

It is a man, she perceives him as a man; the man touches her body with his clothes or necklaces, there is sexual desire, she moves the body, but she does not feel the pleasure of contact, she commits a sthūlāca.

It is a man, she perceives him as a man; the man touches her body with his clothes or necklaces, there is sexual desire, she feels the pleasure of contact, but she does not move the body, she commits a sthūlāca.

It is a man, she perceives him as a man, the bodies come in contact, there is sexual desire, she does not feel the pleasure of contact, but she moves the body, she commits a sthūlāca.

It is a man, she perceives him as a man, the bodies come in contact, there is sexual desire, she feels the pleasure of contact, but she does not move the body, she commits a sthūlāca.

The same applies to the case of pulling up to pressing: (under the same conditions) she commits a sthūlāca. If she doubts that it is a man, she commits a duṣkṛta.

It is a man, she perceives him as a man, she touches his clothes or necklaces with her clothes, there is sexual desire, she feels the pleasure of contact, she commits a duṣkṛta.

It is a man, she perceives him as a man, she touches his clothes or necklaces with her clothes, there is sexual desire, she does not feel the pleasure of contact, she commits a duṣkṛta.

It is a man, she perceives him as a man, she touches his clothes or necklaces with her clothes, there is sexual desire, she does not feel the pleasure of contact, but she moves the body she commits a duṣkṛta.

It is a man, she perceives him as a man, she touches his clothes or necklaces with her clothes, there is sexual desire, she feels the pleasure of contact, but she does not move the body, she commits a duṣkṛta.

It is a man, she perceives him as a man, she touches his clothes or necklaces with her clothes, there is sexual desire, she does not feel the pleasure of contact and she does not move the body, she commits a duṣkṛta.

It is a man, she perceives him as a man, she touches his clothes or necklaces with her clothes, there is sexual desire, she feels the pleasure of contact and she moves the body, she commits a duṣkṛta.

The same applies to all cases up to pressing: (under the same conditions) she commits a

duṣkṛta.

If she doubts that it is a man, duṣkṛta.

If a bhikṣuṇī touches the body of a man, she commits a pārājika at any touch. She commits as many pārājikas as the times she touches (his body).

If she touches the body of a male deva, a male asura, up to a male animal that has metamorphic powers, she commits a sthūlāca.

If she touches the body of an animal that has no metamorphic powers, she commits a duṣkṛta.

If she touches the body of a woman, she commits a duṣkṛta.

If she touches the body of an intersex individual, she commits a sthūlāca.

If a man, when paying homage to her, grasps her feet, she feels pleasure, but she does not move the body, she commits a duṣkṛta.

If a bhikṣuṇī has sexual desire and touches the robe, the bowl the sitting cloth, the needle case, the shoes (of a man) or she touches herself (with lust), she commits a duṣkṛta.

If it is a human male, and she perceives him as a human male, she commits a pārājika. If she doubts whether he is a human male, she commits a sthūlāca. If it is a human male, but she perceives him as a deva male, she commits a sthūlāca. If it is a deva male, but she perceives him as a human male, she commits a sthūlāca. If she doubts whether he is a deva male, she commits a sthūlāca.

A bhikṣu commits a saṃghāvaśeṣa. Śikṣamāṇā, śrāmaṇera, śrāmaṇerī commit a duṣkṛta.

These are the conditions for the transgression.

There is no offence if she touches (the body of a man) when taking or giving things; when she does it for fun; if she does it to rescue him; whenever there is no sexual desire, there is no offence.

There is no offence for the first offender and the rule has not yet been instituted, if one is crazy and confuse or oppressed by unbearable pain.

The pattern for instituting bhikṣuṇī rules

This is the first rule instituted specifically for bhikṣuṇī that appears in the Vibhaṅga.

In the DV, as we can infer from the Vinaya text, the pattern provides for the involvement of the bhikṣu Saṃgha. The bhikṣuṇīs discover an unbecoming behaviour, inform the bhikṣus, and the bhikṣus in turn inform the Buddha about the question and he finally explains the new rule to them, instead of addressing the bhikṣuṇī Saṃgha directly.

Traditional commentators usually explain that the Buddha never addressed bhikṣuṇīs directly in order to avoid gossips. Moreover, the bhikṣu Saṃgha is in charge with instructing the bhikṣuṇī Saṃgha, therefore bhikṣus naturally become the only audience of the Buddha for what concerns the Vinaya.

This traditional tenet can be easily challenged. First of all, there are many instances in both the sutta and the Vinaya in which the Buddha speaks directly to women, both lay and ordained, without any fear of bad reputation.

Moreover, in the MV we find a different pattern that never involves the bhikṣu Saṃgha: a bhikṣuṇī behaves improperly, her companions rebuke her and inform bhikṣuṇī Mahāprajāpatī, who directly informs the Buddha. The Buddha orders Mahāprajāpatī to gather all the bhikṣuṇīs that are living in that place and promulgates the new rule. The bhikṣu Saṃgha is never involved.

My impression is that the DV elaborates on a later explanation, when the narrative about the Buddha never speaking to bhikṣuṇīs had become already an accepted feature.

Definitions

The areas of the body

The DV assigns a pārājika 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 bhikṣuṇī in the main area, the bhikṣuṇī commits a pārājika. 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 sthūlāca.

The contact must happen skin to skin in order to commit a pārājika. If, of the two areas that come in contact, one is clothed and the other not, the offence is a sthūlāca. If the areas of the body that come in contact are both clothed, the offence is a duṣkṛta.

In the parallel prohibition for bhikṣus, 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.

Human male

The opponent must be a human male. A male belonging to another category of beings is not the grounds for a pārājika. 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 pārājika, as well as a corpse.

In the parallel prohibition for bhikṣus, 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.

Subsequent transgressions

The DV says: “If a bhikṣuṇī touches the body of a man, she commits a pārājika at any touch. She commits as many pārājikas as the times she touches (his body)”.

In Pārājika 1 we have discussed at length the fact that one who commits a pārājika must still be considered a bhikṣu according to the DV. The first and most obvious evidence comes from the story of bhikṣu Nanda found in the Saṃyuktavarga. A second evidence comes from this rule. Stating that a bhikṣuṇī commits as many pārājikas as the times she touches the body of a man means that she still retains her precepts after having committed the first pārājika.

Conditions of the transgression

There are six conditions for the transgression:

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	Pārājika (if she doubts whether the being is a man, sthūlāca)
			She feels pleasure and she moves the body	
			She feels pleasure, but she does not move the body	Sthūlāca (if she doubts whether the being is a man, duṣkṛta)
			She does not feel pleasure, but she moves	

			the body	
		The bhikṣuṇī touches the clothes or the ornaments worn by the man, or the man touches the bhikṣuṇī 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	Sthūlāca (if she doubts that it is a man, duṣkṛta)
		The contact happens through clothes and ornaments	Whether she feels pleasure or not, she moves her body or not	Duṣkṛta
	It is a male deva, asura up to an animal that has metamorphic powers	When the bodies come in contact		Sthūlāca
	It is an intersex individual			
	It is an animal without metamorphic powers	When the bodies come in contact		Duṣkṛta
	It is a woman			

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

In case of contact skin to skin, one commits a pārājika 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 sthūlāca.

Differences of conditions for bhikṣus and bhikṣuṇīs

There are four major differences in the rule of engaging in lustful contact for bhikṣus and bhikṣuṇīs:

1. A bhikṣuṇī commits the offence only if the man is alive, while a bhikṣu commits the offence (saṃghāvaśeṣa 2) even if the woman he is touching is dead;

2. A bhikṣuṇī commits the offence only if the other person is a male grown enough to be able to engage in sexual intercourse, while a bhikṣu commits an offence if he touches the body of any human female at any age;
3. A bhikṣuṇī commits the offence if the contact happens between the armpits and the knees, while for a bhikṣu the entire body of a woman, from the head to the toes, is grounds for the offence;
4. A bhikṣuṇī commits the offence if both feel sexual attraction, while a bhikṣu commits the offence even if his sexual desire is not reciprocated.

Therefore, committing this offence is more difficult for a bhikṣuṇī than for a bhikṣu; nevertheless, it is a heavier offence.

Perception

It is a human male	She correctly perceives it as a human male	Pārājika
	She doubts whether he is a male	Sthūlāca
	She perceives him as a non-human male	
It is a non-human male	She perceives him as a human male	
She doubts whether he is a non-human male		

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 pārājika, but it is a wrongdoing (duṣkṛta).

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

Pārājika 6 – The eight actions

If a bhikṣuṇī has sexual desire, and knows that a man has sexual desire, and she lets him hold her hand, hold her robes, she enters a secluded place with him, she stands and converses with him, she sits close to him and makes arrangements with him, she commits a pārājika and cannot live anymore in communion, because she has done the eight actions.

Vibhaṅga

716, a6

The World Honoured One was staying in Śrāvastī at the Anāthapiṇḍada's grove. In Śrāvastī there was a headman called Sālhr̥ Mṛgāranapṭṛ²⁸⁷. He was very handsome. Also bhikṣuṇī Sthūlanandā was very beautiful. Headman Mṛgāranapṭṛ was infatuated with bhikṣuṇī Sthūlanandā; bhikṣuṇī Sthūlanandā was infatuated with Headman Mṛgāranapṭṛ. Moved by her desire, bhikṣuṇī Sthūlanandā let him grasp her hand, grasp her robe; she entered a secluded place with him, she stood and she conversed with him, she walked with him, she sit very close to him and made arrangements with him. The other bhikṣuṇīs knew it. Those who had few desires, were contented and practiced the ascetic practices, were happy of training and knew shame, were annoyed and rebuked bhikṣuṇī Sthūlanandā, 'Why you, moved by desire, let him grasp your hand, grasp your robe, enter a secluded place with him, stand and converse with him, walk with him, sit very close to him and make arrangements with him?' The bhikṣuṇīs informed the bhikṣus and the bhikṣus went to inform the World Honoured One. The World Honoured One on that occasion gathered the bhikṣu Saṃgha and rebuked bhikṣuṇī Sthūlanandā, 'What you have done is improper! It is not the proper demeanour! It is not the way of a śramaṇa! It is not pure conduct! It does not fit the proper conduct! It should not be done! Why you, bhikṣuṇī Sthūlanandā, moved by desire, let him grasp your hand, grasp your robe, enter a secluded place with him, stand and converse with him, walk with him, sit very close to him and make arrangements with him?' Having rebuked bhikṣuṇī Sthūlanandā in many ways, the World Honoured One said to the bhikṣus, 'This Sthūlanandā has many defilements, she is the first offender. From now on I lay down this rule for bhikṣuṇīs and list the ten reasons up to the long abiding of the Correct Dharma in the world.' One who wants to recite this rule, should do it in this way:

If a bhikṣuṇī has sexual desire, and knows that a man has sexual desire, and she lets him hold her hand, hold her robes, she enters a secluded place with him, she stands and converses with him, she sits close to him and makes arrangements with him, she commits a pārājika and cannot live anymore in communion, because she has done the eight actions.

Bhikṣuṇī as above.

Having sexual desire means that the mind is defiled. A man having sexual desire is the same.

Holding the hand: holding the hand up to the wrist.

²⁸⁷ Ann Heirmann, TDFP.

Holding the robe: Holding the robe that she is wearing.

Entering a secluded place: it is a place beyond the range of seeing and hearing.

Standing together in a secluded place: it is a place beyond the range of seeing and hearing.

Conversing together: it is also a place beyond the range of seeing and hearing.

Walking together: it is also a place beyond the range of seeing and hearing.

Sitting close: the body is posed for reaching the other person.

Making arrangements together: (making arrangements) to meet in a place where it is possible to engage in sexual intercourse.

If a bhikṣuṇī has sexual desire and accepts that a lusting man holds her hand, she commits a sthūlāca; if she accepts him holding her robe, she commits a sthūlāca. Entering a secluded place, standing there together with him, conversing there with him, walking there with him, thinking that it is delightful, sitting close to him: for each one of these actions she commits a sthūlāca.

Having done these seven actions and not having confessed them yet, if she does the eighth, she commits a pārājika.

If she does seven actions with a deva, a dragon, an asura, a yakṣa, a ghost, an animal that has metamorphic powers, she commits a duṣkṛta for each one. When she does the eighth action, she commits a sthūlāca.

With an animal that has no metamorphic powers, she commits a duṣkṛta at the eighth action.

If she does the eighth action with a lusting woman, she commits a duṣkṛta.

A bhikṣu commits an offence according to what he does²⁸⁸; śikṣamāṇā, śrāmaṇera, śrāmaṇerī duṣkṛta.

This is called committing the offence.

There is no offence if she touches his hand when giving or taking things; if she does it for fun; if he grasps her robe to save her; if they enter a secluded place and stay there because he has something to donate her, he wants to bow to her, he wants to confess to her, and he wants to receive Dharma instruction; if they enter a secluded place and stand together there because he has something to donate her, he wants to bow to her, he wants to confess to her, and he wants to receive Dharma instruction; if they enter a secluded place and talk together there because he has something to donate her, he wants to bow to her, he wants to confess to her, and he wants to receive Dharma instruction; if they enter a secluded place and walk together there because he has something to donate her, he wants to bow to her, he wants to confess to her, and he wants to receive Dharma instruction; if she finds shelter behind him when someone wants to beat her, or bandits are coming, or an elephant is coming, or a ferocious animal is coming, or someone with spears is coming; if she goes to receive instruction or to

²⁸⁸ For a bhikṣu the offence depends on what he is doing. It may be a saṃghāvaśeṣa, an undetermined offence, a pācittiya or a duṣkṛta.

listen to a lecture; if she is invited; if she enters a monastery; if she makes arrangements for a meeting in a place where it is not possible to have sexual intercourse.

These are the exceptions. There is no offence if she is the first offender and the rule has not yet been promulgated; if she is deranged and confused; if she is oppressed by unbearable pain.

Conditions of the transgression

One commits the full offence upon fulfilling five conditions:

1. The target is a human male;
2. She perceives it as a human male;
3. Both are sexually attracted;
4. She does seven actions and never makes amends;
5. She does the eighth action.

Characterstics of the transgression

She performs seven different actions		She commits one sthūlāca for each action
She never confesses nor makes amends and she performs the eighth action		Pārājika
The target is a non-human being or an animal that has metamorphic powers	She performs seven actions	She commits a duṣkṛta for each action
	She performs the eighth action	Sthūlāca
The target is an ordinary animal	She performs the eight actions	Duṣkṛta
The target is a lusting woman	She performs the eight actions	Duṣkṛta

The eight actions do not need to be performed in sequence. Moreover, in order to commit a pārājika, one has to perform all the eight different actions. By performing the same action for eight times one commits a sthūlāca:

By accepting his holding the hand for eight times, one does not commit a pārājika, because this is only one of the actions. If she does all the eight actions with one single man, or she performs them all at the same time, or during an eight years span, or with eight different men, she commits a pārājika, because there is no sequence.²⁸⁹

²⁸⁹ NBV, Book 3, p. 84 b5.

Exceptions

There is no offence if:

1. If she touches his hand when giving or taking things;
2. If she does it for fun;
3. If he grasps her robe to save her;
4. If they enter a secluded place and stay, converse, walk there together because he has something to donate her, he wants to bow to her, he wants to confess to her, and he wants to receive Dharma instruction;
5. If she finds shelter behind him when someone wants to beat her, or bandits are coming, or an elephant is coming, or a ferocious animal is coming, or someone with spears is coming;
6. If she goes to receive instruction or to listen to a lecture;
7. If she is invited;
8. If she enters a monastery;
9. If she makes arrangements for a meeting in a place where it is not possible to have sexual intercourse.

Doing it for fun entails the violation of a *duṣkṛta* offence.

Exception number 4 is not an offence under this rule, because the actions are not motivated by sexual desire; nevertheless, they can be the grounds for *pācittiya* offences as we will see when coming to that chapter, or even lesser *duṣkṛta* offences. The same holds true for exceptions 6 to 9.

The eight actions in other Vinayas

The list of the eight actions differs slightly between different Vinayas.

The PV lists these eight actions: holding the hand, holding the robe, standing, conversing, going to an appointment, consenting to the man staying close to her, entering a secluded place, disposing the body to him (in other words, offering herself to him).

It seems that for this Vinaya entering, standing and conversing are tout-court an offence even when not performed in a secluded place, which is listed separately. In the DV it is explicitly said that these actions must be performed in a secluded place to become the grounds for a *pārājika*. Offering herself to the man is absent in the DV.

The MV lists the following eight actions: staying at arm's reach (with the man), talking to him, accepting him holding her hand, or holding her robe, be happy when he comes, inviting him to sit, bending the body (towards him), making appointments and go with him²⁹⁰.

SV: the eight actions are accepting him holding her hand or her robe, standing, conversing and making appointments with him, entering a secluded place, waiting for him to come and disposing her body "in the way of a common woman"²⁹¹.

²⁹⁰ T22, 526, a10.

²⁹¹ T23, 303, c11.

Comparison between pārajika 1, 5 and 6

Pārajika 1, engaging in sexual intercourse, pārajika 5, enjoying lustful contact with a man, and pārajika 6, performing the eight actions, are evidently connected. They delineate a progression in the level of intimacy between a woman and a man, from the lightest form of mutual involvement presented in pārajika 6, to the most serious act of performing sexual intercourse.

As we will later see, the pācittiya rules already create a level of defense against most serious offences by limiting the chances of contact with people of the other sex even when there is no sexual attraction involved. The same eight actions listed in pārajika 6 may be the grounds for pācittiya or duṣkṛta offences when there is no sexual interest whatsoever in the other person.

When sexual attraction does arise, the same actions are the grounds for a sthūlāca or a pārajika under this rule.

Pārajika 6 therefore constitutes what we might call the dawning of a deeper relationship.

As the mutual longing deepens, the desire of physical contact becomes more urgent and one may commit an offence under pārajika 5, lustful contact with a man.

Finally, when the sexual urge becomes dominating, one may involve in sexual intercourse and commit an offence under pārajika 1.

One of the problems arising in evaluating these offences is that the eight actions and lustful contact are often the preliminaries of the sexual act, constituting therefore its preliminary steps, being the grounds for a sthūlāca offence under pārajika 1.

The difference lies in the motivation: if the motivation is having sexual intercourse, all the preparative constitute preliminary steps and, if the intercourse does not happen because of intervening obstacles, they constitute the grounds for a sthūlāca.

If instead the motivation is simply the physical contact, the same acts become the grounds for a pārajika offence under pārajika 5.

If one simply likes to stay with her beloved, talk and walk with him, but has not yet any other motivations in mind, her actions entail an offence under pārajika 6.

Pārājika 7 – Concealing the pārājika of another bhikṣuṇī

If a bhikṣuṇī knows that another bhikṣuṇī has committed a pārājika, she does not reveal it herself, she does not say it to anybody, she does not inform the Saṃgha, if, at a later time, that bhikṣuṇī dies or she is accused in the Saṃgha, or she disrobes, or she joins ascetics of other doctrines, then she says, ‘I knew already that she has committed such and such an offence’, this bhikṣuṇī commits a pārājika and cannot live anymore in communion.

Vibhaṅga

716, b 24

At that time the World Honoured One was staying in Śrāvastī, at the Anāthapiṇḍada’s monastery. The sister of bhikṣuṇī Sthūlanandā, called Tiṣyanandā, committed a pārājika offence. Bhikṣuṇī Sthūlanandā got to know it and thought, ‘Tiṣyanandā is my sister and she committed a pārājika. I really would like to say it to others, but I’m afraid she will get a bad reputation and if she gets a bad reputation, I will get a bad reputation either. It is better to keep silent and tell nobody.’ Later, bhikṣuṇī Tiṣyanandā disrobed. The other bhikṣuṇīs, seeing this, said to Sthūlanandā, ‘Have you seen that your sister disrobed?’ She answered, ‘What she is doing is right; it is not that it is not right.’ The other bhikṣuṇīs asked, ‘In which way is what she is doing right?’ Sthūlanandā answered, ‘I already knew that she did this and this.’ The bhikṣuṇīs said, ‘If you already knew it, why did you not inform the other bhikṣuṇīs?’ Sthūlanandā answered, ‘Tiṣyanandā is my sister and she committed a pārājika. I really would have liked to say it to others, but I was afraid she would get a bad reputation and if she got a bad reputation, I would have got a bad reputation either. Because of this, I did not say anything.’ The bhikṣuṇīs heard it. Those among them who were contented and with few desires, who practiced the ascetic practices, were glad of the training and knew shame rebuked bhikṣuṇī Sthūlanandā, ‘Why have you concealed the heavy offence of Tiṣyanandā?’ The bhikṣuṇīs informed the bhikṣus and the bhikṣus informed the World Honoured One. On that occasion, the World Honoured One summoned all the bhikṣus and rebuked bhikṣuṇī Sthūlanandā, ‘What you have done is improper! It is not the proper demeanour! It is not the way of a śramaṇa! It is not pure conduct! It does not fit the proper conduct! It should not be done! Why, Sthūlanandā, have you concealed the heavy offence of bhikṣuṇī Tiṣyanandā?’ Having in many ways rebuked bhikṣuṇī Sthūlanandā, he said to the bhikṣus, ‘Bhikṣuṇī Sthūlanandā is afflicted by many defilements, she is the first offender! From now on I will lay down this rule for bhikṣuṇīs and collect the ten reasons up to letting the correct Dharma abide long time in the world.’ From now on, one who wants to recite this rule should do it in this way:

If a bhikṣuṇī knows that (another bhikṣuṇī) has committed a pārājika, she does not accuse her, she does not inform the Saṃgha, she says it to nobody, and, at a different time, that bhikṣuṇī disrobes, or she is expelled, or the Saṃgha interdicts her (from attending precepts recitation and community meetings), or she embraces a different doctrine, and she says, ‘I knew in advance that she had

committed such and such an offence’, this bhikṣuṇī commits a pārājika and cannot live anymore in communion, because she has concealed a grave offence.

The World Honoured One instituted this rule for bhikṣuṇīs in these terms. Later on, someone committed a pārājika in a city and then moved to a village, or she committed a pārājika in a village and then moved to a city. The other bhikṣuṇīs did not know whether she had committed a pārājika or not. Only later they knew that she had committed a pārājika. Some accused herself of a pārājika, some had doubts. The Buddha said, ‘If one does not know, there is no offence. From now on, one should recite this rule in this way:

If a bhikṣuṇī knows that another bhikṣuṇī has committed a pārājika, she does not reveal it herself, she does not say it to anybody, she does not inform the Saṃgha, if, at a later time, that bhikṣuṇī dies or she is accused in the Saṃgha, or she disrobes, or she joins ascetics of other doctrines, then she says, ‘I knew already that she has committed such and such an offence’, this bhikṣuṇī commits a pārājika and cannot live anymore in communion, because she has concealed a grave offence.

Bhikṣuṇī as above.

To know means that one knows that (another bhikṣuṇī) has committed such and such an offence.

Saṃgha is the community that is in harmony for what concerns the Saṃghakarma and the recitation of the Prātimokṣa.

Community is a group of four or more than four members.

Disrobing means that she has left the (Buddha’s) dispensation.

Expelled means that the Saṃgha has carried out against her a Saṃghakarma and has send her away.

Interdicting means that, while the Saṃgha is evaluating her offence, she is interdicted from attending community meetings.

Joining ascetics of other doctrines means that she has embraced non-buddhist doctrines.

Heavy offence is one of the eight pārājikas.

If one commits one of the pārājika offence and later another bhikṣuṇī knows that this bhikṣuṇī has committed a pārājika offence, if she knows it before the meal but she reveals it after the meal, she commits a sthūlāca; if she knows it after the meal, but she reveals it at the beginning of the night, she commits a sthūlāca; if she knows it at the beginning of the night, but she reveals it in the middle of the night, she commits a sthūlāca; if she know it in the middle of the night, but she does not reveal it up to dawn, she commits a pārājika.

If one conceals other offences besides the pārājikas, her offence depends on the one that has been concealed.

If she conceals her own pārājika offence, she commits a sthūlāca.

If one conceals the offence of someone who is not a bhikṣu or a bhikṣuṇī, she commits a

duṣkṛta.

A bhikṣu (who conceals a pārājika) commits a pācittiya. Śikṣamāṇā, śrāmaṇera, śrāmaṇerī, duṣkṛta.

These are the conditions for the offence.

There is no offence if one does not know; if she says it to someone; if there is nobody to whom she can say it; she wants to say it, but she forgets up to dawn; if saying it may put her life or her purity in danger so that she cannot say it.

There is no offence if she is the first offender, if she is deranged and confused or oppressed by unbearable pain.

Definitions

Concealing an offence

Concealing an offence entails the awareness of the offence and the intention of keeping it hidden from other people's knowledge, as Master Dao Xuan says:

In an unwholesome condition of mind, one wants to conceal the offence, in the fear that someone may hear of it.²⁹²

The offender must therefore fulfil these three requirements:

1. She knows the category to which the offence belongs, its name and the number of times it has been transgressed, for example she knows that the offence is a pārājika, that it is called 'abstaining from sexual intercourse' and that it has been transgressed once;
2. She must be aware about the gravity of the offence. For example, it is common among those who do not study the Vinaya to consider the eight actions a light offence; therefore, one may be induced to keep it secret for preserving the other person (or one's own) reputation, in the assumption that this is something trivial.
3. She has the clear intention of keeping it hidden from knowledge.

If one has no clear ideas about the offence, her silence cannot be considered concealing.

The topic of concealing an offence has been developed by Master Dao Xuan in connection with saṃghāvaśeṣa offences. If a bhikṣu conceals a saṃghāvaśeṣa he is subjected to the parivāsa penalty for as long as he has concealed the offence²⁹³. The Master lists ten situation in which it is not possible to accuse one of concealment:

1. Difference in aspect. It is the case in the DV in which someone has committed a saṃghāvaśeṣa and has concealed it, but later he has reverted to the lay life. After having reverted to the lay life, he takes again full ordination. The period before

²⁹² GPV 42, 17.

²⁹³ For the details, refers to volume 2.

disrobing must be reckoned in the computation (of the parivāsa); the period during which he was a lay person cannot be reckoned.²⁹⁴

2. Difference in Dharma. One gives up the precept and becomes a śrāmaṇera; it is similar to the previous case of one who reverts to the lay life.
3. Insanity. If the mind is mad and confused because of insanity, and one commits many saṃghāvaśeṣa, these cannot be considered offences. If he has committed a saṃghāvaśeṣa before becoming insane and he has concealed (the offence), when he later becomes insane, he cannot be accused of concealing it (for the period that he remains in that state).
4. Carrying a suspension. Those who have been suspended are not reckoned in the quorum of the saṃgha.²⁹⁵
5. Different persons. SV: if one leaves with someone who is affiliated by theft, with someone who has been banished, with someone undergoing parivāsa, with one of the four “saṃghakarma bhikṣu/ṇī”²⁹⁶, with someone who is mad, with someone who is mute, or deaf, with someone who does not understand the language, with a bhikṣuṇī up to a śrāmaṇerī²⁹⁷, with a lay person. If one lives with such people, he cannot be accused of concealment. Revealing (the offence) would be invalid. SVNLM lists those who are under parivāsa or mānatva, those who have concluded parivāsa and mānatva, lay people. In these cases either, one cannot be accused of concealment. MiV says that if one is very famous in his place and does not want to make known (his fault to common people), he cannot be accused of concealment. In a different land, his concealing would be an offence.
6. Waiting for the right time. MV: if one enters samādhi, he cannot be accused of concealing. (for the period he is in samādhi). If one thinks, “I will wait a suitable time, a suitable person, a suitable place, to do it according to the teaching”, he cannot be accused of concealment.²⁹⁸
7. Being awestruck. MiV: all concealment is a concealment. (Nevertheless), if one (lives together with) a great master, an acāriya, or someone that inspire reverential awe, he cannot be accused of concealment (if he feels too awestruck to the point of not being able to speak). With others, one commits (the offence of) concealing.
8. Having no intention of concealing (the offence). MV: in reference to concealment, this means that one knows the offence and has the intention to conceal it. For what

²⁹⁴ This case and the following one cannot apply to bhikṣuṇīs, because, if a woman disrobes, she cannot take ordination again.

²⁹⁵ There are three types of suspension. See the next rule for a discussion. The other monks or nuns cannot communicate with someone who has been suspended or provide him/her with requisites. Since a suspended monastic cannot speak with anybody, he cannot reveal an offence he/she might have committed, therefore one’s silence is not considered concealing an offence.

²⁹⁶ These are people who have been subjected to four special disciplinary measures.

²⁹⁷ This includes śikṣamāṇā and śrāmaṇera. A fully-fledged monastic cannot confess to someone who is not his peer.

²⁹⁸ RS, book 28, 25a: “Waiting for a suitable time means that there are obstructing conditions, or that one is not free to reveal (the offence) and therefore arranges to do it later. Waiting for a suitable person means searching for someone who knows the Dharma. Waiting for a suitable place means choosing a better place. It means that one makes up his mind to reveal (the offence), therefore he cannot be accused of concealment.”

In this case we assume that this person tries to arrange the suitable conditions as soon as possible, without delay. Only under this precondition he cannot be accused of concealment. If one tries to tergiversate, the exception cannot apply.

concerns non concealing, it means that one has no intention to conceal. He has not yet revealed (the offence), maybe he has forgotten, therefore he cannot be accused of concealment.

9. Shamelessness. After having committed a saṃghāvaśeṣa, one has no intention to conceal it, but speaks about it to anybody he meets; he does not fear anything.
10. Perplexity. Concerning the Vinaya, he is forgetful, doubtful or ignorant, therefore he cannot be accused of concealment. The DV says that if one does not know (that a certain offence is) a saṃghāvaśeṣa, he cannot be accused of concealment; he can be given directly mānatva. If he knows that it is a saṃghāvaśeṣa, he has to be charged with concealment. He should be guided to make amends for a duṣkṛta offence²⁹⁹, and then he should be given the saṃghakarma for parivāsa.³⁰⁰

RS adds that these ten cases apply to every kind of offence, not only to saṃghāvaśeṣa.

For this specific rule, Master Dao Xuan explains:

If one wants to confess one's offence, the confession is invalid in the following cases: (the counterpart) is not pure; the counterpart is someone who already knows about the offence, but has no intention to reveal it; both have committed the same offence and should make separate confessions, invalidating it; one makes repentance in front of someone who has committed the same offence, invalidating (his own confession).

Moreover, to confess an offence, one has to know the name of the offender, the category of the offence, the number of times the offence has been committed, and the name of the rule that has been transgressed; otherwise, (the confession) is invalid. If one has already revealed his offence to someone, there is no need to speak about it again, to avoid falling into the fault of infinite regress. If the offender has already confessed his offence, even if someone has the intention to conceal it, this concealment is not valid, because there is no more an offence (to be concealed).³⁰¹

Interdiction

The first version of this rule speaks about interdiction. One is interdicted from participating to the poṣadha ceremony, the pravāraṇā and other saṃghakarma.

Interdiction is imposed on someone after he has been accused in the Saṃgha. Accusations may happen at any time, but the Vinaya suggests limiting the chances to accuse someone to the poṣadha ceremony and to pravāraṇā. When all the community is gathered and before carrying out the saṃghakarma, the accuser stands up and puts forwards his accusation, asking that the culprit be interdicted from participating to the ceremony until the case is settled.

There is an entire skandhaka devoted to explaining the procedure for interdiction which will be explained in detail when dealing with the seven methods to settle a dispute.

²⁹⁹ The offence of concealing itself. See later.

³⁰⁰ GPV, book 28, 23a.

³⁰¹ GPV, book 42, p. 18a.

Conditions of the transgression

There are six conditions for the transgression:

1. The offender is a bhikṣuṇī;
2. She has committed one of the eight pārājika;
3. The bhikṣuṇī (object of this rule) knows that she has committed one of the eight pārājika;
4. She has the intention to conceal the offence;
5. She does not attempt to reveal it;
6. Dawn comes.

Characteristics of the transgression

The offender knows that another bhikṣuṇī has committed a pārājika	She knows it before the meal, but she confesses it after the meal	Sthūlāca
	She knows it after the meal, but she confesses it during the first part of the night	
	She knows it during the first part of the night, but she confesses it in the middle of the night	
	She knows it in the middle of the night, but she confesses it during the last part of the night	
	She knows it during the last part of the night, but she does not say anything, and dawn comes	Pārājika
Besides pārājika, if she conceals other offences	Her offence depends on the gravity of the concealed offence	
She conceals her own pārājika	Sthūlāca	
Besides bhikṣus and bhikṣuṇīs, she conceals the offences of other people	Duṣkrta	

The periods of the day

The night was divided into three parts: the first period from 6:00 to 10:00; the middle period from 10:00 to 2:00; and the last period from 2:00 to dawn.

The period before the meal corresponds to the hours between dawn and the meal; the period after the meal corresponds to the hours between the meal and the astronomic noon.

One commits the full offence at the dawn of the day following that on which she got to know about the offence.

Concealing other kinds of offences

A bhikṣuṇī who conceals offences different from pārājika may commit a sthūlāca, a pācittiya

or a duṣkṛta. The offences are summarized as follows:

Concealed offence		Pārājika	Samghāvaśeṣa	Other
A bhikṣuṇī conceals	The offence of another bhikṣuṇī	Pārājika	Pācittiya	Duṣkṛta
	The offence of a bhikṣu	Pācittiya	Pācittiya	Duṣkṛta
	The offence of someone who is not fully ordained	Duṣkṛta	Duṣkṛta	Duṣkṛta
	Her own offences	Sthūlāca	Duṣkṛta	Duṣkṛta

A bhikṣu who conceals the pārājika or samghāvaśeṣa of a bhikṣu or a bhikṣuṇī commits a pācittiya. If he conceals other offences or his own offences, he commits a duṣkṛta.

Exceptions

There is no offence if:

1. one does not know;
2. she says it to someone;
3. there is nobody to whom she can say it;
4. she wants to say it, but she forgets up to dawn;
5. saying it may put her life or her purity in danger;
6. she cannot say it.

If one lives alone and there is no one to whom one may confess (an offence), this is not considered concealment...If one is forgetful there is not transgression, because, although one has not put aside (the question), one has no intention to conceal (the offence). Concealing an offence means that, in an unwholesome condition of mind, one wants to conceal the offence, in the fear that someone may hear of it: in this way (concealment) is successful.³⁰²

Derived offences

When one commits an offence and conceals it, there are a number of other offences which derive from the root one.

Primary derived offences

If one commits an offence, no matter which one, and conceals it, he is liable to commit also the following ones:

1. Listening to the Saṃgha recitation of the Prātimokṣa. The Prātimokṣa should not be recited in front of people who are not pure. Before the poṣadha, the members of the

³⁰² GPV, book 42, p. 17a.

Samgha should examine themselves and, if they know of having committed an offence, they should promptly make amends. In case of doubt, they should ask. One who consciously conceals an offence commits a duṣkṛta any time he listens to the Prātimokṣa recitation.

2. Keeping silent when the triple request on purity is made. During the Prātimokṣa recitation at the end of every section the reciter asks three times the community if it is pure. Intentionally concealing an offence entails a duṣkṛta any time the question is made. Since there are seven sections in the bhikṣuṇī Prātimokṣa and eight in bhikṣu Prātimokṣa, to which we must add the prologue, and since any time the question is repeated three times, the number of duṣkṛta one commits during a single recitation are twenty four for bhikṣuṇīs and twenty seven for bhikṣus.
If instead one suddenly remembers of an offence when the recitation is already started, it is enough that he makes the silent determination to confess it as soon as the recitation ends. This does not count as concealment.
3. Reciting the Prātimokṣa for the Samgha. If one who is not pure is appointed for reciting the Prātimokṣa in front of the Samgha he should be honest and decline the honour. If instead he acts as Prātimokṣa reciter conscious of being impure, he commits a duṣkṛta any time he does it.
4. Accepting the confession of someone else. One who is not pure in reference to a rule should not accept the confession of the same rule or another rule that belongs to the same category.

Two special kind of offences are included in the pācittiya section:

1. If one gives consent and purity for a samghakarma, one lies and commits an offence under pācittiya 1.
2. If one commits an offence because of ignorance of the Vinaya, he has to make amends also for his ignorance under pācittiya 57. If he has less than five varśas in case of a bhikṣu, or six varśas in case of a bhikṣuṇī, the offence is a duṣkṛta. If he reaches the monastic age at which one is supposed to be conversant with the Vinaya, the offence is a pācittiya. Associated to this offence, there may be a duṣkṛta for refusing to study the Vinaya if the person has no intention to remedy his ignorance.

Secondary derived offences

1. Concealing the offence. This is the transgression which is the topic of this rule. At dawn of the day following the one on which one has committed an offence, or, in this case, one has got to know of an offence, one commits this violation. As we have seen, it may be a pārājika, a sthūlāca, a pācittiya or a duṣkṛta.
2. Concealing an offence for subsequent nights. If one goes on concealing the offence day after day, he accumulates a new offence every day. This offence is a duṣkṛta.

Secondary derived offences are generated by both the root offence and the primary derived offences. In this way, one may accumulate in a very short time an innumerable number of offences.

For example, one commits an offence on a certain day and conceals it. On the dawn of the next day he commits the offence of concealing. He goes on saying nothing and at every dawn

he commits a duṣkṛta for concealing an offence for subsequent nights. When the poṣadha day comes, he goes to listen to the Prātimokṣa recitation, thereby committing a duṣkṛta. During the recitation he keeps silent at the questions about purity and commits twenty-four or twenty-seven duṣkṛta depending on his being a bhikṣuṇī or a bhikṣu. He does not confess these new offences, thereby committing a new offence of concealing at dawn, which, in its turn, generates the offences of concealment for subsequent nights.

One may go on with the example and figure out how many offences the culprit may accumulate. If the concealment goes on for years, the number is uncountable.

When making amends, the amends officiant enquires about all the possible derived offences one might have committed. One first makes amends for the secondary derived offences, including both those derived from the original offence as well as those born from the primary derived offences. These offences are impossible to reckon, therefore one simply makes amends for “innumerable offences”. The second step is making amends for the primary derived offences, if there are any. The final step is making amends for the original offence.

Pārājika 8 – Consorting with a suspended bhikṣu

If a bhikṣuṇī knows that a bhikṣu has been suspended by the Saṃgha, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha, that he has neither complied nor made amends, that the Saṃgha has not yet performed the rehabilitating procedure for him, and she consorts with him. The other bhikṣuṇīs admonish her, ‘Sister, this bhikṣu has been suspended by the Saṃgha, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha, he has neither complied nor made amends, the Saṃgha has not yet performed the rehabilitating procedure for him: do not consort with him!’ When the bhikṣuṇīs are admonishing this bhikṣuṇī in this way, she sticks stubbornly to the question and does not give up, they should admonish her a second and a third time, to convince her to give up. If at the third admonition she gives up, it is good; if she does not give up, this bhikṣuṇī commits a pārājika and cannot live anymore in communion, because she has consorted with one who has been suspended.

Vibhaṅga

717, a22

At that time, the World Honoured One was staying in Kauśāmbī, at the Ghoṣitārāma. At that time the Saṃgha carried out a procedure of suspension for the venerable bhikṣu Chanda, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha. He neither complied nor made amends and the Saṃgha did not perform for him the rehabilitation procedure. At that time a bhikṣuṇī called Śamā³⁰³ went up and down to him and served the bhikṣu Chanda. The other bhikṣuṇīs told her, ‘The Saṃgha carried out a procedure of suspension for the bhikṣu Chanda, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha. He neither complied nor made amends and the Saṃgha did not perform for him the rehabilitation procedure. Do not consort with him.’ Bhikṣuṇī Śamā answered, ‘Sisters! This is my brother! If I do not support him now, when should I do it? Therefore, I will go on consorting with him without break.’ The bhikṣuṇīs heard it. Those among them who were contented and with few desires, practiced the ascetic practices, delighted in training and knew shame were annoyed and said to bhikṣuṇī Śamā, ‘The Saṃgha carried out a procedure of suspension for the bhikṣu Chanda, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha. He neither complied nor made amends and the Saṃgha did not perform for him the rehabilitation procedure. Why are you consorting with him?’

The bhikṣuṇīs informed the bhikṣus, who informed the World Honoured One. On that occasion, the World Honoured One gathered the bhikṣu Saṃgha and he rebuked bhikṣuṇī

³⁰³ Ann Heirman, TDFP. No equivalent can be found anywhere in the Vinaya. The literal meaning is “next in rank”. The Ming edition presents a variant (慰 instead of 尉). Heirman rendered the name according to this variant, and, in the lack of any better information, I adopt it.

Śamā, ‘What you have done is improper! It is not the proper demeanour! It is not the way of a śramaṇa! It is not pure conduct! It does not fit the proper conduct! It should not be done! The Saṃgha carried out a procedure of suspension for the bhikṣu Chanda, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha. He neither complied nor made amends and the Saṃgha did not perform for him the rehabilitation procedure. Why are you consorting with him?’ Having rebuked bhikṣuṇī Śamā in many ways, he said to the bhikṣus, ‘I allow that the Saṃgha carries out a jñapti caturtha karma of admonition for bhikṣuṇī Śamā. It should be done in this way: the bhikṣuṇī Saṃgha should appoint a capable person, the eldest or the next to the eldest, either expert in the Vinaya or not³⁰⁴, who is able to carry out a Saṃghakarma. She shall recite this motion:

May the Saṃgha of sisters listen! This bhikṣuṇī Śamā knows that the Saṃgha (of bhikṣus) have carried out the procedure of suspension for bhikṣu Chanda, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha, that he neither complies nor makes amends, that the Saṃgha has not yet performed the rehabilitation procedure for him, and yet she consorts with bhikṣu Chanda. The other bhikṣuṇīs have admonished her, ‘The Saṃgha carried out a procedure of suspension for the bhikṣu Chanda, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha. He neither complied nor made amends and the Saṃgha did not perform for him the rehabilitation procedure. Do not consort with him’, and nevertheless she willingly consorts with him. If the Saṃgha is ready, may the Saṃgha consent that the Saṃgha carries out the procedure of admonition for bhikṣuṇī Śamā, in order to have her give up this question, ‘Sister! The Saṃgha carried out a procedure of suspension for the bhikṣu Chanda, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha. He neither complied nor made amends and the Saṃgha did not perform for him the rehabilitation procedure. Do not consort with him.’ This is the motion.

May the Saṃgha listen!³⁰⁵ This bhikṣuṇī Śamā knows that the Saṃgha (of bhikṣus) have carried out the procedure of suspension for bhikṣu Chanda, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha, that he neither complies nor makes amends, that the Saṃgha has not yet performed the rehabilitation procedure for him, and yet she consorts with bhikṣu Chanda. The other bhikṣuṇīs have admonished her, ‘The Saṃgha carried out a procedure of suspension for the bhikṣu Chanda, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha. He neither complied nor made amends and the Saṃgha did not perform for him the rehabilitation procedure. Do not consort with him’, and nevertheless she willingly consorts with him. The Saṃgha now carries out the procedure of admonition for bhikṣuṇī Śamā, in order to have her give up this question, ‘The Saṃgha carried out a procedure of suspension for the bhikṣu Chanda, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha. He neither complied nor made amends and the Saṃgha did not perform for him the rehabilitation procedure. Do not consort with him.’ Those Venerable Sister who agree

³⁰⁴ Literally: “one who can either recite the Prātimokṣa or not”. Being able to recite the Prātimokṣa strictly means that one has memorized it, but more generally, that one is well versed in the Vinaya.

³⁰⁵ Here starts the first request.

that the Saṃgha now carries out the procedure of admonition for bhikṣuṇī Śamā in order to have her give up this question should keep silent. Those who do not agree should speak. This is the first karma.

One should repeat (the request) a second and a third time.

The Saṃgha has agreed to admonish bhikṣuṇī Śamā, in order to convince her to give up the question. This is agreeable to the Saṃgha, therefore it is silent.

One should admonish bhikṣuṇī Śamā in this way.

The (bhikṣuṇī) Saṃgha, having carried out the jñapti caturtha karma, informed the bhikṣus and the bhikṣus informed the World Honoured One. The World Honoured One said, 'If in the future there will be a bhikṣuṇī who consorts with a bhikṣu suspended by the Saṃgha, the Saṃgha should carry out the jñapti caturtha karma of admonition in this way. From now on, I lay down this rule for bhikṣuṇīs, and collect the ten reasons up to letting the Correct Dharma abide long time in the world.'

One who wants to recite this rule, should do it in this way:

If a bhikṣuṇī knows that a bhikṣu has been suspended by the Saṃgha, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha, that he has neither complied nor made amends, that the Saṃgha has not yet performed the rehabilitating procedure for him, and she consorts with him. The other bhikṣuṇīs admonish her, 'Sister, this bhikṣu has been suspended by the Saṃgha, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha, he has neither complied nor made amends, the Saṃgha has not yet performed the rehabilitating procedure for him: do not consort with him!' When the bhikṣuṇīs are admonishing this bhikṣuṇī in this way she sticks stubbornly to the question and does not give up, they should admonish her a second and a third time, to convince her to give up. If at the third admonition she gives up, it is good; if she does not give up, this bhikṣuṇī commits a pārājika and cannot live anymore in communion, because she has consorted with one who has been suspended.

Bhikṣuṇī as above.

Saṃgha as above.

Suspended: suspended by the Saṃgha through a jñapti caturtha karma.

Dharma: according to the Dharma, according to the Vinaya, according to the teaching of the Buddha.

He does not comply: he does not comply with the method of punishment.

He does not make amends: he has not yet made amends for the offences he committed.

The Saṃgha has not yet carried out the rehabilitation procedure: the Saṃgha has not yet carried out the Saṃghakarma for lifting the penalty.

Consorting: there are two ways (of consorting), one in terms of the Dharma, one in terms of

the requisites (clothes and food). Consorting in terms of the Dharma means teaching higher Vinaya, higher samādhi and higher wisdom; giving teachings, answering questions and reciting sutras. In terms of requisites means giving food and drinks, clothes, beddings, medical assistance when sick.

If a bhikṣuṇī knows that a bhikṣu has been suspended by the Saṃgha, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha, he has neither complied nor made amends and the Saṃgha has not yet carried out the rehabilitation procedure, the other bhikṣuṇīs should admonish her, ‘This bhikṣu has been suspended by the Saṃgha, according to the Dharma, according to the Vinaya, according to the teaching of the Buddha, he has neither complied nor made amends, the Saṃgha has not yet performed the rehabilitating procedure for him: do not consort with him! Give up this question! Don’t compel the Saṃgha to admonish you, thereby committing a heavier offence!’ If she follows the advice, it is good. If she does not, the motion should be carried out. At the end of the motion, they should exhort her again, ‘Sister! Know that I have already recited the motion. The karmas (requests) will follow. Give up this question! Don’t compel the Saṃgha to admonish you, thereby committing a heavier offence!’ If she follows the advice, it is good. If not, the first request should be recited. At the end of the first request, one should say her, ‘I have already carried out the motion and the first request for you. There are still two requests. Give up this question! Do not compel the Saṃgha to admonish you, thereby committing a heavier offence!’ If she follows the advice, it is good. If not, the second request should be carried out. At the end of the second request, one should speak to her again, ‘Do you know, sister? I have already carried out the motion and two requests. There is only one request left. Give up this question! Do not compel the Saṃgha to admonish you, thereby committing a heavier offence!’ If she follows the advice, it is good. If not, she commits a pārājika at the end of the third request.

If she gives up after the motion and two requests, she commits three sthūlāca. If she gives up after the motion and the first request, she commits two sthūlāca. If she gives up after the motion, she commits one sthūlāca. If she gives up before the end of the motion, she commits a duṣkṛta. By consorting with a suspended bhikṣu before she is admonished, she commits a duṣkṛta.

If, when the Saṃgha is admonishing a bhikṣuṇī who consorts with a suspended bhikṣu, a bhikṣu exhorts her not to give up, he commits a sthūlāca if the Saṃgha is already carrying out the procedure; he commits a duṣkṛta if the Saṃgha is not carrying out the procedure.

If a bhikṣuṇī exhorts her not to give up, she commits a sthūlāca if the Saṃgha is already carrying out the procedure; she commits a duṣkṛta if the Saṃgha is not carrying out the procedure.

Beside bhikṣus and bhikṣuṇīs, if someone else³⁰⁶ exhorts her not to give up, he or she commits a duṣkṛta either when the Saṃgha is carrying out the procedure or not.

A bhikṣu commits a duṣkṛta (if he consorts with a suspended bhikṣuṇī); śikṣamāṇā,

³⁰⁶ Someone else who has taken monastic precepts, but not yet the full ordination, namely śikṣamāṇās, śrāmaṇeras or śrāmaṇerīs.

śrāmaṇera and śramaṇerī, duṣkṛta.

This is the transgression.

There is no transgression if she gives up at the first (informal) admonition; if it is an illegal transaction with a separate group, or an illegal transaction with a harmonious Saṃgha, or a legal transaction with a separate group, or an apparently legal transaction with a separate group, or an apparently legal transaction with a harmonious Saṃgha; if it is done with a different Dharma, a different Vinaya and a different teaching of the Buddha; when no admonition has been carried out yet.

There is no transgression if one is the first offender and the rule has not yet been laid down; if one is confused and deranged; if one is oppressed by unbearable pain.

Definitions

Suspension

Suspension is one of the available disciplinary measures. Disciplinary measures are seven in total. The first four are called special disciplinary measures and the bhikṣu or bhikṣuṇīs who is submitted to them is called ‘Saṃghakarma bhikṣu /ṇī’; the last three are suspensions. Suspension is the gravest measure to which a monastic can be submitted.

One may be suspended for holding wrong views, namely affirming that sexual desire is not a hindrance to the path, for refusing to admit an offence, or for refusing to make amends once the offence has been ascertained.

Both special disciplinary measures and suspensions are imposed by jñapti caturtha karman. The bhikṣu/ṇī who has been subject to these procedures is stripped of the 35 privileges³⁰⁷ and has to behave and serve the Saṃgha, besides making amends for all the offences he/she might have committed. In the case of suspension, however, the culprit is in a certain way isolated from the Saṃgha; the other members of the community should not speak with him/her or provide him/her with requisites.

If the Saṃgha is pleased with the offender, it may decide to lift the injunction. This procedure either provides for the carrying out of a jñapti caturtha karman upon which the offender is rehabilitated and reinstated in his previous position.

The case covered by this rule is consorting with a bhikṣu who has been suspended. As specified by the Vibhaṅga, consorting means receiving teachings from him or giving him teachings and providing him with what he needs in terms of the four requisites.

The gravity of the offence

Why is consorting with a suspended bhikṣu serious to the point of inflicting a pārājika on the offender?

It is necessary to understand that the pārājika offence is not inflicted for consorting with a suspended bhikṣu, which, as written in the Vibhaṅga, is in itself a duṣkṛta, but for refusing the

³⁰⁷ See Pārājika 1 for explanations.

admonition and harassing the Saṃgha.

Vinaya Master Fa Kuang³⁰⁸ gives a clear explanation in his *Glosses on the DV*:

There are three faults in consorting (with a suspended bhikṣu) by which it is not allowed:

1. Because he increases his wrong views; he never thinks of repenting, mending his views and following virtue;
2. The one who follows him will be polluted, corrupting mind and behaviour;
3. The bhikṣu Saṃgha has already suspended him, speaking to him is forbidden, but (this bhikṣuṇī) capriciously consorts with him; since she goes against the Dharma and annoys the community, she commits a duṣkṛta.

For what concerns the meaning of the admonition, one should allow this bhikṣuṇī appreciating her distorted comprehension of the eight garudharmas³⁰⁹ and her distorted understanding of the Buddhist teaching that affirms (under different rules) that there is no fault if the target is a relative³¹⁰. The text says (that the offender affirms): ‘This is my brother. If I do not support him now, when should I do it?’ Since she stubbornly sticks to these two reasons³¹¹, she confuses things together and cannot make distinctions, the Saṃgha needs to admonish her and teach her what is right and what is wrong. The garudharmas and the exception concerning a relative refer to a bhikṣu who has right view, is pure, and has enough knowledge to teach the bhikṣuṇīs; to this (bhikṣu) one should show devotion and reverence. If instead one holds wrong views and has no Dharma to teach the bhikṣuṇīs, he should not be consorted with even if he is a relative. One should make her understand that one needs to respect that one but not this one, in the hope that (the misbehaving bhikṣu) changes is confused understanding and goes back to the correct teaching, rejects what is evil and inclines towards virtue.

(Meaning of the offence). The Saṃgha has already admonished her, right and wrong have already being made clear, but she stubbornly grasps to her opinion, she refuses to accept the admonition, she goes against the Dharma and annoys the Saṃgha. This fault is not light; therefore she commits a pāṛājika.³¹²

As the text well explains, consorting with someone who has wrong views simply makes him bolder and can create real problems. If the number of his followers starts increasing, he may become convinced that he is right and start propagating his wrong teachings, jeopardizing the entire Saṃgha.

³⁰⁸ He was almost contemporary to master Dao Xuan.

³⁰⁹ According to one of the eight garudharmas, a bhikṣuṇī should pay homage to the bhikṣus. Nevertheless, there are certain requisites: this bhikṣu should be someone who is learned and virtuous, shows respect and has not been submitted to disciplinary measures. Both the SV and the PV give the procedure for carrying out what is called the ‘non-respect Saṃghakarma’, which may be performed even in the absence of the object, unlikely other Saṃghakarmas. Once this Saṃghakarma has been enacted, the bhikṣuṇī Saṃgha can utterly ignore the bhikṣu in question, denying him both salutation and requisites.

³¹⁰ Certain rules allow for an exception when the target of the action is a relative.

³¹¹ Keeping the garudharmas and exception for relatives.

³¹² GDV, book 11, 337b. Vinaya Master Fa Kuang flourished before Master Dao Xuan.

The pattern of the admonition

The text of the Vibhaṅga gives the pattern usually followed by the Saṃgha when admonishing a misbehaving member.

The Saṃgha does not start immediately with the formal admonition. Usually this is always preceded by an informal admonition. A member who has experience and knowledge may be requested to speak in private with the misbehaving bhikṣu or bhikṣuṇī and try to understand one's reasons and put forward all the objections in the hope that this is enough to have one abandon the misbehaviour. If this is enough, the person simply makes amends for the offences one might have transgressed, and the question ends at this point.

If instead one refuses the admonition and perseveres in one's misbehaviour, one commits a pācittiya offence in the moment one actually does the same action. The Saṃgha may decide to proceed further to a light formal admonition, as described in BP and BiP pācittiya 12 in case the offender is uncooperative, evasive and harasses the Saṃgha. The Saṃgha carries out a jñapti karman by which one is admonished.

In case even this does not deter the culprit from persevering in one's misbehaviour, the Saṃgha may finally decide to carry out a jñapti caturtha karman for imposing a special disciplinary measure or a suspension according to the case.

As explained in the Vibhaṅga, the chanting leader does not go straight through the motion and the three requests but stops at the end of each up to the second request to give the offender the chance to give up and repent. If one does not, the offence is transgressed at the end of the third request.

The injunction may be lifted only if the culprit shows sincere repentance and behaves in a way that pleases the Saṃgha and only upon one's formal request.

In this special case, the Vinaya does not clearly say whether the admonition, being associated with a pārājika offence, can be lifted or not. I hypothesize that, since the pārājika and the admonition are two different matters, if the offender regrets and makes amends, the admonition can still be lifted, while the pārājika of course only admits for life-long penance.

Bhikṣuṇī Śamā appears again in Saṃghāvaśeṣa 6, where it is said that she has been subjected to a procedure of suspension (maybe she was a troublemaker even before following bhikṣu Chanda), and bhikṣuṇī Sthūlanandā, her preceptor, goes outside the territory of the monastery where the suspension has been carried out to lift her penalty without the consent of the saṃgha.

Conditions of the transgression

There are six conditions for the transgression:

1. The bhikṣu is one who has been suspended;
2. The bhikṣuṇī knows that he has been suspended, that he does not give up and has not yet made amends;
3. She consorts with him;
4. The bhikṣuṇī Saṃgha admonishes her according to the rules;

5. She refuses the admonition and does not comply;
6. The third request is recited.

Characteristics of the transgression

The bhikṣuṇī consorts with a bhikṣu who has been suspended and she sticks to her views	The Saṃgha carries out the procedure of admonition	The motion and the three requests are completely recited	Pārājika
		She gives up after the motion and the second request	Three sthūlāca
		She gives up after the motion and the first request	Two sthūlāca
		She gives up after the motion	One sthūlāca
		She gives up before the end of the motion	Duṣkṛta
	Consorting with a suspended bhikṣu when the Saṃgha has not yet carried out the admonition	Duṣkṛta	

Exceptions

There is no transgression if:

1. she gives up at the first (informal) admonishment;
2. if it is an illegal transaction with a separate group, or an illegal transaction with a harmonious Saṃgha, or a legal transaction with a separate group, or an apparently legal transaction with a separate group, or an apparently legal transaction with a harmonious Saṃgha;
3. if it is done differently from the Dharma, differently from the Vinaya, differently from the teaching of the Buddha;
4. when no admonition has been carried out yet.

Defective transactions

There is no offence if the transaction is defective.

Illegal transaction: a transaction is called illegal when motion and request deal with different questions.

Apparently legal transaction: in this case, instead of the request following the motion, it is the motion that follows the request.

In both cases the transaction is invalid.

Separate group is the case in which a single individual or a group, willingly or unwillingly, behaves in a way that is different from the rest of the Saṃgha that is performing the transaction or raises objections when one shouldn't, obstructing the proceedings. For example, one who is present in the territory in which the transaction is enacted does not

participate, or he sits instead of standing, or stands instead of sitting, etc. Detailed explanations are given in the volume 3 of this work.

Even if a transaction is legal, the presence of a separate group invalidates it.

No transgression in the case of invalidity of the procedure does not mean that the culprit is without fault. The procedure can be repeated later and lead to the pārajika offence.