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HCO POLICY LETTER OF 29 DECEMBER 1966

HISTORICAL PRECEDENCE OF ETHICS

One of the early codes of regulations and right conduct is contained in the following article (about 2500 years ago in India).

More importantly, the regulations quoted here are the direct forerunner of our own Ethics system.

This is of interest in event of any challenge of the validity and religious nature of our Ethics system.

This well written summary is taken from the 1965 Buddhist Annual

Matters Judicial

T. H. PERERA

The Vinaya Piṭaka, in particular the Cullavagga, contains the rules of conduct for the purity of the monk-life. The Buddha enacted these rules only when a moral lapse on the part of a disciple was brought to His notice.

These rules of conduct are intended for the *rehabilitation* of an erring monk rather than to punish him. The rules (227) are known as: morality consisting in restraint, with regard to the monk-rules. Except for the four major offences called Pārājikā (defeated), which entail on the offender the expulsion forthwith from the Order, all the infringements of monastic conduct could be atoned for in the manner prescribed in the Vinaya Piṭaka.

These infringements of monastic rules are classified according to their *ascending order* of gravity into: *Dukkātā*, *Thullaccaya*, *Pārājikā*.

For instance, suppose bhikkhu A entertains displeasure towards bhikkhu B, notices a new robe belonging to B, and maliciously hides it causing pain of mind to B, then A has committed a *dukkātā*. If he maliciously causes damage to a new robe belonging to B, he has committed a *thullaccaya*. If he steals a new robe belonging to B, he has committed a *pārājikā*. The same gradation applies to injury to person: simple hurt, grievous hurt, murder.

It must be emphasized here that the Buddha did not consider Himself as a Supreme Law-giver, nor did He entertain the suggestion of a successor. He passed away leaving behind the Teaching and Discipline as successor, counsellor and guide.

After the Buddha's demise, the Elder Gaṇaka Moggallāna raised the question of a successor. Ānanda told him that the Pātimokkha rules were the successor and guide. It is interesting to note here that the time-honoured custom of bhikkhus meeting together, once a fortnight, for the recital of the Pātimokkha rules in order to seek remission for any infringements (lesser) of the monastic rules, and thus establish their purification, dates back to this reply.

The Vinaya Piṭaka, *apropos* the rules of Discipline, permeates, is pregnant with and redolent of the demands of democracy. Every Ecclesiastical

Act is reinforced with the spirit of democracy - a very significant fact, which will be appreciated as the subject is developed here.

One more significant matter: the decisions of the Ecclesiastical Court with regard to capital offences such as *Nissaya-kamma* which carries a period of surveillance on the offender, *Pabbājanāya-kamma* which is temporary removal of the delinquent monk from the ārāma, *Pārājikā* which is instant expulsion of the transgressor from the Order - these decisions received the fiat of the King's Court, and were duly put into execution.

The Ecclesiastical can be classified under four categories:

Disciplinary action taken for the violation of one or more of the Pātimokkha rules (monastic etiquette).

Procedure adopted at the hearing of an alleged offence by a monk, and the passing of sentence if the offender is found guilty.

Conduct of monks while serving a sentence for moral delinquency.

The restitution of the rights and privileges which a monk lost while under surveillance, or removal from an ārāma.

PRELIMINARY PROCEDURE

Questions as regards the minimum number of monks required for an Ecclesiastical Act are raised and settled.

Thereafter, the chapter of monks to form the Court is selected by the unanimous vote of the monks resident in an ārāma.

The President of the Chapter of Monks is chosen by a unanimous vote.

MINIMA

Four monks who are of the higher ordination (*upasampadā*) shall form this Chapter of Monks for all acts, except ordination, the concluding ceremony of Vassāvāsa (*paṭisaṅkhā*), and recalling a monk after probationary discipline (*abbhāna*).

Five *upasampadā* monks for all acts except ordination and *abbhāna*.

MATTERS JUDICIAL

Ten *upasampadā* monks for all acts, except *abbhāna*. These are considered sufficient for an ordination.

Twenty *upasampadā* monks for *abbhāna* and all other acts.

(If any Ecclesiastical Act is transacted below the required *Minima*, then *ipso facto* it becomes invalid and ceases to be operative.)

THE PRESIDENT

The President shall be a senior monk (seniority in regard to *upasampadā*), of unimpeachable character, one who is an accepted authority on the Dhamma-Vinaya and one who has gained the *Jhānas*.¹ He shall be a person who commands the respect and confidence of the entire Saṅgha resident in the *ārāma*. The Chapter assemble and select by voting one of their numbers possessed of the above qualifications as the President of the Court. The voting is either by show of hands, by secret ballot, or by whispering.

CHARGE-SHEET

The information regarding the alleged offence is brought to the notice of the Court, in the form of a resolution moved by a senior monk. It is then seconded and read a second and a third time. If the resolution fails to obtain the unanimous vote of the assembled monks, then a *nolle prosequi* is entered, and the accused monk goes back to his monk-friends with no taint on his character.

THE PLEA

The offender has the right to defend himself, dispute, debate and argue the case. If the decision of the Court goes against him, he has the right of appeal to a higher corporate body of the Saṅgha. All decisions are arrived at by a majority vote. However, unanimity is striven for.

If a difference of opinion arises in regard to the interpretation of a Vinaya rule or the relevancy or otherwise of a particular piece of evidence, it is referred to a special committee of two or more monks who are acknowledged authorities on the Vinaya. The committee, having considered the

matter in dispute in all its aspects, reports back its decision to the Court, which decision is final. The committee which settled the matter in dispute is called the *Ubbāhika*.

SOME OFFENCES

We may now proceed to discuss briefly some of the offences, which are not only repugnant to the moral well-being of the community of monks but also retard the spiritual progress of the monk who succumb to moral turpitude. Let us first of all deal with the two major offences of *Pārājikā* and *Saṅghādisesa*.

PĀRĀJIKĀ

Pārājikā means "defeated", that is, the offending monk has failed, beyond redemption, to honour the pledge which he took to observe at the moment he entered the Order. A monk who falls a victim to the demands of the flesh has fouled the Walk to the Supreme (*brahmacariya*). The Buddha would not compromise on this grave lapse.

The first recorded instance of an adulterer² was Sudinna, the monk. He admitted his offence, explaining that he was persuaded to commit the offence by his parents, who had their own motives. The Buddha pardoned him as a first offender. Thereafter, Sudinna led an exemplary life.

Stealing, murder and persuasion to commit suicide, and pretending ultra-normal powers are the other three offences under *Pārājikā*. The offender is liable to immediate dismissal from the Order. If he so desires, he may return to the Order. In that event he can remain only as a novice.

SANĠHĀDISESA

The thirteen *Saṅghādisesa* offences – offences against person and property – are a degree less than *Pārājikā*, but they are more grievous than *Pācittiyas*. *Saṅghādisesa* offences are so called because the Saṅgha should assemble at the beginning and at the end of this Saṅgha-kamma. The Chapter to hear an offence of this nature should not comprise less than twenty. The offender,

1. The last is no longer observed—Ed.

2. What is specifically meant is a sexual act committed with anyone—Ed.

if found guilty, is suspended from the Order, and is kept on probation for a specified period. During this period, if his conduct is found satisfactory, he is readmitted.

Some of the lesser offences of monastic misconduct will now be noted.

ACT OF CENSURE (*Tajjanīya-kamma*)

A monk who is prone to pick quarrels, is vicious and is vindictive.

A monk who, by nature, delights in the commission of offences.

A monk who is fond of the company of householders (lay folk).

A monk who pays scant respect to monastic etiquette.

A monk who speaks openly against the Buddha, the Dhamma and the Saṅgha.

Tajjanīya-kamma is pronounced on a monk who is found guilty of any one of these offences, which may take the form of a vote of censure on the delinquent monk, or the monk is asked to confess his error and seek expiation for it, or he loses the rights and privileges enjoyed by a monk.

RESTORATION OF STATUS

A monk on whom *Tajjanīya-kamma* is pronounced, wherein he loses certain rights and privileges of a monk, and who conducts himself thereafter in keeping with the Vinaya rules, is afforded the right to seek a revocation of the punishment passed on him, and also seek a restoration of the rights and privileges which he lost.

NISSAYA-KAMMA

A monk is seen to associate with householders in a manner contrary to the bhikkhu-life. In doing so, he participates in such acts as: putting a monk on probation, suspending a monk for a Saṅghādisesa offence, and recalling a monk who is on probation.

The offender, if found guilty, is punished in this manner:—

(a) He is put under a senior monk who is to be his teacher (b) He must devote himself to the study of the Tipiṭaka with his tutor's guidance.

Such restoration of status is as prescribed for *Tajjanīya-'amma*.

PABBAJANIYA-KAMMA

The following are the violations cognizant of this Act:

i. A monk who through his misbehaviour spoils the faith of the supporter-families in the monk.

ii. A monk who is fond of garlands, unguents, music and dancing.

iii. A monk who is frivolous and lacks manners.

Such a monk, if found guilty, is removed from his ārāma to another ārāma till he makes amends. The restoration of monk rights is as provided for above.

PATISARANIYA-KAMMA

A monk causes loss or attempts to cause loss to a layman or reviles him. The offender is brought before the Court, and asked to recant his wrongs and beg pardon of the layman.

UKKHEPANIYA-KAMMA

This is the punishment imposed upon a recalcitrant monk, who is obdurate and refuses to acknowledge or confess a wrong act. It involves the total segregation of a monk till he realises his folly and becomes amenable to discipline.

PARIVĀSA-KAMMA

There are four kinds of *Parivāsa*. One of them deals entirely with persons belonging to non-Buddhist sects who are kept on probation for four months. The other three are punishments imposed on Saṅghādisesa offences. The whole of the *Parivāsikakkhanda* deals with the procedure of keeping a delinquent monk under surveillance for a specified period.

PATIKOSSANĀ-KAMMA

This Ecclesiastical Act is prescribed for minor offences (totalling 92) and are called *Pacittiyā-*

dhammā. The offender is brought before the Saṅgha. He confesses his fault and is reproved.

OTHER ECCLESIASTICAL ACTS

i. *Nissāya* is the act of expelling a monk from the Order.

ii. *Osaraya* is the act of revocation of disabilities imposed upon a monk by the Ecclesiastical Acts (see above).

iii. *Abbhāna* is the elaborate process of recalling a monk who has fulfilled the Vinaya requirements during the period he was under probation.

However, if the monk under probation fails to fulfil the necessary requirements expected of him, then he is placed under:

iv. *Mulāya-patikassanā* which is a further period of Parivāsa or Manatta.³ This process is repeated till the monk is found fit to be recalled to the Order.

These notes should provide a fair idea of the disciplinary methods operating in the community of Buddhist monks.

³. *Manatta-kamma* is also a form of punishment for Saṅghādisesa offences. It runs almost parallel with *Parivāsa-kamma*: T.H.P.

LRH:jp
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