

Buddhist Scholars' Response to the Validity of Bhikkhuni Ordination

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Background

Four women from Dhammasara Nuns' Monastery in Perth Australia were fully ordained as bhikkhunis in the Theravada tradition at Bodhinyana Monastery on October 22, 2009 by the dual ordination procedure (*bhikkhuni upasampada kammavaca*) of the Pali texts. They were ordained first by eight members of the Theravada Bhikkhuni Sangha and then directly afterwards their ordination was confirmed by ten members of the Theravada Bhikkhu Sangha, thus fulfilling the qualifications for a dual ordination. The ordination proceedings were prepared and reviewed beforehand for orthodoxy and accuracy by a team of Vinaya scholars, and were audited during the ordination by Ven Ayya Santini Theri. Afterwards, on request, the ordination proceedings were shared with Wat Pah Pong Monastery in Thailand for their review.

On request of the Administrative Council of Wat Nong Pah Pong, Ajahn Chah's monastery in Thailand, well-known Vinaya scholar and author Thanissaro Bhikkhu reviewed the ordination proceedings and then wrote a letter in which he proposed a potential and tentative inferential theory on Vinaya for consideration of the World Abbots Meeting (WAM) at Wat Pah Pong in December 2009. This letter was concerned with whether the recent full bhikkhuni ordination of four women in Australia could be determined invalid according to the Buddhist Monastic Discipline of the Pali-text Vinaya, the rendition of the Vinaya learned and practiced by Theravadan Buddhist traditions around the world. It is important to understand that the contents of this letter were requested for the sake of discussion and consideration of the WAM and were not meant to be an absolute proclamation, verdict or declaration of any sort. Ajahn Thanissaro was called upon as a consultant. Despite the great respect in which Ven Thanissaro is held for his scholarship, he is not in a position of authority regarding Vinaya within the Wat Pah Pong community and its affiliates, nor within the many Orders and Communities of Theravada Buddhism other than his own. Each of these Communities (Sanghas) and Orders (Nikayas) have their own responsibility and authority to decide internally upon issues of Vinaya. Whether Wat Pah Pong determines the ordinations to be considered valid for their own community or not does not legally effect the ordinations validity within the greater International Buddhist Sangha.

Ajahn Thanissaro's Letter

Ven Thanissaro Bhikkhu's letter, originally sent to former abbot of Wat Pah Nanachat (International Forest Monastery) Ajahn Nyanadhammo, has been posted on the Dhammalight website for review.

Buddhist Scholars' Response

In response to this internet publication, a number of Theravadan Buddhist scholars and Vinaya scholars have reviewed Ajahn Thanissaro's work and, notably, have NOT found his argument valid, nor come to the conclusion he proposed. Rather, the conclusion of each of these scholars has been contrary to Ven Thanissaro's in this case, that is, finding no reasonable precedent in Dhamma or Vinaya to consider the new bhikkhunis' ordinations invalid.

Formalities of the Law, Qualities of the Heart: A Response to Thanissaro Bhikkhu's Letter of Nov. 13, 2009

In his letter of November 13th Thanissaro Bhikkhu objects on grounds of formal procedure to the validity of the bhikkhuni ordination held in Western Australia on October 22nd. I do not think his objections can withstand examination.

The crux of his argument concerns the bearings that Bhikkhuni Pacittiya 83 has on the legitimacy of the proclamations proposing the candidates for admission to the Sangha. Pacittiya 83 assigns a *pacittiya* offense to a bhikkhuni who ordains more than one pupil a year. According to Ven. Thanissaro, since proclamations that propose two candidates under a single sponsor (*pavattini*) would necessarily violate this rule, the proclamations are illegitimate and therefore the ordination is invalid.

In evaluating this critique, we should first note that nothing in the formulation of Bhikkhuni Pacittiya 83 or its analysis declares that a second pupil ordained by the sponsor (*pavattini*) in the same year is *anupasampanna*, "not ordained." This contrasts significantly with the case of Bhikkhu Pacittiya 65, which ascribes a *pacittiya* offense to a bhikkhu who ordains a man under the age of twenty and then adds, of the man who went through the forms of ordination, "and that person is not ordained" (*so ca puggala anupasampanno*). Thus the verdict that the candidates are not validly ordained is inferential. It is an inference that extends beyond what is stated in the text of the Vinaya itself. It is not supported by a fitting analogy with an established precedent in the text and it is therefore questionable that we need affirm it.

We should note that an act of ordination does not have to be perfect in all respects in order to be valid. There are in fact several cases mentioned in the Bhikkhuni Vinaya in which a defect in the ordination procedure does *not* invalidate the ordination itself. For example, Bhikkhuni Pacittiyas 63 and 64 require that a candidate for ordination should have trained "for two years in six special rules" and received authorization from her Sangha to take ordination. However, the "variant cases" sections attached to these rules establish that ordination given to a candidate who has not fulfilled these requirements can still be valid (*dhammakamma*). According to these rules, the preceptor receives a *pacittiya* for conducting the ordination while the other bhikkhunis who participate incur *dukkatas* (a very minor type of offense), but, other things being equal, the ordination remains valid and the candidate emerges a bhikkhuni.

If, under Bhikkhuni Pacittiya 83, the Buddha intended to annul the ordination of the women who were ordained subsequent to the first, in the same year under the same sponsor, it seems almost certain that this would have been stated in the rule itself, as is done in Bhikkhu Pacittiya 65. If this is not stated in the rule, we would expect that the Sutta Vibhanga would have made this point in its analysis of the rule. The fact that nothing of this sort is said in either rule or analysis suggests that, despite the procedural fault, the ordination conferred on the second pupil, and on subsequent pupils in the same year, remains valid. The sponsor incurs a *pacittiya*, of course, and the other bhikkhunis who constitute the quorum incur *dukkatas*. But the ordination itself is not invalidated.

Ven. Thanissaro contends that the invalidity of the ordination stems from the fact that the proclamations used to conduct the ordination violate a rule. In his view, this flaws the proclamations themselves, and since the proclamations are faulty, he holds that the ordination they are intended to execute must be invalid. In support of this hypothesis, he points out that the Parivāra, the last book of the Pali Vinaya Pitaka, mentions several cases in which an ordination is said to “fail” (*vipajjati*) because of faults in the proclamations. But there is a significant difference between the faults pointed out by the Parivāra and the faults in the case under consideration. The faults that the Parivāra says annul an ordination are those in which the names of the candidate and/or his preceptor are omitted, or in which a reference to the Sangha is omitted. In such cases, if we confine our attention to the words of the proclamation themselves, we would see that, while the intentions of the participants might be understood, the words fail to fulfill the act of ordination. They fail to propose a candidate for ordination, or they fail to mention the preceptor under whom the candidate desires ordination, or they fail to state that he seeks ordination from the Sangha of bhikkhus. In these cases, judging from the wording of the proclamations, we would have to conclude that no candidate has been proposed for ordination, or that no preceptor has been proposed, or that it has not been clearly stated that the candidate seeks admission to the Sangha of bhikkhus. These are the essential components of an act of ordination, and it is thus inevitable that a proceeding that does not mention them would be judged a failure.

However, when two women candidates for bhikkhuni ordination are proposed under a single sponsor—providing that their names are stated, the name of the sponsor is stated, and it is said that they desire admission to the Sangha—all the components of a meaningful proclamation are present. Thus, while the proclamations entail a *pacittiya*, they do not omit the essential factors of an ordination. Although the violating of a *pacittiya* rule is certainly regrettable from the standpoint of protocol, there is no compelling reason to think the violation is weighty enough to undermine the validity of the ordination.

Ven. Thanissaro further says that “the act of adhering to the authorized forms for Community transactions is one of the few ways we have of showing to ourselves and others that we are deserving of the Buddha’s trust. This is why the Canon is so insistent that the forms be followed accurately.” I agree with Ven. Thanissaro that under all normal circumstances formal procedures should be followed as scrupulously as possible. It is through the container of forms that the nectar of the Dhamma is prevented from slipping away. However, it seems to me that it would be contrary to the *spirit* of the Buddha’s teaching to use a very minor procedural defect as a ground for retracting the ordination of a candidate who possesses all the requisite qualifications and has entered the Sangha with sincerity of purpose. This is especially the case when it is unclear that the procedural defect itself is grave enough to annul the ordination. Given that the Buddha himself established the Bhikkhuni Sangha, and entrusted the bhikkhus with the responsibility for confirming a bhikkhuni’s ordination, for advising and instructing the bhikkhunis, and for seeing that their material needs are met, I think it would be a much more serious violation of the Buddha’s trust to use minor procedural technicalities to obstruct the growth of this branch of the Sangha in this very early stage of its revival. Rather, our endeavor should be to encourage its growth and ensure that it thrives in a healthy atmosphere of trust and support.

Near the end of his letter, Ven. Thanissaro writes: “This is why the forms are so important for mutual respect, harmony, and trust—all qualities of the heart—in the Community at large.” When I read this sentence, I could not help but ask myself: “Is strict adherence to legalistic protocol the most effective way to nurture the ‘qualities of the heart’? Wouldn’t the ‘qualities of the heart’ be much more effectively nurtured by giving primacy to those virtues such as loving-kindness, compassion, and

generosity of spirit that enable us to transcend self-concern and offer the most bountiful help to others who, like ourselves, aspire to reach the fruits of liberation?” As I see it, while we should do our best to respectfully maintain the forms of the tradition, we should not let a narrow formalism become the basis for denying to humanity’s “other half” the opportunity to lead the holy life in the way the Buddha himself intended women to live it, that is, as fully ordained bhikkhunis.

I should close by stating that the above comments concern only the question of whether the legality of the Australian ordination was undercut by the procedural fault of violating Bhikkhuni Pacittiya 83 in the proclamations. They are not intended to legislate on the question whether it was appropriate for this ordination to have been conducted at the time and under the circumstances in which it took place. That is an altogether different issue which I am not in a position to comment on, as it concerns a system (the Thai ecclesiastical order and its procedural principles) to which I do not belong.

Bhikkhu Bodhi

25 November 2009

Ajahn Brahm

The Vinaya Rules and the Perth Bhikkhunī Ordination

The recent argument by the respected monk and scholar, Ṭhanissaro Bhikkhu, suggests that the recent bhikkhunī ordination in Perth was invalid on the basis of Vinaya (the monastic legal code). While I admire his scholarship and dedication to Buddhism in the West, there are grounds for looking at the matter in a different way.

The length and complexity of Ṭhanissaro Bhikkhu's paper demonstrates that it is a difficult argument to prove. Any argument that is based on the principle of comparing authoritative statements on the Vinaya by the Buddha, and teasing out their meaning, will always be ambiguous. Inferences can travel alternative paths and lead to very different conclusions.

For example, bhikkhunī pācittiya 83 gives a pācittiya to a female preceptor who ordains more than one bhikkhunī per year and a dukkata to the other nuns who participate in the ceremony. Conspicuous by its absence, in both the Piṭaka and the commentary, is any statement that those thus ordained are not valid bhikkhunīs. This can be compared to the monks' pācittiya 65 that gives a pācittiya to a male preceptor who ordains someone underage, a dukkata to the monks who participate in the ceremony, and *there is a statement that the ordination is invalid*. One can infer, from comparing these two rules, that if the Buddha had intended a breach of bhikkhunī pācittiya 83 to make the ordination invalid, then he would have stated so.

About thirty years ago, I coined the term "grey areas of Vinaya". The question posed by Ṭhanissaro Bhikkhu - "is a sanghakamma invalid when one of the participants knows that a rule is being broken" - is a nice legal point, but clearly qualifies as a grey area of Vinaya. It has become wise practise for the Sangha, when faced with grey areas of Vinaya, to follow the more compassionate interpretation. The respected Thai scholar Phra Brahmaganabhorn (P.A. Payutto), stated to me that "the knowledge and observance of the principles, esp., of the Vinaya rules should be as complete as possible on the one hand, and the matter should be treated with as best Metta and compassion (sic.) as possible on the other. Decision should be made by the Sangha that is best informed and compassionate." Such is especially advisable in the current case where the reason for the original pācittiya offense, a temporary situation of crowding in the Bhikkhuni Monastery close to the Jeta Grove, hardly applies in present times.

So, may the fourfold assembly recognise this as a grey area of Vinaya and choose the more compassionate path.

Ajahn Brahm

23 November 2009

Ajahn Brahmali

A Response to Ajahn Thanissaro's Letter on the Simultaneous Ordination of 2 or 3 Bhikkhunīs

In his public letter of 13th November 2009, Ajahn Thanissaro makes the case that ordaining 2 or 3 *bhikkhunīs* simultaneously is invalid and, consequently, so was the recent ordination in Perth. I am not persuaded by Ajahn Thanissaro's argument, and the rest of this letter is an attempt to substantiate why.

First of all, I agree with Ajahn Thanissaro (see part 12 of his letter) that *saṅghakamma* should be done without invalidating defects and that it is not satisfactory to deviate from clearly established principles of Vinaya on grounds of compassion.[i] It follows that if the ordination performed in Perth can be shown to be invalid in such a way, I would certainly accept that. (Ajahn Brahm has specifically told me that this is his position too.) From the point of view of the newly ordained *bhikkhunīs*, they would clearly be in an untenable position if they had serious doubts about the validity of their ordination.[ii] Further, since it seems that a large number, perhaps most, existing Theravada *bhikkhunīs* have been ordained by the same procedure as the one used in Perth, the issues brought up by Ajahn Thanissaro are clearly of great importance.

Given the above, I have read through Ajahn Thanissaro's argument carefully. My conclusion is that, as his argument stands, he has not shown that a *bhikkhunī* ordination in which 2 or 3 candidates are ordained simultaneously is invalid. I will now examine Ajahn Thanissaro's argument, starting with his point 11 where he argues directly from the Canonical Vinaya. I will go through his reasoning step by step.

At sub-point 11a Ajahn Thanissaro says that "This rule (*bhikkhunī pācittiya* 83) is in force regardless of the number of residences available for *bhikkhunīs*". This is the only step in his deductive sequence in point 11 that I agree with without reservations.

Ajahn Thanissaro continues in point 11b by stating that "There are no examples of transaction statements authorized in the Canon where the sheer form of the statement would intrinsically entail breaking a rule". Actually, on careful consideration, there are several such examples. According to Mv I 70.1-3 a *bhikkhu* incurs a *dukkata* for ordaining someone without a bowl and/or robes. The ordination itself, however, seems to be valid, since this section (i.e. Mv I 70) stands in direct contrast to the closely preceding ones at (Mv I 61-68) where the ordination is not valid. The commentary supports this interpretation by stating outright that the ordination is valid.[iii] Now, regardless of whether the ordinand has or doesn't have a complete set of bowl and/or robes, the *saṅghakamma* statement of the ordination invariably states that he/she does (Mv I 76.10). In the case where the candidate does not have a complete set, everyone who partakes in the ordination would know that this is the case (in an earlier part of the ordination procedure (Mv I 76.3) the bowl and robes are pointed out to the candidate), and thus the ordination statement would amount to a conscious lie. Thus, although it is clear that this ordination is valid, the *saṅghakamma* statement involves a deliberate lie, which of course is a *pācittiya* offence under *pācittiya* 1. Since it is known beforehand that the candidate for ordination does not have a bowl and/or robes, this is a case where "the sheer form of the statement would intrinsically entail the breaking of a rule" and, contrary to Ajahn Thanissaro, it would still be valid.[iv] In other words, because

Mv I 70 implicitly allows for the ordination of someone without a bowl and/or robes, it also establishes a situation where the procedure intrinsically entails the breaking of a rule.[v]

And this is not the only such case. As I have already mentioned, the same passage at Mv I 70 also states that the *bhikkhus* involved in ordaining someone without a bowl and/or robes incur a *dukkata* offence.[vi] Again, the monks involved would be performing a *saṅghakamma* that intrinsically entails breaking a rule but which nevertheless would be valid. Another example is the declaration in the ordination statement, whether this in fact is true or not, that the candidate is “free from obstructing things”.^[vii] Although the ordinand may not be free from these obstructions, and the ordination statement therefore would involve an intentional lie, the ordination is still valid in most instances.^[viii]

Ajahn Thanissaro then states, in point 11c, that “Thus the allowance at Mv I 74.3 – allowing a single proclamation to mention two or three candidates for *bhikkhu* ordination – cannot be extended to *bhikkhunīs*, for such a statement would intrinsically be ‘apart from the Vinaya ... apart from the Teacher’s instruction’.” But I have just shown that, given certain types of knowledge about the candidate to be ordained, the form of any ordination statement does intrinsically entail the breaking of a rule, and yet the ordination is valid. Thus it does not follow that such an ordination statement is “apart from the Vinaya”, in the sense this phrase is used at Mv IX 3.2.^[ix]

Further, Ajahn Thanissaro’s logic in point 11c hinges on his interpretation of the phrases “apart from the Vinaya” and “apart from the Teacher’s instruction”. He seems to understand these phrases to have a very broad range, where any infringement of the Vinaya potentially would make a *saṅghakamma* invalid. But as I have already pointed out, it is possible to deviate considerably from the Vinaya, including the breaking of Patimokkha rules, and for a *saṅghakamma* still to be valid. I would suggest, therefore, that a more congruent understanding of Vinaya here is that it refers to the rules pertaining to the valid performance of *saṅghakamma*.^[x] Alternatively, it might not be unreasonable to follow the commentarial interpretation, which states that “but here Vinaya means admonishment and making remember (i.e. admission).”^[xi] Admonishment and admission are preliminary acts in certain types of *saṅghakamma*, in particular those involving the punishment of someone for especially bad behaviour, but they are not relevant for ordinations. As for the phrase “apart from the Teacher’s instruction”, the commentary explains this as a *saṅghakamma* where the motion and announcement(s) are not properly performed.^[xii] Thus, “apart from the Vinaya” only has a narrow scope in the context of Mv IX 3.2, and there are really no grounds for taking it to include cases where one commits an offence as part of the ordination statement.

In point 11d Ajahn Thanissaro says that “As Mv X 3.2 (sic) states, any transaction using this sort of statement would be ‘not a transaction.’” Presumably, “this sort of statement” refers back to the ordination statement. If that is indeed the case, then Ajahn Thanissaro is misquoting Mv IX 3.2, for this passage contains no direct link between any type of ordination statement^[xiii] and the phrase “not a transaction”. What it does contain is a link between “apart from the Vinaya” and “not a transaction”. But, as I have argued above, “apart from the Vinaya” only has a very narrow sense in the context of Mv IX 3.2.

At point 11e Ajahn Thanissaro argues that “there are no exemptions for the ruling at Mv X 3.2 (sic)”. Perhaps this is true. But in light of my argument above it is irrelevant, because no direct causal

relationship can be found between the simultaneous ordination of 2 or 3 *bhikkhunīs* and the ruling that a *saṅghakamma* is “not a transaction”. It follows that Ajahn Thanissaro’s conclusion, at point 11f, that “the candidates would not count as bhikkhunīs” does not hold.

There is another reason why Ajahn Thanissaro’s argument is weak. The Vinaya is quite clear about the grounds on which any *saṅghakamma* is invalid, and these do not include the situation where the “form of the statement would intrinsically entail the breaking of a rule”. The sort of factors that are required to make an ordination valid include the following:

- The candidate to be ordained is present;
- The candidate is 20 years old or more;[xiv]
- The candidate is not one of several types of ‘unqualified’ persons, or an animal;
- The quorum for performing the ordination is complete;
- The Sangha is united (*samagga*); that is, all the monks within the *sīma* are present at the ordination, or they have given their consent;
- The ordination statement contains exactly one motion (*ñatti*) and three announcements (*kammavācā*), in that order;
- Nobody present speaks out against the ordination;
- The procedure performed is an ordination, not some other *saṅghakamma*.

It is only if such requirements – that is, requirements that are specifically mentioned in the Vinaya – are not met that the ordination fails, and *only* in these cases is the ordination “not a transaction and should not be carried out”. Any supposed ground for failure that falls outside of what is specified in the Vinaya is a matter of personal opinion, and cannot be a universally accepted standard. Since, in my view, Ajahn Thanissaro’s argument is a matter of personal opinion it cannot, and will not, be accepted as universally valid.

In general, according to the Vinaya the following circumstances need to be satisfied for any *saṅghakamma* to be valid:

“And how, monks, is a (*sangha-*)*kamma* united and in accordance with the Dhamma? ...[xv] If, monks, concerning a (*sangha-*)*kamma* with one motion and three announcements, the motion is established first (and) then the (*sangha-*)*kamma* is performed with three announcements; the bhikkhus who should be present are present; consent has been received from those who should give consent; those who are present do not speak against the act – then the (*sangha-*)*kamma* is united and in accordance with the Dhamma.” (Mv IX 3.9)

Again, there is nothing here about the validity of *saṅghakamma* depending on its being performed without breaking other Vinaya rules, or indeed that it depends on “the sheer form of the statement” not intrinsically entailing the breaking of a rule (see Ajahn Thanissaro’s point 11b).

At this point I would like to return to Ajahn Thanissaro’s point 5 where he declares that “This sort of transaction statement, because it intrinsically entails the breaking of a rule, would thus be totally unauthorized.” The words “totally unauthorized” are unclear and emotionally loaded. It is certainly true that nowhere in the Canonical Vinaya is such an ordination statement explicitly “authorized”, and if this is all Ajahn Thanissaro is saying then I would have to agree with him. But when he goes on to state that this means that the ordination is “apart from the Vinaya ... apart from the Teacher’s instruction” and “not a transaction and should not be carried out” he goes too far. As I have already shown, it is quite possible to break a *pācittiya* rule while performing an ordination and for the ordination to be fully valid.

I have already responded to Ajahn Thanissaro’s point 6 (in my response to his point 11) but to recapitulate: in Mv I 70 there are good reasons to believe that the ordination is valid even though the ordinand does not possess a bowl and/or robes. The ordination ceremony in this case intrinsically entails the breaking of a rule, that is, *pācittiya* 1. If this argument and the ones above are accepted, then Ajahn Thanissaro’s further discussion in points 7-10 becomes irrelevant since it hinges on what had been established in his points 5 and 6. In particular, it may well be true that not mentioning the *upajjhāya* in the ordination procedure makes the ordination invalid, but this is beside the point. The lack of an *upajjhāya* can arguably be considered a breach of the conditions given in the Parivāra, [xvi] but no such breach exists in the case of ordaining 2 or 3 *bhikkhunīs* at the same time. In contrast to the case where there is no *upajjhāya*, for which Ajahn Thanissaro’s argument may hold, an ordination of 2 or 3 *bhikkhunīs* at the same time does not breach any of the stipulations made in the Canonical Vinaya for a valid *saṅghakamma*. His points 8-10, then, do not add anything to what he has already stated in points 5 and 6.

A final and important point is that *bhikkhu pācittiya* 65, which concerns the invalid ordination of someone less than 20 years old, specifically states in the rule itself that the ordination is invalid. No such statement is found in *bhikkhunī pācittiyas* 82 or 83, and thus it is reasonable to assume that the breaching of these rules cannot in itself invalidate the ordination. Even the commentary (Sp IV 945,4-10) does not say anything about the ordination having failed.

To summarize, it is clearly undesirable to perform an ordination while committing an offence, and one should obviously avoid this if at all possible, but it does not void the procedure. I can only conclude that Ajahn Thanissaro has failed to establish what he claims to have established, that is, that “a *bhikkhunī* ordination in which the transaction statements mentioned more than one candidate per statement would not be considered valid, and the candidate would not count as accepted” (Ajahn Thanissaro’s point 10).

[i] One can perhaps *interpret* the Vinaya in a compassionate way, but not altogether ignore its statutes. Ajahn Thanissaro doesn’t actually use the word compassion, but employs the term “heartlessly legalistic”.

[ii] Of course, it is the *bhikkhunīs* themselves who have to decide whether they have serious doubts and their position is untenable.

[iii] *Kammaṃ pana na kuppati*, “but the (*saṅgha-*)*kamma* does not fail”, (Sp V 1025,23).

[iv] It is clear that not having a bowl and/or robes quite literally means not being the owner or in possession, even temporarily, of such requisites. This is so because the relevant section states that the newly ordained monk would collect alms with his hands and/or walk naked on *piṇḍapāta* (Mv I 70.1-3). Moreover, the next section (Mv I 70.4-6) concerns a monk who borrows a bowl and/or robes (for the duration of the ordination procedure, says the commentary, Sp V 1025,24) but then collects alms with his hands and/or naked. It follows that in Mv I 70.1-3 the person to be ordained must have been completely without a bowl and/or robes.

[v] In actual practice it may well be that the final ordination statement (Mv I 76) came into being after the rules about ordaining someone without a bowl and/or robes. This would explain the apparent contradiction. However, this sort of argument is difficult to sustain, and we are therefore compelled to use the text as we have it, disregarding any possible historical evolution.

[vi] Or perhaps only the *upajjhāya*; the Pali just says “whoever should ordain, there is an offence of *dukkata*”, *yo upasampādeyya āpatti dukkatassa*.

[vii] *Parisuddho antarāyikehi dhammehi*, (Mv I 76.10-11).

[viii] For example, if the candidate has not received his parents’ permission (Mv I 54.6), if he has one or more of five types of illness (Mv I 39.7), if he is employed by the king (Mv I 40.4), if he is a criminal (Mv I 41-45), if he has debts (Mv I 46.1), if he is a slave (Mv I 47). In all these instances the ordination is valid. But since the ordination statement always declares that the candidate is free from obstructions, it follows that the *saṅghakamma* reciters would be uttering a deliberate lie.

[ix] Ajahn Thanissaro refers to Mv X 3.2 throughout his letter, when in fact it should be Mv IX 3.2.

[x] Notice that the phrases we are concerned with are both found in a chapter (Mv IX) that deals exclusively with the question of the validity of *saṅghakamma*.

[xi] *Ettha pana vinayoti codanā sāraṇā ca*. (Sp V 1146,11).

[xii] *Satthusāsananti ñattisampadā anussāvanasampadā*. (Sp V 1146,12).

[xiii] Or any other *saṅghakamma* statement for that matter.

[xiv] This is so for the ordination of *bhikkhus*. For the ordination of *bhikkhunis* the situation is more complex, but in effect there seems to be two distinct minimum ages, 12 and 20.

[xv] The elided text concerns *saṅghakamma* with one motion and one announcement, and this is not relevant for an ordination. In any case, the rules are virtually identical.

[xvi] Whether in fact the absence of an *upajjhāya* makes the ordination invalid is not entirely clear. It may be that the commentary here is going beyond what can be inferred from the Canonical Vinaya. In any case, this argument does not relate directly to the point I am trying to make. (For the record, Ajahn Thanissaro’s translation of *pacchā vā ñattim thapeti* as “or if it later sets aside the motion” is incorrect. The phrase actually means “or he establishes (i.e. speaks) the motion afterwards (i.e. after the announcement or *kammavācā*).”

Ajahn Sujato

Thanissaro's Letter on Bhikkhunis

Thanks to those who posted the link to the collected set of essays responding to Ajahn Thanissaro's letter, which attempted to find a Vinaya basis for refuting the recent bhikkhuni ordination. The responses are all good, and I agree with them completely.

One of the lovely things that emerges from this conflict has been the realization that there are many good people who understand the value of the Dhamma and Vinaya, and who have such a determined, intelligent, compassionate approach to implementing that in our complex times. It is particularly nice to see the bhikkhunis themselves stepping up and having their say. It is, after all, their lives.

I would like to just add a couple of small remarks here, which essentially make the same point from a slightly different angle. Some time ago I made a post on the Quarrel at Kosambi, where the Buddha gives '18 points' which should be used to evaluate the competing claims by parties at a disputation. Since this is explicitly the guide that Buddha says we should use in such cases, let's have a quick look at Ajahn Thanissaro's argument in the light of the 18 points. For easy reference, here are the 18 points again:

A teacher of non-Dhamma is one who:

- teaches non-Dhamma as Dhamma and vice versa;
- teaches non-Vinaya as Vinaya and vice versa;
- teaches what was not spoken by the Buddha as being spoken by the Buddha, and vice versa;
- teaches what was not practiced by the Buddha as being practiced by the Buddha, and vice versa;
- teaches what was not laid down as a Vinaya rule by the Buddha as if it were laid down by the Buddha, and vice versa;
- teaches what is no offence as an offence, and vice versa;
- teaches a slight offence as a serious offence, and vice versa;
- teaches a resolvable offence as unresolvable, and vice versa;
- teaches a corrupt offence as not corrupt, and vice versa.

A teacher of Dhamma teaches the opposite of all these.

Let's take these in groups.

*[One] teaches non-Dhamma as Dhamma and vice versa;
teaches non-Vinaya as Vinaya and vice versa;*

In this case, the Vinaya is clear enough: ordaining more than one bhikkhuni every two years is an offence requiring confession. This is the understanding that the ordination proceeded under, and all

those who took part agreed that this minor rule, laid down in the context of an accommodation crisis, should not obstruct the establishment of the bhikkhuni Sangha. This is Dhamma and Vinaya in a very simple and straightforward sense. Ajahn Thanissaro's argument, on the other hand, is based on principles that are not found anywhere in the Vinaya, but are the result of a complicated and, in my opinion, implausible chain of reasoning. Ajahn Thanissaro argues that since the ordination resulted in the infraction of a minor rule, it is 'not Vinaya'. But Vinaya is not a system of absolute black and whites, with immediate invalidation of anything that transgresses a minor rule. On the contrary, Vinaya, as laid down in the texts, is a highly flexible instrument, which clearly tries to be as reasonable and contextual as possible. If one acknowledges a minor fault and confesses it, that is Vinaya.

[One] teaches what was not spoken by the Buddha as being spoken by the Buddha, and vice versa; teaches what was not practiced by the Buddha as being practiced by the Buddha, and vice versa; teaches what was not laid down as a Vinaya rule by the Buddha as if it were laid down by the Buddha, and vice versa;

In this case the actions of the ordaining Sangha were based directly on the Pali text as it has come down. In this case, it is probably as close to the Buddha's words as we are likely to find. Ajahn Thanissaro's reasoning, on the other hand, is based on commentaries and the late Parivara, which are certainly not the Buddha's words.

He also relies on a reading of a particular passage in the Mahavagga, which says that if a sanghakamma is done 'apart from Dhamma, Vinaya, and the Buddha's teaching', it is 'not a kamma' and 'should not be done'. Ajahn Thanissaro argues that since the ordination procedure itself involved the infraction of a Vinaya rule, it is 'apart from Vinaya' and hence is 'not a kamma'.

The relevant passage (for which he gives the mistaken reference M 10.3.2 – it should be M 9.3.2) occurs in the Campeyyakkhandhaka. It is part of a highly legalistic series of permutations of applications of how to determine the validity of an act. The style is very Abhidhammic, and there is only the most casual of attempts to attribute the passage to the Buddha himself. No-one reading this could imagine it was literally spoken by the same Buddha who invited the Sangha to relinquish the 'lesser and minor rules'. The permutation series is established on the entirely conventional assumption that the 'group of six monks' (a Vinaya trope for 'the bad boys') had performed a series of invalid sanghakammās. As usual, they were not content to do just one or two, but systematically worked through every kind of flawed procedure, being criticized at each turn. The context, and other appearances of the group of six, makes it very clear that these were monks without conscience or scruple, who disregarded every principle of the Dhamma in their pursuit of their own selfish interests. When the texts say they performed acts 'apart from Vinaya, apart from Dhamma, apart from the Buddha's teaching', that is exactly what it means: they were outlaws, operating with no regard for the Buddha, Dhamma, or Sangha. This passage has nothing to do with the careful and scrupulous manner in which the Perth bhikkhuni ordinations were performed.

[One] teaches what is no offence as an offence, and vice versa; teaches a slight offence as a serious offence, and vice versa; teaches a resolvable offence as unresolvable, and vice versa; teaches a corrupt offence as not corrupt, and vice versa.

The most important point to notice here is proportionality: while Vinaya inevitably involves a degree of formality and conventions, this is clearly recognized as such. The Vinaya is well aware of the difference between minor infractions of procedure, and things that will destroy the holy life. In this case, there is no question that the pācittiya offence is a minor one. The Pali Vinaya itself calls pācittiyas ‘minor’ (khuddaka). Yet this is now used, not merely to invalidate the ordination of the Dhammasara bhikkhunis – an act that has already caused harm and stress. It would invalidate the majority, if not all, of the bhikkhuni ordinations that have been performed in Sri Lanka, and perhaps the world. At a stroke, based on an obscure chain of reasoning derived from a minor rule, the female Sangha is wiped out. This is so disproportional that it beggars the imagination.

If it may be permitted to bring in a comparison with secular law, imagine a case where someone had just received Australian citizenship. For its own inscrutable reasons, the Government decides it doesn’t want this person to be a citizen, so it hires a hotshot lawyer to make the case. The lawyer investigates, and the only thing he can come up with is this. The citizenship procedure requires that the candidate sings the national anthem, Advance Australia Fair. Yet, out of compassion, the custom had become for them to sing just three verses, not the whole thing. The lawyer argues that, while the law does not actually stipulate that the whole song must be sung, that much is implied in simply stating that it should be sung. The citizenship procedure itself states that the new citizen is to uphold the laws of Australia, yet she is breaking the law in the very act of taking the oath! While this might seem like a legalistic maneuver, our lawyer goes on, in fact the Australian nation is based on the rule of law, and compliance with this rule of law is demonstrated in respect for even minor procedures. There are certain other cases, he goes on, where a citizenship ceremony is indeed invalid if improper procedure is followed – for example, if a person does not state their name in the citizenship ceremony. If such cases are disallowed, then surely any other infraction should be disallowed. In adhering to the strict interpretation of the law here, we are acting out of compassion for the citizens of Australia, in making sure that only law abiding people become Australians. As a result of this finding, this person must be expelled from Australia; and, incidentally, thousands of others will also be expelled. They will become Stateless, their families broken, their careers destroyed. But the integrity of the nation of Australia will be preserved.

Is this an accurate comparison? You can let me know what you think.

In any case, as so many have put it so much better than I can, our mission and our goal here is to develop the good qualities of the heart, to embody the Dhamma of love and forgiveness. The essential problem here is not Vinaya legalities, but the injustice of excluding women from full participation in the holy life. Until we acknowledge this central fact, any legal argument will miss the point. The Vinaya is intended to support and encourage human beings to find liberation from suffering. The Vinaya rule that Ajahn Thanissaro quotes was intended to curb the bad behavior of unscrupulous monks, not to stop human beings from practicing Dhamma because they have different reproductive organs. May the Sangha lift its head and open its heart! May the Sangha find room for all good people who seek liberation!

Ajahn Sujato

26 November 2009

Pavattini's Response Regarding Ajahn Thanissaro's Letter on Ordination Validity

First, I would like to express my deep appreciation for the venerable Ajahn Vayama and the nuns of Dhammasara monastery for their inspiration in the rightness of the Dhamma & Discipline of the Buddha, and their tremendous bravery, courage and devotion in undertaking Theravada bhikkhuni ordination.

I would also like to mention my great appreciation for the extensive works of the Ven Thanissaro Bhikkhu in the fields of Dhamma and Vinaya to which he has greatly contributed. His work with the Buddhist Monastic Code I inspired and often assisted me through years of comparative bhikkhuni Vinaya studies. In addition, i have learned much from my consultation with Ajahn Thanissaro over the years, and he has always been generous, without fault, in his sharing of his Dhamma and Vinaya knowledge.

As with most other Vinaya scholars and practitioners that i know, i have not always agreed with Ajahn Thanissaro's conclusions in his scholarship, and he himself has rightly edited and republished his Buddhist Monastic Code as he has considered, and reconsidered and learned more about the subject through peer critiques, reflection and further research. This is a normal, ongoing process in scholarship as we study these ancient Pali texts and work with translating them into good, modern English.

I have had the chance to speak with Ajahn Thanissaro personally about his review of the method of the bhikkhuni ordinations in Perth at Bodhinyana Monastery, as well as to carefully review his letter. Ajahn Thanissaro writes with an authoritative style and makes a proposal, using an previously unheard of combination of Vinaya and Commentarial quotations and opinions, tied together by a thin line of tentative inference, prefaced and followed by a conclusion which he proposes to the reader. If i were not familiar with the texts and with Ajahn Thanissaro's personality, i might not realize that his letter is not an incontrovertible statement of absolute law. But i am familiar with the text, and know that it is not. To my careful reading rather, based upon my knowledge of Vinaya, i understand the line of inference that is drawn to be stretching reason and tentative to the point of being untenable.

Simply, neither the Pali Vinaya text involved nor the Commentaries themselves mention anywhere that ordinations, conducted under the circumstances that Ajahn Thanissaro brought into question, are invalid.

Ven Bhikkhu Bodhi, Ven Ajahn Brahm and Ajahn Brahmali all make the basic points involved well with proper references, so i will not go into that here. Ven Bhikkhuni Sudhamma makes further points, unravelling the entire web of inference in each of its parts. Furthermore, fellow scholars of other renditions of the Vinaya confirm that the Pali text is not alone in its texts making no mention of such invalidity; but rather that other Vinaya texts also, related to the specific precepts in question, do not state the ordinations invalid.

I would like to mention that i do not write this simply as a matter of proposing a similarly inferential or theoretical counter-argument. Nor do i simply *want* the ordinations to be valid, or to cover a mistake in proceeding wrongly. If a reasonable argument for the invalidity of the ordinations had been put forth, the new bhikkhunis were ready to reordain. The Preceptor (myself) and the ordaining Acaryas would have supported that this happen, with the flaw being corrected. This is very possible and there was such ready willingness, in the case an invalidating flaw was found.

The questions about ordaining Theravadan bhikkhunis have been being researched energetically for several decades now, with an increase in such scholarship in the past 20 and especially the past 15 years, with a great increase in understanding coming from the large gathering of lay and monastic Buddhist scholars at the First International Congress on Buddhist Women in Hamburg in 2007. (We missed Ajahn Thanissaro in Hamburg.) Essentially non-different methods of ordination for bhikkhunis had already been researched and determined by Sri Lankan monastic and lay scholars, and hundreds of women fully ordained in Theravada traditions by these means in Sri Lanka for nearly the past decade.

The methodology used in the ordination of the four new bhikkhunis in the sima at Bodhinyana Monastery was much reviewed and discussed by both monastic and lay scholars in the years prior to and since the Hamburg Congress, and reviewed in great detail by monastics, both bhikkhus and bhikkhunis, in the months before the ordinations. As is the tradition at Bodhinyana Monastery, the ordinations were conducted with rigor in care and attention to detail with regard for their flawlessness.

I must be clear that as Pavattini or Preceptor, i undertook a confessable offence in Pali-text Vinaya by ordaining more than one woman every other year. According to Vinaya, this offence is not shared with those who are ordained; it is my own. In this case, according to Vinaya, their ordination is rightful, pure and flawless - visuddha.

Also according to Vinaya, after confession of all confessable offences in the presence of a fellow monastic, a bhikkhu or bhikkhuni does not continue to remain "in offence;" but rather through the Parisuddhi Uposatha, the "declaration of purity" on our lunar observance days, according to Vinaya, s/he must affirm and reaffirm themselves as once again parisuddhi, that is, completely pure. It is a deep training in letting go and going beyond. Of course this does not mean that we should be lax. I myself regularly try to be scrupulous about even the smallest of points given for training in this discipline.

In Vinaya, the precepts themselves contain both their letter and their intent. Vinaya is not a rule without logic or reason. The intent often becomes apparent through the origin stories and explication, if not so in the precept itself. In the case of the precepts involved here --Bhikkhuni Pacittiyas 82 & 83 -- the origin stories mention the intent as being to protect and prevent more bhikkhunis being ordained than there are lodgings for (which had caused lay supporters to complain). In this specific contemporary case, i would like to affirm that the bhikkhunis already have plentiful lodgings in their already established and well-supported forest monastery. And their lay supporters of the BSWA (Buddhist Society of Western Australia) were unanimously supportive of their being fully ordained. Additonally, the precepts themselves would protect more bhikkhunis being ordained at once than can be educated and instructed in Dhamma and the monastic Discipline. In this case, due to the slow process of Theravada bhikkhuni ordination, Ajahn Vayama, already an accomplished and highly regarded Dhamma teacher for

years, had already been training as a samaneri (female novice) for more than 25 years before her full ordination. (Vinaya only requires 2 Vassas of basic training for bhikkhunis.) The three additional women ordained had been accepted as novices and trained one by one over the past eight years. The juniormost of them had already been in training for four years.

Additionally, being associated with highly regarded meditation teacher Ajahn Brahm and living nearby his monastery, the Dhammasara nuns have had and will have excellent opportunity for meditation instruction under his tutelage. As both Ajahn Brahm and other monks of his monastery such as Ajahn Brahmali are also excellent Vinaya scholars, additionally, these new bhikkhunis have had and will have some of the best Vinaya instruction available to bhikkhunis anywhere in the world. These are exceptionally excellent circumstances in monastic life for higher training in sila, samadhi and panna, in which the factors that the precepts are protecting bhikkhunis from lack of are available in full and blessed abundance. Additionally, in terms of education in Vinaya from these knowledgeable bhikkhus, and for the sake of fully keeping the precepts and practices being learnt that they might be fully practiced, it is desirable and more greatly facilitous for there to be a Bhikkhuni Sangha together, rather than just one individual bhikkhuni. And bhikkhu teachers, in Vinaya, do not have the same restriction on the number of pupils that they may instruct as bhikkhunis do. In addition, Vinaya most certainly allows for knowledgeable bhikkhus to give bhikkhunis teachings in Dhamma and Vinaya when called for. Vinaya also allows for a bhikkhuni teacher to provide for her students' instruction either herself, or by providing for another qualified teacher, which has well been done in this case. In fact, it was the qualified teacher who provided for a Bhikkhuni Preceptor, which is not at all without precedent. All of these points of Vinaya together describe the new bhikkhunis training circumstances.

These paragraphs above are my own reasoned inferential argument regarding my own commital of an offence by the letter but not by the spirit of Vinaya, which others are welcome to confer with me about. Such welcome conference notwithstanding, these factors above are in accordance with the explicitly stated intention and letter of many of the other precepts, which combined make up the discipline of the Bhikkhuni Patimokkha. And, with regards to the two precepts taken issue with, choosing the intention above the letter where they diverge in this case, does not, in either the Vinaya or the Commentaries, invalidate an ordination.

Again, with regards to both the specific references and the spirit of Vinaya, i am in agreement with the Responses by Ven Bhikkhu Bodhi, Ven Ajahn Brahm and Ven Ajahn Brahmali.

With regards to the letters and words of Vinaya-dhamma, i am in especial agreement with one felicitous reference by the venerable Ajahn Thanissaro also emphasized by Ven Bhikkhuni Sudhamma, which is worthy of repeating many times.

For here, the Blessed One begs the monks of Kosambi, who were then quarrelling with one another:

*Open your hearts and let your light shine forth;
become forbearing and gentle.*

...

*Enough, monks;
no strife,
no quarrels, no disputing.*

Of course, as with so many of the noble teachings of the blessed Buddha, this too is for monks, but not for monks only; for monastics, but including all good men and women.

May all of our efforts as a Sangha in this time be dedicated to the purification of underlying defilements from our heart, to clarification and rectification of our monastic livelihood, and to our long lasting peace and happiness through the causes and attainment of Nibbana.

Tathaaloka Bhikkhuni, Pavattini

Thanksgiving

26 November 2009

Ven. Sudhamma Bhikkhuni

Response to Ven. Thanissaro's letter of November 13, 2009

A challenge has arisen to the validity under the Vinaya of the October 22, 2009 ordination of four bhikkhunis in Perth, Australia, organized by their teacher, the well-known Dhamma lecturer and Vinaya master Ven. Ajahn Brahmavamso. Ven. Thanissaro Bhikkhu of Metta Forest Monastery, well-known Vinaya scholar, author and translator of Dhamma books, and author of the Buddhist Monastic Code, was asked by detractors of the ordination to examine the ordination procedure's script. He cooperatively did so and offered a lengthy analysis of the only error he perceived, concluding with seeming reluctance that the ordinations were invalid; his report was shared in a letter dated November 13, 2009 (published online at http://dhammalight.com/vinaya/ThanissaroBhikkhu_13-11-09.htm)

The well-known abilities of our highly respected elder Venerable Thanissaro, including his knowledge of Vinaya and related commentarial material, may cause some readers to accept his conclusion without reflection. However, key points of his letter are not spelled out in the Vinaya. Understand, therefore, that the Venerable Elder's opinion is not straight "black letter law" Vinaya. He put together a creative theory; his letter is more like a newspaper's editorial than straight news. We can accept or reject his interpretation based on the soundness of the reasoning used.

Following is my detailed analysis of the reasoning used. I offer this document with awareness of seniority and status of the great Elder, and with fear that some of my words may be taken as disrespectful; if so, may I please be forgiven. With humble respect, I offer this response for consideration in hopes of helping towards an eventual peaceful welcome –particularly by him and other notably conscientious elders– of the female gender in robes. The unambiguous help and support of such elders would be tremendously beneficial to the practice of the path of a very large number of women.

PART ONE: Was There a Flaw?

The flaw that the Venerable Elder perceived involved the implications of a Pacittiya (Confessable) rule for bhikkhuni preceptors, which caused him to determine that the form of the "transaction statement" used in the ordination shouldn't apply to bhikkhunis. His argument rests on a premise that we cannot ascribe to bhikkhunis an allowance given to bhikkhus to ordain multiple candidates at one time with shared proclamations, as no specific wording grants to bhikkhunis this convenience.

Here we must digress to consider why questions may arise as to what protocols bhikkhunis may follow. While it would be convenient for a modern bhikkhuni to have a separately laid out comprehensive document entitled Bhikkhuni Vinaya, one that lacks reference to the male monks' protocols and rules, that is not what we have inherited. In trying to create or re-create such a document, we should not jump to any conclusions hastily. We inherited the one set of Vinaya books that primarily focus on bhikkhus and contain special portions in which some differing rules and procedures for bhikkhunis were noted. Much of this hefty material is clearly to be shared by both genders, some of it is obviously not, and some may be a little unclear, despite the help of Commentaries. To understand how bhikkhunis can make sense of all this material, we rely upon the Buddha's advice that the bhikkhunis

should train as the bhikkhus do regarding rules held in common: unless otherwise noted, bhikkhunis generally follow the same procedures and protocols given to bhikkhus. (CV. 10.4) Where conflicts seem to arise between text otherwise applicable to both genders and what is thought to be accepted (or not) for bhikkhunis, we bhikkhunis rely heavily upon our *common sense*. (That is, we apply simple logic, tempered by bearing in mind the entirety of one's learning of Dhamma and Vinaya, with full mindfulness of its underlying trends and principles, as well as the general standards or trends in its application.)

Returning to the convenient allowance that the Venerable Elder would deny bhikkhunis, he wrote:

2) Mv.I.74.3 places a special condition on applying this principle [of allowing multiple people to be handled in one transaction] to the Acceptance (full ordination) of bhikkhus: “*I allow a single proclamation to be made for two or three if they have the same preceptor, but not if they have different preceptors.*” (emphasis added)

Yet much of bhikkhuni protocol comes from instructions given to bhikkhus, also with no special mention directing them towards bhikkhunis; why should this allowance be any different? The Venerable Elder sees a reason why this allowance cannot belong to bhikkhunis. He reasons that because a female preceptor (*pavattini*) is not supposed to have multiple students in one year, this single-proclamation allowance for multiple students never applied to bhikkhunis. The crux of his argument is that we can't ascribe to our (re-created) Bhikkhuni Vinaya an allowance (letting multiple students ordain by shared proclamation) which would never come up unless the bhikkhuni preceptor were to break a Bhikkhuni Pacittiya rule (No. 83 against ordaining multiple students in one year).

He then further proposed, again going into uncharted waters with this second theory, that if they make a single proclamation despite clear lacking permission to do so, it must invalidate the ordination. The four bhikkhunis recently ordained in Perth shared one bhikkhuni preceptor, Ven. Ayya Tathaaloka of the USA, and at the end of the ceremony their proclamations were made in pairs. For this, he calls the otherwise flawless ordination invalid. (Let those sympathetic to nuns please set aside any feelings of moral outrage at the idea of rejecting these excellent nuns' long awaited and hard-gained entry to fully living the holy life, due to a petty legal technicality, and examine this issue with dispassion.)

His two theories –that there was a flaw and that such a flaw would be fatal– assume some unproven factors. Most surprisingly, he assumes that the allowance was *predated* by Pacittiya rule No. 83 (the rule against bhikkhuni preceptors ordaining multiple students in one year). We have no reason to believe it so. In fact, it makes more sense to assume that the bhikkhuni preceptors' restriction came later, at a time when the female Order was flourishing beyond its means.

Common sense suggests that this allowance was intended for any co-students (see discussion of origin of the allowance, below) whether pupils of bhikkhus or bhikkhunis, for nothing stood in the way of the female gender following it, until Pacittiya 83 was set down. Nothing special about the bhikkhuni ordination script suggests that the questioned allowance shouldn't apply; the bhikkhu and bhikkhuni ordination scripts are essentially identical, differing only by slightly different qualification questions and the bhikkhunis' additional part of going to the male Sangha to repeat the motion. (The ordination procedures are spelled out in detail at Cv.X.17 for bhikkhunis and Mv.I.76 for bhikkhus.) The allowance appears in the scripture alongside with other allowances to bhikkhus obviously available to

bhikkhunis; for example, the statement directly before it allows a polite way to state the name of the preceptor during an ordination; the one directly after it allows how to calculate a candidate's age (counting from the time of conception instead of birth, another practical instruction which bhikkhunis should follow).

Perhaps many bhikkhunis availed themselves of the allowance before the mentoring restriction came down; why not? In fact, the scriptures tell of large numbers of bhikkhus or bhikkhunis who ordained together and trained together under a bhikkhu or bhikkhuni teacher, such as "Patacara's Five Hundred" ("*Pancatasata Patacara*") who went forth together under Bhikkhuni Patacara Theri (see Thig 127-132 and related Commentary). Thus we can surely ascribe to the bhikkhunis an allowance that they simply ceased to avail themselves of later (due to Pac. 83). The flimsiness of the Venerable Elder's theory has been revealed. The assumption that the bhikkhunis' Vinaya never included this allowance is untenable. It would be wrong to criticize a bhikkhuni ordination for making use of it when the occasion arose.

~ Although the point has been made, for the sake of education let's continue to pull apart all of the letter's reasoning, step-by-step. ~

A bhikkhu ordination ceremony culminates in a motion and three proclamations identifying the candidate and his preceptor, and asserting that the candidate seeks ordination and is qualified; if all remain silent, the proclamations become the decision of the group, and the ordination is a completed legal transaction. Permission came for lumping together proclamations for multiple candidates, when two men planning to ordain under one preceptor quarreled over whose proclamations would be spoken first (Mv.I.74.2). Being first presumably would determine not only who felt more favored but which student would become the more senior of the two, a matter greatly impacting the co-students' daily lives. The Buddha brought peace by letting the two men's ordination proclamations be combined, apparently to let them enjoy equality together as co-students. He stated, "I allow you, monks, to make two proclamations together." (Later he allowed up to three. Mv.I.74.2).

This allowance was not an essential ingredient in ordinations, but simply a convenient procedural strategy for smoothing away potential quarrels of power-struggles or jealousy; it may also serve to save time, particularly when large numbers ordain. The Buddha later chose not to extend the joint procedure to cases of multiple preceptors, and hence amended it by adding, "but not if there are different preceptors." (Mv.I.74.3).

The odd description by the Venerable Elder of this rule being a "special exemption" to a "principle" of transaction statements gives the erroneous impression that the Buddha made this rule in order to set ordinations apart from other examples in which Community transactions involving multiple people can be bundled together. His wording also creates the impression that this rule carries more weight than it does. The Buddha wasn't trying to specially protect transaction statements when he originally formulated the rule, but to protect the untrained people's egos.

At Point (4) in his letter, our Venerable Elder sketches out an obstacle to the natural assumption that the convenient quarrel-preventing allowance would have been ascribed to bhikkhunis as well as to bhikkhus. He introduces the interesting idea that we must fill in blank areas of Bhikkhuni Vinaya by using the Great Standards (a moral analysis comparing what is desired with what already is or isn't

allowable, to determine whether it *should* be allowed). The Great Standards can be part of our common sense approach to questions of filling in Bhikkhuni Vinaya, but cannot displace common sense. For example, one time Ananda expressed concern that in an upcoming ordination he would be expected to name a preceptor who happened to be his own teacher. (He felt embarrassed because calling one's own teacher by name would be rude.) The Buddha responded with an allowance for bhikkhus to identify preceptors by clan name rather than personal name (Mv.I.74.1). In that case, common sense says that bhikkhunis, too, may make use of the allowance to be polite, without need to resort to a moral analysis using the Great Standards. (This will become relevant because of the Venerable Elder's subsequent assertion that the Great Standards cannot be used as a way to give bhikkhunis the joint proclamation allowance, due to the moral glitch of a rule being broken.)

Point (4) of the letter also introduces the reader to the Bhikkhuni Pacittiya rules 82 and 83, which together limit the numbers of students a female preceptor can ordain to merely one every other year. Why did the Buddha set down this limitation? The scripture mentions the nuns' crowded housing, but Ven. Thanissaro adds a convincing point that this rule for bhikkhuni preceptors gave each new bhikkhuni the full attention of her preceptor during the brief two years of her training period. In other words, the Buddha set down this rule, like so many other rules, because *he wanted ordained women to thrive*.

Nowadays, however, Bhikkhuni Pacittiya No. 83 can pose an impediment actually preventing the newly re-emerging Theravada Bhikkhuni Order from thriving. At this fragile point in the Theravada bhikkhunis' revival while we have very few qualified preceptors, this rule, though set down to benefit the Bhikkhuni Order, could instead strangle it. For this reason, the rule was deliberately ignored during the October 22, 2009 ordination. (Don't worry, the newly ordained bhikkhunis will not end up neglected, but will continue to receive good training by their venerable teacher Ajahn Brahm and the senior bhikkhu teachers of his monastery who he has provided for to instruct the bhikkhunis.) We hope in future, once we have gotten beyond these pioneering days for Theravada bhikkhunis, to enjoy a large, thriving Order with many available bhikkhuni preceptors, and with Pacittiya No. 83 being properly observed once again. (If the Theravada Bhikkhuni Order fails, then whole package of bhikkhuni training and livelihood as understood in Theravada Buddhism falls back into disuse, a vastly greater harm than temporarily setting aside one little training rule intended to help bhikkhunis.)

Our Venerable Elder's application of Great Standards brings him to conclude that the expected violation of a Pacittiya rule would morally obstruct us from ascribing to bhikkhunis the availability of the allowance. If guided by common sense, however, the Great Standards would cause us to conclude that the preceptor's status could not prevent any co-students from benefiting from the peace-keeping allowance. Maybe female candidates "shouldn't" be co-students, but when they sometimes are, this allowance belongs to them. (Unless anyone wishes to make the case that women seeking higher ordination are so superior that the Buddha would not expect them to quarrel over something so foolish as who gets seniority.) Nor is the *Kammavacacarini* (Advocate) prevented from making simultaneous proclamations during the ordination ceremony, to bring peace to a preceptor's students or for some other good reason. Thus we have ample reason to believe that if bhikkhuni preceptors were to ordain multiple students the debated allowance would be available to her students.

Given this, and indications that large numbers of bhikkhunis made use of the allowance prior to Pacittiya 83, we can safely conclude that when the need arises, bhikkhunis can make use of the allowance. Thus the October 22, 2009 ordination ceremony had no known flaw.

PART TWO: Would A Flaw Invalidate an Ordination?

Although we have seen that there was no flaw, let us ask what a flaw would mean.

First let us get clear on what the Venerable Elder is *not* trying to claim, by setting aside a simplistic argument not under discussion. A bhikkhuni preceptor who sponsors multiple nuns would incur a Pacittiya offense, which means that it would be naughty for her to do so –she should indeed hesitate– and that she would need to later confess her offense to another bhikkhuni. It does not mean that she harms the ordination by stepping into that role, nor is the Venerable Elder trying to say that she does. Even if the bhikkhuni preceptor were a *parajika* (defeated one) or a matricide / parricide, her participation would not undermine the candidate's ordination (Mv.I.69.4); hence her status as a Pacittiya-breaker (which is not such a big deal) should pose no harm. The Venerable Elder does not try to claim that it would, for he is attempting to make a more subtle argument.

In Point (5) of the letter, the Venerable Elder apparently made up a new general principle of monastic protocol when he stated, "*This sort of transaction statement, because it intrinsically entails the breaking of a rule, would thus be totally unauthorized.*" (emphasis added.)

This must be his unique idea, for does he not next inform us, two sentences later (in Point (6)), that there are no examples of this in the Canon? If the situation is unprecedented, then from where did he get this mightily impressive non-authorization formula? He wrote, "*6) It bears noting that there are no examples of transaction statements authorized in the Canon where the sheer form of the statement would intrinsically entail the breaking of a rule.*" (emphasis added)

(This wording, that the "*sheer form of the statement would intrinsically entail...*" makes it sound very important. Yet, rule Pac. 83 is not broken by the form of the transaction statement. If multiple candidates ordain under one female preceptor, the little rule is broken, regardless of the use or non-use of a single transaction statement; these two issues are unrelated. Whether to do a single statement is a separate question that depends on the needs of the candidates. The Point (6) assertion is *sheer hyperbole.*)

In Point (7), our Venerable Elder asserted that flawed transaction statements generally invalidate legal acts. (Legalese wording alert: "generally" means not-in-all-cases. Hence he has just stated that flawed transaction statements do not always invalidate legal acts!) Therefore, he continued, this principle applies to ordination transaction statements; and hence if flawed, the ordination becomes invalid. But this is simply another theory.

Dozens of much more substantial ordination flaws were declared by the Buddha to be mere "wrong-doings" that do not invalidate the ordination or cause the candidate to be expelled. Even the act of –for examples– ordaining a candidate lacking a preceptor or who takes the entire Order as his preceptor (two examples mentioned in the letter) (Mv.I.69.1-2); or who has a matricide or parricide as a preceptor

(Mv.I.69.4), or who is severely crippled (Mv.I.71.1), or has a dreaded communicable disease (Mv.I.39.7), would be considered a mere wrong-doing that is *not* fatal to ordained status, despite the potential long-term negative impact upon the Sangha.

The supposed error of a bhikkhunis' students' names being proclaimed together (rather than sequentially) rather pales by comparison to these mistakes. Someone's opinion that this minor error would invalidate an ordination does not substitute for a solid argument. As of the end of Point (7), ordinations being rendered invalid by simultaneous proclamations has not been proven.

Returning briefly to Point (5), we find a most fascinating comment:

"In the words of Mv.X.3.2, it [the supposedly unauthorized transaction of shared proclamations] would be "apart from the Vinaya...apart from the Teacher's instruction. As Mv.X.3.2 further states, any transaction of this sort is "not a transaction and should not be carried out."

This statement fascinates not because it seems almost bombastic, but because of the citation given, Mv.X.3.2 (the Mahavagga section of the Khandhaka portion of the Vinaya, Chapter Ten, Section 3, paragraph 2), a location immediately recognizable to anyone well familiar with the Vinaya. This citation does not give us the quoted words. (And I did not manage to track them down.) Rather, what we find at Chapter Ten is the account of the infamous bad behavior of the monks of Kosambi. At the cited section and paragraph, we find the Buddha begging these quarrelsome bhikkhus to cease their angry words and open their hearts by letting their "light shine forth" and becoming forbearing and gentle. He pleads, *"Enough, monks; no strife, no quarrels, no contention, no disputing."* But when the monks repeatedly tell him to mind his own business, the Buddha thinks: *"These foolish men are as though infatuate; it is not easy to persuade them,"* and he leaves. Then he proclaims verses that begin, *"When many voices shout at once / None considers himself a fool; / Though the Sangha is being split / None thinks himself to be at fault."* The Buddha continues, speaking verses that would become among the most beloved words in the Canon, including, *"Hatreds never cease through hatred in this world;/ Through non-hatred alone they cease; / This is an eternal law."*

Thus does Ven. Thanissaro gently offer some beautiful subtle advice relevant to this very situation, in which the Buddhist world watches with dismay the clamor arisen among senior bhikkhus in the wake of the recent ordination of bhikkhunis into their lineage. Perhaps his reference will encourage these venerables to reflect upon their behavior, lest more Kosambi-like righteous divisiveness lead to their own harm and the non-benefit of many increasingly disillusioned devotees, for a long time. (Or, maybe it was just a slip.)

~ The rest of the letter's arguments depend upon hypotheses that we have already dismissed, so need not be addressed further, except for one more that may need clarification:~

Point (9) attempts to prove that naming bhikkhuni candidates together in one transaction statement instead of individually invalidates the ordination because the transaction "doesn't touch on the individual." Failure to touch upon the individual is reportedly one of a short list of reasons that a Community transaction may be deemed invalid; proper individual naming is said to be required for being properly touched upon.

The argument here would have us accept the far-fetched idea that male candidates named together in a joint proclamation are "touched upon" whereas females are not, simply due to a rule for bhikkuni preceptors (Bhi.Pac. No. 83) unrelated to ordination procedures of proclaiming and naming. Nothing is lost from the ceremony by naming people jointly, as demonstrated by male candidates' free use of the allowance. Here the argument has overreached, to the point of silliness. How can a mere technical lack of permission to do what would normally be permissible for others be called a *fatal flaw* in an ordination? Obviously, it must be a trivial, harmless breach, if a breach at all.

Nonetheless, to be absolutely clear on this point, we can affirm that in the October 22, 2009 ordination in question, each ordinee was indeed literally, individually "touched upon" during the ordination ceremony, both physically and verbally. Her ordained name was pronounced to her, and her bowl and each of her five robes were physically touched on her body by her pavattini together with the naming. The preceptor (*pavattini*) Ven. Tathaaloka Bhikkhuni affirmed this by email (Nov. 22, 2009), writing, "Actually, as part of the ordination procedure, i, as pavattini, noted (named) each individual (and her requisites) individually. i physically touched the bowl and each of the five robes of each candidate, one by one, after naming her and while naming her requisites. this was part of my part of the ordination kammavaca."

Ven. Sobhana Bhikkhuni of the Bhavana Society in West Virginia, USA, who acted as the second Kammavacacarinī (a kind of an Advocate) for the candidates during the ordination, offers a brief comment:

"Examining [in the Vinaya] the entire section on ordination, one can see that only a few specific faults are said to invalidate an ordination. Many other mistakes are said to merely be faults of the preceptor. It must be considered as the great standard that ordinations cannot be invalidated for minor faults. The Buddha must have foreseen the danger of broken ordination lineages undermining the entire sangha."

PART THREE: Conclusion

The ceremony was not flawed by a lack of permission to make joint proclamations, as claimed. Bhikkhunis received this allowance long ago, and simply stopped using it when a new rule, Pacittiya 83, made it irrelevant. Even if the ordination had been flawed that way, it would go against the norm to invalidate ordinations based on such a minor issue, and its harmlessness is highlighted by the fact that joint proclamations are acceptable in other ordinations.

The opinion that the October 22, 2009 bhikkhuni ordination was invalid does not withstand reasonable scrutiny. The ordination was a valid legal act of Sangha; later criticisms or efforts by Sangha members to reopen a valid legal act should be dealt with according to Vinaya rule.

Ven. Thanissaro once wrote,

"[N]ow that Buddhism is coming to the West, I feel it is time to stop and take stock of the tradition and to check the later traditions against the earliest sources. This is especially important in a way of thought and life that, from the very beginning, has appealed to reason and investigation rather than blindly accepted authority. In doing this, I am simply following a pattern that has repeated itself through the history of the Theravadin tradition: that of returning to the original principles whenever the religion reaches an historic turning point." (BMC I p. 16)

The October 22, 2009 ordination of four women into the reluctant Ajahn Chah lineage and the explosion of reaction and debate that swiftly followed from around the world suggest that an historic turning point has been reached in Theravadin Buddhism. The continued resistance to womens' ordination may be the one of the worst cases we have ever seen in Buddhism of abandoning "reason and investigation" to "blindly follow accepted authority" of dubious origins. Making recourse to the "earliest sources" to which (according to Ven. Thanissaro's words) we should now turn, what do they show us, particularly when compared to current trends?

We find, on investigation, that the Buddha followed a principle of working hard to ensure women receive the best conditions for success in the holy life, from ease of ordination, to high quality mentoring, to staying focused. (But what about his oft-mentioned hesitation to ordain women in the first place? He hesitated only until the right reason was presented: not for the sake of his personal relation with his aunt/foster mother, but for the sake of womens' enlightenment.) The Buddha readily changed ordination procedures whenever obstacles for women arose: When shy female candidates were unable to answer questions posed by bhikkhus prior to ordination, the Buddha compassionately intervened by instituting procedures for bhikkhunis to do the questioning, giving rise to the practice of dual ordination (Cv.X.17.1.2). When a former courtesan tried to fully ordain, but depraved men wanting to abduct her obstructed her from going to meet with the Bhikkhu Sangha, the Buddha made a dramatic change to Community transaction principles to accommodate her need, allowing female candidates to be ordained without actually presenting themselves to the Bhikkhu Sangha for the dual ordination, in times of danger (Cv.X.22). Such flexible effort to make bhikkhuni ordinations more accessible, when needed, is the original principle demonstrated by the Buddha.

The Buddha's hard work for bhikkhunis did not stop there. He set down numerous rules to protect bhikkhunis from all kinds of dangers (the travel rule, no talking alone with men, etc.), from distractions (no picture galleries, etc.), and from being taken advantage of by bhikkhus (no carding wool, etc.) or householders (no doing household work for them). According to Ven. Thanissaro's letter, as mentioned previously, the Buddha limited the number of students bhikkhuni preceptors could ordain in order to make sure the new bhikkhunis received good mentoring. He forced bhikkhus to help the bhikkhunis in various ways, even requiring reluctant elder bhikkhus enjoying forest seclusion to meet with the Bhikkhuni Sangha to give them needed Dhamma talks (*ovaada*) (Cv.X.9.5).

Contrary to the usual requirement to stay put during Vassa, the Buddha encouraged bhikkhus to leave their Vassa residence to assist other members of Sangha –including the women. He stated specifically that a bhikkhu should go to help a bhikkhuni or female novice if, for examples, she is ill, she suffers from dissatisfaction with the holy life, she suffers remorse, or she has gotten into trouble and needs rehabilitation or an advocate; in such cases, the Buddha said, with the thought of being of help, "you should go, monks, even if not sent for, all the more if sent for". If a bhikkhuni candidate wishes to be ordained during Vassa, the Buddha said, and she sends a messenger to monks saying that she wishes them to come, then "you should go, monks, even if not sent for, all the more if sent for," with the intention of participating in the ordination. (The same is true if a novice nun wishes to start the training towards ordination.) (Mv.III.6.12-29).

Listen to how the Buddha described bhikkhunis: "[A] bhikkhuni is auspicious, a bhikkhuni is the essential, a bhikkhuni is a learner, a bhikkhuni is an adept, a bhikkhuni is ordained by both complete Orders by means of a (formal) act at which the motion is put and followed by three proclamations,

irreversible and fit to stand." (Vin iv 213 (emphasis added).) There can be no doubt as to original principals regarding women entering and finding support in the holy life.

Yet despite all the evidence, some people still believe, perhaps due to blindly following more recent authorities, that obstructing women from the fullness of the holy life that he established for them does the will of the Buddha. Some greatly beloved elders even resort to disingenuous picky legalistic arguments to keep women bound to household life, with all its sorrows and dangers to life and virtue, its heat and constant distractions, and its lack of virtuous companions; a poor vehicle for inner development leading to freedom. Many devout virtuous women have died with their longing to live the holy life unfulfilled, and this continues, even though most Vinaya experts acknowledge that ordaining women as bhikkhunis is correct within the Vinaya. This is how current tradition compares with original principals.

Oh when will *all* of our beloved and respected elder venerable bhikkhus work so tirelessly as the Buddha to help women everywhere ordain, and use their great authority and enormous skills to encourage, protect, and help their sincere Dhamma sisters to succeed in their wish for liberation?

Ven. Sudhamma Bhikkhuni

27 November 2009

Beyond Ambiguity

Going Beyond Gender Ambiguity in Theravada Forest Tradition

Tathaaloka Bhikkhuni

This article is dedicated to my Venerable Brothers and Fathers in the greater Thai forest tradition

Together with all of my Sisters and Mothers - the female monastics of the tradition in their many forms

And all the good people whose lives this tradition has touched and will touch, who aspire to be free from suffering

The Thai forest tradition harkens back to the rigor, simplicity and purity of the very early days of the Buddha Sasana. This is its inspiration and affirmation of itself, which has also been my inspiration. Some say that this is a dream or a romantic vision, but the forest tradition lives and exists vitalized by this vision of itself, which I would say is truly admirable in many ways and not without basis. This vision has spread throughout the fabric of the Thai society in past century, and in the past 40 years, throughout the world.

Over the years, I have become aware of the painful ambiguity that currently exists within this tradition related to women in monastic life ⁽¹⁾.

Roots

One might say that this ambiguity is part of the nature of Thai society itself, however, pre-twentieth century Westerners' travelogs and diaries record Thai culture as being far more gender equal than the Western culture of that time. They also record sightings of golden-robed monastic women in remote provinces. Such travelogs date from the days before the very thorough and extensive spread of the influence of the Western-influenced culture of the 18th and 19th centuries ⁽²⁾. To whatever extent Thai Buddhist monastic culture disfavors women, the cause may be a long and strong influence of Brahmanism and Brahmanical teachings throughout the various Thai people's histories, with the inclusion of popular works that are highly gender discriminatory such as the Hindu *Laws of Manu* or *Manudharmasmriti*, aka the *Manudharmashastra*, which has been propounded and extolled by kings alongside the Buddha's Dharma. In modern times, Buddhist scholars have noted the mixing of Brahmanical, Islamic and Christian theology of gender influencing both modern Thai and Sri Lankan Buddhist culture and the slant in the interpretation or trend of Buddhist teaching ⁽³⁾.

One might also say, as many Buddhists do, that the ambiguity is deeply rooted in the ancient and original Buddhist texts of the Pali Canon themselves. However, it is important to remember that widespread knowledge of the Pali texts is a very recent phenomena. Previously, these texts were largely only known to those few monastics who were educated in the Pali-language and highly trained in the oral tradition of textual exposition.

Now

In modern times, with open public access via the World Wide Web to the Buddha's teaching, in ways that may have only had parallel in the Buddha's lifetime -- if ever at all in Buddhist history -- the seeming ambiguity of the Buddhist Sutta and Vinaya texts related to gender has become a phenomena of which there is a global awareness. And with the ambiguity, in our modern cultural context, there arises doubt and a substantial amount of suffering, along with waves of attempts at clarification and reconciliation.

The Pali-texts are sometimes spoken and written of as the earliest of the Buddhist teachings. There are some within the forest traditon who say that the Vinaya, or the monastic discipline, is the oldest of all..

But is this true?

Going Back

For those who spend hours and days and years of their lives looking at the Pali texts and their English translations as i have, we may understand that this is may partly, but not completely, true. The Pali texts are not the only textual renditions of the Buddha's early oral teachings; and the Pali texts, as well as other early texts such as those of the Middle Indo-Aryan languages (4), have their strata. This means that they exist in layers that developed over time, just as is true with the modern English language. Modern native English speakers can tell the difference between Shakespearean English and early New World English and the modern English of 21st century New York or California. Scholars of the Pali language and other ancient languages can also read such differences of time and place, called stratification.

From this study of the stratification of the Buddhist texts, we understand that both the Pali Suttas and the Vinaya have taken shape and come to be in their present form over a vast period of time. The last Buddhist Council, in which the Pali Canon was set in its current form, took place in Burma remarkably recently, just a little over 50 years ago. This version of the Tipitaka, that of the 6th Buddhist Council or Synod, can be found here: www.tipitaka.org, available for all the world to freely see and learn from.

The Vinaya is commonly spoken of within the Thai forest tradition as one of the oldest and purest teachings of the Buddha. But the Vinaya shows such textual stratification. It developed a little differently in different times and places; some parts of the Vinaya where "closed" earlier, while other parts continued to develop. Only the Patimokkha is considered to perhaps belong, more or less, to the very ancient strata. It is also interesting to compare the differences between the stratification of the Bhikkhu and Bhikkhuni Vinayas, the monastic disciplinary texts for male and female Buddhist monastics, the bhikkhus and bhikkhunis.

As has been noted by venerable Vinaya scholars such as Thanissaro Bhikkhu and Sujato Bhikkhu, the Bhikkhu Vinaya shows a level of potentially later development in terms of its analysis that the Bhikkhuni Vinaya does not. It is curious why this should be. It has been theorized that the two Vinaya traditions may have been independant of one another for some time.

From the 3rd century BCE, 200 years after the Buddha's Parinibbana, and for the next approximately 800 years, Sri Lanka was home to the Pali-language traditon of Theravada Buddhism as well as to a Canon of the Buddha's teachings and the Old Commentaries in the native old Sinhalese language, which

became outdated and lost popularity over time. These older texts were re-rendered into a new modernized Pali language by Acarya Buddhaghosa, an Indian monk who worked extensively with the Tipitaka and wrote voluminous new Commentaries, still considered greatly authoritative by many Theravadan Buddhists, particularly in Sri Lanka and Burma. After acceptance of his new and revitalized works, according to one later and questionably reliable source, the Venerable Buddhaghosa burned the old texts, a not uncommon practice in India at that time (5). For a good number of years thereafter, Sri Lanka was one of the main centers for Pali-text Theravada Buddhism. Later, in the 10th century CE this earlier Buddhist tradition was brought to at least a temporary end by political invasion of the Sri Lanka, which resulted in the eradication of both the Bhikkhu and Bhikkhuni Sanghas.

It seems that the Pali-text tradition of scholarship related to Bhikkhuni Vinaya, as developed and preserved by the Sri Lankan Bhikkhuni Sangha itself, ended at that time, approximately 1500 years after the Parinibbana.

The comparatively further development of the Bhikkhu Vinaya would indicate that, with the refounding of the Sri Lankan Bhikkhu Sangha not so long afterwards, that the tradition of development of the Bhikkhu Vinaya, particularly in its intricacies and its Analysis, as well as in its Commentaries, continued on until later, within the past 1000 years, both in Sri Lanka and in Burma. This is to say that such developments in the Bhikkhu Vinaya may actually postdate the Buddha's Parinibbana by anywhere from between 1500 - 2500 years. Such later-middle period developments can not reasonably be considered the oldest strata of the Buddhist teachings. Although ostensibly based upon older commentaries closed by the 2nd century BCE, the vast majority of the Pali-text Commentaries also fall within the period of 1000-1200 years (or 800 to 1000 years) after the Buddha's Final Nibbana (depending upon when that is dated) with later commentarial style works continuing into the 18th and even now into the 21st century.

In comparative Vinaya studies, it has been noted by eminent modern scholars such as the Venerable Bhikkhu Analayo, that the Pali-texts, as compared to other renditions of the original Vinaya of the Buddha's lifetime, have a relatively greater instance of gender discriminatory statements. In addition, the Commentaries also authored by Acarya Buddhaghosa 1000 years after the Parinibbana, contain a substantial increase in gender discriminatory (or some even say misogynist) statements and interpretations of the Vinaya.

It is important to remember here that these Commentaries do not necessarily represent the oldest strata of Buddhist teaching.

Going Deeper

Returning now to the modern love of ideas of original Buddhism in all of its purity within the Thai forest tradition, we ask the question of which Buddhist Canonical texts are considered by the best of modern scholars to belong to the oldest strata of Theravadan Buddhist teaching?

In regards to the aspiration and the painful ambiguity mentioned above, we wish to particularly focus on the view of Buddhist women and the view on women in monastic life within these oldest of texts that we have inherited.

Amongst Buddhist scholars, the *Theragatha* and the *Therigatha* (the enlightenment Verses of the Male and Female Elders) are amongst texts generally considered to be of this very oldest strata. The *Samyutta Nikaya* is also considered from amongst the earliest strata of Sutta texts by scholars such as the Venerable Bhikkhu Bodhi - of which one section is the *Bhikkhuni Samyutta*. There are also texts telling the tales of the lifestories or "Sacred Biographies" of the ancient bhikkhunis called the *Theri Apadana* which are generally agreed by scholars to be of later composition, perhaps 500 to 800 years post-Parinibbana.

The World View

Entering into the world of the *Therigatha*, we find a world in which women's voices are radically honest with regards to the sufferings and joys that they faced both in lay life and monastic life. The joys of the senses and of relationship, as well as the sufferings of abuse, the death of loved ones, even the suffering of Buddhist practice and apparent non-progress on the Path before their final enlightenment is all related

in the ancient Theris' enlightenment verses with fresh forthrightness and honesty. It is a kind of "no holds barred" text in terms of the gritty and glorious realities of these ancient monastic women's lives.

One notable feature of this text, in relationship to the issue of the painful ambiguity that is mentioned above, is that there is not a breath or a sign or trace of it.

The women of the *Therigatha* recognize gender discrimination, not dissimilar in many ways to what we find in modern life, in their greater society; but not in monastic life. There is only one notable exception to this, that is, when the women are approached, as they regularly are, both before and after enlightenment, by Mara the Evil One.

Mara is regularly portrayed as making gender derogatory statements in the *Therigatha* and the *Bhikkhuni Samyutta*, such as seems to be intended to undermine the confidence of the woman involved or to test her enlightenment. In the Theris' enlightenment verses, such statements by Mara are always triumphantly balanced by the bhikkhuni Theri's declaration of her seeing through and transcendence of any of the perceived limitations of her gender in the ideas and culture of her society. And when the Buddha appears in the Theris' *Gathas* or Verses, he is invariably the supporter and advocate or the confirmer of the Theri in the rightness of her victory.

Even subtle ambiguities, such as the later restrictions in the Vinaya on the number of women who can be ordained and trained at one time (which have led to inferences of supportiveness as well as to inferences of suppression of the Bhikkhuni Sangha by the Buddha), appear nowhere in the *Therigatha*.

An Abundance of Fully-Affirmed Fully Enlightened Women

The Venerable Patacara Theri, affirmed by the Buddha as his Foremost Disciple in Monastic Discipline in the *Anguttara Nikaya*, appears in the *Therigatha* with a following of 500 enlightened students who sing her praises in gratitude for her teaching (6). She would have had to live a 1000 years to ordain so many of them according to the modern Pali-text Vinaya. However, we understand that she was not a rogue monastic in this regard, but rather we know and remember her as the Buddha's Foremost Bhikkhuni Disciple in Monastic Discipline, praised and commended by him on par with her bhikkhu peer, the venerable Vinaya expert Upali Thera, another of the Foremost Disciples of the Buddha.

Not only is there Patacara with so very many students, the former queen Anoja is also supposed to have had such an enormous following, as well as the Venerable Maha Pajapati Gotami Theri whose very large following the Buddha himself directed to be ordained. And, beyond all others, the Buddha's former wife and mother of his son, the Venerable Theri Yasodhara Rahulamata, is recorded in the *Theri Apadana* as having a following of not only 500, but 1000 or even (according to some translators and Commentaries) 1000s of bhikkhunis.

“*Nibbinditvāna saṃsāre, pabbajim anagāriyaṃ;*

Sahassaparivārena, pabbajitvā akiñcanā.

Disillusioned with Samsara,

I went forth from home life into homelessness;

Surrounded by a retinue of a thousand,

I was untroubled after my going forth [into monastic life].

-- Yasodhara Theri Apadana 402 ⁽⁶⁾

If we look at the Bhikkhuni Samyutta Chapter within the collected texts of the *Samyutta Nikaya* as well, we find a picture of the ancient Theris abiding in the solitude of the wilderness, their words of Dhamma well-spoken, the only voice of discrimination in the present other than their memories of their past lay lives, coming, in every single case, from Mara the Evil One.

Ven Bhikkhu Bodhi writes of this collection:

"These poems of the [bhikkhunis] of old still speak to us today through their sheer simplicity and uncompromising honesty. They need no ornamentation or artifice to convey their message but startle us with the clarity of unadorned truth... The last two suttas are philosophical masterpieces, compressing into a few tight stanzas insights of enormous depth and wide implications. Full appreciation of their richness and power would require extensive acquaintance with the whole corpus of early Buddhist texts."

In the Bhikkhuni Samyutta, once again, as with the *Therigatha*, we do not find a single word indicative of the ambiguity that seems to have crept into or been deliberately inserted or written into later strata of Buddhist Dhamma and Vinaya. Despite uncompromising honesty in relating the pain of gender discrimination in the outside world of their then contemporary Indian society, in the rigors of forest ascetical life and in the overcoming of the defilements and hindrances in their own hearts and minds, the bhikkhuni Theris do not once mention even the slightest bit of painful ambiguity with regards to the Buddha, the Bhikkhu Sangha, or their status as women within the Buddha's monastic community.

Ambiguity's End

"Endmaker, you too are ended."

-- Kisa Gotami Theri to Mara

Bhikkhuni Samyutta, i, 128

For those who love, honor and revere this ancient way and its practice, and believe it still has a place in inspiring the practice of not only laypersons but also monastics, both solitary and in community, in the modern world, i would like to suggest that this vision is not absent in what is affirmed as the oldest strata of the Theravada Buddhist teaching -- a strata in which gender discrimination belongs to the sphere of Mara and those deluded in the lay world. Reading these texts, the ambiguity for women in monastic life is a thing of the past or of the future, but not of the present; a present in which the hallmark is of simplicity, honesty and an utterly unambiguous clarity, in the Dhamma and its living, as women disciples of the Buddha, in the monastic life.

This is utterly unsurprising for a Dhamma and Discipline in which the Buddha himself says he is unsurpassed: rightly remembered and rightly praised for a Holy Life that is completely purified and completely fulfilled in both its essence and its conventions.

For this characteristic, according to the Buddha's teaching, i rightly praise the Buddha
For this characteristic, according to the Buddha's teaching, i rightly praise the Dhamma and Discipline
For this characteristic, according to the Buddha's teaching, i rightly praise the Sangha

[Evam]

References

- (1) Sujato Bhikkhu, *A Painful Ambiguity*
- (2) Kamala Tiyavanich, *Buddha in the Jungle*
- (3) Dr Ranjini Obeyseke, *Portraits of Buddhist Women & Yasodhara: The Wife of the Bodhisatta*
- (4) See KR Norman's *Collected Papers*, Vol 3, "The Value of the Pali Tradition"
- (5) For the practices and rites of Brahmins and Buddhists when engaged in public debate or Dharma combat see: *Light of Liberation: A History of Buddhism in India*, Nyingma Crystal Mirror Series, Ancient One
- (6) *Pancasata Patacara*, *Therigatha* 6.1, PTS vv.127-132 and related Commentary
- (7) The Pali-text is from www.tipitaka.org, English translation by Tathaaloka Bhikkhuni. Jonathan Walters in his unpublished English translation of the *Yasodhara Apadana* here translates 1000 as "thousands"

Gender Discrimination in the Pali Canon

A Letter from Venerable Bhikkhu Analayo to Venerable Ayya Tathaaloka

Dear Venerable Ayyā Tathālokā,

You asked me to briefly report on my ongoing research on the theme of gender discrimination in the Pāli canon, so here is what I can offer off-hand, topics that I will be examining in more detail in the near future.

By way of foreword, allow me to propose that in approaching the scriptures of the Pāli canon for guidance and orientation, we need to be aware of the fact that this material is the final product of a prolonged period of oral transmission and thus may not always fully reflect the original.¹ The possibility cannot a priori be excluded that views, which were not part of the original delivery of a discourse or a rule, could have influenced the canonical material as we have it now. This does not mean that the Pāli canon can no longer provide guidance and orientation. But it does mean that during the centuries of oral transmission, material that at first perhaps arose in the form of a commentary (where the reciters would have felt free to express personal opinions) could have become part of what now is considered canonical.²

Practically speaking, this means that instead of taking isolated passages on their own as invariably true, what is required is an awareness of the overall thrust of the canonical scriptures on a particular theme. Here an important criterion is consistency. Given that according to the discourses the Buddha himself presented consistency as a criterion of truth,³ it would be reasonable to expect that the Buddha was coherent in his views. Furthermore, in order to evaluate single passages a comparative study of the same material transmitted by other early Buddhist schools can provide important perspectives, i.e. in particular the Vinayas and Āgamas preserved in Chinese and other languages.

In the case of the attitude towards women, we find contradictory positions and thus a lack of consistency in the Pāli canon. One example is the account of the foundation of the order of nuns.⁴ According to the *Mahāparinibbāna-sutta*, soon after his awakening the Buddha proclaimed that he would not pass away until he had nun disciples who are wise and learned.⁵ From this it would follow that right from the outset he wanted to have an order of nuns. This impression is further supported by a closer perusal of the Pāli canon, which shows recurrent references to the importance of having four assemblies of disciples (monks, nuns, male and female lay followers) and to the significant contribution made by nuns to the prosperity and success of the Buddha's dispensation. These passages stand in contrast to the impression created by the account of the foundation of the order of nuns, which reads as if the Buddha did not want to allow women to go forth.⁶ A comparative study of this account in the different Vinayas, mainly extant in Chinese, shows clear signs of later addition and thus makes it probable that it does not accurately reflect the Buddha's attitude.

Another example would be a pair of discourses in the *Aṅguttara-nikāya* that compare women to black snakes, as both are dirty, smelly and betray friends etc.⁷ Would it be reasonable and coherent for an awakened teacher to make such derogatory remarks about women, a teacher who according to other discourses had numbers of nun disciples that had reached full awakening and thus total freedom from any defilement,⁸ who according to the same *Aṅguttara-nikāya* proclaimed various nuns and lay women as outstanding in qualities like deep concentration and

profound wisdom,⁹ and who apparently placed such trust in women that in a twin regulation found in all *Vinayas* he sanctioned acting on a trustworthy laywoman's report about a monk's breach of the rules?¹⁰ The comparison of women to snakes recurs in two parallel versions: one in the Tibetan Vinaya, where a similar remark is headed by the qualification "some", i.e. "some women are ...",¹¹ and another in a late text in Uighur, where this remark is not made by the Buddha, but rather by some Sakyan youths.¹²

These two cases may already suffice for the time being to alert us to the possibility that gender discrimination in the Pāli canon may well be the result of later developments. Regarding the overall attitude towards nuns in early Buddhism, I think it stands beyond doubt that an order of nuns was in existence, and from that I would conclude that the Buddha approved of its existence.¹³ To this we may add a range of passages that express a very positive attitude towards nuns and value their important contributions to the Dhamma.

Now quite probably the Buddha adjusted to prevalent customs in ancient India – in wider society as well as in parallel traditions like the Jain order, which appears to already have had an order of nuns – by placing nuns in second position vis-à-vis monks. However, such positioning would have been dictated by circumstance, not being an expression of a principle endorsement of gender discrimination. In fact, I would hold that a discriminating attitude towards women in principle is incompatible with the freedom from defilement incumbent on reaching full awakening, where any prejudice based on caste, social standing, race or gender has been left behind.¹⁴

In sum, it would seem to me that

1. Individual passages reflecting a misogynist attitude among the canonical sources need to be approached with circumspection, comparing them with the general thrust of the Dhamma and Vinaya, and ideally studying them in the light of extant parallels.
2. Regulations that express gender discrimination probably reflect the ancient Indian situation and would thus in principle be open to revision in a different setting, when Buddhism begins to flourish in a different environment and culture. Such revision is not against Dhamma and Vinaya, so it seems to me, but would rather express the pragmatic principle of adjusting to circumstances that is such a recurrent feature in the formation of rules as documented throughout the Vinaya. In the end, tradition – which I personally highly value – only stands a chance to survive if it is able to adjust to changing circumstances without loss of what is essential. This can come about if our appraisal of the situation is based on a clear awareness of what causes *dukkha* – for ourselves or others – and what leads to freedom from *dukkha*.

Bhikkhu Anālayo

¹
This uncertainty is reflected in M 76 at M I 520,6, according to which what has been transmitted orally may be well remembered or not, it could be correct, but it could also be wrong, *sussutam pi hoti dussutam pi hoti, tathā pi hoti aññathā pi hoti*. A more detailed study of the oral transmission of the Pāli canonical scriptures could be found in a triad of articles on this topic, in which I survey oral characteristics of the Pāli discourses in general, offer a case study, and turn to the working mechanism of memory that explains how changes could have happened, see <http://www.buddhismuskunde.uni-hamburg.de/fileadmin/pdf/analayo/OralDimensions.pdf>
<http://www.buddhismuskunde.uni-hamburg.de/fileadmin/pdf/analayo/Verses.pdf>
<http://www.buddhismuskunde.uni-hamburg.de/fileadmin/pdf/analayo/Memory.pdf>

2

I have gathered some material in support of the suggestion that what originally was a commentary eventually became part of the canonical material in a paper on "The Influence of Commentarial Exegesis on the Transmission of Āgama Literature", forthcoming in *Proceedings of the Workshop on Translating Buddhist Chinese*, K. Meisig (ed.), Wiesbaden: Harrassowitz.

3

This is the principle enshrined in the *mahāpadesas*, DN 16 at DN II 123,30 and AN 4.180 at AN II 167,31; and also in the recurrent reference in debate situations to the need for consistency, e.g. MN 56 at MN I 377,10: "your earlier [statements] do not fit with your later [statements], nor do your later [statements] fit with your earlier [statements]," *na kho te sandhīyati purimena vā pacchimaṃ, pacchimena vā purimaṃ*.

4

A more detailed examination is forthcoming in the proceedings of the Hamburg conference 2007, which should be coming out in the very near future with Wisdom Publications.

5

DN 16 at DN II 105,8: *na ... parinibbāyissāmi yāva me bhikkhuniyo na sāvikā bhavissanti viyattā vinītā visāradā bahussutā*.

6

AN 8.51 at AN IV 274 and Vin II 256, a more detailed study of this account is one of my ongoing research projects, <http://buddhisticinformatics.ddbc.edu.tw/analayo/#bhikkhuni>

7

AN 5.229 at AN III 260,24: *asuci, duggandho ... mittadubbhī*; see also the following discourse AN 5.230.

8

According to MN 73 at MN I 490,24, the Buddha could count on over five-hundred arahant nuns among his disciples.

9

AN 1.14 at AN I 24-26.

10

These are the two *aniyata* rules, for a study of the Pāli version see Thanissaro 1994/2007: *The Buddhist Monastic Code I*, California, pp. 185ff.

11

Derge edition of the 'dul ba, da 134b3, reading *bud me kha cig la*, "some women"; a passage discussed by Damchö 2009: 302 in her phd on gender in the (Mūla-)sarvāstivāda *Vinaya*, see <http://nunscommunity.net/thesis.html>

12

The Maitrisimit attributes such a statement to a group of Sakyan youths that were still under the influence of defilements, see Geng, Shimin 1988: *Das Zusammentreffen mit Maitreya, Die ersten fünf Kapitel der Hani-Version der Maitrisimit*, Wiesbaden: Otto Harrassowitz, p. 178.

13

For a critique of the in my view untenable hypothesis that the order of nuns could have been founded after the Buddha's demise see <http://www.buddhismuskunde.uni-hamburg.de/fileadmin/pdf/analayo/TheoriesFoundation.pdf>

14

Here I think it is quite significant that outright machism in the discourses is associated with Māra, the impersonation of defilements, see SN 5.2 at SN I 129,14.

Personal Reflections on Receiving Ordination as a Bhikkhuni

At its meeting of Sunday 29 November 2009 the committee of the Buddhist Society of Western Australia unanimously supported the actions of its monks and nuns in the promotion of the recent bhikkhuni ordination and endorsed the following statement from Ajahn Vayama.

Ven. Vayama Bhikkhuni

It wasn't until recent times, until after I had spent over twenty years as a ten precept nun, that bhikkhuni ordination in Australia became feasible. Women have had enough faith and fortitude to survive on the fringes of the Sangha for generations. They did not need further assistance to do just that. What they did need though was for the monks (as the ones who hold the legal authority), to realise the opportunity they have in the contemporary world, to transform the situation and again open up full membership of the Sangha to the other half of the Buddha's disciples. I am humbly grateful to Ajahn Brahm, Ajahn Sujato and the Sangha at Bodhinyana Monastery for acting with wisdom and compassion to courageously use their authority for the benefit of countless beings. I bow with respect and gratitude to Ayya Tathaaloka and the other Bhikkhunis who took part in the ordination ceremony out of faith and kindness, and at some disadvantage to themselves. I feel appreciation and gratitude for the support and encouragement of our lay friends. We couldn't have done it without your help either. May you all share in my happiness.

Ven. Seri Bhikkhuni

The journey began with a simple and sincere aspiration - an aspiration to commit my life totally to the Buddha Dhamma and Sangha, a wish to follow closely in the footsteps of the Buddha for the attainment of Nibbana. After the ordination I wasn't feeling on top of the world or jumping up and down and screaming with joy. Nothing like that. But I felt very humbled by the experience and very inspired and grateful.. As I chanted in the ordination ceremony (ullumpatu ayya, anukampan upadaya) I felt I was being raised up by the sangha out of compassion. The ordination took the journey to a deeper level of commitment, faith and confidence in the path of practice. I was inspired by the courage and devotion of the bhikkhu and bhikkhuni sangha towards the truth, in honouring the Buddha's wish to have the four fold assembly in his dispensation - bhikkhus, bhikkhunis, laymen and lay women, as the Buddha himself established 2500 years ago. I'll cherish this beautiful gift of ordination given with care and support from the monastic brothers and sisters in the Sangha.

I also felt tremendously humbled by the experience. The ordination was the result of years of hard work, struggle and pain and frustration of lots of practitioners, monastic as well as lay practitioners, and the support of sangha and lay practitioners of BSWA. The conditions for ordination were ripe at this time because of your faith and confidence in Dhamma and Vinaya and your kindness and generosity. I am very honoured and grateful to be part of this beautiful and inspiring process. I will cherish this beautiful gift of ordination - a gift of faith, confidence and courage and devotion to Dhamma and Vinaya, a gift of compassion, kindness and generosity from the Bhikkhu and Bhikkhuni sangha as well as all the supporters on the path of practice. May I share merits with all of you, and may this help us all in the attainment of Nibbana.

Ven. Nirodha Bhikkhuni

Reflections then and now. There is still the reverberation of the triple request to both the Bhikkhuni and Bhikkhu Sangha requesting higher ordination:

MAY THE SANGHA RAISE ME UP OUT OF COMPASSION

And both Sanghas present DID.

How to express the CHANGE, the gratitude, joy, deep peace, depth and support, the blessings felt, ever since then!

TRULY FEELING FULLY ORDAINED, UPLIFTED.

‘ENDOWED WITH THE COMPLETE SET OF TRAINING’

‘BHIKKHUNI’ is not felt as a title in itself, BUT as a total and complete COMMITMENT and RESPONSIBILITY, A SPIRITUAL BEING. When factors are fulfilled so are the outcomes.

Ven. Hasapanna Bhikkhuni

After having taken the full ordination, the ‘upasampada’, it really has given me a sense of at last my good wishes are being fulfilled. Being a monastic I always have a very strong sense of duty and responsibility to fulfil the vinaya precepts. Some people have said it doesn’t matter whether you are a bhikkhuni or not as long as you keep it in your heart. In the past I had the same mentality too, until some time ago. I realised that it doesn’t actually work. As many supporters of Dhammasara Nuns’ Monastery know, the nuns from Dhammasara have been upholding many more precepts than just the ten precepts. Some time ago when I went back to Malaysia to visit my family I met a senior monk trying to tell me that as a Ten Precept Nun or Samaneri I do not need to keep those rules. I felt that trying to keep 311 Patimokkha rules as a Ten Precept Nun that people would think you are crazy or making a big fuss. Recently I have been reflecting on one of the discourses from Majjhima Nikaya 6. It really gives me lots of joy and happiness.

Akankheyya Sutta — If a Bhikkhu Should Wish (*Extract*)

“Bhikkhus, dwell possessed of virtue, possessed of the Patimokkha, restrained with the restraint of the Patimokkha, perfect in conduct and resort and seeing fear in the slightest fault, train by undertaking the training precepts.

If a bhikkhu should wish: ‘May I be dear and agreeable to my companions in the holy life, respected and esteemed by them’, let him fulfil the precepts, be devoted to internal serenity of mind, not neglect meditation, be possessed of insight, and dwell in empty huts. If a bhikkhu should wish: ‘May I be one to obtain robes, almsfood, resting place and medicinal requisites’ let him fulfil the precepts.....”