

Vinaya Basis for Refuting the Recent Bhikkhuni Ordination

by Thanissaro Bhikkhu

(as sent to former abbot of Wat Pah Nanachat, Ajahn Nyanadhammo)

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Dear Venerable,

You sent me a copy of the transaction statements used at the recent bhikkhunī ordination ceremony in Australia and asked for my opinion as to their validity. After looking them over and rereading the relevant passages in the Canon and commentaries, I would like to focus on one aspect of the statements: the use of a form in which two candidates are mentioned in a single proclamation. This is a detailed technical point, and the discussion will have to be long, so please bear with me.

First, to establish context: A striking feature of the Canon’s rules for the bhikkhunīs, when compared with its rules for the bhikkhus, is how sketchy they are. Many procedures are mentioned without a detailed explanation of how they should be done; the Vibhaṅgas, or explanations of the Bhikkhunī Pāṭimokkha rules, omit many discussions that would be par for the course in the Vibhaṅgas for the Bhikkhu Pāṭimokkha rules; the Pāṭimokkha rules that the bhikkhunīs have in common with the bhikkhus are not listed in the Canon; and the narratives surrounding the stage-by-stage development of specific procedures contain large gaps. Thus the traditional approach in filling in these blanks has been to apply the Great Standards (*mahāpadesa*) given in Mahāvagga VI:

“Bhikkhus, whatever I have not objected to, saying, ‘This is not allowable,’ if it conforms with what is not allowable, if it goes against what is allowable, that is not allowable for you.

“Whatever I have not objected to, saying, ‘This is not allowable,’ if it conforms with what is allowable, if it goes against what is not allowable, that is allowable for you.

“And whatever I have not permitted, saying, ‘This is allowable,’ if it conforms with what is not allowable, if it goes against what is allowable, that is not allowable for you.

“And whatever I have not permitted, saying, ‘This is allowable,’ if it conforms with what is allowable, if it goes against what is not allowable, that is allowable for you.”—Mv.VI.40.1

To apply these standards in this area means that if the bhikkhunīs are required or allowed to follow a certain procedure that is not explained in their rules, the procedure can be adapted from a corresponding procedure in the bhikkhus’ rules. In some cases, very little adaptation is required. For example, bhikkhunīs are allowed to impose disciplinary transactions on any of their misbehaving members, but nowhere are the transactions or their requirements described as

applied to bhikkhunīs. The traditional solution to this problem has been to take the relevant procedures from the bhikkhus' rules and simply change the genders in the transaction statements.

Other adaptations, however, are more complex. The fifth garudhamma, for example, requires that a bhikkhunī who has broken any of the eight garudhammas must observe a half-month penance in both the Bhikkhunī Saṅgha and the Bhikkhu Saṅgha. Only one fragment of this procedure is recorded in the bhikkhunī rules: at Cv.X.25.3, treating a problem that would come up in a bhikkhunī's penance but not a bhikkhu's. The Commentary's solution—in its comments on Cullavagga III (pp. 271ff. in volume three of the Thai edition)—is to adapt the procedures from a bhikkhu's penance for a saṅghādisesa offense. This involves adding steps dealing with the particular problems that would come up for all concerned given that the bhikkhunī has to observe her penance in two Saṅghas instead of just one, and subtracting regulations rendered inoperable by the fact that a bhikkhunī's penance, unlike a bhikkhu's, is always for half a month, regardless of whether she conceals the offense.

So it's a standard feature, when discussing the bhikkhunī rules, to make heavy use of the Great Standards. This is not an ideal situation, for there are times when it is hard to find an exact correspondence between a rule for the bhikkhunīs and the nearest similar rule for bhikkhus. But it's the situation we're in.

Now for the specific considerations surrounding the transaction statements in question:

1) In some cases, a Community can perform a Community transaction with two or three people as the objects.

2) Mv.I.74.3 places a special condition on applying this principle 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."

3) There is no corresponding allowance for bhikkhunī ordination.

4) It might be argued on the basis of the Great Standards that an allowance similar to Mv.I.74.3 could be assumed for bhikkhunī ordination. However, there is an important difference between the rules surrounding bhikkhus' preceptors (*upajjhāya*) and the bhikkhunīs' sponsors (*pavattanī*): Rules 82 and 83 in the Bhikkhunī pācittiyas state:

Bhī Pc 82. Should any bhikkhunī sponsor [Acceptances—act as a preceptor] in consecutive years, it is to be confessed.

Bhī Pc 83. Should any bhikkhunī sponsor [Acceptances—act as a preceptor for] two [candidates] in one year, it is to be confessed.

There are no corresponding rules for bhikkhus. The origin stories for these rules indicate that they were formulated at a time when there weren't enough residences for bhikkhunīs, but the Vibhaṅgas to the rules do not relax them when residences are plentiful. Thus they are intended to be always in force. And for good reason: They have the practical effect of protecting aspiring bhikkhunīs and the Bhikkhunī Saṅgha as a whole. Unlike bhikkhus, whose dependency on their

mentors must last at least five years, a bhikkhunī's dependence on her sponsor lasts only two. Thus these rules ensure that, in that reduced time period, she has the full attention of her sponsor in receiving her training. Once her dependency is over, the Bhikkhunī Saṅgha will find her easier to live with because she has been thoroughly trained.

5) However, Bhī Pc 82 and Bhī Pc 83 have an important role in shaping the proper Acceptance procedure for bhikkhunīs. Unlike an upajjhāya, who may take on up to three candidates in a single proclamation, a pavattanī may take on only one. Otherwise she would be breaking Bhī Pc 83. Thus the Great Standards cannot be used to extend to bhikkhunīs the allowance given to bhikkhus in Mv.I.74.3. A single transaction statement giving Acceptance to two or three bhikkhunī candidates with a single sponsor would intrinsically involve a pācittiya offense for the sponsor, and—according to the Vibhaṅga to Pc 83—dukkāṭa offenses for all the other bhikkhunīs participating in the transaction. This sort of transaction statement, because it intrinsically entails the breaking of a rule, would thus be totally unauthorized. In the words of Mv.X.3.2, it 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.”

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.

7) Generally, whatever a “transaction that is not a transaction” claimed to accomplish would automatically not count as accomplished. For example, if a bhikkhunī were censured by her fellow bhikkhunīs through such a transaction, she would not actually count as censured and would not have to undergo the penalties attendant on that transaction. Applied to Acceptance, this would mean that the candidates accepted through such a transaction would not count as genuine bhikkhus or bhikkhunīs.

8) However, the Canon does contain one possible instance in which an unauthorized form of a transaction statement might be used for an Acceptance transaction and yet the candidate would count as validly accepted. I say “possible” and “might” because the Canon does not explicitly make this point, and we have to look into the commentarial literature to see if this is actually true. Because this would be the only possible parallel for validating the Acceptance of two or three bhikkhunī candidates using a single transaction statement, it is worth taking a look.

Mahāvagga I, in its discussion of bhikkhu ordination, contains a long list of people who should be not be given the Going-forth and/or Acceptance into the Bhikkhu Saṅgha. Mv.IX.4.11 classifies many of these people into two sorts: those who, even though they are given full Acceptance, do not count as validly accepted; and those who, if given full Acceptance, count as validly accepted even though the bhikkhus who accept them incur dukkāṭas. Not all of the cases mentioned in Mv.I are classified by Mv.IX.4.11, and among those that aren't classified is the case that most resembles the question at hand—the resemblance lying in the fact that it might entail an unauthorized form of a transaction statement, and yet the candidate would count as accepted. This is the case, mentioned in Mv.I.69.1, of a candidate given Acceptance without a preceptor. (Mv.I.69.2-3 mentions two similar cases—a candidate given Acceptance with the Community or a group as his preceptor; Mv.I.70.1-3 mentions cases in which a candidate without a bowl or robe is given Acceptance. All of these could potentially entail an unauthorized form of a transaction statement, but the commentaries treat them all in the same way that they treat Mv.I.69.1, so for convenience's sake I will focus attention solely on Mv.I.69.1.)

The Commentary (page 100 in volume three of the Thai edition) classifies a candidate given Acceptance without a preceptor as one who, if given full Acceptance, still counts as validly accepted. It notes, without explanation, that there are some teachers who would not agree with this verdict, but then adds—again, without explanation—that the opinion of those teachers should not be held to. For the sake of the issue at hand, we will assume that the Commentary is correct on this point.

In defining what is meant by “one without a preceptor,” the Commentary states: “*Upajjham agāhāpetva sabbena sabbam upajjhāyavirahitam*: One who, without having been made to take on the state of having a preceptor, is entirely and in every way devoid of a preceptor.” This definition raises several questions. First, the meaning of “entirely and in every way devoid of a preceptor” could mean at least two different things here. (a) On the one hand, it might simply have been a way of contrasting this case with the ones following it in Mv.I.69, which deal with preceptors who are invalid for various reasons. With this sense, it might simply mean that the candidate has not taken a preceptor—in the standard procedure preliminary to the Acceptance transaction—but that a preceptor is nevertheless mentioned in the actual transaction statement. Or (b) it might mean not only that the candidate has not taken a preceptor, but also that no preceptor is mentioned in the transaction statement at all—the emphasis on *sabbena sabbam* would certainly give this impression. Because an Acceptance transaction that does not mention the preceptor would break with the authorized pattern (see Mv.I.28.4-6 and Mv.I.76.9-12), this latter meaning—if it is indeed what the Commentary intended—would grant an exemption from following the authorized form. If this were the case, it would be the only known instance where an unauthorized form did not invalidate a Community transaction. This is why it is of particular interest to our discussion.

9) It turns out, however, that there is another passage in the Commentary that rules out possibility (b). This is the Commentary to Parivāra XIX.1.3 (pp. 611-612 in volume three of the Thai edition). The passage it is commenting on lists five ways in which a transaction statement is rendered invalid, thus invalidating the transaction as a whole: if it doesn’t touch on the matter, doesn’t touch on the Saṅgha, doesn’t touch on the individual, doesn’t touch on the motion, or if it later sets aside the motion. The Commentary, in explaining the phrase, “doesn’t touch on the individual,” gives as an example a case of an Acceptance transaction where the preceptor is not mentioned: “‘*Suṇātu me bhante Saṅgho. Ayaṃ Dhammarakkhito āyasmato Buddharakkhitassāti*’ vattabbe ‘*Suṇātu me bhante Saṅgho. Ayaṃ Dhammarakkhito upasampadāpekkhoti*’ vadanto puggalam na parāmasati nāma: He doesn’t touch on the individual means saying ‘May the Saṅgha listen to me, venerable sirs. This Dhammarakkhita is a candidate for Acceptance,’ when ‘May the Saṅgha listen to me, venerable sirs. This Dhammarakkhita is Ven. Buddharakkhita’s [candidate for Acceptance]’ should be said.” A statement of this sort would thus invalidate the transaction.

The author of the Sub-commentary (*Sāratthadīpanī*), in expanding on the Commentary to Mv.I.69, saw the potential contradiction between the two passages in the Commentary and so resolved it in the following way (pp.195-196 in volume four of the Thai edition).

First he explained the Commentary’s definition of “without a preceptor”— “*Upajjhayaṃ aggāhāpetvāti [sic]: Upajjhāyo me bhante hohīti evaṃ upajjham aggāhāpetvā*: ‘Without having been made to take on the state of having a preceptor’ [means] without having been made to take on the state of having a preceptor thus: ‘May you be my preceptor [this is a reference to the familiar preliminary procedure in the Acceptance ceremony].’”

Then he made the following observation: “*Kammavācāya pana upajjhākitānaṃ katāmyevāti daṭṭhabbaṃ. Aññathā puggalaṃ na parāmasatīti. Vutta-kamma-vipatti- sambhavato kammaṃ kuppeya. Teneva upajjhāyaṃ akittetvāti avatvā upajjhaṃ aggāhāpetvā icceva vuttaṃ*: It is to be seen that, ‘in the transaction statement, the mentioning of the preceptor is absolutely [i.e., must be] done’ [I have not been able to trace this quotation]. Otherwise, ‘the individual is not touched on’ [this is a quotation from Pv.XIX.1.3]. Because of the condition of the invalidity of the spoken action, the transaction would be overturned. Therefore, without having said, ‘without having mentioned the preceptor’ it was simply said, ‘without having been made to take on the state of having a preceptor.’”

This sort of laconic, convoluted style is typical of the Sub-commentary. What it means is this: The Commentary’s statement, saying that the state of not having a preceptor would not automatically invalidate the transaction, applies only in cases where the Community has skipped the preliminary step of getting the candidate to formally request a preceptor but then proceeds to mention a preceptor in the transaction statements. It would not apply in the case where the transaction statement mentioned no preceptor at all, for that lack would yield an unallowable form of the transaction statement that would automatically invalidate the transaction as a whole.

10) Thus the Parivāra, Commentary, and Sub-commentary all insist on the need to preserve the form of the transaction statement, not granting validity to unauthorized forms in any situation, regardless of other exemptions. In other words, they recognize no exception to the principle stated in Mv.X.3.2, that any transaction “apart from the Vinaya... apart from the Teacher’s instruction is not a transaction.” This point would hold especially in cases where the form intrinsically entailed the breaking of a rule.

Following this standard, a bhikkhunī ordination in which the transaction statements mentioned more than one candidate per statement would not be considered valid, and the candidates would not count as accepted.

11) One possible objection to this argument is that it relies heavily on the Parivāra and commentaries, which are not universally recognized as authoritative. However, if we were to argue strictly from the Sutta Vibhaṅga and the Khandakas—the most authoritative texts in the canonical Vinaya—we would come to the same conclusion:

a) Bhī Pc 83 does not allow a bhikkhunī to act as a sponsor for more than one candidate for ordination in a year. This rule is in force regardless of the number of residences available for bhikkhunīs.

b) 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

c) 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.”

d) As Mv.X.3.2 states, any transaction using this sort of statement would be “not a transaction.”

e) There are no cases where the Canon explicitly states that an unauthorized form of a transaction statement might be used for an Acceptance transaction and yet the candidate would count as validly accepted. In other words, there are no exemptions for the ruling at Mv.X.3.2.

f) Thus a bhikkhunī ordination in which the transaction statements mentioned more than one candidate per statement would not be considered valid, and the candidates would not count as bhikkhunīs.

Of course, not everyone takes even the most authoritative Vinaya texts in the Canon as totally authoritative, but there are those who do. Any Community that wanted its transactions to receive universal recognition from other Communities would be well advised to give these points serious consideration and stick strictly to the authorized forms.

12) Another possible objection is that this concern with form is narrow and heartlessly legalistic. We have to remember, though, how the Buddha instituted the Saṅgha. He created no overarching organization to administer or police the survival of his Dhamma and Vinaya. Instead, he established rules, protocols, and other patterns of behavior, entrusting each local Community with the task of governing itself in line with those forms. 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. Mv.IX.3.4, for instance, defines a non-dhamma transaction as various combinations of motions and proclamations, the two parts of a transaction statement, in which motions are confused with proclamations, or a deficient number of proclamations are made. It then goes on to declare all these transactions as “reversible and unfit to stand.” This pattern holds even though the statements are otherwise allowable. If an otherwise allowable transaction is invalidated simply by confusing motions with proclamations, or by leaving out a proclamation, why would an unallowable form of a transaction statement be fit to stand?

Admittedly, the fact that a group follows the authorized forms when conducting Community transactions may provide only a minimal guarantee of its trustworthiness, but it is at least an outward sign that the members of the Community know something of the Buddha's teachings, respect what they know, and are behaving in good faith. If a Community were to deviate from the authorized forms, that fact would immediately call their knowledge and motives—their fitness to carry on the Dhamma and Vinaya—into question. This is why the forms are so important for mutual respect, harmony, and trust—all qualities of the heart—in the Community at large.

Concerning the issues of ordaining and training bhikkhunīs, there are many other points that have to be considered, but this was all you requested, so I'll ask to stop here.

With best wishes,

Thanissaro Bhikkhu