

The Question of Bhikkhunī Ordination

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Introduction

This booklet is a collection of pieces I have written over the past several years concerning the recent efforts to revive the Bhikkhunī Saṅgha in the Theravāda tradition. Some of these pieces have appeared on-line; others have simply been circulated by mail. Because of the ephemeral nature of both on-line and private communication, a number of my students have asked that these pieces be gathered and printed, to make them more permanently available to a wider audience. The fact that these pieces were originally composed separately means that there is some overlap among them. I apologize in advance if this seems tedious, but bear in mind that some of the issues at stake deserve repeated emphasis.

A Bhikkhunī Saṅgha has to be composed of legitimate bhikkhunīs, and the essential step in becoming a bhikkhunī is ordination, so most of these pieces focus on proposals for reviving bhikkhunī ordination. Since ordination is a Saṅgha transaction, the validity of ordination is determined by whether it conforms to the rules established in the Vinaya for Saṅgha transactions. Thus most of the material in these pieces deals with legal issues raised by the rules in the Vinaya and their proper interpretation.

There have been many claims to the effect that bhikkhunī ordination is a right, and that legalistic thinking should not be allowed to get in the way of a woman's right to become a bhikkhunī. These claims, however, grossly misinterpret the issue. To begin with, anyone has the right to practice the Dhamma as he or she sees fit. However, that right does not impose an obligation on others to validate whatever status that person claims—especially if validation would require those others to violate the rules of the Vinaya. So the issue is not whether a woman has the right to be ordained as a bhikkhunī. Bhikkhunī ordinations are happening. The issue is whether bhikkhus who are serious about training under the rules of the Vinaya can accept such ordinations as valid, and

whether, if not, anyone else has the right to force them to violate the Vinaya.

Secondly, the pejorative term “legalistic” discredits the rules of the Vinaya. Those rules are not simply the refuge of the narrow-minded. Instead, they serve a well-designed purpose. For instance, the rules surrounding bhikkhunī ordination require that a quorum of bhikkhunīs be present at the transaction, and that one of them be named as the mentor who will be responsible for training the new bhikkhunī. These rules reflect an important aspect of monastic training: that it is an apprenticeship in which the new student learns not only from the texts, but also from the day-to-day living example of her mentor and her Community. If there is no such Community at the ordination, or if the Community of bhikkhunīs does not follow the rules that the new bhikkhunī hopes to train in (as happens when non-Theravāda nuns constitute the quorum), or if the mentor herself has not been properly trained, then it is a sign that the new bhikkhunī will not have the opportunity to gain the proper apprenticeship.

So the rules, instead of being minor inconveniences, are there to assure that at least the minimal requirements for a proper apprenticeship are met. And it follows that it would be irresponsible for any bhikkhu to encourage a woman to ordain as a bhikkhunī when even this basic assurance is lacking.

The practical implications of this point are well illustrated in a recent interview with two bhikkhunīs in *Tricycle: The Buddhist Review* (Winter, 2014). One of the questions was, “What have been the effects upon your practice, either beneficial or detrimental, of no longer belonging to the lineage of a contemporary master?” One of the bhikkhunīs answered, “The strongest connection I’ve had to lineage is through the Buddha, and certainly we haven’t lost that connection.... Now I really feel a tangible connection to the bhikkhuni sangha wherever it is around the world... and going all the way back to the founder of the order, Mahapajapati, the Buddha’s adoptive mother and aunt. On our main shrine we have an image of the Buddha and one of Mahapajapati. Those are my lineage holders.” Then, later in the interview, the bhikkhunīs address the issue of how to judge reports of

what the Buddha taught: “It’s important to remember that the teachings were written down several hundreds of years after the Buddha’s passing by Brahmans [priests] who were aligned with the misogynistic worldview of their time. So of course that worldview flew into the records.” “The one thing I always come back to is that compassion and wisdom are at the heart of the Buddha’s teaching. If you cannot find either wisdom or compassion in something, then I don’t feel it can be the Buddha’s teaching.”

This attitude doesn’t inspire confidence. Anyone with any experience in a good monastic Community knows that your own ideas of wisdom and compassion can be very mistaken and self-serving, and that it takes more than just an image on a shrine or a felt connection to a person dead for millennia to make you accept that fact. The true Dhamma is hard enough to learn simply from the texts. If one regards the texts as corrupt, and has no authoritative living guide to make one question one’s ideas of Dhamma and Vinaya, then one is simply training in line with one’s own preconceived notions. That is not training; and it would be irresponsible and uncompassionate to recommend to any woman that she place herself in such a situation.

The Vinaya’s rules on the training of new monastics consistently center on the need for a living apprenticeship: New bhikkhus must live with well-trained mentors for at least five years; new bhikkhunīs, for at least two. The opportunity for such an apprenticeship ends irrevocably when the last living mentor dies, and it cannot be revived. This is why the Buddha did not provide any rules for the revival of either the Bhikkhu Saṅgha or the Bhikkhunī Saṅgha if either died out.

Any attempt to revive the Bhikkhunī Saṅgha flies in the face of this simple fact. The irony of the recent movement for such a revival is that its proponents apply legalistic strategies foreign to the Vinaya to twist the rules to support an effort that the Buddha did not allow. This is perhaps the most damaging aspect of the movement: If their strategies for interpreting the rules are accepted, it would drastically alter the way many other rules are interpreted as well. If members of the living apprenticeship were forced to adopt those strategies, that would hasten the end of the only living apprenticeship we still have.

So as you read through the technical details of the Vinaya in the following pieces, remember that the rules and their details serve a much larger purpose: keeping the training in the true Dhamma alive.

Ṭhānissaro Bhikkhu

On Ordaining Bhikkhunīs Unilaterally

Introduction

In an article entitled, “On the Bhikkhunī Ordination Controversy,” Bhikkhu Anālayo makes several points with regard to the validity and desirability of the ordination of bhikkhunīs in the Theravāda tradition at present. Because the article is aimed, in part, at refuting a position I took in *The Buddhist Monastic Code, volume two (BMC2)*, I would like to examine the arguments it uses to support its refutation.

The article falls into two parts, the first part considering the validity of attempts to revive bhikkhunī ordination; the second part, the desirability of these attempts. I will treat the two parts separately. However, some basic principles bearing on the question of bhikkhunī ordination will underlie my entire discussion, so for the sake of clarity and emphasis I want to state them at the outset.

Basic Principles

Much of Bhikkhu Anālayo’s article is devoted to proving that the Buddha had a positive attitude toward establishing a Bhikkhunī Saṅgha. This question, however, is beside the point. Obviously the Buddha had a positive attitude toward establishing the Bhikkhunī Saṅgha—it’s hard to imagine that he would have established it against his will—but the real question is: Once the Bhikkhunī Saṅgha had died out, would he have had a positive attitude toward *re-establishing* it? In other words, would he have trusted anyone else to revive it?

The Buddha never spoke directly to this issue, but we can infer from two points in the suttas and the Vinaya that, No, he would not have approved of such an attempt.

a) The first point is that there are no rules at all—or even an implicit suggestion—to provide for the revival of the Bhikkhu Saṅgha when it dies out. We know that the Buddha also had a favorable attitude toward the Bhikkhu Saṅgha, and that he foresaw its eventual demise (see Pr I.3), so it's not the case that the idea never occurred to him. If he had wanted to provide for its revival, he could have. But he didn't.

It is easy to understand why: The training of a bhikkhu is not simply a matter of passing along information. It is an apprenticeship, in which the student lives with a trained mentor so as to learn, through daily contact, in person, how the Dhamma is lived (see the protocols in Cullavagga (Cv) VIII.11–12). This arrangement also allows the mentor to observe the apprentice-student thoroughly, and to give warnings and instructions as appropriate. The communal life of the Saṅgha also provides the opportunity for senior bhikkhus to observe the behavior of the mentors and their students to make sure that the students' training is up to standard. And it further gives the opportunity for all the bhikkhus to become familiar with one another so that if a dispute arises in the Community, they have a good sense of where the dispute came from and how it can most effectively be settled.

Once the Bhikkhu Saṅgha dies out, this apprenticeship lineage dies out as well, and no amount of information about the written Dhamma or Vinaya can revive it. An aspiring bhikkhu who, lacking this living tradition, tried to get his knowledge about bhikkhu life from texts and acted in line with his own understanding of the texts, wouldn't count as "trained." Nor would any bhikkhus taught in turn by him. This seems to be the primary reason why, even though the Buddha knew that the Bhikkhu Saṅgha would eventually die out, he made no provision for reinstating it.

The same principles apply to the idea of reinstating the Bhikkhunī Saṅgha. The Buddha set down no rules to provide for the revival of the Bhikkhunī Saṅgha once it had died out. Even though the Bhikkhu Saṅgha is still extant, the lived tradition of trained bhikkhunīs training new bhikkhunīs is dead. And, as would be the case if the Bhikkhu Saṅgha died out, an aspiring bhikkhunī who, after the disappearance of

the Bhikkhunī Saṅgha, derived her knowledge about bhikkhunī life from texts and behaved in line with her understanding of the texts wouldn't count as "trained." Nor would any bhikkhunīs taught in turn by her. At the same time, bhikkhus cannot give new bhikkhunīs the sort of training they need because the bhikkhus' rules forbid them from living together with bhikkhunīs. New bhikkhunīs are thus faced with the prospect of learning only from books or from untrained senior bhikkhunīs.

How could the Buddha have approved of this being done in his name? It's not an act of compassion to the senior bhikkhunīs, who are creating the bad kamma of teaching without being qualified to do so; it's not an act of compassion to the junior bhikkhunīs, who are absorbing the examples set by unqualified teachers; nor is it an act of compassion to the world, subjecting it to teachers who create a false impression of how a true bhikkhunī should embody the Dhamma in word and deed.

b) The second point: As we will see, Bhikkhu Anālayo argues that our current situation is similar to what prevailed when the Bhikkhunī Saṅgha was first getting started, when there were not enough trained bhikkhunīs to ordain other bhikkhunīs. Because the Buddha allowed bhikkhus to ordain bhikkhunīs unilaterally then, Bhikkhu Anālayo argues, the same allowance must apply now. Thus Communities of bhikkhus should feel qualified to ordain bhikkhunīs unilaterally as a way of reviving the Bhikkhunī Saṅgha.

However, the current situation is missing two important factors that existed then: the Buddha and the True Dhamma.

The fact that the Buddha is no longer alive is widely recognized, but the disappearance of the True Dhamma is not. Yet, as [SN 16:13](#) makes clear, from the Buddha's point of view this is precisely what has happened. Now, as that sutta explains, the disappearance of the True Dhamma does not mean that there is no Dhamma at all, simply that counterfeit Dhamma has arisen in competition with it: Think, for example, of the Prajñā-pāramitā (Perfection of Wisdom) Sūtra teachings on the non-arising of Dhammas, and the many counterfeit versions of Dhamma that have arisen as a result. Think also of the

many differing versions of the Vinaya that have survived either in living Communities throughout Asia or whose texts have been unearthed. And, in the sutta's image, just as the existence of counterfeit money makes people unsure about genuine money, the existence of counterfeit Dhamma makes people unsure about genuine Dhamma.

This point has an important bearing on the advisability of trying to start a Bhikkhunī Saṅgha at this point in time. When the Buddha was alive and the True Dhamma had not yet disappeared, his authority was enough to get the Bhikkhunī Saṅgha on a solid footing, even though the bhikkhunīs could not live under his direct presence and guidance or under the direct presence and guidance of the bhikkhus. But the Buddha has passed into parinibbāna, and no version of the Dhamma is universally accepted as having the authority of True Dhamma now.

The attempts at reviving the Bhikkhunī Saṅgha are, themselves, an illustration of this last point. Scholars arguing for the revival of the Theravāda Bhikkhunī Saṅgha cite passages from the canons of many non-Theravāda traditions in order to discredit passages in the Pāli Canon that would stand in the way of such a revival, often taking both the Pāli and the non-Pāli passages out of context and ignoring or dismissing passages—again, from both Pāli and non-Pāli sources—that contradict the points they want to make. This has the cumulative effect of calling not only the Theravāda, but also all Buddhist traditions into question, and making the choice of what counts as Dhamma simply a matter of personal preference or one's own cultural norms. In a well-trained Community, this tendency can be counteracted by living with a well-trained teacher; but in a Community without such a teacher—and that would include all the bhikkhunī communities at present—there is nothing to check this tendency at all.

Without a single, clear, authoritative True Dhamma to guide a revived Bhikkhunī Saṅgha, it cannot get off to a solid start. And again, establishing a poorly-trained Bhikkhunī Saṅgha based on questionable Dhamma is not an act of compassion for anyone. Instead of providing an environment conducive for gaining the noble attainments, it would put obstacles in their way.

Further, given that we live in a period where the True Dhamma has to co-exist with counterfeit Dhamma, we have to be especially careful to examine our own reasons for choosing one version of the Dhamma over another, scrutinizing our motives again and again to make sure that they are honest and sincere. When we have found what, in our best attempts at honest evaluation, appears to be a living tradition of True Dhamma, we have to protect it from being mixed with other, outside values, both for the sake of our own practice and for the sake of those who will come after. This means not allowing extrinsic values to enter into the way we interpret the Dhamma and Vinaya that provide the basis for our training.

To turn now to Bhikkhu Anālayo's article.

The Article : Part One

The discussion in the first part of the article centers on the relative status of the three rules concerning bhikkhunī ordination given in the Cullavagga, which states that they were promulgated in this order:

First, there is the statement of the principle in the sixth *garudhamma*, or rule of respect:

a) “Only after a female trainee has trained in the six precepts for two years can she request Acceptance [full ordination] from both Saṅghas. This rule is to be honored, respected, revered, venerated, never to be transgressed as long as she lives.” — Cv.X.1.4

Then there are the two rules formulated specifically to cover the ordination of bhikkhunīs: The first was formulated in response to a question by Mahāpajāpatī as to how bhikkhunīs could be ordained, given that there was no Bhikkhunī Saṅgha to ordain them in line with the sixth rule of respect. The Buddha's rule:

b) “I allow that bhikkhunīs be given full Acceptance by bhikkhus.” — Cv.X.2.1

Later, as the procedure for Acceptance came to include some embarrassing questions, and female candidates were too abashed to answer them in the presence of the bhikkhus, the Buddha formulated this rule:

c) “I allow that one who has been given full Acceptance on one side and purified (of the 24 obstructing factors) in the Bhikkhunī Saṅgha be given full Acceptance in the Bhikkhu Saṅgha.” — Cv.X.17.2

Preliminaries

In **BMC 2**, I argued that because the formulation of the rule in Cv.X.17.2 is an amendment of the rule in Cv.X.2.1, it automatically rescinds the rule in Cv.X.2.1. This is in line with the principle observed throughout the Vinaya: that when a rule has been amended, all earlier formulations of the rule are automatically rescinded. In other words, the rule allowing a Bhikkhu Saṅgha unilaterally to ordain bhikkhunīs is no longer in force.

Bhikkhu Anālayo proposes to refute this position, but first he makes some remarks about the methodology he will use in making his refutation. After that, he sets forth his general understanding of how rules in the Vinaya as a whole should be interpreted. Only then does he set forth his argument. Both his methodology and his general understanding of Vinaya provide a necessary foundation for his argument, and because both points raise questions, I will have to address them first.

Legal Reading vs. Historical-critical Reading

In setting forth his methodology, Bhikkhu Anālayo states that he will apply a “legal reading” to the first part of his article, as opposed to the “historical-critical reading” he proposes to apply in the second part. He draws a bright line between the two ways of reading the texts, explaining the difference this way:

“A legal reading attempts to understand legal implications, a historical-critical reading attempts to reconstruct history through comparative study. Both ways of reading have their proper place and value, depending on the circumstances and particular aim of one’s reading the *Vinaya*.”

He doesn’t explain what particular aims might be appropriately served by these two different kinds of reading, but he expands on his concept of “legal reading” in these words:

“In the first part of the present article I will be examining the legal question, consequently my discussion will be based solely on the description given in the Theravada *Vinaya*, irrespective of the historical likelihood or otherwise of this description.”

His assertion that issues of historical likelihood are irrelevant to this kind of reading is especially important here, because he has argued in other articles—such as “Women’s Renunciation in Early Buddhism: The Four Assemblies and the Foundation of the Order of Nuns”—that the garudhammas were probably formulated much later than Mahāpajāpati’s ordination, and that the canonical account of her ordination cannot be trusted. Here, though, as we will see, his argument in part one of his article absolutely requires accepting the canonical account that the garudhammas were formulated prior to the other rules on bhikkhunī ordination. If he hadn’t defined the rules of discussion for this part of his article so as to exclude issues of the Canon’s historical accuracy, his earlier position—which he has not renounced—could be used against his argument here.

Still, despite his efforts to limit the field of discourse here, I will show below that even when we accept the Canon’s chronology as authoritative—as is only right in the absence of any decisive evidence otherwise—Bhikkhu Anālayo’s argument in part one still doesn’t stand.

Vinaya as Case Law?

Bhikkhu Anālayo begins his legal reading of the rules concerning bhikkhunī ordination with a general principle on how to interpret the rules in the *Vinaya*:

“*Vinaya* law is in principle case law. The various rules which according to the *Vinaya* have been promulgated by the Buddha come in response to a particular situation (the only exception being the *garudhammas*). As with any case law, a study of the significance of a particular ruling requires an examination of its narrative context. This narrative context, independent of its historical accuracy, determines the legal applicability of the respective rule.”

This is simply not true: neither with regard to the *Vinaya*, nor with regard to the promulgation of the *garudhammas*.

- First, it’s a mistake to say that *Vinaya* law is in principle case law. “Case law” is a term developed to describe one particular way that law has developed in the West, where the authority to establish laws has been apportioned somewhat arbitrarily among different types of institutions—such as legislative authorities, judges, and administrators—in different ways.

For example, legislative authorities write and promulgate statutes. This is called statutory law.

Judges, when passing judgment on individual court cases dealing with issues for which no legislative authority has set down a statute, make decisions relying on general principles of justice or fairness. These decisions and legal principles establish precedents that generally *bind* later courts to decide the same way in similar cases. Over time, legal principles are established by distilling them from the collected decisions of many judges. This system of binding legal precedents, known as *stare decisis*, together with the body of legal principles arising from it, is known as case law.

The executive branch of the government, when required by statutes to carry out a particular duty, will establish administrative procedures for doing so. This is administrative law.

Depending on how the state is organized, these different sources of law have varying levels of weight and authority, and the laws and precedents they establish are treated in different ways.

In the *Vinaya*, however, there is only one authority for establishing the rules: the Buddha. And as we look at the various ways he

establishes the rules, we find that he functions in all three ways: promulgating statutes, adjudicating cases, and establishing administrative procedures. Because the Buddha acted as legislator, judge, and administrator all in one, this means that the rules in the Vinaya cannot be classed by which type of authority promulgated them.

It also means that the Buddha, if we view him in terms of a Western paradigm, could take on many roles all at once. For instance, even when he was acting as administrator, setting down procedures, there is no clear line dividing his statutory-like rules from his administrative-like rules. They all have the same force. When acting as judge, he not only adjudicated specific cases, assigning penalties for specific individuals in line with pre-existing statutes (this is the role of judges in the West when statutes apply); he also established rules, in impersonal terms, to expand his judgments into new territory beyond the facts of the immediate cases. In Western law, these rules would be called *dicta*. Because judges in Western law do not have the same legislative authority as legislators, their dicta have no binding authority as precedents. In other words, they have no legal force. But because the Buddha was the sole legal authority, his dicta-like rules have the full force of law and are no different in this regard from his rules that are more similar to the Western concept of statutes.

There is a common misunderstanding that because the Buddha established the Vinaya rules in response to specific cases and incidents, the Vinaya has to be regarded as case law. But that is to misunderstand what “case law” means.

Even in Western law, just because a law is established in response to a particular case does not make it case law. Legislatures also promulgate statutes in response to particular cases. For instance, suppose a high-ranking government official is shot, and in the aftermath of the shooting the legislature passes a law to control the sale of guns. The legislature is not deciding the guilt or innocence of the suspect in the shooting; it is simply trying to prevent similar incidents in the future. At the same time, if the law is worded so as to apply to the sale of all guns, a person who buys a gun in defiance of the law to shoot his wife cannot claim that the law does not apply to him on the grounds

that, because the law was written in response to the shooting of a government official, it should apply only to guns bought with the purpose of shooting another government official. The instigating case does not play a determining role in the interpretation of the law at all.

Now, it's a risky business to apply concepts derived from Western law when explaining how the Vinaya is to be interpreted and understood. The paradigms are too dissimilar to allow for principles from Western law to be applied wholesale to the Vinaya rules. After all, the Vinaya is a set of rules adopted by a Community that people join voluntarily, unlike a civil society, and only the Buddha had the authority to promulgate and amend rules (see the origin story to [Nissaggiya Pācittiya 15](#)), unlike civil society, where legal authorities can keep changing the laws indefinitely. At the same time, the Vinaya has its own principles for interpreting and applying its rules in ways that have no parallels in Western law. At most, when trying to understand the Vinaya, we can draw parallels with Western law for the sake of clarifying patterns in the Vinaya. But we must be careful at all times to let the Vinaya itself set the pattern for how its rules are to be interpreted, and not let principles from Western law override the Vinaya's own patterns.

When we look at the patterns actually set by the Vinaya, we can see four obvious reasons for why it's a mistake to say that Vinaya law is in principle case law.

1) The Sutta Vibhaṅga, when explaining the rules of the Pāṭimokkha, states under every rule that the offense assigned by the rule in the Pāṭimokkha does *not* apply to the original offender. Instead, it applies only to future cases: all bhikkhus and/or bhikkhunīs from that time on. If we were to make an analogy with Western legal terms, this follows the pattern of statutory law, not case law.

2) The Khandhakas, in the sections on disciplinary transactions (Cv.I; [Mahāvagga \(Mv\) IX](#)), do contain a few cases where the Buddha creates a punishment and imposes it on the bhikkhu(s) whose behavior instigated the punishment. However, in all but two of those cases, his ruling is then followed by long explanations, phrased in impersonal terms, defining other possible situations in which the same transaction can be imposed, how the bhikkhu(s) on whom it is imposed should

behave, etc. In many instances, the situations in which the transaction can be imposed have very little relationship to the instigating case. See, for instance, the list of possible conditions for imposing censure on a bhikkhu (Cv.I), many of which have little relationship to the original case. All of this follows the pattern of statutory and administrative law, not case law.

Even the two exceptions to this pattern don't resemble case law. They are the brahma-punishment inflicted on Channa (*Dīgha Nikāya* (DN) 16; Cv.XI.1.12; Cv.XI.1.15) and the information transaction inflicted on Devadatta (Cv.VII.3.1–3). In neither instance does the Buddha provide rules or principles for how these disciplinary transactions might be applied in other situations. In this sense, his punishments might resemble precedents for case law. But in neither instance does the Canon or the Commentary suggest that these disciplinary actions should actually be taken as precedents for future decisions by the Saṅgha. This means that even these two exceptional rulings—which, it might be argued, are the closest analogues in the Vinaya to the Western concept of case law—had no tradition similar to case law built up around them.

3) The Vinaya provides no basis for the principle of *stare decisis*, or binding precedent, the core principle of a system of case law. If there were, later Vinaya interpreters would be bound to follow the decisions of earlier Vinaya experts, resulting in the evolution and expansion of the Vinaya, and the establishment of new Vinaya rules. In fact, this principle of following the decisions of one's teachers without reference to the original Vinaya was rejected by the Second Council (Cv.XII).

4) Unlike a judge in a case law tradition, a Vinaya expert is not working without a body of established statutes. The rules, which are similar to statutes, are there. The Vinaya expert's role is simply to decide how those rules are to be applied in particular cases. His decisions cannot in any way rescind the rules or create new ones. This is similar to the role of a judge where a body of statutory law applies.

The Status of Origin Stories

However, rather than continuing to dwell on how to interpret Vinaya in line with Western legal theory, a more fruitful line of inquiry would be to see whether the Vinaya itself follows the principle that Bhikkhu Anālayo tries to draw from characterizing Vinaya law as case law: i.e., that “narrative context, independent of its historical accuracy, determines the legal applicability of the respective rule.” In simple language, he is saying that the origin story explaining the events leading up to the rule governs the way the rule should be interpreted and applied.

The question is: Does the Vinaya itself follow this principle as a universal principle in interpreting the rules? And the answer is: No.

Even though every rule has an origin story describing the events leading up to the promulgation of the rule, it's rare for the origin story to act as the determining factor in explaining how the rule is to be applied. In most cases, the explanatory material in the Canon doesn't cite material from the origin story. Instead, the explanations apply the rule to situations, described in impersonal terms, far beyond the case that the origin story describes. The first rule in the Pāṭimokkha, [Pārājika 1](#), is a typical example. This is the rule forbidding sexual intercourse. Even though the origin stories describe only incidents of heterosexual sex, the explanatory material in the Sutta Vibhaṅga makes clear that the rule applies to all sorts of intercourse—anal, oral, and genital—heterosexual or not.

Even in the rare cases—such as [Pācittiya 12](#)—where the Sutta Vibhaṅga cites a passage from the story in its explanation of the rule, it goes well beyond the origin story in detailing, in impersonal terms, the range of possible situations to which the rule does and does not apply. Similarly, as noted above, the Khandhakas are not bound by the origin stories when defining how to apply the rules it contains. Thus there is no basis for saying that it's a universal principle in the Vinaya for the origin story to determine the legal applicability of the rule.

There are even instances where the rule doesn't address the events mentioned in the origin story at all. The origin story to [Pārājika 4](#), for example, tells of bhikkhus who make false claims about *one another's*

superior human states in hopes of getting food that they will then share. The Buddha, in the story, strongly criticizes their actions. The rule he formulates, however, simply forbids a bhikkhu from making false claims about *his own* superior human states, something that none of the bhikkhus in the origin story did. Neither the rule nor its interpretation in the Sutta Vibhaṅga mentions the case of bhikkhus making claims about one another's attainments.

Similarly with [Pācittiya 8](#), which covers making true claims about superior human states to unordained people. Again, the bhikkhus in the origin story make true claims about *one another's* superior human attainments to householders, but the rule simply forbids the act of making a true claim about such states to unordained people, without mentioning whether it's forbidding claims made about one's own attainments or about the attainments of others. Then the analysis of the rule, as developed in the Sutta Vibhaṅga, simply mentions cases in which a bhikkhu makes true claims about *his own* attainments. The events in the origin story—bhikkhus making true claims about one another's attainments—aren't even mentioned, nor are they mentioned in the later commentaries to the rule.

The fact that the Sutta Vibhaṅga doesn't give the origin stories a determining role in interpreting the rules is shown even more decisively in [Nissaggiya Pācittiya 4](#). The origin story tells of a bhikkhu who, staring at the genitals of a bhikkhunī who is his former wife, ejaculates and soils his robe. He asks her for some water to wash the robe, and she offers instead to wash it herself. This event is then reported to the Buddha, who asks the bhikkhu if he got the bhikkhunī to wash the robe, and he admits that he did. The Buddha then formulates the rule forbidding a bhikkhu from getting a bhikkhunī unrelated to him—i.e., unrelated by blood—to wash his used robe.

However, the non-offense clauses in the Sutta Vibhaṅga to the rule specifically state that there is no offense for the bhikkhu if an unrelated bhikkhunī washes his used robe without having been told to do so. Now, nowhere in the origin story did the offending bhikkhu actually tell the bhikkhunī to wash the robe. She washed it after offering to do so herself, without being told. Thus the non-offense clauses are not based

on the origin story at all. Further, the Commentary asserts that the allowance in the non-offense clauses covers not only cases where a bhikkhunī washes a bhikkhu’s used robe without his saying anything, but also cases where she offers to wash it and he gives his explicit consent. In other words, as the rule was eventually explained in the Sutta Vibhaṅga and the Commentary, the origin story was not taken as a guide in its interpretation at all. The passage in the origin story describing the bhikkhu’s action as an instance of getting an unrelated bhikkhunī to wash his robe was ignored. As a result, the rule has been interpreted in a way that specifically does *not* apply to the events in the origin story.

This shows that the tradition—beginning with the Canon itself—did not see the origin stories necessarily as determining factors in the interpretation of the rules.

Thus, Bhikkhu Anālayo’s contention—“As with any case law, a study of the significance of a particular ruling requires an examination of its narrative context ... [which] determines the legal applicability of the respective rule”—does not apply to the Vinaya. As the above examples make clear, the opposite is true: It would not be in line with the Vinaya’s own principles to make the narrative context of the origin stories determine how the rules are to be interpreted.

The only interpretive role that the tradition *has* consistently assigned to origin stories deals, not with how the rules should be interpreted and applied, but with whether the rules are still in force. When there are different versions of a particular rule, the origin stories make clear which version(s) came earlier and which came later. In every case, the latest version repeals and replaces any earlier versions and—unless the latest version directs otherwise—the earlier versions are no longer in force.

The Argument

Nevertheless, Bhikkhu Anālayo insists that the origin stories to Cv.X.1.4, Cv.X.2.1, and Cv.X.17.2 determine how these rules should be interpreted. And, directly contrary to positions he has stated in other articles, he insists in this article that we take the Theravāda Vinaya at

its word that the principles established in Cv.X.1.4 were formulated before the rules in the other two.

According to his interpretation here, Cv.X.1.4 sets out the general principle, as the sixth garudhamma, that bhikkhunīs should receive Acceptance (*upasampadā*) in both Saṅghas. Cv.X.2.1 was formulated when there were no bhikkhunīs. Thus, he insists, if we use the narrative context to determine the applicability of the rule, we must regard this rule as showing how the principle should be applied during all times when there is no Bhikkhunī Saṅgha to give Acceptance: A Bhikkhu Saṅgha may ordain bhikkhunīs unilaterally. Cv.X.17.2 was formulated when there was a Bhikkhunī Saṅgha, so again, according to Bhikkhu Anālayo, if we use the narrative context to determine the applicability of the rule, we must regard this rule as showing how to apply the principle at all times when there *is* a Bhikkhunī Saṅgha: A Bhikkhu Saṅgha may ordain bhikkhunīs only after the bhikkhunīs have been ordained in a Bhikkhunī Saṅgha. Thus, contrary to the principle observed everywhere else in the Vinaya, in which an amended rule replaces the earlier version of the rule, Bhikkhu Anālayo concludes that Cv.X.17.2 is not a replacement of Cv.X.2.1. Instead, Cv.X.2.1 (the rule for unilateral ordination) is a relaxation of Cv.X.1.4, meant to be applied in situations in which there is no Bhikkhunī Saṅgha to ordain new bhikkhunīs. In this reading, Cv.X.17.2 (the rule for double ordination) is simply a statement of how to proceed when there *is* a Bhikkhunī Saṅgha, and was not meant to repeal or replace Cv.X.2.1.

Thus, Bhikkhu Anālayo concludes from this reading, Cv.X.2.1 is still in force, allowing bhikkhus to ordain bhikkhunīs unilaterally, and thus to revive the Bhikkhunī Saṅgha after it has died out.

This reading, however, as I have shown above, imposes a foreign standard for interpreting the rule, ignoring a principle observed throughout the Vinaya.

At the same time, it fails to recognize two specific parallels in the Vinaya itself showing how the Buddha handled similar cases.

The Buddha's Legislative Principles : The Status of the Garudhammas

The first parallel concerns all eight garudhammas. Bhikkhu Anālayo is right in observing that the garudhammas simply set out principles. None of them have the status of a training rule (*sikkhāpada*). This point is shown by the fact that, in the first cases where a bhikkhunī engaged in behavior going against any of the garudhammas, the Buddha did not treat the case as a violation of an already-existing rule. Instead, he used it as the instigation for setting forth a training rule, either a *pācittiya* or a *dukkāṭa*, which was applied in most cases to the bhikkhunīs. (In one instance—that of a bhikkhu bowing down to a bhikkhunī in defiance of the first garudhamma—the Buddha set forth a *dukkāṭa* for the bhikkhu (Cv.X.3).)

As I explained in [BMC2](#), the apparent purpose of this procedure was that only with a *sikkhāpada* in place was there a mechanism for getting the offender to confess his/her offense. And only when the offender had confessed the offense could the penance for breaking a garudhamma be imposed.

This approach to formulating training rules related to the garudhammas also provided the opportunity for the compilers of the Sutta Vibhaṅga to supply word-commentaries, “wheels,” and non-offense clauses for each of the relevant *pācittiya* rules, thus determining precisely what did and did not count as an infringement of the relevant garudhammas.

The key point that Bhikkhu Anālayo's analysis seems to miss is that, in formulating rules in response to the first infringement of the garudhammas, the Buddha was behaving not as a judge, adjudicating specific cases. Rather, he was acting as a lawgiver creating statutes. This is shown by the fact that the rules carrying a *pācittiya* penalty did not apply to the first offender in each case. Even in the case involving *dukkāṭas* for bhikkhunīs (Cv.X.20), there is no mention that the bhikkhunīs whose misbehavior instigated the rules—they tried to initiate disciplinary transactions against bhikkhus—were to have the penalty imposed on them. The Buddha simply stated in impersonal terms that all such actions are invalid, and then set down the rules assigning *dukkāṭa* penalties for such actions in the future.

As for the rules set forth in Cv.X.2.1 (unilateral ordination) and Cv.X.17.2 (double ordination), these were not established in response to wrongdoing, so there were no first offenders. Instead, when the Buddha was asked how to proceed in ordaining bhikkhunīs, he established rules for procedure, and in the case of the rule for double ordination, he followed the rule with a detailed description of how the procedure should be carried out from that time forward. This is the pattern, not of case law, but of administrative law. So it's a mistake to treat these rules as if they were simply instances of the Buddha's adjudicating specific cases.

The Buddha's Legislative Principles : Two Old Rules Not Rescinded

The second parallel concerns a principle the Buddha consistently followed in amending rules. In every other case where he amended an already existing rule but wanted to keep both the pre-existing version and the amended version in force, he was careful to delineate the conditions to which the amended version applied, so that the pre-existing version would still be in force in all other situations.

To assert that the Buddha did not want Cv.X.17.2 (the rule for double ordination) to rescind Cv.X.2.1 (the rule for unilateral ordination), but forgot to limit the conditions under which Cv.X.17.2 would apply, is to assert that he was thoughtless and careless.

To get a sense of the Buddha's care in amending rules concerning ordination, we can look at two instances where he explicitly amends a rule so that it fits only certain circumstances and is clearly meant not to rescind or replace the previous statement of the rule. These instances show how he would have acted if he had intended Cv.X.17.2 (the rule for double ordination) *not* to rescind Cv.X.2.1 (the rule for unilateral ordination).

a) The first instance concerns the quorum needed for giving Acceptance to bhikkhus.

In **Mv.I.31.2**, the Buddha sets the requisite quorum at ten:

“(A candidate) should not be given Acceptance by a group of fewer than ten. Whoever should (so) give Acceptance: an offense of wrong doing. I allow that (a candidate) be given Acceptance by a group of ten or more.”—

Mv.I.31.2

Later, in response to a request by Ven. MahāKaccāna, the Buddha relaxed the number needed to meet the quorum in outlying districts:

“I allow in all outlying districts Acceptance by a group with a Vinaya expert as the fifth.”—Mv.V.13.11

Then in Mv.V.13.12 he gave a clear definition of what qualified as an “outlying district.”

b) The second instance is shorter, but it shows the absolute minimum in how a new version of a rule should be worded so as not to rescind the previous version of the rule. This instance concerns the second ordination of a bhikkhunī, in the Bhikkhu Saṅgha.

In Cv.X.17.8, the Buddha states that, after a bhikkhunī has received her first ordination, in the Bhikkhunī Saṅgha, the bhikkhunīs should take her immediately to a Bhikkhu Saṅgha for her second ordination:

“Taking her immediately, have her approach the Bhikkhu Saṅgha, have her arrange her upper robe over one shoulder, have her bow down to the bhikkhus, have her sit kneeling, have her raise her hands palm-to-palm over the heart, and have her request Acceptance.” — Cv.X.17.8

Later, when a famous courtesan received her first ordination, word got out that she would be traveling through the forest for her second ordination, and rogues infested the way. Learning of this, she sent a messenger to the Buddha, asking what to do. He gave an allowance that, instead of following the instructions in Cv.X.17.8 and going to her second ordination herself, she could send a messenger to the Bhikkhu Saṅgha in her stead:

“I allow, bhikkhus, for Acceptance to be given also [*api*] through a messenger.” — Cv.X.22.1

This statement of the rule is followed by the transaction statement to be used in this situation, and the statement indicates the conditions for using a messenger: There are obstructions. Now, because [Mv.II.15.4](#) and [Mv.IV.15.7](#) contain a standard list of ten obstructions, and because no different obstructions are mentioned in connection with this rule, the implication is that the same ten apply in this case.

These instances are similar in that, in both cases, there are clear indications that the new formulation of the rule is not meant to rescind the previous version of the rule. These indications show that the new formulation applies only under certain extenuating circumstances, and yet in neither case does the origin story carry the burden of determining what those circumstances are.

The two instances differ simply in how extensively they convey the message that they are not meant to rescind the preceding rules. In Cv.X.22.1, the indication in the rule is economical: the single word, “also.” However, there is an additional indication in the corresponding transaction statement, in its reference to obstructions. Now, because “obstructions” are explained elsewhere in the Vinaya, these minimal indications are enough to convey the fact that the new formulation of this procedure supplements, rather than replacing, the earlier one. Cv.X.22.1 can be used when the extenuating circumstances apply. When they don’t apply, the first formulation of the rule, at Cv.X.17.8, is to be followed.

In [Mv.V.13.11–12](#), though, the indications are more explicit. The extenuating circumstances are mentioned as part of the rule, and then immediately explained in detail because “outlying district” is nowhere else defined in the Vinaya.

Given the pattern set by these two examples, we would expect that if the Buddha had meant Cv.X.17.2 (the rule for double ordination) to apply only in cases where there is a Bhikkhunī Saṅgha, and for Cv.X.2.1 (the rule for unilateral ordination) not to be invalidated, he would have included some sort of indication in the rule-statement in Cv.X.17.2 that

that was the case. But he didn't. Furthermore, given that the exemption of there "being a Bhikkhunī Saṅgha" or "not being a Bhikkhunī Saṅgha" is nowhere else defined in the Canon, he would have followed the example set in [Mv.V.13.12](#), adding a passage after the rule explaining exactly what those terms meant. In other words, he would have answered questions such as these: Does "no Bhikkhunī Saṅgha" mean fewer than five bhikkhunīs at all in the world? Or only within one's country? Or only within a certain radius? But he didn't. He didn't even put the word "also" in the formulation of the rule.

So, because the Buddha placed no limiting condition on Cv.X.17.2, answered none of the questions about what "no Bhikkhunī Saṅgha" would mean, and didn't even say "also" in the wording of the rule, we have to conclude—assuming that he was not sloppy or careless in formulating his rules—that he meant Cv.X.17.2 (the rule for double ordination) to automatically rescind Cv.X.2.1 (the rule for unilateral ordination), in line with his common pattern throughout the rest of the Vinaya. In other words, bhikkhus are no longer permitted to ordain bhikkhunīs unilaterally.

The Speed Limit Simile

Bhikkhu Anālayo concludes the first part of his article with a simile to illustrate what he thinks he has accomplished with his argument: A person regularly drives from one town to another on a highway connecting the two towns. At first the speed limit is 100 km/h, and then it is reduced to 50 km/h. The person, assuming that this new speed limit applies to the entire highway, has to drive at no more than 50 km/h even though the earlier speed limit was not explicitly rescinded.

Later, however, he learns that the new speed limit applies only to the area within the destination town, and not to the highway leading to it. Thus he is now free to drive at 100 km/h on the highway.

Similarly, Bhikkhu Anālayo says, members of the Bhikkhu Saṅgha may have been right in not ordaining bhikkhunīs when they thought they weren't allowed to do so, but they should now feel free to ordain bhikkhunīs unilaterally given his argument that they can.

Actually, this is a poor simile for what he has done in making his argument. A more accurate simile would be this: The authorities—who govern both the town and the highway—lower the speed limit on both the highway and the town to 50 km/h. A stranger comes along and tells the man that, because the speed limit was lowered after an accident in the town, the lower speed limit applies only within the town, and that the authorities were simply penalizing the speeding individual who caused the accident. Therefore the man should be free to drive 100 km/h on the highway.

However, the man reads the new law and learns that it does not specifically restrict the range of the new speed limit only to the town. Nor was it a judgment against an individual defendant. It was an ordinance passed by the legislative authorities with jurisdiction over both the town and the highway, superseding the previous speed limit. Thus the man wisely concludes that the new speed limit applies to the highway as well, and continues to drive at 50 km/h both on the highway and in the town.

In other words, after the Bhikkhunī Saṅgha died out centuries ago, bhikkhus at the time were right in realizing that they were not authorized to start a new Bhikkhunī Saṅgha by ordaining bhikkhunīs unilaterally. We at present—if we take the Vinaya as our guide—have to come to the same conclusion.

Are the Garudhammas Anomalous?

- One more point on part 1: As noted above, Bhikkhu Anālayo states, in passing: “The various rules which according to the *Vinaya* have been promulgated by the Buddha come in response to a particular situation (the only exception being the *garudhammas*).” And as I further noted, this statement is not true with regard to the promulgation of the garudhammas, so I would like to discuss that point here.

The garudhammas were formulated in response to particular situation: a request to start a Bhikkhunī Saṅgha.

However, this sort of situation is apparently not the sort of “particular situation” that Bhikkhu Anālayo has in mind. In the article entitled, “Women’s Renunciation in Early Buddhism: The Four

Assemblies and the Foundation of the Order of Nuns,” he uses instead the term “corresponding case.” From the lack of any corresponding cases for the garudhammas in the origin story of Mahāpajāpati’s ordination, he argues that the story cannot be trusted. Thus, he concludes, the garudhammas were probably not formulated when she went forth, and in all likelihood came much later. His reasoning:

“[S]uch a promulgation would violate a basic Vinaya principle, according to which rules are only set forth when a corresponding case has arisen. The garudhammas [*sic*: this is the Sanskrit version of the term] are the only instance that does not accord with this Vinaya principle, making it more likely that they were promulgated at a later time and then added to the account of the foundation of the order of nuns.”

To support his contention in the first sentence here, he cites Vin III: 9,28 (= Pārājika I.3.4). The passage he cites, however, offers no support at all for what he is trying to say. Instead of talking about “corresponding cases,” it quotes the Buddha as saying,

“Sāriputta, as long as any specific conditions that provide an opportunity for āsavas have not appeared in the Saṅgha, the Teacher does not formulate a training-rule or set forth a Pāṭimokkha for his disciples.”

The Buddha then goes on to say that these conditions will not appear in the Saṅgha as long as it has not achieved greatness in terms of longevity, in terms of being widespread, in terms of material gains, or in terms of its body of learning. What this means is that the Buddha did not commit himself to waiting until āsavas had already arisen in the Saṅgha before he promulgated rules. And he certainly did not commit himself to waiting for members of the Saṅgha to misbehave before he promulgated corresponding rules. Many origin stories, such as the one for the rules establishing the kaṭhina (Mv.VII), report no wrongdoing at all. If the Buddha saw that a condition conducive to āsavas had arisen, he was free to promulgate a rule to nip the problem in the bud. And the garudhammas fit precisely under this principle. When Mahāpajāpati, together with a large number of Sakyan women, requested permission to go forth, it was a sign that the Saṅgha had achieved greatness. It was

an appropriate time to establish the conditions under which he would grant their request.

We might pause here to ask a few questions about consistency: Given (1) that Bhikkhu Anālayo defines Vinaya law as case law, and the applicability of case law as being determined by the narrative context behind each law, “independent of its historical accuracy”; and given (2) that bhikkhus and bhikkhunīs are supposed to live by the Vinaya, the first question is: What practical aim is served by adopting a historical-critical approach to discredit the narrative context of the garudhammas, as he does in this earlier article?

The second question is: Given that he takes a position in that article directly contradicting the position he takes in part one of his more recent article, what is the relationship between the aims served by the two articles?

The Article : Part Two

In part two of “On the Bhikkhunī Ordination Controversy,” Bhikkhu Anālayo applies what he calls a historical-critical reading of many different Buddhist canons to arrive at what he thinks the Buddha actually thought and did with reference to the founding of the Bhikkhunī Saṅgha.

The argument in this part of the article falls into three sections: (a) trying to show that the Buddha had a solely positive attitude toward the founding of the Bhikkhunī Saṅgha, (b) arguing from that that he would be favorably disposed to the revival of a Bhikkhunī Saṅgha in the present; and (c) arguing that the revival of such a Bhikkhunī Saṅgha is actually conducive to the long life of the teaching.

However, the example he sets in the way he uses evidence to support his arguments severely undermines his case.

The Buddha's Attitudes toward Bhikkhunīs

a) In the first section of part two, several varying accounts of the founding of the Bhikkhunī Saṅgha, from different canons, are discussed. Many versions are compared, and in each case only certain parts of the versions are accepted, and the rest rejected. One argument is actually based on the backward method of taking a passage from the Pāli commentaries to call into question a passage from the Pāli Canon.

In all cases, the basic argument for choosing among these passages boils down to this: We know from many Pāli sutta passages—such as [DN 16](#), [DN 29](#), DN 30, and Majjhima Nikāya (MN) 73—that the Buddha spoke favorably about instituting a Bhikkhunī Saṅgha. Thus, in line with the Great Standards (*mahāpadesa*) set forth in [DN 16](#)—that a teaching attributed to the Buddha should be accepted only when it is consistent with the suttas and Vinaya—we should accept only those passages, in any of the canons or commentaries, indicating that the Buddha had a totally positive attitude toward the establishing of a Bhikkhunī Saṅgha. Any passages in which he is represented as having reservations about the establishing of the Bhikkhunī Saṅgha therefore have to be rejected as later interpolations.

This way of applying the Great Standards is harder than hard to take seriously. It is tantamount to saying that, because the Buddha obviously wanted to start a Bhikkhu Saṅgha, any negative remarks about bhikkhus attributed to him anywhere in the Canon have to be regarded as bogus. Or that because the Buddha saw that professional soldiers would go to hell if killed when trying to kill others in battle ([Saṃyutta Nikāya \(SN\) 42:3](#)), any positive reference to soldiers in battle as models of behavior for the monks—as in [Aṅguttara Nikāya \(AN\) 5:75–76](#)—have to be regarded as later interpolations.

There is nothing inconsistent in seeing the Buddha as a realist rather than an ideologue. In other words, he could hold a nuanced view, seeing that there would be both pros and cons to his founding a Bhikkhunī Saṅgha. The major benefit would be that women, if they could obtain the going-forth, would be capable of obtaining the noble attainments. The major drawback would be that if women outnumbered men in the Saṅgha, the holy life he founded wouldn't last

long. He chose to pursue the benefits while at the same time trying to minimize the drawbacks by instituting the garudhammas and other rules specifically for the governance of the Bhikkhunī Saṅgha.

To insist, however, that the Buddha could have only totally positive or totally negative things to say about the founding of the Bhikkhunī Saṅgha, and to dismiss out of hand any passage that is not totally positive, is not called the historical-critical method. It's called cherry-picking the evidence.

The Buddha on the Revival of the Bhikkhunī Saṅgha

b) As I pointed out in the Introduction, even if we take for granted that the Buddha wanted to found a Bhikkhunī Saṅgha, it does not follow that he would be in favor of the reinstating of that Saṅgha now that it has died out. He established monastic life as an apprenticeship, carried out in a communal setting. When there is no longer a Community of living, well-trained mentors who can oversee the apprenticeship of new monastics, the living tradition is dead, and cannot be revived simply by consulting texts. What we have now instead is a situation in which new bhikkhunīs are faced with the prospect of learning only from books, from untrained senior bhikkhunīs, or from bhikṣuṇīs trained in non-Theravādin traditions that treat teachings such as those found in the Prajñā-pāramitā Sūtra as authoritative. At the same time, the senior bhikkhunīs—living in an age where counterfeit Dhamma is widely available, and the True Dhamma has thus disappeared—are free to choose their Dhamma according to their preferences, with no genuinely trained bhikkhunīs to hold them in check.

It is hard to imagine that the Buddha would approve that this be done in his name. It's not an act of compassion to the senior bhikkhunīs, who are creating the bad kamma of teaching when not qualified to do so; it's not an act of compassion to the junior bhikkhunīs, who are getting trained by unqualified teachers; nor is it an act of compassion to the world, exposing it to teachers who create a false impression of how a true bhikkhunī should embody the Dhamma in word and deed.

Disrespect for the Dhamma

c) Bhikkhu Anālayo, however, argues that we would benefit from a revived Bhikkhunī Saṅgha—even in these straitened circumstances—in order to keep the Dhamma alive. Yet, as noted above, the example he sets in the way he presents his arguments severely undermines his case.

The conclusion he aims to prove is this:

“[I]t seems clear that an order of *bhikkhunīs* is desirable and an important asset in order to prevent the decline of the Buddha’s teaching.”

To arrive at this conclusion, he cites several passages from the suttas, most importantly those stating collectively, in his words, that the “decline of the teaching” can be prevented when the members of the four assemblies behave respectfully toward the Buddha, Dhamma, Saṅgha, the training, concentration, one another, heedfulness, and “being helpful (to one another).” The suttas he cites to support this point include [SN 16:13](#), AN 5:201, AN 6:40, and [AN 7:56](#). (I would differ with his translations of the terms in quotation marks—“teaching” should be “True Dhamma [*saddhamma*]”; “being helpful (to one another)” should be “hospitality [*paṭisanthāra*]”—but that is not central to my argument.) For example, he states with reference to [SN 16:13](#),

“Other discourses more specifically address what prevents the decline of the teaching. According to a discourse in the *Saṃyutta-nikāya*, such a decline can be prevented when the members of the four assemblies, including *bhikkhunīs*, dwell with respect for the teacher, the Dhamma, the Saṅgha, the training, and concentration. Here the *bhikkhunīs* actually contribute to preventing decline, rather than being themselves its cause.”

However, if Bhikkhu Anālayo had given more complete citations from [SN 16:13](#), AN 5:201, AN 6:40, and [AN 7:56](#), it would have been clear that they do not support his conclusion that the *mere existence* of an order of *bhikkhunīs* would help prevent the decline of the Buddha’s teaching. For example, from [SN 16:13](#):

“These five downward-leading qualities tend to the confusion and disappearance of the True Dhamma. Which five? There is the case where the bhikkhus, bhikkhunīs, male lay followers, & female lay followers live without respect, without deference, for the Teacher. They live without respect, without deference, for the Dhamma... for the Saṅgha... for the training... for concentration. These are the five downward-leading qualities that tend to the confusion and disappearance of the True Dhamma.

“But these five qualities tend to the stability, the non-confusion, the non-disappearance of the True Dhamma. Which five? There is the case where the bhikkhus, bhikkhunīs, male lay followers, & female lay followers live with respect, with deference, for the Teacher. They live with respect, with deference, for the Dhamma... for the Saṅgha... for the training... for concentration. These are the five qualities that tend to the stability, the non-confusion, the non-disappearance of the True Dhamma.”

As the second paragraph shows, the determining factor as to whether the True Dhamma will or will not survive has nothing to do with the existence or non-existence of bhikkhunīs. It has everything to do with whether the members of the Buddha’s following—whatever their status—treat the Dhamma, etc., with respect. The other suttas cited make the same point.

Now, to quote Dhamma out of context to create a false impression, as in Bhikkhu Anālayo’s argument, is in and of itself an act of disrespect for the Dhamma. With this sort of argument, what kind of example is he setting for a revived Bhikkhunī Saṅgha? Is he helping to promote one that will live with respect for the Dhamma, or without? And if a Bhikkhunī Saṅgha is founded on disrespect for the Dhamma, how could it provide an environment conducive for reaching the noble attainments, whether in its members or anyone else?

This issue is also raised by an argument earlier in the article, in which he dismisses the Buddha’s forecast that, given the founding of the Bhikkhunī Saṅgha, the True Dhamma would last only 500 years (Cv.X.1.6). Bhikkhu Anālayo states that this forecast has not come true: Even after 2,500 years, the teachings are still available. Thus the narrative reporting the forecast cannot be accepted as true.

However, as I pointed out in [BMC 2](#), the survival of the True Dhamma is not simply a matter of the brute survival of the teachings. [SN 16:13](#)—ironically, the same sutta Bhikkhu Anālayo cited above—states that the True Dhamma is said to have disappeared when “counterfeit Dhamma” has arisen, just as money disappears when counterfeit money appears. As I explained in the Introduction, this means that even though genuine money is still available, people who have been fooled by counterfeit money don’t know what to trust. In the same way, when counterfeit Dhamma appears, people don’t know which Dhamma is True and which isn’t. Because the Prajñā-pāramitā teaching of the non-arising of dhammas is directly opposed to the Buddha’s teaching on the arising and passing away of all fabricated dhammas, it counts as counterfeit Dhamma. And because it arose approximately 500 years after the Buddha passed away, the forecast in Cv.X.1.6 is remarkably prescient. We live in a period where the True Dhamma, as an undoubted guide, has disappeared.

I made this point clearly in [BMC 2](#), in connection with the point that Bhikkhu Anālayo tried to refute in part one of his article, but he has chosen to write as if it hadn’t been made. If he respected the Dhamma but disagreed with the message in [SN 16:13](#), he would have given reasons for disagreeing. But he didn’t. So again, what sort of example is he setting for the Bhikkhunī Saṅgha that he would like to reinstate?

Given that we live in an era where the True Dhamma has disappeared, when scholarly bhikkhus feel free to adopt mutually contradictory positions to serve various aims, and to cherry-pick the Dhamma and Vinaya as they like, taking it out of context and so showing disrespect for the Dhamma, it’s hard to say that we live in a time where a reinstated Bhikkhunī Saṅgha could be founded in a way that would actually help with the survival of the Dhamma or the nurturing of the noble attainments.

The Crippled Elephant

Bhikkhu Anālayo ends his article with another analogy: The religion is like an elephant with three sound legs (the bhikkhus, the male lay followers, and female lay followers) and one crippled leg (the

bhikkhunīs). The reinstating of the Bhikkhunī Saṅgha, he says, would heal the crippled leg and allow the elephant to walk easily.

But again, the analogy is inaccurate. A more accurate analogy would be this: The religion is like an elephant with a severed leg. A doctor wants to reattach the leg, even though it has long been dead, and his tools for doing so are contaminated. If the operation goes forward, it will hasten the elephant's death.

Postscript

An article recently published by Bhikkhu Anālayo, “[The Cullavagga on Bhikkhunī Ordination](#)” (CBO), comments on my recent paper on ordaining bhikkhunīs unilaterally ([OBU](#)), in which I had criticized his earlier article, “[On the Bhikkhunī Ordination Controversy](#)” (BOC). The comments in [CBO](#) do not answer the main criticisms I raised in [OBU](#). In some cases they misrepresent what Bhikkhu Anālayo himself wrote in [BOC](#), and in one case in particular (point 2 below), they actually weaken his argument. So I thought it would be useful to assess his comments in detail, to show exactly why they are not an adequate response to [OBU](#).

The criticisms of [OBU](#) appear in four footnotes in [CBO](#). I will take them up in order.

1) First, in footnote 4, Bhikkhu Anālayo claims that I misrepresent his discussion of [SN 16:13](#) in [BOC](#), taking it out of context, when I say that he is trying to prove that the mere existence of an order of bhikkhunīs would help prevent the decline of the Buddha’s teaching. Actually, I’m not taking it out of context at all. His discussion of [SN 16:13](#) in [BOC](#) leads directly to the final conclusion that “In sum, following the principle of the four *mahāpadesas* it seems clear that an order of *bhikkhunīs* is desirable and an important asset in order to prevent the decline of the Buddha’s teaching.” This is the conclusion that provides the context for his discussion of [SN 16:13](#). My argument was simply to point out that when we read the whole passage in [SN 16:13](#), it does not support this conclusion. And because [SN 16:13](#) is the prime piece of evidence he quotes to support his conclusion, that means that his conclusion is unfounded.

Ironically, in the sentence in CBO to which this footnote is attached, Anālayo intensifies that very conclusion, stating that in BOC, “I came to the conclusion that for the flourishing of the Buddha’s dispensation, the *sāsana*, it is an *indispensable requirement* to have all four assemblies of disciples, one of which is an order of *bhikkhunīs*.” (*italics added*) To say that existence of something is an indispensable requirement (i.e., a necessary condition) to the flourishing of the dispensation is the same thing as saying that the mere existence of an order of bhikkhunīs would help prevent the decline of the Buddha’s teaching. I’m not accusing Anālayo of stating that the existence of a bhikkhunī order would be a *sufficient* cause for preventing decline, but when he is saying that it’s an indispensable requirement, he is saying precisely what I said he was saying.

2) In footnote 5, Anālayo claims that when I point out the contradictory assumptions he assumes in different articles concerning the historical reliability of the origin story to the garudhammas, it is because I seem “to have difficulties to appreciate (*sic*) that a text can be read in different ways.” Actually, I have no difficulties appreciating that a text can be read in different and even contradictory ways *in an academic setting*, where people are not held responsible for the consequences of their interpretations. But in the context of the Saṅgha, when we are interpreting the Dhamma and Vinaya to understand how best to apply their teachings *in practice*, we have to be held responsible for what we say. In this context, being consistent in one’s approach is an indispensable prerequisite. When a person takes one position on the reliability of a text to make one point in one context (i.e., arguing that the garudhammas come in an unreliable report, and thus insinuating that bhikkhunīs should not regard them as binding) and then a contradictory position on the reliability of the same text to make another point in another context (stating that the garudhammas are reliable, and arguing from there that unilateral bhikkhunī ordination has to be accepted as a valid procedure), one has to question that person’s honesty, and, frankly, whether he is fit to take part in Vinaya discussions.

As I asked in [OBU](#), given that Anālayo claims to be using two different approaches to achieve particular aims, what are those aims? And how can an aim that is served by assuming a text to be reliable be compatible in practice with another aim served by assuming that it's not?

When we are discussing Vinaya issues in the Saṅgha, we have to start with the assumption, stated in [DN 16](#), that the Vinaya is, together with the Dhamma, our teacher in the Buddha's stead. This means that we also have to start with the assumption that, in interpreting a Vinaya text, there is a meaning in the text that we are trying to extract—not, as is the current fashion in academia, that the text is free of meaning and that we can read anything we like into it. This also means that there are ground rules, often exemplified in the texts themselves, for how to extract that meaning. We also have to think of the long-term consequences of our attempts at finding the meaning in the text: both in terms of the conclusions at which we arrive and in terms of how we arrive at them. If we allow dubious and contradictory lines of reasoning to carry the day in an argument, we are setting a bad precedent for the generations to come.

In the same footnote, Anālayo goes on to state that my inability to appreciate the subtleties of his approaches is due to a lack of hermeneutical sophistication:

Thānissaro's inability to see the difference between an evaluation of historical plausibility and an interpretation of legal implications confirms an assessment by Singsuriya (262) that (at times) "Thai Sangha and monks in general lack hermeneutical consciousness. The reason is their advocacy of 'naive realism', the belief that meanings of texts are something given ... they do not seem to have an inkling idea that textual meaning comes through mediation of an interpretative" stance taken by the reader.

Anālayo is here supporting the old postmodern position that a text has no meaning of its own apart from the interpretative stance that the reader takes toward the text. In other words, interpretation is not a matter of finding the author's intended meaning in the text. It is a

matter of the reader's choice of stance in reading a meaning into the text.

But there is so much in the Canon to indicate that, for anyone attempting to live by the True Dhamma, this is a grossly inappropriate way to approach it. When the Buddha said to take the Dhamma and Vinaya as our teacher in his stead, he surely didn't mean that the Dhamma and Vinaya had no inherent meaning. When he spent so much time clarifying the meaning of his words throughout the Canon, he obviously didn't think that the meaning he wanted to give those words should carry no weight. And when he set up the tradition of "training in cross-questioning" (AN 2:46) so that new bhikkhus could learn from older bhikkhus what the teachings meant, he wasn't implying that the new bhikkhus would be wise to adopt whatever interpretive stance was currently in fashion.

If we were to admit the postmodern stance into practical Vinaya discussions, what would be the purpose of having such discussions? Postmodernism is entirely antithetical to the principles of True Dhamma. By asserting that texts such as the Canon have no inherent meaning, and that therefore no interpretation of the Canon could be wrong, it denies that there really could be such a thing as a distinction between True Dhamma and counterfeit Dhamma. This only goes to support my statement in OBU that we are living in an era where even the idea of True Dhamma is discredited, and so this is not a propitious time to try to revive a bhikkhunī order.

3) In footnote 6, Anālayo takes issue with my statement that "it would not be in line with the Vinaya's own principles to make the narrative context of the origin stories determine how the rules are to be interpreted." He accuses me of inconsistency here, pointing out that in BMC I use information from the origin stories to help explain the rules. He then gives an example from my discussion of Pārājika 1, in which I comment on the motivations of the protagonists in two of the stories leading up to the final formulation of the rule.

However, the passage he quotes was not an argument for how the rule should be interpreted. In fact, I didn't draw any conclusions

concerning the interpretation of the rule from the quoted passage at all.

It's one thing to use the origin stories for explanatory purposes. To claim that they play the *determining* role in how the rules are to be interpreted and applied is something else entirely.

4) In footnote 17, Anālayo states that to assume that the Buddha would formulate a rule for a one-time purpose only would be to accuse him of being thoughtless and careless in his formulation of the rules. Thus we have to assume that he meant his rule on unilateral ordination to be valid for all time.

But there is nothing inherently careless in formulating temporary rules for temporary circumstances.

In fact, there are many cases in the Vinaya where the Buddha formulated rules that seem clearly intended only for temporary situations: The original rule against bathing more than once every two weeks ([Pācittiya 57](#)), the original rule against eating mangoes (Cv.V.5.1), the rules for bhikkhus to acknowledge bhikkhunīs' confessions (Cv.X.6.2), and the rules for the famine allowances ([Mv.VI.17.7](#); [Mv.VI.17.9](#); [Mv.VI.18.4](#); [Mv.VI.19.2](#); [Mv.VI.20.4](#)) are just a few examples that spring immediately to mind. It was a standard feature of the Buddha's repertoire as a rule-giver to see that, as the Saṅgha was just getting established, certain temporary situations required temporary rules that he would rescind when the situations had passed. So it would hardly be inconsistent for him to formulate, as a temporary measure, an allowance for the bhikkhus unilaterally to give ordination to bhikkhunīs as the Bhikkhunī Saṅgha was just getting started; and then, as the Bhikkhunī Saṅgha became more established, to rescind it with a later reformulation.

As I pointed out in [OBU](#), the general pattern in the Vinaya is that when a rule was altered, the original formulation was automatically rescinded. In special cases where the Buddha meant for both versions to remain valid, for differing situations, he spelled out the situations under which each version was in force. Those are the two general patterns that the Buddha followed throughout the rest of the Vinaya, so

those are the patterns to be applied in deciding whether the allowance for unilateral ordination is valid at present. Because the rules for bhikkhunī ordination clearly don't follow the second pattern, we have to assume that the Buddha meant them to be interpreted in line with the first. In other words, when he gave permission in Cv.X.17.2 for bhikkhus to ordain bhikkhunīs after they had been purified in the Bhikkhunī Saṅgha, he automatically rescinded, once and for all, his earlier permission for bhikkhus to ordain bhikkhunīs unilaterally.

And he had good reason for rescinding the earlier permission. If there is no Bhikkhunī Saṅgha to purify the candidate for bhikkhunī ordination, that means there is no Community of bhikkhunīs trained in the apprenticeship lineage established by the Buddha to train the candidate if she were to be ordained. If ordinations such as this were to proceed after the Buddha had passed away, it would result in a bhikkhunī order composed of the untrained leading the untrained. This, as I pointed out in [OBU](#), would not be an act of compassion to the senior bhikkhunīs, who would be creating the bad kamma of teaching without being qualified to do so; nor would it be an act of compassion to the junior bhikkhunīs, who would be absorbing the examples set by unqualified teachers; nor would it be an act of compassion to the world at large, subjecting it to teachers who create a false impression of how a true bhikkhunī should embody the Dhamma in word and deed. Instead of opening the way to the noble paths and attainments, such a situation would act to close it off.

Thus bhikkhus at present, if they abide by the Vinaya, cannot ordain bhikkhunīs. And anyone who has respect for the Dhamma and Vinaya should not try to force them to do so.

ONE MORE NOTE: In various writings, Bhikkhu Anālayo has argued that the Pāli narrative of the events surrounding the founding of the bhikkhunī order is hard to believe because its portrayal of Mahāpajāpatī unilaterally donning robes and shaving her head is an “improbable depiction of the stream-enterer Mahāpajāpatī Gotamī.” However, nothing in the Pāli Canon states that she was a stream-enterer before her ordination. The story of her gaining stream-entry

before her ordination is in the commentary to [Ud 3:2](#). Thus the above argument uses the commentary to discredit the Canon, which is getting the sources all backwards.

MN 142 contains the Canon's only reference to her as a stream-enterer, and it also mentions the existence of both Saṅghas. In other words, she was a bhikkhunī at the time of the events depicted in the sutta. Even if we allow for the possibility that she *may have* attained stream-entry prior to her ordination, her behavior toward the Buddha in MN 142 is quite obstinate—perhaps because, as the Buddha's stepmother, she felt entitled to act that way with him—which means that her obstinate behavior in the Pāli narrative of the founding of the bhikkhunī order would not be out of character.

And she's not the only stream-enterer in the Canon to try to behave in a willful manner toward the Buddha and Saṅgha. In [Mv VI.36.6](#), Roja the Mallan, immediately on attaining stream-entry, tells the Buddha, "I would be good, lord, if the masters would receive the requisites of robes, almsfood, lodgings, and medicines for the sick only from me, not from others." So again, even if we were to accept the possibility that Mahāpajāpatī was a stream-enterer at the time of her ordination, the obstinate behavior she shows in the story depicting her ordination would not be out of character for a stream-enterer. And, as noted above, there is no proof that she had even gone that far in her practice at that time.

A Trojan Horse: Unilateral Bhikkhunī Ordination Revisited

Articles and books discussed:

- BM* *Ṭhānissaro Bhikkhu: The Buddhist Monastic Code,*
C2 *volume II. Third revised edition 2013*
- BO* *Bhikkhu Anālayo: “On the Bhikkhunī Ordination*
C *Controversy” 2014*
- OB* *Ṭhānissaro Bhikkhu: “On Ordaining Bhikkhunīs*
U *Unilaterally” 2015*
- FH* *Bhikkhu Anālayo: The Foundation History of the Nuns’*
NO *Order 2016*
- Vb* *Bhikkhu Anālayo: “The Validity of bhikkhunī Ordination*
Ob *by bhikkhus Only, According to the Pāli Vinaya” 2017*
O
- CE* *Bhikkhu Brahmāli and Bhikkhu Anālayo: “Canonical*
TV *Exegesis in the Theravāda Vinaya” 2017*
- San* *Bhikkhu Anālayo: “Saṅgīti (CV XI)” in Vinaya Studies*
gīti *(Taipei: Dharma Drum Publishing Corporation, 2017)*
- BO* *Bhikkhu Anālayo: “Bhikkhunī Ordination” in Vinaya*
 Studies (Taipei: Dharma Drum Publishing Corporation,
 2017)
- Ope* *Bhikkhu Anālayo: Open Letter to the Venerable*
n *Bhikkhu Ṭhānissaro 18th May 2017*
Lett
er

In May of 2017, I received an [Open Letter](#) from Bhikkhu Anālayo, in which he took exception to the opinions I had expressed in [OBU](#) on the validity of unilateral bhikkhunī ordination and on his arguments in support of that validity. To further support his assertions in the [Open Letter](#), he also sent me the files to three of the above pieces: [FHNO](#), [VbObO](#), and [CETV](#). More recently, I came across a copy of his *Vinaya Studies*, which contains the articles *Saṅgīti* and *BO*, both of which are relevant to the issue of bhikkhunī ordination. *BO*, in particular, contains some arguments against my position in [OBU](#) that are not included in either [VbObO](#) or [CETV](#).

My first impression on reading the responses to [OBU](#) contained in these books and articles was that they were incomplete. They did not address two of the central issues raised in [OBU](#):

1) There I noted that the Buddha made no provision for reviving the Bhikkhu Saṅgha in case it died out after he died, even though he knew full well that it would, and even though he had a positive attitude toward it. So there are no grounds for arguing that, because he had a positive attitude toward the Bhikkhunī Saṅgha, he would have wanted it to be revived without his being present. None of the above responses address this issue at all.

2) I pointed out the patterns by which it can be determined— independent of the origin stories—whether a modification of a rule rescinds the original version. This is relevant to the issue of whether the rule allowing dual ordination of bhikkhunīs rescinds the earlier rule allowing unilateral ordination. As I note in [Part III](#) below, Anālayo touches on this point only obliquely, and nowhere does he say explicitly why he rejects the point I made. Reading his oblique references, you wouldn't even know that I had made it.

I wondered if Anālayo was planning any further articles to address these issues, but I learned recently that he considered the issue settled.

So now it's my turn to respond. Although there are many positions taken in the above writings by Anālayo and Brahmāli that I find problematic, I will focus here only on the issues that are relevant to the question of whether unilateral bhikkhunī ordination at present is in line

with the principles of the Dhamma and Vinaya. In other words, in line with the Dhamma, is it a wise and compassionate act? In line with the Vinaya, is it legally valid? The answer to both questions is No.

The arguments for this answer fall into nine parts.

In **Part I**, I look at the principle of interpretation that Anālayo and Brahmāli propose for determining the validity of the rules in the Vinaya, and how they apply that principle to the question of bhikkhunī ordination. My conclusion here is that the principle they have adopted is foreign to the Vinaya and does not do justice to the wide variety of ways in which the rules in the Khandhakas—the section of the Vinaya containing the rules for bhikkhunī ordination—are related to their origin stories or to one another.

In **Part II**, I explain a set of principles that is both more traditional and more in line with the way the rules appear in the Khandhakas, and apply those principles to interpreting the rules relevant to bhikkhunī ordination.

In **Part III**, I set forth the resulting interpretation of the rules, which is identical with the traditional interpretation that the rule allowing unilateral bhikkhunī ordination is no longer in force. I then examine Anālayo's objections to this interpretation, showing that his objections either have no basis in fact, that they employ faulty logic, or that they ignore a principle that he himself asserts at several points in his own writings.

In **Part IV**, I examine an alternative reading of the origin stories for the rules around bhikkhunī ordination that Anālayo has proposed so as to avoid a major problem that he sees with the traditional way in which those stories have been read. It turns out, though, that the problem solved by this alternative reading is, in fact, a non-problem. Because his reading requires breaking a rule of Pāli grammar, and because there is an alternative reading that does not—and at the same time makes perfect sense—there is no compelling reason to accept the new reading.

Part V contains what I feel are the most serious issues in this article. It concerns the question of how bhikkhunīs who have received unilateral ordination are to gain training, given that there are no qualified senior bhikkhunīs to train them. I consider Anālayo's assertion

that they are already getting adequate training, showing that his standards for “adequate” do not meet those set by the Vinaya. Further, I examine the kind of training he himself is offering to bhikkhunīs by looking at his treatment of the First Council, the council at which the beginnings of the Dhamma and Vinaya as we know it were laid down. In an attempt to question the validity of some of the *garudhammas*, he asserts in FHNO and Saṅgīti that the monks at this council, as led by Ven. Mahā Kassapa, represented a faction of the Saṅgha whose views and practices were at odds with the Buddha’s. Among the charges Anālayo levels against the council is that the monks, in promoting a meticulous attitude toward the rules, have encouraged an attitude in the Theravāda tradition that regards rules as ends in themselves, rather than as means to an end, and that this attitude perpetuates one of the fetters abandoned at the first experience of awakening: “the fetter of dogmatic adherence to rules and observances.”

I show that Anālayo’s interpretation of the First Council is based on a misreading of the texts and, in one case at least, a flagrant case of quoting a passage out of context to the extent of reversing its actual message. However, even though it has no basis in the texts, Anālayo’s interpretation of this issue shows what kind of training is being offered to new bhikkhunīs: a training that calls the whole Dhamma and Vinaya into question, and opens the way for bhikkhus and bhikkhunīs to reject any rule in the Vinaya that doesn’t fit in with their untrained ideas of wisdom or compassion. If this type of “training” is what is being offered to new bhikkhunīs, then they are getting worse than no training at all. They are getting a training that is actually opposed to the Dhamma and Vinaya.

In *Part VI*, I examine Anālayo’s assertion that his two modes of scholarship, “historical-critical” and “legal” are strictly distinct and have no bearing on each other. This point is important because he arrives at contradictory conclusions about the reliability of the texts depending on which mode he is using. I show that, despite his claims, he has not kept these two modes strictly separate, that the principles of interpretation that he applies in his “legal” readings actually make it impossible to keep them separate, and that, in fact, there are monastics who are

already using the conclusions from his “historical-critical” readings—and in particular his assertions about the First Council—in their own “legal” interpretation of the rules.

Part VII continues a discussion that has been going on for some time, on the question of whether Anālayo—in quoting a sutta passage in **BOC** in support of the necessity of bhikkhunī ordination for the long life of the True Dhamma—was quoting out of context. I examine his arguments to the effect that he wasn’t, and show that they have no basis in fact.

Part VIII addresses Anālayo’s assertion that, in denying the validity of modern efforts to revive the Bhikkhunī Saṅgha, Vinaya experts betray a lack of a basic Buddhist value, compassion. In response, I examine Anālayo’s analysis of the “uncompassionate” behavior that he sees in the portrayal of the Buddha in the Pāli version of **MN 146**, to show that he doesn’t understand what compassion in the Buddhist sense is.

Part IX provides a summary critique of Anālayo’s case and the ways in which he has argued it. Some of his arguments are not based on the facts. Some are illogical. He has offered arguments without even trying to support them. At crucial junctures, he is inconsistent in applying principles he himself has asserted. These mistakes, of course, are not necessarily a sign of bad faith. But there are also cases in which he has misrepresented the texts, quoted them out of context, misrepresented my positions, misrepresented his own positions when they are called into question, refused to acknowledge points I have made, and thrown criticisms of his work back at the critic, without any legitimate grounds for doing so.

Given his behavior in this area, I conclude the article with some reflections on the future of this discussion.

It’s because of the issues raised in Parts **I**, **V**, and **IX**—about the ways in which Anālayo

- has forced principles of interpretation on the Vinaya that are foreign to it and that would be disastrous if widely accepted,

- adopted an attitude toward the First Council that calls the entire Dhamma and Vinaya into question, and
- used methods of argumentation that betray a lack of good faith—that I have entitled this article, “A Trojan Horse.”

The prospect of being able to provide full ordination for women is an attractive one. However, when we examine the way the texts have to be mistreated in order to make a case for the validity of bhikkhunī ordination, the type of training that would be provided to new bhikkhunīs, and the way in which those who argue the case for revived bhikkhunī ordination have presented their case, it’s obvious that this attractive prospect contains within it some consequences deeply damaging to the Dhamma and Vinaya. It’s better not to take it in—or to be taken in by it.

I : Principles of Interpretation

A central issue in determining the validity of unilateral bhikkhunī ordination concerns which principles should be used in interpreting the rules in the Vinaya. This is one of the main points of contention between Anālayo’s interpretation and mine. Even though this issue may seem somewhat abstract, a great deal is at stake here. If, as I will show, Anālayo is importing a foreign principle of interpretation into the Vinaya, he is going against the principles that went into the formulation of the rules. And if that is the case, he is making drastic changes, away from how the Vinaya was intended to be read and practiced—changes whose implications go far beyond the issue of bhikkhunī ordination, touching on every aspect of monastic life. So it’s important to get the principles right before moving on to the specifics.

For a brief recap: In **BOC**, Anālayo took the position that Vinaya law is essentially case law, in which the Buddha, when setting down a rule, was simply ruling on the case at hand, rather than promulgating a general statute. From this general position, Anālayo concluded,

“As with any case law, a study of the significance of a particular ruling requires an examination of its narrative context. This narrative context,

independent of its historical accuracy, determines the legal applicability of the respective rule.” (*BOC*, 4)

In *OB*, I showed that the Vinaya was not, in principle, case law. The argument involved several points, but for one of the points I provided examples, both from the Sutta Vibhaṅga and the Khandhakas, to show that there were many rules in which the origin story—which Anālayo calls the “narrative context” of the rule—did not play a determining role in the interpretation of the rule. In fact, there were a handful of rules in which the action condemned by the Buddha in the origin story did not even constitute an offense under the final interpretation of the rule in the Vinaya itself. Thus it’s a mistake to assume that the Buddha, when laying down a rule, was simply adjudicating the case at hand. This means that it’s also a mistake to assume a generalized principle that the origin story or “narrative context” of a rule determines how the rule is to be interpreted.

More recently, in his *Open Letter*, Anālayo has stated that he no longer supports the general principle that Vinaya law is case law. However, in *BO*, he repeats the assertion—at least with regard to the rules surrounding bhikkhunī ordination—that the narrative context is what determines the interpretation of the rules:

“The putting into practice of this rule by a Theravāda monastic will still have to be guided by the narrative context within which the rule is now found in the Theravāda *Vinaya*.” (*BO*, 223)

“*[With reference to the third rule formulated for bhikkhunī ordination:] its legal significance needs to be ascertained by examining the narrative context that precedes it.*” (*BO*, 278–279)

This principle is central to his argument that the rule allowing unilateral ordination of bhikkhunīs by bhikkhus was not automatically rescinded by the rule allowing ordination of bhikkhunīs by the Bhikkhu Saṅgha only after the candidates had been purified by the Bhikkhunī Saṅgha, on the grounds that it “concerns a basically different situation” (*BO*, 279). In other words, the events recounted in the origin story preceding the formulation of the second rule were basically different

from those in the origin story preceding the formulation of the first. As we will see below, there are some inherent problems—both logical and in terms of actual practice in the Vinaya—in adopting the principle that one rule rescinds another one only when the origin stories to the rules concern situations that are “basically similar”: How similar do situations have to be in order to be basically similar? How different to be basically different? What guidelines determine which details in the origin stories are relevant to establishing similarity and difference? Has the commentarial tradition attempted to develop any such guidelines? No. In the Vinaya itself, does a modified version of a rule rescind the earlier one only if the origin stories to the two versions were the same? No. (See below, toward the end of [Part III](#).) So on what basis is Anālayo asserting that the legal significance of the rule is controlled by its narrative context?

His [Open Letter](#) makes it obvious that he is depending on the work of Bhikkhu Brahmāli, who, in his contribution to [CETV](#), took issue with my argument in [OBU](#). There he concluded that—for the Khandhakas at least, the section of the Vinaya where the rules on bhikkhunī ordination are found—the “narrative context” is what determines the interpretation of the rule.

The structure of his argument is this: In [OBU](#), I considered only examples from the Sutta Vibhaṅga, and not from the Khandhakas. This, he states, was a “significant methodological flaw” in that the Sutta Vibhaṅga and the Khandhakas are structurally very different. In the Sutta Vibhaṅga, the origin stories are clearly separate from the rules, whereas in the Khandhakas the rules are imbedded in a narrative context. Brahmāli cites some cases from the Khandhakas in which the wording of the rule contains pronouns or indefinite phrases—such as “in this case,” or “those,” “it,” “them”—where the meaning of these terms can be determined only from the origin stories preceding them. There are also instances where the meaning of a verb—such as “instruct,” “accept,” or “eat”—or a noun—“boundary,” “proclamation”—can be understood only from the origin story. And similarly, there are instances where the rule does not indicate the context in which it should be applied, and the origin story is the only clue as to the context

of its application. I am indebted to Brahmāli for reminding me of these cases, which I failed to consider in [OBU](#).

However, from this subset of cases, where the rule is cryptic without reference to the preceding narrative, he generalizes as an overall principle in interpreting the rules in the *Khandhakas*:

“Although the above examples are far from exhaustive, they should suffice to show the indispensability of the narrative context for a proper interpretation of the rules in the *Khandhakas*.

“There are, of course, many instances of rules in the *Khandhakas* that are comprehensible without the origin stories. This does not mean, however, that they can be treated as independent entities, but simply that the rules contain enough information to be meaningful on their own. Given the close relationship between narrative and rule elsewhere in the *Khandhakas*, it is reasonable to conclude that the origin stories have an inherent interpretative value. This holds also in cases where the rules can be understood on their own.” ([CETV](#), 243)

“the narratives and the rules in the *Khandhakas* need to be read as an integrated whole. *The rules and procedures can only be properly understood in light of their narrative context*, and they need to be interpreted accordingly.” [emphasis added] ([CETV](#), 244)

There are three major problems with his argument here.

1. The first has to do with how he represents my argument in [OBU](#): I *did* in fact cite some examples from the *Khandhakas* to show that the compilers of the Vinaya did not always regard the origin stories as playing a determining role in the interpretation of a rule:

“The *Khandhakas*, in the sections on disciplinary transactions (Cv.I; Mahāvagga (Mv) IX), do contain a few cases where the Buddha creates a punishment and imposes it on the bhikkhu(s) whose behavior instigated the punishment. However, in all but two of those cases, his ruling is then followed by long explanations, phrased in impersonal terms, defining other possible situations in which the same transaction can be imposed, how the bhikkhu(s) on whom it is imposed should behave, etc. In many instances,

the situations in which the transaction can be imposed have very little relationship to the instigating case. See, for instance, the list of possible conditions for imposing censure on a bhikkhu (Cv.I), many of which have little relationship to the original case.”

So I didn’t commit the “significant methodological flaw” that Brahmāli accused me of committing, that of citing examples only from the Sutta Vibhaṅga.

2. The second problem with Brahmāli’s argument concerns the leap of logic he makes in his conclusion. Noting that there are *some* cases where terms in a rule are cryptic without reference to its origin story, he argues that *all* origin stories have an inherent, indispensable interpretive value even in rules where the meaning of terms is obvious without reference to the story. This is not necessarily the case, and an example from the Khandhakas will show that the compilers of the rules and narratives did not make this leap themselves.

The example concerns the rule dealing with the five diseases that are undesirable in a candidate for ordination. The origin story leading up to the rule (Mv I.39.1–6) tells of a time when these diseases were prevalent in Magadha, and people would ordain because Jīvaka, the Buddha’s doctor, was giving free treatment to the monks. The incident that sparked the rule was a case of a layman suffering from one of these diseases who ordained with the purpose of getting free medical treatment, planning that after his cure he would disrobe.

The rule itself doesn’t mention the five diseases by name, but the origin story does. So to that extent, the story helps to explain the rule. But in the formula for asking candidates for ordination about these diseases (Mv I.76.9), no exemption is made for times when the diseases are not prevalent, and no exemption is made for people who, having these diseases, ordain for more honest motives. In other words, the compilers of the Vinaya did not see that the origin story played a determining role in deciding when and where the rule was to be applied. The story simply helps to explain a cryptic term, and nothing more.

This means that the origin story does not fully determine how the rule was actually applied. In other words, just because the origin story is sometimes needed to define a term in a rule, it does not follow that the stories always must be assumed to play a controlling role in determining how the rules should be applied. In this example, it's obvious that the compilers of the Vinaya did not make the leap of logic that Brahmāli did, so there's no reason to follow his lead in making that leap when interpreting the Khandhaka rules in general.

Here it's important to note that the Vinaya commentators over the centuries also did not make that leap of logic. If it were an established principle in Vinaya interpretation that the narratives controlled the interpretation of the rule, there would have developed, over the centuries, a set of standards for deciding which elements in a narrative were relevant to the interpretation of a rule and which ones were not. But no such body of principles exists. This shows clearly that Brahmāli here is importing into Vinaya interpretation a principle that is foreign to it.

And there is good reason why no such principle was ever established. This reason relates to the third problem with Brahmāli's assertion, which is also the most important:

3. That is, in addition to the examples cited in [OBU](#), there are many other cases in the Khandhakas where the interpretation and application of the rule is clearly *not* determined by the origin story. In fact, the relationship between the Khandhaka rules and their origin stories is extremely varied, and in many cases, it's obvious that the stories cannot function as guides to how the rules they introduce are to be interpreted.

- To begin with, there are two rules where—contrary to the general principle that the Buddha would not create a rule without a prior incidence of wrong-doing or a question from someone else to inspire it—he simply sets out a practice because he wants to: the rule on the recitation of the Pāṭimokkha ([Mv II.3.1](#)), and the rules on the pattern by which robes should be cut and sewn ([Mv VIII.12](#)). These rules are important examples because they show that the [garudhammas](#), which were also set forth without any prior incidence of wrong-doing

(although they were formulated in response to a question), are not anomalous in that regard. (See Anālayo's comment in FHNO, page 114, that the Theravāda depiction of the way in which the *garudhammas* were laid down “differs from the standard procedure of laying down rules recorded elsewhere in the *Vinaya*.” These two rules show that he is mistaken.)

- More importantly, there are also rules that have nothing to do with the origin story at all. A prime example is the rule for the Invitation. The story (*Mv IV.1.1–12*) tells of monks who spent the Rains retreat observing a vow of silence. It concludes (*Mv IV.1.13*), as might be expected from the story, with the Buddha's injunction against the observance of a vow of silence. But then the Buddha immediately proceeds to add another rule, also in *Mv IV.1.13*, allowing the Invitation at the end of the Rains. Now, we know from other rules regarding the Invitation that it is not only for monks who have been observing a vow of silence—for example, they have to talk to one another in order to reschedule the Invitation (see the rules in *Mv IV.17.2* and *Mv IV.17.4*)—so this is a case where the origin story at *Mv IV.1.1–12* plays no role at all in determining the interpretation of the rule.

- Similarly with the rules on kaṭhina: The origin story (*Mv VII.1.1–2*) tells of monks whose robes get wet when they hurry to see the Buddha after the Rains, but the Buddha does not use this as an occasion to formulate a rule against getting one's robes wet. Instead, he sets out the rules allowing the monks to make up a kaṭhina cloth, along with the kaṭhina privileges (*Mv VII.1.3*). Now, there is nothing in the explanation of the kaṭhina to indicate that it should be held only when monks get their robes wet, or that the privileges accrue only to monks whose robes are wet: another case where the origin story plays no role whatsoever in determining the interpretation of the rule.

- The Khandhakas also contain origin stories that are extremely long and complex, which—if the interpretation of the rules were to be determined by the origin story—would raise irresolvable questions as to which details in the story played a role in the interpretation of the rule and which ones didn't. An example is the origin story to *Mv I.22.18*, which runs for just over 20 pages in the Horner translation,

encompassing the Buddha's encounter with the Kassapa brothers and ending with King Bimbisāra's offer of a monastery. Another is the origin story to [Mv VIII.1.35](#), which runs for 18 pages and includes the personal story of Jīvaka Komārabhacca, the donor of the first set of householder cloths accepted by the Buddha.

- On the other end of the spectrum, there are rules that give more detail than the origin story, and whose application is not limited to the incidents in the origin story: The origin story for the allowance to wear sandals in the monastery ([Mv V.6.2](#)) tells of monks who stepped on thorns at night, whereas the rule allowing sandals—we know from the protocols ([Cv VIII.11.3](#))—was not limited to wearing sandals at night. The rule allowing tonics, instigated when monks were suffering the “autumn affliction,” was not limited just to monks with that affliction or even to autumn ([Mv VI.1](#)). The rule allowing a sitting cloth, instigated when monks were sleeping and emitting semen, did not limit its use to times when monks were sleeping ([Mv VIII.16](#)). [Mv VIII.14.2](#), the rule for patching robes, explicitly mentions situations going well beyond the one situation in the origin story. Given that the scope of application of all these rules clearly exceeds the facts in the origin stories, it is impossible to broadly assert that the origin stories in the Khandhakas provide the interpretive context for the rules.

- Perhaps most important, though, are rules for which the Khandhakas provide elaborate tables to codify all the permutations of specific rules. These are much more rare in the Khandhakas than they are in the Sutta Vibhaṅga, but they do exist, and they are significant in that the permutations even here are not limited to cases in the origin story. Among these rules are those surrounding censure and other similar disciplinary transactions, already cited in [OBU](#) ([Cv I.4](#), [I.10](#), [I.14](#), [I.20](#)). Other examples include the rules forbidding the disposal of Saṅgha property ([Cv VI.15.2](#)), the rules forbidding the dividing up of Saṅgha property ([Cv VI.16.2](#)), the rules on going for seven-day business when sent for ([Mv III.5](#)) and when not sent for ([Mv III.6–7](#)), the rules for cutting short a Rains retreat without an offense ([Mv III.9](#); [Mv III.11](#)), and most of the protocols in [Cv VIII](#).

Further, Cv II.1.1, whose origin story tells of monks under probation who inappropriately allow services based on seniority, ends with an allowance for things they *can* do based on seniority. This is then followed by a long list of things that they shouldn't do, many of which were not mentioned in the origin story (Cv II.1.2–4). **Mv IV.18** works out in detail something that didn't happen in the origin story at all: the case of a monk who wants to go on tour when the Invitation has been delayed.

These examples make an important point about the legal theory of the early Saṅgha as applied both to the rules in the Sutta Vibhaṅga and to those in the Khandhakas: When the meaning of rules had to be worked out in detail, the origin stories clearly did not play the final determining role. Thus to insist that the narrative context of the rule is *the* determining factor in governing the interpretation of all the Khandhaka rules is to import into the Vinaya a principle that is foreign to the legal thinking that went into its compilation.

Other examples of the variety in the relationships among rules and narratives in the Khandhakas could be cited—such as the many stories that provide no information beyond what is contained in the rule—but this should be enough to show that the Khandhakas contain no monolithic pattern determining the relationship between the rules and the stories preceding them. More importantly, it also shows that the compilers of the Khandhakas did not intend, as a general principle, for the origin stories to control the interpretation of the rules.

This means that Brahmāli, in citing rules whose cryptic wording requires knowledge of the narrative context, and deriving from them a general principle that the meaning of *all* Khandhaka rules is determined by narrative context, is making an invalid generalization and a faulty leap of logic. To give an analogy: It's as if Anālayo had claimed that all cats in the Vinaya were white. I then disproved this by pointing to some obvious black cats in both the Sutta Vibhaṅga and the Khandhakas. Brahmāli tried to prove me wrong by claiming that, because he found a few white cats in the Khandhakas, all the cats in the Khandhakas had to be white. The above examples of black cats in the

Khandhakas, however, show that Brahmāli's conclusion is not only illogical in principle. It is also unsupported by the facts.

II : Relationships among the Rules

So, given that the Khandhaka rules, unlike the Pāṭimokkha rules, don't have an elaborate system for their explanation, and the origin stories don't control their interpretation, what *does* have the final word? And what principles have commentators used over the centuries to interpret the rules in the Khandhakas? The discussions of [Mv I.39.1–6](#) and the rules on Invitation, above, indicate an answer, which is that the rules are studied to see how they reflect on one another. We know how [Mv I.39.1–6](#), the rule on the five diseases, is to be applied because there is another rule, [Mv I.76.9](#), that throws light on it. Similarly, we know how [Mv IV.1.13](#), the rule on Invitations, is to be applied because of the many rules following it in [Mv IV](#).

Altogether, there are four ways in which the relationships among rules in the Khandhakas can be—and have traditionally have been—established.

Narratives Connecting the Rules

1. The first is through the narratives connecting the rules. These connections are of two sorts.

a. The first are like the narratives I pointed out in [OBU](#), in which narratives show that one rule is a modification of another. In cases like this, unless explicitly stated otherwise, the modification overrides the first rule.

b. The second sort are the narratives that Brahmāli cites, in which a cryptic term in one rule has to be explained by another rule, and the narrative serves to show that the two rules are connected. But even in cases of this sort, the rules can often take precedence over the narratives. Let me explain by citing some of Brahmāli's own examples.

For instance, in his example 4, ([Mv VI 14.2](#)), the “it” refers to oil mixed with too much alcohol. The story shows that this case follows on

the allowance in **Mv VI 14.1** concerning the limits of how much alcohol can be mixed in oil. The story connecting the rules does not explain how much is too much. That is clear only from the preceding rule.

(As an aside, Brahmāli's example 3 is not really relevant to his discussion. The rule does not simply say, *tāsu*, "from those." Instead it—following the origin story— says, *tāsu tāsu*, which means, colloquially, "from this, that, and the other." The story does not explain what this phrase means, but even on its own in the rule, it is clear without reference to the origin story.)

For another example that *is* relevant: Brahmāli's example 9 (Cv X 17.3), in which "them" refers to candidates for ordination, and "instructs" refers to instructing the candidates in the obstacles to ordination. The narrative does not say what those obstacles are. They are to be found in the rule on obstacles, Cv X 17.1.

The same observation can be made about many of Brahmāli's other examples: Many of the cryptic terms are explained, not in the narratives, but in other rules. In these cases, the narratives exist primarily to connect the cryptic rule to the rule explaining it. This means that, in cases of this sort, the rules are the factor forming the context for the narratives, rather than the other way around. The few cases where the cryptic term is explained only in the narrative tend to be relatively minor. Because bhikkhunī ordination is a topic treated in the **garudhammas**, it is by definition *not* minor, and so Brahmāli's examples—and the principle he derives from them—have no bearing on the subject at hand.

These two types of connections through narratives constitute one way in which the rules reflect on one another.

Rules on the Same Topic

2. A second way is that many of the rules themselves explicitly refer to the same topic, even though there is no narrative to connect them. This way of the rules reflecting on one another requires no explanation. If two different rules refer to robes, for example, we know that they are connected, no matter where they're found in the Vinaya, and then we

look at what the rules themselves say about robes to see what the connections are.

Explanatory Material

3. A third way in which the rules reflect on one another is that some rules have bodies of explanatory material attached to them. In most cases, these bodies of material are found adjacent to the rule, although there are a handful of cases where they are found in another part of the Vinaya (such as the explanations that Cv VII.3.13 provides for **Pācittiya 32**).

Patterns of Legislative Procedure

4. A fourth way in which the rules reflect on one another is that the Sutta Vibhaṅga and the Khandhakas portray the Buddha as following some overall patterns in the way he formulated and modified rules: what might be called his legislative procedure. In other words, there are some areas where he behaved consistently as a rule-giver, and to know the patterns he followed helps to explain the relationships among rules, especially in cases where the rules seem to conflict or there is some doubt as to whether they are still in force.

Among the overall consistent patterns relevant to the issue of bhikkhunī ordination, four stand out:

- a. When the Buddha totally rescinded a rule, *he would say so explicitly*. An example is **Mv I.28.3**, where he totally rescinds Acceptance by means of the act of three times going for refuge, and replaces it with an entirely different method, a Community transaction with one motion and three proclamations.
- b. When the Buddha modified a rule across the board, he would add a clause to the rule as it previously existed, either to loosen the rule or to make it stricter. In cases like this, even though he didn't explicitly rescind the earlier version, *the modification always rescinded and superseded the old rule*, so that it was no longer in force. In fact, this happens so often in the Vinaya that it's taken for granted. The Sutta Vibhaṅga confirms this principle in the way it explains the rules of the Pāṭimokkha: In cases where

the rule was modified one or more times, it confines its explanations to the final version—meaning that that is the only version still in force.

c. When the Buddha wanted to modify a rule only for a specific case—in other words, if the original version was still valid for some cases, whereas the new modification was valid for others—*he would always say so explicitly*, either in the rule itself or in the protocols based on the rule. For example, **Mv I.31.2** sets the minimum quorum for ordination at ten. **Mv V.13.11** sets the minimum at five, stating explicitly that this minimum applies to outlying districts. This is followed by an explanatory section in **Mv V.13.12** giving a clear definition of what counts as “outlying districts.” This means that the Buddha would not leave it to the narrative context to state that the old version of the rule was still valid. After all, he didn’t compose the narratives. They came later. He was responsible for the rules, and to be responsible in modifying a rule only for a specific case, he was careful to say so and to define what qualified as the specific case in question.

d. In terms of the **garudhammas**, *the Buddha did not treat any of them as rules*. Instead, they were his visionary statements for how the Bhikkhunī Saṅgha was to be run, and what its relationships to the Bhikkhu Saṅgha would be. Only when a bhikkhunī acted in defiance of any of these principles would he lay down a corresponding rule that embodied the principle of the garudhamma in question, working out—in line with the common pattern for other rules—the permutations, derived offenses, exemptions, and other issues relative to making a full-fledged rule. In doing so, the garudhamma, because it was not a rule, was not rescinded. As the origin story to **Pācittiya 21** shows, the **garudhammas** were all meant to be “kept up” on a permanent basis, as expressed in the rules that embodied them.

Anālayo himself has made frequent reference to this fourth pattern, and in particular to the fact that *the garudhammas are not rules*. It’s worth quoting him on this because—as we will see below—he is selective in how he applies this principle in practice, remembering it for the sake of some arguments, and forgetting it for others.

“The *garudhammas* are mere injunctions and do not carry any consequences in cases where they are not followed.” (*VbObO*, 11)

“The formulation [of the first garudhamma] shows that this garudhamma is not just concerned with matters right at that time, since no bhikkhunī was yet in existence, leave alone a bhikkhunī ordained a hundred years ago. *It follows that these garudhammas are best understood as describing the Buddha’s vision of how the bhikkhunīs should behave in future times.* In the present setting, where Mahāpajāpatī Gotamī is about to become the first bhikkhunī, it would indeed be meaningful for the Buddha to clarify to her what he expects to happen. By accepting these principles she will become the first and most senior of bhikkhunīs; therefore as their future leader she is the one to whom such principles need to be conveyed to ensure that they will be implemented.” [emphasis added] (*VbObO*, 13)

“This [the fact that the bhikkhunīs whose behavior incited the Buddha to formulate pācittiya rules in line with the *garudhammas* were considered ‘first offenders’, and thus did not count as having incurred an offense under the rule] implies that, from the viewpoint of the canonical *Vinaya*, the eight *garudhammas* are not rules in themselves. ... In sum the eight principles to be respected are not rules per se; instead, they are recommendations.” [emphasis added] (*BO*, 260)

So, all in all, there are four ways in which the rules reflect on one another and so aid in one another’s interpretation:

Type 1. They are connected through narratives, either narratives that (a) indicate the order in which the rules are formulated or (b) explain cryptic terms in one rule by connecting it to another where the terms are explained.

Type 2. They touch the same topic, even though they are not connected with a narrative.

Type 3. Bodies of explanatory material are appended to some of the rules, to work out all their permutations.

Type 4. The way the rules are formulated falls in line with patterns of legislative procedure that the Buddha followed throughout the *Vinaya*.

With these principles in mind, we can look at the garudhamma and the rules allowing bhikkhunī ordination, to see how these principles apply to the issue at hand.

Garudhamma 6: “Only after a female trainee has trained in the six precepts for two years can she request Acceptance [full ordination] from both Saṅghas. This rule is to be honored, respected, revered, venerated, never to be transgressed as long as she lives.” — Cv X.1.4

Rule 1: “I allow that bhikkhunīs be given full Acceptance by bhikkhus.” — Cv X.2.1

Rule 2: “I allow that one who has been given full Acceptance on one side and purified [of the 24 obstructing factors] in the Bhikkhunī Saṅgha be given full Acceptance in the Bhikkhu Saṅgha.” — Cv X.17.2

Rule 3: “I allow, bhikkhus, for Acceptance to be given also [*api*] through a messenger.” — Cv X.22.1

The relationships among this garudhamma and the rules that embody it follow all four types mentioned above.

- They follow **Type 1a**, in that the narratives place the rules in the above order, showing that **Rule 1** was laid down when there were no bhikkhunīs to fully implement the principle in the garudhamma, and **Rule 2** when the Bhikkhunī Saṅgha was ready to complete the principle.

- The garudhamma and the rules all follow **Type 2** in that they touch on the same topic—and have to be understood in connection with all the other rules touching on bhikkhunī ordination as well. This latter point is important because, as we will see below, in **III.1**, Anālayo tries to argue from the origin stories to this garudhamma and these rules that they were intended solely to facilitate bhikkhunī ordination, not to prevent it, so any interpretation of them that would serve to completely prevent bhikkhunī ordination is invalid. However, when we realize that this garudhamma and these rules are only part of a larger set of rules on the topic, and that some of the remaining rules *do* place restrictions on bhikkhunī ordination, preventing it when the conditions are not

right, we can see that Anālayo's objection simply does not do justice to the larger picture afforded by seeing how all the relevant rules on the topic reflect on one another. This fact, in and of itself, shows the weakness of trying to make the origin story to each rule the controlling factor in determining the intent behind, and application of, the rule.

- **Rule 2** follows **Type 3**, in that it is followed by a detailed description of how Acceptance is given on one side, and how the candidate is “purified.” It's worth noting here that although “purified” is also explained in a preceding rule, in Cv X.17.1, the compilers did not let the narrative connecting this rule to Cv X.17.1 carry the burden of explaining this rule. Instead, they went to the trouble of repeating the procedures for purification in the explanatory material following this rule. **Rule 3** also follows **Type 3**, in that it's followed by a description of the procedures by which it is to be implemented, and these procedures show that the rule applies to women seeking Acceptance, and not to men.

- Most important is the way in which **Garudhamma 6** and the three related rules follow patterns outlined in **Type 4**.

To begin with, **Garudhamma 6** is a garudhamma, which means that it is not a rule. Instead, it is a principle that the Buddha formulated as part of his ultimate vision for how the Bhikkhunī Saṅgha should be governed. This means further that the remaining rules *do not rescind or modify this garudhamma*. They are simply ways of embodying it in legal form as explicit allowances.

Second, **Rule 2** is a modification of **Rule 1**, in that it adds new restrictions to **Rule 1**. First, the makeshift reference to “bhikkhus” in **Rule 1** is now formalized to “Bhikkhu Saṅgha.” Second, the allowance is now for the Bhikkhu Saṅgha to give Acceptance *when the candidate has been given Acceptance by the Bhikkhunī Saṅgha*. Because **Rule 2** modifies **Rule 1** in these ways, and there is no explicit statement in the modification or in its explanatory material that **Rule 1** is still in force for certain situations, **Rule 1** is now wholly rescinded. **Rule 2** stands as the fulfillment of the principle enunciated in the garudhamma: Acceptance achieved through both Saṅghas.

Third, **Rule 3** does not invalidate **Rule 2**, because the rule *expressly indicates that it is an addition*, and its explanatory material states explicitly that it is to be applied only in the situation where the candidate faces danger if she were to travel to the Bhikkhu Saṅgha to complete her Acceptance. **Rule 3** stands as ancillary to **Rule 2**, and it, too, embodies the principle enunciated in the garudhamma.

III : The Traditional Interpretation & Anālayo's Objections

So what we have, in **Garudhamma 6**, is the Buddha's injunction that, for a woman to be properly Accepted, there has to be both a Bhikkhu Saṅgha and a Bhikkhunī Saṅgha. In line with other Saṅgha transactions, this means that both Saṅghas have to contain enough experienced, competent members to carry out the Acceptance (**Mv IX.3.6–9**). We also learn, from the rules surrounding the apprenticeship of the new bhikkhunī, that the new candidate was to take apprenticeship with her sponsor (see Bhikkhunī Pācittiyas **68, 69, 74, 75, 76, 82, 83**), that there had to be at least one bhikkhunī sponsor with sufficient training, and no other students to divide her time, to give the new bhikkhunī the full attention needed for her to receive adequate training.

It's easy to see why the Buddha saw these as minimal requirements for the survival of the Bhikkhunī Saṅgha in his absence. Only if these requirements were met would a new bhikkhunī have the chance to become properly trained.

Because the principle in **Garudhamma 6**, like those in other **garudhammas**, could not be implemented immediately—there being no Bhikkhunī Saṅgha to accept and purify new candidates—**Rule 1** was implemented as a temporary, stopgap measure. Only after the Bhikkhunī Saṅgha had grown and was competent to conduct Community transactions was **Rule 1** modified to become **Rule 2**, embodying the principle of **Garudhamma 6**. As a result of this modification, **Rule 1** was no longer valid—and is still no longer valid.

This means that attempts by bhikkhus to accept bhikkhunīs in line with **Rule 1** cannot be valid either.

This, in brief, was the position I took in **OBU**, and it's essentially the position that has been accepted by the tradition for many centuries.

In **VbObO**, **BO**, and his **Open Letter**, Anālayo has argued against this position. His argument takes two forms: One is to dispute the points I made. The other is to propose an alternative reading of the rules that, he claims, avoids the weaknesses he sees in my position. I will discuss his objections to my interpretation in this section, and his alternative proposal in the next.

I will preface his objections to my position by noting that, instead of making an honest attempt to refute my central argument, he simply skirts around it. At no point in his discussion does he ever make explicit reference to the pattern I noted above under 4c and which I summarized in **OBU**. There I said that, based on the only two cases where this happens, we can derive a pattern that when the Buddha wanted to modify a rule and to apply the modification only in certain circumstances without rescinding the previous version of the rule,

“there are clear indications that the new formulation of the rule is not meant to rescind the previous version of the rule. These indications show that the new formulation applies only under certain extenuating circumstances, and yet in neither case does the origin story carry the burden of determining what those circumstances are.”

Because this pattern is central to my position, the fact that he avoids mentioning it explicitly is a serious weakness in his argument.

He does address the point obliquely twice in **BO**, but in neither instance is his response adequate. First, in a footnote devoted to the issue of whether the rule for unilateral Acceptance was meant to be temporary, he states:

“Thānissaro 2015: 12 argues that ‘to assert that the Buddha did not want Cv.X.17.2 (the rule for double ordination) to rescind Cv.X.2.1 (the rule for unilateral ordination), but forgot to limit the conditions under which Cv.X.17.2 would apply, is to assert that he was thoughtless and careless.’

One could similarly argue that for the Buddha not to make more explicit his presumed wish that the rule on single ordination be abolished is thoughtless. In the present case however, the issue is [sic] not an absence of additional specifications that one might like to see and thus not merely an argument from silence, but rather an explicit ruling that is found in the *Vinaya*.” [emphasis added] (BO, 267, note 97)

I will deal below, in III.4, with the “explicit ruling” referred to in Anālayo’s last sentence, to show that the argument he has based on it is an example of faulty logic. Here what’s relevant is that my argument is not merely an “argument from silence.” It’s more fundamentally an argument from consistency. I showed clearly what silence consistently meant in the context of the patterns by which the Buddha modified rules: When the modified rule is silent about whether it rescinds or simply complements the previous version of the rule, it rescinds that previous version. When the modified rule states clearly—either in the rule itself or its explanatory material—that it complements the original rule, and it defines the special circumstance to which it is applicable and the original rule is not: Only then is the original rule still in force. Anālayo’s counterargument, “*One could similarly argue that for the Buddha not to make more explicit his presumed wish that the rule on single ordination be abolished is thoughtless,*” is true to the extent that, yes, it would be possible to make the argument he proposes, but on what would the argument be based? To be even worthy of consideration, such an argument would have to cite a major rule in which the modified rule or its explanatory material is silent as to the point that it is simply complementing the rule, and yet the original rule is not rescinded. But I can think of no such case in the *Vinaya*, and Anālayo doesn’t even try. Because his “argument” doesn’t address the principle of consistency in the *Vinaya* concerning what silence means in the modification of a rule, it cannot really be considered a counter-argument at all. Instead, it’s simply a case of baselessly throwing an accusation back at the accuser (see AN 8:14).

The second oblique reference regards one of the cases where the rule and its explanatory material *do* make explicit that the modified rule

applies only in certain circumstances, Cv.X.22.1 (the rule on Acceptance through a messenger). Anālayo states:

“The use of the term ‘also’, *pi*, [in the rule statement] makes it clear that this ruling is not meant to invalidate the rule on ordination by both communities.

“Such an explicit indication is required, since both rules deal with the same basic situation where an order of *bhikkhunīs* is in existence. In this respect these two rules differ from ordination by *bhikkhus* only, which is valid because it concerns a basically different situation. In the present case of two rules that are based on the same situation where an order of *bhikkhunīs* is in existence, the addition of ‘also’ clarifies that the promulgation of ordination by messenger does not invalidate ordination by both communities, that it is not the case that from this point onwards only higher ordination by messenger is possible.” (BO, 279)

In other words, Anālayo is stating that the new rule has to be explicit that it is not replacing the previous rule because the narratives for both rules cover the “same basic” situation. He does not state a general principle underlying his statement—I have already noted that such a principle would require explicit standards for determining how similar two situations have to be in order to count as “the same basic situation”—and none exists in the Vinaya itself. But it appears to fall in line with his general position, that the narrative controls the meaning of the rule. As I have shown above, however, that position takes a principle that has only limited use in the Vinaya, and gives it a universal importance and centrality foreign to the Vinaya, and so carries no weight in any discussion of how a Vinaya rule should be interpreted.

So, as stated above, neither of Anālayo’s oblique references to pattern 4c is in any way adequate. And the fact that he never addresses the pattern explicitly shows that he is not making a serious attempt to respond to my position as a whole.

In VbObO, Anālayo sets out his three main objections to my position.

1. The first is this:

“One problem I see with this interpretation is that it does not concord too well with the intention the narrative context suggests to be relevant to all four regulations on *bhikkhunī* ordination.... All of these four regulations have as their purpose the facilitation of ordination of *bhikkhunīs*, not its prevention. This makes it to my mind rather doubtful that an interpretation of any of these rules as completely and definitely preventing any ordination of *bhikkhunīs* does full justice to them.” (*VbObO*, 20–21)

This objection shows the weakness of trying to divine the intention behind a rule simply from its origin story. As noted above, such an approach obscures the perspective that is afforded by viewing the rules in the context of all the other rules on the topic and that allows a Community to find a path of practice that follows them all. In particular:

a. It ignores the specific rules placing restrictions on *bhikkhunī* ordination, such as those regarding the need for a qualified sponsor (*Bhikkhunī Pācittiyas* 68, 69, 74, 75, 76, 82, 83).

b. It ignores one of the basic principles underlying the rules surrounding all Community transactions: They exist not only to facilitate the procedure in question, but also—by establishing the basic requirements for a valid transaction—to mark it as invalid when those requirements are not met.

If the Buddha had simply wanted to get as many women ordained as possible, he wouldn’t have required that complete quorums of *bhikkhus* and *bhikkhunīs* perform the Acceptance, he wouldn’t have required that the candidate have a qualified sponsor (*pavattani*), and so forth. If these conditions are not met—now that the Buddha is not alive to oversee the training of *bhikkhunīs*—the candidate for Acceptance will not be in a position to get an adequate training. They are there for a good purpose: to prevent Acceptance when the conditions are not right. This principle applies to the rules concerning *bhikkhu* ordination as much as to those concerning *bhikkhunī* ordination: When the conditions set out in the rules for *bhikkhu* ordination cannot be met, no more *bhikkhus* can be validly ordained.

So Anālayo’s first objection does not do justice to the full body of rules surrounding *bhikkhunī* ordination and Community transactions in

general. At the same time—as we will see below, in parts V and VI—it depends, at least in part, on a long line of argumentation that ultimately calls the reliability of the entire Vinaya into question.

2. His second objection is this:

“In fact the ruling on the two stage procedure is a modification of *garudhamma* 6, not of the rule on single ordination. The assumption that the rule on single ordination has been invalidated by the two stage procedure for dual ordination fails to do full justice to the existence of *garudhamma* 6.” (*VbObO*, 21)

The argument underlying this objection is long, involving Anālayo’s own proposed retelling of the events that led up to the promulgation of *Rule 2*, in which *Rule 1*, effectively, is not a rule only for unilateral ordination but also for dual ordination. I will deal with that interpretation in the next section, but here I will simply point out that—even if we were to accept his retelling of the events—on formal grounds, *Rule 2* cannot be a modification of *Garudhamma 6*. If it were, it would have followed the Buddha’s pattern for other modifications, which was to restate the rule to be modified with the addition of modifying clauses. In other words, for *Rule 2* to count as a modification of *Garudhamma 6*, it would have been a restatement of the entire *garudhamma* with modifying clauses. But it isn’t. And as Anālayo himself has noted elsewhere, *Garudhamma 6* is not a rule. *Rule 2*, however, *is* a rule, with a very different form. If you put it next to *Rule 1*, you can see that it is, in fact, a modification of *Rule 1*.

Anālayo’s objection here seems to be related to his statement in BO:

“According to the presentation in the Theravāda *Vinaya*, the first and foundational indication of how the Buddha wanted the higher ordination of female candidates to be carried out is the sixth *garudhamma*. This is no longer relevant, as it has been replaced by subsequent amendments.” (*BO*, 278)

This assertion is based on a misunderstanding. None of the rules about Acceptance amended or replaced the *garudhamma*. The *garudhamma* still stands, as does every *garudhamma*. As I noted above, this fact is shown by the origin story to *Pācittiya 21*, which stipulates that the *bhikkhu* instructing the *bhikkhunīs* must ask them if the eight *garudhammas* were still being kept up. This clearly implies that the *garudhammas* are still in force. The rules that implement a *garudhamma* do not rescind it. They continue to embody it in legal form, as explained above, as allowances or prohibitions. And, in fact, *Rule 2*—of the three rules on Acceptance—is the rule that most fully realizes the vision of *bhikkhunī* life set forth in *Garudhamma 6*.

So Anālayo's second objection, like his first, doesn't accord with the facts. And it's not even consistent with his own admission that the *garudhammas* aren't rules.

3. His third objection is very long, but it boils down to one point: that those who propose that *Rule 1* was simply a temporary measure are guilty of depicting the Buddha as short-sighted, in formulating one rule—*Garudhamma 6*—and then, without any intervening event or misbehavior, formulating a rule that cancels it. Now, this point rests on the assumption that *Garudhamma 6* is a rule. As we have already noted, even Anālayo himself has shown this assumption to be false. Why he forgot that fact when writing the following passage, I am in no position to say, but here's the objection in full.

“This brings me to another and in my view the most substantial problem with this mode of interpretation, which is that it makes the Buddha's promulgation of *garudhamma 6* become a meaningless act. Even leaving aside the two problems mentioned earlier, this alone suffices to defy the alternative interpretation. On this alternative interpretation, in reply to the request that he allow ‘women to receive the going forth from home to homelessness in the teaching and discipline made known by the Tathāgata’, the Buddha asked Mahāpajāpatī Gotamī to accept a way of ordaining women that she could not possibly implement. It implies that, when Mahāpajāpatī Gotamī's coming back and requesting how to proceed in this

situation made the Buddha realize this problem, he found himself forced to drop *garudhamma* 6 for good and replace it with another rule, since *garudhamma* 6 was just not appropriate for the situation for which he had promulgated it. In fact, on this interpretation *garudhamma* 6 never had any practical function, but was from beginning to end a meaningless regulation.

“Elsewhere the Pāli *Vinaya* does report that on a number of occasions the Buddha would amend or change a rule, but in such cases this happens in response to some event or misbehaviour that had occurred in the meantime. *I am not aware of any case where the Buddha is on record as promulgating a rule that from the outset was dysfunctional, in the sense that it just could not be implemented at all.*

“It seems to me that the price to be paid for upholding the alternative interpretation becomes too high, as it requires demoting the Buddha to a short-sighted and careless lawgiver.” [emphasis added] (*VbObO*, 21–22)

As noted above, the main thrust of this objection is based on the pattern of rules replacing other rules, plus the added assumption that *Garudhamma* 6 is a rule. Once that assumption is shown to be false, as Anālayo himself has done, the whole objection collapses.

In addition to the objections given in *VbObO*, Anālayo makes two further objections in *BO*.

4. The first is to assert that a temporary solution to the problem of how to ordain Mahāpajāpatī Gotamī’s followers wouldn’t have made sense.

“For him [the Buddha] to promulgate *garudhamma* 6 in the form now found in the Pāli *Vinaya* only really makes sense if one assumes that the *Vinaya* narrative shows him to be creating an opportunity to provide additional legislation alongside the basic indication that the ordination of women should be carried out by both communities. To create such an opportunity in turn only really makes sense if it is meant to lead to a general rule, instead of a makeshift solution for one single occasion only.” (*BO*, 267)

There's nothing wrong with the first sentence in this quote: The **garudhammas** all provide the opportunity to provide additional legislation alongside them. The problem is with the second sentence: Why would the additional legislation have to be a general rule —“general” in the sense that it would stay valid for succeeding generations—rather than a makeshift one? Anālayo bases his assertion on a counterfactual argument: If the Buddha had wanted to use a makeshift solution, he would have either ordained Mahāpajāpatī Gotamī's followers on his own, as he had done earlier with individual bhikkhus, or he would have made “the acceptance of the eight **garudhammas** serve as the higher ordination for Mahāpajāpatī Gotamī's followers as well.” (BO, 266)

However, just because the Buddha didn't choose the two temporary alternatives proposed by Anālayo doesn't mean that the alternative he *did* choose had to be permanent. It could have been a third temporary alternative that he chose as more in line with his intentions for the training of the bhikkhunīs. To make an analogy: Suppose that a cat has had a litter of kittens, and we learn that a friend, when offered his choice of the kittens, chose one. Anālayo notes that there are two black kittens left in the litter, and so assumes—on no other evidence—that the kitten chosen by the friend had to be white. This is faulty logic. The color of the remaining kittens tells us nothing of the color of the kitten the friend chose. He could have easily chosen another black kitten that better served his purposes than the ones he left behind.

We're in no position to ask the Buddha why, when asked how to ordain Mahāpajāpatī's followers, he chose the alternative he did. However, it's worth noting that, in many of the rules concerning the training of the bhikkhunīs after the Bhikkhunī Saṅgha was set up, the Buddha directs the bhikkhus to train them in Vinaya procedures. He himself does not get directly involved in their training at all. By putting the bhikkhus in charge of the ordination of the bhikkhunīs from the very beginning, he put them in the position of teachers for the bhikkhunīs. From that position it was only natural that they would be in charge of training the bhikkhunīs, as we see in the stories in Cv X. If the Buddha had ordained the bhikkhunīs himself, their training would have

been his direct responsibility. Given their numbers, this would have been an overwhelming task. At the same time, by formulating a rule for unilateral ordination, the Buddha was implementing one half of **Garudhamma 6**, getting the bhikkhus accustomed to the role they would play in overseeing the bhikkhunīs in the future. None of this would have been the case had he chosen either of Anālayo's alternatives.

So there seem to be good reasons for the Buddha to have chosen the alternative he did. And there is nothing to prove that he didn't intend the alternative to be temporary. As I pointed out in **OB** and its Postscript, temporary rules were part of the Buddha's repertoire, so there would be nothing short-sighted in creating a temporary rule about bhikkhunī ordination that was meant to be valid only until the bhikkhunīs were in a position, as a Saṅgha, to participate in the Buddha's ultimate vision of double ordination. And as I pointed out above, the wording of **Rule 1** is less formal than **Rule 2**, suggesting that it was precisely a makeshift solution.

So, because it is based on faulty logic, and because the position he objects to *does* make sense, Anālayo's first extra objection in BO doesn't stand.

5. BO contains one more objection to the position that **Rule 2**, because it doesn't state whether it replaces or simply complements **Rule 1**, automatically rescinds **Rule 1**. Anālayo states,

"However, closer inspection shows that this is not just a case of an early rule and its subsequent adaption. Instead we have two rules on related but distinct issues." (*BO*, 281)

Anālayo does not immediately say at this point what the closer inspection focuses on. However, because the main thrust of this section of BO is that **Rule 1** and **Rule 2** are distinct because they were formulated in distinct situations, this objection apparently falls back on his general position that the narrative contexts determine the

interpretation of rules. I have already shown that this is not a general principle throughout the Khandhakas, and that it doesn't apply here.

At the same time, Anālayo's point here actually throws into sharp relief one of the intractable problems that arises when narratives are forced into this role: How similar do the narrative situations have to be in order to count as covering the "same" issue, and how different do they have to be to count as "related but distinct"? **Pācittiya 5** has two formulations, the first arising when monks, sleeping in the same room with laypeople, unmindfully exposed themselves and emitted semen in their sleep; the second arising when Rāhula, who was a sāmaṇera at the time, had no place to sleep and so had to sleep in the restroom. These situations are extremely dissimilar, but the second formulation of the rule invalidated the first. So *the similarity or dissimilarity of the situations in the narratives clearly does not determine whether the modification of a rule supplants the version it modifies*. That's determined by whether the second rule, or its explanatory material, explicitly states that it simply complements the earlier version. Because **Rule 2** is silent on the matter, it invalidates **Rule 1**.

So, all in all, there is no reason to accept any of Anālayo's objections, especially when considering that his "most substantial" objection from **VbObO** is wholly based on an assumption that **Garudhamma 6** was a rule, an assumption that he himself has shown to be false.

IV : An Alternative Reading

As noted in the previous section, **VbObO** provides an alternative reading of a passage in the origin stories to the rules for bhikkhunī ordination. He then uses this reading to show that it was not the case that (a) **Rule 1** was a temporary stopgap for providing unilateral ordination for bhikkhunīs, and that (b) bhikkhus unilaterally performed ordinations until **Rule 2** was formulated.

Anālayo's alternative reading is based on the following passage, which occurs in the origin story preceding the formulation of **Rule 2**.

tena kho pana samayena bhikkhū bhikkhunīnaṃ antarāyike dhamme pucchanti; upasampadāpekkhāyo vitthāyanti maṅku honti na sakkonti vissajjetum.

He translates this passage as follows:

“At that time the *bhikkhus* asked the *bhikkhunīs* about the stumbling blocks. Those who wanted to be higher ordained were abashed; they were embarrassed and unable to reply.” (*VbObO*, 15)

The point at issue in this translation is the phrase, “asked the *bhikkhunīs* about the stumbling blocks.” Anālayo admits that this translation does not follow ordinary Pāli grammatical rules. Normally, when you ask someone about something in Pāli, both the person asked and the object asked about take the accusative case. Here, however, “*bhikkhunīnaṃ*” is in the genitive case, the case indicating possession. Nevertheless, Anālayo gives a long argument that the above translation is the only one that makes sense in the context. And from it, he draws two conclusions:

“In sum, it seems to me that the passage under discussion is best read as a reference to already ordained *bhikkhunīs* taking part in the ordination. This in turn gives me the impression that at this stage in the evolution of the *bhikkhunī* community, as described in the Pāli *Vinaya*, dual ordination had already come into existence.” (*VbObO*, 16)

In other words, in his reading of the above passage, the *bhikkhus* did not directly question the candidates about the stumbling blocks during the ordination. Instead, they used the *bhikkhunīs* as intermediaries. This would mean that, even though *Rule 2* had not yet been formulated, both Saṅghas were present at the ordination—and not just present: The *bhikkhunīs* were now playing a role in what constituted a dual ordination.

Anālayo’s second conclusion is that, given that dual ordination was already occurring under *Rule 1*, *Rule 2* did not institute dual ordination. Instead, it merely placed a new condition on it.

“The present episode itself is not just about the need for both *bhikkhus* and *bhikkhunīs* to participate in the ordination, but more specifically about the need for the former *not* to participate in the first part of the ordination when questions about the stumbling blocks are asked. It is not just about dual ordination as such, but much rather about a two stage procedure for dual ordination.” (*VbObO*, 17)

The main advantage that Anālayo sees in his interpretation, from the first conclusion, is that it allows both unilateral and dual ordination under **Rule 1**. Reading **Rule 1** in this way, he argues, avoids the problem he sees in my interpretation, in which my take on the formulation of **Rule 1** would make **Garudhamma 6** a meaningless act. I have already dealt with this argument above, showing that it is based on the assumption that **Garudhamma 6** is a rule, a misunderstanding that Anālayo himself has elsewhere shown to be wrong. So the “problem” solved by Anālayo’s interpretation here is actually no problem at all.

The advantage he sees in the second conclusion is that it makes **Rule 2** a modification, not of **Rule 1**, but of **Garudhamma 6**, in that **Garudhamma 6** only calls for ordination in two Saṅghas, whereas **Rule 2** specifies that the ordination has to happen in two stages, with the *bhikkhus* absent from the first. Again, I have shown that **Rule 2**, on formal terms, cannot be viewed as a modification of **Garudhamma 6**, both for the reason that it is a rule whereas the *garudhamma* is not, and for the reason that, if it were a modification of the *garudhamma*, it would have been a full restatement, with modifications, of the *garudhamma*.

So, in terms of the first conclusion, Anālayo’s alternative reading solves a non-existent problem. In terms of the second, it doesn’t erase the fact that **Rule 2** is a modification of **Rule 1**.

There remains, however, the question of whether the translation of the above passage is correct, and whether it really does presuppose that dual ordination actually was occurring before the formulation of **Rule 2**. For the purposes of the validity of **Rule 1** at present, and of the larger Vinaya issues at stake in this debate, the following discussion is

not immediately relevant, so if you want, you may skip ahead to “The Training of the Bhikkhunīs” section below.

Anālayo’s Mistranslation

In defending his translation, Anālayo makes several arguments. The first has to do with the grammar of the original sentence. He points out that, as far as he knows, there is no other example in Pāli where the verb “asks” (*pucchanti* in the passage) uses the genitive for the person asked. However, in Buddhist Hybrid Sanskrit it can. This argument is like explaining a passage in Italian with reference to a grammatical practice in Latin. It’s proof neither for nor against the reading—Pāli has its occasional grammatical irregularities—but it does mean that Anālayo is on shaky ground here, and that the other evidence for the reading has to be strong. And it also means that the burden of proof is on Anālayo for his reading.

In the second set of arguments, Anālayo considers alternative translations for the phrase in question, and rejects them all. Rather than deal with all the alternatives he cites, I would like to focus on the translation adopted in the Thai translation of the passage. Rendered into English, it is:

“At that time, the *bhikkhus* asked about the *bhikkhunīs*’ stumbling blocks.”

This reading follows standard Pāli grammar, putting “*bhikkhunīnam*” in possession of the stumbling blocks. As for what the “*bhikkhunīs*’ stumbling blocks” might denote, it’s first necessary to put the issue into context:

The origin story containing this sentence begins with the problem that women with sexual deformities had been accepted into the Bhikkhunī Saṅgha. In response, the Buddha formulated a series of questions specifically for use in the Acceptance of candidates into the Bhikkhunī Saṅgha. These questions modify one of the questions asked of candidates for Acceptance into the Bhikkhu Saṅgha—in addition to asking the candidate if her mother and father have given permission, the question also asks if her husband has given permission—and the whole set of questions starts with nine additional questions, asking in

explicit terms if she has various sexual deformities. Thus there are two types of questions that are asked of candidates for acceptance into the Bhikkhunī Saṅgha: those that are asked both of male and female candidates for ordination, and those that are asked only of female candidates. The first would be “common” stumbling blocks; the second, “bhikkhunīs” stumbling blocks.

Anālayo, however, insists that the reading, “*bhikkhunīs*’ stumbling blocks,” will not work for two reasons. One is:

“The alternative of relating *bhikkhunīnaṃ* to *antarāyike dhamme* [which is what the Thai translation follows] would not work, as the stumbling blocks are only relevant for those wanting to be higher ordained, not for already ordained *bhikkhunīs*.” (*VbObO*, 15, note 15)

This objection is excessively literal. “Bhikkhunīs’ stumbling blocks” doesn’t necessarily have to mean stumbling blocks *for* bhikkhunīs. The genitive in Pāli can also mean, “pertaining to,” “belonging to,” or “related to.” In Pāli syntax it would be perfectly acceptable to refer to “bhikkhunīs’ stumbling blocks” as a quick, short-hand way of referring to the questions specifically for bhikkhunī ordination, to distinguish them from the questions that were used in common both for bhikkhu and bhikkhunī ordination.

So Anālayo’s first objection is too literal to carry the burden of proof that the Thai way of translating the passage wouldn’t work.

His second objection is:

“It would also be superfluous to add a specification to the expression *antarāyike dhamme*, as the present sentence is immediately preceded by a detailed listing of the stumbling blocks for female candidates, making it indubitably clear what type of stumbling blocks are meant.” (*VbObO*, 15, note 15)

As noted above, the listing of stumbling blocks given in the narrative contains two types of questions: those specifically for female candidates, and those that the female candidates have in common with male ones. So it is not superfluous to mention which questions were

the ones that caused embarrassment. They were the sexually explicit ones. In any case, we should note that there are times when the compilers of the Khandhakas *do* include material that might seem to us to be superfluous. And the bhikkhunīs’ stumbling blocks are, themselves, an example: The full list is given three times in close proximity, first at Cv X.17.1, and then again in 17.5 and again in 17.6. So for both these reasons, Anālayo’s second objection is totally without basis.

Anālayo’s third argument seems to be in anticipation of a possible objection: If, under **Rule 1**, there had been a shift from unilateral to dual ordination, why wasn’t this mentioned at all in the Canon? His reasoning:

“That the *Vinaya* does not explicitly mention the shift from single to dual ordination is not surprising, since this had already been regulated with *garudhamma* 6 and thus did not require any further ruling.” (*VbObO*, 19)

This argument, however, ignores the fact that **Garudhamma 6** contains no regulations at all. It simply states the Buddha’s vision for how Acceptance would ultimately be conducted with regard to bhikkhunīs. Even though the garudhamma mentioned that bhikkhus would play a role in the Acceptance of bhikkhunīs, they had no authority to play any role until the Buddha had specifically set down a rule allowing them to. This means that a similar sort of allowance would have been required for the bhikkhunīs to begin playing a role as well. And especially, given Anālayo’s assertion that the bhikkhunīs didn’t simply sit in on the ordination procedure, there would have had to have been rulings on what role they were to play: Were they allowed to voice objections and bring the procedure to a halt? How were the bhikkhunī intermediaries chosen? And so forth.

Thus, contrary to Anālayo’s assertion, it *would* be very surprising that—if dual ordination developed under **Rule 1**—there are no traces of the rules that would have been required, and that were not provided by **Garudhamma 6**.

All of the above objections to Anālayo’s reading are no proof that it’s an impossible reading. However, given that:

- (1) it solves a non-existent problem,
- (2) it goes against the known patterns of Pāli grammar,
- (3) it is not the only reading that makes sense, and
- (4) it assumes that the rules that would have been required to implement it were lost to time,

the burden of proof that would be required for adopting it has in no way been met—especially if, as Anālayo insists, he wants to provide a reading that would be an acceptable “legal” reading of the texts.

In contrast, the Thai reading follows standard Pāli grammar, makes sense in terms of the context of the story—it seems more natural that the candidates would be unable to answer when asked the embarrassing questions by the bhikkhus, and not when bhikkhunīs were answering for them—and doesn’t assume the disappearance of an essential body of rules. So it’s by far the preferable alternative.

What this discussion does show, however, is how “squishy” the narratives can be when they are pressed into service to determine the meaning of a rule. People can find all sorts of hidden implications in narratives, many of which would radically alter the meaning of the rule. And with lots of different meanings, there would be less and less harmony in how the rules are practiced. This lack of harmony would then lead to lack of harmony on other levels—one of the reasons why rules whose meaning is determined, not by squishy narratives, but by their firm relationships to other rules, are more conducive to harmony in the Saṅgha.

V : The Training of Bhikkhunīs

One of the central issues I raised in [OBU](#) was that, given the demise of the Theravāda Bhikkhunī Saṅgha, there is no one to train new bhikkhunīs. For the full details of my position, see the discussion there. In a nutshell, the argument is this: Because the purpose of ordination is to provide training from a qualified teacher, and because there are no qualified bhikkhunī teachers, this problem renders meaningless any

attempt to revive bhikkhunī ordination. And not only meaningless: It's also uncompassionate, placing senior bhikkhunīs in a role they are not qualified to fill, placing junior bhikkhunīs in a position where they are absorbing the examples set by unqualified teachers, and subjecting the world to teachers who create a false impression of how a true bhikkhunī should embody the Dhamma and Vinaya in word and deed.

Anālayo's response to this objection is this:

“Keeping in mind that these [eight- and ten-precept] nuns are not dead but alive helps to clarify another objection you made, namely that there is nobody to train a revived *bhikkhunī* Saṅgha. ... The whole problem of how to train a *bhikkhunī* Saṅgha lacking a living tradition has already been solved by relying on the living tradition of the eight and ten precept nuns and the compassionate guidance of those *bhikkhus* who supported and continue to support them.” ([Open Letter](#))

This solution to the problem of training new bhikkhunīs is no solution at all, and Anālayo's response shows a total lack of appreciation for what training entails. Nowhere does the Vinaya state that eight- or ten-precept nuns are qualified to train bhikkhunīs, regardless of how many years they have been following those precepts, how many Vinaya texts they have read and discussed, or how many learned bhikkhus they have consulted. To be a qualified bhikkhunī teacher requires that one be a bhikkhunī who has trained in the bhikkhunīs' training rules under a qualified bhikkhunī teacher. Eight- and ten-precept nuns do not meet this qualification.

If they did, then the Buddha would have opened the same possibility for men: Anticipating that the Bhikkhu Saṅgha would die out some day, he could have opened an avenue for its revival by allowing ten-precept sāmaṇeras to act as preceptors for new would-be bhikkhus. We know that he had a positive attitude toward the Bhikkhu Saṅgha, and that he could clearly foresee that, after its demise, men wanting to ordain would be unhappy not to have that opportunity. But he never mentioned this avenue even as a possibility. This means that there is no precedent in the Canon on which to base the argument that eight- or ten-precept nuns could act as qualified teachers for bhikkhunīs.

As for the argument that present-day bhikkhus are providing training and consultation for new bhikkhunīs: Bhikkhunīs cannot live in the same monasteries with the bhikkhus, and as the rules on the relationship between a teacher and student make living together a requirement for the training, the new relationship of consulting bhikkhus clearly doesn't meet that requirement. It's only through living together that the student can pick up the teacher's habits—the part of the training that cannot be gained through books or Dhamma talks or occasional conversations. And it's only through living together that the teacher can see the student's faults as they are happening, and not be confined to what is reported, reliably or not, either by the student or by others. The name of the ideal training relationship, in which the student lives in dependence (*nissaya*) on the teacher, underlines the point that a student, to be properly trained, cannot be independent, simply picking up or rejecting teachings as he/she sees fit. After all, the assumption is that the student is starting with a defiled mind, and such a mind cannot be trusted to know what is or is not Dhamma or Vinaya. It's only through living together, in a relationship of trust between student and teacher, that unwelcome lessons can be accepted and used as part of one's training.

This opportunity to live together in a relationship of trust of this sort is so central to training that one way of punishing a disrespectful student is to deny him the opportunity to live with the teacher (**Mv I.27**). So to expect new bhikkhunīs to be trained by someone with whom they can't live is to put them in a position that the Buddha would regard as punishment.

Now, at the very beginning of the Bhikkhunī Saṅgha, the bhikkhunīs had to live under these conditions, but there were three ameliorating factors in existence then that do not exist now.

- One, the Buddha himself was alive. Through the force of his authority and the range of his knowledge, he was able to craft a set of rules that the bhikkhunīs accepted. Not always happily—see Cv X.3 and **MN 148**, for example—but the rules did get established.

- Two, there were arahants among the bhikkhus who were assisting in the training of the bhikkhunīs, which gave added authority to their teachings.
- And three, the True Dhamma had not yet disappeared. As [SN 16:13](#) shows, the “disappearance of the True Dhamma” does not mean that no traces of True Dhamma remain. Instead, it means that counterfeit Dhamma has arisen, calling into question which versions of the Dhamma are true and which are counterfeit. During the Buddha’s time, there was no counterfeit Dhamma taught in the Saṅgha. This meant that if students did not like what the Dhamma taught, there was no alternative version of the Dhamma to which they could appeal for something more to their liking.

Today the Buddha is no longer alive. There are no arahants training bhikkhunīs. And the True Dhamma has disappeared—as we can see in all the many alternative versions of the Dhamma all around us in the Buddhist world, and that Anālayo himself takes as the basis for his “historical-critical” writings. The existence of many alternative versions of the Dhamma from which to choose is, in particular, a very detrimental situation for women living with no trained teacher.

I have twice pointed out the true meaning of the phrase, the “disappearance of the True Dhamma”: once in [BMC2 \(page 445\)](#), and once again in [OBU](#). Both times, I commented that the Buddha’s prediction in Cv X.1.6—that the founding of the Bhikkhunī Saṅgha would cause the True Dhamma to disappear in 500 years—was actually quite prescient, in that it was approximately 500 years after his death that the Prajñāpāramitā Sūtras first appeared. Anālayo, however, has twice ignored this point, once in [BOC](#) and more recently in [FNHO](#). Without attempting to refute it, he has continued to misrepresent what the “disappearance of the True Dhamma” means, as can be seen in his comments in [FHNO](#):

“another problem from the viewpoint of the reception of this prophecy in the tradition is that the predicted disruption of the duration of the Buddha’s dispensation has failed to take place after the stipulated period of five hundred years.” (*FHNO*, 158)

“The prediction, quoted by Kern as ‘the Law will only stand 500 years’, refers to the full-fledged decline of the Dharma....” (*FHNO*, 158–159, note 36)

As the actual definition of the “disappearance of the True Dhamma” in **SN 16:13** shows, the problem that Anālayo claims to see in the Buddha’s prediction is no problem at all.

His unwillingness to acknowledge this definition is connected to his unwillingness to address another point I made in **OBV**. In **BOC**, he gave a “historical-critical” argument that, even though the prediction of the hastened disappearance of the True Dhamma is present in all the extant Vinayas, it cannot be authentic because there are other passages in the various canons—including the Pāli—where the Buddha speaks favorably about individual bhikkhunīs and about instituting the Bhikkhunī Saṅgha as a whole. In **OBV** I criticized the underlying assumption of this argument—that the Buddha must have had either a totally positive or totally negative attitude toward the Bhikkhunī Saṅgha—as grossly simplistic.

“There is nothing inconsistent in seeing the Buddha as a realist rather than an ideologue. In other words, he could hold a nuanced view, seeing that there would be both pros and cons to his founding a Bhikkhunī Saṅgha. The major benefit would be that women, if they could obtain the going-forth, would be capable of obtaining the noble attainments. The major drawback would be that if women outnumbered men in the Saṅgha, the holy life he founded wouldn’t last long. He chose to pursue the benefits while at the same time trying to minimize the drawbacks by instituting the **garudhammas** and other rules specifically for the governance of the Bhikkhunī Saṅgha.”

However, in *FHNO*, Anālayo continues to argue that, because of the positive references to bhikkhunīs and the Bhikkhunī Saṅgha in the various canons, the predictions of hastened decline have to be inauthentic (*FHNO*, 151–159). In doing so, he doesn’t even acknowledge the existence of the criticism I made.

To simply ignore a reasonable criticism of his “historical-critical” argument in this way is bad enough. It shows that he is not really serious about pursuing a historical-critical approach to the texts. However, to ignore two reminders about the Canon’s meaning for the phrase, “disappearance of the True Dhamma,” and to continue using a false meaning of the phrase to discredit the Canon, is something much worse. It moves beyond mere negligence to a lack of honesty. This lack of honesty on Anālayo’s part raises the question as to exactly what kind of training the new would-be bhikkhunīs are receiving from the bhikkhus who support them.

The same question is raised in even stronger terms by Anālayo’s treatment—in FHNO and Saṅgīti—of the first Saṅgīti, or council, at which the first version of the Canon was codified. To explain how the above prediction of early decline made its way in the early texts, he asserts that it was inserted at the First Council or, at the very least, by the monks responsible for the account of the First Council (FHNO, 168). And to make his case that these monks were going against the Buddha’s intentions, he portrays their account of the First Council as the conquest of what he calls an “ascetic and brahmanical” faction of the Saṅgha, represented by Ven. Mahā Kassapa, over the faction, closer to the Buddha’s actual ideals, as represented by Ven. Ānanda. This is a charge with the gravest possible implications. Given that the Council and the monks who reported it shaped what we now know of the Dhamma-Vinaya—a fact that Anālayo himself notes—it calls the entire Dhamma-Vinaya into question.

“From this perspective, the first *saṅgīti* as the place for negotiating the identity of the Buddhist tradition after the passing away of the founder shows the winning faction to be influenced by ascetic and brahminical values. The *saṅgīti* account also implies that the ascetic and brahminical faction is now in charge of the transmission of the texts, *making it inevitable that their views and apprehensions had a determining influence on the texts as we now have them.*” [emphasis added] (FHNO, 174)

To show how deleterious he thinks the influence of the First Council is, he takes pains to paint Ven. Mahā Kassapa’s attitudes as directly

opposed to the Buddha's. (There's an irony here, of course, in that the Buddha's attitudes, as Anālayo portrays them, are found in the very texts that the "ascetic/brahmanical" faction had a hand in shaping. If that "faction" had really been so opposed to the Buddha's ideals, you would think that they would have done a more thorough job of erasing them.)

But here, in outline, is Anālayo's case.

To begin with the ascetic side: In the following passage, he makes two points. First, he presents asceticism as a "contested ground" in the Buddhist tradition: Although it is sometimes praised as an antidote toward lax practice, it is also emblematic of one of the two extremes avoided when following the middle path. Second, he paints a picture of Ven. Mahā Kassapa as being too stubbornly attached to his ascetic practices to give them up at the request of the Buddha, and contrasts this with the Buddha's own attitude, which was considerably less ascetic.

"Ascetic values form a contested ground in early and later Buddhist thought, at times providing a praiseworthy contrast to tendencies towards laxity, at other times becoming emblematic for one of the two extremes that are to be avoided in order to navigate successfully the middle path to liberation. In line with the notion of a middle path of practice, according to the *Mahāsakuludāyī-sutta* and its *Madhyama-āgama* parallel the Buddha made a point of presenting himself as considerably less ascetic in his conduct than some of his disciples. The contrast between the Buddha and Mahākāśyapa in this respect comes to the fore in another passage where, on being invited by the Buddha to adopt a less demanding conduct in view of his advanced age, Mahākāśyapa refuses to give up his ascetic practices." (*FHNO*, 178)

Anālayo repeats his second point in Saṅgīti:

"A discourse in the *Saṃyutta-nikāya* and its parallels showcase Mahākassapa as being so devoted to his ascetic conduct that he is unwilling to give it up even on being explicitly invited by the Buddha to do so." (*Saṅgīti*, 214)

To underline how inappropriate Mahā Kassapa’s refusal is, Anālayo adds, in footnotes to both passages, references to a supporting opinion. The version in FHNO reads:

Tilakaratne 2005: 236 comments that “the behaviour of Maha Kassapa in this context is not typical of a disciple of the Buddha. Usually ... the disciple would abide by the request of the Master.” (*FHNO*, 178)

To deal with the first point, on whether ascetic practices are extremes to be avoided on the middle path: Anālayo here is conflating Ven. Mahā Kassapa’s *dhutaṅga* practices—living in the wilderness, going for alms, wearing robes made of cast-off cloth (*SN* 16:5)—with the self-torture that the Buddha engaged in on the way to his awakening, such as forcing himself not to breathe and subsisting on miniscule amounts of food (*MN* 36). However, the two practices are very different, a point that should be obvious to anyone who has read the suttas.

As for the “contested ground” in the suttas: Many passages in the Canon make the point that the Buddha took an analytical, rather than a categorical, stance on the appropriateness of asceticism in the middle way. In other words, he didn’t praise or blame asceticism across the board. Instead, he took a nuanced stance that varied from case to case. *MN* 101, for instance, sets down the basic principle by which the Buddha judged those cases:

“And further, the monk notices this: ‘When I live according to my pleasure, unskillful qualities increase in me & skillful qualities decline. When I exert myself with stress & pain, though, unskillful qualities decline in me & skillful qualities increase. Why don’t I exert myself with stress & pain?’ So he exerts himself with stress & pain, and while he is exerting himself with stress & pain, unskillful qualities decline in him, & skillful qualities increase. Then at a later time he would no longer exert himself with stress & pain. Why is that? Because he has attained the goal for which he was exerting himself with stress & pain. That is why, at a later time, he would no longer exert himself with stress & pain.”

In other words, pleasure in and of itself is not bad, but it has to be judged on its impact on the mind. If one sees that it leads to unskillful qualities, one should “exert oneself with stress and pain.”

As for the Buddha’s analytical approach to different types of asceticism:

“If, when an asceticism is pursued, unskillful qualities increase and skillful qualities decline, then I tell you that that sort of asceticism is not to be pursued. *But if, when an asceticism is pursued, unskillful qualities decline and skillful qualities increase, then I tell you that that sort of asceticism is to be pursued.*” [emphasis added] — *AN 10:94*

“Headman, those who say, ‘Gotama the contemplative criticizes all asceticism, that he categorically denounces & disparages all ascetics who live the rough life,’ are not saying what I have said, and they slander me with what is unfactual & untrue....

“As for the ascetic living the rough life who afflicts & torments himself, who doesn’t attain a skilled state, and doesn’t realize a superior human state, a truly noble distinction of knowledge & vision: This ascetic living the rough life can be criticized on three grounds. On which three grounds can he be criticized? ‘He afflicts & torments himself’: This is the first ground on which he can be criticized. ‘He doesn’t attain a skilled state’: This is the second ground on which he can be criticized. ‘He doesn’t realize a superior human state, a truly noble distinction of knowledge & vision’: This is the third ground on which he can be criticized....

“As for the ascetic living the rough life who afflicts & torments himself, who attains a skilled state, but doesn’t realize a superior human state, a truly noble distinction of knowledge & vision: This ascetic living the rough life can be criticized on two grounds and praised on one. On which two grounds can he be criticized? ‘He afflicts & torments himself’: This is the first ground on which he can be criticized. ‘He doesn’t realize a superior human state, a truly noble distinction of knowledge & vision’: This is the second ground on which he can be criticized.... On which one ground can he be praised? ‘He attains a skilled state’: This is the one ground on which he can be praised....

“As for the ascetic living the rough life who afflicts & torments himself, who attains a skilled state, and who realizes a superior human state, a truly noble distinction of knowledge & vision: This ascetic living the rough life can be criticized on one ground and praised on two. On which one ground can he be criticized? ‘He afflicts & torments himself’: This is the one ground on which he can be criticized.... *On which two grounds can he be praised? ‘He attains a skilled state’: This is the first ground on which he can be praised. ‘He realizes a superior human state, a truly noble distinction of knowledge & vision’: This is the second ground on which he can be praised.*” [emphasis added] — *SN 42:12*

The last example shows that ascetic practices, in and of themselves, are not necessarily contrary to the middle way. It is possible to follow them all the way to the noble attainments.

As for Ven. Mahā Kassapa’s refusal to give up his practices: Anālayo is here clearly quoting out of context, and it’s hard to believe that he’s not doing it intentionally. The full discourse shows that the Buddha, in making his offer to Ven. Mahā Kassapa, is providing the latter with the opportunity to explain why he sticks with his dhutaṅga practices even though he no longer needs to:

“Lord, I see two compelling reasons that for a long time I have lived in the wilderness and have extolled living in the wilderness, that I have been an almsgoer and have extolled being an almsgoer, that I have worn cast off rags and have extolled wearing cast off rags, that I have worn only one set of the triple robe and have extolled wearing only one set of the triple robe, that I have been modest and have extolled being modest, that I have been content and have extolled being content, that I have been reclusive and have extolled being reclusive, that I have been unentangled and have extolled being unentangled, that I have kept my persistence aroused and have extolled having persistence aroused: seeing a pleasant abiding for myself in the here & now, and feeling sympathy for later generations: ‘Perhaps later generations will take it as an example: “It seems that the disciples of the Awakened One and those who awakened after him lived for a long time in the wilderness and extolled living in the wilderness... kept their persistence aroused and extolled having persistence aroused.”’”

“Good, Kassapa. Very good. It seems that you are one who practices for the happiness of many, out of compassion for the world, for the welfare, benefit, & happiness of devas & human beings. So continue wearing your robes of cast off hemp cloth, go for alms, and live in the wilderness.” [emphasis added] — *SN 16:5*

So, in direct opposition to Anālayo’s assertion that the Buddha is criticizing Ven. Mahā Kassapa’s decision to maintain his ascetic practices, the Buddha actually ends by praising him in very high terms for his compassionate intentions, and encouraging him to continue in those practices.

This means that Anālayo’s attempt to portray asceticism as contrary to the Buddha’s own attitude is based on a gross misrepresentation of the texts, quoting them out of context so that they yield a meaning opposite to the meaning they would have conveyed when quoted in full.

As for the “brahmanical” attitude that Anālayo sees in Ven. Mahā Kassapa and the actions of the First Council, he bases his claim on two incidents.

The first concerns the accusations of wrong-doing that the members of the Council level against Ven. Ānanda. As Anālayo notes, these accusations are based not on breaches of rules—this much is true—but then he goes on to attribute some of them to brahmanical notions of purity and propriety (FHNO, 162). This point is unfounded. Only two of the accusations involve notions of purity and propriety, and there is nothing specifically brahmanical about them. One is that Ven. Ānanda stepped on the Buddha’s rains-bathing cloth while sewing it. The other is that, in allowing women to be the first ones to honor the Buddha’s body, his body was soiled with their tears.

With regard to the first accusation, taboos around feet are not peculiar to the brahmins in India. They are endemic throughout South and Southeast Asia. The Buddha himself, in the origin story to *Pācittiya 51*, refers to Ven. Sāketa’s act of pointing his foot at the Buddha, even when semi-conscious, as an act of disrespect. So this accusation is not a specifically brahmanical one.

As for tears soiling the Buddha's body: The brahmanical attitude toward corpses is not that mourners might defile them; it's that a corpse might defile the mourners. So the accusation that tears soiled the Buddha's body is actually anti-brahmanical, in that it reverses the role of "defiling" and "defiled." It may be proper to shed tears on the body of a loved one—that's common at funerals both brahmanical and not—but the Buddha was not an ordinary loved one. Think of the passages in **DN 16** where the devas and the bhikkhus who are without passion show the proper response to the Buddha's death: They don't weep, and instead they "acquiesce, mindful and alert: 'Inconstant are fabrications. What else is there to expect?'"

So there's nothing brahmanical, per se, in the first accusation leveled against Ven. Ānanda; and the second accusation is actually anti-brahmanical. Which means that there is no sign of brahmanical attitudes in the first incident cited by Anālayo.

The second incident betraying "brahmanical" attitudes, according to Anālayo, is Ven. Mahā Kassapa's decision to pass a motion during the First Council that, even though the Buddha shortly before his parinibbāna mentioned that the Saṅgha, if it wanted to, could rescind minor training rules, the Saṅgha would take the position that it would not change any of the rules.

Anālayo notes that this decision is understandable in light of the threat that lack of unity in the Saṅgha, after the passing of its founder, would lead to its decline. However, he sees it as having a lamentable impact in the long run, in that it has fostered a ritualistic attitude toward the rules that is at odds with their original purpose, i.e., making them ends in and of themselves, rather than means to an end. As a result, he claims, the decision of the First Council solidifies a fetter that is supposed to be overcome in the first level of awakening, "the fetter of dogmatic adherence to rules and observances." (*Saṅgīti*, 214)

The arguments he makes to support this position, however, contain a number of unsupported assumptions, and at least one major case of misquoting the texts.

One of his assumptions is that, because the Buddha amended rules while he was alive, they are of the nature to be amended:

“the *Vinaya* narratives on the promulgation of rules present these as *ad hoc* regulations laid down in response to specific situations, always open to amendments if the situation should require this.” (*Saṅgīti*, 216)

He notes that there are some passages in the Canon extolling monks who do not wish to change the rules. But one of his citations is rather strange.

“The principle not to abolish any rule and not to promulgate new rules comes up again with positive connotations in the Theravāda *Vinaya* in the narrative introduction to *nissaggaṃ pācittiya* no. 15, according to which the Buddha praised Upasena for having precisely this attitude; cf. Vin III 231, 14.” (*Saṅgīti*, 210, note 29)

What’s strange here is that Anālayo neglects to note that the passage in question does more than praise Ven. Upasena’s attitude. It actually contains a general principle, stated by the Buddha, forbidding bhikkhus from rescinding existing rules and formulating new ones.

“What has not been formulated [as a rule] should not be formulated, and what has been formulated should not be rescinded, but one should proceed in conformity with the training rules as they have been formulated.”

So even though the Buddha amended the rules himself, he did not give permission for the monks to follow his example. In fact, the above principle is almost word-for-word the principle that the First Council adopted at Ven. Mahā Kassapa’s suggestion:

“The Saṅgha does not formulate what has not been formulated [as a rule], does not rescind what has been formulated, and proceeds in conformity with the training rules as they have been formulated.” — *Cv XI.1.9*

Because the Buddha was the person who gave this principle its first formulation, it can’t be regarded as specifically brahmanical, so there is no reason to regard it as brahmanical in the form adopted by the First Council. Now, it might be possible to argue that the principle was inserted into the origin story for *Nissaggiya Pācittiya* 15 after the fact—

during or after the First Council—but that theory has no place in discussions on the practice of the Vinaya.

In this context, the Buddha's final offer to the Saṅgha in [DN 16](#) may be read as a proposal to rescind part of the principle in the origin story to [Nissaggiya Pācittiya 15](#): Instead of opening the door to all types of alterations to the rules, he allowed the Saṅgha, if they wanted, just to rescind the minor rules. But there is some question as to whether the Buddha was offering even this much as a policy he wanted to see them follow. He might have intended it as an opportunity for the Saṅgha to show its loyalty to him after his passing: By voluntarily declining to change the rules, even when allowed to do so, they would have made public their whole-hearted willingness, and freely-made choice, to stick with the Vinaya as their teacher, as he also recommended that they do in [DN 16](#), almost immediately before making his offer. This would assure the laity that the Saṅgha was whole-heartedly continuing with the path set out by the Buddha.

This latter possibility is suggested by the fact that, in other situations where the Buddha makes an allowance involving a Saṅgha transaction, even of the most minor sort, he immediately—without being asked—would set down the procedures for how it was to be done. But here he didn't. We know that, at times, he would make offers to his followers as a way of giving them the opportunity to decline them and, in so doing, make public their attitudes and intentions. [SN 16:5](#), above, is one example; [Mv V.1.29](#) is another. There the Buddha gives an allowance specifically to Ven. Soṇa Koḷivisa—who was very delicately brought up—to wear single-soled leather footwear. Soṇa, however, refuses to accept the offer unless the Buddha gives the same allowance to the entire Bhikkhu Saṅgha, which the Buddha proceeds to do in [Mv V.1.30](#). So, given that there are instances where the Buddha would make offers like this, it's possible that his statement allowing the Saṅgha to revoke the minor rules was an offer of a similar type. And given all the teachings he gave, extolling bhikkhus who wouldn't transgress the rules even at the cost of their life ([Ud 5:5](#)), he must have known that there would be bhikkhus who would decline his offer to let them change the rules.

So it's far from clear that, simply because the Buddha amended the rules himself, he would have meant for them to be amended by his followers after his passing. And in any event, because the original formulation of the principle adopted by the First Council came from the Buddha himself, there is nothing "brahmanical" about it.

Another questionable point in Anālayo's argument is the way he supports his case by pointing out that strict adherence to the rules is not necessary for reaching the higher attainments.

"A set of three discourses in the *Anguttara-nikāya* and their respective parallels in the *Saṃyukta-āgama* even go so far as to indicate that someone who has fulfilled the higher training in virtue could still commit breaches of the minor rules; in fact the same holds even for someone who has fulfilled the training in the higher mind." (*Saṅgīti*, 213)

He neglects to note, however, that the discourses in question don't simply stop with the observation that noble disciples can break the minor rules. Each discourse goes on to note that if such a bhikkhu has fallen into an offense, he rehabilitates himself. In other words, he recognizes the offense as a mistake and promises not to repeat it in the future. The discourses then conclude,

"Those who are partially accomplished attain a part; those who are wholly accomplished, the whole. The training rules, I tell you, are not in vain." *AN* 3:86–88 (following *Bhikkhu Bodhi's* numbering)

So these discourses do not indicate that the rules are of no importance. And they certainly do not support the argument that the noble ones in question would favor amending the rules. To quote the discourses to that effect is to misrepresent them.

However, the main problem with Anālayo's critical portrayal of Ven. Mahā Kassapa's refusal to change the rules is his brute equation of a meticulous attitude toward rules with an attitude that regards them as ends in themselves.

"In this context it may also be worthwhile to note a recurrent pattern emerging from a comparative study of the *Majjhima-nikāya* in the light of its

parallels, where the Pāli discourses have an apparent predilection for commending the seeing of fear in even the slightest fault when training in the precepts, *aṇumattesu vajjesu bhayadassāvī, samādāya sikkhassu sikkhāpadesu*, whereas their *Madhyama-āgama* parallels rather place emphasis on bodily, verbal, and mental purity; cf. Anālayo 2011b:718. *This seems to reflect slightly different positions regarding the question of whether the rules are means to an end or the end in itself.* [emphasis added] (*Saṅgīti*, 212, note 36)

Anālayo then goes on to equate this attitude with “the fetter of dogmatic adherence to rules and observances,” which has to be overcome at the first stage of awakening (*Saṅgīti*, 213–214).

Now, there is no reason to regard “seeing fear in even the slightest fault” as the same thing as viewing the rules as ends in themselves. There are many bhikkhus who follow the rules meticulously *precisely because they see them as means to an end*. It’s only in being careful about the rules in this way that they can bring to light defilements that would stay hidden if one wanted to stay only with the “spirit” of the rule, as one’s defilements might portray it. The challenge of being meticulous is precisely what challenges those defilements—especially ones lurking behind self-professed attitudes of compassion, wisdom, and common sense—and exposes them for what they are. Instead of being a fetter to awakening, a meticulous observance of the rules can be—and often is—a vehicle leading there.

So Anālayo’s assumption that meticulous observance of the rules means viewing them as ends in themselves finds no support at all, either in the texts or in the realities of practice.

What all of this means is that Anālayo’s charge—that the First Council, in shaping the Canon as we now have it, deformed the Buddha’s original intent—is based on faulty assumptions, misrepresentations of the texts, and at least one gross example of quoting a text out of context to reverse its message. So there’s no reason to accept his charge. Given that this charge is an example of the training provided to new bhikkhunīs by the bhikkhus who support them, it calls into question the training the bhikkhunīs are getting. And

in particular, because Anālayo's charge calls the whole Dhamma-Vinaya into question, it shows that they are being taught to disrespect it as fundamentally corrupt: They can feel that they have "scholarly proof" that any passage recommending ascetic practices or strict adherence to the rules is invalid. This does not augur well for the future of any revived bhikkhunī order.

VI : "Historical-critical" Readings

Two more issues, raised in Anālayo's *Open Letter*, remain to be discussed. The second, addressed in the next section, is his claim that he would never intentionally quote out of context. In this section, however, I would first like to discuss the relationship between his "historical-critical" readings and his "legal" readings of the texts.

In *OBU*, I noted that Anālayo would take radically different positions in these two types of readings, or what he refers to as the "two modes" of his scholarship. In particular, I raised the issue of the different positions he took on the reliability of the *garudhammas*, stating,

"When a person takes one position on the reliability of a text to make one point in one context (i.e., arguing that the *garudhammas* come in an unreliable report, and thus insinuating that bhikkhunīs should not regard them as binding) and then a contradictory position on the reliability of the same text to make another point in another context (stating that the *garudhammas* are reliable, and arguing from there that unilateral bhikkhunī ordination has to be accepted as a valid procedure), one has to question that person's honesty, and, frankly, whether he is fit to take part in Vinaya discussions."

In his *Open Letter*, Anālayo responded:

"What I mean by a 'historical-critical reading' is the academic approach, typically by using parallel versions and comparing them with each other, in order to determine what is early and what has been added later. What I mean by a 'legal reading' is when monastics wish to understand and follow

the Vinaya, which does not require a study of the parallel versions. Instead, as monastics we just rely on the texts of the tradition in which we were ordained, which in our case is the Theravāda tradition. For Theravāda jurisprudence, only the Pāli material is relevant, not the texts of other Buddhist traditions. ...

“I only say that, for the purpose of understanding Theravāda jurisprudence, I focus just on the Pāli texts and leave aside the comparative study that I usually do when my aim is to understand the evolution of a text. The distinction between a legal and a historical-critical reading is meant to acknowledge that the type of comparative study done by academics has no legal relevance for a Theravāda monastic. **Instead of being a form of dishonesty, this is just common sense.**” [emphasis in the original]

There are two questions here: Does Anālayo actually observe, as he claims, a strict separation between the two modes of scholarship? And, given the way he proposes that Vinaya issues be settled with reference to narrative context, is it common sense to believe that historical-critical issues really be excluded from the way in which monastics try to understand and follow the Vinaya?

- The answer to the first question is No. **VbObO** can be taken as an example. The article falls into two parts, one “historical-critical,” the other legal. In the “historical-critical” part one, Anālayo argues that a comparative analysis of the different versions of the origin story of the founding of the Bhikkhunī Saṅgha shows that the Buddha refused Mahāpajāpatī Gotamī’s first request to go forth, not out of any reluctance to have a Bhikkhunī Saṅgha, but more out of concern for the safety of the women. He also argues that the various elements of the origin story that put the Bhikkhunī Saṅgha in a negative light originated, not from the Buddha, but from the bhikkhus participating in the First Council.

The second part of **VbObO** then goes into the legal issue of whether unilateral ordination would be valid at present.

Anālayo takes pains to mark out the two parts as embodying different modes of scholarship. However, he never explains why, if the first part has no bearing on the second, the two parts are put together in

one article to begin with. And he never states that part one has “no legal relevance” to part two. Instead, he says,

“From the viewpoint of Theravāda jurisprudence, the text of the Pāli *Vinaya* is the central reference point for deciding legal matters, not what is found in other *Vinayas*.” (*VbObO*, 13)

To say that other *Vinayas* are not the central reference point for deciding legal matters is not to say that they have no legal relevance at all. It leaves open the door for them—or a speculative reconstruction based on them—to play a supporting role for an interpretation that one claims to find in the Pāli *Vinaya*. And that is precisely the role that part one plays in the article.

This can be seen in the passage in part two of *VbObO* where Anālayo makes the argument that, because the regulations surrounding *bhikkhunī* ordination “have as their purpose the facilitation of ordination of *bhikkhunīs*, not its prevention” any interpretation of these regulations that would completely and definitively prevent their ordination fails to do full justice to them. We have already seen in *III.1* that this argument is based on taking the regulations out of context—in particular, the context provided by the other rules concerning *bhikkhunī* ordination and Community transactions in general.

However, we have to remember—given Anālayo’s repeated assertion that the origin stories determine the interpretation of the rules—that he has another context in mind: the origin stories for the regulations on *bhikkhunī* ordination. Now, in the Pāli version of the origin story to *Garudhamma 6*—as in all the other versions of the same story in the extant *Vinayas*—the Buddha expresses a nuanced view that the ordination of women would have both positive and negative consequences. The obvious conclusion from this story would be that the procedures for ordination are intended not only to facilitate the ordination of women, but also to prevent it when the conditions are not right. However, this is not the background that Anālayo wants in order to make his case. So, in part one, he provides a different background, based on his “historical-critical” speculations in *FHNO* about the history of the formation of the *Vinaya*, in which the Buddha’s “real”

attitude toward women's ordination is totally positive, and in which any reservations expressed in the origin story are attributed, not to him, but to the bhikkhus of the First Council (see the discussion above, in [Part V](#)). Only against such a background could a person who gives the origin stories a controlling role in the interpretation of the regulations assert that the regulations surrounding ordination should be interpreted as solely facilitating the ordination of women. So it appears that, because the Pāli “narrative context” did not provide the support that Anālayo needed for his interpretation of [Garudhamma 6](#), he simply created a new narrative context—despite his repeated claims that his “legal” interpretations take the Pāli narrative context as their guide.

So the effect of putting the two parts of [VbObO](#) together is to make the “historical-critical” analysis have an impact on the interpretation of the rules, despite Anālayo's disclaimers. This is the same tactic he used in [BOC](#), where he prefaced his “legal” section with a “historical-critical” section aimed at showing the Buddha's exclusively positive attitude toward bhikkhunī ordination.

These are just two relevant examples that wholly contradict Anālayo's claim that he keeps his “historical-critical” analysis separate from his legal analysis, i.e. that the former has “no legal relevance for a Theravada monastic.” The example from [VbObO](#), however, is especially egregious, in that—as we have seen in [Part V](#)—the argument for regarding the First Council as unfaithful to the Buddha's intentions drastically misrepresents the texts to arrive at a conclusion that calls the entire Dhamma-Vinaya into question. Thus the “legal” argument here rests on a “historical-critical” conclusion that undermines the foundations of the Vinaya's whole legal system.

- As for the second question—given the way he proposes that Vinaya issues be settled with reference to narrative context, can historical-critical issues really be excluded from the way in which monastics try to understand and follow the Vinaya?—the answer is No. After all, Anālayo claims that rules gain their meaning from the incidents and, particularly, the intentions that gave rise to them. If this were the case, then any kind of research, be it academic or comparative, into the construction of the story of what “actually happened” and the “actual

intentions” behind the rules would have a strong bearing on how the rules should be interpreted and followed.

Take, for instance, Anālayo’s discussion in FHNO as to whether the *garudhammas* were intended to be permanent or only temporary in their application. The book starts with a disclaimer:

“Throughout this study, my intention is not to reconstruct what actually happened on the ground in ancient India, which in view of the limitations of the source material at our disposal would anyway be a questionable undertaking. Instead, my intention is to reconstruct what happened during the transmission of the texts that report this event. In short, I am not trying to construct a history, I am trying to study the construction of a story.”
(*FHNO*, 13)

Despite his disclaimer, by the end of the book Anālayo does venture into some reconstructions as to “what actually happened on the ground in ancient India.” One of his reconstructions is that the *garudhammas* were originally meant, not as permanent regulations, but as temporary measures for getting the Bhikkhunī Saṅgha up and running. It was only at the First Council, with its brahmanical attitudes, that they were presented as permanent.

Anālayo arrives at this conclusion by noting that, although most of the versions of the *garudhammas* contain a statement similar to the statement in the Theravāda formulation of the *garudhammas*—“This is a principle to be revered, respected, honoured, venerated, and not to be transgressed for one’s whole life”—the Chinese translation of the same passages attributed to the Mahīśāsaka school contains no such statement, even though those passages give their versions of the *garudhammas* in full. At first, Anālayo notes that this simply opens a possibility: that the original formulations of the *garudhammas* were not accompanied by an indication that they are to be respected for the whole of one’s life. While Anālayo’s speculation is a possibility, there are many other possibilities as well, one of which is suggested by the full Mahīśāsaka discussion of the *garudhammas* itself. It turns out—and Anālayo omits this fact in his discussion—that in that discussion, Mahāpajāpati accepts the *garudhammas* and then immediately asks

that the first *garudhamma* be rescinded. The Buddha concludes his refusal to comply with her request with this injunction: “They should act according to what I have laid down, which cannot be reversed” (FHNO, 207). Although this could be explained as a different way of introducing the idea of permanence into rules that were originally not meant to be permanent, it could also be explained simply as an attempt by the redactors of the Mahīśāsaka text—or its translators as it traveled through Central Asia to China—to streamline the discussion.

However, after having broached the possibility that the injunction might not have been present in the original version of the *garudhammas*, Anālayo suggests that its absence means something more: that the *garudhammas* were originally meant simply as makeshift provisions for getting the Bhikkhunī Saṅgha started:

“Such *gurudharmas* need not originally have been meant to be valid ‘for the whole of one’s life’, but only to get the order of nuns started. Their textual presentation could have been similar to the formulation still found in the Mahīśāsaka version, where no indication on their lifelong validity accompanies the detailed promulgation of the *gurudharmas*.

“From the starting point provided by such injunctions a gradual textual growth would have resulted in the present set of eight *gurudharmas*, with one or more additional regulations coming to be part of the standard set, as well as resulting in the addition of the specification that these *gurudharmas* are valid for one’s whole life.

“Needless to say, such permanent validity is in line with a general tendency of *Vinaya* rules and regulations, which evolved from instructions given somewhat *ad hoc* and in principle open to revision into coming to be considered an [*sic*] inalterable laws, as evidenced in the decision reportedly taken at the first *saṅgīti* not to follow the Buddha’s recommendation to abolish the minor rules.” (FHNO, 113–114)

We know nothing of the translation philosophies that influenced the way in which *Vinaya* texts were translated, through many languages, before they were rendered into Chinese. And we have no access to the original texts prior to their translation. So it’s impossible to draw firm conclusions about what happened in India from slim evidence like this.

In fact, we don't even know enough about the history of the texts that made their way into China to construct a reliable story of how their stories were formed, much less what happened on the ground in India. The amount of information we have on these issues is enough only for speculation, which is why Anālayo's "historical-critical" method should be termed, at best, "speculative-comparative." The simple fact that a particular reading is not present in all the extant Vinayas does not mean that it was not part of the original teaching. It might have simply been dropped for one reason or another. In other instances, Anālayo himself has recourse to this possibility when trying to argue for the antiquity of a reading he prefers that is *not* in all the extant versions, but he doesn't stop to consider fairly if it might also apply here.

And, of course, the fact that the Mahīśāsaka versions of the *garudhammas* do not explicitly contain the sentence, "This is a principle to be revered, respected, honoured, venerated, and not to be transgressed for one's whole life," does not necessarily mean that the *garudhammas* were meant to be only temporary provisions. After all, none of the other rules in the Vinaya contain this sentence. And because the *garudhammas*, being by definition not minor, did not come under the Buddha's permission that the Saṅgha could rescind the minor rules—note, this is "permission," not "recommendation," as Anālayo would have it in the above quotation—they have to be assumed to be permanent.

However, Anālayo's argument in the above quotation goes even further. He bolsters his claim that the *garudhammas* may have been changed from temporary to permanent with another claim: that the First Council, in refusing to change the rules, was going against their original *ad hoc* purpose. And on page 118 of FHNO, he asserts that this decision can be attributed to the fact that, in the First Council, "the faction upholding ascetic ideals and brahmanical values has gained the upper hand and asserts its control over the transmission of the Buddha's teaching." We have already shown that this latter claim is bogus. And given that the original "possibility" that the *garudhammas* were intended only to get the Bhikkhunī Saṅgha started was based on

such slim evidence, there is no reason to adopt Anālayo's conclusions here at all.

No reason, of course, unless they fit in with your preferences. And this is precisely what is happening in community after community of bhikkhunīs. Here, for instance, is a quote from a recent interview with a prominent bhikkhunī in *Tricycle: The Buddhist Review* (Winter, 2014).

“It's important to remember that the teachings were written down several hundreds of years after the Buddha's passing by Brahmins who were aligned with the misogynistic worldview of their time. So of course that worldview flew into the records.”

Which means that if you don't like a particular rule or garudhamma, you are justified in rejecting it as the result of foreign, brahmanical views that distorted the original meaning of the texts. It also means that, with no experienced pavattānīs to train the new bhikkhunīs, the latter are left in a position where they can design their training as they prefer. Instead of shaping their behavior in line with the Vinaya, Anālayo's assertions place them in a position where they are free to shape the Vinaya as they see fit. The Vinaya is no longer the teacher telling them how to practice. They are now the teachers, telling the Vinaya what it should and shouldn't say.

The fact that Anālayo insists that the rules should be interpreted in line with the events that gave rise to them only facilitates this development. If you can decide that the texts distorted what “really” happened when a rule was formulated or transmitted, of course it's going to have an effect on how you feel the Buddha would have wanted you to interpret the rule. This is another reason to regard Anālayo's claim to innocence—that his “historical-critical” readings have no legal relevance for a Theravāda monastic—as disingenuous. They are already having that effect.

VII : Quoting Out of Context

The other issue raised by Anālayo's [Open Letter](#) concerns his response to a passage in [OBU](#) pointing out that in [BOC](#) he based one of his arguments on a passage from a sutta by quoting it out of context. His reply was to reverse the charge and accuse me of quoting him out of context. He has made this accusation before, and I have already responded to it (see the Postscript to [OBU](#)). But in the [Open Letter](#) he has added new reasons for making it. If you find this sort of back-and-forth tedious—I certainly do—please feel free to skip to the next section, on compassion. However, for the record, I feel compelled to spell the issue out in more detail to show that, Yes, he did quote the passage out of context, and that his claims that I quoted him out of context misrepresent the facts.

The issue centers on the question as to whether having a Bhikkhunī Saṅgha is necessary for the survival of the True Dhamma. In [BOC](#), he noted that several suttas—among them, [SN 16:13](#), AN 5:201, and AN 6:40, all of which follow roughly the same format—state that one of the factors for the survival of the True Dhamma is that bhikkhunīs dwell with respect for the Buddha, Dhamma, Saṅgha, the training, and concentration. (This is the list in [SN 16:13](#). In AN 5:201, “concentration” is replaced with “one another.” In AN 6:40, it’s replaced with “heedfulness” and “hospitality.”) He also cited another sutta, [AN 7:56](#), which mentions bhikkhunīs who are liberated and liberated without residue remaining. From these passages, he argued that “an order of *bhikkhunīs* is desirable and an important asset in order to prevent the decline of the Buddha’s teaching.” In a subsequent article, “The Cullavagga on Bhikkhunī Ordination,” he amplified his conclusion in the previous article. From “desirable and important,” the existence of a bhikkhunī order became an “indispensable requirement”: “I came to the conclusion that for the flourishing of the Buddha’s dispensation, the *sāsana*, it is an *indispensable requirement* to have all four assemblies of disciples, one of which is an order of *bhikkhunīs*.” [emphasis added]

In [OBU](#), I called his conclusion into question by stating that his main citation, [SN 16:13](#), was quoted out of context. First I quoted his

claim, and then followed with my objection. His claim:

“Other discourses more specifically address what prevents the decline of the teaching. According to a discourse in the *Saṃyutta-nikāya*, such a decline can be prevented when the members of the four assemblies, including *bhikkhunīs*, dwell with respect for the teacher, the Dhamma, the Saṅgha, the training, and concentration. Here the *bhikkhunīs* actually contribute to preventing decline, rather than being themselves its cause.”

My objection:

“However, if Bhikkhu Anālayo had given more complete citations from [SN 16:13](#), AN 5:201, AN 6:40, and [AN 7:56](#), it would have been clear that they do not support his conclusion that the *mere existence* of an order of *bhikkhunīs* would help prevent the decline of the Buddha’s teaching.”
[emphasis in the original]

Before explaining my objection, I will quote from Anālayo’s [Open Letter](#) as to why he thinks I quoted him out of context. His objection comes down to two points: One, in stating that he claimed that the mere existence of the order of *bhikkhunīs* would prevent the decline of the Buddha’s teaching, I neglected to note that it was the fact that the *bhikkhunīs* had to be *respectful* for them to prevent the decline of the Buddha’s teaching. Two, he claims that I accused him of arriving at his conclusion by quoting [SN 16:13](#) out of context when, in fact, he based his conclusion on other passages as well.

Here’s his first point:

“I had never intended to take the position that the *mere existence* of *bhikkhunīs* prevents decline. *My point is rather that in order for the bhikkhunīs to be able to dwell with respect, they of course need to exist first of all.* In fact on continuing to read my article with the discussion of [SN 16.13](#), one next comes to this part: ‘these passages clearly put the responsibility for preventing a decline of the teaching on each of the four assemblies. It is their dwelling with respect towards essential aspects of the Buddha’s teaching and each other that prevents decline.’

“I think this makes it clear that I did not fail to point out that it is the proper behaviour of all four assemblies that prevents decline. In your second paper, you note that I nevertheless come to the conclusion that the four assemblies are a requirement for the flourishing of the Buddha’s dispensation (2016: 1). This is indeed the case.” [emphasis added]

Now, if you look at the passages I quoted from [OBU](#), you will see that I did not fail to mention that Anālayo said that bhikkhunīs had to have respect for the Buddha, etc., in order to help prevent the decline of the teaching. It’s right there in the passage I quoted from his earlier article. So in his first point, he’s misrepresenting what I actually said.

What’s ironic here is that the position I did attribute to him is actually the one he restates in the sentence that I have emphasized: “For bhikkhunīs to be able to dwell with respect, they of course need to exist first of all.” What I took issue with was his further assumption that respectful bhikkhunīs are actually necessary for the survival of the True Dhamma, a point I will get to below.

Anālayo’s second point:

“since you refer to my article ‘Women’s Renunciation in Early Buddhism’ (2015: 5), you must be aware of the various canonical passages that led me to this conclusion (see the long discussion under the header of the ‘four assemblies’). But the point at issue at present is that, in relation to [SN 16.13](#), I did not arrive at that conclusion by quoting out of context.”

Now, nowhere in [OBU](#) did I discuss how Anālayo, in his own reasoning, arrived at his conclusion. And as is clear from the passage quoted above, I didn’t say that [SN 16:13](#) was the only sutta he cited. I mentioned that he cited other suttas as well. So his second point is also a misrepresentation.

What I did say was that, in arguing for his conclusion in [BOC](#), the passage he quoted from [SN 16:13](#) might be interpreted as saying that all four assemblies are a requirement for the flourishing of the True Dhamma, but when you read the sutta in its entirety, the sutta doesn’t support that conclusion.

The part of the sutta he referred to in [BOC](#) says this:

“But these five qualities tend to the stability, the non-confusion, the non-disappearance of the True Dhamma. Which five? There is the case where the bhikkhus, bhikkhunīs, male lay followers, & female lay followers live with respect, with deference, for the Teacher. They live with respect, with deference, for the Dhamma... for the Saṅgha... for the training... for concentration. These are the five qualities that tend to the stability, the non-confusion, the non-disappearance of the True Dhamma.” [my translation]

Read on its own, this passage might reasonably be interpreted as saying that all four assemblies need to exist so that members of all four assemblies can respect the Buddha, etc., and thus keep the religion alive. In other words, the lack of any one of the assemblies would bring about the disappearance of the True Dhamma—the conclusion that Anālayo wants to draw from this sutta.

However, in the actual sutta, this passage is prefaced by another one, detailing the conditions for decline. Instead of saying that the lack of any one of the assemblies would lead to decline, the introductory passage says:

“These five downward-leading qualities tend to the confusion and disappearance of the True Dhamma. Which five? There is the case where the bhikkhus, bhikkhunīs, male lay followers, & female lay followers live without respect, without deference, for the Teacher. They live without respect, without deference, for the Dhamma... for the Saṅgha... for the training... for concentration. These are the five downward-leading qualities that tend to the confusion and disappearance of the True Dhamma.”

Now, if the passage quoted by Anālayo could be interpreted as saying that all four assemblies need to exist to provide the conditions for the flourishing of the True Dhamma, then we would have to read the passage he didn't quote as saying that all four assemblies need to exist to provide the conditions for its disappearance. In other words, only when bhikkhus, bhikkhunīs, male lay followers, and female lay followers are all in existence and living without respect will the True Dhamma disappear. This could then be used as an argument for not

restarting a Bhikkhunī Saṅgha, to make sure that we don't have a full cohort of the four assemblies disrespecting the Buddha, etc.

This line of reasoning, of course, doesn't really follow when we read the two passages together, which means that Anālayo's conclusion doesn't follow, either. Neither passage, when read with the other, can rightly be interpreted as saying that all four assemblies are necessary for either the flourishing or decline of the True Dhamma. The issue is not how many assemblies are in existence; the question is whether those that are in existence are respectful to the Buddha, etc.

This is why I said in **OBU**,

“the determining factor as to whether the True Dhamma will or will not survive has nothing to do with the existence or non-existence of bhikkhunīs. It has everything to do with whether the members of the Buddha's following—whatever their status—treat the Dhamma, etc., with respect. The other suttas cited make the same point.”

It's because this point is clear only when we read the sutta in full that I accused Anālayo of quoting out of context. And I still do. The fact that, in throwing the accusation back at me, he is misrepresenting what I said does not reflect well on him as a scholar.

Actually, my real mistake in **OBU** was in neglecting to note that **AN 7:56** simply mentions the existence of arahant bhikkhunīs, and so has nothing to say on the topic of whether bhikkhunī ordination would lead to the survival of the True Dhamma. So despite the fact that Anālayo cited it to support his argument, it's irrelevant to the issue entirely.

VIII : Compassion

Anālayo ends BO with a peroration, implying that those who stick to the letter of the rule in denying the validity of unilateral bhikkhunī ordination are lacking in compassion and causing harm.

“traditionalists affirming the critical importance of adherence to the rules in the Pāli Vinaya as the very heart of Theravāda monastic life and identity

need to keep in mind the mandate for compassion and avoidance of harm as a central Buddhist value.” (BO, 307)

The real question is, what kind of compassion is Anālayo talking about? And what kind of harm? A passage in FHNO provides a clue. There he analyses the introductory passage from MN 146 to show that the Pāli version of this sutta shows signs of being both demeaning to women and of being later than other versions of the same text. The “demeaning” aspect, he says, is shown in two details: that Mahāpajāpatī Gotamī is depicted as standing, rather than sitting down; and that when she makes her request that the Buddha exhort her and the 500 bhikkhunīs who have accompanied her, the Buddha addresses, not her, but Ven. Ānanda, who is sitting nearby. The fact that the Pāli version is late, he says, is shown by the fact that the Buddha does not comply with her request, which “stands in stark contrast to his role as a compassionate teacher elsewhere in the early discourses.”

“When in the present case Mahāprajāpatī Gautamī and her following have approached the Buddha with the explicit wish to receive instructions, it is rather startling to find that the Buddha does not comply with their request. The audience of the discourse would not have failed to pick up the nuance that there is something not quite right with Mahāprajāpatī Gautamī or her request.” (FHNO, 21)

“Another noteworthy element in the *Nandakovāda-sutta* [MN 146] is that the Buddha does not give the nuns any teaching, in spite of being requested to do so thrice. This stands in stark contrast to his role as a compassionate teacher elsewhere in the early discourses.” (FHNO, 38)

Now, according to Anālayo, in the Majjhima Nikāya the standing posture is adopted by messengers or by outsiders, many of whom have come to challenge the Buddha. Thus, when the compilers of the Pāli depict Mahāpajāpatī Gotamī as standing, it is meant to indicate that it invests her behavior with “a subtle nuance of inappropriateness or even challenge ... a sign that something slightly wrong is going on.” (FHNO, 20)

Anālayo here neglects to mention two points that should be obvious to anyone familiar with the suttas. One is that in all the nikāyas, the standing posture is also adopted by devas coming to see the Buddha, as a sign of extreme respect. In [MN 143](#), for example, Anāthapiṇḍika—who is at that point a deva—stands when addressing the Buddha at the end of the sutta. The other point is that throughout the Pāli Canon, Mahāpajāpatī Gotamī is almost always depicted as standing when addressing the Buddha. Further, there are cases where, when she is standing, she makes requests that he grants (such [AN 8:53](#)); and ironically, in a rare case where she is sitting, she makes a request that he doesn't (MN 142). So her standing posture in [MN 146](#) doesn't necessarily imply a challenge, and there is nothing demeaning or misogynist in depicting her as standing. She's simply choosing to follow the etiquette of extreme respect.

However, more to the point is the fact that the Buddha addresses Ven. Ānanda, rather than Mahāpajāpatī Gotamī, and that he doesn't comply with her request that he exhort the bhikkhunīs. But is he being uncompassionate? And is something, in fact, slightly wrong going on?

The answer requires a look at the context, which is set by the [garudhammas](#). The third garudhamma stipulates that the bhikkhunīs should expect a formal exhortation from the bhikkhus every two weeks. This means that, in making her request that the Buddha perform this exhortation instead, Mahāpajāpatī Gotamī is asking the Buddha to override the third garudhamma that she promised to respect. And the fact that 500 bhikkhunīs accompany her in this request *is* a defiant act: She's trying to use the force of numbers to influence him. So, Yes, something wrong is going on.

But is the Buddha being uncompassionate in having Ven. Nandaka exhort the bhikkhunīs instead? Not at all. It's hard to know his intentions, but the effect of his decision is compassionate in three ways:

- One, all the bhikkhunīs who listen to Ven. Nandaka's exhortations (he gives the same exhortation twice) attain at least the first level of awakening as a result.

- Two, this incident establishes the precedent that the bhikkhus are qualified to teach the bhikkhunīs, a precedent that will serve both Saṅghas in good stead after the Buddha’s parinibbāna. If the bhikkhunīs had gotten accustomed to being exhorted only by the Buddha, they might have refused to be exhorted by the bhikkhus after his passing.
- Three, the fact that the Buddha was not intimidated by numbers sets a good precedent for both Saṅghas in the future. The fact that one side of a disagreement greatly outnumbers the other side should never be allowed to sway the decision of those who are outnumbered. This is in line with the principle set forth in Cv IV.10, that even in cases where a dispute reaches the point where the Saṅgha settles it “in accordance with the majority,” if the majority opinion is not in line with the Dhamma, the procedure is null and void, and the dispute is not rightly settled.

So, even though the Buddha didn’t give in to Mahāpajāpatī Gotamī’s request, he was not being uncompassionate or acting out of character. This means that there’s no reason to view the Pāli version of this sutta as either demeaning to women or later than other versions.

What this discussion shows is that just because an act looks uncompassionate on the surface doesn’t mean that it really is uncompassionate. And compassion doesn’t mean granting any request that seems, at first glance, harmless. After all, some requests that seem beneficial in the short term would actually be harmful in the long. There are people who see it as compassionate to offer bhikkhunī ordination to women without providing them the requisites for getting proper training after their ordination, but this idea of compassion is not in line with the Dhamma-Vinaya as we have it. A sense of compassion informed by the Dhamma-Vinaya would be combined with wisdom and discernment. It would look further into the future and realize that it would be very harmful and uncompassionate to import a foreign way of interpreting the rules into the Saṅgha, one that calls the rules into question and gives rein to imaginative retellings of the origin stories to force new and divergent interpretations of the rules. Such foreign standards would set a bad precedent for the way the Vinaya is interpreted and practiced in the future.

And we don't have to wait for the future to see the bad effect of that precedent. During the discussion around bhikkhunī ordination in late 2009 and early 2010, an argument was advanced for rescinding certain rules on the grounds that, because they were formulated at a time when people complained about the behavior forbidden in the rule, the rule should be enforced only when people complain about that behavior. Because no people are currently complaining about it, then, the rule forbidding it is currently null and void. If this kind of argument were allowed any traction in Vinaya circles, there would soon be nothing left of the rules. The Vinaya would no longer be our Teacher, as the Buddha intended it to be (DN 16). Instead, we would put ourselves in the position of Teachers over the Vinaya, interpreting it in line with our personal preferences, and we would miss out on the valuable training that comes when we are willing to submit to its wisdom over our cherished opinions.

The extent to which this development would be harmful in the long run cannot be overstated. As I have shown above, Anālayo's approach in arguing for unilateral bhikkhunī ordination would have precisely that effect. To be truly compassionate, we have to think of the long-term consequences of our actions, as to how they will affect the future of the Saṅgha. Compassion that doesn't take the long term into account is not a Buddhist value at all.

IX : Parting Thoughts

In summation:

1. It is clear that Anālayo has not succeeded in providing a convincing legal argument that the rule allowing bhikkhus to give unilateral bhikkhunī ordination (Cv X.2.1) is still in force.

- a. To begin with, his central argument is based on applying a principle of interpretation to the rules that is foreign to the Vinaya, and that—if consistently applied, as he proposes—would have a corrosive effect on how the Vinaya rules in general are understood and practiced. As I have shown, when we see the relationships among the rules—

instead of their origin stories—as the controlling factor in interpreting the rules, we are following standards that better reflect the complex relationships of the rules to their origin stories as found in the Khandhakas. And also, when considering the consistent pattern the Buddha followed in modifying rules, we have to conclude that the rule allowing bhikkhus to give unilateral bhikkhunī ordination was rescinded when the Buddha modified it in Cv X.17.2, to the effect that the Bhikkhu Saṅgha could ordain bhikkhunīs only when they had been previously purified in the Bhikkhunī Saṅgha. This fact, on its own, is enough to disprove Anālayo’s central argument.

b. However, in addition, there are crucial points where Anālayo’s subsidiary arguments contain some debilitating weaknesses. For example:

- at least one important instance where he is inconsistent in applying a principle that he himself has asserted—that the **garudhammas** are not rules—remembering to cite it when it suits his purposes, and forgetting it when it doesn’t;
- the case in which he has been illogical, in his argument for why the rule for unilateral ordination was not a stopgap measure;
- the fact that he doesn’t even address the central issues raised in **OBU**;
- the case where he addresses an important issue from **OBU** obliquely, stating that one could make a reverse argument, but without even attempting to cite the evidence on which that argument could be based;
- the many cases where he makes assertions that have no basis in fact. An example is his argument that because the rules for bhikkhunīs were meant to facilitate bhikkhunī ordination, they should not be used to prevent it. This argument ignores the fact that all the rules for ordination—for bhikkhus as well as bhikkhunīs—are designed to delineate the conditions for when such ordinations are valid, and to prevent them when the conditions are not met.

The list could be longer, but this should be enough to show that Anālayo’s arguments in these areas are not only unconvincing, but also

fail to meet the basic standards of what a legitimate argument should be.

2. As for Anālayo's fall-back argument, that legal issues should not be allowed to stand in the way of the Buddhist value of compassion when considering revived bhikkhunī ordination, we have seen that:

a. He has shown, in his analysis of the introductory passage of **MN 146**, that he has only a shallow understanding of how compassion has to function in order to be a value in line with the Dhamma and Vinaya.

b. He does not understand the crucial problem in any attempt to revive the Bhikkhunī Saṅgha: that there is no way to provide adequate training for new bhikkhunīs, in that there are no bhikkhunīs with the requisite training that would qualify them to train others. This creates a situation that is compassionate neither for the senior bhikkhunīs, nor for the junior ones, nor for the world at large.

c. He has refused to acknowledge a crucial difference between our present situation and that of the Bhikkhunī Saṅgha when it was first founded. At that time, the True Dhamma had not yet disappeared. Now it has—as we can see in all the many alternative versions of the Dhamma all around us in the Buddhist world, and that Anālayo exploits in his “historical-critical” writings. This fact, in particular, creates a very detrimental situation for women ordained as bhikkhunīs but living with no trained teacher. It encourages them to cherry-pick the texts from different traditions, choosing whatever makes immediate sense to them, without having to submit to the training from a bhikkhunī who is truly qualified to know what is True Dhamma and what is not. This, too, creates a situation that is compassionate for no one.

d. Anālayo's arguments for accepting unilateral bhikkhunī ordination and understanding the history of bhikkhunī ordination, if accepted, would set a bad precedent for the settling of future Vinaya issues. Three of the principles he has proposed in particular would have a deleterious effect.

- The first is the assertion that the origin stories for the rules play a controlling role in how the rules are to be interpreted. This principle, if

adopted, would give people free rein to draw any conclusions they like from the origin stories as to how the rules should be interpreted—or even if they were to be followed at all.

- The second principle is his false equation of a meticulous attitude toward the rules with an attitude that regards the rules as ends in themselves, and his further false equation of this attitude with the fetter of “dogmatic adherence to rules and observances.” This principle encourages a lack of respect for the rules and for those who follow them. And this would get in the way of learning the many valuable lessons that can come from a willingness to learn from the rules.

- The third principle is his assertion that the monks of the First Council, led by Ven. Mahā Kassapa, represented an ascetic/brahmanical faction of the Saṅgha whose understanding of Dhamma and Vinaya was at odds with that of the Buddha. This principle would call the entire Dhamma and Vinaya into question—and, as I have shown, it already has done that for some bhikkhunīs—opening the way for even further “creative” erosion of the Teacher that the Buddha left in his place (DN 16).

The harm that would be done by accepting any of these principles is hard to overstate. So it’s hard to see that they can, in any way, be regarded as embodying the Buddhist value of compassion.

So, on both legal grounds and on grounds of compassion, there is no convincing reason to accept Anālayo’s proposal that unilateral ordination of bhikkhunīs by bhikkhus is still valid. Unfortunately, the genuine Bhikkhunī Saṅgha is defunct, and cannot be revived until the next Buddha. The challenge for the immediate future lies in finding how to use living traditions actually in line with the Dhamma and Vinaya to provide more opportunities for women to practice. This means that, in the meantime, for the long life of the Dhamma and Vinaya, we will have to leave the Trojan horse outside.

One final note:

I have noted above some of the logical and procedural failings in Anālayo's arguments on this issue. These lapses, as I have mentioned before, are not necessarily a sign of bad faith.

However.

He has quoted the texts out of context. The most serious instance of this—and one that is hard to accept as unintentional—is his quotation from [SN 16:5](#), where he gives the impression that the Buddha, instead of praising Ven. Mahā Kassapa for his adherence to ascetic practices, was criticizing him for them. This instance of taking a text out of context is extremely serious because it is part of Anālayo's sustained accusation that Mahā Kassapa, and by extension, the First Council, represented an understanding of the Dhamma and Vinaya at odds with the Buddha's intentions. This argument calls the entire Dhamma and Vinaya as we have it into question.

Anālayo has also refused to acknowledge a point I have already made twice, on what the “disappearance of the True Dhamma” means in the Canon ([SN 16:13](#)). In doing this, he repeats the assertion—meant to discredit the origin stories around the founding of the Bhikkhunī Saṅgha—that the True Dhamma never died out as predicted in those stories. Similarly, in continuing to argue that the prediction of the hastened disappearance of the True Dhamma must be regarded as inauthentic, he has refused to acknowledge the criticism I made in [OBU](#) of the underlying premise of his argument.

As I noted in the Introduction, he has dodged two of the central points I made in [OBU](#).

He has thrown criticisms of his work back at the critic, without any legitimate grounds for doing so.

He has also misrepresented the texts in asserting that the Buddha “recommended” that the Saṅgha abolish the minor rules.

He has misrepresented me in his assertion that I quoted him out of context in [OBU](#).

And he has misrepresented himself in his assertion that he has kept his “historical-critical” mode of scholarship separate from his legal mode of scholarship.

There is a passage in **MN 56** where the Buddha agrees to enter into a discussion with Upāli the householder only on the condition that the latter take a stand on the truth. When a person uses the above strategies to argue a case, he has not taken a stand on the truth. I have devoted the time to respond to Anālayo's writings in this article—as a way of alerting others who take the Dhamma and Vinaya seriously—to make clear what sort of approach he represents. But I see no point in engaging in this discussion with him any further.

November, 2018

Postscript

After finishing my piece, “A Trojan Horse: Unilateral Bhikkhunī Ordination Revisited,” I was not planning to engage in any more arguments on the issue of bhikkhunī ordination. However, a young monk recently wrote two letters to me, raising issues stemming from two of the responses to “A Trojan Horse”: “The Case for Reviving the Bhikkhunī Order by Single Ordination,” by Bhikkhu Anālayo and “A Response to Bhikkhu Ṭhānissaro’s *A Trojan Horse: Unilateral Bhikkhunī Ordination Revisited*” by Bhikkhu Brahmāli. Both of these responses appeared in 2018.

In answering the young monk’s letters, I had to clear up several misunderstandings contained in those two responses. On reflection, I have decided that those clarifications should be made more widely available to anyone sincerely curious about the Vinaya technicalities surrounding this issue. So below are some excerpts from my answers, fleshed out for the sake of further clarity.

I’ll start with two technical issues, and then go to a few larger ones (one of which will include a third technical issue).

I know you don’t like getting embroiled in technicalities, but you have to remember that that’s how the argument in favor of reviving the Bhikkhunī Saṅgha began.

The larger context presented by the Canon is quite clear: In the *garudhammas*, the Buddha laid down the conditions for the establishing and continuance of the Bhikkhunī Saṅgha, one of which was that bhikkhunīs had to undergo double ordination (*Garudhamma* 6). This was to ensure that there would be enough bhikkhus and bhikkhunīs to train a new bhikkhunī. The fact that the Buddha named these points *garudhammas* means that they were not to be treated lightly, and that they would not count as minor rules. They form the underlying conditions for how the Bhikkhunī Saṅgha should be

governed, and they give the clearest indications for the Buddha's intentions in this area. All other rules governing the life of bhikkhunīs have to be understood in light of these garudhammas.

One of the consequences of Garudhamma 6 is that if there are no longer enough bhikkhus and/or bhikkhunīs to constitute a quorum, the Bhikkhunī Saṅgha would have to die out. Now, nowhere at all in the Canon did the Buddha indicate that, once an order had died out, it could or should be revived. A parallel principle holds true for the rules surrounding bhikkhu ordination, so there's no sexism here. People could continue to practice the Dhamma, but they could not rightly claim to meet the Buddha's standards as members of his Saṅgha.

The bhikkhunī pro-revivalists have called this larger context into question, casting aspersions on the garudhammas, declaring them invalid for one reason or another. (Anālayo has continued in his efforts in this area. Let me know if you're interested in my analysis of how he has handled the issue.) They then focus on the technicalities of the rules around ordination, saying that these rules clearly show the Buddha's implicit approval for reviving a dead order. But given the larger context of Garudhamma 6 as it stands, the burden of proof is on them. Their technical arguments would have to show that the Buddha designed the technicalities to show, *in no uncertain terms*, his approval of a revival. But when you look at the technicalities, they do not clearly make that point at all.

The technical issues. In looking over the two 2018 responses to the Trojan horse article, I found only three points that deserved a response. **The first** is Brahmāli's assertion that the way Cv X.17.2 (the rule on dual ordination) modifies Cv X.2.1 doesn't strictly follow the pattern for rule modification set forth in the Sutta Vibhaṅga—i.e., simply adding clauses to the original formulation of a rule—so it doesn't count as a modification of Cv X.2.1. Therefore, it doesn't automatically replace Cv X.2.1.

Actually, the Sutta Vibhaṅga recognizes more than one way in which a rule modifies an earlier rule. A prime case in point is the relationship between the two Aniyata rules and Adhikaraṇa-samatha (As) 4. All

three rules concern accusations made against a monk. In the Aniyata rules, the monk may be dealt with in line with the accusation against him, even if he doesn't admit to having committed an offense. For instance, Aniyata 1 states:

“Should any bhikkhu sit in private, alone with a woman on a seat secluded enough to lend itself (to sexual intercourse), so that a female lay follower whose word can be trusted, having seen (them), might describe it as constituting any of three cases—entailing defeat, communal meetings, or confession—then the bhikkhu, acknowledging having sat (there), may be dealt with in line with any of the three cases—entailing defeat, communal meetings, or confession—or he may be dealt with in line with whichever case the female lay follower whose word can be trusted described. This case is indefinite.”

What's important to note here is that the simple act of sitting alone with a woman does not count as an offense if he is not aiming at privacy (see the Sutta Vibhaṅga's discussions of Pācittiya 44 and 45). So under this rule, as stated, a monk could be found guilty of an offense even if he only admitted to having sat there but without having admitted to have been aiming at privacy.

In As 4, though, all issues are to be settled in line with what the accused admits to having done.

“For the settling, the resolution of issues that arise... (4) Acting in accordance with what is admitted.”

Under this principle, a bhikkhu can be found guilty of an offense only if he admits to having acted in a way that constitutes an offense. This is a principle that is assumed in all of the Vinaya's other discussions of accusations, but it conflicts with the Aniyata rules. Now, nowhere does the Buddha rescind the Aniyata rules, but in the Sutta Vibhaṅga to those rules, the interpretation follows, not those rules, but the principle set out in As 4: Regardless of what the accuser says, the bhikkhu is to be dealt with in line with what he admits to having done. The bhikkhus are encouraged to question him stringently, in case they suspect him of

lying, but ultimately they cannot impose any punishment on him for an offense he does not admit to having committed.

Now, the way As 4 is phrased doesn't follow the pattern that Brahmāli says must be followed in order for one rule to modify an earlier rule, and yet the way the Sutta Vibhaṅga explains the Aniyata rules, the Aniyata rules are, in effect, modified to fit in with As 4. Because the pattern that Brahmāli says must be followed for one rule to count as a modification of an earlier rule is *not* being followed in this case, that means that it doesn't necessarily have to be followed in other cases, either. Cv X.17.2 differs much less radically from Cv X.2.1 than As 4 differs from the Aniyata rules, so it is well within the limits of what would count as a modification of the earlier rule.

This brings us to **the second technical issue**, the argument that the history of the rules for bhikkhu ordination shows that if the Buddha had wanted to rescind Cv X.2.1, he would have said so explicitly. After all, when he switched procedures for ordination from the three goings-for-refuge to a Community transaction, he explicitly rescinded the first procedure, as follows:

“Bhikkhus, I allow the Going-forth and the Acceptance by means of these three goings-for-refuge.”—**Mv I.12.4**

“I rescind from this day forth the Acceptance by means of the three goings-for-refuge (previously) allowed by me. I allow Acceptance by means of a transaction with one motion and three proclamations.”—**Mv I.28.3**

So, the argument continues, following this pattern, if the Buddha had wanted Cv X.17.2 to rescind Cv X.2.1, he would have stated so explicitly, as he did in **Mv I.28.3**. But he didn't, which means that Cv X.2.1 is still in force.

But if you look carefully at Cv X.2.1 and Cv X.17.2, you'll see that their relationship doesn't really parallel that of the rules for bhikkhu ordination:

“I allow that bhikkhunīs be given full Acceptance by bhikkhus.”—Cv X.2.1

“I allow that one who has been given full Acceptance on one side and purified (of the 24 obstructing factors) in the Bhikkhunī Saṅgha be given full Acceptance in the Bhikkhu Saṅgha.”—Cv X.17.2

In the rules for bhikkhu ordination, both [Mv I.12.4](#) and [Mv I.28.3](#) describe a specific procedure to be followed. To make clear that the second procedure supplants the first as long as the Sāsanā is still alive, the Buddha, in the second rule, explicitly rescinds the first.

Cv X.2.1, however, doesn’t describe a specific procedure at all. It simply indicates *who* has permission to ordain bhikkhunīs—bhikkhus—with no indication as to what procedure they are to follow. In this sense, it’s an incomplete allowance, in that the Buddha’s usual pattern when giving an allowance for a formal procedure was to explicitly describe the procedure as well. The allowance is not really completed until Cv X.17.2. There, bhikkhus are still allowed to ordain bhikkhunīs, simply that a procedure is now described as to how it’s to be done. So, strictly speaking, what is there in Cv X.2.1 that needs to be rescinded? Bhikkhus are still allowed to ordain bhikkhunīs, only now the procedure is spelled out: Bhikkhunīs can receive full acceptance by the bhikkhus only after they have received full allowance and been purified in the Bhikkhunī Saṅgha. In fact, this—along with the special case given in Cv X.22—is the only procedure for ordaining bhikkhunīs explicitly described and allowed in the Vinaya.

So it’s more accurate to say that Cv X.17.2 is an extension added on to Cv X.2.1. And because there’s nothing in the extension to indicate that it applies only to certain conditions, it’s in force for the life of the Sāsanā.

So the two cases are not analogous at all, so Brahmāli’s argument does not stand.

Larger issues: Origin stories. You raise the question of the role that origin stories play in interpreting the rules. There are lots of ways that the origin stories to Cv X.2.1 and Cv X.17.2 could be interpreted, but they are all inconclusive.

For example, it has been argued that the conditions given in the origin story to Cv X.2.1 are the same as they are now: There was no Bhikkhunī Saṅgha in existence then, so the rule is showing what to do in a case like that.

But is our situation now really similar to what it was then? At that time, the Buddha was present, there were many arahant disciples certified by the Buddha, and the True Dhamma—i.e., a single version of the Dhamma that everyone agreed on—was still alive. Yet even then, it was difficult to get the Bhikkhunī Saṅgha started on a good footing. Which of those conditions is present now?

There's also the question of the condition under which Cv X.17.2 was formulated. It didn't happen as soon as bhikkhunīs existed. It happened when the stumbling blocks particular to bhikkhunīs were added to the ordination procedure. This could be read as meaning that Cv X.17.2 is the rule to be followed as long as those stumbling blocks are still part of the procedure—which they are. That would mean that Cv X.17.2 still has to be used in all cases.

This argument may not convince someone who is determined to find a way around Cv X.17.2, but that shows how indeterminate the origin stories can be when trying to press them into service for interpreting the rules. And when you're dealing with a big issue like reinstating a Saṅgha, you want to be 100% sure that you're proceeding in line with the Buddha's intentions as you go through with it. As I indicated above, if there were anyplace in the Canon where the Buddha, out of a desire to see his holy life last longer, indicated in any way at all that it would be advisable to revive an order that had died out, then we could confidently interpret the origin story to Cv X.2.1 as license for how to proceed in such a case. But even though the Buddha does talk about the orders eventually ending, there's no place in the Canon where he even hints that he would approve of reviving dead orders.

So it's risky business to assume that the Buddha would have wanted such an ad hoc rule to be pressed into service for that purpose.

For this reason, when you try to press the origin stories into serving such an assumption, you're on shaky ground—especially when you

remember that the Buddha didn't compose the origin stories to begin with.

You're on much more solid ground when you look at the Buddha's own words: how the rules themselves are expressed. That's why I've recommended looking at cases where we can see, from how the rules themselves are formulated, that a later formulation of an issue was intended not to replace or modify an earlier formulation of how to proceed, but simply to provide an alternative way of proceeding. And I found that there is a pattern in such cases: There has to be something explicit in the second formulation to indicate that it is an alternative: either the word "also" or the specific conditions to which it applies.

Brahmāli and Anālayo express doubt that such a pattern exists, but if they really wanted to prove their point, it wouldn't be hard: Find a counter example in which it's obvious that the later formulation is meant as an alternative to, rather than a modification of, the earlier one. But so far, neither has found a valid counter example.

(The third technical issue: Anālayo claims to have found one such example: the allowance for an experienced, competent bhikkhunī to act as the messenger in an ordination through a messenger (Cv X.22.2), which doesn't contain the "also" (*api*) that was in the original allowance for ordination through a messenger (Cv X.22.1). Here's how the two allowances are phrased:

"I allow, bhikkhus, for Acceptance to be given also [*api*] through a messenger." — Cv X.22.1

"I allow, bhikkhus, for Acceptance to be given through a messenger who is an experienced, competent bhikkhunī." — Cv X.22.2

The second allowance is obviously a modification of the original allowance. Anālayo claims that, in dropping the *api*, the modified version is breaking with the pattern I described: It's giving final expression to an allowance for an alternative form of ordination but without saying anything explicit in its formulation to indicate that it is an alternative.

However, think about what it means for Cv X.22.2 to be a modification of Cv X.22.1. The original allowance in Cv X.22.1, by including the word, *api*, had already established the fact that this type of ordination was an alternative to the more standard type, described in Cv X.17, where the candidate for ordination goes to the Bhikkhu Saṅgha in person. Now, if the modification of Cv X.22.1 as given in Cv X.22.2 had included the word *api*, it would have been saying that it was optional as to whether the messenger was a bhikkhunī, competent or not, or someone else entirely. By not including the *api*, it was stating clearly that the messenger had to be an experienced, competent bhikkhunī. So, instead of being a counter example, it actually fits into the pattern I described.)

So, the pattern that I noted is a valid indicator of the Buddha's intentions as to whether a modification of a rule is intended as a replacement or an alternative to the original rule. Because Cv X.17.2 doesn't say "also" or list specific conditions, it has to be read as a permanent modification of Cv X.2.1.

Larger issues: Textual interpretation. The literature that has grown up in defense of reviving the Theravāda bhikkhunī lineage has tried to establish three standards for how to read and interpret the various extant versions of the Vinaya. These standards, taken together, make it easy to justify dropping any rules that strike one as inconvenient or opposed to one's presuppositions about what the Buddha would say. The standards are mutually inconsistent, a fact that comes to light only when they are listed right next to one another.

1) If there are disagreeable passages that appear in some of the extant versions but not in others, they can be written off as later accretions, on the grounds that people might add things to texts that they are transmitting and/or translating, but that they would never subtract anything.

2) However, if a passage that one likes happens to appear in only one version, it can be argued that it had been dropped from the other versions. In that case, there suddenly *is* the possibility that people might subtract things as they transmit or translate passages.

3) As for passages that do appear in all versions of the Vinaya but don't fit in with what one wants to find there, they can be attributed to the maleficent work of a brahmanical mindset, exemplified by Ven. Mahā Kassapa, at odds with what the Buddha originally intended that has tainted all the available texts.

These three principles, which look objective as long as they are not stated right next to one another, give carte blanche to interpret the Dhamma-Vinaya any way one likes. Add to that the idea that the original texts were patriarchal anyway, and you can justify adding or subtracting just about anything from the Canon.

These standards, which take one's own views and preferences as a guide for deciding what's Dhamma-Vinaya and what's not, leave no room for the possibility that the compilers of the Canon knew more than one already knows and believes oneself. If these standards were adopted into the living Vinaya tradition of the Theravāda, there would be no objective standards at all for determining what is a valid or invalid way of interpreting the rules. That would be a sad day indeed.

Larger issues: The half-the-world argument. You write that by not recognizing bhikkhunī ordination, we are preventing half the world from practicing the Dhamma. That's simply not true. No one is preventing women from practicing. If they want to set up their own communities to practice, they're free to do so.

Which would be more honorable: women who set up communities where they can practice all the bhikkhunī rules, if they like, without demanding official recognition, earning respect through their practice, or those who demand that bhikkhus break their rules in order to give a certificate of authenticity to “bhikkhunīs” who don't really meet the conditions that the Buddha set down, and who—in the West at least—keep talking about rescinding many of the rules he formulated for the bhikkhunīs?

Here we have to give primary importance to the Buddha's intentions for the Bhikkhunī Saṅgha as expressed in the canonical Vinaya. In the garudhammas, he set out what he saw as the necessary conditions for

the continuance of the Bhikkhunī Saṅgha. I can't see how he would have approved of the revival of that Saṅgha in a situation where those conditions are not met. Do you have any reason to believe that he was wrong?

When you think about the opinion of the world vis-à-vis Vinaya issues, remember that one of the ways of showing that you really do take the Buddha as your teacher is to be willing to stand by the Dhamma-Vinaya against the world. Remember the words of Mahānāma in [SN 55:23](#):

“There is the case, lord, where a certain Dhamma issue might arise, with the Blessed One on one side and with the Bhikkhu Saṅgha, the Bhikkhunī Saṅgha, the male lay followers, the female lay followers, and the cosmos with its devas, Māras, & Brahmās, its generation with its contemplatives & brahmans, its royalty & commonfolk on the other side. Whichever side the Blessed One would be on, that's the side where I would be. May the Blessed One remember me as one with such confidence.”

That's an honorable sentiment.

December, 2021

Issues Related to Bhikkhunī Ordination

1. It has been argued that the Bhikkhunī Saṅgha in the past was entirely independent of the Bhikkhu Saṅgha, and that therefore that bhikkhus have no right to pass judgment on the validity of bhikkhunī ordination. This argument is based on several factual misunderstandings. Even though the bhikkhunīs were independent in many of their communal transactions, they were still subject to the governance by the Bhikkhu Saṅgha in two major areas: Acceptance (*upasampadā*) (see Cv.X.17.2) and disciplinary transactions (see Cv.X.7, although this passage is mistranslated in *The Book of the Discipline*; see *The Buddhist Monastic Code, volume 2, p. 451*). In other words, a bhikkhunī did not count as fully ordained until she received Acceptance from both the Bhikkhunī Saṅgha and the Bhikkhu Saṅgha. According to the fourth of the eight garudhammas, bhikkhunīs had to give their *pavāraṇā* to the Bhikkhu Saṅgha at the end of the rains residence (Cv.X.1.4). This was not a mere formality. If any of the bhikkhus suspected a bhikkhunī of having an unconfessed offense, the bhikkhus had to look into the matter and adjudicate the case. If they decided that the bhikkhunī in question deserved a disciplinary transaction, they would tell the bhikkhunīs, and the bhikkhunīs had to carry it out in line with the bhikkhus' decision. And if the bhikkhunīs of their own accord wanted to impose a disciplinary transaction on one of their members, bhikkhus had to adjudicate the case and tell the bhikkhunīs what punishment, if any, they should impose.

Thus it is very much the duty of the Bhikkhu Saṅgha to decide whether they will formally recognize the ordination of bhikkhunīs and take on the attendant duties and responsibilities of overseeing the Bhikkhunī Saṅgha.

2. It has been argued that if bhikkhunīs want to proclaim that they belong to a particular affiliation, that is their business and none of the

bhikkhus' business. This ignores the fact that belonging to a particular affiliation is measured by agreement on issues of what counts as Dhamma and Vinaya, including what was and was not said by the Buddha. The Theravāda holds that the rules in the Pāli Vinaya were formulated by the Buddha. If bhikkhunīs want to argue that the rules were not the word of the Buddha—as many of them have—they are separating themselves from the Theravāda. I personally am mystified by why anyone would want to claim affiliation with a tradition they see as corrupt.

3. It has been argued that, when bhikkhunīs have been accepted by a particular group of bhikkhus, and they have gained the support of enough of the laity, they are “for all intents and purposes, bhikkhunīs.” The implication here is that other groups of bhikkhus should thus accept this as a done deed, and not withhold their recognition of what has happened. Again, this overrides one of the basic duties of bhikkhus, which is to investigate the validity of saṅgha-kammas performed by other Communities; and it deprives them of their right and duty to withhold approval if they see that the saṅgha-kamma was not properly carried out.

4. It has also been argued that there are arguments on both sides of every point concerned with this issue, and that there is thus no way of reaching final adjudication on the matter. However, the simple existence of an argument on one side or the other of the issue does not prove that the argument is valid. Each argument has to be judged on its merits in line with the Vinaya as it has been handed down. And although there may be no final adjudication that everyone will agree with, it is possible for each Community to make an informed judgment as to which arguments are more solid. Indeed, it is their responsibility to do so.

If people want to form independent practice communities, that's their right.

But that does not mean that bhikkhus serious about training under the Vinaya should abandon their training rules in order to recognize those communities on a formal, institutional level. As I said in a previous piece, it's entirely allowable for bhikkhus, on an informal level, to give instruction to anyone who desires instruction, and advice to anyone who wants to form an independent practice community, but it should not be done in a way that leads to divisions in the Bhikkhu Saṅgha.

Some added random thoughts:

A few other pieces of misinformation have been advanced in the course of this ongoing discussion.

5. It has been stated in many web-postings that the Bhikkhu Saṅgha must give Acceptance to anyone who requests it. This is not true. [Mv.I.29.1](#) states that a Community may not give Acceptance to someone who has not requested it, but that doesn't mean that it *has* to give Acceptance to someone who does. There are also many qualifications that a candidate must meet in order for his Acceptance to be valid (see [Mv.IX.4.10](#)). And the nature of the Community transaction whereby Acceptance is given explicitly opens the opportunity for any one member of the Community to deny Acceptance to a candidate. Only if all members of the Community agree to accept the candidate is the transaction complete.

6. Similarly, it has been argued that the Buddha granted ordination to anyone who sincerely wanted it, and that therefore no one should deny bhikkhunī ordination to any woman who sincerely wants it. However, there were cases where the Buddha refused to give ordination to people who were not fully prepared to ordain—Bāhiya of the Bark Cloth ([Ud 1:10](#)) and Pukkusāti ([MN 140](#)) being the most famous examples. And there is an important distinction between what the Buddha did and what he allowed the Bhikkhu Saṅgha to do. [Cv.X.17.2](#)

allows the Bhikkhu Saṅgha to give ordination to candidates only after they have been purified in the Bhikkhunī Saṅgha. If the candidates don't meet this qualification, the bhikkhus are not empowered to grant them ordination.

7. As proof that the bhikkhunīs were fully independent of the Bhikkhu Saṅgha, it has been stated that, just as bhikkhunīs were not allowed to enter a bhikkhu monastery unless given permission by the bhikkhus, so too bhikkhus could not enter a bhikkhunī monastery unless given permission by the bhikkhunīs. This latter statement is apparently a reference to [Pācittiya 23](#), which however simply forbids a bhikkhu from *exhorting* a bhikkhunī in the bhikkhunī residences unless the bhikkhunī is ill or he has been invited by the bhikkhunīs to do so. The rule says nothing about a bhikkhu going to the bhikkhunī residences for other purposes.

8. In the arguments supporting the revival of bhikkhunī ordination, many principles foreign to the Vinaya have been proposed for interpreting the rules. For instance, it has been stated that the Vinaya is case law, and that the rules were intended to cover only the specific cases mentioned in the origin stories for the rules. Thus we can extrapolate from the stories as we see fit to decide if a specific rule applies to us or not, dropping a rule if we feel that the case in the origin story is not similar enough to ours. As I have pointed out in more detail in my article, “[On Ordaining Bhikkhunīs Unilaterally](#),” this flies in the face of the interpretive framework set out by the Sutta Vibhaṅga, which—except for a few clearly marked exceptions—treats each rule as meant for all time, and states in objective terms where the rules apply and where they don't. That framework never takes its guidance from the origin stories, and in some cases clearly goes against what the story has to say. For example, there are cases where, according to that framework, the incident reported in the origin story wouldn't even count as an offense at all (see [Pārājika 4](#), [Nissaggiya Pācittiya 4](#), and [Pācittiya 8](#)).

There is also a case in the Khandhakas—the same section of the Vinaya that contains the rules on bhikkhunī ordination—showing that the same principle applies there. **Mv V.1.29** shows beyond a shadow of a doubt that the Buddha, in creating a rule, was not simply adjudicating the specific case before him. In that passage, he offers to create a rule specifically allowing Ven. Soṇa Koḷivisa to wear sandals with one lining because Ven. Soṇa was delicately brought up. Ven. Soṇa objects, responding that he will not make use of such sandals unless the Buddha allows them for the entire Saṅgha. The Buddha does so, and the wording of the rule is significant, in that it doesn't mention the Saṅgha. It simply says, “Monks, I allow sandals with one lining” (**Mv V.1.30**). This means that rules of this form are for everyone: i.e., in them, the Buddha is not adjudicating just for the case at hand, but is creating what is closer to a law that, unless later modified, is applicable for all time for the entire Community.

9. Also, it has been proposed that when we find a rule or a story in the Pāli Vinaya that we don't like, we can import an alternate rule or story from another Vinayas and use it to override what the Pāli Vinaya has to say—even though the whole question concerns what a bhikkhu training in the Pāli Vinaya can and cannot do.

A corollary of this last approach is that if an origin story supports one point that we like but another that we don't, we can declare the story historically reliable for the sake of the first point, and unhistorical for the sake of the second. This is called “finding a usable past,” but it's simple dishonesty.

The importation of these foreign principles for interpreting the Vinaya is perhaps the most damaging aspect of the whole effort to revive bhikkhunī ordination. If such principles get accepted in this case, they will then be applied to others, and an essential aspect of the training—submitting oneself to rules even when you're not yet developed enough to understand their wisdom—will get lost. This would hasten the death of the Saṅgha's living apprenticeship.

10. Some people have advocated denying support to Communities that do not accept the validity of the revived bhikkhunī ordination, claiming that the Buddha endorsed such a procedure for bringing the wrong side of a split in the Saṅgha into line. This claim is based on a precedent in [Mv.X.5.1–2](#), in which the lay followers at Kosambī, upset that quarreling monks in their city had driven the Buddha from the city, made an agreement not to give food to the monks.

This claim ignores two things. a) The lay followers withheld alms from both sides of the quarrel. If this precedent were to be followed, lay people would have to withhold alms both from Communities that accepted the validity of the new ordinations and those that didn't.

b) In [Mv.X.5.8–9](#), Anāthapiṇḍika and Visākhā come to see the Buddha and ask him how to behave toward bhikkhus on two sides of a quarrel. The Buddha's advice: "In that case, give gifts to both sides. Having given gifts to both sides, listen to the Dhamma from both sides. Having listened to the Dhamma from both sides, give preference to the view, approval, preference, and belief of the side of those who speak Dhamma."

In other words, even though the Buddha recommended that lay people use their judgment in choosing whom to take as a teacher, he recommended that they still give alms to both sides of a split. He didn't entrust them with the role of enforcing their views on the Saṅgha by depriving those they disagreed with of alms. In fact, he never recommended depriving anyone of gifts—a principle he stated clearly in [AN 3:58](#):

"Vaccha, whoever prevents another from giving a gift creates three obstructions, three impediments. Which three? He creates an obstruction to the merit of the giver, an obstruction to the recipient's gains, and prior to that he undermines and harms his own self. Whoever prevents another from giving a gift creates these three obstructions, these three impediments."

Whoever recommends depriving bhikkhus of alms knows nothing of the Dhamma.

On Multiple Ordination : First Letter

November 13, 2009

Dear Ven. Ñāṇadhammo,

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.IX.3.2**, it would be “apart from the Vinaya... apart from the Teacher's instruction.” As **Mv.IX.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 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 dukkaṭas. 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 upajjhāyavirahitaṃ*: 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 puḅḅalaṃ 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 upajjhaṃ 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 upajjhākittanaṃ kataṃyevāti daṭṭhabbaṃ. Aññathā puḅḅalaṃ 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.IX.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 Khandhakas—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.IX.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.IX.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,

Thānissaro Bhikkhu

On Multiple Ordination : Second Letter

February 23, 2010

Dear Ven. Ñāṇadhammo,

You asked for a clarification of my letter of last November 13, in light of the criticisms that have been raised against it. I apologize for the delay in my response, which was caused partly by a bout of ill health on my return to the U.S., and partly by a desire to wait until all the criticisms were in, so that I could deal at once with all the those that seem worthy of a reply.

This response will fall into three parts:

The first part will restate my position that the transaction statement used in the bhikkhunī ordinations at Perth—which mentioned two candidates in a single statement—invalidated the transaction.

The second part will respond to criticisms of this position that are based on accepting the Vinaya as it appears in the Pāli Canon. Arguments based on rejecting parts of the canonical Vinaya defeat their own purpose. If a transaction is to be accepted only when certain rules are ignored, that is enough reason to reject it. Criticisms that call the canonical Vinaya into question cannot form the basis for a position of the Saṅgha. Even though they may cite the results of scholarship, the interpretation of that scholarship can be highly speculative and subjective. Thus they are simply the opinion of the person expressing them and so don't require a response. Also, historical examples of bhikkhus not following the canonical Vinaya should not be taken as precedent for our decisions: The fact that other bhikkhus broke the

rules, even with the approval of the chroniclers who told their story, does not mean that we should break the rules.

Still, several arguments have been made in favor of dropping or amending some of the rules in the Vinaya with regard to this particular case, on the grounds that the issue of training opportunities for women is an important one, and the rules broken in trying to reestablish a Theravāda Bhikkhunī Saṅgha are minor. These arguments may sound convincing to a person from a non-Theravādin background—say, in liberal Protestantism, Reform Judaism, or Mahāyāna—but when they’re closely examined, we find that they contradict many of the larger principles of the Dhamma and Vinaya. Thus, in **the third part** of the letter, I’ll examine some of the principles that have been advanced for dropping the minor rules, and discuss the larger principles of the Dhamma and Vinaya that argue for sticking with the rules as they are.

Part One

First, I’ll give a clearer and more thorough restatement of the position I expressed in my letter. It’s traditional, when a Vinaya discussion comes up in the Saṅgha, to give a review of all the relevant rules and their proper interpretation before delving into the issue at hand. People need background in the rules to make informed decisions about them, and because the Vinaya is so complex, it’s unfair to expect that everyone will be up to speed on every rule relevant to a particular case.

In canonical times this review took a question-and-answer format, with a knowledgeable member of the Saṅgha answering questions put to him by other members of the Saṅgha. Thus, in the course of this review, I will respond to some of the questions that you have put to me. There was some comment that the statement of my position in the November 13 letter was too long, so when I get to my actual position I will try to keep it short. But because many of the responses to my position were based on misinformation about the rules, and because

many rules are involved in this issue, I will have to preface it in the traditional way, laying out all the rules that are relevant.

Also, I gave two arguments for the position in my November 13 letter: one based on the canonical Vinaya and the commentaries, and one based solely on the oldest parts of the canonical Vinaya: the Vibhaṅgas and the Khandhakas. Some people missed the fact that there were two arguments, and rejected the position on the understanding that it relied heavily on the commentaries. So here, for clarity's sake, I'll base my argument solely on the Vibhaṅgas and the Khandhakas. I'll make occasional references to the Parivāra—a part of the canonical Vinaya traditionally recognized as later—and to the Commentary, but only to point out the sources of arguments used against my position. I won't make these later texts carry the burden of the position I'm taking.

If you want to skip the review, go straight to the section marked, “[The Question](#).”

Otherwise, here's the review:

Background. Community transactions are the means by which the Saṅgha is governed. There is no overarching organization that can pass judgment on the transactions of individual Communities; thus for one Community to have its transactions accepted as valid by other Communities in the larger Saṅgha, those transactions have to fulfill certain validating qualifications. The general qualifications are these:

The validity of the object: the person or item acting as the object of the transaction fulfills the qualifications required for that particular transaction ([Mv.IX.5–6](#); see also the qualifications under the relevant transactions).

The validity of the transaction statement: the statement—called the *kammavācā*—recited in the course of the transaction follows the correct form for the transaction ([Mv.IX.3.2](#)).

The validity of the assembly: the meeting contains at least the minimum number (the quorum) of bhikkhus required to perform that particular transaction (Mv.IX.3.6).

The validity of the territory: any bhikkhus in the territory where the meeting is being held whose consent needs to be conveyed are either present at the meeting or their consent has been conveyed, and no one who is qualified to do so protests the transaction while it is being carried out (Mv.IX.3.6).

If a Community conducts a transaction that does not meet these qualifications as established in the Vinaya, it has betrayed the trust placed in it. The transaction is reversible and unfit to stand (Mv.IX.2.4; Mv.IX.3.2–5). Any bhikkhu who sees that this has happened can declare the transaction invalid and can agitate to have the matter reopened (see the non-offense clauses to Pācittiya 63).

The validity of the transaction statement is the primary issue here, but the validity of the object (in this case, the candidate for Acceptance) also enters into the discussion, so we will have to look at the rules for both. For clarity's sake, these two types of validity have to be discussed separately, for the general rules applicable to the first type don't necessarily apply to the second.

The validity of the object: In most transactions, if the object does not meet the qualifications for that particular transaction, the transaction as a whole is invalidated. However, Acceptance (*upasampadā*) is unusual in that the Canon (Mv.IX.4.11) discusses two classes of invalid objects (i.e., candidates for Acceptance): those that, even if they are accepted by a Community, do not count as accepted; and those that, if they are accepted, count as accepted nevertheless, although the members of the Community accepting them each incur a dukkaṭa. Candidates in the first category include those under the age of twenty, matricides, patricides, and ex-bhikkhus who went over to another religion while they were previously accepted as bhikkhus.

Candidates in the second category include those with tuberculosis or epilepsy, slaves, debtors, and sons who have not received their parents' permission.

However, the Canon also includes prohibitions against accepting certain types of candidates, yet without stating which of these two categories the candidates belong to. Examples common to bhikkhus and bhikkhunīs include candidates without preceptors, candidates without a robe or bowl, or candidates with borrowed robes and bowls. Examples specific to bhikkhunīs include the prohibition (in [Bhī Pc 83](#)) against accepting a candidate when her sponsor (*pavattanī*) has already sponsored another candidate that year, and the prohibition (in [Bhī Pc 72–73](#)) against accepting a candidate who has not undergone the formalities of her full two-year training in the first six of the ten precepts. In the general cases, the Commentary states that if the candidates are accepted, they count as accepted. In the case of the bhikkhunīs, the Commentary is silent, but because, under [Bhī Pc 71](#)—the rule against accepting a bhikkhuni-candidate under twenty years of age—it explicitly states that the candidate does not count as accepted, its silence under the other rules is interpreted as meaning that candidates accepted in defiance of those rules do count as accepted, even though the members of the Community accepting them incur offenses.

The validity of the transaction statement: The transaction statement lies at the heart of each transaction. In a sense it *is* the transaction, for when the statement is recited, the transaction has been accomplished. At the same time, the transaction statement is an announcement to the larger Saṅgha of what this particular Community is doing. When the Community gathers for the transaction, one or two bhikkhus recite the statement appropriate for the transaction: either in the form of an announcement, a motion, a motion with one proclamation, or a motion with three proclamations. If, during the recitation, none of the present and qualified bhikkhus protest, and all the validating factors are complete, the transaction has been done.

In most cases, the Canon—when allowing a Community to perform a transaction—gives the form for the authorized statement to be used in that transaction. The statement-form usually contains the equivalent of blanks—such as, “the bhikkhu named so-and-so”—so that the form can be tailored to fit the specifics of the case at hand. Examples would be the statement-form for accepting a single candidate into the Bhikkhu Saṅgha, given at [Mv.I.76.9–12](#), and the statement-forms for accepting a single candidate into the Bhikkhunī Saṅgha, given at [Cv.X.17.7–8](#).

There are a few cases where the Canon allows a particular transaction yet does not explicitly give the form for the statement to be used, but in each of these cases the transaction is so similar to one where the statement-form *has* been provided that it is easy to modify the given form to fit the specifics of the case where a form has not been provided. And the modifications are extremely minor: substituting plural forms for singular forms when the number of objects is more than one; substituting masculine forms for feminine forms when the object is a woman rather than a man; and taking the statement-form used for authorizing one type of Community official and substituting the title of another type of Community official where the form is not given (as in [Cv.VI.21](#)). An example of such modification is the statement for accepting two or three candidates with a single preceptor into the Bhikkhu Saṅgha. [Mv.I.74.3](#) gives permission for this transaction but does not provide the relevant transaction statement-form. The form can be derived, however, by putting the relevant singular forms in [Mv.I.76.9–12](#) into the plural.

Thus a certain amount of modification is allowed for the various statement-forms, but the Canon sets some general limits on how far the modification can go and still be valid. Even for statements explicitly allowed, the reciters cannot omit the motion or the proclamation; if the proclamation has to be stated three times, it cannot be stated only once or twice. A transaction using a statement of this sort is called a non-Dhamma transaction, which is invalid ([Mv.IX.3.2–4](#)). Also, the reciters cannot state the proclamations first and the motion later. To do so leads to what is called a semblance-of-the-Dhamma (*dharmā-paṭirūpaka*) transaction ([Mv.IX.3.7–8](#)). This, too, is invalid ([Mv.IX.2.3](#)). In other

words, these minor slip-ups will invalidate any transaction, even those where the original, correct form for the statement is explicitly authorized.

Mv.IX.3.2 states that the following are also non-transactions: any that—

- have an invalid motion and valid proclamation;
- have an invalid proclamation and valid motion;
- have an invalid motion and invalid proclamation;
- are apart from the Dhamma;
- are apart from the Vinaya;
- are apart from the Teacher's instruction;
- have been protested, are reversible and unfit to stand.

The origin story to this passage lists each of these types as separate types of transactions, but the passage itself doesn't define the terms. A transaction "apart from the Dhamma" is apparently the same as a non-Dhamma or semblance-of-the-Dhamma transaction.

As for a transaction with an invalid motion and/or proclamation, the Parivāra does define these terms, but because these are later definitions, some people do not take them as definitive. However, as I mentioned above, they have come up in the criticisms of my position, so it's good to know what they are and where they come from.

Parivāra XIX.1.3 lists five factors that would make a transaction invalid with regard to its motion: 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. Parivāra XIX.1.4 lists five factors that would invalidate a transaction with regard to its proclamation: if it doesn't touch on the matter, doesn't touch on the Saṅgha, doesn't touch on the individual, if the announcement isn't mentioned, or if it is mentioned at the wrong time [e.g., before the motion].

There is some question as to whether the lists at Parivāra XIX.1.3–4 are exhaustive—i.e., whether the factors they list are the only ones that would invalidate a motion or a proclamation. For instance, suppose that

if—in modifying the form of an allowed transaction statement-form to fit a transaction that has not been explicitly allowed—the resulting form inherently would involve an offense. In other words, the statement-form explicitly states that the Saṅgha is performing an act that we clearly know—from the Vibhaṅgas or Khandhakas—incurs an offense for any bhikkhu or Saṅgha performing it.

For such a modification to count as valid under the Great Standards (Mv.VI.40.1), it would have to be similar to an example already authorized in the Canon. **And yet the Canon does not contain a single example of a transaction statement-form whose implementation would inherently involve an offense.** Thus any newly created statement-form of this sort would be invalid. According to the Great Standards, this would come under the standard of, “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.”

Using the categories listed in Mv.IX.3.2, its invalidity can be classed in any of three ways. First, it might be classed as invalid with regard to its motion or proclamation. Or—if we were to take the lists in Parivāra XIX.1.3–4 as exhaustive in defining that category—it could be classed either as “apart from the Vinaya” or as “apart from the Teacher’s instruction.” These last two characterizations would be hard to argue against, for even though the transaction may not be explicitly forbidden, it is not explicitly allowed, and the form of the transaction statement states explicitly that the Community is doing something we know to be an offense. There is no way that such a transaction or its statement could be described as in line with the Vinaya or the Teacher’s instruction. Thus, regardless of which of the three categories the transaction would fall under, it is a non-transaction, i.e., invalid and unfit to stand.

Mv.IX.3.2 does not give any exemptions to these principles. And as I reported in sections 8–10 of my previous letter, I could find no exemptions given elsewhere in the Vibhaṅgas or the Khandhakas.

The Question. The issue is whether it is valid to perform an Acceptance transaction for bhikkhunīs in which two or three bhikkhunī-candidates are mentioned in the transaction statement.

1) There is no allowance for this transaction given in the Vibhaṅgas or the Khandhakas.

2) **Mv.I.74.3** does allow for an Acceptance transaction for bhikkhus in which two or three bhikkhu-candidates are mentioned in the transaction statement, but a condition is placed on the allowance: “I allow a single proclamation to be made for two or three [candidates] if they have the same preceptor, but not if they have different preceptors.”

3) Thus it might be argued, on the basis of the Great Standards, that a similar allowance should be assumed for bhikkhunīs.

4) However, as we have noted above, **Bhī Pc 83** places special limitations on how many students a bhikkhunī sponsor (as the *pavattanī*, the bhikkhunī equivalent of a preceptor, or *upajjhāya*) may have at any one time: “Should any bhikkhunī sponsor [Acceptances—act as a sponsor for] two [candidates] in one year, it is to be confessed.” (There is no corresponding rule for bhikkhus.)

5) The Vibhaṅga to **Bhī Pc 83** states that this rule, if broken, carries a pācittiya offense for the sponsor, and a dukkaṭa offense for every member of the Community participating in the transaction. (There is no equivalent rule limiting the number of candidates a bhikkhu may take on as preceptor at any one time.)

6) Thus the transaction would fit into the categories that would invalidate it as “apart from the Vinaya, apart from the Teacher’s instruction”: The transaction is not allowed in the Vibhaṅgas or Khandhakas, and the form of the transaction statement states explicitly that the Community is doing something that we know, from **Bhī Pc 83** and its Vibhaṅga, to constitute an offense for every member of the Community participating in the transaction. It is thus unfit to stand.

That’s the restatement of the position I presented in my [previous letter](#).

Part Two

Objections. Four objections based on the canonical Vinaya have been made to the above position.

The first objection gives the counter-example of a candidate without a bowl or robes. **Mv.I.70.3** imposes a dukkaṭa on any member of a Community who accepts such a candidate into the Saṅgha, but does not state whether the candidate counts as validly accepted or not. The Commentary to this passage states that he does. The objection then uses this example to note that because the transaction statement in this case would involve a lie—i.e., the transaction statement explicitly states that the candidate's robe and bowl are complete when in fact they are not—the statement would entail an offense for the Community approving it, and yet the candidate would count as accepted. This, the objection states, disproves the point made in my letter, 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.”

However, this counter-example is based on a misunderstanding of what is meant by a statement-form that would intrinsically entail the breaking of a rule. If a Community wished to give Acceptance to a candidate without a robe or bowl, and did so using the full transaction statement-form given in **Mv.I.76.9–11** (which states that the candidate's robe and bowl are complete), the lie would not be inherent to the form of the statement. The lie occurs in the fact that the Community in question is applying a perfectly valid, authorized transaction statement to the wrong case. There is nothing intrinsic in the form of the statement that would automatically entail the breaking of a rule. Thus the counter-example is irrelevant to the case at hand.

(As an aside—and this is not essential to my argument—if we follow the standards set out in Parivāra XIX.1.3–4, there would be no need for a Community to tell a lie in this case anyhow. According to those passages, only three things need to be touched on in a motion or

announcement: the matter (in this case, the candidate for Acceptance), the Saṅgha performing the action, and the individual (the preceptor). Thus a Community who wished to give Acceptance to a candidate without a robe or bowl could simply drop all reference to the presence or absence of the robe and bowl in the transaction statement, and yet the statement would be valid. At the same time it would not contain a lie.)

In any event, this first objection is irrelevant and does not stand.

The second objection is actually tangential to my argument. In [sections 1–7](#) of the argument in the November 13 letter, I presented my reasoning—summarized above—for stating that a transaction statement accepting two candidates into the Bhikkhunī Saṅgha qualifies as “apart from the Vinaya” in the words of [Mv.IX.3.2](#), and so is invalid. In [sections 8–10](#) of that letter, however, I checked to see if the Canon or commentaries might allow for an exemption to [Mv.IX.3.2](#), in which a transaction using an unauthorized transaction statement would nevertheless still be valid. In other words, I was checking to see if the general principle that an invalid transaction statement invalidates the whole procedure was granted some exemptions, or if it was a universal principle.

The closest possibility for an exemption I could find was the example in [Mv.I.69.1](#), of a candidate who doesn’t have a preceptor but whose Acceptance, at least according to the Commentary, is still valid. My reasoning was that if a transaction using an invalid statement under [Mv.I.69.1](#) (statement x) was still valid, then perhaps we could conclude that a transaction using a statement accepting two candidates into the Bhikkhunī Saṅgha (statement y) would also be valid. I found, however, that none of the texts allow for an exemption in the case of statement x. In every case, the transaction was deemed valid if a valid statement-form was used, but invalid if an invalid statement-form was used. Thus I came to the conclusion that the texts allow for no exemptions in this area. The principle that invalid statement-forms invalidate their transactions is a universal one, and the judgment based on [Mv.IX.3.2](#) still stands.

The objection to this point was this: The texts reject statement x because it lacks the necessary reference to the relevant individual (the preceptor). This is not true of statement y, and so the two statements are not parallel. Thus my conclusion does not stand.

This objection is based on a misunderstanding of the purpose of the argument in [sections 8–10](#). It assumes that I was trying to prove that statement y is invalid because it is similar to statement x. Actually, I had already made my case that statement y is invalid, on other grounds, in [sections 1–7](#). In [sections 8–10](#) I was simply trying to see if there was a possible exemption to [Mv.IX.3.2](#). To disprove my conclusion in [sections 8–10](#) it would be necessary to find an example in the Canon where a Community uses an invalid transaction statement and yet the transaction is deemed valid. As far as I can see, no such example exists.

The third objection is that, because there are some cases where candidates who don't fully meet the qualifications for Acceptance still count as accepted once they are accepted, that means that minor flaws in the Acceptance transaction don't matter. The problem with this objection is that it conflates two types of validity: validity as to the object and validity as to the transaction statement. The fact that there are some exemptions to the requirements for a valid object in an Acceptance transaction does not transfer to the requirements for a valid transaction statement. Even though [Mv.IX.4.11](#) grants specific exemptions for the validity of some candidates who don't fulfill the qualifications as "object" in Acceptance transactions, all the other validities—assembly, territory, and transaction statement—have to be fully met for the transaction to be valid. Nowhere in the Vibhaṅga or Khandhakas are any exemptions granted in the case of invalid transaction statements.

This distinction is not as arbitrary as it might seem. It's one thing to accept a specific individual even though he or she does not fully meet the qualifications, for the Community is exercising its judgment on a case-by-case basis. It's something else when a Community has decided that it wants to break [Bhī Pc 83](#) as a Community policy and uses a statement-form not found in the Canon whose sole purpose is to make

it easier and more convenient to break the rule—for that’s what happened at the ceremonies in Perth. The sort of attitude reflected in that effort is not something that should be approved and emulated by other Communities.

The fourth objection is that my argument mistakenly assumes that **Bhī Pc 83** was formulated before the allowance at **Mv.I.74.3**—in other words, that the restriction on multiple students for one bhikkhunī-sponsor was in place before the allowance for bhikkhus to ordain two or three candidates with a single preceptor. Further, this objection states that because we know there was a period when a bhikkhunī was allowed to have multiple students at any one time—prior to the origin story to **Bhī Pc 83**, when lay supporters complained that there were too many bhikkhunīs—we can use that previous period as an example for current behavior.

This objection is mistaken on many levels. To begin with, the argument I made is not based on the above assumption. In fact, as a personal opinion, I had assumed the opposite: that **Mv.I.74.3** was in place before **Bhī Pc 83**. But this question is irrelevant at present. It does not matter which rule was in place before which other rule, for all the rules are currently equally in place. Once a rule is in place, it’s in place and cannot be revoked except by unanimous approval of the Saṅgha (Cv.XI.1.9). It does not matter that there was once a period when a bhikkhunī could have multiple students at any one time, for that is true of all the rules: We know that there was a period when none of the rules had been formulated. But, that does not give us grounds to assume the pre-rule period as a precedent for our behavior at present, for that would mean that we could revoke all the rules at our pleasure.

This objection also assumes that the origin story to a rule—in this case, **Bhī Pc 83**—gives us the full range of situations in which the rule applies, along with the Buddha’s total reason for formulating the rule, and that the rule does not have to apply outside of that limited range of situations. To assume this as a general principle, however, would be to severely limit the application of all the rules. The rule against killing a human being would apply only to monks who hired assassins to kill

themselves; the rule against having sexual intercourse would apply only to monks who were having sex with their former wives to provide an heir for the family fortune. As a point of fact, the Vibhaṅgas to the Pāṭimokkhas provide each rule with a section of non-offense clauses that delimit the actual range of the rule's application. And as I noted in my letter of November 13, the non-offense clauses in the Vibhaṅga to **Bhī Pc 83** do not grant any exemptions for periods when residences for bhikkhunīs are plentiful. At present, the only bhikkhunī who would break that rule without incurring an offense would be one who breaks it while she is insane.

Another objection has been made to my position, which calls into question the validity of the canonical Vinaya, so I am not duty-bound to respond to it. But, because it is based on a passage in the canonical suttas, I feel it should be addressed.

The objection is this: **Therīgāthā 6:1** mentions that Pāṭācārā Therī had 500 students. If **Bhī Pc 83** had indeed been formulated by the Buddha, she would have had to have been ordained 1,000 years to have so many students. Therefore **Bhī Pc 83** must not have been formulated by the Buddha, and thus is not binding.

There are several flaws in this objection. To begin with, **Therīgāthā 6:1** does not say that the 500 bhikkhunīs had all been sponsored by Pāṭācārā. It simply says that they were her students. There are many cases throughout the Canon of bhikkhus studying with bhikkhus who are not their preceptors, and the same could easily have been the case here. So the mere mention of 500 students does not disprove the validity of **Bhī Pc 83**.

Second, even if we assume (following the Commentary to the Therīgāthā) that the 500 bhikkhunīs were sponsored by Pāṭācārā, we have to remember that the rules in the Vinaya were not all formulated at the same time. Some came early in the Buddha's lifetime, some came later in his lifetime. It might have been the case that Pāṭācārā had sponsored many bhikkhunīs before the Buddha formulated **Bhī Pc 83**. The rules, obviously, were not binding before they were formulated, but

—as I stated above—they were binding after they were formulated, and they are binding now.

(As an aside: Why is it that, when there is a perceived discrepancy between two passages in the Canon, it is often taken as proof that the more convenient passage is authentic, and the less convenient one is not? Is this the way a monastic should train?)

So none of the above objections, as far as I can see, refute my position that the transaction statement used at the Acceptance transaction in Perth rendered the transaction invalid.

So what does it mean to declare another Community's transactions invalid? It simply means that we do not see ourselves bound by any responsibilities that would come from accepting those transactions as valid. In this case it means that we would not regard the bhikkhunīs accepted at the ceremony at Perth as genuine bhikkhunīs. It does not mean that we are ordering other people not to give them respect or support. We are not in a position to give orders to others in that way. We are simply exerting our right not to be bound by an invalid transaction.

Of course, when one Community performs a transaction that it sees as valid but other Communities see as invalid, and both sides hold to their positions—i.e., they insist that they are right and we are wrong, while we insist the reverse—then you have a rift. It's not yet a schism, but it does lead to disharmony in the Saṅgha. This is why the freedom for a Community to conduct its own business is coupled by the responsibility to conduct that business in a way that other Communities would accept. It's also why the Buddha directed Communities to conduct their transactions in a way that fulfills all the necessary requirements to the letter. Otherwise, in such a loosely confederated Saṅgha, it's hard for harmony to be maintained.

And notice how offenses are allotted in a case like this: When a Community performs an invalid transaction, each of the participants incurs a dukkaṭa even if he doesn't realize that the transaction is invalid. On the other hand, if a bhikkhu agitates for the overturning of a transaction, then even if the transaction was actually valid, he incurs an

offense under **Pācittiya 63** only if he perceives the transaction as valid. If he perceives it as invalid, he incurs no offense. So the onus is on each Community to perform its transactions in ways that are clearly valid, for an invalid transaction is perceived as the cause of the rift.

As I stated in my previous letter, the question of the transaction statement is only one of many Vinaya issues that need to be considered in the issue of bhikkhunī ordination. It is certainly not the most serious one, but I feel that it is important enough that it be treated with as much clarity as possible. The harmony of the Saṅgha often depends on issues like this, and I don't regard the importance of this harmony as "ironic." I also don't see that it's compassionate to show people that they can get what they want by bending or breaking the rules, even in special circumstances. That's called a slippery slope, and it doesn't lead upward.

Which brings me to the third part of my letter.

Part Three

Several arguments have been advanced for putting aside any of the Vinaya rules that would interfere with the revival of the Theravāda Bhikkhunī Saṅgha. The arguments tend to be based on any one of four rationales—or on combinations of the four—and it's useful to examine these rationales to see whether they accord with the Dhamma.

The first rationale is that setting aside the rules is what the Buddha would have us do. Sometimes this rationale is couched in general terms: that the Buddha was compassionate, and the revival of the Bhikkhunī Saṅgha is a compassionate thing. Sometimes it's couched in more particular terms: the fact that the rules the Buddha instituted for the Bhikkhunī Saṅgha are the rules he would like female renunciates to live by; that he declared that, "A bhikkhunī is essential"; and that he allowed the Saṅgha to rescind any of the minor rules he had instituted:

“After I am gone, the Saṅgha—if it wants—may abolish the lesser and minor training rules.” (DN 16)

This rationale is often accompanied by a rhetorical question: “If the Buddha were alive, wouldn’t he revive the Bhikkhunī Saṅgha?” But this is the wrong question to ask, because the Buddha is no longer alive. A more relevant question would be, “If the Buddha knew that we in the 26th century of his Dispensation were trying to revive the Bhikkhunī Saṅgha, would he approve of our breaking some of the rules to do so?” And it’s not clear that he would.

To begin with, the Buddha never declared that, “A bhikkhunī is essential.” This statement is a mistranslation of the phrase, *sārā bhikkhunī*, “a heartwood bhikkhunī,” found in the Vibhaṅga to the first Bhikkhunī Pārājika rule. It comes in the context of a list detailing the different types of bhikkhunīs covered by that rule and all the subsequent rules in the Bhikkhunī Pāṭimokkha. I. B. Horner mistranslated the list in her translation of the Vinaya Piṭaka, so it might be useful to have the full translation: “Bhikkhunī: an alms-goer bhikkhunī, a bhikkhunī who consents to alms-going, a wearer of the cut-up robe bhikkhunī [these first three are etymological puns on the *bhi*-syllable in the Pāli], a bhikkhunī by designation, a bhikkhunī by acknowledgement, a ‘Come, bhikkhunī,’ bhikkhunī, a bhikkhunī accepted by means of the going-for-the-Triple-Refuge [these were two early types of Acceptance], an auspicious bhikkhunī, a heartwood bhikkhunī [these two types refer to those endowed with any of the qualities of the practice from virtue up through the destruction of the *āsavas*], a learner bhikkhunī, an adept bhikkhunī, a bhikkhunī accepted by both Saṅghas in unity, by means of a transaction with a motion and three proclamations, irreversible and fit to stand.” This list is slightly adapted from the same list appearing in the Vibhaṅga to the first Pārājika rule in the Bhikkhu Pāṭimokkha. Thus the phrase *sārā bhikkhunī* simply denotes one type of bhikkhunī, does not say that a bhikkhunī is essential, and so has no bearing on the question at hand.

Second, even though the Buddha did in fact state that the Saṅgha could abolish the lesser and minor training rules, he stated that this could be done only by the Saṅgha, and not by a separate group. This

means that any action of this sort would have to receive the unanimous support of the Saṅgha. That is far from feasible at present. At the same time, there are statements elsewhere in the suttas that counsel against such a move.

“As long as the monks neither decree what has been undecreed nor repeal what has been decreed, but practice undertaking the training rules as they have been decreed, their growth can be expected, not their decline.” — *AN 7:21; DN 16*

“And furthermore, just as the ocean is stable and does not overstep its tideline, in the same way my disciples do not—even for the sake of their lives—overstep the training rules I have formulated for them. The fact that my disciples do not—even for the sake of their lives—overstep the training rules I have formulated for them: This is the second amazing and astounding fact about this Dhamma and Vinaya that, as they see it again and again, has the monks greatly pleased with the Dhamma and Vinaya.” — *Ud 5:5*

Thus when bhikkhus refuse to change the Buddha’s rules, it’s not necessarily out of misogyny or lack of sympathy. It could instead be out of a sense of honor combined with loyalty and gratitude to the Buddha—and to the Dhamma and Vinaya, which are our teachers in his absence. These bhikkhus see that dropping a few rules “temporarily” tends to result in their being dropped permanently; the example of dropping one inconvenient rule leads to the dropping of others. To set such an example is not an expression of wise compassion. Remember how Mahā Kassapa expressed his compassion for future generations: by setting an example of strict deportment that he followed into old age (*SN 16:5*).

Second-guessing the Buddha’s attitude toward the present is a risky endeavor, but there are two important points that the Vinaya teaches as fact.

a) The Buddha did not establish the Bhikkhunī Saṅgha on an equal footing with the Bhikkhu Saṅgha. It’s not the case that the idea for

women's equality with men was unthinkable in his time: After all, Mahāpajāpatī Gotamī is quoted as having thought of it soon after the Bhikkhunī Saṅgha was founded (Cv.X.3). However, as the Buddha had earlier explained to Ven. Ānanda, he had to choose between providing equality on the one hand and arranging for the long life of the brahmacariya (holy life) on the other. Just as a family composed mostly of women easily falls prey to robbers and thieves, a brahmacariya where women gain the going-forth does not last long (Cv.X.1.6). Thus he gave preferential treatment to the bhikkhus—not because men were in any way superior to women spiritually, but simply because in a world of war, invasions, and genocide, a men's celibate order is more likely to outlive a women's celibate order. And history has shown that his strategy was wise. If we had depended on the Bhikkhunī Saṅgha to keep the Theravāda Dhamma and Vinaya alive, it would have died out centuries ago, when the last remnants of the Theravāda Bhikkhunī Saṅgha were wiped out by the Mongol invasion of Myanmar.

b) The Buddha did not establish protocols for reinstating either of the Saṅghas when they had died out. It is hard to imagine that he did not foresee this possibility—after all, his knowledge of previous lifetimes had taught him a great deal about what caused the Dispensations of previous Buddhas to end quickly or slowly (Sutta Vibhaṅga I.3). So we can only surmise that he foresaw this eventuality and decided that once the Saṅghas had died out—with no living members trained in the training he had established—they should stay that way.

Thus his compassion was more subtle, circumspect, and pragmatic, more informed by his knowledge of the past, than we could ever hope to comprehend. As DN 16 notes that, soon after his Awakening, he told Māra that he would not enter total Nibbāna until he had established both a Bhikkhu Saṅgha and a Bhikkhunī Saṅgha. Yet when the opportunity came to establish the Bhikkhunī Saṅgha, he did so only when the conditions were right, and only on his own terms: terms designed to provide an opportunity for women to train in the practice leading to Awakening, while at the same time trying to ensure that the brahmacariya would last long.

I have no access to the Buddha's thinking on this matter, but I can point to some of the conditions that he had in his favor when setting up the Bhikkhunī Saṅgha, and that we don't have at present.

To begin with, when the Bhikkhunī Saṅgha was originally formed, the Buddha was present, and he had the assistance of his arahant disciples in setting it up. If—when the bhikkhunīs were informed that the Buddha had formulated a rule for the Bhikkhunī Saṅgha—they disapproved of the rule or thought it a sexist monkish interpolation, they could check with him in person. We at present do not have this opportunity.

When the Buddha passed away, he left the Bhikkhunī Saṅgha in the hands of well-trained bhikkhunīs who had lived by the rules, had benefited from them, and could instill respect for the rules in their students. They could offer living proof that the rules, far from being sexist or demeaning, provided a vehicle conducive for training for liberation. These well-trained bhikkhunīs could also offer the living example of accumulated wisdom, which cannot be contained in a written text, of how women should live harmoniously in community in a way that furthers their practice. Having trained in the forest tradition, you know the importance of having living examples of teachers well-trained in the Dhamma and Vinaya to convey the aspects of the training that cannot be contained in books. But the living tradition of well-trained bhikkhunīs has now been lost.

What we do have now are a few very vocal academic scholars making their livelihood out of trying to disprove the authority of the Pāli Canon, and a chorus of disrespectful and polarizing voices on the Internet. These are not conditions conducive to reviving the bhikkhunī training.

The second rationale for rescinding some of the rules is that women desire the opportunity to devote their lives fully to Dhamma practice, and that this desire should be honored.

This desire *is* an honorable desire, and should be honored, but not at all costs. There are various forms in which women might form

communities to practice the Dhamma full-time—think of the Khao Suan Luang community in Ratburi—but not all of them risk causing rifts in the Saṅgha. The revival of the Bhikkhunī Saṅgha, however, is already causing rifts in the Saṅgha. If there are women who want bhikkhunī ordination at all costs and see no problem in causing rifts in the Bhikkhu Saṅgha, that is not an honorable desire.

It's as if they were asking, “Who do you love more, your teachers or us?” And, frankly, I wonder why they would not be suspicious of bhikkhus who choose them over their teachers.

Many people forget that there is no rule in the Dhamma or Vinaya forbidding people from setting up practice communities of their own, even to the point of adopting the rules of the bhikkhus or bhikkhunīs. And here in the West, there is no one to stop them from doing so, or from seeking support for their communities. I know of no bhikkhu who would argue that, because the communities are self-formed, they would not be deserving of support, for there is the Buddha's statement in [AN 3:58](#):

“Vaccha, whoever prevents another from giving a gift creates three obstructions, three impediments. Which three? He creates an obstruction to the merit of the giver, an obstruction to the recipient's gains, and prior to that he undermines and harms his own self. Whoever prevents another from giving a gift creates these three obstructions, these three impediments.”

And I know of many bhikkhus who—if they saw that the members of these communities were sincere in their desire for training—would be happy to give them advice on an informal basis if requested.

So the positive good of women's practice communities has to be combined with the positive good of maintaining harmony in the Bhikkhu Saṅgha if it is to be genuinely in line with the Dhamma. The revival of the Bhikkhunī Saṅgha does not meet this double need.

The third rationale is that Theravāda Buddhism would look better in the eyes of the world if it provided equal opportunities for women to

practice, and that we should be concerned by the face that we show to the world if the Dhamma is to survive.

This rationale treats Theravāda as if it were a commodity that we are trying to sell to the world. And in selling out to modern values—which are constantly changing and would keep demanding further changes down the line—it abandons those who would look to Theravāda for what it does best: remaining faithful to its roots regardless of modern pressures. Efforts to change the Dhamma so that it will “survive” in the modern world usually end up killing it. The timeless (*akālika*) wisdom of the Dhamma survives not by following in line with the world, but by practicing the Dhamma in line with the Dhamma (*dhammānudhammapaṭipatti*) with as much integrity and fidelity as we can manage.

It is true that one of the factors underlying the establishment of the rules was that they would increase confidence among the laity, but that was not the only factor the Buddha considered. The origin story to [Saṅghādisesa 13](#) provides an excellent example of his *not* approving of the behavior of bhikkhus who tried to appeal to what the laity found inspiring.

An even more relevant cautionary tale comes from closer to home. Toward the end of the nineteenth century, the King of Thailand and his ministers—all of whom had had a Western education—realized that, for Thailand to maintain its independence in the face of the Western colonial threat, it would have to develop a mass education system. The money needed to set up such a system, however, was lacking. So, thinking like Westerners—and in a way that struck them as showing obvious common sense—they hit upon an economical way to get the system underway: by requesting permission from monasteries to build schools on their land, and by pressing monks into service as teachers in the schools until adequate teacher-training colleges could be built. This is what happened. Pressure on monks to act as teachers in the new elementary and secondary schools kept growing until, in 1927, an ordinance was passed requiring all monks to act as teachers in the schools.

The response of the forest tradition was to go deeper into the wilderness—this was the period when Ajaan Mun left the northeast and headed to the greater solitude of the forests in northern Thailand. And at present we're glad they did. If they hadn't—if they had all become school teachers in line with “educated” and “enlightened” modern values—we wouldn't have had the opportunity we did have to study and train with accomplished meditators.

The fourth rationale is that modern scholarship argues that the Vinaya as we have it is not a reliable record of the rules that the Buddha formulated, and thus we are not necessarily going against the Buddha's teachings if we dispense with some of the rules.

This rationale, however, is self-defeating. Why would bhikkhus who have given their lives to training under the Vinaya feel compelled to authorize the ordination of people who treat the Vinaya with such a cavalier attitude? If the Vinaya is not to be treated with respect, then why would people want to receive training in the Vinaya? Why should they care if the Bhikkhu Saṅgha gives formal approval to women wanting to call themselves bhikkhunīs?

As Ajaan Mun once said, “Logs have never gotten into people's eyes, but fine sawdust can—and it can blind you.” In other words, people rarely get into trouble for breaking the major rules; it's the tendency to dismiss minor rules that keeps people blind to their own defilements.

And as [AN 8:2](#) points out, a first prerequisite for training is a sense of respect, shame, and compunction. Where these qualities are missing, the training is in vain.

That covers the questions that were raised when we last met, plus a few that have arisen in the interim. I hope that this is helpful.

With best wishes,

Thānissaro Bhikkhu

Postscript

The following criticism was leveled at the letter I wrote on February 23, 2010:

Ajahn Ṭhānissaro makes the assumption that the *kammavācā* for ordaining 2 or 3 *bhikkhunīs* is a *separate kammavācā* from that used to ordain a single *bhikkhunī*. Making such a distinction is necessary for Ajahn Ṭhānissaro's argument to work, for if the *kammavācās* used for ordaining single and multiple candidates are simply seen as modifications of the same underlying *kammavācā* – that is, the one given in the Canon – then there is no longer an inherent offense in performing an ordination with 2 or 3 candidates. That is, if the *kammavācā* is valid in at least some circumstances, then it can no longer be said to be “inherently” invalid.

The argument in support of this criticism was based on the principle that a valid *kammavācā* (transaction statement) is always valid unless it has been changed enough to turn it into a different *kammavācā*. The Pivotal Issue, as the writer called it, was this: How much of a change is required to change a valid *kammavācā* into a different, invalid *kammavācā*? He then stated that the assumption behind my argument was that changing a *kammavācā* from singular to plural was enough to make it a different *kammavācā*. In response, he cited the example from [Mv.I.76](#) and [Mv.I.74.3](#), that when the Buddha allowed the ordination of two or three *bhikkhus* at a time, in [Mv.I.74.3](#), he did not formulate a new *kammavācā*. This meant that the same *kammavācā* for the ordination of a single *bhikkhu*, allowed at [Mv.I.76](#), was to be used, simply changing the grammatical forms from singular to plural. This, he said, was enough to show that changing singular forms to plural forms is not enough to make a “new” *kammavācā*, and that the same principle should apply to the *kammavācā* used to ordain *bhikkhunīs*. In other words, the *kammavācā* used to ordain a two or three *bhikkhunīs*

is the same kammavācā used to ordain a single bhikkhunī, and is therefore valid.

This “Pivotal Issue” is a red herring. It trivializes the issue into a merely semantic one as to the meaning of “same” and “different,” and it misrepresents two things.

- To begin with, my argument did not assume that the kammavācā for ordaining two or three bhikkhunīs was a separate one from the kammavācā for ordaining a single bhikkhunī. It simply stated that—given the prohibition in [Bhikkhunī Pācittiya 83](#), that a single pavattanī cannot ordain more than one bhikkhunī ordinand within a period of two years—any kammavācā that says that the Saṅgha is ordaining two or three bhikkhunī ordinands with a single pavattanī is automatically invalid, as it is announcing that the Saṅgha is knowingly conducting a transaction that breaks a rule. The parallel with the rules for bhikkhu ordination is a false one, as the bhikkhus have no rule to parallel [Bhikkhunī Pācittiya 83](#).

- Secondly, nowhere does the Vinaya say that a kammavācā valid in some cases is always inherently valid in other cases. The principle that we actually see at work in the Vinaya is this: A kammavācā that is valid in some circumstances becomes invalid when it is modified in a way to break one of the rules in the Vinaya, regardless of whether it counts as the “same” or a “different” kammavācā.

The rules around the kammavācā for bhikkhu ordination provide a case in point. Modifying the statement-form given in [Mv.I.76](#) to ordain two bhikkhus with one statement is allowed, because there is a specific allowance in [Mv.I.74.3](#) to do so. Modifying the same statement-form to name four bhikkhus is not allowed, because that would break with the principle, expressed in [Mv.IX.2.3](#), that a Community (i.e., four or more people) may not be the object of a Community transaction. Even though, formally, the modification in each case is equally minor—singular to plural—in the first case the statement is valid; in the second, it’s not. This shows that the Vinaya does not establish a single principle around the question of whether a kammavācā is the same or different when changed from singular to plural. It focuses instead on another

question: In what cases does the singular-to-plural change invalidate the kammavācā? And this has to be decided by the rules surrounding the procedure in question.

And again, in the context of bhikkhunī ordination, **Bhikkhunī Pācittiya 83** is one of the deciding rules. As stated above, to modify the bhikkhunī-acceptance statement-form given in Cv.X.17 to state that one is ordaining two bhikkhunīs with one preceptor is to state that one is breaking **Bhikkhunī Pācittiya 83**. Any Community that issues such a transaction statement is explicitly stating, in the very words of the statement (that's what I meant by "inherently"), that it is doing something known to be against a rule. Why such a statement would not count as "apart from the Vinaya, apart from the Teacher's instructions" (**Mv.IX.3.2**) is hard to understand. And why that Community thinks that other Communities are obliged to accept the validity of such a transaction statement is equally baffling.

Abbreviations

<i>AN</i>	<i>Aṅguttara Nikāya</i>
<i>Bhī Pc</i>	<i>Bhikkhunī Pācittiya</i>
<i>BMC</i>	<i>The Buddhist Monastic Code</i>
<i>Cv</i>	<i>Cullavaḡga</i>
<i>DN</i>	<i>Dīgha Nikāya</i>
<i>MN</i>	<i>Majjhima Nikāya</i>
<i>Mv</i>	<i>Mahāvaḡga</i>
<i>Pc</i>	<i>Pācittiya</i>
<i>Pr</i>	<i>Pārājika</i>
<i>Pv</i>	<i>Parivāra</i>
<i>SN</i>	<i>Saṃyutta Nikāya</i>
<i>Vin</i>	<i>Vinaya</i>

Table of Contents

Titlepage	1
Copyright	2
Introduction	3
On Ordaining Bhikkhunīs Unilaterally	7
Introduction	7
Basic Principles	7
The Article : Part One	11
Preliminaries	12
Legal Reading vs. Historical-critical Reading	12
Vinaya as Case Law?	13
The Status of Origin Stories	18
The Argument	20
The Buddha’s Legislative Principles : The Status of the Garudhammas	22
The Buddha’s Legislative Principles : Two Old Rules Not Rescinded	23
The Speed Limit Simile	26
Are the Garudhammas Anomalous?	27
The Article : Part Two	29
The Buddha’s Attitudes toward Bhikkhunīs	30
The Buddha on the Revival of the Bhikkhunī Saṅgha	31
Disrespect for the Dhamma	32
The Crippled Elephant	34
Postscript	36
A Trojan Horse: Unilateral Bhikkhunī Ordination Revisited	43
I : Principles of Interpretation	48
II : Relationships among the Rules	57
Narratives Connecting the Rules	57
Rules on the Same Topic	58

Explanatory Material	59
Patterns of Legislative Procedure	59
III : The Traditional Interpretation & Anālayo's Objections	64
IV : An Alternative Reading	74
Anālayo's Mistranslation	77
V : The Training of Bhikkhunīs	80
VI : "Historical-critical" Readings	96
VII : Quoting Out of Context	104
VIII : Compassion	108
IX : Parting Thoughts	112
Postscript	118
Issues Related to Bhikkhunī Ordination	128
Some added random thoughts:	130
On Multiple Ordination : First Letter	134
On Multiple Ordination : Second Letter	144
Part One	145
Part Two	153
Part Three	159
Postscript	167
Abbreviations	170