

# *A Trojan Horse:*

## *Unilateral Bhikkhunī Ordination Revisited*

ṬHĀNISSARO BHIKKHU

Articles and books discussed:

BMC2	Ṭhānissaro Bhikkhu: <i>The Buddhist Monastic Code</i> , volume II. Third revised edition 2013
BOC	Bhikkhu Anālayo: "On the Bhikkhunī Ordination Controversy" 2014
OBU	Ṭhānissaro Bhikkhu: "On Ordaining Bhikkhunis Unilaterally" 2015
FHNO	Bhikkhu Anālayo: <i>The Foundation History of the Nuns' Order</i> 2016
VbObO	Bhikkhu Anālayo: "The Validity of <i>bhikkhunī</i> Ordination by <i>bhikkhus</i> Only, According to the Pāli <i>Vinaya</i> " 2017
CETV	Bhikkhu Brahmāli and Bhikkhu Anālayo: "Canonical Exegesis in the Theravāda Vinaya" 2017
Saṅgiti	Bhikkhu Anālayo: "Saṅgiti (CV XI)" in <i>Vinaya Studies</i> (Taipei: Dharma Drum Publishing Corporation, 2017)
BO	Bhikkhu Anālayo: "Bhikkhunī Ordination" in <i>Vinaya Studies</i> (Taipei: Dharma Drum Publishing Corporation, 2017)
Open Letter	Bhikkhu Anālayo: Open Letter to the Venerable Bhikkhu Ṭhānissaro 18 <sup>th</sup> May 2017

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 Saṅgiti 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 Bhikkhuni 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 bhikkhunis 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 bhikkhuni 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 bhikkhuni 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 bhikkhuni 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 bhikkhuni 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 bhikkhuni 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 bhikkhuni 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 bhikkhunis who have received unilateral ordination are to gain training, given that there are no qualified senior bhikkhunis 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 bhikkhunis 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 Saṅgiti 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 bhikkhunis: a training that calls the whole Dhamma and Vinaya into question, and opens the way for bhikkhus and bhikkhunis 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 bhikkhunis, 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 bhikkhuni 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 Bhikkhuni 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 bhikkhuni ordination, the type of training that would be provided to new bhikkhunis, and the way in which those who argue the case for revived bhikkhuni 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 bhikkhuni 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 bhikkhuni 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 OBU, 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 bhikkhuni 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 bhikkhuni 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 bhikkhunis by bhikkhus was not automatically rescinded by the rule allowing ordination of bhikkhunis by the Bhikkhu Saṅgha only after the candidates had been purified by the Bhikkhuni 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 Jivaka, 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 wrongdoing 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 Jivaka 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 bhikkhuni 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 bhikkhuni 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 Bhikkhuni Saṅgha was to be run, and what its relationships to the Bhikkhu Saṅgha would be. Only when a bhikkhuni 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 bhikkhuni was yet in existence, leave alone a bhikkhuni ordained a hundred years ago. *It follows that these garudhammas are best understood as describing the Buddha’s vision of how the bhikkhunis should behave in future times*. In the present setting, where Mahāpajāpati Gotamī is about to become the first bhikkhuni, 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 bhikkhunis; 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 bhikkhunis 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 bhikkhuni 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 bhikkhunis 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 Bhikkhuni 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 bhikkhunis to fully implement the principle in the garudhamma, and Rule 2 when the Bhikkhuni 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 bhikkhuni 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 bhikkhuni ordination, not to prevent it, so any interpretation of them that would serve to completely prevent bhikkhuni 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 bhikkhuni 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 Bhikkhuni 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 Bhikkhuni 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 Bhikkhuni 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 bhikkhuni, that the new candidate was to take apprenticeship with her sponsor (see Bhikkhuni Pācittiyas 68, 69, 74, 75, 76, 82, 83), that there had to be at least one bhikkhuni sponsor with sufficient training, and no other students to divide her time, to give the new bhikkhuni 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 Bhikkhuni Saṅgha in his absence. Only if these requirements were met would a new bhikkhuni 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 Bhikkhuni Saṅgha to accept and purify new candidates—Rule 1 was implemented as a temporary, stopgap measure. Only after the Bhikkhuni 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 bhikkhunis 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 it [*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 *bhikkhunis* 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 *bhikkhunis* 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 *bhikkhuni* ordination.... All of these four regulations have as their purpose the facilitation of ordination of *bhikkhunis*, 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 *bhikkhunis* 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 *bhikkhuni* ordination, such as those regarding the need for a qualified sponsor (*Bhikkhuni 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 *bhikkhunis* 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 *bhikkhunis*—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 *bhikkhuni* 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 *bhikkhuni* 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 bhikkhunis 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 bhikkhuni 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 Mahāpajāpati Gotamī to accept a way of ordaining women that she could not possibly implement. It implies that, when Mahāpajāpati 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 Mahāpajāpati 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 Mahāpajāpati Gotami’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 Mahāpajāpati Gotami’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 Mahāpajāpati’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 OBU 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 bhikkhuni 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 bhikkhunis, 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  
vissajjetuṃ.*

He translates this passage as follows:

“At that time the *bhikkhus* asked the *bhikkhunis* 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 *bhikkhunis* 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, “*bhikkhunināni*” 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 *bhikkhunis* taking part in the ordination. This in turn gives me the impression that at this stage in the evolution of the *bhikkhuni* 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 *bhikkhunis* 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 *bhikkhunis* 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 *bhikkhunis* 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 Bhikkhunis" 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 *bhikkhunis'* stumbling blocks."

This reading follows standard Pāli grammar, putting "*bhikkhuninam*" in possession of the stumbling blocks. As for what the "*bhikkhunis'* 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 Bhikkhuni Saṅgha. In response, the Buddha formulated a series of questions specifically for use in the Acceptance of candidates into the Bhikkhuni 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 Bhikkhuni 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 bhikkhunis to begin playing a role as well. And especially, given Anālayo’s assertion that the bhikkhunis 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 bhikkhuni 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 bhikkhunis 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 Bhikkhuni Saṅgha, there is no one to train new bhikkhunis. 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 bhikkhuni teachers, this problem renders meaningless any attempt to revive bhikkhuni ordination. And not only meaningless: It’s also uncompassionate, placing senior bhikkhunis 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 bhikkhunis 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 Bhikkhuni Saṅgha, the bhikkhunis 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 bhikkhunis 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 bhikkhunis, 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 bhikkhunis. 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 Bhikkhuni 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 OBU. 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 bhikkhunis and about instituting the Bhikkhuni Saṅgha as a whole. In OBU I criticized the underlying assumption of this argument—that the Buddha must have had either a totally positive or totally negative attitude toward the Bhikkhuni 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 Bhikkhuni 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 Bhikkhuni Saṅgha.”

However, in FHNO, Anālayo continues to argue that, because of the positive references to bhikkhunis and the Bhikkhuni 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 bhikkhunis are receiving from the bhikkhus who support them.

The same question is raised in even stronger terms by Anālayo’s treatment—in FHNO and Saṅgiti—of the first Saṅgiti, 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 *Samyutta-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 *nissaggiya 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 wholeheartedly 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 *Aṅguttara-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 bhikkhunis by the bhikkhus who support them, it calls into question the training the bhikkhunis 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 bhikkhuni 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 bhikkhunis 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 bhikkhuni 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 Bhikkhuni Saṅgha shows that the Buddha refused Mahāpajāpati Gotamī's first request to go forth, not out of any reluctance to have a Bhikkhuni 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 Bhikkhuni 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 bhikkhuni 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 bhikkhuni 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 bhikkhuni 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 bhikkhuni 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 Bhikkhuni 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, the garudhammas as a set are followed by 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 Bhikkhuni 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 Mahiśāsaka 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 Bhikkhuni 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 bhikkhunis. Here, for instance, is a quote from a recent interview with a prominent bhikkhuni 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 Brahmans 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 *pavattanis* to train the new *bhikkhunis*, 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 *Bhikkhuni 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 *bhikkhunis* 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 *bhikkhunis* who are liberated and liberated without residue remaining. From these passages, he argued that “an order of *bhikkhunis* is desirable and an important asset in order to prevent the decline of the Buddha’s teaching.” In a

subsequent article, “The Cullavagga on Bhikkhuni Ordination,” he amplified his conclusion in the previous article. From “desirable and important,” the existence of a bhikkhuni 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 *bhikkhunis*.” [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 *Samyutta-nikāya*, such a decline can be prevented when the members of the four assemblies, including *bhikkhunis*, dwell with respect for the teacher, the Dhamma, the Saṅgha, the training, and concentration. Here the *bhikkhunis* 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 bhikkhunis 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 bhikkhunis would prevent the decline of the Buddha’s teaching, I neglected to note that it was the fact that the bhikkhunis 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 *bhikkhunis* prevents decline. *My point is rather that in order for the bhikkhunis 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 bhikkhunis 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, bhikkhunis, 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 Bhikkhuni 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 bhikkhunis. 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 bhikkhunis, and so has nothing to say on the topic of whether bhikkhuni 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 bhikkhuni 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 Mahāpajāpati 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 Mahāprajāpati 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 Mahāprajāpati 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 Mahāpajāpati 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, Mahāpajāpati Gotamī is always depicted as standing when addressing the Buddha—both when she makes requests that he grants (AN 8:53) and when she makes requests that he doesn’t (MN 142). So there is nothing demeaning or misogynist in this depiction. She’s choosing to follow the etiquette of extreme respect.

However, more to the point is the fact that the Buddha addresses Ven. Ānanda, rather than Mahāpajāpati 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, Mahāpajāpati 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 bhikkhunis 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 bhikkhunis 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 bhikkhunis, a precedent that will serve both Saṅghas in good stead after the Buddha's parinibbāna. If the bhikkhunis had gotten accustomed to being exhorted only by the Buddha, they might have refused to be exhorted by the bhikkhus after the parinibbāna.

- 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 Mahāpajāpati Gotami'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 bhikkhuni 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 bhikkhuni 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 bhikkhuni 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 bhikkhuni 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 bhikkhuni ordination was rescinded when the Buddha modified it in Cv X.17.2, to the effect that the Bhikkhu Saṅgha could ordain bhikkhunis only when they had been previously purified in the Bhikkhuni 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 bhikkhunis—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 bhikkhunis by bhikkhus is still valid. Unfortunately, the genuine Bhikkhuni 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 Bhikkhuni 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*