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The Legality of *Bhikkhunī* Ordination

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The Legality of *Bhikkhunī* Ordination

Bhikkhu Anālayo

Abstract

This paper examines the legal validity of the revival of the Theravāda *bhikkhunī* ordination that has had the 1998 Bodhgayā ordinations as its starting point.

Introduction

My presentation is based on extracts from a more detailed study of various aspects related to “The Revival of the *Bhikkhunī* Order and the Decline of the Sāsana,” in which I also tried to cover relevant secondary sources to the best of my ability (JBE 20: 110–193). In what follows, I focus on the canonical sources only in an attempt to make my main findings regarding the question of the legality of *bhikkhunī* ordination easily accessible to the general reader. My presentation covers the following points:

1. The *bhikkhunī* order and the Bodhgayā ordination
2. Theravāda legal principles
3. The sixth *garudhamma*
4. The female candidates at the Bodhgayā ordination
5. The Chinese preceptors
6. Single ordination by *bhikkhus*

The *Bhikkhunī* order and the *Bodhgayā* Ordination

The account of the constitution of the *bhikkhunī* order in the Theravāda *Vinaya* is as follows (Vin II 255). The *Cullavagga* (X.1) reports that Mahāpajāpatī was the first woman to receive higher ordination. In her case this took place by accepting the “eight principles to be respected,” *garudhammas*.

One of these *garudhammas* is of considerable importance for the legal aspects of *bhikkhunī* ordination. This is the sixth *garudhamma*, which stipulates that a female candidate should have observed a two year training period as a probationer, a *sikkhamānā*. After having observed this period of training, higher ordination should be requested by her from both communities, that is, from the communities of *bhikkhus* and *bhikkhunīs*.

The *Cullavagga* (X.2) continues by reporting that, after having been ordained herself by accepting the eight *garudhammas*, *bhikkhunī* Mahāpajāpatī asked the Buddha how she should proceed in relation to her female followers, who also wanted to become *bhikkhunīs*. In reply, the Buddha prescribed that the *bhikkhus* should ordain them.

According to a subsequent section of the *Cullavagga* (X.17), female candidates who wanted to become *bhikkhunīs* felt ashamed when being formally interrogated by *bhikkhus* regarding their suitability for higher ordination (Vin II 271). Such interrogation involves questions about the nature of their genitals and their menstruation, so naturally women in a traditional setting are not comfortable discussing such matters with men, let alone with *bhikkhus*. The *Cullavagga* reports that when the Buddha was informed of this problem, he gave a ruling to amend this situation. He prescribed that the *bhikkhus* should ordain female candidates who have previously undergone the formal interrogation in front of the

community of *bhikkhunīs*. These are the key elements from the *Cullavagga* account.

In what follows I briefly survey the subsequent history of the *bhikkhunī* order. The order of *bhikkhunīs* appears to have thrived in India until about the 8th century. Before it disappeared from India, the ordination lineage was transmitted to Sri Lanka during the reign of King Asoka. The Ceylonese chronicle *Dīpavaṃsa* reports that the recently converted king of Sri Lanka approached *bhikkhu* Mahinda with the request to allow his wife, queen Anulā, to go forth. According to the *Dīpavaṃsa* (Dīp 15.76), *bhikkhu* Mahinda explained that *bhikkhunīs* from India were required, because: *akappiyā mahārāja itthipabbajjā bhikkhuno*, “Great King, it is not proper for a *bhikkhu* to confer the going forth on a woman.” The implications of this passage need a little discussion.

The canonical *Vinaya* has no explicit ruling against the conferring of the “going forth” on a female by a *bhikkhu* and it is only in the commentary that the suggestion is found that a female candidate should receive the going forth only from a *bhikkhunī* (Sp V 967). Considered within its narrative context, it seems that in this passage in the *Dīpavaṃsa* the expression *pabbajjā* does not carry its technical *Vinaya* sense of “going forth” as a stage distinct from higher ordination, *upasampadā*. Instead, it appears to be used here as a term that describes the transition from lay life to monastic life in general. That is, here the expression *pabbajjā* would cover both the “going forth” and the “higher ordination.”

Since the king had only recently converted to Buddhism, it could hardly be expected that he would be familiar with the technicalities of ordination. As his request is formulated with the expression “going forth,” *pabbājehi anūlakam* (Dīp 15.75), it is natural that Mahinda’s reply uses the same terminology. The *Dīpavaṃsa* (Dīp 16.38f) in fact continues to use the same expression when reporting that Anulā and her followers received ordination: *pabbajjimsu*, even though they eventually became

bhikkhunīs, not just *sāmaṇerīs*. Thus it seems clear that in this usage both the “going forth” and the “higher ordination” are included under the term *pabbajīṃsu*.

Let us return to the topic of the history of *bhikkhunī* ordination. In Sri Lanka the order of *bhikkhunīs*, founded with the help of a group of Indian *bhikkhunīs* headed by Saṅghamittā, continued to thrive until the 11th century. During a period of political turmoil that had decimated the entire monastic community, the *bhikkhunī* ordination lineage seems to have come to an end in Sri Lanka.

Before the Sri Lankan *bhikkhunī* order came to an end, in the early fifth century a group of Sri Lankan *bhikkhunīs* transmitted the ordination lineage to China (T L 939c). A Theravāda *Vinaya* had been translated into Chinese in the late fifth century, but this was later lost (T LV 13b), presumably during a period of political instability. Towards the beginning of the eighth century the Dharmaguptaka *Vinaya* appears to have been imposed by imperial order on all monastics in China (T L 793c). From that period onwards all *bhikkhus* and *bhikkhunīs* in China had to follow this *Vinaya*.

The *bhikkhunī* ordination lineage has recently been re-established in Sri Lanka with the help of Chinese *bhikkhunīs* at an ordination held in 1998 at Bodhgayā in India. While there have been *bhikkhunī* ordinations earlier, it is since the 1998 Bodhgayā ordination that the *bhikkhunī* order in Sri Lanka has gained momentum and subsequent *bhikkhunī* ordinations have been conducted in Sri Lanka itself.

At the Bodhgayā *bhikkhunī* ordination, the candidates received Theravāda robes and bowls; they did not take the bodhisattva vows. After completing the ordination, the new *bhikkhunīs* underwent a second ordination at which only Theravāda *bhikkhus* officiated. The crucial question now is whether this ordination can be recognized as valid from

a Theravāda legal viewpoint. In order to explore this, I first need to discuss Theravāda legal principles.

Theravāda Legal Principles

The term Theravāda can be translated as “Sayings of the Elders.” The *Dīpavaṃsa* (Dīp 4.6) uses the term Theravāda for the “sayings” that according to the traditional account were collected by the elders at the first communal recitation (*saṅgīti*) at Rājagaha. The same term Theravāda in the *Dīpavaṃsa* (Dīp 5.51f) and in the commentary on the *Kathāvatthu* (Kv-a 3) then refers to the Ceylonese Buddhist school that has preserved the Pāli version of these sayings collected at the first communal recitation. A central aspect of the Theravāda sense of identity is thus the Pāli canon. This is the sacred scripture of the Theravāda traditions that developed in different countries of South and Southeast Asia, who also share the use of Pāli as their liturgical language.

The rules and regulations given in the *Vinaya* part of the Pāli canon are therefore of central importance for monastic members of the Theravāda traditions. The commentary on the *Vinaya*, the *Saman-tapāsādikā* (Sp I 231), highlights the eminent position of the canonical sayings. It declares that one’s own opinion is not as firm a ground as the indications given by the ancient teachers as recorded in the commentarial tradition, and these in turn are not as firm a ground as the canonical presentation, *attanomatito ācariyavādo balavataro . . . ācariyavādato hi suttānulomaṃ balavataṃ*. In short, the Pāli *Vinaya* is the central reference point for deciding legal questions that concern Theravāda monasticism.

For the question of reviving the *bhikkhunī* order in the Theravāda traditions, the central role of the Pāli *Vinaya* has important ramifications. To propose that the *Vinaya* rules should be amended to allow for

reviving the *bhikkhunī* ordination is unacceptable from a traditional viewpoint. Such a suggestion misses out on a central aspect of the Theravāda traditions, namely the strict adherence to the regulations in the way these have been preserved in the Pāli *Vinaya*.

According to the commentary on the *Dīgha-nikāya*, the *Sumaṅgalavilāsinī* (Sv I 11), at the first communal recitation at Rājagaha the *bhikkhus* decided to recite the *Vinaya* first. They did so because they felt that the *Vinaya* is what gives life force to the Buddha's dispensation, *vinayo nāma buddhassa sāsanaṣṣa āyu*. The Buddha's dispensation will endure as long as the *Vinaya* endures, *vinaye ṭhite sāsanaṃ ṭhitaṃ hoti*.

The proposal to adjust the rules not only misses out on what is considered to be the life force of the Buddha's dispensation, it also suggests something that within the traditional framework is not really possible. According to the *Mahāparinibbāna-sutta* (DN II 77), the Buddha highlighted a set of conditions that will lead to the welfare of his disciples and prevent decline. According to one of these conditions, the *bhikkhus* are not to authorize what has not been authorized and are not to abrogate what has been authorized: *appaññattaṃ na paññāpessanti*,¹ *paññattaṃ na samucchindissanti*. Thus, it is not particularly meaningful to argue for membership in the Theravāda traditions and at the same time request changes that are directly opposed to the very way the Theravāda traditions ensure their continuity.

The revival of the *bhikkhunī* ordination is in fact not simply a question of gender equality. The detrimental effects of discrimination are of course important values in modern days, but these are not decisive criteria in relation to the question of membership in the Theravāda monastic traditions. That is, much of the problem lies in the apprehen-

¹ E^c: *paññāpessanti*.

² B^c: *samānasaṃvāsaṃ*.

sion that the legal principles, which form the basis for the Theravāda monastic traditions, are being jeopardized.

Suppose a woman who wants to become a *bhikkhunī* takes the Chinese Dharmaguptaka ordination and subsequently wears their style of robes and participates in their monastic rituals. Traditionalists would probably have little to object, only they would not recognize her as a Theravāda *bhikkhunī*. The problem is not merely that a woman wants to become a *bhikkhunī*. The question is rather if a *bhikkhunī*, who has been ordained in the Chinese Dharmaguptaka tradition, can become a recognized member of the Theravāda community.

This is a matter that needs to be resolved within the parameters of the Theravāda traditions. In particular, it needs to be evaluated from the viewpoint of the Pāli *Vinaya*. While calls for gender equality, etc., have an influence in the case of legal ambiguity, they are in themselves not decisive. Of decisive importance are rather the legal principles recognized in the Theravāda traditions.

Therefore, if the rules in the Theravāda *Vinaya* render a revival of the *bhikkhunī* order legally impossible, then such a revival stands little chance of meeting with general approval. At the same time, however, if a revival can be done without infringement of the rules, then there is also no real basis for refusing to accept that the *bhikkhunī* order has been resurrected.

With this in mind, I now turn to the legal aspects involved. My discussion concentrates on the canonical *Vinaya* regulations, in line with the injunction given in the *Samantapāsādikā* (Sp I 231) that the canonical injunctions in the *Vinaya* itself are more important than the commentarial tradition or one's own opinion. These *Vinaya* injunctions are the final standard to evaluate if a revival of the *bhikkhunī* order in the Theravāda traditions is legally possible or not.

Regarding one's own opinion, in what follows I consider the *Vinaya* description of events simply at face value. This description, in the way it has come down in the canonical *Vinaya*, forms the basis for legal decisions in the Theravāda traditions. For various reasons I may believe that things happened differently. Yet, my personal views are not directly relevant to the present matter, which is to explore a legal question based on the relevant legal document. The legal document in question is the Pāli *Vinaya*. Therefore my discussion regarding the bearing of the *Vinaya* on the present issue has to stay within the parameters of the canonical account, independent of whether I believe that this actually occurred or not.

The Sixth Garudhamma

The term *garudhamma*, “principle to be respected,” carries distinct meanings in the *Vinaya*. In general, the term *garu* can have two main meanings: *garu* can mean “heavy” in contrast to light, or else “respected” in contrast to being disrespected.

An example for the first sense can be found in the *Cullavagga* (X.1), according to which a *bhikkhunī* who has committed a *garudhamma* needs to undergo penance (*mānatta*) for half a month in both communities (Vin II 255). Here the term *garudhamma* refers to a *saṅghādisesa* offence — the second gravest offence recognized in the *Vinaya* — which requires the undergoing of penance (*mānatta*). Subsequent to that, the offending monastic has to go through an act of rehabilitation called *abbhāna*. A *saṅghādisesa* offence is a rather grave offence, a breach of the rules which merits temporary suspension of the offender. So here the term *garudhamma* stands for a “grave offence.”

This is not necessarily the sense the term *garudhamma* carries in the same part of the *Cullavagga* (X.1), however, when it is used for the eight *dhammas* that Mahāpajāpatī accepted in order to receive higher ordination. Closer inspection shows that here the term *garu* does not stand for an offence of the *saṅghādisesa* category.

Several of the eight *garudhammas* recur as case rules elsewhere in the *Vinaya*. None of the eight *garudhammas*, however, occur in the category of *saṅghādisesa* offences. Instead, those *garudhammas* that recur elsewhere are all found in the *pācittiya* class. A *pācittiya* is an offence of a lighter class that requires disclosure to a fellow monastic. If the *pācittiya* offence involves possessions, their formal forfeiture is required.

According to the second principle to be respected (*garudhamma* 2), a *bhikkhunī* should not spend the rainy season retreat in a place where there is no *bhikkhu*. This *garudhamma* is identical to *pācittiya* rule 56 for *bhikkhunīs* in the *Bhikkhunīvibhaṅga* (Vin IV 313).

The third principle (*garudhamma* 3) stipulates that a *bhikkhunī* should inquire every fortnight about the date of the observance day (*uposatha*) from the community of *bhikkhus* and she should come for exhortation (*ovāda*). This *garudhamma* corresponds to *pācittiya* rule 59 in the *Bhikkhunīvibhaṅga* (Vin IV 315).

According to the fourth principle (*garudhamma* 4), a *bhikkhunī* should carry out the invitation (*pavāraṇā*) to be told of any of her shortcomings in front of both communities, the communities of *bhikkhus* and *bhikkhunīs*. This *garudhamma* has its counterpart in *pācittiya* rule 57 in the *Bhikkhunīvibhaṅga* (Vin IV 314).

The seventh principle to be respected (*garudhamma* 7) stipulates that a *bhikkhunī* should not revile or abuse a *bhikkhu*. This *garudhamma* corresponds to *pācittiya* rule 52 in the *Bhikkhunīvibhaṅga* (Vin IV 309).

Therefore, it seems clear that these *garudhammas* belong to the *pācittiya* class; they are not “grave” offences of the *saṅghādisesa* class.

Now, another noteworthy feature of the eight *garudhammas* is that they do not make a stipulation about the punishment appropriate to one who violates them. In fact, the eight *garudhammas* differ from all other rules in the *Vinaya* because they are not laid down in response to something that has happened. Instead, they are pronounced in advance. Moreover, they are pronounced in relation to someone who at the time of their promulgation has not yet been formally ordained. According to the *Cullavagga*, Mahāpajāpatī only became a *bhikkhunī* after these *garudhammas* had been pronounced by the Buddha and after she had decided to accept them. The eight *garudhammas* clearly differ in nature from the rules found elsewhere in the *Vinaya*.

This impression is strengthened when one examines the *pācittiyas* that correspond to some *garudhammas*. The *Bhikkhunīvibhaṅga* reports that the Buddha prescribed these *pācittiya* rules in reply to some event that involves *bhikkhunīs*. From the viewpoint of the *Vinaya*, these events therefore must have happened after the promulgation of the *garudhammas*, which marks the coming into existence of *bhikkhunīs*.

Now each of the *pācittiya* rules discussed above—rules 52, 56, 57 and 59—concludes in a way that is common for *Vinaya* rules: They indicate that the first perpetrator (*ādikammika*) is not guilty, *anāpatti*. This means that the first transgressor against the *pācittiya* rules that correspond to *garudhammas* 2, 3, 4 and 7 does not incur an offence. Only after the corresponding *pācittiya* rule has come into existence are transgressors considered guilty.

This in turn shows that, from the viewpoint of the canonical *Vinaya*, the eight *garudhammas* are not rules in themselves. Otherwise it would be impossible to transgress them, once they have been promul-

gated, and still to go free of punishment. It is only after a corresponding regulation has been laid down as a *pācittiya* that one can become guilty of an offence, *āpatti*.

In sum, the eight *garudhammas* are not rules whose breaking entails a punishment, they are instead recommendations. The description of each of these eight *garudhammas* in the *Cullavagga* (X.1) indicates that they are something to be revered, respected, honored and held in esteem, *sakkatvā garukatvā mānetvā pūjetvā*. In short, a *garudhamma* is a “principle to be respected.”

With this basic assessment of the nature of the *garudhammas* in mind, it is now time to turn to the sixth of these. This principle to be respected (*garudhamma* 6) stipulates that a woman wishing to receive *bhikkhunī* ordination must have first undergone a two year training period as a probationer, *sikkhamānā*, after which she should request higher ordination from both communities, from the *bhikkhus* and the *bhikkhunīs* (Vin II 255). Here is the formulation of this principle to be respected:

A probationer who has trained for two years in six principles should seek for higher ordination from both communities, *dve vassāni chasu dhammesu sikkhitasikkhāya sikkhamānāya ubhato saṅghe upasampadā pariyesitabbā*.

The requirement to train as a *sikkhamānā* is also covered in one of the *pācittiya* rules (63) in the *Bhikkhunīvibhaṅga* (Vin IV 319). The need for the involvement of both communities, however, does not have a counterpart among the rules found elsewhere in the *Vinaya*.

The Female Candidates At The Bodhgayā Ordination

The stipulations made in the sixth *garudhamma* give rise to two questions in relation to the higher ordination carried out at Bodhgayā:

1. Were the female candidates qualified for higher ordination by having observed the training for two years as probationers?
2. Can the officiating Chinese *bhikkhunī* preceptors be recognized as *bhikkhunī* preceptors from a Theravāda viewpoint?

Regarding the first of these two points, the female candidates that had come from Sri Lanka to participate in the Bodhgayā ordination had been carefully chosen among experienced *dasasil mātās*. Moreover, they had been given a special training to prepare them for higher ordination. Because they had been *dasasil mātās* for many years, they had for a long time trained in a form of monastic conduct that covers the six rules incumbent on a probationer, a *sikkhamānā*. However, they had not formally become *sikkhamānās*.

As I mentioned above, the need to train as a *sikkhamānā* is also covered in one of the *pācittiya* rules (63). The *Bhikkhunīvibhaṅga* explains that if a female candidate has not trained for two years as a *sikkhamānā*, to ordain her nevertheless results in a *pācittiya* offence for the ordaining *bhikkhunī* preceptors. It is a standard pattern in the *Vinaya* that a particular rule is followed by a discussion of possible cases. In line with this pattern, the *Bhikkhunīvibhaṅga* continues by discussing several such cases where a female candidate is ordained who has not fulfilled the *sikkhamānā* training. Three such cases describe that an offence can take place when the ordination itself is legal, *dhammakamma*, and another three cases concern an ordination that is not legal, *adhammakamma* (Vin IV 320). The first three cases are as follows:

1. *dhammakamme dhammakammasaññā vuṭṭhāpeti*, “the act being legal, she ordains her perceiving the act as legal”;
2. *dhammakamme vematikā vuṭṭhāpeti*, “the act being legal, she ordains her being uncertain [about its legality]”;
3. *dhammakamme adhammakammasaññā vuṭṭhāpeti*, “the act being legal, she ordains her perceiving the act as illegal.”

These three cases differ because the preceptor has a different perception. She may think the act to be legal (1), she may be in doubt about its legality (2), or she may think the act to be illegal (3). In each of these three cases, the preceptor incurs a *pācittiya* offence, *āpatti pācittiyassa*. In each of these three cases, however, the act itself of ordaining a female candidate who has not fulfilled the training as a *sikkhamānā* is legal, *dhammakamma*. This clearly implies that a *bhikkhunī* ordination is not invalidated by the fact that the candidate has not fulfilled the *sikkhamānā* training.

Therefore, from the viewpoint of the canonical *Vinaya*, a higher ordination of a female candidate is not invalid if she has not undertaken the two year training period as a *sikkhamānā*. This in turn means that the validity of the Bodhgayā ordinations is not jeopardized by the fact that the female candidates have not formally undertaken the *sikkhamānā* training. In fact, as already mentioned, in actual practice they have followed a comparable training.

The Chinese Preceptors

The Chinese preceptors are the heirs of the *bhikkhunī* lineage that was brought from Sri Lanka to China in the fifth century. However, the Chinese *bhikkhunīs* now follow a different code of rules, *pātimokkha*. These

are the rules found in the Dharmaguptaka *Vinaya*, which appears to have been imposed in China by imperial order in the eighth century. The Dharmaguptaka *Vinaya* has more rules for *bhikkhunīs* than the Theravāda *Vinaya* and it also differs in the formulation of some of the rules that the two *Vinayas* share. Moreover, the markers that according to the Dharmaguptaka *Vinaya* can be used for establishing the ritual boundary for ordination, the *sīmā*, differ, as well as the formulations to be used for this purpose.

Thus the Chinese *bhikkhunīs* belong to a “different community,” *nānasaṃvāsa*, vis-à-vis Theravāda monastics. Being of a “different community” means that it is not possible for them to carry out legal acts that will be recognized as valid by traditional members of the Theravāda.

In the *Vinaya*, the notion of being of a “different community,” *nānasaṃvāsa*, refers to a case of disagreement about the rules. Here a fully ordained monastic disagrees with the community where he lives on whether a particular act constitutes an offence. Because of this discord on the implication of a *Vinaya* rule, the monastic, together with his fully ordained followers, carries out legal acts independent from the community. Alternatively, the community bans him or them from participating in their legal acts by an act of suspension.

The status of being *nānasaṃvāsa* thus comes into existence because of a dispute about the interpretation of the rules. Therefore it can be resolved by settling the dispute. Once there is agreement in relation to the interpretation of the *Vinaya* rules, those who were *nānasaṃvāsa* become again *samānasaṃvāsa*, part of the same community.

The *Mahāvagga* (X.1) explains that there are two ways of becoming again *samānasaṃvāsaka* (Vin I 340). The first is when “on one’s own one makes oneself to be of the same community,” *attanā vā attānaṃ*

*samānasamvāsakaṃ karoti.*² Here one becomes part of the community through one's own decision. This happens when one gives up one's earlier view and is willing to adopt the view held by the rest of the community regarding the *Vinaya* rules.

The second way of becoming again part of the same community takes place when one is reinstated by the community after one had been suspended for not seeing an offence, not atoning for it, not giving it up.

For the present case of *bhikkhunī* ordination, this second option does not seem relevant, as there is no record of the Dharmaguptakas being suspended by the Theravādins or the other way round. The two traditions appear to have come into being simply because of geographical separation. Therefore, only the first of these two alternatives would be relevant. Following the first of these two alternatives, perhaps the difference in the rules could be overcome if the newly ordained *bhikkhunīs* decide to follow the Theravāda *Vinaya* code of rules. Through a formal decision of this type, perhaps they could become *samānasamvāsa*.

The ordination performed by Theravāda *bhikkhus* after the dual ordination at Bodhgayā could then be considered as an expression of the acceptance of these newly ordained *bhikkhunīs* by the Theravāda community. This would be in line with the procedure for settling a dispute about monastic rules that has led to the condition of being *nānasamvāsa*.

In this way, the ordination by the Theravāda *bhikkhus* would have had the function of what in the modern tradition is known under the technical term of *dalhikamma*, literally "making strong." This refers to a formal act through which a *bhikkhu* or a group of *bhikkhus* ordained elsewhere gain the recognition of a particular community of which he or they wish to be part.

² B^c: *samānasamvāsam*.

While this may be a possible solution, it is also clear that this is not necessarily compelling. In fact the *Vinaya* precedent regarding how to become *samānasaṃvāsa* concerns only differences in the interpretation of the rules. Here, however, the difference is in the rules themselves. Therefore, it needs to be ascertained if the cooperation of the Chinese *bhikkhunīs* is an indispensable requirement for reviving the Theravāda *bhikkhunī* order. This is the question to which I turn next, namely the issue of single ordination, of *bhikkhunīs* being ordained by *bhikkhus* alone.

Single Ordination by *Bhikkhus*

At first sight single ordination by *bhikkhus* only appears to be ruled out by the sixth *garudhamma*. Yet, in terms of legal validity it needs to be kept in mind that the eight *garudhammas* are only recommendations, they are not rules whose violation carries explicitly formulated consequence. Another and rather significant fact about all of these *garudhammas* — so obvious that it is easily overlooked — is that they are concerned with the behavior that should be adopted by *sikkhamānās* and *bhikkhunīs*. The *garudhammas* are not rules given to *bhikkhus*.

The *Cullavagga* (X.5) reports that the newly ordained *bhikkhunīs* did not know how to recite the *pātimokkha*, how to confess a transgression, etc. (Vin II 259). This suggests that the rationale behind the sixth *garudhamma* may have been to ensure that the newly founded *bhikkhunī* order carries out higher ordination in accordance with the ways established by the *bhikkhu* community. In such a setting, it would only be natural to make sure that *bhikkhunīs* do not conduct higher ordinations without the involvement of *bhikkhus*. In other words, the sixth *garudhamma* would be meant to prevent *bhikkhunīs* from just giving higher ordination on their own. It would also be meant to prevent *sikkhamānās*

from taking ordination just from *bhikkhunīs*, without any involvement of the *bhikkhus*.

However, the same *garudhamma* is not a rule regarding the way *bhikkhus* should behave. Needless to say, quite a number of rules in the *Vinaya* apply to *bhikkhunīs*, but do not apply to *bhikkhus*. This distinction is made explicitly in the *Cullavagga* (X.4). Here the Buddha advises Mahāpajāpatī on the appropriate behavior that the *bhikkhunīs* should adopt regarding two types of rules: a) those they share in common with the *bhikkhus* and b) those that apply only to *bhikkhunīs* (Vin II 258). Both types of rules are binding on Mahāpajāpatī, on her followers ordained by the *bhikkhus*, and on *bhikkhunīs* who have been ordained by both communities.

According to the *Cullavagga* (X.2), after the promulgation of the sixth *garudhamma* Mahāpajāpatī Gotamī approached the Buddha with the question (Vin II 256): “Venerable sir, how should I proceed in relation to those Sākyan women?” *kathāhaṃ, bhante, imāsu sākiyanīsu paṭipajjāmi ti?*³

Following the *Cullavagga* account, this question would be related to the sixth *garudhamma*, in which the Buddha had recommended dual ordination. Having undertaken to respect this *garudhamma*, Mahāpajāpatī Gotamī was now asking about the proper procedure in this respect. As a single *bhikkhunī*, she was not able to form the quorum required for conducting the higher ordination of her followers in a dual ordination. In this situation, she was asking the Buddha for guidance. According to the *Vinaya* account, the Buddha thereon explicitly prescribed that the *bhikkhus* should give *bhikkhunī* ordination (Vin II 257):

“*Bhikkhus*, I prescribe the giving of the higher ordination of *bhikkhunīs* by *bhikkhus*,” *anujānāmi, bhikkhave, bhikkhūhi bhikkhuniyo upasampādetun ti.*

³ B^e, C^e and S^e: *sākiyānīsu*.

Unlike the sixth *garudhamma*, this is a regulation that is meant for *bhikkhus*, and it is the first such regulation for *bhikkhus* on the issue of ordaining *bhikkhunīs*.

It is noteworthy that the *Vinaya* account does not continue with the Buddha himself ordaining the female followers of Mahāpajāpatī. A simple permission by the Buddha for the whole group to go forth in his dispensation would have made the situation clear: when no *bhikkhunī* order is in existence, only a Buddha can ordain *bhikkhunīs*.

While this is the prevalent interpretation nowadays, it is not what took place according to the canonical *Vinaya* account. According to the *Vinaya*, when approached by Mahāpajāpatī and asked how she should proceed in relation to her followers, the Buddha turned to the *bhikkhus* and prescribed that they perform *bhikkhunī* ordination.

Following the canonical Theravāda *Vinaya* account, this first prescription given to *bhikkhus* that they should ordain *bhikkhunīs* was given *after* the promulgation of the sixth *garudhamma*. This ruling by the Buddha thus comes *after* the Buddha had clearly expressed his preference for a dual ordination for *bhikkhunīs*. The implications are that, even though dual ordination is preferable, single ordination of *bhikkhunīs* by *bhikkhus* is the proper way to proceed if a *bhikkhunī* community is not in existence.

This original prescription to ordain *bhikkhunīs* was given in the same situation as in modern days: a group of female candidates wished to receive higher ordination, but no *bhikkhunī* community able to carry out the ordination was in existence, because so far only Mahāpajāpatī had received higher ordination. In the modern day situation, if the Dharmaguptaka *bhikkhunīs* are considered as not capable of providing an ordination that is valid by Theravāda standards, the same predicament arises: a group of female candidates wishes to receive higher ordination,

but no *bhikkhunī* community able to carry out the ordination is in existence.

The Buddha's first prescription that *bhikkhus* can ordain *bhikkhunīs* is followed by a second explicit statement to the same effect, made by the newly ordained *bhikkhunīs* themselves (Vin II 257): "The Blessed One has laid down that *bhikkhunīs* should be ordained by *bhikkhus*," *bhagavatā paññattaṃ, bhikkhūhi bhikkhuniyo upasampādetabbā ti*.

This reinforces the importance of a theme that runs like a red thread through the stages of evolution in the ordination of *bhikkhunīs* in the *Vinaya*: the need for the involvement of *bhikkhus*. The cooperation of the *bhikkhus* is required. The importance accorded to the willingness of *bhikkhus* to confer higher ordination on *bhikkhunīs* suggests itself also from a passage in the *Mahāvagga* (III.6) of the *Vinaya* (Vin I 146). This passage permits a *bhikkhu* to leave his rains residence for up to seven days in order to participate in the higher ordination of a *bhikkhunī*.

The central point of the sixth *garudhamma* and of the subsequent regulations is that the *bhikkhus* can confer higher ordination to female candidates. They can do so either in cooperation with a *bhikkhunī* order, if such is in existence, or else on their own, if no *bhikkhunī* order is in existence. The cooperation of the *bhikkhus* is throughout indispensable for ordaining *bhikkhunīs*. The same is clearly not the case for the cooperation of a *bhikkhunī* order, which is not an indispensable requirement.

The *Cullavagga* (X.17) reports that when the problem of interviewing female candidates arose, the Buddha gave another prescription. According to this ruling, the *bhikkhus* can carry out *bhikkhunī* ordination even if the candidate has not cleared herself — by undergoing the formal interrogation — in front of the *bhikkhus*. Instead, she has done so before in front of the community of *bhikkhunīs* (Vin II 271). Here is the ruling:

“*Bhikkhus*, I prescribe the higher ordination in the community of *bhikkhus* for one who has been higher ordained on one side and has cleared herself in the community of *bhikkhunīs*,” *anujānāmi, bhikkhave, ekato-upasampannāya bhikkhunīsāṅghe visuddhāya bhikkhusāṅghe upasampadan ti.*⁴

As the context indicates, the situation that led to this prescription was that female candidates felt ashamed on being formally interrogated by *bhikkhus*. This part of the task of ordination — the interrogation of the candidate — was therefore passed on to the *bhikkhunīs*. This enables *bhikkhus* to carry out the ordination of *bhikkhunīs* without this interrogation. For this reason the regulation refers to a candidate who has “cleared herself in the community of *bhikkhunīs*” and who “has been higher ordained on one side.”

It is instructive to compare the wording of this prescription to the ruling in the case of higher ordination for *bhikkhus*. According to the account in the *Mahāvagga* (I.28), the higher ordination of *bhikkhus* developed in successive stages. At first, *bhikkhus* were ordained through the giving of the three refuges. Later on they were ordained through a transaction with one motion and three proclamations. Since the time of the transaction with one motion and three proclamations, the mere giving of the three refuges served as part of the going forth only. Therefore it was no longer a valid form of higher ordination. To make this matter clear, the Buddha is on record for explicitly stating that the earlier form is now being abolished (Vin I 56):

“From this day forth, *bhikkhus*, I abolish the higher ordination by taking the three refuges that I had prescribed; *bhikkhus*, I prescribe the giving of the higher ordination by a transaction with one motion and three proclama-

⁴ B^c: *bhikkhunīsāṅghe*, S^c: *upasampādetun ti*.

tions,” *yā sā, bhikkhave, mayā tīhi saraṇagamanehi upasampadā anuññātā, tāhaṃ ajjatagge paṭikkhipāmi; anujānāmi, bhikkhave, ñatticatutthena kammaṇa upasampādetuṃ.*⁵

The second regulation for *bhikkhus* on the topic of *bhikkhunī* ordination is not preceded by any explicit abolishment of the first prescription that *bhikkhus* can ordain *bhikkhunīs*. It just reads: “I prescribe the higher ordination in the community of *bhikkhus* for one who has been higher ordained on one side and has cleared herself in the community of *bhikkhunīs*.”

Similar to the case of the ordination of *bhikkhus*, the Buddha could have declared that from this day forth he abolishes the ordination of *bhikkhunīs* by *bhikkhus* only, before prescribing the giving of the higher ordination to *bhikkhunīs* by both communities. There was no need to keep the first prescription just to ensure that *bhikkhus* are allowed to ordain *bhikkhunīs* at all, as the second prescription makes this amply clear. An explicit abolishment of the first prescription would have clarified the situation: From now on *bhikkhunī* ordination can only be done by both communities. Yet, this is not what according to the *Vinaya* account happened.

This seems significant, since several rules in the *Cullavagga* (X.6) that address legal matters related to *bhikkhunīs* have such indications. The *Cullavagga* reports that at first the Buddha had prescribed that the *bhikkhus* should undertake the recitation of the *bhikkhunī* code of rules (*pāṭimokkha*), the confession of offences (*āpatti*) done by *bhikkhunīs*, and the carrying out of formal acts (*kamma*) for *bhikkhunīs*. Later on this task was passed over to the *bhikkhunīs*. When this happened, the Buddha is on record for explicitly indicating that *bhikkhus* should no longer undertake these matters. Not only that, but the Buddha even made it clear that the

⁵ B^e: *taṃ*, C^e and S^e: *upasampadam*.

bhikkhus would incur a *dukkāṭa* offence if they were to continue undertaking these matters on behalf of the *bhikkhunīs* (Vin II 259 f).

Could there be a reason for the absence of any such indication in relation to the second prescription on *bhikkhunī* ordination? There appears to be indeed such a reason: The second prescription refers to a fundamentally different situation compared to the first prescription. It regulates the proper procedure that the *bhikkhus* should follow when a *bhikkhunī* order exists. In such a situation, they are to confer the higher ordination without themselves interrogating the female candidate, who should be interrogated and ordained beforehand by the *bhikkhunīs*. The first prescription, in contrast, regulates the proper procedure in a situation where no *bhikkhunī* order able to confer higher ordination is in existence.

The two prescriptions thus do not stand in conflict with each other, as they refer to different situations. They are both valid and there is no need for abolishing the first to ensure the validity of the second. Together, these two rulings legislate for the two possible situations that could arise for *bhikkhus* in the matter of *bhikkhunī* ordination:

1. One possibility covered in the first prescription is that they have to carry out the higher ordination of females on their own, because no *bhikkhunī* community able to cooperate with them is in existence.
2. The other possibility covered in the second prescription is that they carry out such an ordination in cooperation with an existing *bhikkhunī* community, who will take care of the task of interrogating the candidate and ordain her first, as a precondition for her subsequent ordination by the *bhikkhus*.

Thus, as far as the canonical *Vinaya* is concerned, it seems clear that *bhikkhus* are permitted to ordain *bhikkhunīs* in a situation that resembles the situation when the first prescription was given—“I prescribe the giving of the higher ordination of *bhikkhunīs* by *bhikkhus*”—namely when no *bhikkhunī* order able to confer higher ordination is in existence.

From this it follows that the higher ordination carried out at Bodhgayā fulfills the legal requirements of the Theravāda *Vinaya*. The female candidates have followed the stipulations made in the sixth *garudhamma*, in as much as they did indeed “seek for higher ordination from both communities,” to the best of their abilities. If their ordination by the Chinese *bhikkhunīs* is considered unacceptable, then this implies that at present there is no *bhikkhunī* order in existence that can give ordination to female followers of the Theravāda traditions. In this case, the subsequent ordination of these female candidates carried out by Theravāda *bhikkhus* only is legally valid. Its validity is based on the precedent that according to the canonical *Vinaya* was set by the Buddha himself when he delegated the ordination of the followers of Mahāpajāpatī Gotamī to the *bhikkhus*.

The combination of higher ordinations adopted for the 1998 Bodhgayā procedure is legally correct. The order of *bhikkhunīs* has been revived. It stands on firm legal foundations and has a right to claim recognition as a Theravāda order of *bhikkhunīs*.

Abbreviations

(References are to the PTS edition)

B ^e	Burmese edition
C ^e	Ceylonese edition
Dīp	<i>Dīpavaṃsa</i>
DN	<i>Dīgha-nikāya</i>
E ^e	Pali Text Society edition
JBE	<i>Journal of Buddhist Ethics</i>
Kv-a	<i>Kathāvatthu-aṭṭhakathā</i>
S ^e	Siamese edition
Sp	<i>Samantapāsādikā</i>
Sv	<i>Sumaṅgalavilāsinī</i>
T	Taishō (CBETA)
Vin	<i>Vinaya</i>