

## CHAPTER I

### INTRODUCTION

#### The Pali *Vinayapīṭaka* and its Place in Ancient Indian Literature

1. The Pali *Vinayapīṭaka* is the corpus of the Theravāda Buddhist monastic laws, and, as aptly expressed by Mrs. Rhys Davids, is a "thesaurus of monastic legality."<sup>1</sup> The texts of this *Pīṭaka* set out, against a certain socio-cultural background, the rules and regulations governing the external conduct and management of the *Bhikkhu* and *Bhikkhuni Saṅgha* or the Buddhist Monastic Order<sup>2</sup>, whose members — as they are even today — go to form a coenobitic community, the origins of which in North-East India hark back to the very life-time of the Buddha. These texts which, together with much auxiliary material, embody these rules for the "outward conduct"<sup>3</sup> of the Buddhist monastic community form part of

1. Mrs. C.A.F. Rhys Davids in her Editorial Note in Horner, BD.I, p.lxi. Fundamentally, the Vinaya may be described as a code of rules for the Buddhist monastic community, although it may not strictly fall within the definition of the term "code". A "code" is defined today as a "systematic collection of statutes, body of laws so arranged to avoid inconsistency and overlapping" (v.COD., s.v.), or "an orderly and authoritative statement of the leading rules of law on a given subject" (EBr., s.v.). The *Vinayapīṭaka* is perhaps not precisely a "systematic collection" or "an orderly and authoritative statement" of laws in terms of these definitions (cf. Sukumar Dutt, *Early Buddhist Monachism*, First Indian Ed., 1960, pp.14 ff. and Durga N. Bhagvat, *Early Buddhist Jurisprudence*, Poona, 1939, p.20). Yet the Vinaya rules are very much "systematically and scientifically arranged, though their classification may fall short of the modern methods" (Bhagvat, *ibid.*, p.18). Codification itself is "an advanced form of legislative development, and represents the stage at which all the preceding phases of development are woven into a coherent whole" (v. R.W.M. Dias, *Jurisprudence*, London, 1970 Ed., p.443). Unlike many other ancient codes of law, the attempts of the Vinaya at systematic classification of rules have, in very large measure, been successful.
2. Cf. ERE., Vol.8, p.86; Vin. I, xiii (Introduction by H. Oldenberg); Rhys Davids & Oldenberg, *Vinaya Texts*, I, SBE.XIII, p. 12; Horner, BD.I, p.vii *passim*; Bhagvat, *op.cit.*, p.43. The inner spiritual development of the Saṅgha, as in the case of the laity, belongs more to the sphere of the *Dhamma*. The "external" aspect of *vinaya* in general is recognized by Kauṭilya too, v. *Arthasāstra*, I, 5.
3. Vin. I,xiii (Introduction by Oldenberg). Oldenberg adds that the Vinaya cannot deal with purely ethical questions, "except so far as these affect such outward conduct" of the Buddhist monastic community (*loc.cit.*).