



# Offences, Punishment and Rehabilitation in the *Vinaya Pitaka*

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## Abstract

**Background:** The *Vinaya Pitaka*, a comprehensive Buddhist scripture, contains a rich repository of ethical and moral guidelines.

**Objective:** This research paper explores the descriptions of criminal and other offences within the *Vinaya Pitaka* and the associated penalties. This paper explores the significance of discipline and ethical conduct in the *Vinaya Pitaka*, analyzing the categorization of offences, the purpose of punishments, and the emphasis on rehabilitation. The study also aims to shed light on the socio-ethical aspects of the *Vinaya Pitaka* and its potential relevance in contemporary ethical discourse.

**Methodology:** Library based textual analysis of the *Vinaya Pitaka*, focusing on the division of offences and their respective punishments within the Buddhist monastic context has been applied to carryout this research.

**Result:** Through the detailed study, it has been found that the detailed account of offences and punishments provides valuable insights into the *Saṅgha's* emphasis on maintaining order, harmony, and adherence to the Buddha's teachings. Through a systematic analysis of the text, this paper provides insights into the understanding of criminal behaviour and sanctions within the Buddhist monastic context. The *Pātimokkha*, a crucial text within the *Vinaya Pitaka*, outlines the code of conduct for Buddhist monks and nuns. Its detailed system of offences and punishments reflects a unique approach to monastic discipline, emphasizing rehabilitation and restoring harmony within the monastic community.

**Conclusion:** This paper examines the purpose of punishments in the *Pātimokkha*, highlighting its restorative nature and its alignment with Buddhist principles of compassion and non-violence.

**Keywords:** *Vinaya Pitaka*, Buddhist monastic discipline, Buddhist ethics, criminal offences, *Pātimokkha*

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## Introduction

The *Vinaya Pitaka*, a fundamental component of the Buddhist *Tripitaka*, is a canonical collection of texts that govern the ethical and disciplinary aspects of monastic life within the Buddhist tradition. While primarily focused on regulating the conduct of monks and nuns, it also contains valuable insights into the concepts of criminal and other offences, along with the corresponding penalties. This paper aims to delve into *Vinaya Pitak's* teachings on criminal offences, the ethical principles underlying them, and the penalties associated with offences. Furthermore, it seeks to examine the relevance of these teachings in contemporary ethical discourse and their potential applicability in wider societal contexts.

*Vinaya Pitaka* is depicted by Buddhist scholars as the constitution of the *Saṅgha*. It has a high place in the Buddhist tradition. After the *Mahāparinibbāna* of Gautama Buddha, the *Vinaya Pitaka* became the only standard of unity, purity and discipline of the *Saṅgha*. Therefore, its place in the *Saṅgha* is respected and proud. *Saṅgha* is also known as Buddha's rule. Because as long as the *Vinaya* rules are being practised, Buddhism will remain eternal. The rules governing the monks and nuns are found in the *Vinaya Pitaka*, in which there are separate rules for the monks and nuns. Therefore, it is also called the ethics of monks and nuns. In the *Vinaya Pitaka*, it is mentioned in detail why and under what conditions each rule was made, while the monks and nuns from different backgrounds are advised to achieve their spiritual goals in an environment of love and harmony. The *Vinaya Pitaka*, meaning "basket of discipline" in *Pāli*, is the first and oldest section of the *Tripitaka*, the canonical collection of Buddhist scriptures (Prebish, 1975). It contains the rules and regulations for the Buddhist monastic community, known as the *Saṅgha*. In the Theravada tradition, the following five texts are included under *Vinaya Pitaka* – (a) *Mahāvāgga*, (b) *Chullavāgga*, (c) *Pācittiya*, (d) *Pārājika* and (e) *Parivāra*.

In *Sthaviravāda Vinaya*, there are 227 *Shikshāpada* or rules for monks and 311 *Shikshāpada* or rules for nuns. The *Khandhaka* provides additional rules and regulations for the *Saṅgha*, while the *Parivāra* is a commentary on the *Suttavibhaṅga* and *Khandhaka*.

The *Vinaya Pitaka* is a valuable source of information about offences and punishment in early Buddhism. It provides a detailed account of the types of offences that were considered to be punishable, as well as the punishments that were meted out for those offences.

The *Pātimokkha*, meaning "to be freed" in *Pāli*, serves as a comprehensive guide to monastic discipline within the early Buddhist tradition (Tambiah, 1984). It outlines a detailed set of rules and regulations for monks and nuns, categorized into four levels of severity: *pārājika*, *saṅghādisesa*, *pācittiya*, and *dukkāṭa* (Wijewardhana, 2018).

While the *Pātimokkha* clearly defines offences and their corresponding punishments, its approach to discipline stands out for its emphasis on rehabilitation and restoring harmony within the monastic community (Keown, 2005). This paper delves into the purpose of punishments in the *Pātimokkha*, exploring its restorative nature and its alignment with Buddhist principles.

## Statement of the Problem

The *Vinaya Pitak*, while primarily a guide for monastic life, addresses the issue of criminal and other offences systematically. However, these teachings are often overlooked in contemporary discussions on ethics and justice. This research paper aims to identify and analyze the descriptions of criminal and other offences and penalties in the *Vinaya Pitaka* and evaluate their potential relevance in contemporary society.

The *Vinaya Pitaka's* detailed account of offences and punishments raises questions about the purpose of punishment in early Buddhism. Was punishment intended to be punitive or rehabilitative?

What were the Saṅgha's goals in establishing a system of offences and punishments?

### Objectives of the Study

This paper aims to explore the significance of discipline and ethical conduct in the *Vinaya Pitaka*. It will analyze the categorization of offences, the purpose of punishments, and the emphasis on rehabilitation.

### Research Methodology

The study is based on secondary sources and library methods to conduct an extensive review of scholarly articles, books, and academic journals related to the *Vinaya Pitaka* and Buddhist ethics. This paper is a qualitative research approach, using textual analysis of the *Vinaya Pitaka* to examine the concepts of offences, punishments, and rehabilitation.

### Discussions

The *Vinaya Pitaka*, the first and oldest section of the Tripitaka, serves as a comprehensive guide to monastic discipline and ethical conduct within the early Buddhist community (Horner, 1938). Its detailed account of offenses and punishments provides valuable insights into the Saṅgha's emphasis on maintaining order, harmony, and adherence to the Buddha's teachings (Tambiah, 1984).

### Categorization of Offences

The categorization of offences into four distinct levels – *pārājika*, *saṅghādisesa*, *pācittiya*, and *dukkata* – reflects the varying degrees of severity attributed to different transgressions (Wijewardhana, 2018). This nuanced approach demonstrates the Saṅgha's recognition of human fallibility while upholding the high standards expected of those who have renounced worldly pursuits to pursue spiritual liberation (Keown, 2005).

### *Pārājika* Offenses: Protecting the Integrity of the Saṅgha

*Pārājika* offences, considered the most serious offences, warrant expulsion from the monastic community (Harvey, 2013; Sankrityayan, 2008). These offences include sexual intercourse, stealing, killing a human being, and falsely claiming spiritual attainments (Anālayo, 2016; Sankrityayan, 2008). Their severity stems from their direct contradiction of the core principles of monastic life – celibacy, non-violence, honesty, and humility (Gethin, 1998; Sankrityayan, 2008). *Pārājika* Offenses were the most serious offences, resulting in expulsion from the monastic community.

### Parajika Offences Include:

Sexual intercourse

Stealing

Killing a human being

Falsely claiming to have attained a higher level of spiritual attainment

By imposing expulsion as the punishment for *pārājika* offenses, the *Vinaya Pitaka* underscores the importance of preserving the integrity of the Saṅgha (Prebish, 1975). These offenses threaten to undermine the community's foundation of trust, respect, and shared commitment to the Buddha's teachings. Expulsion serves as a reminder of the Saṅgha's unwavering commitment to its core values and the serious consequences of violating them (Wijayaratna, 1990).

## Saṅghādisesa Offenses: Maintaining Harmony and Respect

Saṅghādisesa offences, while less severe than pārājika offences, still necessitate a period of probation (Bhikkhu Bodhi, 2012). These offences include actions that disrupt the *Saṅgha's* harmony and potentially harm its reputation, such as causing a schism, making disparaging remarks about the Buddha or the *Saṅgha*, or engaging in inappropriate physical contact (Skilling, 2009). Saṅghādisesa Offenses are less serious offences, leading to a period of probation and requiring a formal meeting of the monastic community to restore the offender's status. Examples include: ejaculating semen, touching a woman with lustful intent, making disparaging remarks about the Buddha, the *Dharma*, or the *Saṅgha*, Causing a schism in the *Saṅgha*.

The probationary period imposed for *saṅghādisesa* offences serves as a time for reflection, repentance, and restoration of harmonious relations within the community (Kieschnick, 2003). This approach reflects the *Saṅgha's* belief in the potential for individuals to learn from their mistakes and reaffirm their commitment to the monastic path (Ray, 1994).

## *Pācittiya* and *Dukkaṭa* Offenses: Cultivating Self-Awareness and Accountability

*Pācittiya* and *dukkāṭa* offences, while considered minor transgressions, still require confession and acknowledgment (Tambiah, 1984). These offenses address actions that may not cause significant harm but still deviate from the ideal conduct expected of monks and nuns (Wijewardhana, 2018).

### *Pācittiya* Offences

Minor offences requiring confession and a light punishment, often involve a specific act of repentance. Examples include: eating after midday, storing food for later consumption, accepting money or valuables, sleeping in the same room as a woman.

### *Dukkaṭa* Offenses

The least serious offenses, do not require formal confession but are still considered transgressions. Examples include: eating at an improper time, wearing improper clothing, using improper language, and engaging in idle chatter.

The requirement for confession and acknowledgement for *pācittiya* and *dukkāṭa* offences emphasizes the importance of self-awareness and accountability among monastic members (Keown, 2005). By openly admitting their offences, monks and nuns demonstrate their commitment to personal growth and adherence to the *Saṅgha's* ethical standards (Harvey, 2013).

The *Pātimokkha* rules aim to maintain order and discipline within the monastic community, fostering an environment conducive to spiritual development. They emphasize ethical conduct, self-awareness, and accountability, guiding monks and nuns on the path to enlightenment.

## Restorative Justice in the *Pātimokkha*

The concept of restorative justice, which focuses on repairing harm and restoring relationships, aligns closely with *Pātimokkha's* approach to punishment. Rather than solely imposing punitive measures, the *Pātimokkha* emphasizes the offender's rehabilitation and reintegration into the monastic community (Anālayo, 2016).

This restorative approach is evident in the handling of *pārājika* offences, the most serious transgressions. While expulsion from the monastic community might seem harsh, it serves a dual purpose: protecting the integrity of the *Saṅgha* and providing the offender an opportunity for introspection and potential renunciation (Harvey, 2013).

For *saṅghādisesa* offences, a period of probation and a formal meeting of the monastic community is required for the offender's restoration. This process emphasizes confession, repentance, and reconciliation, allowing the offender to acknowledge their wrongdoing and seek forgiveness from the community (Kieschnick, 2003).

*Pācittiya* offences, considered minor transgressions, involve confession and a light punishment, often involving a specific act of repentance. These measures aim to guide the offender towards self-reflection and behavioral correction, reinforcing the importance of ethical conduct (Ray, 1994).

Finally, *dukkata* offences, the least serious offences, do not require formal confession but are still considered breaches of the monastic code. Monks and nuns cultivate mindfulness and self-awareness by acknowledging these minor offences and preventing more serious ones (Skilling, 2009).

### Alignment with Buddhist Principles

The *Pātimokkha's* restorative approach to punishment aligns with core Buddhist principles, particularly compassion and non-violence. Rather than seeking retribution, the *Pātimokkha* prioritizes the offender's rehabilitation and the restoration of harmony within the *Saṅgha* (Gethin, 1998). This compassionate approach reflects the Buddhist belief in the potential for individuals to change and grow. By providing opportunities for repentance and reconciliation, the *Pātimokkha* encourages offenders to learn from their mistakes and progress on the path to enlightenment (Prebish, 1975).

The emphasis on non-violence is evident in the absence of corporal or capital punishments in the *Pātimokkha*. Instead, the focus lies on addressing the root causes of offences, fostering self-awareness, and promoting ethical conduct (Horner, 1938).

### Conclusion

The *Vinaya Pitaka's* comprehensive system of offences and punishments highlights the early Buddhist community's commitment to upholding ethical standards and fostering a harmonious monastic environment. The emphasis on rehabilitation rather than punitive measures reflects the Buddhist belief in the potential for individuals to learn from their mistakes and progress on the path to enlightenment.

The *Pātimokkha's* restorative approach to punishment stands as a testament to the early Buddhist community's commitment to compassion and non-violence. By emphasizing rehabilitation and restoring harmony within the monastic community, the *Pātimokkha* reflects a unique and humane approach to monastic discipline.

The *Vinaya Pitaka's* detailed guidelines served as a crucial foundation for maintaining order and discipline within the *Saṅgha*, ensuring its continued existence and ability to transmit the Buddha's teachings across generations. The text's enduring relevance highlights the importance of ethical conduct and self-discipline in the pursuit of spiritual liberation.

### Conflict of Interest

The author declares that there is no conflict of interest regarding the publication of this manuscript.

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