Chapter - 3

3.0. The Second Pārajika- Adinnādānasikkhāpada

The present chapter explains the importance of second pārajika. It elaborates in detail by the mention of the original Pāli rule, referring to critical notes, stories and comparison with civil Laws. Under this rule, there are two original rules. First one is called mulapanīti that means the rule which laid down first. The last one is called anupanīti that means the rule which modified the first one due to the different occasion. There is no too much difference between them. The rule of second Pārajika in the Pārajikapāli is stated as follows.

3.1. The original Pāli rule

“Yo pana bhikkhu gāmā vā arannā vā adinnām theyyasānikhātam ādiyeyya yathārūpe adinnādāne rājāno soram gahetvā haneyyum vā bandheyyum vā pabbajeyyum vā coro si, bālo si, mūlo si, thenosi ti, tathārūpaṃ bhikkhu adinnām ādiyamāno, ayampi pārajiko hoti asarivāso.”¹

¹ Pārajika Pāli, 91/ PTS 3, 46
3.2. The English Translation of the rule

If a monk should takes with an intention of stealing what has not been given to him from a village or wilderness-area, which is reckoned as thief, the king’s officers might catch him saying, “you are a thief; you are a foolish man; you are a man of confused mind and you are a robber” and they might beat him or put him in jail or deport him. This monk who has taken what was not given him suffers loss of monkhood in this Sāsanā, pārājika (offence entailing expulsion) or loss of monkhood. He is not to be associated with by good Monks.²

3.3. Critical notes³

*Arañña* means from a wilderness-area, forest.⁴

*Theyyasankhātam* means as intending to steal and intending to theft.⁵

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³ Vi 1, 70 / “Study in Dhamma Vinaya” by Bhante Varado/ The Book of the Discipline, Vol 1, 74.
⁴ The description in the padabhājani indicates that “forest” in not sufficient to cover the meaning of aranna and that “wilderness” is more appreciate: *arañhān nāma thapetvā gāmānca gāmupacāraṅca avasesaṁ arañhaṁ nāma. An arañha;* having accepting a village and the surrounding of a village, the rest is called “arañha.” Vin 1, 91/ “ A translation and analysis of the Pātimokkha” pg 79, by Monk Nānatusita
⁵ The padabhājani comments upon it as “thought of theft”. The commentary gives *sankhāta* the meaning of citta. Theyyacitta is used in the Vibhaṅga in the clauses dealing with the kinds of offences which are stealing as the definition of the crucial factor of intention. However, in the rule *theyyasankhātani* is used and this seems not to refer to the intention of the one who takes, but rather to the ways or manner of the taking, in combination with the value of the object that is taken, is perceived by the rulers of the country as is elaborated in the rule. I.e., if the rulers would arrest one then is an offence of *pārājika*. The value defines what is a *pārājika* offence (i.e., value of a *pāda* or more) and what is lesser offence (i.e., a value of less than a *pāda*), the intention of the taker or the
Ādiyeyya means it is carried away or it is hidden or concealed.

Rājāno means a king.\(^6\)

Sorāṁ, or a thief means: one who takes by means of theft (anything) is having the value of five māsakas or more than five māsakas that has not been given. He is called a thief.

bandheyyuṁ vā, or would imprison means: they would imprison with a binding rope, with a binding fetters, with a binding chains, a house, a town, with a binding village, or they would make a guard of men.

Pabbājeyyuum vā or would banish means; they would banish from the village or small town, or town, or province or rural district.

Pārājiko hoti, one who is defeated: A withered leaf freed from its hold could not become green again. Likewise, a monk, taking what is not giving thing that is worth pāda (one quarter of money) or more than that is defeated one.

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manner the object is taken is taken are secondary factors. The badabhājani said: theyya saṅkhātanti theyya citto avaharana citto; the thought of theft, the thought of taking away/ stealing. But Kaṁkhā 42 said: theyyasāṅkhātanti etthā thenoti coro. Thenassa bhāvo theyyaṁ. Avaharanacittasaetaniṁ nāmaṁ. Theyyaṁ citto saṅkhātaniṁ theyyaṁ saṅkhātaniṁ. Theyyasāṅkhātaniṁ: here thief is a robber; the state of being a thief is theft: this is a name for the thought of stealing. Therefore “with the consideration of the theft” is to be known as the meaning. Vin 1, 92/ kaṁkhā 42/ “A translation and analysis of the Pātimokkha” pg 80, by Bhikkhu Nānatsita.

\(^6\) The term rājā has a far wider meaning than term “king”. It includes monarchs, princes, noblemen, chieffains and any one of those who have the authority to punish etc. Rājāno nāma phṭhabyārājā, padesarājā, mandakā, akkhadasā, mahāmattā, yewāpama sīzabazzānī karontā anusāsanti. Ete rājāno nāma. Vin 1, 92
3.4. The Story of Dhaniya Bhikkhu

The *Vinaya* literature shows many stories. The story for the second *pārājīka* is as follow. At one time, the Buddha was dwelling at *Gījākatā*, of *Rājagaha*. At the time, several monks were living in small monastic huts with grass roofing to spend their rains period on the slope of *Isigili Mountain*. Venerable *Dhaniya*, son of potter, also lived there in a small hut with grass roofing. At the end of the rainy season, the other monks, keeping aside the roofing grass, departed to another places. Only Venerable *Dhaniya* remained there to spend more time.

While Venerable *Dhaniya* was on his alms-round in the village some grass cutters and wood fuel collectors knocked his small hut down and carried off the timbers and grasses for firewood. He rebuilt again and they come again and destroyed it. For the third time, Venerable *Dhaniya* rebuilt his hut. For the third time also, the grass cutters and wood fuel collectors came in his absence, knocked his small hut down and carried away the timber and grass.

Then Venerable *Dhaniya* thought that on three occasions while he was on his alms rounds, some grass cutters and wood fuel collectors broke down his small hut and carried away grass and timber. Therefore, he decided to build a small monastic lodge that completely finished with

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7 Vi 1.62.
mud mixed with earth powder. He collected grass, wood fuel, cow dung, made a fire with these and burnt the small lodge which was very beautiful and pleasant to look at it. It had red color and the sound produced by that small lodge was like of a bell.

When the Buddha was coming down the Gijjakāta he saw that small lodge and asked the monks. The monks, explained to the exalted One. The Buddha reproached venerable Dhaniya. The Buddha said to the monks to break down that small monastic lodge. Then the Buddha said that a monk who builds one is guilty of wrong doing (dukkata) offence. So the monks break down the small lodge.

Then Venerable Dhaniya thought that some grass cutters and wood fuel collectors have broken down my small hut for the three times. The monks have also broken down my new lodge. Finally he decided to build a wooden hut. Therefore Venerable Dhaniya approached the forest officer and said to him to offer some timber to build a small hut. The officer said that there is no timber to offer to him but there is royal timber of the king kept for rehabilitation of the

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8 It is not good and not proper. It is not fitting. It is not the behavior of a monk. It is not allowed and it should not have been done. Nahiṃāma tassa moghapurisassa pānesuanuddayā anukaṅpā avihesā bhavissati. This must refer to the small creatures in the mud which would be destroyed when the mud was baked. Vin 1, 85 / “the book of discipline” vol 1, 65 L.B. Horner
9 The Buddha does not allowed to build a small lodge completely finished with earth powders. The reason why the Buddha told to break down the small monastic lodge is that the new generations are not supposed to molest living beings. Mā paccinā jana tā pānesu pativyattam āpattī. Vin 1, 85/ PTS 3, 41
10 There was no offence for Dhaniya because it was a first offence. Samantapāsādikā 1,289
town, and for precaution against rinks of fire, etc. If His Majesty the king offers this royal timber to you, please send for it. Venerable Dhaniya said “the king has already offered it.” Therefore Venerable Dhaniya carried off the timber and made a new wooden hut.

Not long after, Vassākāra Brahmin, the Chief Minister of Magadha, was investigating the cases in the town of Rājagaha. He came to the forest officer and said that where the king’s royal timbers are. The officer said that the king has given them to Venerable Dhaniya. Vassākāra Brahmin arrested the officer and brought in custody. Then, he approached the king Seniya Bimbisāra and said that it is true that your majesty has given to a monk the royal timbers. Then king Bimbiśa said to send for the forest officer and asked him. Feeling responsible for the officer’s misfortune, Venerable Dhaniya went to the palace as well to explain the affair to the king. The king asked to make sure for not remembering about it. Venerable Dhaniya replied that at the time of your first coronation you had said that to make use of grass, wood fuel and water as free gift offered to the monks and Brahmins.

The king then said that he remembers now. Nevertheless, it is applicable only to grass, wood fuel and water, not expropriated by the

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11 At the time of coronation the king said those words. But the king said that this with reference to the monks and Brahmins (samanas and brahmanas) who are ashamed of evil (akusalas), who have had doubt and worry (sāsaya kukkucca) and who are desirous of the three trainings (sīkkhas). Vin 1, 88.
government. You came to believe through an inference of what I had said that the royal timber not given as gift of charity could be taken away freely. Why the monks and Brahmins, living in the kingdom, should be put into custody, sentenced to death or deportation. A king like me would not do all that. You are exonerated from punishment on account of being a monk but do not do such a thing again.

People began to reproach condemn and criticize venerable Dhaniya. The monks heard the people’s reproach, condemnation and criticism. They also reproached, condemned and criticized Venerable Dhaniya and reported the matters to the Buddha. The Buddha reproached venerable Dhaniya. At the time the Buddha asked a monk who is a former judge minister the value of a thing taken for which the king would punish a thief. The monk said it is one quarter of a kyat (pādena vā pādārahena vā). At that time in Rājagaha, a five anna coin was equal to one quarter of a kyat. Then the Buddha laid down this training precept as follows.

3.4.1. “Yo pana bhikkhu adinnam theyyasaṅkhātam ādiyeyya yathārupe adinnādāne rājāno sorāṁ gahetvā haneyyum vā baṅdheyyum vā

12 People said that these monks, belonging to the lineage of the Buddha sakyamū prince, have no shame, no morality (śīla). They use to speak untruth in spite of which they have boasted that they used to practice the noble teaching of calm and serenity; they used to speak truth, observe trainings and develop concentration (Samadhi). These monks are no longer good noble one. They have lost their true characters of good noble monks. How are they going to become good noble monks? Even if they cheat the king, they will also cheat other people. Vin 1, 88
13 Vibhaṅga said: tena kho pana samayena Rājagaha pahcamūsako pādo hoti. Vi 1, 88
pabbajeyyam vā coro si, bālo so, mūlo si, theno si ti, tathārūpaṁ bhikkhu adinnam ādiyamāno, ayampi pārajiko hoti asaminvāso.”

3.4.2. The English Translation:

“If a monk takes with an intention of stealing what has not given to him, the king’s officers might catch him saying, “you are a thief; you are a foolish man; you are a man of confused mind and you are a robber” and they might beat him or put him in jail or deport him. This monk who has taken what was not given him suffers loss of monkhood in this Sāsanā, pārajika (offence entailing expulsion) or loss of monkhood. He is not to be associated with by good Monks.”

3.5. The story of the group of six monks

Another story for this second pārajika is mentioned in Vinaya literature. At one time a group of six monks went to the washer man’s foreshore and stole a bundle of clothing from washer man and brought it to their monastery for distribution among them. Other monks said that you are of great power and influence. You have plenty of robes and where have we got great power and influence. They replied that they have gone to the washer man’s foreshore and stole a bundle of clothes.

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14 pārajika pāli 89
The other monks said that why have you stolen a bundle of clothing from washer man and has not the Buddha laid down the rules.

The group of six monks said that it is true but that rule applies only to villages, not to forests. Other monks then said that the stealing in a forest is the same as stealing in a village and reported the matter to the Buddha. Therefore, the Buddha reproached the group of six monks and laid down this second defeated rule for monks.

3.6. The definition of Pāda

The decision of pāda is complicated matter. But vinaya literature explains it in detail. The second pārājika concerns with theft. Taking things which haven’t properly been offered is called theft. A monk who commits theft is defeated. So a monk who has taken something worth pāda or more than pāda which has not been given to him ceases to be a monk. The venerable Dhaniya is the first Buddhist case of the law of theft. If the word “theft” conjures up images of a pickpocket or shoplifter, think again: venerable Dhaniya’s offence was to build his meditation hut by using some government material. He escaped defeat by privilege of the first offender. There are many controversial points to determine the value of the pāda. According to Pāli literature, during

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16 Pāda means money which is worth five māsaka, māsaka from māsa, a bean of the phaseolus, a tree the seeds from which are used as jeweller’s weights. (1) One māsaka is equivalent to twentieth of the old Myanmar Kyat, (2) māsaka, and sixteenth part of a rupee or four pieces. (3) One sixteenth of
the time of the Buddha, twenty māsaka is one kahāpana in the Rājagaha. Therefore five māsaka is called one pāda. 

The present price is as follows:

(1) A single portion of pāda is $1 US.
(2) 3.5m of linen cloth (enough for a robe) is $16 US.
(3) 3.5m of woolen cloth is $36 US.

This calculating shows that a pāda is in the range of $0.25-0.40-0.56 US. 

The illustrative stories support this low estimate of the pāda, because they show that stealing the following things would be a pārājika offence: a stealing cloth, a head wrap, a portion of cooked rice, a portion of cake, a portion of sugarcane, a portion of gruel, a portion of honey ball. Willing to steal is very serious offence according to the second pārājika. Therefore, in Mahāvagga, the Buddha said that a monk should not take anything at least the grass or stick which is not offered to him.

atical of weight, (4) one sixteenth of an inch. Currency introduced during British colonial days. Myanmar English Dictionary 261

17 Pāli Dictionary 59/ Mūlasikkhā 464/ five māsaka is one pāda. Twenty māsakas were reckoned to make a kahāpana. pañcamāsako pādoti. Tadā Rājāgaha visatimāsako kahāpano hoti. Tathāma pañcamāsako pādo. Samantapāsādikā Commentary 1, 92
18 “Study in Dhamma Vinaya” by Bhante Varado

19 Uttarpannena bhikkhumā adinnaṁ theyyasankhataṁ na ādātabbaṁ antamaso tinathalakaṁ upādiya. Stealing means taking the small invaluable thing possessed by others. Stealing thing is such for which nothing is paid in any form. Vinatapitika. Mahāvagga Pāli 134.
3.7. **Comparison with civil Law**\(^{20}\)

The second defeat concerns with the case of theft. There are numerous laws for lay people for theft. The second *pärājika* according to Civil laws are as follows.

(1) Theft case.

(2) The accepting of the stolen property.

(3) Taking by threaten.

(4) Robbery

(5) Misappropriation.

(6) The trafficker human being.

The Penal Code deals which with the criminal law describes the abetment of the offences. A person abets the doing of a thing who:

Firstly instigates to do that thing;

Secondly engages in any conspiracy for the doing of that thing;

Thirdly intentionally aids, by any act or illegal omission the doing of that thing.\(^{21}\)

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\(^{20}\) Yázathatkyi, the great Code, 95, 125, 126, 131-145

\(^{21}\) “An analysis of the *Theravāda vinaya* in the light of the modern legal philosophy” pg 89
3.8. The punishment for theft

The following Law code numbers are shown in the comparison of the Vinaya laws with civil laws. Punishment for one who committed the theft is as follows. If one commits the theft he is jailed for three years or he is fined for theft and both according to the law Code No, 379.

One who has stolen the property he serves three years or he is fined for theft according to the code No, 411. If one is guilty of theft by threaten he is jailed for ten years or he is fined for theft and both according to the Code No, 384. If one commits the robbery he serves a life sentence for robbery according to the code No. 394 or he is jailed for ten years together with manual labor or he is fined for theft according to the Code No, 392.

If one commits a homicide when he is trying for robbery he is under sentence of death or he serves a life sentence or he is jailed for ten years together with manual labor according to the Code No, 396.

If one misappropriated the fun of others he is jailed for seven years or three years or he is fined for it according to the Code No, 404. If one commits the human-trafficking he is jailed for seven years

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together with manual labor or he is fined or both for it according to the Code No, 363.

If one persuades others for human-trafficking he is jailed for seven years together with manual labor or he is fined or both for it according to the Code No, 362. According to Vinaya law a monk who has committed theft is similar to punishment of death because he has no chance to be a monk.\textsuperscript{23}

The elaboration of the rule establishes a threefold division of offence according to amount stolen.

(1) Stealing five māsakas (a pāda) and over is pārājika.

(2) Stealing from one to fewer than five māsakas is a thullaccaya offence.

(3) Stealing one māsaka is a dukkata offence.\textsuperscript{24}

The value of māsaka regarding the object stolen becomes the standard of moral transgression, and hence the criterion of the gravity of the offence committed. Thus the gravity of offence of stealing is shown to be to some extent dependent upon the value of the object stolen.

\textsuperscript{23} Vi 1, 56

\textsuperscript{24} “Study in Dhamma Vinaya: pg 12 by Bhante Varado.”
3.9. Twenty five kinds of theft\textsuperscript{25}

According to \textit{Samantapāsādikā} commentary there are twenty five types of stealing. They are as follows;

3.9. 1. Nānabhāṇḍha pañcaka (fivefold stealing to many things)

Many different kinds of things which are inanimate objects and non inanimate objects include in this stealing.

(1) \textit{Ādiyana}; stealing by prosecuting for plot, house and compound.

(2) \textit{Harana}; stealing the thing which is carried by others.

(3) \textit{Avaharana}; stealing the objects which had given him by prosecuting or saying that it is his own and could not be returned to its owner.

(4) \textit{Iriyāpathavikopana}; stealing the inanimate objects and non animate objects by moving body posture.

(5) \textit{Thānācāveyya}; stealing the objects by moving from its place.

3.9.2. Ekabhāṇḍha pañcaka (fivefold stealing to one thing)

Stealing the non-inanimate objects is called \textit{ekabhāṇḍa}. The five types of stealing are as follows;

\textsuperscript{25} Vinaya Commentary 1, 264/ PTS 2, 302/ kāṇkhā commentary 116., the Comparative study of Vinaya 57
(1) **Ādiyana**; Stealing the non-inanimate objects by prosecuting.

(2) **Harana**; stealing the object which is carried by others.

(3) **Avaharana**; stealing the objects which had been given believing in him by prosecuting or saying that it is his own and it could not return to its owner.

(4) **Iriyāpathavikopana**; stealing the non-inanimate objects by moving body posture.

(5) **Thānācāveyya**; stealing the objects by moving from it place.

### 3.9.3. Sahatthika pañcaka (fivefold stealing oneself)

The **Sahatthika** stealing is as follows:

(1) **Sahatthika**; stealing oneself.

(2) **Ānattika**; stealing by making order to steal.

(3) **Nissaggiya**; stealing by throwing away the object for free text.

(4) **Atthasādaka**; stealing by telling other when it has chance to steal.

(5) **Duranikkhepana**; stealing by making no willing to the owner.

### 3.9.4. Pubbayoga pañcaka (fivefold stealing with previous effort)

The **Pubbayoga** stealing is as follows:

(1) **Pubbapayoga**; previous actions are called stealing.

(2) **Sahapayoga**; stealing with effort.
(3) *Saṁvidāvahāra:* stealing with the group.

(4) *Saṅketakamma:* stealing by dating the time.

(5) *Nimittakamma:* stealing by giving intimation.

### 3.9.5. Theyyāvahāra pañcaka (fivefold stealing by cheating)

The *theyyāvahāra* stealing is as follows:

1. *Theyyāvahāra:* stealing by cheating.
2. *Pasashāvahāra:* stealing by robbing.
3. *Parikappavahāra:* stealing by fixing the date, object and place.
4. *Paṭiccāvahāra:* stealing the objects by covering leaf etc.
5. *Kusāvahāra:* stealing by deceiving the vote.

### 3.10. The features of second pārājika offences\(^{26}\)

There are five factors to call one as a transgressor of this *pārājika.* These all are equally important for committing this rule. If one lacks any of these factors it could not be counted as an offence. The five factors are as follows.

1. Anything belonging to another human being or a group of human beings.

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\(^{26}\) *Kaṅkhā* Commentary 120/ *Khuddasikkhā* 3, 53/ *Vinaya Viniccaya* 23
(2) One perceives that the object belongs to another person.

(3) One decides to steal it.

(4) One takes possession of it.

Stealing under any of these circumstances is always an offence. However, the severity of the offence depends on another factor, which is;

(5) The value of the object.27

According to the first factor the object must belong to human being. The belonging of non human being does not concern with this rule. Therefore the stealing of things which belonged to peta and deva are not pārājika offence. Items belonging to common animals or petas are not covered by this rule.28

According to Vinitavatthu29 a monk may take a peta’s or deva’s belongings without penalty. It illustrates this point with two examples. In the first, at one time a certain monk went to the cemetery, took hold of discarded cloth on a dead body not yet decomposed. The spirit of the dead one was dwelling in the body. It said to the monk not to take hold of his cloth. The monk ignored it and went off with the cloth. The body,
arising, followed closely the monk until entering the monastery. The monk closed the door, and the body fell down right there. The Buddha told the monk that there is no offence involving defeat.\textsuperscript{30}

In the second \textit{Pāṭījika}, at one time a company of monks, descending from the slopes of the \textit{Giśhakūṭa} Mountain seeing the remains of a lion’s kill, had it cooked and ate it. Because of this they were remorseful. The Buddha said that there is no offence in this matter of the remains of a lion’s kill.\textsuperscript{31}

If people are guarding an object as the property of a location – for example, an offering to a Buddha-image, \textit{Cetiya}, or other sacred place – the object would also qualify as "not given" under this rule. The jewels decorating the reliquary of the Sacred Tooth in Kandy or the offerings to the Emerald Buddha in Bangkok or the \textit{Shwedagon} Pagoda in Myanmar would fall under this rule because all these belong to societies.\textsuperscript{32}

According to the second factor, one must also perceive the object as being something not given. Thus there is no offence if one takes an object, if one sincerely believes that it is ownerless or thrown away. Similarly, if a monk takes an object mistaking it for his own or as

\textsuperscript{30} Vi 1, 137  
\textsuperscript{31} Vi 1, 140/ Studies in \textit{Dhamma Vinaya} by Bhante Varado  
\textsuperscript{32} The Buddhist Monastic Code 1, 34
belonging to a friend who has given him permission to take his things on trust, there is no offence. Or again, a monk who takes things from the community’s common stores, on the assumption that he has the right to help himself, commits no offence even if the assumption proves false.

At one time, some monk saw a *parikkhāra* (requisite) in the daytime and decided to steal it at night. That monk stole his own *parikkhāra* (requisite) thinking it was the *parikkhāra* he has made a note of. The Buddha said that this monk is not guilty of *pārājika* offence but he is guilty of *dukkaṭa* offence.\(^{33}\)

According to the third factor, the act of taking “what is not given,” even when one perceives it as “not given,” counts as theft only if one’s intention is to steal it. So an intention to steal is very important. The *Vinitavatthu*\(^{34}\) said that at one time, a monk who had an intention to steal turban (head gear) which comes flying along a whirlwind. He caught hold of it, before the owner of the turban saw it. The owner then accused that monk saying you are no longer a monk. The monk told the matter to the Buddha. The Buddha said that you are guilty of *pārājika* offence.

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\(^{33}\) Vi 1, 143

\(^{34}\) Vi 1, 136
3.11. The elaboration of rule in the *Vinitavatthu*\(^{35}\)

The elaboration of the rule repeats much of what has been said in the illustrative stories. It adds the following information.

A monk incurs no offence if he takes objects temporarily or on trust. The *Vinitavatthu*\(^{36}\) said that at one time a monk picked up a piece of meat dropped down by a falcon, thinking in his mind that he would return the meat to the owners. The Buddha said that there is no offence of the monk who has no desire to steal.

At one time, many monks were stitching their robes when some of the monks used to bring the shares of all the monks from the food distribution center for the *sangha*. One of the monks made use of the share of another monk thinking that it was his. That monk came to know about it and made a charge against the monk who had made use of his share saying: “You are no longer a monk.” The Buddha asked the monk that what was in your mind. The monk said that he had no desire to steal. He thought it was his. The Buddha said that there is no offence for a monk who thinks it is his.\(^{37}\)

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\(^{35}\) Vi 1, 132. The transgression of the discipline rules, pg 87.

\(^{36}\) Vi 1, 136

\(^{37}\) Vi 1, 147.
At one time, thieves of mango fruits removed mango fruits from mango trees and carried away a bundle of mango fruits. The owners gave chase and the thieves dropped down their bundle and ran away. Monks accepted the mango fruits thinking these were pánsukū (those thrown to dust heap) and made use of them. The owners then made a charge against the monks. This was reported to the Buddha. The Buddha asked what was in your mind. They replied that they had no intention in mind to steal or had no desire to steal. We thought it was pánsukū. The Buddha said that there is no offence for a monk who thinks it is pánsukū.  

At one time, in Benares, a servitor relative of Venerable Pilindavacca was attacked by robbers who carried away his two children. Venerable Pilindavacca brought back these two children by means of his supernormal power and kept them on the steeple. On seeing the children people admired the Venerable Pilindavacca. The matter was reported to the Buddha. The Buddha said there is no offence for a monk in the exercise of his Iddhi (supernormal power).
At one time, a monk released a pig caught in a noose through pity. A thought of doubt and worry occurred to the monk. The Buddha asked him what was in his mind. “I had pity” replied the monk. The Buddha said there is no offence for a monk who had pity.40

At one time, a man who had a ruby of a very high value with him was travelling on a long journey together with a monk. On seeing a toll station of the customs department the man put his ruby in the bag of the monk without informing to that monk. When they had gone past the toll station of the customs department, the man took the ruby. The monk told the matter to Buddha. The Buddha asked what was in your mind. “I did not know about it” replied the monk. The Buddha said there is no offence for a monk who did not know.41

At one time, several monks had a discussion to steal a piece of property and went away. One of the monks then stole the property. Other monks said that all of us are not guilty of pārājika offence. Only monk who steals is guilty of pārājika offence. This was reported to the Buddha. The Buddha said all of you are guilty of pārājika offence.42

At one time, a monk saw a certain article of property in the morning and made a note in his mind that he would steal it at night.

40 Vi 1, 153
41 Vi 1, 152
42 Vi 1, 155. The Transgression of the discipline rules, pg 100.
That monk steals the same property which he has already noted and he steals another property thinking that it is the one that he noted. He steals the property that he has noted thinking that it is another property. The thought of doubt occurred to him and asked the Buddha. The Buddha said you are guilty of a \textit{parājika} offence.\textsuperscript{43}

At one time, a monk saw some property on a vehicle. He thought that if he took it while on the vehicle he would be guilty of \textit{parājika} offence, so he rolled it down and took it. He is guilty of \textit{parājika} offence.\textsuperscript{44} The objects can be classified into two broad types: moveable and immovable.\textsuperscript{45}

From these stories, we may conclude that the Buddha’s decision based on monk’s intention. It can be said in general that certain action is treated as an offence by the monk’s intention. An intention determines the value of man’s action. To support an offence of other is also an equal offense according to the Buddha.

\textsuperscript{43} Vi I, 134.
\textsuperscript{44} Vi I, 153.
\textsuperscript{45} The Buddhist Monastic Code Vol, 1, chapter IV, 2007
3.12. Necessary conditions for the second defeat for stealing

There are three factors explained by considering the offence of parājika for stealing. These three factors need to be fulfilled for the transgression to be a parājika. The three factors are as follows;

1. The intention to steal.
2. The object. It is something of value.
3. The Act. One takes possession of it.

3. 12. A. The Intention to Steal

It can be determined by the following points.

1. The object must be the possession of another.
2. The thief regards the object as belonging to another.
3. There arises the idea to take it by theft.

For example, there is no offence in taking something which has been thrown away by its owner, or in taking from unclaimed jungle, or in taking from animals (animals are considered by the Vinaya to have no right of possession) because the first factor is lacking, the objects are not the possession of another.

Taking somebody else’s belongings mistaking them for one’s own, or wrongly thinking that they have been discarded, or taking from
communal supplies sincerely believing, albeit mistakenly, that one may help oneself are each no offence because second condition is not fulfilled, one did not regard the object as belonging to another.

Taking temporarily (borrowing), or taking an object in order to look after it aiming to return it later, or taking an item ‘on trust’ or picking up a valuable, misplaced in a monastery or in a house for safekeeping again are each no offence because third condition is lacking, the intention is not to take by theft.

3.12.B. The Object is of value

Whatever the value of the object stolen the monk commits an offence. The condition of value determines only the severity of the offence, whether it is a pārājika, thullaccaya or dukkāta.

At the end of every ordination ceremony each monk is sternly warned of “The Four Things Never to be done”, the second of which states, “one should never take by theft what has not been given, even if it is only a blade of grass.”

In the time of the Buddha, the stealing item must be worth one pāda (a currency of that time) or more than that to be an offence of dukkāta.

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46 Stealing blade of grass is wrong doing (dukkāta) offence. Thus even the offence of dukkāta must be avoided scrupulously and a monk must learn to cut off all thoughts of stealing no matter what the value of the object.
pārājika. One infers that for stealing an item of lesser worth, a lesser penalty such as a fine would have been imposed. Because of this, the Vibhaṅga uses the value of the article stolen. It’s estimated worth (in pāda) at the time of the theft to determine which offence is incurred:

1. Stealing something worth one pāda or more is a pārājika.
2. Stealing something worth one fifth of a pāda or more, but less than one pāda is thullaccaya offence.
3. Stealing something worth less than one fifth of a pāda is a dukkata.

Two thousand five hundred years later, it is difficult to establish beyond reasonable doubt the worth of the pāda. In terms of currency it changes with the years and even one thousand five hundred years ago the Samantapāsadikā warned us, quoting from an even earlier commentary.\(^{47}\) Thus there is no logical view that the pāda of Magadha is equivalent to the present day currency.

Perceiving this difficulty, the ancient Vinaya sub-commentary\(^{48}\) bequeathed a method for calculating the worth of the Magadhadesa-pāda. The sub-commentary explained that one pāda was worth to twenty

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\(^{47}\) The commentary said that the kahāpana (four pāda) of olden times is not the same as the present day kahāpana of king Rudra and other kings. King Rudra was a monarch of Western India around the second century A.D. “Vinaya Noyes, pg 10 by Ajahn Brahmavaniso

\(^{48}\) Pādo nāma Magadanāliyā pañcanālimattanakopanānu bhājānaviseso, Vimativinodani Tikā 2858/ pādonānu catutthāniso magadanāliyā pañcanālimattā, Kuḍḍhasikkā Tikā 239/ “Vinaya Noyes, pg 10 by Ajahn Brahmavaniso
rice grains weight of gold. Thus stealing an item equal or greater in value to twenty rice grains weight of gold (1/24th ounce tray) by current market prices is a *pārañjika*. The Burmese scholar monks and the scholar of other countries use this method.

However, some monks doubt the validity of this method. In particular, the value of gold has fluctuated so much over the past decades that they wonder if the value of 1/24th ounce tray of gold today accurately represents the worth of the same weight of gold twenty five centuries ago. Indeed, the computed worth of 1/24th ounce tray of gold today appears a bit high when compared with the present day value of items like a bolster, a pillow, a robe, a bowl full of rice, a mango or a handful of rice during a famine, the theft of each of which, according to the *Vinitavatthu*, resulted in a *pārañjika*.

Some monks look to the original standard expressed in the translation of the rule itself, that if the theft would result in flogging, imprisonment or banishment by the authorities on that time at that place, then the theft is worthy of a *pārañjika*. However, this standard also has problems. In most countries the sentence is largely at the discretion of the Judge or Magistrate and the factor of value is whether or not to ‘flog, imprison or banish’; it would be impossible to determine the sentence merely on the value of the item stolen. Then just as the value
of gold and currencies have changed significantly in recent years, so the severity of sentencing continues to fluctuate through political moods and social pressures. Also different countries vary greatly in the severity of punishments for similar acts; recently in Thailand a woman was jailed for stealing a jackfruit belonging to the government; in Australia the case would have never come to court; while in Saudi Arabia she would have been mutilated.

The present consideration prefers to employ the method advised by the sub-commentary, though imperfect, for the following reasons:

1. It is a method by which one can easily reckon a boundary between the different levels of offence in any modern currency.
2. It is supported by an ancient authoritative, internationally accepted sub-commentary.
3. This is the traditional way of interpretation of the rule in most Theravāda countries.
4. It gives a high value for the least article the theft of which would result in a pārājika. Thus when a monk steals an item worth 1/24th ounce tray of gold or more there can be no doubt that the offence is a pārājika. When the item is of lesser value there will be inescapable doubt. When there is doubt concerning a pārājika
both the *Vinaya* and commentaries consistently give the monk the benefit of that doubt, disrobing is not compelled for such a monk.

Other monks might object that the standard, advised here removes a useful deterrent which discourages a monk from stealing even items of minor value. But severe penalties are rarely an effective deterrent; only a sense of honor, commitment and conscientiousness keep one within the rules one has freely chosen to live within.


There are many ways in which a monk might take possession of something belonging to another. For example, ‘snatch and run,’ burglary, to pickpocket, taking by stealth, fraud and embezzling, smuggling, tax evasion, cheating a person out of his property by a clever legal action, cheating in a free distribution of goods, stealing items entrusted to one’s care, being an accomplice in a theft and deliberately destroying or damaging or depriving another of their property and then failing to pay adequate compensation when demanded, producing counterfeit goods or money or measures, extortion and exaction. When any of these, and similar, acts are preceded by the intention to steal as defined under ‘A’, and the object is of value as explained under ‘B’, then the offending monk commits a *pārājīka*. 
To define precisely the moment when an article becomes ‘stolen’, the *Vibhaṅga* classifies all objects as either movable or immovable. Moveable items are said to be taken when they are moved entirely from their “base, i.e. the spot on which they are put. An object such as a box or a trunk lying flat along the ground or touching its support at a single area has a single base and is counted as “taken” if it has been moved entirely from its base. An object such as a table or chair touching its support at a number of separate places has that number of bases. An object with more than one base is “taken” when it has been moved from all of its bases. Thus a television set standing on four legs is taken when all four of its legs have been lifted from the spots on which they were standing.

If a moveable object is placed on another movable object, such as a television set placed on a cart, there are two ways to count it as taking, either when it is removed from its base on the card or when the wheels of the cart have been moved from all of their bases on the floor; whichever occurs first.

As for immovable objects; land or things such as buildings or trees affixed to the land. Immovable objects trees, buildings etc. are treated in the same light as ordinary moveable object. If a monk cuts
them down or dismantles them it counts as taken removed from their bases.

The rule says immoveable objects like land or buildings are considered stolen when the monk moves a fence or boundary post. The rule elaboration explains other factors in stealing land. It says that for a monk to falsely claim a park is a *dukkaṭa* offence,\(^\text{49}\) where in fact it is a *pācittiya* offence for laying. It says if he evokes doubt in the owner’s mind it is a *thullaccaya* offence,\(^\text{50}\) where in fact it would be a *dukkaṭa* offence under the fifty fifth *pācittiya* which concerns a monk trying to frighten a monk.\(^\text{51}\) It says that it is a *pārajīka* offence the moment the monk force the owner to throw off responsibility for the property, the moment he thinks I have lost it.\(^\text{52}\) It means if the case is settled wrongfully in court it is a *pārajīka* offence.

Stealing a tree is accomplished in chopping it down rather than moving it. Stealing a tooth wood, a bowlful of water could involve theft of goods worth five *māsakas*, and therefore a *pārajīka* offence. In stealing from a toll station it is not an offence until the goods are carried two steps beyond the station.\(^\text{53}\)

\(^{49}\) *ārāmattī abhiyūjati āpatti dukkatassa*. Vi 1, 102/ PTS 3, 48

\(^{50}\) *Sāvikassā vimatim uppaḍeti āpatti thullaccayassa*. Vi 1, 102/ PTS 3, 48

\(^{51}\) *Yopana bhikkhu bhikkhuṇī bhussāpeya pācittiyaṁ*. Vi 2, 346/ PTS 4, 114

\(^{52}\) *Sāmiko namayantī bhavissati durantī nikkhiṇāti āpatti pārajīkassā*. Vi 1, 102/ PTS 3, 48

\(^{53}\) Vi 1, 113
Stealing by lifting goods from the ground was *pārājika* offence. Or to lift a burden from the ground with a thieving intention is *pārājika* offence.\(^{54}\) But the toll station (*suṇika ghāta*) is not the same as the customs post (*suṇikathāna*). The Buddha said that toll station is a station at a valley or a foreshore or at a village or town gate authorized by the government to levy taxes on those coming to that place.\(^{55}\) A monk intends to come and steal the taxes of the value of five *māsaka* or more to be paid to the government from the toll station, If he makes a second step further, he commits a *pārājika* offence. If he stands within the station and drops it (stolen property) outside, he commits a *pārājika* offence.\(^{56}\)

### 3.13. Lesser Offences

Lesser offences of *thullaccaya* and *dukkaṭa* associated with this rule occur in two ways, either for stealing items of minor value or for an unsuccessful attempt at theft:

a. Stealing an item worth less than one fifth of a *pāda* is a *dukkaṭa*.

b. Stealing an item worth one fifth of a *pāda* or more, but less than one *pāda*, is a *thullaccaya*.

\(^{54}\) Theyacitto Bhumito gahnāti āpatti pārājikassa. Vin 1, 101/ PTS 3, 49  
\(^{55}\) Rannā thapitan hoti pabbata khante va nadi tithe va gāma dvāre va attara pavitthassa suṇikān gahṇantuti. Vin 1, 63/ PTS 3,50  
\(^{56}\) Vi 1, 113
c. Uncompleted attempts at theft.

When a monk intends to steal, for each preliminary action towards that end, including taking hold of or touching the desired object, there is a *dukkaṭa*. Subsequently making the object ‘quiver,’ or moving the object from one, though not the last, of its bases (see C above) is a *thullaccaya*. There is also a *thullaccaya* when, in the course of stealing an immovable object, as when laying a false claim to another’s property, the rightful owner begins to think that there is a possibility he might lose his belongings. For example,

a. Planning to steal a tape cassette player, one goes to the shop = a *dukkaṭa* for every step.

b. At the shop, when nobody is looking, one takes hold of the cassette player = another *dukkaṭa*.

c. One is about to lift the player, it quivers, but conscience stricken one lets it go = a *thullaccaya*.

A second example is as follows.

a. Wishing to steal a horse one goes to the paddock = a *dukkaṭa*.

b. At the paddock, one takes hold of the reins on the horse = another *dukkaṭa*.

c. Pulling the reins, the first hoof moves = a *thullaccaya*. 
d. The second hoof moves = a second *thullaccaya*.

e. The third hoof moves and seeing somebody approaching one runs away = a third *thullaccaya*.

A third example is as follows.

*a.* Desiring to own another monk’s bowl, one clams that it is really one’s own = a *dukkata*.

*b.* One takes one’s false claim to the senior monk to decide = another *dukkata*.

*c.* While the false claimant eloquently states his case, the real owner begins to fear that he might lose the bowl = a *thullaccaya*.

Though when the theft is completed — in the example above this is when the cassette player is lifted clear of its base, or when the horse is moved from its fourth and last base which is when the horse moves its fourth hoof, or when the real owner of the bowl gives up the contest for his bowl — then the lesser offences are discounted and are superseded by the *pārājika*.

This being one of the more complex rules in the *Vinaya*, we will now give a more detailed explanation of some important cases concerned with the *pārājika* for stealing:

The Vibhaṅga states that a monk who breaks, disperses, burns or renders useless another’s property incurs a dukkata. Only one example of this is given in the Vinitavatthu, that of setting fire to grass to be used as thatch which belonged to the Saṅgha. ⁵⁷

The Samantapāsādikā goes further to define the responsibility of a monk to compensate the owner for any loss that he caused. When a monk deliberately destroys or renders useless the property of another out of anger he must compensate for it. ⁵⁸ Should the owner demand reasonable compensation and the monk responsible fails to give it, then that monk incurs an offence as if for stealing the same amount; if the loss is worth a pada or more then that monk incurs a pārājika. When the owner does not ask for compensation though, none need be given. ⁵⁹

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⁵⁷ Samantapāsādikā 190
⁵⁸ Bhandadeyyīn nāma yaiṁ parassa nattaiṁ tassa mulaṁ vā dadeva vā bhandaiṁ dādattabhanti attho. Vi A, 1, 277 /PTS 2,319
⁵⁹ The samantapāsādikā raises a fine point of Vinaya when it argues that a monk who tries to steal the thing which is belonging to saṅgha by false claiming it as his own can never succeed, no matter how persuasive he may be. The reason given is that the owner of such garubhaṇḍa (heavy items) is the ‘saṅgha of the four quarters, present and yet to come’, and thus by definition it can never be assembled to concede its rightful claim to the property. However, we disagree: though the owner of such garubhaṇḍas are indeed all monks all over the world, including those not even ordained yet, the administrators are clearly stated to be the local saṅgha of that residence. They are the body responsible for the saṅgha’s garubhaṇḍa (heavy items) within is residence and thus the body which would contest the false claim. Should this body be pressed to concede ownership to that monk then the theft is complete and that monk does incur a pārājika. Samantapāsādikā 1, 94 / Vinaya Noyes, pg 14 by Ajahn Brahmavamso
Examples of ‘bhandadeyya’ from the Samantapāṣadikā\(^{60}\) include the following:

1. A monk smashes a jar of ghee belonging to another. Should he not give the compensation demanded by the owner, the monk would commit a pārājika.

2. A monk ruins a jar of ghee belonging to another by putting excrement in it. Again, should compensation be demanded by the owner and not paid, the monk incurs a pārājika.

3. A monk kills a bull and thereby incurs a pācittiya. Should the owner of the bull ask for compensation and that compensation is not forthcoming, then the monk incurs a pārājika.

4. An old monk agrees to look after a visiting monks bowl while the visitor goes off on an errand. Through some stupidity on the part of the old monk, the visitor’s bowl is lost. Should the visitor demand compensation and the old monk not give it, then the old monk incurs a pārājika.

5. A monk who has agreed to be the store man foolishly leaves the storeroom door open when he leaves at night; thieves enter and steal valuable items belonging to the Saṅgha. If the Saṅgha asks for compensation and the storeman-monk does not give it, he incurs a pārājika.

\(^{60}\) Samantapāṣadikā 1, 277/ PTS 2, 319
6. A monk discovers an unoccupied raft drifting downstream and thinking it discarded, he has it sold. Should the owner come looking for his raft and demand compensation then that monk has to give it or incur a pārājika.

7. From a pure motive of compassion, a monk released a wild pig caught in a hunter’s trap. There is no offence for that monk. However, should the hunter return and demand compensation then that monk has to give it or incur a pārājika.

8. A monk gives away the Śaṅgha’s garubhandha or through some other misconduct he is responsible for its loss or damage. The local Śaṅgha may demand compensation from that monk and should he not give it, he incurs a pārājika.

The Samantapāśādikā also gives examples of what is not compensation (na bhaṅdadeyya):\(^{61}\)

1. Somebody puts ghee into a monk’s bowl without informing him and that monk, wishing to use his bowl, throws the ghee out.

2. A visiting monk places his bowl beside an old resident monk expecting him to look after it while the visitor is away.

\(^{61}\) Samantapāśādikā 1, 277/ PTS 2,319
3. The *Sangha’s* belongings are stolen from the storeroom through no fault of the store man-monk, such as when the thieves threaten the store man monk with a knife to open the door.

In these and similar cases the monk involved, is not held responsible for the loss. Even if compensation is demanded and the monk does not give it, there is no offence for him.

3.15. Many Times stealing

When a monk steals several items, on different occasions, at various locations, from many owners then the number of offences and the severity of each are calculated in the following way:

The items stolen are grouped according to each separate prior plan. Thus, there is one offence appropriate to the value of all that is stolen as a consequence of the first plan to steal; then a second separate offence according to the value of all that is stolen resulting from a second separate plan to steal, then a third offence for the value of those items arising from the third separate plan to steal and so on.

For example, from the *Vinitavatthu*, a monk steals ghee from a jar intending to take only one spoonful. Having consumed that, he then decides to steal one more spoonful. After swallowing the second

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62 Vin 1, 76/ PTS 3, 61
spoonful he then thinks to take one more, then just one more, and so on until he finishes the whole jar. That monk incurs several offences each of severity appropriate to the theft of one spoon of ghee. This is because each spoonful was stolen as a consequence of a separate plan or intention. But a monk who decides at one point to steal enough wood to build himself a hut, steals a plank from here and a rafter from there, taking timber over many days at different places from various owners, then for that monk there is just one offence according to the value of all the timber that he stole, for each piece of wood was taken as a consequence of the same prior plan.

3.16. Instigating an Accomplice to Commit a Theft

A monk can commit an offence under this rule not only if he himself steals, but also if he instigates someone else to steal. The offences involved in planning, attempting and succeeding in the theft are determined as follows:

1. When a monk tells his accomplice to steal a valuable object (grounds for a pārijīka) the monk incurs a dukkāta.
2. When the accomplice agrees to the plan, the instigator incurs a thullaccaya.

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63 Vi 1, 65/ PTS 3, 52
3. At the moment the accomplice succeeds in taking the object as instructed the instigator incurs a pārājika. If the accomplice is a monk, he too incurs a pārājika. It is irrelevant here whether or not the thief gets caught ‘red-handed’, or soon after, before the instigator gets his share of the loot; once the theft is completed as explained in ‘C’ above, the instigator incurs a pārājika.

4. When the value of the object to be stolen is such as to be grounds for a thullaccaya or a dukkaṭa, then each preliminary action towards that theft, such as giving instructions, incur a dukkaṭa; when the theft is accomplished according to instructions both instigator and accomplice (if a monk) incur the same offence of thullaccaya or dukkaṭa according to what is stolen.

5. Should the accomplice not follow the instructions of the instigator e.g. instead of taking the object specified by the instigator he takes something else, or takes the specified object at a time other than that designated by the instigator then the instigator incurs offences for attempted theft, a thullaccaya or a dukkaṭa, but no offence for the completed theft itself.

6. When the instigator rescinds his order before the theft is accomplished, but the accomplice goes ahead and takes the object anyway, then the instigator incurs offences for attempted theft but not for the completed theft, as above.
7. When the instigator wishes to call off the theft before it is carried out but for one reason or another his message does not reach the accomplice in time, then the instigator incurs the full offence for a completed theft.

8. In the case of a chain of command — e.g. monk A tells monk B to tell monk C to tell monk D to steal something — then once monk D takes the object as instructed, all four incur the same penalty for the theft. But should there be some alteration in the instruction such as monk B, instead of telling monk C, tells monk D directly, then neither monk A nor monk C incurs the full penalty for the theft itself.

9. When many monks go in a group to commit a theft but only one of them actually removes the goods, then all incur the same penalty coming from the theft. Similarly, should they steal goods worth collectively more than one pāda, but which when distributed among them yield shares of less than one pāda each, then all incur a pārajika just the same.

3.17. Receiving the Stolen Goods\textsuperscript{64}

Accepting a gift of goods, or purchasing them very cheaply, knowing that they were stolen could in ‘Western’ criminal law result in

\textsuperscript{64} Vi A 1, 303 / PTS 2, 347
a similar penalty to stealing itself. For this reason some have argued that a monk who so receives stolen goods worth more than one \textit{pāda} should incur a \textit{pārijika}. However, neither the \textit{Vinayapiṭaka} nor its main commentary, the \textit{Samantapāsādikā}, mentions this case and for that reason one could not compel such a monk to accept a penalty of \textit{pārijika}. However, such a monk would not be exempt from civil law and the consequent criminal proceedings wherein he would, no doubt, be urged to disrobe. Of course, when the monk who received the stolen goods had, had some part to play in their theft he incurs a \textit{pārijika}. When a donor offers an item which isn’t really his to give, for example a faithful shop assistant forgets his duty to his employer and gives a monk customer an undue discount, or a Buddhist customs officer declines to accept the required duty from an incoming monk then both \textit{Vinayapiṭaka} and \textit{Samantapāsādikā} state that in all such cases the monk incurs no offence. However, the monk is advised to question the donor first and only accept after the donor insists.

3.18. Taking on Trust\textsuperscript{65}

A monk is allowed to take someone else’s belongings without permission if he takes it because of trust in friendship. This is not thief.

\textsuperscript{65} Vi A, 1, 304 / PTS 2, 349
There are five necessary factors listed in the *Pāṭī* literature which allows a monk to take an item belonging to another ‘on trust’;

1. He is a friend.
2. He is an intimate.
3. He has recently given in some form of verbal permission for you to take from those things of his.
4. He is still alive.
5. He is confident that concerned are will not mind.\(^{66}\)

When these factors are fulfilled then it is appropriate to take an item ‘on trust’, but should one of these factors be lacking, for example, if your friend has not specifically told you that you may take things of his, then one should not take anything. Though, if one does take an item mistakenly thinking that one is taking ‘on trust’ then there is still no offence for stealing.

There is not a guilty of *pārājika* offence because of intimacy. The *Vinitavatthu*\(^{67}\) said that at one time the two monks were friends. While one of them was on an alms-round his companion at the *Sangha* food distribution center took the share of his friend and made use of it.

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\(^{66}\) *Anuzānaṁ bhikkhave pañcakahangehi samannāgatassa vissāsaṁ gahetūṁ. Saññiddho; saññabatto, ālapito, jīvito, jānātīca gahiṁ me attamano, Vinayaviniiccaya Tikā 2, 365/ SP 1,326/ Vinaya sangaha commentary 72*

\(^{67}\) *Vi 1, 146*
as he was intimate with his friend. The monk on return from his alms-round came to know about it and made a charge against his friend saying: you are a theft. The Buddha asked him that what was in your mind. The monk said that he had no desire to steal and he has been intimate with me. The Buddha said that taking a thing on account of intimacy is not an offence.

Borrowing and using the things temporarily is not an offence because the Buddha said that taking things temporarily with permission is no offence under *vinaya*.

### 3.19. Tax Evasion and Smuggling

Should a monk be responsible for paying a tax or duty to the authorities, and he deliberately and knowingly avoids paying it, then that monk incurs an offence as if for stealing, even up to a *pārijīka*. Examples are: evading the tax on any earnings, misrepresenting the development of his property to evade high land rates, smuggling items into or out of a country to avoid import or export duty, trading on a black market where taxes are routinely avoided, claiming a sales tax exemption on a purchase when he is not eligible for such, and so on. Wherever one knows there is tax to be paid but deliberately fails to pay

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68 Anāpatti bhikkave tāvakālikāti, vin 1, 131
69 Vi 1, 63/ PTS 3, 51 Samantapāsadikā 1, 313 / PTS 2, 358
this tax, if the tax is worth one *pāda* or more, one incurs *pārājika* offence.

Should a monk avoid paying a tax through ignorance or misunderstanding of the regulations then there is no offence. However, this is a case of compensation: should the authorities at some time later demand the tax and one fails to pay it then one incurs an offence as if for stealing; should be authorities not demand the tax then one need not pay as far as the *Vinaya* is concerned. When a monk smuggles items which are prohibited altogether from being taken in to a country, e.g. illegal drugs, or out of a country, e.g. works of art, this is a case which does not come under this rule in that the authority is not cheated out of its revenue. However, the civil penalties would be severe and one would expect that the guilty monk would be strongly urged to disrobe. Filling in tax form incorrectly lying is not theft. It is therefore a *pācittiya* offence not *pārājika*.

3.20 A Court Action

If a monk knowingly starts an unfair court case against someone else and then wins it in the final court to which the accused marks appeal, he incurs a *pārājika*. If a monk is actually mistreated by someone; defamed, physically injured, robbed, etc.; and then tries to take a just

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70 Vi 1, 61/ PTS 3, 50 / Vi commentary, 1, 294 / PTS 2, 338
court action against the guilty party, he incurs a \textit{parājika} if he wins. The training of a monk requires that he views all losses in the light of \textit{kamma} and focus on looking after the state of his mind rather than on seeking compensation in social or material things.\textsuperscript{71}

\textbf{3.21. Breach of Copyright}

The international standards for copyright advocated by UNESCO state that, “Breach of copyright is tantamount to theft” The same UNESCO publication advises, “if it is for private use, for study, for non-profit, then you may copy as much as you like.” However, as this may not always be the standard adopted, it is best to check the local copyright law carefully before copying.\textsuperscript{72}

\textbf{3.22. Deceit}

When a monk uses a deliberate lie to deceive someone into giving an article to him, then the transgression does not come under this rule about stealing, but is an offence of \textit{pācittiya} under the rule about lying. There are two examples of this in the \textit{Vinitavatthu}.\textsuperscript{73}

(1) During a distribution of requisites among the \textit{Samgha}, a monk asks for and is given an extra portion for a non-existent monk.

\begin{itemize}
\item \textsuperscript{71} \textit{Parājika} commentary, vol 1, pg 105
\item \textsuperscript{72} “\textit{Vinaya Notes}” vol, 1, pg 18 Ajahn Brahmavaniso
\item \textsuperscript{73} Vi 1, 141/ PTS 3, 59
\end{itemize}
(2) A pupil monk approaches his teacher’s lay-supporter and asks for medicines, saying they will be for his teacher, although he has no intention of giving the medicines to the teacher. The lay-supporter gives the medicines to the pupil.

In both these examples the monk incurs pācittiya for lying. Should the wrong party (the Saṅgha or the lay-supporter) demand compensation for their loss, then that monk who duped them must pay up or incur a pārājika should the loss amount to a pāda or more.

For instance, in the example from the Vinitavatthu quoted in ‘2’ just above, should the lay-supporter have handed over the medicines saying, “This is for your teacher”, then at the instant that the pupil took these for himself he would incur a pārājika for stealing.

Another example of deceit, quoted in the Samantapāsādika74, which results in a pārājika is when, in bartering his own belongings with those of another, a deceitful monk exaggerates the value of his own goods, by painting an old item and claiming it as new for example, and thereby makes a profit of one pāda or more on the deal.

74 Vi 1, 334 /PTS 2,380
3.23. Breach of Trust

When a monk agrees to look after the belongings of another and those things are lost through that monk’s misconduct, e.g. negligence, then this is a situation of deserving compensation. When those things are lost through no fault of the monk, or when he never agreed to look after those things in the first place, then there is no need for him to compensate for the loss.

When a monk steals valuable things entrusted to his care then the pārājika offence arises at the moment he takes the article beyond the limits of his custody. For example:

A storeman-monk decides to steal one of the valuable bowls entrusted to his care by the Saṅgha and so hides it within the storeroom, he incurs a dukkata. The Saṅgha asks for the bowl to give to a needy monk and the storeman replies that he has no such bowl he incurs a pācittiya for lying or, in the event that the Saṅgha believes that he may have lost their bowl, a thullaccaya. When the Saṅgha gives up the bowl for lost he incurs a pārājika. But, when that storeman, with the idea of stealing takes the bowl ‘beyond the limits of his custody’, which here means outside of the storeroom, then immediately he incurs a pārājika.

75 Vi 1, 72/ PTS 3, 57
Another example is as follows:

A monk gives a costly robe to his attendant monk to carry in their journey to a certain place together. The attendant wishing to steal the robe while on the journey hides it among his own things he incurs a dukkata. Or, deciding to steal the robe he takes it for his own and wears it he incurs a dukkata. At the end of the journey the monk asks for his robe and the attendant refuses to give it to the attendant incurs another dukkata. The monk begins to think that he might not get his robe back the attendant incurs a thullaccaya. Then when the Thera gives up trying to retrieve his robe the attendant incurs a pārājika. Even should the attendant take the robe for himself while on the journey and barter it for some medicines which he consumes at once, then these are all offences of dukkata, but when the Thera asks for what is his and the attendant refuses to give compensation, then the attendant incurs a pārājika. However, when the attendant monk, with the idea of stealing takes the costly robe ‘beyond the limits of his custody’, which here means outside of the agreed journey — for instance he hides it under a rock by the side of the road, or he runs away with it in the midst of the journey, or he continues on with the robe after reaching the final destination then he immediately incurs a pārājika.
3.24. How to Deal with a Possible Pārājika

From time to time doubts will arise in some careless monks concerning this rule and therefore a ‘leading case’ is here included from the Samantapāsādikā which gives a fine example on how senior Theras should conduct the affair.

During an occasion when the King together with an enormous crowd came to worship the Great Satupa at a certain monastery, a visiting monk from the South also arrived carrying an expensive roll of cloth. The visiting monk became caught up in the bustle and jostling of the large crowd, dropped his cloth and was unable to retrieve it. Such was the confusion and general disorder created by the unusually large crowd that he soon gave up the cloth for lost. Then one of the resident monks came upon the cloth and, desiring to steal it, he quickly put it away lest the owner might find him taking it. That resident monk, soon after, became tormented by guilt and went up to the Vinaya Master to admit a pārājika and disrobe. However, the Vinaya Master would not allow him to disrobe as yet, but told him to find the cloth’s original owner first and enquire about it more fully. After a long search the ex-owner of that cloth was found in a monastery in the South and thus it was discovered that at the time the resident monk had taken up that cloth, the visiting monk had already given up the cloth for lost and ‘had
given up all mental attachment for it.’ Thus, unknown to the resident monk at the time, the cloth was *not the possession of another* when he took it and he was therefore free from an offence of *pārājika* (though he incurred *dukkaṭa* for making preliminary effort with the intention to steal). 76

This example shows how thoroughly senior *Theras* should investigate the matter, for *pārājika* is a vital concern. It also shows that the role of the investigating *Theras* is one of trying to protect the offender’s monk-hood; they should not be too eager to see him disrobed. Lastly it shows that when considering a *pārājika*, should there be any doubt the ‘offender’ is to be given the benefit of that doubt he is ‘innocent’ until the facts clearly prove him guilty.

3.25. Threshold of Pārājika

After *Dhaniya’s* court case, the Buddha asked a monk who was former judge minister as above. The monk replied: “for a *pāda* or its equivalent, or more.” Thus in Magadha the *pāda* marked the threshold separating acts of theft which were punishable by law. It is said that by law one is called a theft only if one steals a *pāda* or more. 77 So if one stole less than a *pāda*, he is not a theft.

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76 Vinaya commentary 1, 263/PTS 2,303
77 Yathārūpam nāma pādam vā pādārahaṁ vā atireka pādam vā. Vi 1, 92.
But when the Buddha laid down the rule he decided not to make the value of the stolen goods the marker of *pārājīka*. Instead he said a monk’s offence should be judged *pārājīka* if would be serious enough to be punishable by law. Thus *pārājīka* was linked to local jurisdiction standards. If a theft was serious enough to be punishable by law, it had exceeded the 'punishment-threshold' and the monk commits therefore *pārājīka*. Thus *pārājīka* offences were those acts of theft that exceeded the punishment-threshold. This rule was established when the punishment-threshold was limited to acts of theft that involved theft of goods valued at a *pāda* or more. So the punishment-threshold is equal to the *pāda*-threshold.

3.26. Exemptions to the rules\(^\text{78}\)

A monk who thinks that it is his is not guilty of an offence. If the property is taken because he is intimate with its owner or if the property is taken for a while (temporary period), there is no offence. For property kept by a *peta* (spirit) or for property kept by an animal, there is no offence. A monk who thinks that the property is the *paṅsukū* (taken from dust heap) or a mad monk of distracted mind, or a monk afflicted with disease or a monk who is a first time offender, is not guilty of an offence.

\(^{78}\) Vi 1, 131. *The transgression of the disciplinary rule*, page, 85
The second *pārājika* concerns with stealing the things which is not given by the owners. The Buddha laid down the five precepts to his devotee. The second *pārājika* is the same with *adinnādāna sikkhāpada* which includes in five precepts for lay men and lay women. If a person will commit a theft he will be punished by the laws. If a monk also will commit a theft he will be punished by the *Vinaya* laws. The second *pārājika* has a very delicate structure. Therefore a monk should not take anything which is not given by the owner. It can make defeat his life.

3.27. Observations

The second defeat deals with the stealing of an object that what is not given. Stealing is ranked as defeated or gravest kinds of offence, not merely because civilization agrees that, for various reasons, it is wrong to take something not given. This defeat is more serious and more complicate matter. A defeated monk loses all powers to meditate and all the powers that he had acquired by meditating.\(^{79}\) Willing to steal is very serious offence in this second *pārājika*. Therefore, in *Mahāvagga*,\(^ {80}\) the Buddha said that a monk should not take anything at least the grass and stick which is not offered to him.

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\(^ {80}\) *Upasanannena bhikkhnā adinnāṁ theyyasankhatanā na ādatabbinā antamaso tinathalākāriṁ upādāya*.

Stealing means taking the small invaluable thing possessed by others. Stealing thing is such for which nothing is paid in any form, at least blade of grass. *Vin* 3,129/ PTS 1,96
The Buddha laid down this second *parājika* not only for monks but also for nuns. Therefore, nuns also concern with this rule. In fact, this rule concerns with for laity also because the *Buddha* laid down the five precepts for Buddhist people. The second precept of these five is that the Buddhist people should abstain from stealing. The Buddha strictly prohibited the monks from stealing. At the end of every ordination ceremony each monk is strictly warned of “The Four Things Never to be done”, the second of which states, “one should never take by theft what has not been given, even if it is only a blade of grass.”

Thus even the offence of wrong doing (*dukkāta*) offence must be avoided scrupulously and a monk must learn to cut off all thoughts of stealing no matter what the value of the object. For this reasons, a serious monk, regarding his own welfare will keep in mind that he must follow the Buddha’s teachings.

In the society of the *Saṅgha* or in the society of laymen, an act of theft committed by its member cannot be condoned. It is a crime which affects society at large. Useless such an act is made an offence which requires the offender to face serious consequences; both the *Saṅgha* and the laity are bound to suffer.

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81 Stealing blade of grass is wrong doing (*dukkāta*) offence. Thus even the offence of *dukkāta* must be avoided scrupulously and a monk must learn to cut off all thoughts of stealing no matter what the value of the object. vi 1, 96
In particular the well-being of the *Sāṅgha*, the stability and continuance of the *dhamma* and the furtherance of the good discipline would greatly deteriorate if the members of the order are allowed to resort to commit acts of stealing. Therefore in the interest of the entire community of the *Sāṅgha*, the Buddha made rules of restraining His disciples from committing acts of theft which even at the land of the *Magadha* in India at that time recognized as serious offences. He also considered theft as a very serious and unbecoming act for a monk to commit and hence such an act was declared as one of the gravest offences coming within the purview of the *Vinaya*.

The second *Pārājika* is more severe than the first *Pārājika* because the first *Pārājika* is easier to decide than the second. It is difficult to decide that this monk commits the second *Pārājika* because when a monk touches and moves the object in a place where there is no owner, as soon as he has desire to steal of that item he commits this *pārājika* offence. The sequence of mind is very fast. Therefore, the Buddha said that a monk should not take anything at least the grass and stick which is not offered to him.\(^\text{82}\)

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\(^{82}\) *Upasaninnena bhikkhunā adinnaṁ theyyasankhetāṁ na ādātabbaṁ antamaso tinathālākaṁ upādāya*. Stealing means taking the small invaluable thing possessed by others. Stealing thing is such for which nothing is paid in any form, at least blade of grass. Vi 3,129/ PTS 1,96