

THE PALIVERSE PROJECT

The Universe of Buddha's Wisdom

Commentaries (Aṭṭhakathā)

2. The Canon of Discipline - Commentaries (2. Vinaya
Piṭaka - Aṭṭhakathā)

4. Commentary on the Minor Chapter (4. Cūḷavagga-
aṭṭhakathā)

4. The Section on Settlement (4. Samathakkhandhakaṃ)

[Kd 14, PTS 2.73-2.104]



PaliVerse

4. Commentary on the Minor Chapter

4. The Section on Settlement (of legal cases)

The Discussion on Settlement in the Presence Of

186-187. In the Chapter on Settlement - Having set down the six matrix terms beginning with "a person who speaks what is not according to the Teaching," the elaboration is stated by the method beginning with "a person who speaks what is not according to the Teaching convinces a person who speaks what is according to the Teaching." Therein, "convinces" means he makes known by stating things that resemble reasons and thereby satisfying. "Makes one reflect" means he acts in such a way that the other reflects upon and examines that matter. He does so. "Looks at and reviews" means he acts in such a way that the other looks at that matter and looks at it again and again. He does so. "Shows and demonstrates" - these are synonymous expressions for those very same terms. "Is settled by what is not according to the Teaching" means since he shows what is not according to the Teaching by deluding others through the method of saying "this is the Teaching" and so forth, therefore it is called being settled by what is not according to the Teaching.

188. "It is appeased by rule" means: since one who speaks what is the Teaching shows the Teaching itself without causing confusion, by the method beginning with "this is the Teaching," therefore it is called "appeased by rule."

The discussion on settlement in the presence of is finished.

Discussion on the Verdict of Mindfulness

195. "There are, monks, these five legally valid givings of a verdict of innocence" - herein, the giving to one who is pure and not an offender is one, the giving to one who is censured is one, the giving to one who has requested is one, the giving by the Community is one, and the giving in accordance with the rule by a complete assembly is one - thus there are five. However, these are not obtained by virtue of each factor individually; therefore this is merely a teaching formulation. But the meaning here is that a giving of a verdict of innocence that is endowed with all five factors is legally valid. Therein, "they censure" means they accuse. The remainder is clear in itself. However, this verdict of innocence should be given only to one who has destroyed the taints, not to another, not even to a non-returner. And that is only when he is being accused by another, not when he is not being accused. And when that has been given, the accuser's case does not stand. Even one who accuses him incurs the state of being subject to rebuke, as it is said: "This one who has destroyed the taints has received a verdict of innocence; who will accept your case?"

The discussion on settlement by recollection is finished.

Discussion on the Verdict of Past Insanity

196. "Spoken and undertaken" means spoken by speech and undertaken by body; the meaning is done by going about. "Does the venerable one remember committing such an offence" - herein, "let the venerable one remember committing such an offence"; the meaning is "the venerable one, of such an offence." Or the reading is "having committed," the meaning of that is - having first committed, let the venerable one afterwards remember that offence.

The discussion on settlement by past insanity is finished.

Discussion on the Majority Decision

202. "To settle by decision of the majority": here, that action in which those who speak in accordance with the Dhamma are more numerous, that is called "decision of the majority."

204. Regarding the vote takings that are not legally valid, "trifling" means small, insignificant, merely a matter of quarrelling. "It has not been gone through" means it has not been taken to two or three monasteries, or has not been adjudicated two or three times in those very places. "It has not been remembered and reminded" means it has not been remembered by themselves two or three times by those monks, nor has it been reminded by others. "One knows" means the one taking the vote knows that "those who speak what is not according to the Teaching are more." "It is well if" means that by this method, when the vote is being taken, "it is well if those who speak what is not according to the Teaching may be more" - this is his intention. The same method applies to the other two as well.

"They take not by rule" means those who speak what is not according to the Teaching take two votes each, thinking "in this way we shall become many." "An incomplete assembly takes" means two of those who speak what is according to the Teaching take one vote for those who speak what is according to the Teaching, thinking "in this way those who speak what is according to the Teaching will not be many." "They do not take according to their view" means being those who speak what is according to the Teaching, they take the vote of those who speak what is not according to the Teaching, thinking "we shall side with the powerful faction." Regarding the vote takings that are legally valid, this same meaning should be understood in reverse. Having thus taken the vote, if those who speak what is according to the Teaching are more; as they declare, so that legal case should be settled, and thus it is settled by the decision of the majority. This is the summary here. The detailed explanation, however, will come later as well.

The discussion on settlement by majority decision is finished.

Discussion on the Procedure for Dealing with the Wicked One

207. "Impure" means endowed with impure bodily and verbal actions. "Shameless" means endowed with the characteristic of shamelessness, such as deliberately committing offences and so forth. "Subject to censure" means subject to reproach. Thus, by virtue of these three factors there are three grounds, and the ground of being performed by the Community, and the ground of being performed by rule and by a complete assembly - these two make five grounds for the decision for specific depravity. The remainder here is exactly as stated in the case of the act of censure

and so forth. Here, however, this is the meaning of the word -for this is called "decision for specific depravity" because it is to be performed on that person who is more depraved by reason of his evil disposition.

The discussion on settlement for the one who is more blameworthy is finished.

Discussion on Covering Over as with Grass, etc.

212. "To hardness, to fierceness" means to the state of hardness and to the state of fierceness. "To schism" means to schism of the Community. "All together" means without conveying anyone's consent, even the sick should be brought there, and all should assemble together. "Should settle by covering over with grass" - here this procedure is called "covering over with grass" because of its similarity to covering over with grass. Just as excrement or urine, when disturbed, afflicts by its foul smell, but when covered over and well concealed with grass, that smell does not afflict; even so, a legal case which, when being settled by going to its root and subsidiary root, leads to hardness, fierceness, and schism - that, when settled by this procedure, is like excrement concealed by covering over with grass, well settled. This procedure is called "covering over with grass" because of its similarity to covering over with grass.

213. "Gross offences" means both pārajika and saṅghādisesa offences. "Connected with laypeople" means an offence fallen into regarding the abusing, reviling, or making legitimate promises to laypeople in a base manner.

214. "And thus, monks, those monks are emerged from those offences" - thus, when the formal act of covering over with grass has been carried out, at the conclusion of the formal act, however many are assembled there, even those who are asleep, even those who have attained absorption, even those whose attention is elsewhere - all those monks, starting from the ordination boundary, having committed offences other than gross offences and those connected with laypeople, are emerged from all those offences. But those who make an act of manifest disapproval towards each other saying "This is not agreeable to me," or those who, having committed an offence together with them, have not come there, or having come and given their consent, are seated in their dwelling places and so forth - they do not emerge from the offences. Therefore it was said - "Setting aside the act of manifest disapproval, setting aside those who are not present there."

The discussion beginning with the covering over as with grass is finished.

Discussion on Legal Issues

215. "Having intruded upon the nuns" means having entered among the nuns. The meaning of the terms "legal case arising from contention" and so forth has already been stated in the description of the fault of corruption. "Harsh speech" means speech intended to cause mental distress; the meaning is harsh words. "Whatever censure therein" means whatever reproach among those who are censuring. "Censuring" is an indication of the manner; the meaning is reproaching. "Accusing" and "speaking against" - both are merely synonyms for censuring. "Repeated crookedness" means crookedness again and again by body, mind, and speech in that very matter; the meaning is the state of censuring. "Striving against" means

censuring having made the effort thus: "Why should I not reproach? I shall indeed reproach!" "Giving of support" means showing the reason for the former statement and giving strength by the latter statement.

"Obligation" and "what is to be done" - herein, obligation itself is what is obligatory, the state of what is obligatory is obligation, the state of what is to be done is what is to be done; both of these are designations for a Community act itself. "An act for which permission ought to be asked" and so forth, however, is a statement of the classification of that very thing. Therein, an act for which permission ought to be asked means an act to be carried out by purifying the Community present within the boundary, by bringing the consent of those deserving of consent, and by announcing three times with the approval of a united Community. A legal act at which a motion is put means an act to be carried out in the aforesaid manner with the approval of a united Community by means of a single motion. A legal act at which a motion is put and is followed by one proclamation means an act to be carried out in the aforesaid manner with the approval of a united Community by means of a single motion and a single proclamation, thus by a proclamation that follows the motion. A legal act at which a motion is put and is followed by three proclamations means an act to be carried out in the aforesaid manner with the approval of a united Community by means of a single motion and three proclamations, thus by three proclamations that follow the motion.

Therein, an act for which permission ought to be asked should be carried out only by asking permission, and should not be carried out by way of a legal act at which a motion is put and so forth. A legal act at which a motion is put also should be carried out only by putting a single motion, and should not be carried out by way of an act for which permission ought to be asked and so forth. However, a legal act at which a motion is put and is followed by one proclamation - there are some that may be carried out by asking permission, and some that may not. Therein, the agreement on a boundary, the removal of a boundary, the giving of the kaṭhina, the withdrawal of the kaṭhina, the designation of a site for a hut, and the designation of a site for a dwelling - these six acts are weighty and it is not proper to carry them out by asking permission. They should be carried out only by announcing the formal act consisting of a motion followed by one proclamation. The remaining thirteen authorisations, and authorisations such as those for the lodging-assigner and the distribution of robes of the dead and so forth - such light acts may be carried out even by asking permission. However, they should not be carried out by way of a legal act at which a motion is put or a legal act at which a motion is put and is followed by three proclamations. A legal act at which a motion is put and is followed by three proclamations should be carried out only by announcing a motion and three formal proclamations, and should not be carried out by way of an act for which permission ought to be asked and so forth - this is the summary here.

In detail, however, the determination of these four acts has already been given in the chapter on acts at the end of the Parivāra, by the method beginning with "In how many ways do they fail?" But whatever is not clear therein, that we shall explain in the chapter on acts itself. For in this way the explanation will not be in an inappropriate place, and because each act will have been understood from the beginning, it will be easy to understand.

216. "What is the root of a legal case arising from contention?" and so on should be understood according to the canonical text itself.

220. In the passage beginning with "A legal case arising from contention may be wholesome," the meaning should be understood in the following manner: that by which they dispute, that arising of consciousness is the contention; and it is a legal case because of its being subject to settlement by the methods of settlement.

222. "A legal case arising from offences may be unwholesome, may be indeterminate; there is no wholesome legal case arising from offences" - here the meaning should be understood by way of what is spoken with reference to a specific point. For in a legal case arising from offences such as digging the earth, where wholesome consciousness is a factor, when that exists it is not possible to say "there is no wholesome legal case arising from offences"; therefore this was not stated with reference to the consciousness that suffices as a factor. Rather, it was stated with reference to this. Whatever legal case arising from offences is a worldly wrong, that is exclusively unwholesome only; therein there is no alternative "may be unwholesome." But whatever is a conventional wrong, since that is unwholesome only for one who deliberately transgresses thinking "I shall transgress this offence," yet for one who unknowingly commits it unintentionally by way of sharing a sleeping place and so forth it is indeterminate, therefore with reference to this state of alternatives by way of intentional and unintentional, this was stated - "A legal case arising from offences may be unwholesome, may be indeterminate; there is no wholesome legal case arising from offences."

But if one were to say "that which one commits with wholesome consciousness, this is called a wholesome legal case arising from offences," then even in the case of offences originating from non-mental causes such as sheep's wool, foot-wiping cloth and so forth, one might commit them with wholesome consciousness, yet even the wholesome consciousness present therein is not a factor of the offence. Rather, by way of bodily and verbal intimation, one or the other of body and speech that have moved and occurred is the factor, and that is indeterminate because it is included in the aggregate of matter.

But in the passage beginning with "knowing," this is the meaning - Whatever consciousness is a factor of the offence, by means of that knowing the object, and knowing together with the mode of transgression thinking "I shall transgress this," perceiving, having intended by way of the volition to transgress, having planned, crushing by way of endeavour, having considered, having sent forth a mind without hesitation, whatever legal case arising from offences one commits as a transgression - whatever transgression there is of one thus transgressing, this is called "an unwholesome legal case arising from offences."

In the indeterminate section too, whatever consciousness is a factor of the offence, through its absence not knowing, and not knowing together with the mode of transgression, not perceiving, through the absence of the volition to transgress that constitutes a factor of the offence not having intended, through the absence of deliberate crushing not having considered, not having sent forth a mind without

hesitation, whatever legal case arising from offences one commits as a transgression - whatever transgression there is of one thus transgressing, this is called "an indeterminate legal case arising from offences."

224. In the passage beginning with "this contention is not a legal case," the meaning should be understood thus: it is not a legal case because of the absence of being adjudicable by means of settlements.

The discussion on legal issues is finished.

Discussion on the Settlement of Legal Issues

228. "However many monks are competent for legal acts": here, in a legal act requiring a group of four, four; in a legal act requiring a group of five, five; in a legal act requiring a group of ten, ten; in a legal act requiring a group of twenty, twenty monks should be understood as competent for legal acts.

230. "Well considered" means it should be accepted after having thoroughly examined it. But having accepted it, a few days should be allowed to pass for the purpose of subduing pride, saying "Today we wash our requisites, today we fire our bowls, today there is one hindrance."

231. "Endless speeches arise" means immeasurable statements arise here and there. "Bhāsāni" is also a reading; the meaning is the same. "Should be authorised by means of a referendum" means he should be authorised either by announcement or by the motion-and-one-announcement formal act of the Community described later. However, the monks so authorised, having either sat down separately or having announced to that very assembly that "nothing is to be discussed by others who are unauthorised," should judge that legal case.

233. "There should be" means there should be in that assembly. "Indeed not the rule has come" means the matrix has not been learnt. "Nor the analysis of the rule" means the Vinaya too is not mastered. "Obstructs the meaning by the shadow of the phrasing" means having grasped merely the phrasing, he rejects the meaning. Having seen monks who are bearers of the Vinaya imposing an offence in cases such as the acceptance of gold, silver, fields and sites, he says: "Why do you impose an offence on these monks? 'Is he not one who abstains from accepting gold and silver?' - thus in the rule only mere abstinence is stated, there is no offence here." Another speaker of the Teaching, because the rule has been learnt, when an offence is being charged against those who wear their robes hanging down, says: "Why do you charge these monks with an offence? 'Shall I not wear my robe evenly all round?' - thus is the training to be undertaken' - thus only the mere undertaking of training is stated here, there is no offence here."

234. "As the more numerous monks": here, even one more is indeed "more numerous," what need is there to speak of two or three more.

The discussion on the settlement of disputes by means of resolution is concluded.

Discussion on the Threefold Taking of Lots

235. "For the convincing" means for the purpose of persuading. Regarding "the secret method" and so forth: when the assembly is predominantly composed of those

without shame, the secret vote taking should be carried out; when the assembly is predominantly composed of those with shame, the open method; when the assembly is predominantly composed of the foolish, the whispering in the ear method. "Having made of different colours" means the voting tickets for those who speak according to the Teaching and those who speak what is not according to the Teaching should be made dissimilar to each other by assigning a distinguishing mark. Then all those should be placed in a robe-fold and distributed in the manner stated. "It is wrongly taken, it should be withdrawn" means having said "the voting tickets have been wrongly taken," they should be taken again and distributed up to a third time. "It is well taken, it should be announced" means even when those who speak according to the Teaching are in excess by one, it should be announced "the voting tickets have been well taken." And as those who speak according to the Teaching declare, so should that legal case be appeased. Then if even up to the third time those who speak what is not according to the Teaching are still more numerous, having adjourned saying "today is not the time, we shall decide tomorrow," having sought support for the side of those who speak according to the Teaching for the purpose of breaking the faction of those without shame, the vote taking should be carried out on the following day. This is the secret vote taking.

"When it has been taken by the whispering in the ear method, he should be told" - here, if the senior elder of the community takes the voting ticket for those who speak what is not according to the Teaching, he should be made to understand thus - "Venerable sir, you are elderly, advanced in years; this is not fitting for you. But this is the voting ticket for those who speak according to the Teaching" - and the other voting ticket should be shown to him. If he takes that, it should be given. But if he does not understand, then he should be told "do not report it to anyone." The remainder is according to the method already stated. The open method is simply as its meaning implies.

The discussion on the threefold taking of lots is concluded.

Discussion on the Verdict of the Procedure for Dealing with the Wicked One

238. "Or bordering on expulsion" - here, in the case of sexual intercourse, "bordering on expulsion" refers to an offence of wrong-doing. In the case of taking what is not given and so forth, it is a grave offence. "Tries to wriggle out" means trying to wriggle out by saying "I do not remember." "Presses him" means he is pressed with words beginning with "Come now, venerable one." "I do remember, friend" - he acknowledges thus for the purpose of concealing an offence of expulsion. Being pressed again by him, having given the acknowledgement "I do remember," out of fear thinking "Now they will expel me," he said "That was said by me in jest" and so forth. For him, a decision for specific depravity should be performed. If he is virtuous, having fulfilled the observance, he obtains rehabilitation; if not, he will remain just as one expelled. The remainder is of manifest meaning everywhere.

The discussion on the disciplinary procedure for dealing with his wrongdoing is concluded.

The commentary on the Chapter on Settlement is concluded.



ABOUT THIS TRANSLATION

This translation is part of the PaliVerse Project - the first complete, unified English translation of the Pāli Canon together with its Commentaries (Aṭṭhakathā) and Subcommentaries (Tīkā), accompanied by interactive study tools. PaliVerse is an ongoing project. The AI translations are continuously improved through experts' revisions and feedback. This text is the latest translation as of the date of download.

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