pli-tv-bu-vb-pc63 — Reopening a settled legal issue

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Text

Theravāda Collection on Monastic Law

The Great Analysis

The chapter on offenses entailing confession

The subchapter on containing living beings

Reopening a settled legal issue

Origin story

At one time the Buddha was staying at Sāvatthī in the Jeta Grove, Anāthapiṇḍika's Monastery. At that time the monks from the group of six were reopening a legal issue that they knew had been legitimately settled, saying, "The legal procedure hasn't been done;" "It's been done badly;" "It should be done again;" "It hasn't been settled;" "It's been badly settled;" "It should be settled again."

The monks of few desires complained and criticized them, "How can the monks from the group of six reopen a legal issue that they know has been legitimately settled?" … "Is it true, monks, that you're doing this?"

"It's true, sir."

The Buddha rebuked them … "Foolish men, how can you do this? This will affect people's confidence …" … "And, monks, this training rule should be recited like this:

Final ruling

'If a monk reopens a legal issue that he knows has been legitimately settled, he commits an offense entailing confession.'"

Definitions

A: whoever … Monk: … The monk who has been given the full ordination by a unanimous Sangha through a legal procedure consisting of one motion and three announcements that is irreversible and fit to stand—this sort of monk is meant in this case. He knows: he knows by himself or others have told him or the Sangha has told him. Legitimately: done according to the Teaching, according to the Monastic Law, according to the Teacher's instruction—this is called "legitimately". A legal issue: there are four kinds of legal issues: legal issues arising from disputes, legal issues arising from accusations, legal issues arising from offenses, legal issues arising from business. Reopens: if he reopens it, saying, "The

legal procedure hasn’t been done;” “It’s been done badly;” “It should be done again;” “It hasn’t been settled;” “It’s been badly settled;” “It should be settled again,” he commits an offense entailing confession.

Permutations

If it is a legitimate legal procedure, and he perceives it as such, and he reopens it, he commits an offense entailing confession. If it is a legitimate legal procedure, but he is unsure of it, and he reopens it, he commits an offense of wrong conduct. If it is a legitimate legal procedure, but he perceives it as illegitimate, and he reopens it, there is no offense.

If it is an illegitimate legal procedure, but he perceives it as legitimate, he commits an offense of wrong conduct. If it is an illegitimate legal procedure, but he is unsure of it, he commits an offense of wrong conduct. If it is an illegitimate legal procedure, and he perceives it as such, there is no offense.

Non-offenses

There is no offense: if he reopens it because he knows that the legal procedure was illegitimate, done by an incomplete assembly, or done against one who did not deserve it; if he is insane; if he is the first offender.

The training rule on reopening a settled legal issue, the third, is finished.