

Chapter 11

An Arahant on Trial: The First Council

After the Buddha's Death

We are used to thinking of the two centuries between the death of the Buddha and the expansion of the Dharma under the Emperor Asoka as an uneventful time, in which a small sect consolidated itself and clarified its ideas. Externally it may have seemed so, but in those years things happened and decisions were made that have done much to determine the character of Buddhism ever since. It was not a time without conflict in the Sangha, though this seems generally to have been kept within decent bounds. The first evidence of conflict, however, came very soon after the Buddha's death, and the protagonists were two of his closest associates, Ananda, his cousin and personal attendant, and Kassapa, the most senior monk in the Sangha.

Down the years from the founding of the Order the Buddha had a succession of attendant monks, none of them entirely satisfactory. At the age of fifty-five he found himself without one. There was no shortage of volunteers for such a position of honor. Ananda was not one of them. The others asked why not. He answered that the Buddha knew who would be best without solicitation on anyone's part. Hearing this, the Buddha said Ananda would be pleasing to him. Ananda responded that he would accept the post, but under certain conditions. Some of these were to protect himself against any suggestion of gaining material advantage from being so close to the Buddha, who was often a guest in palaces and great houses. The last two related to the Dharma: if he had any questions, the Buddha should answer them whenever asked; and if the Buddha gave a discourse in his absence, it should be repeated to him privately at a later time. The Buddha was not put out at being held to conditions; he accepted them. For the next twenty-five years, until the Buddha's death, Ananda served him 'with loving deeds, loving speech and loving thoughts', as it is put in an early poem, 'like a shadow that does not depart'. He saw to his daily needs when well and to his medication when ill. He also filled what might be called the role of secretary, ensuring smooth communication between the Buddha and members of the Sangha. Their behavior was often less than

exemplary, and Ananda was one of the monks who had to deal with the many and varied problems they presented. He was also the one who arranged audiences with the Buddha, whether for monks, nuns or laity. ‘He refused no one and felt himself to be a bridge rather than a barrier’.¹

Ananda was with the Buddha when he died, near the village of Kusinara. The Buddha declined to appoint a successor, saying the Doctrine and the Discipline provided all the guidance his followers would need. A large group of bhikkhus were on their way to Kusinara when they heard the news. Some of them took it with equanimity, while others lamented. But among them was one named Subhadda, whose response was all his own. ‘Why the tears, why the grieving?’ he called out. ‘We’re well rid of the man, I say, him and his endless fault-finding. “This isn’t right, that’s not right” – from now on we can do whatever we like and not do what we don’t like.’ Leading the group was the Elder Kassapa, the most senior monk in the Order. These words alarmed him and he took it upon himself to advocate a council where the Doctrine would be set out definitively and protected from misrepresentation. After the cremation of the Buddha’s body and the distribution of the relics, the plan went ahead, and Kassapa chose four hundred and ninety-nine monks, all arahants, to form the council with him. No one else was invited, which meant that Ananda was excluded; ever busy on behalf of the Buddha and the Sangha, he had not found time to achieve arahantship.

Kassapa, like so many others in the Order, was a brahman. Older than both the Buddha and Ananda, he was noted for his ascetic practice. In proposing the council, and more, in deciding who should attend, and what their status should be, he was in effect making himself the head of the Sangha, and the Buddha’s successor. In the texts there are suggestions of dissension. One monk said he preferred to remember what he heard from the Buddha’s own lips than anything at second hand. Others protested against Ananda’s exclusion, to such effect that Kassapa bowed to their wishes, and Ananda became the five hundred and first member of the council. He would recite the Doctrine and the arahant Upali the Discipline.

¹ Hellmuth Hecker, *Great Disciples of the Buddha*, Wisdom Publications, 1997, p. 148.

The Charges against Ananda

It was decided to hold the council at Rajagaha, south of the Ganges, the capital of King Ajatasattu, repentant parricide and ardent convert. The bhikkhus set out on the long road from Kusinara, reaching Rajagaha at the start of the rainy season, in the second month of which the council opened. By this time Ananda had attained arahantship, and could play his part on terms of equality with the rest. His troubles however were far from over.

When he had finished his recital of the Doctrine to the assembly he was told that he would have to answer certain charges made against him. He consented.

Shortly before the Buddha died he told Ananda that the Sangha should feel free to abolish the minor precepts of the Discipline. By any reckoning they would be numerous, and Ananda did not ask the dying man to be more specific. The first charge against Ananda was that he had not ascertained which were the minor precepts. His answer was characteristic. 'I did not think to do so, sirs, but I do not see this as a fault. Nevertheless, out of faith in you, I confess it as a fault.' The Elder Kassapa proposed that all the precepts be retained. The assembly gave its consent by silence.

The second charge was that once while mending a garment for the Buddha, he stepped on it. 'If I did so, it was not out of disrespect,' said Ananda, but as before he confessed it as a fault, and waited for the third complaint.

This was that he allowed the Buddha's body to be revered first by grieving women. 'This was so the women could make their way home before darkness fell,' he explained. When news of the Buddha's death had become known, a number of tribes sent representatives to attend the cremation and acquire relics. Presumably the local women were on the scene before them, and in Ananda's eyes it would have been offensive to keep them waiting for these men to arrive and pay their respects. Here it may be worth recalling that Ananda, like the Buddha, was a *khattiya*, a member of the warrior caste; his ideas of courtesy may have differed from those of Kassapa and his fellow brahmans. Be that as it may, he accepted their stricture.

The fourth complaint belongs to the realm of heroic myth. In the ancient world there was a belief that certain great figures had the power to prolong their lives indefinitely. We find it as late as Jesus' time: 'We have heard from the law that the Christ remains for ever' (John 12, 34), 'forever' being 'for the aeon' (*eis ton aiona*), the term corresponding to the Indian '*kalpa*'. Ananda is charged with having failed to ask the Buddha to prolong his life. He protests that he was

not in his right mind at the time of the Buddha's final illness.² As before, however, he confesses himself at fault.

In the fifth charge the assembly returned to the theme of women, this time the Bhikkhuni Sangha, the Order of Nuns, who were not represented at the Council, though many of them had attained arahantship. Evidently some of the bhikkhus had not become reconciled to the Buddha's acceptance of women among his ordained followers: 'You did wrong, friend Ananda, in making such efforts to have women admitted to the holy life. Confess the fault.'

Ananda and the Bhikkhuni Sangha

Ananda did so, as before, but first he recalled that his efforts had been on behalf of the Buddha's own aunt and stepmother, Pajapati, then recently widowed. The records indicate that Suddhodana, the Buddha's father, died in the fifth year after the Enlightenment, with his son at his deathbed. Pajapati asked the Buddha for permission to enter the homeless state under his tutelage; he refused. Then Ananda took up her cause. Rebuffed at first, he made a less direct approach, asking if a woman was capable of attaining the various grades of realization, including arahantship. The answer was yes; whereupon he reminded the Buddha of the part Pajapati had played in his life – first as aunt and nurse, then, on the death of his mother, as his second mother, suckling him at her own breast. The Buddha accepted his argument and consented to ordain Pajapati, provided she agreed to certain conditions. (One reason for the Buddha's reluctance was the danger incurred by women without male guardians: we read in the Book of the Discipline of nuns being set upon and raped by 'men of abandoned life'.³) The first condition was that any member of the Bhikkhuni Sangha, however senior, should defer to any bhikkhu, however junior. This condition may have been designed specifically for Pajapati, a strong-willed woman of the highest social standing, as a practice in humility, one generalized in the course of time to cover all bhikkhunis. It is the way with the followers of religious leaders to generalize conditions or utterances intended for particular occasions. E.J. Thomas, in his *Life of the Buddha*,⁴ doubts the historicity of this story, saying 'it is just the kind of legend that would be added to the historical

² 'Not in his right mind' is my attempt to render *pariyutthitacitto*. T.W. Rhys Davids translates this passage in the Canon as 'I was possessed (by the Evil One)', and adds in a note that the bracketed words are added from the *Parinibbana Sutta*, where Mara, the Tempter, makes a last appearance, but to tempt the Buddha, not Ananda. The statement to the Council makes sense without the mythological parenthesis, or the suggestion that it was anything other than the distraction of grief that kept him from asking the Buddha to prolong his life, assuming that he shared this belief, and we do not know that he did.

³ *Vinaya* III, x, 23.

⁴ *The Life of the Buddha as Legend and History*, Routledge and Kegan Paul, 1975.

fact of the establishment of the Order.’ It may also be the kind of legend that has a basis of fact. If the Order was founded only five years after the Enlightenment, then Ananda would not have been the Buddha’s attendant at the time; just an ordinary monk who felt sorry for the widowed lady and did not hesitate to intercede on her behalf.

It is hard not to be suspicious of this rule. The Buddha did not require any special deference from women. His visitors used to make the customary gestures of respect, then sit with him and speak. Women did not have to stay silent, nor did they have to get their husbands to speak for them. Had this been the case, an independent courtesan such as Ambapali would not have been able to invite him to her home. The rule, to my mind, has a brahmanical ring to it. Old habits die hard, and it is possible that members of the priestly caste may have brought into the Sangha something of their old social pride, and that this in time may have infected an organization which originally was a living criticism of the caste system and of that caste in particular. Suspicion is increased by the narrative which follows in the text. Upon hearing that Pajapati had accepted the conditions – the so-called Eight Strict Rules – the Buddha is described as foretelling the end of the Dharma in five hundred years because of the admission of women, saying it would have lasted twice that time if they had not been admitted. Normally the Buddha did not indulge in prophesy, and this alleged instance of it is less than impressive, for, of course, the Dharma did not die out after five hundred years, or a thousand. The passage has to be the work of people antipathetic to the whole idea of women in the religious life, so much so that they failed to see the disrespect of fathering their misogyny on the Buddha. The Bhikkhuni Sangha was a new and revolutionary development. (Whether the Buddhist or the Jain Order of nuns is the older is a debated point. E.J. Thomas says ‘there is not the slightest historical evidence’ for there being ‘non-Buddhist female ascetics in the time of Buddha.’⁵) It is understandable that it should have aroused antipathy, and that as early as the First Council, straight after the Buddha’s death, there were those who had to make their feelings known, seemingly unaware that their explicit criticism of Ananda is an implicit criticism of the Buddha, one which they had not felt able to make to his face. But even during the Buddha’s lifetime there had been tension between Kassapa and Ananda over the nuns. On the occasions recorded, they sided with Ananda, and did not hesitate to tell Kassapa that they thought him something of an upstart, for all his seniority. The Buddha is recorded as calling him ‘the chief of those who uphold minute observance of forms’,⁶ a not unreserved compliment.

After the Council

⁵ *op cit.* p. 111.

⁶ *Anguttara Nikaya* I, xiv.

The trial ended and no more was said about any of the charges. A peculiarly buddhistic compromise has been reached. Ananda rejects the charges and asserts his independence; at the same time he accepts the verdict of the assembly. It is as if he said: 'I am both right and wrong; you are both wrong and right.' Integrity and selflessness are shown in his response to the charges. Selflessness has the last word, as it must in Buddhism, whose goal it is, with integrity the preliminary condition of the self. Ananda seems to be saying, 'As a person of integrity I believe that I committed no faults; as an arahant I bow to your judgment.' Does this mean that had he been an arahant when Pajapati asked for ordination he would have acted otherwise? We cannot say so, and for the very good reason that the Buddha did not say so. Whatever his misgivings, he never said that an arahant would have ignored or discouraged Pajapati. He was open to persuasion and accepted Ananda's arguments. This, expressed or not, is the strength of Ananda's rejection of the charge. His acceptance of the judgments was not a yielding but a condescension. If the others represented the Sangha, it may be said no less truly that Ananda represented the Buddha. The monk who recited the *Vinaya* spoke only to his fellow monks; Ananda in reciting the Dharma spoke to the community at large, and forever after. We do not know how close the various recensions of the *Sutta Pitaka* that we have today are to the words he spoke at Rajagaha; but with every allowance made for errors, distortions, and interpolations in the centuries before the Canon received its final form, the debt we owe Ananda is beyond measure. We have to ask, without him how much of the Dharma would have survived?

Ananda was the only one of the Buddha's disciples to be subjected to a trial. Like Socrates, he had to face five hundred of his peers, but neither his life nor his liberty was in danger. Apart from expulsion from the Order, the worst punishment a bhikkhu might have to endure was a sort of ostracism called *brahmadanda*. Ironically, after the Council, Ananda had to tell a bhikkhu named Channa that this punishment had been imposed on him by the Buddha shortly before his death. Channa was a violent, arrogant man who had offended a great many people; but upon hearing that his fellow bhikkhus would no longer converse with him, or answer his questions, or give him spiritual instruction, he was so overcome that he exclaimed, 'Why then I am as one dead', and fell down in a faint. Upon recovering he set about mending his ways, to such effect that he soon gained arahantship. The *brahmadanda*, then, although punitive only in a negative sense, was a serious matter. Ananda, being an arahant, would not have been subject to it; we can say this because he told Channa that the sanctions had automatically ceased when *he* became one. We do not know what would have happened had the assembly found against Ananda. The case is unique, with nothing before or after to throw light on it. In the event, it is not the nature of any such measures but Ananda's comportment in face of the charges that is important.

Ananda and the Ideal of Service

Arahatta, the state of being an arahant, conferred a supreme degree of inner freedom on Ananda. Long before he achieved that goal of the good life, however, he had shown himself a man of independent mind to an unusual degree, not only among the Buddha's followers but in the whole course of religious history; for it is unusual, if not unique, that a disciple will lay down conditions to his master, as Ananda did before taking the position of assistant to the Buddha. Such a one would not likely have conceded to the Council out of weakness, timidity or fear of consequences. It may seem strange, then, that he is so ready to defer to the authority of its participants. It might even be argued that in so doing he appears to compromise his spiritual freedom, so recently won. But another argument is possible. From what is known of *arahatta*, we may say that while it is empty of self, it is not without marks of the arahant's personality and character; the arahants who figure in the scriptures behave as distinct individuals, not as exemplars of a type. Ananda was pre-eminently a person who subordinated his own wishes to those of others. His ideal is service, first to the Buddha, now to the Sangha, in the interest of preserving the Dharma. That is the important thing, and the Sangha is the means of preservation. At all costs, there must be no dissension at this time. Had he refused to stand trial, or had he refused to confess his actions as faults, and left the assembly protesting his innocence, he might have easily set himself up as the head of a rival Order, one which would probably have included all the bhikkhunis and any bhikkhus unhappy at the thought of having the very old, conservative ascetic, Kassapa, as their leader. Ananda did not do so, and thereby saved the new movement from division and even destruction. Later there would be divisions, and very serious ones, but by then the movement would be strong enough to sustain them, and they would not be on the old caste lines, as might have been the case had Ananda, the khattiya, broken with Kassapa, the brahman, at the First Council. Instead, he condescended to acquiesce in the assembly's prejudgment of his actions, thus presenting a paradox of freedom: that the truly free spirit is free to put aside its freedom and bind itself to the service of a worthy cause. But Ananda himself had to make the decision; the assembly, the community to which he belonged, could not make it for him.

Reflections on the Trial

Kings, judges and actors have attendants to dress them and to take care of their robes. A pop-star's glittering outfit will fetch big money at auction. In a Florentine church a cassock worn by St Francis is displayed for veneration by the faithful. There is no doubt but a certain mystique attaches to the garments of

famous people. Even so, it is not easy at this remove to share the feelings of the monks at Rajagaha over Ananda's stepping on the Buddha's *civara* while mending it. Neither is it likely that anyone will think less of him for not asking the Buddha to remain for the aeon. (We may smile at the archaic mentality revealed by such a notion in ancient India or in Jesus' time; but in the last half-century there was something like a recrudescence of the myth in the rumours that Stalin, and then Mao, entertained some such 'immortal longings' in their old age, and that scientists were striving to satisfy them.) But the other charges are not trivial or primitive; they call for reflection by western Buddhists.

First, Ananda had not asked the Buddha which were the minor disciplinary regulations that might be annulled. Kassapa played safe and proposed they all be kept; the assembly agreed, and the *Vinaya* still rules to this day. There would seem to be no good reason to doubt that the Buddha said some rules could be dropped, and that this really formed part of the proceedings at Rajagaha. So there were and there continue to be inessential regulations in the *Vinaya*. When Buddhism was brought to China the problem was faced in a radical way by the early Ch'an master, Pai-Chang. He 'created a new *Vinaya* and gave Ch'an community life its classic and distinctive form.'⁷ This was part of the Chinese transformation of Buddhism, and one remembers that Kassapa is revered as the co-founder, with the Buddha, of the Ch'an, or Zen, sect. And there was a transformation at least as radical in Tibet when the Nyingmapa developed Buddhist ideas on the base of native beliefs, and took wives with whom to explore the possibilities of Tantra, thus bringing sex as it were sacramentally into religion, and religion into the intimacies of marriage. What would the elders of Rajagaha have thought of that?!

But transformation is not distortion; it is the positive aspect of *anicca*, impermanence, one of the Three Marks of Existence in the Buddha's teaching, and as such is not a threat but a sign of vitality. Before Buddhism becomes a vital part of western culture some sort of transformation may have to take place. No doubt it will vary from one country, one continent, to another. There may in fact be a whole series of transformations. But one of the great strengths of the western intellectual tradition in general has been in the field of textual criticism; and investigation of the *Sutta Pitaka* and the *Vinaya* by competent and respectful scholars may eventually give us an acceptable recension free of additions later than the First Council. This would at least let us know which of the *Vinaya* rules are attributable to the Buddha. A well-rooted western Sangha then might feel more confident in approaching the *Vinaya* with a view to setting aside such minor rules as did not contribute to its functioning in this part of the world; and perhaps not minor rules only. The *pindaka*, the miscalled 'begging bowl', symbolizes the gulf between traditional Buddhist practice and the western ethos of self-help. Westerners give generously to people in need,

⁷ Richard Robinson, *The Buddhist Religion: A Historical Introduction*, Dickinson, 1970, p. 95.

whether overseas or in the neighborhood; but they will not give – that is, steadily, adequately – to a group of people who put themselves in need as part of an exotic lifestyle whose social benefits are not readily apparent. The future of the Dharma here should not depend on the application of rules made in the conditions of another time and place. Although the triad of Buddha, Dharma and Sangha is called the Three Jewels, they are not necessarily jewels of equal value, and a Buddhism that cannot flourish without the benefit of a specialized clergy is in a precarious state. There is nothing new in these observations. In Zen there is a saying, ‘A day without work, a day without food’; and the idea of clergy and laity forming one community goes back to Buddhist beginnings. It led to the first schism in the movement, a century or so after the Buddha’s time, when the conservative Theravadins and the liberal Mahasanghikas went their separate ways. The latter held to the idea of all Buddhists, both lay and clerical, forming the Great Community, the *Mahasangha*, in contrast to the Theravadin idea that arahants only were the true bearers of the Dharma. The Mahasanghikas, although nearly all their writings have been lost, are thought to have remained closer to the original teaching; they kept its ‘open, permissive structure as against the bureaucratic exclusivism’ of the Theravada.⁸ In this they seem to me to be closer in spirit to Ananda than to his accusers in the exclusively male-clerical First Council.

Perhaps we should reinterpret the third Jewel more as Community than Order, bearing in mind that from the beginning the idea of the Sangha extended beyond bhikkhus and bhikkhunis to laymen and laywomen, and that the merchant as well as the missionary spread the Dharma throughout the lands of Asia. Much of the vitality of modern Buddhism, especially in Japan, is based on lay activity, the bodhisattva spirit working through daily life for the benefit of others.

Women in Buddhism

Ananda’s well-known sympathy for women led to the making of the other two charges: that he had let the women of Kusinara pay their respects to the Buddha’s remains before the men; and that, so many years before, he had pressed the Buddha to allow the ordination of women. With such antipathy to his attitude prevalent among the leaders of the movement at such a critical time, it is not surprising that the Bhikkhuni Sangha failed to prosper significantly and that in some of the lands to which the Dharma spread it eventually died out.

For all that, the record of Buddhism with regard to women is an honorable one. Where not dominated or compromised by Confucianism or other male-centred codes, it has been notably liberal, even, as in Tibet, to the acceptance of polyandry. Buddhist societies would seem to have been less

⁸ Richard Robinson, *op cit.*, p. 38.

influenced by the proceedings of the First Council than by texts such as the *Sigalovada Sutta* (*Digha Nikaya* 31), where the rights and duties of men and women to each other are described.

It is said to have been delivered by the Buddha near the very city where the Council would be held after his death. He was walking towards Rajagaha when he saw a young man named Sigala worshipping the six directions (the extra two being the zenith and nadir) in honor of his late father. The Buddha made use of this simple ritual to outline for Sigala the essentials of the good life. Beginning with the east, he sketches the duties of parents and children to each other. At the south he deals with the relations between teachers and pupils. Then turning to the west he tells how husband and wife should be. He should show her respect, courtesy and fidelity, let her exercise authority, and provide her with adornment. She in turn should be capable at her tasks, hospitable to relatives and neighbours, faithful, of course, diligent and not wasteful. This is a far cry from some of the sentiments found here and there in the Canon, and is firmly on the side of Ananda. The suggestion that a husband should help his wife make the most of her natural beauty and show herself to best advantage might seem to be closer to some phases of Buddhist art than to Buddhist ethics; but there it is, in a discourse attributed to the Buddha himself, and one of the most comprehensive of them all. In it the woman is as well-educated as her man, she has her own place in the world, with the right to appear as beautiful as nature and cosmetic art allow. We take this for granted in the West now, but it has not always been so, and in many places the idea of marriage as a partnership of two autonomous individuals is still problematical.

It is easy to forget how unusual are some events in the early Buddhist period. We tend to focus so much on the major events of the Buddha's life that others tend to stay somewhat in the shade. The formation of the Bhikkhuni Sangha and Ananda's part in it make up one of these. Pajapati wanted to lead the religious life and came to her stepson and asked to join the community he had founded a few years before. That community already had its own ways and was entirely male. The Buddha, not being an autocrat, did not issue a fiat and impose a new Order on the existing one. He waited until one of the bhikkhus broke ranks and came forward to support Pajapati. Ananda was the man, and the Buddha accepted his plea, and women were able to enter on a way of life largely if not wholly closed to them before. The Buddha's reluctance to comply immediately with Pajapati's wish is sometimes deprecated by western commentators, as indeed is the subordination of the nuns to the monks. A comparison with Christianity will put these misgivings in a fitting religious-historical perspective. The favored women of the gospels may entertain Jesus in their homes and bathe his feet with unguents, but they never seem to rise above a supportive or adulatory position. And after his death, when there is a vacancy in the number of the apostles as a result of Judas' suicide, no woman is considered by the eleven. Centuries will have to pass before there is anything

like an Order of Christian nuns, and then it will be firmly under the guidance of the male hierarchy

