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# **Heresy and Monastic Malpractice in the Buddhist Court Cases (Vinicchaya) of Modern Burma (Myanmar)<sup>1</sup>**

**Janaka Ashin and Kate Crosby**

## **Abstract**

Over the past four decades Buddhists in Burma, mainly monks, have been brought before Sangha courts charged with heresy, *adhamma*, and malpractice, *avinaya*, under the jurisdiction of the State Sanghamahanayaka Committee. This body, established under General Ne Win in 1980, oversees the regulation and conduct of the Sangha. The religious courts that try these cases have the backing of state law enforcement agencies: failure to comply with their judgements is punishable by imprisonment. A guilty verdict has been passed in all seventeen cases to date. There is no opportunity of appeal. The system protects Burmese Buddhism against corruption, but also stifles innovation and dissent. These cases, not previously discussed in scholarship outside of Burma, are significant for understanding the conservatism and antisecularism of Burmese Buddhism, which have set it at odds with the relativist approaches of modern, global Buddhism, as well as the power of the State over the Sangha.

## **Introduction**

A number of recent publications have examined the relationship between Buddhism and politics in colonial and modern Burma. An important theme in such studies has been the way in which political elites, and conservative, opposition and protest groups of various kinds have used Buddhism or Buddhist discourses to further their cause. Another important and related theme has been the efforts made by Burmese Buddhists to ensure the longevity of the Buddha's teaching (Pali *sāsana*) and to resist secularization through promoting religious activities such as meditation and *abhidhamma* studies and by founding lay and monastic organisations to encourage Buddhist activities and learning.<sup>2</sup> Since 1980, the system of Buddhist court cases (*vinicchaya*) has been a significant feature of both the maintenance of the *sāsana* by the Sangha and the control of Sangha by successive military governments. While some *vinicchaya* investigate traditional offenses, such as the breaking

of the serious *pāṭimokkha* rules of the monastic code (*vinaya*), there is a special type of *vinicchaya* which tries monastics and lay people who are accused either of promoting false doctrine (*adhamma*) or of committing infringements of monastic regulations (*avinaya*) whilst claiming they are correctly following the *vinaya*, or a combination of these. This court system deals only with such religious matters, i.e. heresy and monastic malpractice, and is completely separate from the criminal and civil court system. If suspected of being guilty within the criminal or civil system, monks are tried by those secular courts.<sup>3</sup> Where relevant, i.e. where the SSC has been alerted that a criminal matter is also a *vinaya* matter, they will then also appear at a *vinicchaya* court. Nonetheless, the religious court system has the backing of the law enforcement agencies even for purely religious matters, and noncompliance with the judgement of a religious court is treated as contempt of court, which results in imprisonment. We give the prescribed sentences towards the end of this article.

To date, every defendant in those *adhamma* and *avinaya* cases that have reached the state level has been found either fully or partially guilty. In each case, the accusations, deliberations and verdicts of the bench convened to assess it, consisting of three, five or seven monastic judges, have been documented in minute detail. Subsequently published, they provide substantial evidence for the extensive textual erudition of the judges and for the extent of the scriptural fundamentalism that dominates the religious culture of Burma. This system of court cases is organized by the State Sanghamahanayaka Committee (SSC) (*Naing ngan daw thanga mahānāyaka aphwè*, or “Supreme Council of Abbots” (Charney 2009: 198).<sup>4</sup> The SSC was established in 1980 following a process initiated by Ne Win in 1979. Its members are not only responsible for imposing the selection and assessment components of the penal system, they are also all invited to attend and officiate at an annual ceremony at which monastic honours are conferred. The titles of monastic honours are announced on state television and in newspapers on 4 January, Burma’s Independence Day, each year, and the ceremony generally takes place on the auspicious full moon day of the month of Tabaung (approximately March). Until 2008, the ceremony took place in the Mahāpāsāṇa Cave in Kabar Aye Hill.<sup>5</sup> This cave was built by U Nu, the first Prime Minister of independent Burma, for the Sixth Council, one of the greatest events in modern Buddhist history, held to rehearse the entire Pali Canon and significant commentaries to it to mark 2500 years after the Buddha’s final *parinibbāna*. The cave is designed as a replica of the cave where the First Council took place, the council at which the Buddha’s enlightened monastic

disciples rehearsed the ‘word of the Buddha’, *buddhavacana*, that Theravāda Buddhists believe to be recorded in the Pali Canon. It is against these texts that the cases for heresy and monastic malpractice are judged, and the trials are also held in this same location, Kabar Aye Hill, in the Aparagoyāna building.<sup>6</sup> The SSC also holds its annual meeting there, in the Mahāpāsāṇa Cave just a few days before the annual honours ceremony. We therefore have a symbolic collocation of the meeting point of the state-backed Sangha hierarchy, the procedures of ‘purification’/centralized control and the bestowing of honours, all at a location that is at the heart of Burma’s undisputed claim to scriptural authority, and all brought to an annual climax on an auspicious date.

The layers of this collocation can be seen in two ways. Outsiders tend to see it and the court system within it as mechanisms devised by an intolerant military *junta* to mete out stick and carrot to control the Sangha, an organization that consists of a large body of men (estimations of membership go as high as 600,000) represented at all levels and most locations in the country. Held in great reverence by most lay people, the Sangha therefore has a potentially powerful voice. The centralized monitoring under the name of reform, ensuring the purity of the Sangha, is therefore designed “to contain charismatic monks, their sources of revenue, and their popular influence.” (Schober 2011: 77). In contrast, such measures have for the most part been “applauded by the general public” (Maung Maung Than 1988: 47). Burmese Buddhist insiders see them as necessary to ensure the purity of the *sāsana* and the prestige of the Sangha. The *dhamma/adhammavinicchaya* and *vinaya/avinayavinicchaya* cases are therefore significant for an understanding of three distinctive features of Burmese Buddhism:

- Burmese Buddhist conservatism,
- the enthusiastic religiosity of lay people in supporting the Sangha and
- the power of the state over the Sangha.

In spite of this significance, even the most famous of the cases have received only passing mention outside of Burma. Even Tin Maung Maung Than’s detailed account of the administrative structures set up to create and support the SSC simply lists the twelve cases that had happened by January 1988 in a footnote (1993: 57 note 62). This article therefore provides an account of each of the seventeen cases to date that have reached the national level of this *vinicchaya* system. It gives some background to the establishment of the SSC and the select committees appointed to try the cases, and the format the cases take. It also attempts to analyse a number of the judgements, both in terms of the often technical

canonical and commentarial criteria through which they are judged and in terms of how the judges' conclusions might differ from those drawn by an outsider.

### **The Political Background to Modern Vinicchaya Courts**

Previously there had already been one attempt after Independence from Britain in 1948 to institute a centralized Buddhist court system in Burma, the Vinicchaya Act, *wi-neit-saya upade*, which had come into legislation in 1949. However, the military government that came to power after the coup of 1962 initially advocated an entirely secular state and rescinded the act, while also failing in its own initial efforts to contain the Sangha.

The military government was critical of the heavy involvement of U Nu, the first prime minister of independent Burma, in a number of activities aiming to revive and promote Buddhism. Internationally, the most famous of these is probably the Sixth Council held in 1954-56, but in Burma this was just one of many measures to revive and promote Buddhism. Another measure was an attempt to reintegrate the different factions of the Sangha which had become fractured during the British period. Harking back to the Thudhammā council, the centralized Sangha body that had existed under the Konbaung dynasty (the last royal dynasty of Burma), a centralized body of the Buddhist monastic hierarchy was given a remit to assess Buddhist monks whose beliefs and behaviour were deemed unorthodox. In overseeing these developments U Nu was emulating the traditional role of Buddhist kings. However, his efforts to make Buddhism the state religion caused anxiety among Burma's non-Buddhist minorities and led non-Buddhist students to demonstrate at the tomb of Aung San, 'Father of the Nation' (and actual father of the future State Counsellor Aung San Suu Kyi). They called on U Nu to preserve Aung San's "vision of [a] united and secular Burma" (Charney 2009: 103). Despite U Nu's assurances to representatives of other religious traditions that freedom of religion would be maintained, the State Religion Act, *naing ngan daw bhāthā et upade*, was made law on 26 August 1961. This Act made Buddhism the state religion and formalized the government's role as its patron. An escalation in religious violence followed (Charney 2009: 102-4). This violence included acts of anti-Muslim violence committed by monks, a theme that would reemerge when military rule was eventually relaxed from 2012 onwards.<sup>7</sup>

The military grew concerned that U Nu, in his attempts to quell the unrest, would grant concessions to ethnic minorities that would allow them greater autonomy from

central government. Fear of the disintegration of the country was one of the rationales for the military coup led by General Ne Win on 2 March 1962, which formed a “Revolutionary Council” (RC), *taw lan ye: kaung sī*, as government. With a declared aim of maintaining national unity, the Revolutionary Council proposed freedom of religion, and a new socialist economy (Charney 2009: 105-9).

Many of the steps that had been taken by U Nu to establish Buddhism as the national religion were undone within the first year of the RC. The risks posed to Burma’s fragile unity by any preferential treatment of Buddhism was not the only reason for the RC’s initial avoidance of it. Within the regime there was a genuine concern that non-national beliefs and excessive donations to the Sangha trapped Burmese in poverty, a view also shared by some monks who supported the new government’s stance. The other key rationale for the military takeover was to ensure a stable economy. In his first Independence Day broadcast, Ne Win advised people against making extravagant donations to the Sangha (Taylor 2015: 275).

A number of RC’s reversals of policy gave a clear indication of the new government’s initial approach to Buddhism (Taylor 2015: 278). Michael Charney observes,

[T]he Burmese military had a long tradition of favouring the separation of politics and religion....The Revolutionary Council thus expressed its belief in freedom of religion and promised not to privilege one religion over the other... [E]arly measures taken by the Council included the freezing of state funds intended for the construction of nat<sup>8</sup> shrines in Mandalay and Rangoon, the suspension of the printing and distribution by the government of Buddhist texts, drastic reductions in the broadcast of Buddhist sermons on state radio, and the abolition of the Buddha Sasana Council. (Charney 2009: 116-7; see also Taylor 2015: 278).

In 1963, a number of Buddhist monks who had been convicted or were awaiting trial for unorthodox views or practice were included in a nationwide general amnesty and the Vinicchaya Act was repealed in 1965. This left the Sangha hierarchy without state support and senior monks were now only able to deal with *vinaya* transgressions internally within each separate monastic lineage, *gaing*.<sup>9</sup> While the State was interested in controlling the Sangha, and was taking action to punish monks who made political statements critical of it, it was unwilling to support the Sangha in its own regulation of *sāsana*-related matters.

Without any state-backed disciplinary machinery, no cases of *dhamma* versus *adhamma*, i.e. of heresy, would be resolved until the establishment of the State Sanghamahanayaka Committee in 1980, which we shall investigate below.

While a minority of monks were supportive of the military government, more prevalent were those vociferous in their criticism. Robert Taylor records,

“According to *Botataung ...* newspaper, 10,000 monks attended an anti-Revolutionary Council rally, where a leading monk, U Kethaya ... predicted Ne Win would be assassinated because of his attachment to Communism.” (Taylor 2015: 288, citing Smith 1965).

The Revolutionary Council therefore felt unable to sustain its policy of non-interference in monastic affairs. However, its initial attempts to bring the Sangha under government control led to embarrassing retreats.

One such retreat followed Ne Win’s attempt to reintroduce a pan-Buddhist organisation, the Buddha Sāsana Sangha Organisation, *Buddha Thāthana Thanga Apwe* (BSSO), which would once again conduct *vinicchaya* cases. A meeting held in Hmawbi in 1965 to draft the new organisation’s constitution was well attended, with over 2,000 monks from all the different monastic lineages, *gaing*, of the Sangha. The meeting was held in Hmawbi’s Saik Pyo: Ye: U Yin (the Agricultural Garden) on 17-19 March 1965. The congress drew up a draft Sangha Reform Act that included the aims of:

- 1) organising the Sangha, that it could supervise its members in accordance with the disciplinary rules of the *vinaya*
- 2) forming Vinicchaya courts, to solve disputes and cases in accordance with *vinaya*
- 3) introducing registration cards for monks, novices and nuns. This proposal was apparently made to differentiate between real monks and fake monks, a distinction that draws on the legend preserved in Pali commentarial literature of the 3<sup>rd</sup> century BCE Indian king Ashoka purifying the Sangha.

An order was made that all Buddhist *gaing*, ordination lineages within the Sangha, were to register with the new state-run organisation, but the draft act was resoundingly rejected by the Sangha throughout Burma, and could not be made law (Maung Maung 1981: 175; Religious Affairs 1980: 5-6). The proposal that monks would be obliged to carry identity cards – cards that today are a badge of honour for many – was felt to be especially contentious and led to a violent uprising (Charney 2009: 117-119). Almost 1,000 monks were arrested, and the government backed down on enforcing registration.<sup>10</sup>

Charney points out, however, that this was “only a temporary reprieve” from the military government’s attempts to exert direct control over the Sangha (Charney 2009: 120). A decade later, in 1974, monks joined with students in taking possession of and holding a vigil over the body of the recently deceased U Thant, former General Secretary of the United Nations. This, following on as it did from earlier worker and student protests, was taken by a struggling government as a direct provocation, and was met with the declaration of martial law. This in turn led to the ‘U Thant riots’ of December 1974 (Taylor 2015: 433-435). The involvement of monks in these developments may have contributed to Ne Win’s revived attempts to bring the monks under state control.<sup>11</sup>

What we see during Ne Win’s rule is a gradual change in his approach to Buddhism and the Sangha. In the earliest phase, his military government focused on the economy, education and politics, while matters of religion, after an initial abortive attempt to impose a central Sangha authority, were largely disregarded. However, religion, especially Buddhism, played such a major role in the country that it was unavoidably entwined with these other issues. Ne Win realised that the Sangha had the power to affect his secular state and challenge his directives, and he once more turned his attention to controlling it. He initiated a reform of Buddhism that would enable him to exert control over high-ranking Buddhist monks and, through them, the younger monks under their authority. His aim was a Sangha that was politically disengaged. He sought to establish a single regulatory body (eventually the State Sanghamahanayaka Committee, SSC). This body was to regulate such matters as monastic curricula and examinations, the registration of all monks, novices and nuns, and matters of dispute, such as *vinaya* and *dhamma* divergence.<sup>12</sup> At the same time, his reform also targeted influential monks who received a large amount of support from politically influential donors. Whereas reforms by pre-colonial rulers had been in part motivated by the possibility of acquiring not just the wealth of monastic property but also men for the army (Aung-Thwin 1979), Ne Win’s reforms were primarily aimed at ensuring that Burma’s large body of monks could not act as a voice to oppose his policies.

### **The Influence of the Thai model**

It seems likely that, in his repeated efforts to set up a body to oversee the Sangha, Ne Win had in mind the model of his senior contemporary, Field Marshal Sarit Thanarat of Thailand (1908-1963, in office 1958-1963), who led the successful Thai coups of 1957 and 1958, installing himself as the head of an authoritarian military government.<sup>13</sup> Like Ne Win



and other members of the Burmese military, Sarit regarded democracy as a failed model for Southeast Asia. Sarit promoted the famous slogan “Nation, Religion, King”, arranged for King Bhumibol to attend Buddhist ceremonies and saw the potential of the Sangha as a unifying force in Thailand. Sarit also saw in it the potential for representing dissenting voices, and so, just as he suppressed all opposition and the independent Press, he also turned his attention to the Sangha. The 1941 Sangha Act had to some extent reflected democratic developments in Thailand. Sarit’s 1962 Sangha Act removed those democratic elements and brought the entire Sangha under the regulation of the Council of Elders (Mahatherasamakom), led by a Supreme Patriarch (Sangharat/Saṅgharāja) who has uncontested authority to govern the Sangha and who can appoint and dismiss members of the Mahatherasamakom. The Mahatherasamakom was – and remains – closely tied to the Department of Religious Affairs within the Ministry of Education and thus under its control (Suksamram 1982: 44-51).<sup>14</sup> In several ways, including its regional representation, we can see the Mahatherasamakom as the model for the State Sanghamahanayaka Committee that was eventually established in Burma.

The continuity of the monarchy in Thailand in the figure of the king – at that time King Bhumibol, with whom Sarit had a close relationship – together with the parallel office of the Supreme Patriarch in the Sangha, may have made it easier for Sarit to establish a single oversight committee and thus alter the running of the Sangha. He achieved this by adapting existing models rather than imposing a new or interrupted system, whilst enjoying extensive support from a Thai Sangha hierarchy that similarly wanted to impose control over disparate voices within the Sangha. Moreover, the modernization policies of 19<sup>th</sup>–early 20<sup>th</sup> century Thailand had encouraged a relationship on the part of the population as a whole with the central government in Bangkok. In contrast, in Burma, the British occupation had disrupted the previous office of *thathanabaing* (Supreme Patriarch) and the Thudhammā Council that had been set up during the Konbaung Dynasty. A significant number of the Sangha could remember the relative autonomy they had enjoyed under the British, even though this was a side effect of what they perceived as the colonial government’s problematic policy of non-interference in religion. A reluctance to lose this autonomy may have contributed to the resistance to a unified governing body. On the other hand, the reaction to British colonialism that feared a decline of the *sāsana* had led to an emphasis on preserving correct Buddhist belief in Burma. This meant that in Burma, once the *vinicchaya* system had been established, not only did monastic discipline, *vinaya*,

came under the remit of the State Sanghamahanayaka Committee, but doctrine, *dhamma*, too. In Thailand, a general resistance to using religious belief as a criterion for membership of the Sangha was shown in the early days after Sarit's reform by the monk Phimonlatham, who refused to make Communist sympathy a bar to ordination. There was a strong backlash against Phimonlatham's subsequent persecution, disrobing and imprisonment (Choompolpaisal 2011: Chapter 8).<sup>15</sup> One consequence of this is that in Thailand, when the authorities wish to defrock a powerful monk, they go to great lengths to determine that the monk in question has broken one of the four *pārājika* rules that according to Buddhist canonical law entail expulsion from the Sangha. Teachings that appear to be uncanonical may be countered by other monks, in extensive refutations, but are not the subject of disciplinary cases. The authorities in Burma have had recourse to a wider range of reasons for defrocking monks including "deviating from the orthodox Sangha line" and "engagement in non-religious activities" (Maung Maung Than 1993: 30, 38-39).

It was in 1979–80 that Ne Win finally realized his ambition of setting up a single monastic organization, the State Sanghamahanayaka Committee (SSC), to oversee the entire Sangha. Although this seems much later than Sarit's changes to Sangha administration in Thailand, we must remember that his initial attempt had been in 1965, only three years after Sarit's 1962 Sangha Act and only three years after his own military coup. To succeed in finally instituting state-backed centralized control over the Sangha in Burma, Ne Win had to come full circle, from being critical of U Nu's personal and state involvement in monastic affairs, to himself taking on the traditional mantle of the kingly patron and protector of Buddhism (Charney 2009: 139-40). In the process, he even drew on U Nu's help: U Nu returned from exile to head up one of the new monastic activities supported by the government, the Tipiṭaka Translation Society (Taylor 2015: 471-474). To project the idea of his being a pious Buddhist leader, Ne Win backed up his rhetoric of purification by engaging in other religious activities such as organizing the construction of the Mahāvijaya (Mahāwizaya) Pagoda next to the world-famous Shwedagon Pagoda and by reestablishing a system of honouring senior monks with titles. In this manner he presented the person of a leader keen to purify the Sangha, and to propagate and perpetuate Buddhism throughout the country, as is the responsibility of a righteous Buddhist ruler (Schober 2011: 82-85). In spite of Ne Win's public display of Buddhist patronage, it should be noted that the military government itself was not especially active in associating itself with Buddhism while Ne Win was still officially in power. It was only later, after the

suppression of the 1988 uprising, and the subsequent suppression of monks marking the second anniversary of that uprising, that we see a far more explicit and extensive association of the military *junta* with acts of Buddhist piety. Such activity therefore mainly took place from the early 1990s onwards.

### **The Establishment of the State Sanghamahanayaka Committee (SSC)**

At a State Council Meeting on 4 August 1979, two months after the first presentation ceremony for the revived annual award of honours, Ne Win, as chairman of the Council, once again recommended the establishment of a monastic court. Its mission should be to ensure that monks live in conformity with monastic rules and to resolve monastic disputes. It was decided to manage this by setting up a body of monks who would ultimately be elected by the monks themselves, and this led to the organization of a convention, an “All-gaing-Sangha Meeting,” *Gaing baung: zon thanga asī: awe: pwè: gyī*, to take place the following year.

The responsibility for setting this up went to the Ministry of Home and Religious Affairs, which at the time was a single ministry.<sup>16</sup> To this end, on 22 September 1979, the ministry organised four sub-committees: management and finances, planning, record-keeping and request writing. Members of the sub-committee for planning dispersed to tour the entire country between them from 15 December 1979 onwards. Their mission was to list all the monasteries, monks, novices and *gaings* of Burma’s various regions (Religious Affairs 1980: 6, 7, 14). This group included very high-ranking officials: the minister, the deputy minister, the secretary general and other officials of the Home and Religious Affairs Ministry. Some representatives of the individual state and regional levels of government also participated (see Table 1). Burma is divided into 14 administrative regions with seven *states*, dominated by ethnic minorities, and seven *divisions* dominated by the Burman ethnic majority: Kachin State, Kayah States, Kayah State, Chin State, Mon State, Shan State, Yakhine State, Yangon Division, Mandalay Division, Sagaing Division, Magwe Division, Ayeyawadi Division, Taninthayi Division and Pegu Division. The committee visited all seven states and all seven divisions (see Table 1).

An executive committee of monks was organized, the Sangha Executive Committee. The process of recruiting monks to sit on the Sangha Executive Committee is recorded in the *Record of Sangha Convention* (henceforth *Record*) which was published in 1980 by the

Department of Religious Affairs on the advice of the minister of Home and Religious Affairs.<sup>17</sup> According to the *Record*, the number of representative monks needed from each particular area was decided on the basis of the total number of monks in that area, but also took into consideration the size of the area and the *gaing* present in that area (see Table 2). The numbers in the chart do not at first sight appear to substantiate the sense of proportionality this suggests – compare Mon State (2 from 5655) and Yakhine (Rakhine) State (3 from 2983). This arises because Mon State is a small state of only two districts, comprising just ten towns, while Yakhine State is organised into four districts, consisting of seventeen towns, which are furthermore distributed over a greater area than in the Mon State. The numbers thus reflect the geography as well as the actual numbers in the Sangha. The result of this search for representative members of the Sangha was a vote amongst Sangha members culminating in the selection of 66 monks taken from all the different regions and *gaing*. These 66 formed the Sangha Executive Committee and, because of the process, they were accepted as representing the entire recognised Sangha of Burma (Maung Maung 1981: 177). The recognized Sangha consisted of those *gaing* which had registered by the deadline of 1 February 1980 imposed by the government.<sup>18</sup>

This broad representation of the Sangha by the Sangha Executive Committee was key to the acceptance of the subsequent All Gaing Sangha Convention, and to the committees that would follow, which in turn contributed the success of the *vinicchaya* courts, in that their rulings would be broadly accepted by the majority of Buddhists. One of the three documents produced at the Convention was the Procedures for Settling Vinaya Conflicts and one of the four resolutions of the Convention was the removal “of bogus and undisciplined monks from the *sasana* to purify, perpetuate, and propagate the *sasana*” (Maung Maung Than 1993: 22).

**Table 1: The officials who selected monks for the Sangha Executive Committee  
(Religious Affairs 1980: Appendix, 2 [ka])**

<b>Number of Group</b>	<b>Official travelling in search of monastic representatives</b>	<b>Regions visited by the official</b>	<b>Date on which monks were invited to participate</b>
1	Minister of the Ministry of Home and Religious Affairs (MHRA)	Yangon (Yangon Division) Mandalay (Mandalay Division) Thahton (Mon State) Mawlamyaing	15.12.1979 17.12.1979 22.12.1979 23.12.1979
2	Deputy minister of MHRA	Yangon (Yangon Division) Pegu (Pegu Division) Magwe (Magwe Division) Pakukkhu (Magwe Division)	15.12.1979 16.12.1979 19.12.1979 20.12.1979
3	Director General of the Department of Religious Affairs of MHRA	Sagaing (Sagaing Division)	18.12.1979
4	Director	Sittwe (Yakhine State)	20.12.1979
5	Associate Directors	Taunggyi (Shan State) Loikaw (Kayah State)	19.12.1979 23.12.1979
6	Deputy Directors	Pathein (Ayeyawadi Division) Hinthada (Ayeyawadi Division)	20.12.1979 23.12.1979
7	Assistant Director 1	Myitkyina (Kachin State)	20.12.1979
8	Assistant Director 2	Phaen (Kayin State)	20.12.1979
9	Section Manager	Dawe (Taninthayi Division)	20.12.1979
10	Members of the People's Council from different regions <sup>19</sup>	Different small regions under the above States and Divisions.	Within the above periods

**Table 2: The numbers of monks from which the 66 executive monks were selected (Religious Affairs 1980: Kha [1-12])<sup>20</sup>**

No	Divisions, States and Gaing	Numbers of monks	Number selected for executive	Remarks
1	Chin State	25	1	Thudhammā <i>gaing</i>
2	Kachin State	683	2	
3	Kaya State	191	1	
4	Kayin State	3233	2	
5	Mon State	5655	2	
6	Shan State	4539	6	
7	Yakhine State	2983	3	
8	Ayeyawadi Division	6383	5	
9	Magwe Division	9170	6	
10	Mandalay Division	19272	8	
11	Pegu Division	11351	4	
12	Sagaing Division	11366	8	
13	Taninthayi Division	2321	2	
14	Yangon Division	13527	8	
	sub-total	90,699	58	

15	Anaukkhyaung-dvara Gaing		-	non- Thudhammā <i>gaing</i> .
16	Ganawimote Gaing		-	
17	Mahadvara Gaing		2	
18	Mahayin Gaing		-	
19	Muladvara Gaing		1	

20	Ngettwin Gaing		-	
21	Shwegyin Gaing		5	
21	Weluwan Gaing		-	
	sub-total	18,333	8	
		<b>109,032</b>	<b>66</b>	<b>National total</b>

The Sangha Executive Committee (SEC) (*Thanga wun saung apwè*) was a select, i.e. temporary, committee set up to lead the All Gaing Sangha Convention held in Kabar Aye Hill, Yangon, on 24-27 May 1980. The SEC set the parameters indicating the qualities expected of delegates to the convention, leading to 1,218 monks attending from throughout the country, representing the nine official Sangha *gaings*. While the SEC was to be disbanded once the convention was over, the Convention agreed to set up three further, standing, i.e. permanent, committees. The first of these is the State Central Sangha Executive Committee (SCSEC) (*Naing ngan daw baho thanga wun saung apwè*) which has a membership of 300 monks, who also attend the annual honours award ceremony. The judges for the *vinicchaya* cases are drawn from their ranks. The second is the State Ovādācariya Committee (SOC) (*Naing ngan daw aw:wādā sariya apwè*) which consists of the 81 most senior monks in the country: four monks who hold the highest honour of all, i.e. the title of Abhidhajahamāraṭṭhaguru; 30 monks with the next highest title, that of Aggamahāpaṇḍita; and 47 monks of the rank of *mahāthera* (*Record, Religious Affairs, Appendix 24*). In Burma, fully ordained monks, *bhikkhu*, are categorized as follows: *nava* ‘new’ monks are those who have passed one to four annual rains retreats or *vassa*, i.e. years as a monk, since their higher ordination; with five to nine *vassa* under their belt, they are ranked as *majjhima* ‘middling’; after ten years they become *thera* ‘senior’, and from 20 years for the rest of their lives, they are *mahāthera*. This means that the monks on the State Ovādācariya Committee (SOC) are all of at least 20 years standing in the monkhood and also all at least 40 years in age, given the minimum higher ordination age of 20. The third committee is the State Sanghamahanayaka Committee (SSC), initially of 33 monks. The number of members of the SSC was later extended to 47. Each of these three bodies contains monks from all nine of the recognised *gaings*. Of these three bodies, the SSC plays the most significant role, with the members of the SSC acting as representatives of Burma’s entire Sangha (Maung Maung 1981: 177). Beneath it are subsidiary organisations at the

Division/state, township and village levels: the village, town and Division Sanghanayaka Committees throughout the entire country.

The structure of the SSC is that there are 47 members from which one is chosen to be president and one to be secretary; the remaining 45 make up the general membership. The number 45 may have been selected as an auspicious number, as representing the Buddha's 45 *vassas*, or rains retreats, i.e. the number of years he lived after his Enlightenment (Sayadaw U Paṇḍitābhivaṃsa, interview 1 June 2013). The membership of 45 monks is divided into three equal groups of 15 members. The duty of active service rotates between these three groups every four months. Each group has two vice-presidents (*dutiya okkahta*) and two associate secretaries (*twè: bet akyo:daw saung*). Therefore, the SSC contains one president, one secretary, six vice-presidents and six associate secretaries (Religious Affairs 2011b: ). Each group of 15 members is further subdivided into three subgroups (see Table 3).

Each of the three subgroups has a separate set of responsibilities. One of the subgroups of five monks manages religious affairs, such as the establishment of new monasteries, the erection of pagodas and the registration of monastic identity cards for monks, novices and nuns aged 12 and over.<sup>21</sup> This group thus has responsibility for one of the issues that had been so problematic only fifteen years earlier, the introduction of monastic ID cards.<sup>22</sup> The second group of five monks takes responsibility for educational affairs such as the *Tipiṭaka* examination, the most prestigious exam that tests the individual's ability to recall the entire *tipiṭaka* from memory, and some other religious examinations.<sup>23</sup> The third and final group of five monks is responsible for *vinicchaya* affairs such as those issues concerning the teaching of *dhamma* and practice of *vinaya*, which are reported to the SSC. It is therefore this group that is responsible for *vinicchaya* cases. When a monastic dispute comes up, there are only five members of the SSC on duty with the responsibility to respond.

It is not the responsibility of the SSC *vinicchaya* subgroup on duty to settle the dispute directly. Rather, their role is to organise a further select committee, a Vinicchaya Committee, of appropriate expertise and experience to resolve the issue. If the case is related to a pure *vinaya* problem they organise a State Vinicchaya Committee, *Naing ngan daw wini:do aphwè*. If the case relates to *dhamma/adhamma* or *vinaya/avinaya*, i.e. truthful versus false teaching of the *dhamma*, and correct versus incorrect *vinaya*, they organise a State Special Vinicchaya Committee (SSVC) *naing ngan daw thi: chā: wini: do aphwè*. Each



SSVC tries only the one case for which it was instituted, although some judges serve on multiple committees. To be a judge on an SSVC one must, according to the SSC, fulfil eleven criteria, which include seniority, being at least a *thera*, so a monk for ten years since higher ordination; being well versed in *vinaya*; free from bias, holding a particular rank such as abbot or teacher of a monastery, free from any prior scandal and, at the national and division level one must hold one of the recognized monastic degrees (Religious Affairs 2013: 17).<sup>24</sup> An earlier list, published in 2008, provided a lists of eight ethical positions, eleven improper questions, 52 rules and 24 qualities of judges based on the *Parivāra*, the final text of the *Vinaya Piṭaka* (*Parivāra* 2010: 287-9; Religious Affairs 2008b: 114-122).

**Table 3: The 47 members of the SSC**

1 President								
1 Secretary								
Group 1 (15 monks including 2 vice-presidents and 2 associate secretaries)			Group 2 (15 monks including 2 vice-presidents and 2 associate secretaries)			Group 3 (15 monks including 2 vice-president and 2 associate secretaries)		
Group 1A (5 monks)	Group 1B (5 monks)	Group 1C (5 monks)	Group 2A (5 monks)	Group 2B (5 monks)	Group 2C (5 monks)	Group 3A (5 monks)	Group 3B (5 monks)	Group 3C (5 monks)
Religious Affairs	Educational Affairs	Vinichaya Affairs	Religious Affairs	Educational Affairs	Vinichaya Affairs	Religious Affairs	Educational Affairs	Vinichaya Affairs

## The State Special Vinicchaya Committee and the Investigation of Cases

The monastic cases over which the SSC takes action are divided into four types of issues (*adhikaraṇa* in Pali; *adikaron:* in Burmese), a categorisation that reflects an analysis of problems already found in the Canon (*Pācittiya* 1997: 272).

- 1) *Vivādādhikaraṇa*, an issue involving a dispute (*wiwādādikaron:*)
- 2) *Anuvādādhikaraṇa*, an issue involving an accusation (*anuwādādikaron:*)
- 3) *Āpattādhikaraṇa*, an issue concerning a transgression of a rule (*āpattādikaron:*)
- 4) *Kiccādhikaraṇa*, an issue about performing a *saṅghakamma*, a formal proceeding of the Sangha such as the consecration of a *sīmā* (sacred enclosure) or an ordination (*keit sādikaron:*)

The first category, a dispute, *vivādādhikaraṇa*, occurs either when one group regards a teaching attributed to the Buddha as a true teaching of the Buddha *dhamma*, while another group regards it as a false teaching, one that the Buddha did not actually teach, *adhamma*; or when one group holds a particular interpretation of the disciplinary rules for the monks and nuns is correct *vinaya*, whereas the other group perceives it to be *avinaya*, i.e. an incorrect interpretation of the monastic code. Ashin Janakābhivaṃsa describes it as “being divided into two groups as a consequence of an argument” (Janakābhivaṃsa 1979: 375). The disagreement creates a dispute which remains unsettled until the Sangha makes a judgement in accordance with the *adhikaraṇasamatha*, the rules for legal settlement of disputes, as prescribed in the *Vinaya Piṭaka* (as the final seven of the 227 *pāṭimokkha* rules for monks).

It is only this first type of issue that requires the five members of the SSC responsible for *Vinicchaya* cases to organise a State Special Vinicchaya Committee (SSVC). The other three types of issue only require them to organise a normal State Vinicchaya Committee. Appeals are possible in the case of an SVC but not in the case of an SSVC (Maung Maung Than 1993: 30-31). Sometimes a normal State Vinicchaya Committee will defrock a monk, for example when it has concluded that the accused has broken a *pārājika* rule, and we shall see an example of such a case where the accused later came before an SSVC for trial. These *dhamma/adhamma* and *vinaya/avinaya* cases that come before the SSVCs differ from the other types of case in that the issue is not over whether someone did or did not do or teach something, but about whether or not the thing done or taught is correct, i.e. the judges are assessing different interpretations of what is correct doctrine and what is correct practice.

Although one may be imprisoned for contempt of court were one to refuse to comply with the judgement, there are no defrockings as a direct result of the SSVC verdicts, with the exception of the case of the nun Saccavādī (case 15). There may be indirect loss of monastic status, for example when a *sīmā* is declared invalid, because that in turn invalidates any ordinations that took place within that *sīmā* (cases 9 and 10). In such instances, the monks who had been ordained within them can only be regarded as monks if they are re-ordained, and the monastic age which determines their hierarchical status will be reset at zero from the point of re-ordination.

The three types of *vinaya* issue that go before a State Vinicchaya Committee are often settled at the town level or division level before getting to state level. It is only when a case has failed to be resolved at the town or division level that it may subsequently reach the SSC. However, all cases relating to *dhamma/adhamma* and *vinaya/avinaya* must go directly to the national state level, meaning to the SSC, which then appoints an SSVC. The headquarters of the SSC are in Kabar Aye Hill, Yangon, where the Ministry of Religious Affairs is also situated. When deemed necessary the staff and officials of the Ministry of Religious Affairs assist the SSC in dealing with the cases that come to them.

There have been seventeen major cases dealt with by SSVCs appointed by the SSC since its inauguration in 1980. We use the term ‘major’ here to refer to a complete case, since some of the cases are complex and have a number of components. This means that a single ‘major case’ may consist of a number of charges. For example, the second case, against Shin Ukkatṭha, was made up of 21 separate charges.

The investigation of a case may be initiated by one or more accusers. Theoretically, an accuser may be a monk or a layperson, but thus far, in all seventeen cases, the accusers have been monks. The accused have also for the most part been monks or former monks, sometimes with lay co-defendants, such as meditation teachers. In just one case, the defendant was a nun. Sometimes the defendants are not the original proponents of the teaching or practice in question, but their followers.

The process of accusation goes like this. Firstly, the accuser requests a form from the Department of Religious Affairs, which he completes and signs. When returning it, the accuser also sends two copies of a full report detailing the accusation (*codanā, saw:danā*) to the SSC. The SSC retains one copy of the report and sends the other to the accused together with a request for a response to the accusation within 15 days. The accused may then send two copies of their response or defense (*sodhanā, thaw:danā*) to the SSC. One is for the SSC to

retain and the other for the SSC to forward to the accuser. Whether or not it receives a response from the accused within the permitted period, the SSC must organise the SSVC comprising three, five or seven monks (Religious Affairs 2008b: 3, 20, 25). The SSVC must start to examine the case within 15 days and complete it within 60 days. Up to two extensions of no more than 60 days each may be granted. Once it is appropriate to do so, the SSC then sets a date for the trial. If any party fails on three occasions to be present at the Vinicchaya Court on a given trial day, the decision-making process is conducted in the absence of that party.

Here is a summary of the basic structure of accusations and investigation that make up a Vinicchaya court case, as they are presented in the records of each case. We take as an example the *vinicchaya* case that is most famous in Burma, the posthumous trial of the nationalist monk Shin Ukkatṭha. Shin Ukkatṭha developed his own take on ‘original Buddhism’ and how Theravāda had become corrupted, in contrast to the widely held assumption in Burma that Theravāda preserves the original teachings intact. In formulating his views, Shin Ukkatṭha was influenced by the kind of discourse in relation to Buddhism that were taking place during the early part of the 20<sup>th</sup> century, influenced by Theosophy and Western science, via the global Buddhist networks centred on India and the Mahabodhi Society. Shin Ukkatṭha had spent seven years in India, a highly active participant in those networks, and he adapted his understanding of Buddhism in the light of these influences. He saw fit to discard parts of the Pali Canon that did not conform to his views, regarding them as later interpolations (Ashin and Crosby 2016). The case was tried in 1981, and the records were published in 2005. The following is a condensed translation of statements taken from across this publication.

#### ***Codanā (Saw:danā) – accusation***

According to the accuser: ‘Ukkatṭha claims that there are no celestial realms, no Brahma realms, no hell realms and no abodes of the hungry ghosts. Rather only the human plane and animal realm exist out of the 31 planes of traditional Buddhist cosmology (Ukkatṭha 1963: 7, 10, 99, 100, 155). However, according to the *Vibhaṅga* (printed edition 1997: 436), 31 planes exist in this world. Thus, I ask the SSVC to investigate his teaching of the 31 planes (Religious Affairs 2005: 115-120).’

#### ***Sodhanā (Thaw:danā) – defense***

According to the accused: ‘The Buddha suggested rejecting the 31 planes (*Udāna* 1997: 105, *Mahāvagga (Suttanta)* 1997: 54). According to *Āṅguttaranikāya Chakkanipāta* (1997: 386), the Buddha said that there are “3 lives to be abandoned” [see below], i.e. *kāmabhava* (sensual life in 11 sensual spheres), *rūpabhava* (form life in 16 form spheres) and *arūpabhava* (formless life in 4 form spheres). That is why the 31 planes are not acceptable in Buddhism (*Bokdabāthā*).’ (Religious Affairs 2005: 254-257)

### ***Vinicchaya (Wi-neit-saya) – verdict***

The SSVc’s position, following its detailed scrutiny of the case based on a full consultation of canonical texts to assess the conformity of the teachings is as follows. The evidence used in the response of the accused, namely the quotation ‘three lives to be abandoned,’ is a metaphor. The reality is that it is ‘[the attachment] to three lives’ that is to be abandoned. The text, the *Āṅguttaranikāya Chakkanipāta*, that the accused quoted reads in full as follows, “Oh, monks, these three lives are to be abandoned and these three practices are to be practised: what are these three lives? These are *kāmabhava* (the life of sensual sphere), *rūpabhava* (the life of the form sphere) and *arūpabhava* (the life of formless sphere); what are these three practices? These are *adhisīla* (higher morality), *adhicitta* (higher concentration) and *adhipaññā* (higher wisdom). Oh, monks, when a monk has abandoned these three lives and practised these three practices, then he should be called the one who has eliminated craving, who has gone beyond attachment and who, having eradicated pride, has put an end to *saṃsāra*.” It is obvious that the three lives mentioned in this text refer metaphorically to the attachment to the three lives. There are also explicit statements of the existence of the 31 planes in the Buddha’s teachings (*Āṅguttaranikāya ekanipāta* 1997: 39, *Vibhaṅga* 1997: 427, 436, *Yamaka*, vol.1 1997: 31-32). Therefore, we (the SSVc) have reached the verdict that the concept of the accused, Ukkaṭṭha, is a false doctrine (*adhammavāda*) (Religious Affairs 2005: 524-557).

This is just an isolated example from the verdict of the SSVc in this case. The full documentation of the case is over one thousand pages long, as we shall see when we come to look at it in more detail. Nonetheless, this example serves to demonstrate how the different aspects of each of the charges against the accused are examined, taking into account the supporting evidence provided by the accused in defense of their position. In

the case of Shin Ukkatṭha they used his publications to find the supporting evidence. Since the case was posthumous, it was three of Shin Ukkatṭha's followers who spoke in his defense. After a detailed discussion with reference to canonical and commentarial texts, the verdict was reached in the form of a conclusion. As a result of this investigation, the teachings of the accused were proved wrong. The 'sentence' subsequent to this verdict was that it was then forbidden for anyone to teach these doctrines in Burma.

### **The Seventeen Cases assessed by the SSC**

The SSC has reported that, since its establishment in 1980, it has identified a series of new interpretations of the doctrine, *dhamma*, and discipline, *vinaya*, of the Buddha developed by various individuals. It has resolved 17 cases regarding *dhamma/adhamma* and *vinaya/avinaya*, setting up an SSVC for each one. The procedure in such cases is to take the canonical texts, in the form agreed at the Sixth Council in 1954-56, as their benchmark against which to test such interpretations of doctrine and discipline. Often the accepted commentaries on the canon, especially those attributed to Buddhaghosa, are also adduced as evidence. During each trial, the SSVC questions the accused in accordance with the report of the accuser, examines any evidence such as publications and recordings, and scrutinizes the position of the accused against the evidence found in canonical and commentarial texts, as in the example given above. Each case is judged by the *Vinicchaya* court in the same way, and is recorded in the format of accusation, response of the accused and consideration/verdict of the judges.

Between 1981 and 2011 the Department of Religious Affairs published each of the *vinicchaya* investigations, giving the details of each of the 17 cases, including the verdicts and the reasons behind them. The following summaries are based on those publications. To some extent, what follows is therefore a long list, but we have provided additional information by way of background or to explain the significance of a particular issue in the Burmese context. Each of the cases warrants further scrutiny in its own right. The more detailed examination of case 2 elsewhere reveals how much context contributes to the cases. They are not only the result of the complexities of Theravāda doctrine (Ashin 2016, Ashin and Crosby 2016).<sup>25</sup> We have compiled the summaries by drawing on several different sections of the often very extensive publication of each court case, so it should be borne in

mind that the summary attempts to give an overview with pertinent examples rather than the full details of the case.

The seventeen cases are numbered in order of the date that they were reported to the SSC. The names given to them by the SSC are taken from either the doctrines, the name of the accused, the relevant place name or even the colour of the clothes worn by the accused. Thus the case of Shin Ukkatṭha mentioned above is called *Die Human Born Human* (*Lūthelūhpyit*) *Doctrine* and refers to Shin Ukkatṭha's most notorious doctrine; the name *Myitkyina Vicittasārābhivaṃsa* refers to the accused's name, which is made up of a place name followed by his Pali ordination name; the case of *Kyaungban: Taw:ya* is taken from a place name; and the case of *Mo:byā Gaing* refers to the blue colour of the clothes worn by the accused. The term *Vinicchaya* in each case name means 'judgement' or 'assessment,' and the term *Wāda* means 'teachings' or 'doctrines.' We have added in square brackets some terms or phrases to indicate the topic or issue addressed in the case.

The outcome of all seventeen cases has been a guilty verdict. The response of most of the accused to their verdicts has been an acceptance of the verdict followed by silence, i.e. they do not continue with that teaching or the practice deemed unorthodox. The exception to this is the group accused in the *Mo:byā gaing* (the seventeenth case), which continues to function in a semi-secret form (see below).

We identify below the accusers, the accused and, where known, the committee members of the SSVC, i.e. the judges. The place names given in brackets are relevant for identifying the various parties, particularly monks, as the place name serves to distinguish one monk from others with the same Pali ordination name. In places where we have found it hard to find information about specific cases, we have found U Nyunt Maung's *Adhammavāda-vinicchaya kyan;*, a brief summary of all the cases except number 17 published in 2010, extremely useful.

### **1. *Kyauk Thin:baw: Taw:ya Wāda Vinicchaya* (24 February 1981): 'The judgement on the teaching of *Kyauk Thin:baw: Taw:ya*' [re *vipassanā* and *nibbāna*]**

*Kyauk Thin:baw: Taw:ya* ('Cloister at Boat Rock') is a forest meditation centre in Kyaukse, Mandalay Division. The abbot of this centre was U Visuddha, popularly known as the *Kyauk Thin:baw: Taw:ya Sayadaw*, in the traditional Burmese manner of naming prominent teachers after the place with which they are associated. The *Kyauk Thin:baw: Taw:ya Sayadaw* had taught meditation and been popular since the

1960s. His teachings were known as *Kyauk Thin:baw: Taw:ya* teaching (*Kyauk Thin:baw:Taw:ya Wāda*), after his meditation centre. This case was the first of the seventeen cases thus far investigated by an SSV (Nyunt Maung 2010: 3-7).

The *Kyauk Thin:baw: Taw:ya* Sayadaw held the view that *nibbāna* can be achieved without practising *vipassanā* (insight) meditation.<sup>26</sup> In response to this, the SSV pointed out canonical texts that say there is only one way to *nibbāna*, through *vipassanā*. He also believed that one should aim for the mind to withdraw into itself, not letting it engage with any mental concomitants. Contrary to this, some canonical texts say that one should aim for a mind that is endowed with wholesome mental factors. He furthermore taught that it is unnecessary to practise *sīla* (morality), *samādhi* (concentration) and *paññā* (wisdom) fully, whereas the canonical texts say that a monk should practise *sīla*, *samādhi* and *paññā* fully (Nyunt Maung 2010: 4, 5). In its verdict delivered on 14 February 1981 at Kabar Aye Hill, Yangon, Burma, the SSV (No.1) decided that U Visuddha's teaching was in complete contradiction to the teaching of the Buddha.

The judgement involved three parties as follows:

The accusers were U Kosalla (Chaung Oo), U Paṇḍita (Mandalay) and U Kusala (Thayet).

The accused were: U Kovida (Thingangyun), U Indobhāsa (Monywa), U Visuddha (Kyaukse) and U Nandiya (Mandalay).

The seven SSV (No.1) members were U Sudassana (Khayan), U Jotika (Mandalay), U Somabhisirī (Waw), U Jotipāla (Pegu), U Vijjodayabhivaṃsa (Yangon), U Kesara (Thayet) and U Vimalabhivaṃsa (Shwebo) (Nyunt Maung 2010: 3-7).

The accused accepted that their interpretations were wrong and gave their assurance that they would not teach them in the future.

Although the SSV drew on plenty of canonical and commentarial evidence to support its verdict it is interesting to note that U Visuddha could have found support for his views, certainly the main one regarding the significance of *vipassanā*, in western scholarship on canonical texts. Several scholars working within western academia have identified canonical texts that indicate the view that Enlightenment can be achieved through means other than *vipassanā* meditation, such as through various types of meditation categorized by Buddhaghosa as *samatha* practices (Crosby 2014: 145). There is a distinction to be drawn between the attainment of insight, *vipassanā*, and the *vipassanā*



meditations categorized as leading to insight. In the verdict here, insight is affirmed as being necessary for enlightenment. The scholars discussed by Crosby (*ibid.*), however, have seen references to *samatha* being conducive to enlightenment as examples of pre-systematised Buddhism, where insight is not needed, rather than as accounts of enlightenment where the attainment of insight is left implicit.

The contrast in positions between such scholarship and the SSVC seems to relate to how one treats the Canon, whether one treats it as a monolithic text to be attributed to the Buddha in its entirety, or as a diverse compilation of texts composed by different people at different periods. Western scholars tend to hold the latter view and a vein of western scholarship explores inconsistencies within the Canon as a way of uncovering diversity in Buddhism's past. In contrast, more traditional Theravāda Buddhists, particularly those in Burma where scriptural fundamentalism dominates, tend to treat the texts entirely as the word of the Buddha, *buddhavacana*. They are therefore more likely to examine apparent inconsistencies with a view to resolving them, to enable compliance with a single understanding of the Canon. This process of comparing different parts of the Canon to address apparent inconsistencies is already visible in the earliest layer of commentaries.

In this case, the Kyauk Thin:baw: Taw:ya Sayadaw appears to have chosen texts selectively; once other texts contradicting his interpretation were pointed out to him by the court he conceded his position. In the example from Shin Ukkaṭṭha's case that we have already cited, Shin Ukkaṭṭha appears to have taken canonical statements out of context, a position that can be corrected by a more thorough reading. However, as we shall see now, Shin Ukkaṭṭha's stance is elsewhere more akin to that of Western scholars. He was extremely well read, having come top in the class in many monastic centres of excellence in canonical studies, but he came to regard the Canon as layered, containing both *buddhavacana* and later interpolations. This position would be problematic for a court system seeking to protect orthodoxy, such as the SSC, for where would one draw the line between what is and is not *buddhavacana*? The SSC avoids this issue by upholding the premise that all the canonical texts authorized at the Sixth Council are indisputably *buddhavacana*.

**2. *Lūthelūhpyit Wādānuwāda Vinicchaya* (29 October 1981): 'The judgement on the theory of Die Human, Born Human and related teachings' [re Challenging rebirth, cosmology, the validity of the Pali Canon, etc].**

This is the most famous of all seventeen cases and concerns the teachings of the highly learned, nationalist monk Shin Ukkatṭha (1897–1978). Aside from promulgating a relativist and modernist version of Buddhism, Shin Ukkatṭha led a full and colourful life seeking to protect Buddhism and assisting Burma’s rural poor, as well as educate, challenge and outright provoke his contemporaries through his preaching and prolific writings. Using the knowledge of other religions and anticolonial activity that he had gained during seven years’ travel in India, he sought to defend Buddhism during the colonial period, winning a nationally famous Buddhist-Christian debate in 1936. He set up a school for the education of the Burmese poor, combining secular and religious subjects, for he was on the modernizing side of the debate as to whether monks should engage with secular education.<sup>27</sup> The school also acted as a base for various regional political movements, and by the early Independence period, his leanings were Communist. A picture of him in conversation with Ho Chi Minh still adorns his former monastery. He was initially an outspoken supporter of Ne Win’s military government.

There were 21 separate indictments against Shin Ukkatṭha. We have examined this case elsewhere, looking at how he had developed his views under the influence of global Buddhist discourses in India (Ashin and Crosby 2016) and comparing the details of each accusation with the textual authority used by the SSVC to prove that each point was *adhamma* (Ashin 2016, chapter 3). Like some of the defendants in other cases tried by the SSVC, Shin Ukkatṭha dismissed traditional cosmology, was a materialist, discouraged merit-making activities such as *paritta* and devotions to the Buddha, and reinterpreted key Buddhist terms. Two aspects of his views that made him particularly notorious were his rejection of rebirth in any state lower than that of human being – i.e. a human could only be reborn as a human, a view based on Charles Darwin’s theory of evolution – and his rejection of large parts of the Canon as later interpolations rather than the word of the Buddha. He rejected the entire Abhidhamma Piṭaka because of the story of its origins: that the Buddha had first preached it in a heaven where his mother had been reborn as a deity. Since there is no perceptible evidence for the existence of heaven, argued Shin Ukkatṭha, we must assume that it does not exist and that the whole Abhidhamma Piṭaka is therefore fake. In his own writings he uses the term *abhidhamma* more generally, to mean philosophy or deep analytical argumentation. His opinion on the status of the texts of the Pali Canon led him to walk out of the Sixth Council. He claimed that all the monks who stayed were

gullible, lacking in knowledge and ability, and thereby insulted almost every one of the most important and learned monks of his day.

While awaiting an earlier trial under the previous *vinicchaya* system set up under U Nu, Shin Ukkatṭha had been imprisoned, but after the military coup the Sangha authorities lacked teeth.<sup>28</sup> Shin Ukkatṭha was pardoned and released under Ne Win's first general amnesty, although the Sangha hierarchy retained its stance in relation to him. At that time Ne Win's *junta* was not interested in supporting the Sangha's court hearings, so the Sangha then issued a *pakāsaniyakamma* against Shin Ukkatṭha, i.e. a public accusation of wrongdoing as first issued against the Buddha's misguided and malicious cousin Devadatta. Afterwards, undaunted, Shin Ukkatṭha set about vindicating his views in two books, one a full defence of his Die Human Born Human theory, *Lūthelūhpyit pyassanā*, published after indepth interviews by his devotee Myat Saing (Myat Saing 1964), and the other a robust response to the *pakāsaniyakamma*. The latter book, *Tanpyan Pakāsaniya*, exists only in typewritten form from 1966. During his trial in 1981, the former was taken as a key source of evidence of his views.

Shin Ukkatṭha died in 1978, so his trial was held three years after his death. His followers were left to defend the charges. The resulting verdict, compiled at the time, but not published until 2005, comprises 1171 pages of detailed argumentation. It examines closely several of the upward of 30 books that Shin Ukkatṭha wrote, and provides detailed discussions of canonical and commentarial passages to refute him. So complex was the case that it included an extra section, a detailed accusation, in addition to the standard three sections – accusation, response and judgement – seen in other cases. Due to its indepth and wide-ranging exploration of Theravāda Buddhist doctrine and literature, in its introduction this publication was given an alternative title, the *Theravada Swe Zon Kyan*: ('The Encyclopedia of Theravāda') by the Department of Religious Affairs (2005: ga).

The accusers were U Candimā (Meikthila), U Paññāsīha (Maymyo), U Visuddha (Mandalay) and U Paññāsāmi (Tharsi).

The accused were: U Ujjotika (Daydaye), U Javana (National School, Taungdwingyi), U Javana (Ngasint Monastery, Taungdwingyi), U Chandādhika (Nathmī Taw:ya, Taungdwingyi), Tha khin Myat Saing (Yangon), U Khin Han (Yangon) and U Shwe Pyi (Taung gok). The first three conceded fault on hearing the accusation in court, which left

the remaining four to defend the case. Of them, U Shwe Pyi was replaced by Thakhin Myat Saing because the former was unable to spend so much time away from his native town in Yakhine State.

The five members of the SSV (No.2) were: U Ghositābhivaṃsa (Dawei), U Javanābhivaṃsa (Kyobingauk), U Dhammābhivara (Pyay), U Kumāra (Magwe) and U Ñāṇika (Myangmya).

The defendants signed their acceptance of the guilty verdict, and undertook not to promote his teachings. As a result of the verdict, Shin Ukkatṭha, who had once had a substantial following, became synonymous with unorthodoxy. Some of his writings have continued to be available on the black market, but people have avoided publicly associating themselves with his teachings. His case is in a way the most interesting as it epitomizes a fork in the path of Buddhism in colonial Burma, one branch the path of the modernizing relativist, the other that of antisectional, scriptural fundamentalism. The contrast between these two paths, and particularly the rise of the latter during the colonial period, has recently been documented by Alicia Turner (2014). It is the antisectional, scriptural fundamentalism that has gone on to dominate Buddhist discourse in Burma. Although Shin Ukkatṭha had defended Buddhism against Christianity and other dangers that came with colonialism, he was found guilty by a system that had also developed to defend Buddhism from those same dangers.

### **3. *Kyaungban: Taw:ya Wāda Vinicchaya* (26-27 April 1982): ‘The judgement on the teaching of *Kyaungban: Taw:ya*’ [re mind and matter]**

This case was about some teachings concerning the nature of mind and matter, the five aggregates, *nibbāna*, etc., i.e. topics that are mainly found within the Abhidhamma analysis of causality, and that relate to the nature of the world and the nature of human experience. The originator of these teachings was the *Kyaungban: Taw:ya* Sayadaw (1860-1926) who taught in Budalin, Sagaing Division, during the British colonial period. He apparently claimed that there is no difference between mind and matter, and that one’s experience of the external world was a form of matter. The court documents give a curious summary of his position, as follows:

“Log is mind, mind is a log itself, for instance, the appearance of log is matter, the log is mind, the sound of log is matter, the log is mind, the smell of log is matter, the log is

mind, the taste of log is matter, the log is mind and the hardness, softness, heat, coldness and motion of log is matter, the log is mind.” (Nyunt Maung 2010: 19).

He also taught that one cannot take refuge in the Buddha, Dhamma and Sangha as long as one holds *sakkāyadiṭṭhi*, the view that the body is eternal, identified as a false view in the Canon. Another teaching of his was that *nibbāna*, the state of Enlightenment, consists of the five aggregates that make up the body. The SSVC verdict was that these teachings contradict what is found in the canonical texts, which indicate that mind and matter are different, that one can take the three refuges even though one holds *sakkāyadiṭṭhi*, and that *nibbāna* is separate from the five aggregates (Religious Affairs 1982: 11, 19, 29). This set of teachings was famous in Upper Burma, and remained so after the death of the Kyangban: Taw:ya Sayadaw. It was popular in the areas of Monya, Budalin, Mandalay and Magwe. According to the Religious Affairs publication of this case, this teacher was so popular that there was a saying circulating in Budalin which accorded him a status similar to that of famous monks such as Ledi Sayadaw. It was in the form of a prophesy: “*in:khan: daw. leti, leti daw. nget kya, nget kya daw. kyaung khok*”. Literally translated, it means "When a pond dries up (*in:khan:*), it becomes a paddy field (*leti*), when it becomes a paddy field, a bird comes to eat (*nget kya*), when a bird comes, a cat catches the bird (*kyaung khok*)." This is a code, and metaphor, for the appearance of a series of eminent famous monks, meaning that “after the In:khan: Sayadaw (1838-1925), the Ledi Sayadaw (1846-1923) would appear; after the Ledi Sayadaw, the Ngettwin: Sayadaw (1831-1915) would appear; after the Ngettwin: Sayadaw, the Kyaungban: Sayadaw (1860-1926) would appear” (Religious Affairs 1982: 2). To place Kyaungban: Sayadaw at the end of this list is to rank him as one of the most important monks of the colonial period.

This case first came to trial in 1959, in a Vinicchaya held by the local Budalin Sangha, which concluded that the teachings were *adhamma*. Because the court did not have the backing of government law-enforcement agencies to help implement its decisions, this verdict had no effect. Therefore, once the SSC was established in 1980, this case was brought to trial, posthumously as in the previous case, with teachers in the lineage acting as defendants. The earlier verdict that these teachings were *adhamma* was confirmed by the SSVC (No.3) which reached its verdict on 26–27 April 1982 at Kabar Aye Hill, Yangon. The defendants of the Kyaungban: Sayadaw conceded the teachings to be wrong and promised never to teach them again. While they themselves may have kept to this promise, and

Kyaungban: Taw:ya no longer has the following he formerly had, a monk who is a native of Monywa reports that some villages around Monywa, Budalin, Yeoo and Myaung are still under the influence of his teachings (interview 24 November 2015).

The accusers were U Paññāvaṃsa (Hinthada), U Sujāta (Chaung Oo), U Gambhīrabuddhi (Waw), U Jotika (Chaung Oo).

The accused were: U Nandiya (1), U Nandiya (2), U Yuvinda (Budalin), U Paṇḍita (Monywa) and U Sundara (North Ukkalapa).

The seven members of the SSVC (No.3) were U Obhāsa (Kyaukme), U Paṇḍava (Tatkone), U Naradābhivaṃsa (Mandalay), U Kavidhaja (Sinpyukyun), U Neminda (Pakhukku), U Tilokasāra (Mahlaing) and U Vimala (Monywa) (Religious Affairs 1982).

The *Kyaungban: Taw:ya Wāda Vinicchaya* was published by the department of Religious Affairs in July 1982, three months after the verdict.

In this case, we see that the SSC refused to admit a development in the analysis of the relationship between consciousness and its object, a topic that is at the heart of Buddhist understandings of causality and of particular interest to traditions engaged in meditation and the understanding of the mind. In traditions other than Theravāda we see the understanding of this relationship develop in different ways; the teachings judged in this case seeming similar to those developed in Yogācāra Buddhism. Similarly, the view that Enlightenment and our current embodied state in the form of the five aggregates are one and the same is a view found in Chan Buddhism of East Asia, another meditation-related tradition. Although we are unable to examine this teaching in detail here, we can nonetheless see it as part of the reconsideration of Buddhist teachings at the time, perhaps made in the light of knowledge of other Buddhist traditions, perhaps made on the basis of meditation experience. It is also possible that materialism or some of the Indian debates on the relationship between consciousness and matter influenced this thinking. While scientific ideas did influence some of the rethinking of Buddhist concepts during this period, the teachings here predate developments in theoretical physics that posit consciousness as a form of matter.<sup>29</sup>

**4. *Kyaukpon Taw:ya Wāda Vinicchaya* (7-9 November 1982): ‘the judgement on the teaching of *Kyaukpon Taw:ya*’ [re what meditation a *puthujjana* or worldling may practice; rejection of cosmology]**

This case concerned a type of meditation practice initiated by U San Yin.<sup>30</sup> U San Yin had been an abbot of Kyaukpon Taw:ya monastery, but he disrobed and as a layman headed the Kyaukpon Taw:ya Vipassanā Training School, in North Okkalapa, Yangon. This practice taught that the meditation on breathing in and out and that of the four bodily postures (i.e. awareness of one's physical posture while walking, standing, sitting, and lying) are not for a common worldling to practise. Here the word 'worldling' is a translation of the Pali term *puthujjana*, an ordinary person without higher spiritual attainments. U San Yin had also taught that the process of the arising and disappearing of mind and matter should not be an object of focus in meditation; that only noble persons – i.e. only monks of spiritual attainment, not ordinary monks – are worthy of receiving donations; that the Buddha did not teach that there were 31 planes of existence – in other words he rejected the traditional Buddhist cosmology; and that the three characteristics of existence identified in the Canon should be taught in the order of *anatta* (non self), *dukkha* (suffering) and *anicca* (impermanent) rather than the standard order (below).

The SSVC disagreed with these teachings and drew on canonical textual passages to confirm that the meditations in question are not restricted to any type of person, that everyone can practise meditation on the processes of mind and matter, that donations (*dāna*) can be made to a person of any spiritual status, that the 31 planes were taught by the Buddha and that the correct order of the three characteristics is *anicca*, *dukkha* and *anatta*. This verdict was reached by the SSVC (No.4) on 7–9 November 1982 at Kabar Aye Hill, Yangon. The followers of the teachings conceded that they were wrong.

The accusers were U Paṇḍita (Thingangyun), U Visuddhācāra (Nape), U Ñāṇasāmi (Minbu) and U Aggadhama (North Okkalapa).

The accused were disciples of U San Yin: U Ukkama (North Okkalapa), U Cintamayañānasiddhi (North Okkalapa), U Kovida (North Okkalapa), U Ñāṇobhasa (North Okkalapa), U San Maung (Kyimyindine), Pathein Saya Nyunt (Pathein), U Nay Win Thein (South Okkalapa).

The five members of the SSVC (No.4) were U Vāseṭṭhābhivaṃsa (Minglar taung nyunt), U Paññidābhivaṃsa (Bahan), U Dhammasārābhivaṃsa (Taung gok), U Ariyavaṃsa (Phya pon) and U Vepullābhivaṃsa (Nyaungshwe) (Religious Affairs 2008f: 175).

We see here the rejection of traditional cosmology, as also seen in Shin Ukkaṭṭha's case. A questioning or rejection of traditional cosmology was not uncommon amongst Buddhist teachers once such traditional views had been challenged in the colonial period

by the introduction of the heliocentric model of the universe from the West. The traditional *dāna* practices whereby devout Buddhists make merit by giving to monks was also contested by a number of leading monks and by Ne Win himself, as we noted above. Even Ledi Sayadaw, famous for his ability at Abhidhamma, his challenges to colonial authority and his popularization of *vipassanā* meditation, adapted traditional *dāna* practices, asking people to make commitments to personal practice instead (Turner 2014: 98-99). These two positions were therefore very much part of the revision of Buddhism in the modern period. His other views, though, seem more idiosyncratic, and appear to be a broadening out of spiritual achievements usually deemed extremely rare and hard to accomplish in the modern period, although some in Burma think such spiritual achievements are possible now because they regard this as the *vimuttiyuga*, the age of liberation.

**5. U Mālāvara (Yetashi Wāda) Vinicchaya (3 April 1983): ‘The judgement on the teaching of U Mālāvar (Yetashi)’ [re Theravāda Buddhism as a developed religion; challenging cosmology and other traditional teachings]**

This case concerned an ideology developed about Buddhism by the monk U Mālāvara, who lived in Yetashi town, Pago division. He was just 37 years old, with only 17 *vassas* or rains retreat years since his higher ordination, when this case came to court, and so was a relatively young defendant. He is reported to have said, “The Buddhism I have taken refuge in is not a real Buddhism, but it is Theravāda Buddhism. Theravāda means the Elders. If so, I have to follow whatever they command whether it be good or bad, as in ‘come when I call, do what I order, do not speak back to me’.” In other words, he was claiming that Theravāda is a developed religion rather than purely something the Buddha originally taught, and he seems to be suggesting that it may be corrupt and authoritarian. It was alleged that he did not accept the triple gem of Buddha, Dhamma and Sangha, nor the five precepts, nor the middle way. He also rejected traditional cosmology, rejecting the belief in heavens and hells. Learned and self-confident, he sought to defend himself against the accusations by supporting his arguments with canonical knowledge. The SSVC regarded him as having gone astray from the Theravāda path in developing his own theories (Religious Affairs 2009b: 2, 3, 4, 203, 204). According to SSCV’s understanding of canonical texts, Theravāda means the teachings of Buddha which have been passed on by the Elders from generation to generation, an authentic transmission and not merely



personal teachings made up by the Elders. They confirmed that belief in the triple gems, the five precepts, the middle way and heavens and hells are all correct Buddhist beliefs (Nyunt Maung 2010: 28-29). The SSVc (No.5) condemned the concepts of U Malavara (Yetashi) as heretical on 3 April 1983 at Kabar Aye Hill, Yangon.

The accusers were U Bhaddiya (Thagara), U Munita (Yetashi) and U Sāsana (Swar). The accused was U Malāvāra (Yetashi).

The five members of the SSVc (No.5) were: U Vijāya (Wakhema), U Paṇḍicca (Yangon), U Nandiya (Paukkhaung), U Neminda (Pakhukku) and U Sīlavanta (Myitkyina) (Religious Affairs 2009b).

This was an interesting case in that U Mālāvāra appeared to be critiquing the automatic acceptance of Theravāda and people’s tendency to be compliant with tradition, regardless of whether or not they have made an effort to understand the teachings. He was suggesting that early Buddhism and developed Theravāda could be different things. The SSVc’s views reflect Burmese nationalistic understandings of Theravāda that derive from a conservative, text-oriented approach. Although it is commonly believed by Burmese and other Theravāda Buddhists that what is now called Theravāda Buddhism is the same as early Buddhism, this position has been critiqued in modern scholarship beginning with seminal works such as Bareau’s on the early schools (Bareau 2013, originally published in French in 1955). In recent scholarly writings, this has been taken further, and the typical Burmese view of Theravāda is now seen to be a modern construction, even though it fits with some ways in which the term *theravāda* is used in the commentaries.<sup>31</sup> Support for U Mālāvāra’s definition of Theravāda might readily be found in modern, western scholarship, but it finds no support within the canon or commentaries and was thus rejected by the SSVc.

#### **6. *Dhammanīti Wāda Vinicchaya* (15 July 1983): ‘The judgement on the teaching of *Dhammanīti Sayadaw*’ [re challenging Theravāda doctrine and traditional practices such as merit making and precept keeping]**

This case related to teaching promulgated by U Paññāvaṃsa, the abbot of Dhammanīti-biman monastery, Thaketa, Yangon. According to the SSC records, he claimed that Buddhism advocates a form of eternalism (*sassatadiṭṭhi*) (Religious Affairs 2006e: 269), one of the two extreme views – the other being nihilism – rejected by Buddhism. He also taught that the enemy of *vipassanā*, insight, is *dāna* (charity), *sīla* (morality) and *bhāvanā*

(meditation) (*ibid*: 28). According to the SSVC record, he was of the view that there are no such things as good or bad deeds, and that at the ultimate level of truth, there is no such thing as mind or matter (*ibid*: 17). He was further accused of teaching that various traditional Burmese Buddhist practices, such as offering alms-food to monks, contemplating the Buddha's attributes and paying homage to the Buddha are just like 'living in hell' (*ibid*: 67). This phrase here is translated from the Burmese summary of U Paññāvaṃsa's position, which does not explain further in what sense he makes the equation between such practices and living in hell. He also seemingly inverted the traditional hierarchy of purity of practitioners by claiming that those who observe no precepts are more free than those observing five precepts, who are in turn much more free than the eight-precept-observers (*ibid*: 295-296). This is a reference to the Theravāda practices of lay people taking the five precepts (not to kill any living beings, not to steal other's property, not to commit sexual misconduct, not to tell a lie, and not to take intoxicant drugs and drink) or, taking the eight precepts, usually when staying at a temple, by adding to the five precepts the additional rules of not eating after noon, not wearing flowers or garlands or using perfumes or cosmetics, and not using high chairs or luxurious beds. Undertaking these precepts is regarded as undertaking a greater degree of purity in one's conduct. U Paññāvaṃsa was also accused of having claimed that the Buddha and his noble disciples are still tainted with defilements, in other words directly contradicting the definitions of the Buddha and arhats found in the Canon and maintained throughout Theravāda history (*ibid*: 250).

It seems that even though a Buddhist monk well-versed in canonical texts and other relevant treatises, he was mocking his own beliefs and practices. According to the SSC's understanding of canonical traditions, all of his claims were unacceptable. Thus, the SSVC (No.6) declared all of his concepts to be wrong on 15 July 1983, at Kabar Aye Hill, Yangon.

The three parties were as follows:

The accusers were U Vimalabuddhi (Thaketa), U Ñāṇissara (Ngathaing: chaung:), U Cakkinda (Thaketa) and U Revata (Paung).

The accused was U Paññāvaṃsa (Taketa).

The five members of the SSVC (No.6) were U Tikkhindriya (Bahan), U Uttarābhivaṃsa (Lanmadaw), U Kavinda (Phaan), U Kumārābhivaṃsa (Mandalay) and U Kondañña (Bahan) (Religious Affairs 2006e).

It is not clear to us whether U Paññāvamsa meant his points seriously or was attempting to give his followers some critical distance so that they could make conscious religious choices rather than follow tradition blindly. We can see that this is another instance of a monk who, whilst continuing to be a monk, engaged with the critical responses to Buddhism that became widespread from the colonial period onwards, in part in response to changes in Burmese society, new ideas from the west and contact with Indian religious dialogue (Ashin and Crosby 2016: 233).

**7. Mo:nyo (Myauk Okkalapa Wāda) Vinicchaya (7 July 1983): ‘The Mo:nyo judgement’ or ‘The judgement on the teachings of Mo:nyo Sayadaw of North Okkalapa.’ [re the nature of *samatha* and *vipassanā*; elements in *abhidhamma*]**

This case concerned a meditation practice initiated by U Sūriya, the abbot of Mo:nyo Vipassana Centre, North Okkalapa, Yangon in 1970s. He had already been defrocked in 1982 by the State Vinicchaya Committee (SVC) under the guidance of the SSC, on account of his claiming, publicly, that he had attained Arhatship, personal enlightenment, apparently without in fact having achieved it (Religious Affairs 1984: 9). Making such a false claim constitutes the fourth *pārājika*, one of the offenses which, once committed, entail automatic expulsion.<sup>32</sup> U Sūriya was therefore already a layman with the name of U Tun Shein when this later case came to trial. In his lay life he had continued to give *dhamma* talks and wrote about his opinions relating to the Buddha’s teaching. As a *vipassanā* meditation teacher he was able to continue teaching his views.

U Sūriya held the view that the path and fruition is not achievable by means of *samatha*, tranquility-based meditation. He taught that one who cannot differentiate between *samatha* and *vipassanā* may confuse the two, regarding *samatha* as *vipassanā*. Such a person could become stranded only on the *samatha* path, unable to see the *vipassanā* path, and never achieve the path and fruition, the stages on the path to enlightenment (Religious Affairs 1984:15). He advised against the practice of *samatha* meditation methods as a waste of time (*ibid.* 172). The SSVC, in contrast, point out that canonical texts teach that the path and fruition can be achieved through either tranquility or pure insight-based meditation (*ibid.*: 16, 245, 249-50). At first sight, this ruling appears to contradict the first SSVC judgement (No.1). This also affects our analysis of that case in terms of *samatha* and *vipassanā*. However, here we are talking about the process. One may reach the various stages of spiritual attainment leading up to *nibbāna*, ‘four paths and fruitions’, through the

practice of *samatha* meditation, as a *samathayānika*, one who takes the *samatha* route. However, the *samatha* outcome alone cannot bring the paths and fruitions. The *samathayānika* must also have an experience of insight, i.e. the outcome called *vipassanā*. In contrast, a *vipassanāyānika*, one who takes the *vipassanā* route, can directly access the *vipassanā* outcome necessary to reach the paths and fruitions. There is no need to practise or realise *samatha*. Hence one can see that the judgement here is consistent with that of the previous case if one understands that the practices belonging to the types categorized as *samatha* nevertheless lead the practitioner to a stage of insight, *vipassanā*.

Another contentious point attributed to U Sūriya is a reinterpretation of the *abhidhamma* understanding of the nature of matter, the physical elements that constitute the material world. It was alleged that he reinterpreted the eight irreducible constituents of matter in Abhidhamma to be 1 & 2) softness and hardness of earth-element, 3 & 4) cohesion and fluidity of water-element, 5 & 6) heat and coldness of fire-element 7 & 8) pushing to move and moving of air-element. Contrary to this, the canonical texts list the eight irreducible constituents of matter as 1) earth-element, 2) water-element, 3) fire-element, 4) air-element, 5) colour, 6) odour, 7) taste and 8) nutrient essence (*ibid.* 46).

Another claim attributed to U Sūriya reverses Theravāda notions of spiritual purity, for he allegedly claimed that an Arhat, an enlightened individual, still has latent defilements, whereas a newborn baby has no latent defilement. This contradicts the Theravāda canonical definition of an Arhat as one who has eliminated all defilements including the latent, and the understanding that all humans, except for Buddhas, still have the latent defilement unless they reach Arhatship (*ibid.*: 108), i.e. that even when first born we are carrying defilements from a previous lifetime.<sup>33</sup>

The SSV (No.7) ruled all of U Sūriya's notions to be wrong (*adhamma*) on 7 July 1983, at Kabar Aye Hill, Yangon. He agreed that he had been in the wrong and furthermore explained that his education had been inadequate in that he had not studied much about disciplinary rules until his 14<sup>th</sup> vassa, i.e. 14 years after he had received higher ordination. He then signed an admission that these teachings of his were wrong.

The accusers were U Vicāra (north Ukkalapa), U Paṇḍavaṃsa (north Ukkalapa) and U Sāsana (north Ukkalapa).

The accused was Mo:nyo Sayadaw, U Sūriya, otherwise known as U Tun Shein (once a lay man).

The five members of the SSV (No.7) were U Vepullābhivamsa (Mandalay), U Candobhāsa (Pago), U Nandavamsa (Inndaw), U Jotika (Thahton) and U Tilokasāra (Mahlaing) (Religious Affairs 1984).

**8. *Htun ton: let kyan U Htin Wāda Vinicchaya* (30 December 1985): ‘The judgement on the teachings of U Htin, who left the harrowing log’ [re claims to an enlightened state, and types and levels of knowledge in relation to meditation practice]**

This case was about a meditation practice taught by a layperson, U Htin. It started in Kyaung Phyu village, Myaung, Sagaing Division. The emergence of this case is different from all the other cases. Whereas in all the other cases, the accusers were outsiders to the group in question, in this case some of U Htin’s followers themselves referred the case to the SSC after he had passed away. They collected his *dharmma* talks, books, pamphlets, files and tapes, and handed them to the SSC to investigate whether the concepts of their teacher regarding meditation were *dharmma* or *adhamma*.

According to the SSV, U Htin's two nephews had been killed in 1968 when the three of them had been planning a robbery and the intended victim found out and sent his supporters to find them. This was during a dangerous period of conflict between socialists and communists. U Htin fled and took refuge in Sunlun monastery where he met with Sunlun Sayadaw U Kavi from whom he learnt meditation. In accordance with Sunlun Sayadaw’s advice he went to Yesogyo town to learn further meditation techniques from O Bo Sayadaw U Uttama (Religious Affairs 2006d: 4-6).

The name of *Htun ton: let kyan* means ‘left the harrowing log’. The harrowing log is a log of wood rolled over the paddy field to smooth out any clods of soil, in preparation for planting. U Htin may have taken the name from his meditation teacher, Sunlun Sayadaw who had also previously been a married layman before becoming a monk as an adult: he had left farming and harrowing in the field to become a monk. Later on he was known as Sunlun Sayadaw but first he was called *Htun sin: Kodaw* or *Htun Htaung Kodaw* (climbing down from the harrowing log or leaving the harrowing log upright) because he had left farming (Htay Hlaing 1993: 540). U Htin was not an educated person, but he learnt meditation methods from Sunlun Sayadaw and O Bo Sayadaw. He later recruited followers and gave talks on *dharmma*, publicly referring to himself as a noble person of the rank of “*Sotāpanna*, stream enterer,” one who has reached the first of the four stages towards becoming an enlightened being (Religious Affairs 2006d: 5-6).

U Htin gave his own definitions of Pali words and interpreted them with his own ideas. His interpretations included:

- 1) “*Pariyattisāsanā* means to be looking for a noble one, *Paṭipattisāsanā* is to reach the noble stage and *paṭivedhasāsanā* is to know what normal people (*puthujjana*) cannot know” (*ibid*: 18).

This is an interpretative take on the three aspects of the Buddha’s teaching (*sāsana*) in terms of study or learning in accordance with the sacred texts (*pariyatti*), practice such as meditation (*paṭipatti*) and insight or realization (*paṭivedha*).

- 2) “A belief in *kamma* (action and its consequences) is called *saraṇagamana* [‘taking the three refuges’]; those who take three refuges are called ‘Sangha’” (*ibid*: 24).

This gives us a very broad definition of Sangha, to include lay people, whereas in Burma, the Sangha is understood to exclude lay people and precept nuns. Perhaps U Htin interpreted the Sangha in this way because of his own status as a lay man and the context of lay meditation practice.

- 3) “No one can be well-versed in the three *piṭaka* [the texts of the Pali canon] without achieving supra-mundane knowledge” (*ibid*: 127).

This directly contradicts commentarial analyses of types of knowledge.

The SSVC (No.8) concluded that the *Htunton: letkyan U Htin wāda* was a false doctrine (*adhammavāda*) on 30 December 1985 at Kabar Aye Hills, Yangon.

The accusers were U Kosalla (Myaung) and U Vicāradhamma (north Ukkalapa).

The accused were: U Nyo Maung (Myingyan) and U Than Lone (Mandalay). The accusers and accused were both followers of U Htin who had self-referred to the SSC. The SSC allocated some to be accusers and some defendants for the purposes of the case.

The five members of the SSVC (No.8) were U Vaṇṇasāra (Thanlyin), U Ācārābhivaṃsa (Yayoo), U Kosalla (Yankin), U Paññāvaṃsa (Yinmapin) and U Vaṇṇābhivaṃsa (Daikoo) (*ibid*. 279).

All of U Htin’s teachings were banned and the teaching seems to have completely died out as a result. Although the SSVC judged that these were not in conformity with the canonical texts – and indeed they are not, if taken as literal definitions – we can see in them popular explanations. Some of them, such as the broader interpretation of Sangha to

include lay people, are found elsewhere, for example in western convert Buddhism, which similarly emphasizes lay participation.

**9. *Thein Thamokchin: Saingyā Wāda Vinicchaya* (25 February 1988), ‘The judgement on the teaching in relation to the consecration of a *sīmā*.’ [re bringing together the correct assembly into the correct proximity in relation to a *sīmā* consecration]**

This case was about the consecration of a *sīmā*, the monastic ‘boundary’, i.e. the area or enclosure within which formal ecclesiastical procedures, *saṅghakamma*, such as ordination are conducted. This means that, unlike the previous cases, this case relates to *vinaya* rather than *dhamma*. However, the SSC convened an SSVC for this case because it is a matter of how to correctly interpret the *vinaya* instructions on *sīmā*. U Puññācāra, the abbot of Yadana Hman Aung monastery in Twante, Yangon Division, consecrated a *sīmā* in Pegu monastery, Kwangyangone, Yangon Division whilst holding the following views:

Without getting permission for a *visuṅgāma* (a separated boundary area) from the government, a *sīmā* can be consecrated. The protection of the village territory from the intrusion of other monks while a *sīmā* is being consecrated is unnecessary. The recitation of a litany, *kammavacā*, to remove any old *sīmā* on the site, is also not necessary. A *sīmā* consecration can be successful even if the monks who are reciting the litany to consecrate the new *sīmā* are not sitting together within an arm’s reach, a *hatthapāsa* (two and half cubits’ length) from one another (Nyunt Maung 2010: 44-45).

In the canonical sources, the particulars of consecrating *sīmās* are not specified in any detail. To find the technical details for *sīmā* consecration one must turn to the *aṭṭhakathā*, especially the 5<sup>th</sup>-century *vinaya* commentary, the *Samantapāsādikā*, as well as later commentarial texts.<sup>34</sup> U Puññācāra perhaps took the lack of detail in the canon as authorizing a minimal amount of regulation, since he dismisses many of the basic elements deemed crucial to ensure the agreed validity of a *sīmā* when consecrating his. The Burmese Sangha is particularly attuned to the importance of following the commentarial tradition in ensuring valid *sīmā*, and also to the order of precedence amongst the commentaries, because these issues were the subject of a pivotal 15<sup>th</sup>-century decision by King Dhammazedī,

recorded in the Kalyāṇī *sīmā* inscription (Carbine 2016). King Dhammazedī disestablished the ordination lineages in his domain by demonstrating that all the *sīmā* (in which monks had been ordained) were invalid through inadequate attention to commentarial instructions and their applicability in Burma.<sup>35</sup> *Sīmā* rulings like those of Dhammazedī include, for *sīmā* on land, the necessity of receiving the explicit permission of the king (in modern terms, the government) to use a smaller part of the village as a ‘special village’ or *visuṃgāma*, before consecrating a special or individual *sīmā* within it. Since all monks should either be in the new *sīmā* or properly excluded from it or in their own, old *sīmā*, for the duration of the ritual, the village territory has to be properly guarded during the consecration to prevent monks from entering. If any other monks do enter once the ritual is underway, they create a division (*vagga*) in the Sangha which invalidates the new *sīmā* being consecrated. The Kalyāṇī inscription is particularly notable for its emphasis on advocating a method devised in one of the Vinaya subcommentaries for removing all old *sīmā*, even if no *sīmā* is known to have existed in that place. These potential *sīmā* of the past must be formally removed before the new *sīmā* consecration can take place. Finally, for a *sīmā* consecration or any other *saṅghakamma* to be valid, all the participating monks must either assemble within an arm’s length (a *hatthapāsa*) of each other, or send their assent by proxy if they are ill, during that part of the ceremony when the litany, *kammavācā*, is being recited (Nagasena 2012: 170ff; Kieffer-Pülz 1992: 195-5).<sup>36</sup> The influence of the Kalyāṇī inscription is such that to this day monks go to great lengths to ensure that all these commentarial instructions are correctly followed when a *sīmā* is consecrated.

Because of the deviation from *vinaya* rules as interpreted by the commentaries and as affirmed by such texts as the Kalyāṇī inscription and a wealth of later Burmese literature dedicated to *sīmā*, the views of U Puññācāra were declared by SSVC (No.9) to be *adhammavāda* and *avinayavāda* on 25 February 1988 at Kabar Aye Hill, Yangon.

The accusers were Nyankyaung Sayadaw U Paduma (Kawhmu), Taungbawkyang Sayadaw U Ācāra (Kungyangone) and Zaykyang Sayadaw U Paṇḍita (Twante).

The accused was U Puññācāra.



The five members of the SSVc (No.7) were U Tissa (Bahan, Yangon), U Sūriya (Pakhukku), U Sumanābhivaṃsa (Mandalay), U Kusalābhivaṃsa (Nyaungdone) and U Paṇḍitābhivaṃsa (Laymyetna). (Religious Affairs 2008f: 301).

**10. *Nèthein:thein Thamokhmu Saingyā Wāda Vinicchaya* (27 June 1989): ‘The judgement on the concept of protected territory while consecrating a *sīmā*’ (re defining a village or town boundary in relation to a *sīmā* consecration)**

This was the second SSVc case to deal with the consecration of a *sīmā*, the sacred enclosure within which ecclesiastical procedures such as ordinations take place, and so it too relates to matters of *vinaya*. On 11 May 1984, within Shwe War Myaing monastery in Yadanathiri ward, Ze:gyo quarter, Mawlamyaing city, capital of the Mon State, a *sīmā* was consecrated by 17 members of the Sangha, presided over by Dhammarakkhita Sayadaw U Sundara. The Ze:gyo quarter is made up of twelve wards, including Yadanathiri. The *sīmā* was consecrated by bringing together only those monks residing in the Yadanathiri ward. The monks from the rest of Ze:gyo were not gathered for the consecration (Religious Affairs 2006c: 3, 34). This case was put on trial in the district Sangha Vinicchaya court. The accused, U Sundara, insisted:

A *sīmā* consecration can be successful by bringing together just the monks of the Yadanathiri ward, without gathering together the monks of the other wards of the same county on the basis of the textual authority, ‘*Tattha yattake padese tassa gāmassa bhojakā baliṃ labhanti, so padeso appo vā hotu mahanto vā gāmasīmātveva saṅkhaṃ gacchati*’ (*Mahāvagga Aṭṭhakathā*: 333).

When monks want to consecrate a *sīmā*, they have to make sure all monks in the relevant area are brought together and participate in that ceremony. The problem is how to define the area from which monks should be included to ensure one fulfils the requirement of ‘validity of the assembly’ (*parisasampatti*). The canonical guidance is that monks who have not yet consecrated a *sīmā*, a formal monastic boundary, can co-opt the boundary of the community of lay people in the village or town on which they depend. In other words, the village boundary (*gāmasīmā*) defines the area within which they hold their *saṅghakamma*, their formal monastic procedures. They coopt it for monastic purposes for the duration of the *saṅghakamma*, and all monks present within the village *sīmā* must attend the ceremony for it to be valid.<sup>37</sup> If they

consecrate their own boundary, they will no longer need to co-opt the temporal boundary. Consecrating a monastic boundary is itself a type of *saṅghakamma*. When monks are consecrating a formal monastic boundary (*baddhasīmā*) they therefore first co-opt the temporal boundary, i.e. the boundary of the village or town, within which the eventual consecrated boundary will lie. The crucial question is how the village boundary should be defined, a matter which has been the subject of some debate in Burma, as Nagasena Bhikkhu explains,

According to the *Mahāvagga* (Mv II.12.7), the Buddha allowed his monks to conduct their monastic rituals within a *gāmasīmā*, literally a ‘village boundary,’ but no detailed definition of this term is found in the early canon. The *Samantapāsādikā*, however, attempted to provide a definition by delineating the boundary in relation to the area of the villagers’ lands within which an appointed village leader collected tax. The sub-commentaries subsequently abandoned the concept of tax and interpreted the commentary to mean that the map of a village is sufficient to define a village boundary. Such inconsistency between the commentary and sub-commentaries, presumably a reflection of changing concepts regarding land, led to divided opinion between Burmese monks with some following the commentary and others the sub-commentaries. There are recorded cases of monks disputing over these definitions. (Nagasena Bhikkhu 2012: 151)

Justifying his actions, U Sundara had quoted the definition found in the commentary, the *Samantapāsādikā*, which clarifies a village boundary in terms of the area from which tax is collected by the tax collector of the village, the definition found in the commentary, the *Samantapāsādikā*. This would be a safe interpretation in the Burmese system, were this a matter of a village, since the Burmese usually take the *Samantapāsādikā* as the ultimate authority when there is insufficient detail in the Pali Canon. However, in this instance the *sīmā* is being consecrated in an urban area, which causes a number of headaches for the monks organizing the ritual. The commentaries were not designed for such complex infrastructures as found in the modern urban environment. If the monks interpret the temporal boundary, i.e. the boundary of the village or urban area within which they will consecrate their monastic boundary, as one that occupies a large area in the complex environment of

a modern town or city, it is logistically extremely difficult to control the area to ensure that no non-participating monks arrive in the area during the ceremony and thereby invalidate it (see previous case). Here U Sundara applies the definition of a village in terms of taxation within an urban environment, declaring that the ward, being a contained unit where tax is paid to the council, is the equivalent to a village in the *Samantapāsādikā*'s definition. He thinks the ward can count as the *gāmasīmā* area for the purposes of the *sīmā* regulations. Since the Yadanathiri ward pays tax to an administrative office (so tax collectors, *bhojakā*) within the ward, to be successful the *sīmā* consecration need only invite the monks of this ward, and defend only this ward from monastic intruders. He thinks there is no need to invite other monks from other wards within the council area, or control the movement of monks in those wards (Religious Affairs 2006c: 6-7).

However, neither the Ze:kyo council Sanghanayaka committee nor the council executive Sangha committee agreed with U Sundara's claim, quoting the canonical definition

“*Yā tassa vā gāmassa gāmasīmā, nigamassa vā nigamasīmā*” ‘Either the village boundary of the village, or the town boundary of the town’ (*Mahāvagga*: 150).

This phrase is part of an expansion of the guidance for monks in the *Uposathakkhandha*, the section on the fortnightly *uposatha* ritual, in the *Mahāvagga* book of the *Vinaya Piṭaka*. The text informs monks who have no established boundary that they should co-opt the village boundary of the village on which they depend (i.e. for alms, so live in or near) in order to perform their *uposatha*, or the town boundary of the town on which they depend. This means that if the monks live in or near a village they should co-opt the village boundary, but need to co-opt the town boundary if they live in or near a town. So the full guidance is ‘The village boundary of the village, or the town boundary of the town [on which they depend can be co-opted as a boundary for the holding of a single *uposatha* for the monks living in common communion there]’. Since the passage allows for sacred boundaries to be set up in towns, the instruction to coopt the boundary of the town boundary means that all monks within the town boundary need to come to the group within an arm's length, a *hatthapāsa*, of each other for the ceremony. The SSVc interpreted this to mean “whether twelve *yojana* wide or

wider than that, a *sīmā* in a village should be a village *sīmā* and a *sīmā* in a town should be a town *sīmā*.”<sup>38</sup> The Yadanathiri ward is one of the twelve wards in the Ze:kyo quarter under Ze:kyo council. Therefore, all the monks either in that quarter or in the entire city of Mawlamyaing should be brought to the place where a *sīmā* consecration is performed, or give their consent by proxy. It is not enough to invite only the monks within the ward. The Yadanathiri ward’s compliance with the tax area rule is irrelevant, because it is only villages that are defined by tax. The only alternative is for the abbot who wanted to consecrate the *sīmā* to first have the area around the *sīmā*-to-be designated as a *visuṃgāmasīmā*, ‘an individual/separate village boundary’, which would allow him to invite only the monks within the *visuṃgāmasīmā*, but the designation of an area as a *visuṃgāmasīmā* requires a different type of complexity: the permission of the government (Religious Affairs 2006c: 34, 35, 49).

This is obviously a complex decision which depends on which aspect of the commentarial explanation one emphasizes, and how one sees the *Samantapāsādikā*’s definition of a temporal *sīmā* (the village or town boundary) in relation to tax: does this definition in terms of tax only apply to a village, as according to its literal wording, or should it apply to a town as well? The co-opting of a town boundary is a kind of extension within the Canon to the co-opting of a village boundary. It is as if the town boundary is in brackets: “monks can use the village boundary of the village they depend on (or the town boundary of the town).” The question then arises as to whether the definition in terms of tax applies to the content of the brackets as well. In other words, can the relevant urban area be defined by the area of taxation? Alternatively, can the definition work both ways, i.e. since a *gāmasīmā* can be defined in terms of a taxation area, can a taxation area be defined as a *gāmasīmā*?

No resolution to this dispute was found at the Ze:kyo Sanghanayaka committee, so it was passed to the Mawlamyaing city Sanghanayaka committee, which was also unable to resolve it. Then it was reported to the Mon divisional Sanghanayaka committee, which was likewise unable to resolve it. It finally ended up with the SSC, who organized the SSVC (No.10) in order to resolve it. The SSVC took some commentarial guidance in order to assess what to prioritise:

*vinayavinicchaye āgate garuke ṭhātabbaṃ, esā vinayadhammatā (Pārājīkakaṇḍa atthakathā, vol 1: 175)*

In assessing a *vinaya* case, the more serious rule should be applied. That is the nature of the *vinaya*.

*garukalahukesu garuke thātabbaṃ (Pārājikakaṇḍa aṭṭhakathā, vol 2: 29)*

When there is a choice of more serious and less serious rules, the more serious rule should be applied.

These two quotations guide those assessing *vinaya* to apply the more difficult rule in a situation where more than one rule applies. Since it is more demanding to interpret the word in terms of its urban context rather than by classifying it as a village, in other words since it is safer to include monks from a wider area, rather than a smaller one, the SSC formed the judgement that one must prioritise the definition of a *sīmā* in terms of a town as found in the Canon. This meant that the lesser rule, the definition of a village boundary in terms of taxation as found in the commentary, did not apply. The SSVC (No.10) decided U Sundara's view was false, *adhamma*, and the resulting *sīmā* a case of malpractice, *avinaya*, in 27 June 1989 at Kabar Aye Hill, Yangon. The *sīmā* being invalid meant that any monks ordained there were not really monks. The SSC indicated that those monks who had been ordained there would need to seek ordination again in a valid *sīmā*. They also directed that the *sīmā* would need to be reconsecrated in accordance with this guidance (Religious Affairs 2006c: 30-35, 49, 51)

The accusers were U Āloka (Mawlamyaing) and U Tejavanta (Mawlamyaing).

The accused were Dhammarakkhita Sayadaw U Sundara and U Kesara, the abbot of Shwewa myaing monastery, Mawlamyaing, Mon state.

The three members of the SSVC (No.10) were U Paññājota (Pago), U Kovidābhivaṃsa (Thaketa, Yangon) and U Candobhāsa (Hlaing, Yangon) (*ibid.* 11).

As with the previous *sīmā* case, this case turns on the technicalities of *sīmā* consecration, details of which are not provided in the canon but in the commentaries. In the previous case, the monk in charge of the consecration had simply ignored the details of the commentarial requirements. In this case the monk in charge had paid attention to the requirements, but had missed or disregarded the canonical expansion on the use of a village boundary to apply to a town. Because that extension to apply to a town is canonical, and because the commentary does not explicitly include a town when it more narrowly defines a village boundary in terms of tax, the SSVC ruled that the canonical town was not

confined by the definition within the commentary and the canonical statement had to take priority. The entire town boundary needed to be co-opted.

Given that one could treat the ward as a village given the definition of a village in terms of tax, one could see the reasoning behind U Sundara's position. Because of the potential conflict between that and the mention of a town boundary, we can also see why opponents of this consecration could have pointed out this loophole. Small wonder that it had been impossible to resolve at the more local courts! Rather than judge that U Sundara was simply following one of two possible interpretations, however, the SSVC insisted that the one position was correct and the other was wrong. There is a long history of such decisions in Theravāda monastic disputes. It is not permitted to allow for ambiguity or for different parties to follow different interpretations. In order to avoid uncertainty and future dispute, the priority for the SSVC is the emphasis on a united Sangha: the unresolved – one might say unresolvable – must be resolved. Although the SSVC does not refer to the legacy of King Dhammazedi, this case reminds us of it again. Dhammazedi also, when dealing with multiple types of *sīmā* consecration, insisted on a single correct interpretation for each type based on a rigorous exploration of the commentarial tradition in relation to local practice. He also insisted on the disrobing and reordination of the monks ordained in all the thus invalidated *sīmā*.

**11. *San:gale: Wāda Vinicchaya* (24 February 1998): 'The judgement on the teaching of *San:gale*' [re easy achievement of enlightened states; reinterpretation of 'stream-enterer' in relation to meditation practice, etc.]**

This case is about the results claimed for the meditation practices taught by U Nandobhāsa, the abbot of *San:gale*: eastern monastery, Nyaunglebin, Pego Division. It also relates to his interpretation or presentation of certain core Buddhist teachings. His teaching was popular around the area of Nyaunglebin in the 1990s. He claimed that if one followed his meditation instructions then within only 10 or 15 minutes one could attain *sotāpanna*, the first of the four supramundane stages or spiritual achievements that culminate in personal enlightenment, arhatship. To become *sotāpanna* guarantees enlightenment within seven lifetimes. Further, his followers believed that psychic rays radiated from his body and that he sometimes went to the celestial world to preach *dhamma* to the deities (Religious Affairs 2009a: 412-467). In other words, his followers are allowed to believe that he is an Arhat or possibly even a Buddha.

The SSVC also documented how he presented core Buddhist teachings. For example, they report that he asserted the importance of *sīla* (moral conduct), *saddhā* (faith) and *paññā* (wisdom), while the standard canonical list is *sīla* (moral conduct), *samādhi* (meditation) and *paññā* (wisdom). They recorded that he interpreted the eightfold noble path (a way of summarizing Buddhist practice into eight items) as consisting of four groups of items, *paññā* (wisdom), *sīla* (moral conduct), *virīya* (effort) and *sikkhā* (training), while the canonical text is composed of just three groups, i.e. *paññā* (wisdom), *sīla* (moral conduct) and *samādhi* (meditation). He also offered an idiosyncratic interpretation of the three types of *sotāpanna*. He taught, “*ekavīji sotāpanna* is one who experiences *pīti* (zest), *passaddhi* (calmness) and *obhāsa* (light); *kolaṃkola sotāpanna* is one who experiences *lomahaṃsa* (horripilation); *sattakhattuparama sotāpanna* is one who experiences *saddhā* (faith) and *pīti* (zest)”. This, the SSVC judges point out, is in contradiction of the canonical text, which states “*ekavīji sotāpanna* is one who has mature insight, and is capable of attaining *nibbāna* in this very life; *kolaṃkola sotāpanna* is one who has fair insight and is able to achieve *nibbāna* between the next life and the 6th lifetime; *sattakhattuparama sotāpanna* is one who has weak insight, and will only attain *nibbāna* in the 7th lifetime.” (*ibid.* 478-482).

The SSVC (No.11) came to the verdict that these teachings formulated by San:gale: Sayadaw U Nandobhāsa and his followers, were *adhamma*, on 24 February 1998 at Kabar Aye Hill, Yangon.

The accusers were U Vilāsa (Kyauktada), U Sobhana (Nyaunglaybin), U Cintitābhivaṃsa (Phyu) and U Khantīdhamma (Penwegone).

The accused were U Nandobhāsa (Sankalay village, Nyaunglaybin), U Dhammapāla (Sankalay village, Nyaunglaybin), U Aw Kay (Sankalay village, Nyaunglaybin), U Bo Sein (Sankalay village, Nyaunglaybin), U Tin Myint (Sankalay village, Nyaunglaybin) and U Tin Shwe (Thingangyun, Yangon).

The five members of SSVC (No.11) were U Medhiya (Amarapura, Mandalay), U Sīhabala (Yamethin), U Kumārābhivaṃsa (Mandalay), U Nandamālābhivaṃsa (Sagaing), and U Aggadhamma (North Okkalapa, Yangon) (Religious Affairs 2009a). At a later time, U Kumārābhivaṃsa would become the head of the SSC, and U Nandamālābhivaṃsa would become rector of ITBMU, the International Theravāda Buddhist Missionary University.

**12. Mogok Vinicchaya (28 May 2005): ‘The Mogok Judgement’ [re minor misinterpretations of the Buddha’s teaching in the context of meditation teaching]**

This case was about the meditation practice taught by Mogok Sayadaw U Vimala (1899-1962), who established the Mogok Vipassana meditation centre in Burma, which now has more than 300 branches. His teachings have also spread beyond Burma to a number of other countries. He was famous for the teachings on *paṭiccasamuppāda* (dependent origination) and four noble truths that he used in his meditation techniques. Because of his international standing, as well as his reputed spiritual status, even at the time of the case, the Mogok Sayadaw is the most high-profile monk whose teachings have been scrutinised by a SSVC. As well as being famous internationally, he held the prestigious title of Aggamahāpaṇḍita. The title Aggamahāpaṇḍita ('highest, greatly learned scholar,' is the second most prestigious monastic title in Burma, second only to the title Abhidhajamahāraṭṭhaguru ('great teacher of the country like a lofty banner'). The Aggamahāpaṇḍita title was bestowed on Mogok Sayadaw by the Revolutionary Council in 1962. He is regarded by most Burmese Buddhists as having been an Arhat. Some believe that this status was confirmed by his physical body transforming into relics at his cremation. His disciples recorded several hundred cassettes of his teachings. These were later transcribed, edited, and published in a series of over 40 books, each about 500 pages long.

This case was brought after U Visuddha, a member of the SSC, examined every *dhamma* talk given by Mogok Sayadaw. In them, U Visuddha found 278 occurrences of deviation from canonical norms. These errors mostly related to incorrect names, place names and terminology, while some minor errors were in the interpretation of the teachings of the Buddha in the canonical texts.

In this case the SSVC (No.12) came to a different kind of verdict, not declaring his teachings as either false doctrine (*adhammavāda*) or genuine doctrine (*dhammavāda*) in the judgement given on 28 May 2005 at Kabar Aye Hill, Yangon. Instead they stipulated that the headquarters at the Mogok meditation centre would be obliged to remove and correct the false doctrines from the books and tapes of his teachings. Also, the headquarters were to prevent any *dhamma* preacher from using the uncorrected teachings. In other words, rather than declaring the Mogok teachings and movement to be *adhamma*, they allowed them to continue, while requiring significant editing to remove the specific elements not validated within the Canon. Perhaps Mogok Sayadaw's extensive national and international following pushed the judges to find a compromise in this particular case. This case has had significant implications for meditation centres and movements, for it means that there is a



risk of interference from the SSC unless one validates all one's teachings against the Canon, commentaries or the works of established and approved teachers such as Ledi Sayadaw. This adversely affects traditions that are primarily based on practice or experience and forces them to take a more scholastic approach.

The accuser was U Visuddha (Mandalay).

The accused were U Janitālaṅkāra, the head of Mogok meditation centre (Yangon), U Candāvarābhivaṃsa (Yangon) and U Sobhana (Yangon).

The five members of the SSVS (No.12) were U Gandhamābhivaṃsa (Thingangyun, Yangon), U Khemindasāmi (Bahan, Yangon), U Obhāsābhivaṃsa (Mandalay), U Sirindābhivaṃsa (Bahan, Yangon) and U Odātasirībhivaṃsa (Religious Affairs 2007).

**13. *Bhikkhunī Bhāvābhāva Vinicchaya* (27 May 2005): 'The judgement on the existence or non-existence of nuns.' [re forcing a nun who received full ordination in Sri Lanka to disrobe]**

A more expansive way to translate this title is that it is a judgement on the possibility or impossibility of *bhikkhunī* ordination. This is probably the most famous SSVS case outside Burma, although its context within the SSVS series of cases is unfamiliar to most outsiders, as they know of it within the context of the nun at the centre of the case, not in relation to the SSC's broader activities. Her case is famous because it exemplifies the polarized views that pertain to the reinstatement of the full *bhikkhunī* ordination for nuns, who currently hold a midway status in Burma, and are not recognized as full members of the Sangha. This is a cause célèbre amongst feminist practitioners and scholars internationally.

Since the case concerns *bhikkhunī* ordination, it relates to matters of *vinaya*. This case arose when a Burmese precept nun, Saccavādī, who after obtaining both a Master's Degree and the religious *Dhammācariya* Degree in Burma, went to Sri Lanka to study for a higher master's degree, an M.Phil. While there she was ordained as a *bhikkhunī*. Her ordination took place on 28 February 2003 in the Tapodhāyon *sīmā* in Sri Lanka. Then, in December 2004, she returned to Burma, still in robes and following the *pātimokkha* rules as a Theravāda *bhikkhunī* (Nyunt Maung 2010: 54).

The reason this was problematic is that the Theravāda ordination lineage for nuns, *bhikkhunī*, died out, possibly by the 13<sup>th</sup> century. In the modern period there have been several moves to revive the *bhikkhunī* order in various ways. It was successfully

reintroduced in Sri Lanka in 1996, after several attempts: nuns were fully ordained into the Dharmaguptaka *vinaya* tradition, which had originally been transmitted from Sri Lanka to China in the 5<sup>th</sup> century CE. These nuns co-operated with Theravāda monks from Sri Lanka, for a nun's ordination must be validated by 'both sides' of the Sangha, i.e. by both nuns and monks. The nuns were ordained first by the Dharmaguptaka nuns, then by the Theravāda monks and they undertook to practise the Theravāda *vinaya*.

The revived *bhikkhuni* lineage is now thriving in Sri Lanka. However, the Sangha hierarchies of Burma and Thailand have strongly resisted moves to allow the *bhikkhuni* lineage in their countries (as indeed have the more conservative Sri Lankan monks). Therefore, Burmese and Thai women seeking full ordination have had to go abroad to fulfill their aspirations. When Ven. Saccavādī was among the party of women being ordained in Sri Lanka in 2003, her participation and the ordination were condemned by Burmese monks in Sri Lanka, by the Burmese Embassy in Sri Lanka, by the Ministry of Religious Affairs in Burma and by the SSC.

Saccavādī received the ordination together with a friend of hers, Guṇacārī, and some others. They received ordination from 'both sides of the Sangha', as required for female ordination. There was a *bhikkhu* (male) Sangha of 12 monks from different countries led by the monk Dhammāloka and a *bhikkhuni* (female) Sangha of 12 *bhikkhuni* born in Sri Lanka led by the nun Khemācārī. In Sri Lanka, the *bhikkhuni* were recognized as Theravāda *bhikkhuni* and followed the *bhikkhuni vinaya* of the Theravāda Canon. However, one of the arguments of those opposed to the ordinations was that the ordaining nuns were Mahāyāna *bhikkhuni* because of the history of the Sri Lanka nuns' lineage outlined above. In the modern construction of Buddhism, there has been a conflation of matters of doctrine and matters of *vinaya* in this area. Historically, however, Mahāyāna was a designation that referred only to particular doctrines, sacred figures and texts, and not to *vinaya*: followers of Mahāyāna beliefs could live and perform *saṅghakamma* together with other monastics. In the modern period, however, Mahāyāna has been associated with regions where different *vinayas* are used. Thus we find the Dharmaguptaka Vinaya in East Asia and the Mūlasarvāstivāda Vinaya in Central Asia, both forming the basis of the monastic conduct of the Mahāyāna monks and nuns (in East Asia) who live there. These *vinaya* have minor differences from each other and from the Pali or Theravāda Vinaya. Many Theravāda monks think that the *vinaya* lineages of the Dharmaguptaka and Mūlasarvāstivāda are contaminated because of the Mahāyāna beliefs of those who follow them.

Only East Asian, Western, and, more recently Sri Lankan, monks have accepted the *bhikkhunī* Sangha in the modern period. Monks in most regions, including Tibetan monks, reject it. The interpretation of Burmese monks is interesting because they base their strong rejection of the *bhikkhunī* Sangha on their understanding that it disappeared for a number of reasons, soon after King Asoka's reign in the 3<sup>rd</sup> century BCE. The reasons they give are the restrictive rules that pertain to nuns' ordinations: the rule that a *bhikkhu* Sangha alone cannot ordain a *bhikkhunī* (*Cūlavagga*: 463-466), and that a female preceptor may only ordain another *bhikkhunī* only once every two years according to the *Bhikkhunī pācittiya* rule 82 (*Pācittiya*: p.449). Ven. Saccavādī rejected this last rule as a corruption from brahmanical Hinduism (Religious Affairs 2006b: 34), thus applying similar argumentation to that used by Shin Ukkatṭha when he dismissed passages of the Canon and commentaries with which he disagreed as Hindu corruptions. There is in fact a shared heritage in their positions: it is the Amarapura *nikāya*, or monastic lineage, in Sri Lanka which has supported the nuns' lineage in the modern period, and it was also the Amarapura *nikāya* that was most active in the colonial period in the adaptations of Buddhism in the direction of what we now think of as global Buddhism, and which influenced Shin Ukkatṭha in his relativist approach to the Canon.<sup>39</sup>

The SSVC (No.13) declared the concept of *bhikkhunī* ordination to be both a false view and a case of monastic malpractice, *adhamma* and *avinaya*, on 27 May 2006, at Kabar Aye Hill, Yangon.

The accusers were U Paṇḍita (Thingangyun), U Therinda (Mayangone) and U Ñāṇissara (Mayangone).

The accused was Saccavādī (Mayangone).

The five members of the SSVC (No.13) was U Gandhamābhivaṃsa (Thingangyun), U Cindāsāra (Magwe), U Sirindābhivaṃsa (Bahan), U Aggadhamma (North Ukkalapa) and U Vāseṭṭhābhivaṃsa (Mandalay) (Nyunt Maung 2010: 53-54).

After the Vinicchaya hearing the SSVC sought to force Saccavādī to recognize their authority. They told her:

- 1) to bow three times to the Sangha
- 2) to remove her *bhikkhunī* robes and dress in the robes of a *thilashin*, a precept nun
- 3) to sign the document admitting she was wrong and
- 4) to read aloud the admission and ask for forgiveness of monks.

According to her own account, she accepted first three, but she refused the last one. As a result, she was remanded in custody and sent to prison where she stayed for 76 days. Because some of her family members had connections with the military, she was given another chance to meet the requirements of the SSC. On this second occasion she complied with their demands and was released.<sup>40</sup> Afterwards she returned to Sri Lanka, resuming her status as a *bhikkhunī*, and would eventually disrobe of her own accord.

It is interesting that the SSVC understood that the nuns' lineage had died out shortly after Asoka's time. Nagasena Bhikkhu, in his assessment of this case, suggests that this view ignores later evidence of the survival of the *bhikkhunī* lineage. Nagasena writes, "The validity of her ordination was rejected by ... the State Supreme Saṅgha Council, on the basis of the fact that the continuity of the Order of *Bhikkhunī* ended during the reign of King Vaṭṭagāminī (103-77 BCE)... Using a number of commentaries, ... the State Sangha Council cited ... the demise of the *Bhikkhunī Sangha* during a war that took place between the King and invaders from South India ... The last recorded mention in the commentaries is of the existence of thirteen members of the *Bhikkhunī Sangha* surviving in a village called Bhatara." (Nagasena 2012: Chapter one, cited Crosby 2014: 229).

Scholars have possibly identified even later evidence of the *bhikkhunī* Sangha in Burma, with one of the heads of the Sangha in the 15<sup>th</sup> century being female (Mendelson 1975: 54). Ven. Saccavādī's case has been studied in some detail by Cristina Bonnet (2008). For our purposes, what is interesting is that this case rested on commentarial sources, not canonical ones, although canonical sources were used to explain the discontinuation identified in the commentarial sources. In a way, all these sources were irrelevant in that no one disputed that the Theravāda *bhikkhunī* lineage had died out at some point. Rather, the case rested on the possibility of the transmission being valid when preserved in one *vinaya* tradition and not another, a situation not foreseen in the canonical period when the premise is the existence of only one single *vinaya* and no mutually exclusive *nikāya*, or ordination lineages. The rejection of the other *vinaya* lineages therefore comes back to the self-identification of modern Theravāda as pure, original Buddhism in contrast to other forms of Buddhism. Burmese Buddhists retain a particularly conservative position on this topic. Another point to note is that the SSC saw fit to judge this case even though the ordination had not taken place within Burma. Although it is a national committee, it sees itself as having jurisdiction beyond its national boundaries if a holder of a Burmese

passport does something abroad. This explains why, in addition to bringing the case to trial once Saccavādī entered the jurisdiction of Burmese law enforcement agencies, it had issued a statement about the ordinations when they took place in Sri Lanka.

**14. Aung San: Taw:ya Wāda Vinicchaya (13 June 2006): ‘The judgement on the teaching of Aung San: Taw:ya’ [re minor misinterpretations of the Buddha’s teaching in the context of meditation teaching – an extension to the case against Mogok Sayadaw’s teachings, case 12]**

This case was about the meditation practice taught by Aung San: Taw:ya Sayadaw, U Kittisāra. U Kittisāra is abbot of Aung San: Taw:ya monastery which is situated in Insein, Yangon. He taught Mogok methods. At a ten-day meditation retreat that he ran, he taught a core Buddhist teaching on causality, the *paṭiccasamuppāda* (dependent origination) in which he included two controversial points. His *dhamma* talk was subsequently published.

The first point was about Channa, a monk who appears in the Canon. U Kittisāra said that although Channa had practised *vipassanā* meditation for 45 years during Buddha's lifetime, he could not achieve *nibbāna* because he experienced only an immature insight experience (*taruṇa vipassanā*) and also because he did not learn the *paṭiccasamuppāda*. However, according to canonical texts, Channa practised *vipassanā* meditation only after the Buddha passed away and only after he received a severe admonishment that the Buddha had asked other monks to deliver to him after his death. Thus, it is not possible that he had practised it for 45 years without knowing the *paṭiccasamuppāda*.

The second point made by U Kittisāra was that anyone who has thoroughly learnt the *paṭiccasamuppāda* as taught by Mogok Sayadaw in the figure of a circle, and who practises meditation in the morning without interruption or defilement, can achieve enlightenment in the evening of that same day. This is apparently wrong because this achievement is only possible for someone endowed with mature insight knowledge (*balava vipassanā*) (Nyunt Maung 2010: 56-57).

The SSVC (No.14) declared just these two points to be false doctrine (*adhammavāda*) on 13 June 2006 at Kabar Aye Hill, Yangon. The wider teachings were not affected and U Kittisāra’s centre is still open.

The accuser was U Visuddha (Mandalay).

The accused was U Kittisāra, the abbot of Anug San: Taw:ya monastery (Insein, Yangon).

The three members of the SSVC (No.14) were U Khemikābhivaṃsa (Mandalay), U Dhammananda (Thuwunna, Yangon) and U Candobhāsābhivaṃsa (Mandalay) (Nyunt Maung 2010: 55-57).

Here we may wonder at how two small points drawn from one single act of teaching came to be the basis of a full court case. The accuser was U Visuddha of Mandalay, the same member of the SSC who had been the accuser in the *Mogok Vinicchaya* case (number 12). In both cases, the object of the accusation was teaching associated with Mogok meditation methods. The case of *Mogok Vinicchaya* was judged on 28 May 2005; this case, *Aung San: Taw:ya Wāda Vinicchaya*, was judged the following year, on 13 June 2006. From this it would seem that in the wake of the Mogok verdict the accuser was specifically looking for errors taught by other Mogok followers, and this led to minor errors being corrected in a full-blown case. It is not clear why U Visuddha persisted in this way, and to what extent his actions reflected a broader concern to contain and control a potentially powerful group. It reinforces the zero tolerance approach to deviation which has such a significant impact on meditation groups.

**15. Monyin Myo. Ashe. Yeikthā Kheminda Wāda Vinicchaya (16 August 2006): ‘The judgement on the teaching of U Kheminda in the eastern Monyin meditation centre’ [re contrary interpretations of doctrine in relation to meditation]**

This case was about the teachings of U Kheminda, the abbot of a meditation centre in Monyin, Kachin State. U Vicittasārābhivaṃsa of Myitkyina, Kachin State, had been his meditation student, and also taught his teachings. Therefore, this case related to both of them. They were accused of 43 false points in their teachings, 34 points in U Kheminda’s teachings and 9 points in U Vicittasārābhivaṃsa’s teachings. The teachings are in many cases quite obviously the opposite of those provided in the Canon and commentaries and the reason why these teachers challenged them is not clear. The final point listed below, that one can achieve the higher spiritual states without *vipassanā*, might relate to other interpretations of this kind (see above), but they come within the context of teachings that appear to be deliberately antinomian in the Theravāda context. The SSVC summarised the problematic teachings as follows:

One should practise meditation making deliberately controlled in-breath and out-breath (*ānāpāna*). It is impossible to achieve *nibbāna* by

contemplating *anicca* (impermanence), *dukkha* (suffering) and *anatta* (no-self). One cannot gain enlightenment on the basis of practising mindfulness of breathing and mindfulness of breathing does not lead to *nibbāna*. The contemplation of the five aggregates (*khandha*) is a cause of defilement (*kilesa*). Practising mindfulness of breathing meditation is wrongdoing. Focusing on the body is *nicca* (permanent); removing the *samudaya* (origin of suffering) is *anicca* (impermanent); without *vipassanā*, insight, one can still achieve the *magga* (paths) and *phala* (fruits) [i.e. the four stages of spiritual achievements that culminate in enlightenment divided in to path and fruit for each stage] (Nyunt Maung 2010: 59-60).

The SSVC (No.15) demonstrated how all these teachings are the opposite of those contained in the canonical texts and thus declared their teachings to be false doctrine (*adhammavāda*) on 16 August 2006 at Kabar Aye Hills, Yangon.

The accusers were U Maṇḍalācāra (Hopin, Kachin State) and U Nārada (Hopin, Kachin State).

The accused were U Kheminda (Moenyin, Kachin State) and U Vicittasārābhivaṃsa, the head of the abbot training school in Myitkhina, Kachin State.

The three members of the SSVC (No.15) were U Kumārābhivaṃsa (Mandalay), who has since become the head of the SSC, U Candimā (Thanlyin, Yangon) and U Nandamāla (Patheingyi, Ayeyawadi division) (Nyunt Maung: 58-64).

**16. Myitkyina Vicittasāra Wāda Vinicchaya (17 February 2009): ‘The judgement on the teaching of Myitkyina U Vicittasāra’ [re rejection of core doctrines including cosmology, precepts and merit-making; rejection of Pali Canon; extension of previous case, 15]**

This case was about the misconstruction of canonical and Abhidhamma doctrines in the teachings of U Vicittasārābhivaṃsa, the junior defendant of the previous case, which had taken place three years earlier. When this case came up U Vicittasārābhivaṃsa was the head of the training school for future abbots in Myitkyina, Kachin State. Very well versed in canonical literature, he had completed five *dharmācariya* degrees in Burma. Not only was he involved in the case of *Moenyin myo. Ashe. yeik thā Kheminda Wāda Vinicchaya* (case 15), but the concepts examined in this case are similar to those of *Mo:byā gaing* (case 17, next).

For example, the *Mo:byā gaing* does not believe in past and future, and neither did he. Like Shin Ukkaṭṭha he also denied traditional cosmology. However, he went further, teaching the explicit opposite of some canonical teachings about meritorious and sinful conduct. Some of his teachings were summarised by the SSVc thus:

There is no past or future, the consequence of which is also nothing. There is no Brahma realm, no celestial abode and no four woeful states. The woeful states are not in the outside world but within one's body. There is no life after death. Killing an animal is not sinful. Stealing items belonging to gods, to a village council, a town council or the government is not culpable; trafficking in timber, jade and gems is thus acceptable. A human is born not because of *kamma*, but because of parents. Sharing merit is the practice of those who hold wrong views (*micchādiṭṭhi*). The commentators and sub-commentators knew nothing. Buddha Gotama is a *micchādiṭṭhi* Buddha. (Nyunt Maung 2010: 217-221)

The SSVc (No.16) came to the verdict that he was teaching false doctrines, *adhamma*. This verdict was reached on 17 February 2009 at Kabar Aye Hill, Yangon.

The accusers were U Maṇḍalācara (Hopin, Kachin State), U Nārada (Hopin, Kachin State) and U Indācariyābhivaṃsa (Kamayot, Yangon).

The accused was U Vicittasārābhivaṃsa, the head of the abbot training school in Myitkhina, Kachin State.

The five members of the SSVc (No.15) were U Kumarābhivaṃsa (Mandalay) currently the head of the SSC, U Odatasirībhivaṃsa (Mandalay), U Aggadhamma (North Okkalapa, Yangon), U Candimā (Thanlyin, Yangon) and U Suddhacarābhivaṃsa (Mattaya, Mandalay), two of whom had also been on the SSVc that judged his previous case.

While some of the teachings summarised here are similar to the modern views of Buddhism found in the west, or those of revisionist monks such as Shin Ukkaṭṭha, others appear to be deliberately challenging. Perhaps some monks seek popularity by offering teachings that are different or new, and it is also a way of challenging the Sangha hierarchy and the status quo in the Sangha.



**17. Mo: byā gaing: wāda Vinicchaya (15 November 2011): ‘The Judgement on the teaching of the Mo:byā group’ [re rejection of cosmology, core doctrines and practices such as merit-transference]**

This case was about the Abhidhamma teachings of Shin Ñāṇa of the Mingun hilly region, Sagaing. He claimed to be an enlightened person who, when practising meditation, had supernatural power. As noted above, when this claim is made falsely by a monk, it breaks the fourth *pārājikā*. Having made this claim, he was put on trial in the town Vinicchaya court and found guilty of the *pārājika* offense. He took the case further, to the Division Vinicchaya court, where he was also defeated. Eventually it was handed over to the SVC, which conducted an investigation in 1983. He also failed there. In response, he announced that he was discarding Theravāda Buddhism, to establish a new religious group or sect, *gaing*, under the name of *paccuppanna-kamma-vāda*, ‘doctrine of present action’. He exchanged his saffron robe for a sky-blue robe, and for this reason his *gaing* is known as *Mo:byā gaing*, ‘sky blue sect’.

For ‘pretending to be a monk’, Shin Ñāṇa was sentenced to three years in prison. Upon release, he continued to teach his views. He rejected the concepts of hell, heaven, *nibbāna* and *samsāra*. He also taught that no good comes from giving *dāna* to monks or making offerings to the Buddha. His teaching attracted a large number of followers. Thanks to his continuation of the *Mo:byā gaing* and other activities, including the continued public teaching of his views, in 1991 he was again sentenced to prison by the government, this time for ten years. He was released in 1998 but once again resumed his public teaching, and he was again sentenced to a total of 20 years and 6 months in prison in 2010.

His accusers brought 52 points against him, including that he taught the following points:

The Buddha never regarded himself as omniscient, but as a man possessed of three *vijjā* (knowledges), namely, *pubbenivāsānussati ñāṇa* (knowledge of recalling previous lives), *dibbacakkhu ñāṇa* (knowledge of divine sight) and *āsavakkhaya ñāṇa* (knowledge of elimination of defilement). This hinges on the definition of ‘all knowing’, *sabbaññu*, which in the Canon had a more restricted meaning than that later ascribed to it in the commentaries (Endo 1997, 2002: 20-21). His point might therefore have found support in academic scholarship.

The Buddha never encouraged disciples to formulate and perform a “Wish (*patthanā*).” This refers to the traditional Theravāda practice of transferring merit to

a particular purpose. For example, Burmese Buddhists often make a wish for the outcome of their act of piety, such as, “I offer this food to the Buddha; by means of this donation, may I be free from mental suffering and physical illness, finally, may I attain *nibbāna*.” Again, academic studies have also regarded such practice as postcanonical.

The Buddha never taught his people to believe in past *kamma* (the results from action in previous lifetimes) and the consequences of *kamma* in the future, but only in present *kamma*.

Regarding the first precept not to kill any living beings, the Buddha meant only human beings, not any other beings, therefore, killing animals is not sinful.

In relation to the second precept, not to steal, the Buddha referred only to property belonging to individuals, not, for example, to items belonging to society or the government.

The SSVC (No.17) came to the verdict that Ashin Ñāṇa’s teachings were false doctrine, *adhamma*, on 15 November 2011 at Kabar Aye Hills, Yangon.

The accusers were U Aggañāṇa (Myaungmya, Ayerwady division), U Tikkhindriyābhivaṃsa (Mandalay), U Nārada (Hopin, Kachin state), U Indācakkabhivaṃsa (Mandalay), U Nandābhivaṃsa (Mandalay) and U Indācariyābhivaṃsa (Kamaryut, Yangon).

The accused were the members of *Mo:byā gaing* led by Shin Ñāṇa.

The five members of the SSC (No.17) were U Kavindācāra (Thase, Mandalay division), U Candimābhivaṃsa (Thanlyin, Yangon division), U Sobhaṇa (Pakukkhu, Magwe division), U Visuddhācārābhivaṃsa (Mattaya, Mandalay division) and U Vāsetṭhābhivaṃsa (Mandalay).

It may be asked how the SSC regarded Shin Ñāṇa as a Buddhist, even calling him by the title *shin*, an honorific for novice monks, despite his claim to have converted to *Mo:byā gaing*. Notwithstanding this claim of belonging to a new religious group rather than a Buddhist one, some of his teachings are clearly from Buddhist canonical texts. Similarly, even though his clothes are not monastic, in that he wears sky-blue trousers and T shirt, at the same time he shaves his hair and his followers accord him respect in the ways traditionally shown to a monk. It was probably for these reasons that the SSC treated him as a monk by using his monastic name as Shin Ñāṇa and constituting an SSVC to assess his teachings.

Interestingly, some of the critiques of traditional Theravāda made by Shin Nāṇa can be found in Western scholarship. For example, the transferring of merit is a concept often identified in Western scholarship as uncanonical because it contradicts the doctrine of *kamma*. Scholarly interpretations then seek to explain how it came into Buddhism. Suggested answers range from brahmanical influence to adjustments made to accommodate the religious needs of those not ready for the spiritual path. Others seek to accept merit transference as valid by examining intention. The practice in Burma was critiqued along these lines by Melford Spiro (1971), whose book has been influential in the study of Burmese Buddhism in the West.

### **Other Cases**

To date, this 17th case is the last one judged by the SSVC under the instruction of the SSC (Religious Affairs: 2011). According to U Nyunt Maung (2010: 69-70), in addition to these 17 cases, there were three others cases that should come under the category of *dhamma/adhamma* and *vinaya/avinaya* cases. However, these cases were not examined by SSVC judges. The cases were called *Ñāṇasāgī Wāda*, *Su:le U Myint Thein Wāda* and *U Myat Thein Tun Wāda*. The *Ñāṇasāgī Wāda* was judged by the SSVC as *adhammavāda* in 12 January 1982, rather than by an SSVC court. Although *Su:le U Myint Thein Wāda* ought to have been judged by the SSVC, the SSC took the decision that since the accused was now dead, it would be enough to instruct the Town Sanghanayaka Committee to prevent the now proscribed material from being disseminated. This decision was made on 22 February 1983, only two years after the posthumous case against Shin Ukkaṭṭha. It is not clear to us why a trial was deemed necessary in the former case but not the latter. The *U Myat Thein Tun Wāda* case was judged by the Letpadan Town Sanghanayaka Committee as *adhammavāda/avinayavāda*. The SSC recognised the judgement *adhammavāda/avinayavāda* on 25 May 1983, instructing the Town Sanghanayaka Committee to prevent it from continuing, and no further action was taken.

### **Concluding Observations**

Throughout Burma's history, the disputes and divergences between Sangha groups and individual monks have often been cast in terms of a contrast between those monks who "strictly adhere to the Vinaya, especially those with a strong command of Pali

canonical and extra-canonical texts, and those who rely on the traditions passed down by their teachers” (Charney 2006: 26). As Charney points out, successful Buddhist traditions, as seen in the Thudhammā reform of the 18<sup>th</sup> century, won royal support through “displays of textual erudition and memorization.” (*ibid*). These two criteria for success as a monk in Burma have continued into the modern period, with various factors in the colonial period leading the Sangha hierarchy in the post-Independence period to look back to the model and conservatism of the Thudhammā Council. Consequently, the State Sanghamahanayaka Committee (SSC) uses the Pali textual corpus as the yardstick against which to judge those brought before it. In most of the seventeen cases the verdict was derived from canonical texts. The judges rejected more liberal, agnostic or even antinomian interpretations that reflected particular responses to the challenges of the colonial or modern periods. The Burmese Sangha hierarchy therefore represents a form of Buddhism that directly challenges the view of those who regard Buddhism as flexible and open to personal interpretation, a view widespread in global Buddhism and among Buddhist modernists. The judges also rejected interpretations that may have been based on knowledge of other Buddhist traditions or the experiences of meditation. In some of the cases, commentarial texts were also crucial, meaning that when there was no particular or full canonical or *buddhavacana* statement on an issue, the commentarial interpretation has become canonized. While some defendants used direct experience and also logical argumentation in representing their views, the trial judges prioritised canonical and commentarial evidence.

Defendants’ attitudes to these scriptural sources varied. Sometimes they ignored them. Sometimes they were ignorant of them. Sometimes their reading was simply too limited or they took ideas out of context. Sometimes they regarded experience or other types of argumentation as equally valid. While some, such as Shin Ukkatṭha, regarded the Canon as layered and coming into being in a composite fashion over centuries, the orthodox view represented by the judiciary in these cases is that the Canon is monolithic. This means that disparate views cannot exist within the Canon, it is rather a matter of working out how apparently disparate views relate to each other, a process already underway in the 5<sup>th</sup>-century commentarial period. Counterevidence in the Canon for a view held by the accused therefore functions also as a refutation.

The verdicts indicate that maintenance of canonical- and commentarial-based Buddhism, Burmese tradition and Sangha unity are the key factors in the decision making

process. In terms of exerting control, this obviously allows for the refutation of almost any developed religious view that responds to changes in scientific thinking or society or experience since the commentarial period. In terms of maintaining the *sāsana*, this approach, along with the rewards for scriptural erudition built into the state system of honours and court backing, have ensured that Burma has maintained the strongest and broadest level of expertise in the Pali Canon and its commentarial traditions of all the Theravāda countries. How active this will remain as Burma opens up in the light of the recent political changes and the 2015 election result remains to be seen. Will this affect the functioning of the SSC whose jurisdiction has been upheld over areas of personal belief that in other countries might be regarded as matters of freedom of religious expression? The last of the seventeen cases took place in 2011. There have been no cases since then, nor following the elections of 2015.

The SSVC trials concerning heresy (*adhamma*) and monastic malpractice (*avinaya*) form just one component of the SSC's mechanisms for exerting control over religious conduct and expression. In exerting power over such matters, the SSC has had the backing of Burma's law-enforcement agencies and has also been stirred into action at the instigation of the *junta*. The severity of the punishments as well as the risk of one's teachings and practices being outlawed ensures not only the compliance of almost all of the accused, but also compliance in anticipation by other practitioners who fear being drawn to the attention of the SSC. For meditation practitioners it acts as a form of pressure towards scholarly expressions over explanations based on direct experience.<sup>41</sup>

Since the establishment of the SSC, the Burmese government has usually taken action for offenses relating to religion with a combination of punishments encoded in the Myanmar Penal Code (Section 15, Act 295). For example, "whoever injures or defiles a place of worship, with intent to insult the religion, shall be punished with imprisonment for a term which may extend to two years or with a fine, or with both. According to Myanmar Penal Code (Section 15, Act 295A), whoever deliberately and maliciously acts intended to outrage religious feelings of any class by disturbing religious assembly, shall be punished with imprisonment for a term which may extend to two years, or with a fine, or with both." (Myanmar Penal: <http://www.burmalibrary.org/show.php?cat=1860> accessed 22 December 2015). These rules apply to all religions.

The Act to enforce the outcome of *vinicchaya* judgements, passed in 1983, provides protection of Buddhism specifically in relation to 'fake monks.' Section 2, Act 3 (b), makes it

an offence for anyone who has been judged to have a 'stolen' his ordination, i.e. to have gained his ordination under false pretenses in some way, to wear monastic robes. If he does wear monastic robes, he will be sentenced to three years' imprisonment. Section 2, Act 4 prohibits anyone who has been judged as 'neither pure nor impure' (*neva suddha nāsuddha*) from wearing monastic robes, again with a penalty of three years' imprisonment.<sup>42</sup> Section 2, Act 5 prescribes three years' imprisonment for anyone who pretends to be a monk or a novice, i.e. a 'fake monk' or 'fake novice', which makes it possible for the military to imprison anyone judged to be a fake monk because of their participation in political protest, for example (see above).<sup>43</sup> Section 2, Act 6 prescribes five years' imprisonment for anyone who breaches an order issued by the Ministry of Religious Affairs in conformity with the judgement of the SSVC; and Section 2, Act 7 prescribes six months' imprisonment for one who breaches the order or guidance issued by the government in order to implement a judgement by an SSVC.

Further regulation, the Sangha Organisation Act, was made law by the State Law and Order Registration Council in 1990, when monks sought to mark the two-year anniversary of the 1988 uprising. Section 3 Act 10 prescribes imprisonment for a term of between six months and three years for anyone who intends to create disunity in the Sangha through persuasion, motivation, preaching or publishing. Act 5 of the same section offers the same sentence for anyone establishing a new *gaing*, as does Act 9 for a person guilty of setting up a Sangha organisation not authorized by the Sangha authorities at the village, town, division or State level, as appropriate. Anyone disobeying the Vinicchaya court can be sentenced to up to six months' imprisonment, as happened with the nun Saccavādī, as outlined above (Religious Affairs 1990: 3-4). This act can be used against anyone in relation to Burmese Theravāda.

In summary, the following acts and penalties apply:

- **Myanmar Penal Code 1861, Section 15, Act 295:** two years' imprisonment for insulting religions.
- **The Act to Protect Vinicchaya Judgements, 1983, Section 2, Act 3 (b):** three years' imprisonment for one who wears robes with a 'stolen ordination'.
- **The Act to Protect Vinicchaya Judgements, 1983, Section 2, Act 4:** three years' imprisonment for one who wears robes after he has been judged as 'neither pure nor impure'.

- **The Act to Protect Vinicchaya Judgements, 1983, Section 2, Act 5:** three years' imprisonment for a 'fake monk' or 'fake novice'.
- **The Act to Protect Vinicchaya Judgements, 1983, Section 2, Act 6:** five years' imprisonment for disobeying the order issued by the Ministry of Religious Affairs in accordance with a judgement of an SSVC.
- **The Act to Protect Vinicchaya Judgements, 1983, Section 2 Act 7:** six months' imprisonment for disobeying the order or guidance issued by the government in order to implement the judgement of an SSVC.
- **Sangha Organisation Act, 1990, Section 3 Act 5:** six months to three years' imprisonment for the establishment of new *gaing*.
- **Sangha Organisation Act, 1990 Section 3 Act 9:** six months to three years' imprisonment for establishing any Sangha association (not *gaing*) [such as the *Young Monks' Association Yahan:byo Ahpwè*] without the permission of the relevant Sanghanayaka committee.<sup>44</sup>
- **Sangha Organisation Act, 1990 Section 3 Act 10:** six months to three years' imprisonment for organising, motivating, preaching and publishing harmful to a Saṅgha organisation.
- **Sangha Organisation Act, 1990, Section 3 Act 11:** six months' imprisonment for not obeying the *vinicchaya* court.

Severe prison sentences can therefore be meted out as a result of the SSVC cases pertaining to *adhamma* and *avinaya*, and sentences may be served consecutively. Understandably, most defendants accept the verdict. This means that the penalty after trial is the prohibition of one's teaching or behaviour. In all cases, this will mean a loss of reputation and the fear of association on the part of others. In some cases, it will mean a loss of livelihood and income, and the loss of a particular variety of Buddhism. However, we have seen that some of those who have come before an SSVC have also been punished with the more severe penalties meted out by the SVC.

While outsiders have been aware of the extent to which the Sangha hierarchy and military exerted control over expressions of Buddhism and Buddhists in Burma, the detailed documentation showing the mechanisms that allow this has been relatively inaccessible. Moreover, the now published volumes are lengthy and arcane, the products of some of the most erudite scholars in the country. We have attempted to make some of this

material more accessible, although it is possible that in places we have not fully followed the learned argumentation of the very learned SSVC judges. We have also attempted to make more visible the patterns that govern the processes entailed. We hope that this article makes more clear how a system seen by outsiders as an agent of centralised, political control may be lauded by insiders as a measure necessary to protect a vulnerable *sāsana* against corruption, and ensure the perpetuation of correct *dhamma* and *vinaya* within Burma.

Whether one sees the activities of the SSC in terms of zero tolerance designed to instil fear and compliance, or robust measures to ensure the purity of the *sāsana*, it may prove instructive to look at the broader context and ask why these particular cases were selected to be the object of accusations. Were they the only examples of conduct or preaching without basis in the Pali Canon? In the one case we have examined in greater detail, that of Shin Ukkatṭha (SSVC no.2), we find that he was popular, learned, very active in social uplift and outspoken in defense of Buddhism during the colonial period, but he also insulted almost the entire national Sangha hierarchy on several occasions. Was this case pursued because of Shin Ukkatṭha's fame and popularity, because it would prove easy to reach a clear verdict of non-canoncity given that the accused had explicitly rejected much of the Canon, or because of Shin Ukkatṭha's outspoken criticism of the Sangha hierarchy's scripturalism and its attempts to impose centralized control? We might also ask why some escape judgement. Has the relationship between the State and the SSC influenced the selection of cases to be scrutinized, as it has the definition of 'fake monks'? How will the 2015 election results influence the activities of the SSC given this relationship?

The post-election situation is complicated by the control still held by the military in the relevant ministries. The army had grasped at the shared unease over non-Buddhist minorities with the Buddhist Sangha, seeking a mandate amongst the 90% Buddhist population, giving anti-Muslim sentiment political and military backing.<sup>45</sup> To set up 'disciplined democracy' ahead of the 2015 elections, the military drafted a constitution ensuring that unelected military representatives would retain 25% of the seats in parliament and control both the Ministry of Defense and the Ministry of Home Affairs.<sup>46</sup> The Ministry for Religious Affairs and Culture is under former brigadier-general Aung Ko, of the USDA, regarded as a political extension of the army. It may be that this situation, given the military's continued attitude to ethnic minorities, influenced the initially muted response of the SSC to the more outspoken leaders of Ma Ba Tha, the 'Committee to Protect



Nationality and Religion'). Ma Ba Tha developed from the '969' movement, with its anti-Muslim agenda, and successfully proposed the controversial 'Race and Religion Protection Laws' introduced in 2015 (see note 7). While Ma Ba Tha has counted some of the most learned and respected monks and lay men among its membership, academic studies of violence and incitement to violence in Buddhism, even violence in defense of Buddhism, often point out that there is no canonical authority for or justification of it (Deegalle 2006: 4-5). The earliest justification cited is the chronicle literature of Sri Lanka, which dates back to the same time as the early commentaries, c.5<sup>th</sup> century CE. The deliberately inflammatory anti-Muslim views, prompting violence against Muslims, might therefore be regarded, at least by outsider observers, as clear examples of *adhammavāda*. Initially there was no response by the SSC to Ma Ba Tha. However, the situation seems to be shifting. On 12 July 2016, the SSC did come out with the declaration that Ma Ba Tha was 'not an officially recognized Sangha organization.' This was in confirmation of a carefully worded statement a few days earlier by a regional minister, Minister of Yangon Division, Phyo Min Thein, that there was no need for a new Buddhist organization such as Ma Ba Tha to protect Buddhism since the protection of Buddhism was the role of the SSC. The SSC therefore reasserted its position as 'the authoritative Sangha organisation', in that it is an organization of both monks and lay people. The official SSC statement declared that: 1) None of the five conventions of the SSC held between 1980 and 2014 recognised Ma Ba Tha; 2) The claim that the establishment of Ma Ba Tha is in accordance with the SSC's rules and regulations is not true; 3) Because of point 2, Ma Ba Tha is not an organization established in accordance with the SSC's rules and regulations. While Ma Ba Tha had made an official statement on 7 July 2016, clarifying that the SSC is "the authoritative Sangha organisation" established only by the Sangha, whereas Ma Ba Tha is a "missionary organisation" established both by the Sangha and lay people, they also initially threatened national protests unless NLD rebuke its minister, Phyo Min Thein. The subsequent statement by the SSC on 12 July was reported as a rebuke to undermine Ma Ba Tha.<sup>47</sup>

However, one could read this clarification of positions differently. By Ma Ba Tha defining itself as a non-Sangha organization and recognizing the status of the SSC, and by the SSC declaring that Ma Ba Tha is not a Sangha organization, the two might have sought to avoid subsequent direct confrontation. If Ma Ba Tha is not an officially recognized Sangha organisation, then it has not gone against the law prohibiting the establishment of new organisations, and its views are not to be taken as representing Buddhist teaching.

This might mean that Ma Ba Tha's views cannot be judged under the SSC's authority, even if an accusation of *adhammavāda* were submitted. The SSC statement is more an act of distancing.

So much for the position of Ma Ba Tha as a group, but what of the silence to date on the inflammatory preaching of high profile members, such as the monk Wirathu, who had been imprisoned by a secular court in 2003 for inciting violence with his racist rhetoric but pardoned in 2010? Again, the SSC has in recent weeks broken its silence. On 10 March 2017, a month after international attention had been drawn to the scale of the violence and human rights violations against the Rohingya by Pope Francis,<sup>48</sup> and after widespread discussion in the international media concerning the failure or inability of Nobel Laureate Aung San Suu Kyi's to act, the SSC issued a statement prohibiting Wirathu from preaching dhamma talks in Myanmar, for one year from 10 March 2017 to 9 March 2018. If he breaks the prohibition, action will be taken against him.<sup>49</sup> His response to this was a provocative compliance: on March 11 in the late evening, sealing his mouth with a tape, he sat on a dhamma-preaching alter in front of a large audience in Theekwin village, Einme township, Ayeyarwady Division. While he remained silent, a recording of a sermon he had preached prior to this ban was played over loud speakers.<sup>50</sup> This unfolding situation may reveal the extent and nature of the SSC's continued role in this new chapter of Burma's history.

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<sup>2</sup> For example, Braun (2013), Carbine (2011), Dhammasāmi (2004), Gravers (2012), Jordt (2007), Kyaw (2014), Schober (2011), Turner (2014).

<sup>3</sup> The Department of Religious affairs specifies that cases of murder, robbery, rebellion or revolution, spying for an enemy, propaganda for an enemy, attempt to damage the administration, attempt to undermine the military power in war, issues of inheritance, improper possession in relation to land disputes (paddy fields, etc), drugs and drinks, pawning, bartering, compensation, possessing items not proper to Buddhism, must all

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go directly to Civil or Criminal court, not to the SSC (Religious Affairs 2008b: 27, 28). The nature of ‘enemy’ here is not specified although it could be taken as referring any ‘rebel’ who resisted the government’s single party system.

While detained in jail, a monk is supposed to change his robe and wear the white prison clothes. He may dress in his monastic robes again once found innocent or released from jail (unless found guilty of a crime that is also a *pārājika* offense).

<sup>4</sup> The transcription of the Burmese here follows Ashin 2016. Sometimes the differences between the system for transcribing Burmese and that for Pali leads to the same Pali term being transliterated in two different ways, when it is found in a Burmese phrase or title, e.g. *wāda* ‘doctrine, concept, teaching, theory’ in the title of Burmese cases, but *vāda* in the Pali words *adhammavāda*, *Theravāda*. Because of the use of Pali within Burmese, we sometimes have mixed transcriptions, e.g. *wāda vinicchaya*. In Burmese publications the usual abbreviation for State Sanghamahanayaka Committee is not SSC, but SSMNC.

<sup>5</sup> The location for the annual honours ceremony was changed to the compound of the Uppatasanti Pagoda in Nay Pyi Taw, the construction of which was completed 2009.

For the March 2017 ceremony, see: <http://www.president-office.gov.mm/en/?q=briefing-room/news/2017/03/12/id-7368>.

<sup>6</sup> In Kabar Aye, there are four buildings representing the four great islands: Pubbavideha (eastern island), Aparagoyāna (western island), Jambudīpa (southern island) and Uttarakuru (northern island).

<sup>7</sup> This would eventually lead to the establishment in 2015 of the new controversial interfaith marriage law which severely disadvantages and interferes in the private lives and civil rights of Muslims, one of four ‘Race and Religion Protection Laws’. The ‘969’ movement came to prominence in 2012, led by prominent monks including Wirathu and Wimala. It has been particularly vocal in its extremist rhetoric, including making wild claims of a Muslim plot to take over the country, jihadi infiltrators and schemes to pay Muslims for marrying and converting Buddhist women. It also encourages Buddhists to boycott Muslim businesses, and has been a leading voice for the adoption of a law to restrict inter-faith marriage (International Crisis Group 2013: 17). The four ‘Race and Religion Protection Laws’ were newly adopted in Burma in August 2015, i.e. Monogamy Law, Religious Conversion Law, Interfaith Marriage Law and Population Control Law (<http://www.loc.gov/law/foreign-news/article/burma-four-race-and-religion-protection-laws-adopted/>). The reason for pandering to Buddhist extremists on the part of politicians is the search for mandate in a country where an estimated 90% of the population is Buddhist. We shall return to this topic at the end of the article.

<sup>8</sup> A *nat* is a supernatural being or spirit which Burmese people traditionally believe can protect them from danger and difficulties or bring them benefits such as making them better off.

<sup>9</sup> The use of *gaing* (Pali *gaṇa*) in Burma, sometimes interchangeably with the term *nikāya*, where the term *nikāya* would be used in other Theravāda countries is a complex one which the current authors hope to address elsewhere. It seems to us that in this context the use of *nikāya* is avoided since it suggests a separate *vinaya* body, whereas treating the different lineages as *gaṇa* allows them to be overseen by a single authority.

<sup>10</sup> The government also backed down in 1963 on a plan to bring pagodas under the remit of the archaeology department (Taylor 2015: 288, citing Smith 1965).



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<sup>11</sup> Robert Taylor is critical of this suggestion (Taylor 2015: 511 note 32, responding to Jordt 2007: 180).

However, Charney also links monastic involvement in the U Thant riots in December 1974 with Ne Win's attempts to bring the monks under state control (Charney 2009: 139). We would like to take the opportunity here to correct a statement Taylor makes about a trip by the royal family of the largely Hindu country of Nepal to Burma, hosted by Ne Win. Taylor writes, "The visit presumably was of greater religious than political significance, as the Buddha had been born in what is now the Lumbini region of Nepal and most of the population of Nepal, like the Lao, Cambodians, Thai, Sri Lankans and Burmese, *are followers of Theravada Buddhism.*" (our emphasis added). While Theravāda Buddhism is on the rise in Nepal, this is a result of missionary activity, including from Burma, mainly among Buddhist minorities, not among the majority Hindus. Traditional Buddhism in Nepal is of two kinds, both Vajrayana: the Sanskrit-oriented Newar Buddhism of the Newar ethnic group in the Kathmandu valley and the Tibetan-oriented Tibetan Buddhism found throughout Nepal. It is true, however, that the King of Nepal donated a hair relic (a hair strand, not a "hairstand", Taylor 2015: 470), during his visit.

<sup>12</sup> Initially the SSC regulated monks, but it began to regulate *thilashin* in 1982, with the establishment of the 'organisation of Buddhist nuns' (*bokdabāthā thilashin ahpwèasi:*), (Religious Affairs 2002: 5).

<sup>13</sup> We would like to thank Michael Charney for pointing out the parallels with Sarit's Sangha reforms.

<sup>14</sup> Thailand's 1962 Sangha Act was amended in 1992. The appointment of the Supreme Patriarch in Thailand remains a political appointment, with the most recent appointment delayed for four years during uncertainty over the royal succession, the military coup and the political elite's disquiet with the Sangha's primary internal candidate for the post. On 6 January 2017, under the military government of Thailand, which took power through a coup on 22 May 2014, the current and more democratic amended Sangha Act of 1992 "was amended to allow the King to directly choose and appoint the Supreme Patriarch instead of going through the Sangha Council's nomination." (Bangkok Post, 7 February 2017.) "I submitted the names of five qualified monks for His Majesty to consider. On Monday night, I was informed His Majesty chose Somdet Phra Maha Muniwong.' Prime Minister Prayut said." *ibid.* Action against monks deemed in some way corrupt shortly followed, as did suggestions of impending reform. On the current military regime's intention to disband the Mahatherasamakom and to cancel the amended 1992 version of the 1962 Act in favour of the 1941 Sangha Act, as well as the huge resources it applied to targeting the abbot of Wat Phra Dhammakaya in Pathumthani, see Jim Taylor (2017).

<sup>15</sup> Choompolpaisal has shown that Phimonlatham's persecution in part resulted from the rivalry of his senior fellow monks who used the Communism label against him (Choompolpaisal 2011: 272ff). They were able to do so because the CIA had funded Sarit's coup, making defense against Communism a frequent label for the crushing of opposition.

<sup>16</sup> The ministry was divided into two separate ministries, the Ministry of Home Affairs and the Ministry of Religious Affairs, by the State Law and Order Restoration Council (SLORC) by issuing the Notification No. (23/92) dated 20<sup>th</sup> March 1992. ([http://www.mora.gov.mm/mora\\_ministry1.aspx](http://www.mora.gov.mm/mora_ministry1.aspx))

<sup>17</sup> According to the *Record's* introduction, its purpose is to be a source of reference for the organisers of such conventions in the future: it was anticipated that further conventions would be held every five years. The pattern of holding conventions every five years was maintained until 1995, but then lapsed until 2014. There

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was a gap of nineteen years between the Fourth and the Fifth All-*gaing*-Sangha Conventions, the Fifth being held on 11-13 May 2014. At each convention, representative monks from all the nine recognised *gaing* throughout Burma assembled. The religious activities of the past five years had to be reported by the State Central Sangha Executive Committee (SCSEC) to the gathered assembly. Such activities included *vinicchaya* judgements, religious examinations and the issuing of religious registration cards. The delegates were also to propose and discuss what should be done for the sake of *sāsana* and add to, amend or remove items from the guidance first developed at the 1980 Convention. Additional reasons for publishing the *Record*, given in its introduction, were that the participants of the Convention would be able to reflect upon their good deeds, that non-participants could acquire an understanding of the Convention, and that researchers would be able to refer to the details of the historic milestones of the Convention (*Record* 1980: 4). The *Record* was compiled by the Board of the Religious Affairs and, over 300 pages in length, gives the minutes of the entire Sangha convention. The *Record* also includes photographs of the minister of the Ministry of Home and Religious Affairs, some selected monks, and some other lay persons.

<sup>18</sup> Ten years later, there would come into legislation a further law in relation to *gaing*. Law Order 6/90 related to the organisation of the Sangha and was issued by the State Law and Order Restoration Council (SLORC) in 1990. It decreed that the establishment of any new Sangha *gaing* would be punishable by a minimum prison sentence of six months and a maximum sentence of three years (Religious Affairs 1990: 4). *Gaing* that did not register are not recognized, have none of the benefits or protections of official *gaing* membership and risk identification as fake monks.

<sup>19</sup> Chin State is not included in the *Record*. Rather, it was included in the Sagaing Division with which it shares a border (see table 2). This is because the majority of people in the Chin State are Christian and the population of monks at that time only numbered 25.

<sup>20</sup> We only found details of the total number of monks in each area for the Thudhammā *gaing*, which accounted at the time for over 80% of Burma's monastic population. For the non-Thudhammā *gaing* we only know the numbers and *gaing* of those monks actually selected for the executive. We calculated the total number of monks belonging to the non-Thudhammā *gaing* by subtracting the Thudhammā total from the national total of all monks. Novices, who may be ordained for a short period and are usually of school age or young adults under 20, are not counted for this purpose.

<sup>21</sup> For a more detailed account and analyses of these events and the responsibilities of each subgroup, see Maung Maung Than 1993: 11ff, 30-34.

<sup>22</sup> The ID cards for which this group is responsible are known as *thāthanāwin hmat tan*: for monks and novices and *thāthanā nwèwin hmat tan*: for nuns. The cards for *bhikkhu* include seventeen pieces of information about the *bhikkhu*'s background and history. For details, see Maung Maung Than 1993: 25. Every *thīlashin* over 18 must hold a nun's ID; nuns under the age of 18 and temporary nuns must be issued with a temporary card by the chief nun in respective nunneries, and the card must be held together with one's national identity card (national registration card) (Religious Affairs 2002: 41-42).

<sup>23</sup> On the *tipiṭaka* and other examinations see Kyaw 2015, especially 416-418.

<sup>24</sup> The full list is: 1) at least ten *vassas* (rainy seasons) as a monk; 2) well-versed in *vinaya*; 3) respectful of the *vinaya* and endowed with dignity; 4) free from bias; 5) an object of reverence by laypeople; 6) of the rank

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of abbot, *kyauṅ:htaing sayadaw*, chief, *nāyaka sayadaw*, head, *taik-ok sayadaw*, administrator, *taik-kyat sayadaw*, or teacher, *sācha sayadaw*, of a monastery; 7) have sufficient willingness, competence and confidence to deal with the types of monastic issues entailed; 8) (for town level SSV) have spent a *vassa* retreat in the township where he is selected as a judge (*vinīdo Sayadaw*); 9) was never expelled from any Sangha community in which he serves Sangha activities; 10) was not excluded from participation in any Sangha communities or Sanghanayaka committees at any level; 11) for State/national level and division/state level, an SSV judge must also hold one of the following degrees: a government *dhammācariya* degree, a Cetiyaṅgaṇa *dhammācariya* degree, a Sakyasiha *dhammācariya* degree, a Takkaṣiḷa *dhammācariya* degree or a Vinayavidū degree (Religious Affairs 2013: 17).

<sup>25</sup> In the records of the cases, the canonical references are provided using the names of *sutta*, volume and chapter. The references we have supplied are to published editions of the texts currently used in Burma. In some instances, the most recent editions have been published long after the case that is referred to in its text. As a result, dates of publications pertaining to each case may appear anachronous.

<sup>26</sup> Some of the difficulties surrounding cases about meditation concern the use of *vipassanā* to refer both to ‘insight,’ as a realisation of a spiritual truth, often as an outcome of meditation, and to the type of meditation used to induce such insight.

<sup>27</sup> See Turner (2014) on the rejection of secularism and Cheesman (2003: 53) on the confusion in relation to government policy and monastic schooling in the 1930s, when Shin Ukkaṭṭha was most active in this area.

<sup>28</sup> A *vinicchaya* system set up in 1922 during the British period also failed, in part because of lack of law enforcement backing (Maung Maung Than 1993: 17).

<sup>29</sup> On a summary of the recent developments in the direction of understanding consciousness as matter, see, e.g. [arxiv.org/abs/1401.1219](https://arxiv.org/abs/1401.1219): Consciousness as a State of Matter (2014).

<sup>30</sup> We have not found out more about U San Yin and only know of him from the documentation for this case.

<sup>31</sup> See for example, Gethin (2012), on the meanings of the term ‘Theravāda’ in Pali literature, Perreira (2012) on the modernity of the current use of the term ‘Theravāda’, and Skilling (2012) on the lack of firm knowledge on the identity of Theravāda historically.

<sup>32</sup> How U Sūriya’s spiritual status was tested is not mentioned in the book. It only mentioned that his case was examined by Town, Division and State Sangha Committees, and that all of them decided that he had committed the fourth *pārājika* offense (Religious Affairs 1984: 4).

<sup>33</sup> Defilements, *kilesa*, defile and afflict the mind. There are ten *kilesa* itemized in the *Abhidhammatthasaṅgaha*: *lobha* (greed), *dosa* (hatred), *moha* (delusion), *māna* (conceit), *diṭṭhi* (false view), *vicikicchā* (indecision), *thīna* (sloth), *uddhacca* (restlessness), *ahirika* (moral shamelessness) and *anottappa* (moral fearlessness) (Mehm Tin Mon 1995: 264-265).

<sup>34</sup> For the details of *sīmā* practice and consecration see Nagasena (2013) on Burmese practice and interpretation of the Canon and commentaries and Kieffer Pülz (1992) on the Canon and commentaries and their historical development.

<sup>35</sup> See Carbine (2016 Table 1).

<sup>36</sup> See Carbine (2016), for how this is dealt with in the Kalyāṇī inscription.

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<sup>37</sup> This applies to procedures conducted on land. Procedures may also be conducted in a *sīmā* on or above water, such as on a platform or in a boat, and alternative regulations for defining the area then apply.

<sup>38</sup> This information about the *yojana* is not in the same passage of the *Mahāvagga* and we have not yet identified its source. It may be a reference to the fact that there is no limit for a *khaṇḍasīmā* consecrated within a monastery or a *mahāsīmā*, although there is for a *mahākhaṇḍa* (Nagasena 2013: 282).

<sup>39</sup> Shin Ukkaṭṭha's personal mentor and friend, the Burmese monk Shin Ādiccavaṃsa (1881-1950), had advocated the reintroduction of the Burmese lineage in Burma in the 1930s, and as a result was put on monastic trial in 1935. However, at that time, the Sangha's decisions did not have the backing of law enforcement agencies (Ashin 2016: 109).

<sup>40</sup> personal communication with a senior monk familiar with the case 22 December 2015;  
<https://sujato.wordpress.com/2010/02/16/saccavadis-story/> accessed 22 December 2015.

<sup>41</sup> Pyi Phyo Kyaw is currently examining this dynamic in the tendency towards scholasticism in Burmese meditation groups, expanding on work undertaken for her Ph.D. dissertation (Kyaw 2014).

<sup>42</sup> The phrase *neva suddha nāsuddha*, 'neither pure nor impure', apparently refers to a monk thought to be guilty of a *pārājika* offense, but who has neither admitted it nor been proven guilty on the basis of evidence.

<sup>43</sup> Although the SSC has authority over nuns, *thila-shin*, this Act does not cover the possibility of fake *thila-shin*.

<sup>44</sup> The *Young Monks' Association* was established in 1938, but outlawed in 1965 by Ne Win. Its original purpose was to obtain liberation from British colonisation, but later it sought to promote Buddhism politically. Before Burmese Independence it had a membership of approximately 32,000, but this had dropped to around 12,000 by 1962, the year of the military coup (Spiro 1971: 387). The unofficial YMA was again banned in 1990 by the State Law and Order Registration Council led by Senior General Saw Maung.

<sup>45</sup> <http://harvardpolitics.com/world/understanding-aung-san-su-kyis-silence-rohingya/> accessed 23 March 2017

<sup>46</sup> <http://www.bbc.co.uk/news/world-asia-33547036>, accessed 27 February 2017

<sup>47</sup> <http://thediplomat.com/2016/07/myanmars-radical-buddhist-group-gets-rebuked/>,  
<http://www.mmmtimes.com/index.php/national-news/21327-could-this-be-the-end-of-ma-ba-tha.html>  
accessed 7 March 2017

<sup>48</sup> <http://www.independent.co.uk/news/world/asia/pope-francis-burma-myanmar-rohingya-muslims-genocide-claims-un-report-latest-a7568496.html> accessed 20 February 2017

<sup>49</sup> [http://www.thithtoolwin.com/2017/03/blog-post\\_511.html](http://www.thithtoolwin.com/2017/03/blog-post_511.html) accessed 12 March 2017

<sup>50</sup> [http://www.thithtoolwin.com/2017/03/blog-post\\_453.html](http://www.thithtoolwin.com/2017/03/blog-post_453.html) accessed 12 March 2017