

**Thesis Title**                    An Analytical Study of Settling of  
Disciplinary Cases of Dispute with Special  
Reference to Phra Nikorn Dhamavathee's Case.

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### **Abstract**

The purpose of this research is to study the causes and the settling of religious disputes according to the correct principles of the Vinaya Pitaka in order to enable us to use these principles for the settling of several disputes in contemporary society. Special reference will be made to Phra Nikorn Dhamavathee's case.

The term religious disputes refers to problems and the obstruction of correct conduct and communal life in the Sangha

These disputes were the result of acts with good intent, concerning behavior which follows the teachings of Lord Buddha and which is in accordance with Dharma Vinaya, as well as acts with bad intent which is not in accordance with the Dharma Vinaya and which aim

at personal benefit and that of one's fellows, as in the case of the Wachee monk who breached the Dharma Vinaya code on 10 accounts.

The Buddha provided the principles and the methods to settle these disputes by authorising the Sangha to make judgements based on the principles stated in the Dharma Vinaya.

The purpose of settling these religious disputes is to protect those monks whose behavior is beyond reproach and to eliminate those persons who are seeking personal benefit and wish to destroy Buddhism by removing them from the religious community, and to subscribe to the authority of (and achieve unanimity concerning) the 10 purposes of monastic legislation:

1. the excellence of unanimous order
2. the comfort of the Order
3. the control of shameless persons
4. the living in comfort of well-behaved monks
5. the restraint of cankers in the present
6. warding of cander in the hereafter
7. confidence of those who have not yet gained confidence
8. increase of confidence of the confident
9. the lastingness of the true doctrine
10. the support of the discipline

The problem with contemporary Religious disputes is that they have become social problems because of the fact that monks who are accused of behaving wrongly refuse to accept the verdict thus making the search for the truth more difficult since the state of contemporary society is more complex than at the time of the Buddha,

whereas the religious order still leads a way of life that originated during Lord Buddha's lifetime. All this makes it difficult to arrive at the true facts and to make the correct diagnose needed to make a confident and valid decision, while the Buddhist community lacks thorough understanding of the Dharma Vinaya with the result that they fail to convince society to apply the Dharma Vinaya in their decisions.

In the current state of contemporary society, the problems concerning religious disputes will only decrease when the Dhamma and the Vinaya are upheld. The religious order may well have to get assistance from the laity in the search for the facts and collecting proofs and may gain advice from the secular laws of the community.

Besides considering the origins and circumstances of the wrongful acts, the Sangha should also realize the ultimate aim of correct or innocent behaviour leading to Enlightenment ; which is the conquering of the three main defilements (greed, anger, delusion).

From our study it was found that the present settling of religious disputes is increasingly difficult as a result of the fact that the settling of religious disputes has to follow the directives of both the Dharma Vinaya and the religious Acts (The Acts of the Sangha and the directives of the Supreme Council) especially since some directives of the Supreme Council do not seem to support the Dharma Vinaya. As a result of this ambiguity, the Sangha is unable to settle the disputes in an objective and just manner in a short period of time.

In the above mentioned cases, the author of this research is of the opinion that the settling of religious disputes has to be a collective enterprise of both the clergy and the laity. This comes down to the fact that the Sangha - which represents the clergy - must proceed to settle the disputes while holding on to the objective of a correct and irreproachable which is in accordance with the principles of the Dharma Vinaya, these principles are decisive in their deliberations. As for the laity they should realize their responsibility towards the community concerning the longlastingness of the religious institution by supporting the settling of religious disputes along religious directives stated in the Dharma Vinaya.

The laity should thus have some knowledge and understanding of the Dharma Vinaya in order to support the Sangha in a correct and suitable way.