

The Procedure of the Accused and Accuser; A Study Based on Vinaya Piṭaka

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Introduction

A person living in society has to fulfil various roles at different times. Conflicts arise if they fail to accomplish their obligations, responsibilities, and duties. There are instances in which the matter is resolved. There are community collisions that remain unresolved and lead to conflict. To overcome some of these challenge, the court's assistance is also required. The adjudicator is the authority figure who handles cases that the court can resolve. The person who presents or complains about a person's misdeed is called the accuser, and the person exposed to the fault is called the accused. In Pali canonical literature, both of them are referred to as *codaka* and *cuditaka*. The research problem of this study is to entirely examine and interpret what are the roles of the accuser, and the accused, as defined in Vinaya Piṭaka, with an emphasis on their procedural and ethical qualities.

Western legal scholars have extensively discussed the roles of the Accused, and the Accuser. The accuser's role is essential in initiating disciplinary proceedings. and the accuser's ethical responsibilities, such as the burden of proof and the potential consequences of false charges (Damaska, 1986). Studies have examined how this principle is used in various legal settings, focusing on the safeguards provided to the accused in disciplinary processes and the presumption of innocence unless proven guilty (Duff, 2010). However, Buddhist scholars indicate that they provide basic knowledge of the discipline and only highlight its importance in maintaining monastic discipline (Schopen, 2004; Wijayaratna 1990). The Vinaya Piṭaka demands the accuser and accused to present their allegations honestly and sincerely. False accusations are harshly condemned. Moral guidelines should be followed by them (Schopen, 2007; Thanissaro 2013). Western scholars have restricted themselves to jurisprudence. Buddhist scholars have studied this only to a limited extent. When analysing these facts, it appears that none of them thoroughly studied the procedures of the accused and the accuser. This research examines the procedure of both of them individually in the Vinaya Piṭaka.

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The objective of this research is to provide a thorough understanding of how the Vinaya Pitaka organizes and administers the roles of accused, and accuser in society. By evaluating these positions in both historical and present contexts, the study seeks to contribute to an expanded knowledge of Buddhist ethics, monastic law, and conflict resolution. The research provides contemporary Buddhist monastic communities a complete guidance to the ethical and procedural underpinnings of their disciplinary practices. This can help modern community overcome challenges such as discipline and conflict resolution

Methodology

The research was based on qualitative research method and data was collected from primary and secondary sources. The Basket of Discipline, and commentary of Samantapāsādikā as well as sub-commentaries as primary sources and other treaties and academic journals composed as secondary sources were studied.

Result and Discussion

The roles of accuser and accused are stated in the disciplinary tradition with the goal of reaching Liberation. Accusations should be made in a compassionate, ethical, and disciplined manner toward everyone in general, without damaging or oppressing anyone, or with personal hostile intentions. It has been emphasized in the Buddhist discipline that even when an accusation is made, it should be dealt with accordingly. Failure to do so will have major effects for both the self and others. It has been highlighted that making allegations is not a simple act, but a significant one that must be done with extreme caution. The emphasis has always been on purifying one's spirituality by discovering one's own shortcomings and failings and fixing them.

Procedure of the Accuser

- The accuser should be expected to present only true asserts that include evidence. Presenting a false accusation is a serious offence in the Discipline, with awful consequences for the accuser if the claim is proven to be unfounded.
- The accuser is responsible for presenting convincing proof to support their accusation. This implies providing witness testimony, tangible evidence, and any other pertinent proof.

Steps towards Making an Accusation

- The accuser reports the alleged misbehaviour to the elder monks or the

monastic community. The report must be concise, specific, and founded in verifiable facts.

- Throughout the formal seeing, the accuser presents their case and any evidence that supports it. The person being accused and the jury composed of monk may both question the accuser.
- While the accuser is instrumental in initiating the process, their participation in the hearing is restricted to presenting evidence and responding to questions. The panel of monks makes the final decision.
- According to principles of the Discipline, allegations should be made without hatred, jealousy, or personal vendettas. Accusers should choose the community's interests over their own.
- If the claim is found false or motivated by malice, the accuser will face disciplinary action. This ensures that the procedure is honest and the accuser is held accountable for his behaviours.

Procedure for the Accused; Rights and Responsibilities

- The accused has the right to know the charges against them in an understandable and comprehensive way. This ensures that the accused is aware of the specifics of the accusation and can prepare a definition.
- The Vinaya Piṭaka demands the person charged be given an adequate chance to respond to the accusations. This includes the right to present evidence, consult witnesses, and make a statement within their established limits.
- The accused has rights, but they are also expected to comply with the process. This includes attending hearings, answering truthfully to inquiries, and not impeding the process.

Steps in the process

- When formal procedures commence, there is frequently a preliminary investigation to see whether the accusation has merit. If there is enough proof, the case moves forward to a formal hearing.
- During the official hearing, the evidence against the accused is presented, and the accused has an opportunity to react. This stage is led by a group of senior monks who serve as judges.
- After considering both points of view, the monks discuss and adopt a

decision. The decision made is based on the information offered as well as discipline principles.

- If found guilty, the accused could receive a variety of punishments, including the admonition for the expulsion from monkhood, depending on the gravity of the offence. If the accused is proven not guilty, they are exonerated.

The Discipline emphasizes the importance of justice during the adjudication process. Even if the accused is found guilty, the concepts of compassion and the possibility of rehabilitation are considered while establishing the proper reaction. The Vinaya Piṭaka also provides rules to protect the accused against false or malicious charges, ensuring that the process is not used to settle personal vendettas

Conclusion

The processes for the accused and accuser detailed in the Vinaya Piṭaka are intended to protect the ethical integrity and peace of the Buddhist monastic community. These protocols ensure that allegations are handled fairly, openly, and compassionately, safeguarding both the accused and the accuser from injustice. By studying these procedures, one receives significant insights into the Sangha's ethical and legal roots, as well as how these ancient practices continue to impact modern Buddhist communities.

Keywords: Accused, Accuser, Conflicts, Procedure, Vinaya Piṭaka

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