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## Reducing Suffering During Conflict: The Interface Between Buddhism And International Humanitarian Law

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### ABSTRACT

This article stems from a project launched by the International Committee of the Red Cross (ICRC) in 2017 to examine the degree to which Buddhism might complement or enhance international humanitarian law (IHL), also known as 'the law of war' or 'the law of armed conflict'. Given that Buddhist teachings discourage violence, scholarship has critiqued Buddhists' involvement in armed conflict rather than considered how Buddhism might contribute to regulating the conduct of hostilities once war has broken out. Yet the Buddhist aim to reduce suffering is particularly relevant during armed conflict, and the empirical realism of early Buddhist texts shows that early Buddhist communities were very much aware of its grim reality. The article investigates the evidence for this empirical realism before exploring a range of concepts, doctrines and practices from within Buddhism that are pertinent to the recognition and implementation of IHL principles and the conduct of war. While IHL lays down explicit rules to follow during war, Buddhism emphasises broader ethical principles to be applied, so as not to dilute its ideal of non-violence. At a deeper level, it addresses the intention or motivation of parties to armed conflict, and possesses psychological insights and resources to help change their behaviour.

Though one might conquer a thousand times a thousand men in battle, the greatest conquest is of just one: oneself

*Dhammapada* v. 103 (translation Peter Harvey)

## Introduction

In 2017, the International Committee of the Red Cross (ICRC) began a project on Buddhism and international humanitarian law (IHL), otherwise known as the 'law of war' or the 'law of armed conflict', which regulates the means and methods of warfare. The aim was to explore correspondences between Buddhism and IHL, and investigate how Buddhism might help to regulate hostilities and reduce suffering during armed conflict on its own terms. Given that Buddhism is in origin a renouncer religion which discourages war and violence, it is often assumed that it has little to say about the conduct of hostilities once wars break out, and most humanitarian interventions in the Buddhist world have focused instead on how Buddhism can contribute to preventing or resolving armed conflict and coming to terms with its aftermath. Yet Buddhism has never shied away from recognising and considering the grim reality of war.

The work of Stephen Jenkins, particularly his article 'Once the Buddha was a Warrior: Buddhist Pragmatism in the Ethics of Peace and Armed Conflict' (2017), and Upinder Singh's *Political Violence in Ancient India* (2017) illustrate Buddhism's deep familiarity with armed conflict and its tacit acceptance that rulers are sometimes required to utilise restrained military force to defend their people. They show how Buddhist thinkers have sought to influence leaders to moderate the ways in which they wield power and govern, warning them of the negative consequences of failure to do so for them and their kingdoms. Meanwhile, Sugiki's work (2020a, 2020b) examines measures that Buddhists considered in order to avoid killing during conflict. While Buddhism acknowledges that monks and nuns must necessarily distance themselves from war on their path to liberation, lay Buddhists, including rulers and soldiers, must seek to minimise suffering whilst fulfilling their worldly duties and responsibilities, not least to protect people from attack and improve the conditions of those for whom they are responsible, especially the vulnerable. The Buddha's oft-cited statement 'I teach suffering and the cessation of suffering' (Mn.I.140, Sam.III.119, and Bodhi 2013) is particularly relevant to armed conflict, where suffering is at its most extreme.

The ICRC project responded to a gap in research with regard to Buddhist teachings on conduct *during* war, as opposed to before war, or after it – when it is generally too late to reverse much of the damage. Though there are hundreds of millions of Buddhists around the world, many in countries that are or have been affected by warfare, there has so far been no systematic and focused study on Buddhist guidance regarding the conduct of war or the interface between Buddhism and IHL. While in one respect this project is an academic survey of Buddhist teachings relevant to the conduct of war, it is also undertaken for an important practical application: the intention is to use Buddhism for what it was designed for: to reduce suffering, and to do so where it is most prevalent.

This article therefore examines areas of convergence between Buddhism and IHL in order to establish the potential applicability of Buddhism to reducing suffering during armed conflict. It reflects some themes that emerged when developing a position paper initially compiled as the spring-board for an ICRC conference on the subject, held in Dambulla, Sri Lanka, from 4 to 6 September 2019. Entitled ‘Reducing Suffering During Armed Conflict: The Interface between Buddhism and International Humanitarian Law’, the conference brought together a broad spectrum of international Buddhist scholars, members of the Buddhist clergy, legal experts, humanitarian workers and military personnel from around the world.<sup>1</sup> A selection of revised articles from the conference, which build upon as well as fill out gaps in the coverage here, will be published in due course.

This article first explains the rationale of the ICRC project, identifying the pioneering but minimal material available on this subject prior to the project’s commencement. It then gives a brief explanation of IHL. Next, we explore the evidence for empirical realism in relation to war in early Buddhist texts, and how it is that a religion with a reputation for ‘non-violence’ (*ahimsā*) comes to have teachings and historical examples of relevance to conduct within war. We review attitudes to killing during armed conflict and the different roles and expectations of monks and the lay Buddhists – whether rulers or soldiers – who generally engage in war. We then draw on a number of themes from Buddhist teachings and history that relate to the reduction of suffering during armed conflict. To do this, we have drawn primarily on a range of Buddhist textual authorities and historical examples for episodes relevant to the discussion of IHL in a Buddhist context. The texts include passages from the Pali Canon and commentaries, representative of early Buddhism and Theravāda, as well as Mahāyāna and Vajrayāna texts from India and elsewhere, important in Central, Himalayan and East Asian Buddhism. The article also touches occasionally upon other Buddhist teachings, practices and lived examples, and considers how Buddhism draws on elements and considerations within its cultural milieu, particularly in relation to law and the practicalities of seeking to reduce suffering in the wider world.

### Rationale for the ICRC project

The core of IHL is formed by the Geneva Conventions and their Additional Protocols. Its purpose is to minimise suffering during armed conflict by protecting those who are not – or are no longer – participating in hostilities, and by regulating the means and methods of warfare. At Buddhism’s core is the recognition of suffering and the promotion of means to alleviate it, by challenging our understanding and making changes to our conduct. Buddhism has applied these means both to the quest for

salvation and to the troubles that afflict society. In grappling with the reality of suffering, including war, throughout its long history, it has produced a sophisticated analysis of its socio-economic and other causes. This suggests a degree of convergence between the aims of Buddhism and those of IHL, as well as some important differences that might help complement and develop it.

Dialogue between these domains can promote knowledge of both IHL and Buddhist resources relevant to the regulation of armed conflict, which can be mobilised accordingly. Insofar as IHL resonates with Buddhist values, or as IHL and Buddhism otherwise align, this should help legitimise IHL and motivate and support Buddhists to comply with it. Buddhist resources that might otherwise have been neglected are thereby repurposed for contemporary armed conflict. To whatever degree parties to conflict identify as Buddhist, this might also help influence their behaviour and foster an attitude of restraint. While Western-style military culture has overtaken militaries and armed groups in many Buddhist countries, this project offers the possibility that Buddhists might reclaim something of their religious or cultural identity, the legacy of Buddhism's 2500-year long struggle to limit – more or less successfully – the horrors of war.

### Previous writings of relevance

When we began to explore this subject, while the coverage of Buddhist approaches to violence and warfare was reasonably extensive, and a certain amount of attention had been paid to Buddhism and law, as well as Buddhism and human rights, consideration of Buddhist approaches to conduct within warfare and the legal parameters that delimit it was thin on the ground. A notable exception is the writing of Sri Lankan-born jurist Christopher Gregory Weeramantry (1926–2017), who served as judge at the International Court of Justice from 1991 to 2000. Weeramantry identifies the significance of this as a potential area of research, writing:

Buddhism being a very practical religion does have many insights to offer which could be useful in the application and development of modern humanitarian law. The matter assumes practical relevance also because Buddhist states are not without their standing armies. It is essential that the great depth of Buddhist teaching which has relevance to every aspect of humanitarian conduct should be brought to the attention of the armed forces in these and other countries ... the teachings contained in the revered texts of the great religions are a powerful source of inspiration, and the Buddhist scriptures can be brought into these discussions for stressing the importance of humanitarian conduct during military action. (Weeramantry 2007, 3)

A further exception is another Sri Lankan author who has sought to apply Buddhism to the iniquities of the modern world, the founder of the Sarvodaya Shramadana Movement, A. T. Ariyaratne (b. 1931). Despite its brevity, Ariyaratne's 2003 essay 'Buddhism and International Humanitarian Law' provides an exemplary survey of Buddhist texts and historical examples relevant to the maintenance of IHL, 'minimizing the after-effects of a conflict and giving as much relief as possible to all affected human beings' (Ariyaratne 2003, 15). More recently, Sri Lankan monk and academic Karagaswewe Wajira, in his article 'Live and Let Others Live', provided another brief but informative addition to the exploration of Pali Buddhist texts relevant to IHL (Wajira 2015).

This facility in Sri Lanka for considering the applicability of Buddhism to international law was seen already in the writings of Weeramantry's contemporary, K. N. Jayatilleke (1920–1970), professor of philosophy at the University of Peradeniya. Trained in both Buddhist and Western philosophy, Jayatilleke led the way in considering convergences between Buddhist and other systems of thought. In 1967, he published his *Hague Lectures*, a series of five far-ranging explorations of Buddhist systems of law and their applicability to society in general. The fifth, on 'Buddhism and International Law', gives serious consideration to the duties of the state both internally and internationally, picking out both scriptural and historical examples (Jayatilleke 1967, 534–563).

An important survey of Buddhist attitudes to and engagement in war, which includes some examples of Buddhist teachings to minimise the violence of war, is provided by Professor of Buddhist Studies, Lambert Schmithausen (1996, 1999). Schmithausen, who has pioneered the study of the history of Buddhist ethics in a number of areas with close consideration of textual sources from across different schools of Buddhism, adduces several of the sources discussed in more detail below. Schmithausen examines how the Buddha avoided explicitly tackling the conduct of war, and how even Buddhist kings were therefore guided in their conduct by non-Buddhist sources concerned primarily with gaining and sustaining power. From early Buddhism onwards, some Buddhists nevertheless sought to sustain the ideal of non-violence, at least to some degree, even while conducting war. Meanwhile, professor of religions Sallie B. King has published extensively on engaged Buddhism and peace activism. While not explicitly about IHL, her 'War and Peace in Buddhist Philosophy' (2013) also provides an important survey of Buddhist attitudes to violence, drawing on multiple texts and historical examples. Like Jayatilleke and Schmithausen, she draws from a representative range of Buddhist traditions, encompassing both Theravāda and Mahāyāna sources and episodes.

Upinder Singh's book *Political Violence in Ancient India* (2017) illustrates Buddhism's deep familiarity with armed conflict and its tacit acceptance that rulers are sometimes required to utilise restrained military force to defend

their people. The work of Stephen Jenkins, particularly his article ‘Once the Buddha was a Warrior: Buddhist Pragmatism in the ethics of Peace and Armed Conflict’ (2017), examines *jātaka* stories about the Buddha’s previous lifetimes and Mahāyāna literature to identify Buddhist attitudes to engaging in warfare, arguing that, far from seeing only a pacifist approach, we find multiple examples of skilful engagement in war as a measure of last resort, with moderation and compassionate intentions serving personal and political interests. This practical approach is the focus of the recent work by Sugiki (2020a, 2020b). He examines the fourth- to sixth-century Mahāyāna text the *Ārya-satyaka-parivarta* (‘Noble Discourse of the Truth-Teller’) for ways in which a king, forced into a war he has sought to avoid in order to protect his people, may escape the karmic consequences of killing in part through his motivations of protection and compassion, including towards the enemy (Sugiki 2020a). Sugiki also looks at early Buddhist thinking on how, given the reality of warfare, Buddhists might confront it without killing, identifying three main methods, namely retreat, resolution and fighting without killing (Sugiki 2020b, 4). The last point is the one most relevant to IHL, because of the focus on minimising suffering, ideally achieved – according to his Buddhist sources – by capturing the opponent alive and committing them to an oath of peaceful conduct, then releasing them, or by fighting to disarm rather than kill (Sugiki 2020b, 14). Sugiki shows that the narratives about Buddhists forced to engage in warfare draw on methods outlined in ancient non-Buddhist Indian treatises on how to govern, such as the *Arthaśāstra*, but adapt them in order to accommodate the motivation to avoid killing (Sugiki 2020b, 15–16).

An important recent contribution, engaging with the realities and practicalities of war from a modern Buddhist practitioner perspective, is in the penultimate volume of *Inquiring Mind*. The semi-annual magazine, founded within the *vipassanā* practitioner community of North America and widely distributed in US prisons, gave serious consideration to practical morality in difficult circumstances. Its Spring 2014 issue gathered short articles, poems and reflections on the engagement of Buddhists in warfare and the moral dilemmas thus confronted (Gates and Senauke 2014). Many of the sources noted by these pioneering authors are taken up in the discussion of themes below, after a short explanation of IHL.

## International humanitarian law (IHL)

IHL<sup>2</sup> – also known as ‘the law of war’ or ‘the law of armed conflict’ – is a set of rules that seeks to limit the humanitarian effects of armed conflict. It protects the lives and dignity of persons who do not, or no longer, participate in hostilities, and imposes limits on the means and methods of warfare. The core of IHL comprises the four Geneva Conventions of 1949, which have achieved universal ratification, and their Additional Protocols. Warfare has always been

subject to certain principles and customs. It may therefore be said that IHL has its roots in the rules of ancient civilisations and religions, not least those of China and the Indian subcontinent, which institutionalised rules of warfare often far in advance of Western civilisations of the time. Universal codification of IHL began in the nineteenth century under the influence of Henri Dunant and the other founding fathers of the ICRC, notably through the adoption of the original Geneva Convention of 1864. Since then, nation states have agreed to and codified a series of practical rules to keep pace with evolving means and methods of warfare and their related humanitarian consequences.

IHL strikes a careful balance between humanitarian concerns and the military requirements of states and non-state parties to armed conflict. It addresses a broad range of issues, including protection for wounded and sick combatants; treatment of prisoners of war and other persons detained in connection with an armed conflict; protection for the civilian population and of civilian objects; and restrictions on the use of certain weapons (such as biological and chemical weapons and anti-personnel mines). As a general rule, IHL prohibits means and methods of warfare that cause superfluous injury or unnecessary suffering, or which cause severe damage to the natural environment. Other prohibited methods of warfare include pillage, starvation and perfidy (e.g. feigning protected status).

IHL requires that certain categories of people and objects must be protected during armed conflict. For example, the wounded and the sick must be protected from attack and must be collected and cared for by the party in whose power they find themselves. Medical personnel, units and transports must all be respected and protected. Protected civilian objects include cultural property, places of worship and objects indispensable to the survival of the civilian population (such as crops and water reservoirs), as well as works and installations containing dangerous forces (such as dams and nuclear power plants). Humanitarian relief personnel should be respected and protected – and access to humanitarian assistance for the civilian population affected by the conflict must be facilitated, subject to the consent of the parties concerned. IHL forbids killing or wounding an enemy who surrenders. In addition, detailed rules govern the conditions of detention for prisoners of war and the treatment of civilians under the authority of an enemy power. Outrages to personal dignity, such as rape and torture, are prohibited.

IHL also regulates the general conduct of hostilities on the basis of three core principles: *distinction*, *proportionality* and *precaution*. The principle of *distinction* requires that the parties to an armed conflict distinguish at all times between civilians and civilian objects on the one hand, and combatants and military objectives on the other, and that attacks may only be directed against combatants and military objectives. The purpose of this is to protect individual civilians, civilian property and the civilian population as a whole. Under this principle, indiscriminate attacks are prohibited. The principle of



*proportionality*, a corollary to the principle of distinction, dictates that incidental loss of civilian life and property or injury to civilians must not be excessive in relation to the concrete and direct military advantage anticipated. In order to implement the restrictions and prohibitions on targeting, the principle of *precaution* requires all parties to an armed conflict to take specific precautions, such as, when conducting an attack, to verify that targets are military objectives or to give the civilian population an effective warning before the attack. It can also entail restrictions on the timing and location of an attack. For their part, defenders must not use human shields and should take precautions to protect the civilian population against the effects of attacks (such as locating bases away from densely populated areas).<sup>3</sup>

IHL is part of international law – the body of rules governing relations between states, made up primarily of treaties, customary rules and general principles of law. The difference should be noted between IHL, which regulates the conduct of parties engaged in an armed conflict (a concept known in Latin as *jus in bello*), and another part of international law set out in the Charter of the United Nations, that regulates whether a state may rightfully resort to armed force against another state (known as the *jus ad bellum*). Thus, IHL applies only *during* armed conflict and offers no comment on whether the reasons for resorting to armed conflict were justified. Similarly, IHL does not concern itself with conflict prevention or resolution.

IHL regulates both international armed conflicts (between opposing states) and non-international armed conflicts (where at least one party is not a state). Whether a conflict meets the threshold of a non-international armed conflict (as opposed to, say, a riot or some other internal disturbance) depends on the factual situation on the ground. This includes the degree of organisation of the parties to the conflict as well as the degree of intensity and duration of the conflict. Organisation can be indicated by the existence of a command structure in a non-state armed group, or their ability to control territory; plan, coordinate and carry out military operations; and implement the basic obligations of IHL. Article 3 common to the four Geneva Conventions contains core provisions for the regulation of non-international armed conflict, and Additional Protocol II develops these further.

While IHL and international human rights law are complementary, and share some of the same aims – notably to protect the lives, health and dignity of individuals – they are very different in their origins, scope and formulation. Human rights law is more recent. It has its origins in certain national human rights laws influenced by the European Enlightenment, and only emerged as a branch of international law after the Second World War. While IHL applies only during armed conflict, human rights law applies, in principle, at all times, though governments may derogate from some obligations during public

emergencies that threaten the life of the nation. Rather than upholding the rights of the individual, IHL is generally formulated as a set of duties placed on parties to conflict to exercise restraint, especially to protect non-combatants. This necessarily entails a degree of military discipline and professionalism, and individual combatants are responsible for their actions – following orders is no defence for committing war crimes. Uniquely, therefore, IHL applies to states, non-state armed groups and individual combatants, whereas human rights law only binds states.<sup>4</sup>

States have an obligation to teach IHL rules to their armed forces and the general public. They must prevent violations and enact laws at the national level to punish the most serious violations of the Geneva Conventions and their Additional Protocols, which are regarded as war crimes. In addition, measures have also been taken to punish war crimes at the international level, including through tribunals for the conflicts in former Yugoslavia and Rwanda, and the creation of the International Criminal Court by the 1998 Rome Statute.

### A Buddhist approach to conduct in armed conflict?

In 'Buddhism and Humanitarian Law', Weeramantry comments regarding Buddhism:

In a system where the institution of war is not recognized [as truly valid] there will naturally be little or no discussion of actual conduct in warfare. The applicable principles will need to be worked out with reference to its general principles regarding the dignity and sanctity of human life, its general principles relating to the treatment of and attitudes towards other human beings, its respect for nature and life-support systems and its concepts on proper behaviour in general. (2007, 3)

Weeramantry's statement is useful in identifying Buddhism's broad approach to war and therefore the importance of looking to both its explicit and its implicit principles. Buddhist canonical texts do in fact contain many references to war, and many military images, similes and metaphors, as well as references to ways of mitigating the effects of war and of retaining one's integrity in situations of conflict. Buddhism recognises that wherever ethically imperfect beings live, there will inevitably occur strife, disharmony, disputes and conflicts. For – until we reach the higher stages of spiritual development – our social behaviour is influenced by unwholesome (*akusala*) psychological traits rooted in the three core defilements of greed/lust, anger/hatred and ignorance/delusion, with the narrowness of vision that stems from the last of these.

According to the Buddha, such conflicts arise within every conceivable social grouping ranging from the smallest, the family, to those of the highest complexity, such as politically organised states (Mn.I.86). As Bhikkhu Bodhi writes,

The Buddha's discourses give us glimpses into the tumultuous tide of the era. They tell how 'men take up swords and shields, buckle on bows and quivers, and charge into battle ... where they are wounded by arrows and spears, and their heads are cut off by swords ... and they are splashed with boiling liquids and crushed under heavy weights' (MN 13:12–13). We read of battlefields marked by 'clouds of dust, the crests of the standards, the clamor, and the blows' (AN 5:75). Rulers obsessed by lust for power executed their rivals, imprisoned them, confiscated their property, and condemned them to exile (AN 3:69). (Bodhi 2014)

As will be discussed in more detail below, the Buddha famously stated that warriors who die when engaged in fighting go to the 'Battle-Slain Hell', because of their inevitable state of mind upon death. Indeed, there are indications from the earliest days of Buddhism that some rulers and soldiers found the contradiction between Buddhist teachings of non-violence and war hard to bear, including kings who chose to surrender their kingdoms rather than fight (Jenkins 2017, 161; Sugiki 2020b). Nonetheless, the Buddha did not enjoin the rulers of his day to dispense with their armies, and ideal kings were expected to maintain a professional army to defend their people (Jenkins 2017, 162). Soldiering does not feature as one of the five prohibited livelihoods or forms of commerce – although trading in weapons does (An. III.208; Florida 2013, 331). Indeed, when members of the military profession became lay disciples of the Buddha, he encouraged them to follow the precepts and undertake acts of generosity, but did not ask them to leave their profession. Meanwhile, the *jātaka* tales of the past lives of the Buddha – a primary reference for Buddhist statecraft – are replete with narratives of how as a king, warrior, weapon-master, war minister, war horse and war elephant, among other incarnations, he sought to minimise the suffering of war (Jenkins 2017, 167). As Jenkins points out, in multiple previous lives the Buddha was a war hero (2017, 162).

The empirical realism of early Buddhist texts, then, shows that the historical Buddha and early Buddhist communities were very much aware of the reality of armed conflict, and that conflict and soldiering are woven into their narratives. To give another example by way of illustrating the pervasiveness of this familiarity, we can examine an episode in which the Buddha draws on the imagery of warfare when teaching his own son, Rāhula. Rāhula was ordained when still a child, and the Buddha gave him simplified instruction. Teaching Rāhula of the dangers of lying, the Buddha uses a simile of two war elephants. One war elephant fights for his rider with every part of his body with the exception of his trunk, which he keeps back. The other war elephant gives everything to killing, including his trunk, and his rider thinks:

This royal tusker with tusks as long as chariot poles ... performs his task in battle ... [the passage provides a detailed description of the elephant and exactly how he fights] also with his trunk. He has given up his life. Now there

is nothing this royal tusker elephant would not do. So too, Rāhula, when one is not ashamed to tell a deliberate lie, there is no evil, I say, that one would not do. (Mn.I.414–5, abridged from translation by Ñāṇamoli and Bodhi 1995, 524)<sup>5</sup>

By keeping something of himself back, the first elephant retains an element of dignity or integrity. The second elephant, who uses even his trunk, has acquired the taste for killing and his rider realises there is nothing he would not do. While the purpose of the simile is to teach Rāhula the protective value of honesty as the basis for ensuring one's personal integrity, it also indicates to us two things. The first is a detailed familiarity with warfare; the second is the understanding of the effect that battle can have on the combatant, on their mentality, judgement and integrity. The ideal combatant keeps something back, a restraint that prevents excesses. Such restraint, recognisably essential to the IHL principles of humanity, military necessity, distinction, proportionality and precaution, here protects the combatant.

The symbolic depiction of force or violence is also harnessed in Buddhism. It fulfils a variety of functions, such as to warn about the consequences of bad actions, aid personal transformation, redirect energy to treat one's own flaws as enemies, sublimate negative forces and develop empathy. Examples include the depiction of Buddhist hells with karmic fruits in the form of terrible tortures; the sublimation of negative passions and the presence of wrathful deities in the Vajrayāna tradition;<sup>6</sup> the ritual killing (using, for instance, paper puppets and fire) at the core of some Japanese esoteric practice (Gray 2007); and the advice to wage war on one's own defilements in the *Bodhicaryāvatāra* (Chapter 4, vv. 28–47). The *Bodhicaryāvatāra*, a highly influential treatise composed by the seventh- to eighth-century Indian monk Śāntideva, also draws on the imagination of violence and humiliation in order to learn complete empathy for the perspective and experience of one's enemy (Chapter 8, vv. 140–154, see below).

Given this familiarity with the realities of warfare, and the close analysis of its effects, minimising its trauma naturally follows from Buddhism's concern to overcome 'suffering', *dukkha*, a term that covers both actual suffering and all kinds of lack of security. Furthermore, Buddhism's analysis of our propensity for violence and methods to redirect such tendencies also suggests potential contributions to the regulation of conflict.

## Monastic ethics

While the texts cited indicate a familiarity with the presence of warfare, we might ask what insights about ideal conduct in war we might realistically expect to find given that Buddhism is in origin a renouncer religion, and, as hinted at by Weeramantry, provides in its earliest texts multiple prohibitions on killing. The community of monks and nuns (Sangha) was established for

those who wanted to renounce ordinary lay life in order to commit their lives to practising the Buddha's teaching. For them, there is provided a set of regulations collectively called the *vinaya*, 'discipline'. Sure enough, one of the most serious rules prohibits intentionally bringing about the death of a human being, even if it is still a foetus, whether by killing the person, arranging for an assassin to kill the person, inciting the person to kill themselves, or describing the advantages of death (Vin.III.73). Although killing an animal is a lesser offence, as soon as a monk is ordained, he is told, 'When a monk is ordained, he should not intentionally deprive a living being of life, even if it is only an ant' (Vin.I.97, Vin.IV.124–125). Involvement in the business of warfare and killing is also prohibited: there may be no watching of battles or military exercises, staying with the military or discussing military engagements (Dn.I.7 and 178, Harvey 2000, 254). (We shall look at the marked exception to these regulations in the later development of warrior- and soldier-monks below.)

In no recorded instance did he [the Buddha] approve of killing any living being at all. When one of his monks went to an executioner and told the man to kill his victims compassionately, with one blow, rather than torturing them, the Buddha expelled the monk from the *saṅgha*, on the grounds that even the recommendation to kill compassionately is still a recommendation to kill – something he would never condone. If a monk was physically attacked, the Buddha allowed him to strike back in self-defence, but never with the intention to kill. (Thānissaro 2006)

As Thānissaro goes on to point out, while violence in self-defence is permitted, it is not advocated. In the Simile of the Saw, *Kakacūpama Sutta*, patient loving-kindness is described as the ideal mental state even when under lethal attack: 'Monks, as low-down thieves might carve one limb from limb with a double-handed saw, yet even then whoever entertained hate in his heart on that account would not be one who carried out my teaching' (Mn.I.129). A similar message is found in the *Khantivādi Jātaka* (no. 313, Jat. III.39–43) on the Buddha-to-be (*bodhisatta/bodhisattva* in Pali/Sanskrit) in a previous lifetime as a Teacher of Patience (*khanti*) who is cut to pieces by an arrogant king without his patient forbearance wavering (Harvey 2000, 105–107). The Mahāyāna *Brahmajāla Sūtra* teaches:

As a disciple of the Buddha, he [or she] must not even avenge the death of his parents – let alone kill sentient beings! He should not store any weapons or devices that can be used to kill sentient beings. If he deliberately does so, he commits a secondary offense. (Buddhist Text Translation Society 1981)

We do see the acknowledgement of at least the threat of violence as an important tool in ensuring appropriate conduct, however. The *vinaya* describes how the followers of the monks Assaji and Punabbasu were badly behaved and in need of disciplining. In response, the Buddha sends his

leading disciples, the monks Sāriputta and Moggallāna, to carry out a formal act of banishment (*pabbājaniya-kamma*) against them. When Sāriputta and Moggallāna point out that the monks they are to tackle are fierce and rough – implying that the action might be difficult to carry out – the Buddha tells them to take many other monks with them (Vin.II.12). That is, a potential threat of physical violence is deterred by a non-violent show of force. Punishments for lapses from discipline in the *vinaya*, though, range from expulsion to verbal rebuke. They do not include any physical punishments.

The *vinaya* is in large part a legal system, still functioning some two-and-a-half millennia since its compilation began. While it contains rules and judgements, it also contains stretches of narrative which allow those rules to be explored in relation to practical realities – a kind of case law. Each potential infringement of *vinaya* is analysed by five criteria recognisable in a modern jurisprudence: whether an *effort* was made that contributed to the offence, whether the *object* is pertinent (i.e. was a human being the target, in the case of the rule prohibiting murder?), whether the accused had the *perception* of the *object* as such (so did the accused see that and understand that a human was present?), whether there was *intention* (did the accused intend to kill?) and whether the *outcome* happened (was someone killed?) (Thānissaro 2013). As such, it has also informed the development of law in the Buddhist world, and is relevant to the regulation of armed conflict in number of contexts because of the methods it developed for dealing with problematic situations involving multiple parties.

## Lay ethics

Most authoritative Buddhist literature was preserved by and for monastics, whereas warfare is – with some exceptions – conducted by lay people, i.e. non-monastics, the most relevant of which are rulers and military personnel. Though lay Buddhists may be influenced by some of the principles of monasticism, and are expected to strive to keep the five precepts, the first of which is not to cause loss of life, they are not expected to follow the monastic rules. Canonical texts testify to the view that the straight path to the goal is not followed while living a lay life (Mn.II.55). As the *Ratṭhapāla Sutta* (Mn.II.54–74) says, the lay life could be lived doing karmically beneficial deeds while enjoying pleasures. This is the *samsaric* life which hopefully leads to a good rebirth, not Nirvanic liberation from all rebirths, the ultimate goal of the Buddhist spiritual path.<sup>7</sup>

Buddhist literature contains information pertinent to the discussion of lay practice and the conduct of warfare for a number of reasons. Firstly, the *vinaya* provide rules and guidance for monastics that are designed to maintain a context within which spiritual transformation is possible and to ensure harmony both within the monastery and with its host society. The

extensive detail the *vinaya* and other monastic texts offer when considering practical matters relating to these concerns means that they are a useful resource for developing principles that are relevant to all Buddhists. Secondly, many teachings, especially those in the other sections of the Buddhist canons, are specifically focused on practical ethics that are not confined to the activities of monks and nuns, giving us ample material on ethical behaviour more broadly, including in warfare. Thirdly, some of the principles have over the course of history been applied specifically to those who wield power, as well as to those who seek to influence and modify how that power is applied, directly touching on the use of deadly force and engagement in wars.

In relation to this third point above, namely the use of Buddhist teachings and principles to influence and modify how temporal power is wielded, Buddhist monks throughout history, beginning with the Buddha himself, have found themselves in the position of offering guidance to rulers. This means that in addition to teachings aimed at monastics and lay people, Buddhist texts from the earliest times frequently contain guidance for those in power, and while this may have been quite general in the earliest period, a separate, more detailed genre of literature dedicated to such guidance developed over time in many Buddhist cultures. Much of that guidance pertains to rulers exerting their power with skill and restraint.

### Common humanity and interdependence

A fundamental basis of IHL is the recognition and valuing of our common humanity.<sup>8</sup> A similar principle underlies Buddhist ethics: as all want to avoid suffering and enjoy happiness, one should treat others with the same regard one does oneself (Sam.V.353–354). This is enhanced by the principle of *samatā* ('equality'), important in many Mahāyāna *sūtras*, based on our shared make-up of the same components of reality. This principle of shared experience extends to all living beings, not just fellow humans, although humans are more valued because to gain a human rebirth is seen as a rare and precious opportunity for moral and spiritual growth, indicative of past good karma (Mn.III.169; Harvey 2000, 30).

The *Bodhicaryāvatāra* encapsulates the idea that all beings are equal in their desire for happiness and dislike of pain:

When happiness is liked by me and others equally, what is so special about me that I strive after happiness only for myself? When fear and suffering are disliked by me and others equally, what is so special about me that I protect myself and not the other? If I give them no protection because their suffering does not afflict me, why do I protect my body against future suffering when it does not afflict me [now]? (Bca.8, vv. 95–97, translation Crosby and Skilton 1995, 96)

We see these values expressed by Buddhist teachers in the modern world. The Dalai Lama, who is deeply influenced by the *Bodhicaryāvatāra*, teaches that we are 'truly a global family' and by necessity must develop a sense of 'universal responsibility' (Piburn 1990, 17): 'It is our collective and individual responsibility to protect and nurture the global family, to support its weakest members and to preserve and tend to the natural environment in which we all live' (Piburn 1990, 114). For IHL, this clearly is applicable in terms of the treatment of the wounded, sick and displaced, and those detained in relation to armed conflict, as well as to the environment that supports all communities affected by war.

Recognition and valuing of our common humanity is the point underlying a story in which the Buddha intervenes to prevent a war between his own people and another group. The farmers of two groups both begin quarrelling after a drop in the water level in a dammed river which both use to irrigate their crops. When this dispute escalates towards war, the Buddha intervenes, persuading the military leaders of both camps that they are about to sacrifice something of great value – the lives of their warriors – for something of very little value – water (Dhp-a.III.254–256; Jat.V.412–414; Deegalle 2014, 567–569).<sup>9</sup>

Extending this recognition of common humanity even to the enemy was fundamental to the success of another modern Buddhist teacher, the monk and nominee for the 1996 Nobel Peace Prize, Mahā Ghosānanda (1913–2007). At the United Nations (UN)-sponsored peace talks following the civil war in Cambodia, he urged compromise and non-violence, accepting the inclusion of Khmer Rouge personnel in an interim government with the following words: 'We must have both wisdom and compassion. We must condemn the act, but we cannot hate the actor. With our love, we will do everything we can to assure peace for all. There is no other way' (Ghosananda 1992, 20–21). Other comments of Ghosānanda reflect the benefits of this emphasis on shared humanity:

[A]n end to antagonism, not the antagonists. This is important. The opponent has our respect. We implicitly trust his or her human nature and understand that ill-will is caused by ignorance. By appealing to the best in each other, both of us achieve the satisfaction of peace. Gandhi called this a 'bilateral victory'. (Ghosananda 1992, 62)

While Ghosānanda's comments were made in the context of peace talks, they pertain to IHL, according to which combatants should aim to win the war with minimal human suffering, not to exterminate the enemy, following the rules rather than exacting vengeance. His statements even hint at a more detached approach towards accountability for past IHL violations.



The doctrine of *kamma/karma*, 'action', i.e. that one creates key aspects of one's future in this life and future lives through the intentional actions one undertakes now, is an important motivating factor for acting in accord with a recognition of the 'common humanity' – or, in Buddhism, 'common sentience' – even of those seen as enemies. In traditional Buddhist cosmology, rebirth may be in any of five states: human, heavenly, animal, hungry ghost and hell being. The first two are regarded as good rebirths, indicating the maturation of previous good karma, while the last three are regarded as bad rebirths, the maturation of some previous negative karma. Since we all are reborn countless times in these different realms, the likelihood is that any other living being is or has been closely related to us in a previous lifetime (Sam.II.189–190). The group to which we currently belong may differ from that in previous lifetimes. Those of other ethnic groups, religions or nations, or on opposite sides in a conflict, were thus relatives or good friends in some past life, and may be again in a future life. The complexity of these relationships is beyond the understanding of ordinary mortals – only a Buddha can fully assess the motivational state behind a person's action and its full range of karmic results. The general principle is understood, however, as a basis for compassion and respect for all fellow-sentients, and for delimiting one's conduct in conflict accordingly.

A corollary to the humanitarian principle of common humanity is that of impartiality, particularly with respect to prioritising assistance to the victims of armed conflict based solely on need. For Buddhism, an attitude of equanimity and impartiality is greatly valued along with loving-kindness and compassion, as will be seen below in relation to the four positive mental attitudes. Further, the fourth of four Buddhist 'foundations of social unity' (*saṅgha-vatthu*) is 'consideration of the equal needs and aspiration of all others' (*samānattatā*) (Dn.III.152, 232; An.II.32, 248; An.IV.218, 363; Harvey 2000, 109–110). The influential Mahāyāna *Vimalakīrti-nirdeśa Sūtra* says 'In the midst of great battles, [*bodhisattvas*, the heroic saints on the path to Buddhahood who seek to save all living beings from suffering and *saṃsāra*] favour neither side. Greatly powerful Bodhisattvas delight in bringing people together in harmony' (Chapter 7, Section 6, v. 27, Lamotte 1976, 185). This is relevant to the need for neutrality and impartiality by certain third parties active during armed conflict, such as members of the Red Cross and Red Crescent Movement and other humanitarian organisations.

### Minimising suffering during armed conflict

The goal of Buddhism, Nirvana, entails the understanding and elimination of *dukkha* – mental and physical pain – and its causes. As such, at their most fundamental level, Buddhism and IHL share a common purpose: the reduction of suffering. Buddhism identifies the causes of suffering as mental

processes and actions that are based in greed, hatred or delusion. These root defilements underlie all other negative or unskillful thoughts and deeds. Buddhism's analysis of the psychological realities of the human condition is arguably its greatest potential contribution to reducing suffering during armed conflict. A set of positive mental attitudes that counteract these defilements, emphasised in Buddhism from its beginnings to the modern day, are the four states which lead to harmonious social relationships and human happiness:

- Loving-kindness (Pali *mettā*, Sanskrit *maitrī*): the attitude of hoping for the welfare and happiness of all beings, whatever their nature, and including those identified as 'enemies' or towards whom one initially feels animosity – the ideal attitude is the love and concern a caring mother feels towards her child;
- Compassion (*karuṇā*): the concern to reduce the suffering, and the causes of suffering, for sentient beings – this is clearly relevant to the care for the wounded, sick, detained and displaced during armed conflict; the ideal attitude is the empathy and compassion a caring mother shows towards her sick child;
- Empathetic joy (*muditā*): rejoicing at the happiness and success of others; this is the opposite of jealousy and clearly relevant to reduce the risk of gratuitous violence and the destruction of factors that could support the well-being of one's military opponent; the ideal attitude is the joy a caring mother experiences when her child is well and successful;
- Equanimity (Pali *upekkhā*, Sanskrit *upekṣā*): responding with calm to both the joys and sufferings of life, one's own and that of others, and maintaining impartiality to all. Equanimity and impartiality are fundamental to functioning successfully within difficult circumstances.

Those who have not yet attained spiritual liberation might sometimes bring harm to others by their actions, but the teachings of early Buddhism make clear that even such ordinary people should at least *minimise* the causing of suffering and harm to themselves and to others likely to be affected by their actions (Mn.I.415, Mn.II.114–115). A common Pali chant expresses this intention: '*ime sattā averā hontu abyāpajjhā, anighā sukhī attānaṃ pariharantū'ti*', 'May these beings be without hatred, without ill-will, without trouble and stress, may they be happy and preserve themselves'. Compassion is foundational for Mahāyāna Buddhists, as followed by Buddhists of Central, Himalayan and East Asia, the highest goal of which is to follow the path of the *bodhisattva*, who seeks to remove suffering for all beings.

## The First Buddhist precept of non-violence and the karmic consequences of killing

The Buddha was once asked if he approved of the killing of anything, and he replied:

Having killed anger, you sleep in ease.  
Having killed anger, you do not grieve.  
The noble ones praise the slaying of anger  
– with its honeyed crest and poison root –  
for having killed it you do not grieve. (Sam.I.41)

A fundamental and irrefutable value of Buddhism is non-violence. This is expressed in the first and most important of the Buddhist precepts, or 'training-rules', which all Buddhists should strive to keep: 'I undertake the precept to abstain from the destruction of living [lit. breathing] beings' (Pali *Pāṇātipātā veramaṇī sikkhāpadaṃ samādiyāmi*). The *Dhammika Sutta* (Sn. v. 394) states that a lay person 'should not kill a living being, nor cause it to be killed, nor should he incite another to kill. Do not injure any being, either strong or weak, in the world'. Of a person following this precept, it is said: 'Abandoning the destruction of living beings, he abstains from this; without stick or sword, scrupulous, compassionate, trembling for the welfare of all living beings' (Mn.I.345, cf. Dn.I.4). Another canonical passage, An.IV.246, adds:

Here, monks, a noble disciple gives up the destruction of life and abstains from it. By abstaining from the destruction of life the noble disciple gives to immeasurable beings freedom from fear, hostility and oppression ... [and thereby] ... he himself will enjoy immeasurable freedom from fear, hostility and oppression.

The first precept is broken if a person intentionally causes death to any sentient being: human, animal, bird, fish or insect, whether they do so directly themselves or by directing another to do so. Through the law of karma, killing leads to suffering in this and future lives for the person who carried out, or ordered, the action.<sup>10</sup> This interpretation of the first precept is in line with the IHL doctrine of command responsibility, which implicates all those in the chain of command for IHL violations. The Buddhist teaching is nevertheless more expansive, in that commanders are morally responsible for (and bear the karmic consequences associated with) *all* killing that happens on their watch, not just killing that is illegal.

The principle underlying the precepts is expressed in the *Dhammapada*, one of the most famous and most translated canonical texts, which consists of pithy aphorisms expressing succinct Buddhist teachings: 'All beings tremble at violence; life is dear to all. Comparing others with oneself, do not kill or cause another to kill' (v. 130, translation Harvey).

The Mahāyāna *Brahmajāla Sūtra*, particularly influential in China, expounds further on the theme of non-violence:

A disciple of the Buddha shall not himself kill, encourage others to kill, kill by expedient means, praise killing, rejoice at witnessing killing, or kill through incantation or deviant mantras. He [or she] must not create the causes, conditions, methods, or karma of killing, and shall not intentionally kill any living creature. As a Buddha's disciple, he ought to nurture a mind of compassion and filial piety, always devising expedient means to rescue and protect all beings. If instead, he fails to restrain himself and kills sentient beings without mercy, he commits a Parajika (major) offense. (Buddhist Text Translation Society 1981)

In the popular nineteenth-century Tibetan commentary *Kun bzang bla ma'i zhal lung* (*Words of My Perfect Teacher*), Patrul Rinpoche writes,

In the *Sutra of Sublime Dharma of Clear Recollection* (*dam pa'i chos dran pa nye bar bzhaḡ pa'i mdo*), it is said that one will repay any life one takes with five hundred of one's own lives, and that for killing a single being one will spend one intermediate kalpa [i.e. aeon] in the hells. . . .

Indeed, unless you have the power to resuscitate your victims on the spot, there is no situation in which the act of killing does not defile you as a negative action. You can also be sure that it will harm the lives and activities of [one's] teachers. (1998, 111)

Buddhists know that they should seek to avoid violence and killing. In the context of war, they might nonetheless be drawn into defensive fighting in order to protect their country or community. Elizabeth Harris, reflecting on early Buddhist texts, writes:

That [even] lay people should never initiate violence where there is harmony or use it against the innocent is very clear. That they should not attempt to protect those under their care if the only way of doing so is to use defensive violence is not so clear . . . The person who feels violence is justified to protect the lives of others has indeed to take the consequences into account. He has to remember that he is risking grave consequences for himself in that his action will inevitably bear fruit . . . Such a person needs to evaluate motives . . . Yet that person might still judge that the risks are worth facing to prevent a greater evil. (Harris 1994, 47–48)

In summary, from a Buddhist view, violence is wrong but understandable in certain circumstances. Even in such circumstances, killing is seen to arise from some mix of greed, aversion and delusion. Because of this it is also seen to plant seeds in the psyche that will naturally mature into unpleasant experiences and other results in the future for those that did the action (Gethin 2004, 2007, 70–71). This means that violence, even when associated with a good intention, bears some negative karmic consequences which have to be weighed against the consequences of not acting.<sup>11</sup> Thus, as Peter Harvey writes,

Buddhist combatants surely have a strong motive to limit the effects of their military violence in accord with IHL principles of distinction, proportionality and precaution. Both Buddhism and IHL aim to minimise harm and suffering, and while armed conflict will of course bring some of these, both Buddhist principles and IHL surely agree: the less, the better. (Harvey 2021, [forthcoming](#))

Buddhism recognised and warned against the problem of amorality on the part of those who do not accept the fundamental principle of karma: that what you do *matters*.<sup>12</sup> Consideration of the karmic consequences of harmful actions highlights that Buddhism sees this as arising in an automatic way, which need not, though of course can, involve external enforcement. This is – in principle – self-regulatory, an important quality in often anarchic conflict zones where government can break down or lack reach, and IHL rules are therefore difficult to enforce. The greater the degree to which IHL rules or equivalent Buddhist principles are internalised by combatants, the greater the chance that they will follow them in challenging and highly stressful conflict situations. As will be discussed further below, however, Buddhism does not rely only on self-regulation but advocates a system of reporting, assessing and – where necessary – punishing suspected breaches of expected conduct, both within its own monastic community and in society in general.

### Intention and gradations of killing

A number of texts indicate that the negative karmic consequences of deliberately killing or harming a living being are worse when the violence is excessive, such as cruel acts in war. The *Dhammapada* vv. 137–140 identifies the seriousness of the effects if the victims are unarmed or otherwise innocuous, showing close correspondence with IHL rules which protect civilians and combatants who are *hors de combat* (i.e. out of action):

He who inflicts violence on those who are unarmed, and offends those who are inoffensive, will soon come upon one of these ten states: Sharp pain, or disaster, bodily injury, serious illness, or derangement of mind, trouble from the king, or grave charges, loss of relatives, or loss of wealth, or houses destroyed by ravaging fire; upon dissolution of the body that ignorant man is born in hell. (translation Buddhharakkhita 1985)

Buddhism also ranks degrees of killing according to both the underlying intention and the effort behind the act. While those who are unarmed and vulnerable should not be harmed, Buddhism also states that the more virtuous the person, the more problematic it is to harm them (Harvey 2000, 52).<sup>13</sup> There is a list of the five most heinous actions, called *anantarika-karma*, ‘acts without interval [before the results take effect]’, so called because they lead to inevitable rebirth in hell in the next life immediately after death in this one. Four of these five concern killing – or, in the case of the Buddha,

attempting to kill – virtuous people: killing one’s mother or one’s father (i.e. those who gave one the opportunity of human life), killing an Arahāt (enlightened individual), or spilling the blood of a Buddha.<sup>14</sup> Here is what the fifth-century commentator Buddhaghosa says on the subject of the effect of both virtue and effort on the severity of the outcome for one who kills:

‘Destruction of a living being’ ... in regard to those without good qualities (*guṇa-*) – animals etc. – is of lesser fault when they are small, greater fault when they have a large physical frame. Why? Because of the greater effort involved. Where the effort is the same, (it is greater) because of the object (*vatthu-*) (of the act) being greater. *In regard to those with good qualities – humans etc. – the action is of lesser fault when they are of few good qualities, greater fault when they are of many good qualities. But when size or good qualities are equal, the fault of the action is lesser due to the (relative) mildness of the mental defilements and of the attack, and greater due to their intensity.* Five factors are involved: a living being, the actual perceiving of a living being, a thought of killing, the attack, and death as a result of it. There are six methods: with one’s own hand, by instigation, by missiles, by contrivance (trap or poison), by sorcery, by psychic power. (M-a.I.198, translation Harvey; cf. Khp-a.28–29, Asl.97, italics added)

The italicised section is particularly relevant to an army’s or soldier’s action of killing a human.

The importance of the intensity of effort and quality of object relates to the emphasis placed on *cetanā*, intention, in Buddhist moral causality. What determines the nature of the karmic ‘seed’ generated by an action is the will or volition behind it: ‘It is will (*cetanā*), O monks, that I call karma; having willed, one acts through body, speech or mind’ (An. III.415).<sup>15</sup>

*Abhidhamma*, a systematising approach to Buddhist teachings that developed in early Buddhism, seeks to explain causality especially as it relates to ethics and psychology. It understands some form of *cetanā* to be present in every moment of consciousness, and that *cetanā* determines the ethical quality of an action (Bodhi 2010, 80). Actions which are unskilful/unwholesome (*akusala*) are seen as ones that are rooted in greed, hatred and/or delusion, and thus bring unpleasant karmic fruits (Mn.I.47, Harvey 1995, 2010, 2000, 42–43, 46–49). Those which are skilful/wholesome (*kusala*) are seen as ones that are rooted in non-greed (generosity, renunciation), non-hatred (kindness, compassion) and/or non-delusion (clarity of mind, wisdom), and thus bring pleasant karmic fruits. The karmic effects of an act of killing will be worse when the roots are, for example, greed, hatred, anger, revenge or deluded prejudice than if the ill will/aversion involved in any act of intentional killing (Gethin 2007) is associated with the motive of protecting others. According to *Abhidhamma*, even actions linked to altruism that entail killing bring with them a negative underlying intention to

kill. Positive reasons, such as protecting others, will have beneficial karmic consequences, alongside the negative ones that inevitably come from killing.

The discussions of intention and effort, alongside those of the virtue of the victim, suggest that killing a human is always worse than killing an animal. This accords with Buddhist monastic rules (*vinaya*), which stipulate that the penalty for deliberately killing a human is expulsion from the Sangha, one of only four offences that invoke this penalty. Meanwhile, killing an animal is only a lesser *vinaya* offence. However, Chinese *vinaya* master Daoxuan 道宣 (596–667 CE), drawing on *vinaya* commentaries and treatises, emphasises that even though killing an animal is a lesser offence according to *vinaya*, the karmic consequences may nonetheless be more severe:

Daoxuan concludes that killing even an ant with evil intent (*hai xin* 害心) is worse than killing a human being with compassion (*ci xin* 慈心). ... [T]he state of mind of the killer is crucial here ... He asserts that maliciously killing the ant will generate a more severe karmic effect than benevolently killing a human. ... '[S]ince there is no shame and not even a beginning of repentance, this is a non-benevolent state of mind ... As for the third [*pārājika*] rule on killing ..., killing a perverted person is a lighter [offence] than killing an insect or an ant. The reason for this is that such a person is polluting the world and causing a lot of damage'. (Heirman 2020, 32–33)

## Is compassionate killing possible?

When Daoxuan refers to killing with compassion, given his assessment of the killing of a human in terms of the harm that individual causes, he may well have had in mind a story found in the *Upāya-kauśalya Sūtra*. The *Upāya-kauśalya Sūtra* is a famous Mahāyāna text, often cited by philosophers of different Mahāyāna Buddhist schools, as well as by modern scholars, when addressing the question of whether the compassionate killing of a human being without an unskilful state of mind is possible, and whether it is therefore possible to kill and yet avoid a hellish rebirth. As such, it represents a re-evaluation of earlier teachings on the subject.

The name of the *Upāya-kauśalya Sūtra*, 'The Skill-in-Means Sūtra', indicates that it concerns the notion of strategy (*upāya*) or, more fully, skill-in-strategy (*upāya-kauśalya*), often translated as 'skill-in-means'. Skill-in-means refers to skilfully attaining a goal, including by undertaking an otherwise ethically dubious action, such as lying or killing, because it leads to the best overall spiritual outcome of all involved. In the *sūtra*, the Buddha-to-be (*bodhisattva*) is a sea captain called Great Compassion on a ship transporting 500 merchants, who are all themselves likewise *bodhisattvas*. In Mahāyāna, the notion of the *bodhisattva* was broadened, to encompass everyone as having the potential to aspire to become a future Buddha. The pantheon also expanded,

with the belief in multiple Buddhas existing at any one time. These two interrelated developments led to stories involving not just one *bodhisattva*, as found in the early *jātaka* stories, but many.

In a dream, deities inform the Captain Great Compassion that one of the passengers is a murderer intent on killing the 500 merchants. This puts him in a dilemma: if he tells the passengers, they may react by murdering the would-be murderer, an act of bad karma leading to hell and interrupting their spiritual progression; if he does nothing, the *bodhisattvas* will die and the murderer, having committed 500 counts of one of the worse bad actions imaginable, namely killing a *bodhisattva*, will, on his own death, be immediately reborn in hell. The captain comes to the conclusion that although he risks going to hell himself if he kills the would-be murderer, doing so is the best option in order to minimise overall suffering. Accepting his own fate, he proceeds to stab the would-be murderer, killing him, but thereby saving the latter from hell. The now-murdered would-be murderer goes to heaven. The captain, because he has accepted the possibility of hell for the benefit of others, and because his mind is therefore free from unskilful mental states, does not himself go to hell. This represents a shift from the absolutist position of non-violence, found in the earliest strata of Buddhist literature, to a relativist position, which accepts the option of committing violence if it offers the greatest overall benefit for the greatest number of people. This reflects the strong emphasis on the virtue of compassion in the *bodhisattva* path, especially within Mahāyāna. As the *Bodhicaryāvatāra* states, 'Even that which is proscribed is permitted for a compassionate person who sees it will be of benefit' (Bca Chapter V, v. 84; Crosby and Skilton 1995, 41).

Discussions of this and other narrative examples of compassionate killing confirm the possibility that high-level *bodhisattvas* who kill out of a genuine and well-considered concern to reduce the overall level of suffering may in fact kill in a skilful state of mind (Jenkins 2010). Just as there are gradations of killing in terms of the virtue of the victim, so too there are gradations in terms of how spiritually advanced the killer is. Because of the underlying intention, killing out of altruism incurs great merit (good action) rather than demerit (Jenkins 2010, 308–310).<sup>16</sup> A number of important Mahāyāna philosophers over the centuries confirm this view, drawing on a range of narrative examples in which someone with good intention kills for the greater good. Tantric Buddhism further believes that high-level *bodhisattvas* may kill and direct the rebirth of their victim such that the victim is reborn in a Pure Land, a kind of paradise established by a Buddha to enable sentient beings to realise Awakening. Above, we looked at the nineteenth-century Tibetan commentator Patrul Rinpoche's teaching against killing in his *Words of My Perfect Teacher*. The passage continues, 'If you are not capable of transferring beings' consciousness to the state of great bliss, you should make every effort to avoid



taking their lives'. This final point emphasises that killing as skill-in-means, as outlined in the *Upāya-kauśalya Sūtra*, is only to be undertaken by the extremely spiritually advanced, capable of ensuring a good rebirth for their victim.

### Responses to military activity: the defence of Dharma argument and compensatory ethics

In the above examples of compassionate killing, the killing directly benefits the spiritual progress of the victim (who has, however, no say in the matter). Spiritual progress is the ultimate arbiter of benefit in Buddhist philosophy, which of course takes the debate beyond the immediate consideration of only a single lifespan and therefore beyond the parameters of IHL. The danger is that such affirmation of killing for the greater good can be misinterpreted as a licence for supposedly superior groups to eliminate less 'enlightened' enemies unencumbered by humanitarian restraint.

Schmithausen suggests that Buddhist ideals of non-violence, respect for the property of others, etc. as codified in the precepts 'might have been quite welcome as a code of conduct for *subjects* (and hence there was good reason for kings to support Buddhism) but not for the rulers' own activity which included execution and the employment of military force for defence as well as conquest' (Schmithausen 1999, 53). Schmithausen thus suggests that rulers encouraged core Buddhist values among their peoples, but themselves pursued codes of conduct that advocated violence in shaping their governmental and military decisions. Schmithausen further suggests that the awareness of the bad karma of following these codes, and the tension between Buddhist ideals of non-violence and engagement in violence, inspired kings and members of the military to undertake acts of compensatory ethics or merit-making (Schmithausen 1999, 53), i.e. religious actions designed to make up for former harm. The idea is that practising mundane and this-worldly acts of generosity to the Sangha both supports Buddhism and, as good karma, generates karmic benefit or 'merit', *puñña*, for the donor. Such compensatory religious actions seem to have been undertaken throughout the history of Buddhism, according to Buddhist chronicles. Famous exemplars include the third-century Indian king Ashoka (discussed below) and the first-century BCE king of Sri Lanka Duṭṭhagāmaṇī, whose regret at harm done during warfare is described in a passage in the fifth-century *Mahāvamsa*. Compensatory ethics continues to be practised to this day, most visibly by some modern military figures and their families.

Compensatory ethics often takes the form of generosity (*dāna*), for example by offering food and other requisites including religious buildings to the Sangha. *Dāna* is one of the 10 wholesome or meritorious actions and the beginning point of the 10 perfections of the *bodhisattva*. Those cynical about

such conduct might point out that *dāna* is only one Buddhist value among many, and can be very much this-worldly and even self-centred; ethical discipline (*sīla*), contemplative life, commitment to non-violence and compassion are also Buddhist values. In 'Anchored by Skillful Roots', Thānissaro (2003) says:

If your survival is accomplished without generosity, without virtue, without meditation, it's not worth much. It's not the sort of survival that keeps you healthy and well-nourished. You look at survivors of war, who had to go and kill and steal and cheat and bomb, and then go into a lot of denial about it. Look at all the veterans of past wars, emotionally scarred for life. They did survive, but at a huge cost, the cost of the skillful roots in the mind. It's by nourishing the skillful roots that the health of the mind survives.

Some, then, in the context of uncertain political situations and daunting realities, see the use of force as an unfortunate necessity, and might seek to compensate for the bad karma by acts of generosity, including in the form of humanitarian relief. While Buddhism does not accept the idea that good karma cancels out bad karma, one may influence which karma comes to fruition first. Doing compensatory good may lead, through the fruition of that good karma more immediately, to a better life and rebirth, which in turn make future good action and thus one's spiritual progression easier, despite the inevitable fruition of the bad karma. However, for some, the use of compensatory merit-making is hard to accept either because they hold an absolute pacifist interpretation of the Buddha's teachings or because of the risk of manipulating such teachings to justify action undertaken for other, or mixed, reasons. Either way, Buddhism enjoins us to minimise the violence and suffering of armed conflict as far as possible once wars break out, for the benefit of all those involved. It developed guidance for rulers specifically to seek to minimise the effects of war and the abuse of power.

### The Buddhist ideal of rulership and statecraft

The Buddhist ideal ruler is the non-violent *cakravartin* ('Wheel-turning', Pali *cakkavatti*) monarch who rules according to the ethical principles of the Dharma. He is himself ruled by Dharma (An.III.149). The concept of such a ruler is first found in the Pali Canon in the *Cakkavatti-sīhanāda Sutta* (Dn.III. 58–79).<sup>17</sup> While he displays great power and has an army, a *cakravartin* discards military conquest, winning over potential enemies because of his ability to rule justly. The Buddha said that he had been a *cakravartin* monarch in some of his past lives, conquering the entire world without recourse to weapons (An.IV.89–90, cf. Dn.I.88–89; Dn.III.59). We can perhaps

relate this mythical ideal to the concept of soft power, or of humanitarian pressure nevertheless backed up by hard power. Guidance given to such a ruler in that text includes:

(1) Depend on Dhamma, ... (2) arrange shelter, protection and defence for your family, army, [and other dependents in the realm including] ... for animals and birds. (3) Preventing wrongdoing in your territory; (4) Provide for the poor. (5) Seek advice from spiritual practitioners recognised for their own restraint asking them, 'What is wholesome and what is unwholesome? What is blameworthy and what blameless? What is to be practiced and what not? Doing what would lead to suffering and harm for me in the long run? Doing what would lead to happiness and benefit for me in the long run?' and acting on that advice. (Dn. III.61, numbers added, translation adapted and abridged from Collins 1998, 604)

In other words, temporal authorities should not only behave in accordance with Dharma, but also take counsel, taking time to seek guidance on the most wholesome/skilful course of action from those known to behave ethically. While the *Cakkavatti-sihanāda Sutta* initially talks of the responsibility of a government, when moral order in time breaks down completely, it is ordinary people who are alarmed on ethical grounds at this, which leads them to restore order. According to B. G. Gokhale, Buddhism contributed to Indian political theory 'the acceptance of a higher morality as the guiding spirit behind the state' (1966, 22). This relationship between Buddhism and ideal governance means both that Buddhism should be very open to the idea of IHL rules as norms followed by majority-Buddhist states, and that we can find material specifically relevant to Buddhist notions of how kings should conduct themselves in relation to war.

The Buddha seems to have been satisfied with outlining the foundational principles of ethical behaviour for rulers rather than producing a set of explicit rules on how to behave, including in a war, which could have diluted the Buddha's ideal of non-violence (Schmithausen 1999, 51). Nevertheless, a host of Buddhist ethical principles concerning minimising suffering and loss of life in armed conflict between states can be gleaned from the *jātaka* stories. Found in all Buddhist traditions, these tell of previous lifetimes of the Buddha when he as reborn as kings, ministers or advisors to kings, soldiers, war horses and war elephants, among others, whose heroism, skill and restraint in warfare enabled them to defeat the enemy with minimal loss of life (Jenkins 2017). Since the core stories of *jātaka* literature are set in the lifetimes before the Buddha attains enlightenment, they explore the world of *samsāra*, and deal with topics that are relevant not only to monastics, but also to lay people. They represent key aspects of the Buddhist ethical vision relating to complex practical realities, including the conduct of war, complementing the principles found in the *sūtras* and other texts. As in many cultures, complex practical realities are best taught through narratives such as the *jātaka* because they seek to

convey the nuance of real situations and the struggles we often face when weighing alternatives, handling doubts and fulfilling conflicting expectations. At the same time, the conduct of the Buddha-to-be – the *bodhisattva* – in such stories often represents a level of spiritual development far beyond that of ordinary people, perhaps limiting his use as our exemplar as well as when trying to assess contemporary conduct.

In the *Asadisa Jātaka* (no. 181, Jat.II.87–90), Prince Asadisa has a strong reputation as an effective warrior, and prevents several kings attacking the weaker king of Benares by warning them that he would come to his assistance and defeat them if they did so. This averts a war which would have resulted in heavy loss of life. The *jātaka* concludes: ‘Thus did our Prince put to flight seven kings, without even shedding so much blood as a little fly might drink’ (Jat.II.90). In the *Kusa Jātaka* (no. 531, Jat.V.247–311) King Kusa, who is the *bodhisattva*, defeats seven kings who had attacked his father-in-law, King Madda. Although Madda then says that Kusa may kill all seven rival kings, Kusa instead chooses to form alliances with them through the traditional method of intermarriage, by arranging for them to be married to his wife’s sisters (Jat.V.311).

The *Mahā Ummagga Jātaka* (no. 546, Jat.VI.329–478)<sup>18</sup> relates the story of the *bodhisattva* who had been reborn as Mahosadha, a wise counsellor to King Vedeha. Brahmadatta, a powerful neighbouring king, plans to capture King Vedeha’s kingdom by armed force, on the advice of his own counsellor, Kevatta. Kevatta’s plan is first, through deception, to unite 100 weaker kings against Vedeha, and then poison them, to remove possible rivals. Mahosadha, through his network of espionage, becomes aware of Kevatta’s plans, and although the 100 kings were adversaries, he very skilfully spoils the plot of Kevatta to kill them by poisoning. A later plan of Kevatta is to offer Brahmadatta’s daughter in marriage to king Vedeha, but have him killed when he comes to marry her. Again, Mahosadha’s informants warn him. He carefully plans an ingenious strategy to save the life of King Vedeha and in the end frustrates the military ambitions of King Brahmadatta, doing the least harm to life and property. Finally, King Vedeha succeeds in obtaining Brahmadatta’s daughter in marriage, and the skilful and wise strategies adopted by Mahosadha result in the cessation of all hostilities and the prevention of colossal loss of life, with new bonds of friendship flourishing among all the kings. Although the prevention of conflict as such falls outside the remit of IHL (and is more a matter for the *jus ad bellum*), it nevertheless reflects a general Buddhist concern to minimise and prevent the suffering that arises from armed conflict.

In the *jātaka* stories, the *bodhisattva* offers explicit guidance on how to rule: ‘Great king, a true king . . . rules his own kingdom according to the ten norms of a king (*dasa-rāja-dhamme*), without anger, in accord with Dharma, even-handedly’ (Jat.III.274, Jat.V.378). Deegalle identifies the 10

norms then listed as ‘ten guiding principles for those in government’ (Deegalle 2017a, 25). They are: (i) generosity (*dāna*), (ii) ethical discipline (*sīla*), (iii) self-sacrifice (*pariccāga*), (iv) honesty and integrity (*ajjava*), (v) gentleness (*maddava*), (vi) self-control (*tapa*), (vii) non-anger (*akkodha*), (viii) non-injury (*avihiṃsā*), (ix) forbearing patience (*khanti*) and (x) ‘non-opposition/non-obstruction’ (*avirodhana*) to the wishes and welfare of the people.<sup>19</sup> Several of these can be seen to promote the avoidance of war, humane conduct if it is waged, discontinuance of hostilities and non-infliction of further suffering upon the defeated by the continued use of military force.

A canonical text of the no longer extant Lokottaravādin school of Buddhism, the *Mahāvastu* (Mvs.I.274–277), adds some additional relevant guidelines for kings: to arbitrate disputes with impartiality; to admit large numbers of immigrants; to cultivate friendship with neighbouring kings; and to act justly with circumspection.

Later Buddhist texts continue to provide guidance to kings, and many of these are realistic about the actual use of force. Two works in the form of letters ascribed to the great Madhyamaka philosopher Nāgārjuna (150–250 CE), the *Ratnāvalī* (‘The Precious Garland’ or *Ratnamālā*) and *Suhrllekhā* (‘Letter to a Friend’), contain many valuable ethical principles for the edification of kings. ‘The Precious Garland’, is addressed to a young ruler of the Sātavāhana Empire:

255. Whatever is reported by your ministers, you should find out about everything by yourself. Always do everything in a way that is beneficial to the world.

256. Just as you care to think ‘What shall I do to benefit myself?’, in the same way should you care about thinking what to do to benefit others. ...

323. As ministers, appoint people who know the social tradition and follow the Dharma; who are gentle, pure, faithful, and non-malicious; who are of good family, perfect demeanour, and are grateful (to you).

324. As army commander, appoint someone who is magnanimous, free of attachment, courageous, gentle, reliable, ever-conscientious, and is a follower of Dharma. ...

327. If your governance is for the benefit of Dharma rather than for the sake of fame and greed, then it will be very fruitful – otherwise it will not. ...

329. You should gather around you many (advisors) of good family who are old in experience, who know the custom, abstain from evil, and who can perceive what must be done. (Translation by Tamas Agocs, in Harvey 2018, Chapter 4, v. 12)<sup>20</sup>

The first of these, to ‘find out everything by yourself’, implies that during an armed conflict a government should not just accept the self-justifying accounts of those involved in potential violations. The desired attributes of

the army commander outlined in the fourth verse are relevant to the qualities that ensure a commander and those under him conduct themselves with restraint.

The *Ārya-satyaka-parivarta* is another early Mahāyāna text which offers guidance to kings, emphasising that victory should only be sought to protect the people, and the need to minimise loss of life. Perhaps influenced by the edicts of emperor Ashoka (to whom we return below), the *Ārya-satyaka-parivarta* has been influential in Tibet (Asp.8, 46; 206–208).<sup>21</sup> Similarly, the *Humane King Sūtra* (*Renwang huguo banruo poluomiduo jing* 仁王護國般若波羅蜜多經 [T8.246]), probably of Chinese origin, is recited in Chinese Buddhist temples even in recent history to bless the government and the country. It addresses rulers rather than monks or lay practitioners, giving advice on how to govern a state according to Buddhist principles, in peace and war, and it likewise highlights benevolence, patience and humaneness as key virtues for an ideal ruler.<sup>22</sup>

Otherwise, the example of a bad ruler is recognised as very corrosive. In the *Anguttara Nikāya* (An.II.74), it is recognised that when a king acts in an unethical (*adhammika*) way, this influences his ministers to do likewise, and this influence then spreads to brahmins and householders, and on to townsfolk and villagers. That is, rot at the top can easily spread downwards through the whole of society. This is relevant to judging state actors who order, encourage, facilitate or condone the atrocious use of force, including during armed conflict.

### The Buddha's relationship with rulers

Stories of the Buddha engaging with kings who do resort to violence are found in the early canon. King Pasenadi, one of the Buddha's supporters, is presented as a reflective person who was periodically involved in defensive wars (e.g. Sam.I.82–83 and 83–85). When Pasenadi is defeated by his aggressive nephew Ajātasattu, the Buddha says: 'Victory breeds enmity; the defeated one sleeps badly. The peaceful one sleeps at ease, having abandoned victory and defeat' (Sam.I.83; Dh.p.201). In other words, the Buddha reflects on the unresolved problems of war and the advantages of having left the world of conflict behind. When the tables are later turned, with Pasenadi victorious, the Buddha says: 'The conqueror gets a conqueror ... Thus by the evolution of karma, he who plunders is plundered' (Sam.I.85). This does not justify violence even in defence, but points out that one lot of aggression can lead to another. Thus, aggression is discouraged and seen as having natural karmic consequences, a teaching which is designed to limit such a spiral of vengeance.

The war between Pasenadi and Ajātasattu continues because Pasenadi seeks to be punitive towards those he has defeated by confiscating his enemy's army.<sup>23</sup> Khantipalo comments:

The Buddha saw how fruitless would be Pasenadi's action in confiscating the army of his troublesome nephew. The effect that it had was to harden Ajātasattu's resolve to conquer Kosala. In our times the huge reparations demanded of Germany after the First World War is another good example – our revenge is followed by their revenge as seen in Hitler and the Second World War. (Khantipalo 1986, 14)

Unless there is a reconciliatory attitude in a post-war situation, the Buddha shows that enmity of the defeated grows, creating the potential for further conflicts. This might have implications for how Buddhism would suggest IHL violations are avoided and dealt with – and for its relationship to *jus post bellum* more generally.

Elizabeth Harris detects an ambivalence in the story of the Buddha's interaction with Pasenadi (1994, 18). The Buddha never directly criticises Pasenadi for his involvement in warfare, just as he is not critical of the deity Sakka, who rules the good deities in their conflict with the evil *asura* demi-gods. He even describes Pasenadi as a 'friend and companion to those who are good (*kalyāṇa*)' after Pasenadi has engaged in defensive fighting. Overall, Pasenadi is presented as a conflicted king, one who seeks to do what is right but is caught up in the duties of kingship and the realities of conflict. This dilemma is reflected elsewhere in the Pali Canon, with the Buddha wondering if it is possible to be a king who 'reigns according to *dhmma* [justice, virtue, righteousness], without killing or causing to kill, without conquering or causing to conquer, without grieving or causing to grieve' (*Rajja Sutta*, Sam.I.116–117).

Though the *Rajja Sutta* may be taken as indicating the Buddha's misgivings about the pitfalls of temporal power, since he then rejects the suggestion by Māra that he could remain in *samsāra* to be just such a just and righteous king, the necessity of kingship or strong governance is reflected in the myth of the first king, found in the *Aggañña Sutta*, 'The Discourse on Origins' (Dn. III.80–98). There, after problems arising from inequalities and greed descend into violence, the people elect the most virtuous member of society to be king in order to restore and maintain law and order. Overall, while repeatedly valorising the path of the renouncer, the Buddha accommodates the realities of the duties of kings and their subjects. Relatedly, he recognised that soldiers were obliged to serve the state and were not free to desert, so he made it a rule that a soldier could not ordain as a Buddhist monk without first getting a discharge from his military duties (Vin.I.73–74).

## Historical exemplars of Buddhist rulership

The Emperor Ashoka (Pali Asoka, Sanskrit Aśoka) of the Mauryan dynasty, who ruled much of South Asia in the middle of the third century BCE, is the most important historical exemplar of the ideal Buddhist king. What makes Ashoka stand out from other royals is his robust transformation after his regret of the horrors of war, and the policies he subsequently implemented that might have generated far-reaching benefits to all those within his sphere of influence, not confined to a specific group. Both the inscriptions he left behind and Buddhist narratives handed down over the centuries identify him as being an important patron of Buddhism, while being supportive of other religious traditions, and turning his back on violence. In particular, one of his inscriptions describes his regret at the huge death toll of 100,000 casualties and other suffering caused by his war of expansion in the Kalinga region (modern Orissa in eastern India, Nikam and McKeon 1959, 27–30). He then determines to rule by Dharma rather than violence and sends missionaries of Dharma to neighbouring regions.

As such, he was not only perhaps the most striking example in recorded history of a ruler abandoning war, but largely responsible for the propagation of Buddhism across Asia (Gombrich 2015). The *Samantapāsādikā*, a fifth-century commentary on the *vinaya*, describes Ashoka's horrified regret when a minister, whom he had sent to sort out problems within the Sangha, becomes punitively violent, executing some of the monks (Gethin 2012, 24–25). The narration provides a protocol for the involvement of rulers in the Sangha: they can help purify the Sangha, send out missions and offer sponsorship, but violence, even to monks ejected from the Sangha for wrongdoing, is inappropriate.<sup>24</sup> Ashoka did not renounce violence entirely, and maintained a standing army following his conversion, presumably for defensive purposes, warning recalcitrant hill-tribes that he retained 'the power to punish, despite his repentance [for those killed in battle] in order to induce them to desist from their crimes and escape execution' (Florida 2013, 335). While some of Ashoka's policies and post-war rhetoric may have been judicious statecraft to pacify subjected peoples, nevertheless, the *cakravartin* role model as enacted by Ashoka after his conversion remains the ideal in Buddhism to this day.

Historically, although Buddhist ideals have often influenced kings in Buddhist countries, there have been notable examples where this has particularly been the case. King Sirisannabō (Pali Siri Saṅghabodhi) of Anuradhapura in Sri Lanka, who reigned around 247–249 CE, is a case in point, following the precepts and epitomising the principle of non-violence in his personal life and statecraft, refusing to execute criminals or use force against rebels. Forced into exile in the forest when the opposition from a close contender became unendurable, he eventually made the ultimate sacrifice, severing his own head to give to his fierce opponent (Mvm.36.73–97; Deegalle 2014, 581–583, 2017a, 42–46). A different example of virtuous statecraft comes from Thailand in the form of King Naresuan



(r. 1590–1605). Victorious despite betrayal by his generals on the battlefield during a Burmese attack on Ayutthaya, he consulted the chief monk as regards their punishment. The monk advised, '[T]hese events occurred merely to make manifest the miraculous nature of my Lord's honour', and King Naresuan demonstrated his adherence to Buddhist teachings by forgiving them (Deegalle 2014, 586–588). These are certainly not the only examples of kings following Buddhist ideals and implementing them in the statecraft. The difficulties encountered by King Sirisanngabō in implementing non-violent and caring policies in his statecraft raise important questions of whether it is an unrealistic way to govern or, rather, if it offers a confirmation that violence and conflict can emerge in any society at any time when individuals are not fully committed to the noble principles of non-violence.<sup>25</sup>

### Being a Buddhist and a combatant

Whereas IHL does not opine on the ethics of being a combatant except as needed for compliance with the law, Buddhist texts do consider this matter. In the *Yodhājīva Sutta*, a warrior, literally one who fights for a living (*yodhājīva*) – the text does not differentiate between a professional soldier and a mercenary – asks the Buddha whether he will go to heaven if he dies in battle. His questions reflect an idea found in some Hindu texts that there is a special heaven for warriors who die in battle. Reluctantly, the Buddha explains that such a person is actually reborn in a hell or as an animal, insofar as he dies with his mind in a misdirected state, wishing the death of others:

Yodhājīva the Mercenary/[warrior] approached the Blessed One, paid homage to him ... and said to him: 'Venerable sir, I have heard it said ... "When a mercenary [warrior] is one who strives and exerts himself in battle, if others slay and finish him off while he is striving and exerting himself in battle, then with the breakup of the body, after death, he is reborn in the company of the battle-slain devas [gods]". What does the Blessed One say about that?' ... 'Surely, headman, I am not getting through to you when I say, "Enough, headman, let it be! Don't ask me that!" But still, I will answer you. When, headman, a mercenary [warrior] is one who strives and exerts himself in battle, his mind is already low, depraved, misdirected by the thought: "Let these beings be slain, slaughtered, annihilated, destroyed, exterminated". If others then slay and finish him off while he is striving and exerting himself in battle, then with the breakup of the body, after death, he is reborn in the battle-slain hell. ... [And for a person who holds the wrong view that they go to heaven], there is one of two destinations: either hell or the animal realm'. (Sam.IV.308–309; Bodhi 2003, 1334–1335)

The Buddha says the same when questioned by an elephant warrior (*hatthāroha*) and a cavalry warrior (*assāroha*) (Sam.IV.310). The question is not about his state of mind when dying. Wilfully killing someone is – according to the detailed analysis of psychological causality provided by

Buddhist *Abhidhamma* – always the result of unwholesome/unskillful intentions rooted in hatred and/or delusion. It can never be the result of purely wholesome intention (Gethin 2004, 175). It is for this reason that, even if killing is motivated by a desire for a better overall outcome, or altruistic reasons, it cannot, according to early Buddhism, be carried out without some negative karmic consequences. As we saw when examining the later concept of *upāya*, or skill-in-means, in the Mahāyāna text the *Upāya-kausālya Sūtra*, even the advanced *bodhisattva* must accept the possibility of hellish consequences for his altruistic act of killing – this acceptance itself being the cause, in such narratives, of the altruistic killer avoiding hell. The consistency of these teachings undermines recent attempts to reinterpret the *Yodhājīva Sutta* as being about the overall motivation behind the killing rather than the act itself.<sup>26</sup> For *Abhidhamma*, killing always proceeds from unskillful intention. That said, it makes sense that motivation and specific intention when killing in battle will affect the intensity and duration of a consequent bad rebirth.

The influential fourth-century scholar-monk Vasubandhu indicates that the responsibility for killing is shared by all the soldiers in an army (Akṣ.IV.72c–d). When one person orders another person to do something, Buddhism is clear that both the orderer and the ordered are responsible for the action, and one may be reborn in hell for a wrong committed even at the king's behest (Mn. II.188; Harvey 1999, 280). Of the two, of course, the orderer has the greater responsibility. The ordered, though, has a responsibility not to obey immoral (or illegal) orders. This is absolutely in line with IHL's emphasis on the individual soldier's responsibility to disobey illegal orders, for example to kill civilians.

This conflict between obeying orders to attack the enemy and the karmic consequences of breaking of the first precept is a major preoccupation of Buddhist combatants. Sunil Kariyakarawana (2011, 7), the Buddhist chaplain to HM Forces in the UK, quotes a Buddhist who is a lieutenant colonel in the British Army:

What we cannot have in the military is a situation where our soldiers/officers hesitate on the battlefield . . . . Of course, I am not suggesting that we blindly follow orders if those orders are illegal, but then all soldiers are taught this in any case. If an order is illegal then it is a different thing. So, in my opinion, this is why I personally frequently contemplate my position.

- Do I trust that my Government are correctly motivated in their considerations over the use of their Armed Forces?

- Does our Army still function in as humanitarian manner as possible?

- Do I think that we are still acting as a force for good in what we are doing?

If I can truthfully answer 'yes' to all these then I am content that I can remain in this profession, but it is a personal decision . . . . If I have doubts over any of these questions then I would have to leave.

But one thing is for sure: if I have remained in the Army and the time comes for me to carry out or give an order that involved taking life, then I must do so, but in full mindfulness about that decision, and with full cognisance as to the karmic consequences. But I must not hesitate. The decision about my profession must be made before I am in that situation. On the battlefield is not the time to make such considerations.<sup>27</sup>

Of course, the role of a soldier involves many kinds of tasks, including peace-keeping duties, providing help during civil emergencies, and offering protection through deterrence. The shared responsibility also implies that when an army performs a good action such as protecting people or helping in a humanitarian emergency, then all members of it share in some of the good karma of this. A member of an army, then, has a stake in that army acting in as moral a way as possible. Yet, sooner or later, it is likely to be involved in maiming or killing people, or supporting others who do this. From a Buddhist perspective, killing or harming always produces negative karma, while some Mahāyāna texts offer the extremely rare exception, discussed above, of the highly advanced *bodhisattva*.

In practice, we see the engagement of Buddhists, even of monks, in military action, and there are parallels between monastic and military discipline. For centuries, martial arts (discussed in more detail below) have been on the curriculum of monasteries in several parts of the Buddhist world, most famously at the Shaolin temple in China. While the skills of Shaolin warrior monks were put to use in military campaigns of Chinese rulers, their explicit purpose was in part self-protection and in part the protection of others, an example of the latter being their famous defence in the sixteenth century of coastal peoples from attack by Japanese pirates. Nonetheless, in the history of East Asia, we even find examples of Buddhist monks turning into mercenaries. For instance, in medieval Japan, the Sōhei were warrior monks who protected their temples from other Buddhist schools, but they also became mercenaries hired to defend the property of aristocratic families (Adolphson 2007).

In the modern period both Chinese and Japanese monks and ex-monks served in the army, with both sides claiming to protect the true Dharma against the other (Victoria 1997, 2003). The adaptation of earlier teachings to address the tension of being a monk and soldier during this time is highlighted in the following interview from the autobiography of the Chinese monk Zhenhua (Chen Hua 真華 1922–2012):

‘What happens to your compassion if we go into battle? Would you fire your rifle at the enemy?’

‘I would’, I answered without a moment’s hesitation.

‘Doesn’t that run counter to your idea of compassion?’

'A soldier is duty-bound to kill the enemy in order to protect his country. Since I am a soldier, that is my duty too. At the same time, killing one man in order to save one hundred is, in Mahayana Buddhism, an act of expedient mercy. If we kill a small number of evil men to save a large number of good men, we are not acting contrary to compassion', I replied. (Hua 1992, 210)

Zhenhua's response clearly references the *Upāya-kauśalya Sūtra*, which we examined above, in which the *bodhisattva* saves the lives of 500 by killing one. Zhenhua is therefore implicitly claiming the status of an advanced *bodhisattva*.

The living practice, then, has shown some variation from the prescriptions and ideal found in early Buddhist texts; these developments were results of local processes of textual and doctrinal interpretations under specific social and political pressures. While looking back at past events and rhetoric allows us to see such statements within a political context and historical moment, the realities of the lived present will often raise the necessity of making morally significant decisions that may run counter to such ideals. As Bhikkhu Bodhi writes,

[T]he complexity of the human condition inevitably presents us with circumstances where moral obligations run at crosscurrents. In such cases, I believe, we must simply do our best to navigate between them, rigorously examining our own motives and aspiring to reduce harm and suffering for the greatest number of those at risk. (Bodhi 2014).

This means that despite the ideal of non-violence, there is a need to accept the reality of violence in order to apply principles that reduce suffering within combat situations.

### The values of Buddhist combatants

Throughout history one can find armies and non-state armed groups in Buddhist-dominated countries and regions, with large percentages of combatants identifying as Buddhist. There are also Buddhist members of militaries in other parts of the world. Given that some of the qualities of an ideal soldier, who seeks to protect others even to the point of self-sacrifice, and the perfections to be realised by a *bodhisattva* show some overlap (see below), becoming a soldier may be attractive to a deeply committed Buddhist, even for armies not formed through conscription.

The relationship between the army and the Sangha varies, but where Buddhism is part of national identity, it can be close. In Thailand, for example, army officers are integrated into all of levels of Thai society, having access to higher echelons of the Sangha. All men of eligible age who are not monks

either volunteer or are required to enter the lottery for national service, resulting in conscription periods of six months to two years, with the shorter times being allocated to those who volunteer or have higher education.<sup>28</sup>

While military service is not compulsory in Sri Lanka, high-profile monks often opine on matters that involve the military, and there is a Buddhist temple in Panagoda that is maintained by the Sri Lankan Army. Monks living close to army barracks as well as popular preachers who live elsewhere are often invited to deliver sermons to soldiers on special days of celebration such as Vesak and anniversary days of the military. Daniel Kent has analysed the sermons given to soldiers on such occasions (2010). The monks do not justify killing, and mostly do not say that there is no bad karma in a soldier's killing someone – which they are often asked about by soldiers. Rather, they

- Counsel that the intention (*cetanā*) of killing is to be set beside the intention of protecting one's comrades, the nation, and Buddhism (see also King 2013, 646–647). Only a minority of monks see this as negating the evil involved in killing (Kent 2010, 165), but it is seen by most to help minimise it, and for a soldier, their primary duty relates to these concerns (Kent 2010, 162; see also Bartholomeusz 1999, 2002).
- Guide the soldiers on how to stay calm and avoid anger even in battle. This is to avoid the adverse outcomes of panic and anger, which can include becoming more violent than they need to be, or indiscriminately violent; that is, their use of violence should be minimised and regulated (see also King 2013, 647–648). Innocent civilians should not be killed, nor animals (Kent 2010, 172), and soldiers should not act out of revenge.
- Teach that being mindful of actions and the situation will also help.
- Encourage the doing of positive acts (good karma) that will generate merit, seen by Buddhism to help dilute the demerit generated by the bad karma of killing, and to share this merit with the dead.

Though Kent does not expand on this in terms of potential applications, they all have the potential to heighten restraint and thus enhance compliance with IHL by ensuring, for example, that the intention is to protect non-combatants as far as possible. Undertaking compensatory positive acts could include helping, or at least not preventing, medical and other humanitarian aid getting through or allowing the 'enemy' to reclaim their dead and perform their last rites.<sup>29</sup>

The sermons recorded by Kent identify a number of qualities valued in Buddhism that can also be of benefit to combatants. Other such qualities are compassion and concern for those without protection, generosity of spirit and helpfulness. Self-sacrifice or renunciation (*tyāga*) and energy or perseverance (Sanskrit *vīrya*, Pali *virīya*), a term which is related to 'virility' and hence manliness and courage, are two of the 'perfections' developed by the

*bodhisattva* shared with the values of an ideal soldier. *Viriya* is also included in another set of qualities fostered by Buddhism, known as the ‘five faculties’, the other four being faithful trust in the three refuges, more broadly in the value of moral actions, and trust in good people; mindfulness; calm concentration; and wisdom. Of these qualities, those of energetic mental strength and calm concentration are particularly helpful to members of the armed forces. These two qualities, though, are seen in Buddhist psychology as ethically variable. For example, suicide bombers probably need courageous mental strength, and bank robbers may need good concentration. What makes such qualities good ones, according to Buddhism, is their association with faith, mindfulness and wisdom, so that they are rightly guided and applied. One could say that the goal must be right, wisdom must guide how it is approached, and the quality of mindfulness is crucial. This includes aspects of alert attentiveness and situational awareness that are crucial for combatants to behave ethically in the heat of battle.

In Buddhism, while killing in anger is bad, so too is killing in a calm and concentrated way, without compunction, as might perhaps be done by a sniper, or the controller of a drone weapons platform. At the moment when such a person kills, Buddhism would regard them as being in a state of wrong concentration, without a mindful connection to Dharma values. That said, their actions also require being carefully mindful of who *not* to kill. This aspect can be seen as in line with Dharma values. Here, then, it is the ethical basis that ensures that a combatant’s actions are in accordance with the IHL principles that regulate the conduct of hostilities: distinction, proportionality and precaution.

Buddhism values and seeks to cultivate determination, patience, non-anger, self-control and equanimity. Self-discipline is important, as shown for example in right effort, aimed at overcoming greed, hatred and delusion and cultivating their opposites. Here there may well be some overlap with the discipline that is cultivated in the military. Both include living by values and rules; Buddhist monks, for example, follow over 200 disciplinary rules. Both include an emphasis on patiently enduring difficult things, and not giving way to surges of emotion. Sometimes, the struggles of a monk against temptations are likened to the struggle of a soldier in battle (An.III.89–93), and the Buddha advises King Pasenadi that, just as the best person for him to employ as a soldier is one who is well trained, experienced and courageous, so it is best to give alms to those monastics who are truly virtuous (Sam.I.98–99). That said, while some of the rules of the military are clearly at odds with some Buddhist ones, Buddhist values may be drawn on to enhance and improve military culture in order to reduce suffering for combatants and others caught up in conflict.

According to IHL, all feasible precautions must be taken by parties to conflict to avoid or minimise as far as possible harm to non-combatants and civilian objects. Just as some aspects of military training are about precaution in the use of force and handling of weapons, so the rules of monastic discipline, the *vinaya*, emphasise deportment, conscious and cautious conduct, and full awareness of one's intended course of action before commencing on that course of action. Minor rules of decorum and care contribute to an overall mental state of habitual precaution.

Enhancing habitual precaution in Buddhism are two attitudes advocated for all Buddhists, which are regarded as highly useful in avoiding misconduct. The two are *hiri*, appropriate shame for wrongdoing, and *ottappa*, remorse over the consequences of wrongdoing. Bhikkhu Bodhi explores these two qualities in an article entitled 'The Guardians of the World' (1993). He writes:

*Hiri* is an innate sense of shame over moral transgression; *ottappa* is moral dread, fear of the results of wrongdoing. The Buddha calls these two states the bright guardians of the world (*sukka lokapāla*). He gives them this designation because as long as these two states prevail in people's hearts the moral standards of the world remain intact, while when their influence wanes the human world falls into unabashed promiscuity and violence . . . (Itiv. 42). *Hiri*, the sense of shame, has an internal reference; it is rooted in self-respect and induces us to shrink from wrongdoing out of a feeling of personal honor. *Ottappa*, fear of wrongdoing, has an external orientation. It is the voice of conscience that warns us of the dire consequences of moral transgression: blame and punishment by others, the painful kammic results of evil deeds, the impediment to our desire for liberation from suffering. Acariya Buddhaghosa illustrates the difference between the two with the simile of an iron rod smeared with excrement at one end and heated to a glow at the other end: *hiri* is like one's disgust at grabbing the rod in the place where it is smeared with excrement, *ottappa* is like one's fear of grabbing it in the place where it is red hot.

Buddhist texts such as the *Bodhicatyāvatāra* recommend always acting as if in the presence of the Buddhas, so that one constantly feels that one must behave at one's best. This attitude alerts one to potential errors, also during armed conflict.

Another useful quality advocated in Buddhism and pertinent to ensuring optimal conduct is *khanti/kṣānti*, forbearance. There are three types of *kṣānti*: acceptance of suffering, forbearance as a result of reflection upon the teaching, and tolerance of the injurious behaviour of others (Crosby and Skilton 1995, 45). The *Lokavipatti Sutta* (An.IV.157, cf. Dn.III.260, 286) describes how everyone is subject to the eight worldly conditions (*loka-dhamma*), namely gain and loss (*lābha* and *alābha*); fame/good reputation/popularity and disrepute/shame/obscurity (*yasa* and *ayasa*); blame and praise (*nindā* and *pasamsā*); pleasure and pain (*sukha* and *dukkha*). Recognising these four pairs of agreeable and disagreeable experiences as impermanent, painful, and subject to change encourages patience and equanimity rather than

allowing oneself to be captured by an emotional reaction. Drawing on the second type of *kṣānti*, this supports the first type, acceptance of suffering. Relevant to the third type, tolerance of injurious behaviour, which is important in relation to non-retaliation, is *Dhammapada* v. 320, 'As an elephant in the battlefield withstands arrows shot from bows all around, even so shall I endure abuse. There are many, indeed, who lack virtue' (Translation Buddhārakkhita 1985).

That said, clear discernment and acknowledgement of the truth of things as they really are does not necessarily mean inaction. The *Ārya-satyaka-parivarta* cautions against indulgence of wrongdoing on the part of a ruler because it leads to lawlessness (Asp 228, cited Harvey 2000, 347). This raises the question of whether passive responses to abusive situations are always a valid Buddhist response or a misinterpretation. Letting others get away with bad behaviour is in any case bad for them, so resistance may be appropriate, if proportionate and without anger, so as not to escalate a conflict. Clearly, in a battle situation, letting anger get the better of one is what can lead to IHL abuses.

*Dhammapada* vv. 3–6 says:

'He abused me, he struck me, he defeated me, he robbed me'. For those who brood like this, hatred is not stilled.

'He abused me, he struck me, he defeated me, he robbed me'. For those who don't brood like this, hatred is stilled.

In this world, hatred is never ended by hatred, but only by the opposite of hatred. This has always been so.

And others do not know that we come to an end here; but those who know, thereby their quarrels are allayed. (Translation Peter Harvey)

Such ideas are in tune with IHL. One IHL violation, such as killing of civilians, does not justify reprisals against civilians from the opposing community, and, indeed, such retributive action can cause both sides to slide into an intractable cycle of atrocities.

## Buddhist psychological resources

Buddhism's remarkable psychological resources can enhance the performance of combatants in ways that ensure greater compliance with IHL. A lack of comprehension of the battlespace in the fog of war can make acting with precaution and restraint exceedingly difficult. Throughout its history, Buddhism has encouraged the development of expertise in meditation as a mental technology that promotes positive psychological change. Indeed, the practice might be beneficial in ensuring that the highest values of Buddhism and IHL are followed during armed conflict.



Modern psychology and neuroscience studies have shown that different types of meditation can enhance different mental skills (Braboszcz, Hahousseau, and Delorme 2010), and meditation practices have even been shown to support the development of specific qualities that are directly relevant to soldiers who must attain their military objectives while also minimising the infliction of suffering and preventing IHL violations in high-stress combat situations. These include situational awareness, working memory capacity, emotional face processing, attentional control and dealing with complexity.<sup>30</sup> The development of these qualities, in turn, allows combatants to maintain and process information better, and to keep focus and react appropriately to the environment, discriminating between targets and non-targets, which in turn can reduce collateral damage. Therefore, certain meditation practices from Buddhism may improve compliance with IHL as a matter of course by making combatants better able to uphold the law's targeting rules, notably those that relate to taking feasible precautions in attack.

Meditation may also lead to more prosocial behaviour, as well as better awareness of one's own motivations and constructed identity. These in turn may help reduce retaliatory behaviour or compliance with peer pressure. The effect of meditation on practitioners' awareness of and responsiveness to stress is of advantage to the soldier's well-being. It also makes acting appropriately and in proportion more likely, allowing combatants to adjust their responses to the actual level of threat in a given situation, in part making sure the nervous system is not stuck in stress modes with high cortisol and adrenalin levels when such flight and fight responses are not needed. It could also reduce maladaptive coping mechanisms such as gratuitous violence and the use of intoxicants.<sup>31</sup>

Buddhist meditative practices may also be of help for veterans who are physically and/or mentally damaged by their time in conflict. Former soldiers may suffer from post-traumatic stress disorder (PTSD) due to what they did or experienced during war, even if this was in accord with IHL.<sup>32</sup> Buddhist meditation, whether entailing primarily mindfulness of mental states or somatic, body-based, practices, may help one to calm the agitation that comes from past bad memories. Buddhist confession rituals used in East Asia are found to be particularly helpful in dealing with the past. This ties in with the understanding that those who do not recognise and regret past failings are likely to karmically suffer from them to a greater degree in the long run, especially rebirth-wise.

*Abhidhamma* literature analyses karmic causality further, including by looking at the conditioning forces (*paccaya*) that link the causal relationship between a multiplicity of causes and of effects. For example, the *Paṭṭhāna*, the seventh book of the Theravādin *Abhidhamma Piṭaka* (the third section of the Pali Canon), focuses on the workings of causality. One of the conditioning

forces in the *Paṭṭhāna* is called *āsevana-paccaya* or ‘repetition condition’, which causes the effects (conditioned states) to gain more and more proficiency, so that succeeding states come to possess greater proficiency and strength (Kyaw 2014, 197) to the extent that one’s repeated intentional actions can transform into ingrained habits.

The factor of *āsevana* could contribute to the ways in which people can become inured to violence and its effects. Once a soldier or civilian gets used to killing or witnessing violence, this might influence how they relate to others either in the conflict zone or in the wider community in regular life, and affect their decision-making or respect for concerns and values that guarantee life and security. This applies both to individuals deployed or caught up in these situations and to those in authority, who become inured to decision-making that brings others into harm’s way. This could then contribute to careless or disproportionate action during or after an armed conflict situation.

These factors underscore how consideration should also be given to how much psychological damage is caused to soldiers as a result of deployment in war zones and how this might perhaps be minimised by preventing the worst excesses of war. Transgressing the restraining line of not killing – the first precept for Buddhists – also perhaps entails the danger that such a person might more readily abandon other humanitarian principles, such as those in IHL or encoded in Buddhist precepts, which might otherwise restrain their behaviour. This could cause them to lose sight of the highly valued Buddhist aspiration to provide protection for those without a protector (Bca.3, v. 17, Crosby and Skilton 1995, 21). Dehumanising military training designed to override the individual’s aversion to killing and increase their rate of fire is also a likely contributing factor to the psychological distress and the epidemic of PTSD among some more advanced militaries (French and Jack 2015, 174–179).

Dehumanising involves projecting negative emotions onto the enemy, and has been recognised as a significant factor in breaches of IHL such as the retaliation and atrocities that may attend warfare. French and Jack propose that the less emotional process of objectifying the enemy may be a lesser evil in that it may disengage emotional responses to enable the combatant to fight, including to kill, efficiently, without the unstoppable disadvantages of the heightened negative emotions of dehumanising. French and Jack liken such military objectification to the way in which a surgeon must switch off the potentially debilitating emotional response to performing a dangerous yet life-saving operation in order to objectify the patient as a biological organism in need of fixing (French and Jack 2015, 185–187). While this would suggest that meditation to develop empathy for the enemy, rather than objectifying them, could be counterproductive from the perspective of the soldier’s physical survival, the project to objectify

finds some common ground with Buddhist meditations on emptiness or on no-self, seeing the enemy and oneself not so much as individuals but rather as processes lacking any inherent self. We should also bear in mind the possible danger of misapplications of this idea, where the enemy is seen as 'empty', but the emptiness of oneself and one's own side is overlooked (Harvey 2000, 267–268). Awareness that multiple conditions bring about any given situation and construct one's apparent individuality is important in reducing anger-based responses, including acts of revenge. In the *Bodhicaryāvatāra* chapter on *kṣānti* (forbearance or patience), one is advised to look at all the broader causal conditions influencing the actions of others before reacting with or escalating anger (Bca.6, 37–43; Crosby and Skilton 1995, 53–54). A process of objectification in training, that also draws on these Buddhist insights, might allow combatants to engage in battle while minimising further killing and damage to the enemy, while also avoiding PTSD for themselves.

The perspective of *Abhidhamma*, particularly of the *Paṭṭhāna*'s teachings about multiple conditions influencing any given outcome, and the perspective of the Mahāyāna concept of emptiness, may offer insights in relation to understanding behaviour and determining not just how to act in armed conflict situations, but how to set up the conditions to limit adverse outcomes. They may provide more dynamic ways, or highlight that there are more options, to stop a negative outcome or facilitate a positive one, and in particular to have a broader perspective that inhibits IHL violations.

## Buddhism and martial arts

Several Buddhist traditions incorporated martial arts into the training provided at monasteries. Martial arts is a broad term covering a variety of codified traditions that originated as methods of combat and incorporate certain mental or spiritual qualities. At its core, it is about the skilful control of physical force. Warriors who practised martial arts took an acute interest in the relevance of their religion and how to apply it to their work. They required a sense of purpose, a moral code and a readiness to die in battle in service of their master or purpose, and so a way to face death. It is unsurprising, then, that the realms of Buddhism, martial arts and combat became intimately intertwined. Monastic fighting forces often emerged when armed conflicts were on the rise and members of the Sangha perceived the need to take up arms against invading forces, pirates, bandits, hostile sects and sometimes even the state. While this mostly occurred in the Mahāyāna contexts of China, Japan, Korea and Tibet, there are also examples from Southeast Asian Theravāda countries.<sup>33</sup>

The connection to the martial arts is particularly pronounced in the Chan (Zen/Seon/Thien) school. For centuries of its turbulent history, China's most emblematic Chan monastery, Shaolin, was a hub of military innovation and famed for the skill of its warrior monks, with many military practitioners visiting them to further their knowledge. The monastery evolved into an important institution for collecting, refining and transmitting martial arts. Strikingly, it was particularly famous for its staff techniques, a weapon that when used for protecting oneself characteristically minimised harm caused to the attacker (Lorge 2011).

In Japan, Zen came to be known as the 'religion of the warrior' and emerged as a crucial element in the development of its martial arts. On a very pragmatic level, by eliminating fear and focusing the mind to the present moment, the samurai warrior class realised that practising Zen made them better fighters. There was considerable exchange between the two spheres, and many samurai became Zen monks in later life, such as Suzuki Shōsan (1579–1655 CE) whose Dharma teachings were filled with martial images. It was also a Zen monk (Takuan Sōhō) who authored what is possibly the most influential treatise on Buddhist philosophy and martial arts, *The Unfettered Mind* (Soho 2012).

Buddhism and traditional martial arts both adhere to high ethical principles and strive to minimise suffering. Martial arts is the art of learning to control and restrain strong physical force. Through continuous training one develops the ability to use sophisticated techniques to avoid harm, using only the amount of physical force needed to refuse the violence that one is being offered. Training the mind and mastering one's breath are as important as training the body. Complex patterns of movements, so characteristic of martial arts, are considered forms of moving meditation (Mann 2012). Meditation techniques foster the mindfulness that permits one to maintain clarity in battle. By overcoming attachment, including the attachment to one's own life, and by developing confidence in the ability to defend oneself, one learns to better control one's fear and mental dispositions. This in turn reduces the risk of fear-based aggression, inflicting greater harm to the attacker than is ethically or legally justifiable.

Research studies consistently show that, like meditation, martial arts help practitioners to better gain a sense of control over both the situational environment and themselves, leading to fewer negative emotional responses and an overall reduction in violent behaviour (see e.g. Harwood, Lavidor, and Rassovsky 2017). Notably, both martial arts and Buddhist meditation techniques are being applied by more and more militaries and law enforcement agencies around the world. Their training regimes could probably also benefit from martial arts' emphasis on character-building principles such as discipline, humility and respect. Buddhism's historic links with martial arts, and the

effectiveness of the latter in containing violence and harm within a combat situation, indicate a rich vein of practical resources within Buddhism that could enhance compliance with IHL as well as codes that might enhance the formulation of IHL itself.

### Attitude to weapons

IHL aims to regulate rather than ban the arms industry per se. It variously prohibits the use, stockpiling and transfer of weapons, such as chemical and biological weapons and landmines, which cause unnecessary, indiscriminate and/or prolonged human suffering relative to the accomplishment of military objectives. Moreover, the UN Arms Trade Treaty restricts the transfer of otherwise legal weapons from one country to another if there is a risk they might be used to commit violations of IHL (UN 2013, 2018). Warfare is now often based on expensive, high-tech weapons that require a high level of funding by the parties involved. According to Buddhism, trading in weapons is one of the five 'wrong livelihoods', and therefore raises some serious questions about the arms industry (An.III.208). Storing weapons is identified as against the secondary precepts of a *bodhisattva* in the Mahāyāna *Brahmajāla Sūtra*: 'A disciple of the Buddha should not store weapons such as knives, clubs, bows, arrows, spears, axes or any other weapons, nor may he keep nets, traps or any such devices used in destroying life' (Buddhist Text Translation Society 1981). Again, in reality, countries and groups with a significant Buddhist majority do buy, trade in and store weapons, making the application of IHL and Buddhist principles to limit the use of weapons relevant.

### Treatment of prisoners

The warning against harming the unarmed in *Dhammapada* v. 137 surely includes prisoners.<sup>34</sup> Furthermore, *jātaka* stories specifically indicate that a defeated enemy is to be well treated. In one of the *jātaka* stories (no. 23, *Bhojājānīya-jātaka*, Jat.I.178–81), a horse instrumental in winning a war for its master advises the latter not to kill his enemies – seven rulers who had been brought to him as captives – but to spare them. As exemplified in such instances, the Buddhist position is that victors in wars should be magnanimous towards vanquished enemies under their control.

Another example of such forbearance is provided in a Buddhist story about the gods and the power-hungry demi-gods (*asuras*) (Sam.I.220–222). Vepacitti, the defeated demi-god leader, is brought before Sakka, leader of a group of gods and a follower of the Buddha. When Vepacitti curses him, Sakka's lack of reaction is misunderstood by his charioteer as fear or weakness (Premasiri 2006, 84–85; Deegalle 2014, 558–564). Sakka explains it is neither:

It is really worse for him who responds in anger to one who is angered. One who does not show anger towards the angered wins a battle that is difficult to win. He who, having known that the other person has been angered, mindfully keeps his calm, conducts himself for the well-being of both himself and the other. (Sam.I.222, and Vism.324)

Similarly, as noted above, *Dhammapada* v. 137 says that 'He who inflicts violence on those who are unarmed' will experience much suffering as a karmic result, implying that violence towards the defenceless is particularly bad. Prisoners of war and detainees of all kinds are of course particularly vulnerable given that they are in the power of opposing forces, and Buddhist ideas on how to treat prisoners in general, whether in times of war or peace, are also relevant.<sup>35</sup>

The *Sumaṅgala Jātaka* (no. 420) says that a king should not impose punishment on offenders when he is emotionally disturbed. Such action is likely to result in unethical excesses. The ethical policy adopted by a king is well illustrated when the king considers: 'If excessively angry, the lord should not prescribe punishment unfairly and in an unbefitting manner, heaping many sufferings upon another' (Jat.III.441).

The *Precious Garland* of the Buddhist philosopher Nāgārjuna (see above) advises a king that criminals should be treated thus:

330. Never resort to executing, binding, and torturing (criminals) even if they deserve it. Filled with compassion, always take them under your care. ...

333. Release those imprisoned for minor offences within one to five days, and do the same to the rest of them whenever appropriate. Never leave anyone unreleased ...

335. As long as prisoners are not released, keep them happy and comfortable by putting barbers, bathing facility, food, clothing, drink, and medicine at their disposal. (translation Tamás Agós, in Harvey 2018, 162)

This all raises the question of how the governments of Buddhist countries should treat those detained in relation to armed conflict. Avoiding indefinite and arbitrary detention is very much part of IHL, as is good treatment of detainees, especially vulnerable ones.

Verse 330 clearly delimits methods of persuasion and interrogation, which, under IHL, is not permitted for prisoners of war in international armed conflicts. Torture is clearly prohibited. For what means of persuasion are advocated and exemplified in Buddhist texts, we might look to the methods of the Buddha himself, the explanation of his reasons, the use of logic, the pointing out of consequences, etc.

## Protection of civilian property, the environment and animals

Whether sanctioned by military leaders or the result of indiscipline, the plundering and destruction of civilian property, crops and domestic animals, etc. is prohibited in IHL. The second Buddhist precept, 'I undertake the precept to abstain from taking what is not given' supports respect for civilian property. It covers stealing and other matters such as fraud and cheating. In Tibetan Buddhism, the 18 root *bodhisattva* vows include not to destroy any place by such means as fire, bombs or pollution. Revenge burning and looting or destruction of sources of food and water, including crops, are prohibited in the *Ārya-satyaka-parivarta* (Asp.197, cited in Harvey 2000, 253).

The principle of avoiding harm to the environment even in warfare is again illustrated in a story of Sakka, during a conflict with the jealous *asura* demi-gods (Sam.I.224, cf. Dhpa.I.279, Jat.I.202–203). When Sakka and his army are fleeing from the *asura* army through a wood, his carriage poles strike the nests of a certain kind of bird, resulting in the destruction of innocent life. Sakka immediately orders his army to stop and turn back, even at the expense of losing their own lives at the hands of the enemy. However, when the *asuras* see that Sakka's enemy has turned back towards them, they assume this is to re-engage, so they flee; thus in this case victory comes from adherence to an ethical principle. This illustrates how Buddhism exceeds purely humanitarian concerns to encompass all sentient beings, seeking to protect all life as a matter of principle, though some lives – those of humans in particular – are regarded as more precious than others. The commentary to this story adds that it was young, old and ill birds that had been harmed, as the others had fled when hearing the noise of the approaching army, mirroring IHL concerns about the vulnerability of young, old and sick human beings during armed conflict.

## Sexual violence

Sexual violence is a rampant phenomenon during the violent and chaotic conditions prevalent in armed conflict. According to the UN, the phrase 'conflict-related sexual violence' (CRSV) refers to 'rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilisation, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict' (UN 2020).<sup>36</sup> It is also widely employed as a tactic by participants in armed conflicts despite its illegality. It necessarily transgresses the IHL principle of military necessity, in that it serves no valid military purpose. It additionally transgresses the IHL principle of distinction as it is usually targeted towards civilians and those who are *hors de combat*.<sup>37</sup> It further breaches IHL's prohibition on 'outrages upon

personal dignity, in particular humiliating and degrading treatment'.<sup>38</sup> Some aspects of sexual violence, namely forced pregnancy, forced abortion and forced sterilisation, can have the goal of modifying the demographics of a given context, and may amount to crimes against humanity or genocide when widespread or done in a systematic fashion.<sup>39</sup>

Early Buddhism also recognised the destructive nature of sexual violence. At the start of the *Mahāparinibbāna Sutta*, the text that documents the final three months of the Buddha's life, the Buddha identifies 'not abducting women and making them live with them by force' as a core code of conduct for communities to maintain harmony with each other and thrive (Dn.II.74–75).

Because of the sexual element inherent in CRSV, one might be inclined to refer to the remedial nature of Buddhist precepts and *vinaya* rules on sexuality. The third Buddhist precept for lay people is 'I undertake the precept to abstain from wrong conduct as regards sense-pleasures'. This precept, along with the first two – not killing and not stealing – constitute the 'right action' aspects of the eightfold noble path that summarises Buddhist ethical conduct: 'And what is right action? Abstaining from taking life, from stealing, and from sexual misconduct: This is called right action' (*Saccavibhaṅga Sutta*, translation Thanissaro 2005). While the interpretations of what constitutes sexual misconduct vary according to the norms of different Buddhist societies and subcultures, it prohibits sexual behaviour that is harmful, disrespectful, breaks up established relationships or targets the vulnerable.<sup>40</sup>

However, while sex and reproductive oppression are the primary tools of CRSV, and following the third precept would therefore preclude it, CRSV is primarily a practice rooted in hatred, aimed at destroying personal and community identity and honour, as humiliation and as a form of torture. Whatever the gender of those against whom it is perpetrated, it is often predicated on problematic notions of gender identity, including 'toxic masculinity' and some military constructions of masculinity, that associate displays of power with manhood and associate vulnerability, weakness and victimhood with femininity.<sup>41</sup> Of the three core defilements underlying all suffering, while CRSV harnesses greed or lust, it is primarily fuelled by hatred and delusion. As such, exalted Buddhist practices such as loving-kindness, *mettā*, and the gift of fearlessness, *abhaya-dāna*, are more relevant antidotes to the underlying hatred in this context. The heroic ideal of protecting the vulnerable (*anātha*), central to the characterisation of the *bodhisattva*, which – as we have observed – shares some parallels with the characterisation of the ideal warrior, provides a healthy conceptualisation of identity. Also relevant to the idea that domination is a false ingredient of real 'manhood' are the words of Sakka (above), that responding to anger with more anger is the action of a fool; calm patience is real strength, not a weakness. Also relevant are these verses from the *Dhammapada*:



Though one might conquer a thousand times a thousand men in battle, the greatest conquest is of just one: oneself. (v. 103)

Whoso, as a rolling chariot, checks his uprisen anger, him I call a charioteer; other folk merely hold the reins. (v. 222. Translation Peter Harvey).

Meanwhile, the foundational doctrine of *anattā*, 'no-self', referring to the lack of a self-essence in living beings, undermines fixed notions of identity, including gender. The essentialisation and reification of gender are further undermined by stories of gender-transformation in Mahāyāna texts such as the *Vimalakīrtinirdeśa Sūtra*, which seek to ensure a profound understanding of *anattā* and see clinging to gender as an obstacle to this (Paul 1981, 69).

The problem of CRSV is exacerbated by victim-blaming and stigma, non-reporting and lack of accountability by perpetrators. We therefore need to look to Buddhist teachings on broader subjects such as reporting, accountability and leadership. The *Vinaya Piṭaka*, the section of the Buddhist canon which contains monastic rules, exemplifies the Buddhist ideals for all three, and – despite being compiled for the celibate Sangha – even does so in relation to rape. Indeed, the subject of rape is tackled early on in the *vinaya* because of the vow of celibacy. The first rule of 'defeat', *parājika*, prohibits monastics from sexual intercourse with themselves or another, whether human or non-human, male, female or third gender. But, the text asks, are they at fault if they are raped? Accounts of the rape of monks and nuns are unemotionally analysed with the conclusion that they do not constitute infringement of the rule because of the absence of intention, namely a lack of consent, as with the rape of Uppalavaṇṇā, one of the Buddha's two chief nun disciples (Vin.III.35).

While many of the types of CRSV that come under the UN definition are not addressed in the *vinaya*, and discussions of consent in early Buddhist texts may not fulfil the highest standards possible in the modern world, the not-guilty conclusion is clear and absolute, with no stigma attached to the involuntary event, namely if one is raped, or tricked or forced into sexual activity against one's will. Moreover, while the doctrine of karma has sometimes been interpreted to mean that victims are responsible for what they endure, the *vinaya* indicates otherwise. The perpetrator is still fully responsible for their action, even if they happen to be a conduit for karma catching up with someone else (a matter of unfortunate result, not 'being deserved'). Those in charge must exert their authority. If they do not, anarchy – 'the law of the fish' – will ensue, in which the vulnerable, including spiritual practitioners, are at the mercy of bigger 'fish'. In the *vinaya* narratives, if the potentially guilty parties do not report themselves, then their colleagues do so. The Buddha, who in the *vinaya* functions as the authoritative commander of the Sangha, takes responsibility and investigates each case, deciding on the alleged infringement and meting

out punishment consistently.<sup>42</sup> The Buddha always concludes his judgement by censuring the guilty not only for the immediate consequences of the act, but because of the disrepute and lack of trust it brings to the Sangha. The entire *vinaya* provides a model for reporting to senior command, the responsible exercise of senior command, the absence of a culture of stigma and the need to ensure that the military maintains its reputation.

## Buddhism and the broader context

While in the above discussion we have focused on Buddhism, we note that its attitudes to and applicability to the conduct of war cannot be studied in isolation from the broader context in which it developed. Above we noticed the development of martial arts within later Buddhism, but even in Buddhism's early Indic context the tension between ideals of non-violence and political reality fed a lively debate which cross-fertilised numerous religious and philosophical traditions (Singh 2017). The conduct of early Buddhist rulers in war was also deeply informed by or derived from ancient Indian manuals of law, politics and administration such as the *Dharma-sūtras*, *Manu-smṛti* and *Arthaśāstra*, and extensive episodes discussing the duties of kings in great epics such as *Mahābhārata* and *Rāmāyaṇa*. Now more closely associated with Hinduism, they influenced all traditions derived from ancient India, guiding the regulation of society and the methods employed to gain and maintain temporal power. Jayatilleke (1967) discusses how Indian literature in Sanskrit such as the *Śānti-parvan* or 'Book of Peace' (twelfth book of the *Mahābhārata*<sup>43</sup>) contain developed sets of rules regularising behaviour in a war situation. Jayatilleke points out how these aspects of Hindu statecraft had in fact been shaped under the influence of Buddhist thought which emphasised the importance for rulers of such virtues as humaneness, non-violence and righteousness.

Justice Weeramantry writes (2007, 6):

Buddhist rulers actually engaged in warfare attached much importance to the rules of conduct in war which had been very elaborately worked out by Hindu jurists [i.e. the ancient Indian regulators of statecraft and warfare noted above, see Sinha 2005]. These jurists had worked out with great specificity the rules of fairness in combat such as equality of arms, protection of civilians, treatment of prisoners of war, permitted weaponry, and even hours of warfare.

Weeramantry cites Christopher Isherwood (1963, 247), identifying in such ancient warrior codes a similar spirit of restraint as is found in IHL (indeed, at points even going beyond what IHL would require): 'A soldier mounted on

an elephant may not attack a foot-soldier. No man may be struck or shot while running away. No one may be killed who has lost his weapons'. Weeramantry (2006) further states:

[I]n Hindu law, there is tremendous richness of specific examples, specific teachings of how you conduct yourself in battle, how it is unethical to kill a person who is intoxicated or who has a broken limb or is unarmed or is staffed [*sic*]. That is equal to the killing of a child and what you have got to see is what principle is behind it. It is amazing how much futuristic thought has gone into the Hindu considerations of matters pertinent to the laws of war.

By 'Hindu' we should of course understand here 'Indic', i.e. belonging to the broader cultural milieu in or influenced by the Indian subcontinent, the broader culture that gave rise to and nurtured the forms of religion later identified as 'Buddhist', 'Hindu', 'Jain', etc. The need to make this explicit stems from the increasing tendency in recent decades to essentialise Buddhist and Hindu identities. Yet it is more informative if we recognise the shared cultural and scientific heritage. Even Ashoka's Buddhism and policies were, as Basham has demonstrated, heavily influenced by the *Arthaśāstra*, the treatise on the exercise of political power mentioned above, which is attributed to the chief minister of Ashoka's grandfather King Candragupta. Generally perceived as Hindu, and likened to Machiavelli's *The Prince* in its psychology of power games, it provides guidance for dealing with enemies and maintaining rule over one's people (Basham 1982, 133–134). As noted above, Buddhist narratives sometimes sought to reimagine the teachings found in these texts in such a way as to minimise the violence entailed in following their guidance.

Huxley (1995), writing on Burmese legal history since the Pagan period (1044–1279), demonstrates how a wide range of influences, including both Buddhist text and ancient Indian law manuals, similarly shaped the Burmese legal texts for its predominantly Buddhist society and rulers. These legal texts are known in Burmese as *dhammathats* and *rajathats*. A *dhammathat* from Pagan was influenced not only by the *Arthaśāstra* but also by some of the Pali texts noted above, such as the myth of the first king in the aforementioned *Aggañña Sutta*, the 'Discourse on Origins' (Dn.III.80–98; Huxley 1995, 52–53), and the commentaries that expanded on this notion of the mythical original king. By the early eighteenth century, a Burmese monk named 'Khemacara in his monumental *Vinicchayarasi dhammathat* attempted to demonstrate that every rule in the *dhammathats* could be traced to a source in the Pali canon' (Huxley 1995, 53). Huxley, therefore, argues that 'the law for the laity [in Burma] is, in a deep sense, Buddhist' (Huxley 1995, 47). Huxley also highlights a highly complex system of politics involving kings, learned monks – usually the monastic experts in the *vinaya* (*vinaya-dhāra*) – and lay lawyers (*she-ne* in Burmese). The *dhammathat* texts of pre-modern Burma set out how Buddhist

kings may exert power with restraints in ways that also sometimes reflect IHL concerns.<sup>44</sup> Just as it is useful to explore Buddhism in relation to these aspects of Indic law, given their influence on and application by Buddhists over the centuries, we might also look to other broader cultural influences, such as the Confucian influence on Buddhists in East Asia, as regards conduct in war and, indeed, the Buddhist evaluation of the relationship between monks and the state.

We can see how the ongoing relationship between Buddhism and its socio-political contexts continues to reshape Buddhist ethics in the modern period as well. An example is the development of Humanistic Buddhism, literally ‘Buddhism for the Human Realm’ (*renjian fojiao* 人間佛教). Humanistic Buddhism seeks to apply the Mahāyāna understanding of compassion to minimise violence, focusing on methods to improve the world in the here and now. This movement formed in China and Taiwan in the early twentieth century as a reaction to a Buddhism that had become – in the eyes of the reformers – merely liturgical. It was in part also a response to radical political changes that affected Chinese society from the late nineteenth century as well as the challenges posed by Christians, who were seen to be more active in social sectors and welfare than Buddhists. Later in the twentieth century, it became the inspiration in Vietnam for charismatic leaders such as Thich Nhat Hanh (b. 1926), forced to confront the horrors of the Vietnam War, but also to explain what people in the West saw as violent protest, the self-immolations on the part of Buddhist monastics beginning with Thich Qang Duc in 1963.<sup>45</sup> It was he who coined the phrase ‘Engaged Buddhism’ in a letter to Martin Luther King, Jr., providing the name for the broader movement of Socially Engaged Buddhism to which he has contributed throughout his life. Both Humanistic and Socially Engaged Buddhism have track records in seeking to work out, as Weeramantry (2007) proposed, the Buddhist principles to be applied towards ‘the dignity and sanctity of human life, . . . attitudes toward other human beings’ and ‘respect for nature’. As such, they offer avenues for the application of Buddhist humanitarian principles, including in support of the implementation and strengthening of IHL to reduce the adverse effects of war on people, animals and the environment.

## Conclusion

This article has explored some Buddhist teachings and traditions relevant to international humanitarian law and the conduct of armed conflict more generally. It has drawn primarily on the concepts and teachings of authoritative Buddhist texts, with some references to historical and recent examples. While we were able to draw on existing research in overlapping areas, such as Buddhist ethics and attitudes to violence, this is the first attempt to

bring together a comprehensive analysis of the potential interface between Buddhism and IHL. Although there are plenty of writings on Buddhist teachings to avoid violence, there is little – for reasons explained earlier – on how to realistically apply Buddhist values within armed conflict situations, and on how to regulate the conduct of armed conflict, such as the rules of IHL, once it has broken out. Indeed, there appears to have been remarkably limited engagement with even those parts of canonical texts that illustrate Buddhism's deep familiarity with war or with those teachings that developed later to address the dangers of conflict situations. This void and the attendant lack of dialogue, not least with regard to the Buddha's tacit acceptance of the realities of war while propounding radical adherence to non-violence, has perhaps enhanced the 'compartmentalization of values' noted by Schmithausen (1999, 53) in the context of combat, reducing the consideration of Buddhist values which can reduce suffering in the very situations where they are most needed.

This article has shown that certain teachings in Buddhism are strikingly similar to IHL in their emphasis on minimising suffering during armed conflict, and that it is possible to draw out relevant principles and practices from Buddhist texts and history. A number of IHL principles and concepts mirror those found in Buddhism, and in some cases might as well have been taken straight from the Buddhist scriptures. However, many Buddhists are unaware of these rich Buddhist teachings on the conduct of war, or indeed of whether Buddhism has anything to say about the conduct of war at all. Unlike IHL, Buddhism has been reluctant to compromise its non-violent idealism by codifying rules that regulate – and therefore institutionalise – even defensive war. Thus, while Buddhist monks follow *vinaya* rules that regulate every aspect of their lives, lay Buddhists who wage war must refer to general Buddhist principles rather than an explicit code of war. So far as Buddhism and IHL intersect in this regard, they can complement and reinforce each other, and one goal of this ICRC project is to provide clear and simple guidance to combatants from a Buddhist perspective. Beyond the law, Buddhism addresses the underlying intentions and motivations of parties to conflict, and possesses the psychological insights and resources to better train and enable them to regulate themselves.

Thinking of future scholarship on the subject, these matters could be looked at from multiple perspectives, drawing on Buddhist texts, practices and past examples, and from the experience of those who have been involved in such situations. The investigation of Buddhism's psychological resources and mindfulness technologies is crucial in this respect, since they have the potential to increase the resilience of combatants and to enhance their inclination and capacity to adhere to humanitarian norms in high-stress conflict situations. These matters should be viewed from the perspective of all those involved in armed conflict. Reflections and advice from current and

former Buddhist combatants, ex-soldier monks and perhaps also ex-monk soldiers, also fall within the scope of the project, since experience of the realities of warfare can only enhance the credibility of this research and point to its practical application. Also, if Buddhist researchers and practitioners are to succeed in this task, it is crucial that they first acquaint themselves with the core principles and mechanics of IHL, which aims to balance military necessity with humanity, protect the lives and dignity of non-combatants, and safeguard the environment during armed conflict. Many of the themes outlined in this exploratory article have already been taken up as part of the ICRC project on Buddhism and IHL. Leading on from this research and engagement with Buddhist and military experts and practitioners, our eventual goal is to improve the conduct of hostilities on the ground.

## Notes

1. See: <https://www.icrc.org/en/document/sri-lanka-global-conference-interface-between-buddhism-and-ihl>; <https://www.icrc.org/en/document/reducing-suffering-during-conflict-interface-between-buddhism-and-international>. See also the ICRC website on Religion and Humanitarian Principles: <https://blogs.icrc.org/religion-humanitarianprinciples/>.
2. This section is adapted primarily from the ICRC factsheet 'What is International Humanitarian Law': <https://www.icrc.org/en/document/what-international-humanitarian-law>. For another brief introduction, see this five-minute film: <https://www.icrc.org/en/document/rules-war-nutshell>. For more detailed information on IHL, see *International Humanitarian Law: A Comprehensive Introduction* (Melzer 2016): <https://www.icrc.org/en/publication/4231-international-humanitarian-law-comprehensive-introduction>, or visit the ICRC's 'Law and War' webpage: <https://www.icrc.org/en/war-and-law>. The ICRC also has its own peer-reviewed journal, *The International Review of the Red Cross*, with many interesting articles on IHL and other war-related topics: <https://international-review.icrc.org/>.
3. See e.g. Rules 22–24 and 97 of the ICRC Customary IHL Database. [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul).
4. For more on the differences between IHL and human rights, see <https://www.icrc.org/en/document/what-difference-between-ihl-and-human-rights-law>.
5. A summary of key points from the commentary and a succinct summary of Rāhula's career is given Nāṇamoli and Bodhi (1995, 1265n. 637). See also Crosby (2012, 99–100).
6. It should be noted that this symbolic violence is not always harmless or without violent intent: In the tantric traditions of Buddhism, such as those practised in Tibetan and Mongolian contexts, ritual or symbolic violence may sometimes also function as real violence, performed with the intention to harm an enemy. Such use of ritual power is morally controversial within these same communities; it is typically justified with the caveat that it may only be engaged in by highly realised practitioners, who are able through killing to directly send the victim's consciousness to a pure land or Buddha realm (Rinpoche 1998, 111; see discussion of this belief below).

7. Though there are instances of householders attaining what are termed the noble states of the noble path and fruits (Mn.I.490–491, An.I.25–26), meaning the final stages of the spiritual path, the lowest of which ensures attainment of Nirvana within a maximum of seven lives, the majority of lay people, and indeed many ordinary monks, are not at this level or seeking these goals in this life.
8. On the related issue of Buddhism and human rights, see e.g. Keown, Prebish and Husted (1998), Perera (2010), Rouner (1988) and Weeraratne (1980).
9. However, it is said (Dhp.a.I.399ff) that Viḍūḍabha, the Koliya king, later destroyed the Sākiyas in revenge for an insult that he suffered from them.
10. On the five precepts, see Harvey (2000, 66–88).
11. For discussions of the issue of whether, and the extent to which, violence can be justified in Theravāda Buddhism, see e.g. Deegalle (2002, 2017a, 2017b), Gethin (2004), Dhammananda (1993), Harris (2010), Keown (2015), Khantipalo (1986, 213) and Stroble (1991). For Mahāyāna Buddhism, see e.g. Tatz (1994). For more general discussions of the ethics of war, see e.g. Johnson and Kelsay (1990) and Reichberg, Syse, and Begby (2006).
12. We first see non-Buddhist doctrines that deny karmic consequences explicitly rejected in the *Sāmaññaphala Sutta* of the *Dīgha Nikāya* of the Pali canon (Dn 2), and, more explicitly, in the *Tittha Sutta* of the *Aṅguttara Nikāya* (An 3.61). It continues as a theme in the working out of the implications of any doctrine, particularly in response to Mahāyāna idealist tendencies, which, even when adopting the view that the world including living beings is illusory, nonetheless affirm that the ethics of the path continue to have consequences, as long as all continue to function within the realms of conventional rather than ultimate truth, i.e. while some remain unenlightened.
13. This idea is sometimes used in a debatable way, as seen in the contentious passage of enlightened monks reassuring King Duṭṭhagāmiṇi after the war in the fifth-century chronicle the *Mahāvamsa* (Mvm XXV, 109–111; Geiger 1912, 178; discussed by Crosby 2014, 382 and in Harvey 2021).
14. Buddhas are seen to choose the moment of their death and so cannot be killed.
15. For an exploration of *cetanā*/intention within different genres of Pali literature, see Devdas (2004, 2008) and Heim (2014).
16. See Jenkins (2010) for an overview of the arguments as well as some complex ethical issues related to this, such as a story in which the Buddha does not intervene in a murder that he knows is about to take place.
17. On how this ideal may inform ethics of governance, see Saddhatissa (1970, 149–164). On how Dharma is understood within Theravāda traditions, it may be useful to consult Carter (1978).
18. Also known as the *Mahosadha Jātaka*; see Kumaratunga (1979) and, newly translated, in Appleton and Shaw (2015, 187–333).
19. See Rahula (1974, 85), Eppsteiner (1988, 103–109), Deegalle (2017a, 25–28), and more generally, in this edited book, 84–85, 94–99, 154. On a Tibetan ideal of kingship see Mipham (2017).
20. See also Hopkins and Rinpoche (1975).
21. Jamspal (Asp.2, 46) holds that it was composed sometime between the second century BCE and the first century CE, and says that it was the favourite handbook of many teachers in Tibet, such as Tsong kha pa, particularly in their advice to rulers.
22. For the role of this *sūtra* in Chinese history, and the concept of Buddhist 'protection of the state', see Wei (2012).

23. However, the commentaries (Jat.II.237, 403; IV.342 f) say that, in order to put a final end to the continuing hostilities, Pasenadi gives his own daughter Vajirakumārīkā in marriage to Ajātasattu.
24. For the inscriptions of Ashoka, see Nikam and McKeon (1959); for a biography of Ashoka see Guruge (1993, especially 109–122, 161–172); also <https://www.katinkahesselink.net/tibet/asoka1.html>. For a study of the different legends of Ashoka, see Strong (1983). On how this goes against Hindu *dharmaśāstra*, see Harvey (2000, 253). For more detailed analyses of Ashoka's inscriptions, see Norman 1990–1996, and for an assessment of how these relate to statecraft, particularly the *Arthaśāstra*, see Basham (1982). On the episode of Asoka's purification of the Sangha and sending out of missionaries narrated in the *Samantapāsāda* commentary on the *vinaya*, see Gethin (2012, 24–27).
25. In Chinese history we have rulers who were recognised as or claimed themselves to be *cakravartins*; two eminent examples are the Tang Empress Wu Zetian 武則天 (624–705 CE), who shaved her head and spent time in a Buddhist nunnery, and the founding Emperor of the Ming dynasty, Zhu Yuanzhang 朱元璋 (1328–1398), who had been a Buddhist novice monk in the past. The details available concerning these periods of Chinese history indicate that both lacked many of the virtues and features that Buddhist scriptures ascribe to a *cakravartin* ruler, however, and provide two Chinese examples of the distance between 'ideal/scriptural Buddhism' and 'living Buddhism', including how Buddhist principles have been exploited to fulfil mundane purposes. About Wu Zetian, see Ch'en (1964, 219–222, 428) and Paul (1989). About Zhu Yuanzhang, see Ch'en (1964, 431–435) and Hung (2016).
26. For such an interpretation, see Jerryson (2018, 466).
27. For other material from Western Buddhist soldiers, see e.g. Bosco (2014); Buddhist Military Sangha; Peto (2014).
28. See Draper and Sripokangkul (2017) on the system of compulsory military service in Thailand: 'Under the 1954 Military Service Act, Thai men aged 21 are called in for selection for military service, involving a lottery, meaning conscription is not universal. Men who have completed a bachelor's degree and volunteer for the military normally serve for six months, but if drafted via lottery, they serve for one year. Men who have completed secondary education through Grade 12 or vocational school and volunteer also serve for one year, or two years when drafted via lottery. In secondary and tertiary education programmes, male and female students aged 15 to 22 years may take the territorial defence curriculum, which takes five years to complete, with three years providing draft exemption'. Tambiah's statement (1976, 489) that all are required to do two years military service is inaccurate, perhaps the result of a misunderstanding of the 'two years' for those drawn in the lottery who do not have higher education.
29. For discussions of military chaplaincy more generally, see Brekke and Tikhonov (2017) and Stahl (2017).
30. See e.g. Stanley and Jha (2009). 'Emotional face processing' refers to the accurate assessment of people's emotions and non-verbal cues from their facial expressions.
31. On the use of mindfulness training in the British armed forces, see Carter and Mortlock (2019); British Army Mindfulness course: <https://www.army.mod.uk/people/join-well/managing-stress/mindfulness-course/>; and a three-year study at City University, London: 'Mindfulness in the Military: Improving Mental



Fitness in the UK Armed Forces Using Next Generation Team Mindfulness Training': <https://www.city.ac.uk/news/2019/may/improving-mental-fitness-in-uk-armed-forces-using-team-mindfulness-training>. For mindfulness in the US armed forces, see Richtel (2019). For a critique of mindfulness in the military, see Purser (2014).

32. On mindfulness and PTSD, see e.g. Hoffman (2016).
33. For example, Buddhist monks led revolts in sixteenth and seventeenth-century Southeast Asia. However, there are also more recent examples, such as the Theravāda Buddhist monk U Thuzana who led the Democratic Karen Buddhist Army, an ethnic insurgent group operating from 1994 to 2010 in Myanmar, and Thai soldiers who ordain as monks, while holding on to their weapons to protect temples in Southern Thailand (Frydenlund 2013).
34. Parts of this section were adapted and published on the following ICRC websites: <https://blogs.icrc.org/law-and-policy/2021/01/19/gciii-commentary-buddhist/>; <https://www.icrc.org/en/document/buddhist-perspective-treatment-prisoners-war>.
35. Internment in international armed conflicts may be imposed under the Fourth Geneva Convention for 'imperative reasons of security'. It must end as soon as those security reasons cease to exist or, at the latest, when hostilities cease. The convention contains procedural rules that aim to ensure states do not abuse the considerable margin of discretion they have in interpreting threats to their security. Recent state practice in international armed conflicts has demonstrated significant divergences in the interpretation and implementation of the rules, which has given rise to serious concern. In non-international armed conflicts, the position is no clearer, as Common Article 3 of the Geneva Conventions does not address procedural safeguards in internment (it provides for the application of basic judicial guarantees for persons subject to criminal proceedings): <https://www.icrc.org/en/document/security-detention>.
36. See *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence*: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/06/2020.08-UN-CRSV-Handbook.pdf>.
37. The principle of military necessity permits only that degree and kind of force required to achieve the legitimate purpose of a conflict, i.e. the complete or partial submission of the enemy at the earliest possible moment with the minimum expenditure of life and resources. It does not, however, permit the taking of measures that would otherwise be prohibited under IHL (<https://www.icrc.org/en/document/what-ihl>). *Hors de combat* specifically refers to members of the armed forces who are out of action through wounds or surrender, not all protected persons.
38. This wording of the prohibition appears in Common Article 3 to the four Geneva Conventions of 1949. The prohibition is repeated in Article 75(2)(b) of Additional Protocol I (for international armed conflict) and Article 4(2)(e) of Additional Protocol II (for non-international armed conflict). The wording of the provision in Additional Protocol II specifies that such treatment includes 'rape, enforced prostitution and any form of indecent assault'.
39. See e.g. Articles 6(d) and 7(1)(g) of the 1998 Rome Statute of the International Criminal Court. [https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf).

40. For a discussion of the third precept and various ways in which it is interpreted, see Harvey (2000, 71–74).
41. On the topic of masculinity in general in Buddhism, see Powers (2009).
42. On the authority of the Buddha in the *vinaya* and the way in which the *vinaya* functions, see Huxley (1996b). Huxley points out that the persona of the Buddha in the *vinaya* is more commanding and authoritative than in the *sutta* texts, where he has to be more persuasive since the *suttas* address a wider audience. At Dn.II.100, the Buddha actually says that he does not see himself as in charge of the Sangha, but the stories that explain the establishment of each of the rules in the *vinaya* place him in a position of absolute authority.
43. <http://www.sacred-texts.com/hin/m12/index.htm> and <http://www.rsvidyapeetha.ac.in/mahabharatha/summary/eng/12.pdf>.
44. Huxley's numerous writings on Buddhism and law as well as Christian Lammerts' doctoral dissertation (2010) on the subject are particularly helpful in this regard. Other works on Buddhism and law are: De Silva (2017), Huxley (1994, 1996a, 1996b, 1997), Premasiri (2018), Ratnapala (1971), Tilakaratne (2018) and Weeramantry (1998, 2006).
45. For an example of his teachings, see Nhat Hanh (1987).

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## Abbreviations

References to Pali texts using these abbreviations are to PTS editions of the Pali texts. References to other texts are to the editions or translations given here.

**An.** *Āṅguttara Nikāya*; tr. Bhikkhu Bodhi. 2011. *The Incremental Discourses of the Buddha*. Boston: Wisdom Press.

**Akb.** *Abhidharmakośa-bhāṣyam* (of Vasubandhu – mostly Sarvāstivāda); tr. L. M. Pruden (from L. de La Vallée Poussin's French translation). 1991. *Abhidharmakośabhāṣyam*. 4 vols., Berkeley: Asian Humanities Press.

**Asl.** *Aṭṭhasālinī*; tr. Pe Maung Tin. 1920 and 1921. *The Expositor*. 2 vols. London: Pali Text Society.

**Asp.** *Ārya-satyaka-parivarta*; tr. L. Jamspal. 1991. *The Range of the Bodhisattva: A Study of an Early Mahāyāna sūtra, 'Āryasatyakaparivarta', Discourse of the Truth Teller*. Columbia University Ph.D. diss., reproduced on microfiche, Ann Arbor: UMI. References are to page numbers of the translation published in 2010 as *The Range of the Bodhisattva: A Mahāyāna Sūtra*. New York: American Institute of Buddhist Studies.

**Bca.** *Bodhicaryāvatāra*; tr. K. Crosby and A. Skilton. 1995. *Śāntideva: The Bodhicaryāvatāra*. Oxford and New York: Oxford University Press.

**Dhp.** *Dhammapada*; tr. V. Roebuck. 2010. *The Dhammapada*. London: Penguin. Buddharaḁkhita 1985 and Ṭhāṇissaro translations on Access to Insight website: <https://www.accesstosight.org/tipitaka/kn/dhp/index.html>

**Dhp-a.** *Dhammapada Atthakathā, commentary on Dhp*; tr. E. W. Burlingame. 1921. *Buddhist Legends*. 3 vols., Harvard Oriental Series. Cambridge: Harvard University Press, 1921. Repr. 1995 London: Pali Text Society, 1995.

**Dn.** *Dīgha Nikāya*; tr. M. Walshe. 1996. *Long Discourses of the Buddha*. 2nd revised edition, one vol. Boston: Wisdom Press.

**IHL** International humanitarian law.

**Jat.** *Jātaka with Commentary*; tr. by various hands under E. B. Cowell. 1895–1907. *The Jātaka or Stories of the Buddha's Former Births*, 6 vols., London: Pali Text Society.

**Khp-a.** *Commentary on Khuddaka-pāṭha*; tr. Bhikkhu Ñāṇamoli. 1960. *Minor Readings and Illustrator*. London: Pali Text Society.

**Mn.** *Majjhima Nikāya*; tr. Bhikkhu Ñāṇamoli and Bhikkhu Bodhi. 1995. *The Middle Length Discourses of the Buddha*, Boston: Wisdom Publications.

**M-a.** Untranslated commentary on Mn.

**Mvm.** *Mahāvamsa*; ed. Geiger 1908; tr. W. Geiger and M. H. Bode. 1912. *The Mahāvamsa or Great Chronicle of Ceylon*. London: Pali Text Society.

**Mvs.** *Mahāvastu*; tr. J. J. Jones. 1949–1956. *The Mahāvastu: Translated from the Buddhist Sanskrit*. 3 vols. London: Pali Text Society.

**PTS** Pali Text Society

**Sam.** *Samyutta Nikāya*; tr. Bhikkhu Bodhi. 2003. *The Connected Discourses of the Buddha. A New Translation of the Samyutta Nikāya*. Boston: Wisdom Publications.

**Sn.** *Sutta-nipāta*; tr. K. R. Norman. 1984. *The Group of Discourses*. In paperback: *The Rhinoceros Horn and Other Early Buddhist Poems*. London: Pali Text Society. Tr. K. R. Norman, 1992. *The Group of Discourses*. Vol. II. Revised translation with introduction and notes. London: Pali Text Society.

**Ud.** *Udāna*; tr. T. Bhikkhu. 2012. *Udāna. Exclamations*. e-Publication. Metta Forest Monastery.

**Vin.** *Vinaya Pitaka*; tr. I. B. Horner. 1938–1966. *The Book of the Discipline*. 6 vols. London: Pali Text Society. Vin. III and IV are translated respectively as *Book of the Discipline*, vols. I plus II (pp. 1–163), and II (pp. 164–416) plus III, with Vin. I and II as *Book of the Discipline*, vols. IV and V, and Vin. V is *Book of the Discipline VI*.

**Vism.** *Visuddhimagga* (of Buddhaghosa); tr. Bhikkhu Ñāṇamoli. 1956. *The Path of Purification (Visuddhimagga) by Bhadantācariya Buddhaghosa*. Colombo: R. Semage. Repr. 1999. Onalaska: Pariyatti.

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