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ADDRESSING THE CAUSES OF CONFLICT-RELATED SEXUAL VIOLENCE WITH THE BUDDHIST DOCTRINE OF LACK OF A PERMANENT SELF AND MEDITATION TRAINING

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ABSTRACT

Conflict-related sexual violence (CRSV) against both male and female combatants, as well as civilians, remains a reality of war despite global efforts to address it. International humanitarian law (IHL) unequivocally condemns sexual violence in armed conflict, and there are specific measures addressing this issue in IHL. However, Buddhist teachings and practices to address sexual violence in armed conflict have not been extensively researched, despite the prevalence of sexual violence in situations of armed conflict involving Buddhist communities. This article examines Buddhist teachings and practices relevant to addressing this challenge, identifying where these align with IHL, as well as proposing how Buddhist teachings may reduce the likelihood of CRSV. It is proposed that insight into the Buddhist teaching on lack of a permanent, essential self, as expounded in the *Anattalakkhaṇa Sutta*, coupled with meditation, is a practical means of dispelling the toxic conceptions of gender that exacerbate sexual violence in armed conflict and of fostering compassionate behaviour towards others. As brought to light by recent neurological research, Buddhist meditation practices lessen the 'self'-focused outlook common to humans and increase the capacity for compassion, active empathy and resilience to peer pressure. Training in Buddhist meditation, supported by explanation of relevant Buddhist teachings, may therefore significantly reduce the cultural and individual attitudes that currently exacerbate the risks of CRSV.

KEYWORDS Conflict-related Sexual Violence; meditation; Buddhism; self-image; International Humanitarian Law; *anatta*; no-self; *Anattalakkhaṇa Sutta*

Introduction

The purpose of this study on the interface between Buddhism and international humanitarian law (IHL) is not to legitimise IHL values by showing consistency with a religious group's values, such as by selectively quoting from important Buddhist texts. However, we should note that adopting principles of law that embody IHL values, whether this be in treaty, customary law or even jurisprudence, is just the first step in the inculcation of these values (Mack and Pejic 2020). Hence, this article seeks to bridge the gap

between law and its implementation, which is necessary to ensure that these formulations do not remain mere words on paper. Bridging this gap is an exercise in social transformation, and such transformation can only take place within a living cultural context (Fernando 1997). This position is supported by the findings of the International Committee of the Red Cross (ICRC) study *Roots of Restraint in War*, which concludes that

an exclusive focus on the law is not as effective at influencing behaviour as a combination of the law and the values underpinning it. Linking the law to local norms and values gives it greater traction. The role of law is vital in setting standards, but encouraging individuals to internalize the values it represents through socialization is a more durable way of promoting restraint. (ICRC 2018, 9)

Conflict-related sexual violence (CRSV) has been historically present and remains an extreme source of suffering during armed conflict. In such conflict, the objectives of power and dominance often manifest themselves in the form of sexual violence, to which both men and women are vulnerable. Regardless of the actual gender of the perpetrator or victim, the characteristic of masculinity is attributed to the perpetrator and femininity to the victim. The fixed binaries of gender are not adequate to understand and address the realities of CRSV. The intention of the rape may be to 'lower' the social status of the male survivor by reducing him to a 'feminised male'. Castration and violence against male organs in conflict can be done to remove the procreative ability, and therefore the 'virility' or 'manliness', of the victim (Sivakumaran 2007, 253).

Until recently CRSV has for the most part gone unrecorded and therefore unpunished. From the Lieber Code of 1863 to the Additional Protocols of 1977 of the Geneva Conventions, legislative instruments on IHL have been concerned about CRSV (Lyth 2001, 4). Additionally, the ICRC has identified several rules of Customary International Humanitarian Law that also address the issue of CRSV. For instance, Rules 93 and 94 of Customary International Humanitarian Law prohibit rape and other forms of sexual violence as well as sexual slavery. Additionally, Rule 156 recognises sexual violence as a war crime, while Rule 134 states that the specific protection, health and assistance needs of women affected by armed conflict must be respected (ICRC 2005). The statutes of the International Criminal Tribunal for former-Yugoslavia (ICTY) 1993 and the International Criminal Tribunal for Rwanda (ICTR) 1994 as well as the jurisprudence of these ad hoc tribunals have been groundbreaking in confronting the humanitarian challenge posed by CRSV (ICRC 2005, 326–327). They have given recognition to the varied forms of CRSV and established a precedent of accountability.

On the whole, there is increasing recognition of the need for prevention and accountability. However, many measures of IHL seem not to have achieved their maximum potential with regard to protection from sexual violence in armed conflict as well as ensuring accountability. This particular trend has been called ‘a triumph of form over substance’ by international legal scholars, signifying the need to remove obstacles in the way of practical implementation (Gardam and Jarvis 2001, 29). Moreover, the dismissive attitude towards CRSV where instances of grave and widespread CRSV are discounted and denied by tribunals and other domestic bodies charged with investigating abuses (as we shall see in the cases of Cambodia and Sri Lanka, both countries with Buddhist communities) is a major hindrance to the implementation of the IHL rules against sexual violence in armed conflict.

Another major obstacle is the stigma associated with CRSV, making survivors of CRSV reluctant to come forward and give evidence against perpetrators. Moreover, due to the stigmatisation associated with sexual violence as well as the attendant difficulties in obtaining evidence, judicial and other bodies charged with investigating conflict-related crimes show a reluctance to acknowledge the reality of sexual violence during conflict.

In such a setting, the stigmatisation of sexual violence (Benshoof 2014), rather than its survivors, and the willingness to hold perpetrators accountable can only be achieved through integrating the rules of IHL into the moral fabric of society (Eisenbruch 2018b). A means of doing this is to draw parallels between IHL values and the inherent value systems in that society. This article is an attempt to do just that, aimed at identifying Buddhist teachings and practices relevant to the IHL measures in place to address CRSV and to determine where IHL aligns with Buddhist doctrines and traditions. It further proposes how Buddhist teachings can be used to deconstruct fixed gender binaries and enhance understanding of the importance of reducing suffering for others as well as for oneself. It further suggests that meditation practices can be used to enhance the comprehension of such doctrines, and to develop prosociality, active compassion and resilience, while maintaining the effective military functioning of the combatant. The combination of training in relevant teachings and meditation techniques within Buddhist contexts is a way of harnessing culturally embedded values to reduce the likelihood of CRSV.

This research is centred on customary as well as convention-based IHL rules on CRSV, and includes a brief historical review of the development of the present law. It also refers to the statutes as well as the jurisprudence of the International Criminal Court (ICC) and various ad hoc tribunals on armed conflict, to present IHL measures to address CRSV.

It must be noted here that combatants are by no means the only perpetrators of CRSV and there are many instances where non-combatants also perpetrate and/or condone CRSV. However, there are a variety of factors leading to CRSV ranging from the intention to terrorise or humiliate civilians of the opposing group, to control resources and territory, to gain information, or to effect ethnic cleansing or genocide. Combatants may also take advantage of their position of power and lack of accountability to perpetrate sexual violence. This article will focus on Buddhist principles and practices to address CRSV as perpetrated by combatants during armed conflict.

The gradual recognition of CRSV in IHL

In the period since the end of the Second World War there have been over 250 armed conflicts (Pettersson and Wallensteen 2015). Violent conflict in protracted low-intensity wars by design intrudes into the home and family, intensifying the levels of sexual violence in armed conflict (Manchanda 2001).

Sexual violence is not explicitly recognised as constituting ‘grave breaches’ of IHL, nor under common Article 3 of the Geneva Conventions, which sets out minimum protections to be followed during armed conflict. For rape to be considered a grave breach it has to be interpreted as coming within the crimes of ‘wilful killing, torture or inhumane treatment’ or ‘wilfully causing great suffering or serious injury to body and health’. However, early on in the conflict in former Yugoslavia, the ICRC declared that the grave breach of the 1949 Geneva Conventions constituted by ‘wilfully causing great suffering or serious injury to body and health’ obviously does cover not only rape but also any other attack on a woman’s dignity (Gardam and Jarvis 2001, 29). Article 27 of the Convention Relative to the Protection of Civilian Persons in the Time of War (GC IV), Articles 75(2) and 76 of the Additional Protocol I to the Geneva Conventions (AP I) and Article 4(2)(e) of the Additional Protocol II to the Geneva Conventions (AP II) address the issue of sexual violence in armed conflict. Rules 93 and 94 of the ICRC’s Customary International Humanitarian Law Study recognise some forms of sexual violence as war crimes (ICRC 2005). As a matter of international criminal law, the Statutes of the ICTY 1993 and of the ICTR 1994 explicitly recognised rape as a crime against humanity (Lyth 2001).

The focus placed on sexual violence by these international bodies contributed to the end of the invisibility of sexual violence, and led to important new developments in the interpretation of relevant IHL norms. Although the precedential value of these ad hoc tribunals is limited both by their origin as Security Council measures and by their geographical scope, the normative effect of these initiatives is much more widespread (Lyth 2001).

Historically in IHL, women have been subsumed under the general category of civilians, and little account had been taken of the distinctive experience of women in armed conflict. Early legal and judicial procedures such as the Lieber Code, the Hague Conventions and the International Military Tribunal at Nuremberg and the Far East make limited reference to addressing CRSV (Lyth 2001). In 1998, the ICRC initiated a study to examine how women are affected by armed conflict around the world. The findings of this study served as guidelines for all parties involved in combating CRSV (Suk and Skjelsbæk 2010; Gardam and Jarvis 2001). However, more recent research has identified that multiple forms of sexual violence exist in the context of armed conflicts, and that women are not the only victims of CRSV (Dolan 2014; Wood 2014). Men as well as persons belonging to sexual minorities are also often victims of CRSV, and there are additional barriers to identifying these survivors based on a lack of recognition of the realities of sexual violence in conflict situations. The position presented in this article, namely cultivating understanding and compassion through meditative training, is sufficiently broad to encompass all these forms of sexual violence perpetrated against different groups of people during armed conflict.

CRSV in Cambodia, Sri Lanka and Myanmar and the need for the cultural integration of IHL values

Although law has a powerful role in constructing the way we see the world and has significantly improved the position of survivors of CRSV, the reluctance to acknowledge, and thus to address, the underlying factors of stigmatisation and social rejection that account for so many of the difficulties that survivors of sexual violence in armed conflict experience is a barrier to the implementation of IHL's legal protections. This stigmatisation has resulted in survivors of CRSV often being hesitant to break the silence and give evidence and/or prosecutors being reluctant to prosecute CRSV due to a lack of evidence, leading them to question the efficacy of conventional and customary IHL as well as international judicial proceedings to prevent and prosecute CRSV (Ministry for Foreign Affairs Sweden 2007; Goodley 2019).

The experiences of several domestic transitional justice tribunals and processes mirror this dismissive attitude towards CRSV. Until as recently as 2011, the sexual violence perpetrated by Khmer Rouge troops in Cambodia was not acknowledged or redressed (Carmichael 2019; Eisenbruch 2018b). The Extraordinary Chambers in the Courts of Cambodia (ECCC) established to carry out the transitional justice processes has consistently resisted taking up sexual crimes for full deliberation (Carmichael 2019; Extraordinary Chambers in the Courts of Cambodia 2012). In Sri Lanka, despite consistent and serious allegations of CRSV during the civil war (Office of the High Commissioner for Human Rights 2015; Fonseka 2015), the transitional justice mechanisms have

failed to address them. The Lessons Learnt and Reconciliation Commission Report did not sufficiently explore allegations of sexual violence (de Mel 2013) and despite public commitments by the Government of Sri Lanka, other transitional justice processes that followed it have also failed, due to reluctance on the part of survivors of CRSV to come forward owing to the stigma attached to being a victim of sexual crimes, the lack of political will to investigate and prosecute sexual violence crimes in particular (International Crimes Evidence Project 2014; Fonseka and Woodworth 2016), and the continuing intimidation of victims and witnesses (Fonseka and Schulz 2018). Most recently, the United Nations reported a pattern of widespread CRSV against Rohingya women and girls in Myanmar from 2016 to 2017, and little has been done to ensure accountability and non-recurrence (Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict 2021). All of the above are instances where sexual violence has been perpetrated in and by Buddhist communities involved in armed conflict.

In this context, it is appropriate for Buddhists to reflect on the story of the enlightened nun Uppalavannā, who was much praised by the Buddha, as one of his two chief female disciples. When she was raped, the Buddha said she had not broken the key monastic rule against sexual intercourse, as she was not willing (*Vinaya* III.35, cf. *Dhammapada* commentary II.47–52). No blame or stigma was attached to her.

Despite the presence of many IHL measures including treaty provisions, customary law as well as related international criminal law jurisprudence, CRSV is not effectively addressed in international or domestic tribunals. At the same time, although there are over half a billion Buddhists around the world, and many Buddhist societies have been torn apart by violent conflicts in the recent decades, there has so far been no systematic and focused study of the interface between Buddhism and IHL. Moreover, as the foregoing instances make clear, CRSV has been perpetrated by and in Buddhist communities, and at times even been condoned by Buddhist communities both lay and monastic (Lei 2019; Eisenbruch 2018a). In this context, we may ask how Buddhist principles could be used to prevent CRSV: why, from a Buddhist perspective, should one refrain from perpetrating sexual violence? When addressing this question, we shall keep in mind that both men and women are victims of CRSV.

The teachings on non-self in relation to gender and epistemological change

To answer this question, we now turn to look at Buddhist teachings from the Pali Canon. Aspects of Buddhism that particularly align with the position of IHL with regard to CRSV are compassion and understanding. According to Buddhist teachings, human actions are to be guided by two fundamental

principles: compassion (*karuṇā*) and wisdom/understanding (*paññā/prajñā*). Indeed, it is said that the life of the Bodhisattva (the prospective Buddha) is guided by them. As regards the aspect of understanding, an important teaching is the doctrine of *anatta*, 'no-self', the notion that we have no fixed, enduring entity at the core of us, as expounded in the *Anattalakkhaṇa Sutta* (SN 22.59).¹ An insightful understanding of the doctrine of *anattā* helps in the deconstruction of the harmful gendered constructs of power and vulnerability that lead to CRSV. This position is reinforced by an analysis of Buddhist texts such as *Therīgāthā* and *Bhikkhunī Saṃyutta*² embodying Buddhist teachings on how the doctrine of *anattā* relates to gender.

The *Anattalakkhaṇa Sutta*, or 'Discourse on the Characteristic of Non-Self', is traditionally recorded as the second discourse of the Buddha. Being non-self – not a permanent self or anything that belongs to such a supposed thing – is one of the three characteristics of existence, the other two being impermanence (*anicca*) and unsatisfactoriness (*dukkha*). These three are interrelated and one cannot be isolated from the other two. That everything is non-self (*anattā*) means that there is no permanent, unchanging entity in anything animate or inanimate. The *Anattalakkhaṇa Sutta* analyses the make-up of all sentient beings as consisting of five *khandhas* or 'aggregates': material form, feeling, perception, volitional states (or mental formations) and consciousness. All five are identified as being impermanent and unsatisfactory and therefore unable to form an abiding self-essence in a sentient being.

Although the doctrine of *anattā* plays a culturally significant role in many Buddhist societies, many Buddhists lack a deep understanding of it. This is partly due to its complexity as well as the unwillingness to let go of conditioned constructs which many see as anchoring them in the world. These may be constructs of socio-economic class, ethnicity, religion or, importantly, gender. It has long been maintained in Buddhist teachings that Buddhist meditation training enhances the power and inner stability of the mind, which then facilitates insights into the subtle teachings on *anattā* (Harvey 1997; Kaszniak 2010; Goodman 2013, 561).

At the root of most of the sexual violence perpetrated during armed conflict are gendered socio-cultural constructs of power and vulnerability (Sivakumaran 2007). Concepts of power and invulnerability are often central to the construct of masculinity, while concepts of vulnerability and subordination frequently inform the feminine construct. Sexual violence is perpetrated on men to destroy the construct of power associated with masculinity. The penetration of the constructed impenetrable male body subverts gender norms leading to a perceived loss of the victim's masculine identity or to the

victim being not a 'proper' or 'real' man and ascribing to the male victim the passive gendered identity of a woman. Testimony from survivors confirms the existence of this feminisation process (International Crimes Database 2016).

Corresponding to this essentialisation of – and attacks on – male identity, women are seen as subordinate to and possessions of the men of their own community, and sexual violence is perpetrated on them to demonstrate victory over the men of the other group who have failed to protect their women. Additionally, patriarchal notions linking female sexual 'purity' with honour is used to legitimise sexual violence perpetrated against women of the 'other' group to humiliate and control them (United Nations 2009). Moreover, constructs of subordination and passivity associated with femininity may lead to the sexualisation of women, resulting in CRSV perpetrated by combatants of their own side as well as the opposition. For instance, the Rwandan practice of *intsinzi* obliges many young girls and women to offer themselves to the military to congratulate them on their victory. During the civil war in 1994, women who refused to conform to this were accused of collaboration with the deposed regime and threatened with death (Dijkema 2001).

These toxic constructs are harmful to both men and women. Their deconstruction may be guided by the Buddhist doctrine of *anattā* and the Buddhist practice of meditation. These destructive conceptions of gender – bound up with the perpetrator's image of his 'self', projecting an image of 'I' as powerful – would be dispelled with the realisation of the illusory nature of this apparently powerful 'self'. Indeed, sexual violence may be supported by what is actually a fragile self-concept, in an attempt to compensate for this and pander to an illusion of strength. Sexual violence against both men and women of the 'other' group is caused by the attachment to an illusory sense of self, in part obtained by defining oneself and one's immediate community in opposition to another group, country, race or gender (Bergsmo and Buis 2019). Meditation reveals how this 'self' is constructed to show that any representation of self as a fixed, essential nature, whether it be based on gender, race, religion or nationality, is merely a deceptive belief (Engler 2003, 95). It is in fact a corollary of the doctrine of *anattā* that the individual has no fixed inner essence and that gendered perceptions of self are merely an imaginary attribute (Dharmasiri 1997, 152). The Buddhist teachings of *anattā*, particularly when combined with the support of feminist analysis, provides a powerful tool for the dispelling of harmful gendered constructs. For both Buddhism and feminism, conventional patterns of thinking and perceiving are a source of suffering (Gross 1993, 153), but can be changed for the better.

Moreover, analysis of Buddhist texts attributed to women, such as the *Therīgāthā* and *Bhikkhunī Saṃyutta*,³ which provide Buddhist examples of how the doctrine of *anattā* relates to gender, clearly shows that such gendered constructs are in complete opposition to core Buddhist teachings and traditions. An example is the response of Bhikkhunī Somā to the question posed by Māra recorded in both the *Therīgāthā* and *Bhikkhunī Saṃyutta*. Māra is the representative of temptation and death within the round of rebirths, best known for his attempts to prevent the Buddha from attaining enlightenment. In the following passage, he hopes to keep the nun Somā within his clutches by undermining her confidence in her ability to reach awakening:

Māra –
 That state so hard to achieve
 Which is to be attained by the seers,
 Can't be attained by a woman
 With her two-fingered wisdom.
 Bhikkhunī Somā –
 What does womanhood matter at all
 When the mind is concentrated well,
 When knowledge flows on steadily
 As one sees correctly into Dhamma.
 One to whom it might occur,
 'I'm a woman' or 'I'm a man'
 Or 'I'm anything at all' –
 Is fit for Māra to address.⁴
 (Bodhi 1997)

The view that terms such as 'man' and 'woman' should be treated as local, conventional forms of speech (*janapada-nirutti*) is considered in the *Visuddhimagga* (commentary on XVII.24) (Ñāṇamoli Thera 2011, 538–539), a Theravāda Buddhist manual of doctrine and meditation by Buddhaghosa (c. fifth century) in Sri Lanka. The *Potthapāda Sutta* (DN.I.185–186, 195–201), which analyses how what people take as 'self' is sometimes perception and sometimes certain acquired meditative states, warns against being misled by or becoming attached to 'the world's designations, the world's expressions, the world's ways of speaking, the world's descriptions', because only someone entertaining such thoughts would be prey to craving, conceit, and desire (Dharmasiri 1997, 151).⁵

This effort to move beyond the gender binary⁶ is gaining ground in the field of humanitarian action. Recent approaches towards preventing and addressing CRSV highlight the importance of moving away from gender equality to gender inclusivity. Acknowledging the multiple forms of sexual violence experienced differently by persons belonging

to all gender identities as well as recognising the harms caused by non-sexual forms of gender-based violence is crucial in this effort (Dolan 2014).

To say that the Buddhist teachings discussed above make Buddhism an entirely egalitarian and inclusive religion where gender is concerned would be simplistic. There are many teachings and traditions within Buddhism which reinforce traditional and harmful gendered constructs. However, the doctrine of *anattā*, which is a core principle of Buddhism independent of time and place, can be used to revalorise these teachings and traditions to bring them into line with the fundamental values and vision of Buddhism (Gross 1993, 3; Wachs 2003, 271; Collett 2006, 60).

Meditations and affective change

The difficulty is that *anattā* is a considerably complex and subtle philosophical doctrine that does not lend itself to easy comprehension, but Buddhist meditation training enhances insights into it. Meditation is a major tool for self-transformation in Buddhism, such that individuals may realise and embody its principles. Buddhist teachings emphasise that meditative training increases compassionate responses to suffering and reduces aggression (Harvey 1997, 354; Kaszniak 2010). To explore the relevance of this, this article will draw on findings of recent research in neuroscience, further buttressing and demonstrating this position with empirical evidence (Condon et al. 2013). I will also draw on military research into meditation in order to ascertain practical measures to encourage meditative training among combatants.

There are different kinds of Buddhist meditation (Harvey 1997). *Vipassanā* or 'insight' meditation emphasises mindful awareness of the changing processes of body and mind, seeing them as conditioned patterns of events, rather than in terms of 'I', 'me' or 'mine'. This is the kind of practice that particularly develops insight into non-self by increasing the understanding of the constructed nature of one's self-image.⁷ Nevertheless, this form of meditation needs to be handled carefully, so that in viewing persons as bundles of conditioned, impersonal processes, it does not undermine care and concern for others, or oneself. Hence, it is best complemented by other meditations. It is important that not only others but also oneself (and one's community) are seen as lacking a permanent self; otherwise, *anattā* may be misunderstood to imply that others and their concerns are less substantial than oneself and one's concerns, and even that others and their suffering are unimportant, or indeed do not really exist. In Japan, a Mahāyāna form of this argument has in fact been used in some Buddhist dialogues on warfare to justify violence (Jerryson and

Juergensmeyer 2010, 20). Care needs to be taken, therefore, to ensure the outcome of teachings and meditations on *anattā* is to reduce suffering regardless of in whom it arises.

Cultivated appropriately, meditative insight into *anattā* allows an expansion of consciousness in terms of greater awareness and wider sympathies to act from a less I-centred consciousness (Harvey 1997). In dissolving the constructed barriers between self and other, skilful recognition of the non-self characteristic aids the development of compassion for others that is more than empathy.

The kind of meditation called *samatha* develops deep calm, stillness and inner strength by cultivating strong mindfulness and concentration focused on an object such as the breathing process or on the good qualities of the Buddha, Dhamma and Saṅgha. Chanting can also have a meditative quality, developing calm and inner strength. Indeed, *samatha* helps a person to be calmer, more self-confident and resilient, and less likely to be controlled by harmful mind-states such as anger. This, in effect, helps a person to build a more harmonious and caring 'self', though one still recognised as lacking a fixed self-essence.

The cultivation of loving-kindness (*mettā*) and compassion (*karuṇā*)⁸ are particular kinds of *samatha* meditation that develop a calm focus on these qualities, spreading them out to all kinds of people and other beings. Meditation on kindness and compassion also helps practitioners to contemplate the sufferings that we all share and equally wish to be free of, and so helps to widen a person's circle of concern (Rubin 2003, 399; Mendis 1978, 9; Harvey 1997).

A related key aspect of Buddhism is its ethical principle that one should not inflict on another being what one would not want done to oneself, as we all seek to avoid suffering (Harvey 2000, 33–34). Further to this, the principle of karma means that if one intentionally inflicts suffering on others, this plants a seed that will bring future suffering to oneself (Harvey 2000, 14–16). Both of these aspects are very relevant to negating any impulse to sexually abuse anyone.

The effectiveness of traditional Buddhist meditations is supported by empirical research in neuroscience and psychology. Several studies in these fields have demonstrated that certain forms of meditation enhance prosociality and reduce aggression. Meditation does this through disengaging the meditator from a self-focused outlook to a 'selfless' outlook and corresponding emotional responses (Klimecki 2012).

The response to suffering that certain forms of meditation cultivate goes beyond sympathy to active compassion. It is not just the ability to enter into and share another's suffering but the need to ask what one might do to alleviate the suffering of the other (Rubin 2003, 409; Singer and Bolz 2013, 466). Several studies find that greater physiological emotional response to

others' suffering can lead to empathic distress, which is an aversive and self-oriented emotional response to the suffering of others, leading to withdrawal behaviour to protect oneself from negative emotions (Klimecki 2012, 9). Studies in neuroscience using functional magnetic resonance imaging (fMRI) demonstrate differences in response to the suffering of others between meditators and non-meditators. In non-meditators it activated the empathy-for-pain network, which they reported to be a highly aversive experience potentially reducing helping behaviours. In meditators, the suffering of others elicited the activation of compassion-related networks, and they reported more positive emotions and a willingness to engage in pro-social behaviours to alleviate the suffering of others (Singer and Bolz 2013, 530–536; Kaszniak 2010). The researchers also found that even a few days' training in meditation increased altruistic behaviours towards strangers, and compassionate response was not something that could be felt only by expert meditators (Singer and Bolz 2013, 530–536).

In addition to reducing aggression, meditation increases compassionate responses to suffering, even in the face of social pressure to avoid doing so (Condon et al. 2013, 21–27). This is a particularly significant finding in light of the group pressure that combatants may face to conform to group norms by perpetrating and/or condoning CRSV. The *Roots of Restraint* study conducted by the ICRC to understand the sources influencing soldiers and fighters to respect the principles and norms of IHL identified that socialisation (the process by which people adopt the norms and rules of a given community) is a key factor influencing combatants (ICRC 2018).

These findings demonstrate that meditation, especially those forms that cultivate loving-kindness and compassion, is a practical and effective means of negating self-centred attachment and widening a person's sympathies, in tune with the Buddhist teaching on the lack of a permanent, essential self and on our deep relationship to other beings. Seeing the non-selfness of aspects of the body–mind that we take as a fixed 'self', and developing kindness and compassion, thus work together to increase a compassionate response to suffering, which can thus result in actions to prevent and reduce suffering during armed conflict. This is directly relevant to the objectives of the IHL measures to prevent and address CRSV, as they are aimed at preventing unjustifiable and extreme suffering during armed conflict.

Military research on meditative training of combatants

Meditation has historically been a part of some warrior cultures, particularly that of the Samurai. It was believed that meditation would improve concentration and focus, in part by blocking off irrelevant thoughts.

Certain forms of meditation are currently used as part of the training of combatants in several armed forces in the world. The United States Department of Defense uses it effectively to reduce the stress experienced by combatants in conflict situations and train them to act wisely in such situations, preventing them from burning out, or acting out (the release of out-of-control aggressive or sexual impulses in order to gain relief from tension or anxiety) during prolonged stress exposure (Johnson et al. 2014; Barnes et al. 2016). It is also used widely among American veterans suffering from post-traumatic stress disorder. Several studies demonstrate that meditative training promotes self- and other-compassion among war veterans with post-traumatic stress disorder (Kearney et al. 2014). A study conducted among combatants from all ranks of the Indian army established that certain forms of meditation are effective in long-term reduction of stress. The combatants for this study were drawn from insurgency-prone and difficult areas (Assam/Jammu and Kashmir) with frequent cases of soldiers running amok. The study recommended incorporating meditative training into the combatants' morning exercise routine to manage physiological and psychological effects of stress (Cheema and Grewal 2013, 27). The implementation of a transcendental meditation (concentrating on a mantra) programme in the Brazilian military police forces showed greater relaxation among the military personnel, greater respect for the country and organisations, a reduction in disciplinary sanctions and improvement in the relationships of the officers with other community members (Roset and Schuler 1990).

Research has found that even relatively brief periods of meditation training can substantially reduce aggression without any concomitant change in executive control (the ability to carry out goal-directed behaviour using complex mental processes and cognitive abilities) (DeSteno et al. 2018). Thus, the use of meditative training as part of military training would in no way affect the ability of combatants to perform tasks requiring intense cognitive and physical capacity nor would they be required to engage in meditation for long periods of time. However, meditative training needs to be engaged in regularly to ensure that these effects are maintained consistently.

The initiation of meditative training among combatants may prove to be a challenge. At first glance, meditation would not seem a natural part of a martial culture. Also, the nature of meditation requires focused, intentional dedication. Merely making participation mandatory would not serve the purpose (Johnson et al. 2014). Combatants would have to be convinced, based on the proven benefits of meditation in terms of concentrated performance and by drawing parallels with elite military cultures that have used meditation, such as the Samurai.

The cultural familiarity of meditation in Buddhist communities (Maquet 1975, 555) is both a strength and a weakness when incorporating meditative training into the military training of Buddhist combatants. The cultural familiarity and the respect for meditation as a religious practice would make Buddhist combatants more open to the idea of engaging in meditation. However, meditation is often perceived by some lay Buddhists as merely a component of Buddhist ritual rather than a practice to engage in with the highest alertness and dedication. This should be taken into consideration when implementing meditation programmes among military personnel in Buddhist communities. Moreover, as discussed above, meditations on no-self need to be handled carefully, so as to be engaged with in a balanced way and not lead to undermining respect for others.⁹

Conclusion

The article has reported that, although developments in the interpretation of IHL since the early 1990s have led to the greater recognition of CRSV as a violation, there are still significant problems with prevention, recognition and accountability. I have examined how harmful, essentialised conceptions of gender often lie behind the use of CRSV. These conceptions also inform shame, absence of reporting and poor conviction rates. We have further noted that group culture and pressure may exacerbate its occurrence.

I have turned to two Buddhist resources to propose how to address these issues. The first is the doctrine of *anattā*, non-self, or the absence of a fixed individual identity, to undermine harmful gender essentialisation. The second is training in meaningful meditative development among combatants as well as non-combatants to create awareness and compassion, as well as to make people more resistant to negative peer pressure. Cognitive and psychological studies have confirmed greater prosociality and stronger integrity among meditators, even after relative short meditation sessions. The effectiveness of even short, easy-to-manage meditation sessions means that meditative training could form an important and heretofore overlooked aspect of military training and significantly contribute to reducing suffering during conflict. As meditation has always been valued and practised in Buddhist communities (Maquet 1975), it would be an effective starting point through which Buddhist communities can be brought closer to a genuine understanding of the significance of more complex and less familiar Buddhist doctrines and traditions, and their IHL-related implications.

Both Theravāda and Mahāyāna Buddhism place meditative training at the centre of Buddhist practice, and in many contemporary Buddhist contexts it is a practice widely engaged with by everyone, whether lay or monastic (Goodman 2013, 555), at least in simple forms, such as chanting. Nonetheless, the uptake of meditation among Buddhist communities is not uniform, with

many leaving it to dedicated practitioners or to a small part of ritual practices on specific, one-off occasions. This article suggests that meditation, supported with explanations of related doctrine, could be successfully employed as a means to reduce suffering during conflict by influencing the behaviour of combatants through epistemological and affective change, which would ultimately contribute to the practical implementation of IHL measures to address CRSV. However, more attention needs to be paid to what *kind(s)* of ‘meditation’ are effective in combatting CRSV, and what kinds of ‘meditation’ have been studied in particular instances of empirical research. This article proposes specifically that the practice of *mettā* meditation cultivates calm, kindness and compassion, and the mindfulness emphasised especially in Vipassanā meditation leads to an understanding of the constructed nature of identity, including gender identity. The development of the two would result in significant changes in the understanding as well as the emotions of those practising them. The capacity of meditation to bring about such epistemological and affective change in individuals is demonstrated by drawing on Buddhist doctrine and practice and empirical evidence from recent research in neuroscience.

Notes

1. *Anattalakkhana Sutta*, *Saṃyutta Nikāya* 22.59 of the *Sutta Pitaka* of the Pali Canon. See Nāṇamoli Thera (2010) for translation.
2. See Thanissaro Bhikkhu (2005) for translation of the *Therīgāthā* and <https://www.accesstosight.org/tipitaka/sn/index.html#sn5> for translation of the *Bhikkhūnī Saṃyutta*.
3. See *Somā Sutta* of *Bhikkhūnī-saṃyutta* SN 5.2 (Bodhi 1997), *Therīgāthā* (Thanissaro Bhikkhu 2005) and Harvey 2000, 357–361 for detailed discussion.
4. *Somā Sutta* of *Bhikkhūnī-saṃyutta* SN 5.2 (Bodhi 1997); see also *Therīgāthā* vv.60–62 (Thanissaro Bhikkhu 2005).
5. DN.I.202, as discussed in Dharmasiri (1997).
6. It should be noted that Buddhism has traditionally accepted four sexes: male, female, both and neither (Harvey 2000, 411–417).
7. Personal correspondence with Asanga Tilakaratne, 28 November 2019.
8. See Buddhārakkhita (1989), Nāṇamoli Thera (1994), Nyanaponika Thera (1994) and Sujiva (1991) for modern discussion on loving-kindness and compassion. The *Visuddhimagga*, in Chapter IX (Nāṇamoli Thera 2011, 288–319), classifies meditation on loving-kindness and compassion as a *samatha* practice.
9. See also Noel Trew in this volume for the use and potential benefits of meditation in the military so long as it is coupled with training in Buddhist ethical precepts.

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