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FUNDAMENTAL INTELLIGENCE, A BUDDHIST JUSTIFICATION FOR THE UNIVERSAL PRINCIPLES UNDERLYING IHL

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ABSTRACT

All of us agree that a civilian population is inevitably and profoundly affected by a war, regardless of where this population stands in the scheme of things. A civilian population is hostage to the forces at work, not only physically, economically and socially, but also intimately, emotionally, psychologically and spiritually. In fact, everyone involved in a conflict has to deal with the chaos in his or her own mind and in his or her own environment. The formulation of international humanitarian law (IHL) was influenced by a socially oriented intellectual culture that has often failed to address the inner workings of the individual consciousness. Buddhism's contribution here may be just that: its insistence on the process of cognition as the ground for both the creation of and the liberation from suffering. More specifically, this paper focuses on the *Dharmadharmatāvibhāga* (DDV), an ancient North Indian Buddhist text. The premise is that many such ancient texts have something important to contribute to our contemporary world, by offering some insight into 'universal principles' in the workings of the mind and in human interactions. The question then is: how can these ideas contribute to the development of individual willingness to care and embody ethical conduct even during armed conflicts?

KEYWORDS *Dharma-dharmatā-vibhāga*; Mahāyāna; Buddha-nature; wisdom; Yogācāra; jñāna; universality; āśraya; Francisco Varela; Buddhist ethics; innate insight; International Humanitarian Law

The *Dharmadharmatāvibhāga* and the notion of 'support'¹

The title of this text, the *Dharmadharmatāvibhāga* (DDV),² can be translated as *The Distinction between Phenomena³ and their Nature*. It is a fourth-century North Indian Buddhist text resulting from a series of debates (in *abhidharma* circles), as well as from intensive contemplative practices (meditation). The original target audience was definitely practice-oriented (*Yogācāra*⁴). Within the Tibetan canon, the DDV is classified as a philosophical text.⁵ Amongst the commentaries (*śāstra*) on the words of the Buddha (*buddhavacana*), it is associated with the development of wisdom⁶ inseparable from

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compassion.⁷ The Tibetan tradition attributes its composition to Maitreya and its writing to Asaṅga. As the title indicates, its intention is to distinguish between the dualistic appearance of things (i.e. subject–object/me–other/us–them) and their essentially non-dual nature. Within its semantic structure is the notion of reliance, support or basis.⁸ In brief, the foundation of human existence is said to be fundamental intelligence, though its expression is often obscured by confusion during conflicts.⁹

IHL and the DDV's justifications for it

In a pragmatic way, it is said that IHL¹⁰ regulates general and even some specific aspects of the conduct of individuals during hostilities on the basis of certain core principles, including the following as described by the International Committee of the Red Cross (ICRC, 2014):

[...] 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. In addition, Articles 35(3) and 55 of [Additional Protocols] AP I prohibit methods and means of warfare that cause widespread, long-term and severe damage to the natural environment. The rules on the conduct of hostilities also grant specific protection to certain objects, including cultural property and places of worship (the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict; AP I, Article 53; AP II, Article 16), objects indispensable to the survival of the civilian population (AP I, Article 54; AP II, Article 14), and 'works and installations containing dangerous forces' (AP I, Article 56; AP II, Article 15). Such works and installations, as well as cultural property and civil defence personnel and facilities, can be identified by specific symbols [...] (2014, 3–4)

These all involve a process of discrimination that comprises development of knowledge, ethics and dignified conduct. However, exemplary conduct informed by Buddhist principles would possibly require an even greater sense of individual responsibility, for which inner training is necessary.

While restrictions on armed conflict are found in many ancient cultures and in the development of military philosophies, at its inception IHL was influenced by the intellectual culture of its time, which sought to embrace common or universal values rather than necessarily address the inner workings and peculiarities of the individual consciousness.¹¹ In fact, Jean Pictet, a Swiss jurist responsible for the elaboration of the Geneva Convention after the Second World War, says:¹²

The modern world has placed its hopes in internationalism and therein no doubt its future lies. Now, in an international environment, [hu]man's rights can only be based on what is universal, on ideas capable of bringing together men [and women] of all races ...

Pictet highlights the need for consensus amongst cultures in regard to IHL, and goes on to say that:

The plurality of cultures and the need to take an interest in them and study them in depth is recognized. This leads to an awareness that humanitarian principles are common to all human communities wherever they may be. When different customs, ethics and philosophies are gathered for comparison, and when they are melted down, their particularities eliminated and only what is general extracted, one is left with a pure substance which is the heritage of all [hu]mankind. (1988, 3–4)

As with many areas of law, individual motive and intention are relevant to IHL and to judging infringements of it. However, over the years, the notion of 'universality' implicit to IHL has sometimes been criticised and seen as a product of 'Western' political, cultural, social and even religious history. Whether accurate or not about the origin of IHL, the argument against the idea of 'universality' is that although this notion creates possibilities for common-sense agreement, it also triggers culturally specific disagreement. In other words, on the one hand, we have complementary bodies of law such as IHL and the human rights law, which are seeking a universal ground and which should apply to every human being, and on the other, we have the idea that no 'moral' or 'ethical' principles can be made to apply to all cultures.¹³ Facing this dichotomy, one may argue in accordance with Pictet that some aspects of these two bodies of international law can trigger cultural differences, but that surely the right for civilians not to be indiscriminately killed or maimed in war can be respected by everyone. Or again, that soldiers should not intentionally target non-combatants! Most Buddhist thinkers would agree with these arguments, including the author of the DDV. It should be noted here that IHL and human rights law are separate yet complementary bodies of law. IHL's philosophical roots are ancient, and its aims are modest – to preserve some humanity amidst the inhumanity of war. Human rights law is rooted in 'Western' culture, and demands more of political leaders. Therefore, it is sometimes possible to get agreement on IHL matters, even

when a state is sceptical about the notion of human rights. Perhaps the fact that IHL and human rights law have different philosophical roots might make it easier for IHL to engage with different cultural traditions than human rights law.¹⁴

From the DDV's perspective, it would be helpful here to look not only at the content of the law, or at the ways it can be fruitful, but also at the inner 'workings of perception' implicit to any living organisms and to all interaction. In this context, words and concepts are clearly the instruments of any process of perception. When active, an individual's 'process' of perception operates by identifying specificities and differences in a sequence of action. According to early philosophical descriptions, first there is a perception (*saṃjñā*) which is the act of identifying the specific traits of an object – whether this object is seen, heard, tasted, smelt, touched or thought of. This perception leads to the fabrication of a barely noticeable concept (*parikalpa*) which allows an act of discrimination (*vikalpa*) which in turns separates this perception from what is different from it; then, based on that discrimination, an elaboration (*prapañca*) takes place ...¹⁵ These inner workings of individual minds are part of what make up cultures and societies. All societies have a propensity to elaborate codes of behaviour, and this is a basic principle at work everywhere. The main enactors of ideas are individual processes of perception. Any debate and culturally specific agreement or disagreement come about because ideas and concepts are born out of a process of distinctions and discriminations. Rules based on cultures and religious beliefs are often bound to bring disagreements between individuals. So, in many ways, we could say that IHL is trying to create a 'common culture' around armed conflict where everyone can find some kind of agreement.

Yet I suggest here that the 'pure substance' sought by Pictet can probably not be found in ideas alone because of the very nature of ideas and of the 'process of perception'. Could this 'pure substance' then be found in acknowledging the process of cognition common to all beings? In many ways, the acknowledgement of the dualistic workings of consciousness, and to some extent of the non-duality of subject and object and of fundamental intelligence inherent to all living creatures, provides a Buddhist justification for the universal protections under IHL. It also provides a justification for attending to basic human needs as well as fulfilling the 'humanitarian' aspiration of IHL.

When Pictet claims that *although* [...] *people are different, human nature is the same the world over* (1988, 3–4), the DDV agrees with him but goes even further. Human nature is not only the same the world over, all beings, and the environment, are of the same nature; nothing is completely separate; all and everything is interrelated. At the very heart of all of this, from the DDV's point of view, is non-duality (the interdependence of the subject perceiving and the object perceived) and fundamental intelligence. Our task as socially

concerned individuals is to create the conditions for it to express itself whenever possible, and there are many ways to go about this. Seeking common values is one of them.

Recently, 15 scholars of economics, law and the natural sciences published an article online called 'From the Anthropocene to Mutual Thriving',¹⁶ inviting thinkers to shift from the dichotomies of a subject versus object view of the world to an 'Ecozoic'¹⁷ understanding of mutually enhancing subject–subject relationships. With these discussions, they envision a shift from an 'ontology' of separation to one of interconnectedness; from an axiology of material development to a plurality of values for world and meaning making. In his book *The Social Face of Buddhism*, Jones (2003) makes a similar call by bringing the notion of non-duality as the hallmark of interdependence and as the very nature of the process of cognition, thus rethinking the relationship of the individual and society, subject and object, and beings and their environment. His main thesis is that inner liberation is the ultimate precondition for a collective and sustainable outer liberation.¹⁸ This implies that, in an effort to reduce suffering, we must invest in the inner development of individual character.

In the same way, one of the reasons that I suggest that the DDV can be of help in a discussion on armed conflict, and to support the work of the Red Cross and Red Crescent with regard to promoting IHL, is that this text is specifically intended to inform the act of being in the world, of engaging in relationships and of experiencing the experiencer himself or herself (i.e. reflexive awareness). In other words, it includes individual experience in its analysis and emphasises the importance of this individual experience during a conflict. This text is intended to bring profound and unwavering support for individuals in their inevitable struggle to navigate the rugged geography of experience, whether peaceful or chaotic. And, as with many Buddhist philosophical texts, it necessarily starts with mapping the geography of experience by offering a structural framework to help assess the situation and offer guidance.

The threefold framework for assessment and guidance

In its intention to inform individuals about the process of perception, in the first part of stanza 12, the DDV presents the general state of affairs: 'Whenever beings move around somewhere, there are supports upon which rests the unending cycle of suffering. In this vicious circle, there is what the experience of "beings" relies on; and there is the environment that serves as support¹⁹ ...' (12).

The notion of 'support' – also found under the Sanskrit terms *āśraya* (basis), *sthāna* (stance, place or foundation), *pratiṣṭhā* (to rely on)²⁰ and so on – permeates several traditions of Buddhist thought, almost to an obsessive

degree. It is often used in an instrumental sense (i.e. what beings gain benefit from) and at other times used in a more fundamental sense (i.e. what causes beings to experience a particular state). Perhaps this obsession is not only a Buddhist thing, but a fundamental human concern for security, and for its continuous quest to find meaning. Nevertheless, in a Buddhist context, the notion of support inevitably relates to the notions of 'interdependence' and 'causality'.

From the perspective of relative reality, any experience is considered neither without causes nor without conditions. Moreover, in the interaction of causes and conditions, no one is a passive receptor. Perception implies the action of grasping (Sk. *graha*). The working of perception here can be compared to a 'process'; it is impersonal, yet it is an activity with a consequence. This activity and its consequences can be described as the result of a constant interaction, or as a fine and subtle conversation between countless events. It is dynamic, situational, momentary and continuously in movement. The chain of causes and conditions is thought of as so complex that it is inconceivable, beyond the reach of intellectual understanding. From this perspective, the simple fact of 'being', 'seeing', 'thinking' ... occurs through a natural tendency to grasp (*graha*), to construct (*kalpanā*, *parikalpa*, *vikalpa*) and to elaborate (*prapañca*). Everything, including a conception of the world, has a consequence on the following sequence of thoughts, emotions, actions, etc. Like a circle engendering its next round, *ad infinitum* ...

Far from being fatalistic and abstract, the idea of 'support' in this Buddhist description of the process of perception reminds all who want to hear it that people have access to a practical and immediate handle on some things: awareness. In other words, the invitation here is to move from a repetitive habit of ignoring the inner workings of the mind (irresponsibility) to a momentary dynamic of awareness and individual 'responsibility'. And this is so from the very first texts attributed to the Buddha, i.e. the *Dharmacakrapravartana-sūtra* and the *Anātmalakṣaṇa-sūtra*, to later Mahāyāna texts such as the *Aṣṭasāhasrikā Prajñāpāramitā-sūtra*, to 'treatises' like the DDV that take on the specific task of addressing the issue of 'what one relies on'. This idea of 'support', in my view, is key in examining the interface between Buddhism²¹ and IHL – it focuses attention on a possible 'universal principle' at work in any human encounter as well as on a justification for its implementation.

Thus, from a Buddhist perspective, if one does not acknowledge the workings of the mind in an armed conflict, one cannot offer an appropriate response to the situation at hand. Blind, habitual conditioned responses are bound to create suffering for oneself or/and others. Why? Partly because they are not in accord with the specificity of a situation. The opposite is also true.

According to these ancient texts, when one can appreciate the actual complex and fabricated state of affairs, ethical conduct can be an accurate response and a key in reducing suffering.

Along these same lines, in his short but fascinating book called *Ethical Know-How, Action, Wisdom, and Cognition*, the biologist, philosopher and neuroscientist Francisco²² Varela (1999) calls for training in ethical spontaneity after revisiting the notion of ethical conduct:

As a first approximation, let me say that a wise (or virtuous) person is one who knows what is good and spontaneously does it. It is the immediacy of perception and action which we want to examine critically. This approach stands in stark contrast to the usual way of investigating ethical behavior, which begins by analysing the intentional content of an act and ends by evaluating the rationality of particular moral judgements. (1999, 4)

With his findings, Varela focuses on the proper units of knowledge, and defines them as a concrete, lived experience based on immediate perception. Varela associates these embodied experiences in action with innate wisdom. Here he does not deny the importance of deliberation and analysis, but he insists on the necessity to consider both modes of cognition (analytical and immediate) in the discussions on ethics:

In other words, cognitive science is waking up to the simple fact that just *being there*, immediate coping, is far from simple or reflexive. Immediate coping is, in fact, the real 'hard work' since it took the longest evolutionary time to develop. The ability to make intentional, rational analyses during breakdowns appeared only recently and very rapidly in evolutionary terms. (1999, 18)

For Varela, there is no doubt that many Buddhist teachings, although completely different from scientific research in their approach and outlook, are in accord with his neuroscience findings. More importantly for him, these teachings can act as one of the possible guides for training in refining natural, inherent abilities, a type of training in spontaneity. This may be a possible avenue for further research for IHL scholars.

In brief, this first part of the stanza says that when considering a situation, there are at least two interactive phenomena to take into account. These two interactive phenomena are also a way to expose dualistic thinking:

- (1) individual beings with their 'process of perception' (subject),
- (2) and the form that the environment takes for individuals (object).

Borrowed from earlier Indian schools of thought, this is a classic Indian presentation: there is the container – acting as the support (i.e. environment or womb); and the contained – acting as what is supported (i.e. beings, seeds or potential).²³ We could also think of it as a division between mind and

matter, i.e. the mind of an individual and their physical environment, but the DDV insists on the overall importance of the mind. Suffering occurs within the experience of individuals in this dynamic. In other words, from the DDV's point of view, there is no experience of the world without an active process of perception. There is no experience of suffering without the process of cognition. This suggests that when one's goal is to reduce suffering, one must consider the process of cognition as the 'building block' upon which everything else rests. From this perspective, a division between the inner and the outer (duality) is more apparent than real; the process of cognition is *the* determinant factor in all situations. That is probably why, in the last part of stanza 12, the DDV further divides the process of cognition into two aspects: 'What the experience of "beings" relies on can be divided into what is shared by them (i.e. what is relationally produced), and what is not shared by them (i.e. what is intimate and personal)'²⁴ (12).

When combining the first part and the last part of stanza 12, we end up with a threefold framework for assessing situations in general, and more specifically here for IHL:

- (1) what seems shared by beings (object);
- (2) what is interdependently shared (relations);
- (3) and what is not shared, or intimate to each individual (subject).²⁵

The first element of this framework refers to the environmental and external circumstances. The term 'seems' puts emphasis on the fact that where suffering is concerned, the mind is foremost. The experience of external circumstances depends on the mind. The second refers to the relational aspect of a situation. The DDV indicates here that all relational activities are caused and determined in reciprocity.²⁶ We could say that they are non-dual in that they are interdependent – not separate. All relations get hooked to each other in repetitive patterns until the process of perception is clearly brought to awareness. The third element refers to sensory consciousnesses (visual, auditory, olfactory, gustative, tactile) to which we add the mental consciousness interacting with thoughts and with the dynamic of conditioning. The third element of this threefold framework focuses on the way one experiences the world and relationships (i.e. on the 'process of perception'). In other words, to repeat, it is *the* determinant factor. Mind is foremost, even in times of conflict. So, what does this mean for IHL? How does this internal process apply to a civilian population and to soldiers during armed conflict?

Amongst the many qualities to be developed on the Buddhist path in the context of armed conflict, forbearance (*kṣānti*) – a form of non-violent communication or training – plays a particularly important role. The meaning of the equivalent Pāli term *khanti* is described by Sasaki²⁷ as a 'willingness' to calmly engage all things and/or views along with their implications, without

detriment to oneself or others. In the description of this term, the consequences of one's views and actions are at the heart of the matter. Any view has its consequences, and the view of non-duality is thought here to yield the best results. In practical terms, when a seeming separation between self and other is held to be real, the consequence is suffering, unease; when it is seen as misleading, one tends to better embrace the importance of the practice of forbearance (Sk. *kṣānti* or the calm commitment to being with what is) and benevolence (Sk. *maītrī*) for those on one's 'own' side, as well as for those on the 'other' side. The key lies in understanding the workings of the mind in the sense of what yields the best result.

In the DDV's framework, the dynamic of conditioning leads to the conclusion that the appearance of duality (i.e. a complete separation between subject and object) does not actually exist in the way it appears. How is that? It is said that by the time an object of perception is brought to awareness, a process of perception (i.e. grasping, constructing and elaborating) has already occurred. What is actually seen (e.g. an enemy) has been mentally organised to appear in such a way. So what is seen is not the 'object' itself, but an interpretation of the 'object'.²⁸ All perceptions are fabricated; all appearances are *interpretation-only*.²⁹ Perceptions are coloured by individual predispositions; dressed up and conditioned by previous experiences.

The appearance of duality, although unprompted and involuntary, is misleading because what is perceived is the product of one's own process of perception. No division between subject and object is ever possible. Duality appears to individuals just as a mirage, an illusion, or a magical display. This is why, on the quest to reduce suffering, the unquestioned belief and reliance on dualistic perception is identified as the subtlest form of aggression/ignorance, and as the basis of all conflicts and suffering. With this analysis and these examples, we end up understanding that, as individuals, we are all bound to work with dualistic perceptions, but that we can learn to not be fooled by the 'process'. Just like when seeing a rabbit coming out of a magician's hat, one can understand that a process is behind the illusion.

In his search for a Buddhist social theory influenced by the Zen tradition, Jones (2003) examines the consequences of such possibility: 'when self (subject) gives up its struggle to sustain its sense of separation from all that is other (object) it opens to an at-oneness' (2003, 14).³⁰ In other words, a Dharmic view is not only assessed and appreciated according to its coherence and 'truthfulness', but also according to its implications and repercussions on individual and collective realities. A sense of separated-ness from others, from the world and from nature is not only a misinterpretation, it also leads inevitably to tension, conflict and suffering. Accordingly, the Australian philosopher Chadha (2018) says that the view of interdependence associated here with non-duality (the absence of

existence of an independent self/subject) is not only a logical conclusion to analysis, it is *the* preferred ethical stance: 'The Abhidharma Buddhist revisionary metaphysics aims to provide an intellectually and morally preferred picture of the world that lacks a self' (2018, 1). Although Chadha here writes specifically about the Abhidharma view, her statement about the self applies to most schools of Buddhist thought. For example, non-duality in the DDV indicates that there is no perception of an object without a subject perceiving it, and vice versa; they are interdependent.

More importantly, though, Chadha implies that ethics is not separate from the development of wisdom (e.g. recollection of the view of interdependence). The *Dīgha Nikāya* I.124 says that ethics and wisdom are like two hands washing each other. In non-dualistic terms, ethics is understood as the actual embodiment of wisdom. From an ideal way of being in the world, it progressively becomes a natural lived embodied experience in action. Ethical conduct is the willingness and commitment to be there with what appears. With this willingness, one becomes responsible for one's own perceptions and projections, neither rejecting them and losing track of relative reality, nor fixating on them (i.e. crystallising them into fixed realities) and being fooled by appearances. In the best scenarios, this presentation can bring light to one's responsibility in participating in the creation of the best conditions in any situation by recollecting a view of the situation that is conducive to virtue – in other words, manifesting an exemplary ethical conduct, particularly important in difficult, conflicted situations.

Assessment and guidance

As shown above, this threefold framework is an interesting device for individuals assessing their own situation. From this perspective, this description is concerned with the development of individual characters, yet it can also, and simultaneously, serve organisations. When assessing the situation of a civilian population, organisations could use this same framework and consider:

- (1) the external circumstances of the civilian population and their physical situation,
- (2) the relationship of the civilian population to the conflict itself, to humanitarian aid and to the armed forces or soldiers,
- (3) and, finally, the individual experience that may vary widely from one person to another (including spiritual and future concerns).

Although such an assessment is aimed at simply understanding the state of affairs, it can also be motivated by the desire to facilitate the creation of the best conditions for the well-being of each and every being and group. Buddhist communities have sometimes used this framework to offer governing, legal and humanitarian guidance. It can be observed, for example, to

operate centuries before the composition of the DDV during the time of the Buddhist king Aśoka, around 272–236 BCE in Central India. As attested by Pillar Edict number 4, there are concerns (1) for the social environment, (2) for the relational reality of individuals and (3) for personal situation and individual experience, including a concern for the workings of consciousness and its consequence in future times.³¹ Hultzsch's (1925) translation reads as follows:

For the following is to be desired, that there should be both uniformity in judicial proceedings and impartiality in punishments (1).

And my order [reaches] even so far [that] a respite of three days is granted by me to persons lying in prison on whom punishment has been passed, [and] who have been condemned to death.³²

[In this way] either [their] relatives will persuade those [Lajūkas] to [grant] their life (2), or, if there is none who persuades [them], they will bestow gifts or will undergo fasts in order to [attain happiness] in the other [world] (3).

For my desire is this, that, even when the time [of respite] has expired, they should attain [happiness] in the other [world] (3).

And various moral practices, self-control, [and] the distribution of gifts are [thus] promoted among the people (2).³³ [numbers added for emphasis]

Norman (1975) analysed the language of the above edict and does not see it as making any reference to the death penalty:

And even up to now (this has been) my practice. To those persons who have been imprisoned, have completed their punishments, have received their beatings, an allowance has been given by me for three days. And their relatives will make (them) think of a refuge to save their lives. Being made to think indeed of death as the end (of life), they will either make a gift connected with the next world, or perform a fast.

For my desire is that even in the limited time (remaining to them), they may thus attain the next world. (1975, 21)

Despite possible problems of translation, what can be observed here is that the threefold framework is used in an effort to organise human interaction in cross-cultural contexts. In terms of the development of individual characters, the qualities of generosity and inner discipline, which are integral to Buddhist training, are encouraged. The statement on the treatment of prisoners is concerned with apparent down-to-earth realities, perhaps best expressed as *uniformity in judicial procedure*. Ethics and clear rules are presented as key in organising the coherent workings of a society and in creating conducive conditions for the well-being of individuals. Moreover, the role of friends and family is empowered through the possibility of intervening. This is an

example of legal, ethical and spiritual preoccupations working together to foster care and dignity. Yet the DDV goes further than this in its pursuit of offering guidance in embodied, ethical wisdom.

Fundamental intelligence as ground for ethics

Even if we usually think of ethics/morals in terms of ‘dos’ and ‘don’ts’ – good behaviour versus bad behaviour, and consequently in times of conflict what is good (our tradition/culture) versus what is bad (what threatens it) – a Buddhist perspective prevents simplistic dualistic interpretation and responses. Of course, Buddhist communities make a distinction between what is wholesome (*kuśala*) and unwholesome (*akuśala*), yet, as Damien Keown points out, Buddhist ethics (*śīla*) is not normative but concerned with causes and effects of action (1996, 338). It looks to the causative roots of actions – attraction, aversion, ignorance; it looks to their opposites when adopting the path, and it also looks at the results of these actions, with an emphasis:

- on the future result (not simply the present situation);
- on the formation of individual character (i.e. path/journey);
- on liberation or enlightenment.

In the same way, in the DDV, ethics are necessarily linked to wisdom (inseparable from compassion). The principle said to operate in Buddhist ethics is that actions – of body, speech and mind – leave imprints (predispositions associated with volition) on each individual mind stream (intimate individual experience). As a result, these imprints influence the future course of events and therefore the dynamic of relationships and societies. Even if thoughts about future results of an action may be one component in deciding whether to do something or not, from a Buddhist perspective the dynamic of conditioning occurs whether one believes or not in past and future lives. In other words, it is apersonal, acultural; it does not relate to likes or dislikes, or simply to the conscious will of an individual.³⁴ During an armed conflict, the ethical conduct operating – for a combatant, a prisoner or a civilian – necessarily involves an encounter with intimately stored inner imprints. The external conflict as experienced by an individual is inevitably an inner journey. And it may, if apprehended consciously, become an incursion into the strengthening of one’s own capacity to work within heightened and chaotic situations.

Thus, how might this influence conduct in line with, or against, the principles of IHL? As it is with the edict of Aśoka and with the threefold framework offered by the DDV, an external law is essential (*uniformity in judicial procedure*), but it is only one of the ingredients to success; a personal and a collective concern for the development of individual

characters and for the relational realities are also important. The emphasis here is put on the individual capacity to discriminate.³⁵ There is a distinction between a process of discrimination leading to ‘dogma’ (strong habitual tendencies based on a simplistic opposition of good vs. bad) and a process of discrimination leading to ‘nonpartisan logic’³⁶ with an ability to consider the complexity of a situation at hand. From this perspective, views, values, rules and trainings are not there to simply impose a particular behaviour, but to inform the inherent process of discrimination, the innate capacity for liberation.

So, from this point of view, when concerned with the development of individual character, a view, a rule or a law acts as a framework to develop critical thinking,³⁷ to develop a capacity to apply basic philosophical principles and to develop ethical expertise. In the DDV, and as it is found in several other Buddhist philosophical texts, ethical expertise is first developed through remembering again and again that everything that appears is ‘interpretation-only’. Another way to train in this type of ethical expertise would be to remember the impermanence, the interdependence and/or the composite-ness of all that appears. The advantage with the training in ‘interpretation-only’ lies in the implied responsibility for one’s own perception of reality – the reality appears in such and such a way because ‘one’s own’ particular process of perception makes it appear so. The notion of responsibility here is not retroactive by nature, it does not entail blame nor does it imply culpability for wrongdoings or failures; on the contrary, it is proactive in the development of wisdom with strong ethical implications. One changes the very framework of habitual tendencies. It is by taking the process of cognition into account that one turns the mind onto itself and liberates it from its tendencies. Yet simply changing a habit or a view for another is not the aim of such texts; its aim is much more radical than this.

In a later stanza,³⁸ one is further invited to consider everything that appears from the perspective of *dharmatā*. The term *dharmatā* is usually translated as the nature of phenomena, the nature of all that appears – in other words, the nature of external things like mountains and guns; the nature of relational realities like friends and enemies; and the nature of internal ones like fear and relief. It would thus include the experience of kindness as much as of cruelty, of love as much as of hatred, and compliance with, or violation of, laws like IHL and so on – whatever appears, its very nature is suchness (Sk. *tathatā*): the as-it-is-ness of things as they are. Suchness is neither good nor bad, it is just so without divisions: ‘... the nature of all that appears is suchness without a separation between an object grasped and a subject grasping or [between] what is designated and the designation’³⁹ (6).

The term suchness can be understood as non-duality, egolessness or selflessness,⁴⁰ or emptiness. What it means in concrete terms is that no matter how things appear, reality cannot be reduced to a division between subject and object, to a dualistic interpretation; it cannot be reduced to ideas, to words or to what these words refer to; and it cannot be reduced to a strict separation between friends and enemies.

The first steps dealing with the dynamic of conditioning put an emphasis on the 'intention' or the 'motivation'. Traditionally, for Buddhists, this may mean taking refuge in the Buddha/Dharma/Sangha: in a wakeful state of mind throughout the day. It is a way to remind oneself of one's most profound aspiration to be free of confusion and suffering; the idea of refuge here is also associated with the wish to be wholesome or useful (Sk. *kuśala*). It is worth noting here that people like John Makransky (2017) are actually developing this idea of refuge outside of the specificity of Buddhist communities as a way to develop sustainable compassion.⁴¹ Traditionally, this motivation is also further nourished by the development of many qualities, amongst which we mentioned the idea of tolerance (*kṣānti*). Now with suchness, the quality that is being developed is equal-mindedness (*samatā*) towards beings and towards circumstances, whatever they may be. In this context, the development of wisdom supports the development of ethical conduct. It is further supported by an initial commitment to be mindful and aware. This 'equal-mindedness' (an attitude that sees an equality (*samatā*) between beings, and between circumstances) favours the full expression of one's potential. So, in spite of the fact that things appear separate, appearances are but a product of a process of perception; and any interpretation has its limits. According to the DDV, this is so in part due to our reliance on words and ideas. Knowing the limitation of our interpretation is already a sign of clear thinking. One acts according to one's interpretation while clearly understanding its limits. The notion of suchness in this context becomes a doorway to non-conceptual, natural, inherent, ethical know-how, also called fundamental intelligence. It creates the necessary space for a breath of fresh air during times of conflict.

Fundamental intelligence as a universal principle

In its quest to identify a reliable ground, the DDV equates suchness (i.e. things as they are) with non-dual, non-conceptual fundamental intelligence.⁴² In other texts and contexts, this is also called wisdom (*jñāna* or *prajñā*) or Buddha-nature (*tathāgatagarbha* or *gotra*), and is seen as basic goodness, emptiness (*sūnyatā*⁴³) and also luminosity (*prabhāsvara*⁴⁴), perfection of wisdom (*prajñāpāramitā*) and so on. In stanza 33,⁴⁵ it is identified as the ground

from which the full potential of beings is actualised (i.e. free from all suffering and endowed with exceptional qualities). And in stanza 50.2, this ground is described in the following way:

Fundamental non-conceptual intelligence is without reference, without any dualistic distinction.

It involves no object grasped nor any grasping subject, since it has the particularity of using no referents.⁴⁶ (50.2)

At this point, one comes to consider that non-dual fundamental intelligence is simply present; it is unconditioned, all-encompassing, the nature of all beings. From the DDV's perspective, fundamental intelligence is accessible at all times. It may not be noticed, yet this unconditioned realm of suchness is never beyond reach. Non-duality is the ground from which duality manifests, just as one can say that the infinite embraces finiteness.

So, if one is to rely on something conducive to reduce suffering, one needs to rely on this sound and sensible groundless ground. Fundamental intelligence is sound because it can be logically coherent (interestingly resonating with Varela's research); it is sensible because it is conducive to ethical conduct; and it is groundless because it does not rely on apparent duality. Rather, this groundless ground is a direct natural experience, and according to the first chapter of one of the foundational texts of Mahāyāna, the *Aṣṭasāhasrikā Prajñāpāramitā-sūtra*, it is the expression of skilful means in itself (i.e. compassion⁴⁷). This innate wisdom can be associated here with basic, good common sense and considered, from the Mahāyāna point of view, a universal principle at work in all living organisms. In practical terms, this means that with appreciation and confidence in one's own capacity to respond adequately to situations, one is already better equipped to face the chaos in one's environment and in one's own mind. And with the sense that everyone around is endowed with this same basic nature, dignified conduct becomes evident. So how can this notion further serve to inform IHL's aim of reducing suffering?

More on the development of individual characters

Many questions remain, but based on the idea of universal access to fundamental intelligence, some of the Buddhist methods, as Varela indicates, can be a guide for individuals; they can offer practical ideas and trainings that go beyond what sceptics may think of as a 'barren' or as a 'naive' foundational justification for IHL. Throughout this article, I have hinted at some possible ways to train,⁴⁸ the main one being the development of non-dual awareness based on an understanding that all that appears to the mind is the result of a process of interpretation.

Sceptics *could* already argue that if one takes the point of view that ‘everything is interpretation-only’, one ends up with unbridled relativism, ‘alternative facts’, and no common ground to agree on within a society. Against this argument, it is best to point out that the expression ‘interpretation-only’ is another way to speak of interdependence, the only difference from earlier schools being a stronger emphasis on the process of perception/interpretation/projection. It is a way to say that there are limits to any interpretations. It is also used as part of mindfulness training.

Central to all Buddhist schools and practices, recollection/mindfulness (*smṛti* or *anusmṛti*⁴⁹) may be defined as an act of remembering; of preventing ideas from ‘floating away’; of counteracting forgetfulness, carelessness and distraction. It is linked to an informed way of watching and it is relevant to all three trainings: ethics, meditation and wisdom. In the DDV, recollecting a view like ‘interpretation-only’ is training in being mindful – that is, cultivating one’s growing understanding of the way mental and physical appearances come to be and come to disappear based on informed experience.

To give other examples of such practices, in the *Satipaṭṭhāna Sutta* (MN 10) which is often associated with early schools, the emphasis is placed on watching arising and ceasing:

In this way, she lives watching mind within as mind, or she lives watching mind without as mind, or she lives watching mind within and without as mind. She lives watching the way things arise in the case of mind; or she lives watching the way things pass in the case of mind; or she lives watching the way things arise and pass in the case of mind. Furthermore, her mindfulness that there is mind is established so that there is knowledge and recollection in full degree; she lives independently, not holding on to anything in the world. This is how a practitioner lives watching mind as mind.⁵⁰

This observation of the arising and passing away of states of mind, without attachment or rejection, is essential on the path. Mind events are seen, observed and taught as ephemeral processes, and the meditator is asked here to watch the dynamic of arising and ceasing. I see a common mindfulness-thread between early schools and later schools. In many sections of the *Prajñāpāramitā-sūtra* literature most often associated with later schools, one can find such mindfulness instructions. In the case of the *Aṣṭa*, the emphasis is put on the ‘not holding on to anything’. The act of recollecting is informed here to counteract the tendency to make experienced events into ‘something’:

Subhuti then said to Sakra: Now, Kausika, listen and attend well. I will teach you how a Bodhisattva should stand in perfect wisdom Armed with the great armor, the Bodhisattva should so develop that [s]he does not take h[er] stand on the ideas that ‘form, etc., is permanent, [or] impermanent’; that ‘form is ease or ill’; that ‘form is the self, or not the self’, that ‘form is lovely or repulsive’, that ‘form is empty’, or apprehended as something.⁵¹

Regardless of philosophical debates between schools, living mindfully in both cases is about not holding on to anything. And this way of living is said to lead to seeing the way things are, to Nirvāṇa. An example of the result of other such 'informed watching' is also found in a later colourful description offered by the Indian tantric scholar Ratnākaraśānti (1000 CE), known as Śāntipa, associated with the Mahāsiddha tradition: 'Then, one's own mind, in which the whole world appears, is seen to be like the stainless sky on an autumn day at noon: contentless, unending bare manifestation'.⁵²

The aim of most of these recollection/mindfulness practices is to learn to let go of the production of projections and generic ideas about reality, and to actually taste the specificity and particularity of one's own experience as it is. It is to draw insight from what is there, rather than from extrapolations, habits and interpretations. Stanza 37 of the DDV gives more specific steps to help anchor this understanding into experience:

An access into fundamental non-conceptual intelligence is established through correct practice in four steps:

- (1) the practice with a point of view: 'interpretation-only',
- (2) the practice without an object,
- (3) the practice without a subject,
- (4) and the practice with neither subject nor object as referent.⁵³ (37)

Although this stanza may seem cryptic, these four steps are extraordinarily efficient. Their efficiency depends on a strong commitment to hold a particular point of view (i.e. one conducive to insight). First, the individual trains by adopting the view that everything that appears is 'interpretation-only' (1). The simple fact of remembering again and again the view 'interpretation-only' is itself conducive to gaining insight into the nature of things. It is thought that these types of practices create an inner space necessary for fundamental intelligence to express itself and to become the leading force in daily activity as well as in difficult situations. And with this first step, one already gets a sense that the external world and circumstances do not exist exactly as they appear; appearances do not exist independently from the process of perception. Relying on or resting within this insight is the second step (2). When the seeming solidity of external objects falls away, the subject who tends to look outwards automatically becomes the object of attention. And as it is with the object, the subject is also 'interpretation-only'. The sense of an individual self being separate from others is as much a fabrication; it is as much an interpretation as everything else. Relying on this insight is the third step (3). Finally, this realisation opens the space of non-dual awareness (4).

Coming to terms with the reality of the absence of inherent existence here does not lead to carelessness and aloofness. On the contrary, when one is profoundly aware of the workings of the process of cognition, one gains inner

space, a release of extraneous tension. In this space, inherent wisdom can express itself and become the ground for exemplary conduct. What is observed by Buddhist communities is that this awareness brings a deep sense of caring. It manifests as full awareness in action; it yields a sense of connectedness with people and the world. The natural act of 'caring' comes from the understanding that one is never completely separate from the situation at hand; it comes from the clarity of one's sharp, critical assessment of the situation.⁵⁴

As with most Buddhist approaches, Varela insists on repetitive exposure as the natural learning process of all organisms. Central to the leading theories on the notion and dynamic of 'expertise' is the idea that one becomes an expert through brute repetition. Just like a beginner musician plays the scales over and over again on their instrument, expertise occurs through a high level of automation yielding spontaneous naturalness. With repetition, in this process, one integrates and embodies the view that leads to ethical behaviour; reactions become more natural and more adapted to the situation at hand. Varela indicates that in traditional communities, the ethical expert, the Wise One, is usually clearly identified and can act as a role model. In modern societies, it has become difficult to identify ethical role models. This is problematic (1999, 24). It may be time to change this state of affairs. For Makransky, a professor of Buddhism and comparative theology at Boston College and a meditation teacher, the sense of connectedness is *the* key. He insists on the fact that there is no real solution to violence without an impartial sense of connectedness and wisdom.⁵⁵

Conclusion

To summarise briefly, the first key to reducing suffering in times of conflict, from the DDV's point of view, comes from a proper assessment of a situation. Organised in a threefold framework (external, relational and internal circumstances), this text's framework relies on an understanding of the workings of the process of cognition and its result: dualistic thinking. From this perspective, an interface between IHL and Buddhism is best served when one considers the misleading role that appearances, based on the belief in a complete separation between self and other, play in our ability to see clearly. Based on this consideration, the next key involves non-duality and fundamental intelligence as the most basic principles at work in any living situation. If one embraces this state of affairs, then views, values and rules are seen not to impose a particular behaviour, but to inform the inherent process of discrimination, and to invite the natural expression of fundamental intelligence. If the notions of non-duality and fundamental intelligence are useful for developing individual characters, they also provide a Buddhist

justification for the universal principles underlying IHL. The emphasis here is on individuals' commitment to manifesting care and dignity within their respective communities (including allies and enemies) even when navigating the rugged geography of the experience of chaos and suffering.

While, in this paper, I have focussed on an outlook and mental attitude that is supportive of non-aggressive caring, and thus respect for human dignity in the context of IHL, I have also emphasised the importance of repeated *training in building beneficial character traits*, which would be valuable for those who go on to be active in armed conflict against those conventionally designated as 'enemies', as well as for those who are caught up or have to work in armed conflict situations.

Notes

1. This paper has greatly benefitted from Kate Crosby, Andrew Bartles-Smith and Peter Harvey's bright and insightful comments and from Charby Sleinin's close reading. My sincere gratitude goes to all of them.
2. The full Sanskrit original of this text has not been found; only fragments remain. There are several Tibetan editions of the entire text of both prose (DDV) and versified versions (DDVK-*kārikā*); there are very recent Chinese translations based on Tibetan editions. In this paper, I offer an original translation of some stanzas of a *Derge* Tibetan versified version (DDVK) often used in the Kagyu lineage of Tibetan Buddhism. In its original form, the DDV is quite technical and so I have chosen to adapt the language for our purpose. Faithful translations of the stanzas are offered in the notes.
3. The term 'phenomena' here is a translation of the Sanskrit term *dharma*. For more information on this term, see, amongst others, the works of Geiger and Geiger ([1920] 1973), Stcherbatsky (1923), Carter (1976, 1978), Cox (2004), Gethin (2004) and, more recently, Denis (2017).
4. Although the *Dharmadharmatāvibhāga* is most often associated with the Yogācāra school, I find that it is best to see it as belonging to the general Mahāyāna literature closely linked to the *Prajñāpāramitā* literature, and more specifically to chapters one and two of the *Aṣṭasāhasrikā Prajñāpāramitā-sūtra*: the 8000 lines. The connection is made through the notion of reliance (see my forthcoming article on the structure of the DDV); hence the main question of this article: 'What can one rely on during times of conflict?'
5. Philosophy in this Buddhist context is seen as an operative device, meaning that a conception of the world has an inevitable consequence for individual experience.
6. Sk. *prajñā*; Tib. *shes rab*. In its usage, this term has two aspects: initially it is conceptual (based on scriptures and reasoning); when perfected, it is non-conceptual and non-dual.
7. Sk. *karuṇā*; Tib. *snying rje*. The Sanskrit term relates to the root *kr* (to do); the Tibetan term refers to an excellence of the heart.
8. Sk. *āśraya, sthāna*; Tib. *gnas, rten*. In this intellectual tradition, as Nance (2007, 149–150) notes, in traditions of Indian and Tibetan Buddhist scholasticism one is often instructed to check one's understanding against 'scripture and reasoning' (respectively, Skt. *āgama, yukti*; Tib. *lung, rigs pa*) in order to determine

whether one has comprehended a particular point. Typically, this injunction is invoked in the course of advocating a particular interpretation of Buddhist doctrinal claims In Sanskrit texts, the terms are typically found juxtaposed as a *dvandva* compound, voiced in the dual. *Āgama* and *yukti* are thus to be distinguished from one another and are portrayed as constituting two separable interpretive tools and/or warrants. Noting this distinction, recent scholars have sometimes formulated it in terms of the distinction between ‘dogma’, on the one hand, and ‘nonpartisan logic’, on the other.

9. Sk. *nirvikalpa-jñāna*; Tib. *rnam par mi rtog pa ye shes*. Although the term ‘intelligence’ is often considered an active changing process, here it is used to translate *nirvikalpajñāna*, meaning ‘inherent non-conceptual non-dual wisdom’.
10. Considering that IHL evolved from general concerns for humans in relation to the military requirements during armed conflict, it may be important to remind ourselves of the basic rules implied under such a law. These can be summed up in four precepts according to David (2002, 921–922): do not attack non-combatants; attack combatants only by legal means; treat persons in your power humanely; and protect the victims. David’s book is cited in Sassòli et al. (2020, 1.921–922).
11. In Buddhist context in general, one speaks of five sensory consciousnesses, plus one mental consciousness. In texts like the DDV, one adds to these six capacities to be aware, the all-base consciousness seen as responsible for the dynamic of conditioning, plus what is called *kleśa*-mind or afflictive-mind: a way Buddhist thinkers have found to identify the dynamic of the sense of ‘I’, ‘me’, ‘mine’ – henceforth, ‘we’, ‘us’, ‘our’.
12. Note here that I have changed obvious sexist language in the quotation.
13. For more debates on universality, see: <https://www.globalpolicy.org/home/163-general/29441.html>. In a nutshell, the socially oriented critics of the notion of ‘universality’ have argued that the principles embedded in the Universal Declaration of Human Rights (1948) are the product of Western political history. The origins of this declaration are rooted in political landmarks in Western history, such as the Magna Carta of the United Kingdom (1215), the French Revolution (1789) and the American Bill of Rights (1791). From this perspective, relativists argue that universalism, in its historical attempt to extend a Western ideal to the rest of the world, is a form of cultural imperialism. The problem is particularly obvious when looking at the establishment of post-conflict ad hoc tribunals for Rwanda and the Former Yugoslavia in the 1990s and the International Criminal Court in 2002. As they do not involve ‘traditional’ or local approaches to justice, doing so could be more efficient in post-conflict reconciliation, therein also considering future implications.
14. For a discussion on the philosophical roots of IHL and those of the human rights law: <https://international-review.icrc.org/sites/default/files/S0020860400071539a.pdf>.
15. See, amongst many others, Williams (1980) and Dreyfus (1997).
16. In this discourse there is a shift from an epistemology of domination to a more egalitarian, relational conception of knowledge production also relevant to IHL. See Roncancio et al. (2019).
17. This term was popularised by Thomas Berry (1914–2009), a cultural historian and scholar of the world’s religions, especially Asian traditions. Later he studied earth history and evolution and developed ecological concerns.

18. In his book, Jones writes: ‘the sense of coercion is never far below the surface in most social sectors, in the workplace and school, on the streets, in politics, in government and the law, and in constant reminders in the new media’ (2003, 143). An armed conflict is an extension of these realities. As Jones says, a law is authoritatively efficient through compliance because those who comply assume it to be reasonable, or because of habits and conditioning, or unfortunately, at other times when people have a sense of powerlessness. However, as Jones says, a law stays superficial unless embraced with understanding (2003, 151).
19. This part of stanza 12 reads literally as follows: ‘as soon as there are [beings] who move around somewhere, the supports upon which rests the unending [cycle of suffering] are present. [In this wheel], there are [supports] that pertain to “beings” and those that pertain to the “container”’. Tib. *gang zhig gang du ‘khor ba na / de ni kun tu gnas pas ste / sems can khams dang snod kyi khams / ...*
20. Tib. *gnas, gzhi, sten*.
21. The term ‘Buddh-ism’ is a neologism, a new word created by the studies of religions. This area of studies emerged as a formal discipline during the nineteenth century. Its methods and approaches are borrowed from different disciplines. Its main task is to look at the history, origins and functions of religion. For some scholars, the notion of universality has been central to this quest; many others end up finding more differences than similarities.
22. Francisco Varela is one of the founders of the Mind and Life Institute engaged in a dialogue between science and Buddhism.
23. Individual beings (Sk. *sattva-loka*; Tib. *sems can gyi ‘jig rten*) and the environment or ‘vessel’ (Sk. *bhājana-loka*; Tib. *snod kyi ‘jig rten*).
24. This part of stanza 12 reads more literally as follows: ‘What pertains to “beings” [can be divided into] what is shared by them [i.e. what is interdependently or relationally produced], and what is not shared by them [i.e. what is intimate or personal]’. Tib. *... sems can khams ni thun mong dang / yang na thun mong ma yin pa’o /*.
25. In several commentaries, both Indian and Tibetan, this threefold framework is associated amongst other things with body, speech and mind; or with the five *skandhas*: form (body); sensation, perception, formation (speech); consciousness (mind). 1. The body here can refer to beings’ bodies, the environment, external circumstances, sense faculties and/or all the external objects. This idea of the world is often illustrated by the six realms of rebirth and to the specificity of the suffering that is experienced in each one. 2. Speech can refer to all types of relational activity (internal and external – including the interaction of sensations, perceptions and formations). 3. Mind refers to the capacity to experience, the capacity to perceive, the capacity to accumulate information and impressions. In its analysis, the DDV concludes that in the end, the individual process of cognition (3) is the determinant factor in the way relationships evolve and in how external circumstances are experienced.
26. Stanza 13 reads like this: ‘more precisely, what is relationally relevant is 1- the birth experience [i.e. inter-being of mother, father and baby]; 2- conventions [necessary to communication and cultures]; 3–4- help or coercion; 5–6- benefit or oppression; 7–8- and [the development of] qualities or faults, are all caused and determined in reciprocity’. Tib. *de yang skye dang tha snyad dang / rjes su gzung dang tshar gcod dan / phan pa dang ni gnod pa dang / yon tan skyon ni phan tshun du / bdag po nyid kyi phan tshun rgyu / yin pa’i phir na thun mong pa’o /*.

27. See Sasaki (1986, particularly 64 and 133–140).
28. The similarity of experiences is said to stem from the similarity of individual predispositions. Saying that there are similar predispositions at play does not mean that people agree on the content of experience; it means that there are similarities in the way the process of cognition occurs. If there were no similarities, the commonality or the conflict would not appear; it could not even take place.
29. Sk. *viññaptimātra*; Tib. *rnam par rig tsam*.
30. Different from a Tibetan Buddhist approach, Jones' work is influenced by the Zen tradition for which the notion of Self and the notion of one-ness is not a problem. Other Buddhist traditions would probably never explain this experience in this same way.
31. The Dharmic approach illustrated by this edict is perhaps the earliest example of the threefold framework applied in a social context.
32. Tieken (2002) says that what is clearly meant here is a three-day stay of the execution. In this edict, the king is concerned with the 'gift of life'.
33. Although I have used the translation of the edict done by E. Hultzsch and published in *Inscriptions of Asoka* (1925, 119), there has been a lot of discussion about the meaning of these lines; see, amongst others, Norman (1975) and Herman Tieken (2002). For more information on the discovery of King Aśoka's story, see also the work of Charles Allen (2014).
34. The role of volition here is fascinating. On the one hand there is the notion of motivation and intention at work in the dynamic of *karma* and the development on the path. Yet volition is not the only factor to have a consequence on the way things appear and evolve. The Buddhist analysis of volition is not simplistic.
35. Sk. *vibhāga*; Tib. *rnam par 'byed pa*.
36. As Nance (2007) says, it may be useful to situate the analysis (Sk. *yukti*; Tib. *rigs pa*) within the broader categories. In Vasubandhu's *Abhidharmakośabhāṣya* and elsewhere, analysis is portrayed as contributing to the development of what Buddhist thinkers call 'discriminating insight caused by reflection'. This form of insight is the second step of a three-step model of wisdom acquired through listening, reflecting and meditating. According to Vasubandhu, the wisdom acquired through reflection also falls under 'what is born from investigation by means of reasoning' (*yuktinidhyānāḥ*). These three forms of discriminating insight are said to arise successively in meditative concentration (*samādhi*). So, we end up here with the idea that the three trainings in the development of wisdom are intricately connected or inseparable. This applies to life in general, as well as to the development of profound insight (*vipaśyanā*) during meditation.
37. Sk. *yukti*; Tib. *rigs pa*. More recently, Jay L. Garfield (2021) published a book on the intimate relationship between philosophy/wisdom and ethics from a Buddhist perspective titled *Buddhist Ethics: a Philosophical Exploration*.
38. Stanza 35 offers a list of ideas that need to be abandoned on the path; there are four steps. These steps are also found in the *Avikalpadeśadhāraṇī*. The first step consists of abandoning what is contra-productive by using remedies (e.g. addictive behaviours are abandoned by looking at the negative qualities of their objects); then one is invited to abandon these remedies by embracing suchness (e.g. in the nature of phenomena notions of good and bad are superfluous); after which one abandon suchness (e.g. when suchness is made

into a thing it becomes an obstacle); and finally, one abandons all notions of realisation – all hopes and fears (e.g. in the end the idea that there is something to be realised becomes a subtle obstacle to be abandoned).

39. Closer to the Tibetan version, one reads: ‘the nature of phenomena is suchness without a separation between an object grasped and a subject grasping or [between] what is designated and the designation’. Tib. *gzhan yang chos nyid mtshan nyid ni / gzung ba dang ni 'dzin pa dang / brjod par bya dang rjod par byed / khad med de bzhin nyid yin no /*.
40. In his *Identités Meurtrières*, an essay translated into English under the title *In the Name of Identity, Violence and the Need to Belong*, Amin Maalouf (2000), a writer of Lebanese origin living in France whose philosophical background is not Buddhism, also sees in the separation between self and other the root of a grave confusion.
41. See also e.g. Foundation for Active Compassion – Transformational Practices for a Better World, <https://foundationforactivecompassion.org/>.
42. Sk. *nirvikalpajñāna*; Tib. *rnam par mi rtog pa ye shes*.
43. The term ‘emptiness’ is used in several ways in the Mahāyāna. In the *Prajñāpāramitā* literature it sometimes refers to the middle way, meaning ‘neither existent nor not existent’; in response to the Abhidharma literature, it sometimes means empty of intrinsic existence (*svabhāva*); in some Tathāgatagarbha texts, it refers to the absence of defilements in the Buddha-nature; in the DDV, if it was used, it would refer to the absence of duality, to suchness (*tathatā*) and to fundamental non-conceptual intelligence/wisdom (*nirvikalpajñāna*).
44. References to the luminosity of the mind are found in early texts, but start being clearly formulated in texts such as the *Prajñāpāramitā-sūtra*, the *Laṅkāvatāra-sūtra* and so on.
45. The translation of stanza 33 reads as follows: ‘An access to a profound change of what one relies on occurs through considering the ground or basis, that is, through considering the fundamental non-conceptual intelligence in six ways: [the way to] orient the mind; the attributes to be abandoned; the correct practice; the characteristics of this intelligence; its benefits; and a thorough understanding [of its particularities]’. The Sanskrit fragment reads as follows: *āśrayo ... praveśaḥ ... śaḍākāranirvikalpajñānapraveśāt śaḍākārapraveśaḥ punarāmbanato nimittaparivarjanataḥ samyakprayogato lakṣaṇato 'nuśamsataḥ pariññānataś ca* (Saṅkṛtyāyana 1938, 163, note 1). The Tibetan translation reads like this: *gnas sam rten la 'jug pa ni /rnam par mi rtog ye shes la / 'jug pa rnam pa drug gis te / dmigs dang mtshan ma spangs pa dang / yang dag pa yi sbyor ba dang / mtshan nyid dang ni phan yon dang / yongs su shes la 'jug pas so*.
46. Tib. ... *de gnyis khyad par mi dmigs pa / de ni rnam par mi rtogs pa'i / ye shes yul med dmigs med pa / mtshan ma thams cad mi dmigs pas / rab phye ba ni yin phyir ro /*.
47. On the interchangeability of *prajñā-pāramitā* and *upāya-kauśalya* – ‘perfection of wisdom’ and ‘skill in means’ – see amongst others de Breet (1992).
48. In all Buddhist trainings, three principles are necessary for the process of an exemplary conduct to develop: listening, reflecting and meditating. The training starts with the reception of ideas (i.e. listening) and goes to analysis and examination according to one’s own experience (i.e. reflection). Finally, the idea gets integrated through habituation. Meditation here is understood as a process of habituation and cultivation (i.e. repetitive exposure). For more information on this subject, see also note 36.

49. Tib. *dran pa*.
50. This is an adaptation of Rupert Gethin's translation (2008, 147) of this 'Establishing Mindfulness' Sutta (2013).
51. This is an adaptation of Edward Conze's translation (1973, 97). Following Willis' (2002) reading of the word *bodhisattva*, I have used the feminine interchangeably with the masculine – see note 114, p. 63: 'Bodhisattva literally means "one whose whole being (*sattva*)" is intent on ultimate enlightenment (*bodhi*). Strictly speaking, then, there is no limitation associated with the term as to the sex of such a one'.
52. See Tomlinson (2018), 12.
53. Stanza 37 reads more literally as follows: 'An access [into fundamental non-conceptual intelligence is established] through correct practice in four steps: the practice [of a specific way] to rest one's attention [on phenomena], the practice without [an object-grasped] on which to rest one's attention, the practice without an attention on which to rest one's attention, [that is, without a grasping-subject], and the practice of the attention without attention, [that is, without subject and object]'. Tib. *yang dag pa yi sbyor ba la / 'jug pa yang ni nam bzhi ste / dmigs pa yi ni sbyor ba dang / mi dmigs pa yi sbyor ba dang / dmigs pa mi dmigs sbyor ba dang / mi dmigs dmigs pa'i sbyor ba'o*. The reconstitution: *atha samyakprayoge'pi pravrttis tu caturvidhā / ālambanaprayogaś ca nirālabaprayogitā // lambālabaprayogaś ca tathā nirlambayojanam* / (Phuntsok 1990, 62).
54. There are examples of ethical military training of sorts amongst Buddhist traditions that sees itself as a non-aggressive protective force, one of which developed in the US and in Europe in the 1980s; I think here of the Kasung training associated with the Dharma Protectors of the Tibetan tradition and I quote from their website: 'As part of their practice the Dorje Kasung wear uniforms to communicate, delight in the disciplines of egolessness [non-duality] and simplicity, service to others by being present and available to help, commitment to the continuous path of waking up, and manifesting care and dignity. The military forms used by the Dorje Kasung were chosen as a reminder that we need to transmute aggression if we are to create enlightened society, and because these forms resemble the traditional monastic Buddhist discipline'. See Dorje Kasung – Montréal Shambhala Meditation Centre: <https://montreal.shambhala.org/kasung/?lang=en>. The emphasis is put on training the mind – it is not clear whether the use of modern military weapons would be involved in this type of training or not.
55. See online: <http://www.johnmakransky.org/summary.html>. Makransky is currently developing a training of sorts based on Active Compassion.

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