



# Contemporary Buddhism

## An Interdisciplinary Journal

ISSN: (Print) (Online) Journal homepage: <https://www.tandfonline.com/loi/rcbh20>

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To cite this article: Andrew Bartles-Smith (2021) HOW DOES BUDDHISM COMPARE WITH INTERNATIONAL HUMANITARIAN LAW, AND CAN IT CONTRIBUTE TO HUMANISING WAR?, Contemporary Buddhism, 22:1-2, 8-51, DOI: [10.1080/14639947.2021.2149052](https://doi.org/10.1080/14639947.2021.2149052)

To link to this article: <https://doi.org/10.1080/14639947.2021.2149052>



Published online: 24 Jan 2023.



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## HOW DOES BUDDHISM COMPARE WITH INTERNATIONAL HUMANITARIAN LAW, AND CAN IT CONTRIBUTE TO HUMANISING WAR?

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### ABSTRACT

This article examines Buddhist teachings relevant to the regulation of war and compares them with international humanitarian law (IHL) and the just war tradition by which it has been informed. It argues that Buddhist ethics broadly align with IHL rules to minimise harm inflicted during war, and that Buddhism's psychological resources can help support IHL to improve compliance with common humanitarian norms. Indeed, Buddhist mindfulness techniques can support even non-Buddhist combatants by enhancing their psychological resilience and capacity to fight with skill and restraint. While IHL is a legal regime that legitimises violence under certain conditions, and lays down clear universally ratified rules, Buddhism is primarily an ethical and psychological system that addresses the motivations and inner roots of behaviour and can be understood and interpreted in different ways. In this respect, Buddhism overlaps with the field of military ethics, and can contribute much to enhance military training. However, while the centrality of non-harming (*ahimsā*) to Buddhism dictates that extraordinary efforts should be made to prevent war or otherwise minimise the harm inflicted – thereby checking interpretations of IHL that are overly permissive – Buddhism's consequent reluctance to legitimise and thereby institutionalise war, and the ambiguity of its teachings in this regard, have generally precluded it from developing clear just war guidelines for belligerents to follow, and Buddhist resources to improve the conduct of hostilities have remained largely untapped. Mainstream traditions of Buddhist ethics must also be distinguished from more esoteric and localised beliefs and practices, and from the lived Buddhisms with which most lay Buddhists are more familiar, which do not necessarily embody the same degree of restraint. Belligerents might therefore have different conceptions or expectations of Buddhism depending on their culture and particular circumstances, or be unclear about what it says on the conduct of war.

**KEYWORDS** International humanitarian law; IHL; Buddhism; war; karma; armed conflict; just war; *jus in bello*; *jus ad bellum*; intention; compliance; military ethics; psychology

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## Introduction

International humanitarian law (IHL), now synonymous for many with *jus in bello*, is the branch of international law that governs the conduct of war. Even though the main instruments of IHL have been universally ratified, however, and IHL is perhaps the most effective means so far developed to limit the effects of war, it is notoriously difficult to implement and enforce (Sassòli 2007, 46–47; Bartles-Smith 2022, 1726). The extreme conditions of armed conflict are inherently anarchic, and diminish, furthermore, the resolve and ability of belligerents to regulate themselves (Sassòli 2007; Pfanner 2009, 280). While the law is a necessary condition for regulating armed conflict, it is not therefore always sufficient, and extra-legal means must be sought to improve compliance with it (Sassòli 2007; 52, 73; Bartles-Smith 2022, 1727).

In recent years organisations like the International Committee of the Red Cross (ICRC) have opened up debate on correspondences between IHL and religious traditions to promote compliance with common humanitarian norms (ICRC 2021a; Bartles-Smith et al. 2020). Given that serious violations of IHL continue to occur in parts of the Buddhist world, and Buddhists are included in the armed forces of many other nations, the ICRC launched a project on Buddhism and IHL in 2017 (ICRC 2019a). Surprisingly little attention had hitherto been paid to Buddhism's potential to inform the conduct of contemporary war (Bartles-Smith et al. 2020, 370–372). Although Buddhists have been fighting wars for two and a half millennia, Buddhism and war are commonly regarded as incompatible, and Buddhist resources to restrain war are often therefore unexplored (Harris 2003, 93–94).

This article compares Buddhism with IHL and the Western just war tradition by which it has been informed, and explores whether Buddhism can support IHL to humanise the conduct of war. It argues that Buddhism is in broad alignment with IHL, and that the fundamental principles of Buddhist ethics mean that it is in the interest of belligerents to minimise the harm they inflict on others, and the karmic consequences to themselves, very much in line with IHL principles (Harvey 2021, in this volume). Many Buddhist teachings therefore correspond with IHL rules and contain stories and anecdotes of exemplary restraint (Bartles-Smith et al. 2020).

Comparing Buddhism with IHL is not, however, to compare like with like, and means examining the relative strengths and weaknesses of two very different normative systems. Indeed, these differences are as revealing as their similarities, and can throw fresh light on how the conduct of war might be improved. Although the content and jurisdiction of IHL are intended to be universal, it is nevertheless Western in design, and engagement with Buddhism can make it more accessible to many Asian constituencies in particular (Caserta 2021; Kinsella and Mantilla 2020; Bartles-Smith 2022, 1731).

Whereas IHL is a secular international legal regime that lays down clearly codified rules for belligerents to follow, Buddhism is at once a religion, philosophy and practical path to human development, encompassing diverse traditions that interpret it in different ways (Gethin 1998, 1; Jerryson 2010, 5). Many scholars prefer for this reason to speak of Buddhisms in the plural (Gethin 1998, 1). The main schools nevertheless tend to converge upon the central tenets of Buddhist teaching, and it is primarily this ethical and psychological core from which the article will draw (Keown 2005, 3).

Like other religious and philosophical systems, on the topic of war Buddhism is concerned not just with the conduct of hostilities, but whether the recourse to war is justified. This is governed by another branch of international law, *jus ad bellum*, now embodied in the United Nations (UN) Charter of 1945, which prohibits war except in self-defence or when authorised by the UN Security Council (Melzer 2016, 27). Moreover, Buddhism extends beyond the realm of law to the ethical and motivational frameworks that underpin it (Harvey 2021, in this volume). In both these respects, Buddhism contains analogues of the Western just war tradition from which the core ideas contained in *jus ad bellum* and *jus in bello* ultimately derive, and which is similarly concerned with the intentions and inner life of belligerents (Whetham 2011b, 71–72). Indeed, given the importance of Christianity to the Western tradition, and the influence of Stoic philosophy and Roman law, meaningful parallels can be drawn between the radical non-violence of early canonical Pali Buddhist texts and the New Testament, and between the concepts of Buddhist Dharma and natural law (Neff 2005, 54). The contribution of monastics such as St Thomas Aquinas to the development of the just war tradition is also pertinent considering the centrality of the monastic community, the Sangha, to Buddhism, and in framing its response to war.

At its core, Buddhism is an ethical and psychological system that addresses the inner roots of behaviour, so that good conduct is internalised and supported while reducing the need for external sanctions (Keown 2005, 31; Gethin 2004, 190). This orientation would appear to complement IHL rules which are difficult to enforce, and the potential role that Buddhism can play in improving voluntary compliance with IHL or equivalent Buddhist norms is therefore crucial (Terry and McQuinn 2018; Bartles-Smith et al. 2020, 388). According to Buddhism, the root causes and manifestations of conflict can only be permanently changed by some degree of introspection and the disciplining and control of the mind. Time and again Buddhist teachings reiterate the importance of restraint in thought, word and deed (Dhp.234; Sam.l.168–169). Indeed, the best soldiers combine an almost monastic discipline with the highest ideals of restraint and self-sacrifice (Jenkins 2010a, 67; Sugiki 2020a, 1; Thomas 2019, 544).

Amidst the complexity, confusion and trauma of war, when fatigue, stress and strong emotions can debilitate belligerents' cognitive, affective and

moral faculties, such self-regulation and capacity for ethical thinking are essential (van Baarda 2011, 157; Mallon and Nichols 2010; Whetham 2011a). Buddhist mindfulness techniques are proven, moreover, to enhance the resilience and mental functioning of even non-Buddhist combatants, and their capacity to act with precision and restraint (Stanley et al. 2011; Jha et al. 2015). In these respects, Buddhism overlaps with the field of military ethics, and can contribute much to military training.

Above all, Buddhism understands that war is a psychological or subjective phenomenon as much as an external reality, and that while there are bright and positive features within us, we are all in some sense at war within ourselves (Sinclair 2014, 160; Harris 2021, in this volume). The language of Buddhism includes military metaphors and analogies to describe the inner conflict within every sentient being (Kosuta 1997). The archetypal battle in Buddhism is fought between the meditating Siddhārtha and Māra the Tempter, a personification of negative emotions, under the Bodhi Tree. Siddhārtha's victory, achieved by mindfully recognising and thereby undermining these negative emotions, leads to his enlightenment as the Buddha (Dn.II.104; Whitaker and Smith 2017, 70; Singh 2017, 261). Mahāyāna Buddhism is replete, furthermore, with violent weapon-wielding depictions of *bodhisattvas* (beings on the path to enlightenment), and all traditions include benevolent deities who protect practitioners from Māra's armies, the negative mental qualities which assail them (Jerryson 2017, 58). Whether wars are won or lost, and how they are fought, depends as much on the protagonists' state of mind as on external factors, just as morale is often more important than the material result of any particular battle.

But while non-violence or non-harming (*ahimsā*) is axiomatic to Buddhism and dictates that extraordinary efforts should be made to avoid harm, Buddhism's consequent reluctance to endorse war, reflected in the ambiguity and multivocality of its teachings in this regard, has also tended to undercut its potential to humanise war in practice (Frydenlund 2013, 2017b, 209; Bartles-Smith et al. 2020, 420).

While IHL evolved from a just war tradition that sets out criteria according to which states may legitimately resort to war and how it should be conducted, Buddhism hesitates to justify and thereby institutionalise even defensive war (Harris 2003, 93; Bartles-Smith et al. 2020, 420). There is therefore no developed just war tradition in Buddhism, although the lineaments of one have sometimes been traced out (Frydenlund 2017b, 206; Harris 2003).

This lack of a clear just war framework has both pros and cons. On the one hand, Buddhist qualms about the legitimacy of even 'just' or defensive war mean that it is doctrinally more intent than other traditions to minimise the harm inflicted should war break out, thereby checking interpretations of IHL that are overly permissive. On the other hand, this has forestalled the development of practical just war guidelines for belligerents to follow, and Buddhist

resources to support them in their role are often largely untapped (Bartles-Smith et al. 2020, 420). This can suggest to some belligerents that war is beyond the pale of Buddhism, potentially leaving a vacuum in which no principles are thought to apply at all. Although historically Buddhism has sometimes been applied to restrain the conduct of war, it has also therefore been instrumentalised on occasion to enable uninhibited violence (Jayatilleke 1967, 555–557; Charney 2021, in this volume; Schmithausen 1999, 52, 63; Victoria 2022).

Differences between mainstream traditions of Buddhist ethics, more esoteric and localised beliefs and practices, and the ‘lived’ Buddhism of the majority of lay Buddhists, also mean that belligerents might not understand or practise Buddhism in the same way (Stanford and Jong 2019; van Schaik 2020; Spiro 1970). Indeed, there sometimes appears to be a disconnect between various conceptions or expectations of Buddhism and the realities of war in the Buddhist world (Schmithausen 1999, 53). While some Buddhists adopt variations on a pacifist position, and there are those who concede, like the Dalai Lama, that limited just wars might be possible if motivated by compassion and for the benefit of many people, others have harnessed Buddhism to support wars in which grave violations of Buddhist and IHL norms have been committed (Scorsine 2014, 118).

However much individual Buddhist belligerents attempt to limit the violence they inflict in line with Buddhist precepts, war is a collective undertaking, and Buddhist ethics must also therefore be integrated into military doctrines and training programmes to effectively influence their group behaviour (Muñoz-Rojas and Frésard 2004). Although Buddhism is part of military life in some contexts, however, and clergy often play an important role in bolstering the morale and spiritual welfare of troops, the actual content of military training is overwhelmingly secular, and Buddhist ethics do not generally feature at all (Selth 2021; Kent 2008; ICRC 2021c). The idea that Buddhism might align with IHL, or be practically applied to restrain the conduct of hostilities, has not therefore been deeply institutionalised.

While there is growing consensus that Buddhism can help legitimise, enhance and complement IHL, and that IHL can reinvigorate Buddhist resources relevant to the regulation of contemporary war, this potential is still largely unrealised (ICRC 2019b, 2020, 2021b).

### *Content and structure*

This introductory article is chiefly an investigation into Buddhist resources to restrain the conduct of war, using IHL and the Western just war tradition as springboards. The article draws primarily on early Indian Buddhist teachings, which are regarded as particularly authoritative. These include the Pali canon of the Theravāda (‘Teaching of the Elders’) school that now predominates in Sri Lanka and mainland Southeast Asia, and key teachings from the

Mahāyāna ('Greater Vehicle') and Vajrayāna ('Thunderbolt Vehicle') Buddhist schools that now predominate in East and Inner Asia. The article also incorporates commentaries from respected contemporary clerics.

Part 1 of the article examines IHL and its limitations, and discusses how reengagement with its religious roots can improve compliance with common humanitarian norms. The article then introduces the Western just war tradition and the Indian traditions from which Buddhism emerged, and which it broke from in important respects. Part 2 reviews the relationship between Buddhism and war since its inception, and digs down into the psychological nature and functioning of Buddhist ethics relevant to its conduct. Part 3 describes how this translates into Buddhist statecraft to prevent war and minimise its suffering, and explains how the lineaments of just war have developed in some Buddhist traditions. Part 4 then examines how Buddhism and IHL might complement one another to restrain the actual conduct of war, and how Buddhist ethics and mindfulness techniques can enhance military training. Finally, Part 5 explains how Buddhist belligerents have nevertheless sometimes failed to apply Buddhist ethics in practice, or have misrepresented its teachings to transgress humanitarian norms.

## Part 1: IHL, religion and just war

### *IHL and its limits*

The main instruments of IHL are the four Geneva Conventions of 1949, which have been universally ratified, and their Additional Protocols (AP I and II) of 1977. As well as a large body of such treaty law, customary IHL (CIHL) enshrines humanitarian norms against the use of unlawful force during armed conflict across cultures. Some of these are peremptory *jus cogens* ('compelling law') norms, regarded as fundamental principles of international law from which no derogation is permitted (Melzer 2016, 22; Henckaerts and Doswald-Beck 2005; Khen 2016, 34).

IHL embodies a balance between humanity and military necessity. It is based on the understanding, set out in the St Petersburg Declaration of 1868, that 'the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy' and that '[t]he civilian population and individual civilians shall enjoy general protection against dangers arising from military operations' (Melzer 2016, 18). IHL therefore imposes restrictions on the means and methods of warfare, prohibiting those that are indiscriminate, cause unnecessary injury and suffering, severe harm to the natural environment, or a combination thereof (ICRC 2022, 5–6). IHL also protects the lives and dignity of those who do not, or no longer, engage in hostilities, including wounded and sick combatants, civilians and those deprived of their freedom during armed conflict (ICRC 2022).

In regulating the conduct of hostilities, IHL endeavours to limit the suffering and destruction of war for non-combatants based on three core principles: *distinction*, *proportionality* and *precaution* (ICRC 2022, 5–6). The principle of distinction requires that parties to armed conflict ‘at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives’ (AP I, Art. 48; CIHL, Rules 1 and 7; Melzer 2016, 18). Attacks in which incidental harm to civilians or civilian objects cannot be avoided are subject to the principle of proportionality, according to which parties to conflict should refrain from ‘any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated’ (AP I, Arts 51[5][b] and 57[2][a][iii] and [b]; CIHL, Rules 14, 18 and 19; Melzer 2016, 19). Similarly, the principle of precaution requires that ‘constant care shall be taken to spare the civilian population, civilians and civilian objects’ and that all feasible measures must therefore be taken by both attacking forces and those under attack to ensure that incidental civilian death and injury is minimised (AP I, Arts 57[1] and 58; CIHL, Rule 15 and 22; Melzer 2016, 18–19).

The legal framework of IHL has expanded rapidly since the adoption of the first Geneva Convention in 1864 into an impressive body of international law. But while governments are increasingly fulfilling their responsibilities to integrate IHL into domestic legislation, educational and military training programmes, its effectiveness in regulating the behaviour of belligerents is frequently called into question. Apart from the lack of a strong enforcement regime, the international consensus on which IHL otherwise depends for its implementation often breaks down (Sassòli 2007, 52). Although laudable efforts have been made to promote IHL in recent years, it is still relatively little known compared to human rights law, for example, and more work needs to be done to increase societal understanding and acceptance of IHL across cultures (Sassòli 2007, 47; Kaplan 2013; Bartles-Smith 2022, 1756).

Belligerents and those to whom they are accountable might not always therefore be sufficiently knowledgeable or heedful of IHL rules, and are frequently incentivised to deliberately transgress them. Despite weak IHL enforcement, there is also a general lack of effective military ethics training to enhance voluntary compliance and help belligerents to apply the rules in difficult and complex wartime scenarios (Williams 2015; Wolfendale 2008).

### ***Religion and just war***

While international law must be secular to be universally accepted, positivist and secularising tendencies in legal studies have tended to underplay the connections between religion and law, and the idea of law as culture, and this

risks detaching law from its moral and cultural underpinnings (French and Nathan 2014, 15; Stephens 2014).

Religions have traditionally been the glue that bind people together into moral communities, promoting cooperation within groups while helping to mobilise them against external threats (Haidt 2012, 246–273; Martin 2018, 8). They therefore provide a potent motivational framework for the conduct of war, and their power to encourage combatants to fight and die for their religion, nation or some other ‘just’ cause has long been harnessed (Haidt 2012, 312; Fiske and Rai 2014, 93; Hassner 2016, 8–11, 87–89). Although religions have sometimes incentivised the infliction of unlimited violence against enemy others, they have also pioneered the universal principles, concepts and rules of war from which the modern edifice of IHL has evolved (Bryant 2021; Juergensmeyer, Kitts, and Jerryson 2017, 6). Either way their force-multiplying potential can be channelled to incentivise restraint in support of IHL, while checking their potential for victimisation (Bartles-Smith 2022, 1735–1736). Research has shown that moral values are often more powerful than legal rules in motivating behaviour, and that belligerents are more likely to comply with IHL if it chimes with their identities and moral codes, and is therefore socialised or internalised by them to some degree (Terry and McQuinn 2018; Koh 2005; Kaplan 2013).

IHL is deeply influenced by the Western just war tradition, which originated in the deliberations of St Augustine of Hippo (354–430) about Christianity and war (Bryant 2021, 88; Neff 2005). Confronted by existential threats posed to Christian civilisation by barbarian invasions and a proliferation of ‘heretical’ sects, Augustine reconciled the non-violence of the gospels with the obligation of the Roman Empire to defend the innocent from attack (Whetham 2011b, 71; Neff 2005, 46–47). A succession of theologians and jurists including St Thomas Aquinas (1225–1274) and Hugo Grotius (1583–1645) developed the just war tradition into essentially its modern form, thereby laying the foundations of modern international law (Whetham 2011b, 71; Bryant 2021, 88; Neff 2005, 46–48). Classical conceptions of natural law were pivotal to this evolution, influencing first Christian and then Enlightenment ideas, due to their premise that humans possess a shared moral conscience that transcends cultures and the authority of any single state (Boyle and Meyer 1998, 214–216; Neff 2005, 45; Traven 2021, 16).

According to the Western just war tradition, wars are considered just only if they fulfil certain criteria. While authorities differ, essential *jus ad bellum* criteria to resort to war are that there should be: ‘a just cause; legitimate authority; a right intention; a reasonable chance of success; and all other reasonable alternatives have been exhausted’, such that war is a last resort (Robinson 2003, 1). Essential *jus in bello* criteria for the conduct of war are that discrimination should be exercised as to who is targeted, and that the amount of violence used should be proportionate to the ends sought (1). It

is upon these foundations that the IHL principles of distinction and proportionality have developed.

But IHL and just war rules can be found in many other religions and cultures (Bryant 2021; Fox and Sandler 2004, 167). The ancient Indian traditions from which Buddhism evolved were particularly highly developed in this regard, and challenge assumptions about what is acceptable in war still today (Penna 1989; Draper 1995).

### *Righteous war in ancient India*

War was endemic in ancient India, and although there was no single coherent theory of warfare, it was institutionalised to a remarkable degree (Singh 2017, 245, 468; Brekke 2006; Armour 1922). The concept of Dharma in Brahmanical or Hindu traditions embodies a cosmic order according to which each caste (*varṇa*) or birth group (*jāti*) has its own dharma (law or duty) and place in the social order. *Dharma-yuddha* or 'righteous war', fought in accordance with Dharma, is an Indian equivalent to just war, and was the *raison d'être* of the *ksatriya* or warrior caste (Penna 1989, 338; Bryant 2021, 39). *Dharma-yuddha* is permitted only as a last resort, when the aim of fighting is righteous, and the appropriate rules for waging war are observed, with no prohibited weapons or tactics used by either side (Bryant 2021, 39; Penna 1989).

Accordingly, war epics such as the *Mahābhārata* (c. 400 BCE–300 CE) and *Rāmāyaṇa* (c. 700 BCE–300 CE), and treatises on law or statecraft like the *Dharma-sūtras* (c. 600–100 BCE), *Manu-smṛti* (c. 200 BCE–300 CE) and *Arthaśāstra* (c. 200 BCE–300 CE) describe remarkably detailed and humane rules of conduct that match or exceed those of IHL (Penna 1989; Balkaran and Dorn 2022). These include, for example, rules to protect civilians and warriors who are *hors de combat*, incapacitated or otherwise unable to defend themselves (Balkaran and Dorn 2022). Similarly, there were also prohibitions on the use of hyper-destructive weapons, as well as provisions for medical corps personnel to take care of enemy wounded (Penna 1989, 340, 345). While there is little evidence of the degree to which these rules were actually followed, early foreign observers such as the Greek Megasthenes (c. 350–290 BCE) remarked on the unusual level of restraint that characterised warfare at the time of the Mauryas, for example, commenting that peasants were able to cultivate the land even as battles raged nearby, since soldiers had been ordered not to molest them (Roy 2012, 50; Singh 2017, 266–67; Salomon 2007).

Although war fought according to the various conceptions of *dharma-yuddha* was legitimate, and texts such as the *Mahābhārata* and *Manu-smṛti* saw no evil in killing enemies, non-violence and the renunciant ideal nevertheless preoccupied rulers and combatants to an extraordinary degree (Singh 2017, 279). This is reflected in the anguish expressed by kings and warriors

such as Yudhiṣṭhira in the *Mahābhārata* at the seemingly senseless slaughter (Singh 2017, 279; Brekke 2006, 114).

This tension between violence and non-violence (*ahimsā*) has been a staple of Indian religious and political discourse throughout its history and reflects a dichotomy between the world-affirming warrior ethos of the Vedas, the earliest texts of Hinduism, according to which those who died in battle went to heaven, and the non-violent renunciant ideals first found in the *Upaniṣads* (from c. 800 BCE) and later developed in Buddhism and Jainism (Singh 2017, 480; Balkaran and Dorn 2022, 1766–1767). Texts such as the *Mahābhārata* and *Rāmāyaṇa* embody a synthesis between these two streams (Balkaran and Dorn 2022, 1766–1767).

## Part 2: Buddhist ethics in relation to war

### *The emergence of Buddhism in part as a response to war*

Buddhism therefore arose amidst armed conflicts in the subcontinent, and early Buddhist scriptures contain graphic descriptions of war and its consequences (Harris 2021, in this volume). The century before the Buddha's birth, traditionally thought to be c. 563 BCE or 480 BCE, appears to have been particularly turbulent, with tribal states gradually overtaken by competing monarchies, and military organisation becoming more systematised (Singh 2017, 248; Bodhi 2014). The Shakyan republic to which the Buddha was said to have belonged experienced war during his lifetime, becoming a vassal of Kosala (Bodhi 2014). According to legend, when the Buddha was old, the Kosalan king Viḍūḍabha massacred the Shakyans, 'beginning with babes at the breast', a genocidal act of violence reminiscent of more recent war crimes (Jat.IV.91–98; Bodhi 2014).

It was in response to this background of escalating of war and violence, and Brahmanical animal sacrifice, that the Buddha and his contemporary Mahāvīra, the founder of Jainism, developed their non-violent ethics of renunciation and self-control (Singh 2017, 248). Since both were said to belong to the *kṣatriya* caste, they expressed these ideas in the language of the warrior ethos in which they were steeped (Singh 2017, 248; Jerryson 2010, 10). War was more than a metaphor for both men, who in some respects never ceased to be warriors, redirecting their energies from external battles to the cultivation of their inner selves (Jenkins 2017).

The Buddha rejected *dharma-yuddha* and the traditional warrior idea that war was righteous or meritorious. Buddhism therefore critiqued Brahmanical or Hindu rules of war, moderating and adapting their provisions to prevent war or restrain its violence still further, and textual references suggest that this had a significant, if sporadic, humanising effect (Jayatilleke 1967, 544–557; Sugiki 2020b).

Crucially, the Buddha also rejected the Brahmanical caste system as an indicator of spiritual purity (An.VIII.19; Gombrich 2006, 30). His conversion of Dharma into a universal law or truth that applies equally to all sentient beings, and regulates the natural and moral order of the cosmos, was an historic humanitarian breakthrough, illustrated most famously in his expression of the golden rule: 'All beings tremble at the rod; all are afraid of death. Seeing their likeness to yourself, you should neither kill nor cause to kill' (Dhp.129). Buddhist Dharma is also therefore an equivalent to natural law, so pivotal to the development of international law in the West (Keown 2005, 3). Recognition of our common humanity and human dignity is fundamental to both Buddhism and IHL, and underlines belligerents' duty of respect towards one another, and of impartial care towards war's victims (Bartles-Smith et al. 2020, 382–384).

Buddhism's radical empathy with all beings still feels seminal to this day, and its recognition of 'common sentience' beyond the confines of our species exposes humanitarianism for its chauvinism (Bartles-Smith et al. 2020, 384). While Buddhism privileges humanity, since a human rebirth affords a rare chance for spiritual development, it nevertheless stresses the inter-relatedness of all beings, which are continuously reborn in new forms (Mn. III.169; Harvey 2000, 30). This is reinforced by Buddhist doctrines such as lack of a permanent self (Pali *anattā*, Sanskrit *anātman*), according to which beings have no fixed identity, impermanence (Pali *anicca*, Sanskrit *anitya*), and equality (*samatā*) (Bartles-Smith et al. 2020, 382–383). In contrast, IHL provisions to safeguard the natural environment are only a recent add-on, prompted by the United States' extensive use of herbicides during the Vietnam War (Murphy and Gieseken 2021).

### *The psychological core of Buddhist ethics*

Although Buddhism frequently exhibits a culturally adapted polytheism, and gods, demons and other supernatural beings feature in its cosmologies, it is in essential respects non-theistic. Buddhism has no creator or law-giving god, and no divine commandments to be enforced (Skilton 2013, 341–342). Indeed, Buddhist training precepts (Pali *sikkhapada*, Sanskrit *śikṣapada*) are voluntary beneficial commitments. While those who choose to enter the monastic life must adhere to the strict discipline of monastic codes (*vinaya*) which might contain over 200 training precepts – sometimes referred to as 'Buddhist law' in its narrower jurisprudential sense – in several traditions they can nevertheless choose to disrobe at any time. Buddhism is generally therefore characterised as an ethical or psychological rather than rule-based normative system, focused on transforming the consciousness of its practitioners rather than regimenting their behaviour (Cozort and Shields 2017; Keown 2005, 13). In comparison with Western traditions, Buddhism perhaps

most closely resembles a form of Aristotelian virtue ethics, which puts a similar emphasis on skill and training to internalise virtues that are their own reward, and also underpins most Western writing on military virtues (Olsthoorn 2019, 38; Keown 2005, 23–25; Gethin 1998, 36).

Alongside its idealism and belief in human perfectibility, Buddhism shares with realist political thinkers a sober assessment of the human condition, and incorporates a sophisticated analysis of the psychological and societal causes of conflict and how to mitigate them. Life is impermanent and full of suffering, pain and dissatisfaction (Pali *dukkha*, Sanskrit *duḥkha*), which enmesh sentient beings in a continuous cycle of becoming (*saṃsāra*) in which they are born, suffer, die, and are reborn again. While physical pain and discomfort are important components of *dukkha*, it is primarily psychological in nature, and is caused by craving (Pali *taṇhā*, Sanskrit *tṛṣṇā*). The three poisons or unwholesome roots of greed/lust (Pali *lobha*), anger/hatred (Pali *dosa*, Sanskrit *dveṣa*) and ignorance/delusion (*moha*) are at the root of craving and the cause of conflict, violence and all other unwholesome actions (Harvey 2018). It follows that these poisons are the root cause of wars and the atrocities committed within them, the prevention of which depends on training the mind to counter them with their respective antidotes of generosity, loving-kindness and wisdom (Harvey 2018, 13).

The Noble Eightfold Path summarises the means by which Buddhists can reduce and ultimately eliminate suffering and conflict to achieve nirvana or liberation from *saṃsāra*. It combines morality (Pali *sīla*, Sanskrit *śīla*) or the following of Buddhist training precepts, with the practice of meditation (*samādhi*) and the cultivation of wisdom (Pali *paññā*, Sanskrit *prajñā*) to generate the requisite discipline, self-awareness and insight to transform behaviour (Whitaker and Smith 2017, 51).

The moral dimension of Dharma incorporates ideas of justice and virtue, and is manifest in the law of karma (Pali *kamma*) or intentional action (Harvey 2000, 251). Skilful or wholesome (*kusala*) intentions and actions are in accord with Dharma and sow beneficial karmic seeds that lead to happiness, fulfilment and, if sustained and developed, ever higher or more auspicious rebirths until liberation from *saṃsāra* is achieved. Unskilful (*akusala*) intentions and actions are not in accord with Dharma and, if sustained, lead to ever less auspicious rebirths.

The intention or volition (*cetanā*) behind an action is karma, and determines the karmic consequences (Harvey 2018, 8). Importantly, *cetanā* refers to the immediate impulse that triggers action, and the states of mind that feed into and accompany this, and must therefore be distinguished from motivations or plans that have a longer duration (Harvey 2018, 9; Kent 2008, 117). In Buddhism, intentionally causing harm to others is morally wrong not only in a conventional sense but because it is caused by, and itself causes, unskilful mental states (Gethin 2004, 190). Indeed, Buddhist ethics is as much

a description of how the mind works, and the psychological phenomena that motivate us to act, as an ethical system (Gethin 2004, 190).

Buddhism has interrogated the psychological, indeed biological, basis of our common humanity with a rigour not dissimilar to that of modern psychology and neuroscience (Wallace 2007). Buddhism's acute awareness of the relative and subjective nature of our thoughts and emotions is highly pertinent both to the prevention of war and to the motivations of belligerents and their behaviour (Harris 2021, in this volume). Indeed, the canonical Theravāda *Abhidhamma* (Sanskrit *Abhidharma*) texts of Buddhist psychology chime with critical theory and constructivism in their attempt to deconstruct the perceived realities and assumptions which contribute to war and its excesses, and their descriptions of cognitive processes, afflictive mental states (Pali *kilesa*, Sanskrit *kleśa*), aggregates (Pali *khandha*, Sanskrit *skandha*) and mental constructs (Pali *saṅkhāra*, Sanskrit *samskāra*) overlap with the latest psychological research (Lancaster 1997; Harvey 2018; Ronkin 2018).

### ***Buddhist non-violence and the reality of war***

However, despite the fact that Buddhism possesses sophisticated psychological resources relevant to the conduct of hostilities, the centrality of non-harming (*ahimsā*) means that it is uniquely conflicted with regard to the legitimacy of war under any circumstances (Harris 2003, 93–94; Premasiri 2006, 81). Canonical Theravāda texts, for example, contain no endorsement for any kind of violence, and the Buddha's take on the futility of war is encapsulated in his reply to King Pasenadi after the latter's defeat by his nephew Ajātasattu: 'Victory breeds enmity; the defeated one sleeps badly. The peaceful one sleeps at ease, having abandoned victory and defeat' (Dhp.201; Sam.I.83; Harvey 2000, 255; Bartles-Smith et al. 2020, 397–398).

Apart from practical measures such as the carrying of a stick or clubbing together to provide a minimal defence or deterrent against attackers, Buddhist monastics are otherwise enjoined not even to kill an ant (Vin.I.97; Vin.IV.124–125; Bartles-Smith et al. 2020, 380). The Buddha warned that they should avoid talk of low or unedifying matters, including 'kings, robbers, ministers, armies, dangers and wars', and according to the Theravāda *vinaya* or monastic code they are prohibited from visiting military installations or observing battles and military training, except under exceptional circumstances (Dn.I.7–8; Vin.IV.104–107; Florida 2013, 332). The Mahāyāna *Brahmajāla Sūtra* for monastic and lay Buddhists similarly states that those who take *bodhisattva* vows should not participate in or support war in any way (Harvey 2000, 254).

But the Buddha did not proscribe war or tell rulers to disband their armies (Keown 2014, 668; Yu 2013, 195). He emphasised, moreover, that rulers are duty-bound to protect their people and maintain law and order (An.III.149;

Dn.III.58–79; Bartles-Smith et al. 2020, 393; Jayatilleke 1967, 540; Keown 2014, 668). Nor is soldiering included among the seven types of wrong livelihood or forms of commerce, even though trading in weapons is, and the Buddha did not encourage soldiers to leave their profession (An.III.208; Bartles-Smith et al. 2020, 412; Jerryson 2010, 11; Keown 2014, 669). Indeed, many canonical texts compare monastic with military virtues which were clearly admired (An. IV.181; Keown 2014, 669). While wars of aggression are generally anathema to Buddhism, it concedes for the most part that defensive wars might sometimes be necessary to prevent greater suffering, and the best that Buddhists can hope for is to limit its horrors (Bodhi 2014).

The confusion generated by these seemingly mixed messages is compounded by the fact that many Buddhists understandably distance themselves from military affairs, and do not necessarily get to the heart of what the texts have to say (Jenkins 2015). Indeed, Buddhists often tend to be more preoccupied with achieving inner peace than confronting the reality of war, or otherwise tend to compartmentalise it from their regular Buddhist practice (Salomon 2007, 57; Schmithausen 1999; Fuller 2021).

### *Monastic versus lay ethics*

Crucially in this regard, Buddhism makes a distinction between the non-violent idealism of the Sangha and the more common-sense pragmatism of its lay followers, who must balance this with their worldly duties and responsibilities (Tilakaratne 2021, in this volume; Bodhi 2014). While monastics on their path towards enlightenment must generally adhere to strict non-violence, lay Buddhists are not on the same fast track to liberation, and essentially choose for themselves how many precepts they can realistically follow given their circumstances and spiritual ambition (Lammerts 2018; Tilakaratne 2021, in this volume).

The Five Precepts (Pali *pañcasīla*, Sanskrit *pañcaśīla*) against misconduct are the core of Buddhist ethics that all lay Buddhists strive to follow. While the first precept against killing will likely be broken during war, Buddhism accepts that lay people must sometimes use force or violence to protect themselves or others from attack – but that they will suffer the karmic consequences in proportion to the harm that they might therefore inflict. In this respect Buddhism empowers individuals to take control of their own fate, and the Buddhist ideal remains pristine just as most Buddhists fail to achieve it.

Buddhist ethics therefore has a gradualist quality, envisaging a gradation of behaviour from the monastic exemplar of complete non-violence to the karmic balance between Buddhist ideals and pragmatic compromises that lay Buddhist belligerents must make to adjust to the realities of politics and (national) security. As Peter Harvey states, ‘if violence is then used, it is

something that Buddhism may *understand* but not actually *approve of* (Harvey 2000, 252).

Indeed, the stated goal of Buddhism is to reduce suffering, and *ahimsā* encompasses not merely the negation of violence but the energetic cultivation of compassion for all sentient beings, and it does not stop where war begins. The Buddha himself mediated disputes between warring kings and counted soldiers among his lay disciples (Sn.935–954; Florida 2013, 331). He was pragmatic about balancing Buddhist ideals with the social and political realities of his day, and understood that not everyone would be uniformly capable or disposed to follow his teachings (Tilakaratne 2021, in this volume). This is especially the case for Buddhist belligerents who must balance Buddhist ideals with the grim realities of war.

### Part 3: Preventing violence before and after war breaks out

#### *Buddhist statecraft and the prevention of war*

In order to apprehend how Buddhism might help regulate the conduct of war, it is first important to understand what Buddhism says about the recourse to it. Indeed, Buddhism is primarily concerned with conflict prevention.

The Buddha was frank in his assessment of the spiritual precariousness of rulers and combatants, whose duties to govern and protect their people sometimes entail going to war (Jenkins 2017, 161). This predicament is encapsulated in the *Seyya Jātaka* when a *bodhisattva* ruler orders the gates of his capital to be thrown open to an invading army, stating ‘I want no kingdom that must be kept by doing harm’ (Jat.II.273–274).

The main and most illustrative sources of Buddhist statecraft within early Buddhism are the *jātaka* tales found in all traditions, and which are also the most popular and accessible Theravāda canonical texts (Jenkins 2017, 162; Premasiri 2021, in this volume). These contain stories of the previous rebirths of the Buddha when he was enmeshed in the duties and concerns of lay Buddhists. Since he is frequently reborn as a king, minister or warrior, the *jātakas* suggest how war can be creatively prevented, or its violence minimised, in even the direst circumstances (Jenkins 2017, 166–167; Premasiri 2021, in this volume; Mendis 2021, in this volume).

Much of the early Buddhist conception of statecraft is encapsulated in the Theravāda idea of the first king of our world age, the *Mahā-sammata*, the ‘Great Elect’, which details the rights of citizens and their rulers (Dn.III.93; Jerryson and Juergensmeyer 2010, 11–12). The Buddhist ideal of rulership is the righteous ‘wheel-turning king’ (Sanskrit *cakravartin*, Pali *cakkavatti*), and the Buddha claimed to have been a *cakravartin* in previous rebirths (An.IV.89–90, cf. Dn.I.88–89; Dn.III.59; Harvey 2000, 252). Sovereignty does not

ultimately reside in the ruler, but is subject to the ethical principles of Dharma, which bind the ruler into a social contract to provide 'righteous care, ward and protection to all citizens', care extended moreover to the 'birds and beasts' (An.III.149; Dn.III.58–79; Bartles-Smith et al. 2020, 393; Jayatilleke 1967, 540).

Buddhism first provides guidance to rulers about how to govern justly and develop good relations with others, thereby cauterising the potential for internal and external unrest. The duty of the ruler to provide security to his citizens in the broadest sense was also expressed as the 'gift of fearlessness' (*abhaya-dāna*, a concept common to several Indian traditions) that a ruler gives to his people, said to be greater even than peace (Kilby 2021, in this volume). At the state and societal level, war is attributed to the failure of rulers to provide this. Unchecked poverty, corruption and exploitation are identified as among the main causes of the crime and social discord that can fuel conflict, and one mythical story in the *Cakkavatti-sihanāda Sutta* (Dn.26) illustrates how neglect of just one of a ruler's responsibilities – thereby allowing poverty to develop – creates a domino effect that leads to war (Dn.III.64; Harris 2021, in this volume).

In foreign affairs, the ruler is duty bound to cooperate with neighbouring states for the common good, and not to launch aggressive attacks, reminiscent of today's UN Charter (Jayatilleke 1967; 557; Dias and Gamble 2010, 18). The perfect *cakravartin* monarch, though commanding a powerful fourfold army, abandons conquest and wins over potential adversaries not by violence but by the persuasive soft power of righteousness (Dn.III.58–79; Bartles-Smith et al. 2020, 393–394). However, Buddhism concedes that this mythical ideal was only achievable in a prior golden age when all people behaved righteously, and not in the debased age of declining Dharma we inhabit (Sugiki 2020a, 5; Nattier 1991). Buddhism therefore understands that rulers must sometimes use judicious force or violence, or the threat of it, to protect their people, and are expected to maintain a standing army as both a deterrent and a last resort (Jenkins 2017, 162; Keown 2014, 666). Thus, while offensive war was condemned, a defensive military capability was expected. In addition, Gethin identifies ten virtues of a good king found in Theravāda sutras which have a bearing on conduct of war: 'charity, moral restraint, generosity, honesty, gentleness, religious practice, good temper, mercy, patience, and cooperativeness' (Gethin 2014, 73).

Should tensions escalate, one striking feature of Buddhism, and ancient Indian statecraft in general, is their relative reluctance to risk war in the first place (Jenkins 2017, 161; Singh 2017, 321), showcasing a broad palette of options to avoid war as far as possible. Kautilya's *Arthaśāstra* helpfully categorises these into four types of expedients (*upāyas*) for dealing with inter-state tensions, only one of which involves the use of force: conciliation (*sāma*), gifts (*dāna*), force (*daṇḍa*) and subversion (*bheda*) (Singh 2017, 310;

Sugiki 2020b, 15). Together they encompass a range of methods, including diplomacy and espionage, to solve problems short of armed conflict, some of which anticipate the hybrid or new-generation warfare pursued by a number of states today.

Buddhist texts modify and repurpose these expedients to showcase how compassion and intellect can be employed to achieve objectives without resort to violence, both before and after a state of war exists (Sugiki 2020b, 17). In order to avoid war, the ruler might become a monk, or choose to flee or surrender to avoid battle (Sugiki 2020b, 4; Jenkins 2010a, 65; Jat.II.224–226). Less drastic options include befriending the enemy, placating them with gifts, and intimidating them with a powerful army or strong alliances with other states (Jenkins 2010a, 66). The glory of the ruler's righteousness can similarly overawe the enemy and dissuade them from attacking, or rally supernatural forces to his aid, and the righteous king might even preach to his opponent to show him the error of his ways (Sugiki 2020b, 6–8).

### *The example of Ashoka*

Some rulers strove harder than others to emulate the *cakravartin* ideal, or be seen to do so. Ashoka Maurya (Pali Asoka, Sanskrit Aśoka, c. 304–232 BCE), the great third-century BCE propagator of Buddhism, is widely regarded as the outstanding historical exemplar of Buddhist kingship (Harvey 2000, 253). After a victorious conquest of Kaliṅga (modern Orissa) in 262 BCE in which over 100,000 people were killed and 150,000 displaced, Ashoka publicly renounced further conquest, and his famous Thirteenth Rock Edict concerns his remorse over the disastrous humanitarian consequences (Roy 2012, 50; Singh 2017, 268–270).

Ashoka's renunciation of war was not absolute. He reserved the right to maintain a powerful standing army, and gave an ominous warning to the forest peoples not to cause trouble lest he retaliate (Singh 2017, 270). Moreover, his establishment as a benign tyrant appears to have been made possible only by his previous military campaigns and the overwhelming military force that he commanded, which brought almost the entire subcontinent under his control (Jenkins 2017, 172–173).

Ashoka's rock edicts also show remarkable religious tolerance and sensitivity to the suffering of other humans and animals (Draper 1995, 196–197). He codified Buddhist and broader Indian ethics into imperial laws which, though short-lived, governed foreign and domestic relations, and required respect for the sanctity of human and animal life, and humane and just treatment for all (197). While Ashoka's edicts contain no rules on the conduct of war, he therefore stands out as a pioneering state practitioner of Buddhism and the universal principles of humanity and impartiality on which the

modern regimes of IHL and human rights are built, and he remains relevant in countries across Asia, and indeed the world, to this day (205–206).

Since states are primarily responsible for the ratification, promotion and implementation of IHL rules to which they themselves are subject, the role of Buddhism in Asian state formation, and its incorporation into their legal systems, is also highly relevant, as is the fact that Buddhism continues to have an important influence on many governments and non-state armed groups (French 2015; 838; Jayatilleke 1967, 544–548). Indeed, the Buddhist Sangha is perhaps the world's oldest and most enduring international society (Jayatilleke 1967, 451). Just as the Catholic church, including monastic orders like the Dominicans, helped to lay down the foundations of international law and the just war principles embodied in IHL, the Sangha pioneered an earlier phase of globalisation in which Buddhist principles of statecraft were internationalised (Jayatilleke 1967, 549, 557; Dias and Gamble 2010, 16).

### *Greater accommodation for war in some Buddhist schools*

As Buddhism expanded from its Indian renunciant origins to become the most important religion in Asia, it evolved from the kernel of early teachings found in the Theravāda Pali canon, and the texts of parallel early schools, into numerous Mahāyāna and Vajrayāna streams with various religious, philosophical and cultural inflections (French 2015, 835–836). Mahāyāna and Vajrayāna Buddhism became in some respects more socially and politically oriented than Theravāda Buddhism, thereby resolving the tension between non-violent monastic ideals and military necessities within a single value system (Schmithausen 1999, 62; Sinclair 2014, 152). Lay Buddhists, and rulers in particular, were thereby given a more active religious role, investing military activities with more forthright legitimisation (Schmithausen 1999, 62). In Korea, for instance, the monk Won Gwang (c. 541–630) provided five military-related precepts for lay people: 'First, serve the king with loyalty, . . . fourth, do not retreat in battle, and fifth, do not kill indiscriminately' (Ahn 1989, 19; Schmithausen 1999, 54–55).

Some monastic orders even engaged in war and pioneered the development of the martial arts (Lorge 2011). Monastic fighting forces emerged in response to invasion, war and banditry in medieval China, Japan, Korea and Tibet, for example, and more recently during the Sino–Japanese war (Jerryson 2017, 60; Yu 2013; Schmithausen 1999, 52).

While the Western just war tradition, and latterly IHL, have evolved over time to become generally less permissive, Buddhism has sometimes become more open to the use of military force, and to some just war ideas.

### *Lineaments of just war in Buddhism*

The lineaments of Buddhist just war thinking have developed where Buddhism has become closer to the state or the Buddhist majority (Jerryson 2010; Frydenlund 2017c, 27). This has often tended to occur where Buddhists have perceived themselves, like the Christians of Augustine's day, to be under existential threat, whether from foreign invasion or colonial encroachment, and seek religious legitimation for the use of military force (Frydenlund 2017c, 29). This led to a greater emphasis on prescriptions to compensate for the negative karmic effects of breaking the first precept, as well to the relativisation of the precept itself (Schmithausen 1999, 56–57).

Early justifications for war were developed in the *Mahāvamsa*, a non-canonical fifth-century CE text that chronicles the Sinhalese Buddhist hero King Duṭṭhagāmaṇi's (161–137 BCE) war against the Tamil King Eḷāra, said to be to protect Buddhism (Harvey 2000, 255–256). Duṭṭhagāmaṇi is described, for example, as marching his army to Anuradhapura with a Buddhist relic in his spear and accompanied by 500 monks (Singh 2017, 469).

Mahāyāna and Vajrayāna Buddhism are doctrinally more permissive regarding the use of violence than Theravāda Buddhism, since they encourage a more contingent and utilitarian interpretation of Buddhist precepts (Keown 2005, 18). This includes the idea of compassionate or altruistic killing by *bodhisattvas* in service of the greater good, reminiscent of early Catholic just war thinking which argued that love for one's neighbour might justify the use of lethal force against wrongdoers (Jayasuriya 2009, 424).

Compassionate killing is most famously illustrated by the influential early Mahāyāna *Upāya-kauśalya Sūtra* ('Skill-in-Means Sutra') about a *bodhisattva* sea captain who kills a would-be murderer of the passengers and crew of a ship, thereby taking upon himself the karmic penalty and saving the would-be murderer from a far worse karmic fate (Harvey 2021, in this volume). Because the sea captain accepts the possibility of hell for himself in order to save others, and his mind is therefore free from negative mental states, he is not in fact reborn there, or only for a brief time.

Other Mahāyāna texts have been more forthright (Schmithausen 1999, 57–59). The influential *Mahāparinirvāṇa Sūtra* (c. fourth century CE), for example, states that followers of Mahāyāna can override the moral precepts in defence of Buddhism, even if it means using weapons and killing (Schmithausen 1999, 57–58; Victoria 2022).

Perhaps the clearest and most succinct exposition of just war thinking in Buddhism is found in the Mahāyāna *Ārya-satyaka-parivarta* ('Noble Discourse of the Truth-Teller') written in India between the fourth and sixth centuries CE (Sugiki 2020a, 2; Bartles-Smith et al. 2020, 374). Whereas most Buddhist guidance on war is scattered across a vast and unwieldy corpus of texts, the *Ārya-satyaka-parivarta* advises rulers on how to deal with the approach of

a hostile foreign army in the equivalent of a few short paragraphs. To prevent war, and in line with the *jātakas* and other canonical texts, the righteous ruler is advised to befriend the adversary, give them gifts or intimidate them by strong alliances (Sugiki 2020a, 11; Zimmermann 2000, 190–191).

The Vajrayāna *Kālacakra-tantra* also evinces some just war thinking. Written in India in the eleventh century when Buddhism was under threat from Muslim invaders, it prophesies an invasion of the mythical Himalayan kingdom of Shambhala by a foreign (*mleccha*) army, and tells how its *cakravartin* ruler will defeat the invaders and safeguard Buddhism (Sinclair 2014, 158; Schmithausen 1999, 58). The tantra contains preconditions for the use of military force similar to those in the *jātakas* and *Ārya-satyaka-parivarta*. War must be fought only as a last resort against an intractably violent opponent, and should be motivated solely by the desire to protect the country, and not by hatred towards the enemy or desire to plunder their wealth (Sinclair 2014, 160). Mahāyāna and Vajrayāna scriptures have therefore been more accommodating to the preoccupations of Buddhist belligerents.

Buddhist resources to prevent war extend into a range of esoteric beliefs and practices. War-related material in Indian Vajrayāna, for example, far outstrips that in non-tantric Buddhist discourses, and one Tibetan adept, Lodrö Gyeltsen (1552–1624), was known as Sokdokpa ('Mongol Repeller') because he performed elaborate rituals to repulse Mongol threats (Sinclair 2014, 150; Dalton 2011, 133–134). The use of such non-violent means is especially attractive for Buddhists, since it is compatible with Buddhist precepts, and expedients to prevent war include the deployment of magical or supernatural powers (Debreczeny 2019; van Schaik 2020, 89).

## Part 4: Minimising violence during war according to Buddhism and IHL

### *Karma and intention during war*

Having examined what Buddhism says about the prevention of war, and the resort to it (*jus ad bellum*), the second half of this article investigates what Buddhism says about the conduct of war (*jus in bello* or IHL) and the predicament in which belligerents find themselves.

A central concern of Buddhist belligerents is the negative karma they might accrue during war. The size of the karmic harm caused by harming or killing depends both upon the nature of the action, including the intensity of the desire to harm and the amount of effort used, and the nature of the victim of the action (Singh 2017, 254). In very broad terms, it is worse to harm a good as opposed to a bad person, a human as opposed to an animal, and a large as opposed to a small animal, due to the greater effort and therefore intention required (Harvey 2021, in this volume). The real or perceived moral status of

the enemy is of course highly relevant in war, and the lack of concern for the killing of ogres or demons in the *jātakas* would appear to reflect their very low moral status, suggesting that Buddhists might sometimes be as prone as others to demonise or dehumanise enemies in real life to enable violence against them (Jenkins 2017, 163–164).

Crucially, the karmic consequences for belligerents hinge on both their motivations to fight and their precise intention at the moment they use force – whether to incapacitate or kill the enemy, for example. Similarly, as the Buddha stated, the dying thought (*maraṇa-citta*) of a combatant has a crucial bearing on their next life (Jenkins 2017, 164). If combatants do have to kill or harm a living being during war, they must do so with as pure and altruistic intentions as possible, and this is difficult in conflict situations where combatants must cope with limited options, extreme stress and strong emotions.

Famously, when asked by a *yodhājīva* foot soldier or mercenary if he would go to heaven should he die in battle, the traditional Hindu idea, the Buddha replied reluctantly that he would be reborn in the battle-slain hell if his mind was ‘inferior, depraved, and misdirected [with the thought] “Let these sentient beings be killed, bound, annihilated, perished, or never exist”’ (Sam. IV.308–9; Sugiki 2020a, 8).

There are differing Buddhist perspectives on the degree to which belligerents can realistically prevent their minds from entering an unskilful state during war, and thus allay the negative karmic consequences (Keown 2014, 657, 670–671). According to Theravāda *Abhidhamma* texts, it is not psychologically possible to kill someone with entirely wholesome intentions, since even the most altruistic scenarios contain an underlying negative component (Gethin 2004, 190). However, a number of Mahāyāna texts maintain that belligerents can sometimes kill with a neutral or good state of mind (Sugiki 2020a, 6–8). Either way, it is clearly in the interest of Buddhist belligerents to minimise the amount of harm they inflict as far as possible in line with IHL.

Belligerents are individually responsible for their karma just as they are individually responsible for their actions under IHL, and obeying illegal orders is not an excuse (AP I, Art.86[1]). Since karma is intention, those who order the breaking of Buddhist precepts are as liable for the karmic results, or more so, than the troops who actually carry it out, implicating all those in a chain of command (Mn.II.188; Harvey 1999, 280). Indeed, according to the fourth-century Gandharan monk Vasubandhu, all soldiers in an army share responsibility for killing, such that they have a group karma (Harvey 2000, 254; Bartles-Smith et al. 2020, 401).

Buddhism’s introspective focus on the intentions of belligerents is characteristic of other religions and ethical systems, including the Western just war tradition (Whetham 2011b, 71–72; Bartles-Smith 2022, 1745). Aquinas understood that rules will not necessarily be adhered to if the underlying

intentions of belligerents are wrong, and this may partly explain why, like Buddhism, his just war theory provides only general principles rather than detailed *jus in bello* rules, since it is the motivation or intention behind an act that is the most important determinant and predictor of behaviour (Whetham 2011b, 71–72).

### **Applying Buddhism and IHL to the conduct of war**

In addition to ruses and stratagems to prevent war, Buddhist texts such as the *jātaka* stories also show how violence might be creatively minimised should war break out. The Buddha is frequently reborn as a wartime king, minister or warrior in human or animal form – as a war horse, for example – combining intellect with heroic compassion and self-sacrifice (Jenkins 2017, 166–167). As a *bodhisattva* in these previous lives, his endeavours to curtail war's violence provide case studies of exemplary restraint that real belligerents might strive to emulate. The fact that these lively tales are carved on temples and monasteries, and are known and beloved by Buddhists throughout the world, suggests, moreover, how IHL rules might be disseminated (Mendis 2021, in this volume; Wijenayake 2021, in this volume).

One graphic, if unrealistic, example of Buddhist restraint in war is the canonical story of the Buddhist god Sakka, who when retreating from the *asura* (demi-god) army ordered his own army to turn and confront the enemy rather than risk his carriage poles striking the nests of some birds (Sam.I.224). While the balance here between compassion and military necessity has perhaps tipped too far towards the former, concern for innocent life is in accord with IHL, and has a practical military and strategic purpose (Jenkins 2017, 171). Indeed, the cultivation of compassion can help belligerents to refrain from inflicting unnecessary harm, since the compassionate use of force is not only better intended but more heedful (165). It is therefore more likely to be carefully calibrated and targeted.

Buddhist texts contain stories of warriors who avoid killing enemy forces even at war. These include capturing the enemy alive, then making them swear an oath to end their animosity before releasing them (Sugiki 2020b, 17). Similarly, the Mahāyāna *Mahāparinirvāna Sūtra* advocates the use of weapons to stop enemy attacks without killing (Sugiki 2020b, 12–13; Jenkins 2010a, 67). Less recommended is the use of siege blockades to avoid battle. Although used by a prince and his mother in the *Asātarūpa Jātaka* to cut off the city of Bārānasī from food and fuel, neither was a past rebirth of the Buddha, and they suffered the karmic consequences (Jat.I.242–43; Sugiki 2020b, 11).

Somewhat more realistic guidance is provided in the *Ārya-satyaka-parivarta*, which also describes how troops can most effectively be arrayed (Jamspal and Hackett 2010, 61). It instructs the righteous ruler to keep three

thoughts in mind when readying for war: the complete protection of his people, defeat of the enemy, and the capture of the enemy alive (Sugiki 2020a, 14; Jenkins 2010a, 67).

Unusually, the *Ārya-satyaka-parivarta* states more clearly than in other texts that a righteous ruler can avoid the karmic consequences of killing and wounding enemy forces, and gain immeasurable merit, under the following conditions: he has previously made every possible effort to avoid war; he is motivated by compassion and heedfulness; and he is ready to sacrifice himself and his wealth for the protection of his people (Sugiki 2020a, 14; Jenkins 2017, 173). This is nevertheless an outlier for Buddhism, which generally refuses to let belligerents off the hook for their harmful actions in war, however well-intentioned in the conventional sense.

Separate from its discussion of war, though relevant to it, the *Ārya-satyaka-parivarta* also describes how a righteous ruler should ‘protect sentient beings and their surroundings’, broadly in line with IHL provisions:

... a ruler should protect sentient beings without burning their surroundings or ruining it, etc. A ruler should not vent his anger through cities or villages, ruining reservoirs, wrecking dwelling places, cutting down fruit trees, or destroying harvests, etc. In short, it is not right to destroy any well-prepared, well-constructed, and well-extended regions. How is this? These are sources of life commonly used by many sentient beings who have not produced any faults. (Jamspal and Hackett 2010, 56)

The five precepts are fundamental for lay Buddhist ethics, and also therefore for the conduct of war. Although Buddhist belligerents understandably risk breaking the first precept against killing, it is nevertheless important for them to continuously reaffirm the precept, even when it seems impossible to uphold (Trew 2021, in this volume). Of course, there is no pretext for them to break the remaining four, all of which endorse IHL. The second precept against stealing aligns with IHL prohibitions on pillage and the confiscation of civilian property, and the third precept against sexual misconduct aligns with IHL prohibitions of rape and other forms of sexual violence (CIHL, Rule 51 and 52; Bartles-Smith et al. 2020, 414–415). The fourth precept against wrong speech or falsehood, is relevant to the IHL prohibition on perfidy (the abuse of IHL protections), as well as to malicious or abusive speech that might constitute cruel, inhuman and degrading treatment (CIHL, Rule 65 and Rule 90), and the fifth precept against partaking of intoxicants is conducive to the mental clarity required to adhere to IHL rules (Kilby 2021, in this volume).

Buddhist chanting, rituals and meditation techniques have also been variously deployed as forms of non-lethal spiritual warfare to overcome enemy forces (Sinclair 2014). Vajrayāna ritual manuals or *kriya-tantras*, for example, include detailed instructions on mantras, visualisations and yoga to stun, stop, freeze or disperse hostile armies, or cause them to surrender

(Sinclair 2014, 152–153). While the effectiveness of some these measures might be questioned, their intent is absolutely in line with Buddhist precepts and IHL.

Similar means have been used to protect combatants and non-combatants. The wearing of protective amulets and chanting of protective canonical verses and scriptures (*paritta*) in anticipation of military operations are also common practices in the Theravāda Buddhist world (Frydenlund 2017c, 37). Likewise, compassion is commonly considered to have an almost supernatural power to protect (Jenkins 2010a, 65). Such beliefs and practices reflect the important psychological dimension of warfare, and overlap with Buddhist practices such as meditation, whose beneficial effects are scientifically proven (Dalton 2011, 137).

### ***Buddhist and IHL principles***

The fundamental principles of Buddhist ethics therefore dictate that it is in the interest of those engaged in war to minimise the harm they inflict in accordance with core IHL principles of distinction, proportionality and precaution (Harvey 2021, in this volume). Explicit Buddhist teachings also correspond with IHL rules, regarding the protection of non-combatants, care for the wounded and humane treatment of prisoners or defeated enemies (Tilakaratne et al. 2021; Bartles-Smith et al. 2020, 405).

Just as IHL embodies a balance between humanity and military necessity, Buddhism interrogates whether each and every military action is necessary at all in the light of alternative, including non-military, options. The Buddhist determination of military necessity is clearly very exacting. Starting from the earliest military planning, options other than the infliction of harm should first be explored. Failing this, the use of force should be as restrained and directed as possible, targeting only those combatants or military objects that pose an immediate threat. Whenever feasible, enemy combatants should be neutralised or incapacitated rather than harmed or killed, which also dictates the military tactics and the choice of weapons used.

Destruction of civilian objects, infrastructure, means of livelihood, animals and the natural environment should be minimised, and the maximum effort made to repair the damage that has been done (Scorsine 2014, 123). While mistakes, such as the killing of non-combatants, might not be deliberate, they might nevertheless be critiqued for lack of heedfulness (*appamāda*) or mindfulness, in line with the IHL principle of precaution (Samarakoon 2021, in this volume). This degree of restraint in such high-stress combat situations also requires a high degree of personal bravery and willingness to put one's life on the line for the sake of others, and the level of self-sacrifice required of Buddhist combatants is particularly high (Jenkins 2010a, 67).

Ideas of military necessity and proportionality are central to IHL's practical application. While not infinitely elastic, they give commanders a wide margin of discretion, since the determination of the importance of a military objective, and the amount of collateral killing of non-combatants that is acceptable, relies on their own subjective assessment (Khen 2016 36; Gisel 2016, 23). Although solutions such as the 'reasonable military commander' standard have been proposed to get around this problem (essentially what a 'reasonable' commander would do in a particular circumstance), this raises the obvious question of how 'reasonable' might be defined in different operational circumstances and between commanders who have different doctrinal backgrounds (Henderson and Reece 2018).<sup>1</sup> The Buddhist focus on the intention of belligerents might help prevent these IHL principles from being too loosely interpreted, so that they prevent or minimise collateral damage more energetically. Judging from Buddhist texts, a Buddhist 'reasonable commander' would be highly restrictive in the use of military force, and would require the compassion, intellect and strategic vision – and indeed the mandate – to deploy non-harming, including non-military, means whenever possible. In modern military parlance, this would perhaps correspond more to an unconventional hearts-and-minds approach, in which military capability is just one element of an otherwise non-violent response, employed primarily as a deterrent or last resort. For this deterrent to be effective, as Thich Nhat Hanh has suggested, it is preferable to maintain a strong military force like the *cakravartin's* fourfold army (Keown 2014, 675).

Since a fundamental part of a belligerent's role is to protect people, they are also in a privileged position to alleviate suffering (Harvey 2021, in this volume; Ratheiser and Kariyakarawana 2021, in this volume). IHL rules are intended not only to limit the harm inflicted in war, but to ensure care and support for its victims. Belligerents therefore have an opportunity to improve their karma by assisting the wounded, sick, captured, displaced and other victims of armed conflict.

Merit-making acts are still carried out by Buddhist belligerents to compensate for the negative karma they accrue in war, and though good karma does not prevent bad karma coming to fruition, its positive effects can nevertheless compensate to some degree (Schmithausen 1999, 53; Bartles-Smith et al. 2020, 393). Merit-making normally involves gift-giving (*dāna*) of food or other necessities to the Sangha, but can also take the form of government largesse to temples, for example, and might justifiably be viewed with cynicism when performed by those known to have carried out war crimes. But it might equally be performed by those who have followed the rules of war and are aware of the karmic penalty they have nevertheless incurred, much as medieval Christian knights performed penances after returning from battle (Verkamp 1988). Merit-making might also take the form of humanitarian care

and assistance for war victims, in accordance with IHL (Harvey 2021, in this volume).

### *Buddhism and military ethics*

Knowledge of IHL rules and Buddhist principles must be complemented by the skills to interpret and apply them in highly complex and stressful war situations, and these should ideally be rehearsed in advance of hostilities (Whetham 2011a). The Buddhist perspective on ethics as skilful or unskilful behaviour, and its emphasis on training and disciplining the mind in this regard, is therefore highly pertinent.

The parallels between military and monastic discipline and training have long been noted, and are a theme in early Buddhist texts (An.IV.181; Sam.I.98–99; Kent 2008, 98). Just as military virtues have been emulated by Buddhist practitioners seeking to conquer their inner demons, so can Buddhist virtues or mental attitudes benefit military personnel (Roebuck 2010, xlix). Buddhism's emphasis on character formation is well adapted to military training, and its psychological resources can interrogate the emotional, perception and attention factors behind belligerents' behaviour to provide insight into why they sometimes break the rules (Olsthoorn 2019, 38–39). The question for soldiers therefore becomes not simply 'What should I do?' but 'How can I become the kind of soldier who can do it?'

Buddhism takes seriously the power of emotions to affect our behaviour (McCrae 2017, 336). Like the battle against Māra, the final battle in the *Kālacakra-tantra* is fought simultaneously against the belligerent's inner defilements, and Buddhism recognises that just conduct in war is as dependent on the mental state of its protagonists as external conditions (Sinclair 2014, 160).

According to the great fourth- to fifth-century CE scholars Buddhaghosa and Vasabandhu, the etymology of the Pali term for morality in Buddhism, '*sīla*', more accurately translated as self-restraint, includes the meaning 'head' and 'cool' or 'refreshing', such that ethical conduct in Buddhism is associated with a cool or calm head (Whitaker and Smith 2017, 54). This is the antidote to the transcultural association of heat with the physiology of anger and hatred, the control of which is crucially important in the heat of battle (54).

When asked about the one thing he approved of killing, the Buddha replied the killing of anger 'with its honeyed crest and poison root' (Sam. I.41). Ashoka Maurya also understood the practical importance of non-anger, calm and patience to cultivate an impartial mental attitude and prevent the infliction of harm upon innocents, as he said in Kaliṅga Rock Edit 1:

While being completely law-abiding, some people are imprisoned, treated harshly and even killed without cause . . . . Therefore your aim should be to

act with impartiality. It is because of these things – envy, anger, cruelty, hate, indifference, laziness or tiredness – that such a thing does not happen. Therefore your aim should be: ‘May these things not be in me’. And the root of this is non-anger and patience. (Dhammika 1993, 30)

The cultivation of positive affective states such as the Four Immeasurables (*brahmavihāras*) of loving-kindness (Pali *mettā*, Sanskrit *maitrī*), compassion (*karuṇā*), empathetic joy (*muditā*) and equanimity (Pali *upekkhā*, Sanskrit *upekṣā*) can help combatants to counter afflictive mental states such as anger or hatred and the violence they generate, and are highly relevant for restrained conduct in war (Gethin 1998; Bartles-Smith et al. 2020, 385). Patience or forbearance (Pali *khanti*, Sanskrit *kṣānti*) is also highly prized, as are qualities that correspond to more conventional military virtues, such as energy, perseverance and courage (Pali *virīya*, Sanskrit *vīrya*), and self-sacrifice (*tyāga*) (Wakefield 2021, in this volume; Bartles-Smith et al. 2020, 404–405).

### **Mindfulness and military training**

Buddhist mindfulness techniques undergird its ethical content and have the potential, furthermore, to enhance combatant performance. Psychological and neuroscience research has proven that meditation can improve the resilience and mental functioning of combatants and reduce impairment of their cognitive faculties in high-stress battle situations, thereby enabling them to fight with greater self-control (Stanley et al. 2011; Jha et al. 2015; Braboszcz, Hahousseau, and Delorme 2010; Trew 2021, in this volume; Bartles-Smith et al. 2020, 408). This includes enhancement of mental skills such as concentration, situational awareness and working memory capacity, as well as handling ambiguity and complexity. More research must be done on exactly how effective these various techniques are in promoting adherence to IHL rules, but the United States Medical Health Advisory Team IV report showed that military personnel with higher levels of anger or stress, or with mental health issues, were twice as likely to mistreat non-combatants in Iraq (2006, 3–4).

According to United States combat veteran Elizabeth Stanley, who worked with neuroscientist Amishi Jha on Mindfulness-based Mind Fitness Training for the US military, ‘resilience depends on a well-regulated autonomic nervous system ... which means that it can function more effectively during a stressful experience without either acting out against one’s goals or values, or dissociating along the “freeze” spectrum’, and is therefore important for enabling combatants to adhere to IHL norms (Stanley 2014). Buddhism also understands the importance of resilience for military personnel. The *Akkhama Sutta*, for example, describes how monks must be as resilient as a king’s elephant who steels himself to the fearful sights, sounds, smells and tactile

sensations of battle, such as piercing by arrows, in order to fight effectively (An.V.139).

Combatants must first protect themselves before they can effectively protect others, and Jha describes these mindfulness techniques as a form of ‘mental armour’ for combatants (Senauke and Gates 2014; French 2017, 8, 12). The need for such protection has been highlighted by psychological research into moral injury, a set of shame and guilt-based disturbances caused by perpetrating, failing to prevent or witnessing transgressive acts that violate one’s deeply held moral or ethical beliefs (Hamrick, Kelley, and Bravo 2020, 109; Frankfurt and Frazier 2016; Bartles-Smith 2022, 1755). In the military context, such experiences include killing, injuring, excessive retribution, failure of leadership and ambiguity in the rules of engagement, which might also constitute violations of IHL (Hamrick, Kelley, and Bravo 2020, 109). Symptoms of moral injury range from difficulty to forgive oneself or others, anger, social withdrawal and demoralisation, through to depression, post-traumatic stress disorder (PTSD) and suicide (Hamrick, Kelley, and Bravo 2020, 110; Shay 2010, 115). For many belligerents the consequences of their transgressions, whether seen in karmic or purely psychological terms, are all too real.

Shame over wrongdoing (Pali *hiri*, Sanskrit *hiri*) and concern for its consequences (Pali *ottappa*, Sanskrit *apatrapya*) are also cherished Buddhist qualities (Bodhi 1993). The first is about guarding, not compromising, an individual’s moral integrity and sense of self-worth, and the second is about avoiding repercussions such as remorseful self-blame, the blame of others, and other future karmic harms, including through legal sanctions: so, more powerful deterrents to bad behaviour than the threat of legal sanctions alone (Grasmick, Bursik, and Kinsey 1991; Bartles-Smith 2022, 1755–1756).

Buddhists understand the need for inner armour, and that its effectiveness is dependent upon one’s conduct, as this excerpt from the Theravāda canon shows:

Those who engage in misconduct of body, speech, and mind . . . . Even though a company of elephant troops may protect them, or a company of cavalry . . . still they leave themselves unprotected. For what reason? Because that protection is external, not internal . . . . But those who engage in good conduct of body, speech, and mind protect themselves . . . . Because that protection is internal, not external . . . .

...

Conscientious, everywhere restrained,

One is said to be protected. (Sam.I.168–9)

The potential to draw on Buddhist-inspired martial arts, which emphasise mindfulness and self-discipline, has yet to be properly explored. Their characteristic emphasis on self-defence, restraint and the skilful control of physical

force would seem, however, to be in accord with IHL (Lorge 2011; Bartles-Smith et al. 2020, 410–411). Indeed, research has shown that they can reduce aggression in young people (Harwood, Lavidor, and Rassovsky 2017). A number of martial arts are used as both meditation and fighting tools, and the Buddhist connection is particularly important in the Mahāyāna Chan (Zen) school where the Shaolin monastery, for example, was famous for the skilfulness of its warrior monks (Shahar 2008). Martial arts can also, of course, be utilised to simply produce better fighters, and Japanese samurai used Zen Buddhism to dissolve fear and concentrate the mind on the present moment for this very purpose (Soho 2012; Mann 2012; Victoria 2022). But this increased fighting efficiency must also incorporate restraint, just as mindfulness should be combined with other components of Buddhist ethics. Martial arts have also traditionally played a recreational role, whether for exercise or entertainment, and the degree to which they have previously been practically applied to enhance restraint in war is unclear (Lorge 2011, 3; Bartles-Smith 2022, 1748).

### *Clerical support to belligerents*

Just as the Buddha and his disciples counselled kings and warriors, so monastics continue to counsel governments, militaries or non-state armed groups to this day, as well as presiding over religious ceremonies and providing them with spiritual support (Kent 2008; Frydenlund 2017a, 18). Military personnel often attend nearby temples, and Buddhist clergy preach sermons to them on special occasions (Kent 2008; Frydenlund 2017a, 18). Some militaries also employ Buddhist chaplains (Bosco 2014; Lee 2021, in this volume).

Studies carried out in Sri Lanka during the civil war have shown that, as in the Buddha's day, many Buddhist soldiers are concerned about the negative karma they might accrue (Kent 2008, 3–4). Clergy are therefore well placed to remind them that their own welfare is contingent on minimising the suffering they inflict on others, and much of the thrust of their sermons is to avoid anger and stay calm and mindful of their actions even in battle (Kent 2008, 131–158, 202). Monks also advise soldiers to take every opportunity to accumulate merit through good deeds. While some scholars have argued that Sri Lankan monks engage in just war thinking, for most of the clergy interviewed the terms of debate were different (Bartholomeusz 2005; Kent 2008, 200–201). They did not attempt to justify war but concerned themselves with the welfare and mental state of combatants, and therefore their karma (Kent 2008, 200–201; Frydenlund 2017c, 29).

One crucial element of belligerents' motivation is that they must reconcile themselves to the possibility of being killed. The psychological support provided by Buddhist clergy is crucial in this regard, and can enable

combatants to remain mentally and spiritually intact. The fact that they also preside over the funerals of fallen combatants is also important, and can help mourners to come to terms with their untimely death (Kent 2008; Hassner 2016, 86–87). The Buddhist belief in rebirth is likely to reassure belligerents in this respect, and studies in Sri Lanka have shown that it has helped to prevent further traumatisation among veterans with combat trauma (Hassner 2016, 124–125).

## Part 5: Failures to apply Buddhist and IHL norms in practice

### *Historical misrepresentation of Buddhism to enable unrestrained violence*

Historically, despite the range of Buddhist teachings and resources to promote restraint, Buddhists have sometimes been responsible for wartime atrocities (Jerryson 2010). There are therefore fundamental questions about the degree to which Buddhist teachings have actually been applied to war situations, or even properly understood. Indeed, some Buddhist teachings have been so distorted on occasion as to *enable* unrestrained violence against enemy groups (Victoria 2022).

Like members of other communities, Buddhists have also sometimes been prone to discount the lives of non-Buddhists. In the Sri Lankan *Mahāvamsa* chronicle, one notorious verse relates how King Dutṭhagāmaṇi, distressed at the number of deaths he had caused in his victory over King Elāra, is reassured by a group of supposed Arhats that he had done no wrong in waging the war because killing wicked people with wrong views was morally equivalent to killing animals (Gombrich 2006, 141; Singh 2017, 469). Though regarded as implausible by most serious scholars (Harvey 2021, in this volume), this verse has nevertheless been recycled by some contemporary Buddhists, including some high-profile monks (Fuller 2017).

A passage in the Mahāyāna *Mahāparinirvāṇa Sūtra* states that the killing of *icchantikas*, deluded beings who reject Mahāyāna in favour of unwholesome doctrines, is equivalent to ‘felling ... trees, mowing grass, or dissecting a corpse’, and the Vajrayāna *Sarva-durgati-pariśodhana-tantra* states that those ‘who hate the Three Jewels ... have a wrong attitude to the Buddha’s teachings ... or disparage the [Vajrayāna] masters’ should be killed wherever they are found (Schmithausen 1999, 58). Lacking the Buddha nature intrinsic to other sentient beings, and therefore barred from enlightenment, their lives are essentially meaningless (Victoria 2022; Jerryson 2017, 50; Singh 2017, 256; Jenkins 2017, 164; Yu 2013, 204–205). Twentieth-century Zen Buddhist militarists maintained on this basis that the killing of ‘inferior’ enemy beings was a compassionate act, since their Buddha nature would be revived in

a more favourable rebirth, buttressing an imperial ideology which incited numerous war crimes (Demiéville 2010, 44–45).

Core Buddhist concepts of karma and rebirth have therefore been misrepresented to encourage a fatalistic approach to deaths in battle, which are seen as unavoidable karmic retribution, and this attitude has also encouraged Buddhist combatants to be less heedful of their own lives, as witnessed in the suicidal bravery of some Japanese soldiers during World War II, particularly kamikaze pilots (Victoria 2022).

While Māra is a demonic representation of undesirable inner qualities and temptations over which the Buddhist practitioner must triumph, it has sometimes been projected onto real adversaries who are literally demonised or dehumanised to enable violence against them (Victoria 2022; Jenkins 2017, 163–164; French and Jack 2015). The idea of the future Buddha Maitreya (Pali Metteya), foretold to re-establish Buddhism, has inspired several violent millenarian revolts against non-Buddhists, or the wrong kind of Buddhists. In sixth-century CE China, for example, the monk Faqing used drugs to send his followers into a killing frenzy, telling them they would attain high *bodhi-sattva* status if they killed ten enemies each in a cosmic battle against Māra (Jerryson 2017, 60; Victoria 2022).

Aspects of Vajrayāna Buddhism involve the deliberate transgression of Buddhist precepts by religious adepts, and perfect practitioners (*siddhas*) are considered to be above conventional moral norms (Schmithausen 1999, 61). Although many tantric texts describe symbolic rather than real violence, and include injunctions to minimise the use of lethal force, its practices were also intended for less inhibited killing (Sinclair 2014, 161; Dalton 2011, 133–138). The eighth-century CE *Hevajra-tantra*, for example, contains detailed rituals to destroy entire enemy armies, as well as their gods (Debreczeny 2019). Indeed, the Mongols employed Buddhist adepts to help them defeat real armies, and the Tibetan preceptor of Kublai Khan reportedly secured a magical victory over China's Southern Song (Debreczeny 2019; Dalton 2011, 136).

Although the *Kālacakra-tantra* is set in a mythical realm, and describes a psychological as much as a future physical battle, the king of Shambhala is nevertheless prophesied to annihilate barbarian forces and destroy their religion (though one commentary states that he shall not take enemy lives) and was one inspiration behind Aum Shinrikyo's 1995 Sarin gas attack in the Tokyo subway (Jerryson 2010, 8; Sinclair 2014, 159–60; Schmithausen 1999, 61–62).

Certain practices, such as sorcery and the propitiation of local spirits, are believed by some powerful Buddhists – including military and armed group members – to enable them to manipulate karma through supernatural means, thereby avoiding the karmic consequences of transgressive violence (Pranke 2010; van Schaik 2020, 98).

More permissive interpretations of Buddhism have tended to be more prevalent in the Mahāyāna and Vajrayāna Buddhist worlds, where concepts such as skill-in-means and compassionate violence have sometimes been weaponised and abused (Schmithausen 1999, 46; Jenkins 2010b, 308–310). Only advanced *bodhisattvas* are generally thought to possess the where-withal to kill altruistically, but this stipulation was not, of course, always followed (Schmithausen 1999, 46; Jenkins 2010b, 308–310). When combined, furthermore, with Buddhist teachings on the lack of a permanent self, impermanence and the Mahāyāna concept of *sūnyatā*, according to which all things are empty of intrinsic existence, human life, and therefore the act of killing, has sometimes been relegated to something of almost trivial importance. As the Rinzai Zen Master Takuan wrote in the seventeenth century:

The uplifted sword has no will of its own, it is all of emptiness . . . . The man who is about to be struck down is also of emptiness, and so is the one who wields the sword. . . . the ‘I’ who is about to be struck down is like the splitting of the spring breeze in a flash of lightning. (Victoria 2003, 26)

According to Japanese Imperial Army Major Ōkubo Kōichi, lack of a permanent self also means that ‘[t]he soldier must become one with his superior . . . he must become the order he receives’ (Victoria [1997] 2006, 103). While an aid to strict discipline, this clashes with core Buddhist teachings that each individual is responsible for their own karma, and with IHL rules according to which combatants have a responsibility not to obey illegal orders (Melzer 2016, 286).

The danger of misinterpreting and perverting some Buddhist teachings to justify violations of IHL is abundantly clear.

### **Contemporary failures to apply IHL and Buddhist ethics**

Clearly, belligerents who self-identify as Buddhists do not necessarily practice its core teachings. Given the relevance of meditation to Buddhist ethics, for example, the question as to whether they meditate (most do not) is particularly pertinent (Richmond 2012). Moreover, the civil religion of the state and the lived Buddhisms of the majority of lay Buddhists tend to focus on the making of merit (Pali *puñña*, Sanskrit *punya*) – good karma – to address immediate worldly concerns, and are less preoccupied with higher Buddhist teachings to transform the consciousness of individuals (Stanford and Jong 2019; Frydenlund 2017a; Bellah 1967).

Serious violations of Buddhist and IHL norms continue to blight parts of the contemporary Buddhist world, and much has been made of the contradiction between the behaviour of some Buddhist-majority militaries and Buddhist ethics (Selth 2021; Deegalle 2006). Indeed, some Buddhist military personnel do appear to believe that merit-making donations can compensate

for the negative karma of war crimes, or that they can kill their enemies with no karmic repercussions.

Despite the well-publicised interactions of some militaries with Buddhist clergy, however, it is worth bearing in mind that the nature and content of their formal military training is predominantly, if not exclusively, secular, and Buddhist ethics are not generally included at all (Frydenlund 2017a, 14–15; ICRC 2021c). Although a number of militaries employ Buddhist chaplains, relations between the Sangha and the military are not generally close, and their secular ethos is reinforced in some contexts by *vinaya* injunctions that separate monastic from military affairs, such that monks risk losing credibility if they become too involved with the military (Kent 2008, 42–43, 78; Frydenlund 2017a; ICRC 2021b). These restrictions are reciprocated by militaries themselves, which likewise discourage the presence of Buddhist and other clerics in military training (ICRC 2021c). Although some monks do informally counsel and support military personnel in relation to their conduct in battle, most also lack the knowledge of IHL to relate it to Buddhist teachings (Kent 2008; Bartles-Smith et al. 2020).

Factors such as the brutalisation of recruits and inculcation of strict unthinking discipline in some militaries are also likely to have a significant impact on their behaviour. Indeed, some contemporary military training is designed to dehumanise combatants and inculcate an ‘us versus them’ mentality that can separate military personnel from societal norms and heighten their aggression and enmity towards other groups (Grossman 2014; French and Jack 2015; Inspector-General of the Australian Defence Force 2020). This makes it easier for them to override inhibitions against killing.

While Buddhist ethics still have a powerful hold over many individual military personnel, sometimes inspiring exemplary restraint, they are less commonly integrated into the regimes of entire military units, and might therefore have less impact on their collective behaviour (ICRC 2019b, 2021b, 2021c). This can lead some belligerents to believe that the military is a separate sphere where Buddhist ethics do not apply, even though they accord with IHL, and leaves scope for others to misrepresent Buddhism as legitimising the use of unrestrained force (ICRC 2021b; Kariyakarawana 2011; Victoria [1997] 2006).

While there are indications in Buddhist texts and the historical record that Buddhism has contributed to humanising the conduct of war in the past, awareness of this legacy has also perhaps diminished, and the adoption of Western-inspired military methods and doctrines might sometimes have displaced Buddhist-inspired norms of restraint (Jayatilleke 1967, 555–557; Charney 2021, in this volume).

Nevertheless, concise, user-friendly compilations of war-related guidance like the *Ārya-satyaka-parivarta* still appear to have been the exception rather

than the rule in Buddhism. Indeed, there is much to be said for codifying and adapting Buddhist teachings to provide practical and authoritative Buddhist advice for modern belligerents, with reference to IHL. In the meantime, some Buddhist soldiers have started to informally do this themselves (Little 2011; Peto 2014).

## Conclusion

Despite expanding research into other traditions, and increased ownership of IHL by non-Western constituencies, IHL and war studies remain Western-dominated fields, and there is still much to learn about ‘the wisdom of restraint’ in warfare that was pioneered in the East (Keegan 1994, 392).

Buddhism shows how non-Western and decidedly non-military perspectives can shed fresh light on the regulation of war. Indeed, only by embracing both the differences and similarities between Buddhism and IHL can their full potential to complement and support one another be revealed. Insofar as Buddhism and IHL become more mutually intelligible, this should also have a positive impact on the perception and implementation of IHL in the Buddhist world, just as Buddhist resources are now starting to be applied by some Western militaries (Stanley 2014; ICRC 2021b).

Relatively unencumbered by notions of military glory, or that war is acceptable, Buddhism makes clear that however ‘just’ the cause in a conventional sense, war is inherently wrong. Since violence is never fully legitimised, belligerents therefore have an added incentive to act with restraint in accord with IHL rules. In this respect, Buddhism is attuned to modern sensibilities that are increasingly less tolerant of even war’s legal horrors.

Putting these principles into practice is another matter, and Buddhist belligerents have sometimes failed to adhere to Buddhist and IHL principles of restraint. The Buddha balked at codifying rules of war, apparently satisfied to outline only foundational ethical principles to guide belligerents should war be unavoidable, and there are question marks about the extent to which Buddhist principles and resources can be realistically integrated into military training (Harvey 2021, in this volume). Whether preventing war or limiting its horrors is better achieved by adhering – however imperfectly – to the categorical non-violence of the core of the Theravāda Buddhist canon, or the more contingent pragmatism of some *jātaka* stories and skill-in-means teachings of Mahāyāna and Vajrayāna Buddhism, is also unclear. To whatever degree war is accommodated in various Buddhist traditions, however, all are in broad agreement with IHL that the harm inflicted should be minimised once war breaks out.

Simply instructing belligerents to follow IHL rules is not enough. The extreme conditions of war and lack of effective IHL enforcement mean that they must develop the mental awareness and capacity to regulate

themselves. This is a role that Buddhism is particularly well adapted to play, since it contains within itself the psychological insights and resources to understand why belligerents sometimes misbehave (Harris 2021, in this volume). To paraphrase Rupert Gethin, if we want to know how to act in accordance with Dharma – and with IHL – we must first know our own minds (Gethin 2004, 72).

## Note

1. However, the ‘reasonable commander’ standard was expressly rejected as unworkable during the negotiation of Additional Protocol I.

## Abbreviations

### Primary Buddhist Texts

**An.** *Aṅguttara Nikāya*. Translated by Bhikkhu Bodhi. 2012. *The Numerical Discourses of the Buddha: A Translation of the Aṅguttara Nikāya*. Boston: Wisdom.

**Dhp.** *Dhammapada*. Translated by Valerie J. Roebuck. 2010. *The Dhammapada*. London: Penguin. See also, translated by Acharya Buddharakkhita. 1996. *The Dhammapada: The Buddha’s Path of Wisdom*. <https://www.accesstoinsight.org/tipitaka/kn/dhp/index.html>

**Dn.** *Dīgha Nikāya*. Translated by Maurice Walshe. [1987] 1995. *The Long Discourses of the Buddha: A Translation of the Dīgha Nikāya*. Boston: Wisdom.

**Jat.** *Jātaka*. Translated by various hands under Edward Byles Cowell. 1895-1907. *The Jātaka or Stories of the Buddha’s Former Births*, 6 vols. London: Pali Text Society. References by volume and page number.

**Mn.** *Majjhima Nikāya*. Translated by Bhikkhu Ñānamoli and Bhikkhu Bodhi. 1995. *The Middle Length Discourses of the Buddha: A Translation of the Majjhima Nikāya*. Boston: Wisdom.

**Sam.** *Samyutta Nikāya*. Translated by Bhikkhu Bodhi. 2000. *The Connected Discourses of the Buddha. A Translation of the Samyutta Nikāya*. Boston: Wisdom.

**Sn.** *Sutta Nipāta*. Translated by Kenneth Roy Norman. 1984. *The Group of Discourses (Sutta–Nipāta) Vol. 1, with alternative translations by IB Horner and Walpola Rahula*. London: Pali Text Society. Also, translated by Kenneth Roy Norman. 1992. *The Group of Discourses (Sutta–Nipāta) Vol. II, Revised Translation with Introduction and Notes*. London: Pali Text Society.

**Vin.** *Vinaya Pitaka*. Translated by Isaline Blew Horner. 1938-1966. *The Book of the Discipline (Vinaya-pitaka)*, 6 vols. London: Pali Text Society. References by volume and page number.

### IHL Texts

**AP I** (Additional Protocol I) Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977.

**AP II** (Additional Protocol II) Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977.

**Common Article 3** Article 3 common to the Geneva Conventions of 12 August 1949.

**CIHL** Customary International Humanitarian Law, according to the ICRC study. <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>

**St Petersburg Declaration** Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight, 29 November / 11 December 1868.

## Acknowledgements

The author thanks Dr Stefania Travagnin, Professor Peter Harvey, Dr Elizabeth Harris, Professor Kate Crosby, Dr Noel Trew and Daniel Ratheiser for their helpful comments on the various drafts of this paper.

## Disclosure statement

This article has been supported by the International Committee of the Red Cross (ICRC).

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**Andrew Bartles-Smith** manages the ICRC's Global Affairs Unit in Asia. He has many years of experience engaging with religious circles and non-state armed groups in the region, and has pioneered ICRC efforts to promote research and debate on IHL and religious teachings. He currently leads ICRC projects on Buddhism and IHL, and Hinduism and IHL, and recently established the ICRC's Religion and Humanitarian Principles website with Daniel Ratheiser and other colleagues.

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