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THE GIFT OF FEARLESSNESS: A BUDDHIST FRAMEWORK FOR THE PROTECTION OF VULNERABLE POPULATIONS UNDER INTERNATIONAL HUMANITARIAN LAW

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ABSTRACT

In this article, I present *abhaya-dāna* ('the gift of fearlessness') as a Buddhist framework for the protection of populations who are vulnerable to violence, terror or displacement during times of conflict. *Abhaya-dāna* is an ancient Indian ethic that inspired the political activism of Hindu leader Mohandas Gandhi. Although seldom invoked by Buddhists today (one notable exception is Aung San Suu Kyi's appeal to *abhaya-dāna* in her 1990 essay 'Freedom from Fear'), *abhaya-dāna* is also deeply rooted in the Buddhist tradition and holds vital potential for transforming the way that Buddhist-majority societies conceive of their Buddhist identity and their responsibility to protect the vulnerable during times of conflict. In this article, I argue that *abhaya-dāna* offers a Buddhist principle of protection that in substantial ways complements and strengthens the principle of protection enshrined in international humanitarian law (IHL).

KEYWORDS Buddhism; international humanitarian law; protection; fearlessness; ethics

The gift of fearlessness in classical context

The principle of protection, which is a cornerstone of international humanitarian law (IHL), has ancient roots in the Buddhist tradition as *abhaya-dāna*. *Abhaya-dāna* has been understood in classical Hindu, Jain and Buddhist texts as the gift of protection for those who are without a protector and are vulnerable to violence. The fear that is relieved by the gift of fearlessness is, specifically, fear for one's life. Extending protection to refugees and extending mercy to animals destined for slaughter are common examples of *abhaya-dāna* that these traditions invoke.¹ While often translated into English as 'the gift of fearlessness', *abhaya-dāna* may also be rightly translated as 'the gift of protection', 'the gift of security', or 'the gift of assurance'.² This gift is symbolised by the *abhaya-mudrā*, the gesture of a raised hand with palm facing outward to

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express benevolence and to dispel fear. The Buddha is sometimes depicted with the *abhayamudrā* in sacred art because his teachings offer a path for overcoming the fundamental insecurity of life; *dukkha*, which the Buddhist path aims to alleviate, can mean not only 'suffering' (as it is usually translated), but also 'insecure' (Crosby 2014, 17).

Because Buddhism is a tradition rich in psychological analysis, an understanding of fear as well as the suffering, delusion and hatred that it can precipitate is taken seriously in Buddhist texts. IHL shares a concern for the acute suffering that mortal fear entails. The whole of IHL could be read as an agreed standard of protection meant to relieve those who are not (or no longer) directly participating in hostilities from the fear of danger, in addition to the danger itself, that accompanies armed conflict. Rule 2 of the International Committee of the Red Cross (ICRC, 2005) Customary IHL Study prohibits 'acts or threats of violence the primary purpose of which is to spread terror among the civilian population'.³ In this customary rule, we see IHL's role in reducing the mental as well as physical suffering of civilians during times of war. Terror and mortal fear constitute forms of psychological injury, or trauma, that can leave lasting and debilitating effects. Another recent ICRC study even suggests that considerations of the mental health toll on civilians should be factored into evaluations of proportionality in attacks (Gillard 2018, 32–33).

Buddhist insights into fear and fearlessness can extend IHL's applications to the psychological dimensions of wartime suffering. IHL aims to offer many forms of psychological assurance to the non-combatant population: primarily, the assurances that they will not be targeted in attacks and that their land, food, medical access, cultural property and other resources indispensable to their survival will be protected, as far as military necessity allows (ICRC 2005).⁴ When non-combatants can better trust that humanitarian principles will be respected during a time of conflict, not only will the psychological trauma of warfare be reduced, but less disruption of agriculture and trade as well as less human displacement will occur.⁵

It is important to note, however, that in Indian tradition the gift of fearlessness is the gift not only of an emotional or psychological state, but of a socio-political one: it is the gift of the conditions of protection and security by which beings can live and flourish free from the fear of mortal danger.⁶ The concrete aspect of *abhayadāna* is made obvious in Hindu digests that list the 'nine types of superior gifts' as 'food, curds, honey, protection [= fearlessness], cows, land, gold, horses, and elephants' (Hibbets 1999, 441). Because fearlessness frequently appears in lists of tangible goods, we are reminded that fearlessness has been classically understood not only as a psychological sense of security but also as a gift of the tangible conditions of safety, as tangible as a Red Cross tent or a residency permit. It may not always be possible to cultivate another's *feelings* of security, but it is entirely possible to cultivate

the *conditions* for another's security. *Abhayadāna* and IHL complement each other to encompass a robust understanding of the interwoven physical and psychological dimensions of human security.

Rethinking the 'gift': humanity, karma and the restraint of power

If the gift of fearlessness is a practice of creating secure conditions for the vulnerable in order to protect their lives and to relieve their fear, it follows that *abhayadāna* speaks most directly to those who are in positions of power to create these conditions. During times of war, the ethic of *abhayadāna* is highly relevant for governmental leaders and military personnel whose decisions shape the collective experience of so many, for good or for ill. In classical Hindu treatises, such as the *Laws of Manu*, the gift of fearlessness is treated as an ethical responsibility assigned to kings because a king's position of authority gives him the power to decide who lives and who dies. These Hindu texts, as well as the Buddhist traditions that draw upon them, envision the righteous or dharmic king as one who extends protection to those who come to him for safety and one who refrains from excessive or disproportionate violence (a trait that correlates in important ways to IHL's principle of proportionality).

The classical framing of protection as a 'gift' of the righteous king should not be misunderstood to imply that the gift of fearlessness is a moral luxury that the king or state may exercise on a whim. On the contrary, the gift of fearlessness is fundamental to the humanity of those without protection. Maslow's well-known hierarchy of needs (1943) reflects the Buddhist understanding that when suffering and insecurity are severe, they prevent our pursuit of truth and self-actualisation as human beings. When in fear for our lives, we are forced to seek out the most basic conditions for our survival before we can pursue the loftier goals of material, intellectual and spiritual development that reflect the height of our human potential. The 'gift' of protection enables those who are acutely vulnerable to violence to regain their humanity: to move from fear and terror into a fuller experience of life with the freedoms and advantages that in Buddhist thought characterise a precious human birth. It is the king's duty to preserve the lives and the humanity of the vulnerable. IHL also appeals to the principle of humanity, balanced with military necessity, for its persuasive power.

The Buddhist doctrine of karma, which teaches that our circumstances are the results of causes that were in part set in motion by our own past actions, does not absolve leaders of their responsibility to offer protection to the vulnerable. Although the idea of karma might perhaps be used to explain the sufferings that others endure in a way that excuses those who inflict them, Buddhist tradition challenges this misunderstanding of karma. First, in the Pāli Canon, the Buddha specifies certain limits of karma in determining our

present situations. He criticises three theories of determinism: that all experiences are due to past karma, that all experiences are due to the creation of a god, and that all experiences are due to pure chance (Harvey 2007, 57). The causes of suffering and insecurity cannot be definitively attributed to karma. Furthermore, 'karmic results of a particular action are actually seen to vary, so past karma does not inflexibly determine a fixed result, produced in a mechanical-like way' (Harvey 2007, 59). The complexity of karma is, as the Buddha advised, imponderable (Harvey 2007, 60).

Even when past karma may be understood as a cause for someone's present suffering, this does not remove the moral responsibility of those in power who provide the immediate conditions for either well-being or suffering to arise. In the Mahāyāna tradition, one Tibetan commentator challenges the explanatory power of karma when he argues,

In any and every world system, the good and evil that befall people, both collectively and individually, is indeed the fruition of their karma that is shared or unshared; but, conventionally speaking, in any place, the waxing and waning of the Buddha's teachings, and the respective happiness or misery of beings, all follow as a consequence of the words and actions of the kings and ministers of that land. [...] Therefore, [...] merit and non-merit and happiness and misery, whatever befalls [the people], follows as a consequence of the powerful rulers of that place – and there is no place where that isn't the case. (Sumpa Khenpo 2001, 471)

A king who fails to understand his own culpability in the sufferings of his subjects does not properly understand cause and effect, for with power comes moral responsibility.

It is significant that the classical understanding of fearlessness as a 'gift' unequivocally positions it as something meant for others, not for oneself. Nowhere in my reading do Buddhist texts use *abhaya-dāna* as a justification for rulers to act fearlessly, meaning with impunity or without regard for the effects of their actions upon others.⁷ Fearlessness is meant as a gift for the powerless. For those in power, Buddhist tradition enjoins training in compassion, wisdom and restraint.⁸

When turned upon oneself, the gift of fearlessness is framed not as a gift but as a weapon: a weapon against one's own ego and greed. Giving fearlessness is a critical duty for rulers precisely because giving 'is the best weapon against greed (*lobha*), the first of the three unwholesome motivational roots' (De Silva 1995, para. 2). Furthermore, 'the *Devatāsamyutta* equates giving to a battle [...]. One has to fight the evil forces of greed' (De Silva 1995, para. 3). In this extended metaphor of war, rulers must fight against their own greed using the gift of fearlessness as their weapon. By likening the practice of protection to a battle, the *Devatāsamyutta* makes a compelling case that a king's giving of fearlessness should be equal to (or greater than) his potential for violence. By engaging in the battle against his

own greed for power, a king conquers his people's most threatening enemy: himself (Hibbets 1999). When the *Sūtra on the Upāsaka Precepts* enumerates the many dangers that beings may fear, kings are first on the list: 'If the bodhisattva sees sentient beings in fear of kings, lions, tigers, wolves, floods, fires, or robbers and saves them, this is called the giving of fearlessness' (Shih 1991, 107). We find kings at the front of a similar list in the *Cariyāpitaka Atthakathā*: 'The giving of fearlessness is the giving of protection to beings when they have become frightened on account of kings, thieves, fire, water, enemies, lions, tigers, other wild beasts, dragons, ogres, demons, goblins, etc'. (Dhammapāla 1978, para. 10). *Abhayadāna* protects those without a protector, but also *creates* the protector by ensuring that the ruler serves to safeguard rather than to abuse others.

Security as a sovereign responsibility

Fearlessness is not only a gift meant for times of crisis or war, but it is also 'the gift that kings give when they ensure that *their subjects live in security*' (Hibbets 1999, 441; emphasis mine). Specifically, a king should 'grant his subjects protection from fear of mutilation, imprisonment, banishment, beatings, thievery, and dishonor' (Heim 2004, 122). The logical connection between security and fearlessness is clear when we consider that if each state provided its domestic population with real security, no one would be without a protector. A king who gives fearlessness by providing for the people's security refrains from creating new vulnerable populations who must seek the gift of fearlessness elsewhere. This emphasis on the gift of security as a gift of prevention, and not only a response to crisis, corresponds well to IHL's treatment of displacement. According to the ICRC Study of Customary IHL, parties to a conflict have the responsibility to protect the displaced (Rule 131) and to refrain from displacing people in the first place, except when that population's security or imperative military objectives necessitate it (Rule 129). The gift of fearlessness provides a robust vision for what security entails: not only protection in response to a problem, but the proactive cultivation of restraint and precaution in order to protect the vulnerable from the effects of hostilities more generally.

In the *Laws of Manu* (4.232), it is written that 'a bestower of fearlessness receives [in turn] *sovereignty*' (Hibbets 1999, 442). Traditionally, a ruler's authority to govern follows from his or her capacity to grant fearlessness to a population. Fearlessness, not fear, is a prerequisite for rulership. As Hibbets explains, 'Whoever can ensure the protection of the people is entitled to rule . . .; since one of the primary functions of the king is protection of his subjects, he is, in fact, empowered by his "gift" of security' (442). The practice of protection is the *sine qua non* of a powerful and sovereign leader.⁹ A compelling parallel can be found in the *Aggañña-sutta* (*Digha-nikāya*

sutta 27, at III.92–93), which provides a narrative account of the origins of human civilisation. The text describes the first king as one elected by the people for the purpose of ensuring food security by punishing theft.

Abhayadāna could, then, be used as a framework for understanding the sovereignty of a state or for justifying intervention when a state has failed in its obligations to provide security for its population. A government unable to offer fearlessness to the vulnerable within that state's borders could be considered to have ceded its sovereignty temporarily. In contemporary instances of armed conflict, the provision of fearlessness must sometimes be demanded, and even seized when it has been denied to those in fear for their lives.

However, an appeal to political sovereignty within the classical explanations of *abhayadāna* poses a potential problem. It may provide an excuse for a leader or government to renounce sovereignty *only over a particular group of people*, rendering them stateless and forcing them to seek protection elsewhere. *Abhayadāna*, while promoting the good of protecting the vulnerable and while linking fearlessness to tangible conditions of security, does not necessarily compel a sovereign state to include perceived outsiders within the bounds of its sovereignty (although there is certainly room for such an interpretation). To fill this gap, practitioners must invoke other Buddhist doctrines and practices that can support the right to protection for minority groups and showcase successes of Buddhist pluralism.

Another challenge that arises in this linkage of *abhayadāna* to state sovereignty is the distinction in IHL between international armed conflicts (IACs) and non-international armed conflicts (NIACs). Increasingly, armed conflicts involve groups that are not states and do not assert themselves as states. An armed group that is not a state and does not claim sovereignty over any particular territory or population may not be as easily persuaded by the classical understanding of *abhayadāna* that focuses on the duties of the sovereign king or state. Yet the other moral and karmic imperatives of *abhayadāna* can still apply to those groups because in Buddhist tradition, *abhayadāna* is the purview not merely of kings, but of every person at every level in society.

***Abhayadāna* as foundational to Buddhist identity and practice**

Abhayadāna is typically discussed in Buddhist commentaries on the perfection of generosity where gifts are classified into three types: 'the giving of material things (*amisadāna*), the giving of fearlessness (*abhayadāna*), and the giving of the Dhamma (*dhammadāna*)' (Dhammapāla 1978, para. 2). Most commonly discussed in Buddhist commentaries are gifts of dharma and gifts of material things, the ultimate being the gift of one's own body sacrificed for others.¹⁰ Giving material goods is understood as a responsibility of the lay

community, and giving dharma is understood as a responsibility of the monastic community. Who gives the gift of fearlessness, then, and how does that gift function within a Buddhist society?

While Hindu sources discuss *abhayadāna* primarily in the context of kingship, they also extend the practice of *abhayadāna* to yogins who undertake the discipline of refraining from harm of living creatures, as well as to ordinary lay people who can at least protect the lives of certain animals and insects (Hibbets 1999, 442). The extension of *abhayadāna* beyond the role of kings to ascetics and lay people contextualises the gift of fearlessness within any relationship of power. The gift of fearlessness is the practice of restraining one's own violent potential, whether for rulers who hold power over the life and death of their subjects or for ordinary people who hold power only over the fates of the smallest of creatures. Following Hinduism's extension of *abhayadāna* beyond the role of the king, Buddhist texts describe *abhayadāna* as an ethical discipline for everyone, not only for the elite or powerful. One well-known Tibetan commentator, Patrul Rinpoché, glossed the gift of fearlessness as

actually doing whatever you can to help others in difficulty. It includes, for instance, providing a refuge for those without any place of safety, giving protection to those without any protector, and being with those who have no other companion. It refers particularly to such actions as forbidding hunting and fishing wherever you have the power to do so, buying back sheep on the way to the slaughter, and saving the lives of dying fish, worms, flies and other creatures. (Patrul 1998, 238)

Patrul's brief list of actions that constitute *abhayadāna* includes giving political protection, offering social support and solidarity, protecting physical environments, and using economic power to intervene in harmful practices. Importantly, this description encompasses a range of activities that can be undertaken by people with varying levels of social and political power.

In the Pāli Canon, the practice of giving fearlessness is equated with the observance of the five precepts, the most basic and ubiquitous markers of Buddhist identity: not to take life, not to take what is not given, not to engage in sexual misconduct, not to engage in wrong speech and not to consume intoxicants. As one Theravāda commentator summarises,

The Aṅguttara Nikāya mentions five great gifts which have been held in high esteem by noble-minded men from ancient times. [...] These great givings comprise the meticulous observance of the Five Precepts. By doing so one gives fearlessness, love and benevolence to all beings. If one human being can give security and freedom from fear to others by his behavior, that is the highest form of dāna one can give, not only to mankind, but to all living beings. (De Silva 1995, para. 10)

Similarly, from the Mahāyāna tradition, the *Sūtra on the Upāsaka Precepts* equates the gift of fearlessness with the code of conduct for all who call themselves Buddhists by equating *abhayadāna* with the five precepts. While

abhayadāna corresponds most closely to the first precept (not to take life), this sutra understands each of the five precepts as the gift of a particular type of fearlessness, as specified in the next section of this paper. The sutra reads,

Good son, among various kinds of giving, the giving of fearlessness is foremost. Therefore I say that the five great kinds of giving are the five precepts that keep sentient beings away from the five kinds of fear. These five kinds of giving are easy to practice, for not only do they free one from obstructions but they do not cost anything; furthermore, they reward those who practice them with immeasurable blessings and virtues. (Shih 1991, 151)

The sutra also reads that ‘One who has taken refuge in the Three Treasures [Jewels] should protect sentient beings from fear. If he can give fearlessness, he attains the *upāsaka* precepts and even unsurpassed, perfect enlightenment’ (Shih 1991, 107). In this text, the gift of fearlessness is the practice of Buddhism. There is no refuge, no precept, no practice and no enlightenment without *abhayadāna*.

Although not as well known or frequently discussed in Buddhist texts as material and dharmic gifts, the gift of fearlessness is presented by these scriptural sources from both Theravāda and Mahāyāna canons as the most important among the three types of gifts – even more important than dharma. Without fundamental protection and security for their physical life, beings are not free to receive either the gift of material flourishing or the gift of spiritual development. The gift of fearlessness undergirds and enables the other two gifts. For the recipient, fearlessness is the gift of life itself, and for the giver, *abhayadāna* is the basis of the path to perfect liberation.

Abhayadāna holds a highly privileged place within the Buddhist tradition. This Buddhist principle of protection may be especially relevant to the capacities of those with political power, but it is so fundamental to Buddhist practice and identity that it is meant for all Buddhists in all times and circumstances. This means that no Buddhist soldier, Buddhist government official or Buddhist civilian can abandon the practice of protecting the vulnerable, even in times of conflict and difficulty, without forfeiting their practice of Buddhism.

Applications of *Abhayadāna* to IHL

The mutual concerns of IHL and the Buddhist tradition are many. The foundation of IHL is the protection of non-combatants during times of war, and the principle of protection runs deep in the Buddhist ethic of *abhayadāna* as inherited from India. Both IHL and the *abhayadāna* tradition emphasise the responsibilities that accompany the capacity for violence, whether through IHL’s language of duty or the Buddhist tradition’s language of gift giving. In both cases, the power to exercise violence, whether at high echelons or low,

comes with a commensurate responsibility to protect the vulnerable by enacting restraint. Both IHL and *abhayadāna* appeal to their own notions of humanity in order to moderate the use of violence.

Because IHL and the *abhayadāna* tradition share an overarching framework for protection, there are numerous correspondences between them in the specific practices that comprise this framework. In particular, the Buddhist tradition offers a taxonomy of vulnerability that could prove useful for the interpretation and application of IHL. The *Sūtra on the Upāsaka Precepts* makes the case that each of the five precepts corresponds to a particular type of fear or vulnerability, and many of IHL's customary rules, as described by the ICRC Study, map onto these categories of vulnerability.

- The first precept (not to take life) is the gift of protection to those vulnerable to mortal violence, mapping readily onto Rule 89 prohibiting 'violence to life', Rule 53 prohibiting 'starvation as a method of warfare' and Rule 97 prohibiting the use of 'human shields'.¹¹
- The second precept (not to take what is not given) is the gift of protection to those vulnerable to the violence of theft and exploitation; this precept maps onto Rule 51 specifying that in occupied territory, 'private property must be respected and may not be confiscated; except where destruction or seizure of such property is required by imperative military necessity'. This precept also maps onto Rule 52 prohibiting 'pillage', Rule 94 prohibiting 'slavery and slave trade' and Rule 95 prohibiting 'forced labor'.
- The third precept (not to engage in sexual misconduct) is protection from violent exploitation of the vulnerabilities that human sexualities and family relationships pose; this precept maps onto Rule 93 prohibiting 'rape and other forms of sexual violence', Rule 119 on 'accommodation for women deprived of their liberty', and Rule 134 on respecting 'the specific protection, health and assistance needs of women'. The particular vulnerabilities of children and their dependence upon their families can also be addressed by this precept, mapping onto Rule 105 on 'respect for family life', Rule 120 stating that 'children who are deprived of their liberty must be held in quarters separate from those of adults, except where families are accommodated as family units', Rule 131 specifying that 'in case of displacement, [...] members of the same family are not separated', and Rule 135 on the 'special respect and protection' of children more generally.
- The fourth precept (not to engage in wrong speech) is the gift of protection for those vulnerable to the violent consequences of false or destructive speech. This precept has particularly strong implications for IHL because treaties, agreements and propaganda are central to the conduct of war. This precept maps onto Rule 2 prohibiting 'threats of

violence the primary purpose of which is to spread terror among the civilian population' and Rule 46 prohibiting 'orders or threats that no quarter will be given'. This precept also maps onto the prohibition in Rule 64 against 'conclusion of an agreement to suspend combat with the intention of attacking by surprise the adversary relying on it', and onto Rule 65 prohibiting 'perfidy', as well as several rules requiring the appropriate use of emblems such as the flag of truce or Red Cross and Red Crescent emblems (ICRC 2005, Rules 58–63).

- The fifth precept (not to consume intoxicants that cloud the mind) requires more interpretive creativity to map onto the ICRC study's customary IHL rules. In Buddhist tradition, the fifth precept is designed to mitigate against the harm caused by the loss of one's mental clarity and moral agency. In the context of customary IHL, there are many rules and practices that emphasise discrimination and clarity of knowledge. Rule 1 on 'the principle of distinction between civilians and combatants', Rule 7 on 'the principle of distinction between civilian objects and military objectives', and Rule 11 prohibiting 'indiscriminate attacks' all require the executive clarity to make – and rigorously verify, assess and enforce – the critical distinctions between civilian and military targets that form the foundation of IHL. Rules restricting the use of landmines (Rules 81–83) as well as other 'weapons that are by nature indiscriminate' (Rule 71) can also relate to the fifth precept because loss of the ability to clearly discriminate between military and civilian targets causes immense harm to non-combatants. Without a rigorous standard of clarity in assessment, those involved in armed conflict severely limit their own capacities to implement the other aspects of IHL.

The five basic precepts of Buddhist practice helpfully frame the customary rules of IHL in terms of five primary types of fear and vulnerability to violence, emphasising the inextricability of physical and psychological forms of suffering. Buddhist sources also extend the concerns of IHL beyond the human world to the non-human world. For IHL, the vulnerable groups among the non-combatant population identified as needing special protection include: journalists; displaced persons; women and children; the elderly, disabled and infirm; wounded, sick, shipwrecked, and captured combatants; medical and religious personnel; and humanitarian workers (ICRC 2005, chapters I, II and V). All of these are groups who, in times of war, are not in the fight but nevertheless may be in legitimate fear for their lives. While the classical texts of the *abhaya-dāna* tradition do not name each of these groups, they do include a strong concern for people without protection, for non-human animals (which are not specifically protected under IHL) and for the natural environment (which is protected in some measure under IHL as seen in Rules 43–45).

Conclusion

The gift of fearlessness provides a Buddhist framework for addressing standards for security, sovereignty, governance and ethics in the context of armed conflict. One great merit of the gift of fearlessness is that, like IHL, its successful implementation depends upon kings or states as well as upon the monastic sangha and lay people. While states or non-state armed groups hold more power, and thus more responsibility for human well-being, *abhayadāna* as an expression of the five precepts extends to every member of the Buddhist community, high and low, ordained and lay. *Abhayadāna* holds rich possibilities for a contemporary Buddhist vision of human security that includes protection for the vulnerable as well as the prevention of suffering through responsible governance and ethical action, enacted by every member of society, even during the worst of times.

Notes

1. For an application of *abhayadāna* to the political ethics of refugee resettlement, see Kilby (2019).
2. My thanks to an anonymous reviewer for suggesting these alternate translations.
3. It should be noted that the prohibition on spreading terror applies only to terrorising the civilian population. Under IHL, it is lawful to use tactics that intimidate or demoralise enemy troops who are still in the fight. Also, the prohibition only covers acts or threats of violence whose *primary purpose* is to spread terror. Attacks directed against military objectives may be terrifying for nearby civilians, but they are not considered unlawful because such terror is incidental to the attack's legitimate primary purpose (i.e. destroying the military objective).
4. These provisions are primarily addressed in the ICRC Customary IHL Study (2005), Rules 11, 23, 24, 28, 35, 38, 40, 44, 53 and 54.
5. The role of fear in human displacement is well reflected in the 1951 Refugee Convention, which defines refugees as those who flee their countries of nationality or residence because of 'well-founded fear' of persecution (*United Nations Convention Relating to the Status of Refugees*, 1951; Chapter One, Article 1.A.2). Note that international refugee law is a separate body of law from IHL.
6. I have previously explored this topic in Kilby (2019).
7. The gift of fearlessness is distinct from the four fearlessnesses of a Buddha, which pertain to transcendent realisations. However, in the *Cariyāpitaka Atthakathā*, the gift of fearlessness and the four fearlessnesses of a Buddha coincide in the power and virtue of a bodhisattva, who is both 'fearless and a giver of fearlessness' (Dhammapāla 1978, printed version, 260).
8. See S.M.M.P. Bhagya Samarakoon's contribution on *Appamāda* in this volume.
9. See Deng et al. (2010) for a contemporary argument that state sovereignty should depend upon the responsibility to protect the domestic population.
10. See Reiko Ohnuma's discussion of the relationship between these two types of gifts (1998, 323–359).

11. In the context of war, this rule does not apply to those directly participating in hostilities.

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