

REDUCING SUFFERING DURING CONFLICT: THE INTERFACE BETWEEN BUDDHISM AND INTERNATIONAL HUMANITARIAN LAW (IHL)

**Exploratory position paper as background for 4th to 6th September 2019
conference in Dambulla, Sri Lanka**

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*Though he should conquer a thousand men in the battlefield, yet he, indeed, is
the nobler victor who should conquer himself.*

Dhammapada v.103

AIMS AND RATIONALE OF THE CONFERENCE

This conference, organized by the International Committee of the Red Cross (ICRC) in collaboration with a number of universities and organizations, will explore correspondences between Buddhism and IHL and encourage a constructive dialogue and exchange between the two domains. The conference will act as a springboard to understanding how Buddhism can contribute to regulating armed conflict, and what it offers in terms of guidance on the conduct of, and behavior during, war for Buddhist monks and lay persons – the latter including government and military personnel, non-State armed groups and civilians. The conference is concerned with the conduct of armed conflict, and *not* with the reasons and justifications for it, which fall outside the remit of IHL.

In addition to exploring correspondences between IHL and Buddhist ethics, the conference will also explore how Buddhist combatants and communities understand IHL, and where it might align with Buddhist doctrines and practices: similarly, how their experience of armed conflict might be drawn upon to better promote IHL and Buddhist principles, thereby improving conduct of hostilities on the ground.

Papers presented at the conference must address at least one of the following lead questions:

1. What correspondences are there between Buddhist ethics and IHL?
2. Where does IHL fit into Buddhist doctrines and practices? Which Buddhist teachings and traditions are most relevant to IHL and situations of armed conflict?
3. What measures are helpful in regulating warfare and reducing suffering during armed conflict according to Buddhist teachings and traditions?
4. How do Buddhist communities conceptualize and understand IHL, and where can IHL be seen to align with Buddhist doctrines and practices?

5. What level of agreement and commitment for IHL – in general, and its various specific aspects – can be expected from Buddhist communities? What is a Buddhist theoretical position on IHL and how can Buddhists engage with this body of law?
6. What practical guidance and resources can Buddhist teaching and practice provide to Buddhist combatants and communities involved in armed conflict, and also what direct experiences of armed conflict can be drawn upon to help improve the conduct of hostilities?
7. To examine and document Buddhist religious teaching, practices and approaches to specific IHL-related problems such as the handling and treatment of casualties and dead bodies during armed conflict, and the treatment of prisoners of war/detainees.
8. To examine how the application of Buddhist principles has had a positive effect on the conduct of armed conflict in Buddhist history.

Note that abstracts on the reasons and justifications for war, conflict prevention, peacekeeping, mediation, conflict resolution and post-conflict reconciliation fall outside the remit of Buddhism as it relates to IHL, and will *not* be accepted. Otherwise, this conference aims to generate a positive spirit of understanding and cooperation between diverse participants for the promotion of IHL and Buddhist principles which might minimize suffering in armed conflict situations.

A number of respected Buddhist scholars are working with the ICRC to produce this exploratory position paper on Buddhism and IHL, which is yet to be finalized. It attempts to explore some of the territory to be covered in terms of topic, sources and approaches, in such a way as to familiarize readers with some of the existing coverage and potential themes and questions that they might address. It examines the Pāli Canon and commentaries, as well as some classical Indian and Chinese Mahāyāna texts, for passages relevant to the discussion of IHL in a Buddhist context, as well as touching upon other Buddhist teachings and practices. This paper identifies ten themes and multiple sub-themes which we hope researchers might further develop, challenge, and explore (rather than repeat) in the light of the lead questions above. Researchers might also want to address issues which have been neglected in this paper.

Please note, meanwhile, that this exploratory paper does sometimes stray beyond the strict confines of conference subject matter to “set the scene” by examining more general Buddhist attitudes towards armed conflict. Nevertheless, researchers should not allow themselves to be diverted from the narrower focus of the lead conference questions above.

Abstracts concerned primarily with the reasons and justifications for armed conflict, conflict prevention, peace-building, mediation, conflict resolution, reconciliation or identity politics – all of which fall outside the remit of IHL and this conference – will *not* be accepted.

INTERNATIONAL HUMANITARIAN LAW (IHL)

International Humanitarian Law (IHL) – also known as “the law of war” or “the law of armed conflict” – is a set of rules that seek to limit the effects of armed conflict. It protects the lives and dignity of persons who do not, or no longer, participate in hostilities, and imposes limits on the means and methods of warfare. The core of IHL is comprised of the Geneva Conventions of 1949, which have achieved universal ratification, and their Additional Protocols.

Warfare has always been subject to certain principles and customs. It may therefore be said that IHL has its roots in the rules of ancient civilizations and religions. Universal codification of IHL began in the nineteenth century, notably through the adoption of the first Geneva Convention of 1864. Since then, States have agreed to and codified a series of practical

rules to keep pace with evolving means and methods of warfare and the related humanitarian consequences.

IHL strikes a careful balance between humanitarian concerns and the military requirements of States and non-State parties to armed conflict. It addresses a broad range of issues, including: protection for wounded and sick soldiers; treatment of prisoners of war and other persons detained in connection with an armed conflict; protection for the civilian population and civilian objects; and restrictions on the use of certain weapons (such as biological and chemical weapons and anti-personnel mines) and methods of warfare. As a general rule, IHL prohibits means and methods of warfare that cause superfluous injury or unnecessary suffering, including those that disrupt livelihoods and cause severe damage to the natural environment.

More specifically, it is forbidden to kill or wound an enemy who surrenders or is unable to defend himself or herself. The wounded and the sick must be collected and cared for by the party in whose power they find themselves. Medical personnel, units and transports must all be protected. Access to humanitarian assistance for the civilian population affected by the conflict must be facilitated, subject to the consent of the parties concerned. In addition, detailed rules govern the conditions of detention for prisoners of war and the treatment of civilians under the authority of an enemy power. Outrages to personal dignity such as rape and torture are prohibited.

Protected civilian objects include cultural property, places of worship and objects indispensable to the survival of the civilian population (such as crops, dams and dykes), as well as works and installations containing dangerous forces (such as nuclear power plants).

IHL regulates the general conduct of hostilities on the basis of three core principles: distinction, proportionality, and precaution. The principle of distinction requires that the parties to an armed conflict distinguish at all times between civilians and civilian objects on the one hand, and combatants and military objectives on the other, and that attacks may only be directed against combatants and military objectives. The purpose of this is to protect individual civilians, civilian property, and the civilian population as a whole. Under this principle, indiscriminate attacks are prohibited. The principle of proportionality, a corollary to the principle of distinction, dictates that incidental loss of civilian life and property or injury to civilians must not be excessive in relation to the concrete and direct military advantage anticipated. In order to implement the restrictions and prohibitions on targeting, the principle of precaution requires all parties to an armed conflict to take specific precautions such as, when conducting an attack, to verify that targets are military objectives or to give the civilian population an effective warning before the attack. It can also entail restrictions on the timing and location of an attack.

IHL is part of international law – the body of rules governing relations between States made up primarily of treaties or conventions, customary rules and general principles of law. Distinction must be made between IHL, which regulates the conduct of parties engaged in an armed conflict (*jus in bello*), and another part of international law set out in the Charter of the United Nations, that regulates whether a State may rightfully resort to armed force against another State (*jus ad bellum*). Thus, IHL applies only *during* armed conflict. Similarly, IHL does not concern itself with conflict prevention or resolution.

GENERAL BUDDHIST ATTITUDE TO ARMED CONFLICT

In “Buddhism and Humanitarian Law” (*Handbook of International Humanitarian Law in South Asia* 3, 2007), the Sri Lankan born jurist Christopher Gregory Weeramantry (1926–2017) comments regarding Buddhism:

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

Weeramantry's statement is useful in identifying Buddhism's broad approach to war and therefore the importance of looking to its broader and implicit principles. Buddhist canonical texts do contain many references to war, and many military images, similes and metaphors, as well as references to ways of mitigating the effects of war and of retaining integrity in situations of conflict. Buddhism recognizes that wherever ethically imperfect beings live, strife, disharmony, disputes and conflicts are inevitable as long as their social behavior is influenced by unwholesome psychological traits like greed, anger, and narrowness of vision.

According to the Buddha, such conflicts arise within every conceivable social grouping ranging from the smallest, the family, to those of the highest complexity like politically organized states (M.I.86). The empirical realism of early Buddhist texts shows that the historical Buddha and early Buddhist communities were very much aware of the reality of war, violence and armed conflict, namely the institution of war, and how to minimize trauma within a world that was fundamentally traumatizing. This suggests that there is no in-principle difficulty for Buddhism to accept IHL.

The *Jātaka* stories are about past lives of the Bodhisatta or Buddha-to-be, in which he was gradually, over many, many lives, developing the qualities that would enable him to attain Buddhahood. This literature explores many themes of practical ethics in the world of *samsāra*, and often refers to inter-state wars. It is clear that a considerable core of ethical principles relating to war that have convergence with those underlying IHL are discoverable within this body of Buddhist stories. There is no doubt that they represent key aspects of the Buddhist ethical vision relating to the conduct of war, complementing the principles found in the *suttas* and other texts.

Buddhism has also paid much attention to the causes of conflict at both the personal and collective level, especially unskillful/unwholesome (*akusala*) mental states rooted in greed, hatred and delusion. Buddhism's analysis of the psychological realities of the human condition is arguably its greatest potential contribution to enhancing interpretations of IHL. In the light of human psychology, Buddhists accept that conflict is almost inevitable, and we therefore find elements in Buddhist teachings that correspond directly to IHL, as well as elements that might enhance it. Within the practical realities brought about by limited resources and the human condition, how should Buddhists work to ensure IHL is adhered to once war has broken out?

SOME SPECIFIC THEMES THAT MIGHT BE ADDRESSED DRAWING ON EXPLICIT BUDDHIST TEACHINGS AND APPLYING BUDDHIST PRINCIPLES TO THEM

A. Compassion

1. Minimizing suffering.
2. Balancing compassion for those on one's "own" side, and those on the "other" side.
3. The need to see an "enemy" as a human being with needs in common with oneself.
4. Is one's responsibility only to benefit one's "own" side, or to do this in the context of best serving humanitarian values in a difficult, conflicted situation?

B. The use of deadly force

1. The need to avoid collateral death or injury to non-combatants.
2. The concern of the Buddhist soldier/combatant concerning karmic consequences of killing.
3. The use of banned weapons; cf. Right Livelihood, and the Buddhist prohibitions on trade in arms.

C. Monastic and lay ethics

1. Buddhist authoritative texts do contain material on lay ethics, but they are primarily monastic in orientation. To what extent can we, as scholars, enhance the sophistication of our analysis by drawing out further implicit aspects of lay ethics and attitudes from monastically-related material, rather than only using the explicit? Does deconstruction of the monastic shaping of some later texts affect their use, particularly those currently treated as hegemonic and used to condone violence, such as the Mahāvamsa ch. 25 vv.104–11 passage?
2. Is Buddhism essentially pacifist, and does its anti-violence position lead to a lack of practical engagement in ways that might reduce suffering? Does it express any ranking of types of violence and qualified endorsement of regulated violence during armed conflict that might ultimately reduce suffering?

D. Care for injured, protectorless and distressed

1. Respect for hospitals and other medical facilities.
2. Care for wounded and surrendered enemy soldiers.
3. Protection of and care for threatened civilians, the displaced etc.
4. Treatment of captured combatants and others detained in relation to armed conflict.

E. Sexual violence

1. Common humanity, compassion and the third Buddhist lay precept, to abstain from rape and other forms of sexual misconduct during armed conflict.

F. Protection of civilian property

1. The precept against stealing, during armed conflict situation.
2. Avoiding pointless damage to civilian property and essential infrastructure etc.
3. Avoiding damage to crops, and food supplies (impact on civilian livelihoods).
4. Treatment of the “other”, types of othering, respect for sacred sites of the other.
5. Do we find Buddhist attitudes to place and displacement? Or to collateral damage of those caught up in armed conflict through location, and any concern for its minimization?

G. The environment and animals

1. Respect for all living beings during armed conflict (environmental protection is particularly relevant, also as it relates to livelihoods).

H. Self-control, self-discipline, responsibility

1. Individual responsibility and mindfulness during armed conflict.
2. The impact of conceptions of masculinity on the conduct of armed conflict involving Buddhists.
3. Stopping/limiting the cycle of violence within an armed conflict situation (condemnation of retaliation, vengeance, degradation and humiliation): one violation does not justify another.
4. Recognition of complex causal conditions for any situation or behaviour during armed conflict.
5. Psychological and practical military dimensions as they relate to the conduct of armed conflict.
6. Ways to challenge power, the issue of disobedience. What does Buddhism teach about challenging those in authority/power when ethical issues are at stake during armed conflict?
7. The need to be mindful of greed, hatred and/or delusion which might contribute to violations of IHL/ Buddhist principles during armed conflict.
8. Exploration of *kusala*, “wholesome/skilful”, and *akusala*, “unwholesome/unskilful”, qualities, as well as *puñña*, “meritorious” or “karmically beneficial”, and *pāpa* “bad” or “wrong”, in the context of war and IHL. According to Buddhism, we all have the capacity to be morally good that is based on non-greed, non-hatred, and non-delusion, as well as to be morally bad that stems from greed, hatred and delusion.
9. Upholding dhamma and the four aspects to consider in ethical decision making during armed conflict: *chanda* (one-sided zeal), *dosa* (hatred), *bhaya* (fear), and *moha* (delusion, stupidity).

I. Government issues

1. The concept of the righteous king and his duty to act in a measured way during armed conflict as well as governing justly and defending and protecting the people.
2. Issues of restraint and self-control in the exercise of power during armed conflict. This relates to the abuse of power and whether or not a country has systems of checks and balances, and in practical terms relates to such matters as rape, torture and ritualised disrespect of victims as an expression of dominance, revenge, intimidation and humiliation. How should power be exercised during armed conflict, and are there more and less humane and/or dharmic ways of using force and exercising power?

J. Socio-cultural aspects

1. To factor in conceptual and practical differences between normative/prescriptive Buddhist approaches and lived Buddhist traditions during armed conflict that are bound up with and influenced by socio-cultural elements.

THEME A: COMPASSION

Minimizing suffering

The goal of Buddhism, Nirvana, is seen to entail the understanding and elimination of *dukkha* – mental and physical pain – and its causes. The causes of *dukkha* are such things as craving, grasping, clinging to fixed views, hatred, delusion and spiritual ignorance, and actions motivated by these, including intentional killing of any sentient being.

Those who have not yet attained spiritual liberation might sometimes bring harm to others by their actions, but clearly they should at least *minimize* the causing of suffering and

harm to themselves and others likely to be affected by their actions (M.I.415, M.II.114–115). IHL shares with Buddhism a concern with minimizing suffering as far as possible. Hence the norms of IHL and Buddhist ethics are very much in tune with each other. Given the reality of war, then, how can its harm and damage be minimized?

A host of Buddhist ethical principles concerning minimizing suffering and loss of life in armed conflict between states can be gleaned from the *Jātaka* stories, which mentions kings who were very skilled in warfare, thereby defeating the enemy with little loss of life. These stories demonstrate that power should be used in the most skilled manner so that injury done to life can be minimized.

In the *Asadisa Jātaka* (no.181, Jat.II.87–90) for instance, prince Asadisa has a strong reputation as an effective warrior, and prevents several kings attacking the weaker king of Benares by warning them that he would come to his assistance and defeat them if they did so. This averted a war which would have resulted in a heavy loss of lives. So the *Jātaka* concludes saying: “Thus did our Prince put to flight seven kings, without even shedding so much blood as a little fly might drink.” (Jat.II.90). In the *Kusa Jātaka* (no. 531, Jat.V.247–311) king Kusa, the Bodhisatta, defeats seven kings who attacked his father-in-law, king Madda. While Madda then says that Kusa may kill all seven rival kings, Kusa chose instead to form alliances with them by arranging for them to be married to his wife’s sisters (Jat.V.311).

The (*Mahā*)-*Ummagga Jātaka* (no. 546, Jat.VI.329–478¹) relates the story of the Bodhisatta as Mahosadha, a wise counsellor of king Vedeha. Cūḷani Brahmadata, a powerful neighboring king planned to capture king Vedeha’s kingdom by armed force, under the advice of his counsellor, Kevaṭṭa. Kevaṭṭa’s plan is first, through deception, to unite 100 weaker kings against Vedehi, and then poison them, to remove possible rivals. Mahosadha, through his network of skillful espionage becomes aware of Kevaṭṭa’s plans, and although the 100 kings were known adversaries, he very skillfully spoils the plot of Kevaṭṭa to kill them by poisoning. A later plan of Kevaṭṭa is to offer Brahmadata’s daughter’s hand in marriage to king Vedeha, but have him killed when he comes to marry her. Again, Mahosadha’s informants warn him. He carefully plans an ingenious strategy to save the life of king Vedeha and in the end frustrates the military ambitions of king Brahmadata, doing the least harm to life and property. Finally, king Vedeha succeeds in obtaining Brahmadata’s daughter in marriage, and the skilful and wise strategies adopted by Mahosadha result in the cessation of all hostilities, the prevention of colossal loss of life, and then new bonds of friendship, among all the kings. While the prevention of conflict as such falls outside the remit of IHL, such Buddhist concern to minimize and prevent suffering during conflict is, of course, highly relevant.

Influential in Tibet, the *Ārya-satyaka-parivarta* (Noble Discourse of the Truth-teller), is an early Mahāyāna text perhaps influenced by the edicts of Emperor Aśoka² (ASP.8, 46).³ It teaches that the righteous ruler should seek to avoid war by negotiation, placation, or having strong alliances. If he has to fight to defend his country, he should seek to attain victory over the enemy only with the aim of protecting his people, also bearing in mind the need to protect all life, and having no concern for himself and his property. In this way, he may avoid the usual bad karmic results of killing (ASP.206-08).

The *Renwang jing* 仁王經 (*Humane King Sūtra*) [T8n245], is a Mahāyāna text, probably of Chinese origin, still recited in Chinese Buddhist temples today to bless the government and the country. It addresses rulers rather than monks or lay practitioners, giving advice on how to govern a Buddhist state according to Buddhist principles, in peace and war,

¹ Also known as the *Mahosadha Jātaka*; newly translated in Appleton and Shaw 2015: 187–333.

² See below, “Buddhism on the responsibility of rulers/governments” section.

³ Jamspal (ASP.2, 46) holds that it was composed sometime between the second century BCE and the first century CE and says that it was the favorite handbook of many teachers in Tibet, such as Tsong kha pa, particularly in their advice to rulers.

and it highlights benevolence, patience, and humanness as key virtues for an ideal (Buddhist) ruler.

Lovingkindness and compassion

A set of positive mental attitudes that are emphasized are the four states which make the heart immeasurable and lead to harmonious social relationships and human happiness:

- lovingkindness (*mettā*): friendly concern for the welfare and happiness of all beings, including those conventionally seen as “enemies”;
- compassion (*karuṇā*): concern to reduce the sufferings, and the causes of suffering, of beings – this is clearly relevant to the care for the wounded, sick, detained and displaced during armed conflict;
- empathetic joy (*muditā*): rejoicing at the happiness and success of others;
- equanimity (*upekkhā*): remaining calm in the face of the ups and down of one’s own life, and the life of others, and impartiality in attitude to others.

Lovingkindness, when truly practiced, is seen to have a transformative and protective power: “Conquer anger by love, conquer evil by good, conquer the stingy by giving, conquer the liar by truth” (*Dhammapada* v. 223). Compassion is foundational for Mahāyāna Buddhists, as followed by Buddhists of Inner and East Asia. It is held to be the central motivating factor of the path of the Bodhisattva. This path complements the earlier formulation of the Buddhist path (the Noble Eightfold Path) with an added particular emphasis on concern for others.

A recent development of the Mahāyāna understanding of compassion and the Bodhisattva path is the so-called “Humanistic Buddhism” (*renjian fojiao* 人间佛教). This movement formed in China and Taiwan in the early twentieth-century, and later spread also in Vietnam where it became inspiration for charismatic leaders like Thich Nhat Hanh. Humanistic Buddhism is based on the practice of the Bodhisattva values, and the concrete application of lovingkindness and compassion to daily life; it as a practice that claims to maintain an other-worldly attitude (*chushi* 出世) in its engagement with social questions (*rushi* 入世) and its concerns with humanitarian, social and cultural affairs. Might these Buddhist humanitarian principles chime with IHL with regard to the conduct of armed conflict?

Common humanity

A fundamental basis of IHL is a recognition and valuing of our common humanity. A similar idea is the key principle underlying Buddhist ethics, a version of the golden rule: as all are alike in not wanting to suffer, and wanting happiness, one should not inflict on another being what one would not like done to oneself (S.V. 353–54).

In Buddhism, though compassion should be shown to all beings, including animals, birds, fish and insects, humans are more valued, and to gain a human rebirth is seen as a rare and precious opportunity for moral and spiritual growth, indicative of past good karma (M.III.169; Harvey 2000: 30).

As discussed below in the sub-section on “Levels of gravity in killing”, it is seen as always worse to (intentionally) kill a human than an animal, though it is still worse to kill a human of greater virtue than one of lesser virtue. Similarly, in terms of the positive karma of giving to various beings, it is said (M.III.255), that: giving to an animal repays x 100; giving to an unvirtuous (*dussīla*) ordinary person pays x 1000; giving to a virtuous (*sīlavant*) ordinary person pays x 100,000; giving to a non-Buddhist beyond lust pays x 100,000 x 100,000; and giving to a Buddhist who has “entered the stream” definitely leading to Nirvana repays an immeasurable amount. So all humans should be valued and not harmed, but some are seen to deserve greater respect and protection. And at the level of ordinary people, what matters is actual virtue, not whether someone is a Buddhist or not.

A concern for what both sides lose in a war is shown in a story of how the Buddha prevented a war between the Sākiyas – members of the republic from which he himself came – and the Koliyas (Dhp-a.III.254–6; Jat.V.412–14; Deegalle 2014: 567–69). Both peoples used the waters of a dammed river that ran between their territories, and when the water-level fell, the labourers of both peoples wanted the water for their own crops. They thus fell to quarrelling and insulting each other, and when those in power heard of these insults, they prepared for war. By his meditative powers, the Buddha is said to have perceived this, then flown to the area to hover above the river. Seeing him, his kinsmen threw down their arms and bowed to him, but when asked what the conflict was about, at first no-one knew, until at last the labourers said that it was over water. The Buddha then got the warrior-nobles to see that they were about to sacrifice something of great value – the lives of warrior-nobles – for something of very little value, water. They therefore desisted.⁴

The Dalai Lama is deeply influenced by the *Bodhicaryāvatāra* of the seventh century Indian monk Śāntideva (Crosby and Skilton 1996), with its emphasis that beings are equal in their desire for happiness and dislike of pain, and that the response to provocation or aggressors should be patience, and “we should react without bad feelings. Deep down, tolerance, compassion and patience must be present” (quoted in Cabezón 1996: 304). In his Nobel Peace Prize Lecture, he thus stresses that we are “truly a global family” and by necessity must develop a sense of “universal responsibility” (Piburn 1990: 17), and: “It is our collective and individual responsibility to protect and nurture the global family, to support its weakest members and to preserve and tend to the natural environment in which we all live” (Piburn 1990: 114). This clearly is applicable in terms of the treatment of the wounded, sick, displaced and those detained in relation to armed conflict.

A key figure working for national healing and recovery in Cambodia after its devastation by the Khmer Rouge, was Mahā Ghosānanda (1913–2007), an influential monk who has been compared to Mahātmā Gāndhi and was nominated for the 1996 Nobel Peace Prize. At the UN-sponsored peace talks, Mahā Ghosānanda led a contingency of monks and urged compromise and non-violence (Ghosānanda 1992: 20). When people objected to having Khmer Rouge personnel in an interim government, Ghosānanda smiled and said: “We must have both wisdom and compassion. We must condemn the act, but we cannot hate the actor. With our love, we will do everything we can to assure peace for all. There is no other way” (p. 21). As regards IHL, this hints at a more detached/objective approach towards IHL violations, letting the law take its course, following the rules rather than exacting vengeance during armed conflict.

Related comments of Ghosānanda are:

The unwholesome minded must be included [in our lovingkindness] because they are the ones who need loving kindness the most (p. 68).

If I am good to someone, he or she will learn goodness and, in turn, will be good to others. If I am not good, he or she will harbor hatred and resentment and will, in turn, pass it on to others. If the world is not good, I have to make more effort to be good myself (p. 54).

He cited the Gandhian non-violent ideal as aiming at:

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

⁴ However, it is said (Dhp-a.I.399ff) that Viḍūḍabha, the Koliya king, later destroyed the Sākiyas in revenge for an insult that he suffered from them.

This is in accord with IHL, for which the aim of a war should be to win the war with minimal human suffering, not exterminate the enemy.

On unrealistic compassion without wisdom, he told the story of a dragon-king who came to give up killing. On being attacked by children, he was advised by a Bodhisatta that, while remaining non-violent, he could still hiss and show his fire if need be! (p. 33).

Impartiality

Two core humanitarian concepts are (common) humanity and impartiality. For Buddhism, an attitude of equanimity and impartiality is greatly valued along with lovingkindness and compassion. There is also a set of qualities known as the four “foundations of social unity” (*saṅgha-vatthu*):⁵ giving (*dāna*), endearing speech (*piya-vācā*), helpful action (*attha-cariyā*) and consideration of the equal needs and aspiration of all others (*samānattatā*). The Mahāyāna *Vimalakīrti-nirdeśa Sūtra* (ch.7, section 6, verse 27) says of a Bodhisattva that, “In the midst of great battles, they favour neither side. Greatly powerful Bodhisattvas delight in bringing people together in harmony.” This is perhaps relevant to the need for neutrality and impartiality for third parties during armed conflict, such as members of the Red Cross and Red Crescent movement and other humanitarian organisations, and for the impartial treatment of the victims of armed conflict. The text was valued highly in China in the time of turmoil of the first decades of the twentieth-century, in the atmosphere of the May 4th movement (1910–1930).

Attachment to views

The Buddha also often referred to the negative effect of attachment to speculative or fixed views, dogmatic opinions, and even correct views if not personally *known* to be true (Sn.766–975; Premasiri 1972). Surveying the intellectual scene of his day, he referred to “the wrangling of views, the jungle of views”. The Buddhist teaching of Dependent Origination says craving, triggered by various pleasant or unpleasant feelings, leads to grasping/clinging: to sense-pleasures, views, modes of conduct, and ideas about self (S.II.3). Grasping at views can be seen to have led to religious and ideological wars (offensive or defensive), crusades, bloody revolutions, and gas chambers. Indeed, millions of deaths have been caused, by those attached to particular ideologies which “justified” their actions: Hitler, Stalin, the Khmer Rouge, for example. For Buddhists seeking to alleviate suffering in armed conflict situations, awareness of where they may themselves have attachment to views about the “other”, and about who is worthy of protection and humanitarian aid, is relevant to the effective implementation of IHL. Buddhists should surely act without discrimination, without condemnation of any one party to the conflict. Humanitarian aid during armed conflict should be prioritised according to need, not according to who we think are on the relatively “right” side, or on the basis of any ethnic, religious or gender bias.

Non-self

Distorted perceptions which fuel conflict are clear forms of delusion. The deepest delusion, according to Buddhism, is the “I am” conceit, and corresponding “mine” conceit: the feeling/attitude/gut-reaction that one has a permanent, substantial Self or “I” that must be protected at all costs. As part of building up their self-image, people invest much of their identity in “my country”, “my community”, “my religion”, or even “my gender”. When this “entity” is seen as being threatened or offended, people then feel that they themselves are threatened or have been offended. So one’s relationship with a group, which in one sense helps take a person out of ego-centric preoccupation, then becomes the basis for a group-wide “ego” that can itself be “offended”. Yet just as a person contains no fixed essence as ‘self’, such

⁵ D.III.152, 232; A.II.32, 248; A.IV.218, 363; Harvey 2000: 109–110.

conventional groupings as “a country” or “a community” can be recognized as lacking any permanent essence which needs defending at all costs: note how political maps of the world change over time as boundaries move and political entities rise and fall. As regards the Buddhist community, the Buddha did not encourage his followers to feel anger at insults to it. If anyone disparaged the Buddha, the *Dhamma* or Sangha, disciples should not be angry, and if anyone praised these, they should not be elated. In either case, this would be a hindrance to clarity of mind. Rather, they should calmly assess and acknowledge the degree of truth, if any, in what was said (D.I.3).

This might be of little use or comfort in an armed conflict situation where one has to defend one’s country, community or family against imminent attack. Given that war is an unfortunate reality and that Buddhists must defend themselves, how can they do so while minimizing the suffering they inflict?

The relevance of rebirth teachings

The doctrine of *kamma/karma*, “action”, i.e. that one creates one’s future in this life and future lives through the intentional actions one undertakes now, are an important motivating factor in delimiting one’s conduct. It is also a basis for compassion for others. Rebirth may be as a human or in a long-lasting but temporary heaven (good rebirths) or (bad rebirths) as some kind of animal (including birds, fish, insects), a frustrated ghost, or in a long-lasting but temporary hell. Each human being has been an animal, ghost, hell-being and god in the past, and is likely to be so again at some time in the future. In one’s innumerable past lives, the law of averages dictates that most beings one comes across, however one may dislike or threaten them now, have at some time been close relatives or friends (S.II.189–90), so that lovingkindness even towards enemies is appropriate. Attaining any human rebirth is an indication of past good karma. One’s current class, ethnic group or religion is not necessarily the same as in one’s previous human rebirth(s), and people currently in a different class, ethnic group, religion or nation – or on opposing sides of a battlefield – may have been close relatives or good friends in some past life. Any form of suffering one witnesses in another human or other being has been undergone by oneself at some time (S.II.186). Moreover, only a Buddha can assess someone’s karmic state (so understand the fruition of particular results at particular times), meaning that only a Buddha may judge. Thus one should not cling to rebirths, should have compassion for other sentient beings, and not be judgemental.

THEME B: THE USE OF DEADLY FORCE

The first precept of non-violence for all, monastics and laypeople alike

A fundamental value of Buddhism, non-violence, is expressed in the first and most important of the precept-vows that all Buddhists are expected to adhere to (Harvey 2000: 60–87). This is expressed as an affirmation that: “I undertake the precept to abstain from the destruction of living (lit. breathing) beings (*Pāṇātipātā veramaṇī sikkhāpadaṃ samādiyāmi*)”. The *Dhammika Sutta* (Sn. v. 394) states that a layperson, ‘should not kill a living being, nor cause it to be killed, nor should he incite another to kill. Do not injure any being, either strong or weak, in the world’. Of a person following this precept, it is said: “Abandoning the destruction of living beings, he abstains from this; without stick or sword, scrupulous, compassionate, trembling for the welfare of all living beings” (M.I.345, cf. D.I.4). A.IV.246 adds:

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

The first precept is broken if a person intentionally causes death to any sentient being: human, animal, bird, fish or insect. It is broken by a direct act of a person or by a person ordering/requesting someone else to kill a being or do an act that requires a being to be killed. This is seen to lead, through the law of karma, to suffering in this and future lives for the person who did, or ordered, the action. In terms of IHL, this interpretation of the first precept implicates all those in a chain of command.

Commitment to following the precepts is typically expressed by regularly chanting them. In some traditions, which see the precepts as weighty vows, some lay precepts may be omitted until a person feels able to live up to them.⁶

Buddhist precepts are *sikkhā-padas*, or “training-rules”: things to work at and get better at. In this, one needs to avoid both laxity and rigid “clinging to rules and vows”.

The “golden rule” principle underlying the precepts (see above, “Common humanity” section) is seen exemplified in the *Dhammapada*:

All tremble at violence; all fear death. Putting oneself in the place of another, one should not kill nor cause another to kill (v. 129).

All tremble at violence; life is dear to all. Putting oneself in the place of another, one should not kill nor cause another to kill (v. 130).

This fundamental teaching evokes exactly the horrors and dilemmas faced during conflict.

Buddhists know that they should seek to avoid violence and killing. In a context of war, they might be drawn into defensive fighting in order to protect their country or community: most lay Buddhists have been prepared to break the precept against killing in self-defense, and many have joined in the defense of the community in times of need. Elizabeth Harris, after an investigation of early Buddhist texts, holds:

That lay people should never initiate violence where there is harmony or use it against the innocent is very clear. That they should not attempt to protect those under their care if the only way of doing so is to use defensive violence is not so clear ... The person who feels violence is justified to protect the lives of others has indeed to take the consequences into account. He has to remember that he is risking grave [karmic] consequences for himself in that his action will inevitably bear fruit ... Such a person needs to evaluate motives ... Yet that person might still judge that the risks are worth facing to prevent a greater evil. (Harris 1994: 47–8)

If violence is then used, it is something that Buddhism may *understand* but not *approve of*.

Symbolic violence is, nonetheless, present in Buddhism, see for instance the depiction of Buddhist hells with karmic fruits in the form of terrible punishments, the presence of wrathful deities (especially in the Varjayāna tradition), and the ritual killing (using for instance paper puppets and fire) at the core of some Japanese esoteric practice (Gray 2007).

The karmic effects of killing

Deliberately killing or harming a living being is bad in itself, and is seen to arise from some mix of greed, hatred/aversion and delusion. Because of this it is also seen to plant seeds in the psyche that will naturally mature into unpleasant experiences and other results in the future for those that did the action (Gethin 2004 and 2007: 70–1). For example, the *Asātarūpa* and

⁶ That monastics take the precepts more seriously in some cultures delimits their involvement in certain activities, such as agriculture. How this varies can be seen in the example of the monk Baizhang 百丈 (720–814) to whom is attributed the saying “One day without work is one day without food” (Ch: *yiri buzuo, yiri bushi* 一日不做一日不食), which is found in the disciplinary manual *Baizhang qinggui* 百丈清规 (Pure Rules of Baizhang), and the so-called “Chan work ethic”. This was the Buddhist response to the Chinese (Confucian) criticism to the monastic community for being too dependent on society and not contributing actively to it. This response, however, implied a significant distance from the monastic prescriptions (Vinaya) (See Yifa 2002, 28–35).

*Dhonasākha Jātakas*⁷ say how cruel acts in war have horrific karmic consequences. As stated in the *Dhammapada*, verses 137–140:

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

Attitude to weapons

The “right livelihood” factor of the Eightfold Path entails that one’s means of livelihood should not be dishonest or otherwise harm other living beings. “Wrong livelihood” includes trade in weapons, in the sense of being an arms salesman (A.III.208), one whose livelihood depends on dealing in instruments of death. In the Mahāyāna *Brahmajāla Sūtra*⁸ code of precepts, the secondary precepts include:

10. On Storing Deadly Weapons

A disciple of the Buddha should not store weapons such as knives, clubs, bows, arrows, spears, axes or any other weapons, nor may he keep nets, traps or any such devices used in destroying life.

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

Warfare is now often based on expensive, high-tech weapons that require a high level of funding by the parties involved. For a Buddhist, it should be clear that selling weapons is “wrong livelihood”, so that the arms industry is fundamentally immoral. See below on how being a soldier is viewed.

Being a combatant

While “trade in weapons” refers to the arms-salesman and not the combatant, being a member of the armed forces or a non-State armed group is clearly not unproblematic for a Buddhist. Buddhist texts do not contain the idea, found in the Hindu *Bhagavad Gītā* (II.37 and 32), that if one’s birth-assigned role in society is that of a warrior-noble, then it is one’s religious duty to go into battle, when called to, and that one who dies in battle goes straight to heaven. The Buddha’s attitude can be seen in the *Yodhājīva Sutta*, in which a person who makes his living as a warrior (*yodhājīva*) – the text does not differentiate between a professional soldier or a mercenary – asks him whether, if one such as him falls in battle, he is reborn in a special heaven. This is clearly a reference to the belief, found in Indian epics, in a heaven for those who fall in battle. In response, the Buddha is silent, but when the man persists in his questioning, he explains that such a person is actually reborn in a hell or as an animal (S.IV.308–309; Deegalle 2014: 551–552), insofar as he dies with his mind in misdirected state, wishing the death of others:

When, headman, a *yodhājīva* is one who strives and exerts himself in battle, his mind is already low, depraved and misdirected by the thought: “Let these beings be slain, slaughtered, annihilated, destroyed and exterminated”. If others then slay him and finish him off while he is striving and exerting himself in battle, then, with the breakup of the body, after death, he is reborn in the “Battle-Slain Hell” ... or the animal realm.

⁷ Nos. 100 and 353; Jat.I.407–10 and Jat.III.158–61.

⁸ Buddhist Text Translation Society. Our [] parenthesis added.

The Buddha says the same when questioned by an elephant warrior (*hattāroha*) and a cavalry warrior (*assāroha*) (S.IV.310). Jerryson (2018: 466) reads this as meaning that “Yodhājīvan is cautioned to avoid debased thought at the time of death but not to avoid the act of killing”. This is clearly a *misreading*, as the Buddha is replying to the question of if a warrior who dies in battle is reborn in a heaven. The question is not about his state of mind when dying. That said, it makes sense to say that the state of mind at death will have *some* effect on the nature of the entailed bad rebirth.

Of course the role of a soldier involves many kinds of task, including peace-keeping duties, providing help at times of civil emergencies, and offering protection through deterrence. Yet, sooner or later, it will involve maiming or killing people, or supporting others who do this. From a Buddhist perspective, there is no way that intentional killing or harming can ever be seen as a good action. However, the background motivation of such actions is clearly relevant (Keown 2014: 671–675), and to the extent that these involve protecting people from aggression, then this of course adds a good dimension to partly compensate for the badness of actually killing, arguably putting them in the territory of “necessary evils”. Indeed, given the Buddhist emphasis on intention and motive, it must be said that defensive violence is less bad than aggressive violence. And while the Buddhist *ideal* is complete non-violence, if violence is to be used, it must be ethically restrained, as in IHL.

In the history of China and Japan, we find examples of Buddhist monks as soldiers in national armies, as well as Buddhist monks turning into mercenary private soldiers at the service of the aristocracy. For instance, in medieval Japan, the Sōhei were warrior monks who protected their temples from other Buddhist schools, but they also became mercenary soldiers hired to defend the property of aristocratic families (Adolphson 2007).

The issue of being a soldier is highlighted in the autobiography of the modern Chinese monk Zhenhua (1922–2012), in an interview where he discussed the tension between practicing compassion and being a soldier:

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

“I would,” I answered without a moment’s hesitation.

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

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

Being a soldier in order to defend the nation, under the claim that saving the home nation meant saving the only correct practice of the Dharma (against a wrong practice of the Dharma carried out in the country of the enemy), was a crucial motto among Japanese monks from the end of the nineteenth century up to the middle of the twentieth century (Victoria 1997). This specific reading of the duty to preserve the Dharma was caused by internal and external factors; one of these was the need to prove that the Japanese Sangha could play a crucial role in society at the time where Japan was redefining its cultural and religious identity, and in doing so was undermining the relevance of Buddhism for the nation.

The living practice, then, has showed some deviation from the Buddha’s prescriptions and the Buddhist *ideal*; these deviations were results of local processes of textual and doctrinal interpretations under specific social and political pressures.

The influential fourth century scholar-monk Vasubandhu argued that when an army kills, all the soldiers are guilty of killing, not just the ones who directly do the killing; for by sharing a common goal, they mutually incite one another. Even a person forced to become a soldier is guilty, unless he has previously resolved “Even in order to save my life, I shall not

kill a living being” (AKB.IV.72c-d). This is not saying, note, that the guilt of any individual is reduced by being shared. Of course a possible danger here is that the idea of shared guilt may make soldiers more willing to hide or justify bad action of fellow soldiers. However, bringing to light IHL abuses of fellow soldiers is a way of upholding the values and standards of an army, and can only be of benefit, though no doubt it can be socially challenging.

Of course, the above idea also implies that when an army does a good action such as protecting people or helping in a humanitarian emergency, then all members of it share in some of the good karma of this. A member of an army, then, has a stake in that army acting in as moral a way as possible.

THEME C: MONASTIC AND LAY ETHICS

Monastics and their precepts on not-killing

Monastic regulations (*Vinaya* – “discipline”, to which one of the three sections of the Buddhist canon is dedicated) treat intentional killing or encouraging the killing of a human as a serious offence, entailing permanent expulsion from the monastic order (as well as any punishment by the state. It is one of the four *pārājika* (defeat) offenses, the most serious offenses of all. The offense includes intentionally bringing about the death of a human being, even if it is still a foetus,⁹ whether by killing the person, arranging for an assassin to kill the person, inciting the person to die, or describing the advantages of death (Vin.III.73). Killing a non-human being is a lesser offence. Deliberately killing an animal¹⁰ – or having it killed – is also an offense, but regraded as less serious (*pācittiya* (confession) offense no.61 (Vin.IV.124–25).

As regards the use of force on others, in the *Vinaya*, the followers of the monks Assaji and Punabbasu were badly behaved and in need of disciplining. The Buddha sends Sāriputta and Moggallāna to carry out a formal act of banishment (*pabbājaniya-kamma*) against them. When they point out that these monks are fierce and rough – implying that the action might be difficult to carry out – the Buddha tells them to take many other monks with them (Vin.II.12). That is, a potential threat of physical violence is deterred by a non-violent show of force. Punishments for lapses from discipline in the *Vinaya*, though, may include verbal rebuke but do not include any physical punishments. While monks are not allowed to physically injure or kill, in *Abhayarājakumāra-sutta* (M.58; M.I.391f) even the Buddha said that he sometimes used words of criticism that were unpleasant to hear, if he thought that they were both true and spiritually useful for the person he was speaking to. This he likened to how a nurse might have to use force and even draw blood when removing something stuck in a child’s throat, out of compassion for the child, implying that a well-intentioned small injury might be made to a person for *their* benefit. The prince responded to the Buddha’s question saying: “If I could not take it out at once, I would take his head in my left hand and crooking a finger of my right hand, I would take it [a stick or a pebble] out even if it meant drawing blood (quoted in Deegalle 2009: 71). This last example, mild use of force, has some relevance to the question of using of force in the battlefield when humanitarian aid is a concern and Buddhists reflection on it is required.

In the Theravāda monastic code, it is an offence for monks to go to see an army fighting, to stay with an army, or watch sham-fights or army reviews (Vin.IV.104–07). Moreover, the *suttas* say that monks should avoid talk of various “low matters” including armies and battles

⁹ The text says: “A human being exists in the interval between the first moment when mind arises in the mother’s womb (that is to say) the first manifestation of consciousness (*viññāna*), and death.” For more on Buddhism on abortion see Florida 2000.

¹⁰ “Animal” here is *pāno*, literally “a breathing one”, but the text then explains this to mean an animal. The Commentary explains that it includes living beings down to the size of a bedbug. Elsewhere the texts forbid the killing of “even an ant”.

(D.I.7, and 178). In the midst of wars, Buddhist monasteries have often been havens of peace. Over the centuries, Buddhist monks have often been used by kings to help negotiate an end to a war. Monks were expected to be mediators for peace in armed conflict situations and give proper ethical guidance to the political leadership in such a way that they did not inflict unnecessary suffering on populations due to their moral failings.

Lay Buddhists, of course, are not expected to follow the monastic rules, though they may be influenced by some of their principles, and on full moon days may take extra precepts of a semi-monastic nature. The path of the laity is different from that of the monastics not in kind but in degree. But the degree of difference is substantial. The discourses testify to the view that the straight path to the goal is not followed while living a lay life (M.II.55). As the *Ratthapāla-sutta* (M.II.54–74) says, the lay life could be lived doing karmically beneficial deeds while enjoying the pleasures. This is the samsāric life which hopefully leads to a good rebirth, not Nirvanic liberation from all rebirths. While there are instances of householders attaining the noble states of the noble path and fruits (M.I.490–91, A.I.25–6), meaning attainment of Nirvana within a maximum of seven lives, the majority of lay-people, and indeed many ordinary monks, are not at this level.

The difference between expected standards of behavior for monastics and laypeople should be realistically recognized, also during armed conflict, yet not exploited to overly dilute expected ethical standards for lay-people.

Mahāyāna Bodhisattva precepts

The *Brahmajāla Sūtra*,¹¹ a Mahāyāna code for both lay and monastic followers which became influential in China, holds that those who take the Bodhisattva vows should not take any part in war. It forbids the detention of anyone, or the storing of any kind of weapons, or taking part in any armed rebellion. They should not be spectators of battles, nor should they kill, make another kill, procure the means of killing, praise killing, approve those who help in killing, or help through magical chants. Its first of ten major precepts states:

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

Levels of gravity in killing

The Theravāda Pāli commentator Buddhaghosa (fifth century CE) discusses the unwholesome act of “destruction of a living being” as follows:

“Destruction of a living being” is, as regards a breathing being that one perceives as living, the will to kill it, expressed through body or speech, occasioning an attack which cuts off its life-faculty. That action, in regard to those without good qualities (*guṇa-*) – animals etc. – is of lesser fault when they are small, greater fault when they have a large physical frame. Why? Because of the greater effort involved. Where the effort is the same, (it is greater) because of the object (*vatthu-*) (of the act) being greater. *In regard to those with good qualities – humans etc. – the action is of lesser fault when they are of few good qualities, greater fault when they are of many good qualities. But when size or good qualities are equal, the fault of the action is lesser due to the (relative) mildness of the mental defilements and of the attack, and greater due to their intensity.* Five factors are involved: a living being,

¹¹ Buddhist Text Translation Society. Our [] parenthesis added.

the actual perceiving of a living being, a thought of killing, the attack, and death as a result of it. There are six methods: with one's own hand, by instigation, by missiles, by contrivance (trap or poison), by sorcery, by psychic power (M-a.I.198, cf. Khp-a.28–9., Asl.97). Here, the italicized section is particularly relevant to a soldier's action of killing a human.

The importance of the intensity of effort and quality of object relates to the emphasis placed on *cetanā*, intention, in Buddhist moral causality (see below, "Volition/intention/motive" section). It may further be possible to apply the model of mental process found in the highly authoritative treatise on *Abhidhamma*, the *Abhidhammatthasaṅgaha* (composed by the eleventh century, perhaps as early as the sixth), to the idea of intensity. This text explains our ethical or unethical responses to a perception as occurring in a series of moments of consciousness, *javana*, and the intensity could be related to whether or not a mental process has full set of seven *javanas*. Examining *javana* may elucidate ways of interruption or diverting our responses away from unskillful to skillful responses. For this to effect the actual practice of soldiers would need the development of certain forms of practical education and meditations.

THEME D: CARE OF THE INJURED, PROTECTORLESS AND DISTRESSED

Buddhist attitudes to the treatment of prisoners

We have seen above that *Dhammapada* v.137 says that "He who inflicts violence on those who are unarmed" will experience much suffering as a karmic result, implying that violence towards the defenseless is particularly bad. We have also seen above that in *Jātaka* stories, a defeated enemy is to be well treated. Those captured in the course of armed conflict must be treated in accordance with the highest applicable standards according to IHL. Might Buddhist ideas on how to treat prisoners (Harvey 2009), whether criminal or not, be relevant in this regard¹²?

The *Sumaṅgalavilāsinī*, in its commentary to the section in the *Mahāparinibbāna Sutta* dealing with the Vajjian principles of good governance (D.II.74–5), offers some of principles on the treatment of prisoners. Although these are not about the just treatment of prisoners of war or those captured in relation to armed conflict, some elements might be seen to be applicable here by extension.

"The Precious Garland" (*Ratnāvalī*, or *Ratnamālā*) of the great Buddhist philosopher Nāgārjuna (150–250 CE), advises a king that criminals should be treated thus:

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

335. As long as prisoners are not released, keep them happy and comfortable by putting barbers, bathing facility, food, clothing, drink, and medicine at their disposal.

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

Related to this might be methods of persuasion, or interrogation (though this is not permitted for prisoners of war in international armed conflicts): since torture is prohibited, what

¹² Internment in international armed conflicts may be imposed under the Fourth Geneva Convention for "imperative reasons of security". It must end as soon as those security reasons cease to exist or, at the latest, when hostilities cease. The Convention contains procedural rules that aim to ensure that States do not abuse the considerable margin of discretion they have in interpreting threats to their security. Recent State practice in international armed conflicts has demonstrated significant divergences in the interpretation and implementation of the rules, which has given rise to serious concern. In non-international armed conflicts the position is no clearer, as Common Article 3 of the Geneva Conventions does not address procedural safeguards in internment (it provides for the application of basic judicial guarantees for persons subject to criminal proceedings). <https://www.icrc.org/en/document/security-detention>

means of persuasion are advocated and exemplified in Buddhist texts? One might look to the methods of the Buddha himself, the explanation of his reasons, the use of logic, the pointing out of consequences, etc. Looking at different means of persuasion, the exercise of power and the treatment of those at one's mercy are all important themes here.

THEME E: SEXUAL VIOLENCE

The use of sexual violence within armed conflict situations is widespread, and a topic that requires further attention. While Buddhist monastics are required to be celibate, lay Buddhists should ensure that their sexual conduct is guided by ethical norms and does not bring suffering to others. The third lay Buddhist precept is “I undertake the precept to abstain from wrong conduct as regards sense-pleasures” (Harvey 2000: 71–4). This concerns sexual behavior that is harmful, disrespectful, or breaks up established relationships. Its interpretation in different Buddhist societies reflects variations in cultural expectations. In many societies it typically concerns adultery, but clearly also covers matters such as incest and rape.

The norms of the Vajjian republic, which the Buddha praised, included, “not abducting women and making them live with them by force” (D.II.74–5), and he *Upāsaka-janālaṅkāra* of Ānanda, on lay ethics, includes in its explanation of how this precept would be broken, sex “with a woman taken away in a raid, who after a victory is taken away from the army of the enemy” (p.179, Agostini 2105: 76).

In a military conflict, clearly rape should play no part, whether of non-combatants or combatants. Where it does so, it can only arise from a desire to dominate and humiliate, or lustful exploitation of power. This might also be seen in relation to what has been referred to as “toxic masculinity”, and the issue of “masculinity in war” is one that is worth exploring in a Buddhist context.¹³ Relevant to the idea that domination is a false ingredient of real “manhood” are the words of Sakka (below, “Patience” section), that responding to anger with more anger is the action of a fool; calm patience is real strength, not a weakness. Also relevant are these verses from the *Dhammapada*:

Though he should conquer a thousand men in the battlefield, yet he, indeed, is the nobler victor who should conquer himself. (v. 103)

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

THEME F: PROTECTION OF CIVILIAN PROPERTY

Respect for civilian property during armed conflict is another topic that requires further attention, while the principles are already present in the second Buddhist precept, “I undertake the precept to abstain from taking what is not given”. This covers stealing and other matters such as fraud and cheating (the latter might be relevant to the IHL concept of perfidy¹⁴). Whether sanctioned by military leaders or the result of indiscipline, the plundering and destruction of civilian property, crops and domestic animals etc. is prohibited in IHL.

In Tibetan Buddhism, the 18 root Bodhisattva vows include ones not to destroy any place by such means as fire, bombs, or pollution. The *Ārya-satyaka-parivarta* teaches that a good king, in war, should not vent his anger by burning cities or villages, or destroying reservoirs, fruit trees or harvests as these are ‘sources of life commonly used by many sentient

¹³ On the topic of masculinity in general, see Powers 2009.

¹⁴ Defined in AP II as “acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence”, by using a Red Cross emblem, a symbol of protection during armed conflict, on a combat helicopter, for example.

beings who have not produced any faults”, including local deities and animals (ASP.197, cf.70).

THEME G: THE ENVIRONMENT AND ANIMALS

Buddhism has a concern for the welfare of “all sentient beings”, and quarrels between humans should not bring needless suffering to other beings. This principle is illustrated in a story of the god (*deva*) Sakka, a follower of the Buddha, during a conflict with the jealous *asura* demi-gods (S.I.224, cf. Dhp-a I.279, Jat.I.202–03). When Sakka and his army was fleeing from the *asura* army through a wood, his carriage poles struck the nests of a certain kind of bird, resulting in destruction of innocent life. Sakka immediately orders that his army should stop and turn back, even at the expense of losing their own lives at the hands of the enemy. However, when the *asuras* see that their enemy has turned back, they assume this is to fight, so they flee; thus in this case victory comes from adherence to an ethical principle. The commentary explains that it was young, old and ill birds that had been harmed, as the others had fled when hearing the noise of the approaching army.

There are other teachings in Buddhism that derive from the principle of avoiding unintended harm to the environment and the Buddhist ethic of intention that might also be relevant to situations of armed conflict (see Harvey 2007a). Environmental protection is one of the key missions of contemporary Taiwanese Buddhist organizations, especially the Tzu Chi Foundation 慈济功德会 and Fagushan 法鼓山.

THEME H: SELF-CONTROL, DISCIPLINE AND RESPONSIBILITY

Volition/intention/motive

What determines the nature of the karmic ‘seed’ generated by an action is the will or volition behind it: “It is will (*cetanā*), O monks, that I call karma; having willed, one acts through body, speech or mind” (A.III.415). *Cetanā* encompasses the motive for which an action is done, its immediate intention (directed at a specific objective, as part of fulfilling a motive), and the immediate mental impulse which sets it going and sustains it. “Karma” (Pāli *kamma*, Sanskrit *karma*), literally “action”, is the overall psychological impulse behind an action, that which plants a karmic ‘seed’ and sets going a chain of causes culminating in a karmic fruit. Actions, then, must be intentional if they are to generate karmic fruits: accidentally treading on an insect does not have such an effect, as the Jains believe, though reckless carelessness includes its own kind of bad intention, which is relevant to the issue of collateral damage in war.

Actions which are unskillful/unwholesome (*akusala*) are seen as ones that are rooted in greed, hatred and/or delusion, and thus bring unpleasant karmic fruits (M.I.47, Harvey 1995: 2010 and 2000: 42–3, 46–9). Those which are skillful/wholesome (*kusala*) are seen as ones that are rooted in non-greed (generosity, renunciation), non-hatred (kindness, compassion) and/or non-delusion (clarity of mind, wisdom), and thus bring pleasant karmic fruits. The karmic effects of an act of killing will thus vary according to the nature of its volitional roots. They will be worse when the roots are, e.g., greed, hatred, anger, revenge or deluded prejudice than if the ill-will/aversion involved in any act of intentional killing (Gethin 2007) is associated with the motive of protecting others. In such cases, the motive of protecting others will have its own, positive fruits, alongside the negative fruits of an act of killing.

Theravāda Abhidhamma understands that some form of *cetanā* is present in every moment of consciousness, and that *cetanā* determines the ethical quality of an action (Bodhi 2010a: 80). Abhidhamma literature analyses karmic causality further, including by looking at the conditioning forces (*paccaya*) that link the causal relationship between multiplicity of causes and of effects. For example, the *Paṭṭhāna*, the seventh book of

the Theravādin *Abhidhamma Piṭaka* (the third section of the Pāli Canon), focuses on the workings of causality. One of the conditioning forces in the *Paṭṭhāna* is called *āsevana-paccaya* or “repetition condition”, which causes the effects (conditioned states) to gain more and more proficiency, so that succeeding states come to possess greater proficiency and strength (Kyaw 2014: 197) to the extent that one’s repeated intentional actions can transform into ingrained habits. Such habits, of course, can be encouraged and reinforced by the views and habits of a person’s culture and society.

Such factors can lead to certain communities continue in a habit of “othering” or of using divide and rule strategy, etc. What does the perspective of Abhidhamma, and particularly of the *Paṭṭhāna*’s teachings about multiple conditions influencing any given outcome, offer in relation to how to act in armed conflict situations? Does it provide more dynamic ways, highlight that there are more options to stop a negative outcome or facilitate a positive one? This awareness of multiple conditions bringing about a given situation is important in reducing angry responses. In the *Bodhicaryāvatāra* chapter on *kṣānti*, forbearance or patience, one is advised to look at all the broader causal conditions influencing the actions of others before reacting with or escalating anger (Ch.6 vv.37–43).

The eight worldly conditions

The *Lokavipatti Sutta* (A.IV.157, cf. D.III.260, 286) describes that everyone is subject to the eight worldly conditions (*loka-dhammas*), namely: gain and loss (*lābha* and *alābha*); fame/good repute/popularity and disrepute/shame/obscurity (*yasa* and *ayasa*); blame and praise (*nidā* and *pasamsā*); pleasure and pain (*sukha* and *dukkha*). This *sutta* teaches that a well-instructed person would mindfully recognise and reflect on the four pairs of agreeable and disagreeable experience, and see them as impermanent, painful, and subject to change. Such reflections clearly encourage patience and equanimity rather than being captured by an emotional reaction. Relevant here is *Dhammapada* v. 320, “As an elephant in the battlefield withstands the arrows shot from a bow, even so will I endure abuse; truly, most people are undisciplined.”

That said, clear discernment and acknowledgement of the truth of things as they really are does not necessarily mean inaction. It is worth considering when passive responses to abusive situations are a valid Buddhist response or a misinterpretation. Letting others get away with bad behavior is in any case bad for them, so resistance may be appropriate, if this is wise and proportionate, and without anger, so as not to escalate a conflict.

Patience (*khanti*), non-anger and non-vengeance

Certain texts recommend the strength and transformative potency of forbearance and forgiveness. One passage concerns a conflict between the gods and the power-hungry demi-gods (*asuras*) (S.I.220–22). Vepacitti, the defeated demi-god leader, is once brought before Sakka, leader of a group of gods, and curses him (Premasiri 2006: 84–85; Deegalle 2014: 558–564). When Sakka is not angry, his charioteer asks whether he forbears from fear or weakness, but Sakka replies: neither, I simply do not wish to bandy words with a fool. Further, he explains that the words of a fool are best stopped by responding to his anger and verbal onslaught by oneself mindfully remaining calm, not by harsh measures. This will not lead to one’s opponent thinking he can take advantage of one’s “weakness”, for forbearing patience (*khanti*) is a sign of real strength, unlike the deceptive “strength” of a fool:

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

Clearly, in a battle situation, letting anger get the better of one is what can lead to IHL abuses. *Dhammapada* vv. 3–6 say:

“He abused me, he beat me, he defeated me, he robbed me”, the enmity of those who harbour such thoughts is not appeased.

“He abused me, he beat me, he defeated me, he robbed me”, the enmity of those who do not harbour such thoughts is appeased.

Enmities never cease by enmity in this world; only by non-enmity (i.e. lovingkindness) do they cease. This is an ancient law.

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

Such ideas are in tune with IHL, which does not encourage vengeance – one IHL violation, such as killing of civilians, does not justify retribution against civilians from the opposing community.

The above ideas are also seen in the story of Prince Dīghāvu, whose parents were killed by a king who later comes within his power. About to kill the sleeping king, he remembers his parent’s citing of the above verses, so that he then decides:

My parents were killed by a king, but if I were to deprive the king of life, those who desired the king’s welfare would deprive me of life and those who desired my welfare would deprive these of life; thus enmity would not be settled by enmity (Vin.I.348, c. J.III.211).

The two are then reconciled, with Dīghāvu marrying the king’s daughter and regaining royal power. This story illustrates how Buddhism values reconciliatory approaches in conflict situations that conduce to the healing of the psychological wounds resulting from prior hostilities.

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

Having killed anger, you sleep in ease.

Having killed anger, you do not grieve.

The noble ones praise the slaying of anger

– with its honeyed crest and poison root –

for having killed it you do not grieve (S.I.41).

The height of the ideal of patient lovingkindness is expressed in the *Kakacūpama Sutta*: “Monks, as low-down thieves might carve one limb from limb with a double-handed saw, yet even then whoever entertained hate in his heart on that account would not be one who carried out my teaching” (M.I.129). In this context, the ideal is that the Buddha’s disciples should think, “kindly and compassionate we will dwell, with a mind of lovingkindness, void of hatred”, suffusing that person, and then the whole world, with such an “immeasurable” mind. Such a mind cannot be ignited into anger, just as one cannot set fire to a river (M.I.128). Of course, this is more likely to be accomplishable by a spiritually developed monk than by an ordinary layperson.

In “Getting the Message” (2006),¹⁵ Thanissaro Bhikkhu says of the Buddha:

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

¹⁵ A printed copy is included in the book [Purity of Heart](#).

Possibly worthy of consideration here is whether cultural disapproval of overt expressions of anger or hostility reduce the experience as well as expression of anger, or may actually do the opposite. Can it lead to explosions of repressed anger, including sudden violence of an unpredictable kind? Martin Southwold speculated that the repression of anger contributed to a high murder rate (1983: 73–4), but is this a Freudian-based analysis that ignores other contributory factors? Is there any value in another, apparently contrasting speculation of his, that those in a livelihood that involves breaking of the first precept, may be more prone to violence since the precept is already transgressed, or do we again see ignorance of other factors behind such theories? While Southwold's work may be highly speculative, rather than scientifically established, it draws our attention to the serious moral and psychological issue of becoming inured or desensitised to killing in general through over-exposure. Once a soldier or civilian gets used to killing or witnessing violence, how does that influence how they relate to others either in the conflict zone or in the wider community in regular life? How does this affect decision-making or respect for concerns and values that guarantee life and security? This applies both to individuals deployed or caught up in these situations and also to those in authority, who become inured to decision-making that brings others into harm's way. How much psychological damage is caused to soldiers as a result of deployment in war zones and how may this be minimized through processes of containment within situations of armed conflict, occupation, etc. How does transgressing the restraining line of not killing – the first precept for Buddhists – entail the danger that such a person may more easily abandon other humanitarian principles, such as those in IHL or encoded in Buddhist precepts, which might restrain that person's behavior? How much does it cause someone to lose sight of the highly valued Buddhist aspiration to provide protection for those without a protector?

The Ten Perfections

The ten perfections are qualities developed to the highest degree by those on the Bodhisattva path to Buddhahood, but which are to be cultivated by all on the path. The Theravāda lists these as: (i) giving/generosity, (ii) ethical discipline, (iii) renunciation, (iv) wisdom, (v) energy/strength, (vi) patience, (vii) truthfulness, (viii) determination, (ix) lovingkindness and (x) equanimity (Deegalle 2017a: 25–28). The Mahāyāna has a different list of six perfections: (i) giving/generosity, (ii) ethical discipline, (iii) energy/strength, (iv) patience, (v) concentration/meditation, (vi) wisdom. The Mahāyāna also has a longer (but less popular) list of ten perfections, which includes the previous six plus (vii) skillful means, (viii) vow, (ix) spiritual power, (x) knowledge. In the Mahāyāna, wisdom and compassion underpin all the perfections. Some of these qualities have been discussed elsewhere in this paper, particularly patience and loving kindness, but to what extent should the other perfections be examined further for correlations between Buddhist values and IHL?

Mindfulness, calm and insight

Much emphasis is placed on mindfulness of one's actions of body, speech and mind, and on the mind states from which they come, and their effects on others and oneself. Mental composure and deep calm, that aid mental clarity on insight into oneself and the world, are likewise much prized. Such qualities are certainly relevant to soldiers who must attain their military objectives while minimizing the infliction of suffering and preventing violations in high-stress combat situations. Might the integration of mindfulness and meditation techniques into military training improve their adherence to IHL and Buddhist principles during armed conflict?

Issues of responsibility and obedience

When one person orders another person to do something, Buddhism is clear that both the orderer and ordered are responsible for the action (Harvey 1999: 280). Thus it is said that one may be reborn in hell for a wrong action even if done for the sake of a king (M.II.188). The orderer is not free of responsibility because he or she does not do the final act, and the ordered is not free of responsibility because they were “only obeying orders”. Of the two, of course, the orderer has the greater responsibility. The ordered, though, has a responsibility not to obey immoral (or illegal) orders. This is absolutely in line with IHL’s emphasis on the individual soldier’s responsibility to disobey illegal orders, to kill civilians, for example.

On this kind of issue, Sunil Kariyakarawana, the Buddhist chaplain to HM Forces in the UK, in a paper on “Military: Career and Buddhist Ethics” (p. 7), quotes a Buddhist who is a Lt. Colonel in the British Army:

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

- Do I trust that my Government are correctly motivated in their considerations over the use of their Armed Forces?
- Does our Army still function in as humanitarian manner as possible?
- Do I think that we are still acting as a force for good in what we are doing?

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

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

There also are cases of what seem like culpable carelessness or lack of precaution, a key IHL principle, in the use of some air-strikes, for example. These may be genuine mistakes, but normally “mistakes” do not have such lethal consequences for innocent people.

An issue for investigation and reflection, concerning army members in majority Buddhist countries, is what oaths of allegiance they take, and what formal rules of engagement and ethical guidelines they are given. What organizational culture is inculcated? In this context, it would be useful also to explore influences that have informed and shaped a given organizational culture of the military.

Army chaplains, and monks’ advice to soldiers

In Thailand, army officers are well respected and integrated into all of levels of Thai society, having access to higher authorities of the Sangha. This may be more for their role in helping run the country than for their military prowess. All men of eligible age who are not monks either volunteer or enter the lottery for national service, resulting in conscription periods of six months to two years, with the shorter times being allocated to those who volunteer or have higher education.¹⁶ This even includes those who are Buddhist monks, the reason being that,

¹⁶ See Draper and Siwach Sripokangkul 2017 on the system of compulsory military service in Thailand: “Under the 1954 Military Service Act, Thai men aged 21 are called in for selection for military service, involving a lottery, meaning conscription is not universal. Men who have completed a bachelor’s degree and volunteer for the military normally serve for six months, but if drafted via lottery, they serve for one year. Men who have completed secondary education through Grade 12 or vocational school and volunteer also serve for one year, or two years

as short-term ordination is common and easy, only long-term monks are exempt. Ex-monks are often employed as *anusasanachans*, advisers or “chaplains” to instruct soldiers in religious and moral matters (Tambiah 1976: 304).

In Sri Lanka, there is neither compulsory military service nor Buddhist army chaplains. However, there is a Buddhist temple in Panāgoḍa that is maintained by the Sri Lankan Army. Monks living close to army barracks as well as popular preachers who are living elsewhere are often invited to military camps for delivering sermons to soldiers on special days of celebration such as Vesak and anniversary days of the military. Daniel Kent offers a good study of sermons to soldiers (2010). The monks do not justify killing, and mostly do not say that there is no bad karma in a soldier’s killing someone – which they are often asked about by soldiers. Rather, they:

- counsel that the intention (*cetanā*) of killing is to be set beside the intention of protecting one’s comrades, the nation, and Buddhism.¹⁷ A minority of monks see this as negating the evil involved in killing (Kent 2010: 165), but it is seen to help minimize it, and for a soldier, their primary duty relates to these concerns (Kent 2010: 162).¹⁸
- seek to help the soldiers retain a calm heart even in battle, not only so that they do not act rashly and put themselves and comrades in danger, but also so that they do not act from anger – which generates more bad karma – and be more violent, or indiscriminately violent, than they need to be; that is, their use of violence is minimized and regulated.¹⁹ Innocent civilians should not be killed, nor animals (Kent 2010: 172), and soldiers should not act of revenge. This is also in line, of course, with IHL
- teach that being mindful of actions and the situation will also help
- encourage the doing of positive acts that will generate good karma, to help dilute the bad karma generated by killing, and to share this good karma with the dead.

While Kent does not expand on this in terms of potential applications, one might consider these in regard to IHL. For example, the doing of positive acts could include helping, or at least not preventing, medical and other humanitarian aid from getting through or allowing the “enemy” to reclaim their dead and perform their last rites.

Buddhist values and qualities that may be of help to combatants

Clearly the Buddhist values of compassion and concern for those without protection are relevant to the urge to protect others, which may be done through military means. Related qualities are those of generosity of spirit and helpfulness. Buddhism praises the four foundations of social unity (see above in “Impartiality” section). Also emphasised is giving support and guidance to friends, which can be seen to relate to support for comrades in arms. Self-sacrifice is much praised, which may even include giving up one’s life in an act of saving others (though dying while killing others is not praised). The *Mahākapi Jātaka* (no. 407, Jat.III.369–75) tells of the Buddha in a past life as a monkey king who saves his troop from the archers of a king, by setting up a creeper bridge over which they could escape. Unfortunately, the creeper is a bit too short, so he uses his own body as part of the bridge. He dies after a jealous rival monkey breaks his back by jumping on it.

when drafted via lottery. In secondary and tertiary education programmes, male and female students aged 15 to 22 years may take the territorial defense curriculum, which takes five years to complete, with three years providing draft exemption.” Tambiah’s statement (1976: 489) that all are required to do two years” military service is inaccurate, perhaps a result of a misunderstanding of the two years” for those drawn in the lottery who do not have higher education.

¹⁷ See also King 2013: 646–47.

¹⁸ See also Bartholomeusz 1999 and 2002

¹⁹ See also King 2013: 647–48.

Other qualities fostered by Buddhism are the “five faculties”, some of which are relevant here: faithful trust in the three refuges, but also more broadly in the value of moral actions, and trust in good people; *virīya*, which can be translated as energy, mental strength, perseverance, but is related to “virility” and hence manliness, courage; mindfulness; calm concentration; wisdom. Of these qualities, those of energetic mental strength and calm concentration seem of help in being a member of the armed forces. These qualities, though, are seen in Buddhist psychology as ethically variable. For example, suicide bombers probably need courageous mental strength, and bank robbers may need good concentration. What makes such qualities good ones, according to Buddhism, is their association with faith, mindfulness and wisdom, so that they are rightly guided and applied. One could say that the goal must be right, wisdom must guide how it is approached, and crucial is the quality of mindfulness. This includes aspects of alert attentiveness, and being aware of the realities of direct experience and the situation one is in, but it also involves bearing in mind ethical values.

In this context, not only is killing in anger bad, but also killing in a calm and concentrated way, without compunction, as might perhaps be done by a sniper, or the controller of a drone aeroplane. At the moment when such a person kills, Buddhism would regard them as in a state of wrong concentration, without a mindful connection to *Dhamma*-values. That said, their actions also require being carefully mindful of who *not* to kill. *This* aspect can be seen as in line with *Dhamma*-values

Buddhism values and seeks to cultivate determination, patience, non-anger, self-control and equanimity. Self-discipline is important, as shown, for example, in right effort, aimed at overcoming greed, hatred and delusion and cultivating their opposites. Here there may well be some overlap with the discipline that is cultivated in the military. Both include living by values and rules; Buddhist monks, for example, follow over 200 disciplinary rules. Both include an emphasis on patiently enduring difficult things, and not giving way to surges of emotion. Sometimes, the struggles of a monk against temptations are likened to the struggle of a soldier in battle (A.III.89–93), and the Buddha advises king Pasenadi that, just as the best person for him to employ as a soldier is one who is well trained, experienced and courageous, so it is best to give gifts to those who are truly virtuous (S.I.98–9). That said, some of the rules of the military are clearly at odds with some Buddhist ones. Can Buddhist values be drawn on to enhance and improve military culture?

Further, what Buddhist practices may improve the wellbeing of soldiers? Buddhist meditative practices may be of help for veterans who are physically or mentally (or both) damaged by their time in conflict. Former soldiers may suffer from PTSD (post-traumatic stress disorder) due to what they did or experienced during war, even if this was in accord with IHL. It seems that the most compassionate are more likely to suffer from PTSD. Relevant aspects of Buddhism here are as follows. Firstly, one needs to regret past bad actions, but not be consumed by them; rather, seek to improve in the future. Secondly, not to hate oneself, but to have kindness and compassion for oneself in one’s past failings. Thirdly, Buddhist meditation, whether primarily mindfulness practices or somatic, body-based, practices, may help one to calm the agitation that comes from past bad memories. Fourthly, Buddhist confession rituals used in East Asia are found particularly helpful in dealing with the past. This ties in with the understanding that those who do not recognize and regret past failings are likely to karmically suffer from them to a greater degree in the long-run, especially rebirth-wise.

THEME I: GOVERNMENT ISSUES

Buddhism on the responsibility of rulers/governments

The Buddhist idea of the ideal ruler is that of the non-violent *Cakkavatti* (*Cakravartin*) king (“Wheel-turning” monarch). This is presented in the Buddhist canon with a view to providing

a sound ethical basis for the political life of society. Since authority was greatly concentrated in a single person in the monarchical system of government that was widely prevalent at the time, Buddhism sought to address the situation by introducing the concept of a monarch who gave up the ambition of military conquest and ruled according to *Dhamma*, in the sense of ethical and just principles in accord with what is right.²⁰ While a ruler of great power, he is himself ruled by *Dhamma* (A.III.149). The Buddha said that he had been such a person in some of his past lives:²¹

[A] *Dhamma*-king, master of the four quarters, who had established security of his realm . . . And I had more than a thousand sons who were heroes, of heroic stature, conquerors of the hostile army. I dwelt on this sea-girt earth, having conquered it by *Dhamma* without stick or sword.

This is not because a *Cakkavatti* has no army. The *Cakkavatti Sihanāda Sutta* has such a ruler establishing his rule, after his *Cakkavatti* father retires to become a monk, by going in each of the four directions with his army, with potential enemies willingly becoming his subjects and accepting his advice to follow the five ethical precepts (D.III.62). Hence no violence is necessary. This is because he has first shown that he can rule according to *Dhamma*. This can be seen as a mythic ideal, though even here, one can see the ruler having a powerful army, to use if necessary, is part of the equation. This is perhaps not unrelated to a state giving way to humanitarian pressure from another state or organization that has military power.

In the *Cakkavatti-sihanāda Sutta* (D.III.58–79), the duties of such a ruler are said to be that he should:

(1) Depend on Dhamma, honor and respect it, praise it, revere and venerate it, have Dhamma as your flag, Dhamma as you banner, govern by Dhamma, and (2) arrange rightful (*dhammika*) shelter, protection and defense for your family, for the army, for your noble warrior client(-king)s, for brahmin householders, for town-dwellers and countryfolk, for ascetics and brahmin(-renouncer)s, for animals and birds. (3) Let no wrongdoing (*adhamma-kāra*) take place in your territory; (4) if there are poor people in your territory, give them money. (5) The ascetics and brahmins in your territory, my dear, who abstain from drunkenness and negligence, who practice forbearance and gentleness (*khanti-soracce*), each one conquering himself, calming himself, quenching himself, you should go to them from time to time and ask, “What is wholesome and what is unwholesome? What is blameworthy and what blameless? What is to be practiced and what not? Doing what would lead to suffering and harm for me in the long run? Doing what would lead to happiness and benefit for me in the long run?” You should listen to them, avoid what is unwholesome; you should take up what is wholesome and do that (D.III.61, numbers added, translation adapted from Collins 1998: 604).

In other words, temporal authorities should not only behave in accordance with *Dhamma*, but also take counsel, and take time to receive expert guidance on the most wholesome course of action. Here, (1) “*Dhamma*” should be the over-arching guide to ruling. Steven Collins here translates *Dhamma* as “what is right”, which does cover much of its meaning: in this kind of context, it means what is ethical, compassionate and wise. Thus B.G. Gokhale says that the key contribution of Buddhism to Indian political theory was “the acceptance of a higher morality as the guiding spirit behind the state” (1966: 22). Thus Buddhism should be very open to the idea of the principle of IHL as a norm followed by majority-Buddhist states. Point (2) of the *Cakkavatti-sihanāda Sutta* indicates that all sections of the human population should be protected, as well as animals and birds. Point (3) indicates the need to uphold law and order.

²⁰ On how *Dhamma* is understood within Theravāda traditions, it may be useful to consult Carter 1978.

²¹ A.IV.89–90, cf. D.I.88–9; D.III.59.

Point (4) indicates the need to prevent systematic poverty, and point (5) the need to seek advice from those who are wise and who cultivate good qualities. As regards point (4), the *sutta* goes on to say that, if one neglects the prevention and alleviation of poverty, one encourages crime and conflict in society (D.III.64–6), just as the *Kūṭadanta Sutta* talks of investment in different sections of the economy as a good way to overcome widespread theft and unrest (D.I.134–36). While past bad karma may be a cause of some people’s present poverty, it is not the case that everything that happens to a person is due to past karma;²² hence government action to alleviate or prevent poverty is appropriate.

Such, then, is the ideal of non-violent rule as expressed in the early Buddhist texts. It seems acknowledged that this is an ideal that requires an exceptional person to live up to in the fullest sense. Nonetheless, it sets a direction of travel even for ordinary government leaders. It also raises questions in terms of the specifics. What is ethical, compassionate and wise when war/armed conflict is raging and the need is humanitarian aid/and or pressure for the parties involved to adhere to IHL and codes of conduct that reduce suffering? Note that the *Cakkavattisīhanāda Sutta* initially talks of the responsibility of a government, but when moral order breaks down completely, it is ordinary people who are alarmed on ethical grounds at this, which leads them to restore order.

The example of a bad ruler is recognized as very corrosive. Thus at A.II.74, it is said that when a king acts in an unethical (*adhammikā*) way, this influences his ministers to do likewise, and this influence then spreads to brahmins and householders, and on to townsfolk and villagers. That is, rot at the top can easily spread downwards through the whole of society. This is relevant to judging state actors who either order, encourage or facilitate abusive use of force, also during armed conflict.

At the outset of the *Mahāparinibbāna Sutta*, the text which describes the last three months of the Buddha’s life, the Buddha describes a code of conduct consisting of seven aspects that ensures a flourishing community (D.II.74–5). The passage is problematic, in that the Vajjian people described as following this code of conduct are the object of the King Ajātasattu’s (later successful) military ambitions, but the way Ajātasattu is successful is by first undermining these seven factors. The seven are: (1) meeting together frequently; (2) performing meetings and collective duties as one, including all and excluding none; (3) acting in accordance with the established laws, which the commentator Buddhaghosa interprets as referring to not adding new taxes, etc., maintaining a judicial system that ensures a hierarchy of opportunities to establish the innocence of a suspected criminal and protects against summary punishment or the arbitrary exacting of it; (4) treating elders with esteem; (5) not abducting women and making them live with them by force; (6) respecting holy shrines, continuing offerings previously made to them; (7) providing for holy men. As Buddhaghosa explains, many of these are about creating contentment to avoid dissatisfaction, which might lead inhabitants to side with rebels. Thus the values are of practical significance and include refraining from punitive action and abuse of power, even if one can apparently get away with it, and keeps in view the long-term wellbeing: how to win the hearts and minds of people through respectful, beneficial treatment in order to ensure lasting peace and security.

The Buddha seems to have been satisfied with outlining the foundational principles of ethical behavior for rulers rather than producing a set of explicit rules on how to behave in a war, an act which could have diluted the Buddha’s ideal of non-violence. In the *Jātaka* stories, the Bodhisatta (Pāli) teaches: “Great king, a true king, abandoning going astray (*agatigamanam*), rule your own kingdom according to the ten norms of a king (*dasa-rāja-dhamme*), without anger (*akopentena*), in accord with *Dhamma* (*dhammena*), with evenness (*samena*)” (Jat.III.274, Jat.V.378). These principles, which can be seen in a modern context as “ten

²² S.IV.230–31; A.V.110; A.II.87; Harvey, 2000: 23–4.

guiding principles for those in government” (Deegalle 2017a: 25), are given in the above passage as: (i) generosity (*dāna*), (ii) ethical discipline (*sīla*), (iii) self-sacrifice (*pariccāga*), (iv) honesty and integrity (*ajjava*), (v) gentleness (*maddava*), (vi) self-control (*tapa*), (vii) non-anger (*akkodha*), (viii) non-injury (*avihiṃsā*), (ix) forbearing patience (*khanti*) and (x) “non-opposition/non-obstruction” (*avirodhana*) to the wishes and welfare of the people.²³ Several of these can be seen to promote the avoidance of war, humane conduct if it is waged, discontinuance of hostilities and non-infliction of further suffering upon the defeated by the continued use of military prowess.

In the *Mahāvastu* (Mvs.I.274–77), a text of the Lokottaravādin early school, advice to a king includes: do not fall under the power of anger; be impartial in arbitrating disputes; do not be indulgent in sensual pleasures; admit large bodies of immigrants; favour the poor and protect the rich; cultivate ties of friendship with neighbouring kings; act justly; and be circumspect, and diligent in the care of the treasury and granary.

Nāgārjuna (150–250 CE), one of the greatest Buddhist philosophers, influenced some rulers of the time. Two works attributed to him, the *Ratnāvalī* (“The Precious Garland” or *Ratnamālā*, Hopkins and Lati Rinpoche 1975) and *Suḥr̥llekhā* contain many valuable ethical principles for the edification of kings. “The Precious Garland”, written in the form of an epistle addressed to a young ruler of the Śātavāhana Empire (c. second century CE), contains advice on good government:

255. Whatever is reported by your ministers, you should find out about everything by yourself.²⁴ Always do everything in a way that is beneficial to the world.

256. Just as you care to think “What shall I do to benefit myself?” In the same way should you care about thinking what to do to benefit others.

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

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

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

329. You should gather around you many (advisors) of good family who are old in experience, who know the custom, abstain from evil, and who can perceive what must be done.

The Mauryan emperor Aśoka (Pāli Asoka, Sanskrit Aśoka, 268–239 BCE; Guruge, 1993) is widely revered by Buddhists as a great exemplar of Buddhist social ethics, partly because of his emphasis on non-violence (Gethin 2007: 74–5). While encouraging his people in this and other Buddhist moral norms, he himself abandoned his forebears’ custom of violent expansion of the realm. Indeed, the *Manu-smṛiti* (7.169–70), a law (*dharmasāstra*) text of the Hindu tradition written in Sanskrit, holds that a king should make war when he thinks all his subjects are contented and that he is most exalted in power, with the Indian epic *Mahābhārata* holding that there is no evil in a king killing enemies.²⁵ In the early part of his reign, prior to becoming a committed Buddhist, Aśoka had conquered the Kāliṅga region, but his Kāliṅga rock edict expressed horror at the carnage that this had caused: in a surviving stone edict, he refers to 100,000 slain and 150,000 captured.²⁵ He therefore resolved to abandon such

²³ See Rahula 1974a: 85; Eppsteiner 1988: 103–09; Deegalle 2017a: 25–28, and more generally in this edited book, pp. 84–5, 94–9, 154.

²⁴ For an IHL context, perhaps implying that a government should not just accept the self-justifying accounts of those involved in a potential IHL violation.

²⁵ Nikam and McKeon 1978: 27, Guruge 1993: 109–122, 161–172; also <http://www.katinkahesselink.net/tibet/asoka1.html#13th>

conquests – even though he was the head of a very powerful empire. He retained his army though (as does the compassionate emperor in the *Cakkavatti-sīhanāda Sutta*, above in this section), and in one edict warns troublesome border people that, while he preferred not to use force against them, if they harassed his realm he would, if necessary, do so. He retained the goal of spreading the influence of his empire, but sought to do so by sending out emissaries to bring about “conquests by *Dhamma*”, that is, to spread the influence of his way of ruling and thus form alliances.

In Chinese history we have rulers such as Wu Zetian 武则天 (624–705), a former Buddhist nun, and Zhu Yuanzhang 朱元璋 (1328–1398), the founding Emperor of the Ming dynasty, a former Buddhist novice monk, who were recognized as or claimed themselves to be *cakravartins*. However, both lacked many of the virtues and features that Buddhist scriptures ascribe to a *cakravartin* ruler, and provide two Chinese examples of the distance between “ideal/scriptural Buddhism” and “living Buddhism”, including how Buddhist principles have been exploited to fulfil mundane purposes.

The Buddha’s relationship with those involved in armed conflict

One of the Buddha’s supporters was King Pasenadi, who is presented as a reflective person who was periodically involved in defensive wars (e.g., S.I.82–3 and 83–5). When he is defeated by his nephew, the aggressive rival king Ajātasattu, the Buddha says: “Victory breeds enmity; the defeated one sleeps badly. The peaceful one sleeps at ease, having abandoned victory and defeat” (S.I.83; Dh.p.201). When Pasenadi later defeats the aggressing king, sparing his life but confiscating all his weapons and army, the Buddha comments: “The conqueror gets a conqueror ... Thus by the evolution of karma, he who plunders is plundered” (S.I.85). Without justifying defensive violence, this points out that the aggression often leads to defensive counter-violence, which can be seen as a karmic result for the aggressor. Such a response happens, whether or not it is justified. Thus aggression is discouraged. IHL is also designed to limit such a spiral of vengeance.

Pasenadi, the generally peace-loving defender, is not free from censure. To spare the life of a defeated enemy is surely good, but to leave him defenseless, without an army, is seen as potentially storing up trouble. Unless there is a reconciliatory attitude in a post-war situation, the Buddha shows that enmity of the defeated grows creating the potential for further conflicts. Khantipalo comments:

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

Kashi Upadhyaya comments that the passages portray the peace-loving defender as only moderately good, falling short of the ideal of complete non-violence (1971: 537). Elizabeth Harris, on the other hand, says that the passages show “an acceptance of political realities” (1994: 18). Perhaps the crux of the matter is whether one who “gives up victory and defeat” can remain a king, or would need to ordain as a monk to pursue purely spiritual concerns to practice this ideal. The passage does not specify. Harris, while wrong in saying that Pasenadi’s actions here are portrayed as “praiseworthy” (1994: 18), correctly identifies the ambivalence in this text. The Buddha never directly criticises Pasenadi for his involvement in warfare, and in a like manner is not critical of the deity Sakka, who rules the good deities in their conflict with the evil *asura* demi-gods (see above, in “Patience” section). Likewise, he made it a rule that a soldier could not ordain as a Buddhist monk without first getting a discharge from his military duties, albeit so as to protect the Sangha from the wrath of kings (Vin.I.73–4). The Buddha’s words that Pasenadi is a “friend and companion to those who are

good (*kalyāṇa*)” comes after Pasenadi has fought with violence in defense. The war nonetheless continues because Pasenadi seeks to be punitive to those he has defeated.²⁶ This element of the Buddha’s response, i.e. the treatment of the conquered, warrants more emphasis. The Buddha portrays Pasenadi as acting in a limited way according to his emotions and situation. Elsewhere, Pasenadi laments to the Buddha the preoccupations of his kingly role, which encourages such things as greed and conquest. The Buddha thus helps him to re-focus his mind on wholesome actions by reminding him that, like everyone else, he will grow old and die (S.I.101–02).

Nevertheless, the issue remains as to whether it is possible for a sincere Buddhist king, rather than a somewhat compromised one such as Pasenadi, to rule without force. In the *Rajja Sutta* (S.I.116–17), the Buddha wonders whether it is possible to be a ruler who “reigns according to *Dhamma* [justice, virtue, righteousness], without killing or causing to kill, without conquering or causing to conquer, without grieving or causing to grieve”. Before answering his own question, however, the tempter-god Māra appears to him and encourages him to be such a king himself. Wondering why Māra should so encourage him, he sees that rulers are inevitably enmeshed in sense-desires, which causes suffering, such that a liberated person could not incline in that direction. This perhaps implies that, while it is not appropriate for a highly spiritual person to be a king, non-violent rule is still a possibility for others – though the danger of corruption by attachment to sense-pleasures needs always to be kept in mind. The Buddha here says that the intelligent person should “being aware of this, follow an even (just) path (*iti vidvā samañ-care*)”. This statement does not answer the initial question but hints at a broader principle of governance, behaving with equality. The concept of ‘*sama*’ (equal) along with “*dhamma*” (righteousness) is often referred to in the *Jātaka* stories in describing the rule of the good kings. Such rulers in the *Jātaka* stories are not those who rule out the possibility of war altogether though they often try to avoid it. While the very idea of the *Rajja sutta* may be taken as indicating the Buddha’s uneasiness about the way of the rulers of his time, the answer provided suggests the unavoidability of war given the nature of the worldly mind of the rulers and their subjects. Steven Collins, in his weighty 1998 study, *Nirvana and Other Buddhist Felicities*, talks of two modes of *Dhamma* in Buddhist texts (p. 420):

Mode 1 Dhamma is an ethics of reciprocity [the principle that good is to be returned for good and bad for bad], in which the assessment of violence is context-dependent and negotiable. Buddhist advice to kings in Mode 1 tells them not to pass judgement in haste or anger,²⁷ but appropriately, such that the punishment fits the crime. [By implication, warfare can sometimes be acceptably engaged in.] To follow such advice is to be a Good King...

Mode 2 Dhamma is an ethic of absolute values, in which the assessment of violence is context-independent and non-negotiable ... The only advice possible for kings in Mode 2 might seem to be “Don’t be one!”, “Renounce the world!”²⁸ Many stories recommend just this. Others, however, envision the utopia of a non-violent king.

Here, Gethin comments, “This is a useful distinction but I would suggest that it is *dhamma* in the second mode that is normative for early Buddhist thought. The first mode is more characteristic of later, post-canonical texts; in the Pāli canon it is restricted to certain *Jātaka*

²⁶ However, the commentaries (Jat.II.237, 403; IV.342f) say that, in order to put a final end to the continuing hostilities Pasenadi gives his own daughter Vajirakumārikā in marriage to Ajātasattu.

²⁷ In general, here relevant is the notions of “The Four Ways of Going Astray” (*satara agati*) (Harvey 2017: 105–118).

²⁸ For example, in the *Mugapakkha Jātaka* (no. 538, Jat.VI.1–30; Appleton and Shaw 2015: 1–50), prince Temiya does all he can to avoid taking on the role of being king, as he has seen that this involved cruel punishments of thieves, leading to rebirth in hell for a king.

stories²⁹” (Gethin 2007: 71), which, in the form we have them, consist mainly of commentarial prose embedding a lesser amount of canonical verses. In this context, it is relevant to consider “ethical relativism” (Pandita 2012: 2) in which the morality of an action or a profession changes depending on context. Unlike Collins (1998), Pandita (2012) argues that there is only one mode of Buddhist ethics which is “context-independent and non-negotiable” (pp. 2 and 6–7). In other words, what is good is always good and what is bad is always bad. For example, according to Buddhism, killing is immoral and saving life is moral (Kyaw 2017: 326). For Pandita (2012: 9), “a good king is termed “good” only because he is better than bad kings not because he is a morally pure person” and that the only way for the king to be morally pure is not to be a king because of what the responsibilities of ruling or governance involve. However, there appears to be evidence in the Buddhist canon and Buddhist tradition to contradict Pandita’s idea that being a good king is a “relative” conceptual idea in comparison to other bad kings. This includes the *Cakkavatti-sīhanāda Sutta* (D.III.58–79, discussed above, which recognizes norms and values that a king who claims to be righteous must adhere to. It does not teach that good kings merely maintain a relatively better profile than other rulers. This idea of relative performance in comparison to others perhaps may apply better to contemporary politicians and military leaders. What makes the legendary Aśoka stand out from other royals is his robust transformation after the Kalinga war, and the policies he subsequently implemented that might have generated far reaching-benefits to all those within his sphere of influence, not confined to a specific group.

Historically, while Buddhist ideals have always been key influences on kings in Buddhist countries, there have been notable examples where this has particularly been the case. King Sirisaṅgabō (reigned c. 247–249 CE) of Anuradhapura in Sri Lanka is a case in point, following the precepts and epitomizing the principle of non-violence (*ahiṃsā*) in his personal life and statecraft. Forced into exile in the forest when the opposition from a close contender became unendurable, he eventually made the ultimate sacrifice, severing his own head to give to his fierce opponent (Deegalle 2014: 581–583; Deegalle 2017: 42–46). A different example of virtuous statecraft comes from Thailand in the form of King Naresuan (r. 1590–1605). Victorious despite betrayal by his generals on the battlefield during a Burmese attack on Ayutthaya, he consulted the chief monk as regards their punishment. The monk advised “[T]hese events occurred merely to make manifest the miraculous nature of my Lord’s honor”, and King Naresuan demonstrated his adherence to Buddhist teachings by forgiving them (Deegalle 2014: 586–588). These are not the only examples of kings following Buddhist ideals and implementing them in the statecraft. Do the difficulties encountered by King Sirisaṅgabō in implementing non-violent and caring policies in his statecraft imply that it is an unrealistic way to govern or, rather, is it a confirmation that violence and conflict can emerge in any society at any time as long as individuals are not fully committed to the noble principles of non-violence?

THEME J: SOCIO-CULTURAL ASPECTS

The alignment of Buddhism and the state

Sallie King (2013: 635) says that:

It has ... been common, even normative, in Buddhist countries for the state and institutional Buddhism to have a mutually supportive relationship, with the Sangha giving its blessings to the ruler and the state, and the ruler supporting the Sangha and its properties. This has put Buddhism in the position of implicitly supporting the potential and actual violence of the state. ... At times national rhetoric blurs the line

²⁹ As discussed in Collins 1998: 451–66.

between religion and state and allows both state and religious actors to speak of defense of the state and the *Dhamma* as a single thing, as occurred in Sri Lanka in the twentieth and early twenty-first centuries.

Can this relationship be symbiotic, with mutual respect and cooperation contributing to the common good? Does the relationship necessarily entail the Sangha validating “actual violence of the state”, as Sallie King and some other scholars assume? They are respectively associated with two contrasting realms, the spiritual and the temporal, and State support for Buddhism, however motivated, derives from the belief that the Sangha behaves as a moral authority. The higher morality stems from the Sangha operating in a higher realm in accordance with the Buddha’s teachings and disciplinary rules. Does the state’s influence necessarily undermine the character of the Sangha? Or could the opposite occur: that the Sangha behaves as the extraordinary moral example for wider society including the state?³⁰ Do these two options exclude each other, or can they be two sides of the same scenario? There is the early twentieth-century Chinese example of Taixu, who claimed that his “Humanistic Buddhism” was aligned with the Three Principles of the People, hence that the Sangha and the current ruling ideology were sharing the same ideas and ideals. He argued that Humanistic Buddhism had to be adopted for the spiritual guidance that politics could not offer, stating clearly that his student-monks, while, on his instruction, were citizens of the new China, they were nonetheless first and foremost “religious teachers” (*zongshi* 宗师), offering spiritual and moral teachings to the wider society (Taixu 1928 and 1932; Lai 2013; Travagnin 2015). Just a few years later, the monk Fafang 法舫 (1904–1951) stressed again the need of the Buddhist clergy to be actively present in the public domain:

It cannot be said that once they have left their family life [*chu jia* 出家], monks should also neglect their role in the country [*guomin de diwei* 國民的地位]. The monastic community, regardless of whether they are scholar-monks or professional monks, are all members of nations, and in any country they have to uphold their national and social duties. Only then they can enjoy the rights guaranteed by their nation. (Fafang 1934)

Kent (2010: 158, 160) reports that during the civil war in Sri Lanka in which the Sinhalese majority state was fighting Tamil separatists, soldiers were urged to fight to defend *raṭa*, *jāṭiya* and *āgama*, which he translates both as “country, nation and religion” and “country, race and religion”. These three entities derive from the *Mahāvamsa* (Great Chronicle) which has been interpreted by many as describing the lineage of Sinhala ethnic group and its enduring relationship with Buddhism. The *Dīpavamsa* (Chronicle of the Island) discusses explicitly how the ancestors of the Sinhalese came to the island called Lankā. Yet of course such a melding of state and Buddhist interests have, in different countries and times, been variable in extent and effects, and in any instance are subject to debate. In Sri Lanka, where the population is 74% Sinhalese and 72% Buddhist, the government has never been exclusively Sinhalese or Buddhist, but has always included Christians, Hindus, Tamils and Muslims.

Meanwhile, the closeness between institutions of Buddhism and the state in the modern period, has led to the military use of temples in some contexts.

What norms have actually shaped the conduct of Buddhists during war?

Buddhists have certainly been involved in plenty of armed conflicts over the centuries (Jerryson and Juergensmeyer 2010; Jerryson 2018). Schmithausen talks of a “compartmentalization of values” (1999: 53, cited in King 2013: 634) and comments (1999: 52, cited in Gethin 2007: 72):

³⁰ A recent comprehensive work on the relationship between Buddhism and modern state is Whalen-Bridge and Kitiarsa (2013).

[One] of the reasons for the frequency of wars even in Theravāda Buddhist countries seems to have been that in these countries government and politics continued to be guided to a large extent by their own systems of values, which, being derived from, or at least strongly influenced by, ancient Indian manuals of law, politics and administration [the *Dharma-sūtras*, *Manu-smṛti* and *Arthaśāstra* of Hinduism], focused on maintaining and extending power and were thus quite different from the Buddhist system of values.

However, Andrew Huxley (1995) writing on the Burmese legal history since Pagan period (1044–1279) demonstrates a wide range of influences shaping the Burmese legal texts for the laity, known in Burmese as *dhammathats* and *rajathats*. A *dhammathat* from Pagan was influenced not only by the *Arthaśāstra* but also the Pāli canonical account of the myth of the first king, Mahāsammata, elected by all in order to restore order when violence due to greed had got out of control. The canonical source for this important myth on the role of kingship is the *Aggañña Sutta*, the “discourse on origins” (D.III.80–98; Huxley 1995: 52–53), and commentaries expanded on this notion of the mythical original king. By the early 18th century a Burmese monk named “Khemacara in his monumental *Vinicchayarasi* dhammathat [*sic*] attempted to demonstrate that every rule in the dhammathats [*sic*] could be traced to a source in the Pāli canon” (p. 53). Huxley, therefore, argues that “the law for the laity [in Burma] is, in a deep sense, Buddhist” (p. 47). Huxley also highlights a highly complex system of politics involving kings, learned monks – usually the monastic experts in the *vinaya* (*vinaya-dharā*) – and lay lawyers (*she-ne* in Burmese). Huxley’s numerous writings on Buddhism and law as well as Christian Lammerts’ doctoral dissertation on the *dhammathat* manuscripts and texts in pre-modern Burma would be relevant to IHL.

K.N. Jayatilleke (1967) refers to Indian literature in Sanskrit such as the *Śānti-parva* or “Book of Peace” (twelfth book of the *Mahābhārata*³¹) containing a developed set of rules regularizing the behavior in a war situation, and points out, with support from international scholars, how these aspects of Hindu statecraft had been shaped under the influence of Buddhist thought which emphasized the importance for rulers of such virtues as humaneness, nonviolence, and righteousness.

Justice of the Peace Christopher G. Weeramantry says (2007: 6):

Buddhist rulers actually engaged in warfare attached much importance to the rules of conduct in war which had been very elaborately worked out by Hindu jurists.³² These jurists had worked out with great specificity the rules of fairness in combat such as equality of arms, protection of civilians, treatment of prisoners of war, permitted weaponry, and even hours of warfare.

Weeramantry cites Christopher Isherwood (1963: 247): “A soldier mounted on an elephant may not attack a foot-soldier. No man may be struck or shot while running away. No one may be killed who has lost his weapons.” Weeramantry (2006: 38) further states:

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

By “Hindu”, we should understand here “Indic”, i.e. belonging to the broader culture milieu in or influenced by the Indian subcontinent, i.e. the broader culture which gave rise to

³¹ <http://www.sacred-texts.com/hin/m12/index.htm>
<http://www.rsvidyapeetha.ac.in/mahabharatha/summary/eng/12.pdf>

³² See Sinha 2005.

and nurtured the forms of religion later identified as “Buddhist”, “Hindu”, “Jain”, etc. In recent decades, there has been an essentializing of Buddhist and Hindu identities out of political motivations, yet it is more informative if we recognize the shared cultural and scientific heritage. Even Aśoka’s Buddhism and policies were, as Basham has demonstrated, heavily influenced by the *Arthaśāstra*, a treatise on the exercise of political power attributed to the chief minister of Aśoka’s grandfather Candragupta, generally perceived as Hindu, and likened to Machiavelli’s *The Prince* in its psychology of power games (Basham 1982: 133–4). It would be useful to more fully explore these aspects of Indic law, and their influence on and application by Buddhists over the centuries. The same applies to other broader cultural influence, such as the Confucian influence on Buddhists in East Asia, as regards conduct in war. Further, to what extent have Indic, Chinese, European and other forms of statecraft and legal systems influenced modern legal and governmental systems in Buddhist regions across Asia?

Violence “in Defense of the *Dhamma/Dharma/Sāsana*”

Early Buddhist texts such as the *Cullavagga* of the *Vinaya* contain the idea of the decline of the *Sāsana*, the institutions such as the Sangha and scriptures that support the *Dhamma*, over time. This decline is regarded as a result of corruption within the Sangha or society. Because of the attention paid in modern scholarship to the nuns order, modern readers after often familiar with the ordination of nuns (*bhikkhūṇī*) during the Buddha’s own lifetime being blamed for a halving the lifespan of the Buddha’s full teaching to “five hundred years”, but other developments, such as the neglect of proper practice, are also associated with decline.³³ The notion of decline here fundamentally affirms the most crucial doctrine of the Buddha, the notion of impermanence (*anicca*), a grounding principle and a significant contribution that the historical Buddha made to wider civilization in understanding the human predicament. This does not mean that the truth aspect of *Dhamma* can in any way decline, but that the extent to which people understand these truths, and practice in accordance with the path aspect of *Dhamma*, tends to decline over the centuries.

However, there has been a tendency to see the use of force (e.g. violence) in defense of Buddhist people, governments, buildings and symbols as the same as defending *Dhamma*. To the extent to which the transmission of the *Dhamma* is protected, and Buddhists – and others – are protected, this makes sense, but the use of force (e.g., “hard” force such as violence and killing) is itself a negation of the *Dhamma*, of its very core value of non-violence. That this tension is recognized is reflected in the fact that Buddhist leaders and soldiers who have been involved in wars have tried to counteract this damage to *Dhamma*-practice by compensatory acts of merit. The idea is that practicing mundane and this worldly acts of generosity to the Sangha, be this on the part of modern military figures and their families, or historical figures such as Duṭṭhagāmaṇī³⁴ and Aśoka, both supports Buddhism and, as good karma, generates karmic benefit or “merit”, *puñña*, for the donor. But generosity (*dāna*) is only one Buddhist value among many, the beginning point of the ten perfections, and can be very much this-worldly and often self-centred for some; ethical discipline (*sīla*), contemplative life, commitment to non-violence and compassion are also Buddhist values.

In “Anchored by Skillful Roots,” Bhikkhu Thanissaro³⁵ says:

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

roots in the mind. It's by nourishing the skillful roots that the health of the mind survives.

This raises issues for Buddhist chaplains.

For some, then, the use of “hard” force (e.g., “violence”) in such cases is out of the question because they hold an “absolute” pacifist position of the Buddha’s teachings; for others, in the context of uncertain political situations and daunting realities, it is seen as sometimes necessary, holding a “qualified” pacifist position and seeing instrumentality as well as efficacy of the use of force in establishing peace and ensuring the wellbeing of many innocents, an important concern of the IHL, too.

CONCLUSIONS

Drawing primarily on the concepts and teachings of authoritative Buddhist texts, with some references to historical and recent examples, this paper has delineated some of the possible convergences between Buddhist teachings and International Humanitarian Law (IHL). Conference participants are invited not to repeat the material presented here, but to augment and critique it, to target gaps it missed or develop new areas it left uncovered. Just as Schmithausen’s (1999: 53) “compartmentalization of values” describes what can happen to the behavior of Buddhists on the ground in practical situations today and in the past, so within the field of Buddhist studies, the emphasis in Buddhist teachings on non-violence, and the first precept not to cause loss of life, seem to have caused a compartmentalization of research. For, while there are plenty of writings on Buddhist teachings to avoid violence, there is little on how to practice Buddhist values within armed conflict situations, and on how to regulate the conduct of armed conflict, such as the rules of IHL, once it has broken out, which this conference aims to explore. While exploring correspondences between Buddhism and IHL, another task for conference papers, then, might be look at explicit and implicit Buddhist responses to the specifics of armed conflict-related matters (rape, theft, abuse, revenge violence etc.) – not necessarily within a war situation from wherever those Buddhist teachings, practices and principles are found – in order to make more conscious and explicit the duties of Buddhist combatants and other actors during armed conflict.

These matters are to be looked at from multiple perspectives, drawing on Buddhist texts, practices, and past examples, and from the experience of those who have been involved in such situations. These matters should be viewed from the perspective of all participants. For example, reflections and advice from ex-soldier monks, and perhaps also ex-monk soldiers, also fall within the scope of the conference.

However, if researchers are to succeed in this task, it is crucial that they first acquaint themselves with the core principles of IHL, which aims to balance military necessity with humanity and protect the lives and dignity of non-combatants, as well as regulating the means and methods of warfare.

An important body of material used to develop Buddhist principles is the *Vinaya*, the body of rules designed to govern the lives of monks and nuns. Given that *vinayas* are primarily aimed at monastics at the time of the Buddha and in the early centuries after this, how do these provide values beyond a monastic context and in the contemporary situation? We see, even within the time that the *vinayas* were compiled, developments in understanding leading to minor differences between *vinayas*, in ways that might influence the application of its principles today.³⁶ Papers could therefore consider whether there are other changes – in

³⁶ An example of such a development pertinent to the topics under consideration here is changing medical understandings of the physical responses to rape reflected in the commentary explaining rape in the explanations of the first *pārājika* rule (Shih 2000).

science, technology, law or cultural context – that might also be relevant to changes in how Buddhists might perceive such issues today?

Given the expertise on meditation as a technology of positive change developed throughout the history of Buddhism, what types of meditation might be beneficial in ensuring that the highest values of Buddhism and IHL are followed during armed conflict? Which of these might help to alleviate the suffering caused by war?

The themes outlined in this exploratory paper and the suggestions proposed in this conclusion are designed to prompt reflections and research for papers, but not restrict the scope of those investigations.

ABBREVIATIONS

- A. *Aṅguttara Nikāya*; tr. Bhikkhu Bodhi *The Incremental Discourses of the Buddha*, wisdom in 2012.
- AKB *Abhidharmakośa-bhāṣyam* (of Vasubandhu – mostly Sarvāstivāda); tr. L.M.Pruden (from L. de La Valleé Poussin’s French translation), *Abhidharmakośabhāṣyam*, 4 vols., Berkeley, Asian Humanities Press, 1991.
- D. *Dīgha Nikāya*; (tr. M.Walshe, *Long Discourses of the Buddha*, 2nd revised edition, Boston, Wisdom, 1996, one vol.
- Asl. *Aṭṭhasālinī*; (tr. Pe Maung Tin), *The Expositor*, 2 vols, London, PTS, 1920 and 1921.
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