



Constructing peace within war:

Buddhism and International Humanitarian Law

Claudio Cicuzza, Mahidol University

“Review Article” on the following publications:

1. Bartles-Smith, Andrew (*et alii*) (2020). Reducing Suffering During Conflict: The Interface between Buddhism and International Humanitarian Law. *Contemporary Buddhism* 21 (1-2): 369–435.
2. Harvey, Peter (2022). Buddhist Motivation to support IHL, from Concern to Minimise harms inflicted by Military Action to both those who suffer them and those who inflict them. *Contemporary Buddhism*. DOI: 10.1080/14639947.2021.2037892: 1–21.
3. Premasiri, P.D. (2022). Implications of Buddhist Political Ethics for the Minimisation of Suffering in Situations of Armed Conflict. *Contemporary Buddhism*. DOI: 10.1080/14639947.2021.2037893: 1–16.

1. Introduction

During the last few years, we noticed a growing exchange of ideas between Buddhist scholars (from monastic and lay communities) and experts (activists, philosophers, scholars of international relations, etc.) working in the field of International Humanitarian Law (IHL).

This fruitful dialogue seems particularly vital in Southeast Asia, where the dynamic office of the International Committee of the Red Cross (ICRC) in Bangkok, established in 1975, promotes meetings, academic conferences, joint publications, and regular sharing of ideas with Buddhist scholars.

People from Asia and the West, from different Buddhist countries, and from various traditions and backgrounds, participate with fervent enthusiasm and competence in all these activities. After the successful international conference organized in Dambulla, Sri Lanka, in September 2019, the ICRC is now organizing – in collaboration with Chiang Mai University, Mahidol University, and Shan State Buddhist University – a second conference at Chiang Mai University, in December 2022, on the theme of “Reducing Suffering during Armed Conflict – The Interface between Buddhism and International Humanitarian Law”.¹

¹ See the call for papers here: <https://blogs.icrc.org/religion-humanitarianprinciples/call-for-papers-buddhism-ihl-chiang-mai/>



The International Humanitarian Law “is a set of rules that seek to limit the humanitarian consequences of armed conflicts. It is sometimes also referred to as the law of armed conflict or the law of war (*jus in bello*). The primary purpose of IHL is to restrict the means and methods of warfare that parties to a conflict may employ and to ensure the protection and humane treatment of persons who are not, or no longer, taking a direct part in the hostilities”.² I believe that the teachings of the Buddha are indispensable (and are becoming even more crucial nowadays) in reducing suffering and violence during any sort of war: the dialogue among Buddhist scholars and the International Committee of the Red Cross will soon bear fruits and positive results.

2. Buddhism and IHL

In this short work, I would like to review three articles recently published by eminent Buddhist scholars and experts in IHL. Among the numerous publications available on this complex topic, I selected three works that recently appeared on *Contemporary Buddhism*. They are some of the outcomes of a project launched by the International Committee of the Red Cross in 2017 and aimed to examine the degree to which Buddhism might complement or enhance international humanitarian law.

2.1. The first article I would like to review is a superb and complete introduction to the theme: “Reducing Suffering During Conflict: The Interface between Buddhism and International Humanitarian Law”. This work offers an extensive description of some Buddhist philosophical ideas and practices, which could positively impact the decrease of suffering during conflicts. The authors are all widely known and esteemed scholars: Andrew Bartles-Smith, Kate Crosby, Peter Harvey, P. D. Premasiri, Asanga Tilakaratne, Daniel Ratheiser, Mahinda Deegalle, Noel Maurer Trew, Stefania Travagnin and Elizabeth Harris.

At the very beginning of their work, they give a remarkable historical introduction to the studies that have been published on the Buddhist approach to violence and warfare: many of the pioneering works were produced by Sri Lankan scholars (Weeramantry, A.T. Ariyaratne, K.N. Jayatilleke, etc.), but also European were prolific and active (Schmithausen, King, etc.). Then, after a very clear explanation of the social and legal theories of the IHL, the discussion on Buddhist philosophies starts: it deals not only with the Theravāda tradition but also with

² See *International Humanitarian Law Answers to your Questions*. (2015). Geneva: International Committee of the Red Cross, p. 17.



several Mahāyānic schools and tradition in Tibet, China and Japan. A central role is played by the four Brahmavihāra, the Abodes of Brahma, i.e. love, compassion, empathetic joy and equanimity. They are functioning not only to reduce the possibility to have conflicts but also to decrease suffering and violence during and after wars.³

Concerning the discussion on the list of prohibited livelihoods, on page 378, I think it is indispensable to read the commentary on the Majjhima Nikāya. It clearly says that those mentioned wrong livelihoods – which do not include the soldier’s profession – are not the only possible ones. According to the *Papañcasūdanī* we should consider “wrong livelihoods” (*micchā-ājīva*) all the possible ways to earn a living that instigate us to infringe the precepts, above all, the first one, “do not kill”.⁴

I was particularly glad to read a quote from an article by Rupert Gethin: it sweeps aside all the possible misunderstandings and wrong interpretations of the Buddhist normative texts. According to the *Abhidhamma* “wilfully killing someone [...] is always the result of unwholesome/unskillful intentions rooted in hatred and/or delusion”.⁵

In the last part of the article, the authors deal with specific problems such as Buddhist rulers, soldiers, prisoners, violence against women, and so on.

2.2. The second article I would like to review is by Peter Harvey, one of the leading scholars in Buddhist studies, whose book on Buddhist Ethics is a milestone not only for Buddhist scholars but also for intellectuals interested in western Ethics.⁶ The title of the article is: “Buddhist Motivation to support IHL, from Concern to Minimise harms inflicted by Military Action to both those who suffer them and those who inflict them”. In his work, Peter Harvey offers a deep investigation of the problem by considering the complex philosophical analysis of ethical problems that we find in Buddhist texts. His constant reference to the Pali, Sanskrit and Chinese Buddhist texts gives this article authority and philological reliability: these are necessary elements that make the dialogue between Buddhism and IHL fruitful and effective, without any risk of becoming just an abstract and speculative conversation.

³ On the meaning of *mettā/maitrī*, that here I translate with “love”, see the interesting discussion by Lamber Schmithausen in his *Buddhism and Nature*, Tokyo 1991, p. 40.

⁴ MN 117 (PTS, iii, 75): *katamo ca, bhikkhave, micchāājīvo? kuhanā, lapanā, nemittikatā, nippesikatā, lābhena lābham nijiḥsanatā*. The commentary *Papañcasūdanī* (MN-aṭṭ) (PTS IV, 133): *Micchāājīvassa pahānāyāti ettha na kevalam pāliyam āgatova micchāājīvo, ājīvahetu pana pavattitā pāṇātipātādayo sattakammāpathacetanāpi micchāājīvo*. See also *Visuddhimagga*, I, §§ 61-65.

⁵ Rupert Gethin (2004). Can Killing a Living Being ever be an Act of Compassion? *Journal of Buddhist Ethics* 11: 167–202.

⁶ Peter Harvey (2000). *An Introduction to Buddhist Ethics. Foundations, Values and Issues*. Oxford: Oxford University Press.



Pater Harvey guides the reader on an interesting journey, which starts from the Buddhist precepts and arrives to the soldiers’ ethics and to the extreme attempt to minimise harm to others and oneself.

The final considerations on the intention of human actions are particularly interesting, and Rupert Gethin’s article is quoted again, showing its centrality in this discourse.⁷ The “intention behind human actions” is directly connected to the analysis of “meritorious acts”: on this theme, Peter Harvey quotes the *Aṅguttara Nikāya* (PTS IV, 60–63) and an essential part of his book on Ethics.⁸ The idea of “gift” (*dāna*) can be taken as an example of how any action should be performed, and from which kind of state of mind it should be generated. The *Aṣṭā-daśa-sāhasrikā-prajñāpāramitā* offers a clear description:

“At the time when the Bodhisattva, coursing in perfect wisdom, gives a gift, he does so having stood in a thought without outflows, and he does not review a sign, i.e. him who gives, him to whom he gives, what he gives, who am I that gives. He gives his gifts with a thought free of signs, without outflows, free from craving and ignorance. He does not review that thought, nor that gift, and so on up to the all the Buddhadharmas” (tr. by Edward Conze).⁹

2.1. The third and last article I would like to review is written by Pahalawattage Don Premasiri, whose scholarship, erudition, and understanding of the Buddha’s teachings are well known among all Buddhist scholars. His article, “Implications of Buddhist Political Ethics for the Minimisation of Suffering in Situations of Armed Conflict”, allows us to really penetrate the Buddha’s teachings in the Pali texts and offers a chance to better understand how to minimise the impact of suffering during an armed conflict.

P.D. Premasiri immediately notices that, in the *Majjhima Nikāya* (PTS I, 108), the purposes of the entire corpus of the Buddha’s teachings is clearly stated:¹⁰ it is “for avoiding conflict (*viggaha*) with anyone in the world, and to end all tendencies in the human mind to engage in behaviour productive of quarrels that may eventually grow into wars or major forms of

⁷ See note 5.

⁸ Peter Harvey (2000), pp. 19–21.

⁹ *yasmīn samaye bodhisattvo mahāśattvaḥ prajñāpāramitāyām caran dānan dadāti. so ’nāśrave citte sthityā dānaṃ dadāti. sa tatra anāśrave citte sthito nimittaṃ na samanupaśyati. ko dadāti kasmai vā dadāti. kena vā dadāti ko vā dadāmi. sa nimittāpagatena cittena dānaṃ dadāty anāśraveṇa viḡatatrṣṇeṇa viḡatāvidyena, sa tac cittaṃ na samanupaśyati. tad dānaṃ na samanupaśyati. yāvāt sarvabuddhadharmeṣu kartavyaṃ. See Edward Conze (1974), *The Gilgit manuscript of the Aṣṭādaśasāhasrikāprajñāpāramitā*, chapters 70 to 82, corresponding to the 6th, 7th and 8th Abhisamayās. Roma: IsMEO (Serie Orientale Roma, 46), p. 12, and, for the English translation, see Edward Conze (1979). *The Large Sutra on Perfect Wisdom with the divisions of the Abhisamayālaṅkāra*. Delhi: Motilal Banarsidass, p. 557.*

¹⁰ See p. 2.



armed conflict”. So, the elimination of suffering (*dukkha*) is the main goal of the Buddha, and his teachings can have positive effects above all on that form of suffering generated by unwholesome (*akusala*) conducts of human beings themselves. The *akusala* actions are just more numerous, cruel, and fatal during armed conflicts, but they do also exist during periods when peace seems to rule over the world. Then, Premasiri focuses his analysis on the “Buddhist fictional literature”, as he calls it, i.e. the large body of texts that contains the stories of the previous lives of the Buddha called “*Jātakas*”. In the *Jātakas* we find the full elaboration of the *Dasa-rājā-dhamma*, the “tenfold governance principle” that should guide the decisions of all political leaders. Premasiri offers several examples from different *Jātakas*, which also include self-sacrifice (*pariccāga*) as *extrema ratio* to avoid more catastrophic events: “In the past, even the wise rulers of gods, when defeated in war and fleeing over the ocean, resolved that the destruction of life (*pāṇavadha*) for the sake of maintaining one’s power was unjustified. To this end, risking their great reputation, they brought their chariot to a stop, saving the life of the fledgeling Supaṇṇas” (tr. by Premasiri).¹¹

In several *Jātakas* (*Mahāsīlāva Jātaka*, *Asātarūpa Jātaka*, *Asadisa Jātaka*, etc.) we read that a king has to treat even criminals with sympathy and try to reduce suffering as much as he can, even for his enemies: this is an explicit confirmation of the importance of the rules of the *Dasa-rājā-dhamma*.

Premasiri’s conclusion on King Asoka is significant. The political ideas of the Indian monarch clearly appear written in the Edicts: “Asoka’s edicts also reflect to considerable extent conformity with the royal ethical principles implicit in the standard list of 10 that came to be established in the later period of Buddhism”.¹²

3. Conclusions

The three articles I have reviewed, here, have different characteristics and use various methodologies to analyse the connection between Buddhism and IHL. The first also contains elements of social science and contemporary history; the second has a more philosophical approach; the third deals with history and textual studies, emphasising the often neglected Buddhist literature of the *Jātakas*.

¹¹ See *Kulāvaka Jātaka*, PTS I, 198.

¹² See p. 12.



The authors of these three works are all showing the crucial importance of the Buddha’s teachings for International Humanitarian Law. The message contained in Buddhist texts pertains to all human beings, in all possible conditions and circumstances: a peaceful moment can contain *akusala* seeds which will produce sooner or later suffering and predicaments. The gradation of suffering caused by unwholesome actions and thoughts can vary from a very low level to a high form of affliction, where violence and hate can generate extensive conflicts. But the process that gives birth to suffering does not change. Any form of sorrow has had a similar genesis: only the intensity can change. The process is shown in one of the versions of the *paṭṭicasamuppāda*.¹³

“Now, craving is dependent on feeling, seeking is dependent on craving, acquisition is dependent on seeking, ascertainment is dependent on acquisition, desire and passion is dependent on ascertainment, attachment is dependent on desire and passion, possessiveness is dependent on attachment, stinginess is dependent on possessiveness, defensiveness is dependent on stinginess, and because of defensiveness, dependent on defensiveness, various evil, unskillful phenomena come into play: the taking up of sticks and knives; conflicts, quarrels, and disputes; accusations, divisive speech, and lies.”¹⁴

In its feeble and strong forms, the generation of suffering follows the same pattern: the effective countermeasures taught by the Buddha will help during apparently peaceful moments but also during wars and conflicts, since the only real “enemy” is suffering.

Acknowledgements

I want to thank Prof. Dr Pagorn Singsuriya, Head of the Department of Humanities at Mahidol University, for sharing his philosophical observations on this topic and his ability to create bridges and break walls. I also want to express my deep admiration for what Andrew James Bartles-Smith, Daniel Ratheiser, and their team are doing at the International Committee of the Red Cross (Bangkok): the activities they are organizing have a huge positive impact in our global society.

¹³ See *Mahānīdānasutta*

¹⁴ *Iti kho panetaṃ, ānanda, vedanaṃ paṭicca taṇhā, taṇhaṃ paṭicca pariyesanā, pariyesanaṃ paṭicca lābho, lābhaṃ paṭicca vinicchaya, vinicchayaṃ paṭicca chandarāgo, chandarāgaṃ paṭicca ajjhosānaṃ, ajjhosānaṃ paṭicca pariggaho, pariggahaṃ paṭicca macchariyaṃ, macchariyaṃ paṭicca ārakkho. Ārakkhādāhikaraṇaṃ daṇḍādāna-satthādāna-kalaha-viggaha-vivāda-tuvaṃtuvaṃ-pesuññamusāvāda aneke pāpakā akusalā dhammā sambhavanti.* (MN 15, PTS II, 58)



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