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Aquinas and Mipham on Military and Punitive Violence: A Tribute to Michael Jerryson

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Aquinas and Mipham on Military and Punitive Violence: A Tribute to Michael Jerryson

Damien Keown¹



Figure 1: (left) St Thomas Aquinas by Sandro Botticelli, c.1480; (right) Mipham, source <http://www.lotsawahouse.org/mipham.html>, Wikipedia CC license.

Abstract

The claim that Buddhism is exclusively a “religion of peace” has been shown to be untenable. Buddhism now faces the challenge of explaining how the pacifist spirit of its teachings can be reconciled with its well-documented recourse to military and punitive violence. Buddhism is not the only religion to face this challenge, and we first consider the Christian stance on violence as formulated by St.

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Thomas Aquinas before turning to the views of the Tibetan polymath Jamgön Mipham. We consider to what extent the views of the two thinkers are compatible and conclude with a suggestion as to how what Michael Jerryson calls “the quandary of Buddhism and violence” might be resolved.

Introduction

As the pioneering work of Michael Jerryson has shown, the claim of Buddhism to be a religion of peace is not sustainable.² Jerryson speaks of his and other work in the field as “disrupting the social imaginary that holds Buddhist traditions to be exclusively pacifist and exotic” (*Buddhist Warfare* 3).³ Repeated challenges to this imaginary have focused attention on a problem that Stephen Jenkins formulates in the following terms:

² This article is the third of three on the theme of “just war.” In the first article (“Deterrence”), I suggested that even on a strict application of the principle of non-harming (*ahimsā/avihiṃsā*) Buddhism could allow the threat of force for purposes of deterrence. In the second article (“Towards”), I offered a justification for the *actual* use of force centering on the notion of intention.

³ As Vladimir Tikhonov observes, this “social imaginary” reflects the values of Western peace activists more than those of Buddhism. “Pacifist trends in Euro-American Buddhism,” he writes, “not infrequently looked more like a way of acculturating an Asian religion, rather than a demonstration of any essential ‘peacefulness’ of Buddhism” (46). David Chapman offers a more radical critique of the assimilation of Buddhism by the American left. “Is there any significant issue,” he asks, “on which ‘Buddhist ethics’ disagrees with contemporary Western leftish secular ethics?” (<https://vividness.live/buddhist-ethics-is-not-buddhist-ethics>). The process of acculturation by which a socially conservative Asian tradition has been represented as closely aligned with liberal Western values is a phenomenon worthy of further study. On the question of pacifism, Robert Bosco notes that the pendulum has begun to swing the other way in the form of “an

Buddhist military and punitive violence, which has historically been a consistent feature of its polities, often including monastic communities, appears to be radically and inexplicably inconsistent with the values expressed by its scriptures and inspirational figures. (300)

Jerryson refers to this as “the quandary of Buddhism and violence” (*If You Meet the Buddha* 1). Steven Collins believes the quandary is unresolvable because “the contradiction between violence and non-violence is logically unavoidable” (422). Collins sees the aporia as arising from two conflicting “modes of Dhamma,” one permitting violence and the other prohibiting it. Expanding this analysis, Michael Zimmerman identifies three stances adopted in Theravāda and Mahāyāna texts. The first simply “avoids a realistic discussion” by taking as its paradigm of kingship the mythical ideal ruler or Cakkavatti whose realm is always at peace and so recourse to violence is never required (217).⁴ The second, described as “ethically fundamentalist,” holds that “the throne of a king can only lead to hell” because the king’s duty to administer punishment is a violation of Buddhist ethics (218). This implies that “Only a fool becomes a king,” as the title of Zimmerman’s article aptly expresses it.

The third is a “pragmatic” response that depicts kingship in a more positive light and allows the use of coercive force by a virtuous and compassionate sovereign. Sources advocating this position, however, do not explain *why* the sovereign’s virtue justifies violence. One might think a virtuous and compassionate sovereign would be *more* scrupulous in

emergent *cyber-sangha* of American Buddhist soldiers” that constitutes “a new generation’s answer to the predominantly anti-war Buddhism of 1960s and 1970s that continues to define Buddhism in the public imagination” (829). Evidence of Buddhism’s more violent side had always been available but was selectively ignored. The publications of Brian Victoria (see bibliography) must be singled out as having made a major contribution to disrupting the “social imaginary” with regard to the modern history of Japan.

⁴ Variations on this theme are discussed by Tsunehiko Sugiki (“Warriors”).

avoiding violence rather than less, and indeed there are stories of kings who abdicate rather than resort to violence.⁵ The dilemma is only heightened by Buddhism's emphasis on compassion. As Bernard Faure observes, "Because Buddhists have made compassion their trademark, their complicated (and at times, disingenuous) relation with violence has raised more questions than in the case of followers of other religions" (223).

On the subject of other religions, Zimmerman opens his article with a quotation from Martin Luther's tract *Whether Soldiers, Too, Can Be Saved* (1526), and Christian thinkers from the patristic period onward have wrestled with the "split vision" that arises when authoritative strands of a tradition both affirm and deny violence. The mainstream Christian solution (not without its dissenters) was to formally acknowledge the power of "the sword" (Romans 13:4) and accept a division of labor between church and state such that "civil authorities are entrusted with arms to maintain the peace of the *res publica*, while the *ecclesia*, by contrast, steadfastly avoids any responsibility whatsoever for the shedding of blood" (Reichberg 61).⁶

This solution rests on a distinction between the earthly and heavenly "cities," or "the things of God and the things of Caesar."⁷ We see a

⁵ Examples are mentioned by Zimmerman.

⁶ Among the dissenters were Gnostics like the Albigensians or Cathars of Aquinas's day who opposed any form of violence. It was their view that "secular powers sin mortally in punishing evildoers and heretics," a position Aquinas countered by saying that "God did not intend to prohibit resistance to evil when it is undertaken for love of the public good" (quoted in Reichberg 55). The pacifist position is found in earlier Christian authors like Tertullian (b. 160) and Lactantius (c. 250-c. 325), and flourishes today among "peace churches" like the Quakers. Leading contemporary exponents of Christian pacifism include Mennonite theologian John Howard Yoder and Methodist Stanley Hauerwas.

⁷ There were different perspectives on the value of the "earthly" city. For Augustine (381-430) "political life was corrupted by man's hereditary inclination to evil, and the state was a coercive institution designed to maintain a minimum of order in a sinful world."

similar distinction in Buddhism between worldly (*lokiya*) and other-worldly (*lokuttara*) values, or “the wheel of rule” (*aññācakka*) and “the wheel of Dhamma” (*dhammacakka*).⁸ A successful reconciliation of this “two kingdom” ethic will require a “middle way” between the extremes of total pacifism—what Collins calls a “virtuoso-ascetic” understanding of *ahiṃsā* (421)—and frenzied violence of the kind unleashed by militant nationalism.

This article will explore the scope for a middle way by considering the views of two distinguished thinkers from the traditions just mentioned. We begin not with Martin Luther⁹ but St. Thomas Aquinas (1224–1274), the renowned interpreter of Aristotle.¹⁰ Aquinas’s writings are

For Aquinas, on the other hand, political life was necessary for full human development, such that government has “a positive role and moral justification” (Sigmund 218).

⁸ There are historical examples of these two orders being administered by a single authority, as in the case of theocratic rule in Tibet and Caesaropapism in Christianity. However, a justification for violence is called for regardless of who controls the levers of power. Ruegg (10) mentions that in Tibet the representatives of the two systems (known as “priest and patron”) were often spoken of as “conjoined” (*zung ’brel*) “like sun and moon” (*nyi zla ltar*), an image also employed by Christian writers. Thus, Eschmann reports that Pope Innocent III (1161–1216) compared Church and State to “the two great lights in the firmament” (Aquinas xix).

⁹ Luther (and Calvin) accepted the position developed by Augustine and Aquinas (Ballor *Reform* 511). This “standard medieval teaching” was that “God had instituted a public power (‘princes’) to impose penalties for malfeasance, such that private individuals were prohibited from taking initiative in this domain. Hence, those who permissibly resist evil for love of the common good are first and foremost princes, judges, soldiers, and others who have responsibility for maintaining public order” (Reichberg 56). I am indebted to Reichberg throughout for Aquinas’s views on war, and to Koritansky and Jensen for his views on punishment.

¹⁰ Aquinas differs from Aristotle on many points. Joseph Owens detects “a radical difference between the philosophical thinking of Aquinas and that of Aristotle, despite Aquinas’s use of the Aristotelian vocabulary” (39). He comments “there are serious difficulties in finding one-to-one correspondence between important philosophical doctrines in

extensive but the justification for military and punitive violence considered here is taken from his *Summa Theologiae* (ST). In his discussion of war in part II-II of this work, Aquinas “indicates his overriding concern to place warfare within the overall moral scheme of the Christian aim of salvation” (Russell 259). We will explore how he approaches this challenge in the first half of the paper. In the second we examine the views on war and punishment of the Tibetan polymath Jamgön Mipham (1846-1912) as set out in his *A Treatise on Ethics for Kings: An Ornament for Rulers*. We then consider to what extent the views of the two thinkers are compatible and conclude with a suggestion as to how the quandary of Buddhism and violence might be resolved.¹¹

Aquinas

Like the Buddha, Aquinas was born into a military family and contrary to his family’s wishes chose a career as a monk. As a friar in the Dominican order, he became the most influential thinker in the classical phase of the “just war” tradition.¹² His main contribution was to introduce Aristotelian political concepts into the classical teachings on war developed by his patristic predecessors. As historian Frederick Russell observes:

In the thoughts on war scattered throughout his works, Aquinas fused the Aristotelian political theory to the traditional Augustinian outlook of his predecessors. His comprehensive treatment incorporated such Aristotelian

Aquinas and their counterparts in Aristotle” (40). For a direct comparison with respect to specific philosophical topics, see James Doig.

¹¹ I retain the term “violence” because it is customary in the literature despite its prejudicial association with the *wrongful* use of force.

¹² On the influence of Aquinas see Matthew Levering and Marcus Plested.

tenets as the naturalness of political authority, the teleology of communal life, and the superiority of the common good over the good of the individual. (258)

Drawing on these concepts, Aquinas defended and refined the view of his predecessors that what is unlawful for private citizens may be lawful for public officials. We see this principle affirmed in an observation he makes towards the end of a discussion on self-defense:

But as it is unlawful to take a man's life, except for the public authority acting for the common good, as stated above, it is not lawful for a man to intend killing a man in self-defense, except for such as have public authority, who while intending to kill a man in self-defense, refer this to the public good, as in the case of a soldier fighting against the foe, and in the minister of the judge struggling with robbers, although even these sin if they be moved by private animosity.¹³ (ST II-II,64,7)

Aquinas here states that it is unlawful to kill intentionally even in self-defense but notes an exception, namely the case of those who act with "public authority." Under this rubric he includes "a soldier fighting against the foe" and the "minister of the judge struggling with robbers." The justification offered is that these officials act for the "public good," and St. Thomas points out that their actions would not be lawful if "moved by private animosity." Self-defense here serves as an example of the circumstances in which an official might intentionally commit homicide, but

¹³ All translations from the works of Aquinas are from the online editions published by The Aquinas Institute (<http://aquinas.cc>).

self-defense is not the ground of the justification.¹⁴ The ground, rather, is the common good or, as we might say today, “the public interest.”

The Common Good

The notion of the “common good” (*bonum commune*) or “common welfare” first appears as a central organizing concept in Aristotle’s *Politics* (chapter three) where it denotes the goods that are constitutive or definitive of a community and which provide the rationale for the community’s existence.¹⁵ In concise terms, the common good might be defined as “a collective flourishing in the goods proper to virtue” (Reichberg 78). Aquinas, like Aristotle, did not conceive of the common good as “the greatest good of the greatest number” after the fashion of utilitarianism, but as an ecology of well-being in which individuals share the good in a spirit of friendship and mutual concern (Porter). Theologian Jordan Ballor employs the image of a garden to illustrate this interdependency:

A helpful image for understanding the relationship of common goods in this sense is to picture a garden in which a

¹⁴ As Gregory Reichberg notes, “Thomas Aquinas and his successors did not analyze just war by extrapolation from the related idea of self-defense. Rather they likened just war to a legal proceeding that could be undertaken solely by persons possessed of legitimate authority” (xi). He adds that medieval canon law took a “very robust” view of what was permitted in self-defense; and, partly for this reason, suggests “Aquinas construed self-defense as an aim that might justify the application of necessary and proportionate force against an assailant, even to the point of deliberately causing his death, if this is the only effective measure available under conditions of urgency” (173f). Scholarly opinion is divided on the limits Aquinas places on self-defense.

¹⁵ As Donald Morrison notes, “Aristotle’s most important discussion of the common good comes in the introduction to his discussion of constitutions, at *Politics* III 6–7” (178). Aquinas took an even greater interest in the concept referencing it some seventy times in his “*Treatise on Law*” (ST I-II, 90–97) in contrast to the eleven references by Aristotle in the *Politics* (Keys 20 n.18).

wide variety of plants are growing and flourishing. There are different conditions and care that different plants need, and they all produce different kinds of fruit, flowers, and growth. Each family of plants contributes to the common good of the garden, but that larger common good is not simply an aggregation of all the individual plants in the garden. The pollen produced by one kind of plant helps others to flourish; the shade produced by a tree allows smaller plants to grow. The garden is a complex and dynamic ecosystem, and each leaf, each branch, each plant has something to contribute to the common good of the garden. (“A Protestant Defense”)

The common good of a Buddhist society on this understanding would embrace goods pertaining to both the spiritual (*lokuttara*) and the mundane (*lokiya*) domains. The point of such a society is to make these goods manifest by cultivating and sharing them in conditions of civic peace.

Justice

Justice plays an important role in ordering the common good. In the words of John Rawls, “Justice is the first virtue of social institutions, as truth is of systems of thought” (Rawls 3).¹⁶ In contrast to the Rawlsian view of society as an agglomeration of autonomous individuals, however, Aquinas and Aristotle view humans as innately social beings who find fulfillment in communal life.¹⁷ As parts of a whole, their good arises from

¹⁶ For a comparison of the views of Aristotle and Rawls on the common good see Richard Kraut. Mary Keys discusses the concept of the common good in relation to three prominent Anglo-American theorists: John Rawls, Michael Sandel, and William Galston.

¹⁷ Aristotle understood this community as restricted to the *polis* whereas Aquinas recognizes a human *telos* that transcends local historical and cultural constraints. As Reichberg

their order to the whole, an order structured by a network of relationships, interactions, cooperation, and common commitments. Justice sustains this environment, enabling opportunities for the cultivation of virtue.¹⁸ Social well-being, however, is not reducible to either justice or civic peace. Its essence is participation in friendship in the common good, a participation that fosters the self-realization that Aquinas terms *beatitudo*, that Aristotle calls *eudaimonia*, and that Buddhism knows as nirvana.¹⁹

Punishment

Since a fair balance of benefits and burdens in a community is an important aspect of the common good, punitive sanctions are required “to avoid injustice, to maintain a rational order of proportionate equality, or fairness, as between all members of the society” (Finnis *Natural Law* 262).²⁰

notes, “Aquinas launched an original idea, one familiar to us today, yet new to medieval Europe: by their concord, premised on ties of friendship, the nations of the world constitute a natural community” (26).

¹⁸ As Morrison notes, “In several places Aristotle identifies the common good and justice . . . The basic impulse behind this identification is easy to understand. On the one hand, law aims to specify and to prescribe what is just; on the other hand, law aims to promote the common good. So the single aim of legislation can be expressed either as ‘the just’ or as ‘the common good,’ and these two expressions must therefore be equivalent” (190).

¹⁹ It is not suggested that these states are phenomenologically identical, only that they represent the highest state of fulfilment as each author or tradition conceives it. Aquinas and Buddhism also envisage a transcendent mode of well-being known respectively as *beatitudo perfecta* and “nirvana without remainder” (*anupādiśeṣa-nirvāṇa*).

²⁰ We see a similar rationale in the Vinaya in the way offences are punished to maintain the communal purity of the *saṅgha*. As Maria Heim notes, “Penalties are useful where needed for rehabilitating and purifying serious infractions and for making possible the agency of a fresh start” (Heim 176). Describing the Buddha’s ten reasons for instituting Vinaya rules, and Buddhaghosa’s explanation of them, she comments: “beyond practical and institutional concerns, they show ethical and religious commitments, creating the

Injustice typically occurs when innocent members of the community are harmed. “Innocent” here is understood in the sense of the Latin *non-nocens* (“non-harming”), in other words someone who is not threatening or attacking the vital interests of another person.

The innocent are the chief part of the common good—in essence, they embody the common good; so, to harm them is to harm the common good itself. Only when an individual has done something to deserve punishment is the king (or lawful authority) permitted to cause harm to the part in the interests of the whole. As Aquinas puts it, “It is unlawful to do a person a harm, except by way of punishment in the cause of justice” (ST II-II, 65,2). Reichberg comments, “at a most basic level, punishment is first and foremost about rectifying the violated fabric of justice,” an end that “is realized *in* the punishment itself” (196).²¹ Punishment, however, is envisaged not solely as harm and has a twofold restorative *telos*. It is educative in the sense of “teaching a lesson,” as suggested by Aristotle,²² and medicinal in healing the rift between offender and community caused by the offence.

Restitution alone is insufficient to restore the *status quo ante*. The good that has been seized as private must be restored to the community,

conditions for a good life lived with others in happiness and joy” (142f). In short, the justification for punishment in the Vinaya is “the institutional health of the community” (143) or, we might say, the common good of the *saṅgha*.

²¹ Aquinas writes, “By means of punishment the equality of justice is restored” (ST II-II, 108, 4). As the preceding quotations show, Aquinas’s theory of punishment is not derived from a “Divine Command” theory of ethics. Punishment is not imposed because God commands it, but because it is rationally required in the interest of the common good. By way of comparison, we might say that as a “natural law” theorist Aquinas believes that divine revelation *illuminates* rather than *determines* the requirements of the natural law in the way that Buddhist teachings illuminate rather than determine the requirements of Dharma. I am grateful to an anonymous reviewer for suggesting clarification of Aquinas’s position in this respect.

²² *Nicomachean Ethics* X.9.

but there is also an offence of disrespect that must be expunged. In offending, the criminal indulges his will and rejects the common good. This action introduces a disparity in favor of the criminal because he oversteps the boundaries within which law-abiding citizens remain (Koritansky *Aquinas* 332). The imbalance is redressed by the offender undergoing something contrary to his will. In this way, both the material and moral aspects of the offence are expiated, and the offender is restored to the community on equal terms with his fellows. This restoration of equality is punishment's primary function.²³ While it is common to speak of a criminal "paying his debt to society," on Aquinas's conception of punishment the roles are reversed. As Peter Koritansky writes, "Properly speaking, a criminal does not pay anything or anyone as he is punished, but rather is *paid* what he deserves by the community" (*Theories* 332 original italics).

The precise nature of the punishment imposed is determined by judicial authorities who may take into consideration psychological and other factors that may have constrained the offender's will. The form punishment takes, therefore, is not determined by the principle of *lex talionis*, as Kant would later advocate. Nor is the point of punitive justice to exact vengeance or make criminals suffer by repaying evil with evil, as opponents of retributivism often assume. To make that claim, as philosopher Richard Kraut points out, "would be to isolate the punitive apparatus of the state from the larger purposes for which that punitive system is designed" (226). Retribution is accordingly both end and means; it enacts justice and sustains the common good while simultaneously healing the rupture in the social fabric caused by the offence. As Koritansky explains, "For Aquinas . . . the goals of rehabilitation, deterrence, and the protection

²³ From a comparative perspective, Rebecca French notes: "To a Tibetan, the general purpose of punishment was to restore the community, the victim, and the gods to a position of balance." The remedial measures employed were "part of an attempt to rectify the possible social harm caused by the crime and to ensure a retention of balance in the future" (319).

of society are morally significant goals of punishment just as retribution is, even if retribution is the primary goal that gives punishment its defining character” (*Theories* 334).

Warfare

What about violence in war? Aquinas discusses war systematically only once in his *Summa Theologiae* where he sets out the classic “three requirements” for a *bellum iustum*.²⁴ His starting point is a presumption against war, here classified as one of a number of “vices against charity.” (Related vices include quarrelling, brawling, and schism.) Charity most essentially consists in mutual benevolence grounded in a shared participation in the common good. Since war disrupts the peace to which charity is ordered, it calls for justification.

Aquinas’s primary justification for war is retributive, paralleling his justification for punishment.²⁵ We noted above his statement that “any harm inflicted upon anyone is permissible only after the manner of punishment for the sake of justice.” He explains the second of his three requirements for a just war (“just cause”) as: “Those who are attacked should be attacked because they deserve it on account of some fault” (ST II-II, 40, 1). War is thus conceived of as a quasi-punishment directed

²⁴ *Summa Theologiae* II-II, 40 “Quaestio de bello” composed around 1270. The subject of war also comes up in his biblical commentaries in the same text (Reichberg ix).

²⁵ There are alternative readings. As Reichberg points out, subsequent commentators on Aquinas formulated a justification based more on objective liability such that wrongdoing itself could provide the ground for attack even when not accompanied by subjective guilt (Ch.7). On this view, the primary justification for war is harm (*noxia*) or injury (*iniuria*) rather than fault (*culpa*), with punishment being appropriate only when the wrongdoing is motivated by evil intent. On this interpretation, Aquinas never intends to ascribe such a central role to culpability, perhaps anticipating problems with such a position (McMahan).

ultimately to the good of peace.²⁶ The logic here is that that if punishment can be legitimately imposed on those who harm the common good from within (such as criminals), it is also justified in the case of those who harm it from without (such as an invading army).²⁷ Reichberg expands as follows:

Internal unity of the political community is imperilled from within when some of its members transgress the bounds of justice and in so doing disturb the security of their neighbors. But this internal unity can also be endangered from without by the attack of enemies. Guardians of unity, princes must take measures to combat both sorts of dissolution; thus against the first they impose penal sanctions to protect against internal violations of justice, and against the second they assemble their armies to ward off attack. (133)

We may note that within the category of private citizen Aquinas holds clerics to a higher standard than the laity. Accordingly, a comprehensive classification of permissible violence would distinguish three graduated levels. First, for clerics, violence of any kind is prohibited as

²⁶ The term “war” (*bellum*) includes both combat between armies and smaller-scale skirmishes described as “private war” (*bellum particular*), “as when an individual defends himself or others against the ambush of thieves, or a policeman gives chase to an armed criminal” (Reichberg 88).

²⁷ Aquinas notes in his *De Regno*, “The king’s third charge is to keep the multitude entrusted to him safe from the enemy, for it would be useless to prevent internal dangers if the multitude could not be defended against external dangers” (Aquinas 67). In connection with Buddhism, Tikhonov comments, “As to the ‘external’ violence by the kings (military campaigns), it was logically understood as continuation of monarchs’ domestic responsibilities related to criminal justice” (48).

incompatible with their office.²⁸ This restriction is similar in scope to Collins's "virtuoso-ascetic" understanding of *ahiṃsā*. Second, for private citizens, the use of violence is only permitted in self-defense or defense of others where the response is proportionate. However, such a response while licit is not obligatory: a victim of violence may judge that the good is best promoted by suffering harm patiently. Third, for public officials, the use of military and punitive violence is permitted under specific conditions in the interest of the common good as outlined above.²⁹

Natural Acts and Moral Judgments

But how can an act of violence be other than immoral? Aquinas's response is that circumstances play a role in determining an act's moral status.³⁰ The physical act of sexual intercourse, for example, can be an expression of love in one context and a violation in another. Examples from Buddhist literature include the amputation of a finger infected by snakebite and the forceful striking of a child choking on a stick or pebble (Jenkins 312f).³¹

²⁸ While waging war is not intrinsically immoral it is incongruent with a religious vocation in the way matrimony is incongruent with a vow of celibacy.

²⁹ Russell notes that Aquinas considers "wars waged for reasons other than pursuit of the common good as dangerous both to the soul and to the community, for they were waged out of motives of greed and vainglory and often resulted in the surrender of liberty to the yoke of the enemy" (263).

³⁰ Aquinas's understanding of what differentiates good and evil actions is complex but in broad outline involves three criteria: intention, circumstances (including reasonably foreseeable consequences), and the nature of the object acted upon (*the materia circa quam*) (Jensen).

³¹ Note that the causal structure of these examples is not one of doing evil to produce good (a consequentialist justification). Surgeons do not *harm* their patients; they perform acts of healing to the extent their art allows. The removal of the pebble is likewise an act of healing rather than an act of aggression. For Aquinas, the surgeon analogy works not at the level of motivation but as an illustration of the relationship between part and

Physically identical acts are performed by kidnappers and child abusers but in those circumstances have a different moral character. Aquinas's contention is that the same is true of violence in judicial punishment. In sum, while harming an innocent person and punishing a murderer are both natural and intentional acts of violence, the circumstances differentiate them morally. The former is a private action typically arising from some personal motive like hatred or vengeance, whereas the latter is a public act justly ordered by proper authority and directed to the common good. In these circumstances, punishment is in accordance with charity or what Buddhist sources would term compassion. This brings us to Mipham.

Mipham

Is the justification for military and punitive violence just outlined applicable to Buddhism? If so, perhaps intentional harming under the formality of punishment may not conflict with *ahimsā*. To explore the question further, we may consult an authoritative source on Buddhist statecraft,

whole. Thus, just as a limb serves the good of the body and flourishes as a part of it, so individuals serve the body politic and find their fulfilment in the common good. And just as a limb that endangers the body can legitimately be removed by amputation, so an individual who endangers the common good can legitimately be subjected to remedial punishment. Mipham uses the example of the amputation of a poisoned finger to justify the banishment of those who resist the king's attempts to reform them through punishment (129). Luther makes use of the surgical analogy in *Whether Soldiers, Too, Can be Saved*. The force of the body metaphor depends on how closely one conceives the relationship between individual and community. In the contemporary West, the relationship is undoubtedly looser than in the medieval society of Aquinas's day. However, one assumes that Mipham, as a Mahāyāna Buddhist, would view society as a network of interdependent relationships in a manner closer to Aquinas's understanding than that of contemporary liberal theory.

namely Mipham's *A Treatise on Ethics for Kings: An Ornament for Rulers*.³² As its translator notes, this treatise is "one of the longest classical works on the theory and practice of Buddhist kingship ever written in any Buddhist language" (Mipham 243). The work, in the *rājanīti* genre, was composed in 1895, and Mipham's late date gives him a perspective from which to survey the preceding two millennia of Buddhist reflection on statecraft and the ethics of war and punishment.³³ He claims in this work to have consulted earlier authoritative writings and "condensed into a single source all of the points concerning what is ethical and unethical" (236).

In chapter thirteen Mipham makes a passing reference to the "joint system," or the dyarchy of religious and temporal rule that reached its culmination in the Gelugpa consolidation of power under the fifth Dalai Lama in 1642.³⁴ Unsurprisingly, this development led to heightened reflection on the relationship between the two orders and stimulated the composition of works on statecraft.³⁵ Mipham, however, does not appear

³² I have relied on Cabezón's translation of this text throughout.

³³ As the translator notes, "Mipham's synthesis of the Buddhist sūtra literature provides us with an unparalleled description of kingship and statecraft in exoteric Mahāyāna Buddhism. To my knowledge, no other work, Indian or Tibetan, ancient or modern, does such a thorough job of digesting this material" (Mipham 253). Mipham takes kingship as the default political institution and says nothing about alternative systems of government. This assumption on the part of Buddhist commentators has led, especially in modern Asia, to "an urgently felt need to redefine the political foundations of Buddhism in a kingless world" (Lewis 251).

³⁴ David Ruegg elaborates on the terminology as follows: "Tibetan terms used to refer to this diarchic form of governance are 'twin system' (*lugs gnyis*), 'twin method' (*tshul gnyis*), or 'twin science' (*gtsug lag gnyis*). A further current expression is 'twin (great) rule' (*khriims [chen po] gnyis*), namely the supreme rule of the Dharma (*chos khriims*) and the mundane rule of the king (*rgyal [po'i] khriims*)" (9). Various aspects of the relationship are discussed by French and Dewey.

³⁵ Cabezón notes, "The Ganden Potrang, the government of the Dalai Lamas from the time of the Fifth Dalai Lama, considered itself, just as prior regimes had, to be the 'union' of

to regard this distinctive constitutional arrangement as requiring exceptional treatment, and his treatise proceeds along conventional lines in providing an account of the virtues and duties pertinent to royal office.³⁶ He begins by affirming that the primary task of the sovereign is to care for the common good, and states “the true king is the one who properly reflects on how to bring happiness to his subjects” (8). Unlike Collins, he appears to see no unsurmountable conflict between politics and soteriology: “Righteous nations,” Mipham observes, “are stairways that take you to heaven” (181).³⁷

Punishment

Mipham regards punishment as indispensable in securing the well-being of the people. In his view the king, as overseer of the law, should not hesitate to stamp out crime and improper behavior. The failure to impose punishment, says Mipham, will lead to the increase of evil and the destruction of the kingdom (35). To avoid these problems, “the king stops

Buddhism and politics. It is not surprising to see Gelug authors preoccupied with the two systems from the late seventeenth century, when the Gelug Church came to dominate the political affairs of Tibet” (Mipham 266).

³⁶ Thus, Mipham follows the common Buddhist format for offering royal advice, which consists in commending a list of virtues, the prototype for which are the “ten royal virtues” (*dasa-rājadhammā*) of the Jātakas. The ten are found in the *Mahāvamsa Jātaka* (534), cf. *Mahāsutasoma Jātaka* (537). They are generosity (*dāna*), morality (*sīla*), altruism (*pariccāga*), honesty (*ājjava*), gentleness (*maddava*), austerity (*tapa*), non-anger (*akkodha*), non-violence (*avihiṃsā*), forbearance (*khanti*), and uprightness (*avirodhana*).

³⁷ Aquinas counsels that “since the beatitude of heaven is the end of the virtuous life which we live at present, it pertains to the king’s office to promote the good life of the multitude in such a way as to make it suitable for the attainment of heavenly happiness, that is to say, he should command those things which lead to the happiness of Heaven and, as far as possible, forbid the contrary” (64).

those false ways and livelihoods so that the kingdom may flourish” (63).³⁸ Mipham repeatedly emphasizes the importance of justice. “A true king,” he notes, “is someone who . . . has a stable and unwavering commitment to justice” (5). “Having become the custodian of the laws,” he tells the king, “your sentencing must be just” (185). “Even though the king is compassionate,” Mipham adds, “he will impose timely and just punishments on criminals” (186). The king’s compassion is not limited to wrongdoers but extends to victims of crime and those who may be deterred by the retribution that attends it. “When evildoers are not exterminated,” says Mipham, “good people lose heart” (46). “Hearing that criminals have been justly punished,” however, “makes good people feel relieved and it strikes fear into evil ones” (185).

Punishment should be imposed only after a fair trial and should be proportionate and “consistent with the nature of the offence” (183). “A fitting punishment,” he observes, “is one in which the severity of the punishment fits the crime.” The concept of desert clearly plays an important role. “The defendant,” Mipham insists, “should be guilty and worthy of being punished” (59). The innocent, by contrast, must never be harmed. Mipham states, “It is utterly wrong to punish the innocent” (59), and notes “When the righteous are punished the waters, stars, and wind become disturbed” (85).

³⁸ In administering earthly justice, the king mirrors the operation of the universal law of karma and so is in harmony with the cosmic order. As a result of the king’s actions, “the gods show him favor, sending timely rains, providing abundant harvests, and so forth” (Mipham xiv). The suggestion by modern commentators that karma is not retributive seems to be motivated by a wish to harmonize Buddhism with science and secular values and distance it from notions of divine retribution. Mipham, however, seems to believe that karma is retributive and, like judicial punishment, functions to restore the order disturbed by wrongdoing. He explicitly describes positive law as “impartial” and “similar to the operation of karma” (184).

Punishment should be guided by five principles: it should be just, fitting, principled, moderate, and benevolent (59). While the punishment of wrongdoers could include “putting them in chains; imprisoning them; beating them; threatening, harassing, or banishing them; or confiscating their wealth,” it should not include the death penalty, the amputation of limbs, or other cruel or excessive punishments since these “cannot be reversed or remedied” in the event of judicial error (59).³⁹ Punishment thus

³⁹ Aquinas allows (but does not require) the death penalty for dangerous criminals. He suggests this penalty could be necessary in the interest of public security where there is a greater likelihood of criminals harming others than mending their ways (ST II-II, 25, 6). Perhaps he has in mind circumstances when facilities for long-term incarceration are unavailable, as was not uncommon in the medieval period when prisons were used mainly to hold those awaiting trial rather than for long-term incarceration. His general position is that punishment must be proportionate (neither excessive nor too lenient), the specific punishment imposed being a matter of positive law to be determined by the appropriate authorities in light of the needs and resources of the political community at the time. If laws are to serve the common good, Aquinas says, endorsing the view of Isidore (c.560-636), they must be “adapted to time and place” (ST I-II, 95, 3) and be “according to the customs of the country” (ST I-II, 96,2). By way of comparison, Jerryson notes that “under doctrinal justifications, the majority of Buddhists condone corporal punishment, which includes torture as well as capital punishment” (*Warfare* 62). Capital punishment remains on the statute books in Sri Lanka, Thailand, Myanmar, Laos, Vietnam, Japan, Taiwan, Mongolia, and South Korea (Harvey *Perspectives* 61). It appears it was not unknown in the Tibet of Mipham’s day, since he mentions the possibility of lamas interceding with the king to seek a reprieve from death sentences, which are “not in violation of a king’s moral code, but are un-dharmic” (51). He also refers to “a kingly tradition” (177) that recognizes the death penalty. Cabezón observes in a note that “Mipham here seems to leave open the possibility of killing incorrigible criminals,” although “not completely comfortable with this position” (178). Harvey notes that the *Milindapañha* similarly expresses “an unenthusiastic acceptance of the death penalty” (*Perspectives* 53). Mipham approves of corporal punishment in place of the death penalty: “Using corporal punishment, the king should make an example of those who harm the life of another. You should stop them repeating such acts by beating them, striking them, and so forth” (186). French notes that the Dalai Lama law code of 1650 lists execution and various forms of bodily mutilation as punishment for serious crimes: “From the body of the criminal,

has both retributive and deterrent functions. It is retributive in being just, fitting, and principled, and deterrent in discouraging wrongdoing.⁴⁰ Perhaps surprisingly, Mipham does not mention rehabilitation as a central aim of punishment.⁴¹ He refers to it only obliquely when justifying the banishment of “hardened criminals” whom the king has been unable to reform (177).

Warfare

Turning to warfare, Mipham adopts a robust position in the face of military threats. “If someone else acts violently toward you for no reason,” he writes, “do not back off, but rather stand firm” (140). He envisages a Spartan-like society where citizens play an active role in defense of the nation: “Strong armor and fortifications, and various types of horses and

take out the eyes, cut the Achilles tendon, cut off the tongue, cut off the hands, throw [the criminal] from a high mountain or into the river, execute the death sentence, and so forth. Depending on the size of the crime, the punishment [should be cut] from his body with a knife or scissors, to strongly admonish [all persons] in the future” (124). French also notes that even at a later date “Tibet was quite typical of various Asian governments at the turn of the century in the types and severity of traditional physical punishment to which it could sentence the perpetrators of serious crimes” (316). On capital and severe forms of punishment mentioned elsewhere in Buddhist sources see Sugiki (*Aspect*). I have not had access to Jansen on the death penalty in Tibet.

⁴⁰ We are not concerned here with the merits of different theories of punishment, but in passing may note that opposition to retributivism is often based on its more extreme forms. Retributivism, however, as Mipham’s position illustrates, is not incompatible with compassion, clemency, and moderation. For a consequentialist interpretation of punishment in Buddhism and the implications for the American justice system, see Goodman (chapter 9). Koritansky (*Aquinas*) discusses Aquinas’s retributivism in relation to other theories of punishment.

⁴¹ The view that rehabilitation is the principal—if not exclusive—justification for punishment in Buddhism does not find much support in Mipham’s text (for a discussion of views on punishment see Harvey *Perspectives* 57–60.)

weaponry are amassed in the homes of every individual, each of whom is courageous and knows the martial arts.” Given this state of military readiness, “Soldiers and generals clad in armor will, when needed, spring immediately to action without delay” (163).

It is clear that Mipham is no pacifist. He asks rhetorically: “Without hostility, how can one control just through peaceful means the enemies of karma, those incorrigibly evil men who would overthrow the kingdom and so forth?” (144). Living in troubled times, Mipham was aware that wars occur and offers advice on their conduct. He sets out rules of war involving three types of strategy (68–73). Initially, the righteous king tries to avoid war by seeking allies and using diplomatic strategies, such as enticements and threats. In the second, he reflects on ways to achieve victory with minimal loss of life. In the third, once conflict becomes inevitable, he marshals his forces employing appropriate military tactics. Then, “he quickly assesses the machinations of the enemy, whose evil tradition is spreading like a blight, and he exterminates it. This is how the wise act” (204). The wise king, however, does not act precipitately and “will start friendships and wars at the right time” (201).

Compassion

Despite his hawkish tone, Mipham stresses the importance of compassion: “The king subjugates the wicked without losing his compassion for them” (71). Somewhat paradoxically, Mipham states: “All living creatures value their own lives, so the king must completely abandon killing . . . and to the best of his ability bring an end to violence against any being, down to birds and wild animals” (177). Mipham does not explain how the injunction to “abandon killing” is to be reconciled with the king’s obligation to punish wrongdoers and defend the kingdom. He tells us only that if the king wounds or kills opponents in battle “this constitutes only a minor moral

fault” that may attract no karmic retribution “because the motivating force behind his action was unwavering compassion” (70).

Mipham appears to justify violence primarily on grounds of motivation. In doing so, he follows a long-established pattern of addressing ethical dilemmas through moral psychology.⁴² As Rupert Gettin notes, “For early Buddhist thought the problem of violence is basically a mental one” (61). Attention, accordingly, is focused on factors like volition and karmic consequences rather than moral principles like justice. As Daniel Kent observes with reference to Sri Lanka:

When asked of their concerns about war, soldiers and monks spoke in terms of karma and intentionality rather than in terms of justice. Soldiers do not ask monks to justify the civil war, but about the karmic consequences of their actions. Indeed, the vast majority of monks deny that Buddhism can ever condone war. “Will I receive negative karma if I kill the enemy on the battlefield?” many soldiers ask. (159)

In similar vein, Sugiki notes with respect to the *Satyakaparivarta* that “a key concern (if not the sole key concern)” of the text is whether “it is possible to save warriors . . . from suffering unhappy karmic retribution” (*Compassion* 3). What makes the role of the warrior problematic is that according to Abhidhamma teachings violence is invariably motivated by hatred and so produces bad karma.⁴³ Mipham’s solution, as is common

⁴² In another context Zimmerman comments: “Candrakīrti . . . would certainly be critical of the attempt to install compassion, an element of one’s individual morality, as a quasi-institutionalized ‘white-washer’ in the public sphere” (239). The Indian *locus classicus* for the exploration of the moral dilemmas of war, of course, is the *Bhagavad Gītā*.

⁴³ I have suggested elsewhere that this Abhidhamma teaching lacks both scriptural and empirical support (*Compassionate*). For a discussion of the motivation of soldiers in battle,

in the Mahāyāna, is simply to replace hatred with compassion as the motivating element.⁴⁴ This solution, however, is unconvincing because violence has social and political ramifications that transcend subjective mental states. Appeals to motivation alone cannot resolve the normative aporia.

Compassion and Charity

Mipham is not alone, however, in affirming that military violence can be a compassionate act. We noted above that Aquinas classifies war as one of several “vices against charity.”⁴⁵ At first glance this seems opposed to Mipham’s view: Mipham claims that compassion *legitimizes* warfare, while Aquinas believes that charity *prohibits* it. Aquinas, however, stipulates that war can be compatible with charity when waged under certain conditions. This claim forms the basis of his theory of “just war.” The conditions in question are the three *jus ad bellum* conditions: rightful authority, just

and an argument that love can be among those motives, see Biggar (Chapter 2 “Love in War,” especially section V). The evidence cited there seems sufficient to rebut the Abhidhamma’s empirical claim that killing in battle is invariably motivated by hatred. The onus, of course, is on the Abhidhamma to demonstrate that its claim is true, which seems an impossible task. Arguably, it is the scholastic attempt to ground normativity in motivation that has bedeviled the development of a realistic Buddhist ethics of violence.

⁴⁴ For an extensive discussion of how Mahāyāna sources appeal to the virtues of compassion and skillful means as a justification for killing, see Sobisch.

⁴⁵ The rationale here is that charity (*caritas*) consists in mutual benevolence whereas war (together with other sins like schism and sedition) “wound the conviviality of human beings.” The natural foundation of this conviviality is friendship, and Aquinas sees Christian charity as the highest form of friendship (Reichberg 18f). The Buddha, likewise, regarded friendship as a cornerstone of the religious life (SN v.2; cf. AN iv.282f). Judith Barad discusses the similarities (and differences) between Christian charity and Buddhist compassion as understood by Aquinas and the Dalai Lama respectively.

cause, and right intent.⁴⁶ We can review Mipham's position in light of these requirements.

Taking them in reverse order, we can see a similarity between Mipham's "unwavering compassion" and Aquinas's "right intent" (*recta intentio*) if we understand compassion as not merely a tender-hearted sentiment but as a principled commitment to "the set of underlying moral dispositions that are requisite for persons engaged in matters of war" (Reichberg 113). Buddhist compassion, in other words, is to be distinguished from what Aquinas terms *miser cordia* or pity.⁴⁷ Pity is a sentiment whereas virtue involves the exercise of reason and choice.⁴⁸ Buddhist

⁴⁶ A fuller list of *jus ad bellum* conditions evolved by later tradition would include just cause, last resort, proper authority, right intention, a reasonable chance of success, and the use of proportionate means. Brekke observes, "If one compares the just war tradition with ethical systems of other cultures, one is struck by the European concern about *jus ad bellum* and the lack of interest in the same in other traditions." He offers two reasons for this observation: "Firstly, the European concept of war distinguished violence against external enemies from violence against internal enemies. Secondly, the European concept of war distinguished between public and private war, between *bellum* and *duellum*." (Brekke 61). The reason may be more generic, namely a narrow focus on moral psychology at the expense of moral (and political) philosophy more generally (Keown *It's Ethics*). As Roy notes, "Unlike Europe and China, ancient India produced very few theorists of warfare." Noteworthy is the absence of interest in moral dilemmas as a philosophical topic, at least during the classical phase of Indian Buddhist thought. For a contrast with the medieval West, see M. Dougherty (*Moral Dilemmas*), and more generally Christopher Gowans (*Moral Dilemmas*).

⁴⁷ *Miser cordia*, Aquinas says, gets its name "from denoting a person's compassionate heart (*miserum cor*) for another's unhappiness" (Barad 12).

⁴⁸ As Barad observes, "Because compassion involves choice and isn't simply an ephemeral feeling, it stays with us long enough for us to assist the sufferer. Because it has an intellectual component as well as feeling, the compassionate person is able to identify a practical solution." She continues, "The Dalai Lama concurs that compassion, as a virtue, doesn't imply pity. Like Aquinas, he says that compassion 'belongs to that category of emotions which have a more developed cognitive component.' His Holiness describes

compassion, if understood as a virtue comparable to charity, may be thought of as having a cognitive component concerned with the evaluation of ends. The ends of “right intent” in this context extend from “the overarching intention to promote peace and the wellbeing of decent people (especially the poor), right down to the exclusion of cruelty, fraud, and, by implication, intent to kill or harm innocents” (Finnis, *Aquinas* 285). It seems likely Mipham would regard these objectives as legitimate ends for a compassionate ruler to pursue through military means.

While on the subject of virtue, we might add that in addition to charity Aquinas specifies two further virtues relevant to warfare: military prudence (for commanders) and battlefield courage (for soldiers).⁴⁹ By all accounts, Mipham would endorse these virtues. Regarding military prudence, he writes, “Where there is proper leadership and skill the gods lend their support and the battle is won” (70). With respect to battlefield courage, Mipham commends standing firm in the face of violence and speaks, as we saw, of courageous citizens skilled in the martial arts springing into action. Aquinas subscribes to Aristotle’s doctrine of the unity of the virtues and so sees no conflict between military virtues and charity. Soldiers who fight in a just war, therefore, do not only what is permissible but also meritorious.⁵⁰ Again, Mipham would seem to agree.

compassion as a combination of empathy and reason. He writes that compassion or mercy must be ‘accompanied by wisdom’ so ‘that it is put to the use of others’” (16f).

⁴⁹ The virtue of military prudence exercised by commanders is discussed at ST II-II, 50, 4, and the virtue of battlefield courage at ST II-II, 123, 5.

⁵⁰ Aquinas draws a parallel between the heroism of soldiers and the fortitude of martyrs and allows that a soldier who dies fighting in a just war can be celebrated as a martyr. The Buddha, by contrast, suggests that soldiers who die in battle go to hell (SN iv.308-11). The determining criterion here was the soldier’s state of mind, which in this case (but surely not in every case) was “low, depraved, and misdirected” (*hīnaṃ dukkaṭaṃ duppañihitaṃ*) by thoughts of exterminating the enemy. Elsewhere, the Buddha made more favorable comparisons between military and monastic virtues (e.g., AN.iii.100, AN.i.284,

So much for “right intent.” What about “just cause”? In Aquinas’s view, the enemy’s misconduct in causing harm (*noxia*) or injury (*iniuria*) for which reparation is unforthcoming constitutes a legitimate cause of action or ground of complaint justifying a punitive response. In similar vein, Mipham counsels, “Don’t plunder an opponent’s kingdom without proper cause such as being attacked” (153). In addition to his unwavering compassion, the king has an “unwavering” commitment, to justice, as we saw above, and in Mipham’s view justice is served by compassionately motivated punishment: “To bear compassion in mind [is] to justly punish the wicked with righteous punishments” (58). Mipham characterizes enemy forces in moral terms when he speaks of their “machinations” and describes them as an “evil tradition spreading like a blight.” It seems reasonable to understand him as seeing war as justified punishment for the enemy’s wickedness.

What about Aquinas’s first condition, that war can only be declared by a rightful sovereign? Mipham makes no mention of such a condition, but it seems implicit in his advice. His treatise presupposes a legitimate ruler as protagonist, and not “those incorrigibly evil men who would overthrow the kingdom” (144).

The reason the king suffers no bad karma on the interpretation sketched above is not due solely to his sentiment of compassion but because he respects the objective moral principles that legitimize war. His position might be summed up as the view that intentional harming is compatible with *ahiṃsā* when administered under the formality of punishment by a public authority acting justly in the interest of the common good. In upholding the king’s right to punish wrongdoers and to defend

AN.ii.170, 202, Pug. 65-9). Aquinas rules out any question of genuine courage in an unjust war. In his view, the bravery of soldiers fighting for booty or aggrandizement is of a secondary or “incomplete” kind because of its lack of synergy with other virtues (Reichberg 83).

the kingdom, Mipham is by no means alone, and an exception in this respect has long been accepted. As Jerryson notes, in “canonical and commentarial sources throughout the different Buddhist schools . . . exceptions empower or legitimate kings and rulers” (*Buddhist Traditions* 44).

Conclusion

Does the preceding discussion offer a solution to the “quandary of Buddhism and violence”? The “strategy of interpretation” proposed by Steven Collins postulates two autonomous “modes of Dhamma” existing in irreconcilable tension. Collins formulates the two modes as follows:

Mode 1 Dhamma is an ethics of reciprocity, in which the assessment of violence is context-dependent and negotiable. Buddhist advice to kings in Mode 1 tells them to not to pass judgment in haste or anger, but appropriately, such that the punishment fits the crime. To follow such advice is to be a Good King, to fulfill what the philosopher F. H. Bradley would have called the duties of the royal station.

Mode 2 Dhamma is an ethic of absolute values, in which the assessment of violence is context-independent and non-negotiable, and punishment, as a species of violence, is itself a crime. The only advice possible for kings in Mode 2 might seem to be “Don't be one!”, “Renounce the world!”, “Leave everything to the law of karma!” Many stories recommend just this. (Collins 420)

As mentioned earlier, a successful “middle way” on violence will need to reconcile these two modes. The present article suggests that Mode 1 correctly describes the normative Buddhist position on military and punitive violence and, as such, is the “middle way.” Evidently, there is a conflict

with the Mode 2 claim that “Dhamma is an ethic of absolute values.” The conflict can be resolved, however, if this claim is formulated more precisely. Thus, rather than imposing an absolute prohibition on violence Buddhism can be understood as imposing an absolute prohibition on *harming the innocent*. We saw that Mipham affirms, “It is utterly wrong to punish the innocent” (59).⁵¹ Aquinas imposes a similar categorical prohibition: “In no way,” he says, “is it permitted to slay the innocent” (ST II-II, 64, 6). It is thus the *innocentes*, or those who do not threaten the common good, who are the unconditional object of Buddhist and Christian non-violence. Understood in this way, we can say that both Mipham and Aquinas adhere to “an ethic of absolute values” in accepting deontological constraints on military and punitive violence.

In the absence of a “middle way” the institution of kingship (and governance in general) seems unworkable. The unqualified interpretation of *ahimsā* represented by Mode 2 leads politically to a position of “limited citizenship” (Moore) and social “disengagement” (Lele) not dissimilar to the Anabaptist model of church-state relations in Christianity. Mipham, by contrast, clearly envisages a socially engaged role for Buddhism. As Cabezón notes in his Introduction, “Most of the ethical principles found in these pages could be easily adopted as the basis for Buddhist social justice—as the foundation of what today we call Engaged Buddhism” (Mipham xi).

In sum, the views of Aquinas and Mipham coincide in several respects. Both uphold the importance of the common good as a temporal and spiritual value. Neither sees an unsurmountable contradiction

⁵¹ A common objection to consequentialist penology is that it cannot categorically prohibit the framing and punishment of the innocent, as illustrated in the much-discussed case of the sheriff who frames an innocent prisoner to avoid a riot (McCloskey 468f). Mipham, however, clearly regards punishment of the innocent as contrary to natural law, as we see from his statement above: “When the righteous are punished the waters, stars, and wind become disturbed” (85).

between violence and soteriology. Both believe that justice plays an essential role in sustaining the common good and that retribution plays a justificatory role in punishment and war. Both recognize that punishment has advantageous effects but neither justifies it through a consequentialist balancing of good and evil. Both, finally, claim that violence is not incompatible with the virtues of charity and compassion. The main difference is that while Aquinas mobilizes political concepts like justice and the common good to explain how violence can be in accordance with charity, Mipham simply asserts that violence can be justified by compassion. His position, however, appears to rest on objective moral principles not dissimilar to those of Aquinas.

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