

INSIGHTS FOR INTERNATIONAL LAW FROM RELIGIOUS REFLECTIONS ON PEACE

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This article seeks to show how the world's major religious traditions concur in their emphasis on peace as an imperative of human relations. Peace means not merely the avoidance of conflicts but the removal of their causes and is based on concepts such as the infinite value of human life, the unity of the human family, equality, forgiveness and assistance to those in distress. All religions concur in their emphasis on and rich treatment of these concepts. Neglect of these principles is a fertile source of armed conflicts, and international law could strengthen its universal appeal and enrich its conceptual base through the expositions of these concepts enshrined in the literature of the great religions.¹

I INTRODUCTION

The attainment and maintenance of peace is the primary objective of international law and is also one of the primary goals of religious instruction. Yet international law has tended to neglect this source of inspiration and has denied itself the perspectives so clearly set forth and analysed in the revered texts which command the respect and allegiance of over four billion of the world's population.² The irony is compounded by the fact that all of these religions converge in their teachings on the central question of peace. It is time, therefore, that international law delved deeper into this primary source of moral inspiration of the bulk of the world's population, thereby reinforcing its own authority to light up the path towards global peace.

Moreover, distortions of other cultures are rife, tensions between them run high and confrontations are promoted, though the need of the hour is to overcome distortions by information, smoothen tensions by understanding and avoid confrontations by goodwill. If in these critical times the discipline of international law, so central to the cause of global peace, denies itself the benefits it can derive

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¹ Two useful sources of reference on religions and international law, which have been published recently, are Mark Janis and Carolyn Evans, *Religion and International Law* (1999) and Brian Lepard, *Rethinking Humanitarian Intervention - a fresh legal approach based on fundamental ethical principles in international law and world religions* (2002).

² The 1999 Britannica Book of the Year lists the followers of the different religions out of a world population of 5.929 billion. The followers of the first four religions thus constitute 71.24% of the global population: Christianity - 1.943 million; Islam - 1.165 million; Hinduism - 762 million; Buddhism - 354 million; total - 4.224 billion. This does not include Sikhism's 22 million, Judaism's 14 million, Bahai Faith's 7 million, and Confucian and Chinese folk religion's 385 million.

from these founts of inspiration, one is prompted to ask what other disciplines can use them more effectively in the cause of peace. International law urgently needs to take this wisdom on board its vessel as it steers into the deep and uncharted waters which it must navigate in the century which has just begun.

The need for these overall perspectives has indeed been further highlighted by the events of September 11 2001, which show to what extent attention can be diverted from the central truth that peace is the common core of all the religions. Once this confluence of teaching recedes from view, anger and hatred, violence and terrorism can very easily be generated in the name of religion itself, as has happened all too often in known history, dating back far beyond the 21st century to the religious wars of the 17th century, the Crusades and beyond. Moreover, once this process commences, distorted versions of religion - both one's own and one's opponent's - tend to be propagated, leading to action and retaliation not only militarily but also socially, economically and politically. This vicious spiral can only be broken by a broader understanding across the religions of the manner in which they all lead to one goal - namely peace on earth. That goal can well keep receding unless this convergence of teaching is not merely understood more generally but also taken on board by the major disciplines dealing with peace - of which international law perhaps takes pride of place.

II THE CENTRALITY OF PEACE TO ALL RELIGIONS

This is an aspect which scarcely needs emphasis but requires some attention for the sake of completeness and as a general setting to the theme of this article.

A useful reflection on the nature of peace is conveyed by Sha-lohm, the Hebrew word for peace. Apart from peace itself, it has many connotations associated with peace and indeed indispensable to peace - safety, contentment, happiness, friendship, health, concord, goodwill, harmony. It is understood in terms of prosperity and welfare;³ security;⁴ mutual relationship;⁵ harmony between man and animals;⁶ turning swords into ploughshares⁷ and of justice as a necessary condition of peace.⁸ This underlines the fact that peace means not merely the absence of war but that it has a substantial and affirmative content as well. This aspect will receive more attention later in this article.

For Christianity, one need go no further than Jesus' commandment to 'love thy neighbour as thyself'⁹ and his own comment on the rules of loving God and loving one's neighbour that 'there is none other commandment greater than this'.¹⁰ The condemnation of militarism contained in the teaching that 'he who lives by the

³ Deuteronomy 23:6; Jeremiah 29:7.

⁴ II Samuel 17:3; Micah 5:4.

⁵ Joshua 9:15; Zechariah 6:13.

⁶ Isaiah 11:6-9.

⁷ Isaiah 2:4; Micah 4:3.

⁸ Isaiah 9:7; 11:5; Jeremiah 23:5-6.

⁹ Mark 12:31.

¹⁰ Ibid.

sword shall die by the sword', the exhortation against violence even in retaliation contained in the teaching regarding turning the other cheek, the stress on the legacy of peace which he left to his disciples - all these show the centrality of the notion of peace to Christianity, and the reason why one of the most favoured descriptions of Jesus was that he was 'the Prince of Peace'. Love, kindness, mercy, compassion, patience and forgiveness were all peace-related virtues to which he gave vigorous expression in his life and work. War is the negation of all these and 'blessed are the peacemakers for they shall be called the children of God'.¹¹

In the words of Erasmus, the outstanding humanist of the Renaissance era, '[w]hat did Christ teach besides peace? What did he express himself on besides peace? He saluted his disciples with "Peace be with you". He prescribed it as the only worthy form of greeting for Christians' (the Complaint of Peace).

For Buddhism, peace is one of the most central concepts - both the inner peace of the individual and the external peace he or she emanates through peaceful living, thus spreading the notion of peace into the general community which is then at peace both with itself and with its neighbours. All of this follows also from the notion of compassion towards all, which is a principal basis of Buddhist conduct.

Buddhism examines in minute detail the various psychological implications of violence and the Dhammapada teaches that:

'Victory breeds hatred
The defeated live in pain
Happily the peaceful live
Giving up victory and defeat'.¹²

Thus, even victory through the use of arms is hollow and leads in its turn to even more conflict. Buddhist sovereigns, of whom the Emperor Asoka of India is the outstanding example, gave effect to this concept of peace in the way they ordered their own state and its relations with its neighbours.

The importance of the peaceful resolution of disputes is heavily stressed in Buddhism and there is a minute discussion in the Buddhist texts of the various ways in which incipient dissatisfactions and animosities can be nipped in the bud before they grow into confrontations and violence. Islam, likewise, elevates peace to a value of primary importance.

'Allah, according to the Qur'an, is As-Salam (the source of peace) and a Muslim's salutation, which embodies the ideal of Muslim life, is As-Salamu-Alaikum (peace be unto you)'.¹³ 'One of the aspirations of Muslim life, therefore, is the attainment of peace on all fronts - peace with self through harmonious self-discipline, peace with fellow creatures through the basic attitude of relatedness

¹¹ Matthew 5:9.

¹² *Dhammapada* verse 201.

¹³ Mohamed A El-Erian et al, *Jamjoom: A Profile of Islam* (1990) 9.

and compassion, and peace with Allah through submission to the divine will and emulating Muhammad'.¹⁴

Islam is impregnated with the notion of forgiveness and the condemnation of vengeance. There are numerous passages in the Qur'an and the Hadiths on these. For example, there is a Hadith to the effect that at the fall of Mecca no thought of vengeance entered the Prophet's mind. His bitterest foes were forgiven in the words '[t]his day there is no reproach upon you and you are all free'.¹⁵

Hinduism teaches that goodwill and harmony are the foundations of society, and greed and selfishness are the evils that cause its destruction. The Hindu is reminded that human beings are involved in inter-personal, inter-racial and inter-religious conflicts and dissensions and Hinduism attempts to guide each individual towards thoughts of goodwill and harmony. Love and compassion are the cure for all evils, and all Hindus are required to live under the rule of righteousness or dharma. The peace that Hinduism teaches is a peace which is impregnated with justice, and not a peace based upon the imposition of force.

The literature of Hinduism is enormous in volume, and there is at every point an intertwining of law and morality. An all-embracing moral regime surrounds the daily life of the Hindu, and if this rule of righteousness is observed, all conflict comes to an end. The great message of the Upanishads 'Tat Tam Asi' - 'Thou art That' - proclaims that all humans are part of the Supreme Divinity. One must therefore love one's neighbour as both proceed from the same Divine source. This teaching dispels all hatreds and unites humanity in togetherness and love. The major religions thus concur on the centrality of the notion of peace in human relations.

III PROGRESSION OF LEGAL SYSTEMS FROM PASSIVE AVOIDANCE OF CONFLICT TO ACTIVE REMOVAL OF ITS CAUSES

When any system originates for regulating the mutual relations of the members of a group, it starts with the basic essentials of keeping the peace and ordering the conduct of its constituent members. Achieving this is but a small part of its goal, for once this is achieved that system must progress further and seek to ensure that the causes of deviant conduct are themselves mitigated or removed.

Most legal systems were thus in their origin systems aimed at keeping the peace. As these systems matured they also directed their attention to achieving justice not merely by punishing offenders but by ensuring that the causes leading to such conduct received due attention. This latter object cannot be achieved by addressing only the deviant individuals, but by looking to the community as a whole to help in obviating the causes which lead to such behaviour. So also has it been with international law.

¹⁴ Ibid.

¹⁵ See Athar Hussain, *The Message of Mohamed* 142.

One of the great transformations which international law has undergone since the community of nations was vastly expanded after World War II, is that it has moved from being merely a set of minimum rules for keeping the peace and for coexistence of individual states, to a body of principles aimed at maximum co-operation among the community of states, so as to overcome present and future causes of tension among states. It has thus overcome its negative and passive role and progressed to a positive and active role. At least at the conceptual level this has been achieved, though of course much remains to be done in order to translate this into living reality.

In achieving this aspect of its goals, international law has a great source of inspiration in religion, and this source still lies largely untapped. The principles of brotherhood and sisterhood, the unity of the human family and the preservation of peace within it, the duty to assist one's neighbour and relieve him of his distress, the peaceful resolution of disputes before they break out in open hostilities - all of these principles can be considerably strengthened and enriched by religious teachings which, through the wide respect and allegiance they command, will considerably reinforce the authority of these principles.

The same progression observed in domestic law and international law applies very specifically to the concept of peace. It must likewise progress from the negative and passive aspects of merely avoiding hostilities and armed conflict to the positive and active aspects of seeking out the causes of conflicts and avoiding or mitigating them.

As one analyses the concept of peace and traces this progression one sees straightaway that peace in its fullest sense is not merely the absence of conflict but the presence of justice. There cannot be true peace in the absence of justice.

In the minds of most people, and indeed of most nation states, peace means the absence of war. When this is achieved, there tends to be a relaxation of effort, although it is only the threshold of the concept that has been entered. In the absence of a state of active hostilities we are accustomed to saying to ourselves that all is well.

In fact, however, though there may be no active war, the seeds of a dozen new wars may be in the process of germination. It could hardly be truly said that a situation in which multiple new wars are being bred is a situation of peace.

Peace truly so called would then be a state of affairs in which there is not merely the absence of active conflict but one in which the causes of future conflict also receive attention and are nipped in the bud if they should arise at all. This is the true view of peace in international law, and such a conceptual view of peace is greatly aided by a contemplation of what the world's religious traditions have to teach on this matter.

This article will examine the different facets of peace and the insights which the revered texts of the major religions can provide towards a better understanding of their nature. There is no doubt that the international law of the future will need

to draw on these well-springs of wisdom in addressing this concept which is so central to the entire discipline.

IV ARMED CONFLICT IS ONLY ONE OF THE SEVERAL FORMS OF CONFLICT

On the negative or passive side, it is of course essential to postulate the absence of hostilities. Even the slightest vestige of this element would be a negation of peace. But it is to be remembered that hostilities mean not merely those which are waged with the sword. There are many other kinds of hostile action which are akin to warfare though they do not resort to arms.

Among these are economic hostilities and embargoes, ostracisms of various kinds, boycotts, bans on travel and social movement, waves of animosity which can sometimes amount to mass hysteria, prejudices against and condemnations of entire groups and religions and nations and indeed even the tendency for nations to withdraw into a protectionist shell of their own and totally alienate themselves from an understanding of their neighbours, their problems, their actions and their modes of thought. All of these are forms of hostility and even a purely passive view of peace would require their elimination.

The religious texts that deal with these aspects are most instructive. Peace as taught by Christianity is not merely a teaching that one should refrain from armed combat but an exhortation to give every assistance to one's neighbours, whoever they may be, by going the extra mile if need be to succour them in their distress. Imposing embargoes and boycotts is the reverse of the Christian message of peace. So also with the other religions - the loving kindness enjoined by Buddhism, the assistance to neighbours enjoined by Islam and Hinduism's stress on goodwill and harmony among all people.

Once these drawbacks are cleared, the stage is set for an exploration of the positive and affirmative aspects of peace.

There are many facets to the concept of peace and all of these are contemplated by the religious texts in their discourses on peace. Among the facets that call for close attention are those enumerated below. Every one of them is an important aspect of the concept, and international law, in developing the concept of peace as it will need to do in the ensuing century, can gain considerable illumination from religious texts dealing with these matters.

The tendency for international law to stand away from particular religions for fear that reliance on the texts of any one will affect its universal appeal may have been appropriate to an earlier age of religious schism. To do so today is to denigrate its universality, for international law has grown to a stature where it can enrich itself from these perennial sources of wisdom without in any way compromising its universality. Indeed it would add to its universal appeal were it to do so, for that would be the clearest indication to all the world that it is not cast in a monocultural Eurocentric mould.

Grotius himself, while consciously seeking to distance the new discipline from religion, in an age of deep religious tensions, made scores of references to scripture in his seminal work on war and peace.

V THE CONCEPT OF PEACE

The concept of peace has many facets and it is not possible to enumerate them all. A few are set out here, as illustrations of aspects which religious teachings could support and strengthen. They also illustrate how all religions converge in their support of these essential constituents of the concept of peace.

The facets of peace which will be briefly examined in the light of religious texts are:

- A The individual as the unit of peace;
- B The substitution of the rule of law for the rule of force;
- C The unity of the human family;
- D Justice (including economic and social justice) as the basis for peace;
- E The infinite value of human life;
- F Equality;
- G Non aggression;
- H Tolerance;
- I Non violence;
- J Forgiveness;
- K Assistance to those in distress;
- L Psychological insights into war and peace;
- M Peaceful resolution of disputes; and
- N The economic causes of war.

A *The Individual as the Unit of Peace*

The individual is a much neglected topic in international law. The feelings of anger, bitterness or frustration of individuals and conversely feelings of happiness, contentment and peace make up in their totality the attitudes of states on these matters. If state attitudes need to be altered towards peace, it is with the individual that the process should start. Religion plays a special role here for it can help in orientating the individual towards peace and thereby cumulatively influence national attitudes.

In Buddhist thinking the peace of the community and of the wider world depends on the peace-mindedness and goodwill of the individual members of the community, and the same holds true even if we enlarge the community to include the whole world.¹⁶ The subjective aspect is thus more important for the Buddhist social ethic than the externals of social behaviour, and peace is a psychological condition or attitude that transmits itself into society. The individual is the 'haven

¹⁶ O de A Wijesekera, *The Concept of Peace as the Central Notion of Buddhist Philosophy*, reprinted from *Archiv fuer Rechts und Sozialphilosophie* XLV 1 / 4 (1960) 5.

of peace' in the Buddhist texts.¹⁷ The peace-mindedness of the individual is finely analysed in Buddhism into its constituent elements and one of the basic analyses is into four states - maitri (universal love), karuna (universal sympathy), muditha (rejoicing in the happiness of others) and upekkha (equanimity). Each of these is the subject of profounder analyses. One of these mental states, karuna for example is itself analysed into 32 aspects.¹⁸ The importance of peace within the individual is emphasised in Buddhism in terms that 'the noblest victor is he who would conquer himself rather than defeat a hundred thousand men in battle'.¹⁹

The Dali Lama, giving expression to the Buddhist viewpoint, has recently written 'Peace in the world thus depends on peace in the hearts of individuals'.²⁰ The first step in the dismantling of military establishments is the internal disarmament of individuals, leading to external disarmament in the spirit of reconciliation and compromise. Peace requires compassion for others in the mind of each individual.

It may also be noted in this connection that Confucius spoke of the duty of each individual to do what he or she could for the welfare of the whole human community. This is indeed an essential characteristic of the fully developed individual according to Confucian thinking and was one of the eight virtuous accomplishments urged upon every individual.²¹

In the Old Testament we read on this theme '[g]reat peace have they which love thy law: and nothing shall offend them'.²² No doubt the indication here is that if a person lives according to God's law he shall have peace - the peace within himself which is the precursor to external peace.

Christianity likewise refers to the inner peace within each individual - '[p]eace I leave you, my peace I give unto you: not as the world giveth give I unto you'.²³ Clearly the reference here is to the inner peace, which has been described by the apostles as the 'peace of God, which passeth all understanding'.²⁴

The individual has an obligation to disseminate peace - a notion beautifully incorporated in the opening line of the famous prayer of Saint Francis of Assisi:

Lord, make me an instrument of thy peace
 Where there is hatred, let me sow love
 Where there is injury, pardon
 Where there is doubt, faith
 Where there is despair, hope
 Where there is darkness, light
 Where there is sadness, joy

¹⁷ See Anguttara Nikaya, 11 *Pali Text Society* 18.

¹⁸ See the Bodhisatva Doctrine, *Har Diyal* (1932) 24, 61, 173 referred to in Wijesekera, above n 16, 11.

¹⁹ See *Dhammapada* verse 103.

²⁰ Bstan-'dzin-rgya-mtsho, Dali Lama XIV, *Ancient Wisdom: Modern World: Ethics for the New Millennium* (2000) 217.

²¹ See Mark Janis and Carolyn Evans (eds), *Religion and International Law* (1999) 28.

²² Psalms 119:165.

²³ John 14:27.

²⁴ Philippians 4:7.

B The Substitution of the Rule of Law for the Rule of Force

All religions alike teach that law and order in society should not be the result of the use of force upon citizens but rather should be the result of their willing obedience to and compliance with the law. The law itself draws its strength and inspiration from principles of morality which in turn would draw strength and inspiration from the teachings of religion. The proposition that law rather than force would be the basis of conduct is therefore axiomatic.

Hinduism takes this concept to the highest international level when it teaches that the ultimate sovereign of the world will be law rather than a world ruler who would presumably use force to enforce his law. International law would therefore rule the entire world and rule it through the force of its moral authority rather than the use of force.

Buddhism shares the same concept. In both religions righteousness is the basis of law which must always conform to the concept of dhamma. The term dhamma has various connotations, so far as justice is concerned, but these may best be summarised as righteousness.

Islam requires all law to conform to divine teaching and in that system law and religion are interfused. No ruler could enact law which contradicted the principles of the shariya and a ruler, however much he resorted to force, could not expect obedience from his subjects to laws which contravene the shariya. The ultimate sanction for the law therefore was not force but the moral content of the law. The same would apply to international law.

Christianity likewise speaks in terms of a higher law which stands above whatever law a ruler may enact. That higher law would ultimately be the cornerstone of the validity of any national law. It is true that various Christian kingdoms would enact laws that were not in conformity with the divine law, but in the last analysis such laws did not command validity in the eyes of Christianity. Christianity also enjoined a duty to observe the law of the state, '[r]ender unto Caesar the things that are Caesar's and to God the things that are God's', but all this was subject to the overriding consideration that the state should not in its legislation contravene the law of God.

Thus in the last analysis, the religions envisage the rule of law and not the rule of force. Laws, of course, may need to be enforced within a state but the sanction of the law is not the force which accompanies it but the moral duty of obedience to the law. All religions would stand opposed to laws deriving their validity from mere force, for force divorced from morality and righteousness would clearly lead to despotism.

C Unity of Human Family

All the great religions are united in teaching that the human family is one, irrespective of barriers of race, colour, nationality, religion, class or sex. The Qur'an calls upon man to remember that 'all mankind was at first but one

community', that subsequently it 'stood divided' and that it should be man's endeavour to restore its unity.²⁵

The Farewell Sermon of the Prophet Mohamed, one of the great human rights documents of all time, proclaimed this principle in ringing tones:

The aristocracy of yore is trampled under my feet.

The Arab has no superiority over the non Arab and the non Arab has no superiority over the Arab. All are children of Adam and Adam was made of earth.²⁶

Buddhism was one of the earliest religions to teach the doctrine of the oneness of humanity, explaining in great detail that differences of various sorts in physical appearance and other attributes are totally inconsequential and that the human family is one.

The Buddha explained that while all forms of life visible on earth such as grass, trees, insects, four footed animals large and small, reptiles, fish and birds have different species by birth, no such differences are found among human beings. Differences among human beings are purely verbal designations.²⁷ The universality of the human community and the oneness of humanity have rarely been more tellingly described.

Hinduism teaches very specifically that every human being is an emanation of the Divinity. This divine spark, lying in every human being, ensures that all humans are brothers and sisters to each other, for these offshoots of the divine one are naturally kindred to each other. We read in the Bhagavad Gita that God makes his dwelling in the hearts of all humans²⁸ and that all humans without exception are part of the body of God.²⁹ As a result, Hinduism views 'the whole human family as one and indivisible'.³⁰

Christianity broke down the barriers between races, classes, tribes and nations. The good Samaritan ethic straddles all such boundaries and proclaims a duty of assistance to one's neighbour which presupposes the unity of the human family. Jesus came to save all humanity and not just one group and the totality of this mission proclaimed the oneness of humanity. The fatherhood of God as taught by Christianity implies the brotherhood and sisterhood of all humans. This element of the unity of humanity is necessarily a central part of the concept of peace.

Many cultural traditions stress the importance of the community of humans whereas the modern Western tradition through its emphasis on the rights of individuals tends to obscure this perspective. African tradition, for example,

²⁵ *Qur'an* 10:19; 2:208.

²⁶ See C G Weeramantry, *Invitation to the Law* (1982) 273.

²⁷ D Anderson and H Smith (eds), *Suttanipata, Pali Text Society* (1913) 117-18; D J Kalupahana, *The Buddha and the Concept of Peace* (1999) 83; O Abeynayake, *Fundamentals of Buddhist Policy* (1995) 124.

²⁸ *Bhagavad Gita* 15:15.

²⁹ *Ibid* 11:7.

³⁰ K R R Sastry 'Hinduism and International Law', *Recueil des Cours* 117 (1966) 552.

stressed this concept of togetherness as opposed to a society of competing individuals. Pre-colonial Africa is generally described as being communitarian rather than individualistic in its outlook and social solidarity and the continued existence of the community was of prime importance. The African conception of humans is thus that they are not a collection of isolated individuals but are integral members of a group animated by a spirit of solidarity.³¹

In extended terms, this view would mean also the togetherness of the human community rather than a group of isolated individuals or nations. Major African regional documents such as the Banjul Charter have re-emphasised this communitarian aspect inherent in the African approach.

D Justice as the Basis for Peace

It is universally agreed that peace depends on justice for its continued existence. A peace that denies justice to the vanquished or a situation in which gross injustice prevails is a seedbed of future wars. Peace, as Martin Luther King Jr has so eloquently observed, is not the absence of war but the presence of justice.

Support for this is found in the teachings of all the religions. The Old Testament links peace and justice in several passages. Isaiah for example speaks of The Prince of Peace and 'of his government and peace, there shall be no end' in a kingdom which will be established 'with justice from henceforth for ever'. Isaiah teaches that righteousness and peace go together, for 'the work of righteousness shall be peace and the effect of righteousness quietness and assurance for ever'.³²

In the New Testament, Jesus the Prince of Peace elaborates on the notion of the Kingdom of God which Christians must seek to establish on earth, wherein peace and justice are enthroned. Buddhism's many psychological insights into peace stress the forces of evil - 'the Black One's, fighting squadrons'³³ - which include the denigration of others - a denigration which can take the form of insults or deprivation of their dues, both of which are denials of justice. These are themselves born of desires, the first of the 'Black One's fighting squadrons' which may take the form of desire for power or for possession or physical comfort at the expense of others. The peace which Buddhist sovereigns as typified by Asoka of India sought to establish was based upon justice down to the last detail touching the life of the humblest citizen - to which end the emperor instituted an order of 'Censors of Piety' whose business it was to travel the kingdom from end to end to ensure that no injustice was suffered by the humblest of his subjects.

Likewise, the Buddhist constitution of Prince Shotoku Taishi of Japan (604 AD), described as the first Japanese Constitution, observed that great disturbances spring from injustice and it strove to establish justice throughout the kingdom, observing that if there are a thousand complaints of injustice in one day, 'how many will there be in a series of years?'. If 'from such an origin great disturbances

³¹ Makau Mutua, 'The Banjul Charter and the African Cultural Fingerprint: An Evaluation of the Language of Duties' (1995) 35 *Virginia Journal of International Law* 339; see also Janis, above n 21.

³² Isaiah 31:17.

³³ *Sutta Nipata* 3, 2.

arise within a kingdom the same must be true in the international community'.

As Thomas a Kempis observed in his *Imitation of Christ* 1441, 'all men desire peace but few desire the things that make for peace'. Social and economic justice, the elimination of war and inequality, the fair distribution of community resources, restraint from exploitation of the weak by the strong - these are the things that make for peace but they are the very things which those who desire peace are often reluctant to give.

Indeed the entire world order today is based upon such denials of justice on an enormous scale and it is precisely in such denials of justice that the seeds of future wars are sown. Hinduism extols the importance of justice and righteousness (dharma) in all people and imposes a special duty of such just or righteous conduct on rulers. Injustice breeds violence and disorder but those subjected to it are taught the path of non-violent protest so dramatically highlighted in the work and career of Mahatma Gandhi. In the absence of such restraint injustice leads to disturbances and war, thus proving once more the linkage between justice and peace.

Islam elevates justice to a place amongst the highest virtues. Its opposite is oppression and from oppression come disturbances of the peace. 'Verily God enjoineth justice and the doing of good ... and he forbiddeth wickedness and oppression'.³⁴ The duty of justice is placed very heavily on rulers and numerous sayings of the Prophet expand on this. Thus according to a tradition reported by Abu-Sa'id the Prophet observed, '[t]he most beloved of men in the sight of God ... shall be the just leader, and the most hateful of men ... shall be the tyrannical leader'.³⁵

E The Infinite Value of Human Life

The infinite value of human life is a central principle of every religion but is probably the value which is most completely negated by war. War means not the killing of a single human being but multiple killings - killings numbered in thousands, tens of thousands, hundreds of thousands and millions.

Yet the basic teaching of all religions is that even one human life is of infinite value. In Christianity, we have the teaching that man is cast in the image of God and every human life is sacrosanct. From the days of the Ten Commandments, the Commandment '[t]hou shalt not kill' has reverberated in Judaeo Christian teaching down the centuries. Yet, by some strange twist of logic, the killing of thousands in war seems to escape this basic Commandment. Moreover it is common knowledge that among these thousands are unnumbered thousands of innocent civilians who are indeed today the primary victims of war, numbering several multiples of actual combatants.

Islam teaches that a person who murders an individual also murders humanity because with the murder of one person there is also killed the universal principle

³⁴ *Qur'an* 6:92.

³⁵ Mirza Abdul Fazal, *Sayings of Prophet Muhammad* (1980) 89 (No 366).

of the dignity of human life.³⁶ This is laid down in the Qur'an itself where the wrongful killing of one man is said to spread disorder and tyrannical confusion in the land. The killer has as it were, destroyed the whole of humanity and conversely whoever saves an innocent life has acted as if he has put life into the whole of humanity.³⁷

Buddhism teaches that life is dear to every living being³⁸ and its first precept is that one should neither harm nor kill. Hinduism sees every person as an emanation of the divinity and it follows inexorably that every human life is of infinite value.

F Equality

Islam teaches the concept of human equality in the strongest terms. A ringing affirmation of this is contained in the farewell sermon of the Prophet already referred to in which he said, '[t]he Arab has no superiority over the non-Arab and the non-Arab has no superiority over the Arab'.

The personal life of the Prophet also made it clear that wealth or rank or birth made no difference in his eyes. 'He would sit with the humblest of persons saying that righteousness alone was the condition of one's superiority over another'. He invariably invited people, be they slaves, servants or the poorest believers, to partake with him of his scanty meals.³⁹ A well known saying of the Prophet is that all people are as equal as the teeth of a comb.

Buddhism broke through the concept of casteism and proclaimed the equality of members of all castes. The Buddha in many of his sermons, stressed this concept of equality, not merely within the confines of India, but as applied to the entire human family, whatever their race, colour or creed. This equality was expounded and explained on ethical,⁴⁰ legal,⁴¹ moral,⁴² religious,⁴³ sociological,⁴⁴ anthropological⁴⁵ and biological⁴⁶ grounds.⁴⁷ Indeed Buddhism taught equality from more points of view than the most advanced human rights teachings of today. Birth confers no superiority and superiority arises only through intellectual and moral attainments. It is not by birth but by deeds that one becomes a Brahmin. The social hierarchy of the caste system is entirely negated by Buddhism.

Christianity gives eloquent expression to this idea through the conduct of Jesus who made no distinction between people on the basis of their position in life or

³⁶ Afzel Iqbal, *The Culture Of Islam* 70.

³⁷ *Qur'an* 5:35.

³⁸ *Dhammapada* x 2.

³⁹ Hussain, above n 15, 127.

⁴⁰ *Digha Nikaya*, vol 111, 250 ff.

⁴¹ *Majjhima Nikaya*, vol 11, 84 ff.

⁴² *Ibid* 86.

⁴³ *Ibid* 128 ff; 147 ff.

⁴⁴ *Ibid* 149.

⁴⁵ *Digha Nikaya*, vol 111, 93 ff.

⁴⁶ *Ibid*.

⁴⁷ For these and other references, see L P N Perera, *Buddhism and Human Rights* (1991) 35-6.

their tribe or race. He consorted with the lowest in society and made his conduct an example to others as to how all sections of society need to be treated on a footing of complete equality.

Confucius taught that a person's dignity in society depended not on his rank but on his character and conduct.

Hinduism contains several passages in the revered texts which require all persons whether *Brahmin* or *outcast* to be treated with the same respect.⁴⁸

There have been some differences of opinion in connection with statements in some of the religious writings regarding the position of women. Yet, '[a]lthough religious writings may be supposed to indicate differentiation against women, there are some clear statements of a general and universal principle of equality in many of the texts'.⁴⁹

G Non-Aggression

Buddhism looks upon the avoidance of violence as fundamental to human conduct. Kings are urged to cultivate ties of friendship with neighbouring kings and all warfare is declared to be impermissible. The Buddha's condemnation of armed conflict is well captured by Sir Edwin Arnold in describing the Buddha's renunciation of his princely inheritance:

'I lay aside those realms which wait the gleaming of my naked sword:

My chariot shall not roll with bloody wheels from victory to victory, till earth wears the red record of my name'.⁵⁰

According to the Buddhist theory of the state, the state has an obligation not to commit aggression and to co-operate with other states for the benefit of mankind.⁵¹

Likewise, peace lies at the heart of the Christian message. The doctrine of turning the other cheek, the doctrine that blessed are the peacemakers for they will be called the children of God, Christ's injunction to his follower to put down his sword after cutting off the ear of the high priest's servant⁵² and his refusal to take up any form of violent protest even in response to the unjust accusations against him, all indicate a prohibition on the use of force.

Christian theologians no doubt worked out a just war doctrine to justify the use of force. But numerous limitations upon it were indicative of the need to wrestle with the sacred texts in order to give it justification.

Judaism's classic references to turning swords into ploughshares and not learning war any more have passed into universal currency.

⁴⁸ *Baghavadgita* 5:18.

⁴⁹ See Brian D Lepard, *Rethinking Humanitarian Intervention: a fresh legal approach based on fundamental ethical principles in international law and world religions* (2002) 393.

⁵⁰ Sir Edwin Arnold, *Light of Asia* (1997) 94.

⁵¹ K N Jayatilleke, *Dhamma, Man and the Law* 113.

⁵² Matthew 27:51.

In Islam, there is authority for the proposition that the use of force is limited to self-defence and there are passages in the Qur'an which prohibit aggressive war. The categorical passage, '[...]et not detestation for a people who barred you from the Holy Mosque move you to commit aggression'⁵³ shows that even the strongest provocation does not justify the taking of arms. All of this is reinforced by numerous Qur'anic passages and Hadiths recommending conciliation and arbitration.⁵⁴

For Hinduism, the texts in the Bhagavadgita relating to the need to take up arms in a just cause have been read by the most authoritative commentators including Gandhi and Radhakrishnan as being purely allegorical, meaning that one must fight spiritually against evil and not succumb to it.

H Tolerance

This is well illustrated by the Edict of Toleration of the Emperor Asoka in the third century BC in which he states that a man must not disparage the sect of another man because the sects of other people all deserve reverence for one reason or another. By exalting his own sect, a person does service to the sects of other religions but if he denigrates another sect he denigrates his own.⁵⁵

For Hinduism, the Bhagavadgita puts this idea in the following terms: '[...]like the bee gathering honey from different flowers, the wise man accepts the essence of different scriptures and sees only the good in all religions'.

It should be noted that despite the differences in religious background of the members of the United Nations, in 1981, the United Nations General Assembly adopted a Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Sect.

The second Vatican Council acknowledged the right to freedom of religious belief and practice.

All this is not to discount the numerous historical examples of religions themselves being guilty of religious intolerance. Indeed history is littered with examples of intolerance and oppression such as jihads and inquisitions.⁵⁶ Yet, this intolerance has been the result of human action and interpretation rather than religious teaching.

I Non-Violence

Non violence is a primary obligation according to the Buddhist way of life. So far is this doctrine carried that, according to the Mahasilava Jataka, a king who was wrongfully attacked did not use force to overcome his foe but through his behaviour caused the attacker to feel so much remorse that he withdrew. The moral of this story is the value of passive resistance.⁵⁷

⁵³ See *Qur'an* 5:3.

⁵⁴ See Khadduri, *War and Peace* 231-8.

⁵⁵ Vincent A Smith, *The Edicts of Asoka* (1909) Rock Edict V.

⁵⁶ John Witter, 'Law, Religion and Human Rights' (1996) 28 *Columbia Human Rights Law Review* 1.

⁵⁷ K N Jayatilleke, *Dhamma Man and Law* 106-7.

Mahatma Gandhi made one of history's best known efforts to convert the doctrine of peace as found in all religions into a means of solving practical problems. He believed that the means of solving the problems must be as good as the end sought to be achieved. War is an ignoble means of achieving even a noble end. Satyagraha or non violence could be a substitute for war and just as effective. Gandhi in fact believed that non violent resistance was the mightiest force on earth and he sought to prove it by taking on the might of the then most powerful Empire in the world. On the basis of religious teachings, Gandhi maintained that resistance to violence by counter violence is wrong, as one wrong cannot be righted by another wrong. So violence must be resisted by persuasion and where persuasion fails by non violence. He argued that non violence has a force of its own and that it is a means of direct action, involving organisation and numbers, thus sharing four of the characteristics of military action.⁵⁸

Gandhi derived much inspiration from some passages in the Bhagavad Gita extolling the principle of ahimsa or non violence. There is a view that the Bhagavad Gita sanctions war but it needs to be read in its total context and pacifists have derived much inspiration from it.⁵⁹

The Christian teaching of forgiveness, of not meeting force with force, of turning the other cheek, would be completely in accord with these views. Later generations of churchmen with their doctrine of the just war naturally found great difficulty in accommodating their position within the pristine teaching of Christ.

J Forgiveness

When dealing with forgiveness, there immediately comes to mind the passage in Christian scriptures where Jesus says it is idle to perform acts of religious devotion while still bearing a grudge against one's brother. He must first be forgiven. On being asked how many times forgiveness should be extended to a person who has wronged one, the emphatic reply '[s]eventy times seven' shows how totally forgiveness needs to be practised if Christian teaching is to be truly observed.

Indeed forgiveness was the last message of Jesus in relation to his persecutors: 'Father, forgive them for they know not what they do' has re-echoed down the centuries as one of the most poignant pleas for forgiveness ever uttered. The Sermon on the Mount - '[L]ove your enemies, bless those who curse you, pray for those who abuse you'⁶⁰ is itself a plea for forgiveness and indeed goes far beyond it.

Islam teaches restraint in the face of provocation as well as forgiveness. The Qur'an extols 'those who master their anger and forgive others. God loveth the

⁵⁸ See generally R Balasubramaniam, 'The Technique of Non-Violent Resistance' in Robert Grinsberg (ed), *The Critique of War: Contemporary Philosophical Explorations* (1969) 296.

⁵⁹ See Christopher Isherwood, 'The Gita and War' in Isherwood (ed), *Vedanta in the Western World* 246; see also Franklin Edgerton, 'Interpretation of the Bhagvad Gita', *The Bhagvad Gita* (Franklin Edgerton translation, 1972) 185-6.

⁶⁰ Luke 6:27-30.

doers of good'.⁶¹ Likewise Tirmizi records a hadith '[v]erily it is better that the leader should err on the side of forgiveness than on the side of retaliation'.

Buddhism teaches forgiveness in terms that 'hatred never ceases by hatred but by love alone. This is an eternal law'.⁶²

K Assistance to Those in Distress

This concept is powerfully illustrated in the scriptures of all the religions. There immediately comes to mind the Good Samaritan parable of Christianity which imposes a duty of assistance across all racial and national barriers. Those in distress need to be assisted whatever be the group to which they belong and that assistance needs to be given not merely nominally but to the maximum extent possible in the circumstances. One is called upon to go that extra mile to give this assistance and it is to be noted in this connection that the Good Samaritan parable is often considered a corollary to the Lord's Prayer.

In Islam, there is the notion of 'bidding unto good'. This means that if one sees a person in distress, there is an affirmative duty to go to the assistance of that person whoever that person may be. It is not merely a concept of being my brother's keeper, for the duty to assist is not restricted to those with whom one is in a close relationship. In the words of the Prophet 'every one of you is a keeper unto every other and will be accountable for his welfare'.⁶³ The Prophet is reported to have said '[h]e is not a true believer who eats to his fill when his neighbour is suffering the pangs of hunger (Bukhari)'. Economic deprivation in the midst of prosperity is one of the potent causes of war and is intimately interlinked with nearly every single item in the cluster of global problems currently confronting humanity.

The common law may be contrasted with this Islamic concept, for the common law imposes no duty to go to the assistance of a person in distress. Theoretically, it may be possible therefore to pass by an old person drowning in a puddle of water without assisting that person, although assistance can be given without cost or danger to oneself. This is quite the contrary of the Islamic teaching of bidding unto good.

Buddhism covers the same concept through its doctrine of loving kindness to all beings and Hinduism likewise would look upon it as the required standard of righteous conduct that one should go to the assistance of those in distress.

All this has an intimate bearing on international law in an age when all peoples are so closely inter-linked that the hardships or sufferings of any have their immediate repercussions on the rest of the global community. Having regard to the fact that extreme want is a potential cause of future wars, these religious concepts can offer very valuable perspectives to all nations in their quest for a peaceful world order.⁶⁴

⁶¹ *Qur'an* 3:133.

⁶² *Dhammapada* 1:5.

⁶³ Hussain, above n 15, 69.

⁶⁴ For a discussion from the economic angle, see generally Amartya Sen, *Development as Freedom* (1999).

L Psychological Insights into War and Peace

Buddhism has analysed deeply the psychological causes of war. It attributes most wars to misplaced emotion. In its analyses of emotion, it minutely examines the emotion of anger. Of the many types of anger, one which is very relevant to war, is the emotion of righteous indignation which has been the cause of many wars.

While some philosophers such as Aristotle commend righteous indignation, Buddhism points out that this can be especially disastrous if it prevails among groups. Moreover, it is extremely infectious and spreads rapidly, infecting the minds of entire populations.

One of the prescriptions for overcoming this is dialogue, for a consideration of the opposite points of view, the reasons which induce it, and the compromises that overcome it can help to mitigate and eventually eliminate it. The voice of justice and reason can always change the nature of righteous indignation.

Righteous indignation often has an element of truth or justice within it, but this element tends to be obscured by emotion and can be uncovered by dialogue.

Thus, while righteous indignation is a higher form of anger than frustration anger, for example, it is an emotional reaction to the sense of injustice which can at any time be transformed into an ignoble emotion. While the sense of injustice (which Aristotle expounded at some length) is a positive emotion, it can easily degenerate into a counter-productive emotion such as hatred.

Buddhist literature offers numerous illustrations of righteous anger being subdued by dialogue, removing by reasoned argument the emotion of anger and substituting in its place a heightened awareness of the factors which gave rise to the conduct that caused the anger, as well as a desire to restore harmony in the disrupted relationship.

This has extreme relevance to the causes of war and the processes of diplomacy that can avoid this violent result, for nations often go to war in a spirit of righteous indignation at the wrongs done to them, without sufficient examination of the causes that gave rise to their opponent's conduct, and without sufficient attempt at dialogue.⁶⁵

The psychological insights of Buddhism need to be deeply researched in regard to their relevance to the causes and prevention of war.

Buddhism's psychological insights on the futility of war are also telling. 'Victory breeds hatred for the conquered live in sorrow.'⁶⁶ This in turn will lead to fresh wars in which the result will not necessarily be the same. The victor of today may be the vanquished of tomorrow, for 'the conqueror in turn gets someone who conquers him'.

⁶⁵ See Padmasiri de Silva, *The Ethics of Moral Indignation and the Logic of Violence* (1984) 16, citing William Neblett's discussion of 'indignation' in *Metaphilosophy* (1979).

⁶⁶ *Dhammapada* verse 207.

Christianity teaches the avoidance of conflict by a process of self analysis before criticising and attacking one's neighbour. That process of self analysis, as taught in the Sermon on the Mount (through the metaphor of seeing the beam in one's own eye before seeing the mote in one's neighbour's) will show that one can have in oneself the very faults which are the cause of anger against one's neighbour. There are also powerful admonitions against the accumulation of inordinate wealth, which can lead to bitterness and conflict and a strong reminder of the need to seek reconciliation with one's neighbour before taking steps against him. Anger without just cause is severely condemned,⁶⁷ thus requiring a process of analysis of one's claim before commencing any action upon it. Much more would this apply in the case of hostilities.

M Peaceful Resolution into War and Peace

The Buddha, during his more than forty years of public ministry, often acted as conciliator and mediator in disputes between rulers. The prohibition of the use of armed force meant that disputes, whatever the stage they may have reached, should be addressed with a view to their peaceful resolution. Kings were urged to cultivate ties of friendship with other kings and not to harbour feelings of hostility towards them. The Qur'an encourages the peaceful settlement of disputes and arbitration as is evidenced by verse 4:62 which shows that goodwill and conciliation if honestly resorted to are to be commended. The idea of a peaceful resolution in Christianity is enshrined in the celebrated passage in the Sermon on the Mount extolling the peacemakers. 'Peacemakers' would by very definition include mediators and conciliators.

In Hinduism, the notion of the peaceful resolution of disputes goes all the way back to the Code of Manu (circa 100 BC) in terms of which war was always to be a last resort, with conciliation and other means of dispute settlement being recommended as the course of action rulers should follow in order to avert hostilities.⁶⁸ The notion of dharma pervades every stage and aspect of inter-state relations. A Dharmishta solution (that is one which is in accordance with Dharma) would therefore be obligatory on the parties and if the dispute in question can be settled by peaceful means before it degenerates into violence and killing, then such a course of action to resolve the dispute would be the recommended course of Hinduism. Indeed, the moral duty to act righteously and in accordance with dharma would be a religious duty and as such the failure to explore the possibility of preventing bloodshed would be a dereliction from religious duty.

N The Economic Causes of War

Islam lays an affirmative duty on all those in a situation of affluence to extend material help to those in need. Those in distress, those who are in straitened circumstances, those in need of any kind are to be helped and with such help dissatisfaction and tensions in society will be mitigated. So specific was this duty

⁶⁷ Matthew 5:22.

⁶⁸ *The Laws of Manu* (George Buhler translation, 1886) ch 7.

that there was a levy for charitable purposes on all Muslims and the notion of the charitable trust evolved, antedating by many centuries the notion of charitable trusts in Europe.⁶⁹ Over and above this obligatory levy there was the duty to go to the assistance of one's neighbours in distress. One of Islam's five pillars is to pay Zakat, a yearly sum of money to assist the needy. This is a moral and religious obligation and high value has attached to it in the structure of administration of the Islamic state.

Just as within a state such obligations lead to a reduction of tension so also in the international community an obligation to assist those in distress would greatly relieve tension and avoid the potential causes of future conflict.

The accumulation of wealth to the point where it amounts to an unfair deprivation of the legitimate needs of others is a phenomenon of growing intensity in the world today and one is reminded of the Christian condemnation of the accumulation of wealth through such teachings as that it is easier for a camel to go through the eye of a needle than for a rich man to enter the Kingdom of God. The possession of exorbitant wealth is clearly targeted here and the condemnation it attracts has clearly not only a religious but a social dimension as well for it clearly does harm to the body politic whether domestic or international. So also with the teaching against laying up wealth to the extent that it is consumed by moth and rust, when in fact it is sorely needed by others.

Buddhism analyses the political consequences of accumulation of wealth with great specificity. The Cakkavattisihanada sutra describes them in these terms:

Thus as a result of goods not accruing to those who were destitute, poverty becomes rife; from poverty becoming rife stealing increases, from the spread of stealing violence grows apace, from the growth of violence the destruction of life becomes common.⁷⁰

Among such humans there will arise a war ... during which they will look on each other as wild beasts; dangerous weapons will fall into their hands and they, thinking 'this is a wild beast', 'that is a wild beast', will with these weapons deprive each other of life.⁷¹

There is even a premonition of nuclear war when the text goes on to observe:

Then to some of those beings it will occur; Let us not just slay anyone; not let just anyone slay us! Let us now, therefore, betake ourselves to dens of grass or dens in the jungle, or holes in trees, or river fastnesses, or mountain clefts and subsist on root and fruits of the jungle. And they will do so for seven days. And at the end of those seven days, coming forth from those dens and fastnesses and mountain clefts, they will embrace each other and be of one

⁶⁹ See C G Weeramantry, *Islamic Jurisprudence* (1999) 73.

⁷⁰ See K N Jayatilleke, *Buddhism and Peace* (3rd revised ed, 1983) 25.

⁷¹ *Ibid* 27, citing Digha Nikaya, *Pali Text Society* vol III 70-5; see also *Thus Have I Heard: The Long Discourses of the Buddha* (Maurice Walshe translation, 1987) 399, 402.

accord, comforting one another and saying: Hail, O mortal, that thou livest still! O Happy sight to find thee still alive'.⁷²

Out of such a cataclysm would emerge a just world order.

Though embellished with much symbolic detail, this is perhaps one of the most striking passages in the religious books connecting economic deprivations and injustice to war and the ways in which the inequitable distribution of wealth could lead to a catastrophe endangering civilisation.⁷³

VI CONCLUSION

These few references to various religious writings on matters pertinent to war and peace will illustrate that modern international law can reinforce its central principles by invoking these teachings on matters vital to war and peace. Before war commences they show many routes to its avoidance. Once war is embarked upon, its severities can be considerably mitigated and its duration shortened, and when war is ended they show the path to a restoration of harmonious relationships. All of these are results much sought after by international law, and a willingness to rely on these sources can considerably assist international law in the task of translating its precepts into practice by rendering them more acceptable to vast segments of the global population.

⁷² Ibid.

⁷³ On a proper use of economic development as a solution to wars see Sen, above n 64.