

# **DHARMA: THE MORAL ASPECTS OF STATECRAFT**

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#### **Abstract:**

In the 21<sup>st</sup> Century, with an emerging polycentric world order, the moral aspect of statecraft as in the concept of dharma from the Indian tradition needs to be given due importance. Power relations as seen so far in the 20<sup>th</sup> and 21st century are unlikely to lead to a better and peaceful world. The article first traces the roots of morals in ancient Indian traditions of statecraft and its global potential. The article further argues that peace and security can be realised by incorporating the concept of dharma in statecraft. As an example, the article relates Indian traditions in the concepts and ethos in just war tradition to show how dharma is to be understood in case of political use of force in an era of nuclear weapons and emerging technologies. To generate a healthy and fruitful debate, in the conclusion, the paper suggests ideas rooted in Indian traditions that may help to end the institution of war

Key words: Dharma, Ethics, Statecraft, Kautilya, Force, Just war, Technologies, War

**Título en Castellano**: Dharma: Los aspectos morales de la función política

#### Resumen:

En el siglo XXI, con un orden mundial policéntrico emergente, es necesario dar la debida importancia al aspecto moral de la función política como aparece en el concepto de dharma de la tradición India. Es improbable que las relaciones de poder que se observan hasta ahora en el siglo XX y XXI conduzcan a un mundo mejor y pacífico. El artículo traza primero las raíces de la moral en las antiguas tradiciones indias de la función política y su potencial global. El artículo argumenta además que la paz y la seguridad se pueden realizar incorporando el concepto de dharma en la función política. Como ejemplo, el documento relaciona las tradiciones indias en los conceptos y el ethos en la tradición de la guerra justa para demostrar cómo dharma debe ser entendido en caso del uso político de la fuerza en una era de armas nucleares y de tecnologías emergentes. Para generar un debate saludable y fructífero, en la conclusión, el documento sugiere ideas arraigadas en las tradiciones indias que pueden ayudar a poner fin a la guerra como práctica institucionalizada

**Palabras Clave**: Dharma, Etica, Función Política, Kautilya, Fuerza, Guerra Justa, Tecnologías Guerra,

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### 1. Introduction.

The word *dharma* from the Indian traditions captures the meaning of moral in its many forms. S. Radhakrishnan defines it as "Dharma is a code of conduct supported by the general conscience of the people. It is not subjective in the sense that the conscience of the individual imposes it, nor external in the sense that the law enforces it. Dharma does not force men into virtue, but trains them for it. It is not a fixed code of mechanical rules, but a living spirit which grows and moves in response to the development of society."<sup>2</sup>

*Dharma* has many meanings.<sup>3</sup> In politics, *dharma* means being ethical and not being amoral, and also adhering to norms of international law. The key concepts that regulate and legitimate state actions, may subconsciously have an influence on Indian foreign and security policy which is *dharma*.

The powerful meaning of *dharma* may not be that well known. One main reason for absence of Indian traditions to the dominant discourse of International Studies (IS) is that the epistemological and historical sources on which the entire edifice of contemporary International Relations (IR) Studies/Theories have been built and are predominantly identified as "Western". And thus:

Whether it be the historical or conventional resources like 'Peloponnesian war', the 'concert of great powers', the 'treaty of Westphalia', the 'cold war', or philosophical geniuses like Plato, Aristotle, Cicero, Grotius, Kant, Marx, Gramsci, and other contemporary philosophers, all come from the categorized West.<sup>4</sup>

Today, the concept of *dharma* or morals and ethics in statecraft is reasserting itself. Surely, *dharma* emanating from ancient Indian civilizational traditions may be more attractive and persuasive if theorized afresh for a new international order of which India is a vital part. Although the invasion of Iraq by the US- UK alliance in 2003 may be an unjust war, one of the British participating General argues for doctrine of the moral component to "turn into reality force with compassion, complying with the spirit as well as law of armed conflict, the Geneva Convention and so forth." <sup>5</sup>

Daedalus: Journal of the American Academy of Arts & Sciences may be regarded as a barometer of the moral conscious of the West and the great power of today. Two recent issues of the journal deal with ethics, technology and war; and changing rules of war. <sup>6</sup> Michael Walzer the high priest of just war theory in this journal makes a sound case for opening up the decision process on targeted killing and drone warfare to democratic scrutiny as Scholars like Michael C. Horowitz has a growing concern on the unresolved and yet undebated ethical

<sup>&</sup>lt;sup>2</sup> Radhakrishnan, Sarvepalli (1936): *The Heart of Hinduism*, Madras, 1936, pp. 17–18, as quoted by Lingat, Robert. (1998): *The Classical Law of India*, translated with additions by Derrit, J. Duncan, New Delhi, Oxford University Press, p. 258, note 3.

<sup>&</sup>lt;sup>3</sup> For more explanation of dharma see Gautam, Pradeep Kumar (2016): *Understanding Dharma and Artha in Statecraft through Kautilya's Arthashastra*, IDSA Monograph Series n° 53, New Delhi, Institute for Defence Studies and Analyses.

<sup>&</sup>lt;sup>4</sup> World International Study Committee (WISC 2017), Panel Proposal on the topic "Theorizing International Relations (by drawing on) using Indian Intellectual History" at the Fifth Global International Studies Conference, at Taiwan, 1-3 April 2017.

<sup>&</sup>lt;sup>5</sup> Cross, Tim, Major General (Retired), CBE: "Rebuilding Iraq 2003: Humanitarian Assistance and Reconstruction", in Bailey Jonathan, Iron Richard and Strachan Hew (eds.) (2015): *British Generals in Blair's Wars*, Surrey/ Burlington, Ashgate, p.78.

<sup>&</sup>lt;sup>6</sup> Daedalus: Journal of the American Academy of Arts & Sciences: "Ethics, Technology & War", Vol. 145, No. 4, (Fall 2016) and "The Changing Rules of War", vol. 146, n°1 (Winter 2017).



question of the use of autonomous weapon systems. David P. Fidler too argues that "Unfortunately, the convergence of political and ethical incentives on cyber in a context of increasing geopolitical competition and conflict make the prospects for ethical consensus on just and unjust cyber coercion, force, and war unlikely". <sup>7</sup>

Traditions from India having a rich and surviving civilizational heritage will also help in build a better planet. To address this challenge, the essay will proceed as follows.

First, I trace and place the roots of morals in ancient Indian traditions of statecraft. It is my claim that in ancient theory of statecraft from India, the moral is already embedded in the text for contemporary times. In the second step, I argue to show that such an Indian contribution to International Studies is truly global. I argue that by incorporating and championing the moral in statecraft, the ugly and unwelcome turn of geopolitics as is being witnessed today may be overcome for peace and security. In the third step as an example, I relate the concepts and ethos in just war tradition in Indian traditions to show how the concept of dharma is to be understood in case of political use of force in an era of nuclear weapons and emerging technologies. To generate a healthy and fruitful debate, in the conclusion, I put forth ideas rooted in Indian traditions that may help to end the institution of war.

# 2. Tracing and Placing the Roots of Morals in Ancient Indian Traditions of Statecraft

# 2.1: A summary of Indian ethics captures roots of morals in ancient Indian tradition

India recognized like other countries that international relations could not be fully governed by the laws of private morality, if the state was to survive. It evolved a science of statecraft (arthasastra) in addition to a scheme of salvation (moksasastra) and kept apart these four objectives of human life (chatur- varga) – morality or sacrificial duty (dharma), earthly prosperity including economy and statecraft (artha), conjugal necessity (kama), and emancipation (moksa) – though it advised the pursuit of all these objectives. The king and those in power had many unpleasant duties to perform to maintain order and discipline in the state; and while the objective of a righteous war (dharmayuddha) was steadily kept in view and humane treatment of enemies and criminals was recommended, this paramount necessity of maintaining the integrity of the state was not allowed to be overridden by personal considerations... But unpleasant duties were not to be performed in a spirit of anger or vengeance, and reformation of the character of the evil-doers was a primary duty to be attempted with kindness and patience... <sup>8</sup>

Explanation of *dharma* is also provided in the master text of political realism - The Kautilya's *Arthashastra*. In this tradition *Artha* (material wellbeing) is always moderated by *Dharma* (moral, ethics). Thus, concepts of *dharma* and *artha* are not separate silos and they do not talk past each other but with each other. Kautilya, the author-cum-editor of *Arthashastra* the ancient treatise on politics, does not suggest selectiveness. Kautilya insists not on the fulfilment of one limited and partial aim but success in all fields. Although Kautilya argues for *artha* being a top concern, he does not ignore the balance with *dharma* (moral) and *kama* (desire/pleasure). In 9.7.60, it is stated: "Material gain, spiritual good and pleasures: this is the

<sup>&</sup>lt;sup>7</sup> Walzer, Michael: "Just & Unjust Targeted Killing & Drone Warfare", pp.6-24; Horowitz, Michael C.: "The Ethics & Morality of Robotic Warfare: Assessing the Debate over Autonomous Weapons", pp.25-36; and Fidler, David P.: "Just & Unjust War, Use of Force & Coercion: An Ethical Inquiry with Cyber Illustrations", pp.37-49, in *Daedalus*, vol. 45, n° 4 (Fall 2016).

<sup>&</sup>lt;sup>8</sup> Bhattacharyya, Haridas: "Indian Ethics", in Bhattacharyya, Haridas (ed.) (2014): *The Cultural Heritage of India*, Vol. III, *The Philosophies*, Belur Math, Ramkrishna Mission, p. 644.



triad of gain." <sup>9</sup> Further, at 1.3.13 and 1.6.1-3, Kautilya's *Arthashastra* gives guidance on morals, including the most fundamental and enduring aspect of morals in human affair, that is, abstaining from injury, non-violence or *ahimsa*, and control over senses. <sup>10</sup>

#### 2.2: Indian Contribution to International Studies is Truly Global

Some academics champion that Western IR has a unique place. The logic being: only Western IR is wholesome and rising powers are only trying to justify their foreign policy behaviour and actions using the crutch of their ancient traditions. Another argument is that at least Western IR is universal and European history of 19th and 20th century laced with world wars gives a good explanation of how powers behave. In ancient sources they can only think of the historian Thucydides the 'founding father' of classical realism. Based on these argument, which it must be admitted, are supported by extensive literature, many are in eloquent praise of just Western IR as a gold standard as if just parsimony and explanatory power that fits in with their ontology is enough. These arguments are not convincing and wholesome as they ignore Indic traditions. Scholars in this category seem to be unaware, ignorant or dismissive about the moral argument on statecraft residing in the rich culture, literature and civilization of India.

Today in an emerging polycentric international order there is a turn to jingoist nationalism in the political behaviour of many countries leading to meanness and selfishness. This current state of affairs can be compared to a similar situation in early 20th century. India was then yet to attain independence and political freedom, yet her thought leaders were thinking of a global order. In early 20th century, Mahatma Gandhi argued for the moral and ethical path for a sustainable growth to achieve a balance on kama and artha (which we also understand as sustainable development). And it was Rabindranath Tagore, the poet-composer of the national anthems of India and Bangladesh, who deprecated the "sectarianism and xenophobia that lay at the heart of nationalistic politics." Tagore in his lecture tours to the U.S.A, and Japan during World War I argued to shun their political aggressiveness and cultural arrogance. Surely a committed person steeped in Indian philosophy as found in the epics on a deeper message for peace. Of course, his lectures were not well received in Japan which had been intoxicated by extreme nationalism. And as a result, was an unfortunate target for nuclear weapons during the end of World War II. What Tagore lectured is more relevant today. Such attitudes as reworked and revived by Gandhi and Tagore in their different ways for a new context have their origins in ancient Indian traditions which champion the moral. This is one great contribution from Indian traditions at a global level which now need to be revisited in what I term as "Championing the Moral in Statecraft".

To begin with, the Indian epic such as the Mahabharata also give due importance to *dharma*. The epic has episodes and illustrations to show how personalities weigh up and

<sup>&</sup>lt;sup>9</sup>Kangle, R.P. (2010): *The Kautiliya Arthashastra*, *Part 2: An English Translation with Critical and Explanatory Notes*, Second Edition, 7<sup>th</sup> Reprint, Delhi, Motilal Banarsidass, p.431. <sup>10</sup> *Ibid*, p.8 and p.12.

<sup>&</sup>lt;sup>11</sup> These are my impression as gathered in a talk by Professor Amitav Acharya at the IDSA, New Delhi on 12 August 2016 tilted "The Challenge for an Asian Century: Overcoming Chinese Dominance and Avoiding Europe's Past."

<sup>&</sup>lt;sup>12</sup> Schoenbausm, Thomas J. (2006): *International Relations -The Path Not Taken: Using International Law to Promote World Peace and Security*, Cambridge, Cambridge University Press, p.19.

<sup>&</sup>lt;sup>13</sup> Guha, Ramachandra (2009): "Introduction", Rabindranath Tagore, *Nationalism*, New Delhi, Penguin Books, xiii.



prioritise *dharma*, *artha* and *kama*. In the end the epic is clear that *dharma* is supreme. Swarna Rajagopalan makes use of both the epics- the Ramayana and the Mahabharata to explain "Grand Strategic Thought", which she defines as "ideas and assumptions drawn from a broader base of values, experiences and preferences that inform a state's policies, choices, resource use and approach to the world outside in its quest for security". On the pivotal role of *dharma*, she continues: "In Indian political thought, dharma is a bulwark against chaos... In today's context, dharma may be re-interpreted as a preference for norm-based interactions." and compares this idea a fit case to be applied in multilateral fora like the United Nations (UN) and its agencies in treaty making. <sup>17</sup>

Now in the contemporary world, discourse, attitudes and academic work there is a case for given more weightage to *dharma* or ethics. Indian policy elites likewise have also argued for ethics. In a lecture "Decline of Internationalism" Shyam Saran argues for "enlightened self-interest" as a way of coping with reality and the need to have a cross border approach to international issues. But what is important is that he emphasised to say that such an approach is great pragmatism and is not idealism. He thus concluded to say that "power must have ethical moorings". <sup>18</sup>

Thus, in sum there is a need for a normative or what "ought" to be done. Literature on "Normative IR Theory" is also getting noticed and becoming influential. As:

The insights that we cannot avoid the ethical dimension of international politics has now attained canonical status. The editors of the *Oxford Handbook of International Relations* hold that separation of the normative (or ethical) from the empirical is untenable since "all theories of international relations and global politics have important empirical and normative dimensions, and their deep interconnection is unavoidable".<sup>19</sup>

This is an uphill and necessary task. As I have argued, the moral aspects of *dharma* have a key role to play in the construction of the global order. This embedded concept of *dharma* also regulates the inevitable use of force. This is now discussed with an example of just war tradition.

#### 3. Just War Tradition and Indian Military Ethos

The Indian theory of just war tradition and military ethos predates all other civilisational texts. The Indian ethos is very deeply aligned with universal just war theory understood in Latin as *Jus ad Bellum* (the justice of war), *Jus in Bello* (the justice in war) and *Jus Post Bellum* (the justice after the war). I take the meaning of ethos as "the characteristic spirit of a culture, era, or community as manifested in its beliefs and aspirations". Underlying the "just "part, there is a Sanskrit word which we will soon encounter again, with a much deeper meaning called *dharma*. I approach this section by answering questions in the following steps:

<sup>&</sup>lt;sup>14</sup> Rich, Bruce (2008): *To Uphold the World: The Message of Ashoka & Kautilya for the 21st Century*, New Delhi, Viking/Penguin, 2008, pp. 223–24. Bruce Rich relies on Ganguli, Kisari Mohan (trans.) (1973): *The Mahabharata of Krishna-Dwaipayana Vyasa*, 3rd edition, New Delhi, Munshiram Manoharlal, p. 368.

<sup>&</sup>lt;sup>15</sup> Rajagopalan, Swarna: "Grand Strategic Thought in the Ramayana and Mahabharata", in Bajpai Kanti, Basit Saira and Krishnappa V. (eds.) (2014): *India's Grand Strategy: History, Theory, Cases*, New Delhi, Routledge, 2014, p.32.

<sup>&</sup>lt;sup>16</sup> *Ibid*, p.42.

<sup>&</sup>lt;sup>17</sup> *Ibid*, pp.41-42.

<sup>&</sup>lt;sup>18</sup> Saran, Shyam (2016): "Y.B. Chavan Memorial Lecture on `Decline of Internationalis'", New Delhi, IDSA, 28 November.

<sup>&</sup>lt;sup>19</sup> Schieder Siegfried and Spindler Manuela: "Theory of International Relations" in Siegfried Schieder and Manuela Spindler (eds.) (2014): *Theories of International Relations*, London/New York, Routledge, p.9.



- (a) Why Just War Tradition or Doctrine? Its Philosophical, Political and Textual Foundations.
- (b) Nuclear Weapons and Emerging Technologies.

# 3.1. Why Just War Tradition or Doctrine? Philosophical, Political and Textual Foundations

"Just War is the name for a diverse literature on the morality of war and warfare that offers criteria for judging whether a war is just and whether it is fought by just means." Just war tradition as is generally known, is rooted in the moral philosophy of St Augustine of Hippo of the 5<sup>th</sup> century and its revival in 13<sup>th</sup> century by St Thomas Aquinas as a Christian/Western tradition, though it draws from Greek philosophy and has "a comparable concept in the Koran". Besides theology, another source *in bello* is medieval chivalric code. Later, with the impact of the 16<sup>th</sup> century reformation, secularization of the doctrine took place. <sup>22</sup>

Just War tradition "recognizes politics and the reality of power alongside ethics". <sup>23</sup> It recognizes "imperfections of the human world". <sup>24</sup> For the use of force, therefore, three most common criteria from the times of Aquinas, who argued they were necessary conditions for a war to be deemed just were: (a) Right (legitimate) authority, (b) Just Cause, (c) Right Intention. Implicit in his earlier writing made explicit later were:(d) Last resort, (e) Proportionality, and (f) Reasonable hope. <sup>25</sup> Or, in other words, just war tradition is "A framework that is simultaneously both ethical and political". <sup>26</sup> In 2003, as war in Iraq was eminent, the introduction of an edited book on just war in comparative perspective pointed out: "This revival of interest is remarkable, since as little as fifteen years ago the just war doctrine, which has existed in various forms for many hundreds of years, was considered to have been rendered 'obsolete' by modern warfare and weapons". <sup>27</sup>

Most contemporary international law originated in Europe beginning in the 1600s and developed over the course of the last four hundred years. A number of developing countries of today were under alien and colonial rule during the formative period of international law, and therefore played no part in shaping that law.<sup>28</sup> The UN charter a remarkable work of 20th century as one common document (in letter though yet not in spirt). Chapter 1, Article 2(4) on principles prohibits threat or use of force and Article 2(7) prohibits intervention by UN. Use of force is under its Chapter 7 and Article 51 is on use of force in self defence. Now in 21<sup>st</sup> century more countries with ancient traditions are in the international relations and law loop, so to speak. As our knowledge grows, unearthing and revisiting ancient Indian historic traditions can augment the discourse in international laws of armed conflicts. This makes the mix richer as it includes nonwestern ideas.<sup>29</sup>

<sup>23</sup> *Ibid*, p.406.

<sup>&</sup>lt;sup>20</sup> Fixdal, Mona and Smith, Dan: "Humanitarian Intervention and Just War" in Evangelista, Matthew (ed.) (2005): *Peace Studies: Critical Concepts in Political Science*, Volume III, London/New York, Routledge, 2005, p.404. <sup>21</sup> *Ibid*.

<sup>&</sup>lt;sup>22</sup> *Ibid*, p.405.

<sup>&</sup>lt;sup>24</sup> *Ibid*, p.407.

<sup>&</sup>lt;sup>25</sup> *Ibid*, p.411.

<sup>&</sup>lt;sup>26</sup> *Ibid*, p.431.

<sup>&</sup>lt;sup>27</sup> Robinson, Paul, "Introduction" in Paul Robinson (ed) (2003): *Just War in Comparative Perspective*, Aldershot, Ashgate, 2003, p.1.

<sup>&</sup>lt;sup>28</sup> Shimko, Keith L. (2013): *International Relations: Perspectives, Controversies & Readings*, Wadsworth Cengage Learning International Edition, 4<sup>th</sup> Edition, 2013, "Chapter 9, International Law" p.223. Reference by author to Malanczuk, Peter (1997): *Akehurst's Modern Introduction to International Law*, New York, Routledge, 1997.

<sup>&</sup>lt;sup>29</sup> For other civilisations see See Brekke, Torkel (ed.) (2006): *The Ethics of War in Asian Civilizations*, Abingdon, Oxon, 2006. Lewis, Mark E., in his chapter "The Just War in Early China" refers to *yi bing* or "just war" tradition.



Indian military ethos has a rich and ancient past and pedigree. The ethos is consolidated in the 4th century BCE root /classical text on warcraft and statecraft called Kautilya's *Arthashastra* and subsequent secular text of political science such as *Shanti Parva* of the *Mahabharata*, *Panchatantra* by Vishnu Sharma and *Hitopadesa* by Narayana (800-950 AD) animal and human fables, The Tirukkural by Tiruvalluvar (2 BCE- 5CE), Kamandaka: *Nitisara: The Essence of Politics* (ca. 500-700 AD), *The Sukraniti*, Somadeva Suri's *Nitivakyamrtam: Nectar of the Science of Polity* (Jain scholar, 10<sup>th</sup> century AD) etc. For this article, I will only refer to Kautilya's *Arthashastra* as it is a comprehensive treatise which incorporates all key elements.

On the survival and continuity of the ethos in India for centuries till today, recent research of Subrata K. Mitra and Michael Liebig shows that these "epoch- spanning 'ideaflow'" and oral and written transmission of "Kautilyan thought up to the present" lie in concepts such as "habitus" of Pierre Bourdieu, political sociology of Max Weber and Pierre Bourdieu, "hybridization and re-use of the past" as theorized by Subrata K Mitra, Fernand Braudel's concept of "longue durée", and work such as *The Modernity of Tradition* (1967) by the late Lloyd Rudolph and Susanne H. Rudolph. For example, in the four methods *-sama-dana-bheda-danda* or conciliation, gifts, rupture and force: the use of force (*danda*) is always the last resort.

Danda, as we noted, is the fourth and last resort and this has one modern example in Congo during UN peacekeeping. A Deputy Commander from India wrote: "Kautilyan precepts of sama (conciliation), dana (gratification), bheda (division) and danda (force), as an instrument of last resort may not be formally taught in schools of instruction but is a concept ingrained in doctrinal and operational philosophies related to use of force in a population centric conflict environment (which UN peacekeeping is). As opposed to this, the occidental mind-set and those of their clients seems to look at an excuse to justify violence as the first response".<sup>31</sup>

Rather than use of force, diplomacy or *mantrayuddha* is the preferred option. This tradition is found to exist in almost all follow-through text of statecraft and is also in oral and folk traditions which include stories of the epic Ramayana and Mahabharata. All this knowledge and wisdom had been compiled and updated for his time by Kautilya and many of its vocabulary and concepts seem modern.

Kautilya's *Arthashastra* explicates three types of conquests - *dharmavijay* (a just conquest), *lobhavijay* (conquest of greed) and *asuravijay* (conquest like a demon). Kautilya's core concepts about war are very clear. For wars of conquest or covert actions to be legitimate and "righteous" (*dharma*), they must serve the purpose of the political unification of the Indian subcontinent. The strategic goals of Kautilyan foreign policy have been explained by Mitra and Liebig:

Kautilya's foreign policy theory is not about preserving the status quo but its revision. However, 'conquest' does not mean imperialist aggrandizement as an end in itself. In

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The phrase *yi bing*, literally "righteous", "just" or "dutiful war" came to serve as a rubric for many comparable ideas (p.185). On islam, John Kelsay's, "Islamic Tradition and The Justice of War" at page 81 there is an important insight mentioned in Anne Lambton's State *and Governance in Medieval Islam*, Oxford University Press, 1981. Anne Lambton argues that any survey of Islamic political thought should deal with three types of literature: philosophical treatises, in which such noteworthies as al-Farabi and Ibn Sina (Avicenna) provide Islamic expression of the analyses offered by Plato and Aristotle; mirror of princes, where one reads the wisdom of courtly advisors, now presented for the education of Muslim rulers; and the opinions of the Shariá, the "sacred law".

<sup>&</sup>lt;sup>30</sup> Mitra, Subrata K. & Liebig, Michael (2017): *Kautilya's Arthashastra, An Intellectual Portrait: The Classical Roots of Modern Politics in India*, New Delhi, Rupa, 2017, p.xxx and p.295.

<sup>&</sup>lt;sup>31</sup> Deshpande, Colonel Vikrant: "Peacekeeping or Peace Enforcement: Principal Dilemma Surrounding United Nations Peacekeeping in the Democratic Republic Of Congo", *Africa Trends*, April-June 2016 at http://www.idsa.in/africatrends/peacekeeping-or-peace-enforcement



the historical context of the Arthashastra's origination, 'conquest' means the elimination of political fragmentation on the Indian subcontinent. 'Conquest' must serve the political unification of the Indian subcontinent in order to be legitimate. Kautilya sets such 'righteous conquest' against 'greedy' and 'demoniacal' conquest... what counts for Kautilya is the political unification of the Indian subcontinent... the term 'conquest' in the Arthashastra should not be associated with 'imperialism' or 'expansionism' beyond the geo-cultural space of the Indian subcontinent. Once India is politically unified, Kautilyan foreign policy is essentially *saturiert*, to use here Bismarck's terminology. Beyond India's geo-cultural boundaries, the political status quo is not called into question... in the Arthashastra there is not the slightest indication of intentions for military conquest of territories or states bordering the Indian subcontinent, nor is there any indication for maritime expansionism. <sup>32</sup>

Further in combat or *yuddha* or war three categories are: *prakash-yuddha* or 'open fight' in the place and time indicated, kuta-*yuddha* or 'concealed fighting' involving use of tactics in battlefield and *tusnim-yuddha* or 'silent fighting'.

In capturing a fort, the conqueror (*vijigisu*) should grant safety to the people. Those who have to be removed from the place where fighting may take place should be settled elsewhere and helped in every way. The text say that destruction of the people is a ruinous policy as a country without people makes no sense, and there can be no kingdom without a country.

It is laid down that when attacking the enemy in open battlefield, or when storming a fort, care should be taken to see that the following categories of persons are not attacked by the troops: (1) *Patita*, those who have fallen down, (2) *paranmukha*, those who have turned their back on the fight, (3) *abhipanna*, those who surrender, (4) *muktakesa*, those whose hair are loose (as a mark of submission), (5) *muktasastra*, those who have abandoned their weapons, (6) *bhayavirupa*, those whose appearance is changed through fear and (7) *ayudhyamana*, those who are taking no part in the fight. Military ethos transcends the multiple language and regional terrain with a geo-cultural common thread which is pan-Indian. For example, in South India The Tirukkural by Tiruvalluvar in Tamil called the Kural (1st century BCE to 6<sup>th</sup> century CE) chapter 78, "Military Bearing, Pride and Valour", is very much of what Kautilya says. In Kural the verse is: "It is a soldier's virtue to be fierce and pitiless to the foe, but if he is down, It is virtue of a higher grade to be compassionate". 33

Finally, for the consolidation of an empire, Kautilya's *Arthashastra* gives a good set of rules as to how the conquered people are to be assimilated and treated. In Book 13 of Kautilya's *Arthashastra*, "Means of Taking a Fort", under Chapter Five Section 176 are the rules on pacification of the conquered territory. Sutra 13.5.3, for example, states: "After gaining new territory, he should cover enemy's fault with his own virtues, his virtues with double virtues." Further, Sutra 4 continues: "He should carry out what is agreeable and beneficial to the subjects by doing his own duty as laid down, granting favours, giving exemptions, making gifts and showing honour."

# 3.2: Nuclear Weapons and Emerging Technologies<sup>34</sup>

At the end of the war in the epic Mahabharata, the mass revenge killing of the children of the

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<sup>&</sup>lt;sup>32</sup> Mitra & Liebig, *op cit*, pp.111-112.

<sup>&</sup>lt;sup>33</sup> Diaz, S.M. and Mahalingam, N. (eds.) (2008): *Tirukkural with English Translation and Explanation, Vol. II*, Coimbatore, Ramanandha Adigalar Foundation, p.792.

<sup>&</sup>lt;sup>34</sup> Parts of this section are based on Gautam, Pradeep Kumar (2016): *Understanding Dharma and Artha in Statecraft through Kautilya's Arthashastra*, IDSA Monograph Series n° 53, New Delhi, Institute for Defence Studies and Analyses.



Pandavas at night by Ashwathama (son of the slain Dronacharya of the Kaurava, enemy camp) is one example of unjust acts. The use of ultimate weapon of a burning arrow has been commented on by A.K.Ramunujan as a terrifying prophesy by Peter Brook (the producer of the serial on Mahabharata) of the nuclear threat to the foetus in the womb: "Asvatthama kills all the Pandava children with his ultimate weapon, a burning arrow that cannot be withdrawn which reaches into the wombs of the Pandava women to kill their fetuses." The epic has important lesson for today to avoid a nuclear catastrophe.

The war and the lessons in the Mahabharata, by itself, are also a good resource to argue on the futility of war. The imagination of the poets, composers, bards and storytellers can also be used as a device to achieve total disarmament. India can thus reinforce its arguments in the world for the *a-dharmic* use of nuclear weapons. It is important to mention here that in 1994, the United Nations General Assembly sought an advisory opinion from the International Court of Justice (ICJ): "Is the threat or use of nuclear weapons in any circumstances permitted under international law?" The ICJ stated: "...the Court cannot conclude definitely whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of the State would be at stake." "

It has been pointed by scholars that the "Catholic Church is a good example where consistent efforts are made on the moral and ethical dimensions of nuclear weapons. Some core arguments for a Global Zero seem to be based unconsciously on the lessons that we learn from the epics. Examples being: (i) moral arguments can have a powerful influence; (ii) moral reasoning is easily understood and supported by public than technical and security arguments; and (iii) call for disarmament has universal validity."<sup>37</sup>

It is possible that *a-priori* argument on the horrors of use of WMD, as in the epics, can reinforce the empirical and real-life horrors of Hiroshima and Nagasaki of World War II. But besides WMD, new robotic technologies have made war seem like a videogame. Called, "PlayStation mentality", as is manifest in drone pilots who kill insurgents using their joysticks thousands of miles away. *The International Review of the Red Cross* in a special issue on "New technologies and warfare" has debated these futuristic issues of technologies and the moral dimension. <sup>38</sup> The United Nations Institute for Disarmament Research (UNDIR) in its flagship journal *Disarmament Forum* has brought a special issue on "Confronting Cyber Conflict". <sup>39</sup> These institutional publications are making a good case for a great role of human agency and awareness for moral issue as the means of waging war become dependent on machines and lethality multiplies. "PlayStation mentality" is also described quite accurately: "Young military personnel raised on a diet of video games now kill real people remotely using joysticks. Far removed from the human consequences of their actions, how will this generation of fighters value the right to life? "<sup>40</sup> Similarly, in the cyber domain, kinetic effects can be created which

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<sup>&</sup>lt;sup>35</sup> Ramanujan, A.K.: "Repetitions in the Mahabharata", in Sharma, Arvind (ed.) (2007): *Essays on the Mahabharata*, Motilal Banarsidass, First Indian Edition, Delhi, 2007, p.436.

<sup>&</sup>lt;sup>36</sup> International Court of Justice (IJC): *Legality of the Threat or Use of Nuclear Weapons*, ICJ Advisory Opinion, 8 July 1996.

<sup>&</sup>lt;sup>37</sup> Gautam, Pradeep Kumar (2016): *Understanding Dharma and Artha in Statecraft through Kautilya's Arthashastra*, IDSA Monograph Series nº 53, New Delhi, Institute for Defence Studies and Analyses, pp.94-95. Author quotes Foradori, Paolo, "The Moral Dimension of "Global Zero": The Evolution of the Catholic Church's Nuclear Ethics in a Changing World", *The Nonproliferation Review*, vol. 21, nº 2, (June 2014), pp. 189–205.

<sup>&</sup>lt;sup>38</sup> "New Technologies and Warfare": *The International Review of the Red Cross: Humanitarian debate: Law, policy, action*, vol. 94, n° 886 (Summer 2012).

<sup>&</sup>lt;sup>39</sup> "Confronting Cyber Conflict", *Disarmament Forum*, Issue Four, 2011.

<sup>&</sup>lt;sup>40</sup> Bernard, Vincent: "Editorial: Science cannot be placed above its consequences", *The International Review of the Red Cross: Humanitarian debate: Law, policy, action,* "New Technologies and Warfare", *op.cit,* pp.457-468.



may have serious consequences to life and property and my not be *jus in bello*. This subject is an urgent matter which needs to be debated as the Geneva Convention (being of 1949 vintage) is silent on cyber-attack. <sup>41</sup>

In this new discourse of the widespread attitude of "PlayStation mentality" the military is best regulated by the concept of *dharma*. Similarly, in the kinetic consequences of cyber means there is a clear case of evoking the moral argument. Conceptually as we see in ancient Indian traditions, *danda* (coercion/use of military force) has to be regulated by *dharma*. There is a greater need and an opportunity for India to use its ancient traditional wisdom in shaping the future discourse and customary rule creation. It needs to be remember that "according to the International Court of Justice (ICJ), for a rule to be customary rule, it is of primary importance that it should be of a fundamentally norm- creating character, such that it could form the basis of a general rule of law". Now we have lethal autonomous weapon systems made more lethal and bereft of human values, compassion or judgment by artificial intelligence, 3D printing and the spread of disruptive technologies by way of an exponential growth of open access information and communication technologies (ICT). Militarisation and weaponisation of all these technologies will need checks and balances of a new paradigm of treaties where the moral or *dharma* is supreme.

In recent times, it has been noted that "the humanitarian dimension has resumed any prominence in high-level state discourse." Educated and motivated with this knowledge, negotiators and academics can show the leadership to shape the international discourse. In relation to the development of these conventional and emerging technologies of war it has been felt that "There is little discussion in the multilateral diplomatic arena. If these issues are not addressed at the highest levels, it will be difficult to halt the decline of trust and confidence between the major powers, and prevent further erosion of nuclear disarmament and non-proliferation momentum". Humanities and social science need to be central with ample examples from traditional Indic texts and traditions on the regulatory power of *dharma* with human judgment *in* statecraft and diplomacy when confronted with these planet destroying technologies.

#### 4. In Getting Rid of the Institution of War

The exercise and attempt of getting rid of the institution of war is not easy. The path for the end state for a positive peace needs to be taken. The human propensity for war has to be taken into account. Idealists in the past such as Vyas, the author of the epic Mahabharata thousands of years ago, was arguing at the end of his work: "Here I am, crying out with uplifted arms that *dharma* brings with it both *artha* and *kama*; but no one listens to me." In mid-20th century, in relation to world politics and foreign policy, Professor R.P. Kangle the great translator cum interpreter of the ancient Sanskrit text realized the enduring nature of political realism to say: "same distrust of one nation by another, the same pursuit of its own interests by every nation

See author's note based on Philip Alston and Hina Shamsi: "A killer above the law", in *The Guardian*, 2 August 2010

<sup>&</sup>lt;sup>41</sup> Lin, Herbert: "Cyber conflict and International humanitarian law", *The International Review of the Red Cross: Humanitarian debate: Law, policy, action,* "New Technologies and Warfare", *op.cit.*, pp.515-531.

<sup>&</sup>lt;sup>42</sup> Jha, U.C. (2014): Armed Conflict and Environmental Damage, New Delhi, Vij Books, 2014, p.202.

 <sup>&</sup>lt;sup>43</sup> Evans, Gareth, Ogilvie-White, Tanya and Thakur, Ramesh with contributions from Carlson, John and Page, John (2015): *Nuclear Weapons: The State of Play 2015*, Centre for Nuclear Non- Proliferation and Disarmament, Australian National University, Canberra, 2015, p.85.
<sup>44</sup> *Ibid*, p.78.

<sup>&</sup>lt;sup>45</sup> Hiriyanna, M : "Philosophy of Values", in Bhattacharyya , Haridas (ed.)(2013): *The Cultural Heritage of India, Vol. III: The Philosophies*, Belur Math, Ramakrishna Mission, pp. 645–54.



tempered only by consideration of expediency, the same efforts to secure alliances with the same cynical disregard of them in self-interest, the same kind of intelligence service maintained by one nation in the territory of another." <sup>46</sup>

This stubbornness of human-kind for power, hegemony with violence and geopolitics has been eloquently explained by the British historian Arnold Toynbee in a vocabulary that is so much Indian - to tell us that one needs to get rid of the *karma*<sup>47</sup> that the institutions of war have cumulated by effects of past acts. His is only possible if more of peace research is undertaken of which *dharma* may be the driving force. The concept of positive peace is being revisited on the question of how war and large-scale violence have long dominated the study of international security and the need now to grapple with not only "negative peace" (absence of war) but "positive peace" which requires a "different theoretical orientations explanatory variables." <sup>49</sup>

The Fifth Global International Studies Conference was organised by the World International Studies Committee (WISC) in Taipei, Taiwan from 1-3 April 2017. The broad theme for the conference was "Dialogue Across Borders in Turbulent Times: Addressing Global Challenges". In one session, Prof. Arie M. Kacowicz, from Department of IR, The Hebrew University of Jerusalem had interesting insights. He said that very few scholars in Israel work on peace, and the most are busy studying war. He argued for the need of more explanatory work across all disciplines. What explains the continuation of wars in spite of such noble ideas? It is obviously the stubborn institution of war.

The key for a paradigm shift to the study of peace lies in the study of Kautilya (also known as Chanakya) itself as it may lead to better peace in the long run. The rapporteur's summary is apt:

Kautilya's work should not be taken as the Bible. Reading of original translation is must to avoid distortions and we should read Chanakya not only because we aspire to become a great power but also because the world would be a more peaceful place by understanding him.<sup>50</sup>

Our knowledge and wisdom of understanding the causes of war and mistrust is the new challenge and more difficult than waging wars. In simple terms the *Arthashastra* is not only a practical manual for statecraft and use of power and diplomacy; it is also a mirror which explains the unchanging attitude in power politics which seem to drive international politics.

Further, in Indian traditions there is a powerful concept that the world is one family or *Vasudhaiva Kutumbakam*. Admittedly, this is one concept that may be the most powerful contribution to the world order but is the most difficult and must be now translated into deeds at all levels by the comity of a nations. The concept they say has roots in the Upanishads, but

<sup>&</sup>lt;sup>46</sup> Kangle R.P.(2010): *The Kautiliya Arthasastra*, *Part 3: A Study*, Second Edition, 7<sup>th</sup> Reprint, Delhi, Motilal Banarsidass, p.283.

<sup>&</sup>lt;sup>47</sup> Toynbee defines Karma as a Sanskrit word which literally means "action" but is used philosophically to mean "the effect of past action on present action". Karma is a mighty force always and everywhere. See Toynbee, Arnold: "Introduction" in Toynbee, Arnold (ed) (1973): *Half the World: The History and Culture of China and Japan*, London, Thames and Hudson, pp. 9-11.

<sup>&</sup>lt;sup>48</sup> Toynbee, Arnold (1971): Surviving the Future, New York/London, Oxford University Press, pp. 109-110.

<sup>&</sup>lt;sup>49</sup> Diehl, Paul F.: "Exploring Peace: Looking Beyond War and Negative Peace", *International Studies Quarterly*, vol.60, Issue 1 (March 2016), pp. 1-10.

<sup>&</sup>lt;sup>50</sup> IDSA Event Report of Fellows Seminar, 'One Hundred Years of Kautilya's *Arthasastra*', 12 September 2012 at <a href="http://idsa.in/event/OneHundredYearsof%20KautilyasArthasastra">http://idsa.in/event/OneHundredYearsof%20KautilyasArthasastra</a>



has been made popular by Indian philosophers, poets and bards by having it included it in the *Hitpodesa* which is even popular amongst the children:

"Listen to me, first, said the goose This is mine, and this is not Thus, do small- minded see The large-hearted have always thought That world itself a family" <sup>51</sup>

#### 5. Conclusion

May be that the Kantian and Wilsonian moment is yet to arrive and is a "work in progress". Todays "on line" generation should not forget the horrors of past wars. Wars should never become the first choice, as the Indic tradition bear out for thousands of years. Human life is lived off line. One has to balance both off- and on-line worlds we are witnessing and destined to live. Indic traditions and ethos with their powerful concepts are spread across the books with latent meanings. Search engines may be misleading. Latent meanings of human agency may well be wrongly interpreted. Thus, it may be dangerous for a computer algorithm of artificial intelligence to replace human judgment. Man should control technology and not the other way around. Central to this reality is the human understanding and agency of *dharma* which cannot be outsourced to robots. Understanding Indic traditions, in this context, will contribute positively to world peace and security in the long term.

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<sup>&</sup>lt;sup>51</sup> Narayana M.(1998): *The Hitopadesa*, translated from Sanskrit with an introduction by Haksar, A.N.D., Penguin Books, New Delhi, 1998, p. 230. Vasudhaiva Kutumbakam is derived from the Sanskrit words – Vasudha meaning the Earth and "Iva" means "is" and Kutumbakam means the family. Thus, vasudhaiva kutumbakam is a Sanskrit phrase which means that the whole world is one single family.



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