

**DRAFT**

## *Chapter Ten*

# **Just War and the Indian Tradition**

*Arguments from the Battlefield*

Shyam Ranganathan

### INTRODUCTION

Jeff McMahan in his remarkable *Killing in War*<sup>1</sup> draws a distinction between two senses of “war.” In the first sense, war stands for a conflict between opposing parties. In the second sense, war is party relative, and some side may have a right of war (*jus ad bellum*), whereas others lack justification for war. In this sense, some parties fight a just war, whereas others fight an unjust war. According to McMahan, there is no radical difference between the moral considerations that operate outside of war and in war; the same moral considerations apply in both cases. Those who violate moral considerations fight an unjust war, whereas those who do not violate moral considerations fight a just war. Whereas Michael Walzer defended the idea that there is a logical independence between the considerations that justify going to war and the considerations pertaining to just conduct in war<sup>2</sup>—and the related idea that there is a moral equality among combatants such that fighting for the wrong side does not entail wrongdoing in the conduct of war—he argues that one’s conduct in war does not count as just (*jus in bello*) if one fights for the wrong side and that one has no right to fight those whose cause is just.

The premise that produces McMahan’s powerful conclusions is that *war does not create a new set of moral standards*; they are the same standards in peace and war that allow us to distinguish those whose cause and conduct in war are just and those whose cause and conduct are not just. If this is true, then fighting a just war would entail no need to get one’s hands dirty—a requirement that Michael Walzer claimed earlier arises from the expedience of war and, later, only in cases of extreme emergency.<sup>3</sup>

While there are many notable contributions to just war theory from the Indian tradition, in this chapter I will consider what may be the most famous argument for just war defended in the *Bhagavad Gītā* (where the philosopher–deity Krishna provides an extended pep talk on just war and moral theory to his cousin Arjuna on the battlefield before the commencement of war) and implicitly explored in the wider epic from which it is from, the *Mahābhārata*.<sup>4</sup> This epic about a fratricidal war provides grounds for rejecting the idea that the justice of a war is elucidated by the fidelity of combatants to conventional standards of morality. Rather, the need for war arises from a breakdown of conventional morality, which identifies ethical considerations with the good. Such conventional moral considerations break down when they provide shelter for parties who endorse conventional morality as a weapon to undermine the conventionally moral, the conventionally moral whose cause is *prima facie* just must hence depart from conventional morality to rid themselves of this hostility and reset the moral order. Yet, according to the alternative moral paradigm that resets the moral order, the *Gītā* entails that we can agree with McMahan: the side of those whose cause is just have a right to fight, and those whose cause is unjust have no such right and do wrong by engaging in conflict. Those who fight for a just cause do not get their hands dirty by way of *transcendent* conditions of justice, though they get their hands dirty by conventional moral expectations. The point of convergence between the argument from the *Gītā* and McMahan is noteworthy, as is their divergence.

For McMahan, the conditions in war make no difference to what morality permits and that the justifications for killing people are the same in war as they are in other contexts, such as individual self-defense. On the approach we find in the *Gītā*, the conditions of just war, namely, the breakdown of conventional morality to mediate competing interests fairly by its conversion into a tool of oppressing the good by the wicked, entails that certain activities may be unjustified in peacetime, though just in war, if undertaken by those whose cause is just. Such activities could include proactive killing, including the killing of noncombatants providing material or emotional support to the unjust (which would not be allowed by conventional standards of self-defense); deceit; and the breaking of promises. I would suggest that this divergence is instructive and that the scenarios that we find discussed in the *Mahābhārata* that led to Krishna’s advocating the radical departure from conventional morality should be taken seriously. In the Western tradition, it is difficult to think of arguments that highlight how conventional morality could be a tool of oppression. Nietzsche’s *Genealogy of Morals* is an exception, wherein he argues that conventional morals are the values of slaves, conditioned by a context of oppression, and that the alternative is an ethics of the aristocratic self. Nietzsche himself showed an interest in Indian philosophy, and many of his ideas, such as the notion of eternal return and the

superman *Übermensch*, who transcends the ordinary, have obvious Indian roots.<sup>5</sup> Indeed, the argument from the *Genealogy* also seems like a caricature of the argument in the *Gītā*. The main difference is that Krishna's argument in contrast does not require that we throw the baby out with the bath water; conventional morality need not be a tool of oppression, but, when it is, the alternative is the project of reestablishing a moral order, rid of moral parasites. Conventional moralists will object to such tactics by those whose cause is just as debasing; it would seem as though the moral line between the just and the unjust disappears. I think that the analysis of the breakdown of conventional morality provided by the *Gītā* and modeled in the *Mahābhārata* shows that this is mistaken; when it comes to such a just war, the conventional standards are now corrupt and cannot be used to judge the just. It would hence be wrong to assume that, if the just adopt techniques of the unjust, they hence fail at *jus in bello*. For instance, if Nazis attempt to use rights of free expression afforded by conventional moralities to protect their own hate speech or displays of racial hatred, by the display of fascist symbols, for instance, to the effect of inciting fear in racial minorities or Jews, it would not, on this argument, be wrong for antifascists to intimidate Nazis or punch or silence Nazis at random, whereas it would be wrong for Nazis to engage in such threatening behavior to attempt to defend themselves or even to be Nazis. The tactics of antifascists find justification in the *Gītā*. Of course, on standard conventional morality, including those of liberal societies, such tactics would be ruled out of bounds.

The *Mahābhārata* and the *Gītā* as they relate to just war have been discussed in the literature,<sup>6</sup> as have wider approaches to the question of just war in Indian literature.<sup>7</sup> My approach is distinct from the standard approach to talking about Indian thought in general.<sup>8</sup> I recommend that reading philosophy is about isolating perspectives and that we treat each perspective *P* as entailing a theory *T* about its controversial *t* claims and understanding the concept *t* as what competing theories of *T* disagree about. For instance, to read philosophy is to identify distinct perspectives in a dialectic or tract; identify a perspective's theory that entails all its claims about a topic, such as ethics; and identify the common concept of *ethics* as what competing theories of ethics disagree about. This approach contrasts with *interpretation*, which is explanation by way of what one takes to be true. In my preferred approach, which I call *explication*, we can remain agnostic about all substantive matters as we pursue research in philosophy.

One of the outcomes of explication is that we acknowledge that the various uses of the term "dharma" in Indian thought serve to articulate theories of dharma; the common concept of dharma is *the Right or the Good*; and, moreover, if we apply this method to contemporary philosophy in the Western tradition, we find that "ethics" has the same conceptual content. The contrary unprincipled approach is to treat one's perspective (and beliefs) as a

frame to study Indian thought, and uses of terms, such as “dharma,” are correlated with distinctions that we subjectively draw; this results in the multiplication of meanings associated with “dharma” and the ubiquitous claim that it is difficult to translate this term into English or any other language.

In endorsing explication, we are in a position to understand the dialectic of the *Mahābhārata*’s and the *Gītā*’s account of just war. The governing moral theory is what we could call yoga (i.e., discipline) or bhakti (i.e., devotion). According to this theory, the right action is defined by a regulative or procedural ideal (the Lord, defined by the characteristics of unconservatism and self-governance, which in the story is the character Krishna), and the good is the perfection of the practice of devotion to the ideal. Yoga not only provides the moral standards and practice to reestablish a moral order when conventional morality breaks down; it also reestablishes the moral order by dissolving the distinction between *jus ad bellum* and *jus in bello*; what justifies action is this approximation to the regulative or procedural ideal, and what makes it right is the same approximation.

In the next section, “The Great War and Its Background,” I provide details about the *Mahābhārata* that are relevant to our inquiry into just war theory. In the third section, “Krishna’s Response,” I explicate Krishna’s argument, which outlines an approach to self-defense in troubled times. The arguments here are frequently misunderstood. Krishna presents himself as the procedural ideal of just action, and readers often are distracted by the similarities between this case and theistic models of God offering advice and commands. Yet Krishna in the *Mahābhārata* is not a disjointed voice from the heavens, nor is Krishna merely a source of pithy, inspirational teachings. Krishna, a character on the ground, provides strategic advice in light of context-relative challenges in the *Mahābhārata* and systematic arguments in the *Gītā* and plays the role as the protagonist’s charioteer, guiding the moral heroes into battle. In the context of a work of literature, the *Mahābhārata*, Krishna functions as the procedural ideal that allows us to navigate personal interests in a world of hostility. The entire work is hence a literary exploration of just war theory and yoga’s relevance in particular. One major distinction is that Krishna presents himself not as good (indeed, much of his argument is a criticism of goodness as morally explanatory, and Krishna explicitly does bad things on purpose) but as right. Hence, following Krishna’s example is not necessarily about doing what is good but rather a concern for what is right. (Indeed, one of the outcomes of the just war under Krishna’s guidance in the *Mahābhārata* is the open question of whether the outcome was good, though it was right.) Because theology concerns the discourse on theism and God, for the theist, is primarily good, Krishna’s proposed moral significance cannot be reduced to theism or theology. Unlike dialogues of Plato, where participants talk only philosophy, in this extended dialogue, we

find characters acting out various parts of the story of just war. It is hence relevant to a global study of just war theory. In this chapter, and the third section, I only attempt to distil the argument; for the drama, one must read the epic. In the fourth section, I consider and respond to objections, and, in the fifth, I conclude.

Can all of this help us elucidate Hindu conceptions on ethics when entering war (*jus ad bellum*) and the rules when engaged in warfare (*jus in bello*)? This question is loaded and wades into areas of scholarship that are slightly beyond the scope of this chapter. For instance, the term “Hindu” was a term coined by the British to label indigenous Indian religion, and it is coextensive with the disagreements of philosophy.<sup>9</sup> With due caution not to overgeneralize the importance of this one argument to Hinduism, as such, it would not be an understatement to note that the argument from the *Gītā* may be the most influential argument on just war theory in the Indian tradition because the *Gītā* (and the *Mahābhārata* of which it is part) itself is one of the more influential and popular books of the Indian tradition (of late) and one of the very few on just war within this set.

#### THE GREAT WAR AND ITS BACKGROUND

The *Mahābhārata* (the “Great” war of the “Bhāratas”) focuses on the fratricidal tensions and all-out war of two groups of cousins with a common ancestor, Bhārata: the Pāṇdavas, numbering five, the most famous of these brothers being Arjuna, all sons of Pāṇḍu, and the Kauravas, numerous, led by the oldest brother, Duryodhana, all sons of Dhṛtarāṣṭra. Dhṛtarāṣṭra, though older than Pāṇḍu and hence first in line for the throne, was born blind and hence sidelined in royal succession because it was reasoned that blindness would prevent Dhṛtarāṣṭra from ruling. Pāṇḍu, it so happens, was the first to have a son, Yudhiṣṭhira, rendering the throne all but certain to be passed down via Pāṇḍu’s descendants. Yet Pāṇḍu dies prematurely, and Dhṛtarāṣṭra becomes king as the only appropriate heir to the throne because the next generation are still children.

As the sons of Pāṇḍu and Dhṛtarāṣṭra grow up, Pāṇḍu’s sons distinguish themselves as excellent warriors and virtuous individuals, who are not without their flaws. The Kauravas in contrast are less able in battle but mostly without moral virtues or graces. The rivalry between the two sets of cousins is ameliorated only by the Pāṇḍavas’ inclination to compromise and be deferential to their cousins—this despite attempts on the Pāṇḍavas’ lives by the Kauravas. Matters turn for the worse when the Pāṇḍavas accept a challenge to wager their freedom in a game of dice, rigged by the Kauravas. The Pāṇḍavas seem unable to restrain themselves from participating in this foolish exercise because it is consistent with conventional past times of the rich

and famous. After losing everything and even wagering their common wife, Draupadi, who is thereby publicly sexually harassed, their freedom is granted back by the Dhṛtarāṣṭra (who cave into the lament of the Pāṇḍavas' one common wife, Draupadi). But, once the challenge of the wager—taking a chance—is brought up again, the Pāṇḍavas lose everything (again) and must subsequently spend fourteen years in exile and the final year incognito and, if exposed, must repeat the fourteen years of exile. They complete the exile successfully and return to reclaim their portion of the kingdom, at which point the Kauravas refuse to allow the Pāṇḍavas any home area so that they might eke out a livelihood as rulers. Despite repeated attempts by the Pāṇḍavas at conciliation, mediated by their mutual cousin, Krishna, the Kauravas adopt a position of hostility, forcing the Pāṇḍavas into a corner where they have no choice but to fight. Alliances, loyalties, and obligations are publicly reckoned and distinguished, and the two sides agree to fight it out on a battlefield with their armies.

What is noteworthy about the scenario described in the *Mahābhārata* is that the Pāṇḍavas, but for imprudent decisions, conform their actions to standards of conventional moral expectations for people in their station and caste—including rising to the occasion of risky public challenges, as is the lot of warriors. Ever attempting both compromise and conciliation, their imprudent decisions are not the reason for their predicament, but rather the hostility of the Kauravas is the explanation. But for this hostility, exemplified by the rigged game of dice and the high-stakes challenge the Kauravas set, the Pāṇḍavas would have lived a peaceful existence and would never have been the authors of their own misfortune.

With all attempts at conciliation dashed by the Kauravas' greed and hostility, war is a *fait accompli*. Krishna agrees to be Arjuna's charioteer in the faithful battle, which will not only pit the Pāṇḍavas against the Kauravas but also the Pāṇḍavas against kin who fight on the side of the Kauravas for reasons of professional loyalty and not because of any sympathy for the Kauravas' plight. Indeed, to all who have any sense, the calamity that is to occur is a result of the Kauravas, who managed to pursue their program of aggression in part because of the Pāṇḍavas' commitment to moral standards of conciliation and compromise.

Arjuna laments the conditions that have brought him to this point. The details of the oncoming war are especially tragic. Arjuna and his four brothers (all sons of Pāṇḍu and thereby called the "Pāṇḍavas") were unjustly cheated out of their kingdom by their sociopathic cousins (the Kauravas), and the Pāṇḍavas had sought every diplomatic means of resolving the tension that would allow them to live the remainder of their lives peacefully. They initially sought the restoration of their entire wealth but later were willing to settle for a modest five villages to eke out a living. War was made inevitable not by the Pāṇḍavas' refusal to compromise, lack of deference, and willing-

ness to make peace but by the Kauravas' tyrannical unwillingness to make peace. What makes the impending war especially tragic is that the Pāṇḍavas are faced with the challenge of fighting not only tyrannical relatives that they could not care less for; they must also fight loved ones and well-wishers, who, through obligations that arise out of patronage and professional loyalty to the throne, must fight with the tyrants. Bhīṣma, the grand-uncle of the Pāṇḍavas and the Kauravas and an invincible warrior (gifted or cursed with the freedom to choose when he will die), is an example of one such well-wisher. He repudiated the motives of the Kauravas and sympathized with the Pāṇḍavas, but because of an oath that preceded the birth of his tyrannical grandnephews (the Kauravas), he remained loyal to the throne on which the Kauravas' father, Dhṛtarāṣṭra, presided. Arjuna, who looked upon Bhīṣma and others like him as loving elders, had to subsequently fight him. The conflict and tender feelings between these parties was on display when, before the war, Arjuna's eldest brother, Yudhiṣṭhira, wanted the blessings of Bhīṣma on the battlefield to commence the war and Bhīṣma, his enemy and leader of the opposing army, blessed him with victory.<sup>10</sup>

Before the commencement of the battle, on the very battlefield with armies lined up in opposition and with Krishna as his charioteer, Arjuna loses heart and entertains three arguments against fighting.

First, if he were to fight the war, it would result in death and destruction on both sides, including the death of loved ones. Even if he succeeds, there would be no joy in victory because his family would largely have been decimated as a function of the war.<sup>11</sup> This is a consequentialist and, more specifically, utilitarian argument. Consequentialism is the theory that the ends justify the means. Utilitarianism is the version of consequentialism that holds that agent-neutral ends, such as the maximization of happiness or the minimization of pain, justify our actions. In the Indian tradition, the source of such arguments could be Buddhists, who are known for a consequentialist ethics,<sup>12</sup> or perhaps proponents of the Nyāya tradition.<sup>13</sup> Regardless of the cultural origins, according to utilitarianism, the right thing to do is justified by some agent-neutral good (harm reduction or the maximization of happiness), and, here, Arjuna's reasoning is that he should skip fighting to ensure the good of avoiding harm. It is worth noting that this argument on the basis of utilitarianism pans out only if fighting ends up making things worse; if war were the means to maximize happiness or minimize suffering, utilitarianism would justify war. In the case of the *Mahābhārata*, luck has it that the Pāṇḍavas are fewer in number than the Kauravas, and so it would seem that giving into the Kauravas would make more people happy and simply avoid the bloodshed and pain of war.

Second, if the battle is between good and evil, Arjuna's character is not that of the evil ones (the Kauravas), yet fighting a war would make him no better than his adversaries.<sup>14</sup> This is a virtue ethical argument. According to

such arguments, the right thing to do is the result of a good, the virtues, or strength of character. In the Western tradition, virtue ethics is associated with Plato and Aristotle, who did not reason that war was unnecessary, and Plato in the *Republic* reasoned that a class of people in an ideal community are needed to wage war, namely, the guardians. In the Indian tradition, the thinkers who were the likely source of this virtue theoretic argument were the Jains, who regarded all action, especially and including action in deference to one's own physical interests, as wrong because such action further buries one's own virtue in practical schemes that run counter to the innate benign character of persons.<sup>15</sup> The idea that fighting evil renders oneself debased and evil (and that passivism is the appropriate response to evil) has a firm basis in Jain moral theory. The argument also resonates with the Christian idea in the Gospel of Matthew that the proper alternative to a retaliatory approach to offense is to turn the other cheek.

Third, war results in lawlessness, which undermines the virtue and safety of women and children (*Gītā*, 1.41). This might be understood as an elaboration of the first consequentialist argument: not only does war end in suffering, which should be avoided, but it also leads to undermining the personal safety of women and children and, because their safety is good, we ought to avoid war to protect it. But the argument can also be understood as a version of Kantian-style deontology.

An essential feature of deontology is the identification of goods, whether they are actions (i.e., duties) or freedoms (i.e., rights), as being what require justification on procedural grounds. A duty is hence not only something that is good to do and a right is not only something good to have, but one we have reason to do or allow. Such goods, duties, and rights constitute the social fabric and are justified (as Kant reasoned) in so far as they help us relate to each other in a kingdom of ends. Deontology is hence the inverse of consequentialism; whereas consequentialism holds that the good outcome justifies the procedure, the deontologist holds that some good state of affairs (i.e., actions and freedoms) are justified by a procedural consideration. But what consequentialism, deontology, and virtue ethics have in common is the idea that the good (i.e., the valuable outcome) is an essential feature of making sense of the right (thing to do). Morality defined or explained by way of the good is something that can be established as an outcome of reality and hence conventionalized. Thinking about morality by way of the good helps us identify an area of moral reasoning we might call *conventional morality*: actions motivated by good character (virtue ethics), good actions that we have good reason to do (deontology), and actions that are justified in so far as they promise to maximize the good as such (consequentialism).

What is surprising hence is that all of Arjuna's arguments against war make use of the *good*, and the theories he relies on fill out the content of what we could call conventional morality. According to conventional morality, we

should do what is inspired by the virtues, avoid causing harm, and affirm the importance of good rules of interaction, whether they be characterized as rights or duties. War disrupts conventional morality as Arjuna laments. And this is indeed tragic in so far as conventional morality is organized around the *good*.

But there is indeed another side to the story, which Arjuna does not see and the *Mahābhārata* renders clear. It was conventional morality that made it possible for the Kauravas to exercise their hostility against the Pāṇḍavas by restricting and constraining the Pāṇḍavas. The Pāṇḍavas could have rid themselves of the Kauravas by killing them at any number of earlier times when they had the chance in times of peace, and everyone who survived would have been better off for having been rid of moral parasites as rulers and having the benevolent Pāṇḍavas instead. They could have accomplished this most easily by assassinating the Kauravas in secret or perhaps openly in public when they were not expecting it because the Kauravas never worried about nor protected themselves from such a threat, owing to the virtue of the Pāṇḍavas, whom they counted on. And yet the Pāṇḍavas' fidelity to conventional morality created a context for the Kauravas to ply their trade of deceit and hostility. The game of dice that snared the Pāṇḍavas is a metaphor for conventional morality itself: a social practice justified by prospects of a good outcome (consequentialism), organized around good rules that make the participation of all possible (deontology), and actions that follow from the courage and strength of its participants (virtue ethics).

The lesson of the *Mahābhārata* generalizes; conventional morality places constraints on people who are conventionally moral, and this enables the maleficence of those who act to undermine conventional morality by undermining those who bind themselves with it. Call the latter, who use conventional morality as a weapon against the conventionally moral, *moral parasites* (Kauravas) and the former, who are happy to be bound by conventional morality, *moral conventionalists* (Pāṇḍavas). The moral parasite is someone who, for instance, wishes you to be honest and to abide by conventions of transparency so they can steal from you. The moral parasite is someone who, for instance, wishes for you to behave in a manner that is courteous, kind, and accommodating so they can assault you, without resistance. The only way to end this relationship of parasitism is for the conventionally moral to give up on conventional morality and engage moral parasites in war. This would be a just war—*dharmyam yuddham*—and the essence of a just war because the cause would be to rid the world of moral parasites. Yet, from the perspective of conventional morality, which encourages mutually accommodating behavior, this departure is wrong and bad. Indeed, relying purely on conventional standards that encourage social interaction for the promise of a good, an argument for pacifism is more easily constructed than an argument for war.

McMahan, from the perspective of the authors of the *Gītā* and *Mahābhārata*, is correct for noting that there is an important moral distinction to be drawn between those who fight for a just cause and those who do not. We might even note that the thrust of the argument from the *Gītā* agrees that those who fight for a just cause do no wrong but those who fight for an unjust cause are not morally equal to those who fight for a just cause—it is in an important sense wrong for them to fight the war. The liability requirement of discrimination, which holds that combatants must intentionally attack only those who are legitimate targets, is often thought to mark out *jus in bello* for all parties, and legitimate targets are often thought to be restricted to enemy combatants, clearly marked out from third parties, such as civilians. As McMahan notes, it is not at all clear how this applies to those who fight for an unjust cause because the injustice of the cause should undermine the propriety of attacking enemy (just) combatants. From the perspective of the *Gītā*, we could also agree to his conclusion that “the traditional criterion of liability to attack in war [from the West]—posing a threat to others—is unacceptable.”<sup>16</sup> Everyone poses a threat to others in so far as we all stand in each other’s way. He further elaborates:

As I have presented it, the alternative conception of innocence is that one is innocent if one is neither morally responsible for nor guilty of a wrong. While the classical just war theorists focused on guilt, I think we should focus instead on moral responsibility. It is, I think, a mistake to suppose that noninnocence in the sense of moral guilt or culpability is necessary for liability to attack in war. Something less is sufficient: namely, moral responsibility for a wrong, particularly an objectively unjustified threat of harm. . . . [P]osing an objectively unjustified threat is not sufficient for liability in the absence of moral responsibility for that threat. In short, the criterion of liability to attack in war is moral responsibility for an objectively unjustified threat of harm.<sup>17</sup>

What the *Gītā* and *Mahābhārata* show, however, is that this threshold is too high. Moral parasites do something objectively wrong by being moral parasites, but the wrong is much less than a threat of harm; it is merely the imposition of conventional moral standards on others as a means of hostility. It is difficult to characterize this as an objectively unjustified threat of harm if one endorses conventional morality because moral conventionalists are paradoxically committed to agreeing to this imposition because they have their own reasons for endorsing it. That a thief desires us to be honest, for instance, does not undermine our reasons for being honest, and, for us, honesty may continue to be the best policy, even though it is in the advantage of the parasite.

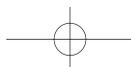
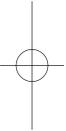
In the *Mahābhārata* itself, it is most important that Krishna, the adviser of the Pāṇḍavas, steps in as their representative when they return from their exile and pursues peace and compromise to its logical extent. Krishna at-



tempts to broker that the Pāṇḍavas should be given five villages for them to live in so that they can each sustain themselves as professional rulers of these communities. The Kauravas refuse, though they only took hold of the land in trust while the Pāṇḍavas were in exile. But now a new set of conventions has been created, with the Kauravas in charge of everything, and it is the imposition of this convention that constitutes the Kauravas' final assault as moral parasites. In this case, it is difficult for the Pāṇḍavas to see the move as an imposition of conventional morality (because it excludes them), and perhaps for this reason the Pāṇḍavas are inclined to fight. But the real reason war is inevitable is not for lack of conciliation on the part of the Pāṇḍavas but by virtue of the parasitism of the Kauravas.

#### KRISHNA'S RESPONSE

To recap, the *Mahābhārata* depicts just war as arising at the breakdown of conventional morality, between those who would protect and abide by such constraints and against those who would not. Before this breakdown, there is indeed a clear line that separates the innocent from the evil; not only is one side justified in its cause, but its conduct is creditable too, whereas the other side is not justified in its cause, and its conduct is discreditable. But, after the breakdown of conventional morality, when the virtuous are no longer willing to be constrained by the virtues themselves and are willing to engage in conduct outside the bounds of conventional morality and are hence motivated to engage in war, it is paradoxical to draw lines in the sand between sides; the *Mahābhārata*'s stress on the familial drama, which pits well-wishers against well-wishers, illustrates this point.<sup>18</sup> War might be *right* and hence *just*, but it is difficult to argue that it is good. The evil of war is shown by the desire of combatants in a war not for endless war (something we wish to preserve or maximize) but for victory, which is a good and also the cessation of war. So those who are committed to engaging in battle are hence not committed to the goodness of war but to its end. This shows that to transition from conventional morality to war is to leave the good as an organizing principle and to engage in an activity that is bad but also conventionally bad—with the distant hope of a good. In facilitating an understanding of the etiology of a just war, the *Mahābhārata* at once allows us to understand the moral distinction between those who fight justly (i.e., moral conventionalists) and those who do not (i.e., moral parasites), and yet the war that ensues constitutes a departure from the standards that would allow us to draw sides. And, whereas McMahan<sup>19</sup> argued that the moral considerations that exist before war are exactly those that allow us to understand the justice of one side during war, the *Mahābhārata* appears to deny this because the conventional moral considerations are structured around the good and war is crucially a bad thing



characterized by several evils. Indeed, Arjuna's three arguments against war reviewed above—his consequentialist argument,<sup>20</sup> virtue ethical argument,<sup>21</sup> and deontological argument<sup>22</sup>—show the evil of war. Krishna's argument in response does not refute that war is bad: it trades on deflating the relevance of the good to rational deliberation.

Krishna's argument in the *Gītā* that concludes that Arjuna should fight his war and that such a war would be just provides a purely procedural approach to moral theorizing that does not involve or rely upon the good in any deep way. This allows Krishna to mark out a different set of moral considerations that survive the breakdown of conventional morality, which does depend on the good. This approach allows us to distinguish whose conduct and cause is just in war from those whose conduct and causes are unjust.

The first procedural ethic he defends is a form of deontology he calls *karma yoga*, the discipline of action. Action is itself purposeful, and the discipline of action is a practice of perfecting purposeful action. The argument is delivered generally as an argument for correct action in the face of uncertainty: no matter who you are, something counts as your duty, and the perfection of this duty is itself a good that relieves one from trouble.<sup>23</sup> Moreover, all people who uphold a transcendental moral order (including Krishna, who is depicted here as the Lord—the procedural ideal of right action, which in its essence is both unconservatism and self-governance) participate in this moral order by doing their duty. Krishna too, the procedural ideal, must participate in dutiful behavior, and the Lord's duties include *lokasamgraha* (the maintenance of the welfare of the world)<sup>24</sup> and to reestablish the moral order when it declines.<sup>25</sup> Whereas deontology can be part of a conventionalized picture of morality, *karma yoga* abstracts from conventional morality. One's duty can continue even at the breakdown of conventional moral expectations structured around the good because it is justified not by the good but by procedural considerations. But, as the reward of such behavior is duty itself, moral parasitism is limited in its capacity to treat one's own conscientious behavior as a tool of its hostility.

The next step is *bhakti yoga*, the discipline of devotion. Here, right action is defined by its conformity to a regulative ideal—Krishna himself—and, in doing what is right, we sacrifice a concern for the outcome as a means of worshipping the procedural ideal. This same theory is found elsewhere, articulated more clearly in the *Yoga Sūtra*; it is the moral theory of yoga (discipline) or *bhakti*.<sup>26</sup> According to this account, right action is defined by a procedural ideal—unconservatism and self-governance—and perfecting our practice of the right is the good. This theory differs from deontology in an important respect. Whereas deontology treats our duty as itself a good, justified by procedural considerations only, in yoga/bhakti, the right is defined by a procedural ideal, and hence we do not need to understand our moral practice in terms of the good.<sup>27</sup> In contrast to virtue ethics, consequentialism,

and deontology, it alone accounts for morality without recourse to the good. The good is not a primitive notion, here, but one definable by way of the perfection of the right. So, whereas conventional morality is structured around the good, bhakti dispenses with the good.

A third moral practice that Krishna recommends is *jñāna yoga*: the discipline of thoughtfulness or knowledge. *Jñāna yoga* is the critical appreciation of the framework of moral action, which complements karma yoga's disinterest in trying to understand action as justified by outcome. It is the meta-ethical component of the shift away from conventional morality to a fully procedural approach to ethics. The essential element in this recipe is a move to thinking about morality in purely procedural terms, which cuts out the good as a primitive concept. This allows those who engage in just war, against moral parasites, to have a moral compass that is not that of conventional morality, which they had to leave behind to fight. Moreover, the moral compass of yoga—discipline, or proceduralism—is timeless in so far as we can understand its importance, even within the context of the breakdown of conventional morality.

In the moral framework of yoga, there is a way to clearly identify the *jus ad bellum* of just war. Previously we identified the just cause as the cause of ridding the world of moral parasites. This is reworked into a positive doctrine with yoga: our cause is just when we are devoted to the regulative ideal of unconservatism and self-governance and our conduct is thereby just; it is thereby not possible to have just conduct without a just cause. But this is a winning strategy in war because it involves giving up on conventional morality and engaging in belligerent action outside of the scope of convention but is also contrary to those who would attempt to constrain our potential. Moral parasites are deprived of their favored weapon, but this is a side effect of our own devotion to the Lord: unconservatism and self-governance. This requires that we follow the dialectic of Krishna, which begins with deontology but ends with the recommendation that we do not worry about morality, merely devotion to the procedural ideal (*Gītā*, 18:66). This seems paradoxical, but the paradox disappears when we appreciate that the moral standards we give up are conventional, tied to the good, and the one we embrace is ideal, tied to the regulative ideal.

The argument we find in the *Gītā* provides us a way to understand the logic of self-defense. The idea that we have a right to defend ourselves against aggression is widely acknowledged. But for pacifists, who take the stand that we should turn the other cheek, most would regard it as within our rights and perhaps even a requirement of justice that we defend ourselves against aggression, especially if this aggression is itself a departure from conventional morality, unprovoked or unjustified. Yet it is difficult to square with conventional moral expectation. Harming others does not follow from the conventional moral virtues; it is not a good end that could justify morality

(unless one's idea of morality is sadism), and harming others is not a conventional moral duty. Yet this is what self-defense entails. It would seem that one's aggressor's departure from conventional morality, by adopting an aggressive or threatening posture, is what apparently justifies one's own departure from conventional expectations. And yet, so described, the right that we have to meet such hostility in kind assumes that we have departed the moral parameters of conventional morality. But now it appears that we have left behind the tools we would need to justify our actions. This is the predicament of the Pāṇḍavas against the Kauravas. Krishna's arguments for devotion provide the matrix for making sense of self-defense: it is a mere function of our devotion to unconservatism and self-governance and requires no permission or blessing from conventional morality. To talk about it as a right—a good freedom that we should protect—is to use the language of convention to capture something whose justification transcends the good. However, this procedural ideal—the Lord—is not proprietary but something we share as a governing interest as people who have an interest in their own unconservatism and self-governance. The ideal is something that we can organize and rally around as common cause. Parasites concerned only with their own good do not aspire to this common just cause and are instead tied to their vision of the good.

## OBJECTIONS

One objection to the argument for a procedural approach to just war theory is that it not only licenses self-defense but apparently also preemptive measures. If we were to appreciate the motive of a party as moral parasitism, it would apparently be proper for us to confront, intimidate, or do away with such parasites, even if they had yet to break a moral convention and especially to prevent them from violating moral expectations. This seems like a problem if we understand just war by way of conventional morality. But, as noted, war does away with that. Moreover, intimidating and marginalizing moral parasites is part of the very moral procedure of devotion to unconservatism and self-governance, and, in so far as this can allow us to identify the just side in a conflict and to distinguish it from the moral parasites, we have no reason to object. The moral parasites, unlike the moral conventionalists, are motivated by the subjective goods of their hostility: their advantage. The moral conventionalist who takes up a procedural ethic is instead devoted in general to procedural considerations in morality. This suggests hence that the best just war is one where there is virtually little or no fighting; as in matters of health, the best measures would be preventive. This too seems strange if we adopt the posture of conventional morality but proper if we are proceduralists.

Consider also the case of anticolonial freedom fighters, who in the case of India or perhaps the civil rights movement in the United States, adopted tactics of unconservatism and self-governance that crippled conventional moral expectations as a means of deflating the power of moral parasites, such as British imperialists and racist policymakers of the United States. Gandhi is famous for his reliance on the *Bhagavad Gītā* for inspiration for his struggle. What is often not noted is that he drew inspiration and theory from the *Yoga Sūtra*,<sup>28</sup> which not only articulates the radical procedural approach to morality (yoga and bhakti) but also prescribes civil disobedience as a means of dealing with moral parasites.<sup>29</sup> M. L. King for his part was deeply influenced by the political theorizing of Gandhi, and he applied the same strategy in the US context. In the literature, citizen protests against hate groups and progressive political movements of liberation against colonialist or racist oppression are not treated as cases of war. Consider for instance Virginia Held's list of differing kinds of war: "world wars, small wars, civil wars, revolutions, and wars of liberation." Her comment that "terrorism resembles a small war"<sup>30</sup> is a characterization that excludes bloodless, nonviolent social confrontation. For any of these to be just, according to the considerations of the *Gītā*, they must involve a devotion to the regulative ideal, but then the justice of war is not to be measured in terms of casualties but in terms of the cause.

A second objection might be that the yogic or procedural approach to just war theory cannot explain the continuity of conflict in many areas of the world because surely some sides in these conflicts are just, and they should be far more successful if they manage to uproot the target of just war—moral parasites—by leaving aside conventional morality. The obvious response is that in most cases of sustained and perpetual conflict it is not clear whether any side has an uncontroversially just cause because all sides are tied to conventional morality to some measure. Each wishes their vision of the goods of morality to be imposed on the other, and this desire to impose such standards is an act of aggression. Such a mutual imposition might characterize a cold war or an active war of violence. Such wars are difficult to terminate because no side is motivated to revise the moral order but merely to sustain their vision of it.

A third objection is that just war understood as a procedural affair, as the *Gītā* describes it, licenses preemptive strikes that are unjustified. We might consider George W. Bush's bombing and takeover of Iraq on the (fabricated) supposed threat of weapons of mass destruction. Saddam Hussein could be described as a moral parasite who wanted to inflict a certain conventionalized vision on others for personal gain, and so it would have seemed just for the United States to attack Iraq. Yet this is widely regarded as a failure and hardly the paradigm case of a just war. Such scenarios of unjust preemptive strikes fail an important procedural test: unconservatism and self-governance as a procedural ideal that defines the right prevents us from thinking about

campaigns as motivated by some good (say getting rid of Saddam Hussain) but rather fidelity to the regulative ideal. Hence, unjust preemptive strikes will fail to be just because they are motivated by some perceived good, such as the imposition of democracy, riddance of a perceived threat, or the rooting out of a dictator. The just cause is one that we can make sense of independent of threats. The Allied campaign against the Axis powers in WWII stands in sharp contrast. Here, the war was a function of the Allies' practice of reestablishing their own unconservatism and self-governance and thereby was just. In this case, the Axis powers had assumed a hostile position not only with respect to their own citizens (as in the case of Germany's persecution of its own minorities) but also with respect to their neighbors. The Allied intervention to disarm this hostility and put an end to the persecution of minorities was hence required to reestablish unconservatism and self-governance in general and the unconservatism and self-governance of the Allies. In the case of the Triple Entente versus the Triple Alliance in WWI, the origins of the war and cause of justice is murkier. Had either side sought to inculcate unconservatism and self-governance among all combatants, their cause would be just. The harsh conditions of the Treaty of Versailles that the French and British (of the Triple Entente) imposed on Germany (of the Triple Alliance) were punitive; they demanded an admission of German guilt for the war, and reparations undermined the cause of the Triple Entente because it rendered punishing the Germans the goal of the war, not the reestablishment of unconservatism and self-governance. That German resentment could lead to another world war is unsurprising; it was a function of a failure to resolve the war justly. The earlier annexation of the Balkan states of Bosnia and Herzegovina by the Austro-Hungarian Empire, thought to have motivated the Serbian nationalists to assassinate the Austro-Hungarian Archduke Ferdinand and commonly thought to be the start of WWI, constituted the imposition of a moral convention on a population that did not ask for it. This was an unjust action that tainted the cause of the Triple Alliance.

India's forceful reclamation of Goa from Portuguese rule (1961) was just; the Portuguese as colonizers were participating in the breakdown of conventional morality by the imposition of their laws as a means of controlling the local population. Portuguese control of Goa was hence unjust, and the Portuguese were hence not justified in resisting Indian takeover, which had the effect of returning local South Asian control to Goa. India's military intercession in Bangladesh's liberation from Pakistan (1971) was similarly justified; West Pakistan's violent attempt to wrest control of East Bengal, after a history of marginalization and imperial rule from the west, not only justified Bangladesh's break but also India's intercession on behalf of the breakaway East Bengal to establish unconservatism and self-governance for all concerned.

## CONCLUSION

A famous Indian argument for *jus ad bellum* and *jus in bello* is presented in literary form in the *Mahābhārata*; it involves events and dynamics between two groups, moral conventionalists and moral parasites, that come to a head in the fateful battle, which the *Bhagavad Gītā* precedes. Arjuna's own lament is an internalization of the logic of conventional moral expectations that allowed moral parasitism, and Krishna's push for a purely procedural approach to moral reasoning that, in its radical form, does away with the good as a primitive of explanation provides the moral considerations that allow us to see that the *jus ad bellum* and *jus in bello* coincide. The just cause is the approximation to the procedural ideal, which is also just conduct. Hence, McMahan<sup>31</sup> would be correct in claiming that it is wrong for the unjust to attack the just. But it is also not obviously correct that it is the same set of moral considerations in war and peace that mark out the sides because peace is largely characterizable by conventional morality, which all are forced to abandon in war. Walzer<sup>32</sup> is correct that there are different sets of standards at play at war and peace and that getting hands dirty in immorality is a price worth paying in war,<sup>33</sup> but Walzer is thereby incorrect for a subtle reason: conventional standards by way of which *jus ad bellum* and *jus in bello* appear corrupt are themselves actually corrupt when the need for a just war arises. It is because moral parasites use conventional morality as a means of hostility and not as a means of fair, inclusive social interaction that conventional morality is corrupted and turned into a tool of the unjust. It is hence unjust to employ these standards to judge those whose cause is just, though such a judgment is conventional. In no way does *jus in bello* that breaks conventional moral standards lessen *jus ad bellum*. And indeed, the departure from conventional morality by those whose cause is just is decisive in undermining the cause of the unjust. Certainly, those who fight for a just cause thereby justly get their hands dirty by departing from conventional moral standards. But this is to the disadvantage of parasites who can function only in a climate where the conventionally good are constrained by conventional morality. Just war so understood deprives parasites of their weapon of choice. Just war thereby succeeds by the just imposing on the unjust the cruelties, disadvantages, or inconveniences rendered impossible by conventional morality.

## BIBLIOGRAPHY

- Allen, Nick. "Just War in the Mahābhārata." In *The Ethics of War: Shared Problems in Different Traditions*, edited by Richard Sorabji and David Rodin, 138–49. Hants, England: Ashgate Publishing Limited, 2006.
- Brobjer, Thomas H. "Nietzsche's Reading about Eastern Philosophy." *Journal of Nietzsche Studies* 28 (2004): 3–35. <http://www.jstor.org.ezproxy.library.yorku.ca/stable/20717839>.

- Chakrabarti, Kisor K. "Nyāya Consequentialism." In *The Bloomsbury Research Handbook of Indian Ethics*, edited by Shyam Ranganathan, 203–24. Bloomsbury Research Handbooks in Asian Philosophy. London: Bloomsbury Academic, 2017.
- Clooney, Francis X. "Pain But Not Harm: Some Classical Resources toward a Hindu Just War Theory." In *Just War in Comparative Perspective*, edited by Paul Robinson, 109–26. Hampshire, England: Ashgate Publishing Limited, 2003.
- Coady, C. A. J. "The Problem of Dirty Hands." *Stanford Encyclopedia of Philosophy*. Published April 29, 2009. Modified January 24, 2014. <https://plato.stanford.edu/archives/spr2014/entries/dirty-hands/>.
- Goodman, Charles. *Consequences of Compassion: An Interpretation and Defense of Buddhist Ethics*. Oxford: Oxford University Press, 2009.
- Held, Virginia. "Terrorism and War." *Journal of Ethics* 8, no. 1 (2004): 59–75.
- The Mahābhārata: Abridged and Translated*. Translated by John D. Smith. London: Penguin, 2009.
- Mahābhārata: Shriman Mahābhāratam*. Part I. With Bharata Bhawadeepa by Nīlakaṇṭha. Edited by Ramchandrashastri Kinjawadekar. Vulgate, Bombay/Poona ed. Poona City, 1931.
- McMahan, Jeff. *Killing in War*. Oxford: Oxford University Press, 2009.
- Puri, Bindu. *Sophia Studies in Cross-cultural Philosophy of Traditions and Cultures*. Vol. 9: *The Tagore–Gandhi Debate on Matters of Truth and Untruth*. New Delhi: Springer, 2015.
- Rāmānuja. *Śrī Rāmānuja Gītā Bhāṣya* (Edition and Translation). Translated by Svami Adidevanada. Madras: Sri Ramakrishna Math, 1991.
- Ranganathan, Shyam. *Hinduism: A Contemporary Philosophical Investigation*, edited by Chad Meister and Charles Taliaferro. Investigating Philosophy of Religion. New York: Routledge, 2018.
- . "Patañjali's Yoga: Universal Ethics as the Formal Cause of Autonomy." In *The Bloomsbury Research Handbook of Indian Ethics*, edited by Shyam Ranganathan, 177–202. Bloomsbury Research Handbooks in Asian Philosophy. London: Bloomsbury Academic, 2017.
- . "Western Imperialism, Indology and Ethics." In *The Bloomsbury Research Handbook of Indian Ethics*, edited by Shyam Ranganathan, 1–122. Bloomsbury Research Handbooks in Asian Philosophy. London: Bloomsbury Academic, 2017.
- Roy, Kaushik. "Just and Unjust War in Hindu Philosophy." *Journal of Military Ethics* 6, no. 3 (2007): 232–45.
- Smith, David. "Nietzsche's Hinduism, Nietzsche's India: Another Look." *Journal of Nietzsche Studies* 28 (2004): 37–56. <http://www.jstor.org.ezproxy.library.yorku.ca/stable/20717840>.
- Soni, Jayandra. "Jaina Ethics: Action and Non-Action." In *The Bloomsbury Research Handbook of Indian Ethics*, edited by Shyam Ranganathan, 155–76. Bloomsbury Research Handbooks in Asian Philosophy. London: Bloomsbury Academic, 2017.
- Walzer, Michael. *Just and Unjust Wars*. Harmondsworth: Penguin, 1977.
- . "Political Action: The Problem of Dirty Hands." In *War and Moral Responsibility*, edited by Marshall Cohen, Thomas Nagel, and Thomas Scanlon, 62–82. Princeton, NJ: Princeton University Press, 1974.