



Preserving justice: Buddhist thought and capital punishment

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Introduction

Capital punishment in Buddhist textual traditions is not a subject about which there is any normative ambiguity—unlike, for example, other cases of intentional killing such as religious or altruistic suicide, so-called ‘auspicious’ homicide,¹ or whether the Buddhist prohibition against killing sentient beings entails vegetarianism. Many of those questions invoke anthropological conditions and evaluations that naturally differ between culture and region, across time and space.²

In this discussion, I will not survey the varying anthropological conditions which might, for example, be causally significant when it comes to understanding why capital punishment is so prevalent in some traditionally or vestigially Buddhist cultures, like that of China, and not in others. Though there are noteworthy cases of institutionalised killing among erstwhile Buddhist

cultures,³ if not in Buddhist ethics itself, the sociology and history of the legal and other vicissitudes of capital punishment in culturally Buddhist polities will not be my immediate concern.

I will be focussing instead on what it is about pan-Buddhist ideas of the person, and the philosophy and psychology of personhood, suffering and retribution, punishment and justice, that in principle unify different Buddhist cultures in their views around lethal punishment. There will however be reason to question philosophically why the norm regarding capital punishment is as robust as—in theory, if not in practice—it is, given the existence of some exceptions, in canonical and classical Buddhist texts, to the prohibition against killing.⁴ I will expand on this after a preliminary discussion of sources for capital punishment in those Buddhist texts and, in the process, seek a justification for the Buddhist normative position

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able to complement those familiar from other accounts.

1. Early and classical Buddhist sources

The consideration of capital punishment in Buddhist textual sources goes back to at least the beginning of the common era, in the ‘Questions of King Milinda’ (*Milindapañha*) written sometime between 100 BC and 200 CE), though punishment as a broader category appears in the Pali Canon, as well as in Emperor Aśoka’s famous edicts during his thirty-year Buddhist reign in mid-third-century BCE India. In this important Theravāda text (canonical for the Burmese tradition) the Bactrian Greek king Menander I (‘Milinda’ is his Pali name) questions the monk Nāgasena about the aptness of the ‘restraint’ (*niggaha*) of wrongdoers in the context of Buddhist non-violence—itsself rooted in the broader Indic value of non-harm (*ahiṃsā*).

If dangerous criminals should be restrained, the king appears to ask, what kind of restraint is appropriate? Nāgasena gives Milinda to understand that while the enlightened beings (Buddhas) do not approve of execution as a punishment, a wrongdoer’s own actions alone will determine that outcome, and all actors should restrain unwholesome or unskillful (*akusala*) states of mind and motivation. While Nāgasena’s advice to the king confirms the Buddhist First Precept prohibiting intentional killing of any kind, it nonetheless appears to grant to the monarch a legal right to take life in criminal cases.

Around a century later, however, at the inception of the Mahāyāna tradition in the second-century CE, some Sanskrit texts suggest that this accommodation with ruling authority, which no doubt included harsh punishments, appears to have been weakened to advise instead a firm

rejection of the death penalty, along with the approbation of other forms of punishment including physical restraint, beating, and imprisonment.⁵ Along with the expected concern for the well-being of the people, the moral focus lies in a wish not to provide the conditions for the negative rebirth of criminals, dying in anger and resentment, and who should instead “become good persons again.”⁶

Here we see both consequentialist as well as aretaic considerations⁷ guiding Buddhist moral reasoning, and the exemplar of the ruler as a “tough” but benevolent purveyor of “love and compassion”.⁸ The ruler is likened to a physician or father whose prime concern should be not to unduly punish but rather modify and restrain the behaviour that has produced moral transgression. Here and in other texts the societal danger of too much lenience in not punishing criminality is also emphasised: it might encourage lawlessness.⁹ While serious crime must not go unchecked, the main purpose of its punishment is to demonstrate that actions have real consequences—both ‘karmically’, by a universal moral law of action,¹⁰ and legally, by social custom.

In very similar terms Nāgārjuna, the seminal philosopher of the Mahāyāna tradition living between roughly 150 and 250 CE, famously discusses capital punishment in his ‘Precious Garland of Advice to a King’.¹¹ His highly compassionate attitude towards those criminals “whose sins are horrible” (v. 332)¹² is evidenced in his insistence that even the most egregious of murderers should be treated “without killing or tormenting them” (v. 337),¹³ though banished from the polity—much as political punishments in Western antiquity often involved exile to foreign lands. Whether all Buddhist authorities abided by these punitive norms is of course another question.

Over ensuing centuries, commentaries on these and other texts were recorded by Buddhist pandits from Sri Lanka to East Asia, and their message is consistent: punishment, while justified for criminal acts, is never *lethally* justified. But why, exactly? This question is pertinent because, as noted, we know of rare but clear exceptions to the prohibition against intentional lethality: in some non-pathological forms of suicide,¹⁴ evident even in the Canon, and later, in the Indian Mahāyāna, ‘auspicious’ homicide committed by high-adepts (*bodhisattvas*), or prospective Buddhas. So why not the rare case of justified execution as well, under the comparatively enlightened auspices of the state?

2. Buddhist exceptions to capital punishment?

Nāgārjuna places the greatest weight of his objection to capital punishment on the moral force of compassion, and much Buddhist commentary defers to this explanation: to be Buddhist means to have mercy on those who are already victims of their own karmic misfortune. The obvious question this raises is whether this moral affect, significant as it is—and resonant with a contemporary Judeo-Christian emphasis on mercy and forgiveness—is able to withstand an appeal to absolute justice. Here Buddhist texts, lacking any overt theory of justice, have comparatively little to say: their focus is largely on how unskilful or unwholesome acts result in detrimental moral and psychological effects for Buddhist spiritual progress.

Legal justice is thus a worldly affair, left to kings and princes to adjudicate—at best, on the advice of renunciate sages like Nāgārjuna. It functions in the primordially ignorant realm of suffering sentient being, or *saṃsāra*: that state of the human world lacking fundamental insight into its own

deeply conditioned nature, and thus perpetuating suffering for executioner and victim alike, irrespective of their legal distinction. If the Buddhist ‘Fall’ is this primordial state of ignorance, then its ‘original sin’ is the human will that tries to satisfy itself in a range of ultimately deluded actions, including, despite its positive valence, the will to do justice: to set things *right* again. If worldly justice is served by lethal punishment, the Buddhist will say, then the more’s the pity for justice. There are of course parallel claims in Christian traditions, whereby ‘rendering unto the law of Caesar’ is not and cannot be the same as ‘rendering unto that of God’, and certainly not as morally perfect.

Yet, Buddhists, like Christians, live in the real world too, and have always done, and must confront imperfect conditions. If a crime can be deemed to be so abhorrent, in every aspect of its commission—in particular in its intention, means, and consequences—then perhaps there are rightly exceptions to the over-riding prohibition of the death penalty. Indeed, a number of modern polities with a predominantly Mahāyāna Buddhist formation, principally Singapore, Vietnam, Taiwan, and China (as well as a fewer number of Theravāda Buddhist countries such as Thailand and Myanmar) would appear to think so, as the former group has among the highest rates of state-sanctioned execution in the world: in the case of China, overwhelmingly the highest—by many estimates, more than the rest of the world combined.¹⁵

So, what is happening in the Buddhist reception of capital punishment when the exoteric doctrine of the religion advises clemency for even the worst wrong-doers, especially in the Mahāyāna, yet lacks the cultural authority to have such laws abolished? There are of course important societal, legal, social-political, and historical responses to that question, which I will not engage with here.¹⁶ In

what follows, I will instead focus on a philosophical-ethical account of the Buddhist prohibition of the death penalty, based on my analysis of Buddhist thought and capital punishment developed in Chapter Ten of *A Buddhist Theory of Killing: a philosophical exposition* (2022), where I identify grounds for the prohibition in reasons that cognitively substantiate the Buddhist norm of compassion.

There, I examine the defining features of a Buddhist-ethical response to the different dimensions of capital punishment in its deterrent, retributive, psychological, affective, and metaphysical aspects. My intention here will be only to rehearse how Buddhist objections to retributive punishment focus on core issues of justification that find their legal and institutional endorsement exclusively in capital punishment for homicide offences.¹⁷ In order to do that, we need first to determine the nature of the argument the Buddhist account will be objecting to.

3. The moral-conceptual wager of capital punishment

The justificatory claims of the death penalty rely on two core premises: (i) that crime demands a recompense (the *principle of just requital*), and (ii) that state execution is its proper expression (the principle of the *proportionate satisfaction of requital*). We will return to these principles later but can ask now perhaps the most obvious question that occurs to any rational Buddhist. If the Buddhist First Precept prohibits all intentional killing, then what sense can be made of a punishment that on its face reproduces, in a performative contradiction, the intentional lethal act which has most typically warranted it: the *merciless* killing of a sentient person.¹⁸ This is not for the Buddhist a mere question of rational

coherence, but also more deeply of the status of intention (*cetanā*), the element of a Buddhist action theory that is morally the most important and on which much of Buddhist ethics rests.

The qualification for the proponent of capital punishment is indeed that the *intention* of the two acts—one criminal, the other legal—is crucially different, even if both are without mercy. A basic concern is thus shared by Buddhist and Western moral and legal theory: if an intention to kill is driven by anger or hatred, a will to vengeance or the infliction of harm (actual or potential), then how is that impetus any different in psychological terms from that of the kinds of lethal criminal acts—of passionate indignation, of extreme cruelty or ill-will—that typically qualify for legal execution? The objection of course is to assert that capital punishment is *not* so motivated—it is intended purely to enact a legal punishment, and thus preserve justice, with no added motivation. Thus the (1) affective component of equanimity subserves the (2) cognitive component as a basis for the moral rightness of the death penalty: *because* it is not a form of revenge, *this* lethal act makes its rightness all the more justified.

Let us take the foregoing, and what follows, as true of a generic retributivist argument for the death penalty (there will be some variations when it comes to capital punishment as a utilitarian form of deterrence).¹⁹ We have seen that the Buddhist agrees that cruel and malicious intent is a large part of what makes lethal acts morally wrong; but granting the moral importance of equanimity, while resisting its moral rightness, does not for the Buddhist exonerate capital punishment. The proponent of capital punishment has somehow to demonstrate its cognitive-affective criteria, along with its putative proportion to the crime being punished: indeed, execution being the only

punishment that *could* be apt for the crime. Because crime and punishment are, *qua* killing, objectively ‘the same’ and thus putatively equivalent,²⁰ but differ in their *intentionality*, their equivalence is supposed to account for their proportionality, but their intentional distinctness their differing legal status.

In sum, though it is the same class of act, the punishment should ‘match the crime’ only in order to serve the purpose of justice and not revenge—including where it is productive of, among other things, a more or less severe *anticipatory* suffering most likely absent in the crime. Though this is meant to ground the case for the death penalty, where the punishment should inflict a moral-legal but not a personally gratifying suffering, its particular kind of suffering cannot be assumed to be ‘equivalent to’ that produced by the crime at all.

Capital punishment is thus a complicated moral wager, where assumptions of both the ‘returning of suffering for suffering’ *qua* just requital, and of its would-be proportionality, are in fact highly contestable, and both of which become vulnerable to Buddhist critique. That is, where the suffering of the victim and criminal is not the same, in both affective and moral senses, capital punishment doesn’t ‘return’ a corresponding suffering (if that was really the intention), the acts themselves are also not equivalent morally (something already insisted upon by the proponent of capital punishment), and therefore they do not express a formal or moral proportionality. Their only real ‘equivalence’ is in their lethality. Yet, both imperatives of requital and its proportionality undergird the death penalty as *justified* retributive punishment. Having clearly in view how lethal retributivism justifies itself, we will be able to understand the relevant Buddhist responses to it.

4. Neutrality and rationality: The ethos of lethal retributivism

We can reconsider these findings in somewhat broader social-ethical terms. To be just, and not contingently personal, such that capital punishment lacks any possible basis in malice or revenge, or in the exercise of oppressive power over defenceless civilians, it must cohere within the purview of the law with the moral standards of the society in which that law is mutually reflected.²¹ The state is thus ‘neutrally’ empowered to carry out its punitive code solely on the basis of objective reasons that have been established to warrant that action. A lot therefore rests on the notion of neutrality, as well as on what is ‘just’, taking in cognitive as well as affective factors, as we have seen, in their determination. Those reasons and the actions they justify need to be both *equanimous* and *rational* in such a way that any reasonable moral agent could accord with their resolution *as* justice.

The question of the deterrence of further crime by means of capital punishment is perhaps the most common currency of that *sensus communis*, a shared social capacity for judgement usually attached to assumptions about overall utility: that is, if the death penalty deters others from committing the most egregious crimes, then we should not argue with empirical evidence in securing the greater good. But can causation be clearly drawn between capital punishment and the frequency of crime? Many ethicists, including those sympathetic to it, conclude that an argument from deterrence cannot be decisive.²² Buddhist ethics defers, along with others, to the social science; while there might be possible local exceptions, there is little positive proof of the deterrent effect of capital punishment as such—it

will depend on a large number of other relevant factors. A high price to pay, the Buddhist thinks, for ersatz goods—despite the argument of J.S. Mill to the effect that the death penalty is still mercifully preferable to long-term imprisonment for utilitarian reasons.

But utility alone would not refute the Buddhist-ethical position, for reasons we will soon discover. The latter sets its sights on those forms of argument seeking to improve upon Immanuel Kant's insistence (in *The Metaphysics of Morals* of 1797) that morally determined cases of lethal retributivism are legally binding for (*contra* Mill) purely deontological reasons. For Kant,

*no possible substitute can satisfy justice. For there is no parallel between death [in the course of crime] and even the most miserable life, so that there is no equality of crime and retribution unless the perpetrator is judicially put to death.*²³

Criminals must pay with their lives because the rational moral law demands that moral and legal reparation for crime must be met, and that this is itself a function of the dignity (*Würde*) and autonomy of the will (*Wille*) of the rational autonomous person, including the criminal, whose moral dignity is alone secured in this manner: by the state, but even more so by the criminal himself, in his will to self-sacrifice. The pedigree for this idea goes back to the *Ursprung* of Western moral philosophy, in Socrates' execution for religious and social 'impiety' (described through Plato's *Apologia*, *Euthyphro*, *Phaedo*, and *Crito*). Kant is thus drawing on a profound tradition: in his punishment lies Socrates' very participation in his own moral autonomy and freedom, as an insurance for the state. Still more than for Plato, the metaphysical cost for Kant in the failure to enact justice even to the very end of a constituted state

(for example, in the dissolution of civil society in the existential crisis of war or revolution) is itself a moral crime.

Today, most neo-Kantian defenders of lethal retributivism will not endorse the full extent of Kant's strict standards; but like him they insist there are morally extreme cases of lethal crime that demand nothing less as the proper exercise of justice. Like Kant (and Hegel after him, in the *Philosophy of Right*), contemporary theorists of lethal retributivism confirm that retributivist arguments depend on the principle that the punishment should 'match' or be proportional to the crime. The talion law (*lex talionis*) that enshrines the notion of an equal punishment for crime is of course the pre-modern precedent for Kant's rationalistic extension of it into Enlightenment morality. Yet, along with the intuition that truly heinous crimes deserve nothing less than the extermination of their agent, as Kant insists, a great deal rests morally for lethal retributivism on the putative proportionality of crime and punishment being able to be determined, despite inherent asymmetry.

We have already noted the asymmetry of knowing for weeks or months or even years that one is sentenced to death compared to suffering a sudden and unexpected, perhaps instant, demise (though there might well be exceptions to this in cases of long-term psychological torture). But still more, the very fact of being absolutely rejected from the human community carries a moral injury entirely unique to capital punishment (even martyrdom has the symbolic investment of the Church and religious tradition behind it); while being the same kind of act, its moral-affective constitution as a reparation for suffering is radically different to that of the crime. *Pace* Kant, the death penalty and grievous crime are unequal

by any metric apart from the one that results from a will to take life and that ends in death.

5. Buddhist objections to lethal retributivism: the failure of neutrality and reason

On these grounds, a Buddhist account can argue that if lethal retributivism is in a *best* case equanimous, it misconceives suffering and its ostensibly just infliction; if *just*, it is irrational in being gratuitous *as* punishment. But what is especially Buddhist about these responses? The broadest consideration lies in the intentional infliction of harm, and thus of suffering, as a crucial component of lethal retributivism. Suffering or profound unsatisfactoriness (*dukkha*) is at the very heart of Buddhist thought and practice, the First Noble Truth of its universality being the very problem the Buddha Śākyamuni sought to address in his re-casting of the Brahmanical *dharma*. The question for the Buddhist is whether lethal retributivism succeeds in reckoning with, let alone ameliorating, the wrong of heinous crime by an 'equal and proportionate' infliction of the absolute of death as perhaps the most grievous suffering possible for a living being.

Clearly equanimous affect, morally preferable also for the Buddhist, cannot by the same token excuse lethal retributivism, so it must be something else that is morally decisive. This is obviously the objective production of suffering for others. The proponent of lethal retributivism, after all, intends a 'returning of suffering for suffering' as the just desert for crime, even though it is in large part the moral wrong of *intentionally inflicting suffering*, especially in its more acute and cruel forms, that is being punished in the first place.

If this is so, we can again ask: what distinguishes this form of justice (with a spectre of infinite regress looming) from a normal will to retribution, usually rooted in a will to revenge? Ostensibly, it is the property of the person in its legal right *to not be killed* being indignantly appropriated by the living, on behalf of the now-deceased victim. Unlike revenge, lethal retributivism is the symbolic restitution of an abused right; the original injury to the victim is illegal, while the second, to the criminal, is sanctioned by the state, which reserves to itself the right to sustain exceptions to its own statutes.²⁴ For the Buddhist, this distinction, while apparently crucial for the moral well-being of society, is specious when *both* acts are inherently wrong, and for much the same reasons: they each intend (A) an extreme form of suffering that culminates in (B) the termination of life.

For the Buddhist critic of lethal retributivism, erasing the means for a person to engage the work of moral purification is to deny them the very possibility of reform or self-improvement, in itself an exercise of moral freedom. The result is a guaranteed increase in overall suffering and decrease in overall utility. The Buddhist is not exclusively a utilitarian, and of course the deontologist like Kant is not concerned about utility so long as the rational moral law has been obeyed. But is that insistence, one shared by Kant with every retributivist, as rational as it presumes? If all possibility for reform is foreclosed before it can even begin, and restorative justice thereby denied, what social and moral value is finally secured by lethal retributivism, and is it a rational one?²⁵

The Buddhist would say not much of one at all, unless one stipulates a metaphysical priority of retribution for its own sake, over the possibility of human self-transcendence. Ironically, it is a version

of self-transcendence that retributivists like Kant and Hegel enshrine by virtue of the purely rational autonomy of the person who, in self-bifurcating between a disinterested and transcendental law of moral reason and the mere inclination of personal interest, preserves justice only at the cost of absolute self-sacrifice. For the Buddhist, this is a false and morally dangerous version of transcendence. Rather than a self-subsistent noumenal or transcendental Kantian agent, the Buddhist mental-volitional bases for moral action are engaged as this-worldly intention (*cetanā*): an important mental factor among other mental factors determining the action of the immanently whole person, and so not requiring a transcendental self of the kind Kant presupposes and which Buddhist philosophy more generally refutes.²⁶

Where for Kant and Hegel the self-determining rational agent reigns supreme over all contingent elements of volition, including self-preservation, for the Buddhist rational agency is ideally a humble worker in a democracy of reasons. More specifically, the 'agent' is reducible to properties that causally cohere to endow persons with moral agency, including their governing normative conditions, a morally supple affect averse to dogmatic fixation, and varied forms of consciousness, their moral valence ranging between skilful and less skilful qualities—no-one is perfect, after all, including the moral rationalist! Nāgārjuna's insistence on compassion that we observed earlier is thus not arbitrary but pragmatic: it enables the minimal conditions required for addressing the problems, perhaps for the first time, of malign motivation, mental affliction, psychological trauma, and the deep-seated ignorance that conditions all of human existence.

The prisoner has in extended captivity the time needed to engage this difficult process, where much else in life has proved unamenable to it—but nothing more absolute than ending his or her life. For the Buddhist, this work of self-improvement is ultimately more rational than giving all agency over to an autocratic rationalist within the self, which insists that moral problems have answers demanding irrevocable death. That rigid mindset belongs as much to the sociopath as the fascist, and the modern Buddhist is likely to theorise the autocratic 'rational self' as an extension or hypostatisation of a Freudian super-ego—a cognitive self-reification that, in the first instance, exists only as an insubstantially changing flux of concerns and imperatives that differ widely during the different moral phases of life.

Conclusion

By inflicting a would-be 'equal and proportionate suffering', the agents of execution, *qua* the state and its legal representatives, sanction the very ignorance the condemned has already grievously demonstrated, so that no-one in this cycle of reactive action (*kamma*) ever drives a breach into its perpetuation. This causal process can be theoretically conceived as much in natural psychological terms as in the traditional metaphysical terms of *kamma*-theory, which maintains a real production of moral effect from intentional action. In either case, it is the authentic grappling with imperatives of meaning and agency, of self-esteem and moral responsibility, that might change the minds of at least some convicted criminals, and in recent decades Buddhist-derived mindfulness-training programs in prisons have demonstrated their potential efficacy.²⁷ Those prisoners we deem irredeemable will have been

given some opportunity to restore their lives, however humbly.

Most broadly, and in conclusion, the Buddhist project sketched above can be contrasted in a psychologically more plausible best case of punishment with a retributivist one: the criminal agent, by acknowledging his abuse of his victim, recognises his own moral agency and at best seeks to atone for wrongdoing. The proponent of capital punishment cannot easily object in this case that lethal retributivism better sustains the inherent

value of the person in virtue of its would-be metaphysical benefit of absolute justice, when the condemned seeks to preserve his life in order *to honour all life* thereby—something the retributivist signally fails to do. In a time when numbers of executions globally have been rising, including in some liberal democracies, it would appear that the wisest course might be to reconsider where the dignity of the criminal person, and his victim, finally lies. In that way, too, justice might be most profitably served for both.

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References

¹ A term referring to an interpretation of Mahāyāna Buddhist ethics whereby highly-realized adepts such as *bodhisattvas* (those on the verge of Buddhahood but who seek instead to ultimately extirpate the suffering ignorance of worldly beings) are in theory able to compassionately kill with karmic merit, and thus some degree of moral impunity given the net positive value of their acts.

² For example, norms regarding killing animals are substantially different between Hindu-influenced Sri Lanka, where resisting beef consumption is strongly associated with Buddhism, and Himalayan North Asia, where it is not, and where yak and mutton are a staple food.

³ Consider the moral status of capital punishment in a nation like North Korea, despite its centuries-long Buddhist inculcation, as well as the People's Republic of China. East Asia more broadly has a distinct ethos around killing compared to that of South Asia, which might itself be independent of Buddhist influence.

⁴ It should also be noted that a strong trend in recent Buddhist Studies scholarship conflates theory and practice such that if some historical Buddhists committed certain acts, then those acts are understood as properly 'Buddhist'. On this account, if a self-professed Buddhist in, say, Singapore or Myanmar legislates for capital punishment, then this endorsement makes that practice a part of the Buddhist-ethical repertoire. I have argued against this fallacy in Martin Kovan, *A Buddhist Theory of Killing: A Philosophical Exposition* (Springer Verlag 2022). For a briefer account see: Martin Kovan, 'The Lethal Act' (*Aeon*, 31 October 2022) <<https://aeon.co/essays/if-killing-is-antithetical-to-buddhism-how-can-they-do-it>> accessed 14 July 2026.

⁵ See the *Ārya-satyaka-parivarta* (Noble Discourse of the Truth Teller), an early Mahāyāna *sūtra* that was important especially for Tibetan Buddhist traditions in advising rulers.

⁶ Peter Harvey, 'Buddhist Perspectives on Crime and Punishment' in John Powers and Charles Prebish (eds) *Destroying Mara Forever: Buddhist Ethics in Honor of Damien Keown* (Snow Lion Publications 2009) 53.

⁷ These two normative-ethical emphases, of moral consequence and the cultivation of virtuous character, respectively, come to dominate the Western theorization of Buddhist ethics in the 21st century (see the work of Charles Goodman and Damien Keown, respectively).

⁸ Harvey (n 6).

⁹ cf. also the *Suvarṇa-bhāsottama Sūtra* (excerpted in Harvey (n 6) 56).

¹⁰ *Kamma* (Pali) and *karman* (Sanskrit) have differing senses depending on textual and historical context, but in Buddhism the term denotes moral action and its varying valence. 'Karma' is its Anglicized (but often semantically looser) version.

¹¹ The *Rāja-parikathā-ratnamālā*.

¹² Harvey (n 6) 54.

¹³ Harvey (n 6) 54.

¹⁴ For a synoptic survey, see: Martin Kovan, 'Being and its Other: Suicide in Buddhist Ethics' in Daniel Cozort and James Mark Shields (eds) *The Oxford Handbook of Buddhist Ethics* (OUP 2018) 630.

¹⁵ Amnesty International, 'Asia-Pacific continues to dominate global executions tally as death penalty reaches 44-year high' (18 May 2026) <<https://www.amnesty.org.au/death-sentences-and-executions-2025/>> accessed 14 July 2026.

¹⁶ Communist ideology is not sufficient explanation; Singapore is consistently known to have the highest per capita execution rate in the world.

¹⁷ While the death penalty for drug offences remains in law in some Buddhist polities, there is no textual precedent for it in Buddhist-ethical sources; the same is true for the use of the penalty for political reasons.

¹⁸ Hence, many classes of intentional killing, such as euthanasia, abortion, and suicide, are exempted from this equation; while prohibited in Buddhism, it is for reasons distinct from those prohibiting capital punishment.

¹⁹ In Kovan, *A Buddhist Theory of Killing* (n 4), I engage Sorell (n 22) in depth as a well-argued defence of capital punishment for morally extreme cases. It is his kind of secular-rational argument, rather than those based on religious or ideological command, that I have in mind throughout this paper as a representative modern defence of capital punishment. (cf. Sitze (n 21) and Bedau (n 22) for comparable accounts of retributivism.) I consider deterrence briefly, below.

²⁰ Again, putting aside those cases where the crime might not be homicidal but rather political or religious, something more common in the West in its prior history, although still evident in some non-Western contexts now (for example, in theocratic or autocratic nations in which religious and political offences, respectively, account for the largest share of state executions). For non-lethal drug offences and the death penalty in Buddhist countries see n 17, above.

²¹ See Adam Sitze, 'Capital punishment as a problem for the philosophy of law' (2009) 9(2) CR: The New Centennial Review 221.

²² See for example: Hugo Bedau, 'Capital punishment' in Hugh LaFollette (eds) *The Oxford Handbook of Practical Ethics* (OUP 2005) 705, 706; Thomas Sorell, *Moral Theory and Capital Punishment* (Basil Blackwell/Open University 1987) 99; Ted Honderich (ed), *The Oxford Companion to Philosophy* (OUP 1995) 120-121.

²³ Immanuel Kant, *Kant's Political Writings* (Hans Reiss ed, Hugh Nisbett tr, 2nd edn, CUP 1991).

²⁴ See Sitze (n 21) 249ff for a genealogical discussion of the legal rights of the person to not be killed.

²⁵ For a good discussion of the Buddhist grounds for restorative justice, see: David Loy, 'How to reform a serial killer: the Buddhist approach to restorative justice' (2000) 7 *Journal of Buddhist Ethics* 145. I offer a more formalized account in Kovan, *A Buddhist Theory of Killing* (n 4) 185-187.

²⁶ See Kovan, *A Buddhist Theory of Killing* (n 4) 180-182) for discussion.

²⁷ For an overview of Mindfulness-based Stress Reduction (MBSR) interventions in prisons, see Nienke Bouw, Stephan Huijbregts, Evert Scholte and Hanna Swaab, 'Mindfulness-based stress reduction in prison: Experiences of inmates, instructors, and prison staff' (2019) 63 *International Journal of Offender Therapy and Comparative Criminology* 2550.