

through the agency of friends or ministers, on some pretext or other.¹

Kinds of Alliance

Alliances were of two classes—offensive and defensive—the former mostly during war, the latter in times of peace as well. A second type is in evidence in the alliances on equal and unequal terms—*samāna* and *asamāna* or *hīna*.² Apparently in the first, both parties that entered into the alliance had equal advantage, while in the latter, from its very nature, the less powerful states of the coalition were bound to the larger states in various ways. In fact, any league of states where the initiative was taken by the weaker being hard-pressed to preserve their own existence, was, generally speaking, an instance of the latter class—*hīna*. In the *Harsha Charita*³ we have an alliance of this kind sought by Kumārārāja, the king of Kāmarūpa with Emperor Harsha. The position of an *asamāna* ally corresponded roughly to that of a feudatory state. He was bound, it would appear, 'to do suit' as is indicated by the order that was given

¹ *Arthashastra*, pp. 278 and 279.

² *Ibid.*, *op. cit.*; *Manu*, vii. 163.

³ Chap. vii. i.

by Harsha to his ally. 'I desire you to come at once to the assembly with the strange Śramaṇa you are entertaining at the Nālandā convent.'¹ The subordinate position of Kumārarāja in relation to Harsha is clear from the place accorded to him in the procession with the image of the Buddha as described by Yuan Chwang.²

The duties of a subordinate ally, roughly speaking, were :—

- (1) To accept the superiority of his ally.
- (2) To leave with him the conduct of the affairs for which the alliance was formed.
- (3) To help in various ways, providing him with men, money and other auxiliaries.
- (4) To attend on him when called on to do so.
- (5) To abide by the terms of the alliance.³

Alliances might again be either voluntary or purchased.⁴ The former depended on the good will of the parties and were therefore more

¹ Beal, *Buddhist Records of the Western World*, i. 216.

² *Ibid.*, i. 218.

³ In the *Arthaśāstra* it is stated that a king should help his ally even at the expense of his own interests.

संश्रितस्तु पक्षस्योपकरोति नात्मनः (p. 265.)

⁴ *Arthaśāstra*, p. 311. राज्ञां विश्वासोपगमः and प्रतिभूः प्रतिग्रहो वा. The former is according to Kautilya स्थावर while the latter is चालक.

stable. The latter were obviously mercenary and intended to last only until the object for which the compact was formed had been achieved. They were not alliances proper. Alliances with feudatories and vassals were also common, though they were not considered quite desirable. This is clear from the statement in the *Sukranīti*¹ to the effect that a king may make peace with feudatories, if it will result in the conquest of his enemies. There were not only the alliances of the Aryan or the non-Aryan states but also those of a mixed nature formed of Aryan and non-Aryan powers. Those mentioned in the *Rig Veda* and in the Epics are instances in point.

*Matrimonial Alliances and Their
Political Significance*

Very often a political compact was strengthened by a marriage alliance contracted by the sovereigns. And here we are reminded of the system of 'Dynastic Marriages' which prevailed in Europe in the sixteenth and seventeenth centuries. To cite only a few instances, Vatsa, the country of Udayana, was overrun by malcontents under the arch-rebel Āruṇi. He was compelled

¹ iv. 7. 243.

to flee and seek protection in Lāvāṇaka for a time. In order to win the support of Darśaka, king of Magadha, a marriage was contrived by Udayana's skilful minister Yaugandharāyaṇa between his king and Padmāvatī, the sister of Darśaka. This marriage was of political significance in securing not only Darśaka's abstention from actively helping the insurgents in the Vatsa country, but his prompt aid in putting the rebellion down.¹ An instance of a different type may be seen in the alliance formed by Seleucus and Chandragupta, where the latter was offered the hand of a Greek princess or at least the *jus conubium*.

In the reign of Kanishka we have an illustration of the inevitable effects of refusal of proffered matrimony. When the Kushāna prince about A.D. 90, demanded the hand of a Chinese princess, his envoy who conveyed the offer was arrested by Pan-Chao the Chinese General. War ensued, and the Kushāna king had to pay tribute. In the marriage of the Āndhra king, Puṣumāyi, to a daughter of Ru—we have not only the result of Gautamīputra's conquest of the Kshaharātas but the reason why disaster was averted for the Āndhra kingdom which had sustained reverses under

¹ *Indian Antiquary*, 1916, *op. cit.*

Rudradāman. In the Gupta period the importance of the Lichchavi marriage stands clearly revealed. So does the marriage of the Vākāṭaka prince Rudrasena to Prabhāvatī, daughter of Chandragupta Vikramāditya.¹

Treaties and Their Formation

Alliances were dependent on treaties as to their motives, duration and terms. Those of honour were certainly the most praiseworthy.² But there were other kinds, for instance, those that concluded wars, and those that secured peace by purchase. In both cases there was the necessity for the stipulation of the terms on which they were concluded and possibly also for the mention of penalty in the event of a breach. Such treaties were necessary to keep intact the

¹ In the Chammak copper-plate of Pravarasēna II, we have an instance of long-standing dynastic marriage alliances. The Vākāṭakas intermarried with the Bhāraśivas. *Gupta Inscriptions*, pp. 241 and 248.

Similarly, we have various examples of marriage relationship among the three kingdoms of South India, Pāṇḍya, Chōḷa and Chera.

² *Arthaśāstra*, p. 311. सत्यं शपथो वा परत्रेह च स्थावरः

though in the opinion of 'his teacher' सत्यं शपथो वा चासन्धिः.

subordinate character of the less powerful of the states. These were concluded by the ambassadors, or other accredited ministers of the sovereigns; or as it oftentimes happened, the kings met in person and themselves made the agreements of peace. Though the general terms of a treaty might be settled by the ministers appointed for the purpose, the sovereign was the final treaty-making and ratifying authority.¹

¹ See *infra*, chap. ix : Termination of War.

CHAPTER VI

GENERAL ETHICS OF WARFARE

MAN is a warring animal, said Hobbes, and as there is among individuals an innate tendency for the subjugation of others in the struggle for existence, so with nations the prospects of material well-being and the desire for domination appear to have produced a tendency for war. If we remember the conditions that prevail among the civilized nations of modern times, even after advanced ideals of brotherhood and solidarity have been preached far and wide, we need not be surprised that in the bygone millenniums, amidst the variety and multitude of the nations in ancient India, wars were not of infrequent occurrence. The very hymn of the *Purusha-Sūkta* which has been utilized to explain the origin of the four orders of society makes provision for a warrior caste, and to die in righteous battle was the highest merit of a valorous Kshatriya. ¹

The conception of war as an engine for destroying the heathen or barbarian, which prevailed in

¹ E. g., *Manu*, vii. 87-89. संग्रामेष्वनिवर्तित्वं. etc.
Yājñavalkya, i. 324.

ancient Greece and Rome is seen to operate in India also. The *Mahābhārata*¹ says: 'War was invented by Indra for destroying the Dasyus, and weapons and armour were created for the same end. Hence merit is acquired by the destruction of the Dasyus.' The Dasyus were, as is clear from the *Rig Veda Samhita*, the non-Aryan inhabitants of India who differed from the Aryas in colour, features, language, religion and social institutions. But the Aryas fell to fighting among themselves, besides attempting to extirpate the non-Aryan races. Many a hymn in the *Rig Veda*² indicates the wrath of the Aryan bard not only against the Dasyus but against the Aryan opponents of his own tribe.

Definition and Description

Warfare (*Yuddha*) has been defined as the affair that two parties who have inimical relations undertake by means of arms to satisfy their rival interests.³ It is that by which

¹ Udyōga Parva, 29. 30 and 31.

² E. g., vi. 33. 3.

³ *Sūkranīti*, iv. 7. 220.

आबिघ्नतोः शत्रुभावमुभयोः संयतात्मनोः ।

अस्त्राद्यैः स्वार्थं सिद्धयर्थं व्यापारो युद्धं उच्यते ॥

the enemy is opposed and subjugated.¹ This definition contains some of the characteristic conditions of warfare in ancient India. It would appear that war was an affair between state and state and not between individuals. It is stated definitely, that war should be waged only if all other expedients of bringing about peace have failed.² Wars were declared not precipitately but after due deliberation of the past events, and only when the conduct of the belligerent states necessitated breaking off negotiations. The hostile feeling of the belligerent communities should have been of long standing. The next condition assumed in the definition is

In the *Nīṭisāra* of Kāmaṇḍaka warfare is defined thus

अमर्षोपगृहोताना मन्युसंततचेतसा ।

परस्परापकारेण पुंसां भवति विग्रहः ॥ x. 1.

In the latter definition some of the conditions stated in the former are wanting.

¹ *Sukranīti*, iv. 7 236.

विकर्षितः सन् वा अधीनः भवेच्छत्रुस्तु येन वै ।

Arthaśāstra, p. 261. अपकारी विग्रहः.

² E. g., *Mahābhārata* : Śānti : Rājadharmā, 68. 26.

सान्त्वेन तु प्रदानेन भेदेन च नराधिपः ।

यमर्थं शत्रुयात्राभ्यु तेन तुष्येत पण्डितः ॥

the use of arms. Here we are led to the distinction between *Kalaha*¹ or ordinary quarrel and *Yuddha* which implies the employment of organized forces and implements of destruction. Lastly, war meant a series of acts of hostility, and not merely a condition. Probably, the condition or attitude of belligerency was denoted by the term *Vigraha*.

Classification of Warfare

Warfare is classified² according to the weapons with which it was conducted into *daivika*, *āsura*, *mānusha* and also according to the methods of fighting into³ *prakāśa*, *kūṭa* and *tūshṇi*.

¹ *Sūkranīti*, iv. 7. 252.

विग्रहः स च विज्ञेयो ह्यन्यच्च कलहः स्मृतः ।

² *Ibid.*, iv. 7. 221.

मन्त्रास्त्रैः दैविकं युद्धं नालाशस्त्रैः तथासुरं ।

शस्त्रबाहुसमुत्थंतु मानुषं युद्धमोरितं ॥

In the *Rāmāyana* *Āsura yuddha* is warfare where *māya* (guile) is employed. *Yuddha Kāṇḍa*, 100.

³ *Arthashastra*, p. 281.

प्रकाशयुद्धं निर्दिष्टो देशे काले च विभ्रमः ।

विभीषणमवस्कन्दः प्रमादव्यसनार्दनं ॥

एकत्र त्यागघातौ च कूटयुद्धस्य मातृका ।

योगभूमौपजापार्थ तूष्णीं युद्धस्य लक्षणं ॥

Dāvika was that variety in which charms and spells were used. This is chiefly spoken of in connection with the fights between the *Devas* and *Asuras*, and this need not therefore engage our attention.

The *āsura* form was one in which mechanical instruments were employed. Wherever engines and contrivances causing sweeping destruction are used there is probably the *āsura* method of fighting.

The *mānusha* was that where organized forces were engaged, in military array. The army was composed of the classical divisions of cavalry, infantry, elephants and chariots, and there were certain accepted modes of array like the lotus, waggon, crocodile, circle and needle.¹ It is this variety of warfare with which we are directly concerned.

Open warfare (*prakāśa*) was conducted by threats, assaults and creation of confusion in the ranks of the enemy at the right time and in the right place. In ordinary circumstances fighting was to be open, no underhand or unfair dealing or foul play being allowed. Treacherous (*kūṭa*) warfare consisted in pretending to keep up good

¹ See *infra*, chap. viii

relations with the enemy and taking him by surprise. It implies the use of crafty and clandestine methods. This kind of fighting was not sanctioned under normal conditions and was permitted only for the weak warring with the strong, and even there only as the last resort.

Silent warfare (*tūshni*) meant the attempt to win over the army and officers of the enemy by diplomatic means. This, like the previous one, was not recognized as a right method to pursue. But it presupposes much of diplomatic skill to be successfully carried out.

Requisites of Success

A few of the chief requisites¹ of successful fighting mentioned are heroic spirit and enthusiasm, superiority in strength, organized troops, weapons and forts, and skilful diplomacy. Kauṭilya lays these down as in the ascending order of merit. He says :² 'An arrow shot by an archer may or may not kill a person, but the skilful diplomacy of a wise man kills even those

¹ *Arthaśāstra*, p. 337.

² *Ibid.*, p. 375.

एकं हन्यात् न वा हन्यात् इषुःक्षितो धनुष्मता ।

प्राज्ञेन तु मतिःक्षिता हन्यात् गर्भगतानपि ॥

unborn.' Great importance is attached to the proper choice of officers, soldiers, places and methods of fighting in all ancient political literature.

Chivalry and Heroism in War

Chivalry was a virtue and the Kshatriyas are praised for their valorous fighting in the battle-field. It was in fact enjoined on all of the fighting caste to engage in righteous war and meet with a noble end. A warrior was never to desist from battle¹ and his death in bed was a sin.² A king who is defied by foes must not shrink from the duty of giving battle. He who valorously fights is sure to attain to heaven. A Kshatriya would in fact be lacking in the performance of his religious duty and would not acquire religious merit if he did not engage in battle.³ There is nothing more productive of good to the Kshatriya than to be engaged in righteous warfare, even though it might lead to the

¹ E. g., *Baudhayana*, i. 10, 18 and 19 ; *Manu*, vii. 89.

² *Sukranīti*, iv. 7. 305.

अधर्मः क्षत्रियस्यैव यच्छ्रद्ध्यामरणं भवेत् ।

'None should bemoan death in fighting of a valiant Kshatriya' *Rāmāyaṇa* : Yuddha Kāṇḍa, 112.

³ *Mahābhārata* : Śānti : Rājadharmā, 60-62.

destruction of one's own race, says the *Bhagavat Gita*.¹ There are only two classes of people who reach heaven,—‘ the austere ascetic and the man who is killed in the front of the fight ’.² And for the warrior is reserved a place, much higher than those which Brāhmins attain by performing sacrifices, which he, giving up his life for the right cause, reaches immediately after death.³

The Ideal in Warfare

Once a warrior had entered the battlefield he should fight to the end, bitter though it be. Death rather than disgrace was his motto and as Lowell says, ‘ Being in it (battle) the best way was to fight it through.’ He who fights with

¹ ii. 31.

² *Sukranīti*, iv. 7. 317.

द्वौ इमौ पुरुषौ लोके सूर्यमण्डलमेदिनौ ।
परिव्राज् योगयुक्तो यो रणे चाभिमुखं हतः ॥

³ *Arthashastra*, p. 365.

यान्यङ्गस्त्वं तपसा च विप्राः ।
स्वर्गैषिणः पात्रचयश्च यान्ति ।
क्षणेन तानप्यतियान्ति शूराः ।
प्राणान् सुयुद्धेषु परित्यजन्तः ॥

utmost energy¹ and does not retreat, goes to heaven.¹ 'The steps of those who, when their ranks are broken, do not turn back, but fight on, are as efficient as so many sacrifices'.² The rascal who flees from a fight goes to hell.³ He who retreats in terror from the field incurs the sin of killing a Brāhman and the gods forsake such a vile coward.⁴ We read in the *Mahābhārata*:— 'Let us swear to conquer and never to desert one another. Let only such men come as would never turn back from battle or cause their comrades to be slain. The consequences of fleeing away from battle are loss of wealth, infamy, and reproach. Those that flee are wretches among men. We should fight regardless of life or death and with this determination attain a place in heaven'.⁵ He who deserted his

¹ *Sukranīti*, iv. 7. 309.

² E. g., *Agni Purāṇa*, 232. 52-56.

³ *Sukranīti*, iv. 7. 328f.

अपसरति यो युद्धात् जीवितार्थो नराधमः ।

⁴ *Agni Purāṇa*, *op. cit.*

⁵ *Mahābhārata*: *Śānti*: *Rājadharmā*, 100. 33-42.

विजयार्थं हि संग्रामे न त्यक्षामः परस्परं ।

इहैव ते निवर्तन्तां ये च केचन भीरवः ।

न घातयेयुः प्रदरं कुर्वाणास्तु मूले सति ॥

comrades in the field or retreated after sustaining defeat was allowed no place in society, and in fact denied even the private rights in family life.¹ As regards the king of the Maharāshṭra country Yuan Chwang says; ² 'Whenever a general is despatched on a warlike expedition although he is defeated and his army is destroyed, he is not himself subjected to bodily punishment; only, he has to exchange his soldier's dress for that of a woman much to his shame and chagrin. So many times these men put themselves to death to avoid such disgrace.'³

अर्थनाशो वधो अकीर्तिः अयशश्च पलायने ।

अमनोज्ञा असुखा वाचः पुरुषस्य पलायतः ॥

मनुष्यापसदा ह्येते ये भवन्ति पराङ्मुखाः ।

ते वयं स्वर्गमिच्छन्तः संग्रामे त्यक्तजीविताः ।

जयन्तो वध्यमाना वा प्राप्नुयाम महद्भतिं ॥

Cf. *Bhagavat Gita*, ii.

¹ *Sukraniti*, iv. 7. ll. 614-15.

² Beal, *Life of Hiuen Tsiang*, iv. p. 147.

³ To eat grass was a sign of submission to the enemy, as among the Romans was 'the passing under the yoke' *Baudhayana*, i. 10. 18. 11; *Gautama*, x. 18.

When the Yavanas were conquered, 'they ate grass and leaped into water'. *Cambridge History of India*, vol. i, p. 270.

War only the Last Resort

Winning victories in wars was glorious for the Kshatriya, and to flee from the field of fighting was worse than death.¹ Yet, it has been repeatedly proclaimed that kings should resort to war only after all other expedients had been tried and found to fail. Only when there was no other remedy was war to be undertaken.² The king should aspire for victories more glorious than those of war. Victories achieved by battles are not spoken of highly by the wise.³ Let the other expedients, *sāma*, *dāna* and *bhēda* be tried in turn, for failure of these alone will justify the employment of *daṇḍa*. If the enemy could not be stopped by the first three methods, let the king bring him to subjection using force alone, says the *Manusmṛiti*.⁴ The ancient Indian

¹ Samudragupta is spoken of as 'skilful in engaging in a hundred battles of various kinds' and his body was covered with the 'marks of a hundred confused wounds, caused by the blows of battle axes, arrows, spears, etc.'

Fleet, *Gupta Inscriptions*, pp. 12 and 13. *The Allahabad Pillar Inscription*.

² *Yājñavalkya*, i. 346, दण्डस्त्वगतिका गतिः ।

³ *Manusmṛiti*, vii. 198. विजेतुं प्रयतेतारो न युद्धेन कदा-

चर ।

⁴ vii. 199-201; *Mahabharata*: Śānti: Rājadharmā, 68. 25 and 26.

statesmen knew that war entailed unnecessary loss of energy and resources and that 'from the material standpoint it did not produce good results in proportion to the magnitude of the loss it involved. 'The results of war are uncertain' and it may entail loss to both parties.¹

Consequently, unnecessary and aggressive wars were rare in ancient India. The king was advised to abstain from rash acts of hostility and never seek to destroy his army by recklessly plunging into wars.² In general, wars were not to be waged for mere assertion of material force or for territorial aggrandizement. 'Avoid war for acquisition of territory' appears to have been the principle followed by Yudhishtira. 'Not too ambitious surely of conquest were the ancients, seeing that in a small part of the earth there were numerous monarchs such as Bhagadatta, Dantavakra, Kratha, Karṇa, Kaurava,

¹ नाशो भवति युद्धेन कदाचिदुभयोरपि *Kamandakya*, ix. 61.

युद्धसिद्धिर्हि चञ्चला. *Ramayana: Sundara Kāṇḍa*, 46. 15.

As both parties are affected adversely by wars, they are to be avoided. *Manusmṛiti*, vii. 199. अनित्यो विजयः।

² *Sukranīti*, v. 7.

न नाशयेद् स्वसेनां तु सहसा युद्धकामुक्ताः.

Śiśupāla, Salva, Jarāsandha, and Sindhurāja.' 'King Yudhishtīra was easily content since he endured quite near at hand the kingdom of the Kimpurushas when the conquest of Dhanañjaya had made the earth shake'.¹ Generally speaking, kings in ancient India did not engage in war unless they were forced to it; and military expeditions were begun, not on sudden provocation or on small causes but only after great deliberation and on weighty issues. So at least declare the works on Polity—Arthaśāstras and Dharmaśāstras alike.

To sum up, the ideal of the ancient Indians was *not* to engage in war unless all other means of maintaining peace had proved of no avail. But, once on reasonable grounds belligerency was declared, victory was to be achieved at all costs, and death and never dishonour was the motto of the heroic warrior who fought in the field.²

Kūṭa-Yuddha and Prakāśa-Yuddha

The ideal was not by any means easy of realization. The main object of the conqueror

¹ *Harsha Charita*, chap. vii. Translation by Cowell and Thomas.

² Cf. The account of the mercenaries of Massaga given by Diodorus Siculus. (Arrian, iv. 27.)

was to overcome the enemy and sometimes a king had even to 'place disgrace in front and honour at the back and realize his cherished ideal, for it is folly to lose one's objective.'¹ Such was the importance attached to victory in war that 'the enemy has to be subdued whether fought according to the rules of morality or not.'² Instances are not altogether wanting of wars waged on questionable grounds, instances where treachery and guile were now and then in evidence. The Arthaśāstras attach some importance to a variety of warfare which was not fair and open—*Kūṭa-Yuddha*.

The Dharmaśāstras are never for the use of any wily or underhand methods in fighting. *Kūṭa-Yuddha* being dishonourable and unrighteous does not find a place in them. The Arthaśāstras subordinate considerations of morality to those of expediency and practical gain. But even they do not permit *Kūṭa-Yuddha* in all cases, and it was certainly not fair or commendable. It is mentioned merely as a resource for the weak

¹ *Sukranīti*, iv. 7. ll. 732-33.

² *Ibid.*, 1. 350. धर्मयुद्धैः कूटयुद्धैः हन्यादेव रिपुं सदा ।

Kūṭa-Yuddha is condemned in the *Rāmāyaṇa* as peculiar to the Rākshasas. Bāla Kāṇḍa, 22. 7; Yuddha Kāṇḍa, 50. 15.

against the powerful. The *Śukranīti*¹ says: 'There is no warfare which extirpates the powerful enemy like the *Kūṭa-Yuddha*; a king need follow *nīti* or moral rules only so long as he is in a position to overcome others.' The *Agni Purāṇa*² permits secret and underhand harassing only by the weaker states. Kāmaṇḍaka who follows Kauṭilya also approves of this variety of warfare only in similar circumstances.

Thus, if *Kūṭa-Yuddha* was resorted to, it was not probably between states of equal strength and resources, but was for states that could find no outside help and had by some means or other to maintain their existence in the midst of overpowering neighbours. Even here, in the first instance, the small states are advised to seek the alliance of stronger ones for fighting against their mighty foes.³ A weak monarch was, as far as possible, to avoid being drawn into war. He should reconcile himself with others,

¹ iv. 7. 1. 725.

Arthaśāstra, p. 364. बलविशिष्टः..... प्रकाशयुद्धं उपेयात् विपर्यये शकटयुद्धं.

² 240, 16.

³ *Arthaśāstra*, p. 306. दुर्बले राजा बलवताभियुक्तः तद्विशिष्टबलमाश्रयेत् ।

enter into a treaty at least for the time being, waiting for an opportunity to reinforce himself and meet his enemy. If no outside aid was forthcoming, or if in seeking the help of others there was suspicion of evil, the king had no alternative but to engage in war¹ and only in that case was *Kūta-Yuddha* justifiable.

We find, again, that the employment of guile is advised only against those that use it.² In the *Pratijñāyaugandharāyaṇa* of Bhāsa the minister of Udayana had recourse to guile to set his sovereign free. It was impossible to face king Pradyōta openly in war; hence ruse had to be pitted against the ruse already employed by Pradyōta's ministers. Udayana was captured by Pradyōta's men with a guile corresponding to the Trojan horse trick. Yaugandharāyaṇa, the minister of Kauśāmbi, dressed as a Buddhist monk, went to Ujjain, filled the palace of Avanti with spies and secret agents, and contrived a plan of escape for his sovereign. But

¹ *Manusmṛiti*, vii. 176.

यदि तत्रापि संपश्येत् दोषं संश्रयकावितं ।

सुयुद्धमेव तत्रापि निर्विशङ्कः समाचरेत् ॥

² *Sūkranīti*, v. 60.

यच्छत्राचारो भवति तस्मिन् च्छत्रा समाचरेत् ।

the inevitable happened between Udayana and Vāsavadattā, the princess of Avanti. The two fell in love and the resourceful minister managed somehow to effect the escape of the couple on an elephant.

Theory and Practice

It is because the *Arthaśāstra* subordinates considerations of morality to expediency and practical gain that Kauṭilya has been styled the Indian Machiavelli. The ideal of the Italian theorist, will be clear from his own statement: 'Although it is detestable in everything to use fraud, nevertheless in the conduct of war it is admirable and praiseworthy, and he is commended who overcomes the foe by stratagem equally with him who overcomes him by force.' This is by no means identical with that of Kauṭilya, and other Indian writers, for they would on no account give the same place to the *kūṭa* variety of warfare as to the *prakāśa*. Even in the *Arthaśāstras*, *Kūṭa-Yuddha* occupies only a secondary and less honourable place. These naturally give prominent attention to the acquisition of material welfare as the *Dharmaśāstras* do to the spiritual and moral well-being of men and nations. This may lead to the conclusion

that the Arthasāstras are more Machiavellian than the Dharmaśāstras.¹

On the other hand, the point to be noted in this connection is that the secular writers disclose to us how far the theory propounded in the sacred works of literature corresponded to the practice that obtained in their respective ages. There was no good in ordaining that a weak state should in its fight with a powerful neighbour follow exactly the same rules as were expected to be followed by the latter, and that even he that is wicked should be subdued only by fair means; we are reminded of the sad lot of Belgium in this connection. It was impossible for the weaker, if left alone, under ordinary circumstances to overcome the more powerful.

*Humanity in Warfare*²

Wars in ancient India were generally fought according to the rules of *Dharma-Yuddha*. It is stated that a king should never desire to subjugate countries by unrighteous means even if he could become, as a result, the sovereign of

¹ The Buddhist and Jaina religious literature may be classified with the Dharmaśāstras. Itihāsas and Purāṇas occupy a middle position, as they deal with both the material and the spiritual side of human activity.

² For details see chap. viii.

the world.¹ The warrior is not to swerve from the eternal law when he strikes in battle.² A Kshatriya who renounces righteousness and transgresses all wholesome barriers does not deserve to be reckoned as such, and society should drive him out.³ The incidents of warfare in ancient India were not so inhuman as in other countries of the world at the time as is clear from the accounts of foreign travellers. Megasthenes⁴ bears testimony to the fact that the laws of war were humane and that wholesale destruction and devastation was forbidden. And we read in the *Mahābhārata*:

‘ They must win who strong in virtue
Fight for virtue’s stainless laws ;
Doubly armed the stalwart warrior
Who is armed in righteous cause.’

¹ B. g., *Mahābhārata*: Śānti: Rājadharmā, 96. 1 and 2-10. Cf. *Bhagavat Gītā*, i. 35.

² E. g., *Yājñavalkya*, i. 326; *Manu*, vii. 87-93; *Gautama*, x. 16; *Baudhāyana*, i. 18. 9; *Vishṇu*, iii.

³ *Sūkrānti*, iv. 7. ll. 614-15.

रणेष्वकदनं कृत्वा क्षातिमिः परिवारितः ।

शस्त्रास्त्रैः सुविनिर्मितैः क्षत्रियो बन्धमर्हति ।

⁴ McCrindle, *Megasthenes and Arrian*, Frag. i.

CHAPTER VII

ENEMY CHARACTER

Causes of War

WHAT then were the grounds on which wars were begun in ancient India? War was the result of injuries committed by one state on another, and it was declared when a state was attacked and oppressed.¹ Mutual rivalry among the Aryas and non-Aryas formed the cause of wars in the Vedic age. Acquisition of territory and desire for conquest were other grounds for the opening of hostilities. The desire for self-preservation, a disturbance in the balance of power, and the thirst of some major states for realizing the Imperial ideal, appear as other causes of war especially in later ages.² Many of the wars appear to have been caused by lust of territory. Kauṭilya holds the view that 'the conqueror well-versed in politics who acquires

¹ *Sukranīti*, iv. 7. 250. For causes of war, cf. *Kaṇva-dakṣya*, x. 3-5.

² For 'intervention' on grounds of general humanity and fairness and with a view to protect the weaker states see *Sukranīti*, iv. 7. 420.

territory from enemies gains superiority.'¹ Other miscellaneous causes found to operate before the outbreak of war, are the stealing of women, cattle, and other property. Lastly, the spirit of *Dharma* was carried to such an extent as to permit a king to wage war with another who, being addicted to pleasure, plundered the people's goods and caused disaffection among his subjects.

Even if the precedent circumstances had made the rupture of peaceful relations between the hostile countries inevitable, at what point was the hostility definitely declared? Was there any formal declaration of hostilities, or was war waged without any formal notice being given?

Declaration of War

Declaration means the formal notification to the effect that a particular state considered itself at war with another state. It may be held that a formal declaration was not quite necessary in ancient India, for war was the outcome of deliberate and prolonged ill-feeling and, as such, the parties that were to be engaged in conflict

¹ *Arthaśāstra*, p. 293.

एवं विधेम्यः पृथिवीं लभमानो अर्थशास्त्रवित् ।

संहितेम्यः परेम्यश्च विशेषमधिगच्छति ॥

had ever to be prepared to give their soldiers the order for marching. We find, however, that a notification before the outbreak of actual hostilities was in vogue. It is stated that the king before entering the dominions of another he wishes to subjugate should say unto the people : ' I am your king, I shall protect you ; give me just tribute or encounter me in battle '.¹

The practice, it would appear, was also to the same effect. Hanumān was sent to Laṅka to proclaim war against Rāvaṇa. The Pāṇḍavas sent Ulūka and Krishṇa to the Kauravas to give notice of the commencement of hostilities, in case the Kauravas would not offer reasonable terms of agreement. In the instances cited above, war was preceded by a formal notification. The seizure of the cattle by the enemy was tantamount to a declaration of war. The Kauravas began the war against the king of Virāṭa with the seizure of his cattle. A third method that was in practice was the lighting up of beacon fires.²

¹ *Mahabharata* : Śānti : Rājadharmā, 95. 2-3.

ब्रूयादहं वो राजेति रक्षिष्यामि च वः सदा ।

मम धर्मबलिं दत्तं किं वा मां प्रतिपत्स्यथ ।

ते चोक्तमार्गतं तन्न दृणीयुः कुशलं भवेत् ।

² *Sacred Books of the East*, vi. 106 and note.

We may hold the view in general that some kind of declaration, formal or informal, almost invariably preceded the wars in ancient India. It was, therefore, in accordance with established usage that Porus interpreted Alexander's summons to do homage and pay tribute, as a formal declaration of hostilities. The result was the battle of the Jhelum, which other chiefs like Ambhi and Abhisāra avoided by timely submission.

Immediate Effects of the Declaration of War

Diplomatic intercourse ceased between the countries engaged in hostilities ; the ambassadors were not allowed to proceed with their duties and had to be withdrawn. In fact, rupture of peaceful relations was preceded by the withdrawal of the diplomatic agents who were charged with the power of issuing an ultimatum in case no peaceful agreement could be arrived at.¹ The embassy of Krishna before the Mahābhārata War is a classical instance in point.

The armed forces of the belligerent states were mobilized and given the warrant to carry on hostilities. The warring parties subjected

¹ *Arthaśāstra*, p. 32. Among the various duties of envoys is the 'issue of ultimatum' (प्रताप) before war.

themselves to all the regulations and incidents of warfare. The accepted rules of fighting now came into force. Non-combatants were exempt, as a rule, from the severities of warfare, and the rules concerning the conduct of the combatants in battle were brought into operation.¹

There were naturally certain restrictions on the freedom of intercourse between the subjects of the enemy states in commercial dealings and other private transactions. 'There was not to be the relation of debtor and creditor between the fighters.'²

*Acquisition of Enemy Character by
Persons and Property*

(a) *Persons*

Let us consider the conditions which went to give enemy character to persons and property of the countries engaged in hostilities, and note the regulations regarding combatants and non-combatants. When the hostile relations between the

¹ We read in *Vishnūsmṛiti* that a soldier at the time of battle must not be put under restraint. *Sacred Books of the East*, xxxiii. 288.

² *Sukranṭi*, iv. 7. 379. ग्राम्यसैनिकयोर्न स्यात् उत्तम-
णीधमर्णता । उत्तमणीधमर्णता is rendered as ऋणदानव्यवहारः
by the commentator.

states had been declared, the armed forces had been mobilized and actual fighting in the field had commenced, the question was whether all the persons and property found in the enemy state were fully subject to the incidents, rights and obligations in warfare? Was there differential treatment accorded to some? In other words, what were the essential conditions that went to determine the enemy character of persons and property, and what were the criteria that declared others non-combatants and hence exempt from the risks of warfare?

The armed forces of the states at war were enemies in the fullest sense. These might be killed in the course of hostilities. If captured they were held as prisoners of war.¹ They were subject to the usual risks, incidents and severities of warfare. Ordinarily, the various divisions of the army were composed of the fighting castes in ancient India. But it is implied that if any others than of the warrior class took to arms, they also acquired enemy character and could be slain like the Kshatriyas. Even saints and sages were no exceptions to the operation of this rule, as is

¹ This is what Aśoka means by *apavāha* in Rock Edict xiii which narrates the horrors of the Kalinga War:

अविजितं हि विजिनमने ए तता बधं वा मरणं वा अपवाहो वा.

clearly in evidence in the *Bhagavat Gita*. 'The sin of killing a Brāhmaṇa does not pollute a man who treats himself like a Kshatriya and kills the Brāhmaṇa that fights arms in hand and does not leave the field.'¹

In fact, the possession of arms in the field of battle and readiness of any one to fight on the enemy side, were enough to give him enemy character. This aspect of the subject has received careful attention in the *Sukranīti*. The sin of killing even an embryonic child will not affect one, if one finds it with weapon in hand.² The troops left by or captured by the enemy as well as soldiers who had proved unfaithful owing to the machinations of the enemy were also included in the above class of combatants. Next, came the people who helped the enemy with fuel, food and provisions.

¹ *Sukranīti*, iv. 7. 325 and 327.

आततायित्वमापन्नो ब्राह्मणः शूद्रवत्स्मृतः ।
उद्यतेषुमथो दृष्ट्वा ब्राह्मणं क्षत्रबन्धुवत् ।
यो हन्यात् समरे कुर्द्धं युद्धवन्तमपलायितं ॥

² *Ibid.*, 326.

उद्यम्य शस्त्रमायान्तं भ्रूणमप्याततमयिनं ।
निहत्य भ्रूणहा न स्यात् etc.¹

Men and animals whose functions were to take weapons, ammunition, fodder, etc., from the stores of the enemy acquired enemy character by the duties they performed, and by the purpose for which they were intended. The family and followers of the king were treated as inimical so far as they contributed to the safe and successful conduct of the operations in the ranks of the enemy. Camp-followers, menial servants and those that were engaged in the work of carrying the wounded from the lines were to be treated as if they were peaceful non-combatants.¹

As regards persons living in the enemy territory, these were on no account to be slain or made prisoners of war as long as they were peaceful and quiet. 'The old man, the infant, the woman and the king when alone (i.e. undefended) should never be killed.'² They were of course subject to such incidental injuries as might be inflicted on them in the course of fighting. They had, it would appear, to meet the occasional demands by the enemy on their

¹ *Manusmṛiti*, vii. 90-94. *Vide* those that were exempted from the general risks and violence of warfare in chap. viii.

² *Sūkranīti*, iv. 7. 358.

वृद्धो बालो च हन्तव्यो नैव स्त्री केवलं नृपः ।

wealth and resources—in the shape of what in modern phraseology are known as 'requisitions' and 'contributions.' A king is permitted to take money from the subjects for the purposes of war and he is justified in seizing the supplies he wants from the places in which he is encamped.¹ The civil population of the places under military occupation were not under ordinary circumstances to be interfered with.

(b) *Property*

All property belonging to the enemy country such as fighting vessels, arms and ammunitions, weapons and uniforms had full enemy character and were at any time liable to seizure in the course of the war. The treasure, valuables belonging to the king and his family, provisions, food, fuel and fodder and convoys proceeding to the enemy acquired enemy character by the purpose for which they were destined. All immovable properties in the enemy country were subject to temporary utilization by the invader. The following advice is given in the code of Manu: 'When a king has shut up the enemy in a town, let him sit encamped, harass his kingdom

¹ See for details the section on 'conquest,' chap. ix. *Mahabharata*: Śānti: Rājadharmā, 68. 38f.

and continually spoil his grass, fuel, food and water. He may, likewise destroy the tanks, ramparts and ditches.' ¹

The object evidently was to cut off the supplies of the enemy and to prevent his utilizing the natural resources to his advantage. He might even burn down the crops in the fields.² But the invader was not ordinarily to seize the supplies from the enemy. Only in dire necessity could he make exactions from the enemy people. He should take with him provisions and supplies on the beasts of burden maintained for the purpose. The private property of the enemy country appears in other respects to have been exempt from the violence and risks of warfare.³ Temples and their property in the places under military occupation and the private property of individual citizens were on no account to be seized.⁴

¹ *Manusmṛiti*, vii. 196. भिन्द्याच्चैव तडाकानि प्रकारपरि-
खास्तथा ।

² *Mahābhārata* : Śānti : Rājadharmā, 68. 37-43.
In the *Kāmandakīya* we read :—

परसेन्यविनाशार्थं सर्वं भूमिं विनाशयेत् । xvi. 16.

The destruction of the enemy's commissariat is allowed during an expedition. *Arthaśāstra*, p. 354.

³ McCrindle, *Megasthenes and Arrian*. Frag. 1.

⁴ E. g., *Agni Purāṇa*, 236. 22-25.

Enemy Character of Convoys

The consideration as to which of the enemy property acquired enemy character leads us to that of the character of convoys, and of neutral and allied vessels on the seas. In modern international law the views held regarding this subject are seen to depend on (1) nationality or domicile of the owner of the property found in the enemy country, (2) the enemy character or otherwise of the cargo or of the ship and the nature of the flag it flew, and (3) the character of the place to which the property was destined. In ancient India the question of domicile could not have entered at all. But the modern idea that enemy destination is enough to constitute enemy character of a ship with its cargo and of convoys on land appears to have been prevalent in some form in ancient India also. As was noted in the last section, stores and convoys acquired enemy character if they were intended for an enemy destination. The principle of destination held good in the case of sea-borne goods and vessels that plied on the waters belonging to a state. Even the property of neutrals, if it was conveyed to help the enemy or was subject to enemy control

was liable to seizure. In the *Kauṭilya*¹ the Superintendent of harbours is endowed with the power of seizing or destroying goods that were being carried to enemy territory (*amitravishaya*). He had also the power of detaining vessels that did not fly their characteristic flag and of seizing the property in them.

¹ p. 126. अमित्रविषयातिगाः (निर्घातयेत्).

CHAPTER VIII

AGENTS, INSTRUMENTS AND METHODS OF WARFARE

THE fighting was ordinarily done by professional soldiers, drawn from the Kshatriya class, and the best army consisted mainly of these.¹ Besides these agents of warfare who were combatants in the full sense there were others who were included as combatants in virtue of their functions. There were four main divisions of fighters, the *Chatu-ranga*—the infantry, the cavalry, the chariots and the elephants. These enjoyed all the rights and were bound by duties that belonged to combatants in general. The infantry were of various kinds.² The *Maula* (regulars) were composed of the fighting class in India—the Kshatriyas. Others were the *Bhrta* (mercenaries), and *Śrēṇi*, (gild troops) those drawn from the special fighting corporations. In addition to these, recruits

¹ *Arthashastra*, p. 256.

² *Ibid.*, p. 340. मूलभूतकश्रेणिमित्रामित्रादयो ।

were drawn from the allies (*mitra*), sometimes from the enemy country (*amitra*) and from wild tribes (*aṭavi*). These were the people on active military service.¹

There were, next, the people that did not engage themselves in active fighting, but were all the same taken to belong to the enemy ranks. Coming under this class were the camp-followers, nurses, banner-holders, messengers, etc. These were generally exempt from the incidents and violence of warfare.

The whole population engaged in field service was made up of eight parts—chariots, elephants, cavalry, infantry, officers, camp-followers, spies and ensigns.

The *Maula* portion of the army was composed of those that had been well trained and drilled, and had seen active service under state supervision for a long time. They formed the national

¹ The military organization of his time is fully dealt with by Kautilya in chaps. ix. and x. of his work. See pp. 340-71. According to Megasthenes the military department of the Mauryan administration consisted of a board of thirty divided into six Committees. (1) Admiralty, (2) Army service, transport and commissariat, (3) Infantry, (4) Cavalry, (5) War-chariots, (6) Elephants. The state encouraged the manufacture of implements of war and of native shipping not only by exemption from taxes but by grant of subsidies. *Megasthenes*, Fragments 35 and 36.

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militia and were entitled to the first rank. Being the 'regulars' they were the most faithful and serviceable part of the army.

The *Bhrita* were soldiers hired for fighting for the occasion. They could not therefore be relied upon, and kings are advised to see that their pay was never left in arrears. Disaffection among these was to be avoided, for they might be bought off by the enemy.

The *Śrēni* were a sort of Indian Defence Force. They were not accustomed to fighting for long, and were less quickly mustered together. Not being properly drilled like the *Maula* or the *Bhrita* they corresponded apparently to *Levies en Masse* of the martial races and peoples and were used for short expeditions.

The *mitra* forces were drawn from the allied countries. They could be depended on only so long as the interests of the ally were not prejudiced in the course of the fighting.

Those that were recruited from the hostile (*amitra*) country could not be trusted, for there was no knowing that they would not go over to their sovereign once again. It was not advisable to engage these to bear the brunt of the fight.

The order of merit among these forces is

thus set forth in the *Kautilya*.¹ 'The standing army (*Maula*) is better than hired (*Bhrta*) forces inasmuch as the former has its existence dependent on that of its master and is constantly drilled. The hired troops that are ever at hand, ready to rise quickly and are obedient, are better than a corporation of soldiers (*Śrēṇi*). That corporation of soldiers which is native, which has the same end in view (as the king) and which is actuated

¹ See pp. 340-42. Kautilya mentions the various kinds of forces in the order मौल, भृतक, श्रेणी, मित्र, अमित्र and अटवी and says:—पूर्व पूर्व चैषा श्रेयः सन्नाहयितुं ।

See also *Kamandakīya*, xviii. 4. The order of the ranks of the army in the *Sukranīti* is interesting. The army is divided under two heads. One of the principles of classification is the mode of recruitment, and the other the vehicle used in warfare. Under the first head are:—

1. The *mūla* having been duly trained.
2. The *sādyaska*—trained or untrained—got up for the time.
3. Those drawn from the allies (*mitra*).
4. Those that have deserted the enemy (*amitra*).
5. Those that are bought off from the enemy ranks,

The second included the *Chaturanga* forces.

The *Kamandakīya* has मौलभृतं श्रेणि सुहृद् द्विषदादविकं बलं । xiv. 6.

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by similar feelings of rivalry, anger, and expectation of success and gain is better than the army of a friend. The army from an enemy country under the leadership of an *Arya* is better than an army of wild tribes.¹ The forest tribes are thus accorded the last rank in the classification for, as in modern warfare, it was observed in ancient

¹ The 'regulars' composed of the Kshatriya class are the best for:—पितृपैतामहो नित्यो वश्यः तुष्टमृतपुत्रदारः प्रवासे-
ष्वविसंवादितः सर्वत्राप्रतिहतः दुःखसहः बहुयुद्धस्सर्वयुद्धप्रहरण
विद्याविशारदः सहवृद्धिक्षयिकत्वादद्वैद्यः क्षत्रपाय—दण्डसंपत्.

तद्भावभावित्वात् नित्यसंस्कारानुगमाच्च मौलबलं मृतबलाच्छ्रेयः ।

नित्यानन्तरं क्षिप्रोत्थायि वश्यं च मृतबलं श्रेणोबलाच्छ्रेयः ।

जानपदमेकार्थोपगतं तुल्यसंधर्षामर्षसिद्धिलाभं च श्रेणोबलं
मित्तबलाच्छ्रेयः ।

अपरिमितदेशकालमेकार्थोपगमाच्च मित्तबलाच्छ्रेयः ।

आर्याधिष्ठितं अमित्रबलं अटवोबलाच्छ्रेयः ।

Arthaśāstra, pp. 256, 342-43.

As regards military recruitment, it would seem that it was voluntary in India. There was the fighting caste and all its members were bound by birth to render voluntary aid to the state in time of war. In Greece, armies were drawn by conscription; while in Italy, the Roman Emperor had to depend on his feudal levies.

India that savage forces were, as far as possible, not to be utilized in active warfare.

Thus the main strength of the army lay in the first class, the 'regulars.' The untrained, inefficient and raw recruits being like bales of cotton could be appointed only for purposes other than actual fighting.¹ Armies were distinguished from one another by special badges and banners and the constituents of an array were called after the names of trumpet sounds, flags and ensigns. Kautilya says: 'One's army is to be distinguished from the enemy's by special flags, badges, kettledrums, conches, etc.'²

From the above it becomes clear that *Levies en Masse* were allowed, but there was no room for 'guerilla fighting.' In fact, guerilla warfare was generally condemned, for it is often declared that everything in warfare was to be conducted in a fair way and by open means.³

¹ *Sukranīti*, iv. 7. 180

अशिक्षितमसारं च साद्यस्कं तूलवच्च तत् ।

युद्धं विना अन्यकार्येषु योजयेत् मतिमान् सदा ॥

² *Arthaśāstra*, p. 140.

तूर्यच्चजपत्ताकाभिः व्यहूंसङ्गाः प्रकल्पयन्त ।

³ *Manusmṛiti*, vii. 104.

॥ अस्मापयैव वर्तेत न कथंचन मायया ।

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The conditions¹ regarding the agents of warfare in ancient India may then be set forth broadly in the following manner:—

1. Everything in warfare should be fair and open.

2. There should be some distinguishing sign or badge.

3. The efficiency of the army depended on organization, drilling and leadership. The king was the high commander and directly led the army to the battlefield in many cases. In others the work was entrusted to able commanders.

4. All should conform to the regulations of war.²

One class of agents³ that did not assume enemy character in full, but for whom special treatment was considered necessary, were the spies and secret emissaries. These, it is true, did not bear arms and hence could not be subjected

¹ Compare article ix. of the Geneva Convention regarding the conditions in acceptance in modern times.

² The regulations fall broadly under two classes (a) Preventive and (b) Positive. Under the first head are included all the rules which may have been in observance even among primitive peoples, while the latter are a feature only in a society of an advanced character. The war philosophy in ancient India is made up of both classes of rules.

³ *Vide* also the chapter on 'Diplomatic Agents'—s.v. Section on 'Espionage.'

ordinarily to the violence and risks of warfare. But the duties they discharged involved considerable risk. Their function was to observe in secret the enemy movements and know the strength and weakness of the opposite camp. They had to disguise themselves as astrologers, cooks, neutrals, traders, servants or hunters and move about *incognito* in the enemy ranks.¹ The various immunities and privileges of diplomatic ministers could not be extended to them, for the essence of their work lay in secret collection of information regarding the movements of the enemy forces so that their own side might profit thereby. The general rule was that when they were discovered they could be slain.²

The treatment accorded to combatants of the enemy state has differed in different ages. In the age of the *Rig Veda* when there were no advanced notions of intertribal morality, there was even wholesale destruction. In the wars that were fought between the Aryas and the

¹ *Arthashastra*, p. 383; *Kāmandakīya*, xii 36 and 42.

The various guises mentioned are बालः, कृषीवलो, लिङ्गो, मित्रकः, अध्यापकः, जड, मूक, अन्ध, बधिर.

² *Rāmāyaṇa* : *Yuddha Kāṇḍa*, 25, 28. Śuka and Sārpa are, however, let off.

Dasyus the opposing parties were only actuated by the desire to extirpate the foe, and the aid of the gods was invoked by the Aryas for the complete subjugation of their foes. 'War was an engine invented by Indra to exterminate the Dasyus, and it was for being destroyed that they were born'.¹ In later ages, the treatment accorded to inhabitants of conquered places was more humane. In the Epics there is clear enunciation of the principles which were to guide the invaders. Here we have certain agreements framed for the combatants corresponding to 'military codes.' This is clear from the *Mahābhārata*² where among the articles of agreement between Yudhishtira and Duryōdhana are the following :—

1. We will make war on each other without stratagem or treachery.
2. No man shall take up arms against another without giving him notice.
3. When one is engaged with another, no third man shall interfere.

The Arthaśāstras and the Dharmaśāstras bear witness to loftier and more humane motives. These contain military rules which bound the

¹ *Mahābhārata*: Udyōga Parva, *op. cit.*

² Bhīṣma Parva: Jambūkhaṇḍanirmāṇa Parva, i.

belligerent nations of their ages. Not only the Aryas but the non-Aryas appear to have been guided by such noble ideas of international equity. The ancient Indians had highly developed rules to ensure fairness in fighting. It was agreed that only warriors placed in similar circumstances should encounter each other in fair and open combat. A king should fight with a king, a car-warrior with one of his own class, a fighter on an elephant should have as his antagonist one of the same order, a cavalry officer should be met by a cavalry officer, and a foot soldier by a foot soldier.¹

Limits of Violence Permissible

Under ordinary circumstances, the combatants were fully subject to the risks and incidents of warfare. In exceptional cases, these were to be accorded the treatment due to non-combatants and to the peaceful inhabitants in occupied places. Unlimited violence was not to be perpetrated on

¹ *Mahābhārata* : Śānti : Rājadharmā, 95.

See also *Rāmāyaṇa* : Sundara Kāṇḍa, 46, 37. For details of Indian military organization as represented by the Sanskrit epic and other native literature the reader may be referred to Prof. E. W. Hopkins' article on 'The Position of the Ruling Caste in Ancient India' in the *Journal of the American Oriental Society*, vol. xiii, pp. 181-372.

these ; certain means and methods of destruction were forbidden ; and against Indrajit is hurled the charge that he had violated the rules of fair fighting when he made Lakshmana the target of his poisoned arrow. ' When a king fights with his foes in battle, let him not strike with instruments concealed, with barbed or poisoned weapons the points of which are blazing with fire. ' ¹

Only such instruments were to be used as would barely bring about the disabling of the enemy. Weapons which caused unnecessary pain or which inflicted more suffering than was indispensable to overcome the foe, are condemned by all ancient authorities. Similarly, ruthless destruction and sweeping devastation were forbidden, as is clear from the accounts of Greek travellers as well as from indigenous works of literature. Machines which caused wholesale destruction were of the *āsura* variety

¹ *Manusmṛiti*, vii. 90.

न कूटेः आयुधैः हन्यात् बध्यमानो रणे रिपून् ।

न कर्णिभिः नापि दिग्धैः नाग्निज्वलिततेजनैः ॥

Baudhāyana, i. 10. 10-12. For instruments used in warfare see *Nītiprakāśika*, chap. ii. This work and the *Sukranīti* have been largely drawn upon by Gustav Oppert in his ' Weapons, Army-Organization, etc., of the ancient Hindus. '

and were certainly not recommended for use by men in war. 'A king should never slay a large number of his foes, and it did not behove any one to clear all the enemy subjects off the earth.'¹ While enumerating the various methods that may be employed by a conqueror to capture a fortress such as, *Upajāpa*, *Upasarpa*, *Vāmana*, *Paryupāsana*, and *Avamardana* corresponding in turn to intrigue, espionage, winning over the enemy's people, siege and assault, Kauṭilya says:² Setting fire to forts is undesirable;

¹ *Mahābhārata*: Śānti: Rājadharmā, 103. 13.

न सन्निपातः कर्तव्यः सामान्ये विजये सति ।

In the *Rāmāyaṇa* Lakshmaṇa addresses Rāma thus :

एकस्य नापराधेन लोकान् हन्तुं त्वमर्हसि. Āraṇya
Kāṇḍa, 65. 6.

² See *Arthaśāstra*, p. 406 for the methods of capturing a fort.

न त्वेव त्रिद्यमाने पराक्रमे अग्निं अवसृजेत् । अविश्वास्यो
ह्यग्निः देवपोढनं च अप्रतिसंघातप्राणिधान्यपशुहिरण्यकुप्यद्रव्य-
क्षयकरः । *Arthaśāstra*, p. 403.

Detailed regulations are laid down regarding the time and region of fighting, the functions of the various divisions of the army, the methods, and the uses of the different kinds of arrays, etc., in the *Arthaśāstra*, pp. 338-71.

'The battle arrays are eight in number मकर (crocodile), श्येन (bird), सूची (needle), शकट (cart), वज्र (diamond),

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fire offends the Gods ; it cannot be trusted ; it consumes the people, grains, cattle, gold, raw material, etc. Hence incendiarism is to be

सर्वतोभद्र (many-sided), चक्र (wheel) and व्याल (serpent).

Sukraniti, iv. 7. 265-66.

The following varieties of array are noteworthy in the *Arthaśāstra*. See pp. 373-75.

दण्ड (staff), भोग (snake), मण्डल (circle), असंहत (detached). The sub-divisions under these are :—

Under दण्ड—प्रदर (breaking the enemy's array), दृढक (firm), असह्य (irresistible), संजय (victory), विजय (conqueror), स्थूलकर्ण (big ear), विशालविजय (vast victory), चमूमुख (face of the army), श्वास्य (fish-faced), and बलय (round). सर्पशरी (serpentine), गोमूत्रिका (long and wavy), वारिपतन्तक (waterfall?) come under भोग.

Under मण्डल are सर्वतोमुख (four-faced), सर्वतोभद्र (six-faced), अष्टानोक (eight-faced) and विजयवज्र (many-faced). गोघ (alligator), उद्यानक (park), काकपदो (crow's foot), अर्धचन्द्रिक (half-moon, semi-circular), कर्काटकशृङ्गी (double-segment?) fall under असहत.

Other arrays are mentioned depending on the disposition of the चतुरंग forces.

The *Kāmāṇḍakīya* (xix. 40) has

धनुः सूची च दण्डश्च शकटो मकरध्वजः ।

avoided. Dedicating a whole region to flame is certainly an act ungodly and inhuman.

Grant of Quarter

Among the rights which the combatants enjoyed in the field of battle was that of 'quarter.' Quarter was not to be denied, when a combatant force ceased fighting and begged for mercy. 'The wicked that desert the man who seeks refuge

See also *Manu*, vii. 187.

दण्ड, शकट, वराह, मकर, सूचो, गरुड ।

Military expeditions are of 5 kinds :—

विगृह्यामन, सन्धायासन, संभूयासन, प्रसङ्गासन, उपेक्षासन ।

Kāmaṇḍakīya, xi.

विगृह्य सन्धाय तथा संभूयाथ प्रसंगतः ।

उपेक्षया च निपुणैः यानं पञ्चविधं स्मृतं ॥

Sukranīti, iv. 7. 255.

The regions suited for military operations are set forth in *Sukranīti*, iv. 7. 227-31.

Among the various agents of warfare, forts held a prominent place. They afforded shelter to the civil population and were strong and convenient bases of military operations against the onslaughts of enemies. The different kinds of forts are :—

धनुर्दुर्ग, महोदुर्ग, अब्दुर्ग, वार्षदुर्ग, नृदुर्ग and गिरिदुर्ग

in the ascending order of importance. The features necessary in a fortress are mentioned as spaciousness, difficulty of access, stores, easy ingress and egress. *Sukranīti*, iv. 6; *Arthaśāstra*, xiii; *Kāmaṇḍakīya*, iv; *Manu*, vii. 70-75. *Kural*, ii. lxxv.

with them in confidence reach hell.' ¹ The Dharmaśāstras declare that a warrior who solicits quarter saying, 'I am thine, or joining his hands in supplication, may simply be kept in custody but not slain,' and one who does not protect him who seeks shelter perpetrates a mighty iniquity. ² Again, combatants under certain conditions were to be exempted from the severities of warfare. 'A warrior whose armour has fallen off, one who has laid down his weapon, or has been wounded mortally, one who is weak with wounds, or is fighting with another should never be killed.' ³

¹ *Sukranīti*, iv. 7. 331. शरणागतं सर्वपातकयुक्तमपि रक्षेत । *Bārhaspatya Arthaśāstra*, iii. 51.

² E.g., *Gautama*, x. 18-20; *Yajñavalkya*, i. 326; *Baudhāyana*, i. 10.

³ For instance *Manusmṛiti*, vii. 91-93. The passages bearing on the subject may be quoted in full.

न च हन्यात्स्थलाश्वं न क्लीबं न कृताञ्जलिम् ।

न मुक्तकेशं नासीनं न तवास्मीति वादिनम् ।

न सुप्तं न त्रिसन्नाहं न नष्टं न निरायुधम् ।

नायुध्वमानं पश्यन्तं न परेण समागतम् ।

नायुधव्यसनप्राप्तं नार्तं नातिपरिक्षितम् ।

न भोतं न परावृत्तं सतां धर्ममनुस्मरन् ।

See also *Mahābhārata*: Śānti: Rājadharmā, 100. 27-29. *Āpastamba*, ii. 5. 10. 11.

Prisoners of War

As regards the combatants who were captured in war, their lot improved from utter destruction and slavery in the initial stages to more humane treatment in later ages. In the age of the Epics, we meet with the practice of captives taken in war being looked after and tended with kindness. If the warrior who had surrendered was wounded, he should be placed in charge of a surgeon. If the wives of soldiers killed in the field were taken captive 'the captor was to keep the women in custody, treating them with all courtesy and consideration. They should be sent home under proper escort, if they be not pleased to stay with him.'¹

The Sick and the Wounded

There were certain regulations regarding these. The general rule was that those who had been grievously wounded or were exceedingly sick with wounds should be exempted. The wounded were in the first instance to be sent home. If they were prisoners of war, they should be treated by a skilful surgeon and when cured

¹ E.g., *Mahābhārata* · Śānti Rājadharmā, 96. १, २

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should be set at liberty.¹ Before a king went out to battle he should take with him a good stock of medicines that might prove necessary and physicians to treat and nurse the sick and the wounded in the lines. 'Physicians with surgical instruments (*śastra*), machines (*yantra*), healing oils, and cloth in their hands, and nurses with prepared food and beverage, should stand behind the lines and give encouragement to the fighting men.'²

Treatment of Non-combatants

The non-combatants were ordinarily exempt from personal injury except so far as it might incidentally happen in the course of the warfare, or be inflicted as a punishment for offences committed against the invader. As Megasthenes says,³ the tillers of the soil were allowed to pursue their occupations unmolested even while the war was waging in the neighbourhood and

¹ चिकित्स्यः स्यात् स्वविषये प्राप्यो वा स्वगृहे भवेत् ।

Mahābhārata : Śānti : Rājadharmā, 95. 12.

² *Arthashastra*, p. 367.

चिकित्सकाः शस्त्रयन्त्रागतस्नेहवस्त्रहस्ताः, स्त्रियश्चान्नपानरक्षि-
ण्यपुष्पाणां उद्धर्षणोयाः तिष्ठेयुः ।

³ McCrindle, *Megasthenes and Arrian*, Frag. 1.

while the combatants made carnage of each other. Brutal vandalism was severely condemned, as is clear again from the words addressed by Rāma to Lakshmaṇa: 'It is not fair to destroy all the enemy subjects for the fault of one,'¹ and only on rare occasions did fortified towns suffer the horrors of a sack. In fact such fields were chosen as sites for battle as were uninhabited or little frequented by the peaceful population. But if the latter rose in arms against the invader, the conqueror might punish them by destroying their crops, stores, grains and trade.²

There is general agreement about the rules for the treatment of non-combatants.³ The following were to be exempted from the severities of warfare:—'Those who look on without taking part in the fight, those afflicted with grief, those who have set their hearts on emancipation, those who are asleep, thirsty or fatigued, or are walking along the road, or have a task on hand unfinished, or are proficient in fine art.' Thus has been declared the majestic

¹ *Ramayana*: Yuddha Kāṇḍa, 80. 38.

² *Arthaśāstra*, p. 402, विषमस्यस्य मुष्टिं सस्यं वा हन्या-
द्वौघप्रसारौ च.

³ *Manusmṛiti*, *op. cit.*; *Mahābhārata*: Śānti: Rāja-dharma, 100. 27-29, *op. cit.*

eternal law for warriors ; from this law a Kshatriya should not swerve, when he is ranged in battle against his fellows.

One point that is noteworthy here is that people who were engaged in special arts were to be exempted. As in modern international codes, works of religion and fine art, and persons that were employed in dressing the wounded and the sick or were engaged in scientific pursuits were not to be subjected to the risks of war, but special protection was to be given to them. The guardian deities of the country under military occupation should be worshipped by the invaders who should take care that the temples of God and their property were not in any way molested by them.¹ We read of doctors in camp to look after the sick and wounded in war. These were certainly not to be disturbed in the proper discharge of their duties and were to be assured of special protection. Again, carriers of messages² were among those that were accorded the treatment of non-combatants. Ambassadors, envoys, and other messengers were, it would appear from the Smritis, allowed to enjoy the immunities and privileges they had in the piping times of peace.

¹ *Agni Purāṇa*, 236. 22.

² *Gautama*, x. 18.

Enemy Property—on Land

Real property was not to be confiscated. The invader could have the usufruct of such. The instances cited in the *Mahābhārata* ¹ of Pratardana who, while engaged in the work of conquest, left the lands of the foe untouched, and of Divodāsa who seized all property real and movable of the enemy, and hence was considered to have committed an act of sin which deprived him of all the merit of a Kshatriya, are enough to show that the land of the enemy state was to be free from the horrors of war. Property in the territory invaded was not to be seized under ordinary circumstances, but provisions for the army could be taken by the king from the place in which he was encamped and crops in the field might be utilized by him or burnt down so that they might not be of service to the opponent.

Booty appears to have been freely taken in war. This comprised movables taken from the

¹ Śānti : Rājadharmā, 96. 20 and 21.

भूमिवर्जं धनं राजा जित्वा राजन्महाहवे ।

अपि चान्नोषधीः शश्वदाजहार प्रतर्दनः ॥

अग्निहोताग्निशेषं च हविर्भोजनमेव च ।

आजहार दिवोदासः ततो विप्रकृतोऽभवत् ॥

enemy on the field of battle in the course of such warlike operations as the capture of a camp or the storming of a fort. The king had general control over all the spoils gained from the enemy. He had the right of examination of the booty secured by his officers and soldiers; ¹ and the best part of the booty was to go to the state. As regards the regulations on the subject, we find that chariots, horses, elephants, umbrellas, riches, grains, cows, women, stores, treasure (*kupya*), all these went to the captors. This implies that what was gained by the soldiery went to them. The Vedas lay down that the king should have all that is best. He should apportion among the soldiers the booty collectively taken.² Gautama holds the view that vehicles, etc., go to the king. On the other hand, the *Sukranīti* has: 'Gold, silver and other booty belong to him

¹ *Sukranīti*, iv. 7. 386. 'भेदायितान् रिपुधनं गृहीत्वा दर्शयन्तु मां' says the king.

² *Manusmṛiti*, vii. 96-97.

रथाश्वं हस्तिनं छत्रं धनं धान्यं पशुंस्त्रियः ।

सर्वद्रव्याणि कुप्यं च यो यज्जयति तस्य तत् ॥

राज्ञश्च दद्युरद्वारं इत्येषा वैदिकी श्रुतिः ।

राज्ञा च सर्वयोधेभ्यः दातव्यमपृथग्विजितम् ॥

who wins it.' Women that were captured in the course of fighting were to be given chivalrous treatment, and were to be sent to their place under adequate protection. The king was to divide the spoils among his soldiers according to their efficiency in fighting.¹

Enemy Property—at Sea

The enemy character of vessels was determined by their destination. Whether they be of friendly or of neutral states, if they were intended to afford help to the enemy they were liable to seizure. The Superintendent of Harbours, as the *Arthaśāstra*² says, had the right to stop or detain merchantmen as well as enemy vessels to discover if these or the goods they carried were contraband. He could seize and destroy those ships that were passing by his harbour on their way to an enemy country. This right implied probably what in modern times is known as the 'right of search.' Pirate vessels were liable to destruction. The term which denotes a pirate ship in the

¹ *Gautama*, x. 20-23; *Manu*, vii. 97. In the *Vishnu-smṛiti* we read that a sixth part of the booty should go to the king. *Sacred Books of the East*, xxxiii. 341.

² p. 128. निर्गच्छतामद्रस्य भाण्डं हरेयुः.

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Arthaśāstra is *Himsrikā*.¹ Thus ships of piracy on the coasts and such of the vessels and the property they contained as were destined to a hostile country were liable to be searched and seized. What we know of the Malabar Coast from the Greek writers and from tradition bears out what we have just cited from the Sanskrit sources. Pliny notes that the seas here were infested with pirates, and Ptolemy describes the *Ariake Andron Peiration* as extending from Nitrias which Pliny places near Cranganore, as far north as Mandagara in the Canarese country. This part of the coast comprises what is known as *Yavanavalanādu* in the *Śāṅgam* texts, of which Eḷimala in North Malabar was the capital. The custom of the country was that all ships bound for the place should be treated with due consideration and should not be made to suffer in any way. It is interesting that such humane principles were in force even in a country professedly the stronghold of piracy. The main point of difference was that as against the humane injunctions laid down by Kauṭilya, the pirates seem to have taken inhuman advantage of the troubles of the

¹ *Arthaśāstra*, p. 126. हिंस्रिका निर्घातयेत् । अमित्रवि-
षयातिगाः पण्यपत्तनचारित्रोपधातिकाश्च ।

vessels not destined for their country, but driven ashore by stress of weather.

A ship was allowed a reasonable period of stay in the harbour, after which she was sent away. In the case of vessels subjected to bad weather or troubled on the waters 'the Superintendent was to lend them the helping hand of a father.' If the weather cleared up and danger was over they were allowed to set sail.¹

The principle of the restoration to the original owners of property recaptured at sea from the enemy was not altogether unknown. There is at least one instance of this. Aśōka is said to have restored the property that had been recaptured from the pirates at sea to the respective owners.²

The *Purapporuḷvenbāmālai*, a work probably of the Śāṅgam age, contains elaborate rules regarding the military organization, the laws of war, and the instruments and methods of fighting among the ancient Tamils. The principles of warfare evident in the first eight chapters of the work are noteworthy as being in some respects

¹ *Arthaśāstra*, p. 126. मूढवाताहतां तां पितेव ह्यनुगृह्णीयात् तथा निर्दिष्टाश्चेताः पण्यपत्तनयात्राकालेषु प्रेषयेत् ।

² *Vide Bodhisatvāvadāna Kālpalātā* of Kshemendra cited in R. K. Mookerjee's *Indian Shipping*, pp. 113-14.

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similar to those in acceptance among the nations of North India.¹ We read that cattle-lifting was one of the causes of war. The Tamils understood well the horrors of war, and warfare was not commenced unless they were forced to it. The various divisions of the army are described, besides banners and drums, swords and spears, bows and arrows. 'Warriors 'perish not; they acquire undying fame, though they lay down their lives in the battle-field.' The South Indian peoples knew the methods of besieging a fortress, as well as of fighting in open plain. Spies in war are mentioned. Devastation of whole regions was not unknown. After the war the spoils were distributed by the king among the successful soldiers according to their merit. Though the vanquished enemy was compelled to pay tribute to the conqueror, some of the principles of equity that characterized conquests in North India are in evidence among South Indian nations as well.

¹ The first two chapters deal with raids for the seizure of cattle, and the preliminaries to actual fighting. The third and the fourth describe the actual invasion of the enemy territory with the army composed of the traditional four-fold divisions. Chapters five and six give an account of the siege of forts and methods of defensive fighting. The seventh chapter gives the rules for offensive fighting and the general ethics of warfare. The eighth prescribes some of the rules of conquest.

CHAPTER IX

TERMINATION OF WAR

WARS were brought to an end when the belligerent states had achieved their end by treaty or one of them had been completely subjugated. They generally resulted in the conquest and acquisition of the territory invaded. A treaty of peace put an end to the dispute between the contracting states, and when peace was concluded, it was understood that hostilities should not be resumed for the old purpose. The results ¹ aimed at in war were increase of territory, acquisition of allies and the gain of treasure. The warring states that had concluded the treaty became allies and continued their peaceful intercourse. The cessation of war revived in general all the private rights that the belligerent states had exercised in normal times. The restrictions imposed on them by the declaration of war were removed, and

¹ *Hitopadeśa*, Vighraha, viii. 64.

When the advantages derived from war and peace are equal, peace is advised by Kautilya for the results of war are :—

क्षय, व्यय, प्रवास, प्रत्यवाय. *Arthaśāstra*, p. 265.

there could be 'the relation of debtor and creditor between the conquerors and the conquered.'

Peace

The circumstances under which a king might sue for peace are clearly set forth in the *Arthaśāstra*.¹ Before a peace is agreed upon, the hostile kings should consider well the issues which actuate the desire for peace on either side, and enter into the agreement only if it be productive of good results. But a king who had been beaten and whose resources were getting exhausted is advised to seek peace lest he should lose more, and 'whoever has reason to think that in course of time his loss may be less than his gain as contrasted with that of his enemy need not mind his temporary humiliation.'² Warring kings were to conclude peace as soon as the time was ripe for achieving the ends they had in view. Similarly, if they found that they could realize only equal gain in equal time, peace is advised, for in this case, a

¹ p. 284.

आदौ बुध्येत पणितः पणमानश्च कारणं ।

ततो वितर्क्योभयतो यतःश्रेयः ततो व्रजेत् ॥

² *Arthaśāstra*, p. 262. चिरतरेणाल्पतरं वृद्धयुदयतरं वा
क्षेप्ये विपरोतं परः इति ज्ञात्वा क्षयमुपेक्षेत.

condition resulted when no party could claim to have definitely beaten the other. This rule applied to kings who were 'deteriorating' as well as to those that were in a 'stationary' condition.¹

Kautilya considers only *that* as peace (*Sandhi*) in which the profit that accrued to the contracting parties whether of similar, superior or inferior power, was equal to both alike.² In other words, *Sandhi* was treaty on equal terms. When the terms of the contract were unequal and when one of the parties got an advantage over the other, there was defeat for the latter (*vikrama*). In this we have the fundamental point of distinction between *sama* and *hīna Sandhi*.

Characteristics of Treaties of Peace

A treaty has been defined as what bound sovereigns in faith to one another.³ The move-

¹ *Arthaśāstra*, p. 262. तुल्यकालफलोदयाया वृद्धौ सन्धिमुपेयात्

तुल्यकालफलोदये वा क्षये सन्धिमुपेयात्
तुल्यकालफलोदये वा स्थाने सन्धिमुपेयात्.

² *Ibid.*, p. 277. लाभसाम्ये सन्धिः । वैषम्ये विक्रमः ।

³ *Ibid.*, pp. 261, 311. 'राज्ञां विश्वासोपगमः'. शम, सन्धि and समाधि are different names denoting a 'treaty.'

ments by which two powerful foes became friendly constituted peace.¹ A treaty generally depended for its observance on the sworn word of honour (*satyaśapathā*). Securities (*pratibhūh*) and hostages (*pratigraka*) were demanded in cases of doubtful intention.² As we see from the *Sūkranīti*,³ sureties were demanded according to the strength of the adversary. Sometimes a king had to bind himself to do some service and even to part with his children, wealth and property. Ascetics and nobles were demanded as securities to avoid the breach of treaty obligations. In cases where there was the fear of breach of honesty, one party exacted from the other an oath by fire, water or the sword.⁴ According

¹ *Sūkranīti*, iv. 7. 235. याभिः क्रियाभिः बलवान् मित्रता याति वै रिपुः । सा क्रिया सन्धिरित्युक्ता etc.

² *Arthaśāstra*, p. 311.

³ iv. 7. 242.

शत्रोर्बलानुसारेण उपहारं प्रकल्पयेत् ।

सेवां वापि च स्वीकुर्यात् दद्यात् कन्यां भुवं धनं ।

⁴ *Arthaśāstra*, p. 312. तस्यातिक्रमे शपथेन अग्न्युदकसीता प्राकारलोष्टहस्तिस्कन्धाश्वपृष्ठरथोपस्थशस्त्ररत्नबीजगन्धरससुवर्णहिरण्यन्याळेभिरे ।

to the older teachers, says Kauṭilya,¹ a treaty of the second and third classes was considered stable (*sthāvara*), while one of honour was unstable (*chala*). The *Śukranīti* lays down that without sureties there could be no (good) form of agreement.² Kauṭilya, however, holds the view that a treaty depending on *satyaśapatha* was more permanent, for it was helpful not only on this earth but in the world beyond, unlike the latter which served only worldly ends.³

Duration of Treaties

A treaty was in force until the object for which it was made had been realized and the conditions stated therein had been fulfilled. In alliances and treaties between unequal powers, the weaker states were placed in a less advantageous position and, if there was a breach of the terms, they had to suffer heavier penalties. Violation of treaty obligations proved one of the causes of war. The defaulter state not only incurred the odium of

¹ *Arthaśāstra*, p. 311.

² iv. 7. 241.

उपहारादते तस्मात् सन्धिरन्यो न विद्यते ।

³ *Arthaśāstra*, p. 311. सत्यं वा शपथो वा परत्रेह च स्थावर-
सन्धिः इहार्थ एव प्रतिमः प्रतिग्रहो वा बलापेक्षः ।

being untrue to its word, the most serious violation of the *Dharma* and therefore a great stigma that it was not *satyavrata*, but was blotted out of existence by a combination of the other powers to protect the cause of the right. Securities were considered necessary, for, as Kautilya¹ observes with his usual shrewdness, the state whose power was rapidly increasing might at any time break the terms of the agreement. In this connection we are reminded of the spirit with which agreements and treaties have been safeguarded by some of the European nations of to-day. It is a sad feature that the high sounding guarantees of safety and security should be regarded as no more valuable than scraps of paper exactly in those cases where their observance is most necessary. Instances of breach of the terms of agreements appear to be rare in ancient India. But in the case of treaties depending on promises to pay large sums of money, there was the likelihood of the tribute falling in arrears, due to long distance between the parties and the difficulty of collection in consequence. Where there were exorbitant demands

¹ *Arthashastra*, p. 313. अम्यच्चोयमानः समाधिभोक्षं कार-
येत्.

involving too much strain on the resources of the weaker state, the promise was likely to remain unfulfilled. In these cases a reasonable extension of time was allowed. There was next the possibility of the evasion of the terms of the agreement, under the 'plea of loss of results from works undertaken.'¹

Kinds of Treaties

We have now to note the various kinds of treaties that terminated wars in India. Kauṭilya² mentions quite a large number of them. They have been roughly classified under :—

- (1) *Danḍōpanata*—offering the army,
- (2) *Kōśōpanata*— „ treasure,
- (3) *Dēśōpanata*— „ territory,
- (4) *Suvarṇa*—amicably settled peace with

honour.

(1) Under *Danḍōpanata* are mentioned :—

(a) *Ātmāmisha*.—'Agreement on the understanding that with a section of the army

¹ *Arthaśāstra*, p. 269.

² *Ibid.*, pp. 268 and 269. In the *Kāmandakīya* mention is made of sixteen kinds of treaties :—

कपालः, उपहारः, सन्तानः, सङ्गतः, उपन्यासः, प्रतीकारः,
संयोगः, पुरुषान्तरः, अदृष्टनरः, आदिष्ट, आत्मामिष, उपग्रहः,
परिक्रयः, उच्छिन्नः, परिभूषणः, स्कन्धोपनेयः.

or with the flower of his troops the sovereign should surrender himself.'

(b) *Purushāntara*.—'That made on the condition that the commander of the army and the crown prince should present themselves.' This did not require the attendance of the king.

(c) *Adrishṭapurusha*.—'The one made on the agreement that the king, or some one else deputed by him should march with the army to some fixed place as required.' This form was conducive to the safety of the king and the army.

(2) Under *Kōśhōpanata* are :—

(a) *Parikraya*.—'When by the offer of wealth the rest of the elements of sovereignty are saved.'

(b) *Upagraha*.—'When peace is concluded by offer of money which could easily be carried on one's shoulders.' (*Skandhōpanata*).

(c) *Kapāla*.—'When by offering a huge amount of money peace is concluded.'

(3) *Dēśhōpanata* has the following sub-heads :—

(a) *Ādishṭa*.—'When by cession of a part of territory the rest of it is saved.'

(b) *Uchchinna*.—'When land is ceded void of resources.'

(c) *Avakraya*.—‘By which the land is set free on the understanding that the yield will be made over to the conqueror.’

(d) *Paribhūshana*.—‘Agreement to pay more than the land could yield.’

(4) *Suvarṇa*.—‘When between the parties making the treaty there is the amicable union of hearts.’

Suvarṇa was in all respects the most desirable form of peace-making. Whereas the other forms depended on promises to cede wealth, land or forces, in the last the cessation of hostilities depended merely on the word of honour of both the parties.

Temporary Cessation of Hostilities

Before war was formally brought to a close by conquest or by treaty, provision was made for temporary cessation of hostilities, corresponding to truces and armistices. When the belligerents were exhausted and felt they could not continue effective fighting, there was the laying down of arms, the fighting to be resumed later.¹ This

¹ *Sukranīti*, iv. 7. 288.

अरेश्व विजिगोषोश्च विग्रहे हीयमानयोः ।

सन्धाय यदवस्थानं संधायासनमुच्यते ॥

state was known as *sandhāya Āsana* or truce. The agreement in the course of fighting temporarily to refrain from causing injuries to each other was known as *Adrōha* (armistice). These meant abstention from acts of war and might be taken to be preliminary to the final peace.¹

Conquest .

Conquest is the permanent absorption of all or part of the territory of 'a defeated enemy. Kauṭilya² divides conquerors under three heads (1) *just* (2) *greedy* (3) *demonlike*. The just conqueror was satisfied with mere allegiance. The greedy had an eye solely on profit in land and money ; and the last was not satisfied with mere submission, or even with the surrender of persons and property but wanted to take away the very life of the enemy. But the rules that Kauṭilya has laid down, agreeably to those formulated by other lawgivers disclose to us the very high ideal

¹ *Sukranīti*, iv. 7. 249. It is stated in the stanza that Indra killed Vritra during an armistice. *Kaṇva-kīya*, ix. 53.

² *Arthaśāstra*, p. 380.

तेषां अम्यवपत्या धर्मविजयो तुष्यति
भूमिद्रव्यहरेण लोभविजयो तुष्यति
भूमिद्रव्यपुत्रदारप्राणिहरेण असुरविजयो.

of humanity and kindness that should characterize all conquests.

The conquest of a country resulted in the reduction of its population to the position of subjects of the conqueror, but the latter had to identify his own prosperity with that of the people conquered always holding *Dharma* in high esteem.¹

After conquest the king is advised to realize the revenues, satisfy the subjects and protect them like children; ² worship the gods, honour righteous Brāhmaṇas, grant exemptions and proclaim safety and security to the new subjects. 'Let him make the lawful customs of the

¹ *Arthaśāstra*, p. 407. The following extracts on the treatment of the borderers from the *Edict of Aśoka* are interesting in this connection:—

'If you ask, "with regard to the unsubdued borderers what is the king's commands to us? or what truth it is that I desire the borderers to grasp," the answer is that the king desires that they should not be afraid of me, that they should trust me and should receive from me happiness and not sorrow.' Moreover they should grasp the truth that 'the king will bear patiently with us so far as it is possible to bear with us.' Now you, acting accordingly, must do your work, and must make these people trust me and grasp the truth that 'the king is to us even as a father; he loves us even as he loves himself; we are to the king even as his children.' Smīth, *Aśoka*, p. 177.

² *Sukranīti*, iv. 7. 374.

तत्प्रजाः पुत्रवत्सर्वाः पाकयोतात्मसात्कृताः ।

inhabitants¹ of the conquered places authoritative'. 'He shall not suppress the established laws and usage, for, only if the conqueror is just and perseveres with the policy of reconciliation will his new subjects be loyal'.² He should replace the enemy's vices by his own virtues, and improve upon his example in all things good and great, by strictly observing his own duties, attending to his work, granting rewards, remitting taxes, and bestowing honours on those that deserved them. He should be led by the friends and leaders of the people, and adopt the same mode of life, the same dress, language and customs as those of the conquered. He should, as Aśoka proclaims in his edicts, show large-hearted religious toleration and

¹ *Manusmṛiti*, vii. 201.

जित्वा संपूजयेद्देवान् ब्राह्मणाश्चैव धार्मिकान् ।

प्रदद्यात् परिहारांश्च ख्यापयेदभयानि च ॥

Ramāyaṇa : Āraṇya Kāṇḍa, 9. 28. देशधर्मस्तु पूज्यतां ।

² *Arthashastra*, p. 311.

स्वभूमिषु च राजानः तस्मात् सामानुपालिताः ।

भवन्त्यनुगुणा राज्ञः पुत्रपौत्रानुवर्तिनः ॥

The policy of non-interference with the customs of the conquered people is in evidence in an inscription of the Ganga King Avinīta who is said to have protected the South by maintaining the castes and religious orders in the country conquered. *Epigraphia Carnatica*, vol. ix, D.B. 68.

unlike Aśōka, ¹ desist from interference in their national, religious and social festivals and amusements. Having abolished the customs which might be either unlawful or injurious to the growth of his revenue and his army he should establish righteous transactions. ² He should

¹ The reference is to Rock Edict, ix.

² The whole section bearing on the subject of conquest may be quoted from Kautilya in full. *Arthaśāstra*, pp. 406-7.

नवमवाप्य लभं परदोषान् स्वगुणैश्छादयेत् । गुणान् गुणद्वे-
गुण्येन स्वधर्मकर्मानुग्रहपरिहारदानमानकर्मभिश्च प्रकृतिप्रियाहितान्य-
नुवर्तेत । यथासम्भाषितं च कृत्यपक्षमुपग्राहयेत् । भूयश्च कृतप्रया-
सम् । अविश्वास्यो हि विसंवादकस्त्वेषा परेषां च भवति; प्रकृति-
विरुद्धाचारश्च । तस्मात् समानशीलवेषभाषाचारतामुपगच्छेत् । देश-
देवतसमाजोत्सवविहारेषु च भक्तिमनुवर्तेत । देशप्राप्तजातिसङ्घ-
मुख्येषु चाभोक्ष्यं सत्विणः परस्यापचारं दर्शयेयुः । महामार्गं भक्तिं
च तेषु स्वामिनः स्वामिसत्कारं च विद्यमानम् । उचितैश्चैनान् भोग-
परिहाररक्षावेक्षणैः भुञ्जीत सर्वताश्रमपूजनं च विद्यावाक्यधर्मशरूप-
रूपाणां च भूभिर्द्रव्यदानपरिहारान् कारयेत् । सर्वबन्धनमोक्षणमनु-
ग्रहं दोनानाथव्याधितानां च ।यच्च
कोशदण्डोपघातिकं अधर्मिष्टं वा चरितं मन्येत, तदपनीय धर्मव्यव-
हारं स्थापयेत् । चोरप्रकृतीनां म्लेच्छजातीनां च स्थानविपर्यासमने-
कस्थं कारयेत् । दुर्गरादृदण्डमुख्यानां च परोपगृहीतानां च मन्ति-

observe" the local customs, laws and practices in the conquered kingdom ¹ of course keeping in mind that it would be a loss to him if he undertook work which might be expensive but not productive of greater profit and power for himself.²

Treatment of Persons in Conquered Territory

The conqueror should never covet the lands, property, sons and wives of those slain by him, but should reinstate in their own estates

पुरोहितादीनां परस्य प्रत्यन्तेष्वनेकस्थं वासं कारयेत् । अपकारस-
मर्थाननुक्षियतो वा भर्तृविनाशमुपांशुदण्डेन प्रशमयेत् । स्वदेशी-
यान्वा परेण वाऽवरुद्धानपवाहितस्थानेषु स्थापयेत् । यश्च तत्कुलीनः
प्रत्यादेयमादातुं शक्तः प्रत्यन्ताटवोस्थः वा प्रबाधितमभिजातः, तस्म
विगुणां भूमिं प्रयच्छेत् । गुणवत्याश्चतुर्भागं वा । कोशदण्डदान-
मवस्थाप्य यदुपकुर्वाणः पौरजानपदान् कोपयेत्, कुपितैस्तैरेनं घात-
येत् । प्रकृतिभिरुपकुष्टमपनयेत् । औपघातिके वा देशे निवेश-
येदिति ।

चरित्रमकृतं धर्म्यं कृतं चान्यैः प्रवर्तयेत् ।

प्रवर्तयेन्न चाधर्म्यं कृतं चान्यैः निवर्तयेत् ।

¹ *Yajñavalkya*, i. 343 ; *Vishnu*, iii. 26.

² *Arthasāstra*, p. 299.

तस्मादल्पव्ययारंभं दुर्गादिषु महोदयम् ।

कर्म लब्ध्वा विशिष्टः स्यादित्युक्ताः कर्मसन्धयः ।

the relatives of the fallen.¹ He should instal in the kingdom the heir apparent of the previous king, as otherwise the neighbours and ministers of the state might be driven to appeal for help to the 'circle of states'.² Princes deprived of their land and title should be continued in their places if they be well-behaved, but punished if wicked.³ He should continue the old form of government to which the people had been for long accustomed. In case there be the possibility of the old kingly line becoming extinct he might bring one from a royal family elsewhere.⁴ If the dispossessed sovereign was found unfit to rule or for other reasons could not be reinstated, he was to be given liberal pension, in keeping with his royal state. In order that the old king may continue with his honours and dignity he should be given a fair amount for his maintenance; half

¹ *Arthaśāstra*, p. 310. न च हतस्य भूमिद्रव्यपुत्रदारानभिमन्येत । कुल्यनप्यस्य स्वेषु पात्रेषु स्थापयेत् ।

² *Vishṇu*, iii. 30. *Arthaśāstra*, *op. cit.*, p. 311. मृतस्य पुत्रं राज्ये स्थापयेत् । *Manu*, vii. 202.

³ *Sukranīti*, iv. 7. 401 प्राङ्मानैः यदि सदृत्तान् दुर्दृत्तास्तु प्रपीडयेत्.

⁴ *Vishṇusmṛiti*, iii. 31 and 49.

of it might go to the crown prince ; a fourth to the queen ; a fourth to each of the other princes if well-behaved, but only a thirty-second part if ill-behaved ; and the rest might be enjoyed by the conqueror himself.¹ He should fulfil the promises that he may have made in the course of the war, and give rewards to those who deserted the enemy for his cause.² He should also administer just laws, and publish the offence for which he might punish his people. He should not levy illegal taxes but continue the old customary ones, and remit those that may be considered burdensome. Such measures ought to be devised as would ensure the people the security of person and property. Prisoners of war were to be set free, for the condition of war was gone and the conqueror ought to exercise a sort of ' paternalistic interference ' to relieve the distress of the weak

¹ *Sukranīti*, iv. 7. 397-98.

पराद्धे हते दद्यात् भृतिं भिन्नावधिं तथा ।

दद्यादेर्द्धा तस्य पुत्रे स्त्रियै पादमितां किल ॥

हतराज्यस्य पुत्रादौ सङ्गुणे पादसम्मितं ।

दद्याद्वा तद्राज्यतस्तु द्वाविंशांशं प्रकल्पयेत् ॥

See *Mahabharata*: Sabhā Parva, 5. 57, regarding pensions to widows of fallen soldiers:

² *Arthashastra*, p. 406.

and the oppressed.¹ He should introduce order and settlement in the conquered territory without giving rise to discontent or dissatisfaction. He should ensure the safety of his own position, get rid of malcontents by judicious treatment, and by a policy of conciliation engender a sentiment of loyalty to himself, his sons and grandsons.² Like a father he should protect those who were promised security from fear, and punish the guilty after due investigation. Learned men, orators, charitable and valiant people should be favoured with gifts of land, money and remission of taxes. Undesirable elements in the population should not be kept in the same place and for a long period of time. Thieving classes, dacoits and barbarians should be forced to leave their habitations, scattered far and wide, and subjected to close surveillance. Such of the enemy officers as were in charge of the forts, the army, and the rural tracts, and one's own ministers and priests found to be in conspiracy with the enemy, should also be segregated and kept in distant and

¹ In the *Mudrarakshasa* we read that prisoners were released by Kautilya after conquests were effected by Chandragupta.

² *Arthashastra*, p. 311.

एवमस्य दण्डोपनताः पुत्रपौत्रानुवर्तन्ते ।

different places. The newly acquired territory was also made the habitation of renegades, discontented people and conspirators, who were compelled to reside in remote corners. The territory conquered served therefore as a kind of penal settlement. Members of the enemy's family capable of wresting the conquered territory should be provided with a sterile portion of it, or with a fourth part of the fertile tract, on condition of their agreeing to give a large amount of tribute and a fixed number of troops. The hope was that in raising these they might incur the displeasure of the people and be destroyed by them. He should secure his own position by all means and prevent formidable members of the old royal family from becoming rebellious and dangerous.¹ In all disputes the conqueror is advised to help the weaker party with men and money against the strong, so that he might ingratiate himself with the populace. Severe penalties were inflicted for treachery to safeguard against the possibility of revolt or betrayal.²

¹ Authorities for the above are given in full, and quoted in note 2, p. 176.

² *Arthashastra*, pp. 376, 377. सर्वेषु च कलहस्थानेषु
हीनपक्षं राजा कोशदण्डाभ्यामुपगृह्य प्रतिपक्षवधे योजयेत्.

The Allahabad pillar inscription of Samudragupta shows how far these rules were in actual observance. Harisēna tells us that the fallen families were re-established on the throne, and that the treatment of the conquered varied in different cases. The kings of *Dakṣiṇāpatha* were 'captured and liberated'; the 'forest kings' were 'violently exterminated' and impressed into the service of the emperor; the frontier kings took the oath of fealty, paid tributes, and carried out orders, by which the emperor was 'fully gratified'; and even the foreign dynasties in India had their ruling chieftains restored when they surrendered, and the imperial flag flew in their dominions.

Treatment of Conquered Property

The treatment of property in the conquered territory is also seen to depend on the same principles of benevolence and justice. Ordinarily, the conqueror had only the right of the usufruct of immovable property, and he was to spare religious institutions and works of fine art. He was allowed the right to enjoy the revenues of the new kingdom, to impose lawful taxes on the people and remit undesirable

ones.¹ The instance cited in the *Mahābhārata* will be enough to show that the spoliation of the new kingdom brought on with it several evil consequences. Pratarddanā left the land of the conquered kingdom untouched, and he was the type of a righteous conqueror. On the other hand, Divōdāsa brought away with him all that he could lay his hands upon, and he certainly did not deserve to be ranked with the former.² Similarly, as regards permanent structures in the conquered country we read that 'the conqueror should not demolish the forts or gateways.' Temples and other religious foundations were to be left untouched.³

¹ *Śukranīti*, iv. 7. 373.

विजित्य च रिपून्नेवं समादद्यात् करं तथा ।

राज्यांशं वा सर्वराज्यं नन्दयेत् ततः प्रजाः ॥

² In India the position of the peasants was practically unaffected by conquest. The land of the conquered was not seized and divided among the conquerors. The conqueror was satisfied with the tax from the lands that had fallen to him. Whereas among the Greeks, the Romans and the mediaeval European peoples there was the reduction of the agricultural population to the position of villeins and serfs as a result of conquest, in India the peasants were left in possession of their proprietary rights and allowed to continue with their peaceful agricultural operations so long as they satisfied the conquering king with their tribute and taxes.

³ *Vishnu*, iii. 33; *Agni Purāṇa*, *op. cit.*, 236. 22.

The case was however different with regard to movable property. The conqueror had the right to the revenues that accrued from land as well as the other property of the state. He had *full* powers over movable property. And we read in *Manusmṛiti*¹ :—The seizure of desirable property and its proper distribution are both recommended, for, though the former may cause displeasure, the latter is bound to produce joy. The conqueror is permitted to have all the produce of the mines,² and appropriate the curiosities and merchandise peculiar to his enemy's country and unknown elsewhere.³

¹ vii. 204.

² *Vishṇusmṛiti*, iii. 35.

³ *Arthashastra*, p. 353. शत्रुप्रख्यातं वा पण्यमविज्ञातं विजिगोषं गच्छेत् ।

CHAPTER X

NEUTRALITY

‘IT deserves to be remarked,’ says Wheaton,¹ ‘that there are no words in the Greek or the Latin language which precisely answer to the English expressions, neutral and neutrality. The cause of this deficiency is obvious. According to the laws of war, observed even by the most civilized nations of antiquity, the right of a state to remain at peace, while her neighbours were engaged in war, was not admitted to exist. He who was not an ally was an enemy and as no intermediate relation was known, so no word had been invented to express such relation.’ It may be held that the above remark is to a large extent applicable to ancient India as well. But it is not true that as in Greece or Rome, ‘no intermediate relation was known’ in ancient India. In the conception of *Maṇḍala* at least six kinds of intermediary relationships are in evidence. These are the results of variations in attitude of either *Ari* or *Mitra*. Nor could it be accepted

¹ *Elements of International Law*, p. 480.

that in our land 'there are no words which precisely answer to the English expressions neutral and neutrality.' Of the various attitudes of a king *Āsana* is recognized by Kauṭilya to denote the state of being a neutral, and terms are not wanting in ancient Indian literature to denote what corresponds to a neutral king,—*Madhyama* and *Udāsīna*.¹ It is true, however, that neutrality is not treated as a special department of statecraft in the same manner as war, peace, or diplomacy. It was not a common attitude, and hence the regulations about neutrality are rare. The only writer who deals with the subject at any length is Kauṭilya.

The causes for the absence of elaborate rules regarding neutral states are obvious. Wars in ancient India were commenced only on reasonable and sufficient grounds and only after all the other expedients of *sāma*, *dāna* and *bhēda* had proved futile. The violation of *Dharma* was a

¹ *Udāsīna* is neutral and there is only a shade of difference between *Udāsīna* and *Madhyama* in the *Arthaśāstra*. See also *Manusmṛiti*, vii. 155 and 158.

The contempt with which the ancient Indians looked upon breach of neutral rights is in evidence in the conversation between Vāli and Rāma. Vāli says:—

उदासीनेषु योऽस्मासु विक्रमस्ते प्रकाशितः. *Ramayana* : Kish-kindha Kāṇḍa, 17. 44.

serious crime, and if one of the belligerent states had transgressed the general rules of righteous conduct, it was looked down upon by others as deserving destruction. Where, however, it was deemed that the acts of both the belligerents could be justified, all the other states ranged themselves with the one or the other. Hence, only two attitudes are *frequently* met with.

From the account given by Kauṭilya¹ of the description, the rights and obligations of a *Madhyama* and *Udāsīna* we are not able to distinguish clearly between these two types of kings.

Udāsīna and Madhyama

Udāsīna has been thus defined by Kauṭilya :²
 'He who is situated beyond the territory of any of the kings, viz., *Ari*, *Vijigīshu* and *Madhyama* who is very powerful and capable of helping the enemy, the conqueror and the *Madhyama* king, jointly or severally, or of resisting any of them individually, is a neutral king, *Udāsīna*.'

¹ *Arthaśāstra*, pp. 315-19.

² *Ibid.*, p. 259. अरिबिजिगोषमध्यानां बहिः प्रकृतिम्यः
 बलवत्तरः संहतासंहतानां अरिबिजिगोषमध्यमानां • अनुग्रहे
 समर्थः निग्रहे असंहतानामुदासीनः । *Kaṇvaśāstra*, viii. 18
 and 19.

Elsewhere he says: 'indifference is neutrality' ¹ and it is an attitude assumed by a king who thinks, 'My enemy cannot hurt me, nor am I strong enough to destroy my enemy.' It is thus seen that the *Udāsīna* king was outside the pale of 'enemy,' 'conqueror' and *Madhyama*. He may have the strength to help or resist any of these, but the essential feature of his position lay in abstinence from hostilities. Thirdly, it becomes clear from the above description that it was safe for one who was not sufficiently powerful as compared to any of the belligerent nations, to assume the 'neutral' attitude.

A *Madhyama* king, according to Kauṭilya, ² was in a position to afford help to both the belligerents, or dissuade one of them from invasion. 'The conduct of the *Madhyama* explains that of the *Udāsīna*,' ³ and apparently there was only a slight difference between them. The term *Madhyama* is, however, to be distinguished from

¹ *Arthaśāstra*, p. 261. उपेक्षणमासनं "नमां परो नाहं परं अपहन्तुं शक्तः".

² *Ibid.*, p. 259. अरिविजिगीष्वोः भूम्यन्तरः संहतासंहतयोः अनुग्रहसमर्थः निग्रहे चासंहतयोः मध्यमः ।

³ *Ibid.*, p. 317. मध्यमचरितेन उदासीनचरितं व्याख्यातं ।

Udāsīnā, for the latter is not included in any of the three categories of kings *Ari*, *Mitra* and *Madhyama*. In fact, the word indicates an attitude of passive indifference to hostilities; while the *Madhyama*¹ was interested in both the belligerents and might contemplate active intervention, not, of course, to the benefit or injury of any of the belligerents, but to bring about, if possible, the cessation of hostilities. He might act as the 'mediator.' Again, it is interesting to observe that the invasion of a *Madhyama* king's territory was allowed under certain circumstances, while the very condition of neutrality of the *Udāsīnā* entitled him ordinarily to immunities from the injuries of war. For we find, 'If the circle of states is favourable to the cause of a conqueror, then he may aggrandize himself by putting down the *Madhyama*.' This shows that the action against the *Madhyama* was generally looked upon as an act of aggrandizement.²

Next, the circumstances in which a king was classified as an *Udāsīnā* or a *Madhyama* indicate

¹ The sense is brought out clearly by Śaṅkara in his commentary on the *Bhagavat Gīta* (vi. 9).

उदासीनः न कस्यचित्पक्षं भजते, मध्यस्थो यो विरुद्धयोः
उभयोः हितेषो ।

² *Arthashastra*, p. 316.

to us another point of difference between the two. 'If a king thinks, "Neither is my enemy strong enough to destroy my works nor am I his; or if he comes to fight with me like a dog with a boar, I can [increase his afflictions without incurring any loss in my own work," then he may observe neutrality.'¹ This implies that neutrality is a policy of non-intervention imposed upon himself by the ruler in question, even though, as the above statement indicates, he may be more powerful than his enemy. Abstention from hostilities is thus an essential feature of an *Udāsīna*.

It is not necessarily a characteristic of the *Madhyama*, for the possibility is shown of his becoming too strong and aggressive and preparing himself for hostilities; for we find it stated:— 'This *Madhyama* king has grown haughty and is aiming at our destruction. Let us therefore combine and interrupt his march'.² In the above the condition is suggested that the *Madhyama* was not to grow beyond certain limits, and his immunity vanished when he had grown formidable and aggressive. Lastly, unlike the case of the

¹ *Arthashastra*, p. 264.

² *Ibid.*, p. 316. "अतिप्रवृद्धोयं मध्यमः सर्वेषां नः विना-
शाय अभ्युद्धितः संभूयास्य यात्रां विहनाम."

Udāsīna whose attitude was held to be one of absolute indifference, it is specially stated with reference to the *Madhyama* that he was expected to treat both the belligerents on equal terms and only if 'he shows equal favour to both parties is the king advised to be friendly with him'.¹ The *Udāsīna* on the other hand should always observe neutrality, when, either in peace or in war he finds neither loss to others nor gain to himself.²

Would the above discussion lend itself to the view that by an *Udāsīna* Kautilya meant a neutral king, while the term *Madhyama*, to put it in the modern technical language, referred to a king whose state was 'neutralized' permanently or temporarily? Perhaps, the best instance of the latter conception is found in the part played by Balarāma in the *Mahābhārata*.

Aspects of Neutrality

Neutrality (*Āsana*), says the *Sūkranīti*³ is 'the attitude by which a king by being indifferent

¹ *Arthaśāstra*, p. 315. तच्चेदुभयं मध्यमः अनुगृह्णीयात्, विजिगोषुर्मध्यमानुलोमः स्यात् ।

² *Ibid.*, p. 264.

³ iv. 7. 237. स्वरक्षणं शत्रुनाशो भवेत् स्थानात् तदासनं ।

affords protection to himself, as well as brings about the destruction of the enemy.' It is suggested that a king should assume the position of a neutral, not only because he was unaffected by the course of the war, but that he might not strain his resources by unnecessarily engaging in hostilities. Especially was it advisable when there was the hope for him that, the odds being great against his own rival, there was fair chance of his being defeated even without his interference. A neutral king was thus to abstain from all acts of warfare, as a matter of policy.

But the indifference and abstention might be due to different causes. A king might be powerful enough to enter into the war, and change the course of hostilities; yet he might adopt a neutral policy, for he might feel that his fortune would be unaffected by the war. Or, a king too weak fearing the destruction of his own resources might not be prepared to entangle himself, and so might be a neutral.

Four main classes of neutrals appear to be in evidence in the *Mahābhārata*.¹ These were

¹ I am indebted for this suggestion to Mr. Mitra's 'War Philosophy—Ancient and Modern' in the *Hibbert Journal* for 1916. See *Arthashastra*, pp. 270-71.

actuated by different motives, and the neutrality was due to different causes :

(1) Neutrals whose position could not but be affected by the course and results of the war.

(2) Neutrals whose fortunes were practically unaffected by the course of the struggle.

(3) Neutrals who might be affected by the war, and who could, if they chose, change the course of the war by manipulating economic forces, etc.

(4) Neutrals who were powerless to enter into the war, though their fortunes might be affected by the war.

Corresponding to the various motives that lead to neutrality, we have different aspects of non-intervention. The following ¹ are mentioned by Kauṭilya :— *Sthāna* (keeping quiet), *Āsana* (withdrawal from hostilities) and *Upēkshana* (negligence). *Sthāna* was the *status quo ante* kept by a ruler who did not want his position to be affected in the course of belligerency. When the king kept quiet maintaining one fixed line of policy there was the *Sthāna* aspect. ² *Āsana* was neutrality proper. There was here the 'withdrawal from hostilities,' in one's own

¹ *Arthaśāstra*, p. 270.

² *Ibid.*, गुणैकदेशे स्थानम्.

interest. It may be that by interfering in the war the neutral king might change the fortunes of the parties. But he preferred to be indifferent, for, by such attitude, his interests were safeguarded. It would be inadvisable for a king to launch into war when he found that even otherwise there was chance of his purpose being achieved.

Upēkshana meant taking no steps to safeguard one's position against the enemy. Such negligence would, no doubt, entail discomfiture and defeat at the hands of the foe. It was an unpardonable offence on the part of a true Kshatriya, and would only argue that he was too weak and depended on the mercy of others for continuing with his integrity and independence. This is simply despicable, being the mark of a coward.

It is apparent from the above classification that *Sthāna* and *Upēkshana* were undesirable aspects of *Āsana*. The former is unhealthy in any progressive state; and the latter is to be avoided in all cases by a valorous Kshatriya king.

Neutral Rights and Obligations

The claim of every nation to continue with its rights of sovereignty in peace could not ordinarily be questioned. The general rights and duties in times of peace are found applicable to

neutral states in a period of war. They were allowed to enjoy those privileges in relation to independence, jurisdiction, equality, property and diplomacy which have been dealt with in the chapters on peace. But the fact should not be lost sight of that the neutral might not be wholly unaffected by the course of hostilities. It is true that the attitude of the *Udāsīna* meant that the particular king was practically unconcerned with the war. The justice or injustice of the hostile operations should not in virtue of his position as neutral alter his attitude; for, otherwise, he would become an ally of one of the belligerents. But it is not impossible—with whatever care he might use his rights and under whatever restrictions—that in the exercise of his powers as a neutral, his interests might incidentally come into conflict with those of the belligerents. Even in matters that had no direct bearing on the war, for instance, the conduct of trade with other nations or the manipulation of economic forces, it might so happen that it was not always possible for the neutral to be altogether impartial. Absolute neutrality is more or less an ideal conception. Again, a neutral might be prepared for fighting, though he should abstain from hostilities. The neutral position would come to an end only when

the neutral had begun to arm himself and cast in his lot with one of the belligerents. He might assume the attitude of an 'armed neutral' ready at an opportune moment to enter into the war and change if possible the fortune of the hostile parties. Preparedness for fighting alone was not enough for the recognition of belligerency. In fact, 'armed neutrality' was not uncommon, for we read that a neutral may be prepared and yet keep quiet.¹

A good instance in point is the position of the Kadamba king Kākutstha Varman as evident from the Tālagunda pillar inscription. He is described as possessing the three-fold prowess, but yet as maintaining neutrality and on that account feared by mighty neighbours.²

¹ "यदा वा पश्येत् स्वदण्डैर्मित्राटवीदण्डैर्वा समं ज्यायांसं वा कर्शयितुमुत्सहे" कृतवाह्याभ्यन्तरकृत्यः विगृह्यासीत्.

"उत्साहयुक्ता मे प्रकृतयः संहता विवृद्धास्वकर्मणि अव्याहताश्चरिष्यन्ति, परस्य वा कर्मणि उपहनिष्यन्ति" इति तदा विगृह्यासीत्. *Arthashastra*, p. 270.

² तं देवसंपन्नमदीनचेष्टं शक्तित्रयोपेतमयासनस्थम् ।

शैवेर्गुणैः पञ्चभिरप्यसाध्याः सामन्तचूडामणयः प्रणोमः ॥

Epigraphia Indica, vol. vii, No. 5. l. 13.

'Contraband'

Under ordinary circumstances, the neutral was allowed to deal in merchandise of general use. This trade could not be prohibited by the belligerents; but the carriage of such of the articles as might prove to help on the progress of one of the parties had certainly to be considered as falling under the 'rule of contraband.' The belligerents should be allowed the power to deal with such of the neutral goods as might be considered 'contraband of war.' The characteristics which determined contraband in ancient India were the quality of the goods and the nature of their destination.¹ Goods that were styled as *śatrupōshakāh*, i.e., those that went to increase the strength of the enemy were classified as contraband.²

In this class were included food, fodder and provisions. The seizure of them is advised that they might not serve to add to the resources of the enemy or enable him to prolong the duration of hostilities. Thus, among the various articles of contraband which were liable to seizure were

¹ See *supra*, chap. iii. and *Arthaśāstra*, ii. 'नावध्यक्ष'.

² *Sukranīti*, iv. 7. 286. तृणान्नजलसंभारा ये चान्ये शत्रु पोषकाः ।

food, fodder, water, fuel and other goods that might prove useful to the enemy. In the *Arthaśāstra* it is stated that those that were suspected of carrying weapons and explosives should be arrested, for these articles were contraband to the full.¹ From this it is clear that the neutral trade in certain commodities with either of the enemies might be construed as violating the rules of neutrality, and thus be liable to be stopped.

A second characteristic that determined contraband goods was their destination. Goods and convoys that proceeded to the camp of the enemy were liable to seizure. Enemy destination was the test of enemy character. The same rule held good in the case of sea-borne goods. In the *Kautilya* the officer in charge of the harbours is endowed with power to seize or destroy such of the goods as were being carried to a hostile country. Under ordinary circumstances, the ships of neutrals were subject to the duties and privileges that pertained to them in times of peace. As regards the relation of the goods to the ships that conveyed them, it may be held that the principle of 'enemy ships, enemy

¹ गूढसारभाण्डशासनशस्त्राग्नियोगं.....उपग्राहयेत्.

goods,' was applicable in ancient India though not its counterpart 'free ships, free goods.' Generally, if the ship was hostile the cargo also was hostile.

Neutral Vessels

Neutral vessels were allowed a stipulated period of stay in the harbour, and allowed some privileges as they were subject to certain responsibilities. They were liable to be searched and to be destroyed, if they were discovered to contain cargo destined to an enemy post. The following rules¹ are noteworthy regarding the conduct of ships, the tolls they had to pay, their rights and duties, and their liability for seizure and destruction:—

¹ *Arthaśāstra*, pp. 126–28.

पत्तनाध्यक्षनिबन्धं पण्यपत्तनचारित्रं नावध्यक्षः पालयेत् ।

संयातीर्नावः क्षेत्रानुगताः शुल्कं याचेत ।

हिंस्रिका निर्घातयेत् ।

अमित्रविषयातिगाः पण्यपत्तनचारित्रोपघातिकाश्च ।

गूढसारभाण्डशासनशस्त्राग्नियोगं.....उपग्राहयेत् ।

निर्गच्छत्तश्चामुद्रस्य भाण्डं हरेयुः ।

उदकप्राप्तं पण्यं अशुल्कं अर्द्धशुल्कं वा कुर्यात् ।

पण्यपत्तनयात्राकालेषु प्रेषयेत् ।

मदवातादतां तां पितृब अनगच्छीयात् ।

The Superintendent of ships had to observe the regulations prevalent in trading towns as well as the orders of the Superintendent of port towns. All ships that passed along the coasts and alighted at harbours were to pay tolls. Pirate ships were to be seized and destroyed. The same treatment was to be meted out to ships that were destined to a hostile country and to those that violated the rules in sea-port towns. Persons known to convey a secret mission or carry weapons or explosives should be arrested by the Port-officers. The cargo of merchantmen that did not put on their peculiar ensign or flag was to be seized, but ships that were spoilt by water were to be allowed some concession in customs duties. They were to be permitted to set sail when the sea was calm and the weather had cleared up. Vessels that were drifted ashore by storms on the sea were to be treated by the Superintendent of ships with paternal care and affection.

REFERENCES

- Agni Purāṇa*. Ed. Ānandāśrama Sanskrit Series.
Ahanānūyū. Ed. Kambar Vilas Book Depot.
Aitareya Āraṇyaka. Trans. A. B. Keith.
Aitareya Brāhmaṇa. Trans. M. Haug.
American Lectures on Buddhism. T. W. Rhys Davids.
Ancient History of Magadha in Indian Antiquary for 1916. S. V. Venkateswara Iyer.
Ancient India as described by Megasthenes and Arrian. Trans. J. W. McCrindle.
Āpastamba-Dharmaśāstra. Ed. Mysore.
 „ *Śrauta Sūtra*. Ed. Mysore.
Arthaśāstra of Brihaspati. Ed. and Trans. F. W. Thomas.
 „ of Kauṭilya. Ed. and Trans. R. Shāma Śāstri.
Aśoka in Rulers of India. V. A. Smith.
Atharva Veda. Trans. W. D. Whitney and C. R. Lanman.
Baudhāyana-Dharmaśāstra. Ed. Madras.
Bhagavat Gīta.
Bodhisatvāvadāna Kalpalatā of Kshemendra. Ed. *Bibliotheca Indica*. S. C. Vidyābhūṣaṇa and S. C. Das.
Bṛihadāraṇyaka Upanishad.
Buddhist India in Story of the Nations. T. W. Rhys Davids.
Buddhist Records of the Western World. S. Beal.
Cambridge History of India. Vol. i.
 Carnegie Endowment for International Peace Publications—*Year Book* for 1923. [heim.
 „ —*The Future of International Law*. L. Oppen-

- Catalogue of Coins in the Indian Museum.* V. A. Smith.
Consular Officers in India and Greece in Indian Antiquary
 for 1905. V. A. Smith.
- Development of European Polity.* H. Sidgwick.
- Dharmaśāstras.* Trans. M. N. Dutt.
- Early History of the Dekhan.* R. G. Bhandarkar.
- Early History of India.* V. A. Smith.
- Edicts of Aśoka.* Ed. D. R. Bhandarkar and in the
Epigraphia Indica. Vol. ii.
- Epigraphia Carnaticā.* Vol. ix.
- Epigraphia Indica.* Vols. ii and vii.
- Gautama-Smṛiti.* Ed. Poona.
- Gupta Inscriptions (Corpus Inscriptionum Indicarum).*
 J. F. Fleet.
- Harsha Charita.* Trans. E. B. Cowell and F. W. Thomas.
- History of Antiquity · India.* M. Duncker.
- „ *Civilization in Ancient India.* R. C. Dutt.
- „ *the Criminal Law of England.* J. F. Stephen.
- „ *Indian Shipping, etc.* R. K. Mukherjea.
- „ *China.* Mac Gowan.
- Hilopadēśa.*
- Holy Roman Empire.* Bryce.
- Indian Antiquary.* Vols. ii, xi, xiii, xxxiv, xlv.
- Indian Coins.* E. J. Rapson.
- International Law.* W. E. Hall.
- „ „ T. G. Lawrence.
- „ „ B. Wheaton.
- Jātaka.* Ed. V. Fausboll. Trans. Cambridge.
- Journal of the American Oriental Society.* Vol. xiii. *The
 Social and Military Position of the Ruling Caste in
 Ancient India.* E. W. Hopkins.
- Journal of the Bihar and Orissa Research Society* for 1917
 and 1918. *The Hathigumpha Inscription of Khāravela.*
 K. P. Jayaswal.

Journal of the Royal Asiatic Society for 1908, 1916, 1917, 1918, 1922.

Kharoṣṭī Inscriptions by A. M. Stein. Ed. E. J. Rapson, A. M. Boyer and E. Senart.

Kalingattupparaṇi. Ed. V. G. Sūryanārāyaṇa Śāstri.

Kural. Trans. G. U. Pope.

Life of Hiuen Tsiang. S. Beal.

Mahabharata. Ed. Madras. Trans. P. C. Roy.

Mahāvamśa. Trans. G. Turnour.

Malabar Quarterly Review for 1906.

Malavikāgnimitra of Kālidāsa.

Manusmṛiti. Ed. Bombay.

Mitākshara. Ed. Bombay.

Modern Review for 1918.

Mudrārākshasa of Viśākhadatta.

Nītiprakāśika of Vaiśampāyana. Ed. Gustav Oppert.

Nītisāra of Kāmaṇḍaka. Ed. J. V. Baṭṭāchārya.

Nītivākyāmṛita of Sōmadēva. Ed. Grantharatnamāla Series.

Padma Purāṇa.

Pattuppāṭṭu. Ed. V. Swāminātha Iyer. [*kṛit Series*.

Pratijñāyauḡandharāyaṇa of Bhāsa in *Trivandrum Sans-Public Administration in Ancient India*. P. Bannerjea.

Purāṇanūṇu. Ed. V. Swāminātha Iyer.

Puṇḍarīkavāṇḍana. Ed. V. Swāminātha Iyer.

Raghuvamśa of Kālidāsa.

Rāmāyaṇa of Vālmiki. Ed. Śrīraṅgam.

Rig Veda. Ed. F. Max Muller. Trans. H. H. Wilson.

Sacred Books of the East. Vols. ii, vi, vii, ix, x, xiii, xiv, xvii, xx, xxii, xxv, xxxiii.

Śatapatha Brāhmaṇa. Ed. Calcutta.

Śilappadikāram. Ed. V. Swāminātha Iyer.

Sukranīti. Ed. J. V. Baṭṭāchārya. Trans. B. K. Sarkar in *Sacred Books of the Hindus*.

Svapna Vasavadatta of Bhāsa in *Trivandrum Sanskrit Series*.

The Religions of India. E. W. Hopkins.

The Authenticity of the Kautilīya in the *Journal of the Royal Asiatic Society* for 1916. A. B. Keith.

Taittirīya Āraṇyaka. Ed. Poona.

„ *Brāhmaṇa*. „

„ *Samhita*. „

Vedic Index of Names and Subjects. A. A. Macdonell and A. B. Keith.

Vishnu-Smṛiti. Ed. Calcutta.

War Philosophy-ancient and modern in *Hibbert Journal*, 1916. S. M. Mitra.

Weapons, Army-organization, etc., of the Hindus. Gustav Oppert.

Yajñavalkya-Smṛiti. Ed. Poona.

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