

comparatively modern times. Let us take up Egypt first. The description of the battle of Megiddo<sup>1</sup> and the newly discovered inscription of Ahmose<sup>2</sup> will serve our purpose: "The King himself, he led the way of his army, mighty at its head like a flame of fire, the King who wrought with his sword. He went forth none like him slaying the barbarians, smiting Retenu, bringing their princes as living captives, their chariots wrought with gold, bound to their horses<sup>3</sup>.....  
..... Their champions lay stretched out like fishes on the ground. The victorious army of His Majesty went round counting the spoils, their portions.

"They brought in the booty which they had taken consisting of hands [severed from the slain], living prisoners, of horses and chariots, gold and silver."<sup>4</sup> Thutmose III, the first great hero in the world according to Breasted, built a wall with human skulls and thus concluded his boast: "Lo! my majesty carried off the wives of that vanquished one together with his children, and the wives of the chiefs who were there together with their children."<sup>5</sup>

The monuments of Assyria and Babylonia as well as the records of the Hebrews bear witness to the barbarity of the Assyrians and certain of the Babylonian monarchs in warfare. The bodies of the slain were often mutilated, and rebel captives were impaled and subjected to the most horrible tortures. Those who escaped, were chained and enslaved. Whole nations were transplanted from one part of the empire to the other. The inscription of Assurnazirpal runs thus: "The nobles as many as had revolted, I flayed: with their skins I covered the Pyramid. Some

<sup>1</sup> Megiddo, fought by Thutmose III in Asia Minor, 15th Century B.C.

<sup>2</sup> Ahmose, one of the officers of the Egyptian army of the Thutmosids.

<sup>3</sup> Breasted: Records, II., 413.

<sup>4</sup> Ibid, II., 616, 640.

<sup>5</sup> Breasted: II., 596.

of those I immured in the midst of the Pyramid; others I impaled above the Pyramid on stakes; others round about the Pyramid, I planted on stakes, many at the exit for my own country I flayed; with their skins I clad the fortress walls."<sup>1</sup>

The Persians did hardly mitigate the cruelties of war. Men, women and children were put to death or enslaved, and whole populations were transported. Mutilation of the dead and the torture of the living were freely exercised although there were some lighter shades to this picture.<sup>2</sup>

If we turn our eyes from early Orient; to early Occident we find Greek warfare characterized by great cruelty and severity. Hostilities in the Homeric times assumed the form of indiscriminate brigandage and extermination rather than subjection of the enemy was the usual practice. After Troy was taken, the Greeks did not think of taking possession of Priam's kingdom; the town was simply destroyed and the inhabitants were either enslaved or put to death. In historic times the conduct of the Greeks did not much improve although here and there our eyes meet with flashes of humanity. Athens, the "Schoolmistress of Hellas," brutally put to death all men of military age at Melos, and made slaves of the women and the children. The same story of indiscriminate slaughter and enslavement was told at Corcyra and at Mytiline:

The methods of Roman warfare were probably more humane than those of the Greeks, because life in Greece centred in the *polis* whereas a policy of absorption instead of extermination was forced upon Rome by the ceaseless march of events and yet such acts as the burning of crops, the demolition of houses, the carrying of men and

<sup>1</sup> Records of the Past, II., 134-277.

<sup>2</sup> E.g., the treatment of Themistocles by Artaxares, e.g., Cyrus's refusal to maltreat Greek embassies sent to him.

cattle as spoils, were regarded as misfortunes to be borne rather than misdeeds to be complained of.—“*esse enim quaedam belli jura, quae ut facere, ita pati sit fas; sata, exuri, derui, tecta, praedus hominum hecorumque agi, misera magis quam indigna patienti esse.*”<sup>1</sup> In the case of towns taken by assault, the leaders and occasionally all male defenders were put to the sword, and the women and children were all reduced to slavery.

Warfare in the middle ages took a hideous form. All considerations worthy of men and good Christians vanished. The following passage taken from a Christian historian, descriptive of the capture of Jerusalem (which was taken by storm in 1099), serves as an illustration of the unrestrained brutality of the crusaders :<sup>2</sup>

“No barbarian, no infidel, no Saracen, ever perpetrated such wanton and cold-blooded atrocities of cruelty as the wearers of the cross of Christ on the capture of that city. Murder was mercy, rape tenderness, simple plunder the mere assertion of a conqueror’s right. Children were seized by their legs, some of them were plucked from their mother’s breasts and dashed against the walls or whirled from battlements. Others were obliged to leap from the walls; some tortured, roasted by slow fires. They ripped up prisoners to see if they had swallowed gold. Every one surprised in the temple was slaughtered till the reek from the dead body drove away the slayers. The Jews were buried alive in their synagogues.”

The cruel practices of the Swiss and the Italian mercenaries in the middle ages struck terror into the heart of every law-abiding and peaceful citizen. Even the English armies were not free from ferocity. Thus Bernard gives a graphic account of the campaigns of Edward III in France :

“In the summer of 1346, an English army under Edward III landed on the coast of Normandy amongst a peaceful and industrious

<sup>1</sup> Livy : XXXI., 30.

<sup>2</sup> Milman : History of Latin Christianity, IV., 37.

people, who, says Froissart, had never heard a battle-cry, or seen an armed man. They took and sacked Barfleux and Cherbourg and marched on St. Lo.

“Fair and cheerful province, delicious sight to a hungry invader, with its hamlets and church towers, its substantial farms and large sleek cattle, thick orchards and green pastures, sweeping up hill and down dale to the winding margin of the sea! The English scattered themselves over it, and so advanced, burning and destroying—burping and destroying—over the rich flats of Beauvoisin to the suburbs of Paris. Immense booty was taken; yet the English host when it met the power of France at Crecy, was reduced to the utmost extremity of want.”<sup>1</sup>

It is refreshing to turn one's eyes from this sickening tale of horrors in Europe to India which inspite of the condemnation of Philipson as “a country beyond redemption” carried on her wars in accordance with strict laws. Thus, Bhisma<sup>2</sup> exhorted Judhisthir to be guided by righteous laws :

“A king should never desire to subjugate the Earth by unrighteous means even if such subjugation would make him the sovereign of the whole Earth. What king is there that would rejoice after obtaining victory by unfair means? A victory attained by unrighteousness is uncertain and never leads to heaven.”

Bhisma elsewhere observes that a Kshattriya who destroys righteousness and transgresses all wholesome barriers does not deserve to be reckoned as a Kshattriya and “should be driven from society.”

“नाधर्म्येण महीं जेतुं लिप्सेत जगतीपतिः ।

अधर्म्यविजयं लब्धा को नु मन्येत भूमिपः ॥

अधर्म्ययुक्तो विजयो ह्यध्रुवोऽस्वर्ग्य एव च ।

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<sup>1</sup> Bernard : Growth of Laws and Usages of War, pp. 97-99.

<sup>2</sup> Mahabharata : Santi-Raj, XCVI., 1-3, 10.

यसुधर्मविलोपेन मर्यादाभेदेन च ।

तां वृत्तिं नानुवर्त्तेत विजिगीषुर्महोपतिः ॥

“This has been declared to be the primeval law for warriors and from this law a Kshatriya should never depart when he strikes his foes in battle.”

एषोऽनुपस्कृतः प्रोक्तोयोधर्मः सनातनः ।

अस्माद्धर्मान्नच्यवेत क्षत्रियोध्नन् रणे रिपून् ॥<sup>1</sup>

The theory of International Law by which the hardships of war have to a very large extent been modified is foreshadowed in the Mahabharata, where Bhishma counsels abstention from fruitless acts<sup>2</sup> of hostility, from insolence and from haughty speech and recommends humane treatment to the conquered people.

The victorious king should express sorrow at the death of the soldiers of the opposite party and try to conciliate the vanquished by kind treatment.

प्रहरिष्यन्प्रियं व्रूयात् प्रहरन्नपि भारत ।

प्रहृत्य च प्रियं व्रूयाच्छोचन्निव रुदन्निव ॥

नमे प्रिया ये स्म हताः संहृष्टाः परेऽपि च ।

नच कत्यनमेवाग्रमुच्यमानं पुनः पुनः ॥

अहो जीवितमाकाङ्क्षेन्नेदृशो वधमर्हति ।

सुदुर्लभाः सुपुरुषाः संग्रामेष्वपलायिनः ॥

क्षतं ममाप्रियं तेन येनायं निहतोऽमृधे ।

इति वाचा वदन्हन्तृन्पूजयेत रहोगतः ॥

हन्तृणां च हतानां च पूजां कुर्यात् यथार्थतः ।

क्रोशेद्वाहुं प्रगृह्यापि चिकीर्षन्न संग्रहम् ॥<sup>3</sup>

<sup>1</sup> Manu, VII., 98.

<sup>2</sup> प्रियमेव बदेन्नित्यं नाप्रियं किञ्चिदाचरेत्!—Santi, CIII., 10.

<sup>3</sup> Mahabharata, Santi, CII., 34-38. “Before smiting, O Bharata! and while smiting utter sweet words; after having smitten, show them compassion and let them understand that thou art grieving and weeping for them. Having vanquished an

'A king was not to kill a large number of troops of the foe although he should certainly do that which would make his victory decisive.'

“न सद्योऽरीन्विहन्याच्च द्रष्टव्यो विजयो ध्रुवः ।”

This was probably too high an ideal set up before a conquering hero but even the writers of the Arthashastras<sup>1</sup> who were all worshippers in the shrine of Expediency and according to whom the end alone justified the means, counselled generous and chivalrous treatment of a conquered country.<sup>2</sup>

Thus, the Epics allow *Dharmajuddha* only, they do not permit *Kutajuddha*. It is only when we come to the study of the Arthashastras that we find them prescribing *Kutajuddha* under certain circumstances and with certain limitations. The Arthashastras looked upon war from two points of view: (i) from the point of utility, and (ii) from the point of “state necessity.” Thus, according to Sukracharyya, a king should never destroy his army by recklessly undertaking wars—“न नाशयेत् स्वसेनान्तु सहसा युद्धकामुकः”<sup>3</sup> but being once in a quarrel the king was to behave himself in such a way “that the opposed might beware of him.” Victory had to be obtained at any cost, whether

army, the king should address the survivors saying—‘I am not at all glad that so many have been slain by my troops! Alas, the latter though repeatedly dissuaded by me, have not obeyed my directions. I wish they (that are slain) were all alive! They do not deserve such death! They are all good men and true and unretreating in battle, such men indeed are rare! He that has slain such a hero in battle, has surely done that which is not agreeable to me!’ Having uttered such speeches before the survivors of the vanquished foe the king should in secret honour those amongst his own troops that have bravely slain the foe. For soothing the wounded slayers for their sufferings at the hand of the foe, the king desirous of attaching them to himself should even weep seizing their hands affectionately.”—P. C. Ray, *Santi-Raj*, p. 328.

<sup>1</sup> CHL., 19.

<sup>2</sup> E.g., Sukra, IV., vii. (see later).

<sup>3</sup> Sukra, V., 7.

one followed the accepted rules of international usage or not. "धर्मयुद्धैः कूटयुद्धैर्हन्यादेव रिपुं सदा"<sup>1</sup> for, says Sukracharyya, it is folly to lose one's object<sup>2</sup> and therefore, a clever king should even suffer insult and humiliation at the outset to secure ultimate victory.

अपमानं पुरष्कृत्य मानं कृत्वा तु पृष्ठतः ।

स्वकार्यं साधयेत् प्राज्ञः कार्यध्वंसो हि मूर्खता ॥

But even Sukracharyya does neither deny the existence of Dharmayuddha, nor does he recommend Kutayuddha in every eventuality. The theory of state-interest triumphs over the inherent superiority of every ethical principle and he recommends कूटयुद्ध only for the weak.

There is no warfare, says he, which extirpates the powerful<sup>3</sup> enemy so much as कूटयुद्ध—"न युद्धं कूटसदृशं नाशनं बलवद्विपोः" as one should follow the moral rules so long as one is powerful because people remain friends till then, just as the wind is the friend of the burning fire.

तावत्परो नीतिमान् स्थाद्यावत् सुबलवान् स्वयम् ।

मित्तं तावच्च भवति पुष्टान्नेः पवनो यथा ॥

The same principle has also been enunciated by Kautilya :

"बलविशिष्टः कृतोपजापः प्रतिविहितकर्तुः स्वभूम्यां प्रकाशयुद्धमुपियात् विपर्यये शकटयुद्धम् ।"

The overwhelming duty of self-preservation on the part of a state compelled it to take recourse to कूटयुद्ध but a small state before undertaking such wars was

<sup>1</sup> Sukra, IV., vii., 350.

<sup>2</sup> Ibid, IV., vii., 363.

<sup>3</sup> Ibid, IV., vii., 189.

<sup>4</sup> Cf. also Agni, CCL., 16.

<sup>5</sup> Arthasastra, X., 3.

advised by Kautilya to enter into a subordinate alliance with a powerful state in the relationship of a sovereign and a client state.<sup>1</sup> It is only when outside help was not available that such a method of warfare was to be adopted. Thus says Manu :<sup>2</sup>

यदि तत्रापि संपश्येद्दोषसंश्रयकारितम् ।

सुयुद्धमेव तत्रापि निर्विशङ्कः समाचरेत् ॥

It is almost certain, however, that कूटयुद्ध formed the exception and not the rule as the distinction between combatants and non-combatants was firmly recognized by the ancient Hindus. Thus, though Sukracharyya<sup>3</sup> advocated a policy of "state-necessity," yet he recognized that Dharmajuddha allowed certain privileges both to combatants as well as to non-combatants.

न च हन्यात् स्थलारूढं नक्षीवं नक्षीताञ्चलिं ।

न मुक्तकेशमासीनं न तवास्मीति वादिनम् ॥

न सुप्तं न "विसन्नाहं न नग्नं न निरायुधम् ।

नायुद्धप्रमानं पश्यन्तं युद्धप्रमानं परिण च ॥

पितन्तं न च भुञ्जानमन्यकार्याकुलं न च ।

नभीतं नपरावृत्तं सतां धर्ममनुस्मरन् ॥

वृद्धो बालो न हन्तव्यो नैव स्त्री केवलो नृपः ।

यथायोग्यं तु संयोज्य निघ्नन् धर्मो न हीयते ।

धर्मयुद्धे तु कूटे वै न सन्ति नियमा अमी ॥

The Santiparva of the Mahabharata not only distinguishes between combatants and non-combatants but makes various gradations among combatants. Thus, "one that is walking unprepared in a road," i.e., a mere traveller, or one engaged in drinking and eating, or one

<sup>1</sup> Vide ante, Ibid., VII., 15.

<sup>2</sup> Manu, VII., 176.

<sup>3</sup> Sukra, IV., vii., 355-58.



skilled in some special art, *i.e.*, persons admittedly following peaceful walks of life were granted immunities 'from being killed.'<sup>1</sup> Coupled with the general law, *viz.*, that an Aryya could not be reduced to slavery,<sup>2,3</sup> international usage or custom establishes the distinction between combatants and non-combatants. This distinction has been further emphasized by laws relating to what we now call "belligerent occupation" and "blockade," by land.<sup>4</sup> Even persons in the war zone who were mere onlookers could not be killed.<sup>5</sup> Messengers and Brahmans admittedly following their general peaceful lives were also not to be killed.<sup>6</sup>

The Mahabharata recognizes various grades in enemy character. Thus, according to the Mahabharata men who go out of the camp to procure forage or fodder, men who set up camps, and camp-followers as well as those who wait at the gates of the king or his ministers or those who do menial service to the army-chiefs, or those who are chiefs of such servants, shared the immunities of the non-combatants.<sup>7</sup>

<sup>1</sup> Mahabharata : Santi-Raj, C., 27-29.

<sup>2-3</sup> Vishnu, VI., 5, 151.

Manu, VIII., 412.

<sup>4</sup> Arthasastra, III., 13.

<sup>5</sup> See later.

<sup>6</sup> Manu, VII., 92.

<sup>7</sup> Gautama, X., 18.

<sup>7</sup> Mahabharata : Santi-Raj, C., 27-29 :

प्रसुप्तौ स्त्वपितान् यान्तान् प्रकीर्णान्नाभिघातयेत् ।

शौचे प्रयागे चलने पानभोजनकालयोः ॥

अतिस्त्रिभान् व्यतिस्त्रिभान्निहतान् प्रतनूकृतान् ।

अतिस्त्रिभान् कृतारभान्पन्थासान् प्रतापितान् ॥

वह्निस्त्रान्पन्थासान् कृतवेष्मानुसारिणः ।

पारस्पर्यगतौ द्वारे ये केचिदनुवर्तिनः ।

परिचर्यापरीदारो ये च केचन वृत्तिमानः ॥

Kautilya<sup>1</sup> the arch-apostle of expediency would permit emigration and immigration in times of war but Sukracharyya the ruthless advocate of the doctrine of state-necessity would extend enemy character to many persons enjoying immunity according to the Mahabharata.

From a passage in Kautilya's Arthashastra, it appears that belligerency did not put a stop to commercial intercourse, *ipso facto*, but if the king considered import of enemy's merchandise detrimental to the interests of his country then he could put a stop to such commercial intercourse :

तस्य प्रकृतयो दुर्भिक्षोपहता मामिच्छन्ति ; .....तं मे प्रकृतयो न गमिच्छन्ति ; विगृह्य चास्य धान्यपशुहिरण्यान्याहरिष्यामि ; स्वपशोपघ्नानोनि वा परपश्यानि निवर्त्तयिष्यामि ; परवणिक्पथाद्वा सारवन्ति मामिच्छन्ति.....इति परवृद्धिप्रतिघातार्थं प्रतापार्थं च विगृह्यासीत् ॥”

The above conclusions are also confirmed by the evidence of foreigners. Thus says Megasthenes :

“Whereas among other nations, it is usual in contests of war, to ravage the soil, and then to reduce it to an uncultivated waste, among the Indians on the other hand *by whom husbandmen are regarded as a class that is sacred and inviolable*, the tillers of the soil even when battle is raging in their neighbourhood are undisturbed by any sense of danger, for the combatants on either side in waging the conflict make carnage of each other, but allow those engaged in husbandry to remain quite unmolested. Besides they neither ravage an enemy's land with fire nor cut down its trees.”<sup>3</sup> The same thing has been repeated by Diodoros Sekulos:<sup>4</sup> “Among the

<sup>1</sup> Arthashastra, VII., 1 : “परोपहृतो वाऽस्य जनपदो नामागमिच्छति:”

<sup>2</sup> *Ibid.*,<sup>1</sup>

<sup>3</sup> *Ibid.*, VII., 4.

<sup>4</sup> Megasthenes, Frag. 1.

<sup>5</sup> The Historical Library of Diodoros Sekulos, II., iii., 73.

ancient Hindus the armies on both sides slaughter one another, yet they never hurt the husbandman, as one who is a servant for their common good and advantage of them all; neither do they burn their enemies' country, or cut down their trees or plants." Thus Yuan Chwang also bears ample testimony to the humanity of Indian warfare—"Petty rivalries and wars are not unfréquent," says he, "but they do little harm to the country at large."<sup>1</sup>

Thus, the ancient Hindus clearly understood the modern international term, "enemy character." Kautilya was however obsessed with the idea of "*la gloire*" and he therefore extended the significance of "enemy character" even to such kings of the "Mandala or the circle of states, whose territories were contiguous to the dominions of the Vijigisu. Thus, Kautilya was guided by the "distance" theory of enmity, but he recognised also the enemy who created disturbances.

भूम्यन्तरं प्रकृतिमित्रः तुल्याभिजनः सहजः। विरुद्धो विरोधयिता वा कृत्रिमः।<sup>2</sup>

भूम्येकान्तरं प्रकृतिमित्रं मातापितृसम्बन्धं सहजं ; धनजीवितं हेतोरश्रितं कृत्रिममिति ।

Likewise friends were divided into (1) natural friends and (2) acquired friends.

Sukracharyya extended further the significance of enemy character. Gautama<sup>3</sup> recommended that persons who acted as messengers and those who declared themselves 'cows and Brahmans' should share the immunities of other combatants wounded, or disabled, but Sukracharyya would not grant immunity to anybody who could bear arms. Thus, says he, "a Brahman does not incur sin

<sup>1</sup> Beal, Vol. II.

<sup>2</sup> Arthashastra, VI., 2.

<sup>3</sup> Gautama, X., 18.

even if he fights with arms and weapons in his hands and there is absolutely no sin in killing a man with a murderous intent." A Brahman who appeared with a murderous intent lost all the privileges of his caste. He became as good as a Sudra and the ordinary treatment of a belligerent was meted out to a Brahman fighting obstinately with arms in his hands in a field of battle.<sup>1</sup>

आततायित्वमापन्नो ब्राह्मणः शूद्रवत् स्मृतः ।

नाततायिवधे दोषो हन्तुर्भवति कश्चन ॥

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उद्यतेषुमथो दृष्ट्वा ब्राह्मणं क्षत्रवन्भुवत् ।

यो हन्यात् समरे क्रुद्धं युद्धन्तमपलायितम् ।

ब्रह्महत्या न तस्य स्यादिति धर्मेषु निश्चयः ॥

Even an infant could become tainted if it came upon a man with arms and it might with impunity be killed.

उद्यम्य शस्त्रमायात्तं भ्रुणमप्याततायिनम् ।

निहत्य भ्रूणहा न स्यादहत्वा भ्रूणहा भवेत् ॥<sup>2</sup>

The ancient Hindus were not merely satisfied with laying down injunctions of religion for the

<sup>1</sup> Sukra, IV., vii., 325-28 :

The Brahmins therefore formed a fighting caste as is also testified to by Kautilya although he does not put much faith in the invincibility or the invulnerability of the Brahman army.

“ब्राह्मणक्षत्रियवैश्यशूद्रसैन्यानां तेजःप्राधान्यात् पूर्वं पूर्वं श्रेयः सद्ब्राह्मण्यितम्” इत्याचार्याः ।  
नेति कौटिल्यः—प्रणिपातेन ब्राह्मणस्य परोऽभिहारयेत् । प्रहरणं विद्याविनीतं तु क्षत्रियस्य श्रेयः ;  
बहुलस्यारं वा वैश्यशूद्रवलमिति—A. S., IX., 2.

Cf. also Sukra, IV., vii., 332-33 :

सुदृढं च यदा क्षत्रं नाशयेयुत् ब्राह्मणाः ।

युद्धं क्त्वापि शस्त्रास्त्रैर्न तदा पापभागिनः ॥

हीनं यदा क्षत्रकुलं नीचैर्लोकः प्रपीड्यते ।

तदापि ब्राह्मणा युद्धे नाशयेयुस्त तान् द्रुतम् ॥

<sup>2</sup> Sukra, IV., vii., 326.

guidance of the army: nor was their consciousness for the sanctity of long-standing usage relied on, but elaborate rules were framed for keeping the soldiery strictly under control. Thus they were to be regularly inspected by the king<sup>1</sup> and properly officered.<sup>2</sup> The troops were to keep the arms, weapons and uniforms quite bright and ready for use.<sup>3</sup> They were held responsible for food, water and vessels in which food might be cooked.<sup>4</sup> They were subjected to daily parades<sup>5</sup> and arrangements were made for roll call<sup>6</sup> every morning and evening. All these salutary provisions increased the efficiency of the army and elaborate rules were laid down by which its treatment of the civilian population was vastly improved. Soldiers were liable to be punished by martial law if they criticised their commanders or if they maintained 'illicit connexion with evil-doers and enemies.'

स्वाधिकारिगणस्यापि ह्यपराधं दिशन्तु नः ।

मित्रभावेन वर्त्तध्वं स्वामिक्त्ये सदाखिलैः ॥<sup>7</sup>

असत्कर्त्तृश्रितं सैन्यं नाशयेच्छतुयोगतः<sup>7</sup> Soldiers were required to forsake violence, rivalry, procrastination over state-duties, indifference to injuries of the king, conversation as well as friendship with enemies. They had to take a vow of enforcing the observance of these rules and they meted

<sup>1</sup> Arthasastra, I., 17 ; cf. also Kam., XV., 48.

<sup>2</sup> *Ibid.*, II., 4. हन्यश्चरथपादातमनेकमुख्यमवस्थापयेत् । 'Elephants, cavalry, chariots and infantry shall be officered with many chiefs.'

<sup>3</sup> सुञ्जलानि च रञ्जन्तु शस्त्रास्त्रवसनानि च ।—Sukra, IV., vii., 385.

<sup>4</sup> अन्नं जलं प्रस्थमातं पातं वहन्नसाधकम् ॥

<sup>5</sup> सैनिकैरभ्यसेन्नित्यं व्युहाद्यनुकृतिं शयः ।—*Ibid.*

<sup>6</sup> सायं प्रातः सैनिकानां कुर्यात् सङ्गणनं शयः । आत्यक्तित्वयोर्दिशयामन्वसान् विशश्य च । कालं शयवधिं देयं दध्मं शयस्य लेखयेत् ॥

<sup>7</sup> *Ibid.*, IV., vii., 391.

out death to those who violated them. (शासनादन्यथाचारान् विनीश्यामि यमालयम्)

चण्डत्वमाततायित्वं राजकार्ये विलम्बनम् ।

अनिष्टोपेक्षणं राज्ञः स्वधर्मपरिवर्जनम् ।

त्यजन्तु सैनिकं नित्यं सत्त्वापमपि वा परैः ॥<sup>2</sup>

The ancient Indian kings did not follow the policy of war supporting the army and ample provision was made for paying off the salaries of the soldiers regularly. Thus full pay was to be granted to those who were trained soldiers and half pay was to be given to those who were under military training.

सैनिकाः शिचिता ये ये तेषु पूर्णा भृतिः स्मृता ।

व्युहाभ्यासि नित्यक्ता ये तेष्वर्द्धां भृतिमावहेत् ॥<sup>3</sup>

The soldiers were to give receipts in full satisfaction to the king in a form specifying wages.

कति दत्तं हि भृत्येभ्यो वेतनं पारितोषिकम् ।

तत्प्राप्तिपत्रं मृच्छीयाद्दद्याद्देतनपत्रकम् ॥<sup>4</sup>

The troops were stationed near the village but outside it. Soldiers were required to make cash payments for articles bought and they were not allowed to enter the village without a royal "permit."

ग्रामादहिः समीपे तु सैनिकान् धारयेत् सदा ।

ग्राम्य सैनिकयोर्न स्यादुत्तमर्णाधमर्णता ॥<sup>5</sup>

\* \* \* \* \*

नृपाज्ञया विना ग्रामं न विशेयुः कदाचन ॥<sup>6</sup>

<sup>1</sup> Arthashastra, IV., vii., 386.

<sup>2</sup> Ibid, IV., vii., 382-83.

<sup>3</sup> Sukra, IV., vii., 390.

<sup>4</sup> Ibid, IV., vii., 389.

<sup>5</sup> Ibid, IV., vii., 379.

<sup>6</sup> Ibid, IV., vii., 383.

All these rules inculcated by the military codes of Indian antiquity remind us of the modern days of disciplined barrack life : all these rules taught the soldier to respect law and order and to be particularly dutiful towards inopcent villagers ; while a liberal scale of pay diminished their rapacity for pillage and booty. These rules did not have their permanent ' habitation ' in military codes alone but were communicated to the soldiers every eighth day (" संशासयेत् स्वनियमान् सैनिकानष्टमे दिने ").<sup>1</sup>

It has been observed before, that the ancient Hindus understood the distinction between combatants and non-combatants fully well and laws of war gave various kinds of protection to combatants. Thus, it was one of the paramount duties of the soldiery to give QUARTER to enemy persons. Thus says the Mahabharata :

तेषां च भूमिं रक्षेयुर्भग्नान्नात्यनुसारयेत् ।  
 पुनरावर्त्तमानानां निराशानां च जीविते ॥  
 वेगः सुदुःसहो राजंस्तस्मान्नात्यनुसारयेत् ।  
 न हि प्रहर्त्तुमिच्छन्ति शूराः प्रद्रवतो भयात् ॥  
 " तस्मात्पलायमानानां कूर्यान्नत्यनुसारणम् "

" The victor should protect the land newly conquered, from acts of aggression. He should not cause his troops to pursue too much the routed foe. The onset is irresistible of persons that rally after rout and that despairing of safety, assail their pursuers. For this reason,

<sup>1</sup> Sukra, IV., vii., 387.

<sup>2</sup> Mahabharata, Santi-Raj, XCIX., 12-14 :

प्रसुप्तान्दृष्टिमान्शयानान् प्रकीर्णान्नाभिघातयेत् ।  
 सोऽपि प्रयाणे चलने पानभोजनकालधीः ॥  
 अतिस्निमान्प्रतिस्निमान्निहतान् प्रतनूकृतान् ।  
 अविस्त्रयान्कृतारम्भानुपन्यासात्प्रतापितान् ।  
 वह्निशरानुपन्यासान् क्रतवेऽशानुसारिणः ।  
 पारस्पर्यागतं द्वारं ये केचिदनुवर्त्तिनः ।  
 परिचर्यापरीद्वारी ये च केचन वल्गिनः ।

O, King, thou shouldst not cause thy troops to pursue too much the routed foe. Warriors of courage do not wish to strike them that run away with speed."

Thus Bhishma urges two reasons contradictory in their very nature against the irresistible desire of a victorious army to extirpate its vanquished foe—the one is in accord with a sage counsel of military necessity, while the other is dictated by humanity.

So Bhishma lays down rules according to which *quarter* should be given to the following classes of persons:

- (1) those that are asleep;
- (2) those that are thirsty or fatigued;
- (3) those whose accoutrements have fallen away;
- (4) those who have set their heart on final emancipation;
- (5) those that are flying away;
- (6) those that are walking along a road;
- (7) those that are engaged in drinking and eating;
- (8) those that are mad or insane;
- (9) those that have been wounded mortally;
- (10) those that have been exceedingly weakened by their wounds;
- (11) those that are staying 'trustfully';
- (12) those that have begun any work without being able to complete it (referring to sacrifices probably);
- (13) those that are skilled in some special art;
- (14) those that are in grief;
- (15) those who go out of the camp for procuring forage or fodder;
- (16) those who set up camps or who are camp followers; and lastly
- (17) those who do menial services, and who are the chiefs of such servants."



It is clear from the above list that excepting persons wounded, camp followers, and 'those who have lost their coat of mail' all other persons are non-combatants.

Civilised warfare of modern times does not show the least quarter to some of these persons as well as to those who take to flight unless they actually surrender themselves. In the list of persons given by Manu to whom quarter should be shown, as well as in the list furnished by Sukracharyya, quarter has been recommended to one who joins the palms of his hands in supplication, to one who flees with dishevelled hair and to one who sits down (as a sign of surrender) or to one who says, "I am thine."

.....न कृताञ्जलिं  
न मुक्तकेशं नासीनं न तवास्मीति वादिनम् ।<sup>1</sup>

Sukracharyya, an exponent of the principle of expediency, recommended the extirpation of foes when beset with dangers and difficulties, when they are done up with hunger and thirst, when they are oppressed by disease,

<sup>1</sup> Manu, VII., 91-93.

न च हन्यात् स्थलारूढं न क्लीवं न कृताञ्जलिम् ।  
न मुक्तकेशं नासीनं न तवास्मीति वादिनम् ॥  
न सुप्तं न विसन्नाहं न नद्यं न निरायुधम् ।  
नायुध्यमानं पश्यन्तं न परिणं समागतम् ॥  
नायुधव्यसनप्राप्तं नाचं नातिपरौचितम् ।  
न भीतं न पराहतं सतां धर्ममनुष्मरन् ॥

Cf. also Sukra, IV., vii., 354-59.

न ज्ञ हन्यात् स्थलारूढं न क्लीवं न कृताञ्जलिम् ।  
न मुक्तकेशमासीनं न तवास्मीति वादिनम् ॥  
न सुप्तं न विसन्नाहं न नद्यं न निरायुधम् ।  
नायुध्यमानं पश्यन्तं युद्धमानं परिणं च ॥  
पिवन्तं न च भुञ्जानमन्धकार्याकुलं न च ।  
न भीतं न पराहतं सतां धर्ममनुष्मरन् ॥  
इहो वालो न हन्तव्यो नैव स्त्री केवलो यपः ।  
यथायुग्यं तु संयोज्य निद्रैश्च धर्मो न हीयते ।  
धर्मयुद्धं तु कृटे वै न सन्ति नियमा अमी ॥

famine, or when they are asleep or engaged in taking food, etc., but he never denied quarter to persons who actually surrendered.<sup>1</sup>

It is evident from the passages quoted above, that the wounded were not killed nor were they left to die. From a passage in the Agni Purana we learn that one of the duties of infantry soldiers was to carry the dead and the wounded from the battlefield to a place of safety; the car-warriors, on the other hand helped to carry the wounded from a distance.<sup>2</sup>

*Prisoners of war in ancient India were treated with humanity.* Early custom gave the absolute right of life and death over the person of the vanquished. From a passage in Josephus we learn that Ptolemy Luthyrus overran the territory of Judea, strangled Jewish women and children, and boiled them in cauldrons, thus securing for his country a reputation for cannibalism.<sup>3</sup> Slavery was a mitigation to the lot of prisoners. Justinian's legal conscience was satisfied when he declared slavery a merciful relaxation of the strict rules of warfare which gave the victor a right over the lives of his captives.<sup>4</sup> An enlightened writer like Grotius<sup>5</sup> contented himself simply by advising Christians to remain satisfied with ransom. Even so late

<sup>1</sup> Sukra, IV., vii., 345:

दीर्घाध्वनि परिश्रान्तं क्षुत्पिपासाहितश्रमम् ।  
 व्याधिदूर्भिक्षकरकैः पीडितं दस्राविद्रुतम् ॥  
 पङ्कपांशुजलस्कन्धं व्यस्तं श्वासातुरं तथा ।  
 प्रसूतं भोजने व्ययमभयिष्ठमसंस्थितम् ॥  
 चौराग्निभयवित्रस्तं वृष्टिवातसमाहृतम् ।  
 एवमादिषु जातेषु व्यसनैश्च समाकुलम् ।  
 ससैन्यं साधु वक्षेत् परसैन्यं विनाशये ॥

<sup>2</sup> Agni, CXXXVI., 44-48: Physicians and nurses took charge of the wounded.

*Vide infra.*

<sup>3</sup> Josephus: Antiq., XII., 10; XIII., 6.

<sup>4</sup> Justinian: Inst., I., iii., 3.

<sup>5</sup> Grotius: II., vii., 9.

as the Treaty of Versailles, we find England and France entering into an agreement for the ransom of mutual prisoners.

In Greece the person of the defeated enemy was considered to be at the mercy of the conqueror. From a legal point of view, there was but little difference between a slave *δουλος* and a prisoner of war, *αιχμαλωτος*. Humaner counsel however prevailed and we find constant protests against the sale of Hellenic prisoners of war to Hellenes in that period of criticism in Greece, *viz.*, the fourth century B.C. Thus Plato in his Republic strongly disapproves of the wanton destruction or enslavement of Hellenes to the people of the same race. In the *Heraclidae* of Euripides the struggle between custom and consciousness finds a tragic illustration when a prisoner was brought to ALEMENA and was told that he must suffer a miserable death, but objections were at once urged that such a practice would be contrary to the custom of the country :

ΑΓΓ οὐκ ἐστ' ἀνυστον τοῦδε σάϊ κατακταίνειν.

ΑΛ ἀλλῶς ἂν αὐτοῖν ἀιχμαλωτοῦ ἐίλομεν.

εἰργεὶ δὲ δὴ τις τοῦδε μὴ θανῆν νομῶς.

ΑΓΓ τοῖς τῆσδε χώρας προσταταῖσιν οὐ δοκεῖ.

ΑΛ τί δὴ τοῦδ' ; ἐχθροὺς τοῖσιδ' ὄν καλὸν καταίνειν.

ΑΓΓ οὐχ ὄντιν ἂν γέ ζῶνθ' ἐλωσῖν ἐν μάχῃ.

Grote bestows unstinted praise on Callicratidus, the Spartan Admiral because he declared that as long as he exercised the command no Greek would ever be reduced to slavery—*ἑαυτοῖν ἀρχόντος οὐδένα Ἑλλήνων εἰς τὸ ἐκείνου δύνου τὸν ἀνδραποδισθῆναι*. King AegislauS reminded his Spartan comrades that prisoners of war were men to be kept and not criminals to be punished : thus from out of this humane attitude sprang up the custom of ransom, mitigating the sufferings of those prisoners who could buy their liberty.

Roman treatment of prisoners was much milder than that of the 'refined' Hellenes. The Romans before they entered on a career of absorption and expansion resorted to the malpractices of the Greeks but later on they treated their prisoners well. After the fall of Carthage, 209 B.C., Scipio allowed Mago and all the other free-born Carthaginian citizens to get back home. On several occasions Caesar liberated his prisoners on condition of their not taking up arms again. The institution of ransom was recognised and prisoners were liberated at times without ransom. Thus Pyrrhus followed the custom of releasing prisoners of war without ransom.<sup>1</sup>

The Indian treatment of prisoners was perhaps much more humane than that of the Greeks and of the Romans.

It was almost a settled custom that no Aryya should be reduced to slavery. Thus says Kautilya:

स्नेच्छानामदोषः प्रजां विक्रेतुमाधातुं वा ।<sup>2</sup>  
न त्वेवार्यस्य दासभावः ॥

In the Vedic times, however, the Dasyus or the aborigines, if taken prisoners were reduced to slavery. Thus

Euri : Heraclid, 965 et ffq.

- Mess. Is it not possible for you to put him to death ?  
 Alc. In vain then have we taken him prisoner.  
 But what law hinders him from dying ?  
 Mess. It seems not well to the chiefs of the land.  
 Alc. What is this ? Not good to them to slay one's enemies ?  
 Mess. No, any one they have taken alive in battle.

tr. Philipson.

<sup>1</sup> Nec mi aurum posco, nec mi pretium dederitis ;  
 Nec componantes bellum ; sed belligerantes,  
 .....  
 Quorum virtuti belli fortuna pepercit,  
 Eorundem me libertati parcere certum est.

<sup>2</sup> Cic : Deoffic, I., 12.

<sup>3</sup> Arthasastra, III., 13.

the word *Dasa* has the sense of 'slave' in several passages of the Rigveda :

Not our own will betrayed us, but seduction,  
 thoughtlessness, Varuna! Wine, dice, anger.  
 The old is near to lead astray the younger :  
 even slumber leadeth men to evil-doing.  
 Slavelike may I, do service to the bounteous,  
 serve free from sin, the good inclined to anger.  
 This gentle lord gives wisdom to the simple :  
 the wiser god leads on the wise to the riches.<sup>1</sup>

But neither in the epic era nor in subsequent times do we find any claims advanced on the part of the victors to reduce their captives to slavery. On the contrary, we have the positive testimony of the Agni Purana which enjoined upon monarchs the duty of abstaining from making captives of war. At any rate, if prisoners were made, they were to be set at liberty immediately on the conclusion of peace :

"A king should treat a prisoner of war ransomed and liberated as his own begotten son. A defeated army should not be fought again.....The wives of a defeated king do not pass to the victor<sup>2</sup>  
 .....Of five means of appeasing the wrath of a stronger

<sup>1</sup> R. V., VII., 86, 7. Cf. also—

Yadu and Turva, too, have been two Dasas, well disposed to serve  
 Together with great store of kine.

Slavery in the Rigveda might be due to "wine, dice, gambling."—R. Y., X., 62, 10.

It is not the place here to trace the history of the institution of slavery in ancient India. Kautilya's Arthashastra deals with rules relating to slaves and corvée. The slavery in ancient India as depicted by the Arthashastra differed from Roman slavery in three things, (i) the slaves in ancient India were not Aryans whereas at Rome, slaves were frequently, though not invariably, of Roman or at any rate of Italian origin, (ii) the Indian slave had not only the protection of religion but also the (iii) protection of law. Thus, violation of a female slave against her will led to punishment. Kautilya lays down general rules for masters in Chapter I, Book II, according to which those who did not treat their slaves (*dasas*), hired serfs (*Ahitakas*), and relatives well were to be taught their duty.

<sup>2</sup> Agni, CCXXXVI., 61-65.

adversary by gifts, the fifth one is setting at liberty prisoners captured in war."<sup>1</sup>

The humane treatment recommended by Kautilya and Sukracharyya to enemy person and enemy property in a country conquered or under belligerent occupation leaves no room for doubt that even if prisoners were made in ancient Indian warfare, they were very liberally treated and neither wholesale extirpation nor wholesale reduction to slavery was their lot; on the contrary they were rarely ransomed and frequently liberated.

*Certain means of destroying combatants were also forbidden.* This will be treated in the next Chapter.

With regard to enemy property, the evidence of the Greek writers<sup>2</sup> conclusively proves that wholesale destruction or ravaging of the enemy's property was not the general practice in ancient Indian warfare. The question of *booty* however raises some difficulty. It appears, however, that the king took a share of the booty in the Vedic age. The word *Udaja* with its variant *Niraja*<sup>3</sup> has been used to denote the share of the booty taken by the king after victory (संग्रामजिता). According to Manu Samhita, "chariots and horses, elephants, parasols, money, grain, cattle, women, all sorts of goods and valueless metals belong to him who takes them conquering (the possessor)." The Vedas enjoin upon the soldier who takes such booty, the duty of going into shares with the king and his comrades.

रथाश्वं हस्तिनं कर्तुं धनं धान्यं पशून्स्त्रियः ।

सर्व्वद्रव्याणि कुप्यन्त यो धञ्जयति तस्य तत् ॥

राजस्यदयुरुद्धारमित्येषा वैदिकीश्रुतिः ।

राज्ञाच्चसर्व्वयोधेभ्योदातव्यमपृथग्जितम् ॥<sup>4</sup>

<sup>1</sup> Agni, CCXL., 15-18.

<sup>2</sup> Vide ante.

<sup>3</sup> Maitrayani Samhita, for instance I., 10, 16; IV., 3, 1.

<sup>4</sup> Manu, VII., 96-97.

According to Sukracharyya, silver, gold and other kinds of booty belonged to him who won the same. The king was also to satisfy the troops by "giving them those things with pleasure according to the labour undergone" :

रुप्यं हिम च कुप्यञ्च यो यज्जयति तस्य तत् ।

दद्यात् कार्यानुरूपञ्च हृष्टो योधान् प्रकर्षयन् ॥<sup>1</sup>

These two passages would lead to the conclusion that the soldiery were given up to unbridled plunder and the king was a sharer in that plunder. Probably the passage in Manu Samhita, referred to the practice of the victors during the Vedic age, because it specifically referred to a passage in the Vedic literature according to which not merely gold and silver, *i.e.*, the personal belongings of soldiers slain on the battlefield, but also "money," "grain," "cattle," "women" would belong to the captor. Sukracharyya in the second passage quoted above, does not specifically refer to "money," "grain," "cattle" or "women" but goes further and observes that the king should protect the people of a conquered country like his own children and should realise "revenue" from a portion of the territory or the whole.

विजित्य च रिपून्निवं समाद्रुद्यात् करं तथा ।

राज्यांशं वा सर्व्वं राज्यं नन्दयेत् ततः प्रजाः ॥

\* \* \* \*

तत् प्रजाः पुत्रवत् सर्ब्वाः पालयीतात्मसात्कृताः ।<sup>2</sup>

This passage coupled with Kautilya's recommendations for the administration of a newly conquered territory<sup>3</sup> as well as the injunctions laid down by Bhishma<sup>4</sup> as relating to "the maidens captured from the enemy's

<sup>1</sup> Sukra, IV., vii., 372.

<sup>2</sup> *Ibid.*, 373-74.

<sup>3</sup> Arthasastra.

<sup>4</sup> Santi-Raj., XCVI.

country, the wealth or the kine," lead us on to the inevitable conclusion that the system of taking booty was allowed although organised plunder was never permitted excepting perhaps in a *Kutajuddha* with the wild tribes of the forest named अटवीबल by Kautilya <sup>1</sup>:

तेषां कुप्यभृतममित्राटवीबलं विलोपभृतं वा कुर्यात् ।

Inhabitants of captured towns have at all times met with a sad fate. We need not go to the blood-curdling tales of the sack of Elam, the erasure of Babylonia and the destruction of Nineveh: Greece and Rome furnish us with many examples of inhumanity practised in ancient warfare. Thus, towns taken by storm in ancient Greece were liable to destruction—the men of military age were put to the sword, while the other citizens were reduced to slavery and general plunder followed. Roman practice was less barbarous but Polybius <sup>2</sup> held that the sacking of dwelling houses, the seizure of corn and other provisions, the setting fire to much property, the carrying off of the valuable dedicated arms of the porticoes and the destruction of the rest—all this was right and fair by the laws of war. The sack of Magdeburg in the Thirty Years' War rankled in the minds of men for a long time and demonstrated the necessity for International Law. Even so late as the year 1900, the murder of Blagoveschensk benumbed many a modern publicist.

Humanity in ancient India triumphed over the desire of revenge and according to Kautilya the territory of the conquered enemy should be kept so peacefully that all people might sleep without any fear: कर्शनपूर्वं पर्यपासनं कर्तव्यं । जनपदं यथानिविष्टमभयं स्वापयेत् ।<sup>3</sup> A great exponent of the

<sup>1</sup> Arthasastra, IX, 2.

<sup>2</sup> Polybius, V., 9.

<sup>3</sup> Arthasastra, 13, 4.

Cf. Liv., I, 38: Deditosque Collatinos ita accipio carique deditiois formulam esse: rex interrogavit "estisne vos legati oratoresque missi a populo conlatino, ut vos



principle of expediency like Kautilya not only counsels moderation but even urges kings not to use inflammatory and combustible powder when a fort can be captured by other means for, says he, "fire cannot be trusted; it not only offends gods, but also destroys the people, grains, cattle, gold, raw materials and the like." Then his utilitarianism rises up along with his humanity and he urges a further reason against reduction of forts by fire, etc.— "because the acquisition of a fort with its property all destroyed, is a source of further loss."

न त्वेव विद्यमाने पराक्रमेऽग्निमवसृजेत् । अविश्वास्यो ह्यग्निः  
दैवपीडनंच ॥ अप्रतिसङ्घातप्राणिधान्यपशुहिरण्यकुप्यद्रव्यचयकरः । क्षीण-  
निचयं चावाप्तमपि राज्यं क्षयायैव भवति ॥<sup>1</sup>

As in the cases of Greece and Rome, belligerent occupation in ancient India, formed one of the means of acquiring property. War, according to Aristotle was a natural means of acquiring property—*διο και η πολεμικη φυσικη τητικη πο εσται..... Occupatio bellica*, similarly in the case of the Romans was for a very long time considered one of the modes of acquiring property. The same view was adopted also by Kautilya:

द्विविधाश्च लम्भः—नवो, भूतपूर्वः, पित्रा इति ।<sup>2</sup>

The conqueror occupying an enemy's territory invariably followed the imperial policy of Rome so eloquently sung by Virgil in the following famous lines:—

Tu regera império populos, Romane, memento ;  
Hæ tibi erunt artes, pacisque imponere morem,  
Parcera subjectis, et debellare superbos.

populumque dederetis? "Sumus." "estne populus colatinus in sua potestate? "est." deditisne vos populumque colatinum urbem agros, aquam, terminos, delubra, utensilia, divina humanaque omnia in meam populique Romani dicionem?" "dedimus" "at ego recipio."

<sup>1</sup> Arthasastra, XIII., 4.

<sup>2</sup> *Ibid.*, XIII., 5.

The ancient Hindus recognised war as a necessary evil and as soon as the blasts of war had blown away and 'dovelike peace returned' a conqueror never failed to follow the principle of conciliation. Thus says the Mahabharata:<sup>1</sup> "if a hostile king be vanquished by the troops of the invader, the latter should not himself fight his vanquished foe. On the other hand, he should bring him to his palace, and persuade him to stay for a whole year.—'I am thy slave'—whether he says or does not say this, the vanquished foe by living for a year in the house of his victor gains a new lease of life. If a king succeeds in bringing by force a maiden from the house of his vanquished foe, he should keep her for a year and ask her whether she would wed him or any one else. If she does not agree, she should then be sent back. He should behave similarly in respect of all other kinds of wealth that are acquired by force. The king should never appropriate the wealth confiscated from the thieves and others awaiting execution..... The kine taken from the enemy by force should be given away to the Brahmans. The bulls taken away from the enemy should be set to agricultural work or be sent to the enemy." According to Sukracharyya, the victorious king should first protect the people as his children, collect revenue from them, grant a portion of the revenue for the maintenance of the vanquished king and his family and he

<sup>1</sup> Mahabharata: Santi-Raj, XCVI., 3-6. Pratap Ray's translation.

बलेन विजितो यश्च न तं वृष्येत भूमिपः ।

संवत्सरं विप्रणयेत्सन्धाञ्जातः पुनर्भवेत् ॥

नार्वाक्सं वत्सरात्कन्या प्रष्टव्या विक्रमाहता ।

एवमेव धनं सर्व्वं यच्चान्यत्सहसा हतम् ॥

न तु वध्ये धनं तिलित् पिवियुर्वाङ्गणाः पयः ।

युञ्जीरन्नप्यन्धुः कृन्तव्यं वा पुनर्भवेत् ॥

Cf. also Agni, CCVXXVI., 22-26.

should then enjoy the remainder of the income.<sup>1</sup> The soldiery must remain outside the village and should not be permitted to enter the village without a royal permit and should on no account oppress the villagers.<sup>2</sup> Not simply that—military rule was not to be followed as Sukracharyya definitely lays it down that soldiers should not be appointed to any other work besides warfare “युद्धक्रियां विना सैन्यं योजयेन्नान्य कर्मणि” and villagers were not to come into daily contact with the soldiery.

Kautilya's Arthashastra throws a flood of light on the international consciousness of his age when he imposes the strictest injunctions upon a conquering hero not to covet the land, things and sons, or the wives of the king slain by him : on the contrary, he should re-instate in their own estates the relatives of the kings slain. The throne should also be preserved in the dynasty. If a king does not follow these precepts then he runs certain risk of exciting the displeasure of the 'circle of states' which is sure to rise up in arms against him. The passage of Kautilya is so full of wisdom and so “redolent of international odour” that it deserves to be quoted in full :

न च हतस्य भूमिद्रव्यपुत्रदारानभिमन्येत । कुलानप्यस्य स्वेषु पात्रेषु स्थापयेत् । कर्मणि हतस्य पुत्रं राज्ये स्थापयेत् । एवमस्य दण्डोपनताः पुत्रपौत्राननुवर्त्तन्ते । यस्तूपनतान् हत्वा वध्वा वा भूमिद्रव्य-पुत्रदारानभिमन्येत, तस्योद्भिन्नं मण्डलं भ्रभावायोत्तिष्ठते ये चास्यामात्याः ।

<sup>1</sup> परराष्ट्रे हते दद्यात् भूतिं भिन्नावधिं तथा ।  
हतराज्यस्य पुत्रादीं सदगुणे पादसम्मितम् ।  
हतराज्यस्य निश्चितं कोशं भोगार्थमाहरेत् ॥  
\* \* \* \* \*

दद्यादहं तस्य पुत्रे स्त्रियै पादमितां किन् ।  
दद्याद्वा तद्राज्यतन्तुं ह्यतिशंशं प्रकल्पयेत् ॥

<sup>2</sup> श्रपकार्थं विना कश्चिन्न यामं सैनिको विशेत् ।  
तथा न पीडयेत् कुत्र कदापि यामवासिन्नः ॥  
सैनिकैर्न व्यवहरेन्निकृ' गम्य जनीऽपि वा ।

स्वभूमिष्वायुक्तांस्ते त्वास्वोद्दिग्ना मण्डलमाश्रयन्ते । स्वयं राज्यं प्राणान्  
वा स्वाभिमन्यन्ते ।<sup>1</sup>

स्वभूमिषु च राजानः तस्मात्साम्राज्यनुपालिताः ।

भवन्त्यनुगुणा राज्ञः पुत्रपौत्रानुवर्तिनः ॥

Actuated by motives of perpetuating dynastic rule, Kautilya, the moral prop of the vast Maurya Empire, rises to a higher conception of imperialism in his chapter on लब्धप्रशमनम् and lays down rules of administration for a conqueror whose mission it should be to "subjugate the haughty," "to impose the custom of peace" and to lead nations on to a straightforward path of progress. Retain those customs of the vanquished which appear to you good, remove those which are bad, honour their language, customs and manners, reward the learned and the orators, heal the scars of war by releasing prisoners; and please your subjects by remission of taxes—this was the advice given to the Vijigisu by Kautilya—this was the policy followed by the Romans in framing their *pax Romana*; the same policy has also been consistently followed by the British in laying down the foundation-stone of the *pax Britannica*. Deviation from this policy of consolidation and conciliation after conquest spelt the ruin of the Roman Empire and will inevitably lead to the ruin of every empire of the present or of the future. Thus says Kautilya :

नवमवाप्य लभ्यं परदोषान् स्वगुणैच्छादयेत् । गुणान् गुणहेतुगुण्येन  
स्वधर्मैककर्मानुग्रहपरिहारदानमानकर्मभिश्च प्रकृतिप्रियहिंसान्यनुवर्त्तते !  
यथासम्भाषितं च कृत्यपत्तमुपग्राहयेत् । भूयश्च कृतप्रवासम् । अविज्ञा-  
स्योहि विसंवादकःस्वेषां परेषां च भवति ; प्रकृतिविरुद्धाचारश्च ।  
तस्मात्समानशीलवेषभाषाचारतामुपगच्छेत् । देशदैवतसमाजोत्सव-  
विहारिषु च भक्तिमनुवर्त्तते । देशग्रामजातिबंधमुख्येषु चाभीच्छां

<sup>1</sup> Arthasastra, VI., 16.

सचिणः परस्यापचारं दर्शयेत् । माहाभाग्यं भक्तिं च तेषु स्वामिनः स्वामिसत्कारं च विद्यमानम् । उचितैश्चैतान् भोगपरिहाररत्नरत्नवेक्षणैः भुञ्जीत सर्वत्रात्मपूजनं च विद्यावाक्यधर्मशुश्रूषाणां च भूमिद्रव्यदानपरिहारान् कारयेत् । सर्व्ववन्धनमोक्षणमनुग्रहं दीनानाथव्याधितानां च । षातुर्मास्येवधर्मासिकसघातं पौर्णमासीषु च चातुरात्रिकं ; राजदेशनक्षत्रेष्वेकरात्रिकं ; योनिवालवधं पुंसत्वोपघातं च प्रतिषेधयेत् । यच्च कोशदण्डोपघातिकमधर्म्मिष्टं वा चरित्रं मन्येत, तदपनीय धर्मव्यवहारं स्थापयेत् । चौरपक्षतोनां क्लेष्कजातोनां च स्थानविपर्यासमनेकस्थं कारयेत् । दुर्गराष्ट्रदण्डसुख्यानां च परोपष्टहीतानां च मन्त्रिपुरोहितानां परस्य प्रत्यन्तेष्वनेकस्थं वासं कारयेत् । अपकार समर्थाननुचिन्तयेत् वा भर्तुर्विनाशसुषांशुदण्डेन प्रशमयेत् । स्वदेशीयान्था परेण वाऽवरुद्धानपघाहित स्थानेषु स्थापयेत् । यच्च तत्कुलीनः प्रत्यादेयमादातुः शक्तैः प्रत्यन्ताटवीस्थोवा प्रवाधितुमभिजातः ; तस्मै विगुणां भूमिं प्रगृच्छेत् ; गुणवत्याश्चतुर्भागं वा कोशदण्डदण्डदानमवस्थाय यदपुकुर्ब्बाणः पौरजानपदान् कोपयेत् ; कुपितैस्त्रैरुनं घातयेत् । प्रकृतिभिरूपकष्टमपनयेत् । औपघातिके वा देशे निवेशयेदिति । भूतपूर्व्व—येन दोषिणापहृत्तः, तं प्रकृतिदोषं हृत्तयेत् । येन च गुणेनोपाहृत्तः, तं तोत्रीकुर्व्यादिति ।

पितृये—पितृदोषां हृत्तयेत् । गुणांश्च प्रकाशयेदिति ।  
चरित्रमहानं धर्मं कृतं चान्यैः प्रवर्त्तयेत् ।  
प्रवर्त्तयेन्न चाधर्मं कृतं चान्यैर्निवर्त्तयेत् ॥

## CHAPTER IX

THE AGENTS, INSTRUMENTS AND THE METHODS  
OF WARFARE

The agents employed by a state in ancient Indian warfare were twofold: (i) the armed forces of the state and (ii) the spies. Besides these, wild tribes were frequently employed either to fight the wild tribes similarly used by the enemy, or to harass the march and progress of the enemy in the rear. The armed forces of the state, it has been observed before,<sup>1</sup> were under strict military discipline. They carried arms openly,<sup>2</sup> and were under the orders of officers<sup>3</sup> and carried flags, ensigns<sup>4</sup> and wore distinctive uniforms.<sup>5</sup> According to Kautilya, for every ten members of each of the constituents of the army there must be one commander called *padika*; ten *padikas* were placed under a *Senapati* and ten *Senapatis* were placed under the command of a *Nayaka*.

“अङ्गदशकस्यैकः पतिः पदिकः ; पदिकदशकस्यैकः सेनापतिः, तद्दशकस्यैको नायक इति” ।

The armed forces of a state were divided into various classes according (i) to the degree of trust that could be imposed on each constituent part, and (ii) secondly according to the vehicle used by each.

<sup>1</sup> *Vide supra*.

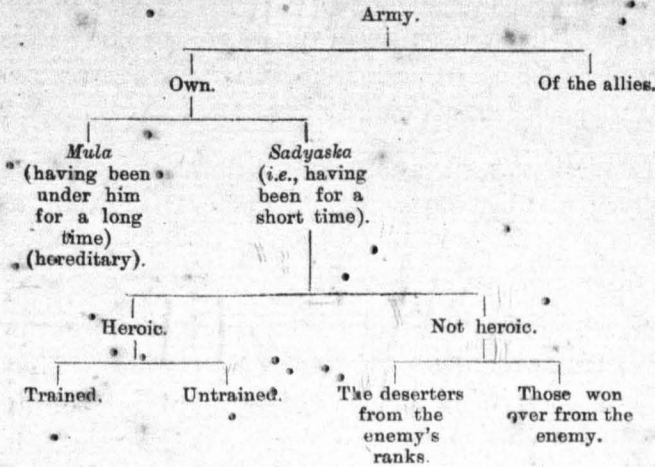
<sup>2</sup> “सर्वदिशकालशस्त्रवहनं”—A.S., X., 5.

<sup>3</sup> *Arthasastra*, X., 6.

<sup>4</sup> “स सूर्यघोषध्वजपताकानिः श्युहाङ्गनौ संस्थापयेत्”—A. S., X., 6.

<sup>5</sup> *Sukra*, IV., vii.

Thus, Sukracharyya lays down the following Table :—



Kautilya describes the various kinds of army thus :—

(i) *Maula* hereditary army ; (ii) hired army ; (iii) *Sreni* army ; (iv) friend's army ; (v) the army composed of wild tribes (or अटवीवल). The exact time of recruiting and employing each kind of army has been clearly set forth by Kautilya, but that chapter luminous in the art of warfare does not interest us vitally at this point. It is difficult to understand what the Arthasastras mean by "श्रेणीवल." They are obviously a corporation of soldiers but is the corporation a corporation subject to the control of the state itself? Or, does the corporation of soldiers form a band of condottieri as in the middle ages? If the latter, then the passage<sup>1</sup> in Kautilya's Arthasastra which urges the employment of the *Srenibala* when the enemy is desirous of carrying on treacherous fight becomes inexplicable. And yet it is almost certain that there existed corporations also within the state.<sup>2</sup> Kautilya does not seem to look with much favour on the chief of such a corporation and he recommends the

<sup>1</sup> "मौलधत्तश्रेणीमिवाटवीवलानामन्यतममलब्धदेशकालं"—A. S., VII., 8-9.

<sup>2</sup> "प्रभृतं मे श्रेणीवलं शक्यं मूलं यावायी चाचारुम" इति, "ऋषः प्रवासः श्रेणीवलप्रायः प्रतियोद्धा मुन्वव्यायामाभ्याम् प्रतियोद्धुक्ामो दखवलव्यवहारः" इति श्रेणीवलकालः—A. S., IX., 2.

adoption of various secret measures to discredit him in the estimation of his corporation and even to put an end to his life. Such an attitude of mind is only possible when the chief of a corporation ventures to become a sort of "*imperium in imperio*."

Sukracharya's list does not contain the name of अटवीवल or wild tribes. They do not appear to have been amenable to the rules of International Law for they hankered after plunder and had to be rewarded by raw produce. तेषां कुप्यभृतमभिन्नाटवीवलं विलोपभृतं वा कुर्यात्.<sup>1</sup> They do not seem to have been regarded as "regulars" of an army, and they performed the functions of "guerrilla troops" of the present times. They were engaged against wild tribes of a similar nature and for the purpose of harassing the rear of an enemy's army.

“मार्गदेशिकं परभूमियोग्यमरियुद्धप्रतिलोममटवीवलप्रायःशत्रुर्वा द्विजं  
विश्वेन हन्यतामल्पः प्रसारो हन्तव्यः” इत्यटवीवलकालः।<sup>2</sup>

Armies were also divided according to the nature of the *vehicle* used for warfare. There were thus four kinds of armies : infantry, car warriors, cavalry and elephant men. Besides these regular forces, there were separate companies of men and animals who were entrusted with the duties of supplying weapons and ammunition to the fighting lines from the stores in the rear and of removing the wounded from the lines. These formed what we now call the 'labour corps.' Thus says Kautilya :

शिविरमार्गसेतुकूपतीर्थशोधनकर्म्मधन्वायुधावरणोपकरणवासवहन मायो-  
धनाञ्च प्रहरणावरणप्रतिविहापनयनमिति विष्टिकर्म्माणि।<sup>3</sup>

“The examination of camps, roads, bridges, wells and rivers ; carrying the machines, weapons, armours, instruments and provisions ;

<sup>1</sup> Cf. also जानपदमेकार्थोपगतं तुल्यसङ्घर्षमर्षसिद्धिमांश्च श्रेयोवलं मित्रवलाङ्घ्रयः.....

<sup>2</sup> A. S., IX., 2.

<sup>3</sup> Arthasastra, X., 4.



carrying away the men that are knocked down, along with their weapons and armours—these constitute the work of free-labourers.”

It has already been observed that specially humane treatment was accorded to the wounded. The army was generally followed by physicians and nurses. From a passage in Kautilya we learn, that some of these nurses were women :

“ Physicians with surgical instruments, machines, remedial oils and cloth in their hands ; and women with prepared food and beverage, should stand behind, uttering, encouraging words to fighting men ” :

चिकित्सकाः शस्त्रयन्त्रागदस्त्रैश्च वस्त्रहस्ताः स्त्रियश्चान्नपानरक्षिष्यपुरुषाणामुद्धर्षणीयाः पृष्ठवस्तिष्ठेयुः ।<sup>1</sup>

Thus, women-nurses alleviated the sufferings of the wounded and the dying, at least two thousand years before Europe had organised her “ Red-Cross ” societies.

The army employed a very large number of spies. They were the “ eyes and ears ” of the king.<sup>2</sup> He was to look through their eyes, for says Kamandaka, “ he that does not look through their eyes, stumbles down, out of ignorance, even on level grounds for he is said to be blind.”

चारचक्षुर्नरेन्द्रः स्यात्सम्पत्केन भूयसा ।

अनेनासम्पत्तन्मौढ्यात्पतत्यन्वः समेऽपि हि ॥<sup>3</sup>

They have been compared to the sun in energy and to the wind in movements, and the qualifications required of them were of an exacting character<sup>4</sup> : They must have been persons skilled in the interpretation of internal sentiments by conjecture and by external

<sup>1</sup> Arthashastra, X., 3.

<sup>2</sup> Kam., XII., 27.

<sup>3</sup> Ibid., XII., 30.

<sup>4</sup> Ibid., XII., 28.

gestures, accurate of memory, polite and soft in speech, agile in movements, capable of bearing up with all sorts of privations and difficulties, ready-witted, and expert in everything.

तर्कहितन्नः स्मृतिमान्मृदुर्लघूपरिक्रमः ।

लेश्याससहो दक्षश्चरः स्वात् प्रतिपत्तिमान् ॥<sup>1</sup>

As already observed, they had to serve their period of apprenticeship in an institute for espionage whose rules were very strict and which did not allow spies to know each other. Spies were employed not simply to gain information or to watch the movements of the enemy but also for the purposes of sowing dissension, for capturing the enemy's fort, country or camp with the aid of "weapons" "poison," or "fire," for the purposes of most brutal assassinations of kings,<sup>2</sup> chiefs of the army, leading citizens, such as the councillors as well as for all purposes of devastation<sup>4</sup> and cutting off the supplies of the enemy. Espionage was not regarded with disfavour in ancient India and the ancient Hindus knew how to look sternly at facts and did not attempt to cloak their respect for humanity by elaborate rules like the civilized nations of the present times. The spies, however, in ancient India were regarded as ordinary 'combatants' and a short swift sentence of death was not generally passed on them. Their patriotism was recognised and nowhere is it laid down in the Dharmasastras or in the Arthasastras that a spy should be put to death instantaneously. An assassin or an arson of course deserved the extremest penalty allowed by law or imposed by necessity, but the spies as a class were not placed outside the pale of humanity.

<sup>1</sup> Kam., XII., 25.

<sup>2</sup> Arthasastra, XII., 1.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, XII., 4.

*Instruments.*

Weapons, according to Sukracharyya, were divided into two classes: *Astra* and *Sastra*. *Astra* is that which is thrown or cast down by means of charms, machines of fire. *Astra* is therefore, broadly speaking, of two kinds, charmed or tubular. *Sastras* are weapons by which cuts could be inflicted. It is not our present purpose to go into details about the large varieties of weapons used in ancient Indian warfare. International Law is concerned more with the prohibitions of the use of certain kinds of instruments in warfare rather than with their utility.

The *Manusamhita*<sup>1</sup> prohibits the use of certain kinds of instruments in warfare such as those which are *barbed*, poisoned or the points of which are blazing with fire:

न कूटैरायुधैर्हन्त्याद्युध्यमानोरणे रिपून् ।

न कर्षिभिर्नापिदिग्द्गैर्नाग्निज्वलिततेजनैः ॥

Let us take up the question of poisoned arrows first. Poisoned arrows were used in early stages of civilisation in almost every country. Thus, when Odysseus had gone to Ephyra to procure a deadly drug for smearing his arrows, Ilius refused to give it to him, on the ground that the gods would not sanction such an act:

φαρμακον ανδροφορον διζημενος "οφρα οι 'ειη  
ιωψς χ'ριεσθαι χαλκ'ηρεος 'αλλ'ο μεν ο'υ' ο'ι  
δακεν, επει ρ'α θεο'υς νεμεσιζετο αιεν εοντας 2

Poisoned arrows were certainly used during the Vedic times. Thus, in a hymn of the *Rigveda* two distinct kinds of arrows are referred to: the one is poisoned (or *alakta*) and has a head of horn (*ruv-sirsmi*); the other is copper,

<sup>1</sup> *Manu*, VII., 90.

<sup>2</sup> *Odysseus*, I., 261-3.

bronze or iron-headed (अयोमुखं). Poisoned (दिग्ध) arrows are also mentioned in the Atharvaveda. Thus says the Rigveda :<sup>1</sup>

Now to the shaft with venom smeared, tipped with deer-horn,  
with iron mouth,

Celestial, of Parjanya's seed, be this great adoration paid.

Loosed from the bowstring fly away, thou arrow, sharpened by our  
prayer,

Go to the foemen, strike them home, and let not one be left alive.

And Atharvaveda :

From the tip have I exorcised the poison, from the anointing and  
from the feather socket ; from the barb (*spastha*), the neck,  
the horn, have I exorcised the poison.

Sapless, O arrow! is thy tip ; likewise thy poison is sapless ; also thy  
bow of a sapless tree, O sapless one ! is sapless.

They who mashed, who smeared, who hurled, who let loose—they  
all made impotent ; impotent is made the poison mountain.<sup>2</sup>

And again,

Like an arrow, smeared, O Lord of men, like an adder, O Lord of  
cattle—that arrow of the Brahman is terrible ; with it he  
pierces the insulting.<sup>3</sup>

Long before the time when Manu's Code was reduced to writing however, the advance of humanitarianism led to the disuse of poisoned arrows. No grounds of humanity could possibly be urged against arrows blazing with fire unless it were superstition or ignorance (which similarly condemned the use of the fatal 'cross bow' during mediæval times), and therefore their use continued. Thus, in an obstinate siege-warfare, fire-arrows were recommended by Kautilya with one great limitation, *viz.*, that "when a fort could be captured by other means, no attempt

<sup>1</sup> R. V., VI., 75, 15-16, Griffith.

<sup>2</sup> A. V., IV., 6, 7, Whitney.

<sup>3</sup> A. V., V., 18, 15, Whitney. See also V., 21, 4.

should be made to set fire to it." A kind of stick painted with inflammable mixture and wound round with a bark made of hemp, zinc and lead was called a "fire arrow." तेन (by inflammable powder) अचलिप्तः शणत्रपुसोसवत्कवेष्टितो ब्राण इत्याग्नियोगः<sup>1</sup> These arrows were not generally used in wars. Evidence of this fact is deducible from the list of the weapons given by Kautilya, to be kept in charge of the Superintendent of the royal armoury.<sup>2</sup> These weapons were probably generally made use of although the possibility for the use of certain delusive and destructive contrivances as mentioned by Kautilya in his chapter on siege warfare, had not been lost sight of and the Superintendent of armoury was advised to stock these latter kinds of weapons along with all new inventions of workmen :

ऐन्द्रजालिकमौपनिषदिकं च कर्म कर्मन्तानां च ।<sup>3</sup>

The range of arrows in those days must have been very limited and military necessity must have taxed the ingenuity of skilled workmen to find out a device by which persons and things at a distance could be struck. In the list of weapons mentioned by Kautilya *Sarvatobhadra* and *Jamadagnya* have been mentioned—the one was according to the commentator a cart with wheels and capable of rapid revolution; when rotated, it threw stones in all directions. It resembled the "catapult" invented by the Assyrian experts of old. *Jamadagnya* was another contrivance for shooting arrows.

It is not the place here to discuss whether the ancient Hindus knew the gunpowder and the gun although the vital interest attached to the subject perhaps requires a passing mention. It has however been one of the articles of faith in military circles, that Europe owes its knowledge

<sup>1</sup> Arthasastra, XII., 4.

<sup>2</sup> *Ibid.*, II., 18.

<sup>3</sup> *Ibid.*, II., 18.

of gunpowder to the Saracens, a knowledge which dealt the death-blow to chivalry and ushered in a revolution in warfare, specially in siege warfare. We have several passages in Sukranitisara which clearly prove that the ancient Hindus knew the use of guns. Thus says Sukracharyya :

“ People expert in military instruments know of diverse agencies named *astras* and *sastras*, varying according to short or large size and the nature and mode of the sharp edges. The *nalika astra*<sup>1</sup> is known to be of two kinds according to size, large or small. The short or small *nalika* is the cylindrical instrument to be used by infantry and cavalry and having an oblique and straight hole at the origin, the length of five *vitastis* or two cubits and a half, a sharp point both at the forefront and at the origin, which can be used in marking the objective, which has fire produced by the pressure of a machine, contains stone and powder at the origin, has a good handle at the top, has an inside hole of the breadth of the middle finger, holds gunpowder in the interior and has a strong rod. The instrument strikes distant objects according as the bamboo or bark is thick and hollow and the balls are long and wide. The large *nalika* is that which has a post or wedge at the origin or breech, and according to its movements, can be pointed towards the aim, has a wooden frame and is drawn on carriages : if well used, it leads to victory.”<sup>2</sup>

<sup>1</sup> नालिकं द्विविधं श्रेयं बृहत् क्षुद्रविभेदतः ॥

तित्यगृह्णच्छिद्रमूलं नालं पञ्चवितसिकम् ।

मुलाग्रयोर्लक्ष्मिदितिलविन्दुयुतम् सदा ॥

यन्वाघाताग्निक्षुद्र यावचूर्णधृक्कर्ममूलकम् ।

सुकाष्ठोपाङ्गव्युध्नञ्च मन्थाङ्गलविलान्तरम् ।

सङ्गन्तुःश्रिचूर्णसन्धातृश्लाकासंयुतं हृद्रम् ।

लघुनालिकमध्येतत् प्रघातार्थं पतिसादिभिः ॥

यथा यथा तु लकसां यथा स्थूलविलान्तरम् ।

यथा दीर्घं बृहद्गोलं दूरभेदि तथा तथा ॥

मूलकौलभमाहृत्यसमसम्भानभाजि यत् ।

बृहद्नालिकसंज्ञं तत् काष्ठवुध्रविनिमित्तम् ।

प्रवक्ष्यं शकटाद्यैस्तु सुयुक्तं विजयप्रदम् ॥

सुवर्चिलवणात् पृश्नपलानि गन्धकात् पलम् ।

अन्तर्ध्रुमविपक्काकं क्षुद्राद्यङ्गारतः पलम् ॥

युद्धात् संयास्य सचूर्णं सन्धील्य प्रपुटेद्रसैः ।

क्षुद्राकौर्णां रसोन्स्य शोषयेदातपेन च ।

पिष्टा शर्करवसैतदश्रिचूर्णं भवेत् खलु ॥

सुवर्चिलवणाङ्गागाः शूद्रा च लार एव वा ।

नालास्त्राद्याश्रिचूर्णेषु गन्धाङ्गारी तु पूर्ववत् ॥

\* \* \* \* \*

अङ्गारस्यैव गन्धस्य सुवर्चिलवणास्य च ।

शिलाया इरितालस्य तथा सीसमलस्य च ॥

हिङ्गुलस्य तथा कान्तरजसः कर्पूरस्य च ।

जतोनील्यास्य सरलनिर्व्यासस्य तथैव च ॥

<sup>2</sup> Sarkar's translation.

Thus evidently the passage quoted here, points to the inevitable conclusion that the author of these lines at any rate knew the gun (the rifle) and the cannon. These weapons, continues the author, may be made of iron or of some other metal and must be kept clean. He also gives a composition of gunpowder : "Five *palas* of Suvarchi salt, one *pala* of sulphur, one *pala* of charcoal from the wood of *arka*, *snuhi* and other trees burnt in a manner that prevents the escape of smoke, *e.g.*, in a closed vessel, have to be purified, powdered, and mixed together, then dissolved in the juices of *snuhi*, *arka* and garlic, then dried up by heat and finally powdered like sugar. The substance is called gunpowder." "Experts," continues the author, "make gunpowders in various ways and of white and other colours according to the relative quantities of the constituents :—charcoal, sulphur, *subarchi*, stones, *harital*, lead, *hingul*, iron filings, camphor, *jatu*, indigo, juice of *sarala* tree, etc." These passages have been regarded as subsequent interpolations. The mention of नालिक occurs only in the passages mentioned above. Sukracharyya does not however, repeat his ideas about "नालिक" in his book. The whole conception of the gun, the cannon and the gunpowder is so very modern, contend the advocates of the 'interpolation theory,' that it could not possibly have found a place in a text book on Nitisastra at such an early date as that of Sukracharyya. Dr. Ray has proved, however, the indigenous origin of Hindu alchemy and it is also in evidence that *saltpetre* was mentioned by Charaka and Susruta. From this it cannot be argued of course, that the Hindus of Sukra's date possessed a competent knowledge of guns and gunpowder.

Kautilya's Arthasastra, however, gives us valuable hints on the point. In his chapter on "siege-warfare," he gives directions for the preparation of various kinds

of inflammable powders. Thus, small balls prepared from the mixture of *Sarala devadaru* (tree), *patitrina* or stinking grass, *guggulu*, *sriveshtaka* (turpentine), the juice of *sarja* and lac combined with dungs of an ass, camel, sheep and goat are inflammable.

सरलदेवदारुपूतितणुगुलुश्रीविष्टकसर्जरसलाक्षागुब्बिकाः खरोद्वा-  
जीवानां लखं चाग्निधारणम् ।<sup>1</sup>

The mixture of the powder of *prijla*, the charcoal of *avalguja*, wax and the dung of a horse, camel and cow is an inflammable powder to be hurled against the enemy.<sup>2</sup>

प्रियालक्षुण्णमवलगुजमपिमधुच्छिष्टमश्वखरोद्गोलखडमित्थिव क्षेप्योऽग्नि-  
योगः ।

Inflammable powders could be used against a besieged enemy by various contrivances. Thus, they could be tied to the tails of various kinds of birds such as the vulture, crow, parrot, *maina*, pigeon, etc., and they could be set at large towards the forts. This could be done only when the besieging army was almost at the very gates of the fort. If the camp of the besieging army, however, was at a distance, then archers from an elevated place might aim "fire arrows" at the fort and thus set fire to it. Now the question naturally arises, how could the balls mentioned above be used? Animals could not very well carry them, neither could they be hurled against an enemy from a distance. Some contrivance therefore, must have existed for the effective use of balls against the fort of the enemy. Was that contrivance the *नालिका* of Sukracharyya? It is difficult to answer the question from the Arthasastra of Kautilya unless we make bold to identify the 'fire arrow'

<sup>1</sup> Arthasastra, XIII, 4.

<sup>2</sup> *Ibid.*



with a wooden rifle.<sup>1</sup> It is almost certain however, that the mechanical composition given by Kautilya of a second kind of inflammable powder is almost identical with the composition of the second variety of gunpowder mentioned by Sukracharyya. Thus says Kautilya :

“सर्वं लौहचूर्णमग्निवर्णं वा कुम्भीसीसत्रपुचूर्णं वा पारिभद्रकपलाश-  
पुष्पकेशमषौतेलमधुच्छिष्टकश्चीवेष्टकयुक्तोऽग्नियोगः ।”

So, the ingredients were (i) the powder of all the metals as red as fire, (ii) the mixture of the powder of *kumbhi*, (iii) lead, (iv) *trapu* (zinc), mixed with charcoal powder of the flowers of (v) *paribhadra* (deodar), (vi) *palasa* and (vii) hair and with oil, wax and turpentine. It will be seen that powdered metals, lead and zinc as well as charcoal powder mixed up with the other substances produce a kind of inflammable powder.

The recipe of Sukracharyya for preparing gunpowder is as follows: (i) charcoal, (ii) sulphur, (iii) *suvarchi*, (iv) stones, (v) *harital*, (vi) lead, (vii) *hingul*, (viii) iron filings, (ix) camphor, (x) *jatu*, (xi) indigo, (xii) juice of Sarala tree,<sup>2</sup> etc. It will be seen, therefore, that the constituent elements of gunpowder in both Kautilya's Arthasastra and Sukranitisara agree. Even if the passages in Sukranitisara be regarded as interpolations, the passages in the Arthasastra cannot be regarded as “literary fraud” and therefore, the inevitable conclusion is that the ancient Hindus knew the composition of gunpowder and actually used it, in whatsoever rudimentary a form it might be, at least fifteen hundred years before the Saracens introduced it to Christian Europe.

<sup>1</sup> तेनावलिप्तः शक्यवपुसोस बल्कवेष्टितौ वाणइत्यादिप्रयोगः ।—A. S. XIII, 4.

<sup>2</sup> *Ibid.*

<sup>3</sup> Cf. also the Mahabharata, Santi, LXIX., 45 : “He should plant on the ramparts of his forts *Sataghnis* and other weapons.”

As observed before, these inflammable powders were regarded as इन्द्रजाल and were very sparingly used. Bombardments of besieged towns according to ancient practice were very common but even Kautilya recognized the fact that when a fort could be captured by other means, no attempt should be made to set fire to it. As remarked before, the reasons assigned by Kautilya do credit both to the head as well as the heart of the great exponent of ancient Hindu diplomacy :

नत्वेव विद्यमाने पराक्रमेऽग्निमवसृजेत् । अविश्वास्योऽग्निः देव-  
पौडनं च । अप्रतिसङ्घातप्राणिवान्यपशुहिरण्यकुप्यद्रव्यक्षयकरः । क्षीण-  
निचयं चावाप्तमपि राज्यं क्षयायैव भवति ।<sup>1</sup>

Kautilya's Arthashastra conclusively proves also that the ancient Hindus knew very well the composition of many kinds of asphyxiating gases but not even Kautilya advocates their indiscriminate use even in the most stubborn siege-warfare :

"The smoke caused by burning the powder of *putikita* (a stinking insect), fish, *katutumbi* (a kind of bitter gourd), the bark of *satakardama* (a kind of tree) or the powder of *putikita*, *kshudrala* (the resin of the plant) and *hemavidari*; the smoke caused by burning the leaves of *putikaranja*, yellow arsenic, realgar, the seeds of *ganja*, the chaff of the seeds of red cotton *asphota*, *khacha* and the dung and urine of a cow causes blindness.<sup>2</sup> Similarly, the roots of *kali*, *kushtha*, *nada*, *satavari*, or the powder of a snake, the tail of a peacock *krikana*, and *panchkushtha* together with the chaff causes smoke and thereby destroys the eyes of all animals."<sup>3</sup> Similarly, there

<sup>1</sup> A. S., XIII., 4.

<sup>2</sup> Arthashastra, XIII., 4.

<sup>3</sup> *Ibid.*, XIV., 1:

पुतिकीटमत्स्यकटुतुम्बीशतकदम्बेधिमन्द्रगोपचूर्णं पुतिकीटक्षुद्रालाहिस्रविदारौचूर्णं वा वस्तुसङ्घ-  
खरचूर्णयुक्तमन्वीकरो धमः ।—A. S., XIV., 1.

were gases which could cause instantaneous death. All these asphyxiating gases and shells, if used, would have rendered the theatre of war a veritable hell. They were perhaps very rarely used, if ever: and antidotes were known against these hellish devices. Thus a man could render his eyes secure not by masks but by the application of ointments and of medicinal "water-burns." The opening lines of Bk. XIV, however, lead one to the belief that the secret methods of injuring an enemy were used not collectively in warfare but rather individually against certain persons by *Mlechchhas* and such other spies who could assume the disguises of idiots, dumb, deaf and blind persons, etc. Fortunately for civilisation it was difficult to conceive of an army of 'miserable mortals' and therefore, it is quite probable that the institution of four castes, the humanity of the people, the momentum of tradition would revolt against the indiscriminate use of such Machiavellian tactics in warfare.

चातुर्वर्ण्यरक्षार्थमौपनिषदिकमधर्मिष्ठेषु प्रयुञ्जीत । कालकूटादिः  
विषवर्गः अद्देयदेशवेषशिल्पभाजनापदेशैः कुजवाप्तनकिरातमूकधधिर-  
जडान्धच्छुम्भिः स्त्रीच्छुजातौयैरभिप्रेतैः स्त्रीभिः पुंभिश्च परशरीरोप-  
भोगेष्वाघातव्यः ॥

As regards the methods of warfare, the difference between *Dharmajuddha* and *Kutajuddha* has been pointed out before. A धर्मयुद्ध stood for honourable fight guided by all the laws of chivalry. In *Dharmajuddha*, declaration followed commencement of hostilities and the king showed the trust-character of his office, by exhorting his soldiers

पुतिकरञ्जपवह्रितालसनशिशलागुञ्जारक्तकार्पासपलालान्यस्फोटकाचगोयक्रद्रशविष्टमन्वीकरो धुमः ॥

See also pp. 409-410, Arthasastra, Mysore Ed. It is difficult to identify the constituent elements, but these chapters in Kautilya's Arthasastra testify to the great advance that some people, at any rate, in ancient India made in the science of alchemy.

just on the eve of the battle thus : " I am a paid servant like yourselves ; this country is to be enjoyed together with you ; you have to strike the enemy specified by me." <sup>1</sup> The कूटयुद्ध on the other hand, resembled the " heraldless and truceless wars " among the Greeks *ηθελμος ακηρυκτος και ασπονδος* and actual operations began with the commencement of hostilities : पूर्व च प्रहरणकालाः कूटयुद्धहेतवः. Political expediency dictated the adoption of this form of warfare in all cases by a king " when he did not possess a strong army, when he did not succeed in his intrigues or when he could not secure a position favourable to himself." It was then that the grim doctrine of " state necessity " applied :

“ वलविशिष्टः कृतोपजापः प्रतिविहितकर्तुः स्वधूम्यां प्रकाशयुद्ध-  
मुपेयान् विपर्ययेशकटयुद्धं ” <sup>2</sup>

The methods chiefly employed in a कूटयुद्ध could be classified under, (i) Devastation, (ii) Stratagems, (iii) Assassination, (iv) Poison. All these methods received their sanction from political expediency and not from international or interstatal morality.

Devastation in a limited form has been sanctioned by International Law at all times according to the military exigencies of the army. Thus, according to Grotius, <sup>3</sup> only such ravage is tolerable as in a short time compels the enemy to seek peace and even this restriction on the theory of unlimited destruction was hedged round by further limitations. Vattel <sup>4</sup> authorised unlimited destruction of a hostile territory in two cases, firstly, against the onrush of a nation of barbarians and, secondly, when the

<sup>1</sup> Arthashastra, X., 3. स'शामस्तु निहिष्टदेशकाली धर्मिष्टः स'हृत्त्य दग्धं ज्ञेयान्—  
“ त्र्युत्थवतनोऽस्मि ; भवद्भिः सह भोग्यमिदं राज्यं ; मयाऽभिहितं ; परीऽभिहन्तव्यः । ”

<sup>2</sup> Arthashastra, X., 2.

<sup>3</sup> Grotius, III., 12.

<sup>4</sup> Vattel : III., §167-68.

need "for making a barrier for covering a frontier against an enemy who could not be stopped in any other way," was imperative. The Hague Regulations allow destruction of enemy's property only when "such destruction is imperatively demanded by the necessities of war." The same theory with regard to devastation was held in ancient India. Thus says the Mahabharata: "A king should (on the approach of the enemy) set the inhabitants of the woods on the highroads (these are the अटवीवल), and if necessary, cause whole villages to be removed, transplanting all the inhabitants to minor towns or the outskirts of great cities.....He should himself withdraw all stores of grain. If that becomes impossible, he should destroy them completely by fire. He should set men for destroying the crops on the field of the enemy. Failing to do this, he should destroy these crops by means of his own troops. He should destroy all the bridges over the rivers in his kingdom. He should bale out the waters of all the tanks in his dominions, or if incapable of baling them out, cause them to be poisoned.....He should destroy all the smaller forts of his kingdom. He should also cut down all the smaller trees excepting those called Chaitya. He should cause the branches of all the larger trees to be lopped off, but he should not touch the very leaves of those called Chaitya."<sup>1</sup> Kautilya in his Arthasastra recommends the devastation of the enemy's country through the help of wild tribes,<sup>2</sup> and if the enemy aided by his friend shut himself up in an impregnable fort, then his neighbouring enemies might be employed to lay waste his territory.<sup>3</sup>

<sup>1</sup> Mahabharata : Santi-Bej. LXIX., 35 et ff. tr. Pratapchandra Ray.

<sup>2</sup> A. S., XII., 1.

<sup>3</sup> Arthasastra, XIII., 3 :

मित्रेषामश्रितये च्छ्वेदं रयाच्छे स्यात्तुमिच्छेत्, सामन्तादिभिः मूलमस्य हारयेत् ; दृष्टेन वा  
 वातुमिच्छेत् । तमस्य आतयेत् तौ चित्रं भियेयात्ताम् प्रकाशनेवान्मोन्यस्य सूच्यां पगीत ॥

Conquerors; according to Kautilya are of three kinds, (i) a just conqueror, (ii) a demon-like conqueror, and (iii) a greedy conqueror. The just conqueror remains satisfied with mere obeisance. The greedy conqueror hankers after gain in the shape of dominions or of wealth. The demon-like conqueror satisfies himself not merely by seizing the land, treasure, sons and wives of the conquered, but by taking the very life of the conquered himself.<sup>1</sup> Stratagems as ruses practised on the enemy were frequently resorted to specially in the *मन्वयुद्ध* or the 'battle of intrigues' proving the truth of the general maxim that war is a conflict of wits as much as it is a conflict of arms. Such stratagems were generally practised by *तौक्षण* spies but they did not extend to the breach of sacred obligations such as would correspond, for instance, to the violation of flags of truce in modern times.

Assassinations for public purposes by spies were regarded with approval in ancient as well as in mediæval times. Grotius justified such assassinations if carried out *bonâ fide*. Kautilya recommended cold-blooded murder of kings, chiefs of the army, chiefs of corporations and other councillors. These assassinations were however committed by spies who were liable to the extremest penalty of law when actually caught. Wholesale poisoning was frequently resorted to. As already pointed out, the use of poisoned arrows or the practice of poisoning of wells was not approved. The Mahabharata prohibited the poisoning of wells and tanks and, "suspicion in respect of the seven branches of administration."<sup>2</sup>

<sup>1</sup> एषोऽभियोक्तारो धर्मसुरलोभविजयिन इति । तेषामभ्यवपुस्त्या धर्मविजये तुष्यति ।..... परिषामपि भयान् मृमिद्रव्यहरणेन लोभविजयो तुष्यति.....मृमिद्रव्यपुत्रदारप्राणहरणेन असुरविजयो ॥—A. S., XII., 1.

<sup>2</sup> Mahabharata : Santi-Raj, CIII., 10. From another passage of the Santiparva, LXIX, it would appear however, that poisoning of tanks was one of the means of

Poisoning of individuals or the cattle of the enemy was however not prohibited by the Arthasastras. Thus spies under concealment might capture the enemy's fort, country or camp with the aid of weapons, poison, or fire.<sup>1</sup> Kautilya's Arthashastra lays down elaborate rules for the administration of poison by spies with almost matchless precision and cold-bloodedness. Thus, spies residing in enemy's country as traders could sell poisoned liquors to soldiers.<sup>2</sup> Spies under the garb of servants might sell poisoned grass and water and thus kill the enemy's cattle, horses and elephants.<sup>3</sup> Prostitute-spies might entice away young princes, chiefs of corporations or of the army, who frequently paid the wages of their sin in the shape of ignominious death. Spies under the disguise of cooks could mix poison with food and thereby cause death. All these counsels are perhaps counsels of perfection in black art, because, no state would permit the universal administration of poison within its territory by the spies of its enemy; and yet a publicist is astounded by the liberal treatment accorded to the spies by kings in ancient India. They were not branded as a class, nor were they put to death the moment they were recognised. Thus states on the eve of a war swarmed with spies and Bhisma<sup>4</sup> advised the expulsion of beggars, cartmen, eunuchs, lunatics and maimed persons so that they might not be employed for such nefarious purposes. In places of public resort, in *tirthas*, in assemblies and in the

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devastation. Such contamination of water does not seem to be prohibited even by the Hague conferences. Such contaminations took place both during the Boer War as well as during the recent European War. See General Maurice's book on the Boer War.

<sup>1</sup> A. S., XII, I.

<sup>2</sup> A. S., XII, 4.

<sup>4</sup> Mahabharata: Santi-Raj, LXIX., 49-51.

houses of the citizens the king set on foot competent spies.<sup>1</sup> Thus was attempted a partial check on the weird activities of a disciplined system of universal espionage in ancient India.

<sup>1</sup> Cf. Arthasastra, XIV., 1.

Cf. also Arthasastra, XIII., 1.

चातुर्वर्ण्यस्यार्थेनौपनिषदिकमधर्मिष्ठेषु प्रयुञ्जीत् । कालकूटादिः विषवर्गः सङ्ख्यदेशनेष्विष्य-  
भाजनापदेशः कञ्जवामनकिरातमुकवधिरजडास्यच्छुषभिः स्त्रैश्चजातीयैरभिप्रेतैः स्त्रीभिः पुंभिश्च  
परशरीरोपभोगेष्वाघातञ्च ॥—A. S., XIV., 1.



## CHAPTER X

## NEUTRALITY

There is an almost universal consensus of opinion among publicists that nations in antiquity had no clear cut ideas about Neutrality. "Since in antiquity, there was no notion of an International Law, it is not to be expected that neutrality as a legal institution should have existed among the nations of old. Neutrality did not exist even in practice, for the belligerents never recognised an attitude of impartiality on the part of other states.<sup>1</sup>" One of the grounds for this mistaken notion is, that in antiquity as well as in mediæval times there was a total absence of a proper vocabulary of neutrality. The Romans spoke of neutrality as *medii*, *amici* or *pacati*. Grotius devoted very little attention to neutrality. He established only two rules relating to neutrality in the chapter entitled *De his, qui in bello medij sunt*. The first rule related to the justice or injustice of the causes of the belligerents and neutrals were advised not to help a belligerent whose cause was unjust. The second rule again dealt with distributive justice or equality of treatment towards both the belligerents. Bynkershoek does not use the term neutrality but calls "neutrals" '*non-hostes*' and describes them as belonging to no party. In the seventeenth century, "the terms neutral and neutrality occur in a Latin and a German dress as well as in English, but they had to be adopted into the French language before their use became general." Vattel writing in 1758, spoke of *neutre* and *neutralite*.

<sup>1</sup> Oppenheim: International Law, II, 347.

Modern researches have, however, led to discoveries which might almost discredit the theory of publicists like Oppenheim. Thus, in Greece the terms commonly used to express neutrality were *ησυχίαν αγειν*, *ησυχάζειν* (to keep quiet), *μηδετερος μηδετερος* (to be of neither party) and *οιδια μεσου, εκτου μεσου καθησθαι* (the party occupying an intermediate position). These words, of course, merely imply abstention from hostilities but do not imply the positive and the negative aspects of neutrality. The doctrine of neutrality did not find a congenial soil in the all-absorbing ambition of Rome. Her customary attitude was expressed by one phrase "either for or against"; no intermediary position was conceded or even admitted. Thus says Livy<sup>1</sup>—*"media.....nulla via est.....Romanos aut socios aut hostes habeatis oportet."*

In ancient India *Asana* or neutrality formed one of the six forms of state policy. *Vatavyadhi* declared that peace and war were the only two forms of state policy: Kautilya, however, voted in favour of the six and defined neutrality as *उपेक्षणमासनं*<sup>2</sup> or indifference. In the Kautilyan circle of states the two kings who did not identify themselves with the *विजिगीषु* or the *अरि* or their client states, were the *मध्यम* king and the *उदासीन* king. The word *अध्यम* occurs in one passage of the *Rigveda*<sup>3</sup> and in another passage of the *Atharvaveda*.<sup>4</sup> There is a difference of opinion among scholars as to the meaning of the word but the most accepted interpretation is that of an "arbitrator," although the

<sup>1</sup> Livy, XXXII., 21.

<sup>2</sup> Arthasastra, VII., 1.

<sup>3</sup> R. V., X., 97, 12.

<sup>4</sup> A. V., IV., 9, 4. "Of whomsoever, O ointment, thou creepst over limb after limb, joint after joint, from thence thou drivest away the *yaksma* like a formidable *madhyamaci*." Roth assigns the meaning *intercessor* to *madhyamaci*; Zimmer accepts it in the sense of a 'mediator.' Whitney considers this meaning "implausible" and suggests "midmostman." Cf. also Kam., VIII., 16, and Manu, VII., 158.

definition of a Madhyama king in Kautilya would lead one to agree with Geldner in translating मध्यम as a "neutral" king. Thus Kautilya defines a मध्यम king as one occupying territory close to both the Vijigisu and his immediate enemy in front and who is capable of helping both of them, or resisting either of them individually.

अरिविजिगोष्वोभूम्यन्तरःसंहतासंहतयोरनुग्रहसमर्थीनिग्रहे चासंह-  
तयोर्मध्यमः ।<sup>1</sup>

A Madhyama king is the head of a sovereign state having under its control 'the client states.'<sup>2</sup> A उदासीन king on the other hand, is one whose dominions lie beyond the territories of the other kings of the circle of states and who is very powerful, capable of helping the sovereign states such as those under the *Vijigisu*, the *Ari* and the *Madhyama* king "either taken together or individually, or of resisting any of them individually."

अरिविजिगोषुमध्यानां वहिः प्रक्षान्तिभ्योः बलवत्तरः संहतासंहता-  
नामरिविजिगोषुमध्यमानामनुग्रहे समर्थी निग्रहे चासंहतानामुदासीनः ।<sup>3</sup>

Thus, from the definition of the मध्यम and उदासीन it will be seen that the ancient Indian conception of neutrality made a nearer approach to the mediæval conception of neutrality of Grotius and Rachel rather than the developed ideas of neutral attitude in modern times but it is not true to say that the ancient Indians did not understand an attitude of neutrality at all. If we trace the development of the idea of neutrality in mediæval times in Europe we shall be in a position to understand the Hindu idea of neutrality. According to Grotius' views neutral states were bound to abstain from active participation in the hostilities

<sup>1</sup> A. S., VI., 2.

<sup>2</sup> *Vide supra.*

<sup>3</sup> A. S., VII., 2.

between the belligerents. The idea was also abroad in the middle ages of Europe that a neutral state must be either weak or mean-spirited. The same views seem to have been held by Kautilya "न मां परो नाहं परमुपहन्तु" शक्तः "इत्यासीत् ।<sup>1</sup> But this was not all. Self-interest guided the ancient Hindu theory of neutrality. Neutrality according to the same author should be observed by a king when he considered himself equal to his enemy in prowess, or when he thought that his interests would be served better by observing neutrality rather than by taking part in actual hostilities.

यदि वामन्येत—“न मे शक्तः परं कर्माख्युपहन्तु” ; नाहं तस्य कर्मापघातो वा ; व्यसनमस्य श्ववराहयिविव कलहे वा स्वकर्मासमुपहानपरो वा वर्द्धिष्ये” इत्यासनेन वृद्धिमातिष्ठेत् ॥

Thus the idea seems to have been entertained that realization of self-interest, sometimes at any rate, demanded the observance of neutrality: this was a substantial step in advance in the growth and development of the idea of neutrality. Thus says Kautilya once more :

सन्धिविग्रहयोश्चेत् परकर्शनात्मोपचयं वा नाभिपश्येत्, ज्ञायानप्यासीत् ॥<sup>2</sup>

According to ancient Hindu ideas, neutrality was of three kinds : (i) *sthana* keeping quiet; *asana* (withdrawal from hostilities) and *upekshana* (negligence). Keeping quiet, after maintaining a particular kind of policy is *sthana*; withdrawal from hostile actions for the sake of one's own interests is *asana*; and taking no steps against an enemy is *upekshana*.

स्थानमासनमुपेक्षणं चेत्यासनपर्यायाः । विशेषस्तु गुणैकदेशे स्थानं ; स्ववृद्धिप्राप्तार्थं आसनमासनं ; अपायानमप्रयोगः उपेक्षणमिति.<sup>3</sup>

<sup>1</sup> Arthasastra, VII., 1.

<sup>2</sup> *Ibid.*, VII., 3.

<sup>3</sup> A. S., VI., 4.

Thus according to the classification made above, *sthana* and *upekshana* would be the two forms of neutrality corresponding to "neutrality" of the present times.

Neutrality, according to Kautilya, might be preserved even after the declaration of war<sup>1</sup> under certain exceptional circumstances. A study of the Arthashastra would lead us to the belief that observance or non-observance of neutrality at any particular juncture was dictated by considerations of state-interest or national policy, rather than by the promptings of moral or juridical consciousness. This view gains support from the desperate attempts made by the *Vijigisu* and the *Ari* in the 'circle of states' to catch hold of a neutral king and from a passage in Kautilya's Arthashastra it would appear that a *Madhyama* king was regarded with great disfavour by a *Vijigisu*.<sup>2</sup>

“मध्यमं त्वरिविजिगीष्वोर्लिप्तमानयोर्मध्यमस्य पाणिं गृह्णतोः लब्धलाभावगमने यो मध्यमं मित्राद्वियोजयति, अमितं च मित्रमाप्नोति, सोऽतिसन्धत्ते । सन्धेयश्च शत्रुरूपकूर्वाणो न मित्रं मित्रभावादुत्क्रान्तम् ॥

The theory of "enmity by distance" propounded by Kautilya makes a *Madhyama's* position almost unbearable but the theory of the balance of power conclusively proves that neutrality in ancient Indian polity was to a large extent prompted by juridical consciousness.

मण्डलं वा प्रोक्ताहयेत्—“अतिप्रवृद्धोऽयं मध्यमः सर्वेषां नो विनाशाय अभ्युत्थितः सन्न यास्य यात्रां विह्वनाम” इति ।<sup>3</sup>

Thus, if the *Madhyama* king attempted to overthrow the balance of power within the circle of states then the *Vijigisu* could incite the whole circle against him. From

<sup>1</sup> Vide VII., 4.

<sup>2</sup> A. S., VII., 13.

<sup>3</sup> A. S., VII., 10.

the dawn of civilisation, neutrality has stood in the way of unbridled conquest unless the conqueror could by disregard of all laws or rules of morality convert the neutral into either a friend or a foe. A conquering king was advised by Kautilya to seek the protection of the *Madhyama* king and the *Udasina* king when they were both esteemed by the circle of states.

A *Madhyama* king is neutral like the *Udasina*, but the former is on the point of joining the fray while the latter through negligence—as the name signifies it—or through state-interest is desirous of maintaining a neutral attitude.

A ruthless conqueror panting for a world-empire like an Alexander, a Caesar, a Louis XIV, a Napoleon or a Wilhelm would not stop when the 'way is long and the gate is narrow,' or when rules of International Law stand in his way. They are all cast aside and the conqueror marches on with ceaseless fury. It was for such a conqueror that Kautilya wrote his *Arthashastra* and with a cold cynicism unparalleled for boldness he recommended "a conqueror first to seize the territory of the enemy close to his country, then that of the *Madhyama* king"; "this being taken, he should seize the territory of the neutral king. This is the first way to conquer the world."<sup>1</sup>

एवं विजिगीषुरमित्त्रभूमिं लब्ध्वा मध्यमं लिप्सेत् । तस्मिन्नावुदासीनम् ।  
एष प्रथमो मार्गः पृथिवीं जेतुम् ॥

Such then in brief, are the ancient Hindu ideas of neutrality. These ideas were much more developed than those of the classical Greeks and the Romans and even those of the European nations before the French Revolution. The elaborate rules regarding neutrality framed by

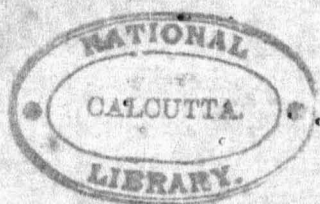
<sup>1</sup> *Arthashastra*, XIII., 4.

modern International Law are the triumph of the last two centuries. In spite of these rules the last great war clearly demonstrated once more the truth of the remark that weak states cannot maintain an attitude of neutrality in a great world-conflict. Violations of neutrality were very frequent during the last war. Thus was Belgium violated; so was Chinese territory violated; so did Chili protest against the violation of her neutrality before the naval battle off Valpariso; so was Greece compelled to espouse the cause of the *Entente*. The ancient Indians did not frame elaborate rules for intercourse between neutral states and belligerents partly because they lived thousands of years before the triumph of modern civilisation and to a very large extent because, war with them did not absolutely put an end to all intercourse even between the belligerent states. Trade and commerce went on almost uninterrupted and therefore we do not meet with elaborate discussions in the Arthasastras about the rights and obligations of neutral powers.

<sup>1</sup> *Vide ante.* Cf. also

यस्य वा स्वदेशान्देशान् पण्यानि पण्यानारतया गच्छेयुः तान्यस्य "यातव्यालब्धानि" इति सविण्ययारयेयुः वहलीभूते शासनमभिव्यक्तेन प्रपद्येत्—“एतत् पण्यं पण्यानारं वा मया ते प्रेषितं, सासवायिकेषु विक्रमस्य, अपगच्छ वा ततः पण्यशेषयराभासि” इति । तस्सविण्यः परेषु गच्छेयुः—“एतद्विप्रदत्तम्” इति । शत्रुप्रख्याते वा पण्यमविज्ञाते विजिगीषु गच्छेत्, तदस्य वैदेशिकव्यज्ञानशत्रुमुख्येषु विक्रीणोरन् तस्ससविण्यः परेषु गच्छेयुः—“एतत्पण्यमविप्रदत्तम्” इति ।

A. S., IX., 6.



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