

BOOK REVIEW

The Philosophical and Legal Concept of War by FRANK PRZETACZNIK
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In his treatise on International Law Professor Hyde refers to an allusion to a passage from the book of the prophet of Isaiah: Until the fir tree and the myrtle tree supplant the thorn and the brier, wars may be expected to recur. In essence, this statement holds good even today in spite of the numerous efforts which nations have been making to avert the catastrophe of war. In the post World War II period, the scene of wars has been shifted from Europe to Asia, Africa and the Latin America. Unlike the previous centuries, territorial expansions and economic factors do not seem to have been an important cause of conflict. Most of these wars were fought either to resolve delimitation of post-independence boundaries or to secure political changes in another state. Man is a warring animal and as there is among individuals an innate tendency for the subjugation of others in the struggle for existence, so with nations the unquenchable thirst for domination generates a tendency for waging war. Along with the development of human ingenuity in all other walks of life, science and technology of warfare have been greatly changed as a result of which the interrelationship between states has become much more complicated and more important. In the West, the concept of just and unjust war dates back to the Roman Empire and the first restraint to regulate brute force in warfare is represented by the sanctuary of the Greek temples extending protection against wild and brutal destruction of human beings. In the East, the notion of Dharma Yuddha or righteous war, as different from the unrighteous dates back to the vedic ages (3000 B.C.) when society was merely tribal but wars were common. In accordance with Dharma, war was to be fought fairly, that is, without poisoned weapons or weapons causing unnecessary injury; must avoid magical methods which are underhand; must restrain from devastating the country, poisoning wells etc. and all non-combatants or combatants in difficulties should be spared. Those who lay down their arms or surrender are to be allowed to live. Wars were then, as they are today, deliberate armed conflicts. According to Megasthenes, the then Syrian Ambassador to India at the court of Chandra Gupta Maurya in the third century B.C. "Whereas among other peoples, it is usual in conditions of war to ravage the soil and reduce it to an uncultivated waste, among the Indians, on the other hand, the cultivators or tillers of the soil who are regarded as a sacred and inviolable class are left undisturbed by a sense of danger; even when the combatants are making a