



By Bruce Rich

## The First Habitat and Species Laws

We like to think that environmental protection is a recent invention, and that the United States has been a pioneer, establishing national forests and parks more than a hundred years ago, then the Endangered Species Act 37 years ago. But in India in the 4th and 3rd centuries B.C. there were arguably more advanced provisions for habitat and species protection than anything in the U.S. until the 1970s.

The great Indian Emperor Ashoka (his reign was from 268–239 B.C.) commanded a huge empire that included most of today's India, Pakistan, and Afghanistan. Following a particularly bloody war, Ashoka converted to Buddhism and promulgated a series of edicts based on non-violence, religious tolerance, and protection of animals and habitat. These laws were inscribed in stone throughout his realm. Many can still be seen.

Ashoka's Fifth Pillar Edict is nothing less than a species and forest protection law. It lists all of the kinds of animals declared as exempt from slaughter — including turtles, bats, ants, ducks, geese, swans, doves, porcupines, squirrels, deer, lizards, rhinoceroses, and pigeons. In fact, all four-footed animals “which are not eaten and of no utility” were to be protected. He promulgated what we would call measures for habitat protection, declaring that “forests must not be set on fire either wantonly or for the destruction of life,” and that

the chaff in fields “must not be set on fire along with the living things in it.” On numerous fixed days other kinds of animals may not be destroyed and elephant forests and fish ponds are not to be harvested.

Many of Ashoka's species and forest protection measures were actually first enacted by Kautilya (c. 350–283 B.C.), the chief minister of Ashoka's grandfather, the Emperor Chandragupta. Kautilya wrote a treatise on statecraft and economics (the *Arthashastra*, literally the “science of wealth”) in which he advocates the establishment of protected woodlands, “one for each kind of forest produce.” These include hardwoods, reeds, fibers, leaves used for writing, flowers used in dyes, and medicinal plants.

Kautilya also advocated the creation of protected reserves “where all animals are welcomed as guests and given full protection.” Of great importance too is the setting aside of special reserve forests for elephants, with the death penalty for poaching. Having a sustained supply of elephants was a matter of state security, for military victory “depends principally on elephants.”

Kautilya enumerated a list of species “which should be protected from all dangers of injury.” These include, besides cattle, various kinds of birds and deer. Beyond the protection of specific species, Kautilya prohibits cruelty to animals, forcing the offender to pay fines and money for the treatment and recovery of the injured beast. Even individual plants and trees enjoyed protection, and if the scale of fines is indicative, in urban areas they rank higher than animals. All of this is to be overseen by special departments of government, including a chief superintendent of forest produce, a chief elephant forester, and a chief protector of animals and controller of slaughter.

Kautilya's approach might be compared to that of the utilitarian conservationists of the Gifford Pinchot school. Pinchot, the founder of the U.S. Forest

Service and of America's first graduate school of forest management at Yale, was a close friend of Theodore Roosevelt. He is widely viewed as the most eloquent spokesperson of his time for multiple use management of natural resources. Pinchot literally coined the term conservation, defining it as “the use of the earth for the good of man.” This definition almost paraphrases the title — and underlying principle — of Kautilya's great treatise, which views the management of material wealth, defined as “the earth inhabited by men,” as the underlying priority of society and the state.

The essence of Pinchot's approach was rational use of resources for economic and other ends, with careful attention to their stewardship. His friend John Muir later became his greatest opponent, for Muir was one of the first of what we would today call deep ecologists, advocating the protection of nature as a value in itself. Ashoka's approach to conservation builds on that of Kautilya, but also transcends it in a higher ethos of respect and care for all life, regardless of economic utility, an ethos with which John Muir would have agreed.

Interestingly, in practice, the species and forest protection measures advocated by

both Kautilya and Ashoka are mostly identical — showing that at least in ancient India, utilitarian economic management and an ethical commitment to protect animal life and habitat largely coincided.

This column is adapted from Bruce Rich's new book from Beacon Press, *To Uphold the World: A Call for A New Global Ethic from Ancient India*, with a foreword by Nobel economist Amartya Sen and an afterword by Peace Prize winner the Dalai Lama.

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*When having a sustained supply of elephants was a matter of state security*