

Bangladesh and the Theory of Just War

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It is widely believed that in the recent India-Pakistan conflict the United States backed the wrong, that is, the losing, side. Not enough attention has been paid the possibility that the United States backed the wrong, that is, the immoral, side. This is an effort to look at that possibility within the framework of the traditional "just war theory," a theory that may turn out to be a great deal more serviceable than its contemporary critics suggest.

The principles governing a just war were first spelled out by Saint Augustine and are an integral part of scholastic moral theology even today when the whole theory has been subjected to a new and rigorous scrutiny. It is clear that total war and nuclear war have been condemned categorically by recent Pontiffs and by Vatican II. But some say that "all modern war" stands condemned; the ambiguous word is *modern*. While total wars using nuclear weapons are condemned, as is also the type of total warfare of World War II, are all wars in our "modern age" to be rejected *a priori* as inhuman and immoral? Those who answer yes cite two recent developments which, they say, make all arguments justifying any war obsolete.

First, every war today, even the smallest, may escalate into a nuclear war between the major powers. Second, in an age of instant communication and with an international agency such as the United Nations, every nation, however small, can make its plight known to the nations of the world. World moral opinion is to prevail against any unjust aggressor and conflicts between nations can be resolved by reasonable arbitration. *Pacem in Terris* is very confident about this way of avoiding war. "No more war, war never again," seems to many to be absolute. Therefore, if

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India was the military aggressor in its Fourteen-Day War in East Pakistan (and she was), how can the war be morally justified?

Paul Ramsey has insisted that the just war theory is not the exclusive property of Roman Catholic moralists but the political/moral inheritance of mankind. Without disagreeing, I will nevertheless cite and rely on the criteria of justice as described by the contemporary Catholic moral theologian Bernard Häring who, in his monumental *The Law of Christ* (Vol. III, pp. 126-37), discusses the conditions for a just war in the post-World War II period.

"Only lawfully constituted authority has the right to declare war." Mrs. Indira Gandhi, Prime Minister of India, maintained calm and reasonable control of her government through the long months of the Pakistan crisis. Not only religious dissidents (communalists) in India and the Bengalis of West Bengal, but also large segments of the intellectual community demanded early recognition of Bangladesh and an all-out war against the pillaging army of Mohammed Yahya Khan. But the Indian Central Government contained itself, maintaining all normal governmental operations while systematically preparing for possible military conflict with Pakistan. A new national unity was effected without hysteria ("Remember Pearl Harbor!") and without contravening legal due process (the Gulf of Tonkin Resolution). India's final decision to go to war was deliberate, reasonable and made through duly constituted authority.

"War must always be the final resort, the last extreme measure in the political order. Only after every bloodless effort that is humanly possible and sufferable has been tried to resolve a conflict and has failed, may a nation resort to war." India watched the events in East Pakistan. The Awami League, under its popular leader Sheik Mujibur Rahman, in the national elections of January, 1971, won a majority of seats in the Pakistan National Assembly. Yahya Khan, how-

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ever, dissolved his cabinet and postponed indefinitely the opening of the National Assembly. Demonstrations occurred in East Pakistan and, under the pretext of maintaining law and order, Yahya Khan ordered the army, on March 25, to crush the movement. The stories of massacres, pillaging and other atrocities committed by the occupying West Pakistan Army cannot all be discounted.

Mrs. Gandhi appealed to the Secretary-General of the United Nations to intervene. Refugees began to flee from East Pakistan. By November, nine million people were seeking asylum in India. Caring for the refugees cost India an estimated \$700 million, while she received only \$200 million for refugee relief. Through the late summer and fall conditions deteriorated. East Pakistan was under a reign of terror. Guerrilla resistance set in. The refugees continued to flee and India could neither absorb them into her own strained economy nor send them back to be butchered in their former homeland.

The U.N. did nothing. Through the summer the United States continued arms shipments to Pakistan. The moral sense of the world community of nations seemed numbed. A study made in New Delhi concluded it would be economically less expensive to engage in a three or four month all-out war with Pakistan than to feed the millions of refugees for another twelve months. How much longer were India and the Bengalis to suffer? What other means were available?

The state has a basic right . . . to wage war, but only as a just and necessary defense of its very existence and of the right to a decent life for its citizens in accordance with their dignity as human beings." "Every offensive war in the strict sense of that term must be characterized as unlawful and immoral." India's war was not in self-defense of its land and its own citizens. The United States branded India "the aggressor" and early in the war demanded that India withdraw to its proper borders. In the actual conduct of the war the Indian Army was obviously on the offensive. How, then, can India's conduct be morally justified?

First, to the people of Bangladesh (East Pakistan) one must grant the right to armed revolution under the same conditions which justify actual warfare. If, by this time, open, armed revolution was justified for the Bengalis, then others have the right to assist

such a revolution. (America has never forgotten the assistance she received in her Revolutionary War from foreign soldiers such as Lafayette.) India, as a sovereign nation, however, stood in a very peculiar relationship to Pakistan. It may be true (as many Pakistanis claim) that many Indian Hindus have never consented to the partitioning of the subcontinent into the second sovereign state of Pakistan. Also, the people of West Bengal, sharing the same language, culture and race as the East Pakistanis, felt an especially close affinity with those suffering people. At the same time, India is troubled by threats of further succession from some of its less satisfied states. Finally, there is a political/religious question as to whether a sovereign state could or should be divided exclusively along religious lines. Must the Bengali Muslims form an independent state from the Bengali Hindus? These problems confronting India became more unbearable as the crisis continued.

Furthermore, the prosecution of a just war presumes a distinction between combatants and noncombatants. Presumably only identified military personnel are to carry on the war. It is a moot question if guerrilla warfare, with its deliberate blurring of the distinction between combatants and noncombatants, can ever be justified by traditional just war arguments. As East Pakistan became a theatre for guerrilla warfare, the terrorism and reprisals against the innocent intensified, swelling the number of refugees. For a war to be just, there must be a reasonable expectation that the good aimed at will exceed the evil brought on by the war. There seemed little hope that the Bengalis would stop their resistance and guerrilla warfare against the West Pakistan Army. But the disorganized and sporadic resistance also gave little hope for final success in building a stable new political base in Bangladesh.

How could India defend the right of these people—not her own citizens, to be sure, but people now very much under her care—"to live in accordance with their dignity as human beings"? The ordinary categories no longer seem to cover the case. India can be called an "aggressor," waging an "offensive war," only if the man who drives off an assailant from an innocent victim can be called an aggressor. (Of course this argument has been used in defense of the U.S. role in Vietnam. Perhaps the actual conditions

in Vietnam do not apply, but the argument itself may well be a valid one.) Can the arguments for a just war be extended to include "political charity" for the oppressed people of another country? The argument here is that the conditions in East Pakistan had become so intolerable that war itself became a lesser evil than permitting the deplorable state of affairs to continue.

To be just, any war must be just in its basic causes and motives and also in the means used. . . . There must also be a certain moderation in the military action." India's military action against East Pakistan was a model of planned, swift, total military conquest and occupation. If war must be, let it be swift and, to that extent, merciful. To be sure, it was reported that a children's orphanage had been bombed in Dacca, but the reports indicated that Indian troops generally acted with restraint and discipline.

The vast majority of the native Bengalis rejoiced at their liberation by the Indian Army. (The difference from American "success" in South Vietnam is noteworthy.) The liberated people and the guerrillas who came out of hiding began severe retaliations against both the Pakistani Army and sympathizers and collaborators with the West Pakistanis. Old hatreds and the lust for revenge ran high among the Bengalis. Wherever possible the Indian Army restrained and stopped such actions. More simplistic pacifists speak of "power to the people" and of abolishing all military personnel, but at the time of real civil crisis it is the "people" who become the most violent. Only the strict discipline of a well-trained military can maintain some sense of order and restraint. A disciplined army dare not allow the motives of hatred and revenge to wreck its own order. In the Pakistan war, Indian military personnel were not charged with "police riots" or atrocities explained away by the excuse "I was only obeying orders."

If the causes and means of India's war were just, what about her motives? Immediately, India is supporting the birth of Bangladesh as a new nation. She is helping to resettle the refugees in their land. India has much to gain in having a friendly nation to her east, but she also faces new problems from the Bengalis of the State of West Bengal who may soon opt for union with a free and independent Bangladesh rather than remaining tied to Mother India. India must now deal with the remaining State of Pakistan

with respect and justice. The dispute over boundaries and the settlement of Kashmir must be definitively settled. The justness of India's motives for this war will finally be tested only by the way India constructs the peace.

The argument against any just war today is, as mentioned before, that the smallest of wars may initiate a series of events leading to nuclear holocaust. It is a serious argument. India, and India alone among the next-to-superpowers, has refused to enter into the game of balance of power. Since independence in 1947, India proudly defended its policy of nonalignment. Perhaps the saddest, even tragic, effect of the recent crisis is that it drove India to the desperation of concluding a Twenty-Year Treaty of Alliance with the Soviet Union.

India had strong reasons. A hostile China, for reasons not always very clear, supported Pakistan and Yahya Khan. Add to this Henry Kissinger's secret flight to Peking from Pakistan in order to arrange President Nixon's trip to China. Thus, by mid-summer, not only China but the United States was supporting Pakistan. The alliance with Russia did bring India into the balance-of-power game and may yet have other serious consequences, but it was a course forced upon India. In October, Mrs. Gandhi visited European capitals and Washington. It may be presumed that, whatever other business she did, Mrs. Gandhi was receiving reassurance from the governments of the world that they would not intervene directly in an Indian-Pakistan war. The possibility of the war becoming "another Vietnam" or a nuclear conflict between superpowers was effectively avoided. Only then did India go to war.

India is, of course, not above blame for its years of open hostility towards Muslim Pakistan. Perhaps India is guilty of interfering in the internal affairs of Pakistan in the years and months leading to the crisis of 1971. My comments here, in an overly simple manner, begin with the events of 1971. The facts are all generally known. The aim was to square the historical situation with the conditions traditionally required for the fighting of a just war. If, for the sake of argument, India will later be convicted for vicious duplicity in preparing for and waging this war, our moral judgment would have to take that into account. As the record stands, however, this war would seem to be a potent argument against the contention that international pacifism can be an absolute moral requisite in the contemporary world.