

## M I S C E L L A N E O U S

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### CONTRIBUTION TO THE HISTORY OF THE RED CROSS

*The ICRC has received a study from Mr. Giorgio Del Vecchio, honorary Professor and former Rector of the University of Rome, entitled " For the History of the Red Cross ". It is to appear in a collected volume dedicated to the Belgian jurist, Jean Dabin. We are grateful to the author for being able to reproduce some important extracts of this work, being the expression of his own ideas :*

The Red Cross idea logically flows from two fundamental considerations, the one legal, the other moral. From the legal point of view, in order to found this benevolent international organization, one had to abandon the old view of war with its unlimited violence and adopt on the contrary a new idea, defined for the first time by J. J. Rousseau. " War ", he said, " is not a personal matter between individuals but between States. It is only by accident that men become enemies and then not so much as individuals or even as patriots, but as soldiers in uniform " . . . " The purpose of war is to destroy the enemy State whose defenders one has the right to kill, so long as they still carry weapons in their hands, but once they have laid down their arms and have surrendered, they can no longer be regarded as enemies or even as tools of the enemy, but should once again be considered as men whom one has no longer any right to kill." <sup>1</sup> Although Rousseau is here in the first place considering the condition of prisoners of war, his reasoning also applies *a fortiori* to the wounded ; and there is no doubt that an institution designed for their protection must be considered, according to this same doctrine, which should be legally outside any fighting and exempt from reciprocal action on the part of the belligerents. One can in this sense say that Rousseau was virtually the father of the Red Cross ; and he would most likely have outlined a plan in a more explicit way if he had completed the work on international law which he had contemplated and of which he had written a part, as can be seen by the fragments which have been left to us.

From the moral point of view it is clear that the protection of and the care given to the wounded and sick fulfil this precept of

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<sup>1</sup> *Contrat Social*, I, IV.

charity, which extends to practically all mankind and that only a mistaken idea of war prevented it from being regarded as applicable during hostilities.

It should be pointed out that, in spite of this serious drawback already in distant times, attempts had been made especially by the religious orders, to limit or to remedy the violence of opposing armies by introducing a spirit of humanity tending towards the protection of the wounded and sick and even towards the release of prisoners. But the work of the religious organizations, however fertile and meritorious, could obviously not be entirely accomplished, as long as States had not established definite arrangements for protection and giving care to the enemy wounded. For this, reciprocal agreements and adequate medical equipment were required, which, by reason of these same agreements, should have been sheltered from the belligerents' blows.

Conventions were in fact signed a few hundred years ago in this sense between certain States and it should be recalled, for example, that by a treaty concluded in 1743 during the war of the Austrian Succession, the belligerent parties pledged themselves to care for the wounded, respect ambulance carts and refrain from taking prisoner the personnel attached to them.<sup>1</sup> This practice began to spread not only because of specific agreements made, but on account of natural feelings of humanity which could not fail to be shown in civilized States. A decree of the French National Convention of May 25, 1793 declared that sick or wounded enemy prisoners would receive the same treatment in the Republic's hospitals as French soldiers.

But in fact the problem remained practically unsolved in all its pitiful aspects owing to the lack of an adequate organization.

The first person to understand the need for establishing a proper medical organization technically effective and legally recognized to assist the war wounded, was Ferdinando Palasciano (born in Capua in 1815), military surgeon and professor of the surgical clinic at the University of Naples. Prompted by his humanitarian feelings, to which were added his wide experience and professional competence, he affirmed that the lives of the war wounded were sacred,

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<sup>1</sup> V. Gurlt, *Zur Geschichte der internationalen und freiwilligen Krankenpflege im Kriege*, Leipzig, 1873 — Balladore Pallieri, *Diritto bellico*, 2nd edit., Padua, 1954, p. 197.

that they should be regarded as being *neutral*, thereby possessing the right to assistance and protection from both belligerent parties. He did not limit himself to making merely theoretical statements, but put his ideas into practice with all the attendant risks and dangers. In 1848, counter to the orders of his Commander, General Filangieri, then besieging Messina, he gave treatment to the wounded of both friend and enemy alike.<sup>1</sup> He set forth the same ideas in two memorable speeches which he made to the Pontaniana Academy of Naples, on January 28, and April 28, 1861. It should be noted that Palasciano's ideas immediately spread to France and Switzerland where they had a wide effect. He returned to the same theme in a speech he made on December 29 in that year in which he suggested, amongst other things, the convening of an international Congress.

The time had now come for these fine intentions to become realities. Amongst those who at once subscribed to Palasciano's ideas, special mention should be made of the Frenchman, Henri Arrault, who was thinking on entirely similar lines. Writing from Paris on June 10, 1861, he upheld the inviolability of military doctors, infirmaries and ambulances and proposed the adoption of distinctive signs for doctors as well as for medical aid posts. The Swiss, Louis Appia (of Italian origin from the Waldensian Valleys of Piedmont) should also be remembered for having had in his capacity as doctor, similar experiences and made the same observations as Palasciano, especially as regards the wounded at the Battle of Solferino in 1859. He proposed forming a special corps of neutral doctors and nurses to assist all the wounded without distinction whatever their nationality might be. In 1861 Appia took part in a written competition opened on two occasions on Palasciano's initiative by the Pontaniana Academy of Naples on the same subject and obtained the prize.<sup>2</sup> In the following years, when the

<sup>1</sup> V. C. Baduel, *Il precursore della Croce Rossa, Ferdinando Palasciano*, Rome, 1927. See also on Palasciano's work, G. Mazzoni, *La neutralità dei feriti in guerra*, Naples, 1895.

<sup>2</sup> On the first occasion Appia's essay (out of nine submitted) was the only one worthy of consideration, but it could not receive the prize, since it arrived too late and was written in French. The second time, French being accepted, Appia's essay was awarded the prize bracketed with that of Dr. Achille de Vita of the Italian Corps of Volunteers. The two essays were published together in Naples in 1862 under the title: *Manuale di Chirurgia militare* :

Red Cross had already been created (of which he was one of the chief founders), Appia continued to carry out his fine campaign, especially during the new wars, always remaining faithful to the mission to which he had devoted himself since beginning his activities, namely, "to humanize war and assist its victims". In 1866 together with his brother Georges, who was a preacher at Pinerolo, and two other volunteers he went to the Trentino where Garibaldi was fighting the Austrians: Garibaldi himself gave them a travel document. As at Solferino, Appia devoted himself with whole-hearted energy to his humanitarian work of aiding the wounded of Garibaldi's forces and of the Austrians at the Battle of Bezzecca. It should be recalled that Garibaldi thanked him warmly for all that he had done and expressed his sympathy to him of the International Committee whose headquarters were at Geneva . . .

. . . An international Conference was convened, which met in Geneva on October 26, 1863 and which, after lengthy sessions, passed the following recommendations: that aid committees sponsored by Governments should be established in each country to assist the wounded in time of war; that States should guarantee the protection of these committees and that ambulances, hospitals, those who care for the wounded and the wounded themselves, be declared neutral in war. Palasciano incorporated these results in a speech which he made at the Pontaniana Academy on December 27, 1863, and he rightly claimed to have been the originator of these ideas without detracting from the merits of others. He continued to exercise his activity untiringly in the same cause which was to make sure progress as a result of approbation on the part of numerous Governments . . .<sup>1</sup>

. . . This first Convention only concerned war on land, later another Convention attached to the final record of the Hague Conference (1899) extended these same principles to maritime

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I, A. De Vita, Aforismi sulla cura delle ferite; II, L. Appia, Aforismi sul trasporto dei feriti.

<sup>1</sup> Palasciano (appointed Senator in 1876) died in Naples on November 28, 1891, and was buried in the enclosure reserved for famous men in the cemetery at Poggioreale. An epigraph by Giovanni Bovio was carved on his grave-stone. Palasciano's writings were assembled and published by his widow, Olga de Wawilow (Russian by birth and Italian by adoption), in five volumes under the title *Memorie ed osservazioni di Ferdinando Palasciano* (Naples, 1896-1899). The fifth volume deals in particular with the Red Cross.

warfare. Various alterations were made to both these Conventions. It has however been rightly observed that these principles very soon became a part of international law, namely : the inviolability of medical personnel and equipment and the obligation for belligerent States to agree to the co-operation of individuals and of neutrals to care for and assist the wounded and sick. The validity of fundamental standards in this connection was therefore based on these Conventions and on the voluntary and unanimous consent which they occasioned.<sup>1</sup>

An important fact, furthermore, was that the Red Cross was progressively extending its field of action. Whilst the first Conventions concerned, as we have already pointed out, the wounded and sick in war on land, then the victims of war at sea, new Conventions (in 1929 and 1949) were to lay down standards of conduct on behalf of prisoners of war and finally, of the civilian population in time of war.

More recently, the Red Cross, in its central organization as well as in similar institutions in various States, has dealt more especially in time of peace, with cases of catastrophe, epidemics and other disasters.

The benevolent activity of the Red Cross, in many cases, is so generally known that it would be unnecessary to describe them here in detail. The spirit of charity which had been the initial reason for its foundation has spread and shown itself on an ever-increasing scale arising from logical and ethical necessity, and following that same spirit. Once more one can see that luminous truth of which Dante and Vico were aware : that the effects of human actions often far surpass the particular intentions of their initiators.

The immediate object of the Red Cross was without doubt to aid the victims of war. But already at one of the Diplomatic Conferences at Geneva (in 1949) the "urgent wish" had been expressed that there might be an end to wars, and that controversies between States be peacefully resolved by co-operation and mutual international agreement, so that there would be no need to apply the Conventions approved at Geneva.

Unfortunately this end is still far from being realized and no one is able to guarantee that danger of armed conflict has dis-

<sup>1</sup> In this connection see, Balladore Pallieri, *Diritto bellico*, op. cit., p. 199.

appeared : hence the necessity for maintaining and making still more effective those organizations which were originally founded for that purpose. But it is obvious that they could and can render excellent service by assisting the victims of other scourges, less terrible than war, but certainly more frequent.

The Red Cross has thus reached a point, almost naturally, when it extends its field of action constantly supported and encouraged by public opinion. It had furthermore been stated in the Geneva Conventions that all the National Red Cross Societies (at present existing in nearly every country in the world) were " the auxiliaries of the medical service in their own country ", and must place themselves at the disposal of the public authorities in order to perform their humanitarian duties. These duties which at first seemed to be expected to have been of an intermittent nature and so to speak, hypothetical, have since become practically continuous.

Whilst the world is agitated by serious cleavages, by dangerous political, economic and national antagonisms, it is reassuring to see the beginnings and the growth of an institution of a universal character bent on protecting the individual as such, regardless of nationality, origin or political and religious belief. The Red Cross having taken this as the condition and the basis of all its action, thus adopts one of the noblest postulates in philosophy.

In its structure and origin, the Red Cross offers us a concrete example and a special confirmation of certain truths already shown in the abstract : the bond which exists between conscience and right, and the relations between the two. That institution possesses without doubt both a moral and a legal significance, closely linked together. The logical connection between these two standards has not prevented humanitarian aspirations to show themselves, as it is often admitted, first in a moral form, but as such they are however lacking in full effectiveness and precise definition. These humanitarian aspirations are only confirmed when they assume legal form.

Right which defines the limits or requirements and obligations and imposes their observance, is necessary for security and order : it is merely empty, rigid and cold unless it is animated by what is known as charity.