

The Fundamental Principles of the Red Cross

COMMENTARY

by Jean Pictet

(continued)

We have said that this requirement is absolute. However, in exceptional circumstances, it may be necessary to make a choice; for instance, when a doctor or nurse, for want of medicines in sufficient quantities, is only in a position to cure a certain number of patients in his care. This is frequently a tragedy for the Red Cross, comparable to that of a raft which will sink if any more castaways cling to it. Can one, in all conscience, use an oar and rap the knuckles of human beings, children perhaps, whose misfortune it is to have not arrived first? I know of several cases where doctors have only treated the sick, wounded or starving who still had a chance of survival, leaving those for whom there was no longer any hope to die. All this represents a matter of conscience, as it is called, because the decision must be left to the individual responsible, who will reach it after deep reflection and carefully weighing the pros and cons.

In such extreme cases as those mentioned above, the doctor or Red Cross worker must make choices on the basis of the social and human attitudes prevailing in the community to which he belongs. He may, for example, give priority to those who have family responsibilities rather than to those who do not; to the young instead of to the old; to women instead of men. It may also be left to chance. If he allows himself to be guided by personal reasons, so long as they are exempt from self-interest, who has the right to reproach him? Who, after all, can claim to hold the scales of perfect justice?

Philosophical considerations

Those who want to go more deeply into this question will have to ask themselves why and how it ever came about, in this world of ours,

that recognition should have been given to this principle of non-discrimination, or, if you prefer, to the principle of equality of rights among men.

All things which are equal in some of their aspects are at the same time unequal in other aspects, even if this is for no other reason than that they are in different places. What is true for objects is true as well for men: they are both equal and unequal, depending upon what aspect we are considering. In the field of rights, one looks at man in terms of equality; in the field of need and assistance, in terms of inequality. When discrimination occurs, it is invariably due to reasons unrelated to the specific case before us, and because we do not see, in this particular case, anything but the elements which display inequality between men, in a field where it is equality which should prevail.

Under the present heading, we shall examine the problem of *equality*. If we have been brought to the point of recognizing the equality of rights among men, this is primarily for reasons of practicality. We certainly know very well that in this world men are not equal. Some are tall, others short; some are intelligent, and others less so—and we could find an abundance of other examples. It is obvious indeed that men differ in their physical, intellectual and moral qualities.

By applying equality of treatment to them, we would be following a mathematical rule, but not a rule of equity and even less one of humanity. Equality in treatment would be right only if it involved identical people, under exactly comparable circumstances, something that never happens.

The ideal thing would be to give to each individual not the same thing but that which is appropriate to him personally because of his nature and particular situation. Such a manner of distribution is not impossible when we are concerned with a small number of persons, but it is not practical in terms of the whole community. For one thing, the individual cases, which are inevitably complex, are then so numerous that we would soon be totally lost. In addition, we would be committing ourselves to subjective evaluation, with all its great risks of partiality and error. When the state concerns itself with establishing the abstract rights of its citizens, differentiation among them in this respect is simply impossible.

This is why society has taken as a fundamental postulate the equality of rights between men. In the final analysis, this idea is the most convenient one for regulating relations between individuals. It does not seriously harm anyone and although it does not attain the highest level of justice,

it does nevertheless provide a certain degree of justice. It is certainly not without value because, as one thinker has expressed it, *This has made it possible for the world of masters and the world of servants to come together and constitute a single and undivided humanity.*¹

2. PROPORTIONALITY

Commentary

The principle of proportionality, which we might also speak of as the principle of equity, is expressed in the second sentence, under this heading in the Proclamation: *It endeavours only to relieve suffering, giving priority to the most urgent cases of distress.*

This phrasing is not perfect. It would have been clearer if it read, *It endeavours to relieve the suffering of individuals in proportion to the degree of their suffering and to give priority according to the degree of urgency.* This principle was formulated in a more technical and precise manner in 1955: *The help available shall be apportioned according to the relative importance of individual needs and in their order of urgency.*²

This idea also found its place in the Geneva Conventions. The 1949 version forbids any “adverse” distinction. Thus, women are to be treated with the particular respect due to them. In like manner, it is normal to give special attention to children and old people. It is also understood that better conditions with regard to quarters or to clothing should be provided for captives accustomed to a tropical climate.

Along with quantitative inequality in treatment, the Conventions also provide for inequality in terms of time. We find, for example, that *only urgent medical reasons will authorize priority in the order of treatment to be administered.* Accordingly, when medical personnel have to deal with a massive influx of wounded, they will begin by treating those for whom a delay would be fatal, or at least injurious, dealing afterwards with those whose condition does not require immediate intervention. In the same way, Red Cross representatives responsible for distribution of food or medicine will meet the most urgent needs first.

¹ Jean-G. Lossier; *Les civilisations et le service du prochain*, Paris, 1958, p. 224.

² J. Pictet: *Red Cross Principles*.

At this point, let us revert to the anecdote referred to earlier under “non-discrimination”, in which the nurse refused to accept her wounded countrymen because her hospital was filled with enemy wounded. The condition of all the men in the hospital was no doubt serious because, otherwise, a more flexible solution could have been found, giving priority to the most seriously wounded of both sides—those for whom immediate hospitalization or a surgical operation was necessary—and sending those with slight wounds of both nationalities, and who could be transported without risk, to the next town.

The principles of humanity and non-discrimination call for giving complete and immediate relief to all men. In real life, unfortunately, resources are generally insufficient to relieve all suffering at once. Accordingly, there must be some standard to apply in distribution. There is such a standard: for equal suffering, equal assistance; for unequal suffering, assistance in proportion to the extent of suffering, taking into account the urgency of the various cases. For the Red Cross, there are proper and even obligatory distinctions that may be made—specifically, those which are based upon degrees of need.

Proportionality is one of the essential principles of Red Cross action, even though it took a long time to arrive at it. One of the leaders of a National Society had however already understood the point when he wrote, in 1946, “There is only one rule for the Red Cross: the greatest help to the greatest need”.¹

It would be unjust to offer the same assistance to those with differing degrees of need. This after all is just common sense. Let us take a simple example. After a picnic, you have two pieces of bread left. You meet two travellers, one of whom has just eaten and is not hungry, while the other has had nothing to eat all day long. What do you do—give one piece of bread to each of them? Of course not, you obviously give both pieces of bread to the one whose stomach is empty, to the one who is suffering.

Jean PICTET

(To be continued)

¹ Sir John Kennedy, Executive Vice-President of the British Red Cross.