

Gustave Moynier and the peace societies

by **André Durand**

As soon as the Red Cross was founded, the question of its relationship with war was raised. Indeed, it could be argued that placing the protection of war victims on an institutional basis and creating a reserved area off-limits to violence was tantamount to an official recognition of warfare or a tacit acceptance of the use of force. Some even wondered whether the attempt to regulate warfare without trying to eliminate it was not serving the purposes of the military and political leaders responsible for waging war, who would be able to invoke the notion of “clean warfare” to justify themselves in the eyes of public opinion and before history.

These reservations did not weaken the resolve of the founders, who probably felt that they themselves had already overcome the problem. As citizens of a country whose neutrality was institutional, they believed that only war waged for defensive purposes was legitimate and that a militia provided the best guarantee of protection.¹ Their objective was to improve the lot of wounded soldiers rather than to reform the policy of nations. At the opening session of the Geneva Congress of October 1863, Gustave Moynier, speaking after General Dufour, explained the position of the International Committee in the following terms:

“Listening to our detractors, we gather the impression that all we are doing is legitimizing warfare as a necessary evil. Is this criticism

Original: French.

¹ In the course of his long military career, General Dufour was four times appointed Commander-in-Chief of the Swiss federal army; at the time of the Neuchâtel affair (1857), Gustave Moynier, a soldier in the Geneva regiment, had completed five weeks of active service on the Rhine; Henry Dunant, who had taken up French nationality in 1859, was exempted from military service on account of his dual French-Swiss nationality; Drs Maunoir and Appia would certainly have been called up to serve in the medical corps in the event of a conflict.

really justified? I am sure it is not. Of course, as much as and even more than anyone, we want people to stop killing each other and we repudiate this vestige of barbarity which they have inherited. (...) We do believe, nevertheless, that for a long time to come we shall have to deal with human passions and their deadly consequences. Why, then, if there is no immediate, absolute means of guarding against them, should we not try to alleviate them? If only in the name of charity ...”²

All the same, the problem of war cannot easily be ignored. By the very nature of its objectives, the Red Cross is bound to be involved in situations of conflict. Its leaders, its members and its delegates are in direct contact and are constantly negotiating with those responsible for the conduct of warfare. If they attempt to regulate a form of action which they condemn and fail to voice their condemnation, are they not running the risk of accepting the consequences and setting the seal of their authority on armed confrontations which can only lead to carnage and destruction? It could therefore be argued that the Red Cross, and subsequently international humanitarian law, might perhaps have served the cause of humanity better by joining the ranks of those who, by attacking war directly, aimed to do away with both its causes and its effects.

Such was the goal of the peace societies which were set up in the Anglo-Saxon countries soon after the end of the Napoleonic wars: the American Peace Society in the United States and the Society for the Promotion of Permanent and Universal Peace, which later became the London Peace Society, in Britain.³ These societies were initially inspired by religious and moral considerations, under the influence of the Quakers’ principles of non-violence. Differences of opinion soon emerged, however, between those who believed in all-out pacifism and those who did not reject defensive warfare.

In France, the early pacifist movements were initially based either on moral considerations, as in the case of the *Société de la Morale chrétienne*, founded in 1820, or on the theories of Utopian socialism put forward by Saint-Simon and Charles Fourier.

² *Compte rendu de la Conférence de Genève*, 26-29 October 1863, p. 8.

³ The Peace Society, which was founded in London on 14 June 1816, played an important part in the development of peace societies in continental Europe. The history of the Peace Society is associated with the name of Henry Richard (1811-1888), who edited the journal *Herald of Peace* and was the Society’s secretary for almost 40 years. For the history of pacifism, see the recent work by Verdiana Grossi, *Le pacifisme européen: 1889-1914*, Bruylant, Brussels, 1994.

In Geneva, the first peace society was set up in 1830 by Count Jean-Jacques de Sellon. De Sellon took as his guiding principle the inviolability of the individual, which led him first of all to campaign for the abolition of slavery and of the death penalty, and later to devote his efforts to promoting peace and arbitration between nations.⁴

The first European Peace Congress, convened by the London Peace Society on the initiative of the American Peace Society, met in London in 1843. The participants, most of them Anglo-Saxons, mainly discussed matters relating to Christian humanitarianism. A few social issues, which were subsequently to take on much more importance, did appear, however, together with a proposal that conflicts be settled by mediation.

In the countries of Western Europe, the revolutionary movements of 1848 raised hopes for closer contacts among peoples through political emancipation and the advent of democracy. Even as they were discovering and asserting their own identities, peoples were acknowledging each other and trying to forget their historical differences in order to work together in the areas of peace, science, culture, sociology, law and the building of the society of the future. In this aspiration towards a just world, the congresses organized by the peace societies found fertile ground for development.

The first congress after the revolution of February 1848 was held in Brussels in September of the same year and was chaired by Auguste Visschers, a Belgian lawyer and philanthropist, who reappeared at the side of Gustave Moynier at the International Charity Congress in Brussels in 1856 and at the Geneva Diplomatic Conference in 1864.

One year after Brussels, the Peace Congress met in Paris from 22 to 24 August 1849. The enthusiasm kindled by the previous year's revolution was still alive. Victor Hugo, who was a deputy in the National Assembly and at that time at the peak of his literary career, was chosen to preside over the Congress. His opening speech contained the following passage, in which he looked forward to no less than the creation of the United States of Europe and the establishment of a European parliament:

⁴ On 14 December 1886, Gustave Moynier was appointed by the Civil Court of Geneva trustee of the papers left by de Sellon when he died, jointly with Louis Dufour, State archivist, and Théophile Dufour, a judge of the Court of Justice and the Court of Cassation, director of the State Archives (1877-1885) and director of the public university library (1885-1900).

“The day will come when France, Russia, Italy, England, Germany, all you nations of the continent, without losing your distinctive qualities and your glorious individuality, will coalesce into a greater entity, and will constitute a European fraternity, just as Normandy, Brittany, Burgundy, Lorraine, Alsace and all our other provinces coalesced into France. The day will come when there will be no battlefields other than markets open to trade and minds open to ideas. The day will come when cannon balls and bombs will be replaced by votes, by the universal suffrage of peoples, by the venerable arbitration of a supreme, sovereign senate, which will be to Europe what Parliament is to England, what the Diet is to Germany and what the Legislative Assembly is to France.”⁵

The tradition of holding congresses was maintained in the years that followed: in Frankfurt-on-Main in 1850, then again in London in 1851. The trend towards internationalism was growing and naturally influenced the pacifist movements, which until then had proceeded along national lines. This expansion led to differences of structure and doctrine. With the appearance of the first workers’ organizations, culminating in the founding of the International Workers’ Association in London in 1864, the religious, humanitarian and moral motivations underlying the pacifist movements in the first half of the century were replaced by a call for social justice; while peace was maintained as an objective, the class struggle was proposed as a means of attaining it.

In this period of gestation, pacifist propaganda was still inspired by idealistic considerations. Peace appeared as a golden age of mankind, but a golden age in the future, a far-off paradise where men and entire peoples, having overcome the rivalries which set them against each other and having resolved the quarrels which divided them, would live fraternally in eternal concord. The objective study of war as a phenomenon, which the sociologist Gaston Bouthoul termed polemology, had not yet been invented. War was regarded as a distortion of human nature, as a «morbid disorder», in the words of Gustave Moynier, which could be cured by a return to reason. The means of achieving this would be arbitration, disarmament and pacifist propaganda. While these means were no doubt substantial, they soon found their limitations whenever States and peoples felt threatened in their integrity or their honour. As for disarmament, the technical advances made by science tended to encourage the governments

⁵ Victor Hugo, opening speech, Peace Congress, Paris, 21 August 1849.

of the major States to increase the power of their weaponry rather than reduce it.

The dispute which arose between France and Prussia in early 1867 over rival claims in connection with the Grand Duchy of Luxembourg showed just how precarious peace remained between nations. It is true that the conflict was settled peacefully by arbitration, making Luxembourg a perpetually neutral State (11 May 1867). However, it appeared more than likely that powers involved in disputes would not be inclined to conciliation when their vital interests were at stake, and that there was therefore a need to develop humanitarian law and to intensify pacifist propaganda. It was in the same year that the first International Conference of Aid Societies for the Nursing of War Wounded met in Paris, with the possible revision of the Geneva Convention of 22 August 1864 on its agenda. Meanwhile, the threat of armed conflict prompted the economist Frédéric Passy to publish an article in the press.⁶ With the encouragement of pacifists in France and other countries where pacifism had begun to take hold, such as Great Britain, the United States, Italy, Germany, Denmark and Sweden, he announced the establishment in Paris, on 30 May 1867, of a new pacifist society, the *Ligue internationale et permanente de la Paix*. In 1901, in recognition of his dedication to pacifist movements, Passy was to be awarded the Nobel Peace Prize jointly with Henry Dunant.

The new society, considering that wars ran clearly counter to the trends of civilization, referred first of all to the balance of European powers, which had the duty of abstaining from any attack upon or threat against other nations. In order to uphold and propagate the great principles of mutual respect, which in Passy's opinion should thenceforth constitute the common charter of humankind, he appealed for the support of all men of good will in every country.⁷

But these objectives were not enough for some groups of French pacifists, who were opposed to the imperial regime and saw in the policies of autocratic governments a permanent source of conflict. They consid-

⁶ See *Le Temps*, 26 April 1867. Frédéric Passy (1822-1912), the author of many works on economics, an ardent supporter of pacifism and arbitration and of the idea of a European federation, and the founder in 1889, with William Randall Cremer, of the Inter-Parliamentary Union, had already protested against the war in Lombardy in 1859.

⁷ These texts appeared in various issues of the *Bibliothèque de la Paix* published by the *Ligue internationale et permanente de la Paix*.

ered that proclaiming lofty principles of mutual respect and appealing to men of good will were not sufficient to establish peace in the world, believing on the contrary that the first step was to overthrow such regimes and liberate the people. On the initiative of the philosopher Charles Lemonnier, a follower of Saint-Simon, they then decided to convene a pacifist congress in Geneva in September 1867, with objectives and means that differed substantially from those proposed by Frédéric Passy: "The aim of the Geneva Congress is to determine the political and economic conditions required for peace among peoples, and in particular for the establishment of the United States of Europe. It aspires to be the conference of European democracy, expressing through its most authorized spokesmen the elements of this great solution and sounding, in the name of the immortal principles of the French Revolution, the signal for consciences to awake: it is time for democracy to stand up and show itself."⁸

It was not by chance, wrote Charles Lemonnier, that Geneva was chosen to host the future congress. "Paris was out of the question and we did not even consider it; we first thought of Brussels, and then Mannheim; but there were several reasons for preferring Geneva, such as the sure support of a few friends who were known for their tireless devotion, quiet energy and bold caution; the liberal attitudes of many Geneva citizens; the longstanding reputation of a city which was and still is the refuge of so many exiles; and the tolerance and freedom which seemed fully guaranteed under a democratic government, in a neutral, republican country."⁹

The Paris committee then called on the Moral and Political Science section of the *Institut national genevois*,¹⁰ which at the time was headed by James Fazy, to see to the organization of the Congress. Accepting the proposal, the section appointed a central committee, first chaired by James Fazy, and subsequently, after a few procedural incidents, by the Frenchman Jules Barni, a professor at the *Académie de Genève*, with Dr Fauconnet as vice-chairman and the sculptor Charles Menn as secre-

⁸ *Annales du Congrès de Genève*, preface by Jules Barni, Vérésoff and Garrigues, Geneva, 1868, pp. 6-7.

⁹ Charles Lemonnier, *La vérité sur le Congrès de Genève*, Vérésoff and Garrigues, Bern and Geneva, 1867, pp. 5-6.

¹⁰ *The Institut national genevois* had been founded in 1852 on the initiative of James Fazy, who was then President of the Geneva State Council, and who became the Institute's first President. At the time it comprised three sections: industry, commerce and agriculture; moral and political science; fine arts, music and literature.

tary.¹¹ The Congress opened on 9 September in the specially prepared Electoral Building.

The organizing committee had invited Garibaldi to attend the congress. The arrival of the hero of Italian unity was headline news. For the last leg of his journey, from Villeneuve to Geneva, two special carriages were provided, and in all the stations where the train stopped he was welcomed by bands and choirs and speeches by local notables. On arrival at Cornavin station, where several thousand people were waiting for him, he appeared dressed in the uniform of a general of the Garibaldian volunteers, and was greeted by gun salvos and cheers. On the balcony of James Fazy's home, situated on the corner of the rue du Mont-Blanc and the quai du Mont-Blanc, he stood, flanked by James Fazy and Albert Wessel, and harangued the crowd thronging the quayside to welcome him.¹²

In the minds of the congress organizers, the political liberation of European peoples and their union within a democratic federation was a necessary precondition for peace. Some disagreed, however. When he was consulted during the preparatory phase, the pacifist Henry Richard declared, in the name of the Peace Society, that since the London society's basic principle was to abstain from any political interference or even any political associations, it would merely observe the efforts made by the Geneva Congress, without taking any part other than offering encouragement and good wishes. In the name of the *Ligue internationale et permanente de la Paix*, Frédéric Passy had made a similar declaration. Thus a split appeared in the aspirations of the pacifist societies, with on the one side those guided by religious, moral, social and economic principles, and on the other those giving priority to revolutionary action in their strategy. This difference of approach was evident even within the Geneva Congress, when the supporters of international revolutionary

¹¹ The Central Committee also included the Genevans Amédée Roger and Albert Wessel, notary, who were respectively members of the Democratic Party and the Independent Party. The German delegation included Armand Goegg, who had left Germany after the revolutionary upheavals of 1848. His son Egmond (or Edmond) Goegg, who was living in Geneva, was later to be a member of the *Société genevoise d'utilité publique*, and was its President on several occasions, in particular in 1906, when on behalf of the Society he received the delegates of the Diplomatic Conference for the revision of the Geneva Convention of 22 August 1864 at the Palais de l'Athénée.

¹² See Charles Lemonnier, *op. cit.* (note 9), pp. 12-14; Willy Aeschlimann, "Garibaldi à Genève", in *Almanach du Vieux Genève*, 1963, pp. 23-25, and "Garibaldi au Congrès de la Paix et la presse valaisanne", *ibid.*, 1964, pp. 25-28; and various articles in the Geneva press of the time.

action and the more moderate advocates of democratic action within national boundaries clashed in verbal encounters, which the fiery speeches of Garibaldi and Bakunin did nothing to appease, with Garibaldi proposing the destitution of the papacy and Bakunin the dissolution of the State.¹³

So the Congress was by no means free of confusion and internal quarrels. This may have been due to the way it was organized. An effort had been made to recruit participants from very varied backgrounds, including trade union, religious, revolutionary and traditionalist circles, and most of them, taking maximum advantage of the freedom of expression they were given, took the floor repeatedly, exceeded their speaking time and interrupted other speakers. But that was probably inevitable. By establishing a link between politics and peace, the congress undoubtedly opened the door to factional claims, while recognizing that in the end responsibility for peace lay with political institutions.

It became apparent that the organizers of the Geneva Congress did not rule out insurrection as a means of achieving peace. "Peace», wrote Professor Jules Barni, «was always our ultimate aim, but we did not want to separate that goal from freedom, without which it can only be an illusion. In that sense, the Geneva Congress marked a new departure: it was the first Congress of Peace through Freedom."¹⁴

Although the climate of the time was propitious to the emergence of pacifist ideas, there were also signs that the risk of war was being heightened by the policies of the major powers. After the Austro-Prussian War of 1866, the unification of Germany seemed imminent, most probably under the crown of Prussia. Diplomatic circles had little doubt that conflict would arise between the emerging German Empire, keen to assert its industrial and military strength, and the French Empire, bent on maintaining its dominant position in Europe. While the universal exhibition held in Paris in the summer of 1867 was a showcase for French industry and art, in its industrial pavilion visitors could admire the latest model of the Krupp cannon, which was a blatant reminder of German military might. Neither the Red Cross pavilion, set up for the International Conference of Aid Societies for the Nursing of War Wounded, nor the office of the

¹³ On the proceedings of the Congress, see *Annales du Congrès de Genève*; Charles Lemonnier, *op. cit.* (note 9); and François Ruchon, *Histoire politique de Genève* (1813-1907), Vol. II, Jullien, Geneva, 1953, pp. 231-232.

¹⁴ Preface by Jules Barni to the *Annales du Congrès de Genève*, p. VIII.

Ligue internationale et permanente de la Paix, which had been opened by Frédéric Passy in the Alsace pavilion, were enough to reassure them. And the future Nobel Peace Prize winner was no doubt somewhat alarmed to hear that a Swedish chemist by the name of Alfred Nobel had registered a patent for the manufacture of dynamite on 19 September 1867.

Gustave Moynier, when he attended the International Conference of Aid Societies for the Nursing of War Wounded in Paris, would have learned of the founding of the *Ligue internationale et permanente de la Paix*, and on his return to Geneva heard about the passionate discussions taking place at the Congress of the *Ligue internationale de la Paix et de la Liberté*. His preference went to the former. In the preamble to the programme of Frédéric Passy's League, the undertaking not to threaten other nations and the references to the great principles of mutual respect fitted in perfectly with his own beliefs and with the rules which the Red Cross wanted to have accepted in international relations. He also found encouragement in the fact that the signatories to the declaration by the League's organizing committee included his friends pastor Martin-Paschoud and Auguste Visschers. In May 1868 he joined the *Ligue internationale et permanente de la Paix* as a founder member,¹⁵ and in December 1869 became a member of the League's Geneva committee.¹⁶

These dissensions, differences of opinion and quarrels no doubt expressed the contradictions that beset pacifists who have difficulty accepting the idea of absolute non-violence or unconditional peace. Defensive warfare is of course one of the first and perhaps the most reasonable of exceptions to the principle of non-violence. At a time when war was chiefly the responsibility of monarchs, the Abbé de Fénélon, who was tutor to the Duke of Burgundy, did not fail to remind his royal pupil that: "It is only permitted, therefore, to engage in war despite oneself, as a last resort, to repel the enemy's violence".¹⁷ The notion of just war also appears in the history of warfare as a significant

¹⁵ The founder members were those who had joined in the first year and had paid a contribution of at least 100 francs.

¹⁶ Frédéric Passy gave two talks in Geneva on war and peace, the first on 1 December 1869 in the hall of the Amis de l'Instruction, in the Temple unique (now the Sacré-Coeur church) and the second on 3 December in the hall of the Reformation. Many of his listeners joined the League for Peace as members or supporters after his lectures, which were extremely well received.

¹⁷ Fénélon (1651-1715), *Dialogues des Morts*, Dialogue XVI: "Socrate et Alcibiade".

exception to pacifist doctrines.¹⁸ Yet who is to decide whether a war is just, apart from the victor? What soldiers, as they march to the front, are not convinced that they are defending justice, civilization and liberty? “War is just for whomever it is necessary», wrote Livy, «and weapons are sanctified when they are the only hope left.”¹⁹

Then again, what about wars of independence and the right to insurrection? Garibaldi himself, before his premature departure from the Geneva Congress to join his legions and march on Rome, declared: “Only the slave has the right to make war on tyrants.”²⁰

One famous example demonstrates how fragile the hope is of reconciling pacifist ideals and political imperatives. We have already noted Victor Hugo’s sentiments at the 1849 Peace Congress in Paris, just after the revolution. Twenty years later, at the Lausanne Congress in 1869, the situation had changed. Having become the spokesman of the opposition to the Empire, banished from his country and committed to the defence of exiles, Victor Hugo proclaimed that peace in Europe presupposed the abolition of all forms of despotism, through war — the *last war* — if need be: “The first condition of peace is deliverance. And to achieve deliverance, there will certainly have to be a revolution, which will be the greatest of all, and perhaps, alas, a war, which will be the last. Then all will have been accomplished. Peace, being inviolable, will be eternal”. And he concluded: “Liberty is the goal; peace is the outcome.”²¹

It was at this time that Geneva was discovering its vocation as a venue for conferences. In many countries of Europe with autocratic governments, freedom of assembly was limited and freedom of expression was not assured. With its liberal laws and its open-minded attitudes, every year the city of Calvin attracted politicians, diplomats, trade unionists and

¹⁸ See Peter Haggemacher, «Just war and regular war in sixteenth century Spanish doctrine», *International Review of the Red Cross*, No. 290, September-October 1992; and, by the same author, *Grotius et la doctrine de la guerre juste*, PUF, Paris, 1983 (publications of the Graduate Institute of International Studies, Geneva).

¹⁹ Livy, Book IX, I. Quoted by Machiavelli in *The Prince*, ch. XXVI.

²⁰ *Op. cit.* (note 8), p. 139. When Garibaldi’s volunteers attacked the Papal States, the International Committee approached the Federal Council and Monseigneur Mermillod, recently appointed Bishop of Hebron *in partibus* and auxiliary for Geneva, in the hope of encouraging the Vatican to become party to the Geneva Convention of 22 August 1864. (Letters from Gustave Moynier to the President of the Confederation and to Mgr Mermillod dated 1 November 1867.) Mgr Mermillod immediately followed up the Committee’s request and the Papal States announced their accession to the Convention on 6 May 1868.

²¹ Victor Hugo, Congress of Lausanne, 4 September 1869.

pacifists. The facts are eloquent. In 1863, it hosted the founding conference of the Red Cross; in 1864, the first diplomatic conference which drew up the Geneva Convention; in 1866, the first congress of the International Workers' Association; in 1867, the first International Congress for Peace and Liberty; in 1868, the diplomatic conference for the revision of the 1864 Geneva Convention. The succession of congresses was interrupted briefly during the 1870-71 war, and then started again in 1871-72, with the Alabama arbitration. In 1873, the Peace Congress returned to Geneva. In 1874, the first session of the Institute of International Law was held at the Hôtel de Ville, followed in the same year by a new Congress for Peace and Liberty. In twelve years, from 1863 to 1874, nine international congresses were held in Geneva to discuss major issues concerning the protection of war victims, the condition of workers, the advent of peace, arbitration, and the development of law, all preparing the city for the role it was to play later on the international scene.

The Franco-Prussian war of 1870 did not interrupt the meetings of the *Ligue de la Paix et de la Liberté*.²² But events often upset ideals, and the League had to adapt its objectives of peace and the creation of a United States of Europe to the brutal resurgence of territorial claims: "The annexation of Alsace and Lorraine, on the pretext of constituting a defence against future dangers, is nothing more than a straightforward territorial conquest. The right of their population to self-determination, though suppressed by force, remains, and will reappear as soon as that force has ceased to exist."²³

In 1874, the Congress for Peace and Liberty met again in Geneva. Victor Hugo, who was invited to attend, this time declined the invitation. He added new reservations to those he had already expressed in 1869. Meanwhile, there had been the Franco-Prussian war, the invasion of France, and the loss of two provinces. Reparation was required. Hence the prime issue was no longer peace, but justice. "All fraternities are adjourned; where there was hope, there is now menace: we are faced with a whole series of disasters, each of which gives rise to another and must be seen through; there is no stopping now."²⁴

²² The Peace Congress met in Basel in 1870, in Lausanne in 1871 and in Lugano in 1872. From 1873 onwards, it met regularly in Geneva.

²³ *Ligue internationale de la Paix et de la Liberté*, Fifth Congress, Lausanne, 25-29 September 1871, Resolution No. 4 (international law).

²⁴ Victor Hugo, *La question de la paix remplacée par la question de la guerre - À MM. les membres du Congrès de la Paix à Genève*, Paris, 4 September 1874.

What the great orator was prophesying was only too real. The 1870 war had created between France and Germany a climate of revenge, mistrust and hostility which for almost a century, through two world wars, was to impede any attempt to construct a pacified Europe, despite the conclusion of agreements which banished war only in the minds of their signatories. Yet this very hostility, because of the threat it constituted for the European nations, encouraged the creation of new pacifist organizations with universal aspirations. Without going into details of their development, we might just mention the most representative ones in the field of arbitration and peace: the Bureau of the Inter-Parliamentary Union, which was founded in Bern in 1892, and the International Peace Bureau, the Nobel Peace Prize winner for 1910, which was founded in Rome in November 1891 by the International Congress for Peace.²⁵

These considerations are not digressions from our subject. In order to understand the problem facing the Red Cross, we need to move back into the climate that prevailed at that time, to recall what currents were underlying the pacifist movements, and to be familiar with the arguments brought against their more extreme representatives. For example the lawyer Rolin-Jaequemyns, commenting on the programme of the League for Peace and Liberty in 1873, did not spare his criticism: "Have we not seen meetings held in Lausanne under the guise of a Congress for Peace and Liberty, whose very title appears absurd to anyone taking a cold, hard look at the reports of their debates? Far be it from us to compare these largely sterile assemblies with the brilliant, generous gatherings of the Peace Congress, which have been held several times since 1842 in London, Paris, Brussels and Frankfurt. We believe the time has come to move on to something more tangible than vaguely worded wishes and diatribes against warfare".²⁶ By this he meant collective legal and academic action through the creation of the Institute of International Law, whose motto, *Justicia et pace*, complements that of the Red Cross, *Inter arma caritas*.

In the circumstances, the Red Cross, in its beginnings, might well have hesitated to become fully associated with any one of the pacifist movements. Any such commitment, which would have involved adopting

²⁵ Élie Ducommun, first secretary of the International Peace Bureau, and Charles-Albert Gobat, secretary of the central office of the Inter-Parliamentary Union, were jointly awarded the Nobel Peace Prize in 1902.

²⁶ G. Rolin-Jaequemyns, "De la nécessité d'organiser une institution scientifique permanente pour favoriser l'étude et les progrès du droit international", *Revue de droit international et de législation comparée*, Vol. V., 1873, p. 466.

a political, ideological or religious stance, would have drawn it into factional struggles, whereas the Red Cross doctrine aimed at universality. What it considered essential was to devote itself to the task it had chosen, namely improving medical services and protection for the wounded.

As we have seen, in his first speech to the Geneva Conference in October 1863 Gustave Moynier immediately addressed the problem which we are examining here, that is, the relationship between, and possible paradoxes inherent in, the struggle against war on the one hand and the protection of war victims on the other. He put forward one of the arguments which shaped the attitude of the Red Cross to the peace problem, namely that it is by revealing the realities of war, by proclaiming, in the name of charity, "what politicians all too often try to hide", that we can act most effectively in favour of disarmament. From that moment the International Committee clearly showed that it would refrain from joining in the direct action of pacifist movements, while at the same time supporting their aims.

When he joined the *Ligue internationale et permanente de la Paix* as a founding member, Gustave Moynier wrote a letter to Frédéric Passy in May 1868 outlining for the first time what in his view should be the relations between and the respective tasks of the Red Cross and the Peace Societies.

Gustave Moynier began by assuring his correspondent of the support of the Red Cross and countered accusations that the institution encouraged war by being content with moderating its effects. He did suggest, however, that Red Cross action alone would not be enough to do away entirely with the hardships of war: "I am even more anxious to support your peaceful activities because our endeavours on behalf of wounded soldiers have been accused of encouraging war by making it less atrocious. Needless to say, such is not my sentiment. We in no way claim to rid war so completely of its horrors that the fate of its victims would become enviable. Whatever we do, war will always remain a major calamity and we shall never be short of arguments for condemning it".²⁷ Thus, added Gustave Moynier, by assisting war victims, by dealing with the most

²⁷ Gustave Moynier to Frédéric Passy, May 1868. This letter was published in the appendix to the report of the first general assembly of the *Ligue internationale et permanente de la Paix*, held on 8 June 1868 (*Bibliothèque de la Paix*). Gustave Moynier, who had considered publishing the letter at that time, finally included it in an article which appeared in the *Revue internationale de la Croix-Rouge*, No. 126, April 1901, p. 74.

urgent tasks first, the members of the Red Cross were making a useful contribution to the League for Peace.

Gustave Moynier took up the argument again the following year, in the first issue of the *Bulletin international des Sociétés de secours aux militaires blessés* (October 1869). Replying to those who felt that the first concern of relief societies should be not so much to assist the wounded as to try to tackle the problem at its roots and thus bring lasting peace to peoples, he wrote: "Those who voice this objection no doubt forget that there are associations whose aim is precisely to make war on war, which is already a way of meeting the most generous aspirations of the modern mind. They might reflect that while we await the triumph of the friends of peace, wisdom tells us to hold ourselves ready for any eventuality".

In December 1892, in reply to a request by the editor of the *Deutsche Revue*, Gustave Moynier wrote an article under the title "Die Härten des Krieges und das Völkerrecht" (the hardships of war and the law of nations),²⁸ reviewing the problems for the human conscience which arise from the attempt to maintain rules of law in a sphere which, by its very nature, knows no rules and submits to no law.

At the time he published the article, Gustave Moynier had almost thirty years of experience in humanitarian law and the law of war. He played a key role in preparing and drafting the 1864 Geneva Convention and later in revising and extending the treaty; he was involved in the founding and the work of the Institute of International Law; he proposed and published the Manual of the Laws of War on Land (known as the «Oxford Manual»), which consolidated in a single document all the laws which at the time limited the freedom of belligerents to choose means of warfare and imposed rules of conduct with respect to non-combatants and persons *hors de combat*.

He could not help observing, however, that wars were no less frequent and deadly, and that although international humanitarian law had without a doubt helped to protect the victims of conflict and had to some extent attenuated the effects of violence and perhaps prevented an escalation of reprisals, on the other hand, as a result of the constant build-up of arma-

²⁸ "Die Härten des Krieges und das Völkerrecht, ein Brief des Präsidenten des internationalen Instituts für Völkerrecht, Herrn Moynier, an den Herausgeber der Deutschen Revue (Richard Fleischer)", *Deutsche Revue über das gesamte nationale Leben der Gegenwart*, 17th year, Vol. IV, Breslau, October-December 1892, pp. 331-339. It was also in the *Deutsche Revue* that Henry Dunant published the German translation of his pacifist manifesto "La proposition du tsar Nicolas II" in 1899.

ments, the growing technical sophistication of weapons, and the mobilization of many classes to do military service, the harm and destruction caused by war were developing faster than the laws aimed at containing them. Treaties were therefore being drafted to deal not only with relief for the wounded, but also with the conduct of hostilities. Did this mean that a nation conducting warfare in accordance with these rules would be entirely blameless? Was there then a right to destroy?

It is easy to understand how these questions troubled Gustave Moynier and how he had begun to wonder whether the wish to reconcile these two incompatible factors, namely the material existence of war and its codification, had not led to the acceptance, in his own words, of an illogical, unstable situation which could be justified only if it opened the way to its abolition.

Gustave Moynier began by explaining why he was replying to the request of the review's editor, and why he was returning to a topic which had already caused so much ink to flow. It was, he wrote, because there were some things which could not be said often enough. "A reform such as that which is currently taking place in the field of warfare cannot fully succeed unless it receives the support of all the peoples of civilized nations. And it is only through endless repetition that this notion can be instilled in peoples' minds and that their hearts can be won."²⁹ Gustave Moynier therefore focused on the rules which the conscience of peoples imposed on governments. He left aside, as he said, charities, such as the Red Cross, although it had to be understood that by that term he referred only to relief organizations and that the main subject of his study remained international humanitarian law. It is worth noting, moreover, that he signed the article as President of the Institute of International Law.

"Our subject poses the problem of reconciling two incompatible elements. On the one hand a material fact, warfare, which, whatever views one may hold, is likely to hold sway in the world for a long time to come. On the other hand, a moral fact, the awakening of a collective conscience in humankind, which, as it has become increasingly refined, has reached the conclusion that war must be considered as a morbid disorder that should be eliminated. From this inconsistency, by a kind of compromise, a mixed situation has emerged. We have not given up fighting, but we do it in a slightly different way. We have tempered combat by imposing

²⁹ Original text in French, according to the manuscript dated October 1892. ICRC, Moynier archives.

a few not too troublesome restrictions, which do not satisfy the philanthropists but which help them to bide their time in the hope of better things. This situation is obviously both illogical and unstable. I believe it will evolve towards gradual elimination of the use of violent means for the settlement of international conflicts (...).”

He then listed the international treaties (ratified or otherwise) relating to warfare. Leaving aside the Paris Declaration of 16 April 1856 prohibiting privateering at sea and laying down conditions for blockades, Gustave Moynier noted that all the rules relating to warfare were concentrated within a short space of time, between 1863 and 1880, before which there had been none and after which (at the time he was writing, in 1892) no more were forthcoming. He went on to analyse the five legal instruments which had been drafted in the course of those eighteen years but had not all been promulgated: the Geneva Convention of 22 August 1864, the draft Additional Articles of 1868 to the Geneva Convention, the 1868 St Petersburg Declaration prohibiting the use of explosive projectiles of a weight below 400 grammes, the Brussels Declaration of 1874, and the Manual of the Laws of War on Land adopted by the Institute of International Law in 1880.

As he pointed out, those treaties and declarations did not all have the same binding force: only the Geneva Convention and the St Petersburg Declaration had been ratified. But were they entirely devoid of any sanction? Not so, replied Moynier, who, in 1872, had tried to persuade the international community to adopt a penal sanction in the event of violation of the Geneva Convention, an appeal which had gone unheeded. Not so, he said: “for whomsoever can read between the lines, it is not hard to detect in these documents, besides commands which it seems could be violated with impunity, a tacit stigma attached to those who fail to take account of those commands. Such a penalty is not ‘afflictive’, but it is extremely ‘infamous’ and may hold in check combatants who are reluctant to be seen as barbarians. The old customs did not have this type of binding force. Since they were always more or less debatable, they were never expressed in terms of clear, irrefutable precepts, while precise, clearly worded rules leave no doubts about the deeds which must not be committed. One can only be guilty, truly speaking, once the commandment has been issued.”

Apart from the treaties which became part of positive law after their ratification, Gustave Moynier referred to provisions which, though they had not been ratified, had been approved at a diplomatic congress and, in his opinion, could be considered binding without promulgation. Among

these draft conventions and declarations, Moynier drew a distinction between articles on which there had been no consensus, because the participants had failed to agree, and those which had been approved by a vote. The latter, he argued, had not been submitted for ratification only because they were attached to the former. "If they had been separated from the whole draft in which they appeared and made into special conventions, they would now be legally approved." Therefore, he considered, provisions which although unratified had been universally adopted enjoyed an authority almost equal to that of real international laws, since both were the expression of contemporary customs and those who violated either were anyway not liable for prosecution before a court of law.³⁰

That did not mean, on the other hand, that it was unnecessary to convert texts on which all had agreed into positive law. The States party to such treaties had gained the right to complain in the event of violations, and reprimands issued by governments "constitute a far more serious punishment than reproaches from individuals without authority, so the threat of such reprimands may induce belligerents to be much more circumspect in their conduct".

Gustave Moynier thought that efforts to attenuate the hardships of war would continue, and that new international agreements would be concluded. He then expanded on the argument which he had put forward in 1868 in his letter to Frédéric Passy, namely that humanitarian law alone would never lead to the abolition of war, which by its nature generates violence.

"The preamble to the Declaration of St. Petersburg states that the progress of civilization should have the effect of alleviating as much as possible 'the calamities of war'; so far so good, but war itself is absolutely refractory to civilizing influences. It seems to me to be a vestige of barbarity which civilization would tend to eliminate, rather than a seed of progress to be germinated. I cannot imagine civilization, which aims to make law prevail over force in relations both between groups and between individuals, coming to terms with war, which in its decisions takes no account of justice and in which the strong prevail over the weak.

³⁰ Pursuant to this principle, Gustave Moynier had asked the Swiss Federal Council to propose officially to nations which had taken part in the Geneva Diplomatic Conference of 1868 to ratify separately the additional articles concerning maritime warfare, which had been unanimously adopted, by detaching them from the draft convention as a whole. The Federal Council did not act on this proposal on the grounds that such a decision should be taken by a diplomatic conference.

The act of mutual destruction in no way bears the seal of civilization. A civilized war is, in my opinion, a contradiction in terms.”

It should not be concluded, therefore, that gradual attenuation of the ills of war would necessarily lead to its abolition; the humanitarian conventions should rather be seen as a blow against war as an institution. Codifying methods of warfare had thus opened the way to its elimination.

“When it came to be admitted that among the means employed by belligerents to gain the upper hand some were unnecessary, and the decision was made to ban them, this was the start of a far-reaching process. Where in fact do we situate the limit which is not to be exceeded? Who is to judge? The soldier or the moralist? As time goes by, will one not begin to ask whether thousands of people really need to be slaughtered for harmony to be restored between two nations, and whether the victory of just causes might not be obtained by gentler methods, more in accordance with the spirit of brotherhood which we proudly claim has now become universally accepted? The proof that this question is unavoidable is that it has been asked in the first place and, once it has been asked, belief in the inevitability of war, the major argument put forward by its supporters, is bound to be shaken.”

Thus, Gustave Moynier concluded, the way to outlaw war is to impose rules on it rather than making moving speeches, and to demonstrate its true nature through philosophical analysis. The Red Cross played a pioneering role in this respect:

“It is especially when I think of those still far-off consequences that the drafting of a code of laws of war seems to me to have social implications that are as significant as they are beneficial, and that I agree with those who see the adoption of the Geneva Convention as a memorable act, because it has marked the beginning of a new era which will culminate in the liberation of mankind from major ills still prevailing today.”

Gustave Moynier returned to the attitude of the Red Cross towards pacifist movements in an article published in the *Revue internationale de la Croix-Rouge* in April 1901, entitled “La Croix-Rouge et l’œuvre de la Paix”,³¹ in which he quoted his letter of May 1868 to Frédéric Passy. He repeated the arguments which he had upheld ever since the founding of the Red Cross. In his view, while the two undertakings, one philanthropic

³¹ *Supra*, note 27.

and the other pacifist, shared a common disapproval of warfare, they resorted to different methods and means. "There was no possibility of placing services of such a different nature under the same authority, even though they constituted a harmonious whole, whence the division of responsibilities which occurred by necessity between the Peace Societies and the Red Cross Societies. (...) As they perform tasks of different kinds, these associations have not had the opportunity to meet or to cooperate in any action, but should nonetheless be considered as constituting two parallel courses of action tending towards the same goal."

The Red Cross also relied, wrote Gustave Moynier, "on the persuasive spectacle it offers of a firm faith in the brotherhood of peoples, which indeed is claimed as their mainstay by the apostles of peace. It does not only preach this belief; it also applies it on a large scale, in contexts which are particularly hostile to its adoption. (...) These results afford us a glimpse of all that the sentiment which produced them might engender if it could penetrate more deeply in the masses, instead of remaining as now only skin deep in many individuals".

That position was maintained until the First World War. When peace returned, new factors came into play. The preservation of peace then became the main objective of the League of Nations, and was enshrined in its Covenant. As soon as the peace programme took on a universal character, the Red Cross and Red Crescent world could include pacifist propaganda in its own programme without forfeiting either its specific nature or its neutrality. These circumstances enabled the 10th International Conference of the Red Cross, meeting in Geneva in March 1921, to invite the ICRC and the League of Red Cross Societies to issue an appeal to all peoples of the world urging them, in the words of Resolution V, to combat the spirit of war which still hovered over the world.³²

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³² See in this connection: ICRC and League of Red Cross and Red Crescent Societies, *To promote peace: resolutions on peace adopted by the International Red Cross and Red Cross Movement since 1921*, Geneva, 1986.