The historical foundations of humanitarian action

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PART II

Humanism and philosophical thought

In addition to the religious motivation, another equally old tradition can be said to have played a part in the emergence of the Red Cross Movement. This involved the perception, by the sole means of human intelligence, of an ideal concept of goodness separate from, and in some cases even opposed to, the consideration of a person’s immediate interests.

This idea rarely finds expression in the oldest iconographical and written sources of remote Antiquity, which on the contrary exalt the triumph of brute force in the conduct of human affairs. In this respect, Assyrian methods of warfare and their treatment of the vanquished reached a pinnacle of barbarity which was not, however, confined to ancient history.

Yet even in that dark period of history the first timid manifestations of a humanitarian conscience can occasionally be glimpsed. One of the most significant examples is found in the legend of Gilgamesh, the idealized hero of ancient Mesopotamia later adopted by the Assyrians.

The tale relates the epic feats which Gilgamesh, who is endowed with superhuman strength, accomplishes with the help of Enkidu, his companion and caricatural counterpart. In one episode the hero, having vanquished a giant named Huwawa, shows a surprising willingness to spare his wounded, pleading enemy:

“Then the heart of Gilgamesh, son of Ninsem, was moved, and to his servant Enkidu he spoke thus:

‘Enkidu, must a captured bird not return to its nest? And must a captured prisoner not return to his mother’s arms?’

Enkidu interrupted him: ‘You yourself, when you are captured, you will not return to your mother’s arms. When were the hands of a prisoner of war ever unbound?’” (Tablet LB 2110, from the French translation by P. Garelli — Tablets found at Nineveh, in the library of the Assyrian King Ashurbanipal (reigned 668-627 B.C.)

Unmoved by his companion’s incongruous exclamation, Enkidu is the one who finishes off the wounded captive. To the people who heard the legend, this probably seemed the normal thing to do.

The first flowering of humanistic thought occurred some centuries later, at the time of what is known as the “Greek miracle”.

From the Archaic Period on, evidence of a rudimentary code of warfare may be found in the gathering of rival peoples around the holiest shrines and the institution of amphictyony, whose role rapidly expanded beyond their initial duties connected with the shrines themselves. Best known of all is the Delphic Amphictyony, which comprised 12 ethnic communities from the Greek peninsula. The amphictyonic oath, reported by Aeschines in his oration on the “false embassy”, included the promise that “they would raze no city of the Amphictyonic states, nor shut them off from flowing water in war or in peace; that if anyone should violate this oath, they would march against such an one and raze his cities”.

The proclaimed brotherhood of the amphictyony did not prevent cruel internecine wars from leaving their mark on Greek history. Excesses were particularly frequent in the fifth century B.C., when the Peloponnesian war pitted Athens’ allies against those of Sparta. Thucydides, who witnessed its early phases, described the ruthless treatment regularly inflicted on the inhabitants of defeated city-states: all men old enough to bear arms were executed and women and children were deported into slavery. Sometimes people were massacred in cold blood, a fate which befall the defenders of Thyrea brought back to Athens in 424 B.C. As for the conditions in which the Athenian aggressors were detained after their failed siege of Syracuse in 413 B.C., they were remembered throughout Antiquity as a symbol of inhuman treatment.

1 μηδεμίαν πόλιν τῶν Ἀμφικτυών ἀνάστατον ποιήσειν, μηδ' ὕδατων ναυματαιών εἴρεσιν μὴν ἐν πολέμῳ μὴν ἐν εἰρήνῃ, ἐὰν δὲ τις ταῦτα παραβῇ, στρατεύσειν ἐπὶ τοῦ τον καὶ τὰς πόλεις ἀναστῆσειν, The false embassy, 115.
Thucydides’ account nevertheless provides some glimmers of humanity, which are particularly apparent in a debate that took place in 427 B.C. before the Athenian “demos” (Assembly) over the attitude to adopt towards the inhabitants of Mytilene. The latter had taken advantage of the temporary weakness of the Delian Confederacy to free themselves of its tutelage, but the rebellion, which had been fomented by the local aristocracy and received little popular support, had been quickly suppressed by Athens. Two possible courses of action were argued before the Athenian Assembly, the one harsh, the other moderate: to serve as an example, Cleon demanded that all the adult males of Mytilene be put to death, and the women and children sold into slavery; but Diodotus challenged the value of such violent repression, fearing on the contrary that it would lead to a wholesale rejection of Athenian rule. He ended his speech by proclaiming the superiority of intelligence over violence:

“Such a course will be best for the future, and will cause alarm among our enemies at once; for he who is wise in counsel is stronger against the foe than he who recklessly rushes on with brute force”.2

Diodotus’ opinion won the day. Although the fomenters of the rebellion were punished, the people of Mytilene were spared.

In the realm of ideas the fifth century B.C. also saw the birth of Greek philosophy, which was to provide the foundations of humanism for centuries to come.

The first philosophers, who lived in the outlying city-states of greater Greece, devoted much thought to such subjects as man’s place in the world and his attraction to natural harmony.

In the early fifth century, Empedocles of Agrigentum determined that two universal, antagonistic principles were at the origin of the changes which constantly affect all things: the principle of Love (philotes) or harmony, and the principle of Strife (neikos) or discord. A philosopher should naturally set his mind on understanding the first:

“And among these, the principle of love extends equally as far in every direction: hold it in your mind without letting it blind you. For this principle is innate in every mortal being, the source of kind thoughts and peaceful deeds”.3

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2 Τάδε γάρ ές το τό μέλλον ἁγαθά καί τοίς πολεμίωσις ἦδη φοβερά ὅστις γάρ ἐδ βουλεύεται πρός τούς ἐναντίονυς κρείσσων ἐστιν ἦ μετ’ ἐργών ἰσχύος ἀνοία ἐπιών, The Peloponnesian War, III, 48.

3 καὶ Φιλότης ἐν τοίς, ἵπτὶ μῆκός τε πλάτος τε τὴν σώ νόοι δέρκει, μηδ' ἐμμείνην ἤσο τεθητώς ἥτις καὶ θητούση νομίζεται ἐμφύτους ἄρθρους, τῇ τε φίλα φρονέουσι καὶ ἀρθμα ἐργα τελούσα, Poem on Nature, fragment 17.
But it was in fourth-century Athens, during the golden age of Greek philosophy, that humanitarian ideas were truly given substance in the teachings of Socrates and his later disciples, Plato and Aristotle.

Above the world of ideas, to whose heights the mind is able to rise, Plato places the concept of a supreme Good capable of enlightening human intelligence and inspiring it with noble ideas such as justice, to which the dialogue of the Republic is devoted. Although for Plato human love stops short of loving one’s enemies, he carefully distinguishes among the latter. After Socrates has demonstrated to Polemarchus that there may be friends who are detestable and enemies worthy of respect, Plato has him say:

“You order us to add something to what we said at first about the just. Then we said that it is just to do good to the friend and harm to the enemy, while now we are to say in addition that it is just to do good to the friend, if he is good, and harm to the enemy, if he is bad”.4

On a practical level, Aristotle developed a concept of goodness applicable to the sphere of daily life in the Nichomachean Ethics, which he dedicated to his son. In this work, which includes several passages on the nature of human relations, he asserts that all men are bound by a common duty of solidarity. Moreover, in the list of virtues which he draws up for his son’s instruction, the lengthiest development is devoted to philia, equivalent to Empedocles’ philotes. The term covers a great deal more than its usual English translation “friendship” implies, for it embraces the additional notions of interest, goodness and altruism. Like Empedocles, Aristotle considers philia to be an innate quality shared by all living beings. He turns it into a principle that transcends all others: the principle of universal love.

“Friendship seems to exist naturally both in parent for offspring and in offspring for parent (this fact, which is commonly recognized, holds true not only in the case of man but in the case of birds and the majority of animals as well). And friendship seems to exist naturally between members of the same species: this is especially true in the case of mankind, and this is the reason why in the case of mankind we actually have a special word, ‘kindliness’, to designate natural friendship — and ‘kindly’ is in fact used as a term of praise”.5

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4 Κελεύεις δὴ ἡμᾶς προσθέτεινα τῷ δίκαιῳ ἢ ως τὸ πρῶτον ἐλέγομεν, λέγοντες δίκαιον εἶναι τόν μὲν φίλον εἰς ποιεῖν, τόν δὲ ἔχθρον κακῶς, νῦν πρὸς τούτῳ ὡς ὑπὸ λέγειν, ὃ ἐστὶ δίκαιον τόν μὲν φίλον ἀγαθὸν ὄντα εἰς ποιεῖν, τόν δὲ ἔχθρον κακὸν ὄντα βλάπτειν, The Republic, Book I.

5 φύει τ’ ἐνυπάρχειν ἐοίκε πρὸς τὸ γεγενημένον τῷ γεγνήσατι καὶ πρὸς τὸ γεγνήσαν τῷ γεγνήσατι, οὐ μόνον ἐν ἀνθρώποισιν ἀλλὰ καὶ ἐν ὄρνισι καὶ τοῖς πλεῖστοις τῶν ζῷων, καὶ τοῖς ὁμοειδέσι πρὸς ἄλληλα, καὶ μᾶλλον τοῖς ἀνθρώποις δὲ πόν τούς φιλανθρώπους ἐπαινοῦμεν, Nichomachean Ethics, VIII, 1, 1155 a).
The frieze in Apollo's temple at Bassae, built in the 5th century B.C. at the time of the Peloponnesian wars, depicts legendary battles between Greeks and the Amazons.

This is one of several scenes evoking contradictory sentiments felt by the combatants: a Greek warrior, although himself in danger, refrains from striking another blow at a wounded Amazon pleading for mercy at his feet.

(British Museum)
In Greek society, as in all ancient cultures, the situation of slaves raised a problem with respect to this general principle. In his treatise on *Politics*, Aristotle evades the difficulty by holding that servitude is a normal condition, and even a profitable one for people from uncivilized nations. He leaves open the possibility that feelings *philia* may develop between masters and slaves provided that both are worthy of their role, and even uses this argument to justify wars of conquest:

“And hence the art of war so far as it is natural is in a sense a branch of the Art of Acquisition; for it includes the art of the chase which we are bound to use against beasts and human beings who will not submit to the rule ordained for them by Nature, as war of this kind is naturally just”.

This reasoning marks the bounds of the magnanimity displayed in philosophical humanism: solidarity born of an intellectual process is naturally confined to the community which shares that ideal. The same limitation is found in Plato’s *Republic*. Greek altruistic thought saw one’s fellow men as beings characterized by thought rather than by feeling.

Independently from Greek philosophy, at least at the outset, another, sterner form of humanism developed in Rome. It was also characterized by a certain ideal which exalted courage and virtue more than strength and in which brutal instincts were surpassed. Respect for ill-fated courage, which the Romans themselves had many opportunities to experience in the early chapters of their history, prompted them to treat the vanquished with a certain degree of magnanimity.

Livy thus proudly opens his *History of Rome* with the following statement: “Amongst other things which are the glory of Rome is this, that no nation has ever been contented with milder punishments”. An abundance of more or less legendary examples from the period of the early conquests are used to support this, in particular the instructions given by Camillus after the difficult capture of Veii in 395 B.C. that the unarmed were to be spared.

Such precepts were included in a very early code of warfare, *ius fetiale*, whose implementation was entrusted to the *fetiales*, a collegium of 20 priestly officials in charge of examining whether there was a just...
(i.e. lawful) cause to declare war, notifying the enemy of Rome’s complaints and finally, after 33 days had expired, conveying the Senate’s decision to them.

This code of conduct for dealing with other nations in times of war and peace embodied the very spirit of republican virtues and constituted one of the foundation stones on which the greatness of Rome was built. Even the Romans’ opponents were impressed by it. The Greek aristocrat Polybius, whose father was a strategist of the Achaean League, had seen his country conquered by the Romans in the second century B.C. and was among the 1,000 hostages carried back to Rome after the decisive defeat at Pydna in 168. Having become the friend of Scipio Aemilianus, the son of the man who had defeated the Greeks, he eulogized the Romans in his monumental *Histories*, which covers the period from the Punic Wars to the conquest of Greece. Deploiring the fratricidal wars that had pitted the Hellenistic kingdoms against each other on the eve of the Roman conquest, he compared his countrymen’s excessive violence with the magnanimous and more effective treatment he himself had received at the hands of the Romans. Referring to the pointless destruction of towns by the Macedonians, Polybius writes:

“For the purpose with which good men wage war is not the destruction and annihilation of the wrongdoers, but the reformation and alteration of the wrongful acts. Nor is it their object to involve the innocent in the destruction of the guilty, but rather to see that those who are held to be guilty should share in the preservation and elevation of the guiltless”.

The remarkable fact is that this lesson in humanism was drawn from the Romans’ behaviour by one of their former opponents, more able than they were to appreciate it.

Later, when republican virtues were already on the wane, Cicero continued to extol them most eloquently in his treatise *De Officiis* (On Duties), which, as Aristotle had done for Nicomachus, he wrote for his son Marcus in 44 B.C.

The terms kindness (*beneficentia*), generosity (*liberalitas*) and goodness (*benignitas*) are variously used by Cicero to describe altruistic sentiments, which, however, are somewhat differently construed than in Greece.

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The basic motivation for these sentiments derives from people’s shared membership in the universal community of mankind (universal generis humani societas) and the duty of solidarity which ensues. Cicero nevertheless draws up a list of priorities in which fatherland ranks first, family second, and the community of good men (viri boni), to whom he feels akin in spirit, third.

This last category may even be extended to include one’s enemies, the only people deserving exclusion being those whose behaviour sets them beyond the pale. In wartime, it is legitimate for the vanquished to be treated according to this discriminating factor:

“And when the victory is won, we would spare those who have not been blood-thirsty and barbarous in their warfare. For instance, our forefathers actually admitted to full rights of citizenship the Tusculans, Aequians, Volscians, Sabines, and Hernicians, but they razed Carthage and Numantia to the ground”.10

Within the limits set by a rigorous concept of justice, magnanimity remained the official policy of Rome until it became an empire. As late as the second century A.D. this stance continued to be justified by the philosopher-emperor Marcus Aurelius, a man steeped in Greek culture who wrote, at the end of a series of maxims devoted to human relations in his Meditations:

“Ninthly, that gentleness and good humour are invincible, provided they are of the right stamp, without anything of hypocrisy and grimace. This is the way to disarm the most barbarous and savage. A constancy in obliging behaviour, will make the most outrageous person ashamed of his malice. The worst body imaginable cannot find it in his heart to do you any mischief, if you continue kind and unmoved under ill-usage, if you strike in with the right opportunity for advice; if, when he is going to do you an ill turn, you endeavour to recover his understanding, and retrieve his temper”.

This injunction, however, is helpful only to attain the truth, which is the philosopher’s foremost concern. It should also be borne in mind that

10 “Parta autem victoria, conservandi ii qui non crudeles in bello, non immanes fuerunt, ut maiores nostri Tusculanos, Aequos, Volcos, Sabinos, Hernicos in civitatem etiam acceperunt, at Carthaginem et Numantiam funditus sustulerunt”, De Officiis, XI, 35.

11 “Ἐκάστῳ δὲ τὸ εὖμενὲς ὁνίκητον, ἐὰν γνήσιον ἦ καὶ μὴ σεορᾶς μηδὲ ὑπόκρισις. Τί γὰρ σοι ποιήσει ὁ ὑβριστικῶτατος, ἐὰν διοτελῆς εὐμενῆς αὐτῷ καί, εἰ οὕτως ἔτυχεν, πρῶς παραινήσῃ καὶ μεταδιδάσκῃς εὐσχολῶν παρ’ αὐτὸν ἐκείνου τὸν καιρὸν. ὅτε κακοποιεῖν σε ἐπιχειρεῖ, Meditations, XI, 18.
the man who wrote these lines was also the man who ordered, or at least
countenanced, the martyrdom of Bishop Pothinus and of Blandina, a
slave, in the amphitheatre of Lyon in 177.

For the Romans, Marcus Aurelius as well as Cicero, the application
of the loftiest precepts was always subordinated to the interests and
honour of Rome. With the shades and degrees of meaning that might be
expected of a nation of conquerors, the altruistic principles proclaimed
in the realm of thought met with certain limitations when they were
actually applied. The rules that had made the greatness of Rome turned
out to be incompatible with the unrestricted practice of magnanimity
vaunted by its philosophers.

With its brilliance and its flaws, the humanism of Greece and Rome
was eclipsed for several centuries by the barbarian invasions.

It nevertheless enjoyed a remarkable revival when the Arabs, having
conquered a great part of the Byzantine empire, discovered Greek liter-
ature. In the eleventh century, Aristotelianism regained its place of honour
thanks to Avicenna (more, in fact, for the way it explains the world than
for its moral teachings) and its influence was later felt on mediaeval
Scholasticism in Christian Europe as well.

Graeco-Roman humanism played a particularly important role in the
Renaissance, when it was revived throughout the whole of Europe by the
elitist community of scholars who belonged to Erasmus’ “Republic of
Letters” and were distinguished by the fact that they read Greek and Latin
authors. The new barbarians were the ignorant, from whom those who
were bound by the “Muses’ pact” had to keep their distance. In the
troubled times of early sixteenth-century Europe such an attitude led to
an irenicism far removed from reality. Erasmus went so far as to write
in Querela pacis (The Lamentation of Peace), published in 1516:

“Any peace, however great its disadvantages, is preferable to even the
most just war”.12

The European humanistic movement later also took an interest in
social problems, although it had remarkably little to say on the subject
of slavery, a scourge that had reappeared after the discovery of America.
In 1625, however, Huig van Groot, better known as Grotius, a Dutch
humanist who had been personally exposed to the persecutions which
were dividing his homeland, published the first treatise in the field of
international law to deal with the problem of war and peace (De jure belli
ac pacis). Steeped in Greek and Latin literature and a firmly committed

12 “Vix ulla tam iniqua pax, quin bello vel aequissimo sit potior”.

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Protestant, Grotius laid the foundations of “natural law” by attempting to reconcile the established rules governing international relations with the duties imposed by charity.

The book’s most original contribution involves an examination of what is permissible in war (Book III, Chapter I, “Quantum in bellum liceat”). The author restates two apparently contradictory principles:

“First, as we have previously said on several occasions, in a moral question things which lead to an end receive their intrinsic value from the end itself. In consequence, we are understood to have a right to those things which are necessary for the purpose of securing a right, when the necessity is understood not in terms of physical exactitude, but in a moral sense (...)”

But, as we have admonished upon many occasions previously, what accords with a strict interpretation of right is not always, or in all respects, permitted. Often, in fact, love for our neighbour prevents us from pressing our right to the utmost limit”.

Not content with simply stating these principles, however, Grotius also provides a detailed list of their applications in various situations of conflict. He first points out that the justifications used by military leaders are based on unsound arguments: the law of retaliation, for example, is legitimate only when applied to directly guilty parties, and the use of terror for purposes of intimidation can on the contrary enhance resistance. He then draws up the list of non-combatants who must be spared in all circumstances: women, children, clergymen, farmers, merchants, craftsmen and artists.

First published in Paris, Grotius’ treatise was circulated throughout the whole of Europe. Although it would doubtless be impossible to claim that it greatly influenced the conduct of war in the seventeenth century (the sacking of the Palatinate in 1689 radically contradicted its underlying philosophy) the fact that an increasing number of conventions governing the surrender of fortified towns comprised humanitarian clauses showed at least a certain convergence of ideas. It should nevertheless be borne in mind that such conventions, which were always the result of private

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1 Primum, ea quae ad finum ducunt in morali materia, aestimationem intrinsecam accipiant ab ipso fine; quare quae ad finem juris consequendi sunt necessaria, necessitate sumta non secundum physicam subtilitatem sed moraliter, ad ea jus habere intelligimur (...)

Sed sicut antehac monuimus saepe, non semper ex omni parte licitum est quod juri stricte sumto congruit; saepe enim proximi caritas non permitet ut summo jure utamur”, De jure belli ac pacis. III, 1, 2, 4.2.
arrangements, were left up to the personal magnanimity of military leaders and made no reference to the general principles stated by Grotius.

It was only later that the philosophers of the Enlightenment raised to a universal principle the idea that respect for human dignity must be observed in all circumstances.

The precursor of these philosophers was the English doctor and philosopher John Locke, who in 1690 stated in his *Second Treatise on Civil Government* the principle that every individual has natural rights:

“The state of Nature has a law of Nature to govern it, which obliges every one; And Reason, which is that law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty or Possessions”.14

Locke’s thoughts are echoed in the Preamble to the American Declaration of Independence, which solemnly proclaims the fundamental rights of the individual:

“We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness”.15

Likewise, the first article of the universal declaration adopted on 26 August 1789 by the French Constituent Assembly just as solemnly proclaims the fundamental rights of liberty and equality:

“Article 1 — men are born and remain free and equal in rights - Social distinctions may be based only on the common good.”16

The restrictions to the principle that are implied in the reference to the common good are explained in the 16 remaining articles, which establish the rule of law to guarantee everyone’s best interests. That same criterion alone applies to the use of a police force:

“Article 12 — To guarantee the rights of man and of the citizen a public force is necessary; this force is therefore established for the benefit of all, and not for the particular use of those to whom it is entrusted”.17

15 American Declaration of Independence, 4 July 1776.
17 “Article 12 — La garantie des droits de l’homme et du citoyen nécessite une force publique; cette force est donc instituée pour l’avantage de tous, et non pour l’utilité particulière de ceux à qui elle est confiée”, *ibid.*
In the latter part of the century which saw natural rights defined, American independence and the French Revolution greatly contributed to the dissemination of this concept. Its novelty, and the universal application that it could be expected to have, stemmed from the fact that it was grounded neither on faith nor on rational arguments, but was held to be a self-evident truth.

War, and the often blind violence that accompanied it, represented a challenge to the concept of natural rights. At the very same time as the principles later enshrined in these declarations were being defined, the philosophers of the Enlightenment were led to adopt a position similar to that of the Renaissance humanists in condemning all wars.

Such was the case of Castel de Saint-Pierre, who in 1713 published a work entitled Projet pour rendre la paix perpétuelle en Europe (Project for Perpetual Peace in Europe). His only motivation, he writes, was respect for natural law:

"Have I appealed to any other motivation than those provided by nature at the present time? In exposing these motivations, have I resorted either to the moderation of Socrates or the sternness of Stoic maxims? Have I even taken into account the fact that Christian sovereigns heed only the teachings of the Gospels? (...) Let all that I have set before these sovereigns' eyes be remembered, both the undesirable things that are to be feared from the system of division and war and the desirable ones that may be hoped for in the system of perpetual peace, and it will be seen whether they have any need of the miracle of grace to be swayed by my arguments". 18

Castel de Saint-Pierre’s book aroused but little interest, and he himself fell into disfavour in the latter part of the reign of Louis XIV. The sword, however, soon met with a mightier adversary in the pen of Voltaire, whose tales Comme le monde va (1748) and Candide (1759) caustically expose the horror and absurdity of war, for which even authentic acts of generosity can never truly compensate.

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18 "Ai-je employé d'autres ressorts que les ressorts de la nature tels qu'ils sont aujourd'hui? Ai-je employé dans mes motifs, ou la modération de Socrate, ou l'austérité des maximes des Stoïciens [stó'ciens]? Ai-je même compté que les souverains chrétiens ne consultent que les maximes de l'Evangile? Que l'on se souvienne de tout ce que j'ai mis sous les yeux des souverains, soit choses fâcheuses à craindre dans le système de la division et de la guerre, soit choses agréables à espérer dans le système de la paix perpétuelle, et l'on verra s'ils ont besoin du miracle de la grâce pour y être sensibles", Vol. II, Sixième discours, XVIIe objection.
In the article devoted to war which he wrote for his *Dictionnaire philosophique* (Philosophical Dictionary) (1764), Voltaire harshly condemns this curse which mankind inflicts upon itself:

“Famine, plague and war are the three most precious ingredients of this vile world.

Under the classification of famine we may include all the unhealthy nourishment we are compelled to resort to in times of scarcity, abridging our life in the hope of maintaining it. In plague we include all the contagious illnesses, which number two or three thousand. These gifts come to us from Providence.

But war, which unites all these gifts, comes to us from the imagination of three or four hundred people scattered over the surface of the globe under the name of princes or ministers (...).

All the vices of all ages and all places put together can never equal the evils produced by a single campaign”.\(^{19}\)

Yet even the talent and verve of a great writer had little effect on the reality of war, which had so far managed to survive the most scathing condemnations.

Locke himself had been aware of the obvious contradiction between his proclaimed principles and the need to ensure society’s survival. If freedom were considered the most precious good, the one from which all others proceeded, then it became legitimate to destroy aggressors in its defence. The notion of just war was no longer grounded on religious or moral considerations, but on the belief that the law of nature was transgressed when men behaved like wild beasts. Just war was thus seen as pertaining to self-defence, to which people may resort when attacked:

“For by the Fundamental Law of Nature, Man being to be preserved, as much as possible, when all cannot be preserved, the safety of the Innocent is to be preferred. And one may destroy a Man who makes War upon him, or has discovered an Enmity to his being, for the same Reason, that he may kill a Wolf or a Lyon; because such Men are not under the

\(^{19}\) “La famine, la pestilence et la guerre, sont les trois ingrédients les plus fameux en ce bas monde. On peut ranger dans la classe de la famine toutes les mauvaises nourritures où la disette nous oblige d’avoir recours pour abréger notre vie dans l’espérance de la soutenir. On comprend dans la peste toutes les maladies contagieuses, qui sont au nombre de deux ou trois mille. Ces deux présents nous viennent de la Providence. Mais la guerre, qui réunit tous ces dons, nous vient de l’imagination de trois ou quatre cents personnes répandues sur la surface de ce globe sous le nom de princes ou de ministres (...)
Tous les vices réunis de tous les âges et de tous les lieux n’égaleraient jamais les maux que produit une seule campagne”, Livre III, Article “Guerre”.

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ties of the Common Law of Reason, have no other Rule, but that of Force
and Violence, and so may be treated as Beasts of Prey.”

To say this, however, was once again to open the door to the very
excesses so often committed in the past in the name of self-defence.

Availing themselves of all the expedients offered by Reason — at that
time held to be the supreme judge — Montesquieu and Rousseau attempt-
ed to solve the contradiction by considering enemies not as wild beasts
but as members of a greater entity which was alone to be fought. Both
authors make a subtle distinction between the notion of man and that of
citizen.

In 1749, Montesquieu thus wrote in De l’esprit des lois (The Spirit
of the Laws):

“For, from the annihilation of the society, it would not follow that the
men forming that society should also be annihilated. The society is the
union of men and not the men themselves; the citizen may perish and the
man remain”.

In 1762, Rousseau developed the same argument in his On the Social
Contract:

“Each State can have as enemies only other States and not men, since
there can be no true relationship between things of disparate natures (...)
Sometimes a State can be killed without a single one of the members
being killed. For war does not grant a right that is unnecessary to its
purpose”.

Both Montesquieu and Rousseau were thinking in abstract terms. But
in the military profession, men who had faced the reality of war made
practical proposals to introduce more humane conditions in wartime, for
the soldiers and the wounded in particular.

One such man was Emmerich de Vattel, from Neuchâtel, in Switzer-
land, a counsellor to the Elector of Dresden. In 1758 he published Le droit
des gens, ou principes de la loi naturelle appliqués à la conduite et aux
affaires des Nations et des souverains (The law of Nations, or principles
of natural law applied to the conduct and business of nations and of

20 Second Treatise on Civil Government, III, 16.
21 “De ce que la société serait anéantie, il ne s’ensuivrait pas que les hommes qui
la formentussent être anéantis. La société est l’union des hommes et non pas les hommes;
22 “Chaque Etat ne peut avoir pour ennemis que d’autres Etats et non pas des hommes,
attendu qu’entre choses de diverses natures on ne peut fixer aucun vrai rapport (...)
Quelquefois on peut tuer un Etat sans tuer un seul homme. Or la guerre ne donne
aucun droit qui ne soit nécessaire à sa fin”, Livre I, chap. IV, De l’esclavage.
sovereigns). Invoking Grotius and the authors of Antiquity, he defines the limits in which force may lawfully be used as follows:

“A legitimate purpose truly gives but the right to use the means necessary to accomplish that purpose (...)

Such is the norm which obtains with respect to the right to kill enemies in a just war. When kindlier means are insufficient to overcome resistance, their lives may rightly be taken (...) But as soon as an enemy surrenders and relinquishes his weapons his life must be spared (...)

Women, children, the disabled elderly and the sick are included among the enemies since they belong to a nation at war with us. But since they are enemies who offer no resistance, we have no right to mistreat them in their persons, to use violence against them and even less to take their lives. Providing it has attained some degree of civilization, no nation exists today that does not recognize the justice and humanity of this precept”.

In France, relying on rational arguments alone, Claude-Humbert Piarron de Chamousset, general superintendent of military hospitals and a friend of Rousseau’s, was the first person to propose that military hospitals should be granted a neutral status permanently recognized by international treaty. In his *Memoire sur les hopitaux militaires* (Memoandum on Military Hospitals) published in 1757, he writes:

“Humanitarian considerations in general compel me to make an observation on the respect that all nations should have for these hallowed sanctuaries, where the virtuous defenders of their homes and countries seek to heal wounds inflicted for such a noble cause (...)

How many thousands of sick or wounded persons have lost their lives for fear of falling into the hands of the enemy? Evacuations are responsible for the death of countless unfortunate people who might have been saved if they had been left where they were first put (...)

23 “La fin légitime ne donne un véritable droit qu’aux seuls moyens nécessaires pour obtenir cette fin (...)

Telle est la norme du droit de tuer les ennemis, dans une guerre juste. Lorsqu’on ne peut vaincre leur résistance et les réduire par des moyens plus doux, on est en droit de leur ôter la vie (...) Mais dès qu’un ennemi se soumet et rend les armes, on ne peut lui ôter la vie (...)

Les femmes, les enfants, les vieillards infirmes, les malades, sont au nombre des ennemis puisqu’ils appartiennent à la Nation avec laquelle on est en guerre. Mais ce sont des ennemis qui n’opposent aucune résistance et par conséquent on n’a aucun droit de les maltraiter en leur personne, d’user contre eux de la violence, beaucoup moins de leur ôter la vie. Il n’est point aujourd’hui de Nation un peu civilisée qui ne reconnaîsse cette maxime de justice et d’humanité”, Livre III, chap. VIII, *Du droit des nations dans la guerre*. 

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How is it possible that civilized nations have not yet agreed to consider hospitals as temples to the principles of humanity, to be respected and protected by the victors? (...)

In this century, when enlightened ideas have gained so much ground, we should prove that our hearts and feelings have remained intact. The time has come for all nations to set up a treaty for which humanity pleads".  

Such ideas were in fact more than a century ahead of their time. Although the philosophical movement of the eighteenth century provided a favourable context, the conditions necessary for an international agreement were far from being achieved. To the credit of those times, however, partial progress was made. In 1743, during the War of the Austrian Succession, the Earl of Stair and the Duke of Noailles, two military commanders who were open to new ideas and held each other in mutual esteem, reached a gentlemen's agreement to respect the inviolability of military hospitals. Although the agreement was scrupulously observed throughout the duration of the campaign, a change in commanders brought about its demise.

Humanitarian measures of a more permanent character were unilaterally adopted in various instructions for the treatment of wounded enemy soldiers and non-combatants. During the French Revolution, these concerns were reflected in certain decrees of the National Convention.

The decree of 27 May 1793 pertaining to prisoners contains an article on care for the sick and wounded:

"Art. 26 — Sick or wounded enemy prisoners, whether they are able to walk or not, shall be treated in the military hospitals of the Republic with the same care as that given to French soldiers (...); it is understood

24 "Je crois encore devoir à l'humanité en général, une réflexion sur le respect que les nations devraient accorder à ces asyles sacrés, où le vertueux défenseur de la patrie va chercher la guérison d'une blessure dont la cause est si noble (...)

A combien de milliers de malades ou de blessés la crainte de tomber sous la puissance de l'ennemi n'a-t-elle pas coûté la vie? Les évacuations font périr un nombre infini de malheureux qu'on aurait sauvés, s'ils fussent restés dans le lieu où ils avaient été déposés d'abord (...)

Comment est-il possible que des nations policées ne soient pas encore convenues de regarder les hôpitaux comme les temples de l'humanité, qui doivent être respectés et protégés par le vainqueur? (...)

Dans un siècle où l'on a tant gagné du côté de l'esprit et des lumières, ne devait-on pas prouver qu'on n'a rien perdu du côté du cœur et des sentiments, et le moment ne serait-il pas venu établir parmi les nations une convention réclamée par l'humanité?", Mémoire sur les hôpitaux... Conclusion.
that this provision, dictated by a sense of justice and humanity, will likewise be observed by the enemy with respect to French prisoners."  

Similarly, during the Wars of the Vendée, the decree of 2 August 1793 which ordered that possessions and crops in rebel areas be seized or destroyed also recommended that non-combatants should be charitably treated:

"Article 8 — Women, children and elderly people shall be escorted into the interior of the country, where their upkeep and safety shall be ensured with all due regard for humanitarian considerations".

Although these genuine attempts to adopt humanitarian measures were inspired by a lofty ideal, they never led to the envisaged solution of a permanent international treaty. In practice, such recommendations depended for their implementation on the decisions of military leaders and their views on the conduct of operations. It was an area in which the commanders in charge were still grappling with the age-old theory that the balance of power had to be turned to one's advantage and that this could be done by temporarily sacrificing everything else in an all-out bid for victory.

This state of affairs was illustrated in the Napoleonic Wars and to an even greater degree in the theory of war developed in their wake by the Prussian strategist Carl von Clausewitz. In the opening pages of his treatise *On war*, published in 1832, von Clausewitz boldly proclaims that "in a matter so fraught with peril as war, it is out of kindness that the worst errors are committed" (I, 3, "On the extreme use of force").

This contradiction, which had not escaped the attention of the eighteenth-century theoreticians of human rights, continued to prevail in the following century as well, when military leaders imbued with humanitarian ideals once again issued magnanimous instructions banning all unnecessary violence and protecting non-combatants. A number of these have gone down in history, such as the ones given by the Swiss general Guillaume Dufour during the Sonderbund War and those drawn up in 1863 during the American Civil War by Francis Lieber at Abraham

\[\text{25 "Art. 26 — Les prisonniers ennemis qui seront malades ou blessés seront traités dans les hôpitaux militaires de la République, soit ambulants, soit sédentaires, avec le même soin que les soldats français (...); bien entendu que cette disposition, dictée par la justice et l'humanité, sera réciproquement observée par l'ennemi envers les Français prisonniers".}

\[\text{26 "Les femmes, les enfants et les vieillards seront conduits dans l'intérieur, il sera pourvu à leur subsistance, à leur sûreté, avec tous les égards dus à l'humanité".}

\[\text{27 In so gefährlichen Dingen, wie der Krieg eins ist, find die Irrtümer welche aus Gutmütigkeit entstehen grade die Schlüssel, J. 3. Äußere Anwendung der Gewalt.}\]
Lincoln’s request. Limited in their application, they never acquired a universally accepted status and were unable to prevent outbreaks of unrestrained violence.

The same paradox observed in connection with religious motivations is apparent here as well, as are the same shocking results that ensue when adherence to principles is carried to an extreme: just as the doctrine of love could lead to the cruelty of the Inquisition and the wars of religion, so the defence of individual freedom and human dignity could lead to the revolutionary Reign of Terror.

Because of a relentless logic manifest in human nature, the sincerity and depth of people’s commitment to these values are precisely what causes them to sacrifice their own lives and those of others in their name.

The weight of institutional structures set up for reasons of efficiency constitutes an additional problem: in societies founded upon the recognition of absolute principles it is impossible to dispense with measures intended to punish deviations, and such measures necessarily strike individuals.

**Beyond doctrines**

Although these religious and philosophical doctrines undoubtedly have their own merits as rules of social conduct, the spirit embodied for over a century in the International Red Cross and Red Crescent Movement is based on entirely different principles.

While the Movement’s inception may undeniably be traced to the shock experienced by Henry Dunant at the Battle of Solferino on 24 June 1859, others before him had been equally horrified by the sight of suffering on the battlefield, particularly during the Crimean War. Although this had led to campaigns to increase the means available to army medical services, economic constraints and the weight of traditional institutional structures had limited the scope of the hoped-for improvements, as was eloquently demonstrated by the plight of the wounded at Solferino.

The innovation introduced by Dunant was to keep humanitarian activities separate from the vicissitudes of the battlefield by granting the protection of a neutral status, recognized by both sides, to all those who care for the wounded.

This concept represented a departure from standard practice. Until then the organization of care had been entrusted to national medical services, and the application of the term “neutral” to the latter initially met with strong reservations.
Much more was involved, however, than organizing a system for medical care, for Dunant advocated that assistance, determined solely by the suffering of those in need, be given without discrimination. This meant refraining from judging their previous actions and, if necessary, showing the same concern for both tormentors and victims.

The credit for this pioneering concept indisputably goes to Dunant. In the grim wars of the nineteenth century, exacerbated by the growing resources available to the armies of Europe, it was a bold venture.

With no religious motivation, political philosophy or ideology to lend it support, expounded, moreover, by a single man and later by a small committee of five outstanding citizens of Geneva, Dunant’s idea came up against the crushing weight of age-old traditions and the temptation for observers to step out of their assigned role and denounce the appalling scenes they witnessed in terms of good and evil.

Even when the generous nature of Dunant’s proposals was taken into account, objections were rife.

The first concerned the perilous issue of assisting the enemy in wartime. In the eyes of one’s fellow countrymen such assistance to a declared foe, however impartially it was carried out, might seem like treason. Although benevolence is in itself a weapon — an invincible one according to Marcus Aurelius — and violence sometimes produces effects counter to the desired end, such arguments appear weak indeed when viewed strictly in terms of efficiency.

Another serious criticism was directed at the principle of remaining uninvolved in armed conflicts and refusing to condemn men simply because they were enemies, an attitude which could apparently be seen as a form of cowardice.

This point of view was bluntly echoed in The Bridge on the River Kwai. When Colonel Saito, a caricatured portrayed Japanese officer, is presented with the Geneva Convention, he calls it a “code of cowards” and extols the Yamato (the Japanese code of warfare), thus expressing a similar opinion to that of Clausewitz on the logic of war.

Appearances notwithstanding, accusations of cowardice were just as unfounded as the first objection. It sometimes requires courage at least equal to that of a combatant to overcome one’s natural impulse and respond to evil with good, risking one’s life in the process.

Today, when people feel a sentimental attachment, as a matter of principle, to fundamental rights, to refrain from judging situations that give rise to violations of those rights in itself causes surprise and even indignation. Such an attitude may even be mistaken for a form of complacency towards the very people responsible for the suffering which required humanitarian relief.
In the first place, however, the assertion that suspension of judgement constitutes approval may be refuted on purely logical grounds since the reasoning behind it is clearly syllogistic in nature.

But above all, the suspension of all value judgement is a necessary prerequisite for ensuring that non-discriminatory assistance is efficient, and accepted in the first place. In many circumstances it is the only way to gain access to victims and bring them the aid they are waiting for. Such a possibility would be irreversibly compromised if it were accompanied by attempts to interfere in the workings of flawed systems which, by their very nature, are always open to criticism.

This condition is doubtlessly the most difficult for ideologists of any kind to accept. Non-discriminatory assistance obviously does not claim to reform the world or transform society. Its only aim is to gain access to suffering people and offer them as much help as possible.

In view of this — and whereas more spectacular attitudes may have greater public appeal — the lasting response which Dunant's plea continues to arouse in spite of national sensitivities and self-interest is both surprising and heartening to observe.

The ground was certainly favourable. There is little doubt that it had been prepared by nineteen centuries of Christianity and two centuries of philosophical renewal and that, even at an unconscious level, these influences played a role. Yet the response was just as strong in other parts of the world with different cultural backgrounds.

The Movement's universal appeal raises a problem in itself. Those who hold the most optimistic views on human nature will explain it by the fact that a religious conscience and philosophical awareness are innate in all mankind, even where they find no collective expression in Churches and schools of thought.

Others will refer to the progress of civilization, based on an accumulated store of experience and ideas; and others still will see in the mounting confusion in the world the basic cause of a positive reaction. Whatever the explanation may be, the movement set in motion by Dunant definitely calls upon the best in human nature.

At present there is no reason to believe that its end is in sight. In troubled times, when people of good will are pressured to commit themselves to conflicting causes and history proves that even the best intentions may be led astray, the certainty of acting for the good of others continues to exert a powerful attraction. This is why it is so urgent to ensure that the Movement remains true to its spirit and maintains the pureness of purpose that its founder wanted it to have.
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