

The dilemmas of protecting civilians in occupied territory: the precursory example of World War I

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Abstract

Advances in the law of Geneva and the law of The Hague did not remain a dead letter during the World War I, but this was essentially with regard to the wounded and prisoners of war. Those categories of persons were better protected than civilians by

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treaty-based humanitarian law, which was still in its infancy. Although the ideal of humanity was realized on a large scale thanks to the efforts of the International Committee of the Red Cross (ICRC) and myriad other charitable, denominational, or non-denominational organizations, none of the belligerents hesitated to infringe and violate the law whenever they could. The various occupied populations, on the Western and Eastern fronts and in the Balkans, served as their guinea pigs and were their perfect victims.

Keywords: occupation, occupied territories, World War I, total war, ICRC, civilians, reprisals, hostages, civilian internment.



During the Great War, fiercer fighting between armed forces than had previously been witnessed was accompanied by acts of violence and atrocities against civilians, who were also deported and massacred. Civilians suffered first from the devastation wrought by armed manoeuvre warfare; when they were taken captive by the advancing troops, the invasions became occupations. This is what happened in 1914 to most of Belgium, ten departments of northern and eastern France (Aisne, Ardennes, Marne, Meurthe-et-Moselle, Meuse, Nord, Oise, Pas-de-Calais, Somme, Vosges), a sliver of eastern Prussia, the northern Balkans, and Serbia. In 1916, the same lot befell Romania, Montenegro, the Venetian Alps, and Trentino. Throughout those years, the Germans, Austro-Hungarians, and/or Russians occupied territory in Poland, Galicia, and Bukovina, as well as parts of Lithuania, Latvia, Ukraine, and Belorussia, not to mention the colonial occupations of Western Africa and Asia.

It would be difficult, however, to find a war map indicating the occupied zones. At the time, the world's attention was consumed by the combatants, hence the production of numerous maps of frontlines and enemy territories. The territories considered to have been stolen or usurped had no means of representation at all. They were simply perceived as 'the front', with no attempt being made to think of or designate them as occupied. This 'non-thought' has been passed down in memory: the violence inflicted on civilian populations on a domestic front, with homes – *domūs* – besieged by the occupying powers, has been erased from both physical and mental maps. And yet, the periods of invasion and military occupation served as life-size tests of population displacements and repression – even policies of extermination, when it comes to the Armenians in the Ottoman Empire.

Paradoxically, these huge testing grounds for a form of new warfare did not attract scrutiny from the experts at the time – they were too busy on the military front – and have been given scant attention by historians since. This field, this place of interacting experiences – occupier and occupied – has simply not been covered, or rather has been left under cover. Yet World War I was, whether deliberately or unconsciously, a *laboratory* for the twentieth century: a terrain for experimenting with violence, a testing ground on which to put into practice and optimize its effects on man and materiel. Are we not right to say that the occupied areas of the World War I were laboratories, an atypical front

whose cannons and gases were called deportation, forced labour, concentration camp?¹ For men, women, and children they were the scene of a common experience – the suffering of war – and, at the same time, a starkly different trial. In etymological terms, the word *exterminare* means to expel, to place outside the borders of. For occupied civilians, to be ‘exterminated’ can be said to imply this way of being literally *hors de combat* with respect to the military fronts – which nevertheless surrounded them – without uniforms and without arms, unlike the enemies they faced. The occupied undergo a siege from within, an invasion of their private sphere in which military and administrative terror take it in turn to keep them subjugated; this is the paradigm for an imposed brutality, for a form of terrorism (in the original sense of the word) aimed at distressing the population and maintaining it in a state of shock. The laboratory was military: the occupied areas abutted the battlefields, and became their rear lines.

Pierre Hassner has grasped the paradox of war as it applies to occupied territories:

There is really no more paradoxical relationship than that between force – war in particular – and morality. There is not a single society that does not threaten to use force, sometimes putting that threat into action, against internal and external enemies, and that does not pay homage to the heroism and sacrifice of those who have defended it with their lives. And yet there is no society in which killing a human being does not pose a moral problem.²

For, whereas no-one between 1914 and 1918 escaped a war that had become particularly amoral, and immoral, the populations in the occupied territories found themselves trapped first and foremost between loyalty to their country and the lawful or unlawful demands of the occupiers. The scholars who for centuries have written about the moral tradition of just war speak of a moral presumption against the use of force, and go on to specify how, in what conditions, the presumptions can be trumped: from *jus ad bellum* (which defines the conditions in which force can be employed) to *jus in bello* (which defines the manner in which force may be legitimately employed). Neither was practised during the conflict in the regions ravaged by total war – the occupied territories, the fronts held against civilians.

Advances in the law of Geneva (1864 Geneva Convention, revised in 1906) and the law of The Hague (negotiations of 1899 and 1907) did not remain a dead letter during the fighting – far from it – but this was true above all of the wounded and prisoners of war. They were better protected than civilians by treaty-based humanitarian law, which was still in its infancy.

1 The first ‘modern’ concentration camps were set up by the Spanish in Cuba in 1896, followed by the British during the Boer War. They were first used worldwide – for foreign civilians deemed by the belligerents to pose a threat on their home territory and for occupied civilians – between 1914 and 1918. Annette Becker, ‘La genèse des camps de concentration: Cuba, Guerre des Boers, Grande Guerre’, in *Revue d’Histoire de la Shoah*, No. 189, July–December 2008, pp. 101–129.

2 Pierre Hassner, ‘De guerre et paix à violence et intervention: les contextes politiques et techniques passent, les dilemmes moraux demeurent’, in Jonathan Moore (ed.), *Des choix difficiles: les dilemmes moraux de l’humanitaire*, Gallimard, Paris, 1999, p. 23 (ICRC translation).

Henri Dunant wanted to ‘civilize’ war, to set a ‘human’ limit to brutality so as to prevent war from becoming an ‘animal’ massacre. That ideal was implemented on a large scale during World War I, thanks to the efforts of the International Committee of the Red Cross (ICRC) and myriad other denominational and non-denominational charitable organizations. However, all the belligerents flouted and violated the law whenever they could, and the exercise of such terrorist violence attests to the remarkable tension of the period. Various occupied populations, on both the Western and Eastern fronts and in the Balkans, served as their guinea pigs and were their perfect victims.

The law of the Hague and military occupation

The humanitarian organizations did not fail to be moved by the new conditions afflicting civilians as of 1914, as demonstrated by a delegate’s report and a letter from the ICRC President Gustave Ador to the German Red Cross in 1915:

The lamentable plight of the populations of northern France and Belgium, cut off from the world and separated from their loved ones for over 14 months, weighs on many minds . . . The military necessities invoked do not completely explain the iron wall erected between this population and the world. That wall is so impenetrable that the President of the International Committee of the Red Cross has even been refused, again for military reasons, the authorization he had requested from Berlin to travel there. . . . These populations are in a pitiful material and moral state. No more work, closed factories . . . Many families are going hungry and view the approach of winter with trepidation. From the point of view of morale, the absence of news is a cruel infliction. . . . The heart bleeds at the thought of so much undeserved suffering.³

What could the ICRC do in such extraordinary conditions, in the face of ‘so much undeserved suffering’? First, it set up a civilian section in 1914. But this service, which had no standing in international law, could not be grouped with the two sections for military prisoners, one for the Central Powers, the other for the Entente Powers. Practically no information got through, no list of occupied persons or deportees, for example, in contrast to the prisoners of war, lists of whom were regularly updated thanks to the bilateral conventions. On the other hand, thousands of requests for information were received from families distraught at the disappearance of family members.

To define the exceptional situation of people first invaded then occupied, the relatively vague notion of ‘law of nations’ was used as a marker – one whose position varied depending on the point of observation: that of the victims, that of the legal scholars concerned about their fate, or that of the humanitarian

3 ‘L’Agence internationale des prisonniers de guerre’, 15 August, and letter from the president of the ICRC, Gustave Ador, to the German Red Cross, December 1915, in *Bulletin International des Sociétés de la Croix-Rouge*, October 1915, pp. 497–498 (ICRC translation).

or charitable organizations trying to assist them. The ICRC, the Vatican and the Protestant organizations, and the neutral countries (The Netherlands and Spain on the Western and Balkan fronts, Denmark on the Eastern front, the Americans until 1917) made up the bulk of that humanitarian front, in addition to various local entities, 'charities' that numbered in the thousands.

During the Hague Conferences of 1899 and 1907, an attempt had been made to regulate war and invent peace, in the name of the 'principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience'.⁴ The Russian lawyer Friedrich von Martens, chairman of the Third Commission, on the laws and customs of war, advocated the 'laws of humanity' in a declaration that came to be known as the Martens Clause and was repeated in the preamble to the 1899 Hague Convention (II):

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience.⁵

The clause was repeated, with slight differences, in 1907, in the preamble to the convention that was to become, on ratification in 1909, the cornerstone of the international law of war in 1914 (*jus in bello*). Those drawing up this still uncertain law discussed in particular the obligation for citizens to resist invasion of their country, even if they had civilian status. Martens had introduced the declaration precisely because the delegates had failed to agree on this issue. Certain large military powers argued that such civilians should be treated as *francs-tireurs* (guerrilla fighters) and would therefore be liable to execution, while most smaller states contended that they should be treated as lawful combatants.⁶ These small countries had modest military means, and saw in their populations a last line of defence in the case of invasion. For the large countries with big armies, this did not appear to be an issue. It quickly became one, however, when they *were* invaded: terror of the *francs-tireurs* permitted immediate infringements of all agreements, Martens Clause or not. In 1914, the invaded territories were the first to be affected by the reservation made by the three great multinational empires in respect of Article 44 of the 1907 Hague Convention (IV), which led rapidly to non-compliance, in one form or another, with most articles of the Convention.

The Hague Conferences followed on from the humanitarian inventions of the nineteenth century and therefore recalled the duty to protect non-combatants

4 The Hague Convention (II) with Respect to the Laws and Customs of War on Land, 1899, Preamble.

5 *Ibid.*

6 Rupert Ticehurst, 'The Martens Clause and the laws of armed conflict', in *International Review of the Red Cross*, No. 317, March–April 1997, p. 133, citing Frits Kalshoven, *Constraints on the Waging of War*, Martinus Nijhoff, Dordrecht, 1987, p. 14. See also Vladimir Pustogarov, 'Fyodor Fyodorovich Martens (1845–1909): a humanist of modern times', in *International Review of the Red Cross*, No. 312, 1996, p. 334.

and to distinguish between civilians and armed forces members. In a way, Martens himself personified the organic ties between the ‘law of Geneva’ and the ‘law of the Hague’. He contributed to important provisions on non-combatants who were – or were not – already protected by conventions: prisoners of war, the wounded, those shipwrecked in naval battles, civilians in occupied territories.

In the absence of other international rules, it was the Hague Convention (IV) respecting the Laws and Customs of War on Land and its annex, the Regulations concerning the Laws and Customs of War on Land, adopted on 18 October 1907, that served as a reference to which the belligerents in 1914 had to or could refer in the event of an invasion or occupation. The Convention had entered into force on 26 January 1910 and had been ratified by most of the belligerents, with or without reservations. The preamble, which concludes with the Martens Clause, and Section III of the Annex in its entirety, dealing directly with occupied territories, are remarkable evidence of both the optimism and the vagueness that reigned in the humanitarian field at the start of the century, just before the horrors – intense and brief – of the Balkan Wars and – over a long period – World War I brought down part of the treaty edifice being built.⁷

The law of war codified in the Hague demonstrates that states wanted a separate body of rules to regulate armed conflicts, in particular so as to protect conflict victims. Most of the rules of this first law of war were in keeping with the logic of the relationship of the state to individuals, understood as the beneficiaries of a system of protection because of their situation of vulnerability vis-à-vis the state. This applied in particular to the law of occupation, which, with the 1907 Hague Regulations, sketched out a framework for the legal protection of civilians subjected to occupation from abuse on the part of the occupying power. To quote one of the legal specialists on the subject: ‘In other words, the law of military occupation arose with a “human rights” purpose *ante litteram*’.⁸

The ‘law of occupied nations’ was indeed, at least on paper, a branch of international law in 1914. But what about on the ground? In the area under its control, the occupier had administrative and governmental authority, as though the situation were one of peace, but the jurisdiction was no longer the same: there had been a change of state. Was this tantamount to a law of peace? The country remained at war. Was military occupation therefore, from the point of view of the law, a hybrid situation, halfway between war and peace? Neither war nor peace? Simultaneously war and peace? The articles of the Hague Regulations reflect that dual nature and those contradictions, for they are based on rules of both the law of war and the law of peace.

In fact, in a situation of occupation there exist horizontal relations between states – as of 1914, a situation of war between the Central Powers and the Entente

7 Human rights had yet to take shape, but were emerging in parallel. See Marco Sassòli, ‘Le droit international humanitaire, une *lex specialis* par rapport aux droits humains?’, in Andreas Auer, Alexandre Flückiger, and Michel Hottelier (eds), *Les droits de l’homme et la Constitution: Études en l’honneur du Professeur Giorgio Malinverni*, Schulthess, Geneva, 2007, pp. 375–395.

8 Danio Campanelli, ‘The law of military occupation put to the test of human rights law’, in *International Review of the Red Cross*, Vol. 90, No. 871, September 2008, p. 665.

Powers – governed by the rules of the law of war on the one hand, and, on the other, an imposed intra-state relationship between the occupying state and the civilian population of the occupied state. The latter sees the emergence of a vertical relationship between ‘administrators’ and ‘administrated’, which should be characterized by the rules and principles that are valid in time of peace. But these entirely theoretical principles take no account of the reality of total war, in which the civilian population is powerless, a pawn in the horizontal relationships of a state of war.

This contradiction explains why the exceptions were much more common than the rule, and the articles of the Hague Regulations forgotten, although oft-repeated, like a mantra, by the occupied, even though they afforded barely any protection. This also proves that international law was perceived from then on as being in favour of the possible victims of conflicts, in which regard the victims were mistaken. As Article 43 of the Regulations stipulates:

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.⁹

The occupant could always ward off any accusation that the Regulations had been violated by claiming that it had had to ‘restore order’. Indeed, the law of military occupation gives pride of place to the interests of the occupying power. Until such time as the war ends, the army ensures respect for the population under its occupation but first and foremost its own security. In The Hague, an attempt had been made to strike a balance between the interests of the local population and those of the occupying power. On the ground, however, it was the rights of the occupant that prevailed. The conventions provided a minimum frame that was often invoked but rarely respected. So much for the law of The Hague.

The law of Geneva, or humanitarian disappointment in total war

There remained the law of Geneva: the ICRC clung with desperate fervour to the 1906 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, of which it was the guardian, for fear that even it would end up being violated and abolished. Civilians, the new victims of war in 1914, could not be placed under its treaty-based jurisdiction, unlike military prisoners. All the belligerents waged a ‘battle of law’ – the better to win the war, namely to eradicate the enemy. Alone, or almost alone, the ICRC endeavoured to ensure respect for a law of the victims, no matter what camp they belonged to. But the scales were weighted too heavily in favour of one side, as witness the horrific example of the exactions and reprisals committed against prisoners on the

9 1907 Hague Regulations, Art. 43.

battlefield even though they benefitted from protection under the treaties. For occupied civilians, there was not even a convention. And the savage war being waged could always be justified by the crimes of the enemy: enemy action and the growing number of dead were proof that the fighting was just; the inevitable result was increasingly brutal measures of retaliation. The extreme difficulty for the mission of the humanitarian organizations stemmed from the gap between those seeking the truth and those who knew the truth, or thought they did: the enemy was by definition barbaric and only a fight to the finish would rid the world of its presence, for the benefit of all.

Since world war in essence prohibited neutrality, the ICRC,¹⁰ neutral by nature, could draw but one conclusion: there had to be peace. It therefore differed from the belligerents on two points, advocating neutrality and peace in the torment of war, where both were impossible. It nevertheless remained relatively lucid, albeit not without bitterness. ICRC delegates wrote:

Concern for the damages one hopes to inflict on the enemy all too often outweighs the good one could do oneself; that's the mentality of war, one goes back on it later, sometimes when it's too late. . . . In ordinary times it is no easy task to tell the truth . . . how much more difficult that task becomes in these critical times, when passions are stirred by war and people blinded by hatred. A Frenchman said of my mission: 'the neutral person, watching a war like this one, cannot see things from the same point of view as the belligerent in the thick of the fighting', and *fortunately* he was probably right, and what he said was true. A neutral person who judged matters of war from the point of view of a belligerent would no longer be neutral . . . but let those who are neutral be permitted this humble prayer, that they be trusted, for without trust their work would be in vain and useless.¹¹

An approach based almost exclusively on protest and the law at a time when so many lives were at stake may appear not only limited but also ethically inadmissible, but we have to consider the logic underpinning the ICRC's reasoning between 1914 and 1918, and situate it in the historical and intellectual context. The ICRC drew its legitimacy for action solely from the 1906 Geneva Convention, which had already been ratified, and hence from the reciprocity between the signatories that had become enemy belligerents. It had no mandate, no humanitarian intervention. No-one, unfortunately, had had the foresight to include civilians in the 1906 Convention. That was to be regretted, but the texts could not be changed as new needs arose. The numerous propaganda images used by both camps of Red Cross nurses ill-treated or drowned (when their hospital ships were torpedoed, one of the conflict's new features) are symptomatic: the nurses belonged to the Red Cross, they worked for the benefit of wounded soldiers, and were therefore protected by the Geneva Convention. If the decision was to show them as women (raped) and

10 And, in similar fashion, the Vatican. In 1917, Benedict XV made a stirring appeal for peace that was incomprehensible to any of the belligerents, including fervent Catholics.

11 Dr Frédéric Ferrières, *Bulletin International des Sociétés de la Croix-Rouge*, No. 192, October 1917, p. 413.

civilians (murdered), it is because the only front that still counted was the military front to which they belonged; there was no awareness of the novel concept of civilians caught up in war.¹²

Everything happened in a kind of chain reaction, as part of an irreversible process. Although neutrality, humanity, compassion appeared to oppose, term for term, engagement, brutality, reprisals, there were many contradictions. The new war did not burden itself with any scruples, whether for the combatants, who should have been rendered neutral when they were placed *hors de combat* by their wounds or capture, or even less for civilians, who were covered by no convention.

Actual verbal denunciations soon reached their limits, and had no effect. The humanitarian and charitable organizations found themselves, when it came to civilians, faced with a minimal choice between action on the ground – often impossible – and testimony, in the form of denunciations. They could act and bear witness, act without bearing witness, or bear witness and not act: there are countless traces of the last in the archives of the ICRC, the Vatican, and other religious organizations. The ICRC civilian section, for example (like its military sections, which were able to do more because of the international conventions), liked to toss out figures, to brandish its index cards, as here with regard to the German files in the civilian section:

The card service grows by about 100 or 200 cards per day, and already has about 150,000 cards. . . . The return of evacuees from Nord department has given rise to numerous requests, the men from those departments having almost all been interned in Germany, without the possibility of letting their families know. We have the satisfaction of finding an answering card in our files for almost all of those requests.¹³

The most important – and, incidentally, exaggerated – bit of information, ‘the men from those departments having almost all been interned’, is drowned out in a kind of bureaucratic purr of satisfaction: yes, they have index cards, but are they reliable, and what is the point of collecting them if there is no possibility for action in the occupied territories?

The example of the dissolution of the Belgian Red Cross Central Committee by Baron von Bissing, the country’s governor-general and hence ‘occupier in chief’, is remarkable in that it shows how powerless the ICRC was in the face of the occupying powers on the ground, including when it came to helping a National Red Cross Society. The Belgian Central Committee had refused to co-operate with a charity that the German government had decided to set up in Belgium. The Belgian Red Cross considered that this ‘aid and protection for women through work’, which ostensibly helped women find work, was in fact political and therefore not a charity within the meaning of its statutes. Moreover, the occupants thought they would be able to establish the charity by treating Belgium as a country

12 Numerous illustrations on postcards in the collection of the International Museum of the Red Cross and Red Crescent.

13 *Bulletin International des Sociétés de la Croix-Rouge*, April 1915, p. 170 (ICRC translation).

at peace. The reality was more prosaic. The Germans wanted to get hold of the cash held by the Belgian Red Cross, whose refusal was a good pretext. The reaction of the occupying power was brutal: the National Society was dissolved. The ICRC could do nothing but protest: ‘The Red Cross cannot bow to an administrative measure that, by considering it a simple mechanism of the State, would rob it of its independence and even eliminate its governing bodies’. It also published, in its *Bulletin International*, the arguments of the Prince of Ligne, the president of the Belgian Red Cross relieved of his post, on the specificities of the occupation, which he saw as a state of war:

It is ridiculous to say that most of Belgium can be considered as being at peace when our regular authorities have been replaced by German civil servants, our laws are often modified, suspended or abrogated by decree of the Government-General . . . when at any time citizens are placed under administrative arrest and deported without trial, as undesirables from the point of view of the occupants’ security. . . . What is more, our children, our army, are armed and fighting every day.¹⁴

Protests, publication, refusal expressed. But the occupants achieved what they wanted; the Belgian Red Cross had ceased to exist.

And yet, the ICRC often went beyond mere protests and narrow legalism. It circumvented the absence of conventions relating to civilians by furnishing all manner of individual aid – in Belgium, in the other occupied territories, and in situations of blockade, which, for civilians, were comparable to the disasters of the occupation.

The ICRC in the face of reprisals, concentration camps, and the blockade

If the new burden placed on the ICRC was so dramatic, it was because the occupied regions were not separate from the world war – quite the contrary – and throughout the conflict the reprisals affected the civilian populations held hostage as a result. None of the belligerents showed any scruples in using all possible weapons to achieve their goals. The battlefields were but one aspect – key, yes, but not the only one – of the violence of war. The war spread worldwide as it grew spatially, and as violence and cruelty expanded into the various areas affected. Violence presented itself as the only coherent aspect in the world at war, even though every party used and abused the concept of ‘law of nations’ to foster belief in the justice of its cause. The semantic difficulties were enormous, however. The ICRC was not alone, during this entirely new form of conflict, in struggling to find the words to express the reality of the concepts at work. What term applied when civilians disappeared from their homes, from their habitual lives: abduction,

¹⁴ *Ibid.*, p. 275.

displacement, deportation?¹⁵ ‘It was very hard to specify whom the belligerents considered as “civilian internees” among those taken away as “hostages” or those considered as “political prisoners” . . .’: the lists of prisoners sometimes designated as political prisoners or hostages included those who figured on other lists under the term ‘deported’.¹⁶ The texts spoke about ‘*civils capturés*’, in the masculine, but had no means of understanding the specific nature of individual tragedies or even of grouping them in reliable categories of victims – men, women, or children.

In Geneva in September 1917, the president of the ICRC convened a conference in Geneva of National Societies from neutral countries to discuss the issue of civilian prisoners:

Civilian internment is a novel feature of this war; international treaties did not foresee this phenomenon. At the start of the war it seemed logical that enemy civilians might be **retained** as suspects; a few months should have been enough to separate the chaff from the wheat. [But now] we have to add to the number of civilian internees those deported into enemy territory as well as the inhabitants of territories occupied by the enemy. These civilians have been deprived of their liberty and their treatment hardly differs from that of **prisoners**. After three years and more of war, we demand that these different categories of civilian detainees should become the object of special consideration and that their situation, which in some respects is even more cruel than that of military prisoners, should be properly discussed before the fourth winter of the war.¹⁷

Indeed, enemy – and, later, occupied – civilians had been an insoluble problem since the war broke out in August 1914. No-one knew what to call them or what to do with them. The various belligerents ended up holding them in concentration camps. These deported civilians were the image of the war itself, global and total, with conditions ranging from ‘mere’ deprivation of freedom to forced labour behind the lines. Admittedly, the widespread use of reprisals against occupied civilians hugely complicated the situation: it was as though several eras of war co-existed in the same place in space and time – between archaic and modern warfare.

The question of reprisals against occupied civilians

‘Reprisals! The word is on everyone’s lips! This is the golden calf, the only one worshipped by all peoples in arms’, an anonymous ICRC author wrote in 1915.

15 The word ‘deportation’, borrowed from the classical Latin *deportatio*, ‘a carrying’ or ‘conveying away’, ‘a transportation’ (Charlton T. Lewis and Charles Short, *A Latin Dictionary*, Clarendon Press, Oxford, 1879, consulted on www.perseus.tufts.edu), took on the meaning of deportation or exile in Low Latin. The modern meaning combines the two, since it refers to ‘the removal from a country of an alien whose presence is unlawful or prejudicial’ (*Merriam-Webster’s Collegiate Dictionary*, 11th edition, Merriam-Webster Inc., 2008).

16 ICRC Archives, 1917.

17 ICRC Archives, ‘Introduction sommaire à la question concernant les civils’, September 1917, p. 1, cited in Matthew Stibbe, ‘The internment of civilians by belligerent states during the First World War and the response of the International Committee of the Red Cross ICRC’, in *Journal of Contemporary History*, Vol. 14, No. 1, 2006, p. 5 (emphasis added).

But who can fail to see the sophistry, the childishness of the term? Does the harm done by others excuse in any way the harm one does oneself? . . . Laws without sanctions, bits of paper, we Swiss have the right to protest all the violations . . . And so we shall, until the world's conscience rises up and, by the fertile indignation that those protests spark, kindles a new strength in the service of the law.¹⁸

Thus, a dignitary from the Hirson region in France was arrested in February 1915 and found himself, before being deported to Germany, with other hostages, such as the mayor of Noyon, Mr. Noël, and the prefect of Nord Département, Mr. Trépont. All three were arrested on the same date for the same reason: 'You are suspected of having committed acts akin to those for which German citizens have, in defiance of the law, been executed in Morocco'.¹⁹ Indeed, after the Ottoman Empire had entered the war on the side of Germany, Sultan Mehmed V had proclaimed a holy war (*jihad*) and called on Muslims to rise up against the European Powers. Germany, the Ottoman Empire's ally, promoted strong pan-Islamic propaganda, sending agents to militate against French and British interests. In response to their activities in Morocco, the French arrested 300 members of the German colony there and sent them to an internment camp – known then as a concentration camp – in Algeria. Some were civilians. Others, convicted of spying and arms smuggling against France, were shot.²⁰ The German reprisals against the hostages from France's Nord Département testify yet again to the globalization of the war, in this case through the prism of occupation.

By the same token, in the midst of the Dardanelles campaign (and the extermination of the Armenians – everything can always get worse), it was decided in Lille:

In contravention of the law of nations, French warships destroyed, on 13 and 31 May 1915, the German consulates in the Turkish free ports of Alexandretta and Haifa. In reprisal, and to cover the damages to German and Turkish property, the towns of Roubaix and Valenciennes are each ordered to pay, by the master headquarters, a fine of 150,000 francs.²¹

The logic underlying the total mobilization of states and societies implied retaliatory measures against civilians located thousands of kilometres from each other. In all cases, the 'law of nations' was invoked, and the victims were sometimes military prisoners, sometimes occupied civilians.

Retaliatory measures were certainly not taken against the captive civilian population in enemy countries in the belief that the adversary would be forced to change his tune. Everyone knew that the logic of the war for all concerned

18 Article signed 'X', diary entry pasted into the *Bulletin International des Sociétés de la Croix Rouge*, 18 March 1915 (Collections of the ICRC Library, Geneva) (ICRC translation).

19 G. Desson, *Souvenirs d'un otage: de Hirson à Rastatt*, Bloud et Gay, Paris, 1916, p. 60 (ICRC translation).

20 Pascal Le Pautremat, *La politique musulmane de la France au XX^e siècle: de l'Hexagone aux terres d'Islam: espoirs, réussites, échecs*, Maisonneuve et Larose, Paris, 2003, p. 81.

21 Letter from Major Hoffman, 20 June 1915, Nord Departmental Archives, 9R515 (ICRC translation).

was first and foremost that of battlefields, soldiers, increasingly heavy weaponry, and campaigns. Everyone also knew that the population could not, no matter how hard one tried, be brought to disassociate itself from its country at war.²²

Negotiating aid and the release of hostages

Occupied civilians used as hostages or targeted by reprisals would remain one of the total war's open sores. Negotiations were nevertheless started in 1915, under the aegis of the Vatican, for the release of women and girls, boys under the age of 17, men over the age of 55, doctors and priests. The humanitarian organizations focused their struggle throughout the entire war on the following three categories: women and children, the elderly, and medical and religious personnel. A 'bureau for the repatriation of civilian internees' was established in Bern under the direct supervision of the Federal Political Department in February 1916; it provided diplomatic backing for the ICRC civilian section. But in letter after letter, circular after circular, the Pope and the Red Cross asked their captors for news of these three categories of 'innocent victims' – meaning that they were never released. What is more, doctors and priests continued to be the target of reprisals throughout the conflict, as observed by the diarist Clémence Leroy in December 1917 from his village in Pas-de-Calais:

Bombshell: around 9 a.m. the timekeeper notified Mr. Daussu and Mr. Lefrancq, Mrs Duflos and Mrs Moriaux that they had to prepare to leave as hostages, the men tomorrow morning at 9, the women at a date to be set later. They have to take enough food for five days and can take 50 kilos of luggage. The reason: retaliation. The French are apparently holding some Alsatians and don't want to let them return to their country. Retaliation and more retaliation, that's what we're told every time an unjust act is committed. But I haven't done anything wrong, I have committed no crime to justify my being taken away, Mrs Duflos cried out. No, you've done nothing wrong, but you're being taken away because you're a well-known person. What luck, to be considered well known in these circumstances! The entire country feels especially sorry for this woman, who is almost sixty and leaves behind an infirm husband in poor health. The other woman is young and strong, people feel less sorry for her. Of the two men, one is here without his family, the other leaves behind an upset wife and two daughters. . . .

The two hostages left this morning, quite bravely. They were accompanied by the *curé* and the doctor from Rumaucourt, who learned that he was slated to leave yesterday when he came back from his rounds. We can imagine his surprise, and how well he must have slept! He appeared to have aged ten years

22 The civilians should not, however, be seen solely as the hapless victims of states and occupation armies. They, too, were broadly self-mobilized by the demonization of the enemy, which, by pushing them to resist, added another loop to the cycle of repression.

overnight, we've been told. . . . The *curé* from Rumaucourt was crying his heart out, poor man. He is old, poor, and ill, apparently he suffers from what they think are epileptic fits. And it seems that he and the others have left for Eastern Prussia, at this time of year, and for a climate much harsher than ours. Their unexpected and precipitate departure is on everyone's lips and the thoughts of every one of us are with these unfortunate souls, torn from their homes. The longer we stay on this painful road, the louder we cry out, over and over: Accursed war!²³

Pas-de-Calais to Saxony: the route was indeed 'cursed' for civilians arbitrarily used as abject bargaining chips in late 1917, even though negotiations to prevent this had theoretically been ongoing for over two years. The doctors, priests, women, and even children taken hostage continued to be sent to concentration camps until 1918; they continued to be discovered, in the countries of Central and Eastern Europe, until the 1920s. Indeed, while some were exchanged or released, others were taken prisoner and deported. Worse yet, during the negotiations for their release, certain powers realized that they could use the hostages to exert pressure on the enemy. Thus, on several occasions civilian hostages were taken to Germany to influence the negotiations on military and even civilian prisoners with France. Once again, the interned were victims, this time of what must be termed the perverse effect of the humanitarian negotiations: as these often amounted to no more than exchanges, the civilians of one region ended up being used to 'pay' for those of another.

The German reprisals against the people in the occupied territories have to be seen in the light of the Allied blockade against the Central Powers to understand the phenomenon as a whole. The violence left the victims full up in some respects (with the shock of destruction, death, hunger, the camps), hollow in others (the lack of food and basic necessities). The German and Austrian populations experienced the blockade as a war crime, and the propaganda machines used it to condemn the intrinsic inhumanity of the French and English. The excess mortality in Germany caused by the blockade is today estimated at one million people during the conflict.²⁴ An insightful remark by a witness from Nord in occupied France illustrates the interaction between the processes of occupation, resistance, and blockade. David Hirsch wanted to believe that, from his town cut off from France, from his shop in Roubaix, he was also waging war: 'We close on Sunday afternoons. It's mainly the Germans who buy on Sundays. This is our small way of contributing to the effects of the blockade.'²⁵

23 Clémence Leroy, 'Historial de la Grande Guerre', handwritten diary, 28–29 December 1917 (ICRC translation).

24 See, generally, Jay Winter and Jean-Louis Robert (eds), *Capital Cities at War: Paris, London, Berlin, 1914–1918*, Vol. 1, Cambridge University Press, Cambridge, 1997.

25 'Journal de David Hirsch', in Annette Becker (ed.), *Journaux de combattants et civils de la France du Nord dans la Grande Guerre*, Septentrion, Paris, 1998 (ICRC translation).

Conclusion: a humanitarian moral?

Above and beyond the individual relief they provided, the ICRC and the Vatican were limited by their neutrality (the ICRC) and their *impartialità* (the Vatican). By placing themselves above the two sides, they remained outside the reality of the worldwide, global, total war. And yet the relief provided was real. Even a simple card – a ‘*Croix-Rouge*’, as the inhabitants of Nord called the pre-printed cards that were at least a sign of life – was a tangible source of hope. Perhaps too early, in 1916, the ICRC paid tribute to its new civilian agency, and to Dr. Ferrières, a member of the Committee and the agency’s driving force, in particular:

Without being able to invoke either rules or conventions – because no provision had been made for the war’s extension to civilian populations – but on the strength of the powerful considerations of humanity that had led to its birth, this agency within the agency, this small world within a larger one, has almost as many chapters in its history as the big sister alongside whom it walks, hand in hand. . . . It played a magnificent role in showing interest in a category of victims entirely bereft of support and relief, and thanks to its steadfast perseverance and devotion, was blessed by families brought back together or reassured as to the existence of their dispersed members.²⁶

The plight of the occupied population may have been terrible, but it paled in comparison to what was being done at the same time to the Armenians in the Ottoman Empire. A French caricaturist got this right. His drawings denouncing the deportation of the women of Lille at Easter 1916 depict Teutonic brutes carrying away or taking aim at women and children. In one, a soldier with a pointed helmet says: ‘Listen to them complain. What would they say if they were in Armenia?’²⁷

America’s Theodore Roosevelt did not mince his words when news of the massacre of the Armenians reached the United States:

Even to nerves dulled and jaded by the heaped-up horrors of the past year and a half, the news of the terrible fate that has befallen the Armenians must give a fresh shock of sympathy and indignation. Let me emphatically point out that the sympathy is useless until it is accompanied by indignation, and that the indignation is useless if it exhausts itself in words instead of taking shape in deeds.

For Roosevelt, only war could put an end to the tragedy:

If this people through its government had not . . . shirked its duty in connection with the world war for the last sixteen months, we would now be able to take effective action on behalf of Armenia. Mass meetings on behalf of the Armenians amount to nothing whatever if they are mere methods of giving a

26 *Bulletin International des Sociétés de la Croix Rouge*, No. 192, October 1917, p. 413.

27 *La Baionnette*, 1916, drawings by Henriot.

sentimental but ineffective and safe outlet to the emotions of those engaged in them. . . . Until we put honor and duty first, and are willing to risk something in order to achieve righteousness both for ourselves and for others, we shall accomplish nothing; and we shall earn and deserve the contempt of the strong nations of mankind.²⁸

Thus was Roosevelt brought by his compassionate and indignant morals to join the total war that was responsible for these crimes, just as the French caricaturist used irony to give vent to his anti-German hatred more than his indignation at the deportations and the massacre of Armenians.

Didier Fassin starts the introduction to his book, *Humanitarian Reason: A Moral History of the Present*, by citing Emmanuel Levinas: ‘Everyone will readily agree that it is of the highest importance to know whether we are not duped by morality’.²⁹ Fassin continues his book on the long-term contradictions between compassion – which is all sentiment – and reason – which prompts action for distressed human beings – and points to a paradox in his study of the most modern humanitarian policies:

On the one hand, moral sentiments are focused mainly on the poorest, most unfortunate, most vulnerable individuals: the politics of compassion is a politics of inequality. On the other hand, the condition of possibility of moral sentiments is generally the recognition of others as fellows: the politics of compassion is a politics of solidarity.³⁰

That paradox is no doubt most striking in time of total war. The upheaval of war first led to this fatal inflammation for civilians on a large scale during World War I. Could the victims and their saviours speak of the contradictions while struggling with the realities of what had become unspeakable, unthinkable?

28 Letter from Theodore Roosevelt to Samuel Dutton, 24 November 1915, available at: <http://query.nytimes.com/mem/archive-free/pdf?res=F50C17F6385B17738DDDA80894DA415B858DF1D3> (last visited 2 May 2012).

29 Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority*, Martinus Nijhoff, The Hague, 1969, cited in Didier Fassin, *Humanitarian Reason: A Moral History of the Present*, transl. Rachel Gomme, University of California Press, Berkeley and Los Angeles, CA, and London, 2012, p. 1.

30 D. Fassin, above note 29, p. 3.