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First in the field

The unique mission and legitimacy of the Red Cross in a culture of legality.

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DUNANT'S DREAM. War, Switzerland and the history of the Red Cross. By Caroline Moorehead. 780pp. HarperCollins. £24.99. - 0 00 255141 1.

Henri Dunant, founder of the Red Cross movement, was seized with his momentous idea at the Battle of Solferino between the Austrians and the French in 1859. He and a few other inadvertent witnesses were appalled by the suffering of tens of thousands of soldiers wounded and left to die on the battlefield; uninvited, they set to, to bring them relief. Three hundred thousand men had fought each other across a sixteen-kilometre front, but the armies had virtually no medical assistance or supplies. The French forces, according to Caroline Moorehead, had "four vets for every thousand horses, but only one doctor for every thousand men". Wartime surgery of the day, before the knowledge of antiseptics, mostly "came down to two very simple questions: whether or not to amputate, and how soon to do so". Dunant and his companions in compassion carried water to soldiers in the field, moved them to the nearby village, assisted the few surgeons who performed amputations non-stop for days (in some cases by holding up their exhausted arms as they worked) and wrote farewell messages to families of the dying.

Dunant was a Genevan businessman who had gone to the battlefield to seek to interest Napoleon III in a commercial venture. After the business failed, still haunted by his experience, he wrote A Memory of Solferino, in 1861-2. In it, he graphically described the "horrors he had witnessed". But the memoir also formulated an idea: Why, asked Dunant, could societies of volunteers not be set up in peacetime to be ready to help the wounded when wars broke out? And why not at the same time draw up "some international principles, conventional and sacred, which once agreed and ratified would form the basis for these national societies to help the wounded in different countries of Europe"?

Although initially printed privately, A Memory of Solferino swept the capitals of Europe; royalty, aristocrats, professionals, priests and pastors, journalists and even generals were moved to tears, celebration and action. The atmosphere was particularly ripe in Geneva itself, as the forces of philanthropy, charity, civil society, and a strong sense of Christian service among the prosperous Genevan bourgeoisie sought a field of action. Soon, a Committee of five sober, conservative citizens, all men, all practising Genevan Protestants, had been formed; in time it became the institution known as the International Committee of the Red Cross (ICRC). Within months, it had formulated plans to invite

delegates from the European states to Geneva to discuss conventions regarding the care of wounded soldiers. Again, the historical moment was in its favour, and by the end of the first meeting in 1863, delegates from sixteen states had agreed to ten articles which contained proposals for the protection of wounded soldiers, the inviolability of medical personnel, the protective symbol of the Red Cross, and the establishment of voluntary relief societies: the foundations of modern law governing the conduct of war, the Hague and Geneva Conventions.

Caroline Moorehead has written a splendid, even a magnificent book. Her meticulous combing of ICRC archives in Geneva, opened a few years ago for the period through to the end of the Second World War, gives Dunant's Dream scholarly authority. Yet Dunant's Dream is far from dryly academic; a skilful biographer, Moorehead documents the tragedy and final triumph of Dunant himself. Dropped from the ICRC early on, in embarrassment over the ultimate bourgeois failure - bankruptcy - he laboured for decades in penury and obscurity, his role in establishing the Red Cross movement denied by its leadership. At the end of his long life (Dunant died in 1910 at the age of eighty-two), living in solitude in the mountains, he was rediscovered and lionized; he received the Nobel Peace Prize, and his obituaries in Europe's newspapers were eulogistic.

Moorehead emphasizes that the Red Cross movement is more than the ICRC in Geneva. It is also the federation of autonomous, voluntary Red Cross and Red Crescent societies across the world's nations. Their relations with one another, with their governments, and with the ICRC, have often been fractious. The American Red Cross, for example, impressed with its own professionalism, millions of members and comparatively vast resources, has sometimes sneered at the ICRC. The Japanese Red Cross was an early model for the Europeans of a vast, efficient organization; its exemplary work during the Russo- Japanese War of 1905, on behalf of the wounded and captured of both sides, was a paradigm of international humanitarianism. Alas, this spirit was tested and found wanting, in later decades, as totalitarian regimes absorbed institutions of civil society into the State, and subsumed national Red Cross societies to requirements of ideology and war. The acting President of the German Red Cross during the Second World War, Dr Ernst Grawitz, supervised concentration-camp medical experiments and would surely, but for his suicide, have been executed for crimes against humanity.

Dunant's Dream is also a meditation on dialectical changes in war and humanitarian relief, on the dilemmas of war, humanitarianism and law, which were already posed in embryonic form in Dunant's day, and which today are ever more urgently present. The dynamic which forces these dilemmas into the (to some extent) unwilling public eye is the fact that, although the Red Cross movement began with the suffering of soldiers, gradually expanding its remit to sailors and finally to prisoners of war, the wars of the twentieth century have borne ever more harshly on civilians, far more than on soldiers. While casualties in the First World War were overwhelmingly military, by the Second World War and beyond, they were overwhelmingly civilian. In addition to the traditional killers of civilians in war - pestilence, famine and exposure - they are also menaced by modest but ubiquitous weapons: light weapons and small arms; the assault rifle, rocket-propelled grenade and landmine. In many wars today, especially "wars of disorder" -

those which involve the breakdown of central authority - it is considerably safer to be a combatant than a civilian. The horrors of Solferino were quite different from those of Biafra.

These changes have left the Red Cross, and especially the ICRC in Geneva, facing a series of dilemmas. Humanitarian work in warfare is conceived as seeking to engage a full but inevitably contradictory range of human rights, monitoring abuse, performing neutral and silent humanitarian relief of suffering, and urging combatants to adhere to rules of law in the conduct of war. In today's world, many organizations specialize in one or another of these roles and so manage to avoid the contradictions between them; the human rights and humanitarian movement as a whole, however, remains trapped. The history of the Red Cross is particularly useful in identifying inherent incompatibilities, the plural values and moral goods which cannot all be maximized and which require morally difficult choices. Finding itself the first, and so virtually alone, in the international humanitarian field, the Red Cross attempted all the moral roles. Its failure reminds one that even with, on all occasions, the best will, purest motives and perfect judgment, it would still have faced unappealing moral trade-offs.

Should, for example, the Red Cross seek abolition of war itself or merely amelioration of war's "excesses"? The Geneva Conventions, whose custodian is the ICRC, adhere to the traditional view, derived from medieval Catholic thought, which distinguishes grounds for resort to war, jus ad bellum, from conduct in war, jus in bello. The two are morally and legally independent; those with a just cause can fight unjustly, and those with an unjust cause can nevertheless fight justly. The Red Cross has traditionally confined itself to the conduct of war and the relief of its effects, rather than seeking to outlaw war. It has thus often incurred the wrath of pacifists. Florence Nightingale, for example, although later to become a strong supporter, put the matter brusquely in an early letter to Dunant: it is objectionable because first, such a Society . . . would relieve (governments) of responsibilities which really belong to them which they only can properly discharge . . . and being relieved of which would make war more easy.

Red Cross writers have sometimes claimed that amelioration of war's effects, by civilizing its methods and gradually eliminating the most barbaric - today, for example, landmines, blinding laser weapons, and the contamination of clean water supplies essential to sustain the civilian population - constitutes a step towards abolishing war. The abolitionist objection to amelioration has withered in recognition of the ever-increasing amount of civilian suffering in war, and the lack of correlation between what humanitarianism can hope to improve and how little impact it typically has on the abilities of parties to make war. Yet there can be exceptions in contemporary conflicts. In the case of southern Sudan, for example, John Ryle has suggested that the amount of humanitarian aid itself has grown to become a key part of the economic incentives of some parties to fight, and that it is time to confront what happens when the material means of alleviating non-combatant suffering become an endemic reason for further fighting.

Is the ICRC's careful neutrality between warring antagonists always morally desirable? Neutrality, for the ICRC, has meant a refusal to take a stand on the reason for fighting. A strength of Moorehead's book is that it underscores how the existence of the ICRC as a uniquely Swiss institution has given a moral underpinning to a Swiss national policy of neutrality, which might otherwise be seen as purely prudential. Neutrality, in this sense, is not merely a policy of passively standing aside; in order to make it morally admirable, and not merely prudent, it must constitute active but even-handed, even aloof, attention to all victims, irrespective of nationality.

Yet there are two ways in which to see the moral place on which this neutrality stands. The ICRC has always conveyed the sense that neutrality-as-aloofness is the highest, not merely one, form of morality, impartiality as between partial combatants. In contemporary wars it is an easy position to adopt - the vast majority of us, for example, cannot imagine that most wars are worth fighting. Things change, however, when it comes to causes about which one is not simply indifferent. The possibility of war against transcendent evil, against the Nazis, for example, has caused many to see the highest form of morality to be commitment. The enduring modern defence of the laws of war, after all, is not an ICRC monograph, but Michael Walzer's Just and Unjust Wars (1977)- and its epigraph, far from being a nod to neutrality, is taken from the inscription of the Yad Vashem, the Holocaust memorial in Jerusalem, a hymn of blessing upon those who engaged and resisted. Recently, anxiety over the moral quality of neutrality was most visible when, following the Rwandan genocide, some human-rights bodies sharply criticized humanitarian relief organizations for neutrally feeding, together with the rest of the refugees, groups alleged to have been genocidaires. The relief organizations replied, equally sharply, that their job was to feed the hungry, not to judge guilt and innocence as a condition of supplying food: the trade-off between neutral relief and the clamour for justice could not have been more acutely framed.

Neutrality of the kind cherished by the Red Cross is thus best understood not as the highest moral position, but as one moral position among several. Neutrality as between reasons for fighting is best understood not as genuinely aloof relativism, genuinely principled indifference in every case as between causes, but instead as a highly artificial, unstable and ultimately unsustainable suspension of judgment in order to preserve another important moral value - that of the moral independence of judgments about reasons for fighting from judgments about how fighting is conducted. Neutrality is respectable, but the moral contradictions inherent in a deliberately artificial suspension of judgment on reasons for fighting also cannot be denied.

The contradictions only increase with the question of whether the ICRC is morally right always to remain silent about human-rights abuses of which it becomes aware; this is perceived as a condition which allows it to obtain access to relieve suffering that it could not otherwise relieve. For it has always been a central tenet of the ICRC's work that if it were to speak publicly of that which it has seen, governments would deny it further access, either in the specific situation or in future conflicts, thus depriving individuals of the relief that the ICRC could bring. Traditional ICRC doctrine has privileged the moral value of relief of suffering over the moral value of publicizing atrocity.

Moorehead makes this dilemma the central drama of Dunant's Dream, framed against the most famous, controversial and reviled stand ever taken by the ICRC when, in a meeting of the Committee itself on October 14, 1942, it determined not to speak publicly of what it knew of the Holocaust. It was not alone in remaining silent, of course; the Vatican did not speak out, nor did the Allies issue a warning until some months later. Her specific conclusions about that meeting are important because of her careful and judicious sifting of the evidence regarding the motives of the participants. She finds evidence of Germanophile bias on the part of Carl-Jacob Burckhardt, who had been the League of Nations High Commissioner for Danzig in 1937; he knew, she writes, much more about the deportations than he shared with the Committee. She further finds that Philippe Etter, President of the Swiss Confederation, who had "never been to a meeting of the Committee before and would not attend one again," was concerned largely with Swiss reasons of state.

Moorehead also notes that the elderly, ailing President of the Committee, Max Huber, revered for his Christian piety and allegiance to moral principle, who was not at the meeting but standing by to "cast his vote in case of deadlock", headed the board of a Swiss company, Alusuisse, a German subsidiary of which employed slave labour. Jean Pictet, however, an immensely respected member of the ICRC who, Moorehead says, "knew Huber better than anyone still alive, believes that it is inconceivable that Huber knew anything about it". Moorehead is not so certain. More broadly, she says, drawing on the assessment of Gerhart Riegner, the young, energetic wartime Secretary of the World Jewish Congress in Geneva, the "attitude that suffused the Committee during the war years . . . was one of acceptance that at least some aspects of Nazi ideology would be the reality of the new post-war Europe".

Yet, despite these lapses, Moorehead feels that the Committee made its decision in good faith, although she plainly believes it was both wrong and made out of a failure of moral courage: Would it have made any difference if the International Committee had spoken out? Opinions differ but the consensus, more than fifty years after that October afternoon, suggests that nothing would have stopped or even slowed down the deportation of the Jews. However, it also seems highly unlikely that, had they spoken out, their work on behalf of prisoners-of-war would have been affected: the Germans needed their services and their parcels for German prisoners in Allied hands, just as much as the Allies needed them. And very few people today believe that Germany would have invaded Switzerland whatever the stand taken by the International Committee.

While respecting the care of Moorehead's judgment, I am troubled by it. It seems to me that "unlikely" would be a better judgment than "highly unlikely". In any case, if indeed nothing would have stopped or slowed the deportations, then it is equally plausible to argue that it was not worth taking even a modest risk of losing humanitarian access. One might even argue that the heroically moral stand would be to refuse to take even a small risk with actual relief work, merely in order to provide rhetorical protection against future historians. And the ICRC did have something to lose, on behalf of millions of prisoners, for whom it had done a creditable job, and on behalf of others it had not yet been able to reach, but perhaps might. At a minimum, if that was truly the calculation, then moral

denunciation of the kind leveled since at the ICRC, and which Moorehead herself finally appears to endorse, seems less warranted. Yet Moorehead is also correct to conclude that despite the so-called "right of initiative" conferred on the ICRC, the right to take up any humanitarian matter with the parties without prejudice, the ICRC, even in private, let alone through public denunciation, never "chose to stand up to the Nazis, to really press hard to halt the worst atrocities against the Jews". A truer judgment, then, of the ICRC's wartime experience might come from Brecht's famous poem: "Remember us", he cautioned, "with forbearance."

Enduring complaints against ICRC in-action, however, which continue to be dilemmas for the humanitarian movement today, arise from two distinct sources. On the one hand, many who argue that the ICRC's first duty in the Second World War was to go public, are already committed to the moral value of publicly revealing atrocity over the moral value of relief, should the two ever conflict (and are sometimes committed to the further and considerably more heroic proposition that the two never really conflict). Public denunciation is a value urged by human-rights organizations, which resolve the dilemma between silent relief and public denunciation by deliberately not undertaking relief. The existence of such monitoring organizations, with a single mission, is a great improvement over the earlier situation, in which the ICRC was thrust morally into all roles simultaneously; after some trepidation, today no one is happier about this than the ICRC. Yet the practical dilemma for the ICRC remains exactly the same - the ICRC still goes where others cannot, because it offers two things which human-rights monitors eschew: aid and silence.

In today's world, as Moorehead observes, ICRC delegates in the field have "learnt to play what is by now a well-established game, complying to the letter with the mandate while finding ways of letting others benefit from the knowledge they alone possess". I myself recall half a dozen conversations with ICRC delegates in conflict zones during the past decade in which the message was clear, over a drink in the local bar, over coffee in the ICRC field office: "No, we cannot say anything - but you might just ask Colonel So-and-So about . . . ." The problem remains, however, and I for one do not think it self-evident that, where a choice is genuinely forced, it is better to sacrifice silent humanitarian relief to the principle of publicity.

Complaints about ICRC inaction also arise from an inherent tension between those who, over its 130-year history, have invested in building up the moral capital of the institution, and those who would spend it. Sometimes, this criticism emanates from the ICRC's own delegates in the field. Moorehead's sympathies lie, as they ought, with the brave, and traditionally often anonymous, Swiss businessmen, lawyers and doctors who set out in the Second World War and other conflicts, frequently on foot, protected by nothing more than their Swiss passports and Red Cross armbands, to confront hostile prisoner-of-war camp commanders, indifferent government officials, callous army officers and, everywhere, suffering of monumental proportions. Yet, until recently, the remoteness of the assignments given to these volunteers meant that they operated without direct communications with Geneva, and, necessarily, under the most general of instructions. In

such circumstances, confronted with horrors of every variety, it is natural that they should feel that the head office in Geneva was slow and hopelessly cautious.

Seen from the standpoint of Geneva, however, these field delegates held the organization's ability to operate in whole theatres of war, and indeed its own public existence, in their hands. The very ability of a delegate to pound on the gate, and call on the camp commander in the name of an institution with no power except its prestige, depended crucially on the slow accretion of that very prestige, mostly smoke and mirrors, hard to build up and easy to disperse. It has taken well over a century to establish even the universal protective emblems of the Red Cross and the Red Crescent. As the conflict in the former Yugoslavia and the point-blank murders of six ICRC workers, in their compound in Chechnya in 1996, have shown, nothing can ever be taken for granted.

Yet the ICRC was reprehensible in its treatment of certain Second World War delegates who, departing from the letter of the ICRC mandate, saved numbers of Jews from deportation. They were right and Geneva was wrong. But the ICRC in Geneva is not wrong to have deeply conservative, Burkean instincts about the way in which a political culture is built - and about its fragility. If this is true for its own delegates, it is even more true for the myriad organizations that would happily loot its prestige for whatever immediate cause they might press. But to comprehend why the ICRC is right jealously to guard its institutional, and specifically Swiss, heritage from dilution, is to recognize that the fundamental issue, whether of humanitarian relief work, the Geneva Conventions, or Dunant's "conventional and sacred" principles, is culture. It is the habits of the heart, of institutions and above all of those who fight that are of importance. This is a hard lesson for organizations, especially human-rights organizations, which are younger than the ICRC; in my experience, they find it anachronistic, and largely incomprehensible, that the ICRC would, for example, invest effort in what it calls "dissemination" - teaching national armies humanitarian law. They have no time for exercises in the political culture of humanitarian law that will bear fruit, if at all, over decades, rather than months. But international humanitarian law seeks to create a culture, indeed a cult, of war, one most peculiar in the history of culture, because it is transnational and not located in a specific geography, grounded instead in the sense of a shared profession among men-at-arms, and, in war-time, only too frequently contrary to immediate human interest. In many respects, it is wholly artificial and, again in Burke's sense, fragile.

The shallow view, shared by many human- rights and humanitarian organizations and the ICRC, too, in its less reflective moments, is to acknowledge that international humanitarian law is indeed about culture, but that this culture is the culture of legality. Hence the immense attraction, on the part of public international lawyers, the ICRC and Caroline Moorehead herself, to the idea of a conquering international law, the Geneva Conventions with teeth, enforcing actions by supranational bodies, the glory of the rule of law extended over lawless or criminal armed forces across the globe, and the withering of national sovereignty. Hence, too, the attraction of the international human-rights and humanitarian community to its newest plaything, international criminal courts: international law, international police to catch international criminals, the promise of an

international legal order which will supply the legitimacy and enforcement of a full-blown domestic legal order - well, it would solve so many problems.

Not least, if an international culture of legality that redefines violations of humanitarian law as merely domestic law enforcement were to be created, it would make the central dilemmas of the humanitarian movement and the ICRC disappear. The dilemma of war and its abolition? The international legal order will arrest those who disturb the peace. The dilemma of neutrality? The international legal order will arrest those whose reason for fighting is criminal, and the problem of suspending judgment as to reasons for fighting disappears. The dilemma of silent aid or public denunciation? The international legal order will arrest those who abuse individuals, and access will always be obtained. So many arrests, so little time; it presages instead war, much war, even if euphemistically called "law enforcement".

The dream of an international culture of legality that has all the virtues of a settled and legitimate domestic legal order is the ancient dream of a deus ex machina. Faith in legality as the engine driving such adherence as exists to the laws of war seems to me, however, entirely misplaced; it is a fantasy tailor-made for lawyers, and especially for American lawyers. Lawyers believe the problem is one of enforcement, whereas in fact it is one of allegiance. Codifications of international law are a useful template for organizing the categories of a soldier's duties. But, in the end, the culture relevant to respect for inter-national humanitarian law is not the culture of legality and the cult of lawyers, but instead it is the culture of the professional honour of soldiers, and what they are willing or not willing to do on the battlefield. Which is why the profoundest remarks in some years about war and law were those written three years ago in this paper by John Keegan. "The experience of land war in two world wars", Adam Roberts observes in The Laws of War, the book Keegan is reviewing, "'must necessarily raise a question as to whether formal legal codification is necessarily superior to notions of custom, honour, professional standards, and natural law' in making for battlefield decencies." Keegan answers simply, "There is no substitute for honour as a medium for enforcing decency on the battlefield, never has been, and never will be." (TLS, November 24, 1995.) Despite the ICRC's affection for international legalism, it surely knows that Keegan is right in a way that other human rights and humanitarian organizations do not, precisely because it has lived so long with the dilemmas that other organizations avoid. Should it ever cease to comprehend this, it will also cease to be an organization with a unique mission, legitimacy and insight - the organization it has always claimed to be - and become instead, in David Rieff's words, "just another NGO". The loss would be profound.