Introduction: Human disasters: humanitarianism and the transnational turn in the wake of World War I

The Great War in Europe was an unprecedented catastrophe. By mid August 1914, the devastated cities of Dinant and Louvain had already come to symbolize the horror of industrialized warfare. The first reports of the German Army’s atrocities in Belgium and France, of massacres, rapes, deportations, and the destruction of hospitals and historic monuments, soon followed. These reports were only confirmed by the brutal military occupations on the western front, in the Balkans, in Central and later in Eastern Europe. From the standpoint of humanitarian law, then, in its infancy, the Great War was nothing but a series of bloody affronts to human dignity. The year 1915 marked a turning point, with its increased violence against civilian populations and the beginning of the Armenian genocide. Even the Armistice brought no relief. In Europe and in the Near East, refugees fled revolutions, civil wars, and persecution. Hundreds of thousands of families suffered famine and epidemics. Meanwhile, millions of wounded and disabled soldiers struggled to return to their civilian lives. And yet in the end, the Great War did more than create disaster. It fostered deep and long-term pacifist feeling among a substantial population, and it made the protection of all the war’s victims, civilians and soldiers alike, an absolute necessity—a project that drew to it a surprisingly large and talented group of activists and their supporters.

The timid steps taken in this direction during the peace negotiations were short-lived. In June 1919, Germany acknowledged the Allies’ right to prosecute, before military tribunals, those accused of committing “acts in violation of the laws and customs of war.” But the Reichsgericht or Supreme Court established in Leipzig in 1921 was a mockery of justice: of the initial list of more than 800 accused “war criminals,” including

4 Articles 228 and 229 of the Treaty of Versailles.
the German generals Hindenburg and Ludendorff, the tribunal in fact prosecuted only 45—all of whom were mid-level German Army officers.\(^5\)

The other major power that the Allies might have held accountable was Turkey, for crimes committed in the Ottoman Empire against its Armenian minority. However, according to the Hague Convention of 1907, the concept of “war crime” applied only to acts of violence perpetrated by a belligerent state against the soldiers or civilians of another state. This definition of war crimes excluded any state that persecuted its own civilians. The 1919 Commission on the Responsibilities of the Authors of War and on Enforcement of Penalties asked the salient question: if the atrocities committed against Armenians could not be described as “war crimes,” were they “crimes against the laws of humanity,” as defined in the preamble of the Hague Convention of 1907?\(^6\) The participants at the Paris Peace Conference responded in the negative. In their eyes, “laws of humanity” was too imprecise a concept to have any implications for penal procedure. The United States and Japan bore a historic responsibility for this decision, which was made, no doubt, because the American government considered Turkey a potential bulwark against the Bolshevik threat, and, thus, a potential ally that needed to be appeased. The “crimes against humanity” committed by the Ottoman Empire were explicitly mentioned in Articles 226 and 230 of the Treaty of Sèvres (1920) between the Allies and Turkey. But this treaty was never ratified. Instead it was replaced on July 24, 1923, by the Treaty of Lausanne, which granted amnesty to those responsible for the crimes previously mentioned in the Treaty of Sèvres.\(^7\) As far as attacks on civilian populations were concerned, a sovereign state still could not be prosecuted for crimes committed against its own citizens. The Turks themselves held a number of trials in which soldiers were convicted of violating the Turkish military code, but that was an entirely domestic matter. This protection of national sovereignty lasted until the immediate aftermath of World


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War II, when Article 6 of the London Charter of the International Military Tribunal (dated August 8, 1945) established the procedures for the Nuremberg Trials.

However, this failure to recognize “crimes against the laws of humanity” was counterbalanced by other significant new developments. World War I and its aftermath represent a decisive turning point in the redefinition of humanitarianism: a profound transformation of pre-war humanitarian practices and humanitarian law into an assertion of “humanitarian rights.” In a 1922 newspaper article, the Russian Jewish legal scholar Boris Mirkine-Guetzévitch noted with hope for the future: “A contemporary popular legal conscience has been born, which acknowledges aid to refugees, victims of starvation, and victims of epidemics as a task of an international, public nature.” This transformative moment in the long development of humanitarianism—meaning both humanitarian action on the ground and humanitarian discourse—is the topic of this book.

Humanitarians in the second half of the eighteenth century sought to ease the suffering of others, whether victims of war, famine, natural disasters, or slavery and other forms of exploitation. They were driven by an ethics of empathy, rooted in their Christian faith, and by changing sensibilities, as illustrated by the success of the sentimental novel, a phenomenon Lynn Hunt has analyzed in her groundbreaking book *Inventing Human Rights: A History*. By the end of the nineteenth century, with the creation of the International Committee of the Red Cross in 1863, the Brussels Conference Act of 1890 prohibiting slavery, and the rise of the practice of humanitarian intervention, humanitarian work had three main characteristics: the role of nation-states, which provided a framework for organizing humanitarian aid; a religious aspect, which saw aid to victims as a charitable act; and lastly, the sociological and ideological origins of humanitarian aid workers, who for the most part

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came from civil society or were inspired by religious activism. An initial shift towards “scientific philanthropy” took place in the United States between 1890 and 1910, but it was with the outbreak of the Great War that humanitarianism truly changed.

Indeed, during the period 1914–18, humanitarianism became increasingly organized around transnational networks. It also became more secular, giving rise to a discourse that spoke less of charity and more about human rights. Lastly, humanitarianism relied mainly on a new social group: experts—physicians, engineers, social workers—who took a more and more active role in devising and carrying out humanitarian work, in conjunction with the volunteer groups and missionaries more typically associated with such work. The accomplishments of Herbert Hoover and the Commission for Relief in Belgium is one of the best examples of this professionalization of humanitarian action on the ground. In her work on humanitarianism during the Great War, Annette Becker has amply demonstrated the impact World War I had, as total war, on definitions of victimhood and on the establishment of modern humanitarian aid. I would argue instead that the true turning point can in fact be located in the aftermath of the Great War, when changes already evident grew larger and more radical in nature.

In my previous book on France after World War I, I emphasized a unique period, which I called the sortie de guerre—the transition from war to peace. This is a time when individual and collective identities are reorganized in order to adapt to the new requirements of peacetime—especially the soldiers undergoing demobilization, who were the main focus of my research. At the collective level of societies, as well as at the individual level of survivors of the Great War, the transition from war to peace consisted of successive waves of demobilization and remobilization, making the boundaries between war and peace difficult to define.


The sortie de guerre also constitutes a key period in the history of humanitarianism, especially with respect to ethnic minorities and the survivors of the Armenian genocide. In the space of several years—that is, between 1918 and the mid 1920s—the Western world had to confront global problems on a scale and of a violence unprecedented in the history of the modern world. Millions of veterans and war victims returned home. Suffering from severe physical and psychological wounds, they had important needs, which they made known; yet these needs were generally difficult for society to satisfy. Refugees numbered in the hundreds of thousands; many of them had no material resources or identity papers that would allow them to settle abroad easily. The Allied blockade against Germany and the former countries of the Austro-Hungarian Empire, the revolutions and the breakup of empires in Central Europe, and the agricultural crisis in Russia and the Ukraine all contributed to the rise of widespread famines and epidemics. The social tensions of the post-war era, the economic crisis, and the growth of unemployment stoked the fears of millions of workers, who sought to have new social rights recognized.

In other words, humanitarianism, already deeply shaken by the war, was henceforth faced with a significant new challenge: the transnational aspect of the transition from war to peace. No one could claim to be able to handle the issues of the post-war period with the conceptual tools, the same material resources, or the same organizational structures as the early twentieth century. Although humanitarianism had long been an international activity, it now changed its scale, and also its nature. The movement of displaced populations, the interdependency of different parts of the world, and the globalization of the post-war world all suggested that the questions facing that world could no longer be addressed at a national or international level; instead, such questions needed to be taken up at a transnational level. The potential risks associated with humanitarian disasters were also too great to be considered at the level of nation-states or their representatives. This transnationalization of humanitarianism is undoubtedly one of the major trends of the post-war era.

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In parallel with the development of transnational humanitarian practices, the post-war transition period also saw a new kind of humanitarian narrative emerge. The expression of empathy for war victims led progressively to a new discourse on the rights of these victims. Legal scholars shaped this discourse of rights, as expressed by the victims themselves and by their representatives, into various forms of legal theory: the violence of the war and the post-war period as a violation of the law; the right to aid and protection for victims; the right to compensation for the violence that had been suffered. The first question I explore concerns the relationship between humanitarian practices and humanitarian narrative, and the assertion of humanitarian rights. In other words, how did humanitarian aid on the ground grow into a reformulation of victims’ rights? Another question concerns the specific nature of these rights: were they humanitarian rights, defined within a specific context—war, political persecution, natural disaster—and applied to a collective group of victims, identified as such (and if so, according to what criteria)? Or, were these rights what we might call human rights, defined as universal and inalienable for each individual as a human being? 19

In fact, the evolution in humanitarian practices in the wake of World War I went hand in hand with a shift in ways of thinking about victims’ rights. Not only that, the practitioners and the thinkers influenced one another: legal scholars who worked for the League of Nations, who published in journals of international law, and who worked for organizations such as the Hague Academy of International Law were inspired by what humanitarian aid workers on the ground were doing; aid workers in their turn affirmed the need to recognize the humanitarian rights of victims. In this book, each of the chapters on the evolution of humanitarian aid practices—to veterans, refugees, victims of the Russian famine, etc.—is thus framed within an analysis of how humanitarian discourse, and especially the emerging discourse on human rights, was evolving.

The rights of man, humanitarian rights, the rights of workers, children’s rights, the defense of a people’s well-being and moral welfare—in the early 1920s, such concepts were far from self-evident. Several social groups collaborated on this work of redefinition and codification, which explains the diversity of the terminology they used. These groups included experts from new international organizations such as the League of Nations and the International Labor Office, created by the peace

treaties of 1919: scholars of international law, scattered throughout the war but active during the 1920s; networks of physicians and specialists of social issues, who worked for the leading international humanitarian organizations, old and new—the International Committee of the Red Cross (1863), the Near East Relief (1919), and the Save the Children International Union (1920). A group of international activists and legal scholars, including Alejandro Álvarez, André Mandelstam, Nicolas Politis, René Cassin, Georges Scelle, and many others, gave rise to a legal discourse that would revolutionize humanitarian work. If we briefly examine this group of thinkers from a sociological standpoint, we can see an over-representation of Russian, Russian-Jewish, Greek, and Central European jurists, all exiled from their country of origin or having immigrated to France, as well as French jurists specializing in international law—in other words, legal scholars with a personal experience of exile or persecution as a member of an ethnic minority, and marked by the universal principles of 1789 and the tradition of the Rights of Man.

All these activists and experts started from the premise that rights had suffered major setbacks during World War I. They sketched out a plan of action: to develop transnational protections for populations that had been threatened or attacked or who were otherwise vulnerable, in wartime or peacetime. They expressed the hope that the newly formed League of Nations would work towards the codification and protection of these rights. In their view, the international organizations founded in the peace treaties represented a third way, between the narrow-minded nationalism that was still very powerful after the war, and the revolutionary internationalism on the rise since the Russian Revolution. It was critically important to respond to the Bolshevik threat and to stabilize Europe, which had been shaken by the chaos of war and the post-war period. Rights activists thus contributed to “recasting Bourgeois Europe,” to use the title of Charles Maier’s groundbreaking study of the 1920s. Their humanist utopia is one of the least well-known and most unexpected legacies of World War I, a brutal conflict carried out in the name of

the defense of nations. Although the innovations of these activists, legal scholars, and experts were of lasting importance for legal scholarship and humanitarian practice alike, they have remained nearly invisible.

Why has this historic shift been so thoroughly misunderstood? There are several reasons. First of all, most legal scholars and experts in the 1920s worked within the framework of international organizations such as the League of Nations and the International Labor Office. Historians have tended to neglect the social history of international work during the post-war period, concentrating instead on questions of collective security or the rights of minorities. 24 Only very recently has the scholarly study of major international organizations been revived. Thematic studies of refugees, health policy, the international struggle against forced labor and prostitution, on the one hand, and the study of networks of experts who gravitated around these organizations, the circulation of reformist ideas, and the creation of international standards have begun to renew our sense of the post-war era. 25 The history of the 1920s remains significantly underdeveloped, in contrast to the large amount of scholarly work devoted to World War I and the 1930s. Because the questions of disarmament and peace have dominated historical debate, other major issues at stake in the post-war period have been forgotten. These include: reparations for suffering inflicted during the war, the struggle for social justice, the fight for human dignity—all subjects at the heart of scholarship on international law and the work of humanitarian organizations in the 1920s.

There is another reason for the lack of awareness of a new international politics of rights after World War I, and it is even more illuminating than the reasons I have just given. Here we come to the debate on the nature

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of the rights that were defended in the early 1920s: were they humanitarian rights, or human rights? For some 15 years, numerous studies have focused on the history of human rights, which now constitutes an academic field, at the intersection of the history of ideas, legal history, and the history of international relations.26 This field is not without its controversies, especially when the question of humanitarian rights versus human rights is at issue. Some scholars, such as Mark Mazower and Keith David Watenpaugh, claim that there is neither progression nor continuity between the era of humanitarian rights and the modern era of human rights;27 others, such as Barbara Metzger, take the view that the humanitarian work of the League of Nations was in practice structured by human rights.28 The works published in this field all share a genealogical perspective that can be summed up by a single question: when did human rights as we know them today first come into being? In other words, when did human rights become the universal utopia that now serves as a reference point in international relations and drives the work of activists all over the world?

Such a driving question clearly has its limitations. For those who see the Universal Declaration of Human Rights of 1948 as a decisive turning point, there is a risk of falling into a kind of moralizing and triumphant discourse, celebrating the prophets of human rights and overlooking the hesitations and inconsistencies of their struggle during and after World War II.29 Conversely, demystifying the study of human rights, an approach best illustrated by Samuel Moyn’s The Last Utopia: Human

28 Barbara Metzger, “Towards an international human rights regime during the inter-war years: the League of Nations’ combat of traffic in women and children,” in Grant et al. (eds.), Beyond Sovereignty, pp. 54–79.
29 For a critical reading of this historiography, see especially Mazower, “The strange triumph,” New Statesman; No Enchanted Palace. See also Kirsten Sellars, The Rise and Rise of Human Rights (Stroud, UK: Sutton Publishing, 2002).
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Rights in History, also carries some risks. Since, according to Moyn, human rights did not become established as the “last utopia” until the 1970s, when other utopias such as anti-colonialism and Marxism were threatened or in decline, pre-existing ways of codifying human rights take on lesser importance by comparison. Consider, for example, the Universal Declaration of Human Rights of 1948, which Moyn eloquently describes as a “funeral wreath laid on the grave of wartime hopes.” If we adopt his point of view, the gains made in human rights in the 1920s will seem relatively modest.

I would like to propose a different perspective, and take up this question not from the perspective of a historian of human rights, but from the perspective of a historian of World War I and of the transition from war to peace. Instead of viewing the politics of rights in the 1920s as an incomplete version—less universal, less mobilizing, less efficient—of the utopia of human rights as we know it today, I argue that it should be understood in light of the traumatic experience of the Great War. The redefinition of rights in the 1920s must be re-situated in the dramatic context of the post-war period; as such, it is not a step in the history of rights but a key moment in shaping attitudes and values—what the historian John Horne has called “cultural demobilization,” that is, the pacification of minds and the progressive restoration of peaceful relationships with former enemies. Although it may seem at first glance a minor utopia within the broader framework of the twentieth century, humanitarian rights in the 1920s indeed represent a decisive turning point when seen from the perspective of those who survived the collective disaster that was the Great War. In the transitional period of the early 1920s, taking up the question of humanitarian rights became a way of turning away from war. These rights were an active part of the culture of the post-war transition period, with its unique aspirations for a lasting peace and for justice; they should be studied and analyzed as such, using the tools and methods developed in the past several decades by cultural historians of World War I.

The history of human rights (almost exclusively the work of American historians) and the cultural history of the Great War seem mutually

31 Ibid., p. 2.