E-ISSN: 2360 – 6754; ISSN-L: 2360 – 6754

European Journal of Law and Public Administration

2017, Volume 4, Issue 2, pp.119-132

<https://doi.org/10.18662/eljpa/21>

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HeinOnline

Published by:

Lumen Publishing House

On behalf of:

Stefan cel Mare University from Suceava,
Faculty of Law and Administrative Sciences,
Department of Law and Administrative Sciences

How to cite: Ciuca, A. (2017). The Collective Criminality of States and the Criminal Law of the Future. Introductory Study. *European Journal of Law and Public Administration*, 4(2), 119-132.

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THE COLLECTIVE CRIMINALITY OF STATES AND THE CRIMINAL LAW OF THE FUTURE. INTRODUCTORY STUDY

Aurora CIUCĂ¹

Abstract

Vespasian V. Pella committed himself, with infallible devotion, to the pacifist ideas and plans to modernize international law. In this paper I am talking about the extraordinary reforming project of international law regarding the collective liability of states, published in 1926 under title „The Collective Criminality of States and the Criminal Law of the Future”. Translated for the first time in Romanian language after 90 years, this book (resulted in V.V. Pella’s nomination for the Nobel Peace Prize) does not cease to surprise us through the timeliness and validity of the proposals. I have in view the project (regarding the punishment of aggression as a manifestation of collective criminality of states, the need of an international criminal code and an international criminal justice) and the international doctrinal debate it has generated, the theoretical arguments and practical solutions for a coherent international criminal policy but also the “legacy” of Pella about which Ben Ferencz, former prosecutor at Nuremberg, is talking about.

Keywords:

Vespasian V. Pella, aggression, criminal responsibility, international criminal justice.

I. THE INTERNATIONAL LAW REFORMING PROJECT AND THE INTERNATIONAL DOCTRINAL DEBATE

Animated by the ideal of establishing "the edifice of the world on the foundation of justice and international order", at a time when war was accepted as a legitimate means of solving international disputes and mankind was trying to heal its profound wounds produced by World War I, V.V. Pella² affirmed that aggression is a manifestation of collective criminality of

¹ Professor PhD, Faculty of Law and Public Administration, “Stefan cel Mare” University.

² Born on 17 January 1897 (Râmnicu Sărat) – d. 24 August 1952 (New York).

states. This took place in 1919, in the main hall of Paris School of Law, where, in the presence of eminent professors (including Emile Garçon, coordinator of his Ph.D. thesis, and Alfred Le Poittevin), the young Romanian jurist was presenting his valuable and innovative ideas, which he would resume in 1924 at the Berne Conference and develop, a few years later, in the volume titled "The Collective Criminality of States and the Criminal Law of the Future".

In 1925, the Professor from Iași (at the time, MP, member of the League of Nations' Committee of Experts and of the Inter-Parliamentary Union's Council)³ published that book after having previously presented it as a project of the Romanian Group at the 23rd Conference of the Inter-Parliamentary Union (for the codification of international law and criminalization of the war of aggression)⁴.

A second edition, which, after nine decades of waiting, is being currently issued in Romanian, was published in 1926, enriched with the eulogistic appreciations of the legal and political personalities of the time, who, given the novelty of the proposals, were called to participate in a doctrinal debate (called international inquiry) of unprecedented effervescence in the world.

Most of those who have contributed to that laudatio have remarked Pella's "ardor, enthusiasm" (Barbosa de Magalhaes) and courage (E.S. Rappaport)⁵ to declare "war on war" (H. Barthélemy) and "to put the victorious force of 'The Idea in the service of a noble cause'" (Donnedieu de Vabres). From Madrid, Professor Quintiliano Saldana perceived Pella as a disciple who had surpassed his masters, as "an eminent Apostle of International Criminal Justice"; from Canada, N.A. Belcourt highlighted the profoundly humanitarian task assumed with "an erudition that reflected a work carried out with a commendable perseverance"; from Argentina,

³ Created in 1889 by the initiative of two pacifist parliamentarians, William Randal Cremer and Frédéric Passy, the Inter-Parliamentary Union is the first permanent multilateral political negotiation forum (currently having 163 member countries and 10 associated regional parliamentary assemblies).

⁴ Following the interest generated by this generous project, the representatives of the Legal Committee of this organization decided (in October, the same year, in New York) the establishment of a study subcommittee on the drafting of a Repressive Code of Nations having Professors La Fontaine and Schücking, alongside Pella, as members.

⁵ "In order to create actually new things in this world, courage is needed, and once again courage and always courage. And you, you have courage." Emile Stanislaw Rappaport, professor, Supreme Court judge, Secretary General of the Codification Committee of the Polish Republic, President of the Polish Group and Vice-President of the International Association of Penal Law.

Professor Ladislav Thöni emphasized the merit of "the illustrious Romanian legal scholar to have given to that vague common idea an international legal and political character, in terms of both substance and form" and to have undertaken the task of "building, according to a rigorous scientific plan, the grandiose palace of that new and very strong branch of the legal disciplines". Also notable are the praises of the Czech professor Jar. Kallab about the young Romanian man "in whose spirit merge, in a very happy manner, the faculties of a scholar with those of a distinguished politician" and who "became the protagonist of a new branch of the science of international law".

Even the very few who had considered Pella's huge project utopian, did so with deep reverence and real consideration for the author. However most of them agreed that the time of the great reform of international law had come. In his answer, Hugh H.L. Bellot, the secretary general of the International Law Association, points out that "there is nothing utopian in the chapters we look forward to and which should indicate broadly what an International Criminal Code should contain and how it should be used. There is nothing chimeric about the penalties you suggest. You are laying the first stone in the paving of this desirable road to universal peace".

The conclusions of this debate, which, in fact, each reader will be able to uncover with a sense of justified pride, are obvious. Pella's work is considered to be "a harmonious construction" (André Weiss), which "undoubtedly opens up a new era of thought and action in the field of International Law" (Vincenzo Lanza), a work of "capital importance at this moment; all those who wish for peace, those who no longer believe in it or those who believe it is still impossible to accomplish, will find in this remarkable work all the elements necessary to convince them that war of aggression is a crime that can only be avoided by an international morality, by studying the causes that lead to the failure of this morality, by the certainty that non-observance of this morality implies the punishment of all those who will be found guilty of the crime of war of aggression, irrespective of them being mere individuals or states"(Mégalos Caloyanni).

The extraordinary reforming project of international law on collective liability of states resulted in V.V. Pella's nomination for the Nobel Peace Prize in 1926. The nomination was submitted (on the 1st of January 1926) by the former Minister of Justice, Professor Constantin G. Dissescu (distinguished member of the Inter-Parliamentary Union and President of the Romanian Group) and remained in the history of the Nobel Institute as the first recommendation letter sent to the Committee by a Romanian in favor of a conational [1]. Strongly convinced of the value of Pella's work, in

the 45 pages of the letter accompanying the two volumes of Pella's book, Dissescu made a beautiful plea in favor of his younger colleague, trying to capture all aspects of the former's "tireless work in promoting pacifist ideas"⁶ [2]. The brochures containing the opinions of the personalities who had participated in the previously-mentioned international debate, were later attached to the second recommendation letter⁷ [1: p. 282] and supported Pella's candidacy, which, although did not have the desired outcome⁸ [1: p. 277], [2: p. 96] underlined his undoubted merit in the development of international law.

As in all of his previous works⁹ [3: p. 15], in his scientific¹⁰ [4] and political activity¹¹ following this reference book, Pella committed himself,

⁶ The Nobel Peace Prize of that year was awarded to Aristide Briand (French Foreign Affairs Minister) and Gustav Stresemann (German Foreign Affairs Minister). See Gheorghe Sbârna *Vespaian V. Pella - au service de la science du droit et cause de la paix*, Annals of the Academy of Romanian Scientists, Series of History and Archeology, Number 2/2013, Online Edition, p. 95

⁷ Professor Dissescu's second letter, alongside two copies of Pella's work and five brochures containing the results of the international inquiry, was sent to the Nobel Committee on March 16th, 1926, two months after the first one. V. Sîrbu, op. cit. p.282.

⁸ Some of the reasons for this outcome are the lack of knowledge of the Nobel Institute's mechanisms and regulations, but also the lack of solidarity and strong national support. In addition to the fact that nominations for the prize were to be submitted only for nationally and internally recognized personalities (which, in Pella's case, was obvious), they also had to be intensely supported. Researcher V. Sîrbu (op. cit., p. 277) states that "a single letter sent once a year or annually sending a letter for several years is not enough to be awarded the prize" and she provides the example of the German laureate Karl von Ossietzky (in 1935), whose nomination file contained over 90 recommendation letters. The insufficient promotion of Romanian values in the interwar period is unfortunately also evident in the case of Nicolae Titulescu, outstanding diplomat and representative of Romania at the League of Nations (elected twice consecutively - in 1930 and 1931 - President of the General Assembly of this organization) and an extremely strong and internationally respected voice in support of the law of peace and who was not nominated for this distinction. Moreover, as Professor G. Sbârna points out, the deadline for submitting recommendations for Pella was February 1st, 1926; Professor Dissescu expressed his regret for not having all the messages in favor of the candidate by that time. V. G. Sbârna, op. cit., p.96.

⁹ More than twenty scientific works (published until the age of 30), among which: "*Tolerated Delicts*" (1919), "*Amnesty*" (published in French, in 1920, in Paris), "*La guerre d'agression et la constitution d'un droit répressif des nations*" (published in 1925, in English and French), his Ph.D. thesis "*Des incapacités résultant des condamnations pénales en Droit International*" (1920).

¹⁰ Observations sur le projet interparlementaire d'une déclaration des droits et des devoirs des Etats, Union interparlementaire (1927), La guerre-crime et les criminels de guerre, Neuchâtel, Ed. de la Baconnière, 1964; The lectures delivered at the Hague International Law Academy: "La répression de la piraterie", RCADI, vol. 15, 1926, pp. 145-275, "La répression des crimes contre la personnalité de l'Etat", RCADI, vol. 33, 1930, pp. 671-870; The Articles: "Le Pacte Briand-Kellogg et ses conséquences sur le droit international et le

with infallible devotion, to the pacifist ideas and plans to modernize international law. He was equally concerned with the European construction and the possibilities of "reinforcing Europe ... through cooperation based on the principle of equality among all members of the European society" [5], with the need to adopt a convention on the suppression of international terrorism [3: p. 18], with the progressive unification of international criminal law [6: p. 47] and the establishment of an international criminal court. He also promoted the idea of professional solidarity and cooperation between the specialized legal experts in this vast field¹². In 1924, he was among the founders of the International Association of Penal Law (based in Paris), being elected vice president (1924-1939) and then president (1946-1952) of this organization.

droit interne des Etats", Paris, Académie diplomatique internationale. Séances et travaux, 1930, "The Federal European Union" (10 articles), Universul, Bucharest, 1930, "La criminalité de guerre et les illusions de la paix", Revue internationale de droit pénal, 1931, "Towards an International Criminal Court", American Journal of International Law, vol. 44, 1950, pp. 37-68.

¹¹ Reports and communications presented at international conferences: "Les problèmes de la sécurité: l'harmonisation du droit interne des Etats avec les nouveaux principes du droit de la paix", Compte rendu de la XXVIIIe Conférence interparlementaire, Genève, 1932, Payot, 1933, pp. 196, Communication lors de la XXVe Conférence de l'Union Interparlementaire, Berlin du 23 au 28 août 1928 concernant les principes de la vie internationale qui doivent être inscrits dans la déclaration des droits et des devoirs des Etats, Union interparlementaire, Compte rendu de la XXVe Conférence, Librairie Payot, 1928, Communication sur le désarmement, lors de la XXVIIe Conférence de l'Union interparlementaire, Bucarest, 1931, Compte rendu de la XXVIIe Conférence, Librairie Payot, 1932, Communication prononcée dans le cadre des débats sur le thème de la Sécurité et du Désarmement en qualité de rapporteur pour la partie concernant les problèmes complexes de la sécurité, à la XXXe Conférence de l'Union Interparlementaire, Istanbul 24-29 septembre 1934, Compte rendu de la XXXe Conférence, Librairie Payot, 1934, Allocution lors de l'Assemblée générale de la Fédération internationale des comités de coopération européenne, Janvier-Mars 1935, Paris, Comptes rendus des assemblées générales de la Fédération internationale des Comités de coopération européenne et du Comité Français de Coopération européenne, 1935, pp. 10-17, Communication sur le thème du Rapport « *Neutralité et assistance* », présenté au nom de la Commission permanente pour l'étude des questions juridiques, lors de la XXXIe Conférence de l'Union Interparlementaire, Bruxelles du 26 au 31 juillet 1935, Compte rendu de la XXXIe Conférence, Librairie Payot, 1935, Communication sur le thème "*Sécurité collective et la réforme du Pacte de la Société des Nations*", présenté en qualité de vice-président de la Commission juridique, lors de la XXXIIIe Conférence de l'Union Interparlementaire tenue à Paris du 1er au 6 septembre 1937, Compte rendu de la XXXIIIe Conférence, Librairie Payot, 1937.

¹² In this respect, we would like to mention his positions as corresponding member of the Romanian Academy (26 May 1941), member of the Society for Legislative Studies, member of the Society of Comparative Legislation, member of the American Society of International Law, member of the Board of Directors of the General Society of Prisons in France.

II. THEORETICAL ARGUMENTS AND PRACTICAL SOLUTIONS FOR A COHERENT INTERNATIONAL CRIMINAL POLICY

"War of aggression is a crime", Pella states in the first sentence of his book and he urges states, with clarity and sagacity, to manifest intolerance towards this bane. The examination of all legal consequences of this designation is the premise of the new international law, the law of peace.

To this end, he is convinced of the need for a coherent international criminal policy, based on a Repressive Code of Nations that would allow "to suppress all individual or collective actions" that "will be in a direct or indirect causal relation with the preparation or triggering of" a war of aggression. In the three parts of the book, the visionary author brings theoretical arguments and, at the same time, proposes (very technical) practical solutions to highlight:

- the causes of collective criminality of states, its character and the necessary rules in the prevention and repression of aggression (1st part);
- international criminal policy, listing possible preventive solutions and linking them with the repressive activity (2nd part);
- the characteristics of the criminal law "of the future": the character, definition, principles underlying criminalization and punishment, the types of crimes and the international criminal procedure (3rd part).

In the first part, Pella analyzes the aspects concerning the need of a change in the mentality of persons (individuals)¹³ and states, the "feeling of defense of the species"¹⁴, in its present form as patriotic feeling" (par.16) from the perspective of the collective psychology of the masses¹⁵. He identifies and classifies the sources of collective criminality of states. From his point of view, there are internal sources (generated by the specific living conditions of each nation) and external sources [resulting from the antagonism between nations (manifested through the absence of international moral solidarity), from the

¹³ Within this book, we have used the alternate translation of the term, in order to keep the meaning intended by the author.

¹⁴ "*The sense of defense of the species*" is the theme of the first study published by Pella in 1915, at the age of 18 ("*Researches on the Sense of Defense of the Species*", Speranța Publishing House, Bucharest). The author believes that it prevails in the spirit of all individuals, "triggering an even more perfect intellectual homogeneity among them, the consequences of which are *fanaticism* and sometimes *dogmatism*" and which can be the triggering factor of wars.

¹⁵ Inspired by the works of Gustave le Bon (*Psychologie des foules, Enseignements psychologique de la guerre européenne*), for which Pella publicly thanked the former in the message that was included in the international inquiry.

imperfect ethical, political, economic and legal organization of international life; par.18). In addition to these ones, there is also atavism, the absence of the sentiment of international sociability (or the exclusivism that characterizes certain nations; par.22) and the economic expansionary tendencies of nations. In order to block these impulses, the author urges nations to show fraternity and to respect the common principles of superior morality. He also pleads for fulfilling undertook commitments (keeping one's word) and, above all, for reconsidering the notion of state sovereignty¹⁶ [7]. The state, as "the highest achievement of the idea of liberty, must be sovereign. This idea has been falsified and one came to support the fact that sovereignty presupposes, first of all, the existence of a supreme potestas, which consequently excludes the existence of any international morality designed to coordinate the activity of each state according to the interests of the great community of nations" (par.37). Finally, he advocates for organizing international criminal justice. Its absence caused nations to see war "as the only way to solve international conflicts and to adore the god of power. Thus, the aversion to arbitration arose, which led to the constant sabotage of this institution with the help of the theory of the alleged vital interests and national honor, this issue resulting, in its turn, from a false conception of the notion of sovereignty" (par.40).

Addressing the issue of natural laws governing the collective criminality of states, Pella reviews the evil influences of the law of perpetual causality linking past wars to future conflicts (par. 43) and of the law of the development of social aggregates through the formation of even greater units (par. 44) and the beneficial effects of the law of the criminality evolution of the war of aggression and of the law of solidarity (par. 45-46). The evolution of criminality is in line with civilizing progress, which, by producing a space expansion of conflicts, will paradoxically result in their gradual reduction. On the other hand, the idea of solidarity between states will attract the internationalization of interests and will produce positive consequences on international moral, contributing to the reduction of conflicts.

The coordinates of international criminal policy are presented in the second part of Pella's work. He sees the struggle for the elimination of war as an action organized on scientific grounds, having the means of preventive and repressive instruments.

In the matter of prevention, the author supports, first of all, the need to replace moral heterogeneity (generating aversion and exclusivism and

¹⁶ In 1950, he resumes this idea and asserts individual liability for international terrorism: "the dogma of sovereignty has been abandoned" as well as the theory that such cases belong exclusively to national courts.

motor of criminality) with the spirit of trust and loyalty as support of civilization and mark of the supremacy of reason. Pella's strong cultivation of the ideas of international solidarity and justice places him among the great humanistic spirits of the time. "The great law of international solidarity" (par. 57) may be the binder necessary for the adoption by nations of - moral and material - disarmament measures. However he considers international justice as the most important factor of prevention. According to Pella, peace "is only the consequence of applying this preeminent idea in international relations" (par. 64). Also, the concepts of security, disarmament and arbitration are supported by the superior idea of justice, which Pella would serve his whole life.

International repression is addressed both from the perspective of its preventive role and its moral function. The author cannot conceive a community organized in the absence of means of coercion. As such, sharing Pillet's view, he insists on the need for international justice as superior power of states. He says that in order to organize it, it is necessary to limit the external sovereignty of states in relation to the need to preserve international order and harmony (par.90). International repression must emerge as the effect of a universal alliance against war of aggression.

The criminal law of the future, the original construction in the third part of the book, seeks to "regulate the practice of illicit actions repression, actions that can be committed by states within their mutual relations". The law of the future is conceived as an interstate law. In order to guarantee the interstate legal order, Pella proposes that repression be directed not only against collective acts committed by states but also against those committed by individuals: "crimes and transgressions committed by states can therefore generate two criminal liabilities: a collective liability of the states and another one, an individual one, of certain natural persons"¹⁷ (par. 115). This dual character of liability was, in Pella's view, to be considered in the drafting of the Repressive Code of the Nations ¹⁸ [8: p. 54].

Transposing the repressive measures proposed by the new international criminal policy in the field of international positive rules, the

¹⁷ The author underlines that the principle of individual criminal liability was previously consecrated, in 1920, by the Peace Treaty of Versailles (art. 227-230), through the proposal of the Committee of jurists, and by the Washington Naval Treaty of 6 February 1922.

¹⁸ The draft of the World Repressive Code, conceived by Pella in 1935, and the Memorandum on a draft of a Repressive code on crimes against peace and mankind security, drafted by him in 1950, at the request of the UN General Secretariat, constituted the sources of documentation for the authors of the draft of the Code of crimes against peace and security.

new domain must establish which are the crimes, punishments and conditions of international criminal liability of states, but also of individuals. Aware of his mission as founder, Pella thoroughly explains and analyzes each of these aspects: he defines international crime, clearly presents its constitutive elements, identifies the functions of international penalties, presents the theory of punishment, puts forth the classification of punishments.

Moreover, he proposes several types of punishments applicable to the "criminal" state: legal (seizure of foreign property belonging to the guilty state's nationals, suppression of the industrial, artistic, scientific rights of these nationals, deprivation of civil rights), economic (blockade, boycott, embargo, ban on trade with raw materials and food commodities with the guilty state, increasing customs duty on the goods exported by that state, refusal to grant it loans, ban on the use of communication means) or of other nature (fine, admonishment). At the same time, he stresses that there are also punishments inadmissible to be applied to states, such as: exclusion from the League of Nations, international non-recognition (as state entity) and loss of independence. The first penalty is unacceptable since it is justified by protecting the interests of the organization, the second one is similar to civil death in domestic law, while the last one would amount to "capital punishment" (par.161).

Regarding the penalties applicable to individuals, Pella provides a classification that includes: intellectual, pecuniary, rights-restricting, liberties-restricting and custodial punishments.

The classification of crimes committed by states and individuals (which are to be subjected to universal repression) is extensively presented. It is important to note that aggression appears as the most serious crime committed both by states and individuals. It is understandable, today, the interest that such an affirmation could have provoked at the time. Legal experts familiar with the evolution of the concept of aggression and the difficulties in defining it, know that there are still discussions on the topic, today, almost two decades after Pella's dream materialized into an International Criminal Court. Undoubtedly, his intellectual print was later visible in the criminalization (through the London Conventions) of aggression acts, in 1933, also in Nuremberg, when the discussion on "the supreme crime" was resumed, in the UN General Assembly Resolution 3314/1974, but also in Kampala (2010), where the representatives of 84 states decided to change the statute of the ICC in the sense of considering

aggression a crime (when it is an action committed by a person) and an act of aggression (in connection to the action of a state) [9: pp. 139-144].

With exemplary logic, Pella highlights, in the paragraphs of the last chapter of his book, all aspects of international criminal proceedings and of the organization of the permanent court as an international repressive jurisdiction (including the selection of judges, instruction and the enforcement of judgments).

The Legal Experts of the 3rd Millennium will be able to discover in the pages of this book the topicality and validity of the proposals Pella formulated in 1926 and which he did not cease to refine in the following years. History records his pleadings for the creation of an international criminal court, independent of the ICCJ, within the International Law Association¹⁹ and the Criminal Law Association (which adopted the draft of the International Criminal Court Statute in 1928 [10]. In 1935, Pella outlined the project of a World Criminal Code, and in 1937 he was involved in the drafting of the Convention for the Creation of the International Criminal Court [10: p. 199]. In 1950, Pella's voice was once again heard in the "prophetic" [10: p. 199] study "Towards an International Criminal Court" [7], where he pleaded in favor of a permanent international criminal court, based on impartiality and on avoiding "vengeance under the guise of justice" [7]. At the same time, the birth document of the International Criminal Court²⁰, which nowadays finally exists, confirms his valuable ideas on the competence of the ICC, on the selection criteria for judges, on the need for the prosecutor's office, on the procedural rules. Even his suggestion of establishing the headquarters of the new court in The Hague, near the IJC, was well received and came into existence.

III. THE LEGACY OF PELLA AND BEN FERENCZ'S CREED: LAW NOT WAR

The ancient adage *Pro captu lectoris habent sua fata libelli*²¹ [11: p. 103] comes to life in the case of Pella's book. Researching the life and activity of our illustrious legal scholar has led us to a personality of international law, (unfortunately) too little known in Romania: Professor Ben Ferencz of Harvard University, former prosecutor in Nuremberg.

¹⁹ On the occasion of its 34th Conference.

²⁰ The Rome Statute on the Establishment of the ICC was adopted in Rome, in 1998.

²¹ Terentianus Maurus, verse 1286 of *De litteris, syllabis, pedibus et metris*.

Contemporary with Pella and having Romanian roots, in the message²² generously addressed to the Romanian students and members of the Vespasian V. Pella Association which I have founded in Iași – and whose honorary member Professor Ferencz is – he confesses that his professional destiny was influenced by reading this book. "My first connection with Vespasian Pella was at The Harvard Law School. I was an honors student there, I was given a scholarship for my exam in criminal law, and one of the books I found in the library there was a book published in 1925, by a gentleman called Vespasian V. Pella. It was written in French, with the title "La criminalité des Etats et le droit pénal de l'avenir", which you all recognize, was the introduction of the idea of having a future criminal law which would hold states accountable for their crimes. A wonderful idea! And it's still a wonderful idea and which impressed me so much so that I would say that a good deal of my life has been influenced by what I have learned from Pella."

Like Pella, Professor Ferencz, stands against war: "As a combat soldier, I have liberated many concentration camps and I've landed on the beaches of Normandy [...] so I've seen combat and the horrors of war itself. What it impressed me with was the necessity to eliminate war completely. You'll never have a war without atrocities on all sides."

Pella's dream of international justice has become Mr. Ferencz's creed and motto: "Law not war!" [12].

Witness to Pella's ideal becoming reality, Professor Ferencz says: "we do have an International Criminal Court, with all of its defects, but it needs continuing support. Because it's a new idea, big powers are not eager to subject their activities to judicial review. And as long as they are not willing to do that, and as long as there is no power of enforcement in the international community, I am afraid we have very little effect in putting an end to the type of atrocities which, unfortunately, we continue to view around the world. So Pella's contribution is there, it's there to be built upon, it's Romania's contribution to what we are trying to do. I am hopeful that in due course, if we stay with it and never give up and recognize that law is always better than war, I'm sure that we will all move to a more advanced and happier world than the one in which I was born in Romania."

Romania has played an important role in the evolution of international criminal law, but there is still a very long way to go, and the

²² The video message partially transcribed in this study can be watched at: Benjamin Ferencz Video Address-Romanian Students & Vespasian V. Pella Association on Vimeo - <http://vimeo.com/196184440>

name of Vespasian Pella is certainly a foundation stone for everything that we do in moving toward a more peaceful world governed by law instead of violence."

Returning to the destiny of the book that meets with that of its readers, I must add that Professor Ferencz continues Pella's work. Thus, in order to overcome the impasse of the International Criminal Court in punishing aggression, it makes a courageous proposal to include aggression in the category of crimes against humanity [12]. In his opinion, the Statute of the Court allows for this (in addition to the specific acts listed under this designation - murder, enslavement, apartheid, rape, torture etc.) in the last part of the text (Article 7, par.1, k) under the category "other inhumane acts of a similar character intentionally causing great suffering, or injury to body or to mental or physical health". This way, judges would have the possibility of interpreting aggression as a "supreme" international crime that can include all other crimes and punish it as an act of illicit use of force.

Finally, I must point out that, although the two Romanian internationalists have never met until Pella's unexpected passing (in 1952), their destinies intersected thanks to the medal Pella was awarded by the International Bureau for the Unification of Criminal Law, in 1938²³ [2: p. 122]. In his message, Professor Ferencz remembers the moment when Mrs. Pella gave him the medal, and then, the path it has gone through: "she brought out a little box and in the box there was a bronze medal which was given to her husband, Vespasian Pella. It had an embossed picture of the ambassador himself - a handsome, tall man, with all of his medals. [...] And then I thought 'It should not be buried in my drawer, I want to give this to that international lawyer who has done the most to help carry out Pella's ideas'".

The medal was handed over by Professor Ferencz to Professor Cherif Bassiouni of the University of Chicago, "who served in the Egyptian army, but was also a very prolific author in the field of international criminal law", with the request to be given to the person who "deserves to be recognized as the leading person to carry this battle forward". Today, the holder of the Pella medal is William A. Schabas, professor at London's Middlesex University, an expert in international law specialized in genocide,

²³ The solemn event took place on the 28th of December 1938, in the Hall of Festivities of the Faculty of Law in Paris, in the presence of 45 diplomatic representatives from the member states of the Bureau, representatives of the League of Nations and other organizations, chaired by Count Henri Carton de Wiart. The bronze medal, the work of a Belgian sculptor, bears the effigy of V.V.Pella.

but it will continue to circulate and be handed over to the persons who will "stand out while transforming Pella's ideas into reality".

IV. CONCLUSION

Vespasian V. Pella is part of the gallery of the world's great personalities, recorded in the history of international law and international relations. Inspired by his remarkable achievements and eager to bring him back to the attention of the new generations of legal experts, in search of human and professional models, the V.V. Pella Academic Association aims to help restore the work of the illustrious predecessor, mainly by translating and publishing his works and the documents, in the interwar period, relevant in outlining his profile in the context of that time.

The translation of Pella's reference book, with the help of my colleagues Rodica Boca and Alina Gentimir - to whom I thank for dedication and the generously granted time - is another tribute²⁴ to the visionary architect of "the law of the future", which continues to be a work under construction for "the pacification of spirits, for the formation of that higher consciousness in the general interest of mankind" [13].

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