

HISTORICAL LANDMARKS REGARDING THE ACTIONS OF ATTACKING IN THE AIR OF THE AERONAUTICAL PERSONNEL THAT ARE SAVED BY PARACHUTING DURING THE WORLD CONFLICTS OF THE XXTH CENTURY

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***Abstract:** The use of the parachute as a means of rescuing pilots and aerospaces has become an increasingly used practice, with the progress of aeronautical technology.*

This article brings to the readers the problem of treating those who used this means of rescue in the periods of conflict since the beginning of aeronautics, more precisely in the first and second world wars.

The question that this article tries to answer is whether the one who saves himself with the parachute during the states of conflict can be attacked in the air, and this attack can be considered legitimate and / or moral

***Keywords:** parachute, pilot, balloon observer, rescue*

1. INTRODUCTION

This article is designed to answer this question: "Must an observer or pilot be attacked during the parachute descent?" In order to provide an answer, a brief history of the use of the parachute as a means of rescue and belligerents practice towards this process are required. Before raising this point for the aviator, it should be tackled with priority for the aerospace guards. The aerospace guards were equipped throughout the war with parachutes. Whenever balloons were attacked, most of the time they were attacked with incendiary cartridges, they would catch fire, and the observers would jump with parachute to save their lives.

Many times, however, it happened that the balloon engulfed in flames, collapsing at higher speed, was falling over the parachute-jumping observer, who descended more slowly, thus causing the parachute to burn and leading to the paratroop's death. That is why in France, for example, the use of the parachute by the balloon observers had begun towards the end of the war to no longer be so much appreciated.[1]

Aviation as a combat weapon is developing exponentially and, given its offensive spirit (incomparably greater than that of the aerospace that increasingly remained as a defensive weapon) led the parachute to be improved in order to adapt to airplanes.

2. THE BALOON OBSERVERS AND THE PILOTS

Air battles were very frequent, and the need for the aviator to have a rescue tool was increasingly necessary. The cases in which both balloon observers and pilots managed to save themselves were very numerous at that time.

First of all we must see what are the reasons that cause the balloon observer or the aviator to jump. No doubt when his apparatus has broken down due to the blows received from the opponent, he must jump no matter over which territory he is in order to save his life.

However, it has been noticed that the balloon observer and aviator can also jump in other situations than those in which their apparatus becomes unsuitable for flying, due to opponent caused damage. The balloon observer, for example, being at a disadvantage against the attack of an airplane, jumps before the enemy's tracer bullets set his balloon on fire. In this case, no apparatus defect occurred and yet the observer jumps. It can be said, however, that his leap is not made for rescue purpose. It is not true because, as we have shown, if the jump had been made after the balloon being set on fire, it could have happened that its flames would be set on the observer parachute as well, during the descent.

It can also happen that the captive balloons plucked by the storm are carried away into enemy territory, and their occupants jump with parachute without being attacked or the balloon failing to function. [2]

Towards the end of the war, both the Germans and the French built parachutes that saved the entire balloon nacelle, with the observation apparatus, the observer, and the results of aerial observation when the balloon was set on fire. [3]

Just like the balloon observer the aviator can encounter different cases when he has to leave the plane by jumping with parachute. He has to jump either because the plane becomes unsuitable for flying or unsuitable for combat. Improper to the flight means that it received blows from the opponent that destroyed a part of aircraft, so the flight can no longer continue. But the apparatus can fail during combat or without a fight, not because of enemy strikes, but from other causes, independent of the enemy, consequently the aviator finds himself in other situations when he has to leave the plane.

Improper to the fight means that the aircraft on board weapons have broken down, so the plane can no longer defend itself or attack. It can still happen, as we have seen for balloon observer case, that the aviator jumps without a malfunction of the apparatus or of the armament, but only by autosuggestion he imagines that something is no longer working or seeing himself unable to continue the fight because of the numerical inferiority or inferiority of the material or armament, or that he loses his judgment.

To these multiple possibilities, the historian and theorist Riesch said: "Since there are no rules of international law that expressly concern the legitimacy of the attack of the balloon observers or aviators who descend with parachute, the belligerents of the First World War were uneasy about the attitude they had to adopt. The practice of belligerents was uneven. Some airmen attacked the paratroopers without investigating why they ended up in this situation, and even used tracer and incendiary cartridges to fire on the unfortunate airmen and balloon observers; others just riddled with bullets the veil of those who were trying to save themselves. We also know many cases in which the pilot refrained from any attack when his enemy's aircraft was on fire. It can be said that most of the aviators of the First World War spared their opponents who were parachuted down." [4]

If Riesch draws these conclusions that accurately convey the belligerents' positions towards the airmen and balloon observers who were saving themselves with parachutes, Spaight even cites concrete cases during the World War, among which we recall:

First an order of attack of a French aviation patrol:

"The plane No. 1 will attack the balloon first. If it fails it will also attack the plane No. 2. If plane number 1 succeeds, then plane number 2 will attack observers who save

themselves with the parachute. If the planes no. 1 and 2 succeed, then plane number 3 will attack the observers."

"The French Corporal Leverrier was shot in the head while jumping out of the balloon that had caught fire. Sergeant Mathieu on whom a plane opened fire, escapes with his life on March 17, 1917."

"An American pilot in the service of the English aviation tells how a plane from the Richtoffen squadron fired on a balloon that had caught fire."

"The German aviator was firing short bursts at the unfortunate observer who jumped out of the balloon and swayed as he walked toward the ground. The Germans were the first to provoke such senseless attacks on paratroopers. The English air force retaliated against these attacks, so Cpt. H.G. Watson of the Australian Flying Corps opened fire on the lines that connected the paratrooper to the parachute."

"Captain Rickenbacker refrained from firing at a pilot who had jumped out of the burning plane." [5]

I rendered these quotes to show that the practice of war varied. As long as there is no international convention on these cases, it was natural that the way the belligerents behaved should be at their discretion, having to appeal only to chivalry, to the laws of humanity or to other moral considerations. What characterizes this issue throughout the First World War is the personal choice of those concerned.

What does "aircraft that can no longer be used" mean? From the cases presented above, in which the aviator or balloon observer is forced to jump, we have seen that not only the apparatus itself can become unsuitable for flying, but there are also other causes. How can one appreciate then, especially in the air being and still during the fight, the true cause of the jump? Moreover, the cases mentioned above are not the only ones.

Since 1915, spies of the French and English intelligence services, equipped with parachutes, were launched behind German lines. [6]

These are other circumstances in which someone can leave an aircraft with the help of a parachute. If, referring only to the first series of cases and we have seen how difficult the cause of each of them was to distinguish, intervening this new series of significant circumstances of the jumps, a fair distinction of each action of this kind seems totally impossible. That is why another theorist of the air war laws, Kroell, seeks to impose another distinguishing criterion of these numerous cases, in order to legitimize or not the attack during the descent by proposing the following approach: "any person who leaves the board of an aircraft with the help of a parachute in order to save his life, cannot be the subject of an attack." [7]

The name "aircraft that can no longer be used" is rather vague and sometimes impossible to establish, especially for defenders who are found on the ground. For them it will be even harder to know the reason that caused the jump. Riesch admits that: "the military interests of a belligerent to kill balloon observers and enemy aviators are greater than the interests of destroying their aircraft." Spaight makes the same observation. The aviators are also convinced of this, so the impossibility of knowing precisely the cause of leaving the board, as well as the fear of sparing an enemy that can jump for reasons other than those of rescue, will almost always lead to the attack of those who jump with parachute, even when the jump is made due to force majeure causes. There are also cases in which airmen from a humanitarian consideration do not attack opponents who try to save themselves with the parachute.

However, whenever the attacker has the slightest doubt about the reason for that jump, he will not spare the one who jumped. Even more so will be done by enemies on the ground, who can realize even less the reality of the facts sometimes occurring at high height.

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Thus, the aviator who thinks himself saved, is received with a destructive fire a few hundred meters before reaching the ground. Cases of chivalry in the air are common, but ground troops always fire on enemy aviators for the reasons below: lack of exact knowledge of the situation, lack of humanitarian spirit. However, there have been cases when such airmen, after they managed to save themselves, jumping with the parachute, could not be caught on the ground and, sneaking through the enemy troops, managed to cross their own lines, sometimes this behavior of the ground troops appears legitimate. [8]

To detail this issue we must distinguish between the aviator and the balloon observers. Observation is generally used for defense, so balloons will always be raised above their own territory. Which means that the balloon observer, in any situation will be found, if it jumps with the parachute, it will fall into the lines or behind its own lines. As Riesch observes "it is more important for the opponent to kill the observer than to destroy the balloon", he will almost always seek to kill the balloon observer, either before the destruction of the balloon or after. Whether the bullets will be directed at the parachute or the one who pilots it, the goal pursued is the same, the annihilation of the observer.

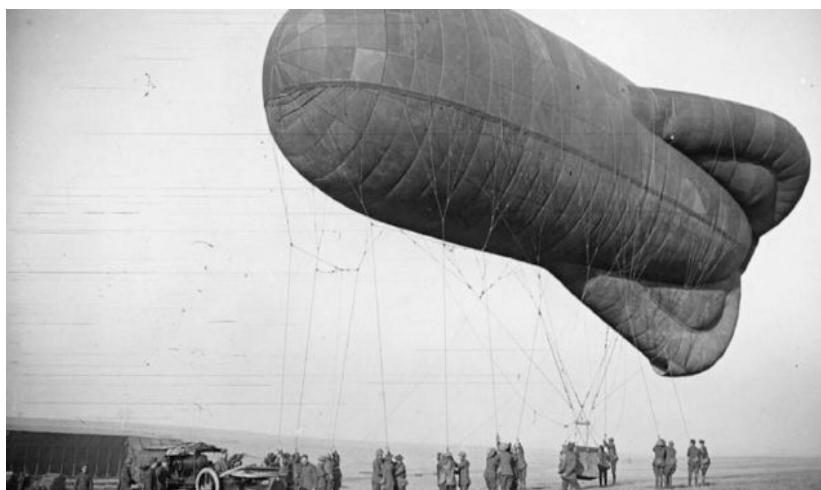


FIG.1 Balloons during the First World War [9]

In this situation, the attack seems legitimate from other perspectives as well. Perhaps the balloon observer who stood up for a while in the air, could observe certain troops movements, could deduce certain opponent intentions, which, by writing them down, he could take with him, even if he jumped with parachute, and these once used, could be very dangerous for the enemy. That's why enemy aviators rarely spared such an observer. The attack of the balloon observer who saves himself with the parachute seems even more legitimate, when the entire nacelle descends with the parachute. [10]

This process used, both by the French and the Germans during the war, was aimed at bringing in good conditions to the ground, with the help of the nacelle parachute, the entire observation material: apparatus, maps, notes on the balloon board, and with them also on the observer.[11] In this case, the attack of this nacelle parachute is legitimate, both because the destruction of the material on board constitutes a loss for the adversary and because the observer and his notes once on the ground would represent a danger by communicating what was observed.

A situation could also arise for balloons, being plucked from their ties, they would be carried away by the wind away in enemy territory, and the balloon observer would try to save himself by parachute over this territory.

There is no doubt that in such a case, the incident does not constitute any preliminary act of an impending battle, no phase of enemy aggression, and though the presumption that this observer could reach back into its own lines to the ground is very small, consequently its attack during the descent, either from the air or from the ground, is inadmissible, not so much for reasons of chivalry and or humanity, but for the fact that he is nothing more than an enemy who has ceased the fight, who surrenders himself by the force of things, who is but a prisoner of war, from the moment of the leap.

The observation was not used as much in World War II. Its role was more passive, protective. The balloon observers situation was not better, although the cases were rarer, but not because of a change in the legal condition, but because of the small number of balloons used. [12]

As for the plane in the Second World War it was not a uniform practice; one attitude or another of the air or ground fighters depended not so much on legal or moral considerations, but on the circumstances in which such a case occurred. That is why some airmen forced to jump were not attacked in the air, others were attacked, and others were killed only after they had successfully reached the ground.

The plane, an apparatus excellently mobile, can be found either above its own territory or above enemy territory. We will necessarily have to take into account the territory over which the jump is executed. If the jump is made over the territory of the state to which the one who is forced to jump belongs, for one of the reasons stated, rarely his opponent will spare him. This is because this aviator, saving his life, although the fight ceases, this cessation is only an interruption, he can not be captured, because once he gets down, he will pilot a new apparatus and will be able to resume the fight. Even if the enemy destroyed her device, this loss of material, no matter how great it may be, is less important than the loss of the aviator that is harder to form.

If the one who jumps with parachute, in order to save himself, is found above the enemy territory, far behind the contact line, the situation changes. This aviator is a loser who has stopped fighting and can no longer escape. He will certainly be captured and this capture is more useful to the enemy than his death during the descent. In this way the enemy achieved its goal, that is, by destroying the apparatus, reducing the logistical power of the opponent, and by removing the pilot from the battle, reducing the personnel forces of the same opponent. Almost always, it is sought to capture live airmen, who are saved by parachute so that they can be interrogated and obtain certain information from them. As you can see, it is not so much chivalry that prevents the parachute from attacking, but its own interest.[13]

Since the aviator surrendered, he is no longer a prisoner of war, enjoying the same rights as all prisoners under the Geneva Convention 1906, art. 1 para. 2, "To all persons belonging to the armed forces of belligerents who are captured by the enemy in the course of operations of maritime or aerial war, subject to such exceptions (derogations) as the conditions of such capture render inevitable. Nevertheless, these exceptions shall not infringe the fundamental principles of the present Convention; they shall cease from the moment when the captured persons shall have reached a prisoners of war camp".[14]

In addition, the 23rd Article of the Hague Regulation says that "it is forbidden to kill or injure an enemy who, by laying down his weapons or having no means to defend himself or surrender." [15]

There is no need to prove that paratroopers who save themselves above enemy territory fit perfectly into this paragraph, even the most restrictive interpretation. In fact, lately, not so much moral considerations or the desire to apply the texts of international Regulations and Conventions, have led the belligerents to respect the right to prisoners who cease the fight, but all their own interest, because for the most part these prisoners

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are used to saddle different jobs, thus increasing the productive force of the nation engaged in war and making available large herds for own troops.

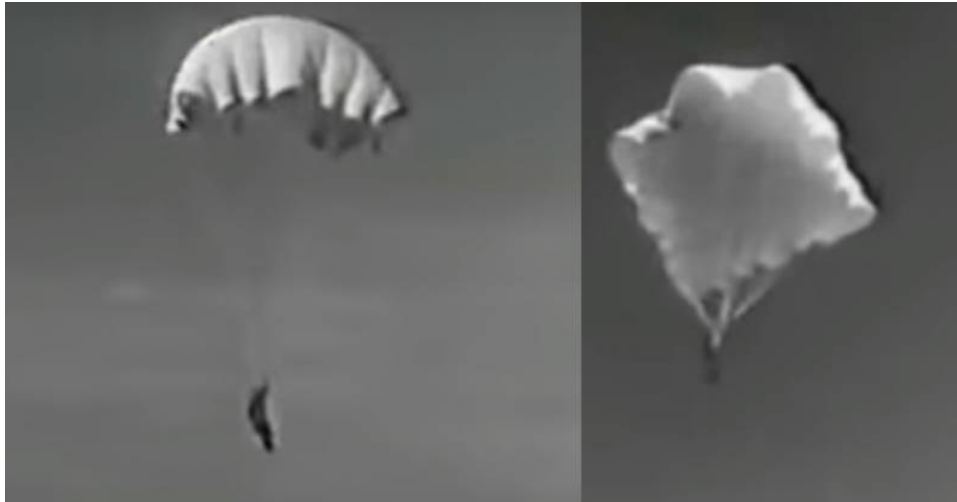


FIG.2 Rescue parachute on the WWII [16]

It can also happen that air battles are fought just above the contact lines. The aviators whose aircrafts are taken out of battle, will also jump with the parachute. For them, however, there is the possibility of falling very close to the contact line, so even if the enemy planes do not attack him while he is in the air, as soon as it approaches the ground they are received with fire by the ground troops. In no case they will let an enemy aviator fall unharmed, only a few hundred meters away, but will open fire with all their weapons. Moreover, sometimes it happens that the belligerent land troops to whom the aviator performing the parachute jump belongs to, and it is noticed that he will fall into enemy territory at a short distance from the line of contact, initiate a destructive attack, and often a battle is fought more fiercely than ever.

Neither chivalry nor humanity are effective in such cases anymore. If, however, this aviator is not attacked with fire by the ground troops, the cause can only be the admiration that they could have even in the bloody moments in the trenches, for the greatness of the air battle and the courage of those who fly. Such cases are very rare, however, because even if orders were given to prohibide these attacks, it is enough for a weapon to fire somewhere, so that the entire front can unleash its fire on the one who saves himself. If we refer to the purpose of the war we must admit that such an attack is legitimate because the ground troops do not have the certainty that the enemy aviator who saves himself with parachute will fall into their hands.

They are not sure that this enemy aviator is a prisoner of theirs from the very moment he left the plane out of battle, and this is all the more so because air currents can also sometimes carry the pilot to one side or the other. The problem becomes even more interesting today, when the parachute enjoys some of its own mobility. Of course, the aviator who tries to fly his parachute to land in his own lines will be attacked with fire by the ground troops, even if he will not be attacked by enemy planes. A rule on this issue cannot be established without regard to reality. Nor is the appeal to chivalry and humanity. All the legal resolution of this problem is only according to the measure of certainty that the belligerent forces that are face to face have, that the one who saves himself will or will not be captured by them. [17]

But leaving the board by parachute can also be done with the aim of taking a military action, and this action can be executed by 1, 2 or more people. Aircrafts can carry 40-80 people. How can it be known whether such a parachute descent is made for the purpose of rescue or for the purpose of carrying out a military action? For a single case, it is provided for by the text of the Hague Commission, that of the plane taken out of combat, and this represents only 25% of the cases of parachute descent for rescue purposes. As a result, 75% of rescue cases remain outlawed. We cannot know whether the jump is for the purpose of rescue or for any other purpose. What, then, would be the criterion for assessing the reasons for a parachute jump to qualify it "for rescue purposes"?

Can it be, for example, the number of those who jump? It is known today that there are planes that have a crew consisting of 1, 2, 3 or more servants. It may also happen that this crew, varied in fact, is in a position to jump, in order to save themselves, without any operational intention. Likewise, it may happen that 1, 2, 3 or 4 transported on board jump with parachute, but with operative intent. The plane may also be visibly taken out of combat, or not, or it may have nothing. Marcel le Goff says "individual descents from an unseazy aircraft in battle are suspicious and those who make them can be annihilated", and regarding the jumps of several people says "Group descents always justify attack and destruction." So the attack of a single airman who jumps with parachute is legitimate if the plane he left is not taken out of the fight, but we have seen how hard it is to know when a plane is taken out of battle or not. [18]

Of course, if the plane crashes into flames immediately, then it is clear that it is an apparatus taken out of combat. This attitude of sparing the one who saves himself with the parachute is recommended by le Goff if there is only one. But if there are several of them at once, they can be attacked, regardless of whether they jump out of a plane out of battle. We believe that the author is of this opinion based on the fact that 3, 4, 5 or more airmen who leave the plane, even to save themselves, once well down, can sustain a fight, if they have a very brief weaponry. This reasoning seems correct to us. It is enough that these, spared during their rescue jump, have each of an automatic pistol and ammunition, which is quite possible, so that they constitute a combat team that can do enough harm in the middle of enemy territory and can even get back into their own lines.

In addition to the criteria for assessing the determined reasons for the parachute jump, specified so far, there is another one, which seems to us to be of more practical importance, namely the territory over which this jump occurs. As we have already seen, if the one who jumps with the parachute is far inside the enemy territory, this enemy will not attack him either from the air or from the ground and will not attack him all the more so as he has the opportunity to capture him. The enemy will have this attitude towards 2 or 3 aviators who save themselves, without seriously wondering why they jump, because he is sure that he will get his hands on them. Their attack in the air will therefore depend not so much on the appreciation of the reasons that caused them to jump, but on the possibilities of the enemy to capture them or not.

Of course, catching them alive is more important to this enemy than killing them while still being in the air. These possibilities relate to local ground defense, because the friendly aviators will repeatedly spare enemy aviators who parachute over the friendly territory, being sure that they will be captured by the local forces, unless they have an express order to attack them. Such orders are not given for cases where the enemy aviators that are saved are above the friendly territory, but only when they are above the enemy territory.

3. CONCLUSIONS

We conclude, therefore, that there can be not only one criterion to assess when it is legitimate and when it is not legitimate to attack the aviators who save themselves by parachute, but several criteria

- The plane out of combat;
- The territory over which he jumps;
- The possibilities of local defense;
- The self-interest of the belligerents.

However, these criteria cannot determine with absolute precision when it is appropriate to attack the airmen who have jumped with the parachute, but it seems to us that they better individualize each situation, without restricting the number, or rather, if some restrict it, others increase its applicability.

The observations I have made on each of them remain valid. These four criteria, which are contained in a text, could be able to give a better solution to this problem. We could be accused of removing humanitarian and moral considerations altogether. This accusation would be well-founded, but we should say it clearly and precisely that morals, chivalry and humanitarianism play a very small role in the operations of today's war. Why give them an importance that they do not have? [19]

In conclusion, if we analyze the "attack during the parachute descent" or the aerial shipwreck we find that there are no great differences between the conflicts of the XXth century. The cases when parachute-rescuers were attacked were more common in First World War than in the second. The causes of these fate changes during operations, of the aviators rescue are due to the progress of the local defenses organization and the higher understanding of self-interest because it is more important for the nation to capture an enemy aviator in order to obtain precious information, than the more or less unrealistic lust to have fun shooting at him while he is in the air.

REFERENCES

- [1] *** <http://parachutisme.tra-son.fr/Levolution-du-parachute-au-cours-du-temps.html>, accessed on 12.11.2021;
- [2] *** *Aeronautics and Navy Magazine, number 9, september-october 1943, p. 1001*;
- [3] ***<https://www.thehistoryreader.com/modern-history/parachutes-world-war-1/>, accessed on 25.11.2021;
- [4] *** *Aeronautics and Navy Magazine, number 9, september-october 1943, p. 1001- 1002*;
- [5] *** Ibidem, pp.1003-1004;
- [6] ***<https://duotechservices.com/the-parachute-its-history-and-military-use>, accessed on 13.11.2021;
- [7] *** *Aeronautics and Navy Magazine, number 9, september-october 1943, p. 1005*;
- [8] *** Ibidem, pp.1005-1007;
- [9] ***<https://www.warhistoryonline.com/military-vehicle-news/the-blimps-the-defenders-of-the-skies-in-two-world-wars.html>, accessed on 21.11.2021;
- [10] *** *Aeronautics and Navy Magazine, number 9, september-october 1943, p. 1007- 1009*;
- [11] *** <https://duotechservices.com/the-parachute-its-history-and-military-use>, accessed on 13.11.2021;
- [12] *** *Aeronautics and Navy Magazine, number 9, september-october 1943, p. 1009- 1010*;
- [13] *** Ibidem, pp.1010-1012;
- [14] ***<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/>, accessed on 21.11.2021;
- [15] *** Ibidem;
- [16] ***<https://en.topwar.ru/159884-spasatelnye-parashjuty-vtoroj-mirovoj.html>, accessed on 11.11.2021;
- [17] *** *Aeronautics and Navy Magazine, number 9, september-october 1943, p. 1012- 1014*;
- [18] *** Ibidem, pp.1014-1016;
- [19] *** Ibidem, pp.1016-1018.