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Who Will Guard the Guardians?

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Who Will Guard the Guardians?

Elie Wiesel

Abstract

Introduction: In the former Yugoslavia, in certain parts of the former Soviet empire, in Sri Lanka, in India and in Nigeria and, of course, in the Middle East blood continues to flow. One only has to look at Bosnia: in the past the soldiers of Radovan Karadzic amused themselves by ridiculing the Blue Berets - the United Nations peacekeepers. Why not admit it? We have simply failed to intervene quickly enough to stop past crimes.

INTRODUCTION

WHO WILL GUARD THE GUARDIANS?

*Elie Wiesel**

As I write this, a great number of nations across several continents are experiencing grave conflicts with disturbing consequences.

In the former Yugoslavia, in certain parts of the former Soviet empire, in Sri Lanka, in India and in Nigeria and, of course, in the Middle East blood continues to flow. Hostilities between national armies exist on all these continents but there also are terrorist groups which spill blood to impose their religious faith or political will.

Often, one despairs. The recent acts of sabotage in Saudi Arabia, the cowardly assassination of Israeli Prime Minister Yitzhak Rabin, the summary execution of journalists and intellectuals in Algeria. There are violations of human rights throughout the world. Will today's society ever know peace? Is mankind's only reason for being to kill his fellow man? Is it a utopian ideal to believe that international law will ever command the respect of mankind in a world which seems seduced by violence and chaos?

Of course, there is the United Nations, NATO and the European Union. There are so many international governmental and non-governmental organizations. But their effectiveness remains doubtful. One only has to look at Bosnia: in the past the soldiers of Radovan Karadžić amused themselves by ridiculing the Blue Berets — the United Nations peacekeepers. Why not admit it? We have simply failed to intervene quickly enough to stop past crimes. The existing system worked only when President Clinton chose to send 20,000 troops to the former Yugoslavia.

Is this because the criminal imagination and audacity always surpasses that of the peacekeepers and defenders of what we call civilization? Or, is it because when the law is applied it is full of loopholes? Can we declare with certitude that throughout his-

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tory, the law which in theory represents the best remedy, is the most effective shield against bloody butchery?

We have seen this situation before, and not long ago, in certain European countries. Instead of protecting the victims, the law caused them humiliation and suffering. Instead of fighting evil, the law adopted it. The law became the enemy. The law, itself, was evil.

It was in the name of the law that language was corrupted in Hitler's Germany. It was in the name of law that freedom of expression and the right to vote were shackled. It was in the name of the law that the police arrested, imprisoned, tortured, and executed innocents. It was the Nazi law which constructed the concentration camps for ethnic minorities, political opponents and other races deemed "inferior." It was the law of the Nazi state which sent millions of Jews to the gas chamber.

In the face of these illegal, immoral, and inhumane laws, what should the duty of the international community be? The answer is clear. We are obliged to intervene. For the Allies, the Second World War was a "just war" and a noble war. Nevertheless certain questions demand answers. Why did France and Britain not react sooner? Certainly, their intervention during the invasion of Czechoslovakia would have saved a multitude of lives.

What can we learn from all of this? Those in positions of political leadership must never wait to denounce and fight evil. Waiting and delaying allows evil to take root and gather strength. The wars in Bosnia and Rwanda could have been avoided if the great powers had reacted immediately, during the first days of these wars, with enough vigor and resolve.

Today, the greatest danger that threatens the world is fanaticism. By the time we are aware of it, it is already too late. At what moment must it be disarmed? How can it be recognized? What and where are the laws capable of checking it? How do we reconcile these laws with others? All are fundamental, particularly those that guarantee the basic liberties of the individual. I am sure that in this issue of the *Fordham International Law Journal* these questions occupy a choice position.

One thing is certain: in a democracy, law does not tolerate a substitute. Only the law has the right to be the ally of mankind. It is the law, and only the law, which above all else renders human beings human.