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Panel Discussion

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PANEL DISCUSSION*

EGON GUTTMAN

SEYMOUR J. RUBIN

DIETRICH SCHINDLER

HENRY I. SOBEL

AMBASSADOR KRISTER WAHLBÄCK

PROFESSOR EGON GUTTMAN: I call upon Professor Schindler to respond to what has been said and also maybe Ambassador Wahlbäck. What I have to say is very short. It is very interesting to note how different dictators reacted to the aggression of Nazi Germany. So, one might begin to think that it was not dictatorship that leads to abuses of neutrality, because some dictators seemed to be less dictatorial than others; in other words, more on the side of the Allies than of Nazi Germany. I call on Professor Schindler to respond to Rabbi Sobel's remarks.

PROFESSOR DIETRICH SCHINDLER: [No Response]

PROFESSOR GUTTMAN: Ambassador Wahlbäck, would you like to respond to Rabbi Sobel's comments?

AMBASSADOR KRISTER WAHLBÄCK: No, I have already spoken this morning.

PROFESSOR GUTTMAN: I see. Professor Rubin?

PROFESSOR SEYMOUR J. RUBIN: As a Jew, as an American, and one who remembers the Holocaust much as Rabbi Sobel does and regrets it—I regret very much his remarks.

We have heard a lot of people from a lot of countries talking about what happened in their own countries. I do not apologize for them or

* The panel discussion took place at the Conference on Neutrality, Morality, and the Holocaust, which took place at the American University Washington College of Law on April 23, 1998.

for the United States. The United States has been delinquent to a considerable extent in returning assets that were found heirless here in the United States.

But a wholesale condemnation of the Swiss people, or the Swedish people, or the Portuguese people, and so forth, is absolutely beyond the pale with respect to any kind of honest, decent, and useful discussion.

Thank you.

PROFESSOR GUTTMAN: Rabbi Sobel, would you care to respond?

RABBI HENRY I. SOBEL: I was asked by Professor Guttman to speak about neutrality, morality and the Holocaust. So, I could only base myself on the neutral countries, and I could only base myself on my reading of history.

Precisely because I read as much as I did, I thought morality obligated me to speak up. With all due respect, if some of you will interpret the expression "with due respect" as a slogan, you are mistaken. I really mean with due respect.

I did not accuse any speaker on the panel. I did not point a finger. I am still very obsessed with the silence of the world, and I do not specify any one people but the world. I think all of us bear a responsibility, so that there should not be a Holocaust again.

If I hurt anybody, I can assure you that this was not my intention. Whether it makes a difference or not that I say it, it makes a difference to me. I believe in what I said.

Thank you.

PROFESSOR GUTTMAN: Thank you. Speaking for myself, I can only say I did not think there was anybody being attacked personally, there is enough guilt to go around this world. There are enough people who cloak their activities through strict legalism. The only light I saw in this dark situation is that people have started to look inward, to have a look at where do we stand on the issue of neutrality.

To repeat Ambassador Scheffer's statement: "neutrality in the sight of genocide is unacceptable." Similarly, genocide is an activity that we have to prevent. As I said at lunchtime, it is up to us academics to try to think in terms of how to formulate an approach that

will bring neutrality into the twenty-first century and not be bound by an “outdated” convention of 1907.

It is on this point, and on this point only, that Professor Schindler and I differ. I think the time has come to examine and to realize that international law has to have a moral component. To recognize that international law is not a Justinian or an Austinian law, but is a law that is developing through the conscience of people who make up the world, because states without people are not states.

Thank you very much for listening to us today.