

## ADDRESS

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AT THE  
WORLD CONFERENCE ON WORLD PEACE  
THROUGH THE RULE OF LAW

Athens, Greece, July 1, 1963

Your Majesty, we sincerely thank you for the hospitality of your wonderful country. I am sure that the pulse of everyone here is quickened merely because we are in ancient Hellas.

It is a great privilege to be a part of this distinguished gathering and of the cause which brings us together from all parts of the world. To be able to counsel with men of the law from countries of the world which cradled civilization thousands of years ago makes it an exciting experience. It is particularly appealing because we are here of our own volition under no mandate from any interest or organization. We are not even here at the direction of our own Governments. We are here as citizens of the world who have a common belief in the Rule of Law. We are all free agents to promote what is in our hearts and minds for the benefit of mankind. In the aggregate, we represent the views of people of every culture, every religion, every political order on the face of the earth. In our everyday lives, we speak different languages, but in a basic sense there is no language barrier between us. Men of the law have a common language of the heart and mind regardless of the part of the world they may come from and of whatever culture they are a part.

Of the hundred countries here represented, there are few, if any, that have identical laws, but we all have a sense of order and a realization that there can be no order without law. Every country has a system, and no country has a monopoly on justice which is the guiding genius of law. I suppose every lawyer or judge has a predilection for the law of his own land. This is not only natural but it is proper, because the domestic law of any country is based upon the history, culture, geographical considerations, and the necessities of the nation for survival. This natural pride and adherence to the status quo, which often flows from pride, sometimes has a tendency to keep us apart. Many times we delude ourselves into believing that what we have is not only ours but that we made it

what it is today. In the field of law, nothing could be farther from the truth.

There is no system of law in the world today of which I know that has not come in great part at least from civilizations that preceded it by many centuries, and one of the exciting things about this Conference is the fact that it is being in that part of the world to which we are most indebted for many of our basic concepts of law. The archeologists have found convincing evidence that in ancient Mesopotamia the Sumarians had a well-defined system of law 40 centuries before the Christian Era. How long it was in existence before that time and whence the Sumarians themselves came they do not know. When recorded history began, people already had legal systems and codes which contain the basic elements of modern law; in fact, it can well be argued which came first—civilization or law. It has always seemed to me that it was the need for law that brought civilization into being, because wherever an ancient civilization has been uncovered, no matter how remote from the others, its very existence has been shown to have depended upon a system of law. None of us, therefore, can feel self-sufficient. There is an interdependence which all must recognize because, to a greater or less degree, we are all indebted to the world for what we prize as our own system of law. Particularly is that true in the younger countries like my own which built upon the systems of many other nations.

In the Court over which I have the honor to preside, we endeavor to keep this realization constantly before us. On the frieze of the walls of our Court Room, carved in stone, we have the likenesses of lawgivers through the ages. As we listen to the arguments of counsel and judge the cases according to our present concepts of law and justice, these figures look down upon us, and we up toward them. To our left are nine lawgivers before the Christian Era—Menes of Egypt, Hammurabi of Babylon, Moses and Solomon of Israel, Lycurgus Solon and Augustus of Rome. To our right are those who came afterwards—Justinian of Rome, Mohammed of Islam, Charlemagne of Germany, King John of England, St. Louis of France, Hugo Grotius of Holland, Blackstone of England, Napoleon of France, and Marshall of the United States. He is known as our great Chief Justice because his great decisions put flesh and sinews upon the bare bones of our new Constitution, and because he did more than any other man of law in our history to weld us into a Nation capable of making a Federal Republic function properly from the Atlantic to the Pacific Oceans. But the principles of the Constitution which he interpreted came to us from these other lawgivers to whom we thus humbly acknowledge our indebtedness.

Here in ancient Hellas many thoughts crowd into the mind of a jurist from a faraway land. Our historians tell us that it was here that Western law had its origin. As I approached Greece, I thought of the words of Cicero, the greatest of Roman lawyers, who said that the whole land is one vast shrine of hallowed memories. I remembered the account by a nineteenth century scholar of how his shoulders bent more and more with the weight of history as he approached the top of the Acropolis. I thought also of that same traveler's reflection of how all the Old World's culture culminated in Greece—all Greece in Athens—all Athens in the Acropolis—all the Acropolis in the Parthenon. This is a beautiful sentiment and is indicative of the affection which we in the newer parts of the world have for the contribution of Greece to our modern civilization.

When the Hellenic Greeks took up law, they studied it with the passion and insight they devoted to all the great departments of thought. From the earliest written record of their culture, they knew its importance. We see this at the beginning in Homer; we see it at the end in Aristotle. Early in the Seventh Century, B. C., they began to inscribe their laws on stone or bronze. Before that, the laws had been written on leather or wood.

Justice did not come into full flower in ancient Athens because the Greeks of that day were more interested in philosophy of the law than in its substantive aspects. But what the ancient Greeks failed to accomplish on the substantive side they more than made up for in another direction. They worked at the idea of law itself from every possible point of view.

Sir Frederick Pollock, the great English legal scholar, once said that any ordinarily prepared student in an English or American law school will define an estate in fee simple immediately, but that lawyers and judges who have given their lives to the study of legal principles will hesitate a long time in the face of the apparently simple question, "What is law?" The ancient Greeks saw the profundity of this question, and they did not hesitate to attempt to answer it. They thought of it as naked force, as a class instrument, as the command of the community, as a discovery about reality. In short, their views of it extended from the severely pragmatic to the philosophical. The poets, the philosophers and political theorists, the dramatists, and the historians, all joined in the quest to unearth the elusive nature of law. But they did not stop there. They inquired into its end and purpose, who should devise it, how it should be enforced, the education of the magistrates who would interpret it, in what form it should be written down—all the questions, in fact,

which occupy the attention of modern legal scholars. Their contribution has been the capital on which modern legal thought has largely lived. Later generations have refined it, added to it, turned it around, but in every problem in this field it is probably true to say that the ancient Greeks were there first.

While all this was going on in Greece, a great ferment was under way in the world outside Greece. It was the period of Confucius, Buddha, and of the spread of Zoroastrianism. Something was taking place everywhere in the world which would eventually touch even our lives today. At the moment the Greeks were perceiving the necessity of law as the creator of civilization, Confucius was making the same discovery in distant China. He worked the idea out with his own materials in his own way, and essentially it is at one with the Greek outline.

But, as the Romans took the laws of ancient Greece as the basis of the Twelve Tables and the principles of *corpus juris* by Justinian hundreds of years later, the Greeks likewise took their materials from even earlier civilizations. Archeologists are uncovering fresh materials every day, and they are helping us to see the antiquity of law and its association with civilization. In the oldest civilization known to us—that of Sumer, which lies along the lower Euphrates—archeologists have turned up tens of thousands of clay tablets recording all manner of transactions. Some of them are of intense legal interest. They disclose the earliest code of law known to man, the earliest traces of international law, the earliest international agreements, and the earliest efforts to dispose of international conflicts by arbitration. The Greeks built upon the knowledge of those earlier civilizations as we are still building upon theirs, and it is a remarkable fact that some of our present-day decisions are strikingly similar to some in those days and based upon identical reasoning. One thing that appears quite clear is the fact that people in those days realized the necessity for law and order between nations to be equally as important as domestic law.

We, who are here today, have the same realization. However, although thousands of years have elapsed, we have not defined and perfected international law as we have domestic law in our respective countries. In the first few thousand of these intervening years, there was some excuse for not developing a comprehensive body of international law. The slow and ancient forms of transportation and communication did not change, and the nations of the world were isolated from one another because there was no effective means of bringing the people of nations into an understanding of each

other. No matter what was in their hearts and minds, they, of necessity, followed their leaders no matter how nationalistic, or personal, or arbitrary and aggressive their decisions might be. But, in this mid-twentieth century, when communications are instantaneous and transportation only little short of it; where the people of any nation can know every day of the year what is transpiring on that day in every other part of the world, and where people can travel to any part of the world in hours, there can be no excuse for a failure to have international law and order. We cannot claim lack of knowledge of the hopes and aspirations of people everywhere and of the injustices which prevent them from achieving those goals. No longer can bad actions or even bad motives be hidden from the people of the world.

When we consider the dangers of international friction today, it is even more important for us to devote our great effort toward having a body of international law than it is to make improvements in our domestic law, important as some of those changes may be. I say that because we have already ordered our thinking in the field of domestic law. We have our codes, our tribunals, and the agencies for enforcing internal law. But, not all people have yet recognized the absolute necessity for having a court of international law with jurisdiction to decide current problems and with the means of enforcing judgments. Moreover, they do not appreciate the necessity for a world opinion stemming from the people themselves which will stand behind international agencies of law and constantly maintain a climate in which that law can develop and expand.

It is because those who are here at this Conference believe in the necessity of these things and are willing to work for them side by side with their legal brethren in every country of the world that I am happy to be one of you and to contribute my "widow's mite" to the cause. I am happy that we are here as individuals representing the thinking and the aspirations of an important segment of society in our respective countries. I say this because if we are to have international order based upon law, it must spring from the hearts of the people; it must be universal, and it must stem from a passionate desire to have the people of all nations, large and small, powerful and weak, live in peace under laws that are recognized as just and fair by people everywhere.

The lawyers of the world should be the first to agree that the responsibility is their to initiate a movement to have the problems of nations solved by means other than war. Those of us who are here believe it is the world's greatest need. But there are a million

or more lawyers at home, all of whom realize to some degree at least the importance of this fact. Many are interested but have no practical outlet for their energy; others are trapped in the indifference that has encased the world on this subject for such a long time. If we are to make real progress, all must be aroused, and be made aware that they have a job to do, and an organization through which to work. If world peace is our goal, we must make it our pre-occupation. If we believe that it can be accomplished only through world law, then we must agree upon those principles that are recognized by all nations as inherent in our twentieth century civilization. We must advocate laws that will make those principles the guiding force in the lives of nations and people everywhere.

As lawyers, we are in a position to be extremely helpful in advancing this cause. We are constantly absorbed in thoughts of law and justice, and we have the opportunity to make our views known and understood in places where public opinion is formed. We are perhaps the only profession which has as its sole objective the cause of justice.

Someone asked Solon 2,500 years ago how justice could be achieved in Athens. His answer, in substance, was that justice could be achieved whenever those who were not injured by injustice were as outraged as those who had been. That is as true today as it was in ancient Athens. It is as true between nations as it is between men. It is our great privilege as it is our most important responsibility to bring about that sentiment in our own nations and throughout the world.

In that respect, this first world conference of lawyers of a hundred countries might, as a beginning, be even more effective than an international convention of our respective Governments. Historically, nations have rarely met except to resolve differences and usually in an atmosphere of tension. We meet, not to settle disputes, but to define the areas of agreement upon which we can build a better world order. We are not here to bargain. We are here to explore. We meet in an inspirational city and in an atmosphere of friendship and understanding, of which it can truly be said:

"How good and how pleasant it is for brethren to dwell together in unity."

We meet humbly and on but one level.

Proud as we are of our own systems, none of us can feel that we have achieved justice in all situations. Over the entrance to our Supreme Court Building in Washington, carved in stone, are the

words "Equal Justice Under Law." We would like, of course, to believe that that is in all respects a reality in our land, but, as we see before us evidences of injustice which our system has not yet adequately coped with, we are forced to the conclusion that those words represent our goal and not the accomplishment of our times.

And, so I believe it must be in other countries with a like goal. This means that we who have a part in the administration of justice, whether as judges or lawyers, must be able ourselves to feel injustice with resentment, wherever in the world it raises its ugly head. Doing our best to prevent it, all of us can leave a better world to our children and to their children. How much we do or how little we do will depend upon the contribution we make to the cause of peace through a World Rule of Law. No other kind of peace is worthy of the name.