

Rule of law has always meant one thing: that wrongdoing has punishment. In antiquity, the punishment was draconian, and the laws were endless. Over time, as civilization evolved, law and order improved.

Threats without consequences do not work. And draconian punishments breed rebellion. There needs to be a sweet spot: a few laws or rules that are fairly applied. This is aspirational, because in today's world, laws are not applied equally and punishments for famous lawbreakers are too often unpunished.

For example, murder (one-on-one violence) is a crime in all civilized societies. However, all religions do have death penalties to certain special kinds of murder: killings that affect the rule of law in the state. Even in the state of Israel, the first Jewish majority state since Roman times, capital punishment is not used, except for the crime of genocide. Adolf Eichmann, designer of the Nazi "final solution to the Jewish problem," was hunted down in South America, brought to Israel, and publicly tried and convicted. He was hanged.

The United States hunted down Osama bin Laden in Pakistan and killed him. It was not possible to kidnap him in Pakistan and bring him to the United States for trial. Even Americans who oppose capital punishment raised no objections to this execution.

There is much talk about "international law," but there really is no such thing. Laws must be enforced and punishments understood. What we have in the world today are certain values: values about genocide, torture, unwarranted invasions of other countries, and state-ordered violations (violence) against vulnerable minorities. These actions are all considered evil, but such actions are not punished equally.

The United Nations promotes a number of standards that reflect the most civilized values of modern states. However, these are not "international law," because they cannot be uniformly enforced.

The most famous "international court" was that established in Nuremberg after World War II, a court created by the winners of that war. The Nuremberg trials were administered under the best practices of modern representative governments. The trials proceeded against some of the worst war criminals, Nazis and fascist Japanese, including top leaders, and resulted in executions of most of them.

That court was an exception, designed specifically for World War II war criminals, and for a newly enumerated crime, "Genocide" (Crimes against humanity) in the hope that it would establish values and practices that belong in an advanced society. Unfortunately, not all of the members of the "global community" (the United Nations) are not advanced societies.

USSR (now Russia) and China (now the People's Republic of China) follow different values: dictatorships, power in a single person or small cadre, and very punitive laws to keep their populations subdued. Until a successful revolution or conquest by another country, these two imperial size countries participate in the Security Council: a council made up of the winners of World War II. Any member of this small council can veto any action proposed by the others.

There have been war crimes trials as early as the US Civil War, when one commander abused and starved Northern prisoners of war. This trial succeeded because the North won.

Several international attempts at limiting the abuses during warfare were done by treaty, such as the Geneva Convention. This treaty only works if the warring parties both agreed. In World War II, the Geneva Accord was respected by the Nazis, Americans, and British. Germany and Russia did not sign for each other, resulting in horrific treatment of captured soldiers. Japan did not sign, with horrific consequences for prisoners of war.

The International Court of Justice, established by the UN, has brought a number of criminal leaders to account, but only those not protected by either the USSR or in a few cases, the US. These cases worked only because these criminals did not belong to a country that served in the Security Council. There are other serious problems with crime and lack of punishment that will be explored in the next column.

In the next column, we will discuss the lack of equal justice, domestic and international.

681 words

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