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**Neither Justice nor Morality: Just Impunity from Crimes against Humanity**

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**Neither Justice nor Morality:**

**Just Impunity from Crimes against Humanity**

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**William A. Cook**

 “The world is ruled by neither justice nor morality; crime is not punished nor virtue rewarded, one is forgotten as quickly as the other. The world is ruled by power and power is obtained with money. To work is senseless, because money cannot be obtained through work, but through exploitation of others. And if we cannot exploit as much as we wish, at least let us work as little as we can. Moral duty? We believe neither in the morality of man nor in the morality of systems.”  
― [Tadeusz Borowski](http://www.goodreads.com/author/show/133522.Tadeusz_Borowski) [3], [*This Way for the Gas, Ladies and Gentlemen*](http://www.goodreads.com/work/quotes/221052) [4]

This hideous and degrading picture of the human animal Borowski painted at Auschwitz: humankind without benevolence, without compassion; lacking empathy, lacking mercy; inexorable, ruthless, and malevolent; a savage, brutal animal devoid of morals but obedient to laws. Borowski believed there was no crime a man would not commit to save himself. That belief, salvation for self at the expense of justice, precludes moral virtue. Borowski, a poet and a writer, labored at Auschwitz from 1942 until the liberation of the camps; he was not a homosexual, or a Roma or a Jew; he was an observer of human nature in a place where it was bared to the bone. But if his life there brought him to the realization of the barbarity of humans, devoid of morals, then he also understood what we lost as a result of that void:

“There can be no beauty if it is paid for by human injustice, nor truth that passes over injustice in silence, nor moral virtue that condones it.”

Until and unless we eradicate injustice, we have no reason to know beauty, for all that we create is tainted by that injustice pretending all is well with our world. Truth does not exist if injustice surrounds us and we are silent in our complicity. Proclaiming moral virtue in a world awash in crimes against humanity is condoning the crimes unless we act to eradicate the crimes.

Borowski’s work came to mind during these days of Holocaust remembrance because I used his words in a commencement address to our law school some years ago. His thoughts permeate this day of remembrance. On January 29th, Nick Cumming-Bruce writing from Geneva for the *New York Times,* reported that “Israel became the first country to withhold cooperation from a United Nations review of its human rights practices on Tuesday, shunning efforts by the United States and others to encourage it to participate.”

How strange that a people who endured the horrendous human betrayal of their inalienable rights to life, and liberty, and the pursuit of happiness should become the next perpetrators of evil against another people denied their rights of recognition of equal justice and dignity and respect and honor as neighbors in this world where all should enjoy the fruits of this earth. How can one understand the state of Israel, the state declared to be the “Jewish State,” the state that rang the rafters of the United Nations with cries against Iraq and Iran for discrimination, for anti-Semitism, for existential threats of death to Israel, running to the UNHRC to survey nations to find those antagonistic to Israel and bring them before the Human Rights Council for public punishment and admonishment to correct their criminal behavior, indeed, to levy fines and threaten sanctions should they not relent, only to become the state that defies the same UNHRC when it is their turn for review.

Did they not find the United Nations an institution designed to protect the weak against the strong, to provide conventions that protected all peoples regardless of color, ethnic background, religious beliefs, political and economic systems, a means of regress for themselves, a small nation set in the middle of their perceived enemies, or did they understand that they could manipulate the system when convenient to gain their ends and defy it when they should be condemned. Did not the Neo-Cons and their allies damn the UN for inaction against Saddam Hussein for defying 16 UN Resolutions thus establishing the justice of an invasion of Iraq even though Israel had defied over 160 like resolutions? Have they not been vociferous in their demands that Iran be placed under sanctions and indeed invaded to prevent them from acquiring weapons of mass destruction even as they have 100s of such weapons and refuse to admit that publically or to sign the Mid-East Non-Nuclear Proliferation Treaty, yet demand action be taken against the existential threat that Iran places against their state? Why then do they defy the UNHRC?

Let’s be as blunt as Borowski: the world is not ruled by justice or morality, it is ruled by power. Israel knows this. They have taken control of the greatest military machine the world has ever known, the United States. They control our President, our Senate, and our Congress, and they did this just as Borowski had declared, with money. If one needs proof of these assertions consider this photo of Senator Lindsay Graham as he interrogates Obama’s nominee for Secretary of Defense, Chuck Hagel, with some help from our masters.

Neither AIPAC nor Israel fear retribution—they disdain the opinions of the peoples of this earth, they ridicule the organizations that have been established to guide nations in peaceful ways, and they laugh at the morals taught by the religions of the world, because they have no respect for those bound by a moral order. They act by sheer hutzpah, through the vetting of those who occupy an office, those who intend to run for office, and where necessary who should run for office. It is Israel’s agenda that our representatives attend to, not the agenda of the American people. Unending wars benefit the wealthy, they destroy the average citizen.

Unfortunately American democracy is a bidding war, an auction of offices able to be purchased by the pound. The American people no longer run the government; the forces that pay the puppet run the country. Consider the reality that the UN faces today. On November 29 they invited Palestine in as a member nation; that was anathema to the Zionist government of Israel that denied that recognition even though they are a signatory of that organization. They simply impose their law and their political determinations on all the peoples of the earth. In short, they determine what the UN will do or they will reject the world body. They can do this because they can tell the U.S. how they will vote in the Security Council. Thus the impunity. Understand that 5% of the world’s population runs the UN; 95% of the world’s population becomes mute in the oligarchical power structure that the U.S combined with Israel asserts over the wishes of the peoples of the world.

How then achieve not only peace in Palestine, but any possible justice for the people of Palestine? The answer rests with the people of the world, not with their governments which are held beneath the gold bricks of the U.S. and Israel; but the people are represented in the UNHRC (Human Rights Council) that has been crippled by the United States’ refusal to pay for operations because it admitted Palestine to participation without the US’ permission. Thus do the few cripple the many while denying justice to the oppressed and the occupied. It should be obvious to all that the US does not have a moral base from which it operates. It operates only for money, for the 1%, and it uses its citizens as collateral damage against those who question or attack its control. That’s AIPAC’s way, that’s PINAC’s way, that’s the way of the Neo-Cons; it’s what the Zionists learned from Nazi Germany, it’s the answer to MP David Ward’s question, “What did they learn at Auschwitz?” They learned what Borowski learned: “The world is ruled by power and power is obtained by money.” There is no moral virtue that determines justice for people.

But for those who believe that the Universal Declaration of Human Rights states the opposite, the road to peace must be through the UNHRC and the International Court of Justice. The people of the world have spoken for 64 years through resolutions voicing in clear and bold language the crimes against humanity inflicted on the Palestinian people. The laws of the UN Conventions and the obligations of the nations of the world that have signed to be members of that organization are clear, the alleged crimes must be brought before these bodies to face justice and to bring justice. Should this not be done, both Israel and the US will recreate the laws of war so that their crimes are washed away as easily as Pilate washed his hands of the sentencing of Jesus. “The world is ruled by power”; it is happening as I write this piece.

Let’s continue the bluntness of Borowski. The UNHRC has prepared a comprehensive document to be used when Israel comes before it, a document that itemizes its crimes against humanity with focus on the Settlements and the devastation they have brought to the Palestinian people. Israel knows of this report. It will not be brought before the world court of public opinion and certainly will not be brought before a court of justice. It will not just defy the UN, it will castigate the 188 nation states that allowed Palestine to become a member state as biased and discriminatory against the Jewish State; they will flaunt the Holocaust as it represented anti-Semitism that necessitated the creation of a state for Jews as protection for their people; and it will build its case for its actions on grounds that only their military can defend their people and hence the constant cry of self-defense. Israel has no compunctions about being the sole nation to not adhere to the UN’s human rights reviews of all member states; Israel cares nothing about the UN or its purpose. It will act unilaterally because it can undo anything the UN desires to do.

Let’s understand the actions of this amoral nation. It has just attacked Syria, a recognized member of the United Nations. Syria has executed no actions against Israel that can be justified under the Geneva Conventions; the Israeli government has invaded a nation without provocation regardless of the innocent citizens that are hurt or killed, indeed oblivious of such consequences because in fact they have no conscience that questions such behavior. What would impel the government of Israel to such an act? The answer is simple: how can they force an alliance between the US and Israel that can eliminate any chance that the American government might not support Israel’s defiance of the UN, especially since the US had admonished Israel along with all the other member states about defying the call from the UNHRC. They know that the UN must condemn this act; they care not to obey any laws that restrict their drive to control all of Palestine, and if necessary, expand Eretz Israel beyond even these borders. Their end determines their actions; their laws supersede all others. Here are the words Weizmann and Ben-Gurion promised the Mandate Government:

“if further action was taken against them (by the British Mandate Government) to destroy Zionism, then there would be a blood bath. Nothing could prevent it. Nobody would be safe in Palestine  (July 12, 1946, Rhodes Archive Documents). If need be, we shall take the country by force. If Palestine proves too small, her frontiers will have to be extended” (Ben Gurion, Appendix LVc).

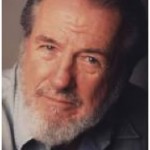
The announcement of the UNHRC’s review of Israel’s record forced Israel to yoke America to its needs and bury the defiance of the UN so that the US cannot abstain should the vote come before the UNSC. These actions foretell the response Israel would take if brought before the International Court of Justice. First, it will damn the resolution as anti-Semitic; second it will argue that the ICJ has no jurisdiction over their state as it has its own laws in place and is not beholden to laws that can supersede their own thus denying the sovereignty of Israel; and third, they will present arguments that will delay action knowing time erases memory and, as they have experienced for 64 years, the world will forget. One need only remember the abandonment of the Goldstone Report.

Borowski believed there was no crime a man would not commit to save himself. That belief, salvation for self at the expense of justice, precludes moral virtue. These are men who have traded their soul to the state in exchange for the consequences of confronting the all-powerful state. They are as Henry David Thoreau once stated, so many wooden soldiers marching to another’s tune. But for those of us who accept the transcendent reality of moral righteousness,  selling of the soul cannot be an option. We bear the responsibility to act as the arbiter for the state of our soul. No educated person can escape responsibility for his or her actions. No educated person can escape the ethical obligations of a free mind. We are responsible to ourselves if we bear responsibility to meaning and truth.

The world is not bound by borders ultimately; it is bound by a moral order. No nation has the right to impose by violence its will on another by exorcising the universal principle that there exists a basic, fundamental, and inalienable right that is premised on freedom and justice, humanity and truth. If we do not lead by moral force, we are by acquiescence the followers of those who fail to act and subjects of those who impose their will. There comes a time when everyone must cry for justice, to cry for those who cannot cry for themselves.

This is the only answer to Borowski’s sorrowful lament as he witnessed the inhumanity of those in power over the weak and helpless Romas, Communists, homosexuals, the abnormal, and the Jews, a horrid mixture of calculated humiliation, degradation of spirit, physical abuse, slaughter and disregard of civilized behavior in favor of laws created by the conqueror in a raw display of arrogance against the beliefs of all other nations. Today, the nations of the world are faced with a similar power that has determined to subjugate the nations of the world by arrogance, coercion, fraud, invasion, and financial strategies that cripple nations, while undermining the one agency that has brought a semblance of civilized behavior to crisis’s around the world, the United Nations. The United Nations alone can and must take control of these two renegade states or their Nazi like behavior made possible over a prolonged period of years will negate all International laws in favor of those who will impose their power on the weak thus justifying the criminal against the victim. Should that happen, we will have allowed Borowski’s horrid picture of humanity to be the epitaph of our destroyed world.

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Prof. William A. Cook

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