

Comment by Michael C H Jones  
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Rule of Law? Who's law I have always asked.

Ruling cabals or victors in battle make laws and write the books/histories.

Hiltler exterminated up to 17 million jews, gypsies, slavs, infirm and mentally inflicted, coloureds, socialists of all denominations etc BY LAW.

Stalin and Mao, although for much better reasons in their forlorn hopes to change the class systems of their respective countries, caused millions of deaths unnecessarily BY LAW.

Churchill and Truman fire bombed German and Japanese cities killing hundreds of thousands of women and children in the great patriotic cause against authoritarian political regimes - all BY LAW?

So I have always over more than 50 years been bemused by Anglosphere politicians who glibly talk about the Rule of Law. The trade unions are out of control, jail their leaders. The multinational corporations are not paying their proper taxes, prosecute their leaders. Unfortunately as I have written elsewhere the police forces in Australia, UK and US, have been until recently the guardians of white-collar criminals - the physical actions of the mentally impaired result in "police murders" but the ICAC wrong-doers suffer merely "public odium". All this BY LAW?

Those with power, the beneficiaries of ideological or theological systems of governance, monopolise it fiercely as you would expect - the authoritarian by overt coercion, the liberal "democratic" via more subtle cooption. You just have to know who is running the joint and act accordingly - within the Rule of Law.

Obviously Matthew Ng, even though an ethnic Chinese Australian did not. Firstly, if you are born in China, you are Chinese no matter what your later citizenship. Secondly, if you are of ethnic Chinese parentage, you should speak Chinese - Cantonese will do but better Mandarin - an especially if your children visit the Motherland. And you must abide by the Rule of Law - communist laws.

Now I hear you murmur - he's kicking that out of date communist can so dear to conservative thinkers of old and currently only found in the pages of commentators writing for the Australian, and perhaps the Daily Telegraph in Sydney, although these ideas are perhaps too sophisticated for their "Western suburbs "tradies" readers?

Rule of Law - what is it? Well all those years ago I struggled intellectually with the ideas of Common Law and Civil Law and Socialist Law in the three electives of Sydney Law School's course on Jurispudence - I took all three. The famed anti- communist Alice Erh-Soon Tay was my Professor, very brainy but not a blond looker as in the commercial on TV.

Lest you think I am too tough on "Human Rights" Professor of Jurispudence Alice Tay and the cooption from her earlier associations with rabid professional anti-communist Eugene Kamenka re "The Ethical Foundations of Marxism" published in 1962, and particularly through the 1970/80s, may I reveal that at the height of the anti-draft/Vietnam movement in 1969 my soon to be wife Janice and I shacked up at the multi-million dollar Cremorne headquarters of SDS, where in lieu of our free board I lodged my library of several thousand tomes for the intellectual pleasure and academic betterment of revolutionary scholars - about 700 were stolen and eventually we had to put our names on the frig milk bottles. So much for equality, liberty and fraternity re Marchons the SDS

Sydney University news-sheet of which we distributed over 100,000 per year for about 5 years 1967/71.

Anyway Alice was a phoney in the classic Chinese governance tradition, although I doubt she read or understood Confucius until finding a late-in-life role in PM John Howard's Australia-China Human Rights Dialogue. She was the darling of the Right, and "blew" with many winds. But I thank her and her kind for teaching me the savage side of the jurisprudence of the law - no faith/religion or moral compass whatsoever. That was left to another brilliant academic, although we also had our trenchant differences, the Rev Dr Allan Wesley Loy, Jan's father. I never saw a leading Silk so taken apart in a court room, re the old Federal Court in Phillip Street, Sydney, when in late 1970 he was cross examined on the concept of the Right to Object to a Particular War re the Vietnam War. It was due, as much as any other, to his advocacy that Australia is currently the only country in the world that by Rule of Law allows this objection re PM Paul Keating's Federal Government early 1990s legislation.

Australian ethnic Chinese Stern Hu knows a lot about Chinese Rule of Law as he languishes in prison having been deserted by his Rio Australian "mates"- many of whom arguably should be in jail with him. David Hicks learnt a lot about back-dated US Rule of Law in Guantanamo Bay. But the champagne still flows for the Australian Wheat Board (AWB) crew or the Reserve Bank of Australia subsidiary Securrency International senior management. What a feather duster is the NSW ICAC.

And if you really want to know about Rule of Law, forget the CPC law, just try Saudi Arabian Sunni or Iranian Shia - and they are not different wine labels like the US Republicans and Democrats. Rule of Law - you have to laugh. Matthew Ng, just get on with your life and buy a lottery ticket.