

The Betty Letters

My Dear Grandchild,

I was discussing the matter of that roadblock of July 13, 2009, whereby some members of the Hongkong Police commandeered a number of private vehicles in order to create a force majeure situation on a public highway where some illegal road-racers were holding a contest. The silly idea of the Hongkong Police was that, on seeing the impromptu roadblock, the road-racers would be forced to stop and, then, they all would be arrested and detained. The drivers, whose 5 vehicles had been commandeered by members of the Hongkong Police, were still in their vehicles at the time that the road-racers ploughed into them. Luckily, nobody was killed although some of the drivers were mangled, slightly. But, after receiving medical attention, they appeared to be able to stumble home. Some of their vehicles, however, were not as fortunate as they because a number of the 20 road-racers crashed into these vehicles which, in turn, careened into other vehicles, creating an 8-vehicle, pile-up. I questioned Bo-Bo, my froglike husband, whether or not the ad hoc roadblock was lawful. The Frog said: 'The Hongkong Police always follows the law. Therefore, what they did was legal.' I responded by stating that I do not question the legality of what the Hongkong policemen did, but I did ponder about the lawfulness of their acts. The Frog was half asleep when I began the conversation, but, at this point, he opened his eyes and said that legal and lawful are one and the same. 'Anyway, why bother about this matter? It is over and nobody was killed. Some vehicles may have been dented a little, but that is easy to fix. Now, let me snooze.' I rushed over to half-awake Frog, shook him violently, and said: 'Is that what the Nazi prison guards of World War II thought when they helped to murder 6 million Jews? What those horrible people did was legal – in accordance with the law, permitted and not forbidden by the law of the day – but it was not lawful – permissible, allowable, justifiable. The Frog looked at me, visibly shaken by my passionate tone and the way in which I was expressing myself. He back-pedalled from his original stance on the matter, stating that he did not realise that there was a difference between legal and lawful. But, My Dear Grandchild, there is a huge difference in the meaning of the 2 words. If the Nazi guards of concentration camps of World War II stood firm, claiming that murdering innocent Jews was unlawful, then, perhaps, today, things would be a little different. The order to exterminate Jewish prisoners was, obviously, a legal order, signed by a high German Authority, but the order, itself, should have been considered unlawful – because the murder of innocent women and children, none of them, being combatants, could never be considered legally qualified or entitled. In times of war, combatants are fully expected to follow the orders of their superiors. The British used to have the idiom: 'Right or Wrong, King and Country!' Today, do you think that this idiom would stand up to scrutiny? Some years ago, the highest Israeli Court held that the actions of some of the soldier of the Israeli Defense Force (IDF), in killing innocent Arabs, was unlawful; and, that the IDF soldiers should not have obeyed the orders of their superiors in this regard. The IDF soldiers used, in their defence, that they were just following orders. The Israeli jurists held that their actions were unlawful in the same way that the actions of the Nazi guards of World War II concentration camps had been unlawful when they engaged in the murder of innocents, directly or indirectly.

The principal distinction, My Dear Grandchild, between 'legal' and 'lawful' is that the former contemplates the substance of the law, the latter, only the form of the law. To state that an act is lawful implies that it is

authorised, sanctioned, or, at any rate, not forbidden by law. To state, on the other hand, that an act is legal implies that it is done or performed in accordance with the forms and usages of law, or, in a technical manner. Thus, 'illegal' could be equated with 'invalid'. A contract, therefore, might well be illegal – that is invalid – but it could never be described as being unlawful. The word, 'lawful', more clearly implies, also, ethical content than does the word, 'legal'.

There comes a time when a human being has to take a stand, thus differentiating him from other forms of life on this planet of ours. What differentiates man – homo sapiens – from all other forms of life on earth is that man is the only living creature that kills for the joy of killing. It is a sad baggage that is inherent in man, is it not? In respect of all other forms of life, they kill for food, only. The shark, for instance, when attacking a seal, does not kill the seal because it does not like the mammal, but simply because it is food to the shark. The same is true of the bear that catches salmon, swimming upstream in order to spawn in the shallows. The bear strips the skin off the salmon while the fish is still alive because the bear wants to get at the fat of the fish. There is no hate between the fish and the bear. During World War II, however, one saw German soldiers, taking special delight in killing Jews, gypsies, and mentally and/or physically impaired human beings – and they seemed to be enjoying the massacres. Even German civilians, knowing fully well what their soldiers were doing to innocent civilians, stood by and did nothing and said nothing. It has long been held that a person, doing and saying nothing, in situations, such as has been described, herewith, is guilty of a chargeable offence. It is called, Moral Turpitude. The concept of Moral Turpitude is that the act of baseness, vileness, or the depravity in private and social duties which man owes to his fellow man, or to society in general, contrary to accepted and customary rule of right and duty between man and man, shall not be tolerated by reasonable men. Moral Turpitude is the act or the behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally culpable quality held to be present in some criminal offences as distinguishable from others.

There was no justification for those acts of German barbarism, during World War II. Legal they might have been, but lawful, they never were. Perhaps, the Hongkong Police might like to try to chew on these lofty concepts when next putting innocent civilians in harm's way.

Talk to you, next week.

Chief Lady

*While **TARGET** makes every attempt to ensure accuracy of all data published, **TARGET** cannot be held responsible for any errors and/or omissions.*

*If readers feel that they would like to voice their opinions about that which they have read in **TARGET**, please feel free to e-mail your views to editor@targetnewspapers.com. **TARGET** does not guarantee to publish readers' views, but reserves the right so to do subject to the laws of libel.*