

Remembering Michael Mandel

By [Stephen Lendman](#)

Theme: [Law and Justice](#)

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On October 27, Mandel died peacefully at home. He passed from cardiac amyloidosis. It's a rare heart disease. It causes arrhythmias, heart blockage disturbances and death.

He died in his 67th year. He went much too soon. He was too good a man to lose. He's badly missed.

He was seriously ill for months. He was a good friend. He was a valued guest on this writer's Progressive Radio News Hour. Since earlier this year, he was too ill to return.

He's survived by his wife Karen, children Max, Giulia, Lucy, Tevi and Orly, and sister Sharon Fuller.

For 39 years, he was Professor of Law at Osgoode Hall Law School, York University, Toronto, Ontario.

He was its longest serving full-time professor. Though ill, he taught until last spring. He was determined to finish the term. He owed it to his students, he believed.

He taught criminal law, international criminal law, the law of war, constitutional law, and legal politics. His main scholarly interests included the law of war and international criminal law.

He taught at the University of Saskatchewan, McMaster University, and the University of Toronto.

He taught and lectured at several major Italian universities. They included Torino, Trento, Padova, Napoli, Calabria, and the European University Institute in Florence.

He ran the University of Bologna's law student exchange program.

In 1998, he was Hebrew University of Jerusalem Faculty of Law Visiting Professor.

He was a Lawyers Against the War founding member. It's a volunteer organization against war. It calls for ending ongoing illegal ones. It's "an international group of lawyers and others who:

- support the use of national and international law to settle disputes, prosecute offenders, and protect human rights;
- oppose the illegal use of force between states, in particular the illegal US-led use of force against Afghanistan and Iraq; and

- support the rule of law and adherence to international law.”

It's affiliated with:

- Lawyers Against the War in the United Kingdom;
- Lawyers for Peace in the Netherlands; and
- Swedish-based Transnational Foundation for Peace and Future Research (TFF).

It urges other anti-war supporters to join them.

Mandel's published works include:

- [The Charter of Rights and the Legalization of Politics in Canada](#);
- [The Unbearable Flexibility of the Statuto Albertino](#); and
- [“How America Gets Away with Murder: Illegal Wars, Collateral Damage, and Crimes Against Humanity.”](#)

Edward Herman called it “a perfect antidote to ‘humanitarian intervention.’ ” US wars reflect “law of the jungle” justice.

The business of America is lawless, aggressive, preemptive war. Direct and proxy ones persist against nonbelligerent states. America gets away with murder and then some. It does so with impunity.

Who'll challenge the world's only remaining superpower? Who'll go up against hegemonic extremism? War on humanity continues.

Rogues, thugs and criminals run America. They make policy. They govern ruthlessly. They make mafia bosses look saintly by comparison.

Herman called Mandel's book must reading “for those who want to understand how the United States is ignoring, using and reshaping international law to serve its imperial interests.”

He discussed Justice Robert's Jackson's “supreme crime” Nuremberg declaration. It's more than ever relevant today. US belligerence is out-of-control. War on humanity continues.

Jackson said:

“To initiate a war of aggression...is not only an international crime; it is the supreme international crime differing only from the other war crimes in that it contains within itself the accumulated evil of the whole.”

The Nuremberg Tribunal defined crimes against peace as:

“(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances; (and)

(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i)."

After WW I, Kellogg-Briand (in 1928) renounced aggressive war. It prohibited its use as "an instrument of national policy." It did so except in self-defense.

Sixty-three nations were signatories. They included America, Britain, France, Germany, Italy, Soviet Russia, and Japan.

The US Senate approved the treaty 85 - 1. Like Nuremberg, it's binding international law. It's automatically US law under the Constitution's Supremacy Clause (Article VI, Clause 2).

Washington's war machine hardly slowed. WW II followed. So did numerous direct and proxy wars when it ended. They persist globally. They're responsible for millions of lost lives. Many more die daily.

US wars show no signs of ending. They represent today's greatest threat. Peace is verboten.

Lawless, aggressive, preemptive wars against nonbelligerent states reflect the American way. It's a national addiction. It defines what this country stands for.

Mandel challenged US/NATO aggression responsibly. He devoted his time and energy to supporting right over wrong. He wrote his own obituary.

He wants to be remembered as an educator of lawyers, a proud father, a lifelong musician, and "radical left-wing activist" in the best sense of its meaning.

He taught at least 4,000 lawyers. "At first, a mere 26 years old, (he) found his students intimidating, but, gradually, (he) grew to love them and found real joy in teaching, a feeling most students seemed to reciprocate," he said.

His wife Karen said "(h)e had a sense of the things that were important to him."

Osgoode Hall Law School dean Lorne Sossin was one of his students. "He's been an extraordinary mentor, dedicated to so many students over the years," Sossin said.

"As a student, I remember that energy in the classroom as he would provoke students to express views, to figure out what they were about, and he (was) very honest about his (views)."

"But when it came to assessing your work, he measured it by how effective each student was, not by whether they agreed with him."

He helped shape Canadian Charter of Rights and Freedoms debates. He feared they would overly politicize courts.

His later anti-war activism mattered most. He led an international legal effort against NATO leaders.

He wanted them indicted for 1999 Yugoslavia war crimes. He was vocally outspoken against post-9/11 wars. He condemned imperial lawlessness.

At a 2002 anti-Iraq war rally, he called Bush administration officials “a bunch of thugs in the White House.”

At a 2004 Ottawa anti-Bush rally, he called him “a homicidal maniac.”

On October 7, US forces lawlessly attacked Afghanistan. War continues without end. It’s America’s longest war. It’s longer than WW I and II combined.

On October 9, Mandel [headlined](#) “This War is Illegal,” saying:

“A well-kept secret about the US-UK attack on Afghanistan is that it is clearly illegal.”

“It violates international law and the express words of the United Nations Charter.”

No country may attack another except in self-defense. It may only do so until the Security Council acts. It has final say.

The Council passed two resolutions condemning the 9/11, said Mandel. “Neither resolution can remotely be said to authorize the use of military force.”

“(T)he right of unilateral self-defense does not include the right to retaliate once an attack has stopped.”

It prohibits doing so against a nonbelligerent country. Afghanistan had nothing to do with 9/11.

“Since the United States and Britain have undertaken this attack without the explicit authorization of the Security Council, those who die from it will be victims of a crime against humanity, just like the victims of the Sept. 11 attacks,” said Mandel.

“Even the Security Council is only permitted to authorize the use of force where necessary to maintain and restore international peace and security.”

Attacking Afghanistan (Iraq, Libya, Syria, Somalia, and Yemen, etc.) have nothing to do with preventing terrorism. Aggressive wars provoke it.

“For all that changed since Sept. 11, one thing that has not changed is (America’s) disregard for international law,” Mandel explained.

US contempt for rule of law principles is longstanding. It’s more than ever so today. All US wars are illegal.

“We are all at risk,” said Mandel. He understood to his last breath. He called attacking Afghanistan “the beginning of a headlong plunge into a violent, lawless world.”

He dedicated himself to challenging it responsibly. He did so until illness left him bed ridden.

Lawyers’ Rights Watch Canada (LRWC) is a committee of Canadian lawyers. It’s dedicated to promoting human rights and rule of law principles.

It supports endangered human rights defenders worldwide. It works cooperatively with other human rights organizations.

According to LRWC founder Gail Davidson:

“Those of us who practice law in safe environments such as Canada owe a duty to those who risk not only their freedom but also their lives in order to protect their clients’ rights.”

Davidson called Mandel “irreplaceable. (T)here’s nobody in Canada that I can think of who is of (his) stature that is always willing to speak up on behalf of peace and against war and the illegal use of force.’ ”

“(H)e mentored and inspired a lot of people in the peace movement in Canada.”

His other passion was music. He trained as an opera tenor in Italy. His father, Max, had a Toronto Yiddish radio show. He learned his father’s Yiddish songs.

He spent his last few years researching information about Yiddish radio culture. His wife Karen called it “a labor of love.” He passed it on to his children. His son Max is an accomplished violinist.

Ed Corrigan emailed this message:

“The Canadian Jewish community, Independent Jewish Voices, and Canadian Legal Community lost a great critical thinker and friend.”

In the 1980s, Corrigan worked with Mandel. He maintained contact with him. “He was a friend of mine,” he said.

“He was a great friend of the Palestinians. His idealism and critical legal thinking hopefully has been passed on to his many students.”

A Personal Note

On October 19, Michael and I last exchanged emails. Earlier he explained he was on borrowed time. He could go any time. He hung on weeks longer than expected.

It wasn’t easy. He needed lots of help from loved ones and medical providers. His family expressed gratitude for the extraordinary care they gave.

Those involved included Drs. John Janevski, James Downar, Herbert Ho Ping Kong, Rodney Falk, and Harry Rakowski, Nurse Practitioner Helen Pappas, C-Care Nurse Regine Maranion, and many others too numerous to mention.

Michael’s funeral was on October 28. He’s interred at Dawes Road Cemetery, Toronto. Judaic tradition includes shiva. It’s a week-long mourning period. It begins immediately after burial.

The ritual is called a “sitting shiva.” Family and friends pay tribute. It continues for Michael through Sunday morning, November 3.

His last email mentioned good news and bad. “I’m in decline,” he said. “I’m relying more and more on painkillers than before.”

“The good news is that I was stable enough (for) a pared-down Bar Mitzvah for my son at our house. It was today (Saturday). It was originally scheduled two years earlier.”

Michael wasn't religious. At the same time, he "loved participating in the old Jewish traditions."

"We worked like dogs to get it done," he said, "and the day was a complete miracle, with my son conquering all the tasks assigned him, lots of music from my musical family, and food and drink and friends and relations."

"My 99-year-old uncle blessed the challah. I got out of my pajamas, wires and pumps, dressed up, and had a day off from my illness."

"Now I'm back in them, but I feel that we accomplished something. We had cancelled the whole thing, then rescheduled this version."

"My son, indeed everybody, was very happy. They could do it with me around."

"I don't know where that leaves things, but, like somebody said about the French Revolution - it's too early to assess its effects!"

"Be well!

Michael"

He was one of the best. He's gone to his just reward. His spirit remains. He leaves a huge void to fill. Hopefully thousands of lawyers he trained and many others he inspired are up to the task.

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Listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network.

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<http://www.progressiveradionetwork.com/the-progressive-news-hour>

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