

The Faithzone : JUSTICE

This PDF version contains all the material relating to this section of the Video formatted for easy printing and comprising:

- Summary
- Transcript
- All questions/activities listed together
- Each question/activity listed on a separate page with pointers for discussion
- A collective worship

Summary

Presenter: Dan Brennan, Chairman, the Bar Council of England and Wales

Serving justice – the work of a lawyer.

Christian influences on individual lawyers and the legal system.

Church and law in history: the Ten Commandments – opening the legal year – swearing oaths in court.

Christianity and the spirit of the law.

Valuing and respecting one another.

Discussion

What evidence can you find that the British legal system is based on Christian principles?

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Transcript

My name is Dan Brennan. I've worked in the legal profession for over thirty years, specializing in disaster cases, whether they be medical negligence or personal injury.

I'm currently Chairman of the Bar Council of England and Wales, which means that I represent all barristers. A barrister's work is to advise people and to represent them in court. In other words, to serve justice. For me and for many barristers, what we do is based upon our Christian beliefs. But those principles don't just influence individuals: Christian beliefs and traditions are at the very heart of our legal system.

In the past, it was a connection that would have been very clear. Indeed there was a reminder every time you went to church. You see, in the late sixteenth century, Queen Elizabeth the First decreed that every church should display these: the Creed, the Lord's Prayer and, above all, the ancient Jewish laws we know as the Ten Commandments.

Here in Lidbury, northern Shropshire, is one of the best surviving examples from that time. This one dates from 1615. Texts like these, put up in almost every church in the country, would have been a clear reminder to everyone of their duty both to God and to their fellow man - duties such as a respect for property, for life, for the sanctity of marriage and for truth.

Today there are still links between the law and Christianity that everyone can see. Every October, the legal year opens with a service in Westminster Abbey and every day in court witnesses swear on the Bible to tell the truth.

But the influence of Christianity on the law today goes much deeper than that. The spirit, rather than the letter, of the Ten Commandments, still gives us a profound respect for both the rights of the individual and for the sanctity of human life. It's taught us the value of each other, respect for each other, as Jesus said, "To love our neighbour as ourselves". With these principles in mind, over time, we have progressed to our present system, where fairness and justice are at the heart of it.

I believe in these principles. They have stood the test of centuries. I am convinced that they will prevail. Of course, we must change the way the law works wherever justice requires it, but Christianity and the diversity of religions we now have in this country, will continue to be the bedrock on which justice truly depends.

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Activities

1. “Justice for the Birmingham Six”
“Justice for the world’s poor!”
“All I want is justice!”
What do people mean when they use the word “justice”?
2. Jesus suggested that there was a way that went further than the Law seen in the Jewish scriptures. For example, he said, “*You have heard that it was said, ‘an eye for an eye and a tooth for a tooth’. But I tell you, do not resist an evil person. If someone strikes you on the right cheek, turn to him the other also. And if someone wants to sue you and take your tunic, let him have your cloak as well... You have heard that it was said ‘love your neighbour and hate your enemy’, but I tell you, love your enemies and pray for those that persecute you..*” (see Matthew 5:38-48)
Do you think it is really possible to use Jesus’s ‘laws’ in the real world?
3. Dan Brennan claims that “Christian ideas are at the heart of the British legal system.” Do you think that this is true?
4. Over 90% of cases in England are heard at some point in Magistrates’ Courts. When magistrates sentence offenders they will consider, among other things, the ideas of deterrence, retribution (punishment), compensation, protection of society and reform. Did Jesus think any of these three ideas were important?
5. Should you always obey the law?
6. In Genesis, the first book of the Bible, God’s first act is to separate Light from Darkness. In Revelation, the last book of the Bible, God is shown separating the Saved from the Wicked. The God of the Bible is seen as a ‘Righteous’ God – a God whose being is incompatible with darkness / evil. During the Middle Ages, God’s final judgment on humankind was often vividly pictured. Note that Kings, Queens, Bishops and other powerful people are shown as just as likely to end up in Hell as anyone else! If you were commissioned to paint a 21st century version of the Last Judgment, who would you depict being cast into Heaven / Hell?

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Activity 1

“Justice for the Birmingham Six”

“Justice for the world’s poor!”

“All I want is justice!”

What do people mean when they use the word “justice”?

Dictionary definitions tend to restrict the term to the administration of a legal code – the *‘exercise of authority or power in maintenance of right; vindication of right by assignment of reward or punishment; requital of desert. The administration of law. The infliction of punishment...’* In everyday conversation the term often refers to the strict / proper application of a country’s legal code. More broadly, though, it is often used as a synonym for ‘fairness’.

The two definitions are not necessarily identical, though! Think of all those people in the 18th century who were hanged for what we now consider petty thefts – or, conversely, the many examples of obviously guilty people who are freed because of legal technicalities.

On the other hand, ‘legal technicalities’ can be used by both sides in a case. Many folk tales delight in the idea of poor people, who have nothing but their wits to depend on, obtaining justice through their native intelligence. Younger pupils might enjoy hearing some of these tales – and then writing their own versions. For some examples see

- *‘The Clever Lawyer and the Cleverer Client’* (from Kashmir)
<http://www.koausa.org/Folk/Sadhu/16.html>
- *‘The Magistrate and the Little Boy’* (from Korea)
<http://www.csun.edu/~hcedu004/magistrate.html>
- *‘The Wise Girl’* (from Russia)
<http://www.geocities.com/Athens/Agora/5873/wisegirl.html>

Extension

Older students could discuss the difference between ‘justice’ and ‘fairness’. Which – if either – could be seen as the most ‘Christian’ response to a situation?

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Activity 2

Jesus suggested that there was a way that went further than the Law seen in the Jewish scriptures. For example, he said, “*You have heard that it was said, ‘an eye for an eye and a tooth for a tooth’. But I tell you, do not resist an evil person. If someone strikes you on the right cheek, turn to him the other also. And if someone wants to sue you and take your tunic, let him have your cloak as well... You have heard that it was said ‘love your neighbour and hate your enemy’, but I tell you, love your enemies and pray for those that persecute you..*” (see Matthew 5:38-48)

Do you think it is really possible to use Jesus’s ‘laws’ in the real world?

Jesus summarized the Law as ‘*Love the Lord your God with all your heart and with all your soul and with all your mind... Love your neighbour as yourself. All the Law and the Prophets hang on these two commandments.*’ (Matthew 22:37-40)

In doing this, he is quoting the Old Testament (Deuteronomy 6:5 and Leviticus 19:18). Although he appears to be keeping to the Law, Jesus’ instructions in the Sermon on the Mount are really very challenging. They would, if kept to the letter, destroy any secular legal system. If people forgave every offence against themselves, there would be no need for laws, courts or prisons!

The Hutterites

Is such an approach a real possibility? Few Christians have had the courage to try it out. The most successful are the Hutterites, who share all their possessions and are pacifists. Their only defence against violence, rape and theft is to move their communities; they will not resort to the secular legal system.

The Hutterites began in the 16th century and, after initially flourishing in Moravia, were savagely persecuted. In the 19th century they were reduced to a few dozen people. They have only recently flourished in the relatively benign tolerance of Canada. The Amish communities of America do not hold property in common but share a commitment to non-violence. They are most popularly known through Peter Wier’s film *Witness*. The whole film contrasts the radical Christian values of the Amish community with the violence of the surrounding society. The incident towards the end, where a group of Amish are taunted and react pacifically (only to have Harrison Ford wreck it all with his fists!), provides a good starting point for a discussion of the practicality of strict adherence to Jesus’ teachings. If you want to know more about the Hutterites, one of their groups has a website on <http://www.hutterites.org>

Extension

The informative Peace Pledge Union site at <http://ppu.org.uk/indexa.html> has many resources for use with young people, including lots of biographical information about people, both in this country and abroad, whose commitment to non-violence has put them in conflict with law.

- Pupils could research some of these biographies and turn the court appearance of their subject into a piece of short drama, with roles for the defendant, prosecution, witnesses and judge.
- Afterwards, the group could debate the particular case – and whether justice was done!

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Activity 3

Dan Brennan claims that “*Christian ideas are at the heart of the British legal system.*” Do you think that this is true?

A difficult question! In the 16th and 17th centuries there were disputes between Christians about tolerating diversity of belief and practice – religious tolerance has never come easily. This is one of the reasons why today’s legal system is explicitly secular.

Christian influence is noticeable, however, in particular laws. The ‘rules’ of war were influenced by a recognition that violence was forbidden by Jesus; the banning of slavery was largely brought about by Christian campaigners. Today Christians are involved in many campaigns that affect legislation – on abortion law and the status of the human foetus in medical research, for example. Other features of the British legal system – jury service for example – are not particularly Christian in origin. At the same time, the rituals of court, such as swearing oaths to be truthful on a holy book and the church services marking the beginning of the legal year, acknowledge the presence of a higher authority than human law systems alone.

Extension

Dan Brennan argues that the spirit of the British law is fairness and that this spirit is Christian in origin. Students might also like to consider the controversial application of Sharia law in some predominantly Islamic countries, where the link between the prevailing religion and the law is much clearer. The problem with such a system is that religious minorities or those of no religion can feel alienated from the legal system. However, the same could be said to apply to those of minority religions living under British law.

To take another example, some areas of Australia are considering formally recognizing traditional tribal law precisely because many aboriginal people feel alienated from the dominant legal system – spearing in the leg is seen as a much more culturally acceptable punishment than incarceration in a soulless jail.

Can the students identify the issues involved in this debate and explain what they feel about the implications?

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Activity 4

Over 90% of cases in England are heard at some point in Magistrates' Courts. When magistrates sentence offenders they will consider, among other things, the ideas of deterrence, retribution (punishment), compensation, protection of society and reform of the offender. Did Jesus think any of these three ideas were important?

Jesus clearly advocated endless forgiveness (see Matthew 18:21-22 '*Lord, how many times shall I forgive my brother...up to seven times? Jesus answered: "I tell you, not seven times but seventy-seven times."*'). Nevertheless, he was not afraid to be forceful where necessary. His rhetoric against the Pharisees, who had a reputation for following the law minutely, scrupulously and pitilessly, could be fierce (see Matthew 23.23 '*You snakes! You brood of vipers! How will you escape being condemned to hell!*')

Jesus seems to have varied his approach and language to suit the context. To those who were weak and broken he spoke words of encouragement, while to those who were secure in their self-satisfaction, his language was a tool to shake their foundations. It seems clear that Jesus saw human activity within the context of the righteousness and judgment of God, but his attitude towards human systems of punishment could be seen as negative (see notes for Question 2). It is difficult to imagine Jesus taking anyone to court!

On the other hand, Jesus was preaching a gospel of repentance and rebirth, and the gospels only relate to a short period of his life. A refusal to be involved in human systems of law and punishment is, perhaps, easier if you have no family, no home and no property, and if you and your followers believe that a radical change is about to take place in the world (e.g the events believed to be heralded by the coming of the Messiah).

What do you think?

Extension

Read the incident in Luke 22:19-26 Here his opponents are trying to trick Jesus into admissions of disloyalty to the state that would condemn him as a traitor.

What do you think the phrase 'Give to Caesar what belongs to Caesar and to God what belongs to God' means in everyday life? People sometimes say that the church should not get involved in politics. How can you distinguish between what is 'secular' and what is 'religious'?

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Activity 5

Should you always obey the law?

This question could be used as a basis for general discussion. It is clearly possible to imagine many situations where disobedience of law could, in fact, be the right thing to do. What are the implications of this? How are they different, or more or less effective, than using other, legal, means of protest?

The next step could be to organize a formal debate using a contemporary/particular situation. The IDEA Debatabase at <http://www.debatabase.org/> is dedicated to providing ideas and material for such debates. It gives, for example, arguments for and against the practice of civil disobedience at <http://www.debatabase.org/details.asp?topicID=86>

The question of ‘non-violent-direct-action’ has been highlighted by environmental and anti-globalisation activists.

Extension

Apart from straightforward criminality, questions of obeying the law are ultimately to do with attitudes to authority – and with conscience. Each of us respects some form of authority - even the greatest rebel accepts his or her own authority allowing any other form to be ignored! In faith communities throughout history, and today, tensions have arisen through different manifestations of conscience among their members.

So where does ‘authority’ come from? How is it known and understood? Will it succeed if imposed without consent? Can people accept authority from more than one source simultaneously? What are the different levels of authority that govern our lives? Jesus said ‘No man can serve two masters’ – what did he mean?

This is a deeply fruitful subject for a discussion, which could be started by brainstorming sources of authority and how the authority is established (by law, by personal respect, by tradition etc). Then try to establish a hierarchy of authorities, with the one for which people would be prepared to sacrifice most at the top. Give reasons for each. How has each authority been established? And where does your conscience fit in?

This activity could be done from several viewpoints, e.g. for individuals, for ‘everyman’ and for society, or for a specific topic.

Conscientious Objection

For an interesting specific example, the issue of ‘conscientious objection’ was very controversial in Britain during the First and Second World Wars. The law said that you must serve King and Country in time of war if called upon to do so. Some, notably Quakers, believed that under no circumstances could their conscience allow them to fight. In fact the principle of ‘conscientious objection’ was tolerated on condition that a price was paid either by imprisonment or by serving in a non-combat role, such as ambulance or rescue worker.

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Activity 6

In Genesis, the first book of the Bible, God's first act is to separate Light from Darkness. In Revelation, the last book of the Bible, God is shown separating the Saved from the Wicked. The God of the Bible is seen as a 'Righteous' God – a God whose being is incompatible with darkness / evil. During the Middle Ages, God's final judgment on humankind was often vividly pictured. Note that Kings, Queens, Bishops and other powerful people are shown as just as likely to end up in Hell as anyone else! If you were commissioned to paint a 21st century version of the Last Judgment, who would you depict being cast into Heaven / Hell?

[illustration of final judgement from <http://paintedchurch.org/doomcon.htm>]

Judgment of one sort or another, and particularly the Last Judgment, has always been a popular theme in art. It is used as a potent way of commenting on the social issues of the time and relating them to beliefs about God and the human condition.

As well as depicting *who* you might cast into Heaven / Hell, how might you depict a modern scene of heaven and hell to show what you think is good or bad about today's society.

Extension

The theme of final judgment – your life choices catching up with you - would work well for a poem or short piece of creative writing. What, in the end, do people hope for? Justice, or mercy? What do condemnation and forgiveness feel like? Does hope figure anywhere on the scene?

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Collective Worship - *YOUR JUSTICE*

Four students move forward to begin...

SPEAKER 1: This morning we are going to see a short video.

SPEAKER 2: Then we'll ask some questions about it afterwards to find out what you think about what's said in the video.

Show the video, which lasts about 4 minutes, then play the music as the four speakers begin addressing the students.

SPEAKER 3: Let's pretend for a minute that you are busy pinching someone's DVD player. Imagine how it would feel to be burgling a house. If it helps you to concentrate, close your eyes and try to imagine every detail.

SPEAKER 4: You've got in through a window and there is a really expensive looking DVD player in the corner of the living room. Easy to carry. Easy to get rid of. You'll easily get enough for it to pay for that bike you've been dreaming of buying for yourself. A bike – or something you really want. It couldn't be easier and you're certain you'll get away with it.

SPEAKER 1: (loudly) BUT SUDDENLY... !!!!

Everybody jumps!!

SPEAKER 1: ...there's somebody coming in. Must be the owner of the house.

SPEAKER 2: You try to scarper but they catch you!! And – worse luck - he's a big bloke and you can't get away from him! You put up a fight but he knocks you senseless.

SPEAKER 3: He gives you a serious belting that you're not going to forget in a hurry! Then drags you down to the station and hands you over to the police!

SPEAKER 4: There you are in a police cell – feeling very sorry for yourself. But your lawyer tells you that you can ask the police to charge the house owner with assault. He had no right to beat you up. Are you going to do it? Would that be fair? Is that true justice? Think about it.

The speakers wait 10-15 seconds before proceeding.

SPEAKER 1: Charging that man with assault... does that fit in with your sense of what is right and wrong – your sense of justice? What is your sense of justice? Have you ever thought about it? Maybe you should.

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SPEAKER 2: The man in the video - Mr. Dan Brennan said: "*The spirit, rather than the letter, of the Ten Commandments, gives us a profound respect for both the rights of the individual and for the sanctity of human life. It's taught us the value of each other, respect for each other, as Jesus said, "To love our neighbour as ourselves"*".

SPEAKER 3: Do you love your neighbour as you love yourself? That sounds a bit funny I know but the important question is - is that a good basis on which to make the laws of the nation? Do you even know what the ten commandments are?

SPEAKER 4: If you're not interested in the ten commandments or thing they're outmoded and old fashioned, then where do you get your sense of justice from? To put it really simply – the world is full of rules and regulations but what rules to do you really believe in and actually respect? Have a think about it.

The speakers wait 10-15 seconds before proceeding.

SPEAKER 1: Is it okay to steal as far as you're concerned? Is it okay to beat somebody up? Have a think about it.

The speakers wait 10-15 seconds before proceeding.

SPEAKER 2; Does what you think change if it's you that gets beaten up? Or if it's your DVD player that gets stolen? Have a think about it.

The speakers wait 10-15 seconds before proceeding.

SPEAKER 3: You might say – "some rules are stupid and irritating. That's when I ignore them." That's when they don't apply to you. Is that a good basis for making laws? On what principles would you make laws to make sure we live in a society that is just and fair? What are the rights of an individual?

SPEAKER 4: To finish off - let's think about a new law that might come in soon. To prove that you really love your neighbour as much as you love yourself – any one who buys a Mars bar from now on has to share it with everybody else in the room. Is that a good law? Is that just? Is that fair? Have a think about it.