



Lawyers' Christian Fellowship

NEWSLETTER

www.lcf.pnc.com.au

June 2001



THE PARADOX OF SUCCESS

Regent College Vancouver's Professor of Marketplace Theology and Leadership

DR R. PAUL STEVENS

will address this topic in Sydney on

**Tuesday 3rd July 2001
6pm-7.30pm**

Cost \$20.00

See enclosed flyer for details

Sponsored by Zadok and Macquarie Christian Studies Institute

Membership Fees for 2001 are now due

Please see the last page for details and a slip to return with your fees.

Religious Vilification

By the time that this newsletter reaches you two States—Victoria and Queensland will have introduced legislation relating to religious vilification. Modelled in part on the vilification legislation in New South Wales (which does not apply to religious vilification) neither legislation appears to have been the consequence of a recommendation of a law reform commission or similar body. Both appear to have had their origins in the respective Premier's offices.

The Victorian legislation at least had the benefit of a period of public exposure and response. Accordingly what will ultimately become law in Victoria differs significantly from the model legislation originally proposed. A concern of any vilification legislation for Christian groups is the possibility that it might infringe religious freedoms. A similar concern was expressed by Christian groups when the NSW legislature considered legislation on homosexual vilification that the legislation might prevent Christians from speaking out against homosexual behaviour. To date those concerns are yet to manifest themselves.

A significant difference between the Victorian and Queensland legislation is that the Victorian legislation permits as a defence "a statement, publication, discussion or debate made or held...for a religious purpose" (section 11 of the Racial and Religious Tolerance Bill). While a religious purpose is not defined it is likely to be broadly defined given the definition of "religious belief or activity".

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"God Messiah" Seeks Relief

What do you do as a judge when the applicant seeks relief on the basis that he is the "God-Messiah" of the Holy Bible?

That was the case pleaded by Chad Gabriel DeKoven in proceedings before the United States District Court (Michigan). The applicant a guest of the Standish Maximum Correctional Facility (in the US they must have facilities that do minimum correction) in a 125 page complaint sought the Court's ruling on the following questions:

1. Are the Countries of Israel, United States of America founded upon the Holy Bible?
2. If the United States, Israel, and Great Britain were founded upon the Holy Bible can any citizen or judge or congress or legislative body, or any human, make any rule or law that goes against what that Holy Bible says is God's law which has not been authorised to be made by "God" or "the Messiah"?
3. If the plaintiff can prove by scientific methods that he is the "Messiah", "the anointed one", the "Alpha and Omega", "God in the Flesh", that the Holy Bible says was to come, then can any court in the United States or Great Britain, or Israel refuse to grant the plaintiff the relief he requests in this petition.

(Continued on page 4)

The Inaugural Australasian Christian Legal Convention

On return from the inaugural Australasian Christian Legal Convention I was speaking to a client, who is an accountant, and informed him where I had been for the last four days. He responded "Was the cubicle big enough?". It is perhaps symptomatic of the portrayal of the legal profession and the esteem in which it is held by sections of the community that for some a Christian Lawyer is an oxymoron.

Yet the inaugural convention saw 125 lawyers including two from the UK and one from Papua New Guinea and 13 from New Zealand take time out from their busy schedules and devote their weekend to hear a variety of speakers, amongst them prominent lawyers, discuss :- what does the Lord require of Christians who are lawyers?

The Convention featured a packed programme of speakers. The Convention's principal speaker Dr Robert Banks, of the Macquarie Christian Studies Institute, presented a series of talks structured around the theme of integrity. Each of the studies examined the theme in the context of a particular biblical character. Examining our integrity with our God, Dr Banks examined the life of Job and briefly the more contemporary C.S.Lewis. On the theme of our integrity with our work Dr Banks explored the life of Daniel and finally on our integrity with our community Dr Banks examined the life of Esther. It was challenging to see Esther as an advocate for her community.

Members of the judiciary not only participated as speakers but also contributed more informally around the tables at meals. Sir Gerard Brennan, the former Chief Justice of the High Court, set the tone for the Convention with an opening address which challenged us as Christian lawyers not only to reinforce the highest ethical standards of his or her profession but also, where laws are unjust, to seek reform of those laws exhorting us:

"Is the Christian, and especially the Christian lawyer, entitled to advance religious values for consideration in this debate? Or does the existence of a pluralistic, secular society invalidate arguments based on principles derived from religious faith? Is there some reason why Christians should refrain from public expression of Christian values touching public issues? Surely, we are all citizens in a free democracy and all Christian and non-Christian - are entitled to advance and advocate principles in which we believe, provided they are not calculated to destroy the social cohesion of our communities. Perhaps we, and those who are not Christians, have over-reacted to the years when the values of the community were assumed to be what the clergy of

the more populous denominations declared they ought to be. Perhaps we have become loath to insist that Christian sensitivities be respected and Christian values be admitted for consideration in the formation of public policies. But Christian sensitivities are entitled to respect, just as the sensitivities of other religions or legitimate associations are entitled to respect. And while Christian values cannot demand public acceptance if a majority of the community otherwise determine, their inherent worth to the community has been demonstrated through the centuries by the civilizing influence of the church and by the Christian foundation of our legal system.

There is no reason why the Christian's voice should not be heard and, if Christian principles command majority support, they will be accepted."

His Honour Justice Paul De Jersey, the Chief Justice of the Supreme Court of Queensland, examined the role of the lawyer in the new millennium and in a similar vein to Sir Gerard Brennan stated:

We must as professionals remember our duty to the public, and our capacity to make valuable contributions in addressing issues of immediate concern to the litigating public, especially in relation to accessibility of justice, but more generally also, in areas of major social policy. And even if the public reaction in other respects, for a time, "appears" unsympathetic.

In concluding he stated:

Those people inclined cynically to condemn the legal profession generally, as a worthless collection of material self-seekers, should, if prepared to yield to rational assessment, be most encouraged by the fact of this Convention, and the very substantial number of lawyers attending it: not to holiday in Melbourne, not to gain a tax deduction, but genuinely to explore deep issues of personal and public commitment, with the ultimate view, through keen devotion to Christian precept, of better serving the people.

Individual seminars addressed a myriad of issues including ethics, the role of the criminal lawyer, the role of Christian law makers, the role of Christians in law reform, international human rights law, responding to abuse in our churches, aboriginal land issues and the role of peacemakers and restorative justice. The complaint of many was that there were so many seminars that they wanted to attend which they could not because they were on at the same time.

Many of the speakers even prepared papers for distri-

bution at the Convention. Many of these have been posted on the Convention web page (www.lcf.pnc.com.au/Convention.htm) to form a lasting legacy from the Convention and a resource and encouragement for future Christian lawyers. The bible studies that were used to commence each morning are also available from the website.

While Tim Costello presented a challenging after dinner speech reflecting on the parable of the good Samaritan, it was the hypothetical led by Murray Baird of Moores Lawyers (Victoria) that was the highlight for many. It was an entertaining and expertly crafted discussion on many of the issues that affect lawyers from day to day as Murray teased out the tension between the criteria used to measure the performance of the modern lawyer and the call to be compassionate and follow Christ. Murray was ably assisted by a panel of volunteers who were entertainingly led through a series of dilemmas.

In his opening address Sir Gerard Brennan foreshadowed the Convention's end when he said:

At the end of the Conference, you may find a concurrence on a variety of topics which Christian lawyers should be addressing but, whether that is so or not, each of you will deepen your conception of God and then acknowledge the ways in which your professional lives may help to realise your prayer: *Thy Kingdom come, Thy will be done be earth as it is in Heaven*. In this you will draw support and comfort from one another as you pray together and, in all humility, walk together on a journey of self-revelation.

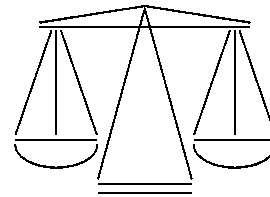
The response to the Convention by the attendees was overwhelmingly positive with participants expressing a desire that this not be the only Australasian Christian Legal Convention. The co-ordinators were very grateful to those who attended and participated, and prayed but most of all to God who through His Spirit blessed the Convention with a spirit of great unity and fellowship.

Lawyers of the Millennium

UK Law Gazette poll results for the "Lawyer of the Millennium":

St Thomas More 33%
 Lord Denning 27%
 Nelson Mandela 11%
 Gandhi 10%
 Henry II 5%
 Sir Edward Coke 4%
 William Blackstone 4%
 William Wilberforce 3%

Restoring Justice



**STOP DOING WRONG,
 LEARN TO DO RIGHT!
 SEEK JUSTICE,
 ENCOURAGE THE
 OPPRESSED.**

ISAIAH 1:16-17

The Manila Declaration

Founded by former United States presidential aid Charles Colson, in 1976 Prison Fellowship is an inter-denominational organisation that ministers to prisoners and their families around the world. In New South Wales it has over two hundred volunteers who correspond with inmates, visit inmates, and assist in running services in prisons. It also holds a camp in conjunction with Scripture Union each year for the children of inmates and it co-ordinates the Angel Tree project each year which delivers more than 8000 Christmas presents to the children of inmates.

Less well known is the pioneering work of Prison Fellowship through its affiliate Justice Fellowship in developing and promoting restorative justice around the world.

A sheet setting out some of the principles of restorative justice embodied in Prison Fellowship's Manila Declaration is included with the newsletter. **A more detailed booklet on the Manila declaration, including bible references, is available for free by contacting the editor.** Thanks to Prison Fellowship for making these available.

If you are interested in receiving Prison Fellowship's newsletter or praying or otherwise assisting its work (donations are tax deductible) then contact Ian Minnis on 02 97461788 or pfns@bigpond.com.

Contacting the Fellowship

The newsletter's editor is Steven Nicholson who can be contacted at mcphees@pnc.com.au or on 47511055 or POBox 4 Springwood, NSW, 2777 or DX 26729 Springwood.

Religious Vilification cont.

Defining what is religion and what is not is always a difficult task. The Queensland legislature appears content to leave that task to the court as it does not include a definition of religion notwithstanding that knowingly inciting hatred against a person on the grounds of their religion will breach the Act. The Victorian definition reads as follows:

"religious belief or activity" means--

(a) holding or not holding a lawful religious belief or view;

(b) engaging in, not engaging in or refusing to engage in a lawful religious activity;

It is difficult to determine what would not be caught by this definition. Presumably it is an offence under the Act to vilify or incite hatred against someone for not holding a religious belief. Agnostics and atheists can now sleep more comfortably knowing that they can no longer be vilified with impunity in Victoria. It will be interesting to see how the Courts interpret such a helpful definition of religious belief or activity. Perhaps it would just be simpler to have a general vilification law that does not require vilification to relate to any particular characteristic, orientation or belief rather than have an expanding multiplicity of vilification laws.

It may be the case that Queensland and Victoria will become the first states to introduce legislation against religious discrimination. given the healthy majority that the Governments have in their respective Parliaments. In the meantime the New South Wales Government is still considering the Law Reform Commissions report on the Anti-Discrimination Act .

"God Messiah" Seeks Relief cont.

The Plaintiff then listed a long series of petitions which happened to include a full pardon and a declaration that he is the Messiah or in lieu of that declaration tribute from the United States which included 500 pairs of mature breeding lake trout.

As the applicant had paid the filing fee the judge could not deal with the application under legislation designed to prevent the filing of frivolous applications by prisoners.

Instead, as relief was sought against the United States of America and Great Britain and Israel he found that actions could not be brought against these as they were entitled to immunity.

In respect of various alleged breaches of civil liberties the judge dismissed the application as it was based on fantastic or delusional facts. In support of this conclusion his honour cites a series of precedents (only in America?) to support the proposition that a complaint is frivolous where it takes as its factual basis the proposition that the plaintiff is a deity.

In concluding his twenty pages of reasoning the judge concluded:

"That courts devote substantial effort toward debunking such claims, albeit en route to summary dismissal, may seem to some an unjustified waste of judicial resources and an inappropriate dignification of allegations that should be rejected out-of-hand. However the fundamental right of claimants to their day in court—their opportunity to be heard—is so deeply ingrained in our judicial tradition that summary dismissal of even the most fanciful complaints requires genuine analysis and consideration. It is the judicial process that is dignified by such an effort, not the complaint itself."

Membership Renewal



Return to Naomi Stafford c/-
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Enclosed is my cheque for \$ being my membership fee for the 2001 year.

Membership fees:

Students	\$ NIL
Practitioners (under three years in practise)	\$ 20.00
Practitioners (over three years practise)	\$ 35.00
