



# Lawyers' Christian Fellowship Newsletter

www.lawyerschristianfellowship.org

May 2003

## Law Week Dinner

with the St Thomas More Society



Speaker

**Justice Dyson Heydon**

of the High Court

**12 May 2003**

Buena Vista Cafe  
Supreme Court Building  
7pm for 7.15pm

\$75.00 per person

RSVP  
Naomi Stafford  
02 92679800  
Level 5, 580 George St, Sydney

**BY 7 MAY 2003**

**Have you renewed your Membership**



## Christian Integrity in a Changing Society

Justice Keith Mason, President, New South Wales Court of Appeal.  
Presented at **Lost Ideals? - The Struggle to be a Christian Lawyer**  
Macquarie Christian Studies Institute 26 April 2003

Some mornings it is just harder to get up and go to work.

Lawyers are not alone in having such feelings. Those of us who are parents know that there are days when children don't want to go to school. A child once pleaded with his mother to be allowed to stay home. "The boys are mean to me. The teachers won't listen to me. Everyone talks about me behind my back." "I really think you should go", said his mother, "after all you are the headmaster".

There are times when each of us is ambivalent about his or her role as a lawyer. We feel isolated, disconnected and confused about our usefulness. It does not matter what part of the profession we are in.

With some notable exceptions, the portrayal of lawyers in television, film and popular fiction is largely negative. The lawyer is often portrayed as a boozy, unfeeling, gun fighter for hire who is at war with colleagues and clients and whose personal life is in disarray.

Our self-esteem, both individual and collective, is further undermined by a constant barrage of lawyer jokes. An academic study which you can find in (1995) 42 UCLA Law Review shows that many jokes liken us to rats, sharks, catfish and snakes. A common theme is the joke in which the subject has the choice between saving the life of a lawyer or that of a more desirable character like Hitler or Stalin.

Humour has many functions. Its psychological and sociological aspects include expressing aggression in an acceptable way. Humour also constitutes a form of group interaction which bonds the group internally and defends it against a perceived enemy. Nevertheless, it has been wisely suggested that "the real problem with lawyer jokes is that some people don't think they're funny, and some people don't think they're jokes".

Lawyer jokes usually reflect widely-felt attitudes towards law and lawyers. They give voice to the powerlessness that people feel in the face of the law. They express concrete grievances (genuine and otherwise). These include perceptions that lawyers are devious and untrustworthy, lawyers are obsessed with money, lawyers are incomprehensible, there are too many lawyers, and that "Justice is for Sale".

Little wonder we sometimes question our calling to be a lawyer.

Sometimes additional factors whisper their own doubts about reconciling our profession as a Christian with our profession as a lawyer.

My topic of Christian integrity in a changing legal environment suggests that we are dealing with a modern problem. In some respects we are. But there is a certain timelessness about the topic. Instances of lawyer-bashing appear in literature as early as

*(Continued from page 1)*

Plato's Dialogues. Hypocritical and pettifogging legalism were attacked by Jesus in Luke 11 and elsewhere. And lawyer jokes have been recorded at least as far back as Elizabethan times.

All departures from integrity are sourced in our human proclivities to do what we ought not to do; to fail to do what we ought to do; and to deceive ourselves in the process. Lawyers are in no special category here. Therefore, the starting point of any inquiry is to acknowledge that universal SINFULNESS means that everyone has failed and will continue to fail to act with complete integrity. This includes lack of complete integrity in our day to day working profession. Being a Christian is no antidote, although hopefully we have sharper diagnostic capacities and acuter means of seeking improvement.

This said, I want to explore tonight whether modern pressures exacerbate the difficulties in lawyers maintaining integrity and to raise some suggestions about what we can do about them. Hopefully this will give us something of a framework for the discussions which follow tonight and next Thursday.

Let me start by pointing to three relevant aspects of our changing legal environment. To use the language of a torts lawyer who believed in the doctrine of original sin, these are matters which increase the risk of us acting without complete integrity.

### 1. POST-MODERN CYNICISM

This phenomenon is reflected in many of the lawyer jokes. But it is just the legal face of a much broader attitude.

In its legal guise, post-modern cynicism views the law as a game, the client as a mere customer and the pursuit of justice as an illusion.

This widespread ethos constantly tempts us to downgrade the importance of our work.

### 2. THE CHURCH'S RETREAT FROM THE WORLD

In mentioning this as a second aspect of our working environment I do not intend to get into a debate about the "social gospel". I think the problem is more fundamental than that, at least in some branches of the Christian Church, including my own Anglican Church here in Sydney.

Time and again we are tempted to see our calling as lawyers as a Monday to Friday job, something totally divorced from our true or spiritual life. Many of us are adept at splitting our personalities in this way. But I place much of the blame upon those of our religious leaders and teachers who have a blinkered theology of everyday life. By what they teach and what they do not

teach they portray lay callings as ancillary and secondary; or worse, as diversions and deceptions.

### 3. THE PRESSURE OF MODERN LEGAL PRACTICE

We all have our own perspectives on this topic and one of the goals for this evening is to share and discuss them. From my perspective, modern legal practice places more extreme demands than in time past. These are because it is:

- fragmented by geography and specialization;
- highly commercialised;
- overly concerned with image; and
- extreme in the time demands that it makes of the practitioner.

### THE CALL TO INTEGRITY

Most of us here tonight are united by a shared calling to be a Christian and a lawyer. To our fellow travellers including Robert Banks and the Revs James McPherson and Roger Chilton I want to

give special thanks for showing by your involvement that you really care about us where we are placed.

Integrity of faith and works is a frequently-encountered biblical theme. We are to love God and our neighbour; and our professed belief is to result in an outpouring of love in action. In the words of James 2:26 "For just as the body

without the Spirit is dead, so also faith without works is dead".

For a Christian lawyer, the call to integrity is a call to wholeness, fit, coherence and effectiveness in belief, word and action. Integrity may produce right conduct in a specific situation, but the outcome must not be confused with that which produces it.

May I illustrate by melding the theological and legal notions of coherence.

Jesus taught that "No one can serve two masters" (Mt 6:24) in demonstrating that we cannot serve God and wealth. There is only one of us, and inconsistent demands for loyalty cannot both be met.

This is much more than a theological proposition. The rule of law has as a necessary corollary the proposition that the law must not be inconsistent in its demands. This unity of law is reflected in many key principles. These include doctrines of constitutional law which resolve questions of inconsistency between laws issuing from different sources and between stat-

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## OUR SENSE OF JUSTICE: EVOLUTIONARY ACCIDENT OR HARD WIRED?

*Part Three*

*continued from the last newsletter*

Justice Ken Handley AO, Judge of the Court of Appeal the Supreme Court of New South Wales,

How come then there is so much injustice, and so many unjust structures? The Christian explanation is that our free will enables us to reject God. If societies do this, and in particular if their power elites do this, and continue doing it, those societies will move further and further away from God's standards.

Our hard wiring cannot work properly without external power. When in the Lord's Prayer we ask God for our daily bread we are asking for His spiritual food as well. Just as we become physically weak if we are not physically nourished, you and I become spiritually weak if we are not spiritually nourished. We need to plug into God's power to reach our proper moral potential.

Up to this point I have concentrated on justice at the human level, what I may describe as horizontal justice. But what about the evil men who die in their beds while still in power like Stalin or Pol Pot, or the staff at Auschwitz or similar camps who escaped detection and punishment? What about those like Hitler who escaped human justice by committing suicide? Did Hitler simply disappear into oblivion? We feel strongly that there ought to be a next life so that people like this can receive there the justice they escaped in this life. The Christian world view is that there is justice in the next world, what I may describe as vertical justice.

As parents we want our children to treat each other properly and to show us love and respect. God the Father wants us to do likewise and thus we have the Ten Commandments and Jesus's summary which speak of our duty to love God and our neighbour. If there is a God whom we should love and respect, we should expect to find that there is a vertical justice system.

The Bible tells us that there is such a system with laws, a judge, justice, judgment, and punishment. Thankfully there is also provision for mercy. We are told that God will judge us impartially and that He knows exactly what we did and what our motives were. In the vertical system there will be no error and no such thing as the benefit of the doubt. I know

enough about myself to know that my conduct could not withstand the scrutiny of an impartial, infallible, all knowing, and utterly holy God. My only chance lies in God's mercy.

God invites us to put our faith and trust in His son, Jesus, and if we do He accepts us, in the beautiful words of the Anglican Communion Service: "... not weighing our merits but pardoning our offences". The method is simple and is available to children and persons with little or no education and of modest intelligence. It is also available to well educated intelligent adults. There is no discrimination and no favouritism. It is available to you.

Although He loves us, God cannot simply overlook the way you and I have treated Him and our neighbours. Somehow the demands of justice for the way we treated God and our neighbours had to be met, somehow the penalty had to be paid. If we were not going to have to pay it someone else had to. Jesus, the son of God, volunteered to take our place and pay the penalty. Only He was good enough, only He was blameless. Jesus on the Cross shows us not only how much God loves us but also how much He hates the way we have treated Him and our neighbours. God's mercy came at a great cost, and He paid it.

God's mercy depends on our attitude to Jesus and what He did on the Cross. We have to recognise that He did this for us and that we have a problem which He has solved. If we don't think we have a problem we won't understand the solution. If we know we have a problem but don't take advantage of the solution we will end up rejecting God's Son and God's mercy. We cannot expect to find some other way to God. If the problem was so bad that only the son of God could fix it there can't be any other way.

That is how in the vertical justice system mercy and perfect love have been reconciled with perfect justice. Down the centuries from the very beginning of the Christian era many have thought the whole idea foolish but God in His wisdom does not weigh our merits but through Jesus he pardons our offences.



### Lawyers' Bible Study

Meeting fortnightly on Friday from  
2 May 2003 5.30pm

St James Church, Parish Office  
1st Floor, St James Hall  
169 Phillip St, Sydney

study leader

**Bishop Ken Short AO**

contact W. Haffenden on 9223 8088

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ute and common law. Principles of interpretation emphasize that statutes and documents must be construed as a whole lest they be internally inconsistent. Common law principles develop in like manner. Very recently, in *Sullivan v Moody* (2001) 207 CLR 562 the High Court held that child welfare officers investigating allegations of sexual abuse owe no duty of care towards the adults alleged to have committed the abuse. The alleged duty owed to the adult suspect was incompatible with other duties owed by the public officers and could only be recognized at the price of fracturing the "coherence of the law" (at [55]).

These legal notions point to what I am getting at when I refer to integrity. It is the idea of wholeness or harmony. It means that the various facets of our life should fit together.

This may mean that our religious theories need to be modified or that our words and deeds need to be better reconciled with our professed beliefs.

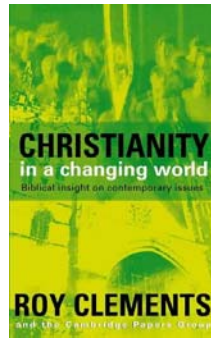
*To read Keith Mason's thoughts on what we can do as individuals in our changing society read part two in our next newsletter. If you cannot wait that long then read the paper online at*

<http://www.mcsi.edu.au/think/Christian%20Integrity%20in%20a%20Changing%20Society.htm>



or click on the link on the LCF website:  
[www.lawyerschristianfellowship.org](http://www.lawyerschristianfellowship.org)

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## Christianity in a changing world

edited by Michael Schluter  
Marshall Pickering, 2000 \$26-33

This book is a collection of papers from the Cambridge Papers Group, a group of Christians concerned to think Christianity on contemporary topics. That group includes Michael Schluter who recent visited Australia to launch his new book "The R Option".

Originally presented to a discussion group the papers were subsequently refined and published and a number of those papers have been collected in this volume.

Accordingly it is a diverse collection of topics that are covered from homosexuality, to the morality of rights, to the biblical ban on interest, to a theology of nations, to a paper on Jerusalem and another on engaging with cinema. Each of the authors are eminently qualified to address their topic. In some respects they are similar to the papers published by the Zadok Institute though the writers theological backgrounds would not be as diverse and generally the papers are shorter than Zadok papers. Surprisingly there is no paper by a female though there are two on their website authored by Margaret Wilson on painting.

While some of the papers have little direct relevance to our context— should we adopt the Euro and a paper on the disestablishment of the Church of England the majority are more universally useful. It is a useful companion to a more comprehensive and by necessity general work such as John Stott's *Issues Facing Christians Today*.

When I first learnt of the Cambridge papers the strength of the English pound and postage made them prohibitively expensive. Members will be delighted to learn that you can receive the papers free of charge by subscribing to them at the Cambridge Papers Website. There are also some recent papers that can be downloaded.

The website is:  
[http://www.jubilee-centre.org/cambridge\\_papers/index.html](http://www.jubilee-centre.org/cambridge_papers/index.html)

### Membership Renewal for 2003

I would prefer to receive this newsletter by email in Adobe PDF format and my email address is:

I am willing to receive reminders and notices from the Fellowship by email and my email address is:

Enclosed is my cheque for \$ \_\_\_\_\_ being my membership fee for the 2003 year.

<b>Membership fees: Students</b>	<b>\$ NIL</b>
<b>Practitioners (under three years in practise)</b>	<b>\$ 20.00</b>
<b>Practitioners (over three years in practise)</b>	<b>\$ 45.00</b>

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