



Lawyers' Christian Fellowship Newsletter

www.lawyerschristianfellowship.org

NOVEMBER 2004

Christmas Function

4 December
at the home of Greg & Beth Hammond



Living Advent-urously

Our speaker will be
Gordon Preece
the new director of
the Macquarie Christian
Studies Institute

contact Naomi Stafford for
details on 92679800

"Bringing a Christian Vision into Professional and Legal Practice"

Ian Barns
24 NOVEMBER
5.30pm

Toomey Pegg
Drevikovsky,
L. 25, 2 Park St
Sydney

A Prison with a Difference—the faith based model

Prisoner killed in Rimutaka Prison New Zealand—stabbed to death by fellow inmate. The email that had just come across my screen told the story of a prisoner brutally murdered by a fellow inmate—stabbed with a gardening fork. I stopped and prayed for the prisoner, his family and for the future of the faith based unit at Rimutaka prison. The new unit had only been open for just over six months—would this incident mark the end of the faith based experiment in New Zealand? Would the media have a field day with this incident? What makes Rimutaka Prison different is that it is part of a world wide movement of faith based prisons. It is a unit where inmates are treated with dignity. Where they are confronted with the harm they have done. Where they are encouraged to restore relationships with their victims, their family members and the wider community. It is where many learn about forgiveness and reconciliation. Where they meet regularly for prayer and bible study. Where they have mentors from local churches who will meet them at the gates as they leave prison and welcome them. It is where many will meet God for the first time. Where they will come to know His forgiveness, His love and the reconciling power of His Son's death on the Cross. Rimutaka Prison is a partnership between corrective services in NZ and Prison Fellowship and is the first faith based unit in that country.

The concept of a faith based prison had its origins thirty years ago in Sao Paulo's Humaita Prison in Brazil where corrective services in despair gave a Christian businessman the opportunity to take over a wing of the prison. That businessman introduced a radical program based on the unconditional love and the transforming grace of God. The recidivism rates dropped dramatically from 60-65% to 14%. This

(Continued on page 2)



THE FUTURE OF THE FELLOWSHIP

The Committee has been considering for some time how the Fellowship might best serve its members' needs.

In discussion with members, two themes have emerged:

- promoting networks of mutual support to grow in our Christian walk; and
- encouraging authenticity in our faith.

These deliberations have led us to arrange activities directed to those ends, such as:

- It would be a great encouragement for large numbers of members to attend the **Opening of Law Term Service** to support one another in a com-

(Continued on page 2)



A prison with a difference (Continued from page 1)

"experiment" has been reproduced in Ecuador and more recently in Texas, Iowa, and Kansas. In Texas where the unit has been running since 1997 the recidivism rate is 8% (two years after release) for those who completed the programme.

Prisons are a growth industry and increasingly big business. In New South Wales this year two new prisons have been opened as our prison population increased in the 2003 census to 8,796 inmates. That may not seem that many but twenty years ago the prison population was less than half that number. This is even with diversionary and other programs operating. This trend is likely to continue unabated as each election year the political parties try and out bid each other to see who can get tougher on crime. Unfortunately the rates of recidivism remain unchanged.

What most do not realise is that most of those inside our prisons are presently serving sentences of less than five years or are awaiting trial on remand. Just over seventy percent of prisoners have served a prior sentence in prison. The estimates of the annual cost of keeping a person behind bars varies but is probably in the order of \$50,000 per year.

I did not hear much more about the murder at Rimutaka—I set Google to email me if a media story ran on the murder. But all was quiet. Good news I hoped. I did not find out the end of the story until September when I attended the Pacific Caucus meeting of Prison Fellowship. I asked Kim Workman the director of Prison Fellowship in New Zealand what happened and he went on to tell an amazing story of God's grace in action. The inmate who had committed the murder had only just arrived at the unit and when he approached the victim he asked to have one of the tools. The victim politely declined as the new prisoner was not allowed access to the tools. The inmate took offence and without warning fatally stabbed the inmate with the pitch fork.

The other inmates were in shock at what had happened. The victim had been a quiet fellow and well liked. Kim went to meet with the victim's family and comfort them. It was an emotional time. The victim's family asked that Prison Fellowship conduct the funeral for the victim and that it be held in the unit at Rimutaka. It was a remarkable funeral service and both inmates and the prison officers were in tears with inmates leaning on officers for support in their distress. Inmates shared with the family in their loss and their remembrance of the victim.

A day later Kim received a call from the Commissioner for Police wanting to know what he had put in the water at the unit. The reason for his surprise was that normally when officers are sent to investigate a murder in a prison it is a formality—no one ever sees

anything that they will tell the police. Normally the investigating office will be out of there very quickly. But on this occasion the Commissioner was surprised to find that the inmates were queuing up to assist and the investigating officer was there for some time taking statements.

It is easy to despair as Christians when we see a problem such as that posed by our prison system. The challenge is to take what we know about human nature and about the redeeming power of our God and apply it in a practical way. The faith based prison concept is an example of how with God all things are possible.



(FROM THE CHAIR Continued from page 1)

mon commitment to serve God in our profession and to pray for the administration of justice and our professional colleagues at the beginning of a year. In 2005, the opening of Law Term Service will be on 31 January.

- We are investigating conducting workshops titled "**Christian Faith & Legal Practice**" in conjunction with Macquarie Christian Studies Institute. These workshops have been devised by Christine Parker and Ian Barns to encourage one another to bring our faith to bear intentionally and in practical ways on our daily practice of the law.

To introduce this concept and explore ways it might be implemented, there will be a presentation at the offices of Toomey Pegg Drevikovsky, level 25, 2 Park Street, Sydney at 5:30 p.m. on Wednesday, 24 November 2005.

Ian Barns, one of the authors of the course, will address the topic

"Bringing a Christian Vision into Professional and Legal Practice"

- Opportunities to meet for informal fellowship several times a year over an evening meal at a city restaurant.

It seems appropriate to start 2005 with the first of these **fellowship dinners** on 31 January, the day of the Opening of Law Term Service.

- We plan to revive the **Law Week Dinner** as an opportunity for fellowship and witness to

the profession.

In 2005, Law Week will commence on Sunday, 15 May.

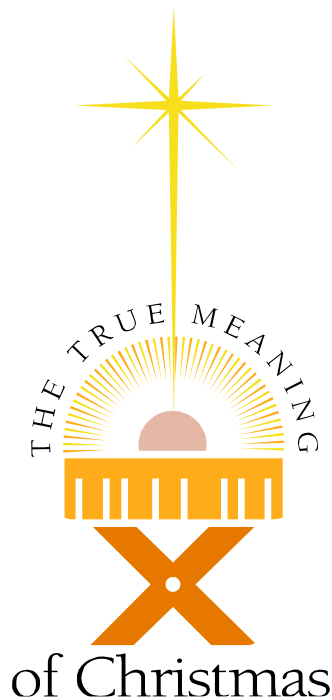
- We can take advantage of events such as the **Smith Lecture** and bible studies conducted by **City Bible Forum** to introduce our friends and colleagues to Christ.
- Occasional functions, at which speakers would address topics of general interest to Christians practising law.

Details of some of these events appear in notices elsewhere in this newsletter. Details of others will follow.

Please help us to help you by telling us your email address by sending an email to lcf@westnet.com.au.

Before leaving 2004, let me commend the Fellowship's **Christmas function** to be held at the home of Greg and Beth Hammond on the evening of 4 December. **Gordon Preece** of the Macquarie Christian Studies Institute will speak on the topic "**Lawyers Living Advent-urously**". I look forward to seeing you there.

Martin Drevikovsky
Chairman



Case note— hard choices? Good law?

Portsmouth NHS Trust and Derek Wyatt and Charlotte Wyatt by her guardian [2004] EWHC 2247 (Fam)

It is often said that hard cases make bad law. Though judges would probably retort that it is the knee jerk reaction of legislators to the publicity of hard cases that makes for bad law.

Justice Hedley, a judge of the High Court family division in England, has had to make a very difficult decision in a case that has attracted significant media attention in England. Charlotte Wyatt was born at 26 weeks, some 16 weeks premature. As a consequence her brain was damaged and had ceased to grow, her kidneys had severe problems and she experienced significant respiratory difficulties. She was blind, deaf and dumb and there was disagreement as to whether she could respond at all to her environment.

His Honour found that the medical evidence was that she would succumb to a respiratory infection in the near future and die. This was not a case about discontinuing treatment that was keeping her alive but rather about the extent to which medical intervention should occur to keep Charlotte alive. It was anticipated that her condition would deteriorate soon and that she would require artificial ventilation. The parents had indicated that this treatment should occur and Charlotte should have a tube inserted into her air pipe to facilitate artificial ventilation. The doctors did not want to perform this procedure and sought a declaration from the Court that it was not in Charlotte's best interests to prolong her life in this way.

The parents, both Christian, believed in the miraculous power of God to intervene in this situation and they believed that Charlotte was aware of them and that while there would come a time when they would know that she should be let die this was not the appropriate time and it was their decision to make.

His honour's comment in respect of miraculous intervention was:

The parents had also spoken of hoping for a miracle. By that they meant not only the theoretical chance acknowledged by the doctors but also a miracle born of divine intervention. However, Mr Wyatt agreed with me that that would be wholly unaffected by any order that I might make.

His Honour, Justice Hedley is also the President of the Lawyers Christian Fellowship in the United Kingdom.

In the end, after drawing on the Bland case (*Airdale NHS Trust v Bland* [1993] AC 789) and various sterilisation cases where the Court exercised its *parens patriae* jurisdiction (in this case the Court had jurisdiction under the English Children Act 1989), His Honour broadly granted the relief sought but emphasised that it was permissive only. His Honour made it clear it was

not a decision that he was comfortable to make and that if the staff in consultation with the parents thought it appropriate to undertake the procedure then they were at liberty to do so.

His Honour stated:

I have given this case my most anxious and closest attention. I am only too aware of my own limitations in making so momentous a decision. Yet in the end I have come to a clear view. Subject to two observations that I wish to make at the end of this judgment, I do not believe that any further aggressive treatment, even if necessary to prolong life, is in her best interests. I know that that may mean that she may die earlier than otherwise she might have done but in my judgment the moment of her death will only be slightly advanced. I have asked myself: what can now be done to benefit Charlotte? I can only offer three answers: first, that she can be given as much comfort and as little pain as possible; secondly, that she can be given as much time as possible to spend physically in the presence of and in contact with her parents; thirdly, that she can meet her end whenever that may be in what Mr Wyatt called the TLC of those who love her most. Although I believe and find that further invasive and aggressive treatment would be intolerable to Charlotte, I prefer to determine her best interests on the basis of finding what is the best that can be done for her.

In reaching that view I have of course been informed by the medical evidence as to the prospects and cost to her of aggressive treatment. I hope, however, that I have looked much wider than that and seen not just a physical being but a body, mind and spirit expressed in a human personality of unique worth who is profoundly precious to her parents. It is for that personality of unique worth that I have striven to discern her best interests. It is my one regret that my search has led to a different answer than that sought by these parents.

It is a decision, the implications of which this reviewer needs to contemplate further before he comes to any final opinion. Clearly the case raises issues about when a Court should intervene in the decision of two loving parents who want to give their child every opportunity to live. The parents however were not saying that they wanted to keep their daughter alive at all costs but that they would know when the time was right and at the moment it was not. The adoption of reasoning from the Bland decision regarding a "good death" is a matter of concern given the very different facts of that case. It is also clear that a matter of concern to the hospital was the cost of the further treatment and while His honour placed no particular weight on that submission there is of course the scope for hospitals to cease treatment as a cost saving measure particularly where resources are scarce. The publicity surrounding this decision could be used by administrators in hospitals who might threaten legal action and its attendant costs to the parents if they desired to pursue treatment the hospital did not want to undertake.

His honour's point that God can still intervene miracu-

lously regardless of the decision of the Court was also sensibly made. We can only pray that God does and at the least that when baby Charlotte dies it is in the arms of those who love her most.

The concern is that hospitals, keen to maintain their budgets and minimise expenditure, will use the threat of the type of litigation faced by the Wyatts to pressure parents of seriously ill children at a time when they are having to cope with the distress of an ill child. There is already a similar case in England which is likely to come on for hearing later this year.

The Boston Red Sox and the Problem of Evil.

What has the Boston Red Sox got to do with the problem of evil? Nothing unless you are Peter Kreeft one of the authors of Handbook of Christian Apologetics.

Concealed amongst the 400 pages of carefully thought out answers to hundreds of questions is the following paragraph from chapter 6 on the problem of evil:

"Theologians in Boston are developing a new argument for atheism" the argument from the seventy-five-year-long failure of the Red Sox to win a world championship—a failure marked by the weirdest, almost supernatural "bad luck" in baseball history. One wonders, however, whether a world with just one Red Sox championship in seventy-five years would be compatible with a good God? Would it require two? Three?"

Well the Boston Red Sox this year won the world series (the Americans seem to have forgotten that Australia won the Olympics in baseball). Being a Kreeft fan and having a long memory I emailed him asking the question posed by the above paragraph. He was kind enough to respond:

The Problem of Evil has been solved. The joy of 2004 is worth the pain of 86 years

If you have never read Kreeft he is the closest to a C.S.Lewis that I have found though Kreeft would say that he is but an apprentice to such a great. His "Between Heaven and Hell" (IVP), which is a dialogue between John F. Kennedy, C.S.Lewis and Aldous Huxley after their death which occurred on the same day, is a good place to start if you have not read him before.

If you would like to listen to him then go to — www.peterkreeft.com and follow the audio links to listen to some talks. There is an excellent series on four of C.S.Lewis' works and another on the Sea and Spirituality. Kreeft is a keen surfer as well as a Professor of Philosophy at Boston College.

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.

For more information regarding the Christmas Function contact Naomi Stafford at Emil Ford & Co on 92679800.