

## Jesus College, 2 November 2014 – ‘Law, Grace or Both?’

First, I would like to thank the Chaplain and the Principal for their invitation to be with you this evening.

Next, I should make one thing quite clear: in spite of the way I am dressed tonight, I earn my living as a lawyer, and have done for many years. But like the Reverend Hugh Price, one of the foundational figures in the life of your college, who persuaded Queen Elizabeth I to establish it in 1571, I am also a priest. But that’s probably the only thing I have in common with him!

I combine my work as a solicitor in private practice (advising the Archbishop, the Bishop of Oxford, churches, schools, academies and charitable trusts in the Church of England), with my life as a priest; it’s a slightly schizophrenic existence, which can attract raised eyebrows, and some ribaldry.

I well remember some graffiti I came across as an undergraduate: a naïve law student had enlivened a lavatory wall with the words ‘Lawyers are the cream of this University’, and another student, without doubt from a different academic discipline, had scrawled beneath – ‘Yes, too true - thick and rich’.

Lawyers have never had a good press. Famously, one of Shakespeare’s characters in *Henry VI* urges: ‘The first thing we’ll do is, let’s kill all the lawyers’; and Jesus pronounced serial ‘Woes’ on the lawyers of his time, who he said knew how to measure small fractions of herbs and spices in fulfilment of the religious laws of the time, but had lost the plot in relation to what he called ‘the weightier matters of the law’, the real and larger questions of ‘justice and mercy, and faith’ (Matt.23:23). Jesus picked up on the simplicity of the principles underlying the law, like the prophet Micah 500 years earlier, whose words we heard in our first reading tonight: ‘What does the Lord require of you, but to do justice, and to love mercy, and to walk humbly with the Lord your God’ (Micah 6:8).

[ Not that lawyers know *nothing* about moral issues. There’s the well-known story of the American attorney’s young son, who asked his father, ‘What’s an ethical dilemma?’ The father replied, ‘Well, son. Let me give you an example. A man walks into an attorney’s office and asks for advice. He is given the advice and asks what it cost. He’s told ‘\$100’, and he produces a crisp, newly printed \$100 note. The attorney gives him a receipt, and the client leaves. It turns out the note is so new it has another stuck to it. And here’s the ethical dilemma for the attorney: does he put the second \$100 dollar note in his own pocket, or does he share it with his partner?’ ]

Well, so much for lawyers! We frequently get in the way, and often seem to gum things up, though we’d all like to think that we bring clear thinking and incisiveness to the issues we deal with day by day. But my purpose is not so much to talk about lawyers, but about Law as a concept. It’s everywhere you look, and it takes an almost infinite variety of forms – criminal law, family law, contract law, charity law, education law, the law that relates to international treaties, constitutional law, and so it goes on. Whether it’s statute law, or common law, or the rules that govern clubs and societies, it’s all to do with the way we relate to each other. The whole concept of ‘the Rule of Law’ is a fascinating one, and not just for students of jurisprudence.

The question you have to keep asking when you begin thinking about Law is ‘What happens when you don’t have any?’ And the answer seems to be, ‘the Law of the Jungle takes over’. Might becomes right. Without legal constraints, the poor go to the wall (if they survive at all), and the weak and defenceless are left to the mercy of the brutal and violent. By contrast, the ‘Rule of Law’, theologians would say, is a gift of God – and although I’m well acquainted with Professor Dawkins’ views about ‘the selfish gene’, I have to say that my acquaintance with my own selfish genes doesn’t give me a great deal of confidence in the triumph of human altruism!

But the Rule of Law isn’t a simple concept. It begs a lot of questions about what gives the law its legitimacy, where its authority comes from, who gets to make it, what should it say, and why should we obey it if we don’t approve of it?

It really isn’t a simple idea at all. To take a current example, what are we to make of the so-called ‘Islamic State’? I haven’t the slightest doubt that its adherents and supporters fully and deeply believe that what they are doing is a legitimate expression of Muslim belief, and that they are called to re-establish the caliphate in the Middle East by whatever means they can, however inhuman and bloodthirsty. Let me say straight away that as someone who has lived in Muslim cultures and has many thoughtful Muslim friends and acquaintances, I don’t believe for a moment that that is what the Prophet taught – I think there’s no doubt that ‘IS’ is a criminal perversion of Islam.

And similarly, there’s no doubt about the genuineness of Adolph Hitler’s belief in the Aryan Master Race, that he could legitimately order the elimination of all those his perverted world-view considered inferior. The defence put up by those who carried out his orders was that they were acting lawfully, in fulfilling what the law and their place under it required. The Nuremberg Tribunal gave the lie to that defence, and our European understanding of Human Rights flows from that horrendous episode in 20<sup>th</sup> century history.

So the Rule of Law begs this question: where does law get its authority, its energy, from?

Only two generations ago, when Lord Atkin was enunciating a new law of negligence, in the famous case of *Donoghue v. Stevenson*, he based himself on what he called the ‘neighbour’ principle. He could do it in the fairly secure knowledge that people would recognize his allusion to Jesus Christ’s teaching in the parable of the Good Samaritan. There was a similar reference from Jesus’ teaching in our second reading tonight – ‘Love your neighbour as yourself’. (Luke 10:28).

But whereas Lord Atkin could be fairly confident that his hearers would recognise his allusion to Jesus’ teaching as part of a body of ideas that have permeated European culture for nearly 2,000 years, it’s far less certain that the people around us in Britain and Europe today would so easily recognise where the concept came from, or how it fitted into a wider body of understanding what it is to be human.

Whether we are talking about the Christian community in this country, or the Jewish community, Hindus, Muslims, Buddhists, Sikhs or any of the other faith groups we now have in our nation, the pressure to disconnect from our traditions in favour of a shallow, consumerist, often ‘virtual’ individualism is very powerful indeed.

One of the reasons that Muslim ‘radicalisation’ is such a potent threat may be because these psychopathic ideas – these perversions of Islam - are being sucked into a cultural vacuum, hollowed out by the loss of time-honoured values.

60 years ago, the Christian apologist CS Lewis gave a series of lectures published as *The Abolition of Man*. In them, he warned of the dangers that might flow from humanity losing its anchorage in the great value-systems of the major world faiths and classical philosophies – value systems to do with justice, mercy, human hospitality, neighbourliness, and so on. In a succinct appendix to his lectures, he set out some examples of what he called ‘The Tao’.

Each of these faiths and philosophies has its own slant on this timeless wisdom. But the core concepts are strikingly similar – and strikingly at odds with the ‘dog eats dog’ culture of our hollowed-out individualism. Ian McEwan’s recent book, *The Children Act*, is a good example of a judge wrestling in her conscience with a whole series of issues, professional and personal. It’s not an easy process, as he shows very vividly, and it’s not like ticking boxes or answering a multiple-choice exam; but Lewis’ point is that the resources are there in the great religions and classical philosophies at least to pose the some of the right questions, and offer some clues towards the right answers.

Let me end with a story. There was once a cabin boy, one of whose duties was to take an early morning cup of tea to the captain of the ocean going vessel they served on. The ritual was always the same. The little boy would struggle up the steep steps to the navigation deck and would offer the cup. The captain would thank him, take an appreciative sip, put his cup down and taking up his binoculars would survey the ocean. Then taking out a scrap of paper from his pocket he would consider it carefully and replace it in his pocket. The cabin boy was intrigued. What was written on that piece of paper that was so important?

One day he found out. The ritual followed as normal: the cup was presented, he was thanked, the ocean was surveyed and then came the moment as the scrap of paper was taken from the great captain's pocket. The captain gazed at it carefully and, at last, the cabin boy, craning his neck, saw the message. It read: “Starboard is right, port is left!”

The point is this: law alone is not enough. It needs to connect with moral content, and its moral content needs to have embedded in it the simple, foundational principles of our faiths and traditions. In the words of our first lesson, from over 2,500 years ago, ‘What does the Lord require of you but to do justice, and love mercy, and walk humbly....?’ Or as Jesus put it in our second lesson, responding to the young lawyer’s question: ‘Love the Lord your God with all your heart, and all your soul, all your mind and all your strength...and love your neighbour as yourself...*Do* this, and you will live’.