Adjudicating lawfully, justly, and mercifully

David d'Lima JP BTh Dip Ed

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Image based on the *King Solomon* Tiffany window, *circa* 1900

Will you to your power cause
Law and Justice in Mercy to be
executed in all your judgements?
- from the *Coronation Oath Act 1688*

Serving God within judicial process

Among God's many gifts is the human capacity for orderly governance and adjudication, which arise from God's great love for law, justice and mercy. So having authored those elements of righteousness, God shares them with mankind and gives wisdom for their usage - to promote harmony in society. Yet the application of righteousness is eroded, if we mis-read the Bible. So Christ's teaching *"do not judge, lest you be judged"* (Matthew 7:1) may be misunderstood to ban adjudication, though they are clarified by the saying: *"in the same way you judge others, you will be judged"* (7:2), and by his approval of *"the magistrate ... the judge ... and the officer"* (Luke 12:58).

Paul's teaching that Christians ought not to *judge those outside the church* (I Corinthians 5:12) is also easily misinterpreted. In truth, his point was that the judgement of spiritual issues must occur in Christian contexts, and does not bind unbelievers. Paul in fact promoted the enforcement of right order by the governing authorities (Romans 13:1-7). So he encouraged Titus (3:1) *remind the people to be subject to rulers and authorities* - and urged him: *do everything you can to help Zenas the lawyer* (3:13). Additionally, the warning by James (4:12) - *who are you to judge your neighbour?* - cautions against *slander* and presumption, without denying the value of the courts.

But divine interest in earthly adjudication is not simply to enable good order. A greater aim is to enable testimony of the impending heavenly adjudication, *for we will all stand before God's judgement seat* (Romans 14:10). So our judges, magistrates, prosecutors, defense counsel, jurors, lawyers, sheriffs, coroners, forensic scientists, and justices of the peace, must strive to serve lawfully, justly and mercifully - to enable profoundly prophetic testimony.

Lawful adjudication and the wisdom of God

Recognising that *there is only one Lawgiver and Judge* (James 4:12), all who serve in court are not simply handling civic legislation, but are borrowing and applying divinely appointed justice. Such adjudication occurs to honour God and relies on his enabling, as noted in the judicial instruction given in the Ninth Century BC by King Jehoshaphat - whose name means "the LORD is Judge":

> *"Consider carefully what you do, because you are not judging for man but for the LORD, who is with you whenever you give a verdict. Now let the fear of the LORD be upon you. Judge carefully, for with the LORD our God there is no injustice or partiality or bribery"* (II Chronicles 19:5-6).

Special attire, furnishings and buildings help to assert the impartiality and majesty of the law. So the traditional use of wigs and gowns by legal officials upholds the office, not the person, and enables them to maintain professional separation from wider society. Moses was in fact instructed: *"Make tunics, sashes and headbands for Aaron's sons to give them dignity and honour"* (Exodus 28:40). Years later, the Queen of Sheba visited Solomon and was *overwhelmed* to see the *attending servants in their robes* (I Kings 10:5). Further, Solomon built *the Hall of Justice, where he was to judge, and he covered it with cedar from floor to ceiling* (7:7). His great throne featured ivory and gold, and *twelve lions stood on the six steps* (10:19-20).

Yet *contempt for the judge* might occur in disregard of majestic situations, and is a wrongdoing which we *must purge*, so that *the people will hear and be afraid, and will not be contemptuous again* (Deuteronomy 17:12-13).

Likewise, legal practitioners must carefully avoid eroding the dignity of the court. They ought to avoid emotion, such as laughing, joking, or shouting. The judge especially must calmly and impartially preside in the court and avoid any political debate or public controversy. The example of Jesus Christ, who *will proclaim justice to the nations*, is noteworthy - as he *will not quarrel or cry out; no one will hear his voice in the streets* (Matthew 12:18-19).

More valuable than regal behaviour, clothes or buildings is wisdom gained by prayerful study. Solomon therefore prayed: *"give your servant a discerning heart to govern your people and to distinguish between right and wrong"* (I Kings 3:9). So he received *wisdom from God to administer justice* (3:28), having prayed and engaged in scholarly pursuit: *I devoted myself to study and to explore by wisdom all that is done under heaven* (Ecclesiastes 1:13).

Justly adjudicating within the criminal justice system

Judges and jurors must not be swayed by public opinions, but should apply unchanging justice, serving God and society. Hence Moses urged the judges: *Do not show partiality in judging; hear both small and great alike. Do not be afraid of any man, for judgement belongs to God* (Deuteronomy 1:17).

A similar exhortation is provided in Proverbs 24:23-25: *To show partiality in judging is not good: Whoever says to the guilty, "You are innocent" - peoples will curse him and nations denounce him. But it will go well with those who convict the guilty, and rich blessing will come upon them.*

Moses also urged the people: *do not pervert justice by siding with the crowd* (Exodus 23:2). So jurors should consider their verdict aside from outcry or media speculation. Nor should judges be elected, but appointed to long-term positions, like Samuel who served life-long as Israel's judge (I Samuel 7:15).

But long-term perspective must not delay justice without good cause, since court hearings and judgement should occur expeditiously. Solomon therefore stated: *When the sentence for a crime is not quickly carried out, the hearts of the people are filled with schemes to do wrong* (Ecclesiastes 8:11). Hence the saying attributed to William Gladstone: *Justice delayed is justice denied.*

Exercising mercy within legal proceedings

While unnecessary delay should be avoided, the time taken by legal hearings may in fact arise from procedural mercy: as righteousness cannot be hurried, merciful judges may give latitude if the prosecution or defence needs more time to prepare. Further, the court may grant mercy (as far as the law allows) having considered the offender's guilty plea, contrition, life circumstances, character, and prospects for reform, when imposing or suspending a sentence - as King David mercifully judged to remit a death penalty (II Samuel 14).

Other instances of discretionary adjudication to grant mercy are as follows:

- A police officer may warn an offending driver instead of issuing a fine;
- Licensing bodies can grant dispensation, to uphold the spirit of the law;
- A magistrate may temper a victim's claim - as commended by the precept that where *there is no serious injury*, an offender may be fined whatever the claimant demands, insofar as *the court allows* (Exodus 21:22);
- Appeal courts can graciously review cases of alleged unsafe conviction.

Encouraging God's people toward service in the legal profession

Christian people are greatly needed to help obtain justice in the community. This is because the comprehension of justice is undermined by sinful action. Hence - *evil men do not understand justice, but those who seek the LORD understand it fully* (Proverbs 28:5). Furthermore, according to Job 9:24 - *When a land falls into the hands of the wicked, he blindfolds its judges*. Yet a gracious restoration promise given by God to a repentant people is that *He will be a spirit of justice to him who sits in judgement* (Isaiah 28:6).

God's people have therefore so enriched the legal tradition in the nations of Christian foundation that the civic systems in Western lands are grounded in biblical precepts. Britain has especially applied Godly wisdom in shaping the many Commonwealth nations and the USA. Further, the Crown-honouring countries such as Australia, Britain, Canada and New Zealand entrust their governance to monarchs who swear a Christian Coronation Oath to uphold *Law and Justice in Mercy*. Serving as would the monarch, the justices in such lands pledge to do what is right, *without fear or favour, affection or ill-will*.

Realising the prophetic potential of the court

When courts operate with complete diligence, they promote good order and profoundly prefigure the *great white throne* judgement (Revelation 20:11). Legal process therefore has a practical and prophetic value, as Jesus stated:

> *"As you are going with your adversary to the magistrate, try hard to be reconciled to him on the way, or he may drag you off to the judge, and the judge turn you over to the officer, and the officer throw you into prison .... until you have paid the last penny"* (Luke 12:58-59).

So detailing the assertion that Christ Jesus *will judge the living* ("the quick") *and the dead* (II Timothy 4:1), Charles Wesley (1707-1788) commended due diligence to us all, and perhaps especially among practitioners of the law:

Thou Judge of quick and dead, Before whose bar severe,
With holy joy, or guilty dread, We all shall soon appear;
Our cautioned souls prepare, For that tremendous Day,
And fill us now with watchful care, And stir us up to pray.

Family Voice AUSTRALIA
4th Floor, 68 Grenfell St, Adelaide SA 5000
ddl@fava.org.au www.fava.org.au
Phone: +618 8223 6383

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