

VICTORIAN CHRISTIAN LEGAL SOCIETY

RECONCILING CHRISTIAN PRINCIPLES WITH THE PRACTICE OF THE LAW

I am often asked by law students about how I can reconcile Christian principles with the practice of the law.

Another question I get is whether I can recommend a Christian firm, because that is where the students want to work.

I accept that the motivation of the questioners is pure, and that they are genuinely searching for a career in the law that they can combine with Christian principles. I suppose what I really want to do is to dismantle the question and reconstruct it. Lawyers do that sometimes. Politicians too. They re-engineer a question in a form that suits them and for which they have an answer.

I recast the questions as follows:

- 1 What is there to reconcile?
- 2 Why work for a Christian firm?

First, the issue of “reconciliation” of the practice of the law with living a Christian life. The assumption underpinning the question is that there is some fundamental inconsistency between our duty as lawyers and our requirement to live a Christian life. They sometimes refer to a “moral compass”, as if to suggest that lawyers need direction to find a way out of the maze.

The suggestion appears to be that being a lawyer requires the telling of an occasional lie or doing something dishonest in the interest of the client. Regrettably, in some circles lawyers do have a poor reputation as a group. I do not think that we deserve it, but I am bemused by the number of people, often perfect strangers, who want to share a lawyer joke on meeting me at a party.

I can illustrate this prejudice with a story. A primary school teacher took her class to a cemetery as part of a history lesson. One boy saw a gravestone that read “here lies a lawyer

and an honest man.” He called out to the teacher “Look Miss, there are two people buried in this grave!” Very sad.

A Christian is obliged to obey God’s law. The ten commandments are a good start. These are basically reproduced in man’s law, such as “thou shalt not kill; thou shalt not steal.”

A lawyer owes a duty to obey the law, a duty to the court and a duty to the client – in that order.

I have never had any difficulty reconciling my Christian beliefs with my duty as a lawyer. I have not heard any other lawyer complain about being paralysed by conflicting duties.

But that does not mean being a Christian is irrelevant. Far from it.

I offer some commentary on the way in which Christians can make a difference to the practice of the law.

The main point is that we should not underestimate the effect we have on our clients’ conduct and attitudes. When a client tells a lawyer about a proposal to do a shady deal the silence of the lawyer can be misinterpreted by the client. If a lawyer says nothing the client might well be encouraged to proceed. On a more damaging level for the lawyer, the client might also consider that the action was on legal advice. In other words, the client could think, and could tell the world, that he or she acted on legal advice.

Joseph Allegretti wrote an article called “Lawyers, Clients, and the Covenant: A Religious perspective on Legal Practice and Ethics.” He suggested a moral covenant with the client. A contractual model is inadequate as minimalistic. It does not cater for the lawyer going the extra mile with the client.

Getting back to the question about a Christian working as a lawyer, I mention two examples of how this question might arise in practical terms. Ethics are difficult to discuss in a vacuum. These are two starters.

The first is the age old question “how can you defend a person who is guilty of a crime?”

I suggest that the question betrays a misunderstanding of the lawyer’s job. A good way to illustrate is by reference to John Mortimer’s statement in his book *Clinging to the Wreckage*.

He says that a British criminal trial is not primarily an investigation to discover the truth, although truth may sometimes be disinterred by chance. A criminal trial is a test of the prosecution evidence, a procedure to discover if the case against an accused person can be proved beyond reasonable doubt. There is a presumption of innocence, and every person is entitled to a fair trial.

So the job of a criminal defence lawyer is to test the evidence, not to defend a guilty person. That is, of course, subject to the overriding principle that a lawyer cannot lie to the court, and cannot help a client to lie.

Incidentally, in the course of my conversations with law students I have discovered that not all law students have heard of John Mortimer QC or of Rumpole of the Bailey, the character he created and which was a famous series on BBC television.

One law student who had not heard of Rumpole urged me to watch Suits, an American series in which lawyers are rewarded for deception. I prefer Rumpole as a better guide to our own system of law as well as a better illustration of practical ethics.

The second example is one we can discuss in detail as it does highlight how a Christian lawyer can, and should go that extra mile.

When a client wants to leave his children out of the will the lawyer can, like a good friend, ask the client why he or she wants to do that, and engage in conversation.

So how can the Christian lawyer add spiritual value to the relationship with the client?

I was impressed to read that Pope Francis, who was once a teacher, freely admits that he learnt much from his students. One thing I heard from a law student was that a Christian lawyer brings hope. I liked that.

There is no reason why, at the end of a conference, the lawyer cannot ask the client how the business is going, and ask whether the family is well. If the client has a difficulty, perhaps with the business, the lawyer can give reassurance that the client is not alone; that many in the commercial community are experiencing the same difficulty. Even a small amount of encouragement will be appreciated.

Negotiations are interesting. I remember a passage from Thomas Shaffer's book about two Amish farmers building a fence between their properties. One asks where the boundary is and the other replies "wherever you say it is, brother." That places intense pressure on the neighbour to be honest and do the right thing.

At the same time, it does not follow that a Christian should just accept whatever comes his or her way.

Sometimes when we are hurt, for example in business, we might feel that we are less than full Christians. We might sympathize with President Kennedy, who famously said "forgive your enemies, but don't forget their names."

Which brings me to a fallacy based on the directive to Christians to "turn the other cheek."

It might be believed by some that this means a Christian is encouraged to be weak, and to take whatever is served out and more. I cannot agree. The best interpretation I have heard of that passage is that it needs to be read in the context of the culture at the time. When a master struck a servant he would do so with the back of his hand. That illustrated that the servant was beneath the master, and that the strike was a gesture of contempt. The servant was encouraged to turn the other cheek, so that the master would strike him with the same hand but this time open – as he would when striking an equal.

Moving now to the second question, being why work for a Christian firm, there is once again a misconception here.

It is that only in a Christian firm can a Christian lawyer thrive, and only in such a firm can the lawyer feel comfortable.

Nelson Mandela, a tribal chief who worked as a lawyer when he was a young man, tells how he felt at ease working in firms of Jewish lawyers because, as he said, Jews understand prejudice.

Dealing first with the element of comfort, I am sorry if I am the bearer of bad tidings but there is no question of any lawyer being comfortable in the law, just as there is no question of a Christian being comfortable in the faith.

The point of being a Christian is not just about achieving internal peace of mind. Being a Christian involves being in a relationship, and relationships need work. The peace of Christ is a challenge, not a tranquilizer.

As the saying goes, “may the peace of Christ disturb you.”

CS Lewis in his book *Mere Christianity* expresses it beautifully. He invites us to imagine ourselves as a living house. God comes in to rebuild it. At first all fine, with small repair jobs being done. Then He starts knocking the house about and it hurts. That is because he is building a palace. He intends to come and live in it Himself.

The assumption seems to be that lawyers who are Christians are good people while others are not. Let me say that I have seen lawyers who are not Christians behave with the utmost integrity, and I have seen lawyers who are Christians (at least on Sundays) do some pretty ordinary things.

Now for the law graduate who wants to work for a Christian firm. My advice is that a law graduate should work for and learn from a good lawyer. If that lawyer is a Christian then well and good. But the focus must be right.

Indeed, some would actively encourage Christian law graduates to seek out firms with a broader cultural base.

Remember that God works through people. It is all very well to share Christian values within a firm. It is just as useful, for the general good, to share them with people of other faiths or non believers (such as members of the Atheist “church”.) I do not mean “bible bashing”. There is, for me, nothing more off-putting than people on the street corners with loudhailers telling us to believe the bible. I admire their courage but not their judgment. What I am talking about is working with others and trying to lead by example. This acknowledges that we are all flawed individuals, but those around us understand instinctively when we are trying. When things get tough for them we may find that they seek us out for guidance.

Then we come to the cross, an image familiar to us.

I am indebted to homily of a young priest for this illustration.

We all have a vocation. It might be parenthood. It might be a religious vocation. It is like a vertical beam which goes straight up towards what we are striving for in our spiritual life.

We also have a career. That is like a horizontal beam, stretching across into different areas of our society.

The two beams combined form a cross. It is that cross that inspires us in our lives, namely in our vocations and our careers.

This image can help answer both of the questions we started with. How can we reconcile practising law with living a Christian life? To the extent that any reconciliation is required we can accommodate it so long as we bear in mind that that our first duty is to our Christian principles.

So should you work for a Christian firm? Once again, the important thing is to maintain your principles and live as a Christian. If you do that in a non-Christian environment you will be just as valuable to the community; indeed you have a real chance to lead others to faith by your example.

I hope that this presentation stimulates debate. Other lawyers will have their own experiences. This can be an ongoing discussion, with everybody pitching in. That way we can learn from each other and also offer that mutual support we all need to continue on the journey.

As to any yearning for a comfortable spiritual and professional life I repeat the words “may the peace of Christ disturb you”.

This is no time for any of us to feel comfortable. Christianity is under siege by a loud and aggressive minority. Those promoting traditional values are shouted down.

We are called to lead the way by example, and we are offered an effective opportunity to do so in the workplace.

We should not underestimate the positive effect we have on friends and colleagues just by leading Christian lives.

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