

## ***Address for Opening of the Law Year***

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### **Justice and Mercy**

If you asked most Australians what, according to the church or the 'professionally religious', is the worst kind of sin, they would probably say "sexual immorality". Even if you have a reasonable acquaintance with the Scriptures you still may, like most Australians, be quite surprised to know that the Bible, while certainly taking personal behaviour seriously, says a great deal more about, and saves its really big guns for, the immorality of injustice, and abuse of the poor and powerless.

Our desire for justice is very deep-seated: we like to see ourselves as Australians as a society which believes in a "fair go" for everyone. So this should be a message that resonates with us. Of course we don't have a monopoly on it – communities everywhere and through history have aspired to a society where there is justice, things are put to right, and there is peace and hope and prosperity for all of 'us' (even if we are not so sure about the "them").

We are, each of us, here today because we are in the legal business in one way or another. So we will have more than a passing interest in the questions of justice that are raised by the passages we have just heard: and it's a good time to pause for a while to consider them as we meet at the beginning of the Law Year. Each of the passages challenges us with the question: how should we then live, individually and corporately?

This is a constantly recurring theme throughout Scripture. The prophet Micah in the Old Testament says in that familiar verse: "He has shown you, O man, what is good. And what does the Lord require of you? To do justice and to love mercy and to walk humbly with your God." (Micah 6:8)

### **Do justice**

Isaiah begins with some urgency in chapter 58 with the words of the Almighty God: "Shout it aloud, do not hold back. Raise your voice like a trumpet. Declare to my people their rebellion." [verse 1]

And what needs to be shouted out? Your religious practices - your fasting, your visible sign of repentance - God does not even notice! Because true religion, says the Lord God, "is it not to loose the chains of injustice and untie the cords of the yoke, to set the oppressed free and break every yoke?"

The prophet Amos, too, brought God's word of judgment against the injustice and hypocrisy of his day - "I hate, I despise your religious feasts; I cannot stand your assemblies... But let justice roll on like a river, righteousness like a never-failing stream!" [Amos 5:21-24]

Isaiah's challenge is corporate, not individualised: it is a message to 'my people'; a people who day after day seek out their God; they ask God "for just decisions and seem eager for God to come to them" (v 2). So what is the true religion that God wants? "...to share your food with the hungry and to provide the poor wanderer with shelter..."

Today I don't think it would be particularly radical for critics to say that mentioning justice for the poor and oppressed, and our legal system, in the same breath borders on the oxymoronic. But of course, those of us who are practitioners of the law know why it is often the case that it is only the wealthy or corporates who can afford the high price of justice. How can we advocate for the poor or support the worthy causes? How are we to do justice? How can we do as Proverbs challenges, and: "Speak up for those who cannot speak for themselves, for the

rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy.” (in chapter 31)

These words are not just for lawyers of course: they are for everyone: but some of us - lawyers in particular - have the skills, the access and often the influence to be in a unique position to be able to help those in need. And the legal system in many countries has been used effectively to defend the rights of the poor.

I visited Thailand about a year after the Tsunami hit on 26 December, 2004. We were able to see some of the rebuilding of Phuket and then travelled the hour north to Khao Lak beach to see the memorial to the 5 thousand people who died that day - the Navy patrol boat sitting high and dry a kilometre from the beach: but what was even more disturbing to me were the luxury houses and resorts rising up on the beachfront - and the vacant land where the poor, displaced people used to live - before the survivors were removed to camps and temporary shelters - but not allowed to rebuild their houses; often because they were unable to provide evidence of land title. Abandoned in no-man's land without rights. But advocating for the poor is often not a safe thing to do. It is one thing for international aid organisations to provide welcome emergency assistance and temporary housing for the survivors of the tsunami: it is a different thing altogether to try on behalf of the powerless to resist the powerful vested interests of wealth and political influence.

You might have seen reports last year about the time that the U2 frontman, Bono, spoke at the Washington DC prayer breakfast – a big event in the US political calendar. Bono quoted this passage from Isaiah (verse 8 of chapter 58): “... if you loose the chains of injustice and share your food with the hungry and provide the poor with shelter” – then “your light will break forth like the dawn, and your healing will quickly appear; then your righteousness will go before you, and the glory of the Lord will be your rear guard. Then you will call, and the Lord will answer; you will cry for help, and he will say: Here am I.”,

“What it means” Bono said: “is if we do God’s business, God will be more in ours. It literally means God will watch your back. I really love the street aspect of that.” So, as Bono puts it, if we do God’s business, God will be more in ours: and will watch our back.

It seems even in Isaiah’s day being in this business was a dangerous game. Advocating for the powerless can be costly: rarely do governments, or the powerful, like it – even in our own country: you might have noticed a couple of weeks ago how the new Federal Government announced that it was removing the “gagging clauses” from government contracts with charities. It was the case in many parts of the sector that charitable organisations were threatened with losing their funding for the delivery of social welfare services if they openly criticised government policy.

I was in Santiago, Chile, some years ago visiting an urban project run almost entirely by women for women. The project involved training these women, who lived with their families in the packing-case shanty town right on the edge of the city – these women who had received no education and were not employable: to be child care and aged care workers; in hospitality, and even as electricians. I had been asked to speak at their graduation ceremony and hand out their certificates. But I was very glad I had visited their homes earlier that day, and was able to appreciate the miracle of their achievement as they stood proudly with their families, in their Sunday best, with tears in their eyes.

But what I most remember about that visit was the woman who ran this project, a very small but very formidable woman: her husband also one of the ‘disappeared ones’. Advocacy for these women during the darkest days of the Pinochet regime as their husbands and sons were taken away, never to be seen or heard of again: these women sat in sewing circles telling their stories visually in their appliquéd mini banners – which were then smuggled out to spread the message to the outside world of the injustices being perpetrated against the people. The women showed me their work, and told me how they would watch out for the

soldiers, and when they came, would hide their work under their mending, only to continue once the soldiers decided their needlework was harmless.

Isaiah says that if we advocate for the poor, God will cover our back. If we cry for help, He will hear us. The implication is: we will need it.

But there is more to it in the conclusion to this passage. Isaiah tells us that there are corporate consequences of doing right. If “you spend yourself in behalf of the hungry and satisfy the needs of the oppressed then your light will rise in the darkness...the Lord will guide you always” and in words which surely resonate with us, “he will satisfy your needs in a sun-scorched land...you will be like a well-watered garden, like a spring whose waters never fail; and you will find your joy in the Lord.”

The call here is to fight for justice, but paradoxically we don't always want justice - personally we need mercy.

### **Love mercy**

I'm sure Jesus meant his words recorded in chapter 25 of Matthew's gospel to be heard against the backdrop of Micah and Amos and Isaiah: as Jesus tells it, what is the criterion for judgment when the Son of Man comes in all his glory at the end of time? What is the measure to separate the peoples into those who receive the inheritance, the kingdom prepared for them since the creation of the world, and those who are cast into outer darkness? Jesus' answer is surprising, not quite what the people in his story, not his hearers, were expecting.

The American writer and commentator Jim Wallis (the author of *God's Politics* – who will be visiting us in Australia again later this year) is based in Washington DC and lives with his family in a black neighbourhood there. Jim tells the story of an old lady called Mary Glover. Mary was a self-appointed missionary to the poor in the neighbourhood, and she used to say a prayer each Saturday morning as the Church opened its doors to the weekly food-line. As Jim tells the story:

“Mary would usually start by saying something like: ‘Thank you Lord, for waking us up this morning! Thank you, Lord, that our walls were not our grave and our bed was not our cooling board! Thank you Lord!’ Then she would always pray the same words, as a long line of people waited outside in the rain, cold, or heat for a simple bag of groceries, a mere twenty blocks from the White House. Here’s what Mary Glover always prayed, ‘Lord, we know that you’ll be comin’ through this line today, so Lord, help us to treat you well.’”

Do justice, but love mercy.

And this is where it can get very personal.

I live in a world in which, in a little less than my lifetime, the population has increased by 100%; food production has increased by 150%; prices have decreased by 50% - but the number of people without enough to eat has increased by 150%.

I live in a world where the Asian Tsunami wiped out some 230,000 people in a day, but where there is the equivalent of an Asian Tsunami just in Africa every few weeks - and mostly the world doesn’t even notice.

When I first started doing the 40 Hour Famine as a teenager 40,000 children used to die each day from preventable diseases and malnutrition. It is true that in less than my lifetime this has been reduced to 25,000 a day.

I live in a world where about 5,000 people died in terrorist attacks on September 11 2001: but where every day still some 25,000 children die of preventable diseases and malnutrition.

Terrible things like this have always happened in our world: but my children and maybe yours, Generation Y, are part of the first generation in history that has known every disaster virtually as it has happened, as pictures of every human catastrophe are beamed live onto their computer screens, or YouTube – and they communicate with each other on FaceBook and they take their gap years volunteering in third world realities that most of us would never have dreamed of at the same age. And they are probably savvy enough to realise as well the

selectiveness of the stories being streamed, and understand why the deaths of some 230,000 people in the Asian Tsunami in 2004 received such intense media coverage, while the deaths of more than 4 million people as a result of civil war in the DRC goes virtually without comment.

As I see it, many of these Gen Y kids understand the responsibility to rise above their own self-interest; to work for others instead of just to accumulate money. And they probably understand a bit better than us Albert Einstein when he said: "Only a life lived for others is worth living."

### **Do Justice and love mercy**

"Without one form of justice or the other, (says American writer and Presbyterian minister, Frederick Buechner) the result is ultimately disorder and grief for you and everybody. Thus justice itself is not unmerciful." (Buechner *Whistling in the Dark* p.74) He goes on:

"Justice also does not preclude mercy. It makes mercy possible. Justice is the pitch of the roof and the structure of the walls. Mercy is the patter of rain on the roof and the life sheltered by the walls. Justice is the grammar of things. Mercy is the poetry of things."

Justice and mercy: sometimes the limitations of what can be achieved within our legal systems are all too apparent: when the scale of injustice and wrong are just too great to comprehend - where retribution leads to repetitive cycles of violence and horror, which does nothing except produce wholesale social disintegration.

One of the most extraordinary examples of the power of justice and mercy in our time has been what Archbishop Desmond Tutu and others achieved in South Africa after the dismantling of the apartheid regime through the Commission for Truth and Reconciliation. Modelled first there, and more recently applied in other traumatised countries such as Rwanda: The power of white security forces and black guerrillas both confessing in public to their violent and horrific crimes is, according to Bishop Tom Wright in his recent book *Evil and the Justice of God* "an awesome phenomenon. Justice and mercy intersect with forgiveness: "...and

with those confessions, the families of the tortured and murdered have been able for the first time to begin the process of true grieving, and thereby at least to contemplate the possibility of being able to forgive, and so to pick up the threads of their lives instead of being themselves overwhelmed with continuing anger and hatred.”

Where the telling of truth is the path to reconciliation and forgiveness, if not forgetting.

If “Justice is the grammar of things” and “Mercy is the poetry of things” as Buechner says:

“The cross says something like the same thing on a scale so cosmic and full of mystery that it is hard to grasp. As it represents what one way or another human beings are always doing to each other, the death of that innocent man convicts us as a race as we deserve the grim world that over the centuries we have made for ourselves. As it represents what one way or another we are always doing not so much to God above us as to God within us and among us everywhere, we deserve the very godlessness we have brought down on our heads. That is the justice of things.”

But the cross also represents the fact that goodness is present even in grimness and God even in godlessness. That is why it has become the symbol not of our darkest hopelessness but of our brightest hope. That is the mercy of things.

“Granted who we are, perhaps we could have seen it no other way.” Buechner p.74-5.

**Do justice. Love mercy. Walk humbly.**

In a few days’ time, symbolically as the first act of the new Federal Government, the Prime Minister is going to make an apology at the opening of the Parliament to the ‘stolen generation’: those indigenous Australians who were removed from their families as children. Under at best a well-intentioned but misguided, and at worst a terribly wrong, policy that has left its scars on them and their families and



all Australians. An example, whether you agree with it or not, of the power of truth-telling:

**justice and mercy.**

So as we start our year, let's meditate on this challenge (Bishop Wright in *Evil and the Justice of God*): "...as we think about the problems of global empire and international debt, of criminal justice and the problem of punishment, of war and international conflict. In each of these spheres there is a task of naming evil and finding appropriate ways of resisting it, and at the same time working toward remission, reconciliation, restitution and restoration."