

JUDGES SERVICE CHESTER CATHEDRAL SUDAY 4TH NOVEMBER 2018

“A CONSTITUTION OF JUSTICE AND MERCY”

It's a privilege to be asked back across the Pennines by the High Sheriff to preach at this Judges Service. Alexis together with Phil have made a huge contribution to the cultural life of Cheshire and Merseyside and of the nation itself. They have shown how culture can transform communities, improving well-being, even reducing crime. Not that they would wish to put any of you out of a job!

My starting point comes from the world of television. Not from Holly Oaks or Brookside but “Who do you think you are?”. A popular programme that takes famous people on a journey to find their roots, to retrace the steps of their ancestors, to unearth their family history and so discover who they really are.

It strikes me at this moment in our national life when the future is so uncertain and when we feel unsure of our own identity, it's timely for us as a nation to retrace our steps and examine our roots and even refresh them.

At the risk of being sent to the Tower, and I hesitate to say this in the presence of Her Majesty's justices, the one downside of the Queen's uniquely long and blessed reign is that those under 66 have never witnessed a Coronation Service. Mind you, that long reign nearly came to an end in her Jubilee Year when the Queen came to Liverpool and they sailed her around the dock in the Duck. It sank two weeks later. I gather the Queen subsequently referred to Dame Lorna as the Lord Lieutenant who tried to drown her!

Symbols and rituals are important to a nation's identity. Some of the most stirring are to be found in the Coronation.

It's sometimes said that the United Kingdom lacks a constitution; that whatever constitution there may be is unwritten and formed of Acts of Parliament and Court Judgements. But that is to overlook an important document in our history. And I am not talking about the Magna Carta.

The written constitution of the United Kingdom is to be found in the Coronation Service of the Sovereign. It defines the relationship between the Sovereign and Parliament, the Sovereign and the Church and the Sovereign and the Judiciary.

The symbols and rituals express the calling of the monarch and the character of the nation. Furthermore, they set out the foundation of our laws.

As we edge nearer leaving the European Union and disengage from the European Court it's time to revisit the Coronation Service and the authority upon which our own laws are based and upon which you all do your jobs within the judicial system.

At the beginning of the Service after the Entrance of the Sovereign the Archbishop invites the new Monarch to take the Oath.

"Will you to your power cause Law and Justice, in Mercy, to be executed in all your judgements?"

Then later with the receiving of the Sword of State the Sovereign is sworn to "do justice, stop the growth of iniquity ... and punish and reform what is amiss".

After which the Archbishop says,
“Receive the Rod of equity and mercy.

Be so merciful

That you be not too remiss,

So execute justice

That you forget not mercy

Punish the wicked

Protect and cherish the just.”

And then the Sovereign is crowned.

My friends, be you judges or magistrates, police or probation officers, clerks or servants of the courts your authority as officers of the Crown derives from this exposition of the Law.

Ever since Anglo Saxon times when the High Sheriffs judged cases in their own Shires and King Henry II appointed itinerant judges they have derived their authority to administer justice from the Sovereign.

This is our history and this is our Constitution.

But why should all this matter?

Because, when everything is in a state of flux it's important to know who we are, to remember from whence we came, to recall the origin of our values, the Christian ethics that have shaped us.

Jesus, who traced his own authority back to God, told the story we heard in our lesson about a widow who kept coming to a judge pleading for justice. He cared for neither God nor public opinion. But there was in the widow a deep inner compulsion to her quest for justice.

There's a moral instinct in us all which becomes powerfully evident whenever we ourselves are denied justice. We see it in the youngest child when woe betide an adult if they fail to share out the box of Smarties fairly! The cry 'That's not fair' is our earliest experience of moral philosophy!

It's the purpose of a service such as this to help us trace back from our internal moral instinct to that external source of authority that is revealed in Jesus Christ.

Down the years our culture has given birth to and embraced poets and philosophers, teachers and lawyers who have wrestled with the meaning of morality. Even songwriters have joined in the quest for Truth.

I remember in 2008 when Liverpool was European Capital of Culture in which the Redmonds played such a vital role I invited Paul McCartney to perform his Oratorio "Ecce Cor Meum" in the Cathedral. At the end of the spectacular performance he came on to the Podium to confess that this was the night of his 'revenge'. He explained.

When he was a young boy he had got the bus from Speke to the Cathedral to audition for the Choir – and had been turned down! (Yet another glorious mistake by the Church of England!)

One of the lesser known Beatles' songs is about Truth. "I'm sick and tired of uptight narrow minded hypocrites", sang John Lennon, "All I want is the truth. Just gimme some Truth".

God's answer was not to give us a set of propositions about truth but to give us a true human being who lived out perfectly the law of God and the compassion of God, the justice of God and the mercy of God.

This human being has shaped our constitution. Our language, our literature, our landscape, our learning, our leisure, our liberty, our laws and our culture have all been formed by this Christian heritage.

This is not an exclusive statement. It is a system of belief that accords with the moral principles of other faiths such as the Jewish Law of Moses, the Mercy of God in Islam, the Tao of Confucius, the Love of Krishna and the Noble Path of Buddhism.

At this time of transition it's vital to be bi-focal on the past and the future. Not to be so fixated on what we once were as to fail to see what we might yet become, nor to be so obsessed with the future that we forget our roots.

And when you see these foundations in the Coronation Service what strikes you most powerfully is how constantly the execution of justice is balanced with the call to be merciful. The Rod is one of Equity and Mercy.

“So execute justice that you forget not mercy”, the Sovereign is told.

That is why in a world altered by the development of Artificial Intelligence the execution of justice could never be derogated to a robot. To be true to our roots the exercise of justice must always make space for the human spirit to be free to be merciful.

One of the blights on our contemporary culture is that in social media people are often so merciless in their judgements. Shakespeare said that “mercy dropeth as the gentle rain from heaven” but by the time it has been filtered through social media it has become like acid rain, the object cursed rather than “twice blessed”.

If ever there were a sign of society losing touch with its spiritual roots it is the lack of mercy in the public realm.

And should judges ever exercise justice with mercy they need great courage to withstand the onslaught. When that happens it is important to remind ourselves of the spiritual and moral foundation of your calling which is to “execute justice that you forget not mercy”.

I listened recently to a retired judge reflect on his life in the law. Someone once observed him passing sentence and said that it was like listening to a father dealing with his own child. The judge paused and added, “you see we can never forget that we are all sinners”. A judge who knows that he too needs mercy!

Our constitution, as enshrined in the Coronation Service, addresses the soul of the nation at a critical time in our history.

And I suspect that when all is said and done about Brexit it will be the quality of mercy unstrained that will be needed to heal the wounds of the nation.

In rediscovering our cultural identity and ‘who we think we are’, our underlying constitution shows that we are in the end a nation defined by its sense of both justice and mercy.

The Right Reverend James Jones KBE