

SERMON DELIVERED BY THE RIGHT REVEREND DR PETER STUART, BISHOP ADMINISTRATOR OF THE ANGLICAN DIOCESE OF NEWCASTLE FOR THE OPENING OF THE LAW YEAR WEDNESDAY 30 JANUARY 2013.

A few years ago I was in a second hand book store. With the surname Stuart, my eyes fell on a book called *the Stuart Constitution*. I wondered whether it might be that long awaited book that told me how to lose weight and survive on my sleep patterns. It might have been that impulse or simply the family pride of a surname which we grew up as knowing as the correct spelling. Whatever it was I picked up this book to find that it was exploring ideas and documents relating to that turbulent period of English monarchy when much of the cultural shape of the Anglican Church was finalised. It ended up on my bookshelf. After all, it was only \$10 I said to myself.

The Stuart reign in England was a period of history when the concept of kings ruling with divine right was challenged. Eventually the monarchs accepted that they were subject to other authorities including the parliaments. They moved from an understanding that their right to rule came directly from the will of God. Their self understanding and the national constitution changed often in bloody circumstances.

It is interesting to chart the role of the judiciary, the parliaments and the church through such a period. Matters of independence begin to emerge for judges, albeit slowly. The church continued to contend with diverse views. There are changes in the understanding of the obligations, powers and responsibilities of key parts of the state as time progresses. 21st century Australian law is still shaped by insights which developed in that turbulent period.

The establishment of law and order has taken thousands of years to reach the form in which we now find it. There is still a function of the court system that replicates the scene before King Solomon where two parties argue their case and someone is left to decide. You would be in a better position than me to determine whether judges and magistrates ask cunning questions. There is still a place for mediation such that coming to our senses we recognise the need for reconciliation achieved when we acknowledge our shortcomings and are willing to take the first step in promoting healing.

Our legal system is founded on the idea that the promotion of justice and the pursuit of mercy are good ideals which I would contend are Godly ideals. We accept that people will sit in judgement. We accept that people will argue their cause. We look for integrity, sound learning, wisdom and common sense amongst those who shape the system recognising that, at times, those initiating or responding to the deep sins which break community are often unable to pursue right living without the intervention of others. We see that sin and evil need to be confronted while recognising that enemies and sinners must be prayed for with compassion. It's a tall order!

Reading through *the Stuart Constitution* I began to understand that there was a time when we expected the crown to embody all of this and express it through the church and through the legal system. The story that unfolds in the documents is that no one institution, not even the crown, can bear this burden with integrity. The various institutions of society must be empowered and given voice if we are to call one another to right living; to holy living.

I recall being taken in the book by the powers that the crown would and did utilise in order to pursue good order as it was defined from time to time. While certain rights were

developed over time there were also occasions when the crown would enforce behaviours from subjects for what it regarded as the good ordering of society.

In Australia we will live with the successor powers to some of those explored in Stuart England as the Royal Commission gets underway this year. We will find that the church, legal officers and the crown are engaged in deep relationship focused on the right ordering of Australian society and some endeavor to allow light to shine on past wrongs. I along with church leaders across the country welcome the Commission.

One of the reasons I welcome the Commission is deeply theological. For a time Stuart England accepted that God worked through the king and then it reflected on that position. A contemporary arrogance is to presume that God works solely through the church. We find Christian groups who speak and act as if God has spoken only through them. The Royal Commission is a reminder that the pursuit of God's truth and justice isn't only and perhaps, at times, not even the work of the church. God's purposes recognised by Solomon and enunciated by Jesus will be realised through the agency of many. The lost, the last, the least, the powerless and the persecuted who are all close to God's heart find restoration.

All of this is a round about way of posing to you the possibility that whether you be Christian, Jew, Hindu, Buddhist or atheist that there is a chance that the great God who caused the universe to come into being and who has brought us to this day may be using you as agents of his redemptive purposes. You may be the means by which God's compassion and mercy are made real; that wisdom and right dealing are made known. In a way I am asking you to be open to, to celebrate or reclaim the vocational element of you work whether it be in administering an office, presiding from the bench, prosecuting wrong doing or supporting an offender.

It seems to me that through the Royal Commission some people will get a chance to obtain what they have been seeking - empowerment and change and that as a society we might make some choices for a better future. That reality is also played out day after day in offices and courtrooms when lives are set in a right direction and communities are offered a new path.

It is a privilege to have an occasion of worship and prayer at the beginning of the law year. be assured of the prayers of people of faith for your work throughout the year and, where you can, seek to set your identity, your work and your being in the story of God who calls you by name and sends you out to change the world. In that work may you have the wisdom of Solomon and help shape a response to wrongdoing not fashioned by revenge.

May you see truth and recognise falsehood. May you encourage people to accept responsibility and help them to work for the good of all. May God work in all of us that His purposes may be done for the benefit of humankind and to His glory. **Amen.**

