

The Role of Spirituality in the Judicial and Legal Systems*

Presented by

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The Inter Religious Organization of Trinidad and Tobago Inc.
& The Brahma Kumaris Raja Yoga Centre of Trinidad and Tobago Inc.
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*“Is Ancient Wisdom and Spirituality the Answer to
resolving the issues of Modern Times?”*

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THE ROLE OF SPIRITUALITY IN THE JUDICIAL AND LEGAL SYSTEMS

Protocols:

I am indeed grateful for the invitation extended to me by The Inter Religious Organization of Trinidad and Tobago Inc. and the Brahma Kumaris Raja Yoga Centre of Trinidad and Tobago Inc. to share my thoughts at this conference. I extend my congratulations to the organizations for their vision and positive action in hosting a conference with such laudable objectives, and hope that we are able to contribute to the resolution of the issues affecting modern times. I must also join in extending a welcome to Ela Ghandi the granddaughter of Mahatma Ghandi and to thank her for lending her inspirational presence and experience to this activity.

The question asked by the conference organisers – *“Is Ancient Wisdom and Spirituality the Answer to resolving the issues of Modern Times?”* - may even be rhetorical.

Concepts of justice and spirituality have been essential to the wellbeing of humanity from the beginning of recorded history in every part of the world. The most fundamental ethical and spiritual dictates are found in all of the known religions. Those dictates still underpin our philosophies, our theologies and our jurisprudence. I wonder whether with all the science and technology at our fingertips the issues affecting people and societies in modern times are significantly different from the issues that inspired the ancient wisdom and concepts of justice and spirituality. In fact it was in my adult years that I read Homer’s *Odyssey* one of the oldest poems of western literature written around the 8th Century BC, which depicted characters,

events, behaviours and attitudes. I was able to recognise similarities in the events and the life of my times and in people I knew. I wondered whether civilization has improved. This is not the time to carry on that discussion, although I can reveal that I did find some positive answers in my introspection. However, it would seem to me that discussions about spirituality and ancient wisdom are apt in our quest for resolution to issues that affect our existence in modern times.

I can start with one of the great developments in human existence in the 20th Century: the creation of the United Nations. Its creation was influenced by spirituality. This is an institution which was built on spiritual principles and universal values such as peace, human rights, human dignity, human worth, justice, respect, good neighbourliness and freedom. Many of the founders of the UN and those in leadership positions there today use spirituality and values as a guiding force. One of the key visions was that for humans to attain ultimate freedom the UN not only had to promote material growth but also spiritual growth. This spiritual consciousness was reflected in the Preamble of the Charter of the United Nations and was the inspiration for the Universal Declaration of Human rights, which affirmed faith in fundamental human rights, in the dignity and worth of the human person, in equal rights of men and women. Universal Declaration on Human Rights in Article 1 proclaims: *"All human beings are ...equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."* The International Covenant on Civil and Political Rights states in its preamble that the *"inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world"*.

The central idea articulated in these and other international documents is that *‘there is something about each and every human being, simply as a human being, such that certain things ought not to be done to him or her and certain other things ought to be done for him or her.’*

This idea is central to all religions. If it is applied in modern times it will make the world a better place. It will influence and assist us in how we effect justice and strive to create a better environment for everyone. Linking this idea with spirituality is not deductive but based on historical fact. Today I refer only to the autobiography of Rena Cassin of France, the author of the original draft of the UDHR, which reveals that the "rights" he proposed traced their origins to the Ten Commandments. The Commandments, of course, are not only civil and moral but also spiritual laws.

This is a universal trend adopted by peoples all over the world. Right here in Trinidad and Tobago the concept of spirituality is enshrined in the constitution, in the fundamental law of the country. The constitution begins with this declaration:

“Whereas the People of Trinidad and Tobago—

- (a) have affirmed that the Nation of Trinidad and Tobago is founded upon principles that acknowledge the supremacy of God, faith in fundamental human rights and freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed by their Creator;”*

The basic law of this country acknowledges that our people acknowledge supremacy of the divine commandments and that make spirituality very relevant in the way in which we conduct our daily affairs.

These thoughts are not new. Centuries ago in the time of the Roman Empire the teachings of the early philosopher and political theorist Marcus Cicero speak of the imperative of individual human dignity. Cicero once wrote, *“all men were alike born to Justice, and men by Nature and by Nature’s incidents are equal. Not, of course, equal in strength, or intellect, or possession of material goods, but as to basic rights.”* Before Cicero, Aristotle and the earlier philosophers had acknowledged the interaction between justice and human equality as part of universal law.

There is a definition of customary international law as being those principles which are common to all the major legal systems of the world. It is also true that there are spiritual principles which are common to all the religions of the world. In the context of these thoughts there is one such principle which to some extent has influenced the remarks I have already made.

An essential element of human spirituality which also evidences the unity of humankind is articulated in different faiths. I refer to the teaching that we should treat others as we ourselves wish to be treated, otherwise known as ‘The Golden Rule’. In the Hindu Mahabharata, the Jewish Talmud, the Zoroastrian Dadistan-a-Danak, the Buddhist Udana-Varqa, the Christian Gospel of Saint Matthew, the Islamic Hadath, and in Baha'u'llah's Kalimat-i-Firdawsayyih:

‘Do not to others what ye do not wish Done to yourself; and wish for others too
What ye desire and long for, for yourself This is the whole of the Dharma.’ -
The Mahabharata (Hindu)

‘What is hateful to you, do not do to your neighbor: that is the entire Torah; the
rest is commentary.’ -The Talmud (Jewish)

‘That nature only is good when it shall not do unto another whatever is not
good for its own self.’ -Dadistan-a-Danak (Zoroastrian)

‘Since to others, to each one for himself, the self is dear, therefore let him who
desires his own advantage not harm another.’ -Udana-Varqa (Buddhist)

‘Therefore all things whatsoever ye would that men should do to you, do ye
even so to them: for this is the law and the prophets.’ -Matthew (Christian)

‘None of you truly believes until he wishes for his brother what he wishes for
himself.’ -Hadath (Islamic)

‘If thine eyes be turned toward mercy, forsake the things that profit thee and
cleave unto that which will profit mankind. And if thine eyes be turned toward
justice, choose thou for thy neighbour that which thou choosest for thyself.’ --
Kalimat-i-Firdawsayyih (Baha'i)

Just imagine that if we could only obey that rule, what a better place the world would be. Even though it is not fashionable to discuss it these days there is tremendous confluence between spiritual values and the administration of justice. It is undeniable that the content of law often reflects spiritual values. As an example I recalled that at the turn of the century, I was asked what I had considered to be the greatest achievement of humanity in the 20th century. It was interesting that my thoughts settled on a judicial decision. Although it did not expressly reference any spiritual antecedents, if one considers it carefully it represents one of the greatest truths that have been expressed by all religions from the beginning of times. It was the case that established the duty of care. Although it started out as principle of the law of tort that one should

be careful not to harm others it has expanded into every branch of human endeavour to make each human being take care of the interests and welfare of others. In a sense the golden rule, a spiritual concept has become the law of the land and a mandatory guide for our behaviour in many instances where there could be legal consequences. But what about applying it in the rest of our behaviour too?

Undeniably, our society faces great challenges. Our world today is plagued with crime and violence and all sorts of injustices. Recently I was invited to deliver a speech in remembrance of the life and work of Sarah Ann Gill a national hero of Barbados. She was a woman of colour and became a champion of the Methodist church in that country and was a key figure in the fight against slavery in the British Colonial government. The speech was entitled “*Spirituality and Justice*”. I would like to draw on that speech in closing out my remarks.

The typical solutions of economic logic and political concoction to the problems of crime, violence, injustice and poverty are inadequate. The world today cries out for moral and spiritual wisdom that can help us navigate the path to peace and to justice.

The current disorders of society begin with the disorders of the human heart, from which flow destructive choices that unravel relationships. At the same time, the heart is the source from which flows the greatest values and aspirations of human life. Every generation faces the challenge of identifying which principles will ultimately lead to better relationships within society and among neighbours, and reject those that will divide us as a human family. At this time, our focus should include connecting faith with the realities around us if we are to effect

change through transformation of the human heart. Unless we take strong steps to combat the present situation in favour of justice the prevailing unjust order will be strengthened and perpetuated.

As human beings we are therefore inextricably connected as a family. This interconnectedness is not simply mere co-existence. Irrespective of our station in life, our possessions, bank accounts, influence and power, we must recognize the fundamental dignity and infinite worth of each and every person. This is particularly important in an environment that places great emphasis on the autonomous, independent and self-sufficient individual. We ought to see each human life as profoundly interconnected with others, with ours, in a series of overlapping relationships.

We should all be dispensers of justice, living out what is right and pure in our daily walk. We can all be missionaries in our daily life. It is all too common for us to cast blame on government or institutions or other authorities for the injustices that we see and experience in our daily lives. Although I am not for one moment saying that all the blame is misplaced I want to suggest that we must assume individual responsibility because people can solve many of the problems we face.

People are not only the problem they are also the solution. In our daily lives we can do justice, love mercy and walk humbly with our God. I can give a simple, hypothetical example. Did you hear of the woman who was complaining that her salary was not paid for three months and when it was investigated it was established that her papers were languishing on the desk of the officer whose duty it was to process them? That person suffered injustice, but it would have been

unnecessary if the official was infused with the spiritual quality of loving mercy, because that attitude would have prevented the suffering caused by delay. I could go on with examples, but each of us suffers every day because of incidents like that. The point is that many of the injustices suffered on a daily basis originate from disorders of the human heart. Simple spirituality can improve the way in which the vulnerable are treated and help to make a just society.

You may expect me to concentrate on the judiciary. But to do so would spoil my point. We cannot afford to perpetuate the idea that appointed judges in our various court houses hold a monopoly on administering justice. Each member of society has innumerable opportunities to stand up for equality, to actively create and maintain healthy relationships by being just and loving mercy. This behaviour will help to bring relationships into right order and peace and justice will result. I am pointing to everyone wherever or whoever, obviously including the judiciary, if we did justly, loved mercy and walked humbly with our God the world would be a better place.

This is universal. It spans across religion, class, ethnicity, and race. At its core spirituality speaks to how we live out what we value most. It is our real and irreducible inner, sacred experience that invites increased consciousness and responsibility for ourselves and for others, and in particular with how we respond to the most vulnerable members of the human family.

Justice cannot be done where inequality, discrimination and partiality exist. So, even in our roles in what is considered to be secular jobs, we can live out principles of our spirituality.

Herein lies a solution to the many challenges and conflicts we face today. We all have a role to play in the forward movement of our communities and our region.

Conclusion

Applying ideas of justice and loving mercy can help us to wade through the deep waters of poverty, crime and discrimination we have currently found ourselves in. They can achieve clarity of goal and a map for progress even in the midst of conflict and tension. This may become burdensome and onerous. There will be times when we become weak under the strain of doing what is right. However, we must never forget that the benefit to be gained from our collective effort to build better relationships with each other far outweighs the loss that will result from our inaction. It is my hope that we will search deep within ourselves and muster the courage needed to boldly act and speak out against those social plagues hovering over our society and truly, in that way our spirituality may help to realize that ideal we desperately need and desire – justice.

How do we relate all this to the Caribbean Court of Justice (“CCJ”)? Indeed the point is already made. Our destiny in the Caribbean Community is linked to the regional integration movement. If we could only see our governments as institutions and not as political parties it would advance our discussions enormously and help our people to realize that the benefits of the integration movement cut across party lines and belong to the community as a whole. In this context it was our governments who had the vision for a common market and single economic space to foster our economic development and social stability. They saw the CCJ as an integral part of the institutional structure to achieve these goals. They implemented everything necessary to

legitimise its operations, they funded it in perpetuity and they are facilitating its daily operations. It would seem appropriate that the people who stand to benefit from the full adoption and operation of the Court should make it clear that they are interested in having the benefit of the services it has to offer. This is not the only social and economic issue on the table, where the voice of the people needs to be heard. Let faith coincide with conscience and by steadfast conduct point the way to give justice with the love of mercy as we walk humbly with our God.



The Right Honourable Sir Dennis Byron