
Editorial

Law and Ethics

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Like H²O (and this emphatically does not make it a suitable analogy for desperate preachers on Trinity Sunday), law pops up in three forms. It is made, in a process of legislation; it is enforced; it is adjudicated. In common law jurisdictions, the adjudicating feeds back into the making, but the legislative, executive and judicial functions of sovereign power remain distinct. It would take some courage to attempt to summarise the various Greek and still more numerous Hebrew roots that contribute towards the biblical philology of law, so suffice it to say that all three are sometimes referred to in the scriptures by words which can plausibly be translated 'law'.

God, dare we say, has it easy. God, in classical Christian understandings, wields all three forms of law-related power. God established the law; God by processes of providence enforces and reinforces the boundaries laid down by law; God judges, in time and at its end. The dynamics of human law are a little more complex.

The primary concern of law is with what is right. God, however, has another line of business as well: God's concern is also with the good, the true and the beautiful. In the creation narratives of Genesis, God is constantly up to two things. God divides and divides, and so makes a structured world. God fills and fills, and so creates a good and beautiful world.

A clearly structured moral world is of limited interest if there is not goodness and beauty springing up. Good and beautiful phenomena seem unable to persist without structure. The tales of the fall, of election and call and redemption and promise, flow on amid a persistent dialectic between judgment and grace, forbidding and affirming. One thing is going on in every chapter of this narrative: people are making choices.

And there is the topic of this issue of *Crucible*: Law and Ethics. Each article comes at it from a different angle.

Two articles look in some depth at specific areas of life: banking and marriage/divorce. Two take a broader perspective on trends in thought about law and ethics. One of these takes a long view from

the Enlightenment to the present; the other focusses on much more recent and local events.

Three articles are by Christians, one by a Muslim. The piece by Ahmed Balto is salutary. Many readers of *Crucible* will share a sense of belonging to a community, a Christian community of exploration. Christian ethics has seen a very marked resurgence in recent years, and perhaps a renewed confidence as it has returned to unashamedly confessional roots, rather than trying to triangulate its position by reference to secular trends. Others, outside that network, may not notice this change. Balto takes a long view, and sees a Protestant tradition which has made alliances with individualism and rationalism which he analyses in several dimensions. This is likely to be exasperating to those of us who are in the Christian ethics bubble, but it is worth reflecting on the social realities and the widespread perception which are reflected in this contrasting of a Muslim revealed ethic with the rather thin fare which has passed for a Christian ethic, and which still may do so, in reality and certainly in perception.

David McIlroy looks very closely at the banking crisis, and what it has revealed. When Bagehot said that one cannot make people good by Act of Parliament, he was a little ahead of his time. The article traces the systematic failure of regulation. It does not delight in trouncing the delinquents, but homes in on themes of education and culture. Its still centre, perhaps, is the moment when the Barclays CEO was asked what were the three (Quaker) founding principles of the bank, and was found wanting. They were honesty, integrity and plain dealing. The subtle relation between ethics and the law of the land is clearly instantiated in this examination of what might seem the hard-nosed end of ethics.

David Hodson, another distinguished lawyer, makes up in his contribution for what readers may find lacking in this issue: a warm, personal pastoral concern. In some ways it has seemed heartless to compile a relatively detached group of essays on law and ethics when the amount of human suffering in the world is a constant pressure on the heart of any person of faith. However, this article unwittingly testifies in almost every paragraph to what the law and lawyers can be at best: never putting clarity above the best interests of the individual people caught in a situation they have not chosen or wanted. It touches on some very current issues, such as the unity of English law over against 'personal law', as well as making room for showing how a Christian's ethic can shape the work of a family lawyer.

The article 'Extreme legislating' is really about values. Should the CEO be able to recite the corporate values, and should children have to memorise a list of 'British values'? The writer has been following events in Westminster at reasonably close quarters, as concerns about 'extremism' and about social cohesion and citizenship have meshed with an ebbing sense of confidence that we understand what 'rights' and 'duties' are all about. 'Values', British or otherwise, are abstractions which can be easily misused and easily misrepresented or ridiculed. Nevertheless, our elected representatives deserve respect and prayer as they try to find tools for building a constructive sense of national identity. There are enough destructive models of national identity about for us to hold back from cynicism and offer the resources of the Christian narrative in good faith.

These articles offer reflections from different angles, then, on the interface between law and ethics. A huge literature exists; four small articles are dwarfed by the mountains of scholarship which loom behind them. However, the dialectic of law and ethics is chiefly a day-to-day matter, a negotiating of balancing priorities; and there may be some small help here in the daily quandaries of that negotiation.

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