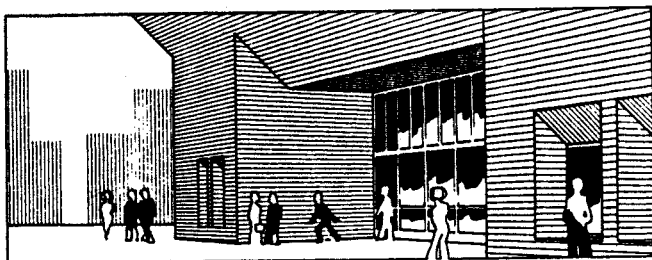

JURY DUTY

for CANADIAN CHRISTADELPHIANS

RIGHT or WRONG?



SHOULD CANADIAN CHRISTADELPHIANS
SERVE AS JURORS?

A dramatic presentation of jury duty was given at the Tronoto Study Day, Oct. 5, 1974. A clerk of the session introduced a judge from the Crown and a prosecuting attourney who also played the role of a clergyman. Several Christadelphian brethren were called to the witness stand to face cross-examination for the position which they took on the issue: "Should Christadelphians serve as jurors?"¹

Among the reasons for the workshop, the following are relevant:

- a) A number of Christadelphians in the Great Lakes area have been called for jury duty. The topic is current.
- b) By legislation, women are now eligible for jury service.² This is reflected in the recent summoning of sisters in the Toronto area.
- c) Information on jury duty is not readily available. The material which is available tends to say 'yes' to jury duty if it comes from Great Britain,³ and 'no' if it comes from Australia.⁴ There is a need for a consideration of the subject which reflects the regulations regarding jury duty in Canada.

It is hoped that these notes will provide a Biblical and practical help to those considering their own position in respect to jury service.

Ron Abel

Jan. 1975

(for the Study Day Committee)

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- 1) This 2hr. workshop was tape-recorded and is available free of charge through AUSCAN, write Bro. Jay Hiles, 55 Daphne Crescent, Barrie, Ontario.
 - 2) In the provinces of Quebec and P.E.I., women are ineligible to serve as jurors. In no province is it compulsory for women to serve as jurors.
 - 3) In defence of an article he wrote in support of jury duty, John Carter, a former editor of "The Christadelphian", penned these words:
"Last it might be inferred that the views expressed in the Jan. issue were an innovation, it must be emphasized that they represent the consistent attitude of leading brethren from the beginning, including all past editors of the Christadelphian." Editorial comment, "Letters to the Editor", "Jury Service", The Christadelphian, July 1964, p. 322. See also 1878; p. 134, 1894, p. 273; 1925, p. 76; 1956, p. 387; F.G. Jannaway, Christadelphian Answers p. 246.
 - 4) The Business Sessions of the 1960 and 1962 Biennial Conferences held in Sydney and Brisbane resulted in the publication of a booklet, "Politics, Law Enforcement and Brotherhood in Christ", which opposed Christadelphian service as jurors.

WHAT IS A JURY¹

A definition:

A jury in English law is a body of laymen summoned and sworn to ascertain, under the guidance of a Judge, the truth as to the questions of fact raised in legal proceedings, either civil or criminal.²

Kinds of Juries:

There are three kinds of juries:

- a) GRAND JURY - made up of 7 jurors whose principal duty is to decide on the basis of evidence presented by the Crown, with respect to an accused person, whether or not the evidence is sufficient to require a trial.
- b) PETIT JURY - made up of 60-90 jurors from which 12 are selected by lot to serve in criminal cases, and 6 in civil cases.
- c) CORONER'S JURY - made up of 6 persons. It is convened when a coroner has reason to believe that death has occurred as a result of other than natural causes. The jury is required to give judgement as to the causes and circumstances of the death, on the basis of the evidence presented to it.

How are jurors selected?

The list of eligible persons is made up for one year by the County Selectors. The clerks of the municipalities are required to submit to the County Selectors names of eligible citizens. Eligibility is determined on the basis of the following:

"...being those who, in the opinion of the

- 1) 'Jury' comes from the Latin 'jurare' - 'to swear, promise'. The report of the jurors was a 'verdictum' - 'a true saying'.
- 2) G.R. Lent, "A Memorandum for Jurors", Sheriff, County of Peel, Court House, Brampton, Ontario.

Selectors, are from the integrity of their character, the soundness of their judgement, and the extent of their information, the most discreet and competent for the performance of the duties as Jurors."¹

RESPONSIBILITY TO THE LAWS OF THE LAND

There is no provision in Canadian law at present for exemption from Jury Duty on the grounds of conscientious objection (as there is for military service). It has been the custom, however, in Peel County, that once the Christadelphian position is explained in writing and sent to the Sheriff, exemption has been granted.

The disciple's attitude to the laws of the land is set out in the following Scriptures:

"Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Who-soever therefore resisteth the power, resisteth the ordinance of God...Ye must needs be subject, not only for wrath, but also for conscience sake...Render therefore unto all their dues."
(Rom. 13:1-7)

"...be subject to principalities and powers, to obey magistrates, to be ready to every good work."
(Titus 3:1)

"Submit yourselves unto every ordinance of men for the Lord's sake."
(1 Peter 2:13)

In the face of such explicit instruction requiring obedience to the laws of the land, it can only be on very strong evidence that a Christadelphian could oppose service as a juror. Does such evidence exist?

1) G.R. Lent, "A Memorandum for Jurors", Sheriff, County of Peel, Court House, Brampton, Ontario.

CONFLICT OF LAWS

There is only one reason why these commands to obey the laws of the land cannot be performed, that is if there is a conflict between the laws of men and the laws of God.

A disciple is sometimes confronted with a conflict of laws. In such cases there is a priority of laws to be followed: the 'lower' giving place to the 'higher'. For example:

- a) A priest in Israel was commanded to rest on the 'sabbath' (Exod. 20:11), but a Jewish boy, whose 8th day from birth fell on a sabbath, was circumcised by a priest on a sabbath. There was a conflict of laws - to 'cease from work' and to 'circumcise'. To circumcise took precedence (Jn. 7:22, 23; Lev. 12:3) because it was the 'higher' law.
- b) Peter and John were commanded (with the other apostles) to preach the gospel in all the world (Mk. 16:16). However, they were arrested by the Jewish authorities and forbidden either to speak or preach in the Name of Jesus. Here was a conflict - a law of God commanding obedience to the law of men (eg. Rom. 13:1) and a commandment of God through Jesus to preach the gospel. The disciples gave priority to preaching, although this meant breaking the commandment of the authorities and indirectly a law of God. The response of Peter and John was: "We ought to obey God rather than men" (Acts 5:29).

It is the conclusion of this study that a conflict between the laws of God and the requirements of men exists in respect to jury duty. The 'greater' is the law of God which must be obeyed over the 'lesser' - the laws of men.

WHY A CHRISTADELPHIAN CANNOT SERVE AS A JUROR

(1) A citizen of Zion cannot support the Canadian judicial system.

A Canadian Christadelphian is a Canadian citizen by birth and a citizen of Zion by choice. In effect he holds dual citizenship. As a Canadian he may be issued with a passport for travel purposes, he is registered with a Social Security number, and may receive tax exemption on land purchases and family allowance cheques. All the benefits and obligations of Canadian citizenship are his, except where conflict arises with his higher citizenship.

To serve as a juror is to be regarded by the alien as an exercise which supports the judicial department of the government. This point is made in the "Memorandum for Jurors" given to persons summoned for jury duty:

"There is no more valuable work that the average citizen can perform in support of the judicial department of our government, and the institutions under which we live,¹ than the full and honest discharge of jury duty. The effectiveness of the democratic system itself is largely measured by the integrity, intelligence and general quality of citizenship of the Jurors who serve in our Courts."²

It would be inconsistent for a Christadelphian to serve as a juror and thereby be regarded as supporting the judicial department of the government when his private prayers are that these may soon be broken in pieces and destroyed when the kingdom of God is established (cf. Dan. 2:44).

In general, a believer is regarded as a soldier on active duty with absolute loyalty reserved for his Captain. As such, he is instructed: "No soldier on service gets entangled with civilian pursuits, since

1) Emphasis is mine.

2) G.R. Lent, "A Memorandum for Jurors".

his aim is to satisfy the one who enlists him" (2 Tim. 2:4 RSV). He will follow the example of Jesus when his judgement was requested to settle a difference over an inheritance: "Man, who made me a judge or a divider over you?" (Luke 12:13-15).

The believer is lifted above the plane of administering justice and penalties to alien mortals. This is the work of God through 'ministers of his' (Rom. 12:1-4), not the present role of disciples.

This position is not to be interpreted to mean that Christadelphians do not think that crime should be punishable, but rather that the system which administers punishment is not within the province of his obligation as a citizen of Zion.

(2) A believer is forbidden to judge those without.

"For what have I (Paul) to do to judge them also that are without (the ecclesia)? do not ye judge them that are within? But them that are without God judges." (1 Cor. 5:12,13)

It is sometimes said that "jurors are not judging, they are only giving a decision regarding evidence on matters of fact. They are not determining moral guilt, but legal guilt." But this is not always true. In the event of a murderer declared 'guilty', a judge may direct the jury: "If the killing of ... was deliberate and intentional you may think that this was a cruel and deliberate murder. If you find that the driver did not intend to hit anyone so as to kill or grievously harm them ... the killing would be manslaughter."

Even when found guilty of murder, a jury may recommend mercy. It is possible that such a verdict might dictate whether the accused would hang or be condemned to life imprisonment.

In accident cases, a jury may decide who caused the accident and how much the person who is to

blame must pay the injured person as damages.

Jury duty requires one to 'judge' the outsider,
God forbids this.

(3) The disciple of Jesus is not qualified as a juror.

A believer is unfitted to serve as a juror since his standards of judgement are different from, and incompatible with those of society. The legal system of society is in conflict with all of the following:

- a) "Judge not, that ye be not judged. For with what judgement ye judge, ye shall be judged."
(Matt. 7:1-2)
- b) "Love your enemies, bless them that curse you, do good to them that hate you." (Matt. 5:44)
- c) "Recompense to no man evil for evil."
(Rom. 12:17)
- d) "He shall have judgement without mercy, that showed no mercy, and mercy rejoiceth against judgement."
(Jas. 2:13)

The law of the land is based on justice not mercy; on recompense not forgiveness; on resistance to evil, not submission.