

The Road to Recovery: Neighbourliness and Mercy, Community and Service

Friday 28 November 2008

The Archbishop of York's Temple Address to the Evangelical Alliance at The Royal Society, London



Archbishop speaks

I. Introduction

It's both an honour and a privilege to speak to you tonight.

It is perhaps appropriate that we gather here in the Royal Society whose motto is '*Nullius in verba*', which can be roughly translated as 'Take nobody's word for it'. I can think of few better caveats which go before a lecture or an address, so let nobody say they haven't been warned !

As we meet in this magnificent Grade 1 listed building designed by John Nash, I am reminded of the story of the young Kenyan artist whose remarkable work in Rome during the 17th century as an architect was considered so inspirational that he was

given an honorary seat in the legislature with a new title to reflect the new artistic style that he pioneered. From that time forth he was known as Don Baroque Obama, il Magnifico!

I should begin with an apology – and not only for that joke. Standing before you this evening I feel like an undergraduate at Cambridge who, on revising his study of the Hebrew Scriptures, decided to concentrate on the Kings of Israel.

There was not a single question on Kings but plenty on the Prophets. The first question was: "Compare and contrast the Prophets Elijah and Elisha".

Our friend began his answer thus. "Be it far from me to compare and contrast such great men. Being a humble student I will compare and contrast King David and King Solomon".

I am aware that some of the earlier promotional material for this event suggested I would be speaking on "Tolerance, Immigration and Community Cohesion." Whilst I will touch upon those issues in my address, the title I have chosen is in fact a different one. One of the reasons for the change of the title lies in the word "**tolerance**"; a word which highlights that which is most lacking in much of our debate around issues of immigration and community cohesion.

At the root of my dislike of the term "tolerance" in this context is the sentiment that somehow by tolerating something or showing tolerance one is doing something more noble than just putting up with it. Therefore, no fundamental change in attitude and practice is required of you. If that is what people are being asked to do in terms of migration and community cohesion, it is little wonder that we hear a myriad voices of unease.

True hospitality involves risk because it welcomes people unreservedly, taking seriously that Christian tradition of service. It means welcoming the stranger without an agenda, without the assurance or certainty of a particular outcome, and in so doing placing ourselves in a position to recognise the dignity of the stranger who does not share our story.

At its worst tolerance rarely achieves anything beyond making the assumption that we all possess the same degree of

tolerance, unaffected by our upbringing and the circles we move in. This flawed process leads to the unenviable situation where we conclude, "If I can get you to believe as little as I do and to hold it as lightly as I do, things will work out."

I was raised in a large family in a village where everyone in Masooli was there for you. Ours was the path of "magnanimity", meeting the other person half-way.

For me Magnanimity is a better path than tolerance. If we are to be magnanimous in our approach, there is a chance that we can begin a relationship based on unmerited favour and acceptance. If we simply talk of tolerance then the road to engagement, to conversation, to neighbourliness becomes that much harder.

So I have taken for my title this evening, "**The Road to Recovery: Neighbourliness and Mercy, Community and Service**".

II. Neighbourliness

Inevitably in an audience such as this there are a goodly number of lawyers. Anyone who is familiar with even the most basic of this country's civil law will be aware of the 1932 case of "the Paisley Snail", the case also known as *Donoghue versus Stevenson*.

For those of you unfamiliar with the case allow me to offer a brief outline. In 1929 Mrs. Mary Donoghue and her friend went to the Wellmeadow Café in Paisley. Mrs Donoghue was bought a ginger beer by her friend; she did not buy the drink herself. The ginger beer was in a dark, opaque bottle; its contents could not be seen.

Mrs Donoghue consumed some of the ginger beer. She subsequently poured the remaining amount into her glass after which the decomposed remains of a snail emerged from the bottle. Mrs Donoghue subsequently suffered nervous shock and a very severe case of gastro-enteritis.

Mrs Donoghue brought an action against David Stevenson aerated water manufacturer in Paisley, wherein she claimed

£500 as damages for injuries sustained by her through drinking ginger beer which Mr. Stevenson manufactured.

The case before the court was simply this: did Mr Stevenson owe a duty of care to Mrs Donoghue? There was no contract between them, Mrs Donoghue had not bought the drink. In the absence of a contract what duty of care was owed to Mrs Mary Donoghue?

The case eventually went to the House of Lords who decided by a majority of 3 to 2 in favour of Mrs Donoghue. As every council leader who has been sued by someone for tripping over a paving stone must by now be aware, this case is central to the existence of a duty of care in the law of Tort, especially on the then developing nascent tort of negligence

The leading judgement in favour of Mrs Donoghue was delivered by Lord Atkin who formulated what has gone on to become known as the neighbour principle.

At Paragraph 80 of the judgement Lord Atkin said:

"The rule that you are to love your neighbour becomes in law, you must not injure your neighbour; and the lawyer's question, Who is my neighbour? receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law is my neighbour? The answer seems to be - persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question." [1]

The judgement in *Donoghue versus Stevenson* provides us with a question which continues to be relevant not only in the courts and in the law of negligence, but is also, I would suggest, a useful tool for considering what duties we may owe one another in the wider operation of our concerns in society.

In our modern media age, where we watch live as acts of terrorism committed on a global scale and where it is no longer possible to claim ignorance of acts of genocide taking place as we speak, what does it mean to *"avoid acts or omissions which would likely injure my neighbour?"*

In a globalised world of systemic interconnectedness, where banks which have been built over centuries can lose their capital in a matter of hours, what does it mean to speak of a neighbour as *"persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation?"*

To root such questions in a more immediate setting perhaps I can refer to a different and more recent case, that of Ama Sumani.

Thirty-nine year old Ama Sumani came to the UK five years ago from Ghana. She entered into the UK on a student visa but was unable to enrol on the banking course she wanted to take because of her lack of English. She started working and in so doing contravened the conditions of her visa.

In January 2006 the mother of two was diagnosed with multiple malignant myelomas and began receiving dialysis at the University Hospital of Wales in Cardiff.

Although her visa had expired by the time she was taken ill, her solicitor made representations for her to stay in the UK on compassionate grounds. If she was returned to Ghana she would not have the funds for treatment. The seriousness of her condition was such that without treatment her health and life would be at risk.

Those representations were refused. Mrs. Sumani was removed from the hospital by five immigration officials who drove her to Heathrow and put her on a flight to Ghana ignoring appeals for mercy from members of the public, campaign groups and Ghana's High Commissioner.

In March of this year, two months after her return to Ghana, Ama Sumani died. Without a bone marrow transplant and without the drug, thalidomide, which she needed to prolong her life, her fate came quickly.

In an editorial written at the time of Ama Sumani's deportation, the medical journal, *The Lancet* commented that: *"To stop treating patients in the knowledge that they are being sent*

home to die is an unacceptable breach of the duties of any health professional. The UK has committed an act of atrocious barbarism."

It is so easy for us to point a finger – if we do, we must remember that three others are pointing at us.

As Abraham Heschel has said, *"We must continue to remind ourselves that in a free society, all are involved in what some are doing. **Some are guilty, all are responsible**".* [2]

What would have been the consequence of applying Lord Atkin's "Neighbour Principle" to Ama Sumani? Sadly, the separation of Religion, Morality and Law has gone too far, leading to such dire unintended consequences.

Did those responsible *"take reasonable care to avoid acts or omissions which they could reasonably foresee would be likely to injure"* her? Was she *"a person so closely and directly affected by [their] acts that [they] ought reasonably to have them in contemplation?"*

Clearly if Lord Atkin's neighbour principle had been applied in this case, Mrs. Sumani might well still be alive today.

III. Mercy

In placing the question of "who is my neighbour" at the heart of his considered judgement Lord Atkin was rehearsing a scene already enacted two millennia previously in a conversation set out in the Gospel of Luke.

In his exposition of the neighbour principle Lord Atkin refers to the lawyer's question of "who is my neighbour?"

The lawyer to whom he was referring was not any of the learned counsel who appeared to plead their respective cases before the Law Lords, but rather the lawyer mentioned in Chapter 10 of Luke's Gospel who opens his conversation with Jesus of Nazareth by asking, "What must I do to inherit eternal life?" – a thorny question I think for any lawyer.

Jesus replies by referring to the law. "You shall love the Lord your God with all your heart, and with all your soul and with all your strength, and with all your mind; and your neighbour as

yourself."

It is at this point the lawyer then asks Lord Atkin's question, "And who is my neighbour?"

In response Jesus tells the parable of the man travelling on his way from Jerusalem to Jericho who fell among robbers, was beaten, robbed and left for dead on the road. It is a parable in which I should add ministers of religion do not come off very well at all. A priest and a Levite both pass by on the other side of the road. But it is a Samaritan who rescues the man, cares for him and spends his own money on restoring him back to health.

With the Parable told, Jesus asks the lawyer which of these was the man's neighbour?

And the answer comes, "The one who showed him mercy".

In the Greek of the New Testament the word translated as mercy is "eleos" (eleos) which means *"a feeling of sympathy with misery, active compassion, the desire of relieving the miserable - suffering with another."* It is little wonder that, in the Abrahamic religions, this characteristic of God, whose nature is always to have mercy, finds such prominence within our understanding of who God is. For the great characteristic of God is to show mercy, kindness, and to be always full of compassion.

Mercy is a term which we don't hear of much in our common discourse. It was mercy which was asked for by supporters of Mrs. Sumani when she came to be deported. Yet in our modern usage "mercy" is often associated with weakness.

But "mercy" is the very characteristic of neighbourliness. To be a good neighbour requires us both to show and to exercise mercy. Being concerned not only for my own well being but for that of my neighbour, particularly when I am in a position to help and my neighbour is not. It is exercising compassion not for gain but out of **duty** – another unfashionable word of which we hear little in our modern debates.

Mercy is born from compassion and enjoined with a desire to give freedom and dignity to others. Mercy recognises a power

relationship that exists between those who are in need, those who seek mercy, and those who are in a position to give it. Sadly, mercy plays little part in political or judicial systems.

Traditionally, our legal system of justice was built upon the three pillars of law, religion and equity. If mercy is to be found within that system it resides only as a minor subset of a wider equity.

In our political system one can only imagine the fortunes of a politician or political party that stood on a platform of being merciful. Indeed in our politics the opposite seems to be true. It is the tough talking of the unmerciful who would come down hard on criminals, immigrants and trouble makers whose voices seem to compete for votes in the public square in the belief that this is the way to win hearts and minds.

Only recently an honourable member of the House of Commons – a Junior Minister - attacked lawyers and charities working on behalf of those who are seeking asylum and accused them of "playing the system." In an interview with the Guardian he was reported as suggesting that charities "by giving false hope and by undermining the legal system, actually cause more harm than they do good."

Instancing an asylum seeker who had won the right to stay after going through six layers of appeal, the Junior minister is reported to have said, "That person has no right to be in this country but I'm sure that there is an industry out there (with) a vested interest."

Hullo! Hullo! Is this the United Kingdom we are talking about? A Kingdom with the Queen in Parliament under God?

Speaking as someone without a vested interest and is not a member of any industry to which the honourable member was referring, I would suggest that the allegation that lawyers are undermining the Law is very serious indeed. If it were true, the premises upon which British justice is based would be seriously open to question and the honourable member would be applauded for drawing this to our attention. The facts however

tell a different story.

The Law Society has already told the Home Office that the allegation that appeals were generally pursued in order to prolong the stay of the asylum seeker was clearly wrong when so many initial asylum decisions by the UK Border Agency were overturned. The most recent asylum figures show that 23% of all asylum appeals succeed, with the original decision overturned.

The Refugee Legal Centre, the largest provider of legal representation to asylum seekers, 50% of its cases on appeal are granted.

The fact is that justice is often not done the first time round. The Independent Asylum Commission has highlighted several reasons why this is the case, not least the poor level of initial decision making, flaws in Country Guidance notes and the dearth of legal aid provision leading to inadequate initial representation.

There is also the matter of the Rule of Law. For any honourable member to suggest that someone who has made out reasonable grounds, and has succeeded in their appeal, under the due process of law "has no right to be in this country" is a worrying development.

May I be forgiven for suggesting that the Honourable member in question does not advance his stated desire to have "a mature debate about immigration", by this carry-on. He is what the late Harold Wilson would have described as "*suffering from terminal inexactitude*".

Perhaps the nearest to a statute of mercy to be found operating in our law is Article 3 of the European Convention of Human Rights. It states that, "*No one shall be subjected to torture or to inhuman or degrading treatment or punishment.*"

At a time when torture and inhuman treatment continues to be meted out to the people of Zimbabwe by a brutal Government that treats its citizens as stepping stones to political power, the need for mercy within our country's law is an imperative. We

must show a better way.

Some of those who have fled that country seeking safety and human dignity from such degradation have found their way to these shores seeking refuge. We could have done more in dealing with their applications more speedily. I do not understand why they cannot earn their keep while their long and laborious applications are being considered. It is an appalling situation that has continued for far too long for a very large number of them.

The quality of our mercy in this area as a society has been shown to be lacking and I can only hope that the recent decision of the Asylum and Immigration Tribunal upholding the appeal of a teacher from Zimbabwe, in *RN and the Secretary of State for the Home Office, Appeal Number AA/04057/2006*, will transform the prospects for many of those from that country who have reached our shores. I am grateful to the Prime Minister and the Home Secretary who have halted sending failed asylum seekers to Zimbabwe while Zimbabwe continues to be a land of death, starvation and brutality.

Our country's laws of immigration and its associated policies are not formed on the basis of the neighbour principle of a shared responsibility.

This shared responsibility is key to any understanding of what it means to be a neighbour and what it means to be a society: a community of neighbours sharing responsibility, always ready to exercise mercy and compassion for those in need of it.

However in recent decades the concept of shared responsibility has creaked and stretched under the strain of individualism that has been placed upon it. But I believe the time is now ripe for a re-envisioning of that responsibility and it is to that I will now turn.

IV. The Need for a Shared Vision

Bobby Kennedy, the younger brother of John F. Kennedy, and one time Democratic Presidential Candidate, until his assassination, used to keep in his desk drawer a copy of a letter sent by the poet John Keats to his brother and sister-in-

law, George & Georgiana Keats in 1819.

The letter said this:

"While we are laughing the seed of some trouble is put into the wide arable land of events. While we are laughing it grows and suddenly bears a poison fruit which we must pluck."

It seems to me that the poison fruit that has sprouted within our democratic system is that of apathy, disempowerment and a loss of memory of our history, culture and tradition. It is a lack of interest, or boredom borne not only of material excess, where consciences have grown so fat on consumption that they ceased to function but also through a lack of shared big picture. The lack of a bigger vision to hold us all together.

Whilst we have all benefited from the economic progress of past decades the consequences of rampant consumerism and individualism – both economic and social - have been to eradicate the glue that coheres communities together.

The woes of our current economic climate will bring many challenges over the coming years. Increasing redundancy, home repossessions and a recession will create an economic climate in which the economic givens of recent years can no longer be taken for granted. However alongside these challenges, will be opportunities for re-considering the purposes of our economic wealth.

In the myriad of lessons which stand to be learned from the recent economic crises, one must surely be, what was the purpose of the wealth that was being generated during the recent decades beyond the increasingly rapacious consumerist appetite? Where is the greater vision that directs our frenzied economic activity?

Can we as a country find a vision that can maintain a reason and purpose for our activity beyond avoiding the worst impacts of economic excess or slow down?

Though these questions have developed a new resonance in the current economic conditions, they are not new. In a saying from the book of Proverbs attributed to King Solomon, we are

told that "Where there is no vision, the people perish". Solomon was the wisest of the Kings of Israel, but he is not the only wise man to have considered this question.

In a lecture on Social Witness and Evangelism in 1943, Archbishop William Temple spoke of the problems of disempowerment faced by people in a time of crisis. William Temple posed the question this way,

*"How shall the individual citizen affect this vast machine in which he is caught up? How shall he understand the intricacies of political, social and economic life enough to have the confidence to act in relation to them? He feels trapped. So he looks on, losing any sense of responsibility, and therefore bereft of any aim in life except to earn enough to amuse himself in his spare time."***[3]**

Faced with the current economic crisis before us, Temple's analysis during a time of the Second World War seems remarkably apposite, not least for his concern about the resultant impact of such crises upon society and individual responsibility. The danger William Temple identified is one of disengagement, of an abandonment to the common life or common good, in favour of an inward looking existence. Hence, William Temple argued that, *"The ordinary citizen is bewildered by the number of questions with regard to which decisions are needed, and the way in which they are interlocked with one another. So he is disposed to abandon the effort to reach any conclusion or to take responsible action...He feels that it is all beyond him; he decides to look after his own affairs and leave politics to experts or fools. But in reaching that decision he is taking the very important political action of repudiating democracy; he is also shirking, or at least relieving himself of a burden of responsibility."***[4]**

The opportunity which is before us as a nation is to use this time of crisis to create a renewed shared vision of community based on service rather than caring for number one, on covenant rather than contract, on duty rather than entitlement.

V. Community and Service

In a recent speech in the House of Lords, the Bishop of Exeter recalled the philosopher Alasdair MacIntyre's description of human beings as, "dependent, rational animals. We are part of a greater creation; we have a unique capacity to reflect; but, most of all, the fundamental truth about being human is not that we are autonomous individuals but that we are dependent upon one another." [5]

One of William Temple's many gifts was the recognition of the importance of community to the well being of the individual.

In 1942 William Temple published his groundbreaking work, *Christianity and the Social Order*, where he sought to apply Christian values to the political issues of his day.

Key to this work was William Temple's commitment to **freedom, fellowship** and **service**. He believed that their application might lead to a more just society.

The first of the principles, of a more just society, William Temple described as **liberty**, or the principle of respect for personality in all people.

He explained that, *"If each man and woman is a child of God, whom God loves and for whom Christ died, then there is in each a worth absolutely independent of all usefulness to society."* [6]

This is a principle we need to hear afresh, not least in our treatment of the elderly, those refused asylum, young people in the care system, and the severely disabled, who, in my book, are clearly our teachers.

These voiceless members of our society, without votes canvassed, and without political advocacy remain of equal worth in the eyes of God and should not be victims of our social disintegration, economic decline and fabric decay.

William Temple's second social principle was an expression of the social dimension of **freedom**.

"No man is fitted for an isolated life; every one has needs which he cannot supply for himself; but he needs not only what his neighbours contribute to the equipment of his life but their actual selves as the complement of his own. Man is naturally

and incurably social".[7]

As we say in Africa, "I am because we are. I am because I belong; I am because I participate".

Social fellowship teaches responsibility and inter-dependence. It demonstrates the fallacy that people can live disconnected lives, isolated and individualised or atomised from one another. This social fellowship is expressed through family life, school, college, trade union, professional association, city, county, nation, church, synagogue, temple and mosque.

It is an understanding that we sink or swim together. That we are bonded together by our common humanity. That we are members of the one race: the human race.

All these groupings need to be fostered by the state, which should give them the freedom they need to guide their own activities. They are crucial because *'Liberty is actual in the various cultural and commercial and local associations that men form. In each of these a man can feel that he counts for something and that others depend on him as he on them'*.**[8]**

William Temple's third social principle was one of **service**: it's the combination of Freedom and Fellowship as principles of social life find meaning in the obligation of Service'.

William Temple's analysis still stands today. Freedom and fellowship operate at their best when we seek not our own welfare first but the general welfare of all people.

Having learnt the infinite worth of each individual, and the value of inter-dependence it is through service to both family and community that society as a whole benefits. Our wider loyalties can be used to check the narrower: we can and should check these keener loyalties - to family, career, and home - by recognising the prior claim of the wider humankind, nation and our global village.

So, we may live on an island, but no man or woman is an island.

"So a man rightly does his best for the welfare of his own family, but must never serve his family in ways that injure the nation. A man rightly does his best for his country, but must

never serve his country in ways that injure mankind."[9]

The challenge is not to be so self-absorbed that we shut out the world outside of us and imagine that our problems are so humongous, and therefore, that nothing worthwhile is left for us.

The challenge is not to react like a young woman whose life was filled with countless disappointments. She went to her father, who was a Chef, and said, *"I've had enough, I'm giving up. Life is too hard."* The father said, *"Let me show you three things."*

He filled three large pans with boiling water, put them on the fire, and put carrots in one, eggs in another, and roasted coffee beans in the third.

They all boiled vigorously, and after twenty minutes the carrots were soggy and uninviting, the eggs were hard as a rock, the coffee beans had been softened and were disintegrating, giving off a marvellous aroma and turned clear water to black.

He said to her, *"Which of these would you rather be? Hard and attractive like a carrot, but likely to go soggy under pressure? Or like an egg, which starts tender and soft, but turns like a stone in hot water for a long time? Or like roasted coffee beans, which when boiled not only give off a marvellous aroma, but also change their environment"*

She said, *"I would rather be like roasted coffee beans"*. And she resolved to go on living with a new determination, to see her problems as opportunities for a positive engagement of love.

VI. The Road to Recovery

Eleanor Roosevelt, an inspirational woman of incredible passion and verve for life, believed that we have a strong hand to play in writing our own stories. She said, 'The purpose of life is to live it, to taste experience to the utmost, to reach out eagerly and without fear for newer and richer experiences'.

As we seek to live out our God given life with a similar passion and verve, my hope is that we will discover that the joy of such experience is not bound up in the ability to purchase or consume it, but rather in the ability to embrace and live life

through our relationships with one another.

It is an oft touted truism that the test of an individual's character is not whether they encounter crises in their life, but how they respond and deal with the crises that arise. As with individuals so with countries and societies.

Arguments will continue to rage about the causes and origins behind the current economic crisis. The answers will be important in terms of learning lessons for the future, but for many more important still will be how we deal as a country with the situation in which we find ourselves.

For me the road to recovery is a path not to riches but to service. It is rooted in the rediscovery of a vision to rebuild community in recognition of our duties to one another. Of standing ready to help our neighbour not only because they may be a victim of the recession, but because they are created in the likeness of God, and are an individual of infinite worth for who Christ died.

I would like to end with a final word on the economic crisis, again from William Temple's 1943 lecture. In his consideration of the economy Temple argued for the need to see the economy as our servant and not our master. At a time when many of our banks are now in reality in public ownership, the time has come to ask again about the purposes of our wealth and how we might use it in service of a greater vision,

"Maximum output is not a true end of human enterprise; the end is fullness of personality in community; nothing economic is a true end. Consequently all economic methods and structures must be subject to criticism on non-economic as well as economic grounds. On economic grounds they must be tested by the question whether they are fully efficient, or, in common speech, do they work?"

And this question must be asked of any improvement of them proposed on humanitarian grounds. But the non-economic question must be kept in view: does this economic method or structure either help or hinder the development of persons in

community?"[10]

Only when the answer to that latter question is found, will our road to recovery have begun: **Neighbourliness and Mercy, Community and Service**. What an exciting prospect. May we all join the scrum for the prize of making this country greater and greater in the service of our global village.

[1] Lord Atkin, 580 Donoghue v Stevenson, [1932] All ER Rep 1; [1932] AC 562; House of Lords

[2] Abraham Heschel, Vietnam: Crisis of Conscience, New York 1967; also in Pacifism and the Jews by Evelyn Wilcock, Hawthorn Press, 1994, p.169

[3] *Social Witness & Evangelism, The Social Service Lecture 1943*, William Temple, Epworth Press, London , 11

[4] *Social Witness & Evangelism, The Social Service Lecture 1943*, William Temple, Epworth Press, London 5

[5] Hansard 18 Nov 2008 : Column GC82

[6] *Christianity and the Social Order* William Temple (1942) p.60

[7] *Christianity and the Social Order* William Temple (1942) p.62

[8] *Christianity and the Social Order* William Temple (1942) p.68

[9] *Christianity and the Social Order* William Temple (1942) p.70

[10] *Social Witness & Evangelism, The Social Service Lecture 1943*, William Temple, Epworth Press, London, 11