



Conversations

A newsletter of the thoughts and happenings of the Trinity Forum Academy
December 2008

Dear Friends,

If you happened to catch The Wall Street Journal this past weekend, perhaps you noticed the section on the burgeoning role of American comedians as our most frank cultural critics. In that section, Academy alum Jamin Brophy-Warren ('06) offered his thoughts on comedians' attempts to draw on the quirks of our President Elect in the article "Learning to Laugh at Obama" (see link below). Since his time at the Academy, during which he researched the role of black comedians in American culture, Brophy-Warren has been an insightful voice on social and technological advancements in our society.

In a recent lecture hosted by The Trinity Forum with Mark Noll and Nathan Hatch, I was struck by their observations that, while progress is being made, evangelicals continue to struggle to establish a significant intellectual voice within our society. The hope and aim of the Academy, to which the efforts of our alumni offer evidence, is to help the next generation of leaders grasp how a life completely committed to Christ, for whom and by whom all things were created, can be the very motivation to pursue excellence and knowledge in all areas of society. Whether it be in the national media, the Federal judicial system (see feature by Amin Aminfar, '03), the jungles of Burma (see feature on human rights by Ben Rogers) or in the relationships, communities and responsibilities to which you are called, we believe that deep meaning and purpose can be found by living a life grounded in faith and directed toward renewing our culture.

We always enjoy hearing from you.

Sincerely,

Grady Powell
Director of Development & Communications
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Features

Michael Clayton, Thomas More, and the Duty of a Christian Lawyer

By Amin Aminfar ('03)

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A Mandate for Human Rights Activism

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Link to "[Learning to Laugh at Obama](#)" from the The Wall Street Journal 11/28/08

By Jamin Brophy-Warren ('06) and Amy Chozick

Updates

Conference with Dr. Francis Collins & Kelly Monroe Kullberg

Join us for our annual conference in which Dr. Collins, former Director of the Human Genome Project and author of *The Language of God*, and Ms. Kullberg, founder of The Veritas Forum and author of *Finding God Beyond Harvard*, will address how, as Christians, we can live with intellectual integrity in today's scientific and academic culture. *Space is limited. A limited number of scholarships are available for students and ministers.* Learn more at:

<http://www.ttf.org/academy/integrity.html>

Accepting Fellowship Applications for the Class of 2010

The second round deadline for applications for the Class of 2010 is January 30, 2009. We are looking for outstanding college graduates, age 21-26, who have demonstrated leadership potential within their field, are passionate about learning, and have a sincere commitment to their Christian faith. Recent graduates with a masters degree or who are intending to pursue medical school, law school or another graduate degree will find the Academy an ideal environment to explore their field with a unique degree of academic freedom and creativity. Young professionals with several years of business experience find the Academy a grounding opportunity in which they can evaluate our current corporate culture and strategically plan their path alongside experienced business leaders. Contact academy@ttf.org.

Curriculum Update - Who is God?

"Who is God?" is the second fundamental question the Fellows wrestle with in the curriculum. Recent readings include Nietzsche's *Thus Spoke Zarathustra*, Dietrich Bonhoeffer's *Life Together* and Marilynne Robison's *Gilead*.

Recent / Upcoming Speakers

Featured topics: Religion and public life, the American Church, global theological education, government policy on faith-based initiatives, historical understanding of Jesus, the American healthcare system

- **Dec. 4: Roman Williams** – PhD candidate at Boston University, will address how people form sacred space in their daily lives
- **Dec. 8-11: Skip Ryan** – will serve as a Scholar in Residence and guest lecturer. Over several sessions, Ryan, a former minister, will address the role of the church including a lecture entitled "The American Church: Four Identities and Four Callings".
- **Dec. 13: Dr. Richard Pratt** – author, professor and President of Third Mill Ministries, will speak on the Kingdom of God in relation to global theological education
- **Dec. 16: Stanley Carlson-Thies** – Director of Social Policy Studies at The Center for Public Justice, will address the state of government policy towards faith-based initiatives
- **Jan. 5-9: Dr. William Edgar** – will serve as a Scholar in Residence and guest lecturer. Dr. Edgar is a Professor at Westminster Seminary in Philadelphia and serves as a Trinity

Forum Senior Fellow. At the Academy, he will address the church's historical understanding of Jesus.

- **Jan. 23: Jason Bernd** – corporate healthcare consultant, will discuss the current state of the American healthcare system
- **Feb. 6: Richard Lukianuk** – founder and headmaster of Christian Heritage Academy, will discuss the importance of educational and professional integrity

Support the Academy

The Academy is funded solely through private donations. Please consider how you might help us continue to invest in the lives of our Fellows and promote the renewal of our culture. You can give securely online through our PayPal account by [clicking here](#). All donations are tax deductible.

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Send us your ideas: Read an intriguing article or a blog post? Hear a great speaker that you want to share about? Have an idea for the newsletter or thoughts on a book? Send your thoughts and links to [Grady Powell](#).

Note: The opinions, articles, and other media represented in this newsletter do not necessarily reflect the opinions of the editors or the Trinity Forum Academy, but serve to provide a forum for personal reflection, engaging culture and encouraging others to do the same.

Michael Clayton, Thomas More, and the Duty of a Christian Lawyer

By Amin Aminfar ('03)

Amin Aminfar is a 2003 graduate of the Trinity Forum Academy. Following the Academy, Amin completed a dual-degree program in theology and law at Duke University, and currently serves as a lawyer with the US Department of Justice in Washington, DC.

Can an ethical lawyer be a moral person? In popular American sentiment, the suggestion that a lawyer may be moral is virtually a non sequitur. To the guild of lawyers, being ethical, that is, obeying the rules of professional conduct that guide the practice of law, is a profoundly moral task. Both of these responses elide a basic truth: the interface between legal ethics and moral responsibility is fraught with choices that threaten both. *Michael Clayton*, a film about personal crises in the lives of two New York lawyers, presents a classic, even clichéd, example of this tension but supplies a seemingly banal resolution. But that resolution is one that, on closer examination, demonstrates the profound difficulties involved in the ethical choices that lawyers must make. *A Man for All Seasons*, the drama depicting the martyrdom of the English, Catholic lawyer Thomas More, highlights how the Christian lawyer may face even greater difficulty in holding morality and the ethical practice of law together while pointing towards a provisional way forward.

The central villain in *Michael Clayton* is U-North, a chemical corporation that, the audience is led to believe, manufactured agricultural products that have killed a number of people. This fact is known to the primary lawyer representing U-North in the resulting lawsuit. Indeed, much of the drama of the film centers on what this lawyer, Arthur Edens, is going to do with the smoking-gun document. Will he give it to the other side, virtually ensuring the destruction of the company, the law firm, and his legal career? Or will he keep it confidential, as a lawyer presumably should (assuming, as the film does,

that no other disclosure requirement exists)? The first possibility implicates what may be considered commonsense morality: if one knows that someone has committed a terrible crime, then not reporting the crime and its perpetrator is both dangerous, because the perpetrator may strike again, and terribly unjust, because the perpetrator, although guilty, may go free. The second possibility implicates a very basic rule of legal ethics: lawyers are not allowed to divulge the confidences of their clients about past crimes. The rule has exceptions, but, in general, the rule is as straightforward as rules of legal ethics get.

The rule of lawyer-client confidentiality is most often justified as a way to ensure that clients divulge information, especially potentially incriminating information, to their lawyers and thereby receive the best representation possible.¹ It is argued that removing the rule would not result in any significant increase of criminals being brought to justice, since no potential client would admit anything to a lawyer absent the prior protection of confidentiality. Consequently—and worse—the absence of strong lawyer-client confidentiality would deny clients the one thing most necessary in an

¹ Confidentiality as a rule of legal ethics in America was first established in the earlier part of the 20th century. As a concept, it has much earlier vintage, and is related to the evidentiary rule of attorney-client privilege. See Lloyd B. Snyder, *Is Attorney-Client Confidentiality Necessary?*, Georgetown Journal of Legal Ethics, Spring 2002.

adversarial legal system: able representation by an informed attorney.

But *Michael Clayton* cares little for the Model Rules of Professional Conduct, the paradigmatic instance of American legal ethics. Instead, Edens has an epiphany about the horrors of practicing law in a big firm that defends clients like U-North and decides to tell what he knows. Though Edens is killed, his effort is ultimately carried out by his friend in the firm, Michael Clayton. And because U-North has its secrets revealed by Edens, in violation of crystal clear rules of legal ethics that Edens knew were in place when he decided to enter the world of big-firm law and its coordinate, potentially odious clients, it is presumably sunk in the lawsuit brought against it. Regardless, Edens is the film's obvious hero, notwithstanding his betrayal of his client and profession.

As I've implied, *Michael Clayton* may be dismissed by lawyers as simply pandering to the sense of duty shared by people who do not bear the responsibility of functioning within, and carrying on the traditions of, the American legal system. Indeed, it appears to be a simplistic morality tale: a flawed man—a lawyer—finally standing up and doing what is right to bring an evil corporation to justice. But this narrative is not entirely indefensible.

A critique of Edens's actions may begin with the observation that he knew precisely what he was getting into. The managing partner of Edens's law firm makes clear that he always thought U-North was probably guilty. And it is certainly reasonable to think that, as a long-time litigator with the firm, he knew that he would have to represent clients that were probably guilty. In this light, Edens's actions seem even less defensible: if he thought the societal obligation of reporting the guilty was important, he should have entered another profession, or at least represented someone else. But his awareness in this respect is ultimately immaterial. This is so because the relationship between lawyer and client, though nominally constrained by the rules of legal ethics, is in fact ultimately free of those

constraints. Although the lawyer knows that taking on a client could result in having to defend abhorrent behavior, the client cannot assume that the lawyer is obliged to total confidentiality even when the rule of lawyer-client confidentiality clearly applies. The client only knows that the lawyer is obliged to obey certain rules, and that, should the lawyer fail to do this, the client has the right to do significant financial and professional harm to the lawyer. The relationship between lawyer and client constructed by the rules of legal ethics does not contain, therefore, an absolute agreement that the lawyer will never betray the client, just that the lawyer is prepared to accept the wrath of the client (and subsequent wrath of the profession) should the lawyer make the choice to betray. Both sides therefore enter the relationship having conducted something of a calculus about the other: the lawyer must determine whether or not the client is one that might require such a choice; the client must determine at what point the lawyer is willing to make such a choice.

This sort of choice has a long history supporting it, namely, the tradition of civil disobedience (the Christian basis for which has its best American formulation in Martin Luther King Jr.'s *Letter from a Birmingham Jail*). This tradition holds that the willingness to disobey must always be accompanied by the willingness to suffer. As a result, *Michael Clayton* has greater depth than is at first apparent. As I've argued above, moral opprobrium cannot be attached to Edens due to his violation of the codes of legal ethics because such a violation was always in principle open to him in a way that was knowable to the client. And the violation itself was in conformity to a commonly recognized moral duty, rather than something like personal greed. Although civil disobedience generally has to do with violating laws, not rules of ethics, the pattern here is nevertheless quite similar. Crucially, the film makes clear that Edens, and Clayton himself, suffer for the choices they make; Clayton will likely be disbarred and sued by U-North, a fate Edens avoids only by being murdered. As a result, the film is perhaps not such a light morality play after all: it reflexively lauds

disobedience and even a kind of betrayal, but does not pretend that such choices are without consequence.

Unfortunately, the analogy with civil disobedience does not quite resolve the tension between fidelity to codes of legal ethics and moral responsibility. No citizen promises to obey every law the state has imposed, but every practicing lawyer must at some point take an oath promising to practice law in a way consistent with the mandate of his or her state's rules of ethics. In the case of the Christian, oath-taking is an extremely serious matter. This is the central conflict in *A Man for All Seasons*: Can Thomas More take an oath for his king that would require him to deny his fidelity to the Catholic Church? More memorably asks “[w]hat is an oath, then, but words that we say to God?” He continues: “When a man takes an oath . . . he’s holding his own self in his own hands. And if he opens his fingers then—he needn’t hope to find himself again.” A Christian that desires to be a lawyer is thus faced with a real danger: being bound by oath to act in ways forbidden by her faith.

There is no good answer to this problem, save perhaps the one that *A Man for All Seasons* itself suggests. There, when More learns that he will be required to take an oath denying the authority of the pope, a denial he cannot in good conscience make, he asks what the words of the oath actually are. He is impatiently asked by his worried friends why it could possibly matter; the meaning of the oath is clear. But for More, the lawyer, the words matter, they are what bind him, not the intent of the writer of the words. Accordingly, the prospective Christian lawyer must discern what the words of the professional promise² mean, and what duty, by her conscience, she is bound to. It may be that she cannot enter the profession. Or it may be that she can, but will have to be ready to suffer consequences other lawyers will not have to suffer. In either case, a sacrifice is called for, but that can be no surprise to any person that professes Christ.

² I assume here that there is not a significant difference between oath-taking, affirming, and promising, and so use the words interchangeably. Drawing distinctions between these modes of obliging a person is beyond the scope of this essay.

A Mandate for Human Rights Activism

By Benedict Rogers (Upcoming Academy Scholar in Residence)

*Benedict Rogers is a writer and human rights activist, working with Christian Solidarity Worldwide. He is the author of **A Land Without Evil: Stopping the Genocide of Burma's Karen People** (Monarch, 2004) and co-author with Joseph D'souza of **On the Side of the Angels: Justice, Human Rights, and Kingdom Mission** (Authentic, 2007). He has travelled 24 times to Burma and its borderlands, and also works on Pakistan, Sri Lanka and Bangladesh. He has lived in Hong Kong, China, East Timor and Washington, DC, and is now based in London. For more information about CSW visit www.csw.org.uk and for specific involvement in Burma see CSW's new ChangeforBurma! Campaign at www.changeforburma.org*

He had seen his father shot dead in front of him, as they worked together in their rice paddy. He waited until the Burma Army soldiers had gone, and then brought his father's body back for burial. A few days later, the Burma Army struck again, this time killing most of the villagers, including his mother. The soldiers raped and looted, and burned down the whole village. Then they took him as a forced porter. For three days, he was forced to walk very long distances carrying very heavy loads, and was denied food and water. He collapsed from exhaustion, and was beaten unconscious. When he woke up, he found the soldiers had moved on and he made his escape. I met him in a village of internally displaced people in Shan State, eastern Burma, after walking for eight hours through the jungle, up and down mountains and across rivers, having crossed illegally into Burma from Thailand. As he told his story, this 15 year-old Shan boy looked into my eyes and said words I shall never forget: "Please tell the world to put pressure on the military regime to stop killing its people. Please tell the world not to forget us."

Those words provide a contemporary translation of Proverbs 31: 8-9 – "Speak up for those who cannot speak for themselves". It is a biblical mandate to be a voice for the voiceless, to place the fight for justice and freedom at the centre of our kingdom mission – yet too often in too many parts of the Church, that aspect of mission is low on the priority list, ignored or even, sometimes, dismissed completely. Too often, mission is seen

in narrow terms as evangelism, and is measured in statistics – the number of people "saved". Yet mission is about building the Kingdom – and human rights activism is a core element.

The biblical mandate is clear, and I could devote this entire article simply to quoting Scripture. I shall, however, simply refer to one – Isaiah 58: 6-12. The type of fasting that we should choose is to loosen the chains of injustice, and set the oppressed free.

In addition to the biblical mandate, Christians should be at the frontlines of human rights campaigning because we are all made in the image of God. Therefore any act of injustice, persecution, oppression or violence, any failure to respect the dignity of each and every human being, mars the image of God in us.

And that goes for all aspects of justice. Although I work for an organisation that specialises in religious freedom, and has a core focus on the persecuted Church, our biblical mandate is to speak for justice for all. In Christian Solidarity Worldwide, we campaign for religious freedom for all, and often our work extends into wider human rights issues where violations of religious freedom and other freedoms intersect.

As Christians, it is absolutely right that we stand in solidarity with our persecuted brothers and sisters in Christ, because if we don't who will? In 1 Corinthians 12:26 we are told, with reference to the body of Christ, that "if one part suffers, every

part suffers with it” and in Galatians 6:10 Paul tells us “as we have opportunity, let us do good to all people, especially to those who belong to the family of believers”. It is estimated that over 200 million Christians in more than 60 countries around the world face discrimination, restrictions and persecution of one form or another – and we need to pray and protest on their behalf. But our mandate for justice does not end there – in fact, it is only the beginning.

We should speak up for human rights for all primarily because it is morally and biblically right to do so. When I meet a Chin Christian woman and a Shan Buddhist woman in Burma, both of whom have been brutally gang-raped by the Burma Army, I don’t distinguish between them. Their suffering is of equal concern to me, and the violation both have endured causes me equal outrage. And so when thinking about why we speak up on human rights, we need to be clear about our motivation – which must come from pure biblical and moral foundations. We speak up for others because it is right to do so.

Nevertheless, there are also clear strategic reasons for standing with all the oppressed, not only Christians. Firstly, the Church can never exist in isolation. We are in the world, though not of the world. So, if we are to truly serve the persecuted Church, our approach must be holistic. Change for our persecuted brothers and sisters will, in most countries, only come with change for everyone. Religious freedom for Christians cannot be divorced from freedom for all.

Secondly, if we speak up for others, it is more likely that they will stand up when Christians are persecuted. I have been working with the Rohingya people in Burma, a Muslim people group who are among the most oppressed. When I published a report in 2007 on the persecution of Christians in Burma, *Carrying the Cross: The military regime’s campaign of restriction, discrimination and persecution against Christians in Burma*, the Rohingya Muslims issued a statement of support. Earlier this year, I visited the Rohingya refugees on the

Bangladesh-Burma border, and saw the dire conditions in which they are living – and published a report which documented their suffering.

Thirdly, in the case of some religious groups, particularly Muslims, if we fail to reach out to them when they are persecuted, they may turn to radical Islamism. Promoting human rights and freedom for all is an important weapon in the war against extremism.

And lastly, are we not filled with the love of Christ? While we should never ever use human rights activism for the purposes of evangelism, is it not more likely that we will gain opportunities to share Christ’s message with others by standing with and reaching out to them, than turning our backs and focusing solely on our own kind? My good friend Joseph D’souza, President of the All India Christian Council, led the response to the massacre of Muslims in Gujarat in 2002. The All Indian Christian Council was among the first to come to Gujarat to document the carnage, set up camps for the displaced, provide shelter and food and cry out on behalf of the victims. They did this unconditionally and without publicity. As a result, throughout India the All India Christian Council received invitations to speak to large gatherings of Muslims – sometimes as many as 75,000 people – and invariably the topic they were invited to address was: “Why did you help us? What does the Bible have to say about human rights and justice?”

It is time, therefore, for every Christian who is blessed with freedom to ask themselves how we can use our freedom on behalf of those who are denied it. It is time to see mission as not simply the business of conversion, but the expansion of Kingdom values – at the heart of which are surely justice and human rights. In Christian Solidarity Worldwide, our motto is “pray, protest and provide”. Every Christian in the free world can do all three. Christians should be at the forefront of human rights activism, and reclaim human rights as part of Kingdom mission.