

Woe To You Lawyers! Lk. 11:46

By Aniekeme Finbarr Esq

It is now a well mastered aphorism that the judiciary is the last hope of the common man. It is that arm of government that is saddled with the sacred duty of administering justice to everyone in the state. It stands between the oppressor and the oppressed and brings the necessary reprieve between the hunter and the hunted. In all these instances, the court is expected to be fair, firm and resolute in its judgment, making sure no one is unduly denied access to justice. But having known this these past years it cuts me to the quick and I am still lost in utter puzzlement as to why Jesus Christ hurled down curses on a sacred and learned profession saddled with the sacrosanct role of administering immutable justice to all persons, without fear or favour.

As of necessity, I hereby replicate the full text of the biblical drama that led to this proclamation that has ignited several debates in legal, religious and public circles. "As he spoke, a certain Pharisee asked him to dine with him and he went in, and sat down to eat. And when the Pharisee saw it, he was astonished that he had not first washed before dinner. And the Lord said to him,... Woe to you scribes and Pharisees, hypocrites! For you are as graves which appear not and the men that walk over them are not aware of them. Then one of the lawyers, said to him, master in saying this, you insult and reproach us also. And Jesus said, "WOE TO YOU ALSO LAWYERS! FOR YOU LOAD MEN WITH BURDENS GRIEVOUS TO BE BORNE. AND YOU YOURSELVES TOUCH NOT THE BURDENS WITH ONE OF YOUR FINGERS"

From the forgoing biblical analogy, arise several issues: whether Jesus passed a vote of no confidence on the legal profession? Of course no, it simply goes to show that like every profession, there are bad eggs in the legal profession who could impede the success of the sacred duty of justice and fairness. This category includes: a corrupt lawyer, an uncourageous judge, an impartial judge, an ignorant judge, etc.

According to Honourable Justice Akanbi JCA, corruption is a common denominator among all the stakeholders in the judiciary. It is without equivocation the greatest inhibitor to the right of access to justice. It is a more dangerous obstacle than ouster clauses and use of tribunals and other evils hitherto associated with denial of access to justice. Corruption is not restricted to lower courts alone. It is found in epidemic proportion in courts of record. While a judge without little or no knowledge of the law may be considered a nuisance to justice and his lack of understanding and appreciation of the law may constitute an obstacle in the path of the law. Yet, he is still more tolerable than a corrupt judge for a corrupt judge is not only a dangerous obstacle in the highway of justice, he is an anathema and a disgrace to the profession or to the institution he deserves not to belong. He is indeed a cancerous growth in the administration of justice.

It is this set of judges that Jesus cursed because they load men with burdens and won't even touch such burdens with their fingers. They are disciples of corruption, injustice and oppression. Now that our president, Umaru Yar'Adua wears the mantra of rule of law, corrupt judges will make nonsense of the entire democratic process and will take away the confidence of the people in the courts thereby bringing the profession to ridicule, contempt, insult and odium. Of course, lawyers are not left out of this parade. It is even regrettable that some legal practitioners are not more conscious of their importance in the administration of justice and thus they give credence to the misguided view that lawyers are set

of rogues devoid of all principles and scruple, as DIM SWIFT in his celebrated GULLIVER'S TRAVEL. In his words, "Lawyers are society of men breed up from their youth in the art of proving by words multiplied for the purpose that white is black and black is white according as they are paid". Lawyers owe a duty to the courts, to their clients and to the general public. They are co-worshippers in the sacred temple of justice. They can only say on behalf of their clients all they honourably can. And this means saying all the truth that must be said. It does not include telling lies to embellish the facts because by telling lies or by distorting the truth, counsel is doing a dis-service to the court and society, even if the lie may benefit his client. A lawyer must be honest. According to Honourable Justice A.N. ANIAGOLU JSC (RTD) OFR, KSS in a written address presented on 24th August, 1976, "a dishonest lawyer is like a cancerous growth in the administration of justice. He misleads the court; he provokes his opposing counsel into chilling unbelief and anger. He complicates his client's case by putting doubt in the minds of the court and jury on the entirety of his client's case; he disgraces the bar by acting in utter breach of the ethics of the noble profession, he draws the contempt of the discerning public who look up to the court and the legal profession for justice and fair play. He lends credence and support to the untrue and misguided statement of some members of the public that a lawyer is a liar, he storms the gates of heaven with his lies and rages the entire celestial choir who believe in immutable justice against him; he draws down to himself the vengeance of Almighty God whose very nature is truth and who cannot do injustice. A dishonest lawyer is a negation of everything the legal profession stands for"

Therefore, the bar and the bench are in a joint endeavour to do justice. They are partners for judicial process and friends committed to a common goal. I use this medium equally to educate the misguided members of the public who truly believe that the legal profession is cursed, thereby citing Luke 11:46, with confidence and relish. Of course, our all knowing Jesus would not mean that. But for lawyers and judges, it is another challenge to remain focus and dogged in the fight against executive restlessness and oppression in the society. The Adams Oshiomole's victory and the plethora of good and sound judgments delivered in Nigeria remains a testimony that the judiciary in Nigeria is on the right path. The human right community must continually weather the storms and endure the hatred from the authorities who have sworn not to follow the hallowed tenets of the rule of law. They are encouraged to tenaciously and uncompromisingly pursue and crusade their beliefs, principles and ideals for our untrammled rule of law, undiluted democracy, all embracing and of course expansive social justice, protection of fundamental human rights and respect for the hopes and aspirations of the masses.

As the only learned profession *stricto sensu*, the judiciary in its entirety must purge itself clean of certain elements who will re-affirm the notion that "woe" is the portion befitting to the profession. I trust fully that my learned friends and indeed the general public have found this my offering a good intellectual digest. As the court pleases...

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