

CASE STUDY 29 - Statement of Geoffrey William Jackson

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INTRODUCTION

1. This statement is to supplement my testimony given to the Royal Commission on 14 August 2015 in respect of the following three Scriptural issues, on which I undertook to Justice Peter McClellan AM to make further inquiries:
 - a. the use of male judges in the Christian congregation;
 - b. a specific reference in material published by Jehovah's Witnesses about the use of secular courts in cases of abuse; and
 - c. whether Deuteronomy 22:25-27 is an exception to the Scriptural requirement of "two witnesses".

Issue 1: Use of Male Judges

2. At 15954.29 of the transcript, His Honour asked me whether there was "*any biblical impediment to a determination, a judicial determination, being made by a body which includes women... ..?*". I responded in part by noting that although women can be involved in this very sensitive area, the role of judges in the congregation lies with men. I then referred to 1 Timothy 3:1 and following a further request by His Honour, I informed His Honour that I would provide further Scriptural references as to the use of male judges in the Christian congregation (T.159555.35). The following exchange then took place:

Q. We would appreciate it, because one possible modification to meet this issue of the lack of women as judges of allegations brought forward by women against men may be a modification of your process to include women in the judicial determination step. You understand?

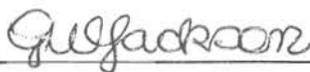
A. I do understand, your Honour, and we will make sure you get those references.

3. My response to His Honour's request is as follows.

Judging in the Old Testament

4. With the Exodus of the Israelites from Egypt, Moses, as Jehovah God's representative, became a judge. Moses thereafter appointed "capable men" as chiefs of thousands, of hundreds, of fifties, and of tens. (Exodus 18:13-26) The nation was organised with male chiefs authorised to handle

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smaller cases whenever necessary. But anything unusually complicated or difficult, or a matter of national importance, was to be brought to Moses or to the sanctuary before the priests, all of whom were male. (Numbers 3:1-51; Deuteronomy 17:8-12) The judges were not only to render judicial decisions regarding established wrongs but, if alleged offences were reported to them or they otherwise heard about such, they were to "investigate the matter thoroughly" to confirm if the accusation was true.—Deuteronomy 17:2-7.

5. The men selected as judges were to be capable, trustworthy men, fearing Jehovah God and hating dishonest profit. (Exodus 18:21) They were generally family heads or heads of tribes, older men of the city in which they acted as judges. Male Levites, who were set aside by Jehovah God as special instructors in the Law, also served prominently as judges.—Deuteronomy 1:15; 1 Chronicles 23:3, 4; 2 Chronicles 19:8.

Judging in the New Testament

6. On Pentecost 33 C.E., the Mosaic Law ended and spiritual oversight (including judging) of the congregation was entrusted to elders ("overseers"). However, the principles espoused in the Old Testament (Hebrew Scriptures) guided the first-century Christian congregation and served as the context for future practices. Thus, in setting forth the qualifications for elders, the apostle Paul identifies only male members of the congregation as potential elders when he states:

*"This statement is trustworthy: If a man is reaching out to be an overseer, he is desirous of a fine work."
(1 Timothy 3:1)*

That Paul's use of the terms "man" and "he" were not generalities referring to both men and women is confirmed in verse 2, where he lists being "a husband of one wife" as one of the requirements. And in verse 11 of the same chapter, Paul specifically offers counsel to women.

7. In Paul's letter to Titus, he restates the Scriptural qualification that men serve as elders, notice Titus chapter 1, verses 5 and 6:

"I left you in Crete so that you would correct the things that were defective and make appointments of elders in city after city, as I instructed you: if there is any man free from accusation, a husband of one wife, having believing children who are not accused of debauchery or rebelliousness."

8. In addition, James chapter 5, verses 14 to 16, says:

"Is there anyone sick among you? Let him call the elders of the congregation to him, and let them pray over him, applying oil to him in the name of Jehovah.¹⁵ And the prayer of faith will make the sick one well, and Jehovah will raise him up. Also, if he has committed sins, he will be forgiven.¹⁶ Therefore, openly confess your sins to one another and pray for one another, so that you may be healed. A righteous man's supplication has a powerful effect."

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9. The sickness referred to in James chapter 5, verse 14 is spiritual, not physical, as can be discerned from the fact that verses 15 and 16 identify prayer and confession as aids in recovery. As indicated in verse 15, this admonition to "*call the elders*" (male overseers) is not limited to only those who need to confess wrongdoing, since the verse says "*if he [the one calling the elders] has committed sins, he will be forgiven.*" The context indicates that "*anyone suffering hardship*" who needed assistance beyond what might be obtained through personal effort and prayer is directed by the Scriptures to "*call the elders*" for help. (James 5:13)
10. Such ones "*suffering hardship*" would include an alleged victim of child abuse who would stand to gain a measure of spiritual and emotional recovery in knowing that the alleged actions of an abuser would appropriately be looked into by the Christian congregation in accord with Scriptural guidelines.
11. These Scriptural passages and my comments regarding judging matters in the Christian congregation (including allegations of child sexual abuse or any other serious sin), are, of course, looking at things from a spiritual, not a secular, perspective.
12. As I have previously testified, Jehovah's Witnesses do not view this ecclesiastical process as a replacement for any criminal and/or civil inquiry into such conduct.

Issue 2: Use of Secular Courts in Cases of Abuse

13. At T.15986.33-T15990.10 the Commissioner explored with me the position of an elder who "absolutely believed" a victim of abuse, but in a situation where there was insufficient Scriptural evidence for a Judicial Committee to act against the perpetrator due to the lack of corroborating evidence. At T15988.23 the following exchange occurred:

Q. Yes, but I'm putting to you the proposition that you have one witness who you absolutely believe.

A. Yes.

Q. What do you do?

A. Well, for the ultimate protection of that child, I could if they feel that child, and other children, are in danger, I can well, I would hope that the conscience of the elders would notify the police if the parent is not willing to do that.

Q. So you would hope that the elders would act in that way. Is there any

A. Yes.

Q. instruction that they are to act in that way?

A. You know, your Honour, this is not my field. I can't tell you all the sections where we've said that, but that is my understanding, but if that instruction isn't given, that's perhaps something that we need to look at.

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14. The book *"Keep Yourselves in God's Love,"* published by Jehovah's Witnesses, has been the basis for study at our congregation meetings worldwide and has been reviewed on a one-on-one basis with all newly baptized Jehovah's Witnesses since 2009. (An extract is found at Tender Bundle 127: WEB.0053.001.0001). The publication has the following comment on page 223:

"In rare instances, one Christian might commit a serious crime against another—such as rape, assault, murder, or major theft. In such cases, it would not be unchristian to report the matter to the authorities, even though doing so might result in a court case or a criminal trial."

Issue 3: Explanation of Deuteronomy 22:25-27

15. At T15970-15974, Counsel Assisting suggested that the requirement of at least two witnesses in relation to cases of sexual abuse had no proper Scriptural foundation, relying upon references to Deuteronomy 22:25-27 to support this proposition.
16. While these verses might appear to be an exception to the Scriptural requirement that there be at least two witnesses to establish a matter, that is not a correct reading of the passages.
17. Five chapters earlier, at Deuteronomy 17:6, the Mosaic Law clearly states without exception:

"On the testimony of two witnesses or of three witnesses the one who is to die should be put to death. He must not be put to death on the testimony of one witness."

And in Deuteronomy chapter 19, verse 15, it says:

"No single witness may convict another for any error or any sin that he may commit. On the testimony of two witnesses or on the testimony of three witnesses the matter should be established."

18. It is important to note that the two contrasting situations in verses 23 to 27 of Deuteronomy chapter 22 do not deal with proving whether the man is guilty in either situation. His guilt is assumed in both instances. In saying that he:

"happened to meet her in the city and lay down with her"

or he:

"happened to meet the engaged girl in the field and the man overpowered her and lay down with her".

in both instances, the man had already been proved guilty and worthy of death, this being determined by proper procedure earlier in the judges' inquiry. But the question at this point before the judges (having established that improper sexual relations had occurred between the man and the woman) was whether the engaged woman had been guilty of immorality or was a victim of rape. This is a different issue, although related, to establishing the man's guilt.

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19. The elders had guidance in determining if any guilt should be charged to her. In the second instance (verse 27), the woman would not die,

"for he happened to meet her in the field, and the engaged girl screamed, but there was no one to rescue her".

Such a cry for help might be admitted by her assailant, which would confirm her claimed innocence. On the other hand, if the assailant denied that the woman had screamed for help, the judges would not have a basis for refusing her claim, since, in effect, it would be her word against his and there was no one nearby either to rescue her or to serve as a witness one way or the other as to her scream for help. Thus, the judges would not have a basis for taking any action against her because any claim contrary to her professed innocence could not be established by two or more witnesses. The woman, as claimed, would be judged innocent. In that case (verses 25 and 26),

"the man who lay down with her is to die by himself, and you must do nothing to the girl."

This is because (verses 26 and 27):

"[t]he girl has not committed a sin deserving of death. This case is the same as when a man attacks his fellow man and murders him. For he happened to meet her in the field, and the engaged girl screamed, but there was no one to rescue her."

20. So it is not as though the woman at this point in the inquiry is seeking to prove the man's guilt and finds herself as the only witness against him. However, it is of interest that the raping of a woman is said to be "the same as when a man attacks his fellow man and murders him." (Deuteronomy 22:26) Thus, the crime of rape is made parallel to murder, equated not only as to reprehensibility but also evidently as to being established by the same Scriptural rules of evidence, which included having the testimony of two witnesses (Numbers 35:30).
21. Understandably, there is concern in child abuse situations because there is seldom an additional eyewitness to such a crime. Even in those circumstances, the Christian congregation does not ignore the accusation. I refer the Royal Commission to the testimony of Mr Rodney Spinks of the Service Department in which he set out the further protective steps which are taken following an allegation. In addition, in those jurisdictions with mandatory reporting, elders would be required to report accusations regardless of the number of eyewitnesses.

Signed: Geoff Jackson
 Date: September 2, 2015
 Witness: J. Spinks
 Date: Sept 2, 2015

Signature: Geoff Jackson Witness: J. Spinks