

## A Discussion Paper from Barnardo's CANDL Project

*This is one of a series of discussion papers dealing with current and controversial questions for the church in modern society, and primarily distributed with our quarterly newsletter. Our aim in these papers is to provoke debate and action. As such, the views and questions expressed herein are sometimes quite deliberately blunt and to the point, but do not necessarily represent the policy of Barnardo's.*

### **Gun Crime (Part 2): A Fence Around the Torah (Law) – Building Blocks for PEACE**

*"The Torah is conceived as a garden and its precepts as precious plants. Such a garden is fenced round for the purpose of obviating wilful or even unintended damage. Likewise, the precepts of the Torah were to be 'fenced' round with additional inhibitions that should have the effect of preserving the original commandments from trespass."*

J. Israelstam  
Aboth I, 1 n.7 Cf. Pes. 2b,  
Er.100b, and Sanh.46a

To propose that one can offer a solution to the horrors of Gun Crime on our streets could be construed as a claim of great arrogance or great naiveté. In my earlier Gun Crime discussion paper I have argued that illegal drugs, particularly 'crack cocaine', have caused gun crime to reach its tipping point on our inner city streets. If I am correct then much of the solution to the problem of gun crime will lie within the arena of combating the illegal drugs trade. "Kill the trade – stop the killings!" This is easier said than done, but it can be done.

#### **Where do we start?**

The problem of the illegal drugs trade has presented itself as insurmountable. Governments, including our own, spend millions of pounds fighting the trade. Police chiefs are heard lamenting the fact that their forces appear to be losing the battle. Indeed, this sense of defeat has led to the police and the government justifying ignoring drug users in order to focus attention on drug dealers, and in some quarters legalisation of drugs has been advocated.

As a Christian, when faced with what seems to be an insurmountable problem I turn to scripture, particularly the life and teachings of Jesus, for direction. I do not mean trying to second guess what Jesus would do, in the style of the "WWJD" (What Would Jesus Do) campaign that was popular three or four years ago. I mean seeking out principles and models that can inform my decision making, despite the obvious cultural differences between 1st century Judea and 21<sup>st</sup> century Britain. One such model is that of S'yag l'torah (building a fence around the Torah).

The Torah is the "Law of Moses" as found in the Old Testament and referred to and alluded to in the New Testament. When Jesus set out his manifesto in the 'Sermon on the Mount', he first made clear that He had not come to abolish the Law, but to fulfil it (Matthew 5:17). If we apply Jesus' comment to the suggestion that laws against drugs should be repealed, we see that this was not Jesus' *modus operandi*. He was interested in seeing the purpose of the law fulfilled. Jesus showed us that the purpose of the Law was to not simply to change behaviour, but to change hearts and minds. Hence, the righteousness of the

Pharisees, which was adherence to the letter of the Law not the spirit, was not the goal of the Law. When our hearts and minds are right, the Law's purpose is fulfilled, and as a result the Law becomes redundant.

### **S'yag l'torah (Make a fence around the Torah (the Law))**

In the Mishnah, at the opening of the Tractate "Aboth" we find the following words:

הם אָמְרוּ שְׁלֹשָׁה דְבָרִים. הוּוּוּ מִתּוֹנִים בְּדִין. וְהִעֲמִידוּ  
תַלְמִידִים הַרְבֵּה. וַעֲשׂוּ סִיג לַתּוֹרָה:

Moses received the Law from Sinai and committed it to Joshua, and Joshua to the elders, and the elders to the Prophets; and the Prophets committed it to the men of the Great Synagogue. They said three things:

**Be deliberate in judging;  
Educate many students;  
Make a fence around the Torah**

The words contained in "Aboth" date back to as far as the time of the Rabbis Hillel and Shammai, and therefore reflect thoughts and influences that were current at Jesus' time. Jesus taught using rabbinic principle – this is not surprising since Jesus was a rabbi. When we understand the 'Sermon on the Mount' in light of the principle of "making a fence around the Torah", we have a clue as to how Jesus might well have approached the current drug problem that is fuelling today's gun crime crisis.

The idea of making a fence around the Law is simple. The principle is that, in order not to break God's Law other requirements should be put in place that, if kept or even broken and dealt with at the point of breach, will cause intervention before God's Law (Torah) is actually broken. Thus Jesus said:

*"You have heard that it was said, 'Do not commit adultery.' But I tell you that anyone who looks at a woman lustfully has already committed adultery with her in his heart. "*  
Matthew 5:26

Jesus built a fence around the law against adultery by focusing on a sin that was committed in thought (i.e. in the heart), way before that thought developed into a sinful act. The reasoning is, of course, simple. If we do not first lust after somebody who is not our spouse, we would not go on to engage in sexual intercourse with that person. Jesus applied the same principle to murder. He said:

*"You have heard it said to the people long ago 'Do not murder, and anyone who murders will be subject to judgement.' But I tell you that anyone who is angry with his brother will be subject to judgement. Again, anyone who says to his brother, 'Raca,' is answerable to the Sanhedrin. But anyone who says, 'You fool!' will be in danger of the fire of hell."*

Matthew 5:21, 22

However one chooses to interpret Jesus' words, whether as rabbinic hyperbole or as an insight into God's prescribed sentence for our thoughts of anger and words of contempt and derision; it is clear that the Apostle John was in no doubt about Jesus' meaning. He wrote:

*“Anyone who hates his brother is a murderer, and you know that no murderer has eternal life in him.”*

1 John 3:15

Murder is the most common result of gun crime. According to Jesus, murder starts in our thought life and moves into our speech, before it manifests as the actual act of unlawful killing. Therefore, if ‘gun crime’ murder is to be dealt with, we need to start as close to the point of initial murderous anger as possible. We note, of course, that not all anger is murderous, nor is all hatred sinful. (See Ephesians 4:26 and Romans 12:9.)

Given that anger is a state of mind, a configuration of thoughts, I am not as such suggesting that we set an Orwellian ‘thought police’ force. However, imagine if public order offences involving angry exchanges were treated as serious offences. Offenders could be required to attend anger management training courses, as part of a non-custodial sentence. Such courses could delve into and unpack issues that trigger such angry behaviour. Offenders would be required to pay for their course, thus alleviating any financial burden on the state. If the offender were unemployed the cost of the course would be deducted from his or her benefit. In this way **“anyone who is angry with his brother will be subject to judgement”**. This would be a ‘zero-tolerance’ initiative that would see those who angrily swear at others or use other forms of contemptuous words would be brought to book, and many murders literally ‘nipped in the bud’.

### **Building a fence around the drug laws: Cannabis - a fence marker**

There are those who suggest that the best way of dealing with the gun crime that is associated with the illegal drugs trade is to legalise illegal drugs. History tells us that such a move would not work. Just as in the USA, after ‘prohibition’ was lifted in 1933, organised crime focussed its attention on other illegal trade, so too would the UK’s drug gangs. Already trade in pirate DVD’s and counterfeit brand named merchandise is supplementing income from drug dealing. Worse still, as quickly as a known drug is legalised, new ‘designer’ drugs can, and no doubt will, be brought onto the market and promoted. In addition, none of the problems inherent in the use of the formally illegal drugs would have disappeared.

Having visited the psychiatric wings of a number of hospitals and witnessed the brokenness of the numerous patients “Sectioned” under the Mental Health Act, as a result of psychosis brought on by the use of cannabis, I have a hard time agreeing that cannabis should be legalised. Regardless as to whether cannabis is pathologically addictive in the same way as a drug such as heroin, use of cannabis places the user within the ‘psychological’ culture of drugs. By this I do not simply mean that the user is placed in the realm of drug pushing gangsters, but rather that they are placed into that psychological realm that says, “It is all right to seek to achieve an altered state of mind through the use of *illegal* narcotics.” It is this mode of thought that legalisation of drugs, such as cannabis, does not address. Indeed this is why the legalisation of cannabis will not solve any problems associated with the illegal drugs trade. Legalisation of drugs will do nothing to change the illegal drug using mindset. So long as the mindset remains, the market for illegal drugs will remain.

The concept of building a fence around the law can and should also be adopted in relation to drug offences, but where should the fence be built? I believe that if the purpose of legislation against the use of illegal drug is to prevent, or at least minimise the harm that they do, then the various categories that illegal drugs are put into are presumed to reflect the level of danger that they pose. If then the worse transgression of the drugs laws occurs in relation to Class A drugs, the fence around the drug laws

should be erected at the point of the least transgression, i.e. in relation to Category C drugs. Therefore, far from the lax approach of the “Lambeth Experiment”, a zero tolerance approach to the illegal use and possession Category C drugs, such as cannabis, should be adopted. In effect, the punitive actions of the legal system in relation to cannabis and other Category C drugs should send the message, “Don’t even think about achieving an altered state of mind through the use of illegal narcotics!”

We see this principle at work in other areas, particularly in relation to motorists. Those of us who have received a parking ticket know that, whether we like it or not, if we park illegally we are *highly likely* to get a fine. The result is that we resist the temptation to park illegally. The key element of this deterrent is the very high likelihood of being caught and punished. In the same way, if drug users knew that they had a high likelihood of being both caught and punished for using or possessing illegal drugs, they would adjust their behaviour accordingly. A fixed penalty fine of £200, for example, would provide effective ‘aversion therapy’ for those who use so-called “soft drugs”. With such a sanction, the idea of starting on the road to so-called “hard drugs” would be unattractive, particularly if the sanction for use of such “hard drugs” were set even higher.

This ‘fence around the Torah’ approach would not only deter progression to the most dangerous drugs, it would also provide the best antidote to the entire drugs trade. Currently, the Police are focusing their attention on the ‘drug-barons’. As Sir Ian Blair (Metropolitan Police, Deputy Commissioner) said at a Peace Alliance breakfast last year, “We are going upstream to see who’s throwing the bodies in.” The idea of concentrating so exclusively on the supply end of the drug trade does not, however, make sense. As quickly as one ‘drug baron’ is jailed, another rises up to fill the gap in the market; the law of supply and demand sees to that. So long as people are allowed to use illegal drugs with virtual impunity, the current police strategy will be like painting the Forth Bridge. It will be a job that never gets finished.

Both the supply and the demand side of the illegal drugs trade must be tackled with at least equal vigour. Any businessperson will tell you that the surest way to kill an enterprise is to take away demand. Outlawing the dealing in slaves from Africa, for instance, did not kill off the slave trade. It was the outlawing of ownership of slaves that killed the trade. If you could not legally own a slave, there was no point buying one. Killing off the demand, killed off the trade. The same will be true of the drugs trade. The way to kill the demand for illegal mind-altering drugs is to deal with the earliest manifestation of desire for them. Deal with the lust long before it becomes action. That can only be achieved by building a fence around the drug law through zero-tolerance, predictable, consistent and significant sanctions against all illegal use and possession of all illegal drugs.

## **Building Blocks for PEACE**

What I have suggested so far would require a radical policy shift, probably at government level. The likelihood of such a shift is perhaps remote under the present administration. So what can we do in the meantime to address the horror of gun crime on our streets? There are many initiatives around at the moment ranging from ‘Mothers Against Guns’ to the ‘Peace Alliance’ and many in between. These are good initiatives that are worthy of support and plaudits. However, whilst raising awareness of the gun crime problem, so far none of these initiatives have been able to go as far as equipping the community with tools and strategies for combating the increase in gun crime. This is not necessarily their fault as resources have been scarce. This is certainly the case with Mothers Against Guns, which is a wonderful example of a grass roots initiative run ‘on a shoestring’, but with indefatigable passion, commitment and courage. Yet as Metropolitan Police Commander, Alfred Hitchcock, correctly points out, “Whilst there

are a number of excellent community based initiatives across London and elsewhere, often based in gun crime hotspots, there is currently little sharing of good practice or ideas.”

The Peace Alliance has been able to articulate a vision for attaining peace on our streets by using the word PEACE as an acronym: P for Parenting; E for Education; A for Achievement; C for Community; E for Employment (Enterprise). These five areas represent credible steps or building blocks to sustainable peace in any community. The challenge is delivering these building blocks where they are needed and in a timely fashion. The Peace Alliance Chief Executive, Revd Nims Obunge, recognises that delivery of each of the building blocks of PEACE is not something that his organisation can accomplish on its own. The resources pertaining to those aspects of peace that rely on proper parenting; effective education; celebrating achievement; mobilizing community; and the finding of employment through jobs or sustainable enterprise must be provided by those who are best practiced in those fields. There is therefore a need for identifying, capturing and bringing together those best practices and ideas. Once this has been done; the various components need to be packaged for dissemination to those organisations and groups on the ground that would actually deliver community peace programmes. This toolkit approach is crucial if duplication of effort and lost of valuable time is to be avoided.

The reality, particularly within faith communities, is that leaders simply do not have the time to work up programmes from scratch. We can learn much from a programme such as the Alpha Course that has spread successfully through thousands of churches as a result of its well-organised toolkit approach. A church that wants to run an Alpha Course can buy manuals, books, videos and other resources including “The Alpha Cookbook”, to cover every aspect of delivery of the 13 week programme. In the same way, if delivery of the building blocks of peace is to occur where they are needed, the necessary resources must be delivered in a fashion that allows the busiest faith or community leader, head teacher or youth worker to simply pull the resources off the shelf and if necessary delegate the job of running a programme.

Later this month (September 2004) the Peace Alliance will launch what could be part of the ‘Education’ aspect of a PEACE Initiative Toolkit as described above. The Peace Alliance’s **‘UNTOUCHABLE?’** Educational Resource Pack on the subject of gun crime has been developed to support Citizenship Education at Key Stage 4 in secondary schools, specifically Unit 02 – Crime and young people. CANDL has developed a parenting course, which could provide the Parenting aspect of the PEACE Initiative Toolkit. There are many other agencies and organisation that could also contribute. The key thing is coordination, packaging and dissemination of such contributions. This work may require specific funding from central government or other statutory bodies. Given that “God helps those who help themselves”, this is a task that an existing church group or voluntary sector organisation might undertake by faith. After all, whilst it may not be within our gift to build a fence around the drug laws, as those who by the gracious gift of our Lord Jesus Christ are called the ‘sons of God’, we should surely be prepared to build peace.

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*If you want to respond to any of the above points, or follow-up any of the ideas, please do get in touch with us at CANDL.*

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