

Tyler Curtis  
College of the Consistory  
School of Philosophy  
21° – Noachite or Prussian Knight  
Topic 2

### “Liberty and Justice for All”

*“There is always hope when people are forced to listen to both sides; it is when they attend only to one that errors harden into prejudices, and truth itself ceases to have the effect of truth, by being exaggerated into falsehood.” John Stuart Mill, “On Liberty”*

As a senior in high school, my main concern was to finally graduate, to escape the imprisoning walls of school. As required by law, every senior in Kansas has to pass at least one semester of American Government. At Liberal High School, we had two government teachers. One was known as the “easy” teacher and the other was regarded as the exact opposite. It was as if these two men represented the forces of light and darkness in the social studies department at LHS, at least from the students’ perspective. My sister, who is four years my senior, had already told me about how tough Mr. Chain’s class was when she was a student. Like most teenagers, I didn’t want to do any more than I absolutely had to, so I prayed to be placed into Mr. Perkins’ class instead.

Upon enrolling for the year, I looked down at my schedule and read the words “7<sup>th</sup> Period - American Government.” Next to the class title was the instructor’s name, “Charles Chain.” Rats, just what I needed. My laid-back senior year was deteriorating quickly. Mr. Chain’s class AND Calculus? Boy, there went my “easy” year.

To my surprise, I found that I really enjoyed Mr. Chain’s class. I enjoyed learning about the government, and I discovered that I already had a good start because my dad and I had been debating politics during the majority of my teenage years (Dad’s conservative views and my liberal teenage mind only added fuel to the typical father vs. son conflicts

during one's youth.) It was in Mr. Chain's class that I learned about the three branches of the U.S. Government. Along with the usual study of Constitutional provisions and the separation of powers, Mr. Chain also made us aware of conflicting ideals in our nation's political philosophy. He made us think about the subtle differences between the concepts of "freedom" and "liberty" and he taught us that "freedom" and "justice" don't always jive. Much like our fraternity's degrees, Mr. Chain forced us to look beyond the words on the page and to analyze the impact and implications of those concepts.

In the 21<sup>o</sup> of the Ancient and Accepted Scottish Rite, we are presented with a situation of "he said...well, he said," I suppose. At first, we have no real evidence supporting Adolph the Saxon's claim that Count Reinfred and the Bishop of Vienna forged a document leading to Adolph's property being divided between the two gentlemen, if such a term can be used for these two characters. The dispute is brought before the esteemed *Vehmgerichte* court, of which we learn that Count Reinfred is a highly regarded member.

Like our system here in America, the *Vehmgerichte* was a judicial system separate from the rest of the government's influence. America's founders were very wise to divide the branches of our government into executive, legislative, and judicial branches. It is only through a separate judicial system that justice can be granted. The three-fold government allows for one body to create the laws, one body to enforce the laws, and one body to determine the justice and fairness of the content and application of those laws. It creates a beautiful system of checks and balances, one where power is shared rather than monopolized.

The court system is the one place where pure justice can exist. At times, unjust laws are enacted, but the courts can overrule those laws if in fact they are stripping individual

liberties. Also, at times we have seen law enforcement agencies abuse their power or take on additional powers that were not intended by the laws they are authorized to enforce.

Again, the legal system can combat this injustice and right those wrongs.

In order for this justice system to work effectively, some basic tenets are required and must be afforded to all citizens. First, all humans must be privy to the fundamental rights of freedom and liberty. Lucky for us, Americans have a *Constitution* that spells out these rights in language that is both precise enough to be enacted yet loose enough to allow the spirit of freedom to ring. Here we discover the definition of one's freedoms, including the freedom to speak your mind, to print and read the opinions of others, to practice the religion of your choice, to assemble, and to have access to a trial by a jury of your peers. Liberty is somewhat different than freedom in that it entails limitations in addition to freedoms. John Stuart Mill defines "liberty" in his essay entitled "On Liberty" as "the nature and limits of power which can be legitimately exercised by society over the individual" and the "protection against the tyranny of the political rulers" (underline added). In short, one's liberties extend to the point where one interferes with the liberties of another. When a person, a group of people, or a system such as the government takes the liberties of another, therein we find a violation of human rights, of human freedom, and of human liberty.

Second, we must have a justice system that is fair and impartial in order to render true justice. To do this, we need judges and juries that are blind to all but the facts of a case being heard. In John Rawls' method, he says that a judge must act as a "self-interested, rational person" who stands behind a "veil of ignorance." By "self-interested," he means that a person must look at a situation from his own perspective and ask, how would I want to be treated in this instance? Hence, we must apply the Golden Rule to ensure true justice.

By “rational,” Rawls means that only a person of sound mind is capable of rendering justice. Finally, and perhaps most importantly, the “veil of ignorance” means that a person can only render justice when he is blind to such things as gender, race, physical handicaps, and social class. This “veil” certainly does not make one ignorant of the complexities of life and the human condition, but it does blind him from factors capable of unjustly influencing one’s perception of the facts. Perhaps this principle is symbolized in the ritual of the Prussian Knight by the use of the black masks that the judges wear and the fact that they hear the case at night, a time when the dim moonlight hides a person’s identity and physical nature.

Next, a governing principle of our justice system must be that a person is innocent until proven guilty. From the perspective of the plaintiff, this principle can certainly be a bitter pill to swallow. When we have been wronged and hurt, it is only natural to want the perpetrator sentenced and punished accordingly. However, we must apply the Golden Rule once again. How would we want to be treated if we were accused of a crime? Would we want to be assumed guilty, or would we rather have the benefit of the doubt? We must remember what has been termed the “Roman Principle” in justice, “it is better to let the crime of a guilty person go unpunished than to condemn the innocent.” Obviously, this principle makes the task of proving guilt quite burdensome and difficult, and necessarily so! We do not want a justice system that allows unjust procedures and quick arguments to determine one’s guilt, or innocence, as the case may be. It is in our best interest, and in the best interest of human liberty, to ensure all persons the fundamental right to be presumed innocent until proven guilty.

Fourth, in order to ensure true justice a right to appeal decisions must be granted. Our justice system is a human system and therefore prone to human error. In order to ensure justice, due process must exist not only to correct the possible wrongs of a previous court but also to guarantee the correctness of the previous court. The right to an appeal allows another person or panel of people to review the facts and procedures of an individual's case and either uphold those decisions as "right" or to correct what is deemed "wrong." In this manner, proper due process is granted and the cause of justice is served.

Overall, our justice system must simply be dedicated to truth. It must have a process to avoid falsehood and obtain factual information. As stated in the opening quotation, truth can only be found after listening to both sides of an argument. From there, a judge must be able to weigh and balance the information presented. The scales of justice find the truth in the balance of both arguments.

Given the vast task of rendering justice, how do we go about selecting people to serve as judges? I for one believe in the system we currently utilize at the Federal level. Here, US President's select replacements for retiring or deceased Justices. Their selection must be approved by the Senate, which is considered the wiser of the two legislative bodies due in part to their longer term of office. I believe this to be best practice because I don't think Justices should be elected by popular vote. In order for a popular vote to be effective, the populace must be educated on the positions they are voting to fill. In this case, the populace rarely knows the day-to-day business of the Court System. Unlike votes in Congress, which are tracked and published, court case decisions are more difficult to obtain, due in part to one's right to confidentiality.

Rather than elect Justices by popular vote, a candidate's legal merit and expertise alone should be the most important qualification. Granted, Presidents and their nomination committees are going to select Justices with a track record of supporting policies they agree with; however, justice in its most pure sense is non-partisan and non-political. Thus, whether one has more conservative or liberal leanings is irrelevant to the cause of justice. Further, the people the President selects to nominate candidates monitor and understand the complex nature of our nation's court system, and therefore are better enabled to make wise choices for the President and the Senate to consider. Finally, because a Justice's term of office is for life, this minimizes the likelihood of an individual President having undue influence on a Justice. Once confirmed by the Senate, the Justice owes no political favors to the President who appointed him or her. In this manner, all three governmental bodies work together at the beginning of the process to determine the best possible candidate, only to separate when one's services actually begin.

Reflecting on my experience in Mr. Chain's American Government class, I discover how fortunate I was to have a teacher who not only taught the basics of American government but also delved into the philosophical issues leading to the creation, maintenance, and advancement of our nation. The 21<sup>o</sup> certainly forces us to wrestle with the ethical dilemmas which accompany one's quest for justice. The degree reassures us that justice, right, and light prevail over tyranny, wrong, and darkness. It reminds us that there is only one that can act as the judge, jury, and executioner, and that is God himself. In the original degree of Noachite and in the "Pledge of Allegiance" of our great Country, we are reminded that humans are always "under God." Certainly, our justice system is not perfect,

for it is human. However, by implementing a system of procedures based on fundamental virtues, we ensure “liberty and justice for all.”

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