

FAMILY LAW AND THE SACRALITY OF TRUTH

By Scott FitzGibbon
Professor
Boston College Law School
885 Centre Street
Newton Center, Massachusetts 02459
United States.
Phone: (617) 552-4320
e-mail: fitzgisc@yahoo.com

Judaism and Christianity are distinctive in recognizing the centrality of the Word – *logos* -- and in placing text near the center of worship. They thus promote the insight that all true speech participates in the sacred, and especially so “high speech,” that is speech on matters of importance and speech composed by persons entrusted with guardianship of the community. Contrariwise, distorted or mendacious speech may reveal an especially pernicious character when examined through Jewish or Christian lenses, displaying the character of desecration.

A judge respectful of the Jewish and Christian traditions will therefore (whether or not applying religious law in a doctrinal sense) always aspire to speak the truth. He will rest his decisions upon a clear depiction of the facts, a perceptive discernment of motives, and a wise understanding of human relationships. He will aspire to truthfulness most keenly when the matter adjudicated is an affiliation -- such as that between parent and child or husband and wife -- which displays many dimensions and bears great significance. He may there encounter special difficulties, however, since the problematics of veracity about social arrangements are more complex -- especially in multicultural environments -- than are the questions raised by speech about simple, non-social facts. Veracity in such a context involves participation in the discourse which shapes social institutions. This paper explores some of these complexities. It proposes criteria. It displays several ways in which family law adjudication has sometimes reflected the sacrality of truth but has on some other occasions approached, through falsehood, the offense of desecration.