

Law Sub-Track: How Do We Make Our Arguments in Court?

Courts of law should always be approached with caution and often times only as a last resort. The experience of going through a legal conflict can be emotionally and financially difficult. However, in the preservation of our most precious freedom; that of freedom of thought, conscience and religion; court is sometimes our best or only option. This presentation will focus on the concept of strategic litigation and how to explain Christian principles in a secular court room. The presentation will also deal with translating natural law ideas in the court room and how as Christian advocates, we must not only bring our faith to the court room but we must bring our technical and legal expertise as well.

Roger Kiska serves as senior legal counsel with Alliance Defending Freedom and is head of its office in Vienna, Austria where he specializes in international litigation with a focus on European law. Kiska has been involved in more than 20 cases before the European Court of Human Rights in Strasbourg, France and has on numerous occasions given expert testimony or keynote addresses to European Parliament Committees and Inter-Groups. He is also one of nine elected members of the Advisory Panel of the Fundamental Rights Agency of the European Union. Kiska was recently awarded the Scandinavian Human Dignity Award, on behalf of the European office of Alliance Defending Freedom, for its work in promoting life, family and religious liberty in Europe. Before joining ADF in 2008, Kiska served as senior legal counsel at the European Center for Law and Justice.

I. Natural Law v. Positive Law

(a) Definitions

(b) History of Modern Human Rights Instruments

(c) The Different Types of “Law”

II. Messaging and Reaching Your Audience

(a) Living the Gospel in the Court Room

- (b) Translating Christian Principles into Social Policy and Legal Arguments

III. Praxis: Religious Liberties

Matthew 28:19: “Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit...”

- (a) The Defense of the Persecuted Church

- (b) The Discriminated Church: “Anti-Discrimination” Laws: Understanding from a Christian Perspective Freedom of Association, Freedom of Religion and the Right to Live Out the Gospel

- (c) Registration Laws: Hungary, Austria, France

IV. Praxis: The Right to Life

Jeremiah 1:5: “Before I formed you in the womb, I knew you, before you were born I set you apart.”

- (a) The concept of Human Dignity: Genesis 1:27; *A., B., and C. v. Ireland* [ECHR]

(b) Life from Conception: Ps. 127:3; *Brüstle v. Greenpeace* [CJEU]

(c) Life Until Natural Death: Ecclesiastes 7:17; *Ulrich Koch v. Germany* [ECHR]

V. Praxis: Family Values

Genesis 2:22-23: “The man said, “This is now bone of my bones and flesh of my flesh; she shall be called ‘woman,’ for she was taken out of man.” That is why a man leaves his father and mother and is united to his wife, and they become one flesh.

(a) Marriage as the union of one woman and one man: Ephesians 5: 31-32

(b) Same-Sex Adoption

(c) Parental Rights: Protocol 1, Article 2 of the European Convention of Human Rights [home education, opt-outs from “sexual education”]: Proverbs 22:6

(i) Germany

(ii) Sweden

(d) Rights of the child: Matthew 18:6

