

U T O P I A

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THOMAS MORE: THE SAINT AND THE SOCIETY

ADDRESS AT THE ANNUAL GENERAL MEETING ON THURSDAY, 19 OCTOBER, 1995

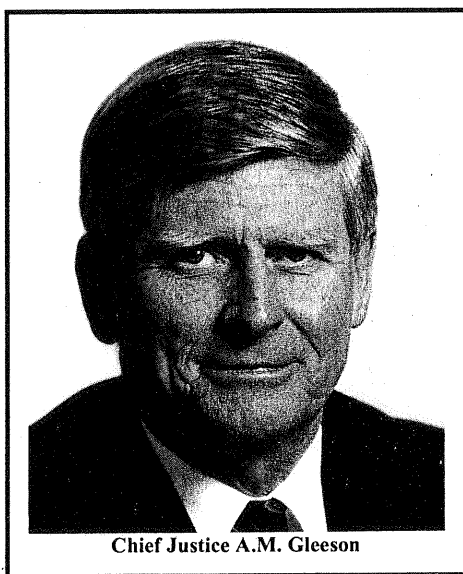
by

The Chief Justice of New South Wales the Hon Mr A. M. Gleeson A.C.

Your Eminence, President, Clergy, members and guests of the St Thomas More Society. A couple of months ago in July last, I was spending a few days in New York with my wife and we went on a sightseeing tour and went to the Frick collection, and there I was surprised and delighted to see the original of the Holbein portrait of Thomas More which is so well known to lawyers, especially catholic lawyers and copies of which you will find in the chambers of so many members of the Society and catholic lawyers in the common law world.

It is an extraordinary thing that he has become such an inspirational figure. I can remember in 1985 in London there was a large exhibition on Thomas More memorabilia. He was venerated there by lawyers and church people and by no means confined to catholics.

It's not easy to identify the reason for his veneration but what we remember of him is that he met his death as a result of the stand he took in relation to the greatest constitutional issue of his age. A great issue of constitutional law arose concerning the relationship between church and state. On that issue More took a stand that was both legalistic and profoundly conservative. If you translate into modern terms the nature of that dispute and the way in which his stand would have been regarded by his contemporaries, his stand is immediately recognisable. Remember the nature of the issue. The limitations, the boundaries of power as between the king and the pope and the king was right there exercising immediate power and authority, the pope was extremely remote. The issue was an issue that concerned the king's desire to marry. He



Chief Justice A.M. Gleeson

was frustrated in that desire by an attitude being taken by a distant ecclesiastic. Issues of nationalism and modernism were at stake.

Progressive reforming thinkers of the time were almost universal in rejecting the stand taken by More. He was seen by most of his contemporaries as one of yesterday's men, standing in the way of inevitable progress, modernisation of the arrangement of the affairs of the nation and the introduction into the English society of a new order and the rejection of the English society of an outdated foreign encumbrance, the pope. And More sought to frustrate it, the will of the king in relation to a matter which must have been regarded as most of his contemporaries as one of high triviality. What did it really matter in those days if the king wanted one wife more or less. They're entitled to have that. How

absurd how a person of his eminence in the legal profession and in the society should have taken a stand against the nationalistic desire of a king to be the master in his own country with all the efficiencies and capacity for modernisation that that brought in favour of the reactionary, foreign pope.

The legalism, which would have been regarded by most of his contemporaries as a narrow, trivial and conservative legalism in More's stand, is best expressed in the play *A Man For All Seasons*, in which one of his relatives charged him for the stand he was taking and in particular criticises him for taking narrow and technical points of law to resist the will of the king and in the passage that is now famous and well known to many of you as is quoted in this work, collection of discourses, he gives the lawyer's response to that criticism of his technicality and his conservatism. Roper says, "Now you would give the devil the benefit of law". More says, "Yes, what would you do? Come and rape Rome through the law to give out to the devil." And Roper said, "I would cut down every law in England to do that." And More says, "And when the law was down and the devil turned round on you, where would you hide? The laws being all flat. This country's planted thick with laws from coast to coast and if you cut them down, you think you could stand up to that in the winds that would flow through them."

At a legal convention in Perth some eight or nine years ago Mr Justice Scalia of the US Supreme Court referred to a passage from Bolt's play. The interesting thing developed by Justice Scalia in that sense was that the function of the law is to protect the community against the winds of change from a conservative

point of view. But it is interesting if you reflect upon the way in which the issues that More had to confront in the first half of the 16th century can be translated into some of the issues that we have to confront today.

Consider for example the issue of euthanasia, that was mentioned by the President earlier this evening; the progressive within the community will criticise as technical and hopelessly conservative, the rejection of those laws being advanced in the name of humanity.

As members of this Society, you might have to stand up for ideas that will be found by many, perhaps even most of your contemporaries, to be reactionary.

As least More had this on his side. Most of his contemporaries would have understood what it was that was moving him even if they didn't sympathise or agree with him. It's true that he was executed in his middle age but he lived in a society which was accustomed to violence and untimely deaths. There weren't many of More's contemporaries who could have expected to live in retirement villages! When More said going to meet his death that he died the King's Good Servant but God's First, he

was expressing virtue but without wishing to sound emotive, innocent or disparaging, that was the expression of a person who absolutely believed that he was going to meet God within the next hour or so. It was a very prudent thing to say.

I sometime wonder whether there might not be a more heroic virtue in an expression like that on the part of somebody who isn't absolutely sure that he was going to meet God in an hour or two, and we live in a community where we have values that are not shared by the majority of the community. More's values were shared by all his contemporaries even if they didn't express them in the same manner as he did. They all believed that when they died they were going to confront judgment. They all believed to a man and a woman that they were faced with the possibility of eternal damnation and to that extent might have found it a little easier than some of us do to adhere rigorously to the consequences of their beliefs. There isn't any sign that about some of these matters More was affected by doubt and as a personal view I sometimes think there might be perhaps

even greater virtue in the conduct of people who are affected by doubt and who are operating in a society where the majority reject the premise from which they reason.

The collection of discourses contained in this work, many of which most of us will have read before, represents a notable contribution to the literature on the subject of St Thomas More and there couldn't be a better occasion than the occasion of this Jubilee for the production of a work of this nature.

Those responsible for putting together the work John McCarthy and Anthony Reynolds deserve our praise and our congratulations. There's a splendid overview at the beginning on the work of The Thomas More Society and the importance of St Thomas More and his contemporary relevance in our community.

This, I should think, will be compulsory reading for catholic legal practitioners and I congratulate the authors of this work, the editors of this work, on their fine achievement in putting it together and it gives me great pleasure to launch it on this occasion.

OFFICE BEARERS OF THE ST THOMAS MORE SOCIETY

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	Mr Justice BT Sully	Court Justice
	John Swan	Barrister

COMING EVENTS

Sunday, 28 April 1996

The St Thomas More Society's Annual Spiritual Retreat Day of Recollection will be held at St John's College, the University of Sydney, between 9.30 am and 4 pm.

All members and Catholic lawyers generally are urged to make this an annual committment.

The Retreat Master is Fr William Milstead from the parish of St Charles Borromeo, Ryde, who comes highly recommended.

Tuesday, 14 May 1996

The Society and the lawyers' Christian Fellowship will co-host the Annual Law Week Dinner.

This year's guest speaker will be The Honourable Mr Justice D Mahoney, President of the Court of Appeal.

This function is invariably a night to remember, and is very popular.

Members are requested to promote these events widely, and to return the attendance slips from the circulars as soon as they are received.

D Thorley, Secretary
231-5400

THE GOSPEL OF LIFE AND THE MEDIA IN THE CULTURE WARS

*A paper delivered by His Grace Bishop George Pell, Auxiliary Bishop of Melbourne
at the symposium entitled 'Towards a New Culture of Life: The Challenge of Evangelium Vitae'
held at the University of New South Wales on 8th October 1995*

The term "culture wars" comes from the United States of America of course and gained public visibility only in the 1990's after the collapse of European Communism, the end of the Cold War and the disappearance, we hope for the long term, of threats of a World War.

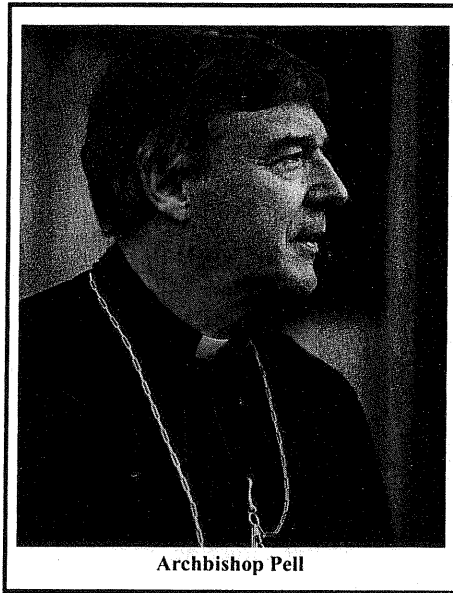
It is an intellectual struggle, waged also in the media, but predominantly in the 3,600 institutions of higher learning with their 700,000 academic staff in the U.S.A., with profound consequences elsewhere, especially in derivative English-speaking societies such as Australia, and for the worlds of politics and religion. "Culture Wars" is a useful short-hand term.

These conflicts touch almost every aspect of North American life and many areas of life in Australia, from the fundamental to the frivolous: the sanctity of life (euthanasia, infanticide), gender (feminism), race (multiculturalism), the definition of the family, children (blessing or burden?), the environment, the interpretation of literature, the writing of history and centrally the meaning of sex, with all the consequent differences over abortion, contraception and pornography.

At a lower level Lance Morrow, Senior Writer for Time magazine has pointed out that even cholesterol has a sort of politics with red meat and eggs cast as right-wingers! We all know too how Australian Puritanism, that strain of wowsersism, which has been routed in its traditional opposition to gambling and alcohol, has re-emerged to triumph in the "No Smoking" campaign. I heard recently of some Japanese tourists to Melbourne who were discomfited by the large groups of women, whom they took to be prostitutes, congregating in the streets outside many of our large buildings. They were much relieved to be informed that they were only office workers who had been driven out for a smoke! Many Australian men and women, often for different reasons, would not dare to wear a fur coat.

The Culture Wars cannot be reduced simply to the contemporary struggle between good and evil, that age-old conflict which occurs in the heart of

every person with some degree of moral awareness. They are rooted, at least partly, in different systems of moral understanding, but the more important struggle is for the redefinition of what is good and what is evil. The "modern" spirit is deeply subjectivist and relativist, at least in the realm of general moral theory, although this is often married, in



Archbishop Pell

the same individuals, with fierce moral convictions on particular issues. It is not only traditionalist or orthodox moralists who are tempted to intolerance. Webster's Dictionary defines political correctness as "marked by or adhering to a typical progressive orthodoxy on issues involving especially race, gender, sexual affinity or ecology".

Still others are keen to debunk the very notion of moral truth, indeed any notion of objective truth. Black and White moralists are out and the traditional moral virtues are transformed into a smorgasbord of personal values. Deconstructionism is the most radical attack on tradition and established patterns of Western thought, sometimes dismissed as white, male and patriarchal, and while we are concerned here with morality (and faith to some extent) the cultural battles range across philosophy, politics, aesthetics and sociology.¹

One preliminary conclusion must be drawn by all those interested in

defending traditional claims to truth in faith and morality; the long-term tension between Protestants and Catholics is now a distraction in the English-speaking world. It is a weakness, sometimes a curse, as in northern Ireland, enjoyed by some in the past as a self-indulgence, but which no serious Christian today can afford.

The crucial clash is between Judaeo-Christianity and the new paganism, the neo-pagans who explicitly deny the existence of the one true God. Increasingly they are prepared to avow this publicly rather than veiling themselves in a discrete agnosticism, and many of them are prepared also to spell out the radical moral consequences of their atheism.

Neither can it be denied that a variation of the culture wars is also occurring within Judaism and the Christian denominations, with recurrent hostilities, muted or overt, between those we might describe as orthodox and progressive. Such sympathies across denominations help to explain the increasing practical cooperation, historically unprecedented, between Evangelical Protestants and loyal Catholics in the United States. Even here in Australia Revd Fred Nile published a piece I wrote on euthanasia in his newspaper. I was happy with this.

Committed progressives usually have many important convictions rooted in the prevailing assumptions of contemporary life and the fundamental policy differences in Australian Catholicism are between those who want to respond to the continuing decline in faith and practice by further accommodation to the spirit of the times and those who see the long struggle to slow and reverse the decline as essentially fuelled by fidelity to the Gospels and the Catholic tradition (something which can, and indeed must not mean, simply being old-fashioned).

Therefore the Holy Father in his beautiful encyclical on morality, "The Gospel of Life", published early this year to complement his 1993 letter "The Splendour of the Truth", has touched the heart of the moral conflicts and

confusion in English-speaking countries generally and the Catholic community in particular.

We are now used to the Pope, who has even visited us in Australia twice since his election in 1978. But we must never take him for granted. Already his achievements, and they are not yet concluded, are remarkable.

Earlier this year a New York writer George Sim Johnston² claimed that in our dreary decade of Clinton and Yeltsin the Holy Father was the only world leader with the stature of Churchill and De Gaulle. Certainly his role, with Ronald Reagan, in the collapse of Communism dwarfs the efforts of Pope Leo the Great and then Pope Gregory the Great in the fifth and sixth centuries to defend Rome and the remnants of the Roman Empire in the West from the depredations of the barbarians. Most of Eastern Europe today is still far from the Promised Land, economically and politically, but they are free. It is not surprising that one magazine I saw spoke of the Pope as a second Moses!

However the Pope has set himself another more difficult task i.e. to help strengthen and revive the moral and religious sensibility of the Western World. He has set in place much of the intellectual ground-work for this with the new code of canon law, the Catechism, his many encyclicals, but the fruits in the West, unlike Africa, some parts of Asia and even South America, have been scarce. We are part of a big problem.

In the Gospel of Life, the Pope has not just spelt out his intellectual arguments on the sanctity of life. I also believe that in his attack on the "culture of death", the soft nihilism which has settled over Western Europe and the English-speaking world, he has also struck a popular chord, which we can replay many times, develop and refine for our particular audiences, and which will provoke many, many responses from the less religious as well as all Christians. His is a message not just for the Catholic community, but for all society, for all women and men of good will. It is our task to exploit these opportunities and for this we shall need the media; print, radio and television.

In the United States of America today the average citizen spends nearly thirty hours a week watching television; a pattern repeated in many parts of the

First World where most children now spend more time before a T.V. set than in the school room.

In Australia the figures are a bit "better" with the average Australian spending 19 hours a week watching television (as distinct from videos), a reduction from 1983³. The figures for children are also instructive. A South Australian document in 1983 showed children spent 11,500 hours in schooling. During those years they watched at least 15,000 hours of television and films (the "unsupervised classroom") and spent another 5,000 hours listening to radio or reading newspapers, comics and magazines. All in all exposure to media messages is almost double the amount of time spent at school⁴.

Newspaper readership in Australia has also fallen. In the early 1970's newspaper circulation was 383 per 1000 people; in the 1990's it was only 246.

Similar patterns for T.V. are emerging in the so called Second World and even in the Third World, hampered only by the unavailability of the necessary technology. I vividly recall a group of Cambodian villagers seeing television for the first time on a giant screen, fascinated and unwilling to leave until the early hours of the morning; just as I remember standing with crowds outside shop windows to watch T.V. when it first arrived here in 1956.

John Logie Baird's invention of television in 1926 has revolutionised the spread of news and views more than any other single factor since the invention of printing by Johannes Gutenberg in Germany about 1440; the only possible rival is the introduction of universal primary education.

This media revolution has not finished. It is continuing as vast international networks expand their outreach and an increasing number of channels, either free-to-air or through "pay-T.V." are offered to the public.

The Church is confronted by a major social phenomenon, whose importance it is difficult to overstate. Clergy of my generation well remember that grace builds on nature. This truth applies also in the world of the mass media and we are far from building as well as we might.

The grave moral decline in many societies, which the Holy Father laments in this encyclical, certainly finds some of

its causes in the modern mass media. If this moral confusion intensifies, if the culture of death with its emphasis on violence, ugliness and pornography gains more and more ground in the media, it is inevitable that the decline of Christian faith and practice, especially in Western countries, will also gather pace. There are no necessary reasons why this must happen and one of the principal strengths of this encyclical is to spell out the central issue in these culture wars, in this dramatic conflict of good and evil, whose significance often goes unrecognised, lost in the grey mists of uncertainty and sentimentality. What is the value of human life? Is human life sacred?

The Holy Father hammers home his theme. The value of life today has undergone a kind of eclipse (par 11): a fact recognised by the Consistory of Cardinals in April 1991 when they unanimously asked the Pope to "reaffirm with the authority of the Successor of Peter the value of human life and its inviolability" (par 5).

This encyclical is the answer to that request. It is one of the Holy Father's most important writings, an eloquent and passionate appeal to "respect, protect, love and serve life, every human life!", because only in this direction can one recognise the splendour of truth and the reality of freedom.

This encyclical produced less hostile comment throughout the Western world at least, certainly in Australia, than the previous letter on morality "The Splendour of Truth". I had expected the opposite in view of the theme chosen, and especially the solemn papal teachings condemning the murder of the innocent, abortion and euthanasia. Why was the encyclical so well received? A couple of reasons come to mind.

In all societies influenced by the great religions there are huge reservoirs of respect for life, selective and imperfect as these enthusiasms always are. There are oceans of basic human decency, ripe for development and refinement, especially through the media, by Christians and all lovers of life. The encyclical taps into a rich vein of human conviction and sentiment in favour of life, even among weak and sinful people who might no longer be regular church-goers, but whose moral imagination and even subconscious stirrings move to a rhythm established

by generations of Christian liturgy and learning. The rejection of slavery, the moral outrage at the Holocaust, the continuing struggle for social justice and the widespread appeal to human rights are all examples of this moral inheritance.

Those who are labouring mightily to change moral sensibilities on abortion and euthanasia, usually under the banner of personal autonomy and moral relativism, are well aware of this inconvenient moral bedrock. For these reasons their subversion of public opinion has to be gradual and progressive; they have to go step by carefully planned step lest their final destination and the full import of their policies are recognised too early. They use carefully designed euphemisms; abortion becomes "the interruption of pregnancy" or "not carrying on with the pregnancy" and euthanasia becomes "dying with dignity" rather than mercy killing. They carefully highlight the hard cases which exist at the boundaries of every good law, rare and tragic examples e.g. of a mother in childbirth dying to save her baby and then draw extensive and unwarranted conclusions as though these exceptional circumstances were the norm. Hard cases still make bad laws.

One of the great virtues of the encyclical is that it spells out what are the issues in this struggle for life. It names the death and destruction. The story of Jacob Epstein the sculptor and Nikita Khrushchev the Soviet ruler points this up. When Khrushchev visited New College Chapel at Oxford University he denounced Epstein's powerful statue of Lazarus rising from the dead as "disgusting". Friends hastened to tell Epstein who immediately telegraphed Khrushchev "Let you and me stick to our lasts. I, to sculpture, you, to murder." The enemies of life do not like their deeds to be brought into the spotlight. Always the supporters of abortion will be among the most vocal opponents of any public showing of films which demonstrate what actually happens in the womb when life is extinguished. On the other hand colour photos or movie footage of e.g. the beautifully formed and tiny foot of a human foetus, no bigger than a finger nail, can sometimes convince

viewers of the strength and truth of the pro-life case more effectively than many a learned discourse or sermon.

Another useful exercise here in Australia, as elsewhere, is to identify the principal advocates of the death culture and answer their arguments, while spelling out fully to the general public what they are saying in their books and articles. Give the big picture, not just the next step.

There is only one serious candidate for the role of King Herod's propaganda chief in Australia, our most notorious messenger of death. This is Peter Singer, who for twenty years has never ceased to advocate abortion, euthanasia and infanticide.

Appointed Professor of Philosophy at Monash University, Melbourne at the age of 31, he is a prolific writer and determined propagandist. His zeal for despatching "sub-standard" humans is accompanied by a great enthusiasm for animals, especially apes, as his 1975 book *Animal Liberation* is sometimes described as the bible of the Animal Liberation movement.

He is our best known philosopher overseas, author of the entry on ethics in the *Encyclopedia Britannica*, a regular contributor to quality journals such as the *New York Review of Books*. In fact this attempt of mine to give him the credit he deserves was prompted by an article of his in the British magazine of the year *The Spectator* on September 16th which was billed: "Peter Singer attacks the sanctity of life. When infanticide is right.", and by the fact that he is seeking election to the Australian Senate as a Victorian candidate of the Greens Party.

All defenders of life should work hard to expose his full message and so deny him the new political platform and public respectability he is seeking for his views.

He is a consistent and explicit atheist. Because he denies the existence of God, there can be no purpose to creation, no natural law, no universal human rights, no key role for humans. "The differences between us and nonhuman animals are differences of degree, not of kind"⁵, he writes.

On some issues he is clear headed; on others he is muddled, or perhaps just evasive. He admits that the foetus is a living human being and therefore claims

that he and the Pope "at least share the virtue of seeing clearly what is at stake in the debate" on abortion⁶.

However he puts the human foetus at a level much lower than a chimpanzee, even lower than a god with no right to life simply because it is human. It is self-awareness, in his view, which grounds a right to life⁷. His colleague at the Monash Centre for Human Bioethics, Helga Kuhse, in 1988 compared the human embryo to a lettuce leaf.

However the muddle goes much further. For no good reason related to self-awareness, Singer suggests that there should be a ceremony a month after birth, when the baby would acquire the same (limited) right to life as older people.

This brazen endorsement of infanticide for neo nates will not be acceptable to public opinion of today in Britain or Australia; not even in the Northern Territory. The moral decline would need to slip a few more notches for this to happen. However a cut off point for infanticide one month after birth is consistent with Singer's gradualism; grotesque but still more plausible than seeking to immediately to legitimise the killing of babies up to two or three years of age, until they do develop self-awareness.

It is ironic that this man who is now confident enough to seek high political office in Australia was prevented by public hostility from giving three public lectures in Germany and Austria in 1989-90.

The most notorious incident occurred at Marburg University in Germany in June 1989, at a European Symposium on the mentally handicapped, when Singer was violently confronted by an anti-euthanasia coalition. There were meetings and demonstrations, provocative slogans on placards: "Boycott the Murder Seminar"; "For Singer Handicapped Children are Human Vegetables". Singer's invitation to speak was withdrawn and then the entire symposium cancelled.

It is no coincidence that Singer has been most successfully opposed in Germany, which saw the terrible Nazi programmes of eugenics and euthanasia and that he labours mightily to distinguish his doctrines, allegedly inspired by compassion, from the Nazi doctrines of racial purity, social utility.

He is not entirely successful. Like the Nazis he clearly believes that there is "life unworthy of life"; in many cases his compassion is still lethal.

As an aspiring politician his doctrines need to be known and understood by the Australian public.

A second reason for the quiet reception of the encyclical by the secular media was the fact that most outsiders recognised that the Pope's latest teachings are spelling out in contemporary language what they always thought catholic teaching to be. Moral relativism or proportionalism remains disconcertingly alive among Christian moralists, and indeed some Catholic moralists and the Papal teaching is significant as another, indeed final, rejection of these options. It will also be important in the developing history of the doctrine of infallibility on moral issues, as distinct from matters of faith, because the criteria for an infallible teaching are clearly met, although no explicit claims for the three solemn teachings are made on this score. None of this comes as a surprise to educated outsiders, despite the discomfiture of some professional Catholic writers.

We are therefore better placed on many life issues to explain our positions than we are tempted to imagine in our moments of depression. There is a lot of support among the silent majority.

It is another and more difficult task to recognise these particular strengths and then build on them because, as Father Avery Dulles S.J. pointed out last year, a permanent inbuilt tension exists between the Church and the popular media of communication.

The Church has to explain the eternal mystery of God, which requires reverence and faith. The press is iconoclastic, highlights the new and different and has to write for the agnostic and the atheist. The Church urges unity through forgiveness and reconciliation while the press delight in conflict and disagreement. They like stories which are short and striking, while Church teaching, even in morality, can sometimes be complex and subtle.

The Church is bound to a fixed creed and seeks personal commitment to a revealed religion; we are concerned with grace and working for eternal salvation. The press find it very easy to overlook this core spiritual dimension of

Christianity and to concentrate on more tangible phenomena. The A.B.C.'s popular religious soapie "The Brides of Christ" was an egregious example of this. The faith which inspired the old fashioned sacrifices scarcely came into the picture. It was like a football replay thirty years on where everything was considered except the football.⁸

However no Pope and few men or women of the Church have laboured as successfully as Pope John Paul II to bridge the communications barrier between the Church and the popular media, to restate and sometimes develop traditional Christian teaching, in a spirit of critical dialogue with contemporary culture, even on highly controversial issues. His teachings are rarely calls for political action, but directed towards educating popular opinion and opposing an indiscriminate and destructive pluralism.

This encyclical begins with a beautiful meditation on Cain and Abel. Cain, who murdered his brother is the prototype of the culture of death, the conspiracy against life, the contraceptive mentality. Despite all this, the Pope explains that "God, although preferring Abel's gift, does not interrupt his dialogue with Cain (par 8), as even murderers retain their personal dignity. No one is to be excluded from public discourse.

"The Gospel of Life" is also important for the emphasis it places on God; the importance of faith for public life and even for a proper understanding of human life. If there is no god there is no such thing as human nature, no possibility of eternal life, no meaning or value in suffering (except as a warning for illness) and man is reduced to a superior type of animal, a clever ape. The Holy Father is attempting to reverse one of the accomplishments of the enlightenment, to put God back into public discussion as a normative reality. Only God is the antidote to the scepticism and relativism gnawing away our social structures.

When I was a seminarian in Rome during the Council one of the quotations from St. Irenaeus used in the encyclical became popular among us "Man, living man, is the glory of God". Our rector Monsignor Cenci, a holy and cultured priest, wondered about this, traced the quotation and then explained to us in one of his talks that the quotation continued

"but the life of man consists in the vision of God" (pars 34 & 38). I have never forgotten this.

In the Western World outside the United States, perhaps especially in Australia, there has been too much silence about God in our public conversations and debates in the interests of a more effective dialogue with the secular minority, often disproportionately represented in the media. There might also have been a splash of moral cowardice.

We should not forget that more than seventy percent of Australians describe themselves as Christian and about eighty percent believe in God, variously defined. We should write, talk and act to maintain and develop this constituency rather than following the secularist tack and acting as though most Australians were committed unbelievers.

The Holy Father explains elegantly that men and women are made in God's image and that "only thus, in the splendour of this image, can man be freed from the slavery of idolatry, rebuild lost fellowship and rediscover his true identity". (par 36). When God is recognised as creator, man takes his place at the summit of God's creative activity (par 34), and recognises his primacy over things.

In the beautiful words of St. Gregory of Nyssa "Man, as a being, is of no account; he is dust, grass, vanity". But once God adopts him as a son "man surpasses his nature; mortal, he becomes immortal; perishable, he becomes imperishable; fleeting, he becomes eternal; human, he becomes divine" (par 80).

The Holy Father's frequent and explicit references to the importance of God in the defence of life, the importance of private religion for public morality, point up important lessons for the public stances the Catholic communities in different nations might adopt. Already the bishops of New Zealand have such a pro-life media strategy, coordinated and for the long term. We need something similar in Australia.

Most Australian Catholics do not realise how uninterested we have been historically in sharing our faith with other Australians. There have been few converts, in 200 years, although the Catholic Enquiry Centre has been working quietly for years and the

R.C.I.A. now does good work. The Catholic ghettos are dissolving, almost gone for Anglo-Celts who have been here for generations, but this has not sent us out rejoicing to share our blessings with others. The tidal flow has been the other way, with more and more, often children of church-going families dragged into irreligion. The "R.C.'s" are growing in number, i.e. the retired Catholics.

This self-interested tribalism should be changing for at least a couple of reasons. In the parable of the great banquet (Luke c14, v15-24), when those first invited, the usual respectable invitees, were too busy to come, the host sent out his servants to invite the poor, the crippled, the blind and the lame. This mirrors part of our pastoral situation in Australia today.

Another important reason why the Catholic community has to be involved in the struggle for Australian public opinion is that there is probably no other non-government organisation with our capacity for influence. We have many religious allies; a potentially huge number of fellow travellers among nominal Christians and the recently unchurched, but unfortunately no Australian parallel to the strength of Protestantism in the U.S.A., especially in the Southern states. We bear a heavy responsibility for the defence and extension of Judaeo-Christian influence in our public life.

We should not always be reactive and should be thinking of new ways to support life, e.g. of attempting to restrict the financial assistance and the time limits for abortions. However the next phase of the struggle for life will be about euthanasia.

This is a fight we can win; and not simply because there is an unusual unanimity among the Catholic religious leadership and among Christians.

This issue is different, unlike abortion and infanticide where the potential victims will never be able to speak for themselves. The old, the sick, the handicapped are alive, able to speak and interested in their fate. We have to make our case to them.

Many lawyers, some of them not conspicuous for their support of pro-life causes, know that it is impossible to draft a voluntary euthanasia law which will not be abused, which will not provoke many involuntary murders, and which

will not undermine many other important social attitudes, even e.g. public respect for doctors, who are now seen as workers for health, not agents of death.

We can win this fight. Robert Manne, editor of Quadrant magazine, has already shown that the present Northern Territory legislation is unworkable as the required qualifications for the psychiatrists are not available. The law has to be amended or scrapped. The euthanasia legislation in South Australia was defeated.

Continuing progress in the struggle for life, against euthanasia, needs volunteer workers, money, new levels of cooperation and prayer. God will be with us if we ask for help. It will also mean taking our message to the general public, especially through T.V., through regular, short and appropriate television clips, paid advertisements, showing that opposition to euthanasia does not entail heartless suffering, and that only primitive and barbaric societies have executed their sick and elderly; a procedure which is strikingly inappropriate for a rich society where medicine has made such advances in palliative care.

In this struggle we have the explicit backing of the Holy Father, a solemn magisterial teaching by the successor of St. Peter that "euthanasia is a grave violation of the law of God"; a "doctrine based on the natural law and upon the written word of God,...transmitted by the Church's Tradition and taught by the ordinary and universal Magisterium" (par 65). Nothing could be clearer than this.

In conclusion let me quote the English Catholic author Paul Johnson, who beautifully explained the importance of the Holy Father's letter "the Gospel of Life" for the years which lie ahead. "Abortion and euthanasia are merely the plinth on which the innovators intend, during the 21st century to erect a system on which they will be allowed to do anything with human life which technology makes possible."

The Pope's teaching on human life is internally coherent and consistent, massively brave and unfashionable, a hard doctrine to follow — as all good teaching is — and will be resisted and ridiculed and cursed by all of the evil forces of the modern world.

May this marvellous old man life to see the year 2000, so that his frail but firm and clear voice can trumpet forth absolute truth at the very dawn of the 21st century before the agents of death get to work on it."⁹

Bishop George Pell
Sydney
8/10/'95

NOTES

1. Daniel Bell, "The Culture Wars", Quadrant. July - August 1992. 288. XXXVI. No. 7-8. pp 8-27 is a wonderful gallop over American intellectual life between 1965-1990.

The Winder Conversazione at La Trobe University, Melbourne 21/7 — 23/7/95 on The Idea of Education and the Culture Wars led by Professor Claudio Veliz of Boston University was another stimulating examination of one aspect of these intellectual "troubles".

2. George Sim Johnston, "Pope Culture" The American Spectator. July 1995. pp 26-29

3. Paul Duffy S.J., Word of Life in Media and Gospel. St. Paul Publications, Homebush. 1991. pp 25-6.

4. *ibid* p.16.

5. Peter Singer, Rethinking Life and Death. The Collapse of Our Traditional Ethics. Text Publishing Co., Melbourne, 1994. p. 171

6. Peter Singer, *Killing Babies Isn't Always Wrong*, The Spectator, 16/9/1995, p. 20

7. *ibid* p. 22.

8. Avery Dulles, S.J., "Religion and the News Media: A Theologian Reflects", America. 1/10/'94. 171/9. — 6-9.

HUMAN DIGNITY: PERSON & COMMUNITY

*A paper delivered by Dr Warwick Neville¹ at the symposium
entitled 'Towards a New Culture of Life: The Challenge of Evangelium Vitae'
held at the University of New South Wales on 8th October 1995*

Outline:

- Background
- Creation as a Word from God
- Woman and Man: pinnacle of creation
- Anthropologies: ancient and modern; pagan and Christian
- International Instruments – Ecclesiastical Instruments
- Anthropological Norms: Human dignity; relationality; solidarity

(i) In one of the less well-publicised documents of Vat.II, *Ad Gentes* (Decree on the Church's Missionary Activity, 7th December, 1965), the following critical passage is found:

Since the whole church is missionary, and the work of evangelisation the fundamental task of the people of God, this sacred Synod invites all to undertake a *profound interior renewal* so that being vitally conscious of their responsibility for the spread of the Gospel they might play their part in missionary work among the nations. (n.35). (emphasis added)

Writing to a priest friend, many years before becoming pontiff, Pope John Paul noted: "In the absence of deep inner life, a priest will imperceptibly turn into an office clerk."² The basic point applies to all: a profound interior renewal is not the preserve of saints; it is the fundamental and most dignified mandatory injunction for all persons.

(ii) Often, renewal takes apparently contradictory forms. For example, in my view the Church currently is in a time of magnificent renewal. How so? Because, in times of profound suffering due to social and other forms of instability and uncertainty, people ask serious questions and make decisions, which affect the manner and foundations of life. There is no room for relativism. People are, so to speak, forced to choose whether they are for or against

Christ; whether they will care for the unborn; whether they will care for the terminally ill – whatever the cause of their affliction; whether they care for the family and family life.

(iii) If it be true, as Augustine insists, that

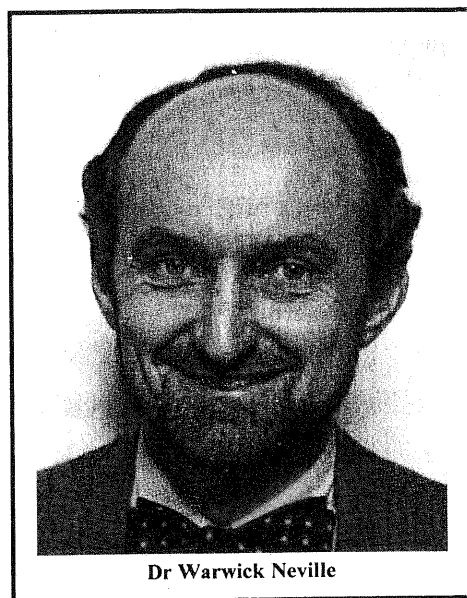
Our entire task in this life ... consists in healing the eyes of our heart so they may be able to see God,³

It is important to consider some of the historical background to our current theological, philosophical and social milieu.

Background: Religious, Cultural and Ethical Paradigms:⁴

(a)(i) In the Christian tradition, from its earliest days, there was a synthesis between the prevailing philosophies, Platonic and Aristotelian, and Christianity. With the rise of nominalistic thought, especially that of William of Ockham (c. 1285-1347), a rupture occurred which led to the perception that there was no longer a capacity or necessity for the integration of philosophy and faith. There came to prevail a view which held that there were two realms of truth which were, and must be kept, distinguishable; one was within the Christian tradition and the other external to it. This dichotomy clashed with the tradition expressed since the time of Augustine which affirmed that the truth of God and the Truths about Him were dependent upon revelation by which, in the life of the believer, God gave His own witness directly. Another way in which the Christian tradition expressed itself here was to say that theology was the "queen of the sciences". In large measure, the reverse is true today, in part, because the gulf between faith and reason has widened. Louis Dupré of Yale, notes:

Religion has been allotted a specific field of consciousness ruled by methods



Dr Warwick Neville

of its own, but the final judgement on truth has been withdrawn from its jurisdiction and removed to the general domain of epistemic criteriology. Revelation may "add" to the way we "know" by natural means, but it remains subject to the general rules of truth and credibility. These rules did not originate in religion's native land: they are a creation of the modern mind, a mind unwilling to have criteria of truth established by any source outside itself.

...until the Middle Ages faith without experience would have been inconceivable. Since God's Spirit inevitably manifests itself in the attitude and consciousness of the believer, all faith results in experience. ... What Augustine posited as a *distinction* between the subjective enlightenment by the inner Master and the objective message now tends to become *separation* between content and experience.⁵

(ii) Christianity is a prophetic interpretation of reality⁶: That is, it makes truth claims, not just meaning claims, about god, about humanity, about reality in general and about humanity in particular, and about eternal life. From time to time, of course, Christianity loses its prophetic focus and impetus. Invariably one factor at such times is a divorce between contemplation and intellectual vigour; when Christianity becomes a function of culture rather than a function of grace. At certain times in history there becomes an institutionalisation of a division between contemplative reflection and intellectual inquiry. This certainly occurred during the time of the

enlightenment when prayer was divorced from theological accountability and theology became the application of philosophy, still interpreted within a Christian plausibility structure, to venerable texts.⁷

(b) *The Separation –
The Enlightenment:*

(i) Although mention should be made of the impact of the Reformation in the 16th century, and the Renaissance in the 17th century, time and importance must direct attention to the Enlightenment of the 18th century.

The *Philosophes* of the Enlightenment, people like René Descartes and Immanuel Kant, and later Denis Diderot and Baron d'Holbach, together with John Locke (1632-1704: who had said that faith or belief was an inferior form of knowledge) and David Hume, coupled with the impact of Newton's writings in physics and mathematics, established two critical agendas: first, on the part of many, there was a specific impetus for change designed to undermine the formal role and import of Judeo-Christian morality. Secondly, science became the paradigm for all disciplines of knowledge, and scientific method became the paradigm for the means of obtaining it. Peter Gay says, on the specific objectives of the *philosophes*:

The men of the Enlightenment united on a vastly ambitious program, a program of secularism, humanity, cosmopolitanism, and freedom, above all, freedom in its many forms – freedom from arbitrary power, freedom of speech, freedom of trade, freedom to realise one's talents, freedom of aesthetic response, freedom, in a word, of moral man to make his own way in the world. In 1784, when the Enlightenment had done most of its work, Kant defined it as man's emergence from his self-imposed tutelage, and offered as its motto *Sapere aude* – “Dare to know”: take the risk of discovery, exercise the right of unfettered criticism, *accept the loneliness of autonomy*.

In the first half of the [18th] century, the leading philosophes had been deists and had used the vocabulary of natural law; in the second half, the leaders were atheists and used the language of utility.⁸

According to Colin Gunton (of Kings College, London):

... the creation of universal law was traditionally the function of God alone, and this function is now arrogated to the individual rational will. In order to assure the autonomy of the human moral agent, Kant ... denied the function traditionally ascribed to God. Lawmaking is now the work of the rational will, not of a being outside ourself. We instruct ourselves rather than receive instructions. Thus the function of lawmaking is transferred from God to human reason. In a sense, Kant ... made reason into God.

Reason's function is not to discern what is imposed from outside. To receive our moral beliefs from God is as heteronomous and alienating as to receive them from the sensible world. Therefore reason must arrogate to itself the function of legislating.⁹

By way of contrast, let us look quickly at aspects of the tradition before the Enlightenment.

(ii) Whereas people like John Locke had said explicitly that ‘reason alone must judge’¹⁰, the Christian tradition had held always that there must be a deliberate, and conscious, link between faith and reason. Faith is described as a conscious light presiding over the way a person thinks and acts. For example, in his justly famous *Catechetical Lectures* given to those preparing to be received into the Church in downtown Jerusalem in the middle of the fourth century, Cyril of Jerusalem says:

...let us seek together now not to make speculative exposition of the Scriptures, but rather to be convinced of what we already believe.¹¹

Or at an even earlier time, this appreciation and insight from Clement of Alexandria:

Faith is, so to speak, a summary (*syn-tomos*) gnosis of the necessary truths; and gnosis is the solid and sure demonstration of the truths received through faith, built upon faith by the Lord's teaching, leading to an unshakeable certitude and a scientific comprehension.¹²

Even more pithily, summarising the tradition, Evagrius says, “If you pray, you are a theologian; if you are a

theologian, you pray.”¹³ By this he was referring to Christians in general – not academics!

A final witness, among many others who could be cited, is a busy bishop from the 5th Century, Diadochus of Photike. Among his extant writings, he notes that “... faith is dispassionate understanding of God” which is without disordered emotional accompaniment. He notes further:

Spiritual discourse fully satisfies our intellectual perception, because it comes from God through the energy of love. It is on account of this that the intellect continues undisturbed in its concentration on theology. It does not suffer then from the emptiness which produces a state of anxiety, since in its contemplation it is filled to the degree that the energy of love desires. So it is right always to wait, with a faith energised by love, for the illumination which will enable us to speak. For nothing is so destitute as a mind philosophising about God when it is without Him.¹⁴

(iii) The Christian tradition holds that faith is a way of knowing. In the modern world, such a view competes with scientific knowledge and the paradigms by which one comes to know scientific data. The distinction, noted above, is the relegation of faith to the realm of opinion or emotion,¹⁵ while the view is promoted that only “science” provides certain, compelling evidence as to the unbiased truth of an issue. Yet this need not, and should not, be the case. This is a rather impoverished dichotomy. For example, there is no doubt that one is compelled to believe that water freezes at a certain temperature by a demonstration of that event. However, to assent to the proposition that Beethoven's Ninth Symphony is beautiful, requires a different kind of yielding to the truth of that statement. Equally so in relation to matters of faith. They are not, nor is faith itself, a second class sort of evidence, inferior to scientific evidence.

(c) **Deism** – The importance of deism should not be underestimated – either during the Enlightenment, or today. It typifies a “closed system” an old manifestation of which is **Pelagianism**. Here, God is acknowledged, but humanity must save itself on its own merits because grace is inoperative. Or **gnosticism**, where only the elect, those

with a special knowledge will be saved. Deists acknowledge, usually strenuously, that God exists, but that there is no conscious contact with Him. God becomes something akin to a giant watch-maker who sets things in motion but lets them run their own course without any direction or guidance. This can result in a "Star Wars" or New Age approach to reality – that the "force" is with us, without knowing who or what "the force" is. Part of this tradition of devout deism, still evident today, says, with people like Reimarus, Anthony Collins (a devotee of John Locke), Johann Ernesti and the rationalist Heinrich Paulus, that the Scriptures were history only and contained no divine message, or that the meaning of a statement was dependent upon the method of its verification, or that the main task of scholars was 'to get behind the text' because somehow, those responsible for crafting the sacred text, did not quite manage to say what was really intended.¹⁶ Adolf Deissman (1866-1937), a Professor of NT at Heidelberg University, held that, by its social structures, primitive Christianity pointed unequivocally only to the lower and middle classes. The integrity and authority of the scriptures are immediately undercut in such a view. In turn, because the Scriptures present a particular view of reality, and of humanity, that view, too, is undermined.

(d) Part and parcel of the post-Enlightenment, scientific mind-set is the assumption that tradition has no place in the schema of understanding because it is not capable of yielding to universal and immediately quantifiable verification.¹⁷ Secondly, there is the assumption that scientific study and inquiry is absolutely objective and, therefore, incontrovertibly reliable because, so it is said, there are no pre-suppositions impinging on the result of the investigation. However, as James Robertson Price III says,

The problem of objectivity ... is not the problem of perceiving unmediated experience; it is the problem of making correct judgements.

To object that mystical judgements are culturally mediated and hence without objective ontological status is itself to have made a judgement.¹⁸

In short, there is no such thing as a pre-suppositionless, or value free judgement.

(e) Individualism—Autonomy

(i) Because much of what has been said already applies here, especially that the only point of reference is the individual, my comments can be limited to two matters – the role of law and what is described as the 'hermeneutics of suspicion'. As to law, increasingly it has become the pre-dominant constraint on individual action. In terms of the link or connection between the human person and society, law operates as the paramount regulator of conduct. For example, in the context of ethical decision-making in medicine, there is a constant tension between what the law prescribes, what it proscribes, and what liberties of the individual are shaped by it. Good examples of this tension are the duty to ensure relevant information to patients so that they can make an informed decision about medical treatment,¹⁹ and the common law right to refuse treatment.²⁰ Modern texts on law and medical ethics speak now of "the cult of self-determination"²¹ by which is meant that in decision-making concerning medical practice, the individual's so-called right to freedom is the only point of reference. In the context of such issues as euthanasia, such a point of reference can be dangerously isolating.²²

Summary

In essence, there are two moral systems, one ancient and the other modern. The modern system is based upon law and the moral imperative of "what must I do?" or "what may I do without facing punitive action or retribution of some kind?" The prime objective of the other system or paradigm is happiness or, in the Christian tradition, "the blessed life". An important moral theologian today notes:

For the Ancients, be they philosophers with Aristotle as the prime witness, or theologians, such as the Greek and Latin fathers, notably Saint Augustine, the question of happiness or the blessed life was, without doubt, the first principle of the moral life.²³

I Creation as a Word from God

(i) The principal witness to creation as a word from God is the Scriptures. Although many texts could be cited, it must suffice to refer to Ps 8, Sirach 24, and Job 28, each of which reflect humanity's attempt to grasp, in some way the grandeur, order and nature of the complex of delicate, interdependent relationships manifest in creation.

Ps 8: Yahwey our Lord,
How majestic is your name
throughout the earth!

*I look up at the heavens, shaped by your
fingers,
at the moon and the stars you set firm –
what are human beings that you spare a
thought for them...*

*Yet you have made him little less than a
god,
you have crowned him with glory and
beauty,
made him lord of the works of your
hands,
put all things under his feet.*

*Yahweh our Lord,
how majestic your name throughout all
the earth!*

The language is regal; the terminology here is used elsewhere only in relation to the king. Equally so in Sirach 24 where wisdom is personified as speaking "Her own praises, in the midst of her people, she glories in herself."

(ii) Wisdom, treated in studies on the Old Testament as "ethics", for the ancients, is not smart or clever things to say, but knowing how to live, individually and corporately as a community, in such a way as to be just, temperate, strong and prudent. In biblical terms, it is "to act justly, to love tenderly and to walk humbly with [the One, true] God" (Micah 6,8). It is to have a "hearing heart", in contrast to a "hard heart" (one of the principal charges levelled at the Pharisees in the NT). Thus, when Solomon asks for wisdom (1 Kgs 3,9), the text literally says that he seeks a "hearing heart" or "a heart to understand" so that he can hear truly the matters which will come before him, and that he will hear what the Lord will say in guiding him in making a decision. To know and to experience what is true, good and beautiful in the order of creation, in-

cluding relationships with one's neighbour, is the epitome of life for the ancients.

(iii) In Isaiah, creation is presented as being a manifestation of, and filled with, "the glory of the Lord" (Is 6,3). Importantly, there is promised, too, a time to come when the peaceful order of creation will be restored, akin to the time before the Fall: that time is the time of Immanuel (Is 7,14), a time of restoration and perfection, a time of the Prince of Peace, wonder-counsellor, one who will sit in right judgement and in integrity (Is 9 & 11).

(iv) At the pinnacle of the created order is the human person. As we have seen from Ps 8, the human person is described as "little less than a god", entrusted with authority to order and to use the rest of the created order wisely. Ps 8 is a short but magnificent commentary on the creation narratives of Genesis where there are the artful presentations of creation. Comment will be made on only a few aspects of the creation narratives in Genesis.

(a) Creation is a divine act which ends on the sixth day; the seventh day completes creation because only then, according to the carefully crafted text, does the created order comply with the injunction to "catch breath" and to behold the grandeur of what has been accomplished by God. The only response to the work of the Lord is adoration and worship. The movement of the text invites the reader to consider that everything has its origin in God's creative will, and that creation does not bring itself into being. There is a recognisable order and relationship between all things. However there is a privileged relationship, unique to humanity, with the Creator.

(b) Man and woman are created equal in dignity before each other and before God. They are created in His image and likeness, which is understood as having the divinely conferred capacity, in a way which rocks and animals do not, to be in a personal relationship with God and with one another. Human beings have the capacity to be knowers and lovers of God, and of each other.

(c) Three other things need to be noted: *first*, God breathes into only the human person, not any other part of the created order; there is thus something of the

divine in humanity. *Secondly*, when the text says (Gen 2,25) that 'the man and his wife were naked and they knew no shame', it is saying that there existed a relationship between them which was free from manipulation; it was a relationship founded upon trust with no hidden or predatory agenda. It was a relationship of mutual dependence and of the utmost fidelity, free from exploitation. *Thirdly*, when the man exclaims, on seeing the woman, that "here at last is bone of my bone and flesh of my flesh" (Gen 2,23), he is saying that here is someone who has the same humanity as me; that is, in all my strengths, and in all my weaknesses, we are the same. There is a basic complementarity between them; there is no opposition. That comes, together the manipulation, predatory sexuality, lack of trust, and use of others as instruments for or objects of sexual pleasure, only after the refusal to trust God presented in the account of the Fall in Gen 3.

II Anthropologies: Ancient and Modern

(i) According to Christian tradition, moral theology was always part of spiritual theology because it was recognised that one cannot (and should not) separate one's spiritual life from one's moral life.

(ii) *Authority & Dualism*: Two general comments can be made about views of the human person in ancient, non-Christian societies. First, on a communal level, society was ordered, according to law, on the basis that those governed were unequal. Order was imposed externally as between persons who were unequal. Order was the domination by one who was superior of another who was inferior. Secondly, according to one ancient sect, the Manicheans, it was said in one of their hymns that "I have known my soul and the body which lies upon it – that they have been enemies since the creation of the worlds."²⁴ This basic dualism in relation to the person, that matter and spirit, body and soul, are in some sort of opposition, is prevalent today. Or another example, this time from the 4th century BC; the Epicureans exalted bodily pleasure as a means of escaping reality. Or the libertines who hold / held that 'it does not matter what I do with or to my body, it does not affect me'. (This rather mechanistic

view of humanity has been immortalised in the well-known title of Arthur Koestler's book *The Ghost in the Machine*).

(iii) *Utilitarianism*: Another prevalent, non-Christian, view of humanity is that one's dignity or worth is dependent upon, and measured by, what one can do as a productive member of society. One becomes a 'unit of production'. However, this leads, invariably, to a view of the human person which says that once one becomes unproductive, one is expendable. To the degree that one's output is exceeded by the cost, personal and communal, of maintaining one's existence, then one is expendable. Even more so is this the case if one is not, by virtue of age or disability, ever a "contributor" to the society. In such a view of humanity, persons are only ever objects. People are defined out of existence; hence the invention of new terms to define "non-persons" such as "pre-embryos". Not surprisingly, the language is always that of compassion, especially for the child *in utero* (disabled or otherwise) and the frail aged or terminally ill. Other societies this century, but not all, have learnt how corrosive of society it is when people are deemed not to be worthy to live and are defined out of existence by legislation or judicial decree because of infirmity, race, age or disability.

(iv) It is important to recognise those events and persons who bring a strong corrective to injurious treatment of human persons, especially when predicated upon inappropriate philosophies. It is important to acknowledge the important work in this regard of many (but certainly not all) feminist writers, in this instance, in the medical literature who rightly highlight the many exploitative medical practices suffered by women, not to mention that many of the same "treatments" are lethal to their children. Most recently, feminist writers have documented how women have often been the subject of test and procedures without adequate safe-guards or information about the procedures or trials they are under-going. Rightly, women claim the necessity of having adequate information about any clinical trials and medical procedures.²⁵ Human dignity, feminine dignity, to a significant degree, has been, and continues to be, dismissed.

(v) According to Christian tradition, the human person, on an individual level, is a most marvellous creation, albeit shrouded in mystery. For example, according to the biblical tradition (OT), the heart is the activating principle within the rational creature. It refers to the innermost part of each person, it stands firm in bravery and courage (Ezk 22,14); it is the seat of rational functions (Prov 19,8) although it can, of course, be easily disturbed; from the heart comes planning and volition (Jer 23,20); religious and moral conduct is rooted in the heart, and it is from this centre that one serves God (1 Sam 12,20). The heart accepts divine teachings, it fears the Lord (Jer 32,40), and the righteous heart trusts God and is faithful to Him (Prov 3,5). Always, however, there is the caution that "the heart is more devious than any other thing (Jer 17,9). We must recall also the famous texts of Jer 31,31-34 (a law written on the heart; learn to know the Lord) and Ezk 36, 26-28 (remove the heart of stone, give a heart of flesh, put my spirit in you).

(vi) The New Testament witness is no less plentiful in its witness to the majesty and mystery of the human person. It is always in terms of a relationship with the Lord, where the offer is made to the individual person to recognise and to realise one's dignity and nobility. The person is esteemed, not for what they can do or for their office, but for their own sakes. There is no separation between who a person is and what a person does. All persons are recognised as being unique, and irreplaceable, individuals before God. It was one of the great challenges of the time, and remains so, that for Christians, authority was the ordering of relationships between those who are equal, not the domination of those who are unequal. Also in contrast to the prevailing ethos of the time (then and now), rather than glorify in another's body, or in one's own body, the NT is emphatic about 'glorifying God in your bodies' (1 Cor 6,12-20).

(vi) The dignity of humanity reaches its apex in the incarnation of Christ. As the early writers of the Church note, 'one of us, is God'. Speaking of the decision of Jesus to embrace the crucifixion, Maximus the Confessor says 'we are saved by the human decision of a divine

person'. The resurrection of this divine person heralds the fulfilment of the Isaian prophecy of the time of the "Prince of Peace; it is a time of restoration of the relationship with the Lord. There is the promise, too, of bodily resurrection. There is, too, a corporate or communal dimension to bodily existence in the Christian tradition, that is the Church as "the body of Christ", made up of many, diverse parts, joined by the Spirit of Jesus.

(viii) The spiritual / moral tradition had – and has – an appreciation of the various faculties of the person, especially the intellect, memory ('a treasure house'), and imagination.²⁶ These faculties are critical, especially as we oscillate every day between emotion and illusion: the emotions of fear, anger and frustration, and the illusions of greatness, dreaming and imagination. We daily face our own fears of others (what will someone think), and occasionally, we face unrealistic fears of God. What we are seeking, in fact, is a peaceful heart (cf. Jn 14,1 & 27: "Do not let your hearts be troubled or afraid").

(ix) The spiritual / moral tradition looks at anthropology as the understanding of oneself. The need always was "to know thyself", understood as learning to recognise, and to take responsibility for, those drives and patterns of behaviour which are inimical to personal and communal happiness. It is in this tradition that the "eight thoughts" (the precursor to the seven deadly sins) take their place. The "thoughts" (gluttony, fornication, avarice, discontent, anger, despondency, vainglory, pride) were recognised as drives within the person which had the tendency, and the capacity, to disorient a person's judgement about what was genuinely true. It was important, always, to know what drives (including emotion) were operating in one at any given time, to take authority over them and responsibility for them.²⁷

III International Instruments, Municipal Law & Ecclesiastical Instruments

(i) Every major international instrument in relation to human rights since the *Universal Declaration of Human Rights* (1948) refers explicitly to the "inherent and inalienable and inviolable dignity of every human person." Our own High

Court has detailed the right to integrity of the person; thus Brennan J has said recently:

Human dignity is a value common to our municipal law and to international instruments relating to human rights. The law will protect equally the dignity of the hale and hearty and the dignity of the weak and lame; of the frail baby and of the frail aged; of the intellectually able and of the intellectually disabled.

... Our law admits of no discrimination against the weak and disadvantaged in their human dignity. Intellectual disability justifies no impairment of human dignity, no invasion of the right to personal integrity. ... Human dignity requires that the whole personality be respected...²⁸

(i) Law, of whatever kind, of course has its limitations and has not always exhibited the robust clarity of the kind just noted. For example, even such august bodies as the United States Supreme Court, has managed to contribute to practices which are anathema. For example, in 1927, the US Supreme Court (Mr Justice Oliver Wendell Holmes) observed, in a case of enforced sterilisation of an intellectually disabled person, that "three generations of imbeciles are enough."²⁹ His comments reflect the ready acceptance, in the United States, in the early part of this century, of the eugenics movement.³⁰ Lest anyone think that this was an aberration earlier this century, the same court, in 1978, authorised (with parental approval) the sterilisation of a 15 year old girl, said to be "somewhat retarded", although the girl was told that she was having her appendix removed. When the girl married two years later, and was unable to become pregnant, she learnt of her sterilisation.³¹

(ii) Although it is in another context, that of euthanasia, one cannot deny the truth of the House of Lords *Select Committee on Medical Ethics* (Jan. 1994) that "... to create an exception to the general prohibition of intentional killing would inevitably open the way to its further erosion whether by design, by inadvertence, or by the human tendency to test the limits of regulation" (*Report*: par.238). These comments must apply to any attempt which seeks to lessen the

protection of the law to those least able to defend or to protect themselves in the community, that is, the most vulnerable.

(iii) Notwithstanding the failings of the law, it does, of course, have its useful side! All of these international instruments, and the judgements noted, strive to remind and to caution humanity of trends in thought and action which historically have proven to be inimical to human flourishing. To embark upon certain courses of action is utterly corrosive to society and lethal to its members.

IV The Church and Anthropological Norms³²

(i) With a rather more venerable ancestry than the United Nations, drawing upon scripture and tradition, the Church has issued prophetic documents, such as *Rerum Novarum* (Leo XIII, 1891) and *Pacem in Terris* (John XXIII, 1963) which seek also, so to speak, to add flesh to the basic mysteries of life, death, happiness, work, suffering, justice and such matters. Above all else, they seek to remind humanity that there is an eternal, divine dimension to all life: the call is consistent, to recognise the dignity of all persons from the moment of conception to natural death; a call to freedom, and to responsibility for one's life. The documents of Vatican II, such as *Lumen Gentium*, *Gaudium et Spes* and *Dignitatis Humanae* are critically important witnesses to the prophetic mission of the Church predicated upon the supreme dignity of the human person.

(ii) In the first encyclical of the present Pope, *Redemptor Hominis* (4th March, 1979), John Paul II said:

The Declaration of Human Rights linked with the setting up of the United Nations Organisation certainly had as its aim not only to depart from the horrible experiences of the last world war but also to create the basis for continual revision of programs, systems and regimes precisely from this single fundamental point of view, namely the welfare of the human person — or, let us say, the person in the community — which must, as a fundamental factor in the common good, constitute the essential criterion for all programs systems and regimes. (n.17)

The feature which emerges from my reading of Pope John Paul II's

prodigious writings, both before his election to the Chair of Peter and after, is the utter consistency of the spiritual and moral message and the focus upon the notions of "person" and "community". More specifically, the predominant themes are: respect for life always and at all ages and stages of life; recognition of the inestimable dignity of every person, without exception (each person is created by, and destined for, eternal life with the Most Holy Trinity); the responsibility of each person for his or her life, measured according to the experience, and norms, of truth; the just and appropriate care and protection for the most vulnerable of the community; the critical openness to the love of Christ. In short, the paradigm is: prayerful adoration (especially of the Eucharistic Lord³³), compassion, evangelisation.

(iii) Reporting on a conference in Bilbao in May, 1993 on the implications of the Human Genome Project, Mr Justice Kirby (now a Justice of the High Court of Australia), noted:

Perhaps, from the perspective of history, the most important scientific breakthrough of this century may be seen, in time, to be neither nuclear fission, nor interplanetary flight, nor even informatics, but the fundamental and basal molecularbiology which permits the human species to look into itself and find, at last, the basic building blocks of human and other life. Who knows where this discovery will lead the imaginative mind? Lawyers, and indeed citizens everywhere, should begin thinking about the issue. In its resolution may lie the very future of our species.³⁴

Happily, Christians know that the future of the human species is in the hands of God, and, in large part, the intention of the ecclesiastical documents mentioned, is to provide foundational touch-stones against which conduct, personal and communal, scientific and other, may be measured. Whatever the issue, in Christian terms, these touch-stones are:

- Trust between persons as equals, and trust between each person and God. This is at the heart of the matter — the basis of, and capacity for, relationship. A relationship which at times will accent giving, and at other times, the accent will be on receiving (usually the latter is the most

difficult, especially in cultures of utilitarianism and extreme individualism).

- the supreme and inalienable dignity, integrity and nobility, without qualification or exception, of each person (*cf.* Violaine who is a 7 yr old girl with Downs Syndrome but who sings to her father "Thank you God for having made me the wonderful thing that I am.").
- our existence is as bodily, sexually differentiated, beings. Our bodiliness is the basis for our relationships with one another. As bodily beings, we should respect our own bodies as we respect others. (I do not *have* a body as something of an appendage which may be mutilated or abused: I *am* a bodily being.) Persons are not machines, nor is a mechanistic attitude towards any person appropriate. Of course, there is the legitimate use of one's body in the donation of organs on the basis of gift, not commercial advantage.
- this dignity translates into honour, respect and an invitation to participate in the freedom and the glory of life with God, beginning now.
- life is service; it is for others — consistently and in charity.
- I am not free to manipulate or to abuse the trust of another; they are entitled to the same esteem and reverence due each person, including myself. That esteem and reverence is not dependent upon what they (or I) can or cannot do; it is dependent only upon their existence as human persons, participating in unique ways in the mystery of life (divine and secular), and my respectful relationship with them. We are called to glorify God in our bodies; our bodies are temples of the Holy Spirit.³⁵

NOTES

1. BA., LL.B. (Syd), STB/M.Div., STL (Pontifical Faculty of the Immaculate Conception, Dominican House of Studies, Washington, DC), STD (Pontifical University of St. Thomas, Rome). Dr. Neville is head of the Research Department of the

Australian Catholic Bishops' Conference. The comments in this revised and edited address are those of the author.

2. Quoted in T. Szulc, *Pope John Paul II: The Biography*, (New York: Scribner, 1995) 160-161.

3. *Sermo* 88.6, PL 38, 542.

4. For further reading, one may profitably consult the following works: A MacIntyre, *After Virtue: A Study in Moral Theory*, (Notre Dame: University of Notre Dame Press, 1981 & 1984); P. Gay, *The Enlightenment – An Interpretation (The Rise of Modern Paganism; The Science of Freedom)*, (New York & London: W.W. Norton & Company, 1966 & 1977); J. Millbank, *Theology and Social Theory: Beyond Secular Reason*, (Oxford: Basil Blackwell, 1990); C. Taylor, *Sources of the Self: The Making of the Modern Identity*, (Cambridge, MA: Harvard University Press, 1989); K. Schmitz, *At the Centre of the Human Drama: The Philosophical Anthropology of Karol Wojtyla / Pope John Paul II*, (Washington, DC: The Catholic University of America Press, 1993); K. Scholder, *The Birth of Modern Critical Theology: Origins and Problems of Biblical Criticism in the Seventeenth Century*, (trans. J. Bowden) (London & Philadelphia: SCM Press & Trinity Press International, 1990); M. Buckley, *At the Origins of Modern Atheism*, (New Haven & London: Yale University Press, 1987); O. Chadwick, *The Secularization of the European Mind in the 19th Century*, (New York: Cambridge University Press, 1975 [Canto Edition, 1990]); R.P. George, *Making Men Moral: Civil Liberties and Public Morality*, (Oxford: Clarendon Press: 1993).

5. L. Dupre, "Note on the Idea of religious Truth in the Christian Tradition", *The Thomist* 52 (1988) 499–512 at 509 & 511. See, too, his *Passage to Modernity: An Essay in the Hermeneutics of Nature and Culture*, (New Haven & London: Yale University Press, 1993).

6. This phrase is an adaptation of one used by Walter Kasper, *The God of Jesus Christ*, (London: SCM Press Ltd., 1983) 68.

7. See further on this point, F. Martin, *The Feminist Question: Feminist Theology in the Light of Christian Tradition*, (Grand Rapids, MI: Eerdmans, 1994), *passim*.

8. P. Gay, *The Enlightenment: An Interpretation*, Vol. I, *op.cit.*, 3 & 18. (Diderot to David Hume: "Ah, my dear philosopher! Let us weep and wail over the lot of philosophy. We preach wisdom to the deaf, and we are still far indeed from the age of reason". 17th March, 1769. Hume to another friend, on 6th April, 1765, said that beyond the world of the Enlightenment and its cultivated supporters, there lay a large desert of darkness, of stubborn indifference, of illiteracy and superstition, a realm he described as the realm of "Stupidity, Christianity and Ignorance."

9. C. Gunton, *Enlightenment and Alienation: An Essay Towards a Trinitarian Theology*, (Grand Rapids, MI: Eerdmans Publishing Co., 1985) 61 & 62.

10. See his *Essay Concerning Human Understanding*, IV, 18,5.

11. *Catecheses*, 13.9.

12. *Stromata*, 7,10,57.

13. *On Prayer*, ch.60.

14. "One Hundred Chapters on Gnosis," in the *Philokalia*, 254.

15. Note here MacIntyre's observation about modern culture:

... in moral argument the apparent assertion of principles functions as a mask for expressions of personal preference – [this] is what emotivism takes to be universally the case.

... to a large degree people now think, talk and act as if emotivism were true, no matter what their avowed theoretical standpoint may be. Emotivism has become embodied in our culture.

After Virtue, *op.cit.*, 19 & 22.

16. See further on these and other figures, H.W. Frei, *The Eclipse of Biblical Narrative: A Study in Eighteenth and Nineteenth Century Hermeneutics*, (New Haven & London: Yale University Press, 1974) and H.G. Reventlow, *The Authority of the Bible and*

the Rise of the Modern World, (trans. J. Bowden) (Philadelphia: Fortress Press, 1985).

17. See J. Pelikan, *The Vindication of Tradition*, (New Haven & London: Yale University Press, 1984); A. Louth, *Discerning the Mystery: An essay on the Nature of Theology*, (Oxford: Clarendon Press, 1983).

18. "The Objectivity of Mystical Truth Claims," *The Thomist* 49 (1985) 81-98 at 94 & 91

19. See the High Court decision in *Rogers v Whitaker* (1992) 175 CLR 479.

20. See, e.g. L. Darvall's *Medicine, Law and Social Change* (Aldershot: Dartmouth, 1993) Chapter 3, "Refusal of medical Treatment," 51-84.

21. J.K. Mason & R.A. McCall Smith, *Law and Medical Ethics*, (Fourth Edition) (London: Butterworths, 1994) 326.

22. For a general discussion of the rise of autonomous decision-making, see M.A. Glendon, *Rights talk: The Impoverishment of Political Discourse* (New York: The Free Press, 1991). In relation to medicine, see E. Pellegrino & D. Thomasma, *The Virtues in Medical Practice*, (New York & Oxford: Oxford University Press, 1993).

In Philosophical circles, a significant contribution to such an isolated view of humanity was identified by the French philosopher, Paul Ricoeur, in an important essay entitled "The Critique of Religion" in which he identified Marx, Nietzsche and Freud as the "masters of suspicion" by which he meant that they perfected the work of their predecessors (and confrères) by doubting everything: thus, in moral decision-making, the only reference point was to be the isolated individual. To this group should be added Ludwig Feuerbach, credited with the observation that 'Christianity is but a species of the genus of religion,' thus adding to the climate of criticism and relativism inherent in Christian discussion of ethical and moral matters. Such a climate undercuts any system or judgement which claims to speak with authority and which insists upon the existence, knowability and happiness from living, not by reference to external norms which are universal and true,

although they are articulated externally, according to an on-going, profound interior renewal by which, with the help of the Lord, one lives a virtuous life.

Ricoeur's essay is extracted in *The Philosophy of Paul Ricoeur: An Anthology of His Work*, C. Reagan/D. Stewart (eds.) (Boston: Beacon Press, 1978) 213-22.

23. S. Pinckaers, O.P., *Les sources de la morale chrétienne (Sa méthode, son contenu, son histoire)*, (Fribourg, Suisse & Paris: Éditions Universitaires Fribourg & Éditions du Cerf, 1985) 29.

24. Generally, see P. Brown, *Augustine of Hippo*, (Los Angeles: University of California Press, 1967).

25. For important critiques of recent medical practices, see, for example, P. Spallone, *Beyond Conception: The New Politics of Reproduction*, (New York: Macmillan, 1989); R. Klein, J. Raymond, L. Dumble, *RU 486: Misconceptions, Myths and Morals*, (North Melbourne: Spinifex Press, 1991); J. Raymond, *Women as Wombs: Reproductive Technologies and the Battle Over Women's Freedom*, (San Francisco: Harper, 1994); R. Rowland, *Living Laboratories: Women and Reproductive Technologies*, (Bloomington: Indiana University Press, 1992).

26. See here Gregory of Nyssa, *De opificio hominis*, PG 44, 125-256; ET "On the Making of Man," *NPNF* (Second Series) Vol.V, 387-427. Generally, B. Ashley, *Theologies of the Body*, (Braintree, MA: Pope John

Centre, 1985) and T. Spidlik, *The Spirituality of the Christian east*, (Kalamazoo, MI: Cistercian Publications 1986) 87-123.

27. See here, among other writings, Athanasius, *The Life of Antony*. On the "eight thoughts", see Evagrius, *The Praktikos & Chapters on Prayer*, (CS,4) (Kalamazoo, MI: Cistercian Publications, 1981). For fine modern treatments of these, and other, matters, see J. Vanier, *Man and Woman He Made Them*, (Sydney: St. Paul Publications, 1985) and K. Wojtyla, *Love and Responsibility*, (San Francisco: Ignatius Press, 1993).

28. *Secretary, Department of Health & Community Services v JW Band SMB (Marion's Case)* (1992) 175 CLR 218 at p.266. See, too, the comments of Brennan J., in *P v P* (1994) 120 ALR 545.

29. *Buck v Bell* (1927) 274 U.S. 200 at p.207.

30. See further, R. Marshall & C. Donovan, *Blessed Are the Barren: The Social Policy of Planned Parenthood*, (San Francisco: Ignatius Press, 1991).

31. See *Stump v Sparkman* (1978) 435 U.S. 349.

32. See especially the remarks of Bishop Friend to the Pontifical Academy of Sciences, (26th October, 1994), "Frontiers of Genetic Research: Science & Religion," *Origins* 24 (Jan. 1995) 522-28 of the recent decision of the Federal Court in *Anaesthetic Supplies Pty Ltd v Rescare Ltd* (1994) 50 FCRI.

33. See the remarks of Pope John Paul II to the 45th Eucharistic Congress in Seville, 12th-17th June, 1993 where he speaks about the tabernacle as "this crucible of the 'Love of Loves'", "Families will find new strength in intimacy of the tabernacle", *L'Osservatore Romano*, 29th June, 1994 (English Weekly Edition), p.5.

34. The Hon Justice Michael Kirby AC, CMG, "Legal Problems: Human Genome Project," *The Australian Law Journal* 67 (1993) 894-903 at p.903.

35. See the remarks of Karol Wojtyla in an address broadcast over Vatican Radio on 19th October, 1964,

Tomorrow, on the feast of St John Cantius, as I celebrate Mass in the [Second Vatican] council hall, I wish to ask God in a special way for one of the gifts of the Holy Spirit, the gift often referred to as the gift of piety — in essence, the gift of the reverence due each creature for the sake of God. May we, with the help of this gift, know how to realise in the modern world the basic good of collective and individual life: the dignity of the person.

"On the Dignity of the Human Person," in *Person and Community: Selected Essays*, K. Wojtyla (trans. T. Sandok, OSM) (New York: Peter Lang, 1993) 180. In addition to his collection of essays, one could consult K. Schmitz, *At the Centre of the Human Drama: The philosophical Anthropology of Karol Wojtyla/Pope John Paul II*, (Washington, DC: The Catholic University of America Press, 1993).