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ARCHBISHOP JAMES CARROLL D.D.

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A Solemn Pontifical Mass of Christian Burial was concelebrated by Edward Cardinal Clancy A.C. at St. Mary's Cathedral Sydney on Tuesday, 17th January, 1995 at noon for the repose of the soul of Archbishop James Carroll D.D., who died on 14th January, 1995 aged 86 years.

The **First and Last Speeches** to the Society's Annual General Meetings made by the late Archbishop James Carroll D.D. were:

On 14th August, 1945, the Inaugural Meeting of the Society was held at History House, Sydney.

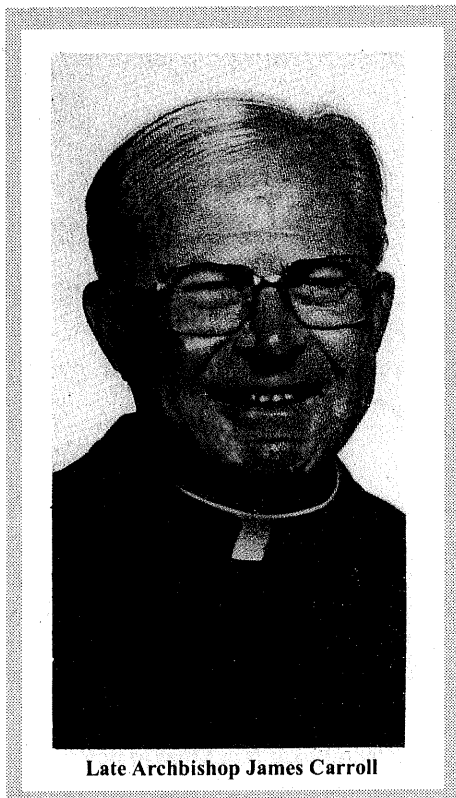
The Guest of Honour was His Grace the Archbishop of Sydney, The Most Reverend Norman Gilroy D.D., who according to the Society's Constitution appointed the first Spiritual Director of the Society to be Reverend Dr James P Carroll P.P. D.C.L.

FIRST SPEECH

In reply to the welcome extended to him, Dr Carroll said:-

"I am very pleased to have been appointed by His Grace as the Spiritual Director of this Society, and I thank His Grace for the honour accorded me. I assume – in fact I hope – that the office has not been conferred *causa honoris*, but rather *causa oneris*, because I anticipate and confidently hope for considerable or at least effective activity on the part of the Society. I have perused the draft Constitution, and I was very pleased by the statement of its aims. It was (re)freshing to read the citation from the ancient composition of Justinian's legislators – "*Honeste vivere, alterum non laedere, suum cuique tribuere.*" In pursuance of those high principles the legal profession has always been powerful, even when it was not most wealthy and prosperous in worldly goods. Then in the following clause I

observe that the first condition of eligibility for membership stipulated that the members proposed to be practising Catholics. It is easily understood that that would be in the forefront of the minds of the founders, because although we know that there are many who flourish in natural goodness,



Late Archbishop James Carroll

our proposal is that Catholic principles in practice be the basis of this activity. We take for granted that in the months and years to come there will be many discussions and disputes and quarrels in matters concerning the law of the land; and we take for granted that they will be questions not merely affecting day to day politics but having a deep influence on the current philosophy of economics and politics and religion. English law, in spite of many well-known and

outstanding abuses, has retained a respect for reasonable freedom which, at root, is derived from the Christian idea of the value of a soul; and that is to the credit of generations of lawyers. It is hoped that the perpetuation of that tradition will be a force for right in those situations which we can expect to occur. It is hoped that this Society will be a powerful instrument for good in those situations. I wish it every success, and hope that in its achievements it will not be unworthy of the great lawyer-saint who is named as its patron."

On 15th August, 1995, at the Fiftieth Annual General Meeting of the Society held at Tattersalls Club, Sydney, the guest of Honour was His Eminence Edward Cardinal Clancy AC, Archbishop of Sydney. In attendance were six foundation members of the Society –

Hon John McKeon K.S.G.; Vincent Pike; Joyce Shewcroft; Jack Kenny QC; Frank Mahony OBE CB, Hon John Slattery AO QC; and the original Spiritual Director, Archbishop James Carroll, D.D., retired Auxiliary Bishop, Sydney; Titular Archbishop of Amesea.

It was the Society's honour to have as one of their guests for the Fiftieth Annual General Meeting, Archbishop Carroll.

LAST SPEECH

ARCHBISHOP Carroll:

"Your eminence, visitors, my friends. I recall very well the opening meeting and am so gratified to meet quite a few faces here tonight who, like myself, are still endeavouring to acquire wisdom. I suppose my first impression of that opening meeting was the care and interest shown by a most impressive group of lawyers who seemed to grasp the thrust of the Church at that time. And, it was quite impressive the seriousness with which they went about it, the preparation from afar and they

were strengthened by the knowledge that it was their initiative which had introduced the Annual Red Mass at the beginning of the first law term, I think about fifteen years before, and so the idea of the Society obviously had germinated and I was most impressed by one and all. Many of them I remember very well, very clearly, and all in a special way. John McKeon as the first Secretary. He was an extremely busy man. There was great respect for him and for the first President, Judge Hilary Studdert. The fact that here was a group of professional men who had thought the thing through and then, at that stage, John O'Neill had made some approach to Archbishop Norman Gilroy, who advised him that this was bred out of consideration and naturally, every encouragement from him. But when they presented with a draft constitution to the Archbishop it was a most well thought out and well presented effort. So, looking back over those fifty years, of course, as at any period of that time, people would not be able to anticipate all

the changes that have taken place and, I suppose, as we look back we have a right to think that its changes in office during these fifty years could not have been anticipated, and wonder, what will be the developments of the world at large, particularly of the Church for the next fifty years. Thinking about this, it is perhaps a more active role of laymen and women which is in evidence and there is a sign of considerable help in spite of any adverse influences in the world. They bring new efforts and fruitfulness as ages confront all of us, and in a particular way, the Church. What form, what new thrusts might be appropriate I would not be close enough to the scene to suggest. It's an impression, though, that a considerable number of lay people are engaged in courses of scripture and theology and it is in the interest of professional people, men and women, in certain literature, which, in a serious way, pays deference to the other churches as well as the Catholic Church. These things make one's thoughts, directed thoughts, the legal fraternity.

They should be, by mental preparation, by seriousness of their responsibilities and by their meeting places in the community, and especially going back to their whole mental training, they should be people well able to handle any of the current questions of theology. But, perhaps, if we see so many lay teachers, for example, imparting the faith to children of various ages, so many taking part even by the mere fact that they are interested, and I wonder, is there some scope there for new initiatives on the part of the Society. I am most grateful personally for my name appearing in the list of Life Members. I regretted greatly having to give up the chaplaincy in the first place. It occurred because I was made an assistant to Cardinal Gilroy and, at that stage, there seemed no room in my program for anything else but, what seemed to me, my call, and that was it. I regretted more than once that I had lost touch with the Society but I feel encouraged by the present occasion to have thoughts about the future. Thank you Mr President."

EULOGY GIVEN AT THE MEMORIAL MASS FOR ROBERT REGINALD DOWNING, A.C. Q.C. BY ARCHBISHOP JAMES CARROLL

5 OCTOBER 1994

A Memorial Mass was concelebrated by His Grace Archbishop James Carroll D.D., at St. Mary's Cathedral, Sydney on 5th October, 1994 at 5.30 pm for the soul of the late Robert Reginald Downing AC QC who died on 9th September, 1994, aged 89 years.

Robert Reginald Downing was Minister for Justice/Attorney-General of New South Wales during the years 1941 – 1965. He was Leader of the Government in the Legislative Council 1941 – 1965 and Leader of the Opposition 1965 – 1972. Reg Downing was a foundation member of our Society and always retained an interest in the Society's activities. He was delighted to have been appointed an Honorary Life Member in 1992.



Late Robert Reginald Downing

"We assemble at this Mass to pay tribute to a distinguished fellow-citizen, the late Reg Downing, an outstanding lawyer-politician of this State. During several decades he exercised his far-seeing influence on the political scene and, at the same time, was held in high esteem for his personal integrity and for his humane outlook in regard to the lives of people, as mirrored in social legislation initiated by him, for example, the statutory working week, Workers' Compensation, as well as prison reform, protection of people engaged in hire purchase contracts.

The evidence of his colleagues and of contemporaries in general and the example of his family life leave no doubt that the basic motivation of his long career was a firm adherence to moral and ethical principles, to an unequivocal acknowledgement of the law of God by which our lives and mutual relationships should be regulated.

In regard to his life what is particularly noteworthy is that he left the public arena without any legacy of enmity with contemporaries of whatever political leanings – such was his

fairness, his respect for others and withal his gentility.

It is fitting that this Mass has been requested and arranged by The Thomas Moore Society whose members and their colleagues — men and women of the law — by their presence today pay respect to this colleague. While acting as Chaplain to that society I had occasion to note the genuine regard of lawyers of high repute for the competency of Reg Downing as Attorney General of New South Wales.

At this stage of our history it is appropriate to examine the influence of such a person on the growth of this young country and, in turn, to acknowledge the contribution made by his ancestors through their pioneering labours.

As we are well aware, prior to the years preceding the Second World War, the vast majority of immigrants came from England, Scotland or Ireland. Most of these were not endowed with wealth. Indeed many were without sufficient means; they did not enjoy social benefits which we tend to take for granted, while many had endured hardships and some had suffered injustices in their respective homelands. But, sustained by firm religious principles, they displayed a will to work, even in a harsh land, along with a devotion to family and to the care of sons and daughters who in turn flourished in the good and self-sacrificing care of parents.

A great number of their sons and daughters exemplify for us the image of a true Christian as that urged upon some early converts by St. Paul. In an inspiring letter written to new Christians of Phillipi, Northern Greece, Paul declared: "Our true citizenship is in heaven". We are to live as citizens of two worlds. Our daily lives are to be lived with a constant remembrance of that higher richer and unending life which is destined to be for each of us after this life has come to an end. We are then to achieve the fulfilment of our present citizenship exercised in this world.

The late Reg Downing and other members of his family, as their ancestors had done before them, followed Paul's image of this dual citizenship.

We pray with confidence that he may enjoy eternal peace and rest."

HUMAN GENETIC ENGINEERING: WHAT SHOULD WE PERMIT?

A TALK GIVEN BY DR BERNADETTE TOBIN
AT THE JOINT DINNER OF THE ST THOMAS MORE SOCIETY
AND THE LAWYERS CHRISTIAN FELLOWSHIP,
SYDNEY, LAW WEEK, MAY 1994.

There was once a wonderfully knowledgeable and clever rabbi who lived in Chelm. One day he has a vision of a fire destroying the University in Lublin, fifty miles away. This remarkable vision greatly enhanced his fame as a wonder worker. Several days later a traveller from Lublin, arriving in Chelm, was greeted with expressions of sorrow and

of Books, thinks that the proponents of the human Genome Project are sometimes similarly short on detail! In a wonderfully tart review of several books promoting this Project, Lewontin summed up their claims about the Project as follows:

"What I am, the differences between me and other human beings, and the similarities among human beings that distinguish them from, say chimpanzees, are determined by the exact chemical composition of the DNA making up my genes ... So when we know exactly what the genes look like we will know what it is to be human and we will also know why some of us read The New York Review of Books whilst others can't get beyond the The New York Post."

The study of DNA is an industry with high visibility, a claim on the public purse, the legitimacy of a science, and the appeal that it will alleviate individual and social suffering. It has infiltrated into our minds an acceptance of biological determinism, the idea that the model of cystic fibrosis is the model of the world. Daniel Koshland, the editor of *Science* — an energetic publicist for large DNA sequencing projects — when asked why the Human Genome Project funds should not be given instead to the homeless — answered, "What these people don't realize is that the homeless are impaired ... Indeed, no groups will benefit more from the application of human genetics".² James Watson urged the diversion of research funds from other projects into the Human Genome Project on the grounds that we shouldn't 'miss out on learning how life works'. His colleague Walter Gilbert predicted that the knowledge gained from the Genome Project will occasion a 'change in our philosophical understanding of ourselves'.³

In order to put this into context, let us reassemble a little of the history of genetics.⁴ In 1866 the Austrian monk, Gregor Mendel, studying the seeds of the pea plant, some of which were



Dr Bernadette Tobin

concern, not unmixed with a certain pride, by the disciples of the wonder-rabbi. 'What are you talking about?' asked the traveller. 'I left Lublin three days ago and the University was standing as it always has. What kind of wonder-rabbi is that?' 'Well, well,' one of the rabbi's disciples answered, 'burned or not burned, it's only a detail. The wonder is he could see so far.'

Richard Lewontin, who told this story in a recent issue of *The New York Review*

wrinkled and some of which were round, concluded that the variations between them were controlled by some single physical factor. Mendel's finding was ignored for forty years until the beginning of this century when it was learned that Mendel's factors – now known as genes – were positioned on threadlike structures – chromosomes – located in the nucleus of each cell of a living organism. By exposing chromosomes of the fruit-fly to X-rays, scientists noted mutations that altered the physical traits of the next generation. In 1944 the basic stuff of these hereditary changes was identified as DNA (deoxyribonucleic acid). In 1953 Crick and Watson discovered the famed double-helix structure of DNA. In 1970 a kind of molecular scissors was found to be capable of slicing DNA molecules, and in 1972 'recombinant DNA' – the combined DNA from two viruses – was invented. But the age of genetic engineering proper began in 1973 when scientists inserted recombinant DNA into bacteria that reproduce or clone foreign DNA. One of the earliest results was the relatively inexpensive production of what had been until then an extremely scarce naturally-occurring substance, interferon, which is now widely used in the treatment for cancer.

Each cell in each human body contains in its nucleus two copies – one from the father and one from the mother – of that very long molecule called "DNA", which is differentiated along its length into segments of separate functions, Mendel's "factors" or "genes", and the set of all these genes is called collectively the "genome". In 1989, in response to active lobbying by scientists, the National Institutes of Health (NIH) in Washington DC and the US Department of Energy decided to make funds available for the project of mapping and sequencing the human genome.

Every human genome differs from every other. The DNA I got from my mother differs by about one tenth of one percent, or about 3,000,000 nucleotides, from the DNA I got from my father, and I differ by about that much from any other human being. The holy grail of the Human Genome Project – a collective enterprise of a number of large laboratories estimated to take fifteen years to complete at a cost of \$3 billion – will be a mosaic of some hypothetical

average person.

What then might the Human Genome Project tell us? There are four levels of potential application of genetic engineering for the insertion of a gene into a human being:

1. Somatic cell therapy which would result in correcting a genetic defect in the somatic (that is, body) cells of a patient; gene therapy to treat cystic fibrosis, for example, is directed only at the cells lining the lungs;

2. Germ-line gene therapy which would require the insertion of a gene into the reproductive tissue of a patient in such a way that the disorder in his or her offspring would also be corrected;

3. Enhancement genetic engineering which would involve the insertion of a gene to try to enhance a known characteristic; for example the placing of an additional growth hormone gene into a normal child; and

4. Eugenic genetic engineering which is defined as the attempt to alter or improve complex human traits, each of which is coded by a large number of genes; for example, personality, intelligence, character, the formation of body organs, etc.

At present somatic cell therapy is the only form of genetic therapy allowed in Australia under guidelines from the National Health and Medical Research Council. So far, more than fifty forms of somatic gene therapy have been approved in the United States and a few trials have begun.⁵

As for germ-line therapy, earlier this year two veterinary scientists at the University of Pennsylvania applied to the European Patent Office to patent a technique for correcting defective genes in sperm so that a father would pass on only 'healthy' genes to his descendants⁶. This is the first reported attempt to patent a technique for human germ-line therapy. The patent application refers to techniques that could improve the offspring of animals, the quality of meat from the offspring of cattle who are genetically altered, their resistance to disease, etc. However, the veterinary scientists, who have already demonstrated these techniques in mice, included in their application the claim that the techniques could be used in human therapy. To the storm of outrage that accompanied their patent application, they replied that the patent office could chop off any bits of the

application it didn't like.

At the moment at least the dangers associated with genetic enhancement are making the scientists cautious. To correct a faulty gene is one thing, but intentionally to insert a gene to make more of one product might adversely affect numerous other biochemical pathways. At the moment it is generally (though, as the example of the application by the two veterinary scientists shows not universally) recognized that we possess insufficient information to understand the effects of attempts to alter the genetic machinery of human beings. In addition, the unfolding story of the likely connection between the administration of a growth hormone from the human pituitary gland and the onset of Creutzfeldt-Jacob Disease ought to teach us just how experimental much of contemporary medicine is. Why would anyone want to insert a growth hormone gene into a normal child? Once it is in there, there is no way of getting it back. The child's reflexes, co-ordination, and balance might all be grossly affected. Even if it were ethically sound (which remains to be shown), surely we know too little about the human body to chance inserting a gene designed for improvement into a normal healthy person.

But caution is one thing and scepticism is another: Let me come back to Richard Lewontin's scepticism about the hubris of the geneticists. Lewontin, himself a zoologist and biologist at Harvard University, deflates many of the claims of the boosters of the Genome Project. It takes more than DNA, he points out, to make a living organism. A living organism at any moment in its life is the unique consequence of a developmental history that results from the interaction of both internal and external forces. And part of the internal chemical machinery of a cell is manufactured only when the external conditions demand it. For example, the enzyme that breaks down the sugar (lactose) which provides energy for bacterial growth is manufactured by bacterial cells only when they detect the presence of lactose in their environment.

Nor, Lewontin adds, is 'internal' identical with 'genetic'. The variation in the number and placement of a cat's whiskers between its left and right sides

is a consequence of random cellular movements and chance molecular events within cells during their development. These random cellular movements and events – which the geneticists dismissively call ‘developmental noise’ – account both for the fact that identical twins have different fingerprints and for the fact that the fingerprints on our left hand are different from those on our right.

Lewontin’s scepticism about the likely results of the Human Genome Project amounts to this. If we take seriously the idea that external as well as internal factors co-determine the organism, we cannot really believe that the sequence of the human genome is the holy grail that will reveal to us what it is to be human, that it will change our philosophical view of ourselves, that it will show how life works.

Nonetheless, the actual and possible application of knowledge gained from the study of the genome are sufficiently important for us to try to work out in advance which applications are morally permissible and which are not. Take prenatal testing. Today it is possible for a woman to undergo prenatal testing for a range of genetic conditions: we have already found the genetic markers for muscular dystrophy, polycystic fibrosis, thalassemia. Though it is possible to surgically to correct a few anatomical problems in the foetus – for example, enlarged kidneys, fluid on the brain, some blood disorders—at present it is not possible to remediate a genetic disorder in utero; discovery of a genetic disorder – or even of some possibility of the presence of a genetic disorder – generally results in abortion. This no doubt is the reason why Catholic maternity hospitals have been reluctant in the past to offer prenatal testing as a service to pregnant women. Certainly such testing runs the risk of being gravely unjust to the foetus/child undergoing diagnosis; induced abortion is now generally the fate for any foetus which tests positive for major, early onset genetic diseases caused by a single gene. In the future it may be the fate of foetuses which test positive to late onset diseases such as Huntingdon’s chorea and adult onset polycystic kidney diseases; to foetuses which test positive to “contingent conditions”, that is, conditions that are related to the presence of certain genes but not fully

predicted by them (such as the susceptibility to certain forms of cancer); to those who are diagnosed with behavioural conditions such as schizophrenia and manic depressive disorder, or conditions of minor severity such as obesity, freckling, myopia and some learning disorders; and even for those who test positive to recessive and sex-linked disorders which the foetus will not itself manifest but will be capable of transmitting in its genes for future generations.

Though prenatal testing can provide information which is beneficial to both the mother and the foetus/child during pregnancy and at birth, nonetheless some tests pose a significant risk to the foetus/child (and there is no significant prospect of treatment in the event of a positive diagnosis).

Before we endorse prenatal testing as a standard procedure, we need to reflect on some of the issues it raises.⁷ Whose interests are being served by diagnostic testing: the parents who acquire the information or the offspring who is considered as a second patient? How are the benefits and burdens of testing to be calculated? How can we calculate the importance of diagnosing late-onset conditions, contingent conditions or conditions of minor severity? From whose perspective are benefits and burdens to be calculated: the parents, the offspring, the geneticists, the society as a whole? Should limits be placed on the availability of such probes or on the use of such information? Are we willing to have pregnancy decisions, including abortion, turn on the presence or absence of genes for contingent conditions or conditions of limited severity. Who will pay for whatever testing is available? What should be the underlying ethical rationale of prenatal testing? Even if value-neutral counselling were desirable, it is hard to see it genuinely translated into the clinical setting: a large volume of patients, little time to attend to each, the common gap between the social and cultural backgrounds of the clinician and the prospective parents; though up till now genetic counsellors may have been able to focus their attention on a specific genetic condition, in the future prospective parents may have to decide about a broad range of conditions from which their offspring may be at no particularly increased risk. At this point we will be speaking about

genetic screening, not simply of testing.

The very existence of the Human Genome Project serves as an impetus to translating newly-discovered markers into clinical use. In the absence of planning, new diagnostic tests will likely be introduced rapidly in response to both market and professional forces. The market forces are obvious. If biotechnology firms own patents on either the new markers or on techniques for bringing them into the clinical area, there are clear financial incentives to make testing a more routine part of clinical care. The professional forces are also obvious. There is the general tendency of clinicians to think that new means better, especially when new developments are low-risk. And clinicians may feel compelled to use new tests as soon as they become available so they can obtain increased security against possible malpractice suits for failure to diagnose a given condition.

Let me now mention three other ethical issues raised by the Human Genome Project.⁸ The first concerns the challenge it poses to our understanding of the goals of medicine. Edmund Pellegrino – a great opponent of the legalization of euthanasia in the strict sense (that is, the direct and intentional hastening of death out of concern for that person’s suffering) – says that if (or more likely when) euthanasia is legalized in some jurisdictions in the US, they shall have to devise a new professional, called a “euthanatist”, to undertake that activity. It would be out of the question for doctors to add euthanasia to the range of services they offer. Those goals embrace curing a disease or disability, restoring or maintaining someone in a reasonably satisfactory condition, and relieving pain and the other symptoms of illness. They do not embrace killing patients.

A similar point could be made about at least some forms of genetic engineering. Though somatic cell therapy may be no more than an extension of conventional medicine, and though the same might be argued for the potentially much more dangerous germ-line therapy, both enhancement and eugenic engineering fall outside the scope of the goals internal to medicine. The remaking of human beings, the revising of the way in which humans are reproduced such that they can be created according to a ‘recipe’, the

determination of what used to be mere differences (e.g. shortness of stature) as faults, these interventions run the risk of failing to respect the integrity of the human person. We need to think seriously about whether they are appropriately to be thought of as forms of health care.

Then there is the question of the wise and just allocation of resources. The Human Genome Project has been sold to us by reference to the wonderful applications it will have in eradicating disease and disability. But we should not forget that the majority of the world's population is suffering from one consequence or another of malnutrition and overwork and not from genetic disease and that even in rich countries most deaths and diseases are not associated with muscular dystrophy and Huntingdon's chorea. These very debilitating conditions are also very rare.

Molecular biologists have become entrepreneurs. As a result, serious conflicts of interest have emerged in universities and government service. In some cases graduate students working under entrepreneurial professors are restricted in their scientific interchanges, in case they may give away potential trade secrets. Research biologists have attempted, sometimes with success, to get special dispensations of space and other resources from their universities in exchange for a piece of the action. When Watson resigned as Head of the Human Genome Project at NIH in April 1992 – because of pressure put on him by an investigation of the financial holdings of his immediate family – no one took the investigation too seriously: everyone knows that there are no disinterested candidates for that job!

Finally, we need to think about the ethical issues raised by the possibility of enhancement of eugenic engineering. As Christians we do not share the Greek image of God as a jealous monarch who becomes angry when Prometheus infringes on his prerogatives. For us, God is a generous creator who calls on human beings by the gift of intelligence to share in his creative power, he is a God who encourages us to improve on the universe he has made. It is an evolutionary universe in which the human race has been created through an as-yet incomplete evolutionary process. The Christian God calls on mankind to

join him in bringing the universe to its completion. In this human beings are not merely workers executing his orders or adding trifling original touches of their own. Rather, human beings are genuine co-workers, encouraged to exercise real creativity.

Nonetheless, it is not clear that the remaking of the human body along new lines is really an appropriate place for human creativity. The history of our attempts to remould the environment – which once seemed so desirable and unambiguously a good thing to do – is now replete with examples of disasters: damming the Nile not only watered the deserts so that crops could grow where previously the land had been arid, but also so upset the ecology of the region that the crops have been ruined by new and ineradicable insects. So too should we be cautioned by the history of our attempts to remould human cultures. In order to alleviate the plight of adults trapped in unhappy marriages, we Australians made the marriage contract easily soluble, and then found that a generation of children suffers the insecurity and misery of family breakup.

We have good reason to be sceptical about the desirability of exercising our creativity by remaking our offspring. Radical improvement may prove to be illusory and even slight alterations may turn out to be very damaging. Here we should take heed of Alasdair MacIntyre's paradox: At a meeting at the Hastings Centre in New York in 1978 MacIntyre addressed the subject "designing our descendants". This, he said, could be thought of as a question about what we are to do as parents in raising our own children or as a question about what may be the desirable traits to engender and construct in a whole society. Either way, the project of designing traits for our descendants is inescapably the problem of identifying virtues for ourselves. In a short and wonderfully instructive article, MacIntyre sets out a new table of seven virtues: the ability to live with uncertainty, a deep knowledge of one's own particular roots, that kind of impersonality and objectivity which is required if our relationships with others are to be non-manipulative, the ability to find a vocation in one's work, the acceptance of one's own death, the capacity to hope in the face of evil which tempts us to despair, and finally and

controversially a willingness to take up arms for "there is and has been no society with worthwhile ends that was brought into being or has preserved itself without war". This is his conclusion about the project of designing our descendants:

*"If in designing our descendants we succeeded in designing people who possessed just those traits that I have described, we should have contrived for ourselves descendants who would be unable, by virtue of those very traits, to adopt manipulative, bureaucratic modes of planning. What we would have done is to design descendants whose virtues would be such that they would be quite unwilling in turn to design their descendants. We should in fact have brought our own project of designing descendants to an end ... (And so) ... if we conclude that the project of designing our descendants would, if successful, result in descendants who would reject that project, then it would clearly be better never to embark on our project at all. Otherwise we shall risk producing descendants who will be deeply ungrateful and aghast at the people – ourselves – who brought them into existence."*⁹

FOOTNOTES

1. *The New York Review of Books*, 28 May 1992
2. *ibid*, p38
3. Both quoted by R C Lewontin in *The New York Review of Books*, 28.5.92, p34
4. I owe this brief history, together with much else in this talk, to Richard McCormack's *Reflections on Moral Dilemmas since Vatican II*, Georgetown University Press, Washington DC
5. *New Scientist*, 9th April 1994
6. *ibid*
7. For a fuller discussion, see Andrea Bonnicksen's 'Genetic diagnosis of human embryos' and Barbara Katz Rothman's 'Not all that glitters is gold' in *Hastings Centre Report*, Vol 22, No 4, 1992
8. For a fuller discussion of ethical issues, see *Health-care Ethics, a Theological Analysis* by Benedict Ashley and Kevin O'Rourke, the Catholic Health Association of the United States, St Louis, MO, 1989
9. 'Seven traits for designing our descendants', *Hastings Centre Report*, 9, 15-17, 1979

CARDINAL CLANCY'S HOMILY

RED MASS – 30TH JANUARY, 1995 AT – ST. MARY'S CATHEDRAL

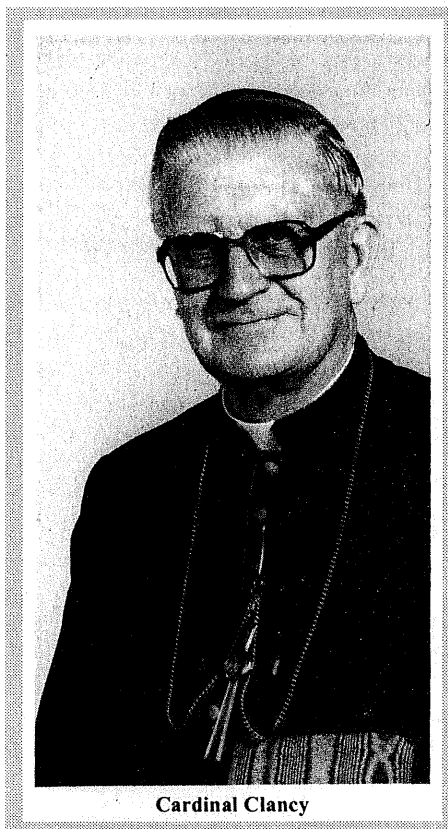
Passing judgement on others is the theme of this morning's Scripture Readings.

In the sermon on the Mount Jesus was emphatic in denouncing those who judge others. "Judge" here, of course, means to judge adversely, to judge unfavourably, to condemn. The denunciation was reinforced by the assurance that those who do not condemn will not themselves be condemned, but those who do condemn others will get as good as they give ... from God. *"Do not judge, and you will not be judged; because the judgements you give are the judgements you will get, and the standard you use will be the standard used for you"*. (Mt. 7, 1-2). It is not suggested that those who judge others unjustly will themselves be judged unjustly, but that they will be judged severely.

This teaching recorded by St. Matthew, is echoed by St. Paul in his Letter to the Romans: *"So no matter who you are, if you pass judgement you have no excuse. It is yourself that you condemn when you judge others, since you behave in the same way as those you are condemning"*. (2 Rom. 2,1)

This, however, seems to run counter to much that we read elsewhere in the New Testament. In Chapter 23 of Matthew's Gospel, Christ sternly rebukes certain of the scribes and Pharisees and brands them as hypocrites for shutting up the Kingdom of heaven in men's faces, for making and corrupting proselytes, for falsifying Jewish teaching, and so on. Again in St. Matthew, Christ instructs His disciples on dealing with wrongdoers: *"If he refuses to listen to these (i.e. those how admonish the wrongdoers privately), report it (the misdemeanour) to the community, and if he refuses to listen to the community, treat him like a gentile or a tax collector"* (Mt. 18,17). And of course St. Paul in the Acts and in his Letters frequently passes judgement on those who behave improperly, and imposes penalties on them.

If Christians were to confine themselves to the teaching in the Sermon on the Mount and interpret it quite literally, they would never be able to join your profession, the legal profession,



Cardinal Clancy

unless, of course, they resolved always to give favourable judgements and always to exonerate the accused – but it is not likely that the profession would accept them on those terms!

What, then, differentiates judgements given in a court of law from those forbidden in Matthew, Chapter 7? It is not simply a question of justice, because judgements as in Chapter 7 might on occasions be objectively quite true and just. The differences are obvious enough: the judgements given in court are structured and made according to certain norms, while those of Matthew 7 are subject to no criteria, no restraint and no discipline. Above all court judgements are delivered by properly constituted authority, as in this morning's First Reading, while those of the Sermon on the Mount are made without authority. The Sermon judgements are subjective and personal while judgements of the courts are objective and impersonal. Pursuing this a little further, the court judgment is of itself independent of, and unrelated to, love for the accused, while the Sermon

judgement is a denial of love to which the subject has claim. Given all that the Scriptures say about love of neighbour – *"e.g., It is by your love for one another that everyone will recognise you as my disciples"*. (Jn. 13,35) – we begin to understand why Christ so roundly admonishes those who take it upon themselves and on their own authority to condemn others. Such condemnations have their origin in the dark side of the human heart – animosity, envy, impatience and pride – and not in the things of the Spirit such as enumerated in Galatians: *love, joy, peace, patience, kindness, goodness, trustfulness, gentleness and self-control* (Gal 5, 22-23).

A judge may, on the evidence before him, and quite justly, condemn a man to life imprisonment for murder and commit no sin thereby; he may on the same day, however, sin by condemning in his own heart a colleague for some triviality on the basis, not of evidence, but of suspicion borne of resentment or envy.

It is characteristic of such judgements that they maximise the faults of others while minimising the same faults in oneself. The more alert we are in identifying faults in others, the more blind we are to our own. Conversely, the more alert we are in identifying and eliminating our own shortcomings, the more tolerant and understanding we are of others, and our relationships are so much the less tainted by any sort of animosity. St Matthew again: *"Why do you observe the splinter in your brother's eye and never notice the great log in your own? And how dare you say to your brother, 'let me take that splinter out of your eye', when, look, there is a great log in your own? Take the log out of your own eye first, and then you will see clearly enough to take the splinter out of your brother's eye"*. (Mt. 7, 3-5).

The Gospel takes that a step further and renders it in the more positive terms of forgiveness. Luke adds to the words already found in Matthew the further invitation: *"forgive and you will be forgiven"*. (Lk. 6,36). The same thought was incorporated by Jesus in the Lord's Prayer: *"Forgive us our trespasses as*

us". We recall that Jesus himself on the cross did not condemn his persecutors, but forgave them: "*Father forgive them, they do not know what they are doing*" (Lk. 23,24). There is love of neighbour at its most sublime.

"Judgemental" is a word that occurs constantly in common parlance today. In its proper sense it reflects the prohibition in the Sermon on the Mount: to be judgemental is gratuitously to find fault with others, to make adverse judgements of them; but in practice it has come to mean simply to form a disapproving opinion about the moral quality of human activity, and – still with common usage – that is considered reprehensible. Inherent in this usage there seems to lie the claim that there is no such thing as objective right and wrong. We are the sole architects of our own morality.

But there is objective right and wrong and it behoves us all to identify right and wrong in our own conduct and in the conduct of others. With ourselves we can go further and determine the guilt or innocence. With others we must stay at the objective level unless our legitimate authority requires something more. There is a sense then in which we may – indeed must, judge others and make assessments about the objective moral quality of their actions. If we cease to do so our own sense of right and wrong becomes dulled, and as a people we become morally indifferent, and permissiveness takes over. The old adage gets it right when it says that we must hate the sin but love the sinner.

"Tolerance" is another word that comes in for a measure of abuse in daily usage. Tolerance in the proper sense is a Gospel virtue. It means to endure with a certain magnanimity of spirit what one finds objectionable or distasteful for one reason or another. The reason may simply be personal sensitivity or prejudice. That which is tolerated may also be moral evil providing that toleration is the less of two evils and the laws of proportion are observed. After all, God himself tolerates our wrongdoing, thereby giving us the opportunity to amend our ways. St. Paul asks the Romans: "*(Or) are you not disregarding his abundant goodness, tolerance and patience, failing to realise that this generosity of God is meant to bring you to repentance*". (Rom. 2,4).

But tolerance of wrongdoing should

never become an acceptance in principle of evil, or a denial of its reality. Wrongdoing has often to be clearly identified for what it is, confronted and condemned.

The United Nations has declared 1995 "The Year of Tolerance". One cannot but have some misgivings about this. To be sure, there are any number of situations in our world that call for tolerance – tolerance for certain minorities, for conscientious convictions and beliefs, and so on. Intolerance is currently responsible for immense suffering and the loss of life on a huge scale. But one fears that there will be those who will endeavour unduly to extend tolerance to the detriment of any objective code of morality. We should not

permit the Year to be misused in that way.

The last word on judgement must be with God. There is nothing clearer in the Scriptures than that at life's end he will pass judgement on each and every one of us, and at His lands we shall receive our just deserts. "For the Son of Man is going to come in the glory of his Father with his angels, and, when he does, he will reward each one according to his behaviour". (Matthew 16, 17)

We can take comfort in the knowledge that our final judge will be God and none other. He who knows our inmost thoughts and weighs our motives in the most delicate of scales, is a judge whose justice, if exacting, is never at odds with His love and His mercy.

*As part of the celebrations of Law Week 1995 the Council of the
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