

THE RED MASS

The Mass to be celebrated in St. Mary's Cathedral today is the Fiftieth Red Mass for members of the legal profession in Australia. The first Red Mass was said in St. Mary's on Monday, 16th February, 1931. The "Red Mass" is a Votive Mass (i.e. one unconnected with a particular feast) of the Holy Spirit, and so called from the red vestments traditionally worn in symbolism of the tongues of fire which descended on the Apostles at Pentecost. In England, a Votive Mass of the Holy Spirit marked the opening of the Micheltas Law Term well before Reformation times. Its celebration can be traced back almost to the reign of Henry II.

The Red Mass of February 1931 was the first time in Australia that a Law Term had been formally opened with lawyers seeking Divine guidance in their professional work and deliberations. The first Red Mass breathed life back into an ancient tradition and founded what has now become a modern custom of Australian legal life.

BEGINNINGS

During 1929 a small and distinctly Catholic grouping of lawyers began to meet on a regular basis in Sydney. The group remained unnamed and was formed from a circle of Catholic friends and acquaintances who then practised as barristers and solicitors. The principal figures of the group were Edward McTiernan, Albert de Baun, Thomas Flattery, Peter Gallagher, Hilary Studdert, W.J. Dignam, Frank Dwyer, Frank Letters, Eric Miller, Gerald O'Sullivan, John Gould, Brian McGrath, Matthew John O'Neill, Henry Morrissey, J.J. O'Carroll, Maurice McGrath, Robert Lloyd, Cym Horan, Felix Finn, Joe Lynn, Vincent Pike, Aubrey de Coek, Frank Reed, George Beswick, Patrick William Fallon, and Frank Hidden who was then a law student. This circle met for discussion of religious matters and for social entertainment. In late 1930 the prominent Sydney Catholic, W.J. Coogan, suggested to this group that a Votive Mass of the Holy Spirit could be celebrated for the legal profession in Sydney. Coogan cited the example of Lister Drummond, a founder of the Catholic Truth Society, who was responsible for the revival of the Red Mass in England in the 1880's.

Coogan's idea won immediate acclaim. In mid-December 1930 W.J. Dignam wrote to Archbishop Michael Kelly outlining the proposal for a Red Mass at the opening of the 1931 Law Term. The letter was followed by a deputation of Catholic Lawyers to His Grace, who needed some persuading that a special Mass should be reserved for the legal profession. His Grace's doubts gave way, and Coogan's idea was now to become a reality. His Grace's written imprimatur to the idea still exists today in the Cathedral's archives. On the obverse side of W.J. Dignam's letter to His Grace these words appear in His Grace's handwriting:

"† Michael approves of this proposal."

Thereupon Andrew Watt K.C. and Matthew O'Neill invited interested members of the profession to a meeting at the Southern Cross Library, 150A Elizabeth Street, Sydney to consider the proposal. Here is the actual form of invitation:

SYDNEY 18TH DECEMBER, 1930

A Votive Mass for Lawyers

You are invited to attend a meeting of Catholic lawyers to be held at the Southern Cross Library, 150A Elizabeth Street, Sydney, at 8 p.m. on Tuesday next, the 23rd December, 1930, for the purpose of considering the question of arranging for a Mass at the opening of the law term in February next. As you are aware this custom is time honoured in England and on the Continent of Europe where it is the practice of the profession to attend what is known as the 'Red Mass' at the opening of the first term. A large number of the profession in Sydney have signified their intention of attending this meeting, and your co-operation is earnestly solicited.

A.R.J. Watt.
M.J. O'Neill."

This invitation was widely distributed and the meeting was well attended by leading Catholic lawyers of the day. Mr. Justice McTiernan, C.H. presided and amongst those present were The Hon. J. Lane Mullins, L.M. C.H., K.C.S.G., Messrs. P. Gallagher, T. O'Mara, W.J. Dignam, J.V. Gould, G.J. O'Sullivan, F.A. Dwyer, The Hon. R.D. Meagher, K.C.S.G., Captain A.W.M. d'Apice, K.C.S.G., Messrs. M.J. O'Neill, C.M.P. Horan, F.A. Finn, M.J. McGrath, V.J. Flynn, S.J. Carroll, J.A. Clapin, B.M. Byrnes, J. Lynn, G.B. Thomas and F. Hidden. Apologies were received from Mr. Justice C.G. Heydon, Messrs. G.E. Flannery, K.C., J.J. Carroll, K.S.S., A. McEville, H. Morrissey, J. O'Donohoe, L.G. Tanner, T.J. Purcell, H.F. Links, J.C.J. Ryan, T.A. McNevin, B.J. McGrath and Brian Clancy. Mr. Justice McTiernan read the letter from the Archbishop's secretary declaring His Grace's approval to the proposal. Mr. Gerald O'Sullivan then outlined the proposal and informed the meeting that through the kindness of Mr. Ernest Williams of the English Bar, the Jesuit Fathers at Riverview, Mr. P.S. Cleary (Editor of the "Catholic Press") and Mr. W.J. Coogan, he had been able to obtain various reports of the Red Mass held in London, Dublin, Rome and New York, which he read for those present. Mr. J. Lane Mullins moved and Mr. J.V. Gould seconded a motion that the excellent example of the profession in other countries be followed and that the ceremony be instituted on February next at the opening of the Law Term. The motion was carried unanimously. A consensus was reached that those present at the Mass should approach Holy Communion in a body and on this account the Mass should commence at 8 a.m. Resolutions were passed, that an approach be made to the Chief Justice and the Bar Council to inform them of the proposal and that subject to approval members of the Bar should robe and that university graduates should wear academic dress and that law students and articled clerks be invited to be present. The meeting appointed a committee to make the arrangements for the Mass. Members of the committee were Messrs. A.R.J. Watt, K.C., J. Lane Mullins, C.H., K.C.S.G., A.W.M. d'Apice and Messrs. W.J. Dignam and G.J. O'Sullivan (joint secretaries). Mr. F. de Saxe, barristers' clerk, was appointed clerk to the Committee. These joint secretaries remained the organisers of the Red

Mass in the years following until the formation of the St. Thomas More Society in 1945. This function has since been performed by the Society.

Watt K.C. called on Sir Phillip Street to explain the proposal. The Chief Justice received him warmly and gave his congratulations to the organisers and applauded their objects. It may have been thought too audacious to ask the Chief Justice to defer the opening of the Courts to accommodate a Mass at 9 a.m. The first Red Mass was celebrated at 8 a.m. and the Courts opened at 10 a.m. on that day.

MONDAY, 16th FEBRUARY, 1931.

A congregation of some two hundred attended the first Red Mass. As His Grace Archbishop Kelly was overseas, Archbishop Sheehan presided. His Grace was attended by Reverend Fathers M. Lynch and J. O'Donnell, the latter also acting as Master of Ceremonies. Wearing red vestments Reverend Father G. Bartlett (Administrator of St. Mary's) took his place at the Altar as Celebrant. Also on the Sanctuary were Reverend Fathers M. Ryan, M.S.C. and P. Maloney, M.S.C.

The profession entered and left the Cathedral in procession whilst Reverend Doctor M. Petorelli, Conductor of the Cathedral Choir, provided an accompaniment of sacred music. The widespread support for the Red Mass of 1931 is demonstrated by the participants in the procession. They included two former Supreme Court Judges, Mr. Justice Edmunds and Mr. Justice Heydon, His Honour Judge Coyle, the Attorney General (The Hon. A.A. Lysaght, M.L.A.), three senior Counsel (Messrs. A. Watt K.C., G.E. Flannery K.C. and W.J. Curtis K.C.), three City Magistrates (Messrs. W.J. Camphin, S.M., M.J. McMahon, S.M. and W.A. Flynn, S.M.), about thirty members of the Bar and large groups of solicitors and articled clerks. Papal titleholders who practised at law comprised the Hon. J. Lane Mullins, C.H., K.C.S.G., M.L.C., Mr. M.J. O'Neill, K.C.S.G., Mr. A.W.M. d'Apice, K.C.S.G., Mr. J.J. Carroll, K.S.S. and Mr. G.F. Hughes, C.H. The representatives of the Judiciary attended in their ceremonial court robes, Senior Counsel wore their silken gowns and full-bottom wigs and the Junior Bar appeared in their stuff gowns and wigs. Many solicitors wore academic dress. The Attorney General the Honourable A.A. Lysaght, a controversial figure, who disapproved the wearing of robes and was accused of attempts to abolish the Bar, was conspicuous in his civilian clothes.

Archbishop Sheehan himself composed this prayer for the Red Mass which was read at the close of the ceremony:

"Through this Votive Mass today the Catholic members of the legal profession of Sydney unite in proclaiming their faith in the Holy Spirit of God as the giver of all those gifts whereby man is made conscious of his eternal destiny, and is endowed with the strength to achieve it.

They lay before Him the homage of their adoration and love; and, with profound humility, they profess their willingness to be guided by His gracious inspiration. They beseech Him to be with them all through the year, so that they may never swerve from the narrow path of rectitude, truthfulness, and honour; and so that, while striving for justice among men, they may with equal earnestness strive for peace and reconciliation.

These petitions of theirs, in themselves so weak and ineffectual, they place in the hands of Jesus our Saviour, the priest and victim of the Mass, confident

that He will make them His own, and present them at the throne of the Divine Majesty with all the love of His sacred heart."

The Mass received extensive coverage in the two Catholic newspapers of the day, Freeman's Journal and The Catholic Press.

THE FOLLOWING YEARS

It was not long before Court times were altered to convenience Catholic members of the profession at the opening of Term. In 1932 the Mass was held at 8 a.m. but for the 1933 Mass Sir Phillip Street graciously agreed to defer the opening of the Courts until 10.30 a.m. so that the Mass could be moved to 9 a.m. With slight variations the Red Mass has been celebrated at 9 a.m. ever since.

The example of the Red Mass was widely noticed. On the occasion of the Fourth Red Mass on Tuesday, 13th February, 1934 the Church of England held its first Opening of Term Service. Preaching at that service at St. James', King Street, was Dr. Kirkby, the Bishop-Administrator of the Anglican Diocese of Sydney. In the 1950's, due largely to the efforts of the late Alroy Cohen Q.C., a Law Sabbath Service marking the opening of term was instituted at the Great Synagogue.

Archbishop Kelly himself presided and preached at the Second Red Mass which was said by Father Bartlett. Under the headline "Law leaders plead cause before holiest of Courts" the World Newspaper of the 2nd February, 1932 gave a colourful account of that Mass:

"Opening their year with the Red Mass one hundred men of law today attended St. Mary's Cathedral.

One hundred learned friends pleaded a cause before His Unseen Honour Judge of the Most Supreme Court.

In silence the procession came down the cathedral aisle, till, facing the High Altar, each file genuflected, separated to right and left, and—the case for the plaintiffs was opened . . .

And now: 'Ite missa est' — the Eternal Judgment is already written."

Some prominent Catholic figures have preached at the Red Mass over the years. The 1934 Red Mass was celebrated by the Apostolic Delegate The Most Reverend Phillip Bernadini. The preacher at that Mass was Dr. J.C. Thompson, Rector of St. John's College within the University of Sydney. The celebrant of the 1935 Red Mass was His Lordship Bishop Wade, S.M., of the Solomon Islands. In 1938 Dr. Eris O'Brien warned in his sermon against the advance of revolutionary, atheistic and immoral ideas. His Eminence, then Father James Freeman, said his first Red Mass on the 17th February, 1948 and preached on the text Apocalypse III/15-16. Over many years His Eminence has been a constant support to the organisers of the Red Mass. Doctors of Canon Law, including Monsignor Gallen, D.C.L., Father McKay, D.C.L. and Archbishop James Carroll, D.C.L., have frequently preached at the Mass. Monsignor A. Thomas, subsequently the Bishop of Bathurst, said the annual Red Mass of 1957. Dr. Grove Johnson, presently the Rector of St. Patrick's College, Manly, gave the sermon at the 1960 Red Mass. Father Paul Duffy, S.J., now the Provincial of the Jesuit Order in Australia, took "Justice in Australia" as his theme for the sermon in 1972.

Preachers at the Red Mass have not avoided controversies. Father P.

Murphy's sermon at the 1937 Red Mass was reported in the following day's "Daily Telegraph" under the headline "Lawyers asked to shun divorce work". Father Murphy's question to his congregation "If misguided though unhappy souls, seek legal divorce, do you realise your obligation of refusing to have hand, act or part in such proceedings?" was greeted by a host of dissenting Catholic opinion in the Press of the following day. Every paper had its say except the "Labor Daily" which avoided the issue by choosing to only report the Anglican service.

The first Red Mass to receive coverage by the electronic media was, surprisingly, the Mass of 1934 which was described through radio station 2SM by Monsignor J. Meaney. In recent years the television industry has regularly featured the colourful processions of the Red Mass. From 1946 until the early 1960's the St. Thomas More Society published the sermons preached at the Red Mass.

For many years the Chief Justice of the day attended only the Anglican Service at St. James', but Sir Leslie Herron was regularly present in both congregations at the opening of Term. Church starting times were arranged so that Sir Leslie could attend both the Red Mass and the service at St. James'. Sir John Kerr, during his term of office, followed the example of Sir Leslie, and now Sir Laurence Street continues to lead the procession into St. Mary's each year. Sir Edward McTiernan, P.C. who was appointed to the High Court shortly before the first Red Mass, led the procession into the Cathedral whenever he was in New South Wales at the opening of Term.

ORIGINS

The procession each year into St. Mary's is itself a statement of the origins of the Red Mass. Beside the episcopal robes, the robes of the judges and Queen's Counsel show the vestigial hoods and folds of the clerical dress from which they are descended. Legal and priestly clothing have their common origins at a time when the Lord Chancellor was a bishop and most of his judges were clerics.

During the twelfth century guilds were formed for the training of young men in the civil law. These guilds known as Inns numbered about fourteen, but four of them, Lincoln's Inn, the Inner and Middle Temple and Gray's Inn were known as the Inns of Court. Corresponding to the craft guilds, their members consisted of benchers, barristers and students, and only through them could a young man be admitted to practise law. Their discipline was collegiate, which involved attendance at Mass. The master was a priest and the staff included chaplains. The Inns of Court centred on churches. The famous Temple Chapel, modelled on the plan of the Church of the Holy Sepulchre at Jerusalem, was built in 1181. Gray's Inn was in the charge of the Dean of St. Paul's, while Lincoln's Inn was connected with the Black Friars. The Inns flourished after 1207 when the clergy were prohibited from practising in the civil courts. The practices of the principal Inns were similar, and in pre-Reformation times the judges and serjeants were accustomed to hear mass in the chapels of their Inns before proceeding to Westminster at the opening of Term. After a long fast the judges and serjeants would welcome a visit to the Lord Chancellor's

house for a "breakfast", after which they would go in procession (sometimes by mule) to Westminster Hall for the opening of the courts.

After the Reformation the processions remained, but the Masses did not. The revival of the Red Mass in England resulted, as previously mentioned, from the efforts of Lister Drummond, a Catholic barrister and later a magistrate, who suggested to the Cardinal-Archbishop of Westminster that a Votive Mass for Catholic lawyers be celebrated at the opening of Term. The Mass of the Holy Ghost was chosen, and has been celebrated in England since the 1880's. From 1895 until the opening of Westminster Cathedral in 1903 the Mass was celebrated in the Church of St. Anselm and St. Cecilia in the Kingsway. Since 1903 it has been celebrated in Westminster Cathedral.

CONCLUSION

To mark this Golden Jubilee of the Red Mass in Australia those attending the first Red Mass who are living and the relatives of those who are deceased are included amongst the distinguished guests who have been invited to attend. Significance is also added to the occasion by the fact that His Eminence Sir James Cardinal Freeman will be the principal concelebrant of the Mass and will deliver the occasional homily.

It has been the privilege of the St. Thomas More Society to assist His Eminence in the arrangements for this Golden Jubilee Red Mass. The Society is the Guild of Catholic Lawyers in New South Wales. For information concerning the objects and activities of the society enquiries may be directed to:-

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