

The tradition of holding a church service at the beginning of a law year is of comparatively recent origin.

Derriman's *Pageantry of the Law* dates the service in Westminster Abbey from 1897 though he notes that "Roman Catholic members of the profession had had a Mass on this occasion in earlier years, since 1895 at least." The tradition has waxed and waned in this country.

When I began practice, the several church services at the beginning of the year were well attended and, with the advent of an Ecumenical Service, the religious divisions which had sometimes found a regrettable resonance in professional relationships were put behind us and the service became an expression of commitment by all Christian lawyers.

In recent years, attendance at the traditional services throughout Australia,

ing here today merely to continue a ceremonial tradition.

Nor are we likely to attend merely to conform with the practice of others. Nor merely to acquire a sense of well-being.

Cynics may say that we come for the reason that George Essex Evans scorned in his Ode to the Philistines: *Six days shalt thou swindle and lie; On the seventh, though it soundeth odd*

In an odour of sanctity

Thou shalt worship the Lord thy God- With a threepenny bit, a doze, a start And an unctuous smile

And a hurried prayer to prosper in another six days of guile.

But we do not come to pray for prosperity. We come, as our predecessors came, because we each have some special responsibility in the administration of justice.

As a lawyer, each of us has respected and admired the work of other members of our profession - not all of them Christians, by any means - who have taken on the responsibility of seeing an injustice rectified for a person who was unable to protect himself, whether by reason of poverty, disability, ignorance or some other cause.

These exemplars of professional virtue - whether they knew it or not, and whether they intended it or not - were acting as Our Lord told His disciples to act as recorded in this morning's reading: "...whoever would be great among you must be your servant, and whoever would be first among you must be slave of all. For the Son of man also came not to be

Sir Gerard Brennan, AC, KBE of the High Court of Australia spoke at the Opening of the Legal Year at St Peter's Memorial Church in Canberra:

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whether Ecumenical or Denominational, seems to have fallen to some extent.

Nevertheless, the tradition is a substantial one and we are part of it.

And so, when asked to speak at today's service, I lightly agreed, thinking that tradition would be satisfied by re-affirming in conventional terms our need for Divine assistance in performing the duties of our respective offices.

But conventional terms, however dear and familiar they may be in the liturgies which we know and love, ring hollow when spoken from a pulpit by one whose place is in a pew. Better, then, to reflect on the question why a group of lawyers, sharing a common belief in the Divinity of Christ, should assemble year by year in a service of praise and petition, seeking God's blessing on their professional activities.

There would be little purpose in com-

Justice is a social goal, a guarantee of order and peace in the community, a precondition of human development - and it is therefore of concern to every member of our community.

For the Christian, justice has a special and central significance: it is a Divine imperative. St Luke tells us that Jesus castigated the unjust judge and promised that God would see justice done and done speedily to those who cry out for it (Luke 18:1-8). The radical Christian command to love my neighbour is broken unless I first do what I can to see that justice is done to that neighbour. And a lawyer has many professional neighbours: clients and those who would be clients, those affected by the advice we give or the instruments we draft, litigants and those whom litigation may affect. Declarations of solidarity with or sympathy for a neighbour who suffers an injustice are no substitute for, or solvent of, the duty to do whatever lies within our power to see that justice is done according to law.

served but to serve, and to give his life as a ransom for many."

It is not easy to be the "slave of all," in the sense in which that phrase is used in Scripture -- especially when we are in a profession which proudly proclaims itself to be the servant of none. Yet there is no conflict between Christian and professional duty. In our profession, as in our faith, leadership depends not on office or reputation but on the service.

The Christian command to serve directs the conduct of our professional lives. And so we pray that we may not fail to put enough effort into our work or to look up the books, that we do not refuse assistance that we could reasonably afford to render in a just cause rely in order to maximise our leisure or our profits; that we do not prosecute a cause vexatiously; that we do not fail to listen attentively for the truth; that we do not yield to prejudice or impatience; that we do not suffer the law to be a needless source of injustice; that we do not offend the

dignity of any person who is involved in the processes of the law. These are heavy responsibilities and we need Our Lord's assistance to fulfil them. Of course, our professional responsibility is for the administration of justice *according to law*: it is the law of our society which gives us our authority and imposes on us our concrete professional responsibilities. We have no divine mandate to administer justice in disregard of human law. To the contrary, the professional duty of the Christian lawyer is to administer the law created by the competent organs of society's government. It is part of God's gift of freedom that men and women should have authority within very broad limits to prescribe for themselves the laws of the society in which they live and the means by which those laws should be administered. If it were otherwise, the only legitimate form of government would be a theocracy in which despotic powers would be asserted by those who proclaimed themselves to be God's oracles.

The Christian lawyer has a profound interest in the justice of the set of laws that he or she is bound to administer. Our legal system was formed, as our culture generally was formed, by the civilizing values of Western Christianity.

Our legal system accommodates and protects people from different traditions, but its fundamental values are the freedom and individual dignity which, proclaimed in the Old Testament were brought to perfection in the New.

Our way of doing justice is, and please God will remain, the way in which Isaiah tells us Yahweh's beloved servant brings forth justice to the nations: *He will not cry of lift up his voice, or make it heard in the street; a bruised reed he will not break, and a dimly burning wick he will not quench...*

Justice is not brought to the people either by populist clamour or by implementing the will of the powerful. It must be sought by careful reflection upon the interests of the individual and of society as a whole and there

must be an especial concern for the powerless, the socially insignificant, the weak minority. The bruised reed may be a drug addict, an unemployed boy or girl, an innocent but discarded spouse. The dimly burning wick may present itself as a refugee, a lonely migrant, an Aboriginal group removed from its traditional land, the children of a broken family, the lonely aged. Of course, human laws and the human application of law are never perfect. But the Christian lawyer, sensitive to the scriptural values that inform our culture and our legal system, is capable of recognizing injustice and attributing its cause.

If the law itself is an obstacle to justice, the duty of a Christian lawyer extends to seeking its reform. These are duties that we share with others but they have an additional dimension for us. Our relationship with God finds, or ought to find, daily expression in our professional lives. That is a relationship that should so mould our conduct that we neither contribute to an injustice nor unreasonably suffer an injustice to go without remedy. To aspire to perform our duties, we need wisdom and knowledge, humility and compassion, courage and strength. These are gifts for which we pray and which we commit ourselves to employ. Our duties are onerous but, like all Christian duties, they sustain - they do not crush - the human spirit.

The more we assume the tasks of seeing justice done, the closer do we unite our work with God's plan to bring justice to the nations, the greater is our solidarity with the people we serve and the more integrated are the professional and personal aspects of our lives.

If the public reputation of our profession needs renewal, if our own sense of satisfaction with professional practice needs to be restored, this morning's readings show us the way. Our profession will be honoured and our professional lives will be fulfilled if, at the heart of professional practice, there is quiet and devoted service not only to the strong and powerful but to the bruised reeds and dimly burning wicks who cry out for justice.

The nobility of our profession depends, in the ultimate analysis, upon our fidelity to God.

1992 CLE Programme Darwin only*

Building/Construction Law (NT)
Tuesday 5 May 1992, 5.00pm
Presented by Ian Briggs
of Philip & Mitaros

Mining Law in the NT
with particular reference to
Aboriginal land
Tuesday 14 July 1992, 5.00pm
Presented by Graham Nicholson,
Crown Counsel, Dept of Law

Company Law
Tuesday 4 August 1992, 5.00pm
Presented by Rita Harvey of the
Australian Securities Commission

Will Making & Administration
of Estates
Tuesday 1 September, 5.00pm
Presented by John Flynn, Public
Trustee of the Northern Territory

Supreme Court Procedure
Tuesday 6 October, 5.00pm
Presented by Phil LeFevre,
Master of the Supreme Court

NB All CLE seminars listed
above will be held in Court No 2
at Nichols Place.

*** The Society will attempt to video**
each CLE seminar for Alice
Springs practitioners.