

Launch of Christian Lawyers Society Banco Court

1 December 2000 5.30pm

I am very encouraged by the formation of this Society, and its already substantial membership. I am encouraged in relation to the interest of the individual members, and the public: aspects to which I will return.

As lawyers, we all recognise a predominant duty to the public, through our duty to the court and the administration of justice according to law. That is a duty which surpasses even the important duty owed to the client. Public criticism of lawyers, when it occurs, sometimes overlooks that.

The duty to the administration of justice according to law is topical. There have been suggestions in recent times in this country that some judges even, for example, may be uncomfortable about applying certain laws. There should be little occasion for such discomfort. As I say to new practitioners, at their admission, we sometimes rather coyly contend that our role as judges has nothing to do with morality: we are absolutely constrained by the law. We are so constrained, but with probably few exceptions, the law in this civilised democracy does reflect conventional notions of morality, and it is the fact that those concepts have found a lot of their inspiration in Christian morality. The law of negligence is an obvious example.

Modern Australia is somewhat shy about conceding the role of history, lest doing so disturb a rather comfortable complacency. Some, perhaps many Australians, revelling in the post-modern secularity of their 21st century nation, would rebel against any acknowledgement of the beneficial contribution of historic ties and other influences. One of those influences is certainly that of Christian philosophy.

Though now rarely acknowledged as such because it would be considered unfashionable to do so, the Christian influence, very pronounced at, say, Federation, shaped our laws and our morality. It still does so, although probably more subtly, and as I say, generally without acknowledgement. Perhaps ironically, were it not for the unabashed surge of other more fundamentalist faiths, one wonders whether secular Australia would, for example, still invite witnesses in courts to take oaths on the holy Bible, which is, of course, a Christian thing. It is reassuring to see the Parliaments still beginning their sessions with Christian prayer. The immutable truths expressed in Christian form 2000 years ago still guide us, however reluctant some may be to acknowledge that.

It is against the background of the vocal, if not trenchant, secularity of modern

society, that I am therefore greatly encouraged to see lawyers prepared publicly to acknowledge the basal Christian influence of which I have spoken. That acknowledgement, and participation in the activities of this Society, will, as I suggested at the outset, help them as individuals, and in addition thereby advance the public interest.

It should remind the individual person of both the broad thrust, and also the subtle intricacies, of modern ethical dilemmas, problems spawned by interaction between the traditional underpinnings, and the radical twists thrown up by an intensely progressive modern Australia. And as individual lawyers better equip themselves to confront those problems, in the context of their predominant duty to the court and the law, the public interest will inevitably consequently be advanced.

This launch this evening follows soon after the launch of the book, "Living Faith in Public Life", published by Open Book Publishers, in which 52 Australians, including I might point out the Chief Justice of South Australia, speak of the influence on their daily work of their Christian faith. The Governor-General has written the foreword to the book. It is refreshing to discern this degree of retreat from the more traditional, utter withholding of such essentially private experiences, experiences which, when disclosed, many undoubtedly find inspiring.

The move to develop and implement modern ethical guidelines for all professional groups is these days very strong. The legal profession has had them for decades, and continually refines them. But does the community start sufficiently early in developing responsible attitudes in the young? There is ground for thinking that school curricula should these days include compulsory segments comprehensively covering such matters; as, again ironically, and conversely, the appropriateness of religious education in schools is increasingly questioned, to the extent even of legal challenge to the rightness in that context of Christian prayer.

The lead shown by this initiative is therefore potentially significant in the public interest: for heightened individual Christian ethical approaches, their flow-on into the public domain, and also, for the possibility of sparking a wider reappraisal of whether our community, sufficiently actively, thinks and educates itself about these very important issues.

I have just been speaking about general ethical issues, of course, not specifically Christian ethics. One would hope, however, that this public endeavour, even if of quiet demeanour, may enhance public awareness of the Christian roots of modern ethics, and the continuing influence upon those general ethics of Christian wisdom. All should readily embrace respect for the particular qualities you have selected to characterise the Society's thrust: justice, mercy and humility.

What I have been saying this evening concerns the potential of the Society. If it is an active and vital initiative, these potentials should be fulfilled. I sincerely hope

they are. The spirit which pervades this initially substantial membership, leaves me sanguine that they will be.

I am very pleased, as patron, to launch the Christian Lawyers Society.