

THE CHURCH AND THE ENVIRONMENT
SPEECH FOR THE ANGLICAN SYNOD DINNER

12 MAY 2008

- [1] Bishop Godfrey, members of synod, and ladies and gentlemen
- [2] I thank you for this opportunity to address a few remarks to you in the convivial atmosphere of so congenial a dinner.
- [3] Ben Johnson was once asked by his wine merchant to whom he was heavily in debt to answer the following questions: “What is God best pleased with? What is the devil best pleased with? What the world is best pleased with? And what he was best pleased with? He responded promptly:

“God is best pleased when men forsake their sin

The devil is best pleased when they persist therein;

The world’s best pleased when thou dost sell good wine’

And you’re best pleased when I do pay for mine.”

- [4] And so I am here to pay for my supper.
- [5] Why exactly I was invited I am not entirely sure. Whether to amuse, inform, entertain, lecture, or warn against excesses, is all unclear to me but potentially within my brief.
- [6] As I assume you all know I took up the position of Central Judge only in January and so am still feeling my way into my new role.

- [7] I should say in the spirit of full disclosure that I am not an Anglican. I however am delighted that you share with those of the Catholic faith an acceptance of the beneficial effects of a good wine. In this many members of the judiciary are with you. It is not for nothing that most of the judiciary spend their formative years at the Bar.
- [8] Justice Swift, an English judge, once presided over a trial concerning a motorist who had allegedly had too much to drink. He was arrested in the early hours of the New Year after attending a New Years Eve party. He admitted to having one scotch and soda at the party and one for the road shortly after midnight. In summing up to the jury His Honour said: “Now what are the facts? Why this man had one drink in 1933 and didn’t have another until 1934!”
- [9] On the same subject Samuel Wilberforce known as “Soapy Sam” and Bishop of Oxford in the 19th century was said to be more than a little partial to the delights of the table. Whenever he was asked to say grace he would scan the table for champagne glasses. If they were present he would begin his grace “O most bountiful Jehovah...” but if his eyes met nothing grander than claret glasses he would intone “We are not worthy, O Lord, of these, the least of thy mercies...”
- [10] Gluttony is a terrible thing. I noticed with considerable interest that His Holiness the Pope was minded recently to announce a new list of mortal sins. Gluttony was on the old list. Gluttony perhaps was my weak point.
- [11] I am not alone. Whilst I am not complaining, religious dinners aren’t what they once were. At the investiture of George Neville as Archbishop of York in 1464 600 guests attended the celebratory feast. The meal was sumptuous. It included more than 135,000 fowl of different kinds, in excess of 500 deer, over 600 freshwater

fish, a dozen porpoises and seals, 1000 sheep, 304 calves, 304 porkies, 400 swans, 2,000 geese, 1000 capons, 2000 pigs and 104 peacocks. 300 tuns of ale and 100 tuns of wine helped wash down this largesse.

[12] This was 30 years before the birth of Henry VIII (1491-1547) and a good Anglican can blame such extravagance on the papists.

[13] Speaking of papists I should get back to His Holiness and the new sins - The new deadly sins include polluting, genetic engineering, being obscenely rich, drug dealing, abortion, pedophilia and causing social injustice.

[14] Obscenely rich is an interesting one. He who is without sin shall cast the first stone. Presumably the corporate wealth of the Catholic Church is not to be included.

[15] And where this leaves Bill and Melinda Gates is interesting. If you are the richest man on earth then you must qualify as a sinner or none do. But Mr and Mrs Gates are addressing, with their great wealth, public health problems around the globe. They are donating not millions but billions of dollars to their chosen charitable works. Maybe it is not being rich but what you do with it that will count.

[16] On a more prosaic level I wonder at what point in our attempt to ensure the health, security and happiness of our loved ones do we cease to lead a blameless life and enter into sin? The gradations between well off, merely rich, wealth and obscenely rich may be relevant to some. I look forward to the interpretation clause.

[17] However it is the Pope's reference to polluting that is of more interest to this synod. I am told that you have as your theme for the synod a consideration of the environment and pollution is by definition the destroyer of our environment.

- [18] It is unarguable that we should stop treating our Earth as a “planetary garbage dump”. Indeed it is difficult to argue against the proposition that even if the highest that we can put it is that we **might** be causing irrevocable harm to the environment by our actions, and if it is within our power to address the possible causes, especially if there is no significant cost, then it is in all our interests to do so.
- [19] Environment of course is like motherhood – you must be in favour of it. So to pollute is undoubtedly to err and now to sin. But again I look forward to the interpretation clause. Where does a relatively blameless life end and sin begin?
- [20] If I throw a half smoked cigarette out of a car window – one of my favourite pet hates - do I sin? Does the sin include using plastic bags – which we all have done and probably all still do - that no amount of time can apparently decay? Do I sin when my carbon footprint exceeds a certain level? If so who is to decide that level? And informed by what measure?
- [21] I am a lawyer. I profess no scientific skill or knowledge. All that I can bring to the debate are the modest skills of a trial lawyer. But it may not be entirely inappropriate that you let a lawyer say a few words at your dinner. I can think of two reasons a lawyer might be of interest to you – one historical and the second our manner of thought – which might be characterised as attempting to keep an open mind whilst we listen to both sides despite a streak of intense scepticism about much of what we are told.
- [22] The church and the law share a deal of common history which is not always appreciated these days. Upon graduation the degree conferred on the nascent lawyer is a Bachelor of Laws – the laws in question being those of the common law on the one hand and that great body of equitable law which traces its roots to the court of

conscience administered from ancient times by the king's chancellor - for centuries an ecclesiastic.

[23] The first non ecclesiastic to hold that important post was Sir Thomas More appointed in 1529. He was a lawyer trained in the common law. He was appointed by Henry VIII who is of some historical interest to your church. His court was the court of conscience. Originally conscience was according to the laws of God. At the Reformation conscience became according to the laws of England. Gradually principle replaced the length of the chancellor's foot. But the point is that with our shared history over the centuries we each – lawyer and priest - seek to be guided by an informed conscience.

[24] I have two issues for you. We look to our conscience informed by principle. But where do we find the principle in this great issue of the environment and pollution? Is the scientific community to inform us? If so who in that community do we listen to? Secondly what is the nature of the God that presumably is to guide you in this search for principle – an Old Testament interventionist or an evolutionary God who long ago set the wheels in motion and now leaves it to us?

[25] I am not going to say much about God. Sir Humphrey Applebee advised his minister that a belief in God was not a prerequisite for appointment as Archbishop of Canterbury. I assume that the Anglican Church does not have quite so broad a communion. But God is really out of my field. What interests me is your search for principle. Some think that principles are necessarily immutable. I am not so sure. If we go back far enough it was once the law that where consent was in issue a woman could not have been raped if after the event she fell pregnant – Consent must have been given to the sexual act as God would not allow life to form from so heinous a crime.

- [26] This was entirely logical to the folk of the 13 th century. Their conception of God was Old Testament and interventionist. I suspect that the thinking of many today is not so different.
- [27] What of other great debates that concern you? Take surrogate parenting. Some argue that biblical texts support their position, others to the contrary. I liked the quick response of the presenter of the religion report on the ABC last week Stephen Crittenden. In response to an assertion that some texts in the Old Testament supported surrogacy, he suggested that the New Testament provided considerable support in the form of Joseph and Mary.
- [28] At the present time Christian churches are struggling with the attitude they should take to homosexuality. Should we have gay priests? What of gay marriages? Is that term an oxymoron? These questions are dividing opinion and amongst good people. The principle is love thy neighbour as thyself. But how does one apply it? Where does love for my neighbour end?
- [29] I have mentioned Henry VIII. Henry VIII believed in an Old Testament God - if people obey God's law, then divine providence will smile upon them and they will enjoy untold blessings. If, however, they break the law, punishments will surely follow. Henry VIII, it will be recalled, sought an annulment of his marriage to Katherine of Aragon, his brother's wife, through his desire to avoid the penalty of Leviticus 20.21 that they would be 'childless' meaning 'with-out sons'. Mary, later Queen of Scots, didn't count.
- [30] What may not be quite so well known is that in 1534 Henry VIII decided to remedy what he had obviously come to think a major lacuna in the statute book by passing through Parliament an act imposing the death penalty for sodomy (hitherto an

offence punishable only in church courts, and comparatively mildly). At least he was consistent - the death penalty for sodomy was laid down by exactly the same chapter of the Bible which forbade marriage to a brother's wife: Leviticus 20.17. There are many today who argue the AIDS epidemic was nothing more nor less than God's response to homosexuality. Their thinking is much closer to the Old Testament God than the evolutionary one.

[31] My point is that if we are to search for principle that is to guide the conduct of all of us we must be very careful where we look. If you argue for a consensus then presumably that must be amongst right thinking folk. The danger is that by definition you exclude those who don't agree.

[32] The Pope's decision to put the environment on the agenda so to speak is an interesting one – one no doubt prompted significantly by the concerns expressed over the last decade about global warming and carbon dioxide emissions and the claims of an imminent catastrophe.

[33] I assume that global warming is on the agenda at this synod? The great issue is whether climate change is anthropogenic in nature – are we causing it? Can I ask for a show of hands? Who in this room believes that human beings by their activities are causing climate change? Are there any sceptics? Be brave.

[34] Do we have any right to be sceptical? I read in the Australian Higher Education supplement of 30 April last an article by Barry Brook, a director of the Research Institute for Climate Change and Sustainability in Adelaide. He said in response to those who and I quote “continue to deny the now vast body of scientific knowledge and analysis on the causes and consequences of global warming” that “they were all

cut from the same anti-intellectual cloth” and “that their business is the dissemination of disinformation, doubt and unscientific nonsense”.

[35] This is where the lawyer comes in. It is no part of my function to persuade you one way or the other. But is it fair to assert that I am anti-intellectual if I doubt this theory?

[36] But if you do doubt, then you are not alone by any means, and perhaps in pretty good company. I attended a conference in January at which one of the guest speakers was a geologist who was totally sceptical of both global warming and anthropogenic climate change. He said that there was far more reason to be concerned about global cooling than global warming. Along with a wealth of data he claimed that there was not one reputable geologist in the world who did support the theory.

[37] It is well known that a group of 19,000 scientists have signed a petition asserting that they are sceptical of the science behind the anthropogenic theory. Their protest was against the assertion that there was a consensus. Over 2,300 of those claimed expertise in climate science.

[38] On 3 March 2008 an international group of scientists published a paper entitled “Nature, Not Human Activity, Rules the Climate”. It is 50 pages in length and consists of a point by point response to the science said to support the theory. 23 scientists from around the globe contributed under the editorship of Dr S. Fred Singer now in his nineties. Dr Singer has an impressive list of accomplishments not least of which is that he has spent a lifetime studying atmospheric physics.

[39] Dr Singer and his colleagues are not anti intellectuals spreading scientific nonsense.

- [40] On 23 April a geophysicist, Phil Chapman, the first Australian to become a NASA astronaut, published an article in the Australian newspaper in which he pointed out that in 2007 the earth cooled by about 0.7c and warned of the possibility of a global cooling and an ice age! Geologists believe that another ice age is not merely a possibility but a certainty – one occurs every 10,000 years or so and it has been 11,000 years since the last. The timing of the next is the unknown factor.
- [41] Against that background Allan Wood, the economics editor of the Australian argued, on the same page as Phil Chapman's article that I mentioned, why would Australia, a vast country with abundant carbon-based energy resources in great demand globally want to lead the charge to slash carbon based energy use?
- [42] You have heard of Newton's Laws of Motion. One wag has suggested that there are by-laws known as Newton's Laws of Experts:
- [43] First Law: every expert persists in his state of rest or opinion unless acted upon by an external grant;
- [44] Second Law: the rate of change of opinion is directly proportional to the applied grant; and
- [45] Third Law: for every expert there is an equal and opposite expert.
- [46] Religion and emerging science have never got on well. You well recall the examples of Copernicus and Galileo who had the temerity to question fundamental beliefs.
- [47] A more recent example is Charles Darwin. His theory of evolution remains to many just that - a theory - although I note with interest that even the Pope has been moved to say recently that there is growing evidence to support it.

[48] The well known debate between the Bishop of Oxford whom I have mentioned, “Soapy Sam” Wilberforce and Thomas Huxley known as “Darwin’s bulldog”, in June 1860 is of relevance here. When the good bishop enquired of Huxley “whether it is through his grand father or his grandmother that you claim your descent from a monkey” Huxley replied “I would rather be the offspring of two apes than a man afraid to face the truth”. Huxley’s legendary reply to the Bishop’s attack did much to gain acceptance for Darwin’s ideas. Whether true or not it is said that from this time the pretension of the Church to dictate to scientists the conclusions they were allowed to reach were, for good and all, decisively defeated.

[49] To its considerable credit Anglican Church in an act of consummate grace on Darwin’s death offered him its highest honour and appealed to his family to allow him to be interred in Westminster Abbey, a few feet from Sir Isaac Newton.

[50] What I find interesting in all this is that typically churches have been very slow to embrace new theories. Conservative is hardly a strong enough word. Invariably the Churches have supported the existing orthodoxy. What has happened today is that one group have claimed that they represent the orthodoxy when it is far from clear that they should be allowed to.

[51] What concerns me is that we are edging towards a view that if you are sceptical of this anthropogenic viewpoint then you are by definition not right thinking and so barred from the debate. Even more disturbing is the notion that the laws of the land should be adjusted to accommodate this one view of the world. I am concerned that the signing of the Kyoto Protocol was the first step.

[52] I disagreed with many of the Howard government policies but I find it hard to disagree with a Prime Minister who is cautious about committing his country to a

path that will almost certainly lead to a reduction in living standards. Especially when he is told that human carbon dioxide emissions are the problem but that human beings contribute less than 0.1% of the carbon dioxide to the atmosphere. I would have thought that a very unpromising starting premise. And especially too when he is told that to reach this view you must essentially ignore data going back 400,000 years that suggests that the warming that is said to have occurred over the last 40 or 50 years has not only happened before but many times before and to a greater degree. If you were prime minister I suspect that you would be cautious too about altering the lives of 20 million people.

[53] I stress that I have no interest in persuading you in this great controversy to one point of view or the other.

[54] The concern I have is that far from dictating to scientists what conclusions they should reach, Churches become too prepared to let scientists dictate to them what is to be the next sin.

[55] If Churches with their very considerable moral power throw their weight into the debate and cast as sinners, not merely as law breakers, those who pollute, then define your terms very carefully. It is a very short step to casting as sinners those who doubt the orthodoxy.

[56] Yet Catholics now have a new sin, and a mortal one what is more, of pollution.

[57] It would be disappointing if the new sin was to include activities that in the fullness of time we find are not affecting our Earth adversely at all, and so by definition cannot be pollutants.

[58] Having said that, the environment and its well being is for all of us an important issue. Without a doubt poisonous chemicals are spewing into our atmosphere, our rivers, and our oceans every day. Multi national corporations, far more powerful than many governments, and motivated only by the profit motive, need to have it brought home that they too will suffer. There is much we can do.

[59] As voters we can vote for candidates who take the problem seriously, and we can alert our representatives to the seriousness with which we view the issue. As consumers we can make plain with our purses which companies we support. As donors we can support organisations that fight for change that reflect our goals.

[60] And very significantly you can do what you are doing here – by discussion and debate amongst your fellows, who share an instinct for the common good, determining on a reasonable view, and seeking to influence those in your community of the urgent need for action.

[61] We are only the custodians.

[62] Kenko Yoshida was a poet writing around 1330. In his Essays in Idleness he wrote on Impermanence:

“If we lived forever, if the dews of Adashino never vanished, if the crematory smoke on Toribeyama never faded, men would hardly feel the pity of things. The beauty of life is in its impermanence. Man lives the longest of all living things... and even one year lived peacefully seems very long. Yet for such as love the world, a thousand years would fade like the dream of one night.”

[63] You are such as love the world. I applaud you for your willingness to put the environment at the forefront of the synod's agenda and wish you well in your deliberations.