

CHRIST CHURCH OF ST LAURENCE
RAILWAY SQUARE, SYDNEY

"THE NELSON MASS - ADDRESS AT A SERVICE OF THANKSGIVING
FOR THE BICENTENARY"

Sunday 31 January 1988

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THE HON JUSTICE MICHAEL KIRBY CMG

A RELUCTANT INTERRUPTION

At this service, in this historic church we celebrate the Eucharist and give thanksgiving for 200 years of Christianity in Australia. We offer an intercession for peace, support, understanding and love between all Australians in the years to come.

I began this week on the very day on which, 200 years earlier, Governor Phillip arrived at Sydney Cove, at the official celebrations in the Opera House Forecourt. As chance would have it, I was sitting next to Neville and Jill Wran. I reflected on the fact that they were down there, with me, and the other members of the audience and not up there on the stage with the Prince and Princess of Wales and our national leaders. I am sure that Mr Wran will not mind my telling you his comment. "It is a whole lot better being down here. Here you can enjoy the performance. There is not much fun being up there." I must confess that his words were ringing in my ears as I ascended this pulpit. I rather suspect that there is more enjoyment in the congregation, listening to the Nelson Mass of Haydn, safely seated in the pews, rather than offering words of interruption from the pulpit.

I am sure that you will appreciate that I endeavoured to dissuade Father Austin Day from including in this concert Service, an address. However, he would not be deflected. Those of you who know him will realise that a determined Father Day, is a formidable sight to behold. He is not one to dispute with. Accordingly, I have submitted, as a dutiful Anglican should, to his request.

When I was a small boy at the Summer Hill Opportunity School, I was asked by a number of persistent social scientists what I wished to be when I grew up. I replied - and I hope Bishop Inman will forgive me - "I wish to be either a bishop or a judge". One way or the other, I was determined to dress in ceremonial robes! Accordingly, the opportunity to ascend a pulpit - which is so unaccustomed for a Judge - is a temptation which I have succumbed to. It is a special privilege to receive the invitation to the pulpit of this historic church, at this special time in the history of our country. To these elements for appreciation must be added the inspiration that comes from the immortal music of Haydn and the eternal message of Jesus Christ which will shortly be celebrated in the Eucharist.

HAYDN AND AUSTRALIA

Haydn remains a very influential composer of the 18th Century. Yet to some extent his music has fallen upon hard times. It was his misfortune to live just before the era of romanticism which dominated music in the 19th Century and still dominates the popular culture of music. If the romantic tradition has now been replaced by realism, Haydn reflected

neither of these schools. His was the elegant classicism of the age in which the world was conceived to be a very ordered place. It was the age in which James Cook set out in the Endeavour, upon a journey that was to have momentous consequences.

The life of Haydn spanned the time of the establishment of the European presence in Australia. He was born on the first of April, 1732. His birthdate was but a few weeks distant from that of George Washington. The American patriot was to have a profound influence on the history of Australia. It was his revolution which was to necessitate the discovery of a new dumping ground for the criminals of England, once the American plantations were lost for this purpose.

In 1737, at the age of 5, Haydn left home to become a choirboy. In due course he took up a function in the choir of St Stephens Cathedral in Vienna. Daily he heard the Mass sung. It was this experience which was to stand him in good stead when he turned to compose the Mass which we hear sung tonight.

In 1749, at what you may consider to be a late stage, Haydn's voice broke. He was 17 years of age. The life of a voicebroken chorister in those days was severe. He left the choir with little more than a suitcase and an overcoat to his name. However, he soon secured appointment as a chapel master. Fortified by this development, in 1760 he sought the hand of the daughter of a Viennese wigmaker, Herr Keller. Unfortunately for Haydn, this daughter decided to become a Nun. Under the importuning pressure of her father, Haydn

sought the consoling hand of his second daughter. She was, by all accounts, something of a shrew. She was unimpressed by her husband's genius. She was given to using his priceless musical manuscripts to do up her hair or to line her baking dishes. She was a second choice. As you are aware, Australia was a second choice for the establishment of a penal colony. The first choice was on the west coast of Africa, which was only rejected at a late stage.

In 1761, Haydn took a step of great importance. He became the chapel master of the Esterhazy family, noble and wealthy. He spent nearly thirty years in their service. But for him it was always a delight to escape from their palace 23 miles from Vienna where he lived with the other servants. Yet, the isolation of his surrounding gave him the time and opportunity to work on his music. He was busily engaged in these tasks, and doubtless blissfully ignorant of the happenings of the other side of the world when, in January 1788, Governor Phillip arrived to establish the New South Wales colony.

In 1790, Haydn's life took a turn, apparently for the worse. His master, the Prince Esterhazy died. The successor was uninterested in music and Haydn was dismissed. This misfortune proved a blessing. In 1791 the impresario Salomon offered him a journey to London in return for a number of compositions. He was received by the Prince of Wales. It was the self same Prince who had taken a keen interest in the New South Wales colony and after whom one of the vessels of the First Fleet was named.

In 1794 Haydn was recalled from Vienna to London. He wrote six symphonies. For these he received the municipal sum of £1,200. It was at this time too that he composed the Nelson Mass. Haydn was grateful to, and fond of, things English. He now had independence. He lived his remaining days in Vienna.

In 1809 Napoleon took siege to Vienna and ultimately entered it. Haydn was profoundly depressed. But his depression was relieved when a French officer entered his home. Reverently and with humility that officer played in the great composer's presence a number of bars from the Creation Oratorio. It was an act of reconciliation. A few weeks later Haydn died.

In his death he was not to have peace. A few days after his funeral, his head was removed from his body as an object for study of its phrenology. Various efforts were later made to join the dismembered parts of Haydn's body. Because of political divisions, none of them succeeded until in 1938, after Anschluss, Hitler directed that the skull be rejoined to the body, then in Hungary. As every child who have visited the Showground knows, 1938 was the sesquicentenary of the establishment of the colony in New South Wales. It is there, celebrated, in the Commemorative Building. There were few other things to commemorate at that sorry and troubled time, on the brink of War.

THE BLESSINGS OF THE BICENTENARY

We are here tonight in an act of thanksgiving for 200 years of European settlement in Australia. During those years Christianity has taken root throughout the land. As I have

said, we are here to offer an intercession for peace and love between all Australians in the years to come.

It is timely to remember the way in which Arthur Phillip led his small band of ships, with their unpromising cargo, into Port Jackson. Within days, the Reverend Richard Johnson, the Anglican priest who had accompanied the First Fleet, offered the first Christian service in the presence of virtually the whole of the company of the First Fleet - convicts and prisoners alike. It is well known that he took as his text the passage from Psalm 116, verses 12 and 13:-

"What shall I render unto the Lord for all his benefits towards me?

I shall take the cup of salvation and shall call upon the name of the Lord."

To some of the people listening to that sermon it must have seemed an unusual text to chose. Those who were prisoners might not have seen so readily the benefits of the Lord. Yet all had survived the long journey to an unknown continent where they found a temperate climate and many blessings.

We too should count our blessings, two hundred years on:

- * We have the law administered by independent judges in courts, long established. And yet, because of the failure of reform, some of the laws work an injustice. And many citizens cannot afford to assert and enforce their rights.
- * We have a constitution which is old by the standards of the world. It is stable and speaks with the authority of continuity. And yet, because of the failure of so many referenda, Australia has been described by Professor

Sawyer as "constitutionally speaking, the frozen continent". For change we have had to rely upon the judges adapting the language of the text beyond the wildest dreams of the Founding Fathers.

- * We have parliamentary democracy and free and honest elections such as are enjoyed in only a small minority of the countries of the earth. And yet we see increasingly the loss of power from Parliament to the Executive Government and to the Head of Government. We see the tyranny of transient opinion polls. And sometimes we see the disinclination of our elected representatives to look into the future, beyond the ephemeral opinions demonstrated in those polls.
- * We have great institutions of learning - universities, colleges and schools and high standards of literacy. And yet by the statistics of the OECD in Paris, we have one of the lowest educational retention rates of any developed country in the western world.
- * We have cathedrals and churches throughout this continent and the Christian message has been preached continuously for 200 years. And yet, unlike tonight, our churches are often empty. The census reveals a steady drift to agnosticism. And the majority's true religion appears to be secularism and the quest for wealth and pleasure.
- * We have an orderly society, living together in general harmony and peace. And yet we see much evidence of serious social break down - of drugs, of guns and of despair amongst the young.

- * We enjoy a high standard of living by comparison to most countries. And yet Professor Henderson teaches that more than a million of our fellow Australians live below the poverty line.
- * We have abundant agricultural and mineral wealth. And yet we have neglected our environment which too often suffers erosion and despoilation and we have failed to plan for the future and to show compassion for stock animals bred in vast forbidding lands of uncertain pastures.
- * We have a generally free press and a media willing to criticise the government of the day. And yet, increasingly, our media are taken over in giant battles between wealthy proprietors. We see the media outlets in our country in the possession of three or four groups who are thereby assured of an enormous influence in the moulding of public opinion and the establishment of public values.
- * We have free enterprise and business and industry which is working in a climate of decreasing regulation. And yet we invest, by world standards, a low proportion in research and development and for too long have hidden behind tariff barriers and other forms of protection, the price of which we are now paying.
- * We are a multicultural society of amazing diversity. In such a short time people from so many lands have come to Australia. No longer do we attempt to assimilate them, suppressing all elements of difference in the rich

tapestry of culture which they bring to Australia. Multiculturalism is the accepted philosophy of the major political parties. And yet, if we visit the outreaches of our large cities it is not hard to find evidence of discrimination and race hatred.

- * We have institutions for the reform of the law and the improvement of society. And yet, all too often such bodies are used by governments to postpone and not to assist decision making. All too often their reports are pigeon holed and action upon them is neglected.
- * We have had no civil war and virtually two centuries of peace in Australia. And yet our troops have fought in many foreign wars, some of which seriously divided our people. And local tranquillity is not unalloyed. In the view of some a great injustice has been done to the indigenous people of Australia which it is now the purpose of an important national movement to redress and correct.

There is no doubt that the many blessings we have received warrant a positive reflection upon the text chosen by Richard Johnson. Our society doubtless has many defects; but there have been many benefits and, we who have received them, do well to call upon the name of the Lord, with praise.

ABORIGINAL BICENTENARY

It is impossible to reflect upon this time without mentioning the relationship of the Bicentenary and the Aboriginal people of Australia. I know that some commentators claim that they have had a "gutful" of the consideration of

this issue in the last week. Perhaps they even speak for a majority. But that does not make their reaction right.

It was inevitable that the Bicentenary should be more than parties and tall ships. That was why, when the Australian Bicentennial Authority invited me to prepare an essay for its journal, I chose to do so on two themes which seemed to me to be vitally important. The first was our relationship with the Aboriginal people. The second was our relationship with Britain. These are the two themes which necessarily spring to mind from the event of the 26th of January 1788.

You can imagine my surprise when the Australian Bicentennial Authority rejected the publication of my essay claiming that it was too controversial. The attempt to keep the Bicentenary on the level of fireworks and parties has, happily, failed. It was bound to fail. It is one of the blessings of the society that has been established in the 200 years since 1788, that the endeavour to suppress opinions such as mine failed dismally. My essay was published in numerous places, including in the popular press throughout the country.

Every Australian who reflects upon the state of Aboriginal Australia and the events of the last 200 years will find cause for concern and for action.

* Unlike other possessions of the Crown, no treaty was made with the Aboriginal people to guarantee their land rights and to provide for the protection of their culture. The result of this, together with the impact of alcohol and much indifference (not to say many positive acts of murder) has been a great assault upon the cultural heritage of the original inhabitants of this land.

- * As is well known, the levels of imprisonment of Aboriginals in Australian jails is shockingly high. They have 16 times the level of imprisonment by rate of their population that other members of the Australian population have.
- * The numbers of deaths of Aboriginal prisoners in custody has become such an issue of concern that a Royal Commission has been established to inquire into its causes.
- * The health problems of Aboriginals are still a cause of basic concern. Tracoma, a preventable disease, is prevalent in many parts of Australia amongst the Aboriginal people.
- * Although there have been advances in education, the number of Aboriginal graduates in our country can be counted on the fingers of two hands. The Aboriginals in key positions of responsibility and power are fewer still.

I realise that there have been many improvements in recent years and under governments of differing political persuasions:

- * The Aboriginal Legal Service has been established to provide basic protection for Aboriginal people who come into contact with the legal system.
- * Judges have been giving directions to limit the unfair use of confessions by Aboriginal accused.
- * Land rights legislation has been established in a number of parts of Australia.

- * Steps have been taken to improve Aboriginal health education and welfare.
 - * The Prime Minister has suggested the establishment of a compact of some kind with the Aboriginal people.
 - * The Department of Aboriginal Affairs is to be replaced by a Commission and the statute effecting this change specifically acknowledges the dispossession of Aboriginal land by the white settlers.
 - * It has been suggested that when the new Parliament House in Canberra is opened by the Queen in May 1988 the three components of Australia's political government - the Queen, the Senate and the House of Representatives should, in the new Parliament assembled, acknowledge the errors of the past and lay down a charter for the practical progress that needs to be made in the future.
- This Bicentennial year will be a blessing if it is turned from celebration to reflection and from the banal and uncontroversial festivities to the vital and controversial.

WHAT SHALL I RENDER?

There is, as I believe, a Christian message for the Bicentenary. It is the message of love and reconciliation which was taught by Jesus Christ. But His reconciliation is not to be obtained upon any terms. It is secured only upon terms of justice and love for one's fellow creatures.

Richard Johnson, the first Anglican priest, was a worthy messenger. In his first sermon, 200 years ago this week, he spoke to the assembled colony, as he said, addressing them not as Anglicans nor dissenters, not as Methodists or Roman

Catholics; not as Jew or Gentile. I believe that had there been Aboriginal and Islander people there too, he would have said that he spoke to them not as Strangers; nor as People of the Land. Richard Johnson declared that he spoke to them all as "mortals - and yet immortals".

In the eye of immortality, 200 years is but nothing. Yet it is time enough to make mighty achievements and still to do serious wrongs. The Prince of Wales in his address at Sydney Cove on 26 January 1988 declared:-

"A country free enough to examine its own conscience is a land worth living in, a nation to be envied."

We should turn the Bicentenary into an examination of conscience. We who gather here tonight can do so: collected in this historic place; moved by Haydn's sombre music and inspired to endeavour to do better as the message of Christ requires of us.

"What shall I render unto the Lord for all his benefits towards me?"

I shall take the cup of salvation and shall call upon the name of the Lord."
