

THE UNITED CHURCH COLLINS STREET

MELBOURNE, AUSTRALIA

SUNDAY, 17 DECEMBER 1988

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WILL BE UNVEILED BY THE HON. JUSTICE M D KIRBY, CMG"

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The Honourable Justice Michael Kirby CMG*

Of Bishops and Judges

Life's journey is unpredictable. But for the hand of fate, I might well have reached this rostrum - under my own steam. At school, I was asked what I wanted to be when I grew up. I said a judge or a Bishop. With such a lack of becoming Christian modesty, it was inevitable that I should enter the law not the church.

Thanks to Dr Macnab, this is the third time I have spoken in this wonderful, enveloping church. Twice in Sydney I have been asked to speak at Pitt Street Uniting Church. Only once has my own Anglican Church afforded me the privilege. Perhaps once was enough. That was at the very beginning of the year at the Bicentennial Service at Christ Church St Laurence in Sydney. Mind you, I feel perfectly at home in the Uniting Church. Someone brought up in the austere evangelical tradition of the Sydney diocese (unless he strays to the incense and genuflexion of Christ Church St Laurence) feels more comfortable in a Protestant Church, acknowledging the continuing simple message of Jesus of Nazareth.

There is further reason why I feel at home. Until the age

Tax avoidance and human rights

A week ago, in Sydney, I attended a dinner to mark the 40th anniversary of the Universal Declaration of Human Rights. It was addressed by the new Chief Justice of New South Wales, Justice Gleeson. To make the point about the need for courts to attend to the human rights even of the unpopular, the Chief Justice stressed that tax avoiders, staying within the law, were entitled to protection of their rights by the courts.⁵ During the week, a Victorian judge observed that tax avoidance could never be eliminated.⁶

I must admit that in the context of human rights and the 40th anniversary of that charter of international fundamentals, tax avoiders would normally have been the last people to spring into my mind as needing the protection of their human rights. But the protection of human rights is a timely issue, as I shall show.

The 150th anniversary of this church coincides with the 200th anniversary of the modern history of Australia. The Bicentenary is now drawing to its close. Some citizens would have none of it. Some prefer to await the 100th anniversary of Federation in 2001. But there have been a few good features of the celebration which we should acknowledge. One that is obvious is the creation of these bicentennial windows which are unveiled today. Just as the lights of fireworks throughout the country earlier helped us to remember who we were and where we had come from.

Another value, above arrant nationalism, was the reminder

of the abiding strength of some of our institutions. Prince Charles captured this thought on 26 January at Sydney Cove. In the only truly memorable speech of hundreds I have heard on the Bicentenary, the Prince said, to the sound of protesters chanting in the background:

"A country free enough to examine its own conscience is a land worth living in, a nation to be envied."⁷

If the Bicentenary was about anything important it was not tall ships, speeches or even monuments. It was a moment of self-scrutiny in a largely unreflective country. It was about our past, present and future.

- * Our past: with the many wrongs to the Aboriginal people and the opportunities thrown away for a special relationship between old and new Australia.
- * Our present: and how we can do better for the marginalized groups in society. The old and poor. The young growing up without love and opportunity. The unemployed and despairing. The victims of drugs and alcohol. Those sick with AIDS. The boat people. Prisoners. And the Aboriginals of today.
- * And the future: our contribution as a nation to peace and disarmament in the world. Our attention to our problems at home.

The Bicentenary next time

As we conclude the bicentennial year, inevitably the inquisitive mind goes forward to the third century. None of us will be there to welcome the tall ships next time. None of us will

delight in fireworks on the 300th celebration. But will we do better in the next century than we have in the last? Will we avoid war - such a blight on the last hundred years? Will we avoid another holocaust? An unthinkable terror for millions who died for being what they were. Will we build a less xenophobic community acknowledging all people as our true brothers and sisters? Will we devise a political and social system more sensitive to the marginal groups? Will we be reconciled to the Aboriginal people by a treaty or by other means?

If the colonists who celebrated the first centenary in 1888 had even an inkling of what would befall the great red land in the next century, they would have been amazed. The sacrifices in war. The sunset on the British empire. Atomic weapons and space flights. Chattering computers and molecular biology. We have only to think of these things, and the frantic increase in the pace of change to realize that in the century ahead we will be bombarded by change.

The only way that we will be able to cope, as frail humans, is if we keep our perspective. If we retain a spiritual anchor that sensitizes us to our place in the world and to the disadvantaged at home. As to the latter, I do not, for my part, speak of tax avoiders. They have legal rights. They must be treated neutrally, according to law. But generally they can well and truly look after themselves. I speak especially of Aboriginal Australia which is the one clear place of undoubted failure in our national strategies and policies of the last two hundred years. Unless we can be reconciled with the descendants

of the indigenous people of our beautiful country, we do not deserve to have it. And we will not truly have God's peace in it. We must do better in the years ahead to break the cycle of Aboriginal poverty, alcoholism, sickness, imprisonment and despair. Words are not enough.

The light of the world

In the twentieth chapter of the Act of the Apostles, it is recounted how Saint Paul preached to the Greeks. After dinner, he preached "until midnight".⁸ This, you will be surprised to hear, I have resolved not to do. The Book goes on:

"And there were many lights in the upper chamber, where they were gathered together. And there sat in a window a certain young man [...] having fallen into a deep sleep; and as Paul was long preaching, he sunk down with sleep and fell down from the third loft [...]".

I would not want a similar fate to await you as that somnolent youth, remembered these 19 centuries later. But the text shows the continuity of things. The windows are still here. The lofts are here. We are gathered together in a church which teaches the message of Jesus Christ. We do so in search of spiritual meaning to our brief lives. This speaker has also been going on for a long time. Some things are unchangeable. So far, at least, no-one has fallen down.

But the most unchangeable thing of all is the light which our religion throws upon our society and upon ourselves.

What message does the filtered light of these windows bring to us? As we approach the 1988th celebration of the Nativity, let us reflect upon the messages of light in the Bible.

"Let there be Light" was the instruction of God on the very first page. "And God saw the light, that it was good." And He divided "the light from the darkness."⁸

At Christmas time, the words of The Messiah remind us of Isaiah. "The people who walked in darkness have seen the great light."⁹ We are instructed to "arise, shine for thy light has come."¹⁰

In Saint Matthew's gospel it is declared that Jesus is "the light for all the world."¹¹ Saint John challenges us to the ambition to become "people of light."¹²

So let us look at these windows, now to be unveiled, to lift our thoughts by the beauty of colour and light. Lighten our darkness we beseech thee O Lord. Show us the Way. And as we embark upon the next chapter in the life of this congregation and of our country, make us reflect upon where we have come from, where we are now and where we are going. May we be beckoned by these windows towards Your light, to walk in the paths of righteousness, always.

ENDNOTES

- President of the Court of Appeal of New South Wales.
Commissioner of the International Commission of Jurists.
Commissioner of the WHO Global Commission on AIDS.
Chancellor of Macquarie University. Personal views only.
- 1. G Blainey, Preface to J Zimmer, Stained Glass in Australia, Melbourne, Oxford Uni Press, 1984, vii.
- 2. Ibid, vii.
- 3. Ibid, viii.

4. Ibid, vii.
5. A M Gleeson, Address to International Commission of Jurists, Australian Section, Sydney, 10 December 1988, mimeo. Cf P McGuinness, "A Progressive Judge?", issue of the Financial Review, 15 December 1988, 63-64.
6. See remarks of Southwell J and the sentence of Barry Sanders and Ors reported The Age 14 December 1988, 4.
7. H R H Prince Charles, Address at Sydney Cove, 26 January 1988.
8. Genesis 1.4.
9. Isaiah 9.2.
10. Isaiah 60.1
11. St Matthew 5.14.
12. St John 12.36.