

BALANCE

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Opening of the Legal Year 1994

Alice Springs

Lawyers in Alice Springs have been told that the law, and lawyers, must seek justice.

In homily that touched on Hitler, the Pope, Michael Jackson, euthanasia, art and the "verbal anarchy" of modern television, Father Stephen Williams of the Anglican Church in Alice Springs said that the law must have a moral dimension, or it would become the agent of evil.

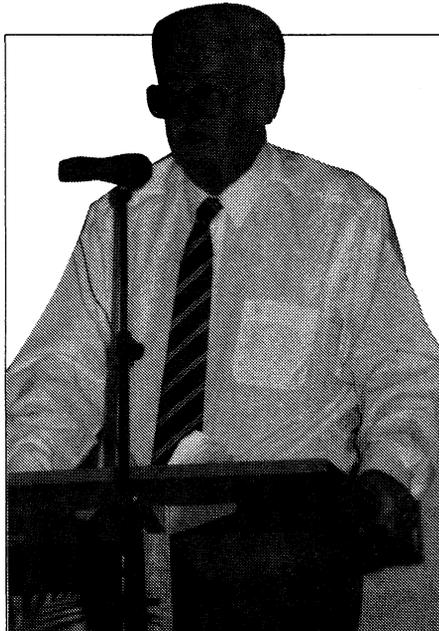
Father Williams was preaching at the church service to mark the opening of the Legal Year on 2 February 1994.

Father Williams said:

"Law that does not have a genuine moral basis degenerates into corrupt manipulation and oppression, into an organised collusion with the dark side of human nature. The moral predicament in which judges and lawyers were placed by Adolf Hitler is an extreme example and solemn warning against the common attitude that the legal profession exists, not for justice, but only for the law. If the law does not serve justice, which is goodness, then it must invariably toe the line for evil of which political tyranny is but one example.

"Nor should the legal profession be slaves to the public will. A doctor who kills someone because they ask

him to, may enjoy public support, but the public support does not make the action any more or less moral. In fact public acceptability has nothing to do with morality. Even politicians, who



*The Hon Mr Austin Asche Q.C.
The Administrator*

are commonly supposed to operate in a moral vacuum, recognise that the issue of morality in such cases as capital punishment takes precedence over the tyranny of public opinion.

The legal profession owes a particular allegiance to what is good and is depended on by the community to maintain that commitment. But how do we know what is good?

"Some years ago there was a reasonable consensus on what constitutes goodness. Plato and the Ten Commandments laid the foundation and the theologians and law makers built on it. The image of goodness was painted, as it were, on a large canvas, providing a necessary moral language that we could all understand. But the language of morality, of goodness, is in trouble.

"Belief in goodness has been stripped down to utilitarianism and mere expediency, and the language of goodness has been debased. The idea of goodness has become utterly subjective - there is no objective reference point.

"The means by which people have always become noble and good - religion, language, art, education and the law - have been what the philosophers call 'deconstructed'. In religion, there has been a helter-skelter dash to demythologise. Their soul is trapped. There is nothing higher and greater than self.

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