THE ALAN BRAY LECTURE 2003

RECLAIMING OUR TRADITION: RIGHTS, DIVERSITY AND CATHOLIC SOCIAL TEACHING

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I did not know Alan Bray and so cannot provide any personal reminiscences of the sort that Elizabeth Stuart did so well last year. But reading about him over the Summer as I have prepared to give this lecture in his memory has shown me the depth of the talent of the man in whose name we are gathered here this afternoon. The particular strengths that come through for me are Alan Bray's religious faith, his scholarly celebration of friendship, and his political activism in pursuit of a cause that he knew to be just. Many of us might aspire to one of these strengths in the course of our lives; a few of us might dream of achieving two; but to have all three – the faith, the reason, the political energy – rolled into the one person is rare indeed.

I am delighted and proud that this gay rights campaigner was a practising member of the Roman Catholic Church, and also that – far from being an outcast – he was an adviser to our senior Church leadership. Such simple facts say more about tolerance than any number of declaratory missives. My closest male friend Declan Madden died in Dublin in 1997, and we had two funerals for him, the first a traditional Catholic rite in the family parish church, the second a Buddhist celebration which the authorities allowed us to hold in the little church within Glasnevin cemetery. Of course it meant the coffin leaving Declan's home twice, a puzzle to the more devout among his many curious neighbours. This is the kind of Church to which I know I can enthusiastically belong: compassionate, open-minded; tolerant; at odds with its own rules on those occasions when it knows that justice and love demand a blind eye.

To say that the Church on the ground often differs from the Church of the rule-book is not to say that the latter doesn't matter. Far too often for my tastes is a statement from the Vatican about authority, or the role of women, or sexuality, greeted with a shrug of the shoulders; a weak smile; a slightly down-at-heel assertion that you can rely on the English bishops to water it down; that it will make no difference to the way we all act; and that it can for these reasons (it is implied) be safely filed away. However great and many its troops, no army can long survive a high command whose orders are treated in this way by the local battalions. The Church no longer has what the leadership of the First World War enjoyed and what it once had in pre-Lutheran times, namely a means through conscription of ensuring an endless supply of the compulsorily obedient. Indeed one of the themes of my lecture today is how we go about coping with the fact that it is no longer obligatory to have *any* religious faith,

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much less one that answers only to Rome. If we are to remain within the ranks when there is no coercive requirement for us to do so, we need to engage with our leadership, to believe not only in our own actions and our Christian God but also in the organisation to which we belong. Otherwise the tensions within our person become too difficult to bear, with rival senses of belonging perpetually clashing in our hearts. The risk of a failure to unite our believing and our Church selves is that, over time, both disappear from our person. If this were to happen on a large scale, the Church of the future (in the West at any rate) would risk becoming more a refuge from the real world for the few than a source of spiritual strength within that world for the many.

Despite the impression sometimes given by some of the leaders of the Catholic Church from time to time, the choice is not, I believe, between an ethical life in the Church and an inevitably empty moral life outside it. Friendships and a strong sense of community abound there just as they do in our parishes. For all its faults, the secular world also manages to offer many admirable alternatives to Christian-based political activism. In the past this was to be found in the work of the trade unions and in the development of the principles of social democracy. In more recent times, Alan Bray must have frequently seen evidence of such secular morality in the Gay liberation movement. Today we admire the brave activism of the many people young and old who are engaged in contemporary battles for global justice, for environmental protection, and for the alleviation of world poverty. Many of these people are of course motivated by a belief in the Christian message. But not all are, and at the start of the twentieth-first century it is certainly not a precondition for leading a life dedicated to doing justice and good. Not only is membership of a Church not obligatory; neither is it essential to the successful leading of a good life.

In this lecture, I want to work through the implications of this, and in particular reflect on what is perhaps the key ethical idea that the secular world has to offer, and through which it seeks to provide what my colleague and friend at the LSE Francesca Klug has called 'Values for a Godless Age' - namely respect for human rights.[1] How rooted in the Christian tradition is our modern commitment to human rights? Is the Church's approach to human rights at one or at odds with the idea of human rights as it is understood in secular society? Can the concept of human rights help us to bridge the gap which exists between the Church in central command mode issuing its rules and regulations and so forth, and the Church in action on the front line, doing its compassionate, Christ-like best? Can we find in the language of human rights a way of connecting the best features both of the Church and of secular society, thereby forging a commonality of interest which is of benefit to both, a shared set of beliefs in the public articulation of which Christian and concerned citizen alike can feel comfortable?

I start my exploration with the well-known lecturer, Joyce expert, Irish senator and gay rights activist, David Norris. I shall never forget a performance he gave at a debate in University College Dublin in 1977. There was a packed hall, the motion had to do with gay rights, the students had poured in to see what a homosexual looked like. Norris at the podium was almost immediately the victim of a nasty jibe from some young lad far back in the crowd.

[1] F Klug, *Values for a Godless Age. The Story of the United Kingdom's New Bill of Rights* (London, Penguin Books Ltd, 2000).

Putting on his glasses Norris called on him to repeat the remark so that he could see whether he was attractive. There wasn't a single heckle after that, and David Norris gave a speech to us Catholic boys and girls of such energy, dignity and sheer joy that the event has stuck to my memory for over twenty-five years. Now I am sure everybody here knows that David Norris was the man who finally took on Ireland's anti-gay laws, fighting his case all the way to the European Court of Human Rights and establishing there that his human right to privacy required an amelioration in the country's harsh laws, a change that has I am glad to say since taken place. What I want to concentrate on here is what Norris's legal action tells us about the meaning of human rights, for the term draws inspiration from two very different traditions, and they came into conflict in his case.

The battle-lines were laid out in the Irish Supreme Court where Norris had first to go before he could take his case to the European judges. The year was 1983, when Irish society was already a year or two into the bitter battles over abortion, divorce and the role of the Church that were to sour the 1980s for so many. He lost there by three votes to two with the Chief Justice speaking for the majority in condemning homosexuality as 'of course' morally wrong, as 'contrary to the order of nature', and as 'a perversion of the biological functions of the sexual organs'.[2] But religion was also invoked, with the Chief Justice condemning homosexuality as an 'affront both to society and to God', as something which St Paul and 'the doctors and leaders of the Church in every land' had opposed' with it still being the case that 'the teaching of all Christian Churches [was] that homosexual acts were wrong'. Even in the Dublin court, however, the two dissenting judges Seamus Henchy and Niall McCarthy felt able to take an altogether more liberal line without having to surrender their Catholic faith, emphasising the source of the guaranteed personal rights in the Constitution as being the 'individual personality of the citizen' and the primacy of the 'human personality'. These were the themes that the European Court of Human Rights naturally took up when the case finally reached it in 1988.[3] Norris had a basic right to privacy and there was no 'pressing social need' to make criminal his private sexual behaviour. 'Although members of the public who regard homosexuality as immoral may be shocked, offended or disturbed by the commission by others of private homosexual acts, this cannot on its own warrant the application of penal sanctions when it is consenting adults alone who are involved.'

The case presents us with two radically different views of the right approach to take to the person. The second version, rooted in the European Convention on human rights, is one to which I will return in a moment. Reading the Chief Justice's judgment, however, it would be hard to avoid drawing the conclusion that the Christianity reflected in his opinions was a religious faith at best indifferent to, at worst deeply hostile, to the very idea of human rights. In fact the opposite is the case. The Catholic Church regards itself not only as sympathetic to human rights but as the originator of the whole project. And the Church is definitely right to be proud of its involvement with the subject. The idea of natural rights was a medieval breakthrough which the Church was instrumental both in forging and thereafter in propagating.[4] Thomas Aquinas is too great and well-known a figure for me to do more than mention here. But he was not alone. The Dominican theologian Francisco de Vitoria (1483 –

[2] See *Norris v Attorney General* [1984] IR 36.
[3] *Norris v Ireland* (1989) 13 EHRR 186.
[4] See C Dwyer, 'Human Rights – Values for a Godless Age' (2001) 146 *Law & Justice* 28.

1546) made an early contribution to international law and developed a version of natural law which suggested that all – including pagans and indigenous peoples – were entitled both to justice and to the protection of the law.

I would not want in my enthusiasm to overstate the Church's commitment to human rights in past eras, and thereby to imply that the Chief Justice's point of view was aberrational – which as we all know and as we shall see presently in this lecture manifestly it was not. As Herminio Rico SJ has observed, the present leadership 'makes claims for the Church that the history of the development of human rights … cannot support'.[5] Many aspects of the counter-reformation involved what we would condemn today as gross breaches of human rights. The arrival of modernism provoked Pius IX's now embarrassing *Syllabus of Errors*. There was also Gregory XVI's encyclical letter *Mirari Vos.* But the old commitment to human rights was never entirely lost sight of, with Pius's successor Leo XIII being responsible for the superb encyclical *Rerum Novarum*, issued in 1891. This dealt with the rights of workers on the basis that 'Man precedes the State, and possesses, prior to the formation of any State, the right of providing for the sustenance of his body'. In *Divini Redemptoris,* Pius XI provided a list of human rights, which included life bodily integrity, property and what we would call today economic rights.

In the fifty years or so since the end of the Second World War, the subject has become embedded in Church teaching. In his excellent brief study, published in *Law and Justice,* Christopher Dwyer rightly notes that the 'now classic formulation of Catholic teaching on human rights came with John XXIII's encyclical *Pacem in Terris*.'[6] In the words of that document:

Any human society, if it is to be well-ordered and productive, must lay down as a foundation this principle, namely that every human being is a person, that is, his nature is endowed with intelligence and free will. By virtue of this, he has rights and duties of his own, flowing directly and simultaneously from his very nature, which are therefore universal, inviolable and inalienable.

Giorgio Filibeck has gathered many of the relevant documents into an excellent volume, published by the Pontifical Council for Justice and Peace and the International Federation of Catholic Universities in 1994, and devoted to human rights in the teaching of the Church from John XXIII to John Paul II.[7] It is a long book, and I am sure that many pages could be added covering the last ten years. Particularly impressive in my view is the commitment of the Church to the dignity of the person in the social and economic as well as the political sphere. There is a striving to see the whole person here, a striving which may not yet be wholly successful (I will come back to that) but which is immensely laudable.

It is hard to square this strong human rights tradition with the kinds of things the Irish Chief Justice felt able to say under cover of the Church in *Norris*. Yet I would suggest that

[5] In *John Paul II and the Legacy of Dignitatis Humanae*, cited in M Walsh, 'U Turn on Human Rights' *The Tablet* 14 December 2002.
[6] n 4 above, p 32.
[7] Libreria Editrice Vaticana, Vatican City, 1994.

they are reconcilable, and that we should not be tempted by our dislike of what the Chief Justice had to say into a condemnation as entirely hypocritical of the whole of the Church's stance on human rights. The key I would suggest is to observe how the Chief Justice went about his religious-based condemnation of homosexual practices. This part of his judgment was not even ostensibly based on reason or argument, rather it was an invocation of authority, the authority of St Paul, of the 'doctors and leaders of the Church'. What mattered to the Chief Justice was not what his own reasoning power or the Irish constitution showed him, but rather that 'the teaching of all Christian Churches' pointed to homosexual acts being wrong.

To develop this point I need now to make a general observation about human rights, and in so doing to move on to a consideration of the growth of human rights in the secular world. While it is relatively easy to agree on human rights at an abstract level – the dignity of the person; the worth of every individual; the right of every person to equal respect and treatment; and so on – it is frequently difficult to apply these insights about what human rights require to real situations. Often there are conflicting versions of what these basic human rights entail on the ground. Sometimes the various rights will themselves be in conflict. On other occasions, they will need to be made to yield to the greater good. So the application of human rights on the ground is messy. Unless we are to resort to the use of force, some sort of referee is required. In the medieval period, the referee was of course the Church itself, which not only declared the content of our human rights but also determined how these were applied in practice. It is this tradition that we find echoed in the judgment of the Irish Chief Justice in *Norris*. The most valid criticism made of him at the time was that he had abdicated his adjudicative responsibilities by passing over to the Church a job that was rightly his. Like the Church whose teaching he followed, he was not rejecting 'rights-talk'; rather he was asserting that it simply did not apply to the claims being made by the individual before him.

This was a mistake made neither by the minority judges in that case nor, as we have seen, by the European Court of Human Rights. They found in human rights instruments before them a rational and thought-through basis for coming down in favour of David Norris's human rights. In doing so they reflected an approach to human rights which may be historically rooted in Church teaching but which has shaken off these ecclesiastical origins, and in particular the role of the Church as definitive adjudicator in cases of disagreement. The key turning point came with the birth of modernism at the end of the eighteenth century; reflecting on the changes than then occurred it is not hard to see why Pius IX was fired up into releasing his *Syllabus of Errors*. The hard intellectual work was done by Kant and Hegel, the rougher business being attended to by the Paris mobs. The upshot of the excitements of the period was a language that emphasised individual freedom not to obey God's will but to determine what each person should do with their lives. Truth was no longer handed down, it was forged afresh for each individual, every culture, each community. Even if God was not dead, as Nietzche was later to declare, he (or she) did not have to be alive for modernity to thrive. The idea of human rights as a non-religious reflection of the ethics of civilised society quickly became one of the cornerstones of this modernity.

This breakthrough did not of course remove the need for an adjudicator, for some kind of authoritative means of translating the vague idea of human rights into practice on the ground and for determining in a dispute which version of human rights should prevail. It was because Jeremy Bentham chose to ignore this fact, and to treat all the rights set out in the French Declaration of the Rights of Man as unqualified and absolute, that he was able to write his brilliant attack on the subject, lampooning a commitment to rights as not just mere nonsense but as a belief so stupid that it deserved to be described as 'nonsense on stilts.'[8] Marx too excoriated the idea as irretrievably individualistic and as protective rather than subversive of an irretrievably unequal status quo.[9] So the phrase human rights took a heavy battering in the nineteenth century and as a result largely disappeared from view. But despite this, the emerging democratic polities of the time were coming up with a mix of ways in which to retain what was effectively (if not explicitly) a commitment to human rights whilst at the same time providing sensible means of securing their protection on the ground. Principal amongst these was the emergence of legislation as a tool for social and economic change. In the United Kingdom for example, a series of Acts set in train the reforms that would eventually transform for the better the living conditions of the people The achievements of the Victorian and Edwardian periods on disease control, on water supply, on pollution, on working conditions, on housing and the like should not be dismissed from our discussion merely because they were not then called advances in human rights. The same was true of the achievements of the Attlee administration of 1945-51. Regarding the term as useful only to foreigners, that government actually did more practical good for the human rights of its own citizens than any British administration before or since.

If we ignore labels and concentrate on outcomes we can see that the advance of democracy was precisely matched by an improvement in the dignity of the people – it was not just a chance to choose your exploiter, as Marx and his followers had believed. In the secular world therefore, the link between democracy and human rights was clear. The concept of human rights was absolute and invariable, but – and this is a key point - its manifestation on the ground could change over time. Crucially, and this is a second key point, the body best able to gauge what the idea of human rights required at any particular time and for any particular community was not a gathering of judges, or priests, or even philosophers, but rather an assembly of that community's representatives brought together in a legislative forum for this very purpose. So on this model parliamentary legislation becomes a means of *securing* human rights rather than a *subversion* of them, with the content of our human rights being fleshed out and expanded as our understanding of ourselves improves and our sensitivity to the dignity of others grows with our increased self-awareness. Such an assembly is also best placed to work out how much a community can afford to do to promote the dignity of every individual within it.

Of course there is a glaring weakness in this secular model of rights protection, one that was brutally exposed by the collapse into fascism of democratic governments in the 1930s, in particular that of Germany. What happens when the elected representatives of a state turns on a section of its own people, and the majority then cheer on from the sidelines while this

[8] See J Waldron (ed),*'Nonsense upon Stilts.' Bentham, Burke and Marx on the Rights of Man* (London: Methuen, 1987).
[9] Ibid.

minority is picked on, bullied and shockingly oppressed? It might seem extraordinary to our post-Holocaust sensibilities, but early proponents of democracy simply could not imagine that an elected system of government could be other than benign in its treatment of all its people. We now know better, and our way of coping with this new and frightening truth has not been to dispense with democracy altogether (for what other framework of government could possibly do better?) but rather to allocate to another branch of the state a shared responsibility (with the majoritarian, potentially extremist legislative arm) for the protection and vindication of our human rights. Thus it has been the courts – unelected and in the democratic sense unaccountable – that have emerged in the post World War II period as increasingly central to the protection of human rights, both as guarantors of due process in the criminal sphere and as long-stop referees, able to blow the whistle vigorously if the democratic teams are judged to have committed a human rights foul.

This is not the place to examine the record of the judicial branch in relation to the protection of human rights, or to ask whether too much faith is now accorded in the judges, just as it was in an earlier age to the priests. The relevant point to be drawn from this brief excursion into the growth of human rights in the modern era is that firstly the protection and vindication of human rights is a duty shared between all three branches of the State, and that in almost every country which is committed to the protection of human rights, the term is nowadays understood to embrace not one large and immutable concept but rather three smaller ones of greater clarity and specificity. We can conveniently call these the three basic principles of human rights. The first is respect for democratic governance and civil liberties, involving an obligation to arrange the state in such a way that the key decisions that are made about the way it is run, and its future, are made by elected representatives, chosen by the whole community. Secondly there is the principle of legality, which insists on a role for the judicial branch and in so doing demands that restrictions on freedoms can be imposed only by decision of the elected body and not by any kind of executive dictate, and that everybody should be entitled to procedural fairness when they are made the objects of state power acting against them for the good of the community. Thirdly there is the principle of respect for human dignity, which manifests itself in a respect for the autonomy of the individual and respect for his or her life choices, insofar as these do not encroach adversely upon those of others.[10]

As I indicated a moment ago, in the modern state, we find each of our great branches of government engaged in the protection of these three core principles. None has specific responsibility for any one area in particular; there is an element of overlapping and occasional tension between the three. But the overarching goal – the protection and vindication of human rights – is one shared by all. The UK is an excellent example of how the system works. The elected House of Commons has long been the lead agent in defining what respect for human dignity and individual autonomy should in fact entail in practice. In the old days this meant ensuring the people were not starving, were treated when they were ill, and got an education when they were young. These important gains need of course constantly to be protected least our awareness of what is entailed by the dignity of those around us declines but for now they are well-entrenched. (Where Parliament reneges on its

[10] These three principles are explained and defended as the foundation of modern human rights law in my forthcoming *Principles of Human Rights Adjudication* (OUP, Oxford, 2004).

duties, as with asylum seekers recently, the courts have stepped in to ameliorate the position as best they can.)

Since the 1960s, through the impeccably democratic procedure of private members' bill, the British understanding of what it means to respect another person's worth has expanded to embrace aspects of his or her sexual identity and reproductive capacity that would have been shocking to earlier generations, and is still shocking to many today. When Parliament decided to enact the Human Rights Act 1998, it invited the judiciary to share responsibility for working out what general ideas like respect for privacy, the right to security of the person, the right to life, and so on meant in practice. As new technology advances and our sensibilities with regard to the needs and wishes of other people grow, so fresh questions about the remit and range of our human rights are thrown up. It is for the executive to ask these questions, and for the legislature and our courts to seek to answer them.

A case in point that will be very familiar to many of you are the Government's plans for Civil Partnerships. As Celia Gardiner has remarked, these proposals should 'be seen as a response by the government to a social change which is now well established and a judiciary who are pushing the law in the same direction.'[11] Celia Gardiner goes on to note that '[b]oth the DTI and the judges see the issue as one of discrimination. It is about the injustice of recognising heterosexual couples as a family unit whilst treating same sex couples as if they were two separate individuals.' I do not want to stray into the merits of the question in this lecture, though I digress briefly to say that I agree with Martin Pendergast that '[t]hey provide an option for same sex-couples to be formally included within the social fabric, if [such couples] so wish. It would seem therefore that the proposals will strengthen social cohesion rather than weaken it. They will enhance the common good rather than threaten it.'[12] My interest just now is mainly with the procedure, with how our ideas about human dignity get translated into human rights laws. These civil partnership proposals are an example of how our understanding of human rights grows as our awareness of the whole person increases and we come to see that new laws are needed to give even further recognition to the dignity of the individual, not now to secure food for them, to educate them or to treat them when they are ill, but to permit them to express their sexuality without fear of discrimination or prejudice. In this instance, social change is not the enemy of human rights but its ally, and the task of improving our sensibilities rests, as I have said, with all three branches of government.[13]

The formal response to the proposal from the Catholic Bishops' Conference of England and Wales, issued early last month, is in many ways an excellent document, particularly in its understanding of the importance of the 'moral requirement .. to uphold fundamental human rights' and in its reminder that the 'Catholic Church utterly condemns all forms of unjust discrimination, violence, harassment or abuse directed against people who are

[11] Celia Gardiner, 'Civil Partnerships: Comments on the DTI Consultation Paper: legal perspectives.' Paper given at a conference organised by the Catholic Caucus of the Lesbian and Gay Christian Movement on 3 August 2003.
[12] Martin Pendergast, comments made at the Civil Partnerships Hearing organised by the R. C. Caucus of the Lesbian & Gay Christian Movement, 3 August 2003.
[13] For the relevance of international human rights law, see M Scheinin, 'Sexual Rights as Human Rights – Protected under Existing Human Rights Treaties? (1998) 67 *Nordic Journal of International Law* 17.

homosexual'.[14] It correctly identifies the 'relevant question' as being 'whether what the government is proposing is necessary to defend the fundamental rights of people who are homosexual' and its answer is couched in such terms as to make the overall document read in a way that is both less hostile and more open-minded than its negative judgment of the proposal, viewed in isolation, would otherwise suggest. I do not believe that within the hierarchical structure of the Catholic Church any conference of local bishops could have done more. For of course, unlike other submissions the Government will be receiving on this issue, the Bishops' paper comes from a group of men who belong to an international organisation famous in recent years for the centralisation of its authority.

We are back where we started with the contrast between the Church at the centre and Church in pastoral action. The paper put out during the Summer on same-sex partnerships by Congregation For the Doctrine of the Faith had a very different tone and style to that of the local bishops.[15] The requirements of human rights and of the common good are there not matters for debate but rather for declamation. The right way to think, on these and on other issues, does not emerge out of a process of what Celia Gardnienr called 'social change' or out of any kind of open discussion; rather what we are to think is handed down to us by the Prefect Cardinal Ratzinger and his Secretary Archbishop Amato. The document reads like a passing shout from a medieval library whose occupants have been miraculously preserved for centuries but denied all access to the world outside. (Though I think that even in medieval times this document would have been considered antiquated.)

The disconnection between the Vatican's and the modern world's perspective on human rights is clear from this document, but is also evident if we take a moment to reflect on how well the Church does in delivering on the three core principles that I earlier said are at the heart of what the secular world means today by the phrase 'human rights'. For present purposes we can gloss over legality, whilst noting in passing the very great concerns that are frequently expressed about the lack of due process afforded to priests and other Church functionaries – a subject on which I do not know sufficient to comment. But consider the Church's attitude to democracy. Of course it would be asking too much to look for a fully democratic Church, but one which lives by the spirit of Vatican II and which allows its perspective on the world to flow out of a mature dialogue between the leadership and its own faith community is surely not too much to expect. Instead, not only is democracy wrong within the Church, it is also – it would seem - unacceptable outside – the most remarkable feature of Cardinal Ratzinger's Summer paper was its command to Catholic politicians to obey him and vote against any measures that were proposed anywhere to recognise same-sex unions. The image here that cannot help but come to my mind is that of a defeated leader in some bunker or other moving into the front line battalions of troops that do not in fact exist. It would surely be a useful exercise for the Cardinal if he were to meet with some of the voters who have elected the politicians that he asserts should now be accountable to him rather than them.

[14] Catholic Bishops' Conference of England and Wales, 'Government Consultation on "Civil Partnership – A Framework for the Legal Recognition of Same-Sex Couples"' (Submission by Bishop John Hine on behalf of the Conference, September 2003).
[15] It is published in full in *The Tablet,* 2 August 2003.

Out of the democratic deficiencies of the Church in both its internal and external face flows a failure fully to protect and vindicate human dignity. Shorn of the dynamic quality that as we have seen democracy gives to the content of human rights, in the hands of the Church the subject staggers into a dead-end. Only those parts of the person that have already been seen in earlier generations are given recognition – so we have the right to life, the right to work, the right to found a family and so on. But the richer aspects of human personality which the secular language of human rights has embraced – rooted in gender, in sexual identity, the right in certain circumstances to die – are resolutely ignored. In the end, therefore, I think that, despite appearances, the Church is not so much hypocritical on the issue of human rights, as - through an institutional malfunction - institutionally blinkered in its approach to the subject.[16] The human rights movement is in many ways a visibility project: each generation seeks to see and therefore to respect more of the person before them, more of their attributes, more of their needs and the demands of their identity. With this greater sight comes a more civilised society, with more of us able to lead richer lives more of the time, unafflicted by unnecessary suffering and free from pointless cruelty. Frozen in time and with no effective mechanism for change, the Church sees only part of the person and – partly through fear and ignorance; partly through institutional paralysis – condemns the rest.

The challenge for the future is to expand the vision of the Church, just as earlier generations of activists persuaded the state that slaves mattered, that children mattered, that women mattered. This can only happen, in my view, if the structures of the Church are made more open, and if – in the field we are discussing – the content of human rights flows out of dialogue rather than being filled by declamation. Not democracy perhaps, but something resembling a democratic process is required. Of course the secular world has much to learn from the Church's perspective on human dignity; the Bishop's submission on same-sex couples makes this crystal clear. There will be an extraordinary series of challenges and therefore opportunities for powerful input in the future, on transsexual rights, on gene technology, on euthanasia, the list is endless. All of us – whether religiously inclined or secular – are in need of ethical guidance, and know we are. But to engage effectively, the Church has to be willing to contemplate a dialogue between adults, a conversation not a sermon. This openness has to involve a reaching down through the Church and a reaching out to other centres of ethical excellence, whether they be secular or faith-based. The true enemy today is not secular society, but irrational, exclusive religious fundamentalism – of whatever variety – Christian, Zionist, Hindu or Islamic.[17] That is not an enemy that can be fought effectively by a divided Church, of any denomination. Let me end on a note that many of you might regard as irrationally optimistic: I believe that viewed as a whole the Roman Catholic Church is much closer to broadening its perception of what it is to be human than many believe: the great virtue of an authoritarian structure is that when change is decided upon, it can happen very quickly!

[16] For evidence that this need not be the case see Enda McDonagh, 'Homosexuality: Sorrowful Mystery, Joyful Mystery – A Straight View and its Origins' [2003] *The Furrow* 455.
[17] See 'Imams join plea for gay tolerance' *The Guardian* 26 September 2003.