



Mercy Advocacy

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A Scary Place

Have you ever been reading, rather haphazardly, some theology when you suddenly recognize that a basic rock in your life may be far more unsteady than you thought. The book was *The True Church and the Poor* (Jon Sobrino sj) where Sobrino makes the point that God is limitless. Hence we cannot assume that religious life and the vows offer us an “automatic way of access to God.” It just ‘ain’t necessarily so.’ There are no pigeonholes for God. Central to religious life is not the vows but the challenge common to all vocations – the process of becoming christian. Our lives always have to be reviewed in the light of the Gospel and of history. Change may be demanded.

Sobrino writes of the insecurity of this experience: *“A shift to a new form of faith often produces insecurity with regard to what they (religious) have thought of as most characteristically Christian and religious. The result is the easily verifiable experience of anxiety at the appearance of new types of spirituality and religious life.”*

Well, we’ve already been through that many times since Vatican II. However we may need to reflect on it again since the handing over of our institutions and the new calls to Mercy advocacy as a collective path forward – never of course to deny the continuation of individual choices and ways of service.

Currently, Pope Francis himself is calling us all to be a church of the poor. How will this affect us? What does it mean for us?

Sobrino suggests: *“The anxiety may be accompanied by an understandable fear of moving from a new formulation of faith in Jesus to a new practice, a conscious or unconscious fear that the new understandings of the faith may have very real consequences for the concrete life of the religious, the communities and the entire congregation.”*

The temptation exists to allow our traditional structures of thought as well as action to justify not accepting such changes.

“If religious presuppose that just because they are religious they know what Christianity is, that they are living it, and are already in possession of the Christian faith, then they are in fact losing sight of the very heart of their faith.”

The latest *Far East* shares the story of Clement Shahbaz Bhatti, a Catholic and the only Christian Minister in the Pakistan parliament, who was recently assassinated. In his twenties he decided not to marry so he could be free to devote his life to the struggle for human rights of the oppressed and for justice and peace – a highly counter-cultural choice to make.

“He knew his life was in danger and his family warned him many times and urged him to leave the country. As a faithful disciple of Jesus who gave his life, Shahbaz too felt he must continue the struggle, no matter the consequences. He got to know deeply the meaning of the Cross.”

This man had become deeply christianized and accepted the consequences of that.

Fr Denis Edwards in his recent talk here in Brisbane: ‘*Jesus and the Natural World*’ spoke of the need for five levels of conversion if we are to become truly committed and faithful to God’s view of the cosmos. They included usual factors such as conversions of the mindset and the heart resulting in changes in our personal lives and values expressed in actions. He felt however that the fifth level was the deepest and here he asks: how far are we prepared to put our own lives on the line for what we believe. For that is the other side of the task of believing in respect for the dignity of every human person, of choosing to stand with the oppressed. What steps do each of us have to take to express solidarity for justice with marginalized groups such as the refugees, the Indigenous peoples and the homeless ones?

A Columban *Far East* story of Christians under attack in the Punjab in Pakistan puts it more vividly: “*When other minorities are attacked, Christians and their leaders need to reach out to them, offer support and solidarity. On the few occasions this has happened it has been much appreciated. It also develops networks of support and enable Christians to break out of their ghetto mentality.*”

Martin Luther King in his **Letter from Birmingham Jail** explores this solidarity more fully. He explains why he believed he must stand with his Negro brothers and sisters in opposing segregation in a town not his own: “*We are all caught in an inescapable network of mutuality, tied in a single garment of destiny.*”

Solidarity for justice with a marginalised group such as the refugees and asylum seekers forces us out of our cocoon of safety, challenges any complacency we may have in our views of religious life. As Pope Francis says: “*Mission is key to ministry. A Church that does not go out of itself, sooner or later, sickens from the stale air of closed rooms*”. Pope Francis went on to concede that at times, like anyone else, in going out the Church risks running into accidents. But he added “*I prefer a thousand times over a Church of accidents than a sick Church.*”

We too will make mistakes, pay costs. But we will become more christian. We are living here right now at a time of terrible injustices in our society – in an Australia whose government has just seen fit to pass legislation to excise the entire mainland from the migration zone – a move that if copied by other nations will threaten the very concept of asylum world-wide. Likewise laws have been passed where many in the community awaiting determination of their status, do not have the right to work and where others detained under ASIO assessments do not have the right to know why or to appeal. And this is happening at a time when we are given the task to become a church of the poor.

We are writing this on Pentecost Sunday – the time of the great Advocate. Can we through our advocacy show our solidarity with these oppressed peoples?

When do rules or laws need to be challenged?

In St. Luke's Gospel account of the cure of the crippled woman, Jesus is criticized for breaking a religious law by healing on the Sabbath, the day dedicated to rest. Jesus calls his critics hypocrites, asking why they can interpret the law to allow them to untie and release their animals on the Sabbath and not let a woman be unleashed from the binds of Satan after 18 years.

The two following articles deal with instances where two leaders, Pope Francis in 2013 and Martin Luther King in 1963, saw fit to break rules or laws. As Andrew

Hamilton sj notes, the Pope was right to do as he did on Holy Thursday in the juvenile detention centre because *'the purpose of rules and laws is to shape an order that protects human flourishing'* and in this case the *'self respect of the prisoners'* was at stake. Martin Luther King, in explaining his actions in the 'unlawful' protest against segregation in Birmingham, Alabama, reasons that there are two kinds of law 'just and unjust' and cites St Augustine in declaring that *'an unjust law is no law at all.'* And similarly for the civil rights leader *'any law that degrades human personality is unjust'*.

Francis' right to break the rules

Good symbols create ripples. They get you musing and making unexpected connections. They are apparently superficial but quickly draw attention to the foundations.

Pope Francis' Holy Thursday expedition to the juvenile justice centre to wash the feet of young people, male and female, Christian and Muslim, was a case in point. It was a symbol of pastoral outreach to the disadvantaged outside the Catholic community, but it also prompted discussion about the place of law in church and society. This reflection is much needed in Australia today.



Catholics have often seen rules about liturgy and other aspects of Catholic life as sacred in the sense that they are unalterably binding. And although the laws of the state may be bent to fit self-interest, many Australians also see them as sacred and not to be broken under any pretext. The mythical cavalier Australian approach to law and rules in our day is just a myth. Those who break laws for whatever reason are inordinately blamed.

That is evident in the common Australian attitude to asylum seekers. Although they have arrived legally in Australia to claim protection, they have only to be described as illegals to lose

any support they had.

It is now also rare for idealistic people to commit such symbolic breaches of the law as trespassing on military bases in order to proclaim the injustice of Australian military ventures. For most Australians it is enough to hear that they have broken a law passed by Parliament to condemn them and their action without further reflection.

Missing in these approaches to law is the recognition that rules and laws serve a higher purpose.

They shape an order that protects human flourishing. The flourishing of persons in their relationships to others and as a society and to the world is what matters most deeply. In the language of Catholic canon law, 'in the Church the salvation of souls must always be the supreme law'. The reason for state laws, too, is to create a space within which human beings can reach their human potential in a way that enhances all people.

This means that rules are to be obeyed not simply because they are enacted legally, but because they support human flourishing.

For this reason they may allow explicit exceptions, and courts will allow room for implicit exceptions. Police and ambulance drivers for example, are entitled to disregard traffic laws when lives are at risk, provided they can do so safely. Any citizen would justifiably do the same if their child's life was at stake, again providing it was safe.

And if people were threatened with death in their own nation, it would be right for them to seek protection in another country whatever the laws of that nation prescribed.

Similarly when Pope Francis breached liturgical rules on Holy Thursday he was right to do so. Not because popes make the laws, and so can break them, but because the self-respect of the young prisoners (the salvation of souls) was at stake. In the same circumstances any celebrant would rightly do as the Pope did.

Because laws and rules exist to make space for human beings to flourish, we have a responsibility to challenge government laws and actions that we judge to be seriously detrimental to human flourishing. Such symbolic and peaceful breaches of the law as stepping over the boundaries of military bases and chaining oneself to trees are a way of drawing attention to the perceived wrong of military actions and environmental destruction.

Those reviled as lawbreakers in their own time are often retrospectively honoured as custodians of the national conscience. They are both hated and applauded because their actions impelled people to ponder what is right.

Of course there is a cost to human flourishing when laws are broken. As a canon lawyer said of Pope Francis' action, it can diminish respect for the law. Instead of prompting people to ask about what is right, it can encourage them to believe that the law is to be obeyed only when it is in one's own interests.

That is why the virtuous context of conscientious law breaking is so important: its insistence on what matters, its peacefulness and its respect for those who administer the law.

Both church and state laws are securely grounded when there is a shared sense of the importance of human flourishing. When this is absent, manipulation of the law out of self-interest, vindictive attitudes to wrongdoers and servile adherence to rules flourish. These apparently incompatible pathologies have a common root: a lack of respect for the values that law serves.

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Letter from Birmingham Jail

*Fifty years ago on Good Friday Martin Luther King was arrested while on a protest march and confined to jail in Birmingham – then the most segregated city in the United States. While there he wrote a letter in response to a public statement of concern issued by eight leading white clergymen who were among the most racially moderate in that state. However, in this statement they had branded Dr King as an extremist, condemned the protests and cautioned the Negro population to “wait”. Written to begin with on the blank margins of a newspaper and other scraps of paper with stubs of pencils, this letter published as **“The Negro is your brother”** stands as one of the classic documents of the civil rights movement. In*

confronting the sin of racism through nonviolent action Martin Luther King knew that unjust laws had to be challenged and broken.

The following is a very abridged version of this 'very long' letter, worth reading in full, of which his friend, Rabbi Abraham Joshua Heschel wrote: "God is raging in the prophet's words."

April 16, 1963

My Dear Fellow Clergymen:

While confined here in the Birmingham city jail, I came across your recent statement calling our present activities "unwise and untimely." Seldom, if ever, do I pause to answer criticism of my work and ideas. If I sought to answer all of the criticisms that cross my desk, my secretaries would be engaged in little else in the course of the day, and I would have no time for constructive work. But since I feel that you are men of genuine good will and your criticisms are sincerely set forth, I would like to answer your statement in what I hope will be patient and reasonable terms.

I think I should give the reason for my being in Birmingham, since you have been influenced by the argument of "outsiders coming in".

I am in Birmingham because injustice is here ... I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea. Anyone who lives inside the United States can never be considered an outsider ...

We have waited for more than three hundred and forty years for our God-given and constitutional rights. The nations of Asia and Africa are moving with jet like speed toward the goal of political independence, and we still creep at horse-and-buggy pace toward the gaining of a cup of coffee at a lunch counter. I guess it is easy for those who have never felt the stinging darts of segregation to say "wait" There comes a time when the cup of endurance runs over and men are no longer willing to be plunged into an abyss of injustice where they experience the bleakness of corroding despair. I hope, sirs, you can understand our legitimate and unavoidable impatience ...

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, it is rather strange and paradoxical to find us consciously breaking laws. One may well ask, "How can you advocate breaking some laws and obeying others?" The answer is found in the fact that there are two types of laws: there are just laws, and there are unjust laws. I would agree with St. Augustine that "An unjust law is no law at all."

Now, what is the difference between the two? How does one determine when a law is just or unjust? A just law is a man-made code that squares with the moral law, or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas, an unjust law is a human

law that is not rooted in eternal and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality ...

There are some instances when a law is just on its face and unjust in its application. For instance, I was arrested Friday on a charge of parading without a permit. Now, there is nothing wrong with an ordinance which requires a permit for a parade, but when the ordinance is used to preserve segregation and to deny citizens the First Amendment privilege of peaceful assembly and peaceful protest, then it becomes unjust.

Of course, there is nothing new about this kind of civil disobedience. It was seen sublimely in the refusal of Shadrach, Meshach, and Abednego to obey the laws of Nebuchadnezzar because a higher moral law was involved. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks before submitting to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience.

We can never forget that everything Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary (*in the 1956 revolution*) was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. But I am sure that if I had lived in Germany during that time, I would have aided and comforted my Jewish brothers even though it was illegal. If I lived in a Communist country today where certain principles dear to the Christian faith are suppressed, I believe I would openly advocate disobeying these anti-religious laws ...

I have no fear about the outcome of our struggle in Birmingham, even if our motives are presently misunderstood We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands ...

Never before have I written a letter this long-or should I say a book? I'm afraid that it is much too long to take your precious time. I can assure you that it would have been much shorter if I had been writing from a comfortable desk, but what else is there to do when you are alone for days in the dull monotony of a narrow jail cell other than write long letters, think strange thoughts, and pray long prayers?

If I have said anything in this letter that is an understatement of the truth and is indicative of an unreasonable impatience, I beg you to forgive me. If I have said anything in this letter that is an overstatement of the truth and is indicative of my having a patience that makes me patient with anything less than brotherhood, I beg God to forgive me.

Yours for the cause of Peace and Brotherhood,

MARTIN LUTHER KING JR.

The full text of this letter is available at

www.uscrossier.org/pullias/king-jr-letter-from-birmingham

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