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INSTITUTE

Occasional  
Papers

Faith, hope  
and trust

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# Amen

In 2019, Damien Freeman and David Corbett undertook research into the practice of reciting prayers in parliament.

*Amen: A history of prayers in Parliament* provides an overview of prayer in legislatures throughout Australia, the Commonwealth of Nations and the United States.

## PRAYERS FOR PARLIAMENT

There is a longstanding practice of saying daily prayers in legislative chambers in Australia, the United Kingdom, the United States, Canada and New Zealand.

## THE LORD'S PRAYER

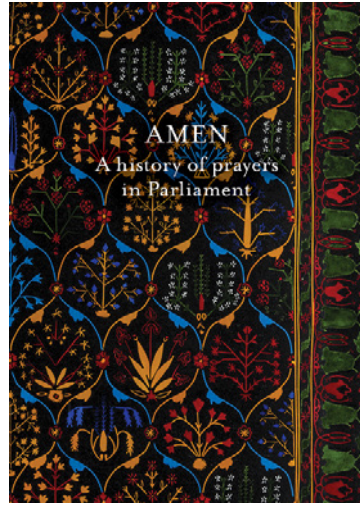
A prayer asking God to bless the Parliament and to guide the parliamentarians to pursue the common good is often accompanied by the Lord's Prayer, which was given by Jesus to his followers, who asked him to how to pray.

## PRAYER AS EXPRESSION OF HOPE

The power of words is at the core of Parliament as a place of speech and dialogue. The words of the prayers seek to comfort, humble, forgive, and reconcile: they are an expression of hope.

## INCLUSIVE SECULARISM

Public prayer is an opportunity to affirm a long history of inclusive secularism in Australia, which respects the place of religion in public life, rather than exclusivist secularism, which seeks to eliminate it.



## STATEMENT OF SHARED ETHICS

Although other religions may not share certain aspects of the theology underpinning the Lord's Prayer, its statement of ethics is broadly shared by many other religions. The recitation of prayers in Parliament is an invitation to dwell on the higher things that underpin Australians' way of life.

Copies of the PM Glynn Institute Occasional Papers are available at [pmglynn.acu.edu.au](http://pmglynn.acu.edu.au)

Printed copies are also available by emailing [pmg@acu.edu.au](mailto:pmg@acu.edu.au)

# Speaking of suffering

In 2020, Michael Casey and Joseph Doyle conducted a survey of the academic research on end-of-life experiences to encourage a conversation about dying and suffering.

*Speaking of suffering: Towards a conversation about dying and death* presents findings of current qualitative research on attitudes affecting our approach to palliative care and end-of-life care.

## LACK OF DISCUSSION

The anxiety that surrounds the prospect of death often leads us to avoid the topic of illness and dying altogether. The discussions we do have are often marked by fears of suffering and the loss of dignity and autonomy caused by a chronic or end-of-life illness. A public discussion about death and dying would be beneficial in many ways.

## TYPES OF SUFFERING

Suffering at the end of life can extend beyond physical pain and affect the whole person. It includes:

- physical suffering
- psychosocial and existential suffering
- loss of autonomy and dignity.

Each of these forms of suffering has many aspects that need to be understood and addressed.

## A CONVERSATION ABOUT DYING

The success of a public conversation in fostering deeper reflection and a sense of reassurance depends upon dealing with the reality of death in an open and sensitive manner. Dying can be very difficult for some people and very distressing for families, and it is essential to be clear about what can and what cannot be achieved through palliative and end-of-life care.



## EFFECTIVE END-OF-LIFE CARE

Highlighting that effective avenues for treatment at end of life exist is a key starting point, including raising awareness about palliative care. Good palliative care and social support makes it possible to provide physical, psychosocial, and spiritual comfort that helps relieve the symptoms of suffering.

## LIFE IS STRONGER

Establishing an integrated approach to treat all aspects of suffering can help to alleviate the fear of dying and of being a burden. In this way, it is possible to replace the loss of dignity and autonomy that is often experienced with a sense that life is stronger than death, even in the midst of sickness and dying.

# Finishing up business

In 2021, Kerry Pinkstone examined Australia's 65,000 years of traditional Aboriginal and Torres Strait Islander knowledge that remain undervalued when approaching issues in our modern society.

*Finishing up business: What we can learn from Australia's First Peoples about dying and death* seeks to better inform the debate our nation is continuing to have about end-of-life care, including voluntary assisted dying.

## HEARING INDIGENOUS VOICES

Culturally, Indigenous people are hesitant to talk about dying and death. There is a risk their views are not considered, and that the broader discourse on end-of-life issues continues without understanding what we could learn from Indigenous peoples.

## CULTURALLY UNACCEPTABLE

The period before death is an important time for passing on cultural knowledge through ceremonies, healing relationships, and coming together, and is seen as preparation for the next stage of a person's spiritual journey. Euthanasia is therefore culturally unacceptable given the importance of this time for the individual, their family and community.

## BURDEN OF PREMATURE DEATHS

The burden of disease and premature death weighs heavily on Aboriginal and Torres Strait Islander peoples. When life is taken away prematurely, it becomes more precious.



## MISUNDERSTANDING VALUES

When Indigenous views are considered in debates about legalising euthanasia, they are typically reduced to a problem of misinformation leading to a fear of doctors and making people fearful of accessing care, rather than as a deep cultural opposition that is values-based.

## INDIGENOUS INTERDEPENDENCE

Humans are relational beings whose sense of identity and interests are shaped by our connections to others. Our connectedness as a society means we are called to honour our fellow human being and respect life.

# Seal of confession

In 2020, Damien Freeman and Joseph Doyle undertook research into the Catholic Church's requirement that a priest not divulge information obtained as part of a confession.

*Seal of confession: The public interest in confidential communications* provides a new approach to understanding the seal of confession, in light of the public interest that the civil law often ascribes to protecting confidential communications.

## CONFIDENTIAL COMMUNICATIONS

Confidential communications are necessary for important professional relationships to function, and this is widely accepted in Australian society. For example, the vital contributions of lawyers and doctors to society could not be achieved without client/patient confidence in the confidentiality of sensitive information entrusted to them.

## PUBLIC INTEREST IN CONFIDENTIALITY

There is a public interest in confidential communications because accessing important forms of help often require people to disclose sensitive information. The public benefits when people receive support by confidentially disclosing personal information to professionals that they would otherwise have withheld due to fear of reprisal or public embarrassment.

## LEGAL PROTECTIONS

In 2010, the Australia Law Reform Commission recommended extending the legal protections under the Uniform Evidence Act, allowing the exclusion of evidence derived from confidential communications. The ALRC argued that greater harm could come from compelling this information, which would undermine the services provided by lawyers, health practitioners, journalists and ministers of religion.



## CONFESSION AS A TYPE OF CONFIDENTIAL COMMUNICATION

In the Catholic sacrament of confession, conducted in the one-to-one conversation between priest and penitent, Catholics believe that they confess their sins directly to God through the ministry of the priest. Just as in the relationship of patients to their doctor or lawyer, the relationship between the priest and penitent in confession only functions effectively in a context of confidentiality.

## PUBLIC INTEREST IN THE SEAL

Penitents need to be free from fear of exposure to seek the help that they need to overcome their moral failings and to confront their own wrong-doing. Given the value that the priest-penitent relationship provides to the wellbeing of those who use it and to society, there is an evident public interest in maintaining the confidentiality of the communications within confession.

# Neither sword nor shield

In 2021, Lukas Opacic and Damien Freeman investigated the intersection of law and philosophy in religious freedom.

*Neither sword nor shield: Religious freedom in principle and legislation* discusses statutory options for implementing the ten philosophical principles of religious freedom advanced by Frank Brennan and Michael Casey in *Chalice of liberty: Protecting religious freedom in Australia* (Kapunda Press, 2018).

## RELIGIOUS FREEDOM

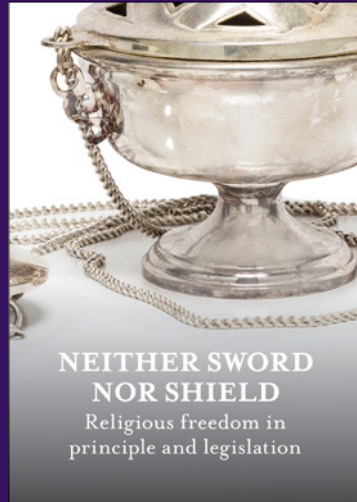
Religious freedom is a fundamental human right. It is the freedom to form communities of “solidarity, fraternity, and charity, oriented to God and neighbour.” Its universality arises from the way faith articulates those aspects of our lives which point to the spiritual and the transcendent.

## PUBLIC DIMENSION OF RELIGION

Religious belief is not merely a matter of private choice that has nothing to do with one’s relationship to others or the law, because faith both shapes an individual’s actions in the community and is always something shared with other people. This is also why religion cannot be reduced to a set of individual interests to be ‘balanced’ with other individual interests. It is necessarily a public affair, and requires public protection.

## PROTECTING INSTITUTIONS

Respecting and protecting the dignity of religious believers is not possible without according religious institutions and services due respect, both for the contribution they make to our life in common, and as manifestations of people’s faith and religious convictions. Practically speaking, this means that legislation should include provisions that protect religious institutions - as well as individuals - from unfair or discriminatory treatment.



## RESPECTING HUMAN RIGHTS

Faith genuinely held represents considered conclusions about the fundamental reality of existence and what is true and good, and provides a foundation for both one’s moral life and sense of identity. Thus, to respect and protect religious freedom is a profoundly humanitarian duty: a society’s protection of religious freedom is often an accurate measure of the extent to which it respects human rights.

## DEMOCRATIC SOCIETY

Religious freedom is an essential feature of a democratic society, because it represents our willingness to continue living together despite deep disagreements about life’s most fundamental questions. To protect religious freedom is to respect the rights of all people, whether or not they are religious.

# So help me God

In 2020, Damien Freeman and David Corbett undertook research into the law relating to oaths of office in Australia.

*So help me God: A history of oaths of office* provides an overview of oaths required in public institutions in Australia.

## SOLEMN PROMISES

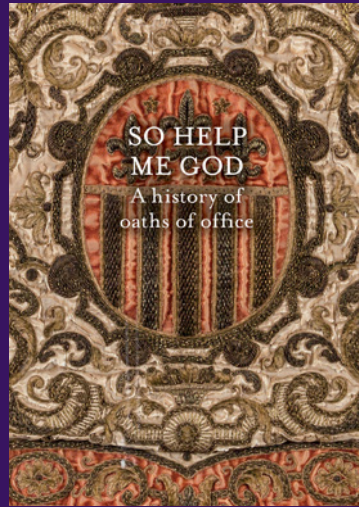
An oath is a solemn promise that invokes a divine witness, and an affirmation is a similar promise solemnised in a non-religious way. When a person makes a solemn promise to behave in a certain way, that promise gives other people some reason to believe that the person will behave accordingly in the future.

## LEGAL REQUIREMENTS

In Australia, the law requires people to make solemn promises of loyalty, duty and honesty in certain situations, such as when assuming public office, giving evidence in court, or becoming an Australian citizen.

## HISTORY OF REFORM

Oaths of office date back to pre-Christian times, although the current Australian practice has its origins in 19th century English reforms. In the 1990s, there was further reform of the citizenship pledge and the oaths of office taken by federal ministers. This history of reform reflects a commitment to the idea that individuals should be able to choose to solemnise their promises either religiously or non-religiously.



## RESTORING TRUST

Given the decline in trust in Australia's public institutions in recent years, a renewed commitment to the significance of the oath of office might contribute to the restoration of trust in public institutions.

The PM Glynn Institute was established by Australian Catholic University (ACU) in 2016 as a public policy think tank to analyse issues of concern to the Catholic Church and the wider Australian community. Its focus is public policy for the common good.

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Cover image: Father Maurice Keating OP, *St. John the Evangelist*; c.1965 - 1967 (detail).  
Glazed ceramic tiles. Australian Catholic University Art Collection.

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