

I'll be speaking of two experiences, the first pretty straightforward, the second needing a little unpacking. Each illustrates two things: what happens when someone learns to listen, and what the case is when your dialogue-partner is an institution.

At one time I was a member of both the Irish Commission for Justice and Peace and the Commission for Prisoners Overseas. And for about ten years I was an observer on behalf of the Bishops' Conference at hearings, in Ireland and in this country, which challenged the convictions of men and women, claiming - successfully in the main - that the people in question were wrongfully convicted. One of the most famous was that of the Birmingham Six, six natives of Northern Ireland, convicted of carrying out the bombings in Birmingham which resulted in the deaths of 21 people, with at least 160 injured.

And here there were two kinds of listening in question, the listening that the system of justice permitted, and my own listening, as someone outside the system, observing the proceedings, answerable to the Irish Catholic Bishops for a start, but answerable in the end to conscience.

When asked to be an observer at that appeal hearing in November 1987 I had only a vague memory of what took place in Birmingham thirteen years earlier, and at short notice had no opportunity to prepare. Which was a good thing in its way, for it meant that I had no fixed preconceptions about the merits of the case. No *fixed* preconceptions; and yet, somewhere in my mind lurked that piece of folk wisdom 'no smoke without fire'. By which I mean that I was ready to think that the men, or some of them, might be guilty. Not quite 'sitting in the fire' (Catherine), though not unlike it; and in an odd way, not altogether a bad thing, for at least it held a prejudice or two in the other direction in check. The role required that I 'pay attention' and prepare to 'be astonished' and to 'tell about it' (Sue)

And by about the third week it was clear that, from the law's vantage-point, the conviction was on very shaky ground. Two witnesses in particular - key witnesses - led to that

conclusion: Dr Frank Skuse, forensic pathologist, and Detective Inspector George Reade, the officer in charge of the men's interrogation at Winson Green in Birmingham. Even as he gave direct evidence it was hard to take Skuse's testimony seriously, and the defence took it apart in cross-examination. Reade's body- language and some of his answering were enough to raise a doubt about the veracity of his account, and it wasn't a total surprise to hear his evidence flatly contradicted by PC Lynas, a policewoman who saw what happened.

The contradiction didn't occur when she was first questioned, and she was brought back after the weekend to testify again, acknowledging that she hadn't told the full truth on Friday. Of course you had to ask, as the judges did, why should she believe now? But it required courage for her to come back, and she was letting herself open to a charge of perjury, and what she said the second time had a ring of truth. And by that time, about half-way through the six-week hearing, I became convinced that the conviction was 'unsafe and unsatisfactory'.

It remained possible that the men, or some of them, were at least in some way involved. But as time went on, and I came to know their families, it began to be clear that these men didn't do it. Chance remarks, impressions of the kind of people they were, conversations with their families and folk who knew them - a gradual accumulation of 'data', to a point at which I became morally certain that they were innocent. A view *not* shared by Lord Chief Justice Lane who said: 'The longer this case has gone on, the more convinced this court has become that the verdict of the jury was correct'.

Two 'listenings' were involved in that experience: mine, where 'deliberate and intentional' listening led to a change of mind, and the legal system's listening. In what happened to the Birmingham Six and in other cases, the system failed to do justice because it had not *heard* the truth. And it hadn't heard the truth, not because the truth wasn't told, but because of a kind of imperviousness: an unshakeable confidence in the system on the part of the judges, and a determination to ensure that the integrity of the institutions of law and order would not be put in question.

Just think of this. When the men were first sent for trial, the judge Lord Bridge made his views clear: 'and he suggested that if Dr Skuse was wrong about his findings, that would mean he had wasted most of his professional life; that if the men's confessions were false and had been signed as a result of police brutality, 'the enormity of the conspiracy within two police forces beggared belief.' A similar note was sounded later by Lord Denning, otherwise a noted champion of human rights, when he described the possible revelation of police perjury and violence as 'such an appalling vista that every sensible person would say, "it cannot be right that these actions should go any further."'"

As one commentator put it, 'The Birmingham Six story was not only one of extreme police misconduct. What took it to an additional level of monstrosity were the actions of some of the judiciary, who seemed more concerned with upholding the reputation of the criminal justice system than seeking the truth.' As we gathered along with the families and some of the lawyers on the night the appeal was turned down - at what was meant to be a celebratory céilí - it seemed as though the situation was one of those 'realities that we cannot change'. (Kamara)

Yet there *was* a change: campaigning on behalf of the Six resumed, and three years later, '[n]ew evidence of police fabrication and suppression of evidence ... caused the Crown to decide not to resist the appeals'. The Court of Appeal, differently constituted, pronounced the convictions unsafe and unsatisfactory, and on 14 March 1991 the six men walked free.

That story features someone who learned to listen - me - and an institution or system which was functionally deaf. The second story has the same ingredients, an institution that's often deaf, and someone - me again - taught a lesson in listening. This time I'll be using 'listening' metaphorically, for it was in the course of reading a book that I had an experience that led to a kind of revelation, an insight, which is relevant to our concerns today.

What happened was that I was asked to review a book entitled *The Curia is the Pope*, subtitled 'and why it cannot listen' by a man called John O'Loughlin Kennedy - who happens to be, with his late wife, a co-founder of Concern Worldwide. The title echoes a reply made by Pope John Paul II, explaining why he hadn't taken a firmer line with a member of the

Curia who disagreed with him about some proposed course of action. O'Loughlin Kennedy's credentials were impressive, he was saying things that resonated, and his recommendations made sense, and to that extent his book seemed to merit a positive review. I had however wondered whether he'd studied theology.

The question arose as it were automatically, and persisted as I began to notice shortcomings. Some were small: St Augustine was not in fact a lawyer, as the author says he was; on a more important matter, authority for a sweeping sentence about Augustine's understanding of Original Sin is found in a book by a deceased Baptist scripture scholar. More seriously still, he doesn't seem to be aware of the tradition's nuanced account of what it calls Theological Notes, knowledge of which helps put the several kinds of magisterial pronouncements in their place. I could go on.

So, a positive review? And what to make of the shortcomings? I started to go through the book again, this time alert to the fact that O'Loughlin Kennedy isn't purporting to offer a theological treatise. His book is 'an assessment from the pew of how some current weaknesses of the Church might be overcome...a critique of the management structure and its disordered priorities... [by] a committed member, concerned at how easily religion can obscure rather than illuminate the Way'.

And then it dawned on me that I hadn't really been *listening* to him. That I'd been distracted by matters of concern to a professional theologian: that a thesis like the book's needs to be underpinned by scholarly authority; that mistakes and generalisations such as I've mentioned weaken the author's case. Not that such matters are irrelevant, but a preoccupation with them was preventing me from hearing O'Loughlin Kennedy's message.

So this time my reading was going to be 'deliberate and intentional' (Vincent). And this time I would actually listen to him, a committed Catholic, co-founder of what was then called Africa Concern, in response to famine and conflict in Biafra; a distinguished economist, qualified also in the skills of management; someone whose administrative abilities have been demonstrated over decades of work with Concern. And unless his handling of

theological concepts was such that it affected the burden of his argument, did it matter whether he is formally trained in theology or not?

What I'm saying is that a professional reflex almost prevented me from taking in what John O'Loughlin Kennedy was saying, from *hearing* it - perhaps preventing others from hearing it, had the review made much of the book's shortcomings. And that set me thinking about ways in which official or professional roles in the Church can impair their holders' capacity to listen. Obvious instances, as when clericalism or what what Jim calls hierarchicalism makes churchmen deaf to anything that challenges their way of thinking. Or when, as happened a few years ago, a document was issued by the Congregation for Catholic Education entitled *Male and Female He Created Them: towards a path of dialogue on the question of gender theory in education*. An important topic, a document not without merit which, however, for all that it called for dialogue, showed no sign at all of its authors' having listened to LGBTQ+ Catholics.

A complication is that issues are often addressed not in terms of theology but of canon law. A glaring example is the letter published in 2017 by four cardinals, criticising *Amoris laetitia*. The cardinals' very language provides a clue to their perspectives: the word "valid" is familiar in legal discourse but is not normal usage in moral theology or ecclesiology in reference to church teaching and theology. Theology asks whether a doctrine is a matter of faith; whether it's changeable or unchangeable; where it stands in the 'hierarchy of truths'. When the cardinals ask whether certain teachings of John Paul II and Benedict XVI are 'still valid', they are using the language of law; and then you realise that their perspective on Chapter 8 of *Amoris laetitia* is a lawyer's. And while canon law has its place, it is subordinate to theology, which in turn is subordinate to kerygma.

We can see a legal mind-set also in the way in which some pastorally sensitive questions are addressed: intercommunion for example, or whether divorcees who re-marry should be admitted to Holy Communion, or whether same-sex unions may be blessed, or when it's maintained that President Biden and other members of the pro-choice Democratic Party should be kept away from the Table of the Lord.

One of Tina's observations goes to the point of all that I've been thinking about. She said: 'I am often challenged and threatened, before I am hopefully enlightened or able to grow and to learn by what I'm hearing. What happens when I listen to those I fundamentally disagree with? And if I can't listen to them, I am in an echo chamber – a risk that is particularly acute in the world of academia and in some church circles'. Indeed: a risk particularly acute in the academy and in some church circles. The academy's conventions, or those of the Church at whatever level, important and even necessary as in context they may be, can take hold of one's mind in a way that blocks access to a larger world, more complex, the real world. That deafen one to other discourses, blind one to ways of seeing that are shaped by a different experience of what it is to be a human being.