

PASTORAL PERSPECTIVE

By Bishop Joseph L. Hogan

The Ministry of Justice

[Homily delivered at the 31st Annual Red Mass in the Diocese of Rochester last Friday at St. Mary's Church in Downtown Rochester in a ceremony marking the opening of the Court for the coming year and the invocation of the Lord's blessings upon members of the legal profession, the law enforcement agencies and the judiciary.]

"By Me kings reign and lawgivers decree just things. By Me princes rule and the mighty decree justice." Proverbs VIII 15-16.

You are assembled here today to make a public declaration of dependence on Almighty God — to beg the special assistance of the Holy Spirit on the particular needs of your profession. This becomes so important especially in this day when lawlessness abounds, and the philosophy of permissiveness promoted by armchair philosophers and educators has gained the victory of the moment. This Red Mass, the 31st in the history of our diocese, was probably first celebrated in the 13th Century. It appears to have been an almost spontaneous adoption of the Holy Sacrifice of the Mass, the Church's age-old expression of dependence on God, to the needs of the Court and of those whose lives are dedicated to the dispensing of justice.



Early records of this Mass show that it was celebrated principally in France, Italy and England. In France, King Louis IX (Later St. Louis) built in Paris a special Chapel for lawyers. The Mass was celebrated in honor of the famous lawyer — Saint Ives (whose Feast is celebrated on May 19) and who is honored by the Church as the universal Patron of your profession.

In Italy, the Red Mass was closely associated with the Sacred Roman Rota, the supreme juridical body of the Roman Catholic Church. In England, this Mass, first celebrated about 1310, was offered four times a year to mark the opening of each of the four terms of Court (Hilary, Jan. 11; St. Michael's, Sept. 29; Easter and Trinity). The judges appeared at this Mass clothed in red robes to match the vestments of the celebrant of the Mass. This color was to become the distinctive hue of university doctoral gowns.

In 1928, the first of these Masses in this country was celebrated in St. Andrew's Church in New York City. Today it is celebrated in some 20 cities of our country.

Your presence here today speaks well for the exercise of your noble and responsible vocation. You kneel in petition before the Eternal Law-Giver — to seek His guidance — this is a profession of your faith — that God alone is truth — is justice — the absolute — the ultimate, the beginning and the end. It is a public admission that if God goes from your life, and from your profession, then nothing remains. If He goes, then goodness, truth, beauty, justice — all must go.

Your presence indicates, too, your knowledge of the two basic laws of a successful life — announced by the Lord of the Universe 1900 years ago to a group of lawyers. It is interesting to note that your profession is referred to about five or six times in the New Testament. In all the instances lawyers are usually portrayed in the unenviable role of hecklers, trying to ensnare our Lord in His speech. You are described as "tempting Him", "putting Him to the test" or "seeking to ensnare Him in His

speech." One of these occasions is recorded by St. Matthew XXII 35-40, "Master, which is the great Commandment in the Law?" To this question the Master replied, "Thou shalt love the Lord thy God with thy whole heart and thy whole soul, and thy whole mind", "and the second", He continued, "is like unto it, — thou shalt love thy neighbor as thyself."

You recognize, then, that since God is our Creator upon whom alone we depend for our existence and continuance in life, it is but logical that we belong to Him — owe Him all that we are and have. You recognize, too, that this neighbor of ours, embracing even those who do not seem so lovable — must be the object of our charity, for the fact remains that man with all his tragic contradictions is still the Creator's masterpiece. He is still beloved by God — not because of his sins and imperfections, but in spite of them — because he bears in his soul the image and likeness of his Creator.

These two basic principles form the substance of all the eternal and immutable Law of God — of which every just Civil Law is a participation. Your lives, the exercise of your profession will one day be judged by these decrees — the judgment will be infallible — the Judge omniscient — the trial just — no clever words will plead your case — the light of Divine Wisdom and Justice will search every corner of your soul.

Let us suggest to you this morning some of the trials and temptations that beset you as members of the Bar — some of the occupational hazards endangering your fulfillment of the Law.

There are some of your profession today who put the very existence of right and wrong as legal values in jeopardy — who disregard the fact that antecedent to all human law there is an objective difference between innocence and wickedness — and assume that the law itself establishes this difference and that the difference can be changed at will.

There are those who discount as a fiction the universal dominion of God — who insist that law has its own sphere of action, its own species of truth which may or may not coincide with the truths revealed by God.

You are associated with men who have forgotten that there exists a rational order of truth and justice, which man did not create, since it is a reflection of the eternal mind of God — but which man can discover, since he is himself made in the image of God. That it was to this rational order of truth and justice that the Declaration of Independence referred when it said "We hold these truths to be self-evident."

You belong to a profession represented by men who prefer to say that Law is nothing more than sanctified social custom and that it has no more validity than that which society from time to time wishes to confer upon it.

You are associated with men who treat the practice of law as a game with an amoral set of rules — similar in many ways to those of charity and justice but not subject to them — or as a sort of civilized trial by combat in which the decision depends upon cleverness and the glib tongue — rather than on the merits of the case.

You are associated with men who have forgotten the dignity of their profession — who are satisfied with merely "handling a case" — whose clients mean no more to them than a case number — who do not hesitate to twist facts to suit their own ambition.

Against these dangers join your voices in the prayer today, "O Lord, deliver us."

A few years ago, a stern warning was issued by Attorney General Ben Sheppard of Texas, then President of the National Association of Attorneys. Alarmed at a Chicago University poll showing that the public ranks lawyers at the bottom of the list in contributions to society, he asked this challenging question: "How far have we gone toward eliminating from our ranks the moral misfit, the lawyer who will sacrifice a principle to win a point, and discredit reason to get a rationalized decision?" "This country", he continued, "is badly in need of idealistic lawyers."

The late Pope Pius XII once warned the graduates of the Law Schools of Spain: "Yours is a career that requires a true vocation: one should never start out on it if he does not possess knowledge of the good and the just. It is a career that demands continuing application and study, for it will impose responsibilities on you by which you will be obligated in conscience, and of which someday you will be required to render an account before the tribunal of the Eternal Judge — it will require of you a spiritual integrity and moral uprightness, a kind of priesthood dedicated to the ideal of the good and the just."

This, then, my dear lawyers, is your case. The Eternal Judge will render a decision on your life, the fulfillment of your duties, the success of your struggle against the dangers of your office. Let me suggest a lawyer to plead your case — a powerful intercessor, St. Thomas More. He died on July 6, 1535, three years before, he had been Lord Chancellor of England. He loved life and all God had created, but he loved the Creator more. Of him it has been said, "Here perhaps is the supreme instance of nature perfected by God's grace." His holiness worked against what is more stubborn to grace — human earthly power with its downward pull toward the immediate and cheaply won. He had a choice; a signature to an oath unlawfully demanded and with it restoration to office, friendship with the most powerful King in Christendom, and his beloved family — or disgrace, death. Calmly, he chose the latter. His last words were, "I die the King's good servant, but God's first." If any man was forced to answer the question, "What doth it profit a man if he gain the whole world and suffer the loss of his immortal soul?", it was Thomas More.

From his life we may draw the gifts of laughter and wisdom, from his death courage and loyalty to God and principles, and from his transfigured presence before the throne of God a rich and certain intercession.

So today we pray:

"St. Thomas More, be our advocate and counsel before the Divine Tribunal that alone is without error.

Bespeak for us the wisdom to apply the precepts of God's Eternal Law to the problems of our Daily practice.

Intercede for us that we may emulate the sense of humor that made your heart echo with the mirth of Heaven.

Pray that we may spurn false oaths and live as you did, faithful to our trust as members of the Bar, even though by doing so we may be called upon to sacrifice our lives as you sacrificed yours.

These things seek for us through the merits of Jesus Christ, our Lord. Amen."