

Baccalaureate Homily for SU Law

May 18, 2018

Intro:

Serendipitously, today's first reading is one of the very few biblical passages that deal with Roman law courts. Paul, the defendant, does not have to utter even a word before the judge dismisses the case. Then the prosecutor, Sosthenes, is beaten by his compatriots. (Not to be taken as a divine judgment against prosecutors.) Some background may make the case clearer.

Background:

Roman Imperial policy in governing conquered peoples was to let them continue those hereditary religious and ethical practices which did not endanger Roman control. Rome had found a mollified people easier to bleed by taxation. Thus the Romans had declared Judaism a licit religion and gave over to the Jewish courts jurisdiction over religious matters.

In this case, Gallio, the Roman judge, judged that Paul was preaching a simple variant of the licit Jewish religion. Paul was preaching that the long-awaited Jewish messiah had come as Jesus of Nazareth. Orthodox Jews interpreted Paul's preaching as a perversion of their law. Gallio refused to judge religious matters that the Jewish people themselves should adjudicate. And so his judgment is *dismissal with prejudice*. Simple justice comes through the Roman judicial system. The court was one of Paul's friends in Corinth.

John's gospel was written some 45 years after Paul's trial. John theologized that the Divine Word through whom God had created the universe had pitched his tent among us, making the seeing, hearing, and touching of the human Jesus a sensible contact with the invisible, transcendent God. It is a breath-taking notion, beyond the reach of human creative imagination. Even some of John's community could not accept it.

In his farewell discourse to his disciples, Jesus speaks of the pain they will feel when he is put to death by the Roman courts as an insurrectionist. But their pain will be turned to joy when he rises from the dead. Jesus likens it to the pains of childbirth, which are great but which are transformed into joy at the successful birth of her child. At his death they will be in anguish, but their tribulation will be turned into a joy that no one can take from them. His resurrection is the vindication of their faith in the Risen Life of the Son of God.

Elsewhere in the same gospel Jesus will speak of the bald fact that those who are disciples of Christ will have to carry their own crosses as surely as he did for the triumph of justice in our world. Their trial will also be a birth of justice and will be the joy that the disciples will feel in the power of the Risen Christ in their lives.

The meaning for us:

You will be ministers of justice. In the process you will know the anguish of childbirth. Sometime you will lose, sometime you will win. In a loss there is renewed commitment ---appeal. If you lose the appeal there is the quiet joy of knowing that you did all you could do. In the win, there is the thrill of a new birth of justice in our world.

But in the end, we all know that law is a necessary but fragile instrument for justice. There are so many ways in which the system does not work for the poor and the otherwise marginalized of any society. We hunger for justice for all, but it is only partially given through judicial or even legislative action. Often our labor turns

out to produce a stillborn.

The true source of justice in our world is the virtue of justice implanted in all our citizens. For the Catholic tradition, derived from Aristotle, the purpose of the state is to foster virtue in its citizens. The purpose of the government is not to produce money, or prestige, or power; it is to cultivate virtue, and especially the virtue of justice.

But, as Portia points out in *The Merchant of Venice*, justice must also be tempered by mercy. To know how and when to temper justice with mercy depends on the roots of your own compassion for those in the court. For Christians the source of that compassion is being conformed to the compassion which Christ manifested, for the poor, the marginalized, even for those putting him to death according to their own lights. Jesus knew how to judge, and did so, but always with compassion.

That is why we are gathered at this Mass: to hear the gospels speak of Christ's compassion and see how he left us himself as the source of our own compassion. We celebrate here not just the memorial of his life, death, and resurrection, but also his continuing presence among us. The transformation at the Mass is not just the bread and wine into the Lord's Body and Blood, but, through our own communion, our own transformation into the Body of the Lord. Our vocation as lawyers is to be Christ's justice for our world.

It is an enormous responsibility, but it is not all yours. Christ has chosen you to bear fruit and he has promised that he will be at work in you. We keep coming back to that commitment when we gather for Mass. But we must rely on that promise also when we enter our office or go to court.

Because you are, in Christ, God's good news.