

Homily - Red Mass 2007

January 7th, 2007

Feast of the Epiphany of the Lord

Reading I: Isaiah 60:1-6

Responsorial Psalm: 72:1-2, 7-8, 10-11, 12-13

Reading II: Ephesians 3:2-3a, 5-6

Gospel: Matthew 2:1-12

Your Lordship, the Chief Justice, Justices of the Supreme Court and Court of Appeal; other members of the Judiciary; Attorney General; Director of Legal Affairs, President of the Bar Association and Bar Council; Members of the Bar and Legal Profession; Distinguished Ladies and Gentlemen:

It is my great pleasure to welcome you to St. Francis Xavier Cathedral to celebrate the Red Mass once again. Being able to gather freely in worship in this country is a blessing to be cherished, especially when we learn that it is a blessing denied many millions on this planet.

An equal blessing is the fact that members of the legal profession and judiciary still wish to invoke divine guidance on the administration of law and justice among us. This is a tradition we would do well to preserve.

On the occasion of the Red Mass, we find ourselves under the influence of sacred scripture reflecting on the role of law and justice in our midst. Central to our reflection today are the words of the Prophet Isaiah who speaks of nations walking by the divine light. Then we have those parting words of today's Gospel describing how the Magi visited the Christ child and, to avoid the evil of Herod, journeyed home by "another way." These portions of scripture hold forth the promise of healing and prosperity for nations and the ordered societies we all so ardently desire.

Law and justice are essential for the ordering of our life together as a community. As with anything else in this life, they require certain elements to exist. Each group represented here today is an essential member of the law and justice team. Your contributions and personal sacrifices do much to preserve life and order in our country. It is frightful to think where we would be without you. However, the fact that you open the legal year with the Red Mass speaks of an awareness that something other than yourselves

is needed if law and justice are to prevail.

For one thing, our national ambition must be to seek to create a free and virtuous society, no other kind of society is worth living in. The staple features of a free and virtuous society are: Mature democratic processes, economic freedom and a robust moral culture. Yes, a robust moral culture.

Now what does this mean for all of us and what does it mean in particular for those involved in law and justice? It may mean re-thinking and re-ordering our usual way of doing things. It may mean going another way like the Magi--taking another route to our destination to avoid giving evil the opportunity to operate.

To what extent can we honestly claim to have a robust moral culture in this country? This is a question we must ask on an occasion such as this. We live in a country which proclaims Christian faith among the majority, but gives too little evidence of the lived character and expression of Christian faith. A quick review of the past year reveals much.

The year was marked by an increase in homicides. When we should have been celebrating the coming of the Light into the world, our sense of glad expectation was shattered by the news that there had been yet another homicide.

The year was also marked by a continuing disregard for traffic laws, resulting in the loss or maiming of far too many Bahamians in vehicular accidents. It is distressing to know that the victims mostly range in age from teens to the thirties--the flower of our youth who are so important to this country's future. What gives even greater concern is the fact that those who commit the most serious crimes also fall within this age group.

Corruption and antisocial behavior in this country often reach the highest echelons of society and authority, the very ranks that should provide shining examples of integrity and right action for the rest of the people.

What is to be the future of this country if elected representatives are not above resolving a conflict with a fistfight? And should we not be afraid of what is to come, if we do not insist on attracting and selecting the best of our citizens, men and women of true ability and sterling character, to offer as candidates for elective office? We should insist on this in whatever Party

we give our political allegiance.

And what is the responsibility of the media for shaping society and upholding civility? It is my view that they have a major responsibility to provide us not only with information but with accurate information. Beyond that, the media should seek to raise the level of our public conversation on all matters of national interest and concern and maintain that elevated standard of discourse. This is a responsibility that we would be ill advised to neglect in the ongoing process of nation building.

Can we hope for a future of respect for law, civility and peace when the standards and examples offered even by the clergy are so checkered? If men and women continue to form congregations with little instruction and no greater authority than the ability to purchase fancy robes and rent a tent or a store front, we will continue to endure the spectacle of ministers of the gospel in the dock charged with some form of moral turpitude. Are we not supposed to be exemplars of morality, the patterns by which our congregations cut the cloth of their conduct? The scriptures especially the Prophets (Jeremiah 23:ff.) go into great detail about how church leaders should behave. Many of us would do well to read it and heed it.

When the youth of this nation behave impetuously, are quick to anger and revile, take what is not theirs, defile what should be revered, we should really not be surprised. Are they not following exactly the pattern cut by their elders?

Are we making sufficient provision for training our youth in the responsibilities of citizenship, helping them to understand the obligations and pleasures of searching out our God-given talents and using them for good rather than for the disruption of society? We need to spend more time and resources teaching our youth of their glorious potential and how to harness it in harmony with others for the benefit of all.

We fall short in achieving a robust moral culture when we fail to see the need to make better provisions for our elderly, for orphaned children, for the disabled, the indigent and victims of domestic abuse. A robust moral culture holds that health care and access to proper sanitary facilities in rental properties are basic human rights. A robust moral culture promotes access to tertiary education as being essential to national development in the 21st century.

In recent times the late Pope John Paul II promoted the concept of Civil Friendship. He maintained that human society cannot flourish if based on law and contract alone, but needs close and rich associations among those who inhabit society.

The trouble is, in The Bahamas we seem to be losing civic friendship because we are losing our connectedness, our sense of community and, consequently, our ability to carry out harmonious collective action. Some of the most strident voices of the second half of the 20th century very successfully promoted individualism and personal achievement to the neglect of collective achievement, especially at the level of community.

This diminishing of civic friendship among us is particularly to be lamented. But we must seek to recover it. We were a people who survived and thrived in large measure because of the extended, multi-generational family and communal identification and sharing. Neighborhoods where people could engage in conversations from their porches, for example, helped to further feelings of connectedness.

Nowadays, there is a tendency to move away from the old neighborhoods. This tends to leave the less fortunate in these areas in a concentrated stew of misery and anger--a breeding ground for crime.

In the context of the Red Mass and our desire to preserve and further the cause of the law and justice, we can hardly ignore a recent issue that has raised its troublesome head--the question regarding the independence of the judiciary.

We have been afforded the benefit of very wise council in this regard recently by the honorable Chief Justice of Canada. She advises that: "Without independent lawyers and independent judges our countries would not enjoy the rule of law and the individual and collective rights that are our citizens' entitlement." Should the judiciary lose its independence the ultimate victim would be our democratic way of life. Now that is by no means an acceptable or desirable state of affairs for us. So every effort must be made to ensure that there is no doubt that our judiciary is independent and is seen to be so and is respected as such.

Of course law and justice must be the same for everyone--lawmaker, prison officer, Supreme Court Justice, police officer, clergy, man on the street, the common criminal. If not, we open the door to a negative social dynamic

which leads eventually to chaos.

As we enact and interpret the laws which order our life together in community, let us continue to respect some basic and enduring principles.

I would like to mention two of such principles today. The first is that we must hold sacred the dignity and value of the human person. The second is that men and women grow into the fullness of their humanity through relationships. As the writer George Weigel says, “Each of us should exercise his rights in such a way that that exercise contributes to the general welfare of society, and not simply to one’s individual aggrandizement.”

What is the long-term answer to our concerns for the proper functioning of law and justice and the achievement of an ordered society? How can we account for the apparent failure of centuries of attempts to rid ourselves of social ills and disorder?

I invite you to consider what happens in many houses at gift-opening time on Christmas morning, especially with the children. They are delighted to get those various electronic toys and gadgets. However, if the gift givers have forgotten to buy the right battery, delight tends to turn to disappointment. The toys will not run without power, nor will they run on just any power source. Their correct functioning requires the power source on which their maker designed them to operate.

It is the same with human beings and our affairs--we cannot function properly without a firm connection to the power source for which our maker designed us.

At the Red Mass held in Washington, D.C., on October 1, last year, Archbishop Donald Wuerl spoke eloquently on this theme. He said that society “*can be tempted to think that we are sufficient unto ourselves in grappling with and answering the great human questions of every generation in every age.*”

At the same time, Archbishop Wuerl observed that religious faith and faith-based values “*are not peripheral to the human enterprise. Our history, the history of mankind, is told in part in terms of our search for and response to the wisdom of God.*” He further says, “*Faith convictions, moral values and defining religious experiences of life sustain the vitality of the whole society. We never stand alone, disconnected, uprooted, at least not long,*

without withering.”

The Feast of the Epiphany is the perfect time to talk about the connections that vitalize human life. The power source that energizes human communities, that make them function optimally, is the light of which the Prophet Isaiah speaks in today’s first Reading:

“Rise up in splendor, Jerusalem! Your light has come, the glory of the Lord shines upon you.” (Isaiah 60:1)

*“Nations shall walk by your light,
and kings by your shining radiance.” (Isaiah 60:3)*

We gather on this occasion to reflect on our efforts to ensure the enduring administration of justice in our community. Today our Responsorial Psalm tells us that the Lord our light is also the fount from which justice flows:

*O God, with your judgment endow the king,
and with your justice, the king’s son;
He shall govern your people with justice
and your afflicted ones with judgment.
Lord every nation on earth will adore you.
Justice shall flower in his days,
And profound peace, till the moon be no more.*

Justice and fullness of life are realized by our homage to the Lord. It means leaving space for that aspect of ourselves which is openness to transcendence. You would think that this would not be difficult for the average person nowadays. Many people worship every kind of celebrity--athletes, actors, political figures and nowadays, some even slavishly follow celebrity chefs. Yet, we fail to pay homage to the One to whom we truly owe all that we have and are.

We should take note that the Magi paid homage to our Lord when he was in his humble estate—an infant born in a manger.

The Lord rewards us with what is best for us and provides satisfaction that is eternal and not at the mercy of changeable human passions and fads. Surely, the mightiest of the movers and shakers of the world must all one day simply move on.

The most wonderful aspect of the light of salvation that comes through Christ is that it is open to us all. We all share in the fullness of grace which is announced in the Christmas narrative. Epiphany provides the pattern of our Christian living.

This New Year, let us, in imitation of the Magi, go another route, if we must, in order to achieve the best we can in this noble cause which is ours.

As we begin another legal year we are aware that there are so many challenges which face us. Yet let us give no room to discouragement or despair in any of the disguises which they may assume.

A prominent lady was once asked, "Do you really practice your faith?" Her response was: "Yes, until I get it right." Practice makes perfect, we are told. So my sincere desire, indeed my prayer, for all of you who are privileged to practice the law, whether as judge or as advocate, is that you may come closer to perfection in that practice during this coming year. Know that the good you do will not remain secret. It will be a public good achieving far more than you may imagine and benefiting many whom you may never know and in some way even making our community and our world a better place.

May you all be graced in every way necessary as we begin this new legal year.