

Homily - Red Mass 2008
January 6th, 2008
On the Occasion of the Red Mass

Readings: Isaiah 60: 1-6
Psalm 72:1-2, 7-8, 10-11, 12-13
Ephesians 3:2-3a, 5-6
Matthew 2:1-12

Your Lordship, the Chief Justice and your fellow Justices of the Supreme Court, Madam President and Justices of the Court of Appeals; Other Members of the Judiciary; Director of Legal Affairs; President of the Bar Association and Bar Council; Members of the Bar and Legal Profession; Beloved in Christ:

It is my great pleasure to welcome you all to this cathedral to celebrate the Red Mass. As law and order ought to have an important role to play in the well being of this and every country, it is always important to invoke the Holy Spirit in such matters. It is especially crucial to pray for wisdom and guidance for members of the legal profession as the First Court Sessions of the New Year begin.

Last year brought a disturbing increase in violent crimes against persons. The year also brought an increasing number of legal challenges and appeals of far-reaching significance. Not surprisingly, these developments have increased the burden of officers of the law and of the courts.

This modern age has brought untold benefits to mankind. In contradiction, it has also brought equal uncertainties and evil. In his latest encyclical, "Spe Salvi", the Holy Father, Benedict XVI, speaks of it as the "ambiguity of progress": He explains his bold statement thus: "Without doubt, it [progress] offers new possibilities for good, but it also opens up appalling possibilities for evil—possibilities that formerly did not exist. We have all witnessed the way in which progress, in the wrong hands, can become and has indeed become a terrifying progress in evil." ("Spe Salvi #22)

However dark the times may appear, though, we have reason for hope. The feast of Epiphany commemorates a gift and a promise that transcend the world's darkness.

Isaiah exhorts:

Rise up in splendor! Your light has come, the glory of the Lord shines upon you.

See, darkness covers the earth, and thick clouds cover the peoples; But upon you the LORD shines, and over you appears his glory. (Isaiah 60:1-2)

There can be no clearer reminder that the ultimate source of light, to a world where evil threatens to extinguish all the lights, is God in Christ. Our saviour came to bring us the light of truth, the light of wholeness, the light of community, the light of charity and the lights of safety and even progress itself. What is most important, Christ brought the light of reconciliation—the possibility of reconciliation, with self, with our neighbours, with God. The Feast of Epiphany reminds us that Christ our Lord came into the world to dispel the darkness and confusion. This is the essential message of Christmas.

It is greatly rewarding to reflect on this message at this time when there is so much confusion in the world around us. Too much time is wasted in finger pointing, in apportioning blame, as one of your distinguished colleagues indicated recently. On the other hand, little space has been given to balanced study and well reasoned opinion. In fact, proposing severe punishment and capital punishment for violent criminals seem to be among the few things upon which we can achieve a degree of consensus. We note a consistently high level of consent to the notion that capital punishment is the principal or even the only solution to the ever increasing murder rate. Because of this, it seemed natural to raise the issue today in a liturgical celebration, which focuses on the administration of justice, that foundation of peace in any society. By now, we as a community should have reached the level of moral development where we must ask ourselves whether we should be in the business of hanging people.

One of the principal arguments given for the more frequent imposition of the death penalty and more regular executions is that these processes will serve to deter capital crimes. But is this truly the case? Capital punishment may have a chance to serve as a deterrent in cases of premeditated crime, where a person has time to reflect on the consequences of his or her actions. However, how does this help us in The Bahamas where murder

results predominantly from spur-of-the-moment violence born out of extremes of passion?

In this atmosphere, the Church is challenged to clarify its position on capital punishment. In this effort, His Eminence Avery Cardinal Dulles offers some thoughts that can be summarized as follows. He speaks, first of all, about the likelihood of unfair application of the death penalty because of prejudice against minority groups and the inability of the poor to obtain adequate legal counsel. Also, in world of fallible human beings, miscarriages of justice are always possible. Cardinal Dulles comments that there have been a large number of cases where the death penalty has been reversed on appeal, in some cases with the help of DNA evidence. Further, he suggests the possibility of judicial errors and that some innocent persons have been unjustly executed. (<http://pewforum.org/deathpenalty/resources/transcript1.php3>)

The death penalty, if carried out, is irrevocable. We used to say as children “sorry don’t ease no pain”. Unless the courts have resurrection power, there is no possibility of redress. This point is worthy of deep reflection.

We have to ask ourselves a further question: Can this country afford the dehumanizing effect capital punishment has on a society? Some murder trials have become a bit of a spectator sport. Although executions are infrequent in this country, it seems that some think them a cause for celebration. In the past execution days have occasioned a mini bazaar along the verges of the prison grounds. Vendors set up stalls to dispense food and drink, while those who have come for the excitement dispense gossip and jubilation.

Does this not suggest that we need to confront deep-seated cultural attitudes to human life and dignity, especially when there are those calling even for the return of public hangings?

Make no mistake— Crime must be punished. The concern for and the rights of the victim must be addressed as well. The Church does not condemn the imposition of the death penalty, but counsels that great prudence must be

exercised in carrying out the sentence. It is clear that the Church's stance is and must be pro-life. We are reminded here of the letter of James: "God's saving justice is never served by human anger." (James I: 20)

The church's long-held view on capital punishment is summed up in the words of the 13th century pontiff Innocent III. "The secular power can, without mortal sin, exercise judgment of blood, provided that it punishes with justice, not out of hatred, with prudence, not precipitation." (cf. pewforum.org, infra) This was seen as an appropriate interpretation of the words of Paul to the Romans indicating that public authority does not bear the sword without purpose. (Romans 13:4). John Paul II is consistent with this view in *Evangelium Vitae* in 1995. Yet given the challenge of what he calls the "Culture of Death" in our time, he modifies the view slightly. While not excluding the death penalty, he reduces it to extreme cases and notes that bloodless means are always to be preferred, if they can protect society against violent criminals. (*Evangelium Vitae* #56)

However, it seems that we have to review our way of thinking about the criminal, about the nature of punishment and how to stem the tide of serious crime. We will see little improvement until we accept that we are all responsible for this rapid dissolution of Bahamian society—either by commission or omission, by doing or failing to do. There are some who will disavow guilt because they don't have criminal intent. Nevertheless, every incivility, no matter how small, every failure to follow the rules, every failure to do our duty contributes to the breakdown in society.

In the same category are parents who fail to parent adequately, who fail to teach their children respect for others, the property of others or for the environment, who fail to teach them that life is God's creation and therefore sacred. Just as blameworthy are teachers who fail to continue their own education to fit themselves to ever changing times and needs. So are the ones who shirk on preparing and delivering meaningful lessons. Equally at fault are those who consent to graduating young people without basic ethics and basic numeracy and literacy. They too are contributing to the breakdown.

No less culpable are the religious organizations that focus more on profit than on salvation. Respect for human dignity will lead police officers to depend on assiduous policing to justify arrests, rather than mere force. And, are not defense attorneys, prosecutors and judges who are

inadequately prepared endangering the effectiveness and equity of our justice system?

No less to blame are those who multitask behind the wheel during the morning commute, focusing on anything rather than on the road. Many of us have done this. Make no mistake—this too contributes to disorder.

Behind all of these issues lies the ultimate cause of trouble in the world, we can call it the dying of the light—the forgetfulness of the transcendent dimension—the gradual erasure of the one true God from the affairs of men. The trappings of modern life have been seducing us to put our trust in the gods of material advances. So much about us discounts the inner life, the deeper dimension and anything that cannot be proven empirically.

Epiphany is important because it provides a precious reminder that God who is infinitely distant from us has become intimately close to us. So close as to share our world, our life, our very flesh. In turn, Christ's earthly manifestation has given us a share in his divine life and has given our human nature a dignity beyond measure. This is what Incarnation means.

When we lose sight of these things go wrong. I propose to you that the social mechanism is running on poor-quality, substitute parts and not the factory-installed genuine parts. The trouble is, many seem numb or immune to that godly inspiration that animates us to do good. The solutions we seek lie in walking in the light of the Lord (Isaiah 2:1). To walk in the light is to understand the significance of the Feast of Epiphany.

When we walk in the light of the Lord, we allow his nature and purpose to radiate through us. His nature is to embrace all and bring us all within the ambit of his love and goodness. His purpose in taking on human flesh was to sacrifice himself to purchase freedom for us all—freedom from the bondage of sin, which brings disease, despair, criminality and death. When we walk in the light of the Lord, our central impulse and our prime responsibility is to spread his love to all humankind, irrespective of national or social status.

The promise of the Epiphany was not made to anyone exclusively but to everyone inclusively. Therefore, if we are in Christ and his Holy Spirit dwells in us, our actions and judgments will not be polluted by preference or prejudice. Furthermore, we must accept that even those who commit

crimes are not lost to Christ. The promise of Epiphany says that God's grace embraces even them, for wills everyone to be saved and to come to knowledge of the truth. (I Timothy 2:4) This is the view that must increasingly come to inform our community's outlook on crime.

Our personal and professional conduct, our relations with loved ones, friends and neighbours must always manifest the gifts of the divine presence in our lives. As you will remember from your early religious instruction, prime among these gifts are wisdom, understanding, counsel, fortitude, knowledge, piety and fear of the Lord and these bear fruits in aspects of our character. Love, joy, peace, patience, kindness, goodness, faithfulness, gentleness and self control—these perfections of our character must be evident in all that we do.

We would like to believe that if we eradicated scarcity and poverty, we would eradicate incivility, conflict and violence. I believe that such an achievement could do much in creating societal improvement. However, we are doomed to disappointment, if we see new social programmes alone as the solution. Alone, they are not. They are merely collateral strategies. True peace is an inside job. It is to be found only in that interior change in thought and action, which we call 'conversion.' Our model and master is Christ. Our mission is to light a candle of hope and allow its glow to spread and illumine our community and, ultimately our world with the light of his goodness.

I close with wise counsel from the Holy Father, Benedict XVI:

“Let us put it very simply: man needs God, otherwise he remains without hope.” (Spe Salvi #23) “...It is not science that redeems man: man is redeemed by love.... The human being needs unconditional love. He needs the certainty which makes him say: ‘neither death, nor life, nor angels, nor principalities, nor things present, nor things to come, nor powers, nor height, nor depth, nor anything else in all creation, will be able to separate us from the love of God in Christ Jesus our Lord’ (*Romans* 8:38- 39)...This is what it means to say: Jesus Christ has ‘redeemed’ us.” (Spe Salvi #26) That redemption embraces us all, just as Epiphany implies that Christ's manifestation is a gift to us all.

May God bless and prosper all the good work you will do this year. May all your efforts, by God's grace, help to cause the light of justice to overcome

any form of darkness which may challenge it. In this way may peace be preserved in our land—and may we all increasingly walk in the light of the Lord.