

DIOCESE OF PHOENIX

**RED MASS REFLECTIONS
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In the first reading from the prophet Isaiah we hear the Lord's glorious promise to the nation that acts justly: "Your light shall break forth like the dawn ... you shall call and the Lord will answer, you shall cry for help and he will say: here I am." In the passage from which this reading is taken, God's people complain that they fast, yet the Lord ignores them. The Lord's reply is that their fasting is superficial, that even on their fast days the people drive their laborers; their fasting ends in quarreling and fighting. The fasting that the Lord wants is a fast of justice: "releasing those bound unjustly ... sharing your bread with the hungry, sheltering the oppressed and the homeless, clothing the naked when you see them and not turning your back on your own."

For those of us who love the law, whether the Church's Canon Law or the law of civil society, there is a message in this passage: The hearts of the people to whom Isaiah was prophesying were far from a spirit of justice even as they claimed to be fulfilling God's law. They mistook fasting as an end in itself and not as something that must lead to living justly. The message for us is to remember that the Law, too, is not an end in itself but an instrument of justice to establish good order in society.

The demands of justice challenge even the profession of faith, as the second reading daringly says. In it, we see questioned the good of professing our faith, if that profession does not lead to concrete results in the way we live. James puts his argument in the simplest terms: "If a brother or sister has nothing to wear and has no food for the day, and one of you says to them, 'Go in peace, keep warm, and eat well,' but you do not give them the necessities of the body, what good is it? So also faith of itself, if it does not have works, is dead." This too can be said of the law: while it may comprise the most striking and impressive abstract structure imaginable, thoroughly satisfying to the mind, if it does nothing to promote justice within society, it is without a breath of life in it.

This is not to say that the intellectual satisfaction that the law gives is not worthwhile. In a beautiful passage in "A Man For All Seasons," Thomas More tells his daughter Margaret that "God made the angels to show him splendor as he made animals for innocence and plants for their simplicity. But man he made to serve him wittily, in the tangle of his mind." Lawyers are surely among those who can empathize with this insight into God's creative intentions of a saintly lawyer. The law is one of the most fascinating entry points into using our minds in an intellectually adventuresome way.

However, More was also destroyed by the law, manipulated by a despot to crush opposition to his will. Law can be employed unjustly in this

way. Used by a ruler or a hostile majority against a defenseless individual or minority, law that must be obeyed can show an ugly face. It can be a weapon, used to smite those who differ from us. Even St. Thomas More could not save himself from the law wielded in this way. A master of the law, he also died as its victim through a judicial murder.

Even when it tries its best, however, the law inevitably must admit that it achieves only a rough or limited justice compared to the justice of God himself. For, in a characteristic of God which we do not much speak about -- his simplicity -- God unites all his qualities in a single splendor. In him we see the perfect union of both justice and mercy. The ideal of human justice is that it be impartial. God's justice is far from impartial. It is entirely on our side. God wants the salvation of all people. He sent his own Son to be our Savior, so completely is he with us. Even the careful weighing of reward for effort which is so much a part of human justice is not a calculus that God engages in. The parable of the workers in the vineyard is so challenging because it goes entirely against our sense of justice and fair play. The workers who labored only an hour receive as much as those who bore the heat of the day. We all sympathize with the complaint of those who worked the full day, but we also have no answer for the vineyard owner's reply: "My friend, I do you no injustice. You agreed on the usual wage, did you not? ... I am free to do as I please with my money, am I not? Or are you envious because I am generous?"

This parable shows how limited our notion of justice is when it is thrown up against the horizon of God's justice, suffused with his mercy. It also warns us not to treat our concept of justice as truly representative of ultimate justice. If we do, we risk our limited sense of justice becoming merciless and inhuman and, in the end, itself unjust.

The Beatitudes which we have in our Gospel reading today also tell the same story. Those who shall inherit the kingdom of God are those who often find themselves left out of the circles of power and influence and, yes, even justice, as this world knows these things. The poor in spirit, those who mourn, the meek, the persecuted -- precisely those who often seem to be cheated of justice in this world -- are called blessed because now and in the kingdom to come they are already the special object of God's justice and mercy.

The Beatitudes tell us who believe that we cannot look at people as this world looks at them. If we do, then we risk missing those who are truly blessed, those who are truly happy; we risk missing the way to blessedness and happiness ourselves.

And the Beatitudes are only the beginning of the Sermon on the Mount -- words of Christ which are so challenging that to this day scripture scholars

and ethicists debate the nature and the extent of the moral demands they place on those who follow Jesus Christ.

In the Sermon on the Mount, the Lord makes it clear that he is not a radical anti-law figure. The Law of Moses has been a formative force in making the Jewish people who they are, and Jesus affirms this: “Do not think that I have come to abolish the Law and the prophets,” he says, “I have come not to abolish but to fulfill.”

But he makes it clear that the demands of the Law are not to be minimized or the law manipulated into an excuse for avoiding rather than doing God’s will. The Law, as he teaches it, is more, not less, demanding: “You have heard that it was said to your ancestors, ‘You shall not kill’ But I say to you , whoever is angry with his brother will be liable to judgment.” “You have heard that it was said, ‘You shall not commit adultery.’ But I say to you, everyone who looks at a woman with lust has already committed adultery with her in his heart.” And especially, “You have heard that it was said, ‘You shall love your neighbor and hate you enemy.’ But I say to you, love your enemies, and pray for those who persecute you...”

Jesus also makes it clear that, as mercifully just as God is, we can choose to cut ourselves off from God: “Unless your righteousness surpasses that of the scribes and Pharisees, you will not enter into the kingdom of

heaven,” he says, in words that are doubly chilling when we recall that his hearers would have thought of the scribes and Pharisees as the “good ones” - - the actively religious people of their time. But Jesus saw, at least in some of them, people who used their knowledge of the law to find loopholes for themselves with regard to its more stringent demands, who obeyed the small things while ignoring the larger demands of justice and mercy.

Because of our human limitations, attempts to reform our legal systems according to the Beatitudes and the Sermon on the Mount would probably be utopian and disillusioning. My suggestion is not for this. It is more modest. It is to exercise our sense of justice which we have received from our traditions -- whether within the Church or secular society -- against the horizon of justice tempered with mercy which is a great Christian vision, but also one shared by all thoughtful religious traditions.

Medicine’s first obligation is “to do no harm,” and that is surely not bad advice for the Law as well. But there is something more, a principle enshrined in the Sermon on the Mount, but also present in other traditions. We know it as the Golden Rule -- a title which perhaps has come to work against our ability seriously to understand what a perfect summary it is of what it means to be a truly just and merciful person. “Do to others whatever you would have them do to you. This is the law and the prophets.” This is how Jesus puts it. It summarizes the very best of which we are capable in

administering law and justice in this imperfect world of ours.

St. Thomas More, before his execution, said that he died the king's good servant but God's first. We who serve the law will do it best by maintaining his sense of priorities, to be faithful servants of justice, while living and acting in and according to the light of the One who is himself the source and the Sun of Justice.

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