

November 2017

American Bar Association-Red Mass

Father Robert John Araujo, S.J.

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Recommended Citation

Father Robert John Araujo, S.J. (2000) "American Bar Association-Red Mass," *The Catholic Lawyer*. Vol. 40 : No. 2 , Article 2.

Available at: <https://scholarship.law.stjohns.edu/tcl/vol40/iss2/2>

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AMERICAN BAR ASSOCIATION—RED MASS

FATHER ROBERT JOHN ARAUJO, S.J.*

About thirty-five years ago, a distinguished professor of law voiced a deeply held opinion that concerned the construction of a new law library. During a meeting with the architects and principal benefactors, this world-renowned scholar argued that the plans for illuminated emergency exit signs would interfere with the aesthetics and scholarly atmosphere of this library. In the presence of both the benefactors and this famous scholar, one of the architects quietly and diplomatically suggested that the recently enacted fire code mandated the installation and use of the illuminated signs.

Without a moment's hesitation, the law professor retorted: "Well, then, if the law requires the signs, let them be discrete so that no one will notice them!"

This acclaimed teacher of the law thus informed all present that human law—the fire codes in this case—interfered with something far greater in this professor's estimation: the beauty and quiet atmosphere of the new library. In his own peculiar way, this teacher drew attention to a conflict between human law and the aesthetic norms that would otherwise control the planning and construction of this great building!

By offering his opinion, the professor drew a contrast between two bodies of law: one beyond the professor's control involving human safety, the other within his domain dealing with physical beauty. This story parallels the circumstances that the Prophet Elijah confronts, encountering a commandment of divine, rather than human, origin.¹ Yet an important distinction

* *Associate Professor of Law*—A.B., J.D., Georgetown University, 1970, 1973; LL.M., J.S.D., Columbia University, 1990, 1992; M.Div., S.T.L., Weston School of Theology, 1993, 1994; B.C.L., Oxford University, 1994. This was a homily given at the Red Mass for the American Bar Association on August 8, 1999.

¹ See 1 *Kings* 19:11 (New American Bible) ("Go outside and stand on the mountain before the Lord; the Lord will be passing by.")

begins to quickly emerge. While the law professor was concerned more with the appearance of a library and less with the spirit of the law addressing human safety, Elijah concentrated on the command he had received from God, a command which guides each person on how to live in a right relationship with God by living in a right relationship with one another.

Elijah's mission was to go forth and encourage the people to return to God's gracious and life-giving ways rather than follow their self-centered ways. Through his prophecy and deeds, Elijah began to show the people the presence of God in their lives: to the widow and her son,² to the community who gathered at Carmel to worship Baal.³ Yet, Elijah also had to encounter God, and he was commanded to go to Horeb alone. Horeb is synonymous with Sinai—this is the same place where Moses also had his encounter with God.⁴ It was here that God commanded Elijah to stand outside, for God would be passing and Elijah would encounter Him as He passed.⁵ Great things happened; there was a powerful wind that crushed boulders, but God was not in this wind.⁶ Then, there was a tremor that shook the earth, but God was not in the earthquake.⁷ Finally, when a great fire followed scorching the earth, Elijah found that God was not in this immense episode either.⁸ In fact, God was in a simple, tiny whispering voice.⁹

It was, my sisters and brothers, subtlety, in a thing which could have passed unnoticed, that Elijah heard God and met Him. Now, God had further need of His servant and prophet as God has a need of us today to do His will in this world. And what is it that God expects of us? His Greatest Commandments say it all—love God, love thy neighbor—there is no greater

² See *id.* at 17:7–24 (describing how the Lord provided the widow a jug of oil that did not run dry and a jar of flour that did not go empty).

³ See *id.* at 18:21–40 (“The Lord’s fire came down and consumed the holocaust, wood, stones, and dust, and it lapped up the water in the trench. Seeing this, all the people fell prostrate and said, ‘The Lord is God! The Lord is God!’”).

⁴ See *Exodus* 19:20 (New American Bible) (“When the Lord came down to the top of Mount Sinai, he summoned Moses to the top of the mountain and Moses went up to him.”).

⁵ See *1 Kings* 19:11 (New American Bible).

⁶ See *id.*

⁷ See *id.*

⁸ See *id.* at 19:12.

⁹ See *id.* at 19:12–13.

commandment than these!¹⁰ Be in right relation with God, be in right relation with our fellow human beings. And, when we, like Elijah, gather in God's sacred place, what do we experience? Is it a cataclysmic event, or is it the whispering sound? For when another prophet, Micah, was asked the question, "what does God command of me?" the reply was simple, subtle, yet so profound—act justly, love kindly and tenderly, and walk humbly with God.¹¹

From our late twentieth century context, where do we, as God's disciples, encounter Him? When do we hear that whispering voice asking us to act justly and to love tenderly? And where is it that we walk humbly with God? Well, perhaps I should depart from the Socratic tradition and begin to supply answers to these questions. A good beginning to answering these questions is found in our being here today in God's house. Here we not only engage one another, but we encounter God. May our minds and hearts be open to that quiet voice that instructs us in God's ways.

Saint Matthew's Gospel aids us in seeing God's quiet, subtle ways in our own lives.¹² And by being prepared to see and to hear these quiet ways of God, we become more attentive to what God asks of us. Now, to be candid, Jesus in Matthew's Gospel has just done something spectacular: he has performed the first miracle of the loaves, a miracle where the hunger of thousands was satisfied.¹³ What happens next is no splendid miracle, but it is the quiet ways of God operating in ordinary people's lives. Thus, it is in a series of short and simple commands that Jesus instructs people in God's ways.

The first command is to make the disciples get into a boat,¹⁴ a boat where their faith will be tested. The second command is in the dismissal of the huge crowd whose hunger had been satisfied;¹⁵ they are dismissed so that they can relate God's ways to others.¹⁶

¹⁰ See *Mark* 12:28–31 (New American Bible) ("You shall love the Lord your God with all your heart, with all you soul, with all your mind, and with all your strength . . . You shall love your neighbor as yourself.")

¹¹ See *Micah* 6:8 (New American Bible).

¹² See *Matthew* 14:22–33 (New American Bible) (depicting the story of Jesus walking on water).

¹³ See *id.* at 14:13–21.

¹⁴ See *id.* at 14:22.

¹⁵ See *id.* at 14:27.

¹⁶ See *id.* at 14:22.

The third command is most instructive: Jesus tells those in the boat that is buffeted by the gale and the waves to, “take courage,”¹⁷ and he dispels their fear of the storm and his apparition by comforting them with the words, “[I]t is I; do not be afraid[!]”¹⁸

At this point something interesting occurred. Jesus had finished initiating the commands. It was Peter who set forth the next one when he asks to be commanded to walk on the water.¹⁹ Jesus complied.²⁰ And all was well, so long as Peter remained focused in what Jesus has asked: come to me. But Peter’s focus was distracted, his mission to engage Jesus was diverted by the storm. Jesus, however, was not in the storm; he was in the calm. Yet Peter lost his concentration and began to founder. He cried out for help and Jesus was there to extend calmly the saving hand of God.²¹ Peter’s faith was tested, and it was found to be lacking, because Peter allowed himself to be distracted from what he was asked to do, encounter Jesus and walk humbly with God!

What happens to us when we are distracted in our lives? When the turmoil of the storms in which we find ourselves immersed pound about us, what do we do? Being called to serve as God’s ministers of justice in this world is no easy task. For it can be temptation, greed, and lust for power that are the chaos, the confusion, the disorder, and the turbulence of the storms and gales that overwhelm us. And what do we do to calm the tumult and seek refuge from the rocky shoals? We should think of Peter and remind ourselves to not lose our focus. The heart of this focus is to remain concentrated on the presence of God in our lives. We should turn to the one who loves each of us without condition and, in prayer, ask Him for the guidance we need, to perform what God has asked of you, our neighbors, and me.

It is through our prayer that our doubts disappear, and our faith is bolstered by God’s strength. It is through the quiet voice we encounter in our prayer and from seeking God In our lives

¹⁷ *Id.* at 14:27.

¹⁸ *Id.*

¹⁹ *See id.* at 14:28 (“Lord, if it is you, command me to come to you on the water.”).

²⁰ *See id.* at 14:29.

²¹ *See id.* at 14:31 (“Jesus stretched out his hand and caught him. . .”).

that the fearful turbulence we may encounter is calmed, knowing that God is quietly with us. It is up to us not to lose faith, even momentarily, as Peter did.

What does God expect in return? Once more, the counsel of Micah supplies the response. We, too, must not be distracted from acting justly, loving tenderly, and always walking humbly with the God who never abandons us. Unfortunately, there are so many people in our world today from all walks of life who have abandoned these simple commands from our loving, creating, and sustaining God. Those whom we know by reputation and by person have turned away from Him and pursued their ways, not God's. Some of them may be our fellow colleagues in this noble profession, a profession that finds itself tarnished when some of its members forget and deny the foundational commandment: love God, love thy neighbor.²²

Jesus realized that many of the legal experts of His day were so concerned about the human tradition, i.e., how to implement the human interpretation of God's law, that they had forgotten and abandoned God's law.²³ And it was abandonment that got Peter into trouble. He released his faith in the one he chose to follow; his doubt distracted him from his discipleship. What happened to Peter is a lesson for all of us: what makes the human person unholy before God is that person's disobedience to God's simple commands. It is our self-centered desires, our succumbing to our own devices, and our being tempted by our own resourcefulness that takes us away from God. We make the storm; we blow the gale; but God provides the calm and the refuge!

These passages from Scripture relate the story of ancient Israel; they pass on the saga of first-century Palestine. But these stories also relate to the legal community gathered here today who will be dispersed to the rest of the country and the world in a few days. They have much to do with our times, with our societies both distant and near, and with ourselves.

Like Peter, we cannot afford to be distracted. The heart of so much of our law is the protection and preservation of each person who is in relation with God and many others of God's beloved

²² See *Matthew* 22:34–40 (New American Bible); *Mark* 12:28–31 (New American Bible); *Luke* 10:25–28 (New American Bible).

²³ See *Mark* 7:1–13 (New American Bible) (depicting how the Pharisees kept outward duties of cleanliness yet disregarded God's true law).

creation. Yet, in our contemporary American culture, the fact that *each* person is created in the image of God creates a paradox for the one who believes only in the rights of a particular one, rather than the rights of one and all.

Thomas Shaffer, an emeritus law professor at the University of Notre Dame, has offered an antidote to this paradox that relies on the duty of our legal profession. Professor Shaffer suggests that the legal profession is well situated to strike that balance so often needed between rights and responsibilities. He observes that lawyers and those who administer the law are often times engaged in what he terms "the practice of reconciliation."²⁴ Lawyers and judges succeed when they bring absolute rights claimants together—those who see only their own interests—and demonstrate to them the need to recognize and accept that others may have similar claims as well. While the remote goal of reconciliation is to effect a just resolution of people's conflicts, the more immediate goal is to demonstrate the mutuality of the human interests which each of the parties holds. Our human law shines when it acknowledges and appropriates the great commandments: "[L]ove the Lord your God with all your heart, with all your soul, with all your mind . . . [L]ove your neighbor as yourself."²⁵

Another version of Peter's distraction is seen in our lives when we forget that our human legal institutions should reflect the way God desires us to live with one another. After all, when we see that our laws and their application help some but ignore others, we become like the experts of the law in Jesus's time: we honor God's law with our lips, but our hearts are far from Him.²⁶ The distinguished teacher and public servant Archibald Cox counsels us as members of the legal community—whether we are practitioners, judges, teachers, or students—that "without sympathetic understanding of the persons with whom [we] deal . . . a judge or a lawyer is not worthy of the name."²⁷

Every one of us here today, regardless of our status—whether we are lawyers, students, judges, teachers, or family

²⁴ See THOMAS L. SHAFFER, ON BEING A CHRISTIAN AND A LAWYER 111–120 (1981).

²⁵ *Mark* 12:30–31 (New American Bible).

²⁶ See *id.* at 7:6; see also *supra* note 23.

²⁷ Archibald Cox, Commencement Address at the Boston College Law School (May 24, 1992).

members—are all children of God. Each of us is charged with the responsibility of acting as ministers of God’s justice in the world that we share with one another. What principle might we follow, then, to ensure that we succeed not only as good lawyers, good judges, good teachers, good students, but as ministers of God’s justice?

Paul, in his Letter to the Ephesians, offers good counsel: let Christ dwell in our hearts through faith, and may his charity be the root and foundation of our lives.²⁸ When we adopt this advice and make it the guiding principle of our stewardship of God’s greatest commandment, we might hear Moses say: we are a great nation, “a wise and intelligent people.”²⁹ It is here that we become the people God wants us to be; we become wise and discerning individuals filled with God’s wisdom. Unlike some of the legal experts of Jesus’s time, we become examples for others.

And why? It is because we allow the whispering voice by which God commands to be heard and to make its home in our minds and hearts.

²⁸ See *See id.* at *Ephesians* 3:17–19 (New American Bible).

²⁹ *Deuteronomy* 4:6 (New American Bible).

