

RED MASS Homily

Extract from Archbishop Pinder's Homily inviting the Judiciary of the Bahamas to join the "collective voices of reason to publicly oppose capital punishment" Taken from Bahama Catholic Newspaper Jan/Feb 2009-04-07

It is my great pleasure to welcome you to Saint Francis Xavier Cathedral for the celebration of the Red Mass once again. For those who may be experiencing it for the first time, I would mention that the Church celebrates this Mass especially for members of the judiciary and the legal profession.

The tradition of the Red Mass goes back to the thirteenth century. We are informed that the first recorded Red Mass was celebrated in Paris in 1245. The custom eventually spread to other European countries. The tradition got its start in England around 1310, during the reign of Edward I. Members of the Bench and bar attended the Mass at the opening of each term of Court.

The Red Mass invokes the guidance of the Holy Spirit on behalf of those who administer justice that they may be endowed with ever increasing clarity, wisdom and a renewed sense of mission and purpose in the performance of their vital responsibilities.

....

The coming of the Son of God upon earth is so great an event that God willed to prepare the way for it during centuries. He made rites and sacrifices, figures and symbols, all converge towards Christ; He foretold Him, announced Him by the mouth of the prophets who succeeded one another from generation to generation.

He, at last, is the great light seen by those walked in darkness. (Isaiah 9:1). He is the first one called for the victory of justice. (Isaiah 42:6). Such a fund of light, justice and victory is needed in every age; certainly, it is needed in these first years of the 21st century. Our age most certainly has its share of the blights of criminality, injustice and widespread turmoil. This is a time when the achievement of a durable avenue to peace is probably an avid desire of every person of goodwill. For you who are sworn and committed to the administration of justice, the pursuit of peace must be more than a mere wish. It is an obligation; it is a social as well as a legal contract; it is a bond from which you, in honour, cannot draw back.

The paramount question is – How do you go about fulfilling this obligation? Whatever your specific role in the system, surely, without a doubt, your actions must be informed by peerless ideals. From Acts of the Apostles, we have heard it said of Jesus: "He went about doing good and healing all those oppressed by the devil, for God was with him". (Acts 10:38). This is especially important to reflect upon, lest we be tempted to believe that law and justice are ends in themselves. Not so at all. In your knowledge and respect for the law and the pursuit of justice and, in my case, the teaching of the doctrines of the Church, our ultimate goal must be healing – the healing of individual, distorted, lives, the healing of fractures in our community life. Ultimately, our mission must be to contribute to peace in our times. Let us recall the names

applied to our Lord when the Prophet Isaiah foretold his advent in human flesh. Along with the titles “Wonder-Counsellor”, “God-Hero”, “Father-Forever”, he is called “Prince of Peace”.

In the pursuit of peace and healthy community life, it is important to understand the obstacles we face – those things that militate against harmony, undermine peace and short circuit justice. This year’s message for World Day of peace from the Holy Father, Benedict XVI, provides valuable insights. In his very first paragraph, he warns of the serious consequences of any affront to human dignity, emphasizing most particularly poverty, hunger, disease and the moral and social calamities surrounding illegal migration, all of which may become increasingly problematic to us in light of a deepening global recession

*[Any affront to human dignity] is a problem, which the conscience of humanity cannot ignore, since the conditions in which a great number of people are living are an insult to their innate dignity and as a result are a threat to the authentic and harmonious progress of the world community?*¹

The Holy Father also identifies an essential point of departure for those who seek ordered societies and peace. He urges us to “set out from the clear recognition that we all share in a single divine plan: we are called to form one family in which all - individuals, peoples and nations – model their behaviour according to the principles of fraternity and responsibility.”²

At the heart of these reflections is the reason for Christ’s taking on human flesh – He was able to empathize with humankind completely, feel deeply for our fallen condition, without yielding to sin. Indeed, his advent was to heal our broken nature and to restore our fallen state. Thus we say that INCARNATION is for REDEMPTION. This provides a perfect pattern for the just judge, the attorney of integrity or the worthy minister of the Gospel. If we believe that we stand apart from problems of the human condition, how effective can we be in our work of healing the nation?

One of the most important challenges on the journey to community health and peace is to confront the divisive issues of law and justice head on. Throughout human history, one of the thorniest has been the question of capital punishment – should we or should we not maintain or enforce the death penalty? Judging by recent, local, demonstrations and pronouncements on the part of those who support capital punishment and want to see hangings, I would say that it is a matter that calls urgently for voices of reason to rise up in opposition.

Among those who support the death penalty, there are many and varied justifications for supporting this most extreme form of punishment. There are those who believe in the law of retaliation-retribution-an eye for an eye. Many such persons can be found even in the religious community. They are often the most vocal and most inflexible. They openly prefer God in his Old Testament persona, who issued summary judgement according to the letter of the law. The God who became flesh for love of mankind and the God of mercy and redemption simply does not satisfy their worldview.

Particularly pertinent on this occasion is the view that the death penalty is a deterrent to capital crimes. While this is the widely held view in this country, it is my hope that every person of goodwill would consider whether it should continue to be so in this century.

In a recent speech³ on the Church’s view of the death penalty, Archbishop Wilton D. Gregory of Atlanta, Georgia casts serious doubt on efficacy of the death penalty as a means of deterring

capital offenses. Furthermore, as to the process of arriving at the imposition of the death penalty, he says this:

Like other death penalty opponents' Catholic leadership has pointed to the systematic flaws in the application of capital punishment, including the well-documented economic and racial inequality that inheres in the trials and sentencing of capital offenders.

Gregory further states:

We bishops have pointed to the alarming number of mistaken convictions of men and women on death row who were later exonerated.

Closer to home, in a 2008 pastoral letter entitled “We Are Called to Proclaim Celebrate and Serve The Gift of Life,” the Antilles Episcopal Conference of Roman Catholic bishops strongly affirm the Church’s belief in the sanctity of life. The document reads thus:

Very often those who support capital punishment invoke the text, “an eye for an eye and a tooth for a tooth” (the “lex talionis” – Lev. 24:20). This was, of course a most important development in the Old Testament’s understanding of justice. Justice must not seek revenge. The punishment due from injustice must be rational and not excessive.

However, the “lex talionis” was not the last word on this matter. In fact, Jesus gave us the last word: “you have heard that it was said, an eye for an eye and a tooth for a tooth. But I say to you: do not oppose evil with evil ...” (Mt. 5:38-39).

The text of the pastoral letter continues:

Capital punishment could be defended only in cases of absolute necessity when it is simply not possible otherwise to defend society. However, “Such cases are very rare, if not practically non-existent.”⁴ The Bishops of the Antilles Episcopal Conference affirm that this position in the Church’s teaching does not provide the basis for the reintroduction or renewed use of the death penalty which is presently under discussion in the region.

The Bishops further express their firm desire that the leaders and people of Caribbean society move toward the total abolition of the Death Penalty. Therefore, we should place emphasis on the rehabilitation of the offender rather than on his elimination. (Non-lethal forms of punishment are more in keeping with the concrete conditions of the common good and more in conformity with the dignity of the human person.⁵

So many among you are powerful voices in our community, voices which are heard when you speak out, I humbly invite you to consider the following suggestions as to ways you can contribute to building healthier communities in The Bahamas:

I ask you to continue to reinvigorate the notion of community in this country. It is a concept, which holds that each of us, as members of this community, has an obligation to work for the common good.

I ask you, despite the opposition you surely meet frequently, to continue to promote the value of civility by modelling civil behaviour within your sphere of influence, I implore you to continue to require civility in conversation and action from those who operate within that sphere.

Members of the judiciary may not be legislators, but have the power to promote more timely trials, thereby protecting the basic rights of the accused and the victim. You can lobby for better representation for the accused and more skilled prosecution to represent the interests of the

community. You certainly should demand ethical and professional behaviour in your courtroom from the legal professionals who present cases before you.

In cases where you cannot compel others to behave according to your dictates by the power of your authority, you may, by your knowledge, your preparation, your integrity and objectivity in the exercise of your powers, lead others to more enlightened behaviour.

As the words of Isaiah noted, the Holy Spirit has endowed us with the power to accomplish great things. We hold this in faith. It has been said that faith is the modelling clay from which God builds miracles.

Today, there is much talk of the value of renewable energy. The divine guidance, which we invoke today, is such a resource. Thanks to the “admirable exchange”, it is yours to draw on every minute, every hour, and every day, year after year to meet the challenges of your profession. And, be mindful that God shows no partiality, rather:

“In every nation whoever fears him and acts uprightly is acceptable to him.” (Acts 10:35).

As we come then to the beginning of this new legal year, may all your efforts be blessed? Whatever the good you do, however small or unnoticed, may it reflect in some way your awareness of being called for “the victory of justice”. In the pursuit of the victory of justice may you all be guided and graced for the honour of your noble profession and for the good of us all.

¹ Benedict XVI. World Day of Peace Message 2009, paragraph one.

² Ibid, paragraph two.

³ Origins 30, M.23 (November 13, 2008) pp. 366-371.

⁴ “Catechism of the Catholic Church”, No. 2267. Also John Paul II in “Evangelium Vitae”, No. 56.

⁵ Op cit CCC No. 2267.