

Seton Hall Law School Graduation

Newark NJ

May 23, 2018

Dean Boozang, distinguished faculty, celebrated alumni, honored guests, delighted (and relieved) parents: What a happy day! Thank you for your gracious invitation and the great honor of addressing the members of the Class of 2018, now my classmates.

Introduction

There is a story told about the author, Peter Benchley. Long before achieving success with a fishy novel entitled *Jaws*, Benchley had worked for *The Washington Post*, then as an editor for *Newsweek*, before a brief and not terribly illustrious stint as a speechwriter for President Lyndon Johnson.

According to the story, Benchley was not a very good speech writer, and was assigned to write one talk each week: something called the “Rose Garden Rubbish” – innocuous nosegays and pious platitudes that the President would inflict on whoever happened to be visiting the Rose Garden on Friday afternoon. Maybe the Daughters of the American Revolution or the Future Farmers of America or simply eighth graders on their Excellent Field Trip.

Even with this restricted assignment, Benchley’s performance failed to satisfy the White House Chief of Staff, who finally informed the young writer that his career was about to end. Benchley was told to write a final “Rose Garden Rubbish” and then clean out his desk.

On that fateful Friday, Benchley met the President in the corridor adjacent to the Rose Garden, handed over a set of 3 x 5 index cards and bid farewell. Johnson tucked the cards into his suit coat pocket and strode confidently to the podium. After adjusting his spectacles, the President began the prepared remarks, “My fellow Americans, today I am going to tell you how we will win the war in Viet Nam by the end of the month ... and stop communism.” With furrowed brow, he read aloud the second card: “I am also going to tell you how we will eradicate poverty in the United States of America by the end of this year ... and cut taxes!” Now completely bewildered, the President turned over the third card, which read “YOU’RE ON YOUR OWN, LYNDON!”

What’s the fuss?

Whether an urban legend or not, the Benchley story can be employed by a speaker to troll for the sympathy of his audience. I confess to having used it more than once for just that purpose. But I wonder whether what Benchley did to President Johnson might not

describe what commencement speakers often do to graduating classes: outlining the mess that previous generations have made of things and then burdening the graduates with the task of pulling our communal chestnuts out of the fire – and quickly, if you don't mind!

Personally, I do not believe it is helpful to unleash a cascade of stock phrases to try to convince graduates that you should correct all the mistakes we baby-boomers and Generation X-ers are bequeathing to you. However, I am neither sufficiently cynical nor despondent enough to conclude that things cannot change or that we are sliding irreversibly into a morass of cultural disintegration. Our nation, our world and our Church in fact do face very serious trials and we need all the help we can get. Your energy, creativity and questions will be welcome in the legal forum of the global village.

So, instead of a pep talk, I begin with a simple confession. Despite the fact that I have spent some time in my priesthood working in a diocesan tribunal, the court of a local Church, I am not a lawyer but, nevertheless, do feel a deep connection to you because of a particular challenge you and I face today. I will make my argument, describing the challenge, its source and a possible response. You can judge whether my identification is presumptuous or simply silly.

The Challenge

The root of the challenge is captured by the words of Jesus, who warns that 'to whom much is given, much will be required' (Lk 12:48). He also teaches that from everyone who has been given much, much will be demanded; and from the one who has been entrusted with much, much more will be asked. This conviction of Jesus has become somewhat of cliché in Western culture and regularly pops up in paraphrase, such as Uncle Ben's grave counsel to Peter Parker in Spider-man: "With great power comes great responsibility."

For lawyers and clergy, our education as well as the social status that society has traditionally assigned to us form elements that "much" that life has bequeathed to us. The wisdom of "to whom much is given, much will be required" recognizes we are held responsible for what we have received. Because we have been blessed with talents, wealth, knowledge, time, and the like, it is expected that we use these well to glorify God and benefit others.

Pope Francis calls the legal profession, "a complex vocation of service and responsibility." And yet we know that all these talents, wealth and responsibility, if misused or uncontrolled, can quickly turn from their good purpose and become destructive and deadly.

You are probably too familiar with the words of Dick the Butcher in Shakespeare's Henry VI, Part II: "The first thing we do, let's kill all the lawyers."¹ To use the citation, even facetiously, as a summary judgement against your noble profession completely misunderstands its original context. First, the Baird was criticizing the corrupt and unethical barristers of his day. In the play, Dick the Butcher is aligned with the rebel, Jack Cade, who believes that he can make himself king by disrupting the rule of law; similar thinking appears to be gaining ground in the public square of our country. Shakespeare mean to compliment to attorneys and judges; by laboring for justice, for they stand between us and the despotism of the Jack Cade's of every age.

There is truth, however, in the discrediting critique of clergy and lawyers today. It has to do with those "to whom much has been given."

Think about the scandals occasioned by bishops and priests. While the most appalling abandonment of responsibility by Catholic clergy has been the sexual abuse of minors, there are other behaviors, though less egregious, are nonetheless terribly toxic to Church and society.

For example, careerism among the ordained ministers in the Church is both an attitude and behavior that Pope Francis has denounced frequently, often with blunt language and colorful images. His public stance carries some degree of risk, since he often challenges his closest collaborators – cardinals, bishops, officials in the Roman Curia and priests in the diplomatic service of the Holy See as well as rank and file pastors across the globe. Some have bishops complained to me that the pope's rhetoric discourages them and their priests. Even a papal spokesperson has characterized Francis as an "anti-clerical pope," given his suspicion of the propensity to power and privilege that is often associated with the Church's clerics.

I believe that the force and frequency of his criticism actually manifests the high esteem of Francis for the pastoral potential of priests and bishops. He is not calling for a sort of levelling movement that would eliminate ordained ministry in the Church. The office of bishop, for example, should not be sought, requested, bought or sold, but embraced in obedience. At the same time, there is great beauty in the office of bishop and communion with him is essential for the spiritual health of the people.

The true glory of these ministries comes from the opportunities they offer to lay down one's live for others. Nevertheless, as Francis reminded students at the Pontifical Ecclesiastical Academy, the Roman faculty that prepares future diplomats for the Holy See, "All types of priestly ministry require great inner freedom," which calls for "vigilance in order to be free from ambition or personal aims, which can cause so much harm to the church." (June 6, 2017)

¹ IV, ii, 73.

In that same address, he called careerism a form of “leprosy” among ordained ministers; his words were, “Careerism is a leprosy, a leprosy... Please, no more careerism!” Leprosy is a disfiguring disease that traditionally has isolated its victims from the community. In the mind of Francis, careerism distorts the beauty of the vocation of priests and bishops and will ruin their relation with the people they are called to serve. The people become instruments for the minister’s self-aggrandizement (cf. Ez. 34, 2) and finally they will flee self-serving leaders (Jn. 10, 8; 10).

The wisdom of the Latins connects the harsh critique of lawyers and clerics. A three-word proverb says it best: *corruptio optima pessimi*, which, roughly translated, means, “The corruption of what is best is the worst tragedy.” The truth is that you and I have not received simply a splendid education and exciting opportunities to ply our trade. Lawyers as well as bishops and priests receive the trust of the people. Lawyers and priests make public promises that we will be responsible for what we have been given.

As clergy, we promise that we will be good shepherds; pray for the Church and world; obey our superiors; serve humbly. You will promise to pursue your client’s case with truth and honor; never mislead a judge or jury; never delay a case for money or malice; never reject from any consideration personal to yourself the cause of the defenseless or oppressed, or delay any cause for lucre or malice. That you will not, for personal reasons, reject the cause of the defenseless or oppressed;

I feel very close to you as we both share a challenge and public ridicule at times. The ridicule is rooted in the hope people had for us. When we betray that trust, we invoke anger and a soul-deadening cynicism. The stakes are high, so we must work harder to live up to the great responsibility we have been given.

Service

The response to the challenge to our credibility is service. It is in service, where the rubber meets the road.

In his 2015 World Day of Peace message, Pope Francis, in defining what makes an ideally just law, underscored

a need for just laws, which are centered on the human person, uphold fundamental rights and restore these rights when they have been violated. Such laws should also provide for the rehabilitation of victims, ensure their personal safety, and include means of enforcement that leave no room for corruption or impunity.

Protecting human dignity always and everywhere will undoubtedly yank us from our comfort zones. Those of you who have worked in the social justice clinic know that all too well. We also know that there are contemporary and historical examples in which protections exist in theory or on paper but are

not translated into a meaningful way for the most vulnerable ... this is where our opportunity for service takes flesh. And whether your passion and expertise lies in:

- employment policies and protections
- the rights and acceptance of immigrants
- issues linked to the protection of human life
- laws that safeguard labor conditions or religious freedom
- the struggle against unjust aggression
- issues of the financial markets
- caring for the environment
- or advancing peace

... there is plenty of work to do for everyone – for you and for me and for all people of good will! From those who have been given much, much will be required.

Remember always that rights and responsibilities go together. We must never be people who become so attached to norms that we forget about justice, or so charmed by codicils and contracts that we overlook love.

In a world that is governed by the rule of law, always try to reconcile law with love and justice with mercy. Here is where service fits in – that by the work of our hands we consistently recognize and respect the dignity, worth and rights of the human person.

Farewell and Charge

I never say “in conclusion,” ever since some wag defined “second wind” as what happens when a bishop declares “in conclusion.” To you, my classmates, I simply offer two parting thoughts about the most essential connection in my life –yours as well, I hope.

If you intend to live responsibly for what you have been given, you will discover – if you have not already – the need to carve out of your daily routine some time to sit in silence with God, not tweeting or bleating or doing anything more than recovering your humanity.

A Spanish philosopher and essayist of the early twentieth century, José Ortega y Gasset once described elements of his daily regimen that included a salutary siesta after the midday meal and then a paseo, his daily walk. He often strolled through the magnificent zoological park at the center of Madrid where, for a long time, he paused in front of the ape cage. There he experienced a profound crisis, leading him to ask what was the essential difference between them and him? One day the answer came clearly: an ape always had to

be doing something; he simply could not be quiet without falling asleep. Silence allows us to recover our humanity and reconnect to what is essential.

Secondly, your connection with God will be enhanced if you live with a grateful heart. You realize that your life is not a *quid-pro-quo bargain* but rather a gift and the opportunity to give back for all that you have been given. True wisdom is the daily habit of examining our lives and remembering Whom to thank. If you live gratefully, you will find yourself liberated to love more and more unreservedly.

For your link with God will connect you with your fellow travelers in profound and, at times, disturbing ways – injustice that makes your hair stand on end in way a property or contracts exam never could.

You will recognize that the wealth of many is predicated absolutely on the poverty of others. You will question power that marginalizes and will ask whether new, beautiful walls are really necessary. You will strive to talk with others, not about them. Your heart will be able to distinguish human beings amid statistics and crude caricatures and identify those who are forgotten by others. Even when life takes you far from this place, the spirit you breathed at Seton Hall Law will guide the choices you make.

A vocation in law, fused with faith, can be a truly beautiful way to live a life of responsible generosity, putting your talents at the service of justice, fulfilling the law and working always for the common good.

Congratulations classmates! Many blessings to you this day and every day. I hope we meet again.

Cardinal Joseph W. Tobin, C.Ss.R.
Archbishop of Newark