

Red Mass Remarks (Los Angeles, CA; October 17, 2017)

Thank you, Victor, for that kind introduction, and for being my friend for more than 20 years. What a privilege to speak to you tonight. As most of you know, Red Mass is so called because of the red vestments that celebrants wear to church signifying the fire of the Holy Spirit in pursuit of justice. That's all well and good, but what boggles the mind is that the first documented Red Mass was held in Paris in 1245. That's a bit longer than Jerry Brown's been in California politics, but not by much.

I read this history and see in it something that ties us all to a practice that's been with us for eight centuries. That's eight centuries of coming to terms with how entangled are the public and private lives we lead. To be here is to affirm how we struggle to be our better selves. How we fail constantly and start over. But we can take solace, perhaps, in what we can pass along to our fellow people on this earth, and perhaps especially to our children. That's what I was thinking when I was tucking in a certain ten-year old boy a few weeks ago. As I said good night he said he was going to pray. I kept the door a crack open so I could listen while he wasn't looking. What I recall includes something along these lines: "Dear Lord, thank you for a nice family. Please help me be a good person and good looking. Please don't let me get hurt at PE so I can do well running the mile this week. I also ask for good muscles and to be popular with girls when I start liking them. And make me smart."

He deserves some points for candor. Clearly the kid's parents have some work to do — he can change "smart" for "wise" and I bet we can figure out something good to replace "good muscles." But at least in small ways, our kids are picking up on the idea that there's something more to life than what's in front of you. There's something more than what you can accomplish on your own. In that same spirit of humble reflection, I share with you some thoughts about today, and then about tomorrow.

Today: A lawyer or public servant wakes up today and surely this doesn't feel like the easiest of times. The fires burning in Sonoma and the Anaheim Hills evoke the turmoil of the day. But let us never forget what a privilege it is to be alive and in law or some other kind of public service right now. We must listen, learn from each other, and do our best for each other. We must remember not just the voice that soothingly says what we too believe but the words of the one who deeply disagrees with and even distrusts what we do. We live through the tensions between dedication to our calling and our families. We struggle with what it means to do what's right when the answer isn't easy even if you're determined to do your part assuring that equal protection means as much to the weak as it does to the strong. That was never simple, even in easier times. But it's within our reach to treat this very moment as a privilege — a time to listen and learn, to reach for greater clarity and decency in our deeds. That this also means a continued if precarious balance between ordinary duty and discerning creativity is implicit in that compact.

Maybe we can trust Max Weber, of all people, to offer his own distinctive reminder of what it means to live a life in and around the law. “[A]ll ethically oriented action,” he wrote “can be guided by either of two fundamentally different, irredeemably incompatible maxims: it can be guided by an ‘ethics of conviction’ or an ‘ethics of responsibility’ In the former case this means, to put it in religious terms: ‘A Christian does what is right and leaves the outcome to God,’ while in the latter you must answer for the (foreseeable) consequences of your actions.”

He continues: “[N]o ethic in the world can say when, and to what extent the ethically good end can ‘justify’ the ethically dangerous means and its side effects. . . . In truth, politics [by which Weber meant being active in civic life] is an activity of the head but by no means only of the head. In this respect the adherents of an ethics of conviction are in the right. But whether we should act in accordance with ethics of conviction or an ethics of responsibility, and when we should choose one rather than the other, is not a matter on which we can lay down the law to anyone else.”

Whether or not we agree with Weber’s exact words, they ring true to me in at least one sense: no one can write for you that perfect guide to all the hardest choices you face, or how to make them so that all the ethical conflicts and contradictions conveniently melt away. Good luck to the lawyer or public servant who believes she won’t someday face a conflict, or at least a tension, between conviction and responsibility. To be in law or other forms of service is to face some days where — in some ways, as JFK put it — good conscience is the only sure reward, and history the final judge of our deeds.

Which brings me to tomorrow, the day when history’s judgment inevitably begins. Tonight I ask that you recognize and own the sheer power of that word, tomorrow. What a powerful word — it’s as full of dreams as it is of sharp edges. In our faith and our daily lives, let it remind us that the future isn’t yet set. It’s hours of maximum danger off the Korean Peninsula, it’s courthouses bereft of undocumented immigrants fearing deportation. It’s rogue autonomous vehicles. It’s dystopian recesses of present-day wealth perhaps turned into bioengineered strength or longevity or superior intelligence. The flaws with which we’re born that make us too vain or too impatient. The young girl somewhere in California living in an abusive home, being so close to and feeling so far from God — none of that is set in stone. Today we ask questions and then reflect in the quiet about all that we cannot entirely control, like our kids’ prayers. All so that tomorrow we can better remember — however humbly — those responsibilities we cannot discharge to anyone else as we reflect on what Kennedy meant when he said “God’s work must truly be our own.”

Thank you.