

SERMON FOR MORNING PRAYER THE THIRD SUNDAY AFTER THE EPIPHANY

Lessons:ⁱ

The First Lesson: Here beginneth the eighteenth Verse of the sixteenth Chapter of the Fifth Book of Moses, Called Deuteronomy.ⁱⁱ

“Judges and officers shalt thou make thee in all thy gates, which the LORD thy God giveth thee, throughout thy tribes: and they shall judge the people with just judgment. Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the words of the righteous. That which is altogether just shalt thou follow, that thou mayest live, and inherit the land which the LORD thy God giveth thee.

“....

“If there arise a matter too hard for thee in judgment, between blood and blood, between plea and plea, and between stroke and stroke, being matters of controversy within thy gates: then shalt thou arise, and get thee up into the place which the LORD thy God shall choose; And thou shalt come unto the priests the Levites, and unto the judge that shall be in those days, and enquire; and they shall shew thee the sentence of judgment: And thou shalt do according to the sentence, which they of that place which the LORD shall choose shall shew [**SHOW**] thee; and thou shalt observe to do according to all that they inform thee: According to the sentence of the law which they shall teach thee, and according to the judgment which they shall tell thee, thou shalt do: thou shalt not decline from the sentence which they shall shew thee, to the right hand, nor to the left.”

Here endeth the First Lesson.

The Second Lesson: Here beginneth the second Chapter of the General Epistle of James.ⁱⁱⁱ

“My brethren, have not the faith of our Lord Jesus Christ, the Lord of glory, with respect of persons. For if there come unto your assembly a man with a gold ring, in goodly apparel, and there come in also a poor man in vile raiment; And ye have respect to him that weareth the gay

clothing, and say unto him, Sit thou here in a good place; and say to the poor, Stand thou there, or sit here under my footstool: Are ye not then partial in yourselves, and are become judges of evil thoughts? Hearken, my beloved brethren, Hath not God chosen the poor of this world rich in faith, and heirs of the kingdom which he hath promised to them that love him? But ye have despised the poor. Do not rich men oppress you, and draw you before the judgment seats? Do not they blaspheme that worthy name by the which ye are called? If ye fulfil the royal law according to the scripture, Thou shalt love thy neighbour as thyself, ye do well: But if ye have respect to persons, ye commit sin, and are convinced of the law as transgressors. For whosoever shall keep the whole law, and yet offend in one point, he is guilty of all. For he that said, Do not commit adultery, said also, Do not kill. Now if thou commit no adultery, yet if thou kill, thou art become a transgressor of the law. So speak ye, and so do, as they that shall be judged by the law of liberty. For he shall have judgment without mercy, that hath shewed [SHOWD] no mercy; and mercy rejoiceth against judgment.”

Here endeth the Second Lesson.

Text:

From the First Lesson: ““You shall not pervert justice; you shall not show partiality....”^{iv} And from the Second Lesson: “If you really fulfil the royal law, according to the scripture, ‘You shall love your neighbour as yourself’, you do well. But if you have show partiality, you commit sin, and are convicted of the law as transgressors.”^v

In the Name of the Father, and of the ☩ Son, and of the Holy Ghost.
Amen.

Homily:

Both of today’s Lessons touch on the same issue, which the King James Version translates as “having respect to persons” and the Revised Standard Version gives as “showing partiality”. Under either name, it is the same thing, and as these Scriptures show, it is forbidden by God.

The First Lesson discusses this in the context of lawsuits and judicial proceedings. Judges are enjoined to decide cases fairly, on the basis of the facts presented to them and the law that is applicable to those facts. It should make no difference who the actual litigants are, or what their social statuses may be, or who they may happen to know,^{vi} and Deuteronomy makes it clear that to allow these factors to influence the judgment that is rendered is a perversion of justice.

It is difficult to overstate the importance of this sort of judicial impartiality. Where I live in New Orleans, over the past few months, we have had a stark reminder of this in the case of one of our Federal judges. Like many such officers, he had been a state court judge before being appointed to the Federal bench in 1994. However, unlike many other state court judges, at least unlike those outside places such as our own and, perhaps, Chicago,^{vii} he had been accustomed to accepting gifts, meals, trips, and even cash from certain friends.

Unfortunately, these friends were attorneys and bail bondsmen who did a great deal of business in his court. The bondsmen, in particular, profited handsomely when criminal defendants were required to post surety bonds instead of being released on their own recognizance as is today usual. To put it mildly, the conflict of interest in this situation was glaringly obvious.

All that impropriety occurred when this man was still on the state court. However, he failed to disclose it when he was interviewed as part of the background investigation when he was appointed to the Federal court, which is why he has recently been in trouble. And as a direct result of that prior conduct and of his failure to reveal it, just over a month ago, on December 8, 2010, the U.S. Senate convicted him on the articles of impeachment that had been passed by the U.S. House of Representatives.^{viii}

He was only the eighth Federal judge to be removed from office since the U.S. Constitution was adopted in 1789 and, in addition to his losing his Federal office and pension, and being barred for life from holding any other Federal office, his legal career ended on January 13, 2011 when he was disbarred by the Louisiana Supreme Court^{ix} for conduct unbecoming a lawyer – that is, in large part, for his improper

favoritism toward those attorneys and bail bondsmen more than sixteen years ago.

That, to me, is a clear example of how far Deuteronomy's denunciation of judicial partiality has sunk into the basic fabric of our society, even though probably very few of the Senators who voted in that case for conviction, and even fewer of the news reporters who wrote about the case, knew from whence had come the principle which they were considering.

Today's Second Lesson takes that same principle and extends it from the narrow judicial arena to our general daily interactions with other people. Saint James quotes an ancient injunction that "you shall love your neighbor as yourself"^x – the source of the Summary of the Law in our Eucharistic service^{xi} – and shows how it is undercut by any lapse into treating others with partiality for reasons of wealth, social position, and the like, even in such minor social situations as the seating arrangements for dinner guests.

Conclusion:

It seems to me there is one basic reason for Deuteronomy's and St. James's deprecation of "respect for persons", that is, of partiality based on who a person is or where that person stands in society. One is set out in the Summary of the Law as that traces from Leviticus through St. Mark to St. James. It is simply that we cannot love those of our neighbors whom we are willing to denigrate in favor of others of our neighbors.

True Christian love prizes our fellow men and women because they are loved by God and we ourselves love God, so we must love those He loves. But we do not love those whom God loves if we are willing to overlook their basic humanity, if we are willing to value others above them, if we are willing to treat them less favorably than those others, and especially if we are willing to do so on the basis of superficial characteristics that are of no importance whatever in the eyes of God, Who is no respecter of persons.

The Rev'd Canon John A. Hollister^{xii}
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ⁱ *Psalms and Lessons for the Christian Year (1943), THE BOOK OF COMMON PRAYER* xiv (PECUSA 1928, rev. 1943).

ⁱⁱ *Deuteronomy 16:18-20 & 17:8-11 (KJV).*

ⁱⁱⁱ *James 2:1-13 (KJV).*

^{iv} *Deuteronomy 16:19a (RSV).*

^v *James 2:8-9 (RSV).*

^{vi} *Cf. Leviticus 19:15.*

^{vii} *Recall here the FBI's "Operation Greylord" undercover investigation of judicial corruption in Cook County, IL, in the 1980s.*

^{viii} "Senate convicts Judge Thomas Porteous on impeachment charges", Associated Press, retrieved 1/22/2011 from www.fox8live.com/news/local/story/Senate-convicts-Judge-Thomas-Porteous-on/OrtAUb6240ufGYyZngsjTw.csp?rss=2085

^{ix} *The Times-Picayune*, "Thomas Porteous, impeached federal judge, has lost his law license", January 14, 2011, retrieved on 1/22/2011 from www.nola.com/politics/index.ssf/2011/01/thomas_porteous_impeached_fede.html

^x *Leviticus 19:18b (RSV).*

^{xi} *The Order for the Administration of the Lord's Supper, THE BOOK OF COMMON PRAYER* 69 (PECUSA 1928, rev. 1943), taken from *St. Mark 12:31.*

^{xii} *Priest Assistant, Christ Anglican Catholic Church, Metairie LA; Honorary Canon, the Diocese of the Resurrection; Honorary Canon and Canon to the Ordinary, The Diocese of New Orleans, The Anglican Catholic Church.*