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Lucia A. Silecchia

The Catholic University of America, Columbus School of Law

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Recommended Citation

Lucia A. Silecchia, “A Witness First Lives the Life He Proposes:” Evangelization and the Catholic Lawyer (unpublished 2015).

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“A Witness First Lives the Life He Proposes”: Evangelization and the Catholic Lawyer

Lucia A. Silecchia¹

It is a great pleasure and a particular joy to be discussing evangelization and the legal profession here in Baltimore. It was from here, the first diocese of the United States, that a small but committed group of Catholics, against great odds and in the face of hostility and even persecution, evangelized a nation – spreading the faith I love throughout the country I love.² Today, we are called, again, to continue that mission of evangelization in our own day and time through the various ways in which we live our lives.

There is a lot of bad news today about both evangelization and lawyers. I’m sure that many of you read the statistics released last week reporting the decline in religious affiliation and practice here in the United States.³ As a teacher, of particular concern to me was the way in which those statistics show that this drift from the practice of faith – any faith – is most pronounced among the young, who seem willing to face the future without the comforting challenge and challenging comfort of faith.

Among lawyers and within the legal profession, there is discouraging news as well. We repeatedly read about the misuse of law to stifle good and protect evil. We hear complaints about the conduct of lawyers or about dissatisfaction in the profession.⁴ It is easy, if we aren’t careful, to wonder about the future of evangelization and to be particularly pessimistic about the role that our profession may play in it.

¹ Professor of Law, The Catholic University of America, Columbus School of Law. This essay was presented at the Fourth Lecture for Catholic Legal Professionals on May 21, 2015. The lecture was hosted by Archbishop William Lori of Baltimore at St. Mary’s Seminary, Baltimore.

² A brief description of the historical importance of Baltimore, the United States’ “Premiere See” may be found at: <http://www.archbalt.org/about-us/the-archdiocese/our-history/index.cfm>

³ The research on this question was undertaken by the Pew research Center. The complete report may be found on-line at: <http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/>

⁴ The ABA Center for Professional responsibility is but one organization devoted to studying and responding to misconduct in and dissatisfaction with the legal profession. For an overview of the issues frequently raised, *see generally* http://www.americanbar.org/groups/professional_responsibility/policy.html

Yet, “*evangelization*” does not permit pessimism. The roots of the word evangelization are, literally, in the words that mean “*to bring good news.*”⁵ We live in a world that craves good news and, by virtue of our Baptism, all of us – lawyers included – are called to bring good news to a world that, despite all appearances to the contrary, aches for good news and deeply yearns to know the God from whom all good news comes, and to whom all good news leads. I am convinced that there is a powerful role for us in the legal profession to play in this great task of evangelization. Thus, I am so glad that you selected this theme for tonight’s Lecture for Catholic Legal Professionals.

Last October, in an address to the International Association of Penal Law, Pope Francis told lawyers:

There is no doubt that, for those among you who are called to live the Christian vocation of your Baptism, this is a privileged and dynamic field of world evangelization. ... [T]here is a need in every case for the assistance of God, who is the source of all reason and justice.⁶

Today, in this field of “world evangelization,” there is an important role for legal professionals to play – those who are willing to be joyful, hopeful witnesses to what is good, just, and simply right.

To encourage us in this task, I point out to you that we are blessed by the great example of a remarkable number of saints who were lawyers. Some are well known to us, beginning with Saint Thomas More, our most famous patron, but including many other familiar saints, such as Saints Alphonsus, Jerome, Andrew Avellino, Charles Borromeo, Francis de Sales, John of Avila, John of Capistrano, Josemaria Escriva, Raymond of Penafort, and Thomas a Becket, to name but a few. There are also less well known lawyers in the ranks of the saints, including, for example, the aptly-named Saint Theophilus the Lawyer.

⁵ See <http://www.oxforddictionaries.com/definition/english/evangel>

⁶ Pope Francis, *Address of Pope Francis to the Delegates of the International Association of Penal Law*, October 23, 2014, available at http://w2.vatican.va/content/francesco/en/speeches/2014/october/documents/papa-francesco_20141023_associazione-internazionale-diritto-penale.html

Each of these lawyers – and many others – witnessed to the good news in their own days and times by the way they lived for the Gospel, or died for the Gospel, or often did both. They give hope to each of us today to respond to the call to evangelize in our own circumstances. In the time that we have together, I would like to explore with you, briefly and practically, the opportunities that we may have to evangelize, or “bring good news” as lawyers, in three distinct settings. We have the opportunity to evangelize, first, in the ways in which we educate future lawyers; second, in the way in which our profession is practiced; and, third, in the substantive law of our land itself.

I would like to start by discussing evangelization and its implication for the education of future lawyers. In part, I begin here because this has been my work for twenty-four years. It is also a topic that is very much on my mind this evening. Tomorrow morning, I will be at the National Shrine in Washington for the graduation ceremony for Catholic University’s Law School graduates. Many of those students I know personally – some very well as they have shared their lives with me over the past several years. As each of their names are called, I wonder what their future holds – whether they will be happy, whether they will find work that satisfies them, whether they will make good personal and professional choices, and whether they will know the joy of a faith to sustain and guide them as they scatter to pursue their plans. I also wonder, as I look back on the years I spent with them, whether I could have done more or done differently to influence them in the lives that they will lead as attorneys.

But, evangelization in the context of educating lawyers is not merely of interest to those of us in legal education. In one way or another, each of us shares a role in legal education. Whether training new attorneys, mentoring our law clerks or interns, and advising our relatives, children, and friends who are launching legal careers, each of us helps shape the next generation of lawyers. Much is said about the importance of teaching professional skills and substantive knowledge. Far less is said or thought about how this process of education is an opportunity to evangelize – to spread good news.

Much of my thinking on the link between legal education and evangelization is shaped by a very beautiful World Day of Peace Message written by Pope Benedict XVI for 2012. He called this message, “*Educating Young People for Justice and Peace*,”⁷

⁷ Pope Benedict XVI, *Educating Young People for Justice and Peace*, January 1, 2012, available at http://w2.vatican.va/content/benedict-xvi/en/messages/peace/documents/hf_ben-xvi_mes_20111208_xlv-world-day-peace.html (hereafter “*Educating Young People*”).

and I recommend it to you all if you have not already read it.⁸ In this Message, Pope Benedict offers advice that is practical and profound. He starts by saying that “attentiveness to young people and their concerns, the ability to listen to them and appreciate them is not merely something expedient; it represents a primary duty for society ... for the sake of building a future of justice and peace.”⁹

As teachers and evangelists taking this advice to heart, we might ask whether we have been attentive to this duty owed to those entrusted to our care. Those seeking to enter our profession today crave attention, certainly, but their hearts are often full of concerns – or “unease” as Pope Benedict called it. Many of these concerns are practical ones – concerns about passing a bar exam, repaying student debt, choosing where to live, finding a first job and hoping that they are sufficiently prepared to succeed at that job. But, really listening and being attentive can often reveal a yearning for something else – a search for what will give life meaning and what will be a source of strength, joy and hope.

Where might this search lead? Pope Benedict continued his reflections by saying:

What does man desire more deeply than truth? The human face of a society depends very much on the contribution of education to keep this irrepressible question alive. Education ... is concerned with the ... moral and spiritual dimension, focused upon man’s final end and the good of the society to which he belongs. Therefore, in order to educate in truth, it is necessary first and foremost to know who the human person is. ... Man ... bears within his heart a thirst for the infinite, a thirst for truth ... since he was created in the image and likeness of God. The grateful recognition that life is an inestimable gift ... leads to the discovery of one’s own profound dignity and the inviolability of every single person. Hence the first step in education is learning to recognize the Creator’s image in man, and

⁸ I have previously written about the applicability of this Message for those involved in legal education. See Lucia A. Silecchia, *On 'Unease' and 'Idealism': Reflections on Pope Benedict XVI's Educating Young People in Justice and Peace and Its Message for Law Teachers*, 27 NOTRE DAME J. L. ETHICS & PUB. POL'Y 569 (2013) (available on line at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2278390)

⁹ *Educating Young People*, *supra* note 7, paragraph 1.

consequently learning to have a profound respect for every human being and helping others to live a life consonant with this supreme dignity.¹⁰

Thus, as teachers in all the ways we are, we must be willing to discuss – with confidence and joy – the moral and spiritual dimensions of the work that we are preparing our students to do.

Some have said that legal education’s emphasis on methodically examining all sides of an issue steals from students the convictions that they had about what was right or true or just. This can easily happen if they are urged to seek out all legal arguments that they may make as though all were equal or morally neutral and that what mattered most was the skill with which an argument could be made rather than the underlying morality of the argument. I hope that this is not true, but I understand the accusation.¹¹

In spite of this, I hope our students understand that they are not being trained as mere technicians. Rather, they are being educated to work with law which is, truly, one of the greatest forces for either good or evil that mankind has created. I hope that, with joy, we can tell students that the responsibility with which they are entrusted – in small matters and large – is one that they must undertake knowing that they, those they serve, and those they oppose, are made in the image and likeness of God.

How are we to do this? Unfortunately, Pope Benedict’s answer is at once simple to say – and difficult to do. He says, “today more than ever, we need authentic witnesses, and not simply people who parcel out rules and facts; we need witnesses capable of seeing farther than others because their life is so much broader. A witness is someone who first lives the life he proposes to others.”¹² Now, there’s a tall order for law teachers! But in this lies the heart of evangelization: “*A witness first lives the life he proposes to others.*”

¹⁰ *Educating Young People*, *supra* note 7, paragraph 3.

¹¹ I have previously considered some of the complaints made about legal education and its impact on law students and their spiritual and moral lives. See generally Lucia Ann Silecchia, *Integrating Spiritual Perspectives with the Law School Experience: An Essay and an Invitation*, 37 SAN DIEGO L. REV. 167 (2000) (available on line at <http://ssrn.com/abstract=1911953>)

¹² *Educating Young People*, *supra* note 7, paragraph 2.

At the end of the academic year, I grade papers and try to assess with fairness and precision how well students have learned what I have tried to teach. But Pope Benedict's challenge to me and to us all is to ask not how we teach, but how we live. Not what we have said, but what we have done. It is in this that we can respond to the call to evangelize in the task of educating lawyers. How? Some of the questions I ask myself are:

- Am I willing to make the claim in class or in what I write that there is an objective right and wrong?
- Do I welcome the chance to discuss with students the demands that their faith may place on the types of work that they will choose to do and the manner in which they will do it?
- Am I willing to pray with students at their daily Mass and attend the spiritual events they plan?
- When I give advice, or discuss with students what is important to me and how I make decisions, do I mention the role that faith means to me in those important moments in life?
- When students suffer great losses as they do – the death of a parent, the illness of a child, a health crisis of their own, or any of the other sadnesses that can befall them, what do I say to them or write to them when I express my concern or sympathy?

“A witness first lives the life he proposes to others.” That is also good advice for the second opportunity for evangelization that I would like to explore with you this evening. While we work in diverse practice settings, we have a chance to enliven our workplaces with good news as well.

As I mentioned previously, we often read about negative perceptions of attorneys, or statistics that reveal professional dissatisfaction and a higher incidence of personal difficulties among attorneys as compared to the general public. (Although, some good news to report on this front is a recent study that showed that the lower an attorney's

income, the greater his or her happiness is likely to be.¹³) This suggests to me an opportunity for evangelization as well.

Here, however, there is a tension that, at times, can be difficult to navigate. Our faith teaches, “You are the light of the world. ... [L]et your light shine before men, that they may see your good deeds and praise your Father in heaven.”¹⁴ But it also teaches, “Take care not to perform religious deeds in order that people may see them. ... [D]o not let your left hand know what your right hand is doing.”¹⁵ Navigating wisely between these two demands, particularly in professional life, is difficult and, to be honest, I have no answer. A timid evangelist seems an oxymoron; yet, the alternative seems fraught with dangers too. Those who I admire most seem to do this best by knowing how to keep the focus on “your Father in heaven” rather than themselves, but how they do it still seems intangible to me.

Some would say that ours is a purely secular profession and to an extent that is true. Some devote their legal career to working for an explicitly Catholic employer or devote their practice primarily to those issues directly of interest to the Church. For these legal professionals, the dynamics of evangelization are quite different. Personally, I know that it has been an enormous blessing to spend twenty-four years working at a Catholic school – a blessing I did not fully appreciate at the time I began my work but one that I have grown to appreciate more fully every year.¹⁶

But, most of our jobs are in the secular realm. I would say that here as well the chance to evangelize exists. It is hard to imagine or to know in this lifetime what the impact might be of a casual workplace conversation about faith, of a seemingly unnoticed lunch hour spent at Mass, or of a religious statue or sign in the office that silently invites conversation. To the extent that we can, these simple quiet ways of witness to our faith can be profoundly important.

¹³ See generally Douglas Quenqua, *Lawyers With Lowest Pay Report More Happiness*, THE NEW YORK TIMES, MAY 12, 2015.

¹⁴ Matthew 5:16.

¹⁵ Matthew 6: 1-6

¹⁶ In a personal way, I considered the contribution of a Catholic academic environment to both faith and intellect in Lucia Silecchia, *Reflections on the Link between Faith and Intellect*, January 18, 2011 (available on line <http://ssrn.com/abstract=1746911>).

But, I would suggest another way to evangelize in the workplace by looking for guidance not solely in the rules of our profession but in the ancient, basic rules of our faith – and attorneys know rules! Pope Francis called the 10 Commandments “A path God points out to us towards a life which is truly free and fulfilling. ... [T]hey are a great yes! A yes to God, to Love, to life.”¹⁷ How might we bring this great yes to our workplaces with joy? Let me pick just a few examples from these well-known Commandments, and invite you to do the same as you reflect on evangelization in the workplace.

*“You shall have no other God but me.”*¹⁸ So, we may ask who or what are the gods of our workplace? Are there things that we value more than we should? Do we let others see the joy and peace we derive from faith and that comes only from knowing, loving and serving God above knowing, loving, or serving the things of this world?

*“You shall not take the name of the Lord your God in vain.”*¹⁹ How do we express ourselves when we are angry at work? There is a very powerful witness in the person who remains serene in difficult times and doesn’t respond to anger or disappointment by misusing the name of God.

*“Remember to keep holy the Sabbath day.”*²⁰ Do we make undue demands on our employees so that they see Sunday as just another workday? When we chat about our weekend activities, do we mention worship with the same enthusiasm with which we mention other activities? Do we answer emails and text messages as though Sunday were just another day? Do we expect those who work for us to do the same? What a refreshing way of evangelizing it could be to treat the Sabbath as the sacred, special day it is and enable those who work with us to do the same!

¹⁷ Pope Francis, *Holy Mass for Evangelium Vitae Day, Homily of Pope Francis*, June 16, 2013, available at http://w2.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco_20130616_omelia-evangelium-vitae.html

¹⁸ Exodus, Chapter 20.

¹⁹ Exodus, Chapter 20.

²⁰ Exodus, Chapter 20.

*“Honor your father and mother.”*²¹ Perhaps here, we can consider the ways in which our workplaces can make it easier for each other to honor our commitments to our families. Much attention is paid to the legal and political questions involved in accommodating family obligations. But, as evangelists, there are more personal ways in which we can let our employees and co-workers know we understand that the family is a sacred gift from God, and that our faith motivates us to do what we can to help others honor the bonds that they have to parents, children and others who rely on them for care and love.

*“You shall not covet.”*²² Attorneys are often thought of as aggressive competitors – and the desire to prevail in a just cause is a good and healthy thing! But we might ask whether the competitive spirit or desire for success ever impedes our ability to rejoice in the joys of others who win or succeed. A joyful witness is grateful for the blessings others enjoy and can, in this way, be a wonderful example that makes others say, “I want to know what he knows. I want to know who she knows.”

I know that there are five other commandments as well! I will leave it to you to consider them as I know that time grows short. The truth is that many of us spend more of our waking hours with our co-workers than with anyone else. So, the example that we set and the values that we bring to our workplaces and, thus, to our profession, are some of the ripest opportunities we have for evangelization. *“A witness first lives the life he proposes to others.”*

With respect to the third area of evangelization that I would like to reflect on this evening, we have an opportunity to bring good news to the substantive laws of our land – laws that often cry out for good news. I will speak the least about this one, because much has been said and written in this field by those far more knowledgeable than I. But, a few words here as well.

Whether the world admits it or not, law and morality are, for better or worse, intertwined. To those who would say that religious perspectives on morality should have no place in the making of law, I would ask whether it is possible to identify *any* law that doesn’t reflect *some* perspective on morality. Ideally, just laws mirror what is true and

²¹ Exodus, Chapter 20.

²² Exodus, Chapter 20.

what is moral. At a very minimum, they do not advance or require that which is unjust. Those open to the promptings of God, with consciences informed by the teachings of the Church He gave as a great gift, can contribute much to making our laws more closely conform to the demands of justice.

Saint John Paul II's *Evangelium Vitae*, a must-read for Catholic lawyers, is best known for its inspiring discourse on the inalienable dignity of human life. However, it also includes profound insights on the relationship between law and morality. He writes:

There are those who consider ... relativism an essential condition of democracy, inasmuch as it alone is held to guarantee tolerance, mutual respect between people and acceptance of the decisions of the majority, whereas moral norms considered to be objective and binding are held to lead to authoritarianism and intolerance ... [T]he value of a democracy stands or falls with the values which it embodies and promotes ... The basis of these values cannot be provisional and changeable 'majority' opinions, but only the acknowledgement of an objective moral law which, as the 'natural law' written in the human heart, is the obligatory point of reference for civil law itself.²³

Saint John Paul II understood that laws unmoored from values can quickly become authoritarian even in a democracy. Pope Francis expressed a similar concern when, as Cardinal Jorge Bergoglio he said: "Values cannot be consensual. They just are. In the accommodating game of 'reaching a consensus on values' there is always the risk, predictably, of 'downgrading.' At that point, we are no longer building on solid ground, we are entering the violence of degradation."²⁴ Unfortunately, there is no shortage of examples in which this degradation has happened or is happening in the creation or application of laws today.

²³ Pope John Paul II, *Evangelium Vitae*, March 25, 1995 paragraph 70, available at http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html (hereafter "*Evangelium Vitae*")

²⁴ SERGIO RUBIN AND FRANCESCA AMBROGETTI, POPE FRANCIS: CONVERSATIONS WITH JORGE BERGOGLIO 242 (2013).

The threat to vulnerable, innocent human life is, sadly the central human and civil rights abuse of my generation.²⁵ Laws today do not merely allow this abuse, but protect and even celebrate it as a right. Threats to the frail ill and elderly have been proposed here in Maryland.²⁶ Down the road in the District of Columbia, two stunning, separate threats to the religious liberty of prolife organizations and to religious schools and universities are wending their way through the legal process.²⁷ Hostility to legal conscience protections is expanding, as somehow the public becomes convinced that protection of religious liberty – the first constitutionally protected right – is a whim that should be easily sacrificed for other political interests.²⁸ Sometimes it seems as though legislative programs designed to provide economic assistance do not always target the most needy but, instead, offer benefits to those who wield political influence. At times, penalties meted out – particularly to juveniles – may be imposed without sufficient concern for reform and rehabilitation. And the examples could continue!

When the weight of the world’s troubles are exacerbated by laws that are not just, we should be prompted to ask whether we have chosen complacency over compassion or tolerance over truth. But, wait ... evangelization is not pessimism. It is the sharing of good news. So, in the context of laws that are unjust or immoral, what are we to do as attorneys and as evangelists? Perhaps one of the greatest ways in which we can serve God, each other, and the common good, is to help make our laws more reflective of what is good, just and true. After all, unfortunately, unjust laws would not have come to pass without the active involvement of our profession. If that is true, then the opposite is also true – our profession has an important role to play in reforming law.

When seeking guidance on how to do this, I hearken back to the long list of attorney-saints to see what they did, and how they responded

²⁵ *Evangelium Vitae*, *supra* note 23, discusses in great detail the ramifications of this threat both physically and morally.

²⁶ *See* <http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=billpage&tab=subject3&id=hb1021&stab=01&sys=2015RS> (discussing legislative history of the “Richard E. Israel and Roger “Pip” Moyer Death with Dignity Act” in the Maryland General Assembly).

²⁷ *See* <http://www.adw.org/2015/03/18/religious-freedom-at-stake/> for the response of the Archdiocese of Washington to the threats to religious freedom posed by the “[Reproductive Health Non-Discrimination Amendment Act \(RHNDA\)](#)” and the “[Human Rights Amendment Act \(HRAA\)](#)” in the nation’s capital city.

²⁸ *See* <http://www.usccb.org/issues-and-action/religious-liberty/fortnight-for-freedom/index.cfm> for further information about the United States Conference of Catholic Bishops’ response to the threats to religious liberty in the United States.

First and always, they prayed. That speaks for itself.

Second, they studied. Our Church has centuries of tradition and teaching on the morality of law and the framework of a just society. This is a great gift. Taking time to learn not just what the Church teaches, but why she teaches it can be an anecdote for the political, legal or practical pressures that can prompt us to be swayed by what is shallow or fleetingly popular.

Third, depending upon who they were, they wrote or spoke their minds publically. Words matter. As attorneys, we should understand this more than most. The things we say can affect those in our spheres of influence. The words that we choose to use can change views in a subtle way. A decision not to remain silent can help disabuse people of the notion that ‘no one’ believes that or “everyone” supports this. When those who see an injustice – particularly one enshrined in law – do not write or speak or argue against it, a false unanimity can quickly seem to emerge. This makes meaningful change harder and harder as time goes by. Not impossible, but harder.

Fourth and finally, many of the attorney-saints suffered. To speak a prophetic, evangelical word to a world resistant or unready is an act of courage – and a powerful witness to truth in the face of wrong. When done with love and joy and hope, this is a way of evangelization with a particular place for lawyers. *“A witness first lives the life he proposes to others.”*

I would like to end my reflections on attorneys and evangelization by sharing with you two things I have in my office to help remind me of the ways in which faith and work and evangelization and life are all intertwined.

First, I have a small copy of a painting called “The Angelus.”²⁹ This is a painting that may be familiar to you. It is a painting by Jean-François Millet, and it depicts a man and a woman, poor, dusty peasants, standing with their heads bowed in prayer. They stand in a field, next to a wheelbarrow full of potatoes. In the corner, a small church sits in the distance. From the name of the painting, you can tell exactly what is happening. The noon bells at the church have just rung, and the man and the woman have stopped what they are doing to pray. It is a reminder to me that work and prayer go together, and prayer comes first – whether you are a potato farmer in Europe, a teacher in Washington, or a lawyer in Baltimore. There can be no evangelization without prayer. So, these poor farmers remind me to work hard, but pray harder.

Second is a new acquisition. I was recently in Wadowice, the birthplace of Saint John Paul II. His family lived in a small flat in a building that sat directly next to his parish church, across a narrow alleyway. From the window of his family’s apartment, he could see a sundial mounted to the side of the church. The words inscribed on the sundial say, “Time flies. Eternity waits.” This is a reminder that our time in this world is fleeting, but the next life waits and endures.

Often, it seems that the most common answer attorneys have to the question “How are you?” is “Busy!” But, maybe, our answer should be different. Time is one of the great gifts God has given us, and one of the few that is not a renewable resource. Once spent, none of us, rich or poor, can generate more. Because of that, the way in which we spend our time may be the best indication of what we value. So, in a souvenir shop in Wadowice, I bought a picture of that sundial to hang in my office. The words “Time flies. Eternity waits.” are written in Polish, so perhaps few visitors to my office may know that they mean. But I will.

It remains to be seen whether that reminder of the fleeting nature of this life and the infinite nature of eternity will inspire me to use the gift of time differently, or better, to share good news about God, his Son, his Church, his love, and his law. But, here’s hoping it will, and with that I thank you for the great gift of your time this evening.

²⁹ For more background about this painting, see http://www.musee-orsay.fr/index.php?id=851&L=1&tx_commentaire_pi1%5BshowUid%5D=339