

July 14, 2013

The Fathers of Chalcedon

Father Pat's Pastoral Ponderings

Jury Duty and the Priest

I have never served on a jury. Nor, if I trust memory, have I ever published very widely the reasons for this.

The immediate reason is that I have invariably found some way to be excused from that duty without making a big deal of it. When, for instance, I received a jury summons shortly after my arrival in Chicago in 1998, I took the liberty of showing up in the courtroom dressed in a cassock and wearing a pectoral cross. The maneuver was effective; absolutely everybody in the room—judge, prosecutor, defender, court reporters, street winos who wandered in just to get out of the cold—they all ignored me, or pretended to. No eye in the place ever met mine. Pigeons perched on the sills of the courtroom windows stood a better chance of getting picked for the jury.

The fact is: no one who hears Confessions should ever, under any circumstance, serve on a jury. When he hears Confessions, the priest functions in the capacity of a parakletos; that is, he serves the penitent as the minister of God's infinite mercy. Like God, the Father Confessor is always on the side of the sinner.

When the criminal forensic system picks candidates to serve on a jury, it invariably asks them, "Can you render judgment based entirely on the objective evidence placed before you?" Although this is an entirely appropriate question, I don't see how it can safely be answered in the affirmative by a man whose habitual mindset is formed in a forum where he functions as the minister of divine mercy.

I render these reflections in the context of the George Zimmerman/Trayvon Martin trial. Indeed, even now the jury is in deliberation as I write. Although the judge in this trial cautioned the jurors to make their decision based on the objective evidence, I was stunned by the prosecutor's plea to the jury to "go into [their] hearts and find the defendant guilty."

The thought of a Christian's going into his heart and condemning someone else simply staggers the mind. If a Christian does this—on any occasion—he must shudder at the judgment that awaits him. No, in a courtroom the only

legitimate judgment is one reached on the basis of objective evidence presented in the case, not the sentiments of the heart.

And this is the reason a Father Confessor must not serve on a jury. He knows, in the depths of his heart, that there is always more to the story; he realizes that, even if our heart condemn us, God is greater than our heart and knows all things.

St. Augustine tells a story pertinent to these reflections. It concerns his friend Alypius, who became, in due course, the bishop of Tagaste. According to Augustine, when he and his friend—both of them yet young—were living in Carthage, Alypius was falsely arrested as a thief and narrowly escaped imprisonment or worse. The case was at length cleared up, Augustine wrote, and Alypius learned a lesson that profited him a great deal later on, when, “as an examiner of numerous cases in Thy Church,” he would be responsible for rendering wise pastoral judgments. Alypius, learned, in short, that things are sometimes not what they seem (Confessions 6.9).

This story causes me to wonder if proper preparation for becoming a priest might involve, not service on a jury, but some period in jail. (On more mature reflection, I have decided not to share this insight with my Archbishop.)

G. K. Chesterton exploits a related theme in his extraordinary Father Brown stories, in which the parish priest solves any number and manner of crimes by reason of the education derived from his constant exposure to the depths of man’s evil heart. Early in the series he explains this fact to the French arch-criminal, Flambeau, who later becomes a private detective and the frequent companion of the priest. Because he looked at sin and crime through sacramental eyes, I cannot imagine any court in the world accepting this sleuth-priest for jury duty. I regard Father Brown as wonderfully typical.

As for myself, I recently received yet another summons to be present for the purpose of passing judgment on my fellow sinners. I need not worry about this ever again, however; I informed the court that my age is now three quarters of a century, and I was dismissed immediately.

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