

Sermon for Morning Prayer
Quinquagesima Sunday

Lessons:¹

The First Lesson: Here beginneth the twelfth Verse of the tenth Chapter of the Fifth Book of Moses, called Deuteronomy.²

“And now, Israel, what doth the LORD thy God require of thee, but to fear the LORD thy God, to walk in all his ways, and to love him, and to serve the LORD thy God with all thy heart and with all thy soul, To keep the commandments of the LORD, and his statutes, which I command thee this day for thy good? Behold, the heaven and the heaven of heavens is the LORD’s thy God, the earth also, with all that therein is. Only the LORD had a delight in thy fathers to love them, and he chose their seed after them, even you above all people, as it is this day.

“... For the LORD your God is God of gods, and Lord of lords, a great God, a mighty, and a terrible, which regardeth not persons, nor taketh reward: He doth execute the judgment of the fatherless and widow, and loveth the stranger, in giving him food and raiment. Love ye therefore the stranger: for ye were strangers in the land of Egypt. Thou shalt fear the LORD thy God; him shalt thou serve, and to him shalt thou cleave, and swear by his name. He is thy praise, and he is thy God, that hath done for thee these great and terrible things, which thine eyes have seen. Thy fathers went down into Egypt with threescore and ten persons; and now the LORD thy God hath made thee as the stars of heaven for multitude. Therefore thou shalt love the LORD thy God, and keep his charge, and his statutes, and his judgments, and his commandments, alway.”

Here endeth the First Lesson.

The Second Lesson: Here beginneth the second Chapter of the First Epistle General of St. John.³

“My little children, these things write I unto you, that ye sin not. And if any man sin, we have an advocate with the Father, Jesus Christ the righteous: And he is the propitiation for our sins: and not for ours only, but also for the sins of the whole world. And hereby we do know that we know him, if we keep his commandments. He that saith, I know him, and keepeth not his commandments, is a liar, and the truth is not in him. But whoso keepeth his word, in him verily is the love of God perfected: hereby know we that we are in him. He that saith he abideth in him ought himself also so to walk, even as he walked. Brethren, I write no new commandment unto you, but an old commandment which ye had from the beginning. The old commandment is the word which ye have heard from the beginning. Again, a new commandment I write unto you, which thing is true in him and in you: because the darkness is past, and the true light now shineth. He that saith he is in the light, and hateth his brother, is in darkness even until now. He that loveth his brother abideth in the light, and there is none occasion of stumbling in him. But he that hateth his brother is in darkness, and walketh in darkness, and knoweth not whither he goeth, because that darkness hath blinded his eyes. I write unto you, little children, because your sins are forgiven you for his name’s sake. I write unto you, fathers, because ye have known him that is from the beginning. I write unto you, young men, because ye have overcome the wicked one. I write unto you, little children, because ye have known the Father. I have written unto you, fathers, because ye have known him that is from the beginning. I have written unto you, young men, because ye are strong, and the word of God abideth in you, and ye have overcome the wicked one. Love not the world, neither the things that are in the world. If any man love the world, the love of the Father is not in him. For all that is in the world, the lust of the flesh, and the lust of the eyes, and the pride of life, is not of the Father, but is of the world. And the world passeth away, and the lust thereof: but he that doeth the will of God abideth for ever.”

that those who are minded to commit crimes or sins cannot really be deterred from their evil objects, a pragmatic lesson that has been forgotten by all too many in our own time. Rehabilitation may be a noble goal, but its principal object is the welfare of the one who may be rehabilitated, not that of the community.

Instead, the Biblical approach is that once a just punishment has been imposed on a criminal or a sinner – that is, a punishment that is proportionate to the offense and that is fair according to the applicable standards, whatever those may be – then that punishment should be carried out in full. Anything less fails to demonstrate the community’s refusal to accept the destructive conduct of its members.

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The Rev’d Canon John A. Hollister⁷
March 6, 2011.

¹ *Psalms and Lessons for the Christian Year* (1943), THE BOOK OF COMMON PRAYER xvi (PECUSA 1928, rev. 1943).

² Deuteronomy 10:12-15, 10:17-11:1 (KJV).

³ I John 2:1-17 (KJV).

⁴ Deuteronomy 11:1 (RSV).

⁵ *R. K. Harrison, Deuteronomy*, in D. GUTHRIE AND J. A. MOTYER, EDs., THE NEW BIBLE COMMENTARY REVISED 3rd Edition 201 (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1970).

⁶ Deuteronomy 11:1 (RSV).

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most rehabilitated prisoner in America” and point out that other prisoners who had been convicted and sent to prison after him had already been released on one or another notion of clemency or rehabilitation. It was simply unfair, these well-intentioned folk claimed, for him still to be sitting up there in the prison when other murders had been let go free.

Of course those petitions never said anything about the people he had kidnapped and shot, and especially they never said anything about the young woman who died of that shooting or about how society feels about having its young women kidnapped and killed.

Every time this case was resurrected in the newspapers, as it was at least annually for a number of years, I marvelled that in all the arguments offered from each party, those who favored clemency and those who opposed it, not one person ever addressed the question of why society imposes punishment for murder in the first place. All that was ever spoken of was this man’s supposed rehabilitation, as though a murder/kidnapping prosecution were a private civil dispute between the criminal and the state government, such that when a sufficient sum had been offered in settlement of the suit, the suit would be dismissed.

Conclusion:

So from the Judeo-Christian perspective, this is the original function of punishment: to demonstrate to God, and to ourselves, and to anyone else who may be paying attention, that there are certain forms of behavior we are not willing to permit to exist in our community. We refuse to countenance and accept such behavior, behavior which if it involves civil society we call criminal and if it involves the Church and our relationship to God we call sinful.

Notice that in this there is nothing said about deterrence or rehabilitation. The ancients knew perfectly well

Here endeth the Second Lesson.

Text:

From the First Lesson: “You shall therefore love the LORD your God, and keep his charge, his statutes, his ordinances, and his commandments always.”⁴ In the Name of the Father, and of the ✠ Son, and of the Holy Ghost. *Amen.*

Homily:

Today’s First Lesson is taken from the Book of Deuteronomy, the last of the five Books of Moses which comprise the Torah or Jewish Law. In many ways, Deuteronomy is not addressed so much to the technical specialists of the Levitical priesthood, as are the Book of Leviticus and portions of the Book of Exodus.

Instead, Deuteronomy is aimed at the people of Israel, in their character as the congregation of the Lord,⁵ or in other words those whom we, today, would call the laity of the Church. That is, in important ways, Deuteronomy is addressed to the people of the Covenant rather than to their social, military, or religious leaders.

The very concept of a Covenant implies a bargain or a contract. The Mosaic Covenant could be described in modern business terms as “a sole-source supply contract for personal services”. What the people of Israel promised was to obtain all of their God services exclusively from the God of Sinai and, in return, God promised to supply them with all the God services they could handle, if not more.

In return for these undertakings, which related to what we today would call the “subject” of the contract, there was what we call “consideration”, that is, cause for the contract, on both sides. The people of Israel undertook to deal exclusively with God and also to conform their conduct, in-

dividual and communal, to God's prescriptions and further to worship God in the fashion, and at the times, that God specified. God undertook to accept the worship of the people of Israel when that worship was properly performed and to protect the people of Israel and to make them prosper, so long as they upheld their end of the contract.

So the verse from Deuteronomy that I have taken as my text this morning, "You shall therefore love the LORD your God, and keep his charge, his statutes, his ordinances, and his commandments always",⁶ is simply a reminder to those people of that one overarching fact of life under the Covenant: behavior matters. The behavior of each individual member of the community matters.

For when any member of the Covenant people breaks the Lord's commandments, and the community knows about that breach, then the community has only two choices. One choice is to do nothing, in which case the community, by its inaction, makes itself complicit in the breach, that is, in the disobedience to God.

In this case, that breach of a commandment is no longer a private act by one member of the community but, because the entire community has by default accepted and ratified that breach, then thereafter the entire community is in breach as well. It becomes, as we would say today, "accomplices after the fact" to the original crime of the one member. And when the entire community is in breach of the Covenant, the entire community can no longer expect God to protect it and to make it prosper.

The other choice the community has is to show God that it does not accept and ratify the deviant behavior of its one erring member. It has only two ways of demonstrating that it is not making itself a party to that member's disobedience: it can punish the erring member or it can expel him from amongst it. And in the Old Testament's Levitical

Code, we see both of these methods used to protect the nation of Israel by disentangling it from the sins of its individual nonconforming members.

Acts which are sinful, so that they affront God, may also harm or affront our fellow citizens. In that case, they become what we call crimes or torts, depending on whether the harms involved have public aspects or are purely private grievances. When they have public aspects, the machinery of government is brought to bear upon them in order to show that the sort of conduct involved is not tolerated in our society.

Let me give you an example of this concept in actual operation. When I moved to Louisiana, more than thirty years ago, there was in the state's maximum-security prison a man who had been convicted of the murder of a bank teller after he robbed a bank and kidnapped, then shot, several of the bank's employees. He had been sentenced to death but, before that sentence could be carried out, the United States Supreme Court decided another death-penalty case, the result of which was to impose new procedural requirements on death sentences.

Therefore, the sentence on this man could no longer be carried out and, by default, he ended up with a life sentence, although that was contrary to what had been imposed on him by what was at the time of his trial the unquestioned law of the state. Over the years after he was thus given an unearned act of clemency, he became the editor of the prison's newspaper, and became something of a public speaker, both of which for a he used to build for himself a large public following.

So when I arrived in the state and became aware of this particular case, there were a number of prominent people who would, on a very regular basis, petition the governor to pardon this particular convict. They used to term him "the