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Robert F. Boden

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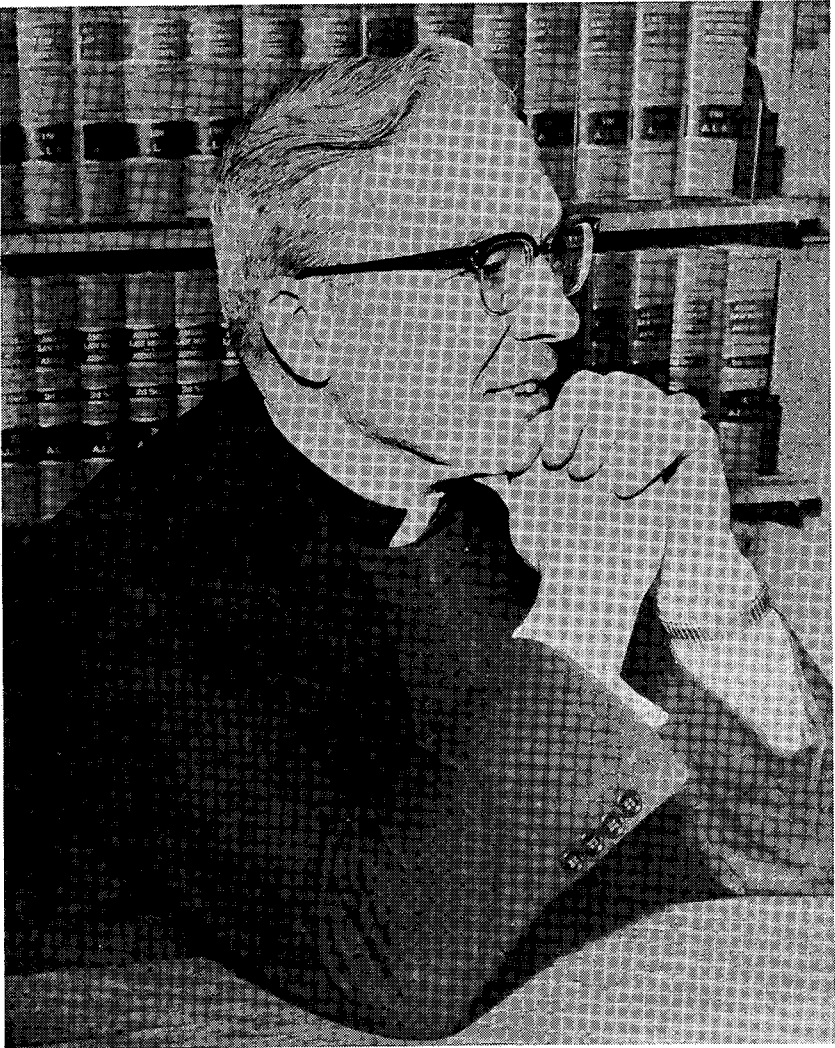


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IN MEMORIAM

REVEREND THOMAS E. DAVITT, S.J.

DEAN ROBERT F. BODEN
Marquette University Law School

Reverend Thomas E. Davitt of the Society of Jesus, Professor of Jurisprudence at Marquette University Law School for twenty-six years between 1954 and 1980, passed away on August 10, 1980, while on retreat and vacation at Gloucester, Massachusetts. He was 76 years of age.

Father Davitt was born at Adrian, Michigan, on May 6, 1904, the son of Thomas and Anna Howley Davitt. His primary and secondary education was in Adrian. He earned the money for his college education as a fireman and brakeman in the train service of the Michigan Central and Wabash Railroads, and this employment made him a lifelong railroad buff. He entered the University of Detroit in 1928 and received its Bachelor of Arts degree in 1932. Following graduation from college, he entered the Society of Jesus at Florissant, Missouri, on August 8, 1932, and he was ordained a priest at St. Mary's, Kansas, on June 26, 1940. He received the Master of Arts degree from St. Louis University in 1936 and the Doctor of Philosophy from the University in 1950.

Father Davitt's first teaching assignment was in the Classics Department of Creighton University Preparatory School in 1936, after which he taught philosophy at Marquette University for one year before joining the Philosophy Department at St. Louis University in 1943. He was a member of that department until 1954, and he began teaching jurisprudence in the St. Louis University School of Law in 1950. He served as Acting Regent of that School of Law in 1949-50.

Father Davitt came to Marquette University in the fall of 1954 with a joint appointment as Professor of Philosophy in the College of Liberal Arts and Professor of Jurisprudence in the Law School. He served in those capacities through the 1979-80 academic year. In the course of his service at Marquette, Father Davitt established a national reputation as a scholar in the field of jurisprudence. He was the author of six

books in the jurisprudence field during this period of time, the most recent, a treatise on the jurisprudence of nuclear energy, having been completed in final draft form about one week prior to his death. In addition, Father Davitt was the author of numerous articles published over the years in legal journals dealing with a variety of jurisprudential subject matters.

In 1956-57, he was on leave of absence from Marquette University under a Guggenheim Fellowship to do research on jurisprudence in London, England, and in several other European centers of jurisprudential research. Between 1960 and 1962 he was the recipient of a grant for research on basic values in law from the American Philosophical Society, and in more recent years he had enjoyed several research grants from Marquette University. He was a Visiting Research Professor at the University of Chicago Law School in the summer of 1960 and at the Harvard Law School in the summer of 1961.

For twenty-six years Father Davitt offered a popular senior elective course in the Law School under the title "Policy and the Law." He was regarded by two generations of Marquette law students as an excellent teacher, a brilliant scholar, and a good friend. At the same time he carried on a teaching assignment, including the supervision of doctoral candidates, in the Department of Philosophy, where he enjoyed equal popularity and respect from the students. His enthusiasm for learning and his own devotion to good scholarship did not diminish with advancing years, and, blessed with excellent health, he carried on his teaching and research activities with great vigor up to and including his last days among us. The thought of retirement, for which he would have been eligible in 1969, was anathema to him, and the last ten years of his life were among his most productive in both teaching and research.

Father Davitt was active in the affairs of the Association of American Law Schools, never missing a meeting during the period of this writer's acquaintance with him, now stretching back over twenty-one years. In the old Round Tables on jurisprudence, and in the newer Section format, he was an active participant and an able and articulate defender of natural law philosophy, the tradition in which he was raised and educated and to which his writings contributed so much.

Every August for twenty-five years, Father Davitt journeyed to the Jesuit House at Gloucester, Massachusetts, where he made his retreat and enjoyed a short vacation before the beginning of the school year. It was there, on August 10th, and after completing his retreat, that he passed away in his sleep.

A favorite prayer of his, entitled "The Railroad Man's Prayer," concludes as follows:

And when we come to make our last run, let all the signals along the way be bright and green and the road clear. We pray that our train be ordered in on time, and may we know no fear through the tunnel of death. Grant us the satisfaction of entering the Grand Terminal Station safely and according to the timetable. May we have the Superintendent's approval, find our names in the register book, receive our wages, and have an everlasting lay-off with Thee and those we love.

It is the prayer of Father Davitt's friends and colleagues that this wish of the railroad man has been fulfilled and that, with the full approval of the Superintendent, he is enjoying his everlasting lay-off.

Requiescat in pace.

