

Genesis of a Conference

Francis M. Lazarus

Follow this and additional works at: <http://scholarship.law.marquette.edu/mulr>



Part of the [Law Commons](#)

Repository Citation

Francis M. Lazarus, *Genesis of a Conference*, 78 Marq. L. Rev. 397 (1995).

Available at: <http://scholarship.law.marquette.edu/mulr/vol78/iss2/13>

This Article is brought to you for free and open access by the Journals at Marquette Law Scholarly Commons. It has been accepted for inclusion in Marquette Law Review by an authorized administrator of Marquette Law Scholarly Commons. For more information, please contact megan.obrien@marquette.edu.

GENESIS OF A CONFERENCE

DR. FRANCIS M. LAZARUS*

Ladies and gentlemen, it's a great delight for me to see you here today, and to have this opportunity to meet you and begin a dialogue with you on the common problems faced by religiously affiliated law schools. I have more than a mere "official" or ceremonial interest in this conference, the questions which it will pose, and the answers which it will seek. My interest derives from the fact that I am responsible for the role the Marquette University Law School plays in contributing to the academic well-being of the University and to the University's nature as a Catholic institution. In addition, I bear some of the responsibility for convening a conference on this topic, and I would like to share with you some of the background for the Conference.

This Conference came about, in some respect, as an enactment of a "musing" of mine. Those of you who are provosts or chief academic officers, and those of you who know such people well, are aware that we don't usually give ourselves much time to "muse." When we do, however, it is a rare and treasured opportunity to apply a bit of reflection to what we are most often called upon to do. We are frequently forced to make important decisions with time lines that are very short.

But I do have the opportunity, from time to time when meeting with one of the deans, to take some time to reflect on what it means to be engaged seriously in the business of higher education. Dean Frank DeGuire and I had exactly such a session about two years ago when he mentioned to me that the ABA had taken what I consider to be a most unusual step with regard to determining the Association's policy about a very controversial moral and civil issue. Frank and I were trying to fashion a way in which Marquette could and should respond to this decision by the Association, a decision which challenged our personal and institutional ethics.

It was quickly clear that this was no ordinary meeting between the two of us. Those ordinary meetings usually have all the customary trappings of what one would expect from a strategy meeting between a dean and his supervisor. In this particular meeting, though, I was sitting on the edge of my chair. And this time it was not because I was disagreeing with my Dean. In fact, Frank and I were in complete accord over our

* Vice President for Academic Affairs at Marquette University.

distress at the Association's adaptation of an official position that was taken on yet another controversial, political, and moral issue. This was not the first time that the ABA's policies had touched negatively upon the religious sensitivities of our university and of ourselves as individuals. Why, we wondered, did the Association believe that it was necessary to take an official stance, speaking on behalf of its entire membership, regarding an issue that it knew had no consensus among the membership? How were we to respond to this latest challenge, a challenge that could even be seen as an affront—I didn't take it that way, but it could be seen that way—to our personal and institutional beliefs? Should we protest privately? Publicly? Not at all? Could we even continue to be an institutional member, we wondered, of an Association that publicly proclaimed such official positions?

We agreed that it's one thing to subject ourselves to the standards and scrutiny of the American Bar Association for academic and educational reasons, but it's quite another to accept complacently that same Association's views on matters which, I would argue, are not within the purview of its specific and particular competence, and which contradict our deeply held convictions. It was in the midst of exactly that kind of dialectic with Frank that I wondered if there were deans and chief academic officers at other universities asking themselves these very same questions.

I suggested to Frank that perhaps we should talk these topics over with some like-minded colleagues, and we came to the conclusion that it might be good to convene a meeting such as the one at which we are gathered today. Frank made some calls, discussed the ideas with some of our own faculty and with colleague deans, and decided that a meeting such as this was both feasible and timely. We began our planning then, and your presence here today marks the culmination of our efforts. We are grateful to all of you for taking time from your institutional lives and your busy schedules to be with us, for sharing these questions with us, and for helping us seek answers.

I particularly appreciate your willingness to share with us the fruits of your reflections about the religious character of your schools, the relationship of that character to the issues of academic freedom, the preservation of a religious character in the university, the integration of that character into the university's component parts, the vexing question of accreditation, our relationship and contribution to society at large, and the moral and legal aspects of preferential hiring, campus recruiting, and similar topics. These questions and more are all grist for the intellectual mill during the next two days, and I want to add my voice to those of

Dean DeGuire and Father DiUlio in encouraging each of you to participate in these discussions as much as the spirit moves you. I firmly believe that the more of us who contribute to the discussion in the next few days, the richer our reflections will be and the closer we will come to providing answers to the questions we pose.

I hope that at the conclusion of our time together we can all depart with both minds and consciences better formed to reply to the questions which Frank DeGuire and I mused about during our meeting roughly two years ago. Each institution, faculty member, provost, president, and dean must eventually answer these questions for himself or herself and for his or her own school. It is my fervent hope that our conference will help each of you to form answers that will serve well the integrity of your institutions and of the legal profession as a whole. Thank you very much for being here today, and I certainly hope that we all profit significantly from our discussions.

