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MEMORIAL MASS EULOGY

REVEREND DONALD J. KEEFE, S.J.*

We are met together this evening,¹ in this university church, to offer the holy sacrifice of the Mass, and to pay our last respects to the late Robert Boden who was, until his death, Dean of the Law School of Marquette University. His death has left us bereft of a staunch and generous friend, of a wise and learned counsel, of a magnanimous gentleman and fine scholar, a servant of God, of the Church, of this university, and of the law. Dean Boden was a great lawyer, a man whose service to his profession has been for all of us, in some manner, a benediction as well.

We are not gathered here in this university church so much to mourn the death of Robert Boden as to express our gratitude to God for the gift we have received in the nearly eighteen years of his guidance of the Law School of Marquette University. No man is more justly identified with the law school; its concerns were his for most of two decades, and he left a stamp upon it so personal that it is difficult to imagine the institute without his direction. He was much more the servant of the law school than its master, yet he bore the responsibility, and must be given the credit, for much of what the law school is today.

His tenure as Dean saw changes in the legal profession and particularly in legal education which transcended even those associated with Langdell at Harvard a century ago. By the middle 1960s, law schools began to be deluged with student applications. Associated with this increase was a new idea of the purpose of law and of lawyers. The older concern of lawyers for a formal legality began to be displaced by a concern for an as yet nebulous justice, a justice which many found lacking in the "system." Some had learned to look to the courts for a remedy rather than to the political process. Encouraged by judicial activism, responsive to de-

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1. Memorial Mass eulogy, February 8, 1984, Gesu Church, Milwaukee, Wisconsin.

mands for social reform, the law schools had to wrestle with the dilemmas thereby generated. Nor were these dilemmas mere academic abstractions, for the very nature of constitutional government had to be rethought, and the task is not yet complete.

Faced with the task of reexamining the most fundamental meaning of the rule of law, the law schools underwent internal conflicts of a most wrenching sort. Jurisprudence and professional ethics took on a new significance; witness the spate of books by authors whose names are almost household words to the contemporary law student: Rawls, Dworkin, Devlin, Fuller, Bickel, Berman, Berger. Dean Boden's involvement in this discussion was practical: he taught legal ethics to a host of students during his tenure as Dean, grounding those ethics not in the logic of currently popular theory but rather in the perennial decencies of a professional conscience deeply learned in the law and steeped in the Judeo-Christian morality upon which all the law of the West is founded and by which it is tested continually.

If Dean Boden's major contribution to his profession is to be singled out from a plethora of the scarcely lesser benefits conferred by his long devotion to the law, it must be here that we find it, for his contribution was a catholic one, in both senses of the term. It was catholic in that it left untouched no aspect of legal education; it was also catholic in that it rested upon convictions which are not rooted in supposed necessities of thought but in the free truth of the revelation of God. Dean Boden was freed by his faith, and that freedom marks his law school as his last and greatest bequest.

The freedom which is Dean Boden's gift to his profession and his community is a freedom whose expression is love and self sacrifice, not flight from all that would encroach upon one's autonomy. As Robert Boden learned this most surely in his marriage, we who mourn his passing, who will miss his massive presence at the law school and in the councils of the university, may well ponder the relation, rather more than happenstance, between his most happy marriage and his most happy interpretation of the rule of law.

It is fitting, when a great man dies, to ponder the sources of his greatness, the integrating principle which made him capable of the life he led, of the work he did, of the influence he leaves behind him. In the case of Robert Boden, we need not look far, for his life was of a piece. Out of his devotion to this university, to his profession and to his wife, a seamless garment was woven, each of whose threads intersect all the others. The Dean stood, as his law schools stands, in a great, a noble tradition, the tradition of the rule of law of a free people.

May he rest in peace.