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A Tribute to Edward J. Murphy

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In Memoriam
Professor Edward J. Murphy
1927-1995



With gratitude and appreciation for his contribution to the Notre Dame Law School, the Editorial Board and Staff of the *Notre Dame Law Review* respectfully dedicate Volume 71 to the memory of Professor Edward J. Murphy. In conjunction with this dedication, Issue 4 of this Volume, to be published in the Spring of 1996, will be wholly dedicated to the life and jurisprudence of Professor Murphy.

Professor Murphy's influence in maintaining the Catholic tradition and character of the Notre Dame Law School was profound and lasting. He taught Contract Law to every first year student from 1958 through 1993. The Class of 1996 recognizes its great fortune in being the last Notre Dame Law School class to receive the benefit of Professor Murphy's guidance and scholarship.

Professor Edward J. Murphy

It can be simply and faithfully written that Professor Edward J. Murphy's life and death were in joyous submission to the sovereignty of God. A renowned and master teacher until cancer forced his retirement in 1994, Professor Murphy taught more students than any other faculty member in the Notre Dame Law School's 125-year history, including among his devoted pupils the law school's present dean and two of the university's officers.

Raised behind the proverbial country store in Sangamon County, Illinois, he earned both undergraduate and law degrees at the University of Illinois and served as law clerk for Justice H.B. Hershey of the Illinois Supreme Court. In 1957, Dean Joseph O'Meara, always on the lookout for young Catholic scholars, brought Edward Murphy to Notre Dame. Over the years, he was a teacher of contracts, jurisprudence, negotiable instruments and remedies, and also served as acting dean of the law school in 1971. In 1979, he was named the first holder of the John N. Matthews chair in law. Later his peers presented him with one of Notre Dame's highest honors, the Faculty Award (1990). His students likewise recognized his contributions, naming him "Teacher of the Year" in 1993. A demanding teacher known for impartial and high standards, he celebrated his country roots by favoring the law school community with country melodies and old-time Gospel favorites on the piano.

It is fitting that cancer did not directly take Edward Murphy's life. His spirit and faith in God were never dimmed, and his peaceful death after a rosary and mid-day meal with his wife, Mary Ann, gives simple, living elegance to the words of the poet Tennyson: "God's finger touched him, and he slept." More than once, as inquiries were made of his health, he would respond humbly: "God's will be done." But Professor Murphy was not complacent about life or death. Unwaveringly pro-life, he found in his own diagnosis in 1992 another opportunity to be of service in life's behalf, as he volunteered eagerly for experimental gene therapy at the University of Chicago. Despite the discomfort of treatment, he continued to teach, launching two well-received series of Saint Collector Cards (containing a beautiful portrait and a carefully researched biography of each saint) to inspire the faith of the young. Nourishing the faith of many was a continuing devotion for Professor Murphy, as illustrated by his earlier religious instruction in the apologetics of the Catholic faith and his authorship of the 1978 volume, *Life to the Full*.

In a modern world of pretension and bluster, Edward Murphy possessed an open, deliberate, honest, and unassuming brilliance. He drew sustenance from the writing of the Apostle John, who writes of Christ's pur-

pose this way: "I came that they might have life and have it to the full."¹ Not content with being an editor of one of the most respected casebooks on contract law, *Studies in the Law of Contracts*, now in its fourth edition, and co-author of a treatise on *Sales and Credit Transactions*, Professor Murphy was best known for a jurisprudence powerfully and unmistakably traced to the Word of God. In 1990, he wrote in the *American Journal of Jurisprudence*: "I believe that many of us . . . have forgotten THE WORD. I mean the Word which was made flesh and dwelt among us, the One who existed from the beginning and through Whom all things came into being, and apart from Whom nothing came to be."²

Professor Murphy's jurisprudence hinged upon an acceptance of the Triune God, His revealed law and the implications of the natural law. Among the highly secularized, skeptical, and post-modern circles of the academy, such insight might be slighted as too overtly religious. Yet, as Professor Murphy would good naturedly, but steadfastly, remind critics awash in philosophical complexity and human tangle, we have not

become "ungodly." Not at all! In a sense this is a very 'religious' society. There are all sorts of gods. It is that we largely ignore in our thinking (yes, in our legal and jurisprudential thinking) the true God, the God of Abraham, Isaac, and Jacob, the God Who made us, sustains us, saves us, governs us, and with Whom we hope to spend an eternity.³

None among the multitudes of family, colleagues, former students, and friends who bade Edward Murphy farewell doubted the realization of his hope for eternal life. The lasting presence of Ed's love and the magnificence of his life were wonderfully evident at his parish church during his funeral mass. Ed and Mary Ann Murphy were co-creators with God of ten children. One child preceded Edward to eternal life many years ago at birth. The nine who witnessed their father's return to God are themselves lovingly devoted to family life (parents to Ed and Mary Ann's twenty-two grandchildren) and pursue many callings, including homemaking, architecture, banking, advertising, accounting, teaching, and law.

The day Edward Murphy was laid to rest, the appointed Lectionary reading was from the Book of Exodus. Here God reveals to Moses the unquestionably sound direction of the Ten Commandments. Upon the Decalogue, Edward J. Murphy based his entire life and legal philosophy. In his book, *In Your Justice*, Edward Murphy summarized what would be his trademark challenge to mankind:

It is, in fact, a conflict between God's will as normative and man's will as normative. The issue is: *Who is to rule?* Christ or Caesar? Christ or the Marquis de Sade? Christ or the Supreme Court of the United States?

¹ John 10:10.

² Edward J. Murphy, *Conflicting Ultimates: Jurisprudence As Religious Controversy*, 35 AM. J. JURIS. 129, 129 (1990).

³ *Id.*

There can be no neutrality here, nor can there be any compromise. We must choose, and our choice will be consequential—for ourselves and for future generations.⁴

Edward J. Murphy chose wisely.

Requiescat in Pace

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⁴ EDWARD J. MURPHY, IN YOUR JUSTICE 19 (1982).

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