

1996

## Edward J. Murphy, Catholic Scholar

Charles E. Rice

Notre Dame Law School, [charles.e.rice.1@nd.edu](mailto:charles.e.rice.1@nd.edu)

Follow this and additional works at: [https://scholarship.law.nd.edu/law\\_faculty\\_scholarship](https://scholarship.law.nd.edu/law_faculty_scholarship)



Part of the [Legal Education Commons](#)

---

### Recommended Citation

Charles E. Rice, *Edward J. Murphy, Catholic Scholar*, 71 Notre Dame L. Rev. 563 (1995-1996).

Available at: [https://scholarship.law.nd.edu/law\\_faculty\\_scholarship/235](https://scholarship.law.nd.edu/law_faculty_scholarship/235)

This Article is brought to you for free and open access by the Publications at NDLScholarship. It has been accepted for inclusion in Journal Articles by an authorized administrator of NDLScholarship. For more information, please contact [lawdr@nd.edu](mailto:lawdr@nd.edu).

## Edward J. Murphy, Catholic Scholar

*Charles E. Rice\**

Permit me to explain, with some background, why Edward J. Murphy was an admirable Catholic man and why I and many others are in his debt for his friendship and example. First, the basics. Ed Murphy, born in 1927, was raised in rural Glen Arm, Illinois, where his family owned a gas station on the old two-lane Route 66. His early education was in a one-room school. He earned his college and law degrees at the University of Illinois, practiced law for six years and joined the Notre Dame Law School faculty in 1957. He retired in 1994 when cancer prevented his further full-time work. He and his wife, Mary Ann, had nine children and, at the time of his death, twenty-two grandchildren.

I initially encountered Ed Murphy during the Goldwater presidential campaign in 1964. I was at Fordham and had delivered what, in my objective opinion, was a balanced and compassionate radio talk on the issues. Ed heard that program and wrote to say that he thought the presentation was caring, progressive and (I seem to recall) environmentally sensitive. As you know, we narrowly lost that Goldwater campaign. And it was not until five years later when I came to Notre Dame that I had the pleasure of actually meeting Ed Murphy. One of the first things he said to me was, "You're too liberal." It was a first.

Professor Murphy was known in professional circles primarily as the leading academic authority in the nation in the area of Contracts. He was the co-author of the most widely used Contracts casebook in the country as well as numerous other technical legal writings. His students have seen proof of his expertise in their own competence on later bar exams and in practice. Professor Murphy taught every Notre Dame Law School student from 1957 to 1994. They, and his faculty colleagues, learned much from him, including the lesson he taught by example: that we should do our work very well but should always keep the family in first place. We also learned from him that constructive change in the law and society is best achieved by organic development rather than by grandiose master plans.

Less well known than his Contracts achievements, but more significant, in my opinion, is the unique contribution Ed Murphy made to Notre Dame and to his students in his teaching of Jurisprudence. He saw clearly that law involves the definition and acceptance of ultimates. He taught that it makes no sense to talk about law without affirming its source. Ed Murphy reminded us that the ultimate source and measure of all law is God. He knew that God guides us to our end of eternal happiness through His natural law, which is knowable to reason, and through His explicit Revelation which provides certain and true answers as communicated by the Church which is the body of Christ, who is God.

---

\* Professor of Law, University of Notre Dame.

In his 1993 encyclical, *Veritatis Splendor*, Pope John Paul II said that “there can be no freedom apart from or in opposition to the truth. . . . [O]nly by obedience to universal moral norms does man find full confirmation of his personal uniqueness and the possibility of authentic moral growth. . . . These norms in fact represent the unshakable foundation and solid guarantee of a just and peaceful human coexistence, and hence of genuine democracy.”<sup>1</sup> The destructive separation of freedom from truth, said John Paul, “is the consequence, manifestation and consummation of another more serious and destructive dichotomy, that which separates faith from morality.”<sup>2</sup> This is practically a summary of Murphy on Jurisprudence.

Professor Murphy’s teaching of Jurisprudence was a living embodiment of those truths. In his 1994 essay, *The Sign of the Cross and Jurisprudence*, published in the *Notre Dame Law Review*, he wrote:

Every class I have taught in the Notre Dame Law School has begun with the same action and the same words. I have made the ancient Sign of the Cross, while saying: “In the name of the Father, and of the Son, and of the Holy Spirit.”

. . . .

The Trinity is *the central fact of all reality*. There is nothing more basic than this. It is a fact of such overriding significance that everything else must be seen in relationship to it. . . .

By affirming the Trinity as we begin a law class, we make a fundamental jurisprudential statement. We acknowledge God as sovereign, and we pledge to model our work in the law upon what we know of His law-order.

. . . .

We cannot escape reality. According to God’s word, we obey and we are blessed; we disobey and we are cursed. His moral laws are just as objective as His physical laws. We may, of course, ignore a law of God or pretend that it does not exist. But we must still suffer the consequences of violation. It is, however, precisely this objective character that provides encouragement and hope. For the judgments are themselves therapeutic; they can have a healing effect.

. . . .

In whatever we do, let it be with confidence in the name of the Father, and of the Son, and of the Holy Spirit.<sup>3</sup>

In his teaching of Jurisprudence Professor Murphy uniquely integrated faith and morality with the law. What he taught is sorely needed by law students today, including those at Notre Dame. Professor Murphy was preeminently a gifted teacher. For ten years, Ed and I team-taught a senior apologetics course, on a volunteer basis, at Marian High School in Mishawaka, Indiana. His book, *Life to the Full*, was the basic text. I still encounter students from that course whose spontaneous comments evidence the im-

---

1 JOHN PAUL II, *VERITATAS SPLENDOR* para. 96 (1993).

2 *Id.* at para. 88.

3 Edward J. Murphy, *The Sign of the Cross and Jurisprudence*, 69 NOTRE DAME L. REV. 1285, 1285-1300 (1994).

pact his teaching had on their lives. Our high school teaching careers abruptly ended when a new bishop (not the present one) discovered what sort of papalist teachers had infiltrated his school.

As a parenthetical note, let me say that the most effective lesson I ever saw Ed Murphy teach was not in a classroom but rather on a night when he demonstrated that witness to one's faith is more important than political correctness. On a September night in 1989, he led a handful of others in reciting the Rosary outside Notre Dame's Snite Museum of Art in protest of, and in reparation for, Notre Dame's sponsorship of a public showing of *The Last Temptation of Christ*. Professor Murphy accurately described that film as "a blasphemy of Christ" and its sponsorship by the University as an "outrage." His witness, though quiet and dignified, was politically very incorrect. Very few joined him in it. Yet I am sure he would have gone out there all by himself, even if no one had followed his lead. He knew it was the right thing to do. That night he was a great teacher at his best, for those who were there and for those who would later reflect upon his witness.

After his retirement and while fighting cancer, Professor Murphy embarked on one of his most intriguing enterprises. He wrote and published, as a family project, a card collection of Catholic saints. "When I noticed," he said, "that a trading card series was being issued featuring prominent criminals, I knew it was time to act."<sup>4</sup> The cards include a picture and a short biography meticulously researched and written by Professor Murphy himself. They range from the Apostles to St. Maximilian Kolbe. "Most of the saints are kind of stereotyped, a little bit syrupy. We wanted a more realistic picture," Murphy said. "I researched mainly in the area of masterworks and found good ones. Most of them were copies of classic paintings."<sup>5</sup> Some of the paintings are by Leonardo de Vinci, Botticelli or Raphael; some cards are reproduced from photographs of more modern saints. The second set of fifty cards was published the day before Professor Murphy's funeral.<sup>6</sup> Incidentally, numbers 1 through 50 in the series were reserved for cards relating to the Blessed Mother. "She comes first," said Murphy, who was preparing to start work on those cards when he died. The thought occurs that Mary said to this good man, "Well done. Now come on home and let me take care of the rest."

Let me recount what came to mind when I learned the circumstances of Ed's death. My father, when he had come over as a young man from Ireland, used to read from a little book of maxims and counsels of St. Vincent de Paul. One of those maxims is pertinent here. St. Vincent wrote: "The most glorious and desirable death is that which surprises us with arms in our hands for the service of the Lord."<sup>7</sup> That describes in detail the death of Ed Murphy. His death was not immediately expected. He had just picked up a very large number of orders for the saint cards he had

4 Gene Stowe, *Ex-Professor Inspires with Sainly Trading Cards*, SOUTH BEND TRIB., Oct. 9, 1994 at F1.

5 *Id.*

6 They are available from Michael Murphy Design, Box 895, South Bend, IN 46624.

7 ST. VINCENT DE PAUL, *MAXIMS AND COUNSELS OF ST. VINCENT DE PAUL* 99 (Msgr. Walsh ed., 1906).

written and published. Ed would agree that those cards and his writings on God's law and jurisprudence, including his books, *Life to the Full* and *In Your Justice*, are far more important than all his excellent technical legal works. The saint cards are a novel idea, they are popular and they are timeless. Their impact will go on for generations, especially with the young. In a real sense, those cards were the arms, the weapons, in Ed's hands for the service of the Lord, when he died.

In a larger sense, Ed Murphy spent his entire life in service to Christ. He was more effective, and frustrating to the opposition, because of his unfailing kindness and fairness. Some might disagree with him, but no one could resent him or accord him anything but the highest respect. He was informed and uncompromising in his support of all the moral and social teachings of the Catholic Church, in his insistence that a Catholic university ought to be unequivocally Catholic, and in his defense of the right to life of the innocent, including first of all the unborn child.

Ed Murphy's commitment to Christ was total, especially through his dedication to Mary and the Rosary, which he prayed, with his wife, Mary Ann, in the car, minutes before he died. It is altogether fitting that Ed Murphy died a death which was, in the words of St. Vincent de Paul, "the most glorious and desirable" because he died in "the service of the Lord."<sup>8</sup> Please pray for him. Eternal rest grant unto him, O Lord, and let perpetual light shine upon him. May his soul and the souls of all the faithful departed, through the mercy of God, rest in peace.