

ESSAYS

INTRODUCTION: ESSAYS IN HONOR OF PROFESSOR ROBERT E. RODES, JR.

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In a recent issue of the *Notre Dame Law Review*, Dean Nell Jessup Newton and others recalled and celebrated the life, work, and legacy of Professor Robert Rodes, “my teacher, colleague, and friend.”¹ Professor Rodes was an insightful, wide-ranging, and creative scholar as well as a deeply good man. Several years ago, in a contribution to a volume of papers in his honor, I observed that:

For half a century, he has written thoughtfully, engagingly, and provocatively about an imposingly broad and diverse range of subjects: legal ethics and liberation theology, symbolic logic and symbolist jurisprudence, chastity and the Church of England, Catholic universities and canon law, and—of course—workman’s compensation for maritime employees.²

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1 Nell Jessup Newton, *In Memoriam: Professor Emeritus Robert E. Rodes, Jr.*, 90 NOTRE DAME L. REV. xi, xi (2015).

2 Richard W. Garnett, *Pluralism, Dialogue, and Freedom: Professor Robert Rodes and the Church-State Nexus*, 22 J. L. & RELIGION 503, 505 (2006–2007) (citing, in the following order, Thomas L. Shaffer, *The Christian Jurisprudence of Robert E. Rodes, Jr.*, 73 NOTRE DAME L. REV. 737 (1998); Robert E. Rodes, Jr., *Forming an Agenda—Ethics and Legal Ethics*, 77 NOTRE DAME L. REV. 977 (2002); ROBERT E. RODES, JR., PILGRIM LAW (1998); ROBERT E. RODES, JR., LAW AND LIBERATION (1986); ROBERT E. RODES, JR. & HOWARD POSPESEL, PREMISES AND CONCLUSIONS: SYMBOLIC LOGIC FOR LEGAL ANALYSIS (1997); ROBERT E. RODES, JR., *A Prospectus for a Symbolist Jurisprudence*, 2 NAT. L.F. 88 (1957); ROBERT E. RODES, JR., ON LAW AND CHASTITY (2006); ROBERT E. RODES, JR., *Pluralist Establishment: Reflections on the English Experience*, 12 CARDOZO L. REV. 867 (1991); ROBERT E. RODES, JR., *Catholic Universities and the New Pluralism*, in THE CHALLENGE AND PROMISE OF A CATHOLIC UNIVERSITY 305 (Theodore M. Hesburgh ed., 1994); ROBERT E. RODES, JR., *The Canon Law as a Legal System—Function*,

He was also, of course, a pioneering scholar in the field of law and religion. In fact, he was hard at work on the manuscript of a book about religious freedom and church-state relations when he died. (The short introduction to that work was published in an earlier volume of the *Notre Dame Law Review*.³)

It is fitting and commendable that the *Notre Dame Law Review* is publishing here two new essays by two wise and prolific scholars, both of whom have carefully engaged and generously appreciated Professor Rodes in their academic work and both of whom are more than worthy to carry on and help lead the conversations to which he contributed. Professor Samuel Levine is one of the leading legal-ethics and professional-responsibility scholars of his generation and—like Professor Rodes—has allowed insights and inspiration from his religious faith and tradition to enrich and deepen both the questions he asks and the answers he proposes.⁴ In his paper, Professor Levine considers a particular dimension of a large question—a large problem, really—that was of great and lasting interest to Professor Rodes, namely, what is the relevance of a lawyer’s *role* to questions about what lawyer should, and should not, do?⁵ Professor Marie Failinger is the former editor of the *Journal of Law and Religion* and one of a handful of scholars who can fairly be said to have helped invent and shape that field. Her contribution is, among other things, an illuminatingly “Lutheran” appreciation for Professor Rodes’s famous book *Pilgrim Law*, in which he “describe[d] the reality of a human life course, the hard, gritty task of a traveler wearing climbing over boulders and pushing beyond exhaustion to reach the next barren shelter on the path at night’s end.”⁶ As she notes, and as Professor Rodes contended, “the pilgrim journey is hard.”⁶ It is, however, a journey that Professor Rodes traveled admirably and at its end—which, of course, was only the beginning—I am confident he was happy to hear, “Well done, good and faithful servant.”⁷

Obligation, and Sanction, 9 NAT. L.F. 45 (1964). Robert E. Rodes, Jr., *Workmen’s Compensation for Maritime Employees: Obscurity in the Twilight Zone*, 68 HARV. L. REV. 637 (1955)).

3 Robert E. Rodes, Jr., *Introduction*, 90 NOTRE DAME L. REV. xiv (2015).

4 See Samuel J. Levine, *Judicial Rhetoric and Lawyers’ Roles*, 90 NOTRE DAME L. REV. 1989 (2015).

5 Marie A. Failinger, *Pilgrim Finally at Rest: The Journey of Robert E. Rodes, Jr.*, 90 NOTRE DAME L. REV. 1983 (2015).

6 *Id.* at 1986.

7 *Matthew* 25:23 (Douay-Rheims).