

Tom Shriner) included then-Justice William Rehnquist's concurrence in *Northern Pipeline v. Marathon Pipe Line*, the 1982 case striking down aspects of the bankruptcy system as violating Article III (presumably because some bankruptcy practitioner had made the argument). The concurrence characterized Justice Byron White's dissent as treating certain precedents as "landmarks on a judicial 'darkling plain' where ignorant armies have clashed by night." The allusion (indeed, the quotation) comes, of course, from Matthew Arnold's 19th-century poem, "Dover Beach." My own mind tonight ranges a few lines earlier in the poem,

where Arnold refers to "[t]he Sea of Faith" as having been "once, too, at the full," but now he only hears "[i]ts melancholy, long, withdrawing roar." I am not Matthew Arnold, and neither should you be. One does not need to be a pre-legal-realist or a legal formalist to believe that the law matters and that when we say that one is educated or even trained in the law, it should mean that that has included study of some considerable amount of law.

Thank you for your kind attention. Dean Raymond and I would be pleased to respond to any questions or comments. ■

Professor Alan R. Madry

Remarks at Midyear Graduation

On December 15, 2013, Marquette University Law School celebrated its midyear graduates with a hooding ceremony and luncheon. The tradition over the past decade is for a faculty member to deliver remarks. This year, Professor Alan R. Madry spoke.

What a wonderful day. Congratulations to all of you—to our graduates in particular, but also to your family and friends who have supported you these past few years and share in your success. It's a privilege for the faculty who have shared so much with you in and out of the classroom to be able to celebrate this enormous achievement with you. Having been through it ourselves, we know well what an achievement this is. Parents, significant others, children—you are part of our extended family. The Law School is much more than just a school; it is also a center of public policy discussion for the entire community, and you are always welcome to visit and join in those presentations and discussions.

Let me begin with a deeply insightful minor country hit from the mid-1970s, written and recorded by



Alan R. Madry

England Dan and John Ford Coley. This song reflects one among the common themes of country music. There are no freight trains; no one goes to prison. The song is a lament for what the singer gave up as a young man to follow his muse. Among the things that he gave up was the love of a young woman. The song, titled "Lady," is addressed to this woman, and in its three or four verses, the singer reminisces about their time together.

But it is in the refrain where he addresses her most directly, in the present, and he asks her, pointedly: "Do you still seek the mysteries of life? Or have you become some businessman's wife?" I heard this song the first time some 30 years ago on a cross-country drive with my wife. It came on the radio somewhere in a snow-covered valley outside of Telluride, Colorado. That refrain buried itself deep in my imagination: "Do you

“Don’t make the mistake of thinking that because the answers aren’t obvious there are no answers. There is too much in the great traditions of wisdom to suggest otherwise, in the testimony of great men and great women.”

still seek the mysteries of life? Or have you become some businessman’s wife?”

There is so much captured here in so few perfectly chosen words. Let’s dwell on them a bit.

In the contrast of the refrain, the reference to becoming a businessman’s wife seems to suggest complacency; giving up the search for some deep meaning, and instead surrendering uncritically to the shallow ethos of our time: to the materialism and consumerism that our corporate culture too often promotes.

Yet the reference to business cannot be a simple rejection of business per se as inherently shallow. After all, we all need to make a living, to provide for ourselves and those we love. The singer himself has been selling his songs. Something so essential as making a living, commerce, has to be part of the deeper meaning of life. We know ourselves that working, being a productive and contributing member of a community, can be profoundly meaningful. But finding the proper place for and manner of work within the larger understanding of a complete life has to be part of the search.

Now consider the other side of the contrast: “seek[ing] the mysteries of life.”

One thing immediately striking about the question is that the singer is asking his old love if she’s still seeking. Remember that he is addressing her decades after he’s last seen her, and yet he isn’t asking whether she has solved the mysteries of life, whether she has discovered life’s elusive meaning. He is asking if she’s *still* seeking.

Why? He doesn’t say. Let me suggest a couple of possible reasons.

First, the singer most likely believes, from his own searching, which he clearly values, that the search, finding the meaning, is difficult. Returning to the contrast, it may be very difficult in the first instance to get below the dazzling and often demanding surface of life and ask hard questions. You’ve surely already discovered this for yourselves; after all you’ve just been

through the ordeal of law school. They say that the law is a jealous mistress. She can be very demanding and not leave you time enough to pause and reflect.

Second, it may also be that the mysteries are deep and complex. A journalist once asked the great Nobel Prize-winning physicist Richard Feynman if he could summarize in a few sentences the discoveries that earned him the Nobel Prize. Feynman replied that if he could do that, they wouldn’t be worth the Nobel. And Feynman was talking only of physics; we’re talking about metaphysics, about finding the meaning of life.

Don’t make the mistake of thinking that because the answers aren’t obvious there are no answers. There is too much in the great traditions of wisdom to suggest otherwise, in the testimony of great men and great women. We may need to become familiar with them, to avail ourselves of the accumulated wisdom of the past.

And then, too, if the mysteries are deep and complex, and they certainly seem to be, then it would also seem that every time we get a glimpse into the mystery, some insight, it transforms us in some way, makes us better able to see more comprehensively and deeply. Every insight then opens ever more horizons of mystery and meaning. How often have you come to some insight, only to have to abandon it the next week or month for some more comprehensive and deeper insight? After a few of those, you begin to understand that this may be a lifelong process.

But that experience in itself, the constant opening up of new horizons, adds an element of adventure to the search: it suggests the possibility of ever-greater things ahead, of a search that potentially promises enormous riches. The experience of those successive plateaus suggests the breadth of the promise.

So, we wish you the very best good fortune in your careers and your lives. Don’t let the jealous mistress have her way all of the time. Enjoy the search and do come back to visit us and share your adventures. Stay in touch. ■