Raymond B. Marcin: An Appreciation

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"I THINK THAT AS LIFE IN ACTION AND PASSION, IT
IS REQUIRED OF MAN THAT HE SHOULD SHARE THE PASSION
AND ACTION OF HIS TIME AT PERIL OF BEING JUDGED NOT
TO HAVE LIVED." OLIVER WENDELL HOLMES, JR.¹

When, in 1980, discussions began regarding the feasibility and need for the establishment of a second journal at The Catholic University of America, Columbus School of Law, Professor Raymond B. Marcin was instrumental in charting a course of action that brought about The Journal of Contemporary Health Law and Policy.² Originally chartered as a Faculty edited journal,³ Raymond B. Marcin served as a Faculty Editor for volumes two and three in 1986 and 1987, respectively,⁴ and—again—in the fall of 1991. When policy "issues" arose, it was Professor Marcin who provided a wise, steady, and calm perspective. The very fact that the Journal enjoyed its twenty-fifth anniversary in 2009 is, in significant part, owing to Ray’s unstinting support and vision of the Journal in its formative years.⁵ It is, thus, altogether fitting and proper that the Journal records its appreciation and expresses its gratitude to Ray upon his retirement from The Catholic University of America, Columbus School of Law in August, 2009, after thirty-eight years of service. The occasion of Ray’s retirement is also a proper time for me, personally, to reflect upon and acknowledge his incredible loyalty as a colleague and friend, as well as to express my heartfelt gratitude for his consistent support of my association with the Journal as Faculty Editor-in-Chief and, later, as Faculty Advisor.


³. With the publication of volume eleven of the Journal, the Journal became student edited with faculty advisors. Id. at 287.

⁴. Id. at 288.

⁵. See Giovanna M. Cinelli, 10th Anniversary Reflection, 10 J. CONTEMP. HEALTH L. & POL’Y 293, 295–96 (1994).
I first met Ray when, in 1973, I was teaching Environmental Law as a Lecturer in the Evening Division here at the Law School. I was encouraged by then-Professor John L. Garvey and Professor G. Graham Waite to seek out Ray as a kindred “conservative” ideologue. Unlike some individuals “with Conservative instincts [who] feel compelled to apologize for them,” Ray Marcin has never felt obliged in any way whatsoever to apologize for his conservative values and philosophy. Indeed, Ray has acknowledged and celebrated throughout his whole life the premise that even though man is an “economic creature . . ., he is also a spiritual creature with spiritual needs and spiritual desire,” which ultimately “take precedence over his economic wants.”

The passion of Ray Marcin’s moral, ethical, religious, philosophical, and legal convictions—that he has shared freely and boldly with all whom he has had association as but expressions of the “other” side of both rhetoric, argumentation and scholastic discourse—has been viewed over the years by some colleagues and students alike as not always “politically correct.” Yet, Ray has remained undaunted and steadfast in his unwavering resolve to advocate for the dignity of personhood, advance an understanding of the significance and purposefulness and relevance of Natural Law, and thereby honor the very essence of Catholic social thought.

Emboldened by a tenacious conservative idealism, Ray has endeavored, selflessly, to be true to himself and his life values knowing that by embracing this normative standard of self conduct, he can never “be false to any man” as he not only seeks to pursue his own “life in action and passion,” but to seek to


7. Id. at 18.

8. See e.g., Raymond B. Marcin, Modernism and the “Tail of the Devil”, 19 FELLOWSHIP CATH. SCHOLARS Q. 15 (1996); see also infra notes 16–19.


11. If one is true to his own values then, Polonius advised Laertes, “thou canst not be false to any man.” William Shakespeare, Hamlet, Act I, scene 7, 78–82.

live that life "greatly in the law." The very passion that drives Ray's personal and professional life is, at core, one in the same: his abiding faith—a faith to which he bears witness every day through his fidelity of heart.

While presented by the popular press and various civil rights groups as a highly-charged political issue, for Ray Marcin, the right to life is an ethical and moral one. Fortified and renewed by an unshakeable faith, shaped by the values of justice and love, Ray has written eloquently of the need to defend and protect the rights of the fetus. Truly, his scholarship has informed and guided the vexatious debate on the sanctity of life.

Within the Columbus School of Law community, Ray Marcin has always been among the stalwarts endeavoring to preserve the unique character and responsibility of the School to honor its Roman Catholic heritage. In order to advance this end, Ray not only developed a course in The Catholic Natural Law Tradition, but—as well—another course in Legisprudence, which combined and explored theories of lawmaking through the legislative process and the application of normative standards of jurisprudence. His more "traditional" course load included Constitutional Law, Contracts, Civil Procedure, Family Law, and Remedies. Additionally, Ray offered voluntary, non-credit student Bible reading classes routinely over the years.

13. Holmes opined that one may choose to "live greatly in the law." Oliver Wendell Holmes, Jr., The Profession of the Law, in COLLECTED PAPERS, at 29, 29–30 (1920).

14. See generally JAMES E. GILMAN, FIDELITY OF HEART: AND ETHIC OF CHRISTIAN VIRTUE chs. 3 (Love); 4 (Peace); 5 (Justice); 6 (Compassion) (2001).


19. A complete listing of Professor Marcin's scholarship is to be found in his Vitae, which appears at the conclusion of this essay.
Ray must be given total credit for his unstinting efforts to have a consecrated Catholic Chapel, with the Stations of the Cross, in the “new” law school building when the structure was completed in 1996. The very name of that sacred space as the Mary, Mirror of Justice Chapel, was Ray’s idea and stands as a noble expression of his passionate commitment to the Faith.

Two recognitions of Ray Marcin’s professional achievement stand out as hallmarks of the “passion and action”\(^\text{20}\) of a life\(^\text{21}\) grounded in Christian virtue: \(^\text{22}\) the presentation to him of the William Wilberforce (Lifetime) Award by the National Lawyers Association in 2007 for his devotion to the Pro Life Cause; \(^\text{23}\) and the conferral by the Guild of Catholic Lawyers, here at the Law School, of the Mary, Mirror of Justice Scholar’s Award in 1995. \(^\text{24}\) These two honors bear unique witness, metaphorically, as book ends, to the career of one who has been a forceful advocate for the Pro-Life cause and—as a teacher and as a scholar—one who has always endeavored to advance the cause of Social Justice in contemporary society.

The words of Ambassador Douglas W. Kmiec, the former Dean and St. Thomas More Professor of Law at The Catholic University of America, Columbus School of Law, serve as an eloquent synthesis of the true character of Raymond B. Marcin. The Ambassador wrote:

Professor Marcin is a thoughtful and studied man. He chooses his words carefully and his thoughts and exposition of constitutional law are reflective of the scholar’s mind and pen. Ray Marcin more than most teachers understands that all teaching is an act of faith and he manifests that faith by not avoiding the hard questions but instead grappling with them enlightened by the truth of the human person. Students who have been taught by Professor Marcin soon find that they reflect the wisdom and confidence that he has in abundance and that he shares with

\(^{20}\) Holmes, supra note 1.

\(^{21}\) See Holmes, supra note 13.

\(^{22}\) See GILMAN, supra note 14.

\(^{23}\) The Award plaque cites Prof. Marcin’s “lifetime of devotion to the Pro-Life Cause,” and was presented June 9, 2007.

\(^{24}\) The Mary Mirror of Justice Award is given annually to both recognize and support members of The Catholic University of America Law Faculty “whose commitment to the teaching of law and whose scholarship advances our insights toward achieving justice through law in contemporary society.” Program, Mirror of Justice Award Ceremony and Lecture, November 15, 1995. Prof. Marcin’s Mirror of Justice Lecture was entitled, Modernism and the ‘Tail of the Devil.’ Id.
delight in the most accessible way in the classroom, and his books, and in everyday conversation.\textsuperscript{25}

When asked to summarize Professor Marcin’s effect on him as a student, and, today, as an attorney and family man, Marc Sanders, Esquire, observed that the words of the Prophet Micah, chiseled on the facade of the law school building, describe aptly what Professor Marcin sought to both teach and instill in the minds and in the hearts of his students\textsuperscript{26}—namely, that they should, “Do Justice, Love Kindness, Walk Humbly With Your God.”\textsuperscript{27}

I join the Editorial Board of \textit{The Journal of Contemporary Health Law and Policy} in wishing Ray every good fortune in his retirement years. With a devoted wife in Julia “Judy” Regan Marcin, M.D., who inspires (directs!) Ray to undertake international travel assignments—and especially those at the Jagiellonian University in Krakow, Poland—four children, Peter and Sarah (both graduates of The Catholic University Law School), Susan and Sheila, together with nine grandchildren, as well as an ongoing commitment to completing regular revisions of his books on Constitutional Law,\textsuperscript{28} how could “retirement” be anything other than a continuation of a daring life adventure!

George P. Smith, II
Professor of Law
Founding Faculty Editor-in-Chief
\textit{The Journal of Contemporary Health Law and Policy}
Faculty Advisor
The Editorial Board, Volume XXVI

\textsuperscript{25} Electronic mail correspondence to Professor George P. Smith, II, from Ambassador Douglas W. Kmiec, August 8, 2009, on file with \textit{The Journal of Contemporary Health Law and Policy}.

\textsuperscript{26} Electronic mail correspondence to Professor George P. Smith, II, from Marc Sanders, Esquire, October 5, 2009, on file with \textit{The Journal of Contemporary Health Law and Policy}.

\textsuperscript{27} Micah 6:8.

RAYMOND B. MARCIN

VITAE

EDUCATION

J.D. Fordham University School of Law, 1964.
A.B. Fairfield University, 1961.
A.B. Saint John’s Seminary, 1959.

EXPERIENCE

1971 – 2009: PROFESSOR OF LAW, The Catholic University of America, Columbus School of Law, Washington, D.C.

PROFESSIONAL MEMBERSHIPS

AMERICAN LAW INSTITUTE (Elected in 1981; Designated Life Member in 2006). National Lawyers Association (Advisory Council Member).

BAR ADMISSIONS

Connecticut
District of Columbia

AWARDS

Mary, Mirror of Justice Award, Guild of Catholic Lawyers, 1995 (Awarded annually by law students to the law school faculty member “whose commitment to the teaching of law and whose scholarship advances our insights towards achieving justice through law in contemporary society”).

The William Wilberforce Award, National Lawyers Association, 2007 (Awarded for “his lifetime of devotion to the Pro-Life Cause” [the National Lawyers Association is the officially pro-life alternative to the officially pro-choice American Bar Association]).
OTHER PROFESSIONAL ACTIVITIES

Pari Center for New Learning, Pari, Italy
(presentation in course on “New Science / New Paradigms” June, 2008 and May, 2007)

Seventh Annual International Bioethics Retreat, Padua, Italy

Sixth Annual International Bioethics Retreat, University of Pavia School of Medicine, Pavia, Italy


Jagiellonian University, Krakow, Poland, Visiting Professor

Silesian University, Katowice, Poland, Visiting Professor (Summer, 1994).

PUBLICATIONS

Books:


Articles:


*Tolstoy and the Christian Lawyer*, 1 CHRISTIAN LEGAL SOCIETY QUARTERLY, 5 (1980).


The Physician's Role in the Abortion Decision (with M. Julia Marcin, M.D.), 35 JURIST 66 (1975).


Gandhi and Justice, 7 LOGOS: A JOURNAL OF CATHOLIC THOUGHT AND CULTURE 17 (Summer, 2004).


Security vs. Personal Freedom: America's Challenge in the War on Terrorism, 6 NLA REVIEW 2 (2002).


The Oath Against Modernism and the Spirit of Vatican II, 7 CATHOLIC FAMILY NEWS (no. 1) 1 (2000); reprinted in 33 THE REMNANT (no. 1) 1 (2000).

The Bishop's New Statement on Abortion: Why It Isn't Accomplishing Much of Anything, 66 NEW OXFORD REVIEW (no. 5) 30 (1999).


The Etiology of Modernism, 30 THE REMNANT (no. 21) 1 (1997).


An Introduction to the Law of Evidence (chapter 4 of the TRAINING MANUAL FOR NEW WELFARE HEARING OFFICERS), American Bar Association (1974).


CONGRESSIONAL TESTIMONY


BOOK REVIEWS


POETRY


NEWSPAPER ESSAY