

Law Structures Society

- Law Commencement
- November 8, 2020
- Stephen V. Sundborg, S.J.

Congratulations on your graduation from Seattle University's School of Law. Thank you for inviting me as president to make a few remarks in this virtual ceremony specially prepared for you. I want to reflect on the function of law in our society, a function which you now serve.

I start with a well-known quote from Henry David Thoreau in his book, Walden. He writes literally but also figuratively and evocatively in the following way. "I had three chairs in my house; one for solitude, two for friendship, three for society." You had plenty of the one chair of solitude in these years in your law studies and, I am sure, greatly enjoyed the two chairs of friendship. What you are now about is the three chairs of society, being in service to society, or as the pilastre on 12th Avenue alongside Sullivan Hall says, "A life in the law in the service of justice."

When I think of law I consider it primarily as what structures society, gives the body of society its skeleton. There are many things that structure society. Education—supposedly the great equalizer—structures society ...and so we have a College of Education. Business, the economy, finance structures society profoundly but very unequally for people in society ...and so we have a School of Business and Economics. Science—as we are learning so tellingly right now—structures the very viability of society as does the built environment ...and so we have a College of Science and Engineering. Religion powerfully has structured society, though less and less ...and so we have had a School of Theology and Ministry. Healthcare is critical to the structure of society and the wellbeing of its members ...so we have a College of Nursing. My view is that each of these serve and structure society in its own way, often dependent on the degree of access to them—education, economic opportunity, scientific competence, religion, healthcare—but it is law that creates the scaffolding, the framework, the conditions, the foundations, and the operating principles within which all of the rest of them function. Law structures society in a more fundamental and pervasive and critical manner than any of the others. As it were, it provides the playing field and the rules of the game for all other determinants of society and for the quality, equality, and wellbeing of persons in society.

When today our American society and many societies in the world are under such great stress about who they include or exclude, welcome or banish, support or neglect, see or hide, help or impede, care for or ignore, there can be no greater force for the common good of all and the achievement of the purported ideal of a society than "a life in the law in the service of justice". Since law structures the very grounding of society, an unjust society is one that is based on unjust laws, laws for some but not others, laws that benefit some at the expense of others, laws that recognize, respect, and serve some, but deny or denigrate others. I think we can say that only law can right society, can make our common living right. I've often thought that if I had not become a priest I would have become a lawyer, because I wanted to deal with what makes the most fundamental difference in people's lives. I believe that what I do makes that fundamental difference and I believe that what you do by structuring society through law also

makes that fundamental difference in the lives of people. Perhaps as priest and lawyer we are collaborators for the same common good.

Benjamin Franklin said, “A lie stands on one foot, truth on two.” We all know, more clearly now than ever, how much our society has stood on only one foot as an enactment of the first three words of the Constitution, “We the People”. The “We” of “We the People” has been a lie. No persons with a calling, a vocation, a profession more than those in service to the law can make our ideal of “We the People” stand on two feet, become at last the truth of our society. Know the importance of your calling and strive to live up to it.

The poet Richard Wilbur puts the lie and the truth of our society and the remedy of our betrayal through law quite powerfully. I’ll end with this in these remarks for your graduation from our School of Law while congratulating you and encouraging you.

Mourn for the dead who died for this country,
Whose minds went dark at the edge of a field,
In the muck of a trench, on the beachhead sand,
In the blast amidships, a burst in the air.

Grieve for the ways in which we betrayed them,
How we robbed their graves of a reason to die:
The tribes pushed west, and the treaties broken,
The image of God on the auction block,
The immigrant scorned, and the striker beaten,
The vote denied to liberty’s daughters.
From all that has shamed us, what can we salvage?
Be proud at least that we know we were wrong,
That we need not lie, that our books are open.

Praise to the land for our power to change it,
To confess our misdoings, to mend what we can,
To learn what we mean and to make it the law,
To become what we said we were going to be.