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Celebrating the Work of Professor Bob Cochran: An Introduction

Derek T. Muller*

In one of my favorite passages of scripture, the prophet Isaiah warns the people of Israel that the things of this world paled in comparison to the things of God:

I will declare your righteousness and your deeds,
but they will not profit you.
When you cry out, let your collection of idols deliver you!
The wind will carry them all off,
a breath will take them away.
But he who takes refuge in me shall possess the land
and shall inherit my holy mountain.¹

C.S. Lewis opens his sermon *The Weight of Glory* with a similar concern for the people of God who rely too easily on the things of this world:

We are half-hearted creatures, fooling about with drink and sex and ambition when infinite joy is offered us, like an ignorant child who wants to go on making mud pies in a slum because he cannot imagine what is meant by the offer of a holiday at the sea.²

The opportunity to organize a festschrift for Professor Bob Cochran gives me particular joy. Not because Bob's work is an idol or a mud pie. But because Bob dedicated his work to excel in using the gifts that God has given him, to honor God in his work in all things, and to bless others with those

* Professor of Law, Pepperdine Caruso School of Law. My sincere thanks to the many participants in this festschrift for their contributions, and to the *Pepperdine Law Review* for publishing this issue. It has been a pleasure to spend time with and learn from Bob Cochran over the years, and this issue can only offer a glimpse of this good man.

1. *Isaiah* 57:12–13 (English Standard Version).
2. C. S. Lewis, *The Weight of Glory* (June 8, 1941).

gifts. Celebrating the work of some professors may rest solely on the worldly effect that their scholarship may leave. For Bob, it means so much more than the things of this world. Indeed, Bob seeks to bring the insights of faith to the world.

In Jesus's Parable of the Talents, the reward for the good servants who stewarded their master's talents is not that they get to keep the money they doubled.³ Instead, the faithful servants get to enter into the joy of their master. Bob's faithful stewardship of his talents has already blessed so many around him.

The broad and deep scope of Bob's work has influenced many legal scholars over the last several decades, and it will continue to shape how we think about law, ethics, and religion for decades to come. Indeed, his co-edited volume *Christian Perspectives on Legal Thought* stands as the first among many efforts to do just that.⁴ This special issue of the *Pepperdine Law Review* celebrates that extensive and impressive body of work. And the articles here, too, emphasize that this scholarship extends beyond the concerns of this life and into concerns of the life to come.

The Sermon on the Mount offers much for lawyers and for Christians to consider. In his essay in this collection, Professor David Skeel examines the Sermon on the Mount and contemporary Evangelicals' divide about their appropriate role in today's political environment. Biblical conceptions of justice have deeply rooted histories among the Social Gospel and fundamentalist movements. Professor Skeel looks at this divide with a nod to Bob's scholarship on the relationship between love and justice.⁵ Professor Amy Uelmen reflected on Bob's scholarship through the lens of the Beatitudes. To follow Christ is not an easy task, and the Beatitudes are a portrait of how extraordinary the Christ-centered life looks. But Bob's career—filled with meekness, mercy, and the thirst for righteousness—exemplifies what it means to live out the Gospel.⁶ And Professor David VanDrunen looks at the Sermon on the Mount, and Jesus's claim that He came to "fulfill" the law, not the "abolish" it. He accomplished what the law morally required. This fulfillment means that the people of God no longer have civil jurisdiction under the Mosaic law and live among peoples who freely partake in religious liberty, even if such

3. *Matthew* 25:14–30.

4. CHRISTIAN PERSPECTIVES ON LEGAL THOUGHT (Michael W. McConnell, Robert F. Cochran, Jr. & Angela C. Carmella eds., 2001) [hereinafter CHRISTIAN PERSPECTIVES].

5. David Skeel, *Divided by the Sermon on the Mount*, 47 PEPP. L. REV. 495 (2020).

6. Amelia J. Uelmen, *The Beatitudes, Lawyers, and Bob Cochran*, 47 PEPP. L. REV. 311 (2020).

liberty would not be a part of the Mosaic law.⁷

Christians engaged in the practice of law have a great and particular responsibility to serve others around them. Professor Richard Garnett looks at how lawyers live in community through the scholarship both of Bob and of Professor Tom Shaffer. Lawyers take up the struggles of their clients, relate with them, and serve them, even the most marginalized among us. Christians ought to acknowledge the deeply faith-centered role that community—and, in particular, service to that community—plays in the practice of law.⁸ Professor Nathan Chapman describes the role of Christian discipleship in the practice of law. Christians engage in the earthly institution of government, and worldly practices that model Christ are forms of discipleship.⁹ Professor Brett Scharffs examines the virtue of practical wisdom in the life of Abraham Lincoln, particularly Lincoln as lawyer. Practical wisdom, Professor Scharffs argues, includes biblical virtues of justice, mercy, and humility. Through experience, attorneys can gain wisdom to best serve their clients. Professor Scharffs points to specific instances in Lincoln's practice in which he displayed such virtues.¹⁰

Other scholars reflected on theology and biblical hermeneutics in the approach to the law. Professor David Caudill identifies the influence of Dutch Calvinist Abraham Kuyper on Bob's work, particularly the Reformed intellectual tradition and its doctrines like sphere sovereignty, antithesis, and common grace.¹¹ Professor John Witte looks at the use of metaphors in law and religion. Bob commonly offered comparative models of the lawyer through metaphor. And Jesus's parables often rely on metaphor to communicate deeper truth. Metaphors, then, can help us better understand the world around us, particularly as we think of the role of faith in the world.¹² Professor Bob Pushaw looks at literary and biblical interpretation and hermeneutics, and how

7. David VanDrunen, *Jesus Came "Not to Abolish the Law but to Fulfill It": The Sermon on the Mount and Its Implications for Contemporary Law*, 47 PEPP. L. REV. 523 (2020).

8. Richard W. Garnett, *The Communitarian Work and Vision(s) of Robert Cochran (and Thomas Shaffer)*, 47 PEPP. L. REV. 361 (2020).

9. Nathan S. Chapman, *The Practice of Law as Christian Discipleship*, 47 PEPP. L. REV. 331 (2020).

10. Brett G. Scharffs, *Abraham Lincoln and the Cardinal Virtue of Practical Reason*, 47 PEPP. L. REV. 341 (2020).

11. David S. Caudill, *The Dutch Effect: Kuyper and Neo-Calvinism in Professor Cochran's Scholarship*, 47 PEPP. L. REV. 419 (2020).

12. John Witte, Jr., *The Metaphorical Bridge Between Law and Religion*, 47 PEPP. L. REV. 435 (2020).

those interpretive methods have influenced constitutional and statutory interpretation. Professor Pushaw notes the relationship between these various form of interpretation, even if legal analysts do not expressly appreciate how literary and biblical interpretive methods have influenced lawyers' understanding of reading texts.¹³

The Christian faith presents broad opportunities to engage in the law and culture. Professor Steve Smith reflects on the tension in Christians' role in the contemporary world. At times, retreat from culture seems best; at other times, capturing and redeeming the culture appears preferable. Using Bob's extensive writings, Professor Smith suggests that different people may be called to engage the culture differently, which aptly addresses this tension. Christians also ought to have humility when confronting these challenges in the world, recognizing our own limitations and accepting different responses among believers with charity.¹⁴ Professor Stephen Bainbridge offers the perspective of a Roman Catholic engaging in questions of faith and law. Christian sectarianism might offer narrow and competing visions of the place of Christian faith in the practice of law. But Bob's scholarship, Professor Bainbridge argues, integrates the very best of the Christian intellectual tradition, regardless of sectarian or denominational claims, to provide a robust framework for Christian legal scholarship.¹⁵ And Professor Angela Carmella emphasizes that religious issues extend far beyond the Free Exercise and Establishment Clauses of the First Amendment. Building upon Bob's work, Christians ought to recognize that the love of Christ extends to all areas of the law—how law approaches the vulnerable in society, how law displays love for neighbor, and how we ought to evaluate the ends of the civil law.¹⁶

Professor Bill Brewbaker offers a perspective on ecumenical evangelical legal thought. Ecumenism draws upon the wide areas of agreement across groups, and Bob's relentless optimism of finding shared commitments and common ground is replete in his work and his actions, including organizing communities to share and discuss these areas of agreement.¹⁷ Professor Roger

13. Robert J. Pushaw, Jr., *Comparing Literary and Biblical Hermeneutics to Constitutional and Statutory Interpretation*, 47 PEPP. L. REV. 463 (2020).

14. Steven D. Smith, *One Step Enough*, 47 PEPP. L. REV. 549 (2020).

15. Stephen M. Bainbridge, *Bob Cochran on Law and Lawyering: A Catholic Perspective*, 47 PEPP. L. REV. 371 (2020).

16. Angela C. Carmella, *"Agape" and the Life and Work of Robert F. Cochran, Jr.*, 47 PEPP. L. REV. 287 (2020).

17. William S. Brewbaker III, *Ecumenical Evangelical Legal Thought: The Contributions of Robert F. Cochran, Jr.*, 47 PEPP. L. REV. 231 (2020).

Alford focuses on Bob's entrepreneurial spirit. Bob did not simply write about the Christian's role in the legal profession. Among other things, Bob helped develop the Union Rescue Mission legal aid clinic at Pepperdine to assist clients in need; the Nootbaar Institute on Law, Religion, and Ethics to engage academics and practitioners thinking about faith and law to discuss and write about those issues; and the Law Professors' Christian Fellowship to provide mentoring, encouragement, and scholarly exchange among Christians in the legal academy. Professor Alford traces Bob's influence in these and other programs Bob helped create or foster.¹⁸ Professor Jeffrey Hammond reviews *Agape, Justice, and Law: How Might Christian Love Shape Law?*, a volume Bob edited with Professor Zachary Calo. Professor Hammond praises their efforts, which brought together so many scholars across disciplines to reflect upon the relationship between love and justice.¹⁹ Professor Barb Armacost looks to the future of Christian legal scholarship given Bob's legacy in fostering academic dialogue. While there remains an important place for overtly Christian scholarship, she emphasizes that some Christian legal scholarship ought also to be inspired by faith even if it is not expressly framed in religious terms, a kind of "redemptive secular scholarship."²⁰

Bob also has taken the opportunity to reflect upon the relationship between Christianity and the law.²¹ He looks at this relationship over the last few decades and examines how contemporary society has yielded a shift—Christians have moved toward withdrawal from the world's culture, and some in government have shifted us toward that separatism. He situates this shift within the broader framework of his earlier work.²²

The work of Professor Bob Cochran has inspired these, and many other, attorneys and academics to continue to engage faith and law in their scholarship. Each essay reflects not simply upon the pressing concerns of the world, but upon how we can advance knowledge for the sake of Christ's kingdom—the best responses in our current culture, the underappreciated strategies to do so, the rich diversity of the Christian tradition that can inspire our work. May this work inspire others to do the same.

18. Roger P. Alford, *The Professor as Institutional Entrepreneur*, 47 PEPP. L. REV. 269 (2020).

19. Jeffrey B. Hammond, *Agape, Justice, and Law: How Might Christian Love Shape Law?*, 47 PEPP. L. REV. 299 (2020) (book review).

20. Barbara Armacost, *Celebrating Robert Cochran*, 47 PEPP. L. REV. 397 (2020).

21. Robert F. Cochran, Jr., "Christian Traditions, Culture, and Law": *An Update and a Few Reflections*, 47 PEPP. L. REV. 563 (2020).

22. See Robert F. Cochran, Jr., *Christian Traditions, Culture, and Law*, in CHRISTIAN PERSPECTIVES, *supra* note 4, at 242.



Presenters at the Festschrift in Honor of Bob Cochran, February 1, 2019

Back Row: Paul Caron (Pepperdine), Ken Elzinga (University of Virginia), Roger Alford (Notre Dame), David Caudill (Villanova). Middle Row: Angela Carmella (Seton Hall), Zach Calo (Hamad bin Khalifa University), David VanDrunen (Westminster Seminary), Derek Muller (Pepperdine), Michael McConnell (Stanford). Front Row: Rick Garnett (Notre Dame), David Han (Pepperdine), Bob Cochran (Pepperdine), Barbara Armacost (University of Virginia), Nathan Chapman (University of Georgia), Bill Brewbaker (University of Alabama).