



## **Brian Tierney**

May 7, 1922 – November 30, 2019

Brian Tierney retired from Cornell's history department in 1991 as the Bryce and Edith Bowmar Professor of Humanistic Studies. He was the first incumbent of that distinguished chair. His career at Cornell spanned 33 years, and his reputation as the finest Medieval scholar of his generation stayed with him until he died on November 30, 2019 at the age of 97. His work asked big questions that made medieval canon law relevant to the twentieth and twentyfirst centuries. Relevance mattered to Brian. Perhaps that was a natural inclination of someone whose adult experiences began with heroic service during World War II.

Born in Scunthorpe, England on May 7, 1922, Brian enlisted in the RAF in July 1941, the beginning of the worst bombing of England by Germany's Luftwaffe. Trained as a flight navigator, he flew 29 missions on Wellington Bombers and another 60 on Mosquitoes. He survived, while many did not, and received the Distinguished Flying Cross and Bar, the Bar signifying a second DFC. Only then in his mid-20s did he turn his attention to scholarship. He enrolled in Pembroke College, University of Cambridge, where he graduated with First Class Honors in 1948. He continued his graduate studies in Medieval history under Walter Ullmann at Cambridge and received his Ph.D. in 1951.

His dissertation on the legal foundation of the conciliar movement caught the attention of Stephan Kuttner, a distinguished canon lawyer based in the United States. He secured for Brian a position in the history department of the Catholic University of America. In 1951 Brian and his wife Theresa sailed for New York on the Queen Mary and were among the last immigrants to the United States processed through Ellis Island. He published his dissertation in 1955. It was entitled *Foundations of the Conciliar Theory: The Contributions of the Medieval Canonists from Gratian to the Great Schism*. What sounded like a monograph to be read only by a handful of scholars attracted widespread attention in an era when the place of Catholicism in modern democracies was a controversial subject. It helped stir reform in the Catholic Church and was the focus of important debates at the Vatican II Council that Pope John XXIII began in 1962.

In the meantime, Cornell in 1959 successfully lured Brian to join its history department. He became the Goldwin Smith Professor of Medieval History in 1969, eight years before he was awarded the Bowmar Chair. Before he retired he amassed a host of academic awards including honorary degrees from Upsala University and the Catholic University of America, the prestigious Haskins Medal awarded by the Medieval Academy of America, membership in the American Philosophical Society, election as both a fellow of the American Academy of Arts and Sciences and as a Corresponding Fellow of the British Academy, and the Award for Scholarly Distinction conferred by the American Historical Association. The last came after his retirement from Cornell as he continued to conduct research and write.

Brian walked almost every day from his home on Willard Way to the Cornell University library. His Olin study was the center of his professional life. There he wrote his books and prepared his undergraduate and graduate classes. In one long remembered meeting of the history department, Brian used the ceremonial visit of Cornell's new president to deliver a heated complaint about the cutback in library hours due to budget constraints. The old schedule was restored.

Brian used those long hours in Olin to good effect. After the conciliar study, his scholarship moved in two directions — resulting in *The Origins of Papal Infallibility, 1150-1330* (1972) and *Religion, Law and the Growth of Constitutional Thought, 1150-1650* (1982). He argued in his sustained examination of Natural Law that many legal principles considered modern, as for example the doctrine of individual rights, had their origins in medieval canon law. Lawyers currently engaged in formulating digital rights policy for the United Nations have cited this work. Brian also explored the medieval roots of the notion that the state had a positive duty to take care of the poor.

His last book, *Liberty and Law. The Idea of Permissive Natural Law, 1100-1800*, appeared when Brian was 92. Here Brian showed that during the years from the 12th to the 18th century the doctrine of Natural Law, which was mostly prescriptive in nature, also contained the permissive notion that if something wasn't prescribed or forbidden, people were free to choose how to act. This latter thread of thought underscored what Brian had earlier written about canon law and the development of individual rights.

Cornell was fortunate to retain Brian on the faculty since he was wooed by many of the country's best universities. One part of its success owed to his love of the outdoors and his passion for sailing, fishing, swimming, hunting, and skiing. His graduate students grew used to his disappearing for several weeks of the spring semester, while they wrote their papers, to sail his boat in the Florida Keys. He continued to make trips to Greek Peak until the last years of his life.

After his beloved wife Theresa died in 1999, Brian remained in his home, and continued with his academic work while traveling the world and lecturing. Brian's four children, John, Helen, Chris, and Ann Jane, all Cornell graduates, were regular visitors to Ithaca.

Brian will be missed by all of those of us who knew him. His legacy will live on in his writings and his many students who are now famous professors in their own right.

*Written by Larry Moore*