

In Memoriam: The Reverend Joseph T. Tinnelly, C.M.: Father Tinnelly Remembered

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FATHER TINNELLY REMEMBERED

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At first glance, it may appear audacious that I, so new to the teaching of law, to St. John's, and to New York, should presume to offer some thoughts on Father Tinnelly. However, the law is a curiously Holmesian seamless web of continuity — as Nietzsche would say “an eternal return of the same.” Thus, it was fitting that in the fall of 1982 I began my career as a new assistant professor of law while Father Tinnelly was concluding one of the most distinguished teaching careers in the history of this or any other law school. We co-taught jurisprudence during the fall 1982 semester. Jurisprudence was my first course as a law professor. Fittingly enough, Father Tinnelly's active teaching career ended as it began; above all else he was a classic jurisprudential thinker. Although many others certainly knew him far longer, I acquired a thorough sense of his grace, charm, and intelligence in those brief few months. These passing reflections are therefore offered not with pretension, but with, hopefully, some humility, and certainly with sadness. Our incipient friendship was of such regrettably short duration.

I was certainly the most junior colleague to have plagued any senior professor. I shall always remember that early September day when we met. Spontaneously, he sought me out and encouraged me to develop the syllabus and to take charge of the weekly class lectures and discussions.

In class, he deliberately limited his role to elegant, incisive summaries for the final few minutes of each two hour period. While a graduate law student at Harvard Law School, he had studied with Dean Roscoe Pound, the great sociological jurisprudential scholar of American law. Father Tinnelly made readings and discussions come alive with his personal recollections of Dean Pound. Father Tinnelly often said that Pound answered his many questions as a student by continual reference to Pound's many law review articles. Father Tinnelly kept that scholarly tradition alive at St. John's. He was extremely interested in the threat of nuclear war, the most compelling issue of our time. During the fall of 1982, the Catholic Bishops in the United States were in the process of formulating their comprehensive pastoral statement on nuclear war. This was one of Father Tinnelly's primary research interests.

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Virtually on a daily basis, he presented me with another article on the nuclear war issue. With his comprehensive knowledge of the just war doctrine, he was certainly one of the most serious scholars of the legal and ethical complexities posed by the threat of nuclear war. He anticipated, empathized with, and fully supported the Bishops' pastoral leadership. In our many private conversations, he was delighted with the courageous position of the Catholic hierarchy regarding nuclear war. He accurately predicted the controversy that would be engendered, but he was firmly convinced that this responsible initiative by the Catholic Bishops was absolutely imperative. Father Tinnelly had an uncannily prescient sense of the Bishops' deliberations; it was as if he actively participated in the internal debates. Had he lived, he probably would have written a brilliant commentary on the many interrelated jurisprudential issues.

This was a very heady and inspirational beginning for any novice law professor. Exposure to a scholar of Father Tinnelly's stature at any point in one's legal career would have been an honor and privilege. To have been treated as a full professional colleague and as a friend by Father Tinnelly was his gift beyond measure to me. Although I knew him for only a few months, I have been as richly blessed as the thousands of St. John's law alumni and the faculty who knew him for many years.

While friendships are properly measured primarily by qualitative standards, I regret that our embryonic friendship was cut tragically short. However, I am confident that Father Tinnelly now discusses jurisprudence with his life model and the patron of all lawyers, Saint Thomas More. Like More, Father Tinnelly lived and died as "God's good servant." Father Tinnelly undoubtedly prays for us now and always. His spirit shall always permeate this law school. Look at his portrait now gracing the second floor outside the Moot Court Room with those of past Deans. If you never knew him, a few moments of contemplation will give you some real sense of his humanity, wit, and goodness. For those of us who knew him, his spirit shall always infuse our lives with joy, optimism, love of law, love of life, and love of God.

As a new law professor, I shall be pardoned if I close with a derivative parting accolade. Dean John Ely of the Stanford Law School, now one of the nation's preeminent constitutional law scholars, upon graduation from the Yale Law School clerked for Chief Justice Earl Warren of the United States Supreme Court. Dean Ely fittingly summarized the Chief Justice's life, and said, "You don't need many heroes if you choose carefully." Father Tin-

nelly is such a hero.

So, Father Tinnelly, be sure to take a break from your lively jurisprudential discussions with Plato, Aristotle, Aquinas, More, Pound, and our past Deans. Smile down on our legal pursuits and on our lives and remember us to God.