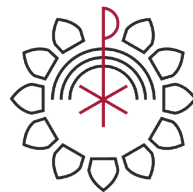


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In Memoriam Brian Tierney (1922-2019)

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Brian Tierney made a significant contribution to the study of medieval church councils. His first major book was “Foundations of the Conciliar Theory”, Cambridge University Press: Cambridge 1955, with a new edition from Brill in 1998. It traced the roots of conciliarism not to dissidents like Marsilius of Padua and William of Ockham, nor to imitation of lay representative institutions; but it was based on the received tradition of canon law. This included ideas about the *ecclesia Romana* being founded on Christ and the corporate nature of the church, both reflected in canonistic writings. Research has expanded that purview to include late-medieval theology without turning back to older historiographies of the general councils.

Tierney was born in Scunthorpe, Lincolnshire on May 7, 1922. He enlisted in the Royal Air Force in 1941, serving as a navigator with Bomber Command and Pathfinder Force. Tierney received the Distinguished Flying Cross with a bar. After the war, leaving the service as a flight lieutenant in 1946, he enrolled at Pembroke College, Cambridge at the age of twenty-four, grading with first class honors in 1948. Afterward he earned a doctorate in 1951 with a thesis on conciliar theory. Among his teachers were Walter Ullmann and Zachary Brooke.

Tierney and his wife Theresa migrated to the United States in 1951. He taught at the Catholic University of America until 1959, serving alongside Stephan Kuttner, the founder of the Institute of medieval Canon Law. Canon law would be one of Tierney’s most useful resources in the pursuit of research on conciliar theory and other topics. “Foundations of the Conciliar Theory” is a notable result of studying canon law. “Medieval Poor Law” followed in 1959.

Articles related to councils include: “Pope and Council: Some New Decretist Texts”, in: *MS* 19 (1957) 197–21; “Ockham, the Conciliar Theory and the Canonists”, in: *JHI* 15 (1954) 40–70. The latter was published in book form in 1971. Also of value for conciliar history are: “A Conciliar Theory of the Thirteenth Century”, in: *CHR* 36 (1951) 415–440; “Conciliarism, corporatism, and individualism: the doctrine of individual rights in Gerson”, in: *CrSt* 9 (1988) 81–111; “‘Divided Sovereignty’ at Constance. A Problem of Medieval and Early Modern Political Theory”, in: *AHC* 7 (1975) 238–256; “Hermeneutics and History: the Problem of *Haec Sancta*”, in: *Essays in Medieval History Presented to Bertie Wilkinson*, ed. by Michael R. Powicke/Thayron Adolph Sandquist, University of Toronto Press, Toronto 1969, 354–370.

In 1959, Tierney moved to the history department of Cornell University, where he taught until retiring in 1992. He was honored for his teaching and scholarship with the Goldwin Smith professorship of history and then the first Bowmar professorship in humanistic studies. Tierney's teaching included courses on Western civilization and church-state relations in the Middle Ages. In connection with teaching he edited with Donald Kagan and Leslie Pearce Williams, "Great Issues in Western Civilization", McGraw-Hill: New York, NY u.a (1967). Tierney also updated S. Painter, "Western Europe in the Middle Ages", McGraw-Hill: New York, NY u.a (1970). That volume was translated into Chinese in 1997. Tierney and Joan Scott produced "Western Societies: A Documentary History", McGraw-Hill: Boston (1984). Perhaps the most widely used products of his teaching is "The Crisis of Church and State 1050-1300 with Selected Documents", Prentice Hall: Englewood Cliffs, NY (1964, reprinted 1988)", which contains translated sources.

Brian Tierney also produced a generation of scholars in medieval studies. Among his graduate students are James Muldoon, Stanley Chodorow, Kenneth Pennington, James Ross Sweeney, Charles Zuckerman, John Marrone, John Dahmus, Thomas Morrissey, Thomas Izbicki, Thomas Turley, Jeremy Cohen and Robert Figueira. His students honored Tierney with this collection of articles: "Popes, Teachers and Canon Law in the Middle Ages: Festschrift for Brian Tierney", James Ross Sweeney/Stanley Chodorow (eds.), Cornell University Press: Ithaca, NY 1989.

Tierney's next major book was "The Origins of Papal Infallibility, 1150-1350", Brill: Leiden (1972, repr. 1988 [= SHCT 6]), which derived from his graduate seminars. The book advanced the thesis that the doctrine of papal infallibility was pioneered by the Franciscans, including those who broke with Pope John XXII. These writers defended the viewpoint that neither Christ nor the apostles owned property individually or in common, as was endorsed in a bull of Pope Nicholas III, *Exiit qui seminat* (1279). That thesis proved to be very controversial, drawing strong responses from some scholars. (When Stephan Kuttner introduced me to Alphons Stickler, then prefect of the Vatican Library, Stickler referred to his disagreement with Tierney on the topic as "gentlemanly". I replied that I was prejudiced in the matter, having typed the footnotes.)

Tierney's studies of constitutional thought, another aspect of his teaching, appeared in a Variorum Collection, "Church, Law and Constitutional Thought in the Middle Ages", Variorum Reprints: London (1979). A wider treatment of the top was included in Tierney's Wiles Lectures at Queen's University of Belfast.

These lectures were published in 1979, (repr. 1982 and 2008) by the Cambridge University Press in the volume “Religion, Law and the Growth of Constitutional Thought 1150-1650”. (These lectures later were translated into Japanese, French and Persian.)

More recently, Brian published extensively on ideas of natural rights and natural law. Some of these studies appeared in the *Variorum* collection “Rights, Laws and Infallibility in Medieval Thought”, *Variorum Reprints*: London (1997) and “The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law 1150-1625”, *Scholars Press*: Atlanta GA (1997). (The book was translated into Italian in 2002.) The last book eventuating from this project was “Liberty and Law: The Idea of Permissive Natural Law 1150-1800”, *Catholic University of America Press*: Washington, D.C. (2014). (In 2001, when Brian received the Haskins Medal for “The Idea of Natural Rights”, it was my good fortune to be present, sitting with Brian and Francis Oakley.)

Brian Tierney was a member of the American Philosophical Society, a fellow of the American Academy of Arts and Sciences and a corresponding fellow of the British Academy. He also served as a president of the American Catholic Historical Association (1965). As well as the Haskins Medal, Tierney received the Quasten Medal from the Catholic University of America for excellence in the field of religious studies. Tierney received grants from the American Council of Learned Societies, the National Endowment for the Humanities and the Guggenheim Foundation. Tierney also served as an advisor to the American Cusanus Society.

Some years ago, in May of 1995, the American Cusanus Society hosted Brian Tierney at the International Medieval Congress, Kalamazoo for the session “Foundations of the Conciliar Theory Forty Years After”. As commentator, Tierney spoke about what inspired his larger research direction. His was not a Whig view of inevitable progress toward greater liberty. Instead, writing in the aftermath of the Second World War, Tierney saw such progress as hard-won and not inevitable. He noted that he had grown up in “an age of absolutism”, the time of Franco, Mussolini, Hitler and Stalin. The Decretists were less absolutist than the supporters of those regimes or of the monarchic papacy of later centuries.

These comments appear as “Afterword: Reflections on a Half Century of Conciliar Studies”, in: *The Church, the Councils and Reform: the Legacy of the Fifteenth Century*, ed. by Gerald Christianson/Thomas M. Izbicki/Christopher M. Bellitto (eds.), *Catholic University of America Press*, Washington, D.C. (2008) 313–328.

Brian Tierney died quietly on November 30, 2019 at the age of 97. The mass for Christian burial was celebrated on December 7, 2019 at Saint Catherine of Siena church, Ithaca, New York. His wife Theresa predeceased. Four children and eighth grandchildren survive him.