



IN MEMORIAM

Thomas Garden Barnes
Professor of History and Law, Emeritus
UC Berkeley
1930 – 2010

Thomas G. Barnes died on March 9, 2010. Although in poor health for some years, he remained indomitable in spirit, lively in mind and fond of the campus that had been his home for half a hundred years. The robust and accessible style that enthralled students, colleagues and friends remained in evidence until a series of strokes signaled the end of a productive and noteworthy life. He died just one month short of his 80th birthday. An Anglican burial mass was celebrated in his honor.

Barnes was born in Pittsburgh, Pennsylvania, on April 29, 1930, and after graduating from high school in that city attended Harvard University, taking a first degree in 1952. He immediately matriculated at Oxford University through Corpus Christi College, specializing in Tudor- Stuart history and receiving a D.Phil. in history in 1955 while concurrently reading for the English bar at Lincoln's Inn, London. His Oxford tutor, R. Bruce Wernham, who became a lifelong friend, recalled with pleasure and amusement (and sometimes a raised eyebrow) the verve, strong views (on virtually everything) and independence of character that the young Barnes displayed in his happy Oxford years, qualities that carried over into all his subsequent activities. One of his dearest Berkeley friends regarded him as a cross between a hearty English country squire of the eighteenth century and a Victorian bishop of the muscular Anglican species. The mix did not displease him, and to it he added "Whig lawyer." The addition may have confused those who remembered that as an assistant dean of students and hearing officer during the student movements of the 1960s he was, in his own words, "on the right side of the barricades." But that would be to misunderstand the meaning of Whig constitutionalism.

In February 1956, Barnes took a position teaching history and political science at Lycoming College in Williamsport, Pennsylvania, and four years later joined the Department of History at Berkeley. From 1965 onwards he also held appointments in the Boalt Hall School of Law. He taught courses in historical method, Tudor- Stuart England and the history of the common law. He also had a keen interest in military history, served as a charter member of the campus committee for ROTC programs and became its chair for 15 years. For many years he offered undergraduate courses in the history and nature of warfare when it was certainly unfashionable to do so. But he never cared much about academic fashions or "new methods." "Meat and potatoes" he called his own writings.

A vigorous and popular teacher with a sense of fun, he sometimes beguiled undergraduate classes with a demonstration on how properly to furl an English umbrella. During doctoral examinations he had the unusual gift of altering the customary pressure-cooker environment into something resembling a thoughtful, high-level conversation between teachers and taught, providing examples of scholarly thinking and learning.

His versatility, breadth, and knowledge were amply displayed in two other important areas, one on campus and one on the edge of it. He had inherited a family house in Nova Scotia dating back to 1820 and for many years spent his summers in that region. In 1982, he threw himself into the formation of what became a highly successful campus Canadian Studies Program, of which he remained codirector until his death, attracting funds and aligning the support of Canadians in government, the diplomatic service, journalism, and industry. Their admiration resulted in the establishment of the Thomas G. Barnes Endowed Chair of Canadian Studies in 2005. He refused to hold it and even resisted having the chair named in his honor; only the “rich or the dead” are so entitled, he said. In 2007, his devoted and loving former doctoral students surprised him with the additional and increasingly rare compliment of a Festschrift published under the title *Law and Authority in Early Modern England: Essays Presented to Thomas Garden Barnes*.

A second additional arena of scholarly activity, albeit outside University boundaries, was his teaching for the St. Joseph of Arimathea Anglican Theological College near the Berkeley campus, of which he was cofounder and vice provost. He taught ecclesiastical history, and his interests extended to liturgy and theology in general, with a special love for the Hebrew Bible.

Academic recognition included the Alexander Prize awarded by the Royal Historical Society of the United Kingdom in 1959, and in the following year he was elected fellow. He also received fellowships from the Huntington Library, the American Council of Learned Societies, and the John Simon Guggenheim Memorial Foundation. In November 2009, he was given the 20/20 Vision Award of the Association for Canadian Studies in the United States. He held many professional offices, such as serving on the advisory council of the Yale University Center for Parliamentary History, as project director of the Anglo- American Legal History Project of the American Bar Association and as president of the Association for Canadian Studies in the U.S.

Barnes’s scholarly writings and publications can be divided into three overlapping phases. The earliest body of writings was on the English civil war of the seventeenth century and the English legal system, to include Star Chamber, concerning which he provided a corrective at odds with received opinion. He compiled an invaluable Public Record Office (London) handbook to Star Chamber documents, 1558-1641. The principal publication of this period and the one that brought him broad recognition as a leading authority in Tudor-Stuart history was *Somerset 1625-1640: A County’s Government During the Personal Rule* (1961 and reprinted in 1982). In this book, Barnes’s self- description as a “Whig lawyer” is most apt.

He contemplated a major work on the history of Star Chamber. He collected and arranged an immense number of relevant court cases, but the projected work remained unfinished. However, he continued to publish articles on the topic. These can be included in the second phase of his writing, which also contains studies of a French counterpart institution, the Conseil Privé, as well as issues in the current condition of the Church of England, Magna Carta, American colonial law, and essays on Franco- Canadian affairs and other aspects of Canadian history. His interest in American law led him to write a history of the University of California’s law school in San Francisco, which appeared as *Hastings College of Law: The First Century* (1978), a centennial appreciation. He edited any number of books, to include several volumes of a documentary history of modern Europe and wrote chapters for a history of western civilization.

A third phase, while of a piece with the others, nevertheless deserves special mention for its uncommon breadth. Barnes wrote about 100 lively introductory essays for *The Legal Classics Library*, a collection of facsimile editions. Examples of his writings are essays on Oliver Wendell Holmes, Henry S. Maine, Benjamin Cardozo, William Blackstone, Cesare Beccaria, Plato, John Milton, *The Laws and Liberties of Massachusetts* (1648), and Maxime Kovalevsky. One of the last essays is an account of the trial of the Holocaust denier David Irving. A selection was brought out by the Stanford University Press in 2008. The essays show as clearly as any of his other writings Barnes’s love of language and ability to knock off well- crafted, stylish sentences. A certain playfulness would occasionally enter his speech, resulting in a rich comic techno- speak, a mixture of French and Latin, legal jargon, newspaper buzz words and archaic phrasing, all born of a delight in his desire to capture what Balzac called the “human comedy.” Unless attuned to it, listeners were sometimes perplexed.

Scholarship and teaching were callings, but Barnes certainly possessed a wonderful capacity for enjoying life to the fullest. He was a good craftsman, could fix cars (when cars were fixable by laymen), loved to sail and fish, to shoot ducks with his son, manage the woods around his Canadian home, and bake bread, at which he became increasingly proficient. He was a splendid host and a great talker, never devoid of anything interesting to say and never hesitant to say it. On these delightful occasions he was aided by his French- born wife of 55 years, Jeanne- Marie Dubus, whom he met in his student days at Oxford. His open and generous

nature allowed him to make friends across social boundaries, but it was true that interwoven with his intellectual and academic interests was a thread of populism. He was fond of the common man (“Joe Sixpack” he called him) and could write about his neighbors in Nova Scotia in words that an ethnographer might well envy, combining close and original observation of Acadian habits with a clear affection for ordinary people in that far- flung locality.

Besides his wife, Thomas Barnes leaves behind two daughters, a son, and six grandchildren. Another son died in 1961 several months after birth. He also leaves behind the memories cherished by his students, colleagues, friends and admirers. He was, from beginning to end, a Presence.

Roger
Hahn

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Robert Middlekauff
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