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JOHN STUART CARNES — PROFESSOR OF LAW

John Carnes was both professor and friend. His loss is a sad one because he gave so much of himself to his fellowmen. His ideas and insights were invaluable; that others will not be able to share them is lamentable.

During my years as a student at Villanova, there were many opportunities to see, talk with, laugh with, argue with and feel with Professor Carnes. He influenced many students because in everything he did and believed one could see the gentleness and compassion that formed his character. It was possible then to understand that he was most concerned with the question, "How shall we live?"

I recall his address to the members of my first year class during orientation. He spoke of what we could do with the law and how we could view it. Some lawyers, he said, see their profession as a game — a type of personal combat between lawyers — with rules to play by and with winning as the end. It could be an exciting and rewarding game, this wit-matching and strength-testing. But, he said, the law could also be viewed in a different light. It is a learned profession, a way of meshing conflicting values and interests into a web of social restraints that makes civilized living possible. The lawyer's role is to represent, but he can not afford to be a "gun for hire." This is a fundamental responsibility of the profession and the individual lawyer may not escape his ethical and social obligations, even in game-theory.

In the classroom, Professor Carnes sought to make each student aware of what he must be as a lawyer. He emphasized that law is action that affects the lives of individuals. This concern for individuals, and his belief in the incommensurable value of each person led him to question the efficacy of using the law as a "social engineering" device. It is never enough, he felt, for students to master the technical skills of the law. Unless they humanize their knowledge by a compassionate concern for the fundamental needs of individuals, they are little more than technicians. Though he frowned on the paternalism of expertise, he stressed the need for expertness.

Because Professor Carnes believed and taught that the law required service, he shared the experience in political frustration felt by so many over the war. During the October Moratorium he encouraged students of the Law School to join other members of the University and community in expressing their desire for peace and in calling for a reexamination of national policy. It was his strong belief that members of the profession ought to dissent in a constructive way; they had been apathetic for too long. Despite the harsh political

climate of those months, he felt a concerted act of peaceful and eloquent silence could affect the policies of the nation. He recognized that patriotism was no longer sufficient; if the community were to survive, the times required that men also be public spirited.

His interest in human welfare and the relevance of his social commitment led him, before it became fashionable, to an awareness of the environmental crisis. Professor Carnes believed that man should live in harmony with nature. He felt that man, in the name of progress, had wantonly abused nature, and rather than improving the quality of life, man had imperiled his continued existence. In his seminar on *The Problems of the Urban Environment* he explored the value-choices and value-conflicts that underlay this dilemma.

Professor Carnes hoped that this approach would expose students to the broad range of options that can exist for man. He felt that because lawyers often have an architectonic role in policy formulation, they should be wary of the arrogance implicit in value structuring. As with everything else he did, Professor Carnes gave to this Seminar critical intensity and curiosity. He hoped that it would foster among the members a sense of sharing and an awareness that would mould their approach to the practice of law. This, he felt, was a human obligation.

John Carnes sought to arouse and involve everyone he met to recognize their social and human responsibilities. He taught his students of the privilege of service and encouraged them to be sensitive to the moral premise that either the welfare and values of every person are important, or those of none are. He felt that lawyers had a special obligation to men and society because of their special training and knowledge and he taught his students best by example. His peacefulness, compassion and intensity made him a man of consequence. I do not know what he thought he did best; to me, it seems, he lived best.

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