

1946

Walter B. Kennedy 1885-1945

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WALTER B. KENNEDY

1885-1945

Since publication of the last issue of the FORDHAM LAW REVIEW, Walter B. Kennedy, the faculty director of the LAW REVIEW, passed away. The Board of Editors considers that the resolution and memorial passed by the faculty of the School of Law at its annual meeting, which is published below, expresses its own great sense of loss.

Walter Benedict Kennedy, Professor of Law and since July 15, 1943 Acting Dean of the Fordham University School of Law, died on December 30, 1945.

Born in Massachusetts, Professor Kennedy received his higher education at Holy Cross College from which he was graduated with the degree of Bachelor of Arts in 1906 and with the degree of Master of Arts in 1912. He pursued his legal studies at the Harvard Law School from which he received his degree of Bachelor of Laws in 1909. Admitted to the Massachusetts Bar thereafter he practiced law in Worcester as a member of the firm of Henebery and Kennedy until 1912. In that year he was appointed to the faculty of the Catholic University School of Law and from that time he found his great professional interest in law teaching and legal scholarship. In 1923 he was appointed Professor of Law in the Fordham University School of Law where he continued until his death. During the absence of the Dean of the School on leave, he was appointed Acting Dean of the faculty and directed the affairs of the School under the difficult conditions incident to the war and removal of the School to its own quarters in the University Building at Broadway and Duane Street. He taught both the more technical legal subjects such as Bills and Notes and Real Property and also some of the broader branches of law such as Constitutional Law and Conflict of Law or Private International Law.

When the FORDHAM LAW REVIEW was reestablished in 1935

he was named Faculty Adviser to the student editors, a position which he continued to occupy until his death. He was an exacting taskmaster and held the staff to a high degree of efficiency in legal research and literary craftsmanship. He was himself a frequent contributor to his own and other law reviews, his interest being centered principally in problems of philosophy of law. He was one of the first to realize the dangers to our common law system and the threat to certainty in legal rules which was inherent in the philosophy of realism in law which developed in the second decade of the twentieth century of which men like Frank and Llewellyn and Felix Cohen have been exponents. He tilted his lance frequently against their theories and became one of the chief defenders of the traditional classic philosophy of law with its insistence on the validity of general principles in law and their derivation from natural law and natural justice. Among the articles which came from his pen exposing the fallacies of modern legal philosophy with its pragmatic and materialistic viewpoint were *Functional Nonsense and the Transcendental Approach* (1936) 5 FORD. L. REV. 272, *More Functional Nonsense, A Reply to Felix S. Cohen* (1937) 6 FORD. L. REV. 75, *Realism, What Next?* (1938) 7 FORD. L. REV. 203, *Realism, What Next? II* (1939) 8 FORD. L. REV. 45, *A Review of Legal Realism* (1940) 9 FORD. L. REV. 362, *The Bertram Russell Case Again—Portrait of a Realist, New Style* (1941) 10 FORD. L. REV. 196.

He also was one of the co-authors of a symposium on legal philosophy entitled *My Philosophy of Law*. There he upheld the traditional scholastic viewpoint.

Resolved, Therefore, that in the death of Professor Walter B. Kennedy the Fordham University School of Law has lost an able, respected and well loved member of its faculty as well as a valiant champion of truth and sound philosophy of law.

Resolved, Further, that the faculty extend to his bereaved wife and family its deep sympathy in their sorrow and the assurance of a remembrance in the prayers of the faculty for the repose of his soul.