

TRIBUTE TO RONALD DWORKIN

I first met Ronald Dworkin forty years ago in the bar of one of those faceless, interchangeable hotels where conventions of the American Philosophical Association always take place. Amid the general grunge that typically characterizes any gathering of philosophers, Ronnie, with his beautifully tailored suit, gleaming cufflinks, and silk breast-pocket handkerchief, stood out as a visitor from another planet. He was in the company of my former teacher John Rawls, whose frayed cuffs, scuffed shoes, and other-worldly air made the contrast even more vivid.

The juxtaposition of Ronnie's worldly, elegant hedonism and Rawls's unworldly, tattered asceticism is an indelible dash of color in my image of the philosophical world. These two very different Americans were jointly responsible for an enormous change in our moral and intellectual environment during the latter part of the twentieth century—Rawls in political philosophy and Ronnie in legal philosophy. They brought the clarity and logic of analytic philosophy into normative fields from which they had been excluded by the earlier prejudices of logical positivism. Both of them deepened and gave articulate form to questions and arguments that arose from the most urgent political and legal issues of our time.

But Ronnie also did something else: he wrote for the public. Rawls, who did not have this gift, greatly admired Ronnie's capacity to explain difficult moral issues about law, politics, and society in lucid terms to a general, nonacademic audience—without in any way watering them down or simplifying them. He said that in this respect, Ronnie had made a contribution in our own day comparable to that of John Stuart Mill in the 19th century—a just and memorable tribute.

Ronnie's original point of entry, both as a theorist and as a public intellectual, has been law. This was possible because of the important philosophical dimension of constitutional law under our system, which he has done so much to explain. But his work has addressed larger issues of moral and political theory from the beginning, and he has done more than anyone to bring these fields into creative contact with one another.

That was the basis for the Colloquium in Law and Philosophy that he initiated at NYU in 1987, with the help of David Richards, Larry Sager, and myself, and that, to my occasional amazement, he and I are still conducting almost twenty years later. The mountains of theoretical material that we have subjected to critical analysis in

those years includes some of the most interesting work on these topics, as well as some that is less interesting, but the constant element that always impresses me is Ronnie's tirelessness and his unforced enthusiasm. He is a superb intellectual host, always giving the impression that there is nothing he would rather be doing than talking with our guest of the week about his or her ideas. I have to admit that sometimes, when he and I meet for a preliminary discussion of a thinner-than-average paper for that week's colloquium, he will look at me ruefully and say, "We're going to have to do a lot of work." But as soon as the author walks through the door, Ronnie is the picture of eager engagement and interest, and an unstoppable discussion is launched.

One thing that makes this possible is that Ronnie cares more keenly about the answers to questions of moral, political, and legal theory, and about converting others to the right view, than almost anyone I know. This quality of temperament is more unusual among philosophers than you might think. I'm going to steal one of Ronnie's stories here. He once overheard a woman comforting a friend who was evidently in great distress by saying, "Be philosophical; don't think about it." Most of us don't go quite that far, but I believe the norm, after a certain number of rounds in the dialectical ring, is to feel that we can let fundamental disagreements continue unresolved, and that we aren't obliged to keep trying to convince our opponents.

Ronnie, by contrast, is always good for another round. So long as anyone on the other side is left standing and unconverted, he will keep the battle going, and will leave no objection or reply unanswered. This can create problems of graceful termination, particularly when Ronnie encounters an equally tireless adversary. Fortunately this is not a problem in the Letters column of the New York Review of Books, where Ronnie always has the last word.

Even though I have known Ronnie for forty years, I learned only recently, from an article in the Law School Magazine, that after his appeals court clerkship with Learned Hand he had the opportunity to become a Supreme Court clerk for Felix Frankfurter, but he decided he'd had enough of schooling and apprenticeship and went to work for the firm of Sullivan and Cromwell instead.¹ I wonder what would have happened if he had taken that clerkship. He might have followed it with work in government and perhaps real politics (the Kennedy administration was about to begin).

1. Adam Liptak, *The Transcendent Lawyer*, L. SCH. (N.Y. Univ. Sch. of Law, New York, N.Y.), Autumn 2006, at 12.

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Even if he had eventually entered the legal academy by this other route, I suspect that his concerns and his writings would have been different. He would probably not have concentrated on the largest philosophical questions to the same extent. So in closing, I would like to offer my thanks to Sullivan and Cromwell for enriching our philosophical lives, and for giving me a friend and colleague whom it has been such a joy to work with.

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