

TRIBUTE TO RONALD DWORKIN

When I was asked to talk about Ronnie and the New York Review I thought back to when I first heard of him, in the late 1960s. We had much help, in those days, from the English philosopher Stuart Hampshire, who was then teaching at Princeton, and one day he said to me, "You know, it's quite remarkable, there's a young professor of law at Yale who actually has a better grasp of philosophical issues than some of the philosophers you are publishing and, so far as I can see, any of the lawyers."

This lawyer turned out to be the young Ronald Dworkin, and we soon asked him to write on a book on the legal profession which had much to say about law firms and law partners but which he found neglected practically all of the central ethical and moral questions facing lawyers. That article appeared in March 1968,¹ the first of some fifty-seven articles Ron Dworkin has written for us over the years, as well as seventeen considerable exchanges with authors reviewed or discussed and a dozen replies to often very contentious letters to the editors.

So we might say he has made over eighty-five contributions during some thirty-five years. It was his second article, of June 1968, at a time when young men were burning draft cards in Central Park and moving to Canada, that caused a furor. It was entitled, *On Not Prosecuting Civil Disobedience*, and made the case for legally disobedient citizens having rights against the state, particularly at a time when the state was engaged in indefensible actions.² And this was followed by his special supplement to the Review, in December 1970, called "Taking Rights Seriously," an essay of some 11,000 words which came just at the time when rights against the state were being dismissed.³ And Ronnie, it must be said, soon found that his position was disliked by some of the grandees of the profession. One prestigious professor, now little remembered, wrote him, in effect, "You have now excluded yourself from being taken seriously."

Looking over the fifty-five articles that nevertheless followed, we can find, I think, a sort of skeletal history of the times, a history

1. Ronald Dworkin, *There Oughta Be a Law*, N.Y. REV. BOOKS, Mar. 14, 1968, at 18 (reviewing MARTIN MAYER, *THE LAWYERS* (1967)).

2. Ronald Dworkin, *On Not Prosecuting Civil Disobedience*, N.Y. REV. BOOKS, Jun. 6, 1968, at 14 (1968).

3. Ronald Dworkin, *Taking Rights Seriously*, N.Y. REV. BOOKS, Dec. 17, 1970, at 23.

in which Ron has brought the moral and ethical principles he finds embedded in the law to bear on many of the most difficult public issues we've faced over the years. Here is a brief sampling of some of their titles.

May 14, 1972: *The Jurisprudence of Richard Nixon*;⁴

November 10, 1977: *Why Bakke Has No Case*;⁵

November 8, 1984: *Reagan's Justice*;⁶

July 17, 1986: *Report from Hell*⁷ (about torture in Argentina);

August 13, 1987: *The Bork Nomination*;⁸

January 31, 1991: *The Right to Death*;⁹

November 7, 1991: *Justice for Clarence Thomas*;¹⁰

October 21, 1993: *Women and Pornography*¹¹ (which was followed not long after by *Pornography: An Exchange* with Catherine McKinnon¹²);

September 25, 1997: *Assisted Suicide: What the Court Really Said*;¹³

November 5, 1998: *Is Affirmative Action Doomed?*¹⁴

March 9, 2000: *Philosophy and Monica Lewinsky*;¹⁵

December 21, 2000: *The Phantom Poll Booth*¹⁶—his article on *Bush v. Gore*;¹⁷

4. Ronald Dworkin, *A Special Supplement: The Jurisprudence of Richard Nixon*, N.Y. REV. BOOKS, May 4, 1972, at 27.

5. Ronald Dworkin, *Why Bakke Has No Case*, N.Y. REV. BOOKS, Nov. 10, 1977, at 11.

6. Ronald Dworkin, *Reagan's Justice*, N.Y. REV. BOOKS, Nov. 8, 1984, at 27.

7. Ronald Dworkin, *Report from Hell*, N.Y. REV. BOOKS, July 17, 1986, at 11.

8. Ronald Dworkin, *The Bork Nomination*, N.Y. REV. BOOKS, Aug. 13, 1987, at 3.

9. Ronald Dworkin, *The Right to Death*, N.Y. REV. BOOKS, Jan. 31, 1991, at 14.

10. Ronald Dworkin, *Justice for Clarence Thomas*, N.Y. REV. BOOKS, Nov. 7, 1991, at 41.

11. Ronald Dworkin, *Women and Pornography*, N.Y. REV. BOOKS, Oct. 21, 1993, at 36 (reviewing CATHERINE A. MACKINNON, *ONLY WORDS* (1993)).

12. Catherine MacKinnon & Ronald Dworkin, Letter to the Editor, *Pornography: An Exchange*, N.Y. REV. BOOKS, Mar. 3, 1994, at 47.

13. Ronald Dworkin, *Assisted Suicide: What the Court Really Said*, N.Y. REV. BOOKS, Sept. 25, 1997, at 40.

14. Ronald Dworkin, *Is Affirmative Action Doomed?*, N.Y. REV. BOOKS, Nov. 5, 1998, at 56.

15. Ronald Dworkin, *Philosophy & Monica Lewinsky*, N.Y. REV. BOOKS, Mar. 9, 2000, at 48 (reviewing RICHARD A. POSNER, *AN AFFAIR OF STATE: THE INVESTIGATION, IMPEACHMENT, AND TRIAL OF PRESIDENT CLINTON* (1999) and RICHARD A. POSNER, *THE PROBLEMATICS OF MORAL AND LEGAL THEORY* (1999)).

16. Ronald Dworkin, *The Phantom Poll Booth*, N.Y. REV. BOOKS, Dec. 21, 2000, at 96.

17. *Bush v. Gore*, 531 U.S. 98 (2000).

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February 28, 2002: *The Threat to Patriotism*¹⁸—this, I should say, was one of the first articles to explore in depth the dangers of government policy to basic rights following September 11;

February 9, 2006: with Kathleen M. Sullivan and others, *On NSA Spying*;¹⁹

And not long ago, *The Strange Case of Judge Alito*.²⁰

How lucky we were to have had that call from Stuart Hampshire in 1968, about the young lawyer-philosopher at Yale. But as I look back over these years and these essays quite another profession suggests itself. At times when national fevers have been running high and there has been the threat of blocked civic arteries, and we have observed bouts of polar behavior in the presidency, the desperate editors have sent out a cry: Calling Dr. Dworkin. Can we get him away from his surgery in Washington Square to make a house call? And he has. Long may he practice.

ROBERT B. SILVERS

Co-editor, *The New York Review of Books*

18. Ronald Dworkin, *The Threat to Patriotism*, N.Y. REV. BOOKS, Feb. 28, 2002, at 44.

19. Curtis Bradley et al., *On NSA Spying: A Letter to Congress*, N.Y. REV. BOOKS, Feb. 9, 2006, at 42.

20. Ronald Dworkin, *The Strange Case of Judge Alito*, N.Y. REV. BOOKS, Feb. 23, 2006, at 14.

