

END OF A GOLDEN ERA?

UCL's Colloquium in Legal & Social Philosophy

Interviews with Professors Ronald Dworkin, Jonathan Wolff and Stephen Guest

Since 1998, Professor Dworkin, whose work in the past 30 years has had a global impact on the agenda of the modern debate in legal and political philosophy, has chaired our Colloquium in Legal and Social Philosophy at which distinguished thinkers in legal and political philosophy present new research. He stepped down from the Chair of the Colloquium programme at the end of the last academic year, but will be inaugurating this year's programme by presenting a new paper.

*Professor Dworkin – RD
Dr. George Letsas – GL
Dr. Riz Mokal – RM*

GL: Ronnie, you took up the Quain Chair here at UCL from Oxford in 1998. How did that come about?

RD: Jeffrey Jowell [former Dean and Head of the Department of Laws] persuaded me, but it was against the background that I would have had to retire from Oxford in a couple of years anyway. We were talking one night about that and about what I might do, and he suggested that I could move from Oxford to UCL. I said, well, alright, that is a very interesting idea, I will do it in two years, and he said no, I think you should do it right away. So I did it right away.

GL: So your friendship with Jeffrey and perhaps others at UCL influenced your decision?

RD: Yes, I liked the idea of being at UCL. I first joined it on a very sketchy basis [in 1984]. I gave a few lectures here, but taught mainly in Oxford. But I liked the idea of being in London since I was living in London anyway, commuting to Oxford to spend a couple of nights a week there. And as I became acquainted with UCL I was pleasantly surprised to discover enormous interest in legal theory. I valued conversations



Professor Ronald Dworkin QC

with William Twining and Mike Freeman and Jeffrey himself, and, of course, Stephen Guest, whom I had known already. Stephen had been a student of mine at Oxford and I was quite close to him. He had written a book about me. I felt that I knew the scene here a bit and I also felt it was congenial.

GL: You were already at the time convening the Colloquium in Legal, Political and Social Philosophy at NYU. What made you start a second one in London?

RD: While talking to Jeffrey and others about what I could do at UCL, we had the idea that instead of teaching a regular course in

the period when I was here, it might be more interesting, and add something that was not here before, if we were to organise a Colloquium here. The format of this event had by that time been very well developed. It was an organic thing that started at NYU almost twenty years ago now. We had refined it and worked it out and it had become quite a useful, viable formula. Then we found it was being copied all over the world. So I approached Stephen and we decided that we could usefully do it here.

Over the years, the strength of the UCL Colloquium just increased, as did the number of people who

were talented in the disciplines of the Colloquium and so were likely to be engaged. It just seemed that the idea caught on, to a point when the Philosophy Department was happy to join in.

I don't know whether any of you get teaching credit for this. No? So I suppose it is a labour of love; that makes it more exciting for me. People who participate enjoy it, I think, which creates a good feeling. And I find the style of the Colloquium extremely attractive. It is very conducive to getting to the point, and there is very little personality to get in the way.

RM: I don't know about getting in the way, but regular participants at the Colloquium might disagree with you about its relevance: we have seen that personality in philosophy can be important, can make for a particularly good discussion in a seminar. But how does the UCL Colloquium compare to the NYU one? We know there are similarities, like the format, but are there noticeable differences?

RD: I think the New York programme attracts technically engaged people from a wider catchment area. On a regular basis, we get people from Columbia and other New York law schools, and from Penn [the University of Pennsylvania], and some from Princeton. So there is a larger core of philosophers and lawyers who attend, with the result that the argument tends to be more sustained, with more people pressing at every moment to be heard. But I don't mean in any way to denigrate the UCL Colloquium by comparison, because that too now has a faithful body of people who come from the Philosophy Department, and from the Law School and the Department of Political Science. The difference is in the quantity rather than quality of participants.

GL: The first time I joined you in one of the lunches before the Colloquium, I was expecting some small talk with the speaker about his trip to London, where he was staying, what was in the

news. I was surprised to discover that the lunch itself is very much part of the Colloquium, where the paper is discussed, the evening's session is planned, and the main objections to the paper's argument are highlighted. Starting at 1 PM, the Colloquium continues non-stop for something like eight hours, until 9 or 10 PM. Even people who enjoy the three hours of the actual seminar sometimes find it very hard to keep up, with anything like your stamina and energy, for almost ten hours. Don't you find the duration and format of the Colloquium exhausting?

RD: I would like your opinion about whether you find it tiring. I don't find myself getting tired because we are engaged in doing what we all want – to pursue ideas not in a polite way and not in a superficial way. What is superficial is of course relative: if you spend eight hours on an argument, then you can go deep into the issues. But compared to somebody who has been writing the paper for weeks, the eight hours is superficial. I hope I am not fooling myself that the discussants and the people who bring the papers enjoy it fully.

There is only one time I was told this wasn't so, Michael Walzer came to New York, and at the end of the day, after the eight hours, I made a polite statement of thanks. I said, "it is so good of you to spend all this time with us", and he looked up and said "What choice did I have"! But I don't think that is a common view. I think that there are some afternoons when it is a bit of a labour, when the paper isn't dense enough. But if people know about the formula, I think they give us papers of a sufficient complexity so that we can enjoy them.

You make an interesting point about the lunch. In New York, we tell people not to mention the lunch during the Colloquium because it is very, I think, disheartening for the other participants at the Colloquium for a visitor to say "Well, as I said at lunch" or "This came up at lunch"; those not at lunch think they might have missed something.

RM: They might think that the discussion had been stitched up?

RD: Yes, they might. Sometimes the discussion at lunch is better, I find, because there are fewer people and so the argument is more concentrated. Perhaps it is not better but simply more focused. I think some participants do have the opinion that they have left their best ideas at the lunch table! So we tell people that we don't want them to mention lunch! We don't want them not to repeat themselves. The whole point is to get them to repeat themselves.

But the Colloquium is certainly not just a repeat version of the lunch. That has never been a problem. Generally, both in New York and here, we raise enough trouble at lunch so that people go away and take whatever time they have to reflect. Not always, but usually they reflect, and their arguments at the Colloquium are rather different from those at lunch.

GL: I spend a lot of time reading the papers for the Colloquium, not just when I join you on the panel but also because we teach the paper to graduate students at our pre-Colloquium meeting. It takes me at least a couple of days to prepare, read it two or three times and then think about it. This is many more hours than we spend discussing it. Yet I always learn more from the discussion than by reading the paper. In fact, I get almost everything after your summary of the paper's arguments! And it often appears that the speakers themselves get a fuller grasp of the argument they have advanced in the paper only after that summary. It obviously takes an enormous intellectual ability and clarity of thought to present someone's views before him and analyze what his argument is and what objections it is subject to. How do you do it?

RD: Well, you do it too, so don't ask me. You all do it. I think it is something that you get better at with experience, because you have to strike a balance. You mustn't

put everything in the summary. Its whole point is to try and focus on what's going to be consequential in the discussion. If you're going to put everything in, then you might as well ask for the speaker to summarise it. It is meant to be an editing. And I don't think it would be possible without the lunch. I never organise the summary before the lunch because it is only there that you see what are likely to be the issues. What you want to do is to present the guts of it, but to do it in a way that is clarifying.

And the summary must also give some sense of what goes on in the paper's philosophical, legal or political background, because the paper generally starts in the middle. Most people would be aware of the unmentioned background, but depending on the audience, I might say just a couple of sentences to engage people who don't have a sense of it. A significant number in the audience might not be specialists in the particular dispute. You want to make the introduction something which will catch people's attention and give them a reason for listening closely.

RM: Going back a bit, Ronnie, you mentioned one Colloquium at NYU which was memorable for a particular reason. Can you think of any at UCL which particularly stick in your mind? George and I have a few examples tucked away, but we wondered if you had any favourites.

RD: I certainly have memories of very exciting times. The session with Bernard Williams was full of excitement, partly because he was such a dynamic and deep and funny person. That was a very good session.

GL: That session was significant for another reason as well, wasn't it?

RD: Yes, sadly, it was Bernard's last public appearance. The drama of the occasion was heightened by the fact that he was so unwell and we all knew it. But it was also the paper he presented, which went right to the heart of a lot of the

things he had thought about for years. So it was very good in that sense.

I also remember as being funny one of Jerry Cohen's visits. He kept wanting to write on the board and I didn't want him to!

RM: I remember that at one point, you had to pull him down physically, and told him that anything which was worth saying could be said orally!

RD: That's right. Luckily, nobody has ever tried to make a Powerpoint presentation!

GL: That may not be entirely accurate: [UCL Philosophy's Professor] Mike Martin used Powerpoint when he introduced your paper!

RD: Ah, but he had a jokey one! I had mentioned a painting that figured in [Henry James's] *The Wings of the Dove*, and I had made some interpretive point about the painting, so he put that picture up. Then he put a very funny picture of me up, I think the Stephen Pyke picture in his collection of philosophers' photographs. Maybe he was using Powerpoint! I don't know.

I have a sort of allergy to projections, because it seems to me that you can be much more subtle verbally than if you start writing things out. I do remember the first time that I saw Jürgen Habermas. He was going to give a talk in Balliol, and I took Gareth Evans [the late Oxford philosopher]. I told him that Habermas is a very great man and we should listen to him. The lecture was starting at 3 in a room downstairs in Balliol, a small room, quite crowded, with blackboards on all the walls. By the time we arrived, Habermas had already covered one wall with indecipherable script! And 3 o'clock struck, and then 3.15, and he continued to write. Finally, [Sir] Anthony Kenny, who was Master of Balliol, said "Professor Habermas, I think you might begin." "Ah", said Habermas, "I have nearly finished!"

RM: The UCL Colloquium with Judge Posner springs to mind for a variety of reasons, among them being the time when a phone rang while you were chairing the session, and it turned out to be yours! We then thought that you would simply switch it off, as most people would. But you took the call!

RD: Well, there was a reason for that! Only three people have my mobile phone number: my son, my secretary in New York, and the editor of *The New York Review of Books*. So when that phone rings, I always worry that it might be my son, who might be calling because he had a problem. That's why I took the call.

But Posner: yes, that was a memorable visit. The lunch was very interesting. He is someone who is probably not as good in a public forum as he is in writing. He is best as a judge: he is apparently extremely good on the bench, works very fast, writes very good, very clear opinions. But he wants to do philosophy, though also to condemn it, and he's not very good at it.

One important feature of the UCL Colloquium is that we try and bring people over to England that others want to hear. In New York, Tom Nagel and I select the speakers. Here, there is much more consultation. For example, people in the Philosophy Department here said, "Can't we get [Harvard philosopher] Chris Korsgaard? We have tried to get her and she doesn't come. Maybe she will come for a UCL Colloquium." And she did.

GL: Do you recall another incident – I cannot remember who the speaker was – when you summarised the paper, highlighted three topics for discussion, developed the first one, and when we were deep into the discussion, someone from the back of the room raised his hand. Instead of asking a question, he turned to you and said "Excuse me, sir, I have been here for forty minutes and you haven't even introduced

yourself. Can I please have your name?" And you said: "My name is Ronald Dworkin, I am Professor of Jurisprudence at UCL, and my Social Security Number is..."

RD: I think that is a nice feature of the Colloquium, that it has got a certain giggly quality; people are ready for a laugh. Also, the room you hold it in makes a difference. When we have the Colloquium downstairs in the big lecture room [the Main Lecture Theatre at Bentham House], as we had to do with Bernard and on some other occasions, the discussion becomes less intimate. In New York, we had the Colloquium for many years in a mock court room with tiers and raised platform, and then NYU built a new, very grand, very luxurious building, and built a special room at the top surrounded by glass overlooking all of New York, which they have called the "Colloquium Room". That was built for us. However, it is like the UN Security Council: it is a huge room with two concentric horseshoes and a table in front, and it is a little intimidating, it changes things a bit. The good thing about it is that it is wired brilliantly, and there is a microphone at every desk.

RM: Talking of change, I did want to ask you about the changes, if any, that have occurred in your substantive philosophical positions in the ten years or so that you have been actively at UCL. This is not to take credit on behalf of UCL for the changes! It is simply to map out quite briefly the movements in your views, if any.

RD: It's been during this period that I think I have come better to understand – although I still don't completely understand – what the argument between me and [H. L. A.] Hart's 'children' and 'grandchildren' really is. I think I am clearer about that now. But, of course, it does not follow that I persuade anybody. In political philosophy, I have become more aware of the continuity between ethics and moral philosophy: I think morality is a study of how to live. I have, for that reason, moved further away

from the Rawlsian idea of political liberalism, and have attempted to develop a different form of liberalism. Therefore, I have become, in these last ten years, more interested in traditions of philosophy that I haven't been interested in before. I am reading a lot of Jean Paul Sartre, which previously I had never had much interest in.



Left to right: Dr Riz Mokal, Professor Ronald Dworkin, Dr Nicos S

RM: Yes, we have noticed something of this trend. For example, it was just last year, perhaps, that I first found you discussing Plato and Aristotle in some detail.

RD: That is part of the same shift in my interests. I am writing an interminable book called *Justice for Hedgehogs*. I just keep tugging away at it while I am doing other things. But just doing something of that scope pulls you into different directions. I have become much more persuaded of the importance of interpretation as a general phenomenon, for example. Now I am trying to defend the idea of the dualism between science and interpretation. It is impossible to say what comes out of having been connected to UCL rather than NYU. These are just things that have happened in the last ten years.

GL: It seems that the debate in legal philosophy between interpretivists and Hart's 'children' and 'grandchildren' continues, and will continue for years to come. Do you worry at all about the number of people now in the US and in this country who hold the other view rather than yours?

RD: No, I don't worry about it, because I am not particularly aware of it. My views are very much opposed to the positions that have been dominant in Anglophone legal philosophy for a long time, and though I would of course like to convince everyone to reject these traditional views, I know that that is an unrealistic ambition. Those views will continue to have their faithful supporters. But I am surprised and pleased at how many legal philosophers, particularly those with interest and training in general philosophy, seem ready to re-examine and reject those traditional views. I should add, however, that the people who identify themselves as specialists in legal philosophy are not the people that I have been particularly trying to influence. The people I am trying hardest to persuade are academic lawyers, judges, constitutional lawyers, constitutionalists... And

my sense is that that's going very well.

RM: So you would share my sense that particularly with the latter audience, you are 'winning'?

RD: I'm not sure what "winning" would mean. Most of the lawyers and judges I hope to convince don't

doctrinal is much more popular now. [US Supreme Court] Justice Breyer wrote in the introduction to *Exploring Law's Empire* [ed. Scott Hershovitz] that I have had an influence on US constitutional law, and he has told me personally in more detail about the various cases at the Supreme Court, some of them very important cases, in

I do think that the phenomenon of graduate students taking on the colour of their supervisor is very pronounced. I have seen this in many disciplines. But I don't regret not having had more graduate students. I wouldn't have convinced everyone no matter how many students I had. What's important, anyway, is not numbers but arguments: we're all trying to understand the character and phenomena of law better and controversy is indispensable to that project.

RM: There is, I think, something of a resurgence of opinion amongst younger scholars, like Mark Greenberg and Scott Hershovitz, and others not too far from this room, who are persuaded by your views on the nature of law and legal reasoning. These people will continue to write and teach and train others over the next few years and decades, drawing on your work in legal philosophy. This might affect some of the trends you have been discussing just now.

RD: Good.

GL: The final issue we should mention concerns your future plans. What's next for you?

RM: Yes, many of us were saddened to learn that this [2007] is the last year in which you will be leading the UCL Colloquium. On the other hand, you have given us sufficient to last!

RD: Well, I will continue to teach at NYU and I will continue to spend the same amount of time in England, but not teach. Instead, I will write, and try and finish *Justice for Hedgehogs*, which is taking its time.

RM: Would it be possible to drag you out, for love or money, to come and participate in some of the sessions which we might have in the future?

RD: Yes, certainly, though not for money! I am not going to go away, I hope.



Stavropoulos, Dr George Letsas and Professor Jonathan Wolff

hold any explicit legal philosophy, like legal positivism, that I can persuade them to abandon. Not many of them know what a 'rule of recognition' is. Most of them hold one or the other of two more practical views. One of these is the tradition of so-called realism and critical legal studies. That is the sceptical tradition of which [US jurist Oliver Wendell] Holmes was the great figure. Posner belongs to that tradition, as do others who call themselves pragmatists. And on the other side are people who want law to be more formulaic, more mechanical. [Harvard jurist] Fred Schauer would be an example of someone who wants judges to be more confined by strict rules.

My campaign to unite law with political philosophy is directed against those two views. So if my side is 'winning', that's because the idea of a principled kind of argument that is not exclusively

which he thinks that arguments like mine have made a difference. I find that very gratifying.

GL: Turning again to the specialists in legal philosophy who are not amongst your primary audience, could one of the reasons why many of them hold views contrary to yours be that some of the well known players in the field, like Joseph Raz, take on a large number of PhD students? Were that indeed part of the explanation, would you regret not having supervised a larger number of doctoral students over the years?

RD: Well, I like all the students that I *did* have! Students like Jeremy Waldron, Stephen Perry, Nicos Stavropoulos, Stephen Guest...You are right that I have had relatively few graduate students, because you don't have them in American law schools and because I was at Oxford for only a part of the year.

PROFESSOR JONATHAN WOLFF

Professor of Political Philosophy, and
Head of Department of Philosophy

Interviewed by Dr George Letsas, Laws

You have co-chaired the UCL Colloquium in Legal & Social Philosophy with Ronald Dworkin since its very beginning. When did it all start and how did you get involved?

Actually I can barely remember a time before it existed. I vaguely recall that a decision had been made to offer Ronnie the Quain Chair of Jurisprudence, and Ronnie was keen to set up a Colloquium in London on the model of the very successful Colloquium that he and Tom Nagel run at NYU. He spoke to some of his friends in New York about who in the UCL Philosophy department could run it with him and someone suggested my name. Ronnie asked me, and I could hardly say no; it was a great honour and opportunity.

The format of the Colloquium is quite unique: it starts with a working lunch between the speaker and the co-chairs at 1pm, continues with a three hour discussion between 4pm and 7pm and finishes late in the evening with a dinner between the speaker, the co-chairs and invited academics. This is a very demanding format for the speaker and the co-chairs alike but how exactly does it contribute to a better philosophical discussion?

It is amazing that often the discussion doesn't seem finished even at the end of a very long day. In ordinary seminars there is never enough time to pursue good questions in real detail. In a 90 minute session a presentation might last 60 minutes, and then the chair wants to give everyone the chance to ask a question. The discussion may well flit from topic to topic and often a question is misunderstood or not properly answered. By contrast in the Colloquium, the presentation is

much shorter, we take topics one by one, and maintain focus on an issue until we are finished with it. If a question is badly answered it will be asked again, and if there is a follow-up question we have time to pursue it, sometimes in painful detail.

There is no doubt much pressure on the speaker who has to defend his paper and rebut objections before a very competent audience. How easy is the chair's job however to prepare a summary, introduce the paper and organise the discussion?

The difficulty of the task varies tremendously. Sometimes we receive papers that are very long, and seem not to have a clear central theme. Sometimes they are rather short, and it all seems to be over a bit too quickly. On the whole, though, speakers know what they need to do, which is to send a meaty paper with a clear argument and thesis. It is then reasonably easy – even sometimes a pleasure – to prepare a twenty minute summary. Typically we try to split the discussion into three areas, and deal with them one by one. Organising this division is probably the hardest part; it is discussed over lunch, and a collective decision is made about what would be the most fruitful area for discussion. As for organising the discussion, this is not difficult, largely because Ronnie is such a quick and penetrating thinker, always with something substantial to say, and able to stimulate discussion and move in a positive direction, even when others are flagging and running out of ideas.

You have also had the opportunity to present your own work at the Colloquium. I recall your paper on disadvantage and the more recent

one on the regulation of drugs. How does the experience compare to other paper presentations that most academics are familiar with?

I have certainly learnt more giving papers at the Colloquium than elsewhere; points have been made by Ronnie, the other people on the front table, and the audience, which have led to substantial corrections and revisions to my work. But I can't say that the experience of presenting is a particularly enjoyable one, compared to giving other papers. The main difference is that when you give a paper typically you are in control of the occasion, and can run it at your own pace and in your own style. At the Colloquium, however, it is clear that others are in charge and setting the agenda. They choose what we talk about, and typically it will be the weaker parts of the paper, which get cruel exposure. This is why it is both very valuable and rather uncomfortable; at least this is what I have found.

In your work, you have put emphasis on the interaction between political philosophy and public policy. Do you think that political philosophers should perhaps talk less to each other and more to policy makers and politicians?

Well, I don't want to stop political philosophers from talking to each other, but I would like them to talk to people in policy circles as well. Policy makers and politicians have a different perspective, but it is just as important to talk to people involved in the delivery of policy – those who are helping to formulate plans to support adults with learning difficulties; or making decisions about providing or declining health care, and so on – as well as those who are on the receiving end, and may be more or less happy about

what is done for them in the name of justice.

I think it is important for political philosophers to write about issues of distributive justice in terms which can help people in policy at all levels to conceptualise the dilemmas they face, and provide them with materials to help think through the problems. At the same time such encounters can enrich political philosophy by providing it with a stock of real examples to



consider, and a wider conceptual repertoire. It can also help us realise that we make many assumptions which are questioned elsewhere. For example, one of the most important things in my recent philosophical development was to read work in disability studies, and to meet and talk to disabled people and those involved in service delivery. By the time I had thought through what egalitarianism really meant for people with disabilities it seemed to me that we needed new egalitarian theories, rather than simply apply what we had to different cases.

Over the years, the Colloquium has hosted some the most important contemporary philosophers: Bernard Williams, Joseph Raz and Tim Scanlon are some of the names that spring to mind. Which papers would you consider to be the highlights of the Colloquium and which sessions or particular incidents stick in your mind?

In fact the sessions with Williams, Raz and Scanlon are among those that I remember best. Also very

memorable was Samuel Scheffler's paper on egalitarianism, and the paper by our UCL colleague Janet Radcliffe Richards on equality of opportunity, but of course Scheffler and Radcliffe Richards work on topics that particularly interest me in my own research and so this may be why I found them especially stimulating. But I should make a confession: the frenetic schedule of the Colloquium almost wipes my memory clear the next day. I work very hard to understand the paper, especially when I am summarizing it, and of course we spend close to eight hours discussing it in detail.

But the following day there is a new paper – for next week's session – in my hand and sometimes I can barely even remember the topic of the paper we discussed in such detail only the day before. Of course it comes back to me when I see a published version of a paper that was presented, but it is alarming at the time.

Many of the papers that are discussed each year are on legal philosophy: legal positivism, the connection between law and morality, objectivity in law etc. Legal theorists have always tried to explore the relevance of moral and political philosophy (or other more technical areas of philosophy such as philosophy of language and epistemology) to law. What do you make of the topics that interest legal theorists and of lawyers' forays into philosophy?

Inevitably I find the sessions on legal philosophy generally of less personal interest to me than sessions in political philosophy. I am rather baffled by the ongoing discussion of legal positivism where the main question appears to be one of classification: who is, or is not, a positivist and whether this is a good thing or a bad thing. I still am unsure about the answers. In general I prefer intellectual enquiry when it is problem driven, rather than concept driven, and to my mind a lot of legal philosophers have not got the balance right.

It also worries me a bit when anyone – legal philosophers or otherwise – takes currently fashionable doctrines from central areas of philosophy and tries to apply them to issues in their subject area. It inevitably leads to rather unhelpful disputes about whether the philosophical doctrine has been correctly interpreted and applied. And it is hard to keep up with the shifting fashions in another field, and thus one can be building one's analysis on a view which many philosophers actually working in the area regard as mistaken. I am not saying that there are never real insights to be gained by using discussions in metaphysics or

philosophy of language elsewhere, but the danger is that as there is no settled or agreed doctrine in philosophy, it is a high risk strategy and requires tremendous skill and hard work to do well.

Almost half of the Colloquium speakers each year come from US Universities which produce a great deal of what is called 'Anglo-American' political philosophy. What are the differences and similarities between American and British political philosophy?

Of course it is hard to point to general differences, especially as there are many Americans working in the UK and British philosophers working in the US. But you have invited me to generalise so here goes! Americans write longer papers with more citations and fewer typos. They are very thorough and very professional, and generally see themselves as making an advance in a literature which is already well-established. British philosophers can often seem rather eccentric in comparison, sometimes trying to work out an idea without worrying so much about how it fits with existing work by other people. This has costs and benefits; the costs are obvious in that by neglecting other work it can suffer in comparison and seem naïve, and if it doesn't connect with existing literature it can be hard to assess and absorb. The benefit is that there can be new insights and sense of excitement that something genuinely new is appearing. The characteristic vice of American philosophy is that it is boring; the characteristic vice of British philosophy is that it is embarrassing. But there are crude generalisations.

I am extremely fortunate to have been a student of yours. I remember taking your course in Contemporary Political Philosophy back in 2000 which was so popular that you had to teach the same seminar twice per week, one early in the morning and one late in the afternoon. Students were free to choose which one to attend and

I remember asking my father to call me from Greece every Tuesday morning at 7.30am to make sure that I did not oversleep and miss your morning class which was less crowded and allowed more opportunity for participation. You are now Head of the Philosophy Department at UCL and you also write a monthly column for the Guardian Education Supplement. How have recent changes in university funding affected the teaching of philosophy in the UK?

Ah yes, I remember that class from 2000! For some reason most students chose to sit in a crowded classroom at 6.00pm rather than a relatively empty one at 10.00 am. This taught me quite a lot about student priorities. The next year we split the class in two and allocated people to a particular time-slot. Actually I was also Head of the Department of Philosophy that year too. Throughout the last decade the amount of money universities have received for teaching humanities undergraduates has declined by about 30% while costs have been increasing, leaving something of a crisis in funding. So far, though, we have not had to make many changes in our teaching. Some of our MA group sizes are a bit larger, undergraduates have fewer one-to-one tutorials (but they still have some, if they want them) more PhD students do some teaching, and we are more active in seeking external grant funding, but fundamentally nothing has changed very much in what we provide to students.

Ronald Dworkin announced last term that this year's Colloquium was his last one at UCL. Is there a future for the Colloquium as we know it or was this the end of an era?

Who can say? Personally I find it very hard to see how it can survive without Ronnie. He has an unmatched ability to see right to the heart of the issues of the paper, find the vital assumption or missing premise, and pursue it relentlessly until everyone sees the issue the same way. I think it is Ronnie's unique talents that make

the Colloquium what it is, and so valuable for all involved. No doubt it will be possible to continue with something called 'The Colloquium in Legal and Social Philosophy' if the law faculty is prepared to continue to support it in the amazingly generous way it has to date. But it would be something very different.

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LLM Module: Jurisprudence and Legal Theory

UCL Laws LLM programme offers Jurisprudence and Legal theory as a module. It provides a rigorous study of selected topics in analytical and normative Anglo-American jurisprudence. Consideration is given to the nature of law and also to the relation between law and values such as liberty and equality.
See www.ucl.ac.uk/laws/jurisprudence

PROFESSOR STEPHEN GUEST

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Interviewed by Dr George Letsas, Laws

You have been a member of the Faculty since 1975, teaching jurisprudence for over 30 years. What was the subject like back then, in the late 70s, and how has it changed over the years?

It was quite different. There were three one-hour lectures delivered by Michael Freeman. Then there were weekly tutorials of around twelve students, these tutorials following the substance of the lectures. There was no formal writing component, and the syllabus was based on the chapters in *Lloyd on Jurisprudence* (now Lloyd & Freeman). The attitude to Jurisprudence was very different as there were constant rumbles from both staff and students for it to be made optional on the grounds that it was a. opinion and b. not required by the legal profession. The LL.M class was a small class taken by Lord Lloyd. There were hardly any PhD students.

Things changed with a major revamp of the undergraduate syllabus in 1982 and the arrival of our new Quain professor, William Twining. We virtually abolished lectures and introduced two-hour seminars, establishing the principle that each tutor was to be master of their own seminar, setting their own examination questions, within the confines of a broad syllabus. Discussion of issues rather than of 'what jurists said' (or, as William put it then, 'what chaps said') became the norm, and this was an important change in my view. After some flutters (some first year students wanted Jurisprudence to be made optional, and there was a formal Faculty debate in 1988 in which the motion that it should be made optional was defeated 100-2) we haven't looked back. One reason was that the changes were matched in other parts of the LLB course as a whole, and things became more serious. It wasn't only syllabus change. From

the early eighties in the LLB there was a significant influx of women undergraduates. Perhaps this had an effect. And in 1994 the student run and highly successful *UCL Jurisprudence Review* started up. The students were amazingly enthusiastic. I think it contributed to the much better writing – the outstanding writing – which we are now seeing.



On the LL.M side the classes remained relatively small. The classes got slowly larger but didn't really expand until the MA in Legal & Political Theory was created in the mid-1990s. Jurisprudence was made one of its options and so our LL.M class in Jurisprudence was suddenly twice the size, containing intellectual historians, philosophers and political scientists as well as the usual lawyers. Discussion was more diverse and the standard rose. We also had an influx of good PhD students through the MA and through the increased interest in human rights, and even

more were attracted by the high-powered atmosphere created by the Colloquium in Legal & Social Philosophy (to give the formal name) and Ronnie's presence. By the time Ronnie came, we had accumulated some sort of critical intellectual mass.

Ronald Dworkin joined UCL from Oxford in 1998 to take up the Quain Chair of Jurisprudence. This was a very strong appointment for UCL, to one of its most distinguished chairs. What do you recall about it and how did it change the way Jurisprudence was taught in the Faculty?

In fact Ronnie joined us in 1984 and then stepped up his already considerable contribution between then and when he joined as Quain in 1998. His particular responsibility was running the Colloquium, although he continued to lecture to the undergraduates, graduates and research students all together, increased the number of LL.M/MA seminars he gave and had contact with the research students through their participation in the Colloquium. Before 1998 he had spoken at our Cumberland Lodge weekends, participated in a most interesting series of Graduate school seminars

on interpretation, which Jonathan Miller attended, and did occasional one-off seminars, such as a great one on judicial policy with Lord Bingham in 1994. He continued with these, most recently one last year, on the notorious *Al-Kateb* decision with Judge Michael Kirby of the High Court of Australia (who wrote a well-known liberal dissenting judgement in that case).

I think the stage was set for him and so the change really was a stepping up of the standard of argument to a very high level. We attracted many distinguished philosophers from all over the world. It was an experience for everyone to listen to them talking about what they were currently working on, and observe what they were like in person. Ronnie, I thought, brought the best out of them. He exposed them to the raw. It was a learning experience of high order. It gave you confidence to see how much of a paper could be merely good presentation, how much could be discerned through conversation, how much was obscure but good. There is no doubt that the charisma Ronnie brought to those sessions was enormously stimulating. I think we became more confident, more philosophical, more aware that law is just a part of wider moral judgements we make about people and society.

You have co-chaired the UCL Colloquium in Legal & Social Philosophy with Ronald Dworkin and Jo Wolff, since its very beginning. When did it all start and how did you get involved?

Ronnie was appointed primarily to run the Colloquium. I don't think he was happy with how, in Oxford, Jurisprudence had become so very narrow and inward-looking, remote from moral problems in law, and he resigned his Chair there to come to us. He found us more congenial. We are also enormously lucky at UCL with the Philosophy Department's concentration of moral and political philosophers: Jo Wolff, Michael Otsuka and Veronique Munoz-Darde. Recently, Mike Martin has shown an interest.

Such a concentration is unusual since many philosophy departments these days specialise in philosophy of science (LSE, for example). We also have the Bentham Project, a wonderful centre of activity in itself, and its connections with intellectual historians world-wide, particularly America. Amongst its most distinguished scholars was Herbert Hart until 1993 when he died. UCL's origins are philosophical, too, resting on the ideas of distinguished contemporary philosophers, Bentham and others, who influenced the politicians of the time.

In 1996, the Centre for Law, Politics and Society was created by Fred Rosen, then Director of the Bentham Project, and me. We had the strong encouragement of Jeffrey Jowell, then Head of the Graduate School. The Centre became an institutional base for members of the Philosophy Department, the Bentham Project and the Laws Faculty, who came together to teach the new and interdisciplinary MA in Legal and Political Theory. We also began a seminar series in tandem with the long-established and well-known Bentham seminars. The very first of these was given by Ross Harrison, our recent Quain professor, now Provost of King's College Cambridge, Jo Wolff gave the second and I gave the third. In 1999, the School of Public Policy (now the Department of Political Science) was formed, and the Centre became part of the School. There have been some excellent appointments there. Saladin Meckled-Garcia, for example, has been a tremendous force for the good in our sessions. We also had the benefit of various young British Academy research scholars affiliated with the Bentham Project, such as Colin Tyler, who injected great energy into the sessions until he moved to Hull. So when Ronnie arrived there was something in place for him although of course he radically changed its format to that of the NYU Colloquium he and Tom Nagel chair. The New York one began in 1981 and I was well acquainted with it having attended both the 1987 and 1996 sessions

there.

I like the symmetry. While Dworkin's theories of law and political morality directly oppose both Bentham's theories of legal positivism and utilitarianism, each philosopher is of the same intellectual cast: intensely practical, public, moral, rational and clear. It is entirely fitting that the Colloquium is held in the Moot Court of Bentham House.

The format of the Colloquium is quite unique: it starts with a working lunch between the speaker and the co-chairs at 1pm, continues with a three hour discussion between 4pm and 7pm and finishes late in the evening with a dinner between the speaker, the co-chairs and invited academics. This is a very demanding format for the speaker and the co-chairs alike but how exactly does it contribute to a better philosophical discussion? Have you been enjoying it?

The day warms up earlier with the pre-Colloquium session I chair from 11.00 to 12.30 on the day. That is fun. At lunch, which is usually with the speaker, Ronnie, Jo and me, Ronnie (or one of us) gives a brief account to the speaker of what the speaker will say that afternoon, and then puts the first question. To me the lunch has always been the best bit, because you get the sense of how things will go. We try to isolate the issues and formulate two or three questions for the afternoon. Then there is a break. At 4.00 pm the formal part begins. One of us will summarise the paper – the speaker does not contribute here at all – and there follows some discussion between the chairs and then it is open to the audience through until 7.00 pm. Then a few people will have dinner with the guest speaker, Ronnie, Jo and me, continuing the discussion of the paper until about 9.30 pm, sometimes after. The day is exhaustingly long if you attend these sessions and attend the lunch and go right through to the dinner. It is long even for those who only come to the formal session. But then that's why it is good, especially for students who

are still in the process of coming to jurisprudence. (The MA students also have a peer-assisted learning session on the paper, chaired by Saladin Meckled-Garcia, in the hour before the main session at 4.00 pm.) You learn a lot, for the culture of the Colloquium is very serious. The forensic set-up of question and response clearly gets Ronnie's adrenaline going and you see him at his best. This is a good reason in itself for the format.

But I also think this format is alien to an at least equally good way of doing philosophy, better suited to some people. Perhaps the format encourages some grandstanding. And the three-hour afternoon session can be gruelling on the rare occasions the paper is not good. It is disappointing when you can tell from the first few sentences that a weak paper is not going to go far. Ronnie is excellent at drawing out everything in a paper but if there is not much there, it can be a struggle. Nevertheless, do I enjoy it? 'Enjoy' is not quite right, but I'll be unhappy without it.

You have also had the opportunity to present your own work at the Colloquium. I recall your paper on equality in particular. How does the experience compare to other paper presentations that most academics are familiar with?

It is a stimulating mental event. When you are writing the paper you know the format and you know your arguments will be raked over and everyone will have read your paper. It is much more usual in academic life now for papers to be 'delivered' and discussed in half-hour slots at conferences. Even longer papers are usually only allotted one hour. Part of the corporate encroachment on universities is the creeping acceptance of the idea that to give a paper means to 'give a presentation', the last thing an academic paper should be.

For my own talk I'd argued that we can derive one of the most fundamental principles of morality from treating others as 'equal to ourselves'. Basing criticism of political

institutions on one's personal understanding of others as oneself, I thought, involved thinking of such institutions as acting on that remit as my agent.

Ronnie's first question was: 'How did my account draw a distinction between purely personal relationships, such as those I have with my wife, which give rise to special duties towards her, that my agent, the state, lacks?' If I had to choose between my wife drowning, and a stranger drowning, it is natural to suppose that my duty is to my wife, and that looks as though I had a duty not based on a principle of equality at all. Whereas it seems the state has a strict duty of equality in my sense to all. It can't pick and choose. He gave charity as another example. I may donate money to any charity of my choice. But the state cannot pick and choose that way. So the state, it would seem, is not my agent but an independent force in its own right.

In retrospect, I think I could have stuck to my guns more. Equality grounds our right to form special relationships. If I promise, my exploitation of equality - my creation of trust - creates a special duty that means I have to treat the promisee in a special way, one that is different from the way I treat others. But that inequality of treatment is brought about through a more fundamental principle of equality, in the way we might treat very sick people using more resources than we would for only mildly sick people as part of our treating all as equals. And, it is not true that the state can't form special relationships with, say, needy groups. It is only that these must be likewise based on equality.

The point is, however, that I hadn't thought it through. I needed an answer to his question, and you can see how I was forced to provide one. Others say similar things. The 'Dworkin treatment' is highly prized, and both the UCL and the NYU Colloquia are famous for this (only in New York the speakers get

this special treatment from Dworkin and Nagel, of course). You see dazed speakers emerging from the lunches, and I felt dazed myself, but I didn't feel like fleeing from the afternoon session. By 9.30 pm, though, you are ready for the knacker's yard.

Over the years, the Colloquium has hosted some of the most important contemporary philosophers: Bernard Williams, Joseph Raz and Tim Scanlon are some of the names that spring to mind. Which papers would you consider to be the highlights of the Colloquium and which sessions or particular incidents stick in your mind?

There are different levels of sessions. Some papers are good but the discussions are not so good. And there are some not so good papers where the discussions are great. In 1999, almost exactly at the time of the very first session, Ronnie's wife, Betsy, became very ill, and could not travel with him to the UK. Ronnie nevertheless chaired three of the sessions that year, flying from New York the day before and returning early the day after. For the papers he could not attend he wrote responses, and he circulated these very shortly after the original papers had been circulated. It's impossible to know how he did it. Amongst the papers he missed was one by Susan Mendus on feminism, which was excellent, and in some way English - sort of diffident and pliable but very honest - and I would have very much liked to have heard his oral response. David Wiggins' paper on moral objectivity was very good, I thought, and his off-beat style, not quite suited to the forensic style we have, was also very English. Amongst other things, he drew from Montaigne's account of 16th century Brazilian cannibals being able to teach the French a thing or two about morality 'in spite of wearing no breeches.' I was very sorry to miss Bernard Williams, in what was clearly a brilliant occasion. We had a couple of immensely enjoyable, knowledgeable and amusing sessions, one on political integrity, another on judicial review, with

Jeremy Waldron. Samuel Scheffler's paper was excellent in its ambitious aim of addressing in Ronnie's work the general question of what equality requires, although he failed to realise that equality of resources is only one part of Ronnie's theory of equality. I appreciated that paper perhaps particularly because it seemed congenial to my own. Tim Scanlon's account of a chapter of his book *What We Owe to Each Other* was straightforward, but with such sure and fully argued instincts that he made philosophical enquiry seem like no more than extremely high intelligence. Seana Shiffrin was a bit the same, very clear and firm on the connection she drew between freedom of thought and freedom of association. What else? Gerry Cohen, who is amusingly prickly, gave us an intelligent paper on the non-factual nature of principled arguments. The session on terrorism with Frances Kamm was exploratory, with her odd trolley routes and improbable train journeys. For energy and performance, it was difficult to beat Cass Sunstein's good-natured exposition of many pages, full of statistics, on the question whether a greater proportion of medical resources should be spent on young people rather than old people, given that young people have longer to live. It was terribly interesting to see and listen to Richard Posner in the flesh. Listening to John Gray express his strong belief in subjectivity, while strongly maintaining an objective viewpoint, was also a revelation. Ronnie's papers were always exciting in seeing what he was currently working on.

You want an incident? Fortunately, there weren't many. Watching Ronnie, in a reversal of the usual scenario, answer his mobile phone and have a conversation on it while chairing one of the sessions was hilarious. And there was a man who came to every session and sat in the front row rather prominently reading a newspaper throughout. He didn't say anything until, at Charles Fried's paper, the example of a thyroidectomy came up. This gentleman suddenly became alive.

It turned out he was a surgeon. After giving us a short lecture on the thyroid, there was no further peep from him.

Almost half of the Colloquium speakers each year come from US universities which produce a great deal of what is called 'Anglo-American' jurisprudence. What are the differences and similarities between American and British jurisprudence?

The intellectual problems are exactly the same, of course. But American jurists – like Americans in general – don't go side-eyed when the subject of morality is raised. They are engagingly and unembarrassedly open about rights, democracy and constitutional arrangements. We are more diffident generally. Perhaps we see difficulties and subtleties. One difference is that public concern – practicality – is ingrained into American political philosophy. I like it. But Americans can be rather po-faced. Talking to an American philosopher or lawyer sometimes feels like addressing a Select Committee. No time to express a doubt or give a half-view such as 'it needn't be like that', or 'maybe there is no reason' or 'is it really that important?'

These are minor differences compared with the major one which is that at the good American law schools the jurists don't have the hassle we have here. Time to think relaxedly, and write down those thoughts, and develop them, and test them against others, and re-write. You see that more relaxed attitude in the exploratoriness of the American papers which come in earlier, are much longer and more thoroughly engage with other writing. In fact, the American papers are mostly twice the length of their English counter-parts, always in single space, and mostly small font. Having said that, we do pretty well – much better than half as well, let me say – given our relative research conditions.

You are currently on research leave having been awarded the very prestigious British Academy/

Leverhulme Trust Senior Research Fellowship to write a book on justice and law. How is the book going and could you give a small flavour of it?

Writing jurisprudence is extremely difficult. It is not just the abstraction and need for articulated moral judgement, it is never wholly clear for what audience you are writing. To some extent, I suppose, all my writing engages with Ronnie's work one way or another. For the field of jurisprudence it was Ronnie who voiced the lesson from the 60's, my era: that decency, not being cruel – treating people as equal to yourself – comes absolutely first. So all our concepts concerning politics and law should be understood – interpreted – that way, having no other value. My background was the violin and philosophy, and my father was a practising lawyer and law professor and my mother an English teacher. So interpretation, in accordance with general principles – whether of musicality, law, morality or literature – is natural to me. So my writing is pro-morality and pro-concepts defined by their practical value.

Is there a fine line between what I write and what Dworkin writes? Maybe there is. I find Dworkin's idea of integrity in law a less attractive virtue than he does. I resist the personification of the community as much as I resist the personification of corporations, the latter being the most amoral beasts on the planet. 'Integrity', according to Dworkin, brings out consistency and coherency but seems to require that the community have its own independent moral force, acting on moral principle. I think that consistency and coherence can be explained in more workaday ways, such as certainty (a right to one's reasonable expectation), or efficiency in decision-making (drawing on the experience of previous judges) and, more generally, as the treatment of like cases alike but where the fundamental principle of equality is doing the real work. Communities must treat all their citizens as each citizen must treat those citizens who come within their personal reach. There is no virtue specially attaching

to communities as abstract personifications. Or, let's say we can talk that way and describe integrity as a special virtue of law or of political communities living under law but this virtue is second to the virtue of justice, which is also a personal virtue. Justice is the first virtue of law that, to my mind, provides the ideal for legal argument, and seems to me easily compatible with deference to the legislature, judicial precedent and, particularly, novel decisions.

A number of our doctoral students at UCL are working in the field of Jurisprudence and an equally large number have recently completed successfully their theses under your supervision: Octavio Ferraz, Eva Pils, Emmanuel Voyiakis and me, to mention a few. What is it that makes UCL so strong and so special for students who undertake doctoral research in Jurisprudence?

One factor may be a professor of legal philosophy who takes his PhD students more seriously than the requirements of the RAE! I mentioned before the critical mass that had just about accumulated by the start of the Colloquium in 1999. There is a lot of intellectual talent here and our frequent seminar work in Jurisprudence – giving an account of work and being able to discuss and defend it – is essential to research in Jurisprudence. Philosophy of value, which includes law, morality and politics, is a discussion subject. It is not a science, nor is it a fact-gathering discipline, nor can it be done in a back-room. At the Colloquium sessions, people from all over would drop in, as they have for many years to our LLM/MA classes – visiting professors, odd bods, students from other departments – and all this contributes. And of course having Ronnie's presence was tremendously important. Finally, there is the great asset that is London. The judges and barristers are here. It is here the politicians make their decisions. There is a gigantic academic base. If you check the websites of what is on

in London you get the measure of the enormous number of high profile events throughout the week, every week. In the years of the Colloquium, students not only had the various speakers, they had, in addition to the best judges, lawyers and politicians, other philosophers, too, such as Tom Nagel, John Rawls, Jürgen Habermas and many others from time to time speaking in London somewhere.

Ronald Dworkin announced last term that this year's Colloquium was his last one at UCL. Is there a future for the Colloquium as we know it or was this the end of an era?

I feel it is the end of a golden era, a wonderful decade for me. We shall continue with the Colloquium in some form, perhaps changing the format. It was very demanding for those of us who had teaching and administrative loads. We are not in America... I think, too, the format was particularly appropriate for Ronnie and brought out the best in him. I'm a little worried, however. We go into the next year without a Quain Professorship, as that Chair has proved immensely hard to fill, and also without Ronnie, our Jeremy Bentham Chair of Jurisprudence. Not to have these named chairs is a great loss. It will mean an increase in the work-load for the rest of us as we have a lot of undergraduates to satisfy.

The future holds some promise, though. Two developments are significant. The recent move to five subjects per year in the LLB meant being realistic and dropping the compulsory undergraduate essay in Jurisprudence. The Faculty also recently decided to make Jurisprudence optional for our four-year Law with foreign law students. These moves, although in my view detrimental to the undergraduate learning experience, mean there will be some reduction in teaching pressure. Further, since our very successful *UCL Jurisprudence Review* has so far largely drawn on undergraduates, it means that we should now be able to publish

a significantly greater proportion of graduate and research student essays. I therefore foresee increased concentration on graduates and research students, and the consequent stimulation of research. If we manage to appoint a Quain reasonably soon, this can only be good for the high standards to which we have been so fortunately exposed for these last few excellent years.

OXFORD - UCL COLLOQUIUM IN LEGAL AND POLITICAL PHILOSOPHY

These events are held from 5 - 8pm at either Oxford (venue tbc) or UCL Laws (Moot Court)

Tuesday 23 October 2007
Leslie Green (Oxford)
Venue: UCL Laws

Tuesday 6 November 2007
Michael Otsuka (UCL)
Venue: Oxford

Tuesday 13 November 2007
Scott Hershovitz (Michigan)
Venue: Oxford

Tuesday 20 November 2007
Stephen Perry (Pennsylvania)
Venue: Moot Court, UCL Laws

Tuesday 27 November 2007
A J. Julius (UCLA)
Venue: Moot Court, UCL Laws

UCL COLLOQUIUM IN LEGAL AND SOCIAL PHILOSOPHY

The Colloquium is held in the Moot Court at UCL Laws from 4 - 7pm

Wednesday 23 January 2008
Ronald Dworkin (NYU)

Wednesday 30 January 2008
Sally Haslanger (MIT)

Wednesday 6 February 2008
G.A. Cohen (Oxford)

Wednesday 27 February 2008
Joseph Raz (Oxford)