

Ronald Dworkin †

Professor of Philosophy in the Philosophy Department and Frank Henry Sommer Professor of Law at the School of Law, New York University; Emeritus Professor of Jurisprudence at Oxford University and University College London

2012 Balzan Prize for Jurisprudence

For his fundamental contributions to Jurisprudence, characterized by outstanding originality and clarity of thought in a continuing and fruitful interaction with ethical and political theories and with legal practices.

Institution Administering Research Funds: New York University

Adviser for the Balzan General Prize Committee: Antonio Padoa Schioppa

Due to the unfortunate and untimely death of Professor Dworkin, it was impossible to continue with his research project as originally envisaged since it was to be based on the elaboration of a body of work produced by Professor Dworkin himself. When it proved impossible for him to continue, he delegated responsibility for the project, and in conjunction with a colleague Professor Liam Murphy of NYU, he elaborated another option to retain the essence of the project. In respecting the wishes of Professor Dworkin, Professor Murphy has maintained the original themes, but has shifted the emphasis of the project to include more young researchers and has instituted a fellowship programme over three years.

Dworkin-Balzan Fellowship Programme

The New York University School of Law is honoured to host and implement the research project associated with the Balzan Prize of our late colleague, Ronald Dworkin. Our programme has two main elements. Three to five postdoctoral fellowships will be awarded, over a period of three years, in association with the NYU Colloquium in Legal, Political and Social Philosophy, which Professor Dworkin taught for many years together with another Balzan laureate, Thomas Nagel. Second, in the third year of the project a conference will be held at NYU to discuss themes from Ronald Dworkin's work. The participants would include the postdoctoral fellows, other young philoso-

phers and legal scholars who had presented at the Colloquium during this period, and several more senior scholars with special expertise on Dworkin's work.

1. Themes from Dworkin

Ronald Dworkin's interests ranged so widely in legal, moral and political philosophy that it is difficult to think of an issue he did not write about. Our programme focuses on the following sets of interconnected themes that were of special interest for him in recent years:

- Legitimacy, democracy, the rule of law and the role of courts
- International law and justice
- The nature of rights
- The relation between the moral life and the good life
- Philosophical foundations of substantive areas of law
- Legal interpretation
- Justice, equality and the market economy
- Law and political obligation
- The objectivity of value.

2. The Colloquium in Legal, Political and Social Philosophy

This world-renowned colloquium was taught by Professors Dworkin and Nagel for twenty-five years. It introduced a distinctive format for discussion of unpublished work that has been widely imitated. The colloquium attracted, over the years, many of the world's most distinguished philosophers and legal theorists as guests, including John Rawls, Jürgen Habermas, T. M. Scanlon, Judith Jarvis Thompson and Peter Singer. With Professor Dworkin's death, Thomas Nagel has decided not to continue to convene the colloquium. In the autumn semester of 2014 the colloquium will reconvene, led by Samuel Scheffler and Liam Murphy. Confirmed guests include T.M. Scanlon, Christine Korsgaard and Kwame Anthony Appiah. In the years that follow, it will be taught every year by some combination of Scheffler, Murphy and Jeremy Waldron. This colloquium was at the centre of Ronald Dworkin's academic life. Through it, he and Professor Nagel educated generations of philosophers and legal theorists. It is appropriate, then, that the colloquium should have a central role in the research project associated with Professor Dworkin's Balzan Prize.

3. Postdoctoral Fellowships

A total of five fellows will be appointed over three years. Successful applicants will

have a doctorate in philosophy or law. They will be selected in part on the basis of their fit with the themes of the research project. Fellows will be required to attend the colloquium regularly and participate in discussion. They will be expected to participate in the conference.

4. Fellows for 2014-2015

Two fellows have been appointed for the first year of the programme.

Jed Lewinsohn

Jed Lewinsohn received his BA from Cornell University in 2005, and his JD from Yale Law School in 2012; he is to defend his PhD in philosophy from NYU in the summer of 2014. Lewinsohn works primarily in the areas of moral, legal and political philosophy, and maintains an active side interest in philosophical aspects of Jewish law.

As a Dworkin-Balzan fellow, Lewinsohn will continue work on moral and political theories that are *conventionalist* in their denial that the rights, obligations and powers associated with property or contract law have a natural or pre-institutional basis. In particular, he will consider the following questions: What is the proper scope of a conventionalist theory, and do conventionalist theses about promising and property stand or fall together? What role does the state assume in standard conventionalist accounts of property and promising, and what is gained or lost if other entities, either comparatively local or global, fill that role? Precisely to what extent does non-conventionalism about a given domain place constraints on lawmakers to respect the pre-institutional normative state of affairs? How are debates about conventionalism about promising and property to be situated within broader metaethical debates about moral realism?

In tackling these questions, Lewinsohn will give serious consideration to the large class of socially significant actions that are defined in terms of rights and powers – actions ranging from getting married to forgiving a debt – and which seemingly cannot be performed without the utilization of conventional signs or formalities. Additionally, he will relate the inquiry about conventionalism to the more general question of whether and how the law might make a constitutive contribution to our moral landscape either by curing indeterminacies in moral principles that are in some sense prior to the law, or by satisfying the enabling conditions of independently valid moral principles. These latter questions, which loom so large in the writings of Hobbes,

Locke, Kant and others, are ripe for revisitation in light of new work in philosophy about indeterminacies in morality and law, in the one case, and the preconditions and dynamics of cooperation in the other.

Lewinsohn's research falls clearly into three of the listed themes from Dworkin: justice, equality, and the market economy; philosophical foundations of substantive areas of law; and the objectivity of value.

Jacob Weinrib

Weinrib began undergraduate study in 2001 in the great books program at the University of King's College in Halifax, Canada. After placing first in the program, he transferred to the University of Toronto, where he was the top ranking student in the Department of Philosophy. After graduating in 2005, Weinrib completed his MA in philosophy at the University of Toronto in 2006. He then entered the Combined JD/PhD Program in Law and Philosophy at the University of Toronto. His JD was completed in 2009 and his PhD in 2013.

In law school, Weinrib received the Alan Borovoy Prize in Civil Liberties, the Norman Levy Prize in Jurisprudence, the International Holocaust Essay Award and the Australian Society of Legal Philosophy Essay Prize. As a doctoral student in philosophy, he held the Vanier Canada Graduate Scholarship awarded by the Social Sciences and Humanities Research Council of Canada. In 2011-12 Weinrib was a fellow at the University of Toronto Centre for Ethics, and in 2013-14 he has been a Global Research Fellow at the New York University School of Law and affiliated with the Center for Constitutional Transitions. His published work has appeared in the *University of Toronto Law Journal*, the *Canadian Journal of Law and Jurisprudence*, the *Kantian Review*, the *Australian Journal of Legal Philosophy* and *Law and Philosophy*.

Weinrib's primary research interest concerns the relationship between legal theory and comparative constitutional law. As a Dworkin-Balzan Fellow, he will complete a book entitled *Dimensions of Dignity: The Theory and Practice of Modern Constitutional Law*. The purpose of the book is to formulate a theory of the state that culminates in a justification of the fundamental norms, institutional arrangements and leading doctrines of rights-based constitutional democracies. The book will be published by the Cambridge University Press in the Studies in Constitutional Law series.

Weinrib's research falls into many of the Dworkinian themes: legitimacy, democracy, the rule of law and the role of courts; international law and justice; the nature of rights; legal interpretation; and law and political obligation.

5. Conference

During the third year of the project, a conference organized around the themes of the project will be held at NYU. In addition to the fellows, younger presenters at the colloquium during the term of the research project will be invited, along with several more senior scholars who have particular insight into the themes of the project. If appropriate, conference papers may be submitted to a publisher for publication.