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A Tribute

A TRIBUTE

MARTHA NUSSBAUM*

In October 1993, during the Amendment Two trial in Denver Colorado, in which I testified as an expert witness, I met Peter Cicchino. He was working for the ACLU during his Skadden Fellowship, and the ACLU had asked him to assist them in the case. Because his Jesuit training had given him a remarkable knowledge of the history of philosophy, he was asked, in particular, to talk with me about the testimony to be offered by witnesses for the State in that area, for which I was a rebuttal witness. I had never before studied the Catholic natural law arguments to which I was to be responding, and my efforts were focused on establishing that these arguments did not correctly represent the classical sources they purported to describe. On my single day in Colorado, I found myself talking to a lawyer who, in some respects, knew more about the relevant issues than I did, because he understood how these interpretations of classical texts grew out of a long history of Catholic interpretation and argument. I realized that I had better stick close to this man, and learn from him everything I possibly could.

Peter impressed me from the very start as a man of powerful intellect, learned and profound, who understood the entire tradition of Catholic Aristotelianism with a combination of depth and rigor that is rare in the humanities academy and extremely rare in the law. What a joy, amid the odd business we were involved in, to be able to have a talk about philosophical issues in their own right, a talk aimed at understanding something, rather than simply at establishing expert credentials, or proving someone else mistaken. And it was not only Peter's intellect that illuminated the whole of the anteroom in that dark Denver courthouse; it was something more complex, something about the entire man, with his gentle inquisitive face, bent

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forward toward his interlocutor, so interested in the other person before him, so inattentive to his own status or reputation; something about the warmth of the voice, the wonderful humor. I knew that this was a person I wanted to remain in contact with, a person whose friendship I would think it the greatest privilege to win.

Between 1993 and 2000, I was fortunate to be Peter's friend, and to follow his career with its extraordinary combination of social commitment and intellectual achievement. All too rarely, but often enough to have a lot of memories to dwell on, I also had the chance to sit and talk with him, and just ramble, about life, and love, and politics, and the law. I saw a distinguished academic career take off, and took delight in the happiness he found with Jonathan, and the great love that they shared. Then I followed, with sorrow and rage, the history of his diagnosis, treatment, and illness.

What can one say that will be anywhere close to the person we have all lost in Peter? Only a great novelist could do justice to him. But I think that Dante comes close, when he portrays the various sins that the souls must atone for as they ascend the mountain of Purgatory. For all sins, it turns out, are forms of egoism and false love. "The world is blind," he writes, and its manifold lures, from fame and fortune to anger and hatred, form a "fog" around the sight of the individual, so that he cannot truly see other individuals, and to a great extent loses clarity as an individual himself. In pride, one attends only to one's own standing, and therefore fails to notice the needs and the very reality of others. In envy, one fixes one's eyes on the possessions of others, again failing to notice who they are and what they need. In anger, one is filled with resentments at slights to oneself, and cannot fully attend to the particularity and history of the other. In sloth, gluttony, and lust, one's absorption in one's own comfort and gratification make one slow to go to another's need, or to see the needs of other people. In Dante's sense, then, Peter was a person more free from sin than any I have ever seen, more able to attend fully to the people before him and to their needs, their reality, to love them as the people they really are. I think that this is why he had such vividness for all who knew him: being without "fog," and capable of perception, he could also stand forth in his own being and be very clearly seen. And I don't mean that he was a saint, in the pejorative sense in which that is linked with dour humorlessness and censoriousness. He was playful, very funny, often very malicious about politicians and egotists of various stripes.

Peter was also a gifted scholar, one who loved the life of the mind and deeply believed that good thought could make human lives

better. Though he had seen the worst of human hatred and prejudice, he was an optimist, who really believed that people could learn to understand what was right and to do it. His articles were important challenges to the roles played by moralism and prejudice in our political life. The last two times I saw him, he was very ill, yet I've never seen anyone more greatly enjoy his work and the exchange of ideas. One of those times was at a colloquium at AU, where he delivered a commentary on a paper of mine on disgust and the law, searching, challenging, generous, and immensely eloquent. A few months after that, he visited our law-philosophy colloquium at the University of Chicago to discuss his Georgetown paper. He was challenged from all sides by tough questions, and he impressed the whole group by his intellectual acumen, his wit, and his understanding of constitutional issues.

Several months after that, Peter called to tell me that he was near death. Characteristically, he was thinking entirely about thanking his friends and expressing love for them, even at a time when self-absorption seems almost inevitable and self-pity hard to stem. I thought I had heard his unique voice for the last time—and then, when I came home that afternoon, I found that he had called there before, and left a message on my answering machine, in case he had been unable to reach me in the office. I tape recorded that message so that I can hear Peter's voice from time to time when I am feeling despondent about human motivation, or the political life, or the possibility of love and justice.
