

IN MEMORIAM

ROBERT FERGUSON: A MAN FOR ALL SEASONS

*Brett Dignam**

Professor Robert Ferguson enriched all of our lives. The man lived by and luxuriated in words. They are important to all of us, but they had a particularly magical significance to Robert. He chose them carefully, crafted their construction, and gloried in their rhythm. He encouraged all of us—his colleagues, students, friends, and (most recently) correspondents from prison—to articulate our thoughts. He listened to and scrutinized the words of others with impeccable care.

The seriousness and depth with which Professor Ferguson engaged ideas was readily apparent. But it was in the classroom or any setting with students that one saw his engagement in its most intense form. Sitting in on one of his seminars afforded me a window into the true gift he was to generations of students. He was teaching a new course titled *Punishment* from the Leven Room, a glorious perch above Manhattan that is found in the small law school building known as “Little Warren,” where he attended to every detail. Hallmarks included: the small 3 x 5 card he placed in the elevator before each class advising riders that class was in session and not to be disturbed, the larger index cards on which he recorded facts about each student, and the nutritious full breakfast he provided at the final class. With crystal clarity, he framed the semester and announced his commitment to read every piece of writing the students would create—not only during the semester but long after, if they so chose. He also articulated precise standards and expectations. Students were expected to be on time (at 8:30 AM) and fully prepared to engage with the material by bringing their own perspectives and insights. He then delivered on every promise by repeatedly meeting with students, discussing detailed comments on their drafts, challenging them to expand and deepen their ideas while providing extensive encouragement. His genuine interest in each student; his dedication to providing meaningful, personalized feedback; and his real passion for continual learning was evident to all of them. They are grateful to him for helping to develop them as writers and advocates, for pushing them to produce at the very

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highest level, and for warning them about crazy holiday drivers. His deep care and concern for each student, as scholars and as humans, was pervasive.

As a colleague, Robert was consistently attentive, supportive, and inspiring. Whether it was his informed engagement at workshops, leadership in university governance, interdisciplinary teaching, or a myriad of other collective intellectual endeavors, he modeled collaboration, creativity, curiosity, and excellence. For years he nurtured the junior faculty and was an invaluable resource to them. From the initial candidate interview—in which he always reserved time to answer questions and to explain in considerable detail exactly what the institution and he personally were prepared to offer in order to ensure that the candidate would thrive—to reviewing and responding to any piece of writing, he was a committed and concerned mentor.

At the center Professor Ferguson was a scholar. With a wide-ranging and fearless sense of adventure, he continued to explore new inquiries, recently delving into the worlds of American aloneness¹ and the unique character of our country's fascination with punishment.² To each of these complicated subjects he brought the enlightenment of literature—words and images that connect us to the world beyond the law, to the humanity that gives law its meaning.

In the last chapter of *Alone in America*, he parses texts that range from Cicero to Paul Tillich, but his primary source is Walt Whitman. He uses *Specimen Days*,³ “the forgotten prose masterpiece of a great poet,”⁴ to walk us through the risks and rewards inherent in the journey of finding the courage to be. With characteristic rigor and care, Robert examines the text and lends his own distinctive voice. Describing courage as “more than a skill”—indeed “the determination in emotional balance”—he finds that, for Whitman, the “final, hidden resource against loneliness and in favor of achieved solitude lies in shared moments of participation” with the “unknown but seized reader.”⁵ For Robert, “The lasting power in literature comes from the intimacy it gives to permanence.”⁶ Crossing the bridge between his two worlds—literature and law—the book ends with a statement that Cicero delivered in court about what literature means to life: “[I]t is the home.”⁷

Grappling with one of the darkest and most perplexing issues of our time, Robert studied and then described the very human dimensions of

1. See Robert A. Ferguson, *Alone in America: The Stories that Matter* (2013) [hereinafter Ferguson, *Alone in America*].

2. See Robert A. Ferguson, *Inferno: An Anatomy of American Punishment* (2014) [hereinafter Ferguson, *Inferno*].

3. 1 Walt Whitman, *Prose Works 1892: Specimen Days* (Floyd Stovall ed., 1963).

4. Ferguson, *Alone in America*, supra note 1, at 233.

5. *Id.* at 244, 248.

6. *Id.* at 249.

7. *Id.* at 251.

our fascination with punishment and imprisonment in *Inferno*.⁸ Dante Alighieri's metaphor⁹ became his title, as he once again invoked and incorporated characters and images from classic literature to deepen and enrich our perspectives. Orienting readers to the full dimension of the problem, he reminded us of Charles Dickens's vivid explications of poverty in *Bleak House*.¹⁰ He then turned to Jack Henry Abbott's powerful prison narrative, *In the Belly of the Beast*,¹¹ to analyze and critique our distinctive approach to conduct we condemn.¹² Unsurprisingly, the book provoked a wide range of responses, many of which came from erudite denizens of the gulags he described. With characteristic commitment, Robert answered every letter he received from prison. He conserved his energy for work and truly important events, one of which was giving the commencement speech to graduates of a college program at Fishkill Correctional Facility in 2015. He congratulated the twenty-four graduates and praised education in prison as the best crime-fighting tool he knew.¹³

As Robert readily acknowledged, his expertise on isolation was somewhat suspect, for the incomparable Priscilla Parkhurst Ferguson was with him throughout, providing wise and candid counsel while nourishing him spiritually and physically. One could wonder whether they were nestled in their rural country lair or enjoying a cosmopolitan Parisian existence, but always have complete confidence that, wherever they were, neither was ever alone.

8. See Ferguson, *Inferno*, supra note 2.

9. Dante's *Inferno* (Mark Musa trans., Ind. Univ. Press 1971) (n.d.).

10. Charles Dickens, *Bleak House* (Nicola Bradbury ed., Penguin Books 1996) (1853).

11. Jack Henry Abbott, *In the Belly of the Beast: Letters from Prison* (1981).

12. See Ferguson, *Inferno*, supra note 2, at 139–41.

13. See Dasha Lisitsina, *Pell Grants to Bring College Back to Prison: US Is 'a Nation of Second Chances'*, *Guardian* (Aug. 2, 2015), <http://www.theguardian.com/us-news/2015/aug/02/pell-grants-college-classes-prison-education> [<http://perma.cc/EM69-7N55>].

