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### Remembering Ed Sparer

Howard Lesnick

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## REMEMBERING ED SPARER

HOWARD LESNICK†

I first met Ed Sparer in the Spring of 1967. It was a time when America seemed willing to struggle with the pain of rebirth. The seed, planted by black soldiers in the war against the Axis Powers and by the Supreme Court in the darkness of 1954, had been nurtured into turbulent, radiant growth by white Southern judges of the federal courts; by Mrs. Rosa Parks and hundreds of black men and women sitting at lunch counters and marching to voter-registration offices—and to jail; and by the ministry of Rev. Martin Luther King, Jr. Wisdom and challenge were found, and welcomed, in the songs around us, in the words of Lennon and McCartney, of Dylan. The world seemed wider than our fears.

It was not to be: DeGaulle tottered, repaired to Germany—and returned to triumph. Bobby Kennedy gathered strength and hope—and was assassinated. When I last saw Ed Sparer, in the Spring of 1983, America (and the world) had turned to its Reagans, its Thatchers, its Begins.

It was part of Ed's genius that neither the crest of popular support and optimism nor the whirlpool of despair overcame his clarity of insight and purpose. Easy court victories—that is, judicial responsiveness to the creative theories that he was so instrumental in propounding as part of the welfare rights movement—and sympathetic newspaper interviews never deluded Ed into thinking that the task was any less far-reaching or controversial. And a rising tide of mean-spiritedness and legitimated greed left undamaged his central faith and hope.

This is not the time, and I am not the person, to catalogue the ingredients of Ed Sparer's vision of America. Central to it were a commitment to the unity of interest between the poor and those above them in the social order; a commitment to the need to re-envision the interests of assertedly "dominant" groups—whites, males, and others—to transcend a seeming polarity between those interests and the elimination of status-based inequality; a steady insistence that legal responses

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are an aspect of political responses, and that the justification for a career in law, and for an excellent and humane legal education, is in the extent to which lawyers serve human needs. Suffice it now to say that I long ago lost the capacity to tell what in my own thinking I owe to him, for so much of the evolution of my own work is a wrestling with themes articulated in his work.

He was a demanding friend and colleague—demanding intellectually, emotionally, and morally. I often resisted those demands, and not infrequently resented them. I was not spectacularly successful in finding the way to ask as much of him. But the way was always there: He demanded no less of himself than of others. And when the way did not elude me, “demand” became an inapt word, for neither of us was any the less for being able to act out of the best part of himself. In struggling with the ongoing questions of my own professional and personal life, no less than in seeking to develop my understanding of the world, much that I now think I know is tinged deeply with what I learned from Ed.

With hundreds of others, I mourn his death. But what I have from our years of association is not diminished by its ending. With hundreds of others, I celebrate his life.