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## DEDICATION

### A Rose Is Not Necessarily a Rose

*Gerry Spence*

I have always loved Huckleberry Finn for reasons I never fully understood. One could hardly covet his mental powers or his social status. He never created a single enduring thing I can now remember except, of course, himself, and that, above all, was a dubious credential for immortality. But what is so rare about Huckleberry finally comes down to that which can best be identified as "soul." Somehow, despite both man's and God's disavowal of Huckleberry Finn, he made it. And why I loved him was that he gave me hope as a boy and now as a man that I, too, might succeed in the same fashion. For Huckleberry Finn stands as clear proof that it is all right, yes, even glorious, to be fully who one is and nobody else.

When I say Huckleberry "made it," I don't mean, of course, in the traditional sense in a system that measures success in power and prestige and position. He began penniless and socially unmentionable, and so far as I know, that's how he ended. But through the magical process of living his life (surely not anybody else's), he emerged out of himself, out of a spirit that was uniquely his own, and, although he was never recognized as anyone who had especially "made it," indeed, to the contrary, and although even Huckleberry himself didn't understand his state of "having made it," which, of course, is essential to the condition, nevertheless, he stood for the great ontological victory—the sublime triumph that can be any man's by simply fully being one's own self.

For me to argue that Huckleberry Finn was a great human being is to play immediately into the hands of the skeptics, those miserable mental paralytics who relentlessly search, not for the truth of any given proposition, but for any, quite any reason to discredit it. Certainly the assertion that such an urchin as Huckleberry was great when one compares him with all of the acknowledged greats of history is, on its face, the incredulous overstatement that all skeptics long for. But I say Huckleberry Finn was great. Even though it is claimed he was fictional, I say Huckleberry Finn was real. I knew him as a boy, and I still know him. If he weren't real, then how is it that I know him so well and why has he influenced me so thoroughly—so much that sometimes I find myself holding him up as a measure by which to test others, like my mother used to judge every act and everybody against her ideas of Christ and what he would or wouldn't have done under the same or similar circumstances. And so it is that thinking of my dear friend, Robert R. Rose, Huckleberry Finn comes immediately to mind.

I saw Rose as late as the day before yesterday, now almost eleven years to the day after he had left me and our law practice to take up certain hallowed space on the Wyoming Supreme Court, and I swear, at

seventy, he is as bright and blustery, as eager and energetic as any boy, and as innocent. He has no concept about fundamental truths, ideas about the finiteness of life, about the limitations that age sets ignobly upon us. It is as if he lacks some essential cerebral cells that communicate to him the fact that he has already lived his three-score-and-ten and must begin preparing himself for eternity. Instead, this Rose sees those who are twenty years younger as deserving his respect for their advancing age, and he embraces the youth of the day as his peers. He is oblivious to the external evidence of age, the grey hair, the lines, the flesh that begins to hang on all of us in inglorious places. Such evidence, indeed if it has ever been considered by him if he has, in fact, ever even glanced into a mirror, is of such slight consequence as to be ignored. For to Rose, this instant of living, this exact moment is the issue, and he is concentrated on it, and in it like a canoeist riding the crest of the rapids, paddling, leaning with the thrust and the rush of the river, experiencing the exact instant of the flow as if nothing else ever had been or ever will be. That he should stop to consider such meaningless abstractions as age and the finiteness of life might cause the canoe to capsize. For one cannot halt the river in order to contemplate it. Such is both the wisdom and the innocence of Rose.

I am, of course, aware of the awful struggles in which the man has been engaged in order that he might affirm his beliefs that the law should be the servant, not the master, of man. I have watched him from a distance that has been required of two longtime friends when one of them is elevated to that place where other live human beings are forbidden entry—I have watched him like one witnesses the ascension—and I have hollered up to him and he has hollered back, but we were and have remained separated since he took the bench—he in the ephemeral clouds of the judiciary beyond the touch of man, and me, still grubbing it out here on earth. And now he comes back after this eleven-year voyage and acts as if he has never been gone. I'm sure he vaguely remembers the passage, like one remembers not every mile of a trip, but certain bends and rapids in the river. But that he has taken such a trip is now also immaterial to him. What he sees as important is not what he's accomplished in his long life, not his influence on the court, not his opinions that give light in the dark, not the immortal imprint of his being on the ever-changing face of the law nor his giving of sight to the universal blindness of youth so that countless young lawyers have been able to see their own inherent goodness and beauty, and that of their fellow man. No, none of that monumental life's work seems to have impressed him in the slightest. Instead, where Rose centers his boundless almost uncivilized energy (which always puts me in mind of the forces of a herd of corralled wild horses), is on what he is doing at the very moment, as if looking at a flower through his camera is eternal business and reentering the world of lawyering is divine and immortal.

Greatness is an affliction not suffered by many of us and its existence is not readily discernible by one's contemporaries since it requires a certain detachment and intelligence, a certain ability to judge not enjoyed by many—least of all by men who make their bread and butter judging.

Living up close to a man we may observe that he has spindly legs and that his belly is beginning to pot, that occasionally he expels intestinal gas with style and aplomb, and that his temperament is like the weather at Laramie, unpredictable, quick and always overdone, and hence we may come to the conclusion the individual is not truly great— interesting to be sure, but not great. That one is not universally acclaimed as great in his or her own lifetime should not discourage those who may suspect they qualify, because the fact is that to the same extent a crook is best qualified to recognize a crook (which accounts for the fact that our best police officers are often indistinguishable from their quarry), so too, those who can best recognize greatness are those who themselves are likely candidates for canonization, and not many of us qualify. That is the reason time is required to evaluate any individual. What I am trying to say is that it is not the individual who must weather the test of time. Instead, it is time that must gather up enough qualified persons to level the judgment, for rarely does there exist at any given moment a great audience to acclaim a great individual. Instead the opposite is true. When we judge our contemporaries we are about as qualified to do so as someone dragged in off the street who is asked to examine a diamond with his naked eye. He is likely to confuse a perfect cut for a flaw, or vice versa, and is only able to chortle that the thing is pretty and sparkly and hard, and damn small for the price that is being asked. So with Rose.

I have heard his individual qualities being lauded both publicly and privately. He is compassionate they say. He loves his fellow man. He thinks mankind is essentially good and that those who are bad have been made that way by us, by the wretched system that gives lip service to the self-determinative rights of the individual but in fact will smother him if given half a chance. He is loyal to his family and friends to a fault. He has courage and will stand and make it a fight to the finish on small questions, as some see it, for small reasons, but they are monstrous issues to Rose, conceiving as he does that preserving the rights of the small and the damned and forgotten create the most important wars to be fought in our time. I have heard them say all of these things—that he works as if he were driven, that his passion for the law, for justice, is compulsive to the extent that it is seen as idealistic, even naive, by those who have grown calloused at both ends from having sat so long in the judgment of their fellow man. Most of all I say he is able to give that one great gift which few of us know much about—that gift I call “*alive love*,” that is, love which is not abstract or intellectual—love that is not conveyed with the hollow word and vacant eye, but *alive* love, love that causes the donee to actually feel it and respond to it, a love that is implanted in the person and grows and causes certain changes to occur, that causes the person receiving it to bloom in new and startlingly beautiful ways.

I have heard all these laudatory assertions and agree with all of them and have uttered many of them previously myself. But what has not been said about Rose is the simplest and easiest to say and the hardest to prove—namely that he is a great man, and that declaration ought to be made while he is still out there kicking around and raising all that hell

and that dust so that he can, as he will, shrug it off as one more of my irrelevant excesses which always amused him. Yet I know I am right. And I know I am right for the same reason that I know Huckleberry Finn is great. It is the indomitable spirit of the man and his innocence, but most of all it is his total engrossment, his fixation, on the present and his indifference, even contempt, of the past and the future—it is his utter joy in the process of *being* that will assure him a place in the future for all of these past carryings-on of his, these great unconscious performances of his, which are his art, and which will distinguish this rose from all the other roses, and will belie the worn old aphorism that “a rose is a rose is a rose.”