

REMARKS FROM THE 75TH ANNIVERSARY LUNCHEON*

BARBARA ARONSTEIN BLACK

Laurie,¹ thank you, as I've said to you on a number of occasions. Thank you: the words are totally inadequate, but they are the words I have, so again, thank you. Thank you for what you've done for the school, that David² elucidated so very well, and thank you for what you've done for me, and for being my friend.

I will try to make this reasonably brief, though not as brief as a commencement address I was once asked to give. The invitation stated that I was to speak on any topic of my choice. Anything at all. For five minutes. Reporting this to one of my sons—I can't remember which one—I said, "They say it has to be no longer than five minutes. What can I possibly say in five minutes that's worth saying?" To which my son replied, "Did they say it has to be worth saying?"

Well, I'd like to say something worth saying today, but my first problem, as maybe you can tell, is whether I'm going to be able to say anything at all given my feelings about this honor and the emotions that threaten to overwhelm me. I know there's no crying in baseball, I remember that, but how about when something has been done for you that within the professional sphere is the most meaningful thing that could have been done for you, something that recognizes what it is that *is* meaningful to you, something you never dreamed of, something that has involved devoted labor and extraordinary generosity on the part of many, many people? Well, threatened with inundation by emotion, I'm going to take refuge in my scholarly persona and talk history to you for a while. Although, to be sure, somewhat autobiographical history. And you can count yourself lucky at that, because you might have had to sit through my lecture on the nature and function of the *writ audita querela*.

The law review, the Columbia Law Review, is taking note of our celebration in their October issue and they asked me to write something for them.³ The essay that I wrote opens this way: "I begin with a touch of

* Remarks given at Columbia Law School on October 19, 2002. See Editor's Note, Introduction to Remarks from the 75th Anniversary of Women at Columbia Law School, 12 Colum. J. Gender & L. 310 (2003).

¹ Laraine Rothenberg, Alumna, Class of 1971, who introduced Barbara Aronstein Black at the luncheon.

² David Leebron, Dean of Columbia Law School.

³ Barbara Aronstein Black, Something to Remember, Something to Celebrate: Women at Columbia Law School, 102 Colum. L. Rev. 1451 (2002).

history, taking you step by halting step, inch by painful inch, through the process by which, finally and over a few metaphorically dead bodies, Columbia Law School opened its doors to women. It was to be some time before it opened its heart to us as well.”⁴ Let me explain what I mean by the statement about the institutional heart. I look around me today at our faculty, visiting faculty, and visiting scholars; at our administrators; at our Associates-in-Law; our research and other fellows; our graduate students and our J.D. students, and I simply see people. The fact that something like half of the people in our community are women doesn’t register. It is normal. It is neither remarkable, nor remarked. I look at our curriculum and I see courses and seminars in Sex Equality; Family and State in Historical Perspective; Intersectionalities: Race and Gender; Selected Issues in Children and Law; Sexuality, Gender, and Human Rights; Topics in Law and Sexuality. And that’s just the fall semester. I look at our student journals and organizations and I see the Journal of Gender and Law, the Human Rights Law Review, the Journal of Law and Social Problems, the Law Women’s Association, the Domestic Violence Project, the OutLaws and more. I look at our alumni/ae and I see the thousands of talented women graduates who are making a difference in the profession, a difference in their nation and in the world.

We can say today that the Columbia Law School has opened its heart to us. And the question for the historian is when did that happen? And the answer is, very recently indeed. Certainly, it did not happen in 1927. The admission of a few women in that year was, you might say if you’re given to understatement, grudging. An air of defeat hung heavy over the faculty that adopted the resolution making qualified women eligible for admission to the Columbia Law School. I have a fancy, or a fantasy, that as they voted to admit women, a ghostly band played the tune that was played when the British, having lost an empire, surrendered at Yorktown. The tune was called “A World Turned Upside Down.”⁵ I feel that these men of the early Columbia Law School intuited that if they opened the doors, the day would come when the institution opened its heart, turning their world upside down. They were, of course, right, but it took many a decade before one would know that.

Let’s look at the fall of 1952, just fifty years ago, when I arrived—nineteen years old and scared to death—to take my seat for my very first law school class, one of eighteen women in a class of 260. Searching both record and recollection, I find in 1952 no sign of worlds turning upside down. Nor of any attempt on the part of the women students to start the process. Our presence at this school was attended with no uncomfortable imperatives or implications. The dean and faculty did not

⁴ *Id.* at 1451.

⁵ Thomas J. Fleming, Beat the Last Drum: The Siege of Yorktown, 1781 328-29 (1963).

have to agree to hire a woman faculty member—indeed they had just lost Karl Llewellyn because they wouldn't give Soia Mentschikoff⁶ a position. The admissions committee did not have to try to increase the number of women students. The curriculum committee did not have to consider whether to approve courses and subjects of particular interest to women. A woman could still be advised, as I was, that unlike my male colleagues, I could not expect my experience as an Associate-in-Law to lead to a teaching career. Teachers could still start off each class with, "Gentlemen." Professor Julius Goebel could still hold Ladies' Day.⁷ Classroom hypotheticals could still utilize gender stereotypes. The organization of student spouses was "The Law Wives," not "The Law Spouses," and a faculty member could still give a talk to the law wives titled, "The Importance of a Well-Informed Law Wife (Educated, but not Equal)." Having a handful of women in the student body was not going to make a dent in the male culture, not going to require that any person within the institution change in any respect, open his mind to anything new, or consider a perspective foreign to his own.

For reasons very complex, too complex to go into, although the women of my cohort were certainly rebelling against societal constraints and sexual stereotypes, as students of the early 50s, we did not level a challenge to the school; we did not put the institution to any test. In the Law Review essay that I wrote, I put the matter this way,

My generation of women law students wrought change, but we did not have the numbers and we did not have the psychological make-up, the confidence or the consciousness, to bring about a revolution in our day. And, not merely because we were not prescient, but because ours were individual acts of rebellion, we ourselves almost certainly did not understand where history would place us; it is clearer looking back than it was looking forward that we formed the advanced guard of a social revolution. Now that that does appear to be established, I say hooray for us. And hooray for those who came before us and gave us courage, and for those who have come after and compelled the world to reckon with the ideal of equality and for those still to come who will, I hope, see that ideal fully realized.⁸

⁶ Columbia Law Professor Karl Llewellyn was married to Soia Mentschikoff; they both joined the University of Chicago Law School faculty after Columbia failed to offer Mentschikoff a faculty position.

⁷ Ladies' Day was a day in Professor Goebel's Development of Legal Institutions class when women were singled out to be called upon by the professor. Whitney S. Bagnell, A Brief History of Women at Columbia Law School, Colum. Law School Rep., Fall 2002.

⁸ Black, *supra* note 3, at 1460.

In 1956, after my stint as an Associate-in-Law, I went into exile for twenty-eight years in a little town somewhere northeast of here (I've forgotten its name),⁹ a period during which quite a lot happened at and to the Columbia Law School. When I returned in 1984, I found an institution that *had* been challenged and had responded to the challenge, but not an institution that could boast of bold leadership in this matter. In fact, I found a law school at a tipping point. On the one hand, this was a school on which the male culture still had a grip, experienced as such by the women in the school, and understood that way by many women who chose not to join us precisely because that was their image of the Columbia Law School. The number of women on the faculty was not impressive. Student admission statistics, while not bad, were not very good. Looking around, one still saw men—and some women. For good reason, women at the law school at that time did not think that the fight was over. But on the other hand, it seemed to me at the time, as I came to know this school of mine, that there was equally good reason to anticipate that the days of the male culture here at Columbia were numbered and few. What I saw at this school was a deep reservoir of good will and a genuine determination to bring about equality.

Perhaps in earnest of that good will and determination, at the end of 1985 my colleagues asked me to serve as their dean. Can you begin to appreciate what it was like for me to be asked by my colleagues to serve as dean? And by the way, can you imagine my feelings, when, during an interview at the time of my appointment, the reporter said to me, "When you were a student at the Columbia Law School, did you think someday you'd be dean?" With equal realism she might have asked, "When you visited Canterbury, did you think someday you might be archbishop?" (Speaking of questions asked, one thing everyone wants to know is what difference having a woman dean has made. Well, it appears to have made a difference out there in the world of business and commerce, presenting new opportunities to the entrepreneurial-minded. One of the first letters I received was from someone who wanted to remake my image. She said that her first suggestion would be that I stop trying to hide my wrinkles and brush my hair away from my forehead.)

Well, the deanship came and the deanship went, and during those years I was blessed with the steady, sturdy support, the energetic assistance, the kindness, the wise counsel of my colleagues and of the alumni/ae who, like this alumna, care about the place and the people in it and the profession that it and we serve. And I'd like to think that during those years we made some progress toward the community that we have today; certainly under my successors, Lance Liebman and David Leebron, the progress has been unmistakable and considerable. To repeat, the Columbia Law School has opened its heart to us.

⁹ Professor Black was a professor at Yale Law School in New Haven, Connecticut.

What that means for the women who are members of this community is what it has always meant for our male counterparts. It means privilege, and it means obligation. I used to tell entering students that we, their teachers, were going to equip them to become powerful, to become, if they chose, wealthy. And I told them that there is in itself nothing wrong whatever with aspiring to fame, to fortune, but that there is everything wrong with failing to use position, prestige, and power to make a difference for those whose lives are bounded, and haunted, and often destroyed, by discrimination, by poverty, by powerlessness.

I want to say one more thing about this school of ours. I know that this amazing honor recognizes the fact that I was the first woman dean of an Ivy League law school. And I know, because I've heard it from so many women, that this actually was a signal event, something that gave encouragement to women in this country and, indeed, around the world. And I'm thrilled, thrilled to have been the person whose good fortune it was to have been placed in that role. Thrilled that it was my school, Columbia, that broke through the barrier, that took a leap. But there's something else about my devotion to this institution. I have, for as long as I can remember, wanted to be a teacher, but it was the education I received at Columbia, at law school, that both deepened and broadened that aim. I quote myself again, speaking to the first year class of 1984; I said to them, "These years here will be for all of you, I believe, a time of intellectual excitement and enrichment. For some of you perhaps law school will be what it was for me, an intellectual awakening." What law school had to offer me in the first instance was the shock of discovering, not so much that there was a world of intellect out there, for I knew that well enough, but that that world spoke to me, that I responded to it. For whatever reason, that fact about myself was hidden from me until that time. And, as you will see, this was a precious gift, a lifelong treasure for a person, whatever road she or he chose, or was compelled, to travel. Undoubtedly, it was because of this school that I became a committed academic. To have my name on a professorship at this school is almost more than I can assimilate.

This is a splendid, joyous occasion, a wonderful celebration. It's an honor to be here with so many extraordinary people, many of whom happen to be women, to hear that inspiring talk given last night by Mary Robinson, to look forward to hearing Ruth Ginsburg tonight. It's wonderful to have my children and grandchildren and so many others close to me here to share everything with. I only wish that Charles¹⁰ were here as well. He would have, as we say, kvelled. Charles was a wonderful companion with whom to share whatever successes came my way (and everything else). In fact, once, when someone introducing us said, actually did say, "You know, Mr.

¹⁰ Charles L. Black, Jr., former Professor of Law at Yale Law School and Columbia Law School and Barbara Aronstein Black's late husband.

Black is quite accomplished in his own right," Charles loved it—though not as much as I did.

I am moved quite literally to tears, and honored beyond my capacity to articulate, by this extraordinary tribute. Thank you.