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Elizabeth M. Schneider
Brooklyn Law School

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Remembering Isabel

ELIZABETH M. SCHNEIDER†

INTRODUCTION

Isabel Marcus was an extraordinary person, scholar, and teacher. I first met her through a mutual friend in Berkeley in the 1970s when she was in graduate school. We shared a common interest in feminism and kept in touch over many years, especially after she joined the University at Buffalo School of Law faculty. We were colleagues and friends and part of many of the same intellectual and political communities. I was deeply saddened by her death in 2021.

She had a wide range of interests in feminism. Over the years, she wrote about divorce, reproductive rights, domestic violence, and gender bias in legal education.¹ She became deeply interested in feminism around the world, especially in Central and Eastern Europe, and in Russia.² She traveled extensively in many of these countries, teaching and researching about gender. She was a founder and member of

† Rose L. Hoffer Professor of Law, Brooklyn Law School. Thanks to Pat Cain for organizing this symposium and to Hayley Bork '23 and Abby Fink '23 for excellent research assistance.

1. *Remembering Prof. Isabel Marcus*, UNIV. AT BUFF. SCH. OF L. (May 11, 2022), <https://www.law.buffalo.edu/news/marcus-memorial.html>.

2. *Id.*

the Board of Directors for the Network of East-West Women, an organization founded in 1991, which brought feminist scholars and activists in the United States together with scholars and activists in Eastern Europe and Russia.³ There were meetings and forums, shared projects, and important dialogues. She wrote pioneering articles about aspects of feminism in these countries,⁴ and influenced generations of scholars, students, and activists. She was an initiator and a builder on so many issues.

Her scholarly and activist work was deeply intertwined. At Buffalo, she founded the Institute for Research on Women and Gender (now known as the Gender Institute).⁵ She was deeply influenced by a range of social justice movements, feminism,⁶ Law and Society,⁷ and international human rights. She was also delightful: a sharp, energetic, and adventurous spirit, with an incisive and creative mind, and a great sense of humor. In this brief Essay honoring her, I will focus on a few aspects of her work that were particularly meaningful to me.

3. See generally ANN SNITOW, VISITORS: AN AMERICAN FEMINIST IN EAST CENTRAL EUROPE 26 (2020) (discussing the Network of East-West Women). Isabel worked very closely with Ann.

4. See, e.g., Isabel Marcus, *Wife Beating in Ideology and Practice in Hungary, Poland, and Romania*, in GENDER POLITICS AND EVERYDAY LIFE UNDER STATE SOCIALISM IN EAST AND CENTRAL EUROPE 115, 115–32 (2009); Isabel Marcus, *Reframing Domestic Violence as Terrorism or Torture*, 67 COLLECTION PAPERS, FAC. L., NIŠ 13, 14 (2014) (Serb.); Isabel Marcus, *Preliminary Comments on Dark Numbers: Research on Domestic Violence in Central and Eastern Europe*, 21 U. ARK. LITTLE ROCK L. REV. 119, 119 (1998) [hereinafter *Dark Numbers*].

5. *Remembering Prof. Isabel Marcus*, *supra* note 1.

6. See generally SNITOW, *supra* note 3.

7. See generally *About LSA*, LAW & SOC'Y ASS'N, <https://www.lawandsociety.org/about-lsa/> (“The Law and Society Association is an interdisciplinary scholarly organization committed to social scientific, interpretive, and historical analyses of law across multiple social contexts.”).

I. LAW IN ACTION

In 2000, I published a book, *Battered Women and Feminist Lawmaking*, that focused primarily on the U.S. experience with intimate violence in many areas of law and the ways in which “feminist lawmaking” had transformed legal advocacy.⁸ In June 2001, at the Law and Society Annual Meeting in Budapest,⁹ there was an Author Meets Readers Panel which Isabel attended.¹⁰ The transcript of the panel was published. Some of the discussion focused on both statutes and caselaw that might control police and prosecutorial abuse in domestic violence cases.¹¹ Isabel made the following comment, bringing an important perspective from her work examining domestic violence in the United States and in Eastern Europe:

I want to raise the question of going beyond case law and legislation. Most countries have some form of legislation that deals with the question of defining injury and the appropriate court’s jurisdiction and I don’t think that the existence of a statute is the issue. Rather the focus should be on how law, lawyers, and people hold public officials accountable. In one sense law has very limited ways to achieve accountability. In the United States, there are class action lawsuits and endless litigation, but law is a rough though necessary framework for accountability. Within bureaucracies, accountability is a much more complicated issue; the sledgehammer of the law does not achieve accountability. For example, in Eastern Europe, there is no notion of suing the police for violations of civil rights, including for failure to protect battered women if prosecutorial discretion is abused. If judges pressure parties to settle cases by asking whether a battered woman forgives the perpetrator, or if doctors will not give a medical certificate, a gate-keeping device to allow the woman to

8. See generally ELIZABETH M. SCHNEIDER, *BATTERED WOMEN AND FEMINIST LAWMAKING* (2000).

9. See *2001 International Meeting in Budapest, Hungary (w/ RCSSL)*, L. AND SOC. ASSOC., <https://www.lawandsociety.org/2001-meeting/>.

10. Elizabeth M. Schneider, Christine Harrington, Sally Engel Merry, Renee Romkens & Marianne Wesson, *Battered Women & Feminist Lawmaking*, 10 J. L. & POL’Y 313, 367 (2002) (comments by Isabel Marcus).

11. See *id.*

file a lawsuit or a complaint with the police, separate criminal code provisions will be mere law on the books. It seems to me that as one starts thinking about accountability, the grass roots activism occurring in many countries is not about rewriting the law. Rather it is a search for institutional and cultural mechanisms and transformations for developing accountability.¹²

Isabel's comment expresses the values that she had as a scholar. Rewriting the law was not and should not be the focus of activist work for social change. Her interest was much more in grass roots activism, and reform efforts on the ground. She saw studying law on the books, whether in statutes or in case law, and in isolation as limited. "Institutional and cultural mechanisms and transformations" were more important.¹³ Law in action, as lived and interpreted and created.

Isabel studied domestic violence in many Central and Eastern European countries.¹⁴ She traveled and taught in Poland, Hungary, and many other countries.¹⁵ She developed relationships with Eastern European universities, such as Jagiellonian University in Krakow, Poland, where she hosted a seminar with students in Krakow and the University at Buffalo School of Law during the same semester.¹⁶

Many of her contacts were activist women who she knew through the Network of East-West Women. The dialogues and conversations that she had with these women were really important to her. She saw the depth of the violence in Eastern Europe, the "dark numbers."¹⁷ She worked on a book about domestic violence in Russia.¹⁸ But as her comment

12. *Id.*

13. *Id.*

14. *Remembering Prof. Isabel Marcus, supra* note 1.

15. *Id.*

16. *Id.*

17. *Dark Numbers, supra* note 4, at 124.

18. *See generally Marcus, Reframing Domestic Violence as Terrorism*

suggests, her work in Eastern Europe expanded and reinforced her understanding of the work that needed to be done. There were no law reform movements that were changing the law in those countries.

II. TERRORISM AND TORTURE

Isabel and I presented regularly at conferences and meetings on issues of gender and law and domestic violence, together with our mutual friend and my long-time colleague at the Center for Constitutional Rights, Rhonda Copelon. Rhonda was also a pioneer in activist and scholarly work on feminism and international human rights. In 2014, Isabel wrote an article, *Reframing Domestic Violence as Torture or Terrorism*,¹⁹ that discussed conversations that she and Rhonda had had as to whether domestic violence should be viewed through a lens of “terrorism,” or “torture” which Rhonda had developed in her work.²⁰ Isabel’s earlier work had explored the concept of terrorism, and she had taught a course at Buffalo called “Terrorism in the Home.”²¹ The paper is a wonderful discussion of the meaning of domestic violence through these two very original and important legal frameworks that have continued to be used. As the words and experiences of terrorism and torture have become more common in our recent political life, I have often thought about the ways in which both Isabel and Rhonda were visionaries in their work.

CONCLUSION

I feel incredibly lucky to have known Isabel and to have had her as a colleague. I am grateful for her work, the ideas and institutions she developed, and her friendship.

or Torture, supra note 4.

19. *Id.*

20. *Id.* at 13–16.

21. *Remembering Prof. Isabel Marcus, supra* note 1.