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Law School Report:

Celebrating history and gender at the *Buffalo Law Review* Dinner



Associate Professor James A. Wooten,
Buffalo Law Review honoree

This year's *Buffalo Law Review* Dinner looked back in time — way back to a century ago, back to a crucial 1985 article on feminist discourse, and back over a most successful academic year for the journal. The focus was on difference: making a difference through scholarship and legal thought, but also, in keynote speaker Martha McCluskey's address, recognizing the differences between the sexes as a strength, not a battleground.

The 1999–2000 *Buffalo Law Review*, led by Editor in Chief MK Gaedeke Roland, completed one issue begun by the previous editorial board and produced two issues of its own. The fall 1999 issue included a special editorial to celebrate 100 years of women at UB Law School — an editorial that compiled contributions by the first female members of the *Law Review*, the women who have served as editor in chief since 1963, and the first African-American woman graduate of the Law School. It also published two important articles on family law, including one by UB Law Associate Professor Susan Vivian Mangold, and two student articles. The winter 1999 issue focused on articles from a recent symposium on regionalism, and included an essay by UB Law Associate Professor David A. Westbrook.

In keeping with the revolution sweeping publishing today, *Law Review* staffers also created a Web page for *Law Review* members that, among

other features, includes a common calendar and announcement board. And *Law Review* members also made a commitment to community service, sending a team of walkers to the first Walk-as-One Walkathon, a national event to fight ethnic, racial, religious and gender discrimination.

At the dinner, held April 6, 2000, in Buffalo's Statler Towers, the *Law Review* board honored Professor James A. Wooten for his service to the journal, including his work as a faculty adviser to the endeavor and his role as a guest editor of an upcoming issue devoted to ERISA matters.

But the centerpiece of the evening was remarks by Associate Professor Martha T. McCluskey, who took the celebration of 100 years of women at UB Law School a step further by asking: What does it mean for the law? Looking back to the problems faced by Helen Z.M. Rodgers and Cecil B. Wein-

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All photos by Jim Pierotti

Associate Professor Martha T. McCluskey:

“No one is simply a woman, or a man. We are people whose lives have been shaped by uniquely intersecting, changing and interrelated identities. . .

But our uniqueness and diversity does not mean we are identity-free, free from the stereotypes and barriers or the shared experiences and common joys that may come with our various identities.

For better or for worse, we still live in a world where gender can sometimes matter, though it matters differently – and more or less – for different women, and different men, and in different contexts.”

Law School Report:



Amy L. Dobson '00 presents a plaque to Robin D. Barovick '00 while Brian S. McGrath '00 looks on

At right: Editor in Chief MK Gaedeke Roland '00 and Associate Professor Martha T. McCluskey

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er, those first two women Law School graduates, McCluskey noted that their challenge was to overcome biases against "the weaker sex" in what had been a rough-and-tumble legal world populated almost exclusively by men. The women's challenge, she said, "is one of changing difference to sameness" — proving that women can be skilled legal practitioners, and that gender is essentially irrelevant in a professional context.

That approach has worked to gradually integrate women into the profession. But, McCluskey said, in later years scholars and other observers have come to understand that "sameness" is only part of the story.

She cited another first for women in the history of UB Law School — a 1985 article that compiled comments by five leading feminist scholars who were engaged in a conversation about gender and law. That article, "Feminist Discourse, Moral Values and the Law — A Conversation," became one of the most-cited law review articles ever, not only raising UB Law School's profile nationally but also help-



ing to bring about a revolution in feminist thinking about gender differences.

The point, McCluskey explained, was not that gender differences should or could be eliminated, but rather that women must gain the power to freely elaborate and express gender differences. The *Buffalo Law Review* article, she said, "crystallized feminist efforts to move the debate on gender equality



Amy L. Dobson '00, left, and Brian S. McGrath '00 look on as Stephanie Williams-Torres '00, far right, presents flowers to MK Gaedeke Roland '00.

away from the project of simply proving women's sameness to one of valuing women's difference and, even more, to challenging the way we decide what counts as a 'difference.' "

For example, she said, studies have shown that men typically approach legal problems like math problems, simply applying abstract principles and deducing the result. Women typically explore the factual context of the case in depth and question the framework of the analysis, rather than applying rules mechanically; this, she said, can lead to more sophisticated legal and moral analysis. As more law schools nationwide began to understand the benefits of different approaches, McCluskey said, they became more open to such methods as clinics, seminars, intensive writing courses and programs teaching alternative dispute resolution skills.

As well, she said, women's ascendance in the profession has led to dramatic changes in the law itself — such issues as domestic violence being treated in family law, and a shift in international human rights law to incorporate such problems as rape, domestic violence, female genital mutilation and child marriage, "which were once considered local

cultural matters or personal problems not involving fundamental freedoms." Even tax law, she said, has changed as a result of feminist legal scholarship.

None of this, McCluskey emphasized, contravenes our personal identities. "No one is simply a woman, or a man," she said. "We are people whose lives have been shaped by uniquely intersecting, changing and interrelated identities — for example, being a daughter or son of immigrants, being a mother or father of a disabled child, being a white heterosexual woman or Native American male law student. But our uniqueness and diversity does not mean we are identity-free, free from the stereotypes and barriers or the shared experiences and common joys that may come with our various identities. For better or for worse, we still live in a world where gender can sometimes matter, though it matters differently — and more or less — for different women, and different men, and in different contexts."

The challenge, she said in conclusion, is to use these differences cooperatively as sources of creativity and as tools to envision new ways of doing justice. •