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The American revelation

Professor Isabel Marcus breaks new ground in Polish law school experience

UB Law Professor Isabel Marcus had taught in Poland before (not to mention Romania, Serbia, Macedonia, Russia, Lithuania, Azerbaijan and Georgia). With a longstanding interest in Eastern Europe, she has been traveling to the region since the early 1990s as part of her commitment to furthering women's human rights worldwide. Initially her work was in support of nascent non-governmental organizations, but she wanted to have a more direct impact as well, so she sought out teaching opportunities in the region, and has made regular appearances in Eastern European universities and law schools ever since.

But her experience from March through May of this year was a new one – for her and for the law faculty at Jagiellonian University in Krakow. The oldest university in Poland and one of the top two in the country in academic reputation, Jagiellonian has had a long relationship with the University at Buffalo. It remains rather traditional in academic orientation, and so Marcus says she was surprised when her proposal for a seminar on reproductive rights and technologies was accepted. It would be the first time reproductive rights would be taught as a law-school course in Poland.

For one thing, she was teaching this subject – contentious in the best of situations – in a country where 88 percent of the population identifies as Roman Catholic. For another, she was bringing her skills in sociolegal analysis to the subject, in an academic culture where the law is considered a closed system, sufficient unto itself. And her teaching style was different: The well-established understanding in American pedagogy that the classroom is a place of give-and-take is still foreign to Poles, whose law professors enjoy very high status and tend more toward by-the-book lectures than lively interaction. So a professor who asked their opinion and



Professor Isabel Marcus

who built relationships with them by showing movies after hours – well, that was bound to shake up the academy.

But where to begin? Marcus started with a question. “Help me understand,” she said, “why your government says officially that there are 500 abortions a year in Poland, but crisis pregnancy hotlines estimate there are 80,000 to 160,000 a year.” The students, she says, “were confronted for the first time with the hypocrisy of their government and the size of the problem of unwanted pregnancy,” a problem exacerbated by a dearth of basic sex education and restrictive laws on access to family planning technologies, including abortion.

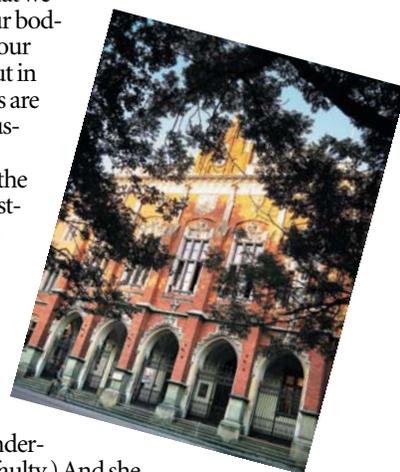
The five students in the seminar were “excellent – very, very diligent,” Marcus says. (The original enrollment was 12, but that shrank when the professor made it known that they would have to attend every class session because students were required to participate in class. Accustomed to classes that mostly repli-

cated their textbooks, they found that off-putting.) She also gave each student a CD she prepared with 1,000 pages of documents (ranging from Polish cases to international human rights standards and NGO reports) reinforcing the approach that the law comes out of a sociocultural context that can be studied and questioned.

The challenge was partly to help the students break free of centuries-old assumptions. For example, Marcus says, “In the West many of us now start off with the idea that we have autonomy over our bodies and are in charge of our own bodily integrity. But in Poland, women’s bodies are at the service of their husbands, their family, the church, the nation and the state.” As in much of Eastern Europe, rates of domestic violence are high, reflecting a traditional Polish saying: “If he doesn’t beat me, he doesn’t love me.”

(The first time she heard that, Marcus says, she thought her understanding of Polish was faulty.) And she worked to convince the students that identity politics – ensuring the rights of women, ethnic minorities, Roma and homosexuals – is bound up in legal issues, and not merely a social and cultural matter, as these issues have been traditionally defined. When she said in farewell, “It’s an honor to have taught you, and if there’s every anything I can do for you, let me know,” one female student raised her hand and said, “No professor in this law school has ever said this to us.”

Marcus taught the course as a volunteer; her only compensation was a place in faculty housing. “I regard it as part of my obligation not only as a SUNY faculty member but also as a citizen of the world,” she says.



Jagiellonian University in Krakow