A Teacher's Teacher: Professor Mensch Looks to Children's Advocacy in Retirement

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PROFESSOR ELIZABETH “BETTY” MENSCH, who has taught at UB Law School since 1985, retired at the close of the 2007-08 academic year. An acclaimed teacher – she was named a SUNY Distinguished Teaching Professor in 1994 – Mensch is a UB Law alumna as well; she graduated with the Class of 1978 before going on to Harvard to earn the master of laws degree.

In her Law School tenure, Mensch has taught in the areas of torts, contracts, legal history and church/state relations, among others. Her publications include the 1993 book *The Politics of Virtue: Is Abortion Debatable?*, written with her husband and fellow UB Law professor, Alan Freeman, who passed away in 1995.

The seventh floor of O’Brien Hall was undergoing renovation, and Mensch’s office was stripped almost to the bones, when UB Law Forum caught up with her to ask her to look back – and forward as well.

**Why retirement? Why now?**

As the saying goes, the decision was overdetermined. I now have four grandchildren and want to move closer to them so that I can be a real grandmother, not just someone who hurriedly breezes in for visits from time to time. Moreover, I want more time for volunteer work. Initially I came to law school for the sake of gaining some extra skills related to my teaching work with secondary school students who were becoming lost and neglected within the whole educational, social and legal system. I have never forgotten my concern for such kids – it haunts me – yet I have given it far too little of my time.

Finally, of course, inescapably, there is age. I am almost 66 and want to retire before I start to lose the energy and enthusiasm for big classes. I enjoyed last year’s classes intensely; yet it is good for the school to have the fresh approach and perspective that newer faculty can bring to students. In recent years we have hired some terrific new colleagues; they are adding immeasurably to the vitality of the school.

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You are an alumna of the Law School. How did you make the transition from being a UB Law student to being a UB Law professor?

Much to my surprise at the time, I found studying law at UB great fun. Never had I enjoyed an intellectual challenge as much as I enjoyed law school. Professors here, who were extraordinarily generous with their time and encouragement, nudged me to pursue an academic path. At the time, there was still something of a presumption against ever returning to one’s home school as a professor.

After some further study and some experience and job offers elsewhere, however, I was asked to return and was delighted to do so. By then I was convinced that the quality of the intellectual life at UB was unsurpassed anywhere; so too was the quality of the challenging but supportive environment UB provided for students.

You have seen a couple of decades of students go by. Have you noticed broad changes in the students you teach?

I have never found it difficult to like students. They have always amazed me with the rich variety of their experiences, the depth of their insights and the seriousness of their goals. That reality has stayed so constant that changes seem superficial. Yet it is probably fair to say that there have been changes. When I was a new teacher, students seemed less worried about career opportunities and therefore more willing simply to enjoy the luxury of being in school. More were also eager to believe that legal reform could usher in sweeping progressive social transformations.

Now students seem, in a sense, more realistic. They like to see a relationship between their Law School experience and the skills they will need for practice. They are also more skeptical about broad transformational goals and more interested in the specifics of concrete problem-solving; and they are more open to seeing dilemmas rather than easy answers. I do not see those changes as all negative so long as students retain their enthusiasm and continue to enjoy the challenge of learning to do serious legal analysis.

You are known for the quality of your teaching. Have you developed a philosophy of teaching? Do you think about method, or does it just come out of who you are?

I think of method not at all, although to say so might be an admission of irresponsibility. My focus has always been just on content – on helping students uncover and grasp the basic structure and tensions within various doctrinal areas, and on helping them to use their knowledge and to fashion arguments to understand cases.

I also firmly believe that students learn different things from different teachers. Our school has many strong scholars and teachers from whom students can learn a variety of different skills and perspectives. Therefore, I have always accepted my own limitations.

I am not good at grilling students, for example, and I do not try, even though I think a little grilling can add a valuable edge to the class. And I would waste everyone’s time if I tried to fumble with the mechanics of visual aids or computer technologies, yet I know many teachers use them very effectively. So my “method” has probably just been a function of my own areas of inexpertise. I have always, however, tried to draw pictures on the blackboard; students have been patient in putting up with my lack of artistic ability.

Students have said that you will, in the last 10 minutes of a lecture, teach on a higher level and talk to the brighter students in the room. Do you do this consciously?

No, I do not think of students in terms of more or less bright. Some
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are just more interested and engaged than others. But I do like to keep pointing out that questions which at one level can seem very technical (measures of damages in contract law, for example) can at another level actually embody very complex questions about the meaning of ethical responsibility. Sometimes very small questions can also be very large questions, and are best understood within that broader framework.

And I do want students to keep encountering the fact that there are often no easy answers to those broader questions. That recognition leads to greater flexibility and sophistication in fashioning legal arguments. It is also a lesson about ethical responsibility: acting responsibly sometimes means choosing between conflicting ethical claims in situations where the right answer is not always obvious, or clearly decided by rules.

You have written in a great number of areas: animal rights, abortion, a lot of history, advertising, even a piece about Dr. Seuss. Would you call yourself a generalist?

Maybe that is a generous word to describe a pretty whimsical approach to scholarship. I have produced no systematic body of work; although I guess I have written a fair amount about various moments in the long history of theology’s simultaneous influence and challenge in relation to legal thought, there has been no fully sustained development.

How have you chosen the topics you have written about?

I have followed my nose, and often the proddings of others. For example, my late husband and I wrote a book about abortion even though we had no plan to do so. We had taught a seminar on animals and then had given a few little talks on the subject, and written a couple of short articles. Our interest was in the pesky status of animals at the border of conventional ethical and legal thought. Norms for the treatment of humans did not seem wholly relevant to animals, yet the treatment of animals did seem, for most cultures and religious traditions, at least to raise a moral question. Then people kept asking whether abortion did not raise a similar “border” question. We had to admit to ourselves that it did. So, somewhat reluctantly, we switched focus.

Can you talk a little more about the work that you and your husband did together?

We did a lot together, often just to have fun with topics. For example, we wrote some essays for Tikkun magazine in that spirit. Alan had a sharp, lively mind, filled with knowledge, and with a knack for pithy prose. Of course I have missed him very much.

Talk about your work with the Journal of Law and Religion. What has that entailed?

I was chair of the editorial board for a few years, and am still on the board. The board does planning and policy setting; I can take no credit for the hard work that goes into actually producing each issue of the Journal.

Nevertheless, the association with the Journal has been important to me. Our goal has been to provide a serious academic law journal which can be (and is) also read by many outside the legal academy as well. Articles explore, from a wide variety of perspectives, the relation between law and various faith traditions. It is completely open and ecumenical in approach, and also in its spirit as a community of scholars trying to encourage others who want to work in the area of law and religion.

While my association with the Journal has been deeply satisfying, I am also delighted that there is a growing number of people at the Law School and in other departments who share an interest in religion. It is an important area of study, somewhat neglected for a time at many schools.

What have we forgotten to ask?

I came back to this school because I think it is a really special law school. It has had a really great past in certain special ways, like the emphasis on interdisciplinary research. Some of those perspectives have been picked up by other schools, and so what used to be very distinctive about UB has become kind of ordinary.

It is obvious that there is a challenge for the school. If it is going to maintain the reputation it has had in the past, it has to think about what its reputation is going to be. There are people who are doing remarkable work in terms of scholarship and also in terms of the clinical program and the New York City program. We really can move into the future in our interesting, distinctive and really impressive way, but we need to think about how to do that. I think we have a great future, and I hope we do not lose sight of that.