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A Grievously Belated Thank You Note

SANFORD LEVINSON†

I am very pleased, but at the same time extremely chagrined, to be writing this appreciation of my friend Isabel Marcus, whom I knew when I arrived to teach at the University of Texas Law School long ago in 1980. She was, not to put too fine a point on it, an invaluable close friend at a difficult time in my life. I truly don't know how I would have gotten through our two years together, before she left Austin for Buffalo in 1982, without her almost endless capacity for friendship.

The chagrin is double: first, she devoted countless hours to hearing me talk. No doubt she had her own interests and scholarly agendas, but she always made time to hear me out. I am not, in fact, so equally open to others, whether students or colleagues, as Isabel was to me, in part because I recognize the immense costs attached to such openness. It is hard to believe that she never felt that she had better things to do with her time than to listen to me, but she never actually said so. But, second, there is the reality that I never truly thanked her adequately for the lifelines she threw me, what can only be described as acts of unmerited grace by someone who deeply cared about others—in that case, me—and was, therefore, always ready to help. It is, alas, too late for me to

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rectify my failure to do so.

As a matter of fact, I constantly view myself as having been a huge winner in the lottery game that life actually is. I have enjoyed forty wonderful years at the University of Texas; far more to the point, I have now enjoyed fifty-six years of marriage to my wife and a wonderful relationship with our two daughters (and their families) that I attribute, at least in part, to the endless conversations (and *de facto* therapy) that Isabel graced me with. I should have let her know of her importance to me long before this memorial tribute.

Isabel's importance to me does raise important questions about the notion of membership in an academic community and the demands of collegiality (and friendship). One of the things that initially drew us together was that we were both J.D./Ph.Ds., at a time when this was more unusual than it is now. It meant that we were very well (perhaps over) educated. But it also meant, I believe, that both of us were predisposed to share a certain skepticism about fundamental assumptions shared within the legal academy about the notion, say, of "the rule of law." In my own sunset years, I increasingly define myself more as a political scientist than as a lawyer inasmuch as I feel an increasing alienation from "law" as presented within the legal academy. This is, no doubt, helped by the reactionary turn of the United States Supreme Court over the past decade. Still, Isabel and I shared a certain degree of skepticism—and openness, say, to Critical Legal Studies or other critiques of what came to be called "liberal legalism." I still cherish and display outside my office a poster that Isabel gave me from a 1977 gathering in Houston on feminism and the law.

I suspect that the University of Texas Law School at the time did not properly appreciate the insights that she brought from her immersion in the complex academic cultures of Berkeley from which she came to Austin (and in some sense brought with her). Buffalo was a far more appropriate place inasmuch as it has always provided

academic homes and, I hope, nurturance to those with more questioning perspectives about what were often assumed to be legal certainties. My impression is that she flourished there, but, as already suggested, that is only an impression rather than knowledge based on a real relationship after she left Texas. But reading her obituary prepared by the Law School reassured me not only that she had indeed lived a life of wonderful “adventure,” in every sense of the term, but also that she was genuinely appreciated by the Law School for the unique talents and personal fervor that she brought to whatever interested her.

So it is true that some of our conversations involved the somewhat deviant perspectives about “law” that we brought with us to our first jobs as legal academics (I had come to UT from teaching undergraduates at Princeton, a very different job than preparing students to be legal professionals). But, and in this case it is an all important “but,” most of our time was spent in what she must have thought was endless conversation about my dilemmas as perhaps a classic forty-year-old American (white) male who was still very much in the process of “growing up” (whatever precisely that might mean). “Colleagueship” for Isabel was far more, infinitely more, than a willingness to read one’s work and discuss the latest articles in academic journals, however important those actually are. It instead was an openness to what Benjamin Nathan Cardozo once called “life in all its fullness,” which, of course, went far beyond the academic or intellectual aspects of one’s self.

I have no idea if Isabel was pulled to Berkeley in the ‘60s *because* of its openness to all dimensions of life or if she had been a more staid New Yorker, with the intellectual sophistication one associates with that great city, who was transformed by Berkeley and the Bay Area. Whatever the causal arrow, though, she certainly instantiated a spirit of openness. This is probably best symbolized by the fact that she installed a hot tub on a deck adjoining her small house, and for a while it became almost a ritual among several

couples to enjoy the tub on Saturday nights. It was, for me, at least, a unique experience. Though my wife and I have occasionally enjoyed hot tubs in upscale spas (including one, of course, in California!), nothing has ever replicated the experience of close friends simply spending genuinely quality time together in the psychologically intimate space that Isabel's hot tub provided.

A very few, much older, readers may remember the *Reader's Digest* and a recurrent series of articles titled "My Most Unforgettable Character." Isabel is certainly a candidate for that title, along with perhaps half-a-dozen other people whose personality and character, together with raw intelligence, just stand out. Not surprisingly, perhaps, all of the names who come most easily to my mind are women; it appears to be a simple sociological truth that women have generally felt more free to recognize what is truly "life in all of its fullness" than most men. Whatever the explanation, though, Isabel is truly unforgettable—and I wish I had told her that before she left us.