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Betsy Clark Living Archive

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"Remembering Betsy" by her Two Professors and Editors

Thomas Green

Dirk Hartog

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On the Opening of the Betsy Clark Living Archive
at
Boston University School of Law

On November 23, 2019, immediately following the conclusion of the annual meeting of the American Society for Legal History, Boston University School of Law held a ceremony marking the opening of an archive devoted to the scholarship of Elizabeth Clark. Betsy Clark, who taught at BU before her untimely death in 1997, was an important presence in the world of legal history in the 1980s and early 1990s. And the archive includes a number of short “responses” to her scholarship. Her colleagues David Seipp and Pnina Lahav were responsible for making the archive a reality.

Her friends, Thomas A. Green, the John Philip Dawson Collegiate Professor of Law Emeritus at the University of Michigan Law School and Dirk Hartog, each wrote short pieces for the occasion.

From Tom:

Thanks to Pnina Lahav and David Seipp, and to Boston University School of Law for the creation of the Betsy Clark Living Archive. Today we honor both Betsy--still, and always, a living presence in the minds and hearts of all who knew her--and her work. That work, much of which was published more than twenty years ago--retains vitality and relevance; its easy availability is a service to the profession, not just to American legal history, but to nineteenth-century American history more generally. Betsy's interests ranged widely, from law to religion to political and social thought. Her work was intended to convey--and did convey--a very broad and inclusive vision of the doing of history.

It was a great pleasure and honor to know and to teach Betsy, and, in turn, to learn from her, as all of her teachers certainly did. I came to know Betsy early in her time as a law student at the University of Michigan Law School, when she was casting about for ways to unite her legal studies with her other intellectual interests. These interests were predominantly historical, from the classical era to the twentieth century, but also reflected a fascination with--and abundant commitments to--then current politics and political thought. I subsequently taught her in various courses in English and American legal history, where she proved to be a superb student as well as delightful, vivacious and always intellectually challenging presence. Although she was obviously precocious, she was extremely popular with her peers--always a good test. And perhaps the highest commendation: the quality of her papers always justified the length of the incomplete she had taken. My time with Betsy was extended beyond her law school years, as she remained at Michigan for a Masters in History before moving on to Princeton for doctoral work. In that extra time, Betsy became a close friend of my first PhD student, Victoria List, and the two of them were such frequent visitors to my office that I put them to work creating the excellent Index to the Sam Thorne Festschrift, for which I have often received totally undeserved credit.

Student, research assistant and friend--and, finally, editee: Dirk and I were privileged to work with Betsy as she was turning her fine dissertation into a book for the series, Studies in Legal

History. And in those years, as I was editing Betsy, she was editing me, for I was struggling with an over-long article that badly needed her prodigious editorial talents. Betsy was supportive and, as always, generous; but of course, she had a way with words: "If you must write about Roscoe Pound, try not to sound like him."

That was spring 1995 and a good bit of the ensuing summer--Betsy's last untroubled time. The remains of those days are now the Living Archive. The Archive contains Betsy's published articles; an article in draft, just a step away from publication; and a significant piece of her dissertation that had not yet been revised toward the book that was intended to bring together, in one form or another, the main body of her work--a book that Betsy tentatively titled, "Women, Church, and State: Religion and the Culture of Individual Rights in Nineteenth-Century America," and that an astute reviewer suggested might better be titled, "The Politics of God and the Liberal Self: Religion, Abolitionism, and Women's Rights in Nineteenth-Century America." Betsy's published work is exceedingly good; it marked her as a rising star in her own day, and it has been influential ever since. The Archive brings that work together and puts it into conjunction both with Betsy's unpublished work and with short essays by four scholars whom Dirk and I invited to comment on Betsy's work, its implications and the pathways it opens to ongoing research and debate. In doing so, the Archive is truly Living, as it opens new vistas at every point for those who make use of it, from under-graduates to senior scholars. It is a blessing to have Betsy's work preserved in this way, for which--once again--many thanks to Boston University School of Law.

And from Dirk:

Consider a legal historian, Elizabeth or Betsy Clark, and her relationship to law. When she died, in 1997 after a painful struggle with ovarian cancer, the glove compartment of her car was filled to the top with unpaid parking tickets from several locales, plus more than a couple of speeding tickets. Driving with her was always an adventure, not just because she drove very very fast. Also, because she might stop suddenly if she saw someone littering (like dropping a cigarette butt out of the car), to tell the litterer what a terrible human being she or he was.

She was also someone who would fly across the country or around the world, whenever she would hear that a friend or acquaintance could use her help. Betsy was always in motion. Until she wasn't.

She had spent a mysterious two years in Chiapas, in southern Mexico after graduating from college, before starting law school. Her family would eventually purchase a house there. But the house would be used by revolutionaries. What her relationship was with all that remained unspoken.

If Betsy were alive today, she would love the new legitimacy of socialism. Though she liked to shop and liked clothes and houses and good food and things, she hated capitalism. Passionately. We spent days arguing about Elizabeth Cady Stanton, about whom she wrote several brilliant articles. She loved Stanton's feminist radicalism, but her anti-statist libertarianism filled Betsy with loathing. Instead, she identified with the WCTU, the Women's Christian Temperance Union, both because of their Christianity and because of their commitment to an active state.

Her own faith, her Christianity, was complex and complicated. To be honest, I never fully understood where she “came from.” But she was an amazingly insightful reader of legal and political texts in large part because she knew how to read sympathetically the religious underpinnings of legal understandings. She identified herself with several strands of nineteenth century Protestantism, and she used the insights that came with that identification to produce wholly new readings of familiar texts in American feminism and abolitionism and legal thought.

I first came to know her well when she spent a year in Madison as the first “legal history fellow” at the UW law school, where I was then teaching. The fellowship came into being because, for reasons that had nothing to do with my virtues as a teacher, my class in legal history suddenly swelled to around 175. David Trubek, then the head of the Institute for Legal Studies there, when he heard my complaints about what that would mean for grading, said that he thought I should get a TA. And then after further conversation we turned that TAship into a fellowship. How to find the right fellow? I went home, looked up the “call” for the William and Mary “post doc,” which was the only one I knew of at the time. I stole and modified their language to draft a “call” for a legal history fellow, and then found out from the dean that we could offer 13000 dollars (I think it eventually grew to 15000). And then we sent the call out, and got a flood of applications.

Betsy’s application stood out, though there were many stellar applicants, including several from others who have had distinguished careers in academia. Her letter from her dissertation advisor, who shall remain nameless but is a very close friend, praised her gifts as a reader and a researcher, but also noted that he was not at all certain whether she would ever finish, given her passionate involvement in the divestment movement (which was then raging at Princeton as well as elsewhere). I was anxious, worried about making the right choice. But my then colleague Stan Kutler read her writing sample and said that she was clearly as gifted as any young legal historian he knew. So, Betsy got the telephone call from me, and she immediately accepted. I will always be grateful that Stan Kutler did that.

Betsy and I became close friends, talking daily, reading texts and documents. Talking, talking, and talking. I remember her year in Madison as nothing but conversation and argument.

She was a great cook, and one evening she asked to come cook in our large kitchen. She wanted to prepare a meal for all the people she had become close to in Wisconsin. Eventually the dinner became, if not a disaster, then, shall we say, a memorable event. One of those at the dinner decided that this would be a great moment to attack another member of the community, also at the dinner, because she did not feel adequately supported in her career. And also, my parents in law arrived suddenly and unexpectedly just as everyone sat down to eat, and they were hurt that they had not been invited. But much of the day, before the dinner itself, was spent watching Betsy cook. The menu included an elaborate souffle. My son, who had just turned 7, and who had become good friends with her, asked if he could help. And Betsy incorporated him into her process. And as she did with anyone, Betsy talked with and listened to him, treating him as an equal. My strongest memory of that day is of her working at the souffle while explaining rape to him (At that moment, the local papers were full of a case where members of the Minnesota basketball team had been arrested after having lost to the Wisconsin basketball team in

Madison.). My wife and I held our breaths outside the door to the kitchen, as Betsy patiently answered all of Jacob's questions.

At a certain point, a few years later, Betsy did finish her dissertation. She and I both were in Cambridge just before the defense. I was giving a talk. It was September, and she was starting a postdoctoral fellowship at the Harvard Divinity School. (It was there that she met her husband, David Hall.) Since I was to be the "outside" reader of her dissertation, she offered to drive me from Cambridge to Princeton. I accepted, and off we went. In about 3 hours.

She had a brilliant defense, my first experience of Princeton's History Department, and then she began a meteoric rise as a historian and a law teacher, publishing several brilliant articles, teaching at Cardozo, then visiting at Harvard Law School, then at BU Law School. Everywhere she went, people were changed by her presence. And her scholarship won accolades and prizes.

She desperately wanted children. But that would not be. She wanted to write many books. And that would not be. And soon she got sick, and she died. As we all will. But she died, much too early.