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Celebrating a Lasting Legacy: Robin Lenhardt

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ROBIN LENHARDT*

*Kimani Paul-Emile** and Jennifer Gordon****

At any given time during Robin Lenhardt's fifteen-year tenure at Fordham Law, you could find her working on a few articles (and more recently her book¹), editing other people's work, advising the making of a film, drafting an amicus brief, serving as a trustee to Brown University, planning programs on race and the law, chairing the faculty hiring committee, and intervening to help struggling students, while simultaneously engaged in just as complex and extensive realms of activities in her rich life with her family and friends. How she always had time for a talk and a shared laugh is a mystery to us. But she did, and we took advantage, and now that she has moved to Georgetown, we cannot quite believe that she no longer occupies the office between ours. It is a privilege to have this opportunity to pay her the tribute she so richly deserves.

During her years in the legal academy, Robin has forged new fields of thought and launched new communities of practice. As a scholar of race and of family law, she brought the two together to create a field where none had existed. Before Robin's interventions, family law addressed issues of race in ways that can only be described as tokenistic. Scholars would raise race as an issue but not fully engage it or interrogate what race means in relation to family law. Enter Robin, who, into this void, wrote powerfully and eloquently about how our very idea of family is shaped by notions of race, just as race in the United States can only be fully understood in relation to family. Her seminal articles cover diverse subjects ranging from *Marriage as Black Citizenship?*,² *The Color of Kinship*,³ and *Whitewashing the*

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*** Professor of Law, Fordham University School of Law. These remarks were delivered as part of an event honoring departing faculty members at Fordham Law School in the spring of 2020. The text of these remarks has been lightly edited and footnoted. For an overview of the corresponding Tribute, see *Foreword: Celebrating a Lasting Legacy*, 89 FORDHAM L. REV. ONLINE 1 (2020).

1. R.A. LENHARDT, RACE, LAW, AND FAMILY IN AN AMERICAN CITY: THE UNTOLD STORY OF *MOORE V. CITY OF EAST CLEVELAND* (forthcoming).

2. R.A. Lenhardt, *Marriage as Black Citizenship?*, 66 HASTINGS L.J. 1317 (2015).

3. R.A. Lenhardt, *The Color of Kinship*, 102 IOWA L. REV. 2071 (2017).

Family,⁴ to groundbreaking excavations of the histories behind canonical cases, including *Perez v. Sharp*,⁵ *Loving v. Virginia*,⁶ and most recently *Moore v. City of East Cleveland*.⁷

Even as she reconfigures our understanding of history in order to better understand the present, Robin has an uncanny ability to foresee what is to come. For just one example, long before the U.S. Supreme Court decided *Obergefell v. Hodges*⁸ in 2015 and finally legitimized gay marriage, Robin predicted the outcome of the case and convened members of the Fordham Law faculty to write pieces in anticipation of the change. The *Fordham Law Review* published the essays shortly after the decision was handed down.⁹ She and her colleagues thus set the terms of much of the scholarly conversation that followed.

Robin's scholarship reaches beyond the realm of theory to create change in practice. There is no better illustration of this than the proposal she makes in her article *Race Audits*.¹⁰ In *Race Audits*, she starts with the insight that racial inequality today is much less the product of individual racism than of structural racism: "mechanisms that have created cumulative racial disadvantage across domains, time, and generations."¹¹ Once this is understood, she notes, it becomes clear that a quest for individual bad actors on whom to pin discrimination will never effectively address present inequality. Rather than continuing to search for intentional discriminators, as current legal doctrine demands, Robin proposes the race audit as a novel process through which localities and institutions can seek to identify and remedy the impact of the mechanisms that have led to racial inequality in their particular context.¹² The race audit is carried out by a "community of inquiry" at the level of the city or organization in question.¹³ Community leaders and experts come together to understand how structural inequalities began and developed over time in their particular setting and to design a locally-tailored response to move forward.¹⁴ The race audit is both a theoretical intervention in the scholarship of racial inequality and a practical blueprint for moving toward racial justice on the ground.¹⁵ It has found

4. R.A. Lenhardt, *Whitewashing the Family* (2020) (unpublished manuscript) (on file with R.A. Lenhardt).

5. 198 P.2d 17 (Cal. 1948); see generally R.A. Lenhardt, *Forgotten Lessons on Race, Law, and Marriage: The Story of Perez v. Sharp*, in RACE LAW STORIES 343 (Rachel F. Moran & Devon Wayne Carbado eds., 2008).

6. 388 U.S. 1 (1967); see generally R.A. Lenhardt, *Should We Be Loving Loving v. Virginia?*, 25 VA. J. SOC. POL'Y & L. 269 (2018).

7. 431 U.S. 494 (1977); see generally LENHARDT, *supra* note 1.

8. 135 S. Ct. 2584 (2015).

9. Forum, *Perspectives on Marriage Equality*, 84 FORDHAM L. REV. 1 (2015).

10. See generally R.A. Lenhardt, *Race Audits*, 62 HASTINGS L.J. 1527 (2011).

11. *Id.* at 1527.

12. *Id.* at 1534–35.

13. *Id.* at 1551.

14. *Id.* at 1551–52.

15. *Id.* at 1538.

resonance in multiple locations, including the Presbyterian Church (U.S.A.).¹⁶

The themes at the core of Robin’s academic work—belonging, equality, and racial justice—also characterize her engagement with other scholars, her work with students, and her outsized institutional influence everywhere she goes. Nowhere has this been more true than at Fordham Law. Indeed, Robin’s service to Fordham Law is unparalleled. Her work as chair of the appointments committee reconfigured our faculty, bringing in some of the Law School’s strongest scholars, teachers, and citizens. She is the founding director of Fordham Law’s Center on Race, Law and Justice, and in this capacity, she has brought together faculty and students from departments across the University to conduct and promote scholarly, interdisciplinary research and to help identify, analyze, and address the key racial justice challenges of our time. Beloved by students, Robin created a “Reading Race” book club to engage students and equip them with the knowledge necessary to confront emerging issues related to race, injustice, and disadvantage.

And although Robin is an accomplished researcher in her own right, it bears noting that she has spent an inordinate amount of time, perhaps more than most, mentoring young scholars in the field with respect to their own research and writing. Not often does someone of Robin’s caliber take the time to willingly, graciously, and often without recognition give so unstintingly of her time, sharing her experience and expertise, and encouraging others to achieve at the highest levels. What is particularly notable is that Robin has done all of this while balancing life as the parent of two amazing children.

Robin’s research, scholarship, institution building, mentorship, and general selflessness have enriched Fordham Law and the legal academy more broadly. To say our community will miss her doesn’t even scratch the surface.

16. See, e.g., Gail Strange, *Advocacy Committee for Racial Ethnic Concerns Committee Briefing Outlines Desired Outcomes*, PRESBYTERIAN CHURCH (U.S.A.) (June 18, 2018), <https://www.pcusa.org/news/2018/6/18/advocacy-committee-racial-ethnic-concerns-committee/> [<https://perma.cc/6Q94-54DL>] (describing how the Presbyterian Church (U.S.A.)’s Advocacy Committee on Racial Concerns would recommend that the Church’s General Assembly require “race audits of all six [Presbyterian Church (U.S.A.)] agencies”).