

“THE FIRST LADY OF AMERICAN LAW: HELEN SILVING-RYU (1906-1993)”

BY

DR. REUT PAZ*

On July 11th, 2016, Dr. Reut Paz gave a talk titled “The First Lady of American Law: Helen Silving-Ryu (1906-1993)” as part of the Comparative Legal Gender Studies Network-Project.

Dr. Paz started by talking about what led her to research Helen Silving-Ryu. It began after she wrote her book “A Gateway between a Distant God and a Cruel World – The Contribution of Jewish German-Speaking scholars to International Law” in which she analyzes the scholarly contributions and biographies of four German-speaking Jewish legal scholars namely, Erich Kaufmann, Hans Kelsen, Hersch Zvi Lauterpacht and Hans J. Morgenthau. After examining the contribution of these men Paz began to wonder about the possible voices of their female contemporaries.

Dr. Paz considered Helen Silving-Ryu’s history and work important for several reasons.

For one, the history of international law would not be complete without the women who contributed to it. Furthermore, Dr. Paz explained that Helen Silving-Ryu might have brought a contradictory perspective to the masculine, global perspective. Arguably, minorities bring contrasting alternatives to normative frameworks. This makes studying scholars like Helen Silving-Ryu who represents an intersectionality of gender, ‘race’ and religious minorities most significant

Lastly, since Silving had to escape Europe, she brought all of her cultural heritage from Poland/Vienna to the United States of America.

Helen Silving Ryu was born on March 8, 1906 to a Jewish orthodox and bourgeois family in Galicia, Poland. She was originally called Henda Silberpfennig, which was a name that she inherited from the grandmother who was the first female banker in Krakow. By age seven, she spoke Polish, German, French and Hebrew. She received degrees in political science and law from the University of Vienna, where she was mentored by Hans Kelsen. Kelsen invited her to participate in his “Wiener Schule”. That was seen as extraordinary given Silving-Ryu was only 21 years old at the time and the seminar was designed for professors and post-doctoral researchers.

During her time in Vienna with Kelsen, she continued being a practicing Jew and shred these practices with Kelsen even though he considered all religious ritual to be primitive.

* Postdoc in SFB/TRR 138 „Dynamics of Securitization“ for the project „Collective Securitization“, Chair of Public Law and International Law, Justus-Liebig-Universität Gießen (Prof. Dr. Thilo Marauhn).

Silving-Ryu managed to escape Europe just in time; after a failed love affair/engagement she applied for a visa for the United States. Kelsen who also escaped Europe accidentally met Silving again in Cambridge, Massachusetts and she started working for him at Harvard University.

In Harvard, Silving-Ryu met her husband, a Korean law professor, Paul Ryu who shared Silving's legal and political interests.

She worked at a law firm and as an alien property custodian. Being unable to find the work position that she wanted, she returned to university and received a US law degree from Columbia University. Subsequently, she was admitted to the Bar in New York.

In 1956, Kelsen recommended her for a Professorship in Criminal law at the law faculty of Puerto Rico that was originally intended for him. Silving-Ryu was accepted for the position and thus became the first female law professor in the United States.

Her professorship was in criminal law but she did research on a wide array of subjects ranging from legal theory, international legal jurisprudence, philosophy of law, criminal comparative law, international criminal law and legal history to research about the meaning of legal language.

Even though Silving-Ryu had a close working relationship with Kelsen, Kelsen's biographers neglect to mention her for the most part.

Ultimately Dr. Paz concluded that the questions that need to be asked is not only who are the people—especially women—who are excluded from the international legal narrative. But also why and how are they being excluded?

Stefanie Fahlbusch