



Sherry F. Colb

May 3, 1966 – August 25, 2022

Sherry F. Colb, the C.S. Wong Professor of Law, died at her home in Ithaca on August 25, 2022. She was 56.

A beloved teacher and prolific scholar, Sherry's interests and passions ranged widely. She taught courses and published influential works on criminal procedure, evidence, feminist legal theory, mental health law, and animal rights. For over two decades, she wrote a bi-weekly online column for non-specialist readers, first for FindLaw's *Writ* and then for Justia's *Verdict*. She also regularly wrote for *Dorf on Law*, the eponymous blog of her colleague and husband of 31 years.

Sherry was born in New York City on May 3, 1966, to parents Clara and Ben-Zion Colb, who were Holocaust survivors. Ben-Zion, who died when Sherry was only six years old, was a key figure in an effort by European Jews to rescue as many of their fellow Jews from the Nazis as possible. At great risk to himself, he smuggled over a thousand Jews (many of them children) out of Nazi-occupied lands. A collection at the Holocaust Museum in Washington, D.C. memorializes his heroic work, which played an important role in Sherry's scholarship. She explained that influence in her 2015 article *Decoding Never Again* in the Rutgers Journal of Law and Religion.

Sherry attended Ramaz High School, where she was valedictorian. She was also the valedictorian of her undergraduate class (the second one to admit women) at Columbia University, where she majored in psychology. Next, she attended Harvard Law School, from which she graduated *magna cum laude*. En route to her Harvard degree, she took courses at the University of Southern California so she could be near her husband, who was then working in Los Angeles. At USC, Sherry developed professional relationships with three faculty members who would prove to be key mentors in mental health law, feminism, and criminal procedure— respectively Elyn Saks, Nomi Stolzenberg, and Erwin Chemerinsky (now Dean of UC Berkeley School of Law).

Following law school, Sherry served as a law clerk for Judge Wilfred Feinberg of the U.S. Court of Appeals for the Second Circuit and then for Justice Harry A. Blackmun of the Supreme Court of the United States. She entered the legal academy in 1993 as an assistant professor at Rutgers Law School, for two years at the Camden campus, then moving to the Newark campus, where she received tenure and served as the Judge Frederick Lacey Scholar. Sherry was also a visiting professor at the University of Pennsylvania Law School and then at Columbia Law School. She moved permanently to Cornell in 2008, where she was the Charles Evans Hughes Scholar before being named the inaugural occupant of the C.S. Wong Chair in 2019.

As a teacher, Sherry was known for her ability to render complex concepts comprehensible, her sense of humor, and her attentiveness to students' wellbeing. Even in classes with enrollments of over a hundred, she learned the names of all of her students and attended to their personal triumphs and struggles. In 2012, Sherry received the Anne Lukingbeal Award, given annually to a faculty or staff member for outstanding contributions to the women of Cornell. She was twice chosen by graduating students as the faculty speaker at commencement, once at Rutgers and once at Cornell. In her remarks at the 2018 Cornell Law School graduation, she urged students not to succumb to impostor syndrome and used the occasion to spotlight racial injustice in policing, then, as now, a matter of urgent concern.

How to rein in an often-overzealous criminal justice system was also a subject of many of Sherry's popular essays and four of her most influential scholarly articles: *Freedom from Incarceration: Why is this Right Different From All Other Rights?* (NYU Law Review 1994); *Innocence, Privacy, and Targeting in Fourth Amendment Jurisprudence* (Columbia Law Review 1996); *The Qualitative Dimension of Fourth Amendment "Reasonableness"* (Columbia Law Review 1998); and *What is a Search? Two Conceptual Flaws in Fourth Amendment Doctrine and Some Hints of a Remedy* (Stanford Law Review 2002). However, Sherry was also sensitive to society's need for order. She began her criminal procedure class each year by asking students to identify the harms that private actors inflict on one another when crime goes unchecked as well as the harms that arise out of the abuse of police power—quickly bringing them to the realization that anarchy and authoritarianism present mirroring evils. Even so, Sherry's sympathies were generally with the oppressed. In 2001, long before the most recent wave of attention to racist policing, Sherry proposed in *Stopping a Moving Target* (Rutgers Race & the Law Review) that traffic stops for nonviolent offenses should be drastically curtailed.

Sherry's identification with the underdog was especially prominent in her commitment to animal rights. She became a vegan in 2006 and in most years taught a course in animal rights. Believing that resistance to animal rights was more a matter of attachment to familiar habits than of considered moral judgment, she baked vegan desserts for each class. To break down misconceptions about animals' capacities, she took each class of animal rights students on a field trip to Farm Sanctuary in Watkins Glen. She served as the faculty advisor to law school and undergraduate animal rights organizations. She frequently wrote columns and blog posts on animal rights themes and spoke at animal rights conferences and on radio shows.

Sherry's 2013 book *Mind If Order the Cheeseburger? And Other Questions People Ask Vegans* (Lantern Books) continues to serve both as a brief for veganism and a tool for new vegans confronting puzzling questions. The book favors gentle persuasion over polemic. As Jeffrey Moussaieff Masson writes in the Foreword, Sherry "is both very good at reasoning and very good at being reasonable. There is nothing fanatic about this book." Its thirteen chapters take seriously and patiently answer questions that are often asked in bad faith, including chapters titled "What About Plants?," "Don't Animals Eat Other Animals?," and "Are You Against Abortion?."

That last question so intrigued Sherry that she returned to it in another book. In *Beating Hearts: Abortion and Animal Rights* (Columbia University Press 2016), Sherry and her co-author, her colleague and husband Michael C. Dorf, asked whether one can consistently espouse the rights of animals but not human fetuses. The book reconciles animal rights with abortion rights by positing that sentient beings of all species have moral rights but noting that the vast majority of abortions occur before a fetus achieves sentience.

Throughout her career, much of Sherry's scholarship focused on pregnancy, abortion, and sex equality. Her first scholarly article was *Words that Deny, Devalue, and Punish: Judicial Responses to Fetus Envy?* (Boston University Law Review 1992). It dissected the shoddy legal reasoning of cases that treated men's and women's contributions to reproduction as indistinguishable. Sherry's first book, *When Sex Counts: Making Babies and Making Law* (Rowman & Littlefield 2007) tackled a wide range of issues, with chapters on rape, fertility treatment, public breastfeeding, surrogacy, sex-selection abortion, and more. During the last months of her life, Sherry wrote a series of searing columns and blog posts excoriating the Supreme Court for both the outcome and tone-deafness of Justice Samuel Alito's opinion eliminating a constitutional right to abortion.

Sherry lived a rich life outside the law as well. She served as a volunteer mediator at the Community Dispute Resolution Center in Ithaca. Even before becoming a certified mediator, she sought to make peace between her two daughters. She took her dogs on long walks on the South Hill Recreation Trail. She was always keen to experiment in the kitchen with a new (vegan) recipe. A gifted pianist who could hear a song once and then play it, she enjoyed sharing music, books, movies, travel, and everything else with family and friends.

Sherry is survived by her husband Michael, daughters Meena Colbdorf and Amelia Colbdorf, brothers Mark Colb and Melvin Colb, eight nieces and nephews, and seven grand-nieces and grand-nephews.

Written by Michael C. Dorf