

Nadine Taub, Early Leader in Women's Rights Law, Dies at 77

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Nadine Taub in about 1980. She litigated cases for rape victims, for women seeking access to abortion and for employees battling workplace discrimination and sexual harassment. Credit...via Olof Widlund

By [Penelope Green](#)

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In the early 1970s, Nadine Taub was one of a cadre of young female lawyers breaking new ground by fighting gender discrimination. Along with Ruth Bader Ginsburg, Nancy Stearns and others, she made legal history in cases that successfully argued that equal rights for women were protected under the Constitution. She litigated cases for rape victims, for women seeking access to abortion and for employees battling workplace discrimination and sexual harassment.

“There weren’t many of us, and the field of women’s rights law was only just developing,” said Ms. Stearns, who as a lawyer with the Center for Constitutional Rights

was instrumental in the struggle to legalize abortion. “We all knew each other. We were among the young feminist progressive lawyers of our day, and it was a wonderful thing to have sisters doing what we were doing and believing what we believed.”

Ms. Taub, [a professor emerita at Rutgers Law School](#), died on June 16 at her home in Manhattan. She was 77. She had for decades struggled with Langerhans cell histiocytosis, a rare autoimmune disease, her husband, Olof Widlund, said in confirming her death.

In 1974, Ms. Taub represented a woman who had reported being raped and who was then held overnight in a Newark jail as a material witness in her own assault because the police believed that she was a prostitute. As she told the journalist Christine VanDeVelde for an article in [Savvy magazine](#) in 1988, she was rattled by the depth of her response to her client’s experience.

“The notion that this woman would be locked up and kept in a cell overnight after she had been raped was incredible,” Ms. Taub was quoted as saying. “In working on that case, how I felt physically was a revelation to me. I didn’t want my husband to touch me. There was an element of trust that was gone, and that feeling took a few days to dissipate.”

[Ms. Taub won the case](#) for her client, with a court order that the Newark Police Department end abuses of what was known as the material witness statute.

She also successfully represented the American Civil Liberties Union [in a landmark lawsuit against three private hospitals in New Jersey](#) that were denying women access to abortions. Ms. Taub argued that the hospitals were the only adequate health care providers in the area, and that by refusing to offer abortions, they were depriving the plaintiffs of their constitutional right to terminate a pregnancy.

“The ’70s was the dawn of women’s constitutional rights in the U.S.,” said Nan Hunter, a feminist legal theorist and professor at Georgetown Law who worked for the A.C.L.U. in New York in the 1980s and alongside Ms. Taub on a few cases. “Nadine was very much a part of that wave. Her legacy extends across precedent-setting cases, legal scholarship and legal education.”

Image

Sally Frank, who challenged Princeton University dining clubs that excluded women. She was both client and counsel in the case. Credit...Jeff Markowitz/Associated Press



Ms. Taub was the founder and director of the Women’s Rights Litigation Clinic at Rutgers. In the early 1970s, legal clinics like hers were both a new source of legal representation and an innovative educational tool, allowing students to work on real cases.

One such case was brought by a Princeton student, Sally Frank. In the spring of 1978, when she was a sophomore, Ms. Frank applied for membership — “bickered,” in Princeton parlance — in the all-male eating clubs there. After being denied twice, she asked the Rutgers clinic to take on her case, and she and Ms. Taub became a legal team.

The case centered on whether the clubs had a symbiotic relationship with the university and were therefore places of “public accommodation,” in which case they would be covered by New Jersey’s anti-discrimination law. Ms. Frank [won, but it took over a decade](#) to do so.

Ms. Frank recalled attending a Princeton class reunion in the 1980s and seeing eating club members selling T-shirts with a picture of her face on them (but given a mustache) along with the slogan “Better Dead Than Coed.”

She bought one for herself and Ms. Taub. (It was not until the early ’90s that the last of Princeton’s men-only undergraduate clubs were ordered by the courts to admit women.)

“Nadine was a role model and an incredible feminist,” Ms. Frank said of Ms. Taub in a phone interview. “She was a strategic thinker and a sharp litigator, and working with someone of that depth and commitment was a remarkable experience. She taught me how to be a lawyer.”

In 2017, when Rutgers honored Ms. Taub by creating a scholar's position in her name, her former colleague Jonathan Hyman, who had taught in Rutgers's constitutional litigation clinic, wrote how "her thrilling victories energized us all."

"Remember the days when some Princeton University eating clubs excluded women?" he continued. "Gone, despite powerful opposition, thanks to Nadine's work over many years. Is a hostile work environment illegal sex discrimination? Judge Herbert Stern of the U.S. District Court didn't think so. Nor, initially, did other courts. But Nadine got Judge Stern's decision reversed and made the hostile work environment a principal part of sex discrimination law."

Nadine Taub was born on Jan. 21, 1943, in Princeton, N.J. Her father, Abraham Haskell Taub, was a professor of mathematics who had taught at several universities and was working temporarily in Princeton at the time. Her mother, Cecilia (Vaslow) Taub, was a homemaker.

In addition to her husband, Mr. Widlund, who is also a mathematician — mathematicians often marry the daughters of mathematicians, he said — Ms. Taub is survived by her sister, Mara Taub, and her brother, Haskell.

Ms. Taub earned a B.A. in economics from Swarthmore College in 1964, and during the summers worked as a Head Start teacher in Mississippi. After graduating from Yale Law School in 1968, she provided legal services for the poor in the Bronx and then for the A.C.L.U., working out of a storefront in Newark. She joined the faculty of Rutgers Law School in 1973 and retired in 2000.

Ms. Taub was the co-author of several books and publications on women's rights and gender discrimination, including "Sex Discrimination and the Law: History, Practice and Theory" (1988).

She said her feminist thinking crystallized early in her career while she was working on a challenge to a statute restricting abortion. "In the process of putting on paper why control over reproduction was crucial for women," she said in the Savvy magazine article, "I really began to perceive all the ways women were confined and punished because of their reproductive functions."

Not all of Ms. Taub's clients were women. In 1977, she was one of three lawyers who won a discrimination case for Leon Goldfarb, a widower who had sued to receive his deceased wife's Social Security benefits. In the brief for the suit, Ms. Taub was joined by [Kathleen Peratis](#) and the future Supreme Court justice Ruth Bader Ginsburg, both from the Women's Rights Project at the A.C.L.U. (Justice Ginsburg was then a professor at Columbia Law School.)

As [Mr. Goldfarb told Anna Quindlen of The New York Times](#), "These ladies presented their cases beautifully."