INTRODUCTIONS

Q & A: WHY A WOMEN'S LAW JOURNAL?

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With this inaugural issue, the students of UCLA School of Law join the slowly increasing band of women's law journals.[1] In the 1990s these students and their successors will be asked — frequently — to justify their choice of focus. "Why a women's law

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1. The *Women's Rights Law Reporter*, published at Rutgers University School of Law beginning in 1971, appears to be the foremother of this movement. Published on an irregular schedule, in magazine size, and more oriented toward the feminist legal practitioner than the feminist legal scholar or teacher (almost none of whom existed until the 1980s), it still maintains significant differences from its "daughters." In 1977, the *Harvard Women's Law Journal*, which self-consciously set about to develop "a feminist jurisprudence," began publication and has appeared each year since. *See* Littleton, *In Search of a Feminist Jurisprudence*, 10 HARV. WOMEN'S L.J. 1 (1987) (introductory essay for the tenth anniversary). Since 1979, one issue each year of the *Golden Gate University Law Review* has been devoted to women's legal issues and separately titled as the *Women's Law Forum*, and in 1983, the *Journal of Law and Inequality* (University of Minnesota) began publication; while not a women's law journal, its first two issues focused exclusively on women's legal concerns, and it has continued to publish articles on women *qua* women, as well as on other historically and currently oppressed classes. In 1985, the *Berkeley Women's Law Journal* published its first volume, quickly followed by the *Wisconsin Women's Law Journal*. In the same year the *Canadian Journal of Women and the Law (Revue juridique la femme et le droit)* began publishing work by both Canadian and American feminist legal scholars. The late 1980s also saw the advent of the *Yale Journal of Law and Feminism* (1989) and the *Hastings Women's Law Journal* (1989). Entering the 1990s the acceleration continues, not only here at UCLA, but also at Columbia University (*Columbia Journal of Gender and Law*) as well as plans for a *Review of Law and Women's Studies* at USC. Related journals now working toward publication are the lesbian and gay/feminist *Journal of Law, Gender and Sexual Orientation* at Stanford and the lesbian feminist-inspired Tulane's *Journal of Law and Sexuality*. *See also* Heilbrun & Resnik, *Convergences: Law, Literature, and Feminism*, 99 YALE L.J. 1913, 1926 n.37 (1990) (listing of "Journals based at United States law schools devoted to women and the law").

journal?" many will ask.[2] "Do women really have concerns, viewpoints or issues that are different?"[3]

Such questions are easy, and the staff of the *Journal* will have no difficulty in formulating answers — thoughtful or offhand; respectful or snappy; depending on the interlocutor's tone and the respondent's mood. These questions were asked (and answered) in the 1960s, when women in the Free Speech Movement got tired of making coffee while the men made policy.[4] They were asked and answered in the 1970s, when women in law school got tired of always being the victim in the criminal law hypotheticals, never the lawyer.[5] (Almost unthinkable to be the judge or the professor!)[6] And they were asked and answered in the 1980s, when women lawyers and law professors got tired of treating sex discrimination law

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2. A few may follow up with the apparent observation that there are no *men's* law journals. Although this statement has a certain surface plausibility, a moment's thought is usually sufficient to realize that the lack of a gender modifier in front of a law review's name (or most proper nouns, for that matter) does not guarantee a lack of masculine gender in the history, composition, or orientation of the enterprise.

3. The reader may notice the reflexive positioning of men as the norm and women as the deviant class in this common formulation. The question is rarely posed as whether *men* have interests, concerns or issues that are "different" (i.e., different from those of women). No other feminist legal scholar has so persistently and eloquently deconstructed this tendency to locate difference in "the other" as Martha Minow. *See, e.g.*, M. MINOW, MAKING ALL THE DIFFERENCE: INCLUSION, EXCLUSION, AND AMERICAN LAW 15 (1990) ("I advocate a shift in the paradigm we use to conceive of difference, a shift from a focus on the distinctions between people to a focus on the relationships within which we notice and draw distinctions."); Minow, *Feminist Reason: Getting It and Losing It*, 38 J. LEGAL ED. 47 (1988); and Minow, *The Supreme Court 1986 Term — Foreword: Justice Engendered*, 101 HARV. L. REV. 10 (1987).

4. The rebirth of the dormant feminist movement in the United States in the 1960s was in part a response to male-radical insistence on using male-dominated hierarchical forms of political organization to accomplish important revolutionary ends. While men ran the meetings and formulated policy, women were relegated to 'nurturing' (making coffee) and 'arts and crafts' (painting placards and posters). Women, angered by this structure, formed women's consciousness-raising groups and, ultimately, political action groups that joined with other social protest movements of the time.

Menkel-Meadow, *Feminist Legal Theory, Critical Legal Studies, and Legal Education or "The Fem-Crits Go to Law School"*, 38 J. LEGAL ED. 61, 62 (1988) (footnotes omitted).

5. *See, e.g.*, Coombs, *Crime in the Stacks, or A Tale of a Text: A Feminist Response to a Criminal Law Textbook*, 38 J. LEGAL ED. 117 (1988); Erickson, *Sex Bias in Law School Courses: Some Common Issues*, 38 J. LEGAL ED. 101 (1988).

6. Even by 1985, when most law schools were approaching parity in numbers between male and female graduates, only 16.9% of judges were women. D. BOGUE, THE POPULATION OF THE UNITED STATES: HISTORICAL TRENDS AND FUTURE PROJECTIONS 532 (1985). *See also* Heilbrun & Resnik, *supra* note 1, at 1924–26 (Professor Resnik's account of both progress and continuing difficulties of women law professors).

as if its only function was to help men buy 3.2% beer,[7] get alimony,[8] avoid registering for the draft,[9] or avoid conviction for statutory rape.[10]

Harder questions will be asked, too. "Can you focus on *women* without ignoring, obscuring or distorting the deep divisions of race, class and sexual orientation in this society and in its law?"[11] No matter how automatic the answers to the easy questions become, the *Journal* staff will never be able to answer *this* question with a casual retort or a page of statistics. Answer it they surely will, but only through asking it of themselves over and over, as they have done this year. Indeed, the process of questioning our own projects must take place whether or not others provide the prompting. Because of its commendable and unusual commitment to diversity, UCLA routinely admits a student body that approaches parity of representation in racial and ethnic terms. Nonetheless, law students are still drawn primarily from relatively privileged sectors of the society. We, therefore, cannot assume that our own experience is sufficient for the development of feminist legal theory. Rather, we must continuously educate ourselves about women's commonality *and* diversity.

The students who founded this journal started asking questions of themselves from the very beginning. Some of these questions were mundane and practical: Can we create something out of nothing, meet publication deadlines, find funding sources? Other questions were more fundamental: How can we, as a group of relatively privileged women, capture and represent the reality of women's lives or experiences? How can we build and sustain coalitions among subsets within the broad description of "women," e.g., women of color, lesbians, women with disabilities?

I have no answers, easy or otherwise, for them. I am, however, profoundly glad that they are asking these questions.

I do not know, nor can I hope to forecast, how the students who now, or will in the future, occupy the potentially revolutionary role of editors of the *UCLA Women's Law Journal* will answer the many difficult questions of lived reality and dreamt utopia posed by

7. Craig v. Boren, 429 U.S. 190 (1976).
8. Orr v. Orr, 440 U.S. 268 (1979).
9. Rostker v. Goldberg, 453 U.S. 57 (1981).
10. Michael M. v. Superior Court, 450 U.S. 464 (1981).
11. *See, e.g.*, Crenshaw, *Demarginalizing the Intersection Between Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139 (answer: maybe); Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990) (answer: maybe not).

their feminist struggle. I can only hope that they will never stop asking the "woman question,"[12] in all its commonality and diversity, in all its stubbornness and inconvenience. I trust in them.

12. *See* Littleton, *Does It Still Make Sense to Talk About Women?*, 1 UCLA WOMEN'S L.J. 15 (1991).