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UCLA Women's Law Journal

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Journal

UCLA Women's Law Journal, 1(0)

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Publication Date

1991

DOI

10.5070/L311017543

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**WHY A WOMEN'S LAW JOURNAL /
LAW CENTER EXPERIENCE:
EPISODE XV / THE SEQUEL /
THE MOVIE / FILM AT 11:00**

Sheila James Kuehl*

Each time a new endeavor with the word "women" in its title begins, it is inevitably followed closely by the question, "Why does there need to be something just about/for women?" To me, the question raises the same feelings I experience when people who have caused an oil spill ask, "Why talk about the environment all the time?"

If women had been in control of designing dominant culture and, therefore, crafting cultural mythologies, we most assuredly would not have designed our life experiences the way men have designed them. No one seriously questions the fact that the design is fundamentally different for all women than it is for all men.

From the first moment of an infant's life, its parents are asked, "What is it?" Everyone knows immediately that the question concerns sex. The mere fact that the question does not require a modifier indicates the deepest cultural truth: Sex and, therefore, gender, are the most telling divisions in the human species. Tell me whether it is a boy or a girl and I will tell you how to treat it, how to think about it, what toys to buy it so it can grow up to kill or to nurture, to do violence or to suffer it, to aspire easily in the world or to wonder if it should aspire at all. I will tell you what it will (mythologically) be good at and what it will not. I will mark it with its own color and its own pronoun so there will never be any mistakes. I will not allow it to cross gender lines and be gay or lesbian, so as to not threaten the clear division. Any variations from rigid

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cultural definitions will be hard-won, by both women and men. No one can deny that the deep river of beliefs about "difference" permeates all our lives.

In 1978, a little band of students at Harvard decided, rather pugnaciously, to expand our one-time publication celebrating women who had gone to that law school into a full-scale Women's Law Journal. We were instantly asked why we needed a journal "just" about women. Except for Rutgers, which was irregularly publishing a wonderful kind of magazine, no one was even thinking that there needed to be such separate attention given to women. What legal issues are peculiar to women anyway? Isn't the law just human law?

In 1989, when Abby Leibman and I opened the Southern California Women's Law Center, the question, again, was "why?" Can it possibly be true that American jurisprudence, which builds its entire credibility on the mythology of equal treatment under the law, treats women differently?

The answer to both questions — why a women's law journal and why a women's law center — is like a rude and painful guest in one's heart, difficult to accept primarily because it requires a loss of innocence. Because the structure of both substantive and procedural law is one of the tools that makes the experience of women in America different from that of men, and because the law buttresses all other institutional biases, the entire endeavor of the law is tainted with gender biases, as well as with a panoply of biases based on other artificially created "differences."

In order to explore this potentially explosive assertion, which has been made by groups with the word "woman" in their title, the California Supreme Court created an Advisory Committee on Gender Bias in the Courts. The Advisory Committee conducted an official investigation of the existence, if any, and extent of gender bias in the judicial system. Naturally, since women have no credibility in society, there must be an "official" investigation in order to show the world what women have known all along: There is different treatment based on sex, and it exists in every facet of judicial proceedings.

As a member of California's Advisory Committee on Gender Bias in the Courts, I, along with thirty-three other women and men, including judges and a few lawyers, listened to more than one hundred hours of testimony, conducted a judicial survey, reviewed mountains of written materials and, after a three-and-one-half year study, concluded that there are a substantial number of ways in

which the law treats women and men differently. The Committee's eight hundred page report presented sixty-five recommendations for changes in court procedure and substantive law which were adopted unanimously by the Judicial Council in November of 1990. Now, of course, comes the hard part: implementation.

The Southern California Women's Law Center was established to assist legal and community service providers in helping women use the justice system to secure their civil rights. The Law Center was a response both to women's lack of access to the system and their lack of awareness of the current state of the law.

Using, criticizing, and changing the law are the Center's strategies for moving the balance of power between the sexes closer to the women's end of the board. At the outset, we identified six areas where the law most seriously affects the lives of women: sex discrimination in employment and education, reproductive freedom, child care, family law, and domestic violence.

We know that poor women, in particular, have little access to the small comforts of a slowly awakening legal system, and the Law Center provides knowledge and advocacy as a first step to empowerment in that system. Without help, women are left adrift in a system that does not recognize the realities of our lives. Without representation in family law matters, women are forced to provide the lioness's share of the real child support to their children, because in a great majority of family law cases, fathers either are not ordered to pay their fair share or do not pay when ordered. Only recently did the legislature enact a law requiring judges to take domestic violence into account in child custody matters. Before that time, California women were jeopardized each time a battering spouse was allowed visitation. As is so often the case, the law did not recognize women's experiences and, indeed, often placed them in further danger.

Lack of education about hard-won and still inadequate discrimination laws regarding pregnancy or sexual harassment in the workplace keeps many women defenseless against employers. Viewing the "normal" worker as a nonpregnant person with few family responsibilities defines women in the workplace as intrusive exceptions. Without regulations to implement California's sex discrimination in education prohibition, millions of California's girls suffer daily discrimination in athletics, counseling, and grading, as well as sexual harassment by teachers and administrators. That is why there is a Southern California Women's Law Center.

That is why we "still" need this *UCLA Women's Law Journal*. There is still a need for cultural whistle blowers, still a need to say, in print, *The Law Has No Clothes*. There is also a need for those who can help us all reason and feel our way out of this quagmire of injustice.

Feminist jurisprudence is based on the proclaimed validity of women's experience as a basis for crafting a legal system truly concerned with justice, not with the pretense of justice based on false equality. Some may argue that there is a downside to separating women out for special scrutiny in that people might think of women as different and treat them even worse. I do not think women would actually notice such a theoretical difference in their treatment. After all, no one in power relied on the excuse of feminist jurisprudence to support unequal treatment of women occurring before anyone heard that term.

This reminds me of a recurring question in the domestic violence movement. Battered women are told "a restraining order will just make him angry, and you'll be in danger." The truth: his anger is not caused by her behavior. She is already in danger, as are all women, and needs the help of the system to get out.

So, let's not blame the journals for needing to talk about women's experience. Let's blame those who craft the world so that women's experience differs from that of men. And let us also listen carefully to the variety of women's experiences generated by the matrix of difference: race, class, sexual orientation, age, physical condition, poverty. Then, let us say two things: "I see your life, and I see a commonality," and "I know your life, because it is also mine."

One final word. When I was a law student, I wanted my work in the profession to be devoted to securing the legal rights of women. Ten years after my graduation, after practicing and teaching, I was closer to that work but not in it. Now, as one of the Managing Directors of the Women's Law Center, I'm there.

Believe me, even if you have to design your own place to do your dream, it is worth it. My wish for this new journal, for its staff and readers: Do your dreams.