

# Gender and the Law

## Trends and Topics in Student Law Reviews

By Hannah Hayes

In 1970, when women were earning less than half of what men earned, 50,000 women marched on Fifth Avenue in New York in the National Organization for Women's "Women's Strike for Equality." Later that year, a U.S. Court of Appeals ruled that jobs held by men and women need to be "substantially equal" but not "identical" to fall under the protection of the Equal Pay Act.

That same year, one year before *Ms. Magazine* first appeared as an insert in *New York Magazine*, a small independent journal, the *Women's Rights Law Reporter*, was first published out of New York. At that time, fewer than 20 percent of students enrolled in law school were women. When Rutgers Law School began sponsoring the *Reporter* in 1974, it became the first student-driven law review to focus exclusively on women's rights law.

Today, there are 20 law reviews dedicated to women and gender issues, including two Internet-based law forums launched as recently as 2003. And while the days of burgeoning publications have ceased—in 1992 and 1993, six new reviews sprang up on law campuses across the country—there now exists an established yet varying collection of publications dedicated to gender issues, with expanding coverage and broadened horizons.

University of Mississippi law professor Michael Hoffheimer has compiled and edited the *Directory of Law Reviews* for LexisNexis since 1994. According to him, women's issues law reviews first appeared "at the height of the women's movement and published more in the 1990s, but new publications have slowed down in recent years." However, Hoffheimer

notes, while fewer new journals have appeared in recent years, this doesn't mean the good ones are in jeopardy, but rather that more gender-related articles are appearing in other journals and reviews.

### The Year of the Woman

According to the Association of American Law Schools, a nonprofit association of 166 law schools, the 1980s saw a "substantial change" in the makeup of the law school community as a result of the surge of women law students as well as increased affirmative action. By 1980, the number of women entering law school had crept up to 36.1 percent, and, as these numbers rose, not surprisingly so did the number of women's law reviews. By 1990, there were a total of seven, and this number doubled during the next three years.

Perhaps the biggest change came in 1991 when law professor Anita Hill testified at the Senate confirmation hearings for Supreme Court justice nominee Clarence Thomas that he subjected her to demeaning treatment and other forms of sexual harassment. At the time, there were approximately 55,000 female law students. The following year, a record number of women ran for public office, winning five seats in the U.S. Senate and 24 new seats in the House of Representatives.

Not surprisingly, 1992 was coined "The Year of the Woman." Four new law reviews examining women's issues sprang up in 1992, with two more following in 1993.

Patricia Cain, Vice Provost and law professor at University of Iowa Law School, participated in the early development of law reviews at Berkeley, USC, and University of Texas. In the mid-1970s, Cain met

resistance when she advocated for Women and Law courses at the University of Texas. Besides questioning whether there would be enough material, it was looked upon as a "fad" or a temporary issue. "All of that has proved to be wrong, of course," says Cain. "There is still a core group of scholars around the country who are focusing on issues of gender in relation to the law."

Cain speculates that by the early 1990s many journals had become established and it was more acceptable for law schools to support such journals.

The end of the 1990s saw the launch of three more print publications, and in 2000, the Villanova *Women's Law Forum* became the first online journal. Most recently, the *Michigan State Journal of Gender Law* went online in 2003.

### Expanding Missions

While many journals began with a clear mandate to include more women's voices in the law, their mission has evolved and broadened. Two early journals, the *Harvard Women's Law Journal* (first published in 1978) and the *Berkeley Women's Law Journal* (1984), for example, have expanded their mandate from covering "women's issues" to gender-related social justice, becoming the *Harvard*

## Women's Law Reviews by Year of Introduction

Women's Rights Law Reporter (Rutgers)	1970	<a href="http://law.newardk.rutgers.edu/students_journals.html">http://law.newardk.rutgers.edu/students_journals.html</a>
Harvard Women's Law Journal (became Harvard Journal of Law & Gender)	1978	<a href="http://www.law.harvard.edu/students/orgs/jlg">www.law.harvard.edu/students/orgs/jlg</a>
Berkeley Women's Law Journal (became Berkeley Journal of Gender, Law & Justice)	1984	<a href="http://www.boalt.org/bwlj">www.boalt.org/bwlj</a>
Wisconsin Women's Law Journal	1985	<a href="http://www.law.wisc.edu/students/wwlj">www.law.wisc.edu/students/wwlj</a>
Yale Journal of Law and Feminism	1987	<a href="http://www.yale.edu/lawnfem/feminists.html">www.yale.edu/lawnfem/feminists.html</a>
Hastings Women's Law Journal	1989	<a href="http://w3.uchastings.edu/womenslj">w3.uchastings.edu/womenslj</a>
Columbia Journal of Gender and Law	1989	<a href="http://www.columbia.edu/cu/jgl">www.columbia.edu/cu/jgl</a>
Texas Journal of Women and the Law	1990	<a href="http://www.utexas.edu/law/journals/tjwl">www.utexas.edu/law/journals/tjwl</a>
UCLA Women's Law Journal	1991	<a href="http://www.law.ucla.edu/wlj">www.law.ucla.edu/wlj</a>
Buffalo Women's Law Journal	1992	<a href="http://wings.buffalo.edu/law/bwlj">http://wings.buffalo.edu/law/bwlj</a>
American University Journal of Gender, Social Policy & the Law	1992	<a href="http://www.wcl.american.edu/journal/genderlaw">www.wcl.american.edu/journal/genderlaw</a>
Southern California Review of Law and Women's Studies	1992	<a href="http://www.rcf.usc.edu/~rlaws">www.rcf.usc.edu/~rlaws</a>
Cardozo Women's Law Journal	1993	Benjamin N. Cardozo School of Law 212-790-0239; fax 212-790-0200
Michigan Journal of Gender & Law	1993	<a href="http://students.law.umich.edu/mjgl">http://students.law.umich.edu/mjgl</a>
William and Mary Journal of Women and the Law	1993	<a href="http://www.wm.edu/law/publications/jwal">www.wm.edu/law/publications/jwal</a>
Duke Journal of Gender Law & Policy	1994	<a href="http://www.law.duke.edu/journals/djglp">www.law.duke.edu/journals/djglp</a>
Journal of Gender, Race and Justice (Iowa)	1997	<a href="http://www.law.uiowa.edu/journals/grj">www.law.uiowa.edu/journals/grj</a>
Georgetown Journal of Gender and the Law	1998	<a href="http://www.law.georgetown.edu/journals/gender">www.law.georgetown.edu/journals/gender</a>
Women's Law Forum (Villanova)	2000	<a href="http://www.law.villanova.edu/scholarlyresources/journals/womenslawforum">www.law.villanova.edu/scholarlyresources/journals/womenslawforum</a>
Michigan State Journal of Gender Law	2003	<a href="http://www.msu.edu/~wlfgr">www.msu.edu/~wlfgr</a>

*Journal of Law & Gender* and the *Berkeley Journal of Gender, Law & Justice*, respectively.

"We have broadened our mission somewhat to include and address a wider variety of gender issues," says *Harvard Journal of Law & Gender* editor Laura Einhorn. "But we still generally approach things from a feminist perspective and continue to focus on advancing women's rights."

In its mission statement, *The Hasting Women's Law Journal* offers "inclusive space for feminism, race theory, multi-culturalism, animal rights, disability rights, language rights, international human rights, criminal defendants' rights and prisoners' rights, among others."

"The journal began in reaction to a culture that did not value women, and in its current form, gives voice to communities who have not traditionally been heard," says editor Rebecca Green.

Similarly, the *UCLA Women's Law Journal* was first published in 1991, asserting itself as one of the first journals in the country to "address issues of gender, race and sexual orientation."

### The Feminist Challenge

Several journals were also founded with a conscious decision to avoid what were perceived as patriarchal structures. The *Michigan Journal of*

*Gender & Law* was organized from its inception in a nontraditional, non-hierarchical structure. Three committees make up the core structure of the *Journal*, and members make decisions within committees on a majority basis. Each committee is overseen by an elected coordinator, who manages the committee's responsibilities and serves as a liaison to other committee coordinators.

"We encourage our staff editors to participate in the functions of the *Journal* that most interest them," says Emily LaCroix, current editor. "This includes article editing, solicitation of new articles, technical production of the final draft, and student writing development." The *Michigan Journal of Gender & Law* also holds annual membership drives within all the classes.

The *Yale Journal of Law and Feminism* also stresses "feminist values" and encourages open participation as well as collective decision making.

### Not Just for Women Anymore

Perhaps the biggest impact made by these journals can be seen in the topics appearing in other law reviews. "There are more issues of gender making their way into the other journals that are not specific to women," Hoffheimer says.

Jayne Barnard, faculty advisor for

the *William and Mary Journal of Women and the Law*, agrees. "There's a lot of interesting work—not just about women but gender—that includes tax and corporate work, as well as human rights," she points out. "What might have once been nontraditional now is very much part of the discussion."

Furthermore, many of these journals are now well established and publish more frequently. *The Duke Journal of Gender Law and Policy* recently began publishing twice yearly, as has the *Harvard Journal of Law & Gender*. The *Georgetown Journal of Gender and the Law* moved to publishing three times a year. The University of Iowa's *Journal of Gender, Race and Justice*, which was launched only 10 years ago, also has plans to move to three issues annually.

But while the number of new law reviews has tapered off, this trend shouldn't be alarming. "My impression is that there's not a particular problem because you see more broadened issues of gender appearing in other journals," Michael Hoffheimer says. "It doesn't appear that these journals are in jeopardy." 📍

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