

# Looking Back, Looking Forward: *Changes on Our 20th Anniversary That Reflect Our Founding Commitments*

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*“The overarching triumph of the new name is the accurate reflection of the mandate of our journal and the mission of our members. We celebrate the incorporation of the word ‘gender,’ which has the flexible potential to include all underrepresented genders and the intentional separation of the words ‘law’ and ‘justice,’ illustrating that oftentimes they are not one in the same. We work with one. We work toward another.”<sup>1</sup>*

*“...We looked inside ourselves and mustered the courage and stamina to really listen to each other and consider change. To me, the new title reflects consideration of the voices of women of color on the journal, queer women, trans women, white women and other members who came together to make the name reflect our mandate, celebrate our past, and have new potential for growth and inclusion.”<sup>2</sup>*

The pages of this volume, and particularly this commentary section, are a celebration of twenty years of the *Berkeley Women’s Law Journal*. Volume 20 is also the first edition published as the *Berkeley Journal of Gender, Law &*

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†. Editor in Chief, *Berkeley Journal of Gender, Law & Justice*, a continuation of *Berkeley Women’s Law Journal*, 2004-05; J.D. cand., Boalt Hall School of Law; B.A., Yale University, 2002. I would like to thank the members of the *Journal* during the 2004-05 year for their collective willingness to engage in the conversations, debates, and voting that culminated in our decision to change the *Journal’s* name. This commentary is dedicated to and springs from each one of you. Thanks also to Ritu Bhatnagar for her invaluable editorial assistance and to Jill Adams, Emily Schaeffer, and Abby Lloyd whose inspiring words offer the perfect introduction to this piece. Most of all, I thank my parents, Deborah and William Schmid, for offering guidance throughout this long process and supporting the *Journal’s* title change when it was only an idea without a voice or a name.

1. Letter from *Berkeley Journal of Gender, Law & Justice*, a continuation of *Berkeley Women’s Law Journal*, to Alumni, Advisory Board, Friends, Sponsors, and Subscribers (Feb. 16, 2005) [hereinafter Letter from *BGLJ*] (quoting Emily Schaeffer and Jill Adams) (on file with the *Berkeley Journal of Gender, Law & Justice*).
2. Letter from *BGLJ*, (quoting Abby Lloyd).

*Justice*, and these pages are also a celebration of the *Journal's* evolution. This has been a landmark year for the *Journal* – one that presented us with a unique and critical opportunity to engage in self-assessment, self-critique, and self-reflection. Changes to both the *Journal's* name and its cover design, beginning with this 20th Anniversary volume, are a direct result of this undertaking. Yet, rather than signaling a change in direction, our new name reflects our long-standing commitment to our mandate:

Our mandate is to publish research, analysis, narrative, theory, and commentary that address the lives and struggles of underrepresented women. We believe that excellence in feminist legal scholarship requires critical examination of the intersection of gender with one or more other axes of subordination including, but not limited to, race, class, sexual orientation, and disability. Therefore, discussions of 'women's issues' that treat women as a monolithic group do not fall within our mandate. Because conditions of inequality are continually changing our mandate is continually evolving.<sup>3</sup>

The use of "women," "feminist," and "gender," within the mandate are indicative of the depth, breadth, and mission which has always guided our unique *Journal*; and it is this nuanced multiplicity which we have chosen to further emphasize by changing our name. Our mandate has changed several times over the years in response to members' desires that the *Journal* recognize crucial evolution in the terms which govern feminist debate and are embodied in critical feminist, critical race, and queer legal scholarship and theory.<sup>4</sup> So too should our name be responsive to evolutions amongst the membership and the scholarship, rather than remaining a static entity.

The changes to our cover design arose out of a similar desire to more purposefully and publicly infuse our governing mandate into the pages of this volume, and those to come. The literal intersection of a key phrase from our mandate "scholarship requires critical examination of the intersection of gender with one or more other axes of subordination" with our title symbolizes our

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3. See 20 BERKELEY J. GENDER L. & JUST. Editorial Page (2005). This version of the mandate has been in existence since Volume 11 was published in 1996. See 11 BERKELEY WOMEN'S L. J. Editorial Page (1996). Yet the roots of our mandate have existed since the founding of the *Journal*: "At the outset we formulated our priorities: to give voice to the complex and varying perspectives reflecting the legal concerns of all women, especially the women of color, lesbians, disabled women and poor women whose voices have been severely underrepresented in existing literature." 1 BERKELEY WOMEN'S L. J. Editorial Page (Fall 1985). These founding principles carried the *Journal* through its first six volumes until 1992 when a formal mandate, similar to the one that governs our organization today, first appeared. 7 BERKELEY WOMEN'S L. J. Editorial Page (1992) ("Our mandate is to publish research, analysis, and commentary that address the lives and struggles of underrepresented women, such as women of color, poor women, lesbians and disabled women. We believe that excellence in feminist legal scholarship requires critical examination of categories such as race, class, sexual orientation, and disability as well as gender. Therefore, discussions of 'women's issues' that treat women as a monolithic group do not fall within our mandate.").

4. See *id.*

commitment to scholarship that is intersectional in both approach and analysis.

Nor have we been alone in this process of self-assessment and self-reflection. The oldest women's law journal in the nation – the *Harvard Women's Law Journal* – recently announced that after twenty-seven years they have changed their name to the *Harvard Journal of Law & Gender*.<sup>5</sup> In their announcement, the Editors-in-Chief described a series of animating concerns quite similar to our own:

Choosing the *Harvard Journal of Law & Gender* as our new name indicates our unwillingness to rely upon essentialist arguments based on biological sex or to demarcate any set of issues within the legal terrain as exclusive to women. At the same time, problems that disproportionately affect women are gendered issues, and as such, they will continue to be the central focus of our *Journal*. Our new name also more broadly encompasses our concerns with other mechanisms of power – such as race, class, and sexuality – that intersect with gender in rich and complicated ways.<sup>6</sup>

We applaud our sister publication for courageously embarking upon this journey with us as gender law journals dedicated to publishing cutting-edge intersectional scholarship.

Since 1999, eighteen law journals have been dedicated to publishing scholarship pertaining to women, gender, and feminism. Nine of those journals currently use “women” in their title,<sup>7</sup> eight use “gender,”<sup>8</sup> and one journal uses “feminism.”<sup>9</sup> Yet as Twila Perry stresses in her recent article on the mission of feminist law journals, it is not so much what is in a name that matters, but rather whether a journal is guided by a mission, and if so, whether the members are critically assessing what that mission is.<sup>10</sup> When the *Berkeley Women's Law*

5. E-mail from Naomi Schoenbaum and Katie Wiik, Editors-in-Chief, *Harvard Journal of Law & Gender*, to Stephanie L. Schmid, Editor-in-Chief, *Berkeley Journal of Gender, Law & Justice* (Feb. 21, 2005) (on file with author); see also *Harvard Journal of Law & Gender, Announcing Our New Name*, at <http://www.law.harvard.edu/students/orgs/wlj/general/name.php> (last visited Mar. 21, 2005).

6. *Id.*

7. *Women's Rights Law Reporter* published by Rutgers University and founded in 1971; *Wisconsin Women's Law Journal* (1985); *Hastings Women's Law Journal* (1989); *UCLA Women's Law Journal* (1991); *Buffalo Women's Law Journal*, formerly *Circles: The Buffalo Women's Law Journal of Law and Social Policy* (1992); *Texas Journal of Women and the Law* (1992); *Southern California Review of Law and Women's Studies* (1992); *Cardozo Women's Law Journal* (1993); *William & Mary Journal of Women and the Law* (1994).

8. *Harvard Journal of Law & Gender*, formerly *Harvard Women's Law Journal* (1978); *Berkeley Journal of Gender, Law & Justice*, a continuation of *Berkeley Women's Law Journal* (1985); *Columbia Journal of Gender and Law* (1991); *Journal of Gender Social Policy and the Law*, formerly *American University Journal of Gender & the Law* (1993); *Michigan Journal of Gender & Law* (1993); *Duke Journal of Gender Law and Policy* (1994); *Journal of Gender, Race and Justice* (University of Iowa, 1997); *Georgetown Journal of Gender and the Law* (1999).

9. *Yale Journal of Law and Feminism* (1989).

10. Twila L. Perry, *Diversity, Discourse, and the Mission of the Feminist Law Journal*, 12

*Journal's* formal publishing mandate first appeared in 1992, only the *UCLA Women's Law Journal*, founded the year before, was guided by a similar mission.<sup>11</sup> Today, other feminist law journals have joined us in formulating progressive missions aimed at recognizing and honoring the differences and multiplicities of women's experiences in order to give voice to those that have previously been silenced.<sup>12</sup>

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COLUM. J. GENDER & L. 466, 468 (2003). Professor Perry's article grew out of a symposium hosted by *Columbia Journal of Gender and Law* on "Why a Feminist Law Journal?" and I commend all of the proceedings and pieces stemming from this critical symposium and published in Volume 12 to those interested in the future of feminist law journals. See *Symposium: Why a Feminist Law Journal?*, 12 COLUM. J. OF GENDER & L. 407, 407-672 (2003).

11. See Herma Hill Kay, *Berkeley Women's Law Journal: Ten Years of Giving Voice to Underrepresented Women and Their Concerns*, 10 BERKELEY WOMEN'S L.J. 1, 8 (1995). The founding Editors-in-Chief of the *UCLA Women's Law Journal* wrote:

The *UCLA Women's Law Journal* is committed to diversity within feminist legal scholarship. We believe that feminist scholarship must endeavor to encompass the experiences of all women. Although we recognize the challenges ahead, we hope to place at the center of our journal the perspectives of women of color, lesbians, impoverished women, physically challenged women, and other underrepresented voices. The touchstone of a more encompassing feminist jurisprudence is acknowledging difference with accuracy and without exclusion. But although focusing on characteristics such as race, ethnicity, sexual orientation, class, age, and religion may help us to identify our own essentialist assumptions about 'women,' ultimately we reject the practice of separating human beings into categories because our culture attaches stigma to difference. The danger of identifying a 'different' experience lies in the very word 'different': even that word choice reaffirms the centrality of the 'essential' white middle class heterosexual woman. We must continue to take steps toward encompassing all women with a keen awareness of our own self-centricity. In the words of Audre Lorde, 'if I fail to recognize [others] as other faces of myself, then I am contributing not only to each of their oppressions but also to my own . . . I am not free while any woman is unfree, even when her shackles are very different from my own.'

Stephanie H. Villafuerte & Laura E. Reece, *Foreword*, 1 UCLA WOMEN'S L.J. 1 (1991) (internal citations omitted) (emphasis in original); see also *UCLA Women's Law Journal, WLJ's Commitment to Diversity Within Feminist Legal Scholarship*, at <http://www1.law.ucla.edu/~wlj/> (last visited Mar. 23, 2005).

12. See, e.g., *Hastings Women's Law Journal*, at <http://w3.uchastings.edu/womenslj/index.html> (last visited Feb. 28, 2005) ("Since 1989, the *Hastings Women's Law Journal* has provided a forum for voices outside the traditional scope of legal academic scholarship. We offer and maintain an 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. HWLJ takes the road less traveled in regard to the law. This perspective embraces difference and celebrates diversity. Staffed entirely by students and volunteers, HWLJ publishes twice a year - giving its subscribers access to discussions on cutting edge issues which many law journals either avoid or ignore. We are a progressive, diverse, open, and forward-looking collective of individuals working together to widen the scope of legal scholarship. To this end, HWLJ publishes works of literature, poems, book reviews, personal pieces, and, of course, legal analysis. We strongly believe that the law is a *solution* for the ills of the human condition, not merely a means of gaining and preserving privilege and position.") (emphasis in original); see also *Journal of Gender, Race and Justice*, at <http://www.law.uiowa.edu/journals/grj/journal.php> (last visited Feb. 28, 2005) ("The *Journal of Gender, Race & Justice* published its first issue in the fall of 1997, and is not a journal for the weak of heart or the timid of spirit. Feminist inquiry and critical race analysis are the touchstones of our endeavor. Our building blocks are new forms of analysis which reach beyond traditional conceptions of legal thought. We challenge our

It is this shared commitment to publishing cutting-edge, intersectional scholarship which gives voice to underrepresented women that the *Berkeley Journal of Gender, Law & Justice* celebrates today, on the occasion of our 20th Anniversary and the publication of our 20th volume. The changes to our name and our cover are symbols of our strong commitment to this mission and to our mandate, which have guided us since our founding. It is our fervent hope that future anniversaries of *BGLJ* will be celebrated along with an even larger number of feminist law journals, employing a variety of names, yet all joined together in this critical mission. For as Perry counsels, “regardless of a journal’s name, it is important that those who publish it continue to think about . . . the journal[’s]. . . mission;” a “feminist mission [which] must go beyond issues of gender subordination to include as central themes the goals of eradicating racism, class exploitation, homophobia, and discrimination based on disability and age.”<sup>13</sup> This has been the defining mission of the *Berkeley Women’s Law Journal* for the past twenty years and it will continue to be the mission which guides the *Berkeley Journal of Gender, Law & Justice* for the next twenty and beyond – as we are joined by a growing number of like-minded feminist law journals across the country.

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writers, readers, ourselves, to question who we are and how the law defines us. We strive to be a transformative experience. In a spirit of openness, we explore how we are classified, stratified, ignored and singled out under the law because of our race, sex, gender, economic class, ability, sexual identity and the multitude of labels applied to us. Identity is a matrix of experiences; when the law fails to recognize any one facet of our identity, both the law and the person lose a valuable dimension. Our challenge is to examine how we negotiate our identities, how the legal system negotiates them for us, and how those negotiations affect our ability to attain justice. Our conception of justice looks beyond legal rights to how fairness, equity and respect delineate the boundaries of what legal justice must, at a minimum, entail. We include all struggles against oppression within this conception. We seek to invoke a vision of justice that is without fear, a vision that allows us to be who we are as we are, without sanction or penalty.” (emphasis in original).

13. Perry, *supra* note 10, at 468.