

# BERKELEY WOMEN'S LAW JOURNAL

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### BERKELEY WOMEN'S LAW JOURNAL

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Published annually by the University of California Press Printed by Joe Christensen, Inc.

Designed by Kate Godfrey Logo designed by June Beltran The Berkeley Women's Law Journal is guided by an editorial policy which distinguishes us from other law reviews and feminist journals. 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. Articles may come within the mandate because of their subject matter, or because of their analytical attention to differences in social location among women. The truly broad scope of this mandate, and the diversity of scholarship it supports, is reflected in this volume of the Berkeley Women's Law Journal.

The majority of pieces submitted to this journal, however, do not fall within the mandate. There are far too few of us in legal education and practice committed to advocating for women, let alone focusing on those women least served by the legal system. Rather than abandon or modify our mandate in response to the limited pool of available scholarship, we hope to actively cultivate and support such scholarship by recommitting ourselves to the vision our mandate reflects. We need your help. This forum can only exist with the vigorous participation of thinkers and writers nationwide who share our vision and our commitment. We urge you, our readers and friends, to consider the issues raised in the Berkeley Women's Law Journal as you pursue your own work. Share your work-in-progress with us. Publish with us. Tell your colleagues, students, and teachers about us. If you read an unpublished paper, or hear a speech at a conference, that addresses the mandate of the Berkeley Women's Law Journal, refer it to us. Join us in nurturing and critically engaging the legal research, theories, and strategies required to serve the interests of underrepresented women, and thus serve the interest we all share in social justice.

It was a party. 1992 was the Year of the Woman and we had many victories to celebrate. Internationally, we saw Rigoberta Menchú awarded the Nobel Peace Prize. Nationally, we put four more women into the Senate, for a total number of six women senators. We increased the number of women in Congress to forty-eight. We watched Clinton include many women in his cabinet and, in particular, we celebrated the appointment of the first woman Attorney General, Janet Reno, after a painful battle and an unfortunate withdrawal. We went to the polls and got an incredible woman in the White House (her husband isn't too bad either).

In California, we took particular pride in the election victories of two women—Barbara Boxer and Diane Feinstein—to the U.S. Senate. We smiled broadly when Roberta Achtenberg was nominated for the position of Assistant Secretary for Fair Housing and Equal Opportunity in the Department of Housing and Urban Development—making her the only openly identified lesbian appointed to a high ranking position in the cabinet.

And we all breathed a sigh of relief when Sharon Kowalski finally went home where she belonged.

Within the Boalt Hall community, we celebrated the awarding of tenure to two of Boalt's finest professors, Angela Harris and Andrea Peterson. We also watched Herma Hill Kay complete her first year as Dean.

But the party is far from over. Women deserve more than a year. We must all remain committed to engaging in the daily battle for gaining rights for all women. We must struggle to guarantee all women housing as hard as we struggled to get more women into the House.

The Journal is particularly proud of this volume, as it addresses the women whose victories we did not celebrate or whose hardships we did not see. All of the articles reflect the type of scholarship we want to promote: articles that move traditionally underrepresented women—lesbians, women of color, poor women and disabled women—from a marginalized position in legal discourse to the center of discussion. While we celebrate our achievements, The Berkeley Women's Law Journal firmly believes that *every* year is the Year of the Woman.

### **Dedication**

The Journal would like to dedicate this issue to
AUDRE LORDE
1934-1992

Thank you for being a Burst of Light in all of our lives and for teaching us that no Sister is an Outsider



# BERKELEY WOMEN'S LAW JOURNAL

1993 Volume 8

#### **TRIBUTE**

Your Silence Will Not Protect You: A
Tribute to Audre Lorde

1
Barbara Christian

#### **COMMENTARY**

Proposition 165: We Won the Battle, But
Are We Losing the War?

6

Mariana Moore

#### ARTICLES

Jewish Women, Black Women: Guarding
Against the Oppression of Surrogacy

Beverly Horsburgh

Feminist Legal Epistemology 63
Susan H. Williams

Color Me Queer: An Aesthetic Challenge 106 to Feminist Essentialism Maia Ettinger

Involuntary Sterilization of Mentally
Disabled Women

122
Roberta Cepko

<sup>\*</sup>It is the policy of the Berkeley Women's Law Journal not to draw a distinction between student pieces and the work of scholars, practitioners, and community workers.

### **Essays**

Thanking the Right Wing	166 Roberta Achtenberg
Expanding the Definition of Family: A Universal Issue	170 Maria Gil de Lamadrid
The Right Forum on the Right Issue: Initiatives and Family Values	180 Matt Coles
RECENT PUBLICATIONS	186

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