

From the Editors

We are incredibly proud to present Volume 39 of the *Berkeley Journal of Gender, Law & Justice*. We extend a heartfelt thanks to our wonderful membership and Editorial Board. Their hard work and dedication come through in the work we publish. Even amid the stresses of law school and the world at large—where unimaginable violence against oppressed communities has become even more normalized—our members have continued to show up with empathy, grace, and a steadfast commitment to uncompromised justice. We also thank those who have contributed to our online blog, *Under Deconstruction*, as it has remained a place where our members can respond to current developments in the law. We are especially grateful to our readers, who continue to support our journal; this work is fundamentally about coming together and building community, and our readers are a critical part of our efforts. Finally, we acknowledge the work of our predecessors as we continue to build on their remarkable contributions to our journal.

Volume 39 grapples with the challenges of an increasingly hostile legal landscape and offers a vision for how we may continue to fight for a more just world. It has long been apparent that the interests of lawmakers, judges, and administrators are not aligned with those relegated to the margins. This Volume represents our ongoing pursuit to amplify the struggles and voices of those most impacted by implicitly and explicitly gendered regressive laws and policies.



We begin Volume 39 with the powerful words of Rocío Madrigal, a community outreach coordinator in the Central Valley, in “*We have to hope that things will change*.” Ms. Madrigal sheds light on the poverty, pesticides, medical injustice, and labor exploitation farmworkers in the Central Valley face everyday, while at the same time, highlighting necessary policy solutions and the resilience and joy present in her community. Professor Yxta Maya Murray interviewed Ms. Madrigal for this article to challenge the legal community’s dispassionate understanding of the grave issues farmworkers face. Murray centers the organic, poignant, and knowledgeable voice of Ms. Madrigal to illustrate the benefits of following community legal thought.

Next, resoundingly beloved Berkeley Law Professors, Andrew Bradt and Mallika Kaur, combine their renowned expertise in civil procedure and domestic violence law, respectively, to champion domestic violence tort law as a non-carceral remedy for survivors of domestic abuse. In *A Surprising Ally: Harnessing the Power of Procedure in Domestic Violence Tort Cases*, Bradt and Kaur introduce domestic violence tort law as a relatively novel remedy, one of both promise

and peril. They then demonstrate the important role of civil procedure in domestic violence tort cases through a close look at a recent California Court of Appeals decision. Their article closes with a call to the California Legislature to clarify the jurisdictional reach of California's domestic violence statutes so as to bring greater opportunities for relief to survivors of domestic violence.

We then continue with a transformative reimagining of the recent *Dobbs* decision titled *Re-Righting History: A Critical Race Perspective of Dobbs v. Jackson Women's Health Organization* written by Sophie Brill, winner of the 2023 If/When/How Writing Prize for New Student Scholarship in Reproductive Rights and Justice. Inspired by the book *Critical Race Judgments*, a collection of landmark US court opinions rewritten from a critical race theory perspective, Brill re-envision a Supreme Court that is fully conscious of the role that race plays when deciding the future of reproductive autonomy in the United States. Using critical race theory as her guide, Brill offers a thought-provoking alternative opinion that directly acknowledges the historical use of the US legal system to control the autonomy of Black women's bodies and ultimately holds that Mississippi's 15-week abortion ban violates the Reconstruction Amendments.

Afterwards, Jennifer Meleana Hee provides a deeply thoughtful and personal perspective on the fertility industry and assisted reproductive technology in *Our Bodies, Our Price: Accepting Commodification and Racial Categorization in Assisted Reproductive Technology*. Hee draws from her own experience as a Chinese-English egg donor to explore the intersections of race and the use of reproductive technologies in the United States. Throughout her article, Hee addresses the racial disparities in the modern use of reproductive technologies and critiques the fertility industry's perpetuation of racial selection and categorization. Hee ends her piece with an encouraging call to action for people with oocytes from historically marginalized groups to disrupt the whiteness of the fertility industry through informed and empowered participation.

We then present our 2024 Albiston Prize winner Jordan J. Al-Rawi and his piece titled *The Case for Relaxing Bruen's Historical Analogues Test: Rahimi, Domestic Violence Regulation, and Gun Ownership*. In this timely predictive analysis of the soon-to-be-decided US Supreme Court case *United States v. Rahimi*, Al-Rawi explores the possible limitations the Supreme Court will face if it applies *Bruen's* "historical analogues" test to strike down § 922(g)(8). Through a deep dive into US's history of domestic violence regulation, Al-Rawi argues that the *Bruen* test is inapplicable to § 922(g)(8) since it would bind modern lawmakers to the antiquated societal norms around gender-based issues and domestic violence regulation prevalent at the time of colonial and post-enactment America. In an attempt to resolve this conundrum,

Al-Rawi makes several recommendations that would allow the Court to remain consistent with the *Bruen* regime while preserving the legislature's responsibility to balance modern interests involving gun ownership and domestic violence regulation.

Finally, we close with a compelling Student Note from recent Berkeley Law graduate Brooke D'Amore Bradley. *Sex Education After Dobbs: A Case for Comprehensive Sex Education* discusses the consequences of the Supreme Court's regretful *Dobbs* decision in sex education classrooms across the country. Bradley chronicles how a backlash to comprehensive sex education has followed hot on the heels of *Dobbs*. A maddening irony, Bradley highlights, considering the need for evidence-based and culturally responsive sex education has only increased since the decision. In this piece, Bradley aptly defends comprehensive sex education, especially amidst the ongoing attacks on people's reproductive freedoms.



On behalf of our journal, thank you for your commitment to intersectional feminism in (and outside) the law. We hope this work inspires you to challenge the boundaries of traditional legal solutions and organize your own communities.

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*It is the policy of the Berkeley Journal of Gender, Law & Justice not to draw a distinction between student
pieces and the work of scholars, practitioners, and community workers. This policy reflects
our belief that in a struggle for equality all efforts are of equal value and importance.*
