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Foreword

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Foreword

Since 1989, the *HASTINGS WOMEN'S LAW JOURNAL (HWLJ)* has provided a forum for voices outside the traditional scope of legal academic scholarship. The Journal creates a place in academia and the traditionally conservative legal community to analyze progressive, often marginalized, legal issues. Over the past thirteen years, *HWLJ* has published articles, essays, commentaries, student notes, personal accounts and fictional work on topics such as; feminism, race theory, multi-culturalism, animal rights, disability rights, language rights, international human rights, criminal defendants' rights and prisoners' rights, among others. This perspective embraces difference and celebrates diversity. *HWLJ* enhances academic diversity and contributes to scholarly thought in the legal field.

This issue encompasses the Journal's particular mission with articles, student notes, a commentary and a fictional piece developing non-traditional perspectives on legal issues. The first article by Jacquelyn H. Slotkin, *Should I Have Learned to Cook?*, provides an insightful look at women working in the legal profession today. She chronicles some of the advancements and achievements by women in the legal field. More importantly, she notes that these "Super Women" can balance family and work without sacrificing either. In writing her article, Slotkin interviewed "successful and productive" women living and practicing law in San Diego, California. What one woman may consider as balance, may not be what another woman considers even acceptable. For example, one woman Slotkin interviewed stated that she found a firm to accommodate her home life and her children because she only had to work eleven and a half hours a day.¹ She cautions that the success and productivity of these individuals are based on a subjective standard.

Heather Lauren Hughes' article, *Contradictions, Open Secrets and Feminist Faith in Enlightenment*, diverges from traditional feminist literature, critiquing the importance of education in creating a judicial system responsive to the complexities of domestic violence. Hughes was present at the *HWLJ* 2002 Symposium, entitled, *Together: Bridging the Gaps in Legal Response to Domestic Violence*. The Journal distributed her article during the Symposium to foster an in-depth discourse on this topic.

1. Jacquelyn H. Slotkin, *Should I Have Learned to Cook? Interviews with Women Lawyers Juggling Multiple Roles*, 13 *HASTINGS WOMEN'S L.J.* 173 (Summer 2002).

Her article is an introduction to the forthcoming 2002 Symposium issue.² Hughes explains that lawyers and the judiciary consciously disregard domestic violence because their lives are supported by “privileged ignorance” of domestic violence and violence against women.³ She distinguishes and explains the double bind of survivors of domestic abuse who turn to courts to right their wrongs: they are often incapacitated by Battered Women’s Syndrome yet the statute of limitations on causes of action (like assault and battery) continues to run regardless of their incapacity.⁴ Hughes suggests a theory of recovery by using Battered Women’s Syndrome to circumvent the statute of limitations or to establish a continuing tort.⁵ She cautions that improving the legal system’s processing of domestic violence requires more than mere education of the judiciary. Hughes concludes that education, as hailed by some feminists, has been ineffective thus far because domestic violence is an “open secret” in the American culture.

Death Through Administration Indifference: The Prison Litigation Reform Act Allows Women to Die in California’s Substandard Prison Health Care System, by Amy Petré Hill, examines the dearth of health care women receive while incarcerated in California’s prisons. Hill’s Note points out the contradictions between the 1996 Prison Litigation Reform Act and California’s prison administrative law, preventing female prisoners any emergency injunctive relief from the federal courts. However, the note does not stop there, but also provides some insightful and novel legal theories combining law and legislation to change the current state of health care for women in prisons. Hill cautions that the courts cannot do this alone, but that the most secure way of changing the current state is through legislation and appointment of an independent monitor, such as the University of California.

The second Note, *Jails Not Homes: Quality of Life on the Streets of San Francisco*, by Maya Nordberg, deconstructs San Francisco’s recent and proposed prosecution of homeless individuals for violations of so-called quality-of-life ordinances. Increased citations, incarceration, and court ordered sentences are inadequate to deal with the complexities of social policy issues surrounding homelessness. Nordberg concludes that quality-of-life ordinances contrast public order with protections for homeless individuals, creating a “false dichotomy” that ultimately divides our community on the basis of housing status. Addressing both visible poverty, as exemplified by homelessness, and the crisis of homelessness requires that communities look for remedies outside the traditional bounds

2. The HWLJ Symposium issue will be in Volume 14, Issue 1 of the HASTINGS WOMEN’S L.J., *forthcoming* in Winter 2002.

3. Heather Lauren Hughes, *Contradictions, Open Secrets and Feminist Faith in Enlightenment*, 13 HASTINGS WOMEN’S L.J. 216 (Summer 2002).

4. *Id.* at 205.

5. *Id.* at 206.

of law enforcement.

Lisa Haberman, in *The Seduction of Power: An Analogy of Incest and Antebellum Slavery*, draws on existing case law and literature arguing for expansion of Thirteenth Amendment jurisprudence. She suggests that incest parallels slavery and that the government must act as a trustee to protect and redress such harm.

In the fictional account *Why Are You Working at the Firm?*, by Wayne Eastman, approaches “firmism” with sardonic criticism and sometimes biting honesty. Eastman’s piece reflects on the politics and culture of large firms, questioning the inherent nature of the beast.

As an academic outlet for feminist movement, *HWLJ* strives to contribute to the broad based radical visionary feminism that bell hooks describes in *Feminism for Everybody*, encouraging participatory social democracy, mutuality and interdependency.⁶ Gender is not the sole focus of this Journal, rather it encompasses a range of views and topics, to create possibilities beyond capitalist patriarchy and to dismantle that system of oppression. While this Journal’s distribution is somewhat limited to a sphere of educational elites, *HWLJ*’s dialogue within the legal community has the potential for broader social impact. This issue strives to promote equality and the fundamental worth and dignity of all people.

The Journal extends sincere gratitude to Kathy Steinman, the 2001-2002 Managing Editor for *HWLJ*, without whom Volume 13 would not have been possible. Additional recognition must be made of Executive Articles Editor, Amy Hill’s Herculean efforts in reviewing submissions and securing contributions for this issue.

Sonia Mérida & Maya Nordberg
Co-Editors-in-Chief, 2001-2002

6. BELL HOOKS, FEMINISM IS FOR EVERYBODY 110-18 (2000).

