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# Introduction and Congratulations

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## Introduction and Congratulations

*Mary Kay Kane*\*

It is with great pleasure that I introduce the *Hastings Women's Law Journal* 15th Anniversary Issue. As in all anniversary celebrations, I think it is appropriate to reflect briefly on the many significant contributions that have been made by the *Hastings Women's Law Journal* to surface and expose key issues of concern to and about women in the law. This anniversary marks and celebrates a rich tradition in exploring serious and important issues of law and policy.

One of the striking things that emerges if you go back and look at the Tables of Contents of the *Hastings Women's Law Journal* for the past fifteen years is how many of the issues discussed keep resurfacing. What that signifies, to me, is the sad realization of how few of the problems actually have been resolved. Rather, the problems may have changed in shape or in intensity; solutions (partial or full) may have been tried with some or no success; and the challenge remains to develop a fuller understanding of the concerns that exist about the present circumstances and how they might be alleviated.

Take, for example, what I might characterize as the problems of women internationally in terms of their treatment and rights. Gender-based violence during ethnic wars was the topic for the two issues of Volume 5 in 1994. The first issue focused on the treatment of women by the Bosnian, Croat, and Muslim forces during the war in Bosnia-Herzegovina and in the former Yugoslavia, and the second issue explored possible remedies such as civil lawsuits for international human rights violations and the prosecution of rape and other gender-based violence before the International Criminal Tribunal for the former Yugoslavia. In Volume 12 in 2000, you find an article by Alexi Wood exploring female genital mutilation from an international law perspective.<sup>1</sup> And in Volume 13, the 2001 symposium issue is devoted to an examination of the international sex slave trade.

International treatment of women, of course, has (or should have)

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1. Alexi Nicole Wood, *A Cultural Rite of Passage or a Form of Torture: Female Genital Mutilation from an International Law Perspective*, 12 HASTINGS WOMEN'S L.J. 347 (2001).

implications here in the United States in our immigration laws and policies, in particular in connection with claims for gender-based asylum. In 1997, after the issuance of the 1995 INS guidelines, *Hastings Women's Law Journal* published in Volume 8 a student note that offered an early critique of those regulations as they related to gender-based asylum.<sup>2</sup> This spring the *Hastings Women's Journal* hosted a full-blown symposium exploring both the reality of the current asylum and refugee processes, as well as the related issues of rape, human trafficking, mental health, and domestic violence.

To avoid any impression that the editors have focused on these most difficult social problems only by looking outward, I should add that women's issues in the United States, such as sexual assault,<sup>3</sup> domestic violence<sup>4</sup>, rape,<sup>5</sup> battered woman syndrome,<sup>6</sup> and the treatment of women in the workplace,<sup>7</sup> also have been the focus of several issues of the *Hastings Women's Law Journal*. Problems confronting special segments of the female population also have been explored in depth, including articles about the custody rights of gay parents<sup>8</sup> and in vitro fertilization surrogacy<sup>9</sup> in Volume 3, about sexual and gay harassment in schools<sup>10</sup> in Volume 12, and a full symposium issue in Volume 3, in 1992, on "Latinas in Crisis."

And the *Hastings Women's Law Journal* has taken on not just issues about women, but issues of concern to women as well. Take, for example, its 1996 symposium issue in Volume 7, which was devoted to the important

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2. Diana Saso, Note, *The Development of Gender-Based Asylum Law: A Critique of the 1995 INS Guidelines*, 8 HASTINGS WOMEN'S L.J. 263 (1997).

3. E.g., Mary Ellen Lemieux, Note, *Whatever Made You Think I Was Consenting: A Proposal to Silence Patriarchal Influence in Civil Sexual Assault Cases*, 2 HASTINGS WOMEN'S L.J. 33 (1990).

4. E.g., Johanna Niemi-Kiesiläinen, *The Deterrent Effect of Arrest in Domestic Violence: Differentiating Between Victim and Perpetrator Response*, 12 HASTINGS WOMEN'S L.J. 283 (2001); Birgit Schmidt am Busch, *Domestic Violence and Title III of the Violence Against Women Act of 1993: A Feminist Critique*, 6 HASTINGS WOMEN'S L.J. 1 (1995).

5. E.g., Owen D. Jones, *Law and the Biology of Rape: Reflections on Transitions*, 11 HASTINGS WOMEN'S L.J. 151 (2000).

6. E.g., Deborah Kochan, Note, *Beyond the Battered Woman Syndrome: An Argument for the Development of New Standards and the Incorporation of a Feminine Approach to Ethics*, 1 HASTINGS WOMEN'S L.J. 89 (1989); Alison M. Madden, Note, *Clemency for Battered Women Who Kill Their Abusers: Finding a Just Forum*, 4 HASTINGS WOMEN'S L.J. 1 (1993).

7. E.g., Syda Kosofsky, Note, *Toward Gender Equality in Professional Sports*, 4 HASTINGS WOMEN'S L.J. 209 (1993); Lucille M. Ponte, *United States v. Virginia: Reinforcing Archaic Stereotypes About Women in the Military Under the Flawed Guise of Educational Diversity*, 7 HASTINGS WOMEN'S L.J. 1 (1996); Symposium, *Economic Justice for Sex Workers*, 10 HASTINGS WOMEN'S L.J. 1-252 (1999).

8. E.g., Paula A. Brantner, Note, *When Mommy or Daddy is Gay: Developing Constitutional Standards for Custody Decisions*, 3 HASTINGS WOMEN'S L.J. 97 (1992).

9. Suzanne F. Seavello, Note, *Are You My Mother? A Judge's Decision in In Vitro Fertilization Surrogacy*, 3 HASTINGS WOMEN'S L.J. 211 (1992).

10. Symposium, *Academic Epidemic: Sexual Harassment in Public Schools After Davis*, 12 HASTINGS WOMEN'S L.J. 1-240 (2001).

topic of welfare reform, or the 2000 symposium issue in Volume 11, devoted to the regulations and laws surrounding dietary supplements and other remedies. There also have been numerous contributions over the years on issues concerning children, ranging from an article by Sarah Buehler dealing with the 1997 Taxpayer Relief Act's treatment of child care tax credits<sup>11</sup> in Volume 9, to last year's symposium issue in Volume 15, dealing with children's rights and the challenges children face when dealing with a variety of legal systems.

These are but a few examples, from many I could share. They illustrate how seriously the editors of the *Hastings Women's Law Journal* have taken their mission to provide a forum for the exchange of ideas on topics of concern to and about women in the law. I think you can see that they have more than fulfilled their goals and I hope that this brief review allows readers of this anniversary issue to appreciate what an important voice the *Hastings Women's Law Journal* has been and continues to be.

So, to our current student editorial staff and to all the staffs who preceded you, I offer you my sincere congratulations on a job very well done, indeed. You have filled an important void, building a long tradition of cross-cutting and important inquiries — a tradition that we can look forward to see continue in the many years ahead.

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11. Sara J. Beuhler, *Child Care Tax Credits, the Child Tax Credit, and the Taxpayer Relief Act of 1997: Congress' Missed Opportunity to Provide Parents Needed Relief from the Astronomical Costs of Child Care*, 9 HASTINGS WOMEN'S L.J. 189 (1998).

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