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Foreword

Monica Ayala-Talavera

Emma Hyndman

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FOREWORD

Our journal has been a forum for alternative legal discourse for thirty-four years. This year, we continue that tradition under our new name: *Hastings Journal on Gender and the Law*. The past year has been one of great change. We took that as an invitation to reflect on our journal's name and whether it continued to serve our goals and values. We took into consideration principles of linguistic relativity, which posits that language directs thought. We consulted internally and externally to include as many perspectives as possible in our decision-making process. Ultimately, we concluded that keeping our old name ran the risk of alienating staff editors and authors, diminishing overall satisfaction with our journal, and affecting the physical, emotional, cognitive, and behavioral health of our collaborators. This runs counter to our core value of providing a forum for voices outside the traditional scope of legal academic scholarship.

Language is always changing and will continue to change, sometimes ahead of societal beliefs and behaviors and sometimes lagging behind. While simply changing our language does not guarantee societal change, it can be used to challenge prevailing norms and conventions. People are capable and powerful linguistic agents. By using gender inclusive language, we not only signal that we value equity—we can also help speak it into being. We believe our new name shows sensitivity, respect, and open-mindedness toward individuals and groups through positive, accurate, and equitable representation. Because nothing is more indicative of respect and basic dignity than talking to someone using the name and form of address they desire, we must be rigorous in establishing a nomenclature that promotes gender-inclusive language and go further to establish processes that represent the broad racial, social, and sexual identities of our peers, authors, and audience.

This idea permeates throughout this issue. The articles and student notes that follow were specifically chosen for their people-first approach in tackling the problems they discuss. First, Sylvie Armstrong questions the legal paradigm for regulating commercial surrogacy to ensure more equitable protection and representation of all parties involved. Then, Nicholas Cardaci, Dr. Marilyn Bromberg, and Dr. Kathy Luong invite us to consider the very relevant and timely effect that the convergence of social media, marketing, and celebrity status can have on young minds. We are also proud to publish two student notes from two of our editors, Kendall Kohlmeyer and Alaina Harwood. Ms. Kohlmeyer's scholarship lends a voice to detained migrant women who, as she demonstrates, are not only

regularly silenced, but also forced to endure nonconsensual medical procedures. Ms. Harwood focused her attention on voices that are not often highlighted within legal discourse by analyzing discrimination against caregivers in the context of the COVID-19 pandemic. This piece is timely as we continue to experience and uncover the effects of nearly two years of the ongoing global health crisis.

Continuing our tradition of publishing alternative legal voices not just through scholarship, but also through other expressive mediums, we include in this issue artwork by one of our editors, Mary Saade, and a poem by our Executive Notes Editor, Zehra Jafri. The work we are able to highlight here is representative of the talent and dedication of all of our Executive and Staff Editors. Special thanks to our Executive Production Editor, Ondina Lipney-Burger, who worked tirelessly to bring Volume 33, Issue 1 to life. We would also like to thank Jennifer Ta, Assistant Director of Scholarly Publications, without whose guidance, support, and endless patience this work would not be possible. We hope that you, like us, enjoy the materials that follow and accept their invitation to reflect on what they can teach you.

Monica Ayala-Talavera and Emma Hyndman
Editors-in-Chief
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