

Hastings Women's Law Journal

Volume 14

Issue 1 *Symposium Issue: Together: Bridging the Gaps
in Legal Response to Domestic Violence*

Article 1

1-1-2003

Foreword

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Recommended Citation

Douglas Redden, *Foreword*, 14 *Hastings Women's L. R.* i (2003).
Available at: <http://repository.uchastings.edu/hwlj/vol14/iss1/1>

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Foreword

Each year the *Hastings Women's Law Journal* hosts a symposium that confronts an aspect of the law relevant to women or their interests. In 2002, the *Hastings Women's Law Journal* held its annual symposium, entitled, *Together: Bridging the Gaps in Legal Response to Domestic Violence*.¹ Speakers included Richard Ducote, Professor Cheryl Hanna, Professor Nancy Lemon, and Professor Lois Weithorn, as well as domestic violence survivors and advocates.

The *Hastings Women's Law Journal* is proud to present its 2003 Symposium Issue. This issue attempts to shed light on the remaining barriers to combating domestic violence. The articles featured in this issue highlight that many women have been left behind by reform efforts, particularly low-income women and women who face immigration challenges. The first article, Zelda B. Harris' *The Predicament of the Immigrant Victim/Defendant: "VAWA Diversion" and Other Considerations in Support of Battered Women*, emphasizes how victims of domestic violence have been targeted by the misapplication of mandatory arrest and prosecution policies. Professor Harris notes the array of unintended consequences that await victim/defendants at the intersections of criminal, immigration, and family law.

Stephen Knight's article, *Reflections on Khawar: Recognizing the Refugee from Family Violence* dissects the recent decision of the High Court of Australia that recognized that one is entitled to asylum after having been denied the protection of the state when confronted by violence by a non-state party. While a promising step toward worldwide recognition of gender violence as a basis for asylum, Stephen Knight contrasts *Khawar* with the less progressive approach to asylum that the U.S. has adopted.

The final article addressing domestic violence is Naomi Stern's *Battered by the System: How Advocates Against Domestic Violence Have Improved Victim's Access to Child Support and TANF*. While welfare reform has emphasized personal responsibility by vigilantly pursuing child support obligations, those federal requirements put victims of domestic violence at risk by potentially reintroducing the batterer to the victim and

1. The Symposium was held on February 8, 2002, at the University of California, Hastings College of the Law, in San Francisco. The *Hastings Women's Law Journal* extends its thanks to 2001-2002 Symposium Editors Melissa Tapply and Brandi Redman, without whom the Symposium would not have been possible.

her family.² While provisions exist for victims of violence to opt-out of the reporting requirements, those measures are underused.³ Naomi Stern encourages the incorporation of battered women's advocates in implementing state child support and TANF programs in order to minimize the risk of violence to women.

This Symposium Issue concludes with an Essay by Corey Rayburn and two Student Notes. *Why are YOU taking Gender and the Law?* addresses men's participation in gender-focused seminars in law school. However, Corey Rayburn's recommendations are also relevant to a broader feminist movement outside of the law school context. Sylvia Kim and Shannon Renton Wolf's Notes raise complex issues regarding reproductive freedoms, particularly relevant on this thirtieth anniversary of *Roe v. Wade*.⁴

As the articles in this issue demonstrate, much remains to be done to minimize the suffering of victims of domestic violence. Women exposed to poverty or severe immigration consequences must be the next group to gain from the efforts to address and eliminate domestic violence. The *Hastings Women's Law Journal* hopes that the articles in this issue highlight and encourage advocacy on behalf of victims who have been caught in the gaps of reform designed to address domestic violence.

Douglas Redden
Editor-in-Chief, 2002-2003

2. Naomi Stern, *Battered by the System: How Advocates Against Domestic Violence Have Improved Victim's Access to Child Support and TANF*, 14 HASTINGS WOMEN'S L.J. 47, 52-54 (2003).

3. *Id.* at 58-59.

4. 410 U.S. 113 (1973).