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A Congratulatory Note

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A Congratulatory Note

*David I. Levine**

When I became Associate Academic Dean at Hastings, a predecessor advised me that the most important skill for the job is to be able to nicely say no to students. I certainly said no to a lot of students in two years; I hope I said it nicely, at least most of the time. Of course, even an *associate* academic dean occasionally can say yes to a (usually) grateful student. However, sometimes I could only reply maybe and explain why. When a group of students first came to me with their idea of establishing another scholarly publication at Hastings, this one focusing on women and the law, I had to say maybe. After all, it would have been our fifth publication at Hastings.

The reason for an equivocal answer is that at Hastings we have a tradition of testing the determination of students who say they want to start new scholarly publications. Students get the bright idea of starting journals all the time. The institutional challenge is to determine if there is support from enough of the student body to sustain that interest once the first students' original enthusiasm fades and the initiators graduate. We do not want to commit significant College resources—such as precious space and our limited budget for scholarly publications—to an enterprise that will never get off the ground.

Our trial by fire is to tell the students that they must come up with the first issue of the journal on their own. They need to solicit, develop and edit articles and write notes sufficient to fill an issue. Moreover, they need to arrange the publication of that first issue, which calls for substantial fund-raising. Once they have a concrete work product, the proposal can be taken to the faculty and board of directors for approval as an official scholarly publication of the College.

On two other occasions in my tenure as Associate Academic Dean, I explained this policy to students who had splendid ideas for other journals.

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In each case, it seemed to me that they came into my office something like Judy Garland and Mickey Rooney in an old *Andy Hardy* movie, proclaiming, "Hey, let's put on a law review!" However after hearing of the testing procedure, they left the office with their hopes dashed. I never heard from those students again.

In one case, I received a totally different reaction. When a small group of women came to ask how they could get a scholarly publication started, and I explained the onerous procedure, they did not disappear. Like Judy Garland and her companions in *The Wizard of Oz*, after having been told, "Bring me the broomstick of the Wicked Witch of the West," these women went out determined to meet the test. They found other students interested in helping make their dream a reality. They solicited ideas from faculty members. They found authors willing to promise them articles, wrote their own student notes and even found financial support for that first issue. That early "maybe" from me turned into a "yes" from the College through their sustained hard work.

One can always ask: "Did Hastings need another scholarly publication?" After ten years, we can certainly say the answer is yes. A prime function of a scholarly publication at a law school is to provide an intellectual niche for students. In addition to honing one's writing, researching and editing skills, it is a place to exchange and test ideas with students who share common interests. Another important function of scholarly publications is to provide a social niche in an otherwise large, and sometimes impersonal, institution. Had Hastings Women's Law Journal (HWLJ) not performed these functions admirably, we would not be celebrating its tenth anniversary.

One could also ask—"Will the legal world continue to need scholarly publications devoted to women's and alternative legal issues?" I think that here, too, the answer is yes. For example, in historian Linda Kerber's new book, *No Constitutional Right to be Ladies*, a study chronicling certain legal struggles to permit women to undertake all the obligations of citizenship in our nation, she observes:

What we in our generation understand to be the fair and equal obligations of men and women is in part an abstraction enduring over time, developed out of philosophical traditions and logical argument. But it is also an understanding, still developing, that has evolved historically out of the troubles and tragedies of many men and women, some long dead, some our contemporaries.¹

She concludes her book: "What is experienced as equal obligation has shifted over time as social relations between men and women have shifted.

1. LINDA K. KERBER, *NO CONSTITUTIONAL RIGHT TO BE LADIES: WOMEN AND THE OBLIGATIONS OF CITIZENSHIP* 309 (1998).

The principles remain steady and inviolate, but the work of maintaining them in our lives will have no end.”²

I am glad I said maybe instead of no to those students who came to see me what seems like such a few short years ago. I was delighted when, like Dorothy and her companions, they brought back the broomstick in the form of that first issue of the HWLJ. I have found a source of quiet satisfaction in seeing the HWLJ endure and develop in the intervening years. May you and your successors continue in your important role at Hastings. And may members of the HWLJ continue in the wider work of maintaining, understanding and even shaping how we experience the fair and equal obligations of women and men in our lives.

2. *Id.* at 310.

