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Introduction

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INTRODUCTION

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Twenty years ago this Journal was founded to provide a forum for scholarly debate on gender related legal issues. At the time, there were no gender-related courses at the law school and, while there were clubs oriented toward gender issues,¹ there was no forum for deliberate academic discourse. This period of time in history included the Anita Hill Senate Judiciary Committee hearings on her allegations of sexual harassment against now–Supreme Court Justice Clarence Thomas, and came on the heels of the Supreme Court’s *Johnson Controls* decision, in which the Court overturned the Seventh Circuit and held that employer policies barring women “capable of bearing children” from certain jobs violated Title VII by creating a facial classification based on gender.² Constitutional law classes were peppered with discussions as to gender equality, intermediate versus strict scrutiny, abortion, and women in combat.

The hope was that much good could come of a forum for true scholarly debate on legal issues impacting the female gender. A forum which, while it would not promote a fixed ideology, would be anchored in constitutional and legal analysis and as such facilitate and advance the progression of women’s standing in our legal society. The law was evolving, and would continue to evolve. The decades prior brought change as to women’s legal capacity to vote, own property, retain wages, sign contracts, serve on juries and become lawyers. The decades to come would also bring change.

And so the process began. A small but determined group formed to propose a journal of women and the law. At the time, the law school had three journals—the *Law Review*, the *Bill of Rights Journal*, and the *Environmental Law Journal*. Understanding that the concept of this Journal was met with some skepticism, we set about to build the business case. Unlike our predecessor journals, we compiled data to demonstrate that this Journal would enhance the law school’s standing, given that our peer institutions not only had related courses but that many also had gender-related journals. We set about the undergraduate and law school campuses, building support and financial

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1. Clubs at the time included the Mary and William Society, and Law Students for Choice.

2. *Auto. Workers v. Johnson Controls, Inc.*, 499 U.S. 187, 199 (1991).

commitment. And we set about to develop lists of interested students at the 1L, 2L and 3L level to demonstrate commitment and viability. And, at the completion of our written submission we presented the case in person to the full faculty. With the advice, support, and guidance of a number of professors, including Professors Jayne Barnard, Susan Grover, and Linda Malone, the Journal came to be.

And came to be it did. Volume I, Issue I (Fall 1994) boasts a long list of Advisors, including then-Justices Barbara Keenan and Elizabeth Lacy of the Virginia Supreme Court, and Congresswoman Leslie Byrne of the U.S. House of Representatives. The Introduction was written by Toni Massaro, a 1980 graduate of the law school and at the time a Professor of Law at the University of Arizona.³ In her Introduction, Professor Massaro described the Journal as “a product of [a] history of informal collaboration and defiance of the legal conventions that rendered women and gender invisible,”⁴ and recognized that the Journal, as a “formal voice will be a much stronger, more certain means of assuring that gender issues will always be raised and given their proper respect.”⁵ The sketch of the woman on the front cover of that inaugural issue is of Ada Harriet Miser Kepley, the first woman to earn a law degree in the United States. Topics addressed in the inaugural issue include gender equality, abortion and violence, breast implant litigation, and marital rape.

Not only did the Journal survive years one, two, and three, but it has become one of the most noted gender related law journals of its nearly thirty peers. In 2014, its 20th year, the Journal was ranked as the eighth most cited law review in the field of gender studies, women and sexuality.⁶ Its reach has expanded well beyond the initial purpose of internal discourse and is contributing, as Professor Massaro predicted it would, to “transforming law to better serve the needs of all members of contemporary society.”⁷ The articles in this 20th Anniversary Issue cover a wide range of gender related topics, including pregnancy standard of care, the Hyde Amendment, the impact of women as corporate directors and leaders, women’s rights in Afghanistan, and mail order brides.

3. Toni Massaro is now the Regents’ Professor, Milton O. Riepe Chair in Constitutional Law, and Dean Emerita at The University of Arizona, James E. Rogers College of Law. While at William and Mary Law School, Professor Massaro was Order of the Coif and Editor-in-Chief of the *William and Mary Law Review*.

4. Toni M. Massaro, *Introduction*, 1 WM. & MARY J. WOMEN & L. 1, 3 (1994).

5. *Id.* at 3.

6. *Law Journals: Submissions and Ranking*, WASHINGTON AND LEE UNIV. SCHOOL OF LAW, 2006–2013, available at <http://lawlib.wlu.edu/LJ/index.aspx?mainid=354>, archived at <http://perma.cc/AX4L-HF5U>.

7. Massaro, *supra* note 4, at 9.

While much has been accomplished, one need only read the most current headlines to see that much remains for discussion. Human trafficking, honor killing, forced marriages, access to education and health care, sexual violence on college campuses and in the military. To what extent do our laws permit religious views to control, define or otherwise impact the lives of people who do not share those religious views, particularly when that control primarily impacts women. To what extent is our constitution countermajoritarian.

Twenty years ago, in the Inaugural Issue, it was noted that the

Journal was established to provide a unique and challenging perspective to issues concerning women and the law—a perspective that has at its foundation thoughtful debate and at its apex the capacity for change. It is our hope that this inaugural issue, and the many issues to follow, will solidly advance this critical aspect of legal discourse.⁸

It is with honor, pride and enthusiasm that I now introduce to you the Twentieth Anniversary Issue of the *William and Mary Journal of Women and the Law*. And a very special thank you to every editor, staff person and contributor who has made this Journal what it is today and what it will be tomorrow.

8. *Acknowledgments*, 1 WM. & MARY J. WOMEN & L., ii (1994).