

INTRODUCTION TO A SYMPOSIUM CELEBRATING THE TWENTIETH ANNIVERSARY OF THE FEMINISM AND LEGAL THEORY PROJECT

PAMELA BRIDGEWATER*

As chair of the Feminism and Legal Theory Twentieth Anniversary Celebration Committee, I want to first publicly thank all of the members of the committee, the members of the *American University Journal of Gender, Social Policy & the Law*, the symposium participants and the administration of the Washington College of Law.¹ From the beginning, every aspect of planning the celebration of the Twentieth Anniversary of the Feminism and Legal Theory Project (“FLT Project”) was a labor of love. For me, it was more love than labor due in large part to the hard work and commitment of the people around me who have helped to make this an extraordinary event. I offer my deepest appreciation to everyone for doing so much to ensure that this important hallmark anniversary was duly noted and celebrated.

This publication of selected presentations from the symposium is illustrative of the overwhelmingly generous investment each participant made in honor of the important intellectual, political and institutional project founded in 1984 by Professor Martha A. Fineman at the University of Wisconsin Law School. Fineman’s vision created and sustains the rich tradition of focusing a feminist, legal and theoretical lens on issues ranging from the socio-economic and geopolitical to the institutional and metaphysical. Nothing is off-limits. There are no sacred cows. In fact, the FLT Project has the incredible feat of initiating and facilitating the “Uncomfortable Conversations” series designed specifically to challenge status quos across the board.

* Professor of Law, *American University, Washington College of Law.*

¹ Specifically, I would like to thank my colleagues Nancy Polikoff, Margaret Johnson, Darren Hutchinson, Teemu Ruskola, Vivian Hamilton, Elizabeth Bruch, and Robert Dinerstein for so generously sharing their time, energy and creativity. Also, thank you to Dean Claudio Grossman for his support and generosity.

This series, along with the regularly scheduled workshops and scholar exchange programs, enables participants to explore the bounds of intellectualism and creativity. Every subject and every presentation is afforded serious, rigorous and collegial consideration.

It was important that the celebration capture the FLT Project's success at twenty years as a leader in legal practice and critical theory. As such, we were pleased to receive proposals from scholars around the world who, with their work, showed their commitment to carrying on the tradition of the FLT Project. Although the response to the call for participants in the symposium was overwhelming, time and space would not allow us to include everyone. Similarly and regrettably, we could not include all of the presentations in this publication. Those that were selected are indeed an example of the types of provocative, insightful and creative discussions that have taken place at the FLT workshops over the years. Not only do the selected articles build upon issues and themes from past workshops but they turn the FLT gaze on new issues as well.

A fitting place to start this symposium publication is with remarks by the founder of the Feminism and Legal Theory Project, Professor Martha Fineman. Fineman offers a historiography of the FLT Project along with a description of the founding principles upon which the Project was built. As she mentions, her early visions of the Project were to facilitate feminists in their task of creating and explicating "feminist methods and theories that explicitly challenge and compete with the existing totalizing nature of grand legal theory."² She describes the relationship between feminism, legal theory and the Project and understands it in broad terms having an impact on other disciplines. Furthermore, Fineman offers suggestions as to future directions, such as engaging law and economics as a site where feminists can bring their lens to more public and powerful institutional contexts.

We have also included Shu-chin Grace Kuo's *Rethinking the Masculine Character of the Legal Profession: A Case Study of Female Legal Professionals and Their Gendered Life in Taiwan*. In addition to employing personal narrative, Kuo builds on Fineman's concept of "gendered life" to study female legal professionals. She uses an ethnographic study of Taiwanese women in the legal profession in her pursuit of a more culturally specific gender equality theory that takes

² Martha Albertson Fineman, *Introduction* to *AT THE BOUNDARIES OF THE LAW: FEMINISM AND LEGAL THEORY* xi, xiii (Martha Albertson Fineman & Nancy Sweet Thomadsen eds., 1991) (quoting from her introduction to one of the first feminist legal theory anthologies).

into account the characteristics of the indigenous legal culture.

Turning to an important domestic issue with international implications, we included Angela Hooton's article, *A Broader Vision of the Reproductive Rights Movement: Fusing Mainstream and Latina Feminism*. In this piece, Hooton integrates feminist legal theory, Lat Crit,³ and critical race feminist theory in critiquing the mainstream feminist theory in the context of the reproductive rights movement as it applies to Latinas. She begins with a history of the reproductive rights movement, focusing specifically on the critiques of the movement by women of color. She then offers a description of Latinas' reproductive health issues as well as a survey of current efforts by Latinas to address their unique reproductive health needs.

One particularly special aspect of the celebration and symposium was the Student Writing Contest. By soliciting articles from students we sought to build upon the FLT Project's tradition of including scholars at varying stages of development in their relationship to feminism and legal theory. The number of students who submitted pieces and the quality of those submissions was an exciting opportunity to highlight and continue the FLT Project's commitment to fostering an intergenerational exchange of ideas relating to feminism and legal theory. Of the papers submitted, we selected Lisa Brown's *Feminist Theory and the Erosion of Women's Reproductive Rights: The Implications of Fetal Personhood Laws and In Vitro Fertilization*. Brown, a third-year student at American University Washington College of Law, addresses what she sees as the burgeoning conflicts between women, fetuses, men and the state created by new laws and advanced reproductive technologies. Brown casts a suspicious gaze on new fetal personhood laws and argues that these developments have already begun to erode women's reproductive rights. She builds on common themes discussed in FLT workshops over the years such as formal equality, liberal feminist theory, relational feminist theory, and dominance theory to support her suggestion that women's rights advocates must construct an amalgam of the theories to address the needs of women in this new age of ever-advancing reproductive technology and laws protecting fetuses.

Professor Antionette Sedillo Lopez discusses the complex issues

³ The aim of Latcrit theory is to "center Latinas/os' multiple internal diversities and to situate Latinas/os in larger inter-group frameworks, both domestically and globally, to promote social justice awareness and activism." Latina and Latino Critical Theory website, at <http://personal.law.miami.edu/~fvaldes/latcrit/> (last visited Feb. 8, 2005).

facing Latinas in the legal profession in *Latinas in the Legal Profession—Through the Doors of Opportunity: Assimilation, Marginalization, Cooptation or Transformation*. She addresses issues Latina/os encounter when entering law school, the practice of law and the legal academy. Breaking new ground, Lopez's analyses engage the provocative and important issues of interracial gender dynamics, and intraracial and racial dynamics among feminists. She mixes poetry, personal narrative and critical race theory in her exploration of the legal profession as a "pathway from poverty" for many marginalized groups.

Continuing the critical race feminist legal theory theme, is Professor Deleso Washington's article, "*Every Shut Eye Ain't Sleep*": *Exploring the Impact of Crack Cocaine Sentencing and the Illusion of Reproductive Rights for Black Women*. In this article, Washington introduces us to the concept of "herstorical lens," a feminist device which views historical moments, in this case slavery, in terms of its impact on women, enslaved women in particular. Washington goes on to argue that what can be learned from a "herstorical" approach will be helpful in understanding and challenging modern exploitation and abuses of black women. In particular, she posits that the forced breeding and gynecological experiments performed on enslaved women are an important corollary to the oppressive laws that allow for nonconsensual testing and enhanced punishments of crack addicted pregnant women.

In *Rape, War and Women: International Humanitarian Perpetrator, Prosecutor and Protector*,⁴ Adrienne A. Reilly offers a critique of the International Humanitarian Law's ("IHL") ability to provide protection from rape as a war crime. After offering a roadmap for IHL prosecutions, Reilly centers her analysis on the atrocities in Rwanda and Yugoslavia International Criminal Courts for Yugoslavia and Rwanda. Reilly then shifts her analysis to the new International Criminal Court's recognition of rape as a crime under Crimes Against Humanity and sees in it the potential to offer significantly more protection to women in light of its gender codification.

In a shift from public international law to domestic private law, Professor Jennifer Wriggins argues for a feminist critique of tort law in *Toward a Feminist Revision of Torts*. In this article, Wriggins considers the utility of tort law as a mechanism for compensating and deterring injury, as well as its normative and narrative value. Wriggins

⁴ 13 AM. U.J. GENDER, SOC. POL'Y & L. (forthcoming 2005).

also urges feminists to contextualize tort law by asking not only “the woman question” but also the race and class questions. Specifically, she builds on the use of racialized case theories to suggest that context has mattered in past tort cases and that feminists could co-opt these frameworks in developing context specific racialized gendered tort claims. Wriggins further considers tort cases for injuries in the domestic violence context and points to the failed attempt to bring civil liability into the domestic violence context via the Violence Against Women Act. While offering a striking critique of tort law in domestic violence claims, Wriggins is also optimistic about the possibility of achieving many goals through the extension of the statute of limitations and the separation of tort claims from divorce litigation and insurance reform.

As with many of the FLT workshops I have attended, this publication ends with all the excitement with which it began. The momentum is sustained by with Professor Margaret Johnson’s important article on the role critical race theory, class theory and feminist legal theory play in her work as a Practitioner in Residence at American University Washington College of Law’s Domestic Violence Clinic. In *An Experiment in Integrating Critical Theory and Clinical Education*, Johnson tells of her aspirations to help students learn to deconstruct assumptions they, and persons within institutions and broader society, make about the clients and their lives. Johnson’s successful attempts to reconstruct the clinical seminar through simulations, in-class exercises and readings have furthered the clinical legal education pedagogical roles. Johnson’s article presents a new and refreshingly nuanced approach to clinical pedagogy scholarship as applied to the issues of violence against women.

Whether you are already connected to the Feminism and Legal Theory Project or you are being introduced to it via this publication, I am sure you will enjoy and learn from the contributions of scholars who represent scores of others who have participated in the workshops over the years. This publication is a manifestation of our collective joyful appreciation to Martha Fineman and the Feminism and Legal Theory Project, and I sincerely hope it will inspire you as you engage feminism and legal theory in our legal culture and beyond.