

# Our Moment

Letter from the Editor

Jelani Hayes<sup>†</sup>

This Symposium was inspired by events that took place last summer. In fact, I have measured the past decade in summers. In summer 2013, a jury failed to provide legal justice for Trayvon Martin, and the verdict sparked the Black Lives Matter movement. The next summer, Michael Brown's death at the hands of a police officer inspired intense protests in Ferguson, Missouri. During summer 2015, nine black American worshippers were murdered at the historic Emanuel AME Church in Charleston, South Carolina. President Obama sang "Amazing Grace," and Congress failed, once again, to reform our gun laws. But a week later, Americans celebrated the United States Supreme Court's landmark decision in *Obergefell v. Hodges*, which held that the Fourteenth Amendment protects the right to same-sex marriage.

During Summer 2020, I joined the chorus of protestors who said George Floyd and Breonna Taylor's names in repetition—on the streets, in city council meetings, and in boardrooms. That summer gave me hope that our legal, political, and corporate institutions might actually answer calls to defund the police and diversify workplaces, among many other demands. These protests took place during the height of the Covid-19 pandemic, which exposed a failed health care system and poor labor protections. Although the public health crisis proved more persistent than many commitments to racial justice that were made that year, that summer seemed to shift the political landscape—inspiring leftist visions for radical change and fueling conservative opposition to the progressive movement. More to the point, though, over the last decade, momentous summers have shaped the political consciousness of a generation of young Americans.

Last year was no exception. Although the seeds for this Symposium began to germinate in spring 2022 (over coffee, my colleague Demi Moore and I discussed plans to organize an event at Yale Law School, eager to bring our community together after a year of virtual engagements), the events of summer 2022 ignited the spark for our planning. If summer 2020 demonstrated widespread interest in progressive action, summer 2022 underscored the weight of conservative backlash to that agenda. In June, the

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<sup>†</sup> Jelani Hayes is the editor-in-chief of the *Yale Journal of Law and Feminism*. She is a member of the Yale Law School J.D. class of 2023 and a Ph.D. candidate in History at Harvard University.

Supreme Court handed down its decision in *Dobbs v. Jackson Women's Health Organization*, overturning *Roe v. Wade* and eliminating constitutional protections for the right to have an abortion. On the day that the decision was announced, I stood outside the Supreme Court in solidarity with protestors outraged by the holding. Several state legislatures quickly enacted abortion bans and criminal statutes threatening pregnant people, their doctors, and their support networks. At the same time, conservative state governments engaged in an organized attack against the LGBTQ+ community—denying gender-affirming health care to children, as one example—and “critical race theory,” the term pundits misuse as a catchall phrase to describe race-conscious accounts of United States history. Shortly after the summer ended, protests for “women, life, freedom” erupted throughout Iran in response to the murder of Mahsa Amini at the hands of the so-called “morality police.” Both domestically and globally, political regimes hostile to women’s rights inspired new waves of activism. But protest summers are short. As the people of Iran continue to demonstrate, our commitment to a feminist future must be steadfast.

Our moment is one that requires feminists to clearly articulate our visions for the future and to adopt tactics for building that future that cohere to our ideals. Feminist thought must play a central role in shaping our efforts. With this in mind, Dominique James, Melissa Kay, Renée Mihail, Demi Moore, and I—the *Yale Journal of Law and Feminism*’s executive editorial board—began organizing this Symposium. “Meeting the Moment: Legal Frameworks for Feminist Futures” is our humble attempt to uplift critical feminist discourses during a period marked by progressive retrenchment and conservative legal activism.

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The purpose of “Meeting the Moment” is to grapple with the relationship between feminist legal theory and practice. The *Yale Journal of Law and Feminism* (*YJLF*) is dedicated to the publication of rigorous feminist scholarship. As a community of law students, we believe that the standard by which to assess the strength of any legal theory is not the number of citations an article receives but its ability to accurately explain, significantly influence, or deftly critique legal practice and institutions. Equally important is the exchange between legal scholarship and advocacy, co-conspirators in the construction, elaboration, and critique of feminist legal frameworks.

The Symposium has two parts. We commissioned fifteen Essays for this Issue, each grappling with the relationship between feminist legal theory and practice. The Issue is divided into four sections. In “Origin Stories,” we asked the authors to reflect on how the field of feminist legal thought emerged and to identify the actors, inside and outside academia, who have shaped its development. In “Present Challenges,” we asked scholars to

describe the contours of the field today—to identify its stakes and stakeholders and to highlight major challenges for scholarship and advocacy. In “Directions Forward,” we asked our authors to posit a direction for the field and to wrestle with the radical possibilities and inherent limitations imbedded in feminist legal frameworks. The Issue culminates with three Essays in “Strategic Praxis.” Yale University associate professor Greta LaFleur introduces this section, in which we invited legal advocates to explain how feminist legal theory informs their work on the ground.

As a whole, this Issue charts the development of feminist legal thought, highlighting the exchange of ideas between academics and practitioners; it grapples with the efficacy of feminism as an organizing framework for intellectual production and legal reform; and it identifies legal, political, and scholarly arenas where feminist ideas may be useful instruments and others where feminist commitments should be re-evaluated. At the close of Women’s History Month, on March 31, *YJLF* will host a full-day event at Yale Law School, during which our authors will sit in conversation with legal advocates to grapple with the ideas produced on these pages.

This Issue represents the field’s intellectual diversity. Since *YJLF*’s founding in 1987, what constitutes feminist legal scholarship and who identifies as a feminist has changed. This change has not been linear but rather reflects expressions of multiple, overlapping feminist ideals, informed by feminists’ racial, sexual, and class identities and political affiliations. Multiple feminisms have influenced *YJLF*, which, in turn, has played a small but important role in shaping this field of thought. In the process of selecting and commissioning Articles, Notes, and other pieces of writing—in this instance, Essays—each new group of editors takes part in the project of determining what constitutes feminist legal scholarship. I speak for the current board in stating that we do not take this responsibility lightly. Weighty is the power to uplift particular voices and vantage points to the exclusion of others.

Moreover, each generation of editors (re)defines the *Journal*’s political identity. Today, the *YJLF* board is comprised of law students who hold diverse opinions on feminism, the law, and their intersections. As such, the *Journal* does not adopt any singular feminist lens. *YJLF*’s mission statement, which precedes my tenure as editor-in-chief, is ambivalent about the *Journal*’s refusal to define its politics, claiming only a perfunctory commitment to intersectionality: “The *Yale Journal of Law and Feminism* is an intersectional feminist publication committed to advancing scholarship that engages critically with the law as it structures, impacts, or constrains gendered experiences along various axes of marginalization, including race, class, sexuality, culture, nationality, and ability.” Therefore, the senior editorial board, tasked with deciding which scholars and advocates to invite to contribute to this Issue, decided not to superimpose our personal preferences. Instead, we invited our board and the broader Yale Law School

community—non-*YJLF* affiliated students and professors—to recommend scholars and practitioners for this Issue. The only requirement was that the author's work has touched on both law and gender. This was a constructive process, and it has produced a collection of Essays that reveals the feminist legal tradition's broad scope and its fissures.

On behalf of *YJLF*, I want to thank Melissa and Demi for the countless hours of editorial oversight that they provided and for workshopping our collective vision for "Meeting the Moment." *YJLF* is also indebted to the essay editors who worked closely with our authors to polish these pieces. Dominique and Renée deserve significant recognition for their leadership in organizing the Symposium's in-person component, as do the symposium editors for their essential planning efforts. I also want to recognize our submissions editors, who are already working to organize the next Volume. This Symposium has benefitted from the guidance of its faculty advisory board: Greta LaFleur and Yale Law School professors Monica Bell, Douglas NeJaime, and Reva Siegel, in addition to Professor Alice Miller who provided advice in our early stages of planning. Finally, I am thankful to our authors who have lent their expertise and precious time to our goal of helping to frame the legal academy's response to a summer of feminist awakening. Our moment for building a feminist future is now.

# ORIGIN STORIES