

City University of New York (CUNY)

CUNY Academic Works

Women's Studies Quarterly

Archives and Special Collections

1973

Women in Law

Anne Trebilcock

[How does access to this work benefit you? Let us know!](#)

More information about this work at: <https://academicworks.cuny.edu/wsqr/13>

Discover additional works at: <https://academicworks.cuny.edu>

This work is made publicly available by the City University of New York (CUNY).
Contact: AcademicWorks@cuny.edu

WOMEN IN LAW

With women entering law in record numbers, law school curricula are changing to include a feminist perspective. Yet a great need remains for more feminist attorneys, jurists, and legislators. While law has lent itself to abuse by oppressive forces, it can be an aid in the liberation of women and other underrepresented groups.

But isn't the problem of too few women lawyers taking care of itself? Granted, the female percentage of law students nationwide has more than doubled in the last five years. In the fall of 1972, 12,172 women were enrolled in 149 American Bar Association approved law schools. This is approximately the total number of women lawyers now in practice. However, women still constitute only a little over 10 percent of all law students. This marginal share could prove an ephemeral gain if steps are not taken to ensure a continuing upward trend. One wonders, too, if a threshold may be reached, limited by the pool of women whose self-image survived the damage of sexist childrearing so that they could even consider law as a possible career. Moreover, increasing the number of women will not mean much unless women who have discovered their feminism are prevalent among those admitted to law schools.

And what is the experience of a woman in law school? The sexist remarks and elephantine anti-woman humor so common in the recent past have greatly diminished with the influx of more women students. Women's law groups are active in varying degrees at most full-time and at some night law schools. The groups have zeroed in on increasing women's admissions and in eliminating sex discrimination in hiring of law graduates (Harvard, Yale, Columbia, George Washington University, New York University, Hastings, and Boalt, among others, bar recruiting by discriminatory employers; Boalt women conduct educational conversations over breakfast with recruiters who come to the school for the day). The organizations have also pressed for more women on law faculties (women are now about 1 percent of all law professors), recognizing their important role model function. Reaching outside the campus, some women's law groups have built links to the community (helping with a local women's center; public speaking; or working with women in prison as students at Tulane, Rutgers, Buffalo, Yale, and Hastings have done). And informally, women law students have provided each other with support as members of a group with minority status and have helped unravel the role confusion that some women feel in relating to men both professionally and socially.

Curricular change is another key impact women have made on law schools. An increasing number of schools now offer a course in "Women and the Law" for academic credit. New York University Law School, the first to institute such a course in the spring of 1969, last year pioneered again, along with Rutgers, by establishing a clinical course on women and the law. Students get credit for work with attorneys and legislators who handle sex discrimination problems.

A course on women and the law can act as an organizing tool for women law students. To date, the courses have been student-initiated, with greater involvement in curricular matters than is normally possible in the rigid setting of legal education. The course subject matter may include women's legal issues in criminal, family, taxation, employment, education, constitutional, personal injury, labor, poverty, and comparative and international law.

Because women's peculiar legal status in each of these fields is not included in a law school's mainstream curriculum, a course on women and the law is imperative for students who desire such knowledge. The legal pervasiveness of sexual discrimination can raise the consciousness of some; for others, the class is valuable in teaching legal analysis and remedies for some of the problems of women. Additionally, it is a rare treat to participate in a law class with a woman professor (often a lecturer who is a practicing attorney) and a majority of women students.

"Women and the Law" is one of the few courses in law school to attract auditors from other university departments and the local area. Women at UCLA received newspaper publicity on their course that led to several speaking engagements and a TV interview. The class can thus form a basis for community education on the legal status of women. Aleta Wallach, one of UCLA's initiators, criticized their course for a lack of overall analysis concerning the role of law in the oppression of women. She suggests a thematic approach ("Sex and Race Discrimination: A Comparison," "Do Poor Women Need Women's Liberation?") as a basis for a future class. Feeling that the UCLA course tried to cover too much too quickly, she urges a greater effort to develop a camaraderie of spirit and ideology.

Moreover, due to its elective status, a course in women and the law runs the risk of reaching only the already converted. A better solution, some argue, is integration of the subject matter into the regular curriculum. In terms of touching the majority of students, male and female, and forcing them to confront women's legal issues, this is certainly superior to a separate course. Integrating women's issues makes more sense academically as well. Presently, the teacher of women and the law must be master of many areas of law, each with its own intricacies, a formidable task. Realistically, however, subject matter integration cannot happen until law professors have been sensitized and informed on women's legal issues.

An effort in that direction was made last fall by the Association of American Law Schools (1 Du Pont Circle N.W., Suite 370, Washington, D.C. 20036). The AALS sponsored a weekend Symposium on the Law School Curriculum and the Legal Rights of Women, with panels in constitutional, criminal, family, taxation, property, and labor law. Law professors from across the country offered detailed presentations to their colleagues on the ways in which women's issues can be included in the curriculum. (Conference proceedings are available in print and on videotape.)

This curricular symposium, sponsored by an established law school affiliate organization, marked serious recognition of women's impact on the law school curriculum. More feminists in law school and on law faculties will help to ensure permanence and pervasiveness to these changes. To achieve a liberated legal status for women, we will need more sisters in law.

Anne Trebilcock

3rd year student, UC/Berkeley School of Law

Editor's Note: Feminist recruiting booklets ("Who Me? A Lawyer," a poster "Wanted By the Law," and other materials) are available from School of Law, University of California, Berkeley, California 94720.