

FEMINIST LEGAL SCHOLARSHIP: CHARTING TOPICS AND AUTHORS, 1978-2002

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In their call for papers, the organizers of this symposium posed several questions, including: “Are feminist law journals a victim of their own success? Have they outlived their usefulness?” and “What is the state of feminist legal scholarship today? What constitutes feminist scholarship?” As a new member of the legal academy, my answers to their questions depend on answers to two more basic questions: What has been published in feminist law journals? And, how do those articles relate to feminist articles published in non-specialty, or flagship, law journals? After searching the legal literature and finding no easy answers to my questions, I decided to do the work myself. The following essay describes what I found and proposes some tentative answers to the symposium organizers’ questions.

I. METHODOLOGY

To develop a sense of what feminist scholarship has been published in feminist law journals and non-feminist law journals, I collected data about two sets of law journal articles that are arguably feminist in nature. First, I assumed that all articles published in women’s law journals were feminist. Therefore, I looked at virtually every article published in the eighteen women’s law journals that have come into existence since Harvard began to publish the first academic women’s law journal in 1978,¹ as set forth in Chart 1 below. The only articles published in these journals that I excluded from my analysis were book reviews, case comments, and pieces written by students currently attending the school publishing the journal.²

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¹ The Women’s Rights Law Reporter, based at Rutgers Law School, began publication in the early 1970s, but it was directed primarily at a practitioner audience. *See, e.g., Case Summaries*, 1 Women’s Rts. L. Rep. 26-54 (1971). I therefore excluded it from this analysis of academic women’s law journals.

² In addition, one of the journals, *Law and Inequality*, began publication as a journal devoted to issues of gender but later shifted its focus to a consideration of inequality

Through this method, I collected information about 1,448 feminist articles, including information about the subject matter and authorship of the articles.

Chart 1: The Emergence of Women's Law Journals (WLJ)

1978	Harvard Women's Law Review
1982	Law and Inequality (Minnesota)
1985	Berkeley Women's Law Journal
	Wisconsin Women's Law Journal
1989	Hastings Women's Law Journal
	Yale Journal of Law and Feminism
1991	Columbia Journal of Gender and Law
	UCLA Women's Law Journal
1992	Buffalo Women's Law Journal (initially entitled Circles)
	Southern California Review of Law and Women's Studies
	Texas Journal of Women and the Law
1993	American University Journal of Gender, Social Policy and the Law
	Cardozo Women's Law Journal
	Michigan Journal of Gender and Law
1994	Duke Journal of Gender Law and Policy
	William and Mary Journal of Women and the Law
1997	Journal of Gender, Race, and Justice (Iowa)
1999	Georgetown Journal of Gender and Law

Second, for the same time period, 1978 to 2002, I looked at all feminist articles published in seven of the top flagship law journals: California Law Review, Columbia Law Review, Harvard Law Review, Michigan Law Review, Stanford Law Review, University of Chicago Law Review, and Yale Law Journal.³ I adopted an expansive definition of feminism and included in this data set all articles that explicitly considered women or gender; I excluded articles that discussed an area of the law that

in general. See *Introduction*, 1 *Law & Ineq.* i, i (1983). I therefore excluded from my analysis all of the non-gender related articles published after the journal made the shift. Also, for all the journals, I excluded fiction and transcripts of speeches unless the speeches were later modified to read like articles, with footnotes, etc.

³ I selected these journals based on conversations with colleagues about which journals were consistently considered to be among the top flagship journals from 1978 to 2002. In the interest of time, I included in my data set only those journals about which there appeared to be a clear consensus. Of course, strong arguments could be made that other journals should be included in this group. For discussions of law journal ranking, see, e.g., Fred R. Shapiro, *The Most-Cited Law Reviews*, 29 *J. Legal Stud.* 389, 389-91 & n.1 (2000); Robert M. Jarvis & Phyllis G. Coleman, *Ranking Law Reviews: An Empirical Analysis Based on Author Prominence*, 39 *Ariz. L. Rev.* 15, 15-16 & n.1 (1997); James Lindgren & Daniel Seltzer, *The Most Prolific Law Professors and Faculties*, 71 *Chi.-Kent L. Rev.* 781, 786-92 (1996).

could have concerned women—such as family law or employment discrimination—but which did not specifically discuss those issues as they related to women or gender. Using this method, I collected information about 189 feminist articles.

II. FINDINGS

These two sets of feminist articles by no means provide a comprehensive overview of all the feminist legal scholarship that has been published.⁴ However, the data sets do reveal much about the topics considered by feminists in the legal academy over the past twenty-five years, and about who has been participating in the debates.

A. Subject Matter

After collecting the two pools of articles described above, I looked at the primary topics covered by each article. Although the topics were diverse and nuanced, there eventually appeared to be a critical mass of articles discussing certain general topics.⁵ I focused on those general topics found in at least five percent of the articles in both the women's law journal and flagship article pools, first during the entire twenty-five-year period and second, during four subsets of that period: 1978 to 1987; 1988 to 1992; 1993 to 1997; and 1998 to 2002.

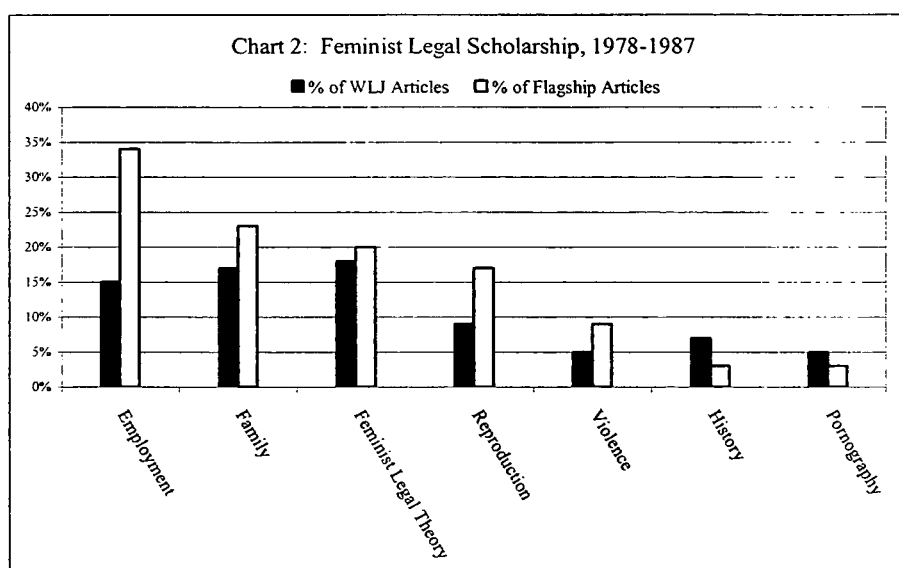
Throughout the entire twenty-five-year period, five topics were discussed in at least five percent of the women's law journal and flagship articles: (1) employment, in which I included all articles discussing workplace issues affecting women, including sexual harassment; (2) family, in which I included all articles concerning adult intimate relationships, child rearing, and legal formations of the family, such as adoption; (3) feminist legal theory in general; (4) reproduction, in which I included all articles discussing child bearing (as opposed to child rearing) issues, including abortion; and (5) violence against women, in which I included all articles concerning domestic violence, rape, and other forms of abuse. Looking at the data over the four subsets of the twenty-five-year period illustrates how the focus on these five topics shifted over time, and how new topics came to be found in at least five percent of the articles published in the periods after 1987.

⁴ Most obviously, many feminist articles have been published by the flagship law journals I did not include in my data set, and it is possible that these other flagship law journals are more likely to publish feminist articles than the seven flagship law journals I selected. See *infra* Part III.

⁵ I initially coded the topics very narrowly. Later, in order to identify trends, I grouped the narrow topics into general topics, as discussed in the text.

1. 1978-1987

Chart 2 below illustrates the distribution of the five topics in the ninety-two articles⁶ published by the four women's law journals that came into existence from 1978 to 1987,⁷ and the thirty-five feminist articles published by the seven flagship law journals during this same time period. The results are not surprising. The women's law journal articles focused primarily on work, family, and feminist legal theory, topics at the core of the feminist movement during this time period.⁸ The flagship articles also focused on these topics but more so. In addition, a higher percentage of the flagship articles discussed reproduction and violence. Given this concentration of flagship articles discussing the five topics, there was little room for diversity of topics in the flagship articles.⁹



⁶ The numbers of women's law journal articles referenced throughout this essay refer to the numbers of articles that fell into my data set definition. More women's law journal articles were actually published, given that I excluded book reviews, case comments, and student-authored pieces from my consideration.

⁷ See *supra* chart 1.

⁸ See, e.g., Martha Chamallas, *Introduction to Feminist Legal Theory* 23-26, 31 (1999).

⁹ For example, while the women's law journals published a handful of articles discussing medical care issues, judicial bias, the Equal Rights Amendment, and athletics (although not at a level approaching five percent of the articles), none of these topics were discussed in any of the flagship articles.

More surprising is the relative dearth of articles discussing pornography or prostitution. The period from 1978 to 1987 encompassed the height of the sex wars, with Catharine MacKinnon, Andrea Dworkin, and others picketing sex shops and working to pass legislation outlawing pornography,¹⁰ while other feminists expressed their discomfort about equating sex with danger.¹¹ Despite this phenomenon, only five percent of the women's law journal articles—only five out of the ninety-two—discussed pornography and only one article discussed prostitution.¹² The flagship articles contained just one discussion of each topic. And none of the articles in either pool otherwise discussed sex apart from its reproductive implications or apart from its use as a tool of violence.

The ninety-two women's law journal articles were also virtually silent with respect to how gender intersects with other aspects of women's identity, such as race, sexual orientation, and financial status. The flagship articles were even more silent. These silences are not as surprising, however, because the feminist movement has been frequently criticized for blindly accepting a straight, white, middle-class woman as its norm, particularly during this time period.¹³

2. 1988-1992

During the next five years, 1988 to 1992, seven new women's law journals came into existence, including the Columbia Journal of Gender and Law in 1991.¹⁴ The eleven women's law journals published 180 articles during this time, while the flagship journals published fifty-six feminist articles, considerably more than the number published in the previous decade. Chart 3 below shows that the topics of the previous decade

¹⁰ See American Booksellers Ass'n, Inc. v. Hudnut, 771 F.2d 323, 324 (7th Cir. 1985) (reproducing Indianapolis anti-pornography ordinance and finding it to violate the First Amendment); Catharine A. MacKinnon, Feminism Unmodified: Discourses on Life and Law 148-50, 175-94 (1987); Andrea Dworkin, Against the Male Flood: Censorship, Pornography, and Equality, 8 Harv. Women's L.J. 1, 13-17, 22-28 (1985).

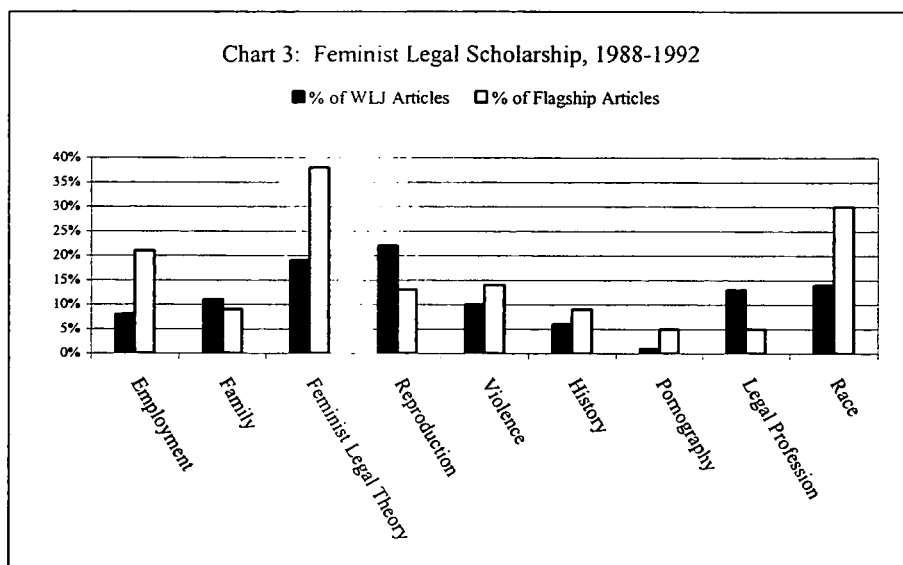
¹¹ See, e.g., Pleasure and Danger: Exploring Female Sexuality (Carole S. Vance ed., 1984); Kathryn Abrams, Sex Wars Redux: Agency and Coercion in Feminist Legal Theory, 95 Colum. L. Rev. 304, 321-24 (1995).

¹² I did not include pornography or prostitution in the general violence against women category, but I readily acknowledge that some feminists (including MacKinnon and Dworkin) would.

¹³ See, e.g., Chamallas, *supra* note 8, at 86-102; Audre Lorde, Sister Outsider (1984); Angela P. Harris, Race and Essentialism in Feminist Legal Theory, 42 Stan. L. Rev. 581 (1990); Patricia A. Cain, Feminist Jurisprudence: Grounding the Theories, 4 Berkeley Women's L.J. 191 (1989-90).

¹⁴ See *supra* chart 1 for the other six.

continued to dominate, but the distribution of topics changed. The percentages of women's law journal articles concerning employment and the family decreased while the percentages of articles concerning violence and reproduction dramatically increased. Part of this change may be linked to several high profile abortion cases during this time period;¹⁵ indeed, nineteen of the forty reproduction articles specifically focus on abortion. The flagship articles were considerably more likely than the women's law journal articles to consider employment issues (albeit falling from thirty-four to twenty-one percent) and feminist legal theory (increasing from twenty to thirty-eight percent), but less likely to consider the family (falling from twenty-three to nine percent, a greater fall than that found in the women's law journal articles) or reproduction (falling from seventeen to thirteen percent, in contrast to the increased concentration found in the women's law journal articles).



In addition to the five topics, feminist analysis broadened during this time period to include discussions of the intersections of race and gender, found in fourteen percent of the women's law journal articles and thirty percent of the flagship articles. The sudden and substantial focus on race in the flagship articles reflects the fact that the Stanford Law Review published a symposium on women of color in 1991.¹⁶

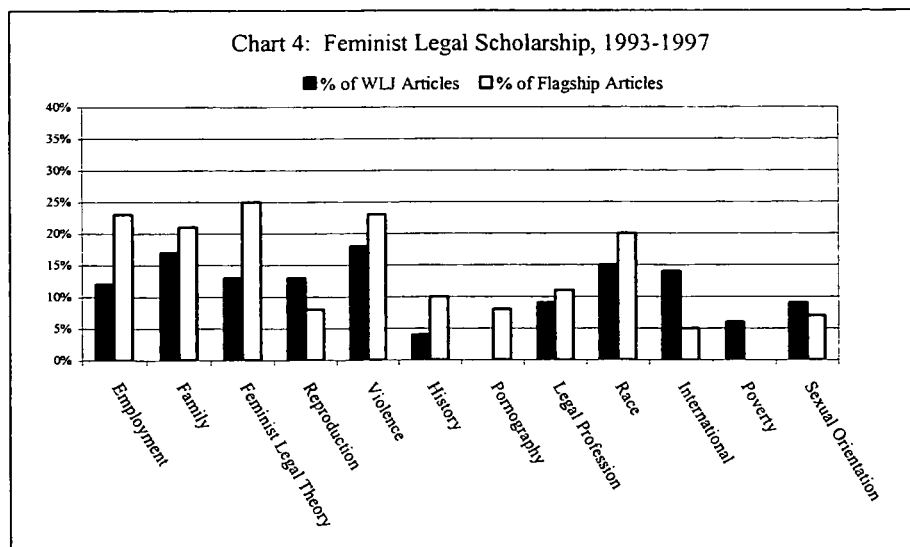
¹⁵ See, e.g., *Planned Parenthood v. Casey*, 505 U.S. 833 (1992); *Rust v. Sullivan*, 500 U.S. 173 (1991); *Webster v. Reproductive Health Serv.*, 492 U.S. 490 (1989).

¹⁶ See Mari J. Matsuda, *Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition*, 43 Stan. L. Rev. 1183 (1991) (describing the Third Annual Conference on Women of Color and the Law, held at Stanford in October 1990, and introducing some of the articles published in the law review symposium issue that resulted from the conference).

Feminist analysis also turned inward during this period to focus on women in the legal profession and in legal education, issues discussed in thirteen percent of the women's law journal articles, but just five percent of the flagship articles. The focus on history remained steady in the women's law journals and appeared for the first time in the flagship journals. As with the previous decade, very few articles discussed pornography (just two of the women's law journal articles and three, or five percent, of the flagship articles) or prostitution (less than five percent of the women's law journal articles and none of the flagship articles).

3. 1993-1997

From 1993 to 1997, six new women's law journals were established¹⁷ and many of the existing women's law journals increased the pages they published, leading to an explosion of articles: 520. In contrast, the flagship journals published sixty-one feminist articles during this time period, a decline from the previous period. As illustrated in Chart 4 below, the most drastic change in the topics covered was the new concentration of articles considering women outside of the United States (fourteen percent of the women's law journals and five percent of the flagship articles), articles considering lesbians and other issues of sexual orientation (nine percent of the women's law journal articles and seven percent of the flagship articles), and articles concerning poor women and issues of welfare and poverty (five percent of the women's law journal articles but none of the flagship articles).



¹⁷ See *supra* chart 1.

In addition, the percentage of flagship articles concerning violence increased nine percent during this time period, while the percentage of women's law journal articles concerning violence increased eight percent, possibly reflecting the passage of the Violence Against Women Act in 1994.¹⁸ In fact, fifty of the ninety-four women's law journal articles concerning violence explicitly considered issues of domestic violence, as did six of the fourteen flagship articles concerning violence. The only other substantial increases in concentration were found in flagship articles concerning the family, rising from nine to twenty-one percent, nearly reaching the percentage found in the 1978 to 1987 period, and in flagship articles concerning legal education and the legal profession, rising from five to eleven percent. Alongside these increased concentrations, the percentage of women's law journal articles concerning reproduction decreased to a level (thirteen percent) much closer to that found from 1978 to 1987 (nine percent) and the percentage of flagship articles concerning feminist legal theory dropped thirteen percent (although this percentage was still much higher than that found in the women's law journal articles).

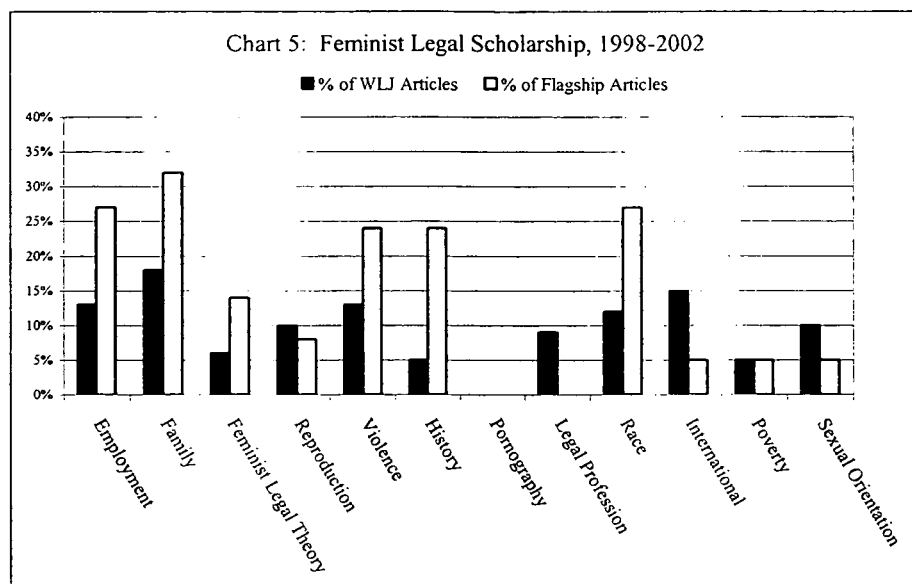
Perhaps most interesting, however, is that the percentage of articles concerning the intersection of race and gender in the flagship journals was still higher than that in the women's law journals, despite the absence of a particular symposium issue devoted to women of color. Also missing from the women's law journals but found in the flagship law journals were discussions of pornography, which constituted eight percent of the topics covered in the flagship journals. In contrast, pornography was discussed in only five of the 520 women's law journal articles published during this time.

4. 1998-2002

During the last five-year period, 1998 to 2002, one new women's law journal came into existence,¹⁹ and overall, the women's law journals published 656 articles. The flagship law journals published only thirty-five feminist articles during this period, a marked decrease from the past two five-year periods. As illustrated in Chart 5 below, the percentage of women's law journal articles concerning issues of employment, family, reproduction, legal history, the legal profession, race, international women, poverty, and sexual orientation stayed at levels very close to those from 1993 to 1997. The percentage of women's law journal articles concerning issues of feminist legal theory and violence decreased.

¹⁸ 42 U.S.C. § 13981 (1994).

¹⁹ See *supra* Chart 1.



The flagship articles for the first time contained discussions of poverty (five percent). The focus on women's legal history in the flagship articles also substantially increased, up to twenty-four percent, in marked contrast to the five percent found in the women's law journals. A higher percentage of flagship articles also concerned the family (up from twenty-two percent to thirty-two percent, the highest percentage of any time period) and the intersection of race and gender. In fact, the percentage of flagship articles concerning race and gender, twenty-seven percent, came very close to the thirty percent present during the 1988 to 1992 time period, when Stanford published its women of color symposium.

The percentages of flagship articles concerning employment and violence remained relatively the same as in the previous five-year period, but both were approximately double that found in the women's law journal articles. The percentage of flagship articles concerning feminist legal theory dropped from twenty-five to fourteen percent, the lowest percentage for flagship articles across all time periods, but still higher than that found in the women's law journal articles since the 1988 to 1992 time period. None of the flagship articles discussed pornography, in contrast to the last five-year period of flagship articles.

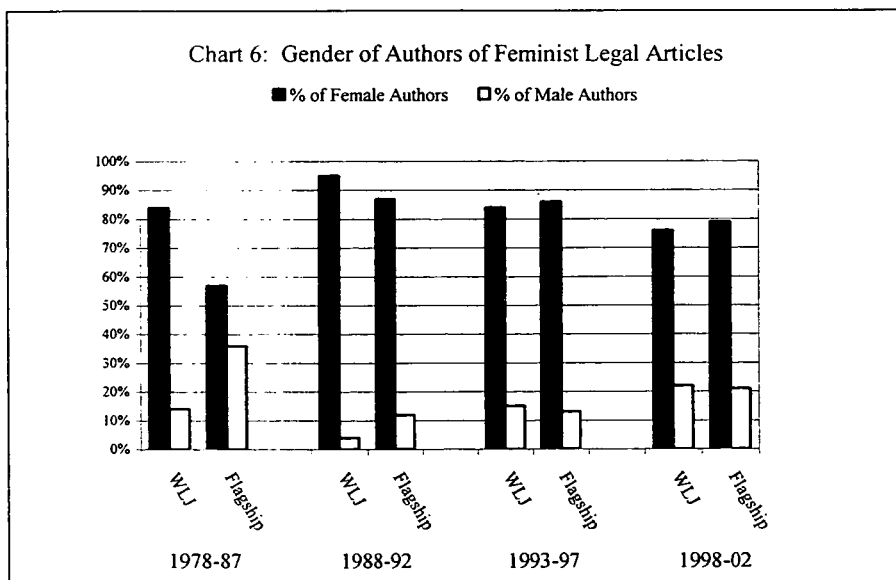
B. Authorship

Who was writing the articles described above? Do the authors of the articles in the women's law journals differ from the authors of the feminist articles in the seven flagship law journals? My data sets reveal that the gender composition of the authors is roughly similar across the two

types of journals, but the institutional affiliations of the authors differ considerably.

1. Gender

At all times for both sets of journal articles, women comprised the majority of the articles' authors. From 1978 to 1987 this was more the case for the women's law journal articles, with eighty-four percent female authorship, than the flagship articles, with fifty-seven percent female authorship. The lower percentage of female authors in the flagship articles may be connected to the high concentration (thirty-four percent) of flagship articles about employment issues during this time, many of which were written by male economists and published in the *Chicago Law Review*.²⁰ In any event, as shown in Chart 6 below, the disparity soon changed. During the next five years, eighty-seven percent of the authors of the flagship articles were women, approaching the ninety-five percent female authorship of the women's law journal articles during this time. And from 1993 to 1997, the percentage of authors who were women was higher in the flagship articles (eighty-six percent) than in the women's law journal articles (eighty-four percent).

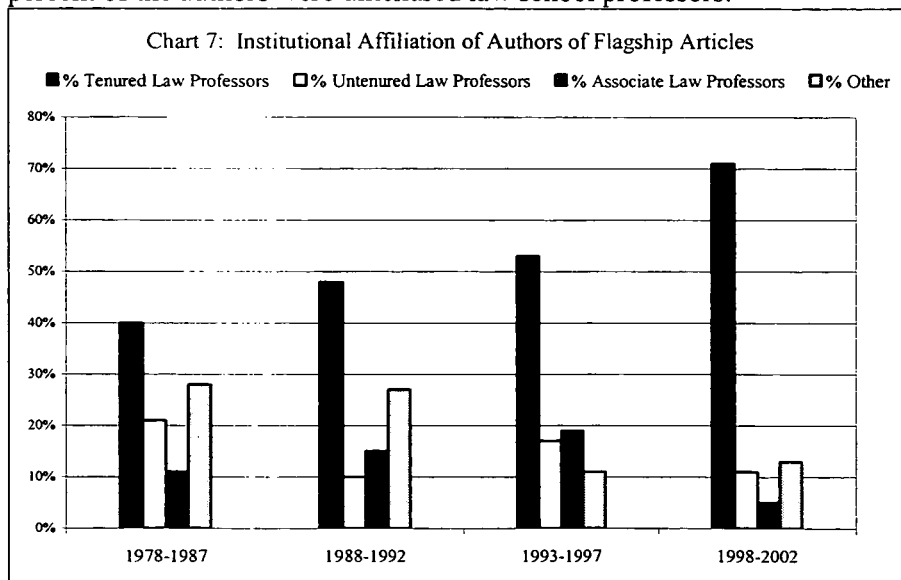


²⁰ See, e.g., Daniel R. Fischel & Edward P. Lazear, *Comparable Worth and Discrimination in Labor Markets*, 53 U. Chi. L. Rev. 891 (1986); James D. Holzhauer, *The Economic Possibilities of Comparable Worth*, 53 U. Chi. L. Rev. 919 (1986); George J. Benston, *Discrimination and Economic Efficiency in Employee Fringe Benefits: A Clarification of Issues and a Response to Professors Brilmayer, Laycock, and Sullivan*, 50 U. Chi. L. Rev. 250 (1983); Lea Brilmayer et al., *Sex Discrimination in Employer-Sponsored Insurance Plans: A Legal and Demographic Analysis*, 47 U. Chi. L. Rev. 505 (1980).

This trend of similar female authorship rates in the flagship and women's law journal articles continued during the past five years, with female authorship rates of seventy-nine percent in the flagship articles and seventy-six percent in the women's law journal articles. More interesting, however, may be the fact that men were more likely during this time to publish feminist articles in either type of journal than they were from 1988 to 1997, and more likely to publish in a women's law journal than at any other point in time.

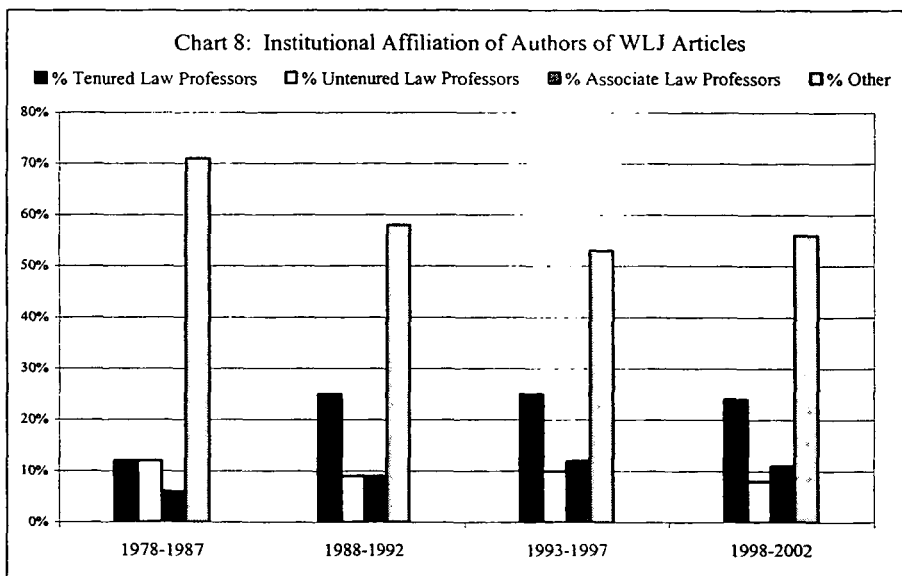
2. Institutional Affiliation

Law school professors wrote most of the feminist articles in the flagship journals over time, as illustrated in Chart 7 below. From 1978 to 1997, close to half of the authors were full tenured professors, whereas untenured law school professors comprised twenty-one percent of the authors from 1978 to 1987, ten percent of the authors from 1988 to 1992, and seventeen percent of the authors from 1993 to 1997.²¹ By the last five-year period, 1998 to 2002, seventy-one percent of the authors of the flagship articles were full tenured law school professors, and only eleven percent of the authors were untenured law school professors.



²¹ Given that associate professors may be tenured or untenured depending on their school (and in some cases, depending on their status within a particular school), I did not include associate professors in either my count of full tenured professors or my count of untenured professors. Associate law school professors comprised eleven percent of the flagship authors from 1978 to 1987; fifteen percent of the flagship authors from 1988 to 1992; nineteen percent of the flagship authors from 1993 to 1997; and five percent of the flagship authors from 1998 to 2002.

In contrast, from 1978 to 1987, seventy-one percent of the authors of the women's law journal articles were not law school professors at all, but rather were practitioners, law clerks, and/or former law students, or came from disciplines other than law. Starting in 1988, the percentage of non-professors fell, as shown in Chart 8 below, but non-professors still made up between fifty-three and fifty-eight percent of the authors of the women's law journals from 1988 to 2002.²²



The law school professors who did publish in the women's law journals were initially not likely to be full tenured professors. From 1978 to 1987, twelve percent of the authors of the women's law journal articles were full tenured law school professors; untenured law school professors comprised twelve percent of the authors and associate law school professors comprised six percent of the authors.²³ The percentage of authors who were full tenured professors grew over the next five-year period to twenty-five percent and has stayed at that level through the present. The percentages of authors who were untenured professors or associate professors have stayed at approximately ten percent for each.

²² Non-law school professors never made up more than twenty-six percent (during 1988 to 1992) of the authors of the flagship journal articles, and the percentage of such authors was considerably less during 1993 to 1997 (eleven percent) and during 1998 to 2002 (thirteen percent). In addition, very few of these authors were practitioners, law clerks, and/or former law students. Instead, the majority of them were tenured professors in disciplines other than law.

²³ Associate professors may be tenured or untenured depending on the school in question (and at times, depending on their status within the school). See *supra* note 21.

III. DISCUSSION

The findings described above do not illuminate why certain authors decided to write about topics or why certain law journals decided to publish those articles. Nor do the findings provide an overview of the entire universe of feminist legal scholarship. However, the findings do reveal what feminist topics have been discussed in depth in the two sets of law journals since 1978, and what topics have more recently emerged. The findings also shed light on who is speaking in the two contexts.

Do women's law journals still serve a role? The difference in the subject matter of the articles published in the flagship and the women's law journals over the past twenty-five years suggest that they might. The women's law journals have been more likely than the top flagship law journals to publish articles that examine the intersection of gender and class, sexual orientation, and nationality. One possible explanation for this trend could be that women's law journals offer a safe space for emerging topics to incubate, before they are accepted by more traditional legal audiences. The fact that the women's law journals began to publish (although not at levels approaching five percent) articles concerning the intersection of gender and disability in 1990, transgender issues in 1997, and sexual pleasure in 1998, whereas the flagship journals did not publish articles concerning these topics until later, provides additional support for this possibility.²⁴

Of course, such an explanation does not account for the relative dearth of articles about pornography and prostitution in the women's law journals. These topics have been embraced by neither the women's law journals nor the flagship journals, possibly reflecting the divisiveness of these issues within feminist legal communities.²⁵ For example, journal editorial boards could be divided over articles that explore either an anti-pornography or pro-pornography (or sex positive) position, and authors could be hesitant to write such articles for fear of alienating feminist allies. Or, it is possible that such articles have been published in flagship journals not included in my data set or in non-law journals.

In addition, despite being more likely to publish articles on some topics, the women's law journals have not examined the intersection of race and gender at nearly the same rate as the flagship journals. This lesser emphasis on the intersection of race and gender could be the result of traditional biases within feminist legal movements,²⁶ or could also reflect

²⁴ See also *supra* note 9 (describing topics that were discussed in early women's law journal articles but not discussed in early feminist articles published in the flagship journals).

²⁵ See Abrams, *supra* note 11.

²⁶ See *supra* text accompanying note 13.

that flagship journals may be more likely to publish feminist articles that also concern race.²⁷ Like many authors, authors of articles concerning the intersection of race and gender may find it preferable to publish in a top flagship journal rather than in a women's law journal. Such authors may also, in addition to the women's law journals, submit their articles to legal journals specifically concerning race, and choose to publish in those journals over the women's law journals. Similar speculations could be made with respect to authors of articles concerning women's legal history, possibly explaining why the women's law journals have recently published such articles at a rate much lower than that found in the flagship journals.

Another role for the women's law journals could be found in the sheer number of articles that the women's law journals are able to publish. The recent decrease in the number of feminist articles published in the flagship law journals may indicate that the flagship journals will be unreliable in their commitment to publishing feminist scholarship in the future. In light of that possibility, the women's law journals offer a steady commitment to publishing feminist scholarship. However, it is not clear that the flagship journals have necessarily become unreliable in their commitment to feminist scholarship. As authors become less nervous about identifying as feminist, and it becomes more acceptable in the legal academy to publish in women's law journals,²⁸ it is possible that the women's law journals may begin (and may have already begun) to drain submissions from the flagship journals. Some authors may prefer to publish in women's law journals in order to ensure that their work will be read by feminist legal communities.²⁹ Of course, such a possibility invokes the tensions often found in debates over the merits of assimilation versus identity, and other authors will likely prefer to publish in flagship journals in order to reach a broader audience for their views. In any event, many authors will not enjoy the luxury of even contemplating the choice of publishing in a women's law journal over a flagship law journal, as pressures concerning tenure and other career advancement issues may dictate publication in top flagship journals, if at all possible.

²⁷ Such speculation could find support in trends like that found at the Harvard Law Review, where the first Supreme Court Foreword concerning critical race theory was published before the first Supreme Court Foreword concerning gender. Compare Derrick Bell, Supreme Court, 1984 Term, *The Civil Rights Chronicles*, 99 Harv. L. Rev. 4 (1985) with Martha Minow, Supreme Court, 1986 Term, *Justice Engendered*, 101 Harv. L. Rev. 10 (1987).

²⁸ The legal academy's acceptance of both feminist authors and publication in women's law journals could be inferred by the increasing number of men publishing feminist articles in both the flagship journals and women's law journals. See *supra* text accompanying Chart 6.

²⁹ The increased number of women's law journal articles written by tenured law professors could lend support to this speculation. See *supra* text accompanying Chart 8.

In the end, however, the most obvious role for the women's law journals may be to publish authors who are not yet established in the legal academy and authors who may never want to be established in the legal academy but still want to bring insights from legal practice and other contexts into academic discourse. The flagship journals, particularly recently, appear most willing to publish feminist articles written by tenured law professors and seem much less willing to take the risk of publishing feminist articles written by less-established authors.³⁰ Therefore, the women's law journals may be the most realistic place for young feminist legal scholars to publish their work and begin to establish their scholarly reputations. In addition, the flagship journals are unlikely to publish feminist articles written by practitioners, law clerks, and former law students.³¹ If the women's law journals were not around to publish such work, who would?

³⁰ See *supra* text accompanying Chart 7.

³¹ See *supra* note 22.

MOVING THE MARGINS

Assimilation and Enduring Marginality