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# Symposium Foreword: Applied Feminism and Marginalized Communities

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## SYMPOSIUM FOREWORD: APPLIED FEMINISM AND MARGINALIZED COMMUNITIES

Michele Gilman, Professor of Law<sup>†</sup>

The theme of this symposium and the articles collected in this volume of the Law Review is *Applied Feminism and Marginalized Communities*. The goal of the symposium was to expand understandings of the feminist struggle against subordination in light of the anti-essentialist insight that women lead lives of great variation. To end oppression, the feminist movement must recognize and seek to overcome the multiple challenges faced by women of all races, cultures, and classes. In keeping with this theme, each panelist pulled back a curtain to reveal the lives of women whose voices are often silenced by mainstream society, and rarely heard within feminist discourse. We are proud to publish three articles generated as part of the symposium, each of which has the power to reframe how you think about gender inequities.

In *Returning Home: Women in Post-Conflict Societies*, Naomi Cahn, Dina Haynes, and Fionnuala Ní Aoláin, write about the role of women in societies that have just emerged from conflict, such as in the Congo, Bosnia, Liberia, and East Timor. Post-conflict societies are in disarray, lacking even basic services such as food and shelter. Their populations are shattered and scarred. The brunt of the chaos during and after a conflict falls upon women and children, since they make up the bulk of displaced refugees. Nevertheless, women are often excluded from post-conflict reconstruction processes due to a lack of education, power, and cultural dynamics. Accordingly, post-conflict reconstruction is a gender issue. Cahn, Haynes, and Ní Aoláin propose a “social services justice” model to serve as a bridge between short-term humanitarian aid and long-term development projects. In their model, the daily needs of displaced persons take center stage, rather than formal accountability mechanisms such as reparations and truth commissions. The authors explain how education, health care, and economic development are pillars for building peace and security. Their article powerfully reveals the folly of leaving the voices and needs of women out of reconstruction

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efforts. As they say, “[i]nvesting in women provides an enormous return.”

In *Reflections on Judging Mothering*, Chris Gottlieb builds a bridge between her own experiences as an upper-middle class mother and the experiences of her indigent clients facing termination of their parental rights for alleged child neglect. Gottlieb describes the shock she felt, after having children, when complete strangers approached her on the street to criticize her parenting skills. She explains how society’s judgment of mothers and expectations of parenting perfection fall more harshly on poor mothers, who can lose their children simply by being poor. As Gottlieb says, “[t]he judgment that falls on yuppie women in snide remarks at cafes falls on poor women with a hammer.” Gottlieb astutely contrasts the discretionary, subjective, and arbitrary child welfare system with the rights-based movement underlying reproductive rights. The pro-choice movement binds together women of all classes. Middle and upper-middle class women care deeply about limitations on the right to choose, even though their resources will ensure that they always have reproductive options. When these women fight for the right to choose, they are fighting for low-income women. Gottlieb urges feminists to expand rights-based rhetoric to include a right to parent. Seeing the linkages between all mothers, Gottlieb advocates for solidarity over judgment.

Finally, Lisa Keels turns the focus to American women living with HIV and AIDS, in her article, “*Substantially Limited: The Reproductive Rights of Women Living with HIV/AIDS*.” Keels describes how our legal and medical systems marginalize women living with HIV/AIDS by stigmatizing their reproductive choices. Keels carefully analyzes the fallout from a 1998 Supreme Court of the United States decision, which held that HIV was a disability under the Americans with Disabilities Act of 1990 because it “substantially limited” a person’s reproduction. The decision—which was favorable for a woman seeking dental care—had the side effect of weakening the right to reproduce for women with HIV/AIDS. Significantly, the court based its decision on outdated public health data and assumptions that women are to blame for HIV/AIDS transmission to their partners as well as to their children during pregnancy. Keels questions those premises and highlights the discrepancies between current medical data and legal doctrine, which lags behind. She makes specific recommendations for improving reproductive services for women living with HIV/AIDS and for ensuring that the judicial system bolsters the rights of these women.

In sum, this volume highlights the plight of women in post-conflict societies, mothers caught up in the United States’ child welfare

system, and American women living with HIV/AIDS. Each author goes beyond analysis to make concrete recommendations for giving these women a voice in shaping the society around them. Each author envisions a world in which these women have the autonomy and support to lead their lives free from oppression and stigmatization. These articles are one step closer to moving the women described on these pages from marginalization to center stage. The next step is yours.