

January 2012

Preface to Volume 32: Introducing the *Boston College Journal of Law & Social Justice*

Boston College Journal of Law & Social Justice

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Recommended Citation

Boston College Journal of Law & Social Justice, *Preface to Volume 32: Introducing the Boston College Journal of Law & Social Justice*, 32 B.C.J.L. & Soc. Just. (2012), <http://lawdigitalcommons.bc.edu/jlsj/vol32/iss1/1>

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INTRODUCING THE *BOSTON COLLEGE* *JOURNAL OF LAW & SOCIAL JUSTICE*

With the publication of this volume 32, the *Boston College Third World Law Journal* changes its name to the *Boston College Journal of Law & Social Justice*. The staff and editors believe that the new name more accurately reflects our mission and scope. Historically, our purpose has been to publish scholarship affecting populations underserved by the legal academy—whether those populations exist in the developing or developed world, in the domestic or international spheres. The name *Boston College Journal of Law & Social Justice* better represents the issues we value and, at the same time, aligns us with the school’s commitment, as articulated in its mission statement, to social justice.

OUR HISTORY

An extremely important (and highly rewarding) aspect of the deliberative process that preceded this decision required members of the *Journal* to explore the forces that led its founders to choose the name *Third World Law Journal* in the first place. We discovered that the *TWLJ* started as a happy accident. In 1976, members of the Black Law Student Association (BLSA), under the aegis of Professors Robert Berry and Arthur Berney, held an entertainment law symposium. Papers generated at that conference were slated for publication in the UCLA-based *National Black Law Journal*. The symposium was underwritten by funds provided both by our then-dean, Richard Huber, and the American Bar Association. Because some symposium participants failed to submit written papers, and mechanical problems made transcription of the oral presentations impossible, the symposium issue of the *National Black Law Journal* never materialized. The reserved funds, however, were escrowed for a related use. In the succeeding years, a group of BLSA students led by Maurice Hope-Thompson contemplated using those funds to begin a law review devoted to minority issues. Outreach to fellow affinity groups led to more widespread support. The new journal sought to “draw upon the talents of students of African-American, Hispanic, Asian and other African-descended heritage, and others interested in the concept.”¹ Coinciding with the nationwide ascent of Critical Legal Studies, the found-

¹ Maurice Hope-Thompson et al., *Introduction to the Anniversary Symposium for the Boston College Third World Law Journal*, 26 B.C. THIRD WORLD L.J. 3, 4 (2006).

ing seemed to evoke certain utopian ideals that contrasted sharply with then-prevailing norms of scholarly journals. Affiliation was to be completely voluntary and non-exclusionary. The purpose of membership was expressly to increase opportunities for minorities who were under-represented on mainstream journals. The founders even envisioned the head editorial position rotating annually among representatives of the law school's minority groups.²

In a series of meetings, the coalition of supporters endeavored to acquire the school's imprimatur. The first such meeting took place on October 24, 1979. Thirteen students petitioned the publications committee for official recognition of a journal that could "serve as a forum for the discussion of Third World peoples locally, nationally, and transnationally, [the goal of which was to] foster intellectual toughness and aim for the development of excellence in scholarship, analysis, and writing."³ By all accounts, the meeting was less than fruitful. Some committee members questioned whether such a journal would further isolate minority students; others wondered whether it would exclude white students; some even questioned the competence and commitment of its proponents. After extended but nonproductive debate, the committee tabled discussions in order to meet again two weeks later. At a November 8th follow-up, although commending the students for seeking to provide a law review experience "for students not usually exposed to it," the committee worried about the proposed journal's "third world" perspective and whether such a journal was consistent with legal scholarship.⁴ In the end, the committee voted 7 to 1 against the new journal's formation. Two weeks later, Maurice Hope-Thompson presented Dean Huber with a lengthy memorandum that reflected the students' disappointment with the vote and their anger at the "patronizing tone in which many of the questions were cast." A few weeks later, Professor Berney published an article in the law school's student newspaper, expressing dismay over the "racism and/or elitism" that animated the publications committee vote.⁵ In response, and against the publication com-

² Telephone Interview of Maurice Hope-Thompson, first editor in chief of the *Third World Law Journal*, by Stephen Spaulding, its twenty-ninth editor in chief (Apr. 15, 2009); Interview of Professor Emerita Ruth-Arlene Howe by Stephen Spaulding, Newton, Mass. (Apr. 6, 2009). These interviews were conducted as research for a paper for an American Legal Education class taught by Professor Daniel Coquillette.

³ *Committee Continues Third World Journal Question*, SEAMLESS WEB (student newspaper) Oct. 29, 1979, at 1.

⁴ Minutes, Publications Committee Meeting (Newton, Mass.) Nov. 8, 1979.

⁵ Arthur Berney, *A View from Afar: The Third World Law Journal*, SEAMLESS WEB (student newspaper) Dec. 3, 1979, at 1.

mittee's express recommendation, Dean Huber circulated the Hope-Thompson memo and placed the matter on the agenda for the next faculty meeting—scheduled for December 19th. In a surprising turn-around, after a student presentation and general discussion, the faculty voted to provide provisional approval to the new *Boston College Third World Law Journal*. Staffed entirely by volunteers, the inaugural issue came out the following year.⁶ Within 5 years, the *TWLJ* was woven seamlessly into the law school's academic journals program: membership derived from the writing competition, students fulfilled the writing and editorial requirements imposed on the other journals, and staff members received the same credits granted to the school's other journal members.

Familiarizing ourselves with the *TWLJ*'s creation story reinforced how indebted the current students are to the founders' ambition and determination. They overcame the apprehensions of a doubtful faculty skeptical of the journal's significance. They identified a mission that advocated inclusion in contravention of a legal academy that tolerated (and perhaps promoted) exclusion. As a group, the current staff was amazed by the founders' capacity to persist against enormous odds. The founders believed that third world studies would become (or continue to be) a recognized area of legal scholarship and that our journal would be part of it.

OUR NEW NAME

Although, in 1979, the term third world was cutting edge, today it never appears in the submissions we receive. Changing the journal's name is not an indication that we intend to deviate from the trajectory that began in 1979. On the contrary, a name change will ensure that we can get past the strained conversations about why a twenty-first century journal contains the outmoded term third world in its title. It will allow us to speak more to the journal's rich history, its scholarship, and its mission. The *Boston College Third World Law Journal* was created to "give front-burner treatment to the problems of the third world," to provide a forum giving "third world legal issues a place of centrality," and to "fill a gap in the legal literature."⁷ The inaugural members demonstrated a

⁶ See generally 1 B.C. THIRD WORLD L.J. 1 (1980). The issue comprised an introduction, an outside author's article on taxation in the People's Republic of China, and a student note by Hope-Thompson on the law of the sea.

⁷ Maurice Hope-Thompson, *From the Editors*, 1 B.C. THIRD WORLD L.J. 1, 1-2 (1980).

concern for “the study of Third World legal issues” which, at the time, “represent[ed] a newly emerging field.”⁸

However admirable that impulse was, since 1978 the term “third world” has acquired a pejorative connotation. When used colloquially, the term now suggests backward, primitive, or inefficient peoples or nations.⁹ The early editors of the *TWLJ* recognized that the field of third world studies “was not without controversy” and that “the very concept ‘third world’ invites debate.”¹⁰ Regrettably, with the new connotation attached to the term third world, the journal’s name has invited controversy and debate unintended by its founders—controversy that detracts from, rather than adds to, the journal’s scholarly bona fides.

In addition, the old title tended to obscure rather than clarify what type of scholarship we endeavor to publish, confusing even those for whom we expressly seek to provide a forum in the legal literature.¹¹ In terms of scope, for example, nearly 70% of our content has concerned domestic issues, while 30% has been devoted to international matters. Topically, we have published on a wide range of subject matter, with race comprising the largest cohort, and issues affecting women, children, international policy, and immigration representing the next five most significant categories.¹² These data demonstrate not only that we focus

⁸ *From the Editors*, 2 B.C. THIRD WORLD L.J. iv, iv (1981).

⁹ A particularly offensive (but unfortunately typical) example of this colloquial use is found featured in a recent posting on Above the Law: “I hate crappy customer service as much as the next guy; I just hope UCLA law students from ‘third world s**tholes’ aren’t offended.” Elie Mystal, *Non-Sequiturs: 03.29.11*, ABOVE THE L., <http://abovethelaw.com/2011/03/non-sequiturs-03-29-11> (last visited Jan. 17, 2012) (quoting *FedEx Office Print Online SUCKS*, PROFESSORBAINBRIDGE.COM, <http://www.professorbainbridge.com/professorbainbridge.com/2011/03/fedex-office-print-online-sucks.html> (last visited Jan. 17, 2012) (“Then I call Federal Express customer service and get some moron with an impenetrable accent who, as near as I can tell, kept asking for the tracking number on my package! Where did they hire this guy? And what third world shithole do they have him penned up in?”)). Many of us were interested to learn that third world is a term that derives from Cold War era politics. It originally described economically underdeveloped countries linked by common characteristics such as poverty, high birth rates, and economic dependence on more developed nations. Another characteristic they shared was their nonalignment with the Communist bloc or Capitalist nations of the West.

¹⁰ Carlos M. Vega, *From the Editor in Chief*, 3 B.C. THIRD WORLD L.J. iv, iv (1982).

¹¹ This also raises significant questions about what articles are diverted from our pool of submissions because of a misunderstanding of the issues and subject matters we aspire to encompass.

¹² As noted by our first Editor in Chief, “[C]hange benefits from and is often prompted by study, the examination of possibilities, scholarship, and robust discussion.” Hope-Thompson, *supra* note 3, at 1. In the spirit of informed decision-making, we have catalogued all of the articles, notes, book reviews, and symposia from the past twenty years. The actual breakdown is as follows. Scope: Domestic—69%; International—31%. Topics: Race—16%; Women—11%; Children—10%; International Politics/Policy—10%; Immi-

on domestic issues to a considerable extent, but that most of our articles fall outside the ambit of the traditional meaning of the term “third world.”

OUR HOPES FOR THE FUTURE

We believe that this clarifying name change will position us to become the country’s leading law journal devoted to social justice issues; not only will a less ambiguous name translate to a greater number of submissions, but our affiliation with a school known for its commitment to social justice will give us a greater claim to the best articles submitted each year. As we spent the past few years debating our name, the discussions centered not only on our desire to change it to something that more accurately reflects the scope and mission of the publication, but also to something that echoes and reinforces the mission of the law school. As indicated on the law school’s website, the *Third World Law Journal* provides “a progressive, alternative legal perspective on issues both within the United States and in the developing world.” Its scope “includes issues affecting underrepresented populations, human and civil rights, immigration, women’s and children’s issues, and issues of disproportionate economic impact.” The founders of the journal envisioned it as “a forum for discussing legal issues affecting people, cultures, and institutions that share a common history of colonialism, oppression, under-representation, and marginalization in the political and economic processes.” Many of us were struck by how closely this tracks the law school’s mission statement, a statement that articulates the school’s “commitment to social and economic justice,” which it strives to advance “both through its curricular offerings and in the extracurricular projects that it supports.” The mission goes on: “We encourage our students to develop their own individual commitment to others and to explore those themes which are central to the Jesuit tradition: the dignity of the human person, the advancement of the common good and compassion for the poor.” Ultimately, our internal discussions forced us to focus on and scrutinize the core values that inform our own mission and we reached a consensus that there was real value in promoting a journal whose name reflects the values and mission that underlie and

gration—8%; Domestic Politics/Policy—7%; Human Rights—7%; Gender/Sexual Identity—6%; Criminal Rights—6%; Poverty—5%; Other—15% (including Economic Development, Corporate Abuse, the Holocaust, Health, Native Americans, Religious Rights, Disability Rights & Public Housing).

give life both to the publication and the broader community of which it is a part.

We want to assure our readers that the editors and staff of the journal remain committed to its original mission. Indeed, the record shows the journal's remarkable success at publishing articles that discuss issues affecting underrepresented populations, human and civil rights, immigration, women's and children's issues, and issues of disproportionate economic impact.¹³ We believe that the name *Boston College Journal of Law & Social Justice* is consistent with the journal's subject matter and, while honoring and respecting the *TWLJ*'s past, more effectively furthers the founders' mission. We also believe that including "social justice" in the title of the journal accurately reflects its scope and topical focus to outside authors, employers, and students who may not be familiar with the nuances of our history but who share our commitment to social justice.

Robert Zoellick, the head of the World Bank, recently argued it was time to retire the term third world. "[T]he categorizations of First and Third Worlds, donor and supplicant, leader and led, no longer fit."¹⁴ In that spirit, we merely change the nomenclature of our journal's title. What will not change is our commitment to examining the forces that animate inequality in its various expressions. As the founders of this journal wisely recognized over thirty years ago, however long marginalized groups require a voice, publications like the *Boston College Journal of Law & Social Justice* will remain relevant.

—THE EDITORS OF VOLUMES 31 AND 32

¹³ According to the Washington & Lee School of Law rankings, the *Boston College Third World Law Journal* ranks highly in minority, race and ethnic issues; human rights; gender, women, and sexuality; and family law. See *Law Journals: Submissions and Rankings*, WASHINGTON & LEE SCH. OF L., <http://lawlib.wlu.edu/lj/index.aspx> (last visited Jan. 17, 2012). To see the rankings, select a desired topic, "Comb Rank 2010," and the "Submit" button.

¹⁴ *World Bank Head: Time to Retire Term "Third World,"* (Apr. 14, 2010), <http://www.foxnews.com/world/2010/04/14/world-bank-head-time-retire-term-world>.