

Guest Editorial: Law, Gender and Sexuality

Introduction

This issue of Legal Information Management features a series of articles on the theme of sources and methods in socio-legal research on law, gender and sexuality. As with last year's issue on legal biography (LIM Vol.14 No.1) the articles published here are based on talks given at a national training day held at the Institute of Advanced Legal Studies (IALS) in May 2014, and co-organised by IALS, the Socio-Legal Studies Association (SLSA) and the British Library. Among the most densely programmed streams at SLSA conferences, attracting twenty two research papers in 2013, and with explicitly relevant papers also featuring in several other special interest areas from family law to legal professions, *law, gender and sexuality* was an obvious theme for these training days which aim to introduce early career researchers to more unusual sources and methods. While we are unable to represent all those in the academy and information services who could have offered valuable insights on the sources and methods in their work and collections, LIM is once again fortunate to benefit both from highly regarded academic insights and information service perspectives.

Academic and Information Service Perspectives

Featuring strongly in this issue, and hugely significant for anyone interested in a theoretical anchor-bed for their research on law's relationships with gender and sexuality, feminist research on law, as Rosemary Auchmuty points out, is a relatively young field. Although remaining marginal in the academy, it is, she adds, an accepted and growing area of study. Arguing that a feminist approach should be a constitutive part of good research Professor Auchmuty urges us to look beyond the masculine concerns and methodologies of mainstream sexuality and law scholarship. We are asked to look beyond analysis which obscures the specific legal experiences of gendered sexuality groups clumped together in rights discourse under overarching notions of homogenous identity such as an "LGBTI community", beyond issues of equality and inequality to notions of power and oppression, beyond law to justice, politics and education. Challenged to demand the same from our sources, we are asked to look beyond the law shelves in the library for information about political movements, especially feminism, that lead to legal change.

Alongside the campaign resources archived at the LSE and introduced below, one such source of information is 'Sisterhood & After: an Oral History of the Women's Liberation Movement' (WLM). This archive at the British Library is introduced by Polly Russell who illustrates the key demands of the Movement and the opportunities that the recordings provide for reflection on the ways that legislative and structural change were experienced by WLM activists in their everyday lives. Dr Russell demonstrates the potential of the collection and its introductory website by reference to extracts from interviews with three activists, and to the 1964 Married Women's Property Act, the 1970 Equal Pay act, applying for jobs prior to the 1975 Sex Discrimination Act, attempts to amend the 1967 Abortion Act, and women's experience of the legal system.

Demanding that our sources yield to the critical scrutiny Auchmuty outlines, using judgments as its primary source, feminist research on judging is accessibly introduced by Rosemary Hunter for its potential to bring fresh perspective to traditional resources. Professor Hunter describes various research projects conducted within and across particular courts or areas of jurisprudence. With examples from across the common law world we are shown how large scale quantitative studies have examined outcomes, how qualitative discourse analysis has examined modes of reasoning, and how judgment rewriting and editing, an innovative new method to which Professor Hunter has made significant contributions, have provided missing feminist perspectives on key cases. We are shown how these methods have helped, for example, to ask about the way that judges construct gender, or about strategies of feminist judging, and how they might signpost directions to future research.

For Richard Collier feminist scholarship is considered with critical studies of men and masculinities in the context of dominant methodological and theoretical approaches to masculinities and law. Providing a rich account of political, intellectual and institutional influences Professor Collier considers a variety of ways in which legal scholarship has approached masculinity and draws attention to selected issues around methods and sources including reflection on the position of the male researcher in legal academia, and comparative and international dimensions to the male spaces of legal business practice. Providing examples of topics and study types in legal masculinities scholarship, the article introduces us to sources that might challenge both the ways in which masculinity is thought about in relation to law and the stock selection policies in more traditionally resourced law libraries.

Indicating opportunities to examine women's exclusion from and admission to the legal profession either side of the Sex Disqualification (Removal) Act in 1919, women's contribution to legal academia and law librarianship, or the number of women studying at particular points in time, Elizabeth Dawson introduces archival sources at the Institute of Advanced Legal Studies (IALS). Practical guidance is provided on using the records of various academic and professional organisations including membership details, regulations, formal proceedings, conference materials, reports, minutes, calendars, and examination results. It was from such sources in the Society of Legal Scholars archive that Professors Cownie and Cocks were able to read proceedings on individual membership applications, research women's participation in conferences, and note that it was not until the 1950s and 1970s respectively that we appear see the first women in receipt of full Society membership and professorial positions in the academy.ⁱ

Frequently overlooked archival sources also provide the focus for two further articles which focus on law and sexuality. Here the sources are official records of the state, and relate to particular areas of law: probate and the criminal law. With an introduction highlighting issues such as the gap between the rules of testamentary freedom and judicial discretion in probate cases involving wills which "challenge inheritance through blood lines and marriage", with examples from the probate records of E M Forster, the artist Gluck (*Hannah Gluckstein*), Radclyffe Hall and George Cecil Ives, and with practical guidance on discovery and retrieval of the documents, Daniel Monk introduces us to the particular rewards that

wills can yield to socio-legal research on gender, sexuality, families and kinship. Dominic Janes draws attention to visual materials - photographic 'scene of the crime' evidence and a painting by Francis Bacon - to explore institutionally and culturally imbedded attitudes to appearance that played a part in the detection and prosecution of illegal behaviour especially prior to the Sexual Offences Act (1967).

The final two articles to be introduced cover vast and varied collections at the London School of Economics (LSE) and the British Library (BL). Jon Sims introduces published and archival text, audio and visual resources at the British Library, illustrating the potential of news media, religious, medical, official and popular cultural sources for example, for historically and socially contextualised investigation of law relating to gender and sexuality. Finally, introducing the many facets of the Hall Carpenter Archive, the Women's Library and Gender Studies collections at the LSE, Heather Dawson provides insight to the creation, composition, structure and practical exploitation of the collections. In addition to rare and specialised journals, zines, and unique home-made publications, our attention is drawn to letters, photographs, posters, badges, banners, textiles, ceramics and archival materials originating with individual campaigners and organisations campaigning for legal change.

Conclusion

One overarching objective of the socio-legal training days is to introduce early career academic lawyers to more unusual sources and methods for research which, looking beyond the boundaries of traditional legal doctrinal research, prioritises examination of the social contingency and social dimensions of law, or the wider social context in which law is made and operates. Hopefully, by placing accounts of these resources and methods in special issues of this journal, these articles are contributing to information service objectives of understanding not only the research purposes and associated information needs of academic lawyers, but also the complementarity of the UK's research collections in order to better support the research and understand the value of our resources.

ⁱ We are grateful to Professor Fiona Cownie for providing these details from her training day presentation on how the archival material at IALS supported her research with Professor Raymond Cocks for their book *"A great and noble occupation!": the history of the Society of Legal Scholars* (Oxford : Hart Pub., 2009.)