

Gender, sexuality, and legal history

Supervisors: [Dr Caroline Derry](#) and [Dr Andrew Gilbert](#), The Open University Law School

Project Description:

The history of sexuality has paid close attention to the law, particularly the criminal law, both as a key site of regulation and as a source of surviving, discoverable records (Cook, 2006). Interest in – and innovative approaches to – these sources have been stimulated by projects such as the digitisation of the *Proceedings of the Old Bailey* (Hitchcock *et al.*, 2012). However, the use of legal archives does not necessarily create legal history, and some areas have been the subject primarily or solely of social history (e.g. Bland, 2013). At the same time, other aspects of gender and sexuality have been relatively overlooked because they have not been explicitly or consistently subject to particular laws (Derry, 2020; Oram and Turnbull, 2001: 155).

This project will allow the successful candidate to develop their own, original research focus within this overall topic area. It invites proposals which explore the legal and socio-legal history of gender and sexuality, particularly those which address intersections of gender and/or sexuality with social class, ethnicity, disability or imperialism. They may but need not focus upon the law of England and Wales, Scotland or Ireland: proposals relating to other common law jurisdictions are welcomed. Potential areas of research could include (but are not limited to) histories of:

- The regulation of female sexuality in the criminal or family courts;
- Feminist campaigns on sexuality and the law;
- Trans legal histories;
- The regulation of gender and sexuality in common law jurisdictions beyond the United Kingdom;
- Gender, sexuality and imperialism.

About the Supervisors:

Dr Caroline Derry is the author of *Lesbianism and the Criminal Law: Three centuries of regulation in England and Wales* (Palgrave, 2020). As well as the historical and current legal regulation of lesbianism, her research interests include the entry of women into the legal profession; the historical intersections of the legal regulation of sexuality with gender, class, 'race' and imperialism; the legal temporalities of sexual consent; and deceptive consent, citizenship and belonging.

Dr Andrew Gilbert is the author of *British Conservatism and the Legal Regulation of Intimate Relationships* (Hart, 2018), which was nominated for the Hart-SLSA Book prize and the Socio-Legal Theory and History prize in 2019 and was runner-up in the Political Studies Association/Conservatism Studies Group Book Prize in 2020. Andrew's work includes the only detailed critical examination of the relationship between conservatism, the Conservative Party and the law of civil partnership and same-sex marriage.

References:

Bland, L. *Modern Women on Trial: Sexual transgression in the age of the flapper* (Manchester University Press, 2013).

Cook, M. 'Law' in H. G. Cocks and M. Houlbrook, *The Modern History of Sexuality* (Palgrave, 2006) 64-86.

Derry, C. *Lesbianism and the Criminal Law: Three centuries of regulation in England and Wales* (Palgrave, 2020).

Gilbert, A. *British Conservatism and the Legal Regulation of Intimate Relationships* (Hart, 2018).

Hitchcock, T, R. Shoemaker, C. Emsley, S. Howard, J. McLaughlin *et al.*, *The Old Bailey Proceedings Online, 1674-1913* (www.oldbaileyonline.org, 2012).

Jolly, M. *Sisterhood and After: An oral history of the UK Women's Liberation Movement, 1968–present* (OUP, 2019)

Oram, A. and A. Turnbull, *The Lesbian History Sourcebook: love and sex between women in Britain from 1780 to 1970* (Routledge, 2001).