

Gender, sexuality, law and humanities

Supervisors: [Dr Caroline Derry](#), Senior Lecturer in Law and [Dr Sophie Doherty](#), Lecturer in Law, The Open University Law School

Project Description:

The field of gender and sexuality has a rich tradition of innovative interdisciplinary work, drawing upon a broad range of sources, methodologies and theoretical approaches. Feminist and queer approaches have combined with, complemented, and contradicted each other. The study of law and humanities can provide ‘a fruitful source of informed opinion as to the form and content of law in a just, democratic society’. The value of humanities subjects lies in their insider/outsider status as writers within these fields ‘have a great deal to say on the subject of law, precisely because legal specialists are not the only thinkers subject to the law’ (Raffield and Watt, 2007, v). Themes such as gender and sexuality have been the subject of law and humanities literature, the value of which is summarised by Sean Mulcahy: by adopting a historical approach, one can ‘look back as a way of propelling academic and broader debate on gender and sexuality forward’ (Mulcahy 2018; 318).

For historians, the law is approached not only as a key site of regulation but also as a source of surviving, discoverable records (Cook, 2006), albeit complex, perplexing and problematic ones (e.g. Arondekar, 2009). Thus, legal archives have produced social histories (e.g. Bland, 2013), while their limitations have led to the development of methodologies focused upon gaps and silences (Derry, 2020). Interdisciplinary work has approached law, sex and gender through lenses as varied as literature (Lacey, 2008), geographies (Houlbrook, 2005: chapter 1), region and class (Smith, 2015). This proposal encourages interdisciplinary methodologies and methods in understanding issues surrounding gender and sexuality.

This project will allow the successful candidate to develop their own, original research focus within this overall topic area. It invites proposals which take interdisciplinary approaches, particularly approaches that fall within the scope of law and humanities, to address issues including, but not exclusively limited to, the 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:

- Legal histories of gender and sexuality;
- The regulation of gender and sexuality in common law jurisdictions beyond the United Kingdom;
- Gender, sexuality and imperialism.
- Exploring gender and sexuality through law and humanities
- Feminism, law and humanities

- Legal history, law and humanities

About the Supervisors:

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; and the legal temporalities of sexual consent.

Sophie Doherty is an Advisory Group member of the *Law and Humanities* journal, a member of the Coordination Group of the international Art/Law Network, and a Committee Member of the Irish Network for Legal Humanities. She is the Co-Founder of the Law and Humanities research cluster at The Open University. Sophie's primary research explores feminist jurisprudence, criminal law, and visual art.

References:

Arondekar, A. *For the Record: On Sexuality and the Colonial Archive in India* (Duke, 2009)

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)

Houlbrook, M. *Queer London: Perils and Pleasures in the Sexual Metropolis, 1918-1957* (University of Chicago Press, 2005)

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

Lacey, N. *Women, Crime and Character: From Moll Flanders to Tess of the D'Urbervilles* (OUP, 2008)

Mulcahy, S. 'Masculinity and the trials of modern fiction' *Law and Humanities* (2018) 12(2), 313-318.

Raffield, P. and Watt, G. 'Editorial' *Law and Humanities* (2007) 1(1), v-ix.

Smith, H. *Masculinity, Class and Same-Sex Desire in Industrial England, 1895-1957* (Palgrave, 2015)