Welcome to the first issue of the CentreLGS newsletter. CentreLGS was launched on 24 September 2004 at the University of Kent. It benefits from funding of £1.1 million, largely from the Arts and Humanities Research Council, with further financial support from the universities of Kent, Keele and Westminster. The administrative base of the Centre is at Kent Law School. The Centre is directed by Davina Cooper, and the associate directors are Ruth Fletcher (Keele) and Rosemary Auchmuty (Westminster).

Our aim is to bring together and develop academic expertise on the relationship between gender, sexuality and the law. In order to do this, we have put in place a programme of research, scholarly exchanges, training, and dissemination. We also have a strong focus on policy issues, responding to government consultations and hosting practitioners and activists working in relevant areas through our associate fellow scheme.

We hope that this newsletter will keep you up to date with what we’re doing and what we’re planning. We’re particularly delighted to have been able to include in this edition an interview by Nicola Barker (Keele) with Carol Smart and Beccy Shipman. If you have any further enquiries, please get in touch. Our contact details are on the back page.

Emily Grabham

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Introduction

by Davina Cooper

In the late 1980s, when I began research in lesbian and gay studies, I struggled to find British writing in the area. The few books that did exist were read avidly – I remember returning repeatedly to Celia Kitzinger’s pioneering work, *The Social Construction of Lesbianism*. Today, bookstores, with their expanding shelves of lesbian, gay and queer studies, are testament to the flourishing of a new field. Conversations, which once circulated around a few shared texts, are now far more developed and diversified.

It is in this context of a rapidly expanding, increasingly complex terrain that CentreLGS was born. It aims to bring together scholars, activists and professionals working in gender and sexuality. Although our particular focus is law, the Centre’s take on law is a broad one, and our perspective is critical and interdisciplinary. We are interested in developing and supporting work that unpicks law’s relationship to power and governance, that
recognises the connections between gender and sexuality, and other organising principles of inequality, and that explores images and strategies for legal, political and cultural transformation, working with disciplines as disparate as philosophy, history, popular culture, politics and social policy.

And we hope to do this in a range of different ways: through seminars and conferences, our visitor scheme, graduate training, publications, and other events and activities. As a Centre, we aim to provide physical spaces in which scholars, activists and professionals can meet and talk; but we also want to facilitate debate among people at a geographic distance. Internationally, there are a number of Centres and Institutes whose interests overlap with ours, but many people working in the area remain relatively isolated: a sole scholar who writes or teaches on ‘gender & the law’, a PhD student working in this area, supervised by someone who does not.

CentreLGS, with close to 60 members across 3 centre institutions, represents a concentration of expertise. We also hope it will offer a lively, friendly, outward-looking, intellectually challenging space for scholars, internationally, whether working by themselves or in networks or institutes. A place where policy-makers can try out reform proposals, and NGO activists deliberate on their experiences. And where we, as academics, can think about the impact of policy, legal practice, community activism and the arts on our work.

Developing and running a Centre offers many challenges: for instance, what is the right balance between planning in advance a series of focused inter-connected activities that respond to a set of prior questions and responding spontaneously to events and changing interests as they emerge? What means should we employ to facilitate debate and discussion among people at a geographic distance; how important are face-to-face encounters; and when are they particularly needed? What role can and should a research centre play in pursuing policy reform and supporting activism in the gender and sexuality area? How can we combine our interest in theory and new conceptual approaches with the need for policy and practical relevance?

This January, we responded to the British government’s consultation on ‘diversity in the judiciary’ (our paper is downloadable from our website); we suggested a number of reforms that might fundamentally recalibrate judicial career paths and mind-sets. In developing our response, we are indebted to members of our international advisory board who passed on evidence and research relating to parallel issues in their region. Working with colleagues in different institutions and countries to explore critically the effects of policy reform in areas such as the legal profession, anti-discrimination law, domestic violence, HIV, gay marriage, work-home balance is crucial to the life of the Centre. Also crucial is using feminist and queer arts, theory, and community practices to think beyond the current moment – to enhance imaginings of what might be.

One challenge, then, for the Centre is to find ways of developing these conversations. But another is to use the networking and partnerships created to highlight the value of collaboration, in all its various forms, to building a vibrant, expansive intellectual culture. Currently, in Britain, we work in an increasingly competitive academic environment, where institutions are pushed to compete for resources and status at home and abroad. Collaborative research centres, with their concentration of energy and resources, play a vital role in demonstrating to policy-makers, but also in taking forward, the importance of mutuality and co-operation.

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News

**Website launch**
First of all, we’re delighted to announce our new website, which contains information on our research, the Centre members, our planned events, and our visiting fellow schemes. Our thanks to Rosie Harding for all of her hard work on this.

You can find us at [http://www.kent.ac.uk/clgs/](http://www.kent.ac.uk/clgs/).

**New Centre Co-ordinator**
We’re very pleased to welcome our new Centre co-ordinator, Anisa De Jong, who started in January.

**Centre Launch and Colloquium**
The launch event for the Centre took place on 24 September 2004 at the University of Kent, with guest speakers Carl Stychin and Nira Yuval-Davis. Around 80 academics and practitioners attended. Professor Stychin spoke on the issue of civil partnerships: ‘Las Vegas is not where we are: queer readings of the Civil Partnerships Bill’. Professor Yuval-Davis spoke on ‘Human rights and contemporary politics of belonging’.

On 25 September 2004, we met again to discuss the relationship between humanities and social sciences approaches to legal studies of gender and sexuality. Our colloquium speakers were Terry Threadgold and Elena Loizidou (speaking on ‘Disciplinary Engagements: Beyond the Humanities/Social Science Dichotomy’); Ambreena Manji, Sara Ahmed, and Les Moran (addressing ‘Complex Readings: Mapping Textual Traces, Absences and Effects’); and Ralph Sandland, Bela Chatterjee, Carol Smart and Richard Collier (‘Are Texts Enough? Making Space for Context and Other Textual Departures’). They covered the topics from a wide-range of angles, making for a thought-provoking day.

**Brenda Hale Lecture**
Baroness Brenda Hale, the first female ‘law lord’ and co-author of the first book on women and the law, gave an illuminating speech at Keele Law School in October on the issue of ‘Sexuality and Human Rights’. You can find a copy of the speech on our website.

**Commission for Equality and Human Rights**
In May 2004, the government published its white paper setting out its proposals for a new combined equalities and human rights body: *Fairness for All: A New Commission for Equality and Human Rights*. Our response urged the government to commit to a timetable for harmonising UK equality and discrimination legislation by way of a single Equality Act. We also recommended that the shadow (i.e. interim) Commission begin establishing its policy as soon as possible on intersectional discrimination; that provision should be made for the CEHR to work on discrimination issues affecting minority businesses; and that the Commission should have the power to fund social, economic and cultural initiatives to promote good relations between groups. You can find the full response at [http://www.kent.ac.uk/clgs/consultation_responses.html](http://www.kent.ac.uk/clgs/consultation_responses.html).

**Diversity in the Judiciary**
In October 2004, the Department for Constitutional Affairs published a consultation paper entitled *Increasing Diversity in the Judiciary*. Our response to this paper emphasised the need for the DCA to address the culture of the judiciary and law profession, instead of merely trying to increase numbers of women, people from ‘ethnic minorities,’ and people with disabilities (the specified groups). We also called for ‘automatic consultation’ (i.e. secret soundings) to be abolished and recommended that the statutory requirements for becoming a judge be changed, as they currently indirectly discriminate against the specified groups. You can see the full response on our website.
Same Sex Cake Toppers and Other Marital Dilemmas:
An Interview with Carol Smart and Beccy Shipman
by Nicola Barker

On 8 March, Nicola Barker travelled to Leeds to interview Carol Smart and Beccy Shipman. Nicola is a lecturer at Keele Law School, and she is currently completing her PhD on feminist perspectives on same sex marriage. Thank you very much to Nicola for all your work on this – especially the transcribing! And our sincere thanks to Carol and Beccy for agreeing to be interviewed. We present below an edited version of the interview, and hope to have the full version on our website soon.

Carol’s work will be known to many; her book *Feminism and the Power of Law* was groundbreaking in presenting a new angle on the way that feminism interacts (or should interact) with law. She is currently Professor of Sociology at the University of Leeds and founding Director of the Centre for Research on Family, Kinship & Childhood (CRFKC). Carol is currently working with Beccy Shipman on a three-year, ESRC funded project entitled *Gay and Lesbian ‘Marriage’: The Significance of Recognition*. Beccy is Research Fellow at the CRFKC. She was previously part of the Research Group on Care, Values and the Future of Welfare (CAVA), where she undertook research on transnational families.

**NB:** Well, thank you both very much for agreeing to do this interview … I guess a good place to start would be if you could tell me a little bit about the research [into gay and lesbian ‘marriage’ and commitment ceremonies] that you’re doing at the moment.

**CS:** Ok, for about the last ten years in the Family Centre here at Leeds we’ve been doing projects on and around relationships, predominantly relationship breakdown and the consequences of that, and when Beccy joined the team I was interested in starting to look at the other end of the spectrum: namely when relationships start. At that time there were discussions about civil partnerships and there was really interesting research around in the States about gay and lesbian weddings. When we conceptualised the project, the Civil Partnership Bill wasn’t even really on the horizon. We thought it might happen in the fullness of time, but it wasn’t really there. But what some local authorities had done was to offer a registration facility. So we began to think about why would people do this, why would same-sex couples want to do this?

**NB:** What have you found have been the reasons for doing the ceremonies so far?

**BS:** [Laughing] The million-dollar question! I don’t think there is one reason; most people have several reasons. There are all sorts of different kinds of recognition, for example recognition of a relationship, of being a couple, or of being parents; recognition from family and obviously the legal recognition is important, [or] just to have a big party. Some people just want to celebrate being together, making a public commitment to each other. There are a huge variety of reasons.

**NB:** What about the ceremonies themselves? Has there been anything particularly unconventional, or have they been quite traditional?

**BS:** Again, there have been a huge range of ceremonies; all sorts of different things, and also people have been very selective about what they have in their ceremonies. So they’ve chosen what really matters to them in terms of readings, and whether they exchange rings or not. We have had ceremonies ranging from two people in a park to ones with 250 family and friends and all that sort of thing.
CS: We did interview one couple who were Christians and had a blessing, and so it can vary from something like that to something which is almost entirely private like the two women in a park voicing their commitment in a ceremonial kind of fashion, but only to each other. I suppose one of the things you wonder is, when Civil Partnerships come into force, whether this huge diversity may start to diminish because there is so much DIY at the moment; people can sit around and think “we can do it any old way, we're doing it to please ourselves and the meaning is for ourselves”.

NB: I was interested in how this research would fit into wider lesbian and gay politics. Do you have any policy or legal objectives that you're hoping might result from this?

BS: At the moment, no, I don’t think so. I suppose the obvious one would have been the Civil Partnership legislation. I think the legal recognition is very important for a lot of same-sex couples. I think at the moment, because we haven’t yet done an in-depth analysis, we'll hold off making recommendations. What it does do is add fuel to the fire in terms of recognition of same-sex partnerships. Obviously civil partnerships aren’t everybody’s ideal but….

CS: … I suppose in one sense where I see it fitting is not directly in terms of policy recommendations but with some of the other research that we’ve been doing, which is actually starting to challenge the idea that marriage or civil partnership or whatever, can only mean one thing. The research suggests that people themselves can live their personal lives in a variety of different kinds of ways. I don’t mean to imply that no one else has ever thought of this, but we are finding a real sense in which people can feel slightly freer about how they form relationships themselves and that they can still call themselves “family”. So I suppose if I had an agenda, it would be to try to say that there's no such thing as the normal heterosexual way of doing things. The nuclear family starts to unravel the more you look at it, and also there is much more overlap of different forms of family life as well as diversity and people doing things in different kinds of ways. The trouble we still encounter though is, if all these diverse forms still get called ‘marriage’ or ‘the family’, it is assumed that everybody must be conforming to a traditional pattern with all the problems associated with that. And actually I just don’t think they are…

BS: … I suppose it’s a particular problem for lesbians and gay men that the representation [in the media] does tend to be very stereotypical and coupled; then with the issue of marriage, you end up with an image of same-sex cake toppers that are around at the moment. You know, [that] isn’t how people are living their lives, and I suppose I feel a strong responsibility for the people I’ve interviewed and to make sure that their lives are represented as best as I can because people are making complex choices. People are wrestling with their own political ideas, their own personal beliefs, and all sorts of other responsibilities to people, to themselves, and so on, and I think it's important that we represent that in this research.

NB: What would you identify as the key trends in the evolution of family forms and their legal recognition and how do you think these trends will continue?

CS: One key issue was the imposition of marriage as the ‘ideal’ model or basis for how people’s families should be constructed. And to some extent what we’ve been trying to do in the latter half of the twentieth century is to wriggle out from that constraint because that particular model, which is indeed obviously heteronormative, highly patriarchal, and certainly puts children in their place, has become increasingly incompatible with how people live their lives.

So I suppose what I envisage is this tight constraint around how people were supposed to live their lives that, after the second world war, gradually lost its hold and people started breaking out, in different ways, and more visibly. And so more and
more marriages that weren’t working ended in divorce; women were getting more rights, not just to own property but to keep their wages and their earnings and they gained a degree of independence; there were changing views on children, with children not just as the property of the father or the property of the marriage, but becoming persons in their own right; and then also the compulsion to actually marry became relaxed for various economic, social and cultural reasons. And obviously that goes hand in hand with things like increased rights for cohabitees, which in a sense are a precursor for growing rights for same-sex couples.

What do I think is going to happen? I think, ironically, that marriage, or at least the ceremony, is actually going to become fashionable, but fashionable in a different kind of way because it isn’t the constraining institution it used to be, and so there may be a greater sense of what individuals can do with it and within it. The legal rights associated with marriage may continue to be important, simply because women will continue to have children and this puts them in a vulnerable position economically. Feminism used to be particularly critical of the marriage contract but came to realise that the main problems for women actually appear as soon as they have children because gender relations click back into place and a degree of economic dependency is created — whether or not people are actually married. So it may be that marriage will be more popular, but also less significant. It may be that parenting becomes more of a focus for policy. I think people will marry at all sorts of odd times in their lives so it won’t be something that is done when a person is 20, but maybe when they are 40 or older. There seems to be an upsurge in older people getting married now but at the same time one of the things I discovered recently was that there are some incredibly conventional middle-class folk who are not marrying (but cohabiting) in order to protect their pensions. So people start to behave in ways that you wouldn’t predict, with radical young people opting to marry, and conventional older people refusing to do so!

And the knowledge that people have that relationships are not for ever will influence them, and I don’t mean that in terms of moral decline, but it does alter relationships when actually you think “You know, I can leave this relationship”. There’ll also be lots of same-sex couples living much more openly.

I suppose one of the other things, and this really does worry me actually, although I’m not sure whether I can justify the cause for my worry, is the fact that children are becoming much more important to men, which is an odd thing to say because feminists used to argue for men to take their children more seriously and to parent more. But I can see that it is becoming a really important contested issue because of what is happening in the area of divorce now. Although it could work out better if child rearing was more shared, it is not clear quite how people are going to continue sharing children if they separate.

Maybe one of the other important trends is going to be the recognition, not just of same-sex relationships, but that relationships can be done across households. You know you might be in a household with others and be in a committed relationship but live in different spaces, and that might become the case for heterosexuals as well.

NB: Since you brought up fathers’ rights, do you think fathers’ rights activists have learned anything from feminism?

CS: No, I don’t think they’ve learned a thing from feminism! [Laughing] I wouldn’t formulate it that way. I suspect they’re by and large utterly ignorant what was going on in the 1970’s or the 1850’s or the 1920’s; the moments when there was a very active women’s movement. I don’t think they’ve learned from it. That’s not to say they haven’t picked up on terms like equality and rights, but then they’re around anyway, and they might use them a bit to bash the feminists. I think that if they had learnt anything from feminism, they would be campaigning for different working conditions. They’d
be looking for ways in which anybody with caring responsibilities could be better supported by those people who are in paid employment. Or they would be campaigning for part-time work for men. But the fathers’ rights demands are formulated solely in terms of what can be taken from ‘selfish’ mothers not in terms of how work life and caring life can be better organised. [Laughing]

I suppose one of the other things I am most concerned about now is the complete silence around motherhood in this debate about fathers and fatherhood. It is just so difficult to get into the debate the voices and experiences of mothers. The way the debate is being construed is in terms of men having to take something away from mothers. This means that mothers appear to be preventing men from being fathers if they raise any objection at all. But I haven’t really worked out how you create a different voice that anyone will now hear.

NB: In Feminism and the Power of Law, you were quite cynical about using law to solve social problems…


NB: Cautious, ok cautious. [Laughing] Ok. Do you think that the years since that was published have borne out that caution, especially since the Human Rights Act, would you modify your conclusions in any way?

CS: I wouldn’t, which doesn’t mean I’m right. But I wouldn’t because again, I don’t know what the Human Rights Act has necessarily done that one would want to celebrate. But as I said earlier, there’s never a closure on issues. They shift and move around on slightly different terrains, with people arguing slightly different things and moving things on, or trying to unpick them in new ways. So I suppose what I’ve tried to argue against is the idea that is embedded in a lot of that enthusiasm for law reform, that once you reform the law, you solve the problem, because you never ever do. And then you get trapped into a viewpoint that says, “Oh we’ll reform the law, we’ll introduce this”, and then after a bit of time, “it hasn’t quite worked … let’s have another law and that will plug that hole”, and then again later; “it’s not quite working, let’s plug that hole a bit more”. And so on it goes. And that fed into my whole thesis about the legalisation of everyday life, until there’s a law against or about everything, you know, and I just went hmm [laughing]. So I remain cautious but I did also say in that book, although I think most people forget it, that law is an important site for conversations and debate about changing people’s frames of reference and I’m actually more interested in that. So if in, say, introducing civil partnerships it means people start to think slightly differently about same-sex relationships, in a more positive way, then I’m going to say fine, even though actually I think anyone who goes into a civil partnership is only going to find themselves in one of those ghastly divorces [laughing] down the road, you know. So that’s why I advise caution.

NB: Do you have any advice for feminist scholars just starting out? I mean, is there anything that you wish someone had told you at the early stages of your career or anything that you would do differently?

CS: No, I don’t think so, which doesn’t mean to say it all went along smoothly, but when you get distance from things, things that haven’t been so good, you take a different perspective on them, you know the sense of “God that was awful, but look how my character has grown!” [Laughing] There was a time you know when I was actually unemployed and I remember I didn’t think I was going to get a job and I regretted the fact that I’d taken on, and really confronted, this professor of law who was my head of department, and I thought, “Oops, bad move” because I didn’t get a permanent job at that university and I was out in the cold for quite a long time. But obviously now I’m not sorry I did that, although I suppose I might have been if I’d never got an academic post again!
This is an important tip too: never show weakness [laughing] but find out those people who will offer you help when you need it. I actually think academic life, quite a lot of being an academic, is about appearing to be extremely confident so one has to play the part. But at the same time we all need support. I expect that Keele is a very supportive place.

NB: It is, actually.

CS: Yes, I think some places are. I've never been fortunate enough to work at any of them though! [Laughing] Actually I said to [Beccy] when we went to Keele, don’t worry it will be really lovely. And it was.

BS: It was very lovely.

CS: And the discussion we had on our project was great, and that kind of support actually allows one to flourish.

I suppose one piece of advice I was given years and years ago was, when I was part of a women’s caucus in the British Sociological Association, one of the older women said “for gods’ sakes, I just wish you young things would not, every time you give a paper, start with an apology!” Because what all of us would do is say,”I’m terribly sorry, I really haven’t had time to do as much work on this as I’d like, and this is a bit sketchy”, or “I haven’t really quite finished it” and she just said, “Don’t ever do that because people won’t notice if you don’t draw attention to it”. And if you draw attention to it they will just think that women are incompetent. So we all stopped apologising [laughing] …

NB: Ok, I think that’s everything. Thank you both very much!
Up against the Nation-States of Feminist Legal Theory – June 2006, University of Kent

This two day international conference will explore how geo-political histories shape the development of equality and feminist legal theory; the problem of transporting feminist legal theory cross-nationally; how feminist legal theories think about and imagine the state; whether feminist legal theories move beyond the nation-state; and the challenge of trans-national and global feminist legal scholarship. Please contact Davina Cooper for further details.

Related Events

Exploring Key Concepts in Feminist Legal Theory: The State, Governance, and Citizenship Relations – 12 and 13 May 2005, Keele University

This workshop is supported by the British Academy, The Feminism and Legal Theory Project, and CentreLGS. It aims to explore how the relationship between the state and the citizen is understood in the UK and the US, the extent to which this relationship is gendered, and what implications this has for feminist strategising and legal reform. Please contact Michael Thomson for further information.

Legal Constructions of Unpaid Caregiving – 28 June 2005, University of Kent

This ESRC-supported workshop will explore the legal construction and positioning of unpaid caregiving, within the UK and in a broader global context, to ascertain: its role and significance in regulation and policy-making; its distributive consequences; and the progressive possibilities posed by challenging or disrupting the way that it is currently understood in law. Please send abstracts and queries to Joanne Conaghan (j.a.f.conaghan@kent.ac.uk).

Home-sharing – a way forward? 29 June 2005

This workshop will take place at Kent Law School. Please contact Simone Wong for details (s.w.y.wong@kent.ac.uk).

Look out for this . . .

A selection of our recent publications:

Publications


Visitors to the Centre

We run two visitors schemes. You can find further information and details of how to apply on our website.

The Visiting Scholar Scheme is targeted at academics who wish to further their research by collaborating with Centre members at any one (or more) of our three partner institutions. Funding is available for stays of between 2 weeks and 3 months, and visitors are expected to pursue a specific piece of research and participate in research seminars. Past and future visiting scholars to Kent include Nicola Barker (Keele), Karin Van Marle (University of Pretoria), Jon Goldberg-Hiller (University of Hawai‘i) and Sherene Razack (University of Toronto). Keele has hosted Michelle Cottier (University of Basel) and Alice Hearst (Smith College, Massachusetts), and will be hosting Malcolm Voyce (Macquarie University, Sydney) and Vicki Toscano (University of Florida, Miami).

The Associate Fellow Scheme is targeted at practitioners and activists working in the broad area of law, gender and sexuality. Funding is available for stays of between 2 weeks and 3 months at any one (or more) of our partner institutions. Associate Fellows are expected to share their expertise with Centre members and reflect on the insights they can bring to academic study from their practice/activist-based background. If you would like to apply for this scheme, please get in touch.

On occasion, the Centre applies for external funding for scholars whose work is directly relevant to the research interests of Centre members. We were recently successful in an application to the British Academy for a Visiting Professorship on behalf of Professor Susan Boyd (University of British Columbia, Canada). Professor Boyd will be visiting the Centre in September 2005, and her project is entitled ‘The Influence of Fathers’ Rights Campaigns on Family Law Reform in Canada and England’.
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**AHRC**
The Arts and Humanities Research Council funds postgraduate training and research in the arts and humanities. It supports research within a huge subject domain from traditional humanities subjects, such as history, modern languages and English literature, to the creative and performing arts. The AHRC makes awards on the basis of academic excellence and is not responsible for the views or research outcomes reached by its award holders.