Edinburgh Research Explorer

Women's Legal Landmarks: Celebrating the History of Women and Law in the UK and Ireland. Ed by Erika Rackley and Rosemary Auchmuty.

Citation for published version:

Digital Object Identifier (DOI):
10.3366/elr.2019.0589

Link:
Link to publication record in Edinburgh Research Explorer

Document Version:
Peer reviewed version

Published In:
Edinburgh Law Review

Publisher Rights Statement:
This article has been accepted for publication by Edinburgh University Press in the Edinburgh Law Review, and can be accessed at https://www.euppublishing.com/doi/10.3366/elr.2019.0589.

General rights
Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and/or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy
The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.
In recent decades, even before Merriam Webster dubbed “feminism” word of the year (see www.theguardian.com/books/2017/dec/13/feminism-merriam-webster-word-of-the-year), studies on law and gender have proliferated. An example of this is the global feminist judgments movement (in which both Rackley and Auchmuty have been involved), which began in 2004 and continues to grow. Yet the task of exposing law’s often-buried gender norms and blind spots is ongoing. As Cynthia Enloe reminds us, when we stop asking “where women are and where men are…who put women there and men here” and “who benefits from women being there and not someplace else”, we allow patriarchy to “glide right by us like an oil tanker on a foggy night” (C Enloe, The Curious Feminist: Searching for Women in a New Age of Empire (2004) 4). And, as anyone who cares to look will see, patriarchy – and the misogyny that so often works to uphold it (see K Manne, Down Girl: The Logic of Misogyny (2017)) – continues to abound, in manifold ways that are impossible to document here.

How, then, can we cultivate our capacity to see patriarchy? Enloe suggests that we should work to develop a feminist curiosity, which involves “taking women’s lives seriously” and “listening carefully, digging deep, and developing a long attention span, being ready to be surprised” (Enloe, The Curious Feminist 5). In my opinion, this collection of women’s legal landmarks is an excellent example of how to develop, and follow, a feminist curiosity, and demonstrates clearly the profound benefits of doing so.

The book celebrates the 100th anniversary of women’s admission to the legal profession in the UK and Ireland by presenting ninety-two significant events, cases, statutes, and non-legal publications (e.g. Mary Wollstonecraft’s treatise, A Vindication of the Rights of Women (1792) and Cicely Hamilton’s play, A Pageant of Great Women (1909-12)) that are generally considered by feminists to be positive developments. Alongside a description of the relevant landmark, each author provides information to help contextualise it, an explanation of its significance and details of “what happened next”. The earliest of the landmarks is Cyfraith Hywel – the laws of the Welsh prince Hywel ap Cadwell (c. 940) and the most recent is the 36th Amendment to the Irish Constitution, which repealed and replaced Article 40.3.3 (otherwise known as “the 8th Amendment”) in 2018. The rest are ordered chronologically, with the majority spanning the nineteenth and twentieth centuries. The scale of this undertaking is truly remarkable and the editors are to be credited for making a success of such an ambitious project.

Methodologically, each of the contributions, and the collection as a whole, embodies the spirit of feminist curiosity by asking the “woman question”, foregrounding gender as a societal organising principle, examining the relations between men and women, giving voice to women’s experiences, and identifying the role of women as agents of law and legal change (5). A real strength of the book is that it does this in a way that covers a wide range of legal topics in an intersectional manner, touching on issues of race and ethnicity, disability, age, sexuality, religion, and class (15). Although these landmarks are all particular to their own time and place, they speak clearly to contemporary problems with and within law. Indeed, by showing how easily precedent and custom can produce varying results, depending on shifting political and social sands, a number of the entries carry an important lesson for feminists with law reform ambitions. They show how ruling on, arguing with, and thinking about law, all need to be transformed if meaningful change is to occur, but so too does the very framework within which these activities take place. This excellent contribution to legal scholarship will provide
readers of all kinds with the intellectual tools, and impetus for action, that are necessary to engage in these difficult but vital tasks.

Chloë Kennedy
University of Edinburgh