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Abstract

This article, by Jon Sims, is based on a presentation given at the national training day on Law, Gender and Sexuality: Sources and Methods in Socio-Legal Research in May 2014, jointly sponsored by the Institute of Advanced Legal Studies, the Socio-Legal Studies Association and the British Library. The article identifies library collections and resources which, beyond the scope of typical law collections, might be useful for broadly socio-legal academic research on intersections between law, gender and sexuality.

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Biography:

Jon Sims is currently employed as a humanities and social-sciences content specialist with the Research Engagement team at the British Library. Much of his work dating back to pre-library school days has focused on legal information sources, legal information needs, and information use in academic research on law. In recent years he has been interested particularly in identifying the types of sources that are useful to research which, focussed on the social dimensions of law or the social context in which law operates, looks beyond the scope of a traditional law library aimed at supporting legal doctrinal research or legal practitioners.

Introduction

This article aims to provide examples of the diverse resources at the British Library which might be of value to researchers investigating intersections between law, gender and sexuality. While certain harder to access primary legal and preparatory legislative sources are noted, this very selective survey looks beyond what might be called the doctrinal info-sphere of legislation, law reports, and exposition of legal rules.

Academic literature treating these intersections with cross-disciplinary, social-theoretical and critical legal frameworks and methods, although collected at the British Library, is not covered here in great detail. However these literatures can be searched and accessed via numerous abstracting, indexing and full text e-resources and via the library catalogue Explore.bl.uk. Work including feminist legal theory, or examination of law's silence on gender and sexuality and its default male heteronormativity, or biographical and empirically based work on gender and sexuality in the legal professions is introduced in surveys of the literature¹ and elsewhere in this issue. Resource guides on Women's and Gender studies more generally are also found on the Library website.²

Paying attention instead to the historical, disciplinary, format and geographic scope of the Library's collections, examples of resources in different collection areas suggest opportunities to explore intersections between law, gender and sexuality in their wider social, cultural, spatial and historical contexts and manifestations. Examples of governmental, religious and medical sources, and of popular cultural, news and visual media are offered as possible opportunities to investigate varied perspectives and types of discourse on law, gender or sexuality. Details of collections, items, British Library shelf marks and collection guides are provided in the end notes. Reflecting the broad view of the Library offered at the training day, this article should be read with Dr. Polly Russell's discussion of the *Sisterhood and After* oral history project which provides a more in depth survey of one particular collection.

News and Magazines

In April 2014, shortly before the training day, Rashida Manjoo, UN Special Rapporteur on the causes and consequences of violence against women,³ drew attention to over-sexualized portrayals of women and girls in the media and to the international framework of women's human rights.⁴ In light of this, and recently having been alerted to Shannon Sampert's critical content analysis in *Newspapers and Sexual Assault Myths*⁵ it was not hard to see how the Library's collections of tabloid newspapers, so called women's glossies, lads' mags, and more explicitly pornographic material might help to inform research on research focussing on relationships between law and a socially constructed view of gender and sexuality.

The news collections⁶ for example can support investigations of salacious journalism, or the circulation and reinforcement of sexualised gender stereotypes, as part of understanding the cultural environment in which violent crimes are perpetrated, and in which women's human rights operate on a daily basis. The new, St.Pancras based Newsroom houses long back files of easily accessible press guides that offer point in time circulation figures for newspapers and popular magazines. It is also possible to see how these sources might facilitate investigation of relationships between the social construction of sexualised gender identity, and low reporting and conviction rates for violent crimes against women and girls, or unresponsive and unsupportive processing of crimes reported to the police.

Nor is it hard to imagine how newspaper articles published in the 1920s or 1980s might be used to research historical context, the mediation of social facts, and the circulation of ideas about sexuality, law and public policy. On the subject of the *Well of Loneliness*⁷ obscenity trial, readers of the *Daily Express* on Monday 20 August 1928 saw a dapper Radclyffe Hall exhibited in the centre of the front page. Under a banner announcing the death of Richard Burdon Haldane, beside an advertisement in which a fashionably hatted woman silently observes as two men discuss furniture finance, we can read the terms in which the editor of the previous day's edition had condemned the book and pushed for prosecution.⁸ Early on in the controversy over the Section 28 ban on local authorities "promoting homosexuality",⁹ whether helping to create or reflect public opinion and the conditions for political consent with regard to the legislation, the Daily Mail ran an article entitled *Save the children from sad sordid sex lessons*.¹⁰

Visual and spatial manifestations of law, gender and sexuality

The Library's new St.Pancras based Newsroom also provides access to a growing Broadcast News archive in addition to print and digital newspaper sources.¹¹ Covering free to air channels, *Broadcast News* includes televised reporting aired by *France 24*, offering the opportunity to scrutinise both media discourse and the visual language of protest around the introduction of French legislation on same sex marriage and parenting. Frame by frame visual analysis can be conducted of

the emblems of the variously constituted body of protesters demonstrating in the streets of Paris to protest against the legislation and support what were described as traditional family values under the banner of *La manifestation pour tous*.¹²

Pictorial representation in the *Illustrated Police News* of the 1890s trials of Oscar Wilde enables examination of the means by which the legal interrogation of the man's sexuality was encountered publicly at the time, both in the popular press and as a crowded, live spectacle.¹³ Published in 1855, thirty years before the introduction of the gross indecency offence under which Wilde was convicted and sentenced to two years hard labour,¹⁴ and still six years before the capital sentence for sodomy was reduced to life imprisonment,¹⁵ *Yokel's Preceptor* offers some clues to the urban geography ("the Quadrant, Fleet Street, Holborn, The Strand") of homosexual London and the visually coded behaviour of its society, thus potentially offering value for research focusing on the spatial dimensions and performative aspects of gay identity constructed, in a particular historical setting, under the pressure of risk of the state sanctioned killing.¹⁶ Published in 1937, twenty years before the Wolfenden report,¹⁷ thirty years before the decriminalisation of sexual acts in private between two consenting men over the age of twenty one, *For Your Convenience*, includes a map of London public lavatories facilitating further geographic and architectural construction of the public urban spaces in which a strand of gay subculture and sexual practice (the use of public toilets, or "cottages" for anonymous sexual encounters between men) was regulated by criminal law.¹⁸

Elsewhere in the British Library collections are photographic and other images of Indian architectural structures providing segregated space for women pursuant to religious cultural practice. Employing the term *zenana*, a key word search of the Library website via Explore.bl.uk retrieves several images: a gender segregated hospital, a school, a carriage, gardens and living quarters. Separately, one of four colour photographs accompanying reportage in *Time (Atlantic edition)* from Afghanistan in June 2012 brings us to an all-male, outdoor law class seated in the grounds of Kabul University. While offering opportunities for visual analysis of legal education, and stimulating further questions about the spatial dimensions of the relationships between law, religion and gender, variety between editions stimulates questions about the role of publishing and information management mediating our understanding of law in action. The Atlantic International edition provided by EBSCOhost *Business Source Complete* does not appear to include the four photographs, while the Chicago edition does not appear to have run the article at all.¹⁹

The *Preceptor* also offers insight to contemporary pejorative vocabulary, thereby suggesting possible search terms with which to generate visual representations of word prevalence from the increasingly digitised literature. *Google Books* and *Old Bailey Online*, both of which include content digitised from British Library collections, provide data visualisation tools. *Google Books Ngram Viewer*²⁰ facilitates visualisation in graph form of the comparative prevalence, across its entire corpus, of different words and phrases over time. Search techniques, statistical reporting and visualisation tools, and the Old Bailey API (application programming interface) are all introduced on Old Bailey Online.²¹

Religion

Religious doctrine and adjudication have a history of pronouncement on normative and transgressive behaviour and cultural practice with regard to gender, and sexual practice. Various sources at the Library facilitate investigation of religious doctrine on gender and sexuality and the

influence that this thinking might have had on the judicial realm or more broadly in ways that overlap with legal issues.

Together with decrees of the ecumenical councils, selected key works of canon law may be found on the open shelves in the Humanities reading room. A subject index to the papers and proceedings of the General Synod of the Church of England and miscellaneous synod publications from the 1970s onwards can be retrieved from storage areas.²² Rare book and manuscript items retrievable from storage via the appropriate reading room contain early canon law works of continuing scholarly interest according to one legal historian.²³ The sacred texts of numerous religions are also introduced on the website²⁴ while, in addition to published works found in the main catalogue covering printed books, a selection of works on religious law can also be found via the manuscripts catalogue grouped with official publications of the India Office collections.²⁵

Early C20th papers belonging to Cornelia Sorabji, (Indian lawyer and social reformer 1866-1954) report on legal difficulties experienced by *purdahnashins* (orthodox Hindu and Muslim women living in secluded, women's quarters described as *zenana*).²⁶ Frequently these women seem to be widowed mothers of male heirs whose inheritance, during their minority, was supervised by the Court of Wards. Printed records of court proceedings transmitted to London for Privy Council appeal hearings also frequently include inheritance claims and family cases from India in which the legal adjudication of disputes impacting women and girls is conducted with reference to personal status laws, and religious cultural practice. These sources offer rare insight into the action of the litigation and the process by which dispute and dialogue over evidence and varied sources of law are distilled into the monologue of an appeal judgment.²⁷ India Office Records can be explored for further reference to the administration of law and policy relating to these practices.²⁸

Academic literature offers introductions to many relationships between law, religion, gender and sexuality. Numerous research publications and journals bring perspective on Islamic religious law particularly around family law and women. While the *Kerala Law Times* offers, for example, late twentieth century dialogue around interpretations and misinterpretations of polygamous marriage practices,²⁹ recent issues of the journal *Islamic Law and Society* have offered articles and book reviews on issues such as women's assertion of marriage rights in Islamic law as a means of contesting elders' authority, embryology and reproductive technologies, Muslim women in Indonesian religious courts and gender, sex, space and sovereignty in Ottoman Islamic law.³⁰

Elsewhere on the religious spectrum's take on law, gender and sexuality Klarman addresses the struggle for same sex marriage,³¹ while Ferrari and Cristofori bring together essays examining law, religion, and women in the hands of multiculturalism, the reconciliation of women's human rights and religion, the tensions between sex equality and religious freedom, the pitfalls for gender equality and the politics-religion relationship, homophobic speech, equality denial and religious expression, and finally, religious group autonomy, gay ordination, and human rights law.³² Ingram investigates historical church courts, sex and marriage.³³

Accounts of C17th and C18th English trials reveal a range of sexual acts classified as sodomy, and the capital sentences passed, and appear to indicate the influence of religious discourse on the legal construction of certain sexual behaviours by reference to sin and offenses against nature.³⁴ For comparison, a record of the verdict on thirty three men accused of 'sodomy' in the Netherlands in 1731 may also be accessed. These reportedly reveal that although capital sentences had been used in the past all the men in this case received life time banishment.³⁵

Official Publications

In the context of international development policy or human rights bodies aiming to eliminate violence and discrimination against women, reports and statistics from international organisations contribute to our understanding of law's role in facilitating discrimination as well as in protecting rights. While once-elusive United Nations reports with references like A/HRC/26/38 or A/HRC/26/39³⁶ now can be found routinely on the web, various guides to the British Library's print and electronic collections facilitate exploration and retrieval of official publications for the E.U., United Nations, national governments across Europe and Africa, for some of Asia, and the United States.³⁷ Electronic subscription resources accessible freely in the reading rooms, and selected free online sources are also listed and linked on the website.³⁸

Gender, Institutions and Development, a statistical data set within the subscription based *OECD i-Library*, provides comparative international figures on, for example, women's inheritance rights, female genital mutilation (FGM), legal age of marriage, levels of domestic violence, custody and guardianship rights, reproductive rights and unmet need for contraception, and access to public space. This database is free to access in the St. Pancras reading rooms.³⁹

At a national level, the 2009 Ugandan Anti-Homosexuality or Marriage and Divorce bills can be found intermittently online, but print copies are held at the British Library as part of an extensive collection of Government gazettes.⁴⁰ Closer to home, comprehensive collections of UK official publications include statistical reports, Home Office research reports, and social surveys offering intelligence and research on issues such as domestic violence, sexual offences or more general demographics.⁴¹

Biomedical and health sources

Further intersections between different perspectives on law, gender and sexuality are found in medical and public health sources. Interdisciplinary investigation of the impact of the Ugandan Anti-Homosexuality bill, including work on closeting and consequential difficulties for HIV prevention and treatment, was quickly identifiable and accessible by use of *Africa Wide* and *Sabinet*.⁴² Elsewhere in the collections a US epidemiological surveillance report from June 5th 1981,⁴³ and collections of public health leaflets shed light on some of the modes by which awareness of HIV/AIDS entered medical, state and popular consciousness. Such items include *Play Fair*, a sexual health education leaflet produced in 1982,⁴⁴ and campaign materials from the Central Office of Information, focussing for example on condom use, needle sharing, and campaigns designed particularly for the gay press.⁴⁵

The Library's extensive Science Technology and Medicine (STM) collections offer opportunities to investigate both the contribution of the medical discourse to the construction of gender and sexuality, but also the transmission of this form of knowledge to literary, social policy, legislative and judicial domains. Entry points to the STM literature, accessible in the reading rooms,⁴⁶ can be interrogated in search of literature on gender assignment, or the construction of homosexuality as a malady (compared with constructions in other discourses focusing on sin, morality or vice), or regarding hormone therapies or chemical castration.

Krafft-Ebing's 1886 *Psychopathia Sexualis: a clinical forensic study*, aimed at least partly at the judiciary, is available at the Library in German editions and English translations.⁴⁷ Published first in 1886, reaching an English translation of its tenth edition by the end of the nineteenth century, Krafft

Ebing's work finds its way into legislative realm looking at sexuality in 1921 to inform the men of the house for whom lesbian women were invisible and not regarded as appropriate for discussion in the space of the legislative chamber. Krafft-Ebing is cited by Ernest Wild in *Hansard* on August 4th 1921 along with Havelock Ellis' *Sexual Inversion*,⁴⁸ to inform the proposal of an amendment which ultimately failed to criminalise "gross indecency between females".⁴⁹

Whether the clause was introduced in earnest or for political tactics is unfortunately beyond the scope of this article. However the Parliamentary debate on the bill reveals varied contexts with which women and same sex sexual relations were framed by the men of both houses. (Nancy Astor voted against the clause) With reference to the supposed role of women in the destruction of ancient empire and civilization,⁵⁰ passing anecdote from family law practice, and to the erosion of family structures and social institutions, talk of "feminine morality", vice and "perversion" is also couched in terms of "brain abnormalities" and neuro-science.

This "medico-legal" stance on sexuality enters the legislative discourse in the alarming shadow of eugenics. While Wild's citation of Havelock Ellis' *Sexual Inversion* brings to mind the author's later work in *The Task of Social Hygiene*,⁵¹ Lieutenant Colonel Moore-Brabazon's proposal is that when "dealing with perverts" the best policy is to "not advertise them... because these cases are self-extermimating".⁵² (Sources on women's writing such as *Orlando*⁵³ suggest that Krafft-Ebing and Ellis also influenced Radcliffe Hall. She reportedly drew from case studies of the former for character development, and to recount the process by which the protagonist constructs her identity, drew from Ellis' *Sexual Inversion*.)

Freely available online, *BL Sounds* offers access to a discussion of the cultural influence of the social hygiene movement in relation to gender and sexuality in the form of a 1987 recording of Frank Mort and Lucy Bland in conversation as part of the *ICA Talks*.⁵⁴ The papers of another proponent of social hygiene, Marie Stopes, co-founder Mother's Clinic for Constructive Birth Control and Racial Progress, can be found in the manuscript collections.⁵⁵

More recent focus on reproductive rights, the medical profession and both legislative reform and adjudicatory process can be found in the *UK Open Web Archive* and among printed records of proceedings from Privy Council appeal cases emanating, this time, from the disciplinary committee of the General Medical Council. Reports on barriers, including a ban on abortion in Nicaragua, to women's control of their own bodies in the context of human, sexual and reproductive rights are preserved in archived instances of the *Amnesty International UK website*.⁵⁶

Following the UK Abortion Act of 1967, at least two disciplinary appeals to the Judicial Committee of the Privy Council address, within the context of self-advertisement and unbecoming professional conduct, medical practitioners' circulation of information about the legality and practical procurement of medical termination of pregnancy.⁵⁷ Providing transcripts of oral evidence and cross examination as well as documentary exhibits, including the book whose cover shows the title *Abortion: a Sunday Times guide to abortion within the law*, the proceedings facilitate close examination of the language used.⁵⁸

Classical, theatrical, literary and popular culture

Classical Greek works, that typically may not be available in a law library, provide sources for the examination of both ancient and modern historical attitudes on gender politics and law. English translations are widely available but can be accessed in the British Library along with academic

analysis and evidence of the impact of ancient history and culture on the legislative and judicial domain. Other resources help to explore the way in which law has also contributed to the control of cultural representations of gender and sexuality.

In Plato's *Republic* and *Laws* for example researchers will find discussion of women's role in elite public office and the armed forces, while the final part of Aeschylus' Oresteia trilogy *The Eumenides* dramatises a matricide trial employing female symbolism in the representation of evolving forms of justice.⁵⁹

An academic and a parliamentary source suggest ways in which the C19th and early C20th circulation of classical treatments of gender and transgression may be considered in relation to their contemporary legislative and judicial domains. The influence of Greek and Roman ancient history on the way one legislator talked about women's sexuality in terms of imperial decline has been alluded to above already in the context of the *gross indecency* debate in 1921. Investigation of the prevalence of classical education among the legislature might be supported by biographical research.⁶⁰ Arnot, on the other hand, has examined tropes of "monstrous mothers" and "respectable but seduced maidens" at large in both the judicial domain of Victorian England and in contemporary theatrical productions of the story of Medea, whose infanticidal revenge was staged and inscribed by ancient poets including Euripides, Seneca and Apollonius of Rhodes.⁶¹

In 1918 the publisher of Rose Allatini's treatment of homosexuality and pacifism in *Despised and Rejected*⁶² was fined under the Defence of the Realm Act 1914 for prejudicing recruiting, discipline and training. As previously mentioned Hall's *Well of Loneliness* was trialled in 1928 under the Obscene Publications Act 1857. By the time Wolfenden reported in 1957 the Examiner of Plays at the Lord Chamberlain's Office, empowered by royal prerogative before acquiring statutory footing with the Theatre Act 1843 had, according to Nicholson, "*never passed a play about Lesbianism and ... very, very rarely one in which homosexuality is mentioned*".⁶³

A large archive of correspondence files and play transcripts amassed in the Lord Chamberlain's Office files is accessible in the British Library manuscripts reading room.⁶⁴ The archive appears to provide potentially valuable context for examining changing attitudes to homosexuality and its criminalisation. In particular the correspondence appears to provide interesting contemporary context for the public/private dichotomy present in Wolfenden,⁶⁵ offering some evidence of the way in which law appears to have operated on the censorship process at a bureaucratic level of negotiation and brinkmanship between the regulator and the regulated.⁶⁶

In the 1950s this seems to happen within a framework of poorly defined and outdated law, increasingly outdated notions of morality and artistic merit, economic considerations, and fear about the loss of authority, by trading transgressive content for public licence at the expense of the public visibility of gay and lesbian people in artistic works. For theatre managers with financial considerations at stake, this process involved the increasing use of private theatre clubs to circumvent the need for a licence. While the Chamberlain seems fearful that the law may decide on licensing issues in such a way as to further undermine his authority, "it would be his duty as custodian of the Act to take steps to test the law".⁶⁷

Reporting the Assistant Comptroller's communication with the Home Office, Nicholson contextualises the reported policy on plays featuring "unnatural vice" by referring to a back story of panic over imperial decline, national security fears, removal of gay men from public office, and over one hundred cases of castration including the "enforced hormone therapy" on Alan Turing.⁶⁸ One year after Wolfenden, a memorandum from late 1958 is reported to have instructed the staff of the

Office that plays on homosexuality or including homosexual characters, including works which criticised “the present Homosexual Laws” would be allowed, subject to assessment of merit. Serious treatment of “the subject” was deemed to be an indicator of merit, but “propaganda” and “violently” pro-homosexual plays would not be passed.⁶⁹

A list of plays refused a licence is indicated in the collection guide, hinting at possible value in their further exploration within the themes of this article.⁷⁰ Offending elements in other plays were censored to secure a licence for public performance. To receive a licence for *The Maids*, a work by gay playwright Jean Genet, “all indications of Lesbian relations” were removed from the text of a revised transcript submitted to the Chamberlain’s office in the early 1950s.⁷¹

Complementary, as contextual sources, to publications of the Homosexual Law Reform Society,⁷² and those of the Netherlands Association for the Integration of Homosexuality,⁷³ is the correspondence tracing attempts to negotiate the licence for several attempted productions of another of Genet’s plays *The Balcony*. The correspondence spans almost the entire period between the 1957 Wolfenden report and decriminalisation in 1967. Explicitly problematic to the censor for its “major themes of blasphemy and perversion”, correspondence lasted from 1957 until 1965, just two years before decriminalisation and three years before the abolition of censorship by the Theatre Act 1968.⁷⁴

Despite libel and obscenity trials, British comics are regarded as having offered a venue for the open discussion and hence greater visibility of gender issues and diverse sexuality. Exhibits in the 2014 *Comics Unmasked* exhibition may be seen in the accompanying printed catalogue. Some exhibits can be seen online.⁷⁵

One exhibited storyline appearing in a 1988 benefit comic published in aid of opposition to Section 28 illustrates, surrounded by a collage of clippings from *The Sun* newspaper, an episode of ranting homophobic boozing,⁷⁶ while another, *Unstoppable If...*, published in 2001 adds to this popular-cultural perspective on Clause 28 by recounting the story of one man’s opposition to the enacted section’s repeal in Scotland in 2000.⁷⁷ Published in 1977, *Committed Comix* “recounts unromantic legal precautions” taken by two male lovers on a first date. They check under the bed to ensure that ‘there’s no fuzz hidden around’ to push the date beyond the boundaries of legality, regarding private space and the number of men involved, that had been at large for ten years since the Sexual Offences Act of 1967.⁷⁸ Grass routes feminist perspective is accessible in sources such as *Riot Girl*, *Shrew*, *Spare Rib*, *Unskinny*.⁷⁹

Sound Recordings

While space and time do not permit investigation of the collections’ potential for contextualising or understanding the social dimensions of the intersections between law, gender and sexuality, the resources listed in the following note attempt quickly to place Dr. Russel’s article in context of the wider collections of sound recordings and oral history.⁸⁰ Further guidance to oral history collections can be found on the website along with an introduction to the BBC Radio Archive in which programmes such as *Women’s Hour* or *Law in Action* may offer relevant insights.⁸¹

Conclusions

This article has attempted to highlight areas of the library’s collections which can support socially and historically contextualised legal research, or research prioritising the social dimensions of law in

action, in and out of court. Efforts have been made to highlight resources which might support investigation of the cross-pollination of the legal construction of gender and sexuality by religious and medical discourses, and those which offer insight into the popular sources of information which can propagate or reinforce particular views on gender and sexuality which impact the social context in which criminal justice operates. Additionally, sources have been proposed in support of research on some of the areas in which law impacts women in particular ways, such as abortion and inheritance rights, in court based and out of court scenarios, and resources which help with quantitative perspective on women's rights and demonstrate the impact of law and development.

More than this, interconnected and cross cutting themes emerge relating to relationships between law, public and private space and the visibility of women and gay and lesbian people. Hopefully, few further conclusions are necessary other than to say that this quick sample from the British Library collections hardly scratches the surface of the range of material that might be brought into socially contextualised examinations of law's relationships with gender and sexuality. To plan a visit to the Library, or find the appropriate reference service to support the varied collections see Visiting at <http://www.bl.uk/>

¹ See for example Robson, Ruthann (ed.) *Sexuality and the Law* (Ashgate 2011) [BL: YC.2014.a.11498; YC.2014.a.11495 and YC.2014.a.11496] and Hunter, Rosemary "The Gendered socio of socio-legal studies" in *Exploring the 'socio' of socio-legal studies* (Palgrave Macmillan 2013) [BL: SPIS 340.115]

² Guides on the British Library website include *Women's studies – e-resources* www.bl.uk/eresources/ahsub/elecsuboff7.html#women ; *Women's Studies – reference sources and links* www.bl.uk/reshelp/findhelprestype/refworks/women/womenfur/womenfur.html; *Women's and Gender Studies bibliographies* www.bl.uk/reshelp/findhelpsubject/socsci/womgenstud/womens.html [accessed 16 December 2014]

³ Rashida Manjoo is a lawyer appointed by the UN Human Rights Council in 2009 as UN Special Rapporteur on violence against women, its causes and consequences. See <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/RashidaManjoo.aspx> The website also offers documentation on the treaty based human rights bodies and the Convention on the Elimination of All Forms of Discrimination against Women. [accessed 16 December 2014]

⁴ UN Office of the High Commissioner for Human Rights (OHCHR), *Special Rapporteur on violence against women finalizes country mission to the United Kingdom and calls for urgent action to address the accountability deficit and also the adverse impacts of changes in funding and services*, (15 April 2014), available at: <http://www.refworld.org/docid/53ad3d2f4.html> [accessed 16 December 2014]

⁵ 22 Can. J. Women & L. 301 2010.

⁶ The British Library's News collections are introduced at <http://www.bl.uk/subjects/news-media>. [accessed 16 December 2014]

⁷ Hall, Radclyffe *The Well of Loneliness* (Jonathan Cape, 1928) [BL: Cup 804 bb21]

⁸ *UKPressOnline*, freely accessible the reading rooms, provides easy access to the front page of The Express, for Monday Aug 20 1928. The Sunday Express can be accessed in the Newsroom. For general guidance on news collections see <http://www.bl.uk/subjects/news-media#> [accessed 16 December 2014]

⁹ In 1988, section 28 of the Local Government Act, formerly clauses 14, 27 then finally 28 of the bill, prohibited any local authority from 'promoting homosexuality'. Predating the provision on via www.parliament.uk, standing committee debates and bill versions can be accessed in the social-science reading room at the British Library in St.Pancras.

¹⁰ Kenny, Mary. "Save the children from sad, sordid sex lessons." *Daily Mail* [London, England] 4 June 1986: 6. *Daily Mail Historical Archive*. [Web. 16 December 2014.] For a list of Full text news paper e-

resources available in the reading rooms see

<http://www.bl.uk/eresources/newspapers/colindale2.html#Full> [Web. 16 December 2014.]

¹¹ Radio and TV channels covered by the Broadcast news service can be viewed at

<http://www.bl.uk/collection-guides/television-and-radio-news> [accessed 16 Dec 2014]

¹² [British Library Broadcast News service: France 24, *La manifestation pour tous*. Sun Feb 2nd 2014 17.00 to 19.59]

¹³ Several images of the events including Wilde's release, can be found in different issues of *Illustrated Police News*, *Law Courts and Weekly Record* which is available from Jan 05, 1867 - Dec 29, 1900 on *Nineteenth Century British Newspapers Online*, and free to use in BL reading rooms.

¹⁴ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 7.0, 14 December 2014), May 1895, trial of OSCAR FINGAL O'FLAHARTIE WILLS WILDE (40) ALFRED WATERHOUSE SOMERSET TAYLOR (33) (t18950520-425). <http://www.oldbaileyonline.org/browse.jsp?id=def1-425-18950520&div=t18950520-425#highlight> [accessed 14/12/2014]

¹⁵ Texts of the 1533 *Act for the punishment of the vice of buggery* (25 Hen 8 Cap 6), *Offences Against Person Act 1861*, and the *Criminal Law Amendment Act 1885 (Section 11 gross indecency)*, can be accessed through several channels. See for example the guide to UK Primary Legislation at <http://www.bl.uk/reshelp/findhelprestype/offpubs/ukofficalpub/primleg/primelegislation.html> [accessed 16 Dec. 2014]

¹⁶ [*Yokel's preceptor: or, More sprees in London! Being a ... show-up of all the rigs and doings of the flash cribs in this great metropolis ... To which is added a Joskin's vocabulary of the various slang words now in constant use, etc.* (H. Smith, 1855) [BL: Cup.364.ee.14 See pages 5-7.]

¹⁷ *The Report of the committee on homosexual offences and prostitution*, [Cmnd. 247. Sessional Papers 1956-57, vol. XIV.85], [BL: BS.Ref 1 for all sessional papers of UK parliament. These are also accessible on House of Commons Parliamentary Papers Online]. The original text of the finally ensuing Sexual Offences Act 1967 can be found in annual volumes of Public General Acts in the Social Sciences reading room. For access to collections containing other relevant preparatory parliamentary materials see Official publications collection guides

<http://www.bl.uk/reshelp/findhelprestype/offpubs/index.html> [accessed 16/12/2014]

¹⁸ PRY, Paul, pseud. *For Your Convenience. A learned dialogue, instructive to all Londoners & London Visitors, overheard in the Thélème Club and taken down verbatim by Paul Pry*. (G. Routledge & Sons, 1937) [BL: 010349.aa.42]

¹⁹ Koyrev, Yuri *PHOTO (COLOR): The next generation Afghan students study Islamic law on the grounds of Kabul University* in "On His Own" by Baker, Aryn, Newton-Small, Jay & Fazly, Walid in "Time" (Atlantic overseas edition), (Amsterdam, 2012) Vol. 179 Issue 23 (11 June 2012), p16-23 [BL print edition: REG2368] The Chicago edition as rendered on EBSCOhost Business Source Complete and ProQuest ABI/INFORM Global New Platform does not run an article entitled On His Own.

²⁰ <https://books.google.com/ngrams> [accessed 14/12/2014]

²¹ <http://www.oldbaileyonline.org/index> [accessed 14/12/2014] The Research and Study Guides section of the site offers separate pages on Gender and Homosexuality, as well as instruction on utilising the Old Bailey API and other tools, including links to the *Data Mining with Criminal Intent* project.

²² BL: X0205/205 (1970 – date) and X0205/204 (1972 – date) respectively

²³ Interview with Bruce O'Brien ca. 2010

²⁴ <http://www.bl.uk/onlinegallery/sacredtexts/index.html> [accessed 16 December 2014]

²⁵ Lists of works including digests of religious and customary laws [BL: IOR/V/27] can be browsed on <http://searcharchives.bl.uk>. See also India Office Records: Arrangement of the Records, and List of Classes

<http://www.bl.uk/reshelp/findhelpregion/asia/india/indiaofficerecords/indiaofficearrangement/indiaofficearrangedrecord.html> [accessed 16 December 2014]

²⁶ Papers at Mss Eur F165 include microfilmed official reports from Sorabji to the Court of Wards. See <http://searcharchives.bl.uk>

²⁷ One example in which a family dispute over the custody of a girl following the father's death is considered in context of personal status and religious identity is *Skinner v. Orde* [1871] UKPC 66 <http://www.bailii.org>. For general information about the British Library collection see <http://www.bl.uk/reshelp/findhelpsubject/busmanlaw/legalstudies/privycouncil/jcpc.html> [accessed 16/12/2014]

²⁸ See <http://www.bl.uk/reshelp/findhelpregion/asia/india/indiaofficerecords/indiaofficehub.html> [accessed 16 December 2014]

²⁹ Kerala Law Times [BL: P.P.7616.wq]. See for example M. Mustafa Ali Kahn *Islamic Polygamy*, 1989 (1) KLT J 47 – 58 and M. Fazlul Haq, *Polygamy in Islam: misrepresented and ill-judged*, 1990 (2) KLT J 14 – 18

³⁰ Supplementing availability on Hein Online recent issues of *Islamic Law and Society* are available from WZOR.1994.a.46

³¹ Klarman, Michael J. *From the closet to the altar: courts, backlash, and the struggle for same-sex marriage*. (OUP, 2013) [BL: SPIS346.730168 & m12/.17665]

³² Ferrari and Cristofori (eds). *Current issues in law and religion* (Ashgate, 2013) [YC.2014.b.1793] (Volume IV of *Library of Essays on Law and Religion*)

³³ Ingram, Martin *Church courts, sex and marriage in England, 1570-1640* (CUP 1987). [YH.1988.a.489 & 88/07539]

³⁴ See for example "The Arraignment and Conviction of Mervin Lord Audley ... rapine and sodomy ...1631 ...beheading ..." Printed privately in 1642 [BL: Thomason collection E.84[2] & G.1019. Also available on *Early English Books Online*.] Many easily accessed trial details, classified and searchable by offence, are available on www.oldbaileyonline.org

³⁵ *Sententien van den Hove van Holland, tegens verscheide Persoonen ter saake van gepleegde sodomie: in dato 5 October 1731*. [BL: D.NA.4.]

³⁶ United Nations Human Rights Council documents *UNHRC, Twenty-sixth regular session (10 - 27 June 2014) "Report of the Special Rapporteur on violence against women, its causes and consequences" Rashida Manjoo (28/05/2014) UN Doc A/HRC/26/38* and "Report of the Working Group on the issue of discrimination against women in law and in practice - Thematic report" (1 April 2014) *UN Doc A/HRC/26/39*. Both of these reports can be found with minimal effort on the Office of High Commissioner for Human Rights website www.ohchr.org [both accessed 17 Dec 2014]

³⁷ Guides to official publications for countries and international organisations are available at <http://www.bl.uk/reshelp/findhelprestype/offpubs/index.html>. [accessed 17 Dec 2014]

³⁸ E-resources for governmental and intergovernmental organisations are listed and linked at <http://www.bl.uk/eresources/socsci/hub.html> [accessed 17 Dec 2014]

³⁹ OECD Development Centre/OECD (2012), "Gender, Institutions and Development", in *OECD International Development Statistics* (database). doi: 10.1787/data-00026-en e via OECD i-Library. Free in BL reading rooms. Separately, the free online *OECD Gender Data Portal* provides, for example, indicators on inequalities in education, employment and entrepreneurship. <http://www.oecd.org/statistics/datalab/gender-data-portal.htm> [both accessed 17 May 2014]

⁴⁰ Uganda, Anti-Homosexuality bill (Bill No.18 of 2009), Bills Supplement No.13 to Uganda Gazette No.47 Volume CII. (25 September 2009); Marriage and Divorce bill (No.19 of 2009) Bills Supplement No.14 to Uganda Gazette No.51 Vol. CII. (16 October 2009) [BL: CSC 251/6]

⁴¹ For UK official publications beyond the scope of those covered by the collections guides linked at <http://www.bl.uk/reshelp/findhelprestype/offpubs/ukofficialpub/ukpublications.html> please search the catalogue at <http://explore.bl.uk> or contact the Social Sciences Reference Service. [accessed 17 Dec 2014]

⁴² For example Semugoma, P; Beyrer, C; Baral (2012) *Assessing the effects of anti-homosexuality legislation in Uganda on HIV prevention, treatment, and care services* in "S. Sahara Journal of the Social Aspects of HIV/AIDS", 9(3): pp. 173-176. Online subscription sources *Africa Wide* and *Sabinet* are both accessible without charge in the reading rooms.

⁴³ Centres for Disease Control - Washington, D.C *Morbidity and Mortality Weekly Report* (June 5th 1981) [BL: 5966.650000]

⁴⁴ *Sisters of Perpetual Indulgence Play Fair* (San Francisco, 1982), 1 folded sheet : illustrated; 54 x 15 cm. folded to 9 x 15 [BL: YD2011a3379.]

⁴⁵ See for example *Government Information about AIDS [HSSH/1/44/87A]* Information about obtaining items from the British Library's Central Office of Information archive is available, with a searchable database, at <http://www.bl.uk/reshelp/findhelprestype/offpubs/ukofficalpub/cofficeinfo/centraloffice.html>]

⁴⁶ Abstracting, indexing and full text journal databases freely available in the reading rooms for STM literature can be viewed at <http://www.bl.uk/eresources/science/datasub1.html> [accessed 16 Dec 2014]

⁴⁷ Krafft-Ebing, Richard von (1886) *Psychopathia Sexualis. Eine klinische-forensische studie.* Stuttgart. [BL:7641.ff.29]; Krafft-Ebing, Richard von [translated by Francis J. Rebman] (1899) *Psychopathia sexualis, with especial reference to antipathic sexual instinct ... The only authorised English translation of the tenth German edition.* London. [BL:Cup.363.ff.22]; For an overview of related topics and archival material see Bland, Lucy & Doan, Laura *Sexology uncensored : the documents of sexual science* (Polity Press, 1998) [BL:YC.2001.a.19420] and Wellcome Institute (2014) *Sex: archive and manuscript sources in the Wellcome Library* <http://wellcomelibrary.org/content/documents/31302/sex-archives.pdf> [accessed 17 Dec 2014]

⁴⁸ Henry Havelock Ellis (1897) *Studies in the psychology of sex. Vo. 1. Sexual inversion.* [BL:Cup.364.b.1.]

⁴⁹ Criminal Law Amendment Bill. HL Bills (1921): 8,a-d etc; 21, a – b & 22. [BL: BS 96/1. For all HL bill printings]; Hansard: HC Deb 4.8.1921, Vol. 145, cols.1799-1807 ; HL Deb 15.8.1921, Vol. 46 cols. 567 – 577. [BL: BS. Ref. 13 and 14]

⁵⁰ Mr Macquisten (MP, Grays Inn), HC Deb, 4.8.1921, vol.145. col.1799]

⁵¹ Ellis, Havelock (1912) *The task of social hygiene.* London. [BL: 08275.cc.55]

⁵² HC Deb 4.8.1921, Vol. 145, col. 1805

⁵³ *Orlando Project: Women's writing in the British Isles from the Beginnings to the present.* This online Subscription resource is free to access at the British Library.

⁵⁴ Frank Mort and Lucy Bland in conversation at the Institute of Contemporary Arts, London, England (19/11/1987). [BL: C95/323] Also freely available online on BL Sounds: ICA Talks: choose Subject: Gender Studies. <http://sounds.bl.uk/Arts-literature-and-performance/ICA-talks> [accessed 17.12.2014]

⁵⁵ BL: Add MS 58447-58770

⁵⁶ See for example Amnesty International (2009) *The total abortion ban in Nicaragua: women's lives and health endangered, medical professions criminalized preserved* <http://www.webarchive.org.uk/wayback/archive/20121230000143/http://www.amnesty.org.uk/content.asp?CategoryID=12075#abortion> [accessed 16 Dec. 2014]

⁵⁷ Herman Peter Tarnesby (Appeal No. 21 of 1969) v General Medical Council (Disciplinary Committee of the General Medical Council) [1970] UKPC 21 (20 July 1970) and Parviz Faridian (Appeal No. 20 of 1969) v General Medical Council (Disciplinary Committee of the General Medical Council) [1970] UKPC 22 (22 July 1970) Judgments are easily obtained from BAILII. Printed Record of Proceedings can be retrieved via the Social Science Reference Service from shelf mark pp1316.

A brief guide to the collection is online at <http://www.bl.uk/reshelp/findhelpsubject/busmanlaw/legalstudies/privycouncil/jcpc.html> [accessed 16 Dec 2014]

⁵⁸ In addition to the copy filed as an exhibit in the proceedings, copies of the similarly titled work can be identified in the British Library catalogue: Tarnesby, Herman Peter *Abortion explained: [a Sunday Times guide to abortion within the law]*. (Sphere Books, 1969) [BL: X.529/10045; X.519/17996. and document supply copy W31/0776] Cataloguing practice tends to draw the title information from the title page rather than the cover. It is not known whether the text of the copy submitted as evidence differs from that of the catalogued items.

⁵⁹ See for example Aeschylus *The Oresteia translated by Robert Fagles* (Penguin, 1979) [BL: YC.2005.a.3170] or *The laws [of] Plato; translated with an introduction by Trevor J. Saunders*. (Penguin, 1970) [BL: X.519/10242] For commentary see for example. Cohen, D (1987) *The legal Status and political role of women in Plato's Laws*, In "Revue internationale des droits de l'antiquité" 3e série. RIDA 34 (1987), pp27 – 40. [BL : 7924.698000 or P.P.1898.hab]

⁶⁰ Resources for biographical research at the British Library have been covered in an earlier article in this publication.

⁶¹ Arnot, M. (2008) *Images of Motherhood: achieving justice in C19th infanticide cases*. (conference abstract - Socio-legal studies and the humanities – parallel session 4 Wed 5th November, 2008) Various inscriptions of the Medea story published between the 16th and 21st centuries, and including English translations, can be found in the catalogue.

⁶² A. T. FITZROY, pseud. [i.e. Rose Laure Allatini, afterwards Scott] *Despised & Rejected. [A novel.]* (C. W. Daniel, 1918) [BL: Cup.403.c.26.]

⁶³ Nicholson, Steve. *The censorship of British Drama 1900-1968. Volume three: the fifties.* (University of Exeter Press, 2011) p.56 [BL: YC.2011.a.16019]

⁶⁴ See Manuscripts Collections Reader Guide 3: the play collections <http://www.bl.uk/reshelp/pdfs/readerguide3.pdf> [accessed 17 Dec 2014]

⁶⁵ For some commentary on this issue see, [accessed 17 Dec 2014], <http://www.bl.uk/onlinegallery/takingliberties/staritems/619wolfendenreport.html>

⁶⁶ See Nicholson (2011) in general. See above note for reference.

⁶⁷ Correspondence cited in Nicholson (2011) p83. See earlier note.

⁶⁸ Nicholson (2011) pp.54-56. See earlier note.

⁶⁹ Nicholson (2011). p.110. See earlier note.

⁷⁰ The list of plays refused a licence includes: in 1915 *Sapho, Outraged Women, Her wedding night*, and *Twin Beds*, in 1918 *His Childless Life*, in 1925 *Harem*, in 1931 *Lysistrata*, and in 1932 *I hate men*.

⁷¹ Nicholson (2011). p.54. See earlier note.

⁷² Homosexual Law Reform Society: *Homosexuals and the law* (1959) [BL: 8296.a.13.]; *Spectrum A.T./H.L.R.S. Newsletter* (1963-) [BL: Cup.364.ff.1.]; *Miscellaneous pamphlets and leaflets*. 1965 – [BL: Cup.702.dd.1]; *Report*, (1963-66 etc.). [BL: P.201/52]

⁷³ *Vriendschap: Maanblad voor de leden van het Cultuur- en ontspanningscentrum*. (Amsterdam, 1950-1954) [BL: Cup.820.cc.17]. Read more on the at <http://britishlibrary.typepad.co.uk/european/2014/02/childrens-book-author-wins-lgbt-award.html> [accessed 17 Dec 2014]

⁷⁴ The correspondence file is available from LCP Corr 1965/469. Gillman, B.C. (Assistant Comptroller) in a letter dated 16 May 1965 states that the Chamberlain would be prepared to consider a licence if these major themes were eradicated, a castration scene deleted and the references to whores and brothels were reduced.

⁷⁵ The catalogue for the 2014 exhibition *Comics Unmasked: Art and Anarchy in the UK* can be retrieved from the catalogue. Gravett, Paul and Dunning, John *Comics unmasked* (British Library, 2014) [LC.31.b.13581] Exhibition items and commentary including Obscenity trials of the 1970s may

also be explored online at <http://www.bl.uk/art-and-anarchy-in-british-comics> [accessed 28 Nov. 2014]

⁷⁶ Charles Shaar Murray and Floyd Hughes *Friday Night at the Boozer* in "AARGH!" (*Artists Against Rampant Government Homophobia*, 1988) was a benefit comic in aid of an organisation opposing the legislation.

⁷⁷ Steve Bell *Unstoppable If...*, (2001) [BL: YK.2002.a.12444.]

⁷⁸ Quotations from curator's label for exhibition item: *Committed Comix: It Don't Come Easy* (1977) by Eric Presland and Julian Howell [BL: Cup.821.dd.150.[C]]

⁷⁹ See collection guide at [http://www.bl.uk/reshelp/findhelprestype/news/zines\(part1\)/zines1.html](http://www.bl.uk/reshelp/findhelprestype/news/zines(part1)/zines1.html) [accessed 17 Dec 2014]

⁸⁰ The Hall-Carpenter Oral History archive [C456], The Millthorpe Project: Interviews with Lesbian, Gay, Bisexual and Trans Trade Unionists [C1405], The Listening Project [C1500/0041] (BBC Radio Humberside 2012-04-06: Michelle has known since the age of 5 that she wanted to be 'Michelle', - Michelle and Cilla discuss how their friendship has helped her deal with everyday abuse and a crisis of identity.) Before Stonewall: A Lesbian, Gay, Bisexual and Transgendered Oral History (206 recordings) [C1159].

⁸¹ Guides to oral history collections: Sexuality, reproductive health and prostitution <http://www.bl.uk/reshelp/findhelprestype/sound/ohist/ohcoll/ohsex/sexuality.html> Oral history , Women's history www.bl.uk/reshelp/findhelprestype/sound/ohist/ohcoll/womenshistory/womenshistory.html Guide to Radio recordings: <http://www.bl.uk/reshelp/findhelprestype/sound/radio/radio.html> [accessed 17 Dec 2014]