

***SENIOR LECTURE ROSEMARY AUCHMUTY AND  
SENIOR LECTURE ALEXANDRINE GUYARD-NEDELEC  
INTERVIEWS***



*Professor Rosemary Auchmuty*



*Senior Lecture Alexandrine Guyard-Nedelec*

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LECTURE ALEXANDRINE GUYARD-NEDELEC INTERVIEWS***

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Interviews were conducted by email in July 2022.

From the 10th to 12th of July, 2022, in Paris, France, the International Conference "Feminism, Law and Citizenship" (*Congrès International Féminisme, Droit et Citoyenneté*) was held by the Université de Paris 1 Panthéon Sorbonne and the University of Reading, together with the Gender, Law and Society and Society Working Group of the Research Committee for the Sociology of Law (RCSL). The conference explored contemporary issues in the field of feminism, law and citizenship, embracing papers related to the following perspectives: democracy and the rise of populism; feminist activism; gender and sexuality; gender equality; intersectionality; reproductive rights and reproductive justice; women's rights, among others. The organizers of the event were Professor Rosemary Auchmuth and Professor Alexandrine Guyard-Nedelec.

Rosemary Auchmuth is Senior Lecturer of Law at the University of Reading (England) since 2007, teaching Land Law and Gender and Law. She is a pioneer in women's studies and feminist legal studies in higher education in Britain. She writes on sexuality, marriage/civil union, feminist legal history, and feminist approaches to law in general. She, in 1984, she cofounded the Lesbian History Group and has written two books on girls' school histories. More recently, she edited the book *Great Debates in Gender and Law* (Palgrave, 2018) and co-edited the *Women's Legal Landmarks project* (Hart, 2018). Rosemary Auchmuth's research areas are Sociology of Law, legal

education, legal professions, feminism, property law, marriage, legal history and biography.

Alexandrine Guyard-Nedelec is a professor of British civilization at the Université de Paris 1 Panthéon-Sorbonne. Her research work falls within an interdisciplinary perspective and aims to question the British legal sphere through the prism of gender. Her interests revolve around intersectional discrimination in the legal professions, the right to abortion, the practice of adoption without consent, and caesarean section by court order. She has co-edited the works "My Body, My Rights!" Abortion threatened?" (Paris, Mare and Martin, 2018) and "Feminisms of the 21st century: a third wave?" (Rennes, PUR, 2017). Alexandrine Guyard-Nedelec's research topics are gender, identity, discrimination; intersectionality; legal professions and Sociology of Law.

One of the interviewers, Carolina Pereira Lins Mesquita, professor at the Universidade Federal do Rio de Janeiro (UFRJ) and editor-in-chief of the Confluences Journal, had the opportunity to be present at the event and present the paper "*Me Too and the decisions: diary and analysis of the sexual crimes of the spiritual surgeon 'John of God'*". It was from there that the idea to build an interview with the two professors, international exponents of feminism studies, came up, together with Thaís Henriques Dias, Ph.D. student in Social and Legal Sciences at the Postgraduate Program in Sociology and Law at the Universidade Federal Fluminense (PPGSD/UFF), and Clara Possebom Pinto, undergraduate in Social Sciences at the Universidade Federal do Paraná (UFPR), the last one cooperated with the translation of the interviews into Portuguese.

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**SENIOR LECTURE ROSEMARY AUCHMUTY INTERVIEW**

In Brazil, some important women's legal landmarks were recently conquered: the right to vote in 1932, legal divorce in 1977 and the civil marriage between homosexual couples since 2013. In Latin America, the struggles for women's civil, reproductive and sexual rights are marked by tension with religious culture, especially the Catholic one. This tension is also reflected in the history of law schools, through advances and setbacks in relation to epistemological innovations, such as interdisciplinarity and openness to themes such as gender and sexual diversity.

**Carolina Mesquita; Thaís Dias:** As a pioneer of women's studies and feminist legal studies in higher education in Britain, how do you assess Britain's legal education in relation to feminist and interdisciplinary legal studies?

**Rosemary Auchmuty:** I think we have to distinguish between research and teaching. Research in both interdisciplinary and feminist legal studies is flourishing in British universities, largely because the Research Excellence Exercise (the REF, conducted by the government every 8 years) favours such research. Universities are therefore keen to attract scholars who do excellent work in these fields, as success in the REF brings in funding both directly from the government and indirectly through reputational enhancement (being able to attract international and postgraduate students). But the effect of both interdisciplinary and feminist legal studies with respect to *teaching* has been minimal. The undergraduate law degree (LLB) is not a professional qualification in the UK but the curriculum must include seven 'core' subjects, alongside a number of options. These core subjects tend to be taught in very traditional ways. Most older universities tend towards a liberal-arts approach to the LLB and will offer a number of specialist options that might include interdisciplinary or feminist modules. But it would be rare to have more than one 'Gender and Law' option, and students could (and often do) avoid taking anything other than conventional 'black-letter' law subjects. Meanwhile, many newer institutions focus on practical and applied subjects with nothing in the way of a critical approach. So you end up with university teachers who teach traditional subjects in traditional ways but do their research in quite different, critical areas.

**Carolina e Thaís:** In relation to the research you develop, what is a feminist approach to law and its methodological contributions?

**Rosemary:** A feminist approach to law focuses on the relationship between men and women which, throughout history, has been one of *power* – with men in the dominant position and women subordinate. Law is but one of all the institutions that have created and sustained this subordination, and feminist scholarship identifies and examines how it has managed to do this and proposes ways to challenge and overcome it. So, feminist legal scholars ‘ask the woman question’ – where are women in this account? How are the women portrayed? (if at all – very commonly they aren’t mentioned at all). How are they treated in the legal process? What role did women play in the creation of this law? Is the impact of this law or decision different on women than on men? If so, *why*? Of course, there are many feminist theories or politics that can be used to interrogate law. Liberal feminists may be content to push for equality and rights. Radical feminists will identify how law-making and the legal process benefit men at women’s expense, how (certainly in the past) they enabled men to oppress women directly but also how they continue to operate to keep men dominant even without any direct intent (eg with gender-neutral provisions).

**Carolina e Thaís:** As a professor of Gender and Law and Land Law, who works with a feminist approach: what are the main difficulties for the inclusion of subjects such as Gender and Law in legal curriculum? And what are the main challenges for the transdisciplinary teaching of gender and sexuality in the various disciplines and areas of Law, such as Land Law?

**Rosemary:** It’s a great challenge to try to introduce interdisciplinary or feminist elements into the core or traditional curriculum: most textbooks do not address these issues, there may be resistance from students, and expertise and confidence may be lacking across the large teaching teams (who may include inexperienced doctoral students) who are required to tutor the cohorts of 600 or 700 students in the core subjects. That said, over 70 per cent of our undergraduate students are women and many of them are attracted to topics that speak to their experience. I edited the textbook *Great Debates in Gender and Law* with contributions from scholars in a wide range of areas to show that feminist approaches could be employed in all the core LLB subjects and many options. I regard it as a privilege that I am in charge of a core subject – Land Law – so (up to a point) I can control what the students learn, and so at least in this subject (if in no others) they are obliged to meet some feminist ideas. I ensure that they know the rules (it’s useless to be critical if you are unsure of the law) but I also show them (through judicious choice of case law) how their implementation does not always treat women fairly. But you have to match the assessment to what you want them to know. Most students will not bother with anything that is not going to be examined or assessed in coursework. So

you design the assessment accordingly: for example, I have often set the students the task of re-writing an old case using modern law and understandings, on the model of the *Feminist Judgments* project. I don't insist that the judgment the students produce should be feminist, but I choose a case which calls for a feminist approach!

**Carolina e Thaís:** How important is women's legal history and how can it advance and transform legal studies?

**Rosemary:** Women's legal history is, of course, vital to the feminist project. If we don't know what happened in the past, we end up at the starting-point over and over again. But there is a difference between simple *women's* history, which recovers women's role in history and (usually) celebrates it, and *feminist* legal history, whose *political* purpose requires analysis of the relations between men and women in and under law and a study of the power structures that have ensured men's dominance of law across the centuries. Indeed, you can write a feminist legal biography of a man, by including a consideration of his relationship to/reliance on the women in his life and the role he played (or, more likely, did not play) in furthering women's rights – topics that are routinely left out of biographies of great legal men. Women's legal history simply adds women to the story; feminist legal history seeks to *change* it, and to create a new, more complete and more accurate account of the past.

**Carolina e Thaís:** How do you correlate the advent of minimalist governments, conservative religious mentalities and women's rights and freedoms?

**Rosemary:** If history tells us anything, it is that advances for non-dominant groups are *always* followed by a reaction and a backlash. People in power do not like to lose or even to share their power. Many men feel they are losing out as women become more empowered. So now we have minimalist governments and the rise of conservative religions that work in the interests of those who those who already have power and want to hang on to it: men, white people, people with money, members of whichever religion is dominant. The loss of women's right to abortion in the US is a graphic illustration of the fallacy that progress in women's rights is incremental and inexorable, and of the truth that we can never stop fighting not simply to achieve but to *keep* equality and justice for women.

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## SENIOR LECTURE ALEXANDRINE GUYARD-NEDELEC INTERVIEW



In recent years, abortion and access to voluntary termination of pregnancy have returned to the center of public and political debate. The current situation in the United States and Brazil, for example, has posed numerous challenges for women and the struggle to advance, maintain or conquer sexual and reproductive rights. Other countries such as Sierra Leone, in Africa, which has just decriminalized abortion, and Argentina, in Latin America, where abortion was legalized in 2021, show us that there is hope in the face of conservatism and the electoral instrumentalization of this debate.

**Carolina Mesquita e Thaís Dias:** How do intersectionality and interdisciplinarity contribute to studies on abortion and access to abortion?

**Alexandrine Guyard-Nedelec:** I believe intersectionality and interdisciplinarity are key if we want to get a comprehensive perspective on abortion. Indeed, if access to safe and legal abortion services remains essential, an intersectional approach to abortion rights helps us remember that the issue is more complex, especially for racialized women, who have been subjected to forced abortions in colonial and post-colonial contexts. In the UK for instance, such an intersectional approach sheds light on the rift between the National Abortion Campaign and the Women’s Reproductive Rights Campaign in 1983 – the former focusing strictly on abortion and the latter adopting a more holistic approach, so as to better encompass the specific needs of black and minority ethnic women.

As far as interdisciplinarity is concerned, it helps take into account cultural, social and historical elements that play an important part in the development of abortion rights and might be overlooked with a strictly legal approach. An interdisciplinary perspective intertwines abortion laws with their political, religious, activist contexts. This is very much what Laurence Brunet and I tried to do in the book we edited together.

**Carolina e Thaís:** Recently, you edited a book with Laurence Brunet that offers a socio-legal panorama of abortion in Europe and the United States. How do you assess the socio-legal landscape of this debate in the UK? What does the “British paradox” mean?

**Alexandrine:** The “British paradox” I touch upon in my contribution to the book refers to the fact that the legislation that regulates abortion in Britain is fairly outdated and continues to criminalise abortion except in a number of situations that have been defined as exceptions only. This is what the Abortion Act 1967 provided for, within the criminal framing of abortion by the Infant Life Preservation Act 1929 and Offences Against the Person Act 1861. All three pieces of legislation still

apply in 2022. Yet, medical practitioners have developed a far more flexible and liberal practice. This gap between a very restrictive legal framework and its very elastic application may be seen as paradoxical, especially to people from a civilian legal tradition. Yet, some will say that this is actually fairly normal for English law, which is often described as pragmatic. The approach to abortion is pragmatic in the sense that the Act would never have been passed if sweepingly decriminalising and non-medicalised; pragmatic in the application because most people who conduct abortions in England and Wales and Scotland think it should be more liberal, and can actually be more liberal within the terms of the law. On top of that, the UK is often perceived as a safe haven for abortion rights in the rest of Europe, in particular because of the relatively long period of time during which abortion is legal (24 weeks of pregnancy). However, few Europeans are aware that until October 2019, abortion was still banned in Northern Ireland, in spite of the fact it is one of the four nations making up the United-Kingdom. Indeed, while you can talk about ‘Britain’ and ‘British’ in the political context, there is no British legal system as such but a combination of three legal systems (England and Wales, Scotland, Northern Ireland). The situation is further complexified by devolution, the British form of decentralisation, which is close to federalisation. Thus the Abortion Act is by no means exceptional in not applying everywhere in the UK. It has now been almost three years that an amendment has provided for the decriminalisation of abortion in Northern Ireland up to 12 weeks of pregnancy, but access to abortion services is still extremely difficult for Northern Irish women who wish to terminate a pregnancy. The Northern Irish Health Department has not commissioned services; healthcare staff has not been trained and deals with requests on an ad hoc basis, in a particularly unfavourable context as hospitals are reeling from the Covid-19 crisis.

**Carolina e Thaís:** In addition to the topic of abortion, you have also carried out studies in areas related to feminism and intersectional discrimination in the legal professions and in child adoption policies, for example. How do these research fronts dialogue in your trajectory as a researcher? What paths and challenges do they point to?

**Alexandrine Guyard-Nedelec:** Initially, for my PhD in History and British Area Studies, I started researching the English legal profession with a particular interest in the intersectional forms of discrimination that play out in the profession. When carrying out this research, I grew an interest in socio-legal studies and the relation between law and society, especially from a gender perspective. When I was recruited at Université Paris 1 Panthéon-Sorbonne, I met Laurence Brunet, who belonged to the same research centre and was interested in reproduction and the body from a legal perspective.



Together, we decided to work on abortion rights, which very much combined our interests. This is when I discovered the frame of reproductive justice, which had developed in North America and echoed the aims of the concept of intersectionality. At the same time, I became aware of two controversial British practices, non-consensual adoption and court ordered c-sections. Both particularly resonate with the concerns of reproductive justice and bring together the areas I gained expertise in. In order to go further, I am about to start a new research project to try and take stock of these conceptual and legal developments: do the reproductive rights/justice/governance paradigms converge or conflict, how do they transfer to other cultural areas and jurisdictions, do they play a part in the way women experience reproduction, do they translate in the bodily dimension of reproduction and intimate decisions it may trigger? These are some of the questions I would like to address.

**Carolina e Thaís:** During the “Congrès international Féminisme, droit et citoyenneté”, topics such as reproductive rights, law and gender, culture and identity, equality and citizenship were debated: how do you locate and evaluate the discussion of these topics in the area of interdisciplinary legal studies? How can these themes advance and transform legal studies and contribute to the public confrontation of these issues?

**Alexandrine:** I believe debating these issues in an academic forum is of paramount importance. As you suggest in your wording of the question, these topics tend to be confrontational, especially in the media – traditional media such as newspapers but even more so social media. Interdisciplinary legal studies, as I tried to underline in my answer to your first question, help bring together the many dimensions that shape these debates comprehensively. The scholars who took part in the Congress come from various disciplines but share an interest in interdisciplinarity as well as common characteristics: they try to address systemic issues, take into account political institutions and the way they operate, look at whether laws are properly implemented, etc. The discussions that took place will necessarily ripple in our future research projects and the international connections we made will help us keep in mind the global dimension of these topics and how legal and political decisions made in one country may have repercussions transnationally.

**INTERVIEWEES:****Rosemary Auchmuty**

Is a professor of Law at the University of Reading (UK). A pioneer of women's studies and feminist legal studies in higher education in Britain, Rosemary teaches property law and writes on sexuality, marriage/civil partnership, feminist legal history and feminist approaches to law generally. She co-founded the Lesbian History Group in 1984 and has written two books on girls' school stories. More recently, she edited *Great Debates in Gender and Law* (Palgrave, 2018) and co-edited *Women's Legal Landmarks* (Hart, 2018).

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Is a senior lecturer in British Area Studies at Université Paris 1 Panthéon-Sorbonne. She is a specialist in gender discrimination and intersectionality issues. She is also interested in translation issues. She works in an interdisciplinary perspective and aims to question the British legal sphere through the prism of gender. She co-edited the works *“My Body, My Rights!” Abortion under threat?* (Paris, Mare et Martin, 2018) and *21st Century Feminisms: A Third Wave?* (Rennes, PUR, 2017).

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