A Sacred Covenant?

Historic, Legal and Cultural Perspectives on the Development of Marital Law

Thursday 20th May 2021

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Programme

(version May 2021)

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Northumbria University NEWCASTLE

THE JOURNAL OF LEGAL HISTORY

Contents

Welcome to our online conference...

About

This Journal of Legal History and Northumbria University funded one-day virtual conference seeks to explore the changing legal and cultural definitions of marriage across geographical locations or jurisdiction from the period c.1450 to present day, paying particular attention to the changing perspectives on age, same-sex marriage, polygamy, divorce, and remarriage. This conference will create an exciting space where historical, literary, medical, artistic, and cultural perspectives can be considered alongside real-world experiences, allowing the discovery and exploration of parallels and contrasts across borders and time.

Is marriage a failure ? As a rule - yes !, The Illustrated Police News, No. 1,416 (Saturday, April 4, 1891)

The conference is free of charge and will be held online on Thursday 20th May 2021. Delegates will be asked to register their attendance in advance and will receive links to the live event before the conference begins.

This event will welcome keynote speaker: The Rt Hon. the Baroness Hale of Richmond DBE, alongside notable academics and practitioners from around the world.

The conference is organised by Dr Jennifer Aston and Dr Frances Hamilton in conjunction with the Journal of Legal History and Northumbria University.

Instructions

All papers will be presented on Thursday 20 May 2021. There will be two sessions running in parallel.

Please register as a delegate via eventbrite:
https://www.eventbrite.co.uk/e/historic-legal-and-cultural-perspectives-on-the-development-of-marital-law-registration-137778183255?aff=ebdssbonlinesearch

Registered delegates will be sent links for live sessions shortly before the conference opens.

Overview – all sessions

Session One (a): The Evolution of Marriage (Chair: Adam Curry)

Session One (b) – Women's Status in Marriage (Chair: Dr Jennifer Aston)

Session Two (a): Conversations between Marital and Criminal Law (Chair: Dr Jennifer Aston)

Session Two (b): Moving Beyond Heterosexual Marriage (Chair: Dr Frances Hamilton)

Session Three (a): Expectations and Definitions of Marriage (Chair: Dr Frances Hamilton)

Session Three (b) Reforming Marital Law (Chair: Adam Curry)

Session Four: Religion, the State and Marriage (Chair: Dr Jennifer Aston)

Keynote Address: The Rt Hon. the Baroness Hale of Richmond DBE

Live Sessions Schedule

There will be an opportunity for **live Q&A and reflections on each panel and the keynote**. Delegates will be sent joining information for these live sessions prior to the opening of the conference. They will be hosted via Zoom, and you will be able to join by clicking on a given link.

Live Events

Timings	Welcome	
0845-0900		
0900-1030	**Session One (a): The Evolution of Marriage** Chair: Adam Curry (i) Dr Celia Carrillo-Lerma - University of Murcia *Legal evolution of marriage in Spain from c.1450 to the present* (ii) Michelle Flynn - Max Planck Institute for Social Anthropology *The Evolving Definition of Marriage in Ireland* (iii) Daniel Hill - University of Liverpool *The State and Marriage: Sever the Link* (iv) Dr Frances Hamilton - University of Reading *The Evolving Nature of Marriage: Evolving to Irrelevancy or Evidence of Strength and Durability*	**Session One (b) – Women's Status in Marriage** Chair: Dr Jennifer Aston (i) Penny Booth - Newcastle University *Thomas Hardy and Divorce – far more than wife-selling?* (ii) Hulian Zhang - Newcastle University *Confucianism as a "Women-Eating Religion"? – Marriage and Reproduction, Single Women On The Margin* (iii) Dr Sharon Thompson - Cardiff University *Twentieth Century Housewives and Competing Visions of Legal Equality in Marriage* (iv) Prof Keith Thompson - University of Notre Dame Australia *Crime Commission v Stoddart (2011): Common law of Australia and Spousal Privilege*
1030-1045	**Coffee**	
1045-1215	**Session Two (a): Conversations between Marital and Criminal Law** Chair: Dr Jennifer Aston (i) Prof. Diane Urquhart - Queen's University Belfast *Ireland's Criminal Conversations* (ii) Dr Emily Ireland - Australian Research Council *Marriage, Coverture and Criminal Law in Eighteenth and Nineteenth Century England* (iii) Dr Cameron Giles - London South Bank University *From Clarence to Lawrance: A Criminal Law Perspective on Marriage and Relationship Status and the Law on 'Deceptive Sex'*	**Session Two (b): Moving Beyond Heterosexual Marriage** Chair: Dr Frances Hamilton (i) Dr Charalampos (Harry) Stamelos - European University Cyprus *Same-sex relations, love and tolerance, the example of adelphopoiesis in Christian Church since 1400* (ii) Arunima Shastri - Gujarat National Law University *Traversing from Repulsion to Recognition of Homosexuality: A Study of Marital Laws in the Indian Landscape* (iii) Dr Alexander Maine – University of Leicester *Queer(y)ing Consummation: An Empirical Reflection on the Marriage (Same Sex Couples) Act 2013* (iv) Dr. Zainab Naqvi - University of Birmingham *Polygamous Marriages in English Law – An Indifferent Approach?*
1215-1330	**Lunch**	

1330-1500	**Session Three (a): Expectations and Definitions of Marriage** Chair: Dr Frances Hamilton (i) Prof Annalisa Triggiano - University of Bologna & Roma La Sapienza University *On the Remarriage of Widows in Roman Legal Experience* (ii) Augustina Akoto - University of East London *Marriage the law and change in Ghana* (iii) Penelope Russell - University of Sheffield *Divorce (and marriage) in England & Wales in 1858* (iv) Dr Andy Hayward – Durham University *'Wedded to Property' – How Property Influences Understandings of Marriage*	**Session Three (b) Reforming Marital Law** **Chair: Adam Curry** (i) Dr Jennifer Aston – Northumbria University *Learning from Old Grievances: Revelations from the Court for Divorce and Matrimonial Causes in England and Wales, 1857-1923* (ii) Dr Frances Burton - Buckingham University *Through a Glass Darkly? – Marital History, Law and Culture and the Reality of Adult Relationships* (iii) Prof Gillian Black - Edinburgh University *"Rational Happiness or Worldly Prosperity"?: Jane Austen Post-Enlightenment Marriage and the Case for Law Reform in the 21st Century*
1500-1515	**Tea**	
1515-1645	**Session Four: Religion, the State and Marriage** Chair: Dr Jennifer Aston (i) Alberto Mattia Serafin - University of Cassino *The Secularization of Italian Marital Law from the Pisanelli Code (1865) to the Cirinnà Law (No. 76/2016): Back to the Start?* (ii) Meena Kumari - University of Delhi *Changing Perspectives of Hindu Marriage* (iii) Helen Leighton-Rose - Northumbria University *An Irregular Marriage: The Subversion of the Scottish Kirk by Isabel Clinckscales* (iv) Prof Rebecca Probert - University of Exeter *Secular or sacred? The ambiguity of 'civil' marriage in the Marriage Act 1836*	
1645-1700	**Drinks Reception**	
1700-1745	**Keynote Address:** The Rt Hon. the Baroness Hale of Richmond DBE: '*Is Equality the Death of Marriage?*' - to be followed by Q&A	
1745-1800	**Prizes Awarded & Close of Conference**	

Paper titles and abstracts

Keynote Lecture

The Rt Hon. the Baroness Hale of Richmond DBE

'Is Equality the Death of Marriage?'

Throughout much of history, any self-respecting feminist would have hesitated to 'dwindle into a wife' if she had an alternative means of support. Many, of course, had no alternative and had to commit themselves to a patriarchal institution in which they were not recognized as equal partners. The formal equality achieved after the Married Women's Property Act 1882 did not bring about substantive equality between the gendered roles of breadwinner and homemaker. But all that changed with the reforms which came into force in 1971. Despite that, fewer and fewer people are getting married. Why is that? Could it be that greater sharing and flexibility of family roles, and greater recognition of the value of the caring role, is a disincentive to marriage, not only for successful men, but also for successful women?

Biography

Brenda Hale retired as President of the Supreme Court of the United Kingdom, the UK's most senior judge, in January 2020. After teaching law at the University of Manchester for 18 years (while also practising for a short time at the Manchester Bar), then promoting the reform of the law at the Law Commission for over nine years, she became a Judge in the Family Division of the High Court of England and Wales in 1994. In 1999 she was appointed to the Court of Appeal and in 2004 became the first and only woman 'Law Lord' – that is, a member of the appellate committee of the House of Lords. In 2009, the Law Lords became the Justices of the Supreme Court, and she became its first woman Justice, Deputy President in 2013 and President in 2017. She is also President of the United Kingdom Association of Women Judges and a past President of the International Association of Women Judges. She has enjoyed working in all fields of the law, but her principal interests remain in family, welfare and equality law.

Abstracts

Session One (a): The Evolution of Marriage

Dr Celia Carrillo-Lerma - University of Murcia

Legal evolution of marriage in Spain from c.1450 to the present

It is not possible to make a universal definition of marriage, because what is understood by it will depends on the location and time in which we find ourselves. Focusing on Western societies, social changes have forced the legislator to make a large number of modifications. That is why, both from a cultural and legal point of view, the most drastic changes in the conception and regulation of marriage have taken place in the last century. In Europe, marriage may have had some common ground during the period c. 1450 to present day for a number of reasons, e.g. because of their Christian heritage, at first, or because of the codification, later. Subsequently, constitutional texts and instruments on human rights have led to a marriage revolution.

The purpose of this proposal is to present and analyze the transformation experienced by certain aspects related to marriage in Spain, specifically, the legal age for marriage, which has undergone several changes from c.1450 to recent times; divorce properly understood, which was prohibited from the Siete Partidas until the Second Republic, being abolished again during the Franco dictatorship and reinstated by Law No. 30, 7 July 1981; same-sex marriage, which was not possible until Law No. 13, 1 July 2005, and finally, second marriages, barely covered by law, with a special reference to the role of divorce in increasing the number of second marriages, contrasted by the greater number of these in the States where divorce was introduced earlier.

Michelle Flynn - Max Planck Institute for Social Anthropology

The Evolving Definition of Marriage in Ireland

This paper will chart the trajectory of the evolving definition of marriage in Ireland through a number of pivotal decisions of the Irish Superior Courts. Traditionally, Ireland has been regarded as a religiously homogenous country with a vast majority of Roman Catholics, however within the last three decades Ireland has experienced seismic changes to its population and attitudes towards religion as a result of increased multiculturalism and secularism. This has resulted in several constitutional referenda being held to reflect these changes in society including those pertaining to both marriage and divorce.

Prior to 1996, there was a constitutional ban on the dissolution of marriage by way of divorce. As a result of a constitutional referendum, the Family Law (Divorce) Act 1996 allowed for divorce on limited grounds. Thereafter, case law ensued in the Irish courts which explored the contours of the legal concepts of both marriage and divorce. Other significant

changes have occurred including the introduction of same-sex marriage in 2015 by way of constitutional referendum, and in May 2019 a further referendum was passed which reduced the criteria for obtaining a divorce in Ireland. Nevertheless, questions remain regarding certain aspects of the law governing marriage and divorce in Ireland, and further questions arise concerning the possibility for religious accommodations in these matters. Thus, there is real value in assessing the trajectory of the evolving definition of marriage in Ireland over the last twenty-five years.

Daniel Hill - University of Liverpool

The State and Marriage: Sever the Link

I argue that the connection between the state and the institution of marriage should be severed. More precisely, I argue that the state should not (i) solemnize or purport to solemnize any marriages, (ii) register any marriages and (iii) make any laws, civil or criminal, with respect to marriage.
My ground is that the state has neither need nor business in discriminating in favour of, or against, those that it regards as married. I argue that, while the state has legitimate needs for which it currently uses marriage (e.g. in immigration law, and in dealing with intestacy), these needs can be met, and would be better being met, by consideration of unregistered de facto relationships as found in the law of Australia and of New Zealand. In dealing with questions of immigration, intestacy etc. the legal system could take into account de facto relationships, and the parties could, if they wished, make statutory declarations to the fact that they were in, or not in, such a relationship. This would then spare the legal system the complex and controversial question of which such relationships should be treated as marriages.
I do not argue for any change in any of the typical Western laws respecting sexual intercourse; in particular, I do not argue for any change in the laws regarding rape,the age of consent to intercourse or intercourse with a minor.

Dr Frances Hamilton - University of Reading

The Evolving Nature of Marriage: Evolving to Irrelevancy or Evidence of Strength and Durability

Marriage is often viewed as an ‘institution’ interwoven with history, tradition, and patriarchy. However, it is not ‘fixed and immutable’ and has in fact greatly evolved. On an international basis changes in the last century include inter-racial marriage (although never banned in the UK), allowing married women an independent legal status and the gradual dismantling of coverture rules, recognition of same-sex marriage and allowing transperson marriage in their affirmed gender (subject to conditions of the Gender Recognition Act 2004). More recently no-fault divorce will increase individual opportunities to re-marry. Together with high divorce rates, the increasing average age of marriage, rise of the alternative status of civil

partnerships and the acceptance of cohabitation it can be argued that marriage is becoming irrelevant. This raises the question of why anyone would wish to marry and debate rages about the legal benefits and disadvantages of marriage. Some feminists oppose marriage as 'at best problematic for, and at worst deeply oppressive to, women as a class' and queer theorists consider that it conflicts with goals of queer sexual liberation. In contrast this author inspired by critical legal theory, understood here as a desire to 'create a more humane, egalitarian and democratic society' argues that expanding the capacity to marry allows greater choice for those wishing to marry. Consequently demonstrating the strength and durability of marriage as an evolving institution and allowing future change.

Session One (b) – Women's Status in Marriage

Penny Booth - Newcastle University

Thomas Hardy and Divorce – far more than wife-selling?

The passage of the 1857 Matrimonial Causes Act permitted the first judicial divorces to take place if they met stringent conditions. Hardy is well-known for his Victorian novels which explore the brief happiness and lingering tragedy of life, including the successes and failures of personal relationships in the context of an unfriendly universe. In this paper I propose to explore the representations of the initial impact of the 1857 Act as it is told in 'Jude the Obscure' – a story which presented the 'scandals' of marital separation but was itself something of a scandal in even telling such a story. Hardy was fascinated by the law and played a role himself as a magistrate. By the time he wrote and published 'Jude the Obscure' the divorce process using the Act was several decades old. The story of Jude coincides with the early years of the operation of the Act and reflects, among other things, the personal difficulties experienced by the absence and presence of judicial provision for the ending of a marriage.

Hulian Zhang - Newcastle University

Confucianism as a "Women-Eating Religion"? – Marriage and Reproduction, Single Women On The Margin

Confucianism organized the society on the principle of patriarchy power where women's subordination has been regulated by the solid phalanx of King, Father, and Husband (Chiung Tzu Lucetta Tsai, 2006). It sees marriage and reproduction as important milestones towards fulfilling human nature, women are expected to perform their roles well as daughter, mother, and wife at appropriate ages in her lifetime. Deviation from this traditional socio-cultural expectation often exposes women to further marginalization, repression, and stigmatization. In this paper, drawing on existing literatures, I explore how single women are perceived under the Confucianism values, socio-cultural expectations of marriage and reproduction

that have imposed upon them, and how these shaped the current Hong Kong law's approach to single women's access to fertility treatment by adding marriage as an eligibility criteria. I also look at this issue through a time & space lens of today's society where women who remain single after their late 20s are often depreciated of their value as a person and stigmatised as "leftovers". I argue that the Confucian female ideal is still impacting and modelling women's lives, limiting women's potentials in choosing a lifestyle that she desires. This paper also draws on feminist reconceptualization of autonomy – relational autonomy which thinks that autonomy is also shaped by the relations with others, in contrast to the traditional atomistic individualism interpretation. I argue that respecting women's autonomy becomes particularly important in this era in enabling women to have the opportunity to develop their full personhood and potentials.

Chiung Tzu Lucetta Tsai, 'The Influence of Confucianism on Women's Leisure in Taiwan' (2006) 25 *Leisure Studies* 469.

Dr Sharon Thompson - Cardiff University

Twentieth Century Housewives and Competing Visions of Legal Equality in Marriage

This paper will explore how the debate over proper recognition of housewives' work became a concern for feminists from the 1920s to the 1950s. While there are some notable accounts of the history of the women's movement during this time (particularly throughout the 1940s and 1950s), there is a dearth of information on the connections during this period between feminist organisations and the broader framework of married women's status in law. But this did not mean feminist organisation was not happening, or that there was no need for it. Indeed, the aftermath of women's suffrage, changing economic conditions, the Second World War and the creation of the welfare state combined to form the backdrop to evolving feminist ideas about women's role in the home. Specifically, I will explore the strand of 'new feminism' that emerged at this time, often overlooked as a result of the frequently used terminology of first and second wave feminism. Instead of associating equality with sameness of treatment and pursuing the 'old' aim to remove disabilities in law so women's rights could be equal to men's, new feminism sought to highlight work typically undertaken by women as being different yet equally valuable to work typically done by men. I will argue that these new ideas about recognising the value of housework helped fuel important legal challenges to marriage and its implications for property ownership, while exposing law's failure to protect married women economically and to recognise the value of their work in the home.

Professor Keith Thompson - University of Notre Dame Australia

Crime Commission v Stoddart (2011): Common law of Australia and Spousal Privilege

In *Australian Crime Commission v Stoddart* (2011) 244 CLR 554 ('*Stoddart*'), the High Court of Australia by a majority of five to one, decided that the common law of Australia did not recognise a spousal privilege. Crennan, Kiefel and Bell JJ based their reasons on the view that the dicta of Bayley J in R v Inhabitants of All Saints, Worcester (1817) 6 M & S 194; 105 ER 1215, which had been said to reflect such a privilege, was on its proper interpretation addressed to compellability, not spousal privilege. French CJ and Gummow J arrived at a similar conclusion. Heydon J's dissent examined the cases, literature and history more carefully. In so doing he discussed how common law develops including how it is affected by custom, history and commentary. He found that many legal principles are well settled even if they have not been frequently litigated.

This paper discusses Stoddart for three reasons. First, because the result came as a surprise to the Australian profession and public at large. Second because it seems inconsistent with that novelty traditionally shunned by the High Court. And third, because it appears to reflect the impact of feminist thought on changing definitions of marriage.

Session Two (a): Conversations between Marital and Criminal Law

Professor Diane Urquhart - Queen's University Belfast

Ireland's Criminal Conversations

Criminal conversation, the legal action whereby a husband could bring a case for monetary damages against a man his wife had committed adultery with was more widely discussed in Ireland during the 1970s and 1980s than at any other time in its three-century history. Popularly known as crim. con., this process was based on trespass and, as women were legally seen as the property of their husbands, was only available to men. Indeed, it was only from the 1890s that a woman could give evidence in such cases. Damages awarded in crim. con. trials highlight that not all wives were considered of equal value. Damages awarded in Irish cases vary from a farthing to £20,000, the amount depending on the alleged purity of the woman, her station in life and what her alleged infidelity denied her spouse. Crim. con. hearings attracted considerable attention and proceedings were often subsequently published, serving both to titillate readers with tales of sexual misdemeanours and as a moral warning to those who might stray from the marital bond. Within the UK the practice existed in England, which included Wales in its jurisdiction, and in Ireland, but the Divorce and Matrimonial Causes Act of 1857 moved English divorce hearings from parliament to court and ended the crim. con. action although its spirit lingered in the damages which could be claimed from a co-respondent in court until 1970. Crim. con. was only abolished in the Republic of Ireland in 1981 and far from being a defunct legal action, cases continued to be brought in the twentieth century. The largely forgotten campaign for its reform was headed by an amalgam of second-wave feminists. This paper explores why this action existed for so

long in Ireland's history and the symbolic significance of its reform in an era where family law was very much to the fore.

Dr Emily Ireland - Australian Research Council Discovery Project 'A New History of Law in Post-Revolutionary England, 1689-1760'

Marriage, Coverture and Criminal Law in Eighteenth and Nineteenth Century England

William Blackstone, writing in the second half of the eighteenth century, famously defined marriage as husband and wife becoming 'one person at law'. Historians have since demonstrated the lack of practical implementation of this concept in eighteenth and nineteenth-century English marital law and wider society. Much of this work has tackled the extent to which the doctrine of coverture, which removed a wife's ability to control property, was eschewed in private law, for example through the use of separate estate trusts. There have been fewer investigations into the impact of coverture in a criminal law setting. This paper examines a series of cases in which coverture was used as an informal defence in criminal proceedings in which a married woman was indicted for a crime relating to the sale of goods, or convicted of a crime in which the punishment was pecuniary. The extent to which husbands were held responsible for their wives' criminal activity when the crime was one married women theoretically could not commit, and the extent to which husbands were responsible for fines bestowed upon wives who theoretically had no means to pay, will be discussed in relation to Blackstone's characterisation of marriage. Studying coverture holistically, across private and public law, reveals the limits of the doctrine with greater clarity. Judicial attitudes point towards a similar disconnect between marriage law in theory and in practice as has been evidenced by scholars of the law concerning marital property in the early modern and modern period.

Dr Cameron Giles - London South Bank University

From Clarence to Lawrance: A Criminal Law Perspective on Marriage and Relationship Status and the Law on 'Deceptive Sex'

The well-known judgment of the Court for Crown Cases Reserved in 1888 held that Charles Clarence could not be convicted for an offence relating to the act of transmitting gonorrhoea to his wife, in part owing to the marital rape exemption of that time. Clarence would shape the criminal law for the next century, continuing to have an impact until the decision in Dica in 2004. More recently, the Court of Appeal in Lawrance, in 2020, held that deception regarding fertility was not capable of vitiating consent to sexual activity. With these two cases as its start and end point, this paper examines the role of marital and relationships status in the development of the criminal law relating to allegations of deceptive sex. It highlights how marital and relationship status, as well as broader concepts such as domestic intimacies and

changing perspectives on sex and sexuality, shape the construction of criminal liability and continue to play a role in the approach taken in contemporary "deceptive sex" cases.

Session Two (b): Moving Beyond Heterosexual Marriage

Dr Charalampos (Harry) Stamelos - European University Cyprus

Same-sex relations, love and tolerance, the example of adelphopoiesis in Christian Church since 1400

John Boswell in his book 'Same-sex union in pre-modern Europe' (also published as 'The marriage of likeness') states that adelphopoiesis or brotherhood in the context of the Christian Church was to unite two persons in a marriage-like union. His theory has been disputed both by academic experts, such as Claudia Rapp, and the religious community, such as Archimandrite Ephrem Lash.
In this paper we argue that John Boswell's theory may partly be true. The main arguments to support the theory of John Boswell are:

(a) There was a different approach of the Church for the people and for the elite throughout history regarding same-sex relations and marriages;

(b) There was a different approach of the Church outside the monasteries and within the premises of the monasteries;

(c) In the monasteries only men and only women could live together, increasing the hypothesis that same-sex relations were tolerated;

(d) The prohibition of same-sex marriage among people aimed at the encouragement of births, whilst in monasteries there was no such possibility or need;

(e) There has been clear evidence that brotherhood has started since the era of the Templars and continued both in Western and Eastern Orthodox Church;

(f) The basic Christian idea 'love each other' may include all kinds of unions and has never excluded same-sex unions historically under a universal or holistic analysis. An original interpretation of 'love each other' includes all kinds of relations and marriages.

Arunima Shastri - Gujarat National Law University

Traversing from Repulsion to Recognition of Homosexuality: A Study of Marital Laws in the Indian Landscape

Marriage is a sacramental and innate feature of the social structure bereft of compartmentalized understanding of genders. The precept of marriage from the point of law has undergone phenomenal changes in India; the most notable has been the

acknowledgment of gender beyond binaries. Although the rich architecture of India in Khajuraho Temple along with various scriptures such as Ramayana, Mahabharata, Arthashastra stand witness to homosexuality as a repeated reference. The Supreme Court in Navtej Singh Johar v. Union of India (2018) decriminalized Section 377 of the Indian Penal Code, 1860 which spoke of consensual sexual conduct between adults of the same sex as an offence. This has armored the recognition of the right to sexuality, right to sexual autonomy and right to choice of a sexual partner to be part of the right to life guaranteed by Art. 21 of the Constitution of India. In the Earlier month this year, three petitions were heard by the Delhi Highcourt seeking recognition for Same-Sex Marriages under existing Laws. Citing Legitimate State Interest and Societal Morality based on Indian ethos, the Centre is seeking dismissal. The fate is yet to be decided by the Courts.

Through this research, the author will discuss the traversed path of Homosexuality from repulsion to recognition in the Indian Landscape analyzing the Marital Laws- Special Marriage Act, Hindu Marriage Act, and Foreign Marriage Act from the lens of constitutional mandates guarantying the right to choose a partner, which is the right to unison and companionship. As Marriage after all arises from the union and the idea of heterosexuality runs antithesis to Fundamental Rights offered to individuals by its grundnorm.

Keywords: marriage, constitution, homosexuality, social structures, freedom.

Dr Alexander Maine – University of Leicester

Queer(y)ing Consummation: An Empirical Reflection on the Marriage (Same Sex Couples) Act 2013

Consummation and adultery were omitted from the Marriage (Same-Sex Couples) Act 2013. This paper explores the issue of consummation (in particular) and offers empirical evidence in support of reform. Assessing the functioning and role of relationship recognition to LGBTQ people, this article will assess the implications of the exclusion of consummation from same-sex marriage. It draws on semi-structured, in-depth interviews conducted with a group of 29 LGBTQ people following the 2013 legislation to argue that the current law contributes to a sexual hierarchy that maintains and privileges heteronormativity, and that this system should be reformed by either abolishing the consummation requirement or redefining it to include same-sex consummation, accommodating a wide range of sexual expression. Reforming same-sex marriage to disestablish consummation's current role would contribute both to the current transformation of marriage instigated by no-fault divorce and to the queering of marriage by deconstructing heteronormativity.

Dr. Zainab Naqvi - University of Birmingham

Polygamous Marriages in English Law – An Indifferent Approach?

In this paper I build a contextualised account of the legal framework around polygamous marriages celebrated in England drawing on critical postcolonial perspectives. I look at several key legal moments to show that responses to polygamy are complicated. I argue that this complicatedness is partly caused by the law's indifference to its impacts on the lived experiences of those who practise this form of marriage. This is compounded by the law using the moral panic around polygamy in the past as a smokescreen to obscure the live issues people faced, mostly around being unable to get divorced. Divorce was a Christian concern and this evidences the dominance of Christian conceptions around marriage and protecting monogamy. To prevent polygamy or bigamy, marriage formalities were set out in the Anglican image whilst divorce remained highly restricted. Not much has changed since, and the indifference of the law is shown all the way through to today with the categorisation of religious-only marriages as non-marriages or non-qualifying ceremonies. These ceremonies which permit polygamy to happen informally are othered and dismissed as they are placed at the bottom of the religious hierarchy of marriage in English law. There has been little progression in legal responses towards polygamous marriage for centuries: the law is outdated and fails to consider the real lived experiences of polygamous spouses.

Session Three (a): Expectations and Definitions of Marriage

Professor Annalisa Triggiano - University of Bologna & Roma La Sapienza University

On the Remarriage of Widows in Roman Legal Experience

In the archaic period violations of the prohibition relating to mourning was regarded as a nefas and hence subject to penalisation under religious law. A widow guilty of an infringement was required to make an expiatory sacrifice known as a piaculum, viz. a bovis feta. This religious and customary practice underwent a series of transformations and eventually became a law (ius). In the pre-classical period the prohibition on the remarriage of widows in the period of mourning was perceived primarily as subject to penalties laid down by civil law. This was due to the question of the paternity of any offspring such a widow might bear in the tempus lugendi. The edictum perpetuum names the persons who were liable to infamy if they committed a breach of the prohibition on the remarriage of a widow within the period of mourning for her deceased husband. Such persons could neither engage in postulare pro aliis or act as a procurator or cognitor. One of the consequences of a sentence of praetorian infamy was the convicted person's forfeiture of the right to appoint his or her plenipotentiaries for legal proceedings. The classical period brought fundamental changes in the law on remarriage. Nonetheless, even though Augustus encouraged citizens to remarry, yet his legal provisions left widows a certain period of time following the loss of their husband in which they could refrain from remarrying. The reason behind this legal arrangement was not so much mourning as such; it was rather a question of Augustus wanting to show his respect for univirae (women who had been married only once). Augustus kept in force the provisions that gave a bad reputation to people who violated the prohibition of widows' remarriage. The significance and effectiveness of these regulations made them a

subject for jurists' commentary, on account of the need to avoid situations where the paternity of children born to widows was uncertain. The prohibition on the remarriage of widows also shows that the creators of these regulations wanted marriage to be contracted primarily for the purpose of procreation.

Augustina Akoto - University of East London

Marriage the law and change in Ghana

The nature of marriage in Ghana over the years has been subject to varied internal and external influences. During the colonial period – in line with the principle of indirect rule – it was subject to the imposition of English law on marriage alongside existing customary and Islamic law. This plural legal regime in the form of The Marriage Ordinance 1884 (as amended); Customary law and Islamic law in the form of the Marriage of Mohammedans Ordinance 1906 (as amended) determined the legal formalities regarding marriage and the nature of these marriages. This plural system has on occasion resulted in the courts having to step in and decide which regime a marriage fell under; and as a consequence, determining the remedies available in relation to divorce, ancillary relief and inheritance to name but a few. However, the law is not necessarily a reflection of practice. For example, under the Marriage of Mohammedans Ordinance 1906 a marriage would not be recognised as an Islamic marriage unless registered as per the ordinance. In reality very few marriages were/are registered – which though problematic for the legal system, is not an issue for the populace as a whole. This paper will examine the history of marriage laws in Ghana and how they shaped (or did not) attitudes towards polygamy, child marriage and divorce in particular.

Penelope Russell - University of Sheffield

Divorce (and marriage) in England & Wales in 1858

This paper considers what we can learn about the institution of marriage from the first English divorce statute, namely the Divorce & Matrimonial Causes Act 1857, which provided the foundations for our current law of divorce over 150 years later. This statute gave both men and women in England and Wales access to divorce in the civil courts for the very first time, making divorce available as a civil remedy to maintain purity of bloodlines for the purposes of property ownership and inheritance, while simultaneously seeking to promote the Christian ideal of marriage as a life-long union. By conducting a historical analysis of the law of divorce and the conduct of proceedings, I will suggest what this might mean for our understandings of marriage – both in 1858 and today.

Dr Andy Hayward – Durham University

‘Wedded to Property’ – How Property Influences Understandings of Marriage

Marriage has always been wedded to property. This relationship has been explored extensively by legal historians who have traced the dismantling of the unity of person doctrine and the recognition of separate property via the Married Women’s Property Act 1882. That conversation endures to the present day following the creation of equitable redistribution powers now contained in the Matrimonial Causes Act 1973. In many ways these often-celebratory accounts identify the gradual removal of legal impediments experienced by wives motivated by a societal drive towards greater gender equality. More precisely, they illustrate how the law confronted, and later addressed, the financial *consequences* of divorce. But the earlier question as to the meaning and nature of marriage is routinely overlooked, perhaps deliberately given the difficulties of definition or simply because such definition is deemed unnecessary owing to universal understandings of marriage in society.

With reference to litigation brought using section 17 of the Married Women’s Property Act 1882, this paper will uncover what these early cases tell us about the meaning of marriage. Prior to its interpretation as a purely procedural provision, section 17 became fertile ground for the experimentation of ideas as to property-holding and power-dynamics within marriage. The purpose of this provision was to facilitate the realisation of separate property yet, somewhat ironically, it was ultimately deployed by certain members of the judiciary in an expansive manner to enable the fruits of the marriage partnership to be shared. This paper analyses that creativity and while courts focussed on the consequences of divorce in this case law it argues that multiple and often inconsistent understandings of marriage can be identified. The paper concludes by reflecting on the legacy of section 17 and whether we are any closer today to a more unified understanding of marriage.

Session Three (b) Reforming Marital Law

Dr Jennifer Aston – Northumbria University

Learning from Old Grievances: Revelations from the Court for Divorce and Matrimonial Causes in England and Wales, 1857-1923

Under the Divorce and Matrimonial Causes Act 1857, divorce ceased to be the exclusive preserve of the Ecclesiastical Court and for the first time became a concern of the state and civil law. Moving divorce litigation into the courtroom had the effect of reducing the cost and theoretically widening access to a legal divorce. Paradoxically, the state also wanted to preserve the institution of marriage and therefore the Act was also strictly limited. The legal threshold to justify divorce was high, and it did not treat men and women equally, gender inequality was enshrined in law but cultural and social factors also exerted a strong influence.

In this paper I will outline how my innovative and interdisciplinary methodology, which combines quantitative and qualitative historical approaches with feminist legal theory and

digital humanities, will be applied to case files from the Court for Divorce and Matrimonial Causes in the first systematic analysis of these documents from 1857 – 1923. The extracted data will populate a relational database, which can then be interrogated to reveal totally new information on four key research themes: (i) the history of divorce and domestic abuse, (ii) the economic cost of divorce, (iii) child custody and mediation and (iv) development of the family law profession. Adopting this novel methodology creates a unique opportunity to tell a much more nuanced story about the emergence of a new legal system where gender, class and geography shaped the opportunities of men, women, children, as well as their expectations of the law.

Dr Frances Burton - Buckingham University

Through a Glass Darkly? – Marital History, Law and Culture and the Reality of Adult Relationships

In ancient times marriage facilitated procreation and clear bloodlines: in Roman, early Christian and medieval society, it created dynasties and accumulated property for kings and nobles. Its ecclesiastical origins strengthened the Church's grip on politics and power while Christendom fought the pagan Vikings and Muslim Moors and led crusades to protect the Holy Land. This relentless Church stranglehold persisted during the distractions of the Hundred Years War and the Wars of the Roses, forging an indestructible link between Church and marriage that required legitimate heirs born in lawful wedlock.

This lasted until WWII with only occasional exceptions, the 19th and 20th centuries finally reducing the role of marriage to a walk-on part while developing alternative adult legal relationships; thus its eventual use only a framework for protecting family assets and fair division when *all* such relationships eventually fall apart – only cohabitation misses out in today's roll-call of complex sequential monogamies, even polygamy and intersex are currently getting more priority.

Marriage does need reform; but how should legislation craft adult 21st century relationship law? And what is the role of history in this analysis? Do we really need all the distinct statutes? Or should they just follow the unified equality and diversity legislation of 2010? Maine identified the historical and jurisprudential order of culture and law. If nothing is done, will 2100 only portend 'apres nous le deluge'?

Professor Gillian Black - Edinburgh University

"Rational Happiness or Worldly Prosperity"?: Jane Austen Post-Enlightenment Marriage and the Case for Law Reform in the 21st Century

In this paper, I explore the changing understanding of the purpose of marriage in the late 18th/early 19th centuries, driven by the Enlightenment ideals of personalism, individualism, and rationalism – and the interpretation of these changes in Pride and Prejudice (1813). As marriage evolved from being seen as an end in itself, usually for economic benefit or stability, to a relationship based on love and personal happiness, Jane Austen's characterisation of the different marriages contracted in Pride and Prejudice reflects this contemporary shift, and the (necessary) shades of grey between the two extremes. By contrasting the relationships of Lizzie Bennett, Charlotte Lucas, and Lydia Bennett (and their respective spouses), we can see how the "old" and "new" ideals play out in theory and in practice.

Curiously, this social understanding was reflected in the literature but not in any significant legal reform of the time. What does this tell us about society's legal regulation of marriage then and now, and the limits of such regulation? And, critically, what is the significance of a shifting understanding of marriage for divorce laws in the 21st century? By examining our understanding of the purpose of marriage, and contrasting the approaches played out by the literary characters of the time, we can gain a greater insight into current divorce law, thereby informing current law reform debates. Pride and Prejudice allows us to explore law's role in regulating social relationships, and the tension between ideals and realities in adult relationships.

Session Four: Religion, the State and Marriage

Alberto Mattia Serafin - University of Cassino

The Secularization of Italian Marital Law from the Pisanelli Code (1865) to the Cirinnà Law (No. 76/2016): Back to the Start?

Italy represents a unique situational context to assess the relationship between, on the one hand, marriage, civil unions and registered partnerships (as well as connected aspects like separation and divorce) and, on the other, the ever-growing evolution of social, cultural, economic and religious customs and traditions. In this conference, I will start the analysis from art. 156 of the 1865 Italian Civil Code, which explicitly defined marriage as a contract, thus extending the ius connubii to laic couples. This contractual qualification, borrowed from the French Code Civil (1804), was perfectly compliant with the deconfessionalization carried on by the separatist – uti cives or uti fideles – liberal thought of that time. If the current Civil Code (1942) was somehow influenced by such principles, notwithstanding the fact that in the meantime the Lateran Treaties introduced the so-called holy marriage with civil recognition, only the new Constitution (1948) cast a new light on this part of family law: art. 29, indeed, recognizes the rights of the family as a natural society founded on marriage, while artt. 2 and 3 respectively protect all social groups
where personality is expressed and exclude discrimination based, inter alia, on sex and religion. The new legal framework allowed the Constitutional Court and shortly after the legislator to introduce significant changes: the indissolubility dogma was wiped out in 1970,

while the 1975 reform definitely hypostatized the objective of marital parity. The secularization process was completed in 2016, with the regulation of same-sex unions; however, some issues – like polygamous relationships – are still disputed and underresearched, and they will be consequently dealt with.

Meena Kumari - University of Delhi

Changing Perspectives of Hindu Marriage

Marriage is one of the important institute of Hindu laws. Dhramasastras were considered the oldest authority on institutes of Hindu laws; however cannot be described by one single category of law or religion or philosophy or intellectual discourse. Dhramasastras means teaching or science of righteousness and dhrama implies obligations, which constituted the duties of a person. In a collective sense, it constituted a 'Body of Law'. It was the general opinion of the Pandits that Brahma taught his law to Manu, the first legislator.
The rules propounded by the Dhramasastras laid down the code of conduct and entire life cycle of Hindus from birth to death in the form of four ashrams. Marriage constituted the important role in this life cycle as a sacrament. Manu described law of marriage in general, different forms of marriage, its manner, regulations and law concerning husband and wife. In the early days of British Rule Hindu subjects were governed by their own laws as recorded in Dharmsastras; however efforts were made to codification of Hindu laws. Because of colonial intervention Hindu law emerged as an established category in the legal administration during British rule. Now Hindu marriage is governed by Hindu Marriage Act 1955, theoretically still Hindu marriage is considered as a sacrament but practically its forms and nature are drastically changed. The paper tries to explore and analyses the historical and legal perspective of Hindu marriage.

Helen Leighton-Rose - Northumbria University

An Irregular Marriage: The Subversion of the Scottish Kirk by Isabel Clinckscales

My quantitative and qualitative analysis of eighteenth century Scottish Kirk Sessions had shed light on Scottish women's subversive and consistent challenges to patriarchal control. Numerous women argued against the judgement of these sessions and petitioned the Presbytery courts.
My paper will highlight some illuminating examples of women's subversion including the subversion of the Scottish Kirk by Isabel Clinckscales who irregularly married Thomas Lyon, unknown to her to be a twice bigamist. Over eighteen months Isabel was called before the Kirk Sessions and ordered to perform penance as an adulteress which she consistently refused. She subverted the kirk authority to such a degree she was placed under the penalty of lesser excommunication. There is no record of Thomas Lyon receiving any rebuke. On the

25th January 1722 Elders of Duns Kirk deem'..after all the serious dealings with Isabel Clinkscales she still persisted in her obstinacie, he therefor this day according to the recommendation did lay the said Isabel Clinkscales under the sentence of the Lesser excommunication'. My paper will raise the profile of the richness of archival material for Scottish border towns and enable me to connect and network with academics and fellow doctoral students working on related topics.

Professor Rebecca Probert - University of Exeter

Secular or sacred? The ambiguity of 'civil' marriage in the Marriage Act 1836

The object of the Marriage Act 1836, as explained by Lord John Russell, 'was to allow every person to be married according to whatever form his conscience dictated', whether they were members of the Church of England, Dissenters who considered marriage to be a religious matter, or Dissenters who considered it to be a civil matter. To this end, the Act introduced the possibility of getting married in either a register office or a place of worship that had been registered for the purpose, rather than requiring all except Quakers and Jews to marry in the Anglican church.

This paper will explore the multiple meanings of 'secular', 'sacred', and 'civil' marriage in the debates that preceded the 1836 Act and in the first 20 years of its operation. First, it will show how the idea of marriage as a 'civil contract' was advanced by Dissenting denominations who had a particular view of the relationship between church and state, and how this idea was, rather counterintuitively, perfectly compatible with the holding of religious beliefs and with 'civil' marriage being celebrated with a religious ceremony. Second, it will draw on the case of the Bradleys of Birmingham—two couples who went through an essentially secular wedding ceremony of their own devising in a Nonconformist chapel before the 1836 Act—to show that the option of getting married in a registered place of worship was intended to allow for non-religious ceremonies of this kind. Third, it will draw on accounts of early register office weddings to demonstrate that many included religious content. The relationship between the sacred and the secular, and what was meant by 'civil' marriage, was a highly complex and nuanced one.

Speaker Biographies

Keynote Speaker

The Rt Hon. the Baroness Hale of Richmond DBE retired as President of the Supreme Court of the United Kingdom, the UK's most senior judge, in January 2020. After

teaching law at the University of Manchester for 18 years (while also practising for a short time at the Manchester Bar), then promoting the reform of the law at the Law Commission for over nine years, she became a Judge in the Family Division of the High Court of England and Wales in 1994. In 1999 she was appointed to the Court of Appeal and in 2004 became the first and only woman 'Law Lord' – that is, a member of the appellate committee of the House of Lords. In 2009, the Law Lords became the Justices of the Supreme Court, and she became its first woman Justice, Deputy President in 2013 and President in 2017. She is also President of the United Kingdom Association of Women Judges and a past President of the International Association of Women Judges. She has enjoyed working in all fields of the law, but her principal interests remain in family, welfare and equality law.

Speakers (A-Z):

Augustina Akoto is a Senior Lecturer in Law based at the University of East London and Course Leader for the LL.B Law and International Relations degree. She teaches English Legal System, Tort Law and Introduction to Legal Method and Family Law. Her research interests lie in African family law, gender, legal pluralism and Ethnic Minorities and the Law.

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Jennifer Aston is Senior Lecturer in History and Director of the Institute of Humanities. She is also an Associate Member of the Centre for Workforce Futures at Macquarie University, Sydney, Australia.

Jennifer joined Northumbria University in 2017, having previously held the EHS Eileen Power Research Fellowship at the Institute of Historical Research and research positions at the universities of Oxford and Hull. Her research interests include gender and small business ownership, bankruptcy, and the law. She is the author of *Female Entrepreneurship in Nineteenth-Century England: Engagement in the Urban Economy* (2016), co-editor of *Women and the Land 1500-1900* (2019) and has several articles on female property ownership. Together with Dr Catherine Bishop (Macquarie University, Sydney), Aston has co-edited *Female Entrepreneurs in the Long Nineteenth Century: A Global Perspective* (2020) and is a co-founder of ReWOMEN (Researching Women of Management and Enterprise Network). This global network connects scholars across business schools and humanities departments with stakeholders and policy makers in Africa, Asia, Oceania, North and South America and Europe to share key findings across four centuries of women's management and enterprise activities. Jennifer has recently begun a new research project using previously unexamined petitions heard before the Court for Divorce and Matrimonial Causes to explore divorce in England and Wales, c.1857-1923.

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Gillian Black is a Professor of Scots Private Law at Edinburgh University, with particular research interests in adult relationships, the parent/child relationship, and heraldry. I am also a Commissioner at the Scottish Law Commission, currently involved in the surrogacy law reform project. Full details, including publications, are at: https://www.law.ed.ac.uk/people/professor-gillian-black

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Penny Booth is a Lecturer in Law at Newcastle University Law School, where she has worked since 2018. Before then she taught full time and part time at a number of institutions including Staffordshire University and the Open University. She teaches on a number of modules, including family law, and has taught child and family law at both undergraduate and postgraduate level. Her personal interests include the representation of law in literature. She studied English and history and taught English in a comprehensive school before returning to university to study for a law degree part time in the 1980s, and her interest in the intersections of law, literature and cultural perspectives have grown since then.

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Frances Burton is a Senior Lecturer in Law at Buckingham University who has published widely in Family Law and Property throughout a lengthy career as an academic-practitioner – as a Chancery Bar practitioner with Lincolns Inn Chambers, and an academic in posts in England & Wales and Europe, her main research interests being marriage and alternative adult relationships, comparative law, dispute resolution and the impact of procedure on Family Justice.

Recent research has been into Low Value Financial Applications in the Family Court for the Centre for Child and Family Law Reform at City University of London (report published on their website, July 2020), and a Surrogacy chapter in 'Same-Sex Relationships, Law and Social Change with Northumbria University's Gender Research Group (published by Routledge, Taylor & Francis, January 2020). Her current project is updating Comparative Cohabitation Rights research in jurisdictions where these are promoted, and a paper for Northumbria's conference on the Historic, Legal and Cultural Perspectives on the Development of Marital Law.

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Celia Carrillo-Lerma is PhD in Law by the University of Murcia (Spain). She obtained her doctorate cum laude and the Mention of "International Doctor" in 2021 for a thesis on stepfamilies. She is currently a lawyer in practice, an Associate Lecturer in Civil Law in the ISEN (Faculty attached to the University of Murcia) and a researcher hired by the University

of Murcia for the performance of the management and coordination functions of the UE Jean Monnet Module "VINCE" ("Victimology: New Challenges for Europe") (611325-EPP-1-2019-1-ES-EPPJMO-MODULE). She has completed a pre-doctoral stay at the University of Verona (Italy), has participated as speaker in several conferences and has several publications in specialized journals and collective publications. She has coordinated the collective work AGUILAR CÁRCELES, M.M., CARRILLO LERMA, C. (Eds.), Victimología y menores: Un enfoque transversal, Madrid, Marcial Pons, 2020. ISBN: 978-84-9123-848-5.

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Michelle Flynn is an Irish barrister and academic. A former member of the academic staff at the Faculty of Law at KU Leuven, and a Visiting Researcher at Yale Law School, Michelle is currently a Researcher at the Department of Law and Anthropology at the Max Planck Institute for Social Anthropology in Germany. Her areas of research include law and religion, constitutional law, human rights, and legal pluralism. She holds degrees from the National University of Ireland, Galway (B.A. and LL.B.), the Honorable Society of King's Inns, Dublin (Barrister-at-Law), and KU Leuven, Belgium (LL.M. in International and European Public Law). Michelle is currently a PhD candidate at the Faculty of Law at KU Leuven, Belgium.

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Cameron Giles is a Lecturer in Law and Course Director for LLB Law with Criminology at London South Bank University. He holds an LL.M from the University of York and an M.Law from Northumbria University, where he has recently completed a PhD on HIV transmission offences. Cameron teaches and researches issues of Criminal Law, particularly sexual offences and sentencing and has published in The Journal of Criminal Law, The Journal of Bodies, Sexualities, and Masculinities, and Information and Communications Technology Law.

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Frances Hamilton – was appointed Associate Professor at the University of Reading Law School in January 2021. Her research interests are broadly in the area of Gender Sexuality and the Law and her published work investigates the role of the European Court of Human Rights and the Court of Justice of the European Union in recognising same-sex marriage. The international profile of Frances' work is demonstrated as she has published in the UK, Italy, Florida, California and New York with high quality publishers such as Routledge, and international multiple peer-reviewed journals including the Journal of Homosexuality, the European Human Rights Law Review and the Journal of Transnational Law. Her recently published edited collection (as lead editor) entitled 'Same-Sex Relationships, Law and Social Change' published in January 2020 by Routledge in London and New York includes

contributions from an international team of leading Law and Sociology authors from 5 different jurisdictions (the UK, Canada, Australia, Italy and the Republic of Ireland.) Following invitation, Frances hasbeen appointed as Visiting Scholar at Pisa University Italy in 2022.

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Andy Hayward is an Associate Professor at Durham Law School. His research explores from both domestic and comparative law perspectives the legal regulation of adult relationships, in particular, marriage, civil partnership and cohabitation.

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Daniel Hill is Senior Lecturer in Philosophy at the University of Liverpool. He is author of Divinity and Maximal Greatness (2005), and co-author of Christian Philosophy: A-Z (2006), The Right to Wear Religious Symbols (2013), and Does God Intend that Sin Occur? (forthcoming). He has also written 'The State and Marriage: Cut the Connection' Tyndale Bulletin 68.1 (2017), '"Women Cannot Truly be Bishops": The Logical and Canonical Implications of this View' Churchman 129.1 (2015), and 'Is Sexual-Orientation Discrimination a Form of Sex Discrimination?' Liverpool Law Review 41.3 (2020). He is the Co-Director of the Jonathan-Edwards Centre, UK, and the Chair of the Tyndale Fellowship's Study Group in Philosophy of Religion.

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Emily Ireland is a Researcher on the Australian Research Council Discovery Project 'A New History of Law in Post-Revolutionary England, 1689-1760'. Her PhD thesis, for which she was awarded a 2020 University of Adelaide Dean's Commendation and Doctoral Research Medal, explored married women's litigation in the eighteenth-century English Court of Chancery. She is the author of a growing number of publications on eighteenth and nineteenth-century women and the law, including 'Rebutting the Presumption: Rethinking the Common Law Principle of Marital Coercion in Eighteenth-and Nineteenth-Century England' (Journal of Legal History, 2019). She has also conducted research for the South Australian Law Reform Institute.

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Meena Kumari is Assistant Professor at Faculty of Law, University of Delhi. She was permanently selected at the post of Assistant Professor in 2018. She has obtained her LL.B. from Campus Law Centre, Faculty of Law, University of Law in 2013 and LL.M. from Faculty of

Law, University of Law in 2015. She holds Junior Research Fellowship awarded by UGC, India. She is enrolled under PhD programme, Faculty of Law, University of Delhi and pursuing the same since 2016 (recently submitted thesis & waiting for final award of degree). Her areas of interest include Personal Laws.

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Helen Leighton-Rose is a Part-time doctoral candidate who gained her Master's Degree in History with distinction from Northumbria University in 2019. This paper is based on her Master's dissertation research entitled 'Public Scandal, Private Sin: Scottish Border Town Women and the Subversion of Patriarchal Control, 1707-1756'. Helen's doctoral project, exploring the changes wrought by industrialisation on women workers in the textile and garment trades of south east Scotland over the period 1740-1890, is supervised by Dr Leona Skelton of Northumbria University.

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Alexander Maine joined Leicester Law School in November 2019 and I am a Fellow of the Higher Education Academy; before which I was an Associate Lecturer and PhD Candidate at Northumbria University. My socio-legal research focuses on Family Law and Gender, Sexuality and Law, in particular relationship recognition, same-sex marriage, civil partnerships, and the effect of law on the lived experiences of LGBTQ people. My PhD is entitled *Same-Sex Marriage and the Sexual Hierarchy: Constructing the Homonormative and Homoradical Legal Identities* and I am co-editor the Edward Elgar *Research Handbook on Gender, Sexuality, and the Law*.

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Zainab Naqvi completed her LL.B (Law and French) at Coventry University in 2012, her LL.M (General) with Distinction at the University of Birmingham Law School in 2013 and remained at Birmingham as an ESRC DTC Doctoral Researcher. Her research interests are focussed on judicial and legal responses to minoritised communities and practices in the UK including forms of non-normative marriage. Zainab was appointed as a full-time Lecturer in Law at Coventry University in 2017 following the completion of her doctorate and has now joined Leicester De Montfort Law School as a Senior Lecturer in Law. Zainab has also been appointed to the Decolonising DMU project as a Fair Outcomes Champion and is a coordinating editor for the international peer-review journal Feminist Legal Studies.

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Rebecca Probert is Professor of Law at the University of Exeter. She has written widely on all aspects of family law, but has a particular interest in the history of marriage, cohabitation, divorce, and bigamy. Her books include *Marriage Law and Practice in the Long Eighteenth Century: A Reassessment* (CUP, 2009), *The Changing Legal Regulation of Cohabitation: From Fornicators to Family, 1600-2010* (CUP, 2012), and *Tying the Knot: The Formation of Marriage 1836-2020* (CUP, 2021, forthcoming).

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Penelope Russell is a lecturer at the University of Sheffield. Russell runs the undergraduate family law module and has also conducted archival research into the lives of women who petitioned for divorce in the mid 1800s. Prior to becoming an academic, Russell practised as a family law solicitor for nine years.

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Alberto Mattia Serafin is Lawyer in Rome and PhD Candidate – 3rd year – at the University of Cassino (Italy). He graduated in Law at LUISS University (110/110 cum laude and honorable mention by the Evaluating Commission). Former Visiting Researcher at Max-Planck-Institut für ausländisches und internationales Privatrecht (2019), he studied in prestigious Universities (Cambridge, LSE, Harvard) and he is currently Independent Researcher at UNIDROIT. Speaker in national and international seminars, he is author of many articles, case-notes and reviews.

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Arunima Shastri was formerly working as an Assistant Professor at Kalinga University, Raipur and Karnavati University, Gandhinagar, it has been one and half year of devoting services in Legal Academia. She is also an early Research Scholar from Gujarat National Law University with her keen interest in uplifting the status Negative Spaces in IP under Visual Arts. Further, being an early law teacher having taught courses on Criminology and Victimology, Labour Laws.She is an alumna of UPES Dehradun and pursued masters from National Law University Odisha in Corporate Laws. Despite being an IP enthusiast, she has also engaged herself in researching Reproductive Rights of Women vis-à-vis Disability, Transgender persons (Protection of Rights) Act, 2019 and implications weighed under Constitution, the issues and challenges during Covid19. She was invited as a Panelist in a Symposium Organized by Amity Law School, Noida to speak on the area: Providing legal assistance in light of emergence of cases due to Lockdown rise in domestic violence, She has presented papers in various National and International Conferences and Seminars held by prestigious Universities including ILI,NLU Delhi, RGNUL,DSNLU, Texas A&M. She holds a fervent desire of exploring beyond the Black letters of the Law.

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Charalampos (Harry) Stamelos is a Lecturer of Law in European University Cyprus Law School since 2020 in Introduction to Law with specialisation in History of Law and Jurisprudence, and a lawyer in Athens since 2000. He graduated from Athens Law School, Greece, in 1998, received LLM in EU Law from Essex Law School, UK, in 1999, LLM in History of Law and Jurisprudence from Athens Law School in 2002 and his PhD in International and US-EU Comparative Law of Competition from Athens Law School in 2011.
Since 2006 Dr Stamelos has published 10 law books in English or Greek regarding international law, comparative law, competition law, history of law and jurisprudence. He has published papers in English or Greek. In 2020 he published an online article for the holistic analysis of law. He strongly supports the idea of a holistic analysis of national and international law and jurisprudence as a new method of analysing and approaching national and international law issues philosophically and historically.

Selected publications: https://scholar.google.com/citations?user=SMOs3d8AAAAJ&hl=en
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Keith Thompson is a Professor and Associate Dean at the Sydney School of Law of The University of Notre Dame Australia. He previously worked as International Legal Counsel for The Church of Jesus Christ of Latter-day Saints through the Pacific and African continent and as a partner in a commercial law firm in Auckland, New Zealand.

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Sharon Thompson is a Reader in the School of Law and Politics at Cardiff University, with interests in family law and mid-twentieth century feminist legal history. She is currently writing a book on the history of the Married Women's Association. Her first monograph Prenuptial Agreements and the Presumption of Free Choice (Hart 2015) was shortlisted for the 2017 SLS Birks Prize and the 2016 SLSA Socio-Legal Prize.

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Annalisa Triggiano has a Ph.D in Roman Law, MD. in Law, with honors, in University Federico II Naples, I am currently an Adjunct Professor (fixed Term) in Roman Law in University of Bologna, Dept. of Legal Studies and Adjunct Professor (fixed Term) of Middle Age Legal History in Dept. of Humanities and Modern Culture (Roma La Sapienza University). Qualified as a Barrister ("Avvocato") and ADR Specialist since 2009.

Formerly Visiting Lecturer in Valladolid, Exeter, Salzburg, and Post Doc Researcher in Roman Law, Salerno University, Dept. of Legal Studies, I published many articles and essays on Roman Litigation System, two books on Limitation of Actions, and I am interested in the areas of Comparative Legal History, Private Law, Legal Theory, Middle Age Legal History, criminal law history.

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Diane Urquhart is Professor of Gender History in the School of History, Anthropology, Philosophy and Politics (HAPP) of Queen's University Belfast and President of the Women's History Association of Ireland (WHAI) . The former chair of modern history in the Institute of Irish Studies of the University of Liverpool, Diane is a fellow of the Royal Historical Society. She has published extensively on Irish women's history, gender and politics including *Irish Divorce: A history* (2020), *The Ladies of Londonderry: women and political patronage* (2008), *Women in Ulster Politics, 1890-1940* (2000), five edited/co-edited international collections as well as the co-authored *Irish Abortion Journey, 1920-2018* with Lindsey Earner-Byrne (2019). Diane is currently working on the first full-length history of the criminal conversation legal suit.

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Hulian Zhang is a PhD candidate from Newcastle Law School, specialising in Medical Ethics and Law. Her PhD research focuses on single women's access to assisted reproductive technology (ART) in Hong Kong. Zhang approached this issue from the perspective of reproductive autonomy. She draw on feminist lenses to look at Hong Kong's legal restrictions on single women's fertility in ART setting.
Before joining the Newcastle Law School, Zhang attended the:
Southwest University of Political Science and Law (LLB)
University of Kent (DL)
University of Hong Kong (MCL)

Zhang has internship experience with the United Nations Headquarters in New York, and the High Court of Hong Kong SAR. I was shortly with Baker & McKenzie's Hong Kong office.

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