

Responding to Submissions and Introducing Issue 23(1)

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Feminist Legal Studies (FLS) has been working with its new Board for 2 years now and we thought it timely to share some further reflections on developments (Lamble 2014). This editorial itself is an experiment as we consider ways of using *FLS* spaces to encourage distribution of and engagement with feminist insights. From this issue on, we plan to publish open access editorials to introduce readers to new *FLS* content and to encourage interaction with the journal.

Some editorials will highlight Board practices, decisions or ideas that may be of interest to scholars and practitioners in feminist legal studies. Other editorials will provide an opportunity to discuss some topic or approach in feminist legal studies more generally. In this regard we would like to announce that *FLS* will host an international and interdisciplinary seminar in London, UK, on 30 June and 1 July 2016 to consider the relationship between feminism, legality and knowledge. We hope that the journal, alongside related projects and publications, will go on to address some of the insights that emerge from that seminar. In the meantime, here we provide an updated account of how the *FLS* Board responds to submissions of various kinds, and introduce the content of this first issue of 2015.

FLS Practice in Responding to Submissions

When authors submit their work through the Editorial Manager system, the first thing that happens is that the Academic Editor, currently Ruth Fletcher, is notified and assigns it to one of the Associate Editors. Taking expertise and workload

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distribution into account, original papers (research contributions of approximately 8000 words) are assigned to one of the Co-ordinating Editors, currently Julie McCandless, Yvette Russell and Dania Thomas. Book reviews of 500–2500 words in length, including review essays, are assigned to one of the Book Reviews Editors, currently Diamond Ashiagbor, Samia Bano and Ann Stewart. Reflections, creative pieces and case-notes (500–2500 words) are assigned to one of the Reflections Editors, currently Harriet Samuels and Sara Ramshaw, and are usually submitted after consultation with an editor in any case.

Since *FLS* original papers are refereed, the first decision that the Co-ordinating Editor makes is whether the submitted piece meets the threshold for being sent out for expert review. Rarely, but sometimes, pieces do not meet this threshold either because they do not fit with the journal's mandate to contribute to feminist legal studies in some way, or because they are not saying anything original about their topic. Usually, the Editor will consult with another Board member who has relevant expertise in making this decision. But most of the time, submissions meet the threshold because they are doing something interesting and novel in feminist legal studies and are sent out for review. The second reason that we are very likely to send submissions out for review is because we see review and feedback as part of a mutual dialogue with our contributors from which we all benefit.

Every reviewed paper is refereed by two experts; usually one external reviewer and one internal reviewer who is a member of the Board. We aim to get reviews and a Board decision to authors as quickly as possible. But we think it's important that authors get a considered response and that Board members participate in decision-making. As a result it usually takes 6–12 weeks for a decision to be communicated to an author by the Co-ordinating Editor. This is because it may take a Co-ordinating Editor a little time to get reviewers signed up, as the review process obviously depends on the availability of academic time. Reviewers are asked to return their reviews within 4 weeks. If an invited reviewer cannot review in a timely fashion, s/he usually suggests someone else as a possible referee, or the Co-ordinating Editor may agree a longer period for review. Once both reviews are in, the Co-ordinating Editor will bring that article to the Board for a decision, usually at one of our five meetings per year, but sometimes by email.

At the Board meeting, a Board member volunteers to present the article in light of the reviews. This means that someone other than the Co-ordinating Editor comes fresh to the paper, reads it in depth and makes a recommendation in light of the reviews and *FLS's* objectives. A key aspect of *FLS's* decision-making is that Board members read, discuss and decide on each piece that is reviewed. This discussion helps the Co-ordinating Editor provide feedback to the author. Sometimes this is desirable because reviewers may disagree or focus on different aspects of the piece. In these circumstances it is the Co-ordinating Editor's job to draw on Board discussion and give the author a steer as to how best to respond to the reviews. On other occasions, the discussion identifies an issue of contextualization in the journal as a whole, or an added expert insight, which may be useful to the author. In this way, we aim to provide our authors with a comprehensive response that draws out the strengths of their work in light of the reviews, the expertise of the Board and contextual advice about next steps.

There are five possible different decisions that an author can receive from the Board via the Co-ordinating Editor: Accept as is, Accept with revisions, Revise and

resubmit, Reject, or More suitable for another journal. The most common decision is either ‘accept with revisions’ or ‘revise and resubmit’. An ‘accept with revisions’ decision means that we are committed to publishing your article and believe that only minor revisions are necessary in light of reviews. A ‘revise and resubmit’ decision means that we are favourably disposed to publishing your piece, but think that some substantive changes are necessary before we can commit to publishing it. Once a paper has been accepted, online publication after the final changes is usually possible within 2 months.

No system is perfect, but we consistently get positive responses from authors about the quality of reviews and editorial feedback. We are conscious, partly from own experience, of the ways in which comments that start out as support and advice can sometimes become too much scrutiny and direction. We hope that interactive Board meetings, dialogue with authors and reviewers, and *FLS* events guard against this happening and enable critical reflection on our own editorial practices. And we trust that our readers and contributors will continue to let us know their views on the outcomes.

Book reviews, case notes and reflective pieces are not refereed in the same way as original papers, and therefore are usually published more quickly. The Reflections section is a perfect forum to try out a new creative approach or piece, to reflect on a legal development or period of practice, or to respond to a film or some other contribution to culture. Reflecting aloud in this way, with the listening ear of an editor, but without a formal review process, can be really important for feminist legal scholarship and for scholars themselves. We’re keen to see the *FLS* archive include reflections on people’s experiences of ‘doing law’, broadly considered. And scholars and practitioners often find it refreshing to take a moment to write up their thoughts and practices in an open way.

Case notes continue to provide a valuable service to the feminist legal community by explaining and evaluating new decisions. Indeed feminists in Colombia have been providing some interesting food for thought in this regard as they generate ‘gender justice awards’ for particular judgments and publish online commentaries that contextualize and engage interesting judicial decisions (Women’s Link Worldwide 2015).

Similarly book reviews are a really useful feminist intellectual tool as they draw new work to our attention. As noted below, this issue’s reviews provide a great entry point to a wide range of international and interdisciplinary scholarship. Many of you are already creating, noting and reviewing at workshops, meetings and conferences all over the world, and *FLS* editors would be delighted to hear from you. We are keen to hear about books, cases and reflections, which you think would engage a feminist audience but might have escaped our attention. In this way we hope that *FLS* will continue to generate interesting new work and to provide an important point of contact for diverse kinds of feminist thinkers.

Introduction to Issue 23(1)

This issue of *Feminist Legal Studies* presents readers with articles about sexuality and feminist activism and about legal representations of gendered harms. As conversations about the limits of state-focused feminisms happen in different

corners around the globe, the significance of civic engagement in the name of harm reduction is reclaiming attention. This issue contributes to those conversations as Kay Lalor (2015) and Linda Mulcahy (2015) write about the dynamics of legal campaigns, and as Adrienne Barnett (2015) and Angela Campbell (2015) consider the boundaries of apparently harm-reducing legal reforms. In particular, Lalor and Mulcahy may be understood as focusing attention on sites of political engagement as the places where subjects negotiate their own translation into legal objects. Lalor encourages sexuality activists everywhere to be future oriented and to work with the moment when rights ‘stutter’ in this process of legal translation. Mulcahy discovers what past English suffragette campaigns can offer up in the shape of new objects—mugshots in this instance—for feminist interpretation.

Barnett and Campbell focus on another side of feminist engagement with law as they consider the implications of adjudicative and legislative reform processes for those living with domestic violence and those living as sex workers, respectively. The under-appreciation of the harms associated with domestic violence limits the potential of fact-finding hearings, while the over-emphasis on the ‘public offense’ of sex work haunts the partial decriminalisation of prostitution, and undermines the citizenship of sex workers. Barnett’s study throws light on the significance of legal practitioners’ perceptions of domestic violence for fact-finding in child contact decisions in England and Wales. Campbell’s analysis of Canadian Bill C-36 shows how protective regulation continues to invoke criminal measures and to characterize sex work as offensive to the public, even as it claims to engage with decriminalization. Together these four articles illustrate the challenges for and resources within contemporary feminist critique.

Individually the four authors contribute to further understanding of how feminism works through legal facts and norms. In ‘Making Different Differences: Representation and Rights in Sexuality Activism’, Lalor draws on Braidotti’s call for an affirmative politics to imagine struggles for lesbian, gay, bisexual, transgender and intersex (LGBTI) rights anew and across diverse locations. She responds to the critique of an over-reliance on the heterosexual/homosexual binary by arguing for a form of sexuality politics that is grounded in difference rather than sameness or opposition. This means thinking through Deleuzian temporalities and identifying opportunities to ‘repeat the future’ in those moments when rights ‘stutter’ and fail to capture the demands of a particular situation. For Lalor, this is not about negation or opposition, but about the need to think through a different future: “stuttering is a double movement—not just a moment of critique but simultaneously a moment of affirmation of difference, or an act of creation or creativity.” This politics of future oriented action avoids repeating the past by seeking out “effects and movement rather than certainty and identity”.

Campbell’s piece, ‘Sex Work’s Governance: Stuff and Nuisance’, continues the engagement with sexual politics but focuses instead on the significance of particular kinds of legal intervention into the governance of sex work. She examines the continuities and discontinuities in the legal characterization of public, viewable sex work as a nuisance meriting criminalization. In particular she considers Canada’s Bill C-36, the *Protection of Communities and Exploited Persons Act*, and its contribution to a purported shift in criminal law’s focus from sex workers to their

clients and profiteers. Campbell argues that this legislation continues to expose sex workers who work in public view to criminal prosecution. Although Bill C-36 proclaimed to promote dignity and equality rights, it prioritized the interests of ‘communities’ over those of sex workers. In this way, the boundary between offense and harm continues to be blurred by legal prohibitions, even as the object of criminalization shifts from sex workers to clients, pimps and public sex workers. At the same time, this change in the object of criminalization continues to imperil the subjectivity and citizenship of sex workers through a gendered discourse of protection.

Like Campbell, in “‘Like Gold Dust These Days’: Domestic Violence Fact-Finding Hearings in Child Contact Cases’, Barnett is concerned with the gendered consequences of legal interventions. But she examines the role of a particular form of adjudication—the fact-finding hearing—in the context of English and Welsh child contact cases where domestic violence is an issue. These preliminary fact-finding hearings were introduced in 2008 as a result of Practice Direction 12J and as part of an effort to factor a history of domestic violence properly into child contact decisions. As Barnett argues, fact-finding hearings can play a vital role for mothers seeking protection and autonomy from violent fathers and are important in disrupting any assumptions that child contact must be maintained at almost any cost. She draws on interviews with legal practitioners to consider judges’ and professionals’ understandings of domestic violence and the extent to which they perceive it to be relevant to contact. Barnett found that judges and professionals were developing their understanding of domestic violence. But the range of circumstances in which domestic violence was considered relevant to contact had grown increasingly narrow. She is concerned that women and children continue to be put at risk from violent fathers and that many disputed allegations of domestic violence are disregarded. In this way, Barnett illustrates the importance of practitioners’ understanding of domestic violence if a legal change like the Practice Direction is to be meaningful or effective.

In a sense, Mulcahy’s ‘Docile Suffragettes? Resistance to police photography and the possibility of object-subject transformation’ picks up Lalor’s concern for difference in gender and sexuality rights activism, but on distinct methodological terms. Mulcahy examines an under-explored episode in feminist, criminal and photographic history: the production of secret surveillance mugshots of the English suffragettes as a result of their refusal to be photographed voluntarily on admission to prison. She draws on this unusual set of photographs to “examine the ways in which conventions about the form of the mugshot can be subverted, ideas about the types of people who were the object/subject of mugshots disrupted and the assumption of documentary neutrality undermined.” Mulcahy draws out the creative ways in which these objects of criminalization challenged the photographic process that recorded them as criminals and dysfunctional women. The suffragettes contributed to the development of mugshots as a non-neutral photographic form and are likely to have been the first ‘terrorist’ organization that was the object of secret surveillance. In the process, the difference of and differences within this group of women, usually considered as a group of relatively privileged middle-class women who had the resources to take on the political establishment, become more evident.

The review section in this issue presents readings of Goldblatt and McLean's *Women's Social and Economic Rights: Developments in South Africa* (2011), Conaghan's *Law and Gender* (2013), Johnson and Vanderbeck's *Law, Religion and Homosexuality* (2014), and Zawati's *Fair Labelling and the Dilemma of Prosecuting Gender-Based Crimes at the International Criminal Tribunals* (2014) by Warwick (2014), Labenski (2015), Coyle (2015), and Dowds (2014) respectively. We are delighted that these reviewers have taken the opportunity to engage critically with this rich and diverse body of feminist scholarship across such a wide range of international sites and topics.

Thanks to our authors, reviewers and referees for contributing their work, which, as outline above, was read and discussed by the members of the FLS Editorial Board. We hope readers will get as much out of the papers and reviews as we did.

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