

ORIGINAL ARTICLE

The JLS at 50: Art, literature and socio-legal studies

BARBARA HUGHES-MOORE

School of Law and Politics, Cardiff
University, Cardiff, UK

Correspondence

Barbara Hughes-Moore, School of Law
and Politics, Cardiff University, Cardiff,
CF10 3AX, UK.

Email: Hughes-MooreBE@cardiff.ac.uk

Abstract

This article began life as a lecture the author was invited to deliver as part of the Journal's 50th-anniversary celebrations in the summer of 2024. The piece explores how law, literature and socio-legal studies in the United Kingdom have evolved alongside each other since the birth of the *Journal of Law and Society* in 1974. It examines the Journal's role in this evolution, and how it has provided space for legal scholars, and particularly socio-legal scholars, to critique, problematise and mull over dilemmas common to law and the arts – sometimes by drawing on methods and insights from the arts themselves. In doing so, the author adopts a Gothic framework for further illuminating the Journal's work in this area, arguing that Gothic fiction helps us to confront ghosts and monsters – especially in those places where the law (or, at least, legal scholars) may fear to tread.

1 | INTRODUCTION

An anniversary is a peculiar celebration.

It is a chance to reflect on the past, to celebrate the present and to imagine the future. The *Journal of Law and Society* (hereafter 'the JLS' or 'the Journal') captures all three in its mission to contributors for their 50th-anniversary special issue: examine the Journal's impact on socio-legal studies, explore its present challenges and ruminate on future developments. My particular task here is to conduct this examination through the lens of law and the humanities. As I composed the piece, I was clutched by the temporal curiosity of the 'anniversary' and its rather Gothic blending of past, present and future. Like a troublesome ghost, it simply would not let me rest.

This is an open access article under the terms of the [Creative Commons Attribution](https://creativecommons.org/licenses/by/4.0/) License, which permits use, distribution and reproduction in any medium, provided the original work is properly cited.

© 2025 The Author(s). *Journal of Law and Society* published by John Wiley & Sons Ltd on behalf of Cardiff University (CU).

The paper that arose from such reflections is suitably restless. It is part summary, part appraisal and part prediction. I first give a brief overview of the Journal's inception, before outlining the Gothic frame which I use to examine the possibilities and potential of its law and humanities scholarship to date and to come. I have selected a few key articles that I feel demonstrate what art and literature can do for us in law, and which also provide the foundation for three claims I will make:

First, that law is dead.

Second, that law is *undead*.

And third, that law is alive.

2 | THE JOURNAL'S BIRTH

It is 1974, and Phil Thomas has been lecturing at Cardiff Law School for several years.¹ Socio-legal studies are gaining ground in UK academic circles, and while the Winter of Discontent is still a few years off, academics are nonetheless feeling a sense of unease. The ideology of 'The Law School' is starting to chafe. To congregate and commiserate, an informal group of (white, mostly male) lecturers rally around drinks and rugby. On one such gathering in Sheffield, a socio-legal journal was proposed in much the same way as another round. Phil, sociologically speaking, picked up the tab.

From the outset, the JLS was both spontaneous and scrupulous. Once Phil Thomas was back in Cardiff, he started building the Journal's architecture. Its blueprint resembled the original prototype of the *Modern Law Review*: less doctrinal than your common garden law journal, and a lot more radical. It was constructed from a cluster of antiestablishment building blocks, inherited from his time teaching law at Yale, Ann Arbour, and Dar es Salaam: influences from Marxism, feminism, critical legal studies, sociology of law and anarchism. It was the howl of a generation of law students-turned-teachers who had been frustrated by their own über-doctrinal law degrees. From its inception, the Journal was committed to social justice, interdisciplinarity and original research that was led by theory and not by the latest trends. 'The Law School' was becoming a monolith; the JLS could be so much more.

It could also be Welsh. It is no small thing that the leading British periodical for socio-legal issues and interdisciplinary legal research is rooted in Cardiff, and particularly within what is now the School of Law and Politics at Cardiff University. While by no means Cardiff University's in-house journal, there is an unmistakable sense of pride among those based in the department that it is a hub of socio-legal studies in the United Kingdom and one with a long history. Known as the *British Journal of Law and Society* until 1982, the JLS is keen to cultivate a seam of 'Welsh' values in its work, right to the roots of the thing. The Journal is run as a collective and makes decisions based on consensus; at its core, it is collegiate, connected and Cardiffian.² It is also deeply international, inspired as much by '60s African socialism as Phil's own upbringing in the South Wales Valleys. *Chwarae teg, boyo!*

The JLS has always been on the move – which means it has also, perhaps always, been at a crossroads. This is rarely more apparent than in its March 1998 special issue on legal education, in

¹ P. Thomas, 'The Journal of Law and Society at 40: History, Work, and Prospects – as told to Christos Boukalas and Lydia Hayes' (2015) *J Law Soc* 1.

² *id.*, particularly Phil Thomas' comments on p. 4.

which scholars like William Twining and Fiona Cownie mused on new directions in legal pedagogy, methodology and women's legal scholarship.³ The reason was the season: as the millennium approached, anxieties coalesced. Academics, like most other humans at this point in time, were reflecting on their place in the world. For some, Y2K was the full stop on two thousand years of history, theology and ethics; for others, the blank slate of a brave new world. Even the lawyers were rattled.

And nobody understands fear like the Gothic.

3 | A GOTHIC FRAME

Linguistically, generically and culturally speaking, the Gothic is a *mess*. It is multiform, myriad, polymorphous, cheeky and vague. It should not be trusted to organise anything, but it should be invited to all the best parties.

The term has its origins with the Visigoths, a pre-medieval Germanic tribe who were at least partially responsible for the decline of the Roman Empire. Anything labelled 'Goth' from that point on was used somewhat derogatorily.⁴ Take, for example, Gothic architecture, a medieval style characterised by pointed arches and flying buttresses. During its time, it was described as 'French work' but was pejoratively recast as 'Gothic' after the fact by the Italian Renaissance artists who dismissed the style as unsightly and primitive. If something was described as 'Gothic', it was because it existed in opposition to the classic or Roman style. The Goths had ransacked Rome and destroyed many of its ancient structures; Gothic architecture was felt to do the same to good taste.

To be Gothic, then, was to be from a bygone era; to be ugly, savage and 'other'.⁵ By the eighteenth century, to be Gothic was to confront these things head-on, often within ourselves. Horace Walpole's *The Castle of Otranto* (1764) was the first novel to describe itself as 'a Gothic story', and its moody aesthetics and pulpy features initiated a literary genre that continues through to today. From *Frankenstein* (1818) to *Dracula* (1897) and beyond, much of its oeuvre is now a cornerstone of the collective cultural consciousness.

So, what makes something Gothic – and why does it provide a suitable skeleton for this piece? Let us start with the first question.

The Gothic is a genre which eludes categorisation, often intentionally.⁶ Born in folklore and superstition, it grew from the same post-Enlightenment roots as Romantic literature and is as concerned with the dark and the horrific as Romanticism is with the natural and the sublime.⁷ The Gothic is gruesome and barbaric – but it is also sensual, spiritual and self-referential. It frightens, parodies and haunts itself; it languishes in the gory chaos of the ornate and the archaic, whilst playing on anxieties that are as close at hand as the chill running down your spine. The Gothic is, as David Punter describes, 'always that which is other than itself'.⁸ Part Realism, part Romance,

³ See, for example: W. Twining, 'Thinking About Law Schools: Rutland Reviewed' (1998) 25 *J Law Soc* 1; R. Cotterrell, 'Why Must Legal Ideas Be Interpreted Sociologically?' (1998) 25 *J Law Soc* 171.

⁴ D. Punter and G. Byron, *The Gothic* (2004) 3–5.

⁵ E.K. Sedgwick, *The Coherence of Gothic Conventions* (Routledge 1986); E. Said, *Orientalism* (Vintage 1978).

⁶ J.E. Hogle (ed), *The Cambridge Companion to Gothic Fiction* (CUP 2015) 1–2.

⁷ B. Pontin, 'Environmental Law-Making Opinion in Victorian Britain: The Cross-Currents of Bentham's and Coleridge's Ideas' (2014) 34 *Ox J Legal Stud* 759.

⁸ D. Punter, *Gothic Pathologies: The Text, The Body and The Law* (Palgrave Macmillan 1998) 1.

the Gothic is as difficult to grasp onto as any of its ghouls – and yet deeply concerned with the bodily, the fleshy and the tangible.

It also shares many of the same concerns as law: the *whys* and the *hows* of homicide, the tangled roots of inheritance and legacy, land and property.⁹ Some of its landmark texts are deeply intertwined with warrants, wills and waivers. Count Dracula's quest to expand his vampiric territory to the British Isles is tied up with his purchase of Carfax Abbey in London; he even engages the assistance of a solicitor and gets all the proper paperwork drawn up. Dr Jekyll amends his will to leave everything to the mysterious Mr Hyde, and when Dorian Gray kills a man, he blackmails a former classmate to help dispose of the body. Law in these stories hovers in the background, shadowy and futile. It is never the usual suspects who catch the 'monsters' – very often, the monsters themselves are the architects of their own destruction. Lawyers, judges and police officers are to the pursuit of justice tangential at best, and obstructive at worst. The melodrama and murderousness of the Gothic make it a fruitful and self-replenishing resource for the legal imagination.

Its immortality is sustained in part by its aesthetics. The aesthetics popularised by *Otranto* make its works instantly recognisable: spooky ghosts, crumbling castles, windswept landscapes and dastardly patriarchs out to con pure young women out of both property and propriety.¹⁰ These features have since become hallmarks of the genre. While the aesthetics of the Gothic have remained fairly consistent, the focus and the finer points did and do change over time. Like a good chunk of the British population, the Gothic had migrated to cities by the nineteenth century's close. Its monsters forsook the moors for the metropolis: where once Frankenstein's Creature had roamed the Alps and the Arctic, Mr Hyde and Dorian Gray now stalked the seedy streets of Victorian London.¹¹ As psychoanalysts began to probe the recesses of its subjects' minds around this time,¹² so too did the Gothic: its monsters became our mirrors.

One thing that has remained consistent is the Gothic's *inconsistency*: its messiness, the slippage between high and low art, penny dreadful and periodical, satire and sensationalism.¹³ If nothing else, the Gothic wants to make you *feel*, and what it wants you to feel most of all is *anxiety*. Foundational Gothic writer Ann Radcliffe split this feeling in two: terror and horror.¹⁴ Terror is the creeping unease that marks the build-up to a chilling climax: it is the slow dread of the stairs to the attic at Thornfield Hall, of carefully unveiling the ghastly portrait of Dorian Gray. If 'terror' is pleasurable anticipation, 'horror' is the repulsive catharsis: the gruesome reveal of Frankenstein's creature, the bodies of Bluebeard's wives in their bloody chamber. The genre uses both in turn to construct a world for its readers: a safe space where we can feel and reckon with our own fears.

That leads us back to the second question I posed: Why use a Gothic frame to examine the JLS at 50? Well, the answer lies once again with Phil Thomas. In his musings on the 40th anniversary, he suggested that the Journal had carried a 'restlessness' about law from the start.¹⁵ There is something deliciously Gothic in such a notion: 'restlessness' as a concept evokes tension, unease and a listless sort of wanderlust. The term conjures the image of an unquiet spirit: the ghost of Catherine Earnshaw wandering the Yorkshire Moors; Frankenstein's Creature roving the ice fields of the

⁹ L.J. Moran, 'Gothic Law' (2001) 10 *Griffith L Rev* 75.

¹⁰ See Hogle, op. cit., n. 5, and Sedgwick, op. cit., n. 4.

¹¹ L. Dryden, *The Modern Gothic and Literary Doubles: Stevenson, Wilde and Wells* (Palgrave Macmillan 2003).

¹² For example, S. Freud, *Die Traumdeutung / The Interpretation of Dreams* (1899).

¹³ Punter, op. cit., n. 8.

¹⁴ A. Radcliffe, 'On the Supernatural in Poetry' (1826) 16 *New Monthly Mag* 145.

¹⁵ Thomas, op. cit., n. 1, p. 3.

Arctic. Death is not always final, and a ghost is not always a ghost: in the Gothic, it is very often a revelation. A spirit is a secret and one that refuses to stay buried for long.

In the 1998 JLS special issue, scholars like Jane Kelsey and Julian Webb dissected the creeping dread of commodification: the horror of universities being steadily privatised, bureaucratised and monetised.¹⁶ They were examining the terror of what may come, and the horror of what – to an extent – already had: houses of learning being bled as truly as any vampire’s prey. There is something pleasurable, in a Radcliffean sense, in this sort of Gothic terror: of predicting a demise that can yet be spared, a key that has not yet been turned in a lock. They also carry with them a sense of Gothic ‘horror’: of squeamishly examining the carnage that has already come to pass. What I am suggesting here is that the Journal provides a ‘Gothic’ space to examine the wounds and poke around for a suitable salve. But we may only need such a tincture in the first place if...

4 | ...LAW IS DEAD – OR, AT LEAST, DYING

Death, in its ordinary meaning, might be regarded as something finite. It is an ending, a conclusion; a point of no return. When living things die, they atrophy. The hair and fingernails might continue to grow, but the animating spirit – the soul, the self, whatever we may call it – is no more.

Law can likewise be seen as both atrophied and atrophying. Law can be static, still, rigid and interred. What Peter Fitzpatrick might term ‘law’s pretension to finality’¹⁷ leads us to view a verdict as a form of lawful closure, locked and bolted. Unless appealed, a judgment is treated as fixed – especially if decreed by one of the higher courts in the hierarchy. Principles become enshrined in common law and statute. The urge to classify and define runs deep¹⁸; so deep that certain definitions become afflicted by rigour mortis and are treated as unchangeable despite long misaligning with morals, common sense and public consensus.

Law is also deeply concerned *with* death and dying¹⁹: with the precise impulses and movements of a person’s mind and body, how their actions set in motion a great chain of events that ends with a person’s life being lost, taken or otherwise injured beyond repair. It is the foundation of the common law offence of murder and a whole host of manslaughter variants, partial defences and offences against the person.²⁰ I examined a corner of this landscape myself in my first article for the JLS in 2021, interrogating how the defence of loss of self-control – and its predecessor, provocation – absorbed and helped popularise misogynistic stereotypes about women who kill abusive partners.²¹ The piece mined Mary Shelley’s *Frankenstein* to source new ways of expressing and understanding the gendered nuances of these real-life cases.

¹⁶ J. Kelsey, ‘Privatizing the Universities’ (1998) 25 *J Law Soc* 25, 51–70; J Webb, ‘Ethics for Lawyers or Ethics for Citizens? New Directions for Legal Education’ (1998) 25 *J Law Soc* 134.

¹⁷ P. Fitzpatrick, ‘Dominions: Law, Literature, and the Right to Death’ (2004) 31 *J Law Soc* 142. The paper you are reading is very much in the spirit of Fitzpatrick’s elegantly macabre piece.

¹⁸ See, for example, G.C. Bowker and S.L. Star, *Sorting Things out: Classification and Its Consequences* (MIT Press 2000).

¹⁹ K. McEvoy and H. Conway, ‘The Dead, the Law, and the Politics of the Past’ (2004) 31 *J Law Soc* 539.

²⁰ K. Fitz-Gibbon, ‘Replacing Provocation in England and Wales: Examining the Partial Defence of Loss of Control’ (2013) 40 *J Law Soc* 280.

²¹ B. Hughes-Moore, ‘“Ten Thousand Times More Malignant Than Her Mate”: Destabilizing Gendered Assumptions Underlying the Defences of Provocation and Loss of Control Through a Reading of Mary Shelley’s *Frankenstein*’ (2021) 48 *J Law Soc* 690.

Somehow, somewhere, the law is always dying. Indeed, many of the Journal's pieces read as autopsies of law, legal academia and legal education. This is nowhere more apparent than in that anxious special issue of 1998, and particularly Antony Bradney's article which begins *in media res* in the 'death throes' of doctrinal legal education.²² Doctrine is dead: long live interdisciplinarity, he all but proclaims – with a caveat, however. Doctrine is not quite done for, but it is getting some stents put in. These little lifesavers are sourced from the humanities and social sciences, whose methods and principles have steadily if subtly been pumping new life into UK law schools for quite some time.²³ Traditional case analysis is still integral to a standard British law degree, but there are many legal questions that gain nuance only by dipping into other disciplines like philosophy, ethics, sociology, literature and history.

According to Bradney, though, law does more than look to these other fields. It feeds, it drains and it devours in much the same way as that greatest of Gothic parasites: the vampire. It is there in the title of Bradney's article and in its hypothesis: not content to simply *share* resources, law pillages other subjects, sapping them of their lifeblood.²⁴ Indeed the vampire is often an antagonistic presence in the Gothic, exemplified by the father of them all: Bram Stoker's *Dracula* (1897) and its eponymous immortal, a noble from outside the British Empire who turns saintly English women into savage, sensual killers. Sometimes, though, these bloodsuckers are reluctant leeches, as in Florence Maryyat's *The Blood of the Vampire*, the *other* vampire novel of 1897: its heroine Harriet Brandt is a 'psychic' vampire who unwittingly absorbs the life force of others.²⁵

For Bradney, however, the Law School is no unwitting parasite. It is for him a rather Gothic entity²⁶: inward-looking, isolationist and isolated even within academia's Ivory Tower. It is not dissimilar to Twining's fictionalised 'Rutland Law School', another 'mythical' establishment rife with genuine institutional foibles.²⁷ In European folklore, to see your Doppelgänger was considered an omen of your impending death; perhaps law, like the Law School, has become its own ghost. Its inwardness is arguably attributable to its obligations: legal education is consciously and functionally geared towards a discrete career route in ways that many other subjects are not. In England and Wales, the Qualifying Law Degree (QLD) has long been an entry requirement for aspiring barristers and solicitors, and its content is regulated by professional legal bodies. As it currently stands, though not for much longer, students enrolled in the LLB (or the graduate diploma in law, a 'conversion course' for aspiring lawyers) must study seven core modules, including criminal law and tort, before they move on to either the legal practice course or bar training course.

While certain humanities-centric methods are gradually being adopted by core modules, they thrive in a range of bespoke optional courses such as law and literature, legal history and jurisprudence. These types of modules have sprung up in UK Law Schools ad hoc over the last 30 years, introduced and taught by scholars who found their own purely doctrinal legal education rather stifling. Law cannot live on bread alone: sometimes, it needs the good stuff. Anecdotal accounts from Peter Goodrich and Phil Thomas suggest that an absolute focus on the doctrinal can sap the

²² A. Bradney, 'Law as a Parasitic Discipline' (1998) 25 *J Law Soc* 71.

²³ Fitzpatrick, *op. cit.*, n. 14, pp. 144–145.

²⁴ Bradney, *op. cit.*, n. 19.

²⁵ F. Maryyat, *The Blood of the Vampire* (Hutchinson & Co. 1897).

²⁶ This is far from the first time that academia itself would be likened to a Gothic space. See, for example, M. Thornton, 'Gothic Horror in the Legal Academy' (2005) 14 *Soc Legal Stud* 267.

²⁷ Twining, *op. cit.*, n. 3.

law student's passion and creativity.²⁸ In these accounts, it is less the law and more the law *student* who is dead or dying. They begin life, Bradney argues, as a curious being driven by a desire for knowledge, before a dissonance starts to emerge, creating distance between their true self and their academic alter ego: '[t]o become a law student the student must ignore who he or she is'.²⁹ One persona, Bradney suggests, must be subsumed by another, the poet by the lawyer: but the socio-legal can help to bridge the two, and indeed probe out any pre-existing connective tissue that links them already.

The relationship between law and the humanities need not be parasitic.³⁰ It can, and should, be symbiotic: harmonious and mutually beneficial, like the vampires of Octavia E. Butler's *Fledgling* and, to an extent, HBO's *True Blood*. Instead of assimilating concepts from further afield, law can – and should – consciously deploy methods from other disciplines to challenge and nuance its own assumptions, including its own purported 'neutrality'.³¹ We can begin to imagine new ways to synthesise law and the humanities through the work of Leslie Moran and Linda Mulcahy, whose articles in the JLS examine the significance of images in law, and ponder how we might view law through the eyes of its subjects.³² Moran ends his article with an explicit provocation to the reader, calling on them to question his assumptions and insights as well as their own.³³

This is a call which only grows in relevance over time. Academia has its own conventions and borders, its own gatekeepers and auditors: *why* and *how* we conduct our work can be as atrophying as it is electrifying. While the arts and humanities can broaden our outlook as lawyers, we cannot overlook that they too come with their own toxic hierarchies and hidden histories. The nineteenth-century novel, for example, is a product and (re)producer of racist Imperialist ideas.³⁴ The Gothic can be gloriously queer, trans and transgressive – but heteronormativity often resets the status quo by story's end. Jekyll and Dorian grapple subtextually with their sexuality, but they die before they can do so freely and explicitly in the text. In the Gothic, the body is often a site of decay, pain and 'degeneration': a racialised dog whistle for regressive social attitudes surrounding race, gender, class, disability, queerness and mental illness.³⁵ Women, people with disabilities, and people who might now identify as trans and queer were routinely institutionalised for transgressing social conventions, oftentimes merely by existing in a space that was actively hostile to them.³⁶ Antagonists like Mr Hyde, Frankenstein's Creature, and Dracula are painted in subtextual shades of contemporary stereotypes: caricatures of those who were 'Othered' by British Victorian society. A 'happy ending' in the Gothic, if it does come, is often tinged with a conservative sense

²⁸ Bradney, op. cit., n. 19, p. 76.

²⁹ id., pp. 76–77.

³⁰ id., p. 84. Bradney here suggests that the law's parasitism is a net positive, an argument which somewhat neglects to consider the perspectives of the subjects being 'drained'.

³¹ id., p. 78. See also A. Philippopoulos-Mihalopoulos, 'Flesh of the Law: Material Legal Metaphors' (2016) 43 *J Law Soc* 45.

³² L.J. Moran, 'Researching the Visual Culture of Law and Legal Institutions: Some Reflections on Methodology' (2022) 48 *J Law Soc* S44; L. Mulcahy, 'Eyes of the Law: A Visual Turn in Socio-Legal Studies?' (2017) 44 *J Law Soc* S111.

³³ Moran, op. cit., n. 32, p. S58.

³⁴ Some contemporary Gothic texts do, however, provide anti-colonialist critiques, such as H.G. Wells' *The War of the Worlds* (William Heinemann 1898), which exposes Britain's colonising techniques by transplanting them onto a fictional race of Martians.

³⁵ See M. Wester, 'The Gothic in and as Race Theory', in J.E. Hogle and R. Miles (eds), *The Gothic and Theory: An Edinburgh Companion* (Edinburgh University Press 2019), 53–70.

³⁶ L. Series, *Deprivation of Liberty in the Shadows of the Institution* (Bristol University Press 2022), 50; S. Wise, *Inconvenient People: Lunacy, Liberty and the Mad-Doctors in England* (Vintage 2012).

of closure, and a high social cost to those already vulnerable under (and made further vulnerable by) law. In our work as in our lives, we must be mindful of our own ghosts.

Instead of asking whether law is dying, then, should we explore how it can live well, and better? Over the last 50 years, the Journal has speculated how this might be achieved: how the socio-legal, the literary, and the artistic might coexist. The QLD is now being replaced by the Solicitors Qualifying Exam, bringing with it the potential to broaden out a discipline which is often perceived as closed and elitist. These changes compel us to rethink ‘the law degree’ at a fundamental level, and how we might continue to soften disciplinary boundaries. It is the responsibility of law and its practitioners (lawyers, teachers, scholars) to share the space rather than usurp it; to see itself as an equal to the disciplines it absorbs, and to be mindful of the biases we bring to the table. Bradney reminds us how easily the Ivory Tower can become a tomb, anointing its occupants in the embalming Myrrh of its own myth.

In the Gothic, though, not everything remains interred for long. Because maybe, just maybe...

5 | ...LAW IS UNDEAD

While it emerged in Middle English to mean ‘still alive’, the term ‘undead’ was repopularised by Stoker in *Dracula* as a descriptor of the vampire and, in more recent years, the zombie: a being that possesses the qualities of both the living and the deceased. In the novel, Professor Van Helsing tells us that this is because the undead vampire ‘cannot die, but must go on age after age’.³⁷ The curse of the undead is to be a living contradiction, neither fully dead nor wholly alive.³⁸ These beings are immortal, but immobilised: they live only to consume and multiply.

To live in contradictions is something to which law is well accustomed. Law is paradoxical, incongruous; simultaneously alive and not alive. It is a single entity and yet legion, regressive and progressive. It is fleshy and material and at the same time abstract and conceptual.³⁹ It is a tool of radical change and yet also a tool of state control.⁴⁰ Definitions mutate, verdicts are reversed and laws are augmented. Old and new principles coexist alongside one another; new laws may be imbued with old stereotypes.⁴¹ The Journal has long provided a space to work through these contradictions, such as its 2016 special issue on ‘Law’s Metaphors: Interrogating Languages of Law, Justice and Legitimacy’. Metaphors are less literal than they are figurative – they describe a thing by likening it to something it is not – but, as editor David Gurnham explains, they end up somewhere in between: ‘Metaphor is ... a boat, a ferry, a bridge, carrying a freight of meaning between one conceptual shore and another’.⁴² In other words: metaphor, like meaning, is constantly on the move. Metaphors, like ghosts, can travel through walls, through time, through planes of existence; the permanent turns permeable, turns guardrails into gateways. With its extended use of Gothic

³⁷ B. Stoker, *Dracula* (Archibald Constable and Company 1897) [emphasis mine].

³⁸ Tamsin Paige has deployed the concept of ‘the zombie apocalypse’ as an allegory for living with the looming existential threat of terrorism in a post-9/11 world. See T.P. Paige, ‘Zombies as an Allegory for Terrorism: Understanding the Social Impact of Post-9/11 Security Theatre and the Existential Threat of Terrorism through the Work of Mira Grant’ (2021) 33 *Law Li* 119.

³⁹ Philippopoulos-Mihalopoulos, *op. cit.*, n. 31.

⁴⁰ See, for example, F. Garland and M. Travis, ‘Making the State Responsible: Intersex Embodiment, Medical Jurisdiction, and State Responsibility’ (2020) 47 *J Law Soc* 298.

⁴¹ See, for example, C. Dietz, ‘Jurisdiction in Trans Health’ (2020) 47 *J Law Soc* 60.

⁴² D. Gurnham, ‘Law’s Metaphors: Introduction’ (2016) 43 *J Law Soc* 1.

metaphor, the piece you are reading right now is very much in the spirit of this special issue. I attended the roundtable that catalysed this collection of essays early on in my own doctoral studies, and it has remained a guiding thematic force for my work ever since.

Our understanding of how law operates is ever shifting, not least due to the role media plays in shaping our perceptions of what it is. The Journal's 2001 special issue on 'Law and Film', edited by Stefan Machura and Peter Robson, examines the 'uncanny' discrepancies between law *in action* and after a director *calls 'action!'* The collection of essays in this volume contemplates the significance and impact of films about law on the lay cultural understanding of the legal system and on the practice of law itself, particularly how Hollywood has come to dominate the global legal imagination.⁴³ Movies can perpetuate myths about the law, sometimes to the degree of extremist propaganda.⁴⁴ In an everyday sense, the 'fantasy' of the American courtroom drama has seeped into the global consciousness, to the point where European trial films of today more accurately reflect US legal processes than their own.⁴⁵ These 'uncanny' productions paint a distorted picture of the speed of legal proceedings, the role of lawyers and other involved actors and courtroom dynamics.⁴⁶ On the silver screen, for example, key evidence is routinely submitted as a 'Gotcha!' moment mid-trial, which is simply impossible in most Anglo-American or European jurisdictions, where all materials must be carefully disclosed before the hearing to ensure an equality of arms between parties. Likewise, the witness stand is rarely a site for the sort of eleventh-hour confessions of guilt that form the climax of many trial narratives.

Neither living nor dead, these legal paradoxes persist. Law can be corrupting and corrupted, effective and ineffectual, both and neither at the same time. Like Lucy Westenra in *Dracula*, law can be seen as both victimised and victimising; as a thing which haunts itself. The Journal has lent itself as a workroom of sorts for unthreading law's paradoxes. Take, for example, Melanie Williams' contribution to the 2004 special issue on 'Law and Literature': through a thoughtful use of W.H. Auden's poem '1 September, 1939', she examines how the 9/11 attacks on the World Trade Center are in effect haunted by the ghosts of World War II.⁴⁷ While none of the pieces in this collection deploy the language of the Gothic, the impression of a haunting course through the rest of the issue: through pieces that examine the paradoxes of the South African Truth and Reconciliation Commission and the hidden charges heaped against Oscar Wilde in his trial for 'gross indecency'.⁴⁸ What these diverse articles have in common is captured by the editors' aim to 'create a space where these two disciplines can interfere with one another, and form the occasion for new thought, within or beyond the laws of academic discipline'.⁴⁹ Literature and the law, they write, 'have always lived together, trespassed on, and infiltrated each other';⁵⁰ to curate a space

⁴³ S. Machura and P. Robson, 'Law and Film: Introduction' (2001) 28 *J Law Soc* 1.

⁴⁴ P. Drexler, in 'The German Courtroom Film During the Nazi Period' (2001) 28 *J Law Soc* 64.

⁴⁵ S. Machura and S. Urich, 'Law in Film: Globalizing the Hollywood Courtroom Drama' (2001) 28 *J Law Soc* 117.

⁴⁶ N. Rafter, 'American Criminal Trial Films: An Overview of Their Development, 1930–2000' (2001) 28 *J Law Soc* 9.

⁴⁷ M. Williams, 'Then and Now: The Natural/Positivist Nexus at War: Auden's "1 September, 1939"' (2004) 31 *J Law Soc* 60.

⁴⁸ A. Gearey, "'Tell All the Truth, but Tell it Slant": A Poetics of Truth and Reconciliation' (2004) 31 *J Law Soc* 38; M.B. Kaplan, 'Literature in the Dock: The Trials of Oscar Wilde' (2004) 31 *J Law Soc* 113.

⁴⁹ *id.*, p. 1.

⁵⁰ P. Hanafin, A. Gearey and J. Brooker, 'Introduction: On Writing: Law and Literature' (2004) 31 *J Law Soc* 1.

where such contradictions can coexist seems only fitting and, indeed, rather Gothic. Literature, in these pieces, is variously considered law's malady and its cure.⁵¹

And if there is still a chance that it can be cured, then it is possible that...

6 | ...LAW IS ALIVE

Law is a living thing: it is viscous, it moves, it evolves. It is kinetic; it can absorb new material and mutate. To be alive is to reflect, change and transform. It is to move and be moved, and the JLS has been in a state of perpetual motion since the pistol on the starting line. It travels with and through the evolution of socio-legal studies, the rise of interdisciplinarity and the new critical turn that its authors have spotlighted over the years, growing ever more self-critical, reflective, and reflexive. The Journal takes particular care to nurture early career scholars, a practice which has helped many budding researchers to find their individual, artistic, and academic voices.

Legal academics, however, must be ever mindful of the hierarchies, blind spots and biases which our profession perpetuates. Great work has been done, but we need to continue to diversify and uplift the voices of those whose research is published by the JLS and who decides who gets the chance to do so. The same is true for editorial boards, hiring committees and funding bodies across the sector. It is getting harder for working-class and early career academics to find fruitful routes through the profession, or to get through the door in the first place. Student numbers may be rising, but the numbers of permanent, full-time academic posts are not – at least, not at the same rate. Job security in academia is an increasingly rare beast. Academics who are not white middle-class men still struggle to rise through the ranks, in a situation dispiritingly similar to Fiona Cownie's findings nearly 30 years ago,⁵² and the academic pay gap is closing but not slowly enough.⁵³ The Research Excellence Framework is a useful tool for monitoring and celebrating the quality of research output, but it can easily become a metrics-driven exercise. Law and humanities work may be difficult to quantify under such a measure.

Crucial, then, is the need to recognise the value of the humanities to law: in our research, our scholarship, and our teaching. Contributors to the Journal have imagined the law as visual, as cinematic, as an art in and of itself. While more prevalent than ever before, law and humanities modules are still perhaps viewed as more experimental – and potentially less profitable – than purely doctrinal subjects, particularly in relation to the international market. These interdisciplinary modules tend to be driven by bijou teaching teams, attract smaller cohorts and are often considered altogether riskier endeavours in an era of increasing bureaucratisation and bloating cohorts. Their methods, though, are gradually permeating core modules: methods like rhetorical analysis, contextualism and historical research bring the law's problematic treatment of race, gender and gender identity, disability, class and sexuality into sharp relief. In tandem, law and humanities modules engage with the doctrinal, through close reading and case analysis. These modules are not rivals fighting for the spotlight: they can and should be in dialogue with each other. The doctrinal and the socio-legal need not be strangers: there can be synthesis.

⁵¹ P. Hanafin, 'The Writer's Refusal and Law's Malady' (2004) 31 *J Law Soc* 3. See also P. Goodrich, 'Endnote' (2004) 31 *J Law Soc* 162.

⁵² F. Cownie, 'Women Legal Academics – A New Research Agenda?' (1998) 25 *J Law Soc* 102.

⁵³ R. Stephenson, 'Show Me the Money – An Exploration of the Gender Pay Gap in Higher Education' (2024) HEPI Report 171. This report for the Higher Education Policy Institute shows that, as of March 2024, women academics in the United Kingdom are paid on average 11.9% less than men in the same field.

We cannot forget that the law often justifies itself through a mask of objectivity and abstraction⁵⁴; that the architecture of houses of law such as the Gothic spires of London's Royal Courts of Justice are meant to inspire awe and obedience.⁵⁵ The Journal has built a stage on which to interrogate these power structures and its own role in propagating them. Peter Goodrich for one suggests that if law is 'poorly inscribed, then tear it up [...] and write it anew'.⁵⁶ This is, in effect, what the Journal does: with law, and with its own scholarship, committed as it is to carefully critiquing, reviewing and adapting itself time after time. It consciously and routinely takes stock of socio-legal studies, from Roger Cotterrell's post-millennium musings to Sally Wheeler's mid-pandemic census.⁵⁷ In 2021, Linda Mulcahy and Rachel Cahill-O'Callaghan edited a special issue on socio-legal methodologies.⁵⁸ The catalyst for the collection was a perceived disconnect between law and the social sciences, due in large part to the fact that 'social science training for socio-legal scholars is farmed out to other disciplines'.⁵⁹ In other words, the socio-legal scholar possesses a strong sense of physical, temporal and disciplinary dislocation. The Gothic scholar might describe this as undead – neither truly in one state or another but residing in two or more planes of existence at once. To live in this way is sometimes painful; after all, skin can tear if stretched too far.

But to reflect on the rot and the wounds also means life, perhaps above all. This is what the Journal does and has always done: it looks to its past, its present and its future. *I reflect therefore I am*. It is interested in academia and all its intersections: Anglo-American, British, perspectives from the Global South and beyond.⁶⁰ Mulcahy and Cahill-O'Callaghan spotlight the interconnectedness of methods and methodology: the process of gathering research and the ideologies underpinning it, which are often separated in textbooks but are in reality linked as deeply as Jekyll is to Hyde. The authors suggest that the British socio-legal community is somewhat 'disengaged with the disorderliness, serendipity, and ingenuity involved in doing empirical work'.⁶¹ Maybe law could do with acknowledging and embracing its own Gothic messiness a little more than it currently admits to. Looking to the future, rather than an afterlife, means that the Journal is excited by and invested in what is to come.⁶²

7 | SOME CONCLUDING THOUGHTS, AS WE ARE BORNE AWAY IN DARKNESS AND DISTANCE⁶³

Law is always dying. And yet it persists. It is Frankenstein expiring in the Arctic Circle, and it is also his creation, floating away into the unknown. It takes on new forms and methods, new

⁵⁴ Philippopoulos-Mihalopoulos, op. cit., n. 31.

⁵⁵ Moran, op. cit., n. 32.

⁵⁶ P. Goodrich 'Endnote: Untoward' (2004) 31 *J Law Soc* 162.

⁵⁷ R. Cotterrell, 'Subverting Orthodoxy, Making Law Central: A View of Sociolegal Studies' (2002) 29 *J Law Soc* 632; S. Wheeler, 'Socio-Legal Studies in 2020' (2020) 47 *J Law Soc* S209.

⁵⁸ L. Mulcahy and R. Cahill-O'Callaghan, 'Introduction: Socio-Legal Methodologies' (2021) 48 *J Law Soc* S1.

⁵⁹ id., S5.

⁶⁰ J.A. Harrington and A. Manji, "'Mind with Mind and Spirit with Spirit": Lord Denning and African Legal Education' (2003) 30 *J Law Soc* 376.

⁶¹ id., p. S3.

⁶² For example, J. Horan and S. Maine, 'Criminal Jury Trials in 2030: A Law Odyssey' (2014) 41 *J Law Soc* 551.

⁶³ Interpolation of the final line of Mary Shelley's *Frankenstein* (Lackington, Hughes, Harding, Mavor & Jones 1818).

challenges and concerns, and new practitioners and innovators: transformation, the only true immortality.

Law has a tendency for rigidity: the hard majesty of its headquarters, the stiff pageantry of the trial. But law can be as malleable as the Gothic's conventions of clay: there to be remoulded, torn apart and shaped anew. While it is forever in a state of decay, do not be tempted to eulogise it. It is more undead than deceased, more alive than undead. It is a great, unsightly mass of mysteries and its borders are constantly being redrawn, renegotiated, and rethought.

On its Golden Anniversary, the Journal continues to shine brightly: less as a gaudy award on the mantlepiece, and more as a beacon illuminating the way to 'what next?' What that is precisely, is still coagulating. Phil Thomas has confessed to wanting more 'critical bite' in the Journal's output, more responsiveness to emerging issues like challenges to democracy, legal aid cuts and the role of 'the university' and legal education.⁶⁴ The Gothic is useful for us here because it can distil and express what a society fears at a given point in time, and there is much in this current climate to dread: an escalating hostile environment of anti-migration laws,⁶⁵ curtailments on lawful protest and activism.⁶⁶ While citizens are protected from discrimination by the Equality Act 2010, law can still be racist, misogynistic, ableist and transphobic in effect through housing, health and prison policy – and, as recently illustrated, through Supreme Court rulings.⁶⁷ Increasingly creative, intersectional and cutting-edge work is finding its way to the Journal's shores, from Renata Grossi's novel examination of love as a concept in law to Fae Garland and Mitchell Travis' pioneering work on legal issues faced by intersex people in the United Kingdom.⁶⁸ But we need to push the bounds of what academic writing can do, who it is for and what it looks like. The Journal could be at the forefront of experimenting with tone, format and medium: ways of pushing theoretical subtext into text and form.

Scholars of law and the humanities are already experimenting in this space. Lucy Gough at Aberystwyth University is currently writing a research article as a tone poem while Danish Sheikh has written plays based on India's Section 377 litigation in India.⁶⁹ Marett Leiboff has developed a 'theatrical jurisprudence' of law drawing on her work as an actor, scholar and lawyer, while Erika Rackley and Sharon Thompson host a podcast on women's legal history during the interwar years.⁷⁰ The Journal is already supporting this kind of creative work through its sister organisation, the Socio-Legal Studies Association, as well as through the Centre of Law and Society research hub at Cardiff University and through ad hoc PhD studentships and funded work – but it could do more. This paper began life as a panel discussion, with an audience comprised of

⁶⁴ Thomas, op. cit., n. 1, p. 6.

⁶⁵ J. Morgan and L. Willmington, 'The Duty to Remove Asylum Seekers under the Illegal Migration Act 2023: Is the Government's Plan to 'Stop the Boats' Now Doomed to Failure?' (2023) 52 *Common Law World Rev* 103.

⁶⁶ J. Greenwood-Reeves, *Justifying Violent Protest: Law and Morality in Democratic States* (Routledge 2023).

⁶⁷ Indeed, I was making revisions on this article when I learned that the UK Supreme Court had dispiritingly ruled that the legal definition of 'woman' in the Equality Act (2010) is based on 'biological' sex and to be interpreted as 'binary' – in other words, in a way which excludes trans women from the definition of 'women' in law. The 2010 Act explicitly protects trans women from discrimination, and yet this ruling now leaves trans women even more susceptible to discriminatory behaviour because it has the potential to restrict their access to public spaces. See *For Women Scotland Ltd v The Scottish Ministers* [2025] UKSC 16.

⁶⁸ R. Grossi, 'Love as a Disadvantage in Law' (2018) 45 *J Law Soc* 205; Garland and Travis, op. cit., n. 40.

⁶⁹ D. Sheikh, *Love and Reparation: A Theatrical Response to the Section 377 Litigation in India* (Seagull Books 2021).

⁷⁰ M. Leiboff, *Towards a Theatrical Jurisprudence* (2019); E. Rackley and S. Thompson, 'Not for Want of Trying' (Apple podcasts, 2023-).

writers, linguists, musicians, artists, painters, poets and dancers. We need to fan this creativity, continue making links across disciplines; let us be led by each other. Art shows us we can cross into different dimensions trailing the earth from other worlds and building new ones.

We should also see this work within its global and historical context. Theatre is a communal, collective experience which can move you even if you do not speak its language – or, indeed, if dialogue is absent altogether. The ways in which theatrical and artistic works are produced, experienced and analysed are myriad: there is no one definition that fits all cultures, communities and socio-historical contexts, and there should not be. In Ancient Greece, theatre was viewed as a cornerstone of citizenship; by the height of the Roman Empire, actors were at the lowest rung of the social ladder. These days, theatre is considered a rather middle-class enterprise, both as an occupation and an enthusiasm – but only a particular *kind* of theatre. The kind of theatre that wins awards and acclaim is generally London-centric and dominated by a select few venerated authors.⁷¹ Expanding our understanding of what art can be, who can make and experience it, and the role law plays in this artistic ecology, is something which the JLS should continue to invest in exploring.

We should also look to the work of those who are experimenting with ways to link law and the arts in legal education. This means enterprises like the Art/Law Network, a collective of artists, lawyers and activists who collaborate on projects to effect meaningful change, as well as the UK Young Academy, the 50th such organisation worldwide and of which I am a member, which likewise brings together early career academics, industry professionals and changemakers on a similar mission (its humanities strand is small but ever-growing). Meanwhile, academics in universities like Warwick, Monash, and Masaryk University (MUNI) take law and the arts to thrilling new places.⁷² Markéta Štěpáníková, an assistant professor based at MUNI, not only teaches modules in which law and the arts intersect but also leads ‘Fakultní divadelní společnosti’, a Brno-based theatre group comprised of Law students who write, act in, and compose the music for theatrical performances. Their productions might be considered works of ‘legal theatre’⁷³ as their work often draws on or adapts significant cases across Czech legal history, such as the Hilsner affair and the witchcraft trial of Milada Horáková. The latter is a work of verbatim theatre: a mode of theatre which incorporates extracts from the transcripts of real-life trials into their scripts, blurring the line between fiction, documentary and reality. The notion of law students collaboratively producing creative, artistic work centred around law and legal issues, is one which could be a fruitful avenue of enquiry for the JLS going forward.

Cardiff University is also innovating in this space. In the School of Law and Politics, I lead a pro bono scheme called The Arts Partnership (TAP) in which law students undertake internship-style work placements with theatres and arts organisations in Cardiff. The scheme originates in Law and Literature, an optional undergraduate module founded in the school in 2014 by Professors Ambreena Manji and John Harrington. When designing TAP in the summer of 2023, I worked with two Law and Literature alumni, Frazer McGill and Mariama Bah, and five original partner organisations: Sherman Theatre Cymru, The Royal Welsh College of Music and Drama (Communities and Engagement Division), Hijinx Theatre, Omidaze Productions/The Democracy

⁷¹ J. Gaakeer, ‘The Future of Literary-Legal Jurisprudence: Mere Theory or Just Practice?’ (2011) 5 *Law Humanities* 185; G. Olson, ‘Law Is Not Turgid and Literature Not Soft and Fleshy: Gendering and Heteronormativity in Law and Literature Scholarship’ (2012) 36 *Aust Feminist Law J.* 65.

⁷² See, for example, S. Mulcahy, ‘Methodologies of Law as Performance’ (2022) 16 *Law Humanities* 165; D. Carpi, *Law and Culture in the Age of Technology* (De Gruyter Bill 2022).

⁷³ M. Štěpáníková, ‘Terror: The Danger of Legal Theatre’ (2021) 25 *Law Text Culture* 178.

Box, and Company of Sirens. While very much in a fledgling stage, this multidisciplinary partnership is exploring what it can mean for law and the arts to work together on the ground: what cross-disciplinary projects could look like, what collaboration may entail, how the disciplines can interact outside of the lecture theatre or the courtroom or the stage. Informed by the students and arts practitioners who participate, TAP is in the process of fostering a space in which we can imagine and invent new ways of approaching law and art as a joint enterprise. There are surely many more initiatives which fuse law and the arts in ways that we are only just realising. The joy of this work is in their constant discovery, in creation and experimentation. It is a joy of finding all the things you did not know or did not know were possible. This is not a Frankensteinian fusion of things we animate and then abandon: it is creation as a constant act, as a process and a practice. It is a privilege that cannot be confined to the privileged.

Is there space, then, for methodologies in art, literature and socio-legal studies to overlap? Yes, there is – not least in part due to the work of the JLS. So, let us keep going, let us push onwards and outwards into the space. At present in the United Kingdom, the humanities are severely underfunded, under-appreciated and under threat,⁷⁴ despite (or perhaps because) of their radical and creative potential, their capacity to connect and to imagine. Methods from literature and the arts are particularly suited to help us express our fears about the present and the future: fears about political chicanery, artificial intelligence, global warming and the role of law and politics in facing (or indeed, perpetuating) these challenges. The Gothic helps us confront such fears, unsettling distinctions and definitions. The trick is in the terror: Gothic can show us how to face the ghosts of the past, present and future, so as to anticipate and confront the ones that come next. In the Gothic, nothing – not even death – is final.

ACKNOWLEDGEMENTS

I would like to thank Jiří Přibáň, former Director of the Centre of Law and Society, for inviting me to deliver the lecture that inspired this article, as well as discussants Leslie J. Moran and Stefan Machura, chair John Harrington and all those who attended for a frightfully excellent discussion.

How to cite this article: Hughes-Moore, B. The JLS at 50: Art, literature and socio-legal studies. *Journal of Law and Society*. 2025; 1–14. <https://doi.org/10.1111/jols.12542>

⁷⁴ For example, the Welsh Government's 10.5% reduction on arts spending in 2024 led to Arts Council Wales making significant cuts to arts bodies, with National Theatre Wales in effect ceasing to exist. Actor Michael Sheen since made the decision to found and direct the fledgling Welsh National Theatre in response. Cuts to Arts programmes are not limited to Wales, however: arts funding from national bodies across the United Kingdom have fallen in real terms by 16% since 2017. Most recently, Bristol Old Vic Theatre School announced they were financially unable to provide undergraduate courses for the foreseeable future. The real-time cuts can be viewed via Equity's Funding Tracker: <<https://www.equity.org.uk/campaigns-policy/arts-funding-tracker>>