

Judging a book by its cover: women, legal landmarks and other frontiers

Rosemary Auchmuty and Erika Rackley

*The right cover is like a beautiful coat, elegant and warm, wrapping my words as they travel through the world, on their way to keep an appointment with my readers. The wrong cover is cumbersome, suffocating. Or it is like a too-light sweater: inadequate.*¹

As Mr Tulliver learned to his cost when buying his Sunday reading from Partridge's sale, one should never judge a book by its cover.² And yet, most of us do. And why not? After all, in the words of 19th-century novelist and poet, Thomas Love Peacock, '[t]here is nothing more fit to be looked at than the outside of a book'.³ Or as Italian author, Lalla Romano, stated more bluntly: 'it is very hard to love an ugly book'.⁴

More than simply a practical solution to enclose its pages, a book's cover acts as its herald or champion striding forward to catch the eye of passers-by. It is at once a harbinger, inserting its content into a particular style or genre, and braggart, recounting celebrity endorsements and the previous successes of its author as one might list 'ingredients' on a packet of soup.⁵ It is rarely static. Book covers are updated to reflect current trends or jurisdictions, to celebrate anniversaries or to place a book within a particular series.⁶ Their purpose is both aesthetic and commercial. Where once when books were rare and precious objects covered with similarly rare and precious materials,⁷ today it is their covers that attract attention. As Peter Campbell notes, 'the product and the advertisement are bound up together'.⁸ What a book *looks* like often drives the market – with the very best covers adorning coffee mugs and other household items and featuring #bookcover and #bookstagram social media feeds and the like.⁹

[Insert figure 1 around here]

¹ Jhumpa Lahiri *The Clothing of Books* (Bloomsbury 2017) 16.

² George Elliot *The Mill on the Floss* – chap 3. Indeed, prior to the 1820s, most books were sold unbound so that the purchaser might commission their own bindings – usually to match their library.

³ Thomas Love Peacock *Crotchet Castle*, (1831).

⁴ Lahiri n 1, 28.

⁵ Lahiri n 1, 30. See also Thomas Jones 'Blurbs and puffs' 28(14) *London Review of Book* 20 July 2006.

⁶ The seven Harry Potter books by J K Rowling, eg, have had over 200 different covers since *Harry Potter and the Philosopher's Stone* was published in 1997. See also Tom Lamont 'Can you judge a book by its cover?' *The Guardian* 7 May 2010; Rafqa Touma 'Well-dressed and sad: Why sad young women are the latest book cover trend' *The Guardian* 4 February 2022.

⁷ See, eg, the Ulm Münster Book-Cover of the book of the Epistles from c.1506 (The British Museum collection: https://www.britishmuseum.org/collection/object/H_WB-88).

⁸ Peter Campbell 'Penguin by Illustration' 31(17) *London Review of Books* 10 September 2009.

⁹ Holly Connolly 'Is social media influencing book cover design?' *The Guardian* 28 August 2018; Ellie Violet Bramley 'In the Instagram age, you actually can judge a book by its cover' *The Guardian* 18 April 2021.



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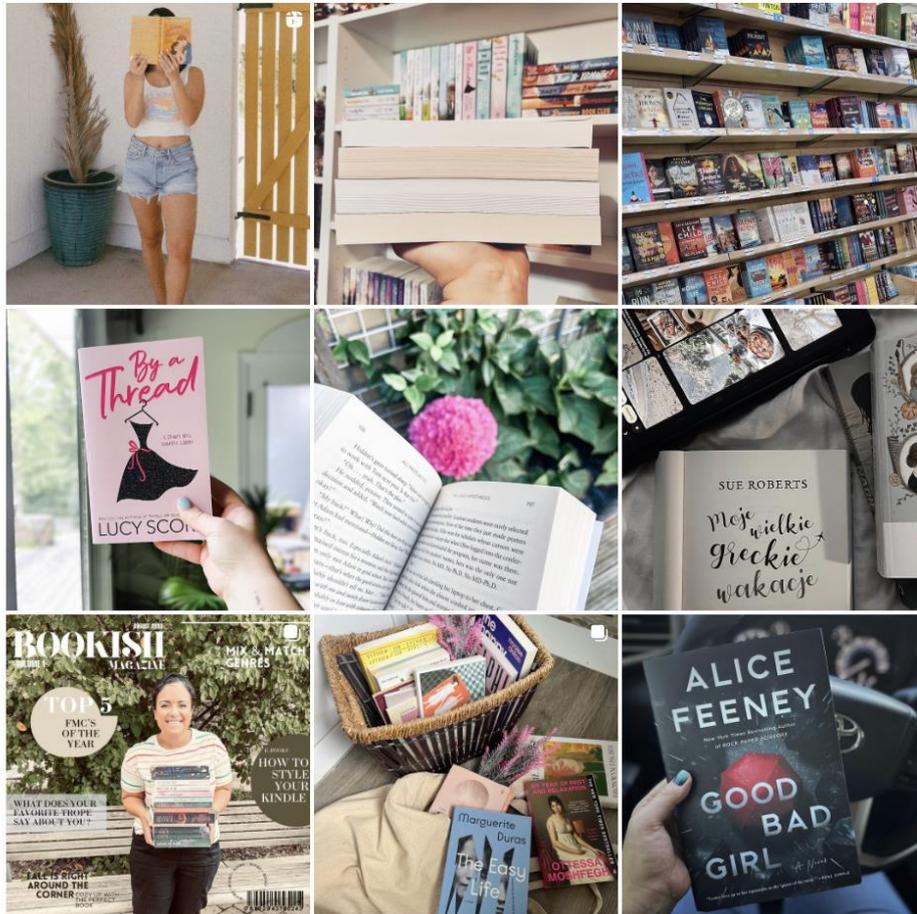


Figure 1: Screenshot of #bookstagram Instagram feed (taken 23 August 2023)

However, as feminist legal scholars have long argued, book covers represent far more than this.¹⁰ Far from simply ‘packaging’ the text,¹¹ a ‘visual garb’ allowing for the transformation of ‘the text into an object, something concrete to publish, distribute and, in the end, sell’¹² or ‘jacket’ shrugged on simply to protect the text beneath, the cover of a book, to use Anne Bottomley’s words, is ‘a frontier between two territories: a window into the text and a window from the text on to the world’.¹³ A book’s cover provides both the first

¹⁰ See, eg Anne Bottomley ‘Figures in a Landscape: Feminist Perspectives on Law, Land and Landscape’ in Anne Bottomley (ed) *Feminist Perspectives on the Foundation Subjects of Law* (Cavendish 1996); Sarah Beresford ‘Judging a Book by its Cover: The Deployment (and) Unsettling of Familial Images on Family Law Textbook Covers’ (2009) 18 *Griffith Law Review* 41.

¹¹ Bottomley, *ibid*, 116.

¹² Lahiri n 1, 19, 14

¹³ Bottomley, n 10, 116.

impression *and interpretation* of the text. It represents – and re-presents – the text. It is the means through which the authors (albeit within the limitations set by the publisher) and/or publishing team convey what *they* think the book about, which in turn sets the rules of engagement with the text beneath.

Little wonder that authors often have strong ideas of how they want – or don't want – on the covers of their books. J D Salinger, for example, is said to have forbidden pictorial covers for his fiction.¹⁴ Jhumpa Lahiri, a Bengali American author, in her powerful reflection on *The Clothing of Books* has written of the disassociation and conflict she feels when faced with publishers' interpretations of her work:

All my life I have been in conflict between two different identities, both imposed. No matter how I try to free myself from this conflict, I find myself, as a writer, caught in the same trap. For some publishing houses, my name and photograph are enough to quickly commission a cover that teems with stereotyped references to India: elephants, exotic flowers, henna-painted hands, the Ganges, religious and spiritual symbols. No one considers that the greater part of my stories are set in the United States, and therefore pretty far from the river Ganges. Once I complained that the cover of a book in which the protagonist was born and raised in the United States seemed too 'exotic', that a less 'oriental' approach was better suited, the publisher removed the image of an enchanting Indian building and replaced it with an America flag. From one stereotype, that is, to another.¹⁵

Academic authors are no different – though it may be that we have a little more input into the clothing of our books than Lahiri describes.¹⁶ Joseph Raz, for example, took the photo on the cover of the Oxford University Press edition of *Practical Reason and Norms* published in 1999. Similarly, Daniel Monk has written about Brenda Hale (then Hoggett) and David Pearl's involvement in the selection of covers for the various editions of their family law textbook: *The Family, Law and Society: Cases and Materials*.

In conversations with Brenda and David it was clear that the cover of their books always mattered to them. They ensured that the choice was theirs. The image on the cover of the sixth edition [of a 2008 bronze sculpture entitled 'Family' by the British pop artist Peter Blake] ... was very much Brenda's choice. And visiting the artist in his studio one morning to receive his signed permission, in a rush to meet the deadline, was one of the unexpected pleasures of co-authoring that edition.¹⁷

So, what about our books?

Representing women's legal landmarks

Celebrating the History of Women and Law

The first women's legal landmarks collection – *Women's Legal Landmarks: Celebrating the History of Women and Law in the UK and Ireland* – was published by Hart Publishing in 2019, the centenary of women's formal entry into the legal profession. It is a large volume (around 300,000 words) featuring 91 landmarks each representing a significant achievement or turning point in women's engagement with law or law reform. Beginning in c940, the landmarks cover a diverse array of topics including matrimonial property,

¹⁴ John Mullan 'When it's acceptable to judge a book by its cover' *The Guardian* 18 October 2003.

¹⁵ Lahiri n 1, 50.

¹⁶ Certainly this has been our experience working with Hart Publishing on the covers to our women's legal landmarks collections. The Hart Publishing 'Information for Authors' states: 'We work with both in-house and external designers to make sure Hart covers are among the best in the market. We are happy to discuss specific requirements that you may have for a final product and, where possible, accommodate them'. (undated, 5)

¹⁷ Daniel Monk joined as co-editor of Hoggett and Pearl for the 6th edition published in 2009. Daniel Monk, *Celebrating Hoggett and Pearl, The Family, Law and Society 1983-2009* in Rosemary Hunter and Erika Rackley (eds) *Justice for Everyone: The Jurisprudence and Legal Lives of Brenda Hale* (Cambridge University Press 2022) 53, 71.

reproductive freedom, domestic violence and abuse, the right to vote and the ordination of women bishops alongside short 'pen portraits' of some of the first women lawyers.

We knew early on that we didn't want the cover to feature the usual representations of 'law' – courtrooms, gravels, wigs and gowns or 'law reform' – parliament, Elizabeth Tower and so on. Nor did we want it to feature signposts or way markers pointing to some unknown destination in the distance, as an inaccurate nod to the 'landmarks' of the title, or abstract images of 'women'. This was a book about real women making a difference to the lives of countless other women, children and men. And they needed to be visible from the outset. Images of individual women (as suggested by the publisher in an early very beautiful mock-up of the cover in which a photograph of Emeline Pankhurst was placed in a suffrage medal) or of particular landmarks (votes for women, equal pay and so on) were out – as they suggested the collection was only about those women or landmarks. So too were images were images of women lawyers, despite the coinciding centenary, as these were a small and relatively recent addition to those using the law to effect positive change for women.

Our original idea of creating a collage for the cover using an image for each landmark was rejected by the publisher. It was too expensive, too cluttered.¹⁸ And they were right – not least because we were squeezing in new landmarks right up against our publication deadline. Instead, we compromised on a maximum of three images – but which ones?

The process took over three month and 9 rejected covers. Where we ended up was with a group of photographs taken in the 20th century – featuring three groups of women: outside the 1919 Paris Peace Conference; on a march for equal pay in Trafalgar Square, London and holding hands around the perimeter fence of RAF Greenham Common in Berkshire (known as 'embracing the base'). The top two photos together with white dividing lines echoed the WSPU (Women's Social and Political Union) colours: green, white and purple.

[Add figure 2 around here]

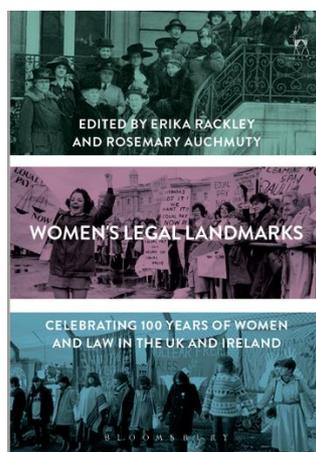


Figure 2: Cover of Women's Legal Landmarks: Celebrating the History of Women and Law in the UK and Ireland. Photo credits: Pictorial Press Ltd / Homer Sykes Archive / Trinity Mirror / Alamy Stock Photo.

What we liked about images were that they involve law and law reform in different ways: both within and outside the legal and political institutions, legislative and common law reform, as well as protest (law-breaking). All the images involve women collaborating – working together to achieve their legal and political

¹⁸ Though see the fabulous cover for *Women, Their Lives and the Law: Essays in Honour of Rosemary Auchmuty* (Bloomsbury 2023).

aims. They represent a mixture of familiar and less familiar legal landmarks. Few people are aware of the role of women-led non-governmental organisation in the creation of the League of Nations and fewer still of their success in ensuring through Article 7 that its Secretariat (an international civil service) should be open to men and women.¹⁹ Similarly, while the images of women at Greenham Common are well known, their imaginative and innovative use of legal hearing as part of their campaign as well as their impact on national election laws was (and is) less so.²⁰ We were keen to include pictures that echoed links with other campaigns – the banners pinned to the fence behind the Greenham women invoking the early 20th century Suffrage banners, the demand for equal pay on the banners in Trafalgar Square mirroring that carried by Patricia Ford alongside Irene Ward, Edith Summerskill and Barbara Castle on 9 March 1954 when they united across political parties to present an 80,000 signature to parliament demanding equal pay.

We were also keen to depict women were actively ‘doing something’. The images are of protest in action: of women traveling across the world to Paris,²¹ of the Equal Pay demonstration organised by the National Joint Action Campaign Committee for Women’s Equal Rights and attended by 1,000 protestors which lead directly to the Equal Pay Act 1970²² and the Greenham Common Women’s Peace Camp, which prevented cruise missiles being brought to the UK.

In hindsight, however, we wish we had been able to use our cover to demonstrate the full historical and jurisdictional breadth of our book – most obviously by including an image from the final landmark in our collection, the ‘Repeal the 8th’ campaign which took place in Ireland during 2018²³ – as well as the reflecting the greater diversity of the women involved.

Women’s legal landmarks in the interwar years

Our second collection – *Women’s Legal Landmarks in the Interwar Years: Not for the Want of Trying* – focuses on the often forgotten legal ‘landmarks’ that benefited, or aimed to benefit, women in England and Wales between 1918 and 1939.²⁴ We wanted to ensure that our cover reflected the breadth of the landmarks included in the collection. While the time period is much shorter – just 21 years – the 34 landmarks once again cover a wide range of topics: access to property, family relationships, health care, criminal law, employment opportunities, pay, pensions and political representation as well as pen portraits of early women lawyers and parliamentarians and key women’s organisations, including the Six-Point group and the Married Women’s Association.

Its cover echoes that of our earlier collection. Publishers like the recognisability of a ‘brand’ – their view is that people who liked the first volume will want others in the series – and with this second volume *Women’s Legal Landmarks* was on the way to becoming a brand. This time the design process felt much quicker.²⁵ In large part because – five years on – we knew much more about what we wanted. We wanted to include

¹⁹ Aoife O’Donoghue ‘Article 7 of the Covenant of the League of Nations, 1919’ in Erika Rackley and Rosemary Auchmuty (eds) *Women’s Legal Landmarks: Celebrating the History of Women and Law in the UK and Ireland* (Hart Publishing 2019) [hereinafter: WLL] 125.

²⁰ Elizabeth Woodcraft ‘Greenham Common Women’s Peace Camp, 1981-2000’ in WLL 363.

²¹ The women in the top photo are had travelled from around the world to the Paris conference they are: Front row from left to right: Mrs J Borden Harriman (United States); Mme DeWitt Schlumberger (France); Mme Pichon-Laudry (France). Second row: Mrs Juliette Barrett Rublee (United States); Dr Katherine Bennett Davis (United States), Mme Brunsching. Third row: Mrs Millicent Garrett Fawcett (Great Britain); Mrs Oliver Stratchey (Great Britain); Miss Rosamond Smith (Great Britain). Fourth row: Mme Brigode (Belgium); Marie Paunt (Belgium); Miss Nevia Boyle (South Africa); Mlle Van den Plas (Belgium). Sixth row: Mme Sonnine Capi (Italy); Mlle Eva Mitzhouma (Poland).

²² Dawn Watkins ‘Dagenham Car Plant Strike, 1968’ in WLL 291.

²³ Fiona de Londras ‘Thirty-sixth Amendment to the Irish Constitution, 2018’ in WLL 651.

²⁴ Rosemary Auchmuty, Erika Rackley and Mari Takayanagi (Eds) *Women’s Legal Landmarks in the Interwar Years: Not for the Want of Trying* will be published by Hart Publishing in 2024. [Hereinafter Interwar WLL]

²⁵ Though it still took about three months and 9 rejected designs.

photos of real women ‘on the move’. We wanted groups of women, rather than women on their own, to highlight the importance of collaboration and women’s organisations, and also to move away from the tendency in women’s history, in defiance of reality, to isolate individual ‘heroines’ to admire or discredit. And we also wanted to ensure that we represented working-class women as well as those from the more commonly seen middle and upper classes. Once again, we did not want ‘famous faces’ or events. And most definitely we did not want images of women standing in a line looking miserable.

After considering images of women packing coronation biscuits in Huntley & Palmers factory in Reading, of early women MPs outside Parliament and (one of our favourites) of a group of equal suffrage campaigns protesting in the rain, we settled on two images. The top image features women at a woodwork class at the South East Essex Technical College in Barking, in East London in 1936. The bottom image is of four women undergraduates holding bicycles at Oxford University in 1920. Again, the photos are colour washed, this time invoking the gold of the Women’s Freedom League (WFL).

[Insert Figure 3 around here]

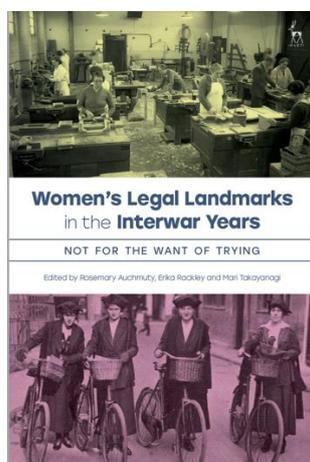


Figure 3: Women’s Legal Landmarks in the Interwar Years: Not for the Want of Trying. Photo credits: Allan Cash Picture Library / Alamy Stock Photo / Look and Learn / Bridgeman Images

Unlike the cover of our first collection, however, the images we chosen do not relate to specific landmarks. Rather they reflect the changing attitude and opportunities available to women. Of a world opening up, a world of greater – but not yet – equal freedom. They are images of a world in which women are occupying territory that had previously belonged to men, and doing things from which they had formerly been excluded.

Take the upper picture. It shows women learning a practical skill in a recently opened educational facility. They are ordinary women, not women who have had the advantage of attending a high school, much less a university. And they are not learning domestic skills, though domestic science was certainly offered at the college,²⁶ but woodwork – traditionally a masculine activity. In later decades, these women might have been bored housewives pursuing a hobby. In 1936, however, they seem rather to have been learning skills that would enable them to get jobs in workshops and factories.

The South-East Essex Technical College had only opened in 1936, so perhaps the picture on our cover was taken at part of early publicity for the college. It was one of four regional technical colleges in Essex situated on the Becontree estate, then the largest public housing project in the world. It was built to was built to provide educational facilities for those who had moved to the Becontree estate from London’s East End. The

²⁶ That domestic science had its own department in the college was also in its way a feminist move, representing an effort to raise the status of undervalued domestic work by showing that it required knowledge and skills commensurate with other trades.

College occupied nearly six acres and originally comprised six departments: Industrial and Fine Arts, Commerce, Domestic Science, Engineering, Building and Allied Subjects and Science. Most of the teaching was provided through part-time evening classes for adults.²⁷ Adult education at the time, as Pushpa Kumbhat has argued,

was a community sphere in which women could exercise their agency irrespective of their traditionally assigned roles as wives, mothers, and workers ... offer[ing] women spaces in which to explore their individuality, and form networks outside the home ... empowering them within their comfort zones, building their confidence and affirming their status as active citizens.²⁸

The photograph tells a tale of new opportunities for working-class women; of a recognition that industry needed and wanted their contribution, and that women in the interwar years were not simply funnelled into the domestic sphere as they might have been before the first world war. Rather women, at least before they married, could earn good money in skilled occupations. It shows indirectly why middle-class women found it increasingly difficult to get domestic 'help' in their homes as more and more working-class women shunned domestic service in favour of the better conditions and money they could get in industry. It shows that women's work was beginning to get proper public attention (as our landmarks demonstrate) and that women's aspirations were supported by educational establishments such as this.

What it doesn't show, of course, is how working men often resented and resisted women 'taking' jobs from men and how men's trade unions fought for a 'family wage' so that husbands could keep their wives in dependence at home. It doesn't show how working women faced discrimination and harassment in the workplace and how the law was mustered through such means as the marriage bar to keep women out of competition with men.

The lower picture combines two more familiar images, that of young women at Oxford University (evident from their caps and gowns) and of young women on bicycles. Both, again, represent new freedoms. Oxford University had been open to women since 1879 when the first women's colleges were founded but, although they could study the same subjects and take the same examinations as men, women were not awarded degrees until 1920, the date of this photograph.²⁹ In that year, as a direct result of the Sex Disqualification (Removal) Act 1919, Oxford admitted women as full members of the university and the first graduations of women took place. Ivy Williams, England's first woman barrister, was among those who received her degree in that year. So the cheerful young women in the cover picture could look forward not only to the rewards of intellectual endeavour in congenial surroundings but also to receiving degrees at the end of their studies and perhaps using them to embark on remunerative professional careers.

Bicycles are symbolic of a different kind of freedom, actual physical independence for women. The modern 'safety' bicycle – that is, the one with wheels the same size (as opposed to the 'penny farthing') and driven by a chain attached to the back wheel – was invented in 1885. The dropped crossbar made it possible for women to ride safely in their obligatory long skirts, still worn in this picture.³⁰ The bicycle meant that, no

²⁷ The College was built to house 5,000 evening students, 1,000 full time day scholars (aged 11-16) and 750 senior students (F G W B 'The South-East Essex Technical College' *Nature* 27 March 1937, 556). No mention is made of female students though a similar report following the opening of the South-West Technical College a few miles down the road refers to a nursery '[o]n the ground floor nearly opposite the board-room ... where mothers may leave their children in the care of a trained nurse while they attend classes!' (F G W B 'The South-West Essex Technical College and School of Art' *Nature* 1 April 1939, 586).

²⁸ Pushpa Kumbhat 'Women in the world of adult education 1920–1945' (2023) 33(4) *Women's History Review* 540, 544, 548-549.

²⁹ Rosemary Auchmuty *Early Women Law Students at Cambridge and Oxford* (2008) 29(1) *The Journal of Legal History* 63-97.

³⁰ Though sadly this was not always the case: 'I allude to the death of Miss Carr, near Colwith Force [in Cumbria, UK]. The evidence of her friend who rode just behind her, says that "Miss Carr began the descent with her feet in the

longer confined to the home and its surrounds or dependent on male-provided transport, women could now get about town and out to the countryside in single-sex groups – could explore the world uncontrolled and unchaperoned.

But still there was opposition. For all the medical experts who extolled the benefits of fresh air and exercise for young women, there were others who warned of the dire effects on their reproductive and other internal organs, their energy levels, their appearance (there was a phenomenon called ‘bicycle face’ that would put off potential suiters), and even their sexual morality (an association with masturbation).³¹ The same arguments had, of course, been used against higher education for women. Any excuse would serve to attack developments like the bicycle and the university that took women out of their proper place – the home – and into the world controlled by men.

Though the pictures depict women of very different social backgrounds and from different decades, they have much in common. Both represent the importance of education in opening doors to a better life for women. Both celebrate learning as an end in itself, giving interest and purpose to constricted lives, but also the potential for financial reward in skilled or professional work and, with that, less desperation to find a husband for support. Both celebrate the camaraderie of studying and working alongside other women. Both are concerned with physical freedom and moving into men’s territory. And both represent *progress* for women in a period when, for the first time in English history, equality with men seemed attainable. Women could vote and stand for Parliament and they looked forward to pushing through further reforms now that their sex and their interests were represented. As our collection shows, however, the path was not easy and there were many setbacks and considerable backlash against women’s greater freedom in the interwar period. It also shows, however, that the optimism displayed by our cover pictures was not entirely misplaced.

Conclusion

There is, perhaps, Daniel Monk suggests, a ‘perception ... in the burgeoning field of law and art, [that] legal textbook covers are just a bit “too domestic” to take seriously, not “public” enough’.³² If so, this is unfortunate. A (good) book is, of course, much more than its cover. But so too is its cover – a (good) book cover can – and should – convey more than what is inside the book. Clothed well, the cover of a book provides an opportunity to (re)imagine frontiers and explore territories beyond the narrative of the text. We hope (it is, of course, for others to judge) this is the case with the covers of the two *Women’s Legal Landmarks* collections.

If you ask someone to design a cover image for a book about English law they will often produce a version of Justice and her scales from the Old Bailey roof. Ask someone to design a cover image for a book about *women* and English law and they will often offer the same thing, intended (no doubt) to point up the irony of Justice being a woman and women being subject to so much *injustice* in English law. The images we have chosen as representing over 12 centuries of women’s legal landmarks do not immediately proclaim that the content of our collections as legal. But they are clear that the subject-matter is *women*. In representing

rests, but finding the hill become much steeper, she strove to regain her pedals and failed”. I think she failed because she could not see the pedals, as the flapping skirt hid them from her view, and she had to fumble for them. Could she have taken but a momentary glance at their position, she would have had a good chance to save her life. The poor girl lingered a week’ (*Daily Press*, 20 September 1896 cited on the ‘Bikes & Bloomers’ website: a project which ‘tells the story of how some women creatively challenged conventional ideas of how a woman should look and move in public space through their clothing’ (<http://bikesandbloomers.com>) [accessed 23 August 2023].

³¹ See further Joseph Stromberg “‘Bicycle Face’ a 19th-century health problem made up to scare women away from biking, 24 March 2015 *Vox.Com*; Sarah Hallenbeck *Claiming the Bicycle: Women, Rhetoric and Technology in Nineteenth-Century America* (Southern Illinois University Press, 2015).

³² Monk n 17, 65.

women who are beneficiaries of legal reform, who may have become campaigners for further reform, our cover images as stand for the slow and unsteady progress of justice for women and freedom from men's control.

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