

JILL MARSHALL: THE IMPORTANCE OF IDENTITY

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Jill Marshall has an unusual combination of experience: first, as an international litigation solicitor before she entered academia where she is now an authority on women's human rights, personal freedom and identity.

The issue of identity, and its relationship with law, is one that is of profound interest to Professor Jill Marshall, former lawyer and now prominent academic, as well as being a passionate feminist. When, in August, Boris Johnson wrote in his *Daily Telegraph* column that *burkhas* resembled a “letter box” (although he did say in his article that they should not be banned, as they are in Denmark), he triggered a strong reaction from Jill (among many others).

In a blog on Legal Ideas Factory, an initiative that Jill set up earlier in the year, she and others wrote: “Women should wear what they want in liberal democracies. The Danish bans on the full-face veil are unwelcome and against our interpretation of international human rights law.” She is critical of what she sees as Johnson’s stoking up anger and disrespect against a very small minority of women.

For Jill, the issue of whether or not people should have the freedom to wear what they want is closely tied in with the protection they receive under law for their identity. She researches and publishes extensively, including writing two of her three books on the subject.

Jill wants to promote her ideas more widely, and to help society develop a better understanding of law generally. Hence, the creation of Legal Ideas Factory, a website that aims to stimulate ideas about law in its widest sense - including politics, human rights and social justice - to encourage people to see law more creatively as a tool for something positive, innovative and just. Or, in short, to make the world a better place.

Jill explains the reasons why she set up Legal Ideas Factory. "I wanted [it] to make people aware of the connections between the law and their lives. As well as blogs, I use methods like film, book and music reviews to say something about law and to be able to represent the issues in pictures and animations, linking law with creativity, imagination and ethical thinking. Law remains a mystery for many people, largely because they don't see how the law relates to them - strange though that may sound to us lawyers.

"Yet, the law dictates at least many aspects of our lives and who we are as people and how we are 'allowed' to live our lives - for example, who we can and cannot marry, whether we are legally male or female, whether we are a citizen of a particular country with all that that entails. The logical next step is to see that we, as individuals, should take more of an active role in shaping the law and using it as a constructive tool of engagement. I hope the Legal Ideas Factory is part of a process to bring about change, and change for the better."

All of which may seem to be a long way from her days as a commercial lawyer, both at Herbert Smith Freehills and for other law firms. But Jill feels her work in commercial fraud in particular had a strong sense of righting wrongs, and being a female lawyer in the early 1990s at such a prestigious law firm was in itself an 'equality' achievement.

Further, she has long been interested in human rights law and social justice: "Growing up in Northern Ireland, at the time of the Troubles, the issue of religion and division was prominent and there were divided communities. You couldn't help but be affected. But I also found that people often tended to be judgmental and there was quite a lot of sexism and expectations of what girls (and boys) should do, and that seemed to be discriminatory.

"I was particularly interested in seeing things from an international perspective - Northern Ireland was always in the news but was one very small geographical area - and I became very interested in black civil rights in the USA and Martin Luther King Junior's campaigns (that was in the early 1980s, some 20 years after they took place) having watched brilliant documentaries on TV. I especially remember one called 'Eyes on The Prize'. That all triggered my interest in human rights and law."

Jill joined Herbert Smith (legacy) in 1990 as a trainee after studying for a law degree in Belfast. London held great appeal for her as the nation's metropolis, and she opted for Herbert Smith over the other offers she received because "it struck me as a meritocracy where you would get a good chance if you worked hard and would have excellent opportunities to work in challenging exciting areas".

Jill qualified into Litigation and was more than content with the work, but then she realised she was becoming increasingly interested in law's place in society and politics. She decided she would go back to studying, enrolling for a master's at UCL.

After working for the Law Commission on a short-term reform project, and then for another major city law firm, Jill took her studies one step further, taking a PhD in feminist theory and women's rights, having obtained a full scholarship, and combined this with doing some tutoring in jurisprudence.

That was published as a book, *Humanity, Freedom and Feminism*. Since then, Jill has written two more books, *Personal Freedom Through Human Rights Law?: Autonomy, Identity and Integrity Under the European Convention on Human Rights*, and *Human Rights Law and Personal Identity*.

Jill rose quickly through the academic ranks. After being appointed a lecturer and then senior lecturer at Queen Mary University of London, she was awarded a professorship at Leicester University. Since 2017, Jill has been a professor of law at Royal Holloway, University of London.

She is also involved in International Programmes, a distance learning programme run by the University of London, and wrote the human rights for women master's course. On top of that, she is a consultant on human rights law for a major law firm.

Jill says, "I am very glad I have gone down this path. I enjoy the freedom and creativity that academia provides, especially the research, and can head off into uncharted waters, academically speaking. This freedom has given me paid sabbaticals to research the links between discriminatory behaviour, the protection of the most vulnerable and disadvantaged in society, and international human rights law and its principles and philosophy. Given everything that is happening politically, this moment in time seems pivotal to ensuring we protect sections of society at risk of backlashes to hard-fought gains in their legal rights."

Jill is keen to reach out to those who are interested in participating in the Legal Ideas Factory, whether contributing thought pieces or offering help with design (including animation) and website management. Her email address is:

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