

# ARE THERE STILL NO GREAT WOMEN ARTISTS? A FEMINIST RESPONSE TO DESMOND MANDERSON'S *DANSE MACABRE*

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## **ABSTRACT**

A feminist critique of law and art as practices and as sites of knowledge, highlights a shared historical commonality- the exclusion of women. This paper explores the extent to which women's artworks are engaged with in Desmond Manderson's *Danse Macabre: Temporalities of Law in the Visual Arts*. It is noted that within the book, women artists and their artworks are not central, but instead are peripheral to the case studies, all of which are artworks created by men. As such, this contribution begins by contextualising the question, 'Are there still no great women artists?' Following this, the paper then explores the temporality of this question regarding *Danse Macabre* and uses this as a way in which to reflect on the exclusion of women from artistic and legal spheres. Finally, the position of women in Manderson's work is explored. The paper concludes that *Danse Macabre* is an important contribution to many fields, and, in the future, could be revisited and reimagined through women's artwork.

## **KEYWORDS**

Feminism, Justice, Art, Law, Temporality

## **1. INTRODUCTION**

When I<sup>1</sup> was invited to participate in this review symposium, I felt a mix of feelings. I would describe it as firstly, experiencing the brightness of the sun- sheer delight at being invited to respond to such an outstanding piece of work by a much-

<sup>1</sup> I believe it is important to note my positionality when it comes to writing on law and art. My background is in law, particularly, criminal law and feminist jurisprudence. I began to develop an interest in the intersections of law and art while studying Byzantine to Impressionist Art at Ferrum College, Virginia. As such, I do not come to art with the false pretence that I am versed or situated comfortably within the discipline of Art History, but instead I see myself as an outsider writing on art, a "lawyer" writing on what they see, feel, and understand, usually from a feminist perspective. At this

respected scholar. Then, feeling the overwhelming and crushing heat of that sun-fear at the thought of having to critique such an iconic piece of work. Michael Naas explores the latter sentiment in his response to Matthias Fritsch's *Taking Turns with the Earth*: '[w]hat a fearsome task, for how is one to respond in a meaningful and responsible way to a book that is this meticulously researched, this powerfully argued, this broad in its scope and implications.'<sup>2</sup> This sentiment was shared in the initial writing of this paper and as such, this contribution is to be regarded as very much a conversation in which I respond to the book.<sup>3</sup>

Having set the tone of this article, the focus now moves towards its contribution. Firstly, it is important to note the critical discussion upon which this article is founded, that is, an aspect of Desmond Manderson's *Danse Macabre: Temporalities of Law in the Visual Arts* (hereafter *Danse Macabre*) that struck me as a potentially fruitful site of discussion- the absence of women's art. To explore this, I firstly reflect on *Danse Macabre*. I then briefly outline the historical issue of the absence of women in art, and the importance of the 1970s in making women's artworks and lived experiences visible. Following from this, I reflect on women's exclusion from law, noting that both artistic and legal spheres have historically excluded women. Lastly, I discuss the exclusion of women in the context of *Danse Macabre*, highlighting the absence of women's artwork and reflecting on three questions: are there no women artists in this book?; why are there no women artists in this book?; and lastly, should there be women artists in *Danse Macabre*?

I conclude that *Danse Macabre* is an invaluable contribution to many fields and undoubtedly one of the most 'shelf-worthy' books for a variety of scholars, but there is space for a feminist reimagining of the book. As such, this contribution encourages academics working between law and art to remember that there are women artists deserving of recognition in the discussions on visual art, temporality, and law.

## 2. DANSE MACABRE

*Danse Macabre* is a perfect addition to Manderson's outstanding works on the interrelations between law and visual art. Indeed, the book incorporates updated and reworked versions of some of Manderson's classic pieces such as 'Blindness

point, I would like to thank Mairead Doherty, Eoin Dillon, Dr Ruth Houghton and Dr Marianne Doherty for their helpful feedback and discussions on earlier drafts of this article.

<sup>2</sup> Michael Naas, 'Their Turn Under the Sun: Matthias Fritsch and the Question of Intergenerational Responsibility' (2020) 2 *Ética & Política / Ethics & Politics* 523, 524.

<sup>3</sup> This is, in part, owing to the fact that academic conversations have been impacted by the Covid-19 pandemic as the site of conference discussions and debates are now notably different or absent in academic life. Discussions seem very technological and stunted, rather than personal and fluid, and it is hoped that this contribution is characterised by the latter rather than the former.

Visible', part of the edited collection in Manderson's *Law and the Visual: Representations, Technologies and Critique*.<sup>4</sup> Elements of Desmond Manderson and Cristina Martinez's 2016 article, 'Justice and Art - Face to Face' are also used to develop sections of the book, although the book conversion does differ substantially.<sup>5</sup> Chapters Three to Five are also based on earlier versions of articles by Manderson.<sup>6</sup>

While elements of this book have appeared in earlier formats, I do not think that this is a limitation or grounds for criticism and this is for two reasons: firstly, as Manderson acknowledges, the earlier versions have been 'rewritten, revised, and expanded'<sup>7</sup> so this book is a fresh retelling of the works. Secondly, for me, this was almost like the 'Best of Desmond Manderson' as these works, used to frame several of the chapters, are outstanding contributions to the nascent field of law and art.<sup>8</sup> If you wanted a book that not only introduces you to the field of law and art, but also to the mind of one of the most innovative scholars in this field, *Danse Macabre* is for you.

<sup>4</sup> Desmond Manderson, 'Blindness Visible', in Desmond Manderson (ed), *Law and the Visual: Representations, Technologies and Critique* (University of Toronto Press 2018). This piece is reworked and modified for Chapter One of *Danse Macabre*.

<sup>5</sup> Desmond Manderson and Cristina Martinez, 'Justice and Art - Face to Face' (2016) 28 (2) *Yale Journal of Law and the Humanities* 241 is used to develop Chapter Two of *Danse Macabre*. This article is a personal favourite of mine and is one that I would recommend to students and colleagues interested in developing an understanding of the intersections of law and art. A quote that stands out to me from this that really speaks to the essence of why legal scholars should turn towards art is found on the opening page: 'The connection between law and art helps not only to clarify but to develop and more richly comprehend both the history and the implications of legal concepts. Not in philosophy or jurisprudence or political theory is justice's struggle between particular and general most productively encountered, but in the dual cases of portraiture and common law' (241).

<sup>6</sup> Chapter Three is a reworked version of Desmond Manderson's, 'Not Yet: Aboriginal People and the Rule of Law' (2008) 29 *Arena* 219, and Desmond Manderson's 'The Law of the Image and the Image of the Law' (2012-13) 57 *New York Law School Law Review* 153. Chapter Four is also founded on Desmond Manderson's, 'Bodies in the Water' (2015) 27(2) *Law and Literature* 279, while Chapter Five is based on Desmond Manderson's, 'Klimt's Jurisprudence - Sovereign Violence and the Rule of Law' (2015) 35(3) *Oxford Journal of Legal Studies* 515. While each of these previous works cited thus far appear in the book, I would highly recommend accessing the earlier works as the original works differ, at times substantially, from the versions within *Danse Macabre*.

<sup>7</sup> Desmond Manderson, *Danse Macabre: Temporalities of Law in the Visual Arts* (Cambridge University Press 2019) xvi.

<sup>8</sup> Throughout this article, I refer to the interdisciplinary field of law and art. In this article, the term 'law and art' derives from the disciplines of Law and Art History. I consider *Danse Macabre* to fall under this field due to the combination of visual art and law. Furthermore, as the book considers temporality, Art History felt like the appropriate discipline to situate the book as Manderson considers the historical framing of each of the artworks in *Danse Macabre*. For further discussion on the term 'law and art' see Desmond Manderson, *Songs Without Music: Aesthetic Dimensions of Law and Justice* (University of California Press, 2000) and Sophie Doherty, 'Visualising Justice: Sexual Violence, Law and Art' (PhD thesis, Durham University 2020). While this article refers to 'law and art' as an interdisciplinary field, it should be noted that other terms have emerged that capture the study of law and the visual, for example: law and the image, legal aesthetics, law and visual studies.

I was fortunate enough to review this book for the *Law and Literature* journal, and so I do not wish to provide a ‘review’ per se. Instead, I will shamelessly plug the review at this point<sup>9</sup> and divert to the major discussion point of this article- the lack of engagement with the work of women artists. After reading *Danse Macabre*, one of the key questions that stood out in my mind was, are there no women artists in this book? Then, why are there no women artists in this book? And lastly, should there be women artists in *Danse Macabre*? The absence of women’s artwork has been addressed in feminist literature and so, I wish to reflect on Linda Nochlin’s famous question, ‘Why have there been no great women artists?’ before questioning the absence of women artists in *Danse Macabre*.

### 3. WOMEN IN ART

Traditionally, in art institutions, women were objectified and seen as subjects, rather than creators, of artwork.<sup>10</sup> Women’s artwork was largely invisible from galleries, exhibitions, and expositions, however, representations of women - nude, clothed, in marble, and in paint - were commonplace.<sup>11</sup> Spurred by civil rights movements and the second wave feminist movement, this trend was the subject of fierce criticism by feminist artists, theorists and practitioners in the 1970s.<sup>12</sup> Eva Zetterman states that the 1970s is ‘recognised as the most important decade’ in feminist art history.<sup>13</sup> As the feminist movement in the United States and Europe gained momentum,<sup>14</sup> the relationship between women, art, representation, and art institutions was called into question.

<sup>9</sup> Sophie Doherty, ‘Book Review: Desmond Manderson, *Danse Macabre: Temporalities of Law in the Visual Arts* (Cambridge: Cambridge University Press 2019) pp. 281’ (2020) *Law and Literature* 1, <https://www.tandfonline.com/doi/full/10.1080/1535685X.2020.1805915>.

<sup>10</sup> Mary D. Garrard, ‘Artemisia’s Hand’ in Mieke Bal (ed) *The Artemisia files: Artemisia Gentileschi for Feminists and Other Thinking People* (University of Chicago Press, 2005) 2 and A.W.Eaton, ‘What’s Wrong with the (Female) Nude? A Feminist Perspective on Art and Pornography’ in Peter Lamarque and Stein Haugom Olsen (eds), *Aesthetics and the Philosophy of Art: The Analytic Tradition, An Anthology* (2<sup>nd</sup> edn, John Wiley & Sons Inc., 2019).

<sup>11</sup> This tradition of nude women being the subject of artwork has been wonderfully critiqued and creatively parodied by the Guerrilla Girls Collective. For a visual reference, see Guerrilla Girls, ‘Do women still have to be naked to get into the Met. Museum?’ (*Guerrilla Girls.com*, 2020) <<https://www.guerrillagirls.com/naked-through-the-ages>> accessed 31/08/2020. For more on the Guerrilla Girls, see Guerrilla Girls, *Guerrilla Girls: The Art of Behaving Badly* (Chronicle Books, 2020).

<sup>12</sup> Laura Meyer, ‘Power and Pleasure: Feminist Art Practice and Theory in the United States and Britain’ in Amelia Jones (ed) *A Companion to Contemporary Art Since 1945* (Blackwell Publishing, 2006) 317-318.

<sup>13</sup> Eva Zetterman, ‘Curatorial Strategies on the Art Scene during the Feminist Movement: Los Angeles in the 1970s’ in Ed. Jessica Sjöholm Skrubbe (ed) *Curating Differently: Feminisms, Exhibitions and Curatorial Spaces* (Cambridge Scholars Publishing, 2016) 1.

<sup>14</sup> For an analysis on the different impacts of the American and European feminist movements on art in their respective contexts see Kathleen Wentrack, ‘What’s So Feminist about the Feministische

In 1971, art critic and historian Linda Nochlin wrote her ground-breaking essay, ‘Why have there been no great women artists?’<sup>15</sup> In this pioneering essay, Nochlin provided a feminist critique of the field of art history highlighting the issue of institutional exclusion of women from art.<sup>16</sup> Nochlin writes that

[...] we tend to accept whatever *is* as natural, this is just as true in the realm of academic investigation as it is in our social arrangements. In the former, too, “natural” assumptions must be questioned and the mythic basis of much so-called “fact” brought to light. And it is here that the very position of woman as an acknowledged outsider, the maverick “she” instead of the presumably neutral “one”—in reality the white-male-position-accepted-as-natural, or the hidden “he” as the subject of all scholarly predicates—is a decided advantage, rather than merely a hindrance of a subjective distortion.<sup>17</sup>

She continues to elaborate on the exclusion of women arguing that

[...] the so-called woman question, far from being a minor, peripheral and laughably provincial sub-issue grafted on to a serious, established discipline, can become a catalyst, an intellectual instrument, probing basic and “natural” assumptions, providing a paradigm for other kinds of internal questioning, and in turn providing links with paradigms established by radical approaches in other fields.<sup>18</sup>

In her essay, Nochlin introduces the question, “Why have there been no great women artists?”<sup>19</sup> This is a complex question as Nochlin speaks of a feminist’s first reaction often being ‘to swallow the bait, hook, line and sinker, and to attempt to answer the question as it is put: that is, to dig up examples of worthy or insufficiently appreciated women artists throughout history.’<sup>20</sup>

Thalia Gouma-Peterson and Patricia Mathews articulate the problems with this endeavour explaining that ‘such an approach is ultimately self-defeating, for it fixes women within pre-existing structures without questioning the validity of these structures.’<sup>21</sup>

On this question, Nochlin concludes

[...] that art is not a free, autonomous activity of a super-endowed individual, “influenced” by previous artists, and, more vaguely and superficially, by “social forces,” but

Kunst Internationaal? Critical Directions in 1970s Feminist Art’ (2012) 33(2) *Frontiers - A Journal of Women's Studies* 76.

<sup>15</sup> Linda Nochlin, ‘Why have there been no great women artists?’ (1971) *Art News* 22 available on <<https://www.artnews.com/art-news/retrospective/why-have-there-been-no-great-women-artists-4201/>> accessed 31/08/2020.

<sup>16</sup> *ibid.*

<sup>17</sup> *ibid.*

<sup>18</sup> *ibid.*

<sup>19</sup> *ibid.*

<sup>20</sup> *ibid.*

<sup>21</sup> Thalia Gouma-Peterson and Patricia Mathews, ‘The Feminist Critique of Art History’ (1987) 69(3) *The Art Bulletin* 326, 327.

rather, that the total situation of art making, both in terms of the development of the art maker and in the nature and quality of the work of art itself, occur in a social situation, are integral elements of this social structure, and are mediated and determined by specific and definable social institutions, be they art academies, systems of patronage, mythologies of the divine creator, artist as he-man or social outcast.<sup>22</sup>

Therefore, it is proposed that one of the core contributions of Nochlin's article is to highlight the practices and ideologies that influence the exclusion of women from the art world.

This question of women's institutional exclusion is one that legal academics will be familiar with. As such, law and art have a shared commonality- the exclusion of women. As *Danse Macabre* is situated in both law and art, the question of exclusion is a relevant one. The duality of the issue of exclusion is discussed in the following section, beginning with art, women, and exclusion.

#### 4. ART, LAW, WOMEN, AND EXCLUSION

As noted in the previous section, women were historically excluded from art, but very much the subject of art in the sense that women were to be looked at. Tal Dekel explains that in the 1970s women artists began to challenge this relationship between women and art, and began to produce art from their lived experiences, thus establishing 'a clear link between their art and their lives as women.'<sup>23</sup> Dekel writes that women artists often

[...] depicted the quotidian lives of women—small, seemingly unimportant moments. From their perspective, every subject—including those which, prior to that point, had been deemed trivial, minor, and (thus) “feminine”—were worthy of discussion and museum exhibition: issues related to housekeeping and child raising, the difficulties of making a living, over-friendly bosses with a habit of patting their behinds, or body-image issues manifested in the worried looks they gave to their expanding waistline in the mirror.<sup>24</sup>

For example, women artists working in and around the 1970s used conceptual art to explore and criticise socio-political issues, and were very much informed by the feminist and civil rights movements.<sup>25</sup> Deviating from Conceptualism's core characteristics of 'abstract, self-reflexive, and disembodied investigations that had dominated Conceptual art'<sup>26</sup>, Jayne Wark explains that these artists cut across the

<sup>22</sup> Nochlin (n 15).

<sup>23</sup> Tal Dekel, *Gendered: Art and Feminist Theory* (Cambridge Scholars Publishing, 2013) 3.

<sup>24</sup> *ibid.*

<sup>25</sup> Jayne Wark, 'Conceptual Art and Feminism: Martha Rosler, Adrian Piper, Eleanor Antin, and Martha Wilson' (2001) 22(1) *Woman's Art Journal* 44.

<sup>26</sup> *ibid* 49.

conventions to enable ‘silenced voices to find a place from which to speak.’<sup>27</sup> This theme of making the invisible, visible, the silenced, heard, was a theme that permeated the feminist art movement.<sup>28</sup>

Explaining why women artists sought to make these lived experiences visible, Norma Broude and Mary D. Garrard highlight that the purpose of feminism’s intervention in art was to ‘change the nature of art itself, to transform culture in sweeping and permanent ways by introducing into it the heretofore suppressed perspective of women.’<sup>29</sup> As such, the artwork produced by women artists, informed by the feminist movement during this time, sought to make visible the lives and lived experiences of women. It is here that common ground is found between law and art, as both share a common critique, in theory and in practice, as historically (and arguably, still) they have excluded women’s voices.

In terms of law’s exclusion of women, Sheryl J. Grana states that the law ignores women as active agents as they are seen to be non-masculine identities aligned with nurturance, intimacy and irrationality.<sup>30</sup> The construction of the legal system and law itself goes against the grain of these qualities as law and legal systems are centred upon objectivity and rationality.<sup>31</sup> Furthermore, Grana suggests that quadruplextion, which she defines as the interplay between reproduction, production, sexuality and socialisation, is written into the law and acts as a sanctioning tool.<sup>32</sup> Therefore, women are seen to be controlled by the law as opposed to men who control the law. Adding to this, Róisín A. Costello explains that

[f]eminist theories of law are based in the belief that the law has been fundamental in the historical subordination of women and seeks to analyse and explain the manner in which the law has aided this subordination as well as looking to how the law might be used to remedy it.<sup>33</sup>

The subordination of women in art is considered by Michael Hatt and Charlotte Klouk who highlight that women have historically been denied access to art institutions and have therefore had their active creation of art limited.<sup>34</sup> Mary D. Garrard

<sup>27</sup> *ibid.*

<sup>28</sup> Dekel (n 23) ch 1.

<sup>29</sup> Norma Broude and Mary D. Garrard, ‘Introduction: Feminism and Art in the Twentieth Century’ in Norma Broude and Mary D. Garrard (eds), *The Power of Feminist Art: The American Movement of the 1970s, History and Impact* (Harry N. Abrams, Inc., 1994) 10.

<sup>30</sup> Sheryl J. Grana, *Women and Justice* (2<sup>nd</sup> edn, Rowman & Littlefield, 2010) 38.

<sup>31</sup> Alison Young, *Judging the Image: Art, Value, Law* (Routledge, 2005) 13; Desmond Manderson, ‘Desert Island Discs (Ten Reveries on Pedagogy in Law and the Humanities)’ (2008) 2 *Law and Humanities* 255, 256; and, Leslie J. Moran, ‘Visual Justice’ (2018) 8(3) *International Journal of Law in Context* 431, 431.

<sup>32</sup> Grana (n 30).

<sup>33</sup> Róisín A. Costello, ‘Courtroom dialogues and feminist legal theory in Irish literature’ (2020) 28(3) *Irish Studies Review* 370, 372.

<sup>34</sup> Michael Hatt and Charlotte Klouk, *Art History: A Critical Introduction to Its Methods* (Manchester University Press, 2006) 151.

attributes this to the ‘cultural habit of seeing woman as object-to-be-looked at, the site of scopophilic pleasure.’<sup>35</sup> I believe that John Berger captures this precisely when he explains that ‘[m]en act and women appear.’<sup>36</sup>

While this section has briefly highlighted the historical exclusion of women from law and art, I wish to reflect at this stage upon its relevance in relation to *Danse Macabre*.

## 5. ARE THERE STILL NO GREAT WOMEN ARTISTS?

As mentioned earlier, the core essence of Nochlin’s question, ‘Why have there been no great women artists?’ as I understand it, is a question on the practices and structures of the exclusion of women. What relevance does this have in a book on law, visual art, and temporality? For me, the question of inclusion and exclusion is a temporal question that cuts across discussions in and between both law and art, and as such, it remains a *timely* question. This temporal questioning of women’s exclusion was raised in my reading of *Danse Macabre* as, while reading the book I felt a notable absence of women’s art, and thus an exclusive practice was felt.

This is raised in my review of *Danse Macabre* where I highlight that,

[...] there is a gap in looking at, or considering, the work of women artists whose work can be read as critiquing legal issues and art simultaneously. While there are references to women artists, the conversations or central artworks throughout the book are created by men.<sup>37</sup>

As such, I was reminded of Nochlin’s famous question ‘Why have there been no great women artists?’ This question resonated with me in the same way that Hatt and Klonk frame Nochlin’s question: ‘[w]hat is it about art history that blinds it to the question of sex and gender?’<sup>38</sup> Applying this idea of blindness and exclusion, I asked myself three questions: are there no women artists in this book? Then, why are there no women artists in this book? And lastly, should there be? I now wish to reflect on these questions in turn.

### 5.1. Are there no women artists in this book?

As outlined in my review of *Danse Macabre*: ‘[w]hile there are references to women artists, the conversations or central artworks throughout the book are created by men. Conversations and analyses about law, time, and art through women’s

<sup>35</sup> Mary D. Garrard, ‘Artemisia’s Hand’ in Mieke Bal (ed) *The Artemisia files: Artemisia Gentileschi for Feminists and Other Thinking People* (University of Chicago Press, 2006) 1.

<sup>36</sup> John Berger, *Ways of Seeing* (Penguin Group, 1972) 47.

<sup>37</sup> Doherty (n 9) 3.

<sup>38</sup> Hatt and Klonk (n 34) 152.



artwork is therefore on the periphery.<sup>39</sup> To support this viewpoint, that there is an exclusion of women's artwork from *Danse Macabre*, it is necessary to outline the key artists whose works have been engaged with in the book.

In *Danse Macabre*, there are seven chapters, each with a core artwork through which discussions on law, art, and temporality are developed. In each chapter, a concept of time is also proposed. In Chapter One of the book, the concept of anachronic time is examined through Pieter Bruegel's *Justicia*, 1559. Chapter Two explores the concept of diachronic time through Joshua Reynold's *Justice*, 1777. Manderson then turns towards a development of utopian time in Chapter Three through *Governor Arthur's Proclamation to the Aboriginal People*, c. 1830. Chapter Four considers now time through an analysis of J.M.W. Turner's *Slave Ship*, 1840. Following this, Chapter Five explores suspended time through Gustav Klimt's *Jurisprudenz*, 1903–7, while Chapter Six develops colonial time through the work of Gordon Bennett. Finally, Manderson turns towards Rafael Cauduro's *7 Crimenes*, 2007–9 in terms of ghostly time. These seven artworks are created by, or attributed to, men. Women artists are not central case studies in the book, although, they are discussed in relation to the central artworks, for example, Marlene Gilson, Judy Watson, and Fiona Foley are mentioned in relation to Bennett's work. Therefore, discussions on art, law and temporality are largely formed through an analysis of men's artwork, and as such, the discussions are arguably gendered.

While women artists do not feature heavily in the book, women are featured in the artworks, for example, Joshua Reynold's *Justice*, and Gustav Klimt's *Jurisprudenz*. This echoes Berger's comment referred to earlier in the article whereby '[m]en act and women appear.'<sup>40</sup> I mean this in the sense that, women appear in the art, but they are not discussed or centralised as active creators of art. I note this point as in Joshua Reynold's *Justice*, 1777, and Gustav Klimt's *Jurisprudenz*, 1903–7, the women represented are acting in the sense that they active in *doing* something. To explain, the figure of Justice in Reynold's work is standing, looking into the distance and the feminine figures in Klimt's *Jurisprudenz* are captured in action. This then leads to my next question, why are there no women artists centralised in the book?

### *5.2. Why are there no women artists in this book?*

In answering this question, I can only provide a tentative reflection on this, as I would not want to speak for Manderson. As highlighted earlier in the contribution, *Danse Macabre* is composed of various previous and reworked publications of, and collaborations with, Manderson. Therefore, as these previous works are not centred

<sup>39</sup> Doherty (n 9) 3–4.

<sup>40</sup> Berger (n 36).

upon the work of women artists, the consequence is that women artists do not feature as central artworks in *Danse Macabre*.

Perhaps Manderson's positionality as a critical legal scholar from Australia has influenced the scope of the work in the book as *Danse Macabre* engages with jurisprudential scholarship and colonialist representations and effects on Indigenous populations. In saying that, Indigenous women artists have created artwork on these themes, and so the issue of exclusion is still raised. On this, I feel it would be of great use to reflect more critically on positionality in interdisciplinary scholarship as then we can begin to understand the research journey and decision making process in selecting case studies or engaging with artwork. In highlighting and reflecting on one's own positionality in research, one can critically reflect on how we, as writers, become embedded into the research, or how our interests become embedded in the research.<sup>41</sup> At the risk of speaking for Manderson, this section ends here, but welcomes and encourages future conversations on how we select and come to select case studies in research that investigates the intersections of law and art, and indeed temporality.

### *5.3. Should there be women artists in Danse Macabre?*

Towards the end of *Danse Macabre*, on page 240, Manderson states that he hopes the book 'will stimulate new research, including possibilities for thinking about representations of time and of law in non-western and Indigenous art.' There is also 'space to reflect upon the gendered histories of both law and art, and so it is hoped that future research will also engage with these discussions.'<sup>42</sup> In taking on this task, feminist researchers can draw upon existing projects and methodologies for revisiting *Danse Macabre* from a feminist perspective, such as the Feminist Judgments Project.<sup>43</sup> *Danse Macabre* can be used to further discussions and hopefully, in the future, can be revisited and reimagined by feminist scholars. The book is the trunk of a tree that can support, and give foundation to, vast and fruitful branches of scholarship that engage with the themes of law, art, and temporality - one of these being a feminist branch.

<sup>41</sup> Brian Bourke, 'Positionality: Reflecting on the Research Process' (2014) 19(33) *The Qualitative Report* 1.

<sup>42</sup> Doherty (n 9) 4.

<sup>43</sup> See Rosemary Hunter, Clare McGlynn and Erika Rackley (eds), *Feminist Judgments From Theory to Practice* (Hart Publishing, 2010); Elisabeth McDonald, Rhonda Powell, Mamari Stephens, and Rosemary Hunter, (eds) *Feminist Judgments of Aotearoa New Zealand Te Rino: A Two-Stranded Rope* (Hart Publishing, 2017); Máiréad Enright, Julie McCandless and Aoife O'Donoghue (eds), *Northern / Irish Feminist Judgments Judges' Troubles and the Gendered Politics of Identity* (Hart Publishing, 2017); and, Sharon Cowan, Chloë Kennedy, Vanessa E. Munro (eds), *Scottish Feminist Judgments (Re)Creating Law from the Outside In* (Hart Publishing, 2019).

## 6. CONCLUSION

Grounded in both legal and artistic feminist criticisms of the exclusion of women from law and art, this contribution has provided a feminist response to *Danse Macabre*. In this review, I have revisited Nochlin's famous question, 'Why have there been no great women artists?' and distilled the question to the essence of the issue of women and exclusion in art. Reflecting on exclusionary practices, I have highlighted how both law and art share a critical commonality in that they, in theory and in practice, have excluded women. It was then suggested that the question of women and exclusion is a temporal question considering the absence of women's artwork in *Danse Macabre*. Drawing on my initial reflections upon reading the book, I considered three questions: are there no women artists in this book? Then, why are there no women artists in this book? And, finally, should there be?

I wish to conclude by stating that *Danse Macabre* is a wonderful addition to Manderson's body of work. The chapters and concepts are outstandingly constructed with each artwork perfectly illustrating the power of the combination of law, art, and temporality. Each construct of time is as impactful and relevant as the one preceding and following it. Every chapter is meticulously evidenced and researched. However, it is hoped that future engagement with *Danse Macabre* will provide a feminist reimag(in)ing of the relationship between law, art and temporality and include artworks by women and other groups, thus allowing the tree of knowledge on the intersections of law, art, and temporality to grow.