

# TIME, ART, AND THE LAW: A MATTER OF PERSPECTIVE

## A COMMENT ON DESMOND MANDERSON'S *DANSE MACABRE: TEMPORALITIES OF LAW IN THE VISUAL ARTS*

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### ABSTRACT

In this brief comment, I will mainly engage with chapters three and six of Desmond Manderson's *Danse Macabre: Temporalities of Law in the Visual Arts*. In his recent book, Manderson's poignant argument resides in confronting colonial law's structural violence, and how we need to contrast familiar tropes of colonial representation we have regrettably taken for granted. Art, in its various forms, is one way to do it, especially in these times of populist ideologies.

### KEYWORDS

Law; Perspective; Life; Death

In this brief comment, I will mainly engage with chapters three and six of Desmond Manderson's *Danse Macabre: Temporalities of Law in the Visual Arts*, entitled, respectively, "Governor Arthur's Proclamation. *Utopian Time*" and "Bennett's Laws. *Colonial Time*". And I would like to start by paraphrasing one of Joni Mitchell's songs, "Both Sides, Now"<sup>1</sup>: "I've looked at law from both sides now/ from life and death and still somehow/ it's law's illusions I recall/ I really don't know law at all".

What is the law? One of the quintessential questions we have all been confronted with... And I believe, moreover, the same kind of question can be asked in regards to time and to art.

Curiously, I started by mentioning a song, or the lyrics of it. Music is art. Dance is art – the book's title talks of dance, but the engagement is with the 'visual arts'. Precisely because, for Manderson, the link between the visual arts and the framing of time is more prominent than with music or with dance (p. 7). Furthermore, there

<sup>1</sup> Included on Mitchell's second album, *Clouds* (1969). Joni Mitchell is a Canadian singer and songwriter. She is also a painter.

is a materiality in the visual arts that is viscerally connected to the law, since the visual arts, for Manderson, embody things like ‘structure and authority, governance, regulation, sovereignty, rights, control, and punishment’ (p. 17). Images have ‘a complexity in their depiction of the relationship of ideas and forces’ (p. 84). And thus we must take them seriously, the author warns us (p. 17).

I want to go back to that question, though: what is the law? Any definition of what the law might be will be, itself, incomplete. I really do not know the law at all, as I wrote in paraphrasing “Both Sides, Now”. Manderson does not define the law in his book either. However, he links it first to illusion, but mainly to death, to violence, to ghosts stories and horror movies (p. 2-4). Later in the *Foreword* he clearly affirms that the law is ‘not just a synonym for norm’ (p. 17), even though it ‘pours commands’ (p. 12). And Manderson also refers to the law as being written (p. 12). Nevertheless, it is the link with death that makes the law matter, the author claims (p. 4). Again, the idea of materiality is always there.

Consequently, other questions arise: what law(s) are we discussing here? And from which point of view? Can we escape a western way of thinking about the law(s)? And can it be filled with life?

I believe that if we keep on asking what the law is, the law will surely be referred to in a variety of ways taking into account geography (North and South, East and West, for real and figuratively), the political, economic and cultural contexts, and language. And, of course, the diversity of functions that are attributed to the normativities of human relations and actions, that speak of the diversity of experiences and uses of law in everyday life. Which means that our lives are made up of an intersection of different systems of law, and not just from one single form of law.

For sure Manderson is aware of this. He clearly refers to colonial law as the law of the white settler in the territories that came to be called Australia by the colonizers. He gives the reader an impressive examination of *Governor Arthur’s Proclamation to the Aboriginal People* (c. 1830) in chapter 3, an iconic image that embodies the violence of colonial law, and, by drawing parallels with the enforcement of present Australian laws to Aboriginal populations, the author presents the continuity of such violence. Perhaps, more than being about the law, Manderson’s claims present a socio-legal examination of the works of some laws in the lives of Aboriginal people. And thus, the law – whatever we may think of it – is clearly a presence in life, it matters because it affects the living conditions and experiences of those who are implicated in its doings. I would thus counterargument that it is the link with life that makes the law matter.

The continuity of colonial law/violence is a temporality that Manderson picks up in chapter 6, by examining a number of Gordon Bennett’s artworks, precisely because Bennett’s art brings colonial violence into the present moment, disrupting it, presenting new meanings to colonial representations (p. 182). And thus messing up

the models, doing a sort of inverted art and inverted time – it is a matter of perspective<sup>2</sup>, as Bennett's *Triptych: Requiem* brilliantly exposes.

However, in Manderson's examination of Bennett's artworks (as well as of those of other Australian contemporary artists that share with Bennett their Aboriginal descent and critique of colonial representations), and consequently of Australian colonial law's doings, there is an absence crying out to be heard: what happened to the Aboriginal's systems of law? They are very much alive, they make demands, they engage in many ways with the common law system (Robb 2003; Mohr 2010; Gondarra 2011; Pelizzon 2014). These systems of law resist. The *Terra Nullius* fiction may have silenced them, but has not made them inexistent<sup>3</sup>. And although there is a continuity of colonial violence, there is too a continuity of Aboriginal laws and sovereignty, expressed in many ways, as embodied in the materiality of the several Aboriginal tent embassies dotted<sup>4</sup> all over the territory (Pelizzon 2014). They materialize what Santos (2017) refers to as 'innovation on the other side of the line', which means that people under the presence of colonial law and sociability are not just victims: they keep on resisting exclusion, and preserving their laws. Nonetheless, in examining Bennett's *Terra Nullius (Teaching Aid): As Far as the Eye Can See* – a painting clearly connected to the question of the doings of common law via the legal term it encapsulates – Manderson refers exclusively to the invisibility of cultures and peoples (p. 180). And so, perhaps, he falls into the same 'perspective grid'<sup>5</sup> through which the Aboriginal peoples' laws became (un)seen.

Nevertheless, Manderson was bold in his use of Bennett's artworks, and its links to the Aboriginal people. Bennett is contemporary. Moreover, Manderson is very conscious of the fact that none of the artworks he has chosen to examine in his book 'has ventured outside mainstream works from the western fine art tradition' (p. 240). Which is perhaps why 'representations of law in the visual arts are fixated on death' (p. 239). Accordingly, Bennett's paintings voice suffering, death, genocide. They force us to remember and never forget. They 'reconfigure the relation between past and present' (p. 193). His paintings are not the 'traditional'<sup>6</sup> paintings that are usually associated with the Aboriginal people's artworks (Schreiner 2013). Nevertheless, Aboriginal art is profoundly legal (Cunneen 2011). There is thus a tension in Manderson's analysis in regards to the viewpoint of what laws are in question, related, possibly, to his use of western art tradition and its rules on perspective – from which, it seems, we cannot seem to escape.

<sup>2</sup> On reversing perspectivism see Viveiros de Castro (2004). See, as well, Gordon Syron's artwork, *Judgement by His Peers* (1978).

<sup>3</sup> See Sally Morgan *Terra Nullius* (1989).

<sup>4</sup> The idea of the dots is intentional.

<sup>5</sup> The question of the 'mirror', to which Bennett's painting refers to, is very powerful. For Santos (2014), the notion of '[b]eing imagined as reflected in the same mirror' turns the seer and what is seen reciprocally blind.

<sup>6</sup> The notion of tradition is also quite contested.

What I cannot seem to escape is Truganini's gaze, in Bennett's *Triptych: Requiem*. For two reasons. The first has to do with my westernized mind and eye: I see in her Lady Justice, with her eyes wide open. Secondly, the concept of the central vanishing point points, as I see it, towards the recent images of the bushfires that keep on tormenting Australia. The central vanishing point speaks of climate change and ecocide. Of death, I believe Manderson would rightly claim. Events to which one cannot stay indifferent. And so we are faced with time, because we want to keep living. Truganini's gaze adverts us that western perspective has reduced landscape and people to abstractions (p. 183). We need to go back to different perspectives: perhaps Aboriginal techniques will make the landscape and the people complete again<sup>7</sup>.

I believe that Manderson's poignant argument resides in confronting colonial law's structural violence, and how we need to contrast 'familiar tropes of colonial representation' (p. 103) we have regrettably taken for granted. Art, in its various forms, is one way to do it, especially in these times of populist ideologies.

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<sup>7</sup> Cf. <https://www.nytimes.com/2020/01/15/opinion/australia-fires-aboriginal-people.html> (last accessed 03.02.2020).